AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, November 17, 2026
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

ADENA ISHII, MAYOR

COUNCILMEMBERS:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. 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: 165 226 7295**. 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.*

Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

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 $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 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:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Up to ten persons will be selected to address matters not on the Council agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council agenda, each person selected will be allotted one minute each.*

In-person attendees wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

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 at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. 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. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. Ordinance Vacating and Authorizing Transfer of Property Adjacent to the North Berkeley BART TOD Site
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 8,036-N.S. (a) declaring four small pieces of land described in Exhibit A and shown in Exhibit B to the report, adjacent to the North Berkeley BART Transit Oriented Development (TOD), to be exempt surplus land; (b) summarily vacating two of the areas that are presently public right of way; and (c) approving the transfer of all four areas to the San Francisco Bay Area Rapid Transit District (BART).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300, Jordan Klein, Planning and Development, (510) 981-7400

Consent Calendar

2. Companion Report: Proper Space Allocation for Standardizing Compliance with Source Separated Refuse Collection Procedures
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 8,037-N.S. amending Berkeley Municipal Code Chapter 12.32 - Storage, Collection and Disposal of Waste.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

3. Amendment to Berkeley Municipal Code Chapter 7.18 to Explicitly Require Competitive Procurement for Services to Promote Accountability and Transparency and Refer Development of Regulations to City Manager
From: Councilmember Kesarwani (Author), Mayor Ishii (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 8,038-N.S. amending Berkeley Municipal Code (BMC) Chapter 7.18, Expenditure Limitations, to require procurement through competitive solicitation for all city contracts for professional services and other services greater than $100,000.
First Reading Vote: All Ayes.
Financial Implications: Staff time
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

4. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of September 1, 2026 (closed), September 14, 2026 (closed), September 15, 2026 (regular), September 29, 2026 (special and regular), October 5, 2026 (closed), October 13 2026 (regular), October 19, 2026 (closed), and October 27, 2026 (regular).
Financial Implications: None.
Contact: Mark Numainville, City Clerk, (510) 981-6900

5. Authorizing the City Manager to Sign the Telegraph Business Improvement District (TBID) Petition and Ballot on Behalf of the City of Berkeley
From: City Manager
Recommendation: Adopt a Resolution: 1. Authorizing the City Manager to approve and sign the “Preliminary Petition to Re-establish the Telegraph Property-Based Business Improvement District (BID)” on behalf of City-owned properties in the proposed Telegraph BID area; and 2. In the event the petition is successful in generating a ballot process to re-establish a Telegraph BID, authorizing the City Manager to vote YES on any ballots on behalf of City-owned properties in the proposed Telegraph BID area.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Consent Calendar

6. Acceptance of Fiscal Year 2027 Donations from Meals on Wheels of Alameda County (MOWAC) for the Berkeley Meals on Wheels Program
From: City Manager
Recommendation: Adopt a Resolution accepting donations for the Berkeley Meals on Wheels Program in a projected amount of $185,000 from the Meals on Wheels of Alameda County (MOWAC) agency, for Fiscal Year 2027 (FY2027).
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

7. Contracts for Behavioral Health Early Intervention Services
From: City Manager
Recommendation: Adopt five Resolutions authorizing the City Manager or designee to execute Behavioral Health Services Act (BHSA) funded contracts and any amendments, with the following vendors outlined below, for behavioral health early intervention services in an amount not to exceed $1,500,000 ($300,000 per each contract) for the term of December 1, 2026, to June 30, 2029:
1. Village of Love Foundation: For $100,000 a year for three years, for an amount not to exceed $300,000, for behavioral health early intervention services for African Americans;
2. East Bay Sanctuary Covenant: For $100,000 a year for three years, for an amount not to exceed $300,000, for behavioral health early intervention services for Latinos/Latinas/Latine;
3. Center for Independent Living: For $100,000 a year for three years, for an amount not to exceed $300,000, for behavioral health early intervention services for Older Adults;
4. Pacific Center for Human Growth: For $100,000 a year for three years, for an amount not to exceed $300,000, for behavioral health early intervention services for Transition Age Youth in the Lesbian, Gay, Bisexual, Transgender, Queer, Agender, Plus (LGBTQIA+) population; and
5. Youth Spirit Artworks: For $100,000 a year for three years, for an amount not to exceed $300,000, for behavioral health early intervention services for Transition Age Youth.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

8. Revenue Contract: 2027 Community Services Block Grant
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to: 1. Accept the 2027 Community Services Block Grant (CSBG) contract to provide services for low-income people from January 1, 2027, to April 30, 2028; and, 2. Execute any resultant agreements and amendments including amendments that may decrease or increase the contract amount, add discretionary funding, change the contract term, or update contract terms.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

Consent Calendar

9. Contract No. 32300198 Amendment: GoGo Technologies, Inc. for Transportation Services for Berkeley Mental Health Clients
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee, to execute an amendment to Contract No. 32300198 with GoGo Technologies, Inc. for a 24/7 concierge call center to arrange rides with Uber and Lyft for the City's Mental Health clients. This amendment will add $50,000 in funding for a total contract amount not to exceed $100,000 and extending the term through June 30, 2028.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

10. Replacing the Project Co-Sponsor for the No Place Like Home Program – Supportive Housing in People's Park from Resources for Community Development to Satellite Affordable Housing Associates
From: City Manager
Recommendation: Adopt a Resolution that: 1. Approves replacing the project Co-Sponsor for the No Place Like Home (NPLH) program – Supportive Housing in People's Park (SHIPP) from Resources for Community Development (RCD) to Satellite Affordable Housing Associates (SAHA) or their affiliate. 2. Authorizes the City Manager, or designee, to negotiate a side agreement with SAHA regarding mutual responsibilities. 3. Authorizes the City Manager, or designee, to execute in the name of Sponsor the NPLH Program Application Package and the NPLH Program Documents as required by the State Department of Housing and Community Development (HCD) for participation in the NPLH program.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

11. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 17, 2026
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - $35,259,550
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

12. Contract Amendment: Contract No. 32000146 Vestis Services, LLC (formerly Aramark Uniform Services) for Uniforms and Laundering
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000146 with Vestis Services, LLC (formerly Aramark Uniform Services) to continue to meet the uniform-related needs of City departments through March 2028, increasing the contract amount by $600,000 for a total not-to-exceed amount of $2,117,000.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

13. Contracts for Recruitment Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with WBCP Inc., Berkeley Search Consultants, Bob Murray & Associates, and Mosaic Public Partners to establish an on-call bench of executive recruitment firms for the period of January 1, 2027, through June 30, 2030. Each contract may have an individual not-to-exceed amount of $250,000; however, cumulative expenditures across all four contracts shall not exceed $250,000 during the contract term, subject to the availability of appropriated funds.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

14. Donation from the Rainin Foundation to the Youthworks Program for the Adeline Area Streetscape and Landscape Project Public Process
From: City Manager
Recommendation: Adopt a Resolution accepting a donation of $20,000 from the Rainin Foundation to the Youthworks Program for the Adeline Area Streetscape and Landscape Project Public Process.
Financial Implications: $20,000 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

15. Grant Application: Statewide Parks Program (SPP) Cycle 5 – West Berkeley Brownfield to Neighborhood Park Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to: submit a grant application in an amount of up to $8 million to the Statewide Parks Program (SPP) Cycle 5 grant program for the West Berkeley Brownfield to Neighborhood Park Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

16. Environmental Review Procedures
From: City Manager
Recommendation: Adopt a Resolution adopting the Land Use Planning Division's Environmental Review Procedures.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

17. Grant Application: Caltrans Sustainable Communities Grant for the University Avenue Multimodal Corridor Study
From: City Manager
Recommendation: Adopt a Resolution approving the City's application submitted by the October 9, 2026 deadline for up to $700,000 under the Fiscal Year 2027–28 Caltrans Sustainable Transportation Planning Grants, Sustainable Communities Competitive category, for the University Avenue Transit Priority and Multimodal Corridor Study; authorizing the City Manager or designee to commit $150,000 in City funding to meet the required local match of a minimum of 11.7% of the total project cost; and, if awarded, accept the grant and execute the grant agreement and related amendments, subject to the approved project budget and applicable City requirements.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

18. Contract No. 32300214 Amendment: Belfor USA Group for On-Call Emergency Restoration, Mitigation and Remediation Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Belfor USA Group for on-call emergency restoration, mitigation and remediation services related to fire and water damage at the Berkeley Animal Care Services facility and fire damage at the Public Safety Building; authorizing future restoration, mitigation and remediation services to be funded by departmental budgets or other sources such as the Catastrophic Reserve Fund as needs arise and resources allow; and increasing the contract amount by $1,500,000 for a new not-to-exceed amount of $2,050,000.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

19. Final Map of Tract 8713: 1750 Sacramento Street
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 8713 for a parcel merger, re-subdivision and land dedication at the San Francisco Bay Area Rapid Transit (BART) North Berkeley station located at 1750 Sacramento Street.
Financial Implications: None
Contact: Jamie Parks, Public Works, (510) 981-6300

Consent Calendar

20. Renewal of the Elmwood BID for Calendar Year 2027
From: Elmwood Advisory Board
Recommendation: Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council 1) approve the 2026 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2027; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2027 and 3) direct the City Clerk to schedule a public hearing on the renewal of the Elmwood BID for December 1, 2026.
Financial Implications: See report
Contact: Vincent McCoy, Commission Secretary, (510) 981-7530

21. Officially Naming the Public Plaza at Adeline and Fairview Streets as Delores Cooper Plaza
From: Parks, Recreation and Waterfront Commission
Recommendation: Adopt a Resolution officially naming the public plaza at Adeline and Fairview Streets as Delores Cooper Plaza.
Financial Implications: None
Contact: Roger Miller, Commission Secretary, (510) 981-6700

22. Officially Naming the Gymnasium at the Martin Luther King, Jr. Youth Services Center in honor of Philip Harper-Cotton
From: Parks, Recreation and Waterfront Commission
Recommendation: Adopt a Resolution officially naming the gymnasium at the Martin Luther King, Jr. Youth Services Center (MLK Center) in honor of Philip Harper-Cotton.
Financial Implications: None
Contact: Roger Miller, Commission Secretary, (510) 981-6700

23. Renewal of the Solano Avenue BID for Calendar Year 2027
From: Solano Avenue BID Advisory Board
Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2026 Annual Report and preliminary budget for the District for calendar year 2027; 2) declare its intent to levy an assessment for calendar year 2027; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for December 1, 2026.
Financial Implications: See report
Contact: Vincent McCoy, Commission Secretary, (510) 981-7530

Consent Calendar

24. Allocation of $2,294,774 Million Over 2 Years, FY2028 and FY2029, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs)
From: Sugar Sweetened Beverage Product Panel of Experts
Recommendation: Adopt a Resolution allocating $2,294,774 from the General Fund in Fiscal Year 2028 (July 1, 2027 through June 30, 2028) and Fiscal Year 2029 (July 1, 2028 through June 30, 2029) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of $2,294,774 will be distributed in two installments of $1,147,387 for FY2028 and $1,147,387 for FY2029. In each of these years, the funds will be distributed as follows:
a. Direct the City Manager to award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of SSBs through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for community-based organizations and shall be guided by the SSBPPE Commission's Criteria for the BUSD Funding Proposal.
b. Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by HHCS/PHD for grants to community- based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The RFP process for community-based organizations is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Selection Criteria for Community Agency Grants.
c. Direct the City Manager to allocate up to 15% of the funds to support HHCS/PHD and Finance Department to coordinate and monitor the SSB grant process, develop and maintain a website for SSB grantees, and the public and employees involved in the city's SSB procurement policy, collect organize and synthesize performance measures or evaluation as appropriate, provide technical assistance and learning opportunities for grantees, and report annually to the SSBPPE Commission and the public highlights from the SSB-funded programs.
d. Allocate the carryover of any SSB tax revenue received in excess of $2,294,774 during FY2028 and FY2029 to be awarded for related services in FY2029-FY2031.
e. If the voters approve Ballot Initiative AA in November 2026, increasing Berkeley's SSB sugar sweetened beverage excise tax revenue to 2 cents per ounce, the Commission recommends that the City Council authorize a second allocation of funds for FY2029, commensurate with additional distributor tax revenue collected. These additional revenues generated as a result of Measure AA will supplement the FY 2028 and FY 2029 two-year allocations.
Financial Implications: See report
Contact: Roberto Terrones, Commission Secretary, (510) 981-5100

Council Consent Items

25. Annual Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund
From: Mayor Ishii (Author), Councilmember Blackaby (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $500 from Mayor Ishii, $500 from Councilmember Blackaby and $500 from Councilmember Humbert to the Berkeley Holiday Fund with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Ishii and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Adena Ishii, Mayor, (510) 981-7100

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.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by first the appellant and then the applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking during a public hearing, 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.

When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

Action Calendar – Public Hearings

26. Berkeley Water Transportation Pier-Ferry Project Environmental Impact Report, Project Approval and Use Permit
From: City Manager
Recommendation: Conduct a public hearing and upon its conclusion:
1. Adopt a Resolution certifying the Berkeley Water Transportation Pier Ferry Project Environmental Impact Report (EIR) (SCH #2025040995) and adopt related California Environmental Quality Act (CEQA) findings, a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program, and
2. Adopt a Resolution Approving the Berkeley Water Transportation Pier-Ferry Project and affirming, as modified to incorporate the CEQA findings and mitigation measures, the decision of the Zoning Adjustments Board to approve Use Permit #ZP2026-0014 to establish transportation via public ferry service as an allowable use at the Berkeley Pier, with certain clarifying modifications.
Financial Implications: None
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

27. Ashby BART West Lot Transit Oriented Development Objective Design Standards
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution approving the Ashby West Lot Transit Oriented Development Objective Design Standards.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – New Business

28. Pursuant to Chapter 2.99 of the Berkeley Municipal Code - Annual Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Parking Enforcement Officer Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers
From: City Manager
Recommendation: Pursuant to Chapter 2.99 of the Berkeley Municipal Code, adopt a Resolution accepting the Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Information Reports

29. Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring Audit Status Report
From: City Manager
Contact: David White, City Manager's Office, (510) 981-7000

30. City Contracts Audit Status Report
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300

31. Expiration of Temporary Cannabis Business Tax Exemption
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300

32. Landmark Preservation Ordinance Notice of Decision: 2845 Woolsey Street (Norton Family House) / #LMSAP2026-0003
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

33. Landmark Preservation Ordinance Notice of Decision: Daley's Scenic Park Tract / #LMSAP2026-0006
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

34. Landmark Preservation Ordinance Notice of Decision: Rose Walk / #LMSAP2026-0005
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

35. Audit Status Reports: Fleet Replacement Fund Short Millions
From: City Manager
Contact: Jamie Parks, Public Works, (510) 981-6300

36. Housing Advisory Commission Fiscal Year 2026 – 2027 Work Plan
From: Housing Advisory Commission
Contact: Snow Zhu, Commission Secretary, (510) 981-5100

Public Comment – Items Not Listed on the Agenda

Adjournment

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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Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

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/.

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at: berkeleyca.gov/council-agendas
and may be accessed at reference desks at the following locations:

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:
This meeting is being held in a wheelchair accessible location.
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

If you have obtained interpretation services for your use during a City Council meeting and would like to request assistance, please contact the City Clerk Department at (510) 981-6900, clerk@berkeleyca.gov, or in-person during the meeting.

Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at clerk@berkeleyca.gov.

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I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 5, 2026.



Mark Numainville, City Clerk

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

Item #26: Berkeley Water Transportation Pier-Ferry Project Environmental Impact Report, Project Approval and Use Permit

1. Ian Taylor
2. Rayhannah Dar
3. Jennifer and Brian Mendenhall
4. Dave Severy on behalf of Transform
5. Oleksii
6. Anthony Felli on behalf of Skates on the Bay
7. Benjamin Richey
8. Jack Hlavac on behalf of The DoubleTree Berkeley Marina Hotel
9. Elliot Abrams
10. Jennifer Cogley on behalf of Bayer Healthcare
11. Adrienne Dreyfus
12. Anthony Saxe
13. Peter Scheer
14. Matt Guevara
15. Patrick Oh
16. David Hochschild
17. Rigel Robinson
18. Erika McCulloch on behalf of Gray-Bowen-Scott
19. Nick Menchel on behalf of Berkeley Commons
20. Thomas Minturn
21. Laura Tam
22. Leah Isaacson
23. Cynthia Li
24. Lindsay Nevard (2)
25. Ric O'Connell
26. Susie Medak
27. Gail Tennant
28. James McGrath
29. Joseph Myles Duran
30. Dave Brown on behalf of Nikki Fortunato Bas

31. Chris Watters
32. Stephen Baiter on behalf of the East Bay Economic Development Alliance
33. Lauren Gularte
34. Terence Candell on behalf of UC Berkeley, Lawrence Berkeley National Laboratory, Metropolitan Transportation Commission, Bay Area Council, Bay Planning Coalition, Visit Berkeley, Ciel, Inlandboatmen's Union of the Pacific, Seamless Bay Area, Walk Bike Berkeley & Bike East Bay, Working Waterfront Coalition
35. Robert B. Butchart on behalf of the Governor's Office of Emergency Services
36. Cece Littlepage
37. Heidi Lypps
38. Allison Granzella
39. Salvatore Harkins on behalf of State Senator Jesse Arreguin
40. 54 Similarly worded form letters

Labeling for Animal Products
41. Peter Sherman (2)

Elections
42. Flip Side (2)
43. Flip the BCC (3)
44. Stephen Alpert

PAB Regular Meeting
45. Moni T. Law

Business in Berkeley
46. Thomas Goetzl

Siren Concern
47. Dirk Neyhart

Food Drive
48. Desire Finnie

Flock Concerns
49. Rose Ver
50. Summer Brenner
51. Jan Murota (2)
52. Izumi van Cleave
53. Rachel Carbonell
54. Eileen Starr Moderbacher
55. Janice Schroeder
56. 12 Similarly worded form letters

Parking Citation Request
57. Natalie Fuller

Tents
58. Cecelia Mautner
59. Lauren Parsons

RHSP Billing Concern
60. Ashok Sabhlok (2)

Automasik Sprinkler Concern
61. Ghawar Camij Toschian

Rental Unit Repair Request
62. Bryan Ferreira

Parcel Tax Concern
63. Laura Menard (2)
64. City of Berkeley Finance Department

City Auditor Concern
65. Shaun O'Sullivan

Zoning/Upzoning
66. Teresa Renaker (2)
67. 4 Similarly worded form letters

Insight Housing
68. Tiara Jones

Extra Mile Day
69. Christine Ott

Measure W
70. Dorothea Dorenz

Housing Policy Proposal
71. Nadelynq

Road Obstruction Concern
72. Peter Radu

2128 Oxford St. and Records
73. Steven Schuyler (2)

BHS Concerns
74. Dorothea Dorenz
75. Darca Morgan

76. Meredith Janson and Gunter Waibel
77. Alok Singhal
78. Lina Haldar
79. Rachel Gorham

Sidewalk ADA Concerns
80. Steve Tornallyay (2)
81. Peter Radu

Street Repairs
82. Ricardo Rodriguez

Sewer Concerns
83. Tim Donnelly

Muertos @ Sylvia Mendez
84. Adriana Betti

Housing Shortage Concerns
85. Fred Dodsworth

1130 Oxford St.
86. Derek Abbassi

Wildlife Conservation Board
87. Drew Mahony
88. Cheryl Perkins

1000 Oaks Blvd.
89. Harry Delmer

New Policy Concerns
90. Alex Merenkov

Holiday Lights
91. Anna Giske

Alcohol Consumption Concern
92. Linda Franklin

Measure Z
93. Affordable Berkeley

A Downtown Walk
94. Diana Rossi
95. Michael Wallman

Citation Concern
96. Richard Campbell

Request for Cleanliness
97. Chetna Karkera

Constituents Concerns
98. Elizabeth Monique Comacchio
99. Lauren Purcell
100. Mike Vandeman

United Against Hate Week
101. Itamar Landau
102. Desmid Lyon
103. Naomi Katz
104. Dorothea Dorenz

AC Transit
105. Hana Tylova-Stein
106. Joshua Stein

Marina Paths
107. Dave Mendel (3)

Caregiver Permit
108. Willian Glasser

In Memoriam
109. Gerald Baptiste Jr. (2)

PAB Resolution
110. Office of the Director of Police Accountability

Great American Beer Festival
111. Barry Braden

City Tree Concern
112. Tawab Malekzad

Intern Inquiry
113. Ananyan Jain

Interview Inquiry
114. Andrew Alvarado

E-Scooters

115. Berkeleyans for Accessible Rights of Way
116. Robert Borghese (4)
117. Carson Lepre (2)
118. Devin Dollinger
119. Deven Mitchell (2)

URLs

120. Russbumper (10)
121. Crustyrusty
122. Linda Franklin
123. Fred Dodsworth
124. Tim O'Brien

Forwards

125. Russbumper
126. Eid Abdallah (15)

Supplemental Communications and Reports

Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.

- **Supplemental Communications and Reports 1**
  Available by 5:00 p.m. five days prior to the meeting.

- **Supplemental Communications and Reports 2**
  Available by 5:00 p.m. the day before the meeting.

- **Supplemental Communications and Reports 3**
  Available by 5:00 p.m. two days following the meeting.

01

ORDINANCE NO. 8,036-N.S.

AN ORDINANCE VACATING CERTAIN PUBLIC RIGHTS-OF-WAY AND AUTHORIZING THE CITY MANAGER TO CONVEY CERTAIN PROPERTY INTERESTS TO THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Findings. The City Council finds as follows:

a. The North Berkeley BART Transit-Oriented Development project at 1750 Sacramento Street was approved on December 11, 2024, including Tentative Tract Map No. 8713, which identifies the property and right-of-way configuration proposed for the site.
b. The portions of land described in Exhibit A are small areas located adjacent to the North Berkeley BART station site and are proposed to be vacated and/or transferred in order to implement the parcel configuration shown on Tentative Tract Map No. 8713 and thus to facilitate the project.
c. The portions of the right-of-way described in Exhibit A are excess right-of-way not required for street or highway purposes, pursuant to Streets and Highways Code section 8334(a);
d. The portions of the right-of-way described in Exhibit A do not contain in-place public utility facilities that are in use and would be affected by the vacation, pursuant to Streets and Highways Code section 8334.5;
e. The public benefits of the project are equal to or greater than the de minimis value of the lands to be conveyed;
f. The City Clerk is hereby authorized and directed to cause a certified copy of this ordinance of vacation, attested by him under seal, to be recorded in the Office of the Recorder for Alameda County, California;
g. The portions of land described in Exhibit A are surplus and not necessary for the City's use. The properties described in Exhibit A are being transferred to another state agency, the San Francisco Bay Area Rapid Transit District, and/or are a "former street, right-of-way, or easement," conveyed to an owner of an adjacent property. The properties described in Exhibit A are not necessary for the City's use in light of the affordable housing development proposed to be built at the North Berkeley BART station site and the corresponding changes to the right of way associated with that project.

Section 2. Summary Vacation of Portions of the Right-Of-Way.
That pursuant to Streets and Highways Code Division 9, Part 3, Chapter 4, Sections 8330 to 8336, the City of Berkeley hereby vacates the portions of public right-of-way described in Exhibit A and shown in Exhibit B. From and after the date this ordinance is recorded, the street, highway, or public service easements vacated no longer constitute street, highway, or public service easements.

Section 3. Declaration of Exempt Surplus Land.
Pursuant to Government Code section 54221(b)(1), the City Council hereby declares that the lands described in Exhibit A are exempt surplus land.

Section 4. Conveyance of Property.
That the City Manager and City Clerk are hereby authorized and directed to execute quitclaim deeds, conveying the City's interests in the portions of the right-of-way and other land described in Exhibit A to the San Francisco Bay Area Rapid Transit District and take all additional actions required to effectuate that conveyance.

Section 5. Posting.
Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on October 27, 2026, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

September 22, 2026
Project No. 20230975

EXHIBIT A
LEGAL DESCRIPTION
TRANSFER AREA 1

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Parcel R22-6 and Parcel R22-7 as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

BEGINNING at the northwesterly terminus of that certain course shown as "N15°16'46"W, 20.40'", as shown on said map, thence along the westerly lines of said Parcels R22-6 and R22-7, said westerly lines also being common to the easterly lines of Parcel O-R 382 and Parcel O-R 381 as shown on said map, North 05°25'30" West, 25.92 feet;

Thence leaving said common line, South 46°06'38" East 7.67 feet to a point on the easterly line of said Parcel R22-7, said line being common to the westerly right-of-way line of Sacramento Street as shown on said map;

Thence along said common line, South 05°25'30" East, 7.78 feet;

Thence leaving said common line, South 00°59'15" East, 26.97 feet to a point on said common line of said Parcel R22-6 and said Parcel O-R 382;

Thence along said common line, North 16°44'06" West, 14.85 feet to the **POINT OF BEGINNING**.

Containing 139 square feet, more or less.

BASIS OF BEARINGS

(a) The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit B.

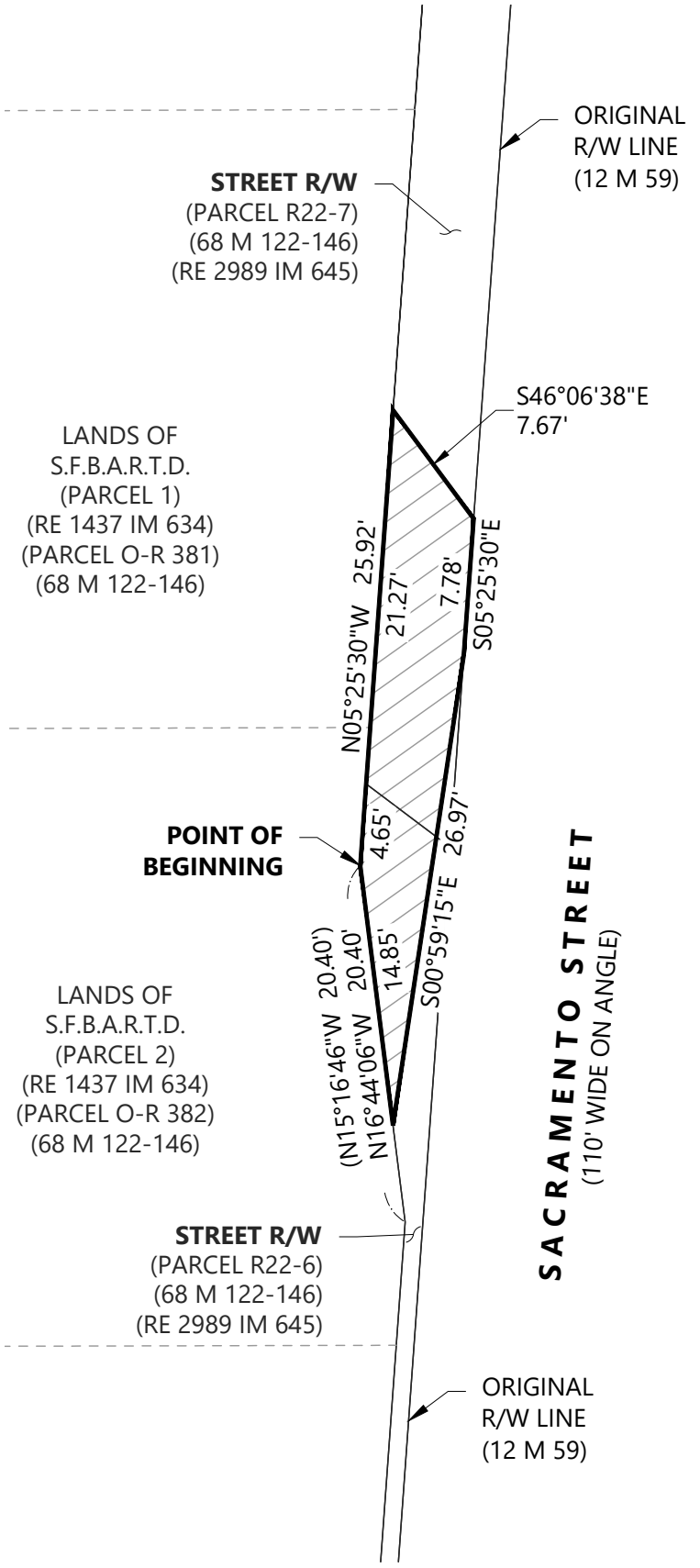
This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

David C. Jungmann, PLS 9267



09/22/2026
Date

END OF DESCRIPTION



LEGEND

———	LOT LINE
- - - - - - - - - -	RECORD LOT LINE
IM	IMAGE
RE	REEL
R/W	RIGHT OF WAY
S.F.B.A.R.T.D.	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SQ.FT.	SQUARE FEET

TRANSFER AREA 1
AREA = 139± SQ.FT.

GRAPHIC SCALE
0 10 20

PROFESSIONAL LAND SURVEYOR
DAVID C. JUNGMANN
No. 9267
STATE OF CALIFORNIA

BKF
255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

SUBJECT EXHIBIT B – PLAT TO ACCOMPANY LEGAL DESCRIPTION
JOB NO. 20130975
BY BDF APPR. DCJ DATE 09/22/2026
3 OF 3

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DRAWING NAME: C:\Box\Projects - BKF\BKF-RC\2023\230975_North_Berkely_BART_Survey\SUR\Mapping\Plot and Legal\2026-09-22_UPDATES\2026-09-22_Transfer_Area_1-UPDATE\230975-Transfer_Area_1_Plot_2026-09-22.dwg
PLOT DATE: 09-22-26
PLOTTED BY: rileyscwill

September 22, 2026
Project No. 20230975

EXHIBIT A
LEGAL DESCRIPTION
TRANSFER AREA 2

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Parcel R22-5 as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

BEGINNING at the northwesterly terminus of that certain course shown as "N04°04'14"W, 127.00'", as shown on said map, thence along the easterly line of said Parcel R22-5, said easterly line also being common to the westerly lines of the Parcel O-R 359, Parcel O-R 376 and Parcel O-R 375 as shown on said map, South 05°31'15" East, 127.06 feet;

Thence continuing along the common line of said Parcel R22-5 and said Parcel O-R 375, South 11°34'55" West 23.59 feet;

Thence leaving last said common line, North 05°31'15" West, 153.95 feet to a point on the common line of said Parcel R22-5 and said Parcel O-R 359;

Thence along said common line, South 63°30'55" East, 8.18 feet to the **POINT OF BEGINNING**.

Containing 975 square feet, more or less.

BASIS OF BEARINGS

The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit B.

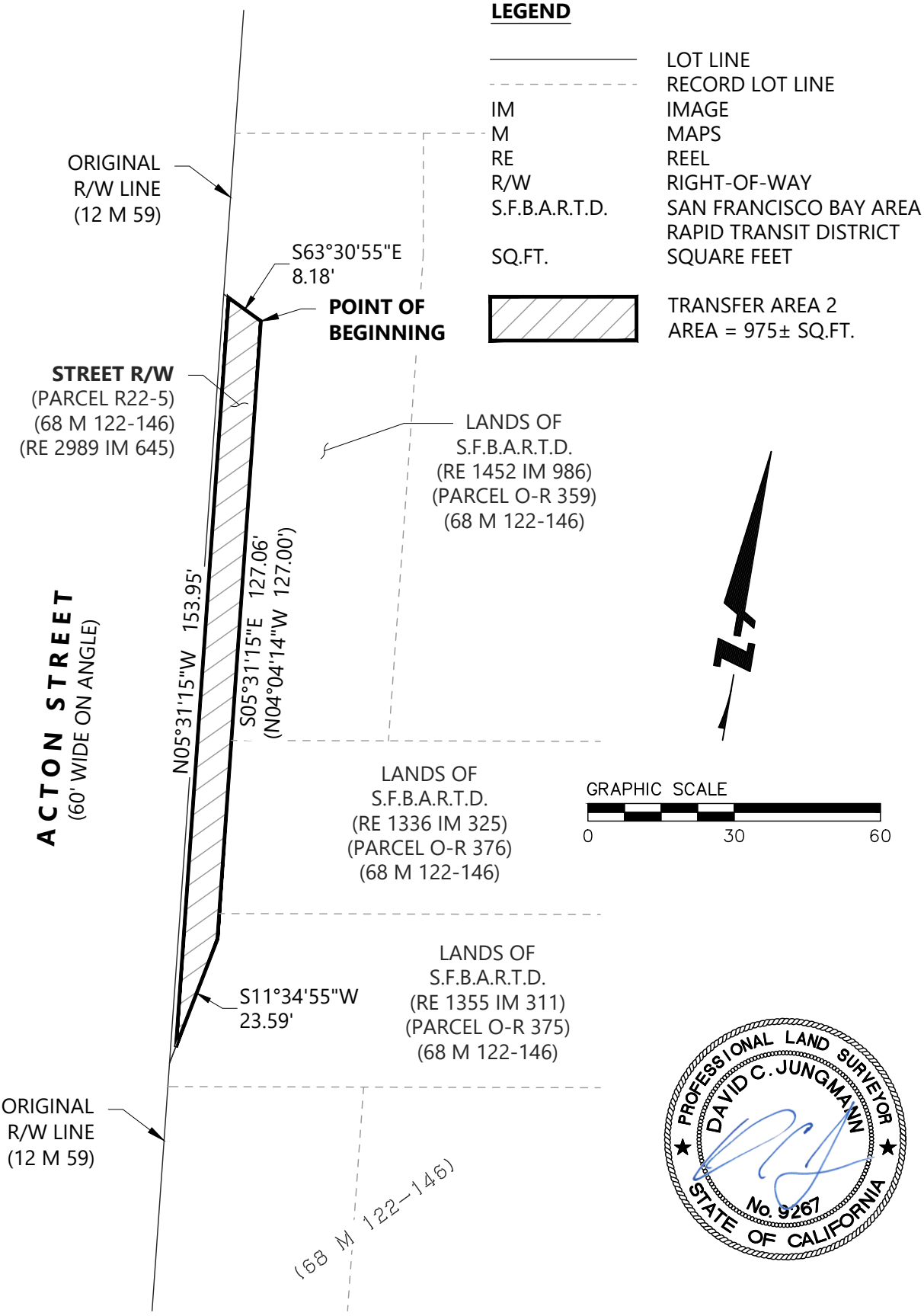
This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

David C. Jungmann, PLS 9267



09/22/2026
Date

END OF DESCRIPTION



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SUITE 200
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SUBJECT EXHIBIT B – PLAT TO ACCOMPANY LEGAL DESCRIPTION
JOB NO. 20130975
BY BDF APPR. DCJ DATE 09/22/2026
3 OF 3

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PLOT DATE: 09-22-26
PLOTTED BY: rileyscwill

August 17, 2026
Project No. 20230975

EXHIBIT A
LEGAL DESCRIPTION
STREET VACATION AREA 1

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Sacramento Street as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

COMMENCING at the southeast corner of Parcel R22-2 as shown on said map;

Thence along the easterly lines of said Parcel R22-2, Parcel R22-6 and Parcel R22-7 as shown on said map, North 05°25'30" West, 210.93 feet to the **POINT OF BEGINNING**;

Thence continuing along said easterly line of said Parcel R22-7, North 05°25'30" West, 7.78 feet;

Thence leaving said easterly line, South 46°06'38" East, 0.85 feet;

Thence South 00°59'15" East, 7.16 feet to the **POINT OF BEGINNING**.

Containing an area of 2 square feet, more or less.

BASIS OF BEARINGS

The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit B.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

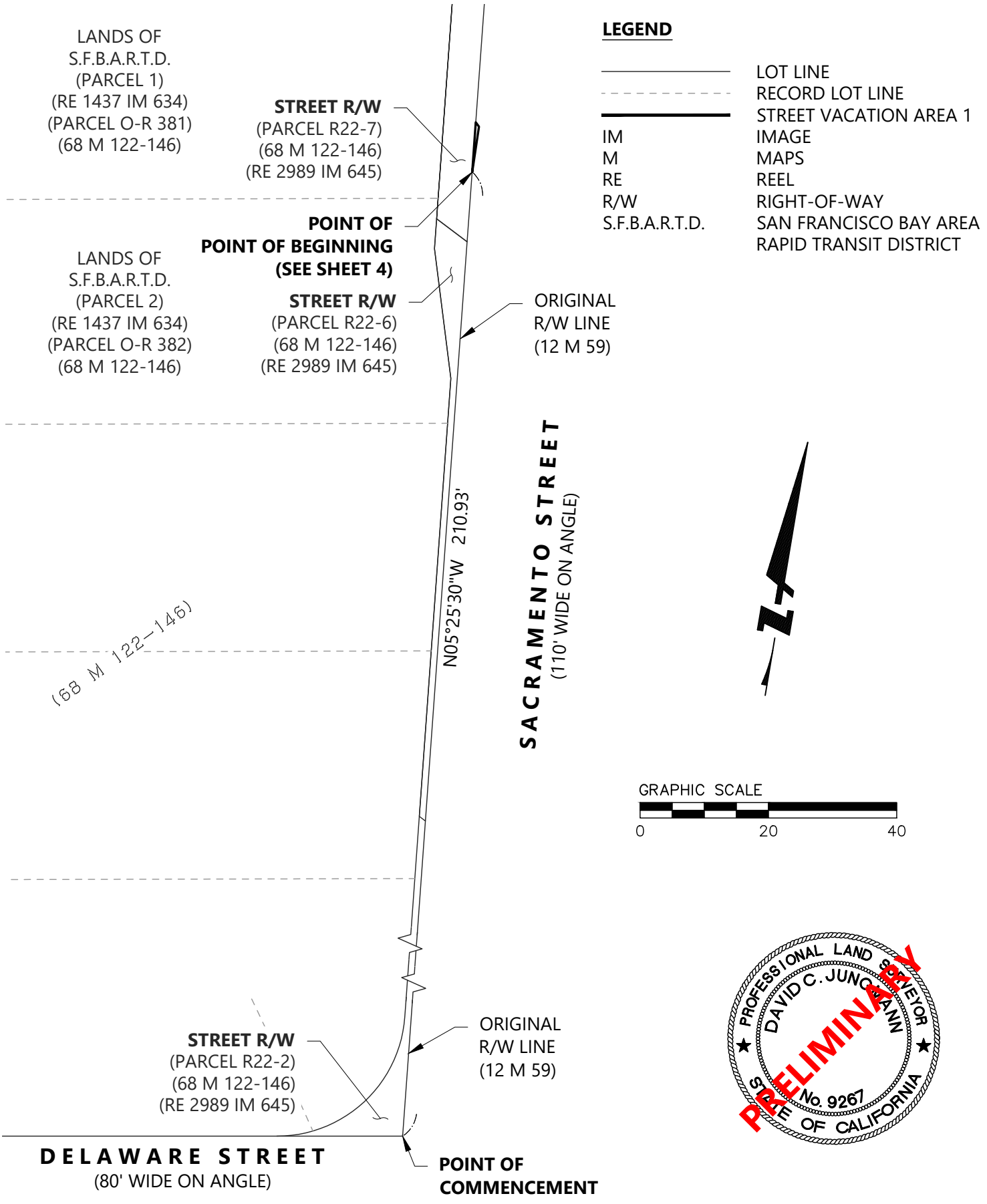
Preliminary

David C. Jungmann, PLS 9267



09/22/2026
Date

END OF DESCRIPTION

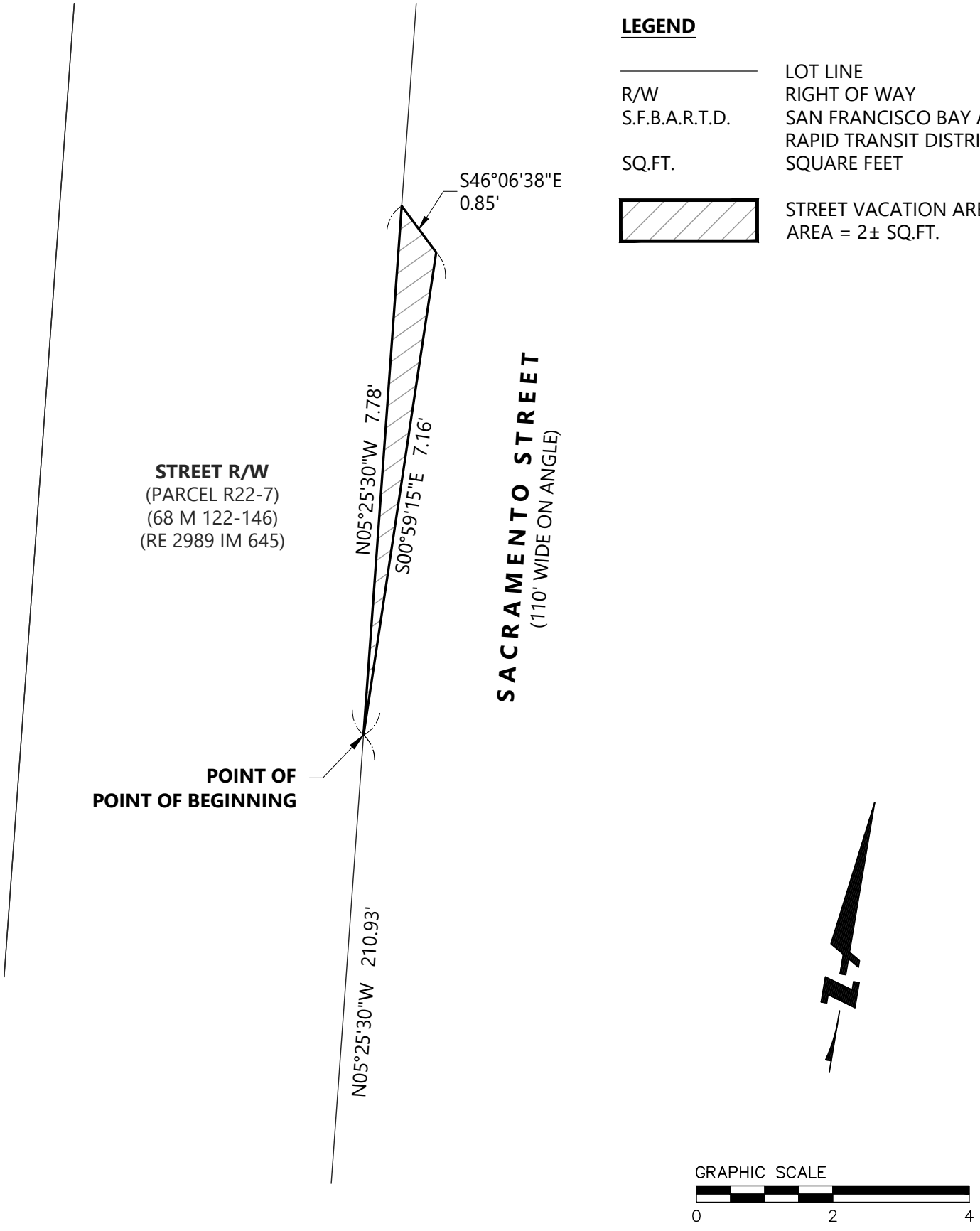


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SUBJECT EXHIBIT B – PLAT TO ACCOMPANY LEGAL DESCRIPTION
JOB NO. 20130975
BY BDF APPR. DCJ DATE 09/22/2026
3 OF 4

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DRAWING NAME: C:\Box\Projects - BKF\BKF-RC\2023\230975_North_Berkely_BART_Survey\SUR\Mapping\Plot and Legal\2026-09-22_Vacation_Area_1_UPDATE\230975-Vacation_Area_1_Plot_2026-08-13.dwg
PLOT DATE: 09-22-26
PLOTTED BY: rileyscovill



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PLOT DATE: 09-22-26
PLOTTED BY: rileyscovill

August 17, 2026
Project No. 20230975

EXHIBIT A
LEGAL DESCRIPTION
STREET VACATION AREA 2

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Delaware Street as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

COMMENCING at the southwest corner of Parcel R22-4 as shown on said map;

Thence along the southerly line of said Parcel R22-4 and the northerly right of way line of said Delaware Street, North 80°27'00" East, 13.75 feet to the **POINT OF BEGINNING**;

Thence continuing along said northerly right of way line, North 80°27'00" East, 186.73 feet;

Thence leaving said northerly right of way line, South 76°16'28" West, 12.52 feet;

Thence South 80°27'00" West, 168.76 feet to the beginning of a tangent curve to the right;

Thence along said tangent curve, having a radius of 17.00 feet, through a central angle of 18°50'47", for an arc length of 5.59 feet to the **POINT OF BEGINNING**.

Containing an area of 163 square feet, more or less.

BASIS OF BEARINGS

The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit B.

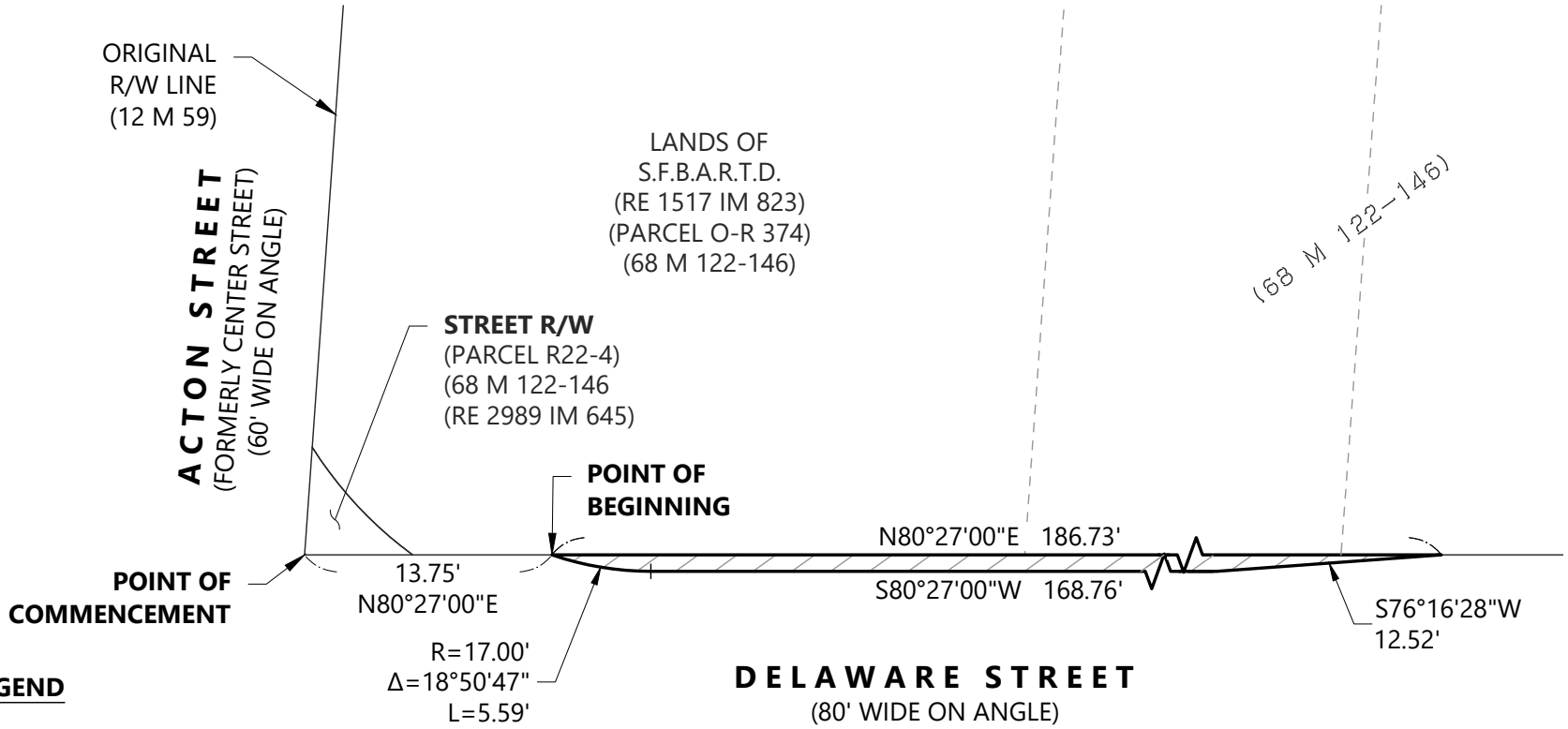
This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



Preliminary
David C. Jungmann, PLS 9267

09/22/2026
Date

END OF DESCRIPTION



LEGEND

———	LOT LINE
- - - - - -	RECORD LOT LINE
IM	IMAGE
M	MAPS
RE	REEL
R/W	RIGHT-OF-WAY
S.F.B.A.R.T.D.	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
▨	STREET VACATION AREA 2 AREA = 163± SQ.FT.

GRAPHIC SCALE

0 10 20

PROFESSIONAL LAND SURVEYOR
DAVID C. JUNCKMANN
No. 9267
STATE OF CALIFORNIA
PRELIMINARY

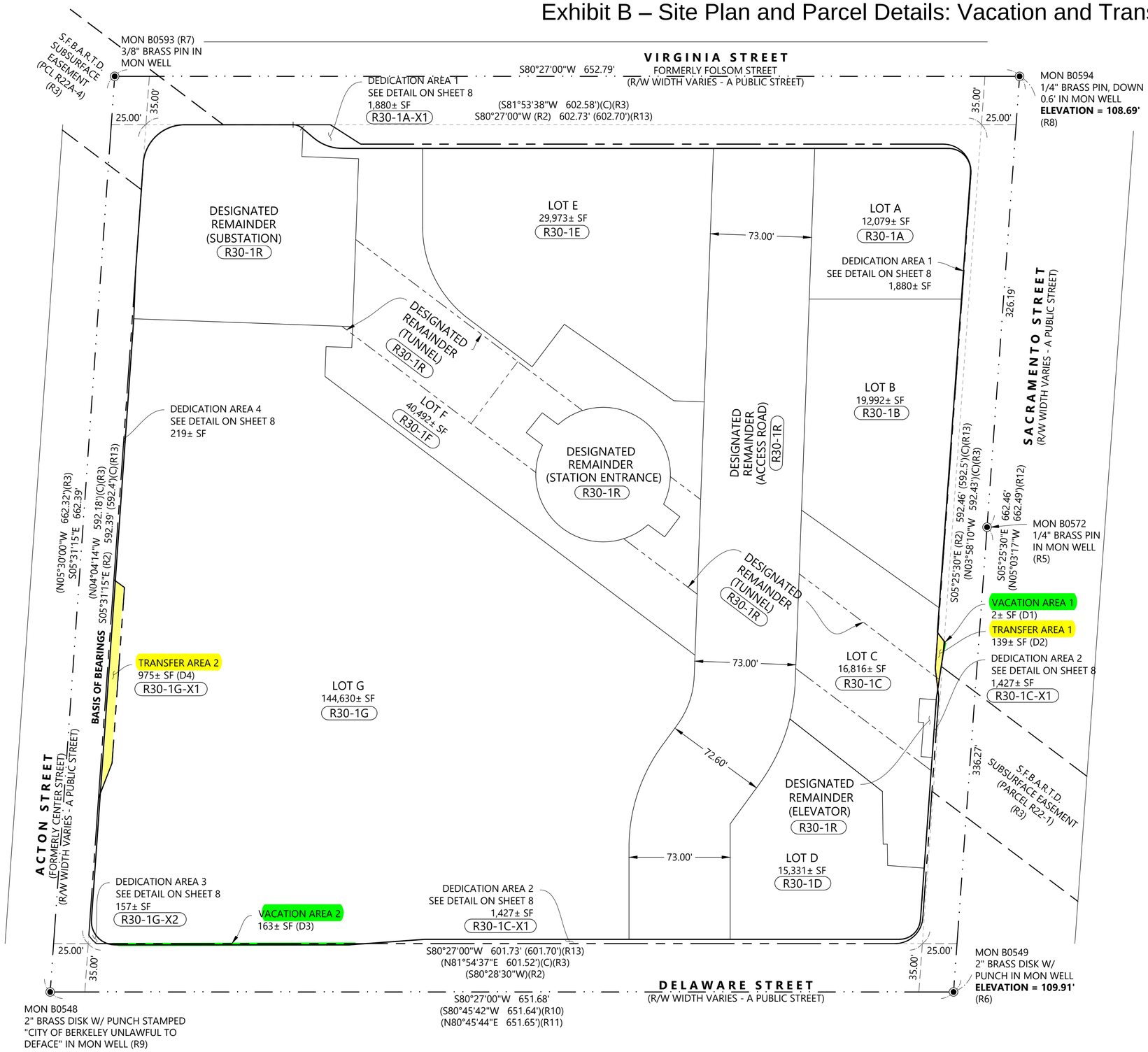
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DRAWING NAME: C:\Box\Projects – BKF\BKF-RC\2023\230975_North_Berkely_BART_Survey\SUR\Mapping\Plot and Legal\2026-08-13_Vacation_Area_2\230975-Vacation_Area_2_Plat_2026-08-13.dwg
PLOT DATE: 09-22-26
PLOTTED BY: riley.cowell

Exhibit B – Site Plan and Parcel Details: Vacation and Transfer Areas



GRAPHIC SCALE
0 50 100

LEGEND

◉	FOUND MONUMENT AS NOTED
(C)	CALCULATED FROM RECORD
(D#)	DENOTES RECORD DOCUMENT REFERENCE
MON	MONUMENT
O.R.	OFFICIAL RECORDS
PCL	PARCEL
PTR	PRELIMINARY TITLE REPORT
(R)	DENOTES RADIAL BEARING
(R#)	DENOTES RECORD MAP REFERENCE
S.F.B.A.R.T.D.	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SQ. FT.	SQUARE FEET
R30-1A	S.F.B.A.R.T.D. PARCEL #

LINETYPES

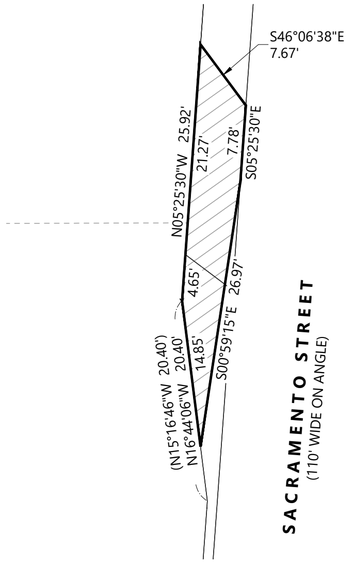
- RESULTANT BOUNDARY LINE
- EXISTING BOUNDARY LINE
- FORMER RIGHT-OF-WAY LINE
- EASEMENT LINE
- MONUMENT LINE
- TIE LINE/RADIAL LINE
- VERTICAL STEP IN LOT

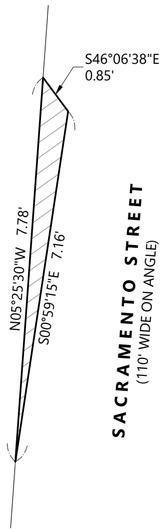
CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA

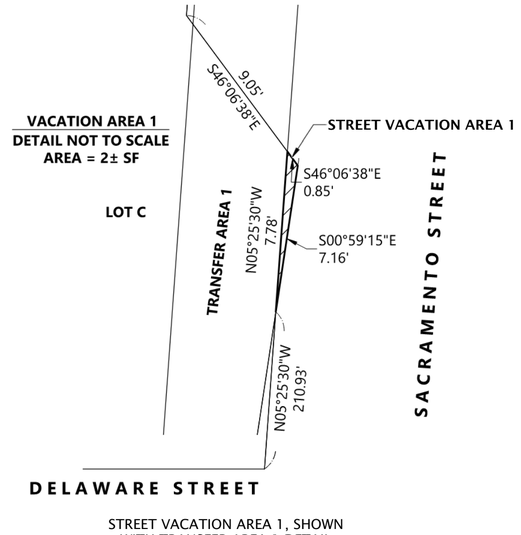
SCALE 1" = 50' AUGUST 2026

BKF
255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

Exhibit B – Site Plan and Parcel Details: Vacation and Transfer Areas



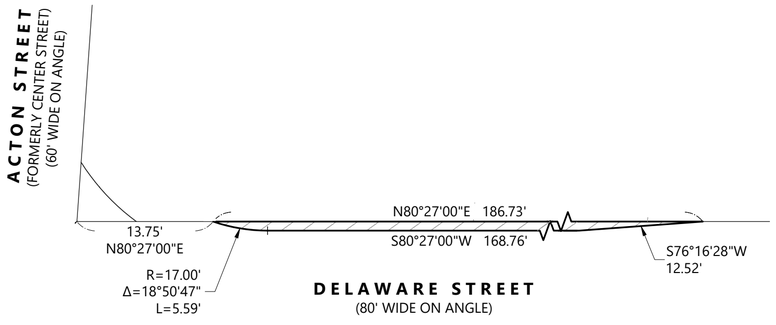


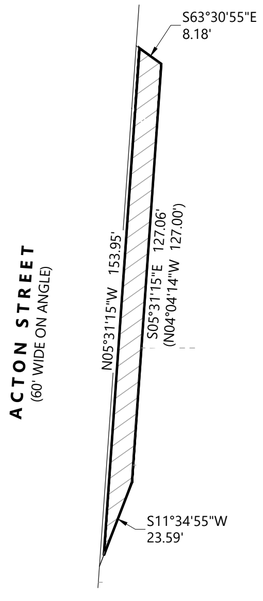


STREET VACATION AREA 1, SHOWN
WITH TRANSFER AREA 1 DETAIL

TRANSFER AREA 1
AREA = 139± SQ.FT.

STREET VACATION AREA 1
AREA = 2± SQ.FT.





STREET VACATION AREA 2
AREA = 163± SQ.FT.

TRANSFER AREA 2
AREA = 975± SQ.FT.

CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA

AUGUST 2026

BKF
255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

02

ORDINANCE NO. 8,037-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 12.32 – STORAGE, COLLECTION AND DISPOSAL OF WASTE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 12.32 is amended to read as follows:

Chapter 12.32
STORAGE, COLLECTION AND DISPOSAL OF WASTE*

Sections:

12.32.010 Definitions.

12.32.020 Accumulation prohibited--Storage requirements--Removal of construction rubbish.

12.32.030 Garbage containers required--Specifications--Use restrictions--Location.

12.32.035 Adequate Space for Collection Containers

12.32.040 Bulk wastes--Over one cubic yard--Over two cubic yards.

12.32.045 Definitions

12.32.050 Garbage collection--Service declared essential--Exclusive collection by City required--Notification by owner--Fees--Time--Districts established--Rubbish collected with garbage.

12.32.055 Adequate Space Requirement

12.32.060 Garbage fees--Payment requirements--Service charges.

12.32.065 Design Standards

12.32.070 Dumping at unauthorized disposal site prohibited.

12.32.075 Stormwater Requirements

12.32.080 Dumps--Use limitations.

12.32.085 Administrative Standards

12.32.090 Refuse burning prohibited--Exceptions.

12.32.095 Liability and Enforcement

12.32.100 Nuisances designated--Abatement authorized when.

12.32.110 Violation--Penalty.

12.32.120 Putrescible waste--Procedure for management--Vermin infestation control--Prima facie presumption of violation.

12.32.130 Collection and disposal--Private hauler requirements.

12.32.140 Collection and disposal--Rules and regulations--Public Works Department authority.

***** For Zero Waste Commission, see Ch. 3.40 of this code.

12.32.010 Definitions.

A. "Garbage" means putrescible animal or vegetable matter, and containers used for the storage thereof. "Garbage" does not include source-separated recyclables or yard waste.

B. "Hazardous waste" means that waste defined in Health and Safety Code Section 25117.

C. "Medical waste" means that waste defined in Health and Safety Code Section 25023.2

D. "Rubbish" means all nonputrescible waste matter, whether combustible or noncombustible, except hazardous waste and medical waste.

E. "Waste" means the useless, unused, unwanted or discarded material resulting from normal community activities, or materials which by their presence may injuriously affect the health, safety and comfort of persons and depreciate property values in the vicinity thereof. "Waste" shall include, but not be limited to garbage, putrescible organic material, rubbish, offal, swill, animal excreta, rubble, plaster or other waste resulting from the demolition, burning, alteration or construction of buildings or structures.

F. "Source-separated recyclables" means non-putrescible materials that are separated by the generator from other waste material for the purpose of reuse or recycling, by placing the recyclables in separate containers, or by binding them separately; the recyclable material is then kept separate from general rubbish by the collector and processor, and is returned to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be

used in the marketplace. Source separated recyclables contain no more than 20% of material which is disposed of as refuse by the collector or their subcontractors.

G. "Yard waste" means grass, weeds, leaves, tree trimmings, plants, shrubbery prunings, and such other similar materials which are generated in the maintenance of yards, gardens or landscaping, and which are separated by the generator from other solid waste materials for the purpose of recycling or composting, and which are taken by the hauler to a recycling or composting facility. (Ord. 6549-NS § 2, 2000; Ord. 6517-NS § 2, 1999; Ord. 6319-NS § 2 (part), 1996)

H. “Central consolidation location” means internal area generally located on the first floor or in the basement of a multi-story mixed use, commercial or multi-family building that is of adequate size to house waste receptacles that meet minimum service requirements including but not limited to landfill, dual-stream recycling and organics where materials from tenants can be centrally consolidate for collection.

I. “Minimum service requirements” mean all property owners or property managers are required to subscribe to landfill, dual-stream recycling and organics collection services at a minimum of 20 gallons per unit to ensure adequate service is provided to comply with state, county and local zero waste mandates. Waste enclosures or central consolidation locations shall be designed to accommodate the collection receptacles to meet minimum service requirements.

L. Tenant Facing Collection Room: rooms located on each story of a commercial building where tenants have convenient access to do dispose of landfill, dual-stream recycling and organics. If utilizing trash chutes, there must be enough chutes to accommodate all required material collection streams.

J. Staging Area: area where Public Works staff will collect landfill, dual-stream recycling and organic materials for disposal or processing, generally located in the public right of way, at the waste enclosure or at the central consolidation location and shall not be located more than 100 ft from where the collection vehicle will need to park to provide service. If located in the public right of way, curb cuts and red zones must be provided to ensure safe transport and storage of the collection receptacles on the day(s) of service.

K. Valet Waste Service: a third-party service that collects municipal solid waste from outside of tenant's units and properly sorts it for disposal eliminating the need for tenant

facing trash rooms. If utilizing a valet waste service, ensure the service provider has been adequately trained and approved by Public Works Department staff.

L. Waste Enclosure: A stand-alone covered area on a commercial or multi-family property designed to house receptacles for storing solid municipal waste including but not limited to landfill, dual-stream recyclables, and organics.

C. “Universal waste” means universal waste as defined in the California Health and Safety Code Section 25123.8 and California Code of Regulations, Title 22, Division 4.5, Chapter 23. Universal waste includes certain batteries, electronic waste, non-empty aerosols cans, and other special materials designated as universal waste under applicable state law and is subject to the applicable requirements governing its collection, storage, handing, recycling, and disposal.

12.32.020 Accumulation prohibited--Storage requirements--Removal of construction rubbish.

A. No person owning any multiple-family dwelling or possessing any single-family dwelling, or industrial, commercial or business premises or structure shall allow or permit any garbage, rubbish or waste to collect and accumulate upon or in any such premises or structure except as otherwise provided by law. This provision shall not be construed as affecting any authorized waste disposal operation or properly conducted garden composting process carried on by a private individual in their own premises and for their own use and done in a manner consistent with this section.

B. During intervals between collection or disposal, the storage, accumulation, collection, keeping, handling or maintaining of waste on premises where produced shall be performed in such a manner as to prevent the harboring and breeding of rodents, insects and other vermin and as to prevent ready access to the waste by dogs and other small animals; as to prevent objectionable odors in the ambient air; as not to constitute a fire hazard; and as not to result in such unsightliness as to result in the depreciation of the value of adjacent property or the comfortable enjoyment of life thereon.

C. **Construction and Demolition Rubbish and Waste.** During construction, alteration, or demolition activities, combustible debris, rubbish, and waste materials shall be

managed in accordance with California Fire Code Section 3304, as applicable. Combustible debris, rubbish, and waste materials shall not be accumulated within buildings and shall be removed from buildings at the end of each shift of work.

1. Temporary rubbish containers exceeding 5.33 cubic feet (40 gallons) used for combustible debris, rubbish, or waste shall be provided with tight-fitting or self-closing lids and shall be constructed of noncombustible materials or other materials complying with California Fire Code Section 3304.1.3.

2. Materials susceptible to spontaneous ignition, including oily rags, shall be stored in listed disposal containers in accordance with California Fire Code Section 3304.2.

3. Construction and demolition waste containers shall not be located or maintained so as to obstruct required fire apparatus access, means of egress, fire hydrants, fire department connections, or access to required fire protection equipment.

12.32.030 Garbage containers required--Specifications--Use restrictions--Location.

A. Every person owning any premises, where garbage or rubbish is produced or accumulated shall provide and maintain on the premises in a suitable place readily accessible to personnel of the solid waste and environmental health divisions, containers of sufficient capacity and number to store the accumulations of garbage or rubbish during the intervals between collections or disposal. With the written of the owner, nonresidential tenants may contract for garbage collection service independently, either on their own behalf or on the owner’s behalf, if the owner agrees in writing to guaranty payment of the garbage collection charge in the event the tenant does not pay it in a timely fashion.

B. Every contractor or builder engaged in the erection or repair of a building shall provide sufficient containers at or near such building for the deposit and storage of any waste resulting from the erection or repair work.

C. Garbage containers for other than bulk accumulation shall be constructed of metal or other impervious material approved by the managers of environmental health and solid waste with tight-fitting covers. The containers and covers shall be in good repair, leakproof, free from holes, flytight and rodentproof. Containers shall be equipped with handles adequate to lift the weight of a full container without breaking or bending. Such container shall be maintained in a sanitary condition by the owners thereof and covers shall not be removed except for the purpose of placing waste therein or removing waste therefrom.

D. Rubbish except broken glass, rocks, concrete, bricks and similar solid material, plaster or dirt may be deposited in garbage containers. Hazardous waste, human waste and other potentially infectious material shall not be deposited or placed in garbage containers. Liquid garbage shall not be deposited or placed in such containers.

E. No garbage containers or other containers for waste, other than those of the City, shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Public Works Department may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposition of garbage by the City. (Ord. 6369-NS § 1 (part), 1997; Ord. 6319-NS § 2 (part), 1996)

12.32.040 Findings and Purpose

A. The purpose of this section is to ensure that new commercial development and substantial renovations provide adequate space for the storage, collection, and processing of solid waste, dual- stream recyclable, and organic materials or construction and demolition materials in a manner that supports public health, operational efficiency, compliance with state and local law, and the City's Zero Waste and climate goals.

12.32.050 Bulk wastes--Over one cubic yard--Over two cubic yards.

A. In any premises where a volume of waste in excess of one cubic yard is allowed to accumulate between intervals of collection or disposal, such waste shall be managed in

the manner specified by the manager of the environmental health division for the sanitary storage, collection or disposal of such waste on the premises.

B. In addition to the requirements of subsection A of this section, dumpsters and containers used for the storage of combustible waste shall comply with California Fire Code Sections 304.3 through 304.3.7, as applicable, including requirements for container construction, lids, location, separation from buildings, and fire protection. Waste storage locations shall not create a fire hazard and shall be subject to approval by the Fire Chief or designee where required by the California Fire Code.**12.32.060 Garbage collection--Service declared essential--Exclusive collection by City required--Notification by owner--Fees--Time--Districts established--Rubbish collected with garbage.**

A. It is found and determined that the periodic collection of garbage from all premises and places in the City in or from which garbage is created, accumulated or produced is essential for the maintenance of the public health and welfare of the City and that the provision by the City of such garbage collection service is a direct benefit to all premises and places in or from which garbage is created, accumulated or produced to the owners thereof.

B. Garbage collection service is provided by the City, and all owners of premises and places in the City in or from which garbage is created, accumulated or produced shall use or cause to be used, and pay the fees charged for, the City's collection service. It is unlawful for any person, other than authorized agents or employees of the City, to collect, remove or dispose of garbage in the City; provided, however, that nothing contained herein shall prevent the use of garbage disposal devices as provided in the City plumbing code.

C. All owners of premises and places in or from which garbage is created, accumulated or produced shall notify the solid waste division of the services department of the City that collection of garbage from such premises or place is required and the frequency of the collection required.

D. Fees for the collection of garbage shall be established by resolution of the City Council. All owners of premises and places in the City from which garbage is collected, or the person with responsibility for those premises, shall pay the garbage collection fees established by the City Council. In the event of nonpayment of the garbage

collection fees, the City, at its option, may discontinue furnishing garbage collection service as set forth in Section 12.32.060, such discontinuance of service to be in addition to any remedies that are available to the City to enforce payment of any unpaid garbage collection fees.

E. Collection of garbage shall be made at least once a week from private residences and as many times per week as the Director of Public Works may order from all other places.

F. The Director of Public Works may establish districts in the City for the purpose of collecting garbage and rubbish.

G. The City will collect and dispose of all rubbish which is deposited in garbage containers as authorized in Section 12.32.030, and to the extent that equipment and personnel are available as determined by the Director of Public Works, the City may collect and dispose of rubbish other than that deposited in garbage containers, provided such rubbish is placed in separate containers approved by the Director of Public Works and provided further that such rubbish is of such size that it can be placed in such separate containers. (Ord. 6369-NS § 1 (part), 1997; Ord. 6340-NS § 1 (part), 1996; Ord. 6319-NS § 2 (part), 1996)

12.32.070 Garbage fees--Payment requirements--Service charges.

A. Fees for garbage and rubbish collection shall be billed and paid periodically as determined by the City. Any fee which is not paid in full on the thirty first day after billing is delinquent, except that fees which are billed semiannually shall be deemed delinquent on December 11th and April 11th. A penalty of ten percent shall be assessed on any delinquent amount. Delinquent amounts greater than one year delinquent shall accrue interest at the rate of one and one-half percent per month. Service on unpaid accounts may be reduced or discontinued thirty days after mailing notice of delinquency.

B. The City may elect to bill for garbage and rubbish collection service as a special assessment on the property taxes and charges collected by the county with property taxes. The City may also elect to bill individual persons or businesses for service provided directly to those persons or businesses; however, because the provision by

the City of garbage collection service is necessary for the public health and a benefit to the public, and necessary to prevent the creation of public nuisances, any amounts billed to persons or businesses are an obligation of both the user of the property who generates the garbage and the owner of the property who benefits from its use by others, and therefore also payable by, and debts of, the owner of the property.

C. The City may employ any method provided by state law for collection of service fees, delinquent amounts, penalties and interest, and all remedies shall be cumulative.

D. No refunds will be made for decreases in service during the billing period in which the decrease occurred.

E. The City may require payment of a deposit in the amount three times the monthly service charge for any City garbage collection service ordered in any case where the owner of the affected property is not ordering the service or the City is legally unable to impose a lien on the property in the event the service charges are not paid by the person or business ordering the service. Such deposits may be credited by the City against an account after one year for residential accounts and two years for non-residential accounts, if there have been no delinquencies during the applicable period. In the event an account is closed while the City has custody of a deposit, the City shall credit the amount of the deposit against the closing bill and refund any amount remaining. (Ord. 6393-NS § 1, 1997; Ord. 6369-NS § 1 (part), 1997; Ord. 6340-NS § 1 (part), 1996; Ord. 6319-NS § 2 (part), 1996)

12.32.080 Adequate Space Requirement

Effective January 1, 2027:

A. All new commercial, development shall conform to the Design Standards in Section 12.32.065.

B. Additions, alterations, or renovations to commercial development requiring discretionary approval or permits where the project affects waste storage areas, collection infrastructure, or collection services, shall conform to the Design Standards in Section 12.32.065.

12.32.090 Design Standards

A. Waste storage and collection areas shall:

1. Provide adequate space for collection containers and related infrastructure sufficient to accommodate all required material streams and meet minimum service requirements including but not limited to:
    a. Landfill disposal.
    b. Recycling of paper and cardboard.
    c. Recycling of glass, metal, and plastic containers.
    d. Organic materials, including food scraps, compostable paper, and plant debris.
2. Be designed to accommodate the size, number, and configuration of containers required for collection service.
3. Provide convenient and equal access to all required material streams.
4. Have signage identifying the types of materials corresponding to each respective waste stream. Signage shall be permanently posted on or painted onto each receptacle. General instructions about how to recycle shall be posted on the walls inside the enclosure. The name and phone number of the person responsible for maintenance of the enclosure shall be included on the sign with general instructions.
5. Provide adequate access for commercial tenants, property owners and managers, facilities staff, third party valet waste service providers or Zero Waste collection staff.
6. Provide sufficient maneuvering area to safely move containers between storage and collection locations.
7. Include pathways, ramps, and access routes that meet applicable accessibility and safety requirements.
8. Reduce incidents of significant slopes
8. Maintain adequate vertical clearance for opening lids and servicing containers.

9. Include sufficient staging space to support collection operations.

11. “Waste storage, collection and staging areas shall be located or constructed in a manner not to obstruct or reduce required fire apparatus access roads, fire lanes, emergency access, means of egress, fire hydrants, fire department connections, or access to other required fire protection equipment.” Be maintained in a manner that supports cleanliness, safety, and proper collection operations.

B. Fire Protection and Life Safety Requirements.

Waste storage areas, rooms, enclosures, and associated waste containers shall comply with the following Fire and Life Safety Requirements:

1. **Fire Protection.** Waste storage areas, rooms, enclosures, and associated waste containers shall comply with California Fire Code (CFC) Sections 304.3.1 through 304.3.7, including applicable requirements for location, construction, and separation. Where automatic sprinkler protection is utilized or other an approved method of compliance, such protection shall be provided in accordance with the applicable provisions of the CFC and applicable National Fire Protection Association (NFPA) standard.

2. **Battery Collection and Storage.** Where waste storage areas, collection rooms, enclosures, or other collection facilities are used for the collection or storage of lithium-ion, lithium-metal, or other batteries, such collection and storage shall comply with CFC Section 320. Damaged, defective, recalled, leaking, swollen, or other compromised batteries shall be handled and stored in accordance with the CFC and hazardous material requirements.

3. **Battery-Powered Equipment and Charging.** Waste storage areas, collection rooms, and waste enclosures shall not be used for the charging of powered micromobility devices or other battery-powered equipment unless specifically approved and permitted by the CFC, including Section 322.

4. **Emerging and Special Fire Hazards.** The collection, storage, handling, or processing of materials presenting special or emerging fire hazards, including lithium-ion, lithium-metal, or other battery technology shall comply with the applicable provisions of the CFC and BFC. Where required by the CFC, such operations shall be subject to review and approval by the Fire Chief or designee.

5. **Use of Waste Storage Areas and Enclosures.** Waste storage areas, rooms, enclosures, and associated containers shall be used and maintained for their approved purpose. Containers shall not be filled beyond their designated capacity and, where lids are required, shall be maintained so that lids can fully close. Waste or other combustible materials shall not be allowed to accumulate outside designated containers or in a manner that creates a fire hazard, obstructs

required means of egress, or obstructs or impairs required Fire Department access or access to fire protection equipment.

a. Combustible storage, hazardous and universal waste or hazardous materials shall not be stored within exit passageways, interior exit enclosures or stairways, under unenclosed exterior exit or exit access stairways.

6. **Fire Department Access.** Waste storage, collection, and staging areas shall be located and maintained so as not to obstruct, reduce, or otherwise interfere with required fire apparatus access roads, fire lanes, emergency access to building exterior doors, openings and roofs required by the California Building Code, California Residential Code and California Fire Code, means of egress, fire hydrants, fire sprinkler system risers, fire department connections, or access to required fire protection system equipment in accordance with applicable provisions of the CFC Sections 503, 504, 507, 509, and 912.

   a. To ensure and maintain compliance, all developments requiring centralized waste, recycling, and/or organic collection shall construct dedicated concrete staging enclaves or recessed storage cutouts. These staging infrastructure elements must be situated entirely outside of the minimum required unobstructed width and vertical clearance of any designated fire apparatus access road, preventing any temporary or permanent container encroachment during stating or servicing.

7. **Wildland-Urban Interface and Fire Hazard Areas.** Where a project is located within an area subject to applicable Berkeley wildland-urban interface, fire hazard severity zone, defensible space, or vegetation management requirements, exterior waste storage areas and enclosures shall be designed, located and constructed of noncombustible materials in accordance with the applicable Berkeley Fire Code (BFC) and other adopted fire-safety requirements. [Berkeley Municipal Code Chapter 19.49]

8. **Maintenance of Fire and Life Safety Features.** Waste containers, storage areas, collection rooms, enclosures, and staging areas shall be maintained so as not to obstruct or reduce required fire apparatus access, emergency access, means of egress, fire hydrants, fire department connections, fire protection system equipment, or other required fire and life safety features in accordance with the CFC.

9. **Fire Protection System Installations and Modifications.** Where compliance with this chapter requires the installation, extension, relocation, or modification of an automatic sprinkler system, fire detection system, or other required fire protection system, such work shall comply with the applicable CFC, BFC, associated NFPA standards, and shall be completed under a Fire Department

Construction Permit in accordance with CFC §105.6.2 and §105.6.7 prior to installation.

12.32.100 Dumping at unauthorized disposal site prohibited.

Except as otherwise provided by law, no person shall deposit or discharge or cause to be deposited or discharged any garbage, rubbish or other waste in any place other than a disposal site or dump which has been approved by the City. (Ord. 6319-NS § 2 (part), 1996)

12.32.110 Stormwater Requirements

Waste Enclosure requirements. The following requirements apply to all waste enclosures:

Waste enclosure structures shall be covered and designed to prevent stormwater runoff from contacting waste materials. The roof canopy should extend sufficiently outward in all directions so that windblown rain will not enter the interior of the storage area. A horizontal or sloped canopy measuring approximately one-half the height of the canopy to the ground is recommended. The waste enclosure shall include walls or other barriers designed to prevent rainfall, stormwater run-on, and stormwater runoff from entering or leaving the enclosure, and to minimize the wind dispersal of litter. Berms, curbs, or other approved containment or diversion measures shall be incorporated, as necessary, to prevent pollutant discharges to the municipal storm drain.

1. Stormwater runoff from the enclosure roof must also drain away from the enclosure towards landscaping and/or stormwater treatment areas.

2. Waste enclosure floors shall be constructed of concrete and designed to prevent the discharge of runoff, wash water, or other liquids to the municipal storm drain. Discharges to the municipal storm drain system are prohibited. Floor drains, where permitted, shall discharge to the sanitary sewer, subject to approval by the applicable sanitary sewer agency.

3. Waste enclosures shall be removed from public right-of-way and block view of waste receptacles from public right-of-way.

4. No storm drains shall be located within the enclosure or in a location where stormwater could flow into or through the enclosure. The surrounding area shall be graded to prevent stormwater run-on. Grease interceptors, grease receptacles, and used cooking oil storage containers shall not be located within the trash enclosure unless specifically designed and permitted for such use. Any grease storage shall be covered, leak-proof, protected from stormwater run-on, and designed to prevent spills or discharges to the municipal storm drain.

12.32.120 Administrative Standards

A. The Director of Public Works or designee may adopt and periodically update administrative guidelines, technical standards, landfill, dual-stream recycling and organics service levels, design criteria, and implementation procedures necessary to administer and enforce this chapter. Where such guidelines, standards, criteria, or procedures affect fire apparatus access, emergency access, means of egress, fire protection equipment or systems, combustible waste storage, fire-resistance-rated construction, waste or recycling chutes, or other matters regulated by the California Fire Code or California Building Code, they shall be developed in consultation with the Fire Department and Building and Safety Division. r.

Such standards may address, but are not limited to:

1. Container sizing and capacity requirements.

2. Waste enclosure and collection room dimensions.

3. Service access and collection vehicle requirements.

4. Staging area requirements.

5. Access pathway and maneuvering requirements.

6. Co-location of material streams.

7. Operational and safety considerations.

8. Stormwater requirements

Public Works Review Authority

The Director of Public Works or designee may require reasonable modifications to waste storage areas, collection access, collection infrastructure, and related facilities necessary to ensure safe, efficient, and compliant collection services.

B. Interdepartmental Coordination. Where administrative guidelines, technical standards, design criteria, or implementation procedures adopted pursuant to this section affect fire apparatus access, emergency access, means of egress, fire protection equipment or systems, combustible or hazardous waste storage, battery collection or storage, fire-resistance-rated construction, waste or recycling chutes, or other matters regulated by the California Fire Code or California Building Code, such standards shall be developed in consultation with the Fire Department and Building and Safety Division.

12.32.130 Liability and Enforcement

1. No building permit shall be issued for a covered project unless the Director of Public Works or designee determines that the project complies with the requirements of this chapter.

2. No Certificate of Occupancy shall be issued for a covered project unless the Director of Public Works or designee determines that all required waste, recycling, and organics collection infrastructure has been installed in substantial conformance with approved plans.

3. Any modification to approved waste storage or collection facilities that materially affects compliance with this chapter shall require review and approval by the Director of Public Works or designee prior to implementation.

4. The remedies provided in this section are cumulative and do not preclude enforcement through any other remedies authorized by the Berkeley Municipal Code.

12.32.140 Dumps--Use limitations.

It is unlawful for any person to deposit at the garbage and rubbish dumps maintained by the City any garbage or rubbish originating in any area outside the City limits; provided, however, that this section shall not apply to dumping permitted under any written agreement authorized by the City Council. (Ord. 6319-NS § 2 (part), 1996)

12.32.085 Administrative Standards

A. The Director of Public Works or designee may adopt and periodically update administrative guidelines, technical standards, service assumptions, design criteria, and implementation procedures necessary to administer and enforce this chapter.

12.32.150 Refuse burning prohibited--Exceptions.

It is unlawful for any person to burn any refuse except as may be permitted pursuant to the provisions of the fire prevention code of the City and Regulation No. 2 of the Bay Area Air Pollution Control District. (Ord. 6319-NS § 2 (part), 1996)

12.32.095 Liability and Enforcement

A. No building permit shall be issued for a covered project unless the Director of Public Works or designee determines that the project complies with the requirements of this chapter.

B. No Certificate of Occupancy shall be issued for a covered project unless the Director of Public Works or designee determines that all required waste, recycling, and organics collection infrastructure has been installed in substantial conformance with approved plans.

C. Any modification to approved waste storage or collection facilities that materially affects compliance with this chapter shall require review and approval by the Director of Public Works or designee prior to implementation.

D. The remedies provided in this section are cumulative and do not preclude enforcement through any other remedies authorized by the Berkeley Municipal Code.

12.32.160 Nuisances designated--Abatement authorized when.

The keeping of garbage in containers other than containers prescribed by this ordinance or the keeping upon premises of garbage or rubbish which is allowed to become offensive and noisome, shall constitute a public nuisance and may be abated in the manner provided by law for the abatement of nuisances. (Ord. 6319-NS § 2 (part), 1996)

12.32.170 Violation--Penalty.

Any person violating any provision or failing to comply with any of the requirements of this chapter shall be deemed guilty of an infraction as set forth in Chapter 1.20 of this code. (Ord. 6319-NS § 2 (part), 1996)

12.32.180 Putrescible waste--Procedure for management--Vermin infestation control--Prima facie presumption of violation.

A. Any person possessing any premises wherein putrescible waste is produced, handled, stored or allowed to accumulate shall manage such putrescible waste in such a manner as to preclude the breeding of flies or other vermin therein.

B. No person in control of putrescible waste shall knowingly allow or permit the same to serve as a breeding medium for flies or other vermin. Upon knowledge of such infestation, or after receiving written notice from the manager of environmental health, said person shall at once proceed and continue in good faith to destroy the flies, larvae or pupae thereof by poisoning, trapping, removal of the material to a disposal site which has been approved by the City, or by any other effective means.

C. In any prosecution charging violation of this chapter, a prima facie presumption of the violation of the provisions of this section shall exist upon proof by the chief of environmental health that an analysis of putrescible organic material controlled by any person charged shows that such material contains living larvae or pupae of domestic flies. (Ord. 6319-NS § 2 (part), 1996)

12.32.190 Collection and disposal--Private hauler requirements.

Waste which is not deposited in garbage containers or separate containers and collected by the City may be collected and disposed of by private haulers who have secured a business license as provided by Section 9.04.176 of this code. All vehicles used to transport rubbish shall be provided with equipment to prevent rubbish from blowing out of, falling from or otherwise escaping from such vehicle. Such rubbish haulers shall comply with all applicable rules and regulations established by the Public Works Department. (Ord. 6319-NS § 2 (part), 1996)

12.32.200 Collection and disposal--Rules and regulations--Public Works Department authority.

The Public Works Department, subject to the approval of the City Manager, shall have the power to establish rules and regulations consistent with the provisions of this title, governing the keeping, collection, removal and disposal of garbage, rubbish and waste, and the use by the public of the garbage, rubbish and waste dumps of the City. (Ord. 6319-NS § 2 (part), 1996)

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on October 27, 2026, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

03

ORDINANCE NO. 8,038-N.S.

EXPENDITURE LIMITATIONS; AMENDING BERKELEY MUNICIPAL CODE CHAPTER 7.18

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 7.18 is amended to read as follows:

Chapter 7.18

EXPENDITURE LIMITATIONS

Sections:

7.18.010 Expenditures pursuant to Charter Article XI, Sections 67 and 67.5.
7.18.020 Expenditures pursuant to Charter Article XI, Section 67.4--Emergencies.

7.18.010 Expenditures pursuant to Charter Article XI, Sections 67 and 67.5.

A. Except as otherwise provided in this Title, expenditures pursuant to Article XI, Sections 67 and 67.5 of the Charter of the City of Berkeley, for which the initial amount exceeds the amount of $100,000, inclusive of professional services, other services, supplies, equipment, or materials (excluding leases and real estate agreements),shall require Council approval and shall be procured through competitive solicitation except in the case of emergencies pursuant to Article XI, Section 67.4. The requirement specified in Article XI, Section 67 of the Charter to select the “lowest responsible bidder” only for supplies, equipment, or materials contracts remains. Professional services and other services contracts shall be based on demonstrated competence and qualifications for the types of services to be performed, at fair and reasonable prices to the City. This requirement for professional and other services contracts to be selected via competitive procurement applies to all Charter Officers. Pursuant to Article XVI Section 113, the City Attorney retains the authority to enter into contracts without Council approval after competitive procurement of professional services, other services, supplies, equipment or materials (excluding leases and real estate agreements). The City Attorney is authorized to promulgate regulations to implement this section with respect to City Attorney’s Office contracts. All departments, excluding the City Attorney’s Office, shall follow the City of Berkeley Purchasing Manual guidelines, Section 3, for extensions of contracts and re-bid all contracts under the timeframes specified. The City Attorney’s Office shall follow regulations specific to City Attorney’s Office contracts.

B. Expenditures for specific improvements (public projects), including play area improvements and equipment in public parks which exceed the amount of $200,000 shall require Council approval pursuant to Article XI, Section 67 of the Charter of the City of Berkeley.

C. Expenditures for Community Development Block Grant funded Community Facility Improvement Projects which exceed the amount of $200,000 shall require Council approval pursuant to Article XI, Section 67 of the Charter of the City of Berkeley.

D. Expenditures for the purchase of supplies, equipment, and materials which exceed the amount of $100,000 shall require Council approval.

E. Expenditures for the acquisition and renovation of small multifamily rental properties through the Small Sites Program shall not require Council approval, but shall be approved by the City Manager. Expenditures will comply with the Small Sites Program guidelines, adopted by Resolution.

7.18.020 Expenditures pursuant to Charter Article XI, Section 67.4--Emergencies.

A. Expenditures pursuant to Article XI, Section 67.4 of the Charter of the City which exceed the amount of $100,000 shall require Council approval; and expenditures for public construction projects and playground improvements and equipment which exceed the amount of $200,000 shall require Council approval.

B. Notwithstanding subsection A of this section, in the event of a declared emergency under Chapter 2.88, the expenditure limitation under Article XI, Section 67.4 of the Charter of the City shall be an amount not exceeding the amount appropriated by the Council in the most recent appropriation ordinance for the fund from which an expenditure is made and for the purpose authorized for such fund.

C. Whenever purchases are made pursuant to this section, the City Manager shall promptly inform the Council as to the nature and amount.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on October 27, 2026, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

04

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of September 1, 2026 (closed), September 14, 2026 (closed), September 15, 2026 (regular), and September 29, 2026 (special and regular) October 5, 2026 (closed), October 13 2026 (regular), October 19, 2026 (closed), and October 27, 2026 (regular).

CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900

Attachments:
1. September 1, 2026 – Special Closed City Council Meeting
2. September 14, 2026 – Special Closed City Council Meeting
3. September 15, 2026 – Regular City Council Meeting
4. September 29, 2026 – Special City Council Meeting
5. September 29, 2026 – Regular City Council Meeting
6. October 5, 2026 – Special Closed City Council Meeting
7. October 13, 2026 – Regular City Council Meeting
8. October 19, 2026 – Special Closed City Council Meeting
9. October 27, 2026 – Regular City Council Meeting

Attachment 1

MINUTES
BERKELEY CITY COUNCIL SPECIAL MEETING
TUESDAY, SEPTEMBER 1, 2026
4:00 P.M.

2180 MILVIA STREET, BERKELEY, CA 94704

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. 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: 165 991 2372**. 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 $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 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: 4:00 p.m.

Present: Blackaby, Humbert, Lunaparra, O'Keefe, Taplin, Ishii

Absent: Bartlett, Kesarwani, Tregub

Councilmember Tregub present at 4:04 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers.

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)**

    a. *Berkeley Homeless Union et al. v. City of Berkeley et al.*, Case No. 3:25-cv-01414-EMC (N.D. Cal.)

    Action: M/S/C (Humbert/Blackaby) to authorize the City Attorney to file an appeal in the matter of Berkeley Homeless Union, et al. v. City of Berkeley, et al., 4:25-cv-01414-EMC (N.D. Cal.), and engage in any necessary motion practice to preserve the City's rights.
    Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

2. **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9**

    a. Potential litigation challenging federal funding conditions.

    Action: M/S/C (Tregub/Humbert) to authorize the City Attorney to initiate litigation to protect the City's federal funding.
    Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

Item 1: The City Council met in closed session on September 1, 2026, and voted to authorize the City Attorney to file an appeal in the matter of Berkeley Homeless Union, et al. v. City of Berkeley, et al., 4:25-cv-01414-EMC (N.D. Cal.), and engage in any necessary motion practice to preserve the City's rights.

Item 2: The City Council met in closed session on September 1, 2026, and took action to authorize the City Attorney to initiate litigation to protect the City's federal funding. This action involves one case. Consistent with Government Code section 54957.1, the name of the case will be disclosed once the action is filed.

Adjournment

Action: M/S/C (Humbert/Tregub) to adjourn the meeting.
Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

Adjourned at 4:49 p.m.

I hereby certify that the foregoing is a true and correct record of the special closed meeting of September 1, 2026 as approved by the Berkeley City Council.

_____
Rose Thomsen, Deputy City Clerk

Attachment 2

BERKELEY CITY COUNCIL
CLOSED SESSION MINUTES

MONDAY, SEPTEMBER 14, 2026

4:30 P.M.

2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION – 1619 EDITH STREET, BERKELEY CA 94703

TELECONFERENCE LOCATION – 925 L STREET, SUITE 1404, SACRAMENTO, CA 95814

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. 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: 165 580 3364**. 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 $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 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: 4:33 p.m.

Present: Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Kesarwani, Bartlett

Public Comment - Limited to items on this agenda only - 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Govt. Code § 54956.9(d)(1).
   a. *Center for American Liberty v. City of Berkeley*, Alameda County Superior Court Case No. 26CV188025

      Action: No reportable action taken.

2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Govt. Code § 54956.9(d)(1).
   a. *Eslami v. City of Berkeley*, Alameda County Superior Court Case No. RG12628979

      Action: No reportable action taken.

3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Govt. Code § 54956.9(d)(1).
   a. *Pritchard v. City of Berkeley*, Alameda County Superior Court Case No. 25CV106910

      Action: No reportable action taken.

4. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Govt. Code § 54956.9(d)(1).
   a. *Valladares v. City of Berkeley*, Alameda County Superior Court Case No. 25CV126980

      Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action taken.

Adjournment

Action: M/S/C (Taplin/Humbert) to adjourn the meeting.
Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

Adjourned at 5:19 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on September 14, 2026.

_____
Mark Numainville, City Clerk

Attachment 3

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, September 15, 2026
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

ADENA ISHII, MAYOR

COUNCILMEMBERS:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

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Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

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.

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Preliminary Matters

Roll Call: 6:02 p.m.

Present: Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Kesarwani, Bartlett

Councilmember Kesarwani present at 6:03 p.m.

Councilmember Bartlett present at 6:11 p.m.

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters:

1. Pledge of Allegiance
2. Celebrating Berkeley's Entrepreneurial Spirit
3. Recognition of September 2026 as Hunger Action Month

City Manager Comments:

The City Manager provided an update of the status of the Harrison Street Encampment resolution.

City Auditor Comments:

The City Auditor provided an update on Item 14 regarding Workplace Relationship Policies.

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment by Employee Unions: 0 speakers.

Action: M/S/C (Blackaby/Tregub) to add an item to the agenda pursuant to Government Code Section 54954.2(b)(2) regarding Wildfire Resiliency Bills pending in the state legislature.
Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 34 speakers.

Action: M/S/C (Tregub/Blackaby) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.

Urgency Item: Wildfire Resiliency Bills – Request for Governor's Signature
From: Councilmember Blackaby (Author), Mayor Ishii (Co-Sponsor)
Recommendation: On behalf of the City Council, the Mayor will send letters to the Governor requesting his signature on eight (8) high-impact wildfire resiliency bills that passed the California Legislature and are awaiting his signature.
Financial Implications: See report
Contact: Brent Blackaby, Councilmember, District 6, 510-981-7160
Action: Councilmembers O'Keefe and Humbert added as co-sponsors. Approved recommendation.

1. **Grant Application: California Strategic Growth Council, Community Resilience Center (CRC) Planning Grant for Civic Center**
   From: City Manager
   Recommendation: Adopt a Resolution authorizing the City Manager or their designee to: 1. Submit a grant application under the California Strategic Growth Council's Community Resilience Centers (CRC) Program for a Planning Grant for an amount up to $500,000 for planning activities to prepare the two historic buildings in Berkeley's Civic Center, the Maudelle Shirek Building ("MSB" or "Old City Hall") and the Veterans Memorial Building ("VMB") for future structural upgrades including capital improvements and seismic retrofits; 2. Subject to award, accept the grant, execute any resultant revenue agreements and amendments, accept any additional funding allocations from the CRC Program and designate the City Manager or their designee as the applicant's authorized agent.
   Financial Implications: See report
   Contact: Eleanor Hollander, Economic Development, (510) 981-7530
   Action: Adopted Resolution No. 72,419–N.S.

Consent Calendar

2. Contract: Downtown Berkeley Association for Addison Street Catenary Lighting
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to: 1. Enter into a sole source contract and any amendments with the Downtown Berkeley Association (DBA) for the City to provide $150,000 to the DBA for actual incurred costs associated with the Addison Street Catenary Lighting project to support Downtown revitalization and placemaking in the Downtown Addison Street Arts District, and 2. Advance the city's approval to utilize city property as part of this effort (namely the connection/anchor points for the support guide wires for the lighting on the Addison Street side of the Center Street Garage building located at 2025 Center St).
Financial Implications: See report.
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 72,420–N.S.

3. Loan Administration Board Dissolution; Repealing BMC Chapter 3.72
From: City Manager
Recommendation:
1. Adopt a Resolution authorizing the City Manager or their designee to assume direct administrative and operational oversight of the Revolving Loan Fund (RLF) program and the RLF Administrative Plan, upon dissolution of the Loan Administration Board (LAB); and
2. Adopt first reading of an ordinance repealing Berkeley Municipal Code Chapter 3.72. Loan Administration Board enabling legislation, thereby dissolving the Loan Administration Board.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted Resolution No. 72,421–N.S. Adopted first reading of Ordinance No. 8,032-N.S. Second reading scheduled for September 29, 2026.

4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 15, 2026
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: $25,822,884 - Various Funds
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

5. Contract No. 32200227 Amendment: Fire Aside for Wildfire Resilience Software
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32200227 with Fire Aside, LLC for defensible space inspection and community chipper management software increasing the amount by $150,000 for an amended total amount not to exceed $410,000 and maintaining the same term which ends on May 17, 2028.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 72,422–N.S.

6. Purchase Orders for Bauer Compressors Inc. for Firefighting Supplies, Equipment, Service and Maintenance
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, or their designee to execute annual purchase orders using a piggyback contract and any amendments with Bauer Compressors Inc. using the National Purchasing Partners (NPP) contract No. PS26090 in an amount not to exceed $1,579,472 for Firefighting supplies, equipment and related service and maintenance from October 1, 2026 through March 4, 2030, with an option to extend one (1) year to March 4, 2031.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 72,423–N.S.

7. Purchase Orders: Stryker Sales for Gurneys, Stair Chairs, and Mechanical CPR Units
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to utilize Sourcewell Contract No. 041823 to issue piggyback purchase orders and any amendments to Stryker Sales LLC for the lease of ten gurneys, ten powered gurney fastener systems (power load system), and ten evacuation chairs (stair chair), and twelve cardiopulmonary resuscitation (CPR) units for Fire Department response vehicles from October 1, 2026 through January 1, 2033 in an amount not to exceed $1,591,355.
Financial Implications: $1,591,355 - Various Funds
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 72,424–N.S.

Consent Calendar

8. Contract No.32300207 Amendment: Easy Does It for Accessible Wheelchair Van Services for Seniors & the Disabled
From: City Manager
Recommendation: Adopt a Resolution rescinding Resolution No. 72,259-N.S and authorizing the City Manager, or designee, to amend Contract No. 32300207 with Easy Does It increasing the amount by $57,000 for the period of July 1, 2026, through June 30, 2027, for a total contract amount not to exceed $307,000. These services support accessible wheelchair van services to customers of the Aging Services Division's Berkeley Rides for Seniors & the Disabled program.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Adopted Resolution No. 72,425–N.S.

9. Revenue Contract: MARU for Aging Services - Information and Assistance Fiscal Years 2027 - 2030
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to accept grant funding and execute any resultant revenue agreements and amendments with MARU (formally known as Korean Community Center of the East Bay), an East Bay non-profit organization. This funding will support Information and Assistance Services for Berkeley seniors from Fiscal Year 2027 through Fiscal Year 2030 (FY 2027 - FY 2030) in the projected annual amount of $169,347.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Adopted Resolution No. 72,426–N.S.

10. Revenue Contracts: Aging Services - Nutrition Programs Fiscal Years 2027 - 2030
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager or designee to receive grant funding and execute any resultant revenue agreements and amendments with Alameda County to provide congregate and home-delivered meals for seniors for Fiscal Year 2027 through Fiscal Year 2030 (FY2027-FY2030):
a. Congregate Meals in a projected annual amount of $696,800; and
b. Home Delivered Meals in a projected annual amount of $860,515.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,427–N.S. (Congregate Meals), and Resolution No. 72,428–N.S. (Home Delivered Meals).

Consent Calendar

11. Shattuck Senior Homes Loan Modification Request
From: City Manager
Recommendation: Adopt a Resolution approving the following actions to modify two existing Housing Trust Fund (HTF) loans for Shattuck Senior Homes, located at 2425 Shattuck Avenue, by: 1. Combining the outstanding principal balances of the two existing loans into one new City loan in the amount of $970,603 plus accrued interest. 2. Reducing the interest rate from 6% to 3% simple interest. 3. Extending the loan maturity date by 55 years to September 1, 2082. 4. Waiving the HTF Guidelines requirement to restrict 20% of units at 30% Area Median Income (AMI) and maintaining affordability requirements at 50% and 60% AMI. 5. Extending the Regulatory Agreement so that it is coterminous with the new loan maturity date of September 1, 2082. 6. Authorizing the City Manager or designee to execute all original or amended documents or agreements to effectuate these actions, including amendments to the existing loan agreements.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Adopted Resolution No. 72,429–N.S.

12. Grant Application: Safe Routes to Transit and Bay Trail Program (SR2TBT)
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to submit a grant application to the Metropolitan Transportation Commission's Regional Measure 3 Safe Routes to Transit and Bay Trail Program (SR2TBT) for up to $25,000,000 for construction of portions of the landside elements of the Berkeley Water Transportation Pier-Ferry Project.
Financial Implications: $25,000,000 (Revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,430–N.S.

13. Supporting a Neighborhood Decarbonization Pilot Project in Berkeley
From: Environment and Climate Commission
Recommendation: The Berkeley Environment and Climate Commission recommends that the City Council adopt the attached resolution Supporting a Neighborhood Decarbonization Pilot Project in the City of Berkeley, which would: -Express the City's formal support for a neighborhood decarbonization pilot in Berkeley under Senate Bill 1221 (2024), with the goal of modeling equitable whole-home electrification for a neighborhood zone; and -Commit the City to being an active partner in pilot implementation, asking the City Manager to designate at least one staff member to participate in regular coordination meetings and support collaboration across relevant City departments; and -Affirm the City's intent to work collaboratively with PG&E, community organizations, Community Choice Aggregators, public health advocates, workforce development partners, and regional agencies to advance a pilot and help secure resources for its success.
Financial Implications: See report
Contact: Sarah Moore, Commission Secretary, (510) 981-7400
Action: Adopted Resolution No. 72,431–N.S.

Consent Calendar

14. Whistleblower Program Special Report: Evaluation of Workplace Relationship Policies
From: Auditor
Recommendation: We recommend that City Council receive this report and direct the City Manager to implement Recommendations 1 and 2 consistent with Management's Response. We further recommend that City Council refer Recommendation 3 to the Agenda and Rules Committee for consideration of whether to pursue adoption of nepotism and cronyism provisions in the Berkeley Municipal Code.
Financial Implications: See report
Contact: Jenny Wong, Auditor, (510) 981-6750
Action: Approved recommendation.

Council Consent Items

15. District 1 Support for the Gilman District Merchants Association to Promote Longterm Sustainability and Area Improvements: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Kesarwani (Author)
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed $65,000 from the FY 2026-27 office budget of District 1 Councilmember Rashi Kesarwani to provide a one-time capacity building grant to support the Gilman District Merchants Association (GDMA) to promote economic development, district-wide improvements and long-term sustainability of the Gilman District Street Fair (GDSF).
Distribution of funds should be approved by the Gilman District Coordinating Committee, the representative advisory board established to comply with the fiscal agent, the Berkeley Chamber of Commerce. Use of funds should prioritize: -Salary/stipend for part-time director of the GDMA; Stipends for key volunteers for the Gilman District Street Fair; -Business Administration for the GDMA outside of salaries including: -Publicity, promotion, membership building and website maintenance for the GDMA; -Event planning and execution of GDMA networking and social gatherings; -Public Safety Enhancement Grants to local businesses.
Financial Implications: $65,000
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Councilmember Taplin added as a co-sponsor. Adopted Resolution No. 72,432–N.S.

Council Consent Items

16. Referral for an Information Report Assessing all Housing Related Impact, Development and Local Parcel Tax Fees to Provide Guidance and Better Understand the True and Total Costs of Developing Housing of All Types in the City of Berkeley
From: Councilmember Kesarwani (Author)
Recommendation: Referral to the City Manager to direct Planning staff to prepare a comprehensive housing fee study to be presented to Council as an information report that would:
1. Collect Fee and Parcel Tax Data from Berkeley and other cities to create a housing production comparison matrix. Information should include a summary of categories, amounts, and bases for calculating impact fees, other development fees, and parcel taxes in all cities in the matrix; and
2. Calculate local fee and parcel tax costs for housing development prototypes. Information should include the total fee burden applicable to several multifamily housing prototypes (examples could include fourplex/town homes; 10 unit small multifamily; 8-story midrise; 18-story high-rise) and estimate each selected jurisdiction's approximate applicable amount of impact fee, other development fee, and parcel taxes for the respective prototypes.
Financial Implications: Staff time
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Councilmembers Humbert and Lunaparra added as co-sponsors. Approved recommendation.

17. Zoning Ordinance Modification for Manufacturing Research and Development (M-RD) District
From: Councilmember Kesarwani (Author)
Recommendation: Referral to the City Manager and Planning Commission to amend Berkeley Municipal Code (BMC) Chapter 23.206.020 to allow for a reduced level of discretion for Vehicle Repair and Service in the Manufacturing Research and Development (M-RD) District.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110
Action: Approved recommendation.

Council Consent Items

18. Resolution in Support of AB 1761 (Rogers) — Electricity: Calculation Methodology: Data Disclosure
From: Councilmember Tregub (Author)
Recommendation: Adopt a resolution in strong support of Assembly Bill (AB) 1761 (Rogers), which would improve transparency in the calculation of the Power Charge Indifference Adjustment (PCIA) and other nonbypassable charges, and distribute copies to Governor Gavin Newsom; Senate President pro Tempore Monique Limón, Senate Utilities, Energy, and Communications Committee Chair Benjamin Allen and Senator Jesse Arreguín; Assembly Speaker Robert Rivas, Assembly Utilities and Energy Committee Chair Cottie Petrie-Norris and Assemblymembers Chris Rogers and Buffy Wicks; and Senator Steven Bradford, Chair of the Senate Energy, Utilities and Communications Committee to support its passage.
Financial Implications: Staff time
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 72,433–N.S.

19. Resolution in opposition to the handling, storage, and transport of coal and petroleum coke in the San Francisco Bay Region, urging stringent regulation of such facilities by the Bay Area Air District, and in support of Assembly Bill (AB) 40
From: Councilmember Tregub (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Mayor Ishii (Co-Sponsor)
Recommendation: Adopt a resolution opposing the handling, storage, and transport of coal and petroleum coke in the San Francisco Bay Region, urging stringent regulation of such facilities by the Bay Area Air District, and in support of Assembly Bill (AB) 40.
Financial Implications: Staff time
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 72,434–N.S. as revised in Supplemental Communications Packet #1 by Councilmember Tregub.

Council Consent Items

20. Referral to the City Manager: RENAISSANCE (Revitalizing Enterprise and Neighborhoods through Activation, Investment, Safety, Streamlining, Accessibility, Networking, Collaboration, and Equity) – Part 2: Commercial Vacancy Blight Prevention and Mitigation
From: Councilmember Tregub (Author), Councilmember O'Keefe (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)
Recommendation: Commercial Vacancy Blight Prevention and Mitigation
Refer to the City Manager and City Attorney the development of an integrated strategy to prevent and reduce unmitigated ground-floor retail vacancies and blight, increase activation, and support the vitality and resilience of local businesses and other community-serving uses in Berkeley's Commercial Districts.
Recommendations include but are not limited to developing regulations around the following solutions:
1. Subdivision of Larger Storefronts.
Develop policies that encourage the conversion or subdivision of larger storefront commercial spaces to allow for more diverse business and community uses.
2. Flexible Mixed-Use Occupancy.
a. Review Berkeley's existing zoning regulations for live/work, maker, creative, and related uses to identify regulatory barriers to the flexible use of underutilized commercial storefronts and modify the Zoning Ordinance and establish or update performance standards where necessary to address such barriers.
b. Explore performance standards to ensure that live/work, maker, and other creative uses help activate and enhance the vibrancy of the adjacent neighborhood.
3. Financial Assurances Tied to Property Maintenance and Site Conditions.
To the extent permissible under state law, develop regulations requiring, as a condition of applicable development permits, performance bonds or other financial assurances sufficient to ensure appropriate property maintenance and site conditions if an approved development project is substantially delayed, suspended, or abandoned.
4. Cold Shell Prevention.
a. Explore a regulatory framework to prevent premature deactivation of tenant-ready commercial spaces (commonly referred to as "cold shelling") in buildings planned for demolition by considering indicators of project readiness, which could include demonstrated financial capacity, evidence that a portion of project funding is secured, and other relevant factors are considered.
b. Require a permit for the removal or decommissioning of utility hook-ups as part of building safety and habitability standards, to prevent practices that create and perpetuate prolonged vacancy and disinvestment.
5. Warm Shell Development.
Establish requirements and/or incentives to ensure that ground floor retail spaces in new developments are delivered with basic utility connections (commonly referred to as "warm shells"), including utility and electricity hookups, when those services are available and have been connected to the rest of the building.
6. Shared Commercial Facilities.
Explore and, where feasible, facilitate the creation of customer-accessible shared restroom facilities serving multiple ground-floor commercial spaces or buildings,

Council Consent Items

including through zoning allowances, coordinated development standards, and incentives. These should emphasize cost-neutral or revenue-supporting implementation approaches, such as integration into private development projects, public-private partnerships, or maintenance models funded by participating property owners, while ensuring compliance with applicable building, accessibility, and public health requirements.

7. Demonstration of Utility-Related Delays.

Where delays in utility approvals or service connections are cited, require developers to provide reasonable documentation from utility providers demonstrating that such delays are outside of the developer's direct control. Explore opportunities for improved coordination with utility providers and City processes to help mitigate such delays and support the timely delivery of usable ground floor commercial space.

8. Utility Equipment Undergrounding.

Develop regulations requiring large new residential and commercial mixed-use developments to locate transformers and other large utility equipment below grade, to the extent feasible and consistent with applicable utility requirements.

Financial Implications: See report

Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Action: Approved recommendation.

Action Calendar – Old Business

21a. Resolution Reinstating the Berkeley Police Department's Ability to Use Tear Gas for Critical Life-Threatening Incidents Only and Lifting the COVID-19 Moratorium on Smoke and Oleoresin Capsicum (OC) Spray *(Continued from July 14, 2026) (Item Contains Supplemental Material) (Reviewed by the Public Safety Policy Committee)*

From: Councilmember Kesarwani (Author)

Recommendation: Adopt a Resolution amending the Berkeley City Council's June 9, 2020 direction regarding smoke, OC spray, and tear gas to allow the Berkeley Police Department (BPD) Special Response Team (SRT) to use tear gas under circumstances in which there is a significant risk of injury or death, maintain the prohibition on the use of tear gas solely for crowd control, and lift the temporary moratorium on the use of smoke and OC spray.

Policy Committee Recommendation: To send the item with a Qualified Positive recommendation to Council that includes:

1. Making the resolution text explicit regarding permissible uses and policy limitations (particularly defining "critical incident" and excluding crowd control use),

2. Clarifying and attaching relevant use policies for public transparency, and

3. Developing an appropriate after-action reporting framework aligned with existing reporting and Transparency Hub practices.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: 63 speakers. M/S/Failed (Humbert/Taplin) to extend the meeting to 12:00 a.m.

Vote: Ayes – Kesarwani, Taplin, O'Keefe, Blackaby, Humbert; Noes – Bartlett, Tregub, Lunaparra, Ishii.

Action: M/S/Carried (Kesarwani/Humbert) to call a special meeting on September 29, 2026 at 4:00 p.m. to hear Items 21a and 21b.

Vote: Ayes – Kesarwani, Taplin, Bartlett, O'Keefe, Blackaby, Humbert, Ishii; Noes – Tregub, Lunaparra.

Action Calendar – Old Business

21b. Social Justice Implications of Proposed Use of Controlled Weapons and Other Policing Tools *(Continued from July 14, 2026)*
From: Peace and Justice Commission
Recommendation: Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools:
1. Retain the existing 2020 bans on chemical weapons (CS and OC), and the 1982 bans on police dogs and helicopters.
2. Retain the 1997 requirement for public reporting of each use of pepper spray.
3. Request the City Manager to engage an academic institution such as UC Berkeley, UCSF, or Stanford to study the health impacts of tear gas and other chemical weapons and canine support, potential short-term and long-term impacts on vulnerable populations and possible alternatives to the use of chemical weapons that provide officer safety, suspect safety, and safety to the general public.
Financial Implications: None
Contact: Tasha Tervalon, Commission Secretary, (510) 981-7000
Action: See action on Item 21a.

Public Comment – Items Not Listed on the Agenda – 0 speakers.

Adjournment

Action: M/S/C (Lunaparra/Taplin) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 10:56 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of September 15, 2026 as approved by the Berkeley City Council.

_____
Mark Numainville, City Clerk

Communications

Earthquake Prevention
1. John J. Parman

Mural
2. Gael Alcock

Red Curb Installation
3. Lindsay Schachinger
4. Sarah Siefke-Cottle

Green Waste Bin
5. Genevieve Nonet
6. Brent Blackaby

Housing/Housing Concerns
7. Riti Dhesi
8. Vicki Sommer
9. David Lerman
10. Maxwell Davis on behalf of the Sierra Club
11. Patrick Kennedy (2)
12. Russbumper

UA Theater
13. Laura Linden
14. Melanie Lawrence and John Smail

Parking
15. Heather Siglin on behalf of the North Shattuck Association
16. Alvin Ludwig
17. Lisa M. Asta

Noise Concerns
18. Hani Haris
19. Lucia Hammond

Speed Limit Concerns
20. Anne Whyte
21. Scott Sacherer

Sidewalk Concern
22. Laura

Flags at Half Mast Concern
23. Deirdre Duhan

Proclamation Enquiry
24. Dhruv Pandrangi

Flock Concerns
25. Jose Vilar
26. Summer Brenner (2)
27. James Northrup
28. Camille Snyder
29. Margot Smith (2)
30. Janice Schroeder
31. Jack Kurzweil

32. Nancy Bartell
33. Jeanie Dooha
34. Glenn Turner
35. Sam Holtzman
36. Karen Dabrusin
37. Russbumper (2)

ADA Concerns
38. Steven Schuyler (4)

Harrison Street
39. Jennifer Kamenetz
40. Eric Friedman
41. Cecelia Mautner
42. Russbumper
43. Alan Mond (2)

Tenant Concern
44. Alex Merenkov

Taxi Scrip
45. Leonard Talmy

Middle East Conflict
46. Aaron Balbo

Music History Plaque
47. Eddie Jones

Safety Concerns
48. Charles Van Tassel
49. Patricia Bruning
50. Lauren Parsons
51. David Lerman

Animal Shelter Concern
52. Francesca Agrusa

1820 University Ave
53. Avi Nevo

Zone 0 Regulations
54. Zohra Kalinkowitz

1130 Oxford Street
55. Claire Kahane

56. Marc Bernstein
57. Gloria Frym
58. Dennis Fantin
59. Derek Abbassi
60. Jessica Samuels

AAHRC
61. Eric Friedman

Traffic Safety Concern
62. Joe Clucas
63. Kenny Yu (2)

Municipal Submission
64. Nadelyn Zoe King (2)

Citation Concern
65. Chase Lenzley

Request for Policy Review
66. Concerned Resident

UC Berkeley Concerns
67. Steven Schuyler

EBMUD
68. Eduardo Teixeira

Raise a Glass to Berkeley
69. Jeffrey Church

Supporting Elderly Citizens
70. Dawn Howard

Encampments
71. David Lerman (2)

Natural Grass Soccer Field Concerns
72. Ted Steen

Lighting Nuisance
73. YMCA Concerned Resident

Senior Housing
74. Doanld Anderson

PG&E Transformers

75. Patrick Kennedy

2025 ARDA
76. Jennifer Cogley

Public Safety
77. Jason Martens

Parade Invitation
78. Allen Cain

Berkeley Adult School
79. Jessica Hahn

Proclamation Request
80. Katharine Bierce

Francisco Street
81. David Lerman

Invitation
82. Mohamad Rawoas

Parking at Berkeley Marina
83. Solange Gould

Coal Facilities
84. Jack Kurzweil

Crosswalk Concerns
85. Bruce Brody

Police Dogs
86. Direct Action Everywhere

Dumping Concerns
87. Eli Kehler (5)

BAMM
88. Sheila Kolenc

FY 2027-2031 Paving Plan
89. Tony Benado

Summer Achievers Camp Concerns
90. Nicoletta Karam

Rental Units
91. Kim Ambrocio

Officer Commendations
92. Office of the Director of Police Accountability

2700 Shattuck Ave Appeal
93. Alisha Pember

City Concerns
94. Michai Freeman

Public Comment
95. Stephen Alpert (3)

Sanitation and Safety Concerns
96. Brett Cooper

Community Input Concern
97. Jane White

Willard Park Restroom
98. Kyle Miller

North Berkeley Library
99. Phoebe Thomas

Pause PAB Appointment
100. Eric Friedman
PAVEN
101. Chris Ward Kline

Transportation Program
102. Eric Liddle

Mobile Crisis Team
103. Gabriella Raymond (2)

Sign Repair and Replace
104. Lily Liang

Resorcery Org
105. Jenne King

Youth Mental Health Resource

106. Isabella

Mental Health Response Concern
107. Boona Cheema

Street Rehabilitation
108. Mary Lee Noonan

Underdevelopment Concern
109. Ben Buettner

Nighttime Corridor
110. Tony Smith

Proposed Lien and Hearing Rights
111. Willie Phillips (3)

BMR Rent Clarifications
112. Alex Merenkov (2)

Demolition and Construction Notice
113. Erik Knaresboro and Guide Vito

BORP Anniversary
114. DP Neyhart

S.A.F.E. Initiative
115. La Monte T. Bannister III

2012 Channing Way
116. Grace Smith
117. Tim Donnelly
118. Travis Bell

Berkeley Bank Concern
119. Geoffrey Lomax

Streetlights
120. Chrissy Hoffman

Invitation
121. Tatiana Hughes

ICE Concerns
122. Margot Smith

HTT Office Coverage
123. Mandy Clafin

John Craner's Retirement Party
124. The Downtown Berkeley Association

Newsletters
125. Glomax
126. Margot Smith

Zoning/Upzoning
127. Barbara Anscher
128. Linda Gallaher-Brown
129. 22 Similarly worded form letters

Hopkins
130. Howard Goldberg
131. Willard Bohn
132. Margot Murtaugh
133. Lisa Brenneis
134. Dorothy Gordon
135. Sally Carson
136. Nancie Kester
137. Rob Kirby
138. Phyllis Oyama (3)
139. Barbara Llewellyn
140. Gary Croner
141. Tamara Birdsall (2)
142. Chris Edmunds
143. Keri Ferencz and James Levine
144. Susan Bogas
145. Tony Kaes
146. Mary Ajideh
147. Wendy Hoben
148. Marguerite Lee
149. Virginia Kamp (2)
150. Alan Schoenfeld (2)
151. Hilary Near
152. Eric Taylor
153. Colin Elbasani
154. Jeremiah Maller
155. Ann Rawley (2)
156. Melanie Lawrence and John Smail
157. Mike Olson
158. Abe Hardin
159. Mark Witriol

160. David White
161. Cady Masterman
162. Shaun O'Sullivan
163. Gail Greenwood
164. John and Diane Rice
165. Emilie Strauss
166. John Waters

199 Seawall Letter and Summary
167. Terry Ayyad (2)

E-Scooters
168. Laurie McWhorter
169. Oren (2)
170. Antonio Vargas (3)
171. Joey T
172. Aaron Dickinson (2)
173. Anosh Dumasia (3)
174. Carson Lepre (10)
175. Robert Borghese (22)

Forwards/URLs
176. Russbumper (24)
177. Eid Abdallah (28)

Supplemental Communications and Reports 1

Item #19: Resolution in opposition to the handling, storage, and transport of coal and petroleum coke in the San Francisco Bay Region, urging stringent regulation of such facilities by the Bay Area Air District, and in support of Assembly Bill (AB) 40
178. Revised agenda material submitted by Councilmember Igor Tregub

Item #21a: Resolution Reinstating the Berkeley Police Department's Ability to Use Tear Gas for Critical Life-Threatening Incidents Only and Lifting the COVID-19 Moratorium on Smoke and Oleoresin Capsicum (OC) Spray *(Continued from July 14, 2026) (Item Contains Supplemental Material) (Reviewed by the Public Safety Policy Committee)*
179. Supplemental agenda material submitted by the Office of the Director of Police Accountability
180. Revised agenda material submitted by Councilmember Brent Blackaby
181. Police Accountability Board

Supplemental Communications and Reports 2

Item #19: Resolution in opposition to the handling, storage, and transport of coal and petroleum coke in the San Francisco Bay Region, urging stringent regulation of such facilities by the Bay Area Air District, and in support of Assembly Bill (AB) 40
182. Diana Bohn

Item #21a: Resolution Reinstating the Berkeley Police Department's Ability to Use Tear Gas for Critical Life-Threatening Incidents Only and Lifting the COVID-19 Moratorium on Smoke and Oleoresin Capsicum (OC) Spray *(Continued from July 14, 2026) (Item Contains Supplemental Material) (Reviewed by the Public Safety Policy Committee)*

183. Elana Auerbach
184. Elizabeth Ferguson
185. Jamie Greenwood
186. Sally Nelson

Supplemental Communications and Reports 3

Urgency Item: Wildfire Resiliency Bills – Request for Governor's Signature

187. Submitted by Councilmember Brent Blackaby

Item #12: Grant Application: Safe Routes to Transit and Bay Trail Program (SR2TBT)

188. Allison Granzella

Item #15: District 1 Support for the Gilman District Merchants Association to Promote Longterm Sustainability and Area Improvements: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

189. Jules Kobelin
190. Bobbi Fabian
191. Julie McCray (2)

Item #19: Resolution in opposition to the handling, storage, and transport of coal and petroleum coke in the San Francisco Bay Region, urging stringent regulation of such facilities by the Bay Area Air District, and in support of Assembly Bill (AB) 40

192. Phil Catalfo and Michelle Lerager

Item #20: Referral to the City Manager: RENAISSANCE (Revitalizing Enterprise and Neighborhoods through Activation, Investment, Safety, Streamlining, Accessibility, Networking, Collaboration, and Equity) – Part 2: Commercial Vacancy Blight Prevention and Mitigation

193. Beth Roessner

Item #21a: Resolution Reinstating the Berkeley Police Department's Ability to Use Tear Gas for Critical Life-Threatening Incidents Only and Lifting the COVID-19 Moratorium on Smoke and Oleoresin Capsicum (OC) Spray *(Continued from July 14, 2026) (Item Contains Supplemental Material) (Reviewed by the Public Safety Policy Committee)*

194. Maxwell DeFanti
195. Kelly Hammargren
196. Janice Schroeder

Item #19: Resolution in opposition to the handling, storage, and transport of coal and petroleum coke in the San Francisco Bay Region, urging stringent regulation

of such facilities by the Bay Area Air District, and in support of Assembly Bill (AB) 40

Item #21a: Resolution Reinstating the Berkeley Police Department's Ability to Use Tear Gas for Critical Life-Threatening Incidents Only and Lifting the COVID-19 Moratorium on Smoke and Oleoresin Capsicum (OC) Spray ***(Continued from July 14, 2026) (Item Contains Supplemental Material) (Reviewed by the Public Safety Policy Committee)***

Item #21b: Social Justice Implications of Proposed Use of Controlled Weapons and Other Policing Tools ***(Continued from July 14, 2026)***
197. Janice Schroeder

MINUTES
SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, September 29, 2026
4:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. 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: 165 269 0912**. 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.*

Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

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 $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 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: 4:09 p.m.

Present: Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Taplin, Bartlett

Councilmember Taplin present at 4:20 p.m.

Councilmember Bartlett present at 4:33 p.m.

Councilmember Humbert participated in the meeting remotely under the "just cause" exception in the Brown Act due to illness.

Action Calendar – Old Business

1a. Resolution Reinstating the Berkeley Police Department's Ability to Use Tear Gas for Critical Life-Threatening Incidents Only and Lifting the COVID-19 Moratorium on Smoke and Oleoresin Capsicum (OC) Spray *(Continued from September 15, 2026) (Item Contains Revised and Supplemental Material) (Reviewed by the Public Safety Policy Committee)*

From: Councilmember Kesarwani (Author)

Recommendation: Adopt a Resolution amending the Berkeley City Council's June 9, 2020 direction regarding smoke, OC spray, and tear gas to allow the Berkeley Police Department (BPD) Special Response Team (SRT) to use tear gas under circumstances in which there is a significant risk of injury or death, maintain the prohibition on the use of tear gas solely for crowd control, and lift the temporary moratorium on the use of smoke and OC spray.

Policy Committee Recommendation: To send the item with a Qualified Positive recommendation to Council that includes:

1. Making the resolution text explicit regarding permissible uses and policy limitations (particularly defining "critical incident" and excluding crowd control use),

2. Clarifying and attaching relevant use policies for public transparency, and

3. Developing an appropriate after-action reporting framework aligned with existing reporting and Transparency Hub practices.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: 39 speakers. M/S/Failed (Kesarwani/Blackaby) to adopt a Resolution as revised in the September 15, 2026 material submitted by Councilmember Blackaby and included in the agenda item, and further revised to add a resolved clause to read as follows:

> *BE IT FURTHER RESOLVED that upon the posting of any public summary required under Policy 428 Section 428.14(c) or California Penal Code Section 13652.1, the Berkeley Police Department shall notify the City Manager who shall provide that information to the City Council and to the Police Accountability Board within 10 days of such a notice.*

Vote: Ayes – Kesarwani, O'Keefe, Blackaby, Humbert; Noes – Taplin, Bartlett, Tregub, Lunaparra, Ishii; Abstain – None; Absent – None.

Action Calendar – Old Business

1b. Social Justice Implications of Proposed Use of Controlled Weapons and Other Policing Tools *(Continued from September 15, 2026)*
From: Peace and Justice Commission
Recommendation: Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools:
1. Retain the existing 2020 bans on chemical weapons (CS and OC), and the 1982 bans on police dogs and helicopters.
2. Retain the 1997 requirement for public reporting of each use of pepper spray.
3. Request the City Manager to engage an academic institution such as UC Berkeley, UCSF, or Stanford to study the health impacts of tear gas and other chemical weapons and canine support, potential short-term and long-term impacts on vulnerable populations and possible alternatives to the use of chemical weapons that provide officer safety, suspect safety, and safety to the general public.
Financial Implications: None
Contact: Tasha Tervalon, Commission Secretary, (510) 981-7000
Action: M/S/C (Lunaparra/Taplin) to take no action on Item 1b.
Vote: All Ayes.

Adjournment

Action: M/S/C (Taplin/Tregub) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 5:26 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of September 29, 2026 as approved by the Berkeley City Council.

_____
Rose Thomsen, Deputy City Clerk

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1a: Resolution Reinstating the Berkeley Police Department's Ability to Use Tear Gas for Critical Life-Threatening Incidents Only and Lifting the COVID-19 Moratorium on Smoke and Oleoresin Capsicum (OC) Spray *(Continued from September 15, 2026) (Item Contains Revised and Supplemental Material) (Reviewed by the Public Safety Policy Committee)*

1. Kelly Hammargren

Supplemental Communications and Reports 3

Item #1a: Resolution Reinstating the Berkeley Police Department's Ability to Use Tear Gas for Critical Life-Threatening Incidents Only and Lifting the COVID-19 Moratorium on Smoke and Oleoresin Capsicum (OC) Spray ***(Continued from September 15, 2026) (Item Contains Revised and Supplemental Material) (Reviewed by the Public Safety Policy Committee)***

2. Janice Schroeder
3. John J. Parman
4. Ryan Justice-Williams

Attachment 5

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, September 29, 2026
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

ADENA ISHII, MAYOR

COUNCILMEMBERS:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. 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: 165 269 0912**. 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.*

Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

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 $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 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: 6:05 p.m.

Present: Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: None

Councilmember Humbert participated in the meeting remotely under the "just cause" exception in the Brown Act due to illness.

Councilmember Lunaparra exited the meeting location at 9:44 p.m. and participated in the remainder of the meeting remotely under the "just cause" exception in the Brown Act due to illness.

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: Ceremonial Matters:

1. Recognition of John Caner, CEO of the Downtown Berkeley Association, on the occasion of his retirement
2. Adjourned in memory of Gene Nakamura, Berkeley Unified School District Educator and Coach
3. Recognition of Julie Sinai, Assistant to Mayor Ishii, on the occasion of her retirement

City Manager Comments:

The City Manager removed Item 21 regarding a contract for the 1947 Center Street Window Replacement Project from the agenda.

City Auditor Comments:

The City Auditor provided an update on Item 37 regarding the Restaurant Inspections and Item 38 regarding the Comprehensive Domestic Violence Policy to Support City Employees.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Tregub/Blackaby) to accept two urgency items from Mayor Ishii pursuant to Government Code Section 54954.2(b)(2) entitled:
1. Resolution in Support of Prop 1, The Veterans and Affordable Housing Bond Act of 2026
2. Resolution to Oppose Proposition 43, Limits Voter's Ability to Raise Revenues for Local Government Services
Vote: All Ayes.

Required Verbal Disclosure:
Pursuant to state law the Council is verbally disclosing the action on public agency executive salaries – the Council will vote to adopt a Resolution confirming the appointment of Mary Opler as Director of Police Accountability and approving an employment agreement effective October 5, 2026, at an annual salary of $230,000.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 22 speakers.

Action: M/S/C (Taplin/Tregub) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.

Consent Calendar

Urgency Item: Resolution in Support of Prop 1, The Veterans and Affordable Housing Bond Act of 2026
From: Mayor Adena Ishii (Author), Councilmember Lunaparra (Co-Sponsor), Councilmember Blackaby (Co-Sponsor), Councilmember Tregub (Co-Sponsor)
Recommendation: The Berkeley City Council adopt a resolution supporting The Veterans and Affordable Housing Bond Act of 2026, which authorizes $11.25 billion in state general obligation bonds to fund several housing affordability programs.
Financial Implications: None.
Contact: Adena Ishii, Mayor, (510) 981-7100
Action: Adopted Resolution No. 72,435–N.S.

Urgency Item: Resolution to Oppose Proposition 43, Limits Voter's Ability to Raise Revenues for Local Government Services
From: Mayor Adena Ishii (Author), Councilmember Lunaparra (Co-Sponsor), Councilmember Blackaby (Co-Sponsor), Councilmember Tregub (Co-Sponsor)
Recommendation: Berkeley City Council adopt a resolution opposing Proposition 43, a constitutional amendment on the November 2026 statewide ballot to limit voter's ability to raise revenues for local government services.
Financial Implications: None.
Contact: Adena Ishii, Mayor, (510) 981-7100
Action: Adopted Resolution No. 72,436–N.S.

Recess Items

1. **Increase Spending Authority to Create Purchase Orders Against Contract No. 31900270: Dell Computers, Inc. for Continued Hardware, Software, and Related Services**
   From: City Manager
   Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to increase spending authority for purchase orders to Contract No. 31900270 with Dell Computers, Inc. for the purchase of hardware, software, and related services utilizing the County of Riverside Agreement 8084445, for an additional $2,900,000 for a total not-to-exceed amount of $11,097,733 for the period of November 1, 2019, through October 31, 2027.
   Financial Implications: See report
   Contact: Kevin Fong, Information Technology, (510) 981-6500
   Action: Adopted Resolution No. 72,437–N.S.

2. **Contract No. 32600016 Amendment: Team Ghilotti South Cove West Lot Repaving Project**
   From: City Manager
   Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during the City Council recess authorizing the City Manager to execute an amendment to Contract No. 32600016 with Team Ghilotti for the South Cove West Parking Lot Project, increasing the amount by $335,740 for an amended total amount not to exceed $2,220,381.
   Financial Implications: See report
   Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
   Action: Adopted Resolution No. 72,438–N.S.

3. **Increased Spending Authority: East Bay Regional Communications System Authority Project Operating Agreement (Contract No. 31900111) for Public Safety Radio Services**
   From: City Manager
   Recommendation: Adopt a Resolution ratifying the action taken by the City Manager to increase the spending authority with the East Bay Regional Communications System Authority for public safety radio communications services, increasing the amount by $2,600,000 for a total not to exceed of $6,819,482 and requiring Council reauthorization by December 31, 2031.
   Financial Implications: See report
   Contact: Jaime Parks, Public Works, (510) 981-6300
   Action: Adopted Resolution No. 72,439–N.S.

Consent Calendar

4. Loan Administration Board Dissolution; Repealing BMC Chapter 3.72
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 8,032-N.S. repealing Berkeley Municipal Code Chapter 3.72. Loan Administration Board enabling legislation, thereby dissolving the Loan Administration Board.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
Action: Adopted second reading of Ordinance No. 8,032–N.S.

5. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of July 6, 2026 (closed), July 7, 2026 (regular), July 14, 2026 (special and regular), July 20, 2026 (closed), July 24, 2026 (closed), and July 28, 2026 (regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 29, 2026
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: $17,585,000 - Various Funds
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

7. Adopt Resolution Approving Publicly Available Pay Schedule
From: City Manager
Recommendation: Adopt a Resolution approving a publicly available pay schedule effective September 15, 2026, pursuant to the Public Employee's Retirement Law (PERL), Public Employees' Pension Reform Act of 2013 (PEPRA), and Title 2 of the California Code of Regulations (CCR).
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 72,440–N.S.

Consent Calendar

8. Appointment of Director of Police Accountability
From: City Manager
Recommendation: Adopt a Resolution approving the appointment of Mary Opler as Director of Police Accountability and approving an employment agreement effective October 5, 2026, at an annual salary of $230,000.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 72,441–N.S.

9. Contract: Agile Occupational Medicine for Occupational Health Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Agile Occupational Medicine for Employee Occupational Health Services for the period of January 1, 2027 through June 30, 2030 for a total not to exceed of $150,000.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 72,442–N.S.

10. Contract No. 32100138 Amendment: AnchorCM for On-call Waterfront Project and Construction Management Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32100138 for AnchorCM, for on-call Waterfront project and construction management services, increasing the contract amount by $1,000,000 for a total Not-to-exceed amount of $3,000,000 and duration by twelve months, from December 31, 2026 to December 31, 2027.
Financial Implications: $3,000,000 - Various Funds
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,443–N.S.

11. Contract No. 32400043 Amendment: Elavon, Inc. for Online Credit Card Processing Services for Recreation Programs and Facilities
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to contract 32400043 with Elavon, Inc. for online credit card processing services for Recreation programs and facilities by $125,000 for a new not-to-exceed amount of $485,000.
Financial Implications: $485,000 - Various Funds
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,444–N.S.

Consent Calendar

12. Donation: Memorial Bench at the Berkeley Waterfront in Memory of Mike Parker
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at the Berkeley Waterfront in memory of Mike Parker.
Financial Implications: $3,400 - Donation
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,445–N.S.

13. Amendment to BMC Chapter 2.99 to Establish Surveillance Technology Vendor Accountability Requirements and to Revise the Annual Surveillance Technology Reporting Schedule
From: City Manager
Recommendation: Adopt the first reading of an Ordinance amending Berkeley Municipal Code Chapter 2.99 to require enforceable violation, sanction, and termination provisions in agreements with surveillance technology vendors; to change the annual Surveillance Technology Report to a calendar-year reporting period due to the City Council at the first regular meeting in March, beginning with a report in March 2027 covering October 1, 2025 through December 31, 2026; and to conform references to the Police Accountability Board.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted first reading of Ordinance No. 8,033–N.S. revised to amend Section 4 of the ordinance to read as follows:

2.99.070 Oversight Following City Council Approval.
The City Manager must submit to the Council Action Calendar a written Surveillance Technology Report, covering all of the City's Surveillance Technologies, annually at the first regular Council meeting in March. Each Surveillance Technology Report shall cover the preceding calendar year, January 1 through December 31.
The first March Surveillance Technology Report submitted following the effective date of the ordinance amending this Section shall be submitted at the first regular Council meeting in March 2028 and shall cover the period from October 1, 2026 through December 31, 2027, so that no period is omitted from annual reporting as a result of the transition to a calendar-year reporting period.
After review of the Surveillance Technology Report, Council may make modifications to Surveillance Use Policies.

Second reading scheduled for October 13, 2026.

Consent Calendar

14. Contract No. 31900143 Resolution Amendment: Passport Labs Incorporated for Parking Citation and Permit Management System (CPMS)
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 72,068-N.S., to clarify the total contract authority required to execute and operationalize the contract with Passport Labs Inc. for a Parking Citation and Permit Management System. The amendment reflects a total contract authority of $9.3 million for the initial three-year term, from September 1, 2026 through August 31, 2029, with the option to extend the contract for two additional one-year periods, provided that the final extension shall end no later than August 31, 2031.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 72,446–N.S.

15. Contract No. 32400003 Amendment: Cooke & Associates Background Investigations
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Cooke & Associates, a background investigation services provider for public safety personnel, to increase the contract amount by $350,000 to a total contract of $930,000 expiring on July 31, 2028.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 72,447–N.S.

16. Grant: Fiscal Year 2027 Alcohol Policing Partnership (APP) Grant
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, to execute a grant contract and any subsequent amendments with the Alcoholic Beverage Control (ABC) in the amount of $97,330 for fiscal year 2027.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 72,448–N.S.

17. Revenue Grant: Cannabis Tax Fund Grant Program (CTFGP) Acceptance
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, or their designee, to accept the Cannabis Tax Fund Grant Program (CTFGP) and execute any resultant revenue agreements and amendments with the California Highway Patrol. The total grant amount is $90,629.70 for the period of July 1, 2026, through June 30, 2027.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 72,449–N.S.

Consent Calendar

18. Alameda County Transportation Commission Comprehensive Investment Program 2028 and One Bay Area Grant 4 Applications
From: City Manager
Recommendation: Adopt Resolutions of local support for Alameda County Transportation Commission Comprehensive Investment Program (CIP) 2028 and One Bay Area Grant (OBAG) 4 grant applications submitted on July 27, 2026, for the Sacramento Crossings Improvement Project and the North and West Berkeley Safe Routes to Schools Project; accept the funds; and execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,450–N.S. (Local Support), Resolution No. 72,451–N.S. (Sacramento Crossings), Resolution No. 72,452–N.S. (Safe Routes to Schools).

19. Contract No. 32600193 Amendment: Bay Construction Co. for Transfer Station Aboveground Storage Tank Specification No. 25-11733-C
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32600193 with Bay Construction Co. for the Transfer Station Aboveground Storage Tank Project, increasing the contract amount by $110,964.00 for a revised total amount not to exceed $765,600.00, for the contract term beginning June 23, 2026, through December 30, 2026.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,453–N.S.

20. Contract: IDAX Traffic Data, LLC for On-call Traffic Survey Consulting Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with IDAX Traffic Data, LLC, for on-call traffic survey consulting services for an initial three-year period in the amount not to exceed $240,000, with an option of up to two, one-year extensions.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,454–N.S.

Consent Calendar

21. Contract: One Workplace Construction LLC dba Vantis for 1947 Center St. Window Replacement Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specification for 1947 Center St. Window Replacement Project (Specification No. 26-11762-C); and 2. Accepting the bid of One Workplace Construction LLC dba Vantis as the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or change orders until the Project is completed in accordance with the approved plans and specifications for an amount Not To Exceed (NTE) $1,764,620.00, including a contingency of $294,100.00, for the term of November 1, 2026, to September 31, 2031.
Financial Implications: $1,764,600.00 - Various Funds
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Item 21 removed from the agenda by the City Manager.

22. Contract: Shaw Integrated and Turf solutions, Inc., for Civic Center Building, Fourth Floor @ IT Department Carpet Replacement Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Accepting the California Multiple Award Schedule (CMAS) bid procedures; 2. Approving the CMAS Contract with Shaw Integrated and Turf Solutions, Inc. for Carpet Replacements at the Civic Center Building; and, 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the terms and conditions of the agreements with Shaw Integrated and Turf Solutions, Inc. in an amount not to exceed $90,542, which includes a contingency of $11,810.
Financial Implications: $90,542 - Capital Improvement Fund
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,455–N.S.

23. Expenditure Contract: AMCS GROUP, INC. for Online Refuse Payment Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with AMCS GROUP, Inc. for AMCS Pay, which provides online refuse payment services, in an amount not to exceed $500,000 for the term of October 1, 2026, to October 1, 2031.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,456–N.S.

Consent Calendar

24. Grant Acceptance: Alameda CTC TFCA Adeline Quick Build
From: City Manager
Recommendation: Adopt a Resolution accepting $1,000,000 of Transportation Fund for Clean Air (TFCA) funds from the Alameda County Transportation Commission (CTC) for the Adeline Quick Build Project and execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,457–N.S.

25. Purchase Order: Braun Northwest, Inc. for One 2027 Ford F-450 North Star Ambulance Body Remount to a New Chassis
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Braun Northwest, Inc. for one 2027 Ford F-450 North Star ambulance remount to a new chassis in an amount not to exceed $260,000.
Financial Implications: $260,000 - Public Works Department Equipment Fund
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,458–N.S.

Council Consent Items

26. Referral to the City Manager to Develop An Updated Cross Departmental Program Plan and Strategic Asset Management Plan Per the Realize Vision 2050 Plan to Address the City's Long-term Infrastructure Needs and Maintenance Schedule and Provide Semi-Annual Progress Reports to City Council
From: Mayor Ishii (Author), Councilmember Taplin (Co-Sponsor), Councilmember Tregub (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor)
Recommendation: Refer to the City Manager to develop an updated cross-departmental Program Plan and Strategic Asset Management Plan as set forth in the Realize Vision 2050 Plan to address the City's long-term infrastructure needs and maintenance schedule, and provide semi-annual progress reports to City Council.
Financial Implications: See report
Contact: Adena Ishii, Mayor, (510) 981-7100
Action: Approved recommendation.

Council Consent Items

27. Cal Sailing Club's Final 2026 Open House: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds
From: Councilmember Taplin (Author), Mayor Ishii (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $1,000 per Councilmember, including $1,000 from Councilmember Taplin, to support Cal Sailing Club's Final 2026 Open House in October.
Financial Implications: Councilmember's Discretionary Funds - $1,000
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Councilmember Tregub added as a co-sponsor. Adopted Resolution No. 72,459–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Blackaby - $100; Councilmember Tregub - $100; Councilmember Humbert - $250; Councilmember O'Keefe - $100; Councilmember Kesarwani - $100; Councilmember Bartlett - $200; Councilmember Lunaparra - $500.

28. Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to Support the Restoration of "Sinbad Voyage"
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution approving an expenditure of an amount not to exceed $1,000 per Councilmember from the D13 Discretionary Accounts of members of the Berkeley City Council, including contributions of $500 from Councilmember Igor Tregub, $250 from Councilmember Terry Taplin, $100 from Mayor Ishii, and $100 from Councilmember Ben Bartlett, and inviting all Councilmembers to contribute to support the restoration of Mokhtar Paki's "Sinbad Voyage" mural.
Financial Implications: Councilmembers' Discretionary Funds - $1,000
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 72,460–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Blackaby - $100; Councilmember Humbert - $1,000; Councilmember O'Keefe - $500; Councilmember Kesarwani - $100; Councilmember Bartlett - $200; Councilmember Lunaparra - $500.

29. Honoring Childhood Cancer Awareness Month
From: Councilmember Blackaby (Author), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution honoring September as childhood cancer awareness month.
Financial Implications: None
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 72,461–N.S.

Council Consent Items

30. United Against Hate Week 2026 Resolution
From: Councilmember Blackaby (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Mayor Ishii (Co-Sponsor)
Recommendation: Adopt a Resolution declaring October 18 – 24 as United Against Hate Week in Berkeley**.**
Financial Implications: None
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160
Action: Adopted Resolution No. 72,462–N.S.

31. Music in the Elmwood Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Humbert (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $14,000 per Councilmember including $14,000 from Councilmember Humbert to the Elmwood Business Association for the Music in the Elmwood Festival in the years 2027 and 2028, with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Councilmember Humbert and any other Councilmembers who would like to contribute.
Financial Implications: Councilmember's Discretionary Funds - $14,000
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180
Action: Correction to reflect that the item is from Councilmember Humbert (Author). Mayor Ishii added as a co-sponsor. Adopted Resolution No. 72,463–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Blackaby - $100; Councilmember Tregub - $100; Councilmember O'Keefe - $100; Councilmember Kesarwani - $100; Councilmember Bartlett - $200.

32. Reaffirmation of the Sister City Relationship Between the City of Berkeley and the City of Palma Soriano, Cuba
From: Councilmember Humbert (Author), Councilmember Blackaby (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Mayor Ishii (Co-Sponsor)
Recommendation: Adopt a Resolution reaffirming the long-standing Sister City relationship between the City of Berkeley and the City of Palma Soriano, Cuba, and reauthorizing the Berkeley–Palma Soriano Sister City Committee to resume work on clean water, environmental, cultural, and educational projects in partnership with the Palma Soriano community, at no direct or indirect cost to the City of Berkeley.
Financial Implications: None
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180
Action: Adopted Resolution No. 72,464–N.S.

Action Calendar – Public Hearings

33. California Municipal Finance Authority Bond Financing for Ashby Lofts Project
From: City Manager
Recommendation: Conduct the public hearing on September 29, 2026, under the requirements of Tax and Equity Fiscal Responsibility Act ("TEFRA") and the Internal Revenue Code of 1986, as amended (the "Code"), and upon conclusion:
Adopt a Resolution approving the issuance of the Bonds by the California Municipal Finance Authority ("CMFA") for the benefit of Ashby Lofts LP, a California limited partnership (the "Borrower"), to provide for the financing of Ashby Lofts (the "Project"). The adoption is intended to solely satisfy the requirements of TEFRA, the Code and the California Government Code Section 6500 (and following).
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

Public Testimony: The Mayor opened the public hearing. 2 speakers.
M/S/C (Taplin/Blackaby) to close the public hearing.
Vote: All Ayes.

Action: M/S/C (Bartlett/Tregub) to adopt Resolution No. 72,465–N.S.
Vote: All Ayes.

34. Adoption of San Pablo Avenue Specific Plan
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion:
1. Adopt a Resolution: a. Considering an Addendum to the 2023-2031 Housing Element Update Environmental Impact Report (EIR) together with the previously certified EIR and finding that none of the conditions described in CEQA Guidelines Section 15162 requiring preparation of a subsequent or supplemental EIR have occurred; b. Adopting the San Pablo Avenue Specific Plan and San Pablo Avenue Specific Plan Design Standards Document; c. Approving and adopting General Plan and University Avenue Strategic Plan map and text amendments to redesignate certain parcels and update certain land use designations to be consistent with the San Pablo Avenue Specific Plan; and d. Rescinding the West Berkeley Plan and San Pablo Avenue Public Improvements Plan; and
2. Adopt the first reading of an Ordinance to amend the Berkeley Municipal Code to create the San Pablo Commercial District (Chapter 23.202.160) and additional conforming amendments to other sections of the Municipal Code.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 53 speakers.
M/S/C (Taplin/Kesarwani) to close the public hearing.
Vote: All Ayes.

Action: M/S/C (Blackaby/Kesarwani) to suspend the rules and extend the Council meeting to 11:30 p.m.
Vote: All Ayes.

Action Calendar – Public Hearings

Action: M/S/Failed (Blackaby/O'Keefe) to:
1. Adopt a Resolution as revised in Supplemental Communications Packet #1 by the City Manager.
2. Adopt the first reading of an Ordinance as revised in the Supplemental Communications Packet #1 by the City Manager and further revised as follows:

- In Section 9 of the ordinance, amend Table 23.204-45: C-SP Development Standards to amend the Main Building Height Maximum to 55 ft. and 4 stories for non-residential project land use and 55 ft. and 5 stories for residential only or mixed-use project land use.
- Add a Minimum Density Standard of 100 Dwellings Units Per Acre (dua) and amend all references to 145 dua in the Supplemental packet to 100 dua.
- In Section 9 of the ordinance, amend the language in 23.204.160(D)(3)(c); related to Prohibited Uses on the Ground Floor to change "Prohibited Uses" to "Residential Uses."
- In Section 16 of the ordinance, amend 23.206.080(B)(6) to read as follows:
  6. Affordable and Family Housing Opportunity Areas. To increase affordable housing production and expand the supply of family-sized units, the MU-LI district shall include an Affordable and Family Housing Opportunity Area as shown in Figure 23.206-1. Multi-unit and mixed-use residential uses shall be allowed within the Affordable and Family Housing Opportunity Area with a UP(PH), provided that the development project either:
  a) Offers 100 percent of the residential units, excluding any manager's unit, at a rent that is affordable to households earning no more than 120 percent of the Area Median Income (AMI) with at least 50 percent earning no more than 80 percent AMI; or
  b) Provides at least 35 percent of the residential units as either two- or three-bedroom units.

3. Refer to the City Manager consideration of the application, within the context of the San Pablo Area Specific Plan, San Pablo Avenue Specific Plan Design Standards Document, and/or any associated documents, as applicable, of commercial anti-displacement provisions being considered as part of the Commercial Zoning Update and provisions of the RENAISSANCE 1 and RENAISSANCE 2 referrals previously adopted by the Berkeley City Council.
These could include, but not be limited to, the evaluation of a business license tax waiver for businesses displaced by developmental projects; establishment of marketing and promotional programs to boost activity to impacted businesses, facilitated by the Office of Economic Development and community partners; facilitation of meetings between construction project managers and impacted nearby businesses to identify potential accommodations; creation of development standards that include the warm-shelling of new commercial spaces; and identification of additional mitigation measures or policy changes/waivers to support business continuity and relocation.
Vote: Ayes – O'Keefe, Blackaby; Noes – Kesarwani, Taplin, Bartlett, Tregub, Lunaparra, Humbert, Ishii; Abstain – None; Absent – None.

Action Calendar – Public Hearings

Action: M/S/Carried (Kesarwani/Taplin) to:
1. Adopt Resolution No. 72,466–N.S. as revised in Supplemental Communications Packet #1 by the City Manager.
2. Adopt the first reading of Ordinance No. 8,034–N.S. as revised in the Supplemental Communications Packet #1 by the City Manager and further revised as follows:

- In Section 9 of the ordinance, amend Table 23.204-45: C-SP Development Standards to amend the Main Building Height Maximum to 75 ft. and 5 stories for non-residential project land use.
- Add a Minimum Density Standard of 100 Dwellings Units Per Acre (dua) and amend all references to 145 dua in the Supplemental packet to 100 dua.
- In Section 9 of the ordinance amend the language in 23.204.160(D)(3)(c); related to Prohibited Uses on the Ground Floor to change "Prohibited Uses" to "Residential Uses."
- In Section 16 of the ordinance, amend 23.206.080(B)(6) to read as follows:
  6. Affordable and Family Housing Opportunity Areas. To increase affordable housing production and expand the supply of family-sized units, the MU-LI district shall include an Affordable and Family Housing Opportunity Area as shown in Figure 23.206-1. Multi-unit and mixed-use residential uses shall be allowed within the Affordable and Family Housing Opportunity Area with a UP(PH), provided that the development project either:
  a) Offers 100 percent of the residential units, excluding any manager's unit, at a rent that is affordable to households earning no more than 120 percent of the Area Median Income (AMI) with at least 50 percent earning no more than 80 percent AMI; or
  b) Provides at least 35 percent of the residential units as either two- or three-bedroom units.

Second reading scheduled for October 13, 2026.
3. Refer to the City Manager consideration of the application, within the context of the San Pablo Area Specific Plan, San Pablo Avenue Specific Plan Design Standards Document, and/or any associated documents, as applicable, of commercial anti-displacement provisions being considered as part of the Commercial Zoning Update and provisions of the RENAISSANCE 1 and RENAISSANCE 2 referrals previously adopted by the Berkeley City Council.
These could include, but not be limited to, the evaluation of a business license tax waiver for businesses displaced by developmental projects; establishment of marketing and promotional programs to boost activity to impacted businesses, facilitated by the Office of Economic Development and community partners; facilitation of meetings between construction project managers and impacted nearby businesses to identify potential accommodations; creation of development standards that include the warm-shelling of new commercial spaces; and identification of additional mitigation measures or policy changes/waivers to support business continuity and relocation.
Vote: All Ayes.

Action Calendar – New Business

35. Affordable Housing Preference Policy: Pilot Assessment and Policy Update
From: City Manager
Recommendation: Adopt a Resolution rescinding Resolution No. 70,960-N.S. to revise and update the Affordable Housing Preference Policy for new residential housing units created via the Housing Trust Fund (HTF) and Below Market-Rate (BMR) programs.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: M/S/C (Taplin/Barlett) to continue the item to the October 13, 2026 City Council meeting.
Vote: All Ayes.

36. Surveillance Technology Ordinance Submission for Mutual Aid Air Support, Pursuant to Council Action of July 14, 2026
From: City Manager
Recommendation: Adopt a Resolution to accept the Surveillance Acquisition Report and approve the Surveillance Use Policy (BPD Policy 1308) for Mutual Aid Air Support, pursuant to Berkeley Municipal Code (B.M.C.) Chapter 2.99.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Moved to Consent Calendar. Adopted Resolution No. 72,467–N.S. and directed the City Manager to insert the Surveillance Technology Ordinance language regarding audits into the Surveillance Use Policy (BPD Policy 1308) for Mutual Aid Air Support.

Information Reports

37. Restaurant Inspection Audit Status Report
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Received and filed.

38. Update: HR Response: Audit Recommendations for Comprehensive Domestic Violence Policy to Support City Employees
From: City Manager:
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
Action: Received and filed.

39. Response to City Council's Motion Regarding Refinements to the Telegraph Multimodal Corridor Project Design Approved at the October 28, 2025 Meeting of the Berkeley City Council
From: City Manager
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Received and filed.

Information Reports

40. Planning Commission Fiscal Year 2026-27 Work Plan
From: Planning Commission
Contact: Alisa Shen, Commission Secretary, (510) 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 4 speakers.

Adjournment

Action: M/S/C (Taplin/Kesarwani) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 11:15 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of September 29, 2026 as approved by the Berkeley City Council.

_____
Rose Thomsen, Deputy City Clerk

Communications

9th and Camelia/4th and Camelia
1. Jimena Jimenez
2. Rebecca Ramirez
3. Chia Zau
4. Michele Turnerhill
5. Crystal Turnerhill-Dawkins (3)
6. Lisa Brown (2)
7. Jorge Lopez
8. Nikhila Pai (2)
9. Stephanie Chang (2)
10. Josh Jacobs
11. Or Dobrin
12. Louis Basel
13. Daniel Isaacson
14. Jacob Couture (3)
15. CC Miksza (2)
16. Kevin Hughes
17. Gunnar Madsen
18. Kendra Hypolite
19. Fitzann Reid
20. Leah Cabugos-Mendez
21. Lauren Kaneko-Jones
22. Tatiana Davis

23. Michelle Wolfson (2)
24. Oliver Davis
25. Paul Gundelfinger
26. Tong Li
27. Araxi Gundelfinger
28. Robyn Papathakis Shannon
29. Daniel Gerber
30. Maddie Goldman-Rogers

Encampments
31. Adelaide Jenkins
32. Meryl Siegal
33. Barbara Fisher

1820 University Ave
34. Nathaniel Goldstein

Berkeley Tax Measures
35. Bob Brewer

Ashby BART
36. Mickey Butts
37. Elaine Magree

Safety Lights for Berkeley Crew
38. Matthew Smith

Request
39. Diana Bohn

Discarded Bicycles
40. Sas Colby

Gravel Parking Systems at Spinnaker Way
41. Todd Jersey (2)

3050 College Ave
42. Kamal Azari

Class Cancellations and Refund Request
43. Alyssa Cauble May

Parking Meters
44. Jenny Josephian

Flock Concerns
45. Betsy Bigelow-Teller
46. Janice Schroeder (2)

47. Summer Brenner
48. Jacqui VanLiew

Updates from Berkeley Speaks
49. Boona Cheema

Cigarette-Filter Waste Concern
50. David Neese

2012 Channing Way
51. Tim Donnelly
52. Grace Smith

Berkeley Tuolumne Family Camp
53. Claire Patterson and Lamont Rodriguez
Smoke Advisory
54. Dorothea Dorenz

Hayden Act Concern
55. Francesca Agrusa

Berkeley Indigenous People's Day
56. John Curl

Meeting Request
57. Yasir Rizvi

Marina Ave Stop Sign and Safety
58. Kenny Yu

Aquatic Park Wetlands Letter
59. Susan Schwartz

Caltrans Truck Access Study Findings
60. The NoBigRiggs580 Committee

Insight Housing Concern
61. Jlucus916

Hopkins
62. Robert Kehlmann
63. Donna DeDiemar

Ceremonial Matters Request
64. Leslie Maxie

South Cove Parking Fee
65. Paul Kamen

Marina Concerns
66. Rachel Bradley

College Ave and Derby St. Concerns
67. Eidit Choochage

Late Penalty Concern
68. Summerlea Kashar

Chancellor's Grant Listening Study
69. Nageene Mosaed

Coalition Next Steps
70. Carol Denney

Zoning/Upzoning
71. Warren and Lorna Byrne
72. Debra Busta Moore (2)
73. Olivia Grimes (2)

Urban Gardens
74. Steven Hesh

Documentary
75. Joel Ng

Dorothy Day House Concern
76. Blaire Wally

Comment Concern
77. Stephen Alpert

Proclamation Request
78. Arya Devanath

Infrastructure Bond
79. Judy Ziajka

URLs
80. Russbumper (3)
81. Sam Holtzman

E-Scooters
82. Robert Borghese (7)
83. Antonio Vargas
84. Deven Mitchell (2)

85. Carson Lepre (3)

Forwards
86. Eid Abdallah (12)
87. Russbumper (2)

Supplemental Communications and Reports 1

Item #26: Referral to the City Manager to Develop An Updated Cross Departmental Program Plan and Strategic Asset Management Plan Per the Realize Vision 2050 Plan to Address the City's Long-term Infrastructure Needs and Maintenance Schedule and Provide Semi-Annual Progress Reports to City Council
88. Ray Yep, Larry Henry, and Margo Schueler
89. Terry Taplin

Item #34: Adoption of San Pablo Avenue Specific Plan
90. Supplemental agenda material submitted by the Planning and Development Department
91. Virginia Browning
92. Meryl Siegal
93. Dietmar Lorenz
94. Cameron Woo
95. Ellen Franzen
96. Maggie Tenenbaum
97. Toni Mester
98. Todd Jersey
99. Phil Allen
100. Matt O'Brien
101. Douglas Smith
102. Donna DeDiemar
103. Bernard Marszalek
104. Berkeley Neighborhoods Council
105. Tammy Stellanova
106. Claudia Kawczynska
107. Anandamayi Arnold
108. Carol Franger
109. Daniel Ng
110. Robert Baldwin
111. Rob Wrenn
112. Aimee Baldwin

Item #36: Surveillance Technology Ordinance Submission for Mutual Aid Air Support, Pursuant to Council Action of July 14, 2026
113. Supplemental agenda material submitted by the Police Accountability Board
114. Office of the Director of Police Accountability

Supplemental Communications and Reports 2

Item #13: Amendment to BMC Chapter 2.99 to Establish Surveillance Technology Vendor Accountability Requirements and to Revise the Annual Surveillance Technology Reporting Schedule

115. Sam Holtzman
116. Kat Vidt
117. Olive Demar
118. Karina Epperlein
119. Summer Brenner
120. Peter Deibler
121. Kelly Hammargren
122. Kate Rassbach
123. 64 Similarly worded form letters

Item #23: Expenditure Contract: AMCS GROUP, INC. for Online Refuse Payment Services

124. Surako Butler

Item #26: Referral to the City Manager to Develop An Updated Cross Departmental Program Plan and Strategic Asset Management Plan Per the Realize Vision 2050 Plan to Address the City's Long-term Infrastructure Needs and Maintenance Schedule and Provide Semi-Annual Progress Reports to City Council

125. Ray Yep
126. Build a Better Berkeley

Item #34: Adoption of San Pablo Avenue Specific Plan

127. Charlene M. Woodcock
128. Toni Mester
129. John J. Parman
130. Molly Miller
131. Carol Denney
132. Julie Flynn
133. Pablo Diaz-Gutierrez
134. Sarah Bell
135. Noah Brod
136. Clifford Fred
137. Anandamayi Arnold
138. Rachel Bradley
139. Nancy Rader
140. Robert Prinz
141. Mark Petrofsky
142. Sarah Bell on behalf of the Housing Action Coalition, East Bay Yimby, and Berkeley Neighbors for Housing and Climate Action
143. Michael Apte
144. Moni Gangopadhyay
145. Heike Helmer
146. Kelly Hammargren
147. 89 Similarly worded form letters

Supplemental Communications and Reports 3

Urgency Item: Resolution in Support of Prop 1, The Veterans and Affordable Housing Bond Act of 2026

148. Submitted by Mayor Adena Ishii

Urgency Item: Resolution to Oppose Proposition 43, Limits Voter's Ability to Raise Revenues for Local Government Services

149. Submitted by Mayor Adena Ishii

Consent Calendar

Item #13: Amendment to BMC Chapter 2.99 to Establish Surveillance Technology Vendor Accountability Requirements and to Revise the Annual Surveillance Technology Reporting Schedule

150. Andrew McDiarmid
151. 9 Similarly worded form letters

Item #16: Grant: Fiscal Year 2027 Alcohol Policing Partnership (APP) Grant

152. Taj Herzer-Baptiste

Action Calendar

Item #34: Adoption of San Pablo Avenue Specific Plan

153. Presentation submitted by the Planning and Development Department
154. Aimee Baldwin
155. Toni Mester
156. Camden Stein
157. Elana Auerbach
158. Meryl Siegal
159. Michael Safyan
160. John J. Parman
161. Bruce H. Feingold
162. Libby Lee-Egan
163. 6 Similarly worded form letters

Item #35: Affordable Housing Preference Policy: Pilot Assessment and Policy Update

164. Sophia DeWitt

Miscellaneous

165. Berkeley Behavioral Health Commission

Attachment 6

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

MONDAY, OCTOBER 5, 2026

3:00 P.M.

2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION – 1619 EDITH STREET, BERKELEY CA 94703

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. 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: 165 144 4518**. 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 $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 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: 3:05 p.m.

Present: O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Kesarwani, Taplin, Bartlett, Tregub

Councilmember Tregub present at 3:08 p.m.

Councilmember Taplin present at 3:12 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)**

    a. WCAB Matter –# ADJ16325968; ADJ16325945

    Action: M/S/C (Humbert/Blackaby) to settle both claims via a global Compromise and Release at a maximum of $325,000.00 less permanent disability advances.
    Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Government Code section 54956.9(d)(1):

    a. *San Francisco Baykeeper, Inc. v. City of Berkeley and Community Conservation Centers, Inc*., United States District Court, Northern District of California, Case No. 3:26-cv-02057 (filed March 10, 2026).

    Action: No action taken.

3. **CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6**

    Negotiators: Paul Buddenhagen, City Manager, David White, Deputy City Manager, Maricar Dupaya Budget Manager, Janelle Rodrigues, Human Resources Director, Monica Walker, Human Resources Manager; David Coleman, Employee Relations Manager

    Employee Organizations: Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Chief Fire Officers Association Local 1227 I.A.F.F., Berkeley Fire EMS Professionals Association, Berkeley Police Association; SEIU 1021 Community Services and Part-Time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, IBEW Local 1245, Public Employee Union Local 1, Unrepresented Employees

    Action: No action taken.

4. **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION - Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9.**

    a. Number of potential cases: one.

    Action: M/S/C (Tregub/Humbert) to authorize the City Attorney's Office to authorize the initiation of litigation.
    Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

5. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Govt. Code § 54956.9(d)(1).**

    a. De la Rosa v. City of Berkeley, Alameda County Superior Court Case No. 25CV120480

    Action: No reportable action taken.

6. **CONFERENCE WITH LEGAL COUNSEL—– EXISTING LITIGATION pursuant to Govt. Code § 54956.9(d)(1).**

    a. King County et al. v. Turner et al., 2:25-cv-00814-BJR (W.D. Wash.)

    Action: M/S/C (Humbert/Tregub) to take further action in King County et al. v. Turner et al., 2:25-cv-00814-BJR (W.D. Wash.).
    Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

Item 1: The City Council met in closed session on October 5, 2026, pursuant to Government Code section 54956.9(d), and approved settlement of a workers' compensation matter (Claim Nos. BER2100138 and BER2200086; WCAB Case Nos. ADJ16325968 and ADJ16325945) to be finalized through Stipulations with Request for Award followed by a Compromise and Release.

Item 4: The City Council met in closed session on October 5, 2026, pursuant to Government Code Section 54956.9(d) and voted to authorize the initiation of litigation. Consistent with Government Code section 54957.1(a)(2), the particulars shall be disclosed to any person upon inquiry, unless to do so would jeopardize the City's ability to effectuate service of process on one or more unserved parties, or jeopardize the City's ability to conclude existing settlement negotiations to its advantage.

Item 6: The City Council met in closed session on October 5, 2026, pursuant to Govt. Code § 54956.9(d)(1) and voted to take further action in King County et al. v. Turner et al., 2:25-cv-00814-BJR (W.D. Wash.).

Adjournment

Action: M/S/C (Taplin/Humbert) to adjourn the meeting.
Vote: Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

Adjourned at 4:30 p.m.

I hereby certify that the forgoing is a true and correct record of the City Council closed session meeting held on October 5, 2026.

_____
Mark Numainville, City Clerk

NOTICE CONCERNING YOUR LEGAL RIGHTS*: If you object to a decision by the City Council to approve or deny an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6 and Government Code Section 65009(c)(1)(E), no lawsuit challenging a City decision to deny or approve a Zoning Adjustments Board decision may be filed and served on the City 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 Zoning Adjustments Board decision, 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.*

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/.

COMMUNICATION ACCESS INFORMATION:
This meeting is being held in a wheelchair accessible location.
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

If you have obtained interpretation services for your use during a City Council meeting and would like to request assistance, please contact the City Clerk Department at (510) 981-6900, clerk@berkeleyca.gov, or in-person during the meeting.

Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at clerk@berkeleyca.gov.

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, October 13, 2026
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION – 2928 LINDEN AVENUE, BERKELEY, CA 94705

ADENA ISHII, MAYOR

COUNCILMEMBERS:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

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Preliminary Matters

Roll Call: 6:06 p.m.

Present: Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Bartlett

Councilmember Bartlett present at 6:13 p.m.

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters:

1. Recognition of Outgoing Director of Police Accountability Kathy Lee and Welcoming Remarks from Incoming Director Mary Opler
2. Presentation from BART Board Director Barnali Ghosh
3. Recognition of United Against Hate Week 2026
4. Recognition of Pregnancy and Infant Loss Awareness Month 2026

City Manager Comments: None

City Auditor Comments:

The City Auditor noted the significant progress on the recommendations in the Homeless Response Team Audit Update.

Public Comment on Non-Agenda Matters: 10 speakers.

Public Comment by Employee Unions: 0 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 20 speakers.

Action: M/S/C (Taplin/Kesarwani) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.

1. Amendment to BMC Chapter 2.99 to Establish Surveillance Technology Vendor Accountability Requirements and to Revise the Annual Surveillance Technology Reporting Schedule
From: City Manager
Recommendation: Adopt the second reading of Ordinance No. 8,033-N.S. amending Berkeley Municipal Code Chapter 2.99 to require enforceable violation, sanction, and termination provisions in agreements with surveillance technology vendors; to change the annual Surveillance Technology Report to a calendar-year reporting period due to the City Council at the first regular meeting in March, beginning with a report in March 2028 covering October 1, 2026 through December 31, 2027; and to conform references to the Police Accountability Board.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted second reading of Ordinance No. 8,033–N.S.

2. Adoption of San Pablo Avenue Specific Plan
From: City Manager
Recommendation: Adopt the second reading of Ordinance No. 8,034-N.S. to amend the Berkeley Municipal Code to create the San Pablo Commercial District (Chapter 23.202.160) and additional conforming amendments to other sections of the Municipal Code.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Adopted second reading of Ordinance No. 8,034–N.S.

3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 13, 2026
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Measure BB Paratransit Fund - $2,240,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

Consent Calendar

4. Contract No. 31900009 Amendment: Building Opportunities for Self-Sufficiency for McKinley House – 2111 McKinley Avenue, Berkeley, CA 94703
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 31900009 with Building Opportunities for Self-Sufficiency (BOSS) for property management services at 2111 McKinley Avenue in Berkeley, updating the funding source designation from the Mental Health Services Act (MHSA) to the Behavioral Health Services Act (BHSA) and increasing the contract allocation by $104,474 to a total amount not to exceed $1,015,607.
Financial Implications: Behavioral Health Services Act Fund - $104,474
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Adopted Resolution No. 72,468–N.S.

5. Cost-Neutral Berkeley Chief Fire Officers Association (BCFOA) Medical Expense Reimbursement Plan (MERP) Side Letter Agreement
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute the Side Letter Agreement between the City of Berkeley and the Berkeley Chief Fire Officers Association (BCFOA) concerning the disposition of eligible unused sick leave conversion value for employees hired before June 30, 2014, and to authorize immediate implementation of the agreement pending Council ratification.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 72,469–N.S.

6. Contract No. 31900122-1 Amendment: Rolling Orange, Inc. Website Maintenance and Support
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900122-1 with Rolling Orange, Inc. for additional website maintenance and support for an amount not-to-exceed $115,000 over two years, and a total contract value not-to-exceed $909,300 from March 1, 2019 to June 30, 2028. The City intends to conduct an RFP at the end of FY2027 to establish a new contract by July 1, 2028.
Financial Implications: IT Cost Allocation Fund - $115,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 72,470–N.S.

Consent Calendar

7. Contract No. 32000008 (11012) Amendment: Granicus, Inc. for Video Streaming Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000008 with Granicus, Inc., to continue providing live video streaming, on-demand archival video, podcasting, and web page subscription services, increasing the contract amount by $72,200 for a total not-to-exceed amount of $395,146 from July 1, 2017 to June 30, 2027.
Financial Implications: IT Cost Allocation Fund - $72,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 72,471–N.S.

8. Contract: Protiviti Government Services Inc ("Protiviti"): Using General Services Administration ("GSA") Vehicle for Professional Services Purchase Orders
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti for professional services using GSA purchasing vehicle no. GS35F-0280X for an amount not to exceed $425,000 through June 30, 2027
Financial Implications: IT Cost Allocation Fund - $425,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 72,472–N.S.

9. Contract No. 32600093 Amendment: Paymun Building and Development, Inc. for Berkeley Marina K-Dock Restroom Renovation Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32600093 with Paymun Building and Development, Inc. for the Berkeley Marina K-Dock Restroom Renovation Project, increasing the amount by $11,000 for an amended total amount not to exceed $451,000.
Financial Implications: Marina Fund - $11,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,473–N.S.

Council Consent Items

10. BORP Adaptive Sports and Recreation's 50th Anniversary Celebration: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds
From: Councilmember Taplin (Author), Mayor Ishii (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Tregub (Co-Sponsor)
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed $1,000 per councilmember, including $1,000 from Councilmember Terry Taplin, $100 from Mayor Adena Ishii, and $150 from Councilmember Igor Tregub, to support BORP Adaptive Sports and Recreation's 50th Anniversary Celebration.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Adopted Resolution No. 72,474–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Blackaby - $100; Councilmember Bartlett - $250; Councilmember Kesarwani - $100; Councilmember Humbert - $150; Councilmember O'Keefe - $100; Councilmember Lunaparra - $150.

11. Creations Berkeley - Creations Dance Group Road to Hollywood Nov 27th through Nov 30th 2026 / Hip Hop Hollywood Dance Tour - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $250 per Councilmember, including $250 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to Creations Berkeley Media & Performing Arts, Inc., to support Creations Dance Group participation in the 2026 Hip Hop Hollywood Dance Tour at Universal Studios Hollywood from November 27-30, 2026. The funds will be allocated to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Adopted Resolution No. 72,475–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Blackaby - $100; Councilmember Tregub - $150; Councilmember Kesarwani - $100; Councilmember Humbert - $100; Councilmember O'Keefe - $100; Councilmember Lunaparra - $150; Mayor Ishii - $100.

Council Consent Items

12. Resolution in Support of Proposition 4, the California Fair Elections Act of 2026, on the November 3, 2026, General Election Ballot
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a resolution in support of Proposition 4, the California Fair Elections Act of 2026, on the November 3, 2026, general election ballot, which would repeal the existing prohibition on public funding of candidate election campaigns and allow state and local governments to establish public campaign financing systems subject to specified requirements.
Financial Implications: Staff time
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 72,476–N.S.

Action Calendar – Public Hearings

13. Revisions to the Approved Environmental Health Fee Schedule
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution: 1. Approving revisions to the fee schedule for the Environmental Health Division (EHD) effective October 13, 2026, and, 2. Rescinding Resolution No. 72,308 N.S. effective October 13, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

Public Testimony: The Mayor opened the public hearing. 1 speaker.
M/S/C (Blackaby/Tregub) to close the public hearing.
Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.

Action: M/S/C (Blackaby/Lunaparra) to adopt Resolution No. 72,477–N.S. approving revisions to the fee schedule for the Environmental Health Division (EHD) effective October 13, 2026, and rescinding Resolution No. 72,308 N.S.
Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.

Action Calendar – Public Hearings

14. Amendments to Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to require undergrounding of electrical transformers on private land
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt the first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to prohibit the above-ground installation of electrical transformers serving new residential, commercial, and mixed-use projects grade on private property, consistent with the Planning Commission's recommendation.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 7 speakers.
M/S/C (Tregub/Lunaparra) to close the public hearing.
Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.

Action: M/S/C (Tregub/O'Keefe) to adopt the first reading of Ordinance No. 8,035–N.S. amending Berkeley Municipal Code (BMC) Section 23.304.100. Second reading scheduled for October 27, 2026.
Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.

Action Calendar – Old Business

15. Affordable Housing Preference Policy: Pilot Assessment and Policy Update
(Continued from September 29, 2026)
From: City Manager
Recommendation: Adopt a Resolution rescinding Resolution No. 70,960-N.S. to revise and update the Affordable Housing Preference Policy for new residential housing units created via the Housing Trust Fund (HTF) and Below Market-Rate (BMR) programs.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: 10 speakers. M/S/C (Lunaparra/Bartlett) to adopt Resolution No. 72,478–N.S. to revise and update the Affordable Housing Preference Policy.
Vote: All Ayes.

Action Calendar – New Business

16. Establish 2027 City Council Meeting Schedule
From: City Manager
Recommendation: Review the proposed modifications to the meeting schedule, including options for a shift in the timing of the summer recess, and adopt a Resolution establishing the City Council regular meeting schedule for calendar year 2027, with starting times of 6:00 p.m.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: 2 speakers. M/S/C (Humbert/O'Keefe) to adopt Resolution No. 72,479–N.S. revised to remove the August 31, 2027 regular meeting.
Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.

Information Reports

17. Homeless Response Team Audit Status Report
From: City Manager
Contact: Peter Radu, City Manager's Office, (510) 981-7000
Action: Received and filed.

18. Inclusionary Housing Program Annual Report for Fiscal Year 2026
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Moved to Action Calendar for discussion. Consideration of Items 18, 19, and 20 taken up jointly. 3 speakers.

19. Measure O Impacts on Affordable Housing Development in Berkeley
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Moved to Action Calendar for discussion.

20. Condominium Conversion Program Annual Report for Fiscal Year 2026
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Moved to Action Calendar for discussion.

21. Landmark Preservation Ordinance Notice of Decision: 701 University Avenue / #LMSAP2026-0007
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 7 speakers.

Adjournment

Action: M/S/C (Blackaby/Humbert) to adjourn the meeting.
Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.

Adjourned at 10:21 p.m.

I hereby certify that the forgoing is a true and correct record of the City Council regular meeting held on October 13, 2026.

_____
Mark Numainville, City Clerk

Communications

Zoning/Upzoning
1. Heather Siglin
2. Barbara Gilbert
3. Madan Kumar (2)
4. Pamela & Mark

4th/9th and Camelia
5. Crystal Turnerhill (2)
6. Peter Radu
7. Stephanie Chang (4)
8. Cheryl Brewster
9. Maria Chairez
10. Nikhila Pai
11. Theresa Thornton
12. Nancy Priewe
13. Jaime Perkins
14. Elisa Pace
15. Betty Feliciano
16. Steve Tornallyay

2128 Oxford St.
17. Steven Schuyler

FLOCK/ALPRs
18. Kate Rassbach (2)
19. Sam Holtzman
20. Chris Gilbert
21. Peter Diebler
22. Peter Metcalf

Use of Services Concern
23. Mimi

Road Obstruction Concern
24. CC Miksza

Measure Z
25. Affordable Berkeley

Junk Pick-Up
26. Patrice Ignelzi

Inclusion on Consequential Decisions
27. Vanessa Vega
28. Beatriz Leyva-Cutler

Claim Concerns
29. Erin Spencer

Product Sale Concern
30. Chck9988

Berkeley Rides for Seniors and Disabled
31. Loi Fischer

Vandalism Concern
32. K Noel

South Berkeley Search
33. Mary Behm-Steinberg on behalf of the Human Welfare and Community Action Commission

Parking Meter Concerns
34. Gillian Scharff

Public Hearing Notice Concern
35. Carol Denney

Class Cancellations and Refund Request
36. Alyssa Cauble May

Traffic Safety Concern
37. Kenny Yu

Ashby BART

38. Asmara Marek (2)
39. Julie Twichell
40. Eunice Lee

John Muir Campus Concerns
41. Lauren Wynveen
42. Deborah Russell
43. Nina Begus
44. Niloufar Abdollahi

Hopkins
45. Shirley Kirsten
46. Stephen Alpert (2)
47. Steve Tracy
48. Nicholas Adams

Milvia and Cedar Safety Concern
49. Nicole

Harrison St. and 8th St.
50. Frederick Hertz (3)
51. Marianne Riddle
52. Russbumper
53. Yesica Prado
54. Erin Spencer
55. Sarah Clegg
56. Barry Braden
57. Andrea Green

Mural Restoration
58. Summer Brenner

Restaurant Inspections
59. David Lerman (2)

Vulnerable Homeowners Referral
60. Darlene Bronson on behalf of the Commission on Aging

Encampments
61. Caroline Winnett
62. Ernie Sexton
63. Charlotte Banuelos
64. Lucia Hammond (2)
65. Peter Radu
66. John Waters
67. Jeff Cooksey

68. Marianne Riddle

Ferry Development
69. Elsa Tranter

Supplement Complaint
70. Francis Lee

Local Natural Grass Soccer Fields Concern
71. Ted Steen

Civil Rights Protections
72. Mathara

Commendation for Peter Radu
73. Adam Weisberg

Richmond Tiny Homes
74. Boona Cheema

Park Renaming
75. Virginia Browning (2)

Ongoing Safety Concern
76. Eden Winograd

Impact Fund
77. Moni Law

Zone Zero Regulations
78. Zohra Kalinkowitz

URLs
79. Russbumper

E-Scooters
80. Robert Borghese (5)
81. Carson Lepre (2)
82. Deven Mitchell

Forwards
83. Russbumper
84. Eid Abdallah (14)

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item 2: Adoption of San Pablo Avenue Specific Plan

85. Kelly Hammagren (2)
86. Summer Brenner
87. Sally Nelson
88. Meryl Siegal

Supplemental Communications and Reports 3

Ceremonial Matters #2: Presentation from BART Board Director Barnali Ghosh

89. Barnali Ghosh
90. BART Safety & Security

Ceremonial Matters #3: Recognition of United Against Hate Week 2026

91. Unknown

Item #2: Adoption of San Pablo Avenue Specific Plan

92. Stephen Alpert (2)

Item #14: Amendments to Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to require undergrounding of electrical transformers on private land

93. Presentation submitted by the Planning and Development Department
94. Brianna Morales on behalf of the Housing Action Coalition
95. Unknown

Item #15: Affordable Housing Preference Policy: Pilot Assessment and Policy Update *(Continued from September 29, 2026)*

96. Presentation submitted by Health, Housing, and Community Services Department

Miscellaneous

97. Unknown

Attachment 8

BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES

MONDAY, OCTOBER 19, 2026

3:00 P.M.

2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION – 1619 EDITH STREET, BERKELEY CA 94703

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. 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: 165 585 9561**. 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 $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 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: 3:02 p.m.

Present: O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Kesarwani, Taplin, Bartlett, Tregub

Councilmember Tregub present at 3:03 p.m.

Public Comment - Limited to items on this agenda only – 0 speakers

CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)**

    a. WCAB Matter –# ADJ12548950

    Action: Staff present – Deputy City Manager David White, City Attorney Farimah Brown, Deputy City Attorney Lauren Packard, Outside Counsel Mark Brandon. Outside Counsel relayed the facts of the case and answered questions from Council. M/S/C (Humbert/Blackaby) to approve a stipulated settlement of a transportational van ordered due by the Workers Compensation Appeals Board on 12/26/26 in the amount of $163,901.82, relating to a workers' compensation matter WCAB Case Number: # ADJ12548950.
    Vote: Ayes – Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Taplin, Bartlett.

2. **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION – Potential litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9.**

    a. Number of potential cases: one.

    Action: No reportable action taken.

OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

City Council met in closed session Pursuant to Government Code Section 54956.9(d)(2) and provided direction to outside counsel and approved a stipulated settlement of a transportational van ordered due by the WCAB on 12/26/26 in the amount of $163,901.82, relating to a workers' compensation matter WCAB Case Number: # ADJ12548950.

Adjournment

Action: M/S/C (Tregub/O'Keefe) to adjourn the meeting.
Vote: Ayes – Tregub, O'Keefe, Blackaby, Lunaparra, Humbert; Noes – None; Abstain – None; Absent – Kesarwani, Taplin, Bartlett, Ishii.

Adjourned at 3:47 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting held on October 19, 2026.

_____
Mark Numainville, City Clerk

MINUTES

BERKELEY CITY COUNCIL MEETING

Tuesday, October 27, 2026
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

ADENA ISHII, MAYOR

COUNCILMEMBERS:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

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Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

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Preliminary Matters

Roll Call: 6:01 p.m.

Present: Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 6:04 p.m.

Councilmember Kesarwani present at 6:04 p.m.

Councilmember Kesarwani participated in the meeting remotely under the just cause exception in the Brown Act due to contagious illness.

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters:

1. Presentation by AVA Community Energy
2. Adjourned in Memory of Nikki Williams, Executive Director Emeritus of Berkeley Youth Alternatives

City Manager Comments:

The City Manager noted that Item 22b regarding special events needs to be removed from the agenda for additional work with stakeholders.

City Auditor Comments:

The Auditor noted support for Item 25 regarding procurement processes and noted the status of the Leases Audit in Item 31.

Public Comment on Non-Agenda Matters: 10 speakers.

Action: M/S/C (Lunaparra/Tregub) to add an urgent item to the agenda titled *Urgency Item: Resolution Opposing the Proposed Rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions"* pursuant to Government Code Section 54954(b)(2).
Vote: All Ayes.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 18 speakers.

Action: M/S/C (Kesarwani/Blackaby) to adopt the Consent Calendar in one motion except as indicated.
Vote: All Ayes.

Urgency Item: Resolution Opposing the Proposed Rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions"
From: Councilmember Lunaparra (Author), Mayor Ishii (Co-sponsor), Councilmember Brent Blackaby (Co-Sponsor)
Recommendation: Pass resolution opposing the proposed rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions," and send a letter summarizing the City's position to the United States Department of Commerce and Census Bureau.
Financial Implications: See report
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170
Action: Councilmember Tregub added as a co-sponsor. Adopted Resolution No. 72,480-N.S.

1. **Amendments to Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to require undergrounding of electrical transformers on private land**
   From: City Manager
   Recommendation: Adopt second reading of Ordinance No. 8,035-N.S. amending Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to prohibit the above-ground installation of electrical transformers serving new residential, commercial, and mixed-use projects grade on private property, consistent with the Planning Commission's recommendation.
   First Reading Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.
   Financial Implications: See report
   Contact: Jordan Klein, Planning and Development, (510) 981-7400
   Action: Adopted second reading of Ordinance No. 8,035–N.S.

Consent Calendar

2. Waiver of Sanctuary City Ordinance for Westlaw Contract
From: City Attorney
Recommendation: Adopt a Resolution waiving the contract prohibition of Berkeley Municipal Code Chapter 13.105, Sanctuary City Contracting, in order to enter into a contract with Westlaw.
Financial Implications: None.
Contact: Farimah Brown, City Attorney, (510) 981-6950
Action: Adopted Resolution No. 72,481–N.S.

3. 2026 Annual Commission Attendance and Meeting Frequency Report
From: City Manager
Recommendation: In accordance with Resolution No. 72,097-N.S., review and accept the 2026 Annual Commission Attendance and Meeting Frequency Report.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved recommendation.

4. Contract: Adrien Segal Public Artwork Commission for Santa Fe Trackbed to Park Conversion
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Adrien Segal for an amount not to exceed $150,000 for a public art commission of two unique vertical structures that will serve as habitat boxes for both birds and insects at the Community Garden Park (between Blake and Parker Streets) and the Urban Farm and Education Park (between Derby and Ward Streets).
Financial Implications: $150,000 - Cultural Trust Fund
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 72,482–N.S.

5. Contract No. 32500002 Amendment: Community Initiatives | Live Free USA for Gun Violence Intervention and Prevention Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32500002 with Community Initiatives | Live Free USA for gun violence intervention and prevention services to add $257,548 in Byrne State Crisis Intervention Program (SCIP) grant funding pursuant to a budget modification approved by the California Board of State and Community Corrections (BSCC), bringing the total contract not-to-exceed amount to $2,874,768; extend the contract term through December 31, 2027; and update the scope of services and budget accordingly.
Financial Implications: See report
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 72,483–N.S.

Consent Calendar

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 27, 2026
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: $750,000 - Various Funds
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

7. Contract: Insight Public Sector, Inc. dba Aurelian for Non-Emergency Call-Taking Software
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to enter into a "piggyback" contract with Insight Public Sector, Inc. dba Aurelian for non-emergency call taking software for the Emergency Communications Center and services using the cooperative purchasing organization Omnia Partners Contract No. 23-6692-03. The contract base period will begin on December 1, 2026, through April 30, 2028, and will not exceed $197,642.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
Action: Adopted Resolution No. 72,484–N.S.

8. Contract No. 104289-1 Amendment: Jackson & Coker for Locum Tenens Psychiatrists
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 104289-1 to add $400,000 and for a not to exceed amount of $1,814,480. The term of the contract remains the same ending on June 30, 2027.
Financial Implications: See report.
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: Adopted Resolution No. 72,485–N.S.

9. Contracts for Recruitment Services ***Item Removed by City Manager***
From: City Manager
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

Consent Calendar

10. Donation: Memorial Bench at Berkeley Marina in Memory of Clarence and Loreina Fuller
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at the Berkeley Marina in memory of Clarence and Loreina Fuller.
Financial Implications: $3,400 - Donation
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,486–N.S.

11. Donation: Memorial Bench at Berkeley Waterfront Park at the Berkeley Marina in Memory of Mary & Bob Rubenstein
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at Berkeley Waterfront Park at the Berkeley Marina in memory of Mary & Bob Rubenstein.
Financial Implications: $3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,487–N.S.

12. Grant Application: The 2026 Surrendered and Abandoned Vessel Exchange (SAVE) Grant Program of the California Division of Boating & Waterways
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to 1) Submit a grant application to the California Division of Boating and Waterways (DBW) 2025 Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) Accept the grant; 3) Execute any amendments; and 4) Authorize a local match contribution of $5,000.
Financial Implications: $95,000 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 72,488–N.S.

13. Revenue Grant: California Office of Traffic Safety (OTS) for the 2026-2027 "Selective Traffic Enforcement Program (STEP)" Grant
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to accept the "Selective Traffic Enforcement Program (STEP)" grant and execute any resultant revenue agreements and amendments with the California Office of Traffic Safety. This OTS grant is $200,000 for the period of October 1, 2026, through September 30, 2027, which corresponds to Federal Fiscal Year 2027.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 72,489–N.S.

Consent Calendar

14. Authorizing the City Manager to Submit a Local Highway Safety Improvement Program (HSIP) Cycle-13 Grant Application and to Execute Any Resultant Grant Agreement and Amendments
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit an application by November 2, 2026 to the California Department of Transportation (Caltrans) for a Local Highway Safety Improvement Program (HSIP) Cycle-13 grant for safety improvements to thirty (30) signalized intersections along Shattuck Avenue, University Avenue, Bancroft Way, and Oxford Street; accept the funds; and execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,490–N.S.

15. Authorize the City Manager to Negotiate and Execute a Project Specific Maintenance Agreement Between the California Department of Transportation and City of Berkeley for the San Pablo Avenue Safety Enhancements Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute a Project Specific Maintenance Agreement (PSMA) and any extensions and amendments with the California Department of Transportation (Caltrans) for maintenance of City improvements installed in the state highway during Alameda County Transportation Commission's (ACTC) San Pablo Avenue Safety Enhancements Project.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,491–N.S.

16. Contract No. 32300096 Amendment: SCS Engineers for Landfill Post-Closure Maintenance and Monitoring Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300096 with SCS Engineers for maintenance, monitoring, and compliance services related to the closed landfill, increasing the contract amount by $1,600,000 for a total not to exceed amount of $5,678,022.
Financial Implications: Zero Waste Fund - $1,600,000
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,492–N.S.

Consent Calendar

17. Contract No. 32300167 Amendment: POSM Software LLC for Pipeline Observation System Management Software Maintenance and Technical Support
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with POSM Software LLC for Pipeline Observation System Management software maintenance and technical support, extend the contract through October 31, 2028, increase the contract amount by $40,000 for a total not to exceed $88,650, and waiving competitive solicitation requirements on a sole-source basis.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,493–N.S.

18. Ordinance Vacating and Authorizing Transfer of Property Adjacent to the North Berkeley BART TOD Site
From: City Manager
Recommendation:
1. Adopt first reading of an Ordinance (a) declaring four small pieces of land described in Exhibit A and shown in Exhibit B to the report, adjacent to the North Berkeley BART Transit Oriented Development (TOD), to be exempt surplus land; (b) summarily vacating two of the areas that are presently public right of way; and (c) approving the transfer of all four areas to the San Francisco Bay Area Rapid Transit District (BART);
2. Upon conclusion of the second reading of the Ordinance, authorize the City Manager to execute quitclaim deeds conveying the four areas described in Exhibit A and shown in Exhibit B to the report.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300, Jordan Klein, Planning and Development, (510) 981-7400
Action: 1. Adopted first reading of Ordinance No. 8,036–N.S. Second reading scheduled for November 17, 2026. 2. Approved recommendation.

19. Purchase Order: Municipal Maintenance Equipment, Inc. for the Purchase and Installation of a CCTV Sewer Inspection System in One City-Owned Electric Van
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Municipal Maintenance Equipment, Inc. for the purchase and installation of a closed-circuit television (CCTV) sewer inspection system in one City-owned electric van in an amount not to exceed $515,636.69.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted Resolution No. 72,494–N.S.

Consent Calendar

20a. Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)
(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)
From: Commission on Disability
Recommendation: The Berkeley City Council shall refer to the City Attorney the requirement to include, in all City of Berkeley contracts that impact the public right-of-way, a clause that obligates City contractors to comply with the Public Right-of-Way Accessibility Guidelines (PROWAG).
Policy Committee Recommendation: Send the item to Council with a Qualified Positive Recommendation to refer the development of the PROWAG guidelines to the City Manager with the input of the Commission on Disability.
Financial Implications: See report
Contact: Thomas Gregory, Commission Secretary, (510) 981-6300
Action: See action for Item 20b.

20b. Companion Report: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG) *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee) (Item contains revised material.)*
From: City Manager
Recommendation: Receive this report on Public Works' progress responding to the Commission on Disability's PROWAG referral and concur with the FITES Committee's recommendation to refer development of PROWAG compliance provisions for work in the public right-of-way (construction-zone access guidelines and City contract language, with City Attorney review) to the City Manager, with input from the Commission on Disability (CoD).
Policy Committee Recommendation: Send the item to Council with a Qualified Positive Recommendation to refer the development of the PROWAG guidelines to the City Manager with the input of the Commission on Disability.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Approved recommendation in Item 20b as revised and submitted by the City Manager in the October 27 agenda packet.

21. Re-Name the park at the northern end of the Berkeley Waterfront as Si Se Puede Park
From: Parks, Recreation and Waterfront Commission
Recommendation: Adopt a Resolution re-naming the park at the northern end of the Berkeley Waterfront as Si Se Puede Park.
Financial Implications: See report
Contact: Roger Miller, Commission Secretary, (510) 981-6700
Action: Adopted Resolution No. 72,495–N.S.

Consent Calendar

22a. Adopt Amendments to Ordinances Governing Special Events: Block Parties; Park Events; Street Events
From: Zero Waste Commission
Recommendation: Adopt first reading of an ordinance amending BMC 6.46 (Park Events) and BMC 13.44 (Block Parties and Street Events).
Financial Implications: See report
Contact: Julia Heath, Commission Secretary, (510) 981-6300
Action: Referred to the Agenda & Rules Committee for scheduling.

22b. Companion Report: Adopt Amendments to Ordinances Governing Special Events: Block Parties; Park Events; Street Events
From: City Manager
Recommendation: Adopt first reading of two ordinances, as referred to Council by the Zero Waste Commission's report titled, "Adopt Amendments to Ordinances Governing Special Events: block parties; park events; street events," specifically amending: Berkeley Municipal Code (BMC) Chapter 6.46 (Park Events) and Chapter 13.44 (Block Parties and Street Events).
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Item removed from the agenda by the City Manager.

23a. Enforceable Mechanism for Berkeley Green Code Compliance
From: Zero Waste Commission
Recommendation: Recommend Council to direct the City Manager to refer Public Works Zero Waste staff and Planning, Safety and Building, Energy and Sustainability and Green Building staff work together to develop recommendations to implement a clear path to enforcement for non-compliance with Berkeley Green Code (BMC 19.37) Construction and Demolition (C&D) waste diversion requirements, including the possibility of fines and citations and other mechanisms to increase compliance.
Financial Implications: See report
Contact: Julia Heath, Commission Secretary, (510) 981-6300
Action: See action for Item 23b.

23b. Companion Report: Enforceable Mechanism for Berkeley Green Code Compliance
From: City Manager
Recommendation: Direct the City Manager to assign the Public Works Department, in conjunction with the Planning and Development Department, to: 1. Review and consider research conducted by the Zero Waste Commission and UC Berkeley student researchers on enforcement mechanisms in other jurisdictions; and, 2. Develop a recommendation for City Council to adopt an appropriate enforcement mechanism(s) to strengthen compliance with California Green Building Standards Code by adding to Berkeley Green Code (BMC 19.37).
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Approved recommendation in Item 23b.

Consent Calendar

24a. Research on Proper Space Allocation for Standardizing Compliance with Source Separated Refuse Collection Procedures
From: Zero Waste Commission
Recommendation: Recommend that Council refer the matter to the City Manager with direction to: 1. Instruct the Zero Waste Division, in collaboration with the Planning Department and Fire Department, to study, research, and recommend policies that standardize requirements for: a. Tenant-facing materials collection rooms for refuse, dual-stream recycling, and composting; b. Central collection rooms or enclosures; c. Curbside collection staging areas for all new construction. 2. Develop minimum per-unit service requirements, design parameters, and enforcement mechanisms; pursuant to Chapter 12.32.030 and 12.35 of the Berkeley Municipal Code.
Financial Implications: See report
Contact: Julia Heath, Commission Secretary, (510) 981-6300
Action: See action for Item 24b.

24b. Companion Report: Proper Space Allocation for Standardizing Compliance with Source Separated Refuse Collection Procedures
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 12.32 - Storage, Collection and Disposal of Waste.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Adopted first reading of Ordinance No. 8,037–N.S. Second reading scheduled for November 17, 2026.

Council Consent Items

25. Amendment to Berkeley Municipal Code Chapter 7.18 to Explicitly Require Competitive Procurement for Services to Promote Accountability and Transparency and Refer Development of Regulations to City Manager
(Reviewed by the Budget & Finance Committee)
From: Councilmember Kesarwani (Author), Mayor Ishii (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt an ordinance amending Berkeley Municipal Code (BMC) Chapter 7.18, Expenditure Limitations, to require procurement through competitive solicitation for all city contracts for professional services and other services greater than $100,000.
Further, for the City Attorney's Office (CAO), require development of an Outside Council Selection Protocol whereby the CAO develops an annual report to Council for its pre-qualified list of outside attorneys and law firms based on respondents to the office's ongoing Request for Qualifications process. When outside counsel is required, senior staff in the CAO would choose from pre-qualified attorneys/firms and identify the best candidate based on expertise, quality of work, and cost. This recommendation would allow for a competitive process using the pre-qualified list, thus accommodating the CAO's need to quickly engage outside counsel while preserving best procurement practices. Additionally, request the CAO report to Council on legal services contracts and amendments to City Council quarterly to increase transparency of spending on legal services contracts.
Refer to the City Manager to promulgate any further regulations that may be needed related to the requirement for competitive solicitation except for emergencies and when market research justifies the business case for a sole-source procurement, in alignment with the existing purchasing manual. Further, refer to the CAO to develop legal services regulations to implement the competitive solicitation process for outside counsel contracts and define circumstances where a sole-source procurement is justified by emergencies, market research, conflicts of interest, or other considerations.
Policy Committee Recommendation: To send the item to Council with a Qualified Positive Recommendation as written and amended during discussion, with additional direction to further consider:
-Specifying the 5-7 year contract rebidding timeframe in the ordinance as well as the purchasing manual
-Authorizing the City Attorney's Office to promulgate legal services procurement regulations and guidelines
-Establishing annual reporting to Council on legal services contracts and amendments
-B.M.C. Section 7.18.010(A) Expenditures pursuant to Charter Article XI, Sections 67 and 67.5 is amended to read as follows:
Except as otherwise provided in this Title, expenditures pursuant to Article XI, Sections 67 and 67.5 of the Charter of the City of Berkeley, for which ~~exceed~~ the initial amount exceeds ~~of~~ $105~~5~~0,000, inclusive only of professional services, other services, supplies, equipment, or materials (excluding leases and real estate agreements), shall require Council approval and shall be procured through competitive solicitation except in the case of emergencies pursuant to Article XI,

Council Consent Items

Section 67.4. The requirement specified in Article XI, Section 67 of the Charter to select the "lowest responsible bidder" only for supplies, equipment, or materials contracts remains. Professional services and other services contracts shall be based on demonstrated competence and qualifications for the types of services to be performed, at fair and reasonable prices to the City. This requirement for professional and other services contracts to be selected via competitive procurement applies to all Charter Officers. Pursuant to Article XVI Section 113, the City Attorney retains the authority to enter into contracts without Council approval after competitive procurement of professional services, other services, supplies, equipment or materials (excluding leases and real estate agreements). The City Attorney is authorized to promulgate regulations to implement this section with respect to City Attorney's Office contracts. All departments, excluding the City Attorney's Office, shall follow the City of Berkeley Purchasing Manual guidelines, Section 3, for extensions of contracts and re-bid all contracts under the timeframes specified. The City Attorney's Office shall follow regulations specific to City Attorney's Office contracts.

Financial Implications: Staff time

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Action: 1) Adopted first reading of Ordinance No. 8,038–N.S. as recommended by the Budget & Finance Committee. Second reading scheduled for November 17, 2026.

2) Approved recommendation including amendments from the policy committee regarding a) Specifying the 5-7 year contract rebidding timeframe in the ordinance as well as the purchasing manual; b) Authorizing the City Attorney's Office to promulgate legal services procurement regulations and guidelines; and c) Establishing annual reporting to Council on legal services contracts and amendments.

26. Berkeley Flea Market End-of-the-Season Fall Festival/Halloween Celebration Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Bartlett (Author)

Recommendation: Adopt a Resolution approving the expenditure of funds, including $600 from Councilmember Ben Bartlett, for the End-of-the-Season Fall Festival / Halloween Celebration of the South Berkeley Flea Market at Ashby BART, organized by Community Services United, a 501(c)3, with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action: Adopted Resolution No. 72,496–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Humbert - $200; Councilmember Lunaparra - $150; Councilmember Blackaby - $200; Councilmember Tregub - $100; Mayor Ishii - $100; Councilmember Kesarwani - $100; Councilmember O'Keefe - $150; Councilmember Taplin - $100.

Council Consent Items

27. Harriet Tubman Terrace Residents' Low-Income Housing Bay Cruise Lunch Event on Thursday, November, 5, 2026 - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of funds, including $500 from the discretionary Council Office Budget of Councilmember Ben Bartlett for the Harriet Tubman Terrace residents' low-income housing Bay Cruise Lunch event on Thursday, November, 5, 2026, to Nonprofit and 501(c)3: Lifesteps, to fund operational resources. The funds will be relinquished to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: Adopted Resolution No. 72,497–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Humbert - $200; Councilmember Lunaparra - $150; Councilmember Blackaby - $200; Councilmember Tregub - $100; Mayor Ishii - $100; Councilmember Kesarwani - $100; Councilmember O'Keefe - $150; Councilmember Taplin - $100.

28. Appointment of Charles "Court" Jackson to the Board of Library Trustees
From: Councilmember O'Keefe (Author)
Recommendation: Adopt a Resolution appointing Charles "Court" Jackson to the Board of Library Trustees ("BOLT") for a term of four years beginning November 4, 2026.
Financial Implications: None
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150, Rebecca Alcalá-Veraflor, Library, (510) 981-6100
Action: Adopted Resolution No. 72,498–N.S. appointing Charles "Court" Jackson to the Board of Library Trustees ("BOLT") for a term of four years beginning November 4, 2026.

29. Appointment of Hong-Sze Yu to the Board of Library Trustees
From: Councilmember O'Keefe (Author)
Recommendation: Adopt a Resolution appointing Hong-Sze Yu to the Board of Library Trustees ("BOLT") for a term of four years beginning November 4, 2026.
Financial Implications: None
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150, Rebecca Alcalá-Veraflor, Library, (510) 981-6100
Action: Adopted Resolution No. 72,499–N.S. appointing Hong-Sze Yu to the Board of Library Trustees ("BOLT") for a term of four years beginning November 4, 2026.

Action Calendar – New Business

30. Ashby BART East Lot Developer Selection for Exclusive Negotiation and Reservation of Predevelopment Funding
From: City Manager
Recommendation: Adopt two Resolutions that enable the City to move forward into negotiation and predevelopment with a selected development team for the Ashby East Lot Transit Oriented Development (TOD) project, located at the intersection of Woolsey St. and Tremont St., directly east of the Ed Roberts Campus, by:
1. Authorizing the City Manager or designee to negotiate and enter into an Exclusive Negotiating Rights Agreement (ENRA) and any required amendments with Satellite Affordable Housing Associates (SAHA), Habitat for Humanity East Bay/Silicon Valley, and Deborah D. Matthews Consulting (collectively, "the SAHA Team").
2. Authorizing the City Manager or designee to negotiate and enter into an ENRA and any required amendments with the alternative developer, Related California and the Kelsey (collectively, "the Related Team"), in the event that the ENRA with the SAHA Team is terminated or if the City does not enter into a ENRA with the SAHA Team. 3. Approving the reservation of $1 million of Affordable Housing Mitigation Fees (Fund 120) to the SAHA Team or their affiliate(s) to support master planning and predevelopment activities related to the development of affordable housing at the Ashby East Lot BART site. 4. Affirming that the City's Housing Trust Fund Guidelines will apply to the use of funds to support master planning and predevelopment activities related to the development of affordable housing at the Ashby East Lot BART site. 5. Authorizing the City Manager or designee to execute all original or amended documents or agreements in accordance with the intent of this Resolution.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
Action: 3 speakers. M/S/C (Bartlett/Blackaby) to adopt Resolution No. 72,500–N.S. (Approving Development Team) and Resolution No. 72,501–N.S. (Reserving Affordable Housing Mitigation Fees).
Vote: All Ayes.

Information Reports

31. Audit Status Report: 2009 Leases Audit Follow-Up
From: City Manager
Contact: Jamie Parks, Public Works, (510) 981-6300
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 3 speakers.

Adjournment

Action: M/S/C (Taplin/Tregub) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 8:30 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting held on October 27, 2026.

_____
Mark Numainville, City Clerk

Communications

Item #21: Re-Name the Park at the North Waterfront as Si Se Puede Park
1. Pear Michaels
2. David Tepper
3. 7 Similarly worded form letters

Parking Meter Changes
4. Eric Hyman

Berkeley Marina Visit
5. Gregory Kalkanis

Flock/Mass Surveillance Concern
6. Summer Brenner
7. Sam Holtzman
8. Dan Hibbing
9. Elizabeth Harrell
10. Judith Katz
11. Kelly Yan
12. Marcy Groot
13. Leona Benten
14. Craig Knudsen
15. 28 Similarly worded form letters

8th and Harrison
16. Elan Loeb

Upzoning/Zoning
17. Matthew Wadlund (2)
18. Beth Roessner
19. Michael Bauce

9th/10th and Camelia
20. Stephanie Chang (2)
21. Dana Hymel
22. Lisa Brown (2)
23. CC Miksza (2)
24. Chia Zau
25. Anne Aronov

26. Tatiana Davis

Musical Tent
27. Lauren Parsons

Marin Ave Concern
28. Kenny Yu

Grayson Encampments
29. Claudia Kawczynska
30. Cameron Woo
31. Karima Cammell
32. Sean Kenmore

Trash Pick Up Concerns
33. Amir Hay
34. Stephen Vonder Haar

600 Bancroft Way
35. Biolab Watch

College and Hopkins
36. Todd Jersey

Bay Trail Clean-Up
37. Chris Orr

Does Design Matter
38. Yolanda Huang

900 Grayson
39. Hillary Calvin Justice

Pedestrian Safety Concerns
40. Alex Merenkov

Hopkins
41. Stephen Alpert (2)

Golden Gate Fields Planning
42. Diane Quimby

Home Match Info
43. Rachel Matthews

Encampments
44. Ben Moreno
45. Jeff Cooksey

Vandalism Concern
46. Oscar Fernandez

Week Without Driving
47. Casey Passmore

Alameda County ECE Campaign Letter of Support
48. Christa Edwards

E-Scooters
49. Robert Borghese

Forwards/URLs
50. Eid Abdallah (8)
51. Russbumper (2)
52. Nodextrose Org

Supplemental Communications and Reports 1

Item #21: Re-Name the park at the northern end of the Berkeley Waterfront as Si Se Puede Park
53. Jeff Malmuth
54. Wini Williams
55. Sherry Shannon
56. Jennifer Chou
57. Veronica Wang
58. John N. Roberts

Item #30: Ashby BART East Lot Developer Selection for Exclusive Negotiation and Reservation of Predevelopment Funding
59. Namita Gupta
60. Marian Macindoe
61. Andrew Pomerantz

Supplemental Communications and Reports 2

Item #2: Waiver of Sanctuary City Ordinance for Westlaw Contract
62. Gregory Kalkanis

Item #21: Re-Name the park at the northern end of the Berkeley Waterfront as Si Se Puede Park
63. Sherry Smith
64. Ninel Morales
65. JWoo
66. Martin Nicolaus

Item #25: Amendment to Berkeley Municipal Code Chapter 7.18 to Explicitly Require Competitive Procurement for Services to Promote Accountability and Transparency and Refer Development of Regulations to City Manager *(Reviewed by the Budget & Finance Committee)*
67. Martin Bourques on behalf of the Ecology Center

Item #30: Ashby BART East Lot Developer Selection
68. Deborah Matthews on behalf of the SAHA/Kushona Team

Supplemental Communications and Reports 3

Ceremonial Matters: 1. Presentation by AVA Community Energy
69. AVA Community Energy

Urgency Item: Resolution Opposing the Proposed Rule, "Decennial Census of the Population of Americans; Proposed Residence Criteria and Proposed Regulations for Demographic Questions"
70. Submitted by Councilmember Cecilia Lunaparra

Item #21: Re-Name the park at the northern end of the Berkeley Waterfront as Si Se Puede Park
71. Virgina Browning
72. Lupe Gallegos-Diaz and Gladys Stout on behalf of Latinos Unidos de Berkeley
73. Carol Hirth
74. Rosemary Hardy
75. Jesse Arreguin

Item #25: Amendment to Berkeley Municipal Code Chapter 7.18 to Explicitly Require Competitive Procurement for Services to Promote Accountability and Transparency and Refer Development of Regulations to City Manager *(Reviewed by the Budget & Finance Committee)*
76. Pamela Belchamber (2)

Action Calendar

Item #30: Ashby BART East Lot Developer Selection for Exclusive Negotiation and Reservation of Predevelopment Funding
77. Presentation submitted by the Health, Housing, and Community Services Department

05

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Eleanor Hollander, Manager, Office of Economic Development

Subject: Authorizing the City Manager to Sign the Telegraph Business Improvement District (TBID) Petition and Ballot on Behalf of the City of Berkeley

RECOMMENDATION

Adopt a Resolution:

1. Authorizing the City Manager to approve and sign the "Preliminary Petition to Re-establish the Telegraph Property-Based Business Improvement District (BID)" on behalf of City-owned properties in the proposed Telegraph BID area; and

2. In the event the petition is successful in generating a ballot process to re-establish a Telegraph BID, authorizing the City Manager to vote YES on any ballots on behalf of City-owned properties in the proposed Telegraph BID area.

SUMMARY

The current Telegraph Property and Business Improvement District (TBID or "the District") is scheduled to expire on December 31, 2027. The TBID provides "clean, safe and beautification" services, communications, marketing, and economic development, and related management to assessed parcels within the District which constitute and convey a special benefit to assessed parcels in the Telegraph area. The Telegraph Property and Business Management Corporation (TPBMC), as the District's Owners' Association, has begun the legal process to renew and reestablish the TBID for a slightly expanded geographic area. The first step of that process requires that petitions representing more than 50% of the total amount of the proposed assessment be submitted to the City Clerk. If petitions representing more than 50% of the total assessment are received, then the City Clerk will send ballots to all of the proposed assessees within the TBID boundaries. If there is no majority protest at the conclusion of the ballot process, City Council may adopt a resolution renewing, and expanding the reestablished TBID.

The City of Berkeley owns one parcel included in the proposed renewed TBID. The new annual assessment will be approximately $95,403.95. This accounts for approximately 5.7% of the TBID's overall assessment budget.

FISCAL IMPACTS OF RECOMMENDATION

Under the provisions of Proposition 218 in the California Constitution, government agencies must pay assessments for the special benefits they receive from Property and Business Improvement District (PBID) activities, maintenance, and improvements. Payment is collected from private property owners through property tax bills typically submitted in November and February of each Fiscal Year (July 1 – June 30). Payments would be due from non-property tax-paying entities such as the City (and the University) at roughly the same time. The City's initial assessment payment in FY 2028 would be $95,403.95. The City's assessment is paid annually through the Off-Street Parking Fund (627-54-622-665-3002-000-474-639990).

The TPBMC Board would have the authority to raise the assessment as much as three percent per year to keep pace with inflation and other program costs.

In addition to assessments, the City will be asked to pay for the "general benefit" portion of the budget. As required by state law, the general benefits of an assessment district must be quantified so that the cost of the activities that are attributed to general benefit can be deducted from the amounts assessed against each specially benefitted parcel. In most California cities where there is a general benefit cost associated with a PBID, the municipality pays that portion of the budget. The engineer's report commissioned for the reestablishment of the TBID calculates that the general benefit for the district will be $24,960. The City already makes an annual grant to TBID, through the Public Commons for Everyone Initiative (PCEI), which exceeds this amount, so there will be no new fiscal impacts related to funding the general benefit in the renewed TBID.

The Public Commons for Everyone Initiative (PCEI) contract, which is funded by the Public Works Department and executed by the Office of Economic Development (OED) has historically paid the costs associated with the TBID's general benefit rate (in FY27, the cost was $30,711 in FY 28 the total cost will be $77,659 - which is composed of $24,960 "general benefit to the public" and $52,699 "general benefit to the parcels"). The annual PCEI contract is $49,139 annually and will cover a great deal of the general benefit cost (including the full 'general benefit to the public' cost) even with the renewed district rates.

Together assessments on City-owned property and general benefit payments (covered by the PCEI contract) will total $143,543 in the first year (FY28) and will continue for the following 10 years.

CURRENT SITUATION AND ITS EFFECTS

The renewal of the Telegraph BID is a Strategic Plan Priority Project, advancing our goals to:

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- foster a dynamic, sustainable, and locally-based economy.

A property and business improvement district or “PBID” or “BID” is a benefit assessment district formed and renewed by property owners to provide enhanced services within the established boundaries. These services are undertaken in coordination with services provided by local government, are concentrated within a distinct geographic area, and are paid for by means of a special assessment on property within the district’s boundaries. A nonprofit corporation owners’ association representing assessed property owners is responsible for providing these services.

The Telegraph Business Improvement District or “TBID” was formed in 1998, pursuant to California’s “Property and Business Improvement District Law of 1994” and renewed in 2003, 2008 and 2017 by property owners. The TBID is set to expire at the end of calendar fiscal year or “FY” 2027, unless it is reestablished for another term (proposed for 10 years) by Telegraph property owners and the City of Berkeley.

After re-establishment the TBID will continue to deliver enhanced services throughout the Telegraph area. There are two benefit zones that make up the TBID acknowledging the different levels of benefit and services provided to property owners. The map within the attached Management District Plan (Exhibit A) illustrates the TBID boundary and benefit zones.

District Re-establishment Process
As allowed by state law, the existing TBID is working to re-establish itself for another ten-year term, and a fifth term since its initial establishment in 1998. Upon receipt of petitions signed by property owners representing greater than 50% of the District’s budget (Exhibit B), the City of Berkeley will initiate a ballot procedure to officially reestablish the Telegraph BID. The City Clerk will mail ballots to all affected property owners. The majority of ballots returned, as weighted by assessments to be paid, must be in favor of the BID in order for the City Council to consider approval and reestablishment of the Telegraph BID.

Governed by the Telegraph Property & Business Management Corporation (TPBMC) board of directors, the re-established TBID work program would continue to provide both environmental and economic enhancements for parcels in the district. As described in the newly updated and adopted *TBID Management District Plan* (Exhibit A), the proposed TBID would provide funding for enhanced maintenance, hospitality, beautification, placemaking, business support and attraction, event and marketing programs, above and beyond those services provided by the City of Berkeley.

Assessments and Financing Method
Property owners, merchants, and other Telegraph stakeholders have emphasized that an assessment formula for the District needs to be fair, balanced, and commensurate with benefits received. Each property owner will pay based on benefits received. The

variables used for the annual assessment formula are based on parcel size, building size, parcel type, and benefit zone.

The annual assessment on property throughout the renewed TBID is based on the benefit each property receives from the proposed services. Because of the difference in pedestrian and vehicle traffic between the zones, Zone 2 will receive fifty percent (50%) of services provided by the District compared to Zone 1. Thus, the assessment rate for Zone 2 is fifty percent (50%) of the Zone 1 rate. In addition, properties with residential, government and tax-exempt uses will pay an adjusted rate. Annual assessments are based upon an allocation of land use type, program costs, benefit zone, and a calculation of lot square footage plus building square footage.

Levy of assessments upon real property that benefit from improvements and activities is calculated like so:

[Assessment Rates] * [Lot + Building Square Footage]

The initial rates of assessment, by parcel type and zone, are listed in Table 1 below.

Table 1. Initial Assessment Rate

Parcel Type	Zone 1 – Parcel or Lot Size (sq. ft.) + Building Size (sq. ft.)	Zone 2 – Parcel or Lot Size (sq. ft.) + Building Size (sq. ft.)
Commercial	$0.428682	$0.214341
Multi-Family Residential	$0.342945	$0.171473
Private Property Tax-Exempt / Public	$0.154325	$0.077163

Assessment rates may be increased by up to 3% per year to account for inflation and program cost increases, subject to the review and approval of the TPBMC Board of Directors.

General *Benefit Allowance*

An allowance is made for general benefits that the district may provide to either the parcels outside the district boundary or to the public at large. Any PBID services that are found to provide general benefit cannot be paid for with assessment revenue. A certified engineer has estimated that the general benefit from services accounts for $78,000 of the estimated budget, combined with other revenue, results in a total assessment budget for year one of the renewed TBID of $2,000,000 (including property assessments, general benefit and other revenue).

Government-Owned Property

Under “The Right to Vote on Taxes Act” (also known as Proposition 218) all public agencies are required to pay the same assessments for public property that apply to private property unless they can demonstrate by clear and convincing evidence that the public property does not receive a benefit. The Management District Plan provides that the City of Berkeley and other public entities will benefit from and therefore be assessed

for all PBID services. The City owns one property within the district: the Telegraph Channing Garage at 2431 Channing Way. The FY28 assessment for that property under the revised formula will be $94,404, which represents an increase of $39,138 over the FY2027 assessment ($55,266).

Management District Plan and Budget
The Management District Plan outlines the main areas of focus for the TBID:

- Public Realm: Cleaning, Hospitality, Activation;
- Marketing & Events;
- Economic Vitality;
- Leadership & Advocacy; and
- Management and Contingency.

The total anticipated assessment budget is $2,000,000 and the split between the focus areas is outlined in *Table 2: Assessment Budget and Revenues*.

Table 2. Assessment Budget and Revenues		
EXPENDITURES	Budget	% of Budget
Public Realm: Cleaning, Hospitality, Activation	$1,235,000	62%
Marketing & Events	$302,000	15%
Economic Vitality	$180,000	9%
Leadership & Advocacy	127,000	6%
Management and Contingency	$156,000	8%
Total Expenditures	$2,000,000	100%
REVENUES		
PBID Assessments	$1,872,000	94%
General Benefit	$78,000	4%
Other Revenues *	$50,000	2%
Total Revenues	$2,000,000	100%

* Revenues from contract services, events, and other sources

The Management District Plan provides for services above and beyond those currently provided by the City of Berkeley. TBID and its renewal consultant team conducted property owner focus group and individual meetings with property and business owners and developed service priorities based on the information and opinions collected via this outreach and aligned with the TBID's Strategic Plan (Exhibit C). The information from each step of this process was integrated and culminated in the development of the Management District Plan (Exhibit A).

The following are descriptions of District programs:

1. **Public Realm**: Substantially increase direct services and champion a higher standard for the public realm. Including Clean, Safe & Crisis Response, Stewardship & Community Care, and Public Infrastructure including public space activation initiatives and streetscape beautification programs. The budget for the "Public Realm" program is $1,235,000 or 62% of the total assessment budget.

2. **Marketing & Events**: Substantially increase marketing, events, and data to support district businesses. Including Branding and Data to effectively utilize audience data to support district businesses and increase foot traffic. The budget for marketing and events is $302,000 or 15% of the total assessment budget.

3. **Economic Vitality**: Substantially increase economic growth through research, information, and active public spaces and facilities. Including Retail and Business support and responsive public relations support and focused capacity to advance economic development programs. The budget for the economic vitality program is $180,000 or 9% of the total assessment budget.

4. **Public Leadership & Advocacy**: Increase TBID's role as a valued convener, partner, champion, and co-leader. The budget for the public leadership program is $127,000 or 6% of the total assessment budget.

5. **Management & Leadership** (and contingency): Substantially increase presence and impact through board, resources, and visible leadership. The budget for the management program is $156,000 or 8% of the total assessment budget.

City Services
The Office of Economic Development, in consultation with a variety of City departments, has developed a list of baseline services (Exhibit D) that are currently provided within the TBID and will continue through the duration of the renewed District's term.

Collection
TBID assessments appear as a separate line item on the annual Alameda County property tax bills. The TPBMC will directly invoice property owners which are not included in the Alameda County property tax billing systems.

Governance
The TBID will continue to be managed by the Telegraph Property and Business Management Corporation Board of Directors. A majority of the board is composed of property owners and/or their representatives within the TBID. The determination of annual adjustments in assessment rates will be subject to the annual review and approval of the TPBMC Board of Directors.

Duration
The TBID will have a ten (10) year service period beginning January 1, 2028 through December 31, 2037 with collections spanning FYs28-37. Near the end of the term, the petition, ballot, and City Council hearing process must be repeated for the TBID to be renewed.

BACKGROUND

The TBID was initially formed in 1998 for a five-year period, renewed in 2003 for a second five-year period, and renewed in 2008 for a ten-year period and then was expanded and renewed again in 2017 for a ten year period. The TBID finances services and improvements that maintain and improve the streetscape and public areas in the Telegraph District, improves the pedestrian experience for workers, visitors and residents, and attracts new businesses and development. TBID activities are over and beyond baseline services provided by the City. The enabling legislation and service period for the TBID established in 2017 is set to expire on December 31, 2027. This effort would reestablish the TBID for another 10-year term – with collections coinciding with the start of the 2028 Fiscal year (July 1, 2027).

To prepare for the renewal of the TBID, the TBID retained the services of Uncommon Bridges to update the organization's strategic plan. With priorities gained from the TBID's Board of Directors, stakeholder focus groups and responses to a community improvement survey, the adopted *TBID Strategic Plan* (June 2026) and the proposed new TBID *Management District Plan* will offer support for the environmental and economic enhancement services outlined above. As with all Business Improvement Districts, these additional TBID funded services would augment, not replace, the City's existing level of "baseline" services.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining and enhancing the district, the TBID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The District includes the area immediately south of the University of California, Berkeley campus and therefore provides essential commercial goods and services to the student body. TBID ambassadors and environmental enhancements all contribute to making the Telegraph district a more pleasant destination. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation choices.

RATIONALE FOR RECOMMENDATION

This private/public partnership will continue the significant resources for the maintenance and economic vitality of the Telegraph area that has had a positive transformational effect on the physical and economic health of Berkeley's Telegraph District and the greater southside area.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Vincent McCoy, Office of Economic Development, 510-981-7043
Eleanor Hollander, Office of Economic Development, 510-981-7536

Attachments:
1: Resolution
Exhibit A: Management District Plan, Assessment Table, and Engineer's Report for the Renewal of the Telegraph Business Improvement District (October 2026)
Exhibit B: Preliminary Petition to Re-establish the Telegraph Business Improvement District (October 2026)
Exhibit C: TBID Strategic Plan (June 2026)
Exhibit D: Baseline City Services Agreement (October 2026)

RESOLUTION NO. ##,###-N.S.

AUTHORIZATION TO SIGN THE TELEGRAPH BUSINESS IMPROVEMENT DISTRICT OR "TBID" PETITION AND BALLOT ON BEHALF OF THE CITY

WHEREAS, under the provisions of Proposition 218 in the California Constitution, government agencies receiving benefit must pay assessments in Property-Based Business Improvement Districts (PBIDs), just like private property owners; and

WHEREAS, the Telegraph Property and Business Management Corporation (TPBMC) undertook a Strategic Planning Process involving input from stakeholders across the District; and

WHEREAS, the District's Strategic Plan (Exhibit C) envisioned increased services to address the cleanliness, safety and economic development in the District; and

WHEREAS, the TPBMC dedicated extensive resources to determine the best method to generate funding to implement their plan and concluded that continuing the property-based business improvement district (BID) in Berkeley's Telegraph District was the best method; and

WHEREAS, the TBID Board developed and approved a District Management District Plan, Assessment Table, and a corresponding Engineer's Report (Exhibit A) and a Baseline City Services Agreement (Exhibit D) and are now moving forward with a petition process to authorize a ballot that would reestablish the TBID for a term of 10 years.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to approve and sign the "Preliminary Petition to Re-establish the Telegraph Business Improvement District" document (Exhibit B) on behalf of City-owned property in the proposed Telegraph BID area; and

BE IT FURTHER RESOLVED that in the event the petition is successful in generating a ballot process to reestablish the Telegraph BID for a term of 10 years, the City Manager is authorized to vote YES on any ballots on behalf of City-owned property in the proposed Telegraph BID area.

Exhibits
A: *Management District Plan, Assessment Table, and Engineer's Report* for the Renewal of the Telegraph Business Improvement District or TBID (October 2026)
B: Preliminary Petition to Re-establish the Telegraph Business Improvement District (October 2026)
C: Telegraph BID Strategic Plan (June 2026)
D: Baseline City Services Agreement (October 2026)

Telegraph Business Improvement District
Management Plan

DRAFT: October 2026

EXECUTIVE SUMMARY

The Telegraph Property and Business Improvement District (TBID), managed by the Telegraph Property and Business Management Corporation (TPBMC), is a benefit assessment district established in 1998 to provide improvements, maintenance, and activities that provide a special benefit to assessed parcels. Building on three decades of success, Telegraph property and business owners seek to renew the district for an additional 10 years beginning in 2028.

Name

Telegraph Property and Business Improvement District, D.B.A. Telegraph Business Improvement District (TBID).

Primary Services

TBID provides the following improvements and activities to benefit its properties:

- Public Realm: Cleaning, Hospitality, Activation
- Marketing & Events
- Economic Vitality
- Leadership & Advocacy
- Management

General Boundary Description

TBID provides activities and improvements to benefit properties roughly, between Bancroft Way and Dwight Way and between College Avenue and Dana Street, while extending west to Fulton Street between Bancroft Way and Durant Avenue, as well as south along both sides of Telegraph as far as Derby Street.

Term

The term of the reauthorized TBID will be January 1, 2028, through December 31, 2037.

Budget

The total budget for its first year of operations is approximately $2,000,000, with $1,872,000 from TBID assessments, as detailed below.

EXPENDITURES	Budget	% of Budget
Public Realm: Cleaning, Hospitality, Activation	$1,235,000	62%
Marketing & Events	$302,000	15%
Economic Vitality	$180,000	9%
Leadership & Advocacy	127,000	6%
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General Benefit	78,000	4%
Other Revenues *	$50,000	2%
Total Revenues	$2,000,000	100%

* Revenues from contract services, events, and other sources

TABLE OF CONTENTS

Executive Summary ____ ***1***

Table of Contents ____ ***2***

The District ____ ***2***

History 3
Strategic Plan 3

Summary of Improvements and Services ***6***
Governance and Term 6
First-Year Operating Budget 7

District Boundaries & Service Zones ***8***
Geographical Boundary Description 8
District Map 9
Benefit Zones Matrix or other zone considerations 8

improvements and assessment Budget ***10***
2028 PBID Assessment Budget 10

Assessment Methodology ***10***

TPBID Governance & Operations ***12***

Appendices / Attachments ***13***

THE DISTRICT

Purpose

The Telegraph Property and Business Improvement District (TBID), managed by the Telegraph Property and Business Management Corporation (TPBMC), is a benefit assessment district whose goal is to provide improvements, maintenance, and activities that constitute and convey a special benefit to assessed parcels, first established in 1998 under the California Property and Business Improvement District Law of 1994 (commencing with Section 36600 of the California Streets and Highways Code). The Telegraph Business Improvement District (TBID) encompasses the historic commercial and cultural corridors anchoring the southern edge of the UC Berkeley campus along the iconic Telegraph promenade. To support this vibrant community, the district provides dedicated street cleaning, safety, hospitality, placemaking, and district marketing services.

Building on three decades of success, Telegraph property and business owners seek to renew the district for an additional 10 years beginning in 2028.

Strategic Planning

Between September 2025 and June 2026, TBID worked with Uncommon Bridges to develop a 5-year strategic plan through three phases: assessment, planning, and implementation. The first phase was a thorough assessment of current conditions, based on input from many stakeholders – including business and property owners, residents, TBID board members, UC Berkeley students, and institutional partners – through surveys, focus groups, individual interviews, walking tours, and facilitated discussions.

The assessment highlighted several issues to be addressed toward the district's long-term success:

- Iconic History & Reputation
- Reconciling Transience with Regional Destination Appeal
- Property Owner Disconnection
- Resetting the Bar for Public Safety Perceptions and the Social Crisis
- Transportation and Congestion
- Institutional Advocacy and Development Barriers

It was clear that Telegraph stakeholders and the TBID needed to focus on the following areas for the future success of the Telegraph neighborhood. To introduce and implement this bold new Strategic Plan, designed to preserve the unique soul of Berkeley while aggressively cultivating its future as a bustling, year-round destination, TBID is leaning into the following high-impact strategies.

- Boosting the Public Realm: Shifting from temporary fixes to permanent, high-quality investments that elevate the cleanliness, safety, and visual appeal of our shared spaces. We want our streets bursting with energy and community life day and night.
- Seizing Year-Round Opportunities: Building a resilient, non-stop district calendar that celebrates our eclectic culture, locks in steady foot traffic through academic breaks, and ensures that our economy thrives every single day of the year.
- Championing Economic Vitality: Deepening our commitment to the small business economy by marketing Telegraph's unique character, aggressively reducing vacancies, and attracting diverse commercial investments.
- Bold Leadership and Advocacy: Elevating our role as a trusted convener to cut through bureaucratic red tape, align private and institutional partners, and champion swift, decisive action.

With the 2027 reauthorization of the district approaching, the 2027-2032 TBID Strategic Plan articulates stakeholder consensus around organizational and district priorities. It is the foundation on which to build a consensus-driven Management Plan for a successful reauthorization of the Telegraph Property-based Business Improvement District. As required by California State Law, this Management District Plan has been created to support the renewal of TPBID.

History

Property owners and Berkeley Stakeholders initially approved the formation of the Telegraph Property and Business Improvement District (TPBID) in 1998 for a five-year term to provide needed improvements and activities to assessed property owners. TPBID was successfully renewed for another five-year term in 2003, a ten-year term in 2008, and underwent an expansion and a ten-year renewal in 2017 to set up the reauthorization in 2027.

Since its ten-year renewal in 2017, the Telegraph Property and Business Improvement District (TBID) has driven a profound historical impact by directly reinvesting 100% of its collected assessments back into the corridor. Supported by an annual operating budget of approximately $1 million funded by property owners, the City of Berkeley, and the University of California, the TBID's targeted initiatives have successfully revitalized the neighborhood's economy, safety, and infrastructure.

Economically, its marketing and events have accelerated local business growth, notably funneling over $100,000 directly into 16 neighborhood restaurants during the Fall 2024 and Spring 2025 student orientations and expanding digital reach past the 10,000 Instagram follower milestone.

From an infrastructure and care perspective, the district achieved a major milestone by opening and beautifully wrapping a new 24/7 public restroom in February 2025, alongside driving community-wide beautification. Most critically, the TBID has transformed public safety and community care through its Clean & Safe Ambassador program; by deploying 240 hours of weekly service and equipping ambassadors with specialized Mental Health First Aid, NARCAN, and de-escalation training, the district has humanely elevated crisis response, safely resolved neighborhood conflicts, and provided a more compassionate approach to supporting unhoused residents.

In 2025, a strategic planning process led by the TBID Board of Directors and other community stakeholders determined that the District could expand its services and programming to better meet the neighborhood’s needs.

2027 – 2032 TBID Strategic Plan

Vision:
Telegraph is the soul of Berkeley: a welcoming crossroads where iconic history meets discovery and bold expression.

Mission:
As the gateway to the world gateway to the world's best public university, the Telegraph BID champions the district's unique character and prosperity through advocacy, leadership, and collaborative stewardship.

Values:

- Stewardship: Focused on economic impact.
- Collaboration: Genuine partnership across the community.
- Authenticity: Emphasizing genuine community connection.
- Leadership: Elevating vision while generating value.
- Community Care: A high-priority focus on local support

Goals & Objectives
TBID’s Strategic Plan outlines five priorities for special emphasis in shaping Telegraph’s future in the years ahead.

PUBLIC REALM

Substantially increase direct services and championing of a higher standard

Goal: The Telegraph corridor is a delightful and attractive promenade embodying vitality, safety, and community caring.

Objectives:

A. Substantially reduce the visibility of *garbage* in Telegraph's public areas.
B. Meaningfully upgrade the district's standards for *cleanliness, public safety, and visual appeal*, through direct services and beautification.
C. Conceive, champion, and activate *public gathering spaces* that are attractive to the district's clientele of all ages.
D. Actively champion *transportation and parking* policies and physical infrastructure that ensure the district's easy access and safety, day and night.

E. Actively participate in community partnerships in support of services and community *care for those in need*.

MARKETING & EVENTS

Substantially increase marketing, events, and data

Goal: Telegraph takes its rightful place at the forefront of people's minds as where Berkeley's enviable international reputation began and where it lives.

Objectives:

A. Elevate *Telegraph's brand* to further reflect the soul of Berkeley and define Telegraph as central to the Berkeley experience.
B. Expand *visual markers* of the brand throughout the district, including unique infrastructure, gateway signage, street furniture, and banners.
C. Establish revenue generating *events* that are self-sustaining, expand capacity, and drive visitors to Telegraph and its businesses.
D. Develop and effectively utilize audience *data.*
E. Assess, revise, and maintain a robust and consistent calendar of *marketing campaigns, events, and activations* to draw new and existing visitors to Telegraph, elevating the district's reputation, brand, and small business economy.

ECONOMIC VITALITY

Substantially increase support for economic growth through research, information, and actively managing public spaces and facilities.

Goal: The Telegraph District is a thriving, year-round destination where a vibrant mix of retail, dining and high-quality public spaces naturally attract and serve a broader clientele.

Objectives:

A. Work toward a role in day-to-day *activation and maintenance of key public spaces*, including certain University- and City-owned parks and public areas.
B. Pursue a role in managing the *Telegraph-Channing Garage*, including parking management, retail leasing, and day-to-day operations.
C. Become active in *retail retention, recruitment, and development* through research, data, vision, branding, and curation.
D. Optimize the district's *business atmosphere and cultural relevance* to capture the full economic potential of campus visitors while expanding Telegraph's commercial appeal.

LEADERSHIP

Increase TBID's role as a valued convener, partner, and co-leader

Goal: TBID is a valued convener of businesses, neighbors, the city and university to steward Telegraph's transformation with its evolving soul intact.

Objectives:

A. TBID leverages its partnerships to build a collective narrative about the district's cultural character and future development.
B. TBID is recognized as a meaningful influencer in helping businesses, the city, and university make progress on their shared plans for the Telegraph neighborhood.
C. TBID is known as a primary go-to resource supporting and advocating for business and property owner investments that support the Telegraph vision.
D. TBID reconciles merchant priorities with the district's needs.
E. TBID leads advocacy in support of Telegraph's vision for urban design, transportation, public safety, and real estate development.

ORGANIZATIONAL DEVELOPMENT

Substantially increase TBID presence and impact, with an engaged and high-profile board, more resources, and more visible leadership of the district.

Goal: TBID substantially broadens the organization's impact as a champion, manager, and steward of the public realm for the next 10 years.

Objectives:

A. TBID doubles its collection and analysis of useful data about business, property, and community assets showcasing the

district and the organization's value.

B. The Business Improvement District is renewed with appropriate scope and resources.
C. TBID's board is visible, engaged and impactful, reflecting the organization's leadership role in the district.
D. TBID is a trusted resource with extensive relationships, making connections between public, private and nonprofit interests, and continuously engaging its always changing audience.
E. TBID's non-assessment revenues grow substantially as business, property, government, philanthropic and individual interests recognize TBID's effectiveness.

SUMMARY OF IMPROVEMENTS AND SERVICES

Current Services

Currently, TBID's operating budget of approximately $1 million is funded by district property owners, including the University of California and the City of Berkeley. This supports five core service areas.

- *Clean, Safe, & Crisis Response:* Delivers 240 hours per week of year-round field deployment dedicated to street cleanliness, graffiti mitigation, and specialized crisis de-escalation support.
- *Stewardship & Community Care:* Provides dedicated care, performs district-wide weed abatement, refreshes public fixtures, and offers direct guidance to community members navigating quality-of-life or public-safety issues.
- *Public Infrastructure:* Manages and maintains the 24/7 public restroom facility at Channing Way, installs sidewalk planters and public art projects, and installs holiday lighting and seasonal décor.
- *Events & Marketing:* Drives immediate foot traffic to local merchants through targeted campaigns, including Telegraph Boba Day, Second Sundays, student orientation promotions, and robust district-themed social media growth.
- *Public Leadership & Advocacy:* Conducts routine engagement with local officials to drive funding and infrastructure priorities, represents district interests in public policy groups, and provides strategic stakeholder feedback on neighborhood housing and mixed-use development projects.

Elevating the District

Established almost 30 years ago, TBID is preparing for its first reauthorization in a decade. TBID's next chapter must focus on strengthening the organization to meet Telegraph's changing needs. Its strategic plan provides a foundation for the organization to establish and maintain a higher standard for the public realm and to support meaningful economic growth by attracting a larger and more diverse clientele to the district's businesses and its increasingly outstanding public spaces and facilities.

To operationalize this vision and deliver high-impact results, TBID will implement the following targeted organizational upgrades:

- *Organizational Capacity:* Align operations with industry standards and add strategic program leaders
- *Community Focus:* Elevate board leadership, prioritize business engagement, and heighten district advocacy
- *Program Upgrades:* Negotiate institutional service contracts, upgrade ambassador services, strengthened research and analytics, build event infrastructure, and secure recurring non-assessment revenue

Improvements & Services for 2027 – 2038

The reauthorized TBID will provide the following improvements and services to district property owners:

- *Public Realm:*
  Substantially increase direct services and champion a higher standard for the public realm.
  - *Clean, Safe & Crisis Response:* approximately 400 hours per week of year-round field deployment dedicated to street cleanliness, graffiti mitigation, and specialized crisis de-escalation support. This represents a 75% increase in daily cleaning services and expanded afternoon and evening services.
    - *Target cleaning service levels: Manual cleaning and debris removal (daily); Mechanical sidewalk cleaning (5 days per week); Landscaping and weed abatement (weekly); Graffiti and handbill removal (daily).*
    - *Target Safety & Hospitality services: Walking patrols 3pm – 10pm daily; On-call incident response; Daily business safety check-ins; Special event support and visitor engagement.*
  - *Stewardship & Community Care:* Provides dedicated maintenance and support to foster a welcoming and attractive environment in the District. Daily and routine services include refreshing public fixtures, clearing sidewalk obstructions, addressing disruptive behavior, coordinating public safety efforts, and enhancing social service delivery.
  - *Public Infrastructure:* Implements public space activation initiatives and streetscape beautification programs. Improvements and services include maintenance of the Telegraph-Channing 24/7 public restroom facility, sidewalk planters along the commercial corridor, public art projects, and annual holiday lighting and seasonal décor.
- *Marketing & Events:* Substantially increase marketing, events, and data to support district businesses.
  - *Marketing:* Continue to expand robust district-themed social media platforms to elevate Telegraph's visibility. Provide direct marketing support for businesses with content marketing programs, digital media technical assistance, targeted campaigns, and paid partnerships. Produces and sponsors visitor outreach through digital advertising, the Telegraph Berkeley website, and local promotional platforms.
  - *Events:* Sponsor, coordinate, and produce year-round events, entertainment, and activities to drive foot traffic and

attract visitors. Planned events include public street fairs, sidewalk entertainment, holiday and promotional activities, merchant-led events, and student programming.
    - *Branding:* Elevate Telegraph's brand through media and visual markers throughout the district. Implements place-based branding strategies that build broad appeal for the district as a shopping, dining, and cultural destination.
    - *Data:* Develop and effectively utilize audience data to support district businesses and increase foot traffic.
- *Economic Vitality:* Substantially increase economic growth through research, information, and active public spaces and facilities.
    - *Retail:* Provide research, data, vision, branding, and curation to support retail retention, recruitment, and development.
    - *Business support:* proactive outreach that informs and engages businesses, and hands-on assistance to leverage resources and navigate business challenges. Responsive public relations support and focused capacity to advance economic development programs.
- *Public Leadership & Advocacy:* Increase TBID's role as a valued convener, partner, and co-leader.
    - *Convener:* Expand TBID's role as a go-to resource and convener for business and property owners, advancing a collective vision for the district's growth and prosperity.
    - *Champion:* Actively support Telegraph's vision for urban design, transportation, public safety, and real estate development through information, organizing, and advocacy.
- *Management & Leadership:* Substantially increase presence and impact through board, resources, and visible leadership.
    - *Management:* Continue to efficiently deploy TBID resources to benefit the district's properties and businesses with excellent fiscal oversight, performance measurement, and public reporting.
    - *Non-assessment Revenues:* Leverage TBID assessments by growing non-assessment revenues through direct service contracts, grants, revenue-producing events, and other sources.

Governance and Term

The Telegraph Property and Business Improvement District is formally managed and administered by the Telegraph Property and Business Management Corporation (TPBMC). The TPBMC serves as the designated, private non-profit entity (Owners' Association) legally tasked by the City and the district's property owners with executing day-to-day operations, managing programmatic deployments, and overseeing contract fulfillment. The corporation directly interfaces with operational partners, such as managing the core clean and safe ambassador services contract.

The TPBMC is governed by a dedicated Board of Directors responsible for strategic decision-making, annual budgeting, and approving permitted assessment rate increases.

The Telegraph Property and Business Improvement District will be reauthorized for ten additional years (2027 – 2037).

The Telegraph PBID is expected to be renewed by July 2027 for inclusion of parcel assessments on the County of Alameda 2027/28 tax roll with an implementation date of the Management District Plan on January 1, 2028. Consistent with State law, the PBID will have a 10-year life through December 31, 2037.

DISTRICT BOUNDARIES & SERVICE ZONES

Geographical Boundary Description

The TPBID generally includes parcels in the Telegraph area of the City of Berkeley. The service area includes approximately 254 properties with 185 property owners and two zones. The TPBID boundary is illustrated by the map below. A larger map is provided in Appendix 3 and is available on request by calling (916) 437-4300 or (800) 999-7781.

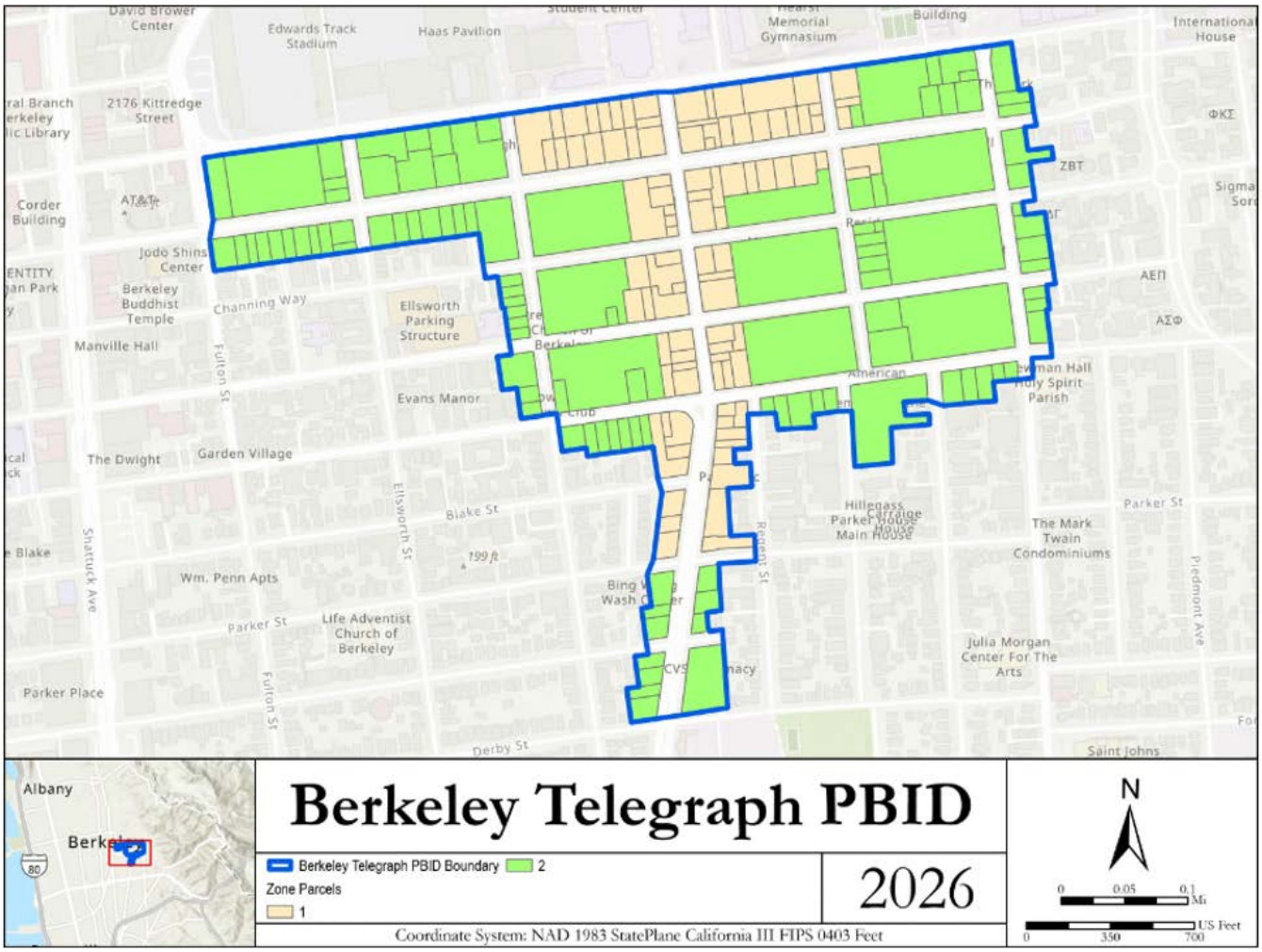
Benefit Zones Matrix

The TBID assessment methodology distinguishes between Benefit Zone 1 and Benefit Zone 2. Both Zone 1 and Zone 2 will receive the same categories of TBID services. Zone 2 parcels will receive a reduced level and frequency of services to reflect lower relative service intensity or special benefit.

Average Weekly Services	Zone 1	Zone 2
Cleaning Ambassadors	163 Hours	82 Hours
Hospitality Ambassadors	100 Hours	50 Hours
Litter removal / sweeping	4 X Daily	2 X Daily

Pressure washing	20 block faces	Daily Spot Washing
Graffiti removal	Daily as needed	Daily as needed
Debris removal	Daily as needed	Daily as needed
Business contacts	100	TBD per shift
Crisis Response & Outreach	Daily	Daily
Reporting/service requests	Daily	Daily
Walking Patrols	72 Hours	36 Hours

District Map



IMPROVEMENTS AND ASSESSMENT BUDGET

2028 PBID Assessment Budget

The following table outlines the estimated operating budget for the initial year and service plan allocation. The budget is an estimate based on the cost to deliver the planned improvements and services. These baseline allocations shall remain generally the same throughout the term of the district. The TPBMC Board of Directors oversees the operating budget to ensure alignment with this plan but may reallocate funds between service categories to account for operational constraints and cost fluctuations.

EXPENDITURES	Budget	% of Budget
Public Realm: Cleaning, Hospitality, Activation	$1,235,000	62%
Marketing & Events	$302,000	15%
Economic Vitality	$180,000	9%
Leadership & Advocacy	127,000	6%
Management and Contingency	$156,000	8%
Total Expenditures	$2,000,000	100%
REVENUES		
PBID Assessments	$1,872,000	94%
General Benefit	78,000	4%
Other Revenues *	$50,000	2%
Total Revenues	$2,000,000	100%

* Revenues from contract services, events, and other sources

Revenue is proposed to come primarily from BID assessments, supplemented by existing contract services, and substantial increases in grants, donations, and event revenue. The improvements and services funded by the PBID assessment will be provided directly and exclusively to assessed parcels, Non-assessment funds may be allocated to specific service categories or special projects by the TPBMC Board of Directors. The annual funding allocations may shift to align with changes in non-assessment revenue. For example, the total Marketing & Events budget may increase or decrease in line with the amount of anticipated event revenue.

Budget Adjustments

The TPBMC Board of Directors shall review and approve the annual operating budget at a public board meeting before the end of each fiscal year on June 30. The PBID Assessment rates will be subject to an annual increase effective at the beginning of the fiscal year by a vote of the Board of Directors of the Telegraph Property and Business Management Corporation. The maximum annual assessment rate increase will reflect the annual change in the Consumer Price Index (CPI) for All Urban Consumers in San Francisco-Oakland-San Jose or 3%, whichever is more. If for any reason the percentage change is negative, the maximum allowable assessment would not be decreased by reason of such negative percentage change and would remain at the amount as computed on the previous fiscal year regardless of any CPI adjustment. The annual assessment cannot exceed the actual costs to operate the Telegraph BID in any given year.

Based upon a maximum possible annual assessment increase of 3%, beginning July 1, 2027, the total annual maximum assessment revenue each year for each of the 10 years is shown in the following table.

EXPENDITURES	Maximum Annual Assessments (3%)
FY 2027/2028	$1,650,000
FY 2028/2029	$1,699,500
FY 2029/2030	$1,750,485
FY 2030/2031	$1,803,000
FY 2031/2032	$1,857,090
FY 2032/2033	$1,912,802
FY 2033/2034	$1,970,186
FY 2034/2035	$2,029,292
FY 2035/2036	$2,090,171

FY 2036/2037	$2,152,876

ASSESSMENT METHODOLOGY

General vs. Special Benefits Resolution:

The improvements, maintenance, and activities to be provided by the District constitute and convey special benefits directly to the assessed parcels, according to California Assessment Law (see *Telegraph PBID Engineer's Report*, September 2026).

Assessment Factors

Each parcel will be assessed based on proportional special benefits received. The variables used for the annual assessment formula are parcel size, building size, parcel type, and benefit zone. These variables are all appropriate measures of the proportional special benefit because the need for services, level of services, and quantity of services are all relative to these variables; thus the special benefit provided to each parcel by the services can be proportionally measured using these variables.

The actual annual rate applied to parcels is as shown below:

Parcel Type	Zone 1 – Parcel Size (sq. ft.) + Building Size (sq. ft.)	Zone 2 – Parcel Size (sq. ft.) + Building Size (sq. ft.)
Commercial	$0.428682	$0.214341
Residential	$0.342945	$0.171473
Private Property Tax-Exempt / Public	$0.154325	$0.077163

Classification of Land Uses

Residential parcels are those parcels containing any number of dwelling units and have no other land use than for residential purposes. Residential parcels will receive and benefit from all of District's improvements, maintenance and activities. Residential parcels in the TPBID typically have a high population density and heavy pedestrian traffic, creating a high benefit from services. These parcels will benefit by being cleaner, safer, and better marketed to potential residents, thus attracting new residents and retaining existing residents.

Private property tax-exempt parcels will receive and benefit from the District's services. However, because they do not have a commercial component, private property tax-exempt parcels (as shown on the County Assessor's records) will be assessed at the rate for the appropriate zone as shown in the table above. These parcels will benefit in that they will be cleaner, safer, and better marketed, but they benefit to a lesser degree than parcels occupied by for profit businesses because they do not enjoy the benefits of increased profits resulting from increased commerce.

Pursuant to Article XIII D of the California Constitution, "parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit." No public agency has made such a demonstration; however, because they do not have a commercial profit-making component, public parcels (as shown on the County Assessor's records) will be assessed at a lower rate commensurate to the benefits received. These parcels will benefit in that they will be cleaner and safer, but they benefit to a lesser degree than parcels occupied by for profit businesses because they do not enjoy the benefits of increased profits resulting from increased commerce. Public parcels within the District include parcels occupied by public schools.

The district is designed to benefit commercial, residential, private property tax-exempt, and public parcels. There are several mixed-use parcels in the District, with commercial and single-family residential components. Consistent with the benefit derived from services, the commercial portion of mixed-use parcels shall be assessed; the residential portion shall be assessed at the residential rate. The assessment for each parcel was determined based upon the portion of the parcel/building that is commercial. Mixed use parcels were identified and apportioned through City parcel data.

Benefit Zones

The Total Assessment was allocated to two benefit zones as shown on the map in Appendix III. The boundaries of each benefit zone were narrowly drawn to include all parcels that receive a direct advantage from the same level of services and improvements. Each benefit zone will receive a different level of services based on the needs and conditions in that zone, and historic service allocations to that zone. The benefit zones ensure that "properties that receive the same proportionate special benefit pay the same assessment." Because the frequency and quantity of services and improvements directly relate to the cost of the services and improvements, in this District "the relative cost of an improvement is a reliable measure of relative benefit conferred." For instance, Zone 1 has higher pedestrian and vehicle traffic than Zone 2 and thus will benefit from more frequent and intense services. Because of the difference in pedestrian and vehicle traffic between the zones, Zone 2 will receive fifty percent (50%) of the cleaning ambassador services provided

by the District compared to Zone 1. Thus, the assessment rate for Zone 2 is fifty percent (50%) of the Zone 1 rate. Similarly, Zone 2 will receive and specially benefit from half of the Communications and Economic Development services and all related administration.

How assessments will be paid, collected, and distributed

As provided by State Law, the TPBID assessment will appear as a separate line item on annual property tax bills prepared by the County of Alameda. Parcels that do not receive property tax bills will be invoiced by the TPBID on behalf of the City. Property tax bills are generally distributed in the fall, and payment is expected by lump sum or installment. The County of Alameda shall distribute funds collected to the City of Berkeley, which shall forward them to the TPBID. Existing laws for enforcement and appeal of property taxes, including penalties and interest, apply to the TPBID assessments.

Assessments appeals process

If any property owner believes the data used to calculate the assessment is inaccurate for any reason, the property owner shall submit, in writing, a request for review to the City. The property owner shall provide documentation to support the request for review. The City or its designated consultant shall review the request and provide a response to the property owner. The property owner must be current in the payment of all assessments when filing the request for review and must remain current during the review process. (Further detail is provided in the *Telegraph PBID Engineer's Report*, September 2026.)

TPBID GOVERNANCE & OPERATIONS

The Owners' Association

The Telegraph Property and Business Improvement District is formally managed and administered by the Telegraph Property and Business Management Corporation (TPBMC). The TPBMC serves as the designated, private non-profit entity (Owners' Association) legally tasked by the City and the district's property owners with executing day-to-day operations, managing programmatic deployments, and overseeing contract fulfillment. The corporation directly interfaces with operational partners, such as managing the core clean and safe ambassador services contract.

Board Composition

The TPBMC is governed by a dedicated Board of Directors responsible for strategic decision-making, annual budgeting, and approving permitted assessment rate increases. To ensure balanced, equitable leadership across the corridor, the board shall adopt governance structures and bylaws that dictate a diverse board composition. Governance structure shall support proportional representation from key district stakeholders, including:

- Large Property Owners (including major institutional entities such as the University of California, Berkeley and City of Berkeley)
- Independent Retailers and Merchants
- Commercial Stakeholders, Non-Profits, and Residents within the district

Public Oversight, Reporting & Compliance

TPBMC operates under transparency rules and public oversight guidelines set by the State of California. The association is legally required to submit a comprehensive Annual Report to the City Council for each fiscal year. This report enforces fiscal and operational transparency by detailing:

- Proposed changes (or confirmation of no changes) to the district boundaries.
- Documentation of the exact service types to be delivered in line with the Management District Plan, including street and sidewalk cleaning, beautification, marketing, promotions, decoration, and public restroom maintenance.
- Itemized operational budgets detailing total revenues, assessment values, and projected expenditures.
- Formal board approvals regarding assessment rate modifications.

TPBMC further operates withing the requirements of the Brown Act (commencing with Section 54950 of the Government Code), and the California Public Records Act (commencing with Section 6250 of the Government Code).

Regular monthly board meetings shall comply with public notice requirements and be held at an open location within the district. The TPBMC shall record and publish reports on board actions, TBID activities, and financial records.

Delinquency and Disestablishment

The district operates under established legal mechanisms pursuant to the California Property and Business Improvement District Law of 1994 to manage non-payment and safeguard property owner rights:

- Delinquency Protocols: Because assessments are collected via the regular county property tax roll, non-payment triggers standard statutory tax lien consequences. Delinquent assessments are subject to the same penalties, interest, and enforcement procedures as regular ad valorem property taxes.
- Disestablishment Procedures: Property owners retain democratic recourse through an established annual 30-day window

(the anniversary of the district's creation). During this statutory period, property owners have the right to submit formal petitions to the City Council to initiate dissolution proceedings for the district, ensuring long-term accountability to those who fund it.

APPENDICES / ATTACHMENTS

- Assessment Roll
- Certified Engineer's Report
- City Base Level Services Agreement

ASSESSMENT ID	ASSESSOR'S PARCEL NUMBER	ZONE	OWNER	BUILDING SQUARE FEET	LOT SQUARE FEET	ASSESSMENT RATE	PARCEL TYPE	ASSESSMENT TOTAL
1	055 -1835-004-02	2	FITZER TIMOTHY A	5,814	7,125	$0.214341	Commercial	$2,773.36
2	055 -1835-007-00	2	BERKELEY TELEGRAPH LLC & 2640 TELEGRAPH AVE LLC	4,480	6,072	$0.214341	Commercial	2,261.72
3	055 -1835-009-01	2	2650 TELEGRAPH LP	35,823	10,886	$0.214341	Mixed Use	8,082.05
4	055 -1835-018-00	2	TAM RICHARD W & ZHANG TAO T	1,200	435	$0.214341	Commercial	350.45
5	055 -1835-019-00	2	IGNACIO ERIC D & LAGASCAIGNACIO CYNTHIA M TRS	1,226	435	$0.171473	Residential	284.82
6	055 -1835-020-00	2	GOLD BONNIE & PAYNE DAVID E TRS	1,226	435	$0.171473	Residential	284.82
7	055 -1835-021-00	2	BOLT DIANNA	1,226	435	$0.171473	Residential	284.82
8	055 -1835-022-00	2	SUN CHII YUN & KAREN K	1,226	435	$0.171473	Residential	284.82
9	055 -1835-023-00	2	RIVERA PAUL J & MARY Q	1,226	435	$0.171473	Residential	284.82
10	055 -1835-024-00	2	CHUANG PATRICK C & HSIUNG YINGSHENG	1,226	435	$0.171473	Residential	284.82
11	055 -1835-025-00	2	SHARMA VINEET & SHUCHI	1,226	435	$0.171473	Residential	284.82
12	055 -1835-026-00	2	MEYYAPPAN MURUGAPPAN & RAMANATHAN SIVAKAMI TRS	1,226	435	$0.171473	Residential	284.82
13	055 -1835-027-00	2	LI MARK K & CHEUNG KATHY M TRS	1,226	435	$0.171473	Residential	284.82
14	055 -1835-028-00	2	CHEN ZIXIN	1,226	435	$0.171473	Residential	284.82
15	055 -1835-029-00	2	LIM ING Y & KANWIT ELIZABETH D TRS	1,226	435	$0.171473	Residential	284.82
16	055 -1835-030-00	2	ILB HILLS LLC	1,226	435	$0.171473	Residential	284.82
17	055 -1835-031-00	2	XIA JING	1,226	435	$0.171473	Residential	284.82
18	055 -1835-032-00	2	EPSTEIN LYNN & BASSEIN SUSAN	1,226	435	$0.171473	Residential	284.82
19	055 -1835-033-00	2	ANANTHARAM VENKATACHALAM	1,226	435	$0.171473	Residential	284.82
20	055 -1835-034-00	0	2628 TELEGRAPH AVE ASSOCIATION	0	0	$0.000000	Exe - Common Area	0.00
21	055 -1836-006-03	2	WONG FRANKLIN C & WONG HENRY F TR ETAL	1,176	13,711	$0.214341	Commercial	3,190.89
22	055 -1836-008-02	2	AVENUE T PROPERTY LLC	1,921	5,474	$0.214341	Commercial	1,585.05
23	055 -1836-031-00	2	2616 TELEGRAPH AVENUE LLC	21,328	8,655	$0.214341	Mixed Use	5,261.55
24	055 -1837-001-00	1	TELEGRAPH BLAKE ST LLC	44,637	10,200	$0.428682	Mixed Use	19,153.41
25	055 -1837-002-00	1	ZION PROPERTIES LLC	8,610	7,500	$0.428682	Commercial	6,906.06
26	055 -1837-003-00	1	2588 TELEGRAPH AVENUE LLC	6,248	10,209	$0.428682	Commercial	7,054.81
27	055 -1838-001-02	1	MAJIDI SHAHLA TR	12,230	12,992	$0.428682	Commercial	10,812.21
28	055 -1838-002-01	1	GLENN BUILDING	46,634	19,700	$0.428682	Mixed Use	24,309.01
29	055 -1838-013-00	2	BERKELEY MULTIFAMILY II PROPERTY OWNER LLC	9,602	6,725	$0.171473	Residential	2,799.63
30	055 -1838-014-00	2	MGH MANAGEMENT LLC	5,045	6,725	$0.171473	Residential	2,018.23
31	055 -1838-015-00	2	VALUES INC INVESTMENT CO	13,914	6,190	$0.171473	Residential	3,447.29
32	055 -1838-016-00	2	DWIGHT BLAKE APARTMENTS	6,046	6,187	$0.171473	Residential	2,097.62
33	055 -1838-017-00	2	LUNDIN JANE TR	2,577	6,120	$0.214341	Commercial	1,864.12
34	055 -1838-018-00	2	LUNDIN JANE TR	3,353	5,514	$0.214341	Commercial	1,900.56
35	055 -1838-020-00	1	RUE ELL ENTERPRISES INC	2,849	3,621	$0.428682	Commercial	2,773.57
36	055 -1838-021-00	1	P G & E CO 135-1-12-2	2,203	5,080	$0.428682	Commercial	3,122.09
37	055 -1838-022-00	2	NGUYEN LILY L & NGUYEN LOI & LE YVONNE TRS	791	1,111	$0.171473	Residential	326.14
38	055 -1838-023-00	2	INFUSION & WELLNESS CENTER LLC	873	1,111	$0.171473	Residential	340.20
39	055 -1838-024-00	2	HONG JAMIE J & JIN ETAL	838	1,111	$0.171473	Residential	334.20
40	055 -1838-025-00	2	MASON ELIZABETH F & JAMES W ETAL	858	1,111	$0.171473	Residential	337.63
41	055 -1838-026-00	2	HOM KENNETH F & MEI J TRS	1,337	1,111	$0.171473	Residential	419.77
42	055 -1838-027-00	2	NEMIROVSKY FELIX	1,348	1,111	$0.171473	Residential	421.65
43	055 -1838-028-00	2	FENG SAMUEL & HUANG HSINYI C TRS	1,155	1,111	$0.171473	Residential	388.56
44	055 -1838-029-00	2	DAI GEORGE S & LUNA Y TRS & DAI CORNELIA	1,262	1,111	$0.171473	Residential	406.90
45	055 -1838-030-00	2	SHYR JURIYAN & HOU DANIEL	1,343	1,111	$0.171473	Residential	420.79
46	055 -1838-031-00	0	DWIGHT DANA PARTNERSHIP	0	0	$0.000000	Exe - Common Area	0.00
47	055 -1839-001-02	1	SODA KING LLC	7,559	3,997	$0.428682	Commercial	4,953.84
48	055 -1839-003-03	1	GORDON JOHN K & MITCHELL JANIS L TRS & GORDON ETAL	5,307	5,891	$0.342945	Residential	3,840.30
49	055 -1839-004-00	1	CHU FAMILY LLC	20,450	6,900	$0.428682	Commercial	11,724.44
50	055 -1839-005-00	1	TELEGRAPH REGENT LLC	9,836	5,115	$0.428682	Commercial	6,409.22
51	055 -1839-015-02	1	CLARA&SONIA LLC	5,376	6,380	$0.428682	Commercial	5,039.58
52	055 -1839-016-01	1	GORDON JOHN K & MITCHELL JANIS L TRS & GORDON ETAL	6,018	3,555	$0.428682	Commercial	4,103.77
53	055 -1839-019-01	1	GDCB BERKELEY PROPCO LLC	112,562	18,779	$0.428682	Mixed Use	45,334.29
54	055 -1839-020-00	1	2539 TELEGRAPH LLC	63,094	16,679	$0.428682	Mixed Use	27,946.70
55	055 -1839-021-00	1	REGENT TERRACE LLC	37,169	11,603	$0.428682	Mixed Use	18,227.39
56	055 -1840-001-01	2	LIEBERT BRUCE E TR & CARLYN M TR	2,400	9,430	$0.214341	Commercial	2,535.65

ASSESSMENT ID	ASSESSOR'S PARCEL NUMBER	ZONE	OWNER	BUILDING SQUARE FEET	LOT SQUARE FEET	ASSESSMENT RATE	PARCEL TYPE	ASSESSMENT TOTAL
57	055 -1840-024-01	2	CALIF ANN CONF METH CH	28,077	45,895	$0.214341	Commercial	15,855.22
58	055 -1840-032-00	2	GIORDANO ARLENE A	5,473	6,069	$0.214341	Commercial	2,473.92
59	055 -1840-035-00	2	WHANG WILLIAM W & ALICE J TRS	905	490	$0.171473	Residential	239.20
60	055 -1840-036-00	2	HSIA SAMSON & ALICIA TRS	1,034	490	$0.171473	Residential	261.32
61	055 -1840-037-00	2	NAVARROCACERES LILIANA	563	490	$0.171473	Residential	180.56
62	055 -1840-038-00	2	GOFF EDWARD TR	557	490	$0.171473	Residential	179.53
63	055 -1840-039-00	2	KWOK VICTOR Y	1,147	490	$0.171473	Residential	280.70
64	055 -1840-040-00	2	YU JULIA & YU JEAN J TR	993	490	$0.171473	Residential	254.29
65	055 -1840-041-00	2	HAROUN ANSAR M & NASRA TRS	957	490	$0.171473	Residential	248.12
66	055 -1840-042-00	2	HUANG LI L	905	490	$0.171473	Residential	239.20
67	055 -1840-043-00	2	ELA PROPERTIES LLC	1,034	490	$0.171473	Residential	261.32
68	055 -1840-044-00	2	LIN RICHARD K & DORIS M	563	490	$0.171473	Residential	180.56
69	055 -1840-045-00	2	MAKHIJANI MEENA S	557	490	$0.171473	Residential	179.53
70	055 -1840-046-00	2	KPARTNERS LLC	1,147	490	$0.171473	Residential	280.70
71	055 -1840-047-00	2	HU HANG L & TYNG J	993	490	$0.171473	Residential	254.29
72	055 -1840-048-00	2	HU TYNG J & HANG L	957	490	$0.171473	Residential	248.12
73	055 -1840-049-00	2	SUNKU RAVINDRA & ROOPA R ETAL	1,349	490	$0.171473	Residential	315.34
74	055 -1840-050-00	2	SU VINCENT P & INGRID ETAL	1,034	490	$0.171473	Residential	261.32
75	055 -1840-051-00	2	MAUS MARLON TR	1,426	490	$0.171473	Residential	328.54
76	055 -1840-052-00	2	DELENGOCKY TAYSON	1,098	490	$0.171473	Residential	272.30
77	055 -1840-053-00	2	LEUNG VELIA N	552	490	$0.214341	Commercial	223.34
78	055 -1840-054-00	2	LEUNG VELIA N	255	490	$0.214341	Commercial	159.68
79	055 -1840-055-00	0	COMMON AREA OF TR 6567 35 THRU 54	0	0	$0.000000	Exe - Common Area	0.00
80	055 -1842-001-00	2	WANG ANGELA	3,099	3,944	$0.171473	Residential	1,207.68
81	055 -1842-002-00	2	NCR PROPERTIES LLC	7,456	7,865	$0.171473	Residential	2,627.13
82	055 -1842-004-01	2	DOTP 2530 LLC	10,478	14,963	$0.171473	Residential	4,362.44
83	055 -1842-005-00	2	CHIU EDMUND S & BONNETTE S TRS	4,866	5,000	$0.171473	Residential	1,691.75
84	055 -1842-006-00	2	SATELLITE AFFORDABLE HOUSING ASSOCIATES	15,650	5,580	$0.171473	Residential	3,640.36
85	055 -1843-026-03	2	BERKELEY SCHOOL THEOLOGY	75,956	81,818	$0.077163	NonProfit	12,174.27
86	055 -1846-001-01	2	2501 BENVENUE LLC	29,352	13,300	$0.171473	Residential	7,313.65
87	055 -1846-002-00	2	WU SUE H	16,026	8,700	$0.171473	Residential	4,239.83
88	055 -1846-003-00	2	2644 BERKELEY LLC	23,948	8,940	$0.171473	Residential	5,639.39
89	055 -1846-004-00	2	FERGUSON JAMES I & ARLENE M TRS	8,077	3,850	$0.171473	Residential	2,045.15
90	055 -1846-005-00	2	HAKAM ALAEDDIN & FOUDEH SOUSSAN TRS ETAL	5,134	4,800	$0.171473	Residential	1,703.41
91	055 -1867-012-00	2	ROMAN CATHOLIC WELFARE CORPORATION OF OAKLAND	0	10,125	$0.214341	Commercial	2,170.20
92	055 -1867-013-00	2	DISANO JOSEPH R TR & DISANO JOSEPH R TR	8,714	5,000	$0.171473	Residential	2,351.58
93	055 -1867-014-00	2	NATEGHIAN FARAMARZ TRUST	6,599	5,000	$0.171473	Residential	1,988.91
94	055 -1868-010-00	2	UNIVERSITY LUTHERAN CHAPEL OF BERKELEY CALIF	6,534	6,750	$0.077163	NonProfit	1,353.04
95	055 -1868-011-00	2	2415COLLEGE LLC	26,580	13,100	$0.171473	Residential	6,804.03
96	055 -1868-013-00	2	BEAR HAVEN LLC	14,924	13,100	$0.171473	Residential	4,805.35
97	055 -1868-014-00	2	MIN ROY & EDWARD ETAL	4,645	2,450	$0.171473	Residential	1,216.60
98	055 -1869-011-00	2	ALPHA BETA HALL	10,549	10,150	$0.171473	Residential	3,549.31
99	055 -1869-013-01	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	47,694	19,592	$0.077163	NonProfit	5,191.97
100	055 -1870-008-00	2	2701 DURANT LP	21,210	7,500	$0.171473	Residential	4,922.98
101	055 -1870-009-00	2	BALAJI EQUITY MANAGEMENT LLC	10,550	7,725	$0.171473	Residential	3,133.66
102	055 -1870-010-00	2	BREIT SH BERKELEY LLC	33,315	18,670	$0.214341	Commercial	11,142.51
103	055 -1871-001-03	2	AMI LLC &	16,441	10,140	$0.214341	Commercial	5,697.39
104	055 -1871-002-03	2	AMI LLC &	4,284	9,192	$0.214341	Commercial	2,888.46
105	055 -1871-003-00	2	DELTA DEUTERON BLDG ASN	12,372	13,000	$0.171473	Residential	4,350.60
106	055 -1871-004-01	2	RUSHTON RICHARD P & WITT S R & LAVELLE P ETAL TRS	4,164	9,100	$0.171473	Residential	2,274.41
107	055 -1871-006-00	2	REGENCY DURANT LLC	30,890	10,400	$0.171473	Residential	7,080.11
108	055 -1871-011-00	2	YEE DAVID	6,759	5,000	$0.171473	Residential	2,016.35
109	055 -1871-012-00	2	TRUST BENEFIT CHRISTIAN SCIENCE ORGANIZATION UC BE	8,324	5,000	$0.077163	NonProfit	1,320.56
110	055 -1871-013-00	2	ESLAMI AHMAD A	5,684	3,000	$0.077163	NonProfit	670.08
111	055 -1871-015-01	2	UNIVERSITY Y W C A	22,443	13,000	$0.077163	NonProfit	4,825.54
112	055 -1871-019-01	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	102,794	69,192	$0.077163	NonProfit	13,270.90

ASSESSMENT ID	ASSESSOR'S PARCEL NUMBER	ZONE	OWNER	BUILDING SQUARE FEET	LOT SQUARE FEET	ASSESSMENT RATE	PARCEL TYPE	ASSESSMENT TOTAL
113	055 -1871-020-00	2	AMI LLC &	0	7,150	$0.214341	Commercial	1,532.54
114	055 -1872-011-00	2	RAAJ BERKELEY OWNER LLC	0	6,970	$0.214341	Commercial	1,493.96
115	055 -1872-012-00	2	ROYSTON APARTMENTS LP	26,394	12,500	$0.171473	Residential	6,669.26
116	055 -1872-013-00	1	RAAJ BERKELEY OWNER LLC	0	4,500	$0.428682	Commercial	1,929.07
117	055 -1872-014-00	1	RAAJ BERKELEY OWNER LLC	70,484	15,370	$0.428682	Commercial	36,804.03
118	055 -1872-021-01	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	325,482	117,029	$0.077163	NonProfit	34,145.34
119	055 -1873-001-01	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	306,140	129,242	$0.077163	NonProfit	33,595.25
120	055 -1873-014-00	2	BERKELEY MULTIFAMILY II PROPERTY OWNER LLC	26,708	7,875	$0.171473	Residential	5,930.04
121	055 -1873-015-00	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	0	7,813	$0.077163	NonProfit	602.87
122	055 -1873-016-00	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	0	6,073	$0.077163	NonProfit	468.61
123	055 -1873-017-00	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	0	6,115	$0.077163	NonProfit	471.85
124	055 -1873-018-00	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	0	3,896	$0.077163	NonProfit	300.63
125	055 -1873-019-00	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	85,906	1,658	$0.077163	NonProfit	6,756.67
126	055 -1874-012-00	2	FIRST CHURCH CHRIST SCIENTIST	17,609	26,250	$0.077163	NonProfit	3,384.28
127	055 -1874-013-00	2	VEDANTA SOCIETY BERKELEY	5,239	18,000	$0.077163	NonProfit	1,793.18
128	055 -1874-023-01	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	324,989	120,071	$0.077163	NonProfit	34,342.03
129	055 -1875-006-00	1	RUE ELL ENTERPRISES INC	4,200	4,500	$0.428682	Commercial	3,729.53
130	055 -1875-007-00	1	SARACHAN KENNETH	18,170	8,510	$0.428682	Commercial	11,437.23
131	055 -1875-008-00	1	THELMA & LOUISE NO 2 LLC	54,788	8,740	$0.428682	Mixed Use	22,461.95
132	055 -1875-009-01	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	149,804	122,137	$0.077163	NonProfit	20,983.70
133	055 -1875-024-00	1	SUM YUN C & NGAN C TRS	11,380	10,500	$0.428682	Commercial	9,379.55
134	055 -1875-025-00	1	GEE JEW Y TR	3,694	4,720	$0.342945	Residential	2,885.54
135	055 -1875-026-00	1	TELEGRAPH PARTNERS LLC	5,210	4,720	$0.428682	Commercial	4,256.81
136	055 -1875-027-00	1	MILANO PROPERTIES LTD LLC	3,200	2,560	$0.428682	Commercial	2,469.21
137	055 -1875-028-02	1	PELLEGRINO PASQUALE TR	5,304	5,100	$0.428682	Commercial	4,460.00
138	055 -1875-029-00	1	GILLMAN SCOTT C TR & GILLMAN LINDA ETAL	7,590	7,590	$0.428682	Commercial	6,507.39
139	055 -1875-030-01	1	2506 HASTE STREET PARTNERS LLC	3,162	5,511	$0.428682	Commercial	3,717.96
140	055 -1875-040-01	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	335,005	121,500	$0.077163	NonProfit	35,225.15
141	055 -1875-043-00	1	2503 HASTE STREET OWNER LLC	10,546	2,134	$0.428682	Commercial	5,435.68
142	055 -1875-044-00	1	2503 HASTE STREET OWNER LLC	2,636	534	$0.428682	Commercial	1,358.92
143	055 -1875-045-00	1	2503 HASTE STREET OWNER LLC	79,511	16,090	$0.342945	Residential	32,785.91
144	055 -1875-046-00	0	COMMON AREA LOT 1 PM 11017	0	0	$0.000000	Exe - Common Area	0.00
145	055 -1876-001-00	1	TREVOR JAMES II	3,700	3,700	$0.428682	Commercial	3,172.24
146	055 -1876-009-01	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	71,994	63,635	$0.077163	NonProfit	10,465.50
147	055 -1876-011-00	1	FUENTES TOMAS R TR	18,416	13,000	$0.428682	Commercial	13,467.46
148	055 -1876-012-00	1	2369 TELEGRAPH LLC	3,600	4,000	$0.428682	Commercial	3,257.98
149	055 -1876-013-02	1	BERKELEY MULTIFAMILY I PROPERTY OWNER LLC	44,984	9,900	$0.428682	Mixed Use	20,798.18
150	055 -1876-015-00	1	RUEGG & ELLSWORTH	24,185	13,000	$0.428682	Commercial	15,940.53
151	055 -1876-016-00	1	RUE ELL ENTERPRISES INC	9,663	6,500	$0.428682	Commercial	6,928.78
152	055 -1876-017-00	1	RUEGG & ELLSWORTH	41,634	10,377	$0.428682	Mixed Use	18,386.58
153	055 -1876-019-01	1	RUE ELL ENTERPRISES INC	9,625	9,750	$0.428682	Commercial	8,305.71
154	055 -1876-021-01	1	2538 DURANT PROPCO LLC	80,520	12,792	$0.428682	Mixed Use	32,146.34
155	055 -1876-022-00	1	ALLEN HYE K & KIM JOE TR	4,520	4,500	$0.428682	Commercial	3,866.71
156	055 -1876-023-00	1	RUEGG & ELLSWORTH	9,150	7,600	$0.428682	Commercial	7,180.42
157	055 -1877-001-00	1	CORE BERKELEY BANCROFT LLC	81,831	13,130	$0.428682	Mixed Use	33,262.79
158	055 -1877-002-00	1	DOYLE ELAINE M TR	2,971	2,500	$0.342945	Residential	1,876.25
159	055 -1877-003-00	1	ST JOSEPH ARIM FOUND	5,189	4,000	$0.342945	Residential	3,151.32
160	055 -1877-004-00	1	ST JOSEPH ARIM FOUND	1,946	6,500	$0.154325	NonProfit	1,303.43
161	055 -1877-005-00	1	KURDYS DOUGLAS & SHAWVER LOIS TRS	10,781	6,500	$0.342945	Residential	5,926.44
162	055 -1877-006-00	1	GROWERS PROPERTIES NO 52	17,823	9,750	$0.342945	Residential	9,456.03
163	055 -1877-007-00	1	LANDIS FAMILY LLC	20,622	9,750	$0.342945	Residential	10,415.93
164	055 -1877-008-00	1	RUE ELL ENTERPRISES INC	8,916	10,790	$0.428682	Commercial	8,447.60
165	055 -1877-009-00	1	DURANT PLACE	8,153	6,760	$0.428682	Commercial	6,392.93
166	055 -1877-010-03	1	GOODHUE NEIL B & DIANE C TRS	2,800	2,430	$0.428682	Commercial	2,242.00
167	055 -1877-010-06	1	GOODHUE NEIL B & DIANE C TRS	3,575	4,520	$0.428682	Commercial	3,470.18
168	055 -1877-011-00	1	2509 DURANT LLC	10,295	10,000	$0.428682	Commercial	8,700.09

ASSESSMENT ID	ASSESSOR'S PARCEL NUMBER	ZONE	OWNER	BUILDING SQUARE FEET	LOT SQUARE FEET	ASSESSMENT RATE	PARCEL TYPE	ASSESSMENT TOTAL
169	055 -1877-012-01	1	JANGMI LLC	5,100	4,950	$0.428682	Commercial	4,308.25
170	055 -1877-013-00	1	BERKELEY MULTIFAMILY I PROPERTY OWNER LLC	46,750	16,900	$0.428682	Mixed Use	23,889.00
171	055 -1877-014-00	1	TENG VIVI	2,790	3,900	$0.428682	Commercial	2,867.88
172	055 -1877-016-01	1	LEGACY BANCROFT PROPERTY OWNER LLC	24,830	15,600	$0.428682	Commercial	17,331.60
173	055 -1877-019-02	1	MARK AT BERKELEY LLC	148,355	28,405	$0.428682	Mixed Use	62,955.03
174	055 -1878-001-00	1	RAISING CANES RESTAURANTS LLC	10,395	10,000	$0.428682	Commercial	8,742.96
175	055 -1878-002-00	1	AYYAD FUAD & MUNA I	9,740	4,160	$0.428682	Commercial	5,958.67
176	055 -1878-003-00	1	2340 TELEGRAPH PROPERTY LLC	49,442	12,000	$0.428682	Mixed Use	22,473.93
177	055 -1878-004-00	1	FORTUNEWORLD INC	9,581	6,500	$0.428682	Commercial	6,893.63
178	055 -1878-005-01	1	RUE ELL ENTERPRISES INC	23,907	13,000	$0.428682	Commercial	15,821.35
179	055 -1878-007-01	1	2425 DURANT AVENUE LLC	10,394	9,750	$0.342945	Residential	6,908.29
180	055 -1878-010-00	1	LANDIS FAMILY LLC	19,590	9,750	$0.342945	Residential	10,062.01
181	055 -1878-012-00	1	LANDIS FAMILY LLC	6,363	6,500	$0.342945	Residential	4,411.31
182	055 -1878-017-00	1	VALHAUS LP	9,730	6,500	$0.428682	Commercial	6,957.50
183	055 -1878-018-00	1	REGENTS OF THE UNIVERSITY OF CALIFORNIA	8,810	0	$0.428682	Commercial	3,776.68
184	055 -1878-018-00	1	REGENTS OF THE UNIVERSITY OF CALIFORNIA	19,200	13,000	$0.154325	NonProfit	4,969.28
185	055 -1878-019-00	1	KUANG DIANA Q ETAL	5,057	6,500	$0.428682	Commercial	4,954.27
186	055 -1878-020-00	1	ZENGS BERKELEY LLC	13,905	6,500	$0.428682	Commercial	8,747.25
187	055 -1878-021-00	1	RUE ELL ENTERPRISES INC	16,472	6,500	$0.428682	Mixed Use	8,627.53
188	055 -1878-022-00	1	RUE ELL ENTERPRISES INC	37,492	6,500	$0.428682	Mixed Use	15,296.48
189	055 -1878-023-00	1	PAIGE ROGER & NORMA TRS & HERBERT JOSEPH & CA ETAL	1,482	1,625	$0.342945	Residential	1,065.53
190	055 -1878-024-00	1	PAIGE ROGER & NORMA TRS & HERBERT JOSEPH & CA ETAL	1,449	1,625	$0.342945	Residential	1,054.21
191	055 -1878-025-00	1	PAIGE ROGER & NORMA TRS & HERBERT JOSEPH & CA ETAL	440	1,625	$0.342945	Residential	708.18
192	055 -1878-026-00	1	PAIGE ROGER & NORMA TRS & HERBERT JOSEPH & CA ETAL	440	1,625	$0.342945	Residential	708.18
193	055 -1878-027-00	0	COMMON AREA OF PM 7559 23 THRU 26	0	0	$0.000000	Exe - Common Area	0.00
194	055 -1878-029-00	1	STILES HALL	5,244	0	$0.154325	NonProfit	809.28
195	055 -1878-030-00	1	REGENTS OF THE UNIVERSITY OF CALIFORNIA	7,162	0	$0.428682	Commercial	3,070.22
196	055 -1878-031-00	1	REGENTS OF THE UNIVERSITY OF CALIFORNIA	173,641	32,521	$0.154325	NonProfit	31,816.03
197	055 -1879-001-00	1	KICK-AXE PROPERTIES	15,699	5,000	$0.428682	Commercial	8,873.28
198	055 -1879-002-00	1	SARACHAN KENNETH	7,920	8,000	$0.428682	Commercial	6,824.61
199	055 -1879-003-00	1	RUE ELL ENTERPRISES INC	2,250	2,250	$0.428682	Commercial	1,929.07
200	055 -1879-004-00	1	CAMOU TELEGRAPH AVENUE PROPERTIES LLC	2,250	2,250	$0.428682	Commercial	1,929.07
201	055 -1879-005-00	1	AAG INVESTMENTS LLC	3,140	1,998	$0.428682	Commercial	2,202.57
202	055 -1879-006-01	1	CITY OF BERKELEY	189,867	32,685	$0.428682	Commercial	95,403.95
203	055 -1879-022-03	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	212,654	106,755	$0.077163	NonProfit	24,646.46
204	055 -1880-001-00	1	SPECTRUM TELEGRAPH COMMONS LLC & POINT V APPL ETAL	29,312	6,325	$0.428682	Mixed Use	12,833.95
205	055 -1880-004-00	1	CREATIVE PROPERTY TELEGRAPH LLC	2,189	2,280	$0.428682	Commercial	1,915.78
206	055 -1880-005-01	1	ENT KENNETH E & GREGORY W TRS	43,902	15,570	$0.428682	Mixed Use	21,094.98
207	055 -1880-007-00	2	ENT KENNETH E & GREGORY W TRS	6,348	5,670	$0.171473	Residential	2,060.76
208	055 -1880-011-00	2	FIRST CHURCH FOUNDATION	3,465	3,871	$0.171473	Residential	1,257.92
209	055 -1880-015-02	2	FIRST PRESBYTERIAN CHURCH OF BERKELEY	108,028	91,149	$0.077163	NonProfit	18,101.31
210	055 -1880-021-03	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	58,355	11,946	$0.077163	NonProfit	5,424.61
211	055 -1880-021-04	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	0	9,570	$0.077163	NonProfit	738.45
212	055 -1880-022-01	1	2414 TELEGRAPH LLC	34,834	16,325	$0.428682	Mixed Use	18,170.33
213	055 -1881-001-00	1	SARACHAN KENNETH & BROWN LAURIE	9,521	8,500	$0.428682	Commercial	7,725.27
214	055 -1881-002-00	1	GORDON JOHN K & MITCHELL JANIS L TRS & RIPSTE ETAL	14,675	5,000	$0.428682	Commercial	8,434.31
215	055 -1881-003-00	1	LIPPETT PETER E TR	12,648	3,500	$0.428682	Commercial	6,922.35
216	055 -1881-004-00	1	VIRGINIA COLLEGE ASSOCIATES LP	26,794	10,300	$0.428682	Mixed Use	13,730.12
217	055 -1881-005-00	1	GRACE ONE LLC	4,173	6,450	$0.428682	Commercial	4,553.88
218	055 -1881-007-00	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	11,068	10,409	$0.077163	NonProfit	1,657.22
219	055 -1881-012-00	2	TOWN & GOWN CLUB	5,819	6,500	$0.214341	Commercial	2,640.46
220	055 -1881-017-01	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	0	57,327	$0.077163	NonProfit	4,423.51
221	055 -1881-018-00	1	2442 HASTE STREET LLC	0	6,750	$0.342945	Residential	2,314.88
222	055 -1882-001-00	2	CHURCH IN BERKELEY	21,330	21,750	$0.077163	NonProfit	3,796.94
223	055 -1882-002-00	2	ANDREONI THOMAS L & STANTON KAREN J TRS	4,918	5,130	$0.171473	Residential	1,722.96
224	055 -1882-003-00	2	HASHEMI HOMAYOUN & GOVASHIRI HOMA TRS	4,207	6,120	$0.171473	Residential	1,770.80

ASSESSMENT ID	ASSESSOR'S PARCEL NUMBER	ZONE	OWNER	BUILDING SQUARE FEET	LOT SQUARE FEET	ASSESSMENT RATE	PARCEL TYPE	ASSESSMENT TOTAL
225	055 -1883-001-00	2	COLLIER PAMELA A & BATTI GREGORY A TRS	3,590	4,900	$0.171473	Residential	1,455.80
226	055 -1883-002-00	2	GUERARD JACQUES H TR	3,672	4,400	$0.171473	Residential	1,384.13
227	055 -1883-004-00	2	WEN WILLIAM K TR	6,598	4,050	$0.171473	Residential	1,825.84
228	055 -1883-005-00	2	2414 DANA ST L P	5,974	4,050	$0.171473	Residential	1,718.84
229	055 -1883-006-00	2	GODS ETERNAL PURPOSE LLC	5,243	4,050	$0.171473	Residential	1,593.50
230	055 -1883-030-00	2	SCHWARTZ AYSEGUL A TR	600	1,417	$0.171473	Residential	345.86
231	055 -1883-031-00	2	MA KENNETH & JANICE L TRS	600	1,417	$0.171473	Residential	345.86
232	055 -1883-032-00	2	CHIEN CHARLES & SHERI I	600	1,417	$0.171473	Residential	345.86
233	055 -1883-033-00	0	COMMON AREA OF PM 6816 30 THRU 32	0	0	$0.000000	Exe - Common Area	0.00
234	055 -1884-001-00	2	FIRST CONGREGATIONAL CHURCH OF BERKELEY	35,344	39,000	$0.077163	NonProfit	8,796.09
235	055 -1884-012-00	2	TWENTY THREE HUNDRED DURANT PARTNERSHIP	5,296	14,300	$0.214341	Commercial	4,200.22
236	055 -1884-013-00	2	LEWIS DEMITRIA M & PAULOS ANDRIANA E TRS	8,862	7,800	$0.171473	Residential	2,857.08
237	055 -1884-014-00	2	SHI ZHOUZHENG & LI JIA TRS	4,264	6,500	$0.171473	Residential	1,845.73
238	055 -1884-015-00	2	BERKELEY ARCHITECTURAL HERITAGE ASSOCIATION	7,825	10,400	$0.171473	Residential	3,125.09
239	055 -1884-016-00	2	FIRST CONGREGATIONAL CHURCH OF BERKELEY	0	6,500	$0.214341	Commercial	1,393.22
240	055 -1884-017-00	2	FIRST CONGREGATIONAL CHURCH OF BERKELEY	2,670	6,500	$0.214341	Commercial	1,965.51
241	055 -1884-018-00	2	FIRST CONGREGATIONAL CHURCH OF BERKELEY	0	6,500	$0.077163	NonProfit	501.56
242	055 -1885-001-02	2	TRINITY UNITED METHODIST CHURCH OF BERKELEY	0	11,700	$0.214341	Commercial	2,507.79
243	055 -1885-001-03	2	WESLEY HOUSE BERKELEY LLC	20,422	10,000	$0.171473	Residential	5,216.54
244	055 -1885-001-04	2	TRINITY UNITED METHODIST CHURCH OF BERKELEY	41,723	43,250	$0.077163	NonProfit	9,354.29
245	055 -1885-002-01	2	BERKELEY CITY CLUB	0	13,000	$0.214341	Commercial	2,786.43
246	055 -1885-002-02	2	BERKELEY CITY CLUB	54,501	22,900	$0.214341	Commercial	16,590.19
247	055 -1885-008-00	2	BERKELEY CANTERBURY FOUNDATION INC	7,420	10,000	$0.171473	Residential	2,987.05
248	055 -1885-009-00	2	RECTORS ETC OF ST MARKS	15,691	21,738	$0.077163	NonProfit	2,888.12
249	055 -1885-010-00	2	RECTORS ETC OF ST MARKS	48,830	24,404	$0.171473	Residential	12,557.63
250	055 -1886-002-01	2	2300 2310 ELLSWORTH LLC	72,800	16,000	$0.171473	Residential	15,226.77
251	055 -1886-003-00	2	2312 ELLSWORTH LLC	6,400	5,000	$0.171473	Residential	1,954.79
252	055 -1886-004-00	2	VERO PROPERTIES LLC	14,884	5,000	$0.171473	Residential	3,409.56
253	055 -1886-017-03	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	0	19,760	$0.077163	NonProfit	1,524.73
254	055 -1886-025-01	2	REGENTS OF THE UNIVERSITY OF CALIFORNIA	85,533	103,242	$0.077163	NonProfit	14,566.39
Totals	**Totals**			**5,533,256**	**2,935,937**			**$1,681,824.07**

CITY OF BERKLEY

Preliminary Engineer's Report For:

Telegraph Property-Based Business Improvement District

September 2026

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TABLE OF CONTENTS

1. Introduction 1

1.1 TPBID Background 1

1.2 Duration and Renewal 1

1.3 Assessment Law and Legislative Context 1

1.4 Judicial Guidance for Assessments 3

2. Plans and Specifications 5

2.1 Description of the TPBID Boundaries 5

2.2 Description of the Improvements, Services, and Activities 5

3. Estimate of Costs 7

3.1 Clean, Safe and Beautification Cost Estimate 7

3.2 Communications and Economic Development Cost Estimate 7

3.3 Management and Administration Cost Estimate 8

4. Special and General Benefits 9

4.1 Introduction 9

4.2 Identification of Benefit 9

4.3 Separation and Quantification of General Benefit 9

4.4 Special Benefit 15

5. Assessment Methodology 17

5.1 Base Formula 17

5.2 Residential Parcels 19

5.3 Private Property Tax-Exempt / Public Parcels 19

5.4 Public Parcels 19

5.5 Mixed Use Parcels 20

5.6 Benefit Zones 20

5.7 Changes in Data 20

6. Assessment Notice 21

7. Time and Manner for Collecting Assessments 22

7.1 Annual Maximum Assessment Rate Inflation 22

7.2 Future Changes to Parcel Characteristics and Land Use 22

7.3 Data for Annual Assessment Calculations 23

7.4 Appeals 23

7.5 Method of Collection 24

8. Engineer's Letter 25

Appendix I – Maximum Annual Assessment Rates 27

Appendix II – PBID Law 28

Appendix III – Boundary Map 43

Appendix IV – Parcel Assessment Calculations 44

Appendix V – Budget by Zone 45

Appendix VI – Baseline Services 46

TABLE OF TABLES

Table 1. Clean, Safe, & Beautification 12
Table 2. Communications & Economic Development 13
Table 3. Management & Administration 14
Table 4. Total General Benefit to Parcels 14
Table 5. Total General Benefit 15
Table 6. Total Special Benefit to Parcels 16
Table 7. Assessment Rates Calculation 18
Table 8. Maximum Assessment Rates 19
Table 9. Annual Maximum Assessment Budget 25

1. Introduction

1.1 TPBID Background

The Telegraph Property and Business Improvement District ("TPBID" or the "District") is a benefit assessment district formed to provide improvements, maintenance, and activities that constitute and convey a special benefit to assessed parcels. TPBID was formed in 1998 and renewed in 2003, 2008, and 2018. This Engineer's Report has been prepared in connection with the proposed renewal of TPBID pursuant to Property and Business Improvement District Law of 1994 (Streets and Highways Code section 36600 et seq.), Article XIII D of the California Constitution, and the Proposition 218 Omnibus Implementation Act.

The TPBID generally includes parcels in the Telegraph area of the City of Berkeley, as detailed in the Appendix III assessment diagram included in this Engineer's Report. The purpose of the District is to provide improvements, maintenance, and activities that constitute and convey special benefits to assessed parcels. The District will provide Clean, Safe, and Beautification services; Communications and Economic Development; and related Management and Administration directly and only to assessed parcels within its boundaries.

1.2 Duration and Renewal

Assessments for the TPBID will be levied upon approval of the District's renewal to fund the TPBID Services and Activities over the next ten years. The first year of levies will be Fiscal Year 2027-2028 and the final year of levies will be Fiscal Year 2036-2037. Renewal of the TPBID requires property owners representing more than fifty percent (50%) of the total proposed assessment to submit petitions in support of the renewal. This is followed by a property owner ballot proceeding, in which more than fifty percent (50%) of the ballots returned, weighted according to the assessment amount, must be in favor of renewal. Near the end of the ten-year term, the petition, ballot, and City Council hearing process must be repeated for the TPBID to be renewed again.

1.3 Assessment Law and Legislative Context

The TPBID was formed and will be renewed pursuant to a state law that took effect in January of 1995. The Property and Business Improvement District Law of 1994, Streets and Highways Code Section 36600 et seq., which was signed into law by Governor Pete Wilson, ushered in a new generation of Property and Business Improvement Districts in California.

Key provisions of the Property and Business Improvement District Law of 1994 include the following:

- Allows a wide variety of services which are tailored to meet specific needs of assessed properties in each individual PBID;
- Requires property owner input and support throughout the renewal process;
- Requires written support on both a petition and ballot from property owners;

- Allows for a designated, private nonprofit corporation to manage funds and implement programs, with oversight from property owners and the City;
- Requires limits for assessment rates to ensure that they do not exceed the amount owners are willing to pay; and
- Requires the PBID be renewed after a certain time period, making it accountable to property owners.

The assessment is also subject to the substantive and procedural requirements described in Section 4, Article XIII D of the California Constitution ("Article XIII D"), and would be assessed and collected by the City of Berkeley. The assessment is authorized pursuant to the Property and Business Improvement District Law of 1994, Article XIII D, and the Proposition 218 Omnibus Implementation Act, commencing with Section 53750 of the California Government Code, collectively referred to herein as the "Assessment Law."

In 1996, California voters adopted Proposition 218, known as the "Right to Vote on Taxes Act," which added Articles XIII C and XIII D to the California Constitution. Article XIII D established substantive and procedural requirements on agencies for levying assessments, being levies on real property by an agency for a special benefit conferred upon the real property. "Special benefit" is defined in Article XIII D as "a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large."

In 1996, California voters adopted Proposition 218, known as the "Right to Vote on Taxes Act," which added Articles XIII C and XIII D to the California Constitution. Article XIII D established new substantive and procedural requirements on agencies for levying assessments, being levies on real property by an agency for a special benefit conferred upon the real property. "Special benefit" is defined in Article XIII D as "a particular and distinct benefit over and above general benefits conferred on a real property located in the district or to the public at large."

Article XIII D imposes five basic substantive requirements on assessments:

(1) All parcels that will have a special benefit conferred upon them and upon which an assessment will be imposed must be identified;
(2) The general benefits must be distinguished from the special benefits conferred on the parcels;
(3) The proportionate special benefit derived by each identified parcel must be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property-related service being provided;
(4) The amount assessed to a parcel must not exceed the reasonable cost of the proportional special benefit conferred on that parcel and must not include any costs attributable to the general benefit; and
(5) Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by

clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.

Article XIII D also imposes procedural requirements on assessments, which include preparing an engineer's report, providing written notice of the proposed assessment and public hearing to property owners, holding a public hearing, and providing for a protest ballot proceeding. This Engineer's Report has been prepared to support the proposed renewal of the TPBID and the levy of assessments in accordance with the Assessment Law.

1.4 Judicial Guidance for Assessments

Since the initial passage of Proposition 218, several court rulings have helped provide context and direction with respect to the procedures and requirements of Article XIII D for levying assessments. Several of the key concepts from these rulings are summarized below.

1.4.1 GENERAL BENEFIT

Article XIII D requires an agency to separate the general benefits from the special benefits conferred on the identified parcels because only special benefits are assessable.

The Court of Appeal in *Golden Hills Neighborhood Assn., Inc. v. City of San Diego* (2011) ("*Golden Hills"*) clarified this concept by stating, "*Separation and quantification of general and special benefits must be accomplished by apportioning the cost of a service or improvement between the two and assessing property owners only for the portion of the cost representing special benefits*."[1]

The Court of Appeal in *Beutz v. County of Riverside* (2010) ("*Beutz"*) noted that the trial court took judicial notice of the Legislative Analyst's Office pamphlet titled "Understanding Proposition 218" which states an agency must "*estimate the amount of special benefit landowners would receive from the project or service, as well as the amount of 'general benefit.' This step is needed because Proposition 218 allows local government to recoup from assessments only the proportionate share of cost to provide the special benefit.*"[2]

The Court in *Beutz* furthered this idea stating, "*Separating the general from the special benefits of a public improvement project and estimating the quantity of each in relation to the other is essential if an assessment is to be limited to the special benefits*." [3]

The Court of Appeal in *Silicon Valley Taxpayers' Association Incorporated v. Santa Clara County Open Space Authority* (2008) clarified that general benefits are not restricted to benefits conferred only on persons and property outside the assessment district but can include benefits both conferred on real property located in the district or to the public at large. The court defined the "public at large" as comprising all members of the public, including those who live, work, and shop within the district, and not simply transient visitors.[4]

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[1] *Golden Hill Neighborhood Assn., Inc. v. City of San Diego (2011) 199 Cal.App.4th 416, 438.*
[2] *Beutz v. County of Riverside (2010) 184 Cal.App.4th 1516, 1532.*
[3] *Beutz v. County of Riverside (2010) 184 Cal.App.4th 1516, 1532.*
[4] *Silicon Valley Taxpayers' Assn., Inc. v. Santa Clara County Open Space Authority (2008) 44 Cal.4th 431, 452.*

The Court of Appeal again reiterated the need to separate, quantify and apportion costs to general benefits from the improvements in *Broad Beach Geologic Hazard Abatement District v 31506 Victoria Point LLC* (2022), stating, *"The District cites no authority, and we are aware of none, suggesting that an agency's subjective intent determines the need to account for general benefits."*[5]

1.4.2 BENEFIT-BASED NOT COST-BASED

In *Town of Tiburon v. Bonander* (2009) ("*Tiburon"*), the Court of Appeal clarified the idea that assessments must be apportioned based upon benefit rather than cost. The Court stated, "*Proportionate special benefit is the basis upon which a project's total assessable costs are apportioned among parcels within an assessment district.*"[6]

The assessment on a particular property cannot be based on the relative cost of the improvements to the property, but rather on the special benefit conferred on such property. The Court in *Tiburon* also stated, "*an assessment represents the entirety of the cost of the improvement or property-related service, less any amount attributable to general benefits (which may not be assessed), allocated to individual properties in proportion to the relative special benefit conferred on the property*."[7]

1.4.3 MEASURING AND APPORTIONING SPECIAL BENEFIT

The Court in *Tiburon* acknowledged the difficulty of trying to precisely assign and measure special benefit, stating, "*Any attempt to classify special benefits conferred on particular properties and to assign relative weights to those benefits will necessarily involve some degree of imprecision.*"[8]

The Court in *Tiburon* went on to say that a formula assigning equal weight to different special benefits *"may be a legally justifiable approach to measuring and apportioning special benefits,* [but] *it is not necessarily the only valid approach. Whichever approach is taken to measuring and apportioning special benefits, however, it must be both defensible and consistently applied*."[9]

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[5] *Broad Beach Geologic Hazard Abatement Dist. v. 31506 Victoria Point LLC (2022) 81 Cal.App.5th 1068.*
[6] *Town of Tiburon v. Bonander (2009) 180 Cal.App.4th 1057, 1077–1078.*
[7] *Town of Tiburon v. Bonander (2009) 180 Cal.App.4th 1057, 1077–1078.*
[8] *Town of Tiburon v. Bonander (2009) 180 Cal.App.4th 1057, 1088.*
[9] *Town of Tiburon v. Bonander (2009) 180 Cal.App.4th 1057, 1088.*

2. Plans and Specifications

2.1 Description of the TPBID Boundaries

The TPBID generally includes parcels in the Telegraph area of the City of Berkeley, as detailed in the assessment diagram included in this Engineer's Report. The District is generally bound to the north by Bancroft Way, to the northeast by Fulton Street, to the east by Dana St, to the southeast by Telegraph Ave, to the south by Derby St, to the Southwest by Telegraph Ave, and to the west and northwest by College Ave.

The TPBID boundaries include two zones, identified as "Zone 1" and "Zone 2" on the assessment diagram included in Appendix III.

2.2 Description of the Improvements, Services, and Activities

The renewed TPBID will provide supplemental improvements, services, and activities that are above and beyond those provided by the City and other government agencies. None of the improvements, maintenance, and activities to be provided by the TPBID are provided by the City or other government agencies. The improvements, services, and activities will be provided directly and only to assessed parcels; they will not be provided to parcels that are not assessed. Each and every improvement, service, and activity is unique to the TPBID, thus the benefits provided are particular and distinct to each assessed parcel. Both Zone 1 and Zone 2 will receive the same categories of TPBID services. Zone 2 parcels will receive a reduced level and frequency of Zone 1 services. All TPBID services provided to assessed parcels are above and beyond the baseline services provided by the City of Berkeley as shown in Appendix VI.

2.2.1 CLEAN, SAFE, AND BEAUTIFICATION

During this term, the TPBID will use a multi-faceted approach to planning, design and management of public spaces to maintain a clean, safe, and beautiful district. The clean, safe, and beautification program will focus on continuing to make the TPBID a cleaner and safer place to do business. Programs will include: ambassador services, graffiti and sticker removal, manual sidewalk cleaning and sidewalk pressure washing, hazardous waste cleanup, gutter and storm drain cleaning, street sweeping, litter removal, enhanced landscaping and landscape maintenance, small infrastructure improvements, tree lights, placemaking, seasonal decorations, and other special projects as they relate to "clean, safe, and beautification."

2.2.2 COMMUNICATIONS & ECONOMIC DEVELOPMENT

The Communications and Economic Development program will work closely with property owners to identify and represent their needs and concerns, and keep them informed of the TPBID's efforts on behalf of the assessed parcels. The TPBID will provide a unified voice to represent the best interests of the assessed parcels. The program will represent the parcels' best interests at the local government level, with the City Council, city staff, and various other public agencies whose operations impact the assessed parcels. If needed, the communications and economic development program staff will work with state and federal

agencies whose operations impact the assessed parcels. Additional programs may include but are not limited to: stakeholder communications that support the TPBID's agenda and attract visitors provided via email newsletters, social media, a proactive public relations strategy, and a TPBID website. As Telegraph evolves, communication strategies will evolve to preserve and grow Telegraph's role as a destination in the region. The Telegraph Property and Business Management Corporation ("TPBMC") will continue to be the go-to business organization, playing a strong leadership role to create a forward-thinking, innovative, and business-friendly environment. Marketing and hospitality efforts may be undertaken to raise awareness of the TPBID as a place to dine, shop, and do business. All marketing services will be designed and intended to specially benefit the assessed parcels via increased commerce, occupancy rates, and lease rates. Communications and Economic Development funds shall not be used for lobbying efforts such as attempting to influence legislation or candidates for office.

2.2.3 MANAGEMENT AND ADMINISTRATION

The management and administration portion of the budget will be utilized for administrative costs associated with providing the services. Those costs may include rent, telephone charges, legal fees, accounting fees, postage, administrative staff, insurance, other general office expenses, and City and County administration costs. In addition, the management and administration budget will include a contingency line item to account for uncollected assessments, if any. If there are contingency funds collected, they may be held in a reserve fund or utilized for other programs, administration or renewal costs at the discretion of the TPBMC. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of money from the reserve fund shall be set by the TPBMC. The reserve fund may be used for the costs of renewing the TPBID.

3. Estimate of Costs

The estimated costs of installation, implementation and provision of the TPBID improvements, services, and activities as described in Section 2 are outlined below. Each year, as part of the TPBID assessment levy calculation process, the costs and expenses are reviewed and the annual costs are projected for the following fiscal year.

3.1 Clean, Safe and Beautification Cost Estimate

The estimated Clean, Safe, and Beautification cost budget for the first operating year of the TPBID renewal (July 1, 2027, through June 30, 2028) will be funded by assessment revenues for the assessment-funded special benefit costs, and will be funded by non-assessment revenues for general benefit cost items. The budget is as follows:

Table 1. Clean, Safe, & Beautification Budget and Revenue Summary

Description	Zone 1 Budget	Zone 2 Budget	2027/28 Total Budget
Assessment-funded special benefit costs	$766,029.82	$418,303.41	$1,184,333.24
General benefit costs[1]	0.00	0.00	51,136.76
Total Clean, Safe, and Beautification costs	**$766,029.82**	**$418,303.41**	**$1,235,470.00**

[1]General-benefit costs are funded from sources other than parcel assessments and therefore are shown only in the total column

3.2 Communications and Economic Development Cost Estimate

The estimated Communications and Economic Development cost budget for the first operating year of the TPBID renewal (July 1, 2027, through June 30, 2028) will be funded by assessment revenues for the assessment-funded special benefit costs, and will be funded by non-assessment revenues for general benefit cost items. The budget is as follows:

Table 2. Communications & Economic Development Budget and Revenue Summary

Description	Zone 1 Budget	Zone 2 Budget	2027/28 Total Budget
Assessment-funded special benefit costs	$300,049.81	$163,847.22	$463,897.03
General benefit costs[1]	0.00	0.00	17,226.97
Total Communications and Economic Development costs	**$300,049.81**	**$163,847.22**	**$481,124.00**

[1]General-benefit costs are funded from sources other than parcel assessments and therefore are shown only in the total column

3.3 Management and Administration Cost Estimate

The estimated Management and Administration cost budget for the first operating year of the TPBID renewal (July 1, 2027 through June 30, 2028) will be funded by assessment revenues for the assessment-funded special benefit costs, and will be funded by non-assessment revenues for general benefit cost items. The budget is as follows:

Table 3. Management & Administration Budget and Revenue Summary

Description	Zone 1 Budget	Zone 2 Budget	2027/28 Total Budget
Assessment-funded special benefit costs	$144,955.29	$79,155.26	$224,110.55
General benefit costs[1]	0.00	0.00	9,295.45
Total Management and Administration costs	**$144,955.29**	**$79,155.26**	**$233,406.00**

[1]*General-benefit costs are funded from sources other than parcel assessments and therefore are shown only in the total column*

4. Special and General Benefits

4.1 Introduction

Pursuant to Article XIIID, all parcels that receive a special benefit conferred upon them as a result of the public services shall be identified, and the proportionate special benefit derived by each identified parcel shall be determined in relationship to the entire costs of the project.

4.2 Identification of Benefit

The provisions of services and necessary related administrative expenses incurred in providing and managing the TPBID services will provide benefits to both those properties within the boundary of the TPBID and to the surrounding area. The benefits conferred to property within the boundary of the TPBID from the services are described below. This report does not consider any general enhancement of property value.

4.2.1 ENHANCED CLEANLINESS, SAFETY, AND BEAUTIFICATION

The Clean, Safe, and Beautification program is intended to improve the overall cleanliness, safety, appearance, accessibility, and functionality of the District. Cleaner sidewalks and public-facing areas, visible ambassadors, graffiti and litter removal, enhanced landscaping, and related services create a more welcoming and usable environment. These improved conditions are expected to support pedestrian activity, access, commerce, tenancy, occupancy, and continued investment throughout the District.

4.2.2 ENHANCED ECONOMIC ACTIVITY

Communications, stakeholder coordination, marketing, and economic-development activities are intended to strengthen the District's identity, increase awareness of District businesses and destinations, and support overall economic vitality. These activities help connect stakeholders, communicate District initiatives, attract customers and visitors, and promote continued commerce, tenancy, occupancy, and investment throughout the District.

4.3 Separation and Quantification of General Benefit

Section 4 of Article XIIID of the California Constitution provides that once a local agency which proposes to impose assessments on property has identified those parcels that will have special benefits conferred upon them and upon which an assessment will be imposed, the local agency must next "separate the general benefits from the special benefits conferred," and only the special benefits can be included in the amount of the assessments imposed. A general benefit is an overall and similar benefit to the public at large resulting from the services to be provided by the assessments levied.

4.3.1 GENERAL BENEFIT TO THE PUBLIC-AT-LARGE

The public-at-large within the District will receive general benefits as a result of the improvements, services, and activities being provided directly to parcels. State law[10] indicates that "Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed." However, "the mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits." Further, "the value of any incidental or collateral effects that arise from the improvements, maintenance or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel." Thus, although there may be some incidental benefit to the public using the assessed parcels, that incidental benefit is not considered a general benefit because it is inherently produced by activities that constitute and convey special benefits to the assessed parcels.

The prior TBID Engineer's Report used surveys conducted in other districts have found that on average, approximately 98.72% of pedestrian traffic within TPBID boundaries is engaged in business on assessed parcels within the District, while approximately 1.28% is simply passing through. The calculated 1.28% of traffic passing through does not have any connection to the assessed parcels, and therefore does not represent a special benefit to the assessed parcels. The calculated 1.28% will, however, receive a derivative and indirect general benefit as a result of the improvements, maintenance, and activities being provided in the District that they are passing through. Therefore, it is estimated that 1.28% of the benefit created by the District's improvements, services, and activities is provided to the public-at-large. To ensure that the assessment dollars do not fund general benefits to the public-at-large, that portion of the cost of improvements, maintenance, and activities will be paid for with funds not obtained through assessments. Using the 1.28% figure, based on the 2027 budget, the value of this general benefit to the public-at-large is $24,960, ($1,950,000*.0128).

To ensure that the assessment dollars do not fund general benefits to the public at large, that portion of the cost of improvements, maintenance, and activities attributable to general benefit to the public will be paid for with funds not obtained through assessments. Therefore, based upon intercept surveys, the total value of the general benefit provided to the public at large not utilizing the assessed parcels is 1.28% of the total budget, or $24,960.

4.3.2 GENERAL BENEFIT TO NON-ASSESSED PARCELS

Although they are only provided directly to the assessed parcels, the District's improvements, services, and activities may confer general benefits upon non-assessed parcels within and surrounding the District. One study examining property values in PBID areas found "no evidence of spill-over impacts (either good or bad) on commercial properties located just outside the BID's boundaries;" however, the California Court of Appeals has stated that "services specifically intended for assessed parcels concomitantly confer collateral general benefits to surrounding properties." It is reasonable to conclude that increased cleanliness, safety,

[10] *Cal. Streets & Highways Code § 36601(h)(2)–(4).*

and development, improved beautification, and communications within the District will have an impact on non-assessed parcels immediately adjacent to or within the District boundaries. Although the legislature has indicated that "the value of any incidental or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit," the California Court of Appeals has noted that "the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement…or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement." Those derivative and indirect impacts are considered general benefits and will be quantified and separated. In this Engineer's opinion, because improvements, maintenance, and activities are provided only within the District and on its perimeter, parcels separated from the District by at least one intervening parcel will not receive spill over benefits. Parcels separated by at least one intervening parcel will not benefit because they are physically removed from the actual location of services provided and do not face serviced parcels.

As mentioned above, the total District service budget for 2027 is $1,950,000. After reducing the budget by the general benefit to the public ($24,960), the remaining benefit to parcels is $1,925,040. All parcels within and adjacent to the District have been assigned a benefit factor to mathematically represent the proportional special and general benefit and quantify the value of each. Since all assessed parcels within the District benefit from and receive all of the District's services, they have been assigned a benefit factor of 1.0. Parcels adjacent to the District have been assigned benefit factors as described in detail below. Because the improvements, maintenance, and activities are generally provided along streets within the district, linear frontage is an appropriate measure of the relative general benefit received by adjacent parcels and will be used in the below calculations.

4.3.3 GENERAL BENEFITS: ENHANCED CLEANLINESS, SAFETY, AND BEAUTIFICATION

Section 4.2.1 identifies the overall benefits expected to result from the Clean, Safe, and Beautification program. This section separates and quantifies the portion of those benefits that may be received by non-assessed parcels within or adjacent to the District

"Clean, Safe and Beautification" services will be provided directly and only to assessed parcels. Within the District boundaries, services will be provided along both sides of each street, with parcels along each side receiving 50% of the benefit provided by the service. Along the District perimeter, services will only be provided to the side of the street that fronts assessed parcels within the District boundaries. It is, however, reasonable to conclude that parcels abutting the non-serviced side of the street will receive spill-over benefits.

To determine the amount of general benefit to adjacent parcels (those situated along the non-assessed side of the perimeter), we begin with the 50/50 standard ratio of benefit to each side of the street. Because the non-assessed side of the street will not be serviced, it will receive less than the standard 50% benefit. We estimate that one-half (50%) of the benefit to each side of the street is the services themselves, while the other half (50%) is as-a-result of the services. Further, we estimate that because the perimeter parcels will not be directly serviced, their benefit as a result of the services will be approximately one-half (50%) of that received by serviced parcels. It is therefore our professional estimation that the non-

assessed side of the street will receive twelve and one half percent (12.5%) of the standard benefit created by these services provided to the perimeter of each zone (one-half of the 25% of the benefit as-a-result of the services). The following table calculates the amount of benefit provided to parcels by the District "clean, safe, and beautification" programs and separates that benefit value between special benefits provided to the assessed parcels and general benefits indirectly received by non-assessed parcels.

Table 4. Clean, Safe, & Beautification General Benefit to Parcels

Location & Use	Linear Front Footage[1]	Benefit Factor[2]	Benefit Units[3]	Benefit Percent[4]	Benefit Value[5]	Special Benefit	General Benefit
Inside Commercial	6,117.00	1.000	6,117.00	46.30%	$564,702.35	$564,702.35	$0.00
Inside Residential	1,638.00	1.000	1,638.00	12.40%	151,215.05	151,215.05	0.00
Inside Private Property Tax-Exempt / Public	5,074.00	1.000	5,074.00	38.41%	468,415.84	468,415.84	0.00
Inside Non-Assessed	73.00	0.125	9.13	0.07%	842.39	0.00	842.39
Adjacent Commercial	941.00	0.125	117.63	0.89%	10,858.77	0.00	10,858.77
Adjacent Residential	309.00	0.125	38.63	0.29%	3,565.74	0.00	3,565.74
Adjacent Private Property Tax-Exempt / Public	1,632.00	0.125	204.00	1.54%	18,832.64	0.00	18,832.64
Adjacent Non-Assessed	106.00	0.125	13.25	0.10%	1,223.20	0.00	1,223.20
Subtotal	**15,890.00**		**13,211.63**	**100.00%**	**$1,219,655.98**	**$1,184,333.24**	**$35,322.75**

[1] Linear Front Footage = The total linear footage for each parcel location & use
[2] Benefit Factor = The benefit ratio described in the paragraph above for each parcel location & use
[3] Benefit Units = The linear feet multiplied by the benefit factor for each parcel location & use
[4] Benefit Percentage = The benefit units for each parcel location & use divided by the total benefit units for the District
[5] Benefit Value = The total "Clean, Safe, & Beautification" budget less General Benefit to the Public-at-Large multiplied by the benefit percentage for each parcel location & use

4.3.4 COMMUNICATIONS & ECONOMIC DEVELOPMENT

Unlike "clean, safe and beautification", Communications and Economic Development services are not physically provided within the District. Rather, the Communications and Economic Development program is focused on projects to enhance the overall economic status of the District. Although the programs will only feature assessed parcels, it is reasonable to conclude that there will be a minor, derivative and indirect benefit to non-assessed parcels. Because these services are highly focused, and are not physically provided along streets, it is our estimation that the non-assessed will receive a general benefit equal to ten percent (10%) of the standard benefit. Based on this estimation, non-assessed would have a benefit factor of 0.10 (1.00 x 10%).

Table 5. Communications & Economic Development General Benefit to Parcels

Location & Use	Linear Front Footage[1]	Benefit Factor[2]	Benefit Units[3]	Benefit Percent[4]	Benefit Value[5]	Special Benefit	General Benefit
Inside Commercial	6,117.00	1.000	6,117.00	46.57%	$221,190.90	$221,190.90	$0.00
Inside Residential	1,638.00	1.000	1,638.00	12.47%	59,230.13	59,230.13	0.00
Inside Private Property Tax-Exempt / Public	5,074.00	1.000	5,074.00	38.63%	183,475.99	183,475.99	0.00
Inside Non-Assessed	73.00	0.100	7.30	0.06%	263.97	0.00	263.97
Adjacent Commercial	941.00	0.100	94.10	0.72%	3,402.66	0.00	3,402.66
Adjacent Residential	309.00	0.100	30.90	0.24%	1,117.34	0.00	1,117.34
Adjacent Private Property Tax-Exempt / Public	1,632.00	0.100	163.20	1.24%	5,901.32	0.00	5,901.32
Adjacent Non-Assessed	106.00	0.100	10.60	0.08%	383.30	0.00	383.30
Subtotal	**15,890.00**		**13,135.10**	**100.00%**	**$474,965.61**	**$463,897.03**	**$11,068.59**

[1] Linear Front Footage = The total linear footage for each parcel location & use.
[2] Benefit Factor = The benefit ratio described in the paragraph above for each parcel location & use.
[3] Benefit Units = The linear feet multiplied by the benefit factor for each parcel location & use.
[4] Benefit Percentage = The benefit units for each parcel location & use divided by the total benefit units for the District.
[5] Benefit Value = The total Communications & Economic Development budget less General Benefit to the Public-at-Large multiplied by the benefit percentage for each parcel location & use.

4.3.5 MANAGEMENT & ADMINISTRATION

The management and administration budget item relates to the improvements, maintenance, and activities to be provided. These costs have been allocated proportionally based upon the special and general benefit provided by each category, as detailed in the table below.

Table 6. Management & Administration General Benefit to Parcels

Service Provided	Special Benefit Value to Parcels	General Benefit Value to Parcels	Total Benefit to Parcels
"Clean, Safe, & Beautification"	$1,184,333.24	$35,322.75	$1,219,655.98
Communications & Economic Development	463,897.03	11,068.59	474,965.61
TOTAL	**$1,648,230.27**	**$46,391.33**	**$1,694,621.60**
% of Benefit to Parcels	97.26%	2.74%	100.00%
Administration Budget	**$224,110.55**	**$6,307.85**	**$230,418.40**

4.3.6 TOTAL GENERAL BENEFIT TO PARCELS

Based upon the above evaluations, the total value of the general benefit provided to non-assessed parcels adjacent to and within the District is shown on the following page.

Table 7. Total General Benefit to Parcels

Service Provided	General Benefit to Parcels
"Clean, Safe, & Beautification"	$35,322.75
Communications & Economic Development	11,068.59
Management & Administration	6,307.85
TOTAL	**$52,699.18**

4.3.7 TOTAL GENERAL BENEFIT

Based upon the foregoing analysis, in this Engineer's professional estimation, the total value of the general benefit provided to the public-at-large, adjacent parcels, and non-assessed parcels within the District is shown below.

Table 8. Total General Benefit

Service Provided	General Benefit to Public	General Benefit to Parcels	Total General Benefit
"Clean, Safe, & Beautification"	$15,814.02	$35,322.75	$51,136.76
Communications & Economic Development	6,158.39	11,068.59	17,226.97
Management & Administration	2,987.60	6,307.85	9,295.45
TOTAL	**$24,960.00**	**$52,699.18**	**$77,659.18**

4.3.8 NON-ASSESSMENT FUNDING

The programs funded by the District receive additional non-assessment funding in the form of grants, corporate sponsorships, event income, and other miscellaneous funds. These funding sources are anticipated to equal or exceed the amount of general benefit conferred annually by the District's improvements, maintenance, and activities, $77,659.18. These non-assessment funds will be used to pay for the general benefit provided by the District's improvements, maintenance, and activities, ensuring that parcel assessments will only be used to provide special benefits and "any additional costs of providing general benefits [are] not included in the amounts assessed."

4.4 Special Benefit

The improvements, maintenance, and activities to be provided by the District constitute and convey special benefits directly to the assessed parcels. Assessment law requires that "the proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided." Further, "no assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel." Special benefit "includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed."

To determine the total special benefit value to be conveyed to the assessed parcels, we deduct the general benefit value ($77,659.18) from the total value of the improvements, maintenance, and activities ($1,950,000.00). The remaining $1,872,340.88 is considered the special benefit to assessed parcels (the "Total Assessment"). The Total Assessment represents the total value of the special benefit to be provided by the improvements, maintenance, and activities. The Total Assessment has been proportionally divided among the assessed parcels so that no assessment exceeds the reasonable cost of the proportional special

benefit conferred on a parcel. The assessment rate has been designed to ensure that "properties that receive the same proportionate special benefit pay the same assessment."

Table 9. Total Special Benefit to Parcels

Service Provided	Total Benefit Value	General Benefit Value	Special Benefit to Assessed Parcels
"Clean, Safe, & Beautification"	$1,235,470.00	$51,136.76	$1,184,333.24
Communications & Economic Development	481,124.00	17,226.97	463,897.03
Management & Administration	233,406.00	9,295.45	224,110.55
TOTAL	**$1,950,000.00**	**$77,659.18**	**$1,872,340.82**

5. Assessment Methodology

5.1 Base Formula

Each parcel will be assessed based on proportional special benefits received. The variables used for the annual assessment formula are parcel size, building size, parcel type, and benefit zone. These variables are all appropriate measures of the proportional special benefit because the need for services, level of services, and quantity of services are all relative to these variables; thus the special benefit provided to each parcel by the services can be proportionally measured using these variables.

5.1.1 DETERMINATION OF ASSESSMENT RATES

“Because not all parcels in the district are identical in size, some will receive more special benefit than others.” Each of the variables used relates directly to the service level and special benefit provided to each parcel. Parcel square footage is the size of the parcel, measured in square feet. Building square footage is the size of any building on the parcel, measured in square feet. Size is an appropriate measure of proportional special benefit because it relates directly to the quantity of services provided to the parcel, the highest and best use of a parcel, and reflects the long-term value implications of the District. The larger a parcel or building, the more services and benefit the parcel will receive.

Because not all parcels in the District are identical in use, some will receive more special benefit than others. For example, a school parcel will benefit to a lesser degree than a commercial parcel, because it will not enjoy the benefits of increased commerce resulting from the services. Further detail on the benefit to each parcel type follows. To determine the assessment rates, the assessed parcels were classified by the estimated benefit each type of parcel receives, the estimated special benefit value of the services provided to each type was determined based on historic cost of service provision, and an assessment rate that is proportional to the estimated benefit received by each parcel type was determined.

To determine the assessment rates needed to fully fund the estimated special benefit budget, the estimated special benefit value for each parcel type in each benefit zone was divided by the corresponding total assessable parcel and building square footage. The resulting rates are shown in the table below.

Table 10. Initial Assessment Rates Calculation

Parcel Group	Initial Size Budget		Parcel + Building Square Footage		Initial Assessment Rate ($/sqft/yr)
Zone 1 Commercial	$1,045,989.84	÷	2,199,767.80	=	$0.47550
Zone 1 Residential	$108,226.49	÷	284,507.00	=	$0.38040
Zone 1 Private Property Tax-Exempt / Public	$56,818.59	÷	331,923.00	=	$0.17118
Zone 2 Commercial	$117,051.52	÷	492,330.14	=	$0.23775
Zone 2 Residential	$198,625.15	÷	1,044,296.00	=	$0.19020
Zone 2 Private Property Tax-Exempt / Public	$345,629.23	÷	4,038,195.48	=	$0.08559

The proposed assessment rates, shown in the table below, are set below the rates needed to fully fund the budget and will result in an initial revenue shortfall. These lower rates reflect anticipated development within the District, which is expected to expand the assessable base and generate additional assessment revenue in future years.

Table 11. Actual Assessment Rates Calculation

Parcel Group	Assessment Total		Parcel + Building Square Footage		Actual Assessment Rate ($/sqft/yr)
Zone 1 Commercial	$943,000.00	÷	2,199,767.80	=	$0.42868
Zone 1 Residential	$97,570.33	÷	284,507.00	=	$0.34295
Zone 1 Private Property Tax-Exempt / Public	$51,224.14	÷	331,923.00	=	$0.15433
Zone 2 Commercial	$105,526.44	÷	492,330.14	=	$0.21434
Zone 2 Residential	$179,068.20	÷	1,044,296.00	=	$0.17147
Zone 2 Private Property Tax-Exempt / Public	$311,598.02	÷	4,038,195.48	=	$0.07716

5.1.2 SUMMARY OF ASSESSMENT RATES

Therefore, the actual annual rate applied to parcels is as shown below. All assessment rates may be subject to an increase of no more than three percent (3%) per year. Maximum annual assessment rates are shown in Appendix 1.

Table 12. Maximum Assessment Rates

Parcel Type	Zone 1 – Parcel Size (sq. ft.) + Building Size (sq. ft.)	Zone 2 – Parcel Size (sq. ft.) + Building Size (sq. ft.)
Commercial	$0.428682	$0.214341
Residential	$0.342945	$0.171473
Private Property Tax-Exempt / Public	$0.154325	$0.077163

5.2 Residential Parcels

Residential parcels are those parcels containing any number of dwelling units and have no other land use than for residential purposes. Residential parcels will receive and benefit from all of District's improvements, maintenance and activities. Residential parcels in the TPBID typically have a high population density and heavy pedestrian traffic, creating a high benefit from services. These parcels will benefit by being cleaner, safer, and better marketed to potential residents, thus attracting new residents and retaining existing residents. Residential parcels are zoned exclusively residential, although they may have a commercial component if their owners aim to profit from tenant rents; however, parcels specifically containing multiple land uses are explained in section 5.5.

5.3 Private Property Tax-Exempt / Public Parcels

Private property tax-exempt parcels will receive and benefit from the District's services. However, because they do not have a commercial component, private property tax-exempt parcels (as shown on the County Assessor's records) will be assessed at the rate for the appropriate zone as shown in the table above. These parcels will benefit in that they will be cleaner, safer, and better marketed, but they benefit to a lesser degree than parcels occupied by for profit businesses because they do not enjoy the benefits of increased profits resulting from increased commerce. Parcels which are partially property tax-exempt will be assessed the property tax-exempt rate on the portion of the parcel that is exempt, and the applicable commercial or residential rate on the remainder. The portion of the parcel that is property tax-exempt was determined by property tax bills.

5.4 Public Parcels

Pursuant to Article XIII D of the California Constitution, "parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit." No public agency has made such a demonstration; however, because they do not have a commercial profit-making component, public parcels (as shown on the County Assessor's records) will be assessed at a lower rate commensurate to the benefits received. These parcels will benefit in that they will

be cleaner and safer, but they benefit to a lesser degree than parcels occupied by for profit businesses because they do not enjoy the benefits of increased profits resulting from increased commerce. Public parcels within the District include parcels occupied by public schools.

5.5 Mixed Use Parcels

The district is designed to benefit commercial, residential, private property tax-exempt, and public parcels. There are several mixed-use parcels in the District, with commercial and single-family residential components. Consistent with the benefit derived from services, the commercial portion of mixed use parcels shall be assessed; the residential portion shall be assessed at the residential rate. The assessment for each parcel was determined based upon the portion of the parcel/building that is commercial. Mixed use parcels were identified and apportioned through City parcel data.

5.6 Benefit Zones

The Total Assessment was allocated to two benefit zones as shown on the map in Appendix III. The boundaries of each benefit zone were narrowly drawn to include all parcels that receive a direct advantage from the same level of services and improvements. Each benefit zone will receive a different level of services based on the needs and conditions in that zone, and historic service allocations to that zone. The benefit zones ensure that “properties that receive the same proportionate special benefit pay the same assessment.” Because the frequency and quantity of services and improvements directly relate to the cost of the services and improvements, in this District “the relative cost of an improvement is a reliable measure of relative benefit conferred.” For instance, Zone 1 has higher pedestrian and vehicle traffic than Zone 2, and thus will benefit from more frequent and intense services. Because of the difference in pedestrian and vehicle traffic between the zones, Zone 2 will receive fifty percent (50%) of the cleaning ambassador services provided by the District compared to Zone 1. Thus, the assessment rate for Zone 2 is fifty percent (50%) of the Zone 1 rate. Similarly, Zone 2 will receive and specially benefit from half of the Communications and Economic Development services and all related administration.

5.7 Changes in Data

It is the intent of this Engineer’s Report that each parcel included in the District may be clearly identified. Every effort has been made to ensure that all parcels included in the District are consistent in the boundary description, the boundary map, and the assessment calculation table. However, if inconsistencies arise, the order of precedence shall be: 1) the assessment calculation table, 2) the boundary map, and 3) the boundary description.

If the ownership, parcel size, building size, or type of a parcel, changes during the term of this District, the assessment calculation may be modified accordingly.

6. Assessment Notice

During the hearing process, an Assessment Notice will be sent to owners of each parcel in the TPBID. The Assessment Notice provides an estimated assessment. The final individual assessment for any particular parcel may change, up or down, if the parcel size, building size, parcel type, and benefit zone differ from those used to calculate the amount found on the Assessment Notice. A list of parcels and the characteristics used to calculate the amount found on the Assessment Notice is provided within Appendix IV.

7. Time and Manner for Collecting Assessments

As provided by State Law, the TPBID assessment will appear as a separate line item on annual property tax bills prepared by the County of Alameda. Parcels that do not receive property tax bills will be invoiced by the TPBID on behalf of the City. Property tax bills are generally distributed in the fall, and payment is expected by lump sum or installment. The County of Alameda shall distribute funds collected to the City of Berkeley, which shall forward them to the TPBID. Existing laws for enforcement and appeal of property taxes, including penalties and interest, apply to the TPBID assessments.

7.1 Annual Maximum Assessment Rate Inflation

Each parcel's maximum assessment for a Service and Activity is determined by multiplying the maximum assessment rate per special benefit point by the parcel's total special benefit points for that particular Service and Activity. If the total special benefit points for all assessable parcels in the District change in future years, the maximum allowable annual assessment rate per special benefit point for each Activity and Service will not be recalculated. The maximum allowable annual assessment rate per special benefit point, plus the annual cost of living inflator, will remain fixed. The actual annual assessment rate per special benefit point will be calculated by dividing the fiscal year's total cost for each Service and Activity to be assessed by the total special benefit points for each Service and Activity, not to exceed the maximum allowable annual assessment rate per special benefit point for each Service and Activity for that fiscal year. The maximum allowable assessment rate per special benefit point is escalated each year on July 1 by the annual change in the February-to-February Consumer Price Index for all Urban Consumers, for the San Francisco-Oakland-Hayward, CA region, not to exceed 3% annually, beginning July 1, 2028.

In any given year, the assessments may be at any rate sufficient to meet the estimated budget and levied without undertaking an assessment ballot proceeding, as long as the actual assessment rate per special benefit point does not exceed the Maximum Assessment Rate per special benefit point for that fiscal year. If the change in CPI effective for any fiscal year is determined to be negative, the maximum assessment rate will remain unchanged from the previous fiscal year. The actual assessment rate may vary from year to year but will be no higher than the maximum rate.

In any given year, the assessments may be levied at any assessment rate sufficient to meet the estimated budget, as long as the actual assessment rate does not exceed the Maximum Assessment Rate for that fiscal year.

7.2 Future Changes to Parcel Characteristics and Land Use

Future changes to any of the parcel characteristics and land use classifications detailed in Section 4 will cause possible changes in the total assessment revenue. The assessment revenue for any given year will be the product of the District's parcel characteristics, land use classification, the resulting special benefit points and the budget in effect for such fiscal year. Development within the District that converts a previously undeveloped parcel to a developed land use, for example, will lead to possible increased assessment revenue, even if the assessment rate per special benefit point is not increased. By way of

example, when a previously undeveloped parcel develops into a single-family residential land use classification, the parcel will no longer be assessed as an undeveloped land use, but rather as a single-family residential parcel with the updated land use classification.

7.3 Data for Annual Assessment Calculations

Each year, as part of the assessment calculation procedures, the City or its designated consultant shall determine the land use and front footage for each parcel based on the County Assessor's use code or other supplementary information made available and deemed reliable. In the event the County Assessor's data is deemed to be unreliable, the City or its designated consultant shall utilize other sources of data including but not limited to City records, County Assessor's parcel maps, GIS data, and online research. Assessment amounts for each parcel may change over time in accordance with changes to parcel characteristics including land use classification and front footage.

7.4 Appeals

If any property owner believes the data used to calculate the assessment is inaccurate for any reason, the property owner shall submit, in writing, a request for review to the City. The property owner shall provide documentation to support the request for review. The City or its designated consultant shall review the request and provide a response to the property owner. The property owner must be current in the payment of all assessments when filing the request for review and must remain current during the review process.

If the review conducted by the City or its designated consultant results in the approval for changes to any parcel characteristics or land use classifications used to compute the assessment, the City or its designated consultant shall recalculate the assessment. When recalculating the assessment, the assessment rates actually applied in such fiscal year shall be used. Only the assessment for the parcel or parcels subject to review shall be recalculated.

If the recalculated assessment for the parcel or parcels being reviewed is less than the amount submitted to the County on the secured property tax roll, the difference shall be credited back to the property owner in a manner approved by the City. This credit shall be limited to the current fiscal year and the prior fiscal year, if applicable. The "fiscal year" shall follow the County's fiscal year for property taxes, from July 1 to June 30. The applicable fiscal year shall be determined by the date the request for review is submitted to the City.

The credit may be provided in the form of a check issued to the property owner, an adjustment to the current year's property tax roll (if possible), or a credit to the succeeding year's assessment thereby reducing the amount placed on the secured property tax roll for such year.

If the recalculated assessment is greater than the amount submitted to the County on the secured property tax roll, the City or its designated consultant shall apply the recalculated assessment to the succeeding year's property tax roll and no adjustments shall be made to the prior or current fiscal years' assessments.

In any dispute over parcel characteristic data used to compute assessments, the City or its designated consultant shall make a conclusive determination and its decision shall be final.

7.5 Method of Collection

The assessments will be collected annually on the Alameda County secured property tax roll. The assessments will be subject to the County's assigned due dates and late penalties. However, the City Manager (or his/her designee) may choose to collect the assessments in an alternate manner (including directly billing the property owner) as may be deemed appropriate or necessary by the City or as allowed by law.

8. Engineer's Letter

Pursuant to the Property and Business Improvement District Law of 1994, Section 36600 of California's Streets and Highways Code (the "1994 Act"), it is proposed that the Telegraph Property-Based Business Improvement District (the "District") be renewed. If renewed, assessments would be collected for up to 10 years (July 1, 2027 – June 30, 2038). Expenditure of those collected assessments can continue for up to six months after the end of the assessment collection period (December 31, 2038), at which point the District would then be terminated, if not further renewed.

This Engineer's Report presents the plans and specifications describing the improvements, services, and activities, an estimate of the costs of the improvements, maintenance, and activities for the District for the 2027/28 Fiscal Year. The Engineer's Report also includes an assessment diagram showing the area and properties to be assessed, and an assessment of the estimated costs of the Services and Activities, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefit received in accordance with the PBID Law, Article XIIID of the Constitution of the State of California ("Article XIIID") and the Proposition 218 Omnibus Implementation Act ("Implementation Act"), (the PBID Law, Article XIIID, and Implementation Act are collectively referred to as the "Assessment Law").

The following maximum assessment is authorized in order to pay the estimated costs of the District improvements, services and activities to be paid by the assessable real property within the boundaries of the District in proportion to the special benefit received. The annual maximum assessment budget for the first operating year of the District is as follows:

Table 13. Annual Maximum Assessment Budget

Year	"Clean, Safe, & Beautification"	Communications & Economic Development	Management & Administration	Total Assessment	General Benefit (Non-Assessment Funded)	Total Budget	Surplus/Shortfall
2028	$1,235,470.00	$481,124.00	$233,406.00	**$1,687,987.14**	**$77,659.18**	**$1,950,000.00**	**($184,353.68)**
2029	$1,272,534.10	$495,557.72	$240,408.18	**1,738,626.75**	**79,988.95**	**2,008,500.00**	**($189,884.29)**
2030	$1,310,710.12	$510,424.45	$247,620.43	**1,790,785.55**	**82,388.62**	**2,068,755.00**	**($195,580.82)**
2031	$1,350,031.43	$525,737.19	$255,049.04	**1,844,509.12**	**84,860.28**	**2,130,817.65**	**($201,448.25)**
2032	$1,390,532.37	$541,509.30	$262,700.51	**1,899,844.39**	**87,406.09**	**2,194,742.18**	**($207,491.70)**
2033	$1,432,248.34	$557,754.58	$270,581.52	**1,956,839.72**	**90,028.27**	**2,260,584.44**	**($213,716.45)**
2034	$1,475,215.79	$574,487.22	$278,698.97	**2,015,544.92**	**92,729.12**	**2,328,401.98**	**($220,127.94)**
2035	$1,519,472.26	$591,721.83	$287,059.94	**2,076,011.26**	**95,511.00**	**2,398,254.04**	**($226,731.78)**
2036	$1,565,056.43	$609,473.49	$295,671.74	**2,138,291.60**	**98,376.33**	**2,470,201.66**	**($233,533.73)**
2037	$1,612,008.13	$627,757.69	$304,541.89	**2,202,440.35**	**101,327.61**	**2,544,307.71**	**($240,539.74)**
10-Year Total	**$14,163,278.97**	**$5,515,547.47**	**$2,675,738.21**	**$19,350,880.81**	**$104,367.44**	**$19,455,248.25**	**($2,113,408.39)**

The assessment methodology adheres to local and state laws. In making the assessments contained herein pursuant to the Law, Article XIIID of the Constitution of the State of California and the Proposition 218 Omnibus Implementation Act, commencing with Section 53750 of the Government Law (collectively referred to as the "Assessment Law"):

1. I identified all parcels which will have a special benefit conferred upon them from the installation, implementation and maintenance of the improvements, maintenance, and activities described in Section 4 to this Engineer's Report (the "Specially Benefited Parcels"). For particulars as to the identification of said parcels, reference is made to the Proposed Boundary Map, a copy of which is included in Section 8 of this Engineer's Report.
2. I have assessed the costs and expenses to install, implement and maintain the improvements, maintenance, and activities upon the Specially Benefited Parcels. In making such assessment:
    a. The proportionate special benefit derived by each Specially Benefited Parcel from the installation, implementation and maintenance of the improvements, maintenance, and activities was determined in relationship to the entirety of the costs;
    b. No assessment has been imposed on any Specially Benefited Parcel which exceeds the reasonable cost of the proportional special benefit conferred on such parcel from the installation, implementation and maintenance of improvements, maintenance, and activities; and
    c. Any general benefits from the installation, implementation and maintenance of improvements, maintenance, and activities have been quantified and separated from the special benefits and only special benefits have been assessed.

I, the undersigned, respectfully submit the enclosed Engineer's Report and, to the best of my knowledge, information and belief, the Engineer's Report, Assessments, and the Proposed Boundary Map herein have been prepared and computed in accordance with the Assessment Law.

By:_____

John G. Egan

Assessment Engineer

R.C.E. 14853

APPENDIX I – Maximum Annual Assessment Rates

The table below illustrates the maximum annual assessment rate by parcel type with the assumption that the rates will be increased annually by three percent (3%) with approval of the TPBMC Board. The maximum rates listed are a required disclosure and not the anticipated course of action.

Year	Commercial Zone 1	Commercial Zone 2	Residential Zone 1	Residential Zone 2	Nonprofit / Government / School Zone 1	Nonprofit / Government / School Zone 2
2028	$0.42868	$0.21434	$0.34295	$0.17147	$0.15433	$0.07716
2029	$0.44154	$0.22077	$0.35323	$0.17662	$0.15896	$0.07948
2030	$0.45479	$0.22739	$0.36383	$0.18192	$0.16372	$0.08186
2031	$0.46843	$0.23422	$0.37475	$0.18737	$0.16864	$0.08432
2032	$0.48248	$0.24124	$0.38599	$0.19299	$0.17369	$0.08685
2033	$0.49696	$0.24848	$0.39757	$0.19878	$0.17891	$0.08945
2034	$0.51187	$0.25593	$0.40949	$0.20475	$0.18427	$0.09214
2035	$0.52722	$0.26361	$0.42178	$0.21089	$0.18980	$0.09490
2036	$0.54304	$0.27152	$0.43443	$0.21722	$0.19549	$0.09775
2037	$0.55933	$0.27967	$0.44747	$0.22373	$0.20136	$0.10068

APPENDIX II – PBID Law

***** This document is current through the 2016 Supplement *****

(All 2015 legislation)

STREETS AND HIGHWAYS CODE

Division 18. Parking

Part 7. Property and Business Improvement District Law of 1994

Cal Sts & Hy Code Div. 18, Pt. 7 (2016)

CHAPTER 1. General Provisions [36600 - 36617]

ARTICLE 1. Declarations [36600 - 36604]

36600. Citation of part

This part shall be known and may be cited as the "Property and Business Improvement District Law of 1994."

36601. Legislative findings and declarations; Legislative guidance

The Legislature finds and declares all of the following:

(a) Businesses located and operating within business districts in some of this state's communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.

(b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.

(c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.

(d) Assessments levied for the purpose of conferring special benefit upon the real property or businesses in a business district are not taxes for the general benefit of a city, even if property or persons not assessed receive incidental or collateral effects that benefit them.

(e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:

(1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.

(2) Job creation.

(3) Business attraction.

(4) Business retention.

(5) Economic growth.

(6) New investments.

(f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.

(g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of, and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.

(h) The act amending this section is intended to provide the Legislature's guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.

(1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements, maintenance, and activities in property-based districts, contributing to blight and other underutilization of property.

(2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general benefits, the incidental or collateral effects of those special benefits are inherently part of those special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.

(3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this

part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

36603.5. Part prevails over conflicting provisions

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

ARTICLE 2. Definitions [36606 - 36616]

36606. "Activities"

"Activities" means, but is not limited to, all of the following that benefit businesses or real property in the district:

(a) Promotion of public events.

(b) Furnishing of music in any public place.

(c) Promotion of tourism within the district.

(d) Marketing and economic development, including retail retention and recruitment.

(e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.

(f) Other services provided for the purpose of conferring special benefit upon assessed businesses and real property located in the district.

36606.5. "Assessment"

"Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

36607. "Business"

"Business" means all types of businesses and includes financial institutions and professions.

36608. "City"

"City" means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

36609. "City council"

"City council" means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

36609.4. "Clerk"

"Clerk" means the clerk of the legislative body.

36609.5. "General benefit"

"General benefit" means, for purposes of a property-based district, any benefit that is not a "special benefit" as defined in Section 36615.5.

36610. "Improvement"

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

(a) Parking facilities.

(b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.

(c) Trash receptacles and public restrooms.

(d) Lighting and heating facilities.

(e) Decorations.

(f) Parks.

(g) Fountains.

(h) Planting areas.

(i) Closing, opening, widening, or narrowing of existing streets.

(j) Facilities or equipment, or both, to enhance security of persons and property within the area.

(k) Ramps, sidewalks, plazas, and pedestrian malls.

(l) Rehabilitation or removal of existing structures.

36611. "Management district plan"; "Plan"

"Management district plan" or "plan" means a proposal as defined in Section 36622.

36612. "Owners' association"

"Owners' association" means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners' association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners' association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners' association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject

matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), for all records relating to activities of the district.

36614. "Property"

"Property" means real property situated within a district.

36614.5. "Property and business improvement district"; "District"

"Property and business improvement district," or "district," means a property and business improvement district established pursuant to this part.

36614.6. "Property-based assessment"

"Property-based assessment" means any assessment made pursuant to this part upon real property.

36614.7. "Property-based district"

"Property-based district" means any district in which a city levies a property-based assessment.

36615. "Property owner"; "Business owner"; "Owner"

"Property owner" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. "Business owner" means any person recognized by the city as the owner of the business. "Owner" means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

36615.5. "Special benefit"

"Special benefit" means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.

36616. "Tenant"

"Tenant" means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

ARTICLE 3. Prior Law [36617- 36617.]

36617. Alternate method of financing certain improvements and activities; Effect on other provision

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area

established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

CHAPTER 2. Establishment [36620 - 36630]

36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter.

36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

36621. Initiation of proceeding; Petition of property or business owners in proposed district

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.

(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:

(1) A map showing the boundaries of the district.

(2) Information specifying where the complete management district plan can be obtained.

(3) Information specifying that the complete management district plan shall be furnished upon request.

(c) The resolution of intention described in subdivision (a) shall contain all of the following:

(1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.

(2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

36622. Contents of management district plan

The management district plan shall include, but is not limited to, all of the following:

(a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.

(b) The name of the proposed district.

(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.

(d) The improvements, maintenance, and activities proposed for each year of operation of the district and the maximum cost thereof. If the improvements, maintenance, and activities proposed for each year of operation are the same, a description of the first year's proposed improvements, maintenance, and activities and a statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.

(e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements

with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k) (1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.

(2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.

(l) In a property-based district, the total amount of all special benefits to be conferred upon the properties located within the property-based district.

(m) In a property-based district, the total amount of general benefits, if any.

(n) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.

(o) Any other item or matter required to be incorporated therein by the city council.

36623. Procedure to levy assessment

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is

interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:

(1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior

boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.

(2) The number, date of adoption, and title of the resolution of intention.

(3) The time and place where the public hearing was held concerning the establishment of the district.

(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.

(5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.

(6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.

(8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

36626. Resolution establishing district

If the city council, following the public hearing, desires to establish the proposed property and business improvement district, and the city council has not made changes pursuant to Section 36624, or has made changes that do not substantially change the proposed assessment, the city council shall adopt a resolution establishing the district. The resolution shall contain all of the information specified in Section 36625.

36627. Notice and assessment diagram

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625 or Section 36626, the clerk shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

CHAPTER 3. Assessments [36631 - 36637]

36631. Time and manner of collection of assessment; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.

36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of

residential and agricultural property

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36626. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

36636. Modification of plan by resolution after public hearing; Adopting of resolution of intention

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:

(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.

(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

CHAPTER 3.5. Financing [36640- 36640.]

36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

(a)The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section

provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

CHAPTER 4. Governance [36650 - 36651]

36650. Report by owners' association; Approval or modification by city council

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.

(2) The improvements, maintenance, and activities to be provided for that fiscal year.

(3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.

(4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.

(5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636. The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

36651. Designation of owners' association to provide improvements, maintenance, and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

CHAPTER 5. Renewal [36660- 36660.]

36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

(a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.

(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.

(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

CHAPTER 6. Disestablishment [36670 - 36671]

36670. Circumstances permitting disestablishment of district; Procedure

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assessees may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the area who pay 50 percent or

more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

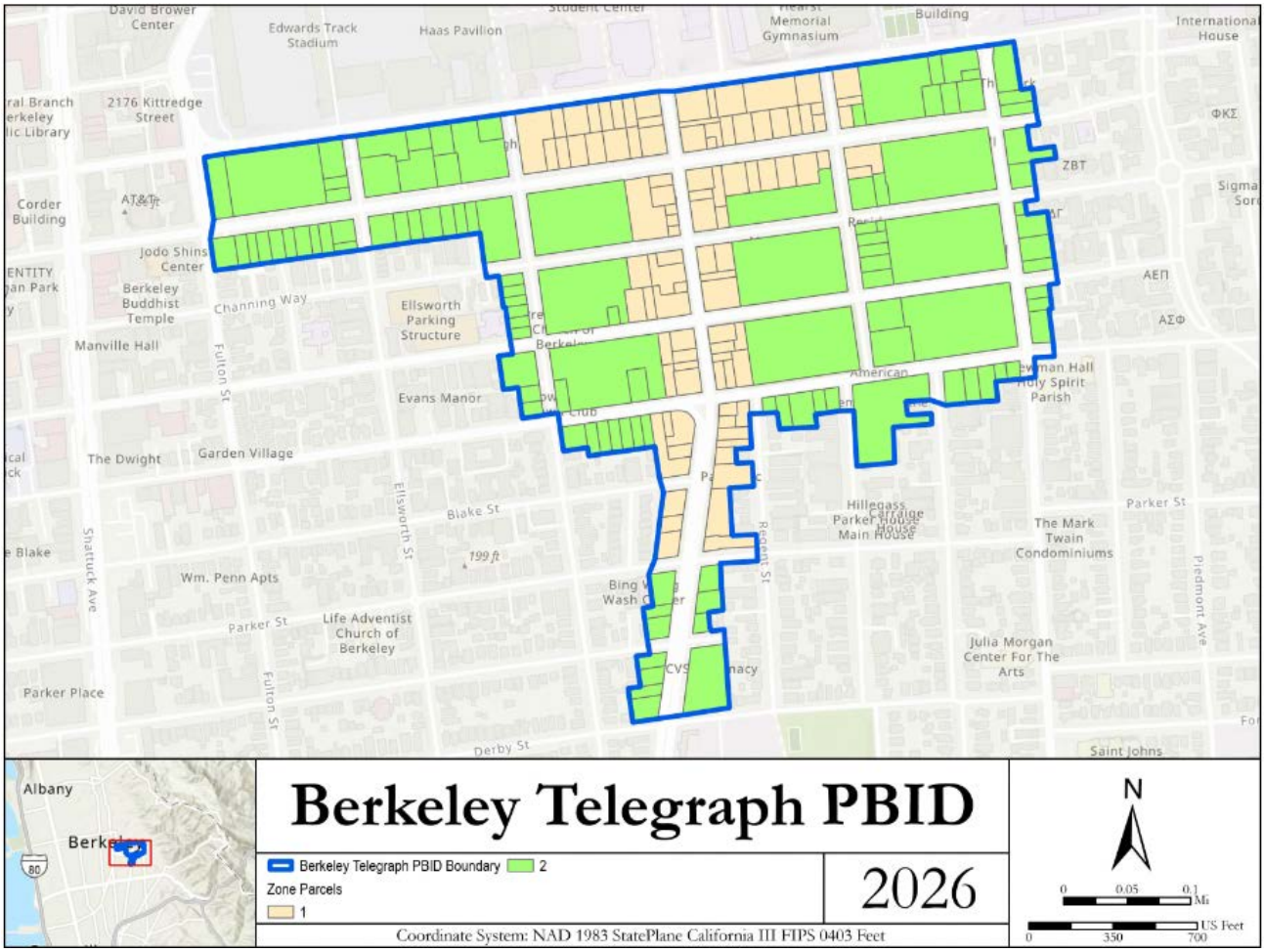
(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

APPENDIX III – Boundary Map



APPENDIX IV – Parcel Assessment Calculations

APPENDIX V – Budget by Zone

The table below illustrates the approximate annual assessment expenditures by program and zone, assuming that the budget increases by three percent (3%) per year and that there are no adjustments to the budget allocations.

Year	"Clean, Safe, Beautification" Zone 1	"Clean, Safe, Beautification" Zone 2	Communication & Economic Development Zone 1	Communication & Economic Development Zone 2	Management & Administration Zone 1	Management & Administration Zone 2	Total Zone 1	Total Zone 2
2028	$799,105.22	$436,364.78	$311,192.26	$169,931.74	$150,967.61	$82,438.39	$1,261,265.08	$688,734.92
2029	$823,078.37	$449,455.73	$320,528.02	$175,029.70	$155,496.64	$84,911.54	$1,299,103.03	$709,396.97
2030	$847,770.72	$462,939.40	$330,143.87	$180,280.59	$160,161.54	$87,458.89	$1,338,076.12	$730,678.88
2031	$873,203.84	$476,827.58	$340,048.18	$185,689.00	$164,966.38	$90,082.66	$1,378,218.41	$752,599.24
2032	$899,399.96	$491,132.41	$350,249.63	$191,259.67	$169,915.37	$92,785.14	$1,419,564.96	$775,177.22
2033	$926,381.96	$505,866.38	$360,757.12	$196,997.46	$175,012.84	$95,568.69	$1,462,151.91	$798,432.54
2034	$954,173.42	$521,042.37	$371,579.83	$202,907.39	$180,263.22	$98,435.75	$1,506,016.47	$822,385.51
2035	$982,798.62	$536,673.64	$382,727.22	$208,994.61	$185,671.12	$101,388.82	$1,551,196.96	$847,057.08
2036	$1,012,282.58	$552,773.85	$394,209.04	$215,264.45	$191,241.25	$104,430.49	$1,597,732.87	$872,468.79
2037	$1,042,651.06	$569,357.07	$406,035.31	$221,722.38	$196,978.49	$107,563.40	$1,645,664.86	$898,642.85

DRAFT

APPENDIX VI – Baseline Services

City Of Berkeley Baseline Services in the Telegraph Property-Based Business Improvement District Area

The Baseline Services listed below are provided by the City of Berkeley ("City") in the Telegraph Business Improvement District ("TBID") area. The Telegraph Baseline Services listed below are provided by the City Manager's Office, Department of Public Works, the Police Department, the Department of Parks, Recreation and Waterfront, the Office of Economic Development, and the Department of Health, Housing and Community Services. From time to time, the City may need to adjust the level of Telegraph Baseline Services due to resource constraints and staffing availability. Also, funding for portions of these services comes through non-City grant sources and may be subject to budget pressures outside of City control.

Department of Public Works

PW provides the following services within the Telegraph BID boundaries:

Street Mechanical Sweeping: Mechanical sweeping services are provided once a month in the following areas: Carleton Street, Dana Street, Durant Avenue (Fulton to Dana), and Ellsworth Street.

Additional Sidewalk Sweeping or pressure washing: Staff are assigned to sweep or wash as scheduled as overtime funding becomes available for special events, holiday fairs and football games.

Public Trash Receptacle Maintenance: Public trash receptacles are emptied daily. Repair of trash receptacles are scheduled as needed and generally completed within two weeks.

Street and Traffic Signal Maintenance: Street lights are re-lamped or replaced as needed and via regular preventative maintenance. Traffic signals undergo annual inspection and are repaired and maintained as needed. Reports of maintenance activities can be provided upon request.

Public Graffiti Removal: Public areas for graffiti removal performed by PW staff upon Service Request. Service Requests for graffiti on public property are generally responded to within seven (7) working days upon notification. In the event Public Works lacks sufficient staff to perform graffiti removal, the City will furnish the TBID with the necessary graffiti removal supplies and paint.

Curb Painting and Sign Maintenance: Maintenance of curb and street markings and of traffic, warning, and informational signs will be prioritized and scheduled based on the City Traffic Engineer's professional assessment of condition, visibility, and safety need. Markings are generally evaluated for renewal approximately every eighteen (18) months and service requests are addressed in order of priority as determined by the City Traffic Engineer and or delegate.

Illegal Dumping and Unattended Property Removal: Illegal dumping within the public right of way is either removed by Public Works staff, or the responsible party is located and charged with removing it through the Code Enforcement process. Public Works is generally able to remove illegally dumped items within three business days.

Parking Services: Parking garage operations and maintenance of metered areas (pay stations) within the boundaries of the Telegraph BID.

Sidewalk Repairs: Minor sidewalk repairs such as grinding or patching within 7 business days. Permanent repairs will be made in coordination with Engineering and the property owner. Tree well work will be coordinated with Forestry.

Stormwater System Maintenance: Semi-annual cleaning of stormwater systems in commercial areas including gutters and storm drains.

Sewer Maintenance: Maintenance of sewer infrastructure and 24-hour service response for backups, overflows, emergencies.

Street Signage: Replacement of street signage that is no longer legible or visible, as resources allow.

Protest or Demonstration Assistance: At the request of BPD, PW staff assist with traffic and pedestrian control during large protests and demonstrations. PW staff may also secure public fixtures to prevent damage.

Commercial Business Emergency Board-ups: PW staff will perform emergency board-ups during extreme weather or other emergencies adequate to ensure public safety. Otherwise, private property owners bear the responsibility to make vandalization repairs and secure against breaches. Berkeley Police will notify PW's restoration contractor to assist with private property board ups if needed due to vandalism, fire (or other emergency).

Berkeley Police Department

The TBID area is covered primarily by Police Beat 7.

Community Services Bureau – Bicycle Officers: The Community Services Bureau (CSB) of the Berkeley Police Department is composed of a Lieutenant, Sergeant, and Community Services Officer (CSO). This team serves as a point of contact for both businesses and residents. The CSB focuses on identifying and addressing ongoing public safety concerns using a problem-oriented policing framework that emphasizes collaborative, tailored interventions that serve the community and the individual.

The Bicycle Team's primary responsibility is to provide patrol coverage in the city's business districts and other areas identified as high priority based on community concerns and department data. While their core focus remains in retail districts, this team also functions as the Department's most flexible resource. As such, they regularly support search warrant operations, assist with community events, and fill unstaffed patrol beats. The Bicycle Team applies a problem-solving approach to policing, prioritizing long-term, community-based solutions in locations within the TBID.

The availability of these resources depends on the department's staffing level and the city's overall public safety needs.

Department of Parks, Recreation and Waterfront (Parks Division)

Within the TBID boundaries the Parks Division maintains the landscaping at the median at the intersection of Dwight and Telegraph and over 500 municipal street trees.

Landscape Maintenance Gardener Unit: Staff perform routine and responsive maintenance activities including but not limited to the following:

- As needed graffiti abatement;
- Mowing, edging, and trimming;
- Weed abatement;
- Removal of unattended property; and
- Collection of litter and debris.

Urban Forestry Unit: The unit plants new trees in empty tree wells, and elsewhere in the area (resources permitting), removes dead and diseased trees, prunes trees and roots, responds to emergency calls (e.g., fallen trees and branches), and provides other maintenance as needed.

City Manager's Office

Office of Economic Development (OED) - OED provides a range of services to Telegraph area businesses, cultural institutions, property owners and potential investors. OED staff provide permit assistance, site location assistance, marketing assistance and access to economic data. OED staff also work closely with TBID staff and provide staffing support for the Telegraph PBID Owners' Association Board of Directors.

Neighborhood Services Division-*Homeless Outreach/Homeless Response Team*: Homeless Outreach services are available to persons who are homeless and wanting assistance with securing community resources. These services are designed to assist people who are having difficulty using housing, financial, medical, and social services resources. The Homeless Response Team prioritizes health and safety issues and unavoidable operational impacts when triaging requests for outreach across the City. *Housing and Homeless Services Programs*: The City contracts with community agency partners to provide homeless people in the Telegraph District with a range of services including showers, case management and access to emergency, transitional and permanent housing opportunities. *Code Enforcement Unit*: This unit enforces the Berkeley Municipal Code against a wide range of Municipal Code violations in the Telegraph District, and coordinates with other departments to enforce other code violations (Fire, Building, Zoning, etc.) as needed. The enforcement activities of this unit are typically complaint driven.

Department of Health Housing and Community Services

Homeless Outreach: Homeless Outreach services, provided by community agency partners with whom the Department contracts are available to persons who are homeless and wanting assistance with securing community resources. These services are designed to assist people who are having difficulty using housing, financial, medical, and social services resources.

PETITION TO RENEW THE TELEGRAPH PROPERTY-BASED BUSINESS IMPROVEMENT DISTRICT

(Pursuant to Sec. 36600 et seq. of the Calif. Streets and Highway Code)

This is a petition to initiate special assessment proceedings to renew the Property-based Business Improvement District (PBID) in accordance with the Property and Business Improvement District Law of 1994, California Streets and Highways Code Sections 36600 et seq., for the purpose of undertaking and implementing the Management District Plan, a summary of which is attached.

Legal Owner: City Of Berkeley
Owner % of Total Assessment: 5.67%

APN:	**Parcel Address *(if known)***	**2028 Parcel Assessment**
055- -1879-006-01	2431 Channing Way	$95,403.95
		Annual Total $95,403.95

To complete your Petition please:
1) Check your affirmation YES,
2) Print your name, e-mail and phone number below, and
3) Sign and date below.

☐ YES, I approve of the proposed maximum assessment of $95,403.95 on the parcel(s) identified on this preliminary petition.

(Print) Name and Title of Owner of Record or an Authorized Representative *Email address* *Phone No.*

Signature of Owner of Record or the Representative Legally Authorized and Entitled to Sign this Petition *Date*

Please return this Preliminary Petition signed and dated to:

Telegraph Property & Business Mgmt. Corp.
2437 Durant Ave Suite 206
Berkeley, CA 94704



Telegraph Business Improvement District

Strategic Plan 2027 - 2032

TELEGRAPH BERKELEY 2032

Imagine it's 2032, and you are returning to the Telegraph district after some time away.

You notice many positive changes, including ...

- A dramatic gateway monument on Telegraph Avenue, along with a matching monument rising above the Dwight Triangle and coordinated banners all along Telegraph, Durant, and throughout the district.
    - The Telegraph-Channing garage is fresh, clean, and inviting appearance. Parking availability is clear, and pricing is easy to understand. 2-hour spaces are available on the ground floor, with longer-term parking on upper floors. The parking areas are clean and free of litter or graffiti. The stairways are well-lit stairway, and vibrant businesses line the ground floor arcade.
        - A Berkeley Street Fair boasts multiple branded stages, many bands, and tons of vendors. Everyone seems to be participating.
            - The sidewalks are bustling with people, there are few visible trash cans lining the streets, you don't see much litter or graffiti, most storefronts are open for business, and many have a fresh coat of paint or other signs of pride.
                - The many students frequenting the district are joined by long-term Berkeleyans and tourists.
            - The district feels more like a community and celebrates a spirit that is just as bright as its iconic reputation.
        - Monthly merchant meetings are entertaining events where folks share information and problem solve, with lots of laughter and recognition of striving entrepreneurs.
    - The new People's Park is surrounded by handsome new residential buildings while the park itself is teeming with people. There are people playing ping pong, foosball, checkers, and other games. Musicians perform regularly and sell seasonal treats. Park Concierges keep an eye on everything, encourage play, and make sure things are working smoothly.
- District stalwarts like Moe's Books and Rasputin Music are thriving and joined by newer neighbors who also appear successful.

Dear Neighbors, Merchants, and Friends,

We are standing at a transformative moment for Telegraph. Our district is evolving rapidly, shaped by new housing, a growing resident base, and a shared hunger to see Telegraph thrive. This is our moment to be fiercely opportunistic —capturing this momentum to bust open new possibilities, and radically enhance the quality of life for everyone who steps foot in our district.

The Telegraph Business Improvement District is proud of what we have achieved together. Through close collaboration between small businesses, property owners, the city, and the university, we have effectively managed our commercial core through major transitions. We are now introducing a bold new Strategic Plan designed to preserve the unique soul of Berkeley while aggressively cultivating its future as a bustling, year-round destination.

To turn this vision into reality, we are leaning into these high-impact strategies:

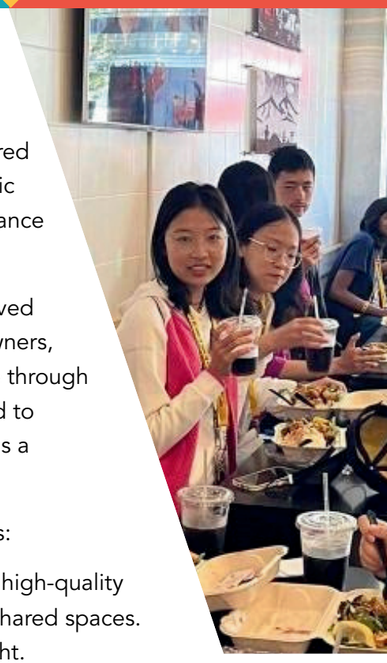
- **Boosting the Public Realm:** Shifting from temporary fixes to permanent, high-quality investments that elevate the cleanliness, safety, and visual appeal of our shared spaces. We want our streets bursting with energy and community life day and night.
- **Seizing Year-Round Opportunities:** Building a resilient, non-stop district calendar that celebrates our eclectic culture, locks in steady foot traffic through academic breaks; ensuring that our economy thrives every single day of the year.
- **Championing Economic Vitality:** Deepening our commitment to the small business economy by marketing Telegraph's unique character, aggressively reducing vacancies, and attracting diverse commercial investments.
- **Bold Leadership and Advocacy:** Elevating our role as a trusted convener to cut through bureaucratic red tape, align private and institutional partners, and champion swift, decisive action.

This plan is more than a road map; it is an active commitment to honor the legacy of Telegraph while seizing every opportunity to build a legendary future. The potential right now is limitless. We invite you to join us in championing the character, culture, and relentless prosperity of our community.

Onward!

Alex Knox
Executive Director

Kevin Gordon
Board President





ABOUT THE ORGANIZATION & STRATEGIC PLANNING PROCESS

The Telegraph Business Improvement District (TBID) encompasses the historic commercial and cultural corridors anchoring the southern edge of the UC Berkeley campus along the iconic Telegraph promenade. To support this vibrant community, the district provides dedicated street cleaning, safety hospitality, and district marketing services.

Between September 2025 and June 2026, TBID worked with Uncommon Bridges, a leading firm in the place-management industry, to develop this strategic plan through three phases: assessment, planning, and implementation.

Phase 1: Assessment
The first phase was a thorough assessment of current conditions, based on input from many stakeholders – including business and property owners, residents, TBID board members, UC Berkeley students, and institutional partners – through surveys, focus groups, individual interviews, walking tours, and facilitated discussions.

The assessment highlighted several issues to be addressed toward the district's long-term success:

- Iconic History & Reputation
- Reconciling Transience with Regional Destination Appeal
- Property Owner Disconnection
- Resetting the Bar for Public Safety Perceptions and the Social Crisis
- Transportation and Congestion
- Institutional Advocacy and Development Barriers

Phase 2: Planning
In response to these findings, TBID revisited and updated its vision, mission, and core values to ensure they accurately reflect the district's current realities and desired future.

A series of planning work sessions with board members and community partners helped align stakeholders on the organization's strategic priorities for emphasis in the years ahead: Leadership, Economic Vitality, the Public Realm, Marketing & Branding, and Organizational Development. The work groups discussed critical issues and defined aspirational goals and measurable objectives in pursuit of the district's vision.

Phase 3: Implementation
In the final phase, TBID staff, board members, and community leaders developed practical implementation actions and critical first steps to make this plan possible. This comprehensive process positions TBID to effectively serve its stakeholders and strengthen Telegraph for years to come.

2027 Reauthorization
With the 2027 reauthorization of the district approaching, this strategic plan articulates stakeholder consensus around organizational and district priorities. It is the foundation on which to build a consensus-driven Management Plan for and successful reauthorization of the Telegraph Property-based Business Improvement District.





TBID STRATEGIC PLAN



VISION

Telegraph is the soul of Berkeley:
a welcoming crossroads where iconic history
meets discovery and bold expression.

MISSION

As the gateway to the world's best public university,
the Telegraph BID champions the district's unique character and
prosperity through advocacy, leadership, and collaborative stewardship.

VALUES

STEWARDSHIP Focused on economic impact.

COLLABORATION Genuine partnership across the community.

AUTHENTICITY Emphasizing genuine community connection.

LEADERSHIP Elevating vision while generating value.

COMMUNITY CARE A high-priority focus on local support.

STRATEGIC DIRECTIONS

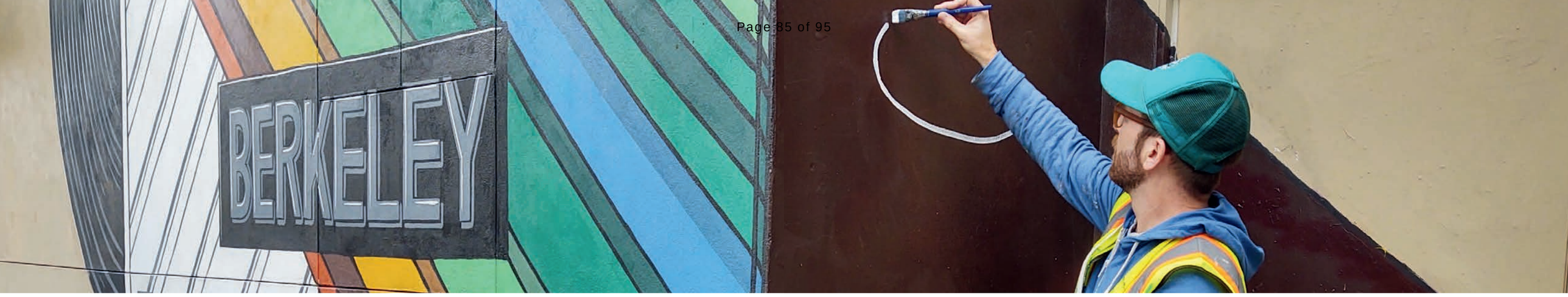
Increase role as a valued convener, partner, and co-leader

Substantially increase direct services and champion a higher standard

Substantially increase marketing, events, and data

Substantially increase economic growth

Substantially increase presence and impact



GOALS

2027 - 2032

LEADERSHIP

TBID is a valued convener of businesses, neighbors, the city and university to steward Telegraph's transformation with its evolving soul intact.

PUBLIC REALM

The Telegraph corridor is a delightful and attractive promenade embodying vitality, safety, and community caring.

MARKETING & EVENTS

Telegraph takes its rightful place at the forefront of people's minds as where Berkeley's enviable international reputation began and where it lives.

ECONOMIC VITALITY

The Telegraph District is a thriving, year-round destination where a vibrant mix of retail, dining and high-quality public spaces naturally attract and serve a broader clientele.

ORGANIZATIONAL DEVELOPMENT

TBID substantially broadens the organization's impact as a champion, manager, and steward of the public realm for the next 10 years.



LEADERSHIP

Increase role as a valued convener, partner, and co-leader.

Goal

TBID is a valued convener of businesses, neighbors, the city and university to steward Telegraph's transformation with its evolving soul intact.

Objective

A. TBID leverages its partnerships to build a **collective narrative** about the district's cultural character and future development.

B. TBID is recognized as a **meaningful influencer** in helping businesses, the city, and the university make progress on their shared plans for the Telegraph neighborhood.

C. TBID is known as a **primary go-to resource** supporting and advocating for business and property owner investments that support the Telegraph vision.

D. TBID reconciles **merchant priorities** with the **district's needs**.

E. TBID will lead **advocacy** in support of Telegraph's vision for urban design, transportation, public safety, and real estate development.

Metrics

- Public awareness of TBID impact and district priorities
- Advocacy agenda is in place and visibly active
- Demand for advocacy support and public relations assistance



PUBLIC REALM

Substantially increase direct services and champion a higher standard.

Goal

The Telegraph corridor is a delightful and attractive promenade embodying vitality, safety, and community caring.

Objective

A. Substantially reduce the visibility of **garbage** in Telegraph's public areas.

B. Meaningfully upgrade the district's standards for **cleanliness, public safety, and visual appeal** through direct services and beautification.

C. Conceive, champion, and activate **public gathering spaces** that are attractive to the district's clientele of all ages.

D. Actively champion **transportation** and **parking** policies and **physical infrastructure** that ensure the district's easy access and safety, day and night.

E. TBID will actively participate in community partnerships in support of **services** and **community care** for those in need.

Metrics

- Number of waste bins on sidewalks and public areas
- People using gathering spaces
- Number of waste bin infractions



MARKETING & EVENTS

Substantially increase marketing, events, and data.

Goal

Telegraph takes its rightful place at the forefront of people's minds as where Berkeley's enviable international reputation began and where it lives.

Objective

A. Elevate **Telegraph's brand** to further reflect the soul of Berkeley and define Telegraph as central to the Berkeley experience.

B. Expand **visual markers** of the brand throughout the district, including unique infrastructure, gateway signage, street furniture, and banners.

C. Establish **revenue-generating events** that are self-sustaining, expand capacity, and drive visitors to Telegraph and its businesses.

D. Develop and effectively utilize audience **data**.

E. Assess, revise, and maintain a robust and consistent **calendar** of marketing campaigns, events, and activations to draw new and existing visitors to Telegraph, elevating the district's reputation, brand, and small business economy.

Metrics

- Visible brand markers
- Earned media reflecting brand narrative
- Net revenue from TBID run events
- Attendance at all events in the district



ECONOMIC VITALITY

Substantially increase economic growth through research, information, and active management of public spaces.

Goal

The Telegraph District is a thriving, year-round destination where a vibrant mix of retail, dining and high-quality public spaces naturally attract and serve a broader clientele.

Objective

A. TBID will work toward a role in day-to-day activation and maintenance of **key public spaces**, including certain University- and City-owned parks and public areas.

B. TBID will pursue a role in managing the **Telegraph-Channing Garage**, including parking management, retail leasing, and day-to-day operations.

C. TBID will become active in **retail retention**, **recruitment**, and **development** through research, data, vision, branding, and curation.

D. TBID will optimize the district's **business atmosphere** and **cultural relevance** to capture the full economic potential of campus visitors while expanding Telegraph's commercial appeal.

Metrics

- Storefront occupancy and turnover rate
- Number of People in People's Park
- Parking occupancy in the Telegraph-Channing Garage
- Retail occupancy & sales in the Telegraph-Channing Garage



ORGANIZATION

Substantially increase presence and impact, through board engagement, resources, and visible leadership.

Goal

TBID substantially broadens the organization's impact as a champion, manager, and steward of the public realm for the next 10 years.

Objective

A.TBID doubles its collection and analysis of useful **data** about business, property, and community assets, showcasing the district and the organization's value.

B.The Business Improvement District is **renewed** with appropriate scope and resources.

C.TBID's **board** is visible, engaged, and impactful, reflecting the organization's leadership role in the district.

D.TBID is a **trusted resource** with extensive relationships, making connections between public, private, and nonprofit interests, and continuously engaging its always-changing audience.

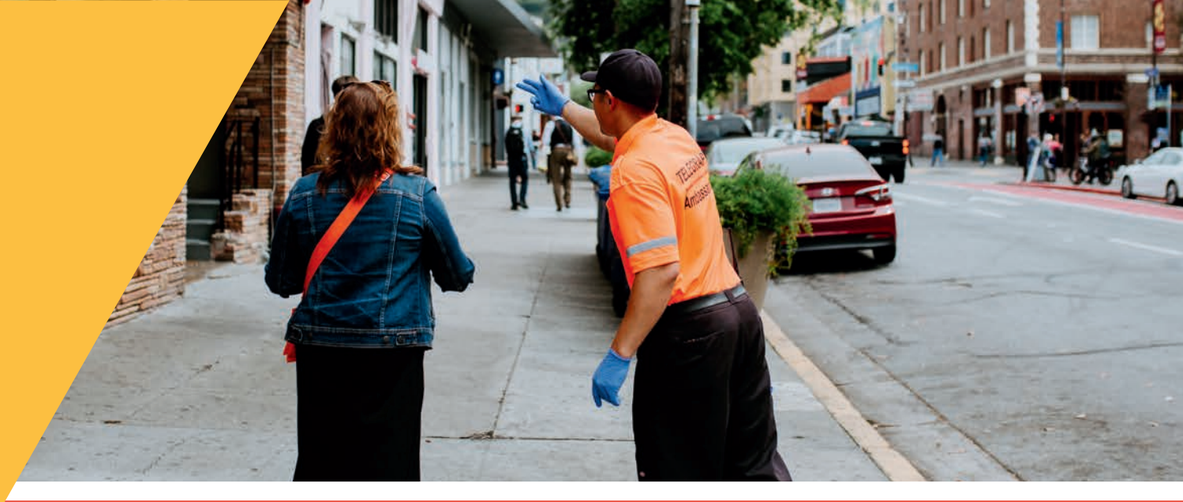
E.TBID's **non-assessment revenues** grow substantially as business, property, government, philanthropic, and individual interests recognize TBID's effectiveness.

Metrics

- District data points tracked
- Votes in favor of TBID renewal
- Total non-assessment revenue







CURRENT OPERATIONS

The Telegraph PBID is a special benefit district in which 100% of collected assessments are reinvested directly into the Telegraph corridor to enhance the district. Currently, it is supported by an annual operating budget of approximately $1 million, which is funded by district property owners, including the University of California, and the City of Berkeley.

The PBID runs five core service areas:

- **Clean, Safe, & Crisis Response:** Delivers 240 hours per week of year-round field deployment dedicated to street cleanliness, graffiti mitigation, and specialized crisis de-escalation support.
- **Stewardship & Community Care:** Provides dedicated care for, performs district-wide weed abatement, refreshes public fixtures, and offers direct guidance to community members navigating quality of life or public safety issues.
- **Public Infrastructure:** Manages and maintains the 24/7 public restroom facility at Channing Way, installs sidewalk planters and public art projects, and installs holiday lighting and seasonal décor.
- **Events & Marketing:** Drives immediate foot traffic to local merchants through targeted campaigns, including Telegraph Boba Day, Second Sundays, student orientation promotions, and robust district-themed social media growth.
- **Public Leadership & Advocacy:** Conducts routine engagement with local officials to drive funding and infrastructure priorities, represents district interests in public policy groups, and provides strategic stakeholder feedback on neighborhood housing and mixed-use development projects.

ELEVATING OUR DISTRICT

Established 20 years ago, TBID is preparing for its first reauthorization in a decade. TBID's next chapter must focus on strengthening the organization to meet Telegraph's changing needs. This strategic plan provides a foundation for the organization to establish and maintain a higher standard for the public realm and to support meaningful economic growth by attracting a larger and more diverse clientele to the district's businesses and its increasingly outstanding public spaces and facilities.

IMPLEMENTATION

To operationalize this vision and deliver high-impact results, TBID will implement the following targeted organizational upgrades.

Organizational Capacity:

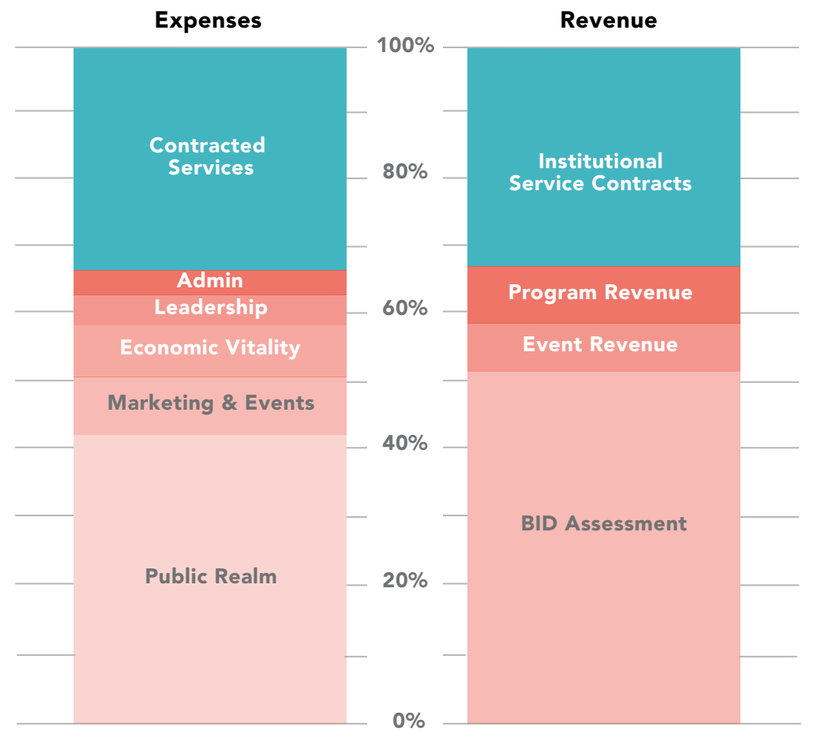
- Align operations with industry standards
- Add strategic program leaders

Community Focus:

- Elevate board leadership
- Prioritize business engagement
- Heighten district advocacy

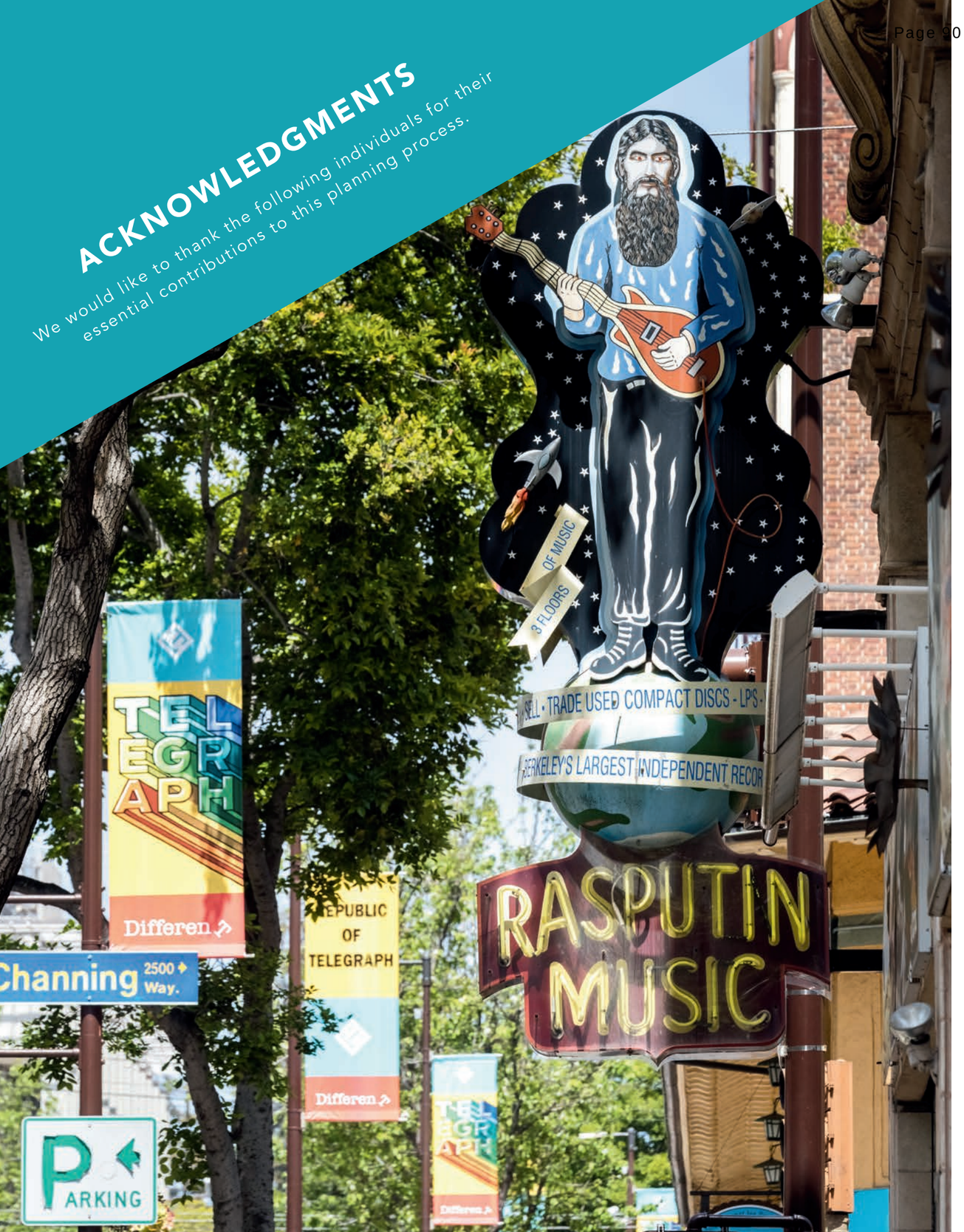
Program Upgrades:

- Negotiate institutional service contracts
- Upgrade ambassador services
- Strengthen research & analytics
- Build event infrastructure
- Secure recurring non-assessment revenue



ACKNOWLEDGMENTS

We would like to thank the following individuals for their essential contributions to this planning process.



Telegraph Business Improvement District (TBID) Board of Directors

- Kevin Gordon, Gordon Commercial, TBID President
- Jen Loy, University of California, Berkeley, TBID Vice President
- Vincent McCoy, City of Berkeley, TBID Treasurer
- Craig Becker, TBID Secretary
- Ali Eslami, Property Owner
- Doris Moskowitz, Moe's Books
- Ito Ripsteen, Vine Street Investments
- Steve Ruegg, Rue-Ell Enterprises
- Swami Prasannatmananda, Vedanta Society Berkeley

TBID Leadership & Staff

- Alex Knox, Executive Director
- Jerico Osnas-Paguio, Director of Marketing & Events
- Clarence Williams, Operations Manager
- Twilver Earle, Team Leader
- Jaffar Mendieta, Block by Block

TBID Steering Committee

- Candi Lee, Residential & Student Service Programs
- Erik Bigglestone, Games of Berkeley
- Wilson Wong, Kip's Bar & Cali's Sports Bar

Facilitation Team, Uncommon Bridges

- Brian Douglas Scott, Founding Partner
- Skylar Benson, Project Manager
- Carson Bridges, Project Associate
- Mike Stewart, Advisor
- Jacqueline Robinette, Advisor

Community Members

- Adolfo Guzman, Student
- Beth Rosener, Berkeley Chamber of Commerce
- Blaine Merker, Gehl Studio
- Brian Beckley, Beck's Shoes
- Daryn Singh, Kathmandu Market
- Doug Miller, The Tap Haus
- Gavin Silva, Student
- Ivy Zhang, Student
- Jeffrey Church, Visit Berkeley
- John Polyzoides, Chromata Real Estate
- John Caner, Downtown Berkeley Association
- Laksh Lakireddy, Vindium Real Estate
- Lori Katz, Amoeba Music
- Michael Heinstein, Mosaic Boulders
- Orlando Williams, Event Coordinator
- Paulina Unrue, Student
- Peter Lee, Fun Park
- Stephen Choi, Wow Wow Hawaiian Lemonade
- Tasnima Proma, Student
- Tram Dyck, Nom Nom Bahn Mi

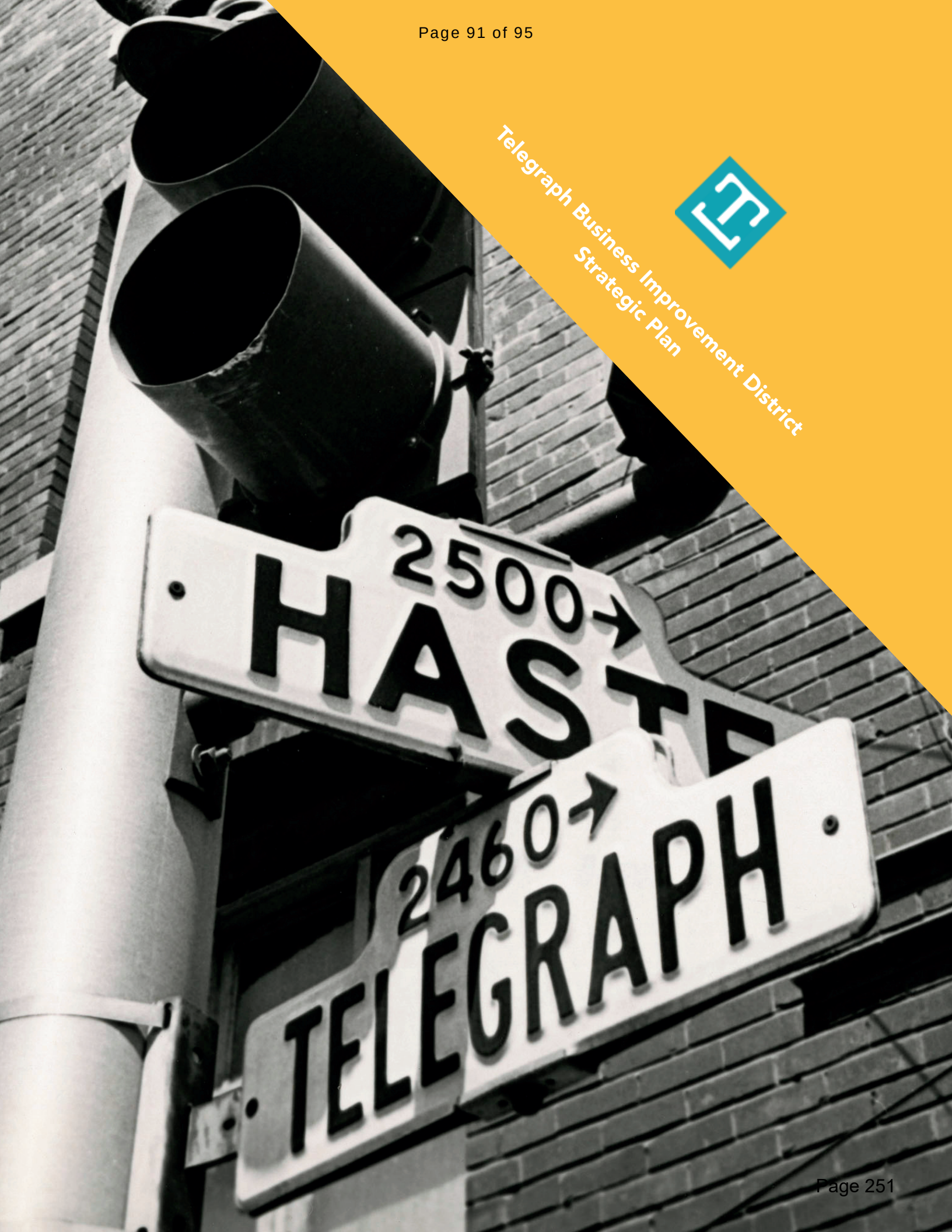
University of California, Berkeley

- Amanda Der, ASUC External Affairs VP Chief of Staff
- Ari Neulight, Homeless Outreach Coordinator
- Calvin Yang, ASUC External Affairs VP
- Mako Ushihara, Residential & Student Service Programs
- Raphael Breines, Capital Strategies
- Ruben Lizardo, Government & Community Relations

City of Berkeley

- Eleanor Hollander, Office of Economic Development
- Elliot Schwimmer, Public Works
- Eric Panzer, Councilmember Humbert's Office
- Jordan Klien, Planning & Development
- Joy Brown, Public Works
- Mark Helmbrecht, Public Works
- Reuel Cooke, Office of Economic Development
- Sara Cerami, Councilmember Lunaparra's Office
- Terrance Davis, Public Works
- Wahid Amiri, Public Works

Telegraph Business Improvement District
Strategic Plan



City Manager's Office

October 14, 2026

Mr. Alex Knox
Executive Director
Telegraph Property & Business Management Corporation
(dba) Telegraph Business Improvement District
2437 Durant Avenue, Suite 206
Berkeley, CA 94704

Dear Mr. Knox:

The City of Berkeley is supportive of The Telegraph Property & Business Management Corporation (TPBMC)'s work to reestablish the Telegraph Property and Business Improvement District (TPBID or TBID) in the Telegraph area. We understand that reestablishing the TBID would ensure the resources available for Telegraph revitalization and build the capacity of the TBID/City partnership in promoting a safe, clean and economically vital campus-adjacent Telegraph Area.

The City has historically provided a set of base-level or "baseline" services in the Telegraph area, as outlined in the attached document. Each relevant City department and division was asked to describe their services and staff is committed to continuing to deliver these services in a consistent and professional way into the future subject to funding availability. As the economy continues to fluctuate there may be times when monetary constraints cause the City to reduce budgets affecting base-level or baseline services.

If you have any questions, please feel free to contact me or David White for further discussion or clarification.

Sincerely,

Paul Buddenhagen
City Manager

CC: David White, Deputy City Manager
Eleanor Hollander, Economic Development Manager

2027

City Of Berkeley Baseline Services in the Telegraph Business Improvement District Area

The Baseline Services listed below are provided by the City of Berkeley ("City") in the Telegraph Business Improvement District ("TBID") area. The Telegraph Baseline Services listed below are provided by the City Manager's Office, Department of Public Works, the Police Department, the Department of Parks, Recreation and Waterfront, the Office of Economic Development, and the Department of Health, Housing and Community Services. From time to time, the City may need to adjust the level of Telegraph Baseline Services due to resource constraints and staffing availability. Also, funding for portions of these services comes through non-City grant sources and may be subject to budget pressures outside of City control.

Department of Public Works (PW)

PW provides the following services within the Telegraph BID boundaries:

Street Mechanical Sweeping: Mechanical sweeping services are provided once a month in the following areas: Carleton Street, Dana Street, Durant Avenue (Fulton to Dana), and Ellsworth Street.

Additional Sidewalk Sweeping or pressure washing: Staff are assigned to sweep or wash as scheduled as overtime funding becomes available for special events, holiday fairs and football games.

Public Trash Receptacle Maintenance: Public trash receptacles are emptied daily. Repair of trash receptacles are scheduled as needed and generally completed within two weeks.

Street and Traffic Signal Maintenance: Street lights are re-lamped or replaced as needed and via regular preventative maintenance. Traffic signals undergo annual inspection and are repaired and maintained as needed. Reports of maintenance activities can be provided upon request.

Public Graffiti Removal: Public areas for graffiti removal performed by PW staff upon Service Request. Service Requests for graffiti on public property are generally responded to within seven (7) working days upon notification. In the event Public Works lacks sufficient staff to perform graffiti removal, the City will furnish the TBID with the necessary graffiti removal supplies and paint.

Curb Painting and Sign Maintenance: Maintenance of curb and street markings and of traffic, warning, and informational signs will be prioritized and scheduled based on the City Traffic Engineer's professional assessment of condition, visibility, and safety need. Markings are generally evaluated for renewal approximately every eighteen (18) months and service requests are addressed in order of priority as determined by the City Traffic Engineer and or delegate.

Illegal Dumping and Unattended Property Removal: Illegal dumping within the public right of way is either removed by Public Works staff, or the responsible party is located and charged with removing it through the Code Enforcement process. Public Works is generally able to remove illegally dumped items within three business days.

Parking Services: Parking garage operations and maintenance of metered areas (pay stations) within the boundaries of the Telegraph BID.

Sidewalk Repairs: Minor sidewalk repairs such as grinding or patching within 7 business days. Permanent repairs will be made in coordination with Engineering and the property owner. Tree well work will be coordinated with Forestry.

Stormwater System Maintenance: Semi-annual cleaning of stormwater systems in commercial areas including gutters and storm drains.

Sewer Maintenance: Maintenance of sewer infrastructure and 24-hour service response for backups, overflows, emergencies.

Street Signage: Replacement of street signage that is no longer legible or visible, as resources allow.

Protest or Demonstration Assistance: At the request of BPD, PW staff assist with traffic and pedestrian control during large protests and demonstrations. PW staff may also secure public fixtures to prevent damage.

Commercial Business Emergency Board-ups: PW staff will perform emergency board-ups during extreme weather or other emergencies adequate to ensure public safety. Otherwise, private property owners bear the responsibility to make vandalization repairs and secure against breaches. Berkeley Police will notify PW's restoration contractor to assist with private property board ups if needed due to vandalism, fire (or other emergency).

Berkeley Police Department (BPD)
The TBID area is covered primarily by Police Beat 7.

Community Services Bureau – Bicycle Officers
The Community Services Bureau (CSB) of the Berkeley Police Department is composed of a Lieutenant, Sergeant, and Community Services Officer (CSO). This team serves as a point of contact for both businesses and residents. The CSB focuses on identifying and addressing ongoing public safety concerns using a problem-oriented policing framework that emphasizes collaborative, tailored interventions that serve the community and the individual.

The Bicycle Team's primary responsibility is to provide patrol coverage in the city's business districts and other areas identified as high priority based on community concerns and department data. While their core focus remains in retail districts, this team also functions as the Department's most flexible resource. As such, they regularly support search warrant operations, assist with community events, and fill unstaffed patrol beats. The Bicycle Team applies a problem-solving approach to policing, prioritizing long-term, community-based solutions in locations within the TBID.

The availability of these resources depends on the department's staffing level and the city's overall public safety needs.

Department of Parks, Recreation and Waterfront (Parks Division)
Within the TBID boundaries the Parks Division maintains the landscaping at the median at the intersection of Dwight and Telegraph and over 500 municipal street trees.

Landscape Maintenance Gardener Unit: Staff perform routine and responsive maintenance activities including but not limited to the following:

- As needed graffiti abatement;
- Mowing, edging, and trimming;
- Weed abatement;
- Removal of unattended property; and
- Collection of litter and debris.

Urban Forestry Unit: The unit plants new trees in empty tree wells, and elsewhere in the area (resources permitting), removes dead and diseased trees, prunes trees and roots, responds to emergency calls (e.g., fallen trees and branches), and provides other maintenance as needed.

City Manager's Office

Office of Economic Development (OED)

OED provides a range of services to Telegraph area businesses, cultural institutions, property owners and potential investors. OED staff provide permit assistance, site location assistance, marketing assistance and access to economic data. OED staff also work closely with TBID staff and provide staffing support for the Telegraph PBID Owners' Association Board of Directors.

Neighborhood Services Division

Homeless Outreach/Homeless Response Team: Homeless Outreach services are available to persons who are homeless and wanting assistance with securing community resources. These services are designed to assist people who are having difficulty using housing, financial, medical, and social services resources. The Homeless Response Team prioritizes health and safety issues and unavoidable operational impacts when triaging requests for outreach across the City.

Housing and Homeless Services Programs: The City contracts with community agency partners to provide homeless people in the Telegraph District with a range of services including showers, case management and access to emergency, transitional and permanent housing opportunities.

Code Enforcement Unit: This unit enforces the Berkeley Municipal Code against a wide range of Municipal Code violations in the Telegraph District, and coordinates with other departments to enforce other code violations (Fire, Building, Zoning, etc.) as needed. The enforcement activities of this unit are typically complaint driven.

Department of Health Housing and Community Services

Homeless Outreach: Homeless Outreach services, provided by community agency partners with whom the Department contracts are available to persons who are homeless and wanting assistance with securing community resources. These services are designed to assist people who are having difficulty using housing, financial, medical, and social services resources.

06

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing, and Community Services

Subject: Acceptance of Fiscal Year 2027 Donations from Meals on Wheels of Alameda County (MOWAC) for the Berkeley Meals on Wheels Program

RECOMMENDATION

Adopt a Resolution accepting donations for the Berkeley Meals on Wheels Program in a projected amount of $185,000 from the Meals on Wheels of Alameda County (MOWAC) agency, for Fiscal Year 2027 (FY2027).

FISCAL IMPACTS OF RECOMMENDATION

The donations will be received and deposited on a quarterly basis into Fund 111 Fund-Raising Activities and will be appropriated as part of the First Amendment to the FY 2027 Annual Appropriations Ordinance. These donations will support the cost of hourly personnel and operating expenses needed to provide meals to home-bound seniors by the City of Berkeley Meals on Wheels program.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Meals on Wheels program contributes to the City's Strategic Plan goal to be a customer-focused organization that provides excellent, timely, easily accessible service to the community, particularly serving the older adult, homebound community. The Berkeley Meals on Wheels program provides approximately 50,000 nutritious meals to over 250 seniors each year.

MOWAC is a private, non-profit agency that raises funds for Meals on Wheels programs in Alameda County. MOWAC provides special grant funding and donations to programs to support the delivery of meals to home-bound seniors.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3504.1 as amended by AB 339. This is a revenue contract, and it does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement.

BACKGROUND

The City of Berkeley Meals on Wheels program is funded by an annual grant contract with the Alameda County Area Agency on Aging, donations by clients and community members and funding from the City's General Fund. Each Meals on Wheels program in the County is expected to support unfunded costs of the program to meet community needs. MOWAC helps programs meet additional needs by conducting its own fundraising efforts for the benefit of all programs countywide.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Berkeley Meals on Wheels program packages its meals in compostable containers to reduce landfill waste. The program also offers volunteer bicycle delivery routes.

RATIONALE FOR RECOMMENDATION

Donations received from MOWAC will provide the Berkeley Meals on Wheels program with significant financial support that can be directly applied to both personnel and operating expenses for the program.

ALTERNATIVE ACTIONS CONSIDERED

Refusing donations from MOWAC would not be consistent with the City's Strategic Plan goals or its efforts to sustain an Age-Friendly Berkeley and is not recommended.

CONTACT PERSON

Rhianna Babka, Aging Services Manager, HHCS, (510) 981-5410

Attachments:
1: Resolution

RESOLUTION NO. ##,###-N.S.

FISCAL YEAR 2027 MEALS ON WHEELS OF ALAMEDA COUNTY DONATIONS FOR THE BERKELEY MEALS ON WHEELS PROGRAM

WHEREAS, the Meals on Wheels of Alameda County (MOWAC) Agency's mission is to raise funds for Meals on Wheels programs in Alameda County, including Berkeley Meals on Wheels; and

WHEREAS, Alameda County distributes these funds on a quarterly and proportional basis to Meals on Wheels programs and special grant requests throughout Alameda County; and

WHEREAS, Berkeley Meals on Wheels provides approximately 50,000 nutritious meals to over 250 seniors each year; and

WHEREAS, MOWAC donations will assist in covering personnel costs or providing meals to homebound seniors; and

WHEREAS, the donations will be deposited into Fund 111 Fund-Raising Activities and will be appropriated as part of the First Amendment to the FY 2027 Annual Appropriations Ordinance; and

WHEREAS, the revenue contract is exempt from the noticing requirements set forth in Government Code Section 3504.1.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or their designee is authorized to accept donations from the Meals on Wheels of Alameda County Agency, estimated at $185,000, including any additional amounts received, to support personnel and operating costs for providing meals to home-bound seniors through the City of Berkeley Meals on Wheels program.

07

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing & Community Services Department

Subject: Contracts for Behavioral Health Early Intervention Services

RECOMMENDATION

Adopt five Resolutions authorizing the City Manager or designee to execute Behavioral Health Services Act (BHSA) funded contracts and any amendments, with the following vendors outlined below, for behavioral health early intervention services in an amount not to exceed $1,500,000 ($300,000 per each contract) for the term of December 1, 2026, to June 30, 2029:

1.) Village of Love Foundation: For $100,000 a year for three years, for an amount not to exceed $300,000, for behavioral health early intervention services for African Americans;
2.) East Bay Sanctuary Covenant: For $100,000 a year for three years, for an amount not to exceed $300,000, for behavioral health early intervention services for Latinos/Latinas/Latine;
3.) Center for Independent Living: For $100,000 a year for three years, for an amount not to exceed $300,000, for behavioral health early intervention services for Older Adults;
4.) Pacific Center for Human Growth: For $100,000 a year for three years, for an amount not to exceed $300,000, for behavioral health early intervention services for Transition Age Youth in the Lesbian, Gay, Bisexual, Transgender, Queer, Agender, Plus (LGBTQIA+) population; and
5.) Youth Spirit Artworks: For $100,000 a year for three years, for an amount not to exceed $300,000, for behavioral health early intervention services for Transition Age Youth.

FISCAL IMPACTS OF RECOMMENDATION

Funding from BHSA revenue received from the State of California in the amount of $500,000 is available in the Fiscal Year 2027 budget in Fund 315 BHSS.

Funding for Fiscal Years 2028 and 2029 ($500,000 a year) will be included in future year budgets.

CURRENT SITUATION AND ITS EFFECTS

On June 16, 2026, by Resolution No. 72,318-N.S., the City of Berkeley BHSA Fiscal Years 2027-2029 Three-Year Integrated Plan (BHSA IP) was approved by City Council. The approved BHSA IP includes funding for behavioral health early intervention services for the following diverse populations: African Americans, Latino/Latina/Latinx (Latine); Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Agender, Plus (LGBTQIA+), Older Adults, and Transition Age Youth.

In August 2026, through Bid Specification No. 26-11793-C, a Request for Proposal (RFP) was executed to obtain vendors to provide early intervention services for these populations. Following the scoring of proposals by a Review Panel that included City staff and a community member, the proposed vendors were the chosen recommended bidders to provide behavioral health early intervention services to the specified populations.

The RFP process resulted in five proposed vendors to provide services to each of the targeted populations. Two of the proposed vendors (Pacific Center for Human Growth, and Youth Spirit Artworks) will provide services for the Transition Age Youth Population. While it was originally envisioned that one of the populations to receive early intervention services through this RFP process would be the LGBTQIA+ population, the only proposal received for services specific to this population were for Transition Age Youth. The Pacific Center for Human Growth proposal will serve Transition Age Youth who specifically identify as LGBTQIA+. Youth Spirit Artworks will provide services to the larger Transition Age Youth population. Although not originally planned, funding two vendors to serve this youth population is in line with community input received in the planning for the BHSA IP, as services for Transition Age Youth were deemed as the highest rated need in Berkeley.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3504.1 as amended by AB 339. Each contract is subject to the requirements of Government Code Section 3504.1 and the noticing requirements have been satisfied. All five contracts will advance the Strategic Plan goal to champion and demonstrate social and racial equity.

BACKGROUND

On July 1, 2026, the Behavioral Health Services Act (BHSA) became effective. BHSA modernized and replaced the previous Mental Health Services Act (MHSA) State legislation which adds a 1% tax on every dollar of personal income over $1 million. BHSA revenues are allocated to mental health/behavioral health jurisdictions across the state to be utilized on local programming and housing interventions for individuals experiencing significant mental health or behavioral health, and housing needs. BHSA provides funding across three components:

- Full Services Partnerships (FSP): Primarily for treatment services and supports for Severely Mentally Ill Adults and Seriously Emotionally Disturbed Children.

- Behavioral Health Services and Supports (BHSS): For Early Intervention, Mental Health and Behavioral Health Services and Supports; Outreach and Engagement; Workforce Education and Training; Capital Facilities and Technological Needs and Innovative Projects.

- Housing Interventions: For permanent supportive housing, rental subsidies, operating subsidies, capital development, and other housing supports for individuals with serious behavioral health needs who are homeless or at risk of homelessness.

The BHSS component requires 51% of funds to be utilized on behavioral health early intervention services. Early intervention programs prevent mental illnesses and substance use disorders from becoming severe and disabling and reduce disparities in behavioral health outcomes. Each vendor will be providing outreach to the targeted population, access and linkage to services, and Behavioral Health treatment services and supports where appropriate.

In order to utilize BHSA funds, Three-Year Integrated Plans, and Annual Updates that are informed by area stakeholders, and detail the proposed uses of funds, must be locally developed and approved by City Council. Per state legislation, BHSA Plans and Annual Updates must also include all other City of Berkeley Mental Health funding sources. In addition to providing crucial mental health and behavioral health services for individuals in need, BHSA funds will advance the City's Strategic Plan goal of providing housing support services for the most vulnerable community members in Berkeley.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Each of the vendors listed were chosen through a Review Panel that scored proposals received and submitted recommendations for funding. Vendors were chosen based on a combination of program methodology, knowledge of, and experience working with the targeted population.

ALTERNATIVE ACTIONS CONSIDERED

Staff recommends contracting with these qualified community-based organizations because their established relationships with the identified populations and specialized service capabilities provide higher levels of service more quickly than any alternative.

CONTACT PERSON

Jeff Buell, Mental Health Manager, HHCS, (510) 981-7682

Karen Klatt, Community Services Specialist III, HHCS, (510) 981-7644

Attachments:
1: Resolution – Contract: Village of Love Foundation
2: Resolution – Contract: East Bay Sanctuary Covenant
3. Resolution – Contract: Center for Independent Living
4. Resolution – Contract: Pacific Center for Human Growth
5. Resolution – Contract: Youth Spirit Artworks

RESOLUTION NO. ##,###-N.S.

CONTRACT: VILLAGE OF LOVE FOUNDATION - FOR BEHAVIORAL HEALTH EARLY INTERVENTION SERVICES FOR AFRICAN AMERICANS

WHEREAS, on July 1, 2026, the Behavioral Health Services Act (BHSA) which modernized and replaced the Mental Health Services Act (MHSA), became effective; and

WHEREAS, the BHSA allocates annually recurring funding to mental health jurisdictions across the following state mandated components: Full Services Partnerships (FSP), Behavioral Health Services and Supports (BHSS), and Housing Interventions; and

WHEREAS, the BHSA BHSS component requires 51% of funds to be used for Behavioral Health Early Intervention Services; and

WHEREAS, in order to utilize BHSA funds, Three-Year Integrated Plans and Annual Updates are required to be locally developed, and approved by City Council; and

WHEREAS, on June 16, 2026, by Resolution No. 72,318-N.S., the City of Berkeley BHSA Fiscal Years 2027-2029 Three-Year Integrated Plan was approved by City Council; and

WHEREAS, the approved plan includes funding to implement behavioral health early intervention services for African Americans; and

WHEREAS, per Bid Specification No. 26-11793-C, a Request for Proposal was executed to obtain a contractor to provide behavioral health early intervention Services for African Americans; and

WHEREAS, following the scoring of proposals by a Review Panel that included City staff and a community member, Village of Love Foundation was the chosen bidder to provide behavioral health early intervention services for African Americans, and

WHEREAS, funding is available for this contract in the Fiscal Year 2027 Budget in Fund 315 BHSA in the amount of $100,000, and funding for Fiscal Years 2028 and 2029 ($100,000 a year) will be added to future years budgets.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to execute a contract and any amendments with Village of Love Foundation for behavioral health early intervention services for African Americans, for $100,000 a year for three years, for a total amount not to exceed $300,000 through June 30, 2029. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.

RESOLUTION NO. ##,###-N.S.

CONTRACT: EAST BAY SANCTUARY COVENANT - FOR BEHAVIORAL HEALTH EARLY INTERVENTION SERVICES FOR LATINOS/LATINAS/LATINX (LATINE)

WHEREAS, on July 1, 2026, the Behavioral Health Services Act (BHSA) which modernized and replaced the Mental Health Services Act (MHSA), became effective; and

WHEREAS, the BHSA allocates annually recurring funding to mental health jurisdictions across the following state mandated components: Full Services Partnerships (FSP), Behavioral Health Services and Supports (BHSS), and Housing Interventions; and

WHEREAS, the BHSS component requires 51% of funds to be used for behavioral health early intervention services; and

WHEREAS, in order to utilize BHSA funds, Three-Year Integrated Plans and Annual Updates are required to be locally developed, and approved by City Council; and

WHEREAS, on June 16, 2026, by Resolution No. 72,318-N.S., the City of Berkeley BHSA Fiscal Years 2027-2029 Three-Year Integrated Plan was approved by City Council; and

WHEREAS, the approved plan includes funding to implement behavioral health early intervention services for Latinos/Latinas/Latinx (Latine); and

WHEREAS, per Bid Specification No. 26-11793-C, a Request for Proposal was executed to obtain a contractor to provide behavioral health early intervention services for Latine; and

WHEREAS, following the scoring of proposals by a Review Panel that included City staff and a community member, East Bay Sanctuary Covenant was the chosen bidder to provide behavioral health early intervention services for Latine, and

WHEREAS, funding is available for this contract in the Fiscal Year 2027 Budget in in Fund 315 BHSA the amount of $100,000, and funding for Fiscal Years 2028 and 2029 ($100,000 a year) will be added to future years budgets.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to execute a contract and any amendments with East Bay Sanctuary Covenant for behavioral health early intervention services for Latine, for $100,000 a year for three years, for a total amount not to exceed $300,000 through June 30, 2029. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.

RESOLUTION NO. ##,###-N.S.

CONTRACT: CENTER FOR INDEPENDENT LIVING - FOR BEHAVIORAL HEALTH EARLY INTERVENTION SERVICES FOR OLDER ADULTS

WHEREAS, on July 1, 2026, the Behavioral Health Services Act (BHSA) which modernized and replaced the Mental Health Services Act (MHSA), became effective; and

WHEREAS, the BHSA allocates annually recurring funding to mental health jurisdictions across the following state mandated components: Full Services Partnerships (FSP), Behavioral Health Services and Supports (BHSS), and Housing Interventions; and

WHEREAS, the BHSS component requires 51% of funds to be used for behavioral health early intervention services; and

WHEREAS, in order to utilize BHSA funds, Three-Year Integrated Plans and Annual Updates are required to be locally developed, and approved by City Council; and

WHEREAS, on June 16, 2026, by Resolution No. 72,318-N.S., the City of Berkeley BHSA Fiscal Years 2027-2029 Three-Year Integrated Plan was approved by City Council; and

WHEREAS, the approved plan includes funding to implement behavioral health early intervention services Older Adults; and

WHEREAS, per Bid Specification 26-11793-C, a Request for Proposal was executed to obtain a contractor to provide behavioral health early intervention services for Older Adults; and

WHEREAS, following the scoring of proposals by a Review Panel that included City staff and a community member, the Center for Independent Living was the chosen bidder to provide behavioral health early intervention services for Older Adults, and

WHEREAS, funding is available for this contract in the Fiscal Year 2027 Budget in Fund 315 BHSA in the amount of $100,000, and funding for Fiscal Years 2028 and 2029 ($100,000 a year) will be added to future years budgets.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to execute a contract and any amendments with the Center for independent Living for behavioral health early intervention services for Older Adults, for $100,000 a year for three years, for a total amount not to exceed $300,000 through June 30, 2029. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.

RESOLUTION NO. ##,###-N.S.

CONTRACT: PACIFIC CENTER FOR HUMAN GROWTH - FOR BEHAVIORAL HEALTH EARLY INTERVENTION SERVICES FOR LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, INTERSEX, AGENDER PLUS TRANSITION AGE YOUTH

WHEREAS, on July 1, 2026, the Behavioral Health Services Act (BHSA) which modernized and replaced the Mental Health Services Act (MHSA), became effective; and

WHEREAS, the BHSA allocates annually recurring funding to mental health jurisdictions across the following state mandated components: Full Services Partnerships (FSP), Behavioral Health Services and Supports (BHSS), and Housing Interventions; and

WHEREAS, the BHSA BHSS component requires 51% of funds to be used for behavioral health early intervention services; and

WHEREAS, in order to utilize BHSA funds, Three-Year Integrated Plans and Annual Updates are required to be locally developed, and approved by City Council; and

WHEREAS, on June 16, 2026, by Resolution No. 72,318-N.S., the City of Berkeley BHSA Fiscal Years 2027-2029 Three-Year Integrated Plan was approved by City Council; and

WHEREAS, the approved plan includes funding to implement behavioral health early intervention services for the Lesbian, Gay, Bi-Sexual, Transgender, Queer, Intersex, Agender, Plus (LGBTQIA+) population; and

WHEREAS, per Bid Specification No. 26-11793-C, a Request for Proposal was executed to obtain a contractor to provide behavioral health early intervention services for LGBTQIA+; and

WHEREAS, following the scoring of proposals by a Review Panel that included City staff and a community member, Pacific Center for Human Growth, who submitted a proposal specifically for services for LGBTQIA+ Transition Age Youth, was the chosen bidder to provide Behavioral Health Early Intervention Services for LGBTQIA+ Transition Age Youth; and

WHEREAS, funding is available for this contract in the Fiscal Year 2027 Budget in Fund 315 BHSA in the amount of $100,000, and funding for Fiscal Years 2028 and 2029 ($100,000 a year) will be added to future years budgets.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to execute a contract and any amendments with the Pacific Center for Human Growth for behavioral health early intervention services for LGBTQIA+ Transition Age Youth, for $100,000 a year for three years, for a total amount not to exceed $300,000 through June 30, 2029. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.

RESOLUTION NO. ##,###-N.S.

CONTRACT: YOUTH SPIRIT ARTWORKS - FOR BEHAVIORAL HEALTH EARLY INTERVENTION SERVICES FOR TRANSITION AGE YOUTH

WHEREAS, on July 1, 2026, the Behavioral Health Services Act (BHSA) which modernized and replaced the Mental Health Services Act (MHSA), became effective; and

WHEREAS, the BHSA allocates annually recurring funding to mental health jurisdictions across the following state mandated components: Full Services Partnerships (FSP), Behavioral Health Services and Supports (BHSS), and Housing Interventions; and

WHEREAS, the BHSS component requires 51% of funds to be used for behavioral health early intervention services; and

WHEREAS, in order to utilize BHSA funds, Three-Year Integrated Plans and Annual Updates are required to be locally developed, and approved by City Council; and

WHEREAS, on June 16, 2026, by Resolution No. 72,318-N.S., the City of Berkeley BHSA Fiscal Years 2027-2029 Three-Year Integrated Plan was approved by City Council; and

WHEREAS, the approved plan includes funding to implement behavioral health early intervention services for Transition Age Youth; and

WHEREAS, per Bid Specification No. 26-11793-C, a Request for Proposal was executed to obtain a contractor to provide behavioral health early intervention services for Transition Age Youth; and

WHEREAS, following the scoring of proposals by a Review Panel that included City staff and a community member, Youth Spirit Artworks was the chosen bidder to provide behavioral health early intervention services for Transition Age Youth, and

WHEREAS, funding is available for this contract in the Fiscal Year 2027 Budget in Fund 315 BHSA in the amount of $100,000, and funding for Fiscal Years 2028 and 2029 ($100,000 a year) will be added to future years budgets.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to execute a contract and any amendments with Youth Spirit Artworks for behavioral health early intervention services for Transition Age Youth, for $100,000 a year for three years, for a total amount not to exceed $300,000 through June 30, 2029. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.

08

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing and Community Services Department

Subject: Revenue Contract: 2027 Community Services Block Grant

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or his designee to:

1. Accept the 2027 Community Services Block Grant (CSBG) contract to provide services for low-income people from January 1, 2027, to April 30, 2028; and,

2. Execute any resultant agreements and amendments including amendments that may decrease or increase the contract amount, add discretionary funding, change the contract term, or update contract terms.

FISCAL IMPACTS OF RECOMMENDATION

Berkeley's CSBG allocation for Calendar Year 2027 is anticipated to be released in November or December 2026. The exact amount is not yet known. Contract revenues are deposited and expensed out of Fund 334.

The CSBG allocation amount is included in the City's anti-poverty Community Action Fund and supports oversight and management of anti-poverty funds within the Department of Health, Housing and Community Services (HHCS). CSBG funding is distributed annually; however, the contract period extends an additional five months to provide recipients with adequate time to expend funds, complete reports, and submit payment requests.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley receives CSBG to support anti-poverty programs because it is a Community Action Agency (CAA). CSBG funds are allocated from the United States Department of Health and Human Services and passed through the California Department of Community Services and Development to local CAAs. The City of Berkeley uses its CSBG entitlement to fund community service programs.

The Human Welfare and Community Action Commission (HWCAC) acts as the federally mandated tri-partite advisory board for CSBG funding. As such, it is responsible for

reviewing performance of funded programs and advising City Council on CSBG funding decisions. The Berkeley City Council is the decision-making body and is thus responsible for all final CSBG funding decisions.

At their September 16, 2026, meeting, the HWCAC voted to recommend approval of the anticipated 2027 CSBG funding as follows: Motion/Second/Carries (Lippman/Sol) Ayes – Gelsinger, Herzer-Baptiste, Huchting, Lippman, and Sol. Noes –None; Abstain – None; Absent –None.

BACKGROUND

CSBG supports the City of Berkeley's anti-poverty efforts. In 2023, the City was awarded $312,302. The award amounts for both 2024 and 2025 were $327,299. In 2026, the award amount increased to $331,214. CSBG funds supplement anti-poverty General Funds which are used for other critical community services, including disability and senior services, medical care, childcare, and additional homeless services. Funding is awarded to activities through the City's Community Agency RFP process.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The CSBG is necessary to support the provision of services for residents living in poverty in Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered. Rejecting CSBG funding would reduce funding for services to low-income Berkeley residents, which would negatively impact low-income services in Berkeley.

CONTACT PERSON

Kat Larrowe, Community Health Specialist III, HHCS (510) 981-7555
Cynthia P. McClellan, Associate Management Analyst, HHCS, (510) 981-7689.

Attachments:
1: Resolution

RESOLUTION NO. ##,###-N.S.

REVENUE CONTRACT: 2027 COMMUNITY SERVICES BLOCK GRANT (CSBG)

WHEREAS, the City of Berkeley is a Community Action Agency and receives CSBG funds as the Berkeley Community Action Agency to support anti-poverty programs; and

WHEREAS, the Human Welfare and Community Action Commission (HWCAC) acts as an advisory tripartite Board to City Council providing public participation in the governing process; and

WHEREAS, at the September 16, 2026, HWCAC meeting, a motion was passed recommending that the City accept the 2027 Community Service Block Grant Funds; and

WHEREAS, this CSBG revenue contract is for the period of January 1, 2027, to April 30, 2028, with the option to extend the contract period and/or accept amendments that either increase the contract amount and/or update contract terms; and contract revenues are deposited and expensed out of Fund 334; and

WHEREAS, the funds have historically been used to support anti-poverty services and to support City of Berkeley oversight and management of anti-poverty programs.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to accept Community Service Block Grant funds and execute any resultant agreements and amendments including amendments that may decrease or increase the contract amount or add discretionary funding, or to change the contract term, or to update contract terms, to provide low-income services for Calendar Year 2027, with an extended contract period as amended by the California State Department of Community Services and Development to April 2028. A record signature copy of said agreement and any amendments shall be on file in the office of the City Clerk.

09

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing, and Community Services

Subject: Contract No. 32300198 Amendment: GoGo Technologies, Inc. for Transportation Services for Berkeley Mental Health Clients

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee, to execute an amendment to Contract No. 32300198 with GoGo Technologies, Inc. for a 24/7 concierge call center to arrange rides with Uber and Lyft for the City's Mental Health clients. This amendment will add $50,000 in funding for a total contract amount not to exceed $100,000 and extending the term through June 30, 2028.

FISCAL IMPACT OF RECOMMENDATION

Funding for GoGo Technologies, Inc. contract in the amount of $50,000 is available in Fiscal Year (FY) 2027 budget in Fund 158.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley's Mental Health clients continue to demonstrate a need for a supplemental transportation program, obtaining rides to medical appointments and other activities directly related to their treatment goals. GoGo Technologies allows Clinicians to book trips and receive assistance at any time, and riders do not need a smartphone to register or complete rides. Only Mental Health staff can order rides for clients, and each ride is approved directly by Clinicians involved in clients' overall treatment plans.

BACKGROUND

The City's Mental Health staff found that many clients were missing medical appointments or other activities directly related to their treatment goals because of a lack of reliable transportation options. Upon collaborating with other City Departments, GoGo Technologies was identified as a proven partner in obtaining rideshare services for vulnerable members of the community, and a pilot project was completed to test service delivery, resulting in a successful partnership. This amendment aims to extend that agreement to continue service delivery, supporting both Clinicians and clients in achieving treatment objectives.

GoGo transportation services help Berkeley Mental Health clients access needed medical and mental health appointments, particularly those who cannot independently use public transportation. Many clients have complex health needs requiring frequent appointments, and because of high housing costs and limited residential placement options in Berkeley, a significant number live in surrounding cities. In calendar year 2025, we provided 505 rides to approximately 50 different clients. For the first six months of 2026 (January through June), another 324 rides were provided. The most common reasons for rides were medical appointments with primary care and specialty doctors, psychiatry appointments at BMH, court appearances, and trips to the pharmacy for clients to pick up their medications.

Transporting clients to and from appointments can take several hours of clinical staff time. GoGo supplements transportation provided by BMH staff, helping clients get to appointments while reducing the amount of time clinicians spend driving. This allows staff to devote more time to mental health treatment, case management, crisis intervention, and other needed services. The primary benefits are improved access to care and more effective use of limited clinical staffing resources.

The City's Mental Health Division first contracted with GoGo Technologies on February 24, 2023, for a term through June 30, 2024. As provided for under Section 3a of Contract No. 32300198, City Manager may may extend the term of the contract by giving written notice. On May 16, 2024, the term of the contract was extended to June 30, 2026, and on June 12, 2026, the term of the contract was extended to June 30, 2027. All other aspects of the current contract remained the same.

In the coming year, and in collaboration with the Aging Services Division, the Health, Housing, and Community Services Department will issue an RFP for these services. Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3504.1 as amended by AB 339. This contract does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

A contract amendment with GoGo Technologies, Inc. will allow the City's Mental Health Division to continue to provide a seamless, sustainable and cost-effective on demand transportation program for Mental Health clients.

ALTERNATIVE ACTIONS CONSIDERED

Council could decide not to approve this amendment. However, this would negatively impact the transportation options for the City's Mental Health clients.

CONTACT PERSON
Jeffrey Buell, Manager of Mental Health Services, (510) 981-7682
Conor Murphy, Associate Management Analyst, HHCS, (510) 981-7611

Attachments:
1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32300198 AMENDMENT: GOGO TECHNOLOGIES, INC. FOR TRANSPORTATION SERVICES FOR BERKELEY MENTAL HEALTH CLIENTS

WHEREAS, the City of Berkeley's Mental Health Division identified a need for reliable transportation options for Mental Health clients to support their treatment goals; and

WHEREAS, GoGo Technologies, Inc. is a 24/7 concierge call center that arranges rides with Uber and Lyft for vulnerable members of the community; and

WHEREAS, the City executed Contract No. 32300198 with GoGo Technologies, Inc. with a term beginning February 24, 2023, to June 30, 2024, and for a not to exceed amount of $50,000; and

WHEREAS, on May 16, 2024, as provided for under Section 3a of Contract No. 32300198, City Manager extended the term of the contract to June 30, 2026, by giving written notice. All other aspects of the current contract remained the same; and

WHEAREAS, on June 12, 2026, as provided for under Section 3a of Contract No. 32300198, City Manager extended the term of the contract to June 30, 2027. All other aspects of the current contract remained the same; and

WHEREAS, this amendment will only allow Mental Health staff to order rides for clients, and only for activities which directly support their treatment goals; and

WHEREAS, this contract is exempt from the noticing requirements set forth in Government Code Section 3504.1; and

WHEREAS, funding in the amount of $50,000 is available in the Fiscal Year 2027 budget in Fund 158.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to amend Contract No. 32300198 with GoGo Technologies, Inc. increasing the amount by $50,000 for a total contract amount not to exceed $100,000 to provide a 24/7 concierge call center to arrange rides with Uber and Lyft for the City of Berkeley's Mental Health clients and extending the term through June 30, 2028. A signed copy of said documents, agreements and any amendments shall be on file in the office of the City Clerk.

10

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing, and Community Services

Subject: Replacing the Project Co-Sponsor for the No Place Like Home Program – Supportive Housing in People's Park from Resources for Community Development to Satellite Affordable Housing Associates

RECOMMENDATION

Adopt a Resolution that:

1. Approves replacing the project Co-Sponsor for the No Place Like Home (NPLH) program – Supportive Housing in People's Park (SHIPP) from Resources for Community Development (RCD) to Satellite Affordable Housing Associates (SAHA) or their affiliate.

2. Authorizes the City Manager, or designee, to negotiate a side agreement with SAHA regarding mutual responsibilities.

3. Authorizes the City Manager, or designee, to execute in the name of Sponsor the NPLH Program Application Package and the NPLH Program Documents as required by the State Department of Housing and Community Development (HCD) for participation in the NPLH program.

FISCAL IMPACTS OF RECOMMENDATION

There are no new fiscal impacts to revising the resolutions and reauthorizing the City's participation in the NPLH program. On December 14, 2021, City Council authorized the submittal of the project's original NPLH application with Resolution No. 70,139-N.S. and Resolution No. 70,140-N.S. At that time, the City committed to providing mental health supportive services available to all residents of the 46 NPLH units for a twenty-year period, as required by the HCD program. Berkeley Mental Health (BMH) will provide direct support to those NPLH residents qualified for BMH services, and the City will fund services for the remaining NPLH residents through a contract with either SAHA or another community agency. The estimated cost to the City for the services contract is approximately $235,000 per year after the project is completed and occupied. A funding source for this future services contract is not yet identified, but could potentially be funded with the General Fund (Fund 011), Measure U1 (Fund 016), or the City's Permanent Local Housing Allocation (Fund 302). These services could also be funded

through the City's Four-Year Community Agency RFP process. It is estimated these services will begin in FY30.

In 2022, HCD awarded the project $13,926,261 in NPLH capital loan funding and $2,758,957 in grant funding for operating costs. HCD recently increased the operating funding by $3,314,782 for a total award of $20,000,000. The NPLH funds are expected to go to the project directly and not flow through the City.

CURRENT SITUATION AND ITS EFFECTS

HCD requires updated resolutions authorizing the City's participation in the NPLH program with SAHA for its Supportive Housing in People's Park project. The City and the original project sponsor – Resources for Community Development (RCD) – jointly applied for and were awarded $16,685,218 in NPLH funds in 2022.

Supportive Housing in People's Park is a proposed 110-unit project on land owned by the University of California, Berkeley. RCD exited the project after legal challenges caused delays. The University subsequently selected SAHA as the new project sponsor, and SAHA and the City worked with HCD to transfer the award and extend the award reservation for the project, which HCD approved in June 2026.

Since then, HCD announced that they will award the project an additional $3,314,782 in grant funding to support the increased costs and gap funding for the project, bringing the total NPLH award to $20,000,000. For the project to receive the additional State funds, the City is required to enter into the State's Standard Agreement and ancillary documents, and as an awardee, the City shares responsibility with SAHA for completing the affordable housing development.

Staff recommend that the City also enter into a side agreement with SAHA clarifying responsibilities under the NPLH program and mitigating risks to the City. The City entered into similar side agreements with developers for other state funding programs. The attached resolution will provide the City Manager with the authority to negotiate and execute a side agreement with SAHA. The attached resolution also designates SAHA as the Co-Sponsor for the NPLH award.

Supportive Housing in People's Park advances the Strategic Plan goal to create affordable housing and housing support service for our most vulnerable community members.

BACKGROUND

The proposed project, Supportive Housing in People's Park, includes 110 residential units that will be affordable to households earning between 20% - 50% of the area median income (AMI). At least 46 units will be permanent supportive housing, set aside for people who have experienced chronic homeless and/or have a mental illness, and 10 of which are set aside for veterans at risk of homelessness. The City awarded the project $14.4 million in development and operating funding through the 2021 Housing

Trust Fund Request for Proposals (HTF RFP) approved by Council on December 14, 2021, by Resolution No. 70,135-N.S. The City extended its funding reservation in February 2026 as authorized by Resolution No. 72,124-N.S. As a condition of the NPLH award, the City is required to provide tenancy sustaining services for residents in the 46 NPLH units for a period of 20 years. Tenants in NPLH units will be selected through the Countywide Coordinated Entry System (CES) which will prioritize people who are homeless and have a qualifying mental health disability and a Berkeley connection.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The University selected SAHA through a competitive RFP to replace RCD as the developer for the SHIPP project, and HCD approved the replacement of the NPLH project Co-Sponsor. This resolution aligns the City with the action of the University and HCD, and authorizes the City to enter into a side agreement with SAHA to protect the City's interests and mitigate risk to the City.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

CONTACT PERSON

Kelly deWolfe, Community Development Project Coordinator, HHCS, (510) 981-5424

Attachments:
1: Resolution

RESOLUTION NO. XX,XXX-N.S.

REPLACING THE PROJECT CO-SPONSOR FOR THE NO PLACE LIKE HOME PROGRAM – SUPPORTIVE HOUSING IN PEOPLE'S PARK FROM RESOURCES FOR COMMUNITY DEVELOPMENT TO SATELLITE AFFORDABLE HOUSING ASSOCIATES

WHEREAS, on December 14, 2021, as authorized by Resolutions 70,135-N.S. and 72,124-N.S, the City of Berkeley (City) approved a request for predevelopment and development funding of $14,359,593 2021 Housing Trust Fund Request for Proposals (HTF RFP) for Resources for Community Development (RCD) related to the development of Supportive Housing in People's Park project, located at 2556 Haste; and

WHEREAS, in order to pursue funding through the NPLH program, RCD submitted a joint application with the City as authorized on December 14, 2021, with Resolutions 70,139-N.S. and 70,140-N.S.; and

WHEREAS, in 2022, HCD awarded the project $16,685,218 in NPLH grant and loan funds; and

WHEREAS, RCD subsequently exited the project and the University of California, Berkeley selected Satellite Affordable Housing Associates (SAHA) as the new project developer; and

WHEREAS, on February 10, 2026, the Council of the City of Berkeley authorized by Resolution 72,124-N.S. extended the funding reservation of $14,359,593 for Housing Trust Fund Projects; and

WHEREAS, approved the transfer of the NPLH award from RCD to SAHA in June 2026; and

WHEREAS, as project Sponsor, the City may be required to accept a portion of the project's liability as condition of the joint award, though the risk may be mitigated by a side agreement negotiated between the City and SAHA.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it approves replacing the project Co-Sponsor for the No Place Like Home (NPLH) program for the Supportive Housing in People's Park (SHIPP) project from Resources for Community Development (RCD) to Satellite Affordable Housing Associates (SAHA) or their affiliate.

BE IT FURTHER RESOLVED that the City Manager is authorized to negotiate a side agreement with SAHA regarding mutual responsibilities.

BE IT FURTHER RESOLVED that the City Manager, or designee, is authorized to execute in the name of Sponsor the NPLH Program Application Package and the NPLH Program Documents as required by the Department for participation in the NPLH program;

BE IT FURTHER AND FINALLY RESOLVED that the City Manager, or designee, is hereby authorized to execute all original or amended documents or agreements to effectuate this action; a signed copy of said documents, agreements, and any amendments will be kept on file in the Office of the City Clerk.

Internal

11

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 17, 2026

RECOMMENDATION

Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is **$35,259,550**

PROJECT	Fund	Source	Amount
Towing Services	011	General Fund	$250,000
FY27 Measure FF Street Rehabilitation – Curb Ramps	166	Measure FF	$1,300,000
FY27 Measure FF- Street Rehabilitation – Streets Work	166	Measure FF	$14,182,300
Property Management of 2111 McKinley Avenue	315	Mental Health Services	$417,000
FY27 Curb Ramp & Sidewalk Repair Project	127 133 134 149 501	State Transportation Tax Measure F Measure BB Private Party Sidewalks Capital Improvements	$3,185,000
FY27 Street Maintenance and Rehabilitation Project	127 133 134 501	State Transportation Tax Measure F Measure BB Capital Improvements	$15,625,250

	601 616	Zero Waste Clean Storm Water	
Representative Payee Services	315	Mental Health Services Act	$300,000
Total:			**$35,259,550**

CURRENT SITUATION AND ITS EFFECTS

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager's purchasing authority for services to $50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of $100,000 for goods; and $200,000 for playgrounds and construction; and $50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

BACKGROUND

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager's purchasing authority for services

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City's environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

RATIONALE FOR RECOMMENDATION

Need for the goods and/or services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Henry Oyekanmi, Director, Finance, 510-981-7326

Attachments:

1. Towing Services

2. FY27 Measure FF Street Rehabilitation – Curb Ramps
3. FY27 Measure FF Street Rehabilitation – Streets Work
4. Property Management of 2111 McKinley Avenue
5. FY27 Curb Ramp & Sidewalk Repair Project
6. FY27 Street Maintenance and Rehabilitation Project
7. Representative Payee Services

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
27-11814-C	Towing Services	11/18/26	12/18/2026	Towing Services	$250,000 for entire term of multiple contracts	011-71-703-812-0000-000-421-612990	Police Department	Lt. Rashawn Cummings 510-981-5983
DEPT. TOTAL					**$250,000**			
27-11815-C	FY27 Measure FF Street Rehabilitation - Curb Ramps	11/18/26	12/18/2026	Construct and upgrade curb ramps within the FY27 Measure FF street corridors based on field assessments and final design, including associated improvements required to meet applicable ADA and PROWAG accessibility requirements.	$ 1,300,000.00	Fund 166 (Measure FF) 166-54-623-673-0000-000-431-665110 Project: PWFFSW2701 Funding Programmed for FY27	Public Works - Engineering	Ken Jung 510-981-7028

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
27-11816-C	FY27 Measure FF Street Rehabilitation - Streets Work	11/18/26	12/18/2026	Rehabilitate approximately 3.795 centerline miles of streets within the Cedar-McGee and Parker-Carleton project areas, including pavement repair, paving, pavement markings, utility adjustments, and related roadway improvements. Sidewalk work will include repairs and accessibility improvements along the project corridors based on field assessments.	$ 14,182,300.00	Fund 166 (Measure FF) 166-54-623-673-0000-000-431-665110 Project: PWFFST2701 for $11,817,660 and 166-54-623-673-0000-000-431-665110 Project: PWFFSW2701 Funding Programmed for FY28 in the amount of $2,364,640.00	Public Works - Engineering	Ken Jung 510-981-7029

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
27-11819-C	FY27 Curb Ramp & Sidewalk Repair Project	11/18/26	12/18/2026	Improve existing curb ramps and repair sidewalk as a part of the 50-50 program	$ 3,185,000.00	127-54-623-674-0000-000-431-665110- $200,000 133-54-623-674-0000-000-431-665110- $100,000 134-54-623-674-0000-000-431-665110- $600,000 149-54-623-674-0000-000-431-665110- $100,000 501-54-623-674-0000-000-431-665110 - $2,044,736	Public Works - Engineering	Terrence Salonga 510-981-6447 Tom Bautista 510-981-6336

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
27-11820-C	FY27 Street Maintenace and Rehabilitation Project	11/18/26	12/18/2026	Maintain and rehabilitate roadways throughout the City of Berkeley	$ 15,625,250.00	127-54-623-673-0000-000-431-665110- $1,749,782 133-54-623-673-0000-000-431-665110- $155,000 134-54-623-673-0000-000-431-665110- $2,980,000 501--54-623-673-0000-000-431-665110- $7,540,689 601-54-623-673-0000-000-431-665110 - $2,000,000 616-54-623-675-0000-000-473-665120- $1,000,000	Public Works - Engineering	Terrence Salonga 510-981-6447 Tom Bautista 510-981-6337
DEPT. TOTAL					**$34,292,550**			
27-11817-C	Property Management of 2111 McKinley Avenue	11/18/26	12/18/2026	Property Management of 2111 McKinley Avenue	$ 417,000.00	315-51-503-527-2007000-451-636110	HHCS/Mental Health	Conor Murphy 510-981-7611

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
27-11818-C	Representative Payee Services	11/18/26	12/18/2026	Representative Payee Services	$300,000 over a three year period	$75,000 from 315-51-503-527-2018-000-451-636110 and $225,000 from 315-51-503-527-2006-000-451-636110	HHCS/Mental Health	Conor Murphy 510-981-7611
DEPT. TOTAL					**$717,000**			
TOTAL					**$ 35,259,550.00**			

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Contract No. 32000146 Amendment: Vestis Services LLC (formerly Aramark Uniform Services) for Uniforms and Laundering

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000146 with Vestis Services, LLC (formerly Aramark Uniform Services) to continue to meet the uniform-related needs of City departments through March 2028, increasing the contract amount by $600,000 for a total not-to-exceed amount of $2,117,000.

FISCAL IMPACTS OF RECOMMENDATION

Funds are available in individual departmental budgets for uniform needs for FY27 and FY28. An additional $600,000 is required to fund the City's uniform needs through the end of the current contract period, March 2028. This brings the total projected expenditure to $2,117,000.

CURRENT SITUATION AND ITS EFFECTS

The City's Contract No. 32000146 with Vestis Services, LLC provides uniforms and other products so city personnel can perform their job duties in a safe manner. The City of Berkeley issued a contract to Vestis Services in 2019 by piggybacking off a City of Fresno contract, which was awarded in response to RFP #011124. In 2025, the City of Fresno issued a second, competitive-procured contract to Vestis Services LLC, which expires in March 2028. The City of Berkeley will use this current contract to procure uniform services through 2028, at which point the City will issue a new contract through a competitive procurement process.

BACKGROUND

The City of Berkeley's rental uniform and laundry need are relatively small for the uniform and laundry industry. Pricing obtained by the City was significantly higher than that of larger cities. The City of Berkeley identified a uniform contract issued by the City of Fresno, which leveraged a much larger workforce to secure better pricing, but with similar uniform and laundry needs. The City of Fresno competed and awarded a multi-year contract to Aramark in 2019, and a follow-on award in 2025. Fresno received strong

pricing based on their account size. The City of Berkeley can receive the same price of the larger contract by piggybacking on the City of Fresno contract. Vestis Services LLC continues to attest to meeting the City of Berkeley's Sweatshop-Free ordinance. The city is satisfied with Vestis Services, LLC product quality and services.

RATIONALE FOR RECOMMENDATION

Several city job classifications within the City of Berkeley require uniforms that meet industry safety standards.

ENVIRONMENTAL SUSTAINABILITY

Vestis Services, LLC is actively undertaking environmental initiatives such as wastewater reduction, fleet management, increasing operational efficiencies, and waste minimization efforts.

CONTACT PERSON

Henry Oyekanmi, Director of Finance, Finance Department, 510-981-7326

Attachments:

1. Resolution

RESOLUTION NO. ,-N.S.

CONTRACT NO. 32000146 AMENDMENT: VESTIS SERVICES, LLC (FORMERLY ARAMARK UNIFORM SERVICES) FOR UNIFORMS AND LAUNDERING

WHEREAS City Council approved Resolution 69,073-N.S. on September 10, 2019, approving the contract for uniforms and laundering with Aramark Uniforms by piggybacking on the City of Fresno's available contract; and

WHEREAS City Council approved Resolution 70,657-N.S. on January 17, 2023, extending the term of the contract through 2025 and increasing the not-to-exceed amount to $1,017,000; and

WHEREAS, in 2024 the city was notified Aramark Uniform Services changed its name to Vestis Services, LLC; and

WHEREAS, in April 2025 the City of Fresno issued a new, competitively awarded contract to Vestis Services LLC which expires in March 2028; and

WHEREAS City Council approved Resolution 71,631-N.S. on January 21, 2025, increasing the not-to-exceed amount to $1,517,000; and

WHEREAS the City Manager extended the contract to March 25, 2028.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or designee, is authorized to amend Contract No. 32000146 with Vestis Services LLC (formerly Aramark Uniform Services) increasing the amount by $600,000 for a total contract amount not to exceed $2,117,000 through March 2028. A record signature copy of said contract and any amendments shall be on file in the office of the City Clerk.

13

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Janelle Rodrigues, Director of Human Resources

Subject: Contracts for Recruitment Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with WBCP Inc., Berkeley Search Consultants, Bob Murray & Associates, and Mosaic Public Partners to establish an on-call bench of executive recruitment firms for the period of January 1, 2027, through June 30, 2030. Each contract may have an individual not-to-exceed amount of $250,000; however, cumulative expenditures across all four contracts shall not exceed $250,000 during the contract term, subject to the availability of appropriated funds.

FISCAL IMPACTS OF RECOMMENDATION

Departments typically fund their own executive recruitments using salary savings or other resources already identified within their operating budgets. These funding sources may include savings generated from vacant positions, operating funds that have been reallocated to support recruitment activities, or other discretionary allocations that departments are authorized to repurpose for personnel-related needs. This funding approach allows departments to initiate executive recruitments as staffing needs arise while ensuring that costs remain within existing budget authority.

CURRENT SITUATION AND ITS EFFECTS

The establishment of contract relationships with these executive recruitment search firms advances the Strategic Plan goal to attract and retain a talented and diverse City government workforce. Executive search firms provide the City with specialized market expertise, broad professional networks, targeted candidate outreach, and comprehensive recruitment support to attract and evaluate highly qualified candidates for critical executive leadership positions or highly specialized technical positions.

On November 6, 2025, the City released Request for Proposal (RFP) Specification No. 26-11750-C seeking qualified firms to provide executive recruitment services. The City received fifteen complete responses from prospective bidders. After a comprehensive

review of the proposals and subsequent interviews, the City's selection committee determined that the four highest-ranking firms, based on the established evaluation criteria, demonstrated the strongest capacity to meet the City's recruitment needs effectively.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3504.1 as amended by AB 339.This project does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement.

BACKGROUND

The selected firms were chosen based on price, project approach, and demonstrated expertise supported by strong references from prior executive recruitments. Each firm also brings distinct strengths that contribute to the overall quality of the candidate search.

WBCP Inc. specializes in recruiting hard-to-fill, management, and executive-level positions. The firm has recently supported key municipal hires throughout the Bay Area, including several critical placements for the City of Berkeley such as the Director of Human Resources, Director of Police Accountability, Transportation Manager, City Engineer / Manager of Engineering, Public Works Operations Manager, Budget Manager, and Audit Manager / Payroll Manager.

Berkeley Search Consultants offers extensive experience in executive search and public sector recruitment, partnering with cities, counties, and special districts both within California and nationwide. Originating in Berkeley more than 35 years ago, the firm brings a strong history and deep community ties. Their methodology integrates data-driven recruitment strategies with targeted, relationship-based outreach, enabling them to attract a diverse pool of candidates aligned with the City's mission, values, and community expectations.

Bob Murray & Associates has more than 30 years of experience and an expansive network within local government, with over 2,100 successful executive-level placements. Their approach emphasizes a clear understanding of the role, the ideal candidate profile, and organizational fit, allowing them to present proven leaders for positions ranging from city managers to department directors and public safety chiefs.

Mosaic Public Partners leverages modern technology and search methodologies tailored to public sector and civil service requirements while enhancing the speed and thoroughness of the recruitment process. They offer three tiers of service - from assisted outreach to full executive search - providing flexible options based on the level of engagement needed and available funding.

RATIONALE FOR RECOMMENDATION
These vendors were selected based on their capability to perform. The selection was determined by the ranking of its proposal submitted in response to RFP Specification No. 26-11750-C.

CONTACT PERSON
Janelle Rodrigues, Director of Human Resources, (510) 981-6807

Attachments:
1: Resolution - Contract: WBCP Inc. for Recruitment Services
2: Resolution - Contract: Berkeley Search Consultants for Recruitment Services
3: Resolution - Contract: Bob Murray & Associates for Recruitment Services
4: Resolution - Contract: Mosaic Public Partners for Recruitment Services

RESOLUTION NO. ##,###-N.S.

CONTRACT: WBCP INC. FOR RECRUITMENT SERVICES

WHEREAS, a Request for Proposal (Specification 26-11750-C) was posted on the City's website on November 4, 2025; and

WHEREAS, fifteen complete proposals were received by the deadline of December 2, 2025; and

WHEREAS, after careful analysis by a review panel, WBCP Inc. was ranked as one of the four highest-ranking firms based on the selection criteria and is determined to have a high probability of effectively meeting the needs of the City.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute an agreement with WBCP Inc. to provide recruitment services for the period of January 1, 2027, through June 30, 2030, in an amount not to exceed $250,000. Funding will be provided by departments utilizing the services, from sources previously adopted in their budgets.

RESOLUTION NO. ##,###-N.S.

CONTRACT: BERKELEY SEARCH CONSULTANTS FOR RECRUITMENT SERVICES

WHEREAS, a Request for Proposal (Specification 26-11750-C) was posted on the City's website on November 4, 2025; and

WHEREAS, fifteen complete proposals were received by the deadline of December 2, 2025; and

WHEREAS, after careful analysis by a review panel, Berkeley Search Consultants was ranked as one of the four highest-ranking firms based on the selection criteria and is determined to have a high probability of effectively meeting the needs of the City.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute an agreement with Berkeley Search Consultants to provide recruitment services for the period of January 1, 2027, through June 30, 2030, in an amount not to exceed $250,000. Funding will be provided by departments utilizing the services, from sources previously adopted in their budgets.

RESOLUTION NO. ##,###-N.S.

CONTRACT: BOB MURRAY & ASSOCIATES FOR RECRUITMENT SERVICES

WHEREAS, a Request for Proposal (Specification 26-11750-C) was posted on the City's website on November 4, 2025; and

WHEREAS, fifteen complete proposals were received by the deadline of December 2, 2025; and

WHEREAS, after careful analysis by a review panel, Bob Murray & Associates was ranked as one of the four highest-ranking firms based on the selection criteria and is determined to have a high probability of effectively meeting the needs of the City.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute an agreement with Bob Murray & Associates to provide recruitment services for the period of January 1, 2027, through June 30, 2030, in an amount not to exceed $250,000. Funding will be provided by departments utilizing the services, from sources previously adopted in their budgets.

RESOLUTION NO. ##,###-N.S.

CONTRACT: MOSAIC PUBLIC PARTNERS FOR RECRUITMENT SERVICES

WHEREAS, a Request for Proposal (Specification 26-11750-C) was posted on the City's website on November 4, 2025; and

WHEREAS, fifteen complete proposals were received by the deadline of December 2, 2025; and

WHEREAS, after careful analysis by a review panel, Mosaic Public Partners was ranked as one of the four highest-ranking firms based on the selection criteria and is determined to have a high probability of effectively meeting the needs of the City.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute an agreement with Mosaic Public Partners to provide recruitment services for the period of January 1, 2027, through June 30, 2030, in an amount not to exceed $250,000. Funding will be provided by departments utilizing the services, from sources previously adopted in their budgets.

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Donation from the Rainin Foundation to the Youthworks Program for the Adeline Area Streetscape and Landscape Project Public Process

RECOMMENDATION
Adopt a Resolution accepting a donation of $20,000 from the Rainin Foundation to the Youthworks Program for the Adeline Area Streetscape and Landscape Project Public Process.

FISCAL IMPACTS OF RECOMMENDATION
This donation in the amount of $20,000 to the Youthworks Program for the Adeline Area Streetscape and Landscape Project Public Process will be deposited into the Playground Camps Fund (125).

CURRENT SITUATION AND ITS EFFECTS
William Rogers, current Rainin Foundation boardmember, wishes to provide a donation of $20,000 from his discretionary funds to cover the cost of interns to perform outreach work for the public process phase of the Adeline Area Streetscape and Landscape Project. The City's Open Governance Ordinance (OGO) requires City Council approval of any gift to the City in excess of $1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.)

BACKGROUND
The Rainin Foundation enhances quality of life by championing the arts, promoting early childhood literacy, and supporting research to cure chronic disease. Through their grantmaking and operations, they recognize and strive to dismantle inequities and the systems that perpetuate them, taking action to create a more inclusive and compassionate world.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE
There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION
This donation will cover the cost of interns to perform outreach work for the public process phase of the Adeline Streetscape and Landscaping Project.

ALTERNATIVE ACTIONS CONSIDERED
None

CONTACT PERSON
Scott Ferris, Director, Parks, Recreation, and Waterfront, 510-981-6711

Attachments:
1: Resolution

RESOLUTION NO. ##,###-N.S.

ACCEPTING A DONATION FROM THE RAININ FOUNDATION TO THE YOUTHWORKS PROGRAM FOR THE ADELINE AREA STREETSCAPE AND LANDSCAPE PROJECT PUBLIC PROCESS

WHEREAS, the Adeline Area Streetscape and Landscape Project will need extensive public outreach; and

WHEREAS, this public outreach can be significantly enhanced by young adult interns; and

WHEREAS, William Rogers, current Rainin Foundation boardmember, wishes to provide a donation of $20,000 from his discretionary funds to cover the cost of interns to perform outreach work for the public process phase of the Adeline Area Streetscape and Landscape Project.; and

WHEREAS, the cash donation in the amount of $10,000 from the Rainin Foundation will be deposited into the Playground Camps Fund (125); and

WHEREAS, the City's Open Government Ordinance (OGO) requires City Council approval of any gift to the City in excess of $1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Council accepts a donation of $20,000 from the Rainin Foundation to the Youthworks Program for the Adeline Area Streetscape and Landscape Project Public Process.

15

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Grant Application: Statewide Parks Program (SPP) Cycle 5 – West Berkeley Brownfield to Neighborhood Park Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or their designee to: submit a grant application in an amount of up to $8 million to the Statewide Parks Program (SPP) Cycle 5 grant program for the West Berkeley Brownfield to Neighborhood Park Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

FINANCIAL IMPLICATIONS

The Statewide Parks Program (SPP) grant program does not require any local match. If the City is awarded grant funds, they will be deposited in the One-time Grant Fund (336). Per the grant contract guidelines, any improvements funded by this grant shall remain in-place for thirty years.

CURRENT SITUATION AND ITS EFFECTS

The Statewide Park Development and Community Revitalization Program (SPP) is a competitive grant program that creates new parks and new recreation opportunities in critically underserved communities across California. Previously, Proposition 84 (2006 Bond Act), Proposition 68 (2018 Bond Act), and 2021/22 and 2023/24 State General Funds supported four rounds of SPP. Proposition 4 (2024 Bond Act), passed on November 5, 2024, continues this program's legacy and will provide $188.5 million statewide for the SPP Round 5 funding cycle. A proposed project must involve either development and/or acquisition to: (1) create a new park, (2) renovate an existing park, or (3) expand an existing park. In addition, the project site within a half-mile radius must have: (1) a ratio of less than three acres of parkland per 1,000 residents, or a median household income that is less than 80% of the California median household income (less than $73,524), or the project is within proximity to a Climate Vulnerability(ies). The grant proposal must include a minimum of five community meetings in order to reach as much of the community as possible, including youth, seniors, and persons with disabilities. City staff evaluated a range of potential sites and determined that the empty

parcel formerly known as the North Lawn Bowling Green on City property just east of the Corporation Yard (1326 Allston Way) would be the City's most competitive project for the grant program. The final scope and budget of the project will be finalized for the grant upon completion of the public outreach process, and the total grant request shall not exceed $8 million.

BACKGROUND

On April 20, 2021, Council authorized staff to submit a California Proposition 68 Statewide Parks Program (SPP) grant application for the Santa Fe Railroad Trackbed to Park Conversion Project and execute the project upon securing the grant. In early 2022, the City was notified of a grant award of $5 million and on March 14, 2022 the grant contract was executed. The full project, including soil remediation and the installation of new park features is expected to be completed in the summer of 2027.

In the Fall of 2026, cycle 5 of the Statewide Parks Program (SPP) grant program was announced, with a submittal deadline of December 17, 2026. City staff evaluated a range of potential sites and determined that the empty parcel formerly known as the North Lawn Bowling Green on City property just east of the Corporation Yard (1326 Allston Way) would be the City's most competitive project for the grant program. The North Green was the original location of the Berkeley Lawn Bowling Club in 1929. In the early 1960's, the Lawn Bowling Club built a new clubhouse and new lawn bowling green on City property at 2270 Acton St via a lease agreement. Since that time, the club no longer had the need for the North Green. The City has looked at several potential uses of the vacant North Green, but the lack of funding and the need to remediate contaminated soils at the site have prevented any new projects from moving forward. If the City is successful in obtaining SPP grant funding for a new park at the North Green, it will be removed from the current lease between the Berkeley Lawn Bowling Club and the City and will be added to the current inventory of City parks. The Lawn Bowling Club fully supports this project.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project will help the City promote Strategic Plan Goal 1 – to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities, and Goal 2 of Chapter 3 in the City's Climate Action Plan to increase access to parks and plazas.

RATIONALE FOR RECOMMENDATION

These grant funds will allow the City to complete this project to create new parkland in West Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

The Council could choose not to apply for the funds, in which case the City would not have the resources to address contamination on the property in order to develop this lot as park space.

CONTACT PERSON

Scott Ferris, Director of Parks, Recreation & Waterfront, 981-6703
Evelyn Chan, Supervising Civil Engineer, PRW, 981-6430

Attachments
1: Resolution

RESOLUTION NO. XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Program Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

NOW, THEREFORE, BE IT RESOLVED that the City of Berkeley City Council hereby: Approves the filing of an application for the West Berkeley Brownfield to Neighborhood Park Project; and

Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project; and

Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project, and

Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and

Delegates the authority to the **Director of Parks, Recreation, and Waterfront** to conduct all negotiations, sign and submit all documents, including, but not limited to, applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and

Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

PASSED AND ADOPTED by the City of Berkeley City Council on _____, 2026 by the following vote:

Ayes: _____
Noes: _____
Abstain: _____
Absent: _____

_____
Adena Ishii, Mayor

ATTEST:

_____
Mark Numainville, City Clerk

16

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Environmental Review Procedures

RECOMMENDATION
Adopt a Resolution adopting the Land Use Planning Division's Environmental Review Procedures.

FISCAL IMPACTS OF RECOMMENDATION
The Environmental Review Procedures detail processes and requirements already undertaken by City staff to comply with the California Environmental Quality Act (CEQA). Adoption of the Environmental Review Procedures will not result in new staff responsibilities or lead to a demand for new staff or additional resources.

CURRENT SITUATION AND ITS EFFECTS
California Resources Code Section 21082 requires all public agencies to adopt by ordinance, resolution, rule, or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports and negative declarations.

California Code of Regulations Title 14, Section 15022 (State CEQA Guideline § 15022) requires every public agency in California to adopt its own local objectives, criteria, and specific procedures for administering CEQA. Local rules ensure the orderly evaluation of projects and the proper preparation of environmental documents.

The City of Berkeley's Environmental Review Procedures were established by City Council Resolution No. 55,422-N.S. on July 9, 1990 and have not been updated since then. In the past 36 years, there have been expansions of CEQA, including Categorical Exemptions, requirements for online posting and availability of draft documents, tribal consultation, and streamlining laws, which are not included in the current Procedures document. Revised, modernized procedures are necessary to reflect current CEQA processes and requirements, and to codify existing practices. While City staff administer CEQA consistent with the latest legal and administrative requirements, the 1990 Environmental Review Procedures document is out of date. An updated document will provide clear guidance for staff and applicants and serve as a reliable source of information for the public.

BACKGROUND

Each public agency is responsible for complying with the California Environmental Quality Act (CEQA) and with the State CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

CEQA requires that public agencies document and consider the potential environmental effects of any agency's actions that meet the definition of a "project" under CEQA. A "project" is an action that has the potential to result in direct or indirect physical changes to the environment. This includes the agency's direct activities as well as activities that involve the agency's approvals or funding.

In preparing the revised Environmental Review Procedures, staff reviewed the CEQA Guidelines, as well adopted procedures from other agencies that were prepared within the past five years to understand similar practices and functionality.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The adoption of the Environment Review Procedures document will ensure that the environmental effects of City activities are consistently and predictably analyzed and, if necessary, mitigated.

RATIONALE FOR RECOMMENDATION

The City of Berkeley's adopted Environmental Review Procedures have not been updated since 1990. Revised, modernized procedures are necessary to reflect current CEQA processes and requirements, and to codify existing practices and used as a Standard Operating Procedure for the City

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Justin Horner, Principal Planner, Land Use Planning, 510-981-7476

Attachments:
1: Resolution
    Exhibit A: Environmental Review Procedures.

RESOLUTION NO. ##,###-N.S.

ADOPTION OF THE CITY OF BERKELEY ENVIRONMENTAL REVIEW PROCEDURES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES

WHEREAS, California Resources Code Section 21082 requires all public agencies to adopt by ordinance, resolution, rule, or regulation, objectives, criteria, and procedures for the evaluation of projects and the preparation of environmental impact reports and negative declarations; and

WHEREAS, California Code of Regulations Title 14, Section 15022 (State CEQA Guideline § 15022) requires every public agency in California to adopt its own local objectives, criteria, and specific procedures for administering CEQA; and

WHEREAS, the City Council of the City of Berkeley in July 1988 adopted Resolution No. 54,388-N.S., adopting City of Berkeley CEQA Guidelines to be used to review potential environmental impacts of public and private projects locate in the City Berkeley; and

WHEREAS, the City Council of the City of Berkeley in July 1990 adopted Resolution No. 55,422-N.S., updating the City of Berkeley CEQA Guidelines and rescinding Resolution No. 54,388-N.S.; and

WHEREAS, CEQA has since been amended to include expanded Categorical Exemptions, online posting and availability requirements, tribal consultation, and streamlining laws which are not contained in the current version of the Environmental Review Procedures.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby adopts the Environmental Review Procedures included as Exhibit A of this Resolution.

BE IT FURTHER RESOLVED the Environmental Review Procedures included as Exhibit A of this Resolution supersede and replace the Environmental Review Procedures adopted pursuant to Resolution No. 55,422-N.S, and that Resolution No. 55,422-N.S. is hereby rescinded.

BE IT FURTHER RESOLVED that City staff may implement amendments to the Environmental Review Procedures, without further action by the City Council, as necessary to comply with changes in State law or applicable court decisions.

Exhibits
A: Environmental Review Procedures

Attachment 1, Exhibit A

Land Use Planning Division

Environmental Review Procedures



A1.1

October 2026

CITY OF BERKELEY

Table of Contents

Contents

LOCAL PROCEDURES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) 3

CHAPTER 1. INTENT AND GENERAL PROVISIONS 3

CHAPTER 2. DEFINITIONS 5

CHAPTER 3. RESPONSIBILITIES 6

CHAPTER 4. INITIAL ENVIRONMENTAL REVIEW 8

CHAPTER 5. EXEMPT PROJECTS 13

CHAPTER 6. NEGATIVE/MITIGATED NEGATIVE DECLARATION PROCESS 14

CHAPTER 7. ENVIRONMENTAL IMPACT REPORT (EIR) PROCESS 16

CHAPTER 8. MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) 18

CHAPTER 9. AB 130, SB 131, AND OTHER STATE CEQA STREAMLINING PROVISIONS 19

CHAPTER 10. CITY OF BERKELEY AS A RESPONSIBLE AGENCY 22

LOCAL PROCEDURES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

State CEQA Guidelines Section 15022(a) requires that each public agency issue local procedures for implementing the *State CEQA Guidelines* in order to ensure the orderly evaluation and preparation of environmental documents. Such procedures shall be revised when needed to be kept current with changes to the *State CEQA Guidelines*; however, *State CEQA Guidelines* shall take precedence even if the local procedures are not updated.

CHAPTER 1. INTENT AND GENERAL PROVISIONS

Section 100. Intent.

These local City CEQA guidelines are established, adopted and intended to meet the requirements of Section 15022(a) the of the State CEQA Guidelines and to provide the public with information on the procedures used by the City in the environmental review process.

Section 101. Applicability. *[State CEQA Guidelines §15022]*

The procedures established in these guidelines are applicable to both public and private projects under the jurisdiction of the City of Berkeley and may be used by districts whose boundaries are coterminous with or are entirely encompassed by the City.

Section 102. Compliance Required Prior to Project Approval. *[State CEQA Guidelines §15004]*

No application for a permit shall be approved nor shall any permit be issued or approval given by any City Official or body until all procedures required by the *State* and *City CEQA Guidelines* have been completed, including if required the preparation and certification of a Final Environmental Impact Report (FEIR) by the appropriate decision-making body. Compliance with CEQA shall be included in the planning process as early as possible in order to allow incorporation of environmental considerations into the design of the project.

Section 103. Public Records. *[Public Records Act]*

(a) All final documents prepared pursuant to these procedures shall be available for public inspection in the Planning & Development Department. Drafts and working papers shall not be considered final documents.

(b) All reports and documents, such as public correspondence, applicant statements, community meeting summaries or other supporting documentation shall be available for public inspection in the Planning & Development Department. This does not include proprietary reports, confidential archaeological and special status species location studies and other confidential information.

Section 104. Use of Consultants.

(a) The City may use consultants to fulfill its obligations under CEQA including, but not limited to, the preparation of technical studies, mitigation monitoring reports, restoration plans, Initial Studies, Negative/Mitigated Negative Declarations, and EIRs.

(b) All consultant-prepared environmental documents, such as Initial Studies, Negative Declarations, and EIRs utilized shall be prepared under contract with the City using the most current version of the City's Professional Services Agreement. Subject to the City's independent judgment, applicant-sponsored technical reports and environmental surveys utilized in the preparation of the application and project design may be utilized by the City.

(c) The project sponsor shall pay the full costs of technical studies and draft and final document preparation including both consultant and City oversight and review costs. A deposit to cover City costs shall be paid at the time of application in conformance with applicable sections of the Master Fee Schedule. The deposit shall be made prior to the City contracting with a consultant and in no case later than thirty (30) days after issuance of the letter from the Planning Director indicating the estimated cost to produce the document(s) involved.

(d) When the Planning Director determines that it is necessary to contract with a consultant to prepare an environmental document or document(s) for a public or private project, the Planning Director may select a consultant through a separate Request for Proposals (RFP) process.

(e) No firm or person having a financial interest in a project shall be employed to prepare environmental documents on that project.

(f) Environmental consultants shall work at the direction of City staff and the City shall accept consultant-prepared work products as final only when the Planning Director determines them to be impartial, technically adequate, and complete. City decision-makers shall confirm that the environmental documents reflect the lead agency's independent judgment and analysis.

(g) The project sponsor may submit technical studies along with their application submittal or at the City's request, but a project sponsor may not contract directly with a consultant for preparation of a complete environmental document including, but not limited to, preparation of an Environmental Impact Report, Negative Declaration or Mitigated Negative Declaration.

Section 105. Notice Generally. *[State CEQA Guidelines §§15072 and 15087]*

(a) The City should make a concerted effort to provide early notice and solicit comments on environmental documents from the public and interested organizations so that a broad range of interests and opinions are available to decision-makers regarding the impacts of projects.

(b) Any required notice shall be deemed given on the date of mailing, the date of posting or the first day of publication, whichever is later.

(c) Errors, irregularities or neglect in the preparation of any required notice shall not in any way affect the validity or legality of the adoption or certification of environmental documents or approval or disapproval of a project unless such error, irregularity or neglect is clearly substantial and prejudicial and that by reason of such error, irregularity or neglect the party complaining suffered substantial injury and that a different result would have been probable if such error, irregularity or neglect had not occurred.

(d) In addition to providing notice to those property owners required to receive notice under State law, planning staff shall endeavor to notice additional property owners and residents who may have an interest in the project.

CHAPTER 2. DEFINITIONS

Section 200. General.

The following definitions which are specific to City of Berkeley are intended to supplement the definitions found in Article 20 of the *State CEQA Guidelines*:

(a) **"City"** means City of Berkeley.

(b) **"City Council"** means the City Council of the City of Berkeley, or when a referral has been received from a District as defined in Section 101.

(c) **"City Official"** means the department head or other City staff member, or, when a referral has been received from an outside agency, agency staff member, responsible for approving the permit under consideration.

(d) **"Days"** means calendar days including City-recognized holidays, unless otherwise stated.

(e) **"Decision-Making Body"** means the City Council, Zoning Adjustments Board, Planning Commission, or City official that has the ultimate responsibility for approving the permit/project under construction.

(f) **"Environmentally Sensitive Area"** means an area containing one or more environmental resources or hazards that may affect or be affected by the specific project involved.

(g) **"General Rule Finding"** means a finding that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the

environment (i.e. the “Common Sense Exemption”) and therefor CEQA is not applicable. [State CEQA Guidelines §15061(b)(3)]

(h) **“Permit”** means any zoning permit including Administrative Use Permit (AUP), Use Permit Public Hearing (UPPH), Structural Alteration Permit (SAP), Variance, lease, license, certificate or other entitlement for use. A Zoning Certificate is not a permit.

(i) **“Planning Commission”** means the City of Berkeley Planning Commission.

(j) **“Planning & Development Department”** means the Planning and Development Department of the City of Berkeley.

(k) **“Planning Director”** means the Director of Planning & Development for the City of Berkeley or their designee.

(l) **“Zoning Adjustments Board”** means the Zoning Adjustments Board.

(m) **“Zoning Certificate”** means a ministerial approval that confirms that a structure or land use complies with the Zoning Ordinance.

CHAPTER 3. RESPONSIBILITIES

The responsibilities for implementation of CEQA are as follows:

Section 300. Planning Commission.

When the Planning Commission is the decision-making body on a project, the Planning Commission is responsible for certifying the Final EIR, adopting a Negative/Mitigated Negative Declaration, or determining that the project is exempt from environmental review; considering the environmental document prepared prior to taking action on the project; and for making the findings required by *State CEQA Guideline* Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations).

When the Planning Commission is required to make a recommendation on a project to the City Council, the Planning Commission shall hold any hearings required on the proposed environmental documents produced, review all comments made and the responses prepared, and make a recommendation regrading certification of the Final EIR or adoption of the Negative/Mitigated Negative Declaration involved. If the Planning Commission believes that the project is exempt from environmental review, it shall recommend to the City Council to make such a finding.

Section 301. Zoning Officer, Planning Director, or City Official.

When the Zoning Officer (ZO), Planning Director, or other City Official is the decision-maker on a project, they are responsible for certifying the Final EIR, adopting a Negative/Mitigated Negative Declaration or determining that the project is exempt from

environmental review; considering the environmental document prepared prior to taking action on the project and for making the findings require by State CEQA Guidelines Section 15091 (Findings) and 15093 (Statement of Overriding Consideration).

Section 302. Zoning Adjustments Board

When the Zoning Adjustments Board is the decision-making body on a development project, they are responsible for certifying the Final EIR, adopting a Negative/Mitigated Negative Declaration, or determining that the development project is categorically or statutorily exempt from environmental review; considering the environmental document prepared prior to taking action on the project; and for making the findings required by *State CEQA Guideline* Sections 15091 (Findings) and 15093 (Statement of Overriding Considerations), except when otherwise required as described in Chapter 9 (AB 130, SB 131, and Other State CEQA Streamlining Provisions).

Section 303. Planning and Development Department

The Land Use Planning Division and other divisions of the Planning & Development Department are responsible for:

(a) **Environmental Review.** Carrying out environmental reviews undertaken by the City including those requested on behalf of other agencies;

(b) **Agency Comment & Review**. Obtaining comments from other agencies on the expected environmental effects of a project;

(c) **Levels of Significance.** Identify appropriate measures to reduce potentially significant effects of a project to less than significant levels;

(d) **Mitigation Monitoring & Reporting Program (MMRP)**. Prepare Mitigation and Monitoring Programs when required;

(e) **Review of External Agency Environmental Documents**. Review and comment on environmental review documents submitted to the City on behalf of other public agencies;

(f) **Notice Preparation**. Prepare, distribute and file applicable environmental notices, including a Notice of Intent, Notice of Preparation, and Notice of Completion, and those Notices of Exemption and Notices of Determination for projects approved by the City Council, Planning Commission, Zoning Officer, or Planning Director;

(g) **Fish and Game Fees.** Collection of State Fish and Game fees for transmittal to the Alameda County Clerk recorder.

(h) **Implementing Procedures.** Develop, coordinate and implement the City's Environmental Review procedures consistent with the Policy direction provided by the City Council.

(i) **Thresholds of Significance.** Establish informal and propose formal working thresholds of significance.

CHAPTER 4. INITIAL ENVIRONMENTAL REVIEW

Section 400. Project Submittal.

(a) A copy of any application for a permit that requires environmental review shall be promptly forwarded to the Planning & Development Department along with copies of all plans and other associated information.

Section 401.Project Completeness and Acceptance for Filing. *[State CEQA Guidelines §§15101 and 15111]*

(a) No application for a permit shall be deemed complete until:

i. All information required by the Planning Director to complete an Initial Study or make a determination that the underlying project is categorically exempt has been received, or

ii. The Planning Director has determined pursuant to these and the State CEQA Guidelines that the underlying project is not a project under CEQA, is ministerial rather than discretionary in nature, clearly has no potential to have a significant effect on the environment, or is statutorily exempt from environmental review.

a. The Planning Director shall develop, disseminate and update as necessary an Application Completeness Checklist listing the information that is typically required for the typers of permits normally requested.

(b) If the Planning Director determines that adequate information has not been submitted to complete a preliminary environmental review and, if necessary, an Initial Study, the sponsor shall be notified in writing within thirty (30) days of application receipt that the application is incomplete. Any such notification shall state what additional information, including fees must be submitted before the application can be considered complete.

i. Failure to provide the required information within one-hundred twenty (120) days of issuance of a Completeness Determination or thirty (30) days of issuance of a Request for Deposit Submission shall cause the application to be deemed “abandoned” without further notice or action unless the Planning Director gives a written extension to the deadline involved. Once an application is deemed abandoned, no further work shall be

done on the project without submission of a new application and payment of new fees.

(c) Notwithstanding subsection (a), accepting an application as complete does not limit the City's authority to require the applicant to submit additional information needed for environmental evaluation of the project if the applicant makes changes to the project or if there are changes in circumstances that could not be anticipated during the initial review. Failure to provide this information within one hundred twenty (120) days of issuance of a Request for Additional Environmental Information or a Request for Additional Deposit Submission shall be treated in the same manner as failure to provide the information requested in a Completeness Determination (see Section 401(b)(2) above).

Section 402. Project Segmenting. *[State CEQA Guidelines §15378]*

A project is defined as the "whole of an action" and may not be segmented nor divided into smaller parts in an attempt to avoid full consideration of its environmental impacts. Thus, all of the separate permits and approvals for a particular project shall be considered together (along with the underlying activity itself) when determining the project's environmental effects. The environmental review of a project must include an analysis of the environmental effects of future expansion or other action if: (a) such future expansion or other action is a reasonably foreseeable consequence of the initial project; and (b) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.

When actions are remote or speculative, so that meaningful information regarding their impacts is unavailable, they are not reasonably foreseeable parts of a particular project and therefore need not be considered at the same time.

Section 403. Project Revisions.

Any revised or amended project shall be treated as a new project for purposes of determining the time period within which CEQA processing must be completed and the project approved or denied unless the revision is found by the Planning Director to be minor and/or technical.

Project revisions shall be documented via submission of a Project Revision Statement.

Section 404. Early Consultation. *[State CEQA Guidelines §15063(g)]*

The Planning Department shall distribute a request for comments on the expected environmental effects of the project to all responsible agencies, trustee agencies, and other agencies and organization's that in the opinion of the Planning Director have an interest in the project or applicable special expertise. The request may occur before or

after an application is deemed complete, and may be combined with the request for comments on the project itself. At a minimum, such requests shall include a request to identify potential impacts, possible mitigation measures, and project revisions needed. At the discretion of the Planning Director, submission of a Project Revision Statement by the project applicant may result in additional consultation.

Section 405. Tribal Consultation *[Public Resources Code §§ 21080.3.1–21080.3.2; CEQA Guidelines §§ 15064.5, 15126.4]*

AB 52 requires state and local public agencies to consult with California Native American tribes during the environmental review process for development projects to protect tribal cultural resources.

SB 18 requires state and local public agencies to consult with California Native American tribes before adopting a General Plan or Specific Plan and a General Plan or Specific Plan amendment.

(a) The City shall comply with all applicable consultation requirements regarding Tribal Cultural Resources as set forth in CEQA and State law.

(b) For projects subject to CEQA for which the City is the Lead Agency, the Land Use Planning Division shall conduct consultation with California Native American tribes that have requested notification from the Native American Heritage Commission (NAHC), in accordance with Public Resources Code Sections 21080.3.1 and 21080.3.2, as amended.

(c) Within seven (7) days of determining that an application for a project is complete, or deciding to undertake a project, whichever occurs first, the City shall submit a request to the NAHC for a list of tribes that have requested notification for activities undertaken in the project area;

(d) Within seven (7) days of receiving a list of tribes from the NAHC, the City shall provide formal notification to those tribes pursuant to Public Resources Code Section 21080.3.1(b).

(e) A tribe shall have thirty (30) days from receipt of the notification to request consultation.

(f) Upon receipt of a timely request for consultation, the City shall initiate consultation with the requesting tribe and shall consult in good faith prior to adoption of a Negative Declaration or Mitigated Negative Declaration, or certification of an Environmental Impact Report.

(g) Consultation shall be considered concluded when:

  i. The parties agree to measures to mitigate or avoid a significant impact on Tribal Cultural Resources;

  ii. A party acting in good faith concludes that mutual agreement cannot be reached; or

iii. The tribe fails to engage in the consultation process or otherwise fails to respond after reasonable efforts by the City.

(h) The purpose of consultation shall be to identify Tribal Cultural Resources that may be affected by a project and, where feasible, to develop measures to avoid or substantially lessen significant impacts to such resources.

(i) Information submitted by a tribe during consultation that is confidential, sensitive, or exempt from disclosure under State law shall be maintained as confidential to the extent permitted by law, including Public Resources Code Section 21082.3(c).

(j) Projects eligible for statutory exemptions that require tribal notification or consultation pursuant to State law, including Public Resources Code Section 21080.66 and any successor provisions, shall comply with those requirements prior to approval.

(k) Nothing in this section shall be construed to limit or alter the City's obligations under Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, or any other applicable federal, state, or local law regarding the treatment of human remains, archaeological resources, or Tribal Cultural Resources.

Section 406. Preliminary Environmental Evaluation. *[State CEQA Guidelines §§15060 and 15061]*

(a) The City shall begin the formal environmental evaluation of a project after determining that an application is complete and that the project is subject to CEQA. Accepting an application as complete does not limit the City’s authority to require the applicant to submit additional information necessary for the environmental evaluation. Requiring additional information after the application is deemed complete does not change the status of the application.

(b) Once an application is deemed complete, the City shall first determine whether the project is subject to CEQA. An activity is not subject to CEQA if:

i. It does not involve the exercise of discretion;

ii. It would not result in a direct or reasonably foreseeable indirect physical change in the environment; or

iii. It is not a project as defined in CEQA Guidelines Section 15378.

(c) Preapplication Consultation: A potential applicant may request a preapplication consultation prior to the filing of a formal application to consider the range of actions, possible environmental effects, potential alternatives and/or mitigation measures for the potential project.

(d) Once the City has determined that the activity is a project subject to CEQA, the City shall determine whether the activity is exempt from CEQA, consistent with CEQA Guidelines Section 15061. Potential exemptions include statutory exemptions, categorical exemptions or activities covered by the “common sense” exemption.

i. After the City determines that a project is exempt, the City may prepare a notice of exemption. The notice shall not be filed with the County Clerk or the State of California until the project is approved.

ii. Once the project is approved, the notice of exemption may be filed by the applicant or the City.

If the Planning Director determines that a proposal is excluded or exempt from review under CEQA, no further environmental review is required and the Planning & Development Department shall document this finding in the record. The Planning & Development Department may also prepare and file a Notice of Exemption.

Section 407. Initial Study Preparation. *[State CEQA Guidelines §§15063 and 15064]*

If a proposed project is not excluded or exempt from review under CEQA, the Planning & Development Department shall prepare an Initial Study to determine whether a Negative/Mitigated Negative Declaration or an EIR is required for the proposed project. If the project may have an unavoidable significant effect on the environment, the Planning & Development Department may proceed with preparation of an EIR without preparing an Initial Study if desired.

If the Initial Study determines, based on substantial evidence considering the whole record, that the project has no potential to have a significant effect on the environment then a negative declaration must be prepared (see Chapter 6). If the project may have one or more significant impacts on the environment, then preparation of an EIR (see Chapter 7) is required. However, if revisions or mitigation measures can be applied to the project that would clearly reduce all impacts to a level of insignificance, AND the applicant agrees to these in writing via submittal of a Project Revision Statement prior to release of the document for public review, then a mitigated negative declaration may be prepared (see Chapter 6).

Section 408. Previous Prepared City Environmental Document. *[State CEQA Guidelines §15162(a)]*

If a previous EIR or Negative/Mitigated Negative Declaration has been certified/adopted by the City and the Planning Director determines that none of the circumstances requiring the preparation of a subsequent environmental document exist, the Planning &

Development Department shall document that determination in the record, and the decision-making body shall utilize the earlier document. Documentation of the Planning Director's determination may take the form of a memorandum or may be based on preparation of an Initial Study if desired.

CHAPTER 5. EXEMPT PROJECTS

Section 500. General.

Projects that are ministerial in nature, meet General Rule findings, are statutorily exempt, are categorically exempt, or are denied do not require the preparation of an Initial Study, an EIR, or a Negative/Mitigated Negative Declaration.

Section 501. Ministerial Projects. *[State CEQA Guidelines §15268]*

Ministerial projects are exempt from the requirements of CEQA. The issuance of building permits, the issuance of business licenses and the approval of Final Subdivision Maps are presumed to be ministerial. The issuance of a Zoning Certificate is a ministerial action. However, when a project involves elements, some of which are ministerial in nature and some of which are discretionary, the overall project will be deemed discretionary and subject to CEQA review.

Section 502. General Rule. *[State CEQA Guidelines §15061(b)(3)]*

CEQA does not apply to a project where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

Section 503. Statutory Exemptions. *[State CEQA Guidelines §15260]*

Those exemptions granted by the State legislature are listed in State CEQA Guidelines Article 18, and as may be amended.

Section 504. Categorical Exemptions. *[State CEQA Guidelines §15301-15332]*

Those exemptions granted by the State legislature are listed in State CEQA Guidelines Article 19, and as may be amended.

Section 505. Categorical Exemption Use Limitations. *[State CEQA Guidelines §15300.2]* A categorical exemption shall not be used if the conditions in State CEQA Guidelines Section 15300.2 apply.

Section 506. Denial of Projects. *[State CEQA Guidelines §15061(b)(4)]*

Projects that the City rejects or disapproves are not subject to CEQA. This provision, however, does not relieve an applicant from paying the costs for an EIR, Negative/Mitigated Negative Declaration, Initial Study, or preliminary environmental evaluation if prepared.

Section 507. Notice of Exemption. *[State CEQA Guidelines §15062]*

If the Planning & Development Department finds that a project is exempt for CEQA pursuant to this Chapter, a Notice of Exemption (NOE or Notice) may be filed.

The Notice shall be filed with the County Recorder, if at all, after approval of the project and shall include:

(a) A brief description of the project,
(b) The location of the project, by street address,
(c) A finding that the project is exempt from CEQA, including a citation to the State Guidelines section or statute under which it is found to be exempt,
(d) A brief statement of reasons to support the finding, and
(e) The applicant's name, if any.

When the Planning & Development Department approves an applicant's project, either the Planning & Development Department or the applicant may file a NOE. A Notice filed by the applicant is subject to the same posting and time requirements as a Notice filed by a public agency.

When an applicant files the NOE with the County Registrar it shall contain the information required together with a certified document issued by the Planning & Development Department stating that the Planning & Development Department has found the project to be exempt. The certified document may be a certified copy of an existing document or record of the Planning & Development Department.

The filing of a NOE and the posting on the list of notices start a 35-day statute of limitations period on legal challenges to the Planning & Development Department's decision that the project is exempt from CEQA. If a Notice of Exemption is not filed, a 180-day statute of limitations will apply.

CHAPTER 6. NEGATIVE/MITIGATED NEGATIVE DECLARATION PROCESS

The following provisions are added as procedural clarifications of State CEQA Guidelines Sections 15070 - 15075 with respect to Negative/Mitigated Negative Declarations in the County.

Section 600. Negative Declaration. *[State CEQA Guidelines §15070]*

If the Planning Director finds, based on the Initial Study, that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment, the Planning Director shall direct the Planning & Development Department

to prepare a Negative Declaration for consideration by the decision-making body for the permit(s) involved.

Section 601. Mitigated Negative Declaration. *[State CEQA Guidelines §15070]*

If the Planning Director finds, based on the Initial Study that the proposed project may have possible adverse significant impacts on the environment, but through revisions to the project or imposition of mitigation measures, such impacts would be mitigated or avoided so that no significant impacts remain, AND there is no substantial evidence in the record as a whole that significant impacts would result from the revised project; then the Planning Director shall notify the project sponsor(s) and provide them with a copy of the list of proposed mitigation measures that the project could incorporate to avoid all potentially significant effects. If the project sponsor agrees to these or functionally equivalent revisions/mitigation measures by signing a Project Revision Statement so indicating, the Planning & Development Department will then prepare a Mitigated Negative Declaration for public review and consideration by the decision-making body on the permit(s) involved.

Section 602. Contents. *[State CEQA Guidelines §15071]*

The Negative/Mitigated Negative Declaration must contain all items required by State CEQA Guidelines Section 15071.

Section 603. Public Notice and Review. *[State CEQA Guidelines §15072 and 15073]*

A Notice of Intent to Adopt a Negative/Mitigated Negative Declaration shall be provided in accordance with State CEQA Guidelines Section 15072.

(a) The City shall provide such notice in the following manner:

i. Publication at least one time in a newspaper of general circulation in the area potentially impacted;

ii. Mailing of the notice to the owners of all parcels within 300 feet of the boundaries of the parcel(s) on which the project is located plus those parcel owners adjacent to areas to be disturbed by off-site work at their last known address on the latest equalized assessment roll;

iii. Mailing of the notice to responsible agencies, trustee agencies, the State Clearinghouse, and the City Clerk/Recorder; and

iv. Mailing of the notice to organizations and individuals who have requested notice in writing.

(b) If a comment is not received during the public review period from an agency or person, it shall be assumed, absent a request for a specific extension of time that said agency or person has no comment to make.

Section 604. Notice of Determination. *[State CEQA Guidelines §15075]*

(a) Whenever the City Council, Zoning Adjustments Board, Planning Commission, Zoning Officer, or Planning Director approves a permit or authorizes a project for which a Negative/Mitigated Negative Declaration has been prepared, the Planning & Development Department shall file within 5 working days of their action a Notice of Determination with the County Clerk.

(b) In instances where multiple approval actions are required, the Notice of Determination shall be filed after the final decision to approve a project.

(c) If the project requires discretionary approvals from one or more state agencies, the Notice of Determination shall also be filed with the State Office of Planning and Research within this same 5-day period.

(d) Payment of any Fish and Game fees due to the State at the time a Notice of Determination is filed is the responsibility of the project sponsor. Payment must be received by the Planning & Development Department before the decision-making body holds a hearing or decides on the adequacy of the Negative/Mitigated Negative Declaration prepared. The Planning & Development Department shall forward the fee to the County Clerk with a filing fee. The County Clerk in turn forwards the fee to the State.

CHAPTER 7. ENVIRONMENTAL IMPACT REPORT (EIR) PROCESS

The following provisions are added as procedural clarifications of *State CEQA Guidelines* Sections 15080–15097, 15120–15132, and 15140–15154 with respect to the preparation and processing of EIRs in the County.

Section 700. EIR Preparation. *[State CEQA Guidelines §§15081 and 15081.5]*

If the Planning Director finds during preliminary review or based on an Initial Study that there is substantial evidence in the record as a whole that a project may have a significant adverse effect on the environment, or if an EIR is required by statute, the Planning Director shall notify the project sponsor in writing within thirty (30) days that an EIR must be prepared.

Section 701. Contents of an EIR. *[State CEQA Guidelines §15120-15132]*

An EIR produced by/for the City must contain all items required by *State CEQA Guidelines* Sections 15120-15132 and must meet the requirements of *State CEQA Guidelines* Sections 15140-15152 and 15154.

Section 702. Notice of Preparation (NOP). *[State CEQA Guidelines §15082]*

A Notice of Preparation notifying responsible and interested agencies about the project

and soliciting their comments on the scope and content of the EIR shall be prepared by the Planning & Development Department. This notice shall be sent by certified mail to the project sponsor, all responsible and trustee agencies, and all federal agencies involved in approving or funding the project. If State agencies are involved, then the NOP shall also be sent to the State Clearinghouse. A copy of the NOP shall also be delivered to the City Clerk/Recorder for posting for thirty (30) days. A list of agencies that are typically sent the NOP shall be maintained by the Planning & Development Department.

Section 702.1 Scoping. [State CEQA Guidelines §15083]

The scope of the EIR prepared is determined using the following sources: the Initial Study, if one is produced, previous environmental documents, responses to the NOP, consultation with other agencies, and public scoping meetings, if held. A public scoping meeting may be incorporated into the NOP process and is typically held by the consultant preparing the EIR with assistance from the Planning & Development Department.

Section 702.2 Preparation of Administrative Draft EIR.

The pre-circulation draft of an EIR is referred to as the administrative draft. This draft is considered a working document to be circulated among City staff for their comment on its accuracy and adequacy. It is not available for public review and shall be destroyed upon release of the DEIR.

Section 702.3 Public Review of Draft EIR. *[State CEQA Guidelines §§15085, 15087, 15105]*

(a) The Planning Director shall provide public notice of the availability of the Draft EIR for review and comment in the same manner as specified in Section 603(a)-(c) for a Negative Declaration. In addition, a copy of the Draft EIR shall be sent to the nearest branch of the City of Berkeley Library at the same time a Notice of Completion is sent to the State Office of Planning and Research. The contents of the public notice shall be as specified in *State CEQA Guidelines* Section 15087(c).

(b) The normal public review period for a Draft EIR in the City shall be 45 days unless a shorter period of not less than 30 days is approved by the State Clearinghouse. *[State CEQA Guidelines §15105]* In special circumstances, the Planning Director may require a public review period of up to 60 days.

(c) Requests for extensions of time beyond 60 days shall be considered and either granted or denied by the Planning Director. Planning Director decisions regarding requests for extensions of time are not appealable to the City Council

Section 702.4 Final EIR. *[State CEQA Guidelines §15132]*

The Final EIR consists of the text of the Draft EIR revised as necessary to reflect those comments received that require text changes, all comments received on the Draft EIR, the City's responses to said comments, a list of all persons and agencies that commented on the Draft EIR, and any other information added by the City.

Section 702.5 Notice of Determination (NOD). *[State CEQA Guidelines §15094]*

After certification of the Final EIR and approval of the project, the Planning & Development Department or decision-making body shall prepare and file a Notice of Determination with the County Clerk following the same procedure and with the same restrictions as specified in Section 604.

CHAPTER 8. MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Section 800. General. *[State CEQA Guidelines §15097]*

Pursuant to Public Resources Code Section 21081.6, all jurisdictions must have a method for monitoring compliance and implementation of adopted mitigation measures. The City's Mitigation Monitoring and Reporting programs (i.e., MMRPs) shall be in conformance with *State CEQA Guidelines* Section 15097 as augmented by the provisions listed below.

Section 801. Adoption. *[State CEQA Guidelines §15097]*

(a) At the time the City makes the required CEQA findings regarding the Mitigated Negative Declaration or EIR being used, the City Council shall adopt a program for monitoring and reporting on the mitigation measures as part of the project. Conformance with this program shall be a condition of project approval.

(b) The resultant adopted MMRP shall be distributed to all agencies, departments, and parties with monitoring or reviewing responsibility thereunder.

Section 802. Contents.

MMRPs shall include at a minimum the following information for each mitigation measure:

(a) identification of the individual, department, agency, or other entity responsible for performing the mitigation measure;

(b) identification of the timing for implementation of the mitigation measure;

(c) identification of the specific results or performance standards that the mitigation is intended to accomplish if not clearly stated in the mitigation measure;

(d) identification of the frequency of inspections or other monitoring activities;

(e) identification of when compliance is completed;

(f) a statement that the project sponsor shall pay all monitoring costs including but not limited to those incurred by the City; and

(g) a signature block for the project sponsor and the property owner (for private projects only).

Section 803. Compliance Assurance Responsibilities.

(a) Overall compliance shall be coordinated by the Planning & Development Department unless otherwise indicated in the adopted MMRP.

(b) The Planning & Development Department may hire an outside consultant where mitigation measure compliance cannot be verified through the planning clearance process, where monitoring requires specialized expertise, or when City staff is unavailable to do the necessary work. The cost of said consultant shall be paid by the project sponsor.

(c) Mitigation measure compliance shall be monitored by the appropriate City Department. The Planning & Development Department and other City departments should review the building plans and the "as built" project for compliance with the mitigation measures imposed.

(d) Other agencies shall monitor the mitigation measures that they request or that are within their area of expertise. The Planning & Development Department shall notify these agencies of the mitigation monitoring required. These agencies shall inform the City in writing when each of their mitigation measures has been complied with completely.

Section 804. Fees. *[State CEQA Guidelines §15045]*

(a) The City shall charge and collect from the project sponsor a fee in an amount equal to the actual costs to the City of implementing the adopted MMRP. This includes the costs associated with use of an outside consultant where the Planning Director finds said use to be either necessary and/or convenient.

(b) An initial deposit in an amount equal to the City's total estimated costs of implementing the adopted MMRP for the first three (3) years shall be submitted to the Planning & Development Department prior to issuance of the first building permit needed to commence work on the project. Any unused portion of this initial deposit that is not needed to pay for permanent or long-term monitoring will be refunded to the project sponsor upon fulfillment of <u>all</u> those MMRP provisions that do not involve such monitoring.

(c) The project sponsor shall replenish the initial deposit every two (2) years so that the balance is high enough to pay for the estimated costs of monitoring compliance for three(3) years for those measures that require long-term or ongoing monitoring.

CHAPTER 9. AB 130, SB 131, AND OTHER STATE CEQA STREAMLINING PROVISIONS

Section 900. Purpose.

The purpose of this chapter is to establish procedures for implementing statutory exemptions, streamlined environmental review provisions, and other CEQA reforms enacted by the California Legislature, including AB 130 (2025), SB 131 (2025), and subsequent amendments thereto.

Assembly Bill 130 (AB 130) is a new law under the California Environmental Quality Act Guidelines (CEQA) that provides a complete statutory exemption for qualifying urban infill housing development projects[1]. The Bill was signed into law and effective on June 30, 2025, and is codified in Public Resources Code (PRC) Section 21080.66.

Senate Bill 131 creates two different CEQA exemption pathways. The law applies to any rezoning that implements the schedule of actions contained in a California Department of Housing and Community Development-approved Housing Element, including any required conforming General Plan amendments. The law also creates a path for “near-miss” projects where a single issue disqualifies a housing development project from a full exemption. The project specific environmental review focuses on the impacts associated with the single issue. SB 131 was signed into law and effective on June 30, 2025, and is codified in Public Resources Code Section 21080.085.

Section 901. Evaluation of Statutory and Categorical Exemptions and Streamlining Provisions.

(a) During preliminary environmental review, the Land Use Planning Division shall evaluate whether a proposed project qualifies for:
   i. Special situations exemption (Article 12);
   ii. A statutory exemption from CEQA (Article 18);
   iii. A categorical exemption from CEQA (Article 19);
   iv. Streamlined environmental review procedures authorized by State law;
   v. Reliance upon a previously certified environmental document;
   vi. Tiering, incorporation by reference, addenda, supplemental environmental documents, or subsequent environmental documents; or
   vii. Other environmental review procedures authorized by CEQA and the State CEQA Guidelines.

[1] As defined in Government Code Section 65589.5(h)(2).

(b) The determination regarding applicability of any exemption or streamlining provision shall be supported by substantial evidence in the administrative record.

Section 902. Urban Infill Housing Development Projects (AB 130).

(a) The City shall evaluate whether a housing development project qualifies for the Urban Infill Housing Development Project Exemption set forth in Public Resources Code Section 21080.66 (AB 130), as amended.
(b) Eligibility determinations shall be based upon the criteria established by State law and supported by substantial evidence in the administrative record.
(c) Projects determined to qualify for the exemption shall be processed in accordance with all applicable requirements of Public Resources Code Section 21080.66, including any tribal notification, consultation, notice filing, conditions of approval, and approval timeline requirements.
(d) Upon approval of an exempt project, the City shall prepare and file any required Notice of Exemption in accordance with CEQA and State law.

Section 903. Housing Element Implementation Rezonings (SB 131).

(a) The City shall evaluate whether a rezoning or zoning amendment, and any required conforming General Plan amendments, qualify for the Housing Element Implementation Rezoning Exemption set forth in Public Resources Code Section 21080.085 (SB 131), as amended.
(b) Where applicable, the City may rely upon this statutory exemption for rezonings and conforming General Plan amendments undertaken to implement the schedule of actions contained in an adopted Housing Element.
(c) The Planning Director shall document the basis for any exemption determination in the administrative record.

Section 904. Housing Development Projects Subject to Limited Environmental Review.

(a) The City shall evaluate whether a housing development project qualifies for limited environmental review pursuant to Public Resources Code Section 21080.1, as amended.
(b) Where applicable, environmental review shall be limited to the environmental effects caused solely by the condition or circumstance that prevents the project from qualifying for an otherwise applicable statutory or categorical exemption.
(c) The scope of environmental review shall be consistent with State law and supported by substantial evidence in the administrative record.

Section 905. Housing Development Projects Subject to AB 1633

AB 1633, which became effective on January 1, 2024, revised a provision in the Housing Accountability Act (HAA, Government Code Section 65589.5) that allows an applicant to file a petition to enforce the HAA's protections where a local agency fails to make a determination that the project is exempt from CEQA when it is eligible for the exemption.

(a) The City shall evaluate housing development projects for applicability of any CEQA exemptions, streamlining provisions, or limited environmental review authorized by State law, including those enacted or amended by AB 1633 (2025) and related legislation.
(b) The Planning Director shall ensure that environmental review for qualifying housing development projects is conducted in accordance with applicable statutory requirements and within any timelines established by State law.
(c) The basis for any determination regarding the applicability of a statutory exemption, streamlined environmental review procedure, or limited environmental review shall be documented in the administrative record.
(d) Nothing in this section shall be construed to alter the City's obligation to exercise independent judgment in determining the appropriate level of environmental review required under CEQA.

Section 906. Additional Statutory Exemptions and Streamlining Provisions.

(a) The City may apply any additional statutory exemption, streamlined environmental review procedure, or alternative compliance pathway authorized by CEQA and State law.
(b) Nothing in this chapter shall limit the City's ability to utilize future statutory exemptions, streamlining provisions, or CEQA reforms enacted by the California Legislature.
(c) The Planning Director may establish administrative procedures, application materials, and guidance documents necessary to implement the provisions of this chapter.

CHAPTER 10. CITY OF BERKELEY AS A RESPONSIBLE AGENCY

[State CEQA Guidelines §§15096 and 15253]

The following provisions are added as procedural clarifications of State CEQA Guidelines Sections 15096 and 15253 for when the City is a responsible agency responding to another Lead Agency's environmental review.

Section 1000. Commenting on a Lead Agency's Environmental Document. *[State CEQA Guidelines §15096]*

(a) The Planning & Development Department shall make every effort to provide written comments on the draft Negative/Mitigated Negative Declaration, Notice of Preparation and/or Draft EIR prepared by a Lead Agency within the time frames specified in the *State CEQA Guidelines*.

(b) The comments provided shall be limited to activities within the City's area(s) of expertise or jurisdiction. They shall at a minimum identify City permit requirements, potentially significant impacts, alternatives to be analyzed, and any mitigation measures to be considered. In addition, a recommendation as to whether a Negative/Mitigated Negative Declaration, or EIR is the appropriate document for the Lead Agency to prepare may be provided. The focus of the comments shall be to assist the Lead Agency in producing a defensible environmental document.

Section 1001. Failure of Lead Agency to Consult With City or Adequately Respond to Comments Provided. *[State CEQA Guidelines §15096]*

(a) If a Lead Agency fails to consult with the City prior to adopting a Negative/Mitigated Negative Declaration or certifying an EIR for a project over which the City has permit authority, the Planning & Development Department will review the document prepared. If the Planning Director finds based on the review that the document is adequate for City purposes, the City shall follow the procedures specified in Sections 1003 and 1004 below. However, if the Planning Director finds that the document is inadequate, then the City may take over the role of Lead Agency. The Planning & Development Department shall in that case follow the procedures specified herein in Chapters 4, 5 and 6 to prepare and process the environmental document needed.

(b) If a Lead Agency fails in the opinion of the Planning Director to adequately respond to the comments provided, the Planning Director shall consult with the City Attorney and jointly recommend a course of action pursuant to CEQA Guidelines Section 15096(e).

Section 1002. Approval of Project By City Acting as a Responsible Agency. *[State CEQA Guidelines §15096]*

(a) In issuing approvals or taking any other discretionary action on a project for which the City is a responsible agency, the City shall certify that it has reviewed and considered the environmental effects of the project as shown in the Negative/Mitigated Negative Declaration or EIR prepared by the Lead Agency.

(b) If an EIR has been produced, the City decision-making body shall adopt findings as set forth in *State CEQA Guidelines* Sections 15091 and 15093, if necessary.

(c) Where the City decision-making body requires the implementation of mitigation measures or other project changes to substantially lessen or avoid significant environmental effects of activities under its statutory control, a MMRP consistent with Chapter 8 of these guidelines covering those changes and measures shall be adopted at the time of project approval.

Section 1003. Limitations on the Power of City as a Responsible Agency to Require Changes in Project.

(a) When the City acts as a responsible agency for a project, it may only require those changes in a project that lessen or avoid the effects, either direct or indirect, of that part of the project that the City will be called upon to carry out or approve.

(b) When the City acts as a responsible agency, it may refuse to approve a project only in order to avoid direct or indirect adverse environmental effects of that part of the project the City must carry out or approve.

Section 1004. Certified Equivalent Program: Use of Environmental Document Prepared In Lieu of a Negative/Mitigated Negative Declaration or EIR. *[State CEQA Guidelines §§15250-15253]*

An environmental analysis document prepared for a project pursuant to a certified equivalent program shall be used by the City as a substitute for an EIR or Negative Declaration/Mitigated Negative Declaration and no additional environmental document shall be required if the conditions in *State CEQA Guideline* Section 15253(b) are met.

17

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Grant Application: Caltrans Sustainable Communities Grant for the University Avenue Multimodal Corridor Study

RECOMMENDATION

Adopt a Resolution approving the City's application submitted by the October 9, 2026 deadline for up to $700,000 under the Fiscal Year 2027–28 Caltrans Sustainable Transportation Planning Grants, Sustainable Communities Competitive category, for the University Avenue Transit Priority and Multimodal Corridor Study; authorizing the City Manager or designee to commit $150,000 in City funding to meet the required local match of a minimum of 11.7% of the total project cost; and, if awarded, accept the grant and execute the grant agreement and related amendments, subject to the approved project budget and applicable City requirements.

FISCAL IMPACTS OF RECOMMENDATION

The grant request is $700,000, with a City funding contribution of $150,000, for a total project cost of $850,000. The required City match would be provided through the 51 BRT (bus rapid transit) Council referral (GL Code: 011-54-622-662-0000-000-431-612310), which was approved by the City Council on January 16, 2024 in Ordinance No 7,892-N.S.: an amendment to the Annual Appropriations Ordinance No. 7,879-N.S. for Fiscal Year 2024.

CURRENT SITUATION AND ITS EFFECTS

University Avenue connects the UC Berkeley campus, downtown, neighborhoods, commercial areas, and waterfront. The proposed study would extend approximately three miles from Seawall Drive and the Berkeley waterfront to Oxford Street, Downtown Berkeley, and the UC Berkeley campus, including relevant connecting and parallel streets. It would address transit reliability, safety, accessibility, and competing demands for roadway and curb space while improving connections to regional transportation and community destinations.

University Avenue is identified as a High-Injury Street in Berkeley's Vision Zero Action Plan. Its wide crossings, traffic volumes, turning movements, and interactions among buses, automobiles, pedestrians, bicycles, and freight create safety and accessibility

challenges. Substantial housing development along and near the corridor, recurring transit delays, and planned waterfront transportation investments reinforce the need for a coordinated corridor-wide transportation framework.

Planning for access to the proposed ferry terminal creates an opportunity to evaluate these connections together and identify how transit, walking, and bicycling can provide practical alternatives to automobile travel while maintaining necessary vehicle access. The study would also examine connections to Downtown Berkeley BART, Berkeley Amtrak station and Capitol Corridor service, the Bay Trail, and Berkeley Marina.

The proposed scope would include the following work:

- **Existing conditions and access needs.** Assess transit operations, travel patterns, safety, accessibility, bicycle network gaps, and vehicle and curb access from campus to the waterfront. Document existing and planned improvements and evaluate collision patterns, ridership, traffic delay, sidewalks, curb ramps, crossings, accessible transit boarding areas, parking, loading, freight activity, housing trends, and economic conditions. Examine connections to the proposed ferry terminal and existing transit services.
- **Community engagement.** Develop accessible, multilingual outreach through corridor meetings, transit-stop and neighborhood outreach, surveys, and community partnerships. Prioritize transit-dependent residents, tenants, people with disabilities, seniors, students, merchants, and communities facing transportation barriers. The proposed engagement program includes four workshops or open houses, eight corridor pop-ups, six targeted listening sessions, three walking and rolling audits, four intercept-survey periods, and at least five presentations to advisory or governing bodies. Engagement summaries and participant evaluations would document how public input shapes recommendations and help identify gaps in participation.
- **Multimodal alternatives.** Evaluate transit priority and Bus Rapid Transit (BRT) concepts, such as transit lanes, signal priority, and stop access improvements, alongside pedestrian safety, automobile access, and curb management. Consider bicycle connections on Addison Street, Berkeley Way, and/or Hearst Avenue, including connections between those routes, University Avenue, and the waterfront. Alternatives would also address accessibility for people with disabilities, parking and loading, business and freight access, emergency access, and connections across Interstate 80 to the waterfront.
- **Recommendations and implementation planning.** Compare alternatives using safety, accessibility, transit reliability, equity, climate, and feasibility criteria. Prepare a preferred planning framework, conceptual improvements, planning-

level costs, phasing, and potential implementation funding sources for future City consideration.

Public Works would lead the study and coordinate with AC Transit, Caltrans, the Water Emergency Transportation Authority, UC Berkeley, BART, the Alameda County Transportation Commission, and relevant City departments. Partner roles would be documented in the application and scope. The study would address University Avenue and its connections; it would not constitute a complete study of the broader Shattuck corridor.

The University Avenue Transit Priority and Multimodal Corridor Study advances the Strategic Plan goal to create a resilient, safe, connected, and prepared city. It also supports social and racial equity and environmental sustainability by examining transportation barriers and opportunities to improve access without increasing dependence on driving.

BACKGROUND

The September 12, 2023 Council referral, "51B BRT + University/Shattuck Corridor Mobility Improvements," called for feasibility analysis and community engagement on BRT options, interdepartmental and interagency coordination, and consideration of quick-build improvements[1]. It also referred funding proposals for accessibility improvements and corridor studies to future budget processes. The March 25, 2025, City Council Referral Prioritization Results ranked this referral first[2]. The proposed grant would advance its University Avenue component through a defined planning process and dedicated resources.

The City's 1996 University Avenue Strategic Plan established goals for corridor vitality, neighborhood quality, and improved transit, pedestrian, and bicycle circulation[3]. Three decades later, the corridor has experienced substantial housing and commercial development, changing travel patterns, and new transportation and waterfront initiatives. The proposed study would provide an updated transportation framework that accounts for these changes and current housing, accessibility, climate, and equity priorities.

Berkeley's 2023 Transit-First Policy Implementation Plan calls for completing a University Avenue transit corridor plan by the end of 2029. The proposed study would also build on the General Plan Transportation Element, Bicycle Plan, Pedestrian Plan, Vision Zero Action Plan, Housing Element, and Corridors Zoning Update, while supporting regional transit-priority and transit-oriented development policies.

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[1] https://berkeleyca.gov/sites/default/files/documents/2023-09-12%20Item%2029%2051B%20BRT%20%2B%20University-Shattuck.pdf

[2] https://berkeleyca.gov/sites/default/files/documents/2025-03-25%20Special%20Item%2003%202025%20City%20Council%20Referral%20Prioritization%20Results.pdf

Previous investments include transit signal priority, bus-stop and pedestrian improvements, parallel bicycle facilities, and Bay Trail access. The University West Bus Stops and Safety Project is upgrading stops at Acton and Bonar Streets, and additional bus-stop improvements are funded at Shattuck Avenue, Martin Luther King Jr. Way, and Sacramento Street. The study would coordinate these investments and identify remaining corridor-wide needs and right-of-way tradeoffs.

The California Department of Transportation administers the Sustainable Transportation Planning Grant Program to support local and regional planning that improves transportation access, safety, and connectivity while advancing California's climate and equity goals[3]. Funded projects are expected to benefit the multimodal transportation system while supporting public health, social equity, and environmental justice.

The grant application deadline was October 9, 2026, before this item could be brought to Council for consideration. To preserve the City's opportunity to compete for funding, staff submitted the application pending Council approval of the application and required local match. If Council does not approve these commitments, staff would withdraw the application.

The proposed University Avenue Transit Priority and Multimodal Corridor Study would examine how transit priority, bicycle and pedestrian connections, and coordinated waterfront access could improve travel options between the UC Berkeley campus and the Bay. Community engagement would help identify barriers experienced by corridor residents and users, particularly people who depend on transit or face challenges accessing employment, education, services, and recreation. Evaluating access to the proposed ferry terminal as part of the broader corridor study would also allow the City to consider how a future transportation investment could connect effectively with existing neighborhoods and travel networks.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The study would evaluate opportunities to improve transit reliability and make walking, bicycling, and transit more practical for corridor and waterfront trips. These strategies could reduce vehicle miles traveled and transportation emissions if implemented. The proposed planning effort would not fund construction, final engineering, or project-level environmental documents. Future physical improvements would be subject to applicable environmental review, funding, and City approvals.

RATIONALE FOR RECOMMENDATION

A City-led application advances an established Council priority. Combining transit priority, bicycle and pedestrian connectivity, and waterfront access in one study would allow the City and community to evaluate tradeoffs and develop coordinated recommendations.

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[3] https://dot.ca.gov/programs/transportation-planning/division-of-transportation-planning/regional-and-community-planning/sustainable-transportation-planning-grants

The Sustainable Communities Competitive category is appropriate for a City-led multimodal planning effort. Providing the local match through staff time would support project oversight, community engagement, and technical coordination while using existing personnel resources. Approval would allow the City to proceed with the submitted application and authorize the local match necessary to receive funding if awarded.

ALTERNATIVE ACTIONS CONSIDERED

The City Council could decline to approve the application and required local match and direct staff to withdraw the City's grant application. This would eliminate the proposed local staff-time match commitment but eliminate the opportunity to secure up to $700,000 for the study. Advancing the University Avenue corridor planning effort would then require another funding source or a reduced scope, potentially delaying progress on this Council priority. Without a funded corridor-wide study, the City would continue to rely on individual projects to address transportation needs, limiting its ability to coordinate transit priority, safety, accessibility, and future growth across the corridor.

CONTACT PERSON

Jamie Parks, Director, Public Works, (510)-981-6300

Attachments:
1: Resolution

RESOLUTION NO. ##,###-N.S.

APPROVING A CALIFORNIA DEPARTMENT OF TRANSPORTATION GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ACCEPT GRANT FUNDS AND EXECUTE A GRANT AGREEMENT AND AMENDMENTS FOR THE UNIVERSITY AVENUE TRANSIT PRIORITY AND MULTIMODAL CORRIDOR STUDY

WHEREAS, the City of Berkeley seeks funding through the Fiscal Year 2027–28 California Department of Transportation (Caltrans) Sustainable Transportation Planning Grants, Sustainable Communities Competitive category, for the University Avenue Transit Priority and Multimodal Corridor Study; and

WHEREAS, the study would evaluate community-informed options for transit priority, bicycle and pedestrian connectivity, accessibility, automobile and business access, and connections to regional transit and the proposed ferry terminal; and

WHEREAS, the study would advance the University Avenue component of the September 12, 2023 Council referral on BRT and corridor mobility improvements, ranked first in the 2025 referral prioritization results; and

WHEREAS, the City intends to satisfy the required local match through $90,693 in eligible City staff time, classified by Caltrans as cash match, and must execute a Restricted Grant Agreement before receiving reimbursement.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council approves the City’s application to Caltrans for up to $700,000 for the University Avenue Transit Priority and Multimodal Corridor Study.

BE IT FURTHER RESOLVED that the Council commits $150,000 in eligible City funding, representing the 11.47% minimum match requirement bringing the total project budget to $850,000, to meet the required local match.

BE IT FURTHER RESOLVED that, if awarded, the City Manager or designee is authorized to accept the grant and execute the Grant Agreement, related documents, and amendments with the California Department of Transportation for this project, subject to the approved project budget and applicable City requirements.

18

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Contract No. 32300214 Amendment: Belfor USA Group for On-Call Emergency Restoration, Mitigation and Remediation Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract amendment with Belfor USA Group for on-call emergency restoration, mitigation and remediation services related to fire and water damage at the Berkeley Animal Care Services facility and fire damage at the Public Safety Building; authorizing future restoration, mitigation and remediation services to be funded by departmental budgets or other sources such as the Catastrophic Reserve Fund as needs arise and resources allow; and increasing the contract amount by $1,500,000 for a new not-to-exceed amount of $2,050,000.

FISCAL IMPACTS OF RECOMMENDATION

Funds are available in the City's Catastrophic Reserve Fund and will be transferred to the FY2027 Public Works Budget (General Fund 011) for restoration, mitigation and remediation of the Berkeley Animal Care Services facility and the Public Safety Building. The City of Berkeley expects full reimbursement for the cost of emergency Berkeley Animal Care Services and Public Safety Building facility repairs through insurance claims, and reimbursements will be deposited in the Catastrophic Reserve Fund. As such, the recommendation will result in a short-term depletion of the Catastrophic Reserve Fund until the City receives insurance payments, but there is no net fiscal impact. Funding for non-catastrophic events is available in the Sewer Fund 611, Clean Storm Water Fund 616, and additional funding will be appropriated as need arises.

CURRENT SITUATION AND ITS EFFECTS

The Public Works Department requires assistance from restoration companies that can respond to emergency situations 24 hours per day. These may include vandalism, flood response, water damage, smoke or fire damage, sewer flooding incidents, and other unexpected damage to City property. Public Works is responsible for maintaining fifty-four public buildings and 400 miles of sanitary sewer main and laterals, among other infrastructure assets. Immediate restoration services may be necessary for City-owned buildings or private property impacted by City infrastructure failures.

This contract may be accessed by all City departments, including Parks, Recreation and Waterfront and the Library, which are responsible for maintaining public buildings and may require emergency restoration and remediation. The Police Department will also use this contract to support their efforts to secure public and private property that has been vandalized.

An increase in the not-to-exceed amount allowed under this on-call contract is needed to complete the remediation and repairs to the Animal Care Services Building that sustained substantial fire, smoke, and water damage due to arson in July 2026 currently estimated to be $850,000 in repairs, and for the Public Safety Building which also sustained fire, smoke, and water damage on October 21, 2026, with the cause still under investigation and an estimate to address the damage still pending.

Amending this contract is in alignment with the City's Strategic Plan, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3504.1 as amended by AB 339. This project does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement.

BACKGROUND

The City issued a Request for Proposals (RFP) on May 27, 2022, Specification # 22-11522-C, for two on-call Emergency Restoration, Mitigation and Remediation Services contracts for a three-year term with the option to extend for two 24-month terms if exercised. On June 14, 2022, the City received two proposals, and the RFP was re-issued on August 9, 2022. On September 8, 2022, the City received six proposals, which were evaluated by a multi-department review panel.

Belfor USA Group, Inc. was chosen as one of the most responsive and qualified companies. Belfor's contract began on March 11, 2023, with an original expiration date of December 30, 2025; this was extended by Council Authorization through March 11, 2028.

Additionally, Belfor USA Group, Inc. is the preferred and pre-approved disaster recovery vendor of the City's insurance providers.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Restoration, mitigation and remediation services help prevent and remove environmental hazards such as water runoff, sewer waste and building debris. This contract amendment will help the City more quickly respond to and stop potential environmental issues before they begin or escalate.

RATIONALE FOR RECOMMENDATION

Public Works does not have the staffing capacity, expertise or equipment to perform the level of remediation work needed. Belfor was selected through a formal RFP process in 2022 and has performed well under the current contract. Completing a competitive RFP instead of pursuing a contract amendment was not feasible given the emergency nature of the repairs. Additionally, Belfor is the preferred vendor of the City's insurance providers.

ALTERNATIVE ACTIONS CONSIDERED

If not amended, the City will be unable to respond to emergency remediation and restoration needs at the Berkeley Animal Care Facility and the Public Safety Building. This will negatively impact Berkeley, as remediation and restoration needs will not be addressed in a timely manner.

CONTACT PERSON

Joy Brown, Interim Deputy Director, Public Works, 510-981-6629
Aaron Baker, Superintendent, Public Works, 510-981-6452

RESOLUTION NO. ##,###-N.S.

CONTRACT AMENDMENT: CONTRACT NO. 32300214 AMENDMENT: BELFOR USA GROUP FOR ON-CALL EMERGENCY RESTORATION, MITIGATION AND REMEDIATION SERVICES

WHEREAS, the City needs restoration, mitigation and remediation services to respond to emergency situations such as vandalism, flood response, water damage, smoke or fire damage, sewer flooding incidents, and other unexpected damage to City and private property; and

WHEREAS, funding will be transferred from the Catastrophic Reserve Fund to the Public Works' General Fund 011 in amounts equal to the claims; and

WHEREAS, this contract is exempt from the noticing requirements set forth in Government Code Section 3504.1; and

WHEREAS, on May 27, 2022, the City released a Request for Proposals (Specification No. 22-11522-C) for two on-call Emergency Restoration, Mitigation and Remediation Services contracts; and

WHEREAS, on August 9, 2022, the Request for Proposals was re-released, and the City received six submissions, which were reviewed and rated; and

WHEREAS, out of the six proposals, the Belfor USA Group was considered one of the best proposals and best qualified to meet the City's needs; and

WHEREAS, on November 12, 2022, City Council authorized the City Manager to execute a contract with Belfor USA Group for restoration, mitigation and remediation services with a total not-to-exceed amount of $150,000.

WHEREAS, funding is available for non-catastrophic expenses in the Sewer Fund 611, Clean Stormwater Fund 616, and General Fund 011, and funding will be identified and requested for appropriation as need arises;

WHEREAS, additional funding is needed to complete the repairs and remediation to the Animal Care Services Building caused by arson and the Public Safety Building fire damage;

WHEREAS, Belfor is the preferred vendor of the City's Insurance providers.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract amendment with Belfor USA Group for on-call emergency restoration, mitigation and remediation services related to fire and

water damage at the Berkeley Animal Care Services facility and fire damage at the Public Safety Building; authorizing future restoration, mitigation and remediation services to be funded by departmental budgets or other sources such as the Catastrophic Reserve Fund as needs arise and resources allow; and increasing the contract amount by $1,500,000 for a new not-to-exceed amount of $2,050,000.

19

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Final Map of Tract 8713: 1750 Sacramento Street

RECOMMENDATION

Adopt a Resolution approving the final map of Tract Map 8713 for a parcel merger, re-subdivision and land dedication at the San Francisco Bay Area Rapid Transit (BART) North Berkeley station located at 1750 Sacramento Street.

FISCAL IMPACTS OF RECOMMENDATION

There is no cost to the City. The applicant (North Berkeley Housing Partners) paid the appropriate fees with the submission of their tract map application.

CURRENT SITUATION AND ITS EFFECTS

The application submitted by the North Berkeley Housing Partners for the North Berkeley BART Transit-Oriented Development project (the Project) pursuant to AB 2011 (Government Code Section 65912) at 1750 Sacramento (PLN2024-0010) was approved on December 11, 2024. Approval of this project included approval of the tentative tract map for the merger and re-subdivision of the parcel for residential, open space, public access, and Bay Area Rapid Transit facilities. In addition, the tentative tract map included four land dedication areas, totaling approximately 3,683 square feet, along Virginia, Sacramento, Delaware, and Acton streets adjacent to the North Berkeley BART property to be transferred from BART to the City.

The tentative map was approved on December 11, 2024, and state law and City Ordinances require that the map is valid for 24 months from the approval date. Prior to expiration of the tentative map, the applicant duly submitted the final map for the Project within the required 24-month timeframe and is now seeking Council approval.

BACKGROUND

Section 21.20.100 of the Berkeley Municipal Code requires City Council approval of all final map subdivisions. In addition, pursuant to Section 66474.1 of Division 2 of the Government Code, a legislative body must approve such a final map if it finds it to be in substantial compliance with the approved tentative map.

All conditions of approval have been completed to the satisfaction of the Public Works Department and the Planning and Development Department. Public Works' Engineering Division staff have examined the final map and determined it to be in substantial compliance with the approved tentative map.

The final map is meant to provide a record of the underlying property survey and does not constitute approval of a proposed or existing structure upon the property. Separate action is required for this approval, which has been obtained by virtue of use permits and building permits.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The environmental impacts from the Project were considered in the Environmental Impact Report (SCH #: 2020110320), which was certified by the City Council on June 2, 2022. In addition, the transfer of ownership resulting from the proposed land dedication does not create significant effect on the environment.

The proposed buildings in the Project comply with the California Green Building Standards Code (CALGreen). CALGreen is California's green building code to improve public health, safety, and general welfare through enhanced design and construction of buildings, utilizing concepts that promote a positive environmental impact and sustainable construction practices.

RATIONALE FOR RECOMMENDATION

Pursuant to Section 66474.1 of Division 2 of the Government Code, the City Council must approve the final map if it finds it to be in substantial compliance with the approved tentative map. Staff have reviewed the map and find it to be in substantial compliance with the tentative map.

ALTERNATIVE ACTIONS CONSIDERED

No other alternative course of action is recommended.

CONTACT PERSON

Wahid Amiri, Deputy Director, Public Works, 510-981-6396
Pejman Mehrfar, Manager of Engineering, Engineering Division (510) 981-6439
Vincent Chen, Supervising Civil Engineer, Engineering Division (510) 981-6409

Attachment:
1: Resolution
Exhibit A: Tract Map 8713

RESOLUTION NO. ##,###-N.S.

FINAL MAP OF TRACT 8713: 1750 SACRAMENTO STREET

WHEREAS, the Planning and Development Department has established findings and conditions on June 3, 2024 for the tentative map to subdivide the property and construct mixed-use and multi-family residential buildings; and

WHEREAS, the Planning and Development Department has determined that the tentative map of Tract 8713 conforms to the requirements of the City's subdivision Ordinance, and the California Subdivision Map Act, and approved the tentative map of Tract 8713 on December 11, 2024; and

WHEREAS, the Public Works Department and the Planning and Development Department have certified that the final map of Tract 8713 substantially conforms to the conditionally approved tentative map, as required by the California Subdivision Map Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the final map of Tract 8713 for a mixed-use transit-oriented development at 1750 Sacramento Street, is hereby approved.

Exhibits
A: Tract Map 8713

SHEET INDEX

SHEET 1	STATEMENTS
SHEET 2	REFERENCES AND MAP NOTES
SHEET 3	EXISTING BOUNDARY
SHEET 4	DEDICATION, VACATION & PARCELIZATION OVERVIEW
SHEET 5	RESULTANT BOUNDARY
SHEET 6	DESIGNATED REMAINDER & VERTICAL LOT DETAILS
SHEET 7	VERTICAL LOT SECTIONS
SHEET 8	DEDICATION & VACATION PARCEL DETAILS

OWNER'S STATEMENT

THE UNDERSIGNED OWNER HEREBY STATES THAT IT HAS RECORD TITLE INTEREST NECESSARY TO CONSENT TO THE PREPARATION AND FILING OF THIS MAP, ENTITLED "TRACT MAP XXXX"; THAT SAID OWNER ACQUIRED SAID TITLE INTEREST BY VIRTUE OF THOSE CERTAIN DEEDS SHOWN IN TABLE "A" ON SHEET 2, RECORDED IN THE OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA; THAT IT CONSENTS TO THE PREPARATION AND FILING OF THIS TRACT MAP.

OWNER HEREBY IRREVOCABLY OFFERS FOR DEDICATION IN FEE TO THE CITY OF BERKELEY FOR STREET AND ROADWAY PURPOSES THOSE CERTAIN DEDICATION AREAS 1, 2, 3, AND 4, AS SHOWN ON THIS MAP.

OWNER: SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

BY: _____

NAME: JOSEPH BASUINO

TITLE: DIRECTOR OF REAL ESTATE AND PROPERTY DEVELOPMENT

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA } S.S.

COUNTY OF ALAMEDA }

ON _____, 2026, BEFORE ME _____ A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

_____

NAME (PRINTED), NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE.

PRINCIPAL COUNTY OF BUSINESS:_____

COMMISSION EXPIRES:_____

COMMISSION # OF NOTARY: _____

OWNER'S STATEMENT

THE UNDERSIGNED OWNER HEREBY STATES THAT IT HAS RECORD TITLE INTEREST NECESSARY TO CONSENT TO THE PREPARATION AND FILING OF THIS MAP, ENTITLED "TRACT MAP XXXX"; THAT SAID OWNER ACQUIRED SAID TITLE INTEREST BY VIRTUE OF THAT CERTAIN DEED RECORDED NOVEMBER 5, 1971 IN BOOK 2989, AT PAGES 645-648 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA; THAT IT CONSENTS TO THE PREPARATION AND FILING OF THIS TRACT MAP.

OWNER HEREBY IRREVOCABLY VACATES THOSE CERTAIN PORTIONS OF SACRAMENTO STREET AND DELAWARE STREET LABELED AS VACATION AREA 1 AND VACATION AREA 2 AS SHOWN ON THIS MAP.

OWNER: CITY OF BERKELEY, A MUNICIPAL CORPORATION

BY: _____

NAME: _____

TITLE: _____

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA } S.S.

COUNTY OF ALAMEDA }

ON _____, 2026, BEFORE ME _____ A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER SIGNATURE ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

_____

NAME (PRINTED), NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE.

PRINCIPAL COUNTY OF BUSINESS:_____

COMMISSION EXPIRES:_____

COMMISSION # OF NOTARY: _____

CITY CLERK'S STATEMENT

I, MARK NUMAINVILLE, CITY CLERK OF THE COUNCIL OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED MAP ENTITLED "TRACT MAP XXXX" WAS PRESENTED TO THE COUNCIL OF THE CITY OF BERKELEY, AT A MEETING THEREOF, HELD ON, _____ 202 ____, AND THAT SAID CITY COUNCIL, BY RESOLUTION NUMBER _____ DID APPROVE SAID MAP; THAT SAID CITY COUNCIL FINDS THAT THE ZONING OF THIS PROPERTY PERMITS THIS USE, AND THE SALES OF THE INDIVIDUAL UNITS WILL BE PERMITTED.

I FURTHER CERTIFY THAT SAID CITY COUNCIL, ON BEHALF OF THE PUBLIC, ACCEPTS THOSE OFFERS OF DEDICATION IN FEE FOR STREET AND ROADWAY PURPOSES AS SHOWN OR DELINEATED ON SAID MAP AND AS SET FORTH IN THE OWNER'S STATEMENT.

I FURTHER CERTIFY THAT SAID CITY COUNCIL, ON BEHALF OF THE PUBLIC, VACATES THOSE CERTAIN PORTIONS OF SACRAMENTO STREET AND DELAWARE STREET AS LABELED AND AS SHOWN OR DELINEATED ON SAID MAP AND AS SET FORTH IN THE OWNER'S STATEMENT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ OF _____, 202 ____.

_____

MARK NUMAINVILLE, CITY CLERK AND CLERK OF
THE COUNCIL OF THE CITY OF BERKELEY,
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT

I HAVE EXAMINED THIS MAP AND THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP (IF ANY) AND APPROVED ALTERATIONS THEREOF.

_____ _____

DATED RONALD A. NEVELS, R.C.E. 62524
CITY ENGINEER, CITY OF BERKELEY

CITY CONSULTANT SURVEYOR'S STATEMENT

THIS MAP CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES. I, PATRICK M. REI, DO HEREBY STATE THAT THIS MAP HAS BEEN EXAMINED BY ME, OR UNDER MY DIRECTION BY CITY OF BERKELEY STAFF, AND I AM SATISFIED THAT IT IS TECHNICALLY CORRECT.

_____ _____

DATED PATRICK M. REI, PLS 8178
CITY CONSULTANT SURVEYOR, CITY OF BERKELEY

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE, AT THE REQUEST OF SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT IN AUGUST 2026. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS WITHIN TWO YEARS OF THE CITY ENGINEER'S DETERMINATION THAT THE CONSTRUCTION OF PAVEMENT HAS BEEN COMPLETED, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

BY: _____ _____
DAVID JUNGMANN, PLS 9267 DATE

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, ANIKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTIONS 66492 AND 66493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

DATED: _____

ANIKA CAMPBELL-BELTON
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: _____
DEPUTY CLERK

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____ , 2026, AT _____ A.M./P.M.

IN BOOK _____ OF MAPS AT PAGE(S) _____ , AT THE REQUEST OF BKF.

FILE NO. _____ FEE _____

MELISSA WILK, COUNTY RECORDER OF ALAMEDA, STATE OF CALIFORNIA

NAME: _____
DEPUTY COUNTY RECORDER

TRACT MAP 8713

A MERGER AND SEVEN LOT RESUBDIVISION

BEING A MERGER AND RESUBDIVISION OF THE NORTH BERKELEY BAY AREA RAPID TRANSIT DISTRICT STATION AS DESCRIBED IN THAT CERTAIN QUITCLAIM DEED RECORDED APRIL 14, 1977 AS REEL 4807, IMAGE 380, UNDER RECORDER'S SERIAL NUMBER 77-68766 OF OFFICIAL RECORDS OF ALAMEDA COUNTY AND THOSE FORMER PORTIONS OF SACRAMENTO STREET AND DELAWARE STREET SHOWN HEREON AS VACATION AREAS 1 AND 2 AND THOSE CERTAIN PARCELS DESCRIBED IN THOSE CERTAIN QUITCLAIM DEEDS RECORDED _____, 2026 AS DOCUMENT NUMBERS _____ AND _____, OFFICIAL RECORDS OF ALAMEDA COUNTY

CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA

AUGUST 2026

BKF
255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

SHEET 1 OF 8

TABLE "A" - S.F.B.A.R.T.D. VESTING DEEDS

NOTE: THE PARCEL NUMBERS BELOW CORRESPOND TO THE PARCEL DESIGNATIONS SHOWN ON RECORD MAP REFERENCE (R3).

PARCEL NO.	RECORDING DATE	REEL	IMAGE
O-R 359	03-10-1965	1452	986
O-R 360	11-05-1964	1358	45
O-R 361	12-16-1964	1392	716
O-R 362	04-01-1965	1470	642
O-R 363	04-16-1965	1482	763
O-R 364	04-20-1965	1484	901
O-R 365	01-11-1965	1410	490
O-R 366	10-13-1964	1336	316
O-R 367	10-13-1964	1336	319
O-R 368	10-13-1964	1336	321
O-R 369	11-20-1964	1370	679
O-R 370	01-04-1965	1405	897
O-R 371	10-13-1964	1336	323
O-R 372	11-04-1964	1355	309
O-R 373	02-19-1965	1439	733
O-R 374	06-02-1965	1517	823
O-R 375	11-04-1964	1355	311
O-R 376	10-13-1964	1336	325
O-R 377 & 393	10-23-1964	1346	290
O-R 378	10-02-1964	1328	312
O-R 379	11-04-1964	1355	297
O-R 380	03-10-1965	1452	982
O-R 381 & 382	02-17-1965	1437	634
O-R 383	06-11-1965	1526	436
O-R 384	01-26-1965	1421	653
O-R 385	11-04-1964	1355	301
O-R 386	02-18-1965	1438	698
O-R 387	01-11-1965	1410	487
O-R 388	10-13-1964	1336	311
O-R 389	10-19-1964	1341	811
O-R 390	07-02-1965	1542	639
O-R 391	01-07-1965	1408	566
O-R 392	10-02-1964	1328	314
O-R 399 & 414	07-16-1965	1552	820
O-R 400	11-04-1964	1355	304
O-R 401	09-17-1964	1314	832
O-R 402	09-17-1964	1314	834
O-R 403	09-08-1964	1306	636
O-R 404	09-11-1964	1309	840
O-R 405	10-01-1964	1327	75
O-R 406	11-04-1964	1355	306
O-R 407	05-18-1965	1506	645
O-R 408	02-02-1965	1426	755
O-R 409	04-23-1965	1488	175
O-R 410	03-01-1965	1445	740
O-R 411	10-13-1964	1336	314
O-R 412	02-01-1966	1697	162
O-R 413	08-20-1965	1579	937
O-R 415	09-10-1964	1308	124
O-R 416	10-02-1964	1328	319
O-R 417	09-15-1964	1312	417
O-R 418	10-02-1964	1328	323
O-R 419	08-27-1964	1297	585
O-R 420	09-10-1964	1308	534
O-R 421	06-02-1965	1517	820
O-R 422	08-27-1964	1297	588
O-R 423	05-18-1965	1506	647
O-R 424	08-31-1965	1587	365
O-R 425	09-01-1965	1588	594
O-R 426	10-05-1964	1329	636
O-R 427	08-18-1965	1578	165
O-R 428	09-22-1964	1318	539
O-R 429	10-02-1964	1328	326
O-R 430	10-23-1964	1346	294
O-R 431	06-01-1965	1516	979
O-R 432	03-10-1965	1452	984
O-R 433	09-08-1964	1306	638

RECORD MAP REFERENCES

(R1) SUBDIVISION MAP ENTITLED "MAP OF THE VISTA DEL MAR TRACT" FILED FOR RECORD ON MAY 27, 1893 IN BOOK 12 OF MAPS AT PAGE 59, ALAMEDA COUNTY RECORDS.

(R2) UNRECORDED MAP ENTITLED "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", DATED FEBRUARY 1913 BY T.J. ALLEN, C.E. AND ON FILE WITH THE CITY OF BERKELEY

(R3) RECORD MAPS OF RIGHT OF WAY KNOWN AS RRW 22 AND RRW 22A WITHIN THAT CERTAIN MAP PACKAGE ENTITLED "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" FILED FOR RECORD ON SEPTEMBER 20, 1971 IN BOOK 68 OF MAPS AT PAGES 122 THROUGH 146, SERIES NUMBER 71-122851, ALAMEDA COUNTY RECORDS.

(R4) PARCEL MAP "P.M. 10035" FILED FOR RECORD ON DECEMBER 23, 2013 IN BOOK 324 OF MAPS AT PAGES 51 AND 52, ALAMEDA COUNTY RECORDS.

(R5) CORNER RECORD NUMBER 7061 FILED FOR RECORD ON MAY 8, 2015 IN BOOK 67 OF CORNER RECORDS AT PAGE 29, ALAMEDA COUNTY RECORDS.

(R6) CORNER RECORD NUMBER 7861 FILED FOR RECORD ON DECEMBER 23, 2015 IN BOOK 75 OF CORNER RECORDS AT PAGE 28, ALAMEDA COUNTY RECORDS.

(R7) CORNER RECORD NUMBER 11444 FILED FOR RECORD ON JULY 24, 2018 IN BOOK 110 OF CORNER RECORDS AT PAGE 60, ALAMEDA COUNTY RECORDS.

(R8) CORNER RECORD NUMBER 12826 FILED FOR RECORD ON SEPTEMBER 6, 2019 IN BOOK 122 OF CORNER RECORDS AT PAGE 81, ALAMEDA COUNTY RECORDS.

(R9) CORNER RECORD NUMBER 16349 FILED FOR RECORD ON JANUARY 4, 2023 IN BOOK 150 OF CORNER RECORDS AT PAGE 53, ALAMEDA COUNTY RECORDS.

(R10) PARCEL MAP "P.M. 8646" FILED FOR RECORD ON AUGUST 18, 2005 IN BOOK 284 OF MAPS AT PAGES 3 AND 4, ALAMEDA COUNTY RECORDS.

(R11) RECORD OF SURVEY 2675 FILED FOR RECORD ON JUNE 17, 2015 IN BOOK 40 OF RECORDS OF SURVEY AT PAGE 91, ALAMEDA COUNTY RECORDS.

(R12) CORNER RECORD NUMBER 2759 FILED FOR RECORD ON OCTOBER 29, 2006 IN BOOK 24 OF CORNER RECORDS AT PAGE 98, ALAMEDA COUNTY RECORDS.

(R13) FIELD BOOK PAGE 1263, DATED JANUARY 15, 1907, ON FILE WITH THE CITY OF BERKELEY.

RECORD DOCUMENT REFERENCES

(D1) QUITCLAIM DEED RECORDED _____, 2026 AS DOCUMENT NUMBER _____, OFFICIAL RECORDS OF ALAMEDA COUNTY.

(D2) QUITCLAIM DEED RECORDED _____, 2026 AS DOCUMENT NUMBER _____, OFFICIAL RECORDS OF ALAMEDA COUNTY.

(D3) QUITCLAIM DEED RECORDED _____, 2026 AS DOCUMENT NUMBER _____, OFFICIAL RECORDS OF ALAMEDA COUNTY.

(D4) QUITCLAIM DEED RECORDED _____, 2026 AS DOCUMENT NUMBER _____, OFFICIAL RECORDS OF ALAMEDA COUNTY.

BASIS OF BEARINGS

THE BEARING OF SOUTH 05°31'15" EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF ACTON STREET AS SHOWN ON THAT CERTAIN UNRECORDED MAP ENTITLED "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", DATED FEBRUARY 1913 BY T.J. ALLEN, C.E. AND ON FILE WITH THE CITY OF BERKELEY, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCHMARK STATEMENT

THE ELEVATIONS SHOWN ON THIS SURVEY ARE BASED ON THE CITY OF BERKELEY VERTICAL DATUM, PER A LEVEL LOOP PERFORMED BY BKF ENGINEERS ON JULY 7, 2023, THROUGH CITY MONUMENT B0549, A 2" BRASS DISK WITH PUNCH STAMPED "LS 5003 CITY OF BERKELEY UNLAWFUL TO DEFACE" IN MONUMENT WELL AT THE INTERSECTION OF SACRAMENTO STREET AND DELAWARE STREET, AND CITY MONUMENT B0594, A 1/4" BRASS PIN DOWN 0.6' IN MONUMENT WELL AT THE INTERSECTION OF SACRAMENTO STREET AND VIRGINIA STREET.

B0549 ELEVATION = 109.91 FEET
B0594 ELEVATION = 108.69 FEET

SURVEYOR'S NOTES

- ALL DISTANCES SHOWN ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.
- THIS SURVEY WAS PREPARED UTILIZING A PRELIMINARY TITLE REPORT PREPARED BY OLD REPUBLIC TITLE COMPANY, ORDER NUMBER 1117025337-JM, DATED FEBRUARY 7, 2023, AT 7:30 AM. PLOTTABLE EXCEPTIONS ARE SHOWN HEREON. SITE MAY BE AFFECTED BY NON-PLOTTABLE EASEMENTS OR AGREEMENTS. SEE TITLE REPORT FOR PARTICULARS.

TRACT MAP 8713

A MERGER AND SEVEN LOT RESUBDIVISION

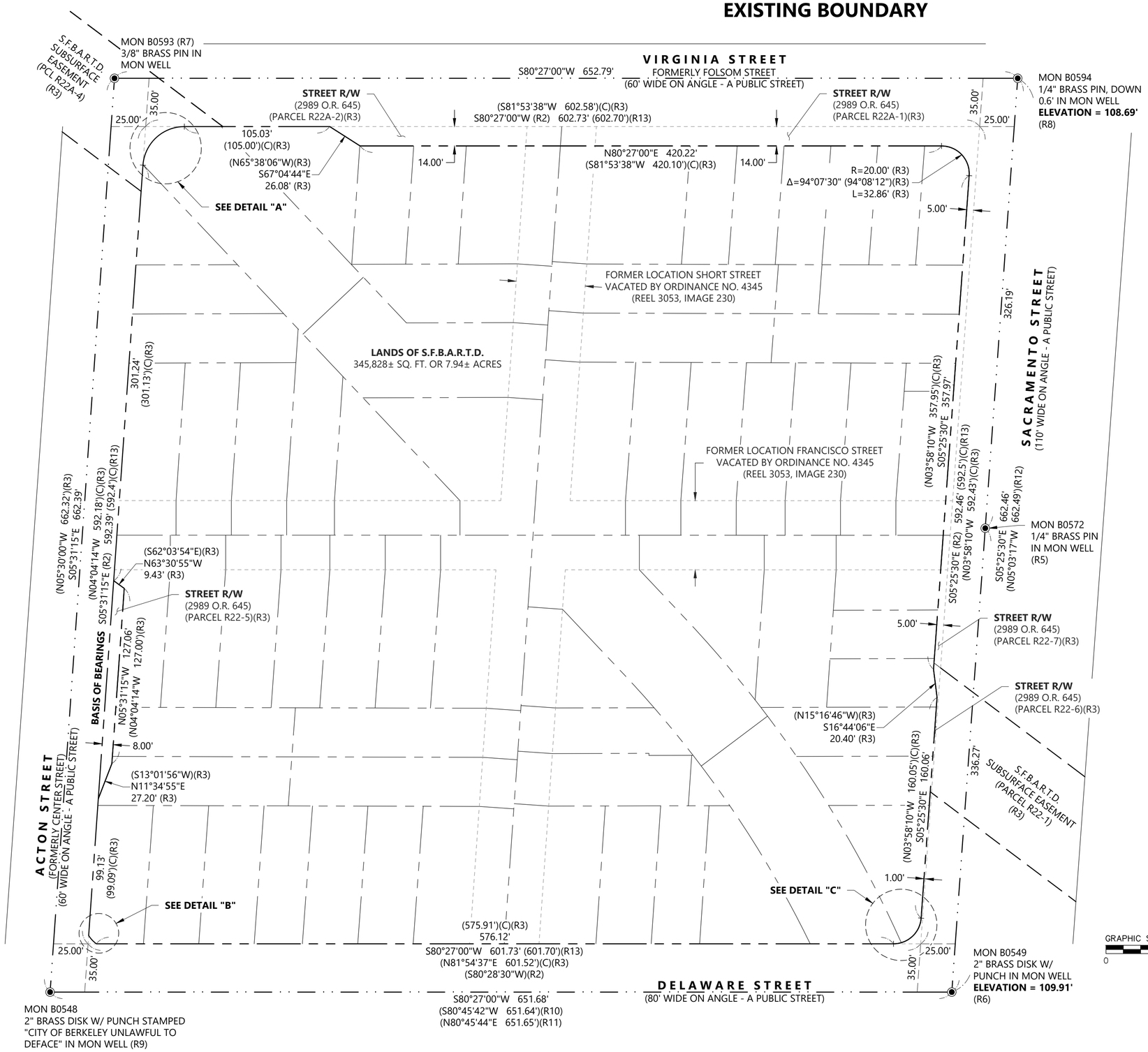
BEING A MERGER AND RESUBDIVISION OF THE NORTH BERKELEY BAY AREA RAPID TRANSIT DISTRICT STATION AS DESCRIBED IN THAT CERTAIN QUITCLAIM DEED RECORDED APRIL 14, 1977 AS REEL 4807, IMAGE 380, UNDER RECORDER'S SERIAL NUMBER 77-68766 OF OFFICIAL RECORDS OF ALAMEDA COUNTY AND THOSE FORMER PORTIONS OF SACRAMENTO STREET AND DELAWARE STREET SHOWN HEREON AS VACATION AREAS 1 AND 2 AND THOSE CERTAIN PARCELS DESCRIBED IN THOSE CERTAIN QUITCLAIM DEEDS RECORDED _____, 2026 AS DOCUMENT NUMBERS _____ AND _____, OFFICIAL RECORDS OF ALAMEDA COUNTY

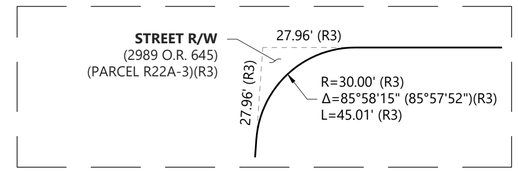
CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA

AUGUST 2026

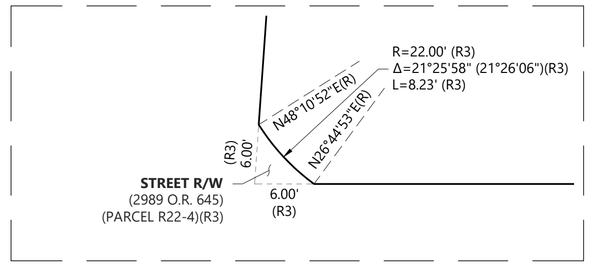
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EXISTING BOUNDARY

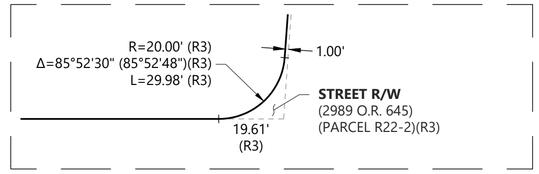




DETAIL "A"
1" = 50'



DETAIL "B"
1" = 50'



DETAIL "C"
1" = 50'

LEGEND

◉	FOUND MONUMENT AS NOTED
(C)	CALCULATED FROM RECORD
(D#)	DENOTES RECORD DOCUMENT REFERENCE
MON	MONUMENT
O.R.	OFFICIAL RECORDS
PCL	PARCEL
PTR	PRELIMINARY TITLE REPORT
(R)	DENOTES RADIAL BEARING
(R#)	DENOTES RECORD MAP REFERENCE
R/W	RIGHT OF WAY
S.F.B.A.R.T.D.	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SF	SQUARE FEET

LINETYPES

- EXISTING BOUNDARY LINE
- LOT LINE TO BE REMOVED
- FORMER RIGHT-OF-WAY LINE
- EASEMENT LINE
- MONUMENT LINE
- TIE LINE/RADIAL LINE

TRACT MAP 8713

A MERGER AND SEVEN LOT RESUBDIVISION

BEING A MERGER AND RESUBDIVISION OF THE NORTH BERKELEY BAY AREA RAPID TRANSIT DISTRICT STATION AS DESCRIBED IN THAT CERTAIN QUITCLAIM DEED RECORDED APRIL 14, 1977 AS REEL 4807, IMAGE 380, UNDER RECORDER'S SERIAL NUMBER 77-68766 OF OFFICIAL RECORDS OF ALAMEDA COUNTY AND THOSE FORMER PORTIONS OF SACRAMENTO STREET AND DELAWARE STREET SHOWN HEREON AS VACATION AREAS 1 AND 2 AND THOSE CERTAIN PARCELS DESCRIBED IN THOSE CERTAIN QUITCLAIM DEEDS RECORDED _____, 2026 AS DOCUMENT NUMBERS _____ AND _____, OFFICIAL RECORDS OF ALAMEDA COUNTY

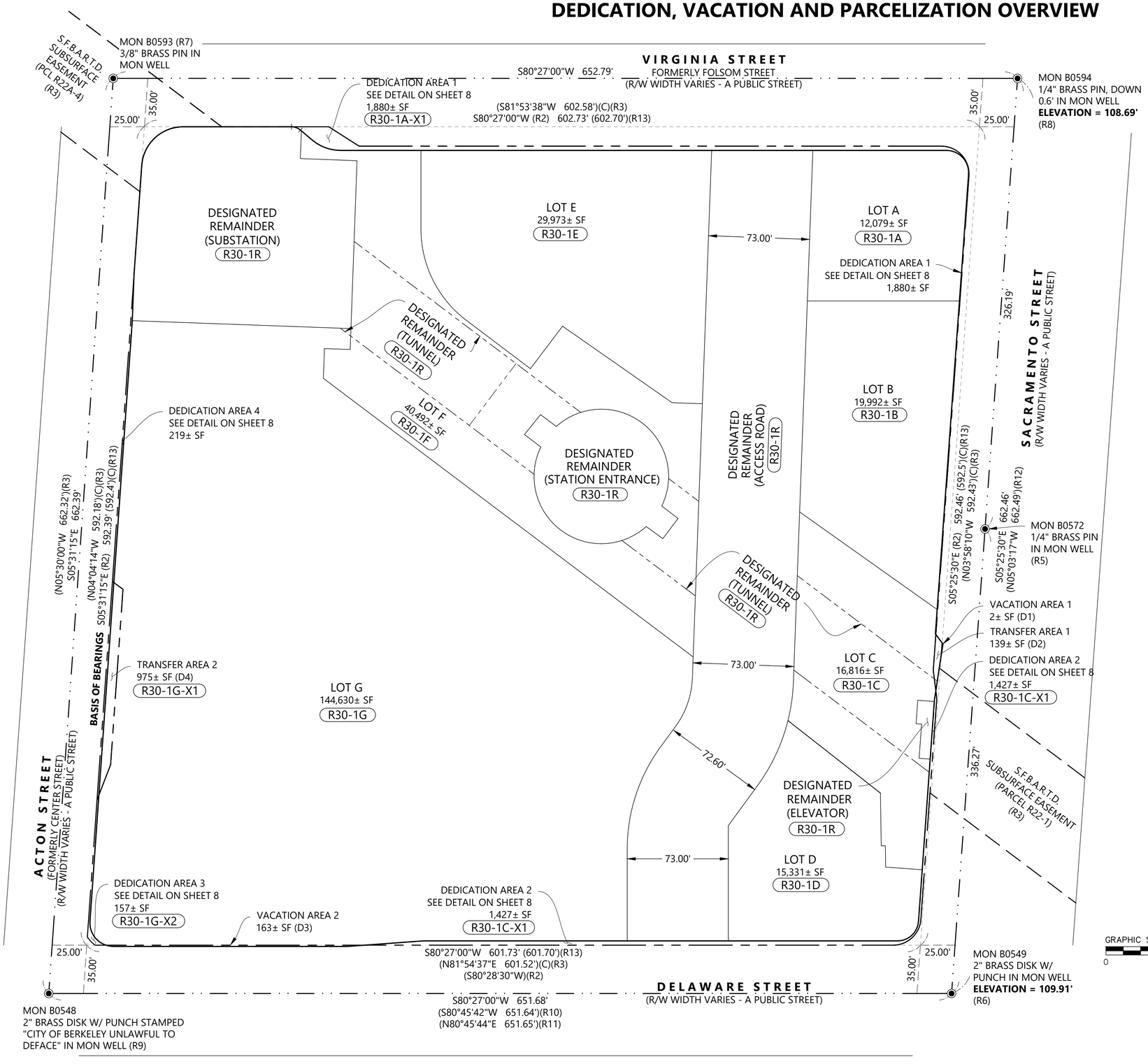
CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA

SCALE 1" = 50' AUGUST 2026

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SHEET 3 OF 8

DEDICATION, VACATION AND PARCELIZATION OVERVIEW



LEGEND

◉	FOUND MONUMENT AS NOTED
(C)	CALCULATED FROM RECORD
(D#)	DENOTES RECORD DOCUMENT REFERENCE
MON	MONUMENT
O.R.	OFFICIAL RECORDS
PCL	PARCEL
PTR	PRELIMINARY TITLE REPORT
(R)	DENOTES RADIAL BEARING
(R#)	DENOTES RECORD MAP REFERENCE
S.F.B.A.R.T.D.	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SQ. FT.	SQUARE FEET
R30-1A	S.F.B.A.R.T.D. PARCEL #

LINETYPES

- RESULTANT BOUNDARY LINE
- EXISTING BOUNDARY LINE
- FORMER RIGHT-OF-WAY LINE
- EASEMENT LINE
- MONUMENT LINE
- TIE LINE/RADIAL LINE
- VERTICAL STEP IN LOT

SURVEYOR'S NOTE:

THE DESIGNATIONS "R30-1R", "R30-1A", AND SIMILAR REFERENCES SHOWN ON THIS MAP, AS WELL AS LABELS IDENTIFYING AREAS SUCH AS "TUNNEL", "SUBSTATION", AND OTHER SIMILARLY DESIGNATED FACILITIES OR AREAS, ARE INCLUDED SOLELY FOR BART INTERNAL IDENTIFICATION AND OPERATIONAL PURPOSES. THESE REFERENCES AND LABELS ARE NOT TRACT MAP LOT NUMBERS, PARCEL NUMBERS, SUBDIVISION DESIGNATIONS, LAND USE CLASSIFICATIONS, OR LEGAL DESCRIPTIONS AND SHALL NOT BE CONSTRUED AS CREATING SEPARATE LOTS, PARCELS, REMAINDER PARCELS, DEVELOPMENT PARCELS, OWNERSHIP INTERESTS, EASEMENTS, FACILITIES RIGHTS, OR LEGAL SUBDIVISIONS OF LAND. NO SEPARATE CONVEYANCE, DEVELOPMENT ENTITLEMENT, TITLE INTEREST, OR OTHER LEGAL RIGHT IS CREATED BY THESE REFERENCES OR LABELS. THE "DESIGNATED REMAINDER" AREAS SHOWN HEREON REMAIN SINGLE REMAINDER AREAS NOTWITHSTANDING THE PRESENCE OF SUCH REFERENCE DESIGNATIONS OR FACILITY LABELS.

TRACT MAP 8713

A MERGER AND SEVEN LOT RESUBDIVISION

BEING A MERGER AND RESUBDIVISION OF THE NORTH BERKELEY BAY AREA RAPID TRANSIT DISTRICT STATION AS DESCRIBED IN THAT CERTAIN QUITCLAIM DEED RECORDED APRIL 14, 1977 AS REEL 4807, IMAGE 380, UNDER RECORDER'S SERIAL NUMBER 77-68766 OF OFFICIAL RECORDS OF ALAMEDA COUNTY AND THOSE FORMER PORTIONS OF SACRAMENTO STREET AND DELAWARE STREET SHOWN HEREON AS VACATION AREAS 1 AND 2 AND THOSE CERTAIN PARCELS DESCRIBED IN THOSE CERTAIN QUITCLAIM DEEDS RECORDED _____, 2026 AS DOCUMENT NUMBERS _____ AND _____, OFFICIAL RECORDS OF ALAMEDA COUNTY

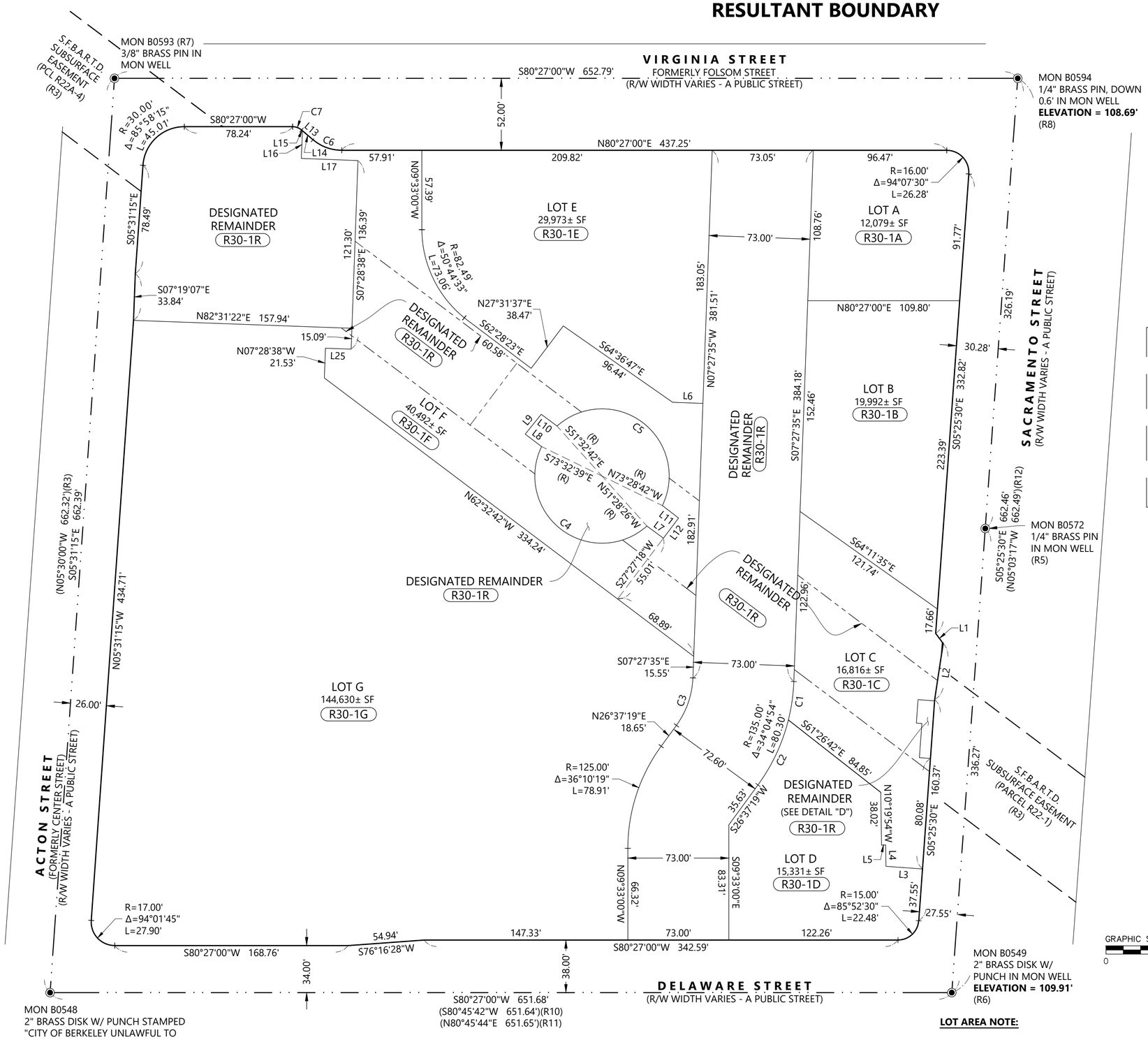
CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA

SCALE 1" = 50' AUGUST 2026

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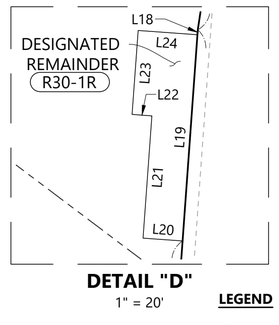
SHEET 4 OF 8

RESULTANT BOUNDARY



LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	S46°06'38"E	9.05'
L2	S00°59'15"E	40.95'
L3	S84°34'30"W	26.46'
L4	N10°19'54"W	15.45'
L5	N79°40'06"E	3.00'
L6	S82°30'24"W	21.90'
L7	N63°07'50"W	14.81'
L8	N62°20'42"W	14.86'
L9	N29°22'22"E	18.44'
L10	S62°45'16"E	14.25'
L11	S61°59'20"E	14.81'
L12	S27°31'06"W	18.24'
L13	S59°00'32"E	10.78'

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L14	S59°00'32"E	9.98'
L15	N59°00'32"W	0.80'
L16	N07°09'01"W	20.07'
L17	S82°34'37"W	40.99'
L18	S05°25'30"E	0.99'
L19	S05°25'30"E	41.75'
L20	S84°34'30"W	8.00'
L21	N05°25'30"W	24.75'
L22	S84°34'30"W	4.00'
L23	N05°25'30"W	17.00'
L24	N84°34'30"E	12.00'
L25	N82°31'22"E	18.58'



DETAIL "D"
1" = 20'

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C1	135.00'	11°55'23"	28.09'
C2	135.00'	22°09'31"	52.21'
C3	62.00'	34°04'54"	36.88'
C4	48.56'	157°55'47"	133.85'
C5	48.56'	158°04'00"	133.97'
C6	32.00'	40°32'28"	22.64'
C7	10.00'	40°32'28"	7.08'

LEGEND

◉	FOUND MONUMENT AS NOTED
(C)	CALCULATED FROM RECORD
ELEV	ELEVATION
MON	MONUMENT
O.R.	OFFICIAL RECORDS
PCL	PARCEL
PTR	PRELIMINARY TITLE REPORT
(R)	DENOTES RADIAL BEARING
(R#)	DENOTES RECORD REFERENCE
SF	SQUARE FEET
R30-1A	S.F.B.A.R.T.D. PARCEL #

LINETYPES

- RESULTANT BOUNDARY LINE
- NEW LOT LINE
- VERTICAL STEP IN LOT
- EASEMENT LINE
- MONUMENT LINE
- TIE LINE/RADIAL LINE

GRAPHIC SCALE
0 50 100

LOT AREA NOTE:

LOT AREAS SHOWN ARE HORIZONTAL PLAN AREAS AND DO NOT REPRESENT EXCLUSIVE LAND AREA WHERE LOTS OVERLAP VERTICALLY.

TRACT MAP 8713

A MERGER AND SEVEN LOT RESUBDIVISION

BEING A MERGER AND RESUBDIVISION OF THE NORTH BERKELEY BAY AREA RAPID TRANSIT DISTRICT STATION AS DESCRIBED IN THAT CERTAIN QUITCLAIM DEED RECORDED APRIL 14, 1977 AS REEL 4807, IMAGE 380, UNDER RECORDER'S SERIAL NUMBER 77-68766 OF OFFICIAL RECORDS OF ALAMEDA COUNTY AND THOSE FORMER PORTIONS OF SACRAMENTO STREET AND DELAWARE STREET SHOWN HEREON AS VACATION AREAS 1 AND 2 AND THOSE CERTAIN PARCELS DESCRIBED IN THOSE CERTAIN QUITCLAIM DEEDS RECORDED _____, 2026 AS DOCUMENT NUMBERS _____ AND _____, OFFICIAL RECORDS OF ALAMEDA COUNTY

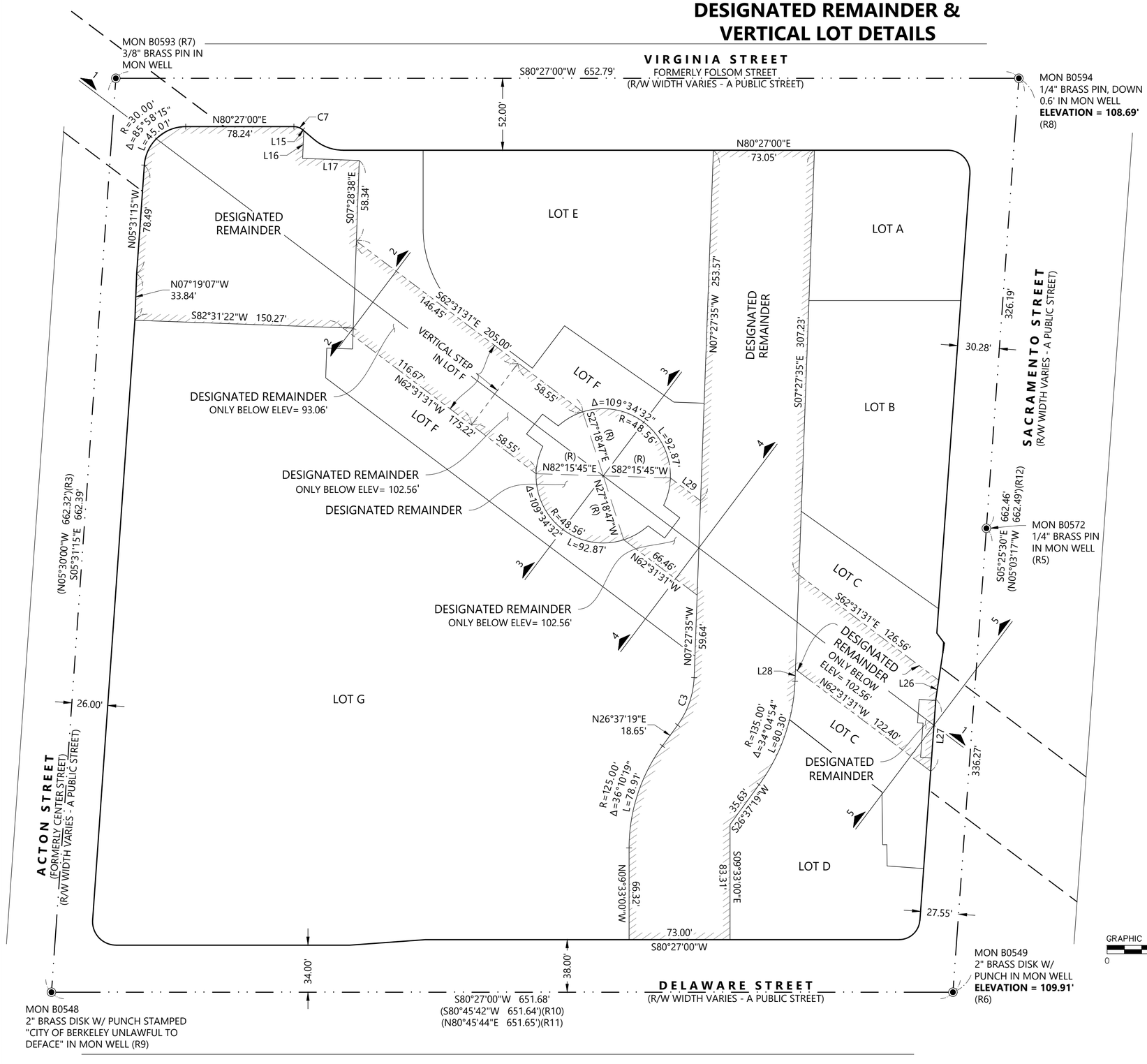
CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA

SCALE 1" = 50' AUGUST 2026

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SHEET 5 OF 8

DESIGNATED REMAINDER & VERTICAL LOT DETAILS



LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L15	S59°00'32"E	0.80'
L16	S07°09'01"E	20.07'
L17	N82°34'37"E	40.99'
L26	S00°59'15"E	13.80'
L27	S05°25'30"E	52.25'
L28	S07°27'35"E	8.65'
L29	S62°31'31"E	27.35'

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C3	62.00'	34°04'54"	36.88'
C7	10.00'	40°32'28"	7.08'

LEGEND

◉	FOUND MONUMENT AS NOTED
(C)	CALCULATED FROM RECORD
ELEV	ELEVATION
MON	MONUMENT
O.R.	OFFICIAL RECORDS
PCL	PARCEL
PTR	PRELIMINARY TITLE REPORT
(R)	DENOTES RADIAL BEARING
(R#)	DENOTES RECORD REFERENCE
SF	SQUARE FEET

LINETYPES

- RESULTANT BOUNDARY LINE
- NEW LOT LINE
- VERTICAL STEP IN LOT
- EASEMENT LINE
- MONUMENT LINE
- TIE LINE/RADIAL LINE
- 5 — 5 DENOTES PROFILE VIEW
- DESIGNATED REMAINDER EXTENTS

DESIGNATED REMAINDER AREA
AREA = 90,415± SF

TRACT MAP 8713

A MERGER AND SEVEN LOT RESUBDIVISION

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CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA

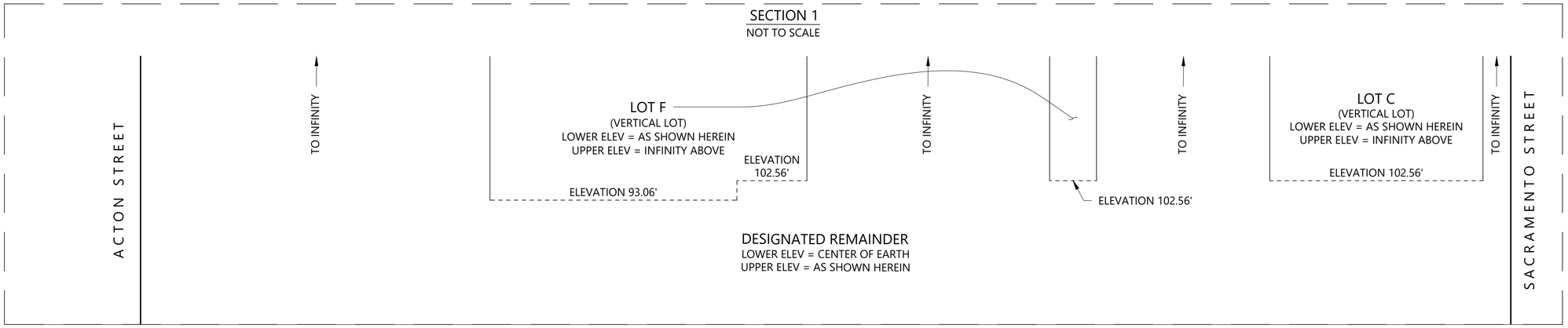
SCALE 1" = 50' AUGUST 2026

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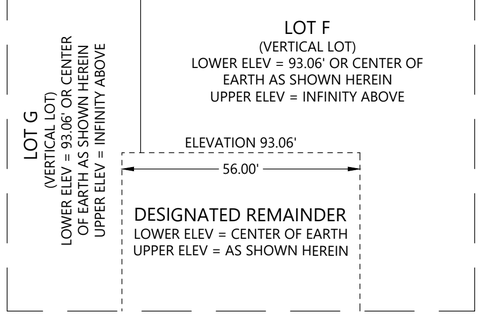
SHEET 6 OF 8

VERTICAL LOT SECTIONS

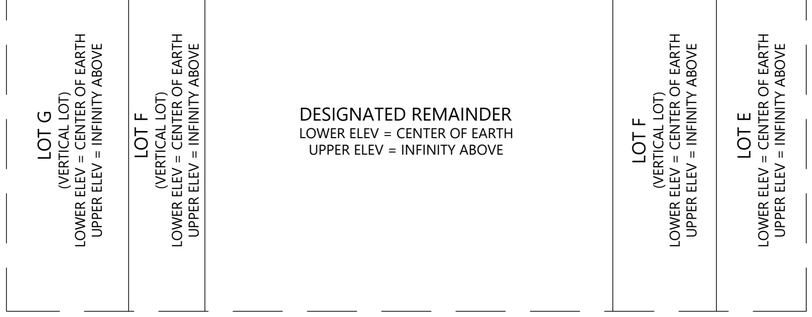
SECTION 1
NOT TO SCALE



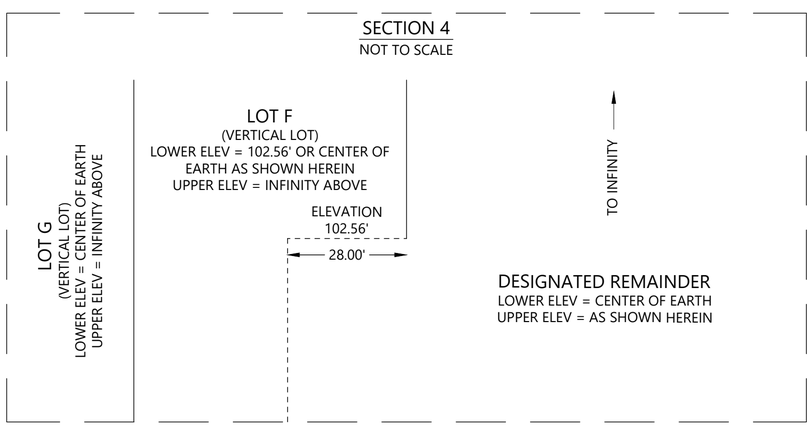
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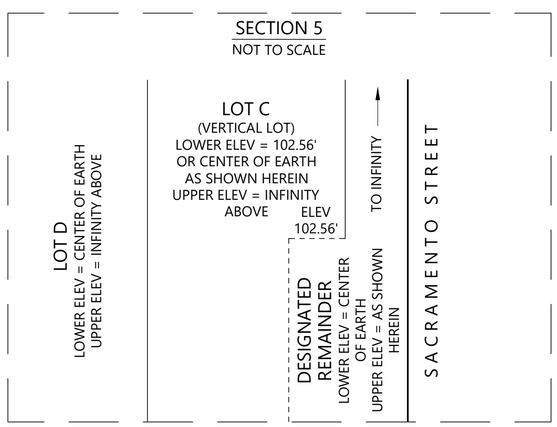
SECTION 3
NOT TO SCALE



SECTION 4
NOT TO SCALE



SECTION 5
NOT TO SCALE



TRACT MAP 8713

A MERGER AND SEVEN LOT RESUBDIVISION

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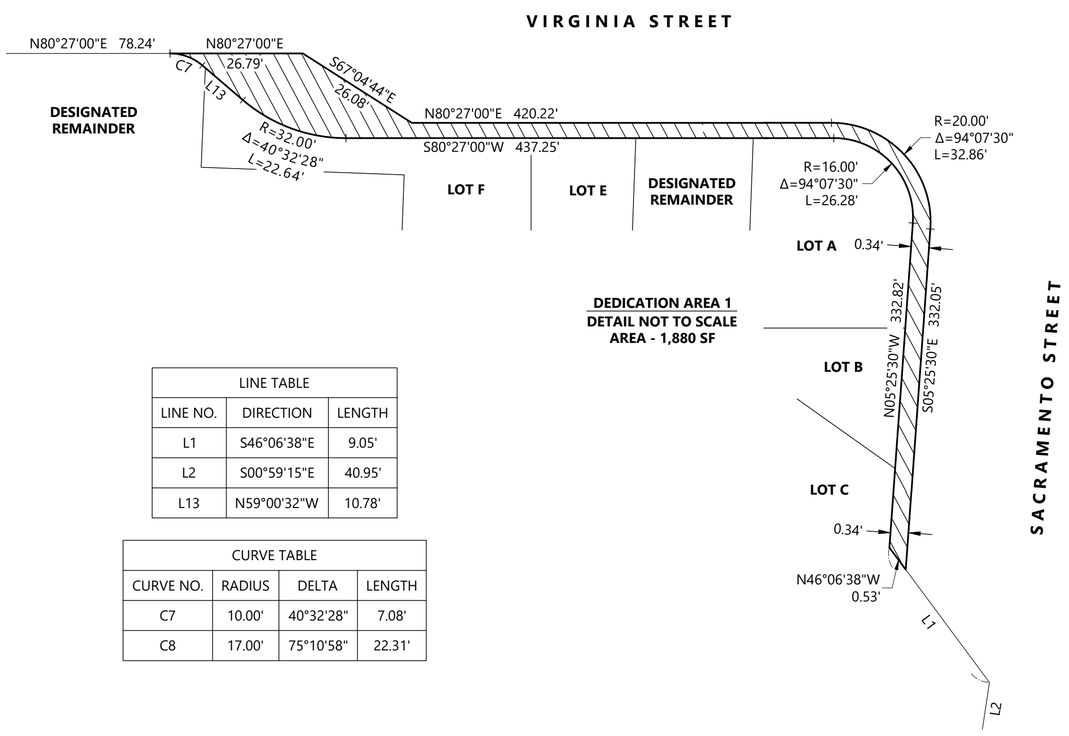
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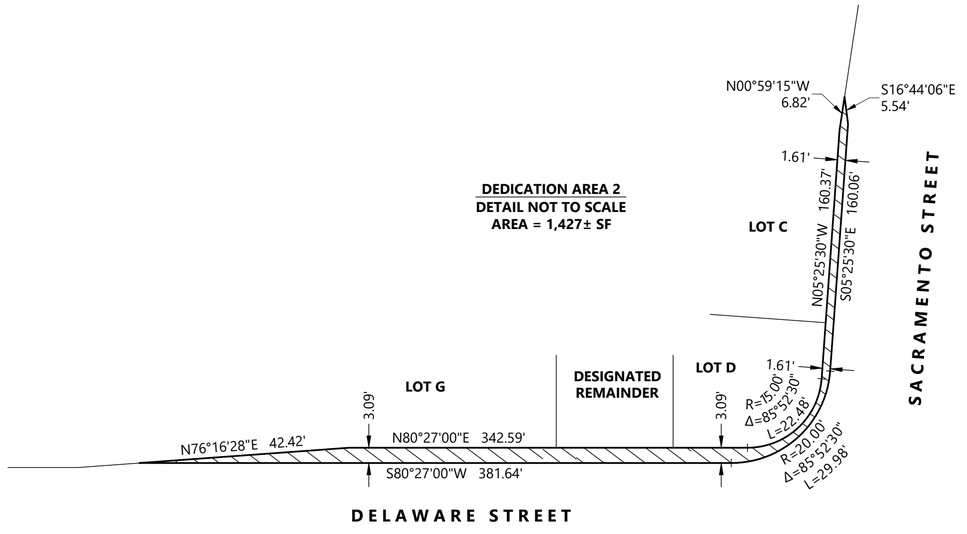
SHEET 7 OF 8

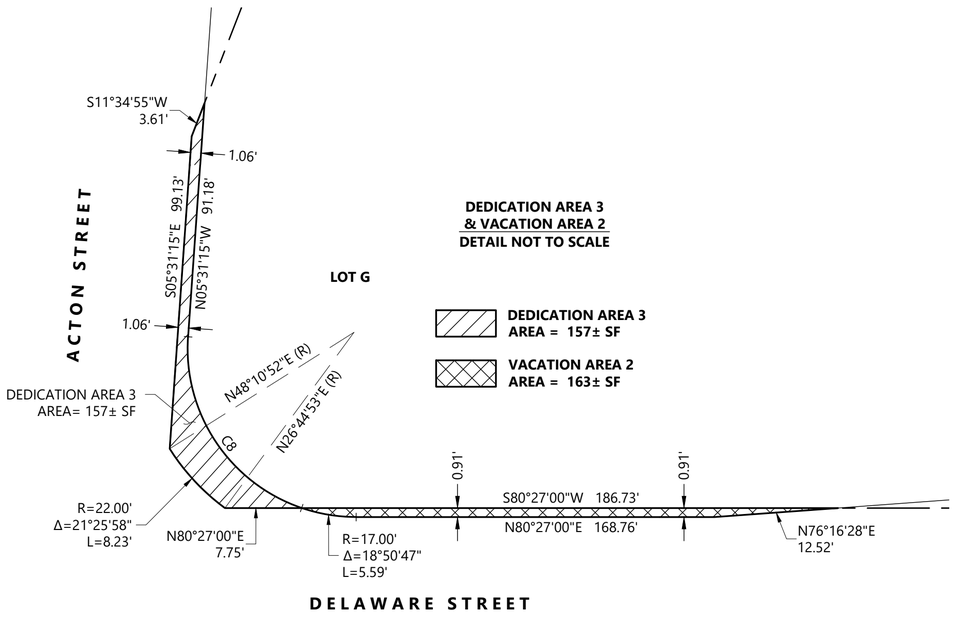
DEDICATION AND VACATION PARCEL DETAILS

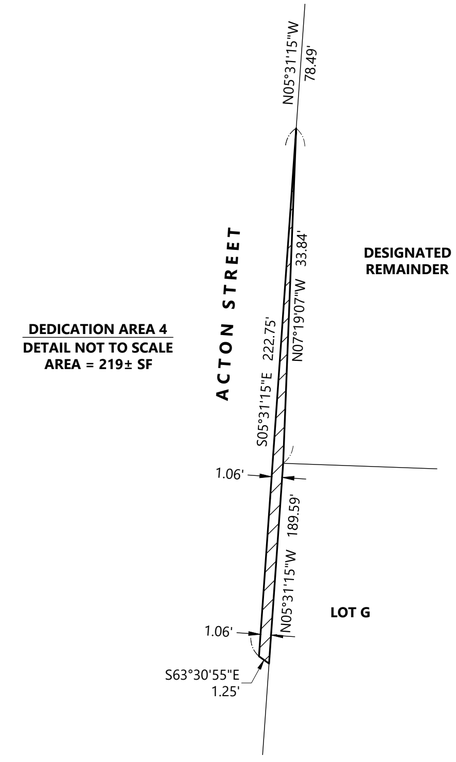


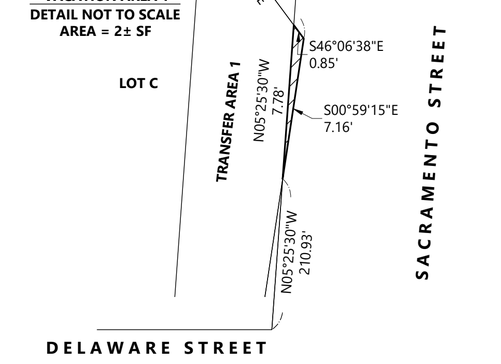
LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	S46°06'38"E	9.05'
L2	S00°59'15"E	40.95'
L13	N59°00'32"W	10.78'

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C7	10.00'	40°32'28"	7.08'
C8	17.00'	75°10'58"	22.31'









TRACT MAP 8713

A MERGER AND SEVEN LOT RESUBDIVISION

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SHEET 8 OF 8

Elmwood BID Advisory Board

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Elmwood Business Improvement District (BID) Advisory Board

Submitted by: Andrew Han, Chair, Elmwood BID Advisory Board

Subject: Renewal of the Elmwood BID for Calendar Year 2027

RECOMMENDATION

Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council 1) approve the 2026 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2027; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2027 and 3) direct the City Clerk to schedule a public hearing on the renewal of the Elmwood BID for December 1, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately $30,000 will be deposited into the Elmwood BID Fund and expensed from budget code 782-21-208-251-0000-000-446-636110. The Elmwood BID not-to-exceed contract amount will be set at $50,000, in the event that BID revenues come in higher than the anticipated amount (the city is obligated to "pass through" all BID funding collected on behalf of the Elmwood BID). The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Advisory Board. The City of Berkeley operates a parking lot within the district and will thus be assessed $2,000 for 2027, paid through the Parking Meter Fund 631 (Budget code 631-54-622-665-3009-000-474-639990-). To the extent that the work of the Elmwood BID enhances the development of the Elmwood commercial district and its business climate over the long term, the BID contributes towards improving City revenues through increased sales and property taxes.

CURRENT SITUATION AND ITS EFFECTS

Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code section 36500 et. seq.) the City Council must approve an Annual Report prepared by the BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, on October 2, 2026, the Elmwood BID Advisory Board recommended that the City Council approve the Annual Report of 2026 and budget for 2027 and adopt a Resolution of Intention to renew the Elmwood BID (M/S/A: Han/Chavez, passed unanimously, Ayes: Han,

Chavez, Berne, Hammond, Abstain: none). The Resolution of Intention also sets a public hearing date for December 1, 2026 where affected Elmwood businesses can express support or opposition to renewal of the BID for 2027. If written and/or oral protests are received from businesses proposed to pay a majority of the assessment prior to or at the public hearing, Council cannot vote to levy assessments for 2027. If no majority protest is received, the Council may renew the assessment.

BACKGROUND

The Elmwood BID was established in November 2013 to provide the Elmwood Business Association with a sustainable, predictable source of funding for its activities to promote, maintain, and beautify the Elmwood commercial district. The Elmwood Business Association has used the funds raised through the BID to implement a variety of activities such as place-based marketing, events, and capital improvements.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining and enhancing the district, the Elmwood BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. Because the District is well served by public transportation, these services indirectly support environmental sustainability goals of encouraging alternative transportation modes and decreasing carbon emissions.

RATIONALE FOR RECOMMENDATION

State law requires that the City Council annually renew the Elmwood BID by first passing a resolution stating Council's intention to levy an annual assessment and scheduling a public hearing on the proposed renewed assessment for the coming year.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission’s Report.

CONTACT PERSON

Vincent McCoy, Secretary to the Elmwood BID Advisory Board, (510) 981-7403

Attachments:

1: Resolution
- Exhibit A: Elmwood BID Annual Report 2026 and Proposed Budget for 2027
- Exhibit A1: Map of the Elmwood BID 2027
- Exhibit A2: Assessment Rates 2027

RESOLUTION NO. -N.S.

APPROVING THE 2026 ANNUAL REPORT AND PROPOSED BUDGET OF THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT FOR 2027; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2027; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 1, 2026 REGARDING LEVYING OF A RENEWED ASSESSMENT FOR 2027

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on November 19, 2013 the Berkeley City Council established such an area known as the Elmwood Business Improvement District (the "District"); and

WHEREAS, the City Council established the Elmwood Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2027 as required by the California Streets and Highways Code Section 36533; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of Elmwood BID assessees; and

WHEREAS, the annual process for levying assessments in Business Improvement Districts requires that cities adopt a Resolution of Intent that declares their intent to levy such an assessment and then set a date for a public hearing where interested parties may be heard on the issue.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. The City Council hereby approves the Elmwood Business Improvement District Annual Report (Exhibit A) as submitted to the City Clerk by the Elmwood Business Improvement District Advisory Board.

Section 2. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code (the "Act"), the City Council declares its intent to levy an annual assessment for the parking and business improvement area known as the Elmwood Business Improvement District.

Section 3. The boundaries of the District are set forth in Exhibit A1 to the Elmwood BID Annual Report and Budget which is attached hereto and incorporated herein by reference.

Section 4. The improvements and activities proposed for the District are as described in the Report and Budget (Exhibit A) and appended hereto. Council intends that these funds be used for designated activities and improvements in the Elmwood commercial

area. Council explicitly intends that funds generated through this BID shall not be used to pay for activities routinely paid for by the City.

Section 5. The City Council intends to levy assessments on businesses located within the boundaries of the District shown Exhibit A1 and according to the business classifications and rates set forth in Exhibit A2 which is attached hereto and incorporated herein by reference.

Section 6. A public hearing shall be held before the City Council on December 1, 2026. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Elmwood Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

All formal written and oral protests against the levying of the District assessment should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Elmwood Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on December 1, 2026 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscripting the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

Section 7. The City Clerk is directed to give notice of said public hearing by publishing the draft of the Resolution of Intention in a newspaper of general circulation.

Exhibit
A: Annual Report for the Elmwood Business Improvement District for ‘26 & Budget ‘27
A1: Map of the Elmwood BID 2027
A2: Assessment Rates 2027

EXHIBIT A

Annual Report for the Elmwood Business Improvement District for 2026

October 16, 2026

To: Members of the Berkeley City Council
From: The Elmwood Business Improvement District Advisory Board
Re: 2027 Elmwood BID Renewal

We respectfully request that the Elmwood Business Improvement District be renewed for the 2027 calendar year, with the same boundary as the prior year (Exhibit A1). The assessment method and basis remain the same.

The Elmwood BID was established in November 2013 to promote, maintain and beautify the Elmwood commercial district. Revenues of roughly $30,000 per year provide a regular, predictable source of funding for the Elmwood Business Association (EBA) activities, and an additional $5,000 of grant funding and fundraising is also anticipated. The Elmwood BID has allowed the EBA to expand its activities into areas such as maintenance and capital improvements.

The Elmwood Business Association is continuing to be the catalyst for Elmwood Business District's ongoing vitality. Here are some highlights:

- Engaging the merchants in the expanded BID to envision how EBA can assist in supporting their businesses
- Successfully put on the Third Elmwood Music Festival on three stages, partnering with the Berkeley Public Library – Claremont Branch, local food truck vendors, and local craft artists, bringing together the community on May 3, 2026.
- Hosted The Elmwood Beer Crawl on July 18, 2026.
- Hosting the Wine Walk on September 19, 2026
- Secured a funding commitment for the Music in the Elmwood event for two years, 2027 & 2028.
- Represented the interests Elmwood merchants on important issues such as Corridors Upzoning, marketing, and parking management.
- Maintenance of year-round lighting installation on district buildings
- Website: www.shoptheelmwood.com serves as one of the district's main marketing tools – District Events, Introducing New Businesses, and ongoing marketing updates
- Continued maintenance of Welcome to Elmwood banners as well as seasonal banners on light posts and ongoing maintenance
- Quarterly weeding and cleaning of Russell St. parking lot partnering with UC Berkeley
- Maintenance of security camera at Russell St. parking lot
- Maintaining a part-time Administrative Assistant to:

    - Engage the public on social media
    - Manage merchant communications
    - Promote monthly specials among Elmwood Merchants
    - Updating the website to keep it current
    - Project management of events around Elmwood BID
- Sponsored the following events:
    - Spring and Fall Outdoor Movie Nights
    - Spring Elmwood Music Festival
    - Where's Waldo Events
    - Summer Merchant Social to integrate merchants from the expanded BID
    - Fall Live Music Stroll
    - Stop for Berkeley Bicycle Day participants for snacks and water
    - Craft Fair featuring local artists
    - Fall Wine Walk
    - Holiday Season Events
    - Shop Local Promotions
- Members of the board are active in other Berkeley commercial and residential neighborhoods to promote harmony and cooperation

Below is a summary of our current financial position and our proposed budget for 2027 for your review.

2026-2027 Actual and Projected Expenditures

Elmwood Business Association

INCOME	2026 Budget	2027 Budget
Operating Income		
BID Membership dues	$ 35,000	$ 33,000
Other Revenue		$ 5,500
Special Allocation Fund (2026 Music in the Elmwood) – From Berk. City Council	$7,000	
Sponsorship for Wine Walk	$2,000	
Wine Walk + Vendor Fees	$15,000	
November Craft Faire	$1,300	
Other (Russell Lot Revenue)	$2,000	
Total Operating Income	**$ 62,300**	**$ 38,500**
Non-Operating Income		
Fees Collected from Vendors		$ 1,000
Total Non-Operating Income		**$ 1,000**
Total INCOME	**$ 62,300**	**$ 39,500**

EXPENSES		
Advertising & Marketing		
Various Holiday/Seasonal Marketing	$13,000	
Web Hosting and marketing	$3,000	
Banner Maintenance		$ 1,800
Building Light Maintenance		$ 250
Spring event production		$ 500
Merchant Social - Summer		$ 1,300

	Artisan Craft Event		$ 300
	Web Hosting and marketing		$ 1,000
	Halloween event production		$ 600
	Holiday season event production (incl. tree lights)		$ 2,500
Events (including Music in the Elmwood)		$10,000	
	Music Festival Expenses		$ 7,000
Consulting & Accounting		$300	
	Square Payment System		$ 120
	Accounting S/W (Xero)/Tax Filing		$ 200
Dues and Subscriptions		$350	
	Chamber of Commerce		$ 350
Insurance		$1,500	
	Liability for EBA		$ 650
	Liability for Board members		$ 900
License & Permits			
	Taxes & Licenses	$ 250	$ 200
Other: Office Supplies/Annual Mtg.			
	Office Expense	$1,000	
	Printing/copy	$ 700	$ 1,200
	Postage & Delivery (PO Box)	$ 250	$ 250
	Annual Mtg. Food/Beverage/Merchant Social	$ 2,500	$ 1,300
Repairs and Maintenance			

	Gardening (Tree wells)	$ 400	$ 400
Professional Fees			
	Legal and Professional Fees	$ 100	$ 100
Bank Fees			
	Wells Fargo Bank	$ 160	$ 150
Security			
	Holiday Private Security	$ 7,000	$ 10,000
Admin Support			
	Wages	$ 12,000	$ 12,500
	Total Operating Expenses	**$ 52,510**	**$ 43,570**

Retained Earnings		**$ 9,760**	**$ (4,070)**

Exhibit A1: Elmwood Business Improvement District (BID), Map

Elmwood BID Boundaries



City of Berkeley



Exhibit A2: Elmwood Business Improvement District, Assessment Rates

Business Classifications and Assessment Rates	
Classifications	**Annual Rates**
Retail including jewelers & groceries but not restaurants (Tax Codes R, M and G but without NAICS 722, Food Services & Drinking Places)	
• Gross receipts under $350,000	$250
• Gross receipts $350,000--$999,000	$350
• Gross receipts $1,000,000	$500
Restaurants, including all businesses that prepare and serve food at the request of customers (NAICS 722)	$500
Professionals including offices of real estate brokers (Tax Code P)	
• Gross receipts under $100,000	$300
• Gross receipts over $100,000	$400
Entertainment and Recreation (Tax Code E)	$450
Business, Personal and Repair Services (Tax Code B) except Hair, Nail and Skin Care Services (NAICS 81211)	$200
Hair, Nail and Skin Care Services (NAICS 81211)	$200
Parking lot operators	$2,000
Financial Institutions	$2,500

Any business that is classified as a nonprofit (Tax Code N) for business licenses purposes, shall nevertheless pay the assessment at the rate that corresponds to its North American Standard Industrial Classification if it is engaged in the sale of products or services. Any new business established within the District shall not be required to pay an assessment on application for its business license but only on renewal at the end of the year it was initiated. (Ord. 7317-NS § 3 (part), 2013)

Parks, Recreation and Waterfront Commission

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Parks, Recreation, and Waterfront Commission

Submitted by: Allan Abshez, Chair

Subject: Officially Naming the Public Plaza at Adeline and Fairview Streets as Delores Cooper Plaza

RECOMMENDATION
Adopt a Resolution officially naming the public plaza at Adeline and Fairview Streets as Delores Cooper Plaza.

FINANCIAL IMPLICATIONS
None

CURRENT SITUATION AND ITS EFFECTS
In the Council agenda for April 14, 2026, Councilmember Bartlett made a referral to the Parks, Recreation, and Waterfront Commission as follows: Refer to the Parks, Recreation, and Waterfront Commission to explore naming of the public plaza located at the intersection of Adeline Street and Fairview Street within the Lorin District corridor in South Berkeley as Delores Cooper Plaza; including process and directive of coordinating implementation, historical preservation, such as signage, universal design, and public engagement with community partners to document Delores Cooper's historic contributions to the City of Berkeley (see Attachment 2).

In response to the referral, per the Council Naming Policy procedures, on July 8, 2026, the Parks, Recreation, and Waterfront Commission conducted a public hearing, and on September 9, 2026, the commission took action to recommend that Council name the plaza as Delores Cooper Plaza. (M/S/C: Philip/ Rybczynski/U) Ayes: Abshez; Granzella; Nash; Philip; Rybczynski ; Samelson; Stewart; Noes: none; Absent: Muszynski; Yeo.

BACKGROUND
The City of Berkeley has continuously recognized individuals whose leadership and service have shaped the City's cultural and civic identity. Public space naming is an important tool that honors community legacy by strengthening neighborhood identity and civic pride.

Delores Cooper's legacy as an educator, advocate, and cultural leader spans decades of service to Berkeley residents, particularly Black youth and families. The naming has received unanimous support from the Lorin Business Association of South Berkeley and strong support from numerous members of the broader Berkeley community. A full biography of Delores Cooper and her contributions to Berkeley is provided in Attachment 2 of this report.

CITY MANAGER

Based on the significant contribution Delores Cooper has made to the South Berkeley community, the City Manager concurs with the recommendation contained in this report.

ENVIRONMENTAL SUSTAINABILITY

No negative environmental impacts were identified as a result of this recommendation.

RATIONAL FOR RECOMMENDATION

See body of report.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Allan Abshez, Chair, Parks, Recreation and Waterfront Commission, 510-922-7573
Roger Miller, Secretary, Parks, Recreation and Waterfront Commission, 510-981-6704

RESOLUTION NO. _____ -N.S.

OFFICIALLY NAMING THE PUBLIC PLAZA AT ADELINE AND FAIRVIEW STREETS AS DELORES COOPER PLAZA

WHEREAS, in the Council agenda for April 14, 2026, Councilmember Bartlett made a referral to the Parks, Recreation, and Waterfront Commission as follows: Refer to the Parks, Recreation, and Waterfront Commission to explore naming of the public plaza located at the intersection of Adeline Street and Fairview Street within the Lorin District corridor in South Berkeley as Delores Cooper Plaza; including process and directive of coordinating implementation, historical preservation, such as signage, universal design, and public engagement with community partners to document Delores Cooper's historic contributions to the City of Berkeley; and

WHEREAS, the City of Berkeley has continuously recognized individuals whose leadership and service have shaped the City's cultural and civic identity. Public space naming is an important tool that honors community legacy by strengthening neighborhood identity and civic pride; and

WHEREAS, Delores Cooper's legacy as an educator, advocate, and cultural leader spans decades of service to Berkeley residents, particularly Black youth and families; and

WHEREAS, the naming has received unanimous support from the Lorin Business Association of South Berkeley and strong support from numerous members of the broader Berkeley community; and

WHEREAS, in response to the referral, per the Council Naming Policy procedures, on July 8, 2026, the Parks, Recreation, and Waterfront Commission conducted a public hearing, and on September 9, 2026, the commission took action to recommend that Council name the plaza as Delores Cooper Plaza. (M/S/C: Philip/ Rybczynski/U) Ayes: Abshez; Granzella; Nash; Philip; Rybczynski; Samelson; Stewart; Noes: none; Absent: Muszynski; Yeo.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the public plaza at Adeline and Fairview Streets is officially named as Delores Cooper Plaza.

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR

April 14, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

Subject: Recommendation to Parks and Waterfront Commission to Explore the Naming of a Public Plaza in South Berkeley as Delores Cooper Plaza

RECOMMENDATION

Refer to the Parks, Recreation, and Waterfront Commission to explore naming of the public plaza located at the intersection of Adeline Street and Fairview Street within the Lorin District corridor in South Berkeley as Delores Cooper Plaza; including process and directive of coordinating implementation, historical preservation, such as signage, universal design, and public engagement with community partners to document Delores Cooper's historic contributions to the City of Berkeley.

CURRENT SITUATION

The City of Berkeley has continuously recognized individuals whose leadership and service have shaped the City's cultural and civic identity. Public space naming is an important tool that honors community legacy by strengthening neighborhood identity and civic pride.

Delores Nochi Cooper is a founding board member and Executive Manager of Berkeley Juneteenth Cultural Celebrations, a 35-year-old non-profit organization located in Berkeley, California. A retired peace officer with 25 years of experience, Ms. Cooper's professional background includes legal compliance monitoring, investigations, needs assessments, report writing, and drug intervention education. Ms. Cooper's five years as a departmental training manager provided her with experience in strategic planning, policy development, contract negotiation, and production management. Ms. Cooper holds an MA in Legal Analysis and a BA in History from Lone Mountain College in San Francisco.

Ms. Cooper has used her professional expertise to empower and strengthen the community through events such as Juneteenth and Black History Month. Since taking over the helm of Berkeley Juneteenth as its Production Manager ten years ago, the festival has grown in its scope and influence and is hailed as the longest-running Juneteenth event in California. Ms. Cooper's portfolio includes serving as a historical exhibits curator, Vision magazine editor, and graphic designer in charge of web and social media content,

event images, marketing materials, fundraising and proposal writing, budget management, and as the single point of contact for the City, press, and service providers.

Ms. Cooper played a central role in the successful effort to rename Grove Street as Martin Luther King Jr. Way, serving as a member of the Martin Luther King Ad Hoc Committee. She is an active participant in her community and has volunteered her services as a writing coach at Berkeley and Richmond schools through Writer Coach Connection; as a program consultant with the South Berkeley Legacy Project; and as a Police Review Commissioner with the City of Berkeley. In 2021, Ms. Cooper was appointed to serve on the City of Berkeley's Independent Redistricting Commission. In 2024, she published a collection of poetry, "A Sweating Body That is Cooled By A Sometimey Breeze."

South Berkeley, and specifically the Lorin District corridor, is widely recognized as the historic and contemporary epicenter of culture in Berkeley. As displacement pressures continue, it is increasingly important for the City to preserve and affirm Berkeley's legacy through intentional placemaking and cultural recognition.

The proposed Delores Cooper Plaza, located at the intersection of Adeline Street and Fairview Street within the Lorin District corridor in South Berkeley, reflects Ms. Cooper's deep connection to Berkeley and its ongoing cultural and historical significance. The naming has received unanimous support from the Lorin Business Association of South Berkeley and strong support from numerous members of the broader Berkeley community.

BACKGROUND

Delores Cooper's legacy as an educator, advocate, and cultural leader spans decades of service to Berkeley residents, particularly Black youth and families. Born in Oakland, nurtured in Compton, and raised in Berkeley, she believes art, music, and history can serve as vehicles for channeling creative expression and building self-esteem, ultimately addressing the generational emotional trauma of slavery and systemic racism. Her passion is event programming with a community-healing component that builds community, with "ME and WE" as essential participants in a healthy, diverse community.

Cooper's leadership and her continued involvement in cultural institutions, such as the Berkeley Juneteenth Festival, demonstrate her enduring commitment to building the Berkeley community.

This proposal is further supported by Inter-City Services Inc. (ICS), a Bay Area organization that has served marginalized and underserved communities since 1984, which has formally expressed its support for establishing Delores Cooper Plaza and highlighted the appropriateness of the proposed location.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

This action is consistent with the Adeline Corridor Specific Plan's placemaking goals, which emphasize improvements to the public realm, corridor identity, and pedestrian-oriented retail and cultural activity.

ENVIRONMENTAL SUSTAINABILITY

No negative impact.

COMMUNITY OUTREACH

Community outreach for this proposal included engagement with the Lorin Business Association, community organizations, and South Berkeley residents. The proposal received unanimous support from the Lorin Business Association and broad endorsement from members of the Berkeley community.

In addition, outreach and consultation were conducted with Kieron Slaughter, former City of Berkeley Office of Economic Development staff member and former Liaison to the Lorin Business Association of South Berkeley. Mr. Slaughter brings extensive experience in public-space renaming and placemaking in Berkeley, as well as several other successful renaming efforts and placemaking installations in Oakland and Richmond. His expertise helped inform the proposed process and community-centered approach for this initiative.

The Commission is asked to review this proposal and, if appropriate, recommend a plan and approval to the City Council.

FISCAL IMPLICATIONS

Costs associated with the fabrication and installation of plaza signage and interpretive elements are anticipated to be modest and may be covered by existing departmental budgets or through partnerships and donations.

CONTACT PERSON

Councilmember Ben Bartlett bbartlett@berkeleyca.gov
James Chang jchang@berkeleyca.gov

Artemisia Spencer Mace aspencermace@berkeleyca.gov

ATTACHMENTS AND MATERIALS

1. Delores Cooper Plaza Proposed Location Map
2. Inter-City Services Inc. Letter of Support
3. The Lorin Business Association Letter of Support
4. Delores Nochi Cooper Biography

Attachment 1:



Attachment 2:

s Fun

YOU CAN MAKE A DIFFERENCE

Date: December 04, 2025

Kamau A. Edwards, Attorney
The Edwards Firm
ROW DTLA
777 S. Alameda Street, 2nd Floor
Los Angeles, California 90021

Re: Endorsement — Delores Cooper Honoring Project

Dear Mr. Edwards,

This letter confirms that Inter-City Services Inc. (ICS) fully endorses the proposal to honor Ms. Delores Cooper through the establishment of the Proposed Delores Cooper Plaza, located near Alcatraz Avenue and Adeline Street within the Lorin District corridor in the South Berkeley area of the City of Berkeley.

As a longstanding organization dedicated to serving and elevating marginalized and underserved communities in the Bay Area since 1984, ICS expresses its full support for this meaningful project recognizing Ms. Cooper's enduring legacy and contributions to the Berkeley community. The proposed location reflects her deep connection to South Berkeley and its ongoing cultural and historical significance.

Please accept this letter as formal documentation of ICS's endorsement. We look forward to continued collaboration on the next steps in bringing this project to fruition.

Sincerely,

Mansour Id-Deen
Founder and Executive Director

3282 Adeline Street
Berkeley, CA 94703 (510)
655-3552 www.icsworks.com

Attachment 3:

Date: 11/3/25

Kamau A. Edwards, Attorney
The Edwards Firm
ROW DTLA
777 S. Alameda Street, 2nd Floor
Los Angeles, California 90021

Re: Board Approval — Delores Cooper Honoring Project

Dear Mr. Edwards,

This letter confirms that the **Lorin Business Association** met on **October 17, 2025**, and voted to **approve the proposal to honor Ms. Delores Cooper** through the establishment of the **Proposed Delores Cooper Plaza**, located near **Alcatraz Avenue and Adeline Street** within the Lorin District corridor.

The Lorin Business Association expresses its full support for this meaningful project, recognizing Ms. Cooper's enduring legacy and contributions to the Berkeley community. The proposed location reflects her deep connection to the Lorin District and its ongoing cultural and historical significance.

Please accept this letter as formal documentation of the Board's approval. We look forward to continued collaboration on the next steps in bringing this project to fruition.

Sincerely,
Liz Lisle, Co-Chair
Yavette Holts, Co-Chair

Attachment 4:

DELORES NOCHI COOPER



Delores Nochi Cooper is a founding board member and Executive Manager of the day-to-day operation of Berkeley Juneteenth Cultural Celebrations, a 35-year-old non-profit organization located in Berkeley, California.

Her background as a retired peace officer for 25 years, honed her skills in legal compliance monitoring, investigation, needs assessment, report writing, and as a drug intervention educator; her five years as the departmental training manager provided her with experience in strategic planning, policy development, contract negotiation, and production management. Delores has transitioned her professional expertise in pursuit of her overarching commitment to the emotional well-being of her community through events such as Juneteenth and Black History Month that celebrate the African American experience. Probation work taught her the importance of family, community connectedness, and that change is always possible.

Delores believes merely celebrating Juneteenth is not enough. Her passion is event programming with a community healing component that builds community with "ME and WE" as essential participants in a healthy, diverse community. Delores believes art, music and history can be used as a vehicle to channel creative juices and build self-esteem, that can change norms and behaviors, and ultimately address the generational emotional trauma of slavery and systemic racism.

Since taking over the helm of Berkeley Juneteenth as its Production Manager ten years ago, the festival has grown in its scope and influence and is hailed as the longest running Juneteenth event in California. Delores' portfolio includes historical exhibits curator, Vision magazine editor, graphic designer in charge of web and social media content, event images, and marketing materials. To that portfolio, add fundraising and proposal writing, budget management, and the single point of contact for the City, press, and service providers.

Delores is an active participant in her community and has volunteered her services as a writing coach at Berkeley and Richmond schools with Writer Coach Connection; as a program consultant with the South Berkeley Legacy Project; as a member of the Martin Luther King Ad Hoc Committee which successfully renamed a major Berkeley thoroughfare in honor of Martin Luther King, Jr.; and with the City of Berkeley as a Police Review Commissioner. In 2021, Delores was appointed to serve on the City of Berkeley's Independent Redistricting Commission.

In 2024, Delores published a collection of poetry, "A Sweating Body That is Cooled By A Sometimey Breeze." She is currently working on her memoir.

Born in Oakland, nurtured in Compton, and raised in Berkeley, CA, Delores is a daughter, sister, mother, grandmother, aunt, cousin, devoted friend, and a team player with a strong work ethic instilled in her at an early age. She believes in cultivating dreams and ideas to fruition. In her down time, she enjoys, reading, writing, water aerobics, finding treasures at estate sales, sitting in her sacred spot just being and observing, and above all, spending time with loved ones.

Delores received her MA in Legal Analysis and BA in History from Lone Mountain College in San Francisco.

22

Parks, Recreation and Waterfront Commission

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Parks, Recreation, and Waterfront Commission

Submitted by: Allan Abshez, Chair

Subject: Officially Naming the Gymnasium at the Martin Luther King, Jr. Youth Services Center in honor of Philip Harper-Cotton

RECOMMENDATION
Adopt a Resolution officially naming the gymnasium at the Martin Luther King, Jr. Youth Services Center (MLK Center) in honor of Philip Harper-Cotton.

FINANCIAL IMPLICATIONS
None

CURRENT SITUATION AND ITS EFFECTS
On September 1, 2017, Philip Harper-Cotton retired after 49 years with the Recreation Department, his final 11 years as a recreation program supervisor. His work helped shape Berkeley's youth and family recreation offerings, from sports leagues to youth mentoring to special events, for over three generations of Berkeley residents in South and West Berkeley.

Per the Council Naming Policy procedures, on July 8, 2026, the Parks, Recreation, and Waterfront Commission conducted a public hearing, and on September 9, 2026, the commission took action to recommend that Council name the gymnasium at Martin Luther King, Jr. Youth Services Center in honor of Philip Harper-Cotton (M/S/C: Nash/Stewart/U). Ayes: Abshez; Granzella; Nash; Philip; Rybczynski; Samelson; Stewart; Noes: none; Absent: Muszynski; Yeo.

BACKGROUND
The City of Berkeley has continuously recognized individuals whose leadership and service have shaped the City's cultural and civic identity. Public space naming is an important tool that honors community legacy by strengthening neighborhood identity and civic pride. Philip Harper-Cotton's impact on the City's Recreation Division is without parallel.

Mr. Harper-Cotton grew up in Berkeley, spending much of his youth playing ball at Grove Park. This early connection to the city's parks led him into youth sports and

recreation, eventually earning him a bachelor's degree in recreation from Cal State Hayward (now California State University East Bay).

He joined city staff in 1968 as a playground leader and became a full-time recreation programmer in 1975, initially assigned to San Pablo Park. Over his career, he played many roles at the City, including developing the programming at the Young Adult Project, which was part of the national Model Cities program that was implemented in Berkeley by Maudelle Shirek, Ron Dellums, and many other local civic leaders; coached youth baseball, basketball, and football teams; created numerous mentoring programs for young adults; founded the Greg Brown Memorial Basketball Tournament in 1975 that honored a Berkeley High basketball player who died while playing in a game; launched and expanded numerous community programs in response to local needs, many of which still exist today; and led the Recreation Division through challenging periods, such as the budget cuts after Proposition 13 in 1978. Mr. Harper-Cotton retired in 2017, after almost five decades of dedicated service working with primarily under-served youth in South Berkeley. By the time he retired, he had been working with the grandchildren of the youth he worked with at the start of his career.

CITY MANAGER

Based on the significant contribution Philip Harper-Cotton has made to the South Berkeley community as a dedicated City employee over 49 years, the City Manager concurs with the recommendation contained in this report, and acknowledges the City Council's exception to the City Policy for Naming and Renaming Public facilities section3(B) permitting the City Council to approve the name of a living person with a 2/3 voting majority.

ENVIRONMENTAL SUSTAINABILITY

There are no negative environmental impacts were identified as a result of this recommendation.

RATIONAL FOR RECOMMENDATION

See body of report.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Allan Abshez, Chair, Parks, Recreation and Waterfront Commission, 510-922-7573
Roger Miller, Secretary, Parks, Recreation and Waterfront Commission, 510-981-6704

RESOLUTION NO. _____ -N.S.

OFFICIALLY NAMING THE GYMNASIUM AT THE MARTIN LUTHER KING, JR. YOUTH SERVICES CENTER IN HONOR OF PHILIP HARPER-COTTON

WHEREAS, the City of Berkeley has continuously recognized individuals whose leadership and service have shaped the City's cultural and civic identity. Public space naming is an important tool that honors community legacy by strengthening neighborhood identity and civic pride; and

WHEREAS, on September 1, 2017, Philip Harper-Cotton retired after 49 years with the Recreation Department, his final 11 years as a recreation program supervisor. His work helped shape Berkeley's youth and family recreation offerings, from sports leagues to youth mentoring to special events, for over three generations of Berkeley residents in South and West Berkeley; and

WHEREAS, Philip Harper-Cotton's impact on the City's Recreation Division is without parallel; and

WHEREAS, per the Council Naming Policy procedures, on July 8, 2026, the PRW Commission conducted a public hearing, and on September 9, 2026, the commission took action to recommend that Council name the gymnasium at Martin Luther King, Jr. Youth Services Center in honor of Philip Harper-Cotton (M/S/C: Nash/Stewart/U). Ayes: Abshez; Granzella; Nash; Philip; Rybczynski; Samelson; Stewart; Noes: none; Absent: Muszynski; Yeo.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the gymnasium at the Martin Luther King, Jr. Youth Services Center is officially named in honor of Philip Harper-Cotton.

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Solano Business Improvement District (BID) Advisory Board

Submitted by: Fern Solomon, Chair, Solano Avenue BID Advisory Board

Subject: Renewal of the Solano Avenue BID for Calendar Year 2027

RECOMMENDATION

Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2026 Annual Report and preliminary budget for the District for calendar year 2027; 2) declare its intent to levy an assessment for calendar year 2027; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for December 1, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately $30,000 will be deposited into the Solano Avenue BID Fund, revenue budget code 783-21-208-251-0000-000-000-412110- and expensed from budget code 783-21-208-251-0000-000-446-636110. The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Solano BID Advisory Board. To the extent that the work of the Solano BID enhances the economic development of Solano Avenue and its business climate over the long term, the BID contributes towards improving City revenues through increased sales and property taxes.

CURRENT SITUATION AND ITS EFFECTS

Renewal of the Solano BID is a Strategic Plan Priority Project, advancing our goal to foster a dynamic, sustainable, and locally-based economy. Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code section 36500 et.seq.) the City Council must approve an Annual Report prepared by the Solano BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, at its meeting of September 15, 2026, the Solano BID Advisory Board voted to recommend that the City Council approve the Report for the Solano Avenue Business Improvement District for 2026 and adopt a Resolution of Intention to renew the assessment 2027 (M/S/A; Devany/Solomon/Unanimous, Ayes: Devany, Solomon, Noes: None, Abstentions: None). The Resolution of Intention also sets a public hearing date for December 1, 2026 where affected Solano businesses can express support or opposition to renewal of the BID for calendar year 2027. If written and/or oral protests are received from businesses

proposed to pay a majority of the assessment, Council cannot vote to levy assessments for 2027. If no majority protest is received the Council may renew the assessment.

BACKGROUND

Since its revival in May 2012, the Solano BID Advisory Board has used Solano BID revenues to finance three programs: 1) a tree watering contract to ensure the health of 48 young street trees on Solano; 2) installing a program of 40 hanging planter baskets on light poles; and 3) sponsorship of events that attract customers to the district and improvements that enhance the pedestrian experience. In recent years, the BID program has focused on sponsoring activities and improvements intended to market and promote the Solano Avenue business district. In the wintertime, the BID in conjunction with the Solano Avenue Association (which represents both Albany and Berkeley businesses along Solano Avenue) pays a contractor to erect holiday lights and decorations on City streetlight poles. This will continue for the upcoming winter season. Due to expenditures in prior years, the Solano BID will use less of its funds on the holiday décor program, and, instead, explore expanded landscaping services to better maintain existing tree wells and water existing hanging flower baskets. BID expenditures are to be made through an established fiscal agency contract with Telegraph Property and Business Management Corporation (or the “TPBMC”).

ENVIRONMENTAL SUSTAINABILITY

By maintaining and enhancing the district, the Solano BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. Environmental enhancements such as the added street trees, hanging planters, parklet, and holiday decorations contribute to making Solano a more pleasant walking destination. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation modes to decrease carbon emissions.

RATIONALE FOR RECOMMENDATION

State law requires that the City Council annually renew the Solano BID by first passing a resolution stating Council's intention to levy an annual assessment and scheduling a public hearing on the proposed renewed assessment for the coming year.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission’s Report.

CONTACT PERSON

Vincent McCoy, Secretary to the Solano BID Advisory Board, (510) 981-7043.

Attachments:

1: Resolution
- Exhibit A: Report for the Solano Avenue Business Improvement District 2026 and Budget for 2027
- Exhibit A1: Map of the Solano BID
- Exhibit A2: Assessment Rates

RESOLUTION NO. ##,###-N.S.

APPROVING THE ANNUAL REPORT AND PROPOSED BUDGET OF THE SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT FOR 2026-2027; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2027; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 1, 2026 TO CONSIDER LEVYING A RENEWED ASSESSMENT FOR 2027.

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on December 9, 2003 the Berkeley City Council established such an area known as the Solano Avenue Business Improvement District (the "District"); and

WHEREAS, the City Council established a Solano Avenue Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2027 as required by the California Streets and Highways Code Section 36533; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of Solano Avenue assessees; and

WHEREAS, the annual process for levying assessments in Business Improvement Districts requires that cities adopt a Resolution of Intent that declares their intent to levy such an assessment and then set a date for a public hearing where interested parties may be heard on the issue.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. The City Council hereby approves the Solano Avenue Business Improvement District Annual Report 2026 and Budget for the year 2027 (Exhibit A) as submitted to the City Clerk by the Solano Avenue Business Improvement District Advisory Board.

Section 2. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code (the "Act"), the City Council declares its intent to levy an annual assessment for the parking and business improvement area known as the Solano Avenue Business Improvement District.

Section 3. The boundaries of the District are set forth in Exhibit A1 to the Annual Report and budget which is attached hereto and incorporated herein by reference.

Section 4. The improvements and activities proposed for the District are as described in the Report and budget (Exhibit A) and appended hereto.

Council intends that these funds be used for designated activities and improvements in the Solano Avenue commercial area. Council explicitly intends that funds generated through this BID shall not be used to pay for activities routinely paid for by the City.

Section 5. The City Council intends to levy assessments on businesses located within the boundaries of the District shown Exhibit A1 and according to the business classifications and rates set forth in Exhibit A2 which is attached hereto and incorporated herein by reference.

Section 6. A public hearing shall be held before the City Council on December 1, 2026. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Solano Avenue Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

Formal protests against the levying of the District assessment must be made in writing. All written and oral protests should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Solano Avenue Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on December 1, 2026 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscripting the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

Section 7. The City Clerk is directed to give notice of said public hearing by publishing the draft Resolution of Intention in a newspaper of general circulation seven days prior to the public hearing.

Exhibits
A: Report for the Solano Avenue Business Improvement District 2026 & Budget 2027
A1: Map of the Solano BID
A2: Assessment Rates

Exhibit A

Report for the Solano Avenue Business Improvement District for 2026 and Budget for 2027

Background

The first version of the Solano Business Improvement District (BID) operated from 2002-2007, with administration of the BID headed by the Solano Avenue Association (SAA). In 2012, the Council appointed the Solano BID Advisory Board to administer the Solano Avenue BID, to fund physical improvements to the street and dedicate marketing and promotion efforts towards the businesses on the portion of Solano Avenue that lies in Berkeley. This Annual report and budget update the most recent year of operational programs of the Solano BID.

Landscape Program

In 2013, the Solano BID financed a tree watering program for young street trees along upper Solano Avenue. In 2016, per the City of Berkeley arborist, the trees were mature enough to not require additional water services. In early 2016, the board voted to enhance Solano's landscape by installing 41 hanging planter baskets on light poles distributed throughout the district, utilizing the Downtown Berkeley Association's (DBA) services. The DBA watered and maintained the baskets though the end of calendar year 2018. From 2019 to 2021, rainwater alone supported the baskets, and in 2022 the Solano BID entered into a contract with The Peralta Services Corporation to supplement other efforts to clean, weed, and level the tree wells through the district, and to develop an ongoing watering and maintenance system for the hanging flower baskets. Peralta's services began in July of 2022 and, per Peralta, the latest contract is renewed on a quarterly basis with regularly scheduled landscaping in tree wells, including cleaning of porous pavement on a weekly basis. Additional services have been considered and further options and changes will be discussed in the context of the 2027 Work Plan.

Marketing and Promotion of Solano

Marketing and promotion of Solano Avenue constitutes a second priority of the Solano BID. The commission has engaged with Solano Avenue Association for the purpose of increased marketing to member businesses, improved online presence, and higher visibility during events, minor and major, along Solano Avenue. Since 2018, the board approved funding for a new vendor for Christmas decorations under the direction of the SAA, with BID reimbursement to the SAA, which covered more poles and provided greater decoration coordination opportunities with neighboring Albany, all at a lower cost than previous seasons. The BID used the same vendor and process last season and plans to study and perhaps change the decorations for the 2026 season. This partnership underscores the leverage the BID obtains in working with the SAA to provide support for BID priorities for the Berkeley portion of Solano Avenue. In the remainder of 2026, the Advisory Board may again decide to participate in the development of holiday campaigns and activities (e.g., supporting the SAA in producing holiday events). The BID continues using its website directory for the district (www.uppersolano.com) and an advertising budget. The ads run in the Berkeley Times, Berkeleyside and Edible East Bay and direct the public to the Upper Solano directory.

The details of the 2027 Work Plan, are to be developed over the remainder of the year and include engaging with the City of Berkeley regarding traffic safety improvements, increased marketing of the Berkeley portion of Solano Avenue, and improvement programs to deploy merchant fees effectively and equitably.

Commissioner Recruitment

The board is challenged by having two (out of 9 possible) members. The current members have expressed that they are both ready to leave their positions. Ongoing recruitment is a focus for the remainder of 2026 and 2027. Merchant owners are often busy operating, and sometimes expanding, their businesses. The Advisory Board reminds merchants that they can assign a proxy, from inside or outside their organization, to represent them on the Board. City of Berkeley residence is not required for Board membership. To date, there are no candidates for seats on the board.

Solano BID Administration

The Solano BID has contracted with a fiscal agent, the Telegraph Property and Business Management Corporation (Telegraph PBMC), which charges a 5% fiscal agent fee on new BID revenue annually. For example, the anticipated new Solano BID revenue for 2027 is $30,000 so the fiscal agent fee is estimated to be $1,500.

FINANCIAL STATUS OF THE SOLANO BID, AUGUST 2026	
Solano BID Balance, as of 8/31/2026	$35,455
Accounts Receivable - Remaining Carryover	$25,400
Less fall and winter payments remaining for Solano Ave Assn Contract, for 2026-27 holiday-related events	-$10,000
Less payments for holiday decor installation, removal and storage, Nov. 2026 to Jan 2027	-$5,471
Allocated Expenditures	-$15,400
Unallocated as of 8/31/2026	**$29,984**

BUDGET FOR THE SOLANO BID FOR 2027 (Calendar Year)	
Estimated new revenue 2027	$29,984
Carryover from 2026 (estimated)	$6,000
Estimated SAA Events Payments	-$15,000
Estimated Holiday Decorations Payments	-$5,600
Estimated Peralta Svcs Corp sidewalk Cleaning/tree well maintenance	-$6,200
Less fiscal agent fee to Telegraph PBMC (5%) - of estimated new revenue	-$1,500
Total additional available for expenditure in 2027	**$7,684**

RECOMMENDATIONS

The Advisory Board recommends that Council:

- Approve the 2026 Annual Report and 2027 Budget.
- Make no changes in the boundaries of the Solano Business Improvement District in the two Benefit Zones, A & B, as shown in Exhibit A1.
- Make no changes in the method and basis for merchant assessments, as shown in Exhibit A2.
- Carry over to 2027 the estimated surplus revenues from 2026, as stated in the 2027 Budget.

Exhibit A1

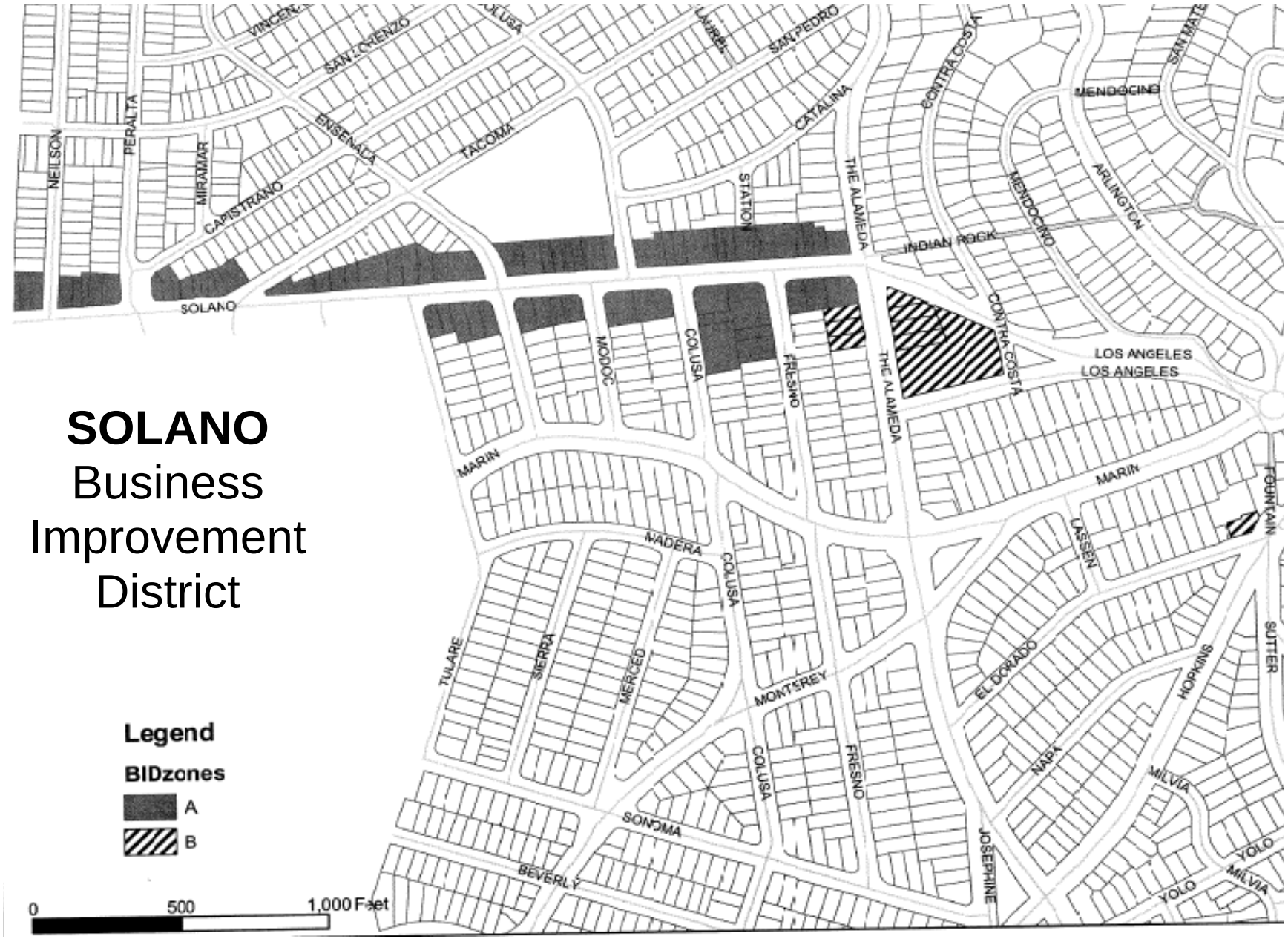

SOLANO
Business
Improvement
District
Legend
BIDzones
A
B
0
500
1,000 Feet
SAN LORENZO
SAN PEDRO
PERALTA
NEILSON
MIRAMAR
CAPISTRANO
ENSENADA
TACOMA
CATALINA
THE ALAMEDA
CONTRA COSTA
MENDOCINO
ARLINGTON
INDIAN ROCK
STATION
SOLANO
MODOC
COLUSA
FRESNO
LOS ANGELES
MARIN
MADERA
TULARE
SIERRA
MERCED
MONTEREY
EL DORADO
LASSEN
FOUNTAIN
SUTTER
HOPKINS
NAPA
MILVIA
SONOMA
BEVERLY
JOSEPHINE
YOLO

Exhibit A2

Berkeley Solano Avenue Business Improvement District Annual Assessment Formula

Type of Business		Annual Assessments *Zone A*	*Zone B*
a. *Retailers and Restaurants*	1-5 employees	$200	$125
	6-9 employees	$300	$175
	10+ employees	$400	$225
b. *Service Businesses*		$175	$100
c. *Professional Services*		$100	$65
d. *Financial Institutions*		$500	$500

24

Sugar-Sweetened Beverage
Product Panel of Experts Commission

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Sugar-Sweetened Beverage Product Panel of Experts Commission

Submitted by: Peace Esonwune, Chairperson, SSBPPE Commission

Subject: Allocation of $2,294,774 Over 2 Years, FY2028 and FY2029, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs).

RECOMMENDATION

Adopt a Resolution allocating $2,294,774 from the General Fund in Fiscal Year 2028 (July 1, 2027 through June 30, 2028) and Fiscal Year 2029 (July 1, 2028 through June 30, 2029) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of $2,294,774 will be distributed in two installments of $1,147,387 for FY2028 and $1,147,387 for FY2029. In each of these years, the funds will be distributed as follows:

a. Direct the City Manager to award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of SSBs through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for community-based organizations and shall be guided by the SSBPPE Commission's Criteria for the BUSD Funding Proposal (Exhibit A).
b. Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by HHCS/PHD for grants to community- based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The RFP process for community-based organizations is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Selection Criteria for Community Agency Grants (Exhibit B).
c. Direct the City Manager to allocate up to 15% of the funds to support HHCS/PHD and Finance Department to coordinate and monitor the SSB grant process, develop and maintain a website for SSB grantees, and the public and employees involved in the city's SSB procurement policy, collect organize and synthesize performance measures or evaluation as appropriate, provide technical

assistance and learning opportunities for grantees, and report annually to the SSBPPE Commission and the public highlights from the SSB-funded programs.

d. Allocate the carryover of any SSB tax revenue received in excess of $2,294,774 during FY2028 and FY2029 to be awarded for related services in FY2029-FY2031.
e. If the voters approve Ballot Initiative AA in November 2026, increasing Berkeley's SSB sugar sweetened beverage excise tax revenue to 2 cents per ounce, the Commission recommends that the City Council authorize a second allocation of funds for FY2029, commensurate with additional distributor tax revenue collected. These additional revenues generated as a result of Measure AA will supplement the FY 2028 and FY 2029 two-year allocations.

SUMMARY

In November 2014, Berkeley voters passed a measure to require the collection of a 1 cent per ounce tax on the distribution of sugary drinks in the City of Berkeley and the convening of a Panel of Experts (the Sugar-Sweetened Beverage Products Panel of Experts--SSBPPE) to recommend investments to reduce the consumption and health consequences of sugary drinks. There has been overwhelming support for this tax. Voters renewed this measure in November 2024 and in 2026, gathered enough signatures to add a new 2 cent per ounce tax to the ballot in November 2026.

The SSBPPE recommends that Berkeley City Council adopt a resolution allocating a total of $2,294,774 from the General Fund ($1,147,387 for FY2028 and $1,147,387 for FY2029), to invest in grant programs that serve Berkeley residents most impacted by sugary drink consequences. The resolution shall direct the City Manager to:

1) Award up to 42.5% of the allocated funds to BUSD through a grant proposal.
2) Award at least 42.5% of the allocated funds through an RFP process managed by the HHCS/PHD for grants to community-based organizations.
3) Allocate up to 15% of the funds to HHCS/PHD and the Finance Department for administrative activities related to the implementation of the SSB grants program.
4) Allocate the carryover of any SSB tax revenue received in excess of $2,294,774 during FY2028 and FY2029 to be awarded for related services in FY2029-FY2031.
5) If voters approve Ballot Initiative AA in November 2026, increasing Berkeley's sugar-sweetened beverage excise tax to 2 cents per ounce, authorize an additional allocation of funds for FY2029, commensurate with the additional distributor tax revenues collected. These additional revenues, generated as a result of Measure AA, would supplement the existing FY2028 and FY2029 two-year allocation.

These two-year grants support comprehensive strategies to: 1) reduce access to SSBs, 2) improve access to water, 3) limit marketing of SSBs to children, and 4) implement education and awareness campaigns. The grant awards indicate the City of Berkeley's

commitment to reducing the consumption of SSBs and improving the health of Berkeley residents, particularly those most impacted by obesity, diabetes, tooth decay, and heart disease.

FISCAL IMPACTS OF RECOMMENDATION

Measure D, passed in November of 2014, and renewed through the passage of Measure Z in November of 2024, established two provisions, namely: a) a 1 cent per ounce tax on sugary drinks distributed in Berkeley and b) creation of a Panel of Experts Commission. The collection of this tax commenced in May of 2015 and is being deposited into the City's General Fund. The SSBPPE Commission's recommendation to Council for allocation of $2,294,774 for FY2028 and FY2029 is independent of the amount of tax revenue collected from the distribution of SSB in Berkeley. This request will create a total liability of $2,294,774 for the City's General Fund in FY2028 and FY2029.

CURRENT SITUATION AND ITS EFFECTS

On August 20, 2026, the SSBPPE Commission approved the recommendation to the Berkeley City Council for allocation of $2,294,774 for the period FY2028 and FY2029, to be made available to invest in grant programs to reduce the consumption of sugar sweetened beverages (SSBs), address the health consequences of the SSB consumption, and moved to adopt their recommendation to Council as follows:

Key elements of the resolution include:

1) Direct the City Manager to award up to 42.5% of the allocated funds to BUSD through a grant proposal to reduce the consumption of SSBs.
2) Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by the HHCS/PHD for grants to community-based organizations consistent with the SSBPPE Commission's goals.
3) Direct the City Manager to allocate up to 15% of the funds to support HHCS/PHD and Finance Department to:
    a. Coordinate and monitor the SSB grant process;
    b. Develop and maintain an interactive website for SSB grantees, the public, and employees involved in the city's SSB procurement policy;
    c. Collect, organize and synthesize performance measures or evaluation as appropriate;
    d. Provide technical assistance and learning opportunities for grantees;
    e. Report annually to the SSBPPE Commission.
4) Direct the City Manager to authorize an additional allocation of funds for FY2029, commensurate with the additional distributor tax revenues collected, if Ballot Initiative AA is approved by voters in November 2026.

Action: M/S/C (Commissioner Morales/Commissioner Kao) to update the SSBPPE Commission City Council recommendation from November 21st, 2024: 1) dates, 2) background as needed, 3) recommendations, and 4) recommending the City Manager

allocate up to 15% of the funds to support the HHCS/PHD and Finance Department for activities related to the SSB Tax.

Votes: Ayes – Morales, Rodriguez, Scheider, Kao, Lopez, Crawford, Esonwune, Hecht; Noes – None; Abstain – None; Absent – None.

In November of 2026, Berkeley voters will vote on Measure AA, which would increase the current sugary beverage tax from 1 cent per ounce to 2 cents per ounce. If approved, Measure AA would result in additional tax revenues.

BACKGROUND

In November of 2014, the Berkeley voters passed Measure D, which requires both the collection of a 1 cent per ounce tax on the distribution of sugary drinks in the City of Berkeley AND the convening of a Panel of Experts (the Sugar Sweetened Beverage Products Panel of Experts--SSBPPE) to recommend investments to both reduce the consumption of sugary drinks as well as to address the health consequences of the consumption of sugary drinks. Voters have since renewed this measure, through the passage of Measure Z in November of 2024.

Our nation, our state, and our community face a major public health crisis. Diabetes, obesity, and tooth decay have been on the rise for decades. Although no group has escaped these epidemics, children, as well as low-income communities and communities of color have been and continue to be disproportionately affected. While there is no single cause for the rise in diabetes, obesity, and tooth decay, there is overwhelming evidence of the link between the consumption of sugary drinks and the incidence of diabetes, obesity, heart disease, and tooth decay.

Sugary drinks such as soft drinks, energy drinks, sweetened teas, and sport drinks offer little or no nutritional value, but contribute massive quantities of added sugar. A single 20-ounce bottle of soda, for instance, typically contains the equivalent of approximately 16 teaspoons of sugar. Before the 1950s, the standard soft-drink bottle was 6.5 ounces. In the 1950s, larger size containers were introduced, including the 12-ounce can, which became widely available in 1960. By the early 1990s, 20-ounce plastic bottles had become the norm. At the same time, hundreds of millions of dollars have been spent in an ongoing massive marketing campaign, which particularly targets children and people of color. In 2006 alone, nearly $600 million was spent in advertising to children under 18. African American and Latinx children are also aggressively targeted with advertisements to promote sugar-laden drinks.

The resulting impact on consumption should not be surprising. The average American now drinks nearly 40 gallons of sugary drinks a year. In the past 20 years, the prevalence of obesity in adults increased from 30.5% to 42.4%, and the prevalence of severe obesity increased from 4.7% to 9.2%. During this time, the prevalence of obesity among youth (aged 2–19 years) increased from 13.9% to 19.3%, and the prevalence of severe obesity increased from 3.6% to 6.1%. The problem is especially acute with

children in California. From 1989 to 2008, the percentage of children consuming sugary drinks increased from 79% to 91% and the percentage of total calories obtained from sugary drinks increased by 60% in children ages 6 to 11. This level of consumption has had tragic impacts on community health. Type 2 Diabetes –previously only seen among adults –is now increasing among children. If the current obesity trends are not reversed, it is predicted that one in three children and nearly one-half of Latinx and African American children born in the year 2000 will develop type 2 diabetes in their lifetimes.

Our community has not been immune to the challenge of unhealthy weight gain and obesity. According to the 2018 City of Berkeley Health Status Report, over a quarter of Berkeley's 5th and 7th grade students (all race/ethnicities) are overweight or obese. Berkeley has a lower proportion of 5th and 7th grade children who are overweight or obese (29.4%) compared to children in Alameda County (35.3%) but has a higher proportion compared to California (26.8%). However, a higher proportion of African-American children are overweight or obese in Berkeley compared to Alameda County or California.

Tooth decay has meaningful impact on health, especially for children. In fact, tooth decay is the most common childhood disease, experienced by over 70% of California's 3rd graders. Children who frequently or excessively consume beverages high in sugar are at increased risk for dental cavities. Dental problems are a major cause of missed school days and poor school performance as well as pain, infection, and tooth loss in California.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

When sugary drink consumption decreases due to the direct investments in programs and activities, the SSBPPE Commission expects that there will be a reduction to the City's waste stream.

RATIONALE FOR RECOMMENDATION

This two-year grant period supports comprehensive strategies to: 1) reduce access to SSBs, 2) improve access to water, 3) limit marketing of SSBs to children, and 4) implement education and awareness campaigns with specific populations. The two-year grant period will also indicate the City of Berkeley's commitment to reducing the consumption of SSBs and improving the health of Berkeley residents, particularly those most impacted by obesity, diabetes, tooth decay, and heart disease. The funding will allow grantees to develop interventions that include education, policy, systems and environmental changes with measurable outcome data and evaluation to show the rise in public awareness about the harmful impacts of SSBs, reduce consumption of SSBs over time, and decrease the health risks among residents of Berkeley.

To have the greatest impact, the SSBPPE Commission recommends that the following populations be prioritized:

a. Children and their families with a particular emphasis on young children who are in the process of forming lifelong habits,

b. Children and young adults living in households with limited resources,
c. Groups exhibiting higher than average population levels of type 2 diabetes, obesity, heart disease, and tooth decay rates,
d. Groups that are disproportionately targeted by the beverage industry marketing,
e. Pregnant women,
f. Berkeley-based organizations that serve any or all of the above populations.

ALTERNATIVE ACTIONS CONSIDERED
The Commission did not identify an alternative action.

CITY MANAGER
The City Manager takes no position with the content and recommendations of the Commission's Report. Council does not need to act on FY 29 and FY 30 at this time, pending the results of the election. The FY 28 guidance presented in this report will be useful to help budget formulation.

CONTACT PERSON
Roberto Terrones, Commission Secretary, HHCS, (510) 510-981-5324.

Attachments:
1: Resolution
Exhibit A: SSBPPE Commission's Criteria for BUSD Funding Proposal
Exhibit B: SSBPPE Commission's Selection Criteria for Community Agency Funding

RESOLUTION NO. ##,###-N.S.

ALLOCATION: $2,294,774 TOTAL FOR SUGAR-SWEETENED BEVERAGE CONSUMPTION AND REDUCTION GRANT PROGRAM IN FY2028 AND FY2029

WHEREAS, the consumption of sugar-sweetened beverages (“SSB”) in Berkeley is impacting the health of the people in Berkeley; and

WHEREAS, in FY2026 and FY2027, the City Council awarded a total of $2,294,774 upon the recommendation of the SSBPPE Commission to demonstrate the City’s long-term commitment to decreasing the consumption of SSB and mitigate the harmful impacts of SSB on the population of Berkeley; and

WHEREAS, many studies demonstrate that high intake of SSB is associated with risk of Type 2 Diabetes, obesity, tooth decay, and coronary heart disease; and

WHEREAS, the above conditions are all demonstrated to increase both the severity of COVID19 related illness and risk of death; and

WHEREAS Latinx and Black communities are disproportionately affected by COVID-19; and

WHEREAS, hundreds of millions of dollars have been spent in an ongoing massive marketing campaign, which particularly targets children and people of color; and

WHEREAS, an African American resident of Berkeley is 14 times more likely than a White resident to be hospitalized for diabetes; and

WHEREAS, 40% of 9th graders in Berkeley High School are either overweight or obese; and

WHEREAS, tooth decay is the most common childhood disease, experienced by over 70% of California’s 3rd graders; and

WHEREAS, in 2012, a U.S. national research team estimated levying a penny-per-ounce tax on sweetened beverages would prevent nearly 100,000 cases of heart disease, 8,000 strokes, and 26,000 deaths over the next decade and 240,000 cases of diabetes per year nationwide.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to allocate $2,294,774 from the General Fund to be disbursed in two (2) installments of $1,147,387 for FY2028 and $1,147,387 for FY2029 and distributed as follows:

1. Award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs.

2. Award at least 42.5% of the allocated funds through a RFP process managed by the Health, Housing, and Community Services/Public Health Division (HHCS/PHD) for grants to community- based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption.

3. Allocate up to 15% of the allocated funds to support the HHCS/PHD and Finance Department to coordinate and monitor the SSB grant process, develop and maintain an interactive website for SSB grantees and the public and employees involved in the city's SSB procurement policy, collect organize and synthesize performance measures or evaluation as appropriate, provide technical assistance and learning opportunities for grantees, and report annually to the SSBPPE Commission and the public highlights from the SSB-funded programs.

4. Allocate the carryover of any sugary drink tax revenue received in excess of $2,294,774 during FY2028 and FY2029 to be awarded for related services in FY2029 – FY2031.

5. If voters approve Ballot Initiative AA in November 2026, increasing Berkeley's sugar-sweetened beverage excise tax to 2 cents per ounce, authorize an additional allocation of funds for FY2029, commensurate with the additional distributor tax revenues collected. These additional revenues, generated as a result of Measure AA, would supplement the existing FY2028 and FY2029 two-year allocation.

A records signature copy of the said agreement and any amendments shall be on file in the Office of the City Clerk.

Exhibits
A: SSBPPE Commission's Criteria for the BUSD Funding Proposal
B: SSBPPE Commission's Selection Criteria for Community Agency Funding

Exhibit A

SSBPPE Commission's Criteria for the BUSD Funding Proposal

Required components for BUSD proposal:

List specific activities for how the BUSD proposed project will meet the following:

1. Decrease access to SSBs and/or improve access to drinking water.
2. Increase or strengthen SSB policies in school and outside of school.
3. Support the annual administration of the Berkeley adapted Youth Risk Behavior Survey (YRBS) or California Healthy Kids Survey (CHKS) to evaluate student's SSB knowledge, consumption, access, and policy perceptions.
4. Increase and strengthen the garden program through nutrition education curriculum, the ways the curriculum addresses SSB consumption, and communication of SSB education and policy efforts to parents
5. If there is a plan to work with partners, who are they and how do you anticipate they will collaborate with BUSD staff? Identify which grade levels will be associated with each partnership.

Anticipated obstacles: What obstacles do you anticipate? How will you try to address them?

Project Measures: Describe the ways in which you will measure outcomes, including the way you will administer the YRBS or CHKS survey and for which students, measures for the garden and cooking program, and other measures to understand if your program is working.

Sustainability Plan: Please describe how your organization will sustain the proposed project/ program activities beyond the funding period.

Communications Plan: Describe how you will meet communication requirements. Include what type of communication product(s) will be produced and what information will be shared.

Agreement to participate in the three meetings per year (1-2 sentence statement of agreement): Grantees are expected to do a presentation at one commission meeting, host one site visit for commissioners, and will attend one resource sharing meeting with other grantees.

Additional Requirements for BUSD:

Please confirm with a yes to each of the following requirements:

1. Proposal reflects approval from the BUSD School Board: Yes/No
2. BUSD will not sell or serve sugar-sweetened beverages (as defined by the SSB tax) at any BUSD schools or campuses: Yes/No
3. Awarded funding will not supplant BUSD FY26 and FY27 General Fund allocations: Yes/No

4. Funded projects will publicly reflect support from Healthy Berkeley Program: Yes/No
5. Funded projects and programs will include evaluation of their process and outcomes: Yes/No

Exhibit B

SSBPPE Commission's Selection Criteria for Community Agency Funding

Required components of project proposals from community-based organizations:

Proposed Project and Activities:

1. Briefly describe the goal of the program or project you would like to see funded.
2. Identify which strategies you intend to use in your program.
3. Identify the kinds of activities you will use in your program.
4. How many people do you expect to reach with your project?
5. Do you plan to work with partners? If so, who are they?

Applicants who have previously received funding should describe how they will build on past accomplishments, reach new participants, and whether there is deeper engagement with the same community members in new ways that reinforce and build upon previous funding.

Anticipated obstacles: What obstacles do you anticipate? How will you try to address them?

Project Measures: Describe all the things that you will measure to know if your program is working.

Sustainability Plan: Please describe how your organization will sustain the proposed project/program activities beyond the funding period.

Communications Plan: Include what type of communication product(s) will be produced and what information will be shared.

Agreement to participate in the three meetings per year (1-2 sentence statement of agreement): Grantees are expected to do a presentation at one commission meeting, host one site visit for commissioners, and will attend one resource sharing meeting with other grantees. (See Section II.D. above.)

Scoring criteria:

1. The proposed project aims to decrease consumption of sugary drinks, increase access to drinking water, and/or address health effects from consumption of sugary drinks. (25%)
2. The proposed project indicates how people and communities in the priority populations will be reached. (20%)
3. Describes both strategies and activities that will be used to reach their goals (30%)
4. The proposal includes a plan for sustaining their efforts and communicating activities, and successes to the larger Berkeley community. (15%)
5. Proposal budget matches the work plan and is appropriate. (10%)

25

ADENA ISHII
MAYOR OF BERKELEY

CONSENT CALENDAR
November 17, 2026

To: Honorable Members of the City Council

From: Mayor Adena Ishii (Author), Councilmember Brent Blackaby (Co-Sponsor), Councilmember Mark Humbert (Co-Sponsor)

Subject: Annual Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $500 from Mayor Ishii, $500 from Councilmember Blackaby and $500 from Councilmember Humbert to the Berkeley Holiday Fund with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Ishii and any other Councilmembers who would like to contribute.

BACKGROUND

Founded over a hundred years ago, in 1912, the Berkeley Holiday Fund, embodies the "the Berkeley Spirit" by providing aid to residents in Berkeley during the holiday season. Sending cash cards to almost 1,111 individuals and families in 2025, totalling over $132,000. The Holiday Fund is completely donation based and volunteer staffed.

For 113 years, the Fund has solicited donations from the Berkeley community and now 26 local service agencies to identify Berkeley residents in need of help during the holidays. This list of partner agencies include Berkeley Youth Alternatives, East Bay Community Law Center, LifeLong Medical Care, Multicultural Institute, and more.

While the Berkeley Holiday Fund addresses every request it receives, the number of requests from agencies varies year-to-year. The organization can only send one cash card to individuals and families recommended by multiple agencies.

From the outset the Berkeley Holiday Fund has traditionally been supported by the Berkeley Mayor and members of the Berkeley City Council. With the Berkeley Mayor

often serving as the Honorary Chair and for more than thirty years the Mayor's office has provided a small grant to support the mailing of cash cards to the people referred by the Holiday Fund.

FINANCIAL IMPLICATIONS

No General Fund impact; $500 is available from Mayor Ishii's, Councilmember Blackaby's and Councilmember Humbert's budget discretionary accounts.

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the recommendations in this report.

CONTACT PERSON

Mayor Adena Ishii
510-981-7100

Attachments: 1: Resolution for Council Expenditures

RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE EXPENDITURE OF DISCRETIONARY FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Mayor Adena Ishii has funds in her office discretionary account; and

WHEREAS, a California non-profit tax-exempt corporation, the Berkeley Holiday Fund, seeks funds in the amount of $500 to provide the following service of offering aid to residents in need in Berkeley during the holiday season; and

WHEREAS, the Berkeley Holiday Fund, founded in 1912, is completely donation-based & volunteer-staffed and sent cash cards to almost 1,111 individuals and families in 2025, totaling over $132,000; and

WHEREAS, the Berkeley Holiday Fund embodies the “the Berkeley Spirit” by providing aid to residents in Berkeley during the holiday season; and

WHEREAS, historically the Berkeley City Council has generously supported and contributed small grants to the Berkeley Holiday Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to $500 per office shall be granted to the Berkeley Holiday Fund to fund the following service of offering aid to residents in need in Berkeley during the holiday season.

26

Office of the City Manager

PUBLIC HEARING
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Berkeley Water Transportation Pier-Ferry Project Environmental Impact Report, Project Approval, and Use Permit

RECOMMENDATION

Conduct a public hearing and upon its conclusion:

(1) Adopt a Resolution certifying the Berkeley Water Transportation Pier Ferry Project Environmental Impact Report (EIR) (SCH #2025040995) and adopt related California Environmental Quality Act (CEQA) findings, a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program (Attachment 1), and

(2) Adopt a Resolution Approving the Berkeley Water Transportation Pier-Ferry Project and affirming, as modified to incorporate the CEQA findings and mitigation measures, the decision of the Zoning Adjustments Board to approve Use Permit #ZP2026-0014 to establish transportation via public ferry service as an allowable use at the Berkeley Pier (Attachment 2), with certain clarifying modifications.

SUMMARY

The Berkeley Water Transportation Pier-Ferry Project (Project) would replace a portion of the Berkeley Municipal Pier (approximately 1,080 ft), which has been closed to the public since 2015, with a new dual-purpose public pier and breakwater that support both public recreation and zero-emission public ferry service between Berkeley and San Francisco, operated by the San Francisco Bay Area Water Emergency Transportation Authority (WETA). In addition to the pier, breakwater and ferry terminal infrastructure (including dredging), the Project also includes a new public plaza with public amenities, improvements to University Avenue and Seawall Drive (including a raised cycle track and expanded AC Transit bus facilities), renovation of the Seawall Drive parking lot, a segment of the planned Bay Trail Extension, and shoreline erosion repair.

As lead agency under CEQA, the City prepared an EIR to evaluate the potentially significant environmental effects of the Project. The Draft EIR was circulated for a 60-day public review period from February 27, 2026 to April 28, 2026, and the Final EIR,

which includes responses to all comments on environmental issues received, was published on November 5, 2026. The EIR concludes that all of the Project's significant environmental effects can be reduced to less-than-significant levels through mitigation, except for construction noise associated with pile driving and the Project's contribution to cumulative noise, and the land use and recreation impacts resulting from that noise, which would remain significant and unavoidable.

The Berkeley Waterfront is zoned Unclassified (U); therefore, a Use Permit is required to establish any new use. The Planning Commission reviewed the Use Permit application on January 21, 2026 and adopted a resolution recommending approval (6-0-0-3), and the Zoning Adjustments Board (ZAB) approved Use Permit #ZP2026-0014 on February 26, 2026 (5-0-3). Under the Berkeley Municipal Code (BMC), the ZAB's decision is not effective until the City Council acts, and the Council may affirm, reverse, or modify it. This is not an appeal; Council action is required for all Use Permits in U districts. Staff recommend that the Council affirm the ZAB decision, modified to incorporate the Final EIR, the CEQA Findings, and the mitigation measures, and to make minor technical corrections (Attachment 2, Exhibit A).

This report asks the City Council to take two sequential actions with distinct legal standards. First, the Council would consider whether to certify the Final EIR as a complete and adequate environmental document and adopt the related CEQA Findings, Statement of Overriding Considerations, mitigation measures, and Mitigation Monitoring and Reporting Program (MMRP) (Attachment 1). Certification requires findings that the EIR was completed in compliance with CEQA, was reviewed and considered by the Council, and reflects the City's independent judgment (CEQA Guidelines Section 15090). The CEQA Findings and Statement of Overriding Considerations address each significant impact and state the reasons the Project may be approved notwithstanding its significant and unavoidable impacts (CEQA Guidelines Sections 15091 and 15093).

Second, the Council would consider a resolution approving the Project and affirming, as modified, the ZAB's decision to approve the Use Permit (Attachment 2), in reliance on the certified EIR and the CEQA Findings, Statement of Overriding Considerations, and MMRP adopted in the first resolution. This sequence is consistent with the process described in Sections 1.1.4 and 1.5 of the Draft EIR.

FISCAL IMPACTS OF RECOMMENDATION

None. Certification of the EIR, adoption of the CEQA Findings, Statement of Overriding Considerations, mitigation measures, and MMRP, approval of the Project, affirmation of the ZAB decision and issuance of the Use Permit would have no direct fiscal impact and does not commit the City to expenditure of construction funds.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Water Transportation Pier-Ferry Project advances the City's Strategic Plan goals to:

- Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

- Create a resilient, safe, connected, and prepared city.
- Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

Project Description

The Berkeley Water Transportation Pier Ferry EIR evaluates the following Project components:

- Demolition of portions of the closed Berkeley Pier;
- A new 1,080-foot-long public pier at the location of the closed pier, with pedestrian access and recreational amenities including interpretive and educational signage, public seating, a shade canopy, and a fish cleaning station;
- A new breakwater perpendicular to and connected to the pier, providing a safe harbor for ferry berthing as well as pedestrian access and recreational amenities (400 feet in length in the proposed project as analyzed in the Draft EIR; approximately 300 feet in length under Alternative 2, as discussed below);
- Ferry infrastructure, including charging and boarding float(s), landing(s), gangway(s), and a security entrance. The EIR also evaluates a second ferry berth to provide CEQA coverage for future expansion; initial construction is anticipated to include a single berth, and any future second berth would be subject to City and other agency permitting;
- One-time dredging along the existing U.S. Army Corps of Engineers federal navigation channel that parallels the closed pier, as well as at a turning basin at the ferry landing(s);
- A new public plaza with a public restroom, seating, bicycle parking, landscaping, and stormwater treatment;
- University Avenue improvements between the Marina Boulevard roundabout and Seawall Drive, including repaving and restriping, a raised cycle track, new sidewalks, a passenger drop-off zone, relocation of an existing AC Transit bus stop, and new bus loading facilities;
- Seawall Drive realignment, repaving, and restriping, landscaping, picnic sites, stormwater treatment, and construction of a segment of the planned Bay Trail Extension;
- Renovation of the Seawall Drive parking lot, including new paving, striping, lighting, electric vehicle charging, stormwater treatment, and replacement of existing stormwater outfalls;
- Repair of approximately 300 feet of eroding shoreline on the eastern side of the Seawall peninsula with rock riprap slope protection;
- New landscaping, tree removal and replacement, wayfinding signage, lighting, and utility connections, including electrical infrastructure to charge ferry vessels; and

- Operation of zero-emission electric passenger ferry service between the Berkeley ferry terminal and San Francisco.

The EIR also evaluates solar panels on raised canopies over the renovated Seawall Drive parking lot as an optional improvement.

Environmental Review

The EIR was made available for review on the City's website and the Project website, and at 2180 Milvia Street, Berkeley, CA 94704. The environmental review process for the Project has included:

- **April 18, 2025.** A Notice of Preparation (NOP) of a Draft EIR was circulated to public agencies, organizations, and interested parties for a 31-day comment period ending May 19, 2025.
- **May 5, 2025.** The City held an EIR scoping meeting, at which 12 members of the public provided verbal comments. The City also received written scoping comments from 6 agencies, 3 Native American tribes, 7 organizations, and 17 individuals.
- **February 27, 2026.** A Notice of Availability (NOA) and Notice of Completion (NOC) of the Draft EIR was distributed and the Draft EIR was published for a 45-day public review period.
- **March 16, 2026.** The City held an online public meeting on the Draft EIR, at which 23 individuals provided verbal comments.
- **April 1, 2026.** The City issued a revised NOA extending the public review period by 15 days.
- **April 28, 2026.** The public comment period closed, for a total public review period of 60 days. The City received 102 written comment letters and emails on the Draft EIR.
- **November 5, 2026.** The Final EIR, consisting of the Draft EIR, Responses to Comments, and revisions to the Draft EIR (Errata), was published. Proposed written responses were provided to public agencies that commented on the Draft EIR at least 10 days prior to certification.

City Council certification that the EIR was prepared in compliance with CEQA is required to complete the environmental review of the Project.

Tribal Consultation (AB 52)

Pursuant to Assembly Bill 52 (Public Resources Code Section 21080.3.1), the City notified California Native American tribes that are traditionally and culturally affiliated with the Project area and conducted consultation with the tribes that requested it. The goal of tribal consultation is to avoid significant effects on tribal cultural resources or to develop mutually agreed upon mitigation measures. The mitigation measures identified in the EIR for tribal cultural resources (Mitigation Measures TCR-1 through TCR-5),

which address cultural sensitivity training, signage acknowledging Native American history, Native American monitoring during construction, evaluation and treatment of discovered tribal cultural resources, and respectful treatment of Native American human remains, reflect the outcome of this consultation. On November 14, 2025 and January 21, 2026 the City concluded consultation with the two Native American Tribes that consulted on the Project.

Draft EIR

Potentially Significant Impacts Identified in the Draft EIR

All environmental impacts and mitigation measures are summarized in the CEQA Findings and Statement of Overriding Considerations (Attachment 1, Exhibit B). Other than the impacts discussed below, all of the environmental effects of the Project can be reduced to less-than-significant levels through implementation of the mitigation measures identified in the EIR.

The Draft EIR[1] identified significant and unavoidable impacts related to noise at both the project level and the cumulative level. At the project level, the impact is related to construction noise. At the cumulative level, the impact is related to both construction noise due to potential overlapping construction periods and operational noise due to vehicle traffic. Although most project-related construction noise impacts (Impact NOI-1) would be reduced to less-than-significant levels through implementation of a Construction Noise Management Plan (Mitigation Measure NOI-1), noise from daytime and nighttime pile installation and demolition would continue to exceed City noise standards at Shorebird Park and at some live-aboard boats in the Marina. These same construction noise levels would be inconsistent with the noise standards of the Berkeley Municipal Code, and would result from construction of the Project's recreational facilities. For that reason, the Draft EIR also identified related significant and unavoidable impacts to Land Use and Planning (Impact LU-2) and Recreation (Impact REC-2). These land use and recreation impacts are not independent physical effects. They result directly from the same underlying construction noise.

The Draft EIR also found that the Project would make a cumulatively considerable contribution to significant and unavoidable cumulative impacts related to Noise, Land Use and Planning, and Recreation. These cumulative impacts result from potentially overlapping construction of other planned projects at the Berkeley Waterfront and cumulative operational vehicle noise on portions of University Avenue. As with project-level impacts, the cumulative land use and recreation impacts are directly attributable to the underlying cumulative noise impacts. The Findings include a Statement of Overriding Considerations that provides the reasons the Project may be approved notwithstanding their project-level and cumulative significant and unavoidable impacts.

[1] https://berkeleyca.gov/sites/default/files/2026-02/Berkeley-Water-Transportation-Pier-Ferry-Project-Draft-EIR.pdf

Alternatives

As required by the CEQA Guidelines, an EIR must examine a range of reasonable alternatives to the proposed project that would feasibly attain most of the basic project objectives and avoid or substantially lessen the project's significant environmental impacts. The Draft EIR evaluated the following alternatives (see Draft EIR Chapter 5, including Table 5-2, which compares the impacts of each alternative to the proposed project):

- **Alternative 1: No Project Alternative.** None of the Project improvements would occur. The deteriorated pier would remain closed, no ferry service would be established, and existing conditions would continue. This alternative would avoid construction impacts but would result in greater long-term impacts related to aesthetics, air quality, greenhouse gas emissions, land use, and transportation, and would not meet any of the Project objectives.
- **Alternative 2: Shortened Breakwater Alternative.** All Project components would be constructed as proposed, but with a breakwater of approximately 300 feet rather than 400 feet. The Project's coastal study found that a 300-foot breakwater would provide sufficient sheltering for ferry operations, with only marginal additional benefit from a 400-foot breakwater. This alternative would reduce construction intensity, Bay fill, and pile installation, and associated impacts to air quality, biological resources, hydrology and water quality, and noise, while meeting most Project objectives with slightly reduced public access.
- **Alternative 3: Shortened Pier Alternative.** The pier would be shortened from approximately 1,080 feet to approximately 675 feet and would terminate at the breakwater. This alternative would reduce construction impacts but would substantially reduce public access and recreational opportunities.
- **Alternative 4: Reduced Landside Facilities Alternative.** The pier, breakwater, and ferry infrastructure would be constructed, but most landside improvements (the public plaza, cycle track, Bay Trail Extension, parking lot upgrades, electric vehicle charging, and bus facilities) would be eliminated. This alternative would reduce certain construction impacts but could increase long-term impacts related to air quality, greenhouse gas emissions, land use, and transportation, and would meet the Project objectives to a much lesser extent.

None of the alternatives other than the No Project Alternative would avoid the Project's significant and unavoidable construction noise impacts, because pile driving would still be required.

Environmentally Superior Alternative. CEQA requires identification of the environmentally superior alternative among those studied. Because the No Project Alternative would not meet any Project objectives, the EIR identifies Alternative 4 as the environmentally superior alternative among the action alternatives, as it would reduce the greatest number of construction-related impacts. However, Alternative 4 would eliminate key Project elements and would achieve the Project objectives to a

substantially lesser extent than both the project as proposed in the Draft EIR and the preferred alternative (Alternative 2).

Preferred Alternative. The CEQA Findings identify Alternative 2, the Shortened Breakwater Alternative, as the preferred alternative and the proposed Project, because it reduces construction-related environmental impacts associated with Bay fill, pile installation, and construction intensity while continuing to achieve the Project objectives to a greater extent than the other alternatives. The Findings find Alternatives 1, 3, and 4 infeasible for the specific social, economic, and environmental reasons described in Attachment 1, Exhibit B. Approval of the Project will be considered by the City Council as a separate resolution.

Final EIR

The Final EIR consists of the Draft EIR, Responses to Comments on the Draft EIR, and revisions to the Draft EIR (Errata), all of which are attached. The City received written and oral comments on the Draft EIR during the public comment period (February 27, 2026 through April 28, 2026). All written comments are reproduced in their entirety in the Final EIR, and responses are provided to all comments on the Draft EIR that pertain to environmental issues and include revisions to the Draft EIR text that correct errors or omissions or clarify information presented in the Draft EIR. The Final EIR was made available for review through the City's website at https://berkeleyca.gov/your-government/our-work/capital-projects/berkeley-pier-ferry-access-project and at the Parks, Recreation & Waterfront Department at 2180 Milvia Street (3rd Floor).

In no case do the revisions in the Final EIR result in a new significant impact or a substantial increase in the severity of an impact identified in the Draft EIR such that recirculation of the Draft EIR would be required.

Mitigation Monitoring and Reporting Program (MMRP)

The EIR identifies 20 mitigation measures that will be implemented to reduce the Project's impacts, addressing aesthetics, air quality, biological resources, cultural resources, geology and soils (paleontological resources), hydrology and water quality, noise, and tribal cultural resources. For public agency projects, mitigation measures are adopted and incorporated into the project at the time of approval. CEQA requires the lead agency to adopt a mitigation, monitoring and reporting program for monitoring and reporting on compliance with the adopted mitigation measures. The MMRP (Attachment 1, Exhibit A) identifies, for each measure, the action required, the timing and frequency for implementing the action, the entity responsible for implementing the action, and the agency or department responsible for verifying compliance. The City of Berkeley and its contractors will implement most measures; WETA is identified as a potential implementing entity for measures associated with dredging.

CEQA Findings and Statement of Overriding Considerations

For each significant impact identified in an EIR, CEQA requires that the lead agency make one or more of the following findings:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect;
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that agency; or
3. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR.

The CEQA Findings (Attachment 1, Exhibit B) find that implementation of the mitigation measures identified in the MMRP will reduce all significant impacts of the Project to less-than-significant levels, except for the noise impacts and related land use and recreation impacts described above, for which no additional feasible mitigation has been identified.

CEQA Guidelines Section 15093(b) provides that when a public agency's decision results in significant impacts that are not avoided or substantially lessened, the agency must state in writing the reasons to support its action. The Statement of Overriding Considerations is a formal statement by the City that, having balanced the economic, legal, social, technological, and other benefits of the Project, including region-wide and statewide environmental benefits, against its significant and unavoidable environmental impacts, the benefits of the Project outweigh its unavoidable adverse effects. In this balancing, the Statement considers that the significant and unavoidable project-level impacts would be temporary, limited to waterside construction activities involving pile driving (an estimated 80 to 90 days), while the Project would provide benefits over a design life of at least 50 years. As relates to cumulative impacts, the Statement considers the project contribution compared to the cumulative contribution, and that finding is based on a conservative assumption of the maximum buildout scenario in a draft, un-adopted Waterfront Specific Plan document. The Statement of Overriding Considerations identifies the following benefits:

- **Recreational benefits.** The Project would restore public access to the Bay by replacing the pier that has been closed since 2015 due to disrepair with a new public pier, breakwater, and ADA-accessible public plaza, and would construct a segment of the Bay Trail at the Berkeley Waterfront, which MTC's Bay Trail Gap Closure Implementation Plan designates as a Tier 1 (higher priority, lower cost) gap closure.
- **Transportation benefits.** The Project would provide new transbay public ferry service, improving regional connectivity and access to jobs and education for East Bay residents, including West Berkeley, an area with relatively limited regional transit access. The ferry terminal, including the portion of pier used to access the terminal, is designed as an essential facility to support WETA's

emergency water transportation mandate when other transportation systems are disrupted.

- **Sustainability benefits.** Operation of zero-emission electric ferries and multimodal access improvements would result in an annual net reduction of approximately 2,368 metric tons of carbon dioxide equivalent ($MTCO_2e$) and a net reduction of approximately 22,435 $MTCO_2e$ over 30 years after accounting for construction emissions compared to the status quo if the Project is not approved. The Project also incorporates sea level rise adaptation and shoreline protection.
- **Social benefits.** The Project would invest in safe bicycle and pedestrian infrastructure and accessible facilities and would generate economic benefits through increased Waterfront visitation and support for existing local businesses. Increased visitation also contributes to the improvement in the perception of and actual safety at the Waterfront.

Use Permit #ZP2026-0014

The Berkeley Waterfront is a single parcel (APN 60-2545-1) designated Waterfront/Marina in the General Plan and zoned Unclassified (U). In the U district, all uses not prohibited by law are permitted, but a Use Permit is required to establish any use (BMC Section 23.208.020(B)). Existing uses at the Waterfront are authorized by Use Permit #5567, issued in January 1965 in accordance with the Berkeley Marina Master Plan. Repair and replacement of existing infrastructure serving existing uses, including replacement of the existing Berkeley Pier, trails, streets, parking areas, and public spaces, does not require a new Use Permit.

Use Permit #ZP2026-0014 establishes a new use, transportation, specifically public zero-emission electric ferry service, at the Berkeley Pier. Notably, all existing uses, such as recreation, fishing, and parking, would continue as previously authorized. The ferry terminal facilities that accommodate this new use are in-water infrastructure: charging and boarding float(s), ferry gate and landing, gangway(s), and a breakwater. These facilities would be designed to essential facility standards so that the ferry can serve as a disaster response and recovery resource following a significant seismic event. WETA would operate the ferry service. Prior to initiation of service, the City and WETA would execute a Memorandum of Understanding or similar agreement, subject to Council approval, authorizing WETA's use of portions of the Berkeley Pier for ferry operations, maintenance, and capital improvements.

BMC Section 23.208.020(C) establishes the review process for Use Permits in the U district:

- The application is first submitted to the Planning Commission, which makes a report to the ZAB;

- ZAB then acts to approve, conditionally approve, or deny the application. The ZAB's decision is not effective until after action by the City Council, and ZAB decisions may not be appealed; and

- The City Council reviews and acts on the application, and may affirm, reverse, or modify the ZAB decision.

The development standards for a project in the U district are set forth in the Use Permit itself (BMC Section 23.208.020(D)), and ZAB, Planning Commission, and City Council must all make the findings for approval in BMC Section 23.406.030(F) (BMC Section 23.208.020(E)).

Planning Commission Review

On January 21, 2026, the Planning Commission reviewed the Use Permit application and recommended that the ZAB and City Council approve the Use Permit, including findings pursuant to BMC Section 23.208.020(E) (Ayes: Marthinsen, Vincent, Oatfield, Twu, Hauser, and Wang; Noes: None; Abstain: None; Absent: Owens, Kahn, and Merker (6-0-0-3)). Commissioners discussed, among other topics, the Commission's role in the Use Permit approval, future transportation needs of the area, other uses on the Pier and in the Marina, the importance of the ferry as an emergency transportation option, connections to San Francisco to support tourism and Berkeley businesses, connections with BART and AC Transit, and reinvigoration of the Waterfront and Marina. Five members of the public commented (Attachment 4).

Zoning Adjustments Board Action

Following a notice posted on February 11, 2026 pursuant to BMC Section 23.404.050 and emailed to a broad stakeholder list (there are no private properties within the 0.5-mile notice radius), the ZAB held a public hearing on February 26, 2026 and approved Use Permit #ZP2026-0014 pursuant to the findings for approval and subject to Standard and Project-Specific Conditions of Approval, by a vote of 5-0-3 (Attachment 5). The Project-Specific Conditions require City Council approval, require the City to obtain permits from all other agencies with jurisdiction prior to construction, and provide that the mitigation measures in the Council-adopted MMRP are Conditions of Approval. Staff determined that design review of the ferry terminal facilities will occur at the staff level pursuant to BMC Section 23.406.070(D). Because the ZAB acted before the Draft EIR was published, the ZAB added the following condition: "The ZAB's decision to approve the use permit was made prior to the publishing of the Draft Environmental Impact Report (EIR) and the associated Mitigation Monitoring and Reporting Program (MMRP)."

Findings for Approval

The Planning Commission and the ZAB each found that the proposed use would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area, and would not be detrimental or injurious to property and

improvements of adjacent properties, the surrounding area, or the general welfare of the City. Staff recommends that the Council make the same findings (Attachment 2, Exhibit A), for the following reasons:

- The Berkeley Waterfront is a single City-owned property, and the nearest residential zoning district is more than one mile from the ferry terminal. The nearest neighbors within 0.1 mile are a restaurant, a park, boats docked at the Marina (including some live-aboard boats), and a public parking lot;

- The use would establish a new transportation option for commuting, recreational, and personal travel to San Francisco, benefiting persons working, residing, or visiting in the area, including Marina live-aboard and floating home residents;

- Water transit facilities are expressly contemplated by the General Plan Waterfront/Marina designation, and the use is consistent with General Plan Policies T-2 (Public Transportation Improvements), T-9 (Ferry Service), and S-12 (Utility and Transportation Systems), and with the Public Trust Doctrine's requirement that public tidelands be devoted to water-dependent uses such as navigation;

- Ferry service is identified as a High Priority Action in the City's Local Hazard Mitigation Plan and as a goal of the City's Climate Action Plan, and is included in Plan Bay Area 2050+ and the WETA 2050 Service Vision;

- The City's Parking and Transportation Demand Management Plan demonstrates that ferry rider parking can be accommodated in under-utilized Waterfront parking areas without impacting recreation parking; and

- The mitigation measures in the MMRP are Conditions of Approval, and the Project would result in a net reduction in vehicle miles traveled and greenhouse gas emissions.

Recommended Modifications to the ZAB Decision

Staff recommends that the Council affirm the ZAB decision with modifications that incorporate the Final EIR, the CEQA Findings, and the mitigation measures, and make minor technical corrections, as noted in Attachment 2, Exhibit A. In summary, the modifications would:

- Replace the ZAB's added condition regarding the timing of its decision related to the timing of publication of the Draft EIR with a reference to the certified Final EIR;

- Reference the Final EIR in the Project approval condition and the development standards;

- Provide that where the City's Standard Condition of Approval with respect to Tribal and Cultural Resources and the MMRP mitigation measures addressing Tribal and Cultural Resources conflict, the mitigation measure governs;

- Clarify that exceptions to the standard construction hours may be granted for activities analyzed in the Final EIR, including nighttime in-water pile installation, subject to MMRP Mitigation Measure NOI-1;

- Note that the square footages in the ZAB staff report are approximate, with final square footages based on final permitted plans, consistent with the Final EIR; and

- Make technical corrections, including completing the approval date in Standard Condition 5 and correcting the Project Liaison telephone number.

Senate Bill 149 Status

On September 16, 2026, California Governor Gavin Newsom certified the Berkeley Water Transportation Pier Ferry Project as a transportation project qualifying for judicial streamlining under SB 149. SB 149 requires the City to make certain public notices within 10 days of the certification (Public Resources Code Section 21189.87). This notification was fully completed by September 26, 2026 with the required notice posted in the newspaper of record and emails sent to all agencies, organizations and individuals who have commented on the project. The notice was also posted on the City's Project website. Consistent with SB 149, the City will certify the record of proceedings within 5 days of approval of the Project.

Project Cost

The current design and environmental phase of the Project is funded through a combination of City, WETA, and grant funding, including $2,960,900 from the State Coastal Conservancy (Resolution No. 70,629-N.S.), $5,139,000 from the Alameda County Transportation Commission (Resolution No. 70,950-N.S.), and WETA contributions under the City-WETA Memorandum of Understanding (Resolution No. 71,325-N.S.).

The current total construction phase cost estimate for the Project is $139 million. This estimate for the construction phase escalates the construction cost estimate provided by design engineers in 2026 based on the 60% design to Spring 2028, and includes additional estimated costs for contingency, design adjustments, construction management, project management, and special inspections. This estimate does not include the cost of electric vessels. Construction funding has not yet been identified. The City anticipates that construction will be funded primarily through future grant awards from regional, state, and federal sources, and that the Project may be constructed in phases as funding becomes available. The City will not award construction contracts until construction funding has been secured, and future actions to

accept grant funds and award construction contracts will be brought to the City Council for consideration. The cost of implementing the mitigation measures in the MMRP are incorporated into the Project's construction costs.

BACKGROUND

The Berkeley Municipal Pier was originally constructed in 1926 by the Golden Gate Ferry Company as an automobile causeway to a ferry terminal, and was acquired by the City and operated as a recreational pier after ferry service ended in 1937. In July 2015, the pier was closed indefinitely due to structural safety issues. A structural assessment completed in 2021 identified options to repair the pier; since that time, the pier has continued to degrade, and the Project's structural engineers have concluded that repair is no longer feasible.

WETA has identified ferry service in Berkeley as a system priority for more than 20 years. Berkeley ferry service is included in Plan Bay Area 2050 and the Plan Bay Area 2050+ Final Transportation Project List, and WETA published its Berkeley Ferry Service Business Plan in 2022. In March 2019, the City Council authorized a Memorandum of Understanding (MOU) with WETA to jointly fund a feasibility study for rebuilding the pier for ferry service and recreational access (Resolution No. 68,782-N.S.). The findings of the feasibility study and a preferred concept, developed with community input, were presented to the City Council at a work session on December 7, 2021. In May 2024, the City and WETA amended the MOU to cover the current design and environmental phase (Resolution No. 71,325-N.S.).

The design and environmental phase began in 2023, is currently ongoing, and includes detailed engineering, environmental analysis and documentation under CEQA and the National Environmental Policy Act, public outreach, permitting, and preparation of bid-ready plans and specifications. The Project will require permits and/or approvals from agencies with jurisdiction over portions of the Project, including the California State Lands Commission, the San Francisco Bay Conservation and Development Commission, the U.S. Army Corps of Engineers, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, CDFW, and the San Francisco Bay Regional Water Quality Control Board. Certification of the EIR is necessary for these agencies to rely on it in issuing their permits.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The environmental effects of the Project, including greenhouse gas emissions and energy, air quality, transportation, and hydrology and water quality, are disclosed and analyzed in the EIR (Attachment 3). The Project would provide zero-emission electric ferry service and multimodal access improvements, including a raised cycle track on University Avenue, Bay Trail improvements, secure bicycle parking, improved bus facilities, and electric vehicle charging, that would shift transbay trips away from single-occupancy vehicles and result in a net reduction in vehicle miles traveled. As described above, the Project would result in an annual net reduction of approximately 2,368 metric

tons of carbon dioxide equivalent ($MTCO_2e$) and a reduction of approximately 19,000 miles driven per day. The pier and plaza are designed to accommodate projected sea level rise through the 2075 planning horizon, consistent with the 2024 California Ocean Protection Council Sea Level Rise Guidance. The Project advances the goals of the City's Climate Action Plan and Climate Emergency declaration.

RATIONALE FOR RECOMMENDATION

The EIR has been prepared in compliance with CEQA Guidelines and reflects the independent judgment and analysis of the City. Certification of the EIR and adoption of the CEQA Findings, Statement of Overriding Considerations, mitigation measures, and MMRP are required before the City Council may consider approval of the Project. Certification will also allow the City to complete permitting with state and federal agencies and position the Project to compete for construction grant funding, which typically requires completed environmental review.

The Project site is in the Unclassified (U) zoning district. In this district, BMC Section 23.208.020(C) requires City Council action on all Use Permits. The Planning Commission reviewed the Use Permit application on January 21, 2026 and recommended approval. The ZAB then approved Use Permit #ZP2026-0014 on February 26, 2026. The ZAB's decision was made before the Draft EIR and associated MMRP were published. The recommended modifications to the Findings and Conditions of Approval conform the Use Permit to the Final EIR and MMRP. Affirming the ZAB decision as modified and approving the Project as Alternative 2 (Shortened Breakwater Alternative) completes the City's local land use approval for the Project.

ALTERNATIVE ACTIONS CONSIDERED

The City Council could decline to certify the EIR, or could direct staff to conduct additional environmental analysis. In that case, the City Council could not consider approval of the Project, and depending on the nature of any additional analysis, the EIR could require revision and recirculation for public review. This would delay Project permitting and the City's ability to pursue construction funding, and could affect the Project's existing grant funding timelines.

Pursuant to BMC Section 23.208.020(C)(5), the City Council may affirm, reverse, or modify the ZAB's decision on Use Permit #ZP2026-0014. The Council could also certify the EIR but decline to approve the Project, approve a different alternative analyzed in the EIR, or continue its consideration of the Project and Use Permit to a future meeting. Any of these actions would delay the Project.

CONTACT PERSON

Scott Ferris, Director, Parks, Recreation & Waterfront Department, (510)-981-6700

Attachments:

1. Resolution: Certification of the EIR and Adoption of CEQA Findings, Statement of Overriding Considerations, Mitigation Measures, and MMRP

Exhibit A: Berkeley Water Transportation Pier Ferry Project Mitigation Monitoring and Reporting Program
Exhibit B: Berkeley Water Transportation Pier Ferry Project CEQA Findings and Statement of Overriding Considerations

2. Resolution: Project Approval and Use Permit #ZP2026-0014
Exhibit A: Use Permit #ZP2026-0014 Findings and Conditions of Approval, as Modified by the City Council
Exhibit B: Use Permit #ZP2026-0014 Project Plans, received January 13, 2026

3. Berkeley Water Transportation Pier Ferry Project Final Environmental Impact Report, November 5, 2026.

4. Planning Commission Staff Report and Minutes, January 21, 2026

5. Zoning Adjustments Board Staff Report (with Draft Findings, Conditions of Approval, and Project Plans) , February 26, 2026

6. Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE BERKELEY WATER TRANSPORTATION PIER-FERRY PROJECT (SCH NO. 2025040995) AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MEASURES AND A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, on March 12, 2019, the City Council authorized a Memorandum of Understanding with the San Francisco Bay Area Water Emergency Transportation Authority ("WETA") to jointly study the feasibility of rebuilding the Berkeley Pier for ferry service and recreational access (Resolution No. 68,782-N.S.), and on May 14, 2024, authorized an amendment to that Memorandum of Understanding for the design and environmental phase (Resolution No. 71,325-N.S.); and

WHEREAS, the Berkeley Water Transportation Pier-Ferry Project ("Project") would demolish portions of the closed pier; construct a new public pier and breakwater with recreational amenities and ferry infrastructure; conduct one-time dredging of the existing federal navigation channel and turning basin; construct a new public plaza and University Avenue and Seawall Drive improvements, construct a segment of the Bay Trail Extension and implement Seawall Drive parking lot renovations with a possible solar panel canopy; implement shoreline erosion repair; and support operation of zero-emission ferry service between Berkeley and San Francisco; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) ("CEQA Guidelines"), the City, as lead agency, prepared an Environmental Impact Report for the Project (SCH No. 2025040995) ("EIR"); and

WHEREAS, on April 18, 2025, the City issued a Notice of Preparation of a Draft EIR for a 31-day comment period ending May 19, 2025, and on May 5, 2025, the City held a public meeting to receive comments on the scope and content of the EIR; and

WHEREAS, pursuant to Public Resources Code Section 21080.3.1, the City notified and consulted with California Native American tribes traditionally and culturally affiliated with the Project area, and concluded consultation on November 14, 2025 and January 21, 2026, and mitigation measures addressing tribal cultural resources are included in the EIR; and

WHEREAS, on February 27, 2026, the City issued a Notice of Availability and Notice of Completion of the Draft EIR and published the Draft EIR for public review and comment, and on April 1, 2026, issued a revised Notice of Availability extending the public review period, which closed on April 28, 2026, for a total review period of 60 days; and

WHEREAS, on March 16, 2026, the City held a public meeting to receive comments on the Draft EIR; and

WHEREAS, on November 5, 2026, the City published the Final EIR, consisting of the February 2026 Draft EIR and the November 2026 Responses to Comments and revisions to the Draft EIR (Errata); and

WHEREAS, at least 10 days prior to certification of the EIR, the City provided proposed written responses to each public agency that commented on the Draft EIR, pursuant to Public Resources Code Section 21092.5; and

WHEREAS, the City Council will consider approval of the Project and action on Use Permit #ZP2026-0014 by separate resolution following adoption of this Resolution, and this Resolution does not approve the Project; and

WHEREAS, on November 17, 2026, the City Council held a duly noticed public hearing and received public comment; and

WHEREAS, the City Council has reviewed and considered the information contained in the Final EIR, the CEQA Findings and Statement of Overriding Considerations, the Mitigation Monitoring and Reporting Program, the staff report, and all oral and written comments received; and

WHEREAS, all documents constituting the record of proceedings are and shall be retained by the City of Berkeley Parks, Recreation & Waterfront Department, and are and shall be available for public review on a Project website.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley, as the decision-making body for the lead agency, hereby certifies that the Final EIR has been completed in compliance with CEQA, that the Final EIR was presented to the City Council and that the City Council reviewed and considered the information contained in the Final EIR prior to taking action on the Project, and that the Final EIR reflects the independent judgment and analysis of the City.

BE IT FURTHER RESOLVED that no recirculation of the EIR is required.

BE IT FURTHER RESOLVED that the City Council hereby incorporates by reference into this Resolution and adopts the CEQA Findings and Statement of Overriding Considerations (Exhibit B) with regard to the significant environmental effects of the Project.

BE IT FURTHER RESOLVED that the City Council adopts and incorporates into the Project all of the mitigation measures that are within the responsibility and jurisdiction of the City that are identified in the CEQA Findings.

BE IT FURTHER RESOLVED that the City Council incorporates by reference into this Resolution and adopts the Mitigation Monitoring and Reporting Program (Exhibit A).

BE IT FURTHER RESOLVED that City staff are directed to certify the record of proceedings for the Project within five days after the City Council’s approval of the Project, as required by Public Resources Code Section 21189.86.

BE IT FURTHER RESOLVED that nothing in this Resolution approves the Project, which the City Council will consider by separate resolution.

BE IT FURTHER RESOLVED that nothing in this Resolution shall be interpreted or applied so as to create a requirement, power, or duty in conflict with any federal or State law.

Exhibits:
A: Mitigation Monitoring and Reporting Program
B: CEQA Findings and Statement of Overriding Considerations



Source: Imagery provided by Roumel Butiong, Robin Chiang & Company, 2026

Berkeley Water Transportation Pier Ferry Project

Mitigation Monitoring and Reporting Program

prepared by

City of Berkeley
Parks, Recreation, & Waterfront Department
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November 5, 2026

RINCON CONSULTANTS

Mitigation Monitoring and Reporting Program

CEQA requires that a reporting or monitoring program be adopted when mitigation measures are required to mitigate or avoid significant effects on the environment and are adopted and incorporated into the project (Public Resources Code 21081.6). This mitigation monitoring and reporting program (MMRP) is intended to track and ensure compliance with adopted mitigation measures during project implementation. To ensure that the mitigation measures are properly implemented, this MMRP identifies the timing and responsibility for implementing and monitoring implementation of each mitigation measure. Accordingly, for each mitigation measure, this MMRP identifies the action required, the timing and frequency for implementing the action, the entity that will implement the action, and the agency or department responsible for verifying compliance.

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Mitigation Measure/Condition of Approval	Action Required	Implementation Timing and Frequency	Implementing Entity	Agency Responsible for Compliance Verification	Compliance Verification (Initial, Date, Comments)
Aesthetics					
AES-1 Reduce Night Lighting During Construction of Facilities					
Night lighting for construction activities, staging areas and other areas used for construction shall be the minimum necessary to ensure safety and security for nighttime activities and operations. As part of planning and project implementation, the City or its contractor(s) shall ensure nighttime lighting used for construction is shielded and oriented downwards toward the work area(s) to reduce off-site light spill during nighttime construction activities. Lighting at the project site shall consist of light-emitting diode lights in all areas where nighttime construction activities will occur and be either motion-activated or use timers to ensure safety and security and reduce the impact of nighttime light pollution. Furthermore, all lighting would be designed in compliance with Illuminating Engineering Society (IES) and DarkSky recommendations. The City of Berkeley shall verify that this mitigation measure is included in the project's final construction specifications prior to the initiation of construction activities.	Incorporate all nighttime lighting requirements into final construction plans and specifications. Minimize night lighting used for activities related to construction and staging to the extent practicable while maintaining safety and security. Night lighting shall be shielded and directed downward toward work areas, shall utilize LED fixtures, shall be motion-activated or timer-controlled where feasible, and shall be designed consistent with IES and DarkSky recommendations.	Once prior to issuance of grading and/or construction permits, verify that DarkSky recommendations and nighttime lighting requirements are incorporated into final design, construction plans, and specifications. Periodically during construction, verify that nighttime lighting for construction is implemented consistent with Mitigation Measure AES-1.	City of Berkeley Contractor(s)	City of Berkeley Parks, Recreation, and Waterfront Department	
Air Quality					
AQ-1 Implement Construction Emissions Reduction Measures During Construction					
Prior to issuance of grading and construction permits, the City or its contractor(s) shall include the following measures on all construction plans, and these measures shall be implemented during construction: • All mobile off-road equipment (wheeled or tracked) greater than 50 horsepower used during construction activities shall meet the USEPA Tier 4 final standards. Tier 4 certification can be for the original equipment or equipment that is retrofitted to meet the Tier 4 final standards. • Alternative Fuel (natural gas, propane, electric, etc.) construction equipment shall be incorporated where available. These requirements shall be incorporated into the contract agreement with the construction contractor. A copy of the equipment's certification or model year specifications shall be available upon request for all equipment on-site. • Electricity shall be supplied to the site from the existing power grid to support the electric construction equipment. If connection to the grid is determined to be infeasible for portions of the project, a non-diesel fueled generator shall be used. • The project would comply with the CARB Air Toxics Control Measure that limits diesel powered equipment and vehicle idling to no more than five minutes at a location, and the CARB In-Use Off-Road Diesel Vehicle Regulation; compliance with these would minimize emissions of TACs during construction. In addition, the City shall require the proposed project to comply with the following current Bay Area Air District's basic control measures for reducing construction emissions of PM_{10}[1]: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.	Verify that all Mitigation Measure AQ-1 construction emissions reduction measures have been incorporated into final construction plans, specifications, and construction contracts. Implement required emissions reduction measures, equipment requirements, idling restrictions, and fugitive dust control measures throughout construction.	Once prior to issuance of grading and construction permits, verify the incorporation of construction emissions reduction measures. Periodically throughout construction, verify implementation of required emissions reduction measures.	City of Berkeley Contractor(s)	City of Berkeley Parks, Recreation, and Waterfront Department	

[1] Bay Area Air District. 2017. California Environmental Quality Act Air Quality Guidelines, Table 8-2. Available: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en (accessed October 2025).

City of Berkeley
Berkeley Water Transportation Pier Ferry Project

Mitigation Measure/Condition of Approval	Action Required	Implementation Timing and Frequency	Implementing Entity	Agency Responsible for Compliance Verification	Compliance Verification (Initial, Date, Comments)
• All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.					
Biological Resources					
BIO-1(a) Implement Worker Environmental Awareness Program Prior to and During Construction					
Prior to initiation of all construction activities (including staging and mobilization), all personnel associated with project construction shall attend a Worker Environmental Awareness Program training, conducted by a City-approved qualified biologist, to aid workers in recognizing special-status biological resources that may occur in the project site. This training will include information about northwestern pond turtle, special-status fish, marine mammals, and nesting birds potentially occurring in the project site. The specifics of this program shall include identification of special-status species and habitats, a description of the regulatory status and general ecological characteristics of special-status resources, and review of the limits of construction and measures required to avoid and minimize impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employees, and other personnel involved with construction of the project. All employees shall sign a form provided by the trainer documenting they have attended the Worker Environmental Awareness Program and understand the information presented to them. The crew foreman shall be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to special-status species.	Incorporate WEAP training requirements into final construction specifications. Retain a City-approved qualified biologist to prepare and conduct WEAP training for all construction personnel Maintain training attendance documentation and signed acknowledgement forms for provision to the City.	Once prior to construction, including staging and mobilization, retain a qualified biologist and verify completion of WEAP training. As needed throughout construction, conduct additional WEAP training for new personnel. Maintain and provide WEAP training attendance documentation shall occur prior to and throughout construction as applicable.	City of Berkeley Contractor(s), City-approved qualified biologist	City of Berkeley Parks, Recreation, and Waterfront Department	
BIO-1(b) Conduct Northwestern Pond Turtle Survey and Avoidance Prior to Construction					
No less than seven days prior to the start of any construction activities within 500 feet of Strawberry Creek (including staging and mobilization), a City-approved qualified biologist will conduct a preconstruction survey for northwestern pond turtle within suitable habitat on the project site as feasible. If any northwestern pond turtle are identified within the work area, they will be allowed to leave the work site on their own. CNDDB Field Survey Forms will be submitted to the CDFW for all special-status animal species observed. If any northwestern pond turtles are observed by construction personnel within or adjacent to (within 50 feet) the project site, all work within the vicinity of the observation will be halted and the City will contact CDFW immediately for guidance. Only a CDFW-approved biologist will capture and relocate wildlife. Construction personnel are not permitted to handle said animals. If northwestern pond turtles become federally listed at the time of construction, no individuals shall be handled without approval from USFWS. A report of all pre-construction survey efforts will be submitted to the City within 30 days of completion of the survey effort to document compliance. The report will include the dates, times, weather conditions, and personnel involved in the surveys and monitoring. The report will also include for each captured special-status animal, the Universal Transverse Mercator (UTM) coordinates and habitat descriptions of the capture and release sites (in UTM coordinates), the length of time between capture and release, and the general health of the individual(s). This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.	Incorporate pre-construction survey requirements into final construction specifications. Retain a City-approved qualified biologist to conduct preconstruction surveys for northwestern pond turtle within suitable habitat for construction activities occurring within 500 feet of Strawberry Creek. Submit survey documentation and monitoring reports to the City to demonstrate compliance.	Once within seven days prior to initiation of construction activities within 500 feet of Strawberry Creek, complete preconstruction surveys for northwestern pond turtle. Periodically throughout construction, and upon observation of northwestern pond turtle, verify implementation of measures specified by Mitigation Measure BIO-1(b). Submit documentation within 30 days of survey completion.	City of Berkeley Contractor(s), City-approved qualified biologist	City of Berkeley Parks, Recreation, and Waterfront Department	

Mitigation Measure/Condition of Approval	Action Required	Implementation Timing and Frequency	Implementing Entity	Agency Responsible for Compliance Verification	Compliance Verification (Initial, Date, Comments)
BIO-1(c) Conduct Burrowing Owl and Nesting Bird Survey and Avoidance Prior to Construction					
Burrowing Owl Prior to project construction, a qualified biologist will conduct a habitat assessment to determine if potential habitat for burrowing owl is present in or near the project site. If potential habitat is present in or within 500 feet of the project site, a qualified biologist will conduct a pre-construction survey of the project site (plus a 500-foot buffer as access allows) for the presence of burrowing owl. The survey will be conducted no more than 14 days prior to ground disturbing activities and will conform to CDFW guidelines for burrowing owl Take Avoidance Surveys as described in Appendix D of the 2012 CDFW Staff Report on Burrowing Owl Mitigation.[2] A report of pre-construction survey efforts and results will be submitted to the City within 30 days of completion of the survey. The report will include the dates, times, weather conditions, and personnel involved in the survey. Depending on survey results, the report will also include observations of burrowing owl or potential burrows, and the location and habitat description of the observations. If burrowing owl, active burrows, or their sign (i.e., tracks or pellets) are not observed in the project site, no additional measures related to impact avoidance and minimization of the absent species are recommended. If burrowing owl, active burrows, or their sign are observed within the project site, CDFW will be notified and the following measures will be implemented: • A qualified biological monitor will be present during landside construction on the project site to document burrowing owl observations, burrow statuses, and require that construction activities do not negatively affect burrowing owl. The duration and frequency of monitoring will be determined at the discretion of the qualified biologist and a monitoring report detailing monitoring results will be submitted to the City within 30 days of the completion of project activities or breeding season (February 1 to August 31), if applicable. • The biological monitor will visually inspect any pipes, debris piles, culverts, or similar structures for burrowing owl before the material is moved, buried, or capped. Open holes and trenches within the project site will be inspected at the beginning and end of each landside construction workday and immediately prior to backfilling. At the end of each such workday, trenches and holes will be ramped so that any animals that may have become trapped in the trench or hole can climb out. The ramp may be constructed of dirt fill or wood planking or other suitable material at an angle no greater than 30-45 degrees. If a burrowing owl is trapped in a trench or hole, work will stop and the qualified biologist will be notified immediately. The burrowing owl will be allowed to escape unimpeded. • If active burrows are observed on the project site, a non-disturbance buffer will be established restricting all ground-disturbing activities from occurring within the buffer and a qualified biological monitor will be present at the initiation of project activities. The buffer will be established by a qualified biologist and range from 330 ft. to 1,500 ft. depending on project activity, line of sight, and local topography during the breeding season. During the non-breeding season (September 1 to January 31), the buffer will range from 165 ft. to 330 ft. The buffer will be demarcated using brightly colored flagging and may only be reduced at the discretion of a qualified biologist based on the factors listed above and potential use of sound and visual barriers (i.e., hay bales). Removal of the buffer will only occur if a qualified biologist determines burrowing owl are not present in the vicinity and any potential burrows are inactive. • If active burrow avoidance is infeasible during the non-breeding season or during the breeding season, where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, the City in coordination with a qualified biologist will consult with CDFW to prepare, authorize, and implement a passive relocation program consistent with Appendix E of the 2012 CDFW Staff Report on Burrowing Owl Mitigation. • A habitat mitigation plan will be developed in coordination with the City and CDFW for loss of active burrowing owl burrow sites if implementation of a passive relocation plan is necessary and/or burrowing owl are documented to nest on site or within 500 feet of the project site. This would be based upon the portion of the project site that overlaps	Incorporate pre-construction survey requirements into final construction specifications. Retain a qualified biologist to conduct preconstruction surveys for burrowing owl and nesting birds, as applicable. Submit survey reports, monitoring documentation, avoidance buffer information, and any required habitat mitigation or passive relocation plans to the City for review and approval.	Once prior to initiation of applicable construction activities, complete burrowing owl and nesting bird surveys. Periodically throughout construction occurring during nesting season, where biological monitoring is required, and/or where burrowing owl habitat is present, verify implementation of avoidance and minimization measures.	City of Berkeley Contractor(s), Qualified biologist/biological monitor	City of Berkeley Parks, Recreation, and Waterfront Department	

[2] California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. Department of Fish and Game. March 7, 2012. Available at: http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf2 (accessed July 2026).

City of Berkeley
Berkeley Water Transportation Pier Ferry Project

Mitigation Measure/Condition of Approval	Action Required	Implementation Timing and Frequency	Implementing Entity	Agency Responsible for Compliance Verification	Compliance Verification (Initial, Date, Comments)
with the primary foraging area around the burrow site (approximately 500-foot buffer) to be replaced at a minimum 1:1 ratio. **Nesting Birds** Project construction activities, including but not limited to vegetation removal and ground disturbance that result in noise or disturbance affecting potential nesting bird habitat, should commence outside of the nesting season (February 1 through September 15), if feasible. If construction begins outside the nesting season, a nesting bird survey is not required. If ground disturbing project activities begin within the nesting season (February 1 through September 15), then no more than seven days prior to the initiation of project activities, a nesting bird pre-construction survey shall be conducted by a City-approved qualified biologist within the disturbance footprint, plus a 300-foot buffer for passerines and a 1,000-foot buffer for raptors. During construction within the nesting season, an additional focused survey shall be conducted prior to tree removal to identify active nests with the subject tree(s). If no active nests are observed, no further action would be required. Ground-disturbing project activities that are initiated outside of the nesting season may continue into the nesting season without requiring new nesting bird surveys. Pre-construction nesting bird surveys shall be conducted by a qualified biologist during the time of day when birds are most active and should be of sufficient duration to reliably conclude presence or absence of nesting birds on the project site and within the designated buffer. A report of the nesting bird surveys results shall be submitted to the City for review and approval prior to clearance for mobilizing equipment. If nests are found, their locations shall be flagged (if possible) and recorded with the use of a GPS unit. Avoidance buffers shall be established around active nests. Depending upon the species, suitable minimum buffers may be 50 feet for non-raptor species and 300 feet for raptor species, or as determined by the qualified biologist in consultation with CDFW based on species sensitivity, construction activities, and other factors. If active nests are present, all project work shall be conducted outside the established avoidance buffer zone from the nest until it is no longer active. No staging of large equipment shall occur within the avoidance buffer until the qualified biologist confirms that breeding/nesting is complete and all the young have fledged. If buffer zones are determined to be infeasible, a City-approved qualified biological monitor shall be on site to monitor project activities within the avoidance buffer zones to ensure active nests and nesting birds are not impacted. Nesting bird surveys are not required for project activities that occur between September 16 and January 31. A report of all survey results and any proposed avoidance buffers shall be submitted to the City for review and approval. This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.					
BIO-1(d) Conduct Pile Driving Impact Avoidance to Fish and Marine Mammals Prior to and During Construction					
In-water work, including pile driving and dredging, shall be limited to the window of June 1 through November 30. The soft-start, ramp-up, exclusion-zone and sound attenuation procedures described below apply to pile-driving and pile-extraction activities. A "soft-start" technique will be used to allow fish and marine mammals to vacate the area before the pile driver reaches full power. For vibratory hammers, the contractor will initiate the driving for 15 seconds at reduced energy, followed by a 1-minute waiting period when there has been downtime of 30 minutes or more. This procedure shall be repeated two additional times before continuous driving is started. This procedure would also apply to vibratory pile extraction. For impact driving, an initial set of three strikes would be made by the hammer at 40 percent energy, followed by a 1-minute waiting period, then two subsequent three-strike sets before initiating continuous driving. Pile-driving activity shall not begin at any location if any marine mammal is observed within the applicable safe-zone distance for its hearing group, as defined for the specific pile-driving method (e.g., pile diameter, vibratory or impact installation, and number of piles installed per day). Safe-zone distances shall follow the most current NMFS-approved guidance and the Marine Mammal Monitoring Plan prepared pursuant to Mitigation Measure BIO-1(E). In all cases, a minimum exclusion distance of no less than 10 meters shall be maintained around the pile-driving location. If a marine mammal moves within the safe zone after pile driving has begun, the contractor shall implement the appropriate delay or shutdown as	Require that in-water construction activities such as pile driving and dredging occur only within the approved work window. Verify that required pile-driving avoidance and minimization measures are implemented, including soft-start procedures, ramp-up procedures, establishment of marine mammal exclusion zones, shutdown requirements, and use of hydroacoustic attenuation measures where feasible. Verify that construction activities are suspended and appropriate avoidance measures are implemented when marine mammals are observed within applicable exclusion or shutdown zones.	Prior to initiation of in-water construction activities, verify that work is scheduled within the approved in-water work window (between June 1 and November 30). Periodically during all pile-driving and pile-extraction activities, and continuously during pile-driving operations as applicable, verify implementation of actions required by Mitigation Measure BIO-1(d).	City of Berkeley and/or WETA Contractor(s)	City of Berkeley Parks, Recreation, and Waterfront Department	

Mitigation Measure/Condition of Approval	Action Required	Implementation Timing and Frequency	Implementing Entity	Agency Responsible for Compliance Verification	Compliance Verification (Initial, Date, Comments)
described in Mitigation Measure BIO-1(E). A sound curtain, or bubble curtain, shall be employed during impact pile driving to break up sound waves, as feasible. The sound curtain would consist of a perforated hose laid in a circle to release air bubbles around the pile and diesel impact hammer. Jetting methods using pressurized water and/or wood cushion block methods shall also be employed as feasible to minimize impacts. If the intensity of the pile-driving activity needs to be increased or a marine mammal is within the safe zone buffer for the activity, pile driving shall be "ramped-up", which is a slow increase in the intensity of pile-driving. At the start of pile-driving for each pile at all locations, the pile shall be struck once with the hammer and the second pile strike delayed long enough to permit adequate time for any marine mammals within the safe zone to leave the area prior to the start of sustained pile-driving activities. This measure, including the technique and the size of the safe zone, may be modified or supplemented by permit conditions from applicable regulatory agencies.					
BIO-1(e) Prepare Marine Mammal Monitoring Plan Prior to Construction and Implement Recommendations During Construction					
Prior to construction, the City shall prepare a Marine Mammal Monitoring Plan (MMMP) to avoid and minimize potential adverse impacts on marine mammals during pile driving and tug operations. The MMMP shall implement general guidelines set forth in the MMPA and incorporate the hydroacoustic modeling results developed for the project to define site-specific protection zones and avoid exposure of marine mammals to underwater sound levels exceeding the most up to date Level A (injury) thresholds identified by NOAA Fisheries. The MMMP shall include the following: • **Protection and Monitoring Zones:** Using the hydroacoustic modeling results, the MMMP shall define shutdown and disturbance zones for each marine mammal hearing group. These zones will be tailored to the pile type, size, and driving method and will correspond to the Level A and Level B effect distances developed for the project. The plan will describe how these protection zones will be verified and monitored in the field, integrating them with the soft-start and observation procedures described in Mitigation Measure BIO-1(d). • **Vessel Operation Protocols:** The MMMP shall include vessel-operation measures consistent with the MMPA. Construction vessels under power shall remain at least 300 feet from whales and 150 feet from dolphins, porpoises, seals, and sea lions. When marine mammals are encountered, vessel operators shall reduce speed to no-wake, shift to neutral, and allow the animals to pass safely before resuming operations. • **On-Site Monitoring and Response**: A qualified biologist shall be present on site, either observing from the pier or aboard a vessel, during all pile-driving and tug operations. The biologist shall document all marine-mammal observations, note behavioral responses, and immediately alert project personnel if a whale enters the modeled harassment distance or comes within 300 feet, or if any other marine mammal enters the modeled harassment distance or comes within 150 feet, whichever is greater. Upon such an observation, the contractor shall implement the appropriate delay or shutdown procedures identified in the MMMP. • **Adaptive Management and Coordination**: The MMMP shall outline communication and reporting protocols, including stop-work notification procedures and coordination with NMFS Protected Species Division. Results from daily monitoring will be used to assess the effectiveness of the protection zones and adjust them, if needed, in consultation with NMFS. • **Nighttime Pile Driving**: Nighttime pile driving shall be limited to situations where safety concerns or significant schedule delays require that pile driving started during daytime hours extend beyond typical work hours. For instances where nighttime pile driving is required, the MMMP shall include non-visual monitoring protocols, such as passive acoustic monitoring, thermal/infrared cameras, and night vision optics, as well as larger nighttime exclusion/shutdown zones, extended soft start procedures, and the most effective feasible hydroacoustic attenuation. This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.	Verify that a Marine Mammal Monitoring Plan (MMMP) has been prepared and approved prior to initiation of construction. Verify that the MMMP includes protection and monitoring zones, vessel operation protocols, on-site biological monitoring, adaptive management procedures, communication and reporting protocols, and nighttime pile-driving monitoring procedures. Verify that qualified biological monitors are retained and that all MMMP requirements, including marine mammal observation, shutdown procedures, agency coordination, monitoring documentation, and nighttime monitoring measures, are implemented during pile-driving and tug operations.	Once prior to initiation of construction, verify preparation and approval of the MMMP. Continuously during all pile-driving and tug operations, verify implementation of all MMMP requirements. As needed during nighttime pile-driving activities, verify implementation of nighttime monitoring and avoidance measures identified in the MMMP.	City of Berkeley Contractor(s), Qualified biologist/biological monitor	City of Berkeley Parks, Recreation, and Waterfront Department	

City of Berkeley
Berkeley Water Transportation Pier Ferry Project

Mitigation Measure/Condition of Approval	Action Required	Implementation Timing and Frequency	Implementing Entity	Agency Responsible for Compliance Verification	Compliance Verification (Initial, Date, Comments)
BIO-1(f) Implement CDFW-Requested Measure for Crotch's Bumble Bee Prior to Construction					
A formal habitat assessment of the project site landside project disturbance areas shall be performed by a qualified biologist prior to initiating ground disturbing activities to determine if suitable nesting or foraging habitat is present within the project site. The assessment shall include: • Review of occurrence record data • Analysis of foraging, nesting, and overwintering resources • Documentation of plant species observed (including what is blooming at the time of the survey and percent cover) The locations of nesting resources, including rodent burrows, cavities, thatched grasses, brush, rock piles, fallen logs, and manmade structures, shall be mapped during the assessment. Areas adjacent (within 50 feet) to the project site shall also be considered, if accessible, to determine if there is suitable nesting or foraging habitat. If suitable nesting and foraging resources are detected during the habitat assessment, they will be avoided by a minimum 50-foot buffer, where possible. If avoidance is not possible, protocol-surveys following the CDFW *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023) will be conducted to determine if Crotch's bumble bee is present within the project site. A minimum of three visits will be conducted during the colony active season (April – August) and will be spaced 2-4 weeks apart. Surveys will be conducted each year that construction activities occur within suitable nesting habitat, because bumble bees move their nests each year. If no Crotch's bumble bees are detected on the project site, no further mitigation actions will be required. If Crotch's bumble bees are detected, consultation with CDFW will be initiated to determine the most appropriate strategy to avoid impacts to bumble bees on the project site. If full take avoidance is not feasible, the City will apply to CDFW for take authorization under an Incidental Take Permit.	Retain a qualified biologist to conduct a habitat assessment for Crotch's bumble bee prior to ground-disturbing activities, including documentation of occurrence records, nesting and foraging resources, and plant communities. Require the establishment of avoidance buffers of a minimum of 50-feet where applicable and feasible. Where avoidance is not feasible, conduct protocol-level surveys in accordance with CDFW guidance. If Crotch's bumble bee is detected, complete CDFW consultation and verify that any resulting avoidance, minimization, or other measures required by CDFW have been implemented. Verify that habitat assessment and survey documentation has been submitted to the City.	Once prior to initiation of ground-disturbing activities, complete the habitat assessment and any required protocol surveys. Periodically throughout construction in the circumstances specified by Mitigation Measure BIO-1(f), verify implementation of applicable avoidance, minimization, monitoring, and consultation requirements. If Crotch's bumble bee is identified, verify completion of CDFW consultation and implementation of any resulting measures.	City of Berkeley Contractor(s), Qualified biologist	City of Berkeley Parks, Recreation, and Waterfront Department	
BIO-2 Implement Invasive Species Prevention During Construction					
The following practices shall be required for on-site construction activities: • Any in-water fill materials shall be new or not salvaged from areas outside of San Francisco Bay. • Any pumps or in-water construction equipment that may be needed during construction shall be cleaned and dried for at least 72 hours prior to being used on the project site. • Tug boats shall not discharge untreated ballast water from outside the San Francisco Bay. This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.	Verify that invasive species prevention measures have been incorporated into construction specifications. Verify compliance with applicable regulatory requirements and permit conditions.	Once prior to initiation of in-water construction activities, verify incorporation of measures into specifications. Periodically throughout construction activities involving in-water work, verify implementation of measures.	City of Berkeley Contractor(s)	City of Berkeley Parks, Recreation, and Waterfront Department	
BIO-3 Avoid Net Loss of Jurisdictional Waters Prior to Operation					
The City shall avoid a net loss of jurisdictional waters due to project implementation by demolishing additional portions of the existing pier to offset net increase in fill and overwater cover. Removal of existing pier decking and associated piles shall be required at a minimum 1:1 ratio for net increase in fill and overwater cover impacts on tidal waters of the San Francisco Bay to achieve no net increase in Bay fill. Removal of existing structures shall be implemented prior to or concurrently with construction of the new pier. The City shall develop a plan documenting the existing pier footprint, the proposed pier footprint, and the required additional demolition needed to demonstrate that no net increase in Bay fill or overwater cover would occur. This plan shall be developed by a qualified regulatory specialist prior to project construction and submitted to the appropriate agencies for review and approval during permitting. This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.	Verify that a no-net-loss plan has been prepared and approved. Verify that required demolition of existing pier structures has been completed and that no net increase in Bay fill or overwater cover would occur.	Once during permit review and prior to issuance of permits for in-water work, verify preparation and approval of no-net-loss plan. Periodically during demolition and construction activities, verify that required demolition is implemented to offset new fill and overwater cover. Upon completion of demolition activities, verify no net increase in Bay fill or overwater cover.	City of Berkeley Contractor(s), Qualified regulatory specialist	City of Berkeley Parks, Recreation, and Waterfront Department	

Mitigation Measure/Condition of Approval	Action Required	Implementation Timing and Frequency	Implementing Entity	Agency Responsible for Compliance Verification	Compliance Verification (Initial, Date, Comments)
Cultural Resources					
CR-1 Stop Work and Prepare and Implement a Data Recovery Plan if Unanticipated Archaeological Resources are Encountered During Construction.					
In the event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 100 feet of the find shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology shall be contacted immediately to evaluate the resource.[3] If the resource is determined by the qualified archaeologist to be precontact, then a Native American representative shall also be contacted to participate in the evaluation of the resource. If the resource is identified in the waterside improvements area, then a qualified marine archaeologist shall assist in the treatment and evaluation of the resource. Any waterside discoveries that are removed from their submerged environment shall be kept fully submerged in a container of freshwater for storage until the archaeologist can examine the find. If the qualified archaeologist and/or Native American representative determines it to be appropriate, archaeological testing for CRHR eligibility shall be completed. If the resource proves to be eligible for the CRHR and significant impacts to the resource cannot be avoided by means of changes in the design of the project, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, pursuant to the requirements of the California Code of Regulations, CEQA Guidelines Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance. The City shall review and approve the data recovery plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the California Historical Resources Information System, pursuant to California Code of Regulations, CEQA Guidelines Section 15126.4(b)(3)(C).	If archaeological resources are encountered during construction, halt work within 100 feet of the find and retain a qualified archaeologist, Native American representative, and/or marine archaeologist, as appropriate, to evaluate the discovery. Where applicable, complete archaeological testing for CRHR eligibility. If a resource is determined eligible for the CRHR and impacts cannot be avoided, prepare a resource-specific data recovery plan for City review and approval and implement approved treatment measures. Submit required documentation to the California Historical Resources Information System upon completion of archaeological investigations and data recovery activities.	As needed upon discovery of a potential archaeological resource during construction, halt work and initiate discovery evaluation. Prior to resuming work in the discovery area, complete required treatment measures as needed. Periodically during implementation of any required treatment measures, verify compliance with approved procedures and requirements.	City of Berkeley and/or WETA Contractor(s), Qualified archaeologist, Native American representative, and/or qualified marine archaeologist, as applicable	City of Berkeley Parks, Recreation, and Waterfront Department	
Geology and Soils					
GEO-1 Implement Paleontological Worker Environmental Awareness Program During Construction					
Prior to the start of construction, a Qualified Professional Paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology standards, or his or her designee shall conduct a paleontological Worker Environmental Awareness Program training for all construction personnel participating in subsurface dredging regarding unanticipated discoveries and the procedures for notifying paleontological staff should fossils be discovered by construction staff. A training acknowledgment form shall be signed by all workers who receive the training, and a copy of the signed training acknowledgement form shall be retained by the project contractor and provided to the City.	Incorporate WEAP training requirements into final construction specifications. Retain a Qualified Professional Paleontologist to conduct WEAP training for construction personnel participating in subsurface dredging activities. Verify that training acknowledgement forms have been completed and provided to the City.	Once prior to initiation of dredging and other applicable subsurface construction activities, verify completion of paleontological WEAP training and receipt of training acknowledgement forms.	City of Berkeley and/or WETA Contractor(s), Qualified Professional Paleontologist or designee	City of Berkeley Parks, Recreation, and Waterfront Department	
GEO-2 Stop Work Upon Unanticipated Discovery of Paleontological Resources and Implement Recommendations During Construction					
The City shall require the following mitigation measure for dredging activities. If a potential fossil is discovered during dredging, construction activity within 50 feet of the find shall cease until the discovery is examined by a Qualified Professional Paleontologist as defined by the Society of Vertebrate Paleontology.[4] If the find is determined to be scientifically significant, the Qualified Professional Paleontologist shall direct all mitigation measures related to paleontological resources consistent with the SVP (2010) standards, which shall include fossil salvage, laboratory preparation, curation in a paleontological repository, and a paleontological monitoring report. Additionally, the Qualified Professional Paleontologist and City shall decide if full- or part-time monitoring shall be instated for further project-related dredging. A Qualified Professional Paleontologist, is defined by the SVP (2010) as an individual with: • A graduate degree in paleontology or geology, and/or a publication record in peer reviewed journals; and demonstrated competence in field techniques, preparation, identification, curation, and reporting in the state or geologic province in which the	If paleontological resources are encountered during dredging activities, work shall be halted within 50 feet of the discovery and a Qualified Professional Paleontologist shall evaluate the find. If the resource is determined to be scientifically significant, implement paleontological resource mitigation measures.	As needed upon discovery of potential paleontological resources during dredging activities, halt work and initiate discovery evaluation. Periodically during implementation of any required paleontological mitigation measures, verify compliance with applicable recommendations and requirements.	City of Berkeley and/or WETA Contractor(s), Qualified Professional Paleontologist	City of Berkeley Parks, Recreation, and Waterfront Department	

[3] National Park Service. 1983. Secretary of the Interior's Standards and Guidelines for Professional Qualifications in Archaeology and Historic Preservation. Available: https://www.nps.gov/articles/series.htm?id=62144687-B082-538A-A0174FFF26496394. (accessed February 2026)
[4] Society of Vertebrate Paleontology. 2010. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. Society of Vertebrate Paleontology Impact Mitigation Guidelines Revision Committee.

City of Berkeley
Berkeley Water Transportation Pier Ferry Project

Mitigation Measure/Condition of Approval	Action Required	Implementation Timing and Frequency	Implementing Entity	Agency Responsible for Compliance Verification	Compliance Verification (Initial, Date, Comments)
project occurs. An advanced degree is less important than demonstrated competence and regional experience. • At least two full years professional experience as assistant to a Project Paleontologist with administration and project management experience; supported by a list of projects and referral contacts. • Proficiency in recognizing fossils in the field and determining their significance. • Expertise in local geology, stratigraphy, and biostratigraphy. • Experience collecting vertebrate fossils in the field.					
Hydrology and Water Quality					
HYD-1 Include and Implement Additional Best Management Practices in the SWPPP Prior to and During Pier Demolition					
In compliance with the requirements of the Construction Stormwater General Permit, prior to construction the construction contractor shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and implement the SWPPP during construction. The SWPPP shall be submitted to the Berkeley Public Works Department and the State Water Resources Control Board (via the Stormwater Multiple Application and Report Tracking System [SMARTS]) for review and approval at least 60 days prior to start of construction. In addition to standard Erosion Control, Sediment Control, and Good Housekeeping Best Management Practices, the following Best Management Practices shall be included in the SWPPP and implemented during pier demolition: • Site washout areas shall be located at least 100 feet from a storm drain, open ditch or surface water and ensure that runoff flows from such activities do not enter receiving water bodies, unless otherwise approved by the RWQCB. • All re-fueling, cleaning, and maintenance of equipment shall occur at least 100 feet from storm drain, open ditch or surface water and/or within secondary containment, unless otherwise approved by the RWQCB. • Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, wood preservatives, other chemicals and debris, etc.) from entering the San Francisco Bay during pier demolition. • If wood preservatives must be applied to cut-wood surfaces, the materials, whenever feasible, shall be treated at an onshore location to preclude the possibility of spills into State waters. • A containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. • The containment boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. • Tarps and basins shall be used above deck to contain debris and materials. • Dipnets shall be on-site and can be used to retrieve debris if it accidentally falls into the water. • A 50-foot-long spill containment boom as well as absorbent pads shall be kept on-site and shall be deployed in the event that there is a release of fluids into the water. • Contractors shall make mandatory that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills. This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.	Verify that a SWPPP has been prepared and approved by the appropriate agencies. Verify that required erosion control, sediment control, good housekeeping measures, and project-specific BMPs for pier demolition have been incorporated into the SWPPP. Implement measures identified in the SWPPP during construction and demolition activities.	Once prior to initiation of construction and pier demolition activities, review and approve SWPPP. As needed throughout construction and demolition activities, verify implementation of SWPPP requirements.	City of Berkeley Contractor(s)	City of Berkeley Parks, Recreation, and Waterfront Department	
Noise					
NOI-1 Prepare and Implement Construction Noise Management Plan Prior to and During Construction					
Prior to the start of construction activities, a Construction Noise Management Plan shall be submitted to and approved by the City's Public Works Department. The Construction Noise Management Plan shall include the following: • Prior to the initiation of construction activities at the project site, the contractor shall install temporary noise barriers/blankets between the construction boundary and nearby sensitive receptors. The temporary barriers/blankets shall have a minimum height of 12 feet to block the line of sight between operating construction equipment and adjacent sensitive receptors. Barriers shall be constructed with a solid material that has a density	Prepare and submit a Construction Noise Management Plan to the City of Berkeley Public Works Department for approval. Implement noise reduction measures identified in the Construction Noise Management Plan during construction.	Once prior to initiation of construction activities, verify preparation and approval of Construction Noise Management Plan. Periodically throughout construction activities, verify	City of Berkeley Contractor(s), City-approved noise consultant, as needed	City of Berkeley Parks, Recreation, and Waterfront Department City of Berkeley Public Works Department	

Mitigation Measure/Condition of Approval	Action Required	Implementation Timing and Frequency	Implementing Entity	Agency Responsible for Compliance Verification	Compliance Verification (Initial, Date, Comments)
of at least one pound per square foot with no gaps from the ground to the top of the barrier and be lined on the construction side with acoustical blanket, curtain, or equivalent absorptive material rated STC 32 or higher. The temporary barriers/blankets shall be installed as follows: o For landside construction activities occurring near the pier entrance/public plaza, temporary noise barriers/blankets shall be installed around the construction boundaries between the construction work areas and the Skates on the Bay Restaurant and Horseshoe Park located to the north and Shorebird Park located to the east. o For construction activities occurring at/near the Seawall Drive parking lot, temporary noise barriers/blankets shall be installed between the construction boundary and Shorebird Park to the north. o For construction activities occurring along University Avenue, temporary noise barriers/blankets shall be installed between the construction work areas and the live-aboard boats in the Marina to the north and Shorebird Park and Adventure Playground to the south. • With approval of the project structural engineer, landside pile holes shall be pre-drilled to minimize the number of impacts necessary to seat the pile, where feasible. • Pile driving shall be scheduled to have the least impact on nearby live-aboards or houseboats. • Applicable pile-driving noise control devices shall be integrated to the extent feasible to conduct both landside and in-water pile driving. These may include, but are not limited to, shrouding the pile hammer point of impact, by placing resilient padding directly on top of the pile cap, and/or by reducing exhaust noise with a sound-absorbing muffler. • Alternatives to impact hammers, such as oscillating or rotating pile installation systems, shall be used where possible for landside pile driving. • At least 10 days prior to the start of construction activities, a sign shall be posted at the construction site, or other conspicuous location, that includes a telephone number, website and email for project information, and a procedure in which a construction manager shall respond to and investigate noise complaints and take corrective action, if necessary, in a timely manner. • At least 21 days prior to the start of construction activities, businesses and residents (including occupied live-aboard boats) within 500 feet of the project site shall be notified of the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, the hours when construction would occur, and the overall duration of the construction period. The notification shall include the telephone numbers and email addresses of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise complaint. • If a construction noise complaint is registered and if City code enforcement is not available to make noise measurements, the City shall retain a City-approved noise consultant to conduct noise measurements at the properties that registered the complaint. The noise measurements shall be conducted for a minimum of one hour. The consultant shall prepare a letter report for code enforcement summarizing the measurements, calculation data used in determining impacts, and potential measures to reduce noise levels to the maximum extent feasible. • Prior to the start of and for the duration of construction, the contractor shall properly maintain and tune all construction equipment in accordance with the manufacturer's recommendations to minimize noise emissions. • Prior to use of any construction equipment, the contractor shall fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer. • Material hauling and deliveries shall be coordinated by the construction contractor to reduce the potential of trucks waiting to unload for protracted periods of time. • To the extent feasible, hydraulic equipment shall be used instead of pneumatic impact tools, and electric-powered equipment shall be used instead of diesel-powered equipment.		implementation of noise control measures.			

City of Berkeley
Berkeley Water Transportation Pier Ferry Project

Mitigation Measure/Condition of Approval	Action Required	Implementation Timing and Frequency	Implementing Entity	Agency Responsible for Compliance Verification	Compliance Verification (Initial, Date, Comments)
• Stationary noise sources (e.g., generators) shall be located as far from sensitive receptors as practicable, and they shall be muffled and enclosed within temporary sheds, or insulation barriers with a minimum STC rating of 32. • The use of bells, whistles, alarms, and horns shall be restricted to safety warning purposes only. • Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than five minutes. The construction manager shall be responsible for enforcing this.					
Tribal Cultural Resources					
TCR-1 Conduct Cultural Resources Sensitivity Training Prior to Construction					
Prior to the start of any ground disturbing activities, including excavation on land and dredging in water, the City of Berkeley (City) or its contractor(s) shall provide all construction personnel conducting ground disturbing activities, with cultural resources sensitivity training. The training will be conducted in person, or via a video meeting, to be viewed by all construction personnel involved in ground disturbing activities prior to the start of construction. The training will be developed and conducted in coordination with locally affiliated California Native American Tribe(s) that have participated in consultation with the City for the project (referred to hereafter as "Consulting Tribes"). Cultural resources sensitivity training will include relevant information regarding sensitive tribal cultural resources, applicable regulations including consequences of violation, and protocols for unanticipated discoveries and avoidance. The training will emphasize the requirement of confidentiality and culturally appropriate treatment of any finds of significance to Native Americans.	Develop and conduct cultural resources sensitivity training in coordination with locally affiliated Consulting Tribes for all construction personnel involved in ground-disturbing activities. Verify that construction personnel have completed the required training prior to conducting ground-disturbing activities.	Once prior to initiation of ground-disturbing activities, verify completion of cultural resources sensitivity training for construction personnel. As needed throughout construction, verify training completion for new personnel.	City of Berkeley and/or WETA Contractor(s) Consulting Tribes	City of Berkeley Parks, Recreation, and Waterfront Department	
TCR-2 Provide Signage Acknowledging Native American History Prior to Operation					
Prior to operation, the City shall provide signage at the project site that acknowledges Native American history and importance of the area. Language and design for the signage shall be developed in consultation with Consulting Tribes, including the Muwekma Ohlone Tribe. The location of the signage shall be thoughtfully integrated into the project design and shall be respectful of Native American culture and values. Photographs of human remains shall not be depicted on the signage. The City or its contractor(s) shall incorporate the location and content of the signage prior to Final Design. Consulting Tribes shall be given the opportunity to comment on the signage prior to the Final Design being approved by the City.	Develop Native American history acknowledgement signage in coordination with Consulting Tribes. Provide Consulting Tribes with opportunity to comment on the signage prior to final design approval. Verify that the location and content of the signage are incorporated into final design plans and specifications.	Once during final design and prior to project operation, verify that signage has been developed with appropriate coordination and that signage is incorporated into final plans and specifications.	City of Berkeley Contractor(s) Consulting Tribes	City of Berkeley Parks, Recreation, and Waterfront Department	
TCR-3 Conduct Native American Monitoring During Construction					
Prior to the start of any ground disturbing activities, including excavation and grading on land not previously covered by fill and any dredging in water, the City or its contractor(s) shall retain a Native American monitor(s) from a Consulting Tribe(s) for purposes of construction monitoring. If multiple Consulting Tribes request to monitor, the City will establish a rotating schedule to include all tribes requesting monitoring. The City shall provide monitors with at least 48 hours' notice prior to the start of any ground disturbing activity that requires monitoring. Native American monitors shall observe project-related ground disturbing activities located in previously undisturbed areas (i.e., areas not consisting of fill) and provide daily monitoring logs to the City detailing construction observed and results at minimum (confidential information can be redacted at the monitor's discretion). Monitors shall have the authority to temporarily halt work in the event of discovery or a potential Tribal Cultural Resource. If suspected Tribal Cultural Resources are encountered at any point during ground disturbing activities, work within a 100-foot radius shall halt and the find shall be evaluated for significance as required by Mitigation Measure TCR-4. The 100-foot radius may be reduced or expanded as appropriate by the monitor if conditions, such as expanded boundaries or increased sensitivity, warrant the reduction or expansion. Native American monitoring may be reduced to spot-checking or eliminated at the discretion of the monitor, in coordination with the City, as warranted by conditions such as encountering fill soils, bedrock, or negative findings during the first 60 percent of grading. If monitoring is reduced to spot-checking, spot-checking shall occur, at minimum, when ground-disturbance moves to a new location within the project site and when ground disturbance	Retain Native American monitor(s) from the Consulting Tribe(s) and notify monitors prior to ground disturbance. Monitor ground disturbing activities located in previously undisturbed areas and complete daily monitoring logs to be provided to the City. If a potential Tribal Cultural Resource is encountered, temporarily halt work within an area determined by the monitor and City and implement Mitigation Measure TCR-4.	Once prior to initiation of ground-disturbing activities, verify that Native American monitor(s) have been retained. As needed throughout construction, provide monitor(s) with a minimum of 48 hours' notice prior to ground-disturbing activities requiring monitoring. As needed throughout construction, verify monitoring of applicable ground-disturbing activities and that daily monitoring logs are provided to the City.	City of Berkeley and/or WETA Contractor(s) Native American monitor(s) from Consulting Tribes	City of Berkeley Parks, Recreation, and Waterfront Department	

Mitigation Measure/Condition of Approval	Action Required	Implementation Timing and Frequency	Implementing Entity	Agency Responsible for Compliance Verification	Compliance Verification (Initial, Date, Comments)
will extend to depths not previously reached (unless those depths are within bedrock). Ground disturbing activities shall not be contingent on the presence or availability of a Native American monitor, and ground disturbing may proceed regardless of whether or not a monitor is present on site.					
TCR-4 Evaluate Discovered Tribal Cultural Resources and Implement Resulting Recommendations During Construction					
If suspected Tribal Cultural Resources are encountered at any point during ground disturbing activities, work within a 100-foot radius shall halt and Consulting Tribes shall evaluate the suspected resource for significance as a Tribal Cultural Resource. If the find is archaeological in nature, then the City or its contractor(s) shall also retain a qualified archaeologist to respond and evaluate significance as required by Mitigation Measure CR-1. The City shall review the significance evaluation of the Tribal Cultural Resource and determine whether the find meets the criteria in California PCR Section 21074. If a discovered Tribal Cultural Resource is determined by the City to meet the criteria in California PRC Section 21074, avoidance and preservation in place shall be the preferred method of mitigating impacts and the City shall first consider the measures in California PRC Section 21084.3(b) in consultation with Consulting Tribes. If significant impacts to the resource cannot be avoided via project redesign, then the City shall work with Consulting Tribes to develop other appropriate measures to mitigate impacts. This could include, but would not be limited to, data recovery, installation of a permanent plaque or mural to inform the public, interpretive and/or educational elements, and/or landscaping to include native plants. Work in the area may resume following the determination by the City and completion of any applicable measures mitigating impacts to the Tribal Cultural Resource, if any.	If a potential Tribal Cultural Resource is encountered, halt work within a 100-foot radius of the discovery for evaluation by the Consulting Tribe(s). If applicable, retain a qualified archaeologist to evaluate significance of the discovery as required by Mitigation Measure CR-1. Review the significance of the discovery pursuant to California PRC Section 21074 criteria. Develop and implement avoidance, preservation in place, treatment, or other mitigation measures developed in coordination with Consulting Tribes as appropriate prior to resumption of work.	As needed upon discovery of a suspected Tribal Cultural Resource during construction, halt work and initiate discovery evaluation. Prior to resuming work in the discovery area, verify completion of any required significance evaluation and implementation of applicable measures.	City of Berkeley and/or WETA Contractor(s), Qualified archaeologist, as applicable Consulting Tribes	City of Berkeley Parks, Recreation, and Waterfront Department	
TCR-5 Provide Respectful Treatment of Native American Human Remains Upon Unanticipated Discovery and Implement Recommendations During Construction					
In addition to adherence to the California Health and Safety Code Sections 7050.5, should human remains be identified during construction, no photographs shall be taken without express permission from the on-site Native American Monitor, and no invasive scientific testing shall be completed without consultation with the NAHC appointed Most Likely Descendent. Any bone that cannot be identified as faunal shall be treated as human remains until positively identified as being non-human by the coroner and/or a qualified archaeologist, as appropriate. The Most Likely Descendant shall provide recommendations for reburial, and human remains and associated funerary items shall be reburied by Tribal representatives in a location agreed upon between the Tribe and the City. Any reburial location shall be accessible to Tribal members in perpetuity, not be subject to further disturbance, and kept confidential.	If human remains are encountered during construction, verify compliance with applicable State regulations and consultation requirements. If human remains are encountered during construction, contact Native American monitor(s), the Most Likely Descendant, and other appropriate parties for guidance and recommendations. Implement recommendations regarding treatment and reburial of Native American human remains and associated funerary items.	As needed upon discovery of human remains during construction, verify compliance with applicable requirements and implementation of applicable recommendations.	City of Berkeley and/or WETA Contractor(s) Native American monitor(s) Most Likely Descendant Consulting Tribes, as applicable	City of Berkeley Parks, Recreation, and Waterfront Department	

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CEQA Findings and Statement of Overriding Considerations

for the

City of Berkeley Water Transportation Pier Ferry Project Environmental Impact Report

pursuant to CEQA Guidelines Sections 15091 and 15093 and Public Resources Code Section 21081

The Environmental Impact Report (EIR) prepared by the City of Berkeley (City) for the Berkeley Water Transportation Pier Ferry Project ("the project") consists of the February 2026 Draft EIR and the October 2026 Final EIR including Responses to Comments on the Draft EIR. The EIR identifies significant environmental impacts that would result from implementation of the project. The City finds that the adoption of mitigation measures identified in the EIR as part of project approval will reduce all but the following significant environmental impacts to levels that are less than significant:

- Project-level and cumulative temporary construction noise impacts and associated land use/ planning and recreation impacts related to construction noise.
- Cumulatively considerable contribution to a significant cumulative operational roadway noise impact on University Avenue between Seawall Drive and Marina Boulevard, and associated land use/ planning and recreation impacts related to operational roadway noise.

No feasible mitigation measures have been identified to reduce these impacts to a less-than-significant level; therefore, the impacts will remain significant and unavoidable impacts of the project. Construction noise levels would exceed applicable thresholds even with implementation of identified feasible mitigation measures. For those impacts, mitigation measures have been identified and will be adopted and incorporated into the project, but will not reduce impacts to a less-than-significant level. Therefore, these impacts will remain significant and unavoidable impacts of the project. These findings contain a statement of overriding considerations in Section 6, below, that explains why the benefits of the proposed project outweigh these temporary unavoidable adverse environmental effects and are, therefore, acceptable.

As required by the California Environmental Quality Act, Public Resources Code Section 21000 *et seq*. (CEQA) and the State CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 *et seq*. (CEQA Guidelines), the City, in addition to adopting these CEQA Findings and Statement of Overriding Considerations, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. In adopting the MMRP, the City finds that it meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant environmental effects of the project.

In accordance with CEQA and the CEQA Guidelines, the City adopts these findings as part of the project approval. Pursuant to Public Resources Code Section 21082.1(c)(3), the City also finds that the Final EIR reflects the City's independent judgment as the lead agency for the project.

TABLE OF CONTENTS

SECTION 1: INTRODUCTION 1
STATUTORY REQUIREMENTS FOR FINDINGS 1
SECTION 2: PROJECT DESCRIPTION: BERKELEY WATER TRANSPORTATION PIER FERRY PROJECT 1
2.1 PROJECT DESCRIPTION 1
2.2 PROJECT OBJECTIVES 2
SECTION 3: ENVIRONMENTAL REVIEW PROCESS 3
SECTION 4: FINDINGS 3
4.1 SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL 4
4.2 EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS 7
4.3 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT OR NOT SIGNIFICANT 24
4.4 CUMULATIVE IMPACTS 28
4.5 GROWTH INDUCING IMPACTS 29
SECTION 5: FEASIBILITY OF PROJECT ALTERNATIVES 30
5.1 PROJECT ALTERNATIVES 30
5.2 ENVIRONMENTALLY SUPERIOR ALTERNATIVE 35
SECTION 6: STATEMENT OF OVERRIDING CONSIDERATIONS 36
SECTION 7: INCORPORATION BY REFERENCE 40
SECTION 8: RECIRCULATION NOT REQUIRED 40
SECTION 9: RECORD OF PROCEEDINGS 40
SECTION 10: SUMMARY 40

SECTION 1: INTRODUCTION

Statutory Requirements for Findings

CEQA Guidelines § 15091 states that:

> (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
>
> (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
>
> (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
>
> (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental effects (impacts) that will otherwise occur with implementation of the project. Mitigation measures or project alternatives are not required, however, where they are infeasible or where modifying the project or adopting mitigation is within the responsibility and jurisdiction of another agency.[1]

For significant impacts that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.[2] CEQA Guidelines §15093(a) states that:

> If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

SECTION 2: PROJECT DESCRIPTION: BERKELEY WATER TRANSPORTATION PIER FERRY PROJECT

This section provides a brief description of the project and lists the objectives of the proposed project.

2.1 Project Description

The Berkeley Pier was closed in July 2015 due to visually observed structural problems on the underside of the concrete decking and pilings. The proposed project aims to revitalize the Berkeley Waterfront by developing a new dual-purpose pier and ancillary uses that support both public recreation and zero-emission public ferry service. Specifically, the project would include the following components:

- Demolish portions of the closed pier;
- Construct a new 1,080-foot-long public pier at the same location as the closed pier with pedestrian access and recreational amenities;
- Construct a new 400-foot-long breakwater perpendicular to and connected to the new pier, providing pedestrian access and recreational amenities;

1 CEQA Guidelines Section 15091(a)(2) and (3).

2 Public Resources Code Section 21081(b).

- Provide recreational amenities on the pier and breakwater for walking, sightseeing, and fishing, including interpretive and educational signs, benches, shade canopy, seats, and a fish cleaning station;
- Provide ferry infrastructure including but not limited to universal charging and boarding float(s), landing(s), gangway(s), and security entrance;
- One-time dredging along the existing 100-foot wide United States Army Corps of Engineers federal navigation channel that parallels the closed pier, as well as at a turning basin at the ferry landing(s);
- Construct a new public plaza with stormwater treatment and amenities such as a public restroom, public seating, bicycle lanes, public bicycle parking, and landscaping;
- Implement improvements to University Avenue, including repaving and restriping between the round-about intersection with Marina Boulevard and the intersection with Seawall Drive, stormwater treatment and a new raised bicycle track, passenger drop off zone, and public bus infrastructure, including the relocation of an existing AC Transit bus stop, installation of new bus passenger loading islands, and dedicated bus loading and unloading facilities; Implement improvements to Seawall Drive, including re-alignment, repaving, stormwater treatment, and restriping;
- Develop a portion of the planned Bay Trail Extension, south of the pier and along Seawall Drive;
- Renovate the parking lot off Seawall Drive with new pavement, surfacing, striping, lighting, stormwater treatment, and replacement of existing stormwater outfalls;
- Repair 300 feet of a stretch of shoreline located on the eastern side Seawall Peninsula, just north of the 199 Seawall Drive structure in the form of rock rip rap slope protection;
- Provide new landscaping as well as tree removal and replacement;
- Provide new way-finding signage and replacement lighting;
- Install new electric infrastructure to charge ferry vessels;
- Install new water connections for a restroom and hose bibs;
- Install new wastewater connections for a restroom; and
- Operate new zero-emission electric passenger ferry service, connecting the Berkeley ferry terminal to San Francisco.

In addition to the project components listed above, the City is considering adding solar panels to the renovated parking lot as an optional improvement. The City is in the process of deciding whether this feature will be incorporated into the project. The potential environmental impact from installing solar panels is analyzed in the EIR. The EIR also analyzes alternatives to the project as described in SECTION 5:, below.

2.2 Project Objectives

Pursuant to *CEQA Guidelines* Section 15124(b), the EIR project description must include "[a] statement of objectives sought by the proposed project… The statement of objectives should include the underlying purpose of the project." The Berkeley Water Transportation Pier Ferry Project is intended to achieve the following project objectives:

- Enhance public access and recreational opportunities at the Berkeley Waterfront that:
  - Develop or enhance public pier facilities at the City of Berkeley Waterfront.
  - Provide sufficient public access and recreational opportunities at the Berkeley Waterfront that meet regional needs, consistent with BCDC Bay Plan Policies maximizing access to the Bay.
  - Minimize environmental impacts by considering existing infrastructure and sea level rise projections.
  - Encourage the use of public transit, bicycle, and other forms of active transportation and sustainable travel to access the site.

- Provide efficient and environmentally friendly zero emission public ferry service between Berkeley and San Francisco that:
  - Improves regional connectivity and resiliency with enhanced public transportation choices for East Bay residents, including for accessing jobs in San Francisco and other locations along the Bay for commerce and recreational purposes, and to address existing deficiencies in the Transbay transportation network.
  - Reduces the use of single-occupancy vehicles for Transbay trips, thereby reducing greenhouse gas and air quality emissions and decreasing congestion on the regional roadway system, consistent with regional and Statewide goals.
  - Provides travel times and costs that are competitive with other Transbay modes of travel.
  - Provides public transit facilities that are compatible with operations and recreational activities at the Berkeley Waterfront.
  - Provides navigable conditions for safe and efficient operation of ferry vessels.
  - Provides options for emergency response and transportation services in case of an emergency, such as natural or human-caused event that disables roads, other transit, bridges, and/or tunnels.

SECTION 3: ENVIRONMENTAL REVIEW PROCESS

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On April 18, 2025, the City of Berkeley issued a Notice of Preparation (NOP) for a 31-day comment period until May 19, 2025, to receive input on the scope and content of the EIR and help identify the types of impacts that could result from the project as well as potential areas of controversy. The NOP was filed with the County Clerk, published in a local newspaper, and mailed to public agencies (including the State Clearinghouse), organizations, and individuals considered likely to be interested in the project and its potential impacts. The City received written responses to the NOP regarding the scope and content of the EIR. The City also held an EIR scoping meeting May 5, 2025, at which 12 members of the public provided verbal comments. In addition to the verbal comments received during the EIR scoping meeting, the City received written scoping comment letters from 6 agencies, 3 Native American Tribes, 7 organizations, and 17 individuals in response to the NOP during the public review period.

The Draft EIR was made available for public review and comment on February 27, 2026. The Notice of Availability of a Draft EIR was posted with the Alameda County Clerk, filed with the State Clearinghouse for distribution to State agencies, published in a local newspaper, and mailed to local agencies and interested organizations. A Notice of Completion was also filed with the State Clearinghouse. The Draft EIR and an announcement of its availability were posted electronically on the City's website. The original public review and comment period was established as a 45-day review period, ending on April 13, 2026. On April 1, 2026, the City issued a revised Notice of Availability, notified the State Clearinghouse and project distribution list, and extended the public review and comment period by an additional 15 days. As a result, the Draft EIR was circulated for a total of 60 days, and the public comment period closed on April 28, 2026. The City received 102 written comment letters on the Draft EIR. The City also held a Draft EIR public meeting on March 16, 2026, to receive public comments on the environmental analysis during which 23 individual persons provided verbal comments on the Draft EIR.

SECTION 4: FINDINGS

These findings summarize the environmental determinations of the EIR about project impacts before and after mitigation, and do not attempt to repeat the full analysis of each environmental impact contained in the EIR. Instead, these findings provide a summary description of and basis for impacts in the EIR, describe the applicable mitigation measures identified in the EIR, and state the City’s findings and rationale regarding the significance of impacts with the implementation of identified mitigation measures. A full explanation of these

environmental findings and conclusions can be found in the EIR, and these findings hereby incorporate by reference the discussion and analysis in the EIR supporting the EIR's determinations regarding mitigation measures and the project's impacts.

4.1 SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

The Draft EIR identifies the following significant and unavoidable adverse project-level impacts associated with the approval of the project, some of which can be reduced, although not to a less-than-significant level, through implementation of mitigation measures identified in the Final EIR (Public Resources Code § 21081(a)(1)). To the extent that these mitigation measures will not mitigate or avoid all significant effects on the environment, it is hereby determined that any remaining significant and unavoidable adverse impacts are acceptable for the reasons specified in SECTION 6:, below (Public Resources Code § 21081(a)(3)). The findings in this section are based on the Draft EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

The Draft EIR also identified significant and unavoidable cumulative impacts, which are addressed in Section 4.4.

4.1.1 Noise

Impact NOI-1: Operational Impacts: Mobile and stationary operational noise impacts would be less than significant. Construction Impacts: Most project construction noise impacts would be less than significant with mitigation; however, construction noise levels at Shorebird Park and some live-aboard boats, including for demolition and daytime and nighttime pile installation, would still exceed City thresholds and, thus, overall construction noise impacts would be significant and unavoidable.

Mitigation Measure NOI-1: ***Prepare and Implement Construction Noise Management Plan Prior to and During Construction****. Prior to the start of construction activities, a Construction Noise Management Plan shall be submitted to and approved by the City's Public Works Department. The Construction Noise Management Plan shall include the following:*

- *Prior to the initiation of construction activities at the project site, the contractor shall install temporary noise barriers/blankets between the construction boundary and nearby sensitive receptors. The temporary barriers/blankets shall have a minimum height of 12 feet to block the line of sight between operating construction equipment and adjacent sensitive receptors. Barriers shall be constructed with a solid material that has a density of at least one pound per square foot with no gaps from the ground to the top of the barrier and be lined on the construction side with acoustical blanket, curtain, or equivalent absorptive material rated STC 32 or higher. The temporary barriers/blankets shall be installed as follows:*
  - *For landside construction activities occurring near the pier entrance/public plaza, temporary noise barriers/blankets shall be installed around the construction boundaries between the construction work areas and the Skates on the Bay Restaurant and Horseshoe Park located to the north and Shorebird Park located to the east.*
  - *For construction activities occurring at/near the Seawall Drive parking lot, temporary noise barriers/blankets shall be installed between the construction boundary and Shorebird Park to the north.*
  - *For construction activities occurring along University Avenue, temporary noise barriers/blankets shall be installed between the construction work areas and the live-aboard boats in the Marina to the north and Shorebird Park and Adventure Playground to the south.*
- *With approval of the project structural engineer, landside pile holes shall be pre-drilled to minimize the number of impacts necessary to seat the pile, where feasible.*
- *Pile driving shall be scheduled to have the least impact on nearby live-aboards or houseboats.*

- *Applicable pile driving noise control devices shall be integrated to the extent feasible to conduct both landside and in-water pile driving. These may include, but are not limited to, shrouding the pile hammer point of impact, by placing resilient padding directly on top of the pile cap, and/or by reducing exhaust noise with a sound-absorbing muffler.*
- *Alternatives to impact hammers, such as oscillating or rotating pile installation systems, shall be used where possible for landside pile driving.*
- *At least 10 days prior to the start of construction activities, a sign shall be posted at the construction site, or other conspicuous location, that includes a telephone number, website and email for project information, and a procedure in which a construction manager shall respond to and investigate noise complaints and take corrective action, if necessary, in a timely manner.*
- *At least 21 days prior to the start of construction activities, businesses and residents (including occupied live-aboard boats) within 500 feet of the project site shall be notified of the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, the hours when construction would occur, and the overall duration of the construction period. The notification shall include the telephone numbers and email addresses of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise complaint.*
- *If a construction noise complaint is registered and if City code enforcement is not available to make noise measurements, the City shall retain a City-approved noise consultant to conduct noise measurements at the properties that registered the complaint. The noise measurements shall be conducted for a minimum of one hour. The consultant shall prepare a letter report for code enforcement summarizing the measurements, calculation data used in determining impacts, and potential measures to reduce noise levels to the maximum extent feasible.*
- *Prior to the start of and for the duration of construction, the contractor shall properly maintain and tune all construction equipment in accordance with the manufacturer's recommendations to minimize noise emissions.*
- *Prior to use of any construction equipment, the contractor shall fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds no less effective than as originally equipped by the manufacturer.*
- *Material hauling and deliveries shall be coordinated by the construction contractor to reduce the potential of trucks waiting to unload for protracted periods of time.*
- *To the extent feasible, hydraulic equipment shall be used instead of pneumatic impact tools, and electric-powered equipment shall be used instead of diesel-powered equipment.*
- *Stationary noise sources (e.g., generators) shall be located as far from sensitive receptors as practicable, and they shall be muffled and enclosed within temporary sheds, or insulation barriers with a minimum STC rating of 32.*
- *The use of bells, whistles, alarms, and horns shall be restricted to safety warning purposes only.*
- *Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than five minutes. The construction manager shall be responsible for enforcing this.*

Finding: The City finds that implementation of Mitigation Measure NOI-1, which is hereby adopted and incorporated into the project, would reduce construction noise impacts to the maximum extent feasible. However, even with implementation of this mitigation measure, construction noise impacts would remain significant and unavoidable. Specifically, daytime pile-driving activities and nighttime pile-driving activities would continue to exceed applicable City noise standards at nearby sensitive receptors. No additional feasible mitigation measures have been identified that would reduce these pile-driving impacts to a less-than-significant level. The City further finds that although this impact would be significant and unavoidable, the temporary impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (see SECTION 6: of this document).

Facts in Support of Finding: Implementation of Mitigation Measure NOI-1 would reduce construction noise levels through the use of temporary noise barriers, pile-driving noise attenuation measures, equipment controls, construction notifications, and other feasible construction noise reduction measures. However, due to the nature of pile-driving activities required for construction of the pier and ferry facilities, noise levels would nonetheless temporarily exceed applicable City standards at nearby sensitive receptors, including Shorebird Park and live-aboard boats within the Marina, during both daytime and nighttime construction. No additional feasible mitigation measures have been identified that would reduce construction noise levels to a less-than-significant level. Therefore, construction noise impacts associated with pile-driving would remain significant and unavoidable.

4.1.2 Land Use and Planning

Impact LU-2: Construction of the proposed project would not be consistent with policies related to noise in the Berkeley Municipal Code, and impacts would be significant and unavoidable.

Mitigation Measure NOI-1: ***Prepare and Implement Construction Noise Management Plan Prior to and During Construction.*** *Refer to Impact NOI-1 in Section 4.1.1 of these Findings.*

Finding: The City finds that implementation of Mitigation Measure NOI-1, which is hereby adopted and incorporated into the project, would reduce construction noise impacts to the maximum extent feasible. However, temporary construction noise impacts would remain significant and unavoidable with respect to consistency with applicable land use plans, policies, and regulations. Specifically, construction noise impacts would not be consistent with the noise standards established in the Berkeley Municipal Code. While implementation of other mitigation measures identified in the Draft EIR would also be required for Impact LU-2 and are addressed elsewhere in Section 4.2, EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS, of these Findings, Mitigation Measure NOI-1 is the mitigation measure relevant to the residual land use and planning impact associated with construction noise. No additional feasible mitigation measures have been identified that would reduce this impact to a less-than-significant level. The City further finds that although this impact would be significant and unavoidable, the temporary impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (see SECTION 6: of this document).

Facts in Support of Finding: The Draft EIR concluded that the proposed project would be generally consistent with applicable regional and local plans, including the Berkeley General Plan, Berkeley Marina Master Plan, Bay Area Clean Air Plan, Plan Bay Area 2050, Berkeley Climate Action Plan, Berkeley Local Hazard Mitigation Plan, Berkeley Measure L, and the BCDC San Francisco Bay Plan. However, as discussed in Section 3.10, *Noise*, of the Draft EIR, daytime and nighttime pile-driving activities would nonetheless temporarily exceed applicable noise standards in the Berkeley Municipal Code even with implementation of Mitigation Measure NOI-1. Because the project would remain inconsistent with a regulation adopted for the purpose of avoiding or mitigating an environmental effect, construction noise and related land use compatibility impacts would remain significant and unavoidable.

4.1.3 Recreation

Impact REC-2: The project includes the construction of recreational facilities, the potential environmental impacts of which are identified and evaluated throughout this Environmental Impact Report. This impact would be significant and unavoidable.

Mitigation Measure NOI-1: ***Prepare and Implement Construction Noise Management Plan Prior to and During Construction.*** *Refer to Impact NOI-1 in Section 4.1.1 of these Findings.*

Finding: The City finds that implementation of Mitigation Measure NOI-1, which is hereby adopted and incorporated into the project, would reduce construction noise impacts to the maximum extent feasible. However, temporary construction noise associated with construction of the proposed recreational facilities would remain significant and unavoidable. Specifically, construction noise would exceed noise thresholds established in the Berkeley Municipal Code. Implementation of other mitigation measures

identified in the Draft EIR would also be required for Impact REC-2, which are addressed in Section 4.2, EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS of these Findings as appropriate. However, Mitigation Measure NOI-1 is the mitigation measure relevant to the residual recreation impact because construction noise associated with construction of the proposed recreational facilities would nonetheless temporarily exceed applicable City noise standards even with implementation of Mitigation Measure NOI-1. No additional feasible mitigation measures have been identified that would reduce this impact to a less-than-significant level. The City further finds that although this impact would be significant and unavoidable, the temporary impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (see SECTION 6: of this document).

Facts in Support of Finding: Construction of the recreational facilities included in the project would result in a significant and unavoidable temporary impact related to construction noise. Implementation of project Mitigation Measure NOI-1 would reduce this impact but not to a level of less-than-significant. As discussed in Section 3.10, *Noise*, of the Draft EIR, construction of the pier and breakwater would require pile-driving activities that would continue to exceed applicable City noise standards even with implementation of Mitigation Measure NOI-1. Because construction noise impacts would remain significant and unavoidable, the physical impact on the environment associated with construction of the proposed recreational facilities would also remain significant and unavoidable.

4.2 EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS

The Draft EIR identified certain potentially significant effects that could result from the project. However, the City finds for each of the significant or potentially significant impacts identified in this section (Section 4.2) that, based upon substantial evidence in the record, changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant effects as identified in the Final EIR (CEQA Guidelines Section 15091) and, thus, that adoption of the mitigation measures set forth below will reduce these significant or potentially significant effects to less-than-significant levels. These measures will be required of the project as part of the City review and approval process where applicable.

4.2.1 Aesthetics

Impact AES-4. Construction lighting from the proposed project would affect nearby houseboat residents or occupants. This impact would be less than significant with mitigation. Operation of the Proposed project would result in sources of light and glare from overhead light fixtures and safety and wayfinding lighting. However, operational levels of light and glare would be minor, similar to existing conditions, and all lighting associated with the project would be designed with DarkSky approved fixtures, resulting in a less than significant impact during operations.

Mitigation Measure AES-1: ***Reduce Night Lighting During Construction of Facilities****. Night lighting for construction activities, staging areas and other areas used for construction shall be the minimum necessary to ensure safety and security for nighttime activities and operations. As part of planning and project implementation, the City or its contractor(s) shall ensure nighttime lighting used for construction is shielded and oriented downwards toward the work area(s) to reduce off-site light spill during nighttime construction activities. Lighting at the project site shall consist of light-emitting diode lights in all areas where nighttime construction activities will occur and be either motion-activated or use timers to ensure safety and security and reduce the impact of nighttime light pollution. Furthermore, all lighting would be designed in compliance with Illuminating Engineering Society (IES) and DarkSky recommendations. The City of Berkeley shall verify that this mitigation measure is included in the project's final construction specifications prior to the initiation of construction activities.*

Finding: The City finds that implementation of Mitigation Measure AES-1, which is hereby adopted and incorporated into the project, would avoid or substantially reduce the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Implementation of Mitigation Measure AES-1 would require nighttime construction lighting to be limited to the minimum necessary for safety and security, shielded and directed downward and inward toward work areas, and designed consistent with IES and DarkSky recommendations. Therefore, impacts related to light and glare would be reduced to a less-than-significant level with implementation of Mitigation Measure AES-1.

4.2.2 Air Quality

Impact AQ-2. The project would result in a cumulatively considerable net increase of criteria pollutants (specifically NOx) for which the project region is in non-attainment under an applicable federal or state air quality standard, prior to mitigation. With implementation of Mitigation, NOx would be reduced to below regulatory thresholds. Impacts would be less than significant with mitigation.

Mitigation Measure AQ-1: ***Implement Construction Emissions Reduction Measures During Construction****. Prior to issuance of grading and construction permits, the City or its contractor(s) shall include the following measures on all construction plans, and these measures shall be implemented during construction:*

- *All mobile off-road equipment (wheeled or tracked) greater than 50 horsepower used during construction activities shall meet the USEPA Tier 4 final standards. Tier 4 certification can be for the original equipment or equipment that is retrofitted to meet the Tier 4 final standards.*
- *Alternative Fuel (natural gas, propane, electric, etc.) construction equipment shall be incorporated where available. These requirements shall be incorporated into the contract agreement with the construction contractor. A copy of the equipment's certification or model year specifications shall be available upon request for all equipment on-site.*
- *Electricity shall be supplied to the site from the existing power grid to support the electric construction equipment. If connection to the grid is determined to be infeasible for portions of the project, a non-diesel fueled generator shall be used.*
- *The project would comply with the CARB Air Toxics Control Measure that limits diesel powered equipment and vehicle idling to no more than five minutes at a location, and the CARB In-Use Off-Road Diesel Vehicle Regulation; compliance with these would minimize emissions of TACs during construction.*

In addition, the City shall require the proposed project to comply with the following current Bay Area Air District's basic control measures for reducing construction emissions of PM_{10}[3] :

- *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
- *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
- *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
- *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
- *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
- *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
- *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.*

[3] Bay Area Air District. 2017. California Environmental Quality Act Air Quality Guidelines, Table 8-2. Available: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en (accessed October 2025).

- *Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*

Finding: The City finds that implementation of Mitigation Measure AQ-1, which is hereby adopted and incorporated into the project, would avoid or substantially reduce the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Implementation of Mitigation Measure AQ-1 would require the use of Tier 4 Final or alternatively fueled construction equipment, compliance with CARB idling requirements, and implementation of Bay Area Air District construction dust-control measures. Without mitigation, project construction would exceed the Bay Area Air District threshold for NOX emissions. However, implementation of Mitigation Measure AQ-1 would reduce NOX emissions below applicable Bay Area Air District significance thresholds. Therefore, impacts related to construction criteria air pollutant emissions would be less than significant with implementation of Mitigation Measure AQ-1.

Impact AQ-3. The project would not increase carbon monoxide concentrations such that it would create carbon monoxide hotspots, and construction of the project would not result in emissions of TACs sufficient to exceed applicable health risk criteria with implementation of mitigation. Impacts would be less than significant with mitigation.

Mitigation Measure AQ-1: ***Implement Construction Emissions Reduction Measures During Construction.*** *Refer to Impact AQ-2 above.*

Finding: The City finds that implementation of Mitigation Measure AQ-1, which is hereby adopted and incorporated into the project, would avoid or substantially reduce the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Implementation of Mitigation Measure AQ-1 would require the use of Tier 4 Final or alternatively fueled construction equipment, compliance with CARB idling requirements, and other construction emissions reduction measures that would minimize emissions of toxic air contaminants during construction. With implementation of Mitigation Measure AQ-1, construction-related health risks related to exposure of sensitive receptors to TACs would not exceed applicable significance thresholds. In addition, project-related roadway vehicle volumes would not increase roadway vehicle volumes at affected intersections to levels associated with carbon monoxide hotspots, and therefore operational carbon monoxide hotspot impacts would be less than significant without mitigation. Therefore, with implementation of Mitigation Measure AQ-1 to reduce construction-related toxic air contaminant health risks, the project would not expose sensitive receptors to substantial pollutant concentrations, including toxic air contaminant emissions and carbon monoxide hotspots, and impacts would be less than significant with mitigation.

4.2.3 Biological Resources

Impact BIO-1: Construction of the project would result in direct or indirect impacts to special-status species or their associated habitats including impacts to migratory bird nest sites. Impacts would be less than significant with mitigation.

Crotch's bumblebee has a low likelihood to be present in undeveloped portions of the project site. Based on the low likelihood for this species to occur, the low quality of habitat in the project site, and the distance from the known occurrence of this species, potential impacts to Crotch's bumblebee are less than significant. Nonetheless, the City would implement Mitigation Measure 1(f), as recommended by CDFW. Implementation of this mitigation, however, does not change the conclusion that impacts to this species is less than significant without mitigation.

Mitigation Measure BIO-1(a): ***Implement Worker Environmental Awareness Program Prior to and During Construction.*** *Prior to initiation of all construction activities (including staging and mobilization), all personnel associated with project construction shall attend a Worker Environmental Awareness Program training, conducted by a City-approved qualified biologist, to aid workers in recognizing special-*

status biological resources that may occur in the project area. This training will include information about northwestern pond turtle, special-status fish, marine mammals, and nesting birds potentially occurring in the project site.

The specifics of this program shall include identification of special-status species and habitats, a description of the regulatory status and general ecological characteristics of special-status resources, and review of the limits of construction and measures required to avoid and minimize impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employees, and other personnel involved with construction of the project. All employees shall sign a form provided by the trainer documenting they have attended the Worker Environmental Awareness Program and understand the information presented to them. The crew foreman shall be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to special-status species.

Mitigation Measure BIO-1(b): ***Conduct Northwestern Pond Turtle Survey and Avoidance Prior to Construction.*** *No less than seven days prior to the start of any construction activities within 500 feet of Strawberry Creek (including staging and mobilization), a City-approved qualified biologist will conduct a preconstruction survey for northwestern pond turtle within suitable habitat on the project site as feasible. If any northwestern pond turtle are identified within the work area, they will be allowed to leave the work site on their own. CNDDB Field Survey Forms will be submitted to the CDFW for all special-status animal species observed.*

If any northwestern pond turtles are observed by construction personnel within or adjacent to (within 50 feet) the project site, all work within the vicinity of the observation will be halted and the City will contact CDFW immediately for guidance. Only a CDFW-approved biologist will capture and relocate wildlife. Construction personnel are not permitted to handle said animals. If northwestern pond turtles become federally listed at the time of construction, no individuals shall be handled without approval from USFWS.

A report of all pre-construction survey efforts will be submitted to the City within 30 days of completion of the survey effort to document compliance. The report will include the dates, times, weather conditions, and personnel involved in the surveys and monitoring. The report will also include for each captured special-status animal, the Universal Transverse Mercator (UTM) coordinates and habitat descriptions of the capture and release sites (in UTM coordinates), the length of time between capture and release, and the general health of the individual(s).

This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

Mitigation Measure BIO-1(c): ***Conduct Burrowing Owl and Nesting Bird Survey and Avoidance Prior to Construction.***

Burrowing Owl

Prior to project construction, a qualified biologist will conduct a habitat assessment to determine if potential habitat for burrowing owl is present in or near the project site. If potential habitat is present in or within 500 feet of the project site, a qualified biologist will conduct a pre-construction survey of the project area (plus a 500-foot buffer as access allows) for the presence of burrowing owl. The survey will be conducted no more than 14 days prior to ground disturbing activities and will conform to CDFW guidelines for burrowing owl Take Avoidance Surveys as described in Appendix D of the 2012 CDFW Staff Report on Burrowing Owl Mitigation.[4] A report of pre-construction survey efforts and results will be submitted to the City within 30 days of completion of the survey. The report will include the dates, times, weather conditions, and personnel involved in the survey. Depending on survey results, the report will also include observations of burrowing owl or potential burrows, and the location and habitat description of the observations. If burrowing owl, active burrows, or their sign (i.e., tracks or pellets) are not observed in the project area, no additional measures related to impact avoidance and minimization of the absent

[4] California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. Department of Fish and Game. March 7, 2012. Available at: http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf2 (accessed July 2026).

species are recommended. If burrowing owl, active burrows, or their sign are observed within the project site, CDFW will be notified and the following measures will be implemented:

- *A qualified biological monitor will be present during landside construction on the project site to document burrowing owl observations, burrow statuses, and require that construction activities do not negatively affect burrowing owl. The duration and frequency of monitoring will be determined at the discretion of the qualified biologist and a monitoring report detailing monitoring results will be submitted to the City within 30 days of the completion of project activities or breeding season (February 1 to August 31), if applicable.*
- *The biological monitor will visually inspect any pipes, debris piles, culverts, or similar structures for burrowing owl before the material is moved, buried, or capped. Open holes and trenches within the project site will be inspected at the beginning and end of each landside construction workday and immediately prior to backfilling. At the end of each such workday, trenches and holes will be ramped so that any animals that may have become trapped in the trench or hole can climb out. The ramp may be constructed of dirt fill or wood planking or other suitable material at an angle no greater than 30-45 degrees. If a burrowing owl is trapped in a trench or hole, work will stop and the qualified biologist will be notified immediately. The burrowing owl will be allowed to escape unimpeded.*
- *If active burrows are observed on the project site, a non-disturbance buffer will be established restricting all ground-disturbing activities from occurring within the buffer and a qualified biological monitor will be present at the initiation of project activities. The buffer will be established by a qualified biologist and range from 330 ft. to 1,500 ft. depending on project activity, line of sight, and local topography during the breeding season. During the non-breeding season (September 1 to January 31), the buffer will range from 165 ft. to 330 ft. The buffer will be demarcated using brightly colored flagging and may only be reduced at the discretion of a qualified biologist based on the factors listed above and potential use of sound and visual barriers (i.e., hay bales). Removal of the buffer will only occur if a qualified biologist determines burrowing owl are not present in the vicinity and any potential burrows are inactive.*
- *If active burrow avoidance is infeasible during the non-breeding season or during the breeding season, where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, the City in coordination with a qualified biologist will consult with CDFW to prepare, authorize, and implement a passive relocation program consistent with Appendix E of the 2012 CDFW Staff Report on Burrowing Owl Mitigation.*
- *A habitat mitigation plan will be developed in coordination with the City and CDFW for loss of active burrowing owl burrow sites if implementation of a passive relocation plan is necessary and/or burrowing owl are documented to nest on site or within 500 feet of the project site. This would be based upon the portion of the project site that overlaps with the primary foraging area around the burrow site (approximately 500-foot buffer) to be replaced at a minimum 1:1 ratio.*

Nesting Birds

Project construction activities, including but not limited to vegetation removal and ground disturbance that result in noise or disturbance affecting potential nesting bird habitat, should commence outside of the nesting season (February 1 through September 15), if feasible. If construction begins outside the nesting season, a nesting bird survey is not required.

If ground disturbing project activities begin within the nesting season (February 1 through September 15), then no more than seven days prior to the initiation of project activities, a nesting bird pre-construction survey shall be conducted by a City-approved qualified biologist within the disturbance footprint, plus a 300-foot buffer for passerines and a 1,000-foot buffer for raptors. During construction within the nesting season, an additional focused survey shall be conducted prior to tree removal to identify active nests with the subject tree(s). If no active nests are observed, no further action would be required. Ground-disturbing project activities that are initiated outside of the nesting season may continue into the nesting season without requiring new nesting bird surveys.

Pre-construction nesting bird surveys shall be conducted by a qualified biologist during the time of day when birds are most active and should be of sufficient duration to reliably conclude presence or absence of nesting birds on the project site and within the designated buffer. A report of the nesting bird surveys results shall be submitted to the City for review and approval prior to clearance for mobilizing equipment. If nests are found, their locations shall be flagged (if possible) and recorded with the use of a GPS unit. Avoidance buffers shall be established around active nests. Depending upon the species, suitable minimum buffers may be 50 feet for non-raptor species and 300 feet for raptor species, or as determined by the qualified biologist in consultation with CDFW based on species sensitivity, construction activities, and other factors.

If active nests are present, all project work shall be conducted outside the established avoidance buffer zone from the nest until it is no longer active. No staging of large equipment shall occur within the avoidance buffer until the qualified biologist confirms that breeding/nesting is complete and all the young have fledged. If buffer zones are determined to be infeasible, a City-approved qualified biological monitor shall be on site to monitor project activities within the avoidance buffer zones to ensure active nests and nesting birds are not impacted. Nesting bird surveys are not required for project activities that occur between September 16 and January 31. A report of all survey results and any proposed avoidance buffers shall be submitted to the City for review and approval.

This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

Mitigation Measure BIO-1(d): ***Conduct Pile Driving Impact Avoidance to Fish and Marine Mammals Prior to and During Construction.*** *In-water work, including pile driving and dredging, shall be limited to the window of June 1 through November 30. The soft-start, ramp-up, exclusion-zone and sound attenuation procedures described below apply to pile-driving and pile-extraction activities. A "soft start" technique will be used to allow fish and marine mammals to vacate the area before the pile driver reaches full power. For vibratory hammers, the contractor will initiate the driving for 15 seconds at reduced energy, followed by a 1-minute waiting period when there has been downtime of 30 minutes or more. This procedure shall be repeated two additional times before continuous driving is started. This procedure would also apply to vibratory pile extraction. For impact driving, an initial set of three strikes would be made by the hammer at 40 percent energy, followed by a 1-minute waiting period, then two subsequent three-strike sets before initiating continuous driving. Pile-driving activity shall not begin at any location if any marine mammal is observed within the applicable safe-zone distance for its hearing group, as defined for the specific pile-driving method (e.g., pile diameter, vibratory or impact installation, and number of piles installed per day). Safe-zone distances shall follow the most current NMFS-approved guidance and the Marine Mammal Monitoring Plan prepared pursuant to Mitigation Measure BIO-1(E). In all cases, a minimum exclusion distance of no less than 10 meters shall be maintained around the pile-driving location. If a marine mammal moves within the safe zone after pile driving has begun, the contractor shall implement the appropriate delay or shutdown as described in Mitigation Measure BIO-1(E). A sound curtain, or bubble curtain, shall be employed during impact pile driving to break up sound waves, as feasible. The sound curtain would consist of a perforated hose laid in a circle to release air bubbles around the pile and diesel impact hammer. Jetting methods using pressurized water and/or wood cushion block methods shall also be employed as feasible to minimize impacts.*

If the intensity of the pile-driving activity needs to be increased or a marine mammal is within the safe zone buffer for the activity, pile-driving shall be "ramped-up", which is a slow increase in the intensity of pile-driving. At the start of pile-driving for each pile at all locations, the pile shall be struck once with the hammer and the second pile strike delayed long enough to permit adequate time for any marine mammals within the safe zone to leave the area prior to the start of sustained pile-driving activities.

This measure, including the technique and the size of the safe zone, may be modified or supplemented by permit conditions from applicable regulatory agencies.

Mitigation Measure BIO-1(e): ***Prepare Marine Mammal Monitoring Plan Prior to Construction and Implement Recommendations During Construction.*** *Prior to construction, the City shall prepare a Marine Mammal Monitoring Plan (MMMP) to avoid and minimize potential adverse impacts on marine*

mammals during pile driving and tug operations. The MMMP shall implement general guidelines set forth in the MMPA and incorporate the hydroacoustic modeling results developed for the project to define site-specific protection zones and avoid exposure of marine mammals to underwater sound levels exceeding the most up to date Level A (injury) thresholds identified by NOAA Fisheries. The MMMP shall include the following:

- ***Protection and Monitoring Zones****: Using the hydroacoustic modeling results, the MMMP shall define shutdown and disturbance zones for each marine mammal hearing group. These zones will be tailored to the pile type, size, and driving method and will correspond to the Level A and Level B effect distances developed for the project. The plan will describe how these protection zones will be verified and monitored in the field, integrating them with the soft-start and observation procedures described in Mitigation Measure BIO-1(d).*
- ***Vessel Operation Protocols****: The MMMP shall include vessel-operation measures consistent with the MMPA. Construction vessels under power shall remain at least 300 feet from whales and 150 feet from dolphins, porpoises, seals, and sea lions. When marine mammals are encountered, vessel operators shall reduce speed to no-wake, shift to neutral, and allow the animals to pass safely before resuming operations.*
- ***On-Site Monitoring and Response****: A qualified biologist shall be present on site, either observing from the pier or aboard a vessel, during all pile-driving and tug operations. The biologist shall document all marine-mammal observations, note behavioral responses, and immediately alert project personnel if a whale enters the modeled harassment distance or comes within 300 feet, or if any other marine mammal enters the modeled harassment distance or comes within 150 feet, whichever is greater. Upon such an observation, the contractor shall implement the appropriate delay or shutdown procedures identified in the MMMP.*
- ***Adaptive Management and Coordination****: The MMMP shall outline communication and reporting protocols, including stop-work notification procedures and coordination with NMFS Protected Species Division. Results from daily monitoring will be used to assess the effectiveness of the protection zones and adjust them, if needed, in consultation with NMFS.*
- ***Nighttime Pile Driving****: Nighttime pile driving shall be limited to situations where safety concerns or significant schedule delays require that pile driving started during daytime hours extend beyond typical work hours. For instances where nighttime pile driving is required, the MMMP shall include non-visual monitoring protocols, such as passive acoustic monitoring, thermal/infrared cameras, and night vision optics, as well as larger nighttime exclusion/shutdown zones, extended soft start procedures, and the most effective feasible hydroacoustic attenuation.*

This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

Mitigation Measure BIO-1(f): ***Implement CDFW-Requested Measure for Crotch's Bumble Bee Prior to Construction.[5]*** *A formal habitat assessment of the project site landside project disturbance areas shall be performed by a qualified biologist prior to initiating ground disturbing activities to determine if suitable nesting or foraging habitat is present within the project site. The assessment shall include:*

- *Review of occurrence record data*
- *Analysis of foraging, nesting, and overwintering resources*

[5] During the Draft EIR public review period, CDFW requested implementation of additional measures related to Crotch's bumble bee, a State candidate endangered species. As discussed in Draft EIR Section 3.3, *Biological Resources*, the project site contains limited, low-quality habitat for Crotch's bumble bee and the species has a low potential to occur within the project site, and accordingly, as further discussed in Chapter 2, *Responses to Comments*, and clarified in Chapter 3, *Errata*, of the Final EIR, impacts to Crotch's bumble bee were determined to be less than significant without mitigation. In response to CDFW's comment, the City added Mitigation Measure BIO-1(f) to the Final EIR and Mitigation Monitoring and Reporting Program to provide for habitat assessment, preconstruction surveys, and CDFW consultation if the species is detected. However, Mitigation Measure BIO-1(f) is not required to reduce a significant environmental impact, and its addition to the Final EIR or implementation thereafter does not alter the significance conclusion that impacts to Crotch's bumble bee would be less than significant without mitigation. Accordingly, Mitigation Measure BIO-1(f) is not relied upon as the basis for this finding.

- *Documentation of plant species observed (including what is blooming at the time of the survey and percent cover)*

The locations of nesting resources, including rodent burrows, cavities, thatched grasses, brush, rock piles, fallen logs, and manmade structures, shall be mapped during the assessment. Areas adjacent (within 50 feet) to the project site shall also be considered, if accessible, to determine if there is suitable nesting or foraging habitat.

If suitable nesting and foraging resources are detected during the habitat assessment, they will be avoided by a minimum 50-foot buffer, where possible. If avoidance is not possible, protocol-surveys following the CDFW Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023) will be conducted to determine if Crotch's bumble bee is present within the project site. A minimum of three visits will be conducted during the colony active season (April – August) and will be spaced 2-4 weeks apart. Surveys will be conducted each year that construction activities occur within suitable nesting habitat because bumble bees move their nests each year. If no Crotch's bumble bees are detected on the project site, no further mitigation actions will be required. If Crotch's bumble bees are detected, consultation with CDFW will be initiated to determine the most appropriate strategy to avoid impacts to bumble bees on the project site. If full take avoidance is not feasible, the City will apply to CDFW for take authorization under an Incidental Take Permit.

Mitigation Measure HYD-1: ***Include and Implement Additional Best Management Practices in the SWPPP Prior to and During Pier Demolition.*** *Refer to Impact HYD-1 in Section 4.2.6 of these Findings.*

Mitigation Measure AES-1: ***Reduce Night Lighting During Construction of Facilities.*** *Refer to Impact AES-4 in Section 4.2.1 of these Findings.*

Finding: The City finds that implementation of Mitigation Measures BIO-1(a) through BIO-1(e), HYD-1, and AES-1, which are hereby adopted and incorporated into the project, would avoid or substantially reduce the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Implementation of Mitigation Measures BIO-1(a) through BIO-1(e) would require a Worker Environmental Awareness Program; preconstruction surveys, avoidance measures, monitoring, and agency coordination for northwestern pond turtle, burrowing owl, nesting birds, and marine mammals; and implementation of a Marine Mammal Monitoring Plan and pile-driving avoidance measures. In addition, Mitigation Measure HYD-1 would reduce water quality impacts during in-water construction work and Mitigation Measure AES-1 would reduce construction lighting effects on biological resources. These measures would avoid or minimize impacts to special-status species and their habitats during construction and operation of the project. Therefore, impacts to special-status species and other biological resources would be less than significant with mitigation.

Impact BIO-2: Construction of the project would have a substantial adverse effect on sensitive natural communities identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. Impacts would be less than significant with mitigation incorporated.

Mitigation Measure BIO-1(a): ***Implement Worker Environmental Awareness Program Prior to and During Construction.*** *Refer to Impact BIO-1 above.*

Mitigation Measure BIO-2: ***Implement Invasive Species Prevention During Construction.*** *The following practices shall be required for on-site construction activities:*

- *Any in-water fill materials shall be new or not salvaged from areas outside of San Francisco Bay.*
- *Any pumps or in-water construction equipment that may be needed during construction shall be cleaned and dried for at least 72 hours prior to being used on the project site.*
- *Tug boats shall not discharge untreated ballast water from outside the San Francisco Bay.*

This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

Mitigation Measure HYD-1: ***Include and Implement Additional Best Management Practices in the SWPPP Prior to and During Pier Demolition.*** *Refer to Impact HYD-1 in Section 4.2.6 of these Findings.*

Finding: The City finds that implementation of Mitigation Measures BIO-1(a), HYD-1, and AES-1, which are hereby adopted and incorporated into the project, would avoid or substantially reduce the significant environmental effect identified in the Final EIR to a level below the applicable threshold of significance.

Facts in Support of Finding: Implementation of Mitigation Measure BIO-1(a) would provide worker environmental awareness training regarding sensitive biological resources, Mitigation Measure BIO-2 would require invasive species prevention measures during construction, and Mitigation Measure HYD-1 would require implementation of additional water quality protection measures during in-water work. These measures would avoid or minimize impacts to Essential Fish Habitat, Habitat Areas of Particular Concern, critical habitat, and other sensitive marine habitats by reducing the potential for water quality degradation and the introduction or spread of invasive species during construction. Therefore, impacts to sensitive natural communities would be less than significant with mitigation.

Impact BIO-3: Construction and operation of the project would have a substantial adverse effect on state- or federally protected wetlands or Waters. Impacts would be less than significant with mitigation incorporated.

Mitigation Measure BIO-3: ***Avoid Net Loss of Jurisdictional Waters Prior to Operation.*** *The City shall avoid a net loss of jurisdictional waters due to project implementation by demolishing additional portions of the existing pier to offset net increase in fill and overwater cover. Removal of existing pier decking and associated piles shall be required at a minimum 1:1 ratio for net increase in fill and overwater cover impacts on tidal waters of the San Francisco Bay, to achieve no net increase in Bay fill. Removal of existing structures shall be implemented prior to or concurrently with construction of the new pier.*

The City shall develop a plan documenting the existing pier footprint, the proposed pier footprint, and the required additional demolition needed to demonstrate that no net increase in Bay fill or overwater cover would occur. This plan shall be developed by a qualified regulatory specialist prior to project construction and submitted to the appropriate agencies for review and approval during permitting.

This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

Mitigation Measure HYD-1: ***Include and Implement Additional Best Management Practices in the SWPPP Prior to and During Pier Demolition.*** *Refer to Impact HYD-1 in Section 4.2.6 of these Findings.*

Finding: The City finds that implementation of Mitigation Measures BIO-3 and HYD-1, which are hereby adopted and incorporated into the project, would avoid or substantially reduce the significant environmental effect identified in the Final EIR to a less than significant level.

Facts in Support of Finding: Implementation of Mitigation Measure BIO-3 would require demolition of additional portions of the existing pier to offset net increase in fill and overwater cover associated with the project, resulting in no net increase in Bay fill or overwater cover within jurisdictional waters. Mitigation Measure HYD-1 would require implementation of additional water quality protection measures during in-water construction activities. In addition, the project would be subject to permitting and approval by the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and San Francisco Bay Conservation and Development Commission, which will include avoidance, minimization and mitigation requirements to achieve no net loss of jurisdictional waters. Implementation of Mitigation Measures BIO-3, HYD-1, and any additional permitting requirements would avoid or minimize impacts to jurisdictional waters and would ensure that no net loss of jurisdictional waters would occur. Therefore, impacts to State and federally protected waters would be less than significant with mitigation.

Impact BIO-5: Construction and operation of the project would be subject to the City's policies and ordinances protecting biological resources, including protected trees, and therefore would not conflict with them. Regarding consistency with policies in the BCDC Bay Plan related to protecting biological resources, impacts would be less than significant with mitigation.

Mitigation Measure BIO-1(a): ***Implement Worker Environmental Awareness Program Prior to and During Construction.*** *Refer to Impact BIO-1 above.*

Mitigation Measure BIO-1(b): ***Conduct Northwestern Pond Turtle Survey and Avoidance Prior to Construction.*** *Refer to Impact BIO-1 above.*

Mitigation Measure BIO-1(c): ***Conduct Burrowing Owl and Nesting Bird Survey and Avoidance Prior to Construction.*** *Refer to Impact BIO-1 above.*

Mitigation Measure BIO-1(d): ***Conduct Pile Driving Impact Avoidance to Fish and Marine Mammals Prior to and During Construction.*** *Refer to Impact BIO-1 above.*

Mitigation Measure BIO-1(e): ***Prepare Marine Mammal Monitoring Plan Prior to Construction and Implement Recommendations During Construction.*** *Refer to Impact BIO-1 above.*

Mitigation Measure BIO-2: ***Implement Invasive Species Prevention During Construction.*** *Refer to Impact BIO-2 above.*

Mitigation Measure BIO-3: ***Avoid Net Loss of Jurisdictional Waters Prior to Operation.*** *Refer to Impact BIO-3 above.*

Mitigation Measure AES-1: ***Reduce Night Lighting During Construction of Facilities.*** *Refer to Impact AES-4 in Section 4.2.1 of these Findings.*

Mitigation Measure HYD-1: ***Include and Implement Additional Best Management Practices in the SWPPP Prior to and During Pier Demolition.*** *Refer to Impact HYD-1 in Section 4.2.6 of these Findings.*

Finding: The City finds that implementation of Mitigation Measures BIO-1(a) through BIO-1(e), BIO-2, BIO-3, AES-1, and HYD-1, which are hereby adopted and incorporated into the project, would avoid or substantially reduce the significant environmental effect identified in the Final EIR to a less than significant level.

Facts in Support of Finding: The project would be required to comply with applicable local regulations and BCDC Bay Plan policies protecting biological resources, including the City's tree protection requirements. Implementation of Mitigation Measures BIO-1(a) through BIO-1(e), BIO-2, BIO-3, AES-1, and HYD-1 would require surveys, avoidance and minimization measures, biological monitoring, invasive species prevention, protection of jurisdictional waters, water quality protection measures, and limitations on construction lighting that could affect biological resources. These measures would ensure consistency with applicable local policies and ordinances protecting biological resources. Therefore, impacts related to conflicts with local policies or ordinances protecting biological resources would be less than significant with mitigation.

4.2.4 Cultural Resources

Impact CR-2: The proposed land and water disturbances during construction would adversely affect unidentified archaeological resources. This impact would be less than significant with mitigation for potential unknown archaeological resources.

Mitigation Measure CR-1: ***Stop Work and Prepare and Implement a Data Recovery Plan if Unanticipated Archaeological Resources are Encountered During Construction.*** *In the event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 100 feet of the find shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology shall be contacted immediately to evaluate the resource.2 If the resource is determined by the qualified archaeologist to be precontact, then a Native American representative shall also be contacted to participate in the evaluation of the resource. If the resource is identified in the waterside improvements area, then a qualified marine archaeologist shall assist in the*

treatment and evaluation of the resource. Any waterside discoveries that are removed from their submerged environment shall be kept fully submerged in a container of freshwater for storage until the archaeologist can examine the find. If the qualified archaeologist and/or Native American representative determines it to be appropriate, archaeological testing for CRHR eligibility shall be completed. If the resource proves to be eligible for the CRHR and significant impacts to the resource cannot be avoided by means of changes in the design of the project, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, pursuant to the requirements of the California Code of Regulations, CEQA Guidelines Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance. The City shall review and approve the data recovery plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the California Historical Resources Information System, pursuant to California Code of Regulations, CEQA Guidelines Section 15126.4(b)(3)(C).

Finding: The City finds that implementation of Mitigation Measure CR-1, which is hereby adopted and incorporated into the project, would avoid or substantially reduce the significant environmental effect identified in the Final EIR to a less than significant level.

Facts in Support of Finding: Implementation of Mitigation Measure CR-1 would require work stoppage if archaeological resources are discovered, evaluation by a qualified archaeologist, participation by a Native American representative and/or qualified marine archaeologist where appropriate, archaeological testing for CRHR eligibility when warranted, and preparation and implementation of a resource-specific data recovery plan if an eligible archaeological resource cannot be avoided. Therefore, impacts related to archaeological resources would be less than significant with mitigation.

4.2.5 Geology and Soils

Impact GEO-7: Construction activities such as dredging have the potential to impact paleontological resources. Impacts would be less than significant with mitigation incorporated.

Mitigation Measure GEO-1: ***Implement Paleontological Worker Environmental Awareness Program During Construction.*** *Prior to the start of construction, a Qualified Professional Paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology standards, or his or her designee shall conduct a paleontological Worker Environmental Awareness Program training for all construction personnel participating in subsurface dredging regarding unanticipated discoveries and the procedures for notifying paleontological staff should fossils be discovered by construction staff. A training acknowledgment form shall be signed by all workers who receive the training, and a copy of the signed training acknowledgement form shall be retained by the project contractor and provided to the City.*

Mitigation Measure GEO-2: ***Stop Work Upon Unanticipated Discovery of Paleontological Resources and Implement Recommendations During Construction.*** *The City shall require the following mitigation measure for dredging activities. If a potential fossil is discovered during dredging, construction activity within 50 feet of the find shall cease until the discovery is examined by a Qualified Professional Paleontologist as defined by the Society of Vertebrate Paleontology.[6] If the find is determined to be scientifically significant, the Qualified Professional Paleontologist shall direct all mitigation measures related to paleontological resources consistent with the SVP (2010) standards, which shall include fossil salvage, laboratory preparation, curation in a paleontological repository, and a paleontological monitoring report. Additionally, the Qualified Professional Paleontologist and City shall decide if full- or part-time monitoring shall be instated for further project-related dredging. A Qualified Professional Paleontologist, is defined by the SVP (2010) as an individual with:*

[6] Society of Vertebrate Paleontology. 2010. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. Society of Vertebrate Paleontology Impact Mitigation Guidelines Revision Committee.

- *A graduate degree in paleontology or geology, and/or a publication record in peer reviewed journals; and demonstrated competence in field techniques, preparation, identification, curation, and reporting in the state or geologic province in which the project occurs. An advanced degree is less important than demonstrated competence and regional experience.*
- *At least two full years professional experience as assistant to a Project Paleontologist with administration and project management experience; supported by a list of projects and referral contacts.*
- *Proficiency in recognizing fossils in the field and determining their significance.*
- *Expertise in local geology, stratigraphy, and biostratigraphy.*
- *Experience collecting vertebrate fossils in the field.*

Finding: The City finds that implementation of Mitigation Measures GEO-1 and GEO-2, set forth above, which are hereby adopted and incorporated into the project, would avoid or substantially reduce the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Implementation of Mitigation Measure GEO-1 would ensure construction staff are trained to identify paleontological resources, and Mitigation Measure GEO-2 would ensure that construction work would stop if a paleontological resource is discovered and procedures are in place that would be followed to avoid destruction of paleontological resources. Therefore, impacts would be less than significant with mitigation.

4.2.6 Hydrology and Water Quality

Impact HYD-1: Due to the focused and limited construction elements and short duration of project construction, the proposed project would not substantially degrade surface or groundwater quality, contribute meaningfully to existing water quality impairments, or result in exceedances of applicable water quality objectives or waste discharge requirements. Water quality impacts related to pier demolition would be less than significant with mitigation.

Mitigation Measure HYD-1: ***Include and Implement Additional Best Management Practices in the SWPPP Prior to and During Pier Demolition.*** *In compliance with the requirements of the Construction Stormwater General Permit, prior to construction the construction contractor shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and implement the SWPPP during construction. The SWPPP shall be submitted to the Berkeley Public Works Department and the State Water Resources Control Board (via the Stormwater Multiple Application and Report Tracking System [SMARTS]) for review and approval at least 60 days prior to start of construction. In addition to standard Erosion Control, Sediment Control, and Good Housekeeping Best Management Practices, the following Best Management Practices shall be included in the SWPPP and implemented during pier demolition:*

- *Site washout areas shall be located at least 100 feet from a storm drain, open ditch or surface water and ensure that runoff flows from such activities do not enter receiving water bodies, unless otherwise approved by the RWQCB.*
- *All re-fueling, cleaning, and maintenance of equipment shall occur at least 100 feet from storm drain, open ditch or surface water and/or within secondary containment, unless otherwise approved by the RWQCB.*
- *Particular care shall be exercised to prevent foreign materials (e.g., construction scraps, wood preservatives, other chemicals and debris, etc.) from entering the San Francisco Bay during pier demolition.*
- *If wood preservatives must be applied to cut-wood surfaces, the materials, whenever feasible, shall be treated at an onshore location to preclude the possibility of spills into State waters.*
- *A containment boom shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water.*
- *The containment boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris.*

- *Tarps and basins shall be used above deck to contain debris and materials.*
- *Dipnets shall be on-site and can be used to retrieve debris if it accidentally falls into the water.*
- *A 50-foot-long spill containment boom as well as absorbent pads shall be kept on-site and shall be deployed in the event that there is a release of fluids into the water.*
- *Contractors shall make mandatory that work crews are carefully briefed on the importance of observing the appropriate precautions and reporting any accidental spills.*

This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

Finding: The City finds that implementation of Mitigation Measure HYD-1, set forth above, which is hereby adopted and incorporated into the project, would avoid or substantially reduce the significant environmental effect identified in the Final EIR to a less than significant level.

Facts in Support of Finding: Construction activities associated with dredging, pier demolition, pile installation, and other in-water work could temporarily affect water quality through sediment disturbance, turbidity, or the accidental release of debris and pollutants. Mitigation Measure HYD-1 would require preparation and implementation of a Stormwater Pollution Prevention Plan and additional project-specific best management practices in accordance with the SWRCB Stormwater Construction General Permit, including debris containment, spill prevention and response measures, equipment maintenance requirements, and protection of Bay waters during demolition activities. Project construction would also be required to comply with the conditions of a Regional Water Quality Control Board Section 401 Water Quality Certification for work within the San Francisco Bay, which would include water quality protection measures intended to help protect water quality during construction activities in surface waters and reduce the potential for construction to result in water quality exceedances or impair beneficial uses. Compliance with applicable permit requirements and implementation of Mitigation Measure HYD-1 would avoid or minimize water quality impacts and reduce impacts to a less-than-significant level.

4.2.7 Land Use and Planning

Impact LU-2: Operation and construction of the proposed project would be consistent with the goals and policies of the Berkeley General Plan, Bay Area Clean Air Plan, ABAG/MTC Plan Bay Area 2050, Berkeley Marina Master Plan, Berkeley Local Hazard Mitigation Plan, Berkeley Climate Action Plan, and Berkeley Measure L, and impacts would be less than significant. Operation and construction of the proposed project would be consistent with the goals and policies of the BCDC San Francisco Bay Plan with implementation of mitigation.

Mitigation Measure AES-1: ***Reduce Night Lighting During Construction of Facilities.*** *Refer to Impact AES-4 in Section 4.2.1 of these Findings.*

Mitigation Measure AQ-1: ***Implement Construction Emissions Reduction Measures During Construction.*** *Refer to Impact AQ-2 in Section 4.2.2 of these Findings.*

Mitigation Measure BIO-1(a): ***Implement Worker Environmental Awareness Program Prior to and During Construction.*** *Refer to Impact BIO-1 in Section 4.2.3 of these Findings.*

Mitigation Measure BIO-1(b): ***Conduct Northwestern Pond Turtle Survey and Avoidance Prior to Construction.*** *Refer to Impact BIO-1 in Section 4.2.3 of these Findings.*

Mitigation Measure BIO-1(c): ***Conduct Burrowing Owl and Nesting Bird Survey and Avoidance Prior to Construction.*** *Refer to Impact BIO-1 in Section 4.2.3 of these Findings.*

Mitigation Measure BIO-1(d): ***Conduct Pile Driving Impact Avoidance to Fish and Marine Mammals Prior to and During Construction.*** *Refer to Impact BIO-1 in Section 4.2.3 of these Findings.*

Mitigation Measure BIO-1(e): ***Prepare Marine Mammal Monitoring Plan Prior to Construction and Implement Recommendations During Construction.*** *Refer to Impact BIO-1 in Section 4.2.3 of these Findings.*

*Mitigation Measure BIO-2: **Implement Invasive Species Prevention During Construction.** Refer to Impact BIO-2 in Section 4.2.3 of these Findings.*

*Mitigation Measure BIO-3: **Avoid Net Loss of Jurisdictional Waters Prior to Operation.** Refer to Impact BIO-3 in Section 4.2.3 of these Findings.*

*Mitigation Measure HYD-1: **Implement Construction Emissions Reduction Measures During Construction.** Refer to Impact HYD-1 in Section 4.2.6 of these Findings.*

Finding: The City finds that implementation of Mitigation Measures AES-1, AQ-1, BIO-1(a) through BIO-1(e), BIO-2, BIO-3, and HYD-1, which are hereby adopted and incorporated into the project, would avoid or substantially reduce the potentially significant environmental effects relevant to consistency with the BCDC San Francisco Bay Plan to a less-than-significant level. Specifically, these mitigation measures would reduce impacts to biological resources, jurisdictional waters, and water quality that could otherwise result in inconsistencies with applicable Bay Plan policies. While Impact LU-2 also includes a significant and unavoidable construction noise component that analyzed in Section 3.10, *Noise* of the EIR and further discussed in Section 4.1, SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL, the mitigation measures identified above are the mitigation measures relevant to the less-than-significant-with-mitigation land use and planning impacts associated with Bay Plan consistency.

Facts in Support of Finding: The Draft EIR concluded that the proposed project would be generally consistent with applicable regional and local plans, including the Berkeley General Plan, Berkeley Marina Master Plan, Bay Area Clean Air Plan, Plan Bay Area 2050, Berkeley Climate Action Plan, Berkeley Local Hazard Mitigation Plan, Berkeley Measure L, and the BCDC San Francisco Bay Plan. As discussed in Draft EIR Section 3.9, *Land Use and Planning*, implementation of Mitigation Measures BIO-1(a) through BIO-1(e), BIO-2, BIO-3, and HYD-1 would avoid, minimize, or compensate for impacts to Bay natural resources, including special-status species, aquatic habitat, jurisdictional waters, invasive species, and water quality. Mitigation Measures AES-1 and AQ-1 would further reduce potentially significant construction-related effects addressed by applicable plans and policies. With implementation of these mitigation measures, the proposed project would be consistent with applicable policies of the BCDC San Francisco Bay Plan and related land use and planning impacts would be less-than-significant-with-mitigation. The remaining significant and unavoidable noise impact associated with construction noise exceeding Berkeley Municipal Code standards is addressed separately in Section 4.1 of this document.

4.2.8 Recreation

Impact REC-2: The project includes the construction of recreational facilities, the potential environmental impacts of which are identified and evaluated throughout this Environmental Impact Report. Potential environmental impacts related to aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, and tribal cultural resources would be less than significant with incorporation of mitigation.

*Mitigation Measure AES-1: **Reduce Night Lighting During Construction of Facilities.** Refer to Impact AES-4 in Section 4.2.1 of these Findings.*

*Mitigation Measure AQ-1: **Implement Construction Emissions Reduction Measures During Construction.** Refer to Impact AQ-2 in Section 4.2.2 of these Findings.*

*Mitigation Measure BIO-1(a): **Implement Worker Environmental Awareness Program Prior to and During Construction.** Refer to Impact BIO-1 in Section 4.2.3 of these Findings.*

*Mitigation Measure BIO-1(b): **Conduct Northwestern Pond Turtle Survey and Avoidance Prior to Construction.** Refer to Impact BIO-1 in Section 4.2.3 of these Findings.*

*Mitigation Measure BIO-1(c): **Conduct Burrowing Owl and Nesting Bird Survey and Avoidance Prior to Construction.** Refer to Impact BIO-1 in Section 4.2.3 of these Findings.*

*Mitigation Measure BIO-1(d): **Conduct Pile Driving Impact Avoidance to Fish and Marine Mammals Prior to and During Construction.** Refer to Impact BIO-1 in Section 4.2.3 of these Findings.*

*Mitigation Measure BIO-1(e): **Prepare Marine Mammal Monitoring Plan Prior to Construction and Implement Recommendations During Construction.** Refer to Impact BIO-1 in Section 4.2.3 of these Findings.*

*Mitigation Measure BIO-2: **Implement Invasive Species Prevention During Construction.** Refer to Impact BIO-2 in Section 4.2.3 of these Findings.*

*Mitigation Measure BIO-3: **Avoid Net Loss of Jurisdictional Waters Prior to Operation.** Refer to Impact BIO-3 in Section 4.2.3 of these Findings.*

*Mitigation Measure CR-1: **Stop Work and Prepare and Implement a Data Recovery Plan if Unanticipated Archaeological Resources are Encountered During Construction.** Refer to Impact CR-2 in Section 4.2.4 of these Findings.*

*Mitigation Measure HYD-1: **Implement Construction Emissions Reduction Measures During Construction.** Refer to Impact HYD-1 in Section 4.2.6 of these Findings.*

*Mitigation Measure TCR-1: **Conduct Cultural Resources Sensitivity Training Prior to Construction.** Refer to Impact TCR -1 in Section 4.2.9 of these Findings.*

*Mitigation Measure TCR-2: **Provide Signage Acknowledging Native American History Prior to Operation.** Refer to Impact TCR -1 in Section 4.2.9 of these Findings.*

*Mitigation Measure TCR-3: **Conduct Native American Monitoring During Construction.** Refer to Impact TCR -1 in Section 4.2.9 of these Findings.*

*Mitigation Measure TCR-4: **Evaluate Discovered Tribal Cultural Resources and Implement Resulting Recommendations During Construction.** Refer to Impact TCR -1 in Section 4.2.9 of these Findings.*

*Mitigation Measure TCR-5: **Provide Respectful Treatment of Native American Human Remains Upon Unanticipated Discovery and Implement Recommendations During Construction.** Refer to Impact TCR -1 in Section 4.2.9 of these Findings.*

Finding: The City finds that implementation of Mitigation Measures AES-1, AQ-1, BIO-1(a) through BIO-1(e), BIO-2, BIO-3, CR-1, HYD-1, and TCR-1 through TCR-5, which are hereby adopted and incorporated into the project, would avoid or substantially reduce the potentially significant environmental effects associated with construction and operation of the proposed recreational facilities to less-than-significant levels with respect to aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, and tribal cultural resources. While Impact REC-2 also includes a significant and unavoidable construction noise component that is analyzed in Section 3.10, *Noise* of the EIR and further discussed in Section 4.1, SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL, the mitigation measures identified above are the mitigation measures relevant to the less-than-significant-with-mitigation environmental impacts associated with construction of the proposed recreational facilities.

Facts in Support of Finding: As discussed in Section 3.11, *Recreation*, construction of the proposed recreational facilities, including the pier, breakwater, public plaza, cycle track, Bay Trail Extension, and associated recreational amenities, could result in potentially significant environmental effects related to aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, and tribal cultural resources. Implementation of Mitigation Measure AES-1 would reduce lighting impacts; Mitigation Measure AQ-1 would reduce construction-related air quality impacts; Mitigation Measures BIO-1(a) through BIO-1(e), BIO-2, and BIO-3 would reduce impacts to biological resources and jurisdictional waters; Mitigation Measure CR-1 would address potential impacts to archaeological resources; Mitigation Measure HYD-1 would protect water quality; and Mitigation Measures TCR-1 through TCR-5 would reduce impacts to tribal cultural resources. With implementation of these mitigation measures, the environmental impacts associated with construction and operation of the proposed recreational facilities would be reduced to less-than-significant levels. The remaining significant and unavoidable noise impact

associated with construction of recreational facilities is addressed separately in Section 4.1 of this document.

4.2.9 Tribal Cultural Resources

Impact TCR-1: The proposed disturbances due to construction on the non-fill ground and seabed would adversely affect Tribal Cultural Resources. With adherence to mitigation measures agreed upon through AB 52 consultation, impacts to tribal cultural resources would be less than significant with mitigation.

*Mitigation Measure TCR-1: **Conduct Cultural Resources Sensitivity Training Prior to Construction.** Prior to the start of any ground disturbing activities, including excavation on land and dredging in water, the City of Berkeley (City) or its contractor(s) shall provide all construction personnel conducting ground disturbing activities, with cultural resources sensitivity training. The training will be conducted in person, or via a video meeting, to be viewed by all construction personnel involved in ground disturbing activities prior to the start of construction. The training will be developed and conducted in coordination with locally affiliated California Native American Tribe(s) that have participated in consultation with the City for the project (referred to hereafter as "Consulting Tribes"). Cultural resources sensitivity training will include relevant information regarding sensitive tribal cultural resources, applicable regulations including consequences of violation, and protocols for unanticipated discoveries and avoidance. The training will emphasize the requirement of confidentiality and culturally appropriate treatment of any finds of significance to Native Americans.*

*Mitigation Measure TCR-2: **Provide Signage Acknowledging Native American History Prior to Operation.** Prior to operation, the City shall provide signage at the project site that acknowledges Native American history and importance of the area. Language and design for the signage shall be developed in consultation with Consulting Tribes, including the Muwekma Ohlone Tribe. The location of the signage shall be thoughtfully integrated into the project design and shall be respectful of Native American culture and values. Photographs of human remains shall not be depicted on the signage. The City or its contractor(s) shall incorporate the location and content of the signage prior to Final Design. Consulting Tribes shall be given the opportunity to comment on the signage prior to the Final Design being approved by the City.*

*Mitigation Measure TCR-3: **Conduct Native American Monitoring During Construction.** Prior to the start of any ground disturbing activities, including excavation and grading on land not previously covered by fill and any dredging in water, the City or its contractor(s) shall retain a Native American monitor(s) from a Consulting Tribe(s) for purposes of construction monitoring. If multiple Consulting Tribes request to monitor, the City will establish a rotating schedule to include all tribes requesting monitoring. The City shall provide monitors with at least 48 hours' notice prior to the start of any ground disturbing activity that requires monitoring. Native American monitors shall observe project-related ground disturbing activities located in previously undisturbed areas (i.e., areas not consisting of fill) and provide daily monitoring logs to the City detailing construction observed and results at minimum (confidential information can be redacted at the monitor's discretion). Monitors shall have the authority to temporarily halt work in the event of discovery or a potential Tribal Cultural Resource.*

If suspected Tribal Cultural Resources are encountered at any point during ground disturbing activities, work within a 100-foot radius shall halt and the find shall be evaluated for significance as required by Mitigation Measure TCR-4. The 100-foot radius may be reduced or expanded as appropriate by the monitor if conditions, such as expanded boundaries or increased sensitivity, warrant the reduction or expansion. Native American monitoring may be reduced to spot-checking or eliminated at the discretion of the monitor, in coordination with the City, as warranted by conditions such as encountering fill soils, bedrock, or negative findings during the first 60 percent of grading. If monitoring is reduced to spot-checking, spot-checking shall occur, at minimum, when ground-disturbance moves to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock). Ground disturbing activities shall not be contingent on the presence or availability of a Native American monitor, and ground disturbing may proceed regardless of whether or not a monitor is present on site.

*Mitigation Measure TCR-4: **Evaluate Discovered Tribal Cultural Resources and Implement Resulting Recommendations During Construction.** If suspected Tribal Cultural Resources are encountered at any point during ground disturbing activities, work within a 100-foot radius shall halt and Consulting Tribes shall evaluate the suspected resource for significance as a Tribal Cultural Resource. If the find is archaeological in nature, then the City or its contractor(s) shall also retain a qualified archaeologist to respond and evaluate significance as required by Mitigation Measure CUL-1. The City shall review the significance evaluation of the Tribal Cultural Resource and determine whether the find meets the criteria in California PCR Section 21074. If a discovered Tribal Cultural Resource is determined by the City to meet the criteria in California PRC Section 21074, avoidance and preservation in place shall be the preferred method of mitigating impacts and the City shall first consider the measures in California PRC Section 21084.3(b) in consultation with Consulting Tribes. If significant impacts to the resource cannot be avoided via project redesign, then the City shall work with Consulting Tribes to develop other appropriate measures to mitigate impacts. This could include, but would not be limited to, data recovery, installation of a permanent plaque or mural to inform the public, interpretive and/or educational elements, and/or landscaping to include native plants. Work in the area may resume following the determination by the City and completion of any applicable measures mitigating impacts to the Tribal Cultural Resource, if any.*

*Mitigation Measure TCR-5: **Provide Respectful Treatment of Native American Human Remains Upon Unanticipated Discovery and Implement Recommendations During Construction.** In addition to adherence to the California Health and Safety Code Sections 7050.5, should human remains be identified during construction, no photographs shall be taken without express permission from the on-site Native American Monitor, and no invasive scientific testing shall be completed without consultation with the NAHC appointed Most Likely Descendent. Any bone that cannot be identified as faunal shall be treated as human remains until positively identified as being non-human by the coroner and/or a qualified archaeologist, as appropriate. The Most Likely Descendant shall provide recommendations for reburial, and human remains and associated funerary items shall be reburied by Tribal representatives in a location agreed upon between the Tribe and the City. Any reburial location shall be accessible to Tribal members in perpetuity, not be subject to further disturbance, and kept confidential.*

Finding: The City finds that implementation of Mitigation Measures TCR-1 through TCR-5, set forth above, which are hereby adopted and incorporated into the project, would avoid or substantially reduce the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Mitigation Measures TCR-1 through TCR-5, developed through consultation conducted pursuant to Assembly Bill 52, would require cultural resources sensitivity training, Native American monitoring of construction activities in designated areas, evaluation and treatment of any discovered tribal cultural resources, interpretive signage acknowledging Native American history, and procedures for the respectful treatment of Native American human remains. Implementation of these measures would avoid or minimize impacts to tribal cultural resources and reduce impacts to a less-than-significant level.

4.2.10 Utilities and Service Systems

Impact UTIL-1: Construction of the proposed project would require utility service and connections for water supply, wastewater conveyance, and stormwater conveyance, as well as telecommunications and electricity. Existing utility systems for water, wastewater, stormwater, electric power, and telecommunications facilities in Berkeley have sufficient capacity to serve the Project. Adequate wastewater capacity exists to serve the Project's projected demand in addition to the provider's existing commitments. Utility connections from the proposed project would result in less than significant impacts on air quality, biological resources, cultural resources, noise, and tribal cultural resources, after mitigation. Impacts would be less than significant with mitigation.

*Mitigation Measure AQ-1: **Implement Construction Emissions Reduction Measures During Construction**. Refer to Impact AQ-2 in Section 4.2.2 of these Findings.*

*Mitigation Measure BIO-1(a): **Implement Worker Environmental Awareness Program Prior to and During Construction**. Refer to Impact BIO-1 in Section 4.2.3 of these Findings.*

Mitigation Measure BIO-1(b): ***Conduct Northwestern Pond Turtle Survey and Avoidance Prior to Construction****. Refer to Impact BIO-1 in Section 4.2.3 of these Findings.*

Mitigation Measure BIO-1(c): ***Conduct Burrowing Owl and Nesting Bird Survey and Avoidance Prior to Construction****. Refer to Impact BIO-1 in Section 4.2.3 of these Findings.*

Mitigation Measure BIO-2: ***Implement Invasive Species Prevention During Construction****. Refer to Impact BIO-2 in Section 4.2.3 of these Findings.*

Mitigation Measure CR-1: ***Stop Work and Prepare and Implement a Data Recovery Plan if Unanticipated Archaeological Resources are Encountered During Construction****. Refer to Impact CR-1 in Section 4.2.4 of these Findings.*

Mitigation Measure NOI-1: ***Prepare and Implement Construction Noise Management Plan Prior to and During Construction****. Refer to Impact NOI-1 in Section 4.1.1 of these Findings.*

Mitigation Measure TCR-1: ***Conduct Cultural Resources Sensitivity Training Prior to Construction****. Refer to Impact TCR-1 in Section 4.2.9 of these Findings.*

Mitigation Measure TCR-2: ***Provide Signage Acknowledging Native American History Prior to Operation****. Refer to Impact TCR-2 in Section 4.2.9 of these Findings.*

Mitigation Measure TCR-3: ***Conduct Native American Monitoring During Construction****. Refer to Impact TCR-3 in Section 4.2.9 of these Findings.*

Mitigation Measure TCR-4: ***Evaluate Discovered Tribal Cultural Resources and Implement Resulting Recommendations During Construction****. Refer to Impact TCR-4 in Section 4.2.9 of these Findings.*

Mitigation Measure TCR-5: ***Provide Respectful Treatment of Native American Human Remains Upon Unanticipated Discovery and Implement Recommendations During Construction****. Refer to Impact TCR-5 in Section 4.2.9 of these Findings.*

Finding: The City finds that implementation of Mitigation Measures AQ-1, BIO-1(a) through BIO-1(c), BIO-2, CR-1, NOI-1, and TCR-1 through TCR-5, which are hereby adopted and incorporated into the project, would avoid or substantially reduce the significant environmental effect identified in the Final EIR to a less-than-significant level.

Facts in Support of Finding: Construction of utility connections and related infrastructure has the potential to result in temporary impacts associated with air quality, biological resources, cultural resources, noise, and tribal cultural resources. Mitigation Measures AQ-1, BIO-1(a) through BIO-1(c), BIO-2, CR-1, NOI-1, and TCR-1 through TCR-5 would require construction emissions controls, biological resource protection measures, cultural and tribal resource protection measures, and construction noise reduction measures. In addition, the EIR concluded that existing water, wastewater, stormwater, electrical, and telecommunications systems have sufficient capacity to serve the project and that adequate wastewater treatment capacity exists to accommodate projected demand. Therefore, impacts associated with utility connections and service infrastructure would be reduced to a less-than-significant level with mitigation.

4.3 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT OR NOT SIGNIFICANT

The City finds that, based upon substantial evidence in the record, as discussed below, the following impacts associated with the project are not significant or are less than significant. The Draft EIR identifies the following as less than significant impacts or as having no impact. Mitigation to further reduce less than significant impacts is not required by CEQA. The findings in this section are based on the Draft EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

4.3.1 Aesthetics

Impact AES-1. The proposed project would have a relatively low profile compared to scenic views and vistas in the vicinity, and compliance with policies of the Berkeley General Plan, Berkeley Marina Master Plan, and

San Francisco Bay Plan would protect scenic vistas to ensure that development of the project would not adversely affect public views. This impact would be less than significant.

Impact AES-2. The proposed project would not be located within, or visible from, a designated State scenic highway. The project would not result in damage to scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway. No impact would occur.

Impact AES-3. The proposed project would not conflict with applicable zoning and other regulations governing scenic quality, and would be subject to design review. The existing visual character of the area would be altered by the introduction of modernized infrastructure, but not degraded. The proposed project would be implemented in accordance with the requirements of the Berkeley General Plan, Berkeley Marina Master Plan, Berkeley Municipal Code, and the San Francisco Bay Plan. Therefore, impacts would be less than significant.

4.3.2 Agricultural and Forest Resources

There are no agricultural lands, including Important Farmlands; Williamson Act lands; or areas zoned for agricultural use, forestry land, or timberland on the project site or adjacent to the project site. Therefore, no construction or operational impacts related to loss of agricultural lands or timberland, conversion of such lands to non-agricultural or non-forestry use, or consistency with Williamson Act contracts or zoning would occur.

4.3.3 Air Quality

Impact AQ-1. The project would not conflict with or obstruct the implementation of the applicable air quality plan. Impacts would be less than significant.

Impact AQ-4. The project would not generate odors adversely affecting a substantial number of people during construction or operation. Impacts would be less than significant.

4.3.4 Biological Resources

Impact BIO-4. The project would not substantially impede wildlife movement areas or native wildlife nursery sites. Impacts would be less than significant.

Impact BIO-6. The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. There would be no impact.

4.3.5 Cultural Resources

Impact CR-1. The proposed project would not cause a substantial adverse change in the significance of a historical resource, and no impact would occur.

Impact CR-3. The proposed land and water disturbances during construction could adversely affect unidentified human remains. This impact would be less than significant with required adherence to existing regulations.

4.3.6 Geology and Soils

Impact GEO-1. The proposed project would not directly or indirectly cause potential substantial adverse effects including the risk of loss, injury, or death involving rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map as it is not located within an Alquist-Priolo Earthquake fault zone. No impact would occur.

Impact GEO-2. The proposed project would not directly or indirectly cause potential substantial adverse effects including the risk of loss, injury, or death involving strong seismic ground shaking. Impacts would be less than significant.

Impact GEO-3. The proposed project is located within a liquefaction zone. However, compliance with engineering recommendations would reduce potential impacts related to liquefaction to less than significant.

Impact GEO-4. The project would not result in substantial erosion or the loss of topsoil, and impacts would be less than significant.

Impact GEO-5. The landside project components of the proposed project would potentially be located within expansive soils. Compliance with the California Building Code and Geotechnical Report recommendations would result in impacts that are less than significant.

Impact GEO-6. The proposed project would occur within an urbanized site that is currently served by existing sanitation infrastructure. The proposed project would not include septic systems or alternative wastewater disposal systems. No impact would occur.

4.3.7 Greenhouse Gas (GHG) Emissions and Energy

Impact GHG-1. The proposed project would generate temporary construction-related increases in GHG emissions but would result in a long-term overall decrease in GHG emissions. The proposed project would not conflict with the Bay Area Air District 2022 CEQA GHG Guidelines nor State, regional, or local GHG reduction plans. This impact would be less than significant.

Impact GHG-2. The proposed project would not result in wasteful or unnecessary energy consumption during project construction and operation, and impacts would be less than significant.

Impact GHG-3. The proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, impacts would be less than significant.

4.3.8 Hazards and Hazardous Materials

Impact HAZ-1. Construction and Operation of the project could result in an increase in the overall routine transport, use, and disposal of hazardous materials in Berkeley. Nonetheless, required compliance with applicable regulations related to hazardous materials would minimize the risk of releases and exposure to these materials. Impacts would be less than significant.

Impact HAZ-2. The project site is not located within 0.25 mile of an existing or proposed school. The proposed project would, therefore, have no impact related to emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.

Impact HAZ-3. The proposed project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As a result, the proposed project would not create a significant hazard to the public or the environment from being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. No impact would occur.

Impact HAZ-4. The proposed project would not be located within an airport land use plan or within two miles of a public airport or public use airport, and would not result in a safety hazard or excessive noise related to airport operation for people residing or working in the project area. No impact would occur.

Impact HAZ-5. The proposed project would not result in physical changes that could interfere with or impair emergency response or evacuation. Therefore, the project would not result in interference with these types of adopted plans. this impact would be less than significant.

Impact HAZ-6. The project is not within or near a wildland area. The proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Impacts would be less than significant.

4.3.9 Hydrology and Water Quality

Impact HYD-2. Project construction would require localized dewatering but would not substantially decrease groundwater supplies or interfere with groundwater recharge. The project would decrease impervious area and enhance infiltration and localized recharge but would not conflict with the sustainable management of the groundwater basin. Impacts would be less than significant.

Impact HYD-3. Project construction would temporarily disturb soils and increase the potential for erosion, siltation, and contaminant release, and suspend sediments in San Francisco Bay. The project would place a new pier and breakwater within a flood hazard area. However, with compliance with existing regulations and implementation of required BMPs, impacts related to erosion, siltation, runoff, and flooding would be less than significant.

Impact HYD-4. Project construction in tidal and coastal flood areas could temporarily increase the risk of inundation and pollutant release. operation would also occur within the 100-year floodplain and tsunami inundation zone. However, with climate-adaptive design elevations, watertight storage, battery safety systems, and implementation of required BMPs, impacts related to pollutant release or water quality degradation due to flooding, tsunami, or seiche would be less than significant.

Impact HYD-5. Project construction could result in temporary, localized resuspension of sediments and short-term increases in turbidity. These effects would be limited in duration and extent and would not result in long-term degradation of water quality. The project would remain consistent with SFBRWQCB Basin Plan objectives and beneficial uses, as well as the goals of the East Bay Subbasin Groundwater Sustainability Plan. Therefore, impacts related to sediment resuspension and turbidity would be less than significant.

4.3.10 Land Use and Planning

Impact LU-1. The proposed project would not physically divide an established community and no impact would occur.

4.3.11 Mineral Resources

The project site is not designated as a significant mineral resources zone and is not delineated in any local plan as a locally important mineral resource recovery site. Therefore, no construction or operational impacts related to loss of availability of mineral resources would occur.

4.3.12 Noise

Impact NOI-2. Construction activities associated with the proposed project would generate temporary levels of groundborne vibration in the project area; however, vibration levels would not exceed applicable thresholds at nearby sensitive receptors and construction vibration impacts would be less than significant. The project would not generate substantial levels of vibration during operation; therefore, operational vibration impacts would be less than significant.

Impact NOI-3. The project site is not located within the noise contours of an airport land use plan or within two miles of a public or public use airport. Therefore, people residing and working in the project area would not be exposed to excessive airport-related noise, and no airport activity noise impact would occur.

4.3.13 Population and Housing

The proposed project would not induce substantial unplanned population growth and would not displace substantial numbers of existing people or housing. Therefore, impacts related to population growth and housing displacement would be less than significant.

4.3.14 Public Services

The proposed project would not generate demand for new or physically altered fire protection, police protection, school, library, or other governmental facilities that could result in significant environmental impacts. Therefore, impacts related to public services would be less than significant.

4.3.15 Recreation

Impact REC-1. The Project will create a net increase in recreational facilities that do not currently exist in the form of a restored pier, new Bay Trail, and a new dedicated cycle track. The project would not induce population growth but would increase the number of visitors to the Berkeley Waterfront area that may increase the use of on-site and nearby existing recreational facilities. However, given that the project would provide

additional recreational opportunities and facilities, impacts related to a substantial physical deterioration of existing recreational facilities and substantial adverse physical impacts on the environment from the need of a new park would be less than significant.

4.3.16 Transportation

Impact TRA-1. The proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. This impact would be less than significant.

Impact TRA-2. The proposed project would not conflict or be inconsistent with *CEQA Guidelines* Section 15064.3, subdivision (b), and the project would contribute to a net reduction in roadway vehicle-based VMT. No impact would occur.

Impact TRA-3. The proposed project would not substantially increase roadway hazards because of a geometric design feature or incompatible use. Impacts would be less than significant.

Impact TRA-4. Implementation of the proposed project would not have the potential to result in inadequate emergency access. No Impact would occur.

4.3.17 Utilities and Service Systems

Impact UTIL-2. The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. This impact would be less than significant.

Impact UTIL-3. The proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. The project would not impair the attainment of solid waste reduction goals and would comply with federal, State, and local statutes and regulations related to solid waste. Impacts would be less than significant.

4.3.18 Wildfire

The project site is not located in or near a State Responsibility Area or a Very High Fire Hazard Severity Zone. Therefore, no construction or operational impacts related to exacerbating wildfire risk within or near such designated land areas would occur.

4.4 CUMULATIVE IMPACTS

An EIR is required to discuss the cumulative impacts of a project when the project's incremental effect is cumulatively considerable. CEQA Guidelines §15130(a). "Cumulatively considerable" means that the incremental effects of the project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects. CEQA Guidelines § 15065(a)(3); Pub. Resources Code § 21083(b)(2). The cumulative impacts of the project, in combination with reasonably foreseeable probable future projects, are analyzed throughout Chapter 3, *Environmental Impact Analysis*, of the Draft EIR. The findings in this section are based on the Draft EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

The City finds that the proposed project would result in cumulatively considerable contributions to significant cumulative impacts related to Noise, Land Use and Planning, and Recreation.

As discussed in Section 3.10, *Noise*, of the Draft EIR, construction of the proposed project would require demolition of portions of the existing Berkeley Pier, dredging, pile installation, and construction of new waterside and landside facilities. Construction activities, particularly waterside pile driving and limited nighttime construction activities, would generate noise levels that exceed applicable City thresholds at nearby sensitive receptors. Although Mitigation Measure NOI-1 would require implementation of a Construction Noise Management Plan and a variety of feasible noise-reduction measures, some construction noise impacts would remain significant and unavoidable. In addition, multiple cumulative projects are planned within the Berkeley Waterfront area, several of which are located within 1,000 feet of the project site and could generate

construction noise during overlapping construction periods. Concurrent construction of these projects could increase noise levels experienced by nearby sensitive receptors, including live-aboard boats and recreational users. The Draft EIR also concludes that cumulative operational mobile noise associated with increased roadway vehicle volumes on portions of University Avenue could exceed applicable significance thresholds. Accordingly, cumulative noise impacts would be significant and unavoidable, and the project's contribution would be cumulatively considerable.

With respect to cumulative construction noise, Mitigation Measure NOI-1 has been adopted and incorporated into the project and will substantially lessen the project's contribution to this cumulative impact, but will not reduce it to a less-than-significant level. With respect to cumulative operational roadway noise, the City finds that no feasible mitigation has been identified to reduce the project's contribution to a less-than-significant level. Construction of a soundwall along this segment of University Avenue would introduce new environmental impacts, change the character of adjacent parks, and conflict with General Plan Policy OS-12, which directs that land adjacent to parks be sensitively developed so that safe access is maintained and views are not significantly reduced. A soundwall is therefore infeasible. As discussed in Section 5, none of the alternatives analyzed in the EIR would avoid this impact while meeting the basic project objectives. This significant and unavoidable cumulative impact is acceptable for the reasons set forth in the Statement of Overriding Considerations in Section 6.

As discussed in Section 3.9, *Land Use and Planning*, of the Draft EIR, the proposed project would generally be consistent with the Berkeley General Plan, Berkeley Marina Master Plan, Plan Bay Area 2050, Bay Area Clean Air Plan, Climate Action Plan, Berkeley Local Hazard Mitigation Plan, Measure L, and the policies of the San Francisco Bay Plan with implementation of mitigation measures. However, the Draft EIR concludes that cumulative construction noise and cumulative operational mobile noise impacts would result in inconsistencies with Berkeley Municipal Code noise standards adopted for the purpose of avoiding environmental effects. Because cumulative noise impacts would remain significant and unavoidable, cumulative land use and planning impacts would also remain significant and unavoidable, and the project's contribution would be cumulatively considerable. Because these cumulative impacts result from the same underlying cumulative noise impacts, no additional feasible mitigation is available beyond that described above, and the City's finding with respect to cumulative noise applies equally to this impact.

As discussed in Section 3.11, *Recreation*, of the Draft EIR, the proposed project would provide substantial recreational benefits through construction of a new public pier, breakwater, public plaza, Bay Trail improvements, cycle track, and related public access amenities. The Draft EIR concludes that cumulative growth would not create a deficiency in park acreage or require construction of additional recreational facilities to maintain service standards. However, cumulative impacts associated with the construction and operation of recreational facilities are addressed through the environmental analyses contained throughout the Draft EIR. Because cumulative construction-related noise and cumulative operational mobile noise impacts would remain significant and unavoidable, cumulative recreation impacts would also remain significant and unavoidable. Accordingly, the project's contribution to cumulative recreation impacts would be cumulatively considerable. Because these cumulative impacts result from the same underlying cumulative noise impacts, no additional feasible mitigation is available beyond that described above, and the City's finding with respect to cumulative noise applies equally to this impact.

The City finds that cumulative impacts related to Air Quality and Geology and Soils would be less than significant with implementation of mitigation measures and compliance with applicable regulations. As discussed in Sections 3.2, *Air Quality*; and 3.5, *Geology and Soils*, of the Draft EIR, the proposed project's incremental contribution to cumulative impacts in these resource areas would not be cumulatively considerable because identified mitigation measures and regulatory requirements would reduce impacts to a less-than-significant level. Accordingly, cumulative impacts in these resource areas would be less than significant with mitigation incorporated. The City further finds that cumulative impacts associated with all other environmental resource topics analyzed in the Draft EIR would be less than significant or would not result in a cumulatively considerable contribution to a significant cumulative impact. Accordingly, no significant unavoidable cumulative impacts have been identified for those resource areas.

4.5 GROWTH INDUCING IMPACTS

An EIR is required to discuss growth inducing impacts, which consist of the ways in which the project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. *CEQA Guidelines* § 15126.2(e); Public Resources Code § 21100(b)(5). Direct growth inducement would result, for example, if a project involves the construction of substantial new housing that would support increased population in a community or establishes substantial new permanent employment opportunities. This additional population could, in turn, increase demands for public utilities, public services, roads, and other infrastructure. Indirect growth inducement would result if a project stimulates economic activity that requires physical development or removes an obstacle to growth and development (e.g., increasing infrastructure capacity that would enable new or additional development). It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment (*CEQA Guidelines* § 15126.2(e)).

Section 4, *Other CEQA Required Sections*, of the Draft EIR analyzes the growth inducing impacts of the project; the discussion and analysis in which is hereby incorporated in full by this reference.

The proposed project would replace the closed Berkeley Pier with a new publicly accessible pier, breakwater, and ferry terminal that would support zero-emission ferry service between Berkeley and San Francisco while improving recreational access to the Berkeley Waterfront. The project would not include residential, commercial, office, or industrial development and would not directly generate population growth or substantial new employment opportunities. The project would also not alter the planned location, distribution, density, or growth rate of population in Berkeley or the surrounding region. Rather, the project would provide a new transportation option and recreational amenities that are consistent with regional and local planning assumptions, including those reflected in Plan Bay Area 2050 and the City's land use planning framework. Accordingly, the project would not directly or indirectly induce substantial unplanned population or employment growth.

Although certain transportation projects can indirectly induce growth by providing substantial new capacity that removes constraints on future development, the proposed project is not capacity-enhancing. Rather, the proposed ferry service, bicycle facilities, pedestrian improvements, and transit enhancements are intended to serve existing transportation demand, improve regional connectivity, and provide an environmentally friendly alternative to single-occupancy vehicle travel between the East Bay and San Francisco. The project would not extend transportation or utility infrastructure into undeveloped areas, increase infrastructure capacity beyond what is needed to serve the project, or otherwise enable new development that could not occur under existing conditions. Future development in the Berkeley Waterfront area would continue to require separate discretionary approvals from the City and would be governed by applicable planning documents, including the Berkeley General Plan and future Waterfront planning efforts. Any growth that may occur in the vicinity of the project site would therefore be planned, independently reviewed, and subject to its own environmental analysis, rather than induced by the Berkeley Water Transportation Pier Ferry Project.

Therefore, the City finds that the project would not induce substantial unplanned population growth and would not remove an obstacle to growth that could result in significant environmental effects beyond those analyzed in the Draft EIR.

SECTION 5: FEASIBILITY OF PROJECT ALTERNATIVES

5.1 Project Alternatives

The Draft EIR analyzed four EIR alternatives, examining the environmental impacts and feasibility of each EIR alternative, as well as the ability of the EIR alternatives to meet project objectives. The project objectives are listed in Chapter 2, *Project Description,* of the Draft EIR; the potentially significant environmental effects of the project, including feasible mitigation measures identified to avoid these impacts, are analyzed throughout Chapter 3, *Environmental Impact Analysis,* of the Draft EIR; and the alternatives are described in detail in Chapter 5, *Alternatives,* of the Draft EIR. Comparative information regarding the EIR alternatives, including their distinguishing features and relative environmental impacts, is provided in Draft EIR Table 5-1, *Alternatives*

Summary (Draft EIR page 5-3), and Table 5-2, *Summary of Alternatives' Impacts and Comparison to Proposed Project* (Draft EIR page 5-29). Brief summaries of the alternatives are provided below. A brief discussion of the Environmentally Superior Alternative follows the summaries of the alternatives. The findings in this section are based on the Draft EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

Based on the project objectives and anticipated environmental consequences, and pursuant to *CEQA Guidelines* Section 15126.6, the following EIR alternatives were selected for environmental analysis:

- **Alternative 1: No Project Alternative.** CEQA requires analysis of a No Project Alternative. *CEQA Guidelines* § 15126.6(e)(2). Under Alternative 1, none of the improvements associated with the proposed project would occur and the current uses would remain. The deteriorated pier would remain closed, no new ferry service from Berkeley would be established, vehicle trips across the Bay would continue at their current rate, no new public plaza would be installed, none of the improvements along University Avenue or Seawall Drive would be installed, and the Seawall Drive East Parking lot would remain in its current condition. Alternative 1 would result in avoided construction impacts compared to the proposed project but would generate greater long-term impacts to aesthetics due to the lack of improvements, as well as to air quality, greenhouse gas emissions, transportation, and land use and planning due to the lack of circulation improvements and fewer reductions in criteria pollutants as a result of continued reliance on single-occupancy vehicle travel. In addition, Alternative 1 would not fulfill any of the project objectives.
- **Alternative 2: Shortened Breakwater Alternative.** Alternative 2 would retain all components of the proposed project, with a reduced-length breakwater. Construction of a shortened breakwater would result in a decrease to construction-related impacts compared to the proposed project and would maintain similar operational impacts to that of the proposed project while fulfilling most project objectives, though with somewhat reduced public access.
- **Alternative 3: Shortened Pier Alternative.** Alternative 3 would implement the proposed project as planned but would reduce the length of the pier such that it would not extend beyond the breakwater. A shortened pier would result in reductions to construction impacts compared to the proposed project while maintaining ferry service, and operational impacts would remain similar to the proposed project. However, public access and recreational opportunities would be limited, and therefore, Alternative 3 would meet the project objectives to a lesser extent than the proposed project**.**
- **Alternative 4: Reduced Landside Facilities Alternative.** Alternative 4 would involve the construction of the full pier and breakwater but would eliminate landside improvements such as the public plaza, cycle track, Bay Trail Extension, parking lot upgrades, and bus facilities. Minimal landside construction would still be required under Alternative 4 to complete and ensure emergency access to the proposed Pier including the Pier Abutment itself (including deep soil mixing to create a seismically stable landing for the abutment) and retaining wall and fill in the area to create vehicle and accessible connections between the existing sidewalk/Seawall Drive and the new pier. Several construction-related impacts would be reduced compared to the proposed project as a result, however, impacts to air quality, greenhouse gas emissions, and transportation would increase long-term due to fewer multimodal access opportunities and continued reliance on single-occupancy vehicle travel to access the new pier. In addition, Alternative 4 would provide substantially fewer public access opportunities and recreational benefits and, therefore, would not fulfill all project objectives.

The City hereby concludes that the Final EIR sets forth a reasonable range of EIR alternatives to the Berkeley Water Transportation Pier Ferry Project that address the significant environmental impacts of constructing and operating the project, so as to foster informed public participation and informed decision making. The City finds that the alternatives identified and described in the Final EIR were considered and further finds the No Project Alternative (EIR Alternative 1), the Shortened Pier Alternative (EIR Alternative 3), and the Reduced Landside Facilities Alternative (EIR Alternative 4) infeasible for the specific economic, social, or other considerations set forth below pursuant to Public Resources Code section 21081(b). The City further finds that the Shortened Breakwater Alternative EIR (Alternative 2) is feasible and would reduce certain construction-related environmental impacts compared to the proposed project while still achieving most of the basic project objectives, and is, therefore, adopted.

5.1.1 EIR Alternative 1 - No Project Alternative

Under the No Project Alternative (Alternative 1), none of the improvements associated with the Berkeley Water Transportation Pier Ferry Project would be implemented. The existing Berkeley Pier would remain closed and continue to deteriorate, no new ferry service would be established between Berkeley and San Francisco, no public plaza, Bay Trail Extension, cycle track, bus improvements, or parking lot improvements would be constructed. Existing transportation patterns, including transbay automobile travel, would continue under existing conditions.

Findings: This alternative would result in reduced impacts with respect to biological resources, cultural resources, geology and soils, hydrology and water quality, noise, tribal cultural resources, and utilities and service systems because it would avoid construction-related environmental impacts. However, impacts relating to aesthetics, air quality, greenhouse gas emissions and energy, land use and planning, and transportation would be greater than under the selected project because Alternative 1 would not provide the long-term benefits associated with zero-emission ferry service, reductions in vehicle miles traveled, improved multimodal transportation infrastructure, or revitalization of the Berkeley Waterfront. In addition, Alternative 1 would not eliminate the existing deterioration of the Berkeley Pier or provide the climate resilience, emergency response, recreational, and regional connectivity benefits associated with the project. Specifically, Alternative 1 would not replace the existing Berkeley Pier with a new seismically safe structure designed to meet Risk Category IV (Essential Facility) standards, account for projected sea level rise and improve emergency response capabilities. Nor would Alternative 1 repair an actively eroding section of shoreline or remove outdated infrastructure that may contain hazardous materials such as creosote-treated pier piles. Furthermore, Alternative 1 would not fulfill either of the project's basic objectives because it would neither enhance public access and recreational opportunities at the Berkeley Waterfront nor provide efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco (see Section 5.5, *No Project Alternative*, of the Draft EIR). Accordingly, Alternative 1 would also forego the economic benefits associated with ferry service revenue, enhanced regional connectivity facilitating improved access to educational and employment opportunities throughout the Bay Area, and increased opportunities for recreation and tourism at the Waterfront.

The City finds that Alternative 1 is infeasible for social, economic, and environmental reasons. The No Project Alternative would eliminate the environmental impacts associated with project construction, but would also forego the substantial long-term public benefits associated with restoring public access to the Berkeley Waterfront, providing zero-emission ferry service, improving multimodal transportation connections, enhancing recreational opportunities, supporting regional mobility, increasing transportation resiliency, and reducing reliance on single-occupancy vehicle travel. In addition, Alternative 1 would allow the Berkeley Pier to remain closed and continue to deteriorate, thereby denying the public recreational, educational, transportation, and access benefits that the project is intended to provide. Furthermore, because the No Project Alternative would forego the project's anticipated benefits related to regional mobility and increased Waterfront visitation, it would also forego the associated economic benefits of improved access between Berkeley and San Francisco, increased visitation to the Berkeley Waterfront and nearby businesses, and enhanced access to existing jobs, commerce, and recreational destinations throughout the Bay Area. The City finds that these lost public benefits would not be socially or economically acceptable and that Alternative 1 would not advance the environmental benefits associated with reduced vehicle miles traveled, reduced greenhouse gas emissions, and expanded sustainable transportation opportunities. Therefore, consistent with CEQA Guidelines Section 15091(a)(3), the City finds that specific social, economic, and environmental considerations make Alternative 1 infeasible.

Alternative 1 is hereby rejected because it would not meet the project objectives and, consistent with CEQA Guidelines Section 15091(a)(3), specific social, economic, and environmental considerations make Alternative 1 infeasible.

5.1.2 EIR Alternative 2 – Shortened Breakwater Alternative

Alternative 2 would implement the project substantially as proposed, but with a shortened breakwater of approximately 300 feet rather than the 400-foot breakwater evaluated as part of the proposed project. The purpose of the breakwater is to provide a safe harbor for ferry operations while also providing public access

and recreational opportunities. Under Alternative 2, all other major project components, including the ferry service, public pier, public plaza, Bay Trail Extension, cycle track, parking lot improvements, and multimodal transportation facilities, would be constructed as proposed.

Findings: This alternative would result in reduced impacts with respect to air quality, biological resources, greenhouse gas emissions, hydrology and water quality, and noise because the shortened breakwater would reduce construction intensity, Bay fill, and pile installation requirements. Impacts related to aesthetics, cultural resources, geology and soils, hazards and hazardous materials, land use and planning, recreation, transportation, tribal cultural resources, and utilities and service systems would generally remain similar to those of the proposed project. However, Alternative 2 would not eliminate any of the significant and unavoidable impacts identified for the project. Accordingly, significant and unavoidable impacts related to construction noise, as well as related land use and planning and recreational impacts, would remain (refer to Section 5.6, *Alternative 2: Shortened Breakwater Alternative*, of the Draft EIR).

The City finds that Alternative 2 is technologically feasible. The Coastal Study prepared for the project evaluated 250-foot, 300-foot, and 400-foot breakwater configurations and concluded that a 300-foot breakwater would provide sufficient sheltering for ferry operations, minimize wave exposure at the berths, and achieve nearly the same reduction in operational downtime as the 400-foot configuration.[7] The Coastal Study specifically concludes that increasing the breakwater from 300 feet to 400 feet would provide only marginal improvements in wave disturbance and operational downtime and supports the selection of the 300-foot breakwater as the recommended design option (refer to Coastal Study, Executive Summary, pages 5 through 7).[8] Additionally, the City finds that Alternative 2 is economically feasible because the reduction in breakwater length would require less construction and accordingly fewer materials, less Bay fill, and fewer piles than the proposed project, thereby reducing construction costs while still achieving the primary operational purpose of the breakwater. As described above, Alternative 2 would also result in reduced construction-related impacts to air quality, biological resources, greenhouse gas emissions, hydrology and water quality, and noise due to the reduction in construction intensity and Bay fill. However, Alternative 2 would not eliminate any of the significant and unavoidable impacts identified for the project, and accordingly, significant and unavoidable impacts for construction noise, as well as related land use and planning and recreational impacts, would remain (refer to Section 5.5, *Alternative 2: Shortened Breakwater Alternative*, of the Draft EIR). Nevertheless, the City finds that Alternative 2 is environmentally feasible due to the reduction in construction-related and Bay fill impacts. The City further finds that Alternative 2 is socially feasible. Although the shortened breakwater would slightly reduce public access and recreational opportunities compared to the proposed project, the primary purpose of the breakwater is to provide a safe harbor for ferry vessels, while improved public access is a secondary benefit (refer to pages 5-9 and 5-10 of the Draft EIR). The evidence in the record demonstrates the social feasibility of a reduction in the proposed breakwater length, because a 300-foot breakwater can achieve the safe harbor function while still providing substantial public access and recreational opportunities. The City accordingly finds that the modest reduction in public access associated with a shorter breakwater is acceptable considering the reduction in environmental impacts, reduced construction intensity, and reduced cost associated with Alternative 2.

Alternative 2 is hereby identified as the preferred alternative and the proposed Project, and the City further finds that, consistent with CEQA Guidelines Section 15091 (a)(1), changes or alterations have been made in preferred Alternative 2 which substantially lessen significant construction-related environmental effects, including those associated with air quality, biological resources, greenhouse gas emissions, hydrology and water quality, and noise, as identified in the final EIR. Alternative 2 would meet the primary purpose and most of the basic project objectives of the project by providing efficient and environmentally friendly zero emission ferry service and enhanced public access and recreational opportunities. However, due to the shortened

[7] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study. Prepared for City of Berkeley. December. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_Coastal-Study.pdf (accessed August 2026).

[8] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study. Prepared for City of Berkeley. December. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_Coastal-Study.pdf (accessed August 2026).

breakwater, Alternative 2 would provide slightly less public access and fewer recreational opportunities, and would therefore meet the project objectives to a slightly lesser extent than the project evaluated in the Draft EIR.

5.1.3 EIR Alternative 3 – Shortened Pier Alternative

Alternative 3 would implement the proposed project as planned, but would reduce the length of the pier from approximately 1,080 feet to approximately 675 feet. Under this alternative, the pier would terminate at the point where the pier and breakwater intersect and would not extend beyond the breakwater. Ferry service, the breakwater, and landside improvements would remain substantially the same as under the approved project.

Findings: This alternative would result in reduced impacts with respect to air quality, biological resources, greenhouse gas emissions and energy, hydrology and water quality, and noise due to the reduction in the length of the pier and associated reduction in construction duration, Bay fill, and pile installation requirements. Impacts related to aesthetics, cultural resources, geology and soils, hazards and hazardous materials, land use and planning, recreation, transportation, tribal cultural resources, and utilities and service systems would generally remain similar to those of the approved project. However, Alternative 3 would not eliminate any of the significant and unavoidable impacts identified for the approved project. Significant and unavoidable impacts related to construction noise, recreation, and land use and planning would remain because pile driving and other construction activities would still occur under Alternative 3 (refer to Section 5.7, *Alternative 3: Shortened Pier Alternative*, of the Draft EIR).

Although Alternative 3 would result in a slight reduction of construction-related impacts compared to the proposed project, the City finds that Alternative 3 is socially infeasible. A primary purpose of the project is to restore the Berkeley Pier as an important recreational and public access feature of the Berkeley Waterfront (refer to Section 2.3, *Project Objectives*, of the Draft EIR). Unlike the breakwater, whose primary function is to provide a safe harbor for ferry operations, the portion of the pier extending beyond the breakwater is intended primarily to provide enhanced public access and recreational opportunities. As described in the Draft EIR, reducing the length of the pier by approximately 405 feet would diminish public access to the Bay and reduce the recreational benefits provided to the Berkeley community and the region (refer to page 5-19 of the Draft EIR). Accordingly, Alternative 3 would fulfill most project objectives by providing ferry service and some enhanced public access and recreational opportunities, however it would do so to a substantially lesser extent compared to the proposed project and Alternative 2. Furthermore, while Alternative 3 would slightly reduce certain temporary construction-related impacts, it would not eliminate any of the project's significant and unavoidable impacts, and the limited reduction in temporary impacts does not justify the corresponding reduction in the long-term public access and recreational benefits that a longer pier would provide. Therefore, the City finds that the reduction in public access and recreational opportunity associated with Alternative 3 would not be socially beneficial when weighed against the limited environmental benefit provided by the alternative.

Alternative 3 is hereby rejected because it would not eliminate any of the significant and unavoidable impacts of the proposed project and, consistent with CEQA Guidelines Section 15091(a)(3), specific social and environmental considerations make Alternative 3 infeasible.

5.1.4 EIR Alternative 4 – Reduced Landside Facilities Alternative.

Alternative 4 would implement the waterside components of the project, including the pier, breakwater, and ferry infrastructure, but would eliminate landside improvements such as the public plaza, cycle track, Bay Trail Extension, parking lot upgrades, electric vehicle charging facilities, and bus facilities. Limited landside construction would still occur to provide utility connections, emergency vehicle access, the pier abutment, retaining walls, and other infrastructure necessary to support operation of the pier and ferry facilities.

Findings: This alternative would result in reduced impacts with respect to aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, recreation, tribal cultural resources, and utilities and service systems due to the reduced landside footprint and corresponding reduction in landside construction activities. However, Alternative 4 could result in greater impacts related to air quality, greenhouse gas emissions and energy, land use and planning, and

transportation because it would eliminate multimodal transportation improvements, electric vehicle charging facilities, and active transportation amenities that support reductions in vehicle miles traveled and greenhouse gas emissions. The Draft EIR concludes that significant and unavoidable impacts related to construction noise, recreation, and land use and planning would remain under Alternative 4, because pile driving and other waterside construction activities would still occur. Therefore, Alternative 4 would not eliminate any of the project's significant and unavoidable impacts (refer to Section 5.8, *Alternative 4: Reduced Landside Facilities Alternative*, of the Draft EIR).

The City finds that Alternative 4 is infeasible for social and environmental reasons. Although Alternative 4 would reduce certain temporary construction-related impacts, it would do so by eliminating important public recreational amenities and multimodal transportation improvements that are fundamental components of the project. Specifically, Alternative 4 would eliminate the Bay Trail Extension, public plaza, cycle track, bus facilities, parking lot improvements, and electric vehicle charging facilities that are intended to improve public access, recreation, bicycle and pedestrian connectivity, transit access, and sustainable transportation opportunities at the Berkeley Waterfront. As described in the Draft EIR, these facilities are important components of the project's objectives to enhance public access and recreational opportunities and to encourage public transit, bicycle, and other active transportation modes. Alternative 4 would therefore fulfill the project's objectives to a much lesser extent than the approved project (refer to page 5-25 of the Draft EIR). Furthermore, the elimination of these facilities would not be consistent with broader City and regional multimodal transportation goals described in Draft EIR Section 3.9, *Land Use and Planning*, including policies encouraging bicycle, pedestrian, and transit access to the Berkeley Waterfront. While Alternative 4 would reduce certain temporary construction-related impacts, it would not eliminate any of the project's significant and unavoidable impacts, and the limited reduction in temporary impacts does not justify the corresponding loss of long-term transportation, recreation, sustainability, and public access benefits associated with the approved project. Therefore, the City finds that the reduction in facilities and associated public benefits under Alternative 4 would not be socially acceptable when weighed against the limited environmental benefits provided by the alternative.

Alternative 4 is hereby rejected because it would not eliminate any of the significant and unavoidable impacts of the proposed project and, consistent with CEQA Guidelines Section 15091(a)(3), specific social and environmental considerations make Alternative 3 infeasible.

5.2 Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines requires that an environmentally superior alternative be identified from among the alternatives evaluated in the EIR. In accordance with *CEQA Guidelines* Section 15126.6(e)(2), if the environmentally superior alternative is the No Project alternative, the EIR shall also identify an environmentally superior alternative from among the other alternatives.

The No Project Alternative would avoid most construction-related environmental impacts associated with the project. However, the No Project Alternative would not achieve any of the project's basic objectives because it would neither enhance public access and recreational opportunities at the Berkeley Waterfront nor provide efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco. Therefore, the No Project Alternative is not identified as the environmentally superior alternative.

Among the action alternatives evaluated in the Draft EIR, Alternative 4, the Reduced Landside Facilities Alternative, is identified as the environmentally superior alternative. As discussed in Section 5.10.2, *Identification of Environmentally Superior Alternative*, of the Draft EIR, Alternative 4 would reduce a greater number of construction-related impacts than the proposed project and the other action alternatives, including impacts related to aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, recreation, tribal cultural resources, and utilities and service systems due to the reduced extent of landside construction. However, Alternative 4 would achieve the project's objectives to a substantially lesser extent than Alternative 2 because it would eliminate key project elements, including the public plaza, cycle track, Bay Trail Extension, bus facilities, parking lot improvements, and electric vehicle charging facilities. The Draft EIR concludes that Alternative 4 could also result in greater long-term impacts related to air quality, greenhouse gas emissions, land use and planning, and transportation

due to reduced multimodal access opportunities and a potential reduction in the use of ferry service. In addition, Alternative 4 would not eliminate any of the significant and unavoidable impacts identified for the project (refer to pages 5-29 through 5-31 of the Draft EIR).

Although EIR Alternative 4 is identified as the environmentally superior alternative, the City finds that EIR Alternative 2, the Shortened Breakwater Alternative, is the preferred alternative and the proposed project (see Section 5.1.2, above), because it reduces construction-related environmental impacts associated with Bay fill, pile installation, and construction intensity while continuing to achieve the project's objectives to a greater extent than the other analyzed alternatives. Specifically, EIR Alternative 2 would provide substantially greater public access, recreational, multimodal transportation, sustainability, and public benefit improvements than EIR Alternative 4 while still reducing environmental impacts relative to the proposed project. Accordingly, while Alternative 4 is identified as the environmentally superior alternative, the City finds that EIR Alternative 2 represents the superior balance of environmental protection and achievement of project objectives and is, therefore, the preferred alternative and the proposed Project.

SECTION 6: STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance the benefits of a project against its significant unavoidable impacts when determining whether to approve a project. If the benefits of the project outweigh its unavoidable adverse environmental effects, those effects may be considered acceptable. CEQA requires the agency to state in writing the specific reasons for considering a project’s significant and unavoidable impacts to be acceptable. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record. *CEQA Guidelines* §15093(b); see also Public Resources Code Section 21081(b).

As set forth above, the City has found that the proposed project will result in project-level and cumulative significant adverse environmental impacts related primarily to construction noise associated with waterside pile driving and nighttime construction activities, and a cumulatively considerable contribution to a significant cumulative operational roadway noise impact on University Avenue between Seawall Drive and Marina Boulevard. As discussed in Draft EIR Sections 3.9, *Land Use and Planning*, 3.10, Noise, 3.11, *Recreation*, and 4.1, *Significant Environmental Effects that Cannot Be Avoided*, the project's significant and unavoidable Land Use and Planning and Recreation impacts are not independent physical environmental effects, but instead result from the same underlying significant and unavoidable construction noise impacts (refer to Impact LU-2, Impact REC-2, and Draft EIR page 4-1). Similarly, the cumulative Land Use and Planning and Recreation impacts are attributable to the project’s cumulatively considerable contribution to cumulative construction and operational noise impacts. These significant impacts cannot be avoided following adoption, incorporation into the project, and implementation of mitigation measures described in the EIR. The City has also considered the range of alternatives analyzed in Draft EIR Chapter 5. As discussed in SECTION 5: of this document, the City has identified the Shortened Breakwater Alternative (EIR Alternative 2) as the preferred alternative and the proposed Project, because it would reduce certain environmental impacts related to Bay fill and the intensity of construction activities, while still being technologically and socially feasible. However, significant and unavoidable project-level and cumulative impacts related to construction noise and by extension land use and planning and recreation would remain.

As required by CEQA Guidelines §15093(b) and Public Resources Code Section 21081(b), the City has balanced the economic, legal, social, technological or other benefits of the proposed project, including region-wide or Statewide environmental benefits, against its significant and unavoidable environmental impacts, the finds that the benefits of the proposed project outweigh its unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

In its balancing of the benefits associated with the project against its significant and unavoidable environmental impacts, the City considered the duration of benefits and certain impacts. Specifically, the City considered that the significant and unavoidable impacts associated with project construction would be temporary (up to an estimated 80 to 90 days), would cease after construction of the project is completed, and would be limited to

only some project construction activities (i.e., waterside construction activities involving pile driving, including the demolition and pile-installation phases).

In addition, for the significant and unavoidable cumulative impact related to operational noise from increased roadway vehicles, the City considered the severity of the impact. The EIR found that when roadway vehicle volumes from the proposed project and another cumulative project (the Draft Waterfront Specific Plan) are combined, there is an increase in noise levels of 5.5 dBA Community Noise Equivalent Level (CNEL) (without consideration of proposed project Transportation Demand Management [TDM]) and 5.4 dBA CNEL (when accounting for proposed project TDM) along the stretch of University Avenue between Seawall Drive and Marina Boulevard. This noise level would be greater than the threshold of 5 dBA CNEL (page 3.10-18 of the Draft EIR, subheading *Mobile Operational Noise* identifies the applicability of this threshold). In making its decision, the City considered that the cumulative impact is only 0.4 dBA CNEL above the threshold. The City also considered the contribution of noise from the proposed project, compared to the contribution of noise from the Waterfront Specific Plan. The increase in noise without the project [i.e., considering only the Waterfront Specific Plan contribution] is estimated to be 4.5 dBA CNEL, whereas the increase in noise due to only the proposed project is estimated to be 0.9 to 1.0 dBA CNEL. Furthermore, the City also considered the conservative nature of the analysis presented in the EIR. The analysis presented in the EIR represents the conservative scenario of implementing the maximum development potential of the Draft Waterfront Specific Plan. There is the potential that the cumulative development scenario may be lower as the Draft Waterfront Specific Plan proposed details are refined. The Draft Waterfront Specific Plan has not been adopted by the Berkeley City Council, and the associated development scenario that is adopted by the Berkeley City Council may be lower than what is presented in the EIR.

The City also considered that the benefits associated with the project would provide long-term benefits (i.e., the lifetime of pier and ferry service is estimated at a minimum of 50 years) that would far exceed the duration of construction activities that could result in significant and unavoidable impacts.

The following statement identifies the reasons why, in the City's judgment, specific benefits of the project outweigh the significant and unavoidable effects. The substantial evidence supporting the benefits of the project can be found in the preceding sections of these Findings, in the project itself, and in the record of proceedings as defined in SECTION 9:, below. The City further finds that each of the project benefits discussed below is a separate and independent basis for these findings. The reasons set forth below are based on the Final EIR and other information in the administrative record.

The City further finds that these significant and unavoidable impacts are outweighed by the benefits of the project, each of which, independently of the others, constitutes overriding consideration warranting approval of the project. Those benefits, and additional considerations related to this finding, are as follows:

- Recreational Benefits
  - The project will restore public recreational access to the Berkeley Waterfront and San Francisco Bay by replacing the deteriorated Berkeley Municipal Pier, which has been closed to the public since 2015, with a new publicly accessible pier and breakwater that will provide opportunities for walking, sightseeing, fishing, environmental education, and shoreline access for current and future generations. The project has a design life of 50 years, meaning that the City of Berkeley would benefit from this important recreational amenity for at least 50 years.
  - The project will substantially enhance recreational opportunities at the Berkeley Waterfront through construction of a new pier, breakwater, public plaza, Bay Trail extension, bicycle facilities, interpretive signage, seating areas, fish-cleaning stations, landscaping, and accompanying public amenities that expand access to and support enjoyment of the Bay.
  - The project will implement a portion of the planned Bay Trail Extension along Seawall Drive and directly support the recreational goals of the San Francisco Bay Trail and the MTC Bay Trail Gap

Closure Implementation Plan.[9] The Draft EIR identifies the Berkeley Waterfront gap as Segment ID 4151, which is designated as a Tier 1 (Higher Priority and Lower Cost) project and ranked third among Tier 1 Bay Trail gap-closure segments[10] (refer to Draft EIR Page 3.11-11). By constructing a portion of this planned trail segment and improving bicycle and pedestrian access to the Waterfront, the project will help advance the long-term regional goal of completing a continuous shoreline trail around San Francisco Bay and improving public access to the Bay.

- The project will replace the existing deteriorated pier entrance area with a new ADA-accessible public recreational plaza containing seating, landscaping, bicycle facilities, interpretive signage, and a public restroom. The plaza is intended to function as a new, publicly accessible recreational space and may accommodate future public events, educational programming, recreational activities, and other community gatherings and public uses that promote community engagement and improve public enjoyment of the Berkeley Waterfront (refer to Draft EIR Section 2.5.2, *Landside*).
- The project will advance longstanding City and regional recreational goals and policies relating to waterfront access, recreation, multimodal transportation, and enhancement of the Berkeley Waterfront area as established by the adopted plans and policies such as the BCDC Bay Plan, ABAG/MTC Plan Bay Area 2050, the Berkeley General Plan, the Berkeley Waterfront Master Plan, the Berkeley Marina Master Plan (refer to Draft EIR Section 3.9, *Land Use and Planning*, Impact LU-2).

- Transportation Benefits

  - The project will provide new ferry service connecting Berkeley with San Francisco, improving regional transportation connectivity and resilience for East Bay residents, workers, students, and visitors. The Water Emergency Transportation Authority (WETA) Berkeley Ferry Service Business Plan identifies the Berkeley ferry service as a long-planned component of the regional ferry network which will provide approximately 1,910 average weekday ferry trips during the first year of service and approximately 2,110 weekday trips by 2040, and concludes that the proposed ferry service would expand regional mobility options, support existing and future activities at the Berkeley Waterfront, and provide a meaningful new transbay transportation connection (refer to Section 1 of the Business Plan).[11]
  - The project will improve transportation access to existing employment, education, housing, services, and recreational opportunities throughout the Bay Area by providing a reliable and accessible transbay transit option that strengthens regional mobility and will facilitate access between East Bay communities and major employment centers, including higher-paying job centers located in San Francisco. As described in the WETA Berkeley Ferry Service Business Plan, West Berkeley is an area with relatively limited regional transit access and reduced accessibility to jobs compared to other areas within Berkeley and the broader region. Within the region, areas such as San Francisco and San Mateo Counties have a greater number of jobs which provide average salaries approximately 21 percent higher than comparable jobs in Alameda County. Implementation of the proposed ferry service would provide East Bay residents with a new connection to higher-paying job centers across the Bay while also improving access to jobs, educational opportunities, and destinations within Berkeley, and would therefore expand access to economic opportunities for West Berkeley residents as well as the broader region (refer to Section 6 of the WETA Business Plan).[12]

[9] MTC. 2024. Bay Trail Gap Closure Implementation Plan. Available: https://mtc.ca.gov/sites/default/files/documents/2024 08/BTGCIP_Report_08_27_2024.pdf (accessed October 2025).

[10] MTC. 2024. Bay Trail Gap Closure Implementation Plan Prioritization 2024. Available: https://experience.arcgis.com/experience/817c5f3b503848deb44e83d337285fd6/#data_s=id%3AdataSource_2-1926f97382d-layer 15%3A4 (accessed October 2025).

[11] WETA. 2022. WETA Berkeley Ferry Service Business Plan, Version 1.0. March 17, 2022. Available: https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240926061356/Item-8A-Berkeley-Ferry-Service-Business-Plan.pdf (accessed: August 2026).

[12] WETA. 2022. WETA Berkeley Ferry Service Business Plan, Version 1.0. March 17, 2022. Available: https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240926061356/Item-8A-Berkeley-Ferry-Service-Business-Plan.pdf (accessed: August 2026).

- The project will help reduce reliance on single-occupancy vehicle travel by providing a high-quality public transit transportation alternative to automobile transbay travel, thereby reducing regional vehicle miles traveled (VMT), roadway congestion, and associated environmental impacts. As discussed in Draft EIR Section 3.12, *Transportation*, the project would provide new ferry connection between Berkeley and San Francisco that would replace longer automobile commute trips with shorter trips to the Berkeley Waterfront. The project would also implement multimodal access improvements, including a raised cycle track along University Avenue, Bay Trail improvements, bicycle lockers and racks, improved bus facilities, pedestrian improvements, electric vehicle charging stations, and transportation demand management measures designed to encourage the use of transit and active transportation rather than single-occupancy vehicles. By reducing automobile travel demand and supporting shifts to other travel modes through implementation of these proposed project components, the project would result in a net decrease in VMT and associated environmental impacts (refer to Impact GHG-1, Impact TRA-1, and Impact TRA-2). For further discussion of VMT and associated environmental impacts, refer to the discussion below regarding Sustainability Benefits.
- The project will enhance regional emergency transportation preparedness and resilience. WETA has a legislative mandate to operate and coordinate emergency water transit when regional transportation systems are disrupted due to disaster or other events.[13] The new pier is designed as an essential facility to support emergency water transportation services in the event that natural disasters or other emergencies disrupt existing transportation infrastructure, thereby expanding WETA's ability to provide emergency transportation for first responders, disaster service workers, and the general public (refer to Draft EIR Section 2.8, *Emergency Operation Options*).

- Sustainability (Including region-wide or Statewide environmental benefits)
  - The project will advance State, regional, and local sustainability goals through operation of zero-emission electric ferry vessels, installation of ferry charging infrastructure, provision of electric vehicle charging facilities for Waterfront visitors, and implementation of multimodal transportation improvements that encourage transit use and bicycle and pedestrian travel.
  - The project will result in long-term greenhouse gas emissions reductions, including an annual net reduction of 2,368 metric tons of carbon dioxide equivalent emissions, and support California's transition to a low-carbon, sustainable transportation system through mode shift from automobile travel to electric ferry service. The Greenhouse Gas Analysis Memorandum prepared for the project's SB 149 Infrastructure Project Application[14] further concludes that the project would remain net-negative for greenhouse gas emissions even after accounting for all construction and operational emissions, resulting in a net reduction of approximately 22,435 metric tons of carbon dioxide equivalent emissions over the evaluated 30-year analysis period and thereby providing a long-term regional climate benefit consistent with the goals and policies of adopted greenhouse gas reduction plans (refer to Draft EIR Section 3.6, *Greenhouse Gas Emissions and Energy*, and Draft EIR Appendix B, *Air Quality and Greenhouse Gas Emissions Information*).
  - The project incorporates substantial climate adaptation and coastal resilience measures, including design features that account for and protect against projected sea level rise, physical shoreline protection improvements, resilient infrastructure, adaptable water transportation facilities, and long-term protection of public access to the waterfront.

- Social Benefits
  - The project incorporates social investments in bicycle and pedestrian infrastructure, including a new raised cycle track along University Avenue, Bay Trail improvements, bicycle parking facilities, and enhanced pedestrian areas and transit connections, accompanied by ADA-accessible facilities,

[13] WETA. 2024. Emergency Response. Available: https://sanfranciscobayferry.com/emergency-response/ (accessed September 2025)

[14] Berkeley, City of. 2026. Final SB 149 Infrastructure Project Application. Prepared for California Governor's Office of Land Use and Climate Innovation. June 25, 2026.

improved lighting and wayfinding, and design features to reduce conflicts among transportation modes, thereby improving the safety and accessibility of multimodal travel and active recreational opportunities.

- The project will generate social and economic benefits through construction expenditures, increased visitation to the Berkeley Waterfront, support for existing local businesses, increased access to recreation, education, and employment opportunities, and enhancement of the Waterfront as a regional destination.
- The project represents a substantial social public investment with respect to recreation, public access, sustainable transportation, and climate resilience infrastructure that will provide long-term benefits at the local, regional, and Statewide level.

On balance, the City finds that there are specific economic, legal, social, technological, or other benefits of the Berkeley Water Transportation Pier Ferry Project that serve to override and outweigh the significant unavoidable effects of the project. Therefore, pursuant to *CEQA Guidelines* Section 15093(b), the City finds that these significant adverse environmental effects are considered acceptable.

SECTION 7: INCORPORATION BY REFERENCE

These findings incorporate the text of the Final Environmental Impact Report for the Berkeley Water Transportation Pier Ferry Project by reference and in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, the determination of the environmentally superior alternative, and the reasons for approving the project in spite of the potential for associated significant and unavoidable adverse impacts.

The City also incorporates by reference the Final Program Environmental Impact Report for the Expansion of Ferry Transit Service in the San Francisco Bay Area (State Clearinghouse No. 2001112048), certified by the WETA Board of Directors in June 2003. The WETA Program EIR evaluated expansion of ferry service throughout the San Francisco Bay Area, including ferry service between Berkeley and San Francisco, and analyzed environmental topics including dredging, navigation, wake effects, water resources, biological resources, air quality, land use, aesthetics, cultural resources, geology, noise, transportation, energy, and growth-inducing impacts. The environmental setting information, environmental analyses, and mitigation measures contained in the WETA Program EIR, including mitigation measures adopted by WETA for ferry operations and ferry service expansion, are incorporated by reference into these findings to the extent relevant to the proposed project. As described in Section 1.1.3 of the Berkeley Water Transportation Pier Ferry Project EIR, the relevant portions of the WETA Program EIR are summarized and incorporated into the environmental analysis contained in Section 3.3, *Biological Resources*, and Section 3.7, *Hazards and Hazardous Materials*, and are part of the evidentiary basis supporting these findings.

SECTION 8: RECIRCULATION NOT REQUIRED

No significant new information was added to the Draft EIR or the Final EIR as a result of the public review and comment process. The Final EIR responds to comments, and clarifies, amplifies, and makes insignificant modifications to the Draft EIR. It does not identify any new significant effects on the environment or a substantial increase in the severity of an environmental impact requiring major revisions to the Draft EIR. Similarly, the revised project would not result in new or substantially more severe significant impacts than disclosed previously in the Draft EIR. Therefore, recirculation of the EIR is not required.

SECTION 9: RECORD OF PROCEEDINGS

Various documents and other materials related to the project constitute the record of proceedings upon which the City bases its findings and decisions contained herein. The record of proceedings is available for public review online on the following website: https://berkeleypierferryproject.com/.

SECTION 10: SUMMARY

A. Based on the foregoing Findings and the information contained in the record, the City has made one or more of the following Findings with respect to each of the significant effects of the project:
   1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects identified in the EIR.
   2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other public agency.
   3. Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the project.

B. Based on the foregoing Findings and the information contained in the record, the City determines that:
   1. Significant effects on the environment that would occur due to the approval of the project have been eliminated or substantially lessened where feasible.
   2. Remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in SECTION 6:, above.

RESOLUTION NO. ##,###-N.S.

APPROVING THE BERKELEY WATER TRANSPORTATION PIER-FERRY PROJECT AND AFFIRMING, AS MODIFIED, THE DECISION OF THE ZONING ADJUSTMENTS BOARD TO APPROVE USE PERMIT #ZP2026-0014 TO ESTABLISH TRANSPORTATION VIA PUBLIC FERRY SERVICE AS AN ALLOWABLE USE AT THE BERKELEY PIER

WHEREAS, on January 12, 2026, the City of Berkeley Parks, Recreation & Waterfront Department filed an application for Use Permit #ZP2026-0014 to establish transportation via public ferry service as an allowable use at the Berkeley Pier ("Use Permit"), with project plans received January 13, 2026; and

WHEREAS, on January 21, 2026, pursuant to Berkeley Municipal Code ("BMC") Section 23.208.020(C)(1), the Planning Commission reviewed the Use Permit application and recommended that the Zoning Adjustments Board ("ZAB") and City Council approve the Use Permit, and making the findings required by BMC Section 23.208.020(E); and

WHEREAS, on February 11, 2026, notice of the ZAB public hearing was posted pursuant to BMC Section 23.404.050 and emailed to a broad stakeholder list, there being no private properties within the 0.5-mile notice radius; and

WHEREAS, on February 26, 2026, the ZAB held a public hearing and, pursuant to BMC Section 23.208.020(C)(2), approved the Use Permit by a vote of 5-0-3, subject to findings and conditions, and an added condition noting that its decision was made prior to publication of the Draft Environmental Impact Report; and

WHEREAS, pursuant to BMC Section 23.208.020(C)(2) and (C)(5), the ZAB's decision is not effective until after action by the City Council, and the City Council may affirm, reverse, or modify the ZAB's decision; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"), the City, as lead agency, prepared an Environmental Impact Report (SCH No. 2025040995) ("EIR") for the Berkeley Water Transportation Pier-Ferry Project ("Project"), which includes the ferry use and ferry terminal facilities authorized by the Use Permit; and

WHEREAS, on November 5, 2026, notice of the City Council public hearing was published and posted; and

WHEREAS, on November 17, 2026, prior to consideration of this Resolution, the City Council adopted Resolution No. ##,###-N.S. certifying the Final EIR and adopting CEQA Findings and a Statement of Overriding Considerations, mitigation measures, and a Mitigation Monitoring and Reporting Program for the Project, which CEQA Findings identify the Shortened Breakwater Alternative (EIR Alternative 2) as the preferred alternative and the proposed Project; and

WHEREAS, the City Council desires to modify the ZAB decision to incorporate the certified Final EIR, the CEQA Findings, and the mitigation measures, and to make minor technical corrections; and

WHEREAS, on November 17, 2026, the City Council held a public hearing to consider the ZAB's decision, and, in the opinion of this Council, the facts stated in, or ascertainable from the public record, including comments made at the public hearing, warrant approving the Project and affirming the ZAB's decision, as modified.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that, in approving the Project, the City Council relies on and incorporates by reference the CEQA Findings and Statement of Overriding Considerations, mitigation measures, and Mitigation Monitoring and Reporting Program adopted by Resolution No. ##,###-N.S., and the mitigation measures within the responsibility and jurisdiction of the City are hereby incorporated into the Project and shall be Conditions of Approval of Use Permit #ZP2026-0014.

BE IT FURTHER RESOLVED that the City Council hereby approves the Project, consisting of the Shortened Breakwater Alternative (EIR Alternative 2) as described in the Final EIR and the CEQA Findings.

BE IT FURTHER RESOLVED that, pursuant to BMC Sections 23.208.020(C)(5) and 23.208.020(E), the City Council hereby affirms, as modified, the decision of the ZAB to approve Use Permit #ZP2026-0014 establishing transportation, specifically public ferry service, as an allowed use at the Berkeley Pier, based on the findings for approval set forth in BMC Section 23.406.030(F) and subject to the conditions of approval, both as set forth in and modified by Exhibit A, for the project depicted in Exhibit B and described in the Final EIR.

Exhibits

A: Use Permit #ZP2026-0014 Findings and Conditions of Approval, as Modified by the City Council

B: Use Permit #ZP2026-0014 Project Plans, received January 13, 2026

Zoning Adjustments Board Findings

App #ZP2026-0014 Use Permit to Establish Transportation Use (ferry service) at Berkeley Pier

February 26, 2026

Project Facts	Project Description:
Applicant: City of Berkeley Department of Parks, Recreation, and Waterfront Property Owner: City of Berkeley Project Address: 201 University Avenue GP Land Use: Waterfront / Marina (W) Zoning: Unclassified District (U) Council Authority: ZAB decision is not effective until after action by the City Council (BMC Section 23.208.020(C)) CEQA: NOP Published ~~May~~ April 2025. Draft EIR to be published on February 27, 2026. Project Planner: Singeh Saliki Prepared by: Liza McNulty, Parks, Recreation and Waterfront Department	The applicant is seeking approval to establish transportation via public ferry service as an allowable use at the Berkeley Pier. Constructed elements associated with the new use include a universal charging float (5,700 square feet), ferry gate and landing (750 square feet), gangway (1,200 square feet) and breakwater (4,300 square feet). The square footages listed are approximate and describe the initial single-berth configuration. Final square footages will be based on final permitted plans, consistent with the Final EIR. **Zoning Permits Requested:** 1. New Use. Use Permit under BMC Section 23.208.020(B), "Unclassified District Allowed Uses" to establish transportation use at the Berkeley Pier. **Staff Recommendation** Staff recommends that ZAB approve ZP2026-0014 pursuant to BMC Section 23.406.040 (E) "Findings for Approval" and subject to the attached Findings and Conditions of Approval. Because an approval by ZAB is not effective until Council action pursuant to BMC Section 23.208.020(C) "Unclassified District Use Permit Procedures", ZAB is not required to make a CEQA determination at this time. Rather, Council will make a CEQA determination before or concurrent with final action on this permit pursuant to BMC Section 23.208.020(C).

CEQA

The City published a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Pier-Ferry Project in ~~May~~ April 2025. A Draft EIR for the Project is expected to be published for public review in late February 2026. ZAB is not required to make a CEQA determination concurrent with this permit approval because the permit is not effective until Council action pursuant to BMC Section 23.208.020 (C) "Unclassified District Use Permit Procedures". Council, as the decision maker, will make a CEQA determination before or concurrent with final action on this permit pursuant to BMC Section 23.208.020.

FINDINGS FOR APPROVAL

As required by BMC Section 23.406.040 (E) (1-4) "Findings for Approval," the following findings shall be made:

1. To approve a Use Permit, the ZAB shall find that the proposed project or use:
   (a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use; and

   Evidence: The project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or visiting in the area because the proposed use will establish a new transportation option for commuting, recreational or personal travel to San Francsico, which is a benefit to persons working, residing or visiting the area. The project will not be detrimental to the general welfare of persons who use the Berkeley Waterfront because the City has conducted an analysis of parking that demonstrates that there is sufficient parking available to accommodate this use.

   (b) Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

   Evidence: The project will not be detrimental or injurious to property and improvements of the adjacent properties because the Berkeley Waterfront is a single property, owned and managed by the City of Berkeley and because the use of a public ferry is a water-related use consistent with the Public Trust Doctrine governing Berkeley waterfront land use. The project will not be detrimental to the general welfare of the City because establishing ferry service in Berkeley has been identified as a goal in multiple City and regional planning documents to improve the general welfare of the City by reducing greenhouse gases, improving transportation access and providing emergency response and disaster recovery. In addition, the findings for required discretionary permits are satisfied per the Evidence in 2 and 3 below.

2. To approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project.

   Evidence: N/A

3. When taking action on a Use Permit, the ZAB shall consider in its findings:

   (a) The proposed land use; and

   Evidence: The project is consistent with the proposed land use because all uses not prohibited by law are permitted in the U District pursuant to BMC Section 23.208.020 (B) "Allowed Uses" and because the project is consistent with the general plan policies and designated Waterfront / Marina land use which includes water transit facilities.

   (b) The structure or addition that accommodates the use.

   Evidence: The structure that accommodates the use is in-water ferry infrastructure, including a breakwater, gate and landing/boarding platform, gangway and float. This infrastructure is consistent with the allowable uses governing the site.

4. Required findings shall be made based on the circumstances existing at the time a decision is made on the application.

   Evidence: The required findings are satisfied because the project has been determined to be fully compliant with all applicable regulations based on the project plans submitted on January 13, 2026 and evaluated based on the existing conditions of the subject site and surrounding neighborhood at the time of decision.

5. The Zoning Officer shall deny an AUP application if unable to make any of the required findings.

   Evidence: N/A



STANDARD CONDITIONS OF APPROVAL
APPLICABILITY

Use Permits approved through the City of Berkeley are subject to Standard Conditions of Approval (Standard COAs). The City of Berkeley has established Standard COAs that identify requirements for the construction and operation of the approved project or use. This includes general administrative conditions, permitting requirements, project construction and the regulation of on-going, on-site uses. Compliance requirements with the Berkeley Municipal Code, building permit review and issuance process, construction, final inspection requirements, certificate of occupancy, and on-going operations of the approved use are included in this document.

The Standard COAs may vary based on site size, location, environmental settings, topography, historic alteration or approved uses. Variations in the application of the Standard COAs may occur based on the project scope and site-specific characteristics including but not limited to parcel size, location, topography, and use.

Conditions which have specified thresholds due to size, uses, and other characteristics are identified.

Part I. Administrative Conditions
- A. General Project Conditions
- B. Project Specific Conditions

Part II. Prior to Issuance of Demolition Permit

Part III. At the Time of Building Permit Submittal

Part IV. Prior to Issuance of Building Permit
- A. Toxics

Part V. During Demolition/Construction
- A. Building & Safety
- B. Land Use Planning
- C. Public Works

Part VI. Fees

LAND USE PLANNING

CONDITIONS OF APPROVAL

Site Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	Project Approval. This Project approval is for Berkeley Pier-Ferry (201 University Avenue), as substantially shown and described on the Project plans dated January 13, 2026, except as required to be modified by Conditions of Approval herein and plans as presented to the Zoning Adjustments Board on February 26, 2026 ("Approval Date"). For any Condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the Project applicant shall submit final plan(s) in substantial conformance with the conceptual plan and incorporate any required modifications.	City of Berkeley	On-Going	Land Use Planning
2.	Approval Limited to Proposed Project and Replacement of Existing Uses. This Use Permit authorizes only the Proposed Project described in the application. This project approval does not authorize other uses, structures or activities not included in the Project Description. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use. (BMC Sections 23.404.060.B.1 and 2)	City of Berkeley BMC Sections 23.404.060	On-Going	Land Use Planning
3.	Compliance Required. All land uses and structures in the City of Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations.	City of Berkeley BMC Section 23.102.050(B)	On-Going	Land Use Planning
4.	Other Regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.	City of Berkeley BMC Section 23.102.050 (E)		

LAND USE PLANNING

CONDITIONS OF APPROVAL

Site Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
5.	Conformance with Approved Plans. All work performed under an approved Use Permit shall follow the approved plans as presented to ZAB on February 26, 2026 and any Conditions of Approval.	City of Berkeley BMC Section 23.404.060 (B)(4)	On-Going	Land Use Planning
6.	Permit Modifications. No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Adjustments Board. The Zoning Officer may approve changes to plans approved by the Board which reduce the size of the Project, consistent with the Board's policy adopted on May 24, 1978.	City of Berkeley BMC Section 23.404.070	On-Going	Land Use Planning
7.	Permit Revocation. The City may revoke or modify a discretionary permit for completed projects due to: 1) Violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. No lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board, or City Council referral.	City of Berkeley BMC Section 23.404.080	On-Going	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Site Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
8.	Permit Remains Effective for Vacant Property. Once a permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard COA #5 above.	City of Berkeley BMC Section 23.404.060	On-Going	Land Use Planning
9.	Exercise and Expiration of Permits A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun. C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the Zoning Adjustments Board in accordance with Chapter 23.410 (Appeals and Certification).	City of Berkeley BMC Section 23.404.060 (C)	On-Going	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Site Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
	D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.			
10.	Compliance with Conditions of Approval and Environmental Mitigations. The Building Permit application is subject to verification of compliance of these Conditions of Approval and any applicable Mitigation Measures. The applicant shall be responsible for demonstrating compliance with all Conditions of Approval per the timeline set forth by this Permit.	City of Berkeley	On-Going	Land Use Planning
11.	Demolition. Demolition of the existing structures cannot commence until a complete building permit application is submitted for the project. All plans presented to the City to obtain a building permit to allow the demolition are subject to these Conditions of Approval.	City of Berkeley	On-Going	Building & Safety/ Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

I. Administrative Conditions B. Project Specific Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	Pursuant to BMC 23.404.050(H), the Zoning Adjustments Board attaches the following additional Conditions of Approval to this Permit: A. City Council approval pursuant to BMC Section 23.208.020. B. City shall acquire permits from all other jurisdictions with authority over the project, including but not limited to the San Francisco Bay Conservation and Development Commission, prior to start of construction of the project. C. Implementation of mitigation measures contained within a City Council Adopted Mitigation Monitoring and Reporting Program (MMRP) shall be considered Conditions of Approval. Where a Standard Condition of Approval and a mitigation measure in the MMRP regarding Tribal and Cultural Resources address the same subject, the mitigation measure shall govern. D. This Use Permit shall be implemented consistent with the Final Environmental Impact Report for the Berkeley Water Transportation Pier-Ferry Project (SCH #2025040995), certified by the City Council on November 17, 2026, and the associated MMRP.	City of Berkeley BMC Section 23.404.050	N/A	N/A

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

II. Prior to Issuance of Demolition Permit		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	Conditions of Approval Included in Building Permit Plan Submittal A. Use Permit. The Conditions of Approval for this Permit shall be printed on the second sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Use Permit Conditions.' Additional sheets may also be used if the second sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; (8-1/2" by 11" sheets are not acceptable)	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning
2.	Project Liaison. The applicant shall include in all building permit plans and post onsite the name, e-mail address, and telephone number of an individual empowered to manage construction-related complaints generated from the Project. The individual's name, telephone number, and responsibility for the Project shall be posted at the project site for the duration of the Project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. Please designate the name of this individual below: ☐ Project Liaison Liza McNulty ~~510-543-4131~~ 510-981-6700 Name Phone #	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

II. Prior to Issuance of Demolition Permit		Regulation Source	Timing/Implementation	Enforcement/Monitoring
3.	Construction Noise Management - Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site. This notice shall at a minimum provide the following: (1) Project Description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name, e-mail, and phone number of the Project Liaison for the Project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.	City of Berkeley	Prior to Demolition Permit Issuance (At least Two Weeks Prior to Construction Commencement)	Building & Safety Division
4.	Construction Phases. The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or their designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these Conditions of Approval. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

II. Prior to Issuance of Demolition Permit		Regulation Source	Timing/Implementation	Enforcement/Monitoring
5.	Construction and Demolition Diversion. The applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 "Berkeley Green Code" including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.	City of Berkeley BMC Chapter 19.37	Prior to Demolition Permit Issuance	Building & Safety/Public Works

III. At the Time of Building Permit Submittal		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.	City of Berkeley	At Building Permit Submittal	Public Works

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

IV. Prior to Issuance of Building Permit: A. Toxics		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	Demolitions & Renovations – Building Materials Survey. A hazardous materials survey shall be prepared by qualified professionals and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit. The survey shall identify building materials, plans for hazardous materials, hazardous waste removal and disposal, the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.	City of Berkeley	Prior to Issuance of Building Permit	Toxics Management Division

V. During Demolition/Construction A. Building & Safety		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1	Construction Hours. Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal holiday.	City of Berkeley BMC 13.40.070 (B) (7)	During Demolition/Construction	Building & Safety

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction A. Building & Safety		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
2.	Construction Hours Exceptions. Prior to initiating any activity that might require a longer period, the applicant shall notify the Zoning Officer in writing and request an exception for a specific period of time. Exceptions may be granted for construction activities outside these hours that are analyzed in the Final EIR, including nighttime in-water pile installation, subject to Mitigation Measure NOI-1 of the adopted Mitigation Monitoring and Reporting Program. If an exception is approved, then the applicant shall notify businesses and residents within 500 feet of the Project site describing the expanded construction hours two weeks prior to the expanded schedule start.	City of Berkeley	During Demolition/Construction	Environmental Health & Land Use Planning
3.	Project Construction Website. The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant: • Contact information (i.e. "hotline" phone number, and email address) for the Project construction manager • Calendar and schedule of daily/weekly/monthly construction activities • The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.	City of Berkeley	During Demolition/Construction	Building & Safety
4.	Construction / No Parking Permits. If "Construction/No Parking Permits" are required, the applicant shall contact the Permit Service Center for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). The Zoning Officer and/or Traffic Engineer may	City of Berkeley	During Demolition/Construction	Building & Safety

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction A. Building & Safety		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
	limit off-site parking of construction-related vehicles if necessary to protect the health or safety of the surrounding neighborhood.			

V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	Avoid Disturbance of Nesting Birds. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the Project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish & Game Code, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer	Federal Government State of California	During Demolition/Construction	Land Use Planning

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
	reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.			
2.	Unanticipated Discovery of Paleontological Resources. In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified archeologist (per Secretary of Professional Qualification Standards National Park Service 1983). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The archeologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the archeologist shall prepare an excavation plan for mitigating the effect of the Project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.	City of Berkeley	During Demolition/Construction	Land Use Planning
3.	Unanticipated Discovery of Tribal Cultural Resources. In the event that Tribal Cultural Resources are identified during construction, all work within 50 feet of the discovery shall be redirected. The Project applicant and Project construction contractor shall notify the Land Use Planning Division within 24 hours. The City will contact any tribes who have requested consultation under AB 52 (if applicable), as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is	City of Berkeley	During Demolition/Construction	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
	a Tribal Cultural Resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.			
4.	Unanticipated Discovery of Archeological Resources. Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique paleontological resources accidentally discovered during construction" should be instituted. Therefore: A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within a minimum of 50 feet of the resources shall be halted and the Project applicant and/or lead agency shall consult with a Registered Professional Archeologist or paleontologist, and the culturally-affiliated California Native American Tribe ("Tribe") to assess the significance of the find. B. If any find is determined to be significant, representatives of the Project proponent and/or the lead agency and the Tribe shall meet to determine the appropriate avoidance measures or other appropriate measures to mitigate impacts to the Tribal Cultural Resource., C. In considering any suggested measure proposed by the Registered Professional Archeologist, the Tribe and the lead agency shall confer and such consultation will be considered concluded when either of the following occurs: (1) the parties agree to mitigation measures to mitigate or avoid a significant effect, if a significant effect exists, on a Tribal Cultural Resource or (2) A party, acting in good faith after reasonable effort, concludes that mutual agreement cannot be	City of Berkeley	During Demolition/Construction	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
	reached. D. If avoidance is unnecessary or infeasible, other appropriate measures such as removal and reburial of the Tribal Cultural Resource in an alternate location with tribal cultural monitor such as removal and reburial of the Tribal Cultural Resource in an alternate location with tribal cultural monitors may be instituted. Work may proceed on other parts of the Project site while mitigation measures for cultural resources is carried out. E. If significant materials are recovered, the Registered Professional Archeologist shall prepare a report on the findings for submittal to the Northwest Information Center.			
5.	Discovery of Human Remains. In the event that human skeletal remains are uncovered at the Project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.	City of Berkeley	During Demolition/Construction	Land Use Planning

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
	A. The descendants' preferences for treatment may include the following: i. The nondestructive removal and analysis of human remains and items associated with Native American human remains. ii. Preservation of Native American human remains and associated items in place. iii. Relinquishment of Native American human remains and associated items to the descendants for treatment. iv. Other culturally appropriate treatment. B. The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section, are located in the Project area providing a basis for additional treatment measures. C. For the purposes of this section, "conferral" or "discuss and confer" means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties' cultural values, and where feasible, seeking agreement. Each party shall recognize the other's needs and concerns for confidentiality of information provided to the other. i. Human remains of a Native American may be an inhumation or cremation, and in any state of decomposition or skeletal completeness. ii. Any items associated with human remains that are placed or buried with Native American human remains are to be treated in the same manner as the remains, but do not by themselves constitute human remains.			

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
	D. Whenever the commission is unable to identify a descendant, or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Public Resources Code Section 5097.94. if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. To protect these sites, that landowner shall do one or more of the following: i. Record the site with the commission or the appropriate Information Center. ii. Utilize an open-space or conservation zoning designation or easement. ii. Record a document with the county in which the property is located. F. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to subdivision (e). G. Per State law, any action taken to implement an agreement developed pursuant to this Condition of Approval shall be exempt from the CEQA.			

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction: C. Public Works		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	Underground Utilities. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.	City of Berkeley	During Construction	Public Works

VI. Fees		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	Percent for Public Art. Pursuant to BMC 6.13, the City shall set aside a portion of its estimated capital improvement project budget as defined in BMC 6.13.020 to be paid into the Public Art Fund.	City of Berkeley BMC Section 6.13	Prior to Certificate of Occupancy	Office of Economic Development



Source: Imagery provided by Roumel Butiong, Robin Chiang & Company, 2026

Berkeley Water Transportation Pier Ferry Project

Final Environmental Impact Report

prepared by

City of Berkeley
Parks, Recreation, & Waterfront Department
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November 5, 2026

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Table of Contents

1 Introduction 1-1
1.1 Environmental Review Process 1-1
1.2 Draft EIR Comments Received Summary 1-2
2 Response to Comments 2-1
2.1 Comments Received on the Draft EIR 2-1
2.2 Topical Responses to Comments 2-5
2.2.1 Topical Response: 2003 WETA EIR Applicability 2-6
2.2.2 Topical Response: Alternatives 2-8
2.2.3 Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance 2-11
2.2.4 Topical Response: Biological/Underwater Noise 2-15
2.2.5 Topical Response: CEQA Adequacy 2-17
2.2.6 Topical Response: CEQA Baseline/Baseline Recreation Users 2-17
2.2.7 Topical Response: CEQA Process 2-19
2.2.8 Topical Response: Construction & Operation Noise at Nearby Parks 2-19
2.2.9 Topical Response: Cumulative Impacts 2-25
2.2.10 Topical Response: Electric Ferry 2-27
2.2.11 Topical Response: Ferry Operations 2-28
2.2.12 Topical Response: In-Marina Ferry Terminal Alternative 2-29
2.2.13 Topical Response: Land Use/Plan Consistency 2-31
2.2.14 Topical Response: Loss of Ferry Vessel Control 2-32
2.2.15 Topical Response: Maintenance Dredging 2-37
2.2.16 Topical Response: Measure L 2-39
2.2.17 Topical Response: Mitigation Measure Requirements 2-40
2.2.18 Topical Response: Nighttime Lighting/ALAN 2-42
2.2.19 Topical Response: Ordinance (Prohibited Recreational Activities) 2-45
2.2.20 Topical Response: Parking 2-47
2.2.21 Topical Response: Potential Impacts on Existing Recreational Water Access 2-49
2.2.22 Topical Response: Project Cost/Financial Feasibility 2-50
2.2.23 Topical Response: Sea Level Rise 2-51
2.2.24 Topical Response: Seawall Drive/View Access 2-53
2.2.25 Topical Response: Siltation/Wave Climate 2-53
2.2.26 Topical Response: Vessel Aesthetics 2-55
2.2.27 Topical Response: VMT 2-56
2.2.28 Topical Response: Whale Strike 2-57
2.2.29 Topical Response: Wind 2-59
2.3 Individual Responses to Comments 2-62

3 Errata 3-1
3.1 Changes in Response to Comments 3-1
3.2 Staff-initiated Changes 3-65

Tables

Table 2 1 Draft EIR Comment Letters Summary 2-1
Table 2 2 Topical Responses to Comments Titles Summary 2-5

1 Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Berkeley has evaluated the comments received on the Berkeley Water Transportation Pier Ferry Draft Environmental Impact Report (EIR). The responses to the comments and errata, which are included in this document—together with the Draft EIR and appendices as well as the Mitigation Monitoring and Reporting Program (MMRP)—form the Final EIR for use by the City of Berkeley in its review, consideration, and decision-making.

This document is organized into three chapters:

- **Chapter 1 – Introduction.** Discusses the purpose and organization of this document and summarizes the environmental review process for the project.
- **Chapter 2 – Responses to Comments.** Provides a list of the agencies, organizations, and persons who provided Draft EIR written comments as well as verbal comments during the March 16, 2026, Draft EIR public meeting. Copies of all Draft EIR comment letters received as well as the Draft EIR public meeting transcript are included and bracketed/labeled. Corresponding responses to these comments are also included in this section.
- **Chapter 3 – Errata.** Lists refinements to and clarifications to Draft EIR text, tables, and figures.

The Final EIR includes the following contents:

- Final EIR introduction (Chapter 1 of this document)
- Draft EIR comments received and responses to comments (Chapter 2 of this document)
- Errata (Chapter 3 of this document)
- Draft EIR and appendices (provided under separate cover)
- MMRP (provided under separate cover)

1.1 Environmental Review Process

Pursuant to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

The City of Berkeley distributed a Notice of Preparation (NOP) of the EIR for a 31-day agency and public review period commencing April 18, 2025, and public comment closed on May 19, 2025. In addition, the City of Berkeley held a virtual Scoping Meeting on May 5, 2025. The meeting was aimed at providing information about the proposed project to members of public agencies, interested parties and residents/community members, and at receiving comments on the scope and content of the EIR.

The Draft EIR was made available for public review for a 60-day comment period that began on February 27, 2026, and ended on April 28, 2026. Please note that the comment period was originally scheduled for 45 days, from February 27, 2026, to April 13, 2026. On April 1, 2026, the City extended the comment period by 15 days, thereby ending on April 28, 2026. A public meeting was held virtually on Monday, March 16, 2026. The Notice of Availability of a Draft EIR was posted with the County Clerk, sent to the State Clearinghouse, posted on the City's website, and distributed via e-mail.

1.2 Draft EIR Comments Received Summary

The City received written comment letters on the Draft EIR from 4 agencies, 10 organizations, and 88 comment letters from 69 persons.[1] The City also received comments during a public meeting held on March 16, 2026, from 23 individuals, two of which were representatives of organizations. Copies of written comments are included in Chapter 3 of this document.

[1] While the City received 88 comment letters, many were from the same person.

2 Response to Comments

2.1 Comments Received on the Draft EIR

This Section includes comments received during the circulation of the Draft Environmental Impact Report (EIR) prepared for the City of Berkeley Water Transportation Pier Ferry Project, as well as responses to such comments.

The Draft EIR was circulated for a 60-day public review period that began on February 27, 2026, and ended on April 28, 2026. The City of Berkeley received 102 comment letters and 23 verbal comments on the Draft EIR. Agency letters that were received are labeled with an "A" and numbered in the order they were received. Comment letters received from organizations are labeled with an "O" and numbered in the order they were received. Comment letters received from individual persons are labeled with a "P" and numbered in the order they were received. Verbal comments received at the Draft EIR Public Meeting held on March 16, 2026, are labeled with "TR" and numbered in the order in which commenters spoke. The comment letter identification label, as well comment letter author name/association and their corresponding starting page number, are listed in Table 2-1 below.

Table 2-1 Draft EIR Comment Letters Summary

Comment Letter ID and Author Name/Association		Page Number
Agency Letters		
A1	Brian K. Wines, San Francisco Bay Regional Water Quality Control Board (SFBRWQCB)	2-63
A2	Craig Shuman, California Department of Fish and Wildlife (CDFW)	2-75
A3	Lindsay Martien, San Francisco Bay Conservation and Development Commission (BCDC)	2-103
A4	Yungsheng Luo, California Department of Transportation (Caltrans) District 4	2-144
Organization Letters		
O1	Shreyas Chand, Cal Sailing Club	2-149
O2	Geoffrey Lomax, Within Our Means Berkeley	2-151
O3	Arthur Feinstein and Norman La Force, Citizens for East Shore Parks	2-159
O4	Allan Abshez, Parks, Recreation, and Waterfront Commission	2-167
O5	John Bauters, Sierra Club San Francisco Bay Chapter	2-178
O6	David Lewis, Save the Bay	2-229
O7	Carin High, Citizens Committee to Complete the Refuge	2-236
O8	Memo Gunay, Cal Sailing Club	2-256
O9	Glen Phillips, Golden Gate Bird Alliance	2-262
O10	Camille Antorini, Berkeley Waterfront Community Coalition	2-271
Individual Person Letters		
P1	Emilie Strauss	2-436
P2	Emilie Strauss	2-438
P3	Diego Aguilar-Canabal	2-440
P4	Julie Allen	2-443
P5	Corbin Pagter	2-446

Comment Letter ID and Author Name/Association	Page Number
P6 Paul Kamen	2-448
P7 Paul Kamen	2-450
P8 Paul Kamen	2-454
P9 Tinne Aerts	2-456
P10 Leslie Absher	2-458
P11 Ives Humphreys	2-462
P12 Eugenia McCauley	2-464
P13 Kirk van Moon	2-466
P14 Nancy Rader	2-468
P15 Michael Evans	2-470
P16 Ryan Linderman	2-472
P17 Gordon Stout	2-474
P18 Madeleine King	2-477
P19 Noah Sudarsky	2-479
P20 Cheong-Tseng Eng	2-483
P21 David Hermele	2-485
P22 Charley Paffenbarger	2-487
P23 Jennifer Natali	2-489
P24 Zora Whitfield	2-493
P25 Jeffrey Finn	2-495
P26 Brian Coe	2-499
P27 Kathryn Fisher	2-503
P28 David Spragg	2-506
P29 John Bosche	2-508
P30 Erin Diehm	2-512
P31 Claudia Kawczynska	2-516
P32 Igor Serebryany	2-518
P33 David Fox	2-520
P34 Jim McGrath	2-522
P35 Nico Tripcevich	2-527
P36 Jim McGrath	2-532
P37 Kirsten Mahoney	2-600
P38 Jaine Gilbert	2-603
P39 David Rice	2-606
P40 Fran Haselsteiner	2-609
P41 Gina Gutierrez	2-611
P42 Clifford Fred	2-613
P43 Clifford Fred	2-623
P44 Elliot Cobb	2-629

Comment Letter ID and Author Name/Association	Page Number
P45 Charlene Woodcock	2-631
P46 Jennifer Chan	2-633
P47 Jim McGrath	2-636
P48 Kally Price	2-648
P49 Libby Karolczak	2-650
P50 Margot Smith	2-652
P51 Eric Schroeder	2-656
P52 Caroll Henschel	2-658
P53 Jim McGrath	2-661
P54 Sally Tobin	2-667
P55 Paul Kamen	2-670
P56 Kerrily Kitano	2-672
P57 Qiu Xie	2-677
P58 Dick Maclay	2-681
P59 Laurie Nardinelli	2-683
P60 Hawkeye King	2-685
P61 Paul Kamen	2-690
P62 Leia Ambra	2-694
P63 Paul Kamen	2-696
P64 Shyla Gupta, Ardyn Henry, John Do, Kina Li	2-700
P65 Divya Manian	2-721
P66 Paul Kamen	2-723
P67 Leslie Aguilar	2-729
P68 Paul Kamen	2-731
P69 Kat Schaaf	2-734
P70 May	2-736
P71 Charley Paffenbarger	2-738
P72 Emilie Strauss	2-744
P73 Steve Belcher	2-765
P74 Yvonne Watson	2-767
P75 Paul Kamen	2-774
P76 Valerie Fong	2-778
P77 Zahwa Amad	2-780
P78 Corrine Louise Greenberg	2-782
P79 Kelley Hammargren	2-786
P80 Casilda Rubio	2-790
P81 Claudia Kawczynska	2-793
P82 Paul Kamen	2-800
P83 Michael Freeman	2-802

Comment Letter ID and Author Name/Association		Page Number
P84	Gordon Stout	2-806
P85	Toni Mester	2-819
P86	Lynn Olinger	2-830
P87	Erin Diehm	2-835
P88	Gordon Stout	2-880
Public Meeting Commenters		
TR1.1	Paul Kamen	2-963
TR1.2	Gordon Stout	2-965
TR1.3	Kirk van Moon	2-966
TR1.4	Shreyas Chand, Cal Sailing Club	2-967
TR1.5	Sally Tobin	2-968
TR1.6	David	2-969
TR1.7	Emilie Strauss	2-970
TR1.8	Camille Antinori, Berkeley Waterfront Community Coalition	2-972
TR1.9	Edward S.	2-975
TR1.10	Geoffrey Lomax	2-977
TR1.11	Bill Feucht	2-978
TR1.12	Julie Allen	2-979
TR1.13	Erin Diehm	2-980
TR1.14	Jim McGrath	2-983
TR1.15	Zora Whitfield	2-985
TR1.16	Kelly Hammargren	2-988
TR1.17	Noah Sudaresky	2-989
TR1.18	Toni Mester	2-990
TR1.19	Larry Molstein	2-992
TR1.20	Carol Valk	2-993
TR1.21	Charley Paffenbarger	2-995
TR1.22	Doug Yamamoto	2-996
TR1.23	Madeleine King	2-997

The comment letters and responses follow. The comment letters have been numbered sequentially, and each separate issue raised by the commentator has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response A1-1, for example, indicates that the response is for the first issue raised in comment Letter A1).

In some cases, specific changes to the text of the Draft EIR have been made in response to comments received. In no case do these revisions result in a greater number of impacts or impacts of a substantially greater severity than those set forth in the Draft EIR. Where revisions to the Draft EIR text are called for, the page is set forth, followed by the appropriate revision. Added text is indicated with <u>underlined</u> and deleted text is indicated with strikeout. Page numbers correspond to the page numbers of the Draft EIR.

2.2 Topical Responses to Comments

This Section summarizes common themes and content of comments received on the Draft EIR, as well as responses to such comments. The titles of each topical response, as well as their corresponding starting page number, are listed in Table 2-2 below.

Table 2-2 Topical Responses to Comments Titles Summary

Topical Responses to Comments Titles	Page Number
2003 WETA EIR Applicability	2-6
Alternatives	2-8
BCDC Jurisdiction, Planning Consistency, and Permit Compliance	2-11
Biological/Underwater Noise	2-15
CEQA Adequacy	2-17
CEQA Baseline/Baseline Recreation Users	2-17
CEQA Process	2-19
Construction & Operation Noise at Nearby Parks	2-19
Cumulative Impacts	2-25
Electric Ferry	2-27
Ferry Operations	2-28
In-Marina Ferry Terminal	2-29
Land Use/Plan Consistency	2-31
Loss of Ferry Vessel Control	2-32
Maintenance Dredging	2-37
Measure L	2-39
Mitigation Measure Requirements	2-40
Nighttime Lighting/ALAN[1]	2-42
Ordinance (Prohibited Recreational Activities)	2-45
Parking	2-47
Potential Impacts on Existing Recreational Water Access	2-49
Project Cost/Financial Feasibility	2-50
Sea Level Rise	2-51
Seawall Drive/View Access	2-53
Siltation/Wave Climate	2-53
Vessel Aesthetics	2-55
VMT	2-56
Whale Strike	2-57
Wind	2-59

[1] ALAN is the abbreviation of “Artificial Light at Night.”

2.2.1 Topical Response: 2003 WETA EIR Applicability

For clarification, the City notes that the State Clearinghouse number for the 2003 WETA EIR was omitted from Draft EIR Section 1.1.3, Incorporation by Reference. Accordingly, the following clarification text change has been made to Draft EIR Section 1.1.3, Incorporation by Reference (page 1-2):

> This EIR hereby incorporates by reference the Final Program EIR for the Expansion of Ferry Transit Service in the San Francisco Bay Area (State Clearinghouse Number 2001112048; WETA Program EIR).

This revision is clarifying in nature and does not alter the analysis, conclusions, or reliance on the 2003 WETA EIR as described in the Draft EIR.

CEQA Guidelines Section 15150 allows for an EIR to "incorporate by reference all or portions of another document", allowing for such incorporated language to be considered part of an EIR, thereby reducing duplication and focusing analysis on what is new or relevant. As stated on Draft EIR Section 1.1.3, *Incorporation by Reference* (page 1-2), the 2003 WETA EIR is incorporated into the proposed project Draft EIR. The 2003 WETA EIR specifically analyzed dredging; navigation; wake analysis; water resources; biology; air quality; land use and community issues; aesthetics; cultural resources; geology; noise; transportation; energy; and growth inducing impacts. As stated on Page 1-2, the Draft EIR incorporates by reference the analyses of all potential environmental impact topics, including background information regarding the environmental setting and adopted mitigation measures. The 2003 WETA EIR is incorporated by reference into the Draft EIR, but it does not tier from the 2003 WETA EIR. Tiering, as defined in CEQA Guidelines Section 15152, refers to using information or analysis from a broader EIR to concentrate the focus of a future project-level EIR. The 2003 WETA EIR is a programmatic analysis of ferry service expansion in the San Francisco Bay Area, while the 2026 proposed project Draft EIR is a project-level analysis for a specific and separate Berkeley pier ferry project not tiered from the 2003 WETA EIR.

Though the Draft EIR does incorporate select information from the older 2003 WETA EIR, the project-level Draft EIR prepared for the proposed project provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This approach allows information from the 2003 WETA EIR to complement the information contained in the Draft EIR. The mitigation measures outlined in the 2003 WETA EIR are implemented by WETA on all applicable projects, including the proposed project, and are considered a part of the regulatory baseline for this Draft EIR.

While the Draft EIR independently analyzes all the potential impacts of the project, it relies on some information from the 2003 WETA EIR. Specifically, it incorporates by reference mitigation measures that are now part of the regulatory context (as well as relevant underlying analysis) with respect to whale strikes, hazards, accidental spills, and water quality, because these potential impacts are consistent with and attributable to the expansion of ferry service Bay-wide. With respect to site-specific impacts such as dredging, nearshore conditions, and terminal construction and operation, the Draft EIR provides independent project-level analysis and does not rely on any part of the 2003 WETA EIR.

The Draft EIR independently analyzes site-specific dredging impacts and does not rely on the 2003 WETA EIR. Instead, dredging associated with the project is fully evaluated in Section 3.3, *Biological Resources*; Section 3.4, *Cultural Resources*; Section 3.5, *Geology and Soils*; Section 3.7, *Hazards and Hazardous Materials*; Section 3.8, *Hydrology and Water Quality*; Section 3.9, *Land Use and Planning*; Section 3.10, *Noise*; Section 3.13, *Tribal Cultural Resources*; and Section 3.14, *Utilities and Service Systems*. Similarly, the 2003 WETA EIR evaluated general ferry routes between San Francisco and the East Bay, including Berkeley. However, the Draft EIR does not rely on the 2003 WETA EIR for terminal siting or nearshore route conditions. The specific Berkeley pier terminal location and approach routes were determined through project feasibility and design analyses and are accordingly evaluated independently in the Draft EIR.

Draft EIR Section 3.7, *Hazards and Hazardous Materials*, Section 3.7.3, *Regulatory Framework* states that the analysis of potential impacts on water resources from accidental spills due to ferry operation, as well as mitigation measures intended to minimize the potential for accidental spills and impacted water quality from ferry operations found in the 2003 WETA EIR are incorporated by reference and have been and would continue to be implemented by WETA as part of service expansions, including for the proposed project (Page 3.7-19). As discussed, under Draft EIR Impact HAZ-1 (pages 3.7-24 through 3.7-30) incorporation and implementation of 2003 WETA EIR Mitigation Measures W-3.1 through W-3.3 as part of the proposed project will require implementation of spill prevention planning, contingency planning, and operational controls, including training and response preparedness, to minimize the potential for accidental discharges and related water quality impacts from ferry operations. As described in the Draft EIR, potential operational discharges would be limited to minor onboard sources such as lubricants, hydraulic fluids, or sewage, and WETA continues to implement these safety and contingency planning measures across its ferry system (refer to Draft EIR Page 3.7-29). Accordingly, implementation of 2003 WETA EIR Mitigation Measures W-3.1 through W-3.3, which is an existing regulatory baseline condition, would minimize the potential for operational spill hazards resulting in a less-than-significant impact with regard to potential operational spill hazards and potential related water quality impacts. The Draft EIR independently evaluates construction-related spill risk in Section 3.8, *Hydrology and Water Quality*, and incorporates project-specific mitigation, which requires the incorporation of BMPs in the Stormwater Pollution Prevention Plan prior to and during construction (refer to Impact HYD-1, pages 3.8-27 through 3.8-35).

Concerning whale strikes, the Draft EIR incorporates by reference mitigation measures from the 2003 WETA EIR (*see* Section 3.3.3) but further analyzes the potential for whale strikes with updated information. Refer to Section 2.2.28, *Topical Response: Whale Strike*, for a discussion specific to potential whale strikes. As discussed, under Draft EIR Impact BIO-1 (pages 3.3-42 through 3.3-56), implementation of 2003 WETA EIR Mitigation Measures B-15.1 and B-15.2, which are existing adopted WETA requirements would require implementation of a whale sighting awareness and reporting program, including crew training and real-time communication of whale locations among ferry operators and coordination with U.S. Coast Guard sighting reports, and use of onboard whale detection technologies to identify marine mammals and avoid vessel strikes, resulting in a less-than-significant impact with regard to potential operational whale strike impacts (refer to Draft EIR page 3.3-53).

As discussed, under Draft EIR Impact BIO-1 (pages 3.3-42 through 3.3-56) the Draft EIR incorporates by reference WETA Mitigation Measure NOI-4.1 from the 2003 WETA EIR, which requires coordination with federal and state resource agencies regarding ferry routes and site-specific evaluation of potential impacts to sensitive marine mammal haul-out areas to address potential impacts from operational noise. However, because the proposed project is a site-specific project with defined terminal location and approach routes and uses an electric rather than a diesel ferry, the Draft EIR does not rely on the 2003 WETA EIR for mitigation of in-water noise impacts. Instead, the Draft EIR provides updated project-level analysis and mitigation tailored to the project setting. Specifically, Mitigation Measure BIO-1(d) requires implementation of sound attenuation measures during pile driving, and Mitigation Measure BIO-1(e) requires preparation and implementation of a Marine Mammal Monitoring Plan, including establishment of shutdown zones, vessel operation protocols, and real-time monitoring by qualified biologists. These project-specific measures, which are consistent with 2003 WETA EIR findings and reflect current NOAA Fisheries guidance and NMFS-approved marine mammal protection practices, would result in a less-than-significant impact with regard to aquatic resources impacts associated with operational in-water noise. refer to Section 2.2.10, *Topical Response: Electric Ferry,* for further discussion regarding the 2003 WETA EIR and impacts to aquatic species from operational ferry noise. Section 3.3, Biological Resources, evaluates potential operational impacts, including underwater noise and vessel interactions with aquatic species (pages 3.3-39 through 3.3-66), while Section 3.8, Hydrology and Water Quality, considers in-water infrastructure components and the reduced potential for fuel-related spill risks associated with electrification (pages 3.8-25 through 3.8-42). Section 3.7, Hazards and Hazardous Materials, evaluates safety considerations related to battery storage systems and electrical infrastructure (pages 3.7-22

through 3.7-37), and Section 3.10, Noise, addresses construction and operational noise generated by ferry vessels and associated electrical equipment (pages 3.10-12 through 3.10-34).

Aside from the clarifying text revision described above, no changes to the Draft EIR conclusions or mitigation measures are necessary in response to these comments.

2.2.2 Topical Response: Alternatives

Alternative Assumptions or Requirements

Pursuant to CEQA Guidelines Section 15126.6(a) and 15126.6(f), an EIR must evaluate a reasonable range of potentially feasible alternatives that would attain most of the project objectives and permit a meaningful comparison of environmental impacts. Consistent with CEQA Guidelines Sections 15125, 15126.6(d), and 15151, analysis may rely on reasonable assumptions, supported by available data and professional evaluation, to describe baseline conditions, future conditions, and the comparative environmental effects of the proposed project and alternatives.

Draft EIR Chapter 5, *Alternatives*, Sections 5.3 through 5.6 (pages 5-3 through 5-24) describe the project objectives, screening criteria, and definitions of the alternatives analyzed, including Alternative 1 (No Project Alternative), Alternative 2 (Shortened Breakwater Alternative), Alternative 3 (Shortened Pier Alternative), and Alternative 4 (Reduced Landside Facilities Alternative). These sections identify the assumptions used to define each alternative, including construction methods, operational characteristics, and physical design characteristics such as pier length, breakwater extent, and recreational amenities. The Draft EIR relies on a combination of engineering and environmental analyses to establish consistent assumptions across alternatives, including engineering design inputs prepared by project engineers to estimate construction duration, dredging quantities, pile driving activity, and footprints for each alternative; environmental resource-specific quantitative and qualitative analyses, including transportation and operational assumptions, which apply consistent methodologies to facilitate comparison between the proposed project and all analyzed alternatives. As described in Draft EIR Chapter 5, key differences between analyzed alternatives include reductions in Bay fill, differences in pier and breakwater extent, provision of recreational amenities, and variations in construction intensity and duration. These physical differences form the basis for quantitative comparisons across alternatives (refer to Table 5-2, page 5-31).

These assumptions are necessary to ensure that the alternatives analysis provides a logical and comparative framework for evaluating environmental impacts. CEQA recognizes that analysis of future conditions necessarily involves forecasts and does not require absolute certainty, provided that assumptions are reasonable and supported by substantial evidence in the record (CEQA Guidelines Section 15144). The Draft EIR applies appropriate and consistent assumptions based on available data and professional judgement throughout the analysis, including in defining and evaluating alternatives, consistent with CEQA requirements for establishing an environmental baseline and reasonably foreseeable future conditions (CEQA Guidelines Sections 15125 and 15126.6(e)). Accordingly, the assumptions and requirements used to develop and evaluate alternatives, including baseline conditions, No Project conditions, and design parameters, are appropriate and consistent with CEQA. Environmental impacts associated with the proposed project and evaluated alternatives are addressed throughout the Draft EIR using a consistent framework, and mitigation measures are identified as appropriate.

With respect to the No Project Alternative, the Draft EIR evaluates reasonably foreseeable future conditions in the absence of the project, consistent with CEQA Guidelines 15126.6(e)(2). This includes consideration of planned and expected changes in travel patterns, population, and regional growth that would occur regardless of project approval. As described in the Draft EIR (refer to Section 3.12, *Transportation*; Chapter 5, *Alternatives*; and Appendix F, *Transportation Impact Analysis*), these conditions include continued reliance on existing travel modes, which are expected to result in greater regional vehicle travel compared to conditions with the proposed project in place. The analysis is based on available regional and project-specific data, including observed travel behavior and ridership

assumptions, and reflects a reasonable projection of future conditions rather than a speculative or outcome-driven scenario. As a result, the No Project Alternative reflects a reasonable forecast of future environmental conditions, including transportation patterns, in the absence of the project. The comparative analysis appropriately uses this scenario to evaluate differences in environmental impacts, including vehicle miles traveled and associated effects (refer to Draft EIR Chapter 5, *Alternatives*, Table 5-2 on page 5-31).

In conclusion, the Draft EIR alternatives analysis and associated assumptions are adequate under CEQA. Therefore, no changes to the Draft EIR alternatives-related analyses or conclusions are necessary in response to these comments.

Project Objectives

CEQA requires evaluation of a reasonable range of alternatives capable of feasibly attaining most of the basic project objectives but avoiding or substantially lessening any of the significant impacts of the project (CEQA Guidelines §15126.6(a)), and does not require consideration of alternatives that are infeasible or that do not meet most of those objectives (CEQA Guidelines §15126.6(c)). Consistent with these requirements, Chapter 5, *Alternatives*, evaluates options that could feasibly attain most of the project's objectives while avoiding or reducing significant environmental effects associated with the project.

The project objectives "should include the underlying purpose of the project and may discuss project benefits." CEQA Guidelines § 15124(b). The specific formulation of project objectives is a policy decision of the lead agency. Lead agencies have discretion to define project objectives and to eliminate from detailed consideration alternatives that do not reasonably achieve those objectives. Accordingly, alternatives that would not meet most of the project's fundamental purposes may be appropriately screened from detailed analysis.

The City clearly defines the basic project objectives in Section 5.3 of the Draft EIR as follows: "(1) enhance public access and recreational opportunities at the Berkeley Waterfront and (2) provide efficient and environmentally friendly zero emission public ferry service between Berkeley and San Francisco." The City's choice to include ferry service as part of its basic project objectives is not an overly narrow definition of the project objectives and rather reflects a long-standing and well-documented interagency effort to establish ferry service at the Berkeley Waterfront. As documented on the City's project website[1], the City has been coordinating with WETA since 2018 to evaluate and advance a dual-purpose pier that would support both public access and ferry service, including execution of a Memorandum of Understanding to fund and complete feasibility studies, followed by subsequent amendments and funding agreements to advance design, environmental review, and permitting. These efforts build upon WETA's 2016 Strategic Plan identifying Berkeley as a priority location for expanded ferry service and reflect a multi-year planning and funding partnership between the City and WETA.[2] Accordingly, establishing ferry service at the Berkeley Waterfront is a fundamental and longstanding objective of the project.

The basic project objectives used by the City have not precluded the analysis of a reasonable range of alternatives, as evidenced by the analyses of four alternatives (including the No Project Alternative). Furthermore, several of the alternatives that were considered but rejected were rejected because they were infeasible, not because they did not meet the basic project objectives. For example, several off-site alternatives, as well as alternatives involving increasing BART capacity were rejected for being infeasible,

[1] Berkeley, City of. 2026. Berkeley Pier with Ferry Access Project. https://berkeleyca.gov/your-government/our-work/capital-projects/berkeley-pier-ferry-access-project (accessed June 2026).

[2] Berkeley, City of. 2024. Resolution No. 71,325-N.S. Amending the Memorandum of Understanding Between the City of Berkeley and Water Emergency Transportation Authority. https://berkeleyca.gov/sites/default/files/documents/5_14_2024%3B%20CLK%20-%20Resolution%3B%20City%20Council%3B%2071325%3B%20%3B%20AMENDING%20THE%20MEMORANDUM%20OF%20UNDERSTANDING%20BETWEEN%20CITY%20OF%20BERKELEY%20AND%20WATER%20EMERGENCY%20TRANSPORTATION%20AUTHORITY.pdf (accessed June 2026).

given that they were outside the City's jurisdiction. As discussed further in Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative*, the alternative within the Berkeley Marina was rejected for not being operationally feasible, in addition to not meeting the basic project objectives and for not avoiding or substantially lessening any of the significant effects of the project. This demonstrates that the project objectives did not constrain the analysis of reasonable alternatives.

The City identified fundamentally different approaches in the Draft EIR, such as different locations, different scales, and different transit projects, but ultimately rejected them, consistent with CEQA Guidelines § 15126.6(c) because they either were infeasible, did not avoid or substantially lessen a significant environmental effect, or did not attain most of the basic project objectives (refer to Section 5.9 of the Draft EIR). CEQA requires the EIR "set forth only those alternatives necessary to permit a reasoned choice" and informed decision-making. CEQA Guidelines § 15126.6(f). Here, the City provided three different action alternatives, in addition to the No Project Alternative, to provide a meaningful comparison to the proposed project. The three EIR Alternatives provided sufficient variation to allow for meaningful decision-making. Two of the alternatives included in the Draft EIR include a reduction in Bay fill (from a shortened pier and a shortened breakwater), while reducing public access to the Bay. These alternatives allow decision makers to weigh the environmental benefits of reduced fill with the consequence of reduced public access to the Bay. One of the alternatives included in the Draft EIR reduces the amenities associated with the proposed project. Specifically, it eliminates the cycle track; renovations to University Avenue and Seawall Drive; bus facilities; public plaza; Bay Trail Extension; and renovated parking lot off Seawall Drive, including no installation of EV charging for parking stalls. This alternative offers a very different and reduced design compared to the proposed project. This alternative allows decision makers to weigh the environmental benefits of reduced construction with the consequence of reduced facilities for public use.

The Draft EIR provides sufficient and appropriate objectives to support the environmental review process, including an adequate evaluation of a reasonable range of alternatives consistent with project objectives and, thus, is consistent with CEQA requirements. Therefore, no changes to the Draft EIR project objectives or the project- or alternatives-related analyses and conclusions are necessary in response to these comments.

Alternatives Dismissed

Pursuant to CEQA Guidelines Section 15126.6(a), an EIR is required to consider and analyze a range of reasonable project alternatives that would feasibly attain most of the basic objectives but would avoid or substantially lessen significant impacts of the project. Whether or not alternative sites should be included as potential alternatives depends on the particular facts of the case, with the question focusing on whether the range of analyzed alternatives is reasonable. Draft EIR Chapter 5, *Alternatives*, contains a comparative impact assessment of four alternatives to the proposed project, a discussion of alternatives considered but rejected, and a determination of the environmentally superior alternative. Therefore, Draft EIR Chapter 5, *Alternatives*, adequately evaluates alternatives that could feasibly attain most of the project objectives while avoiding or reducing significant environmental effects associated with the project.

CEQA Guidelines Section 15126.6(c) states that an EIR should identify any alternatives that were rejected during the scoping process and explain why they were rejected. The reasons for rejection may include failure to meet project objectives, infeasibility, or the inability to avoid significant environmental impacts. As discussed in Draft EIR Section 5.9, *Alternatives Considered but Rejected*, (pages 5-25 through 5-28), the City considered 11 alternatives, some with several variations, that were ultimately rejected. Specific reasons for rejection include increased environmental impact; no reduction in environmental impacts when compared to the project; infeasibility, including jurisdiction issues; and failure to meet most of the basic objectives of the project.

In this case, the EIR considered a range of alternatives and rejected those that were unreasonable or infeasible including off-site alternatives. The EIR is not required to select an offsite alternative for analysis. Alternatives located entirely outside of the City's jurisdiction, such as the Golden Gate Fields and

Emeryville Marina locations identified by comments, are infeasible for the City to construct or approve, as the City has no authority to permit or implement a project outside of its own jurisdictional boundaries. In addition to jurisdictional feasibility, the Draft EIR evaluated each of these dismissed alternatives against its ability to meet the project objectives and to eliminate or reduce significant impacts. It compared each of these dismissed alternatives to the proposed project and the no-project alternative, evaluated the extent to which each alternative would avoid or reduce the significance of environmental impacts associated with the proposed project. As required, the EIR provided information about each dismissed alternative including the major characteristics and significant environmental effects of each one. CEQA Guidelines Section 151226.6(a) and (d) supports this approach.

Several of the specific alternative locations considered in the 2008 EIS/EIR and referenced by comments were similarly evaluated and rejected. An alternative near the Berkeley Fishing Pier was not considered further because it was substantially similar in concept to the proposed project. An alternative off Gilman Street was rejected because it would increase, rather than decrease, environmental impacts (page 5-26). Given the geography of the shoreline, no alternative location near the foot of Gilman Street would avoid siting the alternative within Eastshore State Park, an area more ecologically sensitive than the proposed project site. Locating a ferry terminal within an established state park also presents a feasibility concern independent of environmental impacts: the project is expected to be funded in part by federal Department of Transportation funds, which would trigger Section 4(f) requirements under the US Department of Transportation Act. Under Section 4(f), agencies must select an alternative that completely avoids the use of protected public parks, historic sites, or wildlife refuges unless that alternative is deemed infeasible or imprudent. Because other alternative sites have been found to be feasible and prudent (i.e., the proposed project site), an alternative off Gilman Street is not expected to be feasible, pursuant to Section 4(f) requirements. More generally, the purpose of Draft EIR Section 5.9 is to identify the principal reasons certain alternatives were not carried forward for detailed analysis, not to provide a project-level environmental impact analysis of each conceptual alternative considered during early planning. The Draft EIR therefore provides an adequate description of the alternatives screening process and the basis for the City's determinations.

The City considered the alternatives identified by the comments in Draft EIR Chapter 5, *Alternatives*, but ultimately determined that they were either infeasible, would not attain the basic objectives of the proposed project, or would not provide reduced significant environmental impacts. Accordingly, the EIR satisfies the CEQA requirement to evaluate a reasonable range of alternatives.

Therefore, no changes to the Draft EIR conclusions or analysis are necessary in response to these comments.

2.2.3 Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance

BCDC Jurisdiction

Following publication of the Draft EIR, the City coordinated with BCDC to confirm jurisdictional boundaries applicable to the project site. Section 3.3, *Biological Resources* of the Draft EIR, Figure 3.3-3 has been updated accordingly to reflect BCDC jurisdictional boundaries for purposes of environmental analysis and permitting. The jurisdictional boundaries reflected in the revised figure were approved by BCDC staff on April 9, 2026.[3] However, BCDC may modify these limits if new information becomes available. Figure 3.3-3 on page 3.3-16 of the Draft EIR has been revised and the updated Figure 2, below, is included in the Final EIR. The modifications were very minor: specifically, they indicate that an additional portion of approximately 20,930 square feet on the eastern side of Seawall Drive at and just north of University

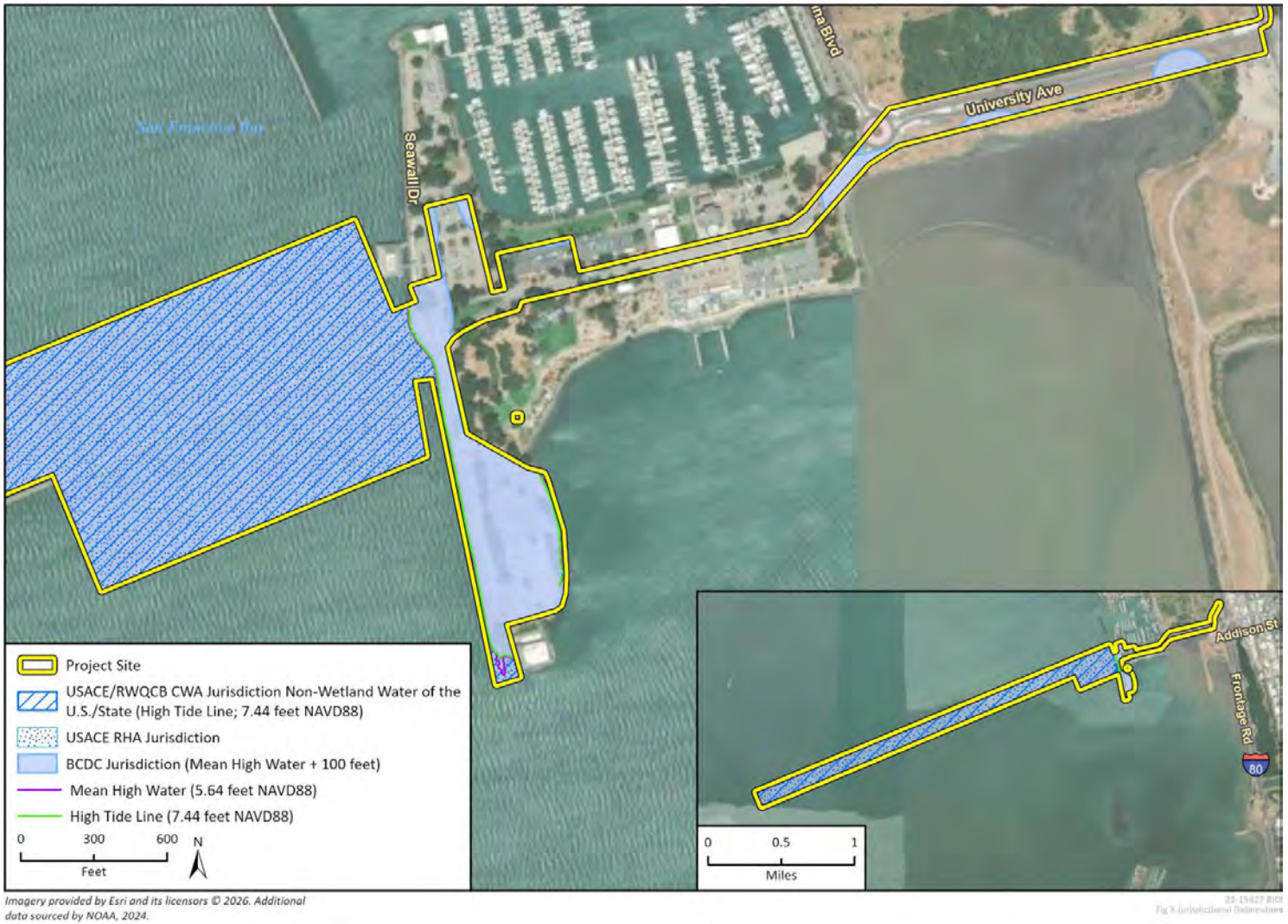
[3] Ilsley, Olivia. 2026. Shoreline Development Analyst, San Francisco Bay Conservation and Development Commission (BCDC). Personal communication via email regarding BCDC jurisdictional boundaries in the project site vicinity with Liza McNulty, City of Berkeley. April 9, 2026.

Avenue is subject to BCDC jurisdiction. As discussed below, this inclusion does not raise any significant environmental issues.

As explained on page 3.3-35 of the Draft EIR, under the McAteer-Petris Act, BCDC jurisdiction includes (1) "Bay jurisdiction," which generally includes areas subject to tidal action such as submerged lands and tidelands, and (2) the "Shoreline Band," which extends inland from the Bay shoreline (generally up to 100 feet landward) where development is also subject to BCDC review. The BCDC Jurisdiction shown on revised Figure 3.3-3 below includes both of these areas. Based on the jurisdictional limits approved by BCDC, the existing Seawall Drive parking lot and all portions of Seawall Drive within the project site are located within BCDC's jurisdiction. In the northern portion of the project site, portions of the parking lot across from Skate's Restaurant are also located within BCDC's Shoreline Band jurisdiction. Most of University Avenue is located outside of BCDC jurisdiction except for some portions, which overlap with BCDC Shoreline Band jurisdiction. Notably, this jurisdictional understanding was reflected in the Draft EIR and the updated boundary is only slightly changed adjacent to Seawall Drive at and north of the University Avenue intersection, as a result of revision of Figure 3.3-3.

All project components of the pier, breakwater, ferry terminal, pier gate, and shoreline revetment area would be located entirely within BCDC's Bay jurisdiction. The proposed Plaza, Bay Trail Extension, and Seawall Drive Parking Lot would be located in both BCDC Bay and Shoreline Band jurisdictions. The proposed restroom would be located entirely within BCDC Shoreline Band jurisdiction. The proposed Bus Stop/ Loading Platform, Raised Cycle Track, and other University Avenue improvements would be located partially within BCDC's Shoreline Band jurisdiction. Notably, this jurisdictional understanding was reflected in the Draft EIR and only slightly change adjacent to Seawall Drive at and north of the University Avenue intersection, as a result of revision of Figure 3.3-3.

Figure 3.3-3 BCDC Jurisdiction Limits (Revised)[56]



[56] Figure 3.3-3 ~~shows the City's current understanding of~~ has been revised to reflect updated BCDC jurisdictional boundaries, ~~based on available information~~ as confirmed by BCDC staff on April 9, 2026. The revision incorporates an updated project footprint and adjusts the mapped BCDC Shoreline Band jurisdiction near Seawall Drive and University Avenue, including approximately 20,930 square feet east of Seawall Drive.

BCDC Planning Consistency and Permit Compliance

Consistency with applicable Bay Plan policies, including those related to circulation, public access, and parking for recreational users, are addressed in Section 3.9, *Land Use and Planning*, Impact LU-2 (pages 3.12 through 3.9-36), which evaluates whether the project would conflict with plans and policies adopted to avoid or mitigate environmental effects. Project consistency with Bay Plan policies is specifically addressed in pages 3.9-12 through 3.9-23 (including Table 3.9-1). As shown in Table 3.9-1, the project incorporates specific design features and operational strategies for consistency with Bay Plan policies related to circulation, public access, and parking. With respect to public access (Public Access Policies 9 and 11), the project restores and expands shoreline access through provision of a publicly accessible pier, Bay Trail Extension, and new shoreline amenities, which enhance both physical and visual access to the Bay and provide for safe and convenient movement along the shoreline.

With respect to circulation (Transportation Policy 4 and Public Access Policy 11), the project includes multimodal circulation improvements such as the raised cycle track, improved transit stops, Bay Trail connections, and defined pedestrian pathways that maintain safe, efficient, and clearly organized circulation for all user groups and improve access to and along the shoreline.

Circulation conflicts among user groups are primarily a social consideration rather than a physical environmental impact under CEQA and therefore is not analyzed in this EIR; however, the topic is addressed through the City's compliance with the BCDC Bay Plan, including Transportation Policy 4 and Public Access Policy 11, which require that transportation and shoreline improvements maintain and enhance safe, physical access to and along the Bay shoreline for all users. To that end, the City has designed the project to reduce potential conflicts between ferry commuters and recreational users. Mapping circulation routes under different time-based scenarios is not necessary to identify or address these conflicts. The project incorporates dedicated infrastructure designed to safely accommodate both user groups, including a new Class IV cycle track on University Avenue, raised table-top (i.e., flat top) style crosswalks, a widened sidewalk connecting the AC Trans bus stop to the proposed plaza, wayfinding signage for pedestrians, bicyclists and vehicles and improved shoreline pathways. Therefore, at any point in time and under any plausible scenario, all user groups will be accommodated.

With respect to parking (Recreation Policy 9), Table 3.9-1 explains that the City would implement a parking strategy to balance shared-use parking for ferry patrons and recreational users, thereby minimizing the shoreline area dedicated to parking while maintaining access for existing recreational users and avoiding displacement of park and marina parking. The analysis therein concludes that the project would not conflict with the Bay Plan policies related to parking. For further discussion of compliance with Recreation Policy 9 refer to Section 2.2.20, *Topical Response: Parking*.

The City presented its circulation, parking and public access approach to the BCDC Design Review Board (DRB), an advisory body composed of design and planning professionals that advises the BCDC Commission on the adequacy of public access proposed as part of projects within BCDC's jurisdiction, including the project's effects on circulation, access, and use by different user groups. At its May 11, 2026 meeting, the DRB reviewed the project's trail network, circulation, and parking design, including the balance between recreational and ferry-commuter use of the site, and did not identify a need for further modification to the circulation approach presented. The DRB concluded that the project would not need to return for further DRB review.[4] Although the Draft EIR concludes that the project would not conflict with Bay Plan policies, BCDC independently evaluates consistency as part of its discretionary permit review process. Accordingly, final determination of consistency with Bay Plan policies, including policies related to shared parking and protection of recreational access, will be made by BCDC during the permit review process, and may result in project refinements or conditions of approval. The City will continue to

[4] San Francisco Bay Development and Conservation Commission (BCDC). 2026. Draft Summary of May 11, 2026, BCDC Design Review Board Meeting. https://www.bcdc.ca.gov/wp-content/uploads/sites/354/2025/12/2026.05.11_DraftMeetingSummary.pdf (accessed July 2026).

coordinate with BCDC through the permitting process to ensure final project design achieves consistency with applicable Bay Plan policies, including those addressing circulation and shoreline access.

Regarding the issue of concerns related to parking for recreational users, refer to Section 2.2.20, *Topical Response: Parking*.

In summary, the Draft EIR evaluates parking, circulation, and recreational public access in accordance with CEQA, focusing on physical environmental impacts, and concludes that impacts would be less than significant. Issues related to allocation of parking among user groups and detailed compliance with Bay Plan policies are addressed through the BCDC permitting process. Therefore, the analysis and significance conclusions related to BCDC plan consistency remain valid.

2.2.4 Topical Response: Biological/Underwater Noise

The Draft EIR's conclusion that operational underwater noise impacts on marine mammals would be less than significant is supported by substantial evidence and remains valid.

As explained in Draft EIR Section 3.3.4, Impact BIO-1 (page 3.3-52), underwater noise measurements of comparable hybrid-electric and conventional diesel ferry vessels demonstrate that electric propulsion generates less underwater noise than diesel propulsion. Specifically, a report by the Swedish Environmental Research Institute, directly compared a ferry retrofitted with electric motors, generators, and batteries (Tellus) to its conventionally diesel-powered sister vessel (Neptunus) - vessels of identical hull and propeller design, and similar in size to anticipated WETA electric ferry vessels - and found that the electric vessel radiated up to 10 dB less underwater noise, a difference the report characterizes as equivalent to a halving of noise.[5] This finding provides direct, vessel-comparable evidence that electrification reduces, rather than increases or maintains, underwater noise output relative to conventional diesel vessels.

Several comments cite two additional studies for the proposition that electric propulsion may generate underwater noise levels of concern: Smith et al. (2026)[6] and Gaggero et al. (2024).[7] Neither study undermines the Draft EIR's conclusion.

Smith et al. (2026) found that high-frequency tonal noise from electric propulsion "arise[s] from the pulse width modulation (PWM) used to control the motor," but also found that such noise can be minimized through "optimi[z]ed PWM switching frequencies that minimi[z]e harmonics in sensitive frequency ranges" and "electromagnetic interference filters in the drive circuits." This finding directly supports the Draft EIR's conclusion: it confirms that high-frequency tonal noise is a design-dependent characteristic of electric propulsion, not an inherent or unavoidable one, and identifies the specific engineering measures that address it. Since publication of the Draft EIR, WETA has advanced the design-build contract for the project's electric ferry vessels, which incorporates measures consistent with those identified in Smith et al.: propulsion motors mounted inboard in enclosed Propulsion Rooms with water-cooled, resilient-mounted configurations, acoustic insulation and sound-damping coatings on propulsion equipment spaces, and third-party acoustic measurement and verification during construction. These design specifications reflect current WETA engineering commitments and constitute substantial evidence that the noise-reduction findings in Smith et al. are applicable to, and consistent with, the vessels that will be deployed for this project.

Smith et al. (2026) separately measured underwater noise from matched electric and conventionally powered vessels across a speed range of 4 to 20 knots, finding that while the electric vessel remained

[5] Silent@Sea. 2024. Noise from ships powered by LNG or electricity and its effects: a cross-domain investigation Final report of the Silent@Sea project. Swedish Environmental Research Institute.

[6] Smith, Findlay, Grech La Rosa & Wu (2026), "A comparative study of underwater radiated noise from electric and conventional boats," *J. Acoust. Soc. Am.* 159(3): 2388–2397.

[7] Gaggero, T., Armelloni, E., Codarin, A., & Borghini, D. (2024). Electric boat underwater radiated noise and its potential impact on species of conservation interest. Marine Pollution Bulletin, 199, 115886

quieter than the conventional vessel throughout, the magnitude of the difference narrowed as speed increased (from a 43 dB difference at 4 knots to a 10 dB difference at 20 knots) as propeller cavitation, rather than motor or PWM noise, became the dominant noise source for both vessel types. This finding does not undermine the Draft EIR's conclusion. Because cavitation-driven noise increases similarly for electric and conventional vessels at higher speeds, this finding confirms that the project's electric ferry vessels would not generate greater underwater noise than the conventional diesel vessels they replace, consistent with the Draft EIR's determination.

Gaggero et al. (2024) measured underwater noise from a small 8-meter recreational electric vessel with outboard motors, finding that while the vessel generated less broadband noise than a comparable gasoline outboard boat, its motor controller produced a high-frequency tonal component exceeding 130 dB re 1 µPa m that could affect species with sensitive high-frequency hearing, such as bottlenose dolphins. This finding does not translate to the project's ferry vessels. Smith et al. (2026), evaluating a similarly configured electric outboard vessel, measured comparable tonal noise at only 83 dB re 1 µPa m (roughly 50 dB lower than reported by Gaggero et al.) and attributed this difference to motor placement and propulsion architecture: the vessel in Gaggero et al. used a motor mounted within the propeller hub, whereas the vessel in Smith et al. used an above-waterline motor connected by an L-drive, a configuration that further isolates the motor from the water. WETA's electric ferry vessels use an even more isolated configuration, with motors mounted inboard within enclosed Propulsion Rooms, well removed from the hull and waterline. Given that propulsion architecture and motor placement are established drivers of high-frequency tonal noise output, Gaggero et al.'s findings, based on a hub-mounted motor configuration not used in the project's vessels, do not indicate that the project's ferries would generate comparable high-frequency tonal noise.

For these reasons, the studies cited in comments do not undermine the Draft EIR's finding, based on direct ferry-to-ferry underwater noise measurements, that this project's electric ferry vessels will generate less underwater noise than conventional diesel vessels. For further clarification, Draft EIR Section 3.3, *Biological Resources*, page 3.3-52 has been revised as follows:

> While the electric ferry vessels would introduce a new noise source, they would generate significantly less noise, especially at lower frequency sounds, than traditional diesel engines. Underwater noise measurements made of various hybrid electric and conventional ferry vessels indicate that a ship retrofitted with electric motors, generators, and batteries (Tellus) radiated less underwater noise than a ship with a conventional diesel propulsion system (Neptunus). A report from 2024 prepared by Silent@Sea notes the following: "according to our measurements, Tellus radiates less underwater noise than Neptunus, with up to 10 dB [difference]." A 10dB difference is a halving of noise, as if a wall or barrier has been put in place. The report states: "This is an indication that retrofitting ships with modern hybrid propulsion is a potential way to reduce their noise radiation."[94] Additionally, recent research evaluating underwater noise generated by electric vessels indicates that while certain electric vessel configurations may generate high-frequency tonal noise associated with electric propulsion components, underwater noise characteristics vary substantially depending on vessel design, propulsion architecture, and motor installation. In particular, Smith et al. (2026) found that electric vessels remained quieter than a comparable conventionally powered vessel across the full range of operating speeds evaluated and found that such tonal noise can be reduced through engineering measures including optimization of motor controller switching frequencies and electromagnetic interference filtering.[95] Similarly, Gaggero et al. (2024) found that although electric vessels may generate high-frequency tonal noise, propulsion architecture and motor placement are important factors influencing underwater noise generation.[96] Accordingly, following publication of the Draft EIR, WETA has advanced the design-build contract for the proposed electric ferry vessels to incorporate features consistent with those identified in the recent literature, including propulsion motors mounted inboard in enclosed Propulsion Rooms with water-cooled, resilient-mounted configurations, acoustic insulation and sound-damping coatings on propulsion equipment spaces, and third-party acoustic measurement and verification during construction. These design features would minimize the potential for the proposed electric ferry vessels to generate underwater noise

that could adversely affect marine mammals. Therefore, in-water noise impacts on marine mammals due to operation of ferry vessels would be less than significant.

[94] Silent@Sea. 2024. Noise from ships powered by LNG or electricity and its effects: a cross-domain investigation Final report of the Silent@Sea project. Swedish Environmental Research Institute.

[95] Smith, Findlay, Grech La Rosa & Wu (2026), "A comparative study of underwater radiated noise from electric and conventional boats," *J. Acoust. Soc. Am.* 159(3): 2388–2397.

[96] Gaggero, T., Armelloni, E., Codarin, A., & Borghini, D. (2024). Electric boat underwater radiated noise and its potential impact on species of conservation interest. Marine Pollution Bulletin, 199, 115886.

The Draft EIR's less-than-significant conclusion for operational underwater noise impacts on marine mammals remains valid and is adequately supported by substantial evidence. No further revisions beyond the clarification above are required.

Regarding potential impacts on marine mammals from vessel strikes, refer to Section 2.2.28, *Topical Response: Whale Strike,* for a discussion specific to potential whale strikes.

2.2.5 Topical Response: CEQA Adequacy

Draft EIR Section 1.3.2, *Content Adequacy*, (page 1-13) discusses the adequacy of the content of the EIR by explaining the standards for adequacy of an EIR identified in CEQA Guidelines Section 15151, and states that the analysis in EIRs "need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible." EIRs must provide substantial evidence, reasoned explanations of environmental impacts, and disclose areas of disagreement among experts consistent with CEQA requirements. Taken as a whole, the Draft EIR contains sufficient detail and analysis to support informed decision-making and meaningful public participation, consistent with standards for adequacy in CEQA Guidelines Section 15151. The Draft EIR conclusions are supported by substantial evidence, which is defined in CEQA Guidelines Section 15384 as "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." Accordingly, the Draft EIR provides sufficient information to fulfill the CEQA core purposes of disclosing potential environmental impacts of the proposed project and informing both decision makers and the public, in accordance with CEQA Guidelines Sections 15003 and 15151. The City has reviewed the public comments received on the Draft EIR and has confirmed that the conclusions in the Draft EIR are supported by substantial evidence and that the EIR meets the regulatory standards of adequacy. For responses to specific issues raised by comments related to the adequacy of the EIR please refer to those individual responses. No changes to the Draft EIR conclusions or analysis are necessary in response to these comments.

2.2.6 Topical Response: CEQA Baseline/Baseline Recreation Users

With respect to City's analysis on baseline recreation users, the Draft EIR assesses the thresholds in CEQA Guidelines Appendix G, Sections XV and XVI, which provide that there is the potential for a significant impact if: (1) a project would increase the use of existing facilities such that substantial physical impacts would occur; (2) a project would include recreational facilities or require the expansion of existing facilities resulting in a physical effect on the environment; or (3) a project would result in new or altered parks to maintain acceptable service ratios for parks, the construction of which would cause significant physical or environmental impacts.

To assess these factors, the Draft EIR (in Section 3.11, *Recreation*) describes the existing recreational sites and facilities within and adjacent to the project site, including both publicly administered recreational facilities and other shoreline- and water-oriented recreational activities occurring throughout the Berkeley Waterfront. The Draft EIR also describes recreational use at the Berkeley Waterfront by identifying the existing range of user groups and activities, as well as their primary locations. These groups or activities include pedestrians, bicyclists, shoreline visitors, boaters, anglers, and passive recreation users, as well as water-oriented uses such as sailing, kayaking, swimming, wind sports, and

other marina-related activities occurring throughout the Berkeley Waterfront area. The Draft EIR also identifies the specific locations where these activities occur, including the Bay Trail, Marina Basin, Marina Mall, Horseshoe Park, the formerly named César E. Chávez Park, McLaughlin Eastshore State Park, South Sailing Basin, un-improved shoreline access, San Francisco Bay, and additional nearby facilities (refer to Pages 3.11-1 through 3.11-7).

In response to the comments, Page 3.11-6 of the Draft EIR (Section 3.11.2, *Environmental Setting*) has been revised to incorporate the following clarifying text:

> The San Francisco Bay is a tidal estuary that provides a variety of natural resource and open space opportunities (refer to Figure 3.11-2). According to the BCDC San Francisco Bay Plan, the San Francisco Bay is the most important open space in the Bay region, and it provides a variety of unique recreational opportunities. Primary recreation activities occurring throughout the San Francisco Bay include sailing, kayaking, paddle-boarding, swimming, windsurfing, kitesurfing, canoeing and dragon boat canoeing. Additional recreation activities on the Bay include wildlife viewing, fishing and boating via public ferry, private and charter boats. <u>These water-based recreational activities often involve specialized equipment and access points to the shoreline and marina facilities, and are an integral component of the recreational setting at the Berkeley Waterfront.</u>

This clarifying text emphasizes that water-based recreational activities, including those requiring equipment and direct water access, are explicitly recognized as part of the existing recreational baseline evaluated in the Draft EIR.

As described in the Draft EIR, the total area of parks and open space within the City is approximately 4,430 acres, which results in a park acres-to-persons ratio of approximately 34.5 acres per 1,000 people. This ratio provides relevant context for evaluating recreational service capacity citywide, as discussed further below and in Impact REC-1. In addition, there are several park and recreational areas proximate to the project site that would remain accessible during project construction, such as the South Sailing docks and Marina basin (refer to Draft EIR Page 3.11-17). With respect to changes in recreational demand, the Draft EIR evaluates reasonably foreseeable conditions associated with project operation, including increased visitation associated with ferry riders accessing the terminal and new recreation use of the pier for activities such as walking, fishing and sightseeing (refer to Draft EIR Page 3.11-9, Proposed Recreational Amenities). Impact REC-1 analyzes the impact of increased visitation, finding that the project would increase the number of visitors to the Berkeley Waterfront area in a manner that may increase the use of on-site and nearby recreational facilities (Draft EIR page 3.11-16). However, because the project concurrently creates a net increase in recreational facilities and opportunities (a restored pier, new Bay Trail and new dedicated cycle track), the Draft EIR concludes that resulting impacts related to physical deterioration of existing recreational facilities, and the need for new or altered parks to maintain acceptable service ratios, would be less than significant (refer to Impact REC-1, Draft EIR Pages 3.11-16 through 3.11-20). This conclusion is based on the project's new contribution of new recreational capacity commensurate with the increased visitation it would generate, not on an assumption that visitation would remain unchanged. Therefore, no quantified or more detailed baseline usage data is necessary to determine whether the project would physically degrade recreational resources or require construction of new facilities. Accordingly, the Draft EIR sufficiently describes the baseline for recreational uses and describes the project's changes due to increased recreational use based on substantial evidence.

Further, inclusion of additional quantitative visitation data or estimates of displaced users would not alter the impact analysis or significance conclusions, which are based primarily on physical capacity, access, and facility conditions. With respect to access and parking during operation, refer to Section 2.2.20, *Topical Response: Parking.* With respect to recreational access during operation, the project would be expected to improve recreational opportunities by providing new and improved amenities.

In summary, the Draft EIR fully described the baseline consisting of existing recreational uses, their locations, and user groups at the Berkeley Waterfront; evaluates reasonably foreseeable changes associated with ferry operations; and demonstrates that construction and operation of the project would not result in physical degradation of or the need for expanded recreational facilities (Impact REC-1).

Therefore, no changes to the Draft EIR conclusions or mitigation measures are necessary in response to these comments.

2.2.7 Topical Response: CEQA Process

After reviewing comments received on the Draft EIR, the City has concluded that recirculation of the Draft EIR, per CEQA Guidelines Section 15088.5, is not warranted. Under CEQA Guidelines Section 15088.5, recirculation is required only when significant new information is added that reveals a new significant impact, substantially increases the severity of an identified impact, or otherwise deprives the public of a meaningful opportunity to comment. The information provided by the comments do not identify a new significant impact or an increase in the severity of any previously disclosed impact. In response to other comments, certain specific clarifying edits have been made to the EIR to provide additional context related to the existing conditions, methodology, and/or impact analysis. However, none of these clarifying changes affect the impact conclusions or mitigation measures identified in the Draft EIR in a substantive manner. Accordingly, recirculation of the Draft EIR is not required.

2.2.8 Topical Response: Construction & Operation Noise at Nearby Parks

The Draft EIR impact analysis with respect to noise did not analyze impacts at the formerly named César E. Chávez Park, Horseshoe Park, Marina Mall, Adventure Playground, or the Bay Trail corridor because they are located further away than the closest sensitive receptor park (i.e., Shorebird Park) (refer to Draft EIR Section 3.10, *Noise,* page 3.10-5), which is the closest park to the primary construction area where the noisiest activity associated with construction (pile driving) would occur. For Shorebird Park, the impact analysis generally represents a worst-case scenario and was modeled and analyzed with respect to project-related noise (refer to Impact NOI-1 on pages 3.10-19 to 3.10-32 of the Draft EIR). Noise levels at other parks that are located further away would generally be less than these worst-case estimates for Shorebird Park.

Nonetheless, in response to these comments and for information purposes, Draft EIR Section 3.10, *Noise*, Table 3.10-14 (page 3.10-23), has been revised to present both unmitigated and mitigated construction noise levels at nearby parks during all phases of landside construction, and Table 3.10-16 (page 3.10-26), has been revised to present both unmitigated and mitigated construction noise levels at nearby parks during all phases of waterside construction. Revisions to both tables are shown in underlined text below.

Table 3.10-14 Comparison of Landside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated and Mitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
Demolition	10	At pier entrance	Skates on the Bay Restaurant[3]	70	50	70	No
			Nearest live-aboard boat[4]	61	41	65	No
			Shorebird Park[5]	67	47	60	No
			Bay Trail Corridor[5]	62	42	60	No
			Horseshoe Park[5]	62	42	60	No
			Adventure Playground[5]	59	39	60	No
			Marina Mall[5]	56	56	60	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
Site Preparation	14	At Seawall Drive parking lot	Shorebird Park[5]	67	47	60	No
			Bay Trail Corridor[5]	64	44	60	No
			Adventure Playground[5]	58	38	60	No
			Marina Mall[5]	55	35	60	No
			Horseshoe Park[5]	54	34	60	No
			César E. Chávez Park[5]	46	26	60	No
Grading	15	At public plaza	Shorebird Park[5]	75	55	60	No
			Nearest live-aboard boat[4]	63	43	65	No
			Bay Trail Corridor[5]	64	44	60	No
			Horseshoe Park[5]	64	44	60	No
			Adventure Playground[5]	61	41	60	No
			Marina Mall[5]	58	58	60	No
			César E. Chávez Park[5]	55	35	60	No
Geotechnical Solutions	15	At public plaza	Shorebird Park[5]	75	55	60	No
			Nearest live-aboard boat[4]	63	43	65	No
			Bay Trail Corridor[5]	64	44	60	No
			Horseshoe Park[5]	64	44	60	No
			Adventure Playground[5]	61	41	60	No
			Marina Mall[5]	58	58	60	No
			César E. Chávez Park[5]	55	35	60	No
Building Construction – Restroom	10	At public plaza	Shorebird Park[5]	73	53	60	No
			Nearest live-aboard boat[4]	60	40	65	No
			Bay Trail Corridor[5]	62	42	60	No
			Horseshoe Park[5]	61	41	60	No
			Adventure Playground[5]	58	38	60	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
			Marina Mall[5]	55	35	60	No
			César E. Chávez Park[5]	52	32	60	No
Paving	20	Along University Avenue	Marina Offices[3]	85	65	70	No
			Nearest live-aboard boat[4]	70	50	65	No
			Marina Mall[5]	80	60	60	No
			Adventure Playground[5]	79	59	60	No
			Bay Trail Corridor[5]	72	52	60	No
			Shorebird Park[5]	78	58	60	No
			Horseshoe Park[5]	61	41	60	No
			César E. Chávez Park[5]	52	32	60	No
Landscaping	15	Along Seawall Drive	Shorebird Park[5]	64	44	60	No
			Nearest live-aboard boat[4]	51	31	65	No
			Bay Trail Corridor[5]	61	41	60	No
			Adventure Playground[5]	54	34	60	No
			Horseshoe Park[5]	51	51	60	No
			Marina Mall[5]	51	31	60	No
			César E. Chávez Park[5]	43	43	60	No
Amenities Installation	25	At public plaza	Shorebird Park[5]	75	55	60	No
			Nearest live-aboard boat[4]	62	42	65	No
			Bay Trail Corridor[5]	64	44	60	No
			Horseshoe Park[5]	63	43	60	No
			Adventure Playground[5]	60	40	60	No
			Marina Mall[5]	57	37	60	No
			César E. Chávez Park[5]	54	34	60	No

dBA = A-weighted decibels; MM = Mitigation Measure

[1] All noise levels presented at sensitive receptors in this column account for the noise reduction provided by Mitigation Measure NOI-1, which is estimated to provide 20 dBA of noise reduction for general construction activities.

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime multi-family residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime multi-family residential and commercial limits are 65 dBA and 70 dBA, respectively.

[3] While commercial uses (e.g., restaurants and offices) are not typically considered to be noise-sensitive receptors, these uses were included as sensitive receptors in the analysis as the City defines construction noise limits for commercial uses.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. This analysis conservatively assumes that the nearest live-aboard boat is situated at a location within the Marina that is nearest to proposed construction activity during each phase of construction.

[5] The City does not define construction noise thresholds for parks or similar outdoor recreation spaces (e.g., Shorebird Park); however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., low-density residential land uses) of 60 dBA was used.

Source: See Appendix E for construction noise modeling results

Table 3.10-16 Comparison of Waterside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated and Mitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
Demolition	50	At pier entrance	Shorebird Park[3]	80	70	60	**Yes**
			Skates on the Bay Restaurant	77	67	70	No
			Nearest live-aboard boat[4]	67	57	65	No
			Bay Trail Corridor[5]	69	59	60	No
			Horseshoe Park[5]	69	59	60	No
			Adventure Playground[5]	66	56	60	No
			Marina Mall[5]	63	53	60	No
			César E. Chávez Park[5]	56	46	60	No
Dredging	83	At pier entrance	Shorebird Park[3]	70	50	60	No
			Skates on the Bay Restaurant	66	56	70	No
			Nearest live-aboard boat[4]	58	38	65	No
			Bay Trail Corridor[5]	58	38	60	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
			Horseshoe Park[5]	58	38	60	No
			Adventure Playground[5]	55	35	60	No
			Marina Mall[5]	52	32	60	No
			César E. Chávez Park[5]	45	25	60	No
Pile Installation	49	Along pier	Shorebird Park[3]	79	69	60	**Yes**
			Skates on the Bay Restaurant	~~75~~78	~~65~~68	70	No
			Nearest live-aboard boat[4]	66	56	65	No
			Bay Trail Corridor[5]	68	58	60	No
			Horseshoe Park[5]	67	57	60	No
			Adventure Playground[5]	64	54	60	No
			Marina Mall[5]	61	51	60	No
			César E. Chávez Park[5]	54	44	60	No
Deck, Float, and Gangway Construction	120	At pier entrance	Shorebird Park[3]	76	56	60	No
			Skates on the Bay Restaurant	73	53	70	No
			Nearest live-aboard boat[4]	63	43	65	No
			Bay Trail Corridor[5]	65	45	60	No
			Horseshoe Park[5]	65	45	60	No
			Adventure Playground[5]	62	42	60	No
			Marina Mall[5]	59	39	60	No
			César E. Chávez Park[5]	52	32	60	No
Amenities Installation	95	At pier entrance	Shorebird Park[3]	71	51	60	No
			Skates on the Bay Restaurant	68	48	70	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
			Nearest live-aboard boat[4]	58	38	65	No
			Bay Trail Corridor[5]	60	40	60	No
			Horseshoe Park[5]	60	40	60	No
			Adventure Playground[5]	57	37	60	No
			Marina Mall[5]	54	34	60	No
			César E. Chávez Park[5]	47	27	60	No

dBA = A-weighted decibels; MM = Mitigation Measure

[1] All noise levels presented at sensitive receptors in this column account for the noise reduction provided by Mitigation Measure NOI-1, which is estimated to provide 20 dBA of noise reduction for phases consisting of general construction activities (i.e., dredging, deck, float, and gangway construction, and amenities installation) and 10 dBA of noise reduction for phases consisting of pile driving activities (i.e., demolition and pile installation).

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime residential and commercial limits are 60 dBA and 70 dBA, respectively.

[3] The City does not define construction noise thresholds for parks or similar outdoor recreation spaces (e.g., Shorebird Park); however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., low-density residential land uses) of 60 dBA was used.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. For evaluation of waterside construction noise impacts, this analysis conservatively assumes that the nearest live-aboard boat is situated at the southwestern corner of the Marina, as this represents the nearest location to proposed waterside construction activities.

Source: See Appendix E for construction noise modeling results.

The following clarification text changes have also been made to Draft EIR Impact NOI-1, page 3.10-30, to address operational noise generated at the nearest parks resulting from operation of ferry vessels at the terminal:

Noise from Operation of Ferry Vessels

Ferry vessels would operate at the north end of the pier, as close as approximately 400 feet from the nearest sensitive receptor (i.e., the Skates on the Bay Restaurant located to the northeast). At this distance, operation of the ferry vessels would generate noise levels up to 52 dBA at the Skates on the Bay Restaurant, which would not exceed the City's daytime or nighttime exterior noise limits of 65 and 60 dBA, respectively, at commercial land uses. Additionally, ferry vessels would operate approximately 430 feet from the nearest portion of the proposed Bay Trail corridor and approximately 550 feet from Shorebird Park. At these distances, operation of ferry vessels would generate noise levels up to 51 and 49 dBA at the Bay Trail corridor and Shorebird Park, respectively, which would not exceed the City's daytime exterior noise limit of 55 dBA for low-density single-family residential uses, which is the threshold also used for outdoor recreation spaces due to a similar level of noise sensitivity. Note that noise levels would continue to decrease as distance from the ferry terminal increases, therefore noise levels at all other parks located farther away (e.g., César E. Chávez Park, Horseshoe Park, Marina Mall, and Adventure Playground) would also not exceed the City's applicable daytime exterior noise limit. Therefore, operational noise impacts associated with the ferry vessels would be less than significant. For the noise impact associated with operation of ferry vessels as it

relates to potential impacts related to biological resources discussion, see Impact BIO-1 in Section 3.3, Biological Resources.

The table and text changes above are clarifying in nature and do not alter the substance of the impact analysis or the resulting significance determination. Therefore, the analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid.

2.2.9 Topical Response: Cumulative Impacts

As discussed in Draft EIR Chapter 3.0, *Environmental Impact Analysis*, the Draft EIR includes a cumulative impact analysis consistent with CEQA Guidelines Section 15130, which requires evaluation of the incremental effects of the proposed project when combined with past, present, and reasonably foreseeable probable future projects. The Draft EIR cumulative analysis identifies geographic scopes (e.g., the radius area where other projects could interact with resource area impacts) appropriate to each resource topic and analyzes a combination of past, present, and probable future projects listed in Draft EIR Table 3-1 (pages 3-9 to 3-10). Table 3-1 includes 25 projects considered as cumulative projects. As documented in the sources cited in Table 3-1, the list of cumulative projects was compiled based on publicly available information published by the City of Berkeley, East Bay Regional Parks District, and the Metropolitan Transportation Commission/Association of Bay Area Governments. The analysis evaluates whether the proposed project's incremental contribution to each identified cumulative impact would be considerable. Where significant cumulative impacts were identified, the Draft EIR discloses whether the proposed project would make a cumulatively considerable contribution and, where applicable, identifies mitigation measures to reduce the project's incremental contribution. In some cases, even with mitigation, cumulative impacts may remain significant and unavoidable due to broader regional conditions or factors beyond the control of the project (e.g., cumulative waterside construction noise associated with pile driving and nighttime construction and cumulative operational mobile [i.e., roadway vehicle] noise).

Several comments identify the reopening of a restaurant at 199 Seawall Drive (formerly Hs. Lordship Restaurant)[8] as a cumulative project. This cumulative project is already included in the Draft EIR. Refer to Draft EIR Chapter 3, Footnote 1 and Table 3-1, which includes the description of the Berkeley Draft Waterfront Specific Plan (listed as Project 1 in Table 3-1), and explicitly states that the re-opening of the restaurant at 199 Seawall Drive is included in the Draft Waterfront Specific Plan.

Several comments also discuss the Draft Waterfront Specific Plan. The Draft Waterfront Specific Plan is discussed in the Draft EIR cumulative analysis (refer to Draft EIR Chapter 3 Table 3-1), which explains that the proposed project and the Waterfront Specific Plan are separate projects that are not interdependent. (See *Relationship with Draft Waterfront Specific Plan* Section of Chapter 3, *Environmental Impact Analysis.)* First, the Waterfront Specific Plan is a long-range planning document, while the proposed project is an infrastructure project. Next, while the Waterfront Specific Plan would change the zoning designations at the Waterfront, the Pier-Ferry project can obtain permits pursuant to the existing zoning designations – the proposed project is in no way reliant on the passage of the Waterfront Specific Plan and would be pursued regardless. Similarly, the Waterfront Specific Plan, which is still being developed at the staff level, would proceed regardless of whether or not the proposed project is approved. As discussed further in the Draft EIR, because the proposed project and the Draft Waterfront Specific Plan are not interdependent, environmental review of each can proceed independently.

Several comments also refer to a cumulative scenario with 26 ferry terminals in the Bay.[9] This information cited in comments regarding the establishment of 26 ferry terminals in the region is not an

[8] The currently vacant restaurant building at 199 Seawall Drive was formerly occupied by the Hs. Lordship restaurant, and is often referred to in public comments as the "Hs Lordship Restaurant" or similar variations thereof. For consistency, this document generally refers to this property as "199 Seawall Drive," except when directly quoting comments or historical documents.

[9] Fehr & Peers 2023. 2050 Service Vision & Business Plan Service Vision Evaluation Memo. Available online at: 2050 Service Vision & Business Plan - San Francisco Bay Ferry. Accessed June 2026.

adopted vision of WETA. A memorandum from WETA dated April 12, 2023, with the subject "WETA Business Plan Evaluation" includes the following text in the Introduction:

"This memo details the technical analyses completed to evaluate three new network concepts to expand WETA service over the next 25 years. Based on this evaluation and stakeholder input, WETA will define a 2050 service vision to include in its Business Plan to be developed later this year. The service vision will inform how WETA operates in the future and what strategies and actions will be included in the Business Plan. This memorandum presents the technical evaluation of three potential 2050 networks compared to the existing network in 2050. The content in this memorandum represents an updated [sic] of the slide deck presented to stakeholder groups in the first quarter of 2023 based on final evaluation results."[10]

The memorandum does include a concept titled "Coverage Network" with 26 ferry terminals but as described in the Introduction of the memorandum, this is a network concept for consideration. After the memo was prepared (April 12, 2023), the WETA Board adopted a 2050 Service Vision and Expansion Policy at its May 9, 2024, Board Meeting that is substantially different from this concept.[11] As described in WETA's adopted Service Vision, 4 new tier 1 ferry projects are included (Mission Bay and Treasure Island to the San Francisco Ferry Building, Berkeley to San Francisco, and Oakland to Redwood City), for a total of 14 ferry terminals. The concept of 26 ferry terminals was a network concept only and was not adopted as part of WETA's vision; therefore, a scenario that includes 26 ferry terminals is not reasonably foreseeable and the City's decision not to analyze it is supported by substantial evidence. Page 3-6 of the Draft EIR identifies what would constitute a cumulative project, and is included here for context:

"Reasonably foreseeable projects are future projects (including those currently proposed) that are likely or probable, rather than those that are merely possible. Generally, projects are reasonably foreseeable if they meet any one or more of the following conditions:

- The project is a foreseeable future phase of an existing project.
- Applications for project entitlements or construction are pending with a government agency (these projects may have been analyzed in a recent environmental document).
- The project is included in regional transportation plans; regional transportation improvement programs; local long-range transportation plans; local land use, general, and specific plans; or an agency's budget or capital improvement program."

The network concept of 26 ferry terminals does not meet this criteria. Therefore, it is not considered a reasonably foreseeable cumulative project.

The 2003 WETA EIR evaluates ferry service expansion at a regional, programmatic scale, including analysis of vessel operations over defined routes throughout the Bay and their potential effects on biological resources and hydrology and water quality under a systemwide operational scenario. In contrast, the Draft EIR for the proposed project evaluates project-specific and proximate environmental effects associated with ferry operations at the Berkeley Waterfront using representative operational assumptions (refer to Chapter 2, Section 2.7). These analyses focus on nearshore and localized conditions, including terminal approach and docking, vessel presence within the project viewshed, and project-related contributions to vessel traffic in the immediate vicinity. As described in Section 3.3, *Biological Resources*, and 3.8, *Hydrology and Water Quality*, the Draft EIR concludes that operational impacts associated with ferries, including vessel traffic, underwater noise, wake, and water quality effects would be less than significant or less than significant with mitigation (refer to Sections 3.3.4 and 3.3.5), and that the project would not result in a cumulatively considerable contribution to regional Bay-wide impacts previously evaluated at the programmatic level in the 2003 WETA EIR (refer to Sections 3.3.5 and

[10] WETA. 2023. WETA Business Plan Evaluation Memorandum. From Daniel Jacobson and Nate Conable, Fehr & Peers. To Michael Gougherty, Kevin Connolly, and Gabriel Chan, WETA. April 12. Available: https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240919065530/b041723aFULL.pdf. (accessed June 2026).

[11] WETA. 2024. Board of Director Meetings Agenda, May 9, 2024, Item 11: Adopt 2050 Service Vision and Expansion Policy. Available: https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20251125001105/b050924aFULL.pdf. (accessed June 2026).

2.8.5). Accordingly, the Draft EIR remains consistent with prior regional analysis, while providing a more detailed evaluation of site-specific conditions and impacts in accordance with CEQA Guidelines.

In summary, the cumulative projects identified in public comments are either already included in the list of cumulative projects in Draft EIR Table 3-1, or do not meet the definition of a reasonably foreseeable project. Furthermore, the comments do not provide substantial evidence demonstrating that the cumulative analysis is inadequate or inconsistent with CEQA requirements. Therefore, the Draft EIR cumulative analysis and conclusions remain valid as written, and no revisions to the EIR are necessary in response to these comments.

2.2.10 Topical Response: Electric Ferry

As described in Draft EIR Chapter 2, *Project Description*, (pages 2-4, 2-10, and 2-11) the proposed project assumes operation of electric ferry service consistent with WETA plans as well as regional and State efforts to reduce greenhouse gas emissions through actions such as increasing access to sustainable transportation modes. The use of electric ferry vessels is explicitly included in the project description. Neither the City nor WETA are planning to operate diesel ferry vessels as part of the proposed project, and the only kind of ferry vessels being environmentally reviewed and cleared as part of the EIR are electric ferry vessels. Under CEQA, an EIR must evaluate reasonably foreseeable environmental impacts based on available data and reasonable assumptions supported by substantial evidence. CEQA does not require that all project components be fully finalized at the time of analysis, nor does it require evaluation of speculative or hypothetical alternatives, such as analysis of alternative fuel technologies or the use of diesel vessels, that are not part of the proposed project or reasonably foreseeable conditions.

Regarding questions about the infrastructure for electric ferry vessels, Draft EIR Chapter 2, *Project Description,* includes a description of the infrastructure required for electric ferry vessels, including the Universal Charging Floats or UCFs (refer to Section 2.5.1, *Proposed Ferry Vessel Infrastructure* Subsection, pages 2-10 through 2-11), as well as the electrical distribution utilities that would be required for the proposed project (refer to Section 2.5.4, *Electrical Distribution* subsection, pages 2-23 through 2-24). As described therein, the UCF system includes electrical infrastructure such as switchgear, transformers, converters, and battery storage to support charging of zero-emission ferry vessels and is designed with redundancy and safety features to address reliability and operational needs.

Environmental impacts associated with the installation and operation of electrical infrastructure required to support electric ferry service are evaluated in the Draft EIR. As described in Section 3.14, *Utilities and Service Systems*, implementation of the project would require electrical connections and infrastructure, and the environmental effects of constructing these improvements are analyzed under Impact UTIL-1. The Draft EIR concludes that construction-related impacts would be less than significant with mitigation, and that operation would not require new or expanded electrical facilities beyond those described in Chapter 2, *Project Description* (refer to Section 3.14, pages 3.14-26 through 3.14-30). In addition to the utilities analysis, the Draft EIR evaluates the environmental effects of electric ferry infrastructure using discipline-specific methodologies across all relevant resource areas. Section 3.2, *Air Quality*, and Section 3.6, *Greenhouse Gas Emissions and Energy*, analyze emissions and energy demand associated with electric ferry operations and charging systems (pages 3.2-21 through 3.2-35 and pages 3.6-30 through 3.6-47). Section 3.3, *Biological Resources*, evaluates potential operational impacts, including underwater noise and vessel interactions with aquatic species (pages 3.3-39 through 3.3-66), while Section 3.8, *Hydrology and Water Quality*, considers in-water infrastructure components and the reduced potential for fuel-related spill risks associated with electrification (pages 3.8-25 through 3.8-42). Section 3.7, *Hazards and Hazardous Materials*, evaluates safety considerations related to battery storage systems and electrical infrastructure (pages 3.7-22 through 3.7-37), and Section 3.10, *Noise*, addresses construction and operational noise generated by ferry vessels and associated electrical equipment (pages 3.10-12 through 3.10-34).

With respect to emergency operations and reliability, Draft EIR Chapter 2, *Project Description*, also addresses emergency conditions under which ferry service may be used. As described in Section 2.8, *Emergency Operation Options* subsection, WETA has a legislative mandate to provide emergency water

transportation following major incidents, and the project is designed to accommodate such use. In the event of power disruptions, emergency operations may include use of a power generation barge connected to the UCF system to maintain vessel charging capabilities (refer to Section 2.8, pages 2-32 through 2-33).

To the extent that uncertainty exists regarding the timing or availability of specific electric ferry models, the analysis in the Draft EIR is based on a defined project "envelope" or set of reasonable operational components described in Chapter 2, *Project Description*. These assumptions include a vessel capacity of approximately 250 passengers per vessel, dimensions of supporting infrastructure, and operating characteristics, including trip frequency, ridership, and service patterns (refer to Subsection 2.7, *Operational Details*). These parameters form the basis of the environmental analysis. Consistent with CEQA Guidelines Section 15162, if future vessel types or operations were to be materially different from this defined envelope and result in the potential for new or more severe environmental impacts, additional environmental review would be required at that time; however, that would not alter the adequacy of the environmental analysis presented in the Draft EIR. The environmental impacts specific to electric ferry operations and charging infrastructure at the proposed Berkeley terminal are analyzed directly and at the project level in this Draft EIR (refer to Chapter 3, *Environmental Impacts Analysis*).

In summary, the Draft EIR analysis of ferry operations and associated infrastructure is adequate and consistent with CEQA Guidelines. Therefore, the project description regarding electric ferry operation and associated analysis and conclusions presented in the Draft EIR remain valid, and no changes to the EIR are necessary in response to these comments.

2.2.11 Topical Response: Ferry Operations

As described in Draft EIR Chapter 2, *Project Description*, the proposed project includes representative operational assumptions developed by WETA sufficient to support environmental review. These assumptions include anticipated service frequency, general routing, and operational characteristics. Specifically, the Draft EIR evaluates a representative weekday and weekend service scenario that includes regular commute-period service and off-peak service, with ferry trips operating along established WETA routes. While exact schedules may vary, this scenario reflects the maximum reasonably foreseeable level of service for purposes of impact analysis (refer to Chapter 2, *Project Description*, Section 2.7, pages 2-30 through 2-33). Vessel speeds are not specified as fixed values in the Draft EIR; however, vessels are assumed to operate at a maximum of 29 to 41 mph, consistent with the typical speeds for existing WETA ferry service within San Francisco Bay and, consistent with current routes and navigation practices.[12,13] Speed during terminal approach and docking would be reduced (refer to Chapter 2, *Project Description,* page 2-31) to provide safe maneuvering and compliance with applicable navigation practices. Given the need for the ferry vessel to execute a multi-point turn in order to dock for passenger loading, the need to reduce speeds during terminal approach is not an operational choice but a physical constraint.

Pursuant to the CEQA Guidelines, an EIR must evaluate reasonably foreseeable environmental impacts based on available data and reasonable assumptions. However, CEQA does not require that all operational details, such as final service schedules, vessel speeds under all conditions, or exact trip frequencies, be fully finalized at the time of analysis (CEQA Guidelines Sections 15124 and 15144). Rather, the analysis is appropriately based on representative operating conditions and planning-level assumptions that allow for meaningful evaluation of potential environmental effects. Consistent with the CEQA Guidelines Sections 15124 and 15144, Chapter 2, *Project Description* of the Draft EIR provides sufficient information regarding ferry operations, including projected ridership, service frequency, and general operational characteristics to evaluate environmental impacts (refer to Section 2.7, pages 2-30 through 2-33, including Table 2-4. As described in EIR Section 1.1.3, *Incorporation by Reference*, the analysis also incorporates by reference the certified 2003 WETA EIR, which evaluated ferry system

[12] San Francisco Bay Ferry (WETA) typically travel at service speeds ranging from 23 to 36 knots (about 26 to 41 mph) depending on the vessel class.

[13] WETA. 2026. Vessel Classes. Available: https://sanfranciscobayferry.com/meet-our-fleet/. (accessed June 2026)

operations at a programmatic level (refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion specific to the 2003 WETA EIR)

Environmental impacts associated with ferry operations are evaluated throughout Draft EIR Chapter 3, *Environmental Impacts Analysis*, using the representative operational assumptions described above. This includes but is not limited to transportation impacts evaluated in Section 3.12, *Transportation* (pages 3.12-15 through 3.12-25), air quality impacts in Section 3.2, *Air Quality* (pages 3.2-21 through 3.2-35), noise impacts in Section 3.10, *Noise* (pages 3.10-12 through 3.10-34), and biological and underwater noise effects in Section 3.3, *Biological Resources* (pages 3.3-39 through 3.3-66). Water quality and hydrodynamic effects associated with vessel operations are evaluated in Section 3.8, *Hydrology and Water Quality* (pages 3.8-25 through 3.8-42).

As discussed in these sections, the Draft EIR evaluates potential operational effects such as vessel traffic, emissions and noise, and vessel interaction with aquatic species based on the maximum reasonably foreseeable service scenario. Topics such as vessel strike and underwater noise are specifically addressed in Section 3.3 (refer also to Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion specific to underwater noise).

Operational details may be refined during subsequent project design, implementation, and coordination with WETA, and would be subject to applicable regulatory review requirements, including U.S. Coast Guard navigation and safety requirements, Bay Conservation and Development Commission (BCDC) permitting, and other applicable approvals. No additional CEQA review is anticipated unless substantial changes to the project involving new or substantially more severe significant impacts would occur, consistent with CEQA Guidelines Sections 15162, 15163 and 15164.

Accordingly, the Draft EIR evaluates ferry operations at a level of detail sufficient to support a reasonable analysis of environmental impacts consistent with CEQA Guidelines. The analysis and conclusions presented in Chapter 3, *Environmental Impacts Analysis*, of the Draft EIR remain valid as written, and no further revisions to the EIR are necessary.

2.2.12 Topical Response: In-Marina Ferry Terminal Alternative

CEQA Standard for Alternatives Analysis

Under CEQA Guidelines Section 15126.6, an EIR is required to evaluate a reasonable range of alternatives that could feasibly attain most of the basic project objectives while avoiding or substantially reducing significant environmental effects. An EIR need not consider every conceivable alternative, and alternatives that fail to meet most of the basic project objectives are infeasible, or would not reduce significant environmental effects may properly be rejected from detailed analysis. The Draft EIR at Section 5.9 identifies and explains the reasons for rejecting the Berkeley Marina Basin alternative from detailed analysis. This response supplements that explanation with additional technical analysis supporting the same conclusion.

The Alternative Does Not Meet Any Basic Project Objectives

As set forth in the Draft EIR at Section 5.3, the two basic project objectives are: (1) enhance public access and recreational opportunities at the Berkeley Waterfront; and (2) provide efficient and environmentally friendly zero emission public ferry service between Berkeley and San Francisco. An alternative must meet both objectives to qualify for detailed analysis. The In-Marina Alternative fails to meet both.

With respect to the first objective, siting the ferry terminal inside the marina would leave the Berkeley Pier closed and continuing to deteriorate. The new pier, public plaza, Bay Trail Extension, cycle track, and associated waterfront improvements, which are the primary mechanisms by which the project enhances public access and recreational opportunities are all tied to the pier location. While these improvements would not be precluded by an In-Marina ferry terminal, none of them would be part of the In-Marina ferry terminal project alternative because the need to implement multi-mode TDM measures along University

Avenue and Seawall Drive would not exist. Furthermore, as noted in the Draft EIR at Section 5.9, construction of a new ferry terminal inside the marina would require removal of existing marina docks (at least 8 slips would be lost per the 2008 Berkeley/Albany Ferry Terminal Study Draft EIR/EIR prepared by URS), thereby directly reducing rather than enhancing recreational opportunities at the Berkeley Waterfront.

With respect to the second objective, siting the ferry terminal inside the marina would impose considerable operational constraints on ferry service safety, efficiency and reliability. As documented in the Draft EIR at Section 5.9, based on communications with WETA's Project Manager, ferry vessels operating inside the marina would face additional maneuvering constraints, increased docking and departure times, wake and safety concerns and operational conflicts with recreational users. Passenger access would also be constrained, potentially creating queuing conflicts. These factors would extend overall travel times by an estimated 5-10 minutes, reduce service reliability and on-time performance, and diminish the competitiveness of the Berkeley–San Francisco ferry route compared to other Transbay modes of travel. An In-Marina terminal is not considered operationally feasible by WETA.

The Alternative Provides No Environmental Benefit

The In-Marina alternative would not reduce environmental impacts and would not avoid any significant environmental impacts. With respect to in-Bay fill: the proposed project is designed to achieve no net increase in Bay fill through removal of existing pier piles and decking at a minimum 1:1 ratio for the net increase in fill and cover, per Mitigation Measure BIO-3. Under an In-Marina terminal alternative, there would be no project-driven rationale to remove the deteriorated pier. Portions of the old pier are being removed under the proposed project because the new pier replaces it. Without a new pier at that location, the old pier piles would remain as existing in-Bay fill, and new fill would be added for the marina terminal infrastructure. Prior to mitigation the In-Marina alternative would therefore result in a net increase in Bay fill compared to the proposed project, not a reduction. If mitigation required removal of the derelict pier at a 1:1 ratio, there would be the same no net fill as the proposed project.

With respect to dredging: the proposed project requires dredging of the approach channel and turning basin to provide safe navigable depths for ferry vessels. An In-Marina terminal alternative would not eliminate this dredging requirement. Ferry vessels require a navigable approach channel regardless of terminal location. The area dredged for a turning basin would still be required in similar location and scale to allow WETA vessels to safely navigate around marina traffic at the constrained entrance to the marina. This would take the form of a widened maneuvering area outside the marina breakwater near the narrower marina entrance channel. Therefore, the dredging requirement under the In-Marina alternative is not significantly changed from the proposed project.

With respect to impacts on existing marina users: under the proposed project, ferry vessels travel and dock in open Bay waters north of the pier, entirely outside the marina entrance. As described in the Draft EIR at Section 3.11, *Recreation*, boats entering or exiting the marina would continue to navigate around ferry infrastructure in a manner similar to how they currently navigate the existing pier and other Bay vessels. An In-Marina terminal would require ferry vessels to travel through the marina entrance channel and operate within the marina interior, introducing a large commercial vessel operating on a regular schedule into a confined water body shared by recreational boaters, liveaboards, and commercial operators. This would create new and notable operational conflicts with existing marina users that do not exist under the proposed project. Finally, as noted in the Draft EIR the construction of a ferry terminal in the marina would result in the loss of berths (at least 8 slips would be lost per the 2008 Berkeley/Albany Ferry Terminal Study Draft EIR/EIR prepared by URS). Under CEQA, the displacement of recreational boat berths would constitute a direct adverse impact on recreational resources. The Berkeley Marina Basin is the largest public recreational marina in northern California, with approximately 1,000 berths; the loss of even a small number of those berths diminishes the supply of recreational boating opportunities that the Waterfront currently provides to the public, which would run counter to the project's core objective of enhancing, rather than reducing, recreational access at the Berkeley Waterfront.

The loss of eight or more berths would not only reduce public recreation opportunities but also indirectly negatively impact public recreation opportunities in the City of Berkeley. The City relies on slip fees as its primary source of revenue to operate and maintain the Berkeley Marina and its approximately 1,000 recreational berths; each berth removed represents a permanent reduction in the Marina's revenue base, revenue that funds dock maintenance, dredging, harbormaster operations, and other public recreational amenities across the entire Waterfront.

Summary

As described in Section 5.9 of the Draft EIR (see pages 5.9-25 to 5.9-26), the in-marina terminal alternative: (1) fails to meet either of the two basic project objectives; (2) provides no environmental benefit with respect to in-Bay fill; (3) provides no environmental benefit with respect to dredging requirements; and (4) creates new and notable conflicts with existing marina users, including the displacement of recreational berths (at least 8 slips would be lost per the 2008 Berkeley/Albany Ferry Terminal Study Draft EIR/EIR prepared by URS), that do not exist under the proposed project. The Draft EIR's rejection of this alternative from detailed analysis is fully supported by CEQA Guidelines Section 15126.6, which requires only that a range of potentially feasible alternatives be evaluated, not every alternative suggested in comments. Because the In-Marina option does not meet any of the basic project objectives nor provides any meaningful avoidance or reduction of environmental effects the City's alternatives analysis is adequate and no revision to the Draft EIR is warranted on this basis.

2.2.13 Topical Response: Land Use/Plan Consistency

Consistent with CEQA Guidelines Section 15125(d), which requires an EIR to disclose inconsistencies between a proposed project and applicable land use plans and policies, Draft EIR Section 3.9, *Land Use and Planning*, Impact LU-2 and respective Tables 3.9-1 through 3.9-4 (pages 3.9-12 through 3.9-35) summarize local and regional policies applicable to the project and evaluates the project's consistency with those plans. Pursuant to CEQA Guidelines Sections 15064, 15360, and 15382, CEQA defines an environmental impact as a physical change in the environment. CEQA Guidelines Section 15382 defines a significant effect related to the environment as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project," and further states that "[a]n economic or social change by itself shall not be considered a physical effect on the environment." CEQA Guidelines Section 15360 similarly defines the "environment" as the physical conditions that exist within the area affected by a project. Consistent with these provisions, a conflict with an applicable land use plan, policy, or regulation does not, in itself, constitute a significant environmental impact. This framework is reflected in CEQA Guidelines Appendix G Land Use/Planning Significance Criterion b, which asks whether a project would "cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." Specifically, the Draft EIR analyzed land use consistency impacts with respect to the physical environment for the following plans and policies: BCDC San Francisco Bay Plan, ABAG/MTC Plan Bay Area 2050, Bay Area Clean Air Plan, Berkeley Climate Action Plan, Berkeley General Plan, Berkeley Municipal Code, Berkeley Waterfront Master Plan, Berkeley Marina Master Plan, Berkeley Local Hazard Mitigation Plan, and Berkeley Measure L.

As concluded in Draft EIR Section 3.9, *Land Use and Planning*, Impact LU-2 (pages 3.9-12 through 3.9-35), the proposed project would be generally consistent with the goals and policies identified in applicable plans; however, because the project would generate noise that even after mitigated would exceed thresholds established in the Berkeley Municipal Code, impacts would be significant and unavoidable (due to noise impacts).

Furthermore, to the extent that an inconsistency with a land use plan or policy would result in a physical environmental effect, such effects are evaluated throughout the Draft EIR, and mitigation measures are identified as appropriate. Therefore, no changes to the Draft EIR conclusions or mitigation measures are necessary in response to these comments.

2.2.14 Topical Response: Loss of Ferry Vessel Control

The proposed project has been designed to incorporate standard marine safety features, operational protocols, and emergency response procedures consistent with applicable regulatory requirements and industry practices. Specifically, the Draft EIR includes the following:

- Draft EIR Chapter 2, *Project Description* describes vessel approach, berthing conditions, and associated ferry infrastructure (see Section 2.5, pages 2-6 through 2-11); and
- Section 3.12, *Transportation* evaluates ferry navigation and vessel maneuverability (see Impact TRA-3, pages 3.12-23 and 3.12-24).

Potential risks associated with vessel operation, including low-probability incident scenarios such as loss of control during approach or docking, are addressed through design features, vessel specifications, and operational procedures implemented by WETA and subject to oversight by applicable regulatory agencies, including the U.S. Coast Guard and other maritime safety authorities [see Draft EIR Section 2.9, Discretionary Actions and Required Approvals (refer to page 2-33)]. Consistent with CEQA Guidelines, the Draft EIR evaluates reasonably foreseeable environmental impacts and relies on compliance with applicable safety regulations, engineering standards, and operational protocols to address potential accident scenarios. Specifically, Draft EIR Section 3.12, *Transportation*, addresses vessel navigation, maneuverability, and safety considerations and concludes that the operation of ferry vessels would not increase transportation safety hazards, as the vessels would be designed with multiple layers of redundancy to prevent loss of propulsion risk, crew training to respond to loss of propulsion scenarios, and monitoring of U.S. Coast Guard advisories (refer to Impact TRA-3, pages 3.12-23 and 3.12-24). Speculative accident scenarios that are not supported by substantial evidence are not required to be analyzed in an EIR under CEQA, which focuses on reasonably foreseeable environmental impacts.

Notwithstanding that conclusion, since publication of the Draft EIR, the project design has been further refined to include installation of fender piles[14] near the Skates on the Bay Restaurant and donut fenders[15] near the breakwater and floats. These project components would provide an additional passive safety measure by helping to absorb or deflect vessel movement in the unlikely event of a loss of control during approach or docking. This project design feature is consistent with standard marine engineering practices to enhance docking safety and does not introduce new or more severe construction- or operational-related environmental impacts beyond those already analyzed in the Draft EIR.

The following text changes have been made to Draft EIR Chapter 2, *Project Description*, page 2-10:

> The proposed ferry vessel infrastructure would include up to two 120-foot-long and 10-foot-wide gangways[89] that would bring passengers from the pier to the two proposed boarding floats[910], which would measure approximately 135 feet in length and 42 feet in width. Each float would include 4 to 6 steel guide piles to moor the floats in place. In addition, there would be a total of 6 donut fenders (2 at the end of each float and 2 near the breakwater), each of which would be 6-feet in diameter and would require a 3-foot pile. Since publication of the Draft EIR, the project design has been refined to include additional fender piles and donut fenders (steel protection piles, 36-inches in diameter) located adjacent to the ferry berthing area and around portions of the breakwater and turning basin. These protection piles would function as passive marine safety features and would supplement the guide piles and donut fender system associated with the proposed ferry facilities. The protection piles are intended to provide additional protection for waterside infrastructure during vessel approach and docking operations, including in the unlikely event of a vessel loss-of-control incident (see Section 3.12, *Transportation*).

[14] Fender piles are marine protective structures designed to absorb or deflect vessel impact and help prevent contact with adjacent facilities.

[15] Donut fenders are circular energy-absorbing devices installed around piles or other marine structures to cushion vessel contact and reduce the transfer of impact forces during docking maneuvers or other low-speed vessel movements.

[9.] Gangway is defined as a raised platform or walkway that provides a passage. For the proposed project, the gangway would provide passage from the pier to the float.

[10.] Floats are defined as structures buoyant in water.

[11.] Fender piles are marine protective structures designed to absorb or deflect vessel impact and help prevent contact with adjacent facilities.

[12.] Donut fenders are circular energy-absorbing devices installed around piles or other marine structures to cushion vessel contact and reduce the transfer of impact forces during docking maneuvers or other low-speed vessel movements.

The following text changes have been made to Draft EIR Chapter 2, *Project Description*, page 2-27:

The landside retaining wall would be a mechanically stabilized earth (MSE) with a pre-case concrete panel face. Following the completion of the shoreline retaining wall and landside concrete abutment, the new pier would be constructed from the shoreline heading westward likely using a combination of a floating crane barge and shore-based cranes operating from the progressive extension of the newly constructed concrete abutment and pier. The 1,080-foot pier would be constructed using 24-inch octagonal precast concrete piles (24-inch concrete piles). Two 24-inch concrete piles would be installed approximately every 25 feet using a combination of jetting and impact pile driving. At the landside interface approximately 2 steel piles will be driven through the existing rock dike using a crane and a combination of vibratory and impact hammers. The construction of the pier would progress westward to include construction of the landing floats using 24-inch concrete vertical piles and eventually construction of loading ramps, and adjacent donut fender piles and fender piles using 36-inch steel pipe piles as support guide piles. The 36-inch steel pipe piles anchoring the UCFs and donut fenders would be installed using a combination of vibratory and impact pile driving hammers. To complete the project and to help protect the ferry boarding areas and reduce wave energy, a concrete sheet pile breakwater perpendicular to the new pier would be constructed using 24-inch concrete batter piles and interlocking 48-inch x 14-inch prestressed concrete sheet piles (sheet piles) using a combination of jetting and impact pile driving hammers for the 24-inch concrete batter piles and sheet piles. Four 12-inch Precast Prestressed Concrete Marker Piles would be installed along the dredged channel to identify the limits of the dredged channel. Table 2-1 provides a summary of the kinds of piles and the number of piles that are proposed.

Table 2-1 Summary of Proposed Piles [~~2~~1]

Location	Pile Type	Number of Piles
Landside/Shoreline Retaining Wall	24-inch Steel Pipe Pile [2]	~~46~~ 4
UCF Guide and Donut Piles and Fender Piles	36-inch Steel Pipe Pile	~~18~~ 28
Pier, Landing Platform, and Breakwater	24-inch Octagonal Prestressed Concrete Pile	~~227~~ 128
Breakwater	48-inch x 14-inch Concrete Sheet Pile	~~125~~ 75
Dredged Channel	12-inch Precast Prestressed Concrete Marker Piles	4

[1] The overall number of piles presented in Table 2-1 ~~is based on the current design of the Project and may be reduced in the future~~ has been reduced from the Draft EIR to the Final EIR, based on the updated project design. ~~The number of piles in Table 2-1 is a conservative estimate. For example, the retaining wall may be MSE and would not require the number of piles identified.~~

[2] Two of these piles have a 54-inch diameter sleeve. The purpose of the steel pile sleeve is to isolate the inner steel piles from riprap slope movement during earthquakes.

The following text changes have been made to Section 3.3, *Biological Resources* (Page 3.3-60):

Table 3.3-4 Proposed Project Estimated Cover Area

Structure	Pile Type	Cover Area (square feet)
Existing Pier	20" Concrete Piles	28,160
New Build		
New Pier, Gangway and Platform, and Breakwater	24" Octagonal Piles	33,525
	48"x14" Prestressed Concrete Sheet Pile (for breakwater)	
Universal Charging Float Guide and Donut Piles	36" Steel Guide Pipe Piles	11,685
	36" Steel Donut Fender Pipe Piles	
Total New Build		**45,210**
Net Change		**17,050**

Notes: As noted in Table 2-1 of Chapter 2, *Project Description*, design updates (since the Draft EIR was published) have resulted in an overall reduction in the number of piles proposed for installation. Given that final calculations will be conducted as the City obtains regulatory permits, the values in this table have not been changed. They continue to represent conservative values for the purposes of CEQA analysis.

The following text changes have been made to Section 3.10, *Noise* (Pages 3.10-25 and 3.10-26):

Table 3.10-15 Waterside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA)	Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
…							
Pile Installation	49	Along pier	Shorebird Park[3]	150	79	60	**Yes**
			Skates on the Bay Restaurant[4]	~~230~~ 170	~~75~~ 78	70	**Yes**
			Nearest live-aboard boat[45]	670	66	65	**Yes**
…							

dBA = A-weighted decibels

[1] All equipment in each waterside construction phase was conservatively assumed to operate near the pier entrance, as this represents the closest location where construction activity may occur relative to nearby sensitive receptors for extended periods of time.

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime residential and commercial limits are 60 dBA and 70 dBA, respectively.

[3] The City does not define construction noise thresholds for parks or similar outdoor recreation spaces (e.g., Shorebird Park); however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., low-density residential land uses) of 60 dBA was used.

[4] Note that restaurants are not typically considered to be noise-sensitive receptors; however, due to the close proximity of this land use to project construction and locations where pile driving would occur, this restaurant is conservatively included as a sensitive receptor.

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA)	Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?

[4] [5] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. For evaluation of waterside construction noise impacts, this analysis conservatively assumes that the nearest live-aboard boat is situated at the southwestern corner of the Marina, as this represents the nearest location to proposed waterside construction activities.

Source: See Appendix E for construction noise modeling results.

Table 3.10-16 Comparison of Waterside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated and Mitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
…							
Pile Installation	49	Along pier	Shorebird Park[3]	79	69	60	**Yes**
			Skates on the Bay Restaurant	~~75~~ 78	~~65~~ 68	70	No
			Nearest live-aboard boat[4]	66	56	65	No
…							

dBA = A-weighted decibels; MM = Mitigation Measure

[1] All noise levels presented at sensitive receptors in this column account for the noise reduction provided by Mitigation Measure NOI-1, which is estimated to provide 20 dBA of noise reduction for phases consisting of general construction activities (i.e., dredging, deck, float, and gangway construction, and amenities installation) and 10 dBA of noise reduction for phases consisting of pile driving activities (i.e., demolition and pile installation).

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime residential and commercial limits are 60 dBA and 70 dBA, respectively.

[3] The City does not define construction noise thresholds for parks or similar outdoor recreation spaces (e.g., Shorebird Park); however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., low-density residential land uses) of 60 dBA was used.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. For evaluation of waterside construction noise impacts, this analysis conservatively assumes that the nearest live-aboard boat is situated at the southwestern corner of the Marina, as this represents the nearest location to proposed waterside construction activities.

Source: See Appendix E for construction noise modeling results.

The following text changes have been made to Section 3.12, *Transportation* (Page 3.12-24):

It should be noted that other marine vessels regularly operate near the project site, given that the project site is next to an active Marina. Similar to other vessels, ferry vessels would operate safely. For example, when approaching the ferry floats, ferry vessels would slow down significantly and adhere to speed limits and docking safety procedures. Additionally, the project design has been refined to include additional fender piles and donut fenders located adjacent to the proposed ferry berthing area and around portions of the breakwater and turning basin. These fender piles and donut fenders would function as passive marine safety features and are intended to supplement the guide piles and donut fender system associated with the ferry terminal described in Chapter 2, *Project*

> *Description*. The fender piles and donut fenders would provide an additional layer of protection for ferry terminal infrastructure during vessel approach and docking operations, including in the unlikely event of a vessel loss-of-control incident. The addition of these fender piles and donut fenders is consistent with standard marine engineering and navigational safety practices and would further reduce the potential for collisions involving ferry terminal facilities. The fender piles and donut fenders do not alter ferry operations, navigation routes, vessel maneuvering requirements, or the conclusions of this analysis regarding transportation safety.

As described above, these refinements are within the scope of the project analyzed in the Draft EIR and do not result in new or more severe environmental impacts than those originally disclosed. As such, the conclusions of the Draft EIR remain unchanged.

In addition to the above text change describing the inclusion of fender piles and donut fenders, to further clarify the regulatory framework governing ferry navigation and vessel safety, the following clarification text changes, a new paragraph, has been made to Draft EIR Section 3.12, *Transportation* (Page 3.12-15):

> *Expansion of Ferry Transit Service in the San Francisco Bay Area Program EIR*
>
> The Water Emergency Transportation Authority (WETA) – also known as San Francisco Bay Ferry – prepared the Expansion of Ferry Transit Service in the San Francisco Bay Area Program EIR in 2003 (2003 WETA EIR). The Navigation Section of the 2003 WETA EIR, which the City incorporates by reference herein, included a program-level analysis of ferry vessel navigation and operational safety within the San Francisco Bay. The 2003 WETA EIR describes the regulatory context governing ferry navigation, including federal, state, and regional regulations, as well as coordination with and oversight by applicable maritime authorities. The 2003 WETA EIR accordingly evaluates potential navigation-related impacts associated with expanded ferry service and identifies standard operating procedures and mitigation measures to maintain safe vessel operation and minimize navigation conflicts, including the potential for vessel loss of control incidents (refer to 2003 WETA EIR Section 3.2.1.5, *Regulatory Setting*, and Section 3.2.2, *Impacts and Mitigation*). This information on the regulatory context as well as these mitigation measures are incorporated by reference and provide a broader regulatory and operational framework for ferry navigation evaluated at the project level in this Draft EIR.

To improve clarity regarding the incorporation of the 2003 WETA EIR with respect to the above revision to Section 3.12, Transportation, additional clarifying text has been added to Section 1.1.3, Incorporation by Reference (Page 1-2):

> This EIR includes a summary of the relevant parts of the WETA Program EIR. Please refer to Section 3.3, *Biological Resources*, ~~and~~ Section 3.7, *Hazards and Hazardous Materials*, and Section 3.12, *Transportation*, for a summary of the analysis in the WETA Program EIR, as it pertains to the proposed project.

This clarification does not result in new or more severe impacts, nor does it alter the analysis presented under Impact TRA-3. Therefore, the analysis and significance conclusion presented under Impact TRA-3 in the Draft EIR remain valid as written.

Section 3.11, *Recreation*, of the Draft EIR evaluates water-based recreation and Section 3.12, *Transportation*, evaluates navigation and vessel operations. These analyses conclude that recreational uses would remain compatible with ferry operations. However, page 3.11-19 of the Draft EIR has been revised to incorporate clarifying text as follows:

> Operation of the ferry vessels would not interfere with recreational uses of the Berkeley Waterfront area. While the project would introduce ferry vessel operations within the approach channel and berthing area, these activities would be limited to defined navigation corridors. Recreational sailing areas in the Marina and adjacent waters would remain available.

Operational compatibility with water-based recreation is addressed in Draft EIR Section 3.11, *Recreation*, which explains that ferry vessels would not interfere with water-based recreation (Impact REC-1, pages 3.11-16 through 3.11-20).

Page 3.11-20 has been revised to incorporate clarifying text as follows:

> Ferry operations would comply with speed restrictions and navigation protocols, resulting in wake conditions consistent with existing vessel traffic. Recreational users, including swimmers and non-motorized watercraft users, are not typically present within the proposed ferry terminal location, north of the Pier, due to the existing traffic of sailboats and charter boats entering and exiting the Marina. Ferry boats would be regulated near the ferry terminal and be restricted to a travel speed maximum of 8 knots.[29] More specifically, at 0.33 nautical miles, or approximately 2,000 feet from the terminal, ferry boats would begin to slow speed to reduce the effects of the vessel's wake. At 0.25 nautical miles, or approximately 1,500 feet from the terminal, the vessels would be brought to neutral for transferring and qualifying controls at the wing station for docking.[30] Consistent with existing WETA practices, ferry operations would be subject to U.S. Coast Guard navigation and safety requirements and would incorporate standard operational protocols, including defined approach routes, speed controls, and coordination with marina traffic, to ensure safe coexistence with recreational water users (refer to Section 3.12, *Transportation*). In addition to compliance with speed restrictions and navigation protocols, recreational users, including swimmers and non-motorized watercraft users, are not typically present within the proposed ferry terminal location north of the Pier due to the existing traffic of sailboats and charter boats entering and exiting the Marina. There are no designated launch points within the immediate vicinity of the ferry terminal. Ferry operations would occur within areas already characterized by vessel activity and would not affect primary recreational launch areas located elsewhere within the Berkeley Waterfront. Therefore, the associated ferry wake would not be noticeable within the context of the Berkeley Waterfront area and existing sailboat, motorized boats, and other recreational craft use. Recreation in the South Sailing Basin would not be impacted by operation of the proposed project, given the ferry boats would not traverse that area.
>
> [29.] 8 knots is equal to approximately 9.2 miles per hour.
>
> [30.] Gerrity, Brian. 2025. Project Manager, Capital Planning, San Francisco Bay Ferry. Personal communication regarding ferry speed in the Berkeley Waterfront area with Leo Mena, Senior Environmental Planner, Rincon Consultants. December 4, 2025.

In summary, the potential for loss of control incidents is adequately addressed through regulatory compliance, project design, and WETA's standard operational practices for vessel navigation and safety as described in Draft EIR Chapter 2, *Project Description*, and Section 3.12, *Transportation*. No significant environmental impacts related to such potential events have been identified with respect to these EIR topical areas. Therefore, the Draft EIR conclusions and mitigation measures remain valid.

2.2.15 Topical Response: Maintenance Dredging

Page 2-36 of Section 2.6.1, *Construction Details*, within Chapter 2, *Project Description*, of the Draft EIR describes the extent, location, and volume of dredging required for the project. As later described on Page 3.3-14 in Section 3.3, *Biological Resources*, of the Draft EIR, dredging activities at the project site are subject to oversight and permitting by USACE, with additional coordination with agencies such as the Regional Water Quality Control Board and the Dredged Material Management Office. The City of Berkeley or WETA would be responsible for implementing project-related dredging, subject to these regulatory approvals. Future maintenance dredging within the navigation channel or turning basin would be required to obtain applicable environmental clearances and regulatory permits and approvals.

In response to these comments, the following clarification text changes have been made to Draft EIR Section 2.6.1, *Construction Activities and Equipment*, page 2-28 as follows:

> Dredged materials and demolition debris would all be transported via barge that have a capacity of between 3,000 and 6,000 cubic yards. The location for disposal of dredged materials would depend

on the sampling results of the dredged materials, as well as permitting requirements. However, based on the recently completed Berkeley Marina Dredging Project of 2024 to 2025, it is expected that disposal would occur at Montezuma Wetland Restoration Project (Beneficial Reuse), Alcatraz Disposal Site, or another disposal site in the San Francisco Bay. The dredging described above represents one-time, project-specific dredging required to establish navigable depths for ferry operations. This dredging would be conducted on behalf of the City of Berkeley and/or WETA, subject to all applicable permits and approvals from the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), San Francisco Bay Conservation and Development Commission (BCDC), and the Dredged Material Management Office (DMMO). Although dredging would occur within the alignment of an existing USACE-designated federal navigation channel, this portion of the channel has not been maintained by USACE in recent decades and is not currently included in an active federal maintenance dredging program. Accordingly, dredging at this location would constitute new work dredging, and the proposed project does not assume that USACE would conduct or be responsible for this initial dredging.

The above clarifications do not change the project description as analyzed throughout the Draft EIR. The environmental analysis conservatively evaluates the maximum dredging extent and all impacts associated with project-related dredging were assessed assuming project implementation by the City under applicable regulatory oversight.

Regarding maintenance dredging, the need for, timing of, and extent of future maintenance dredging cannot be determined with certainty at this time. Refer to the 2025 Coastal Study prepared for the project.16 As discussed therein, a hydrodynamic and sediment transport model was developed to evaluate sediment deposition within the proposed dredged areas and estimate long-term maintenance requirements. The study concluded that average annual sedimentation rates are approximately 0.20 feet per year within the approach channel and approximately 0.09 feet per year within the berth pockets. Based on these modeled sedimentation rates, the study estimated that maintenance dredging may not be required for approximately 10 to 15 years within the approach channel and approximately 22 to 33 years within the berth pockets, depending on the operational depths ultimately maintained. The study also notes that these estimates are subject to uncertainty and are based on modeling assumptions, available calibration data, and future conditions that may change over time (refer to Coastal Study, Executive Summary, pages 7-8; and Sections 6-7, pages 64-67). Accordingly, there is currently no project-specific maintenance dredging program, schedule, dredging volume, disposal plan, or operational commitment that can be analyzed. Whether maintenance dredging will ultimately occur, when it may occur, the amount of material that may require removal, the technologies available at that time, applicable regulatory requirements, and environmental conditions present when such dredging may become necessary are presently unknown.

CEQA does not require the analysis of impacts that are too speculative for meaningful evaluation. CEQA Guidelines Section 15145 provides that where a lead agency determines, after thorough investigation, that a particular impact is too speculative for evaluation, the agency may conclude its discussion of that impact. Given that potential maintenance dredging, if needed, is not anticipated for at least 10 years and potentially more than 30 years depending on location and operating conditions, and because the timing, extent, methods, and environmental setting associated with any future maintenance dredging are presently unknown, detailed environmental analysis of future maintenance dredging would be speculative. Should maintenance dredging be proposed in the future, such activities would be subject to applicable permitting requirements and any environmental review required under then-applicable federal, state, and local regulations.

To provide additional clarification, the following text has been added to Draft EIR Section 2.6, *Construction Details*, within the discussion of dredging (page 2-28):

[16] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study prepared for City of Berkeley. December. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_Coastal-Study.pdf

> Sediment transport modeling prepared for the project estimates that maintenance dredging, if required, would occur infrequently. Based on modeled sedimentation rates, maintenance dredging within the approach channel may not be needed for approximately 10 to 15 years, while maintenance dredging within berth pockets may not be needed for approximately 22 to 33 years, depending on operational depth requirements.[23] Because the timing, extent, volume, methods, and regulatory requirements associated with any future maintenance dredging are presently unknown, no maintenance dredging program is proposed as part of the project at this time. Any future maintenance dredging activities would be evaluated and permitted, as required, based on the circumstances existing at that time.
>
> [23] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study prepared for City of Berkeley. December. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_Coastal-Study.pdf

This revision is clarifying in nature and does not alter the impact analysis, significance determinations, or mitigation measures presented in the Draft EIR.

Furthermore, it should be noted that any potential cumulative impacts associated with maintenance dredging, including potential cumulative impacts from the proposed project one-time dredging event, future unknown maintenance dredging for the proposed project, or any other dredging nearby would be addressed through applicable permitting requirements. Dredging in the Bay is highly regulated by the Dredged Material Management Office. CEQA Guidelines Section 15130(c) states the following: “With some projects, the only feasible mitigation for cumulative impacts may involve the adoption of ordinances or regulations rather than the imposition of conditions on a project-by-project basis.” In the case of dredging impacts in the Bay, the Dredged Material Management Office has imposed regulations that address any potential cumulative impacts related to dredging.

The Draft EIR's analysis and conclusions related to dredging impact remain valid as written. No further revisions to the EIR are necessary.

2.2.16 Topical Response: Measure L

Measure L was passed by City of Berkeley residents through a citywide vote in the November 1986 election. The initiative was placed on the ballot to ensure public oversight and protection of the city's parks and open spaces. As stated in the Section 3.9, *Land Use and Planning* (See 3.9-33) of the Draft EIR, Measure L provides that:

> "No public parks or public open space owned or controlled or leased by the City or agency thereof, shall be used for any other purpose than public parks and open space, without the Berkeley City Council first having submitted such use to the citizens for approval by a majority of registered Berkeley voters voting at the next general election; except that such voter approval is not required for temporary use of public parks or public open space for other purposes, if a state of emergency has been declared..."
>
> (BMC Section 6.42.010)

"Public parks" are defined as City of Berkeley parks, public school playgrounds, or lands held in trust by a public entity that have been formally dedicated to permanent recreational use by the City of Berkeley and funded for recreational use by City of Berkeley public funds. "Public open space" is defined as all City of Berkeley parks, public school playgrounds, and vacant public land, whether formally dedicated to park use or being used de facto as open space with recreational use or potential use on or after January 1, 1985 (BMC Section 6.42.030).

As discussed in the Draft EIR, the proposed project is consistent with Measure L. The analysis proceeds component by component.

Landside Improvements

None of the proposed landside improvements would take place within a public park, with the limited exception of the installation of a new wayfinding sign in Shorebird Park. The installation of this sign would not change the purpose or alter the use of Shorebird Park but rather is consistent with its park use. The remaining landside improvements do not implicate Measure L because they are not occurring in a public park. Even if Measure L applied, the improvements are consistent with Measure L as described below.

- The parking lot improvements consist of renovation of an existing parking lot. This renovation would include removing a landscaped strip bordered on one side by Seawall Drive and the Parking Lot on another side. This median is not accessible to the public (there are no cross-walks or paths leading to it or amenities connected to it). Therefore, the Project would not result in a change of use.
- The public plaza improvements consist of enhancements to an existing paved plaza area, adding amenities such as seating, a public restroom, and bicycle parking. These amenities do not amount to a change in use. Rather, these improvements are intended to promote the space as a public gathering space, which is consistent with and supportive of the existing recreational use.
- The Bay Trail Extension and cycle track would be constructed in an area currently occupied by parking stalls and a dilapidated pathway. The use of this area is moving from parking to landscaped green space and multi-use trail for recreational use by bicyclists and pedestrians.
- The cycle track improvements and bus facilities would be built in the public right-of-way, which is not parkland or open space subject to Measure L. In any event, they do not change the character of the area, but rather facilitate use of the space for recreational purposes, consistent with Measure L.

Pier Improvements

The waterside improvements include building a new pier in the same location as the existing, deteriorated pier. The pier would not be built in a public park or in public open space as defined by Measure L. Even if the areas upon which the pier is built were subject to Measure L, these improvements are Measure L compliant, because the new pier would not change the purpose or alter the use of these areas - it replaces the existing pier and maintains the recreational use of the area. In fact, the new pier expands recreational use because the current pier has been inaccessible to the public since its closure in 2015.

Ferry Terminal, Charging Infrastructure, and Breakwater

The ferry facility, ferry charging infrastructure, and breakwater would be installed in open Bay waters. Open Bay waters are navigable waters of the State, subject to the public trust doctrine and the regulatory jurisdiction of the San Francisco Bay Conservation and Development Commission and the State Lands Commission, not “public parks” or “public open space”. Therefore, Measure L is not triggered.

For these reasons, as stated in the Draft EIR, the proposed project would not conflict with Measure L. No revision to the Draft EIR is warranted on this basis.

2.2.17 Topical Response: Mitigation Measure Requirements

CEQA Guidelines Section 15126.4 requires that an EIR identify feasible mitigation measures for potentially significant impacts and provides that the development of mitigation measures shall not be deferred to a future time but also states that specific details of a mitigation measure may be developed after project approval, where it is impractical to finalize those details during environmental review. CEQA Guidelines Section 15126.4(a)(1)(B) states:

“Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project’s

environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards."

The comments identified three mitigation measures that the comments refer to as deferred. Each is addressed below.

First, Draft EIR Mitigation Measure BIO-3 (which requires removal of additional portions of the existing pier) does not constitute deferred mitigation. Mitigation for impacts to waters of the United States and waters of the State is typically determined through the regulatory permitting process, in coordination with the U.S. Army Corps of Engineers and Regional Water Quality Control Board. As part of this process, project impacts must first be avoided, then minimized to the maximum extent practicable, after which the permitting agencies establish the appropriate type, location, and amount of mitigation based on site-specific conditions, resource functions and values, and applicable regulatory standards. The final mitigation requirements, including mitigation ratios, performance standards, and monitoring requirements, are formalized through permit conditions (e.g., Section 404 and Section 401 authorizations). Mitigation Measure BIO-3 commits the project to providing mitigation consistent with these regulatory requirements and ensures that impacts to jurisdictional waters will be fully offset in accordance with federal and state standards.

Consistent with CEQA Guidelines Section 15126.4, the Draft EIR commits to the mitigation measures identified throughout the document and will further commit to these measures by adopting and implementing a Mitigation Monitoring and Reporting Program (MMRP). In addition, the mitigation measure establishes performance standards that the measure must achieve (i.e., 1:1 mitigation ratio) and identifies the types of actions that will be implemented to meet those standards (i.e., the removal of existing pier piles and decking). To the extent that negotiations with regulatory agencies may result in a higher mitigation ratio than the 1:1 minimum specified in Mitigation Measure BIO-3, the City states that Mitigation Measure BIO-3 expressly establishes a floor, not a ceiling, and provides that the measure "may be modified or supplemented by permit conditions from applicable regulatory agencies." Therefore, adoption and incorporation into the project of Mitigation Measure BIO-3 will commit the City to mitigation that includes specific performance standards and identifies the types of potential activities to achieve these standards, consistent with CEQA Guidelines Section 15126.4(a)(1)(B). Accordingly, Mitigation Measure BIO-3 is not deferred mitigation, but rather is structured in a manner which allows the City to finalize implementation details, including removal ratio, at a later stage so long as enforceable standards and commitments are met. Because the Draft EIR discloses the mitigation framework, performance criteria, and anticipated methods of compliance, the public has been provided with a meaningful opportunity to review and comment on the effectiveness and feasibility of the proposed mitigation measures. Therefore, the Draft EIR complies with CEQA Guidelines Section 15126.4 and does not impermissibly defer mitigation.

Second, the City has not deferred mitigation by not providing a parking management plan. Parking supply is not an impact under CEQA so no mitigation measure was identified to prepare a parking management plan. Refer to the Section 2.2.20, *Topical Response: Parking,* for more information on this topic.

Third, the implementation of mitigation from the 2003 WETA EIR is not deferred mitigation. As identified in Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* the 2003 WETA EIR is not relied upon for the discussion of land use impacts or recreational access amenities. For a discussion of recreational access amenities, refer to Section 2.5 Proposed Project Components, Chapter 2 *Project Description*, pages 2-6 through 2-22 which describes the recreational amenities on the waterside and landside for the proposed project along with figures and plan views of the key components of the project that are intended to provide an enhanced recreational amenity throughout the waterfront area. For the proposed project land use impacts, please refer to Section 3.9, *Land Use and Planning* of the Draft EIR.

For questions raised by comments about specific mitigation measures, additional information about why the measure is compliant with CEQA Guidelines Section 15126.4 is provided in the responses to comments raising this issue. In summary, the Draft EIR significance conclusions and associated mitigation measures remain valid, and no changes are necessary in response to these comments.

2.2.18 Topical Response: Nighttime Lighting/ALAN[17]

The baseline conditions of existing lighting and glare in the project vicinity are described in Draft EIR Section 3.1.2, *Light and Glare*, which considers temporary, mobile, and permanent sources of lighting and glare in the project vicinity.

The following clarifying text, underlined below, has been added to Draft EIR Section 3.1.2, *Light and Glare*, on page 3.1-8*:*

> *Primary stationary sources of light at the project site include streetlights, parking lot and safety* lighting, pier lighting, and exterior building lights. Automobile headlights also create temporary, mobile sources of light along proximate roadways and within on-site and nearby parking lots. Refer to Figure 3.1-2, Photograph 1 for a representative photograph of the existing lighting on the pier. Refer to Figure 3.1-2, Photograph 2 for a photograph of the Berkeley Waterfront, which shows the nighttime lighting on the pier, as well as the Seawall Drive Parking lot (refer to the middle of the photograph, to the peninsula located to the left of the pier).
>
> As described in Chapter 2, *Project Description*, existing lighting is present on the closed pier (28 lights spaced approximately 110 feet apart from each other on the north side of the closed pier), as well as the existing Seawall Drive parking lot (eight lights in parking islands).

As described in the Draft EIR Chapter 2, *Project Description*, and Section 3.1, *Aesthetics*, the proposed project would require temporary nighttime lighting during construction and includes permanent lighting fixtures to be used once the project is operational. As discussed in Section 3.1, *Aesthetics* under Impact AES-4 (pages 3.1-33 through 3.1-34), nighttime construction lighting would be temporary and limited, and operational lighting (i.e., permanent fixtures) would be similar in nature to existing conditions while remaining compliant with local safety and design requirements. As required by Draft EIR Mitigation Measure AES-1 and in compliance with BCDC and local guidelines, project lighting would consist of shielded, downward, project-facing lighting, and all fixtures would be compliant with Illuminating Engineering Society (IES) and DarkSky recommendations to control and minimize glare, avoid light pollution, and minimize light trespass. Discussion of impacts to biological resources associated with proposed project lighting, including Artificial Light at Night (ALAN) are addressed in Draft EIR Section 3.3, *Biological Resources.* Impact BIO-1 (pages 3.3-42 through 3.3-56) determined less-than-significant impacts to biological resources as a result of proposed project lighting with implementation of Mitigation Measures AES-1.

The following clarifying text, underlined below, is added to Draft EIR Section 3.1.3, *Regulatory Framework*, page 3.1-16*:*

> San Francisco Bay Conservation and Development Commission
>
> **San Francisco Bay Plan**
>
> The San Francisco Bay Plan[8] developed by the San Francisco Bay Conservation and Development Commission (BCDC) aims to maintain and enhance the Bay as a body of water that affords scenic enjoyment. Key aesthetics objectives in the form of findings and policies applicable to the proposed project include the following:
>
> …

[17] ALAN is the abbreviation of "Artificial Light at Night."

- Transportation Policies
  - Policy 4. Transportation projects on the Bay shoreline and bridges over the Bay or certain waterways should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails. Transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline.

Public Access Design Guidelines for Shoreline Spaces[9]

The BCDC Public Access Design Guidelines for Shoreline Spaces (BCDC 2005) provides guidelines for shoreline design. Guidelines related to visual resources are listed below.

- Taking advantage of existing site characteristics and opportunities, such as fishing, viewing, picnicking, swimming or boating.
- Locating buildings, structures, parking lots and landscaping of new shoreline projects such that they enhance and dramatize views of the Bay and the shoreline from public thoroughfares and other public spaces.
- Organizing shoreline development to allow Bay views and access between buildings.
- In hilly areas, designing and locating shoreline buildings to allow for upland views down to the Bay and to Bay access areas.
- In hilly areas, employing split-level roads to increase viewing and landscaping potential.
- Designing towers, bridges or other structures as landmarks that suggest the location of the waterfront, even when the Bay itself is not visible.
- Providing visual interest and architectural variety in massing and height to new buildings along the shoreline.
- Using building footprints to create a diversity of public spaces along the Bay.
- Articulating shoreline building facades with human-scale elements.
- Using forms, materials, colors and textures that are compatible with the Bay and adjacent development.
- Locating service areas, such as garbage facilities and loading docks, away from the shoreline or screen them with suitable fencing or landscaping.
- Utilizing the shoreline for Bay-related land uses as much as possible; uses that do not complement the Bay should be set back from and not impact the shoreline.
- Orienting the development to Bay views and providing physical connections to the Bay at every opportunity.
- Orienting public access areas and improvements to take advantage of views of opposite shores, landmarks (such as islands and bridges) and adjacent maritime activities such as boat launching, gas docks, ferry landings or other marine-related uses.
- Utilizing the shoreline for Bay-related uses. Uses that do not orient to the Bay should be set well back from the Bay and be sited, designed and managed so as to not impact the shoreline.
- Provide buffers between roadways and public access areas, such as planting, low berms or roadside parking, and maintain views to the Bay.
- Provide parking for shoreline access areas where appropriate, but keep parking areas reasonably sized, away from the Bay and adequately screened.
- Provide small bayside parking areas or pull-offs for limited in-car Bay viewing, where compatible with existing roads and adjacent uses.
- Provide elevated places for viewing the Bay.
- Use site furnishings, such as benches, trash containers and lighting, to provide visual cues that the shoreline space is available for public use.

- Use lighting to extend the hours of shoreline use.
- Locate night lighting away from sensitive habitat areas.
- Provide enough lighting to create a sense of safety, but designing to control intensity, glare, and spillover.

[8] BCDC. 1969. San Francisco Bay Plan. Available: https://bcdc.ca.gov/resources/plans/san-francisco-bay-plan/#introduction. (accessed September 2024).

[9] BCDC. 2005. Shoreline Spaces: Public Access Design Guidelines for the San Francisco Bay. Available at: https://www.bcdc.ca.gov/wp-content/uploads/sites/354/2023/09/Public-Access-Design-Guidelines-Shoreline-Spaces-PDF.pdf. Accessed June 2026.

The following clarifying text, underlined below, is added to the Draft EIR discussion under Impact AES-4 (page 3.1-33):

Operation

The BCDC Public Access Design Guidelines for Shoreline Spaces (BCDC 2005) provides guidelines for shoreline design. Guidelines related to lighting include:

- Using site furnishings, such as benches, trash containers and lighting, to provide visual cues that the shoreline space is available for public use;
- Using lighting to extend the hours of shoreline use;
- Locating night lighting away from sensitive habitat areas; and
- Providing enough lighting to create a sense of safety, but designing to control intensity, glare, and spillover.

The proposed project would include the following lighting features:

- Wayfinding signage lighting along University Avenue, Seawall Drive, and the proposed Bay Trail Extension
- Lighting at the Seawall Drive parking lot
- Lighting on the new pier, breakwater, gangways, and floats
- Lighting at the new public plaza

Down-cast LED lights would be placed approximately every 50-feet along the Pier and Breakwater on 16-foot tall poles. The pier canopy structure would be fitted with LED linear downlights attached to the roof and wall sconces attached to the columns. Stainless steel guardrails on the pier would contain LED handrail point lighting aimed at the deck, which would also to be used for emergency egress lighting. A solar-powered marine signal light would be installed on the float. Emergency LED path of egress lighting would also be installed on the central inverter. The proposed project lighting is required to support safe nighttime use of University Avenue, Seawall Drive, the proposed Bay Trail Extension, Seawall Drive parking lot, and pier by providing adequate visibility for pedestrian circulation, wayfinding, vehicle maneuvering, and hazard avoidance during hours of darkness, as required by the BCDC. ~~Furthermore, lighting~~ All project light fixtures would be photocell-controlled area lighting in compliance with Illuminating Engineering Society (IES) and DarkSky recommendation to minimize glare, reduce light trespass, and avoid light pollution. With utilization of DarkSky approved light fixtures, operational impacts related to new sources of light would be less than significant.

Vehicular traffic from the proposed project would result in an increase in mobile light sources (i.e., vehicle headlights) in the project vicinity. The existing visual setting is characterized by developed land uses, established roadway infrastructure, and ongoing vehicular activity that already introduces

intermittent headlight illumination and associated glare during nighttime hours; thus, the baseline environment includes regular exposure to such light sources. As described in Section 3.12, Transportation, and Appendix F, the Project is estimated to generate 1,127 daily vehicle trips; however, it is anticipated that most of these trips are not new trips, and were originally headed to San Francisco by driving across the Bay Bridge. Project-generated traffic would incrementally increase the number of vehicles on nearby roadways, increasing the frequency of headlight visibility within the viewshed. However, this increase would be minor and dispersed, occurring within existing roadway corridors and parking areas already defined by vehicular movement and associated lighting. Vehicle headlights are inherently transient, directional, and mobile, producing short-duration illumination rather than static or concentrated light sources. Accordingly, the project would not substantially increase ambient nighttime illumination or introduce new patterns of light spill or glare beyond existing conditions. This impact would be less than significant.

It is not anticipated that significant operational daytime glare would occur from proposed project structures (e.g. pier, breakwater, ferry infrastructure), given the lack of reflective materials in the proposed facility. While the surface of water is reflective, this would not be a change from existing conditions and, thus, would not introduce new sources of daytime glare. Potential glare resulting from Bay water would appear similar in character to existing, surrounding Bay water at the project site. Therefore, operational glare impacts related to new sources of glare would be less than significant.

Discussion of project impacts to biological resources associated with proposed project lighting is included in Section 3.3, *Biological Resources*.

Environmental impact analysis associated with light and glare evaluated in Draft EIR Section 3.1, *Aesthetics*, is based on the lighting infrastructure and design assumptions described in Draft EIR Chapter 2, *Project Description*, (pages 2-22 through 2-23) and implementation of required Mitigation Measure AES-1. The light and glare impact (Impact AES-4, refer topages 3.1-33 through 3.1-34) was determined to be less-than-significant-with mitigation. For the following reasons, modelling future lighting is not reasonable or required for assessment of environmental impacts related to the proposed project:

- Project lighting would occur within an already developed area along already developed roadways, trails, paths, piers, and other public uses;
- Project lighting would primarily replace or enhance existing lighting;
- Project lighting would be primarily to provide for safe use of the waterfront and to extend the public hours of such use; and
- Project lighting would be designed to avoid glare and in conformance with DarkSky recommendations.

The text changes above are clarifying in nature and do not alter the substance of the impact analysis or the resulting significance determination. Therefore, the analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid.

2.2.19 Topical Response: Ordinance (Prohibited Recreational Activities)

The Marina Boundary

BMC Chapter 6.20 governs the Berkeley Marina. As defined in BMC Section 6.20.010(A), the "Berkeley Marina" is the area owned or controlled by the City, including the municipal fishing pier, the breakwater, the sea walls and the extensions thereof, located on the Berkeley waterfront, bounded on the west by a north-south line through the end of the Municipal Fishing Pier. The pier footprint and adjacent Bay waters fall within the defined boundaries of the Berkeley Marina as established by BMC 6.20.010(A). BMC Chapter 6.20, including its prohibited activities provisions, therefore applies to the project's waterside area.

Section 6.20.180(A): Swimming, Bathing, Wading, and Windsurfing.

Section 6.20.180(A) states that it is unlawful for any person to swim, bathe, wade, or windsurf in any portion of the marina except at Shorebird Park and in the South Sailing Basin. As established by the Marina boundary definition above, this prohibition applies within the project site. The Draft EIR correctly states that swimming, bathing, windsurfing, and wading are prohibited within City jurisdictional waters in the Marina except at the South Sailing Basin (including Shorebird Park Beach and the sailing docks). This is an accurate statement of existing law. The project does not create this prohibition which predates the project and reflects the existing regulatory baseline.

Section 6.20.180(B): Personal Watercraft

Section 6.20.180(B) is a separate and distinct provision from Section 6.20.180(A). Section B prohibits the operation of jet skis and personal watercraft within 1,500 feet of the Berkeley shoreline or Berkeley Fishing Pier, except within a designated access corridor.

"Personal watercraft" as defined in BMC Section 6.20.010(H) means vessels propelled by a water-jet pump or other machinery as their primary source of motor propulsion - in common parlance, jet skis. Windsurfing boards, kiteboarding equipment, kayaks, paddleboards, and similar wind- or human-powered craft do not fall within this definition. The City agrees that the 1,500-foot personal watercraft restriction in Section 6.20.180(B) does not apply to wind- or human-powered watercraft. However, the activities at issue (swimming, windsurfing, wading, and bathing) are addressed not by Section B but by Section A, which applies Marina-wide. The comments' focus on the legislative history of Section B is, therefore, not relevant to the applicability of Section A.

The following clarifications are added to pages 3.11-18 and 3.11-19 of the Draft EIR:

> For construction occurring in the water, swimming, bathing, wading, and wind surfing~~, sailing, and kayaking~~ are prohibited at the existing and new pier areas, pursuant to Berkeley Municipal Code Section 6.20.180(A), Prohibited activities. Although Berkeley Municipal Code Section 6.20.180(B) also prohibits the use of jet skis and other motorized watercrafts in this vicinity, sailboats, kayaks, paddleboards, and other non-motorized recreational watercraft may continue to use waters in the pier area. Boats already navigate around the existing pier and other vessels in the Bay and Marina, and they would similarly be able to navigate around in-water construction activities. Boats entering or exiting the Marina would also be able to maneuver around the work area, as construction would be staged to maintain adequate space for vessel passage. Therefore, water-work would not directly impact water-based recreation. ~~Therefore, p~~Project construction also would not substantially increase the use of existing park and recreational ~~reactional~~ facilities, including access to the the San Francisco Bay for recreation use, such that there would be substantial physical deterioration of existing parks and recreational facilities and result in need for new or physically altered park facilities.
>
> …
>
> Operation of the ferry vessels would not interfere with recreational uses of the Berkeley Waterfront area. While the project would introduce ferry vessel operations within the approach channel and berthing area, these activities would be limited to defined navigation corridors. Recreational sailing areas in the Marina and adjacent waters would remain available. Proposed ferry vessels would travel and dock in Bay waters north of the pier, in an area where swimming, bathing, wading, and windsurfing~~/sailing~~ ~~is~~ are prohibited by the Berkeley Municipal Code Section 6.20.180(A), Prohibited activities. These restrictions represent existing municipal regulations applicable to localized areas of the Marina and are part of the existing baseline conditions; the proposed project would not modify or expand the geographic extent of these regulated areas. However, other types of recreational boats are permitted to use this area. Sailboats, kayaks, paddleboards, and other non-motorized personal watercraft are not prohibited by either Section 6.20.180(A) or Section 6.20.180(B) and may continue to use the area accordingly. At present, permitted recreational boats already navigate around the existing pier and other vessels using the Bay and Marina, and they would similarly be able to navigate around the proposed ferry infrastructure and ferry vessels.

The Project Does Not Create or Expand the Prohibition

The proposed project does not impose any new restrictions on water-based recreation. The prohibitions in BMC Section 6.20.180 are existing law applicable to the project site regardless of whether this project is built. The project does not propose new enforcement of those restrictions, nor does it physically preclude access to areas that are currently available for wind- or human-powered watercraft. As described in the Draft EIR at Section 3.11, the primary launch points for swimmers, windsurfers, kayakers, and paddleboarders at the Berkeley Waterfront (the South Sailing Basin docks and Shorebird Beach) are located outside of the project site and would not be affected by the project. The un-improved rocky shoreline at the southernmost point of the 199 Seawall peninsula, used by some water recreators, is likewise south of the project site and not permanently impacted by the project; refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access.*

CEQA Baseline

Several comments state that the DEIR improperly uses BMC 6.20.180 to define the CEQA baseline. However, under CEQA Guidelines Section 15125, an EIR must describe the physical environmental conditions and existing regulatory environment at the time the NOP is published. Impacts to recreational uses, including those activities that may occur informally in the project site, are also analyzed in Section 3.11, Recreation, of the Draft EIR.

For these reasons, the Draft EIR's description of BMC Section 6.20 is correct and no revision to the Draft EIR is warranted.

2.2.20 Topical Response: Parking

Parking Is Not an Environmental Impact Under CEQA

Issues related to parking are addressed in Draft EIR Chapter 3, *Environmental Impact Analysis* (refer to page 3-11). As explained therein, the Draft EIR evaluates potential secondary environmental effects associated with parking conditions through the relevant environmental resource topics. To the extent comments concern the allocation, management, or availability of parking, such comments do not raise significant environmental issues requiring further response pursuant to CEQA Guidelines Section 15088.

The Project is Consistent with Bay Plan Recreation Policy 9

Bay Plan Recreation Policy 9 requires that parking facilities not be usurped by ferry patrons and that shared parking arrangements be provided to minimize the shoreline area needed for parking.

Even assuming inconsistency with the Bay Plan constituted an environmental impact, the DEIR demonstrates that the proposed project is consistent with the Bay Plan, including Recreation Policy 9, and would not usurp recreational parking. As the Draft EIR at Section 3.9 makes clear, the project's Parking and Transportation Demand Management (TDM) Plan demonstrates the Berkeley Waterfront's capacity to accommodate both ferry patrons and recreational users while ensuring meaningful parking access for each. Therefore, the proposed project is consistent with Recreation Policy 9 and there is no conflict with the Bay Plan.

While some comments provided their own estimates of parking demand and availability and concerns regarding the methodology used in the Parking and TDM plan, CEQA does not require the City to adopt or respond point-by-point to such lay calculations or critiques where, as here, the City's analysis is grounded in empirical data and professional methodology prepared by qualified traffic and transportation engineers. The City's conclusions regarding parking sufficiency are based on the Parking and TDM Plan, prepared by Kittelson & Associates, which constitutes substantial evidence supporting the Draft EIR's analysis. Furthermore, the project will require a permit from BCDC, which will independently assess and confirm the project's consistency with its laws and policies including the Bay Plan. During the permitting

process, BCDC may impose special conditions or project changes as necessary to ensure consistency with its laws or policies.

The Project Includes a Robust Parking and TDM Strategy

The City has prepared a Parking and Transportation Demand Management (TDM) Plan for the project. The Parking and TDM Plan establishes parking availability at various parking lots in the project vicinity, estimates ferry-rider parking demand, identifies TDM measures that have been incorporated into the project or could be implemented in the future, and provides recommendations related to shared parking management and allocation. A subsequent Parking Management Implementation Plan will set forth the operational strategies for shared parking, consistent with the recommendations of the Parking and TDM Plan. The Parking and TDM Plan demonstrates that the Berkeley Waterfront has the capacity to accommodate both ferry patrons and recreational users while ensuring meaningful, shared parking access for each, consistent with BCDC Bay Plan Recreation Policy 9.

The Project Ensures Adequate Parking Supply

The existing Seawall Drive parking lot includes approximately 320 parking spaces, and the parking area west of Seawall Drive adjacent to the Bay includes approximately 84 parking spaces, for a total of approximately 404 existing parking spaces across the project site. The proposed project would replace all existing parking spaces with 400 to 450 new parking spaces (pending final design), including ADA-accessible and EV parking spaces. The project therefore maintains approximately the same overall number of parking spaces at the project site and may result in a net increase in parking spaces. The reconfiguration of parking is designed to support shared use consistent with BCDC Bay Plan Recreation Policy 9, which requires that parking facilities not be usurped by ferry patrons and that shared parking arrangements be provided to minimize the shoreline area needed for parking. Further, as discussed above, the Parking and TDM Plan analyzes parking demand based on observed usage patterns at the Berkeley Waterfront and WETA ridership projections and demonstrates that with implementation of Parking and TDM strategies such as well-designed and convenient loading zones for family drop-off and rideshare vehicles, enhanced bicycle and pedestrian access and improved secure bike parking, the Waterfront will have sufficient spaces to accommodate all users.

Parking Availability Does Not Create Secondary Environmental Impacts

CEQA does require analysis of secondary physical impacts if a parking deficiency causes them. This includes increased vehicle travel (including vehicle miles traveled [VMT]) or safety impacts from degraded circulation. The Draft EIR evaluates parking and circulation to determine whether changes in parking supply or management could result in such secondary environmental effects, consistent with CEQA Guidelines Section 15064.3.

As documented in Draft EIR Section 3.12, *Transportation*, and Appendix F, *Transportation Impact Assessment,* the project would generate vehicle trips that can be accommodated within the existing transportation network without creating unsafe conditions or substantially degrading circulation (refer to Section 3.12.4, Impact Analysis, on Pages 3.12-15 through 3.12-25). The analysis concludes that project-related traffic would result in minor increases in delay and queuing and would not introduce a new circulation deficiency or substantially worsen existing conditions (refer to Section 3.12.4, Impact TRA-1, on pages 3.12-17 through 3.12-19; Appendix F, Operational Analysis sections).

With respect to secondary effects related to parking, including potential spillover, increased circulation from drivers searching for parking, or increases in VMT, the Draft EIR and the supporting Parking and TDM Plan demonstrate that the Berkeley Waterfront parking supply is sufficient to accommodate project ferry parking demand without requiring drivers to circulate between lots or generate additional vehicle travel. Where sufficient parking supply exists to meet demand, the conditions that would trigger secondary circulation and VMT effects (namely, drivers unable to find parking) do not arise. Accordingly,

the project would not result in secondary environmental impacts from parking-related circulation of VMT increases

Concerns Regarding the Equity of Parking Fees Do Not State Environmental Impacts

Some comments raise concerns that changes to parking, including the introduction of parking fees, would disproportionately affect lower-income and non-white recreational users who currently access the Berkeley Waterfront at no cost. The City acknowledges this concern. The imposition of parking fees, however, does not impose an environmental impact that need be analyzed in this EIR.

Bay Views Are Preserved

As described in the Draft EIR, the reconfiguration of Seawall Drive to allow for the construction of the Bay Trail includes retention of parking on the western side of Seawall Drive where feasible, with approximately 20 pull-in stalls and 13 parallel stalls retained. While this represents a reduction from the approximately 84 existing spaces west of Seawall Drive, the project expands access to Bay views for pedestrians, cyclists, and visitors using the new Bay Trail Extension, seating areas, and picnic tables. Also refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*.

For these reasons, the Draft EIR's treatment of parking-related impacts is consistent with all applicable laws and regulations, and no revision to the Draft EIR is warranted on this basis.

2.2.21 Topical Response: Potential Impacts on Existing Recreational Water Access

Existing Conditions Are Adequately Discussed in the EIR

As described in the Draft EIR at Section 3.11, Recreation, the Berkeley Waterfront provides multiple launch points for water-based recreation. The public docks in the South Sailing Basin and Shorebird Beach are the primary launch locations for swimmers, windsurfers, kayakers, and paddleboarders. The Draft EIR acknowledges that the un-improved rocky shoreline at the southernmost point of the 199 Seawall peninsula is used by water recreators, including when low tides make launching from the South Sailing docks undesirable due to shallow water and exposed mudflats. This existing use is reflected in the baseline conditions described in the EIR. Refer to 3.11.2, *Environmental Setting*, San Francisco Bay in Chapter 3.11, Recreation, on page 3.11-7 of the Draft EIR:

> Windsurfers, wingers, swimmers, paddleboarders, and kayakers launch from the South Sailing docks or Shorebird Beach for access throughout the South Sailing Cove and beyond. An un-improved rocky shoreline at the southernmost point of the 199 Seawall peninsula is used by some swimmers and windsurfers/wingers, primarily when low tides make launching from the South Cove undesirable due to shallow water and exposed mudflats.

BMC Section 6.20.180 Clarifies the Permitted Launch Points, Which Are Separate from the Area Where Ferries Will Operate

The 199 Seawall launch point is considered by the City to be within the South Sailing Basin / South Cove area. Launching from this area is permitted because users can travel south and/or east directly into the South Cove, consistent with the provisions of BMC Section 6.20.180, refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*. While some users may navigate into the Marina waters as defined by BMC Section 6.20.010(A), these users rarely travel north of the pier. When they do, they must navigate around the extensive boat traffic that characterizes the Berkeley Marina as well as any other watercraft in the San Francisco Bay. The ferry terminal and ferry operations are located north of the pier, in an area geographically and operationally separate from the recreational uses at the 199 Seawall launch point and the South Sailing Basin.

The Project Does Not Eliminate the 199 Seawall Launch Point, It Improves It

The proposed project does not include any construction or physical alteration at the 199 Seawall launch point itself. The shoreline repair work included in the project is located on the eastern side of the Seawall Peninsula, north and east of the 199 Seawall Drive structure, not at the informal launch area on the Bay-facing south-western tip of the peninsula. Furthermore, the proposed project includes new amenities on the shoreline in the vicinity of the 199 Seawall launch point, including seating, a small laydown area, picnic tables, and rinse stations, specifically to support existing land and water based recreational uses at this location. The project therefore not only preserves access to the 199 Seawall launch point but actively enhances the recreational experience there.

Further, the project does not change low-tide access conditions at that location. To the extent that low-tide access to Bay waters for informal water recreators is a concern, that concern exists independently of this project and is not caused or worsened by project implementation.

Parking and Access

As discussed in the Draft EIR Section 3.12, *Transportation*, and as further addressed in Section 2.2.20, *Topical Response: Parking*, access to parking for recreational use is a social impact rather than an environmental impact under CEQA. Scarcity of parking is considered a potential secondary CEQA impact only where it results in a physical impact on the environment, such as a significant increase in VMT. As the Draft EIR concludes, and as further addressed in Section 2.2.27, *Topical Response: VMT*, the project results in an overall net reduction in VMT, and any VMT increases attributable to parking scarcity are expected to be nominal. Therefore, no secondary VMT impact results from parking conditions associated with the project.

Bay Plan Policy 15 and Marina Master Plan

Bay Plan Map No. 4 Policy 15 calls for preserving "windsurfing access" at the Berkeley Waterfront. As discussed in the Draft EIR at Section 3.9, Land Use Planning (Table 3.9-1), the project is consistent with Bay Plan Map No. 4 Policy 15 because it does not affect existing windsurfing access at the South Sailing Basin or at the 199 Seawall launch point, both of which are preserved and the latter of which is enhanced by the project. The Marina Master Plan similarly identifies windsurfing access as a recreational value to be preserved and enhanced at the waterfront. While this project does not propose implementing the specific improvement conceptualized in the Marina Master Plan for enhancing windsurfer activity at this location, the project's proposed amenities (seating, a laydown area, picnic tables, and rinse stations) are supportive of and consistent with that goal. Furthermore, this project does not preclude the City from implementing improvements proposed in the Marina Master Plan in the future.

Conclusion

The Draft EIR's recreation analysis at Section 3.11 addresses potential impacts to recreational uses from both project construction and operation. The project does not physically alter the 199 Seawall launch point, adds amenities to support its continued recreational use, and operates ferry service entirely north of the pier in an area geographically separate from the recreational uses at issue. The EIR's treatment of recreational impacts in this regard is adequate and no revision is warranted.

For these reasons, the Draft EIR adequately identifies and analyzes potential impacts to water-based recreational access at the Berkeley Waterfront and no revision to the Draft EIR is warranted.

2.2.22 Topical Response: Project Cost/Financial Feasibility

Under CEQA, the purpose of an EIR is to evaluate and disclose a project’s potential physical environmental impacts and identify feasible mitigation measures. Pursuant to CEQA Guidelines Sections 15131(a), 15064(e), and 15064(f)(6), economic merits or considerations, funding availability, and financial feasibility are not environmental issues subject to analysis under CEQA unless they would result in a

reasonably foreseeable physical environmental impact. The environmental topics evaluated in the Draft EIR are based on CEQA Guidelines Appendix G, which does not identify economic or financial feasibility as an environmental issue. Accordingly, the Draft EIR appropriately focuses on potential environmental impacts consistent with CEQA and CEQA Guidelines requirements and does not evaluate project cost or financial feasibility.

The comments do not identify any specific deficiency in the environmental analysis presented in the Draft EIR. Therefore, no changes to the Draft EIR conclusions or mitigation measures are necessary in response to these comments.

2.2.23 Topical Response: Sea Level Rise

Several comments discuss the project's sea level rise analysis, stating: (1) the project was designed only for the Intermediate sea level rise scenario (1.6 feet by 2075) and does not adequately address more severe scenarios including the High scenario (6.6 to 7 feet by 2100); (2) the EIR fails to address operational adaptation for sea level rise beyond the project's 50-year design life; and (3) the project's sea level rise analysis should conform to California Coastal Commission Sea Level Rise Policy Guidance. As an initial matter, these comments address the adequacy of the project design in response to future environmental conditions - that is, the impact of the environment on the project, rather than the impact of the project on the environment. CEQA requires analysis of a project's effects on the environment, not an assessment of whether the project itself is adequately designed to withstand future environmental conditions. Nonetheless, the City provides the following response to address the substance of these comments.

Design Basis and Updated SLR Scenario

The project's coastal engineering analysis was conducted by COWI North America, licensed professional coastal engineers, and is documented in the Berkeley Water Transportation Pier Ferry Project Coastal Study (COWI, December 2025) ("Coastal Study"). The Coastal Study established design parameters for water levels, wave conditions, wind, and currents specific to the Berkeley Ferry Terminal site, using NOAA tidal datums, AECOM's 2016 updated extreme tide elevations for San Francisco Bay, and the 2024 California Sea Level Rise Guidance.

The initial Coastal Study adopted the Intermediate sea level rise scenario with a 50-year project design life, resulting in a sea level rise allowance of 1.6 feet and a design still water level of 11.9 feet (Berkeley MLLW). However, as part of the BCDC Engineering Criteria Review Board (ECRB) review process described below, the project team has formally updated the governing design condition from the Intermediate scenario to the Intermediate-High scenario, resulting in a sea level rise allowance of 3.0 feet and a design still water level of 13.3 feet (Berkeley MLLW). This update was confirmed in the COWI response to ECRB questions dated April 10, 2026. To clarify how SLR was considered in the project design process within the Draft EIR, Section 2.5.1, *Proposed Project Components* (*Waterside*, page 2-10) has been revised as follows:

Draft EIR Page 2-10:

> In accordance with standards as set by the American Society of Civil Engineers (ASCE), the proposed pier would comply with ASCE Risk Category IV requirements and base design loads. The project design ~~takes into account projected sea level rise~~ incorporates sea level rise adaptation considerations through the design of the pier, breakwater, ferry infrastructure, and related facilities.[7] Design elevations and structural elements were developed to account for projected increases in surface water levels and coastal flood conditions over the life of the project, while floating ferry facilities and gangway connections have been designed to accommodate a range of future tidal and water surface elevations. Refer to Section 3.8, *Hydrology and Water Quality*, for an evaluation of the project with respect to future flooding and sea level rise. The City prepared a Coastal Study, including a project-specific sea level rise risk assessment, consistent with applicable BCDC permit requirements.[8]

7. COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study. Prepared for City of Berkeley. December.

8. COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study prepared for City of Berkeley. December. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_Coastal-Study.pdf (accessed July 2026).

This revision is clarifying in nature and does not alter the impact analysis, significance determinations, or mitigation measures presented in the Draft EIR. The concern that the project was designed only for the Intermediate scenario is, therefore, addressed by this update.

SLR Vulnerability Assessment

A Sea Level rise vulnerability assessment was conducted by the coastal engineers, following the requirements of the updated 2024 California Sea Level Rise Guidance. The assessment confirms that all project structures maintain full functionality and public safety under Intermediate-High conditions through 2100, with only minor overtopping and splash impacts. All components retain structural integrity under all evaluated scenarios, including the High scenario referenced in comments, and the breakwater continues to provide substantial coastal protection even under the most extreme conditions evaluated.

Adaptation

Adaptation options for future sea level rise conditions are documented in the COWI SLR Risk Assessment (Appendix to the Coastal Study, December 2025) and include conversion of the pier and breakwater perimeter handrails to solid barriers to prevent wave overtopping from reaching the deck surface. The pier and breakwater have been purposely designed in concrete specifically to be resilient to future wave overtopping, should it occur. These design decisions reflect a forward-looking approach to long-term resilience within the physical constraints of the site.

California Coastal Commission Sea Level Rise Policy Guidance

The California Coastal Commission does not have jurisdiction over the Berkeley Waterfront or the proposed project; therefore, its Sea Level Rise Policy Guidance is not the applicable standard for the project. The California Coastal Act expressly excludes San Francisco Bay from the California Coastal Commission's jurisdiction. BCDC is the state agency with planning and regulatory authority over San Francisco Bay, the Bay's shoreline band, and the Suisun Marsh. The project is subject to BCDC's permitting jurisdiction under the McAteer-Petris Act and the San Francisco Bay Plan, not to the California Coastal Act or California Coastal Commission policy guidance. The California Coastal Commission's Sea Level Rise Policy Guidance, while a useful reference document for projects under CCC jurisdiction, does not apply to this project.

BCDC ECRB Review

Although not part of the CEQA analysis, the structural and coastal engineering aspects of the project, including the SLR analysis, have been subject to rigorous independent engineering criteria review by the BCDC Engineering Criteria Review Board (ECRB), an advisory board composed of eminent structural, coastal, and geotechnical engineers that assists BCDC in evaluating the engineering aspects of projects requiring BCDC permits. The project has been presented to the ECRB on two occasions. The first meeting, held February 25, 2026, generated detailed technical questions on datums, seismic codes, wave climate methodology, wave loadings, SLR scenarios, elevation constraints, and structural details. The COWI response to those questions, dated April 10, 2026, addressed each item in full, including the formal upgrade to the Intermediate-High SLR scenario. Following the second ECRB meeting, the ECRB determined that a further return presentation is not required, with outstanding technical items to be resolved through the ongoing BCDC permitting process. The adequacy of the project's SLR and coastal

engineering design is therefore subject to ongoing independent engineering criteria review as a condition of project permitting.

For these reasons, the project's sea level rise analysis is thorough, grounded in current state agency guidance, has been updated to reflect the Intermediate-High scenario, and has been subject to rigorous independent engineering criteria review. No revision to the Draft EIR is warranted on this basis.

2.2.24 Topical Response: Seawall Drive/View Access

These comments are related to accessing scenic Bay views from in-car viewing locations at the Seawall Drive parking area (i.e., policy and recreational opportunity aspects), not aesthetics impacts related to the public view from the shoreline itself, which would not be significantly impacted by the proposed project. Access to Bay views are policy issues, which are addressed in Draft EIR Section 3.9, *Land Use and Planning*, Table 3.9-1 (refer to Appearance, Design, and Scenic Views Policy 4). While impacts to views, such as scenic vistas (e.g., blocking a scenic view) is considered a physical impact on the environment and is subject to CEQA, access to those views from a parked vehicle would be considered a social impact, not a physical impact on the environment, and would not be subject to CEQA. Refer to Draft EIR Section 3.1.4, *Aesthetics Impacts Analysis*, Impact AES-1 (pages 3.1-20 through 3.1-27) for a discussion of impacts on scenic vistas. Thus, the comments do not relate to nor necessitate changes to Draft EIR conclusions or mitigation measures. Nonetheless, the City has provided the following response that indicates how access to views of the Bay would be maintained and enhanced by the proposed project.

As described in Draft EIR Chapter 2, *Project Description*, and shown in Figures 2-11, 2-12 and 2-13, the proposed project would include the reconfiguration of Bayside parking along the length of Seawall Drive south of University Avenue and the parking lot at its terminus in order to accommodate between 400 and 450 total vehicles. Approximately 20 pull-in stalls and 13 parallel stalls would be retained for in-car Bay viewing. In addition, the proposed project expands access to Bay views to additional non-vehicular viewer groups in the vicinity, such as bicyclists, pedestrians, and other recreational users by providing infrastructure (i.e., pathways, benches, picnic tables), while maintaining the availability of in-car viewing. As reflected in Draft EIR Chapter 3.11, *Recreation*, with these improvements, the proposed project would add new recreational facilities that currently do not exist, thereby creating a net increase in recreational facilities. By expanding availability of public Bay views to a wider range of viewer groups, the proposed project would support the goals, policies, and regulations of the Berkeley General Plan, Berkeley Marina Master Plan, Berkeley Municipal Code, and the San Francisco Bay Plan related to maintaining and enhancing public viewer access to scenic views of the Bay and expanding shoreline recreational opportunities and resources.

2.2.25 Topical Response: Siltation/Wave Climate

Comments on this topic fall into three general categories: (1) sedimentation and siltation resulting from dredging and the installation of the new breakwater; (2) changes to wave energy, wave fields, and sediment transport patterns resulting from the breakwater; and (3) adequacy of bathymetric and sedimentation data. The City addresses each category below.

Sedimentation Analysis -Technical Basis

The Draft EIR's sedimentation analysis is supported by the Berkeley Water Transportation Pier Ferry Project Coastal Study (COWI, December 2025) ("Coastal Study"), prepared by licensed professional coastal engineers at COWI North America. As part of the project design process, COWI carried out hydrodynamic and sedimentation modeling using a two-dimensional hydrodynamic and sediment transport model to assess currents, wave-driven transport, and long-term sediment deposition within the dredged areas. The model was calibrated against historical survey data from the Berkeley Marina. The modeling effort accounts for wind conditions, tidal forcing, regional hydrodynamic conditions, and site-specific bathymetry.

Existing Sedimentation Rates and Bathymetric Data

As documented in the Coastal Study and reflected in the Draft EIR at Section 3.9 (Table 3.9-1, Bay Plan Policy 5 consistency), sedimentation rates at the project site are currently low. Survey data from the 2020–2023 period indicate sedimentation of less than 0.05 feet over that period. Long-term historical rates in the Berkeley Marina Channel average approximately 0.07 feet per year, consistent with historical USACE surveys of the channel, as documented in the COWI Sediment Transport Study (Appendix D to the Coastal Study, December 2025).

A site-specific bathymetric survey was conducted by eTrac in July 2024, covering the project site, and was used as the basis for the hydrodynamic and sedimentation modeling. This survey was supplemented by United States Geological Survey regional bathymetric data. The Coastal Study's model bathymetry was developed from these datasets at a 2-meter grid resolution, providing a detailed and accurate representation of existing Bay floor conditions within the project site.

Post-Project Sedimentation Rates and Maintenance Dredging

The Coastal Study's six-year simulation modeled sedimentation within the dredged areas under post-project conditions with the breakwater installed and the channel and turning basin dredged to -12 feet (Berkeley MLLW). Results show that sedimentation is highest in the first year following dredging (0.32 feet overall across the full dredged area) and then stabilizes over subsequent years. The average annual sedimentation rate across the full dredged area is 0.15 feet per year, with the approach channel experiencing a higher average rate of 0.20 feet per year and the turning basin a lower rate of 0.09 feet per year. The lower turning basin sedimentation rate reflects the sheltering effect of the breakwater, which reduces wave-driven sediment transport into the more protected turning basin area.

These modeled rates are consistent with post-dredge survey data collected at the Berkeley Marina in December 2024 and June 2025 (six months after dredging operations were completed) which recorded mean sediment accumulation of approximately 0.3 feet during that initial post-dredge period, closely aligning with the model's first-year prediction for the BWTPF channel. This real-world validation provides confidence in the modeling results.

Based on these rates, the Coastal Study estimates maintenance dredging of the approach channel would be required approximately every 10 to 15 years depending on the to-be-determined vessel operational depth, and maintenance dredging of the turning basin every 22 to 33 years. These dredging intervals are consistent with typical maintenance dredging cycles for similar Bay ferry terminals. The assumptions regarding future maintenance dredging are further clarified in Section 2.2.15, *Topical Response: Maintenance Dredging*, which explains that maintenance dredging would be subject to separate permitting and regulatory review, and is not included as part of the proposed project.

The sediment transport analysis was carried out for a 400-foot breakwater configuration. As documented in the Coastal Study, the 100-foot reduction in breakwater length does not meaningfully change sedimentation patterns in the navigation channel, and modeled sedimentation within the turning basin remains minimal.

As described in the Draft EIR Section 3.3, Biological Resources, the project includes removal of existing pier piles and decking to offset new net fill and cover. Mitigation Measure BIO-3 requires mitigation for impacts on tidal waters of San Francisco Bay to achieve no net increase in Bay fill, provided at a minimum 1:1 ratio by square foot of impact through removal of existing pier piles and decking for net increase in fill and cover, to be approved by the regulatory agencies. Some comments have requested that a higher mitigation ratio (such as 3:1) be required. The EIR commits to no net increase in fill as a minimum standard. Whether a higher ratio is appropriate is a matter to be negotiated with the relevant permitting agencies, including BCDC and USACE, through the project permitting process. The EIR does not preclude a higher ratio being required through permitting. Pile removal is not characterized in the EIR as mitigation for dredging-related sedimentation impacts; it is mitigation for biological resources impacts associated with in-Bay fill.

Wave Climate and Breakwater Effects

The Coastal Study's wave diffraction modeling assessed the wave climate effects of the breakwater. COWI used a wave diffraction model to simulate wave transformation processes (including diffraction, partial reflection, and nonlinear wave interactions) within the terminal area for multiple breakwater configurations (250-foot, 300-foot, and 400-foot lengths) and multiple wave directions and periods. Wave disturbance coefficients were calculated at key locations including the ferry berths, pier, and plaza. This analysis was specifically designed to quantify how the breakwater reduces wave agitation at the ferry berths and shoreline.

The modeling results confirm that a minimum 300-foot breakwater configuration provides sufficient sheltering for both ferry berths, minimizes wave exposure, and achieves nearly the same reduction in wave-induced downtime as the longer 400-foot alternative. Without a breakwater, the terminal would experience notable wave-induced operational downtime, particularly during late spring and summer months when southwesterly winds generate higher wave activity. With the 300-foot breakwater, monthly average downtime remains below 2 percent for all months throughout the year, including the most energetic wave periods.

With respect to effects on wave conditions beyond the project site, including the South Sailing Basin to the south and nearby parks and shoreline areas, the wave disturbance coefficient maps presented in Appendix C of the Coastal Study confirm that the breakwater's sheltering influence is confined to the immediate project site. Wave disturbance coefficients at the outer limits of the geographic area evaluated in the wave diffraction analysis approach 1.0, indicate that ambient wave conditions are unaffected by the breakwater at those locations. The South Sailing Basin is located approximately 1,500 feet east of the project, separated by the Seawall peninsula and well beyond any meaningful influence of the breakwater. Likewise, the formerly named César E. Chávez Park is located 1,900 feet north of the project site, McLaughlin Eastshore State Park State Seashore is located 3,900 feet east of the project site, Emeryville Crescent is located more than 8,000 feet south of the project site, and Albany Mudflats is located more than 9,000 feet north of the project site, well beyond any meaningful influence of the breakwater. There is no technical basis to conclude that the breakwater would measurably alter wave conditions or sediment transport patterns in the South Sailing Basin or other coastal or water areas of the Bay.

2.2.26 Topical Response: Vessel Aesthetics

The presence of ferry vessels and vessels within the project viewshed is considered part of the environmental baseline for aesthetics, given the project site’s proximity to the Berkeley Marina Basin and presence of multiple boat types including large Hornblower dinner cruise ships, traversing into and out of the Marina. The proposed project would introduce an additional ferry service, and vessel; however, the presence and operation of the proposed vessel would be similar in size and function to similar vessels present in the vicinity, and would, thereby, be consistent with the visual character of the viewshed. Nonetheless, the following clarifying text has been added to Draft EIR Impact AES-3 (page 3.1-30):

> As shown in Figure 3.1-4 and Figure 3.1-5, the proposed ferry infrastructure would introduce a series of linear horizontal and vertical features and planes which would be visually consistent with the proposed pier infrastructure, but would be contrasted against the surrounding water in the Bay. These features would be most visually prominent on the north side of the proposed pier; when viewed from the south (Figure 3.1-5), views of the proposed ferry infrastructure would be interrupted and partially obscured by the sequence of evenly-spaced pier pilings. When viewed from a distance (Figure 3.1-6 and Figure 3.1-8), the proposed ferry infrastructure would not present as a prominent visual feature, and would not exceed the height of the proposed pier infrastructure in a manner that would result in the degradation of surrounding views. Individual ferry vessel(s) would also be similar in size, and perform similar functions, to those already present in the vicinity; and thus, would integrate with existing boat traffic.
>
> As described in Chapter 2, *Project Description*, ferry operations are evaluated using a representative weekday and weekend service scenario that reflects the maximum reasonably foreseeable level of

service for purposes of environmental review (refer to Section 2.7, pages 2-30 through 2-33). While specific schedules, frequencies, and operational details may vary over time, the analysis evaluates vessel presence and activity within the viewshed based on these planning-level assumptions.

While the visual character of the proposed ferry infrastructure would introduce new materials and massing, and additional vessels would be intermittently present in the viewshed, these components would be consistent with visual character of the surrounding infrastructure and development. Impacts would be less than significant.

As determined under Impact AES-3 (page 3.1-28 through 3.1-33) of the Draft EIR, impacts related to visual character would be less than significant.

The text changes above are clarifying in nature and do not alter the substance of the impact analysis or the resulting significance determination. Therefore, the analysis and significance conclusions presented in the Draft EIR remain valid.

2.2.27 Topical Response: VMT

Several comments include questions about mode shift assumptions, potential diversion from other transit services, and the basis for concluding that ferry service would reduce vehicle trips across the Bay. Note that this response is specifically related to the project effect on regional travel patterns (i.e., between East Bay and San Francisco). For a discussion of local traffic circulation as relates to parking, please refer to Section 2.2.20, *Topical Response: Parking*.

Pursuant to California SB 743, transportation impacts in CEQA documents are evaluated using vehicle miles traveled (VMT) rather than roadway congestion measures such as Level of Service (LOS). The project is expected to increase traffic volumes on certain roadways leading to the terminal because additional users would travel to the Waterfront to access the ferry. However, existing roadway segments, including University Avenue between Frontage Road and Marina Boulevard, would continue to operate within acceptable capacity conditions (LOS A). At the same time, many ferry users would replace longer automobile trips with ferry travel. As a result, the overall amount of driving per person is reduced, leading to a decrease in VMT on a per capita basis.

Section 3.12, *Transportation*, of the Draft EIR evaluates transportation impacts using VMT consistent with CEQA Guidelines Section 15064.3 (refer to Section 3.12.4, Impact TRA-2, on Pages 3.12-20 and 3.12-21). Although the project is estimated to generate 1,127 daily vehicle trips, most of these trips represent the redistribution of existing travel demand rather than the creation of new trips. As described on Page 3.12-20 of the Draft EIR, many of these trips are expected to substitute for longer-distance travel that would otherwise occur by automobile across the Bay Bridge or access to regional transit services. Because transbay commute trips are relatively long-distance compared to local access trips to a ferry terminal, this substitution results in a net reduction in VMT even where some riders access the terminal by automobile.

The conclusion that ferry service would capture trips that might otherwise occur on the Bay Bridge or other transbay corridors is supported by regional travel patterns and empirical data from existing ferry operations. WETA most recently conducted onboard surveys in 2025, which indicate that a substantial share of riders choose ferry service to avoid roadway congestion, and approximately two-thirds of riders reported that they would otherwise use an automobile-based mode if the ferry were not available, including a substantial portion who would drive alone.[18] While some respondents indicated that they would otherwise use public transit, a greater share identified automobile travel as their alternative, and a portion of riders reported having no viable alternative. This pattern indicates that ferry service primarily captures trips that would otherwise be made by automobile and thereby reduces demand on regional

[18] WETA. 2025. 2025 Onboard Ferry Survey Summary Report. https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20260407225430/WETA-onboard-2025-Report-Finalv2-1.pdf (accessed June 2026).

roadway facilities. Consistent with the VMT framework under CEQA, replacing longer-distance automobile trips with shorter local access trips results in a net reduction in VMT.

With respect to proposed project trips potential diversion from BART or other transit services, the Draft EIR, page 3.12-20, acknowledges that some of the ferry ridership will include people switching from existing transit services. Even if only a relatively small share of travelers who currently drive choose to switch to the ferry, each of those trips contributes to a measurable reduction in VMT. Because every diverted automobile trip removes vehicle travel from the roadway system, the cumulative effect of even modest mode shift from driving to ferry service will reduce overall VMT. The project site serves the West Berkeley area, encompassing 9,000 jobs and 10,000 residents, an area less directly served by high-quality transit than other parts of the East Bay[19], further supporting the conclusion that a substantial portion of riders would otherwise rely on automobile travel.

With regard to mode split assumptions, the analysis in Section 3.12, Transportation, and Appendix F, Transportation Impact Assessment, is grounded in observed data from comparable ferry operations, including systemwide rider surveys and documented access and egress patterns. These data indicate that while a portion of riders access ferry terminals by automobile, these trips are short and local in nature and are offset by the elimination of longer regional automobile trips. In addition, a substantial share of riders access the ferry by walking, bicycling, or transit, particularly at urban terminals.[20] The assumptions applied in the Draft EIR are therefore consistent with observed behavior and are conservative, as they do not fully account for reductions associated with Transportation Demand Management (TDM) strategies, multimodal access improvements, and parking management measures described in Chapter 2, *Project Description*, which are designed to further reduce vehicle use and encourage alternative modes of access.

With respect to proposed project, induced travel or new trip generation, Appendix F demonstrates that the project would primarily serve existing regional travel demand rather than induce new long-distance trips. Localized increases in traffic volumes associated with terminal access do not correspond to an increase in VMT, which is the applicable CEQA metric. As a regional transit improvement in a constrained corridor, the project would provide an alternative to automobile travel and reduce reliance on longer-distance vehicle trips, resulting in a net reduction in VMT, consistent with State guidance on transit projects.

The comments have not provided substantial evidence demonstrating that the methodology or assumptions are inconsistent with CEQA Guidelines or State guidance. Because the project would reduce VMT even under conservative assumptions, it would not result in a transportation impact under CEQA. Accordingly, the analysis and conclusions in Section 3.12 of the Draft EIR remain valid as written, and no further response is required,

2.2.28 Topical Response: Whale Strike

Draft EIR Section 3.3, *Biological Resources* (pages 3.3-37 through 4.4-41), evaluates the potential for impacts from construction and operation, including ferry operation, of the proposed project on marine mammals, including gray whales, humpback whales, and other species. The Draft EIR states that marine mammals, including gray whales, have been observed in San Francisco Bay in recent years and are, thus, considered in the impact analysis. Accordingly, Table 3.3-2 (page 3.3-39) identifies special-status marine mammals with potential to occur in the project vicinity, including gray whale (*Eschrichtius robustus*) and humpback whale (*Megaptera novaeangliae*).

The Draft EIR describes and, where appropriate, incorporates by reference the 2003 WETA EIR, Implementation and Operations Plan, Mitigation and Monitoring Plan, and the Marine Mammal Protection & Whale Avoidance Memorandum (refer to page 3.3-38), which establish operational protocols intended

[19] WETA. 2022. WETA Berkeley Ferry Service Business Plan, Version 1.0. Prepared by Economic Planning Systems, Inc. March 17. https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240926061356/Item-8A-Berkeley-Ferry-Service-Business-Plan.pdf (accessed June 2026).

[20] WETA. 2025. 2025 Onboard Ferry Survey Summary Report. https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20260407225430/WETA-onboard-2025-Report-Finalv2-1.pdf (accessed June 2026).

to minimize the risk of vessel strikes. The Draft EIR further states that WETA implements an adaptive marine mammal protection program for ferry operations in San Francisco Bay, which was developed in coordination with the Marine Mammal Center and informed by current scientific literature and applicable guidance from the National Oceanic and Atmospheric Administration (NOAA) (refer to Page 3.3-38). These protocols in WETA's marine mammal protection program include, but are not limited to, vessel operator training, monitoring and reporting procedures, speed awareness and reductions in speed when marine mammals are observed or reported, communication with resource agencies, and ongoing refinement of practices as new information becomes available. The program is designed to incorporate evolving scientific understanding, including recent observations regarding whale occurrence within the Bay and increased gray whale presence observed in recent years. WETA continues to implement these procedures. As recently as February 2026, WETA implemented a new pilot program in partnership with the Marina Mammal Center called Whale Smart that includes training to implement the following best practice measures:

- Quickly identify whales and interpret key behaviors to prevent dangerous close encounters;
- Navigate safely in high-whale-activity areas using proven, practical operating guidelines; and
- Share real-time sightings with Vessel Traffic Service to improve awareness and coordination across the Bay.

This new training is in addition to protective measures implemented last year which include:

- Ferry operators taking proactive steps to avoid whales, such as cutting engines after spotting a gray whale and allowing it to pass safely before resuming service.
- U.S. Coast Guard Vessel Traffic Service (VTS) issuing broadcast alerts for all whale sightings, alerting mariners to exercise extreme caution.
- VTS working directly with ferry operators to implement temporary lane changes, particularly east of Angel Island where whale sightings were highest, further reducing the risk of vessel strikes.[21]

With respect to vessel strike, the Draft EIR analysis recognizes that ferry vessels operate within established navigation routes in San Francisco Bay that currently support existing ferry traffic, and further explains that adherence to these protocols reduces the potential for vessel collision with marine mammals, and that ferry operators are trained to maintain situational awareness and adjust operations accordingly (refer to page 3.3-40). The analysis in the EIR appropriately relies on existing, enforceable WETA policies and procedures and evaluates project impacts based on those conditions. As described on Pages 3.3-37 through 3.3-41, the analysis in Section 3.3 is based on available information regarding marine mammal occurrence and vessel strike risk, including recent data reflecting increased whale presence in the Bay, and evaluates potential operational and cumulative effects accordingly. Cumulative conditions, including vessel strike within San Francisco Bay, are addressed in Section 3.3.5, Cumulative Impacts, which evaluates the project's incremental contribution to regional vessel activity and associated marine mammal risks (refer to Pages 3.3-66 through 3.3-68).

The Draft EIR explains that vessel operations would be consistent with existing ferry practices, including reduced speeds during terminal approach (page 2-31) and compliance with posted speed limits, with the acknowledgment that operational guidelines may be adjusted as needed to account for site-specific conditions (page 3.8-33). As explained in EIR Section 1.1.3, Incorporation by Reference, this project EIR incorporated by reference the 2003 WETA EIR, while mitigation measures, including Mitigation Measures 15.2 and 15.2 governing marina mammal sighting, detection, and avoidance protocols, were adopted by the WETA Board and incorporated into the approved ferry service expansion project. Continued implementation of these measures is therefore not discretionary but a required component of WETA's approved operations, which this project would join. Accordingly, no substantial evidence has been

[21] Marine Mammal Center. 2026. Press Release. The Marine Mammal Center and San Francisco Harbor Safety Committee Pilot New Vessel Operator Training Program. February 6. Available: https://www.marinemammalcenter.org/news/the-marine-mammal-center-and-san-francisco-harbor-safety-committee-pilot-new-vessel-operator-training-program. (accessed June 2026).

provided demonstrating that the project would result in a significant increase in whale strike risk beyond existing conditions.

Further, the analysis in Section 3.3, *Biological Resources,* of the Draft EIR incorporates recent observational data and acknowledges increased whale occurrence in the Bay despite the species' generally low potential to occur (page 3.3-24), and further clarifies that since the adoption of the 2003 WETA EIR, WETA has continuously worked with the Marine Mammal Center to "develop and implement a multi-layered marine mammal protection protocol that reflects ongoing technological advances, evolving scientific understanding of best practices, and updated NOAA guidance to ensure its implementation of Mitigation Measures 15.1 and 15.2 in the 2003 WETA EIR is as robust as possible," (page 3.3-53). Therefore, although the Draft EIR incorporates by reference WETA's whale strike analysis that relied on a baseline condition with fewer whale occurrences, Section 3.3 acknowledges the increased whale presence and documents that the mitigation incorporated by reference is continually updated to reflect evolving technologies. The Draft EIR concludes that, with implementation of WETA's adaptive marine mammal protection program, including monitoring, reporting, and vessel operation adjustments, the project would not substantially increase the risk of vessel strike to marine mammals (refer to Impact BIO-1 pages 3.3-42 through 3.3-56). The description of existing conditions, analysis, and incorporated mitigation measures related to whale presence in the Draft EIR remain valid as written, and no revisions to the EIR are required.

Draft EIR Section 3.3, *Biological Resources,* evaluates the project's incremental contribution to regional vessel activity as well, including existing and planned ferry operations throughout the San Francisco Bay. The Draft EIR explains that the proposed project would represent a small increment of total vessel traffic and would operate within established ferry routes and would be subject to existing regulatory requirements. The analysis concludes that the project's contribution to cumulative impacts related to vessel traffic and marine mammal vessel strike would not be cumulatively considerable (refer to Section 3.3.5, pages 3.3-66 through 3.3-68). The description of existing conditions, analysis, and significance conclusions related to cumulative vessel traffic in the Draft EIR remain valid as written, and no revisions to the EIR are required.

Draft EIR Section 3.3, *Biological Resources,* of the Draft EIR further explains that ferry operators are trained to maintain situational awareness and implement avoidance procedures when marine mammals are observed. The WETA Marine Mammal Protection Program includes monitoring, reporting, and communication protocols with agencies and other vessel operators, and is designed to be adaptive based on evolving conditions and scientific understanding. The Draft EIR concludes in the discussion of Impact BIO-1 (refer to pages 3.3-42 through 3.3-56) that with implementation of the WETA adopted mitigation measures including required operational protocols, impacts to marine mammals, including potential vessel strike, would be less than significant. The description of existing conditions, analysis, and significance conclusions related to ferry operation and marine mammal avoidance in the Draft EIR remain valid as written, and no revisions to the EIR are required.

Based on this analysis and the implementation of WETA's adopted mitigation measures, the Draft EIR concludes that impacts to marine mammals, including the potential for vessel strike, would be less than significant (refer to Pages 3.3-40 and 3.3-41 and Impact BIO-1, Pages 3.3-42 through 3.3-56).

In summary, the analysis and significance determinations with regard to ferry vessel operation and related biological resources impacts in the Draft EIR remain valid and no new significant environmental issues have been raised.

2.2.29 Topical Response: Wind

Several comments state that the proposed project might impact wind conditions at the Berkeley Waterfront, focusing on two distinct issues: (1) whether removal of the vegetated berm and trees along the Seawall Drive peninsula would change wind shelter conditions in the South Sailing Basin and South Cove, particularly for beginner sailors and windsurfers using the Cal Sailing Club instructional area; and

(2) whether the breakwater design adequately accounts for wind and wave conditions, including winter gale-force northwest wind events. The City addresses each issue in turn.

CEQA Considerations

Consistent with CEQA Guidelines Section 15126, CEQA requires evaluation of a project's physical environmental effects within select resource areas. Wind conditions are not covered under any existing CEQA Appendix G topic or threshold and are not typically analyzed unless they would result in a secondary physical impact (e.g., exacerbating air quality emissions, soil erosion, or hazards from structural failure). With respect to recreation, Appendix G asks whether a project would result in accelerated substantial physical deterioration of a recreational facility or require the construction of expansion of recreational facilities. The potential for localized changes in wind exposure affecting recreational conditions does not constitute a direct or indirect physical impact under CEQA.

Tree removal is addressed in the aesthetics, biological resources and land use and planning sections: Impact AES-1, pages 3.1-27; AES-3, pages 3.1-31 through 3.1-32; Mitigation Measure BIO-1(c), pages 3.3-55 through 3.3-56, Impact BIO-5, pages 3.3-65 through 3.3-66, Cumulative Impacts, pages 3.3-69; and in Impact LU-2, pages 3.9-12 and following with regard to the BCDC San Francisco Bay Plan, Berkeley General Plan, Berkeley Municipal Code, and Berkeley Marina Master Plan). The speculative possibility that removal of some trees could alter localized wind patterns does not trigger CEQA review.

Additionally, the project does not include features that would create or exacerbate unsafe wind conditions such as introduction of large structures or topographic alterations. Therefore, the EIR does not include a specific analysis of wind exposure or related mitigation measures.

Wind Shelter Effects of Tree and Berm Removal

As described in the EIR at Section 2.5.3, Project Description, the proposed project includes removal of the existing vegetated berm and approximately 39 trees across the project site (see Chapter 3, *Errata* of the Final EIR), the majority of which are in poor health. The berm to be removed is on average four feet tall. Species to be removed include Monterey Cypress, Monterey Pine, Italian Stone Pine, Japanese Black Pine, and others. The project includes replacement planting of between 50 and 70 new trees as 24-inch box trees throughout the project site, including California Buckeye, Monterey Cypress, Primrose Tree, Drooping Melaleuca, and Torrey Pine. The trees proposed for removal are located primarily on the western side of the Seawall Drive corridor and in the interior of the parking lot area; the majority of trees on the eastern side of the peninsula are not proposed for removal and would remain in place. Cars in the parking lot will generally be taller than the 4-foot tall berm being removed.

In addition, as a potential project component, a solar canopy structure ranging from approximately 14 to 20 feet in height supported by vertical steel posts approximately 16 feet in height would be installed over the Seawall Drive parking lot. While the phasing and final determination of whether the solar canopy will be constructed is not yet confirmed, if implemented it would provide a continuous horizontal structural element along the parking lot that could act as a windbreak in the vicinity of the South Cove.

Comments request that the Final EIR specifically analyze whether removal of the berm and trees would materially affect wind conditions and identify mitigation measures.

The question for purposes of CEQA is not whether any change in wind conditions would occur, but whether such a change would constitute a significant environmental impact. As set forth in the Draft EIR at Section 3.11, Recreation, the applicable significance thresholds for recreational impacts are whether the project would: (1) increase the use of existing recreational facilities such that substantial physical deterioration would occur; (2) result in a reduced recreational facilities per capita ratio requiring new facilities; or (3) result in substantial adverse physical impacts associated with new or physically altered recreational facilities.

A potential change in wind exposure conditions in the South Sailing Basin does not meet any of these thresholds. The South Sailing Basin is not being physically altered, reduced in size, nor is access

restricted by the proposed project. The Cal Sailing Club's instructional area, the public sailing docks, and the South Cove waters remain fully intact and available for their existing recreational uses. A change in wind conditions that may affect the experience of beginner sailors does not constitute physical deterioration of a recreational facility under CEQA - the recreational resource itself is preserved and accessible. Regardless, based on over 25-years of professional experience, the Coastal Engineering Design lead for the Project does not anticipate material changes to the wind conditions within the South Sailing Basin due to the proposed project.

Even if wind conditions experienced by users were to change at the South Cove this would not constitute a significant physical impact under CEQA pursuant to CEQA Guidelines Appendix G. Wind conditions are one of many factors, including tides, wave conditions, weather, and personal preference, that influence where recreational users choose to launch and sail on any given day. A potential modest change in wind exposure at the South Cove does not physically degrade the facility, does not reduce its capacity, and does not modify access to it. The South Cove and South Sailing Basin would remain fully available for their existing recreational uses. Furthermore, the magnitude and direction of any wind change resulting from berm and tree removal is speculative. Wind conditions in the South Cove are affected by a complex range of factors including regional wind patterns, tidal conditions, shoreline geometry, and surrounding landforms and structures, including the topography of Shorebird Park which is nearer to the area in question and is not changed by the Project. Whether the removal of the berm and some existing trees and replanting of new trees would change experienced wind conditions in the South Cove beyond the localized area immediately adjacent to the changed vegetation is not established by the comments.

For these reasons, a potential change in wind shelter conditions in the South Sailing Basin does not constitute a potentially significant or significant environmental impact under CEQA, and no revision to the Draft EIR is warranted on this basis.

Breakwater Design, Wave Climate, and Ferry Operations

Several comments state that the wind and wave data used in the breakwater design is inadequate, including that winter gale-force northwest wind events are not adequately accounted for and that the proposed breakwater would leave the ferry float unprotected in such conditions. One comment questions whether ferries will be able to dock reliably during high wind events.

As an initial matter, these comments address the adequacy of the project design in response to environmental conditions - that is, the impact of the environment on the project, rather than the impact of the project on the environment. CEQA requires analysis of a project's effects on the environment, not an assessment of whether the project itself is adequately designed to withstand environmental conditions.

The project's coastal engineering analysis was conducted by licensed professional coastal engineers from COWI North America and is documented in the Berkeley Water Transportation Pier Ferry Project Coastal Study (COWI, December 2025) ("Coastal Study"). The Coastal Study established design parameters for water levels, wave conditions, wind, and currents specific to the Berkeley Ferry Terminal site. The structural and coastal engineering aspects of the project, including the breakwater design and wind and wave climate analysis, have been subject to rigorous independent engineering criteria review. The BCDC Engineering Criteria Review Board (ECRB) is an advisory board composed of eminent structural, coastal, and geotechnical engineers that assists BCDC in evaluating the engineering aspects of projects requiring BCDC permits. The project has been presented to the ECRB on two occasions. Following the second review, the ECRB determined that a third presentation was not required. Outstanding technical questions, including those related to wind and wave conditions, will be resolved through the ongoing BCDC permitting process, which includes continued ECRB coordination.

Ferry service reliability in high wind conditions is an operational matter governed by WETA safety protocols, which establish the conditions under which ferry service operates and may be suspended. WETA, as the ferry service operator, is responsible for establishing and enforcing those protocols. No revision to the Draft EIR is warranted on this basis.

2.3 Individual Responses to Comments

Letter A1

From: Wines, Brian@Waterboards <Brian.Wines@waterboards.ca.gov>
Sent: Saturday, April 18, 2026 4:21 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: OPR State Clearinghouse <state.clearinghouse@opr.ca.gov>; Aarreberg, Arn@Wildlife <Arn.Aarreberg@wildlife.ca.gov>; Ilsley, Olivia@BCDC <Olivia.Ilsley@bcdc.ca.gov>; Martien, Lindsay@BCDC <Lindsay.Martien@bcdc.ca.gov>
Subject: SCH 2025040995 Water Board comments on DEIR for Berkeley Water Transportation Pier Ferry

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please see the attached CEQA comment letter. A1-1

Brian Wines
Water Resource Control Engineer
San Francisco Bay Regional Water Quality Control Board
510-622-5680

California Water Boards

Gavin Newsom
Governor

Yana Garcia
Secretary for
Environmental Protection

San Francisco Bay Regional Water Quality Control Board

Sent via electronic mail: No hardcopy to follow

April 18, 2026

City of Berkeley
Parks, Recreation, & Waterfront Department
ATTN: Liza McNulty, Project Manager (lmcnulty@berkelyca.gov)
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704

Subject: San Francisco Bay Regional Water Quality Control Board Comments on the *Draft Environmental Impact Report for the Berkeley Water Transportation Pier Ferry Project, City of Berkeley, Alameda County, California*
SCH No. 2025040995

Dear Ms. McNulty:

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to review the *Draft Environmental Impact Report for the Berkeley Water Transportation Pier* Ferry *Project* (DEIR). The DEIR evaluates the potential environmental impacts associated with implementing the Berkeley Water Transportation Pier Ferry Project (Project).

The project site is located at the Berkeley Waterfront along the San Francisco Bay (Bay) in the City of Berkeley, Alameda County. The project site encompasses the closed Berkeley Pier, including the entry area for the Berkeley Pier; the San Francisco Bay waters surrounding a portion of the closed Berkeley Pier; the existing parking lot off Seawall Drive; the Skates on the Bay parking lot and parking lot M (for construction staging); roadways with landscaping (University Avenue and Seawall Drive); and various pathways and sidewalks. A1-2

The Berkeley Pier was closed in July 2015 due to visually observed structural problems on the underside of the concrete decking and pilings. The proposed project aims to revitalize the Berkeley Waterfront by developing new dual-purpose pier and ancillary uses that support both public recreation and zero-emission public ferry service. The project would include the following components: demolition of portions of the closed pier, new public pier, new breakwater that provides pedestrian access and recreational amenities, recreational amenities, ferry infrastructure, dredging, new public plaza, improvements to University Avenue and Seawall Drive, a portion of the planned Bay

Trail Extension, new landscaping, new wayfinding signage, utility connections, and operation of zero-emission electric passenger ferry service. A1-2

Summary

As is discussed below, we have concerns with the following aspects of the proposed Project: A1-3

- It may not be possible to fully mitigate impacts to aquatic species associated with the proposed use of nighttime pile driving.
- Concentrations of contaminants in sediments at the Project site have not been compared to screening levels that are protective of marine species. A1-4
- The DEIR does not propose treatment for runoff from the new concrete pier and dock. A1-5
- The proposed use of permeable pavement for stormwater runoff treatment may not be appropriate at the Berkeley Marina, which was built over landfilled waste materials A1-6

Comment 1. In Section 3.3.3, Regulatory Framework, the discussion of the extent of Water Board jurisdiction on page 3.3-31 does not correctly identify the extent of Water Board jurisdiction at the Project site.

Text on page 3.3-2 states that, “in many cases, the RWQCBs interpret the limits of waters of the State to be bounded by the OHWM, unless isolated conditions or ephemeral waters are present”. Along creeks and rivers, the Water Board has consistently asserted jurisdiction up to at least the top of bank. Along the Bay shoreline, the Water Board considers areas of the bank below the epochal high tide line to be regulated as waters of the State. A1-7

Comment 2. To address potential impacts to aquatic species, the City should consult with NOAA Fisheries, the USFWS, and CDFW during the permitting process.

In Section 3.3.4, Impact Analysis, the discussion of impacts to fish during pile driving on page 3.3-45 states that the City would consult with NOAA fisheries and CDFW during the permitting process. Some of the aquatic species that may be impacted by pile driving and other construction-related activities are managed by the U.S. Fish and Wildlife Service (USFWS). In the Bay, USFWS consultation is necessary for potential impacts to longfin smelt and foraging least terns. Also, since the beneficial uses of the Bay in the Water Board’s Basin Plan include wildlife habitat and the preservation of rare and endangered species, consultation with the Water Board is also necessary. A1-8

Comment 3. Biologists that monitor work at the Project site must be approved by NMFS and CDFW.

In the discussion of Mitigation Measure BIO-1(A) on page 3.3-53, the text states that the worker awareness program must be conducted by a City-approved qualified biologist. The biologist must also be approved by NMFS and CDFW. If USFWS determines that project work may impact species managed by USFWS, the biologist must also be approved by USFWS. A1-9

Comment 4. Mitigation Measure BIO-3, Provide Compensatory Mitigation for Loss of Jurisdictional Waters Prior to Operation, defers the preparation of an actual compensatory mitigation plan to the permitting of the Project.

Text on page 3.3-61 states that the City will submit a proposed mitigation plan to the resource agencies for review and approval during permitting. The mitigation plan should be provided in the DEIR so that the agencies can assess if the proposed compensatory mitigation will be sufficient to mitigate the Project's impacts to jurisdictional waters to a less than significant level. A1-10

In a CEQA document, a project's potential impacts and proposed mitigation measures should be presented in sufficient detail for readers of the CEQA document to evaluate the likelihood that the proposed remedy will actually reduce impacts to a less than significant level. CEQA requires that mitigation measures for each significant environmental effect be adequate, timely, and resolved by the lead agency. In an adequate CEQA document, mitigation measures must be feasible and fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4). Mitigation measures to be identified at some future time are not acceptable. It has been determined by court ruling that such mitigation measures would be improperly exempted from the process of public and governmental scrutiny which is required under the California Environmental Quality Act. Therefore, the DEIR lacks an adequate discussion of proposed mitigation measures for the Project's impacts to waters of the State. A1-11 A1-12

Comment 5. Mitigation Measures BIO-1(D) and BIO-1(E), do not address the Project's impacts to aquatic species associated with the proposed nighttime work for pile driving in the Bay.

Text in Section 2.6.2, Construction Schedule, states that the Project may require up to 50 days in which nighttime work will be used for pile driving. However, Mitigation Measure BIO-1(D), Conduct Pile Driving Impact Avoidance to Fish and Marine Mammals Prior to and During Construction, and Mitigation Measure BIO-1(E), Prepare Marine Mammal Monitoring Plan Prior to Construction and Implement Recommendations During Construction, do not address impacts associated with the proposed nighttime pile driving. Both of these mitigation measures included responses to visual observations of fish or marine mammals. But such observations are not be feasible after dark. A1-13

We prefer that pile driving and other construction activities be implemented during daylight hours, when it is easier to observe any discharges of construction materials to Bay water and it is easier to observe marine mammals, water birds, and fish in the vicinity of the construction site. Please revise the Project description to remove the proposed nighttime pile driving. A1-14

Comment 6. Constituents detected in sediment at the Project site should be compared to ecological screening levels.
On page 3.8-7, the discussion of chemicals detected in sediments at the Project site states that the measured concentrations did not exceed State for Federal hazardous waste criteria. Hazardous waste criteria are not the appropriate criteria to use in screening sediments for potential impacts to wildlife. Constituent concentrations that are lower than hazardous waste criteria may negatively impact wildlife. Please compare the chemical concentrations in the sediments with the surface layer screening levels in the *Master Quality Assurance Project Plan for the Don Edwards San Francisco Bay National Wildlife Refuge* (QAPP) (USFWS and H.T. Harvey, December 13, 2024). The screening levels in the QAPP were developed to be protective of aquatic species in marine environments. A1-15

Comment 7. The DEIR does not propose treatment for stormwater runoff from the new pier and ferry dock. A1-16
The DEIR must be revised to describe how runoff from the new pier and ferry dock's impervious surfaces will be treated prior to discharge to the Bay.

Comment 8. The proposed use of pervious pavement to treat stormwater runoff at the Marina may not be appropriate.
The DEIR proposes to treat runoff from land side post-construction impervious surfaces using permeable pavement and bioretention areas. Permeable pavement passes water through the pavement and allows the runoff to infiltrate into the soil below the permeable pavement. However, permeable pavement may not be appropriate at the Berkeley Marina, which was built over landfilled waste materials. Water infiltrating into buried waste may mobilize contaminants that will then be conveyed to the Bay via the movement of groundwater. Permeable pavement is only recommended when the bottom of the gravel infiltration reservoir below the permeable pavement is at least 5 feet above the local groundwater. According to text on page 3.8-35, depth to groundwater at the Project site is approximately 5 to 13.4 feet below the surface. A1-17

Prior to constructing areas of permeable pavement at the project site, the depth to groundwater below the areas of proposed permeable surfaces should be determined and the potential presence of waste materials in the subsurface should be assessed.

If you have any questions, please contact me at (510) 622-5680, or via e-mail at brian.wines@waterboards.ca.gov. A1-18

Sincerely,

Brian K. Wines

Brian Wines
Water Resource Control Engineer
South and East Bay Watershed Section

cc: State Clearinghouse (state.clearinghouse@opr.ca.gov)
BCDC, Olivia Ilsley, olivia.ilsley@bcdc.ca.gov
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Letter A1

Commenter: Brian K. Wines, Water Resource Control Engineer, South and East Bay Watershed Section, San Francisco Bay Regional Water Quality Control Board

Date: April 18, 2026

Response to Comments A1-1 to A1-2

These comments are introductory or nonsubstantive in nature and do not raise a significant environmental issue. No further response is required.

Response to Comments A1-3 to A1-6

Refer to Response to Comments A1-13, A1-15, A1-16, and A1-17.

Response to Comment A1-7

For the purposes of CEQA, because the limits of State Water Board jurisdiction are not defined by Porter-Cologne and there is no current written regulatory definition that specifies the limits of waters of the State in tidal areas, no changes are warranted related to the Draft EIR analysis, conclusions or mitigation. Refer to Draft EIR pages 3.3-31 and 3.3-32 for a discussion of how regulations for field determinations have not been established for waters of the State. In response to this comment, the following clarification text revisions have been made to the Draft EIR:

Section 3.3.3 page 3.3-32:

> The SWRCB and RWQCBs have not currently established regulations for field determinations of waters of the State except for wetlands. In many cases, the RWQCBs interpret the limits of waters of the State to be bounded by the OHWM unless isolated conditions or ephemeral waters are present. However, in the absence of statewide guidance, each RWQCB may interpret jurisdictional boundaries within their region, and the SWRCB has encouraged applicants to confirm jurisdictional limits with their RWQCB before submitting applications. As determined by the RWQCB, waters of the State may include riparian areas or other locations outside the OHWM, leading to a larger jurisdictional area over a given water body compared to USACE. The San Francisco Regional Water Quality Control Board has indicated that along creeks and rivers, they would assert jurisdiction up to at least the top of bank and along the Bay shoreline, they consider that areas of the bank below the epochal high tide line to be regulated waters of the State. For the purposes of this EIR, the one-year extreme high tide line was used to delineate the extent of jurisdictional waters, in line with USACE guidance, and assumed to encompass both waters of the U.S. and waters of the State. Further coordination with the SFRWQCB will be conducted during the permitting process.

Response to Comment A1-8

The Draft EIR identifies consultation with NOAA Fisheries (or NMFS) and CDFW for potential effects to federal- and State-listed special status species that could occur during in-water construction activities (refer to Section 3.3.4, pages 3.3-45 through 3.3-47 for this discussion) but omits reference to USFWS consultation. Consultation with USFWS would also occur because the project has potential to affect longfin smelt, a species managed by the USFWS. Refer to Response to Comment A2-35 to A2-38 for a discussion of impacts to California least tern.

In response to this comment, the following clarification text revisions have been made to the Draft EIR:

Section 3.3.4 page 3.3-46:

> In addition, the City would consult with NOAA Fisheries, USFWS, SFRWQCB, and CDFW during the permitting process.

Section 3.3.4 page 3.3-47:

> In addition, the City would consult with NOAA Fisheries, USFWS, SFRWQCB, and CDFW during the permitting process.

Response to Comment A1-9

Agency approval of biological monitors is an environmental regulatory permitting requirement that will be satisfied during the separate-from-CEQA-compliance regulatory review process; but is not, by itself, a mitigation measure necessary under CEQA. However, in response to this comment, page 3.3-43 of the Draft EIR is revised as follows:

> However, implementation of Mitigation Measures BIO-1(a), BIO-1(b), and BIO-1(c) would require a Worker Environmental Awareness Program…. Biologists responsible for implementing Mitigation Measure BIO-1(a) and other biological mitigation measures would be required to meet any qualifications and approval requirements established by applicable resource agencies through project permits and authorizations.

This revision is clarifying in nature and does not alter the subsequent analysis or significance conclusions presented in the Draft EIR. The analysis and significance conclusion presented under Impact BIO-1 in Section 3.3.4, Impacts Analysis, starting on page 3.3-46 of the Draft EIR that concludes that impacts to special status species would result in a less than significant impact with mitigation remains valid as written. No further revisions to the Draft EIR are necessary in response to this comment beyond the above clarification.

Response to Comment A1-10

Consistent with CEQA Guidelines §15126.4(a)(1)(B), when project-specific details are not yet available, mitigation measures may be formulated with performance standards that ensure the measure will be effective once the missing information becomes available. CEQA expressly allows agencies to not finalize all the details of mitigation if the agency commits to specific performance criteria and to a process ensuring that the final mitigation will achieve the required outcomes, including finetuning that could result from separate regulatory permitting processes. The Draft EIR includes a requirement that existing pier structures be removed at a ratio of at least 1:1 for impacts to jurisdictional waters (refer to Mitigation Measure BIO-3 on page 3.3-61) to achieve a no-net increase in Bay fill, which is sufficient to mitigate the impact on jurisdictional waters to a less-than-significant level under CEQA. Preparation of a fully developed, site-specific mitigation plan requires final design information and jurisdictional determinations that are not yet available. Because the precise footprint, final pile and decking layouts, and the results of a formal jurisdictional delineation will be established during final design and agency permitting, it is not possible to calculate exact impact quantities or to prepare a fully developed mitigation plan at this time. The final mitigation plan required to secure permits from USACE, SFBRWQCB, and BCDC will be determined in coordination with these regulatory agencies, consistent with the performance standards in Mitigation Measure BIO-3.

Refer to Section 2.2.17, *Topical Response: Mitigation Measure Requirements,* for further discussion about how Mitigation Measure BIO-3 is not deferred mitigation under CEQA. In addition, refer to the errata in Chapter 3 of the Final EIR for changes to the wording of Mitigation Measure BIO-3, and which clarifies that implementation of Mitigation Measure BIO-3 would require no net increase in Bay fill, rather than compensatory mitigation.

Response to Comment A1-11

Refer to Response to Comment A1-10 and Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, for a discussion about how Mitigation Measure BIO-3 complies with CEQA requirements. The City looks forward to continued coordination and collaboration with the SFRWQCB as it pertains to mitigation for fill.

Response to Comment A1-12

The mitigation disclosed in an EIR must be adequate, enforceable, and sufficiently specific so that the public and agencies can evaluate its likely effectiveness. The Draft EIR provides a clear, enforceable, minimum mitigation requirement that avoids the net loss of jurisdictional waters due to project implementation (refer to Mitigation Measure BIO-3 on page 3.3-61 and as revised in the errata in Chapter 3 of the Final EIR). A fully engineered mitigation plan is not typically completed at the Draft EIR stage, and mitigation details are also further finalized during the separate regulatory permitting process. At the end of Mitigation Measure BIO-3 in the Draft EIR (refer to page 3.3-66), it is stated that "This measure may be modified or supplemented by permit conditions from applicable regulatory agencies." Refer also to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, for further discussion about how Mitigation Measure BIO-3 is not deferred mitigation under CEQA. Draft EIR Table 3.3-4 in Section 3.3.4 Impacts Analysis, Impact BIO-3, page 3.3-60, includes the estimated net change in square feet of fill within waters of the State.

Response to Comment A1-13

Draft EIR Mitigation Measures BIO-1(d) is related to time of year of in-water construction and requires a soft startup of construction equipment in water to allow fish and marine mammals to vacate the area before a pile driver reaches full power. Note that the starting up of construction equipment would not happen during the nighttime but only during the daytime when construction commences. This allows for visual observation during the start-up period to ensure that fish or marine mammals leave the vicinity of the construction site. Once they vacate the area, it is not anticipated that fish or marine mammals would revisit the construction site until after the construction ceases. Further, as described below, nighttime pile-driving will be limited and additional non-visual monitoring protocols will be used. In response to this comment, the text of Draft EIR Section 3.3, *Biological Resources*, has been clarified as follows:

Section 3.3.4 page 3.3-45:

> However, Mitigation Measure BIO-1(a) and BIO-1(d) would be required. Mitigation Measure BIO-1(a), which requires a Worker Environmental Awareness Program (in part to support implementation of Mitigation Measure BIO-1(d)), and Mitigation Measure BIO-1(d), which dictates seasonal work windows, soft-start and ramp-up procedures, exclusion zones, and sound attenuation measures during pile driving, would reduce impacts related to special-status fish to less than significant with mitigation. Soft-start procedures would occur when pile driving and pile-extraction activities commence during daytime hours, allowing marine mammals to leave the vicinity of the construction site before pile driving reaches full power. Nighttime pile driving, if required, would only occur as a continuation of work initiated during the daytime after implementation of the daytime soft-start procedures. In addition, the City would consult with NOAA Fisheries and CDFW during the permitting process.

Section 3.3.4 page 3.3-48:

> However, Mitigation Measure BIO-1(a) and BIO-1(d) would be required. Mitigation Measure BIO-1(d) requires implementation of soft-start and ramp-up procedures, monitoring, and exclusion zones based on the most current NMFS-approved guidance to avoid and minimize marine mammal exposure to pile-driving noise. Soft-start procedures would occur when pile driving and pile-extraction activities commence during daytime hours, allowing marine mammals to leave the vicinity of the construction site before pile driving reaches full power. Nighttime pile driving, if required, would only

occur as a continuation of work initiated during the daytime after implementation of the daytime soft-start procedures. Implementation of these measures would reduce construction related, pile-driving noise impacts related to special-status marine mammals to less than significant with mitigation.

Section 3.3.4 page 3.3-50:

In addition to the Worker Environmental Awareness Program required under Mitigation Measures BIO-1(a), implementation of BIO-1(d), BIO-1(e), and HYD-1 would also be required to mitigate impacts on marine mammals during construction. The MMMP developed under BIO-1(e) would apply the project's hydroacoustic analysis to establish Level A and Level B protection zones and integrate these with the soft-start procedures and observation protocols identified in Mitigation Measure BIO-1(d). These measures would require soft-start techniques, a sound curtain, buffer zones, and biological monitoring to address impacts due to pile driving noise. Soft-start procedures would be implemented at the start of pile-driving and pile-extraction activities, which would only commence during the daytime, allowing marine mammals to leave the vicinity before pile driving reaches full power. Any nighttime pile driving, if required, would occur only as a continuation of work initiated during the daytime after implementation of the daytime soft-start procedures. Mitigation Measure BIO-1(d) would ensure that any impacts to marine mammals would avoid injury and be limited to behavioral impacts, and would thus be less than significant.

The Draft EIR Mitigation Measure BIO-1(e) requires visual monitoring and qualified biologists for in-water construction work; however, such visual monitoring would not be feasible at night. As described in Draft EIR Section 2.6 *Construction Details*, on page 2-26, construction work would be conducted primarily during the daytime. Nighttime pile driving would only occur in circumstances where construction phasing or safety require extended hours and after construction activity has already begun earlier during the day. Nonetheless, in response to this comment, the text of the Draft EIR Mitigation Measure BIO-1(e) has been clarified to provide more specifics related to potential nighttime pile driving as follows:

Section 3.3.4 page 3.3-56:

Mitigation Measure BIO-1(e): Prepare Marine Mammal Monitoring Plan Prior to Construction and Implement Recommendations During Construction

Prior to construction, the City shall prepare a Marine Mammal Monitoring Plan (MMMP) to avoid and minimize potential adverse impacts on marine mammals during pile driving and tug operations. The MMMP shall implement general guidelines set forth in the MMPA and incorporate the hydroacoustic modeling results developed for the project to define site-specific protection zones and avoid exposure of marine mammals to underwater sound levels exceeding the most up to date Level A (injury) thresholds identified by NOAA Fisheries. The MMMP shall include the following:

- **Protection and Monitoring Zones**: Using the hydroacoustic modeling results, the MMMP shall define shutdown and disturbance zones for each marine mammal hearing group. These zones will be tailored to the pile type, size, and driving method and will correspond to the Level A and Level B effect distances developed for the project. The plan will describe how these protection zones will be verified and monitored in the field, integrating them with the soft-start and observation procedures described in Mitigation Measure BIO-1(d).
- **Vessel Operation Protocols**: The MMMP shall include vessel-operation measures consistent with the MMPA. Construction vessels under power shall remain at least 300 feet from whales and 150 feet from dolphins, porpoises, seals, and sea lions. When marine mammals are encountered, vessel operators shall reduce speed to no-wake, shift to neutral, and allow the animals to pass safely before resuming operations.
- **On-Site Monitoring and Response**: A qualified biologist shall be present on site, either observing from the pier or aboard a vessel, during all pile-driving and tug operations. The biologist shall document all marine-mammal observations, note behavioral responses, and immediately alert project personnel if a whale enters the modeled harassment distance or comes within 300 feet, or

if any other marine mammal enters the modeled harassment distance or comes within 150 feet, whichever is greater. Upon such an observation, the contractor shall implement the appropriate delay or shutdown procedures identified in the MMMP.

- **Adaptive Management and Coordination**: The MMMP shall outline communication and reporting protocols, including stop-work notification procedures and coordination with NMFS Protected Species Division. Results from daily monitoring will be used to assess the effectiveness of the protection zones and adjust them, if needed, in consultation with NMFS.
- **Nighttime Pile Driving**: Nighttime pile driving shall be limited to situations where safety concerns or significant schedule delays require that pile driving started during daytime hours extend beyond typical work hours. For instances where nighttime pile driving is required, the MMMP shall include non-visual monitoring protocols, such as passive acoustic monitoring, thermal/infrared cameras, and night-vision optics, as well as larger nighttime exclusion/shutdown zones, extended soft-start procedures, and the most effective feasible hydroacoustic attenuation.

This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

Response to Comment A1-14

As discussed in Response to Comment A1-13, construction work would be conducted primarily during the daytime, and nighttime pile driving would only occur when absolutely necessary. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment A1-15

Impact HAZ-1 in Section 3.7, *Hazards and Hazardous Materials* of the Draft EIR (page 3.7-27) discusses the results of a 2025 sediment sampling analysis conducted within the five dredge units within the project vicinity, which included evaluation of the sediments for placement at disposal sites in San Francisco Bay, specifically the Cullinan Ranch Restoration Project (CRRP) and the Montezuma Wetlands Restoration Project (MWRP) beneficial reuse sites.[22] Based on the findings of the sampling and analysis, which included comparison of sediment chemistry to San Francisco Bay sediment background concentrations and site-specific screening criteria for CRRP and MWRP, the sediments sampled are suitable for reuse at San Francisco Bay, CRRP, and/or MWRP beneficial reuse sites. The sediment screening levels requested for comparison by the commenter were established specifically for the Don Edwards San Francisco Bay National Wildlife Refuge, which is a different beneficial reuse site than those evaluated in the 2025 sediment sampling analysis. Page 2-28 in Chapter 2, *Project Description* of the Draft EIR indicates that the location for disposal of dredged materials would depend on the sampling results of the dredged materials, as well as permitting requirements. Based on the results of the 2025 sediment sampling analysis, it is expected that MWRP or another disposal site in the San Francisco Bay would be used. The Don Edwards San Francisco Bay National Wildlife Refuge is not identified in the Draft EIR as a potential disposal site for dredged materials as part of the proposed project; therefore, comparison of the 2025 sediment samples to the site-specific screening levels for the Don Edwards San Francisco Bay National Wildlife Refuge is not applicable to the proposed project.

The analysis and significance conclusion presented under Impact HAZ-1 in Section 3.7, *Hazards and Hazardous Materials*, of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

[22] Pacific EcoRisk. 2025. *Characterization of the Sediment from Berkeley Water Transportation Pier Ferry Project: Results of Sediment Sampling and Analysis.* September 19. Via https://berkeleypierferryproject.com/wp-content/uploads/2026/02/Pacific-EcoRisk_2025_Characterization-of-the-Sediment-from-BWTPF.pdf (accessed June 2026).

Response to Comment A1-16

The Draft EIR's analysis of stormwater runoff focuses on operational impacts from impervious surfaces that generate contaminated runoff such as parking areas and roadways with vehicular activity (see Draft EIR Section 3.8, *Hydrology and Water Quality*). Because the new pier surface will not support vehicle operations or fuel-related contamination sources, the runoff from the pier surface itself consists of uncontaminated precipitation and does not meet the thresholds for a significant environmental impact under CEQA. In addition, there is already an existing pier at the project site and stormwater runoff from the existing pier represents the existing baseline conditions. When the proposed project is compared to existing baseline conditions, the amount and quality of runoff from the proposed new pier is not expected to change. This analysis is consistent with the Draft EIR's findings that project-related water quality impacts would be less than significant, as documented in Section 3.8, *Hydrology and Water Quality* and the associated mitigation measure.

However, the City acknowledges that SFRWQCB regulatory requirements mandate stormwater treatment standards for all new impervious surfaces, including the pier, regardless of CEQA significance. The specific treatment approach and compliance mechanism will be established through the City's permit application process and subject to SFRWQCB review and approval. This regulatory and design-level analysis occurs outside CEQA scope and does not require revision to the Draft EIR.

No revision to the Draft EIR is warranted on this basis.

Response to Comment A1-17

As described on page 2-18 of the Draft EIR, the proposed project includes permeable pavement for the majority of the proposed parking. The proposed permeable pavement does not provide stormwater treatment or rely on infiltration. As described in Draft EIR Section 2.5.2, the permeable pavement conveys stormwater via an under-drain to new bioretention areas designed for stormwater treatment in compliance with the City's NPDES permit and applicable stormwater quality standards. The detailed design of the stormwater treatment system will be reviewed and permitted by the City and SFRWQCB to ensure compliance with applicable regulatory requirements. The Draft EIR appropriately addresses potential water quality impacts in Section 3.8, *Hydrology and Water Quality*; detailed design and regulatory compliance occur through separate permitting processes. Accordingly, no revisions to the Draft EIR are required.

Response to Comment A1-18

As this comment does not raise any significant environmental issues, no further response is required.

Letter A2

From: Aarreberg, Arn@Wildlife <Arn.Aarreberg@wildlife.ca.gov>
Sent: Friday, April 24, 2026 3:19 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Waggoner, Claire@Wildlife <Claire.Waggoner@Wildlife.ca.gov>; Weightman, Craig@Wildlife <Craig.Weightman@wildlife.ca.gov>; Wilkins, Eric@Wildlife <Eric.Wilkins@wildlife.ca.gov>; Faridi, Jason@Wildlife <Jason.Faridi@Wildlife.ca.gov>; Rynearson, Chad@Wildlife <Chad.Rynearson@Wildlife.ca.gov>; Ilsley, Olivia@BCDC <Olivia.Ilsley@bcdc.ca.gov>; Wines, Brian@Waterboards <Brian.Wines@waterboards.ca.gov>
Subject: CDFW Comment Letter - Berkeley Water Transportation Pier Ferry EIR (SCH # 2025040995)

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Liza McNulty,

Please see attached comment letter regarding the Berkeley Water Transportation Pier Ferry EIR. If you have any questions, please let me know. A2-1

Arn Aarreberg
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STATE OF CALIFORNIA
CDFW OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
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April 23, 2026

Liza McNulty, PE, Project Manager
City of Berkeley Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
lmcnulty@berkeleyca.gov

Subject: Berkeley Water Transportation Pier Ferry Environmental Impact Report SCH # 2025040995

Dear Liza McNulty:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the City of Berkeley for the Berkeley Water Transportation Pier Ferry (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code. A2-2

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, § 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines §15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. Additionally, CDFW is responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of California, and ensuring fisheries are sustainably managed under the Marine Life Management Act. A2-3

[1] CEQA is codified in the California Public Resources Code in § 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with § 15000.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. CDFW requires a Lake and Streambed Alteration Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. A2-4

Likewise, to the extent implementation of the Project may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required. A2-5

PROJECT DESCRIPTION SUMMARY

Proponent: City of Berkeley

Objective: The objective of the Project is to replace the Berkley Pier with a new publicly accessible pier, breakwater, and ferry terminal. The proposed project would include construction of a new 1,080-foot pier, a 400-foot breakwater, and ferry boarding infrastructure. There would be development of a new public plaza at the pier entrance; improvements along University Avenue and Seawall Drive including a raised cycle track, new pedestrian amenities, and upgraded transit facilities. The project also included renovation of existing parking areas with permeable pavement and potential solar canopies, as well as installation of new utility connections, shoreline repair, and dredging to support ferry operations. Primary Project activities include removal of the old Pier structures, installation of new concrete piles, and the installation of a breakwater. On land, the project will consist of utility trenching, demolition of hardscapes, and repaving roads and parking areas. A2-6

Location: The Project is located within the City of Berkeley at the waterfront near the Berkeley Pier and includes the adjacent land along Seawall Drive and University Avenue (37°51'40.3"N, 122°19'00.3"W).

Timeline: April 2027 to December 2028.

STATE AND FEDERALLY LISTED AND COMMERCIALLY/RECREATIONALLY IMPORTANT SPECIES A2-7

Protected species under the State and Federal Endangered Species Acts that could potentially be

present near Project activities include:

- Longfin smelt (*Spirinchus thaleichthys*), state-threatened
- Chinook salmon (*Oncorhynchus tshawytscha*), state and federally threatened (Central Valley Spring-run), state and federally endangered (Sacramento River Winter-run), state species of special concern (Central Valley Late Fall Run, Central Valley Fall Run)
- Steelhead (*Oncorhynchus mykiss*), federally threatened (Central California Coast evolutionary significant units)
- Green sturgeon (*Acipenser medirostris)*, federal threatened (Southern Distinct Population Segment)
- White sturgeon (*Acipenser transmontanus)*, state candidate species
- Pacific lamprey (*Entosphenus tridentatus*), state species of special concern
- California Least tern (*Sternula antillarum browni),* state and federally endangered, state fully protected
- White-tailed kite (*Elanus leucurus*), state fully protected
- Crotch's bumble bee (*Bombus crotchii*), state candidate species
- Burrowing owl (*Athene cunicularia*)
- Western pond turtle (*Actinemys marmorata*), federally threatened

A2-7

Several species with important commercial/recreational fisheries value and habitat value for spawning and rearing could potentially be present near Project activities. These include: Eelgrass (*Zostera marina),* Dungeness crab *(Metacarcinus magister),* California halibut (*Paralichthys californicus),* Pacific herring (*Clupea pallasii*), Rockfish (*Sebastes spp*.), Surfperches (*Embiotocidae*).

Lake and Streambed Alteration

CDFW requires a Lake or Streambed Alteration (LSA) Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a responsible agency under CEQA.

A2-8

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act. A2-9

Fully Protected Species

Fully Protected Species (Fish & G. Code § 3511 and 4700) have the potential to occur within or adjacent to the Project area, including, but not limited to: white-tailed kite (*Elanus leucurus*), and California least tern (*Sternula antillarum browni*) (LETE). A2-10

Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). A2-11

Specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code §2081.15).

CDFW also recommends the DEIR analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species. Project proponents should consult with CDFW early in the Project planning process. A2-12

MARINE BIOLOGICAL SIGNIFICANCE

The San Francisco Bay-Delta is the second largest estuary in the United States and supports numerous aquatic habitats and biological communities. It encompasses 479 square miles, including shallow mudflats. This ecologically significant ecosystem supports both state and federally threatened and endangered species and sustains important commercial and recreational fisheries. A2-13

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Berkeley in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the clarity of the document. A2-14

I. Project Level Impacts and Other Considerations

Mitigation Measures BIO-1 and BIO-3

Comment: The proposed Project includes using both a vibratory driving and impact hammer to drive up to 416 piles that range from concrete sheet piles to 24"-36" diameter steel and concrete piles. Mitigation Measure BIO-1 is broken up into multiple sections with measures to avoid and or minimize impacts to aquatic species from pile driving, including through implementation of worker education, special status species surveys, work windows, and hydroacoustic attenuation. However, Mitigation Measure BIO-1 does not address potential compensatory mitigation to offset hydroacoustic impacts to aquatic species from pile driving. A2-15

Additionally, the proposed Project would have an estimated net increase in cover area of 17,050 square feet, or approximately 0.39 acres. The proposed Mitigation Measure BIO-3 proposes to offset this increase of cover by removing additional existing decking and piles from the defunct wharf at a 1:1 ratio. However, this ratio may not be sufficient to offset the potential impacts to state listed species based on the impacts of the proposed Project. A2-16

The increase in fill and cover from the proposed pier and ferry dock, in addition to the impacts from increased underwater sound during construction and new work dredging may require an increased ratio to appropriately offset the impacts to state listed species that will be considered under CDFW's authorization of the Project.

Recommendation: CDFW recommends adding a section to Mitigation Measure BIO-1 to address compensatory mitigation to offset impacts from pile driving, particularly hydroacoustic impacts to species. CDFW also recommends that the final EIR consider a total mitigation ratio of 3:1, if fill removal is chosen to mitigate for the Project's impacts, to offset loss of species habitat and impacts from underwater sound. Additionally, mitigation credits, from a CDFW approved mitigation bank, may serve as an appropriate alternative mitigation option. A2-17

Dredging

Comment: The Project includes a proposal to dredge approximately 400,000 cubic yards from the unmaintained federal navigation channel adjacent to the pier to allow ferry access. The DEIR is not clear about who will conduct the dredging and whether this will be initially dredged and then A2-18

maintained by the U.S. Army Corps of Engineers as a federal navigational channel or whether the City of Berkeley will be responsible. A2-18

Additionally, it is CDFW's understanding that there has been substantial time between dredging events at this location and the initial 400,000 cubic yards of material would be considered a new dredging event. The DEIR lacks detail on the potential impacts to aquatic species and their habitat from this new dredging and how those impacts may be offset. A2-19

Recommendation: CDFW recommends the final EIR clearly describe who will be responsible for dredging and maintaining the navigation channel and how the impacts of conducting this new work dredging will be offset. A2-20

Crotch's Bumble Bee

Comment: The DEIR states that Crotch's bumble bee (*Bombus crotchii*) have the potential to occur on the Project site but it does not state avoidance and minimization measures to reduce potential impacts to less-than-significant.

The Project location is within the Crotch's bumble bee range (https://wildlife.ca.gov/Conservation/CESA) and grassland adjacent to the Project site may contain potential habitat for Crotch's bumble bee. As a candidate species, unauthorized take of this species pursuant to CESA is a violation of California Fish and Game Code section 2080 et seq. A2-21

The Project activities may result in the loss of nesting and foraging habitat for Crotch's bumble bee, and potentially the loss of individuals in nests due to crushing by construction personnel or equipment, excavation, and placement of soil stockpiles. Additionally, Project activities may result in direct mortality through crushing or filling of active bee colonies and hibernating bee cavities, reduced reproductive success, loss of suitable breeding and foraging habitats, loss of native vegetation that may support essential foraging habitat.

Recommended Mitigation Measure Habitat Assessment: A habitat assessment shall be conducted by a qualified entomologist knowledgeable with the life history and ecological requirements of Crotch's bumble bee. The habitat assessment shall include all suitable nesting, overwintering, and foraging habitats within the Project area and surrounding areas. Potential nest habitat (February through October) could include that of other *Bombus* species such as bare ground, thatched grasses, abandoned rodent burrows or bird nests, brush piles, rock piles, and fallen logs. Overwintering habitat (November through January) could include that of other *Bombus* species such as soft and disturbed soil or under leaf litter or other debris. The habitat assessment shall be conducted during peak bloom period for floral resources on which Crotch's bumble bee feed. Further guidance on habitat surveys can be found within *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (https://wildlife.ca.gov/Conservation/CESA). A2-22

Recommended Mitigation Measure Survey Plan: If Crotch's bumble bee habitat is present within the Project area, the Project should include a pre-construction survey plan as a mitigation measure. The survey plan should be submitted to CDFW for review. Surveys should be conducted by a qualified entomologist familiar with the behavior and life history of Crotch's bumble bee. If CESA candidate bumble bees will be captured or handled, surveyors should obtain a 2081(a) Memorandum of Understanding (MOU) from CDFW. Surveys should be conducted during the colony active period (i.e. April through August) and when floral resources are in peak bloom. Bumble bees move nests sites each year, therefore, surveys should be conducted each year that Project work activities will occur. Further guidance on presence surveys can be found within Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (https://wildlife.ca.gov/Conservation/CESA). A2-23

Recommended Mitigation Measure Crotch's Bumble Bee Avoidance or Take Authorization: If Crotch's bumble bee are detected during pre-construction surveys, a Crotch's bumble bee avoidance plan should be developed and provided to CDFW for review prior to work activities involving ground disturbance or vegetation removal. A2-24

If full take avoidance is not feasible, CDFW strongly recommends that the DEIR state that the Project proponent will apply to CDFW for take authorization under an ITP.

Recommended Mitigation Measure Herbicide Application: To minimize impacts to bumble bees, avoid the bloom periods for herbicide application and mowing activities. If this is not possible, CDFW recommends that the Project obtain take authorization under an ITP, pursuant to Fish and Game Code section 2081 subdivision (b). A2-25

Western Pond Turtle

Comment: The DEIR states that Western Pond Turtles have been observed at the parks and ponds around the project site. The DEIR states that if a western pond turtle is found on site, a qualified biologist will capture and relocate the individual.

The Western Pond Turtle (*Actinemys marmorata*) is a native, protected species in California. Under California Code of Regulations Title 14, Section 40 (b) The live capture and release of native reptiles and amphibians done to avoid such death or injury may occur only with CDFWs written approval. A2-26

Recommended Mitigation Measure: CDFW recommends that BIO-1 state that if a Western Pond Turtle is found in the construction area, CDFW shall be contacted for guidance. A2-27

Burrowing Owl

Comment: The DEIR states that burrowing owls (*Athene cunicularia*) are unlikely to be affected by the project due to the low potential to occur on the project site. However, a 2025 occurrence of burrowing owl is noted 0.7 miles north of the Project area in CNDDB.

The burrowing owl is currently a candidate species under CESA and is afforded the same protection as a CESA-listed species (CEQA Guidelines, §15380, subds. (b)). Unauthorized take of this species pursuant to CESA is a violation of Fish and Game Code section 2080 et seq. The mitigation measures in BIO-1(c) may not be sufficient to avoid impacts to burrowing owls as they do not address the potential for occurrence. A2-28

Recommended Mitigation Measure: The DEIR should modify BIO-1 to state that if burrowing owls are detected during surveys within or near the Project area, a protective buffer will be established to ensure construction activities will not impact the burrowing owl or their habitat. Appropriate buffers typically have a 150 to 1,500-foot radius and vary depending on the level of disturbance and timing of construction. If the burrowing owl show signs of distress (e.g., defensive vocalizations and/or flying away from the nest), the buffer distance should be increased. The Designated Biologist shall submit the results of the surveys, including a Burrow Complex Map to CDFW for approval prior to beginning Covered Activities. If changes in burrowing owl presence are detected (e.g., burrowing owl have moved onsite or changed burrow use), the Designated Biologist shall contact the CDFW Regional Representative by phone or email within 24 hours of the observation to consult on appropriate measures to avoid or minimize impacts of the Project. If a lapse in Project-related work of 14 calendar days or longer occurs, the Lead Agency shall contact the CDFW Regional Representative by phone or email and may be required to conduct additional surveys before work may be reinitiated. A2-29

The Designated Biologist shall visually inspect any pipes, debris piles, culverts, pallet stacks, burrow exclusion installations, or similar structures for burrowing owl before the material is moved, buried, or capped. The Designated Biologist shall inspect all open holes and trenches within the Project Area at a minimum of twice a day and immediately prior to backfilling. At the end of each workday, the Lead Agency shall place an escape ramp at each end of trenches or holes to allow any animals that may have become trapped in the trench or hole to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30-45 degrees. If any worker discovers that burrowing owls have become trapped, they shall halt Covered Activities and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the burrowing owl to escape unimpeded.

Recommended Mitigation Measure Burrowing Owl Monitoring: The Designated Biologist(s) shall be present during construction activities to monitor the behavior of any burrowing owl. The Designated Biologist(s) shall have the authority to order stop work if burrowing owl exhibit distress and/or abnormal behavior for (e.g., excessive vocalizations, defensive flights at intruders, flushing A2-30

frequently, or otherwise displaying agitated behavior). Permittee shall not resume activities until CDFW has been consulted by the Designated Biologist and both the Designated Biologist and CDFW confirm that the burrowing owl's behavior has normalized. CDFW, in consultation with the Designated Biologist(s), shall determine whether to increase the size of the no-disturbance buffer. A2-30

Recommended Mitigation Measure Compensatory Mitigation: CDFW highly recommends that the Project proponent obtain take authorization from CDFW through issuance of an ITP if full avoidance of take during construction and/or operations is not feasible. The DEIR must include all biologically appropriate and feasible take avoidance measures. If permanent or temporary impacts of the proposed Project to burrowing owl foraging and/or nesting habitat cannot be completely avoided, the DEIR should include measures to minimize the impacts of construction on owls and their habitat, and effective compensatory mitigation to offset all habitat loss. A mitigation plan should be prepared in consultation with CDFW. A2-31

Nesting Bird

Comment: The surveys and avoidance buffers proposed by mitigation measure BIO-1(c) may not be sufficient to reduce impacts to nesting birds to less-than-significant levels. A2-32

Project activities, including grading, ground disturbance, operation of heavy machinery, increased foot traffic, and the movement of workers, may generate noise or visual disturbances which may in turn result in nest abandonment, reduced reproductive success, loss, or reduced health or vigor of eggs or young. Grading, tree removal, and vegetation removal may also result in direct take of nesting birds.

Take of nesting birds, birds in the orders Falconiformes or Strigiformes, and migratory nongame bird as designated in the MBTA is a violation of Fish and Game Code (§ 3503, 3503.5, 3513). CNDDB indicates that white-tailed kite and northern harrier may occur within the Project site. White-tailed kite is a Fully Protected species (Fish & G. Code § 3511), and this status qualifies them as rare, threatened, or endangered pursuant to CEQA Guidelines § 15380. A2-33
To reduce impacts to nesting birds, including white-tailed kite and northern harrier, CDFW recommends modifying BIO-1(C)to reflect the following measures.

Recommended Mitigation Measure: To the extent feasible, Project activities shall be conducted outside of the bird nesting season (typically February 1–September 15, and as early as January 1 for raptors). If Project activities cannot happen outside of bird nesting season a preconstruction nesting bird survey shall be conducted by a qualified biologist no more than 14 days prior to the commencement of Project-related activities to identify active nests that could be impacted by construction, and a second focused survey shall be conducted with 48 hours of Project commencement. If Project activities lapse for a period longer than seven days, a focused survey shall be conducted before activities recommence. The preconstruction nesting bird survey shall include Project boundaries, including any temporary disturbance areas, and where no established A2-34

survey protocol exists, CDFW recommends the following minimum survey radius: (1) 250 feet for Passerines, and (2) 1,000 feet for raptors. If active nests are found, a no-disturbance buffer shall be established around the nest. A qualified biologist, in consultation with CDFW, shall establish a buffer distance. The following nest avoidance buffers are recommended: (1) 250 feet for passerines, (2) 1,000 feet for raptors, and (3) 0.5 mile for golden eagle. The buffer shall be maintained until the nestlings have fledged (e.g., are capable of flight and become independent of the nest), to be determined by a qualified biologist. The avoidance buffer can be removed, and no further measures are necessary once the young have fledged or the nest is no longer occupied, as determined by a qualified biologist. A2-34

California Least Tern

Comment: The DEIR states that LETE are not expected to occur within the project site. However, LETE has been recorded adjacent to the project site according to CNDDB unprocessed data. Despite the existence of suitable nesting habitat and potential for LETE to nest or forage adjacent to Project and staging areas, the DEIR does not include analysis on the potential for the Project to significantly impact LETE, nor does it include measures to avoid, minimize or mitigate potentially significant impacts to LETE. A2-35

LETE are CESA and federal Endangered Species Act (ESA) endangered and state fully protected species. Populations of LETE nest along the West coast of North America from Baja California north to the San Francisco Bay and establish nesting colonies on sandy soils with little vegetation along Pacific Ocean beaches, lagoons and bays (USFWS 1980). LETE were once widespread and abundant, but increasing human disturbance to sandy beaches, hunting for the millinery trade, and increasing predator populations caused the population to undergo a major decline in the early 1900s (USFWS 2006). LETE nesting occurs between April 15 and late September, and successful development and growth of chicks requires habitat free of human disturbance, protection from avian and mammal predators, and proximity to aquatic foraging habitat. LETE have high site fidelity and return to nesting areas year after year. This species is highly sensitive to human disturbance and will readily abandon nesting areas if disturbed. A2-36

Project activities could impact LETE in the short term due to generation of noise from construction equipment, groundwork, and operation and movement of equipment and workers that would have the potential to disturb LETE foraging, roosting, and nesting. Direct mortality of LETE could occur through nest abandonment, resulting in reduced reproductive success (loss or reduced health or vigor of eggs or young). A2-37

Recommended Mitigation Measure: A CDFW-approved biologist, in coordination with CDFW, shall conduct breeding and occupancy surveys for LETE in all suitable habitats within and adjacent to the Project area during the LETE nesting season (April 15- September 15) prior to each year of construction to determine whether LETE are present. A2-38

If LETE are found in suitable habitat near the Project site, appropriate buffers shall be incorporated to avoid and minimize impacts to LETE. A 700-foot no-work buffer shall be implemented between construction activities and any current-year breeding LETE detections. Noise-reducing modifications to equipment as well as portable acoustic barriers/blankets placed near noise sources may be appropriate to reduce auditory and visual impacts to breeding shorebirds. A qualified avian biologist shall advise and support buffer establishment in consultation with CDFW. Fully protected species such as LETE may not be taken or possessed at any time. The qualified biologist shall also be on-site during all Project activities to ensure that fully protected species impacts are avoided by all Project activities.

If breeding and occupancy surveys demonstrate that LETE utilize any habitat in the Project area that would be temporarily or permanently impacted by Project development, the Project shall develop a Least Tern Mitigation and Monitoring Plan in coordination with CDFW, which shall outline actions the Project will take to avoid impacts to LETE and their habitat. These actions could include:

1) Establishing protected areas within the Project area for LETE nesting, prior to Project impacting existing nesting habitat;
2) Creating a monitoring program to assess LETE populations within existing and/or established protected areas and restored habitat in the Project area;
3) Incorporating other methods for promoting LETE resiliency on lands within the Project area; and
4) Identifying and implementing metrics for assessing success of the Least Tern Mitigation and Monitoring Plan.

A2-38

II. Editorial Considerations

Comment: On page 2-6 (Section 2.5.1- Waterside) makes two references to Section 2.7.2 as the section in which piles for the pier and breakwater are discussed. In the DEIR, Section 2.7.2 is specific to energy and consumption. The final EIR should revise this reference to appropriately direct reviewers to Section 2.6.1 – Construction Activities and Equipment in which specific details related to proposed piles are discussed.

A2-39

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/SubmittingData#44524420-pdf-field-survey-form. The

A2-40

completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals. A2-40

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, Section 753.5; Fish & G. Code, Section 711.4; Pub. Resources Code, Section 21089.) A2-41

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City of Berkeley in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Arn Aarreberg, Environmental Scientist, at R7CEQA@wildlife.ca.gov and Chad Rynearson, Environmental Scientist, at Chad.rynearson@wildlife.ca.gov. A2-42

Sincerely,

Craig Shuman, D. Env
Marine Regional Manager

Ec: Claire Waggoner, Environmental Program Manager
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San Francisco Bay Conservation and Development Commission

Brian Wines, Water Resources Control Engineer
San Francisco Bay Regional Water Quality Control Board

REFERENCES

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U.S. Fish and Wildlife Service. 2006. California least tern (*Sternula antillarum browni*) 5-Year Review, Status and Evaluation. Carlsbad, CA.

U.S. Fish and Wildlife Service. 1980. Selected vertebrate endangered species of the seacoast of the United States - California least tern. U.S. Dep. Inter., Fish and Wild.

A2-43

Letter A2

Commenter: Craig Shuman, D. Env, Marine Regional Manager, California Department of Fish and Wildlife

Date: April 24, 2026

Response to Comment A2-1 to A2-4, A2-6

These comments do not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A2-5

The Draft EIR identifies consultation with CDFW for impacts to State-listed species (refer to Section 3.3.4, pages 3.3-46 and 3.3-47). In addition, Section 3.3.4, under Impact BIO-1, starting on page 3.3-43 discusses impacts to special-status species, including State-listed species, and concludes that impacts would be less than significant with implementation of identified mitigation. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment A2-7

All species included in the comment list (longfin smelt, Chinook salmon [Central Valley Spring-run and Sacramento River Winter-run], steelhead, green sturgeon, white sturgeon, Pacific lamprey, California least tern, white-tailed kite, Crotch's bumble bee, burrowing owl, and western pond turtle, eelgrass, Dungeness crab, California halibut, Pacific herring, rockfish, and surfperches) are addressed in the Draft EIR under both Environmental Setting (refer to pages 3.3-17 through 3.3-24) and under Impact BIO-1 (refer to pages 3.3-43 through 3.3-57), except for Chinook salmon – Central Valley fall/late fall-run ESU. Section 3.3.4, under Impacts BIO-1, starting on page 3.3-43 discusses impacts to special-status species, including State and federally listed species, and concludes that impacts would be less than significant with implementation of identified mitigation (refer to Mitigation Measures BIO-1(a) through BIO-1(e), HYD-1, and AES-1). In response to this comment, the Chinook – Central Valley fall/late fall-run ESU has been added as moderate potential to occur in the project site via the following clarification Draft EIR text changes to Section 3.3, *Biological Resources*, and Appendix C, *Supporting Biological Resources Information:*

Section 3.3.2, page 3.3-19:

> Marine and Anadromous Wildlife Species
>
> Twenty-three ~~two~~ (2~~2~~3) special-status marine species were evaluated for their potential to occur within the project site (Appendix C), of which 13~~2~~ have high to moderate potential to occur within the marine areas of the project site. The species that can be reasonably anticipated to occur were determined based on the published ranges of the species, and the type, extent, and condition of habitat available at the project site.
>
> Seven species have a high potential to occur in the project site:
>
> - Green sturgeon – Southern DPS (*Acipenser medirostris*, pop. 1 federally threatened, SSC)
> - White sturgeon (*Acipenser transmontanus*, State candidate threatened) non-breeding
> - Chinook salmon – Sacramento River Winter-Run Evolutionarily Significant Unit (ESU) (*Oncorhynchus tshawytscha*, pop. 7 federally and State endangered) non-breeding
> - Pacific lamprey (*Entosphenus tridentatus*, SSC)
> - Longfin smelt – San Francisco Bay-Delta DPS (*Spirinchus thaleichthys,* pop. 2 federally endangered and State threatened)

- Harbor seal (Phoca vitulina richardii, MMPA)
- California sea lion (Zalophus californianus, MMPA)

~~Five~~ Six species have a moderate potential to occur within the project site:

- Steelhead – Central California coast DPS (*Oncorhynchus mykiss irideus*, pop. 8 federally threatened) non-breeding
- Steelhead – Central Valley DPS (*Oncorhynchus mykiss irideus*, pop. 11 federally threatened) non-breeding
- Chinook salmon – Central Valley spring-run ESU (*Oncorhynchus tshawytscha*, pop. 11 federally threatened) non-breeding
- Chinook salmon – Central Valley fall/late-fall-run ESU (*Oncorhynchus tshawytscha*, pop. 13, SSC) non-breeding
- Harbor porpoise (*Phocoena phocoena*, MMPA)
- Common bottlenose dolphin (*Tursiops truncates*, MMPA)

Section 3.3.2, page 3.3-22:

Chinook Salmon - Central Valley Spring-Run ESU

The Chinook salmon - Central Valley spring-run ESU is federally threatened. Chinook salmon is an anadromous fish spending most of its life in coastal waters. This population of chinook salmon spawns in the Sacramento River and its tributaries. Juveniles are reared in the San Joaquin Delta and migrate to the ocean between December, January, and February, and adult immigration through the delta and into the lower Sacramento River occurs from late January to early February.[67] Therefore, there is a moderate potential for individuals to migrate, forage, and transit within the project site.

Chinook Salmon – Central Valley fall/late-fall-run ESU

The Chinook salmon - Central Valley fall/late-fall-run ESU includes both fall-run and late-fall-run Chinook salmon; however, only the fall-run is a CDFW SSC. Chinook salmon are anadromous, spending the majority of their life cycle in marine waters before returning to freshwater systems to spawn. Fall-run Chinook salmon migrate upstream through the San Joaquin Delta from July through December and spawn from early October through late December, with the timing of runs varying by stream.[68] Late fall-run Chinook salmon migrate through the San Joaquin Delta from mid-October through December and spawn from January through mid-April. Following emergence, most juvenile fall-run and late-fall-run Chinook salmon rear in freshwater for approximately one to seven months before emigrating to the ocean, while a smaller proportion remain in freshwater and migrate as yearlings. Among the Central Valley Chinook salmon populations, the fall-run is the most abundant and exhibits a life history strategy characterized by a relatively short freshwater residence period. The fall-run population emigrates to the ocean during the spring, prior to the onset of elevated summer water temperatures, allowing juveniles to utilize lower-elevation reaches of Central Valley rivers during outmigration. This life history strategy, combined with the population's relative abundance, has resulted in fall-run Chinook salmon being the primary stock propagated at the five major Central Valley hatcheries.[69] Based on the species' migration ecology, habitat use, and the location of the project site within a potential migratory corridor, there is moderate potential for Central Valley fall-run/late-fall-run Chinook salmon to occur within the project site and vicinity during migration or dispersal periods. Individuals may use aquatic habitats within or adjacent to the project site for passage and transient foraging; however, the project site does not provide suitable spawning or long-term rearing habitat.

[67.] NMFS. 2014. Recovery Plan for the Evolutionarily Significant Units of Sacramento River Winter-Run Chinook Salman, Central Valley spring-run Chinook Salmon, and the Distinct Population Segment of Central Valley Steelhead. July.

[68.] NMFS.(no date). *Central Valley fall/late fall-run Chinook* [PDF]. NOAA Fisheries. https://www.st.nmfs.noaa.gov/data-and-tools/Salmon_CVA/pdf/Salmon_CVA_Name_Central_Valley_fall-late_fall-run_Chinook.pdf. Accessed July 2026.

[69.] CDFW. 2026. *Chinook salmon: Central Valley fall and late-fall-run Chinook salmon*. https://wildlife.ca.gov/Conservation/Fishes/Chinook-Salmon#central-valley-fall. Accessed July 2026.

Section 3.3.4, page 3.3-44:

Marine

Special-status Fish

The following analysis applies for the following species: green sturgeon - Southern DPS; white sturgeon non-breeding; chinook salmon - Sacramento River Winter-Run ESU non-breeding; Pacific lamprey; longfin smelt - San Francisco Bay-Delta DPS; steelhead - Central California coast DPS non-breeding; steelhead - Central Valley DPS non-breeding; ~~and~~ chinook salmon - Central Valley spring-run ESU non-breeding; and chinook salmon - Central Valley fall/late-fall-run ESU non-breeding.

Appendix C, page C-8:

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
Oncorhynchus tshawytscha pop. 11 chinook salmon - Central Valley spring-run ESU	FT/ST G5T2Q/S2	Adult numbers depend on pool depth and volume, amount of cover, and proximity to gravel. Water temps >27 C are lethal to adults. Federal listing refers to populations spawning in Sacramento River and tributaries.	Moderate Potential (non-breeding)	Suitable freshwater breeding habitat for the species does not occur within the Project site. However, the Bay habitat within the Project site provides migrating habitat for this species.
Oncorhynchus tshawytscha pop. 13 chinook salmon - Central Valley fall/late-fall-run ESU	None/None G5T3Q/S3 SSC	Populations spawning in Sacramento River and San Joaquin rivers and their tributaries.	Moderate Potential (non-breeding)	Suitable freshwater breeding habitat for the species does not occur within the Project site. However, the Bay habitat within the Project site provides migrating habitat for this species.

Even with these Draft EIR clarification text changes, the analysis and significance conclusion presented in Draft EIR Section 3.3.4 under Impact BIO-1 (page 3.3-43) of less than significant impacts to wildlife species with implementation of identified mitigation remains valid.

Response to Comment A2-8

Refer to Response to Comment A2-5 for a discussion of how the Draft EIR identifies consultation with CDFW for impacts to State-listed species. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment A2-9

With regard to Fish and Game Code sections 3503, 3503.5, and 3513 and federal Migratory Bird Treaty Act (MBTA), refer to Draft EIR Section 3.3.3, pages 3.3-29 and 3.3-33 for related regulatory discussions and Impact BIO-1, pages 3.3-44 and 3.3-52 for an impacts discussion that concludes less-than-significant-with-mitigation impacts with regard to State-protected species and native and migratory birds (refer to Mitigation Measures BIO-1(a), BIO-1(c), and AES-1). Refer also to Response to Comment A2-28 to A2-31 for clarifying changes to Mitigation Measure BIO-1(c) addressing impacts to nesting birds. No other changes to the Draft EIR are necessary in response to this comment.

Response to Comment A2-10

White-tailed kite is addressed in the Draft EIR in the Environmental Setting (refer to pages 3.3-17 through 3.3-18) and in the summary of scoping comments received (refer to page 3.3-41). The Draft EIR concludes that although there is a low potential for white-tailed kite to occur in the project site, it is not expected to be affected by the project. Appendix C of the Draft EIR explains why there is a low potential for this species to occur on the project site.

Refer to Response to Comment A2-35 to A2-38 for discussion of impacts related to California least tern, revisions to the Draft EIR regarding California least tern and the conclusion that impacts to this species would be less than significant.

Response to Comment A2-11

The Draft EIR includes a description of the regulatory protections for “fully protected” species in Section 3.3.3 Regulatory Setting, page 3.3-33. Take of fully protected species must be avoided, as incidental take cannot be authorized except with some narrow exceptions, as the comment notes.

White-tailed kite is a fully protected species with low potential to occur on the project site. Refer to Response to Comment A2-10 for discussion of impacts on white-tailed kite.

California least tern is also a fully protected species; refer to Response to Comment A2-35 to A2-38 for a discussion of impacts to this species and conclusion that impacts to this species would be less than significant. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment A2-12

California state fully protected species with potential to occur within the project site include white-tailed kite and California least tern. These species have low potential to occur within the project site, as described in Draft EIR Appendix C *Supporting Biological Resources Information* and the Draft EIR Environmental Setting (refer to pages 3.3-17 through 3.3-18). As stated in the Draft EIR, no potential adverse impacts to fully protected species, including white-tailed kite and California least tern, from habitat modification and loss of foraging habitat would occur, as the project site is already developed and suitable foraging habitat would continue to be available in the project vicinity. Refer to Response to Comment A2-10 for discussion of impacts on white-tailed kite in the Draft EIR. Refer to Responses to Comment A2-28 to A2-31 and A2-35 to A2-38 for clarifying text changes to Draft EIR discussions regarding habitat impacts and avoidance for California least tern. Wildlife movement, which includes migratory behavioral disturbance, is discussed under Impact BIO-4 and impacts would be less than significant. White-tailed kite are non-migratory. California least tern forage in open waters within and surrounding the project site during their migration, thus discussion of impacts to foraging habitat in the Draft EIR (refer to Response to Comment A2-35 to A2-38) also addresses disturbance of migratory behavior. No additional revisions to the Draft EIR are necessary in response to this comment.

Response to Comment A2-13 to A2-14

These comments do not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Responses to subsequent comments are provided in Responses A2-14 through A2-43 as appropriate. No further response is required.

Response to Comment A2-15

Impact BIO-1 (refer to pages 3.3-45 through 3.3-46 and 3.3-48 through 3.3-51) concludes less-than-significant-with-mitigation impacts with regard to construction-related hydroacoustic (pile-driving) impacts to aquatic species. The Draft EIR concludes that construction-related hydroacoustic impacts to special-status aquatic species would be less-than-significant-with-mitigation (refer to Mitigation Measures BIO-1(a) and BIO-1(d)). CEQA does not require compensation for temporary physiological or behavioral disturbance. Therefore, compensatory mitigation is not appropriate for hydroacoustic impacts, because such effects are acute, short-term, and best addressed by avoidance, engineering controls, timing, and monitoring as discussed in the Draft EIR. Additional mitigation measures, with regard to potential impacts to aquatic species from pile driving required to secure permits from USFWS, NMFS, CDFW, and SFBRWQCB will be determined in coordination with these regulatory agencies. No Draft EIR changes are necessary in response to this comment.

Response to Comments A2-16 and A2-17

The 1:1 replacement ratio described in the Draft EIR is a minimum baseline commitment to ensure no net loss of jurisdictional waters by the lead agency, City of Berkeley, under CEQA, and is not a fixed or final future permitting-stage outcome. This ratio is substantiated by the in-kind, in-place nature of the proposed mitigation: removal of existing pier piles and decking offsets new net fill and cover within the same water body and habitat type, avoiding the establishment risk, time lag, and functional uncertainty typically associated with off-site or out-of-kind mitigation approaches that warrant higher ratios. The actual mitigation ratio and specifics will be determined during agency permitting based on the final design, the results of a formal jurisdictional and functional assessment, and regulatory agency review. The analysis presented in Draft EIR Section 3.3.4 under Impacts BIO-1 and BIO-3, (pages 3.3-45 through 3.3-51 and 3.3-60 through 3.3-61, respectively) conclude that impacts to special-status aquatic species regarding project cover area would be less-than-significant-with-mitigation (refer to Mitigation Measures BIO-1(a), BIO-1(d), BIO-1(e), BIO-3, and HYD-1), and is, thus, adequate under CEQA. Refer also to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*. No Draft EIR changes are necessary in response to these comments.

Response to Comment A2-18

Refer to Section 2.2.15, *Topical Response: Maintenance Dredging*, which includes a detailed discussion of dredging responsibilities, regulatory oversight, and the distinction between the proposed one-time construction dredging and any future maintenance dredging.

That topical response also includes a revision to the Draft EIR to clarify that no maintenance dredging program is proposed as part of the project at this time, and that any future maintenance dredging would be subject to separate evaluation, permitting, and environmental review, as appropriate. These clarifications do not alter the impact analysis, significance determinations, or mitigation measures presented in the Draft EIR. No further revisions to the EIR are necessary.

Response to Comment A2-19 and A2-20

The Draft EIR identifies construction-related dredging as part of the project in Chapter 2, *Project Description*, on page 2-28. Impacts related to construction dredging are discussed in Section 3.3.4, pages 3.3-45 to 3.3-51. The Draft EIR concluded that construction dredging impacts related to aquatic species and habitat would be less-than-significant-with-mitigation (refer to Mitigation Measures BIO-1(d) and

HYD-1). Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate,* and Section 2.2.15, *Topical Response: Maintenance Dredging*, for discussion of post-construction sedimentation rates and maintenance dredging. No changes to the Draft EIR are necessary in response to these comments.

Response to Comments A2-21 to A2-25

Based on the informal habitat assessment for Crotch's Bumble Bee (CBB) done during a project site reconnaissance survey on September 19, 2024, as noted in Draft EIR Section 3.3.1 (page 3.3-2), suitable habitat for this species within the project site is present but marginal due to high levels of disturbance and limited floral resources. Thus, the species has low potential to occur and, in the absence of new information on potential species presence, that determination has not changed. Project activities would not involve herbicide use and mowing activities during construction. Operational maintenance herbicide use and mowing at the project site would be conducted in accordance with Berkeley Department of Parks, Recreation, and Waterfront policies and would be similar to existing practices.

While impacts to CBB remain less than significant in the absence of mitigation, in response to this request by CDFW and in acknowledgement that there is low potential for CBB to occur, the following mitigation measure requiring a habitat assessment and pre-construction surveys has been added to Draft EIR Section 3.3 *Biological Resources*:

Section 3.3.4, page 3.3-55:

> Mitigation Measure BIO-1(f): Implement CDFW-Requested Measure for Crotch's Bumble Bee Prior to Construction
>
> A formal habitat assessment of the project site landside project disturbance areas shall be performed by a qualified biologist prior to initiating ground disturbing activities to determine if suitable nesting or foraging habitat is present within the project site. The assessment shall include:
>
> - Review of occurrence record data
> - Analysis of foraging, nesting, and overwintering resources
> - Documentation of plant species observed (including what is blooming at the time of the survey and percent cover)
>
> The locations of nesting resources, including rodent burrows, cavities, thatched grasses, brush, rock piles, fallen logs, and manmade structures, shall be mapped during the assessment. Areas adjacent (within 50 feet) to the project site shall also be considered, if accessible, to determine if there is suitable nesting or foraging habitat.
>
> If suitable nesting and foraging resources are detected during the habitat assessment, they will be avoided by a minimum 50-foot buffer, where possible. If avoidance is not possible, protocol-surveys following the CDFW *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023) will be conducted to determine if Crotch's bumble bee is present within the project site. A minimum of three visits will be conducted during the colony active season (April – August) and will be spaced 2-4 weeks apart. Surveys will be conducted each year that construction activities occur within suitable nesting habitat, because bumble bees move their nests each year. If no Crotch's bumble bees are detected on the project site, no further mitigation actions will be required. If Crotch's bumble bees are detected, consultation with CDFW will be initiated to determine the most appropriate strategy to avoid impacts to bumble bees on the project site. If full take avoidance is not feasible, the City will apply to CDFW for take authorization under an Incidental Take Permit.

In addition, the following clarifying text changes are made to Draft EIR Section 3.3 *Biological Resources* as follows:

Section 3.3.2, page 3.3-17:

In addition, the following ~~six~~ 11 species (one insect, one reptile, and ~~four~~ nine avian species) were determined to have a low potential to occur, and therefore, with the exception of Crotch's bumble bee and burrowing owl (due to their State candidate endangered status), least tern, and the northwestern pond turtle (which is discussed further due to the proximity of potential habitat near the project site)… No special-status wildlife species were observed during the survey conducted in September 2024.

…

Crotch's Bumble Bee

Crotch's bumble bee occupies open, dry habitats such as coastal scrub, grasslands, chaparral margins, and sparsely vegetated alluvial terraces that support abundant spring and early summer blooming plants. The species relies on diverse nectar and pollen resources. Nesting typically occurs in abandoned rodent burrows or concealed upland cavities with sufficient thatch or loose soil, while overwintering queens select undisturbed, well drained areas.

Crotch's bumble bee has only one known occurrence recorded within five miles of the project site. Suitable habitat on the project site is of low quality because most terrestrial areas of the project site are paved or landscaped with sparse floral resources for foraging. Although small mammal burrows on the project site may provide suitable nesting habitat and floral resources for foraging occur adjacent to the site, the highly developed character of the project site and associated anthropogenic disturbance reduce the availability and connectivity of habitat needed to support the species. Therefore, there is low potential for this species to occur within the project site.

Section 3.3.4, page 3.3-43:

Special-status Wildlife

Crotch's Bumblebee, Northwestern Pond Turtle, Burrowing Owl, Double-Crested Cormorant, Least Tern, and Nesting Birds

Crotch's bumblebee (state candidate endangered), ~~Northwestern~~ northwestern pond turtle (federally proposed threatened, SSC), burrowing owl (state candidate), and least tern (federally endangered, state endangered, and state fully protected) ~~has~~ have a low potential and double-crested cormorant (CDFW Watch List) has a moderate potential to occur in terrestrial portions…during the nesting season.

Crotch's bumblebee has a low likelihood to be present in undeveloped portions of the project site. Based on the low likelihood for this species to occur, the low quality of habitat in the project site, and the distance from the known occurrence of this species, potential impacts to Crotch's bumblebee are less than significant. Nonetheless, the City would implement Mitigation Measure 1(f), as recommended by CDFW. Implementation of this agency-requested mitigation, however, does not change the conclusion that impacts to this species is less than significant without mitigation due to the low likelihood of occurrence.

…

However, implementation of Mitigation Measures BIO-1(a), BIO-1(b), and BIO-1(c) would require a Worker Environmental Awareness Program (WEAP), as well as preconstruction surveys for and avoidance of northwestern pond turtle, burrowing owl, and nesting birds. Biologists responsible for implementing Mitigation Measure BIO-1(a) and other biological mitigation measures would be required to meet any qualifications for approval requirements established by applicable resource agencies through project permits and authorizations. Mitigation Measure BIO-1(a) would include Crotch's Bumble Bee as part of the WEAP; however, this does not change the conclusion that impacts to this species would be less than significant without mitigation….

Section 3.3.4, page 3.3-51:

> **Special-Status Wildlife**
>
> The proposed project would primarily occur within existing developed areas, and would not involve significant new levels of disturbance to suitable Crotch's bumble bee habitat or to the mouth of Strawberry Creek…

These Draft EIR clarification text changes do not change Draft EIR significance conclusions with regard to special-status wildlife species.

Response to Comment A2-26 to A2-27

There is low potential for northwestern pond turtle to occur within the project site, as described in Draft EIR Section 3.3 *Biological Resources*, page 3.3-19 and 3.3-44. However, in response to this comment the following clarification text changes have been made to Draft EIR Section 3.3 *Biological Resources*, Mitigation Measure BIO-1(b)as follows:

Section 3.3.4, Page 3.3-54 and Page 3.3-55:

> Mitigation Measure BIO-1(b): Conduct Northwestern Pond Turtle Survey and Avoidance Prior to Construction
>
> No less than seven days prior to the start of any construction activities within 500 feet of Strawberry Creek (including staging and mobilization), a City-approved qualified biologist will conduct a preconstruction survey for northwestern pond turtle within suitable habitat on the project site as feasible. If any northwestern pond turtle are identified within the work area, they will be allowed to leave the work site on their own. CNDDB Field Survey Forms will be submitted to the CDFW for all special-status animal species observed.
>
> If any northwestern pond turtles are observed by construction personnel within or adjacent to (within 50 feet) the project site, all work within the vicinity of the observation will be halted and the ~~qualified biologist will be notified immediately to evaluate the occurrence and relocate the animal as necessary.~~ City will contact CDFW immediately for guidance. Only a ~~qualified~~ CDFW-approved biologist will capture and relocate wildlife. Construction personnel are not permitted to handle said animals. If northwestern pond turtles become federally-listed at the time of construction, no individuals shall be handled without approval from USFWS.…

Response to Comments A2-28 to A2-31

There is low potential for burrowing owl to occur at the project site, as described in Draft EIR Appendix C *Supporting Biological Resources Information*, page C-9, which includes the same occurrence information provided in this comment (i.e. the sighting of a burrowing owl 0.7 miles away from the project site). As noted in Appendix C, based on the site conditions evaluated in the Draft EIR, which include poor quality burrowing owl habitat consisting of some ground squirrel burrows in developed and landscaped areas that are subject to heavy recreational use and frequent human disturbance, there is a very low likelihood that burrowing owl would be present within the project site. Thus, the species is unlikely to be impacted by project activities, has low potential to occur, and, in the absence of new information, that determination in the Draft EIR has not changed. However, while impacts to burrowing owl remain less than significant in the absence of mitigation, in response to this CDFW comment and in acknowledgement that there is low potential for burrowing owl to occur, revisions have been made to Draft EIR Mitigation Measure BIO-1(c) as follows:

Section 3.3.4, page 3.3-55 and 3.3-56:

Mitigation Measure BIO-1(c): Conduct Burrowing Owl and Nesting Bird Survey and Avoidance Prior to Construction

Burrowing Owl

Prior to project construction, a qualified biologist will conduct a habitat assessment to determine if potential habitat for burrowing owl is present in or near the project site. If potential habitat is present in or within 500 feet of the project site, a qualified biologist will conduct a pre-construction survey of the project site (plus a 500-foot buffer as access allows) for the presence of burrowing owl. The survey will be conducted no more than 14 days prior to ground disturbing activities and will conform to CDFW guidelines for burrowing owl Take Avoidance Surveys as described in Appendix D of the 2012 CDFW Staff Report on Burrowing Owl Mitigation.[100] A report of pre-construction survey efforts and results will be submitted to the City within 30 days of completion of the survey. The report will include the dates, times, weather conditions, and personnel involved in the survey. Depending on survey results, the report will also include observations of burrowing owl or potential burrows, and the location and habitat description of the observations. If burrowing owl, active burrows, or their sign (i.e., tracks or pellets) are not observed in the project site, no additional measures related to impact avoidance and minimization of the absent species are recommended. If burrowing owl, active burrows, or their sign are observed within the project site, CDFW will be notified and the following measures will be implemented:

- A qualified biological monitor will be present during landside construction on the project site to document burrowing owl observations, burrow statuses, and require that construction activities do not negatively affect burrowing owl. The duration and frequency of monitoring will be determined at the discretion of the qualified biologist and a monitoring report detailing monitoring results will be submitted to the City within 30 days of the completion of project activities or breeding season (February 1 to August 31), if applicable.
- The biological monitor will visually inspect any pipes, debris piles, culverts, or similar structures for burrowing owl before the material is moved, buried, or capped. Open holes and trenches within the project site will be inspected at the beginning and end of each landside construction workday and immediately prior to backfilling. At the end of each such workday, trenches and holes will be ramped so that any animals that may have become trapped in the trench or hole can climb out. The ramp may be constructed of dirt fill or wood planking or other suitable material at an angle no greater than 30-45 degrees. If a burrowing owl is trapped in a trench or hole, work will stop and the qualified biologist will be notified immediately. The burrowing owl will be allowed to escape unimpeded.
- If active burrows are observed on the project site, a non-disturbance buffer will be established restricting all ground-disturbing activities from occurring within the buffer and a qualified biological monitor will be present at the initiation of project activities. The buffer will be established by a qualified biologist and range from 330 ft. to 1,500 ft. depending on project activity, line of sight, and local topography during the breeding season. During the non-breeding season (September 1 to January 31), the buffer will range from 165 ft. to 330 ft. The buffer will be demarcated using brightly colored flagging and may only be reduced at the discretion of a qualified biologist based on the factors listed above and potential use of sound and visual barriers (i.e., hay bales). Removal of the buffer will only occur if a qualified biologist determines burrowing owl are not present in the vicinity and any potential burrows are inactive.
- If active burrow avoidance is infeasible during the non-breeding season or during the breeding season, where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, the City in coordination with a qualified biologist will consult with CDFW to prepare, authorize, and implement a passive

relocation program consistent with Appendix E of the 2012 CDFW Staff Report on Burrowing Owl Mitigation.

- A habitat mitigation plan will be developed in coordination with the City and CDFW for loss of active burrowing owl burrow sites if implementation of a passive relocation plan is necessary and/or burrowing owl are documented to nest on site or within 500 feet of the project site. This would be based upon the portion of the project site that overlaps with the primary foraging area around the burrow site (approximately 500-foot buffer) to be replaced at a minimum 1:1 ratio.

Nesting Birds

Project construction activities, including but not limited to vegetation removal and ground disturbance that result in noise or disturbance affecting potential nesting bird habitat, should commence outside of the nesting season (February 1 through September 15), if feasible. If construction begins outside the nesting season, a nesting bird survey is not required.

If ground disturbing project activities begin within the nesting season (February 1 through ~~August 31~~ September 15), then no more than seven days prior to the initiation of project activities, a nesting bird pre-construction survey shall be conducted by a City-approved qualified biologist within the disturbance footprint, plus a 300-foot buffer for passerines and a 1,000-foot buffer for raptors. During construction within the nesting season, an additional focused survey shall be conducted prior to tree removal to identify active nests with the subject tree(s). If no active nests are observed, no further action would be required. Ground-disturbing project activities that are initiated outside of the nesting season may continue into the nesting season without requiring new nesting bird surveys.

Pre-construction nesting bird surveys shall be conducted by a qualified biologist during the time of day when birds are most active and should be of sufficient duration to reliably conclude presence or absence of nesting birds on the project site and within the designated buffer. A report of the nesting bird surveys results shall be submitted to the City for review and approval prior to clearance for mobilizing equipment. If nests are found, their locations shall be flagged (if possible) and recorded with the use of a GPS unit. Avoidance buffers shall be established around active nests. Depending upon the species, suitable minimum buffers may be 50 feet for non-raptor species and 300 feet for raptor species, or as determined by the qualified biologist in consultation with CDFW based on species sensitivity, construction activities, and other factors.

If active nests are present, all project work shall be conducted outside the established avoidance buffer zone from the nest until it is no longer active. No staging of large equipment shall occur within the avoidance buffer until the qualified biologist confirms that breeding/nesting is complete and all the young have fledged. If buffer zones are determined to be infeasible, a City-approved qualified biological monitor shall be on site to monitor project activities within the avoidance buffer zones to ensure active nests and nesting birds are not impacted. Nesting bird surveys are not required for project activities that occur between September 16 and January 31. A report of all survey results and any proposed avoidance buffers shall be submitted to the City for review and approval.

This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

[100.] California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. Department of Fish and Game. March 7, 2012. Available at: http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf2 (accessed July 2026).

In addition, the following clarifying text changes have been made to Draft EIR Section 3.3 *Biological Resources*:

Section 3.3.2, page 3.3-18:

In addition, the following ~~six~~ 11 species (one insect, one reptile, and ~~four~~ nine avian species) were determined to have a low potential to occur, and therefore, with the exception of Crotch's bumble bee

and burrowing owl (due to their State candidate endangered status), least tern, and the northwestern pond turtle (which is discussed further due to the proximity of potential habitat near the project site)… No special-status wildlife species were observed during the survey conducted in September 2024.

Burrowing Owl

Burrowing owl occupy open, dry habitats such as grasslands, coastal dunes, salt marsh edges, and sparsely vegetated disturbed sites that support abundant small mammal and insect prey. The species relies on a mix of invertebrates and small vertebrates for foraging, with peak activity at dawn and dusk. Nesting and roosting typically occur in underground burrows—often those excavated by ground squirrels, pocket gophers, or other fossorial mammals—or in artificial burrows and cavities with loose soil for excavation, while nonbreeding individuals favor undisturbed, low-vegetation areas for shelter and foraging.

Although one occurrence has been documented within five miles of the project site and burrowing owls are known to overwinter at César Chávez Park, the project site itself does not provide the habitat conditions required for overwintering. The site lacks open, low-stature annual grassland and protected foraging areas with sufficient insect prey, which are essential for sustaining overwintering individuals.

Adjacent areas, including fragmented grasslands in Shorebird Park and along University Avenue, contain limited open space but do not provide suitable overwintering habitat. While some ground squirrel burrows are present, these grassland areas are routinely mowed for park use and subject to heavy recreational use and frequent human disturbance, which reduces prey availability and limits habitat suitability. In addition, the grassland areas along University Avenue are narrow and linear, lack refuge from disturbance due to regular trail use, recreation, and the presence of dogs, and are exposed to numerous tall perching structures that support hawks and other avian predators.

A migrating or displaced individual could briefly land on the project site or within nearby areas during movement; therefore, this species has a low potential to occur.

Section 3.3.4, page 3.3-51: Special-Status Wildlife

The proposed project would primarily occur within existing developed areas, and would not involve significant new levels of disturbance to suitable Crotch's bumble bee or burrowing owl habitat, or to the mouth of Strawberry Creek…

Refer to Response to Comment A2-21 for additional Draft EIR clarification text changes related to construction impacts related to special status wildlife, including burrowing owls. The Draft EIR clarification text changes in response to this comment do not change Draft EIR significance conclusions with regard to special-status wildlife species. No additional changes the Draft EIR are required in response to these comments.

Response to Comments A2-32 to A2-34

Nesting birds are addressed in the Draft EIR Section 3.3.4 under Impact BIO-1 (page 3.3-44). Potential impacts to nesting birds are discussed in the Draft EIR, which concludes that impacts would be less than significant with mitigation incorporated (refer to Mitigation Measures BIO-1[a] and BIO-1[c]). Refer to Response to Comment A2-28 to A2-31 for details of the Draft EIR clarification text changes incorporating protocols for protecting nesting birds.

Refer to Response to Comment A2-10 for discussion of impacts on white-tailed kite.

Northern harrier is addressed in Draft EIR Appendix C *Supporting Biological Resources Information*, page C-9. It is not expected to occur due to lack of breeding habitat within the heavily developed project site, and absence of open meadows and marshes the harrier prefers as foraging habitat. However, even if

it were to occur on the project site, impacts would be less than significant with implementation of Mitigation Measures BIO-1(a) and BIO-1(c).

Response to Comment A2-35 to A2-38

Suitable breeding habitat for California least tern is not present at the project site, because it lacks large expanses of open, sparsely vegetated sandy or gravel substrates and undisturbed shoreline conditions required for nesting, and is instead characterized by hardened shoreline, deep water, urbanization, and heavy anthropogenic disturbance as described in Draft EIR Appendix C *Supporting Biological Resources Information*, page C-10. There is potential for California least tern to forage over open water within and adjacent to the project site. However, in response to the comment which notes the species has been recorded in CNDDB unprocessed data, and other public comments that note citizen-reporting (eBird) sightings of this species, the potential for the species to occur within the project site has been changed from "not expected" to low in Appendix C, and the following clarification text changes have been made to Draft EIR Section 3.3 *Biological Resources* and Appendix C, *Supporting Biological Resources Information*:

Section 3.3.2, page 3.3-18:

…

- Alameda song sparrow (*Melospiza melodia pusillula*, SSC)
- Least tern (*Sternula antillarum browni,* Federally endangered, State endangered, State fully protected)

Section 3.3.2, page 3.3-19:

Least Tern

California least tern is a small tern with a distinctive black-capped head and is federally endangered, State endangered, and a State fully protected species. This species nests along the California coast and breeds colonially on bare or sparsely vegetated areas.[62] The California least tern nests during summer from Baja California north to the San Francisco Bay. Least terns are migratory and spend winter months in coastal areas of Mexico and Central America. Least terns forage primarily on silversides (e.g., topsmelt), northern anchovies, Pacific herring, and surfperches.[63] This species nests in colonies on bare or sparsely vegetated flat substrates, including beaches, alkali flats, or paved areas.

California least terns have a low potential to forage over open water within and adjacent to the project site. This species has no potential to nest within the project site despite the presence of bare or sparsely vegetated areas due to the heavy recreational use and disturbed nature of the project site.

62. Cornell Lab of Ornithology. 2026. All About Birds. Updated online and accessed at: https://www.allaboutbirds.org/. Accessed June 2026.

63. Burton and Terrill. 2012. Least Tern Literature Review and Study Plan Development prepared for U.S. Army Corps of Engineers. https://www.spn.usace.army.mil/Portals/68/docs/Dredging/LMTS/S%20and%20S/11%20-%20Least%20Tern%20Lit%20Rev%20Study%20Plan%20Report%20Final.pdf (accessed September 2026).

Section 3.3.4, page 3.3-43:

…Impacts to northwestern pond turtle would be potentially significant and Mitigation Measures BIO-1(a) and BIO-1(b) would be required.

California least tern may forage over open water portions of the project site but does not have potential to breed within the project site. Temporary impacts during construction would occur within open water areas, temporarily excluding least tern from a small portion of their greater foraging area,

that is, open water within the San Francisco Bay. Similar foraging habitat is available along the shoreline to the north and south of areas to be temporarily impacted by the project, thus impacts to least tern would be less than significant.

Section 3.3.4, page 3.3-51:

Special-Status Wildlife

… Therefore, impacts on northwestern pond turtle due to operation would be less than significant.

Impacts to California least tern from operation would be minimal, with the ferry operating in open water and the existing use of the project site for recreation would continue with similar levels of activity and disturbance. Wake generated by ferry operation would be consistent with existing vessel operations in the Bay, thus impacts to California least tern foraging habitat due to project operation would be less than significant.

Appendix C, page C-10:

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
Sternula antillarum browni California least tern	FE/SE G4T2T3Q/S2 FP	Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches, alkali flats, land fills, or paved areas.	~~Not Expected~~ Low Potential	There are no known occurrences within five miles, suitable colonial breeding sites are not present, and the Project site is largely developed and disturbed by recreational use. This species may forage over open water in the vicinity of the project site.

These Draft EIR clarification text changes do not change Draft EIR significance conclusions with regard to special-status wildlife species.

Response to Comment A2-39

In response to this comment, the following clarifying text changes have been made to Section 2.5.1, *Waterside*, page 2-6, of the Draft EIR:

The new pier and breakwater would have safety railings, public amenities (fish cleaning station, seating, shade canopy, and security gates). In addition, at the entrance to the pier, the City is proposing a gate that would remain open to the public, except in cases where public safety requires closure, such as during a tsunami evacuation, high wind advisory, or other emergency situations. The proposed pier would be a maximum of 1,080 feet in length and would have a width of 22 feet. The reinforced concrete deck comprising the pier would be an approximately 2-foot-thick slab. Piles for the pier are discussed in Section 2.6.1~~2.7.2~~ below.

The proposed new breakwater would create a safe harbor from the predominant southwesterly wind and waves for ferry vessel charging and boarding on the north side of the new pier. The breakwater would also offer recreational pedestrian access. The proposed breakwater would be approximately 400 feet in length and would have a width of 15 feet. The reinforced concrete deck comprising the breakwater would be an approximately 2-foot-thick slab. Piles for the breakwater are discussed in Section 2.6.1~~2.7.2~~ below.

These text changes are editorial in nature. The analysis and significance conclusion presented in the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment A2-40 to A2-43

Survey results will be provided to permitting agencies (e.g., USACE, CDFW, RWQCB, BCDC, USFWS, and NMFS) as required during permit review and compliance, and any submission to the CNDDB will be handled per CDFW's data-submission and access protocols. While Public Resources Code §21003(e) supports incorporating EIR information into shared databases for future environmental determinations, submitting occurrence data to the CNDDB is an informational action and does not itself mitigate project impacts. Filing fees will be paid upon filing the Notice of Determination, as required by CEQA Guidelines Section 21089.

These comment do not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter A3

From: Martien, Lindsay@BCDC <Lindsay.Martien@bcdc.ca.gov>
Sent: Tuesday, April 28, 2026 4:48 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
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Subject: BCDC Comments on the Draft EIR for the Berkeley Water Transportation Pier Ferry Project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Good afternoon Liza,

Please find attached BCDC's comments on the Draft Environmental Impact Report for the proposed Berkeley Water Transportation Pier Ferry Project.

A3-1

Thank you for the opportunity to provide comments.

Please let me know if you have questions or would like to discuss anything further.

Thank you,
Lindsay

Lindsay Martien
Principal Shoreline Development Analyst
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April 28, 2026
City of Berkeley
Parks, Recreation, & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, California 94704
Via E-mail: <lmcnulty@berkeleyca.gov >
ATTN: Liza McNulty, PE, Project Manager

SUBJECT: Comments on the Draft Environmental Impact Report for the Berkeley Water Transportation Pier Ferry Project

Dear Liza:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Berkeley Water Transportation Pier Ferry Project (project). A3-2

The San Francisco Bay Conservation and Development Commission (BCDC) is providing the following comments as a responsible agency under the California Environmental Quality Act (CEQA) with discretionary approval power over aspects of the project within BCDC's jurisdiction, as described below. BCDC will rely on the Final EIR when considering the permit application for the project, and we appreciate this opportunity to comment on the information and analyses presented in the DEIR. The Commission itself has not reviewed the DEIR; the following comments are based on BCDC staff review of the DEIR, considered in relation to BCDC's governing authorities under the McAteer-Petris Act (Title 7.2 of the California Government Code), and the *San Francisco Bay Plan* (Bay Plan). A3-3

San Francisco Bay Conservation and Development Commission

BCDC is a State planning and regulatory agency with permitting authority over San Francisco Bay, the Bay shoreline, and Suisun Marsh, as established in the McAteer-Petris Act and the Suisun Marsh Preservation Act, respectively. Per the McAteer-Petris Act, BCDC is responsible for granting or denying permits for any proposed fill; extraction of materials; or substantial changes in use of any water, land, or structure within the Commission's jurisdiction (Government Code Section 66632). Additionally, BCDC establishes land use policies for the Bay as a resource and for development of the Bay and shoreline in the Bay Plan, which policies provide the basis for the Commission's review and actions on proposed projects. A3-4

Project Description

Based on the DEIR, the majority of the project would be located within at least two areas of BCDC's permitting jurisdiction: A3-5

- In the San Francisco Bay, being all areas subject to tidal action, including the marshlands lying between mean high tide and five feet above mean sea level; tidelands (land lying between mean high tide and mean low tide); and submerged lands (Government Code Section 66610(a)). Areas of Bay jurisdiction include any filled areas where filling commenced after September 17, 1965.

- In the shoreline band, consisting of all territory located between the shoreline of the Bay, as defined above, and 100 feet landward of and parallel with the shoreline (Government Code Section 66610(b)).

A3-5

In addition, portions of the project are located within Bay Plan-designated "Waterfront Park, Beach" priority use areas. Within the Commission's jurisdiction, projects proposed within these priority use areas must be consistent with the Bay Plan's Recreation policies and any relevant policies specified in Bay Plan Map 4 (which is inclusive of the area where the project is proposed).

A3-6

BCDC requests that the City of Berkeley include mapping of BCDC's jurisdiction in the Final EIR and pay particular attention to potential project impacts that may occur in these areas as they relate to the Commission's policies. The Final EIR project description should also clearly detail where each component of the project would take place relative to the Commission's jurisdiction. BCDC staff is available to review any mapping or draft language to ensure that our agency's jurisdiction is accurately depicted and described. BCDC provides data and mapping tools on our website at https://www.bcdc.ca.gov/resources/maps-and-data/. Copies of our planning documents are available at https://www.bcdc.ca.gov/resources/plans/. BCDC's laws and regulations can be referenced at https://www.bcdc.ca.gov/resources/laws-and-regulations/.

A3-7

A3-8

A3-9

Our understanding is that project areas in the Bay jurisdiction include the proposed pier and breakwater, ferry vessel infrastructure, dredging, and Seawall Drive Parking Lot. Project areas in the shoreline band jurisdiction include the plaza, the proposed public restroom, Seawall Drive, the Bay Trail extension at Seawall Drive, and a small section of University Avenue as it connects with the plaza, encompassing portions of the proposed expanded AC Transit bus stop facilities, new cycle track, and University Avenue roadway improvements.

A3-10

BCDC staff recently reached an agreement with the City of Berkeley regarding the depiction of BCDC jurisdiction at the project site. This depiction can be found in the project exhibits for the May 11, 2026, BCDC Design Review Board meeting, which are posted on BCDC's website and can be requested from staff.

A3-11

Project Description

Based on information provided in the DEIR, we understand that the project would:

A3-12

- Demolish approximately 1,280 feet of the approximately 2,970-foot-long closed pier;

- Construct a new 1,080-foot-long, 22-foot-wide public pier at the same location as the closed pier with pedestrian access and recreational amenities, including seating, shade canopy, trash cans, security gates, and a fish cleaning station with cold water potable taps and that drains directly into the Bay;

- Construct a new 400-foot-long, 15-foot-wide, pile-supported breakwater perpendicular to and connected to the new pier, providing pedestrian access and recreational amenities, including seating and trash cans;

- Install ferry vessel infrastructure, including up to two 120-foot-long and 10-foot-wide gangways, up to two 135-foot-long and 42-foot-wide boarding floats, electrical charging equipment, fare collection systems, loading platform, and security gates;

- Dredge a maximum volume of 400,000 cubic yards to create a navigation channel and turning basin located along the closed pier;

- Construct a new, accessible public plaza, replacing the existing pier entrance, providing public access and recreational amenities, including a public restroom, bicycle racks and lockers, seating, paving, lighting, and landscaping;

- Implement improvements along University Avenue, including roadway and sidewalk repairs, improved AC Transit bus facilities, a private vehicle passenger loading zone, and a new approximately 1,800-foot-long and 12-foot-wide raised cycle track on the south side along University Avenue between Marina Boulevard and Seawall Drive;

- Implement roadway repairs to Seawall Drive and renovate Seawall Drive Parking Lot with new pavement, surfacing, striping, lighting, and stormwater treatment;

- Develop a portion of the planned Bay Trail Extension, south of the pier and along Seawall Drive, installing a 12-foot-wide paved path with shoulders approximately 2 feet in width;

- Placement of new rock rip rap as slope protection along approximately 300 feet of shoreline on the eastern side of Seawall Peninsula, just north of the 199 Seawall Drive structure;

- Provide new landscaping as well as tree removal and replacement at various locations throughout the project site;

- Provide new way-finding signage and replacement lighting at various locations throughout the project site;

A3-12

- Install new electric infrastructure to charge ferry vessels, and power lighting and other on-site uses, connecting to an underground 12kV duct bank to be installed and operated by Pacific Gas and Electric (PG&E);
- Install new water connections for the fish cleaning station, public restroom, and hose bibs for deck cleaning;
- Install a new, dedicated fire water main and fire hydrant;
- Install new wastewater connections for the public restroom;
- Install new telecommunication line connections; and
- Operate new zero-emission electric passenger ferry service, connecting the Berkeley ferry terminal to San Francisco and Larkspur ferry terminals.

A3-12

The project may also include the following future improvements:

- A solar panel system over the renovated Seawall Drive Parking Lot.

Additionally, BCDC understands that the project and DEIR alternatives analysis are based on the following objectives:

- Enhance public access and recreational opportunities at the Berkeley Waterfront; and
- Provide efficient and environmentally friendly zero-emission public ferry service between Berkeley and San Francisco.

Environmental Analyses

Below are BCDC staff's remaining questions and comments on the DEIR, organized by environmental topic. Language from CEQA Appendix G: Environmental Checklist Form has been included for reference. Addressing these questions and comments in the Final EIR and addressing any related impacts with mitigation measures will support staff in efficiently and expeditiously developing relevant conditions and necessary findings to include in the permit application staff recommendation when the project comes before BCDC for consideration.

A3-13

AESTHETICS

Would the project: c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the proposed project is in an urbanized area, would the plan conflict with applicable zoning and other regulations governing scenic quality?

A3-14

Impact AES-3 discusses the potential impact of the solar canopy at the Seawall Drive Parking Lot on visual character and the quality of public views. On page 3.1-32, the DEIR states, "The solar shade structures introduce new linear elements and repetitive architectural forms, replacing previously organic shapes and softened skyline with geometric forms and engineered materials. The proposed redevelopment of this area introduces more distinct built elements that would contrast with the existing naturalized features," and concludes that the impact would be less than significant because "while the proposed project would result in visual changes to this area, the proposed updates to the Seawall Drive parking lot would be compatible with existing uses, would enhance the site's functionality while incorporating clean energy solutions, and would be designed and implemented in adherence to the City's goals, policies, and development review criteria related to the maintenance and enhancement of visual character, while also aligning with the City's renewable energy goals." This significance finding reads more like a statement of overriding considerations than a finding of the degree to which an impact could occur. Please revisit this conclusion and instead provide a more detailed explanation of how the project would be designed and implemented in adherence to the applicable zoning and other regulations regarding scenic quality, including BCDC's policies regarding visual resources. Note that as part of the significance finding, other considerations such as clean energy solutions (while desirable) may not be relevant. A3-14

BIOLOGICAL RESOURCES

For the Regulatory Framework in Section 3.1.3, please note that in addition to the McAteer-Petris Act, the Bay Plan includes policies regarding native and special-status species and habitats. Please review the policies in the Bay Plan sections pertaining to Fish, Other Aquatic Organisms and Wildlife; Subtidal Areas; and Mitigation, and ensure that the EIR appropriately considers any relevant policies. A3-15

Would the project: a) Have a substantial adverse effect, either directly or through habitat modifications, on any native or species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, U.S. Fish and Wildlife Service, or NOAA's National Marine Fisheries Service? A3-16

1. Page 3.3-41 identifies the California least tern (*Sternula antillarum browni*) as a "species mentioned in public comments that are not expected to occur within the project site, nest, in the vicinity, or to be affected by the project." According to page C-10 of the DEIR Appendices, there are no known occurrences of California least tern "within five miles, suitable colonial breeding sites are not present, and the project site is largely developed and disturbed by recreational use." BCDC staff is aware of dredging restrictions from U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife that prohibit dredging from the Berkeley Waterfront to San Leandro Bay to protect foraging California least tern during their breeding season. Please provide the reference data to substantiate the finding that California least tern are not expected to be impacted by project activities. A3-17 A3-18

2. The Subtidal Nearshore Marine subsection on page 3.3-10 calls out benthic organisms associated with soft-sediment habitat. However, the habitat types for subtidal areas are not delineated or mapped in the DEIR as terrestrial habitats are. Therefore, the impacts of the project on the marine and estuarine environment and associated organisms cannot be adequately assessed. Please map the distribution of specific habitat types in the submarine environment to effectively evaluate the potential for environmental impacts. A3-19

3. Ferry operations have the potential to change flow dynamics within the water column, which may alter sediment deposition and erosion patterns and impact marine life, including fish, seabirds, and waterfowl. Please include an analysis of how the project may affect flow dynamics and evaluate associated environmental impacts. As requested above, the delineation of aquatic habitats and their tolerance levels to currents and turbulence is essential to understanding the actual expected resilience of biological resources to the increased hydrological disturbance from both the introduced energy of ferry operations and dredging. A3-20 A3-21

4. The DEIR defines Oceanic Conditions on page 3.3-8 to include "parameters such as salinity, temperature, depth, turbidity, tidal range, and current velocity, as well as circulation patterns, wave energy, and sediment dynamics." However, the subsequent sections are missing a discussion of salinity, turbidity, tidal range, current velocity, circulation patterns, wave energy, and sediment dynamics. Please include these parameters in the evaluation of marine and estuarine conditions. A3-22

5. The DEIR does not appear to address operational light impacts on native and special status species and habitats from new lighting proposed at the Seawall Drive Parking Lot, on the pier, breakwater, gangways, and floats, and at the public plaza. Please include a discussion of the potential for operational impacts of new lighting on biological resources as a result of the project. A3-23

Would the project: c) Have a substantial adverse effect on State or federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

1. In permitting this project, BCDC may require compensatory mitigation for adverse environmental impacts associated with new Bay fill. The DEIR anticipates this with Mitigation Measure BIO-3: *Provide Compensatory Mitigation for Loss of Jurisdictional Waters Prior to Operation*, which requires the removal of additional portions of the existing pier as compensatory mitigation for new fill. On page 3.3-61, mitigation for fill is proposed to be provided at a minimum of 1:1 ratio and to occur prior to or concurrently with construction, as approved by regulatory agencies. The DEIR notes that the City plans to develop a mitigation plan detailing the required additional demolition, which may be modified or supplemented by permit conditions from applicable regulatory A3-24

agencies. To the extent possible, please demonstrate the feasibility of fill removal for compensatory mitigation and evaluate potential environmental impacts anticipated with this method of compensatory mitigation in this EIR. The details provided should be sufficient to weigh the additional impacts to species and water quality against the benefit of fill removal. (Reference 14 CCR § 15126.4(a)(1)(D) [an EIR should discuss any adverse environmental impacts of a mitigation measure].) A3-24 A3-25

2. Page 2-28 indicates that the project proposes to dredge a 100-foot-wide, federally authorized U.S. Army Corps of Engineers (USACE) channel adjacent to the dilapidated pier and the turning basin to allow ferry vessels to turn and dock at the two boarding floats. It is important to note that this channel is not included in the USACE's dredging program. The USACE has not dredged this channel in the past 25 years (or more), and dredging in this area would be considered new work dredging. Please include information regarding the new work and maintenance dredging volume and proposed frequency, as well as information on plans for proposed beneficial reuse or disposal. Per BCDC's Bay Plan policies pertaining to Fish, Other Aquatic Organisms, and Wildlife; Subtidal Areas; Mitigation; and Dredging, dredging should be the minimum necessary for the project, and adverse impacts should be avoided and minimized. When impacts cannot be avoided, mitigation may be required. Please provide an analysis of the impacts to habitat and species from the expansion of the dredge footprint. Please also include avoidance, minimization, and mitigation measures to address both the new work and maintenance dredging proposed by the project. A3-26 A3-27 A3-28

GEOLOGY AND SOILS

Would the project: a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: iii) seismic-related ground failure, including liquefaction or landslides?

As stated on page 2.5-28, "project construction would be required to comply with the American Society of Civil Engineers (ASCE) Seismic Design of Piers and Wharves (61-14) guidelines." We recognize that the updated ASCE 61-26 has not yet been adopted; however, this code update is out for review, and its adoption is anticipated to occur this year. Please update the discussion in this section to include the 2026 code changes and evaluate the project design against the updated ASCE 61-26 guidelines. A3-29

Would the project: b) Result in substantial soil erosion or the loss of topsoil?

Page 3.5-31 states: "In addition, the shoreline around the project site is made of armored rip rap; therefore, there is no soil that could be eroded." BCDC staff believe that this conclusion may be oversimplified, especially in light of the project proposing shoreline repair along "a stretch of the shoreline that is actively eroding" (page 2-22). Please a) provide more detail justifying this statement or providing context on shoreline change over time at the project site, and b) consider the impact of riprap placement on erosion rates in the surrounding areas, as A3-30

the areas adjacent to the armored rip rap may become more susceptible to erosion as a result of the nearby armoring. A3-30

Would the project: c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse? A3-31

1. Page 3.5-30 states that the groundwater table elevation at the project site is 5 feet. Please provide a datum for this height and confirm that all other elevations have an associated datum.

2. The potential for groundwater rise over the 50-year project life is not accounted for in the analysis. Please include and reassess the project area's potential to experience liquefaction over the project's estimated lifetime. A3-32

3. Page 3.5-30 states: "Implementation of geotechnical recommendations, such as the use of deep soil mix, retaining wall recommendations, and continued geotechnical engineer oversight would reduce potential impacts related to liquefaction and lateral spreading." Please discuss the overall suitability of the underlying geologic unit/soils for the project, disclose the potential for failure as a result of seismic activity or ground failure, and describe how the mitigation measures above will avoid or mitigate such failure. A3-33

HAZARDS AND HAZARDOUS MATERIALS

Would the project: a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? or b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Impact HAZ-1 acknowledges that the pier pilings for the existing pier may have been treated with chemicals that have the potential to lead to toxicity in the surrounding water and sediment. On page 3.7-28, the DEIR concludes that impacts related to the disturbance of the piles would be less than significant due to California Health and Safety Code and California Code of Regulations requirements regarding Treated Wood Waste (TWW). However, it is not clear whether the measures required by the code are to be implemented by default, or whether they would only be implemented if the pier pilings are confirmed to be treated wood and, if so, how that confirmation would be made. Please include a description of whether and when testing would occur to confirm the composition of the piles and what would trigger implementation of the TWW requirements. A3-34 Please also ensure that the discussion in this section is consistent with the discussion of pile removal in the Hydrology and Water Quality section and vice versa (page 3.8-30). A3-35 If necessary, please include a mitigation measure that includes an assessment of the pilings that could trigger the State code requirements. A3-36

HYDROLOGY AND WATER QUALITY

For the Regulatory Framework in Section 3.8.3, please note that BCDC's governing legislation has the status of State law, and the Bay Plan is effectively comprised of State regulations subject to approval by the California Office of Administrative Law. While both BCDC's laws and policies have a regional focus, in terms of their legal effect, they are not regional or local regulations. Additionally, please note that there are a number of Bay Plan policies that are relevant to the Hydrology and Water Quality analysis, including those in the Water Surface Area and Volume, Subtidal Areas, Climate Change, Shoreline Protection, and Dredging. Please review these sections of the Bay Plan and ensure the relevant policies are considered appropriately. A3-37 A3-38

Would the project: a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? A3-39

1. The project would result in a significant increase in vessel traffic within the turning basin. The area just outside of the turning basin is impaired for multiple pollutants, including PCBs. Please include an analysis of the impacts to water quality from increased traffic and provide BMPs that will be deployed to prevent further impairment. Please also consider potential impacts from increased traffic with respect to the possibility of propeller wash causing scouring in the area and making the channel deeper. A3-40

2. Proposed new amenities at the new pier include a fish cleaning station located at the western terminus of the pier. Please identify potential impacts to water quality related to the fish cleaning station and identify mitigation measures as appropriate to ensure water quality protection. Please clarify if the intent is for fish cleaning waste to be disposed of in trash cans, thrown into the Bay, or disposed of by another means. Please indicate if/how instructional signage would be included to provide direction on the necessary waste disposal practices. A3-41

3. Mitigation Measure HYD-1: *Include and Implement Additional Best Management Practices in the SWPPP Prior to and During Pier Demolition*, as described on page 3.8-34, requires that, prior to construction, the construction contractor shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and implement the SWPPP during construction. The SWPPP shall be submitted to the Berkeley Public Works Department and the State Water Resources Control Board (via the Stormwater Multiple Application and Report Tracking System [SMARTS]) for review and approval at least 60 days prior to start of construction. Page 3.3-46 references Section 3.8, indicating that the project will comply with the SWPPP and maintain appropriate turbidity levels using best management practices (BMPs). Please indicate specific BMPs that would be used to reduce turbidity for this project and state the turbidity limits to be used as triggers for additional actions. A3-42

4. As described on page 3.8-35, "the landside portion of the site is already predominantly covered by impervious surfaces, and the proposed project would result in a net A3-43

decrease of approximately 32,000 square feet of impervious area through the inclusion of permeable paving, bioretention facilities, and other LID features. These measures would enhance localized infiltration opportunities compared to existing conditions and would not reduce the capacity for groundwater recharge." The proposed use of pervious pavement may not be appropriate, as the site is situated atop Bay fill. Please include a discussion of potential sediment contamination and potential water quality impacts from stormwater infiltration into the groundwater table or into the Bay. A3-43

Would the project: c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i. result in substantial erosion or siltation on- or off-site;
ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
iv. impede or redirect flood flows?

1. The DEIR primarily uses the medium risk level projections for sea level rise and provides little in the risk assessment for the end-of-century or medium-high level projections. Chapter 2.5.1 states that, "the project design takes into account projected sea level rise." This sentence is not enough to adequately describe the sea level rise adaptation measures that the project is incorporating. Please expand this and specifically look at the end-of-century risks. Note that as part of the BCDC permit application for the project, the project proponents are expected to provide a sea level rise risk assessment prepared by a qualified engineer, per Bay Plan Climate Change Policy No. 2. The risk assessment will be expected to include mid- and end-of-century scenarios at the medium-high risk level, with the high emissions assumption, using the NAVD 88 datum. A3-44

2. The datums referenced in the DEIR alternate between NAVD88 and the City of Berkeley Mean Lower-low Water (MLLW). Please include all elevations with both datums, for example: X feet NAVD88 (X feet MLLW). A table relating these two datums for key identified elevations would also be useful. A3-45

5. The water elevations presented on page 3.8-7 appear to have confused some of the tidal elevations. The Highest Astronomical Tide (HAT) is noted to be +10.3 feet MLLW; however, HAT at this site is +8.4 feet MLLW, and +10.3 feet MLLW is the Extreme Water Level. A table with various tidal levels, that uses both NAVD88 and MLLW, could help reduce confusion. A3-46

6. Figure 3.8-3: *Floodplains Overlapping with and Adjacent to the Project Site,* on page 3.8-11, shows the FEMA 500-year floodplain. Because the pier and ferry terminal will be essential emergency facilities, further analysis of the 500-year floodplain would be useful in determining whether the terminal will be available for use under end-of-century sea level rise conditions. Please discuss the potential for interruptions to ferry terminal access in the analysis of sea level rise. A3-47 A3-48

7. Page 3.8-11 states: "A portion of the project site is located in a special flood hazard area. As shown on Figure 3.8-3, Central San Francisco Bay within the project site is mapped as 'Zone VE' of the 100-year floodplain, which are coastal areas with a 1 percent or greater chance of flooding in any single year and an additional hazard associated with storm waves." Figure 3.8-3 identifies other nearby areas mapped as Zone AE. Please update the narrative on page 3.8-11 to include a discussion of/acknowledge the Zone AE areas surrounding the project site. Please also state what the base flood elevation (BFE) is for Zone VE and Zone AE in the areas identified in Figure 3.8-3. A3-49 A3-50

8. Page 3.8-38 indicates the following regarding flood flow impedance: "While the proposed breakwater and piles will be located within Zone VE of the 100-year floodplain, the project is unlikely to change the water elevation or exacerbate flooding due to the size and capacity of San Francisco Bay and relatively small volume of the new in-water structures." This conclusion does not address the issue related to erosion potential. Please provide an analysis related to how the breakwater structure may change wave action/sediment transport in the project area, resulting in changes to the anticipated scour areas. A3-51

LAND USE AND PLANNING

For the Regulatory Framework in Section 3.8.3, please note that BCDC's governing legislation has the status of State law, and the Bay Plan is effectively comprised of State regulations subject to approval by the California Office of Administrative Law. While both BCDC's laws and policies have a regional focus, in terms of their legal effect, they are not regional or local regulations. A3-52

Would the project: b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

BCDC acknowledges the attempt to conduct Bay Plan consistency analysis for Impact LU-2, but it is important to note that BCDC will independently conduct its own analysis of the project's consistency with our governing laws and policies at such time as an application for the project is brought forth to the Commission for approval. It would be helpful to state in the analysis for Impact LU-2 that as part of the permitting process, special conditions or project changes may be imposed by BCDC as necessary to ensure the consistency of the project with our laws and policies. A3-53

RECREATION

Would the project: a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

A3-54

For the Regulatory Framework in Section 3.11.3, please note that BCDC's governing legislation has the status of State law, and the Bay Plan is effectively comprised of State regulations subject to approval by the California Office of Administrative Law. While both BCDC's laws and policies have a regional focus, in terms of their legal effect, they are not regional or local regulations.

1. Impact REC-1 discusses whether the project could result in the increased use of existing recreational facilities that could result in the deterioration of those facilities. The analysis includes a discussion of potential conflicts with recreational uses during construction and operations. The DEIR analysis concludes that sufficient alternative recreation locations exist to accommodate demand that may be displaced by construction activities and that operations would not hinder access to existing facilities. However, it is difficult to reach this conclusion without a more detailed description of recreational demand and the potential volume of users who may need to seek alternative facilities during construction. Please provide additional details regarding existing demand for recreational facilities and estimating the volume of users of different types of facilities who may need to seek alternatives as a result of the project. A3-55

2. The Regulatory Framework in Section 3.11.3 provides an overview of applicable federal, State, and local regulations. Thank you for including sections on the McAteer-Petris Act, the San Francisco Bay Plan, and the BCDC Regional Shoreline Adaptation Plan. In the section on the San Francisco Bay Plan, please add that portions of the project are located within a Bay Plan-designated "Waterfront Park, Beach" priority use area. A3-56
   Additionally, in the section on the McAteer-Petris Act, please reference Chapter 7 of the McAteer-Petris Act, which relates to the San Francisco Bay Area Water Trail, a non-linear, recreational trail of launching and landing sites for non-motorized small boaters that circumnavigates the San Francisco Bay. BCDC led the adoption of the San Francisco Bay Area Water Trail and continues to support its implementation in partnership with the California State Coastal Conservancy and the San Francisco Estuary Partnership through its regulatory program. A3-57
   Additionally, please identify the South Sailing Basin and the Marina as designated San Francisco Bay Water Trail sites on pages 3.11-6 and 3.11-7. (https://sfbaywatertrail.org/trailhead/berkeley-marina-small-boat-launch/; https://sfbaywatertrail.org/trailhead/berkeley-marina-ramp/). A3-58

TRANSPORTATION

For the Regulatory Framework in Section 3.12.3, please note that the Bay Plan contains relevant policies in the Transportation Public Access policy sections. Please review these sections and incorporate any relevant policy language as appropriate. A3-59

Would the Project: c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

A3-60

Impact TRA-3 assesses whether the proposed project would substantially increase hazards due to a geometric design feature or incompatible use. However, the analysis itself is light on details and is too high-level and vague, particularly regarding University Avenue and Seawall Drive (page 3.12-22). As part of the pre-application review of this project, BCDC staff has seen a potential for user conflicts with the introduction of the new ferry infrastructure and parking program at the waterfront. The project will include a new parking lot configuration at the Seawall Drive Parking Lot, new expectations for parking for ferry customers, and new circulation patterns and behaviors associated with commuting, which differ from those associated with recreation. This impact cannot adequately be assessed without mapping projected circulation routes for different user groups under different scenarios (peak hour commute times on weekdays and peak recreation times on weekends) to identify where conflicts could potentially occur. Similarly, with more details on the types and locations of potential conflicts, the analysis should also provide more details on the impact reduction measures to be implemented and how they specifically address particular potential safety concerns. Otherwise, it cannot be concluded that these measures (such as crosswalks, wayfinding, etc.) will have the desired effect of reducing the impact.

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A3-62

ALTERNATIVES ANALYSIS

During the May 12, 2025, BCDC Design Review Board briefing on the project, a number of concerns were raised by members of the public that siting the ferry terminal in the proposed location would have a detrimental effect on water recreation such as swimming and board sailing that could lead to impacts on other water access points regionally as individuals who currently use the Berkeley Marina are displaced. In BCDC's May 21, 2025 comment letter on the Notice of Preparation (NOP), BCDC requested that at least one of the alternatives presented in the EIR's alternatives analysis allows for the evaluation of an alternate location for the ferry terminal on the waterfront, and evaluate whether an alternate location could reduce potential impacts related to recreation, ferry wake, dredging, and impacts on biological resources, etc.

A3-63

A3-64

Section 5.9: *Alternatives Considered but Rejected* indicates that the City considered but ultimately rejected several alternatives previously studied as part of a Draft EIS/EIR from 2008, including alternatives that sited the ferry terminal in alternate locations on the waterfront. Based on that study, the DEIR rejected the three alternative locations within the City of Berkeley. However, the discussion supporting the rejection of the alternative sites was not adequately detailed, and did not consider different versions of the project at those locations that could reasonably achieve the project objectives or avoid environmental impacts. For example for the Berkeley Marina Basin location, the DEIR states that the alternative would not meet project objectives to enhance public access and recreational opportunities or provide efficient and environmentally friendly public ferry service, but does not adequately explain why it would not. It does not answer the question of what would prevent a project located at that

A3-65

A3-66

site from being designed to provide additional public access improvements, nor does it provide enough information about the extent of relative delays for a ferry traveling within the marina and why they would be equated with inefficiency. Similarly, for the HS Lordship location, it is not clear what the constraints related to dredging, operating speeds, and conflicts with BCDC Bay Plan policies are, or why that location would be expected to have greater environmental impacts. For these two rejected alternatives, the EIR should provide additional rationale explaining in more detail why they are infeasible or more environmentally impactful. If a version of the project at one of these locations (or another location not yet studied) could feasibly accomplish most of the project objectives, then the EIR should include it as an alternative and compare it to the proposed project.

A3-66

A3-67

Conclusion

We appreciate your attention to the topics discussed above and for the opportunity to make the above comments on the DEIR. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (415) 352-3635 or by email at lindsay.martien@bcdc.ca.gov.

A3-68

Sincerely,

Lindsay Martien

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Letter A3

Commenter: Lindsay Martien, Principal Shoreline Development Analyst, San Francisco Bay Conservation and Development Commission

Date: April 28, 2026

Response to Comments A3-1 to A3-4

These comments do not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A3-5

Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* for a discussion of BCDC jurisdiction with respect to the project site and based on coordination with BCDC staff.

No changes to the Draft EIR are necessary in response to this comment.

Response to Comment A3-6

As described in Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance*, the City acknowledges that BCDC will independently review the project's consistency with its governing laws and policies at the time a permit application for the project is brought forth to the Commission for approval. The Draft EIR separately evaluates the proposed project's consistency with San Francisco Bay Plan policies in Table 3.9-1 (BCDC Bay Plan Consistency) under Impact LU-2 in Section 3.9, *Land Use and Planning* (refer to Draft EIR pages 3.9-12 through 3.9-23), including applicable Bay Plan Map 4 policies. The analysis therein concludes that the project would be consistent with applicable Bay Plan policies with implementation of identified mitigation measures for biological resources and hydrology/water quality (refer to Draft EIR page 3.9-23).

The Draft EIR demonstrates that the proposed project is consistent with applicable Bay Plan Map 4 policies for the Berkeley Waterfront. The analysis, significance conclusions, and mitigation measures presented under Impact LU-2 in the Draft EIR remain valid as written, and no revisions are necessary.

Response to Comment A3-7

Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance*, for a discussion of BCDC jurisdiction with respect to the project site and based on coordination with BCDC staff as well as a revised map.

The City has prepared a consistency analysis with the San Francisco Bay Plan for areas within BCDC jurisdiction in the Draft EIR. Refer to Draft EIR Section 3.9, *Land Use and Planning* (Impact LU-2, pages 3.9-12 through 3.9-23), that concludes land use plan consistency impacts would be less than significant with implementation of Mitigation Measures BIO-1(a) through BIO-1(f), BIO-2, BIO-3, and HYD-1.

No further changes to the Draft EIR are necessary in response to this comment.

Response to Comment A3-8 and A3-9

Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance*, for a discussion of BCDC jurisdiction with respect to the project site and based on coordination with BCDC staff. The project-level map showing impacts within BCDC jurisdiction and the precise location of each project component relative to BCDC jurisdiction will be provided as part of the formal permit application package submitted to the Commission. The Draft EIR includes a project description and

jurisdictional overview to support environmental review; the permit application will contain the detailed, scaled map and GIS layers that BCDC requires for its jurisdictional review and permitting decisions.

To further clarify BCDC jurisdiction, the following text has been added to Section 3.9, *Land Use and Planning*, page 3.9-2:

> ## Current Land Use Designations and Zoning
>
> *Project Site*
>
> The project site has a Berkeley General Plan land use designation of Waterfront/Marina.1 The General Plan describes the Waterfront/Marina as areas intended to maintain and preserve areas of Berkeley adjacent to the Bay for open space, recreational uses, waterfront-related commercial and visitor services, boating, and water transit facilities. The project site has a zoning designation of Unclassified (U). Development within Unclassified areas requires a Use Permit in compliance with Berkeley Municipal Code Section 23.208.020, which governs Use Permits in Unclassified zones. The project site is subject to the Berkeley Marina Use Permit (Permit No. 5567), issued in 1965, which authorizes existing uses and permits implementation of the Marina Master Plan. This permit governs current uses at the Berkeley Waterfront and establishes a framework for future improvements. The project will be required to obtain a new Use Permit for any new use proposed, which includes the use of the pier for the operation of a public ferry. A summary of the permitting process pursuant to Berkeley Municipal Code Section 23.208.020 is provided in Section 3.9.3, Regulatory Framework, below.
>
> Portions of the project site are located within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC), pursuant to the McAteer-Petris Act. The City will coordinate with BCDC staff, as appropriate, during permitting to confirm jurisdictional boundaries and applicable regulatory requirements.

The analysis and significance conclusions presented in Section 3.9, *Land Use and Planning*, of the Draft EIR remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-10

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A3-11

Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance*, for a discussion of BCDC jurisdiction with respect to the project site, an approved jurisdictional map, and coordination with BCDC staff. No additional Draft EIR changes are necessary in response to this comment.

Response to Comment A3-12

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A3-13

Refer to Response to Comments A3-14 to A3-68 for responses to specific comments related to the environmental analyses and mitigation measures.

Response to Comment A3-14

The first discussion paragraph under Impact AES-3 of the Draft EIR refers to a number of specific policies and regulations implemented by the Berkeley General Plan, Berkeley Marina Master Plan, Berkeley Municipal Code, and the San Francisco Bay Plan pertaining to visual resources and scenic quality.

To respond to this comment, the following clarifying text in underline has been added under Impact AES-3, Seawall Drive, first full paragraph on page 3.1-32:

> As shown in Figure 3.1-7, the existing shoreline is characterized by natural elements; specifically, the mature tree canopy provides a soft, variable tree line which largely dominates the view as it contrasts against the sky. The proposed solar panels over the parking area present a distinct, solid horizontal line against the sky that is generally only visible from KVP 4; all other viewpoints discussed herein lack prominent views of the proposed solar panels due to their location and angle of view. Distant structures and development across the Bay are vaguely visible through the series of vertical lines created by the solar support columns. The solar shade structures introduce new linear elements and repetitive architectural forms, replacing previously organic shapes and softened skyline with geometric forms and engineered materials. The proposed redevelopment of this area introduces more distinct built elements that would contrast with the existing naturalized features. While the proposed project would result in visual changes to this area, the proposed updates to the Seawall Drive parking lot would be compatible with existing uses, would enhance the site's functionality while incorporating clean energy solutions, and would be designed and implemented in adherence to the BCDC Public Access Design Guidelines for Shoreline Spaces[10] and the City's goals, policies, and development review criteria related to the maintenance and enhancement of visual character, while also aligning with the City's renewable energy goals. For these reasons, impacts would be less than significant.
>
> [10.] San Francisco Bay Conservation and Development Commission (BCDC). 2005. Public Access Design Guidelines for the San Francisco Bay: Shoreline Spaces. https://www.bcdc.ca.gov/wp-content/uploads/sites/354/2023/09/Public-Access-Design-Guidelines-Shoreline-Spaces-PDF.pdf (accessed July 2026).

Environmental impacts associated with visual character or quality of public views are addressed in Impact AES-1, pages 3.1-28 through 3.1-38, and compliance with local regulations governing scenic quality are evaluated in Impact LU-2, page 3.9-12, in Table 3.9-1, page 3.9-19 and 3.19-20, of the Draft EIR. In particular, BCDC San Francisco Bay Plan Consistency is identified in Table 3.9-1. Such analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of visual character, scenic quality, and compliance with local regulations governing scenic quality is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written, and no further revisions to the EIR are necessary beyond the clarifying text included above.

Response to Comment A3-15

The comment references Draft EIR Section 3.1.3, which is in Section 3.1, *Aesthetics.* Consistency with San Francisco Bay Plan policies is addressed in Section 3.9, *Land Use and Planning.* Refer to Draft EIR Section 3.9, *Land Use and Planning* Impact LU-2 (pages 3.9-12 through 3.9-23) that includes a consistency analysis with policies in sections pertaining to Fish, Other Aquatic Organisms and Wildlife (page 3.9-13); Subtidal Areas (page 3.9-14); and Mitigation (3.9-21 to 3.9-22).

The analysis and significance conclusion presented in the Draft EIR remains valid. No Draft EIR changes are necessary in response to this comment.

Response to Comments A3-16 to A3-18

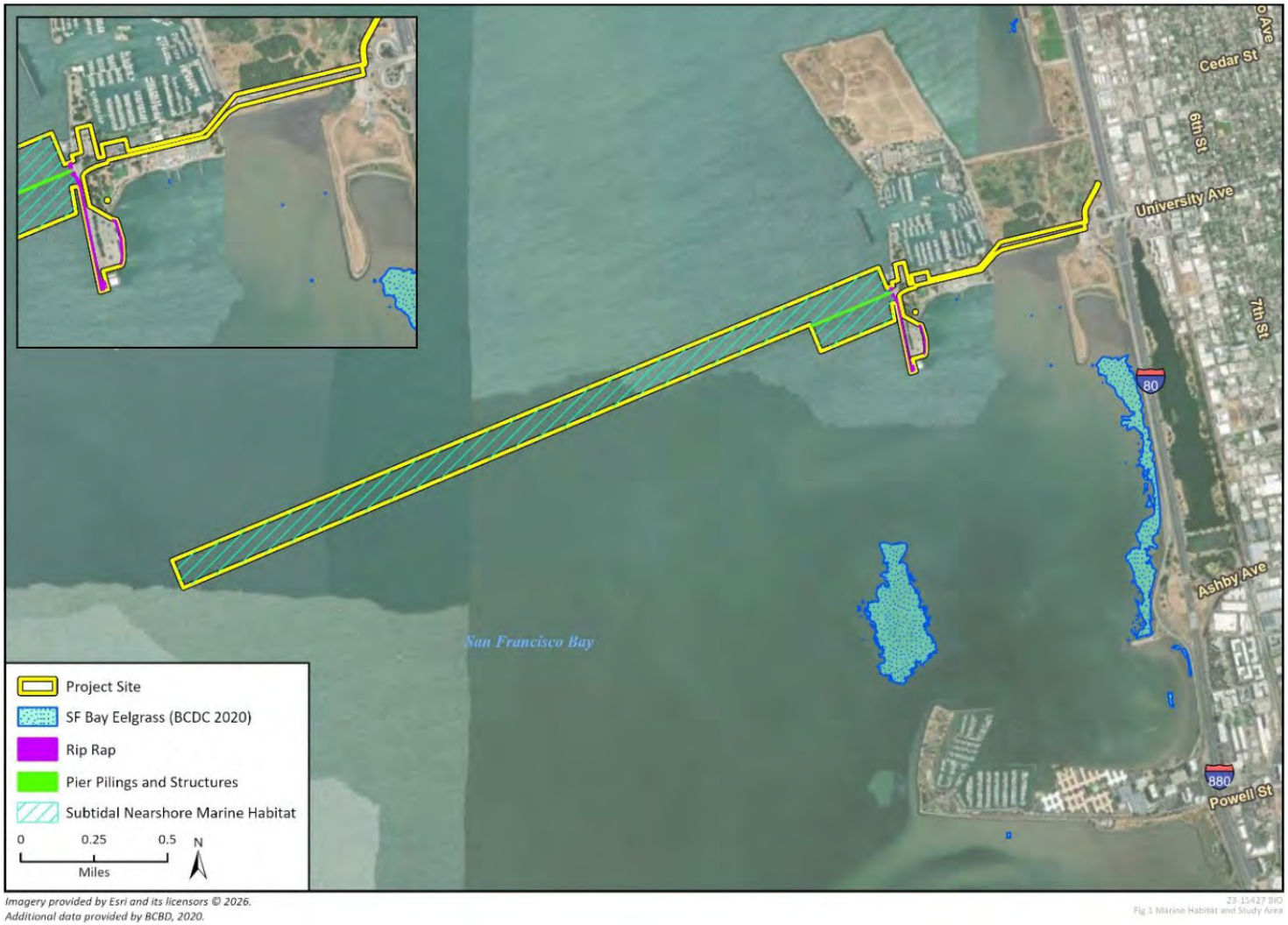
Because the comment does not provide specifics about what dredging restrictions it is referencing, a substantive response is unable to be prepared. Refer to Response to Comments A2-35 to A2-38 for discussion of and Draft EIR clarification text changes with regard to California least tern. No additional Draft EIR text revisions are necessary in response to these comments.

Response to Comment A3-19

The Draft EIR describes the subtidal nearshore habitat within the project site, which consist of mud and sedimentary particles in areas of lower water movement (refer to Section 3.3.3 Environmental Setting, page 3.3-10). No other subtidal habitats occur within the project site. However, in response to this comment, Figure 3.3-2 (Marine Habitat Types Within and Proximate to the Project Site) on page 3.3-9 has been revised for clarification to indicate subtidal nearshore marine habitat, which occurs throughout open water areas within the project site, and distinguish rip rap, pier pilings, and other structures that occur within that marine habitat, as described on page 3.3-10; refer to updated figure below.

Section 3.3, Figure 3.3-2, page 3.3-9:

Figure 3.3-2 Marine Habitat Types Within and Proximate to the Project ~~Footprint~~ Site (Revised)[39]



[39] Figure 3.3-2 has been revised to reflect the updated project footprint and to clarify the marine habitat types and structural features within and adjacent to the project site. The revised figure separately depicts subtidal nearshore marine habitat, riprap, and pier pilings and other structures; updates mapped San Francisco Bay Eelgrass based on BCDC 2020 data; removes the previously shown bathymetric contours; and improves the map extent and inset to enhance the visibility of marine habitat features.

Response to Comment A3-20

The Draft EIR discusses the impacts of ferry operational wake in Section 3.8.4, under Impact HYD-1, page 3.8-33, and concludes that impacts would be less than significant with mitigation (refer to Mitigation Measure HYD-1). For additional discussion of sedimentation and wave climate analysis, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment A3-21

The Draft EIR describes the subtidal nearshore habitat within the project site, which consist of mud and sedimentary particles in areas of lower water movement (refer to Section 3.3.3 Environmental Setting, page 3.3-10). No other subtidal habitats occur within the project site. Refer to Response to Comment A3-19 for discussion of and Draft EIR clarification figure changes with regard to the marine habitat maps. In addition, refer to Response to Comment A3-20 for discussion of impacts of ferry operations and Response to Comment A2-19 and A2-20 for discussion of impacts of dredging.

No changes to the Draft EIR are necessary in response to this comment.

Response to Comment A3-22

Project site oceanographic characteristics related to temperature, sediment dynamics, depth, current velocities, circulation patterns, and tidal range are discussed in the Draft EIR Section 3.8.2, Environmental Setting, pages 3.8-4 to 3.8-7. Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of wave dynamics and energy and further discussion regarding sedimentation. In response to this comment, text additions of project site oceanographic characteristics related to salinity and turbidity have been added to Draft EIR Section 3.3.2 Environmental Setting, page 3.3-8, as follows:

Section 3.3.2, page 3.3-8:

> Water temperature in San Francisco Bay ranges from 53 °F to 60 °F. According to 2022 U.S. Environmental Protection Agency (USEPA) Waterbody Reports, water quality in the San Francisco Bay Estuaries watershed is considered a CWA Section 303d impaired waterbody. Salinity in the vicinity of the project site is estuarine and seasonally variable, influenced by tidal exchange and freshwater inflow from the Delta, and typically ranges between 10 to 20 ppt.[38] Ambient levels of turbidity in the San Francisco Bay are naturally elevated and highly variable due to tides, wind, and vessel traffic; resuspension of fine bay mud is common. Water quality is monitored for physical, chemical, and biological factors. The assessment of the water quality is analyzed against USEPA-approved water standards or thresholds, and water quality can either be categorized as good or impaired. The water quality parameters evaluated along the San Francisco Bay shoreline included dioxins, mercury, polychlorinated biphenyls, pesticides, foreign plants and/or animals, and trash. Bathymetric data indicates maximum depth within the project site at the end of the pier is approximately ten feet at mean lower low water (MLLW), and less than five feet at MLLW within the South Sailing Basin (Figure 3.3 2).
>
> [38] Schraga, T., and Cloern, J.E. 2017. Water quality measurements in San Francisco Bay by the U.S. Geological Survey, 1969–2015: Scientific Data, v. 4, Article 170098: 14 p., https://doi.org/10.1038/sdata.2017.98 (accessed July 2026).

Response to Comment A3-23

The Draft EIR includes an analysis of the operational impacts of new lighting on biological resources in Section 3.3.4 under Impact BIO-1 (page 3.3-42 to 3.3-56) and concludes less-than-significant impacts to biological resources as a result of proposed project lighting with implementation of Mitigation Measures AES-1. No Draft EIR changes are necessary in response to this comment.

Response to Comment A3-24

Refer to Response to Comment A3-25 regarding CEQA requirements compared to permitting process. In addition, refer to the errata in Chapter 3 of the Final EIR for changes to the wording of Mitigation Measure BIO-3. No further response is required.

Response to Comment A3-25

The Draft EIR discusses the impacts of pile installation and removal in Section 3.3.4, Impacts Analysis, on pages 3.3-45 through 3.3-51. Impacts due to pile removal for mitigation would be the same as impacts of pile removal during construction of the pier itself, as discussed on page 3.3-61 and 3.3-62. At this stage of project design, the precise location and quantity of fill-removal mitigation cannot be fully defined because it is subject to subsequent regulatory agency reviews. Consistent with CEQA Guidelines §15126.4(a)(1)(B), when specific design-level details are not yet available, the specific details of a mitigation measure may be developed after project approval so long as the lead agency establishes clear performance standards ensuring that the mitigation will be effective once final design information becomes available. The 1:1 replacement ratio described in the Draft EIR is a minimum baseline commitment to no net loss of jurisdictional waters by the lead agency, City of Berkeley, under CEQA, and is not a fixed or final future permitting-stage outcome. The actual mitigation ratio and specifics of exact piles to be removed will be determined during agency permitting based on the final design and regulatory agency review.

The analysis presented in Draft EIR Section 3.3.4 under Impacts BIO-1 and BIO-3, (pages 3.3-45 through 3.3-51 and 3.3-60 through 3.3-61, respectively) concludes that impacts to special-status aquatic species regarding project cover area would be less-than-significant-with-mitigation (refer to Mitigation Measures BIO-1[a], BIO-1[d], BIO-1[e], BIO-3, and HYD-1), and thus adequate under CEQA. No changes to the Draft EIR are necessary in response to this comment.

Response to Comments A3-26 and A3-27

Refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* which provides clarification that the dredging identified in the Draft EIR is new work dredging, as well as a discussion about future dredging for maintenance of the dredged channel.

The Draft EIR includes information about the construction dredging volumes and plans for dredged material disposal or beneficial reuse. Section 2.6.1, *Construction Activities and Equipment* (subsection *Dredging and Debris Disposal*), on page 2-28 of the Draft EIR describes the extent and volume of dredging required for the proposed project (up to approximately 400,000 cubic yards). As clarified in Section 2.2.15, *Topical Response: Maintenance Dredging,* the City is proposing a one-time dredging event. Regarding plans for dredged material disposal or beneficial reuse, page 2-28 of the Draft EIR provides a summary of the current plan for beneficial reuse. Page 3.7-27 of the Draft EIR in Section 3.7, *Hazards and Hazardous Materials* of the Draft EIR provides additional information about the sediment testing done for the proposed dredging area, as well as where those different dredge units can be disposed.

Response to Comment A3-28

The “expansion of the dredge footprint” in the Draft EIR refers to the expansion relative to the existing U.S. Army Corps of Engineers channel adjacent to the pier. The Draft EIR has conducted an analysis for the new construction-related dredging associated with the proposed project. The Draft EIR evaluates impacts due to construction-related dredging and provides mitigation in Section 3.3.4 under Impact BIO-1 (pages 3.3-45 through 3.3-51). Specifically, Mitigation Measure BIO-1(d) includes a work window of June 1 through November 30 to minimize impacts to special-status fish species during construction dredging. Refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* for discussion of maintenance dredging.

Response to Comment A3-29

The comment's concern regarding evolving seismic design standards is noted. The Draft EIR already identifies that the proposed pier and ferry infrastructure would be designed as a Risk Category IV essential facility and would comply with applicable seismic design standards, including the currently effective ASCE 61-14 and the California Building Code. As noted in the comment, ASCE 61-26 is an unpublished guideline that has not been adopted. CEQA requires that an EIR's analysis be based on the regulatory standards and guidelines in effect at the time of the analysis; an unadopted guideline that is subject to review and revision does not constitute an applicable regulatory requirement and is not an appropriate standard against which to evaluate project design. Should ASCE 61-26 be formally adopted prior to the submittal of permit applications, the project's engineering team will incorporate applicable updated requirements through the standard design and permitting process. No revisions to the Draft EIR are required.

Response to Comment A3-30

As described in the Draft EIR Chapter 2, *Project Description*, the proposed project includes in-kind repair of an approximately 300-foot-long segment of shoreline that is currently experiencing localized erosion along the eastern side of the Seawall Peninsula. The improvement would consist of restoration and stabilization of existing shoreline protection using geotextile/geogrid fabric, bedding material, and rock riprap designed to match surrounding shoreline conditions.

In response to this comment, Draft EIR Section 3.5, *Geology and Soils*, Impact GEO-4 (Operation, page 3.5-31) has been revised to clarify the existing shoreline conditions, the nature of the localized erosion identified in the Project Description, and the effect of the proposed shoreline repair on erosion in adjacent shoreline areas as follows:

> In addition, the shoreline around the ~~project site~~ ferry approach area is made of armored rip rap, rather than exposed native soils or unconsolidated shoreline sediments.~~; therefore, there is no soil that could be eroded.~~ As described in Chapter 2, *Project Description*, a localized section of shoreline along the eastern side of the Seawall Peninsula is currently experiencing deterioration of existing shoreline protection and exposure of underlying fill material. The proposed project would repair and stabilize this already-armored shoreline segment through in-kind replacement and reinforcement of existing shoreline protection features. Because the proposed shoreline repair would restore and maintain an existing hardened shoreline condition, rather than introduce new armoring into a previously natural shoreline, the project would not substantially alter shoreline geomorphology, wave reflection patterns, or erosion processes relative to existing conditions. Although shoreline armoring can influence localized erosion patterns in adjacent unarmored areas, the shoreline areas immediately adjacent to the proposed repair are similarly developed and protected with existing shoreline stabilization features. Therefore, the proposed shoreline repair would not substantially increase erosion rates in nearby shoreline areas beyond existing conditions. Finally, the ferry vessels approaching the project site would reduce speed to 8 knots or less when approaching the Berkeley pier boarding float, which would further minimize wake-related shoreline effects.[68] For these reasons, operational impacts on erosion or loss of topsoil would be less than significant.
>
> [68.] 8 knots is equal to approximately 9.2 miles per hour.

The clarification added in response to this comment provides additional information regarding existing shoreline conditions, the localized erosion area identified in the Project Description, and the function of the proposed shoreline repair. The clarification does not alter the impact analysis or significance determination presented in the Draft EIR and does not result in any new or more severe impacts. The analysis and significance conclusion presented under Impact GEO-4 (Soil Erosion or Topsoil Loss), remain valid as written. Accordingly, impacts related to erosion and shoreline stability would remain less than significant. No further revisions to the Draft EIR are required in response to this comment.

Response to Comment A3-31

In response to this comment and related concerns, Draft EIR Section 3.5, *Geology and Soils*, Impact GEO-3 (Liquefaction and Lateral Spreading, page 3.5-30) has been revised to incorporate clarifying text:

Draft EIR Page 3.5-30:

> Based on a groundwater ~~table elevation of~~ level encountered approximately 5 feet below existing ground surface during geotechnical investigations, soil testing results indicated there were discontinuous layers of liquefiable soil within the artificial fill.
>
> […]
>
> The liquefaction analysis of the artificial fill indicated that approximately half of the area may experience liquefaction or cyclic softening in discontinuous layers. Although future sea level rise and corresponding increases in groundwater elevations could increase liquefaction susceptibility over time, the project site is already characterized by shallow groundwater conditions and is mapped within a liquefaction hazard zone under existing conditions. Accordingly, liquefaction hazards associated with shallow groundwater conditions were considered in the geotechnical evaluation and the development of site-specific recommendations for the proposed project. In addition to the incorporation of site-specific recommendations, final engineering design would be required to comply with applicable California Building Code requirements and current geotechnical engineering standards in effect at the time of construction.
>
> […]
>
> The geotechnical report soil stabilization recommendations would be required for all proposed project landside and waterside components
>
> Although the project site is underlain by artificial fill, Young Bay Mud, and other Bay-margin deposits that may be susceptible to liquefaction, settlement, and lateral spreading during a seismic event, the site is suitable for the proposed project provided that site-specific geotechnical recommendations are incorporated into final design and construction. Consistent with Berkeley General Plan Policy S-14, which requires soil investigation and/or geotechnical reports for the project, implementation of recommendations included within the Geotechnical Report would be required as part of project design and prior to operation. The geotechnical report soil stabilization recommendations would be required for all proposed project landside and waterside components. Specifically, the use of deep soil mix would improve weak and potentially liquefiable soils, retaining wall design recommendations would stabilize landside fill areas, pile-supported structures would transfer loads to more competent subsurface materials, and continued geotechnical engineer oversight during construction would reduce risks associated with construction in areas of variable subsurface conditions. Additionally, final engineering design would be required to comply with the regulations described in Section 3.5.3, *Regulatory Framework*, including the California Building Code, International Building Code, and applicable seismic design standards for piers and wharves in effect at the time of construction. Regulatory compliance and implementation of the measures described above would reduce the potential for excessive settlement, lateral spreading, structural instability, or loss of bearing capacity during a seismic event. Therefore, construction and operational impacts related to substantial adverse effects involving seismic-related ground failure and unstable geologic unit risk specific to liquefaction and lateral spreading to less than significant.

These revisions clarify that the referenced groundwater measurement is expressed as a depth below existing ground surface observed during geotechnical investigations, rather than an elevation referenced to a vertical datum. Other elevation references discussed elsewhere in the Draft EIR identify the applicable datum where relevant. This clarification would not change the impact analysis or conclusions regarding liquefaction, lateral spreading, subsidence, or unstable geologic conditions. Impacts would remain less than significant. No further revisions to the Draft EIR are required in response to this comment.

Response to Comment A3-32

Draft EIR Section 3.5, *Geology and Soils*, identifies that the project site is located within a mapped liquefaction zone and that site-specific geotechnical recommendations would be incorporated into project design to address liquefaction and lateral spreading hazards (refer to Section 3.5.2, Environmental Setting, pages 3.5-7 through 3.5-16, and Section 3.5.4, Impact GEO-3, pages 3.5-28 through 3.5-30). However, in response to this comment and related concerns, Draft EIR Section 3.5, *Geology and Soils*, Impact GEO-3 (page 3.5-30) has been revised as described under Response to Comment A3-31.

The clarification made in response to this comment acknowledges that future sea level rise and corresponding increases in groundwater elevations could increase liquefaction susceptibility over time and further explains that existing conditions such as liquefaction hazards associated with shallow groundwater were considered in the geotechnical evaluation and development of site-specific recommendations for the proposed project. This revision is clarifying in nature and does not alter the impact analysis or significance determination presented in the Draft EIR and does not result in any new or more severe environmental impacts. The analysis and significance conclusion presented under Impact GEO-3 (Unstable Geologic Unit Risk), remain valid as written in the Draft EIR. Accordingly, with implementation of these requirements and geotechnical recommendations, impacts related to liquefaction and unstable soils over the life of the project would remain less than significant. No further revisions to the Draft EIR are required in response to this comment.

Response to Comment A3-33

Draft EIR Section 3.5, *Geology and Soils*, describes the existing conditions of the project site and identifies that portions of the artificial fill and underlying soils may be susceptible to liquefaction, settlement, and lateral spreading during a seismic event, and further explains that implementation of site-specific geotechnical recommendations would be required as part of project design and construction (refer to Section 3.5.2, *Environmental Setting*, pages 3.5-1 through 3.5-17, and Impact GEO-3, pages 3.5-28 through 3.5-30), However, in response to this comment, Draft EIR Section 3.5, *Geology and Soils*, has been revised to incorporate clarifying text as specified in Response to Comment A3-31.

The clarification added in response to this comment provides additional information regarding site suitability, the potential effects of seismic-related ground failure, and the manner in which the geotechnical recommendations identified in the Draft EIR would reduce those risks. The revision is clarifying in nature, and as such, does not alter the impact analysis or significance determination presented in the Draft EIR and does not result in any new or more severe impacts. The analysis and significance conclusion presented under Impact GEO-3 (Unstable Geologic Unit Risk), remain valid as written. Accordingly, with implementation of these requirements and geotechnical recommendations, impacts related to unstable soils and seismic-related ground failure would remain less than significant.

Response to Comment A3-34

The City's Design Team is currently advancing the design for the proposed project. As part of the design process, the City's Design Team will be developing plans for demolition of the existing pier. As part of that planning process, the Design Team will need to determine whether wood piles would be considered Treated Wood Waste (TWW). Standard best practice is to conduct a hazardous materials survey prior to developing the final demolition plans and to include information about TWW in the demolition plans. This survey will be prepared as part of the design process.[23]

In response to this comment, the following clarification text changes have been made to Draft EIR Section 3.7, *Hazards and Hazardous Materials*, Impact HAZ-1, page 3.7-28 as follows:

[23] Rivas, Jessica. 2026. Senior Marine Engineer, COWI. Personal communication via phone regarding TWW with Leo Mena, Rincon Consultants, Inc. June 29, 2026.

> However, compliance with existing regulations would minimize the potential risk associated with piles that have been treated with creosote, which is also known as Treated Wood Waste or TWW. TWW at the project site would be identified prior to construction, as part of the design process, via visual inspection for indications of treated wood, such as but not limited to end tags, wood manufacturer stamp codes, discoloration, and/or odor.[45]
>
> [45.] California Department of Toxic Substances Control (DTSC). 2026. "Treated Wood Waste." Via https://dtsc.ca.gov/toxics-in-products/treated-wood-waste/ (accessed June 2026).

The analysis and significance conclusion presented under Impact HAZ-1 in Section 3.7, *Hazards and Hazardous Materials*, of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-35

In response to this comment, Draft EIR Section 3.8, *Hydrology and Water Quality*, has been revised to ensure consistency with the discussion of treated wood waste in Section 3.7, *Hazards and Hazardous Materials*. Specifically, Impact HYD-1 in Draft EIR Section 3.8.4, *Impacts Analysis*, page 3.8-29 has been revised to incorporate the following clarification:

> Waterside Construction Surface Water Quality
>
> Construction activities within surface waters have the greatest potential to affect water quality in the San Francisco Bay. Impacts to the San Francisco Bay would be primarily due to construction-related dredging, demolition of the existing pier, and construction of a new pier. In-water construction activities, such as dredging, existing pile removal and new pile installation, and pier deck demolition and construction, as well as any associated sediment disturbance, have the potential to directly affect San Francisco Bay water quality. Some of the existing pier piles, if wooden, could contain hazardous materials, such as creosote, that could be released during demolition and removal activities. Consistent with standard practice, existing wooden piles would be evaluated for the presence of wood preservatives and managed in accordance with applicable requirements, including requirements related to Treated Wood Waste, if applicable, as discussed further in Section 3.7, *Hazards and Hazardous Materials*. Dredging of debris, removal of existing pier infrastructure, and pier installation could resuspend bottom sediments, increasing turbidity in the immediate project vicinity. Elevated turbidity can reduce light penetration, affecting photosynthetic organisms and potentially adversely affecting water quality. Sediment resuspension may also release adsorbed contaminants such as metals, hydrocarbons, or legacy pollutants into the water column, where they can be transported by currents and dispersed to adjacent areas.

A related clarification has also been incorporated into Draft EIR page 3.8-30, as follows:

> The work surface on the barge deck will include a containment basin for creosote, piles, concrete, and any mud or sediment removed during pulling. Upon removal from substrate, the piles will be moved expeditiously from the water into the containment basin. Any sediment accumulated from the pile removal operations ~~will be assumed to contain creosote and~~ will be contained, managed, and disposed ~~offsite in an appropriate landfill~~ of in accordance with applicable federal, State, and local requirements, including any requirements associated with treated wood preservatives identified during pre-construction materials characterization (refer to Section 3.7, *Hazards and Hazardous Materials*).

The revisions described above provide consistency in the discussions of pile removal and TWW management in Sections 3.7, *Hazards and Hazardous Materials*, and 3.8, *Hydrology and Water Quality*. The clarification text does not alter the impact analysis, significance determination, or mitigation measures presented in the Draft EIR. The analysis and significance conclusion presented under Impact HYD-1 in

Section 3.8, *Hydrology and Water Quality*, and Impact HAZ-1 in Section 3.7, *Hazards and Hazardous Materials*, remain valid as written. No further response is required.

Response to Comment A3-36

Refer to Response to Comment A3-34, which explains that sampling to confirm whether wooden piles are considered TWW would occur as part of the design process. Because the sampling will occur during the design process, consistent with best industry practice, no mitigation would be necessary. The sampling that will be conducted would be to comply with existing regulations. No further revisions to the EIR are necessary.

Response to Comment A3-37

To clarify the regulatory framework described in the Draft EIR, minor revisions have been made to more accurately characterize the legal authority of BCDC and the Bay Plan.

The following clarification text changes have been made to Draft EIR Section 3.8.3, page 3.8-23, as follows:

> *San Francisco Bay Plan*
>
> The San Francisco Bay Plan is the guiding policy document for the BCDC codified by the McAteer-Petris Act. The plan includes policies to ensure water quality in San Francisco Bay is maintained at levels sufficient for the protection and beneficial use of San Francisco Bay. For additional information about pertinent policies, please refer to Section 3.9, *Land Use and Planning.*
>
> BCDC implements the McAteer-Petris Act, a State law governing development within the San Francisco Bay and its shoreline, and administers the San Francisco Bay Plan, which includes policies that are adopted as State regulations.

The analysis and significance conclusions of the Draft EIR remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-38

Refer to Section 3.8, *Hydrology and Water Quality* (Section 3.8.3, *Regulatory Framework)*, of the Draft EIR, which describes the applicable regulatory setting for the project, including the role of the San Francisco Bay Conservation and Development Commission (BCDC) and the Bay Plan. Draft EIR Section 3.9, *Land Use and Planning*, includes a comprehensive evaluation of project consistency with applicable Bay Plan policies. Including those related to climate change, shoreline protection, water quality, and other Bay resources relevant to the proposed project (refer to Section 3.9.4, *Impacts Analysis*, Table 3.9-1, pages 3.9-12 through 3.9-23). As described therein, the project would maintain consistency with all policies relevant to hydrology and water quality with implementation of Mitigation Measure HYD-1. The City therefore has considered the Bay Plan policies identified by BCDC in preparing the Draft EIR, and acknowledges that BCDC will conduct an independent review of project consistency with applicable Bay Plan policies during its permitting process.

Accordingly, the analysis, significance conclusions, and mitigation measures presented in Section 3.8, *Hydrology and Water Quality*, Section 3.9, *Land Use and Planning*, and related sections of the Draft EIR remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-39

First, as a matter of clarification, the nearby waters are not impaired. The Draft EIR considered the potential impacts related to hazardous materials in dredged materials in Impact HAZ-1 in Section 3.7, *Hazards and Hazardous Materials* of the Draft EIR. Pages 3.7-27 and 3.7-28 specifically discusses the

results of sediment sampling and the potential impacts associated with dredging. The conclusions in Impact HAZ-1 in the Draft EIR remains valid as written.

With regard to vessel traffic and turbulence, page 3.8-3 of the Draft EIR acknowledges that the Bay is subject to lots of turbulence with existing vessel traffic.

> The Central Bay is characterized by strong tidal exchange, persistent wind, and complex underwater currents that routinely mobilize fine sediments and contribute to naturally elevated and highly variable turbidity levels. The U.S. Geological Survey has a long-running water-quality monitoring program in San Francisco Bay that tracks turbidity and suspended-sediment concentrations and notes that tidal currents change direction four times daily and wind direction/intensity fluctuate on a daily cycle, contributing to spatial and temporal variability in turbidity throughout the Bay.[4] External factors such as tidal currents, waves, and wind affect water quality alongside freshwater and marine influences. These dynamic hydrodynamic conditions result in frequent resuspension of bottom sediments from wind waves, vessel traffic, and tidal currents, such that background turbidity levels are already influenced by ongoing natural and anthropogenic processes.
>
> [4.] U.S. Geological Survey. 2022. Water quality of San Francisco Bay, California, water years 2020–21 (Fact Sheet 2022–3087). U.S. Department of the Interior. Available: https://doi.org/10.3133/fs20223087 (accessed September 2025).

Refer to Impact HYD-1 in Section 3.8.4, *Impacts Analysis* of the Draft EIR, which addresses potential impacts of increased vessel traffic on Waterside Operation and Surface Water Quality on page 3.8-33 of the Draft EIR. As discussed in the Draft EIR, the "project would minimize propeller-wash–induced turbidity and sediment resuspension through a combination of design, operations, and monitoring measures. The berth and maneuvering basin would be designed with adequate depth and scour protection to dissipate jet energy, and vessels would follow a low-wake approach with posted speed limits and captain training to limit throttle use." The analysis and significance conclusion presented under Impact HYD-1 in Section 3.8, *Hydrology and Water Quality*, of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-40

Refer to Response to Comment A3-39, which provides text from the Draft EIR about how the design of the project would dissipate jet energy for scour protection. The primary effect of propeller wash is localized seabed disturbance and scour in the immediate vicinity of the vessel. Within the navigation channel, localized scour would not adversely affect navigation because it increases, rather than reduces, available water depth. The sediment transport assessment identified sediment deposition and gradual infilling of the dredged channel as the dominant long-term process (refer to Coastal Study, Section 6, *Hydrodynamic and sediment transport*).[24] The propeller wash may locally offset a portion of the sediment accumulation predicted within the channel. The analysis and significance conclusion presented under Impact HYD-1 in Section 3.8, *Hydrology and Water Quality*, of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-41

As described in Section 2.5.1, *Waterside*, on page 2-10 of the Draft EIR, the fish cleaning station would include cold water potable taps, and drain directly into the Bay. Standard covered trash cans and fishing line recycling receptacles would be provided at regular intervals along the pier and breakwater. These amenities are planned for regular maintenance, as discussed in Section 2.7.3 on page 2-32 of the Draft EIR.

[24] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study prepared for City of Berkeley. December. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_Coastal-Study.pdf (accessed July 2026).

In response to this comment, the following clarification text changes have been made to Draft EIR Section 3.8.4, *Impacts Analysis,* page 3.8-33, as follows:

> Projects in Berkeley are subject to CalOSHA regulations regarding management of certain hazardous materials. Title 8 of the California Code of Regulations Section 5194, 5531-5608, and 5198 cover the control and management of chemicals, including paints, solvents, fuels, detergents and sludges, and lead. CalOSHA requires testing, monitoring, containment, and disposal of these materials, such that exposure levels do not exceed CalOSHA standards.[53]
>
> The proposed fish cleaning station would be a small amenity with intermittent use, typical of public fishing piers. While the station would include a drain that discharges to the Bay, the volume and frequency of fish cleaning activities would be limited and would not result in substantial degradation of water quality due to consistent flows, dilution and regular tidal flushing. The covered trash receptacles and fishing line recycling stations would promote proper disposal of fish waste and associated materials. These amenities would be regularly serviced to promote usage and maintain sanitary conditions, minimizing the potential for water quality-related impacts to surface waters.
>
> [53.] California Code of Regulations. 2025. Title 8, Industrial relations. Office of Administrative Law. Available: https://www.dir.ca.gov/Counters/t8index.htm (accessed September 2025).

The analysis and significance conclusion presented under Impact HYD-1 in Section 3.8.4, *Impacts Analysis* of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-42

Turbidity limits are listed on page 3.8-19 of the Draft EIR in Table 3.8.1: *Water Quality Objectives for Surface Waters.* Additionally, refer to page 3.8-17 which lists turbidity requirements under *Construction Stormwater General Permit* and references Attachment J for specific requirements, including monitoring for turbidity during discharges. BMPs would include, but not be limited to, erosion controls, sediment containment measures, stabilization of disturbed soils, trash management, and spill prevention protocols. Demolition of the closed pier will utilize barges designed to prevent sediment and other material from falling back into the water. All material will be offloaded and stored in an upland staging area. To minimize potential turbidity from pile removal, piles will be removed from the water and into a containment basin on the barge. The pile will not be shaken, hosed-off, left hanging to drip or any other action intended to clean or remove adhering material from the pile. Refer to Impact HYD-1 in Section 3.8.4, *Impacts Analysis*, which specifies measures to minimize turbidity on page 3.8-37, and which commits to monitoring and treatment measures in compliance with the Construction Stormwater General Permit throughout. No further revisions to the EIR are necessary.

Response to Comment A3-43

Refer to Response to Comment A1-17 for a discussion of water quality as it relates to permeable pavement.

Response to Comment A3-44

Refer to Section 2.2.23, *Topical Response: Sea Level Rise,* for a discussion of the sea level rise projections used in the project design.

The City acknowledges the comment's concern regarding the clarity of the statement within Draft EIR Section 2.5.1, *Proposed Project Components* (*Waterside*), indicating that "The project design takes into account projected sea level rise" (refer to Draft EIR page 2-10). In response to this comment and to clarify how SLR was considered in the project design process within the Draft EIR, Section 2.5.1, *Proposed Project Components* (*Waterside*, page 2-10) has been revised as described in Section 2.2.23, *Topical Response: Sea Level Rise*. This revision is clarifying in nature and does not alter the impact analysis, significance determinations, or mitigation measures presented in the Draft EIR.

Regarding BCDC Bay Plan Climate Change Policy No. 2, the City provided a consistency analysis with this policy in Table 3.9-1, Section 3.9, *Land Use and Planning* of the Draft EIR (page 3.9-15). The City also acknowledges that the project will be required to obtain BCDC approvals. Accordingly, the City prepared a Coastal Study including a project-specific sea level rise risk assessment, consistent with applicable BCDC permit requirements. These permitting analyses are intended to support subsequent regulatory review and final project design and are separate from the environmental impact analysis required under CEQA. The Draft EIR contains sufficient information to evaluate the project's potential impacts related to flooding, drainage, erosion, and water quality and to support the conclusions presented under Impact HYD-4. Therefore, the future preparation of additional engineering studies for permitting purposes does not alter the adequacy of the CEQA analysis contained in the Draft EIR.

The Draft EIR evaluated future flooding and sea level rise conditions and disclosed the basis for concluding that impacts related to flooding, drainage, erosion, and water quality would be less than significant. The clarifying text revision described in the Topical Response provides additional information regarding sea level rise adaptation considerations incorporated into the project design but does not change the environmental analysis or significance determinations presented in the Draft EIR. Therefore, the analysis and significance conclusion presented under Impact HYD-4 in Section 3.8, *Hydrology and Water Quality*, of the Draft EIR remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-45

As discussed in Draft EIR Section 3.8, *Hydrology and Water Quality*, and in Section 2.2.23, *Topical Response: Sea Level Rise*, water levels, tidal elevations, design flood elevations, and sea level rise projections were evaluated using engineering analyses prepared for the project. The use of different vertical datums reflects the fact that certain coastal engineering analyses and regulatory guidance are commonly expressed relative to tidal datums such as MLLW, while other engineering and planning analyses are commonly expressed relative to NAVD88.

In response to this comment, Draft EIR Section 3.8, *Hydrology and Water Quality* has been revised to clarify the relationship between the two vertical datums and to provide a summary conversion table for key tidal elevations. Specifically, the following clarifying text has been added to Section 3.8.2, *Environmental Setting*, at the beginning of the Tides and Currents subsection (Draft EIR pages 3.8-7 and 3.8-8).

Tides and Currents

While the discussion presented herein primarily references the City of Berkeley Mean Lower-Low Water (MLLW) vertical datum, other discussions such as those within Section 3.3, *Biological Resources*, may reference both the North American Vertical Datum of 1988 (NAVD88) and the Berkeley MLLW vertical datum when presenting tidal elevations, flood elevations, and sea level rise projections. For reference, NAVD88 is approximately 0.6 feet below Berkeley MLLW at the project site. Unless otherwise noted, future references to elevations relevant to the project may be presented in both datums to facilitate comparison. Table 3.8-1, below, summarizes representative tidal datums and conversion values applicable to the project site.

Table 3.8-1 Representative Vertical Datum Conversion Values

Datum (NOAA)	NAVD88 (feet)	Berkeley MLLW (feet)
Highest Astronomical Tide (HAT)	+7.8	+8.4
Mean Higher-High Water (MHHW)	+6.2	+6.8
Mean High Water (MHW)	+5.6	+6.2
Mean Sea Level (MSL)	+3.4	+4.0
North American Vertical Datum of 1988 (NAVD88)	0.0	+0.6
Berkeley Mean Lower-Low Water (MLLW)	-0.6	0.0

Datum (NOAA)	NAVD88 (feet)	Berkeley MLLW (feet)
Lowest Astronomical Tide (LAT)	-2.1	-1.6

Source: COWI. 2025. Berkeley Water Transportation Pier Ferry Project: Basis of Design 60% Submittal. December 12.

The Berkeley Waterfront experiences mixed semidiurnal tides, with water levels ranging from approximately +6.8 feet ~~mean lower-low water (~~MLLW~~)~~ during average higher-high tide conditions to about +~~10.3~~ 8.4 feet MLLW ~~under 100-year extreme tide events~~ during Highest Astronomical Tide (HAT) conditions. Extreme Water Level conditions may reach approximately +10.3 feet MLLW during severe storm and coastal flooding events. The design still water level, which accounts for astronomical tides, storm surge, and projected sea level rise through 2075, is estimated at +11.9 feet MLLW.

With the addition of the new Table 3.8-1 described above, the existing Draft EIR Table 3.8-1, *Water Quality Objectives for Surface Waters*, on Draft EIR Page 3.8-19 and Table 3.8-2, *Water Quality Objectives for Groundwater*, on Draft EIR Page 3.8-21 have been renumbered as Table 3.8-2 and Table 3.8-3, respectively, and cross references to these tables on Draft EIR Pages 3.8-18, 3.8-27, 3.8-29, and 3.8-31 have been revised accordingly. The City notes that revision is clarifying in nature and accordingly does not affect the underlying hydrologic or biological analyses, engineering assumptions, impact conclusions, or mitigation measures presented in the Draft EIR. For additional discussion regarding sea level rise projections, design elevations, future flood conditions, and project resilience considerations, please refer to Section 2.2.23, *Topical Response: Sea Level Rise*.

The analysis and significance conclusions presented in Section 3.8, *Hydrology and Water Quality*, and related sections of the Draft EIR remain valid as written. No further revisions are necessary.

Response to Comment A3-46

As discussed in Response to Comment A3-45 and in Section 2.2.23, *Topical Response: Sea Level Rise,* engineering analyses supporting the project distinguish between tidal datums and extreme water level conditions when evaluating flooding hazards, sea level rise, and design elevations.

Refer to Response to Comment A3-45, which includes a revision to Draft EIR Section 3.8, *Hydrology and Water Quality* (page 3.8-7), to clarify that HAT at the project site is approximately +8.4 feet MLLW and that +10.3 MLLW corresponds to an Extreme Water Level condition rather than HAT.

To the extent the comment requests the inclusion of a table comparing the vertical datums, please refer to Response to Comment A3-45. As discussed therein, Draft EIR pages 3.8-7 and 3.8-8 have been revised to clarify the relationship between NAVD88 and Berkeley MLLW and to include Table 3.8-1: Representative Vertical Datum Conversion Values, which presents tidal elevations and datum conversion values applicable to the project site, to improve consistency and facilitate comparison of tidal elevations, flood elevations, and sea level rise projections throughout the Draft EIR. For additional discussion regarding tidal elevations and sea level rise projections considered in the Draft EIR, please refer to Section 2.2.23, *Topical Response: Sea Level Rise*.

The revision in Response to Comment A3-45 is clarifying in nature and does not alter the hydrology, flooding, or sea level rise analyses presented in the Draft EIR. Therefore, the analysis and significance conclusions presented under Impacts HYD-3 and HYD-4 in Section 3.8, *Hydrology and Water Quality*, remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-47

Draft EIR Section 3.8, *Hydrology and Water Quality*, evaluates flood hazards, tsunami hazards, sea level rise, and risks associated with inundation, and includes that impacts would be less than significant (refer to Figure 3.8-2, Impact HYD-3, and Impact HYD-4). As discussed therein and in Section 2.2.23, *Topical Response: Sea Level Rise,* the project was designed using site-specific coastal engineering analyses that

evaluated future water levels, storm conditions, and sea level rise projections over the 50-year design life of the project.

With respect to the relationship between the project's design and extreme flood events, the 500-year floodplain represents water levels associated with a 0.2 percent annual chance flood event, which corresponds to a 1-in-500 chance of occurring in any given year. While portions of the proposed waterside facilities would be exposed to elevated water levels during such an extreme event, the project has been designed so that the pier, breakwater, piles, gangways, and associated structural components would withstand the water levels and wave forces associated with these conditions. However, the City notes that the operational availability of the ferry terminal during an extreme storm event differs from the structural integrity of the facility. During a 500-year storm event, ferry operations would likely be suspended due to the severe weather conditions, including high winds and elevated wave activity, which would affect navigational safety. Similarly, public access to the pier may be temporarily restricted during such an event. However, these operational interruptions would be temporary and would not indicate structural failure or loss of the facilities, as the pier, breakwater, piles, and other structural components would have sufficient reserve capacity to withstand the wave forces and water levels associated with a 500-year storm event.

It should also be noted that the peak water levels associated with a 500-year storm are expected to persist for a relatively short duration, typically less than four hours. Following passage of the storm and the return of safe operating conditions, the ferry terminal would be capable of resuming operations. Therefore, even in the unlikely circumstance that emergency response activities requiring waterborne access to Berkeley coincided with an extreme storm event, any interruption in service would be temporary and would not represent a substantial long-term loss of emergency transportation capabilities. To provide additional clarification within the Draft EIR, the following text has been added to Section 3.8.4, Impacts Analysis (Impact HYD-4, page 3.8-40):

> The Universal Charging Float battery systems would be housed in smoke-tight, watertight compartments with real-time monitoring, automated shutoff systems, and multiple redundant fire suppression systems, substantially reducing the potential for pollutant release in the event of inundation. Additionally, as depicted in Figure 3.8-3, portions of the project site are located within FEMA-designated 500-year floodplains. However, the proposed ferry terminal includes infrastructure intended to remain structurally resilient during extreme coastal flood events. As described in Section 3.12, *Transportation*, WETA and its contracted operator proactively monitor weather forecasts and U.S. Coast Guard advisories. In the event of an approaching storm, senior staff coordinate with vessel crews to evaluate the safety of continuing ferry service on affected routes. Although ferry operations may be temporarily suspended during severe storm conditions such as a 500-year flood event due to navigational safety concerns, the pier, breakwater, piles, and associated structural elements have been designed to accommodate water levels and wave forces associated with extreme flood events, as the project's coastal engineering analyses considered future sea level rise and coastal flooding conditions over the life of the project. Therefore, any operational interruption associated with extreme storm or flooding events would be temporary and would not be expected to result in a substantial long-term loss of emergency transportation or evacuation capabilities, nor would any operational interruption indicate structural failure of the proposed facilities.

For additional discussion regarding future sea level rise conditions, flood elevations, project resiliency, and adaptation considerations, refer to Section 2.2.23, *Topical Response: Sea Level Rise*.

The above revision is clarifying in nature and does not alter the impact analysis, significance determinations, or mitigation measures presented in the Draft EIR. Therefore, the analysis and significance conclusions presented under Impact HYD-4 in Section 3.8, *Hydrology and Water Quality*, remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-48

Refer to Response to Comment A3-47 regarding operation of the ferry terminal with sea level rise.

Response to Comment A3-49

Refer to Section 3.8.2, *Environmental Setting*, under the *Flood Hazard Areas* discussion and Figure 3.8-3, *Floodplains Overlapping with and Adjacent to the Project Site*, of the Draft EIR. As noted by the comment, Figure 3.8-3 depicts both FEMA Zone VE and Zone AE flood hazard areas in the vicinity of the project site. The existing narrative primarily focuses on the Zone VE portion of the project site because the proposed pier, ferry terminal, breakwater, and other waterside facilities are located within San Francisco Bay and are therefore associated with coastal flood hazards and wave action represented by Zone VE. However, portions of the surrounding shoreline and adjacent lands surrounding the project site are mapped within FEMA Zone AE, which represents areas subject to inundation by the 1-percent-annual-chance flood event where Base Flood Elevations (BFEs) have been established.

The City agrees that acknowledgement of the nearby Zone AE areas would improve consistency between the text and Figure 3.8-3. Accordingly, the following clarification text has been added to Section 3.8.2, *Environmental Setting* (page 3.8-11):

> A portion of the project site is located in a special flood hazard area. As shown on Figure 3.8-3, Central San Francisco Bay within the project site is mapped as "Zone VE" of the 100-year floodplain, which are coastal areas with a 1 percent or greater chance of flooding in any single year and an additional hazard associated with storm waves. Zone VE areas have a 26 percent chance of flooding over a 30-year period.[29] As also shown on Figure 3.8-3, portions of the shoreline and surrounding areas adjacent to the project site are mapped as FEMA Zone AE, which identifies areas subject to inundation from the 1-percent-annual-chance flood event where Base Flood Elevations (BFEs) have been established. While the proposed waterside project components are primarily associated with the Zone VE flood hazard area, nearby shoreline areas include both Zone AE and Zone X flood hazard designations. FEMA Flood Insurance Rate Maps identify BFEs for the mapped Zone VE and Zone AE areas adjacent to the project site. The BFE for Zone VE ranges from approximately 12 to 13 feet and the BFE for adjacent Zone AE areas is approximately 10 feet. These BFEs represent the estimated water surface elevation associated with the 1-percent-annual-chance flood event and are used for floodplain management and project design purposes. Further offshore, the San Francisco Bay is designated as open water, which is not considered a special flood hazard area.[30]
>
> [29.] FEMA. 2026. Flood Map Service Center. Available: https://msc.fema.gov/portal/search?AddressQuery=Berkeley%20marina (accessed February 2026).
>
> [30.] FEMA. 2026. Flood Map Service Center. Available: https://msc.fema.gov/portal/search?AddressQuery=Berkeley%20marina (accessed February 2026).

This revision is clarifying in nature and does not alter the flood hazard analysis, impact conclusions, or mitigation measures presented in the Draft EIR. Therefore, the analysis and significance conclusions presented under Impacts HYD-3 and HYD-4 in Section 3.8, *Hydrology and Water Quality*, remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-50

In response to this comment, refer to Response to Comment A3-49, which revises Section 3.8.2, *Environmental Setting* (page 3.8-11) to clarify the FEMA flood zones and BFEs applicable to the project site.

Because BFEs are established through FEMA floodplain mapping and do not alter the flood hazard characterization evaluated in the Draft EIR, the addition of this information is clarifying in nature. To the extent the comment requests additional discussion regarding future flooding conditions, sea level rise, or coastal flood resilience, please also refer to Section 2.2.23, *Topical Response: Sea Level Rise*.

Response to Comment A3-51

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion about wave action and sediment transport patterns. Wave disturbance coefficients were calculated at key locations including the ferry berths, pier, and plaza. This analysis was specifically designed to quantify how the breakwater reduces wave agitation at the ferry berths and shoreline. The modeling results confirm that a minimum 300-foot breakwater configuration provides sufficient sheltering for both ferry berths, minimizes wave exposure, and achieves nearly the same reduction in wave-induced downtime as the longer 400-foot breakwater. Without a breakwater, the terminal would experience notable wave-induced operational downtime, particularly during late spring and summer months when southwesterly winds generate higher wave activity. With the 300-foot breakwater, monthly average downtime remains below 2 percent for all months throughout the year, including the most energetic wave periods.

Response to Comment A3-52

In response to this comment, the following text has been added to Draft EIR Section 3.9.3, Regulatory Framework, within Section 3.9, *Land Use and Planning* (page 3.9-4):

> *BCDC San Francisco Bay Plan*
>
> In compliance with the McAteer-Petris Act, BCDC prepared the first San Francisco Bay Plan in 1968 which was transmitted to the California Legislature and the Governor in 1969. BCDC amends the Bay Plan over time to address regional needs. The San Francisco Bay Plan includes policies to guide future uses of the Bay and the shoreline. The Plan aims to protect the Bay from unnecessary filling, promote public access, and ensure sustainable development. It designates priority use areas for water-oriented activities, such as ports and recreational facilities, and establishes environmental safeguards to preserve the Bay's natural resources. The Plan also includes specific policies for shoreline protection, habitat restoration, and climate resilience, ensuring that land use and planning decisions support ecological health and community needs. Pertinent policies are identified and addressed in detail under Impact LU-2 within this EIR section.
>
> Although BCDC laws and policies have a regional focus and are therefore included within the Regional and Local Regulations subsection of Section 3.9.3, *Regulatory Framework*, BCDC's governing legislation, the McAteer-Petris Act, has the status of State law and is effectively comprised of State regulations subject to approval by the California Office of Administrative Law.

The above revision is clarifying in nature and does not alter the analysis or significance conclusions presented in Section 3.9, *Land Use and Planning*, of the Draft EIR. The analysis, significance conclusions, and mitigation measures presented therein remain valid as written, and no further revisions are necessary.

Response to Comment A3-53

As described in Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* the City acknowledges that BCDC will independently review the project's consistency with its governing laws and policies at the time a permit application for the project is brought forth to the Commission for approval. The Draft EIR addresses this nuance on page 3.9-12 under Impact LU-2 in Section 3.9, *Land Use and Planning*. To provide additional clarity, page 3.9-12 of the Draft EIR has been revised as follows:

> Given the project location within 100 feet of the San Francisco Bay shoreline, the BCDC San Francisco Bay Plan would be applicable in terms of land use planning. BCDC will determine whether the proposed project is consistent with the McAteer-Petris Act and Bay Plan policies. Such determinations are made by BCDC on a case-by-case basis when considering permit applications. As part of this process, BCDC will conduct an independent review of the project's consistency with its governing laws and policies and may impose conditions or require project modifications to ensure

compliance. To the extent that consistency with these laws and policies is subject to CEQA review, ~~T~~the City's evaluation of project consistency with applicable BCDC San Francisco Bay Plan policies is discussed in Table 3.9-1.

The above revision is clarifying in nature and does not alter the analysis or significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, of the Draft EIR. The analysis, significance conclusion, and mitigation measures presented therein remain valid as written, and no further revisions are necessary.

Response to Comment A3-54

In response to this comment, the following text has been added to Draft EIR Section 3.11.3*, Regulatory Framework*, within Section 3.11, *Recreation* (page 3.11-8):

BCDC San Francisco Bay Plan

The San Francisco Bay Plan, developed by BCDC, serves as a comprehensive framework for managing the Bay and its shoreline. The Plan emphasizes the importance of preserving and enhancing public access to the Bay, including the development of parks, marinas, beaches, and fishing piers. It aims to balance environmental preservation with recreational opportunities, ensuring that the Bay remains a valuable natural asset for both current and future generations. The Plan establishes policies and identifies priority use areas to guide development within BCDC's jurisdiction, including the "Waterfront Park, Beach" designation, which applies to portions of the project site. By guiding development and conservation efforts, the Plan supports the creation of recreational spaces that contribute to the overall quality of life in the Bay Area. Although BCDC laws and policies have a regional focus and are therefore included within the Regional and Local Regulations subsection of Section 3.11.3, *Regulatory Framework*, BCDC's governing legislation, the McAteer-Petris Act, has the status of State law and is effectively comprised of State regulations subject to approval by the California Office of Administrative Law. The BCDC San Francisco Bay Plan includes the following policies related to recreation and public access: …

The above revision is clarifying in nature and does not alter the analysis or significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR. The analysis, significance conclusions, and mitigation measures presented therein remain valid as written, and no further revisions are necessary.

Response to Comment A3-55

For discussion concerning existing recreational demand and construction period impacts on recreation access, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

While public access is an important consideration for project planning and community use, temporary access disruptions during construction are not an environmental impact under CEQA, unless they result in a physical deterioration of a recreational resource. As discussed in Draft EIR Section 3.12, *Transportation* (page 3.12-17), the City of Berkeley regulates encroachment on roadways through a permitting process that considers potential effects on roadways and includes requirements for traffic control plans. Any potential effects on the roadway system during construction would be minimized through implementation of the construction-related traffic control plan. As described in Draft EIR Chapter 2, *Project Description,* Section 2.6.2 (pages 2-28 to 2-29), project construction is expected to occur in phases. A traffic control plan would be implemented in any given phase to maintain recreational access to the maximum extent feasible. In addition, the City of Berkeley maintains standards relating to pedestrian access during construction projects, which would require safe and accessible paths of travel for pedestrians throughout the construction period. Prior to the beginning of construction, the contractor will be required to implement the traffic control plan. Adopted standards require that recreational and vehicular access be maintained during construction to the maximum extent feasible. Accordingly, construction traffic control

plans would maintain, to the maximum extent feasible: (1) vehicular and recreational access to the South Cove area; (2) vehicular access along University Avenue to Seawall Drive; and (3) access to the Bay Trail and adjacent recreational areas. Pedestrian access along Seawall Drive and the shoreline would be maintained except when actual construction of the Bay Trail was occurring, and pedestrian detours would be provided during those periods. These access provisions are a required component of construction permitting and are not discretionary measures. While final construction staging and circulation routes will be determined by the contractor in coordination with the City, the City's permitting process and standards for maintaining vehicular and pedestrian access to the maximum extent feasible during construction would ensure that no permanent or substantial adverse physical effect on recreations resources would occur. Accordingly, temporary access disruptions during construction would not constitute a significant impact under CEQA.

In response to this comment, Section 3.11, *Recreation* of the Draft EIR has been revised to include the following clarifications on pages 3.11-16 and 3.11-17. Draft EIR page 3.11-16 has been revised as follows:

> Direct impacts on parks due to construction would be limited to the installation of a wayfinding signage in Shorebird Park. These potential impacts would be minor, as the construction would be completed using hand tools, would last one day, and would not require the closure of Shorebird Park. For these reasons, direct impacts on parks would be limited; however, there is the potential for construction to result in indirect impacts on recreational resources located near the project site, such as air quality and noise impacts due to use of construction equipment.
>
> Construction activities associated with the proposed project would be phased and managed to maintain recreational access to the Berkeley Waterfront to the maximum extent feasible. During construction, temporary access constraints may occur in localized areas used for staging or active work. However, the City would implement access management practices, including maintaining access where feasible, providing temporary detours around active work areas, and installing temporary signage and wayfinding to direct recreational users to available areas of the waterfront, consistent with the City's construction permitting requirements and traffic control standards.

In addition, Draft EIR page 3.11-17 has been revised to include a similar clarification:

> While construction of the proposed project may temporarily influence recreational users to seek alternative park facilities, the Berkeley Waterfront area spans approximately 100 acres with multiple access points at other locations that would not be affected by construction staging. In addition, although access routes may be temporarily modified, construction staging and sequencing would be organized, to the maximum extent feasible, to minimize disruption to public access while maintaining safe construction operations. Therefore, project construction would not preclude recreation at the Waterfront to such an extent that recreational facilities would physically deteriorate or new recreational facilities would be needed.

The revisions above are clarifying in nature and do not alter the analysis presented under Impact REC-1, nor would they result in an increased level of impact significance. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No further revisions to the Draft EIR are required.

Response to Comment A3-56

Refer to Response to Comment A3-54, which includes revisions to the EIR to indicate that potions of the project site are within a "Waterfront Park, Beach" priority use area. The revision in Response to Comment A3-54 is clarifying in nature and does not alter the analysis or significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR. The analysis, significance conclusions, and mitigation measures presented therein remain valid as written, and no further revisions are necessary.

Response to Comment A3-57

In response to this comment, subsection 3.11.3, *Regulatory Framework*, *State Regulations*, in Section 3.11, *Recreation*, page 3.11-8, second paragraph, of the Draft EIR has been revised as shown in strikeout/underline:

McAteer-Petris Act

The McAteer-Petris Act, enacted in 1965, established the San Francisco Bay Conservation and Development Commission (BCDC) to address public concerns about the future of San Francisco Bay. The Act empowers BCDC to regulate development and fill within the Bay, requiring that changes promote public access and recreational opportunities. This provision mandates comprehensive planning through the San Francisco Bay Plan, which includes requirements for parks and recreational areas to enhance public enjoyment of the Bay. Additionally, the Act empowers BCDC to issue and deny permits for projects within its jurisdiction, balancing development projects with environmental preservation and public access. In addition, Chapter 7 of the McAteer-Petris Act describes the San Francisco Bay Area Water Trail, a non- linear, recreational trail of launching and landing sites for non-motorized small boaters that circumnavigates the San Francisco Bay. The South Sailing Basin and Marina are designated San Francisco Bay Water Trail sites.

The analysis and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No further revisions to the EIR are required.

Response to Comment A3-58

In response to this comment, Subsection 3.11.2, Environmental Setting, Berkeley and State Park Facilities Adjacent to the Project Site, South Sailing Basin, page 3.11-6 of the Draft EIR has been revised as shown in strikeout/underline:

South Sailing Basin

The South Sailing Basin, located immediately south and southeast of project site is identified as a Water/Recreational use in the Marina Master Plan (refer to Figure 3.11-2).[16] The South Sailing Basin is a designated San Francisco Bay Water Trail site.[17] Three public docks, located south of University Avenue and south of the sailing club facilities, and south of the project site provide public access to the water for small boats (sail, windsurf, wing, kayak, canoe, paddleboard, etc.) and swimming. The Cal Sailing Club and the Cal Adventures Center utilize the public access docks for sailing and other water recreation activities in the South Sailing Basin.

16. Berkeley, City of. 2003. Berkeley Marina Master Plan. https://berkeleyca.gov/sites/default/files/2022-02/Berkeley-Marina-Master-Plan 1.pdf (accessed September 2024).

17. San Francisco Bay Conservation and Development Commission (BCDC). 2026. Berkeley Marina Small Boat Launch. https://sfbaywatertrail.org/trailhead/berkeley-marina-small-boat-launch (accessed September 2026).

Subsection 3.11.2, Environmental Setting, Berkeley and State Park Facilities Adjacent to the Project Site, Berkeley Marina Basin, page 3.11-5 of the Draft EIR has been revised as shown in strikeout/underline:

Berkeley Marina Basin

The Berkeley Waterfront is an approximately 125-acre area west of I-80 in the City of Berkeley. The Berkeley Marina Basin refers to a subset of the Berkeley Waterfront north of the project site that includes the main boat harbor with approximately 1,000 recreational boat slips (Figure 3.11-2). In 1937, Berkeley built the original yacht harbor (i.e., the Marina Basin) in the Waterfront area. In the

1960s, the City participated in regional planning efforts to develop an East Bay Shoreline for recreation and public access. During this period, the City decided to re-develop the existing yacht harbor of 1937 into the modern Berkeley Marina Basin that exists today.[11] The predominant activity at the Berkeley Marina Basin Main Harbor involves the operation of boat slips for up to 1,000 recreational sailboats, as well as other activities such as dinner cruises, commercial charter boats for sightseeing and fishing, sailing lessons and dragon boat canoe racing. The Marina is a designated San Francisco Bay Water Trail site.[12]

[11.] Berkeley, City of. 2024. Draft Waterfront Specific Plan for the City of Berkeley Public Tidelands Area. Available: https://berkeleyca.gov/sites/default/files/documents/BWSP_Draft_2024-11-08.pdf (accessed September 2024).

[12.] San Francisco Bay Conservation and Development Commission (BCDC). 2026. Berkeley Marina Boat Ramp. https://sfbaywatertrail.org/trailhead/berkeley-marina-ramp/ (accessed September 2026).

The analysis and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No further revisions to the EIR are required.

Response to Comment A3-59

The Draft EIR identifies relevant Bay Plan transportation and public access policies and evaluates project consistency with those policies within Table 3.9-1 under Impact LU-2 in Draft EIR Section 3.9, *Land Use and Planning* (refer to Draft EIR pages 3.9-17 through 3.9-19). The analysis therein concludes that the project would maintain consistency with the Bay Plan with incorporation of mitigation (refer to Draft EIR page 3.9-23).

In response to this comment, Section 3.12, *Transportation* (subsection 3.12.3, *Regulatory Framework*, page 3.12-11), of the Draft EIR has been revised to include reference to Bay Plan policies as follows:

BCDC San Francisco Bay Plan

The San Francisco Bay Plan, developed by BCDC, serves as a comprehensive framework for managing the Bay and its shoreline. The Plan emphasizes the importance of preserving and enhancing public access to the Bay, including the development of parks, marinas, beaches, and fishing piers. It aims to balance environmental preservation with recreational opportunities, ensuring that the Bay remains a valuable natural asset for both current and future generations. The Plan establishes policies and identifies priority use areas to guide development within BCDC's jurisdiction, including the "Waterfront Park, Beach" designation, which applies to portions of the project site. By guiding development and conservation efforts, the Plan supports the creation of recreational spaces that contribute to the overall quality of life in the Bay Area. Although BCDC laws and policies have a regional focus and are therefore included within the Regional and Local Regulations subsection of Section 3.12.3, *Regulatory Framework*, BCDC's governing legislation, the McAteer-Petris Act, has the status of State law and is effectively comprised of State regulations subject to approval by the California Office of Administrative Law. Refer to Table 3.9-1 within Section 3.9, *Land Use and Planning*, of this EIR, which identifies the relevant BCDC San Francisco Bay Plan policies applicable to transportation and public access considerations at the project site.

The above revision is clarifying in nature and does not alter the analysis or significance conclusions presented in Section 3.12, *Transportation*, of the Draft EIR. The analysis, significance conclusions, and mitigation measures presented therein remain valid as written, and no further revisions are necessary.

Response to Comment A3-60

Impact TRA-3 in Section 3.12, *Transportation* of the Draft EIR (page 3.12-22) states the following:

University Avenue and Seawall Drive Design and Use Safety

The project would include improvements along University Avenue and Seawall Drive. As described in further detail in Chapter 2, *Project Description*, these improvements would not change the overall circulation of these roadways but, rather, would improve the roadways compared to existing conditions. The proposed project includes new facilities for transit, bicycle, and pedestrian users. The proposed project includes features to separate pedestrians and bicyclists from vehicles, compared to existing conditions. In addition, the improvements to AC transit bus stops would follow similar existing configurations and would not create any new safety hazards. This would minimize geometric design hazards for all types of transit utilizing the project site. In addition, the roadway design would be subject to the City of Berkeley Roadway Design Standards.

The proposed project would introduce a new use, compared to existing conditions. Bicyclists, pedestrians, transit users, and motorists would bike, walk, take the bus, and drive to the project site to access the ferry service. While this would be a new use compared to existing conditions, people already access the site via bus, bike, walking, or car. The proposed project would include safety features that would overall improve safety, including crosswalks, wayfinding signage, and bicycle/pedestrian facilities separated from roadways.

There are several reasons that no design conflicts were identified for this intersection. The design of the AC Transit bus route in this area was developed in consultation with AC Transit to remove potential conflicts with different user groups. It was determined that this layout of through lanes, stopping lanes and bus loading lanes would provide for the most effective paths of travel for each user group. Figure 2-10, University Avenue Improvements (4 of 4) of the Draft EIR (page 2-17) identifies a blue passenger drop off zone, orange bus stop and loading area, and green cycle track and path of travel. In addition, this would enhance an existing throughfare as AC Transit currently travels through this area; this upgrade to the bus loading zone would accommodate a greater number of users, while also providing separated paths of travel for vehicles, bicycles, and pedestrians. The 15-mile per hour speed limit in this area would continue and additional signage and wayfinding would be introduced to designate travel ways for each user group. For these reasons, no impacts with regard to a geometric design feature or incompatible use were identified. The analysis and significance conclusion presented under Impact TRA-3 in Section 3.12, *Transportation*, of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment A3-61

As discussed in Response to Comment A3-60, the City developed roadway design in collaboration with AC Transit to address potential circulation conflicts among different user groups. Refer also to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* for a discussion of how the City addresses circulation conflicts. BCDC will independently evaluate the project for consistency with San Francisco Bay Plan policies related to circulation as part of its permit review process. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation.

Response to Comment A3-62

The design of the Project incorporates projected circulation routes for different user groups under various use scenarios and has been developed in consultation with AC Transit and Cyclists user groups, as well as extensive public feedback. Refer also to Response to Comments A3-60 and A3-61. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation.

Response to Comment A3-63

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* concerning the unimproved water access near 199 Seawall Drive and other water access points, which are separate from the area where ferries will operate.

The proposed ferry terminal would be located on the north side of the existing Berkeley pier. This location is well away from any conflict with the current existing swimming and board sailing launch points for the Berkeley Marina. No revisions to the EIR are necessary.

Response to Comment A3-64

Refer to Section 2.2.2, *Topical Response: Alternatives*, which describes the City's process in conducting an Alternatives analysis, consistent with CEQA and how it considered alternative locations.

Response to Comment A3-65

Refer to Section 2.2.2, *Topical Response: Alternatives*, and Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative*.

The 2008 EIS/EIR considered an alternative next to the Berkeley Fishing Pier. Because this alternative was substantially similar to the concept identified in the proposed project, it was not considered further.

The 2008 EIS/EIR considered an alternative off Gilman Street. Different versions of this alternative would not change the conclusions made in the Draft EIR that this alternative would increase not decrease environmental impacts (page 5-26). Given the geography of the shoreline, there is no alternative location near the foot of Gilman Street that would avoid locating the alternative within Eastshore State Park, which is an area that is more ecologically sensitive than the proposed project site. In addition, locating a ferry terminal within an established park presents the potential for the project to be deemed infeasible if the project is funded with federal Department of Transportation funds, which is expected in the future. Once U.S. Department of Transportation funds are obtained, the project will be required to comply with Section 4(f) requirements. Under Section 4(f) of the U.S. Department of Transportation Act, agencies must select an alternative that completely avoids using protected public parks, historic sites, or wildlife refuges unless that alternative is deemed infeasible or imprudent. Because other alternative sites have been found to be feasible and prudent (i.e., the proposed project site), an alternative off Gilman Street is not expected to be feasible, pursuant to Section 4(f) requirements.

The 2008 EIS/EIR considered an alternative near Buchanan Street. This alternative location is in Albany, outside of the City's jurisdiction. The basis for considering but rejecting it from further evaluation can be found on page 5-26 to 5-27 of the Draft EIR, under the bullet "Locations outside of the City of Berkeley." Potential different versions of this alternative would not change the fact that it is outside of the City's jurisdiction and would not change the conclusions in the Draft EIR.

The purpose of Draft EIR Section 5.9, *Alternatives Considered but Rejected*, is to identify the principal reasons certain alternatives were not carried forward, rather than provide a project-level impact analysis of each conceptual alternative considered during planning. See CEQA Guidelines Section 15126.6(c), which provides that an EIR need only "briefly describe the rationale for selecting the alternatives to be discussed," and "briefly explain the reasons underlying the lead agency's determination." The Draft EIR provides those reasons for each alternative discussed in Section 5.9, including jurisdictional considerations, consistency with project objectives, environmental constraints, and other feasibility considerations. The Draft EIR therefore provides an adequate description of the alternatives screening process and the basis for the City's determinations. Accordingly, the analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment A3-66

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

Response to Comment A3-67

Refer to Section 2.2.2, *Topical Response: Alternatives,* which describes the City's process in conducting an Alternatives analysis, consistent with CEQA and how it considered alternative locations. The 199 Seawall Drive location studied in the 2008 Berkeley/Albany Ferry Terminal Study Draft EIS/EIR and referenced in this comment is located "in the cove behind Hs Lordships Restaurant" (Section 2.8, page 2-43)." This 'cove' is the South Cove Sailing Basin, and locating a ferry terminal in this location would not only significantly increase the area and volume of dredging required due to the ferry vessel route (40,000 cubic yards of bay mud within the cove itself) but would also introduce conflicts with the recreational uses of the South Cove Sailing Basin. Since the 2008 Berkeley/Albany Ferry Terminal Study Draft EIS/EIR was published, no dredging of the South Cove Sailing Basin has occurred. As such, the estimates for additional dredging from that document are considered conservative for existing conditions, since additional sedimentation within the South Cove Sailing Basin has occurred over the past 18 years.

Furthermore, the proximity to existing recreational resources, including existing water access would present greater potential impacts to recreational access, which could be inconsistent with policies in the Bay Plan.

As a whole, the 199 Seawall Drive alternative site, which is within the South Cove Sailing Basin, would present more environmental impacts through increased dredging footprint and volume and greater potential conflicts with recreational users. Because this alternative would not reduce significant environmental impacts, it has been considered but rejected in the Draft EIR.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment A3-68

These comments are nonsubstantive in nature and do not raise a significant environmental issue. No further response is required.

Letter A4

From: Hernandez, Melissa@DOT <Melissa.Hernandez@dot.ca.gov>
Sent: Tuesday, April 28, 2026 2:08 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: State.Clearinghouse@lci.ca.gov; Luo, Yunsheng@DOT <Yunsheng.Luo@dot.ca.gov>
Subject: Comment Letter for Berkeley Water Transportation Ferry, DEIR

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Hello Liza,

Thank you for the opportunity to review the DEIR for the Berkeley Water Transportation Pier Ferry Project. Please find attached our comment letter for this project. A4-1

Please let me know if you have any questions.

Thank you,

Melissa Hernandez
Associate Transportation Planner
Caltrans, District 4 | Community Planning

CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS–10D | OAKLAND, CA 94623-0660
www.dot.ca.gov

April 28, 2026

SCH #: 2025040995
GTS #: 04-ALA-2025-01036
GTS ID: 36151
Co/Rt/Pm: ALA/80/R6.899

Liza McNuity, Project Manager
City of Berkeley Parks, Recreation, and Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704

Re: Berkeley Water Transportation Pier Ferry – Draft Environmental Impact Report (DEIR)

Dear Liza McNuity:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Berkeley Water Transportation Pier Ferry Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the February 2026 DEIR. A4-2

Please note this correspondence does not indicate an official position or approval by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project would demolish portions of the closed pier, new public pier, new breakwater that provides pedestrian access and recreational amenities, recreational amenities, ferry infrastructure, dredging, new public plaza, improvements to University Avenue and Seawall Drive, a portion of the planned Bay Trail Extension, new landscaping, new wayfinding signage, utility connections, and operation of zero-emission electric passenger ferry service. A4-3

Air Quality/Noise

Air Quality, Section 3.2-21& 3.2-24 pgs. 154 & 157: Please update the Bay Area Air District (BAAD) May 2017 CEQA Air Quality Guidelines to the newer 2022 guidelines, criteria, and thresholds (*link*). A4-4

Noise, Section 3.10-24 pg. 497 – Waterside, *"Implementation of Mitigation Measure NOI-1…would reduce construction noise levels by up to 20 dBA for demolition"*: per A4-5

Table 3.10-16, reduction due to mitigation should be 10dBA (A-weighted decibels) as opposed to 20dBA. A4-5

Climate Resilience

Please keep Caltrans updated on the project as it advances. Caltrans is interested in improving resilience to the particularly vulnerable southbound Interstate (I)-80 and as a result will participate in ongoing Regional Shoreline Adaptation Plan (RSAP) coordination with the cities of Albany, Berkeley, and Emeryville. A4-6

For any questions or concerns, please reach out to the Climate Change Branch at D4_ClimateResilience@dot.ca.gov.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Melissa Hernandez, Associate Transportation Planner via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please visit Caltrans LDR website (*link*) or contact LDR-D4@dot.ca.gov. A4-7

Sincerely,



YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

Letter A4

Commenter: Yunsheng Luo, Branch Chief of Local Development Review, Office of Regional and Community Planning, California Department of Transportation (Caltrans) District 4

Date: April 28, 2026

Response to Comment A4-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A4-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A4-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A4-4

The Bay Area Air District 2022 CEQA Air Quality Guidelines were used for purposes of the Draft EIR air quality analysis and the respective significance thresholds. The general methodology for assessing air quality impacts has not changed between the 2017 version and the 2022 version of these guidelines. The following clarification text revisions have been made to the Draft EIR:

Section 3.2, page 3.2-21:

> This analysis uses the Bay Area Air District ~~May 2017~~ 2022 CEQA Air Quality Guidelines to evaluate air quality. Air pollutant emissions generated by project construction and operation were estimated using the California Emissions Estimator Model (CalEEMod), version 2022.1. CalEEMod uses project-specific information, including the project's land uses, square footage for different uses (e.g., restroom building and parking), and location, to model a project's construction and operational emissions. The analysis reflects the construction and operation of the proposed project as described under Section 2, Project Description.

Section 3.2, page 3.2-24:

> The Bay Area Air District ~~May 2017~~ 2022 *CEQA Air Quality Guidelines* include project-level thresholds for construction-related and long-term operational emissions of air pollutants. These thresholds represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. Construction emissions associated with plan implementation are discussed qualitatively to evaluate potential air quality impacts.
>
> For health risks associated with TAC and $PM_{2.5}$ emissions, the Bay Area Air District ~~May 2017~~ 2022 *CEQA Air Quality Guidelines* state a project would result in a significant impact if ~~the~~ any of the following thresholds are exceeded:

These changes to the Draft EIR are simply for textual clarification purposes; therefore, no additional air quality modeling and analysis is required. The Draft EIR air quality significance thresholds, impact analysis conclusions, and mitigation measures remain valid as written.

Response to Comment A4-5

As explained on page 3.10-24, a 10 dBA reduction is only applicable to construction phases that include use of pile driving equipment (i.e., demolition and pile installation) and a 20 dBA reduction is applicable for all other phases (i.e., dredging and construction of waterside infrastructure and amenities). Table 3.10-16 appropriately applies these decibel reductions to the respective construction phases. No further revisions to this table are necessary.

However, the text on page 3.10-24 has been clarified as follows:

> Implementation of Mitigation Measure NOI-1, including the use of temporary noise barriers, would reduce construction noise levels by up to 20 dBA for ~~demolition,~~ dredging~~,~~ and construction of waterside infrastructure and amenities (excluding pile driving equipment).[18,19] For construction phases which include the use of pile driving equipment (e.g., demolition and pile installation), ~~S~~shrouding of pile driving equipment would attenuate noise levels by 10 dBA or more.
>
> 18. Bies, David A, Hansen, Colin H., Howard, Carl Q. 2018. Engineering Noise Control, Fifth Edition.
>
> 19. Harris, Cyril M. 1991. Handbook of Acoustical Measurements and Noise Control.

These text changes are clarifying in nature. The analysis and significance conclusions presented in Impact NOI-1 in Section 3.10, *Noise* of the Draft EIR remain valid as written. No further revisions to the EIR are necessary.

Response to Comment A4-6

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment A4-7

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter O1

From: Cal Sailing Commodore <commodore@cal-sailing.org>
Sent: Monday, March 16, 2026 7:40 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Perry Fier Project Updates

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Liza,

My name is Shreyas Chand. I'm the Commodore (Chairman of the Board of Directors) for the Cal Sailing Club. I made a comment at the meeting this eveinng regarding the Draft EIR. We plan to make a larger written comment, but in the meantime would like to request getting process updates to this email. O1-1

Thank you as well for your professional running of the meeting this evening and accepting public comment.

Finally, as I also mentioned at the meeting, I want to extend an invitation to the project team to engage with our organization and use us as a resource as part of this process. CSC's membership holds a diverse range of views on the project, and as a club we take no position for or against the ferry project as a whole. However, we are fully invested in ensuring that our programs, and recreational users are well considered in the pier ferry project as existing stakeholders (CSC for well over half a century!) in the waterfront.

Best,
Shreyas Chand
Commodore
Cal Sailing Club
124 University Ave
https://www.cal-sailing.org/ O1-2

P.S. If you have never visited or availed of CSCs programs, please do consider checking us out. We have our first open house on April 5th and will be offering free sailboat rides to the public from 1PM to 3PM.

Letter O1

Commenter: Shreyas Chand, Commodore, Cal Sailing Club

Date: March 16, 2026

Response to Comment O1-1

The City has added the comment's contact information to the project notification list and would provide future notices via email in accordance with CEQA and City procedures. No further response is required.

Response to Comment O1-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter O2

From: Geoffrey Lomax <glomax@lmi.net>
Sent: Wednesday, April 8, 2026 6:20 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: WOM Berkeley <WOMBerk22@gmail.com>
Subject: DRAFT EIR Comments Berkeley Ferry

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Comments Attached:



https://www.womberkeley.org/

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov

DRAFT EIR Characterized by Inadequate and Misleading Transit Impact Analysis

Summary:

The Draft EIR[1] fails to adequately analyze the cumulative adverse impacts imposed by the project on the region's ailing public transportation infrastructure.[2] The EIR acknowledges (but does not estimate) the impacts of drawing commuters from BART, AC Transit and existing WETA service (Jack London to San Francisco). Additionally, the document lacks clear evidence supporting the revenue and fare recovery projections. Ridership estimates appear speculative and are not supported by available data; in fact, the projections contradict existing evidence and longstanding experience. Collectively, these omissions obscure the fact that 80% of ferry operations may require public subsidies at the expense of existing transit options.

O2-1
O2-2
O2-3
O2-4

Regional Public Transportation is Ailing:

[1] https://berkeleyca.gov/your-government/our-work/capital-projects/berkeley-pier-ferry-access-project
[2] According to the Legislature: "New methodologies under the California Environmental Quality Act [were] needed for evaluating transportation impacts that are better able to promote the state's goals of reducing greenhouse gas emissions and traffic-related air pollution, promoting the development of a multimodal transportation system, and providing clean, efficient access to destinations." https://lci.ca.gov/ceqa/sb-743/faq.html

O2-1

Between new infrastructure and capital costs for ferry services the initial project expenditure are approximately $125 M. City of Berkeley infrastructure projects have consistently experienced 20-50% cost overruns. The project would consume financial resources that would otherwise be available to existing systems that are under financial strain as evidenced by:

- A recent $590 M emergency loan to maintain existing public transportation operations;
- BART incurring a $350-400 M deficit and projecting service cuts up to 70%;
- AC Transit projecting a $74 M deficit in 2026-27;
- High operating costs resulting in proposed fare increases for all ferry routes.

The addition of new overhead costs from the proposed project will create additional a majority strain to the existing transportation infrastructure.

O2-5

The high costs for this project will adversely impact existing public transportation by consuming federal, state, regional and local resources that would otherwise be available to existing systems experiencing operating deficits.

O2-6

Failure to Document Impacts on Existing WETA Service, AC Transit and BART:

The EIR acknowledges (but does not estimate) the impact of drawing commuters from BART and AC Transit:

> *It is anticipated that most of these trips are not new trips, and were originally headed to San Francisco by driving across the Bay Bridge. Some of these trips might have shifted from commuters previously taking BART and Transbay bus services. [3.12-20 DRAFT EIR]*

O2-7

There is no evidence presented to suggest the project will substantially reduce driving trips across the Bay Bridge. Anecdotally, there are a range of social determinants that limit trip reduction potential. For example, comparatively limited

"on the hour" ferry schedules may not provide the time flexibility many working family members require.

A plausible scenario is that a majority ridership will result from existing WETA, AC Transit and BART commuters switching services. Switching by existing commuters seems particularly probable for bicycle-carrying customers. Thus, one new heavily subsidized service will be pulling critical operating revenue from existing subsidized services. WETA routinely surveys its ridership and this "switching" hypothesis could be tested utilizing existing survey platforms. O2-7

The EIR should provide more robust (including survey-based) estimates on the financial impact to existing WETA (Jack London), AC Transit and BART revenues resulting from existing transit users switching services. O2-8

Farebox Revenue Assumptions Defy Operational Experience:

The draft cites the WETA Berkeley Ferry Service Business Plan which projects:

> *Ridership forecasts and fare assumptions for new weekday and weekend ferry service between Berkeley and San Francisco generates farebox revenue that covers approximately 52 percent of operating costs in the tenth year of service*
> [WETA Berkeley Ferry Service Business Plan p40.]

No ferry route has achieved greater than 44% other than Vallejo to San Francisco. Across all routes system wide farebox recovery in 2023-2025 was 24% of operating expenses. [Monthly Budget Report FY 2024/25] O2-9

This 24% figure is not evenly distributed across the system. Rather ridership and farebox recovery are dominated by the Vallejo Service. The comparative success of this service is likely related to the fact that riders have more limited public transportation options. Routes shared with BART and AC Transit do not exceed 23% revenue recovery, and half are less than 10% fare recovery.

Route	Fare Revenue		Projected Ridership	
	Total	% of Total	Total	% of Total
Alameda/Oakland Ferry Service	$ 3,231,470	23%	744,045	29%
Alameda Harbor Bay Ferry Service	$ 1,107,843	8%	256,567	10%
Alameda Seaplane Lagoon Ferry Service	$ 1,549,173	11%	359,194	14%
Vallejo Ferry Service	$ 6,232,208	44%	795,359	31%
South San Francisco Ferry Service	$ 698,795	5%	102,627	4%
Richmond Ferry Service	$ 1,245,745	9%	307,881	12%
Total	**$ 14,065,234**		**2,565,673**	

O2-9

Source:Fiscal Year 2024-25 Budget

The proposed project farebox revenue assumptions lack substantial evidence, contradict existing history and should be recalculated and presented in this EIR. Based on ridership experience, the proposed service would require ongoing subsidies on the order of 80% of operating costs, further exacerbating the adverse impacts on established transit options also requiring subsidies.

O2-10

Speculative Ridership Estimates:

Overall ridership estimates also appear speculative. For example, the Technical Memorandum supporting the ridership estimates states:

> *Assuming that an individual rider is taking a round trip, then the 1,910 total rides would represent 955 unique riders taking a round trip between Berkeley and San Francisco.* [Technical Memorandum Page 1]

O2-11

Given the alternative transit options (BART, AC Transit, carpool) and the constrained ferry schedule, there is a high likelihood that unique riders may choose split mode travel. This option may be particularly attractive for individuals who do not park at the proposed site and cyclists who can utilize all three options without the need to return to a specific destination.

The business plan also suggests the project will *get San Francisco residents / students to jobs / class in Berkeley* [WETA Berkeley Ferry Service Business Plan

O2-12

p26.] It seems highly improbable that individuals traveling from San Francisco to UC Berkeley or Berkeley City College would shift from a mode of transit (BART) that disembarks 1-5 minutes from campuses to a mode that arrives in the Berkeley Marina.

O2-12

The EIR should survey existing commuters from Jack London to San Francisco to determine the extent there is split mode travel. Distinctions should be made between those utilizing automobiles, public transit and bicycles.

O2-13

Submitted by:
Geoffrey Lomax - Contact Person
Berkeley Resident and regular WETA commute passenger
glomax@lmi.net

On behalf of Within Our Means Berkeley https://www.womberkeley.org/

Letter O2

Commenter: Geoffrey Lomax, Contact Person and Berkeley Resident, Within Our Means Berkeley

Date: April 8, 2026

Response to Comment O2-1

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to transit-to-transit mode shifts. No further response is required.

Response to Comment O2-2

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to transit-to-transit mode shifts. No further response is required.

Response to Comment O2-3

Regarding the comments about revenue and fare recovery, refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

Regarding the comments about ridership, refer to Table 2-4 in Chapter 2, *Project Description* on page 2-31 of the Draft EIR for discussion about ridership estimates. The ridership estimates used in the Draft EIR are not speculative; they are directly sourced from WETA's March 2022 Berkeley Ferry Service Business Plan. The projections were used in the EIR as a reasonable forecast of anticipated ridership. Ridership estimates will be updated regularly in tandem with WETA updates to their Business Plan and long range planning about the feasibility and implementation of new routes. No revisions to the EIR are necessary. No further response is required.

Response to Comment O2-4

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O2-5

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O2-6

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O2-7

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to reductions in vehicle tips, transit-to-transit mode shifts, and how WETA onboard surveys were used in the analysis. No further response is required.

Response to Comment O2-8

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations.

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to transit-to-transit mode shifts. No further response is required.

Response to Comment O2-9

Regarding the comments about revenue and fare recovery, refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility.* This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O2-10

Regarding the comments about revenue, fare recovery, and subsidies, refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility.* This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O2-11

Refer to Response to Comment O2-3 for discussion about ridership projections. While ferry users could choose a different mode of travel on their return journey, this would not materially affect the findings or conclusions of the EIR. No further response is necessary.

Response to Comment O2-12

As described in Chapter 5, *Economic Development Opportunities*, of the WETA Berkeley Ferry Service Business Plan, the proposed ferry service is intended to improve access between Berkeley and San Francisco for a variety of trip purposes, including employment, education, recreation, and special events. The Business Plan specifically acknowledges that successful ferry operations would depend on coordination with transit, shuttle, bicycle, and pedestrian connections between the terminal and destinations throughout Berkeley (refer to Business Plan pages 31-34).

The comment does not provide evidence demonstrating that the Business Plan's discussion of potential employment and educational travel demand is incorrect. Accordingly, no revisions to the Draft EIR are required. The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O2-13

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to how WETA onboard surveys were used in the analysis, as it relates to mode split. Refer also to Section 2.2.20, *Topical Response: Parking,* for additional discussion regarding parking and transportation demand considerations.

The analysis and significance conclusions related to transportation and VMT remain valid as presented in the Draft EIR. No revisions are required.

Letter O3

From: Amaya Williams-Segovia <amaya@eastshorepark.org>
Sent: Tuesday, April 21, 2026 6:12 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: CESP Comments Re Berkeley Ferry Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

I am attaching a comment letter from Citizens for East Shore Parks (CESP) in regards to the Berkeley Water Transportation Pier Ferry Project Draft EIR. O3-1

Best,
Amaya

Amaya Williams-Segovia
Deputy Manager
Citizens for East Shore Parks
P.O. Box 6087, Albany, CA 94706
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Citizens for East Shore Parks

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Ph: 510.524.5000 | cespmanager@eastshorepark.org | www.eastshorepark.org

Dwight Steele
Emeritus Co-Chair
(1914 - 2002)

Sylvia McLaughlin
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Deputy Manager:
Amaya Williams-Segovia

April 21, 2026

Liza McNulty, PE, Project Manager

Parks, Recreation & Waterfront Development

2180 Milvia Street, 3rd Floor

Berkeley, CA 94704

Via Email Only:

lmcnulty@berkeleyca.gov

Subject: Citizens for East Shore Parks (CESP) Comments on Berkeley Water Transportation Pier Ferry Project Draft EIR

Dear Ms. McNulty,

Citizens for East Shore Parks (CESP) has the following comments on the Draft Environmental Impact Report (DEIR) regarding the proposed Berkeley Ferry Terminal. CESP was founded in 1985 to create shoreline parks along the East Bay shoreline. Its initial major campaign was to create the McLaughlin Eastshore State Seashore. CESP is very concerned about both the environmental impacts from any proposed activity on the East Bay shoreline and also the impacts on recreational use and access. CESP has the following comment after reviewing the DEIR.

O3-1

<u>The Ferry Would Cost Far Less If located in the Berkeley Marina</u>

It appears from various analyses that the proposed project will cost around $170 Million, but that is not disclosed in the DEIR. The Richmond ferry, which requires a $9 per rider subsidy for every $1 of fare, cost $20 Million to build. The

O3-2

estimate for the ferry located at the Berkeley Marina is around $20 Million. The cost figures are not included anywhere in the DEIR. O3-2

The Reduction of Vehicle Miles Traveled (VMT) is Miniscule and Does Not Justify the Cost of the Project

The 2003 URS WTA EIR which looked at expansion of entire system had this to say about VMT's:

> "As shown in Table 3.12.8, the total regional VMT for the No Project Alternative will increase by 33.7 percent over the baseline, while the total regional VMT for the Proposed Project would increase by 33.6%. (Section 3.12.2.2 Impacts and Mitigation p. 435 of pdf)"

That is a .07% decrease in VMT. It states further:

> "The largest reductions in VMT occur in counties where ferries are competing with congested highway facilities, such as San Francisco, San Mateo, and Marin. However, an increase in drivers accessing transit is expected due to increases in VMT in the vicinity of terminals to ferry ridership at new terminals." (as discussed in Impact T-1).

O3-3

And:

> "The Proposed Project would have a total regional VMT of 0.07% less than the No Project Alternative. While the overall percentage reduction may seem small, it may reduce peak hour volumes on the Bay Bridge by almost a lane's worth of traffic."

The reduction of .07% at the projected cost would result in funds diverted from BART and Bus Transit agencies which would probably have a greater reduction in VMTs. In any case, the DEIR does not address this issue at all. O3-4

Parking

There are only 729 parking spaces in close proximity to the proposed terminal. The ferry is expected to have capacity for the day of 1600 departing riders. Hence, more than likely all parking will be taken up by ferry riders in the morning commute with no parking spaces for daytime users of the park area. Moreover, there will be a charge for parking. Furthermore, there was no analysis O3-5 O3-6

of commuters parking further away adjacent to the Meadow in the McLaughlin Eastshore State Park or around the DoubleTree hotel.

O3-6

The DEIR did not analyze parking at these other locations or the potential impact on the McLaughlin Eastshore State Park.

Dredging

Analyses show that there would be a need for on-going periodic dredging for the channel for the ferry. This is around 400,000 cubic yards. There is no analysis of the impacts of this on-going dredging.

O3-7

Sea Level Rise and RSAP Issues

The sea level rise the DEIR uses is 1.6 feet by 2075. Not 6.6 or 7 feet by 2100. The DEIR states that the landside features and pier would be built to protect to that 1.6 level. But this sea level rise does not address the potential impacts of the 6.6 sea level rise which should have been included and used.

O3-8

Impacts on Biological Resources

The DEIR states that the Least Tern was not sighted and thus not a concern. But we have reports now that there have been sightings sufficient for it to be evaluated for impacts as a changed circumstance.

O3-9

Furthermore, the DEIR relies on the prior Programmatic EIR (PEIR) done in 2003 that stated that whale strikes in the Bay were not an impact that required analysis for impacts. Yet, the current information is that Whale sitings in the Bay have grown over the years and strikes have also increased. This changed circumstance was not analyzed in the DEIR.

O3-10

The DEIR consistently maintains that in the construction phase any environmental impacts can be mitigated to less than significant. It also maintains that in the operational phase the ferry will not have impacts on biological resources.

O3-11

Seawall Impact Issues

The DEIR did not analyze the impacts that seawalls will have beyond the immediate location based. Nor was there an analysis of wave action on the adjacent park lands such as "Cesar Chavez" Park and the McLaughlin Eastshore State Seashore. O3-12

The Environmentally Superior Alternative is Alternative 4

This is a reduced landside facility. The main objection in the DEIR to this alternative is the reduction in not enhancing public access and recreation. While this alternative has allegedly less public access than the Preferred Alternative, the DEIR did not address the major deficiencies and reduction in recreational access that would result as discussed in James McGrath's letter of March 27, 2026, which is incorporated herein by reference. As the environmentally superior alternative, it should be the alternative for the site if a ferry is to operate out of Berkeley. O3-13

Sincerely,

Arthur Feinstein
CESP Board President

Norman La Force
CESP Vice President

Letter O3

Commenter: Arthur Feinstein, Board President, and Norman La Force, Vice President, Citizens for East Shore Parks

Date: April 21, 2026

Response to Comment O3-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O3-2

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations.

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the Marina Basin Alternative from further evaluation.

Response to Comment O3-3

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the reduction of Vehicle Miles Traveled (VMT).

With regard to use of the 2003 WETA EIR, the Berkeley Water Transportation Pier Ferry Draft EIR did not rely on the VMT estimates provided in 2003 and instead conducted a VMT analysis for this project, refer to Impact TRA-2 in Section 3.12, *Transportation* of the Draft EIR (pages 3.12-20 to 3.12-21).

The systemwide VMT figures cited in the comment are drawn from the 2003 WETA EIR, which evaluated expansion of ferry service across the entire Bay Area transit system. For this project, VMT significance is evaluated under Section 3.12, *Transportation* Impact TRA-2, consistent with CEQA Guidelines Section 15064.3, which requires project-specific evaluation and considers net change in Total VMT attributable to the project rather than a systemwide percentage metric. As explained in Section 2.2.27, *Topical Response: VMT,* many project-generated trips substitute for longer-distance automobile travel across the Bay Bridge, resulting in a net reduction in VMT even where some riders access the terminal by automobile.

The analysis and significance conclusion presented under Impact TRA-2 in Section 3.12, *Transportation* of the Draft EIR remains valid as written. No revisions to the EIR are necessary.

Response to Comment O3-4

The proposed project is implementation of new ferry service. The EIR does not have an obligation to evaluate a different project of increasing other transit use in the region. The EIR evaluates VMT as discussed under Impact TRA-2 in Section 3.12, *Transportation* of the Draft EIR. The analysis remains valid as written. No revisions to the EIR are necessary.

Response to Comment O3-5

The estimate of 1600 departing riders referenced by the comment appears to be based on total passenger trips rather than unique riders. As described in Draft EIR Section 2.7.1, *Operational Scenario and Ridership*, the ridership projections presented in Table 2-4 represent total trips. For example, the projected 1,910 weekday trips in the first year of service would represent approximately 955 unique round-trip riders, assuming a rider travels from Berkeley and returns the same day (refer to Draft EIR page 2-31). Refer to Section 2.2.20, *Topical Response: Parking*, regarding adequate parking supply. No further response is necessary.

Response to Comment O3-6

Refer to Section 2.2.20, *Topical Response: Parking.* The comments raise concerns about the introduction of parking fees, which would change access to the Berkeley Waterfront, which is currently no cost at some lots. The City acknowledges this concern. The imposition of parking fees, however, does not impose an environmental impact that need be analyzed. Furthermore, the Parking and TDM Plan demonstrates that the Berkeley Waterfront has the capacity to accommodate both ferry patrons and recreational users. No further response is necessary.

Response to Comment O3-7

The Draft EIR identifies construction impacts due to construction dredging in Section 3.3.4, under Impact BIO-1 on pages 3.3-45 to 3.3-51. In addition, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate,* and Section 2.2.15, *Topical Response: Maintenance Dredging,* for discussion of post-construction sedimentation rates and maintenance dredging. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O3-8

Refer to Section 2.2.23, *Topical Response: Sea Level Rise,* for a discussion of the sea level rise projections used in the project design.

Response to Comment O3-9

Refer to Response to Comment A2-35 to A2-38 for discussion of and Draft EIR clarification text changes with regard to California least tern. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O3-10

In Draft EIR Section 3.3.4 under Impact BIO-1, pages 3.3-52 through 3.3-54, vessel strikes are analyzed as a known source of mortality for whales and are evaluated with regard to the project's incremental contribution to this risk in the context of existing San Francisco Bay vessel operations, which includes substantial commercial, recreational, and ferry vessel operations. This is not a changed circumstance. Refer to Response to Comment O7-13 for additional discussion of whale strikes. In addition, refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* and Section 2.2.28, *Topical Response: Whale Strike*. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O3-11

As shown on page 3.10-32 of the Draft EIR, construction noise impacts were determined to be Significant and Unavoidable, even with implementation of mitigation; therefore, this comment is inaccurate in stating that impacts were found to be less-than-significant. The Draft EIR evaluates biological resource impacts due to project construction and operation in Section 3.3, *Biological Resources* (subsection 3.3.4, *Impacts Analysis*, pages 3.3-40 through 3.3-66), and concludes that impacts would be less than significant or less than significant with implementation of mitigation (Refer to Mitigation Measures BIO-1, BIO-2, BIO-3, HYD-1 and AES-1). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O3-12

The project does not include seawalls as part of the project description. However, an approximately perpendicular-to-pier breakwater is included as part of the project description. For discussion of wave climate and breakwater effects, including areas beyond the project site, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate.* No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O3-13

As discussed in Draft EIR Section 5.8, *Alternative 4: Reduced Landside Facilities Alternative* (pages 5-19 through 5-24), Alternative 4 was developed to evaluate whether environmental impacts could be reduced by eliminating several proposed landside improvements, including the public plaza, Bay Trail Extension, cycle track, renovated Seawall Drive parking lot, electric vehicle charging infrastructure, and certain transit-related improvements. As disclosed in the Draft EIR, these modifications would result in reduced construction activity and reduced impacts in several resource areas relative to the proposed project.

The Draft EIR also evaluates the effects of Alternative 4 on attainment of project objectives. As described in Section 5.8, Alternative 4 would not meet the project objective of enhancing public access and recreational opportunities at the Berkeley Waterfront to the same degree as the proposed project because it would eliminate or substantially reduce several public access, recreational, bicycle, pedestrian, and visitor-serving improvements. Specifically, the Draft EIR states that Alternative 4 would not provide the proposed Bay Trail Extension, cycle track, public plaza, or several other amenities intended to expand recreational opportunities and public access to the waterfront. For further discussion regarding the formulation of project objectives as they relate to the development of project alternatives, please refer to Section 2.2.2, *Topical Response: Alternatives* (Sub-Section Project Objectives). For additional discussion regarding alternatives, including the criteria used to develop and evaluate alternatives and alternatives considered but rejected from detailed analysis, such as the no-ferry-service pier alternative, please refer to Section 2.2.2, *Topical Response: Alternatives*.

The comment's preference for Alternative 4 is noted. CEQA does not require selection of the environmentally superior alternative; rather, it requires disclosure and evaluation of the environmental consequences of the proposed project and reasonable alternatives. The Draft EIR identifies and compares the environmental impacts and objective attainment of all alternatives to inform decision-makers. Refer to Draft EIR Sections 5.8, *Alternative 4: Reduced Landside Facilities Alternative*, and 5.10, *Environmentally Superior Alternative*. Nevertheless, this comment has been included in the Project record provided to City decision makers for consideration. No revisions to the Draft EIR are necessary in response to this comment.

Letter O4

PARKS, RECREATION AND WATERFRONT COMMISSION

City of Berkeley

Liza McNulty, PE
Capital Improvement Program Manager
Parks, Recreation & Waterfront Department
City of Berkeley
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
lmcnulty@berkeleyca.gov

RE: Parks, Recreation and Waterfront Commission — Formal Comments on the Draft Environmental Impact Report, Berkeley Water Transportation Pier Ferry Project (State Clearinghouse No. 2025040995)

Comment Deadline: April 28, 2026, 5:00 p.m.

Formal Comments on the Draft EIR

The Parks, Recreation and Waterfront Commission submits the following formal comments on the Draft EIR for the Berkeley Water Transportation Pier Ferry Project. These comments are organized by topic area and are intended for inclusion in the public record and response in the Final EIR. The Commission requests written responses to each comment pursuant to Public Resources Code Section 21104 and CEQA Guidelines Section 15088. O4-1

Section A: Project Delineation and Description

Comment A-1: Incomplete Project Description — Universal Charging Float

EIR Section 2.5.1 and Figure 2-4 (footnote 5) describe the proposed Universal Charging Float (UCF) as a key piece of ferry infrastructure, noting it would feature a 1.351 MWh Echandia battery weighing approximately 47,554 pounds. However, Figure 2-4 states that "the UCF has not yet been designed" and that "UCF dimensions may differ from what is shown" in renderings. The UCF is not included in the project renderings. O4-2

The EIR should disclose the UCF's size, configuration, placement, and operational characteristics, analyze the associated environmental impacts, and identify appropriate mitigation measures.

Comment A-2: Marina Master Plan Consistency Requires Clarification

The 2003 Berkeley Marina Master Plan governs permitted uses at the project site (EIR Section 3.9.2). The Plan restricts new development to replacing and remodeling existing commercial and non-profit facilities, with limited expansion on a case-by-case basis. The Plan does not identify a commercial ferry terminal as a permitted use. EIR Section 3.9.4 (Impact LU-2) evaluates the project against individual Master Plan policies but does not analyze whether a commercial ferry terminal is a permitted use under the Plan's development restrictions. The EIR should provide that analysis. O4-3

Section B: Parks and Open Space Impacts

Comment B-1: Significant and Unavoidable Recreation Impacts Lack Recreation-Specific Mitigation

EIR Section 3.11.4 (Impact REC-2) finds significant and unavoidable construction impacts on the surrounding recreational environment. The mitigation measures listed for this impact are drawn entirely from other chapters (noise, air quality, biology, etc.) and none specifically addresses the loss of recreational access during construction. The EIR should identify construction-period mitigation measures that directly address recreational displacement, including maintenance of access to adjacent parks, wayfinding for recreational users, and scheduling protocols to reduce disruption during peak use periods. O4-4

Comment B-2: Impacts on Existing Recreational Fishing Are Inadequately Analyzed

EIR Section 3.11.4 (Impact REC-1) identifies the restoration of pier fishing as a project benefit but does not analyze how fishing activities will coexist with the gated ferry boarding areas described in Section 2.5.1. The EIR should demonstrate how the pier layout accommodates recreational fishing alongside ferry operations and should address construction phasing to minimize the period during which no pier fishing access is available. O4-5

Comment B-3: Construction Noise Mitigation Does Not Address Named Adjacent Parks

EIR Section 2.2 identifies the project site as immediately adjacent to several heavily used parks and recreational facilities, including the waterfront park (referred to in the EIR as César E. Chávez Park), Horseshoe Park, Shorebird Park, Marina Mall, Adventure Playground, and portions of the Bay Trail Extension.

EIR Section 3.10.4 (Impact NOI-1) and Section 3.11.4 (Impact REC-2) confirm that construction noise, particularly pile driving, would exceed applicable Berkeley Municipal Code thresholds at sensitive receptors. Mitigation Measure NOI-1 requires a Construction Noise Management Plan but does not reference any of the named adjacent parks or require park-specific protections. NOI-1 should be revised to include park-specific protections for each adjacent park. O4-6

The EIR should disclose the expected construction noise levels at each park with those protections in place.

Section C: Environmental and Biological Impacts

Comment C-1: Eelgrass Survey Findings Must Be Disclosed and Mitigated

EIR Section 3.3 concludes that no eelgrass is currently present within the project site based on baywide inventories from 2003, 2009, and 2014. However, Figure 3.3-2 identifies areas of potential eelgrass habitat within the project footprint, and no site-specific eelgrass delineation survey has been conducted. Eelgrass beds in San Francisco Bay constitute Essential Fish Habitat under the Magnuson-Stevens Act (EIR Section 3.3). O4-7

The EIR should require a pre-construction eelgrass delineation survey, analyze potential impacts, and identify mitigation measures addressing NOAA Essential Fish Habitat consultation requirements. O4-7

Comment C-2: Ferry Wake and Vessel Disturbance Impacts on Waterbirds and Shorebird Park

EIR Section 3.3 concludes that ferry wake would be "consistent with existing vessel operations" and finds operational biological impacts less than significant. This conclusion is not supported by any quantitative wake comparison, species-specific assessment, or analysis of foraging disruption along the transit corridor. The vessel approach speed protocol referenced in the analysis was designed for water quality and turbidity, not biological protection. O4-8

The EIR should provide a quantitative operational biological impact analysis that addresses the combined disturbance from vessel operations — including wake, noise, lighting, vehicle traffic, and passenger activity — on foraging and roosting waterbird populations, special-status fish, and marine mammals along the transit corridor.

Comment C-3: Jurisdictional Waters Compensatory Mitigation Baseline Needs Clarification

EIR Section 3.3 (Mitigation Measure BIO-3) requires compensatory mitigation for impacts to jurisdictional waters at a 1:1 ratio, to be achieved through demolition of portions of the existing pier, but defers the supporting mitigation plan entirely to a post-approval process. CEQA requires that mitigation measures be sufficiently defined to allow meaningful evaluation prior to project approval. O4-9

The EIR should include a preliminary calculation comparing the footprint of new fill against proposed demolition to demonstrate the 1:1 ratio is achievable, clarify whether the ratio applies to piling area, deck area, or both, and specify whether the mitigation plan will be subject to public review and agency approval prior to construction.

Comment C-4: Tree Removal Analysis Is Inadequate and Mitigation Is Undefined

EIR Section 3.3 (Impact BIO-5) discloses that approximately 39 of 61 trees on the project site would be removed, but the analysis is limited to confirming that no coast live oaks are among the trees to be removed and that a removal permit will be obtained. The EIR should provide a tree-by-tree inventory identifying each tree proposed for removal by species, diameter at breast height (DBH), condition rating, or location in order to enable the public to evaluate whether individual trees qualify for protection under Berkeley Municipal Code Chapter 12.44. O4-10

The EIR does not address the functional recreational role of the trees proposed for removal. The EIR should analyze whether removal of the Seawall Drive tree canopy would change wind exposure conditions at the South Sailing Basin and whether those changes would affect the safety of recreational water users, and identify appropriate mitigation measures. O4-11

The EIR defers the Urban Forestry Unit’s replacement evaluation entirely to post-approval, stating only that “it is expected that some replacement would be required” (EIR Section 3.3). O4-12

Unlike other biological resource impacts addressed in this EIR, Impact BIO-5 includes no standalone mitigation measure for tree removal. The proposed replacement list is identified in the project description (EIR Section 2.5.3) but is not incorporated into any mitigation measure, commitment, or condition of approval. The EIR should be revised to identify protected trees, potential impacts from their removal and appropriate mitigation measures. O4-12

Section D: Operational Impacts on the Multi-Use Recreation Area

Comment D-1: Ferry Wake Impacts on Non-Motorized Watercraft and Open-Water Swimmers Not Analyzed for Operations

EIR Section 3.11.4 notes that the Berkeley Marina serves kayaks, sea kayaks, sailboards, paddleboards, and windsurfers, and that open-water swimmers use the waters around the marina coves. EIR Section 3.11 does not identify open-water swimming in its baseline characterization of existing recreational uses, a baseline adequacy issue under CEQA Guidelines Section 15125. O4-13

EIR Section 3.11.4 concludes that ferry wake "would not be noticeable within the context of the Berkeley Waterfront area and existing sailboat, motorized boats, and other recreational craft use." This conclusion is not supported by any quantitative wake height or wake energy analysis at locations where swimmers and non-motorized watercraft users are present. The vessel speed protocol referenced in Section 3.11.4 is analyzed in Section 3.8.4 for turbidity and sediment resuspension, not for physical safety effects on people in the water. This is a permanent operational impact that will exist for the life of the project. O4-14

The EIR should provide quantitative wake analysis for all recreational use locations, including locations used by open water swimmers. The EIR should also identify the physical effects of ferry wake on water conditions at kayak launch areas and sailboard launch zones. Vessel speed protocols should be adopted as mitigation measures to protect the safety of each recreational user group. O4-15

Comment D-2: Maritime Security Exclusion Zone Impacts on Recreational Access Are Not Addressed

The EIR does not address operational access restrictions that may arise from Maritime Transportation Security Act (MTSA) compliance. Under 33 CFR § 105.200, passenger vessel facilities serving vessels of 150 gross tons or more are subject to security zone requirements that can extend 25 to 100 meters into surrounding waters. The EIR does not identify the gross tonnage of the proposed ferry vessels and therefore cannot determine whether MTSA requirements apply. The EIR should disclose the gross tonnage of the proposed vessels, determine whether MTSA security zone requirements are triggered, and if so, analyze the impact of those zones on recreational water access adjacent to the terminal. O4-16

Comment D-3: Operational Noise from Terminal Activities Is Not Adequately Analyzed

The parks proximate to the ferry terminal and approach roadways are sensitive uses. EIR Section 3.10.4 analyzes operational noise and does not assess impacts on adjacent parks, including Shorebird Park and the Bay Trail corridor, as distinct noise-sensitive receptors. O4-17

The EIR's construction noise analysis applies a residential threshold to Shorebird Park pursuant to Berkeley General Plan Policy EM-47, acknowledging parks as noise-sensitive receptors (Section 3.10.4, footnote 14). Tables 3.10-13 and 3.10-15 show Shorebird Park closer to the project site than Skates on the Bay.

O4-18

The EIR should provide a cumulative operational noise impact analysis for Shorebird Park and the Bay Trail corridor applying appropriate outdoor recreational noise compatibility standards, and identify appropriate mitigation measures.

Comment D-4: Terminal Lighting Impacts on Adjacent Parks and Nesting Wildlife Not Analyzed

EIR Section 3.1.4 (Impact AES-4) finds light and glare impacts less than significant, citing DarkSky-compliant fixtures, photocell controls, and timers. The project site is immediately adjacent to Shorebird Park, which provides nesting and foraging habitat for sensitive shorebird species. The EIR should analyze the impact of artificial light at night (ALAN) from terminal operations on nesting shorebirds and identify ALAN as a separate operational impact category.

O4-19

Comment D-5: Sea Level Rise Operational Adaptation Not Adequately Addressed

EIR Section 3.8.4 and the project's coastal study (COWI, December 2025, cited in EIR footnote 7) confirm that the pier, breakwater, and plaza are designed to accommodate approximately 1.6 feet of sea level rise by 2075. The EIR classifies the pier as a Risk Category IV Essential Facility with a design life of approximately 50 years (EIR Section 2.5.1). The California Coastal Commission's Sea Level Rise Policy Guidance (November 2024) recommends that critical infrastructure use a planning horizon of 100 years or greater, and the 2024 OPC Sea Level Rise Guidance recommends evaluating Intermediate, Intermediate-High, and High Scenarios to assess a spectrum of potential impacts. By 2100, the 2024 OPC Guidance projects statewide sea level rise between 1.6 and 3.1 feet under Intermediate to Intermediate-High scenarios, with higher amounts under High scenarios.

O4-20

The EIR should provide a 100-year analysis of impacts to the pier, breakwater and landside infrastructure under the Intermediate-High and High SLR scenarios as recommended by the 2024 OPC Guidance, and identify appropriate mitigation measures.

_____

Allan Abshez
Chair, Parks, Recreation and Waterfront Commission
City of Berkeley

For questions, contact: Parks, Recreation & Waterfront Department, City of Berkeley, 2180 Milvia Street, 3rd Floor, Berkeley, CA 94704. Comments must be received by 5:00 p.m., April 28, 2026. Submit to: lmcnulty@berkeleyca.gov

Letter O4

Commenter: Allan Abshez, Chair, Parks, Recreation, and Waterfront Commission

Date: March 11, 2026

Response to Comment O4-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O4-2

This comment references a footnote to Figure 2-4. As a matter of clarification, this footnote is meant to refer to the figure and not the entire Project Description. The Draft EIR describes the Universal Charging Float (UCF) in several places. Pages 2-10 to 2-11 of the Draft EIR provide an overview of the UCF and page 2-27 describes the piles associated with the UCF. Throughout the Draft EIR, the analysis considers the potential impacts associated with the installation of the UCF. For example, Section 3.3, *Biological Resources* considers the impacts from the installation of piles associated with installing the UCF and Section 3.7, *Hazards and Hazardous Materials* considers the potential impacts related to accidental release of hazardous chemicals.

To clarify the level of detail and ensure consistency with the environmental analysis, the following text change has been made to Section 2.5.1, page 2-11 of the Draft EIR:

> In addition, the UCF would include a fire suppression system for the batteries comprised of a primary fire suppression (direct foam injection system), secondary fire suppression (aerosol fire suppression), and tertiary fire suppression (freshwater deluge system). Although the final engineering design and dimensions of the UCF are not yet complete, this EIR evaluates a conservative maximum design envelope that includes all major structural, electrical, and safety components. The final UCF configuration, dimensions, and layout would be determined during final design and permitting but would not exceed the scope or introduce impacts beyond those analyzed in this EIR.

Additionally, in response to this comment, the following clarifying text change has been made to Figure 2-4, Footnote 5, on page 2-8 of the Draft EIR:

> The project would include a Universal Charging Float or UCF featuring a 1.351 MWh Echandia battery weighing approximately 47,554 pounds. The UCF has not yet been designed and is not included in this rendering. UCF dimensions may differ from what is shown in this rendering; however, the environmental analysis in this EIR assumes a conservative maximum design envelope that encompasses potential variations in size, equipment, and operation.

The Draft EIR discloses the UCF's function, anticipated components, placement, and operational characteristics at a level sufficient to support a conservative environmental analysis under CEQA. Accordingly, the analysis and significance conclusions presented in the Draft EIR remain valid as written, and no additional mitigation measures are required. No further revisions to the EIR are necessary beyond the clarifications provided above.

Response to Comment O4-3

The statement that the Berkeley Marina Master Plan establishes a list of permitted land uses at the project site is not accurate. The Berkeley Marina Master Plan provides a long-term vision, guiding principles, policies, and capital improvement strategies for the Berkeley Marina. To the extent that the Marina Master Plan contains applicable goals, principles, and policies relevant to the proposed project, Draft EIR Section 3.9.4, *Impacts Analysis*, evaluates the proposed project's consistency with those provisions and concludes that the project would be consistent with the applicable principles and policies,

including those related to preservation and enhancement of public access, recreational opportunities, pedestrian and bicycle facilities, infrastructure improvements, and water-oriented recreational uses (refer to Impact LU-2, Table 3.9-4, pages 3.9-29 through 3.9-33).

Regarding the specific claim that the proposed ferry terminal is not a permitted use at the project site, Draft EIR Section 3.9.2, *Environmental Setting*, explains that the project site has a Berkeley General Plan land use designation of Waterfront/Marina and a zoning designation of Unclassified (U). The Draft EIR further explains that development within the Unclassified District is governed by Berkeley Municipal Code Section 23.208.020 and that the proposed project would be required to obtain a Use Permit for operation of a public ferry (refer to page 3.9-2). Accordingly, while the Marina Master Plan provides guidance regarding the future development and management of the Berkeley Marina, it is not the regulatory mechanism that establishes which uses are permitted at the project site. Accordingly, the Draft EIR adequately addresses applicable land use designations, zoning regulations, permitting requirements, and consistency with the Berkeley Marina Master Plan. For further discussion of land use plan consistency as it pertains to the proposed project, refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O4-4

With regard to Impact REC-2, refer to Section 2.6.2, *Construction Schedule* in Chapter 2, *Project Description* of the Draft EIR (pages 2-28 and 2-29). For additional discussion of the concerns raised by this comment, refer to Response to Comment A3-55, which includes revisions to the Draft EIR Section 3.11, *Recreation*, regarding construction phase maintenance of recreational access to the maximum extent feasible, temporary detours and wayfinding measures, and the limited potential for construction activities to disrupt recreational use of the Berkeley Waterfront.

The revisions described in Response to Comment A3-55 are clarifying in nature and do not alter the analysis presented under Impact REC-1, nor would they result in an increased level of impact significance. The analysis and significance conclusions presented therein remain valid as written, and no further revisions are required.

Response to Comment O4-5

Recreational fishing is referenced throughout the recreation discussion with regard to the Berkeley Municipal Pier, Berkeley Marina Basin, McLaughlin Eastshore State Park, San Francisco Bay, and Additional Facilities. Refer to Section 3.11.2, *Environmental Setting* in Section 3.11, *Recreation*, on pages 3.11-4 to 3.11-7 of the Draft EIR. While the comment is correct that shoreline fishing will be curtailed during construction of the proposed project, recreational fishing activities will be restored on the new pier.

To the extent the comment is concerned with construction phasing, refer to Response to Comment A3-55, which revises Section 3.11, *Recreation*, of the Draft EIR to clarify the analysis of temporary construction-related impacts on recreational access. The revision presented therein is clarifying in nature, and does not alter the analysis or subsequent significance conclusion under Impact REC-1. The analyses and significance conclusions presented in the Draft EIR remain valid as written, and no further revisions are necessary.

Response to Comment O4-6

Refer to Section 2.2.8, *Topical Response: Construction & Operation Noise at Nearby Parks,* for a discussion about the potential noise at these parks.

Response to Comment O4-7

The National Marine Fisheries Service (NMFS) California Eelgrass Mitigation Policy (CEMP; 2014) recommends no net loss of eelgrass habitat function but does not address impacts to potential eelgrass habitat [emphasis added]. As identified in Section 3.3 *Biological Resources*, eelgrass is not within the project site and would not be affected by implementation of the project.

Finally, 250 meters is the adopted threshold for potential impacts to eelgrass.[25] No documented occurrences of eelgrass have been reported less than 1,000 feet from the project site. Therefore, the proposed project is not expected to impact eelgrass habitat function. No revisions to the EIR are necessary.

Response to Comment O4-8

The Draft EIR addresses operational impacts, including ferry operational noise and lighting, to special status fish and marine mammals in Section 3.3.4, under Impact BIO-1, pages 3.3-52 through 3.3-54, Refer to Response to Comment O7-17 for discussion of and Draft EIR clarification text changes addressing ferry operations impacts on waterbirds. Impacts from ferry vessel operational wake are discussed under Impact BIO-3, page 3.3-61. Impacts to aquatic species movement from operational noise are discussed under Impact BIO-4, page 3.3-64. These various related ferry vessel operational impacts were determined to be less than significant in the Draft EIR. In addition, refer to Section 2.2.11, *Topical Response: Ferry Operations,* for further discussion of vessel interaction with aquatic species and Section 2.2.4, *Topical Response: Biological/Underwater Noise*, and Section 2.2.28, *Topical Response: Whale Strike*, for discussion of effects of vessel speed on aquatic species.

Revision of the EIR to add a full, quantitative operational analysis of every combined disturbance pathway (wake, noise, lighting, vessel, and passenger activity) is not warranted under CEQA, because the project's incremental increase in ferry vessel operation is small relative to existing Bay vessel operational levels. In addition, comment claims of population-level effects are speculative without site-specific exposure and demographic data such as the frequency, duration, and spatial overlap of foraging areas with project vessel wake envelopes under actual operating conditions and demographic data, including local abundance, seasonal residency patterns, foraging success rates, and survival or reproductive metrics for the affected species. No Draft EIR changes are necessary in response to this comment, beyond the clarifying revisions made in Response to Comment O7-17.

Response to Comment O4-9

Preparation of a fully developed, site-specific mitigation plan requires final design information and jurisdictional determinations that are not yet available. Refer to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, as well as Response to Comment A1-10 for further discussion about how Mitigation Measure BIO-3 is not deferred mitigation under CEQA. In addition, refer to the errata in Chapter 3 of the Final EIR for changes to the wording of Mitigation Measure BIO-3.

Response to Comment O4-10

Draft EIR Section 3.3.4 under Impact BIO-5 on page 3.3-65 addresses the proposed removal of trees against the City-determined Specific CEQA Threshold (page 3.3-45): whether the project would "Remove, damage, or replace trees designated as protected by the City of Berkeley Tree Ordinance, including coast live oak trees and any trees growing in or on any street, parking strip, public square, park or playground." Under Impact BIO-5, the Draft EIR concludes that, with City approval of the tree removal permit, impacts related to conflicts with local policies or ordinances protecting trees would be less than significant. A detailed, tree-by-tree inventory is not necessary for CEQA assessment purposes but may be prepared and

[25] USACE and EPA 2011 Programmatic EFH Conservation Measures for the LTMS Program Agreed-upon by USACE, EPA, and NMFS https://www.spn.usace.army.mil/Portals/68/docs/Dredging/LMTS/LTMS%20EFH%20full%20signed%20agreement%20FINAL%206-9-2011.pdf, Accessed June 18, 2026.

reviewed through the City's separate permitting process, which is the appropriate venue for determining individual tree protection status and compliance with Chapter 12.44 of the Berkeley Municipal Code. No changes to the EIR are necessary in response to this comment.

Response to Comment O4-11

Refer to Section 2.2.29, *Topical Response: Wind* (Sub-Section Wind Shelter Effects of Tree and Berm Removal), for discussion concerning CEQA and potential changes to wind patterns. No revisions to the EIR are required, and no mitigation measures are warranted.

Response to Comment O4-12

The Draft EIR addresses the proposed removal of trees and consistency with the Berkeley Municipal Code in Section 3.3.4 under Impact BIO-5, page 3.3-65 and concludes a less-than-significant impact. CEQA requires the Draft EIR to disclose potential impacts and identify feasible mitigation, but it does not require the document to duplicate other regulatory processes that already govern technical details like tree-replacement ratios. Under the Berkeley Municipal Code, the City Urban Forestry Unit, not the Draft EIR, determines which trees are protected and what replacement is required. In addition, the list of trees to be removed in the Draft EIR Project Description does not need to also be incorporated as mitigation in the Draft EIR Biological Resources section, as potentially significant environmental impacts were not identified with respect to the protection of trees and, thus, mitigation is not required. No changes to the Draft EIR are necessary.

Response to Comment O4-13

Section 3.11, *Recreation* of the Draft EIR identifies swimming as an existing recreational use within the project site throughout Section 3.11.2, *Environmental Setting*. Refer to Draft EIR pages 3.11-6 and 3.11-7, which describe swimming as a primary recreational activity occurring throughout the San Francisco Bay and describes the South Sailing Basin, public docks located south of University Avenue and the sailing club facilities, and the rocky shoreline at the southernmost point of the 199 Seawall peninsula as resources supporting recreational swimming. The Draft EIR accordingly considers potential impacts to the existing recreational use of swimming under Impact REC-1, and concludes that impacts would be less than significant (refer to Draft EIR pages 3.11-16 through 3.11-20).

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment O4-14

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, regarding the Coastal Study analysis of wave climate and potential changes near the proposed ferry terminal, including at the South Cove Sailing Basin. As part of the project design process, the City's Design Team (COWI) carried out hydrodynamic and sedimentation modeling using a two-dimensional hydrodynamic and sediment transport model to assess currents, wave-driven transport, and long-term sediment deposition within the dredged areas. The model was calibrated against historical survey data from the Berkeley Marina. The modeling effort accounts for wind conditions, tidal forcing, regional hydrodynamic conditions, and site-specific bathymetry.

In response to comments concerning ferry wake conflicts with water-based recreation, pages 3.11-19 and 3.11-20 of the Draft EIR has been revised to clarify the discussion of ferry operations, existing recreational uses, and the applicability of Berkeley Municipal Code Section 6.20.180. The text revisions addressing these topics are provided in Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*.

The text changes presented under Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control*, and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* are clarifying in nature,

and do not result in a change to the Impact REC-1 significance conclusion presented in the Draft EIR. The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment O4-15

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control*, which provides clarifications regarding vessel speed protocols, and to Response to Comment O4-14, which provides information about the Coastal Study. The text change presented in Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* is clarifying in nature and does not result in a change to the Impact REC-1 significance conclusion presented in the Draft EIR.

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment O4-16

The comment's discussion of Maritime Transportation Security Act (MTSA) requirements conflates provisions that are not applicable to the proposed project. 33 CFR Part 105 (Maritime Security: Facilities) applies to certain facilities, including those serving passenger vessels carrying more than 150 passengers, and establishes requirements related to Facility Security Plans, restricted access areas, and operational security procedures. These regulations do not establish or require fixed "security zones" extending 25 to 100 meters into surrounding waters, as stated in the comment.

The proposed Berkeley ferry terminal would be operated by the Water Emergency Transportation Authority (WETA), which already complies with applicable MTSA and U.S. Coast Guard requirements at its existing ferry facilities. These requirements involve operational and administrative security measures (e.g., access control, screening, and coordination with vessel security plans) rather than establishment of large, permanent exclusion areas in surrounding waters.

With respect to vessel characteristics, ferry vessels similar to those proposed for the project (e.g., Dorado-class electric ferries) have a gross tonnage of approximately 96, which is below the 150 gross tonnage threshold referenced in the comment. Accordingly, the specific trigger cited by the comment is not applicable to the project.

Section 3.11, *Recreation* of the Draft EIR (pages 3.11-14 through 3.11-24) evaluates potential impacts to water-based recreational uses, including boating and shoreline access. The analysis considers the physical footprint of the terminal, docking operations, and navigation safety requirements, and concludes that the project would not substantially reduce recreational access or use of surrounding waters.

To the extent that operational safety buffers or standard navigational practices would be implemented (as is typical for any ferry terminal), these would be limited in spatial extent and duration and would not preclude continued recreational use of adjacent waters.

The analyses and significance conclusions presented under Impact REC-1 in Section 3.11, *Recreation*, and throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment O4-17

Refer to Section 2.2.8, *Topical Response: Construction & Operation Noise at Nearby Parks,* for a discussion about the potential noise at these parks.

Response to Comment O4-18

Refer to Section 3.10.5 of the Draft EIR, which includes an analysis of cumulative noise impacts, including from operation of the project. The conclusions in this analysis would apply to nearby parks and recreational resources.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment O4-19

The Draft EIR addresses impacts to nesting birds as a result of operational lighting in Section 3.3.4, under Impact BIO-1 on page 3.3-52 and concludes that impacts would be less than significant. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar to existing conditions and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy mitigation requirements. Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for discussion of operational nighttime lighting. No Draft EIR changes are necessary in response to this comment.

Response to Comment O4-20

Refer to Section 2.2.23, *Topical Response: Sea Level Rise,* for a discussion of the sea level rise projections used in the project design.

O5

From: John Bauters <jbauters@gmail.com>
Sent: Monday, April 27, 2026 8:05 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Buddenhagen, Paul <PBuddenhagen@berkeleyca.gov>; michael.ng@bcdc.ca.gov
Subject: Sierra Club Comment Letter: Berkeley Waterfront Transportation Pier Ferry Project DEIR, State Clearing House #2025040995

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

The Sierra Club thanks the City of Berkeley for the opportunity to provide written comment on the DEIR for the proposed Berkeley Waterfront Transportation Pier Ferry Project. O5-1

Attached, please find the following:

- Sierra Club DEIR Comment letter dated April 27, 2026
- *Effects of Ferry Traffic on Migratory Birds of San Francisco Bay*
- Slideshow for *Effects of Ferry Traffic on Migratory Birds of San Francisco Bay*

O5-2

Thank you for your time and consideration of our feedback. Should you have any questions, please do not hesitate to contact us.

Sincerely,

John J. Bauters, Chair
Sierra Club San Francisco Bay Chapter

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The strength of a nation is measured by the least of its people.

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=9#F$09&)_X$%9&3X9&G723&&$3I&%$33%9&7#&:7&A9#&4&&9#F$09&7&=$;:A0.:3&I90%$:9=R&

O5-7

SX9&=32I$9=7&&A9##4&C".03=&37&$F$:;&I20<=&C.<9=&$3&%9.#&X.3&A9##4&#F$09&#9.I4&$C".03=&
=$;:$A$0.:3&72:3=&7A&F$:;&I20<&X.Q$3.3=&$=&_&A9##4&#F$09)&3X&"#7"7=9I&X$;X&#9b29:04&
7A&#F$09&.4&X.F9&=$C%.#C".03=&="90$.%%4&09&X9&32I$9=&X7_9I&3X.3&X9&20<=&Q.:I7:&
X.Q$3.3=&9:&3X9#9&=&#9b29:3=&#F$09&09&X9=9&#."$I%4&0%$:$:;&"90$9=&X9&6T>&X72%I&
.:%4-9&3X$=&$==29&.:I&=2;;9=3&.""#7"#$.39&C$3$;.3$7:=R&

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SX9&B6T>΋:$-9=&X.3&.#I]9I;9I& =3#2032#9$=&X9&.4&=20X&=&Q#9.<_.39#=&I& %9F99=&&
#9A%903&9& 9:9#;4& 7:37&.I8.09:3& =X7#9%$:9=&23&07:0%2I9=&3X.3&3X9&'#78903=&"#7"7=9I&
Q#9.<_.39#&$=&8.09:3& 37&'#739039I&X.#I9:9I& =X7#9%$:9=&& 3X2=&$%%78&0.2=9&9#7=$7:.%&
$C".03=&37&X7=9&9.32#9=R&7_9F9#)&&#909:3&=32I4&*Economic evaluation of sea-level rise
adaptation strongly influenced by hydrodynamic feedbacks, Michelle A. Hummela, Robert Griffin,
Katie Arkema, and Anne D. Guerry, PNAS 2021 Vol. 118 No. 29 e2025961118)*&X.=&7:0%2I9I&3X.3&
_.F9&9:9#;4&0.:&Q9&9A%9039T&7:%4&:37&I8.09:3&=X7#9%$:9=&3&=7&7$=3.:3&=X7#9%$:9&)
I9"9:I$:;&2"7:&Q.4&02##9:3=&.:I&73X9#&A9.32#9=R&J7#&9a&C"%9)

O5-8

> *"Although there are large potential benefits from avoided flood damage behind protective infrastructure in the San Francisco Bay Area, this analysis shows that these benefits can come at a cost to other shoreline communities, both nearby and in other parts of the bay. The increase in baywide inundation volume and external damages that results from the protection of a single OLU can be as large as 36 million m3 and $723 million, respectively."*

SX9&B6T>&A.$%3&&I#9==&$C".03=&7:&3X9&9.#Q4&I8.09:3&2:.#C7#9I& =X7#9%$:9=&& _93%.:I=&
=20X&.=&3X9&6C9#4F$%%9&L#9=09:3&.:I&!%Q.:4&&2IA%.3=R&

J2#3X9#C7#9)&X9&B6T>&79=&73&07:=$I9#&X9&A.03&X.3&=&3X9&9.&#$=9=&& 3X9#9$=&&$:0#9.=9&:&
9a3#9C9&37#C=&X7=9&.F9& 9:9#;$9=&C.4& $:0#9.=9&$:&$:39:=$34&I&& "7=9&"#7Q%9C=&F9:&A7#&
X.#I9:9I& =X7#9%$:9=&R&&B6T>&X72%I&%4-9&3X9=9&==29=&&939#C$:9&A&94&7=9&X9&X#9.3&
7A&=$;:$A$0.:3&$C".03=&37&=X7#9%$:9=R&

O5-9

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.0<:7_%9I;9=& 3X$=&03&Q4&$:0%2I$:;&7:9&#9A9#9:09&7&$=.Q$%$3$4&8X9&A7%%7_$:=&"'7#3$:;&
I702C9:3O &

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:@6+*5A( ),5B* +*56(35B( ),56+#3*5+6(4" ?C5*?3%D+>B&(E ?+,F" #(G1.(8#"73#"B(F&(H*5?,5(
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3#"36.(83A"(// O5-10

SX9&B6T>&3=9%A7)&9F9#)&%.0<=&3.$%9I&:A7#C.3$7:&:&X7_&3X9&#78903$&39:I=&37&7C"%4&$3X&
3X9&C9#$0.:=& _$3X&$=.Q$%$3$03&Z!B ![\R& &Q$3X723=&20X&$:A7#C.3$7:&$3&=&C"7==$Q%9&&
I939#C$:9&$A3&9&#78903$&%%&.03&7C"%4&$3X&X9&B!R&&7#&a.C"%9)&&=9.#0X&A3&X9&B6T>&72:I&
-9#7&9=2%3A=&3X9&9#C=0X&%$:IH&.$%%B9&AR&X9&=9.#0X&X7_9I&7:%4&_7&#9=2%3A=&3X9&9#C&
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F9X$0%9'9I=&37&007CC7I.39& F2%:9#.Q%2&9#=&20X&="9I9=3#$.:=)&Q$040%$&3=)
=9:$7#=&.:I&@/%%/ (' 3&2=9#=&37&$C"#7F9&3#.AA$0&=.A934R&5.;9&HRD']M&

6a.C"%9=&7A&=C%.#&"#78903&I9=0#$"3$7:=&_$3X&C7#9&2$7A2%&$:A7#$I9I&Q9%&_O

G.:&J#.:0$=07&K.4&J9##4&
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,.=3&.009==9IO&!"#$%&"H)&

!F.$%.Q$%$34&7A&G3.AA&K7.#I$:;&!=&$=3.:09
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T:A7#C.3$7:&7:&X7_&37&C.<9&.&>9b29=3&A7#&>9.=7:.Q%9&/7I$&$0.3$7

@9Q=$39&!009==$Q$%$34&]&/993=&@9Q&!009==Q%$34&=3$I3$F9&Y@!T
!F.$%.Q$%$34&37&.&L7C"%.$:3&>9=7%23$7:&^AA$09#&YL>^\&
57=39I&!B!&L7C"%.$:3=&J7#C&7:&_9Q=$39&

j7%I9:&j.39&J9##4&
X33"=Oii R;7%I9:;.39R7#;iA9##4i.009==Q%$34i&
,.=3&.009==9IO&!"#$%&"H}&

5#9]Q7.#I$:;&.==$=3.:09&$:A7#C.3$7:&
@X99%0X.$#&.009==$Q%9&#9=3#77C=&
T:A7#C.3$7:&"#7F$I9I&7:&_X99%0X.$#&%$A3=&
!F.$%.Q$%$34&7A&I$=.Q%9I&=9.3$:;
!IF$=7#4&L7CC$3399&7:&!009==Q%$34

O5-11

T:&7#I9#&37&9b2.39%4&$:A7#C&X9&2Q%$0I& I90$=$7:C.<9#=)&3X9&:=3.:3&6T>&99I=&37&.%4-9&
.:I&.II#9==&3X9=9&!B!&$==29=&_$3X&="90A0$34R&&&

"#$%&$'()*+,(- $.!$#!=#-'( )!0G '$E!!

SX9&B6T>&=X72%I&.:.%4-9&3X9&9b2$34&$C".03=&7A&3X9&"#$7;&C9I&9'C9#=3&=3#.39;4R&

5.;9&'N&7A&3X9&9#<9%94&:="7#3.3$7:&9C.:I& /.:.;9C9:3& YZSB/[\&5%.:&3.39=&K.=9I&7:&3X9&
9=3$C.39I&9###4&I9#=X$".&& C7I9&=X.#9)&3X9#9&$%2&&&"9.<&_99<I.4& I9C.:I& A7#&D&F9X$0%9&
".#<$:;&=".09=R&@$3X&9&C"%9C9:3.3$7:&7A&B/&C9.=2#9=&$I9:3A9$&3X9&9#<9%9&@39#A#7:3&
5.#<$:;&:I& SB/&S77%<$3&99&"9:I$a& K\)&9C.:I& A7#&#<$:;&$:&3X9&9###4&C$:.%&73&2%I&9&
#9I209I&Q4&93_99:&Ek&:I& DWk&#9=2%3$$&I9C.:I& A7#&93_99:&HW+&& HEM'&#<$:;&=".09=&
9.0X&I.4R[&K23&3X9&B6T>&79=&:73&"#7F$I9&&3X7#72;X&:.%4=$=&7A&3X9&9b2$34&$C".03=&7A&
$C"%9C9:3$:;&=20X&.&SB/&5%.:R&

O5-12

SX9&B6T>&:I$0.39=&X.3&3X9&#7"7=9I&"#78903&72%I&#9"%.09&"#7a$C.39%4&N*N&a$=3$:;'&#<$:;&
=".09=&_$3X&93_99:&N**&37&NW*&_& ".#<$:;&=".09=R&@X$%3&3X9&$34&:&.%4=$=&#.C9=&3X9&
"#78903&#$C.#4&2#"7=9&37&9I209&/S& Q4&7:F9#3$:;&#.:=Q.4&237C7Q$%3&#$"=$&37&%903#$0
A9##4&#$"=&3X9&2##9:3&.%4=$=&.0<=&I93.$%9I&F.%2.3$7:&A&X93X9#&3X9&I$3$7:&7A&#<$:;&
0.".0$34)&7#&F9:&3X9&.$:39:.:09& 7A&$;X&.#<$:;&F7%2C9=&03=&=&:& $:I209C9:3& A7#&7#9&
F9X$0%9&3#$"=&37&3X9&K9#<9%94&@.39#A#7:3R&&

O5-13

SX9&T>&X72%I&%4-9&_X93X9#&:0#9.=$:;&3X9&#<$:;&=2""%4&7&"&37&NW*&.09=&_$%9&72#.;9&
C7#9&2=9#=37&$F9&7&X9&9#C$:.%&3X9#&X.:&23$%$-$3X9#&7"7=9I&C2%3$C7I.%&C"#7F9C9:3=) &
=20X&=&3X9&.$=9I&40%9&.0<&:&I:$F9#=$34&9:29& 7#&";#.I9I& !L&S#.:=$3&2=&.0$%$3$9X9R&
I702C9:3&02##9:3%4&9=&X.3&".#<$:;&=0.#0$34&7:9&79=&7307:=3$3239&$;:A0.:3&".03&7:&
3X9&:F$#7:C9:3) c&93$3&$%3&I9b2.39%4&9a"%7#9&X9&:F9#=9O&93X9#&.#<$:;&.Q2:I.:09&
2:I9#C$:9=&3X9&"#7890=3.39I&7Q8903$F9&7A&c#9I20$:;&3X9&2=$&7:&=$4&9X$0%9=R[&&

O5-14

O5-15

O5-16

O5-17

O5-18

O5-19

O5-20

O5-21

O5-21

O5-22

O5-23

O5-24

O5-25

4/(&2%1!4'3-: +.$ (&-%.!(&1!83%12'&2!*-, (-$.

4/(&2%1!"3#!%-$8%.-3', $'#&

> *"…only the Hercules/Rodeo terminal would require additional dredging for implementation.* ***All other terminal sites*** *proposed for expanded ferry service* ***are within existing ports or marinas.***"

DH)+*&02Q$0&#I=&7A&07:=3#203$7:&9I;$:;o:73& 3X9&N**)***&02Q$0&#I=&"#7"7=9I&$:&3X9&
02##9:3&I#.A3&6T>R&

O5-25

SX$=&'&#3$02%.#%9&9F.:3&7&X9&02##9:3&#7"7=.%&X$0X&=&2:I.C9:3.%%4&$AA9#9:3&#7C&X.3&
07:39C"%.39I&$:&X9&*H&6T>R&<9_$=9&3&=2Q=3.:3$.%&:;9& A#7C&X.3&_.=&07:=$I9#9I&$:&
3X9&a$=3$:;&9#<9%94&$:.& /.=39#&5%.:)&.39I& f2:9&D)&**H)&_X$0X&%=7&07:39C"%.39I&A9##4&
=9#F$09&%4&:=$I9&X9&.#$:.R& &L7:=9b29:3%4)&X9&02##9:3&#7"7=.%&.%=&#&3X9&X.:;9I&
0$#02C=3.:09=&#7F$=$7:=&&6`!& Q90.2=9&3&.$%=&I$AA9#9:3&70.3$7:&X.3&_72%I&#9b2$#9&
9a39:=$F9&#9I;$:;R& &m93&&I$=02==$7:&A&X7=9&X.:;9=& 0.:& Q9&72:I&$:&3X9&6T>)&:I& 3X9&
I$=02==$7:&A&X9&:F$#7:C9:3.%&9AA903&&#9I;$:;& $=&#$A&& 07:0%2=7#4&& :73&I9b2.39%4&
.II#9==9I&$:&3X9&B6T>R&

O5-26

SX9&B#.A3&6T>&2:I9#=3.39=&3X9&'739:3$.%&F$#7:C9:3.%&$C".03=&==70$.39I&_$3X&#9I;$:;) &
=9I$C9:3&I$=32#Q.:09&'$%9&=3.%%.3$&:)& %7:;]39#C&.$:39:.:09& .03$F$3$9=&G.:&J#.:0$=07&
K.4R&X9=9&03F3$9=&02#&$3X$:&X;%4&:=$3$F9&32.#$:9&07=4=39C&%#9.I4&2:I9#&=3#9==&
A#7C&.Q$3.3&7=&07:3.C$:.3$7:) &I& I90%$:;&$=X&"2%.3$7:=R&9&.%4=$=&X72%I&Q9&9F$=9I&
.:I& #90$#02%.39I&3X&&C7#9&07C"%939&=9==C9:3R&"90A0&=29=&07:09#:$:;& I#9I;$:;& .#9&
I$=02==9I&Q9%7_R

O5-27

DR **83%12'&2!+,(-$.! C3%!#$%&$'())E!2&'5'-(&$(&1!=/#:)1! ?#$!A%8'.+'..%1! (.! 7%+,#3(3E**

SX9&B#.A3&6T>&07:0%2I9=&:&TC".03&UmB]W3&.3&07:=3#203$7:]#9%.39=&I$C9:3&#9=2="9:=$7:&I&
=X7#]39#C&2#QI3=&2%I&Q9&9=3&.:&=$;:$A$0.:3&90.2=9&C".03=&72%I&Q9&9C"7#.#4&:I&
%70.%$-9IR&SX$=&07:0%2=$7:&$=&:73&.I9b2.39%4&=2""7#39IR&
B#9I;$:;&$:&G.:&J#.:0$=07&K.4&0.:&#9=2%3&$:O

O5-28

- **8%.$3:-$'#&#5D%&$/'-!/(D'$($3X#72;X&9C7F.%&A&9I$C9:3=&:I& 7#;.:$=C=&%$F$:7&3X9 Q.4&A%77#&**
- ***&3%(.%1! $:3D'1'$E)&#9I20$:;& %$;X3'&9:93#.3$7:&.:I& $:39#A9#$:;&$3X&A$=X&99I$:;) #9="$#.3$7&.:I&C$;#.3$7:&Q9X.F$7#**
- **F%)%(.%!#5!-#&$(+'&(&$.)&$:0%2I$:;&X9.F4&C93.%=&I& 73X9#&7%%23.:3=&$=37#$0.%% 3#.""9I&$:&K.4&=9I$C9:3=**
- **8' . 3: , $'#&!#5!5'. / !(&1!@')1)'5%&'.#3$02%.#%9&=$3F9&& %$=39=&90$9=&%#9.I4&2:I9# =9F9#9&"7"2%.3$7:&=3#9==**
- **C)$%3($'#&!#5!)#-()!/E13#1E&(+'-.!(&1!.%1'+%&$!$3(&.,#3$!,($$&3**

O5-29

O5-30

O5-31

O5-32

O5-33

6F9:&$A&C9&9AA903#9&39C"7#.#4)&#9"9.39I&7#&2C2%.3$F9&=32#Q.:09=&&&=3#9==9&=32.#$:9& =4=39C&C.4&=3$%%&Q9&=$;:$A$0.:3&2:I9#&L6`!R&

O5-34

'R **0&1(&2%3%1!(&1!=%&.'$'9%!=,%-'%.!F%G:'3%!=$3#&2%3!C&()E.'.**

O5-35

SX9&B#.A3&6T>&X72%I&"90A0.%7:4&2.39&739:3$.%&9I;$:;& $C".03=&7&%$=39I&& ="90$.%=3.32=& ="90$9=&:0%2I$:;&B9%3.&C9%3&,7:;A$:& =C9%3&=.%C7:$I=)&X9##$:;)&C.#$:9& C.CC.%=) &.:I& =X7#9Q$#I=&=20X&.=&3X9&@9=39#:&=:7_4&"%7F9#R&

U$=37#$0.%&=9I$C9:3.3$7:&#.39=&G9I$C9:3&3#.:="7#3&C7I9%$:;&GX7.%$:;&"#78903$7:=&2:I9#&A232#9&=9.&%9F9%&#$=9&07:I$3$7:=&>909:3&C.#$:.& Q.3X4C93#$0&32I$9=&I& X$=37#$0&I;$:;& #907#I=&X72%I&Q9$:07#"7#.39I&37&9=3.Q%$=X&.&=0$9:3A0.%%4&0#9I$Q%9&Q.=9%$:9R&

O5-36

HR **I('&$%&(&-%!83%12'&2!I:.$!A%!C&()EK%1**

O5-37

SX9&B#.A3&6T>&%.0<=&=2AA$0$9:3&390X:$0.%&$:A7#C.3&$7:	.#I$:;O&5739:3$.%&Q9:9A$3=&$:0&%2I9O

O5-38

! J#9b29:04&..I&%$<9%4&F7%2C9&7A&C.$:39:.:09&I#9I;$:;
! B$="7=.%&7#&#92=9&%70.3$7:=&A7#&I#9I;9I&C.39#$.%
! >9"9.39I&X.Q$3.3&I$=32#Q.:09
! 1 7$=9&32#Q$I$34)&07:3.C$:.:3&#9=2="9:=$7:&A#7C&#902##$:;&7"9#.3$7:=
! L2C2%.3$F9&%7:;]39#C&907%7;$0.%&9AA903=

O5-39

NR **I'..'&2!A($/E+%$3'-!(&1!=%1'+%&$($'#&!8($(**

SX9&B#.A3&6T>&%.0<=&=2AA$0$9:3&390X:$0.%&$:A7#C.3&$7:	.#I$:;O

O5-40

! 6a$=3$:;&Q.3X4C93#4&7A&3X9&"#7"7=9I&I#9I;9&.#9.
! K9A7#9].:I].A39#&Q.3X4C93#$0&07:I$3$7:=
! U$=37#$0.%&=9I$C9:3.3$7:&#.39=
! G9I$C9:3&3#.:="7#3&C7I9%$:;
! GX7.%$:;&"#78903$7:=&2:I9#&A232#9&=9.&%9F9%&#$=9&07:I$3$7:=

O5-41

NR **C)$%3&($'9%.!$#!4#&9%&$'#&()!"')%!83'9'&2!=/#%)!F%G:'3%1**

@X9#9&$9#=&#&72:I.3$7:=&.#9&'#7"7=9I) &X9&T>&X72%I&F.%2.39&%39#:.3$F9=&0X&=&/%)'-()!,')%.L,'% 3.)&X$0X&.4&=2Q=3.:3$.%%4&2098:F$#7:C9:3.%&X.#C&07C".#9I& _$3X&C".03&.CC9#&"$%&I#$F:; R

O5-42

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O5-42

O5-43

O5-44

O5-45

O5-46

JM, Lane RS, Keener W, Pérez A, Flannery M, Webber MA, Grimes A, Wilkin AM, O'Hern JE, Duignan PJ, Calambokidis J and Crocker DE (2026) Gray whales (Eschrichtius robustus) in San Francisco Bay experience high mortality and have limited affiliation to known foraging groups. Front. Mar. Sci. 13:1775666. doi: 10.3389/fmars.2026.177566

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O5-47

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6:0%& *Effects of Ferry Traffic on Migratory Birds of San Francisco Bay*
G%$I=X7_)& *Effects of Ferry Traffic on Migratory Birds of San Francisco Bay*

O5-49

16. Takekawa, John, Natalie R. Wilson, Susan W. De La Cruz, and Jane O. Anfinson USGS Western Ecological Research Center, San Francisco Bay Estuary Field Station,

john_takekawa@usgs.gov

EFFECTS OF FERRY TRAFFIC ON MIGRATORY WATERBIRDS IN THE SAN FRANCISCO BAY

Commuter ferry routes cross valuable subtidal and intertidal habitats in the San Francisco Bay estuary that support a wealth of natural resources, including large numbers of migratory waterbirds during the winter. When new routes were proposed for the region under a new transit authority in 1999, we initiated studies to evaluate the ecological effects of commuter ferries on rafting waterbirds. The main objectives were to: 1) conduct on-board ferry surveys to assess species-specific buffer distances; 2) examine waterbird avoidance of watercraft in land-based surveys at selected areas; and 3) document distribution of waterbirds along ferry routes with aerial surveys.

On-board ferry surveys were used to determine how waterbirds responded behaviorally to the passage of a commuter ferry. Observers recorded the behavioral response (fly, dive, swim, alert posture) of waterbirds and their distance from the ferry. Surf scoters (*Melanitta perspicillata*), lesser and greater scaup (*Aythya affinis* and *A. marila*), and western and Clark's grebes (*Aechmophorus occidentalis* and *A. clarkii*) were the most abundant species found across all ferry routes, with diving ducks representing the most abundant guild. Behavior response distances ranged from 50-500 m for grebes, 30-900 m for scoters, and 60-500 m for scaup. Most waterbirds showed a behavior response within 300 m, and we used that distance to estimate the zone within which birds were affected. In addition, we used GPS tracking to determine that variation in the path of the ferries was usually 200 m. Thus, we calculated a total effect area along a ferry route from their sum or a distance of 500 m. Affected areas ranged from 2.44 to 75.75 km^2 and included 0.07-14.26 km^2 of shoals preferred for foraging (<4 m deep).

O5-49

We studied the duration of disturbance of a ferry transit from land-based surveys. At selected sites, we recorded numbers and behavior of waterbirds before and after transit. Scaup densities declined after ferry transit along the Vallejo and Alameda Harbor Bay route, and scoters decreased after passage of the Larkspur ferry. However, patterns were not consistent, probably because birds were responding to several factors such as time-of-day, weather, and other disturbances. When we compared weekday to weekend surveys, we found more waterbirds along routes during the weekdays despite more frequent ferry traffic.

Aerial surveys indicated that diving ducks accounted for 85% of open water birds, dominated by scaup and scoter (90%). Numbers were highest during Nov-Dec in the North Bay, consistent in the central Bay, and lowest in the South Bay. While new commuter ferries may be beneficial at reducing vehicle traffic, they will have an effect on waterbird populations. Although they do not eliminate open water habitats, they may preclude use of it by waterbirds. Thus, our study indicated that effects on waterbirds should be considered when planning new transit routes or increasing their frequency, especially in shoal areas used for foraging.

EFFECTS OF FERRY TRAFFIC ON MIGRATORY WATERBIRDS IN THE SAN FRANCISCO BAY



John Y. Takekawa, Natalie R. Wilson, Susan W. De La Cruz, and Jane O. Anfinson

USGS Western Ecological Research Center
Vallejo, California

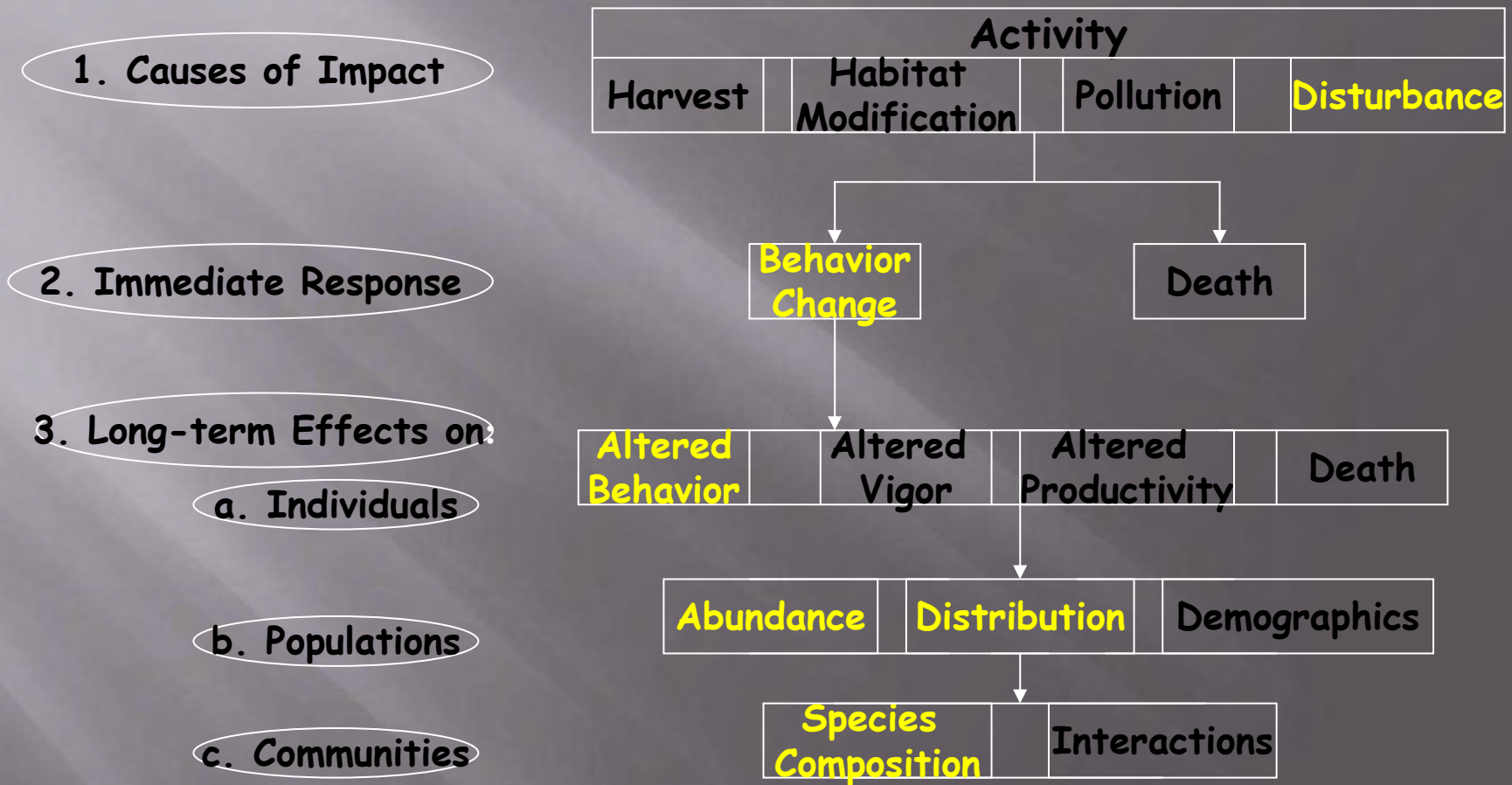
USGS

Acknowledgments



- USGS Western Ecological Research Center
- Water Emergency Transit Authority
- Golden Gate Audubon (A. Feinstein)
- Ferry Operators

Wildlife Response to Recreational Activities (adapted from Knight and Cole, 1995)



Generalizations about disturbance of waterbirds

(J. Evens, ARA)

- Larger birds are less tolerant of than smaller ones (Rodgers and Schwikert 2003, Fernandez-Juricic *et al*. 2002)
- Larger flocks flush at greater distances than smaller flocks or individuals
- Flight distance is correlated positively with flock size and species diversity. Flight distances longer for species that are foraging (Mori et al. 2003, ARA 2008)
- Waterbirds may relocate to less profitable areas or emigrate to compensate for disturbance



Waterbirds susceptible to disturbance by watercraft

- Solitary nesting birds
- Colonial nesting birds
- Flocking shorebirds
- Rafting waterbirds





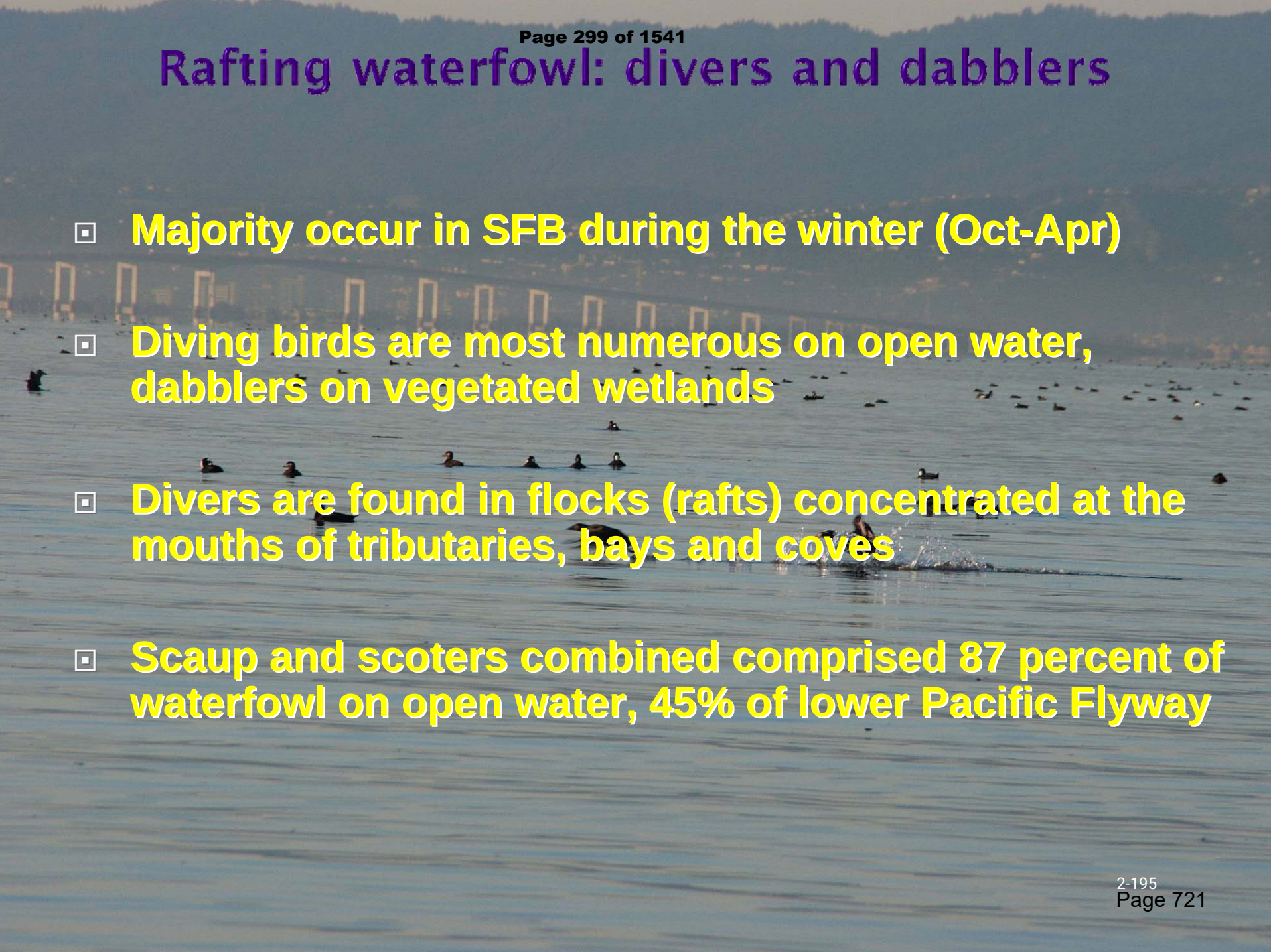




2-194

(J. Evens, ABA)

Rafting waterfowl: divers and dabblers



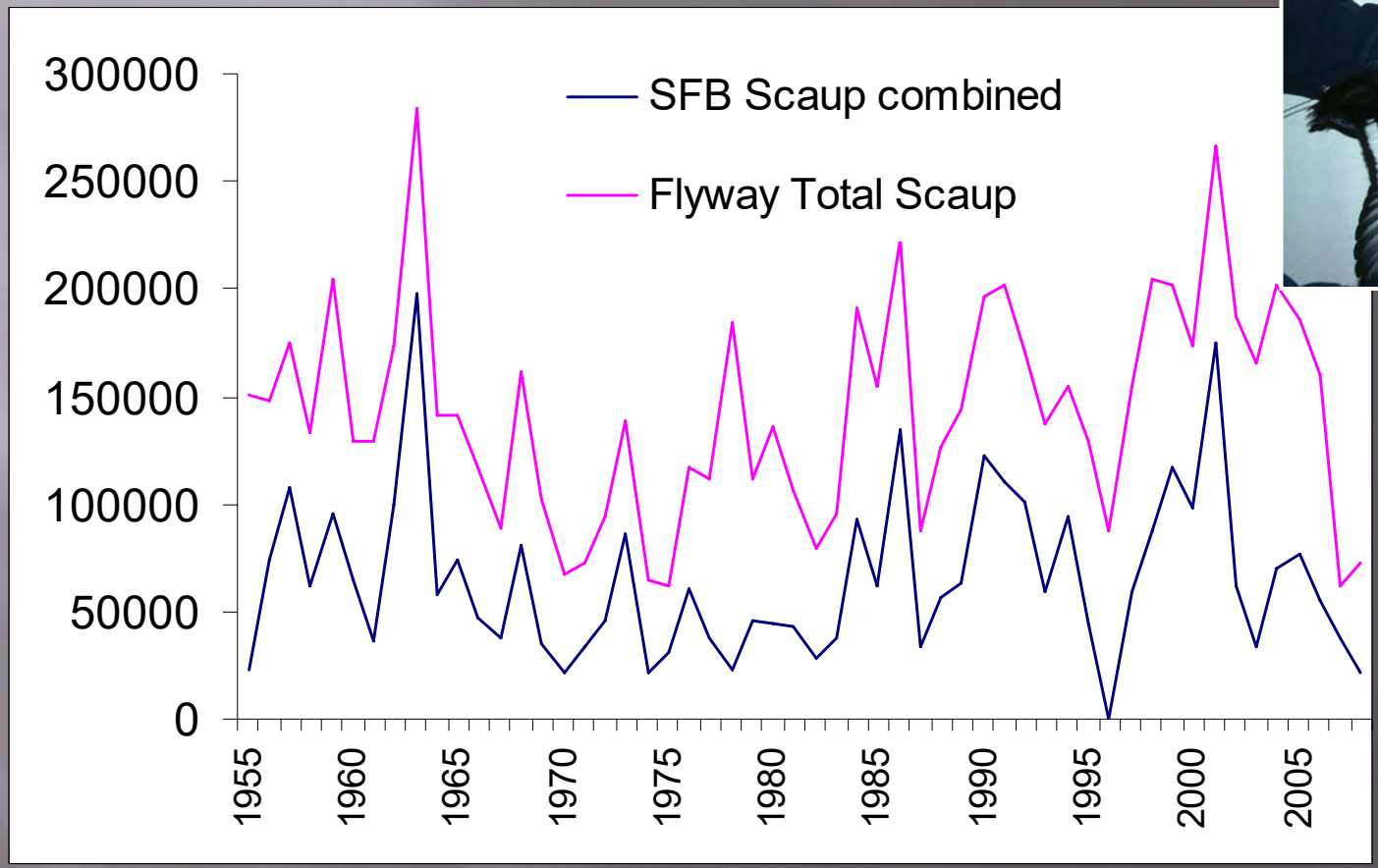
- Majority occur in SFB during the winter (Oct-Apr)
- Diving birds are most numerous on open water, dabblers on vegetated wetlands
- Divers are found in flocks (rafts) concentrated at the mouths of tributaries, bays and coves
- Scaup and scoters combined comprised 87 percent of waterfowl on open water, 45% of lower Pacific Flyway

San Francisco Bay Waterfowl – Open Water

- Mid-winter aerial surveys from 1970-1991 averaged 425,000 waterfowl present in mid-January
- Mid-winter waterfowl surveys 1992-2007 exclusive of 1996) averaged 182,800 birds
- Numbers of waterfowl decreased 25% from the 1950s until 1990 (Takekawa *et al*. 2000)
- Waterfowl continue their downward trend from 300,000 in the late 1980s (Accurso 1992) to 184,200 (SE ±65,700) from 1992-2007

Midwinter Index for Greater and Lesser Scaup combined, 1955-2008

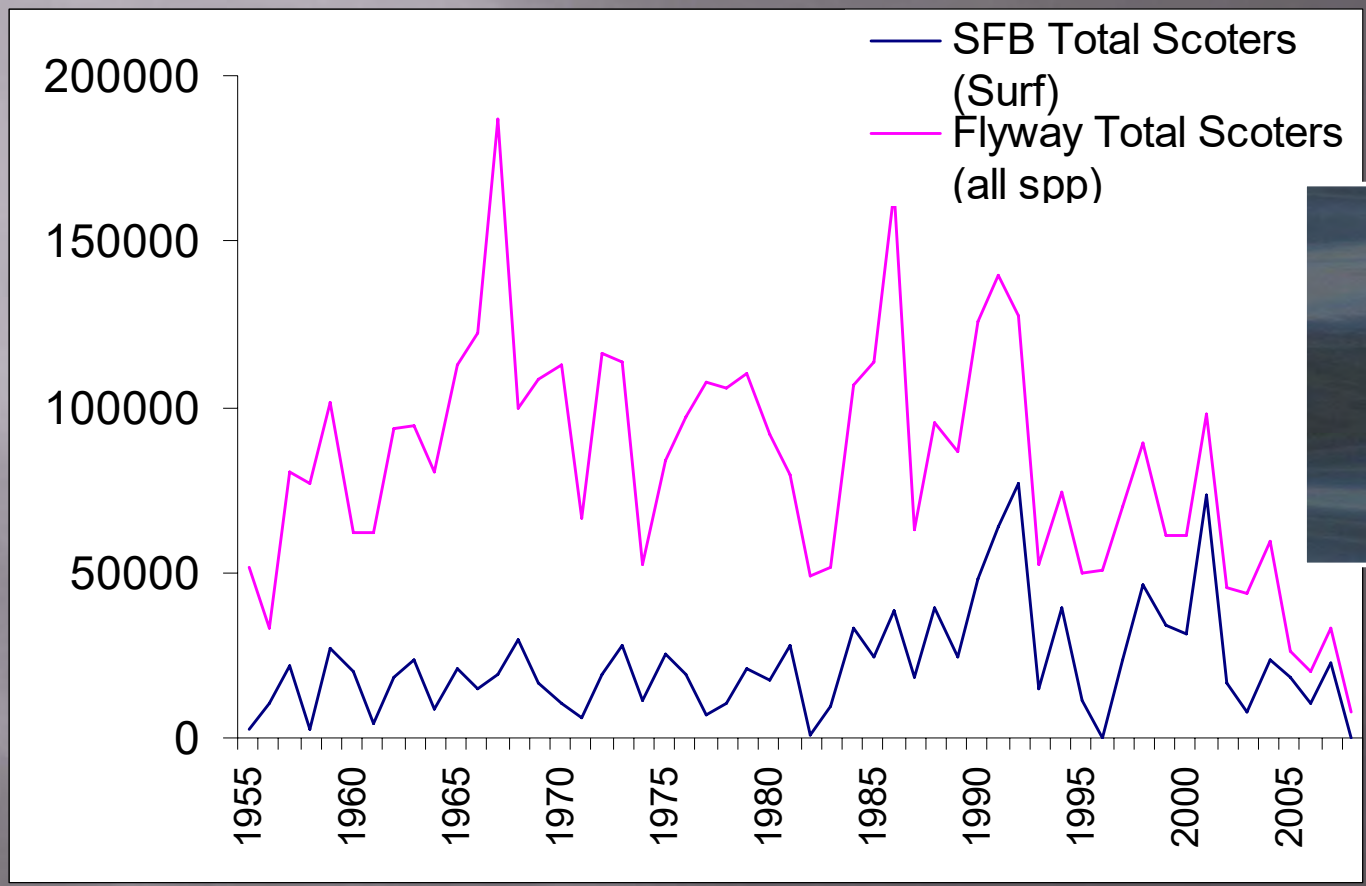


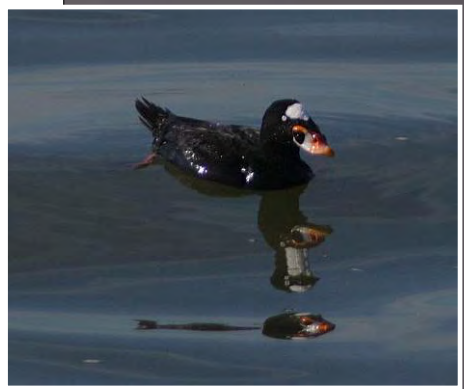


- Winter average 44% of lower Pacific Flyway scaup

* 1996 No SFB Data

Midwinter Index for Surf Scoters, 1955-2008





- Winter average 42% of lower Pacific Flyway scoters

* 1996 No SFB Data

SFB FERRIES



► OBITUARIES A19 ► EDITORIAL A20 ► OPINION A21

San Francisco Chronicle

BAY AREA

AND CALIFORNIA

SECTION A

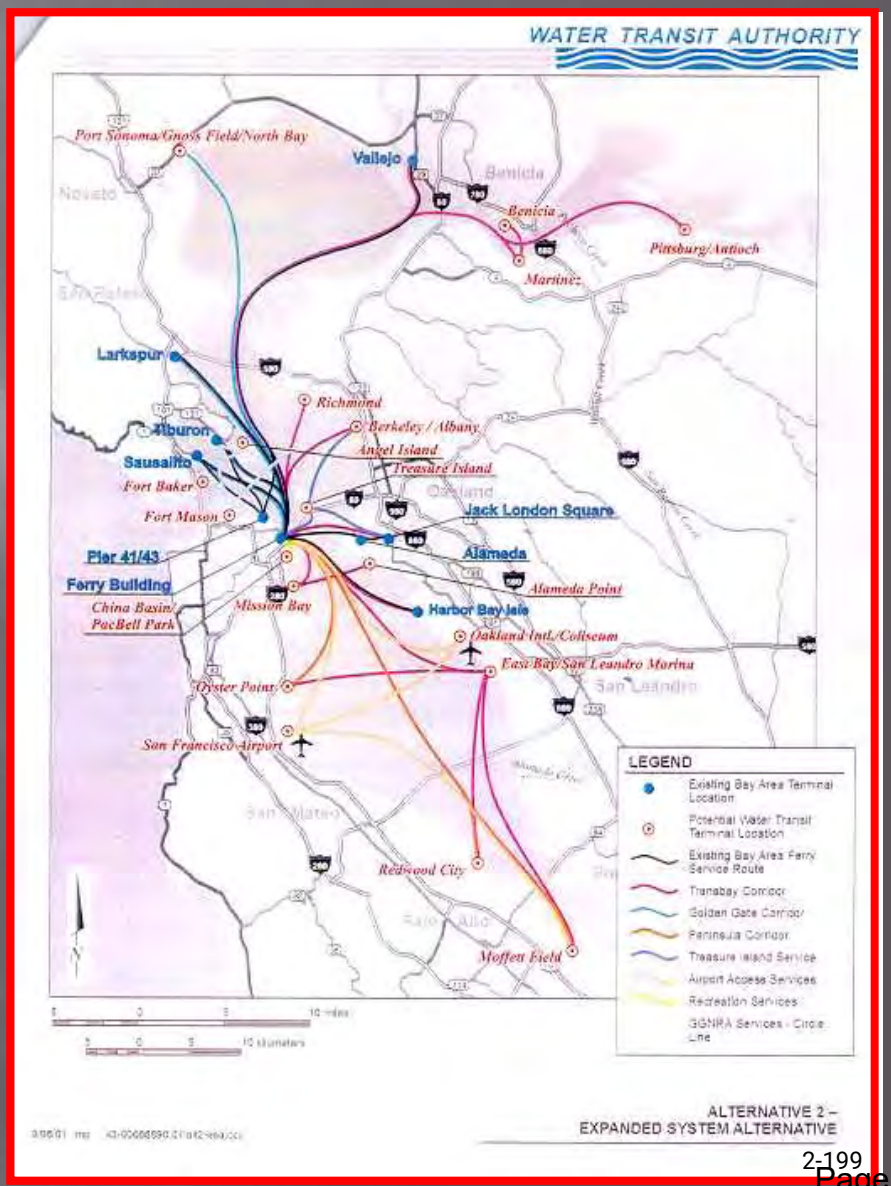
The proposed regional ferry system, according to Water Transit Authority officials, would carry 12 million passengers a year by 2025.

$662 million, 10-year plan to make bay a ferry capital

A businessman and a bicyclist board the ferry Mendocino just before departure from the San Francisco Ferry Building dock.

Proposal would add 7 routes and use less-polluting vessels

Resource Concerns:
Open Water Disturbance
Displacement Effects
Habitat Erosion



Objectives



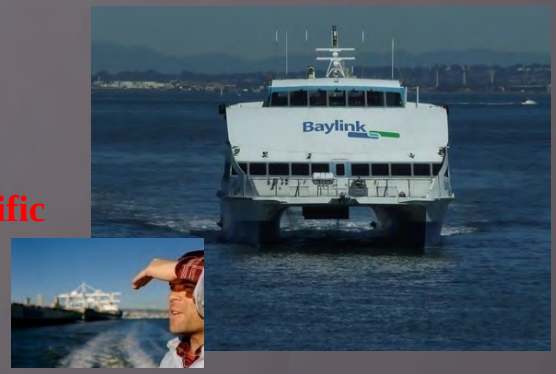
1. Conduct ferry surveys in San Francisco Bay to assess species-specific buffer distances.

2. Examine waterbird avoidance of watercraft in land-based surveys at selected areas.

3. Document distribution of waterbirds along ferry routes with aerial surveys.

I. Ferry Surveys-- Existing Ferry routes, Distances, Travel times, and Round Trips

(Inventory of Bay Area Water Transit Services and Facilities, July 2001, Pacific Transit Mgmt. Oakland)



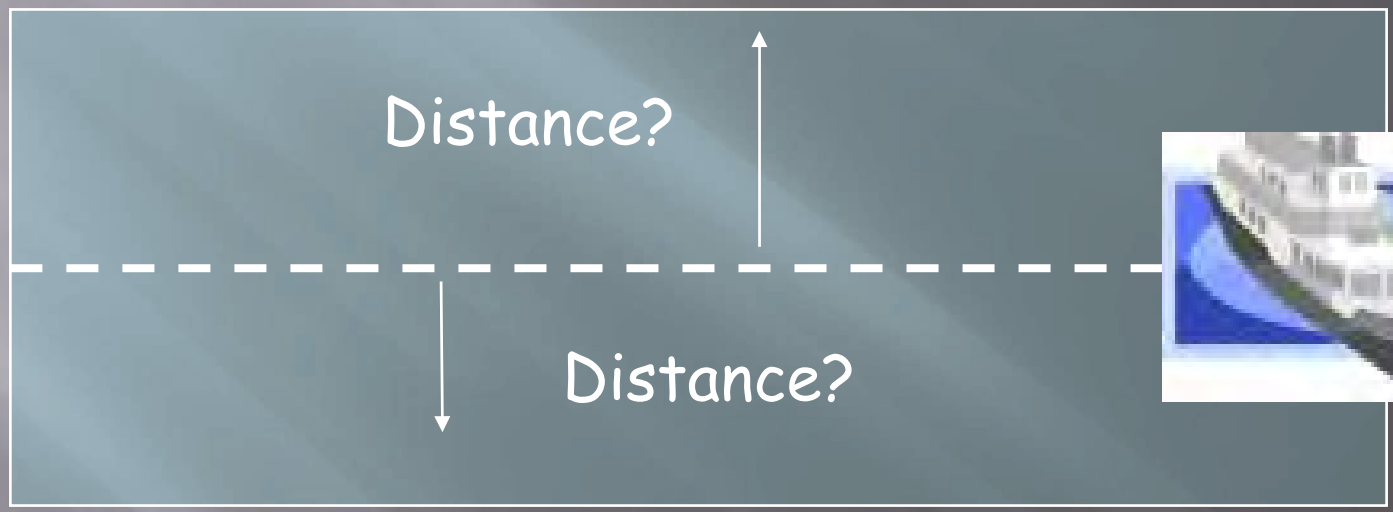
Existing Ferry Route[1]	Dist (km)	Minimum Time (min)	Round Trip (min)	First trip of day (winter)		Daily Round Trips (current)
				Wday	Wend	
Larkspur-SFFB	20.3	30	70	550	940	21
Sausalito-SFFB	9.4	25	70	710	1120	9
Tiburon-P41	7.7	20	70	1100	940	7
Tiburon-SFFB	7.7	20	50	600	920	7
Vallejo-SFFB	43.2	55	120	600	900	11
Ala/Oak/SFFB/P41	10.1	Ala-SFFB: 20 Oak-SFFB: 30	65	600	900	13
Ala-Harbor Bay-SFFB	13.9	25	60	630	None	6

•[1]SSFB = San Francisco Ferry Building. P41 = Pier 41, Fisherman's Wharf, San Francisco.

I. Disturbance Response - Behavior

Flight Response





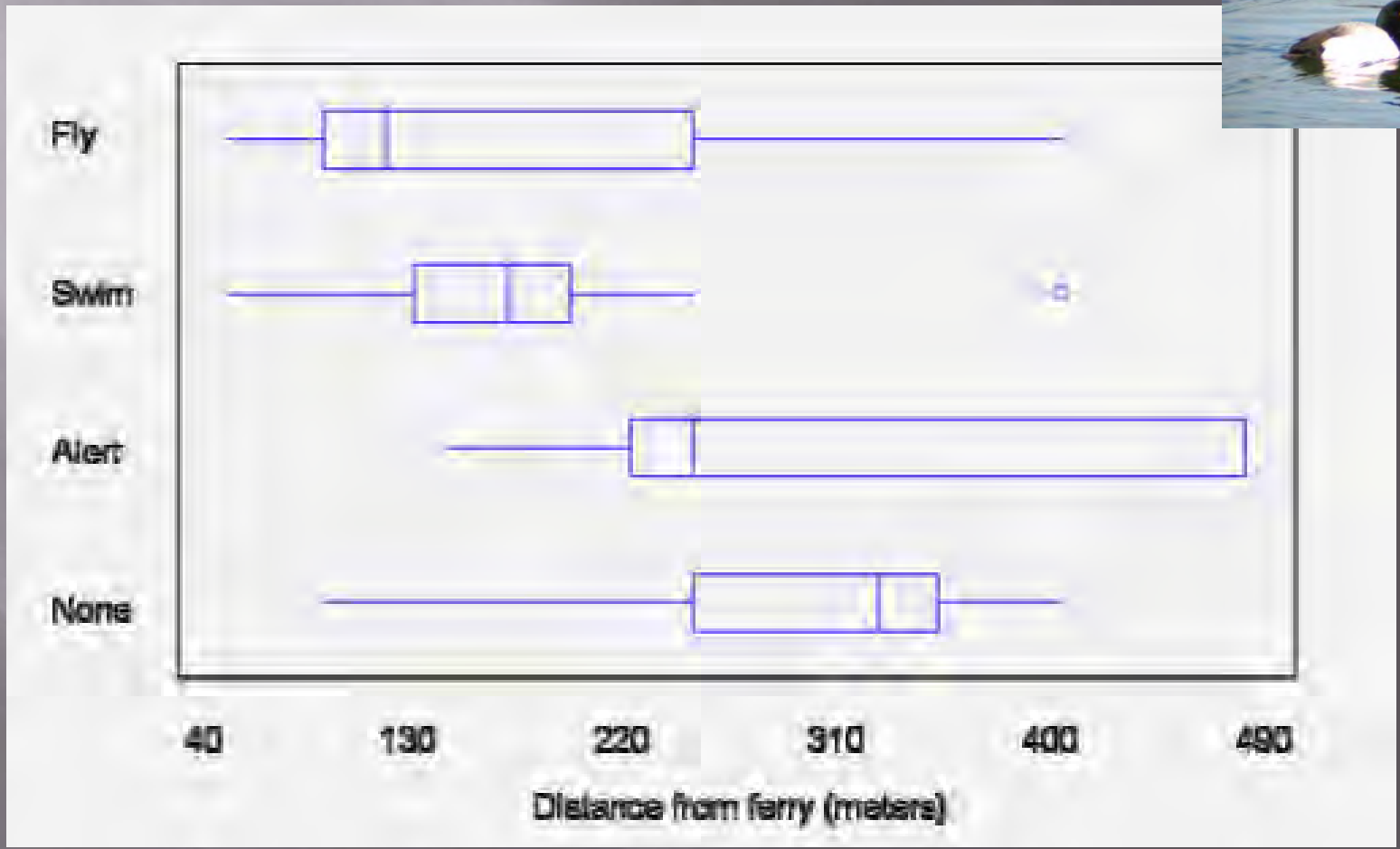


Diving Response

I. Disturbance Response – Behavior

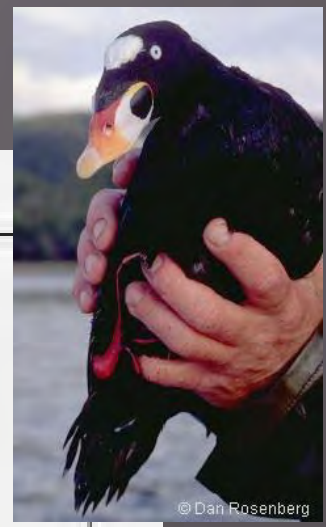
Scaup

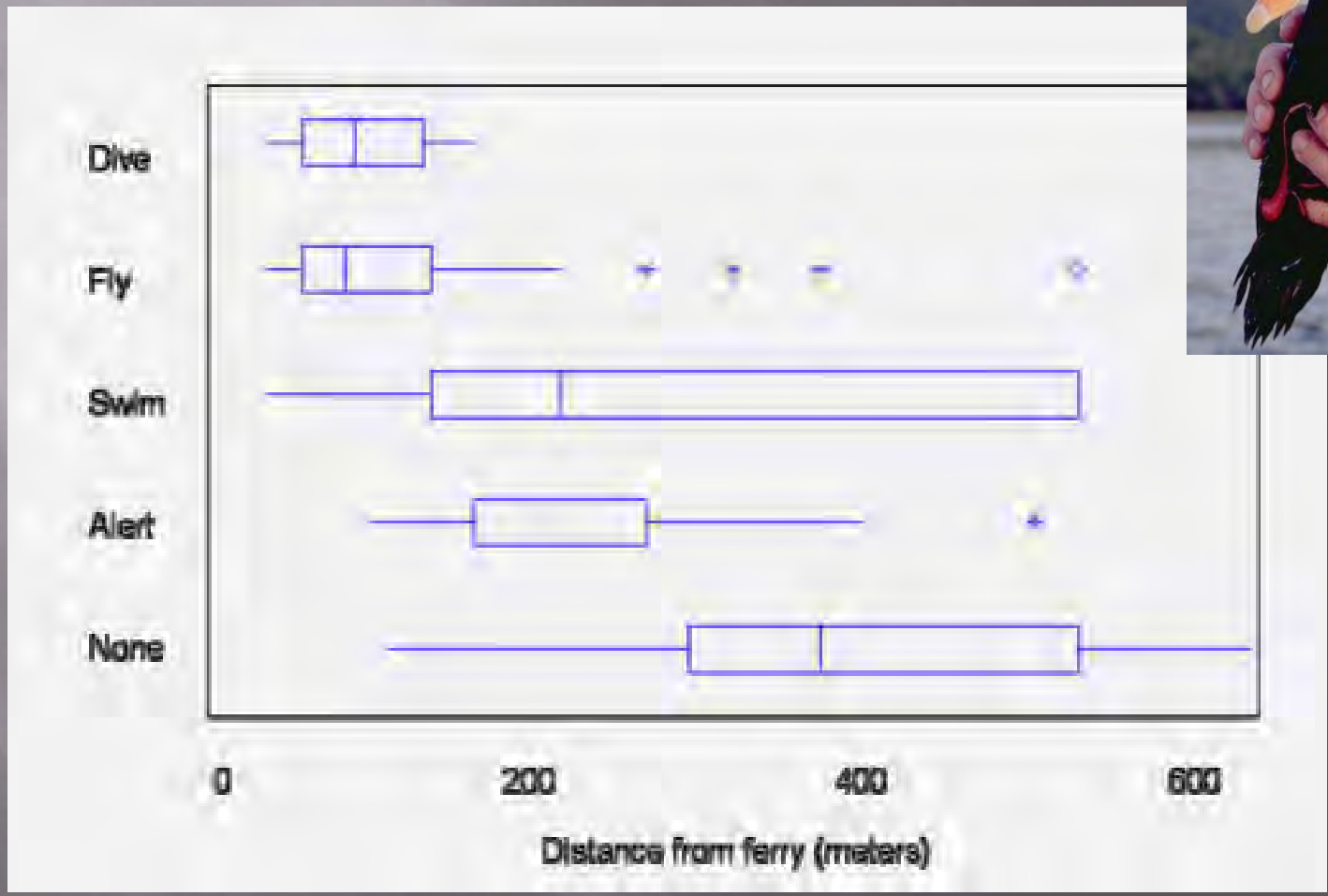




I. Disturbance Response – Behavior

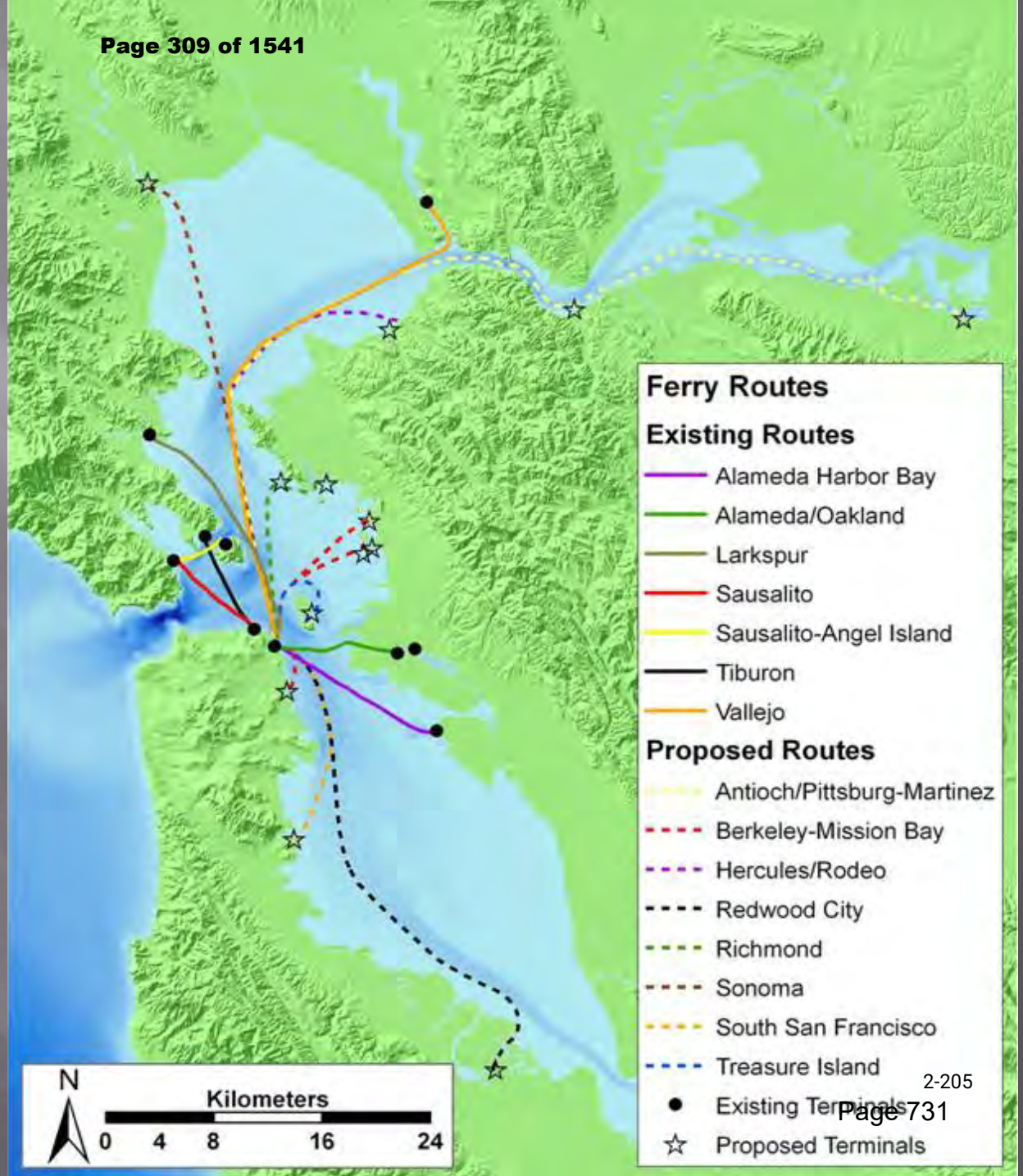
Scoter





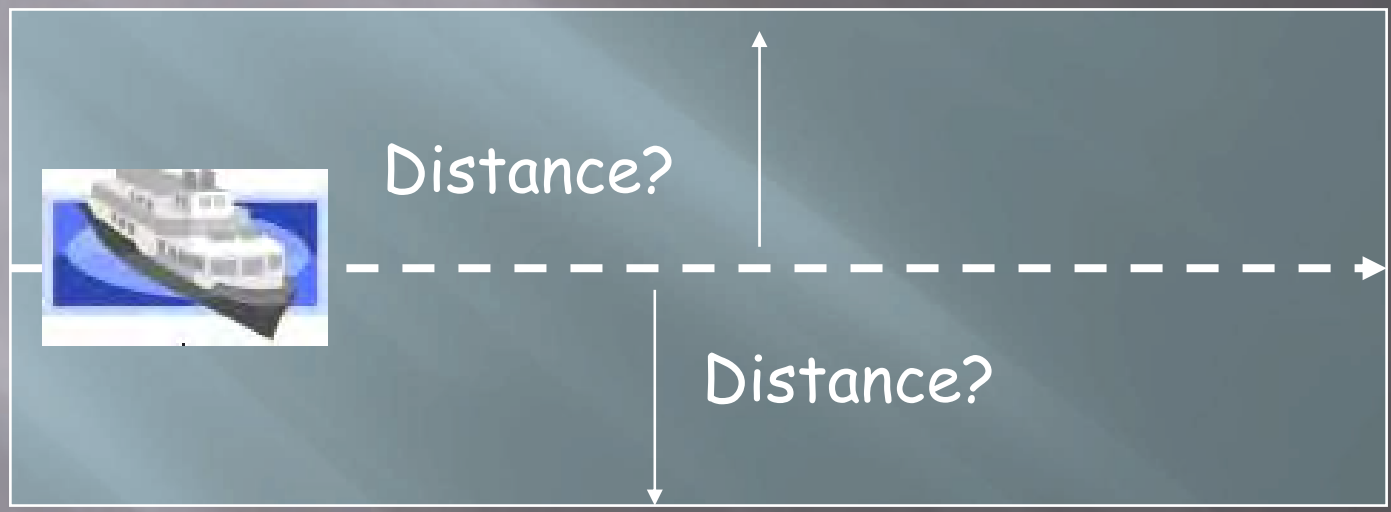
II. Ground Surveys – at selected locations along routes





IIa. Disturbance Response – Abundance

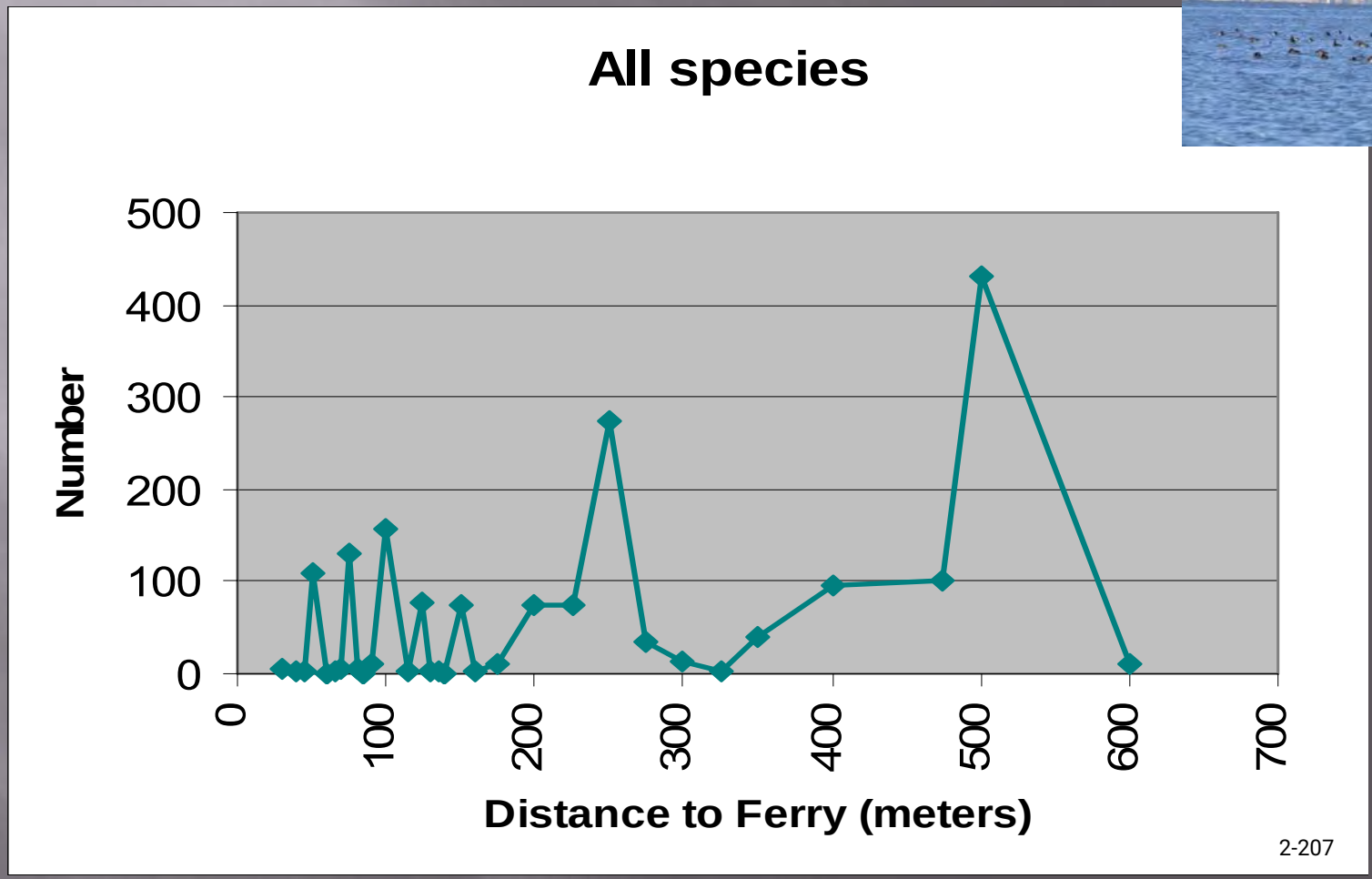






IIa. Disturbance Response – Abundance closer to ferry route, fewer birds





IIb. Disturbance -- Duration

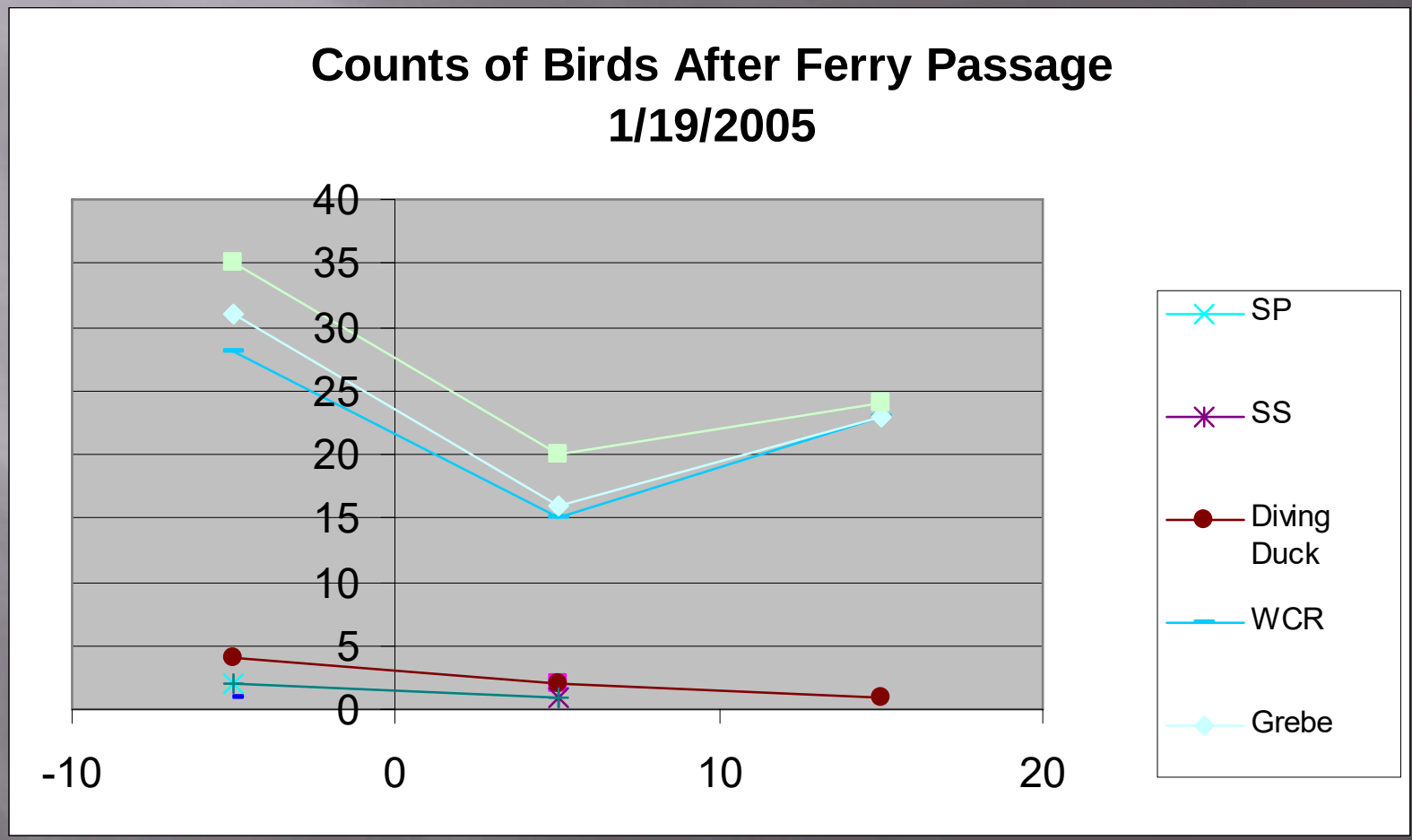


Elapsed Time?

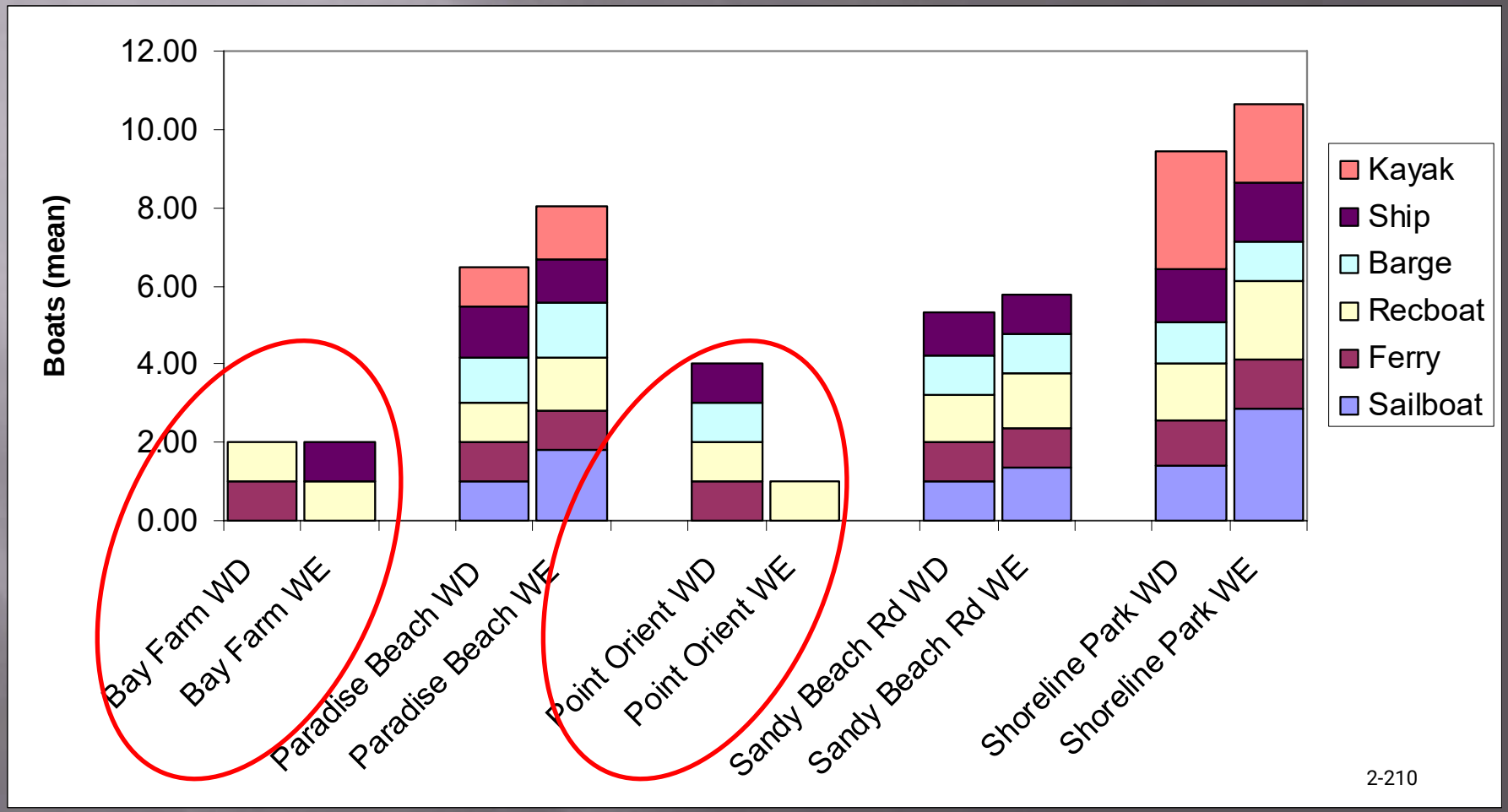




IIb. Disturbance – Duration
Paradise Beach
Birds decrease as ferry passes, then increase

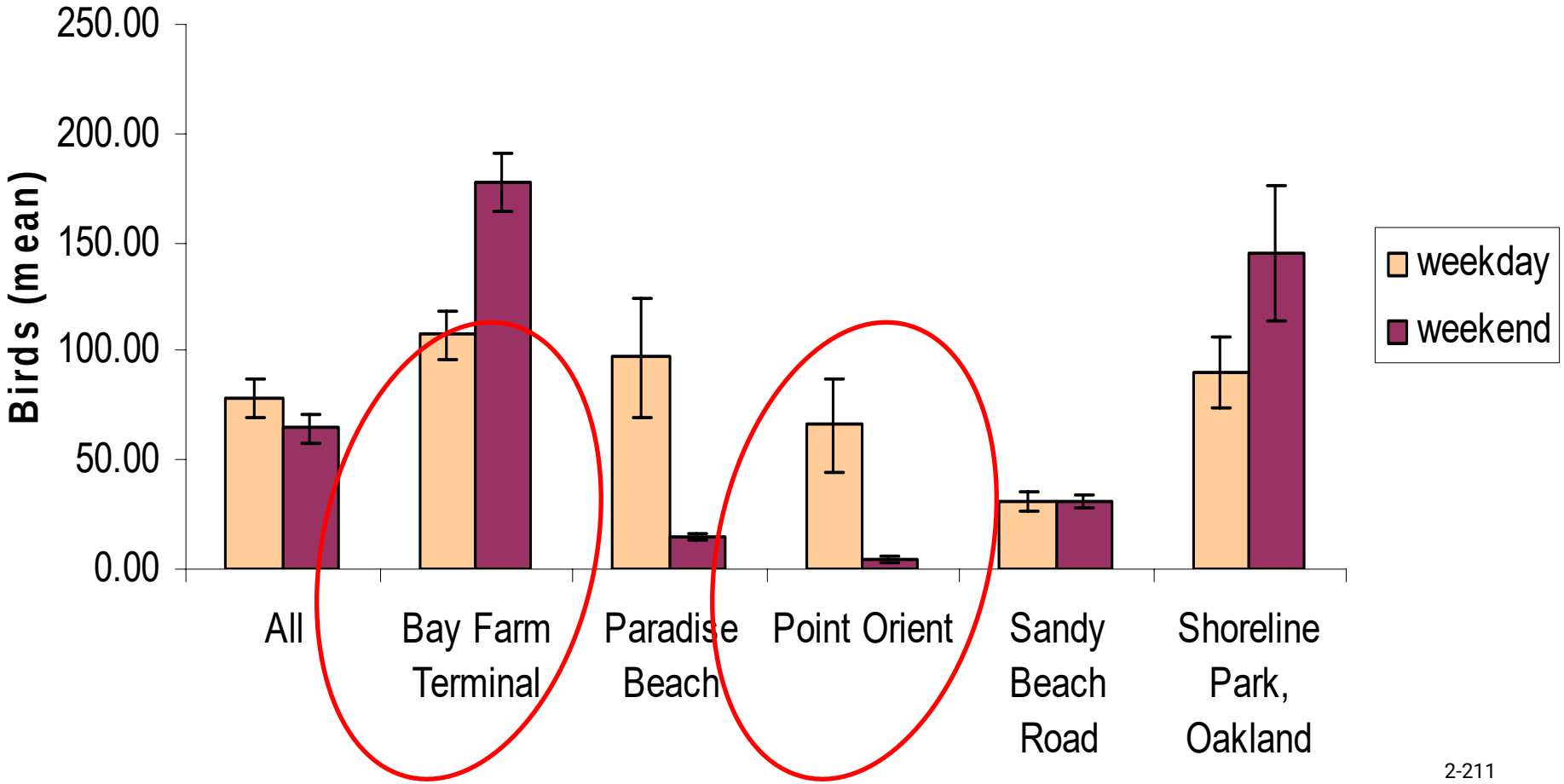


IIb. Disturbance -- Duration
Boats – WeekDay, WeekEnd



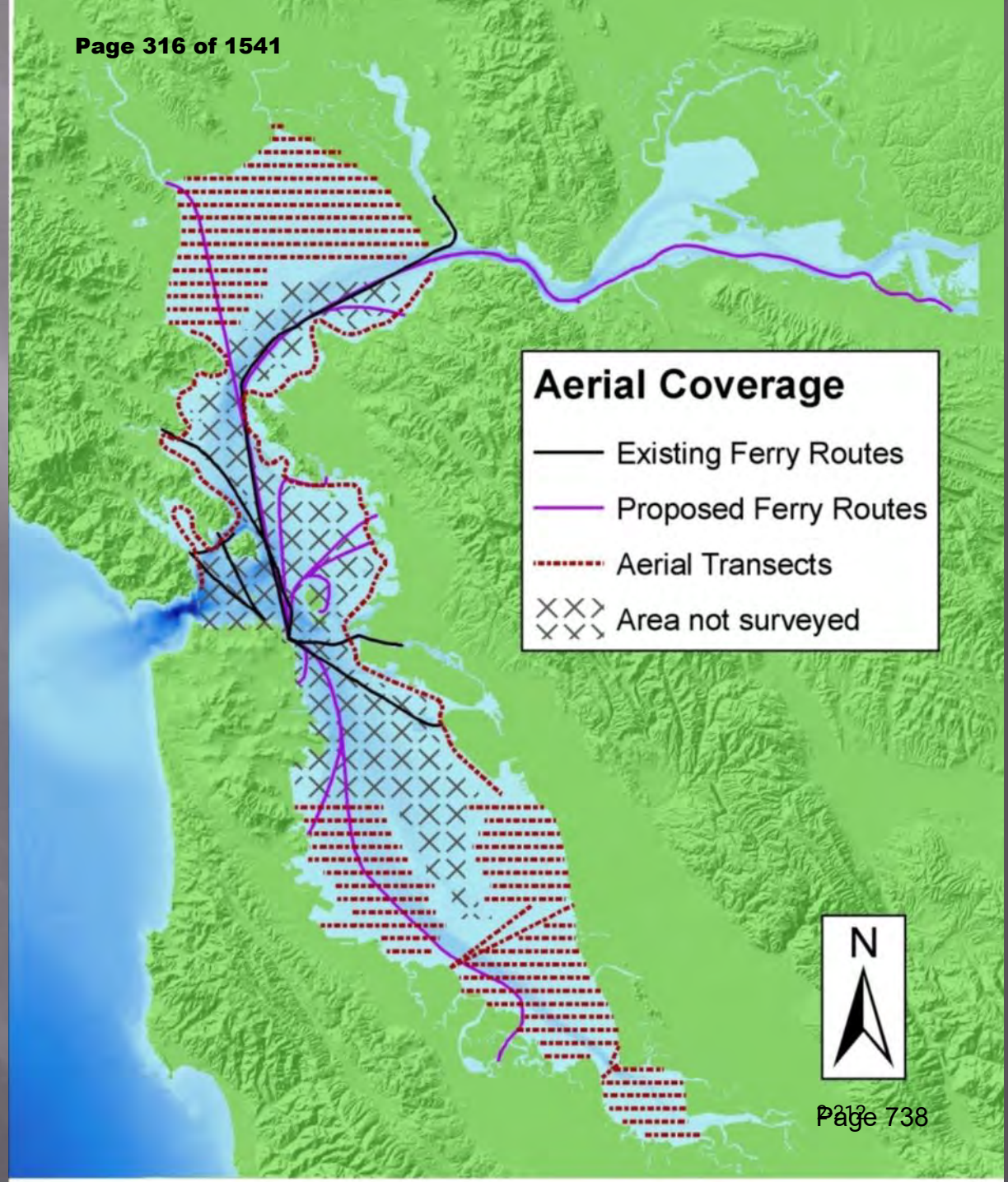
IIb. Disturbance -- Duration

Birds Response varies by site- WeekDay, WeekEnd



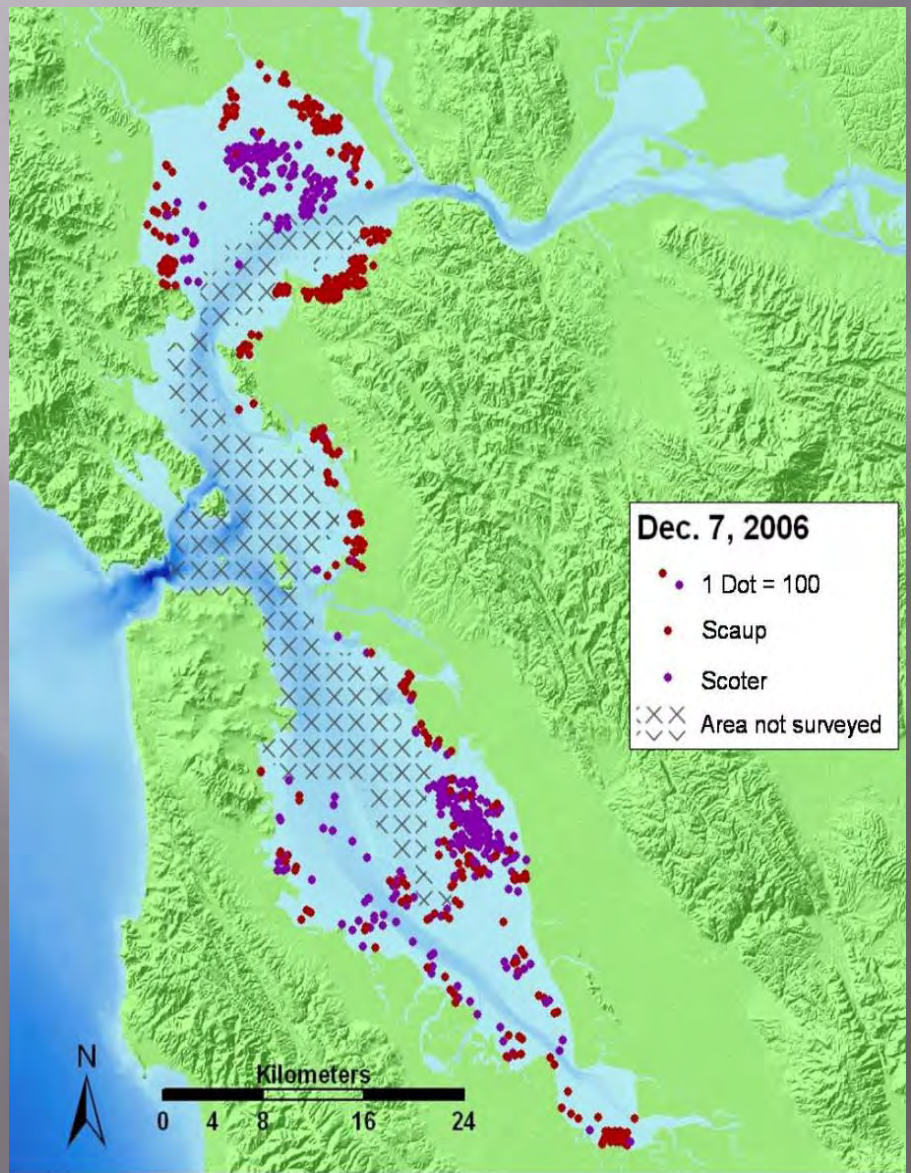
2-211

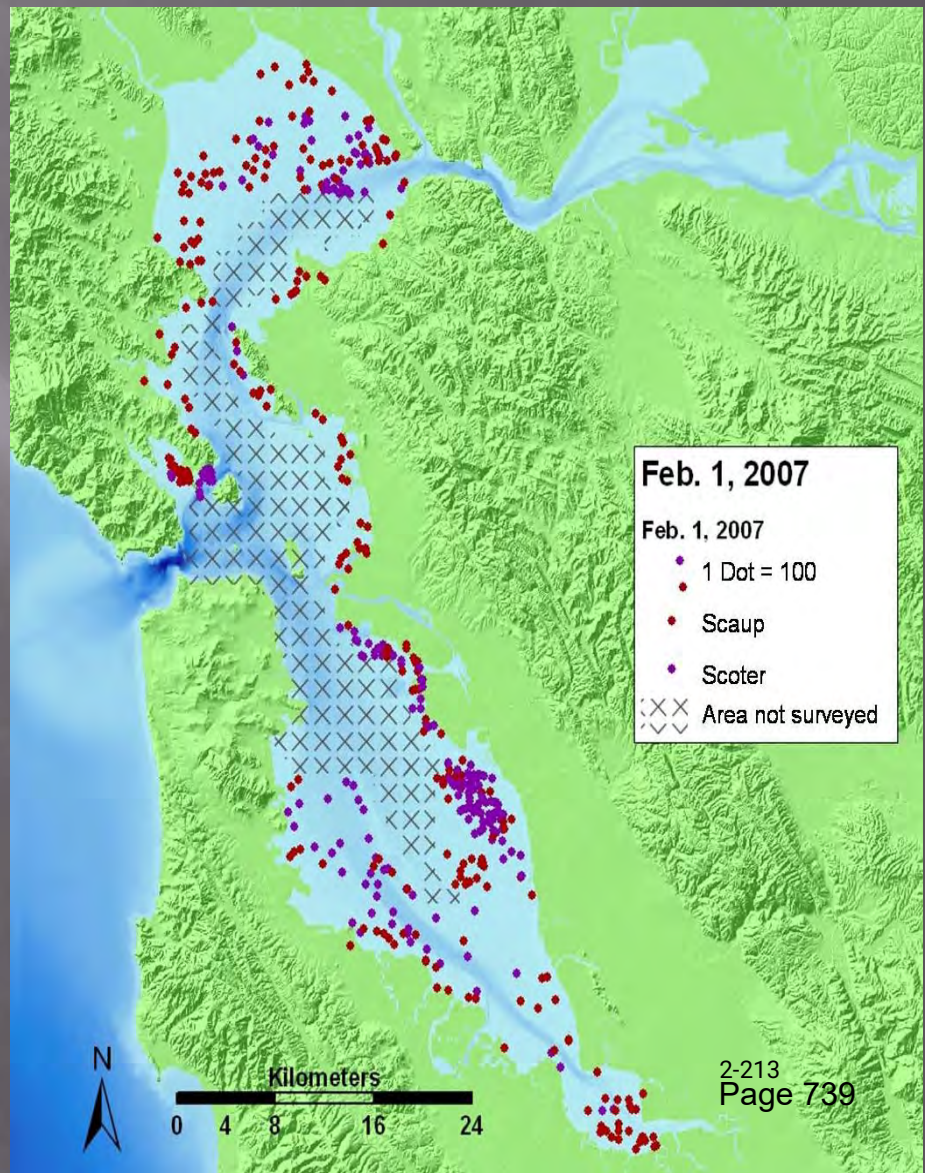
III. Aerial Surveys – augmented midwinter survey during early and late winter months



III. Disturbance – Distribution

Species may move or emigrate to avoid disturbance

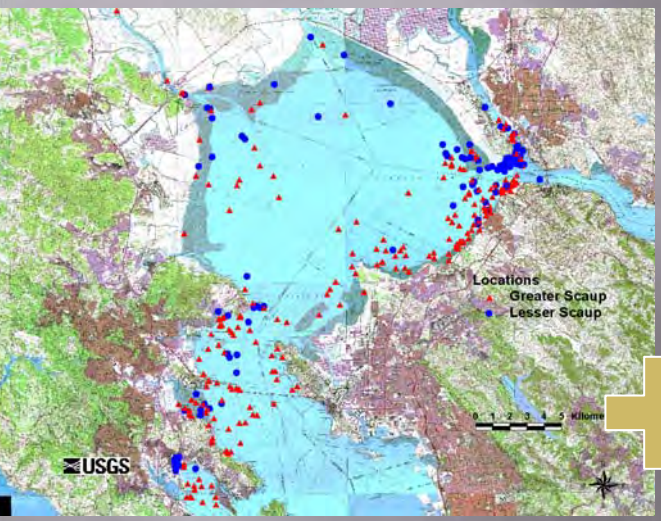


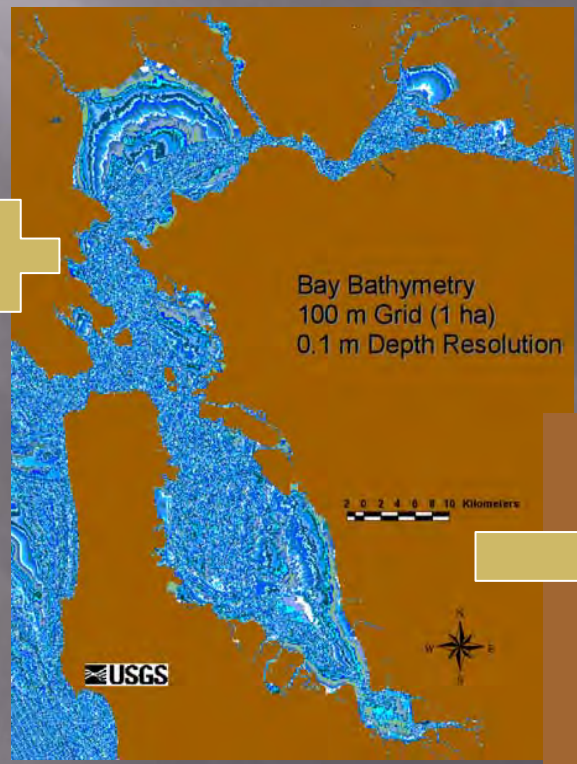


Measuring the Habitat Effect – Buffer Zones

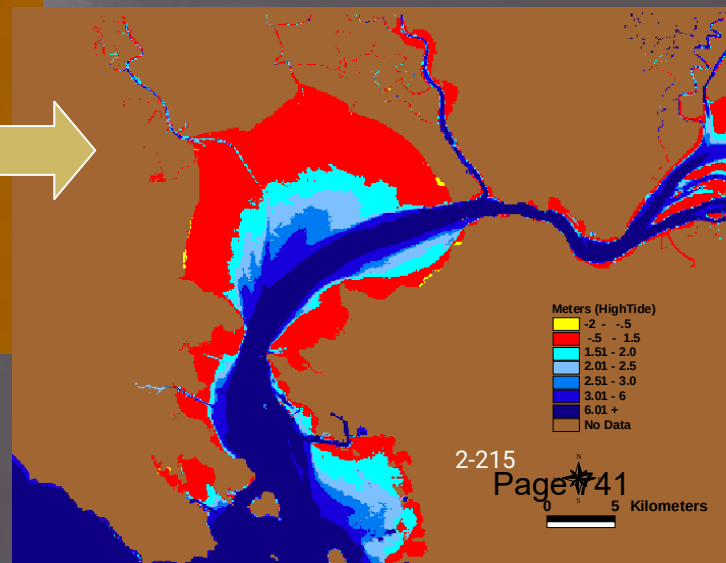
- Buffer zones based on observed flush distances (mean plus one SD: after Rodgers and Schwikert 2003)
- Add 40 m to minimize agonistic responses and to account for mixed species (Thompson and Thompson 1985, Gutzwiller et al. 1998)
- Buffer zones should be based on the species most sensitive to disturbance (scaup)
- "One size fits all" approach for management: "a buffer zone of 250 meters from areas of high-use by rafting waterbirds as a quideline for minimizing the impacts of non-motorized watercraft on rafting waterbirds" (Evens 2008)

Include importance of shoals for foraging divers





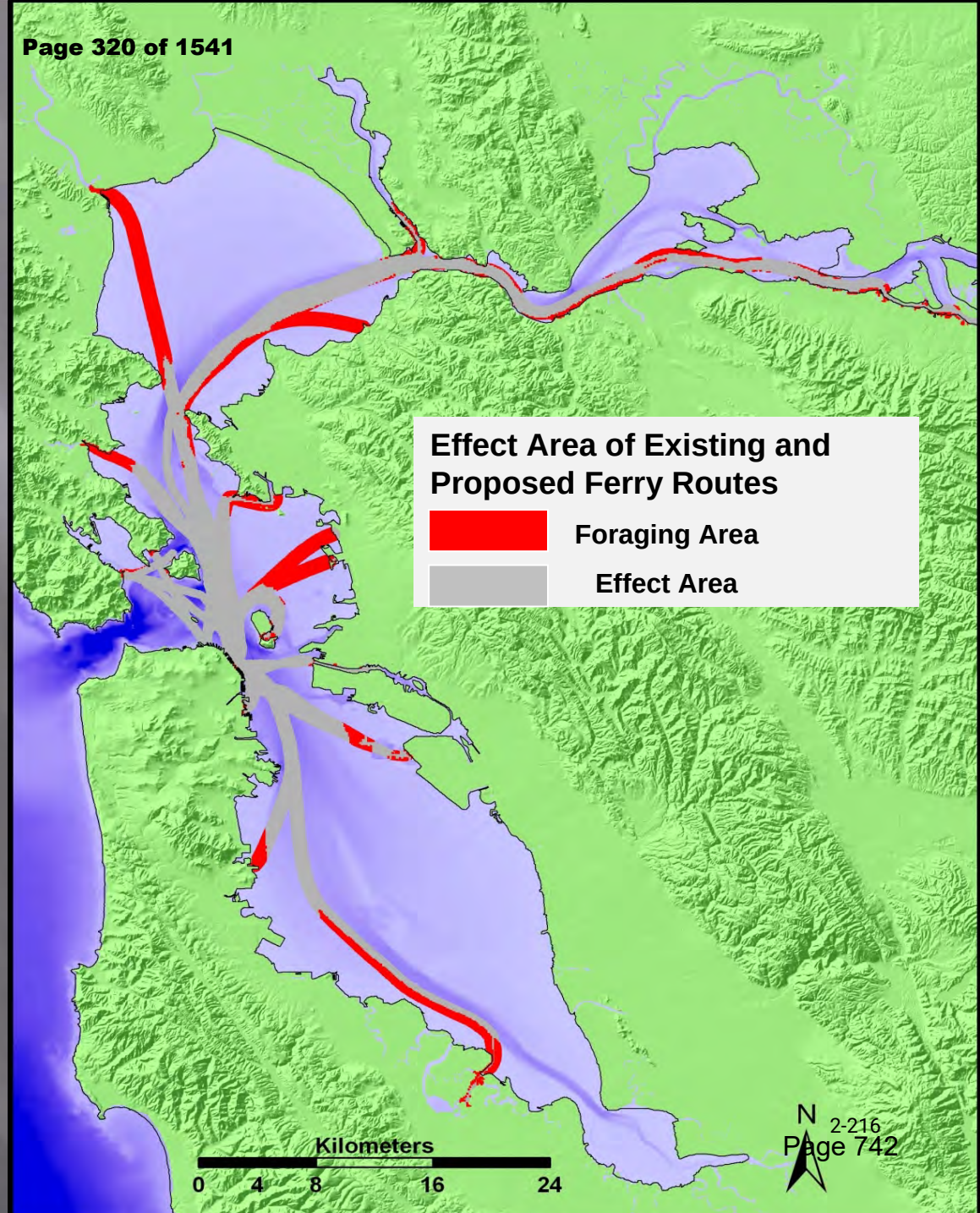




III. Disturbance Zone –

2.4-65.0 km^2 including 0.07-4.6 km^2 of foraging areas.

Proposed routes will affect 4.3-75.8 km^2



USGS

Conclusions

- Diving birds alter their behavior in response to commuter ferries
- Response distance depends on species but is typically 300 m for scoters
- Duration of the disturbance with ferry passage is difficult to measure, given habituation occurs early in the winter
- Disturbance zones suggest indirect loss of habitat several km^2 of open water habitats

Potential Means to Reduce Disturbance Effects?

Establish Estuarine Protected Areas

- Establish undisturbed foraging and resting areas



Letter O5

Commenter: John J. Bauters, Chair, Sierra Club San Francisco Bay Chapter

Date: April 27, 2026

Response to Comments O5-1 to O5-3

Refer to subsequent Response to Comments for responses to the specific comments raised. This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O5-4

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for discussion related to the use of the 2003 WETA EIR in the Draft EIR. The 2003 WETA EIR is a programmatic analysis of ferry service expansion in the San Francisco Bay Area, while the 2026 proposed project Draft EIR is a project-level analysis for a specific and separate Berkeley pier ferry project not tiered from the 2003 WETA EIR. No further response is required.

Response to Comment O5-5

Responses to subsequent comments are provided in Responses O5-6 through O5-49 as appropriate. No further response is required.

Response to Comment O5-6

The comment states that the Draft EIR incorrectly concludes that the California least tern would not occur within the project site or be affected by the project and requests that the EIR consider this species.

Refer to Response to Comment A2-35 to A2-38 for discussion of and Draft EIR clarification text changes with regard to California least tern. Refer also to Section 2.2.11, *Topical Response: Ferry Operations,* for discussion of ferry service impacts to biological resources. No Draft EIR changes are necessary in response to this comment.

Response to Comment O5-7

Refer to Response to Comment O7-17 for discussion of and Draft EIR clarification text changes with regard to waterbirds. Refer to Section 2.2.11, *Topical Response: Ferry Operations*, for discussion of vessel interaction with aquatic species. No Draft EIR changes are necessary in response to this comment.

Response to Comment O5-8

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for discussion of wave climate and breakwater effects beyond the project site. No Draft EIR changes are necessary in response to this comment.

Response to Comment O5-9

A project objective stated in Draft EIR Section 2.3 is to: “Minimize environmental impacts by considering existing infrastructure and sea level rise projections.” The Draft EIR further discusses sea level rise and requirements of the Berkeley Local Hazard Mitigation Plan and Regional Shoreline Adaptation Plan (Section 3.5.3 Regulatory Framework on page 3.5-22, and Section 3.8.3 Regulatory Framework on page 3.8-21, respectively). Sea level rise concerns are addressed in Draft EIR Section 3.8.4 under Impact HYD-4, page 3.8-40 and under Impact HYD-5, page 3.8-42, concluding that impacts related to sea level rise on shorelines would be less than significant. Refer also to Section 2.2.23, *Topical Response: Sea Level*

Rise, for discussion of analysis done to inform project design as related to sea level rise and Section 2.2.25, *Topical Response: Siltation/Wave Climate,* for discussion of wave energy impacts within the project site and beyond. No Draft EIR changes are necessary in response to this comment.

Response to Comment O5-10

Because CEQA focuses on and requires analysis of physical environmental impacts, ADA requirements are not explicitly discussed in CEQA documents. The Draft EIR evaluates transportation, circulation, and access-related physical environmental effects consistent with CEQA requirements. While these analyses may overlap conceptually with accessibility considerations, the EIR's purpose is not to determine compliance with ADA standards. ADA requirements are addressed through project design.

Nonetheless, please refer to the 2024 Berkeley Water Transportation Pier Ferry Project Basis of Design Report, which was made available during the public review period of the Draft EIR.[26] As noted in this report, the ferry landing's passenger boarding system, including the gangway, float, ramps, and platform will be designed and constructed to ADA codes and standards. The proposed fish cleaning station will also have an ADA compliant stainless steel table and sink for public use.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O5-11

Refer to Response to Comment O5-10 for more information about this topic. No further discussion is required.

Response to Comment O5-12

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of how parking is addressed under CEQA and equity concerns.

Response to Comment O5-13

While it is true that an increase in parking, relative to existing conditions, could result in a greater number of vehicle trips, the Draft EIR concluded in Impact TRA-2 in Section 3.12, *Transportation* (pages 3.12-20 to 3.12-21) that VMT impacts would be less than significant. In fact, as explained in Impact TRA-2, the project is expected to result in an overall reduction in regional VMT. While the proposed project would increase the number of parking spaces, relative to existing conditions, the City has also identified TDM measures, as part of its Parking and TDM Plan, that would help decrease the number of vehicle trips to the Waterfront. The analysis and significance conclusion presented under Impact TRA-2 in Section 3.12, *Transportation*, of the Draft EIR remains valid as written. No revisions to the EIR are necessary.

Response to Comment O5-14

Refer to Response to Comment O5-13 for a discussion about how transportation impacts would remain less than significant, even if the project would increase the number of parking spaces relative to existing conditions.

Response to Comment O5-15

Refer to Section 2.2.2, Topical Response: Alternatives (subsection Alternatives Dismissed) for a discussion related to how the City determined which Alternatives to consider in its analysis. As explained in that Topical Response, the City need not consider alternatives that do not lessen a significant environmental impact. As explained in Response to Comment O5-13, the proposed project would result in

[26] Available: https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_BWTPF-Basis-of-Design-60-Submittal.pdf

less than significant transportation impacts. An alternative that reduces parking would not lessen a significant environmental impact, and the City would not be required to analyze it under CEQA. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. No further response is necessary.

Response to Comment O5-16

Refer to Response to Comment 05-15 for a discussion of the CEQA requirements to address alternatives. The proposed project includes improvements to bus facilities that would serve AC Transit route 51B, including improving facilities to allow for future expansion (see Chapter 2, *Project Description* page 2-12). The project is implementation of ferry service, which would have a net benefit on transit service in the region.

The analysis and significance conclusion presented in the Draft EIR remains valid as written. No revisions to the EIR are necessary.

Response to Comment O5-17

The City of Berkeley has the ability to establish parking fees independently of this project; the parking pass referenced in this comment is not the subject of this EIR.

Refer to Section 2.2.20, *Topical Response: Parking.* Issues related to parking pricing (such as removing existing annual passes or establishing new fee structures) are potential policy decisions that may be implemented by the City as part of project operations or broader waterfront management. Such policies are not part of the CEQA project description, are not environmental impacts under CEQA and further are not required to ensure the Waterfront can accommodate all users. CEQA focuses on physical environmental effects, and social or economic considerations such as user cost are not treated as environmental impacts unless they result in a physical change in the environment. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment O5-18

Refer to Section 2.2.10, *Topical Response: Electric Ferry*, for a discussion of how the proposed project includes, and the Draft EIR analyses assume, installation and operation of an electric ferry, and not a ferry that would be propelled by any other means of fuel or energy source. GHG and energy impacts, including the source of electricity were discussed in Draft EIR Section 3.6.4 *Energy Sources*.

In addition, refer to Response to Comment P36-115 for a full discussion of why the BTU-per-passenger comparison is not necessary. The CEQA significance thresholds for GHG and energy consumption do not have a BTU per passenger mile threshold nor do they require the comparison of project emissions to alternative project options. Further, Draft EIR Alternatives (Section 5.9) discussed alternative projects such as increasing Bay Area Rapid Transit (BART) capacity and improving access to BART, both of which were alternatives that were considered but rejected as they did not meet the project objective of provision of zero emission ferry service between Berkeley and San Francisco. The analysis in the Draft EIR accurately analyzes GHG and energy emissions with respect to CEQA and Bay Area Air District thresholds, demonstrates that electrical consumption would be from 100 percent renewable energy sources from 2030 throughout the lifetime of the project, and incorporates the emissions from the two years of non-100 percent renewable electricity consumption into the analysis (refer to methodology discussion on Draft EIR page 6.3-31). Therefore, the Draft EIR GHG emissions and energy significance conclusions remain the same, and no Draft EIR changes are necessary in response to this comment.

Response to Comment O5-19

Refer to Section 2.2.10, *Topical Response: Electric Ferry*, for a discussion of how the proposed project includes, and the Draft EIR analyses assume, installation and operation of an electric ferry, and not a ferry that would be propelled by any other means of fuel or energy source.

WETA currently has 150-passenger and 400-passenger electric ferry projects currently funded and/or under construction. The Draft EIR provides an analysis for a 250-passenger vehicle, which is consistent with the assumptions in the *WETA Berkeley Ferry Service Business Plan 1.0* prepared in March 2022 and available https://sanfranciscobayferry.com/project/berkeley-ferry-project/. The fact that 250-passenger ferries are not currently available does not mean that non-electric ferries would be operated as part of the proposed project. WETA is under contract with several developers to build and implement electric ferries to transition the San Francisco Bay ferry fleet to a 100 percent electrified fleet.

Therefore, additional air quality modeling and analysis is not required. The Draft EIR air quality significance conclusions and mitigation measures remain the same, and no Draft EIR text changes are necessary in response to this comment.

Response to Comment O5-20

As described in the Draft EIR, the proposed project differs substantially from the 2003 project because it would utilize battery-electric ferry vessels and shore-based charging infrastructure, which fundamentally changes the project's energy characteristics. While the Draft EIR incorporates portions of the 2003 WETA EIR by reference pursuant to CEQA Guidelines Sections 15150 and 15152, it does not rely on that document for project-specific analysis. The Draft EIR provides current, project-specific analysis of the proposed electric ferry system, including energy use. As such, the diesel-based energy intensity comparisons presented in the 2003 WETA EIR are not applicable to the proposed battery-electric ferry operations evaluated in this Draft EIR. Section 2.7.2, *Energy Source and Consumption* (Page 2-31), of the Draft EIR describes the project's electrical demand, charging requirements, and operational profile, while energy demand and related utility impacts are evaluated in Sections 3.6 (*Greenhouse Gas Emissions and Energy*, Impact GHG-2) and 3.14 (*Utilities and Service Systems,* Impact UTIL-1*)*. Unlike the diesel-based ferries evaluated in 2003, the proposed vessels would operate using grid-supplied electricity stored in onboard batteries and the Universal Charging Float (UCF). As a result, energy consumption is not directly comparable to prior analyses based on fossil fuel use and BTUs per passenger-mile.

CEQA does not require an EIR to demonstrate that a proposed project is more energy-efficient than other transportation modes or to replicate comparative metrics such as BTUs per passenger-mile. Rather, CEQA requires analysis of a project's energy demand and potential for wasteful, inefficient, or unnecessary consumption of energy resources (CEQA Guidelines Appendix G). The Draft EIR provides this analysis and evaluates the project's electrical energy demand, infrastructure requirements, and operational efficiency. Based on this analysis, the project would not result in wasteful or inefficient energy use, particularly given its use of zero-emission electric propulsion and modern vessel technology (refer to Impact GHG-2 and GHG-3 of the Draft EIR, pages 3.6-43 to 3.6-46).

The Draft EIR adequately evaluates the project's energy demand and efficiency consistent with current CEQA requirements. Comparisons to diesel-based ferry energy intensity metrics presented in the 2003 WETA EIR are not applicable to the proposed battery-electric ferry system. The analysis and significance conclusion presented in the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment O5-21

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to transit-to-transit mode shifts.

Response to Comment O5-22

Refer to Section 2.2.10, *Topical Response: Electric Ferry*, and Response to Comment P36-115 for a discussion of why the BTU-per-passenger comparison for energy use is not necessary. The CEQA significance thresholds for GHG and energy consumption do not have a BTU per passenger mile threshold nor do they require the comparison of project emissions to alternative project options. Furthermore, Draft EIR Alternatives (Section 5.9) discussed alternative projects such as increasing Bay Area Rapid Transit (BART) capacity and improving access to BART, both of which were alternatives that were considered but rejected as they did not meet the project objective of provision of all-electric ferry service between Berkeley and San Francisco. The analysis in the Draft EIR accurately analyzes GHG and energy emissions with respect to CEQA and Bay Area Air District thresholds. Therefore, the Draft EIR GHG emissions and energy significance conclusions remain the same, and no Draft EIR changes are necessary in response to this comment.

Response to Comments O5-23 and O5-24

The comment discusses the 2003 WETA EIR and states that the Draft EIR does not provide an updated analysis to account for changed information since the 2003 WETA EIR.

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for discussion related to the use of the 2003 WETA EIR in the Draft EIR.

Response to Comment O5-25

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

The 400,000 cubic yards of dredging is based on the current best available information, and based on the latest engineering for the project. In this Draft EIR, the City has analyzed the environmental impacts associated with the dredging of 400,000 cubic yards.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O5-26

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR. A supplemental analysis of the potential impacts from dredging approximately 400,000 cubic yards is not needed because the Draft EIR already analyzes the potential impacts from dredging 400,000 cubic yards.

The analysis and significance conclusion presented in the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment O5-27

The Draft EIR evaluates impacts due to dredging and pile installation in Section 3.3.4 under Impact BIO-1 on pages 3.3-45 through 3.3-51, and concludes that such construction impacts would be less than significant with implementation of mitigation (refer to Mitigation Measure BIO-1[d]). Additionally, dredging would result in only short-term temporary impacts to water quality and benthic infaunal communities. In addition, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate* for a discussion of

sedimentation; refer to Section 2.2.15, *Topical Response: Maintenance Dredging*, regarding operational impacts. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O5-28

Refer to Response to Comments O5-29 through O5-34 for responses to the specific concerns addressed in the comment.

Response to Comment O5-29

The Draft EIR considers potential impacts on benthic habitat. Refer to Impact BIO-1 in Section 3.3, *Biological Resources* of the Draft EIR (page 3.3-45 to 3.3-46), which found impact to benthic organisms to be less than significant with the implementation of Mitigation Measure HYD-1. The analysis and significance conclusion presented under Impact BIO-1 in Section 3.3, *Biological Resources* of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment O5-30

The Draft EIR considers potential impacts on fish from turbidity. Refer to Impact BIO-1 in Section 3.3, *Biological Resources* of the Draft EIR (page 3.3-45 to 3.3-46), which found impact to fish due to turbidity, to be less than significant with the implementation of Mitigation Measure HYD-1. The analysis and significance conclusion presented under Impact BIO-1 in Section 3.3, *Biological Resources* of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment O5-31

The Draft EIR considers potential impacts associated with potential hazardous materials in dredged materials. Refer to Impact HAZ-1 in Section 3.7 *Hazards and Hazardous Materials* (page 3.7-27) of the Draft EIR, which includes a summary of the results of sediment sampling conducted in the area where dredging would occur. Page 3.7-27 of the Draft EIR identifies that concentrations of various parameters do not exceed California or Federal hazardous waste criteria. The analysis and significance conclusion presented under Impact HAZ-1 in Section 3.7 *Hazards and Hazardous Materials* of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment O5-32

The Draft EIR considers potential impacts on special-status species from dredging. Refer to Impact BIO-1, in Section 3.3, *Biological Resources* of the Draft EIR (pages 3.3-46, 3.3-48, and 3.3-50) for a discussion related to dredging impacts on special-status species. Impact BIO-1 found that impacts on special-status species from dredging would be less than significant with the implementation of Mitigation Measures BIO-1(a), BIO-1(b), and HYD-1. The analysis and significance conclusion presented under Impact BIO-1 in Section 3.3, *Biological Resources* of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment O5-33

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion about dredging and sediment transport patterns and Section 2.2.15, *Topical Response: Maintenance Dredging*, regarding analysis of maintenance dredging.

Response to Comment O5-34

Refer to Response to Comments O5-29 through O5-33 for a response to the specific issues raised by the commenter.

Refer to Section 2.2.15, *Topical Response: Maintenance Dredging*, which discusses how potential future maintenance dredging is addressed in the Draft EIR.

Response to Comment O5-35

The Draft EIR evaluates construction impacts due to dredging on sensitive species, including longfin smelt, chinook salmon, steelhead, marine mammals, and special-status birds in Section 3.3.4 under Impact BIO-1 on pages 3.3-45 through 3.3-51, and concludes that impacts would be less than significant with implementation of mitigation (refer to Mitigation Measures BIO-1[a], BIO-1[c], BIO-1[d], BIO-1[e], and HYD-1). Delta smelt and western snowy plover are not expected to occur in the project site. Draft EIR Appendix C *Supporting Biological Resources* provides reasoning for why western snowy plover is not expected to occur. Delta smelt is not included in Appendix C because the species did not come up in database searches. Its range is currently limited to the Sacramento-San Joaquin River Delta,[27] although historically could be found in the upper San Francisco Estuary, including western San Pablo Bay near Napa and Sonoma counties. Recent population declines related to multiple factors, including drought, reduced availability of freshwater inputs, and increases in water temperatures, among other factors, have led to continued decline of this species.[28] Additionally, dredging would result in only short-term temporary impacts to water quality and benthic infaunal communities. In addition, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of sedimentation and Section 2.2.15, *Topical Response: Maintenance Dredging*, regarding maintenance dredging. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O5-36

The Draft EIR addresses project-specific impacts to special-status species, whether directly or via habitat change, due to dredging and in-water construction in Section 3.3.4 under Impact BIO-1 (pages 3.3-45 through 3.3-51) and concludes that impacts would be less than significant with implementation of mitigation (refer to Mitigation Measures BIO-1[a], BIO-1[c], BIO-1[d], BIO-1[e], and HYD-1). Additionally, the Draft EIR discusses the natural high turbidity of waters in the San Francisco Bay in Section 3.8.4 under Impact HYD-1, page 3.8-30, and concludes that given waters in the project site are subject to pronounced fluctuations due to tidal action, wind-driven waves, and regional sediment transport. Project-related turbidity would not be expected to measurably increase local or regional turbidity beyond existing conditions and, thus, impacts would be less than significant. In addition, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of sedimentation and Section 2.2.15, *Topical Response: Maintenance Dredging,* regarding maintenance dredging. Finally, Draft EIR analysis of project-specific construction-related noise impacts on species is presented under Impact BIO-1 (page 3.3-45 through 3.3-51) and concludes less than significant with mitigation (refer to Mitigation Measures BIO-1[a] and BIO-1[d]). No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O5-37

Regarding maintenance dredging, refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* for a discussion about how any future dredging for maintenance of the dredging channel is addressed in CEQA.

[27] USFWS. Delta smelt (*Hypomesus transpacificus*) Range. Available: https://www.fws.gov/species/delta-smelt-hypomesus-transpacificus/map (accessed August 2026).

[28] Moyle, P.B., L.R. Brown, J. R. Durand, J. A. Hobbs. 2016. Delta Smelt: Life History and Decline of a Once-Abundant Species in the San Francisco Estuary. *San Francisco Estuary and Watershed Science*. Available: https://doi.org/10.15447/sfews.2016v14iss2art6 (accessed August 2026).

Response to Comment O5-38

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion about sediment settlement patterns.

Response to Comment O5-39

Regarding maintenance dredging, refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* for a discussion about how any future dredging for maintenance of the dredging channel is addressed in CEQA.

Response to Comment O5-40

Refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* which discusses how potential future maintenance dredging is addressed in the Draft EIR.

Response to Comment O5-41

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion about the bathymetric and sedimentation data, historical sedimentation rates, sediment transport modeling, and projections that informed both the design of the project and the Draft EIR.

Response to Comment O5-42

As discussed in Draft EIR Chapter 5, *Alternatives*, CEQA requires evaluation of a reasonable range of project alternatives capable of attaining most of the project's basic objectives while potentially reducing environmental impacts. CEQA does not require evaluation of every conceivable engineering design variation. For additional discussion of the range of alternatives evaluated, their related assumptions, and alternatives considered but dismissed from detailed analysis in the Draft EIR, please refer to Section 2.2.2, *Topical Response: Alternatives*.

To the extent that the comment specifically requests evaluation of helical piles, the City's licensed professional coastal engineers considered the feasibility of alternative foundation systems during project design. However, helical piles are generally used in marine environments as anchoring systems for floating facilities rather than as the primary vertical support system for large fixed pier structures. Due to their relatively small cross section, helical piles have limited axial and lateral load capacity when extending above the mudline to support substantial structures. As a result, helical piles would not provide the axial capacity needed to support gravity loads associated with the proposed pier and breakwater, nor would they provide the lateral capacity required to resist seismic, wave, wind, berthing, and other marine loading conditions applicable to the project.[29] Because helical piles are not a feasible foundation system for the proposed project, the City did not evaluate them as a separate project alternative. Instead, the Draft EIR evaluates the environmental effects of the feasible pile-supported marine structures proposed for the project and includes measures, including Mitigation Measure BIO-1(d), to avoid and minimize biological impacts associated with pile installation activities (refer to Draft EIR page 3.3-55).

Accordingly, the analysis and conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O5-43

The analysis supporting this document is consistent with CEQA requirements and incorporates the avoidance, minimization, and mitigation sequencing that aligns with BCDC's policy framework. As

[29] Rivas, Jessica. 2026. Senior Marine Engineer, COWI. Personal communication via email regarding helical piles with Leo Mena, Senior Environmental Planner, Rincon Consultants. June 24, 2026.

described throughout Section 3.3, *Biological Resources*, of the Draft EIR, the project will be required to obtain a permit from BCDC. No further response is required.

Response to Comment O5-44

Regarding the comments about siting and unnecessary fill, as discussed in Section 5.9, *Alternatives Considered but Rejected*, of the Draft EIR, the City considered different off-site alternatives, but ultimately rejected them. Refer to Section 2.2.2, *Topical Response: Alternatives*, for more information on this topic. Under existing conditions, fill has already been placed at the project site for the existing pier. The City has chosen a site where the majority of the fill being placed would be in-kind replacement of fill already in the Bay. In fact, there is likely an environmental benefit from this in-kind replacement, given that the project would replace wood piles, which were likely treated with creosote (refer to page 3.7-28 of the Draft EIR). Additionally, the City considered two alternatives to the proposed project, Alternatives 2 and 3, that would reduce fill. These alternatives will be considered by City decision makers when they decide whether to certify the Final EIR and approve the project.

Regarding the comment about excessive dredging, the amount of dredging that would occur for the project site would be the minimal necessary to maintain safe operations. The City's Design Team has prepared a Coastal Study to determine the minimum necessary dredging and fill for the project.[30]

The analysis and significance conclusion in the Draft EIR remains valid as written. Specifically, the City's mitigation measure for impacts related to fill (Mitigation Measure BIO-3 in Section 3.3, *Biological Resources*), as well as the design of the project including, dredging, remain valid as written. No further revisions to the EIR are necessary.

Response to Comment O5-45

As discussed in Draft EIR Section 3.3.4 under Impact BIO-1, pages 3.3-52 through 3.3-54, vessel strikes are a known source of mortality for whales, and the project's incremental contribution to this risk in the context of the existing Central Bay transit corridor use, which includes substantial commercial, recreational, and ferry vessel operational levels, was determined to be less than significant. Refer to Response to Comment O7-13 for additional discussion of whale strikes. In addition, refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, and Section 2.2.28, *Topical Response: Whale Strike*. No Draft EIR changes are necessary in response to this comment.

Response to Comment O5-46

Cumulative impacts to whales and other aquatic species with potential to be present in San Francisco Bay are discussed in Draft EIR Section 3.3.5, pages 3.3-67 through 3.3-69, and were determined to be less than significant. Refer to Responses to Comments O5-45 and O7-13 for additional discussion of whale strikes. In addition, refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, and Section 2.2.28, *Topical Response: Whale Strike.* No Draft EIR changes are necessary in response to this comment.

Response to Comment O5-47

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy*, the City has concluded that the Draft EIR is sufficient from a CEQA perspective. Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* for more discussion concerning land use planning and consistency with BCDC policy. Please note that Section 3.3, *Biological Resources*, of the Draft EIR, explains that any fill associated with the project would be subject to the *Long Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region* referenced in this comment. Also refer to Response to Comments O5-6 through O5-46 for responses to specific comments raised in the comment letter. No further response is required.

[30] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study. Prepared for City of Berkeley. December.

Response to Comment O5-48

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O5-49

Inasmuch as the individual comments contain reference to these materials and pose comments on the Draft EIR's analysis, responses to these attachments are included within the specific responses to the comment letter. No further response is required.

..... O6

From: Laura Walsh <lwalsh@savesfbay.org>
Sent: Tuesday, April 28, 2026 4:46 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Allison Chan <allison@savesfbay.org>
Subject: Save the Bay Comments on DEIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Ms. McNulty,

Please see attached Save the Bay's comments on the DEIR for the Berkely Pier with Ferry Access Project. Happy to discuss anytime. O6-1

Thank you,
Laura W.

Laura Walsh
POLICY MANAGER
Lwalsh@savesfbay.org | 510-463-6869 | www.saveSFbay.org
Pronouns: she, her

SAVE THE BAY

Protect and Restore San Francisco Bay
For People and Wildlife

SAVE THE BAY

April 28, 2026

Liza McNulty
City of Berkeley Parks, Recreation, & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, California 94704

RE: Comments on the Draft Environmental Impact Report (EIR) for the Berkeley Water Transportation Pier Ferry Project

Dear Ms. McNulty:

Save The Bay appreciates the opportunity to submit comments regarding the Draft Environmental Impact Report (EIR) for the Berkeley Water Transportation Pier Ferry Project. Save The Bay protects and restores San Francisco Bay for people and wildlife, as we have for 65 years. To comply with state laws and regulations, this environmental review process must include a comprehensive analysis of the project impacts and assess a reasonable range of alternatives to inform the public and agency decision-making.

O6-1

O6-2

The DEIR fails to analyze a project alternative that would place the ferry terminal within the existing marina basin that is already served by a dredged channel, which would not require dredging approximately 400,000 cubic yards of material for a federal navigation channel and a new turning basin. The DEIR includes insufficient justification for excluding analysis of that marina alternative, so its designation of Alternative 4 as the environmentally superior option cannot reasonably be supported. The final EIR should compare the impacts of dredging a new channel with any dredging required to deepen or maintain the existing channel to the marina basin.

O6-3

Additionally, in its treatment of potential San Francisco Bay Trail extensions and upgrades to be included in the final project, the Draft EIR prioritizes avoidance of temporary construction impacts over the long-term environmental benefits of integrated public transit and public access to the Bay. Completing the Bay Trail is a regional priority, and closing all gaps in the Bay Trail in this area would *increase* the environmental, transportation and recreational benefits of the project, facilitating more bike-to-ferry connections and more users of this section of the trail.

To summarize, The EIR should analyze a Marina Basin Alternative and fully evaluate Bay Trail improvements, as outlined below.

O6-4

The Need for a True Analysis of the Marina Basin Alternative

The Draft EIR incorrectly rejects analysis of a Marina Basin alternative with a brief mention of operational preferences rather than providing a thorough comparison of benefits and impacts.The

O6-5

EIR analysis should compare a Marina Basin alternative with project alternatives that are adjacent to the Berkeley Pier.

O6-5

A thorough analysis of the Marina Basin option and comparison with other alternatives studied should clearly and quantitatively state the difference in project impacts to habitat and species, as well as the recreational and access benefits of each project. A legally adequate CEQA analysis will support the statutory mandates for the San Francisco Bay Conservation and Development Commission, Regional Water Quality Control Board, and other permitting agencies to determine whether the ferry project meets their requirements for minimizing Bay fill, complying with authorized uses of the shoreline, maximizing beneficial uses of the waters of the state, protecting endangered and threatened species and their habitat, providing maximum feasible public access, and other standards.

O6-6

The DEIR presents the benefits of new amenities that could be added within the scope of the preferred alternative, but fails to acknowledge that Bay swimmers, windsurfers and other recreational users of the waterfront would benefit from no-changes made to existing access. It also assumes that without the sword design pier option, a pier would no longer be needed in the area. Each project alternative analyzed should instead indicate clearly what public access components 1) remain undisrupted, 2) stand to benefit from the alternative, and 3) are not otherwise affected by the alternative.

O6-7

Evaluate the Long-Term Benefits of Bay Trail Improvements in Any Project Alternative

The EIR should include a more comprehensive study of public recreation and access impacts, including acknowledgement that the DEIR's Alternative 4 would eliminate the Bay Trail extension, the public plaza and the cycle track. A Marina Alternative would not necessarily have the same impacts on existing public recreation and access. The Draft EIR's treatment of Alternative 4 also incorrectly assumes that it is environmentally superior in reducing temporary construction-related impacts but increasing long-term impacts to air quality, greenhouse gas emissions, and transportation.

O6-8

The EIR should present the same impact analysis for a Marina Alternative and other alternatives and should not exclude Bay Trail improvements simply because they would impose temporary construction impacts. The EIR should include analysis of how project alternatives would advance or set back the "Transit First" policies and the regional goals of Plan Bay Area 2050, which seeks to build complete street networks and modernize trail facilities to reduce regional Vehicle Miles Traveled and greenhouse gas emissions that contribute to climate change.

O6-9

Conclusion

The City of Berkeley should address deficiencies in the DEIR by including a comprehensive impact and alternatives analysis of a Marina Basin terminal option. The preferred alternative must minimize the dredging and fill of the San Francisco Bay while maximizing long-term

O6-10

public access, recreation and sustainable transit benefits through improvements to the Bay Trail. We thank you for the opportunity to comment on this important project. O6-10

Sincerely,



David Lewis
Executive Director
Save The Bay

Letter O6

Commenter: David Lewis, Executive Director, Save The Bay

Date: April 28, 2026

Response to Comment O6-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O6-2

The Draft EIR includes a comprehensive analysis of environmental impacts (refer to Chapter 3, *Environmental Impact Analysis*) and a reasonable range of alternatives (refer to Chapter 5, *Alternatives*). For a discussion about why the Draft EIR is adequate, refer to Section 2.2.5, *Topical Response: CEQA Adequacy*. For a discussion of the assumptions used to formulate the alternatives evaluated in the Draft EIR and alternatives that the City has dismissed, refer to Section 2.2.2, *Topical Response: Alternatives*.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O6-3

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation. The analysis and conclusions presented in Chapter 5, *Alternatives*, of the Draft EIR remain valid as written, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O6-4

The City acknowledges the importance of the San Francisco Bay Trail as a regional recreational and transportation resource and agrees that enhancing public access and non-motorized connections is a key benefit. With respect to the comment's suggestion that additional Bay Trail extensions or upgrades should be included as part of the project, CEQA requires an EIR to evaluate the environmental impacts of the proposed project as defined by the lead agency and a reasonable range of alternatives (CEQA Guidelines Section 15126.6). The Draft EIR includes Bay Trail improvements that are within the project's defined scope. Expanding the project to include additional Bay Trail segments is beyond the currently defined scope and would constitute a different or expanded project. To the extent that additional Bay Trail segments could be constructed in the future through separate projects, those improvements would be subject to their own environmental review and permitting processes. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion about why the In-Marina Ferry Terminal Alternative was rejected from further evaluation by the City.

Response to Comment O6-5

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The analysis and conclusions presented in Chapter 5, *Alternatives*, of the Draft EIR remain valid as written, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O6-6

This comment reiterates regulatory agency permitting requirements and does not speak to the adequacy, significance conclusions, or mitigation in the Draft EIR. The Draft EIR acknowledges that the proposed project is subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC), the San Francisco Bay Regional Water Quality Control Board (RWQCB), and other responsible and permitting agencies. As described in Draft EIR Chapter 2, *Project Description*, and throughout the relevant sections of Chapter 3, *Environmental Impact Analysis*, the City of Berkeley will obtain all necessary permits and approvals from such agencies prior to commencement of construction activities.

Compliance with agency-specific requirements will be confirmed through the separate respective permitting processes. Such permits will include conditions that ensure the project meets applicable regulatory standards before project construction begins. No Draft EIR changes are necessary in response to this comment.

Response to Comment O6-7

The Draft EIR acknowledges that different users of the Berkeley Waterfront may have different preferences regarding existing conditions and future improvements. Consistent with CEQA, however, the Draft EIR evaluates the recreational features proposed as part of the project against the environmental baseline and analyzes the recreational effects of the proposed project and alternatives. As discussed in Draft EIR Section 5.5, Alternative 1: *No Project Alternative*, the No Project Alternative would not include the reconstructed pier, ferry-related public access improvements, public plaza, Bay Trail Extension, cycle track, or other recreational amenities included in the proposed project (refer to Draft EIR pages 5-3 through 5-9).

The purpose of the alternatives analysis is to evaluate the environmental consequences and objective attainment of reasonable alternatives, not to determine individual recreational preferences. The recreational consequences within the CEQA context of each alternative are described in Draft EIR Chapter 5, *Alternatives*, and the recreational benefits associated with the proposed project are evaluated in Draft EIR Section 3.11, *Recreation*, which acknowledges existing recreational uses and determines that the proposed project would result in a net increase in recreational opportunities (refer to Impact REC-1). Individual user or organizational preferences and concerns are matters for decision-makers to consider when determine whether or not to approve the project.

Insofar the comment refers to existing water access at the project site at 199 Seawall Drive, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which notes that access to this site would be maintained under the proposed project.

The analysis and conclusions presented in Chapter 3, *Environmental Impact Analysis*, and Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O6-8

Draft EIR Section 5.8, *Alternative 4: Reduced Landside Facilities Alternative* (pages 5-19 through 5-24), expressly identifies the landside improvements that would be eliminated under Alternative 4, including the Bay Trail Extension, public plaza, cycle track, bus facilities, improvements to University Avenue and Seawall Drive, and associated parking lot enhancements. The Draft EIR further acknowledges that Alternative 4 would provide fewer public access and recreational benefits than the proposed project and would not meet the project objective of enhancing public access and recreational opportunities at the Berkeley Waterfront to the same extent as the proposed project.

Section 5.10, *Environmentally Superior Alternative*, of the Draft EIR also evaluates environmental impacts associated with Alternative 4 across all resource areas analyzed in Chapter 5, including air quality, greenhouse gas emissions, transportation, recreation, and land use (refer to Draft EIR pages 5-28 through

5-31). As described in Table 5-2, *Comparison of Alternatives*, the Draft EIR compares the relative effects of Alternative 4 against the proposed project and the other alternatives, including resource areas where the reduced landside improvements would result in reduced environmental benefits relative to the proposed project (refer to Draft EIR pages 5-29 and 5-30). The determination of the environmentally superior alternative presented in Draft EIR Section 5.10 is based on a comparative evaluation of the alternatives as a whole and not solely on temporary construction-related impacts.

The comment's views regarding the relative merits of Alternative 4 compared to the proposed project are acknowledged. The Draft EIR discloses the tradeoffs associated with Alternative 4, including both reduced environmental impacts and reduced public access, recreation, bicycle, pedestrian, and transportation improvements, thereby providing decision-makers with information necessary to evaluate the alternatives. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O6-9

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation. As discussed throughout the Draft EIR, one of the project's basic objectives is to provide efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco. The Draft EIR evaluates the project's transportation and greenhouse gas impacts in Section 3.6, *Greenhouse Gas Emissions and Energy*, and Section 3.12, *Transportation*, and compares the ability of each alternative to attain project objectives in Chapter 5, *Alternatives* (refer to Sections 5.5 through 5.10). These same impacts are analyzed for Alternatives 1 to 4 in Chapter 5, *Alternatives* of the Draft EIR. The City further notes that the In-Marina Ferry Terminal Alternative was not rejected because of temporary construction impacts associated with Bay Trail improvements. Rather, it was rejected because it would not meet most of the project objectives, would be infeasible (operational and navigational), would not reduce environmental impacts, and would increase environmental impacts on recreation.

The analysis and conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O6-10

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation. Chapter 5, *Alternatives*, of the Draft EIR evaluates the environmental tradeoffs associated with the proposed project and reasonable alternatives, including differences in public access, recreation, transportation, and environmental effects. The City's conclusions regarding the alternatives analysis are supported by the information presented in the Draft EIR.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

O7

From: CCCR <cccrrefuge@gmail.com>
Sent: Tuesday, April 28, 2026 4:39 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Citizens Committee to Complete the Refuge comments regarding the Berkeley Water Transportation Pier Ferry Project DEIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

Please find attached a comment letter submitted on behalf of the Citizens Committee to Complete the Refuge (CCCR) regarding the Berkeley Water Transportation Pier Ferry Project DEIR.
We would appreciate acknowledgement of receipt of our comment letter. We also request that we be kept informed of future opportunities to review and provide comments on this project.

O7-1

Respectfully submitted,
Carin High
CCCR

Citizens Committee to Complete the Refuge

P.O. Box 23957, San Jose CA 95137 Email: cccrrefuge@gmail.com www.bayrefuge.org

Sent via electronic mail only

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov

April 28, 2026

Re: Berkeley Waterfront Transportation Pier Ferry Project DEIR, State Clearing house #2025040995

Dear Ms. McNulty,

These comments are submitted on behalf of the Citizens Committee to Complete the Refuge regarding the *Draft Environmental Impact Report (DEIR) for the proposed Berkeley Waterfront Transportation Pier Ferry Project*. Our comments are focused on the impacts and proposed mitigation measures for biological resources. We support and incorporate by reference the comments submitted by the Sierra Club, Golden Gate Bird Alliance, and comments submitted by Erin Diehm regarding potential impacts to marine mammals, birds and fish. O7-1

The City of Berkeley's proposed project includes the following elements: O7-2

- Construction of a new pier 1,080-feet in length and 22-feet wide
- A 400-foot breakwater that is 15-feet in width
- Ferry boarding infrastructure that includes two 120-feet long and 10-feet wide gangways that would allow passengers to board via two boarding floats that are 135-feet long and 42-feet wide
- Development of a new public plaza at the pier entrance
- New pedestrian amenities
- Upgraded transit facilities
- Renovation of existing parking areas with permeable pavement and solar canopies
- Installation of new utility connections
- Shoreline repair consisting of approximately 300-feet length of rock rip rap slope protection
- Approximately 400,000 cy of initial dredging to support ferry operations
- Removal of existing piles and installation of new piles as described in Table 2-1

Table 2-1 Summary of Proposed Piles[20]

Location	Pile Type	Number of Piles
Landside/Shoreline Retaining Wall	24-inch Steel Pipe Pile	46
UCF Guide and Donut Piles	36-inch Steel Pipe Pile	18
Pier, Landing Platform, and Breakwater	24-inch Octagonal Prestressed Concrete Pile	227
Breakwater	48-inch x 14-inch Concrete Sheet Pile	125

O7-2

- Weekday/weekend/special event ferry service from Berkeley to San Francisco/Mission Bay and weekend/special event ferry service from Berkeley to Larkspur.

Based upon our review of the information provided in the DEIR and the 2003 Final Program Environmental Impact Report, Expansion of Ferry Transit Service in the San Francisco Bay Area prepared for the Water Transit Authority (2003 WTA EIR), we have the following substantive concerns:

- The DEIR places heavy reliance on the 2003 WTA EIR and fails to acknowledge and analyze the substantial change in circumstances for a number of special status species that occur within San Francisco Bay that could be adversely impacted by the proposed ferry routes. The environmental impacts to these species must be identified, analyzed and mitigation measures must be proposed. O7-3
- The impacts of the weekend and special event route from Berkeley to Larkspur Landing were not analyzed in the 2003 WTA EIR, thus the 2003 WTA EIR cannot be relied upon for identification, analysis or mitigation measures, and must be reviewed under the current DEIR. O7-4
- The DEIR fails to identify the frequency of future maintenance dredging or the anticipated volume and areal extent of maintenance dredging. O7-5

These, and other significant concerns, must be addressed prior to certification of the Environmental Impact Report (EIR) for the proposed project. O7-6

Commentors:

CCCR, with a membership of 2,000, has an ongoing history of interest in wetlands protection, wetlands restoration and wetlands acquisition. Our senior members were part of a group of citizens who became alarmed at the degradation of the Bay and its wetlands. We joined together, and with the support of Congressman Don Edwards, requested that Congress establish the Nation's first national wildlife refuge in an urban setting. The process took seven long years and in 1972 legislation was passed to form the San Francisco Bay National Wildlife Refuge ("Refuge"). We turned to Mr. Edwards again, and in 1988 (the first year he submitted it), his legislation to double the size of the Refuge was signed into law. The Refuge now bears his name in honor of his efforts. O7-7

CCCR has taken an active interest in the protection of the habitats and species that occur within San Francisco Bay, and the local, regional, state and federal regulations and policies that protect the Bay.

Substantial Change in Circumstances Since the 2003 WTA EIR: O7-8

The DEIR fails to acknowledge that substantial changes have occurred for a number of sensitive/special-

status species occurring within San Francisco Bay that could be adversely impacted by the proposed ferry routes. The DEIR fails to adequately identify or analyze the direct, indirect and cumulative impacts of ferry traffic to marine mammals and sea ducks. The DEIR fails to analyze or propose mitigation measures to reduce the adverse impacts of ferry operations to sensitive/special-status species.

California Code of Regulations Title 14, § 15162 (a) requires that additional environmental review occurs if:

> "(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;" [emphasis added]

O7-8

Or:

> "(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
>
> (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
> (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;" [emphasis added]

Berkeley to Larkspur Ferry Route Not Analyzed in the 2003 WTA EIR:

The 2003 WTA EIR did not analyze a Berkeley to Larkspur ferry route. The direct, indirect, and cumulative impacts to biological resources that might occur from operation of a ferry along this route were not identified or analyzed and as such, mitigation measures were not proposed.

O7-9

Impacts to Gray Whales Inadequately Analyzed:

The 2003 WTA EIR includes Impact B-15 High-speed ferries could potentially strike gray whales in San Francisco Bay, and acknowledges the "increase in gray whale sightings in San Francisco Bay." The 2003 WTA EIR attributes this increase to the fact that the "gray whale population in the Pacific has returned to historic levels." The 2003 WTA EIR states:

> "…Since there have been no recorded whale strikes, whales are likely not migrating perpendicularly to ferry routes but are probably feeding at preferred locations and likely are actively avoiding ferry vessel routes…As alluded to above, no documented collisions between gray whales and any type of vessel have occurred in San Francisco Bay (Cordero 2001)." [emphasis added]

O7-10

A recent paper by Slaathaug et al[1] reports that the Eastern Northern Pacific population of gray whales has declined by 52% since 2016, and suggests that increased gray whale sightings within San Francisco

[1] Slaathaug JM, Lane RS, Keener W, Perez A, Flannery M, Webber MA, Grimes A, Wilkin AM, O'Hern JE, Duignan PJ, Calambokidis J and Crocker DE. 2026. "*Gray whales (Eschrichtius robustus) in San Francisco Bay experience high mortality and have limited affiliation to known foraging groups*." Front. Mar. Sci. 13:1775666. doi: 10.3389/fmars.2026.1775666

Bay may reflect a response to climate change and food availability, rather than an increase in population numbers – "…As food webs are impacted, some species have moved into areas of increased human activity, encountering anthropogenic hazards." Disturbingly, the authors report that for the period from 2018-2025, 30 of 70 whale carcasses necropsied displayed "blunt and/or sharp force trauma consistent with vessel strike" as a cause of death. This represents a significant change in circumstance from the conclusion provided in the 2003 WTA EIR.

The authors state:

> "This work confirms that gray whales entering SF Bay are highly susceptible to vessel strike mortality and highlights a crucial need to identify and implement adaptive management strategies to mitigate injuries and mortality as whales continue to utilize novel habitat."

O7-10

And conclude:

> "The prevalence of vessel strike mortality and additional evidence of sub-lethal vessel interactions emphasize the crucial need for research and management to prioritize understanding and mitigating vessel interactions in SF Bay. Adaptive management strategies such as dynamic or presence-induced slow speed zones can be valuable in reducing vessel strike mortality (Allen and Garmestani, 2015; Holling et al., 1978; Laist et al., 2014; Reeves, 2022). Protecting this population along its migratory corridor as it contends with a changing environment will be critical for the species' ability to rebound from its current decline." [emphasis added]

The 2003 WTA EIR Mitigation B-14.1, mentions the National Marine Fisheries Service (NMFS) minimum distance guidance of 100 yards for whales, and notes that the guidance does not consider potential boat speeds. The mitigation measure does not explicitly require that the minimum distance for whales be adhered to.

O7-11

Mitigation B-15.1 from the 2003 WTA EIR requires that:

> "Ferry operators shall be aware of the potential for whales entering the Bay and should know how to spot whales at the surface. The USCG reports whale sightings and distance to vessels when they receive a report of a whale sighting. Ferry captains shall be made aware of these reports and exercise diligence when a whale sighting has been reported. The ferry system shall implement a program of informing ferry operators of whale sightings and locations. For example, if one captain sights a whale, it should be reported through a network to all other captains. Operators should be informed or reminded during seasonal periods of heightened whale activities or presence. If whale sightings continue to increase in the Bay, having dedicated lookouts on board or other detection equipment could be warranted, especially during certain times of the year. Devices (such as sound-generating equipment) used to scare whales from the area may be considered intentional harassment by NMFS and would not likely be allowed."

O7-12

And Mitigation B-15.2 requires that "Ferries shall be equipped with a whale detection system such as forward-looking sonar. Such a system is currently under development and being tested on a NOAA vessel in Cape Cod Bay."

Neither of Mitigations B-15.1 or B-15.2 describe protective requirements beyond whale detection, e.g. a required decrease in speed, distance set-back, area avoidance, etc.

Due to the declining Eastern Northern Pacific gray whale population, the increasing frequency with which gray whales are entering and transiting the Bay, and in light of the significant increase in whale ship strike mortality, we urge that additional mitigation measures be analyzed and implemented such as "dynamic or presence-induced slow speed zones," to ensure the impacts of ferry operation (described in this DEIR) is reduced to a level that is less than significant. O7-12

The Berkeley Water Transportation Pier Ferry Project Administrative Record (https://berkeleypierferryproject.com/) includes a Memorandum dated February 18, 2026 from Tom Hall, Director of Operations and Tim Hanners, Director of Project Delivery & Engineering San Francisco Bay Ferry (WETA), to Liza McNulty, Capital Improvement Program Manager, City of Berkeley, "*Marine Mammal Protection & Whale Avoidance*." If the Operational Measures at #3 are proposed to be incorporated as mitigation measures, they should have been included as such within the body of the DEIR for public review and comment:

> "The following operational measures shall be observed by all vessel operators: mandatory second bridge watch at speeds exceeding 30 knots; mandatory second bridge watch when exceeding 10 knots anywhere in the Bay whales are known to be present via visual observation or regional information sharing; logging of all watch assignments and avoidance actions; speed reduction to 10 knots if an observed whale cannot be given a buffer of at least half of a nautical mile; real-time communication of observations with Vessel Traffic Service (VTS) and the Marine Mammal Center (MMC); avoidance of natural haul-out sites with 100–250 meter buffers; and crew training on whale detection and response procedures." [emphasis added]

O7-13

Can a ferry traveling at speeds exceeding 30 knots effectively avoid a whale strike? This is an important question, especially since gray whales like to cruise low in the water, only briefly coming to the surface.[2]

The DEIR must identify, analyze and propose mitigation measures for significant direct, indirect and cumulative impacts to gray whales resulting from ferry operation, not just impacts associated with the construction of the proposed ferry terminal.

Impacts to Harbor Porpoises and Bottlenose Dolphins Inadequately Analyzed:

The 2003 WTA EIR only mentions the harbor porpoise once stating, "Other marine mammal species that have been seen occasionally in the Bay include the humpback whale (*Megaptera noveangliae*), harbor porpoise (*Phocoena phocoena*), northern elephant seal (*Mirounga angustirostris*), Steller sea lion (*Eumetopius jubatus*), northern fur seal (*Callorhinus ursinus*), and less frequently, the southern sea otter (*Enhydra lutris*)." [emphasis added] The bottlenose dolphin isn't mentioned at all. The word "dolphin" is mentioned under Mitigation B-14.1 that describes the NMFS Guidance regarding minimum avoidance distances: O7-14

[2] SF Gate. 3.31.2026. "*Windsurfer collides into whale in SF Bay as multiple wash up dead.*" https://www.sfgate.com/bayarea/article/gray-whale-death-22162140.php Accessed 4.2.2026. O7-13

NMFS Guidelines

Animal or Sensitive Site	Minimum Distance
Whales	91 meters (100 yards)
Pinnipeds (seals and sea lions)	46 meters (50 yards) in water 91 meters (100 yards) from haul-out sites
Dolphins	46 meters (50 yards)

The DEIR notes that "There are several occurrences [of harbor porpoise] recorded in the entrances of San Francisco Bay," and that "There is a moderate potential for individuals to migrate, forage, and transit within the project site." The only impacts identified, analyzed and for which mitigation measures are proposed, are construction related. No impacts or mitigation measures are proposed from ferry operation and as noted above, none were identified or proposed in the 2003 WTA EIR.

Keener and Clinton, 2019[3] note, "Porpoises are now seen regularly at locations much farther inside the Bay, such as Raccoon Strait, and near, Angel, Alcatraz, and Treasure Island. Passengers on the commuter ferries have seen them as far south as the San Francisco-Oakland Bay Bridge." And Stern et al confirm that their study[4] "…demonstrated that harbor porpoises now use SF Bay habitat on a daily basis across all months of the year."

The DEIR cannot rely on the 2003 WTA EIR for the identification and analysis of impacts to the harbor porpoise resulting from ferry operations. In addition, the DEIR must propose mitigation measures to reduce the impacts of ferry operations to the harbor porpoise to a level that is less than significant. The DEIR should include in its analysis of impacts, electric ferry noise impacts that may adversely affect foraging efficacy of the harbor porpoise. Smith et al[5] report: O7-14

> "The second component to consider is the potential for electric motors and power electronics to create significant levels of high-frequency tonal noise. These tones arise from the pulse width modulation (PWM) used to control the motor, and this was the source of the high-frequency tonal noise in the study of Gaggero *et al.* (2024). This high frequency tonal noise produced by electric outboards may therefore be of concern for high-frequency hearing specialists, such as harbour porpoises *(Phocoena phocoena),* which have best hearing in the range of approximately 10 to 140kHz (Kastelein *et al.,* 2017), and have been documented to elicit strong behavioral responses (Dyndo *et al.,* 2015; Wisniewska *et al.,* 2018) and be at an increased risk of auditory masking (Beedholm *et al.,* 2025) during exposure to the high-frequency signals produced by a vessel." [emphasis added]

Similarly, Gaggero et al[6] make the following observation for bottlenose dolphin:

> "This seems to suggest that the EB [electric boat] use does not provide any benefit from the

[3] Keener, William and Larry Clinton. 2019. "*Harbor Porpoise Comeback*." https://www.sausalitohistoricalsociety.com/2019-columns/2019/12/25/harbor-porpoise-comeback. Accessed 4/25/2026.
[4] Stern, S. Jonathan, William Keener, Isidore D. Szczepaniak, and Marc A. Webber. 2017. "*Return of Harbor Porpoises (Phocoena Phocoena) to San Francisco Bay.*" Aquatic Mammals 2017, 43(6) 691-702, DOI 10.1578/AM.43.6.2017.691
[5] Smith, Tom A., Charlotte R. Findlay, Andrea Grech La Rosa, and Peng Wu. 2026. "*A comparative study of underwater radiated noise from electric and conventional boats.*" Journal of Acoust. Soc. Am. 159 (3): 2388-2397
[6] Gaggero, Tomaso, Enrico Armelloni, Antonio Codarin, Carola Chicco, Maurizio Spoto, Carlo Franzosini, Saul Ciriaco, Marta Picciulin. 2024. "*Electric boat underwater radiated noise and its potential impact on species of conservation interest.*" Marine Pollution Bulletin 199 (2024) 115937 pp. 1-10

> underwater noise pollution point of view, in comparison with the more common CEBs [combustion engine boats]. However, EB, when it is in use, generates evident tonal components .. aching a level of 130 dB re 1µPa, one of which overlaps with the best hearing frequency of the bottlenose dolphin (40 kHz). These tonal sounds have frequencies similar to those used by odontocetes for echolocation-based foraging and navigation, although bottlenose dolphin communication exploits a wider variety of frequency range, from the low to the high frequencies (Boisseau, 2005). [emphasis added]
>
> … This paper therefore demonstrates that the common sense for which electric boats are more silent (as it is perceived by humans' sensitivity to noise) may be proved wrong for some species of marine mammals. This claims for further studies to better evaluate if the EB noise represents a stressor for the marine species that have high frequency specialised hearing, such as the bottlenose dolphin." [emphasis added]

O7-14

While the findings of both of these studies were based on smaller vessels, the impacts of electric ferries on harbor porpoises and dolphins requires further analysis to determine whether there are significant impacts to the use of echolocation by these species for foraging and for communication, and whether these impacts can be mitigated.

Impacts to Waterbirds Inadequately Analyzed:

The potential for adverse impacts to waterbirds on the Bay from Project ferries must be analyzed in the DEIR. Impact B-11 of the 2003 WTA EIR states, "Ferry traffic could disturb roosting, rafting, and foraging waterfowl in the Bay," and acknowledges that waterfowl are "sensitive to the noise level, speed, size, and visual effects of traveling vessels, and generally react to this disturbance by flushing (taking flight away from the area of disturbance)." The EIR also acknowledged that:

O7-15

> "The projected ferry routes for the Proposed Project would bisect shallow areas of the Bay that are used as foraging and roosting areas for diving birds, particularly surf scoter, canvasback, lesser and greater scaup, and ruddy duck," and that "An increase in the frequency of flushing of waterfowl flocks would be considered potentially significant."

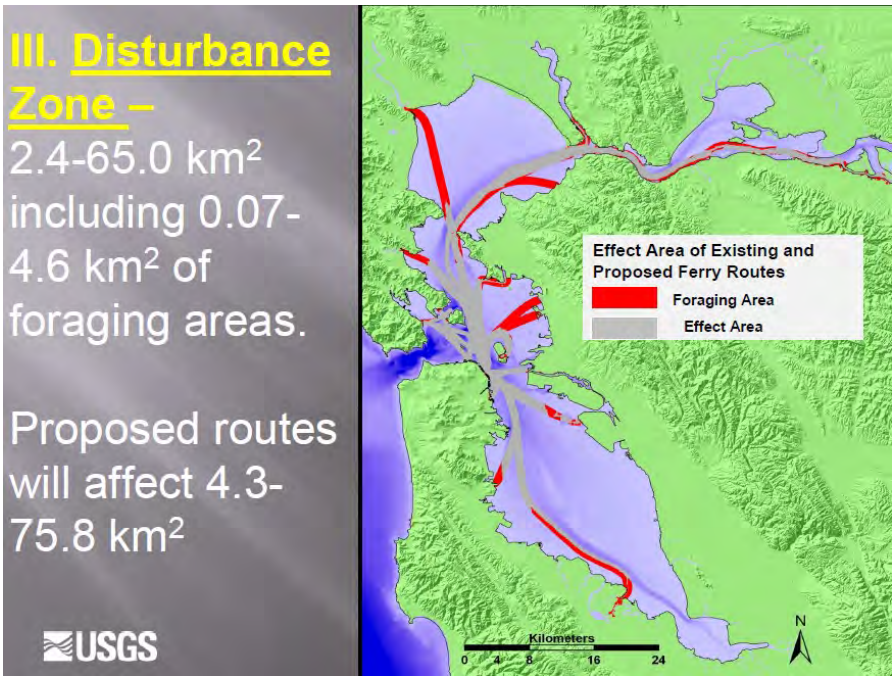
Mitigation B-11.1 states, "Ferry routes shall be consolidated within common corridors, travel down deeper channel areas as much as possible, and choose the shortest routes across shallow areas to leave as much undisturbed shallow open-water habitat as possible."

However, Mitigation B-11.2 defers development of additional specific mitigation measures to an undisclosed later date, without providing any minimum standards, "Response of waterfowl to new ferry routes in shallow North and South Bay roosting, rafting, and foraging habitat shall be evaluated. Evaluation could include observations of ferry operations and waterfowl responses by an authority such as the Point Reyes Bird Observatory (PRBO)." [emphasis added] Yet incomprehensibly concludes, "Impact After Mitigation: This impact would be considered less than significant after implementation of Mitigations B-11.1 and B-11.2." The current DEIR cannot rely upon the 2003 WTA EIR to address the impacts of ferry operations on waterbirds.

O7-16

The effects of ferry traffic on waterbirds present on bay waters was studied by U.S.G.S. biologists who

presented their findings at the 2008 South Bay Salt Pond Restoration Project South Bay Science Symposium[7]. A slide from their presentation is provided below:



Presentation slide from Takekawa et al. 2008. Effects of Ferry Traffic on Migratory Waterbirds in the San Francisco Bay. South Bay Salt Pond restoration Project South Bay Science Symposium 2008: Research and Restoration of the South Bay, 25 Sept. 2008.

The 2025 San Francisco Bay State of the Birds Report[8] indicates significant population decreases for the period of 1989-2024, in the North and Central Bay open water represented predominately by Lesser and Greater Scaup and by Scoters. Scaup had a bay-wide annual decline of -2.6%, while Scoter had a bay-wide annual decline of -7.5%. According to the report these trends "mirror larger declines in the Pacific Flyway and continentally." Audubon California reports[9], "*Forty to fifty percent of the Pacific Flyway's Surf Scoter population is believed to overwinter in San Francisco Bay…Over the past 50 years, however, their populations have declined across their range by 50-60%.*" O7-16

Larsen and Laubek[10] studied the effects of high-speed ferries on wintering sea ducks in the Kattegat Sea, Denmark. Their study identified the following impacts of high-speed ferries to sea ducks (Common Eiders and Common Scoters):

> "The impacts of high-speed ferries on sea ducks may be divided into three main categories: i) changes in habitat, ii) disturbance and iii) collision risk. Changes in habitat by high-speed ferries may occur where the ferries pass through shallow waters, through the physical effect of the underwater waves generated by the combined effect of the hull and the water jet, on the

[7] Takekawa et al. 2008. Effects of Ferry Traffic on Migratory Waterbirds in the San Francisco Bay. South Bay Salt Pond restoration Project South Bay Science Symposium 2008: Research and Restoration of the South Bay, 25 Sept. 2008. Abstracts of oral and poster presentations. https://www.southbayrestoration.org/science/2008symposium/2008Symposiumpresentations/presentations/Takekawa%20et%20al_Effects%20of%20Ferry%20Traffic%20on%20Migratory%20Waterbirds%20in%20the%20San%20Francisco%20Bay%20.pdf

[8] San Francisco Bay State of the Birds Technical Report. 2025. https://sfbaystateofthebirds.org/wp-content/uploads/2026/01/FINAL_SF-Bay-State-of-the-Birds-Technical-Report_011626.pdf

[9] Audubon California. N.d.) Birds: Surf Scoter. https://ca.audubon.org/birds-0/surf-scoter

[10] Larsen, J.K. and Laubek, B. (2005). Disturbance effects of high-speed ferries on wintering sea ducks. Wildfowl. 55. 99-116. https://wildfowl.wwt.org.uk/index.php/wildfowl/article/view/1176/1176

bottom substrate (Dahl & Kofoed-Hansen 2003). Changes in substrate composition may in turn affect the benthic fauna on which sea ducks depend. Sailing, like many other human activities, is a source of disturbance to birds. A boat passing through a sea-duck site will cause a temporary displacement of birds and a change in activity pattern within a corridor along the route travelled. Depending on the frequency of disturbance and the ability of birds to compensate for the resultant loss of feeding time, and the concomitant increase in energy expenditure, this may lead to a loss of feeding habitat. Finally, high-speed ferries may pose a collision risk to sea ducks. The speed at which a high-speed ferry travels leaves limited reaction time for sea ducks located in the ferry's immediate path, which might be especially critical during feeding bouts, when sea ducks spend much time underwater, or when visibility is reduced. Birds may collide with the ferry or, when attempting to escape by diving, become caught in the underwater turbulence." [emphasis added]

O7-16

These studies raise significant concerns regarding the potential negative impacts of the proposed ferry service transiting the San Francisco Bay – questions that must be answered through the environmental review:

- What are the potential long-term direct, indirect, and cumulative impacts to diving duck and other waterbirds (i.e., Double-crested Cormorant) populations, and their use of foraging areas from disturbance caused by 28 daily trips of high-speed ferries between San Francisco Bay and Berkeley during the week and 14 daily trips on the weekend, and 12 daily trips of high-speed ferries between Berkeley and Larkspur on the weekends, plus an unspecified number of special event trips for each of the two routes? O7-17
- Could the repeated flushing response to ferry disturbance result in decreased body condition of diving ducks due to disruption of critical feeding and roosting behaviors. Repeated flushing in response to disturbance requires an expenditure of energy that may have negative impacts on energy stores for migration or reproduction (i.e., will the birds have sufficient energy store to reach their breeding ground and once there, will they have sufficient energy to successfully reproduce?). Scoters have a low reproductive rate so any negative impacts on breeding success will have negative repercussions at the population level. O7-18
- Could the substrate disturbance of the high-speed ferry in adjacent shallower waters have negative impacts on benthic invertebrates – i.e. diving duck food supply? O7-19

Dredging:

- The DEIR fails to provide the location of the ferry turning basin on any of the project figures. Please provide this information along with an estimate of the areal extent of the turning basin. O7-20
- The DEIR does not mention maintenance dredging. Does the City have an estimate of the volume of material that will need to be dredged and the frequency with which maintenance dredging will be needed? O7-21
- There has been an exponential increase in the estimated volume of material that will need to be dredged between the 2003 WTA EIR (13,260 cy), the 2008 Draft EIS/EIR Berkeley/Albany Ferry Terminal Study (150,000 cy) and the current DEIR (400,000 cy). This is yet another example of the change in circumstances that has occurred since the 2003 WTA EIR. O7-22

Consideration of the Use of Helical Piles:

- The proposed project would install approximately 416 concrete or steel piles of various width and shape. The installation would require impact pile driving, resulting in potential significant adverse impacts to wildlife. For aquatic species there are numerous mitigation measures proposed that may or may not reduce the adverse impacts to a level that is less than significant, including soft-start and ramp-up procedures, utilization of a sound/bubble curtain, etc. to address noise and vibratory impacts. In addition, there are turbidity concerns that could result in reduced visibility, impaired foraging ability, and clogged gills in fish. We urge the City to analyze the use of helical piles to assess whether the reduction in construction time, reduction in noise, vibration and turbidity offset the higher initial costs. O7-23

Incomplete List of Species Within the Project Vicinity:

- The DEIR dismissed the occurrence of the state fully protected White-tailed Kite within the project vicinity despite the fact that there are numerous reports of the species occurring at Shorebird Park as recently as March 2026 on iNaturalist, YouTube videos of a White-tailed Kite nest with adults feeding nestlings at Cesar Chavez Park in May 2020, and an eBird observation of an individual carrying nesting material within the project boundary in April 2026. White-tailed Kite should be added to the list of species with a high likelihood of occurring within the project vicinity. O7-24
- Similarly, the DEIR does not include the federally listed threatened California Least Tern, reported on eBird at Berkeley Marina-bayside in May of 2023. O7-25
- There are numerous reports of Brown Pelican from Berkeley Marina-bayside from April 26, 2026 and other adjacent locations, including April 13, 2026 at Shorebird Park, and February 2026 at the Berkeley Pier. O7-26
- The longfin smelt is listed as having a high potential to occur within the project site. The EIR should give special consideration of mitigation measures necessary to adequately protect this species, as well as green sturgeon, white sturgeon, and winter-run Chinook salmon given the significant declines in the population numbers for all of these species. O7-27

Specifications of Electric Ferries to be Used Should be Provided:

- Information regarding the speed at which the electric ferries can travel should be provided in EIR. O7-28
- Analysis of the potential impacts of speed/different acoustic signatures on marine mammals and rafting sea ducks should be provided, to assess whether additional mitigation measures should be proposed to ensure the adverse impacts of electric ferry operations are less than significant for these suites of species. O7-29

Observation of the Conversion from Diesel Engines to Electric Ferries in the state of Washington:

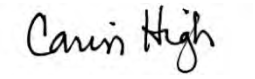
- Several news articles have circulated regarding the delay in converting from diesel to electric engines due to rising costs. We recognize the Washington State ferries are much larger as they transport cars and large vehicles. Is it certain that the ferry service proposed for the Berkeley Ferry Terminal will in fact be based on electric ferries? If not, additional analysis must be conducted to identify impacts of diesel engines on air quality, biological resources, water quality, hazardous materials, and energy consumption. O7-30

Conclusion:

Based upon our review of the information provided in the 2003 WTA EIR and the change in circumstances for biological resources of the Bay, it is evident that the analysis of impacts of ferry operations on biological resources of the Bay, and the mitigation measures that were (or were not) proposed to ensure those impacts were reduced to a level that is less than significant, are clearly inadequate. We urge that this be rectified and that the public is provided the opportunity to review and provide comments on any changes made before the Final EIR is released and certified. O7-31

Thank you for the opportunity to provide comments. We request that we be notified of any future opportunities for review and comment on this project. O7-32

Respectfully submitted,



Carin High, CCCR Co-Chair

Letter O7

Commenter: Carin High, Co-Chair, Citizens Committee to Complete the Refuge

Date: April 28, 2026

Response to Comment O7-1 and O7-2

These comments do not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O7-3

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Refer to Response to Comments O7-24 to O7-27 for responses to specific species raised in the comment letter.

Response to Comment O7-4

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

Regarding the Berkeley to Larkspur route, although WETA's Berkeley Ferry Service Business Plan, Version 1.0 does identify weekend service to Larkspur, additional project planning would be needed to provide this service. Specifically, while the range of proposed electric ferry vessels allow for service to San Francisco, the range may not yet allow for service to Larkspur. In addition, additional infrastructure would be necessary to dock electrical ferry vessels in Larkspur. For these reasons, the City has removed the Berkeley to Larkspur service from the Project Description of the EIR. For these reasons, the Berkeley to Larkspur route is not reasonably foreseeable, and would be subject to additional environmental review if and when it were to be proposed for implementation.

Specifically, Draft EIR Section 2.7.1, Operational Scenario and Ridership (page 2-30), has been revised as follows.

> A conceptual plan for ferry service has been provided in the 2022 San Francisco Bay Area Water Emergency Transportation Authority (WETA) Berkeley Ferry Service Business Plan, Version 1.0.[24]This is a living document and updates to the Business Plan and contemplated ferry service will be ~~captured~~ described in future updates. The following ferry operation is proposed in the current Berkeley Ferry Service Business Plan, Version 1.0:
>
> 1. WETA would operate two 250-passenger electric zero-emission vessels on the weekday route between Berkeley and San Francisco.
> 2. Weekend service would operate ~~a single 250-passenger vessel to Larkspur and~~ a single 250-passenger vessel to San Francisco.
> 3. At least three round-trip services would be completed during peak hours for the Berkeley/San Francisco weekday service, pursuant to WETA Board-adopted standards.
> 4. The Berkeley-San Francisco service would travel 6.7 miles between the Berkeley Ferry Terminal and the San Francisco Ferry Terminal. The total one-way travel time would be 25 minutes, door-

to-door. Weekday peak-direction headways[25] would be approximately 35 minutes. Weekend headways would be 70 to 110 minutes, depending on the time of day.

5. ~~The Berkeley-Larkspur service would travel 11.8 miles between the terminal at the Berkeley Marina and the Larkspur Ferry Terminal. The one-way travel time would be 35 minutes, door-to-door. Weekend headways would be 90 to 150 minutes, depending on the time of day.~~
6. Special event service may operate between Berkeley and San Francisco or Mission Bay (e.g., for events at the Chase Center or Oracle Park or future events at the Berkeley Marina)~~, as well as between Larkspur and Berkeley~~.

[24.] WETA. 2022. WETA Berkeley Ferry Service Business Plan, Version 1.0. March 17, 2022. Available: https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240926061356/Item-8A-Berkeley-Ferry-Service-Business-Plan.pdf (accessed August 2024).

[25.] A headway refers to the time interval between successive ferry departures.

Draft EIR Table 2-4 (page 2-31) has also been revised to remove references to Larkspur as follows:

Table 2-4 Daily Ridership Projections (trips)

Destination	Weekday	Weekend Day	Special Events
Projected First Year of Service			
San Francisco	1,910	1,367	209
Mission Bay[1]	2,106	1,503	209
~~Larkspur[2]~~	~~–~~	~~515~~	~~104~~
Estimated Fifteenth Year of Service[1]			
San Francisco	2,110	1,510	230
Mission Bay[1]	2,320	1,660	230
~~Larkspur[2]~~	~~–~~	~~580~~	~~115~~

[1] Total trips (including stop at San Francisco Ferry Terminal) (i.e., ridership estimate is additive of Berkeley to San Francisco passengers)

~~[2] Weekend service only~~

[2.] Ridership projections were developed after the onset of the COVID-19 pandemic using pre-pandemic ridership assumptions and demand data that were adjusted to reflect pandemic-related changes in travel behavior, fare structures, and ferry service demand.

Source: WETA. 2022. WETA Berkeley Ferry Service Business Plan, Version 1.0. March 17

The removal of the Berkeley-Larkspur route reduces the scope of project operations analyzed in the Draft EIR and does not result in any new significant environmental impacts or a substantial increase in the severity of any previously identified impact. Rather, the revised project description reflects a more conservative operational scenario than that analyzed in the Draft EIR. Therefore, the Draft EIR's impact analyses, significance conclusions, and mitigation measures remain valid, and the clarification does not constitute significant new information pursuant to CEQA Guidelines Section 15088.5.

Response to Comment O7-5

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate* and Section 2.2.15, *Topical Response: Maintenance Dredging,* for discussion of post-construction sedimentation rates and maintenance dredging. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-6

Refer to Response to Comments O7-1 through O7-5 and O7-7 through O7-32 for responses to specific issues raised in the comment letter. As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective.

Response to Comment O7-7

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O7-8

The Draft EIR is based on a comprehensive literature and database review and on project-specific technical studies. Specifically, the Draft EIR biological resources analysis in Section 3.3.2, Environmental Setting, pages 3.3-3 through 3.3-24, relied on current agency databases and peer-reviewed literature (including State and federal species occurrence records, CNDDB/CDFW data, NOAA/USFWS records, eBird and other observational databases, and the 2003 WETA EIR), together with recent field surveys. That review informed the Draft EIR conclusions about species presence, habitat suitability, and the likely magnitude of project-level effects.

The Draft EIR evaluates impacts to marine mammals and special-status birds from project construction and operation in Section 3.3.4 under Impact BIO-1, pages 3.3-45 through 3.3-51, and Impact BIO-4, pages 3.3-63 through 3.3-62, and concludes that impacts would be less than significant or less than significant with implementation of mitigation (refer to Mitigation Measures BIO-1[a], BIO-1[c], BIO-1[d], BIO-1[e], and HYD-1). Cumulative impacts on biological resources are evaluated in Draft EIR Section 3.3.5, pages 3.3-67 through 3.3-69 and concluded to be less than significant. Refer to Response to Comment O4-8 for further discussion of operational impacts on marine mammals. Refer to Response to Comment O7-17 for discussion of and Draft EIR clarification text changes with regard to waterbirds. Refer to Section 2.2.11, *Topical Response: Ferry Operations,* for discussion of vessel interaction with aquatic species. Refer to Section 2.2.4, *Topical Response: Biological/Underwater Noise,* and Section 2.2.28, *Topical Response: Whale Strike,* for discussion of effects of vessel speed on aquatic species. Finally, there are no new circumstances or new, substantial information that affects the aforementioned significance conclusions in the Draft EIR or triggers the need for additional environmental planning review. The analysis and significance conclusions in the Draft EIR remain valid. No Draft EIR changes are necessary in response to this comment.

Response to Comment O7-9

Refer to Response to Comment O7-4.

Response to Comment O7-10

As described in Draft EIR Section 3.3.4 (Impact BIO-1, pages 52 to 54), the analysis acknowledges that vessel strikes are a known source of mortality for gray whales and evaluates the project's incremental contribution to this risk in the context of the existing Central Bay transit corridor, which includes substantial commercial, recreational, and ferry vessel operational levels. In addition, refer to Response to Comment O7-13 for discussion regarding the potential occurrence of whale strike and Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for discussion regarding change in circumstances with respect to whale strike and inclusion of new related information in the Draft EIR. No Draft EIR changes are necessary in response to this comment.

Response to Comment O7-11

This comment refers to general guidelines from NMFS for avoidance of whales protected under the Endangered Species act and/or the Marine Mammal Protection Act included in the 2003 WETA EIR. Draft

EIR Section 3.3.4 under Impact BIO-1(pages 3.3-45 through 3.3-51) discusses establishment of buffer distances to create safe zones, which exceed 100 yards, based on NMFS guidelines that allow calculation of thresholds to avoid injury and harassment of marine mammals from noise produced by various construction activities. Construction impacts would be less than significant with implementation of Mitigation Measure BIO-1(d), which establishes safe zones based on these thresholds. Draft EIR Section 3.3.4(page 3.3-54) discusses project operation impacts to marine mammals and the Mitigation Measures in the 2003 WETA EIR requiring best practices to reduce the potential for whale strikes and concludes that impacts would be less than significant impacts. Refer to Response to Comment O7-13 and Section 2.2.28, *Topical Response: Whale Strike*, for further discussion of whale strikes. In addition, refer to Section 2.2.11, *Topical Response: Ferry Operations*, for discussion of vessel interaction with aquatic species and Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for discussion of effects of vessel speed on aquatic species. No Draft EIR changes are necessary in response to this comment.

Response to Comment O7-12

In Draft EIR Section 3.3.4 under Impact BIO-1, pages 3.3-52 through 3.3-54, vessel strikes are analyzed as a known source of mortality for whales and evaluates the project's incremental contribution to this risk in the context of the existing Central Bay transit corridor, which includes substantial commercial, recreational, and ferry vessel operational levels. Refer to Response to Comment O7-13, Section 2.2.1, Topical Response: 2003 WETA EIR Applicability, and Section 2.2.28, *Topical Response: Whale Strike*. Since significant impacts are not concluded in the Draft EIR, there is no need for additional mitigation. No Draft EIR changes are necessary in response to this comment.

Response to Comment O7-13

The 2003 WETA EIR, Implementation and Operations Plan, Mitigation and Monitoring Plan, and the Memorandum mentioned in the comment is described on page 3.3-38 of the Draft EIR. The project analyzed in the Draft EIR addresses impacts of ferry operations and refers to WETA policies and mitigation measures in place for operation of ferry routes in the San Francisco Bay. As described on page 3.3-53 of the Draft EIR, WETA works closely with the Marine Mammal Center to develop a protocol to protect whales and other marine mammals and reflects ongoing technological advances, current scientific understanding, and updated NOAA guidance to ensure that its implementation of 2003 WETA EIR Mitigation Measures 15.1 and 15.2 is as robust as possible. In addition, refer to Section 2.2.1, Topical Response: 2003 WETA EIR Applicability, and Section 2.2.28, *Topical Response: Whale Strike*. Since significant impacts are not concluded in the Draft EIR, there is no need for additional mitigation. No Draft EIR changes are necessary in response to this comment.

Response to Comment O7-14

The Draft EIR identified moderate potential for harbor porpoise and bottlenose dolphin to occur in Section 3.3.2, Environmental Setting, pages 3.3-20, 3.3-23, and 3.3-24. Project construction and operational impacts to marine mammals, including these two species, were evaluated in Section 3.3.4 under Impact BIO-1, pages 3.3-48 through 3.3-54, and the Draft EIR concludes that impacts would be less than significant or less than significant with implementation of mitigation (refer to Mitigation Measures BIO-1[a], BIO-1[c], BIO-1[d], BIO-1[e], and HYD-1). In addition, refer to Section 2.2.4, *Topical Response: Biological/Underwater Noise*, and Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability.* No Draft EIR changes are necessary in response to this comment.

Response to Comment O7-15

The proposed increase in project-related operational ferry trips would be incremental relative to existing vessel operational levels in San Francisco Bay. Asserting a direct population-level impact (including foraging and roosting for diving birds) from the project alone is speculative without site-specific evidence linking the project's incremental disturbance to measurable declines in body condition, migration

success, or reproductive output. The Draft EIR addresses impacts to wildlife movement in Section 3.3.4, Impacts Analysis under Impact BIO-4, pages 3.3-63 through 3.3-62, and concludes that impacts would be less than significant. Refer to Response to Comment O7-17 for discussion of and Draft EIR clarification text changes with regard to waterbirds. Refer to Section 2.2.11, *Topical Response: Ferry Operations*, for discussion of vessel interaction with aquatic species. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O7-16

Refer to Response to Comment O7-15.

Response to Comment O7-17

Most diving ducks and other waterbird species in San Francisco Bay are not considered special-status under CEQA, because they are common, widespread, and not listed as threatened, endangered, or otherwise protected under federal or State endangered species acts or CDFW special-status criteria. Thus, such species are not evaluated individually as special-status species in the Draft EIR. The Central Bay already supports dense commercial, recreational, and ferry operational levels; the Draft EIR compares the incremental ferry operations of the project to this existing baseline rather than to an undisturbed Bay. Refer to Response to Comment O7-8 for further discussion of waterbirds in the Draft EIR. In response to this comment the following discussion has been added to Section 3.3.4 under Impact BIO-4, page 3.3-64:

Section 3.3.4, page 3.3-63:

> Marine
>
> Operation of ferry vessels would occur at the water surface level, with some incremental increase in ferry boat noise and lighting within the project ~~area~~ vicinity. The project proposes to operate two ferry vessels with regular service to San Francisco ~~and weekend service to Larkspur~~, which ~~are both~~ is an active shipping port~~s~~ with existing recreational and ferryboat use. Therefore, the project would represent an incremental increase in existing boat trips on the Bay.
>
> Temporary disturbance from ferry operations would be localized and intermittent, affecting only a small portion of the broad open-water foraging and roosting areas used by migratory and wintering birds in San Francisco Bay. The project's operational corridor represents a minor fraction of the available bay habitat, and similar foraging and roosting sites occur immediately north and south of the corridor. Because displacement events would be shorter and birds can move to adjacent habitat with comparable resources, the loss of usable foraging or roosting area is expected to be temporary and minimal.
>
> Special-status fish and marine mammals, specifically whales, are likely habituated to existing levels of boat trip levels and would avoid new ferry boat service….

This clarification text change does not change the significance conclusions in the Draft EIR. In addition, refer to Section 2.2.11, *Topical Response: Ferry Operations,* for discussion of ferry vessel operational impacts related to aquatic species. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O7-18

Refer to Response to Comment O7-17 for a discussion related to diving ducks. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O7-19

Refer to Response to Comment O7-17 for a discussion related to diving ducks. No Draft EIR changes are necessary in response to this comment

Response to Comment O7-20

The dredging location within the project site, including the proposed ferry turning basin, is identified in Figure 2.2, page 2-3 of the Draft EIR. No Draft EIR changes are necessary in response to this comment.

Response to Comment O7-21

The Draft EIR includes an estimated maximum one-time construction dredging volume of 400,000 cubic yards in Chapter 2, *Project Description*, page 2-28. Refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* for a discussion of how maintenance dredging is addressed in the EIR. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-22

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

The 400,000 cubic yards of dredging is based on the current best available information, and based on the latest engineering for the project. In this Draft EIR, the City has analyzed the environmental impacts associated with the dredging of 400,000 cubic yards.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O7-23

Refer to Response to Comment O5-42 for discussion of helical piles and why they are not feasible for this project. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-24

Refer to Response to Comment A2-10 for discussion of impacts on white-tailed kite. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-25

Refer to Response to Comment A2-35 to A2-38 for Draft EIR clarification text changes addressing California least tern and related impacts. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-26

The Draft EIR focuses its special-status species evaluation on taxa that are currently listed or otherwise designated as special-status by federal, State, or recognized conservation lists, and on species for which the project site provides suitable habitat. Special-status species are defined in Draft EIR Section 3.3.2, Environmental Setting, page 3.3-17. Brown pelican was delisted under both the federal and California Endangered Species Acts in 2009 because the populations were found to be recovered based on the best scientific and commercial data.[31] Recovery means that the species is no longer in danger of extinction or likely to become so within the foreseeable future. Following delisting, the brown pelican remained a fully

[31] Removal of the Brown Pelican (*Pelecanus occidentalis*) From the Federal List of Endangered and Threatened Wildlife; Final Rule, 50 Fed. Reg. 59444 (Nov. 17, 2009) (to be codified at 50 CFR §17.11(h)). Available at: https://www.federalregister.gov/documents/2009/11/17/E9-27402/endangered-and-threatened-wildlife-and-plants-removal-of-the-brown-pelican-pelecanus-occidentalis. Accessed on September 25, 2026.

protected species under California Fish and Game Code (CFGC) until 2023, when its fully protected species status was also removed by State Bill 147. Species that have been formally delisted or that lack current regulatory special-status are not treated as special-status species under CEQA. The decisions by wildlife regulatory agencies to remove more stringent species protections were made specifically because this species is no longer "rare." Rare is defined under CCR 15380(b)(2) as existing in small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens or that the species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered "threatened" as that term is used in the federal Endangered Species Act. Brown pelican is rated as a species of low conservation concern on the Continental Concern Score by Partners in Flight, further indicating that this species is no longer rare, as defined by CCR 15380(b)(2).[32,33] Brown pelican is still protected under CFGC Section 3503 and the MBTA, and any impacts to this species would be less than significant via implementation of Mitigation Measures BIO-1(a) and BIO-1(c). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-27

The Draft EIR evaluated impacts to longfin smelt, green sturgeon, white sturgeon, and winter-run Chinook salmon in Section 3.3.4 under Impact BIO-1, page 3.3-45, and concludes that impacts would be less than significant with implementation of Mitigation Measures BIO-1(a) and BIO-1(d). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-28

Refer to Section 2.2.11, *Topical Response: Ferry Operations*, for a discussion of how vessel speeds are addressed in the EIR, consistent with CEQA.

Response to Comment O7-29

Refer to Response to Comment for O7-8 for discussion of potential impacts of ferry operations to marine mammals and rafting waterbirds. In addition, refer to Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for discussion of ferry operational noise impacts related to marine species. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O7-30

Refer to Section 2.2.10, *Topical Response: Electric Ferry*, for a discussion of how the proposed project includes and the Draft EIR analyses assume installation and operation of an electric ferry, and not a ferry that would be propelled by any other means of fuel or energy source.

Response to Comment O7-31

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

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[32] Partners in Flight. 2024. Avian Conservation Assessment Database, version 2024. Available at http://pif.birdconservancy.org/ACAD. Accessed on September 25, 2026.

[33] State of North America's Birds. 2016. Conservation Status Assessment. Available at: https://www.stateofthebirds.org/2016/overview/methods/?_gl=1*13yb9a1*_gcl_au*MTE3NjM1Nzc3NC4xNzgzMDM2Mjgw*_ga*MjA2NDYwODg1OS4xNzA3MjYyMzIw*_ga_QR4NVXZ8BM*czE3OTAzNTI2OTEkbzQ5JGcxJHQxNzkwMzU0ODUwJGoxNSRsMCRoMTcxOTk1OTcxOQ. Accessed on September 26, 2026.

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective.

Response to Comment O7-32

The City has added the commenter's contact information to the project notification list and would provide future notices via email in accordance with CEQA and City procedures. No further response is required.

From: Memo Gunay <memo.gunay@cal-sailing.org>
Sent: Tuesday, April 28, 2026 1:59 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: excom@cal-sailing.org
Subject: Cal Sailing Club comment on the Draft Environmental Impact Report

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

Please find attached our public comments on the **Draft Environmental Impact Report (EIR)** for the Berkeley Water Transportation Pier Ferry Project. O8-1

Best regards,
Cal Sailing Club

April 28, 2026

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
City of Berkeley
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704

lmcnulty@berkeleyca.gov

Re: Comments on the Draft Environmental Impact Report — Berkeley Water Transportation Pier Ferry Project

Dear Ms. McNulty and the Project Team,

On behalf of the Cal Sailing Club (CSC) Board of Directors, we welcome the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the Berkeley Water Transportation Pier Ferry Project. CSC has long called the Berkeley waterfront home, and we see exciting potential upsides in environmentally friendly developments that make the Bay more accessible to Berkeley residents and visitors — including our own members. We appreciate the City's sustained effort to advance this project, and the community engagement to shape it. O8-1

CSC's membership holds a range of views on the project, and as a club we take no position for or against it. We do, however, share a collective interest in ensuring that the EIR provides a thorough analysis of potential impacts on the waterfront's recreational uses. The South Sailing Basin and its environs are the foundation of our educational and recreational programs, and a number of physical and environmental questions about the project's effects on that area do not appear to be fully addressed in the Draft EIR. We raise these as areas where we believe additional analysis would strengthen the document and lead to better outcomes for everyone. O8-2

Requests for Additional Environmental Analysis

1. **Parking Access for Recreational Users**

   CSC members, volunteers, and guests depend on nearby parking to participate in sailing, windsurfing, kayaking, and paddleboard programs. Many participants carry equipment that cannot easily be transported via transit. The Draft EIR acknowledges a net reduction in available parking spaces but does not appear to fully assess the downstream effect on recreational users who rely on that capacity. O8-3

   Specifically, the Draft EIR's analysis in Chapter 3, Environmental Impact Analysis, states that "parking scarcity alone does not constitute a significant impact on the environment" and that the EIR "has found no secondary environmental impacts related to parking" (see page 3-11 and Section 3.9, Land Use and Planning, Table 3.9-1, BCDC Bay Plan Consistency discussion).

However, the BCDC San Francisco Bay Plan policy on Recreation and Public Access states that “facilities provided for park and marina patrons, such as parking, should not be usurped by ferry patrons” and that “shared parking arrangements should be provided to minimize the amount of shoreline area needed for parking.” While the Draft EIR references the City’s forthcoming Parking and TDM Plan (cited at footnotes 19 and 20 of Section 3.9), neither that plan nor the EIR itself appears to quantitatively evaluate whether the shared-use parking strategy will preserve adequate access for equipment-dependent recreational users such as CSC’s members. O8-4

Section 3.11, Recreation, identifies CSC and Cal Adventures as users of the South Sailing Basin public docks (page 3.11-6) and lists construction staging at the Skates/N Lot and Parking Lot M as potentially reducing parking availability (Impact REC-1, page 3.11-16). However, the operational analysis does not address the long-term displacement of recreational parking by ferry commuter demand. It is important to recognize that even if there is a “net increase in recreational facilities that do not currently exist,” (Impact REC-1, page 3.11-16), the “impacts related to a substantial physical deterioration of existing recreational facilities,” are indeed very significant to users of those facilities. O8-5

The Final EIR must explicitly evaluate impacts on recreational parking in compliance with the 2025 San Francisco Bay Plan, which calls for “conveniently located areas where vehicles can be parked for more than short periods of time” at waterfront recreational facilities. If ferry ridership is projected to increase demand for parking beyond current capacity, the EIR should identify mitigation measures that preserve adequate access for recreational users. O8-6

2. **Wind Shadow Effects from Peninsula and Berm Changes**

The South Sailing Basin benefits from wind shelter provided by the existing landforms along Seawall Drive. This sheltered area is essential to CSC’s instructional programs: it allows beginners to develop sailing and windsurfing skills in a protected environment before venturing into the more exposed and therefore challenging Bay. Any changes to the berm, tree height, or peninsula geometry could alter this wind shadow in ways that are difficult to reverse. O8-7

The Project Description (Section 2.5.2, page 2-18) explains that the project would remove the existing vegetated berm at the Seawall Drive parking lot along with approximately 40 trees, including Monterey Cypress, Monterey Pine, and other species (page 2-22). Replacement plantings of 50 to 70 new trees are proposed, but these would be 24-inch box trees that would take years to reach the canopy height of the mature trees being removed. Section 3.1, Aesthetics (page 3.1-31), acknowledges that the removal of these trees and berm would change the visual character of the Seawall Drive corridor, replacing “organic shapes and softened skyline with geometric forms and engineered materials,” but the Draft EIR does O8-8 O8-9 O8-10

not evaluate the functional recreational impacts of these landform changes on wind exposure in the adjacent South Sailing Basin.

The Final EIR should specifically evaluate whether proposed modifications to these landforms would materially affect wind conditions in the South Sailing Basin, and if so, on what timescale vegetation or other mitigations might restore that shelter. O8-10

3. **Siltation and Sediment Transport**

   Construction activities and alterations to the pier footprint, new breakwater, and adjacent shoreline have the potential to disturb sediment and affect siltation patterns in the South Sailing Basin. The Draft EIR does not appear to include a thorough analysis of sediment transport under the proposed project.

   The Draft EIR addresses dredging-related turbidity in Section 3.8, Hydrology and Water Quality (pages 2-28 and 3.8-30), noting that up to 400,000 cubic yards of material would be dredged and that turbidity from dredging "diminishes to background levels within a radius of approximately 600 feet within one tidal cycle." However, this analysis focuses on water quality in the immediate dredging zone and does not evaluate longer-term sediment redistribution to the South Sailing Basin. Similarly, Section 3.5, Geology and Soils (Impact GEO-4, page 3.5-31) addresses ferry wake and erosion but concludes impacts are less than significant based on the armored rip-rap shoreline, without analyzing sediment deposition patterns in the South Sailing Basin. The new 400-foot breakwater could alter wave energy and current patterns in the project vicinity, which could redirect sediment transport toward or away from the basin's shallow areas. O8-11

   We request that the Final EIR assess whether construction or long-term ferry operations could alter siltation or erosion rates in the South Sailing Basin, and if so, what mitigation measures would be employed. Siltation could affect the navigability of the basin's shallow-water areas, which are used for beginner instruction and non-motorized watercraft.

We recognize that these questions may require additional technical study, and we offer CSC's institutional knowledge of the South Sailing Basin and its conditions as a resource to the project team. We look forward to reviewing the responses to these comments in the Final EIR and hope to see proposed changes that benefit the entire Berkeley waterfront community. O8-12

Thank you for your consideration.

Respectfully,

Cal Sailing Club Executive Committee
Cal Sailing Club
124 University Ave, Berkeley, CA 94710

Letter O8

Commenter: Executive Committee, Cal Sailing Club

Date: April 28, 2026

Response to Comment O8-1 and O8-2

These comments do not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O8-3

Refer to Section 2.2.20, *Topical Response: Parking,* which discusses parking considerations under CEQA, the evaluation of secondary physical effects related to parking, parking availability, and the City's parking management approach for managing both ferry patrons and recreational users. Refer also to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*, regarding equipment-dependent recreational activities and access needs.

The analyses and significance conclusions presented in Sections 3.11, *Recreation*, 3.12, *Transportation*, and related sections of the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment O8-4

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of how parking is addressed under CEQA, as well as how the project would provide sufficient parking for all users.

Response to Comment O8-5

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of how parking is addressed consistent with CEQA.

To the extent the comment is concerned with construction staging, refer to Response to Comment A3-55, which revises Section 3.11, *Recreation*, of the Draft EIR to clarify the analysis of temporary recreational impacts on recreational access. The revision presented therein is clarifying in nature, and does not alter the analysis or subsequent significance conclusion under Impact REC-1. The comment suggests that are impacts related to a substantial physical deterioration of existing facilities but does not provide information about what existing facilities they are referring to, nor any evidence to how existing facilities would be degraded as a result of the project.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the EIR are necessary.

Response to Comment O8-6

Refer to Section 2.2.20, *Topical Response: Parking.* As discussed therein, parking availability and convenience are not environmental impacts under CEQA in themselves. The Draft EIR evaluates potential secondary physical impacts associated with parking and concludes that project implementation would not result in significant adverse impacts related to recreational access.

To the extent the comment's concerns relate to the BCDC San Francisco Bay Plan, the Draft EIR evaluates consistency with applicable Bay Plan policies in Section 3.9, *Land Use and Planning*, including policies related to shoreline access, parking, and recreation. The analysis concludes that the project would maintain and enhance public access to the waterfront through a combination of retained and reconfigured parking, active transportation improvements, public transit access, and new recreational

amenities (refer to Impact LU-2). Because no significant parking-related environmental impact has been identified, mitigation is not required under CEQA. For further discussion of project consistency with BCDC Bay Plan policies, please refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance*.

The analyses and significance conclusions presented in Sections 3.11, *Recreation*, 3.12, *Transportation*, and related sections of the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment O8-7

Refer to Section 2.2.29, *Topical Response: Wind* (Sub-Section Wind Shelter Effects of Tree and Berm Removal), for discussion concerning CEQA and wind. No further response is required.

Response to Comment O8-8

The proposed project would provide replacement trees where appropriate consistent with Berkeley's Municipal Code and practices of Berkeley's Urban Forestry Unit, as stated on Draft EIR page 3.3-65 of Section 3.3, *Biological Resources.* No further response is required.

Response to Comment O8-9

This statement provides context for the comment but does not identify issues with the adequacy of the aesthetics analysis, significance conclusions, or mitigation measures in the Draft EIR. Therefore, no further response is required.

Response to Comment O8-10

Refer to Section 2.2.29, *Topical Response: Wind* (Sub-Section Wind Shelter Effects of Tree and Berm Removal), for discussion concerning CEQA and wind. No further response is required.

Response to Comment O8-11

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion about sediment transport and siltation impacts on the South Cove Sailing Basin.

Response to Comment O8-12

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

From: Whitney Grover <wgrover@goldengatebirds.org>
Sent: Tuesday, April 28, 2026 2:41 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Glenn Phillips <gphillips@goldengatebirds.org>
Subject: Comments on the Berkeley Pier with Ferry Access Project DEIR

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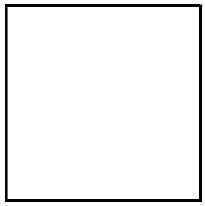
Hello Liza McNulty,

Please see the attached comments from Golden Gate Bird Alliance on the DEIR for the Berkeley Pier with Ferry Access Project. O9-1

Thank you,

Whitney Grover
(She/Her)

Director of Conservation
Golden Gate Bird Alliance
2150 Allston Way, Suite 210
Berkeley, CA 94704
wgrover@goldengatebirds.org
Phone: 510-319-7137



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April 28, 2026

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
lmcnulty@berkeleyca.gov

RE: Comments on the Draft EIR for the Berkeley Pier with Ferry Access Project

Dear Liza McNulty,

Thank you for the opportunity to provide public comment on the Draft Environmental Impact Report (DEIR) for the Berkeley Pier with Ferry Access Project, as required by the California Environmental Quality Act (CEQA). Please see the detailed list of comments below. Our primary concern is the lack of study of wintering waterbirds, especially rafting and foraging terns, grebes, and ducks. The environmental impacts of construction and ferry operation on those birds and their open-water habitat was not sufficiently addressed in the DEIR. O9-1

Golden Gate Bird Alliance is a non-profit organization whose mission is to inspire people to protect Bay Area birds and our shared natural environment. For over 100 years we have been a leader in bird conservation and habitat protection. Our 7,000 members and supporters envision a world where birds, wildlife, and all people flourish together. O9-2

Impacts to Wintering Waterbirds

The DEIR is deficient in outlining impacts and mitigation related to the offshore wintering habitat for many bird species including state and federal Special Status Species as well as species experiencing population declines in the Bay Area. **A single land-based survey date in September is insufficient to understand the ecology and species composition, let alone the environmental impacts to these species from pier construction phases and later ferry operations.** The Biological Resources table in Appendix 2 is incomplete without consideration of overwintering presence. Disturbance from construction or ferries is shown to flush waterbirds from their roosting and foraging grounds[1]. Local habitat changes at one location on a migratory flyway can have significant impacts to larger populations of waterfowl[2]. O9-3

[1] Takekawa, John, Natalie R. Wilson, Susan W. De La Cruz, and Jane O. Anfinson. 2004. Effects Of Ferry Traffic On Migratory Waterbirds In The San Francisco Bay. USGS Western Ecological Research Center, San Francisco Bay Estuary Field Station. john_takekawa@usgs.gov

[2] De Felipe, M., J. A. Amat, J. L. Arroyo, R. Rodríguez, and C. Díaz‐Paniagua. 2024. Habitat Changes at the Local Scale Have Major Impacts on Waterfowl Populations Across a Migratory Flyway. Global Change Biology 30:e17600.

California Least Terns (*Sernula antillarum browni*) are in fact present and foraging in and adjacent to the project site, primarily in the months of May through August. While the DEIR is correct in that there is not suitable nesting habitat for this species in the project site, there is very suitable habitat for foraging as demonstrated by the birds currently using it according to eBird observations,[3] likely commuting from the Alameda nesting colony. Without consideration of the impacts of both construction and ferry operations on this sensitive state and federally listed Endangered species and its foraging patterns and habitat in the Berkeley off-shore area, this project should not proceed. O9-4

Additionally, the following species are present in the project site throughout the winter and are listed by US Fish and Wildlife Service or California Department of Fish and Wildlife[4] as species of special conservation concern: Ruddy Duck, Western Grebe, Clark's Grebe, Elegant Tern, Caspian Tern, Osprey, California Gull, California Brown Pelican, and Common Loon. While their designation is specific to their nesting habitat, these birds overwinter and forage in the open bay, in the project area. Their critical overwintering habitat is key to their survival. The DEIR identifies thresholds of significance as impacts that "result in direct take or habitat removal or alteration for candidate, sensitive, or special-status species." The pier construction and ongoing ferry operations would absolutely result in habitat removal and alteration for California Least Tern as well as these special-status species. O9-5

In addition to these species with special designation, an analysis of Christmas Bird Count and eBird data show dramatic declines in these species' populations in the greater Bay Area over the last 50 years: Greater Scaup, Lesser Scaup, Surf Scoter, Bufflehead, Common Goldeneye, and Western Sandpiper. All are present in abundance in the project site during winter.

The DEIR does outline mitigation strategies for protecting and surveying for nesting birds, including avoiding terrestrial construction during the bird breeding season which we were happy to see. However, breeding habitat is only one important part of a bird's life cycle and overwintering habitat is also critical for protecting migratory birds. This project should not proceed without further study of overwintering offshore birds during construction and ferry operation, and outlining appropriate mitigation measures. O9-6

2003 PEIR Out of Date

The 2003 Programmatic EIR (PEIR) for Expansion of Ferry Transit Service in the San Francisco Bay Area, prepared for the Water Transit Authority, lacks alignment with current San Francisco Bay ecological science. There have been substantial changes in the ecology of the Bay since 2003, including declines in multiple wintering and migratory bird populations as outlined above as well as increased presence of multiple whale species. Increased Ferry use in the Bay, including an added ferry terminal in Berkeley as part of this project, calls for a new PEIR based on the changing conditions in species presence and the overall ecology of the San Francisco Bay. These changing conditions and species declines, O9-7

[3] Cornell Lab of Ornithology, eBird Database. Search for "Least Tern" in "Berkeley, CA", "Year-round, 2023-2025". Access Date April 27,2026. https://ebird.org/map/leater1?neg=true&env.minX=-122.33870601654053&env.minY=37.85575902097897&env.maxX=-122.2884521484375&env.maxY=37.87429132666366&zh=true&gp=false&ev=Z&excludeExX=false&excludeExAll=false&mr=1-12&bmo=1&emo=12&yr=range&byr=2023&eyr=2025 O9-4

[4] California Natural Diversity Database (CNDDB). April 2026. Special Animals List. California Department of Fish and Wildlife. Sacramento, CA. O9-5

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including dabbling open water ducks like Surf Scoter, are also well documented in the recently published San Francisco Bay State of the Birds Report[5]. O9-7

Lighting Impacts to Birds and Wildlife

Impact AES-4 in the DEIR outlines lighting impacts of the project and suggests using Dark Sky approved lighting fixtures. We strongly encourage this mitigation measure and support the use of Dark Sky approved lighting in all projects including this one. The impacts of artificial lighting at night are beyond aesthetic for birds, nocturnal insects, and other wildlife. The cumulative light from urban environments, skyglow, has shown to be a top predictor for bird migration stopover frequency[6], putting the birds at risk of collision[7] and predation. Mitigation measure AES-1 should be adopted to prevent these impacts. O9-8

Based on the project design it seems there will be significantly more lighting fixtures than currently in place, both on the land in the parking area and on the new pier. In addition to ensuring the fixtures are Dark Sky approved, we also recommend following the Dark Skies principles for responsible outdoor lighting[8] which asks that lighting be only as bright as absolutely necessary, and only on when necessary.

Thank you for your time and consideration.

Sincerely,



Glenn Phillips
Executive Director

---

[5] San Francisco Bay State of the Birds Report. 2026. https://sfbaystateofthebirds.org/ O9-7

[6] Horton, K. G., J. J. Buler, S. J. Anderson, C. S. Burt, A. C. Collins, A. M. Dokter, F. Guo, D. Sheldon, M. A. Tomaszewska, and G. M. Henebry. 2023. Artificial light at night is a top predictor of bird migration stopover density. Nature Communications 14:7446.

[7] Lao, S. 2012. Investigating The Effects Of Weather, Artificial Lighting, And Polarized Light On Bird-Building Collisions In The Downtown Area Of A Major U.S. City. Oklahoma State University. O9-8

[8] https://darksky.org/resources/guides-and-how-tos/lighting-principles/

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Letter O9

Commenter: Glen Phillips, Executive Director, Golden Gate Bird Alliance

Date: April 28, 2026

Response to Comment O9-1

Refer to Responses to Comments O9-3 through O9-8 for a discussion of waterbirds and the evaluation of potential impacts to aquatic bird species. No further response is required.

Response to Comment O9-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O9-3

A reconnaissance-level field survey, when combined with targeted database and literature review and the application of standard CEQA avoidance/minimization measures, provides sufficient, project-specific information to map and evaluate potential species habitats and sensitive biological resources to support CEQA impact analysis. CEQA requires enough information to evaluate environmental effects and to adopt feasible mitigation; it does not require exhaustive scientific research or the generation of new baseline science beyond what is necessary to make an informed determination. The "biological resources table in Appendix 2" is in fact a table titled *Special Status Animal Species in the Regional Vicinity of the Project Site* in Appendix C (pages C-7 through C-12) and evaluates the potential to occur of all special-status species with known occurrence records in standard database searches described in Draft EIR Section 3.3.1, Introduction, page 3.3-1. If overwintering birds did not meet the definition of a special-status species under CEQA, as defined in Section 3.3.2, Environmental Setting, page 3.3-17, they were not included in the table in Appendix C. Refer to Responses to Comment O7-17 and P46-4 for details of Draft EIR clarification text changes related to waterbirds, including offshore wintering birds, and the Pacific Flyway, respectively. No further revisions to the EIR are necessary. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O9-4

Refer to Response to Comment A2-35 to A2-38 for details of the Draft EIR clarification text addition changes related to California least tern. No additional changes to the Draft EIR are necessary in response to this comment.

Response to Comment O9-5

Refer to Response to Comment A2-35 to A2-38 for details of the Draft EIR clarification text changes related to California least tern. Ruddy duck, western grebe, Clark's grebe, elegant tern, Caspian tern, osprey, California gull, and California brown pelican, are not CDFW species of special concern. Common loon is a species of special concern, and osprey and elegant tern are CDFW Watchlist species. These species had no occurrence records in the standard nine USGS 7.5-minute quadrangle search of the California Natural Diversity Database (CNDDB) including the project site and, thus, were not considered in the Draft EIR. California is outside the breeding range for common loon, which is limited to northern North America, from Alaska and much of Canada south into the northern United States, with clear, fish-rich lakes in boreal and near-arctic regions. Elegant tern nests in large colonies on beaches, and there is no suitable breeding habitat within the project site or its vicinity given the high anthropogenic disturbance in the vicinity of the project site. Osprey are not known to nest at the Berkeley Marina according to the Golden Gate Bird Alliance-run website SFBayOspreys.org, and prefer to build nests off the ground in treetops, cliffs, or elevated human-built structures. There is low potential for common loon, osprey, and

elegant tern to forage over open water or roost on trees or structures within and adjacent to the project site. In response to this comment, potential for these species to occur within the project site have been added as low in Appendix C, and the following clarification text changes have been made to Draft EIR Section 3.3, *Biological Resources* and Appendix C, *Supporting Biological Resources Information*:

Section 3.3.4, page 3.3-18:

Special-status Wildlife Species

Fifty-one ~~Forty-seven~~ (~~47~~ 51) terrestrial special-status wildlife species were assessed for their potential to occur within the project site (Appendix C), of which 12 ~~seven~~ have the potential to occur within the terrestrial portions of the project site. One species, double-crested cormorant (*Nannopterum auritum*, CDFW Watch List), was determined to have a moderate potential to occur and is discussed in further detail below.

In addition, the following ~~six~~ 11 species (one insect, one reptile, and ~~five~~ nine avian species) were determined to have a low potential to occur, and therefore, with the exception of Crotch's bumble bee and burrowing owl (due to their State candidate endangered status), least tern, and the northwestern pond turtle (which is discussed further due to the proximity of potential habitat near the project site), are not discussed further because they are unlikely to be affected by the project:

- Crotch's bumble bee (*Bombus crotchii*, State candidate endangered)
- Northwestern pond turtle (*Actinemys marmorata*, federally proposed threatened, State species of special concern [SSC])
- Cooper's hawk (*Accipiter cooperii*, CDFW Watch List)
- Burrowing owl (*Athene cunicularia*, State candidate)
- Common loon (*Gavia immer*, SSC)
- Brant (Branta bernicla, SSC)
- White-tailed kite (*Elanus leucurus*, State fully protected)
- Alameda song sparrow (*Melospiza melodia pusillula*, SSC)
- Osprey (*Pandion haliaetus*, CDFW Watch List)
- Least tern (*Sternula antillarum browni*, Federally endangered, State endangered, State fully protected)
- Elegant tern (*Thalasseus elegans*, CDFW Watch List)

Appendix C, page C-9:

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
Falco peregrinus anatum American peregrine falcon	FD/SD G4T4/S3S4	Near wetlands, lakes, rivers, or other water; on cliffs, banks, dunes, mounds; also, human-made structures. Nest consists of a scrape or a depression or ledge in an open site.	Not Expected	There are two known occurrences within five miles; however, suitable cliffs or tall buildings are not present.
Gavia immer common loon	None/None G5/S1 SSC	Breeds in northern freshwater lakes in Canada and the northern United States, migrates to coastal waters or large southern lakes in winter. Frequents bodies of water that are extensive, fairly	Low Potential	No recorded occurrences within five miles, however winter habitat is present in open water in the vicinity of the project site.

		deep, and produce quantities of large fish.		

Appendix C, page C-10:

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
Nannopterum auritum double-crested cormorant	None/None G5/S4 WL	Colonial nester on coastal cliffs, offshore islands, and along lake margins in the interior of the state. Nests along coast on sequestered islets, usually on ground with sloping surface, or in tall trees along lake margins.	Moderate Potential	There are no known occurrences within five miles, and the Project site is largely developed and disturbed by recreational use; however, this species is known locally to nest on man-made structures.
Pandion haliaetus osprey	None/None G5/S4 WL	Ocean shore, bays, freshwater lakes, and larger streams. Builds large nests in tree-tops or tall structures within 15 miles of a good fish-producing body of water.	Low Potential	There are no recorded occurrences within five miles. Suitable foraging habitat is present over open water within the project site. There are suitable trees and tall structures for nesting within the project site, but due to high anthropogenic disturbance and no documentation of nests, it is unlikely that ospreys would nest in the project site.
Rallus obsoletus obsoletus California Ridgway's rail	FE/SE G3T1/S2 FP	Salt water and brackish marshes traversed by tidal sloughs in the vicinity of San Francisco Bay. Associated with abundant growths of pickleweed, but feeds away from cover on invertebrates from mud-bottomed sloughs.	Not Expected	There are two known occurrences within five miles; however, suitable marsh habitats are not present and the Project site is largely developed and disturbed by recreational use
Riparia riparia bank swallow	None/ST G5/S3	Colonial nester; nests primarily in riparian and other lowland habitats west of the desert. Requires vertical banks/cliffs with fine-textured/sandy soils near streams, rivers, lakes, ocean to dig nesting hole.	Not Expected	There are no known occurrences within five miles, suitable river banks are not present, and the Project site is largely developed and disturbed by recreational use.
Rynchops niger black skimmer	None/None G5/S2 SSC	Nests on gravel bars, low islets, and sandy beaches, in unvegetated sites. Nesting colonies usually less than 200 pairs.	Not Expected	There are no known occurrences within five miles, suitable gravel bars and beaches are not present, and the Project site is largely developed and disturbed by recreational use.
Sternula antillarum browni	FE/SE G4T2T3Q/S2 FP	Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches,	~~Not Expected~~ Low Potential	There are no known occurrences within five miles, suitable colonial breeding sites are not present, and the Project site is largely

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
California least tern		alkali flats, land fills, or paved areas.		developed and disturbed by recreational use. This species may forage over open water in the vicinity of the project site.
Thalasseus elegans elegant tern	None/None G5/S3 WL	Nests on open, sandy undisturbed beaches and on salt-evaporating pond dikes (San Diego) in association with the Caspian tern. There are three known breeding colonies in San Diego Bay, Los Angeles Harbor, and Bolsa Chica Ecological Reserve. Outside of breeding season they can be found along the Pacific coast, from California, all the way into South America. They eat mostly small schooling fish and the northern anchovy is their primary prey.	Low Potential	There are no known occurrences within five miles, suitable breeding sites are not present. This species may forage over open water in the vicinity of the project site.

Regardless of these clarification text changes, the analysis and significance conclusion presented under Impact BIO-1 in Section 3.3.4 Biological Resources Impacts Analysis, page 3.3-43 of the Draft EIR remains valid. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O9-6

Refer to Response to Comment O7-8 for discussion of project construction and operation impacts to waterbirds, which include overwintering species, and their respective habitat. Refer to Response to Comment O9-3 for discussion of CEQA requirements with regards to additional scientific studies. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O9-7

The comment discusses the 2003 WETA EIR and states that the Draft EIR does not provide an updated analysis to account for changed circumstances, specifically concerning biological resources.

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Response to Comment O9-8

Construction lighting impacts to terrestrial wildlife are discussed in Draft EIR Section 3.3.4 under Impact BIO-1, page 3.3-44, and were determined to be less than significant with implementation of Mitigation Measure AES-1. Lighting impacts to terrestrial wildlife during project operation are discussed under Impact BIO-1, page 3.3-51, which concludes that, because lighting added as part of the project would be designed in accordance with City ordinance and would be similar to existing levels of lighting already present on the project site, impacts would be less than significant. For further discussion of nighttime lighting and its effects on the shoreline, refer to Section 2.2.18, *Topical Response: Nighttime*

Lighting/ALAN. In response to this comment the following clarification text change has been added to Section 3.3.4 under Impact BIO-1, page 3.3-51:

Section 3.3.4, page 3.3-51:

> **Special-Status Wildlife**
>
> […]
>
> Impacts on nesting birds, including double-crested cormorant, from operation would also be minimal. Any additional lighting added as part of the project, as discussed in *Section 3.1, Aesthetics,* under Impact AES-4, would be designed in accordance with City ordinance, and would be similar to existing levels of lighting present on the project site. The ferry would operate in open water, and the existing use of the project site for recreation would continue with similar levels of activity and disturbance. Wake generated by ferry operation would be consistent with existing vessel operations in the Bay and not result in disturbance to nesting or roosting habitats above the existing shoreline riprap armoring. Therefore, impacts on migratory and nesting birds due to operation would be less than significant.

This clarification text change does not result in changes to the Draft EIR significance conclusions.

Letter O10

From: Camille Antinori <camilleantinori@gmail.com>
Sent: Tuesday, April 28, 2026 11:03 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Public Comment on Berkeley Pier-Ferry Draft Environmental Impact Report (DEIR)

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

Berkeley Waterfront Community Coalition would like to submit the attached public comment on the Draft Environmental Impact Report (DEIR) for the Berkeley Water Transportation Pier Ferry Project (due today April 28, 2026 at 5 pm). Thank you in advance for your time in reviewing the comments. Please let us know if we can clarify anything in the document.

O10- 1

BWCCDEIRCOMMENTSFINAL.pdf

A confirmation of timely receipt would be most appreciated.

Best regards,

Camille Antinori
On behalf of Berkeley Waterfront Community Coalition

Date: **April 28, 2026**
To: **Liza McNulty, PE, Project Manager**
City of Berkeley, Parks, Recreation, and Waterfront Department
2180 Milvia, 3rd Floor
Berkeley, California 94704
From: **Berkeley Waterfront Community Coalition**
Re: **Berkeley Water Transportation Pier Ferry Draft EIR Comments**

Berkeley Waterfront Community Coalition (BWCC) is a nonprofit organization formed under the auspices of Berkeley Partners for Parks, a 501(c)3 organization. Its founding members seek to preserve and expand access for a diverse public to enjoy the waterfront and share ideas for supporting this unique urban shoreline. BWCC's mission is to develop projects that raise awareness of the waterfront, enhance a sense of community, and support the waterfront's role in providing affordable public access to blue- and greenspace amenities to the region and beyond. BWCC submitted scoping comments in response to the City of Berkeley's (COB) Notice of Preparation (NOP) in May 2025 for the Berkeley Water Transportation Pier Ferry project (the "project"). Below, we are pleased to submit comments to the City of Berkeley's Draft Water Transportation Berkeley Pier Ferry Environmental Impact Report, made available Friday, February 27, 2026 (~3pm). We submit these comments to inform the city that this Draft Environmental Impact Report (DEIR) is inadequate under the California Environmental Quality Act (CEQA), Public Resources Code § 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, §15000 et seq. (CEQA Guidelines).

O10-2

O10-3

This letter is submitted along with the reports/linked attachments prepared by BWCC, EBOWS, Placer.ai through COB's license managed by Visit Berkeley tourist bureau, and public comments on elements of the project. We also list references to studies which bear on the health and equity benefits of bluespace - areas near bodies of water like lakes, oceans and rivers - and the importance of those needs in California as they relate to the waterfront area in the vicinity of the project. We respectfully refer the city to those, both here and throughout these comments, for further detail on our comments.

O10-4

We request that the city reply to each of the comments in this letter and prepare and recirculate a new and adequate DEIR. O10-5

I. Overview of principal deficiencies

The DEIR, as prepared, contains fundamental deficiencies that undermine its usefulness as an informational and decision-making document under CEQA. The project setting, description, and baseline conditions are incomplete and, in key respects, inaccurate. These shortcomings permeate the entire analysis and compromise the evaluation of environmental impacts relative to baseline conditions. The DEIR fails to incorporate readily available data necessary to characterize existing recreational use in and around the project area, and the impact analyses frequently ignore, misstate, or omit relevant evidence available at the time of the Notice of Preparation, including any meaningful cumulative impact assessment. Moreover, the DEIR provides no credible evidentiary basis for its conclusion that the project would result in a net increase in recreational activity along with less-than-significant impacts. On the contrary, available evidence indicates that the proposed ferry project would reduce public access to the waterfront and increase the cost of bluespace recreation. None of these impacts, nor the inconsistencies of the project, can be discerned from reading the DEIR. O10-6 O10-7 O10-8

The stated need for the project—beyond basic pier restoration—is not substantiated, calling into question the adequacy of the project objectives and the resulting range of alternatives, which are either improperly rejected or insufficiently analyzed. Many sections of the DEIR justify impacts or project as a whole based on obtaining a recreational pier, with the Water Emergency Transportation Authority (WETA) ferry expansion plan for Berkeley as the only option, with the ferry service almost incidental, for achieving this objective. The DEIR poses too narrow a framing for this objective. Moreover, as this letter notes, the ferry component of the project as framed in the DEIR and related documents not fully integrated into the DEIR introduces significant environmental impacts. It has a potential for significant environmental impacts, if the DEIR had included required CEQA information with analysis. Many of the project's recreational improvements as claimed by the DEIR will occur in the baseline scenario, and feasible alternatives exist for pier replacement/restoration claimed by the project based on historical patterns and recent documentation. The DEIR's rationale for rejection or noninclusion of these feasible alternatives is missing or cursory. O10-9 O10-10 O10-11

With regard to each of CEQA's substantive requirements—a complete and stable project description, a thorough analysis of significant impacts, identification of feasible and enforceable mitigation measures, an analysis of a reasonable range of alternatives—the DEIR falls short. As a result, the DEIR fails to meet CEQA's O10-12

fundamental purpose of providing disclosure to the public of the project's environmental effects.

O10-12

Finally, as context for any consideration of overriding significant impacts, we present evidence demonstrating a lack of substantial economic benefits and the presence of adverse social impacts, further undermining any claim of overriding considerations. Rather, the DEIR relies on unsubstantiated claims of increased economic and social benefits for justification at several points.

O10-13

II. DEIR fails to provide adequate project description

An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR."[1] On the other hand, "[a] curtailed, enigmatic or unstable project description draws a red herring across the path of public input."[2] "[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives ... ."[3]

O10-14

Further, "[t]he project description must contain (1) the precise location and boundaries of the proposed project; (2) a statement of the objectives sought by the proposed project, including the underlying purpose; (3) a general description of the project's technical, economic, and environmental characteristics; and (4) a statement briefly describing the intended uses of the EIR."[4]

A. Electric ferry - no vessel specifications

The cover photo of the DEIR shows a sailboat alongside the pier, a pier with recreational extension, but no ferry. The project objective is to put in a zero-emission ferry. The operational details in Section 2.7 call for a 250-passenger ferry. However, we were not able to identify an electric ferry model of 250-passengers. WETA is building

O10-15

[1] Washoe Meadows Community v. Department of Parks & Recreation (2017) 17 Cal.App.5th 277, 287 quoting Citizens for a Sustainable Treasure Island v. City and County of San Francisco (2014) 227 Cal.App.4th 1036, 1052; South of Market Community Action Network v. City and County of San Francisco (2019) 33 Cal.App.5th 321, 332.
[2] San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, 655.
[3] Id.
[4] South of Market Community Action Network, 33 Cal.App.5th at 332 citing CEQA Guidelines, § 15124; see also 14 Cal. Code Regs. (C.C.R.) § 15124(a) [An EIR must include a project description that provides "the precise location and boundaries of the proposed project."]

O10-14

three 150-seat electric ferries and two 400-passenger ferries[5]. BWCC members note that the 150-passenger electrics would probably only have the range for Treasure Island to San Francisco, and the 400-passenger boats could possibly manage the entire route. The diesel-powered Bay Breeze vessel class at 97' length overall does carry 250 passengers.[6]

O10-15

The DEIR does not identify which vessel WETA is planning to use at the Berkeley marina. The project description cannot be based on hypothetical concepts that may come to fruition in the future, but must be based on **existing technology** and contractual plans at the time of the NOP scoping call. To properly understand the environmental impact, the EIR must provide specifications of the electric vessel it plans to use.

O10-16

Further, it must provide specifications on infrastructure to serve an electric ferry vessel in an emergency. Alternative transportation across the Bay in an emergency is in the scope of the project and is one objective. It must specify electrification infrastructure to withstand natural disasters. It should also specify whether and to what extent the electric ferry service will be able to handle emergency vehicles and emergency personnel. If the city cannot perform this request, then it must change references to electric ferries as constituting only **hypothetical scenarios** not in the foreseeable future, and omit any project outcomes that rely on electric ferries.

O10-17

B. Missing information on level of ferry service

City of Berkeley documents describe the project as a large-scale commuter ferry with fourteen roundtrips or 28 crossings during weekdays (Large-Scale Ferry Feasibility Study, City Council Work Session, Tuesday, December 7th, 2021) and thirteen departures or 26 crossings to SF and Larkspur on weekends. This information is not provided in the DEIR. Operational details give a generic WETA minimum systemwide standard for peak weekday service: "At least three round-trip services must be completed during peak hours for the Berkeley/San Francisco weekday service, per WETA Board-adopted standards." With three roundtrips in the morning and three in the evening peak hours, this implies only 12 crossings during weekdays and none on the weekends. The DEIR characterizes the ferry as recreational. However, the WETA Berkeley Ferry Service Business Plan Version 1, a CEQA and DEIR planning document, (WETA Berkeley Ferry Service)

O10-18

O10-19

[5] See https://sanfranciscobayferry.com/reef/ and https://www.bairdmaritime.com/passenger/ferry/san-francisco-bay-ferry-to-introduce-new-fleet-of-all-electric-vessels-starting-in-2026)

[6] See https://www.nicholsboats.com/portfolio/project/bay-breeze.

O10-15

includes on page 58 of the pdf and Appendix B. Table 1 - service assumption of 8 AM peak direction and 6 AM reverse direction trips plus 6 PM peak direction and 8 reverse direction trips for the two vessels allocated to the service, for a total of 28 trips per day. Other City of Berkeley presentations have also included this same schedule. The lack of an approximate schedule within the DEIR itself makes it impossible to calculate marginal and cumulative environmental impacts. The current DEIR should be rescinded and re-issued whereby service schedule assumptions consistent with planning documents are provided.

O10-19

O10-20

C. Project transportation demand management omitted

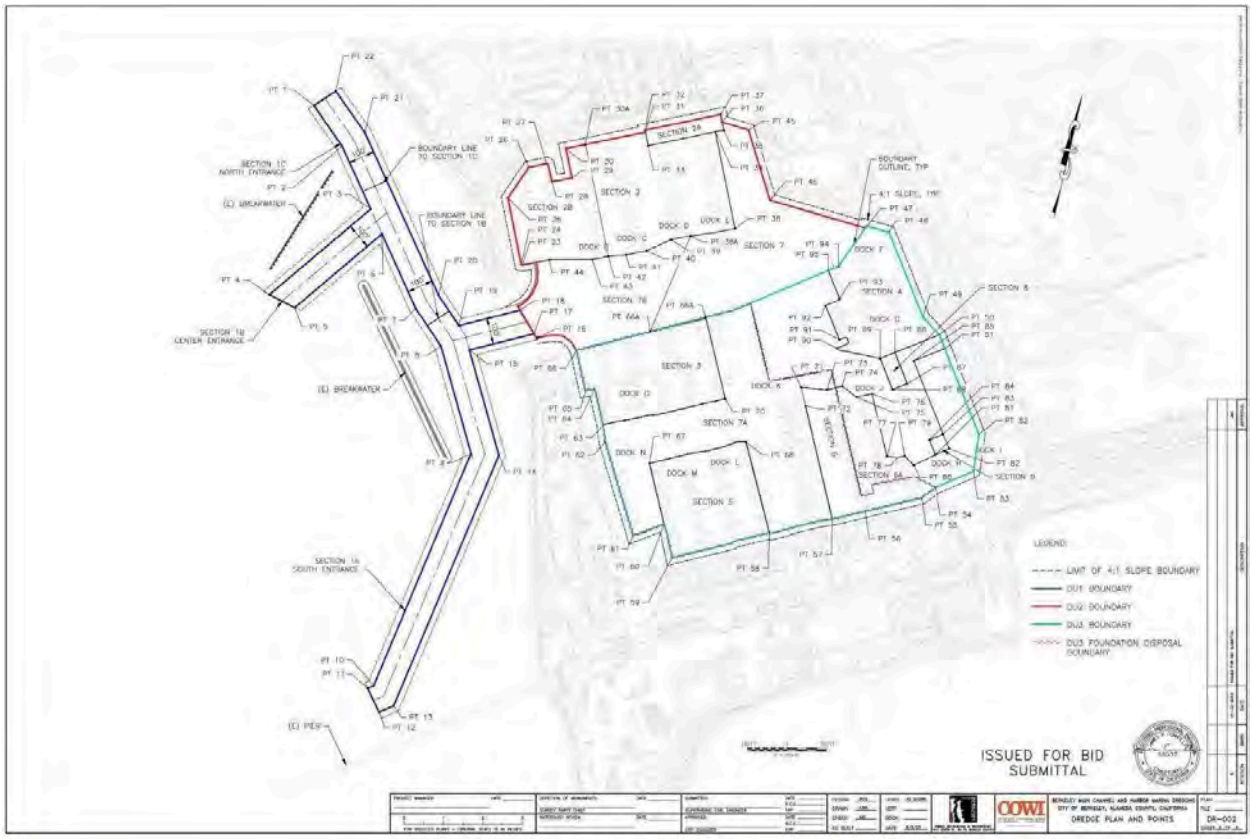
Transportation demand management (TDM) to accommodate ferry patron traffic to the waterfront has been developed for the project and serves as a key design feature for the landside elements of the project. The COB has hired various consultants to address this project element. Both the latest draft of the Kittelson study and the Nelson-Nygaard studies address parking needs for the ferry, with the Kittelson study (link includes both Berkeley WTPF Baseline Parking Conditions, February 28, 2025 and the Water Transportation Pier-Ferry Project Parking and TDM Plan, March 7, 2025) as the most recent document. The DEIR partially integrates aspects of the Kittelson study in reference to mitigation measures, e.g. bicycle and bus facilities, but it does not include in the project description the project elements that call for the mitigation measures. The description should indicate clearly that across planning documents that the majority of ferry patrons arrive by car versus all other transit options, even with mitigation measures. The bulk of landside project features call for shifting land use from recreational public access to ferry patron parking. The Kittelson study estimates 421 ferry patron parking spaces needed versus the 250 currently accommodated in the project design. The needed 421 spaces reduces to 356-389 with the mitigation measures and 42 more with paid parking, still exceeding allotted spaces. This information bears on impact analysis throughout the document, such as for VMT estimates, noise, emissions, land use planning, and recreation. The current DEIR does not make this apparent. The full details of the TDM should be included in the project description and analysis along with descriptions of TDM enforcement and administration methods.[7]

O10-21

O10-22

[7]A waterfront benefits district plan has been discussed: CONSENT CALENDAR January 18, 2022 TO: Honorable Mayor and Members of the City Council FROM: Councilmember Rashi Kesarwani (Autho. To the extent this is still intended as part of the ferry TDM strategy, this plan should also be included in the project description and any mitigation measures.

D. New dredging activity described as one-time maintenance



Dredging area map for Berkeley Marina project as described in the maps and technical specification issue for January 2024 Bid Submittal (Marina Dredging 24-11644-C Plans.pdf).

O10-23

BWCC submitted scoping comments pointing out that the NOP project description characterized **project dredging as maintenance** despite the project area not ever having been dredged. Maintenance has occurred in the marina and marina entrance channel but this is not the project area. We reiterate our NOP scoping comments: The area proposed for the ferry route includes a federal navigation channel under the Army Corps of Engineers. However, the channel is not dredged by the Corps, as it is not considered a critical navigational location, nor has it been dredged. The area proposed for the ferry dock is **new dredging**. The Berkeley marina was partially dredged under a recent Berkeley Marina maintenance dredging project. The area described in technical specifications for bid submittals is below. Note that this area was not fully dredged.

O10-24

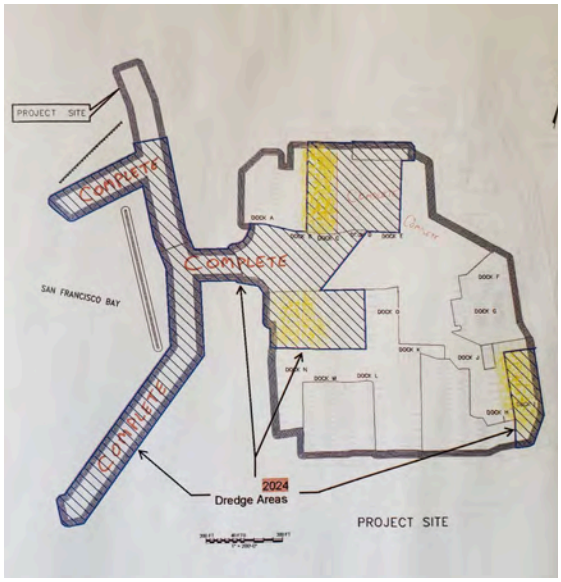


Image from Berkeley harbormaster office for the Berkeley Marina maintenance dredging shows areas actually dredged under this past effort.

O10-25

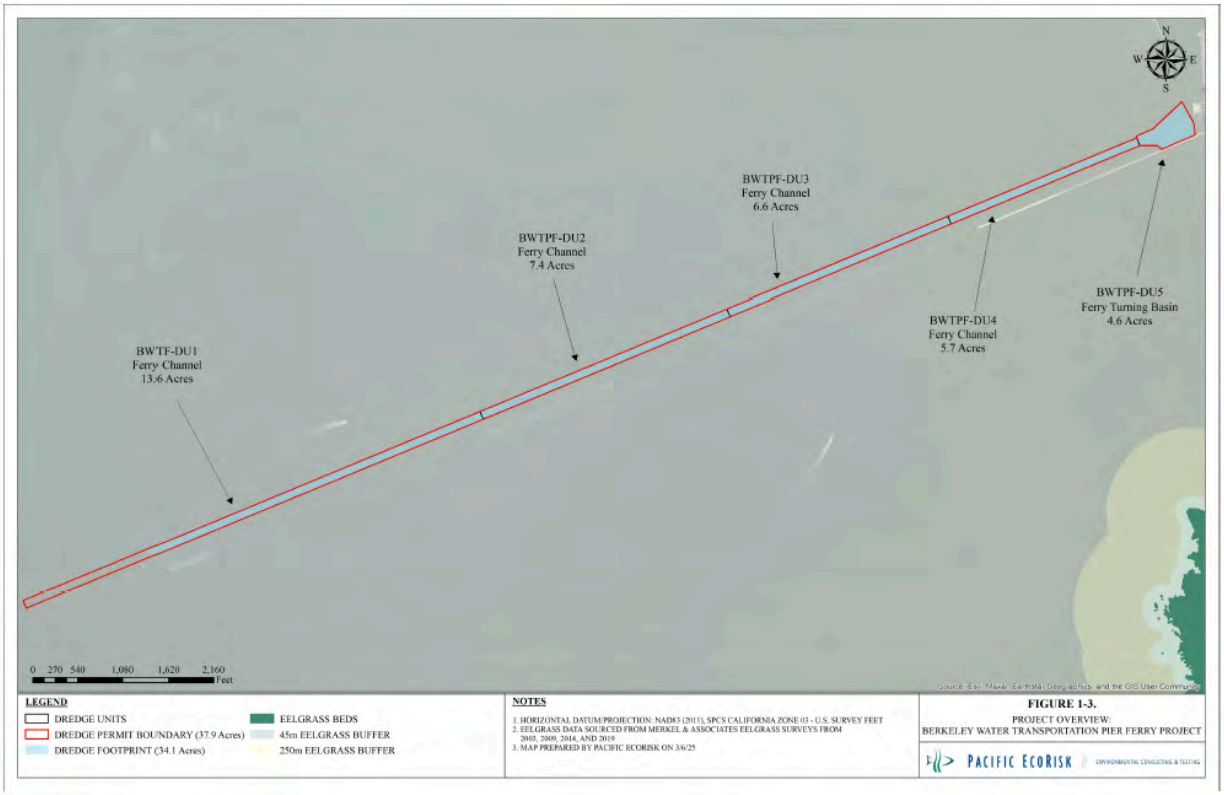
The area intended to be dredged as envisioned under the current Project is orders of magnitude larger, indicated in the images below. There is no overlap in the Berkeley Marina dredging event except for a small section inshore. There is also no footprint overlap with any other dredging project past or present. Section 15125 of CEQA also says (3) An existing conditions baseline **shall not include hypothetical conditions**, such as those that might be allowed, but have never actually occurred, under existing permits or plans, as the baseline. In this case, any broader plans for dredging cannot be used as a baseline (as basis to claim maintenance dredging), even if it was permitted.

O10-26

The project's dredging images (below) are from April 2025, prior to issuance of NOP and similar to actual NOP maps. The inshore "well" for the ferry terminal and turning basin and the new navigational channel for the ferry (required for the ferry only) have not been dredged. The Army Corp of Engineers website[8] shows the Berkeley Marina dredging project in 2024 where dredging was solely focused inside the Marina and Marina entrances.

O10-27

[8] https://www.spn.usace.army.mil/Missions/Regulatory/Public-Notices/Article/3655212/spn-2005-299690-berkeley-Marina-dredging/



Areas required to be dredged and staged under the WETA ferry.

O10-28

With the new breakwater design, siltation potential exists on top of existing siltation patterns. To provide context, the Task 2.1 Berkeley Marina Dredging Needs Technical Memo by Moffat and Nichol written for the Berkeley Marina Specific Plan, April 21, 2021, states that: "The average rate of sediment accumulation in the Harbor Basin is approximately 0.05' per year and the rate at the harbor entrance is approximately 0.1' per year. There are some locations at the harbor entrance which accumulate sediment at a faster rate – closer to 0.2' per year." For this reason, the marina has been dredged periodically. From this same report, we know Maintenance Dredging Permits issued to the City of Berkeley for maintenance dredging of the marina are as follows:

O10-29

- 02/1973 dredging 5,000 Cubic Yards (CY)
- 08/1991 dredging 73,000 CY apparently from the harbor entrance
- 02/2005 dredging < 500 CY Dock H-I apparently to repair revetment
- 04/2006 dredging < 8,750 CY Dock A-C associated with dock replacement

With the 2025 dredging, the range of maintenance dredging events is 14-19 years. Comparable information for the Project is not provided, even though breakwater and

ferry terminal infrastructure added beyond the footprint of the existing pier would imply greater siltation rates. O10-29

Any dredging for the ferry project should be considered new dredging and then ongoing new maintenance dredging and treated as such under the rules and regulations of BCDC, CEQA, the Army Corps of Engineers and any other agency overseeing dredging in the Bay. It should also note that navigational channel dredging is not necessary but exists solely for the needs of the project. O10-30 Then, the current DEIR should be rescinded and re-issued whereby all environmental impacts are re-assessed in light of this new information for both construction and long-term dredging over the life of the project. O10-31



Areas required to be dredged and staged under the WETA ferry. O10-32

E. Areas of Known Controversy ignores substantial community input on environmental, recreational, social and economic impacts of the project

While the Areas of Known Controversy section of a DEIR may contain a brief summary of issues raised by agencies and the public, this DEIR unduly omits the range and depth of controversy that contributed to an understanding of the project. Simultaneously, it overstates the level of meaningful community input integrated into the planning process. We note briefly here a more elaborated statement of public comment brought forward with evidence bearing on the DEIR, and as evidence itself of public concerns. O10-33

First, the project website hosted by the city contains documents with more extensive issues than those summarized in the DEIR:

- Focus groups 1-3 in 2021: meetings conducted to **prevent discussion** of the no-project alternative or recreational pier / no-ferry alternative. Comments note the amenity-only value of the ferry.
- Community workshop #1 in 2021: financial viability, post-pandemic work and business patterns, feasibility of site location; impact on recreational character of waterfront, value of current open space uses.
- Community workshop #3 and breakout sessions in 2021: project does not generate revenue for the Marina Fund; lack of data to support aspirations for secondary economic benefits of ferry to waterfront and BerkeleyPier ferry community feedback.
- Questionnaire #1 2021: Survey of 377 Berkeley residents noting amenity use rather than commuter use of a ferry; domination of cars as **mode of travel to the ferry**; Larkspur as second most desired destination although ferry project only offering weekend service for this destination; support of paid parking for ferry patrons only; comments on expanded recreation facilities around a recreational pier; fishing amenities as most often requested amenity for a recreational pier; noting existence of current recreational activity and scope for expansion of these activities. Most respondents lived within two miles of the project area. O10-34
- Pier Ferry community feedback: land use conversion from recreational public access to transit parking; Measure L consistency; call for reasonable range of alternatives to include recreation-only pier for sensitive environment; feasibility data; conflicts with existing uses; inquiries on Government Code 65302 for physical changes to areas; historical sources of federal funding for pier-only options as alternative

Second, a petition signed by 950 individuals in November 2022 and sent to city council and staff asked the city to coordinate the Berkeley Marina Area Specific Plan (later referred to as the Waterfront Specific Plan) with the WETA ferry and pier project, both of which implicate land use decisions and environmental impacts in the same area. O10-35

Planning processes for the project and BMASP/WSP were held where **the public was directed not to discuss the pier** in the BMASP meetings. O10-35

Third, in 2025, the city altered its State Coastal Conservancy (SCC) grant specifications for paving the South Cove West lot by converting the lot from a "free public resource that provides enhanced equitable access to waters of San Francisco Bay…" (quote from COB grant application) to a paid parking lot consistent with the project's transportation demand management plan for ferry patrons arriving by car. Through a public records act request and ensuing email communications, the SCC could not provide the basis to justify that the conversion remained consistent with equitable access criteria (documents available upon request). No local nonprofits or the Parks, Recreation and Waterfront Commission were notified of the proposal before it was placed as an action item on a COB city council agenda. The paid parking plan in the south lots in the vicinity of the ferry and within the ferry TDM met with strong negative Berkeley citizen response. See approximately **600 written comments in opposition sent to the city**, linked in Attachments. O10-36

Finally, a September 2022 preliminary summary report sent to the city and available here reported that over half of Berkeley shoreline fishers randomly selected for survey analysis expressed the view that a ferry at a restored recreational area would conflict with fishing, due to safety and regulations, congestion and scaring off fish, reducing the recreational experience. O10-37

The DEIR should expand its reference to areas of known controversy to assist decisionmakers in this land use decision as it offers evidence bearing on all aspects of the project: environmental, social, economic, environmental equity, and feasibility. O10-38

III. DEIR fails to establish an accurate project setting or baseline.

A. DEIR has incomplete baseline and environmental settings.

O10-39

The baseline descriptions of the area and vicinity of the project and environmental settings throughout the DEIR are incomplete. As such, they do not provide a reference for near and long-term cumulative impacts.

1. CEQA requirements revisited

Baseline descriptions and environmental settings under CEQA §15125 - Environmental Setting state that: O10-40

> (a) **An EIR must include a description of the physical environmental conditions in the vicinity of the project.** This environmental setting will

normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to provide an understanding of the significant effects of the proposed project and its alternatives. **The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts.**

(1) Generally, the lead agency should describe physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. **Where existing conditions change or fluctuate over time, and where necessary to provide the most accurate picture practically possible of the project's impacts, a lead agency may define existing conditions by referencing historic conditions, or conditions expected when the project becomes operational, or both, that are supported with substantial evidence. In addition, a lead agency may also use baselines consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record.** O10-40

…

(c) Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project. The EIR must demonstrate that the significant environmental impacts of the proposed project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the **full environmental context.**

(d) The EIR shall **discuss any inconsistencies between the proposed project and applicable general plans, specific plans and regional plans.** Such regional plans include, but are not limited to, the applicable air quality attainment or maintenance plan or State Implementation Plan, area-wide waste treatment and water quality control plans, regional transportation plans, regional housing allocation plans, regional blueprint plans, plans for the reduction of greenhouse gas emissions, habitat conservation plans, natural community conservation plans and regional land use plans for the protection of the coastal zone, Lake Tahoe Basin, San Francisco Bay, and Santa Monica Mountains.

2. Gaps in the existing environmental conditions

a. Section 3-1 omits current and reasonably foreseeable projects and conditions, rendering cumulative impact analysis incomplete

O10-41

The following conditions exist or do so in the foreseeable future but are not included in the DEIR, rendering marginal and cumulative impact analysis inadequate, contrary to CEQA standards:

- COB and TSA Holdings LLC (TSA) are in option agreement negotiation for a 45-year ground lease.[9] Currently, TSA Holdings personnel have access to the site for environmental studies, design and engineering work, permitting work and can make city-approved repairs. This agreement provides the following[10]:
  - Renovate and reopen HsLordships facility to the public
  - Repave Seawall Lot as well as Seawall Drive
  - Extend Bay Trail pedestrian and bike paths
  - Allocate 150 spaces of the 199 Seawall Lot exclusively to TSA Holdings for customer use.

O10-42

- D&E docks under construction during May 2025 are about to reopen, providing new 79 large boat slips initially with a total of 94 planned. This project brings greater recreational activity, as well as greater vehicle traffic and access demand to the waterfront in the vicinity of the project area.

O10-43

- East Dock in the South Sailing Basin was closed in February 2025 due to needed repairs but reopened in September 2025 after the NOP was issued.

O10-44

- Parking lots South Cove East, South Cove West and J&K lots are to become paid parking lots, converted from free public lots, by COB Resolution, June 2025.

O10-45

- COB recently passed the Safe Streets (Measure FF) committing $15m for 14 years to increasing bike paths in the city. This information should be noted as a description of alternative bike recreation facilities enhanced nearby.

O10-46

DEIR attributes bike and pedestrian path development in the future only to the adoption of this project. Yet, the Bay Trail bike and pedestrian paths, running through nine counties rimming the SF Bay, are typically funded as standalone projects.

O10-47

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[9] Option Agreement with TSA Holding Group, LLC for 199 Seawall Drive; ANNOTATED AGENDA BERKELEY CITY COUNCIL MEETING Tuesday, January 27, 2026 6:00 PM; City Real Property: Leases and license Agreements.

[10] Lease states: "In addition to renovation of the leased premises, the Ground Lease requires TSA to complete a value of $17 million in off-site improvements, which includes improvements and maintenance of the entire Seawall Parking Lot, portions of the Bay Trail and Seawall Drive, or other Waterfront areas. In exchange for the off-site improvements, TSA is granted 150 exclusive-use parking stalls at the Seawall Lot for 45 years, the initial lease term. With improvements as required by this lease agreement, the 199 Seawall Lot is anticipated to have between 430-450 total parking spaces, pending final design."

O10-42

The initial Bay Trail and South Basin Bay Trail extension in the Berkeley waterfront (2014 onward) were **standalone projects funded primarily by non-COB funds**. The city already has an option agreement with TSA Holdings to build the Bay Trail in the waterfront on the south peninsula. This project should be **treated as a baseline and not contingent on the project**. Without the current DEIR project, permitting pathways may differ, but bike trail and pedestrian pathway development plans would continue. O10-48

These realized and foreseeable conditions must be included in the baseline and environmental settings discussions in the DEIR across impact categories to assess the cumulative impacts of the project, where CEQA requires looking at all projects, plans and activities for an area under review. O10-49

b. Failure to provide recreational baseline

BCDC scoping comments requested specific baseline information: " …please note that the Bay itself functions as a recreational facility …The EIR should document the recreational uses in and around the Project site, identify the service area and service population for the recreational facilities serving those uses…" Further specifics about the intent of this scoping comment can be found in the minutes of the two DRB meetings. BWCC also requested adequate baseline analysis in its scoping comments. O10-50

The DEIR asserts this information is provided elsewhere, but does not include a complete or quantitative inventory. We note (others have too) that, instead, on page 3.11-15 of the EIR, the city selectively quotes from the BCDC scoping letter, eliding the part about documenting the recreational uses. It then claims that Section 3.10.2 covers such uses. This is clearly a typo. Section 3.10 covers noise. There is a section in the discussion of recreation that provides only a general description of recreational activities without establishing the intensities at different locations, or applying **Bay Plan Policy Recreation Policy 3A-7**, which provides **protection for all existing recreational uses and establishes that such uses shall be "easily available from parking reserved for the public."** O10-51

The DEIR does not provide a quantitative inventory, map the spatial distribution of uses, or evaluate regional demand or intensity of use. It omits the role of nonprofit community-based recreational programs and the value of existing activities. Among other impacts, the project proposes to eliminate nearly all public parking such that this baseline information would be critical for impact analysis and determining consistency with other plans relevant to the DEIR. This omission is inconsistent with CEQA requirements. A full inventory and documented methodology for assessing recreational use must be included. O10-52

c. Incomplete spatial description of the integrated land–water recreational system O10-53

The DEIR does not adequately describe the interconnected recreational system that defines the project area. It omits the scale and connectivity of Cesar Chavez Park,

Shorebird Park, Horseshoe Park, Adventure Playground, Seawall Drive shoreline recreation areas, and McLaughlin Eastshore State Park units (North Basin Strip, Berkeley Meadow, Berkeley Beach, Brickyard Cove). This results in an incomplete spatial baseline that understates the functional integration of land and water recreation. O10-53

The DEIR does not consistently define recreational areas. Figure 3.11-1 (p. 3.11-2) includes Aquatic Park lagoon waters in its definition of park, increasing the number normally inferred as land acreage and ostensibly not including the park water areas of the waterfront. The DEIR notes that the park acreage ratio is 34.5 acres per 1000 residents. This number should be **recalculated** using consistent metrics. It either has to redo the figure and acreage ratio to be only land or both land and water, then treat the waterfront area's land and water acreage consistently with other city parks. Under the Berkeley Municipal Code definition of the marina 6.20.010 Definitions | Berkeley Municipal Code, these water areas are substantially larger and support extensive, unique water-based recreational use unavailable at inland parks. The park acreage ratio nevertheless does not distinguish the quality of the resources or the type of access. The waterfront affords "bluespace" access more than any other city park. The DEIR must recognize the *quality* of recreational facilities as well as the *quantity* of acreage. O10-54 O10-55 O10-56

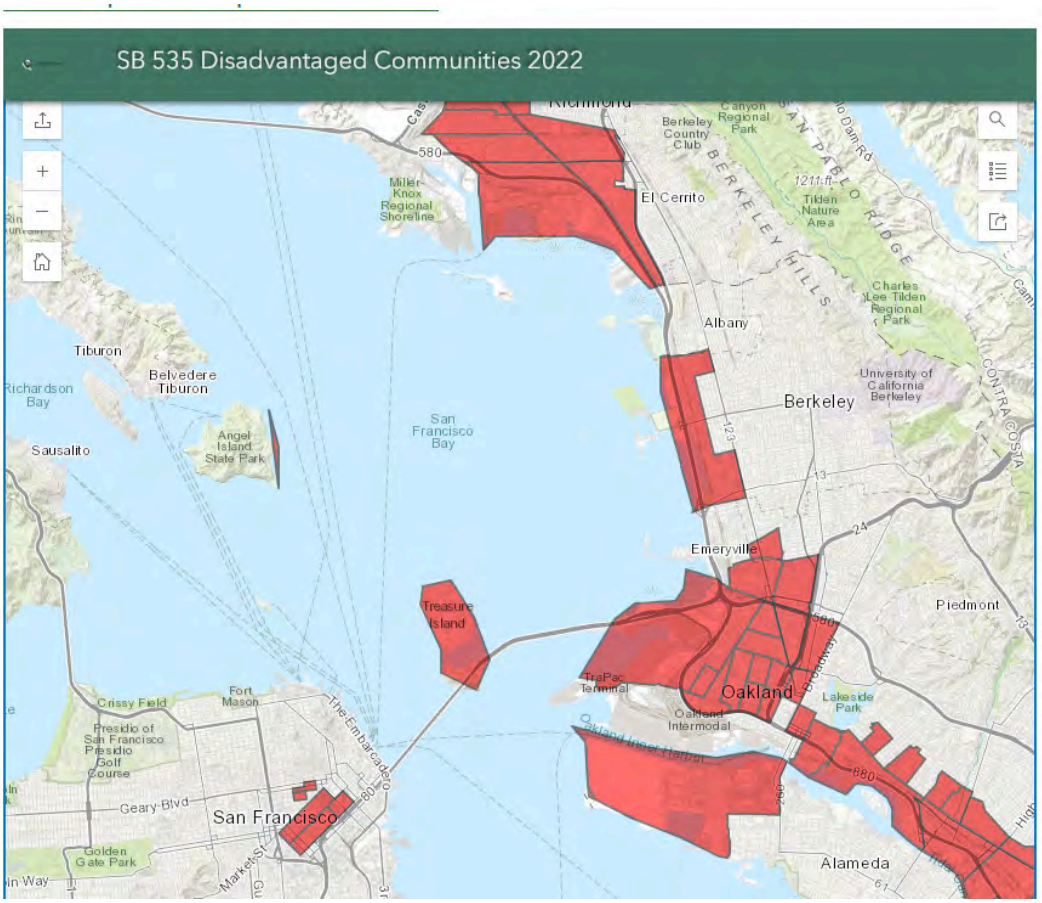
d. Omission of demographic and equity-relevant recreational data

Existing literature shows shoreline and pier fishing disproportionately serve low-income communities and communities of color, and often functions as subsistence or low-cost recreation. The DEIR does not incorporate this equity-relevant recreational baseline information, and therefore does not adequately describe who relies on the project site for recreation. This omission undermines the baseline's adequacy with respect to CEQA's requirement to consider social context where relevant to environmental conditions. O10-57

Further, if affected users are disproportionately from underserved communities, **SB 1000 Land use: general plans: safety and environmental justice (aka Planning for Healthy Communities Act)** https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1000 and related guidance create an additional lens for CEQA analysis. SB 1000 intends to integrate environmental justice (EJ) into local land use planning to reduce health risks and inequities in disadvantaged communities. Planning documents are directed to consider SB1000 to integrate environmental justice, land use and open space elements among other elements, to promote equitable land use decisions. Open space under SB1000 is a limited and valuable resource. Impacts include public facilities access and access to physical opportunities. Disproportionate impacts are to be avoided. If the project is inconsistent with these goals, that is a significant impact. O10-58

The West Berkeley Census tracts lie within a SB535 Disadvantaged Community classification under the Office of Environmental Health Hazard Assessment. Therefore, O10-59

the DEIR must state impacts on local population for access to public facilities and access to affordable physical activity within a unique waterfront setting that has health benefits distinct from green spaces inland. Bluespace access will become increasingly important due to warming effects of climate change. Equity-serving availability of shoreline access must be weighed against project impacts.



Source: https://oehha.ca.gov/calenviroscreen/sb535

O10-59

e. Reliance on regulatory text that does not reflect actual use

The DEIR (p.529 pdf) relies on Berkeley Municipal Code Section 6.20.180 to characterize swimming and windsurfing as prohibited within the project area. However, these activities occur regularly and have historically occurred at the site. The DEIR does not reconcile this discrepancy between regulatory designation and observed recreational use, resulting in a baseline that does not reflect actual conditions.

O10-60

The court case *Fat v. County of Sacramento*, No. C037610, 02 C.D.O.S. 3642, 2002 DJDAR 4646. Filed April 2, 2002. Ordered published April 26, 2002. This holds that baseline is generally considered existing physical conditions at time of review, not what is legally permitted under zoning rules or in this case a municipal code prohibiting an

O10-61

activity in a defined area so that actual on-the-ground use constitutes the baseline, not what "should" be there. Also, *Communities for a Better Environment v. South Coast AQMD (2010)* 48 Cal.4th 310 found that the baseline must reflect realistic actual existing conditions and agencies cannot use permitted levels of activity as the baseline. *Union of Medical Marijuana Patients v. City of San Diego (2019)* 7 Cal.5th 1171 reinforces that actual conditions matter even if legally complicated. Illegality does not automatically exclude a use from baseline. Therefore, the existing use of the marina area around the pier in the Project area includes swimming and windsurfers as part of the baseline recreational environmental setting. The city as lead agency cannot distort its baseline with unused legal entitlements. O10-61

f. Inconsistency with Federal Recreation Protections (U.S. DOT Act Section 4(f))

The DEIR asserts that Section 4(f) does not apply because the project does not receive federal funding. This conclusion may be premature. As the project is not yet funded, federal funds are a potential source of funding. Federal funding has recently been used for both the Santa Cruz and Santa Monica pier renovations. Federal funding provided Berkeley's pier both in 1937 and in 1965. The DEIR does not evaluate this potential or reassess applicability, and its determination is not supported by substantial evidence. O10-62

B. Inventory of recreational activity available at time of scoping comments but unused

As the DEIR does not include an inventory of regional and local recreational use at the waterfront for baseline analysis, we attempt to fill the gap here with information readily available for DEIR preparation. O10-63

The Berkeley waterfront land area constitutes the city's largest park area, with over 100 land acres of public open space. The land area includes Cesar Chavez Park, Shorebird Park, Horseshoe Park, Adventure Playground, in addition to the general walking and bike paths connecting the entire waterfront and the casual in-car viewing area along Seawall Drive and the shoreline fishing areas along Seawall Drive. McLaughlin Eastshore State Park areas are officially the North Basin Strip, the Berkeley Meadow, and the Berkeley Beach and Brickyard Cove, which are integrally linked to the Berkeley waterfront managed by the city. The recreational space coextensive with the ferry project includes waterways that come under BCDC jurisdiction, including the recreational South Sailing Basin serviced by three public docks and two small-boat hoists, and the recreational boating and sportfishing yacht harbor. The harbor was built with two major infusions of federal or state funds, once in 1936 (as a WPA project) and once in 1965 under the State Small Boat Harbor Law, for purposes of recreation. The California Wildlife and Conservation Fund gave money for the rehabilitation of the pier as a recreational fishing pier in 1957. O10-64

1. City-licensed cell phone mobility data for waterfront recreation

Data from Visit Berkeley, the tourism bureau for the City of Berkeley. This office, with funding from COB, pays for a Placer.ai license, a database/software company collecting mobile cell phone data. The private sector and government agencies value this service for the outlook it provides on potential markets and client needs. This data is available to the COB. The public made COB aware on numerous occasions of its usefulness but the DEIR does not incorporate any of this information for baseline and expected future conditions at the waterfront. O10-65

BWCC requested data on the marina for 2019, the furthest back the data is available, and for the most recent year, 2025, separating the waterfront into three zones: 1) south, where the Project WETA terminal would go, 2) central area where the Doubletree and Marina Boulevard lot is located, and 3) the north area which includes Cesar Chavez park. The basic data trends are as follows:

Table of visits from Overview reports

	Visits 2019	Visits 2025	% chg	Visitors 2019	Visitors 2025	% chg	Avg income 2019	Avg income 2025	% chg
South	245.2k	283k	15.4%	151k	171.1k	13.3%	151k	159k	5.3%
North	212.5k	260k	22.3%	99.9k	111.3k	11.4%	160k	167k	4.4%
Central	109.9k	134.8k	22.66%	72.5k	85.5k	18%	159k	163k	2.5%
Total	567.6k	677.8k	19.42%	323.4	367.9k	13.76%			

Source: Placer.ai report requested from Visit Berkeley under COB license.

The number of visits (defined as 15 min or longer) and visitors between 2019 and 2025 increased, even with the closure of HsLordship restaurant, the 199 Seawall Lot parking lot, the continued closed pier, and the closure of D&E docks for reconstruction. In 2025, waterfront visits totaled 678k, translating to >1800 visits per day. The current number of visitors in 2025 to the project area in the south waterfront alone is 171.1k/365 = 469 visitors per day. According to WETA Berkeley Ferry Service Business Plan, March 17, 2022 Version 1.0, a DEIR planning document, weekday ridership is estimated at 955 per day (most coming by car and some by bus or shuttles) in the first year, increasing to 2036 in the tenth year. This would increase per-person visitation to this project area by 104% to board the ferry in the first year. This is also corroborated by Table 3.10-18 which shows average daily traffic from Seawall Drive to Marina Boulevard, the route to the project's proposed ferry terminal, increasing 77% with the project (DEIR p. 489 pdf). These baseline conditions and the marginal and cumulative impacts are not disclosed in the DEIR. O10-66

Current visitation trends revealed in Placer.ai data relevant to the DEIR are as follows[11]:

- Peak seasons of visitation in the south waterfront in 2025 are April, late June and August and are much higher than in the north waterfront areas. In 2019, peaks were June and July.
- Peak seasons in north waterfront in 2025: visitation looks steadier throughout the year with March and September as slight peaks. In 2019, visitation trends were similar to the south, with a major peak in July, most likely indicating 4th of July celebrations. Otherwise, visitation hovered below the south.
- Visit duration is longest in the south waterfront.
- Average income of visitors is less in the south waterfront.
- Ethnicity makeup is similar across 2019 and 2025: south waterfront attracts more nonwhite visitors.
- The catchment area for visitors goes well beyond Berkeley, into Richmond and Oakland, and beyond. Visit origins are regional and not concentrated in Berkeley.
- All areas show increases in visitation >10% as compared to three years ago.

O10-67

This data is corroborated by another Placer.ai report specifically made available earlier to the city of Berkeley. The number of visits totaled 1.8 million from Jun 1, 2024- May 31, 2025. The number may be larger due to a looser definition of visits (of smaller duration, e.g.). However the number of visitors is remarkably similar – 675.1k – to this report. That report is linked here:

https://view-su2.highspot.com/viewer/b16127e1532dd08df95725fbfd8b4fc4#1

This version of the waterfront visitation also shows that the south area of the waterfront in the project area receives more visitors than the north waterfront; the south receives visitors of lower income and lower education, who are more nonwhite on average. Their visit duration is longer.

2. City-commissioned waterfront park visitor survey data

The City of Berkeley hired Kittelson and Associates, Inc. to conduct an in-person survey of park visitors arriving by car. The report, while aimed at understanding how to reduce parking demand for the Project, also serves as a source of information on the quality and intensity of recreational visitors for representative baseline conditions. An in-person

O10-68

[11] https://drive.google.com/drive/folders/1dLnk8zbFW2kiOLZSuy5Po51TjP5T5opy?usp=sharing
Please let us know any issues accessing these reports.

O10-67

intercept survey was conducted on three Thursdays and two Saturdays between April and August 2024 for those arriving by car, although some persons interviewed arrived by bike, bus or other modes. This report is referenced in the DEIR only in Section 3.10 discussion of noise impacts. Here we draw on the raw data for the in-person survey we obtained through a Public Request Act to provide a more complete overview of baseline and environmental setting useful for assessing all categories of impacts listed in the DEIR. We find the following conditions pertinent to a DEIR:

- Most recreational visitors arriving by car are coming from outside Berkeley (63%) (Figure 18 in Kittelson report).
- Many are older: 52% are 50 or over.
- Frequency of visits is high. Over 50% visit once a week or more and about 30% visit more than once a week.
- 36% of visitors earn <= $75k. And 47% reported earning *below* the median household income for Berkeley of $108,558 (Figure 34 of Kittelson study) and (U.S. Census Bureau QuickFacts: Berkeley city, California).
- Duration of visit is long in a number of key public access lots: In O-lot, J&K, South Cove West, and FGHI, the average stay is greater than four hours on a weekday, weekend or both. FGHI may be dominated by liveaboards while the others have turnover more typical with recreational visits. O10-68
- Walking is the most popular activity, followed by sailing/boating and sightseeing/photography.

We verified this data in a BWCC analysis and extended the analysis. See report (CEQABaselineReport.pdf): Berkeley Waterfront Visitation Characteristics and Distribution, BWCC, April 2026, linked in Attachment section.

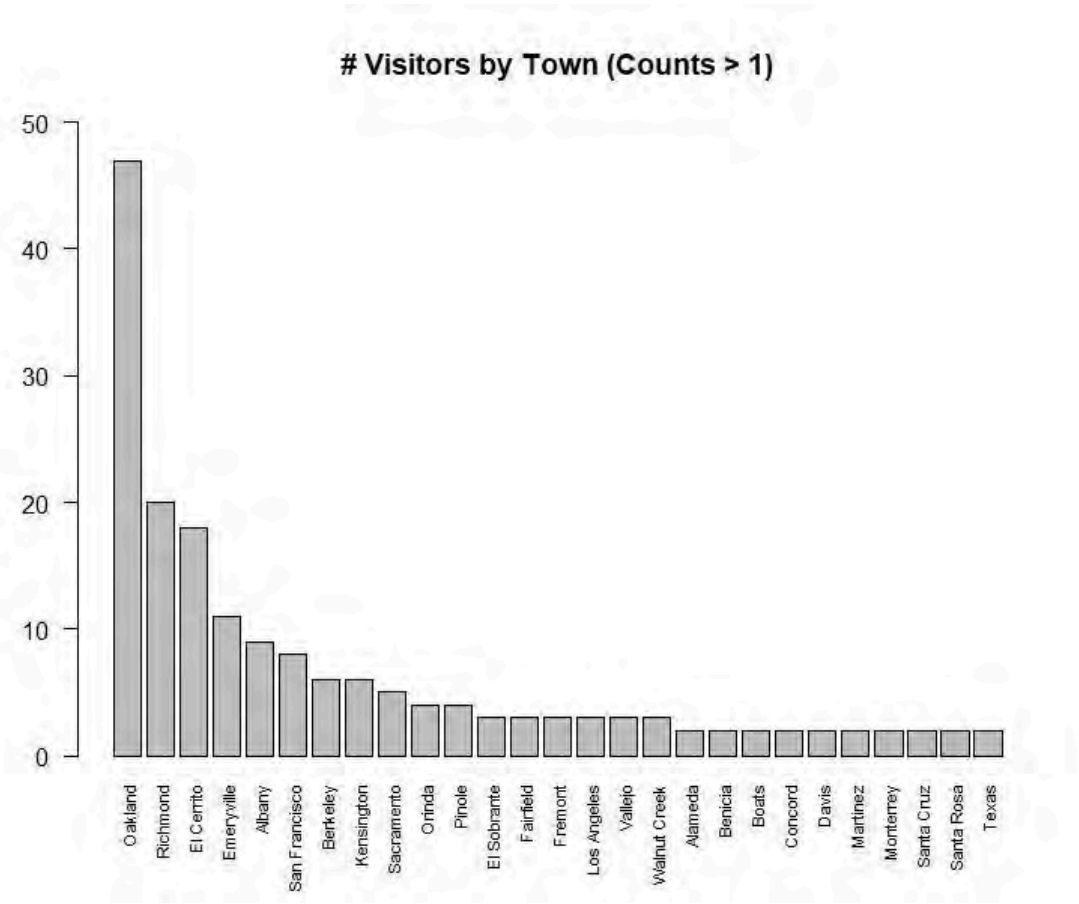
To illustrate the waterfront's role in equitable public access to the shoreline, the data also shows that:

- Seawall Drive and South Cove West have most lowest-income (<$25k) income visitors.
- J&K lot next to the bait shop sees a high number of those earning less than $75k, as does L&M lot and H&I. O10-69
- The lowest income group (<$25k) most often parks in South Cove West, which is part of the Project area.

Defining the north and south and central area as above, we reported to the city that the the south waterfront area (area of the project) in aggregate attracts lower-income (<$75k) visitors more than other parts of the waterfront, consistent with Placeer.ai data. See attached report for barchart.

Regarding race/ethnicity (RE) which was reported in the Kittelson data, we note the following distributional patterns of importance to environmental justice and affordable access to the coastline:

- Seawall Drive, **slated to be eliminated as a recreational viewing location**, has the greatest percentage of those identifying as Black/AA alone (Table 9).
- Seawall Drive and 199 Seawall both host the largest percentage of Black/AA and Hispanic waterfront visitors as compared to other public access areas (Table 9).
- Seawall Drive and 199 Seawall together attract most of the Black/AA and Hispanic waterfront visitors (Table 10).



Source: Survey data for waterfront visitation from Kittelson; plot generated by BWCC.

O10-70

While the cell counts for non-White alone groups are small, the patterns coincide with other studies with larger cell counts across a sample, namely the Berkeley shoreline fishing study by Antinori et al. (2025, 2026). Within this sample drawn randomly from Seawall Drive shoreline fishers in 2022-2023, demographic data shows 21% Black/African-American, 26% Hispanic and 24% White alone, a pattern “flipped” in

comparison to Berkeley demographic data. Along Seawall Drive, shoreline fishers are Both Seawall locations are slated to be eliminated from public access under the project plan and by lease agreements. The 199 Seawall public access lot will be dedicated exclusively to TSA Holdings and ferry patrons. Seawall Drive public in-car viewing access area is to be mostly eliminated under the project, as discussed in the Recreation/Land Use section of this document.

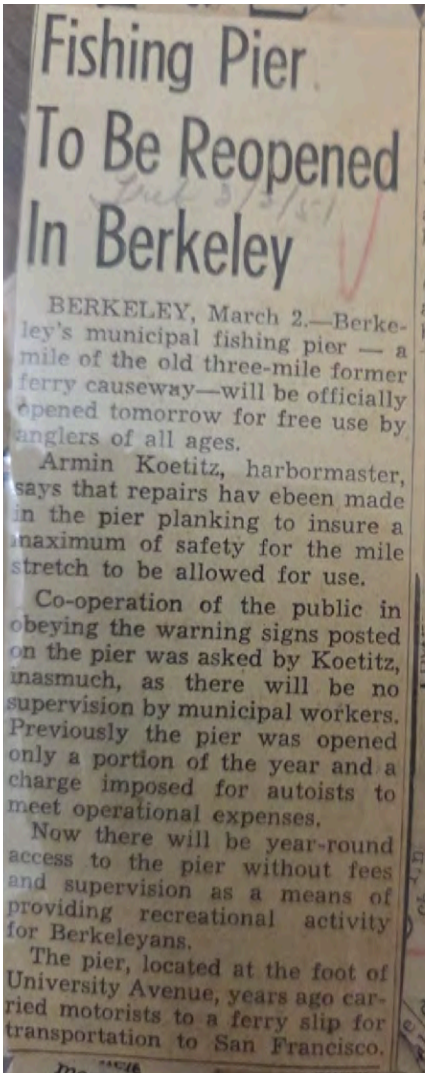
010-70

Despite direct impact on public access and equitable access goals noted elsewhere in this document, the **DEIR omits this information from baseline and project descriptions and from impact analysis across multiple categories** (e.g. land use, recreation, aesthetics, biological, cultural, greenhouse gas/energy).

010-71

3. **Public input and publicly available reports on Berkeley shoreline and pier fishing as major recreational and cultural resource**

BWCC NOP scoping comments specifically directed COB to include available data on fishing activity. This is absent in this report. Although the WETA and WSP plans mention adding much-valued fishing amenities like fish-cleaning stations and seats to the proposed pier extension, the project makes practically no reference to nor includes data on current fishing activity, nor historical pier fishing which was a central feature of the waterfront. Data has existed on the value of the project area as a recreational and subsistence fishing area. These reports and readily available sources of data have been available to the city at the time of the NOP and were not integrated into the draft EIR.



Fishing Pier To Be Reopened In Berkeley

BERKELEY, March 2.—Berkeley's municipal fishing pier — a mile of the old three-mile former ferry causeway—will be officially opened tomorrow for free use by anglers of all ages.

Armin Koetitz, harbormaster, says that repairs hav ebeen made in the pier planking to insure a maximum of safety for the mile stretch to be allowed for use.

Co-operation of the public in obeying the warning signs posted on the pier was asked by Koetitz, inasmuch, as there will be no supervision by municipal workers. Previously the pier was opened only a portion of the year and a charge imposed for autoists to meet operational expenses.

Now there will be year-round access to the pier without fees and supervision as a means of providing recreational activity for Berkeleyans.

The pier, located at the foot of University Avenue, years ago carried motorists to a ferry slip for transportation to San Francisco.

O10-72

O10-73

Fishing has been a long-standing and well-documented use of the site. The DEIR covers the waterfront from ice age to the 1906 earthquake, but there has been little on the recreational activity at the pier since 1938. In 1935, the city received a $1.5m federal grant from the Works Progress Administration (WPA) to build a yacht harbor and Aquatic Park. Simultaneously, the Bay Bridge, funded by President Roosevelt's New Deal, rendered the auto ferry obsolete. In 1938, title to the two-lane pier transferred to the city. The recreational pier was an immediate hit for recreational and subsistence fishing. Newspaper stories of the day ran with headlines like: "Short on Ration Stamps? Fish biting at local pier" (1943), "Youngsters enjoy fishing lessons at Berkeley Pier" (1938), "Halibut are taking hooks off city pier" (1943), "Fishing's

Good on Berkeley pier: bass are running heavy" (1945). In 1940, the Berkeley Gazette reported that 35,000 people had used the fishing pier in the previous year. In 1946-1947, repairs were made. Garbage fill was stuffed under the near-shore portions of the pier and used to expand parking lots, with intermittent weekend pier openings for fishing even during construction due to demand. The California Wildlife Conservation Fund (WCF) provided funds in 1957 to rebuild and restore the pier on the basis of **its value as a recreational resource.** The Berkeley pier was its first pier project. The fishing pier saw around 101,100 people and the yacht harbor 94,100 in 1957, according to 1958 city documents. Before closure in 2015, the Berkeley Pier was one of the most heavily used fishing locations in the Bay Area.

Urban fishing is distinct from fishing in "destination" areas. It is close-to-home, affording much more access to angling as a recreational sport and as another source of food. In parts of California, fishing on public piers has been free with no license required since at least 1914, and Governor Earl Warren made it official for all California public piers in 1951 as long as it was for fun and not profit. It plays a large social, economic and social role in addition to distributional equity aspects in California and elsewhere (Quimby, Stevenson, Joose).

Ken Jones, a chronicler of pier fishing in California, states: "If a survey had been done over the past twenty-five years as to the most visited pier in the Bay Area, the winner undoubtedly would have been either the pier at Pacifica or this pier in Berkeley." He adds, "For availability, transportation, ease of fishing, and facilities, Berkeley was hard to beat." (https://www.pierfishing.com/berkeley-pier/).

The DEIR states: "Two of the evaluation efforts focused on the Berkeley Pier and did not consider the property's larger developmental context, current ownership, and functionally related relationship of the Berkeley Pier to the larger Berkeley Marina, to which it is historically linked. As recommended by guidance from OHP, the evaluation was updated in 2025 to support the proposed project's environmental review to amplify information about the resource and document changes that have occurred since the previous evaluation.[43] Additionally, the updated 2025 Berkeley Pier evaluation assessed local eligibility, which was not included in previous evaluations." The outcome of that evaluation is not clear.

Despite having closed the pier in 2015 and started WETA ferry service negotiations in 2016, the City of Berkeley is still a major draw for fishers. These reports based on recent survey analysis from 2021 to 2023 document this activity - apart from any CDFW data:

O10 - 73

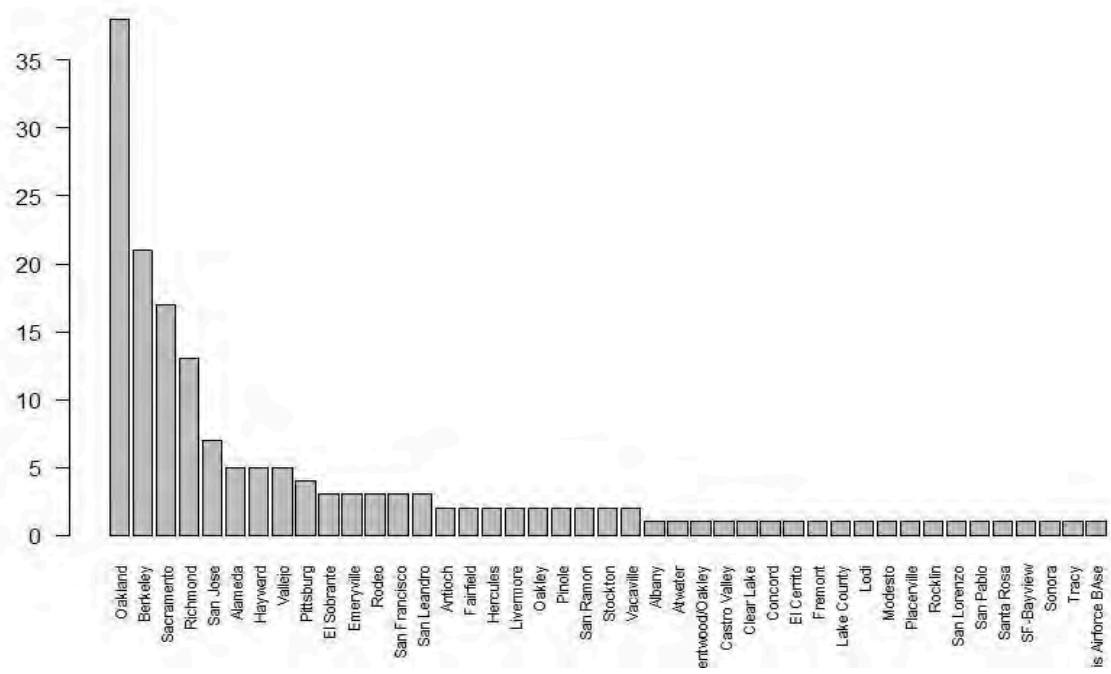
O10 - 74

O10-75

- *Fishing the Berkeley Waterfront: How much is it worth and for whom?*, Presentation to Bay Conservation and Development Commission, January 17, 2023.
- *Fishing at the Berkeley Waterfront - What is it Worth?*, with M. Banal, P. King and M. Peterson, Preliminary Summary Report, September 2022. This report was in the packet for Parks, Recreation and Waterfront Commission agenda packet for Wed 9/14/2022 at 7pm.
- Normal for Whom? Exploring socioeconomic variation in a travel cost analysis of urban shoreline fishing (Antinori et al. 2025). This was provided as a link and described in the NOP. The peer-reviewed published version of this report is at: "Normal for whom? Exploring socioeconomic variation in a travel cost analysis of urban shoreline fishing,"

According to Antinori et al. 2025 (and Antinori et al., 2026), 77% of anglers fished in Berkeley before COVID, 61% prefer Berkeley over other locations, and 55% fish for consumption purposes. These patterns reflect both recreational and subsistence fishing, neither of which is incorporated into the baseline. Current average annual visitation for angling at this urban shoreline is 30. Thirty-three percent and 35% of anglers in the sample earn less than $50k and between $50k-$90k, respectively, and lower income anglers visit this area more frequently.

O10-75



Town of origin for shoreline fishers at Berkeley waterfront. Note that Oakland is the most frequent town of origin, followed by Berkeley then Sacramento. *Source: Survey data 2021-2023, reported in preliminary form in 2023 presentation above.*

The graph below shows the town of origin for angler visits to the Berkeley shoreline, 2022-2023. Note that most by far are coming from Oakland. After Berkeley, the next most common town of origin is Sacramento. Anglers also visit from as far away as Livermore. **The park is a regional open space asset, providing respite from heat in the inland areas, which will become more important with climate change.**

O10-75

The DEIR also omits policy literature quantifying recreational fishing value, including per-trip estimates of approximately $36–$78 per visit, and broader literature showing high statewide participation in marine recreation and the regional significance of shoreline fishing sites (Christensen, J., King, P., 2017; Reineman et al. 2016; Pendleton and Rooke, 2006; Pendleton 2011). This omission prevents accurate characterization of use and social benefits.

O10-76

The Berkeley marina is also the home port for numerous sportfishing operations and small commercial fishers who rely on fisheries productivity in the Bay. Readily available local sources of Berkeley-specific fish reports generated by local recreational/subsistence fishers and commercial operations include:

- BerkeleyMarina_baitntackle: Instagram posts regularly from the marina's bait shop show catches from nearby Berkeley waterfront locations (see Biological resources section for more data).
- California Dawn sportfishing Facebook page: https://www.facebook.com/californiadawnsportfishing/
- Golden Eye 2000 sportfishing Facebook page: https://www.facebook.com/goldeneye2000sportfishing/
- Amethyst Fishing Charters
- Reel Fishing

O10-77

4. City-mandated reporting on nonprofit recreational programming in project area and beneficial public use contributions

The DEIR does not include nonprofit recreational operations under the City's berth fee waiver program, including the Pegasus Project, Blue Water Foundation, Berkeley Racing Canoe Center, or Cal Sailing Club. These organizations provide sailing education, youth programming, and public access recreation. In April 2020 alone, these organizations provided approximately $354,500 in services in exchange for $40,863 in berth value (88% return on investment), demonstrating substantial public benefit and recreational intensity. The City has not provided updated fee waiver reporting since 2020, as required under City Council Resolution 58859-N.S. adopted in 1997 and updated in Resolution No. 66544-N.S. of April 29, 2014 (see attached), and the DEIR does not incorporate updated data. The omission of this program significantly understates the scale, social value, and equity dimensions of recreational use at the

O10- 78

marina and, therefore, must be included in the project description, project setting and environmental setting.

O10- 78

The City of Berkeley remains unique in California in providing a fee berth waiver program for community service and recreational outreach. Nestled within the marina's 1000 slips, there are currently four nonprofits under the berth fee waiver program:

- **Pegasus Project:** Founded in 1994 by Peter Hayes, co-founder of Nautilus Institute for Security and Sustainability and the "No Child Left Ashore" vision, using Hayes' 51' wooden ketch for youth outings from K-Dock.
- **Blue Water Foundation:** founded in 1992 to provide at-risk and under-represented youth an opportunity to sail, using K-dock.
- **Berkeley Racing Canoe Center (BRCC):** Encourages competitive dragon boat racing and recreational paddling for all ages and abilities, using two slips on M-dock. BRCC gives free boat rides to massive numbers of Bay Festival visitors each year and hosts field trips for schools and youth groups, and donates "private cruises" as fundraising auction items to many local nonprofits. BRCC Board could provide details, BRCC Board <brccboard@dragonmax.groups.io>
- **Cal Sailing Club (CSC)**: Founded in 1948 under auspices of the University of California and transmuted to a nonprofit in 1982 to provide low-cost sailing education and access, using six slips at J dock. In 2025, this organization gave 1512 free rides on keelboats and dinghies in the South Sailing Basin to the community during seven open house sails and additional free rides to support the city's Bay Festival. These had a value of $125,496.

O10-79

The Parks Department has not provided updated fee waiver reports as is required under City Council Resolution 58859-N.S. (1997) and City Council Resolution 66,544-N.S. (2014) to the PRW Commission or City Council since the 2020 report. The DEIR likewise does not recognize the value, level, intensity and quality of recreational activity represented by this program. Information available to the city on CSC alone, **and which is available for all the organizations,** is found in the box below as a **source of recreational inventory available for the DEIR but omitted**.

O10- 80

Cal Sailing Club (CSC), a nonprofit, volunteer-run cooperative, has for decades made water sports available to all. Long known as The Beating Heart of the Berkeley Marina, CSC welcomes everyone through low-cost and no-cost access to membership, ongoing free community events like monthly open houses, and youth rides. CSC's major activity is teaching sailing and windsurfing safety. Membership is open to the public. Members get lessons and, after achieving ratings, use of the club's fleet of 26 dinghies, 6 keelboats and 80 windsurfing boards including novice, intermediate, and advanced designs. Membership dues and volunteer work provide access to lessons and

recreational use of the club's equipment. There are no charges for lessons or use of equipment. Members have to pass rating tests and contribute work in order to achieve ratings. Our clubhouse is located on the south side of the Berkeley Marina. The Club is open all year, from noon to sunset on weekdays and from 9:00 AM to sunset on weekends. Instruction, maintenance, and administration are all done by volunteer members. CSC is a registered Community-Based Organization (CBO) under the San Francisco Bay Conservation and Development Commission (BCDC).

For more information, see our website https://www.cal-sailing.org/ and come on down!

Other useful information:
• Link to video of typical day at CSC: https://www.youtube.com/watch?v=lymUxgywFDY
• Link to open house schedule: https://www.cal-sailing.org/activities/csc-open-house
• Link to community events other than open houses: https://www.cal-sailing.org/activities/community-events?view=communitywork

CSC By The Numbers (dated from 2024)

O10- 80

2500+: total number of free rides per year that have been provided to the public for decades now, giving visitors aged 5 and up superb views of the Golden Gate and the Berkeley waterfront during our monthly Open Houses from April to November.

$90,000 in estimated annual Value of Presence in Marina or Community Service for these free introductory sails provided to the general public and diversity groups.

1,100: annual active memberships.

19,026: number of members since 2009.

$1.33: Average daily cost for full membership (yes, that is one dollar and thirty-three cents, or $120 on a quarterly basis). Fee is waived if a member contributes additional volunteer hours.

$450 annual membership fee. Fee is waived if a member contributes sufficient volunteer hours.

54.4% of new members self-identified as other than White in the last 12 months as of November 2023 (29% as Asian, 9.5% as Hispanic, 3% as Black, 1.8% as Middle Eastern, 0.3% as Hawaiian, 0.2% as Amerindian, and 45.6% White). In comparison,

some studies have shown that sailing practitioners in the US are more than 80% white, and Berkeley is 55.5% white according to the census.

2,942: lessons given last year in sailing and windsurfing.

$45,000 grant from California Department of Boating and Waterways every year to teach Boating & Water Sports Safety.

7,126: estimated area in square miles from which CSC draws members.

50: Number of years CSC has been at the Berkeley waterfront and marina teaching high-level sailing skills in one of the most iconic sailing spots in the world.

O10- 80

5. Publicly-provided recreational swimming information

The DEIR understates the project area as a resource for swimming although this information was provided. In scoping comments by Julie Allen, the city and consultants were made aware of the high volume of swimmers that needed to be included in the DEIR. Allen's concerns included access issues, but because access was mediated though parking displacement, the DEIR dismissed the comment as not relevant, as parking is "not a CEQA environmental impact in and of itself" even though the main point was public access impacts. Allen's comments also included a request to recognize the volume of swimmers in the planning documents, requests that went ignored in community engagement exercises: "I ask also that all recreational users be invited to the table to give input. Hundreds of swimmers use this area and we were not included until April, and only then after aggressive insistence, and even then our #1 concern, parking, was declared off the table for discussion."

O10- 81

We here include further testimony from an East Bay Open Water Swim member:

*I started swimming at the marina during COVID (6 years ago this month!) and I only joined EBOWS then. I know that a lot of other folks had the same good idea and the number of Bay swimmers has gone through the roof in the past few years. There are **150** members of our Berkeley Marina Swim WhatsApp group, and that group started only a year or so ago and grows daily. The EBOWS Google group (all easy bay locations) had more than **600** swimmers for a bit, then we had to move to another platform and the new group has nearly **350** members -- that started from 0 less than a year ago (many regulars quickly re-joined), with more joining all the time. I also know*

O10- 82

that a LOT of marina swimmers are not in any of these groups. A while back we created a survey about parking habits and had 135 responses.

See EBOWS marina swim survey report in Attachments section.

Additional swimming groups which frequent the project area and nearby facilities:

- **Selkies:** 250 members.
- **Odyssey**: 55-75 swimmers out of the South Sailing Basin at Sunday swims. Swimmers launch from the south sailing basin in high water and HsLordships launch in low water and when the East Dock was closed. The regular schedule for many years has been Sunday mornings year round and Tuesday evenings in summer.
- **Other groups in Bay:** https://baynature.org/magazine/summer2025/swimming-together-in-san-francisco-bay/

O10- 82

Open water swimming in the Bay is growing in popularity for many reasons. As the Bay has been getting cleaner, swimming has become more attractive. It is a less-injury-prone activity for the aging population which is growing in size. Open water swimming has well-known health effects - with a literature that was available to the DEIR preparers (see Gascon et al, Pouso, Sturm et al, White et al. studies in reference section for verification).

C. DEIR revision necessary

Given the inaccurate and incomplete environmental baseline setting, we urge a revision to the DEIR to include a complete and quantitative description of existing baseline conditions to reevaluate environmental impacts and support informed decision-making. Without a full description of existing recreational uses, an EIR cannot provide substantial evidence to support its conclusions or determine whether impacts such as displacement, increased use, or loss of access will occur.

O10- 83

IV. DEIR shortcomings on project environmental impacts

A. Impacts on Aesthetics omitted

O10- 84

The Berkeley waterfront includes heavily used public access and viewing areas which the project area subsumes. The DEIR however understates both the scope of the visual impact and the range of affected scenic and cultural experiences which the public currently enjoys.

CEQA defines public views as those experienced from publicly accessible locations. The San Francisco Bay Plan states provides aesthetic objectives applicable to the project and stated in the DEIR:

O10- 85

- **Public Access Policy 9**. Public access improvements provided as a condition of any approval should be consistent with the project, the culture(s) of the local community, and the physical environment, including protection of Bay natural resources, such as aquatic life, wildlife and plant communities, and provide for the public's safety and convenience.
- **Appearance, Design, and Scenic Views Findings and Policies, Finding d.** Probably the most widely enjoyed "use" of the Bay is simply viewing it-from the shoreline, from the water, and from afar; a Bay view can add substantially to the value of a home, office, or apartment building. Also, the Bay is a major visitor attraction for the tourist industry.
- **Recreation Policy 9:** Ferry terminals may be allowed in waterfront park priority use areas and marinas and near fishing piers and launching lanes, **provided the development and operations of the ferry facilities do not interfere with current or future park and recreational uses, and navigational safety can be assured.** Terminal configuration and operation should not disrupt continuous shoreline access. Facilities provided for park and marina patrons, such as **parking, should not be usurped by ferry patrons.** Shared parking arrangements should be provided to **minimize the amount of shoreline area** needed for parking

O10- 85

1. Incorrect CEQA significance standard

The DEIR treats "remain visible" and "low profile" as the significance test. That is not the CEQA standard. CEQA Guidelines §15064.5(a) and Appendix G require analysis of whether a project would cause a substantial adverse change to a scenic vista, including degradation of scenic quality, fragmentation or interruption of view corridors, the introduction of dominant new visual features, and alteration of the character of a recognized scenic resource. Partial visibility of distant features does not satisfy this inquiry.

O10- 86

2. Scenic-quality effects of major project components not evaluated

The DEIR identifies the project's major new visual components — a 300- to 400-foot breakwater, ferry terminal infrastructure, solar canopy structures, and frequent ferry vessel operations — but neglects full and reasonable evaluation of whether these elements, individually or collectively, would fragment panoramic sightlines across the Bay, reduce the openness of the water foreground, alter skyline framing and scenic composition, or transform the shoreline from a natural panorama into an infrastructure-dominated view.

O10- 87

First, the DEIR acknowledges the breakwater but does not evaluate whether its scale and placement would materially alter scenic composition or degrade the visual character of the Bay shoreline. The breakwater introduces a large, continuous structure into existing open-water views along the shoreline. DEIR analysis focuses on selected views of retained visibility of distant scenic resources **rather than on the loss of open-water foreground conditions and uninterrupted view corridors.**

O10- 88

Second, the central visual element of the project — the ferry vessel itself — is absent from the DEIR's renderings and infrastructure figures. The project proposes ferry operations with approximately 28 weekday and 26 weekend crossings at a new 1,080-foot pier on the Berkeley waterfront. The DEIR cover rendering depicts the proposed pier with two pedestrians and a sailboat in the middle distance. No ferry vessel is shown. This is the image members of the public encounter first when reviewing the project, and it **portrays a misleading and largely inaccurate representation of the visual change** the project would introduce.



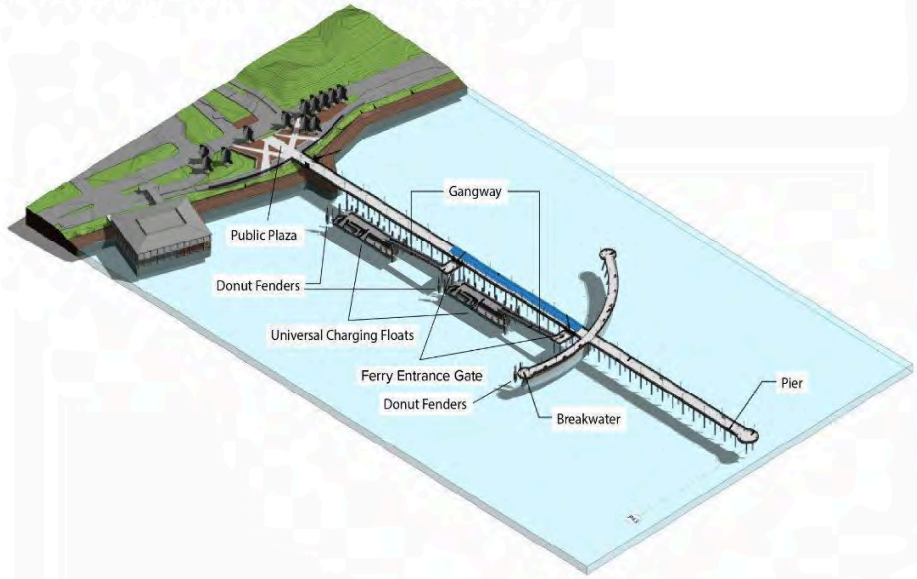
DEIR cover of the proposed pier and Figure 2-4 water rendering show no ferry vessel.

O10- 89

Internal Figure 2-5, entitled "Proposed Pier, Breakwater, and Ferry Vessel Infrastructure Layout," labels the gangway, ferry entrance gate, donut fenders, universal charging floats, and the breakwater. It also does not depict a ferry vessel. A reader examining the figure cannot determine the scale of the vessels relative to the pier or breakwater.

O10- 90

Figure 2-5 Proposed Pier, Breakwater, and Ferry Vessel Infrastructure Layout



DEIR Figure 2-5. Ferry infrastructure is labeled; the ferry itself is not shown.

O10- 90

We attempted to AI-generate a rendering to include a 250-passenger Bay Breeze-style vessel as specified in the project description. While not perfect, with ferry in wrong location, it gives some idea of the ***scale*** of a ferry within the project area:



Our

O10- 91

ChatGPT prompt for generating this above image was: *here is a picture on the cover of the Water Emergency Transportation Authority Berkeley ferry environmental impact report showing the proposed pier. But it does not depict the 250-passenger ferry that it*

says will dock at this pier. Can you recreate the rendering with a 250-passenger ferry docked next to the ferry terminal pictured?

)10- 91

Images from the WETA website depict other ferries that may be used at the project site:

92





Left: 400-passenger battery-electric ferry to be built for San Francisco Bay Ferry. Specificaiotns are 142ft 1in x 34ft 9in Subchapter K vessels. https://www.advancedmaritimetechnologyinternational.com/news/vessel-build-and-maintenance/nbbb-to-design-and-build-two-400-passenger-battery-electric-ferries-for-san-francisco-bay-ferry.html. *Right: 400-passenger Hydrus model at Richmond terminal.* [About Us - San Francisco Bay Ferry](#) *which has similar dimensions as the 400-passenger ferry vessel.*

Observations:

- Were WETA to go with the 400-passenger electric ferry (recall that no 250-passenger electric ferry exists yet for WETA capable of servicing the Berkeley route), the vessel's 35 ft beam is wider than the 22 ft pier itself (by approximately 60%).
- The Hydrus and the Dorado regularly used in the WETA fleet and potential vessels for the Berkeley route rise approximately 22 ft (or more) above the waterline — roughly twice the height of the pier deck, and comparable to a two-story structure.

O10- 92

- At 28 weekday and 26 weekend crossings, a 250-passenger ferry is arriving or departing the pier on average every 30–35 minutes during operating hours. The vessel is therefore a **recurring visual element throughout the day**, not an incidental one.

O10- 93

- The DEIR states that a 250-passenger vessel is the operational assumption. WETA's current comparable vessels (MV Dorado class) are 130 ft × 35 ft and carry 320 passengers. A smaller passenger count does not imply a smaller vessel footprint at this hull length.

O10- 94

- None of these dimensions or relationships are illustrated in the DEIR.

O10- 95

Therefore, the DEIR has not presented evidence and analysis accounting for the cumulative presence of multiple large shoreline structures, continuous ferry vessel movement across key sightlines, the various vessels themselves which could be used for the route, or repeated daily visual intrusion across scenic viewpoints. CEQA requires evaluation of operational and combined effects on scenic resources and the viewer experience, not only of individual project elements. The DEIR needs to be rewritten to include this information in project description and impact analysis.

O10- 96

O10- 97

3. Construction-phase impacts not evaluated

The DEIR does not analyze visual obstruction from construction staging, pile driving, or infrastructure installation.

O10- 98

4. North-side pier and Skates Restaurant views not adequately analyzed

The ferry terminal and vessel operations would obstruct existing public views for pedestrians and patrons at Skates Restaurant and surrounding north-of-pier vantage points, which constitute a key public recreational area. The renderings in Figure 3.1-4 Key Viewpoints could be from Skates but show no vessel, which could intrude on views continuously with 28 weekday and 26 weekend crossings across to the Golden Gate Bridge and San Francisco skyline. **This is a substantial adverse change** under §15064.5(a). The DEIR's less-than-significant conclusion is unsupported: no mitigation measures, design alternatives, redesign, or reductions in frequency are evaluated.

O10- 99

5. Scenic-highway visibility is not the CEQA standard

The DEIR concludes no AES-2 impact because the project is not within, and is not visible from, State scenic highways SR 24 (~5.5 miles away) and I-80 (~1.7 miles away). CEQA does not confine scenic resource analysis to designated State scenic highways, nor does it require direct line-of-sight from such a highway to establish an impact. The governing inquiry is whether the project would cause substantial adverse effects to scenic resources — degradation of visual quality, alteration of scenic character, or obstruction of public views — from any affected public vantage point. Therefore, this impact standard is improperly applied.

O10- 100

6. Traffic-related aesthetic impact not reflected in the AES-2 analysis

Table 3.10-18 shows average daily traffic from Seawall Drive to Marina Boulevard — the route to the proposed ferry terminal — **increasing 77%** with the project (DEIR pdf p. 489; calculated as project-generated trips divided by existing ADT). This is a substantial change to the aesthetic experience of visiting the waterfront and is not reflected in the AES-2 analysis.

O10- 101

7. The DEIR does not treat Seawall Drive as a recreational amenity nor recognize its loss as an aesthetic impact

A BCDC permit opened the Seawall Drive lot on landfill in 1966. It has been free and open to the public ever since. The view from the lot is unavailable anywhere else along the San Francisco Bay shoreline: open water, the Golden Gate, the skyline, the Marin

O10 - 102

headlands. The Berkeley Historical Society and Museum uses a historic illustration of this view as one of its site icons (berkhistory.org). Since its opening, it has become a **cultural and community landmark**, providing a space for low-cost recreation and public respite for generations of visitors.



Berkeley Historical Society icon: "Berkeley — Exactly Opposite the Golden Gate." (berkhistory.org)

O10- 102

The city acknowledges that a key and consistent concern in community engagement activities for the WETA ferry-pier was to keep Seawall Drive in-car viewing on the west side of Seawall Drive. The October 24, 2025 City Manager's *Berkeley Pier-Ferry Update* to City Council states:

O10- 103

"...the City received consistent feedback from the public that **preserving parking on the western side of the road to maintain 'in-car Bay viewing' as a key public amenity is a priority.** Given this feedback, the design will include not only the new Bay Trail segment but **also parking stalls on the western side of Seawall Drive** where feasible."

This area is used extensively by families, fishers, persons on lunch breaks, and figures in countless conversations held – all while looking at one of the most iconic views in the world, protected from wind and waves. The Kittelson Transportation Demand Management data shows that Seawall Drive has the highest share of recreational visitors of Black/African-American, and Hispanic visitors. For the public in general, it is a low-cost, high quality public recreational asset.

O10- 104

Gordon Stout has assembled a series of Google Earth images of the south peninsula from October 2015 through September 2020. The series documents both sustained recreational use of Seawall Drive after the pier closed in July 2015 and COVID-19, indicating its location as a safe mental health stability activity which one could enjoy safely, even for mobility-challenged people. In all photos, you see cars along Seawall Drive, and in many photos, the spaces are full end to end. On any particular day, one can observe that many of the cars are not empty but are occupied with people

O10- 105

observing the view, fishing, or simply relaxing. **The area itself is a recreational asset,** not merely a parking lot, and should be treated as a recreational asset in the DEIR.



Figure 1. October 2015 — three months after the pier closed.

105



Figure 2. March 2017

36

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

Figure 3. October 2017.

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

Figure 4. February 2020.

O10- 105



Figure 5. April 2020 — early COVID-19 period.



Figure 6. August 2020.

O10- 105



Figure 7. September 2020.

O10- 105

The same October 2025 update goes on to report, and the COB's BCDC *Design Review Board Staff Report November 3, 2025* reiterates that **all but 20 of these spaces would be removed for the Bay Trail improvements and stormwater treatment.** The Kittelson report suggests dedicating the spaces to ferry patron parking. Figure 3.1-3 of the DEIR (pdf p. 118) shows a single arrow for KVP#2 at the tip of the peninsula — not along its length, which is where the public experiences the Bay today, reflecting that the project acknowledges that Seawall Drive in-car viewing is eliminated. The Figure 3.1-4 photos show no viewpoint from shore along Seawall Drive looking west because that view is eliminated for in-car viewing options, and blocked by the breakwater.

O10- 106



Seawall Drive in the '70s illustrating historical in-car viewing recreation. Credit: Evie Vetterlein Wozniak.

The Seawall Drive lot is a community and cultural landmark. Removing this in-car viewing area, building the breakwater and ferry terminal, and running vessels across the shoreline would alter this setting irreversibly, obstruct visual access to the Bay, and eliminate a recreational resource that does not exist anywhere else on the shoreline.

O10-107

The DEIR concludes the project would not conflict with the Berkeley General Plan, the Marina Master Plan, the Berkeley Municipal Code, or the San Francisco Bay Plan. It reaches that conclusion without analyzing Seawall Drive recreation. It does not ask whether removing the Seawall Drive parking lot, adding a breakwater and ferry terminal, and running vessels across the shoreline is consistent with the policies those documents were written to uphold — policies that protect public visual access and scenic quality. Seawall Drive is a distinct public visual access and recreational resource. **The DEIR does not evaluate it as one, and the AES-3 finding of no policy conflict is not supported by substantial evidence.**

O10-108

In conclusion, the DEIR omits key information for aesthetics impact analysis, and misapplies policies and standards. The "less than significant" and "no impact" determinations for aesthetics impacts are not supported by substantial evidence. CEQA Guidelines §15064.5(a) and §15125(c) require the DEIR to consider impacts to both aesthetic and cultural or historic resources. The DEIR does not do so, and proposes no mitigation. The DEIR's finding under Impact AES-1 — that the project has a "relatively low profile" and needs no mitigation — does not constitute consistency with the San Francisco Bay Plan, *Appearance, Design, and Scenic Views upon the Bay* or Recreation Policy 9, or the BMMP — public access to shoreline recreational resources. In addition, the project removes a culturally and historically significant (even if not landmarked as such) shoreline viewing asset, a primary access point to the shoreline recreation area which the policy exists to protect.

O10-109

O10-110









Photos showing high use of Seawall Drive for unobstructed in-car viewing, shoreline fishing, picnicking. by CM Antinori.

O10-111

B. Recreation and Land Use Impacts

1. What policies and CEQA guidelines apply to recreational displacement, degradation of existing recreational facilities and land use / human interaction change?

a. CEQA Guidelines

CEQA's Appendix G (Recreation) provides a checklist which asks whether the project would increase the use of existing recreational facilities such that substantial physical deterioration would occur or be accelerated, or whether it includes/requires construction or expansion of recreational facilities with an adverse physical effect. But the threshold of significance is not limited to the checklist. The appendix states "Substantial evidence of potential impacts that are not listed on this form must also be considered." The lead agency must consider any substantial adverse effect on recreation, including loss of access, displacement of users, and degradation of the recreational experience (noise, visual, air quality, safety, severance of trails, loss of parking/staging areas, etc.). The checklist is a floor not a ceiling. O10-112

Appendix G for Land Use Planning asks whether the project would physically divide an established community or impose a significant environmental impact in conflict with a rule to avoid environmental impact. O10-113

b. Public trust

Because the project affects tidelands, navigable waters, shoreline areas, or other resources subject to the public trust, the lead agency must consider potential effects on public trust uses, including navigation, fishing, recreation, and ecological values *(National Audubon Society v. Superior Court (1983) 33 Cal.3d 419; Marks v. Whitney (1971) 6 Cal.3d 251)*.

Under *National Audubon*, state and local agencies have an affirmative and continuing duty to consider and balance public trust uses when making decisions affecting trust resources. CEQA requires disclosure and analysis of environmental impacts, including impacts on recreational access and use where applicable, which may inform the agency's separate obligations under the public trust doctrine. O10-114

Where a project may impair public trust resources or uses, the agency must evaluate those effects and, consistent with its public trust responsibilities, avoid or minimize impairment where feasible or otherwise ensure that any impairment is justified in light of competing interests.

c. San Francisco Bay Plan

SF Bay Plans emphasizes the importance of preserving and enhancing public access to the Bay and aims to balance environmental preservation with recreational opportunities. These SF Bay Plan policies apply the recreational and land use impacts of the project:

O10-115

Environmental Justice Policy 1: The Commission's guiding principles on environmental justice and social equity should shape all of its actions and activities.

Recreation Policy 9: Ferry terminals may be allowed in waterfront park priority use areas and marinas and near fishing piers and launching lanes, provided the development and operations of the ferry facilities **do not interfere with current or future park and recreational uses,** and navigational safety can be assured. Terminal configuration and operation should not disrupt continuous shoreline access. **Facilities provided for park and marina patrons, such as parking, should not be usurped by ferry patrons.** Shared parking arrangements should be provided to minimize the amount of shoreline area needed for parking.

O10-116

Transportation Policy 5. Ferry terminals should be sited at locations that are near navigable channels, would not rapidly fill with sediment and would not significantly impact tidal marshes, tidal flats or other valuable wildlife habitat. Wherever possible, terminals should be located near higher density, mixed-use development served by public transit. Terminal parking facilities should be set back from the shoreline to allow for public access and enjoyment of the Bay.

O10-117

Public Access Policy 5. Public access that substantially changes the use or character of the site should be sited, designed, and managed based on meaningful community involvement to create public access that is inclusive and welcoming to all and embraces local multicultural and indigenous history and presence. **In particular, vulnerable, disadvantaged, and/or underrepresented communities should be involved.** If such previous outreach and engagement did not occur, further outreach and engagement should be conducted prior to Commission action.

O10-118

Bay Plan Map No. 4 Policy 15. Berkeley Waterfront - Cesar Chavez Park - Preserve marina, beach, small boat launch, windsurfing access, fishing pier, interpretive center and multi-use trails. Possible ferry terminal. Allow if compatible with park and marina use; serve with bus public transit to reduce traffic and parking needs. Provide signage regarding fish consumption advisories for anglers.

O10-119

d. The McAteer-Petris Act

McAteer-Petris Act requires that development within San Francisco Bay promote public access, enhance recreational opportunities, and balance development with preservation of shoreline recreation.

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e. Berkeley Marina Master Plan (BMMP)

The Berkeley Marina Master Plan, adopted by City Council in 2003, represents a commitment "on the part of the citizens and City to provide a long-term recreation, and

O10-121

open space enhancement program for the Marina, including limited commercial and non-profit activity by lessees (Action Calendar, City of Berkeley, June 24, 2003). It provides the following relevant principles: O10-121

Principle 4. Provide for appropriate recreational, commercial and nonprofit development that both encourages use and protects or enhances the natural resources of the Marina lands. O10-122

Principle 5. Enhance access and use of the Marina, especially for members of special user groups such as elderly, economically disadvantaged or physically challenged persons. O10-123

Principle 6. Pursue a fiscally responsible and sustainable implementation program for the Marina. O10-124

2. DEIR is inconsistent with applicable policies for recreation and land use

The project site currently supports about 675,000 recreational visitors a year to this waterfront park, both on land and on water, with daily usage in the south waterfront project area alone at about 470 per day. The waterfront itself has a community character. Survey data from the Kittelson study and the shoreline fishing study show that visitors come frequently, often more than once a week. When they visit, visit durations tend to be long. Seawall Drive in-car viewing is a cultural and recreational activity in and of itself, with a community character, as described in the Aesthetics section of this document. The marina's approximately 100 liveaboards also constitute a resident community. The Berkeley waterfront supports unique, non-substitutable recreational uses, including unique shoreline views, wind-based recreation in both protected windsheds and unprotected in the wind slot, rare off-leash dog walking areas, and open water swimming. O10-125 O10-126 O10-127 O10-128

The **Impact Rec-1** claims that there is no impact on recreational access (and land use) because the Project will lead to a net increase in recreation. By this claim, it recognizes that the level of recreation is an implicit impact under CEQA. However, the argument that there is a net gain in recreation is specious. First, there is quantification of neither the increase in recreation nor decrease in recreation, so a claim of net positive increase is unsupported. As noted in the baseline section of this document, Bay Trail extensions for bike tracks and pedestrians would happen around the peninsula or a shortened loop on the peninsula even in the No-Project scenario, and do not rely on the project. The Bay Trail and bike paths would be funded under the lease with TSA Holdings. Safe Streets Measure FF project commits $15m a year for 14 years in funding for increased commuter and recreational bike paths in the City of Berkeley. D&E docks are opening for slipholders. These activities would continue without the project and should not be attributed to the project. O10-129 O10-130

The DEIR would need to provide analysis, modeling or assessment for the decrease in human use of the environment expected due to many changes in public access conditions and land use changes under the project, such as: O10-131

- 199 Seawall lot will be taken over as a private client lot and by ferry patron parking and not be accessible to the public to access shoreline facilities except as a patron of the ferry or the HsL tenant. O10-131
- The elimination of Seawall Drive as an in-car viewing area. O10-132
- The introduction of paid parking which will reduce affordability for recreational visitors. O10-133
- The implied beginning of enforcement of municipal code not currently enforced and not reflecting actual baseline use. The beginning of enforcement would reduce current recreation to the Bay waters. O10-134
- The change in biological resources in terms of fish habitat referenced in this comment document, and therefore reducing catch rates for fishers, a major attraction. O10-135
- Vehicular traffic to access the ferry would increase by 77% in the south waterfront area. O10-136

While not all recreational visitors will come by car, the Baseline section of this public comment shows that current visitation is characterized by a substantial proportion of older adults, visitors from outside of Berkeley, and those carrying gear and animals for dogwalking and and watersports. Reduction in demand among the population relying on cars for mobility issues will occur simply because the price of access will increase and available space decrease, leading to a change in human-use patterns. **Principle 5 of the BMMP aims to enhance access and use of the marina especially for elderly, disadvantaged and physically challenged. The DEIR claims it is consistent with this principle because it provides a cycle track.** In addition, it avoids analysis of the diminution of currently diversely accessible public areas, offering mainly benches and barriers between pedestrians and vehicles as substitutes. This also makes it inconsistent with **McAteer-Petris Act** because it fails to demonstrate that existing recreational uses will be preserved or enhanced and does not analyze the displacement of established shoreline recreation. O10-137 O10-138

The 2003 WETA Program EIR for system expansion offers quantitative analysis on how new ferry terminals increase VMTs. The ferry system expansion will only decrease VMTs by **0.07%** system-wide (section 3.12 Transportation of 2003 WETA EIR), with decreases only in areas that compete with congested highway facilities in San Francisco, Marin and San Mateo. This finding is compatible with this DEIR that average daily traffic (ADT) in the Project area will ***increase* 77%** (see DEIR noise section). Daily ferry users, most expected to depart from Berkeley, is estimated at 1160 (Table 2-4 of DEIR). This impact is not analyzed for impact on recreational facilities, degradation or change in public access, and potential to split a community comprised of regular waterfront recreational users. This in itself is inconsistent with **Impact LU-1** determinations and **Bay Map No. 4 Policy 15**. O10-139 O10-140

The DEIR fails to analyze the displacement of these users, the degradation of the recreational experience from the 77% increase in average daily traffic, and the lack of comparable facilities offering similar recreational opportunities at a comparable price. These are potentially significant impacts that must be analyzed, disclosed, and mitigated. The DEIR's treatment of impacts as only occurring temporarily during the O10-141 O10-142

construction phase is inconsistent with other data on VMTs and ADT, and land use as described in available Project documents. Therefore, the **project is inconsistent with Bay Plan Map No. 4 Policy 15.** O10-142

Principle 4 of the BMMP provides for nonprofit development that enhances the natural resources of the marina lands. One of the Marina nonprofits, Cal Sailing Club, brings new visitors to the waterfront, often those who have never sailed before, through its low cost operations and also free Open House days each month (except in winter), which attract upwards of 400 visitors each event (data available upon request). However, the transportation demand management plan was not described in the DEIR that has been partially put in place by the city for three lots adjacent to the nonprofit (South Cove East and West and J&K lots). The DEIR omits discussion of the TDM even though it has potentially significant impacts on recreational access, and omits discussion on any impacts on nonprofits. Therefore the DEIR runs afoul of both the **BCDC Recreation Policy 9** and the **BMMP Principle 4**. O10-143 O10-144

The Bay Plan requires that access to recreational facilities be easily available from public parking. **The DEIR does not demonstrate that access will remain adequate and instead contemplates the reduction and reallocation of shoreline parking for ferry use.** This reduces access for recreational users, particularly those who rely on vehicle access or have mobility constraints, and is inconsistent with **Recreation Policy 9**. O10-145

For the DEIR to say that there is a net increase in recreation ignores the distribution and quality of recreational activities given current and predicted trends. The Berkeley waterfront recreational area is the site of historical and heavy use for watersports recreation and bayside walking. The nearby McLaughlin Eastshore State Park has conservation and restoration projects. The DEIR does not acknowledge how the project displaces current and historical recreational usage, which is increasing from baseline (see section in this document under Baseline). O10-146

For perspective, the proposed project would constitute the **only ferry terminal and route traversing a pre-existing state and city park.** We list other WETA ferry terminal locations:

- Richmond – site of former Ford factory and WWII shipbuilding site
- Oakland and Alameda WETA ferries are in a shipping canal within Oakland's Inner Harbor and shipping lanes for Port of Oakland, next to barge docks and naval ships
- Mare Island and Vallejo terminals – built in an unused location around Mare Island naval base and shipyard within the Mare Island Strait at mouth of Napa River. The land has long been dominated by housing development and the naval base.
- South San Francisco – an industrial location within an existing Marina near the airport
- Alameda Seaplane Lagoon – within a decommissioned naval base

O10-147

- Harbor Bay – the terminal serves the housing development and businesses around Bay Farm Island that closely abut the shoreline
- San Francisco terminals – at preexisting marine terminals and piers within industrial sites

O10-147

At none of these ferry terminals is fishing, swimming, sailing, boating, or other windsports a dominant activity on the water as they are at the Berkeley waterfront. There is a rationale for this pattern. Those venues are already high-density and environmentally degraded: a large-scale ferry there does not displace the pattern of park usage nor add much marginally or cumulatively to pre-existing environmental damage as is consistent with **Bap Map No. 4 Policy 15**. As currently conceived, the Berkeley pier-ferry plan attempts to allow for recreation with what would be the only intentionally dual-use pier in the WETA system. The Bay Plan requires ferry terminals to be located in areas served by higher-density, mixed-use development and transit access. **The DEIR is inconsistent with this requirement because the project is located in a recreation-dominant waterfront park** rather than a mixed-use or transportation-oriented area. Other ferry terminals in the system are located in industrial areas, former military bases, or developed waterfronts. By contrast, the Berkeley waterfront is an active recreational park with established uses centered on public access and low-cost recreation. The DEIR therefore is inconsistent with **Transportation Policy 5**.

O10-148

O10-149

Ferry terminal locations typically consume real estate for parking, as evidenced by this comparison to other existing ferry terminal lots. The Google Earth images below were all taken at 499m by Paul Kamen, naval architect and marine engineer.



Above: South waterfront peninsula, site of project. Note that HsLorship's restaurant has been closed since 2018. COB is in lease-option stage with a tenant who will have exclusive use of

O10-150

150 parking spaces in the 199 Seawall Lot (empty lot space in above photo adjacent to the restaurant). Another 250 spaces in this lot will be dedicated to ferry parking. Seawall Drive in-car viewing area will be virtually eliminated. Therefore, the entire peninsula will be closed as a facility to access recreation at the waterfront.

O10-150

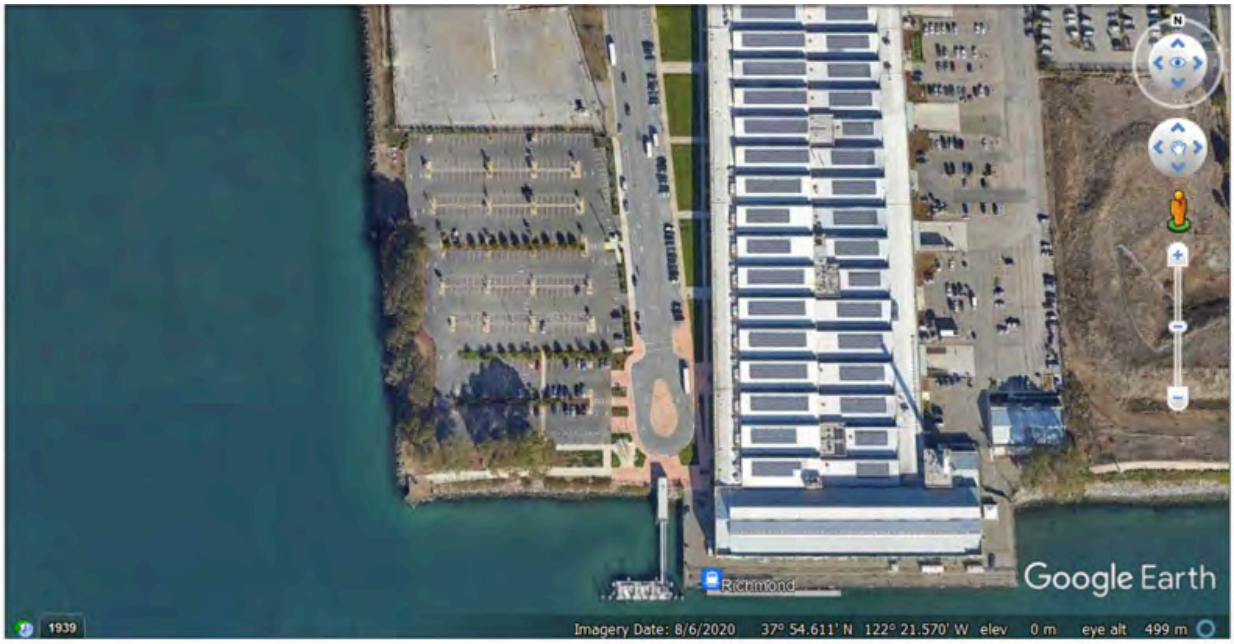


Above: Larkspur Landing Golden Gate ferry terminal with 1800 parking spaces. This was taken during covid when the lot was empty.

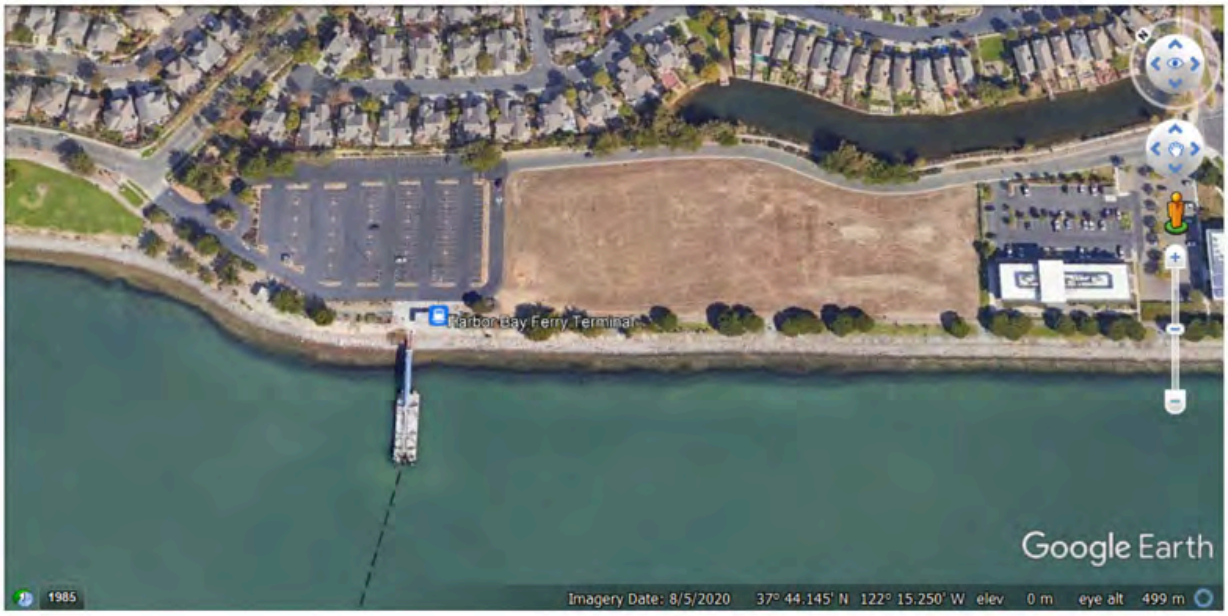


Above: Larkspur Landing terminal during regular operation.

O10-151



Above: WETA Richmond ferry terminal. Free parking is available in the lot adjacent to the terminal and includes 362 spaces for ferry patrons alone, with 15 public access spaces and 8 accessible spaces. The dichotomy in use assignments for ferry v recreation is indicative of this area not being a historically major recreational waterfront access area, having been the site of the former Ford factory, now converted to commercial purposes.

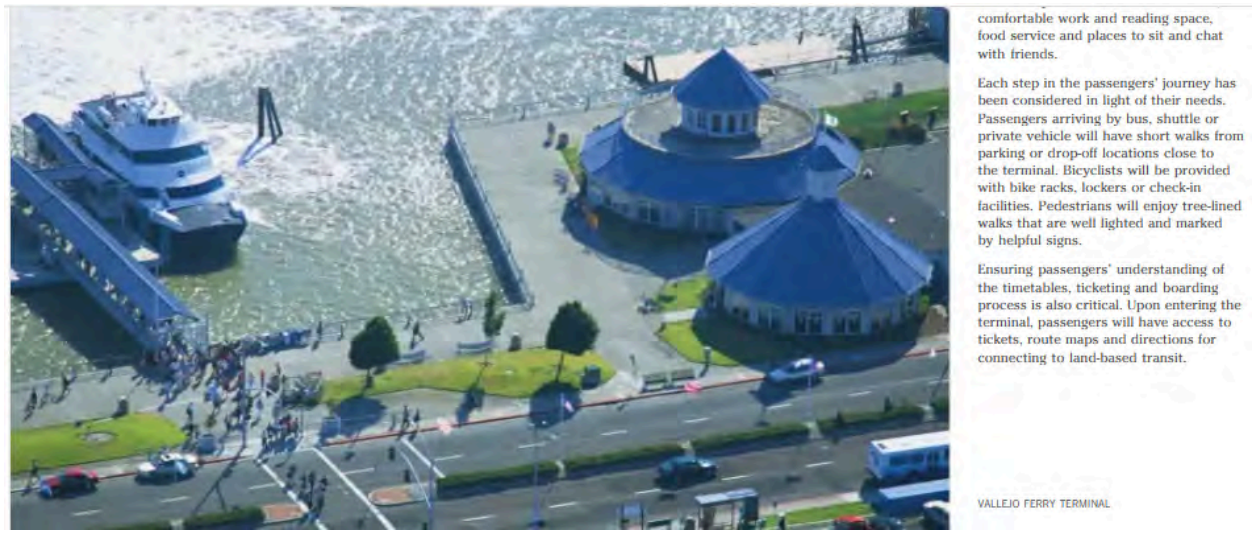


Above: WETA Harbor Bay ferry terminal in a modern residential development devoid of historical and existing recreation. The City of Alameda offers parking for 250 cars and two motorcycles at this terminal.



Above: WETA Vallejo ferry terminal. There is a waterfront parking garage and several surface lots directly across from the ferry terminal that serve ferry commuters. These include the City of Vallejo's waterfront garage plus multiple adjacent public lots. Over ~750+ spaces are available in the waterfront parking garage and surface lots near the ferry terminal combined (for daily paid parking). The main waterfront garage and the adjacent surface lots across from the Vallejo Ferry Terminal require payment (around $8 per 24 hours or a $50 monthly pass) for ferry patrons and other users. There are five paid parking lots available around the Vallejo Ferry Building which have security regularly patrolling the lots. Source: Vallejo Ferry Parking map.

010-151



Above: WETA Vallejo ferry terminal with text emphasizing business plans prioritization of ferry patron convenient access to the ferry boarding site.

WETA Implementation and Operations Plan | PDF | San Francisco Bay Area | Public Transport, p. 38.

O10-151

The DEIR claims recreation impacts due to construction, **Impact Rec 2**. The claim is that the impact is significant but mitigated because all the recreation **activities can move someplace else**. This belies the unique nature of recreation at the waterfront. During construction, much of the peninsula would be closed for project staging. The EIR argues that since that closure is temporary, and there are other areas in the marina, the impact would not be significant. Such truncated analysis ignores the language in the existing Marina Plan that protects access adjacent to the old restaurant and ignores Bay Plan policies which also protect those and other recreational uses like shoreline fishing and swimming. A loss of protected access for a long construction period and during project life is a significant impact.

O10-152

3. Other impacts on recreation and land use not addressed

Additionally, the DEIR does not analyze impacts on and mitigation measures for recreational fishing as a distinct resource use, despite its documented presence and regional significance. It does not evaluate how ferry traffic, noise, habitat modification, or breakwater construction could affect catch rates and fishing behavior.

O10-153

Moreover, the analysis does not address crossing-path conflicts at the marina entrance or the deterrent effect of commercial ferry operations on small-craft recreation. The marina's south entrance is the most heavily used entrance and exit for the marina, and the navigation path is at cross purposes - in that it crosses the ferry path, which is opposite or diverging directions, with the ferry route and docking maneuvers. There needs to be an adequate accounting of the effects of general navigational safety for these opposing activities. Boat traffic will increase with planned D&E dock completion. Despite the mitigation measures for slowing speed to reduce wake, the interference of marine traffic traveling at cross purposes with the ferry should be considered and alternatives assessed.

O10-154

The DEIR does not analyze functional displacement of recreation, meaning the loss or degradation of specific recreational activities that depend on this location uniquely. Instead, it treats displacement as a general redistribution of users to other parks. Missing from the analysis is any evaluation of impacts to place-dependent activities such as shoreline fishing along Seawall Drive, wind- and sail-based recreation in the localized wind corridor, open-water swimming, and unique shoreline viewing. The DEIR does not assess whether these activities would be reduced, constrained, or rendered less viable by changes in circulation, water-space configuration, and infrastructure placement.

O10-155

Additionally, the DEIR does not analyze intensity and congestion impacts on recreation access. It fails to evaluate how the addition of approximately 955-1053 ferry patrons, needing more than 400 parking spaces, in combination with a heavily-used waterfront would affect crowding, user conflict, safety, and recreational quality. There is no quantitative analysis in the DEIR of carrying capacity, peak-use conditions, or conflict between commuter and recreational users in shared shoreline and water space.

O10-156

The project potentially introduces a profound change in character of the waterfront from a shoreline park created for recreational use under federal grants. The residents of Berkeley have reasserted the priority of this area for recreation many times over. Notable movements supporting recreation include Save the Bay, which prevented the landfill/dump now known as Cesar Chavez Park from becoming a shopping mall in the sixties, leading to the creation of BCDC, and again in the eighties when Sante Fe Railroad sought to build a large commercial development. The developer push was so aggressive and the citizen response so emphatic that a moratorium was placed on waterfront development in 1987, and remained in place until adoption of the 2003 BMMP. O10-157

The process of advancing this ferry project has also been highly controversial, as indicated in the Areas of Known Controversy of this document but highly understated in the DEIR. Even the incremental implementation of the ferry plan elements, namely paid parking in the ferry transportation demand management plans, has met with controversy and opposition when the city approved paid parking in the three south waterfront lots in the Project area, a plan carried out without advance input from the community or advisory commissions. O10-158

The project has potential to change the recreational character of the area, meaning a shift from a low-cost, informal, mixed-use recreational waterfront to a transportation-dominant facility with commuter ferry operations. The analysis does not evaluate whether this represents a qualitative loss of recreational experience, even if some physical access remains. This is inconsistent with **BCDC Public Access Policy 5** and potentially the **McAteer-Petris Act**. Further, recreation policies require that facilities serve people of all races, cultures, ages, and income levels. Both the BWCC visitation report (attached) and the fishing study point to a lower-income demographic favoring visits to the Seawall Drive area of the waterfront, as well as non-white-only. The DEIR does not analyze recreational equity impacts, despite the waterfront's current functioning as a regionally significant, low-cost recreational resource. The project introduces increased access barriers through reduced parking, congestion, and changes to shoreline access, but the DEIR does not evaluate these effects and is inconsistent with **Environmental Justice Policy 1** of BCDC. Visitation to the waterfront is characterized by frequent (once a week or more) visitation of relatively long duration, **signifying a recreational community.** By introducing major traffic along University Avenue to Seawall Drive and then eliminating Seawall Drive in-car viewing, the project divides a uniquely-Berkeley cultural community that is connected by enjoyment of low-cost and convenient-for-all access to the Bay. **Therefore, impacts as evidenced in this document impose a CEQA impact for land use change**. O10-159 O10-160 O10-161

In conclusion, impact significance is ultimately a question of substantial evidence about whether an impact is "substantial, or potentially substantial." A diminishment of public-trust-protected recreational access is, by definition, substantial in kind. The DEIR indicates diminishment of public-trust-protected recreational access and land use changes. Because of related inconsistencies with plans pertinent to the project and CEQA impacts left unanalyzed in the DEIR, we advise that the DEIR be revised to (1) quantify current recreational use and the project's effect on it, (2) analyze consistency O10-162

with plan policies, (3) address the public trust implications on the record, and (4) evaluate a reduced-footprint or relocated alternative that preserves existing access. O10-162

C. Biological resources sections have serious omissions and inaccuracies

1. Environmental settings for eelgrass beds and related discussions misreport published studies and are inconsistent with state and regional plans for eelgrass policies and goals. O10-163

Eelgrass (*Zostera marina*) is a foundational species in the SF Bay and the only seagrass species in the Bay. It provides critical habitat for species, offering foraging, refuge and spawning grounds. In recent years, its potential for "blue carbon" has come to be known. Nevertheless, the DEIR repeatedly neglected substantial information and misreported data from sources they did cite, calling into question all aspects of this section.

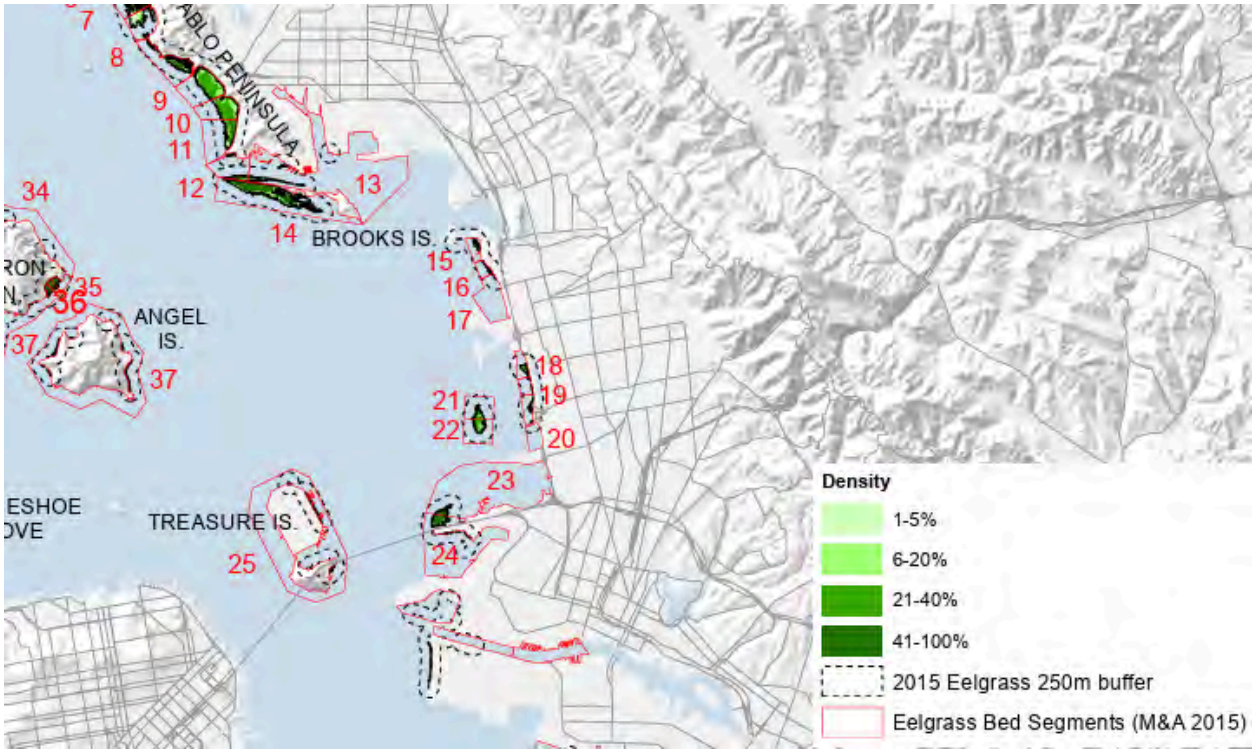
a. Inadequate and incorrect data on eelgrass beds.

There is only cursory treatment of eelgrass in the current DEIR in the environmental setting section, even after years of increasing knowledge of eelgrass's significance to the ecosystem and restoration programming. The treatment extends into neglect and misstatement of available data. The eelgrass inventory available at the time of NOP is not represented. P.181 of the pdf and 3.3-11 states: *"There are previously documented eelgrass beds in the vicinity of the project site, but no documented occurrences of eelgrass within the project site. The nearest documented occurrence of eelgrass is from the South Sailing Basin, approximately 3,800 linear feet from any areas where in-water work is proposed, where less than 0.01 acre of eelgrass was mapped during the 2003 Baywide Eelgrass Inventory of San Francisco Bay.[39]"* O10-164

This passage cites Merkel & Associates, 2004 Baywide Eelgrass Inventory of San Francisco Bay: Pre-survey Screening Model and Eelgrass Survey Report, which has long been superseded. There was also no groundtruthing in the project vicinity nor at the Berkeley shoal at that time of this report due to cost considerations (Figure 13). Further, we could not find the quoted ".01 acre" in the report, although we did see that predicted suitable eelgrass distribution shows a high density potential around the project site (Figures 7 and 8b). O10-165 O10-166

The passage goes on to say *"This small patch of eelgrass was not re-detected during the subsequent baywide eelgrass inventories conducted in 2009 and 2014.[40, 41]"* citing the newer Merkel and Associates SF Bay Elgrass Inventory for 2009 and 2014. This is again incorrectly reported. Here is an image of Figure 2 from the Merkel 2014 report O10-167

clearly showing the presence of eelgrass beds as described in previous years, beds 18, 19, 21, 22.



O10-167

Further, Table 1 from the Merkel 2014 report (below) shows eelgrass acreage at the Berkeley shoal (sites 21 and 22) increasing from 2003 to 2014, as well as at nearby Albany Beach, Golden Gate Fields, Brickyard Cove, and the Emeryville shoal. These increases are notable because of sensitivity of eelgrass to water and light conditions and implications for supporting the ecological health of the Bay. Only the Berkeley shoreline along freeway I-80 seems to be suffering in the most recent 2014 inventory, though this trend may reverse in the future given eelgrass sensitivity to environmental conditions.

O10-168

Table 1. Location and Area of Eelgrass in San Francisco Bay (2003, 2009, and 2014 Surveys)

Eelgrass Segment Number	General Region	Bay Region	2003 (acres)	2009 (acres)	2014 (acres)
1	Pt. San Pablo/Pt. Pinole	Pt. San Pablo/Pt. Pinole (East)	345.51	514.11	393.07
2	Pt. San Pablo/Pt. Pinole	Pt. San Pablo/Pt. Pinole (Central-East)	419.64	614.49	528.17
3	Pt. San Pablo/Pt. Pinole	Pt. San Pablo/Pt. Pinole (Central-West)	316.94	558.23	360.81
4	Pt. San Pablo/Pt. Pinole	Pt. San Pablo/Pt. Pinole (West)	307.1	329.94	247.63
5	Pt San Pablo	Navy Supply Depot Pt. San Pablo	36.3	52.54	58.03
6	Pt San Pablo	Navy Supply Depot Pt. San Pablo	34.12	32.11	29.13
7	Pt San Pablo	Point Molate Beach	17.91	23.29	33.1
8	Pt San Pablo	Point Molate Beach	14.05	29.39	74.24
9	Pt San Pablo	Kellers Beach North	29	69.6	90.24
10	Pt San Pablo	Kellers Beach South	38.83	53.94	72.73
11	Pt San Pablo	Kellers Beach South	24.26	32.29	40.82
12	Pt San Pablo	Inside Richmond Tr. Jetty	9.51	10.3	14.57
13	Pt San Pablo	Inside Richmond Tr. Jetty	10.24	10.38	13.64
14	Pt San Pablo	Outside Richmond Tr. Jetty	68.17	86.79	125.17
15	Emeryville / Berkeley	Albany Beach	0.7	3.66	1.88
16	Emeryville / Berkeley	Golden Gate Fields	0.36	1.2	1.59
17	Emeryville / Berkeley	Golden Gate Fields	0.22	0.03	0.21
18	Emeryville / Berkeley	Brickyard Cove	5.98	10.02	7.15
19	Emeryville / Berkeley	Berkeley Shoreline	4.13	4.4	1.1
20	Emeryville / Berkeley	Berkeley Shoreline	7.6	11.67	3.76
21	Emeryville / Berkeley	Berkeley Shoal	11.7	10.48	12.08
22	Emeryville / Berkeley	Berkeley Shoal	17.03	18.56	21.49
23	Emeryville / Berkeley	Emeryville Shoal	9.34	9.69	11.36
24	Emeryville / Berkeley	Emeryville Shoal	16.8	19.82	25.45
25	Emeryville / Berkeley	Clipper Cove/Treasure Island	6.2	5.41	5.68

Table 1 from the Merkel 2014 report

O10-168

Page 183 of the pdf and 3.3-12 of the DEIR says: *"Eelgrass beds, a component of EFH, was not observed and does not contribute to EFH within the project site,"* in regards to essential fish habitat (EFH). Page 184 of the pdf and 3.3-13 states *"Eelgrass beds also provide refuge from predators and an abundant food supply. No eelgrass is currently documented to be present in the project site and has only been documented in very small patches in the South Sailing Basin over the last 15 years."* These claims must be rescinded in light of the above evidence.

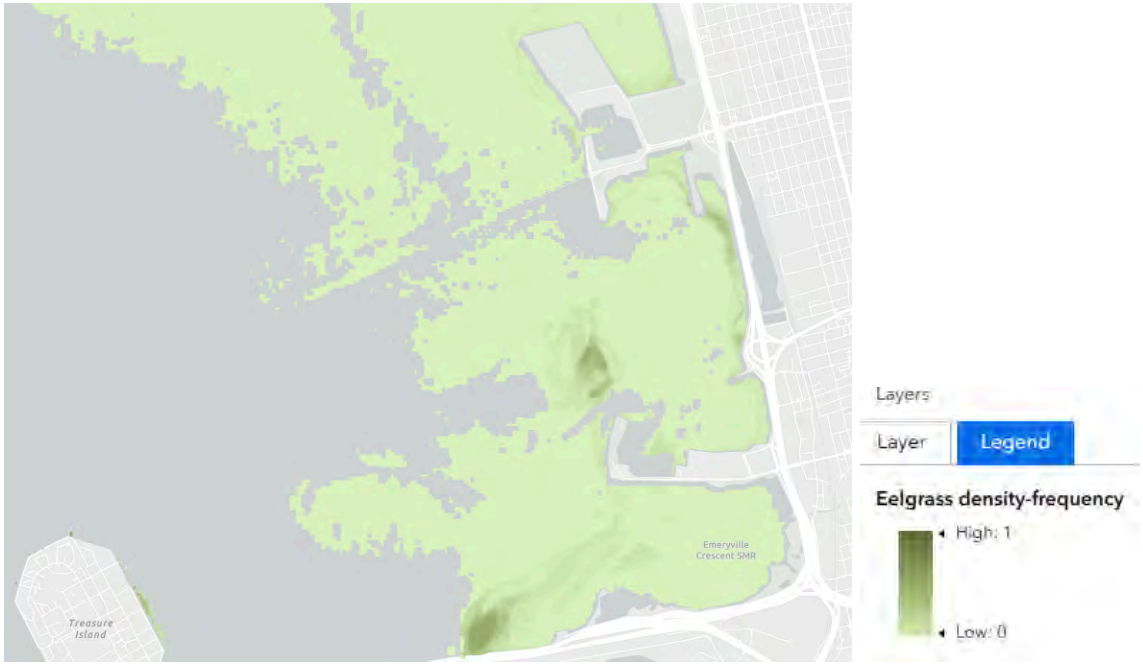
O10-169

Furthermore, the San Francisco Bay Eelgrass Habitat Suitability Model managed by a collaboration among the Ocean Protection Council, The Audubon Society and the Estuary Ocean Science Center shows the entire area around the localized project site as suitable for eelgrass and the possible presence of eelgrass density.

O10-170

- https://experience.arcgis.com/experience/58ccd2fb13064cc590dbc646573253cd/
- San Francisco Bay Eelgrass Habitat Suitability Model | Audubon

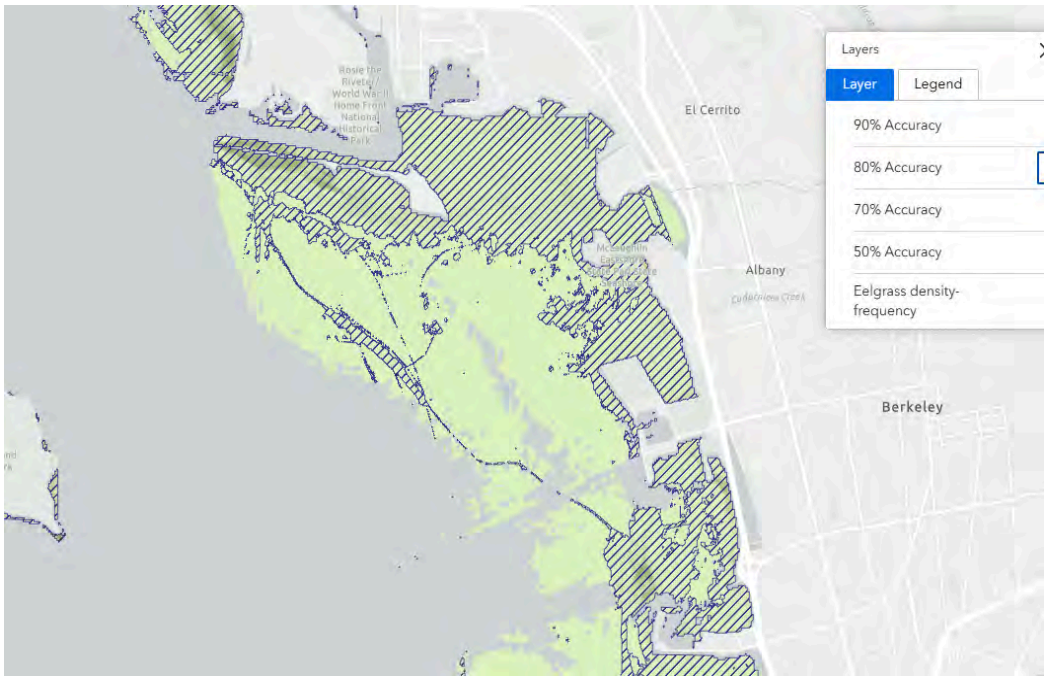
The text explanation for this figure states: Current Conditions shows the presence of Zostera marina along Berkeley waterfront with greater patches at the Ashby Shoal and the Berkeley Beach. Shown: Eelgrass density-frequency: The frequency of eelgrass occurrence multiplied by the mean value of each bottom cover class of eelgrass observed during three baywide surveys conducted in 2003, 2009, 2014, and the eelgrass survey of Richardson Bay in 2019. Eelgrass bottom cover classes included 100%, 40-100%, 20-40%, 5-20%, and 1-5% cover.



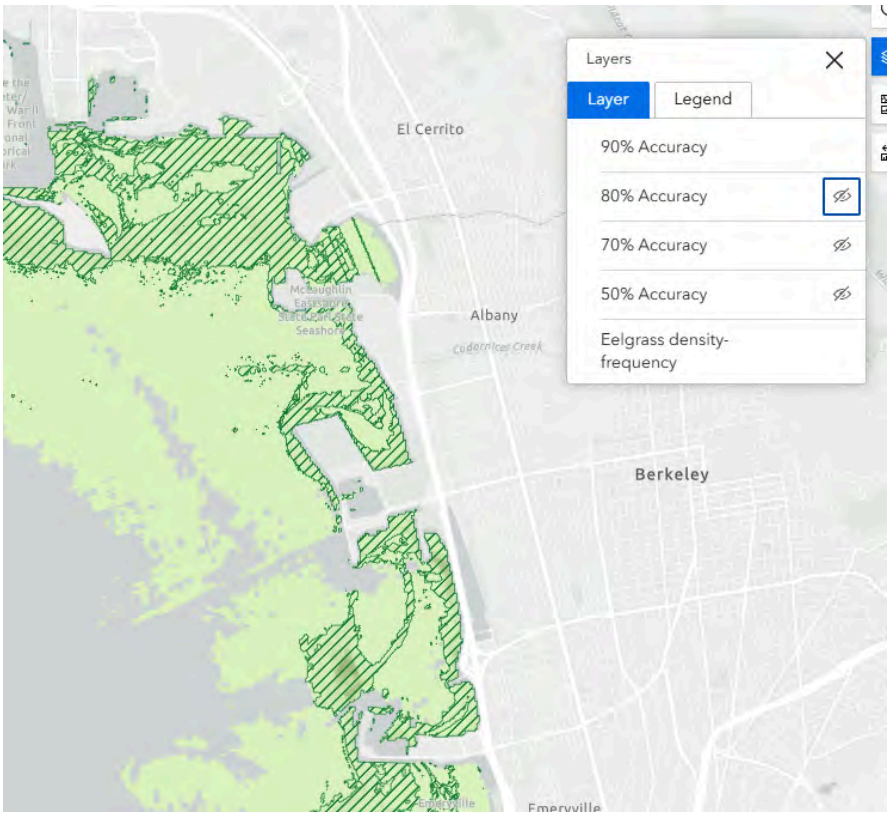
O10-170

The description of the model states that this baseline layer should not be used to demonstrate presence or absence of eelgrass beds. However, additional layers indicating accuracy at 80% and 90% levels continue to show high likelihood of eelgrass in the project area. Eelgrass is detected with 90% accuracy in the project area in the area designated for major dredging of a turning basin.

80% accuracy layer:



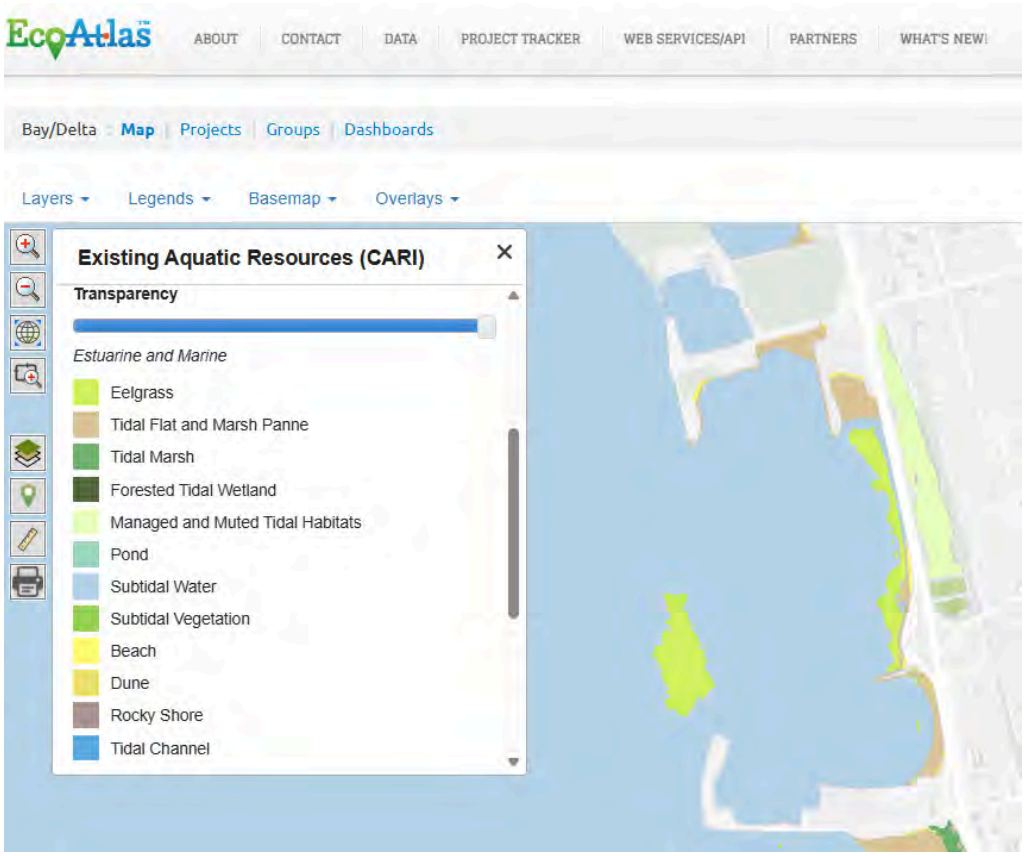
90% accuracy layer:



O10-170

It also appears that the existing pier itself, both the pedestrian portion (out to 3000' and closed in 2015) and the "ruins," beyond the "gap," provides eelgrass shelter from wave action, as seen by the greater concentration of eelgrass indicators just north of and parallel along the pier.

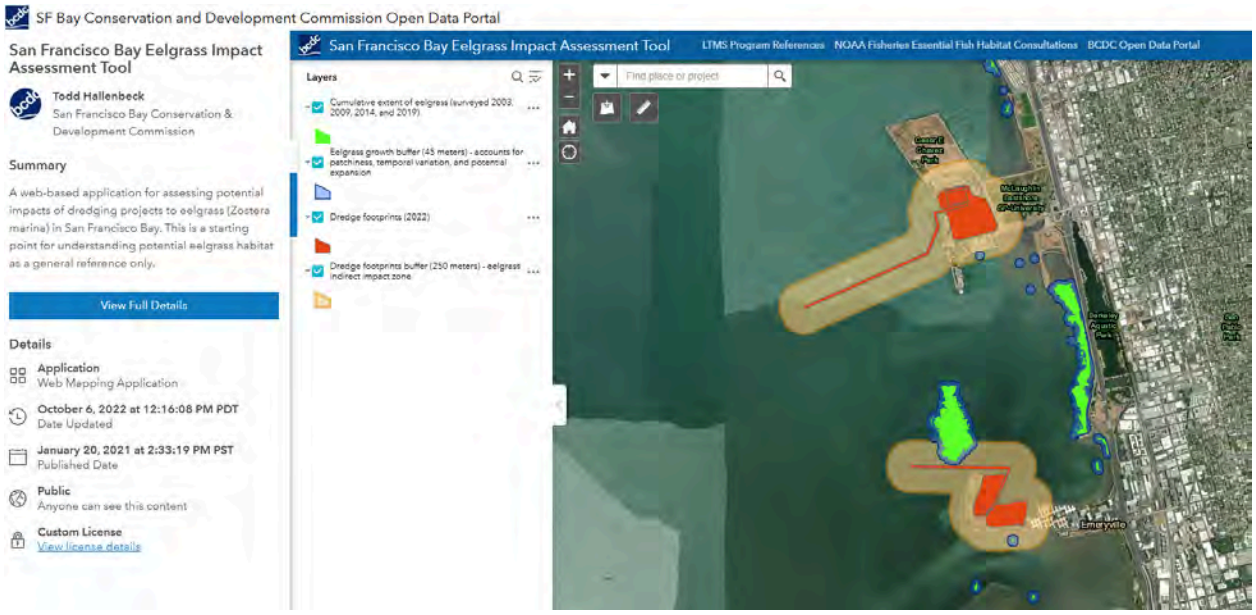
Further the EcoAtlas tool (EcoAtlas: Bay/Delta - Map) managed by the San Francisco Estuary Institute also corroborates the presence of persistent eelgrass beds along the Berkeley shoreline and the Berkeley/Ashby Shoal. See image below.



O10-171

From the BCDC eel grass assessment tool:
https://data-bcdc.opendata.arcgis.com/apps/BCDC::san-francisco-bay-eelgrass-impact-assessment-tool/explore

O10-172



O10-172

We also have firsthand accounts from swimmers and kayakers in the South Sailing Basin that the eelgrass bed exists and is even a wayfinder for swimmers. A representative from the East Bay Open Water Swimmer group provides the following testimony:

O10-173

"I swim from Hs Lordships regularly and the Ashby Shoal is a popular low-tide attraction for swimmers; I can vouch that there is eel grass there and so can dozens of other swimmers. Photos taken in 2025 show eel grass mixed with other veg. The directions swimmers give one another for finding the Shoal when it is not fully exposed: Swim towards the port cranes about half a mile till you are swimming through eel grass." Julie Allen





O10-173

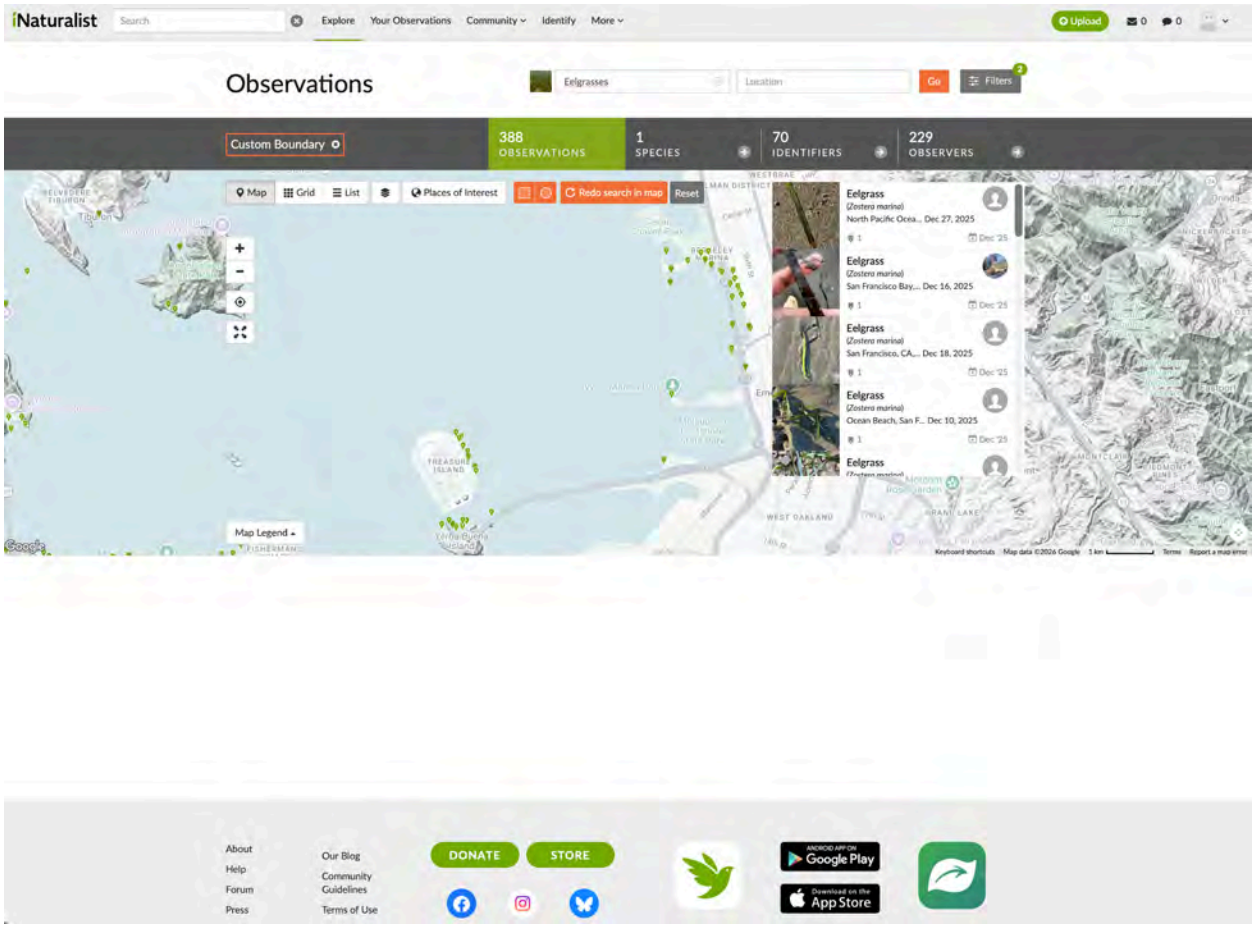
60



O10-173

iNaturalist also provides evidence of eelgrass occurring within the project site:

O10-174



Source of image above is iNaturalist website April 17, 2025.

O10-174

This area will need to be dredged, not only for new dredging during construction, but also for maintenance dredging for the life of the project, in the turning basin and along the navigation channel running parallel to the existing pier footprint (including ruins). The breakwater itself can create or exacerbate silting and scouring, with potential harmful impacts on the Bay's plant and animal life. Eelgrass could be negatively impacted. This construction and maintenance dredging and ferry transportation activity would most likely destroy eelgrass growing here now and remove any option of restoring eelgrass in this area of the Bay.

O10-175

A description of EFH, p. 3.3-12 (p. 183 of pdf) concludes again, based on inadequate and incorrect reporting described above: "Eelgrass beds, a component of EFH, was not observed and does not contribute to EFH within the project site." And p. 184, 3.3-13 for Habitat Areas of Particular Concern (HAPC), the report repeats: "No eelgrass is currently documented to be present in the project site and has only been documented in very small patches in the South Sailing Basin over the last 15 years." Page 190 claims that eelgrass is "not anticipated to occur."

O10-176

This representation gives a false account of the environmental setting and therefore cannot be a basis for the DEIR's less than significant and no impact conclusion on eelgrass habitat, EFH and HAPC. The extensive initial dredging and then lifetime maintenance dredging could impact habitat restoration efforts for generations to come.

O10-176

The consultants conducted a terrestrial land survey on one day in September 2024 but no assessment was done for in-water species.

O10-177

As it stands, the DEIR cannot conclude that no eelgrass exists in the project area.

b. The project is inconsistent with State and regional eelgrass habitat conservation and restoration policies and goals.

i. Inconsistent with SF Bay Subtidal Habitat Goals

The Ocean Protection Council seeks to protect the state's 15,000 acres of eelgrass and restore more. Worldwide, seagrass bed conservation could lead to avoided emissions of 0.65 Gt CO2 per year (Hoegh-Guldberg, p. 50 cited in *Eelgrass restoration in San Francisco Bay: an Interdisciplinary Stated Preference Classroom Experiment*). The US EPA (Program Priorities: Subtidal Habitat, Eelgrass and Oyster Reef Restoration | US EPA) lists eelgrass restoration as a program priority for the San Francisco Bay Program for subtidal ecosystems:

"Subtidal ecosystems are where many shellfish, invertebrates, fish, marine mammals, diving ducks, and other wildlife feed, rest, hide, and reproduce. Native oysters can form reefs that filter nutrients from the Bay water and are a food source for fish and birds. Eelgrass in shallow areas depends on light filtration to grow and when present in large acreages support a wide range of marine life and have the added benefit of stabilizing shorelines by reducing wave energy and preventing erosion of sediments. Urbanization of the shoreline and shipping channels areas have significantly reduced native eelgrass beds and other beneficial underwater vegetation . EPA's San Francisco Bay Program works closely with regional partners to achieve the subtidal restoration goals outlined in the Subtidal Habitat Goals Report (pdf)."

O10-178

Under Regional and Local regulations on page 3.3-37-8, for the San Francisco Bay Subtidal Habitat Goal Report, A 50-Year Conservation Plan, SUBMERGED AQUATIC VEGETATION GOALS include: protect existing eelgrass habitat …through no net loss to existing beds, identify and protect areas ..for future eelgrass expansion, restoration and

creation, increase eelgrass population where one of the priority areas are the Albany and Berkeley shorelines.

O10-178

The existing available eelgrass inventories and habitat models demonstrate a conflict with these policies and significant impact and must be addressed as such.

On the same basis, the project is not consistent with **BCDC Subtidal Area Policy 2 (**see p. 451 of pdf).

ii. Inconsistent with NOAA Fisheries California Eelgrass Mitigation Policy and Implementing Guidelines October 2014

NOAA Fisheries have a stated goal of no net loss of eelgrass habitat function in California. Their policy states the following: *Eelgrass warrants a strong protection strategy because of the important biological, physical, and economic values it provides, as well as its importance to managed species under the Magnuson Stevens Fishery Conservation and Management Act (MSA).*

O10-179

Given the proximity to known and persistent eelgrass beds and the habit suitability and likely presence of eelgrass in the project area, and the continued project-lifetime dredging activity in the project area, the project conflicts with this goal and does not adequately address mitigation measures.

See:

- California Eelgrass Mitigation Policy and Implementing Guidelines | NOAA Fisheries
- https://www.fisheries.noaa.gov/s3//dam-migration/cemp_oct_2014_final.pdf

iii. CDFW scoping input on eelgrass impact assessment not addressed

The CDFW submitted scoping comments to the NOP specifically stating state and federal policies, including no-net-loss policies for wetland habitats, including eelgrass beds. Given the inadequate and misleading information presented in the DEIR, we suggest that the DEIR be rescinded and redone to include a responsible and honest assessment which will also serve to address CDFW concerns.

O10-180

Finally, we note that a loss of this habitat also foregoes the opportunity for carbon sequestration and potential revenue from blue carbon credits. The Audubon report

O10-181

states a value under a verified carbon standard for carbon sequestration trading of eelgrass in SF Bay to be $1.4-1.6 million / year.
(Eelgrass, Herring, and Waterbirds in San Francisco Bay: Threats and Opportunities OCTOBER 2018, p.11).

O10-181

c. Inaccurate framing of project activities

Overall, the mitigation measures only address construction. They do not address ongoing maintenance dredging and impacts of a ferry schedule with 28 Bay crossings/day weekdays and 26 on weekends. A proposed schedule must be added to the DEIR plus a complete project description as explained in the first section of this comment. Then the DEIR must be redone to assess impacts - both marginal and cumulative.

O10-182

2. Fish habitat and marine ecosystem impact for operations and life of project not assessed

The Bay waters around the pier prior are known among sportfishing operators and recreational fishers as fish spawning grounds. Fish populations are also migratory and seasonal, and interact with other parts of the Bay ecosystem. A number of plan elements were not discussed or mitigated in terms of their impact on fish species and habitat and spawning:

O10-183

- Ongoing maintenance dredging around the ferry terminal, breakwater and navigational channel running parallel to the existing pier for the project ferry route. Only construction activity seems to be addressed.
- The assumed ferry schedule of 28 ferry crossings per day and impact on the underlying marina ecosystem is not included for analysis. The DEIR concludes, in reference to water quality but also relevant here, that “[g]iven that Bay waters are naturally highly turbid and subject to pronounced fluctuations due to tidal action, wind-driven waves, and regional sediment transport, project-related turbidity would not be expected to measurably increase local or regional turbidity beyond baseline conditions and impacts would be less than significant.” (p. 3.8-30 and 423 of pdf). However, the resuspension of particulates and other turbulence caused by the WETA-assumed operational schedule, plus the cumulative impacts overall, are not analyzed for fish habitat.

O10-184

- The original WETA plan called for a diesel ferry, while electric ferries were mentioned later in the process. Uncertainty remains whether an electric ferry would accommodate the natural conditions of the Berkeley pier, which experiences high winds and waves during much of the year. As no electric ferry model exists for the route and service as described, the analysis should be

O10-185

reassessed on the assumption of a diesel ferry. Impacts cannot be assessed based on hypothetical conditions.

O10-185

We also did not see any discussion of impact on recreational fishing, particularly in regards to white sturgeons and halibut, which are historically popular species caught at the Berkeley pier. A white sturgeon was recently caught from the shoreline by a night fisherman and reported on social media for the Berkeley Bait shop. The DEIR needs to reassess its impacts with a new project description and include analysis of all elements of the project.



Photo of a white Sturgeon along Seawall Drive, Berkeley Waterfront, 2025. Photo credit: Berkeley Bait and Tackle Instagram. The project area includes sturgeon habitat.

O10-186

The tendency for eelgrass to grow along the north side of the pier (see above section) also is suggestive that the project area is fish spawning grounds. The DEIR notes some mitigation measures prior and during construction but none for operation. The DEIR needs to be rewritten to address operational impacts, cumulative and otherwise, on fish habitat. The current conclusions and mitigation measures are not supported.

O10-187

D. Emissions data needed

For section 3.6, Greenhouse Gas Emissions and Energy, emissions claims are unclear. The increase in ADT (+1127 ADT at the project site above baseline) indicates a substantial increase in traffic noted elsewhere in this document. Based on this ADT, the DEIR says that most of these trips would have otherwise been vehicle trips across the Bay Bridge to San Francisco. And that “some” would have been by bus or BART. We would like clarity on how much is “some.” Further, how many of those trips would be induced demand for the ferry option? Or recreational pier? Antinori et al. (2025, 2026)

O10-188

report doubling of fishing trips were a recreational-only pier to be opened. The COB Berkeley questionnaire on the ferry service indicates most ferry patrons would use the ferry as an amenity, not for commuting. The DEIR eventually defers modeling details to two references not in the DEIR package: CEQA Review of Sustainable Transportation Projects Technical Advisory and federal Guidelines for Providing Access to Public Transportation Stations. The modeling derived from these reports needs to be made transparent. O10-188

V. The DEIR fails to substantiate objectives and therefore a feasible range of alternatives, falling short of CEQA intent O10-189

A. EIR fails to substantiate the basic purpose or need for the ferry service as proposed, thereby artificially constraining the range of alternatives. O10-190

The DEIR has not demonstrated an underlying need for ferry service at the Berkeley location. The Berkeley terminal is a part of several of WETA's Network Concepts in the Business Evaluation. However, this in and of itself does not establish a need for the City of Berkeley, particularly when the project may not meet the narrowly defined project objectives listed on page 5-3 of the DEIR and following.

According to the DEIR and the 2003 EIR, the project does not meet the objective of reducing vehicle miles traveled as associated with reducing single-occupancy vehicles. It converts recreational parking to commuter parking. There is no substantiated evidence to say that the project is cost competitive or meets higher performance standards than other transportation options, as noted in the Social and Economic Benefits section of this comment document. Very little mitigation of transportation loads is expected or demonstrable with the project. The WETA 2003 EIR shows minimal percentage **(0.07%)** change in vehicle miles traveled as a consequence of ferry system expansion *systemwide*, much less for new terminals, including the Berkeley terminal as part of the overall plan. To the contrary, **new terminals *increase* VMT (WETA 2003 EIR). This DEIR corroborates that the current project *increases* ADT because of vehicles - many single-occupancy - driving to the ferry terminal located in a low-density zone and nature-based recreational park not zoned for housing, away from any transportation nexus, as discussed in the Recreation/Land Use impacts section. It has not demonstrated that the project reduces VMT overall.** The city's survey of Berkeleyans on the planned use of the ferry indicates that most will use the ferry as an amenity, not for commuting. O10-191 O10-192

But the project as described in the DEIR appears to address a second objective of restoring a recreational pier, a generally desired goal for the City of Berkeley. Since it has not established that large-scale ferry service meets its project objectives, alternatives under CEQA must consider alternative bluespace amenities that legitimately increase recreation, including ferry service scaled as a recreational amenity and recreational-only pier. These are feasible alternatives that fulfill project objectives as well as those that fill some project objectives. By limiting the analysis to incremental modifications of the commuter-scale ferry service for which there is unsubstantiated need, the DEIR fails to provide a reasonable range of alternatives as required.

O10-193

Here, DEIR objectives stated in Section 5 effectively predetermine the outcome of the alternatives analysis by prioritizing a large-scale ferry-based solution that does not meet its objectives. This approach improperly constrains the range of alternatives and undermines CEQA's core requirement that alternatives be capable of attaining most of the project's basic objectives while reducing environmental impacts. (CEQA Guidelines, §15126.6(a).)

O10-194

Cases to support these claims:

- ***City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438**
- The court invalidated an EIR where the project objectives were framed so narrowly that they **effectively precluded meaningful alternatives**.
- *Laurel Heights Improvement Assn. v. Regents* (1988) 47 Cal.3d 376
- *San Francisco Tomorrow v. City and County of San Francisco* (2014) 229 Cal.App.4th 498
- *Bay-Delta Programmatic EIR* (2008) 43 Cal.4th 1143
- *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553
- *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957 The court faulted the EIR for failing to adequately consider **feasible alternatives raised in comments**.
- *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918 Reinforces that CEQA requires **serious consideration of feasible alternatives**, and dismissal must be supported by **substantial evidence**.

O10-195

B. DEIR alternatives analysis is biased towards the proposed project; it is unclear, unsubstantiated, shows minimal differentiation and is unrealistic. O10-196

1. Alternative 1 "No Project" is presented in a misleading way and with a false baseline.

MISLEADING BASELINE. Alternative 1 No Project is inconsistent with CEQA Guidelines §15126.6. CEQA Guidelines §15126.6(e)(2) requires that the **"No Project" Alternative be based on existing conditions** and what would reasonably be expected to occur in the foreseeable future if the project is **not** approved. For development projects, this requires analysis of the conditions under which the project does not proceed, evaluated against a baseline grounded in existing conditions and independently supported foreseeable changes. What is given in the DEIR is a constrained or outcome-oriented scenario constructed to emphasize the benefits of the proposed project. See the Baseline section of this document for exposition of existing conditions not represented in the DEIR. Because the required CEQA No Project Alternative is derived from the environmental baseline, **any incompleteness or distortion in the baseline necessarily carries through into the No Project analysis.** Where existing conditions are not fully and clearly established, the resulting No Project Alternative lacks a stable evidentiary foundation for projecting reasonably foreseeable future conditions and evaluating environmental change. These flaws undermine the function of No Project as a reliable CEQA comparison scenario, as explained in the Baseline section, and disqualifies the No-Project assessment. O10-197

The DEIR assumes, without substantial evidence, that environmental conditions would worsen in the absence of the project, including increased VMT, higher emissions, and stagnant recreational opportunities. These assumptions are speculative and do not meet the evidentiary standard under CEQA. (CEQA Guidelines, §15064(a).) O10-198

The DEIR also omits reasonably foreseeable improvements to the project area, including ongoing redevelopment efforts. By artificially constraining the baseline, the DEIR inflates the perceived benefits of the proposed project and undermines the validity of the alternatives comparison. O10-199

UNSUPPORTED ASSUMPTIONS. Beginning at page 5-3 of the DEIR, the analysis assumes that the **project's absence** will result in worsened environmental conditions, including increased vehicle miles traveled, higher emissions, and static recreational opportunities. These claims are speculative and do not meet the substantial evidence standard required under CEQA Guidelines §15064. Baseline conditions are such that recreational opportunities in fact ***increase*** without the project, as explained in the baseline section of this document. In contrast, many ***project elements decrease recreation or have the potential to decrease recreation.*** See the Recreational and O10-200 O10-201

Land Use Impact sections of this comment document. **It is specious and incorrect to say that no improvements would be made without the Project.** As noted, there are material precedents for such improvements. For example, the 199 Seawall site building and parking lot is currently under an option agreement between the city and with TSA Holdings, LLC (TSA) to renovate the building and repair the parking lot and Seawall Drive and Bay Trail. Before its closure, Hs Lordships restaurant was heavily used as an event space for large groups (e.g. school proms, Berkeley Public Schools Fund annual fundraiser, family reunions, etc.). The No Project Alternative does not include any demand forecast for this in-negotiation lease for activities developed for this location within the project area. O10-201 O10-202

This assumption is repeated across Alternatives 1–4. The No Project Alternative therefore could maintain a lower VMT and ADT in comparison to the project and the other stated alternatives, and should incorporate the 2003 EIR analysis. O10-203

EMISSIONS. The DEIR provides no mode-shift modeling, empirical substitution analysis, or quantified travel demand data demonstrating that ferry users would otherwise drive alone across the Bay, as opposed to taking BART, for example,[12] or that ferry service is the determinative factor in regional emissions outcomes. O10-204

SPECULATIVE. Under CEQA Guidelines §15064, impact determinations must be supported by facts, reasonable assumptions based on facts, or expert analysis grounded in evidence. The DEIR's reliance on **speculative** behavioral assumptions and **unsupported projections** of future conditions fails to meet this standard. By presenting a future No Project scenario that is not grounded in evidence, the DEIR inflates the relative benefits of the proposed project and undermines the integrity of the alternatives comparison required under CEQA Guidelines §15126.6. O10-205

2. Alternatives 2–4 are not meaningfully distinct approaches.

An EIR may not limit its analysis to variations of a single project where other feasible approaches exist. (*Laurel Heights*, supra, 47 Cal.3d at 400.) By failing to evaluate fundamentally different approaches—such as alternative locations, reduced-scale development, or non-ferry-based improvements—the DEIR does not provide the "reasonable range" required under CEQA. O10-206

SPURIOUS ALTERNATIVES. Alternatives 2, 3, and 4 do not represent meaningfully distinct options, but instead consist of minor design variations of the same ferry-based project. All retain the same core elements, including ferry service, project location, and O10-207

[12] Daily transbay BART passenger rides are estimated at around 60,000 to 83,000, with rush-hour use increasing, translating to 30,000 - 41,500 roundtrips. Source: BART Ridership Reports. The WETA ferry project for Berkeley estimates 955 roundtrips for their base scenario used for the DEIR. O10-204

operational assumptions, and differ only in limited features such as pier length, breakwater configuration, or landside amenities. As a result, the DEIR does not evaluate alternative approaches such as **eliminating** ferry operations, relocating the project, or pursuing non-ferry or recreation-focused improvements. O10-207

The descriptions are so limited that the alternatives collapse into vague variations that are difficult to distinguish beyond the most general level. This lack of clarity prevents meaningful evaluation and comparison, further undermining the purpose of the alternatives analysis. O10-208

By embedding project benefits into the comparative framework and relying on unsupported assumptions about future conditions, the DEIR effectively **treats the proposed project as the functional baseline** for comparison, rather than evaluating impacts relative to existing conditions and a properly defined No Project scenario. O10-209

While CEQA Guidelines §15126.6 of the California Environmental Quality Act Guidelines Section 15126.6 does not require that alternatives be entirely different projects, it does require a reasonable range of alternatives capable of fostering informed decision-making and meaningful environmental comparison. Here, the alternatives analysis fails to meet that standard because it does not evaluate fundamentally different ways of achieving the project's underlying objectives. O10-210

By limiting the alternatives to minor variations of the same project, the DEIR constrains the range of feasible alternatives and precludes a meaningful comparison of environmental outcomes. This approach undermines CEQA's purpose of ensuring that decision-makers and the public are informed of a true range of options, rather than a narrow set of variations that inherently favor the proposed Project.

We also note the potentially irresponsible mention of a shortened breakwater. As the design is currently presented, the breakwater barely protects the docking platform from south winds and has no protection from north winds. A shorter breakwater would cause unsafe situations. **This is not a feasible alternative**. O10-211

Alternative 3 envisions a ferry terminal without the pier extension. This would not achieve the objective of recreational access. Instead, it would cede space to a WETA ferry, to be compatible with standard WETA terminal design noted in the Recreational/Land Use impact section of this comment document. By following this option, Berkeley would **sacrifice 100 years of pier access to the Bay for recreation to support WETA business plans**. Most project environmental impacts would remain and recreation would decrease substantially from baseline, failing this project objective for which there is a reasonably substantiated need. O10-212

Therefore, Alternatives 2, 3, and 4 do not constitute a reasonable range of alternatives capable of informing environmental decision-making under CEQA Guidelines §15126.6. Instead, they function as incremental design variations of a predetermined project. Accordingly, the DEIR fails to provide adequate alternatives analysis: it does not present a meaningful spectrum of project options that could avoid or substantially reduce environmental impacts. O10-213

C. Reasonable alternatives rejected and no valid range of options

CEQA Guidelines §15126.6 requires an EIR to evaluate a reasonable range of feasible alternatives that could achieve most of the project's basic objectives while reducing environmental impacts. §15126.6(c) requires that the EIR "identify any alternatives… that were rejected as infeasible… and briefly explain the reasons." The purpose of this requirement is to ensure informed decision-making through meaningful comparison of different project options. The DEIR does not satisfy this requirement. The DEIR fails to articulate a need for the ferry commuter service. For waterfront access and recreation as an objective, the DEIR purports to restore a recreational pier. Yet, the DEIR has improperly screened out reasonable alternatives of a pier-only option and ignored other ferry terminal options, contributing to its constrained alternatives analysis. In this situation, public comments suggesting broader or different feasible alternatives become especially important, and agencies must address them. O10-214

1. DEIR does not adequately explore pier-no ferry alternative

Analogous to the ferry-only pier Alternative 3, the DEIR should include a pier-only alternative consisting of a 500' or longer public access pier without a ferry.

The DEIR provides **no explanation** for why a pier-only (without ferry) alternative was excluded, even though funding needs for Berkeley would be much less. The DEIR does not evaluate a pier-only alternative, and provides no explanation as to why it does not, despite substantial evidence that such an alternative is feasible and would meet key objectives related to public access and recreation while avoiding ferry-related impacts. O10-215

It would achieve the first project objective, i.e., repairing and extending the pier. By ignoring a pier-only alternative as in fact feasible, meeting recreation and public access objectives while reducing ferry-related impacts, the DEIR fails to provide a meaningful comparison or rationale for rejecting alternatives, thereby limiting informed decision-making and public participation.

A pier-without-ferry option was in fact funded by a state grant of $15 million for pier and marina infrastructure. **Funding was diverted to other uses**; however, the fact remains that potential funding options exist. The GHD engineering firm has already provided O10-216

COB with a feasibility study of replacing the existing pier. COB (2021) states that replacing the existing structure alone with a 2,000-foot pier would cost $26 million (and to 3,000 feet, around $32-$44 million). City staff have indicated in public meetings that COB's share of the waterside costs alone for the pier/ferry project would be approximately $26 million. **Therefore, a reopened pier up to 2,000' at least, without a ferry, is a feasible alternative. While WETA, COB and GHD estimates can be updated, a recreational pier without ferry service is a feasible option for COB.**

O10-216

Research and reports indicate a large increase in public demand if the pier were reopened and a basic functional facility maintained for fishing, walking, and cycling. Data by Antinori et al. (2025) (provided to the city prior to NOP date) and peer-reviewed in Antinori et al. (2026), predicted a restored *pier alone* would see a 96% increase in annual average visitation among anglers. Breaking this into income categories, the predicted increases are 70%, 88% and 114% for low, medium and high-income anglers. These increases are above baseline for the recreational pier-alone alternative. The benefits of this option should be considered against the DEIR project and its environmental impacts.

O10-217

2. Rejected in-marina alternatives

The Berkeley Waterfront Community Coalition (BWCC), in scoping comments, asked city staff to analyze in-marina locations. They rejected the option based on the WETA 2008 Berkeley/Albany Ferry Terminal Study Draft EIS/EIR prepared by URS that configured a terminal and new dock next to the Hornblower docks. The DEIR fails to consider any other reasonable configurations or locations that reduce environmental impacts. This version of the in-marina alternative from the 2008 WETA EIR functions much like a "straw man" in the current analysis. Other options exist. Hornblower docks next to the DoubleTree Hotel are one option. These docks are an underused space. See image below. The DEIR dismissed this alternative without analysis. The image below by Paul Kamen shows cost as well as impact comparisons.

O10-218



O10-218

Another possibility is the K-dock slips used by the Genentech and Tidelines ferries. This is a central location in the Marina and adds only two minutes' travel time to San Francisco, based on the Genentech ferry departures/arrivals, excluding docking maneuver time. Tidelines was a private company operating under a public grant which ran twice in the morning and twice in the afternoon. The Genentech ferry ran a similar schedule. Neither posed major interference with marina traffic. These ferries blended into marina activity without costly investments. All that was lacking was regular parking enforcement to restrict ferry patron parking to their designated Marina Boulevard location.

O10-219

BWCC scoping comments asked: "*Data on current usage by Genentech ferry and previous usage of Tidelines ferry ridership must be made available publicly for the report for a feasibility comparison of a small commuter ferry service operating in Berkeley."* This data was not provided, although it was requested prior to the DEIR issuance. This data would assist in decision-making on the viability of in-marina service.

O10-220

This alternative also meshes with WETA's Tack-to-Wind business outlook, under which WETA focuses on recreational instead of weekday commuter use, reflecting most Berkeleyans' pattern of usage. O10-220

An in-marina terminal was in fact assumed for the first assessment of the Berkeley-SF WETA ferry route in 2003. In Figure 5.1.1 and Table 5.1.5 of that 2003 EIR, it is estimated that dredging for a Berkeley/Albany service would only require 13,260 cubic yards of dredging, implying an in-marina terminal. Under these options, the in-marina alternative still meets the objective of enhanced recreation with transportation options for commuter service through a potentially modified weekday schedule. Reduced CEQA and COB impacts include: O10-221

- Reduced dredging and shared WETA/COB marina maintenance costs
- Lower project costs and potentially greater revenue generator for Berkeley
- Access to a ferry consistent with demand
- Reduced environmental impacts on water quality, acoustics, biological and aesthetic resources

VI. Social and economic benefits to Berkeley contextualized for decisionmaking

A. Social and economic context relevant to DEIR

In response to BWCC scoping comments, the DEIR says that "Economic factors are not an environmental impact of CEQA. This comment will be considered by the City decision-makers as part of the project approval process." In fact, the DEIR relies at several points on economic or social benefits to deliver its analysis: O10-222

- P. 447 of pdf and 3.9-10 says there will be positive economic and social benefits to dismiss public comment.
- P. 452 of pdf to claim consistency with BCDC **Climate Change Policy 7** O10-223
- Address **Berkeley Marina Master Plan Consistency Principle 5** to enhance access and use of the Marina, especially for elderly, economically disadvantaged or physically challenged persons (p. 469 of pdf). O10-224

It is also worth noting social and economic impacts because of the lead agency's authority to override significant environmental impacts and mitigation measures based on claims of economic and social benefits:

- Page 1-15: **Lead Agency Project Decision.** The lead agency may a) disapprove of the proposed project because of its significant environmental effects; b) require changes to the proposed project to reduce or avoid significant environmental effects; or c) approve the proposed project despite its significant O10-225

environmental effects, if the proper findings and statement of overriding considerations are adopted (CEQA Guidelines Sections 15042 and 15043).

- **Findings/Statement of Overriding Considerations.** For each significant impact of the proposed project identified in the EIR, the lead agency must find, based on substantial evidence, that either: a) the proposed project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the proposed project are within another agency's jurisdiction and such changes have been or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or proposed project alternatives infeasible (CEQA Guidelines Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.

O10-225

In this section we review social and economic factors to provide context to the project and better inform decisionmaking.

O10-226

B. Weak evidence of economic or social benefits to Berkeley

1. WETA service economic and cumulative impacts

There is no evidence to support the claim of net positive economic and social benefits to Berkeley, although there is evidence to support the opposite conclusion. From the WETA Business Plan Evaluation, April 12, 2023, Summary of Network Concepts pages 2-6 of report, WETA lists the following visions for expansion:

1. Existing Network: 10 terminals
2. Plan Bay Area Network: 14 terminals
3. Core Network: 18 terminals
4. Coverage Network: 26 terminals

Plans 2-4 offer some form of Berkeley/Albany/Emeryville ferry service but the cumulative impacts are considerable, and are not fully discussed in the DEIR, as noted above. Compared to the existing 10-terminal network, the Coverage Network shows worse cumulative environmental impact, worse financial capacity, and worse productivity (Business Plan Evaluation, Table 8). The plan continues to outline four business future outlooks for the year 2050 (Table 2), with two based on pre-pandemic ridership levels (Steady as it Goes and Chart a New Course) and two with 30% reduction in commuter travel (Throttle Back and Tack to the Wind). They have no probabilities assigned to each scenario.

O10-227

Across all four of WETA's 2050 ridership outlook scenarios, the existing network remains the most productive, and operating costs per passenger-mile are highest under Coverage Network in every scenario. It is clear that we are not on a "new course." BART itself has not returned to pre-pandemic levels. Even under the "Throttle Back" scenario, operating costs jump substantially over the existing system. If anything, current outlooks appear to be most aligned with the "Tack-to-Wind" scenario that envisions as follows for WETA: 30% reduction of commuter travel but in order "to diversify its ridership base, WETA would expand its midday and off-peak and weekend service offerings, align its fares with other regional operators, and substantially enhance access to ferry terminals" (p.8 of 29), i.e. **an amenity ferry**.

O10-227

The Berkeley terminal would require subsidies from general public and Berkeley funds costing more than twice as much per passenger as the existing bus network. Kamen calculated from WETA's 2024–2025 budget that WETA annually delivers 2.57 million one-way rides at an actual cost of **$61.60 each**, with fares recovering 8.9% of cost and a **public subsidy of $56.10 per ride**. AC Transit, by contrast, delivers 34.6 million one-way bus rides annually at a cost of **$25.20** each, with farebox recovery of 3.4% and a subsidy of **$24.30 per ride.**

Kamen analysis (used with permission)

Cost and revenue data from the WETA 2024-2025 budget (https://weta.bynder.com/share/85AFA60B-3C3F-43B9-A69010245CFBEC9D/). Note that of 2/16/26, the 2025-2026 budget has not been approved or published.

Total annual revenue and expenditures, including capital costs (new ferries, terminal development, admin, planning, etc.):
$158.2 million.
Total number of one-way rides:
2.57 million. $158.2/2.57 = $61.6/ride.
Farebox revenue:
$14.1 million. Farebox Recover Ratio = $14.1/$158.2 = 8.9%
Subsidy per ride = (100%-8.9%) x 61.6 = $56.1/ride

Compare to AC Transit:
https://www.actransit.org/sites/default/files/2024-11/FY2024-25%20ACT%20Adopted%20Budget%20Book_2024.10.30.pdf

$605.8M Operating budget
$267.1M Capital budget
34.6 million rides
605.8+267.1)/34.6 = $25.2/ride
Fares = $29.7M
Farebox Recovery Ratio = 29.7/(605.8+267.1) = 3.4%
Subsidy per ride = (1-0.034) x 25.2 = $24.3/ride

O10-228

The economic costs to Berkeley should be kept in mind. WETA's Berkeley ferry business plan describes local funding as a source of capital and operating funds for several currently existing routes as well as for the Berkeley route. The ferry project's paid parking plans, currently being considered within the city, rely on recreational users to defray the city's costs of maintaining the ferry project's infrastructure and operations and will depress recreational visitation. O10-229

Historically, Berkeley ferries have failed. Tidelines commuter ferry service, which operated from inside the Marina, has not returned after the pandemic. Genentech closed its employee ferry to the Oyster Point campus as too expensive and replaced it with buses. In planning meetings (e.g. BCDC's DRB), staff have already discussed reducing the project from two docks to one. Unlike the Richmond and Vallejo routes — where ferry service saves commuters substantial time from the North and East Bay — a Berkeley-to-San Francisco ferry would take about the same time as BART, with a first-mile/last-mile problem BART does not have. O10-230

2. Transportation Impact TRA-2 conclusion not substantiated

The DEIR (pdf p. 555), for justifying Impact TRA-2, asserts without substantiation that West Berkeley residents, who have more limited public transit options, will experience increased employment in higher-paying San Francisco and San Mateo county jobs because of the ferry service. The justification is based on social and economic benefits. As the basis for an impact finding, we would ask for more analysis. According to Census data, West Berkeley (a SB535 community) on average is lower income than the rest of Berkeley. The WETA 2022 *Passenger Survey Report* reports that ferry riders are historically concentrated in higher income brackets, with large shares reporting household incomes above $100,000. This has changed. In 2017, only 6% of riders earned under $50,000 per year; pandemic-era fare reforms drastically reduced fares and raised that share to roughly 19% by 2021, and WETA's 2022 annual report describes a "significantly increased percentage of low-income riders." Even so, higher-income riders remain overrepresented, and Seamless Bay Area continues to characterize the rider base as "white-collar commuters paying a premium fare relative to BART or bus." Was 2017-2021 shift due only to low fares available during the pandemic and does the WETA budget now include subsidies that will keep fares at pandemic-level lows to maintain this distributional profile? On existing evidence and without further analysis, we would assume the Berkeley terminal would still disproportionately serve a high-income profile for commuter needs. Finally, we note again that the city's public questionnaire on ferry service indicated higher usage of the ferry as an amenity rather than as a commuter option. The questionnaire was made available to the public via the local online newspaper *Berkeleyside* and councilmember newsletters. *Berkeleyside* readership matches Berkeley's demographic profile, according to its documents (see Attachments). O10-231 O10-232 O10-233 O10-234

For social and economic benefits, decisionmaking should also weigh a *substantiated* impact under TRA-2 with the distribution of social and economic benefits. Visitors to the southern Berkeley waterfront — the area the project most directly affects — are on O10-235

average lower-income than visitors to other waterfront areas and already value the waterfront for its recreational value.

O10-235

3. Secondary benefits are aspirational

The Keyser Marston analysis commissioned by the City is the most substantive statement of the project's secondary economic benefits. It is cautious. The study projects "**very modest contributions to Marina Fund** — perhaps may generate up to 10% of any revenues the city receives from food and beverage consumer spending" (Keyser Marston, 2021, pp. 8–9). Its strongest forward-looking statement is the hope that a large-scale ferry with weekend service might attract an additional hotel.

O10-236

The experience of the existing WETA terminal at Jack London Square in Oakland counsels against this hope. The surrounding commercial area has struggled with a substantial vacancy rate despite the operating ferry, and the Waterfront Hotel — 145 rooms, a short walk from the terminal — closed in January 2025. The City's own public outreach in the 2021 community survey found that 60% of respondents would **never use the ferry to commute**, and 56% would rarely/never use it for leisure *or* would use it fewer than ten times per year.

4. High business risk potential

A commuter ferry vessel operating approximately 28 daily crossings, designed against a ridership estimate of >2000 (with Mission Bay service) and capacity to handle 4000 in more extreme business scenarios, represents a substantial capital commitment against uncertain demand. The risk of stranded assets is real, and would fall on both WETA and COB.

O10-237

There is option value in waiting. WETA's own planning allows it to expand where the fit is better — where ferry service meaningfully reduces transbay commute times, the environmental cost is lower, and rider base already exists. Berkeley is not that place today, and the evidence suggests it may not be for some time.

If approved, the WETA terminal would be the only terminal in the WETA system located within a pre-existing public park with long-established recreational use. **Many families and seniors rely on this area for affordable recreation and access to the water—activities widely recognized as contributing to physical and mental well-being.** Data indicate that visitors to the southern waterfront are, on average, lower-income than visitors to other waterfront areas not affected by the ferry proposal, which appears to serve a narrow ridership demographic. **State grants for the marina area and pier were awarded on the condition that they were to be used for recreational purposes**. Prior city planners advised comprehensive waterfront planning. In contrast, the current process divides the WETA pier-ferry project from all other waterfront planning as represented in the stalled Waterfront Specific Plan.

O10-238

O10-239

The marina is already designated for transportation uses, as demonstrated by previous ferry services operating there, including Prop SF, Tidelines and most recently,

O10-240

Genentech. Displacement of recreational uses is not necessary to accommodate in-marina ferry service if Berkeley wants to support WETA's ferry service plans outlined in the "Tack-to-Wind" post-pandemic scenario. O10-240

The Berkeley Waterfront Community Coalition therefore recommends that the City rescind, reevaluate and reissue the DEIR and give careful analysis to the alternatives, including restoration of the recreational pier without ferry service, and to a feasible range of project alternatives that do not impose adverse economic and social impacts for the region nor impose CEQA impacts to subsidize a costly and underused commuter transit mode. O10-241

VII. Conclusion

The project will have a number of potentially significant impacts on the environment, including (but not limited to) impacts on special status biological resources, critical habitats, aesthetics, public access, land use and culturally significant resources. As the project description, setting and baselines were improperly set, these impacts and others were not adequately analyzed and mitigated in the DEIR. Feasible alternatives with lower environmental impacts were rejected. As a result, the DEIR fails to serve as an adequate informational document and its conclusions are not supported by substantial evidence. For the foregoing reasons, BWCC urges the Council to delay further consideration of the project unless and until the city prepares and recirculates a revised DEIR that fully complies with CEQA and the CEQA Guidelines. O10-242 O10-243 O10-244 O10-245

Respectfully,

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ATTACHMENTS

Attachments not appended may be found by link here:

Attachments for DEIR comments

Please let us know any issues with accessing.

Contents:

1. Berkeley Waterfront Visitation Characteristics and Distribution, BWCC analysis, April 2026. **Appended.**
2. EBOWS Marina Swim Survey. **Appended.**
3. Three files of public written comments noting issues with waterfront transportation demand plans.
4. Placer.ai data on visitation patterns and trends in the waterfront area
5. Berkeleyside audience demographics for assessing efficacy of COB questionnaire representation

010-246

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Berkeley Waterfront Visitation Characteristics and Distribution

Berkeley Waterfront Community Coalition

April 27, 2026

Below is a set of tables we derived from in-person survey data collected by Kittelson and Associates, Inc. hired by City of Berkeley to assess impacts of the proposed ferry project on current and future recreational use. The in-person intercept survey was conducted on three Thursdays and two Saturdays between April and August 2024. Setting aside any issue with Kittelson's methodology, we have cleaned and organized the available data to better illustrate the diversity of visitors to the Berkeley waterfront. The original dataset has 459 observations. Tables below use all 459 respondents unless otherwise noted. The visitation tables by socioeconomic status use observations that had complete information and may include less than 459 observations. Refer to p. 12 of the Kittelson report for a map of the waterfront and lots.

Below you will find:

- Visitor profile: frequency of visits, residency, age, and activities
- Tables of spatial distribution of visitors by income
- Barcharts for spatial distribution of visitors by income across main waterfront zones)
- Explanation of data cleaning for accurate lot counts.
- Tables of spatial distribution of visitors by race/ethnicity (RE)

Visitor profile

Frequency of visits

A total of 454 visitors responded to the frequency question. 196 visitors (43%) visit the waterfront multiple times per week or every day, and another 14.5% visit a few times a month.

Table 1: Frequency of visits to the Berkeley waterfront (n = 454; 5 respondents did not answer)

Frequency	Count	% of respondents
Every day	62	13.7
A few times a week	134	29.5
About once a week	49	10.8
A few times a month	66	14.5
Once a month	25	5.5
Less than once a month	34	7.5
For special events	17	3.7
Rarely (please specify time of year)	67	14.8
Total	454	100.0

010-246

Residency and age

Of the 459 respondents, 40% are Berkeley residents and 60% are visitors from outside Berkeley. Berkeley residents skew somewhat older than non-Berkeley visitors: 58% of Berkeley residents are 50 or over, compared with 48% of non-Berkeley visitors. This pattern is consistent with the waterfront serving a substantial population of older local residents for whom it is a near-daily recreational destination.

Table 2: Berkeley vs. non-Berkeley residents (n = 459)

Residence	Count	% of respondents
Berkeley resident	183	39.9
Non-Berkeley resident	276	60.1
Total	459	100.0

Table 3: Age distribution (under 50 vs. 50 and over) by Berkeley residency. Includes 3 respondents aged 17 or younger in 'Under 50.' Excludes 40 respondents with missing age.

Residence	Under 50	50 and over	Total	% Under 50	% 50 and over
Berkeley resident	70	98	168	41.7	58.3
Non-Berkeley resident	130	121	251	51.8	48.2
Total	200	219	419	47.7	52.3

Activities

Walking is by far the most popular activity (39% of respondents), followed by sailing/boating (23%), sightseeing/photography (17%), and dog walking (17%). Respondents could select multiple activities, so percentages do not sum to 100%.

Table 4: Activities at the Berkeley waterfront. Respondents could select multiple activities, so percentages do not sum to 100%.

Activity	Count	% of 459 respondents
Walking	177	38.6
Sailing/boating	105	22.9
Sightseeing/photography	78	17.0
Dog walking	76	16.6
Wildlife viewing	53	11.5
Dining	43	9.4
Picnicking	35	7.6
Playground	24	5.2
Biking	21	4.6
Swimming	20	4.4
Running	19	4.1
Shoreline fishing	16	3.5
Charter fishing	8	1.7
Cruise	6	1.3



010-246

Parking lot visits by income

Table 5: Parking Lot Visits by Income (Counts)

	$0-$24,999	$25,000-$49,999	$50,000-$74,999	$75,000-$99,999	$100,000-$124,999	$125,000-$149,999	$150,000-$174,999	$175,000-$199,999	$200,000 and up	Sum
199 Seawall Drive	1	2	1	4	1	1	1	0	1	12
D&E	1	0	0	0	3	0	1	0	0	5
F&G	1	2	0	0	3	1	1	1	1	10
H&I	0	0	2	3	0	0	0	0	2	7
J&K	2	0	4	2	1	3	0	0	3	15
L&M lot	0	2	4	1	3	0	3	2	1	16
Launch Ramp (Paid)	0	1	1	2	0	0	0	0	2	6
Marina Blvd	6	3	2	1	5	3	3	5	5	33
O Lot	1	6	6	5	4	0	1	2	8	33
Other (please specify)	2	2	4	3	5	2	1	2	2	23
Seawall Drive (Street)	5	1	4	4	2	1	1	0	1	19
Skates/N Lot	4	1	5	2	1	1	1	1	4	20
South Cove East	2	1	4	3	0	3	5	5	6	29
South Cove West	8	1	5	3	5	5	5	0	6	38
Spinnaker Circle	2	2	5	1	8	0	0	3	3	24
Spinnaker Way	3	2	8	5	7	3	3	1	8	40
Sum	38	26	55	39	48	23	26	22	53	330

010-246

This table answers the question: Of people parking at each lot, what % are in each income bracket? Seawall Drive and South Cove West have most lowest-income (<$25k) income visitors. J&K lot next to the baitshop sees a high number of those earning less than $75k, as does L&M which was halved in size by the parking enforcement department, and H&I.

Table 6: Row Percentages (% within each lot)

	$0-$24,999	$25,000-$49,999	$50,000-$74,999	$75,000-$99,999	$100,000-$124,999	$125,000-$149,999	$150,000-$174,999	$175,000-$199,999	$200,000 and up	Total
199 Seawall Drive	8.3	16.7	8.3	33.3	8.3	8.3	8.3	0.0	8.3	99.8
D&E	20.0	0.0	0.0	0.0	60.0	0.0	20.0	0.0	0.0	100.0
F&G	10.0	20.0	0.0	0.0	30.0	10.0	10.0	10.0	10.0	100.0
H&I	0.0	0.0	28.6	42.9	0.0	0.0	0.0	0.0	28.6	100.1
J&K	13.3	0.0	26.7	13.3	6.7	20.0	0.0	0.0	20.0	100.0
L&M lot	0.0	12.5	25.0	6.2	18.8	0.0	18.8	12.5	6.2	100.0
Launch Ramp (Paid)	0.0	16.7	16.7	33.3	0.0	0.0	0.0	0.0	33.3	100.0
Marina Blvd	18.2	9.1	6.1	3.0	15.2	9.1	9.1	15.2	15.2	100.2
O Lot	3.0	18.2	18.2	15.2	12.1	0.0	3.0	6.1	24.2	100.0
Other (please specify)	8.7	8.7	17.4	13.0	21.7	8.7	4.3	8.7	8.7	99.9
Seawall Drive (Street)	26.3	5.3	21.1	21.1	10.5	5.3	5.3	0.0	5.3	100.2
Skates/N Lot	20.0	5.0	25.0	10.0	5.0	5.0	5.0	5.0	20.0	100.0
South Cove East	6.9	3.4	13.8	10.3	0.0	10.3	17.2	17.2	20.7	99.8
South Cove West	21.1	2.6	13.2	7.9	13.2	13.2	13.2	0.0	15.8	100.2
Spinnaker Circle	8.3	8.3	20.8	4.2	33.3	0.0	0.0	12.5	12.5	99.9
Spinnaker Way	7.5	5.0	20.0	12.5	17.5	7.5	7.5	2.5	20.0	100.0

010-246

Of people in each income bracket, what % park at each lot? The lowest income group (<$25k) most often parks in South Cove West.

Table 7: Column Percentages (% within each income group)

	$0-$24,999	$25,000-$49,999	$50,000-$74,999	$75,000-$99,999	$100,000-$124,999	$125,000-$149,999	$150,000-$174,999	$175,000-$199,999	$200,000 and up
199 Seawall Drive	2.6	7.7	1.8	10.3	2.1	4.3	3.8	0.0	1.9
D&E	2.6	0.0	0.0	0.0	6.2	0.0	3.8	0.0	0.0
F&G	2.6	7.7	0.0	0.0	6.2	4.3	3.8	4.5	1.9
H&I	0.0	0.0	3.6	7.7	0.0	0.0	0.0	0.0	3.8
J&K	5.3	0.0	7.3	5.1	2.1	13.0	0.0	0.0	5.7
L&M lot	0.0	7.7	7.3	2.6	6.2	0.0	11.5	9.1	1.9
Launch Ramp (Paid)	0.0	3.8	1.8	5.1	0.0	0.0	0.0	0.0	3.8
Marina Blvd	15.8	11.5	3.6	2.6	10.4	13.0	11.5	22.7	9.4
O Lot	2.6	23.1	10.9	12.8	8.3	0.0	3.8	9.1	15.1
Other (please specify)	5.3	7.7	7.3	7.7	10.4	8.7	3.8	9.1	3.8
Seawall Drive (Street)	13.2	3.8	7.3	10.3	4.2	4.3	3.8	0.0	1.9
Skates/N Lot	10.5	3.8	9.1	5.1	2.1	4.3	3.8	4.5	7.5
South Cove East	5.3	3.8	7.3	7.7	0.0	13.0	19.2	22.7	11.3
South Cove West	21.1	3.8	9.1	7.7	10.4	21.7	19.2	0.0	11.3
Spinnaker Circle	5.3	7.7	9.1	2.6	16.7	0.0	0.0	13.6	5.7
Spinnaker Way	7.9	7.7	14.5	12.8	14.6	13.0	11.5	4.5	15.1
Total	100.1	99.8	100.0	100.1	99.9	99.6	99.5	99.8	100.1

010-246

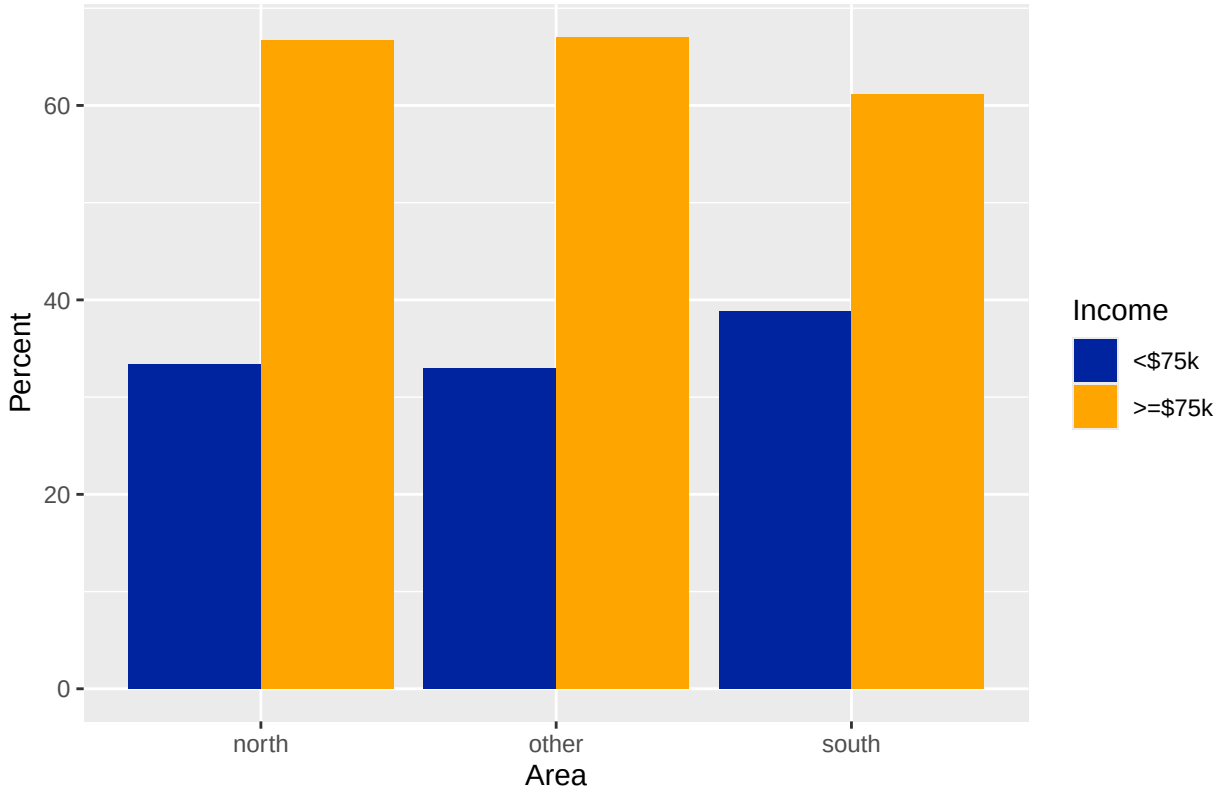
Visitation to south v. north areas of waterfront, by income

Consistent with the public's general understanding and earlier city-led focus groups, we define the waterfront's geographic areas as follows:

- "South" refers to South Cove East and West lots, J&K, L&M, Skates/N, O lot, and Seawall Drive. Data points from the 199 Seawall next to the derelict HsL restaurant in the south part of the waterfront are currently not included as the lot's gates are usually locked during the weekdays on which the respondents' data was collected, indicating the data may be in error. We are seeking clarification from city staff and will update as we receive more information
- "North" refers to D&E, the launch ramps, Spinnaker Way and Spinnaker Circle.
- "Other" includes any response not in "north" or "south" above.

The barchart below indicates a tendency for the south area in aggregate to attract lower income visitors more than other parts of the waterfront. While north and other have similar breakdowns of lower income (defined as <$75k) and higher income (defined as >=$75k), the south area has more lower and less higher income as a percentage.

Figure 1: Visitor Income by Waterfront Area



Data cleaning notes for more accurate lot counts

Forty-six of the Kittelson survey responses were classified as "other." On closer inspection, we recognized that many of these responses are easily reclassifiable to a lot under study. Below is how we have reclassified some of these observations so far.

- South Cove West
  - "Cal Sailing"
  - "West cove"
  - "West coast"
  - "Over by cal sailing, not sure which one of those listed this is"
- O Lot
  - "1 Seawall Drive, Gate O Dock"
- 199 Seawall Drive
  - "Upper HSL"
- South Cove East
  - "EAST COVE"
  - "next to new toilet bldg/CAL adventures"
- Seawall Drive (Street)
  - "seawall"
- Skates/N
  - "Skates"
- F&G
  - "F Marina"



010-246

Tables by race/ethnicity

Table 8: Sample Counts

	American Indian and Alaska Native alone	Asian alone	Black or African American alone	Hispanic	Native Hawaiian and Other Pacific Islander alone	Other (please specify)	Some Other Race alone	White alone	Sum
199 Seawall Drive	0	2	2	3	2	2	0	3	14
D&E	0	1	0	0	0	0	0	3	4
F&G	0	2	0	1	0	0	0	6	9
H&I	1	1	0	0	0	1	0	3	6
J&K	0	2	0	3	0	4	0	10	19
L&M lot	0	3	0	0	1	1	0	11	16
Launch Ramp (Paid)	0	0	0	3	0	1	0	1	5
Marina Blvd	0	2	1	9	0	1	0	22	35
O Lot	1	1	1	4	1	2	1	19	30
Other (please specify)	0	0	0	5	0	2	0	9	16
Seawall Drive (Street)	0	2	3	4	0	0	0	6	15
Skates/N Lot	0	3	1	7	0	0	0	7	18
South Cove East	0	5	1	0	0	3	1	20	30
South Cove West	0	6	0	5	1	5	1	16	34
Spinnaker Circle	1	2	3	2	0	2	1	22	33
Spinnaker Way	0	8	2	3	0	4	1	26	44
Sum	3	40	14	49	5	28	5	184	328

010-246

This table answers the question: Of people parking at each lot, what % are in each ethnicity group?

Table 9: Row Percentages (% RE within each lot)

	American Indian and Alaska Native alone	Asian alone	Black or African American alone	Hispanic	Native Hawaiian and Other Pacific Islander alone	Other (please specify)	Some Other Race alone	White alone	Total
199 Seawall Drive	0.0	14.3	14.3	21.4	14.3	14.3	0.0	21.4	100.0
D&E	0.0	25.0	0.0	0.0	0.0	0.0	0.0	75.0	100.0
F&G	0.0	22.2	0.0	11.1	0.0	0.0	0.0	66.7	100.0
H&I	16.7	16.7	0.0	0.0	0.0	16.7	0.0	50.0	100.1
J&K	0.0	10.5	0.0	15.8	0.0	21.1	0.0	52.6	100.0
L&M lot	0.0	18.8	0.0	0.0	6.2	6.2	0.0	68.8	100.0
Launch Ramp (Paid)	0.0	0.0	0.0	60.0	0.0	20.0	0.0	20.0	100.0
Marina Blvd	0.0	5.7	2.9	25.7	0.0	2.9	0.0	62.9	100.1
O Lot	3.3	3.3	3.3	13.3	3.3	6.7	3.3	63.3	99.8
Other (please specify)	0.0	0.0	0.0	31.2	0.0	12.5	0.0	56.2	99.9
Seawall Drive (Street)	0.0	13.3	20.0	26.7	0.0	0.0	0.0	40.0	100.0
Skates/N Lot	0.0	16.7	5.6	38.9	0.0	0.0	0.0	38.9	100.1
South Cove East	0.0	16.7	3.3	0.0	0.0	10.0	3.3	66.7	100.0
South Cove West	0.0	17.6	0.0	14.7	2.9	14.7	2.9	47.1	99.9
Spinnaker Circle	3.0	6.1	9.1	6.1	0.0	6.1	3.0	66.7	100.1
Spinnaker Way	0.0	18.2	4.5	6.8	0.0	9.1	2.3	59.1	100.0

This table answers the question: Of people in each ethnicity group bracket coming to the waterfront, what % park at each lot?

Table 10: Column Percentages (% within each RE group)

	American Indian and Alaska Native alone	Asian alone	Black or African American alone	Hispanic	Native Hawaiian and Other Pacific Islander alone	Other (please specify)	Some Other Race alone	White alone
199 Seawall Drive	0.0	5.0	14.3	6.1	40	7.1	0	1.6
D&E	0.0	2.5	0.0	0.0	0	0.0	0	1.6
F&G	0.0	5.0	0.0	2.0	0	0.0	0	3.3
H&I	33.3	2.5	0.0	0.0	0	3.6	0	1.6
J&K	0.0	5.0	0.0	6.1	0	14.3	0	5.4
L&M lot	0.0	7.5	0.0	0.0	20	3.6	0	6.0
Launch Ramp (Paid)	0.0	0.0	0.0	6.1	0	3.6	0	0.5
Marina Blvd	0.0	5.0	7.1	18.4	0	3.6	0	12.0
O Lot	33.3	2.5	7.1	8.2	20	7.1	20	10.3
Other (please specify)	0.0	0.0	0.0	10.2	0	7.1	0	4.9
Seawall Drive (Street)	0.0	5.0	21.4	8.2	0	0.0	0	3.3
Skates/N Lot	0.0	7.5	7.1	14.3	0	0.0	0	3.8
South Cove East	0.0	12.5	7.1	0.0	0	10.7	20	10.9
South Cove West	0.0	15.0	0.0	10.2	20	17.9	20	8.7
Spinnaker Circle	33.3	5.0	21.4	4.1	0	7.1	20	12.0
Spinnaker Way	0.0	20.0	14.3	6.1	0	14.3	20	14.1
Total	99.9	100.0	99.8	100.0	100	100.0	100	100.0

010-246

berkeley marina swimmer survey

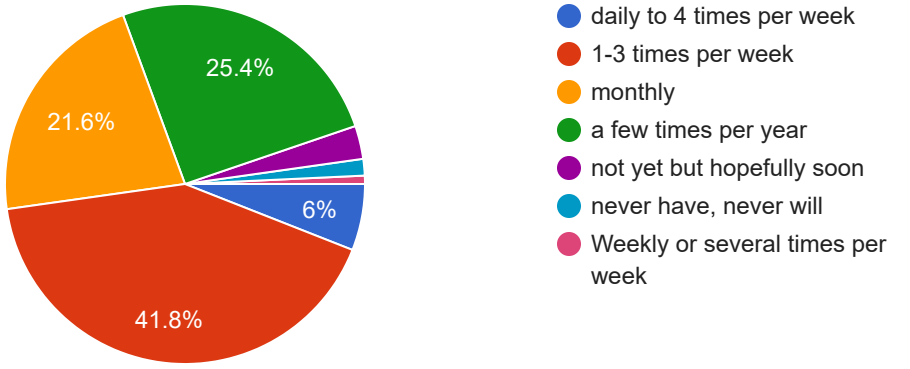
135 responses

Publish analytics

How often do you swim at the Berkeley marina?

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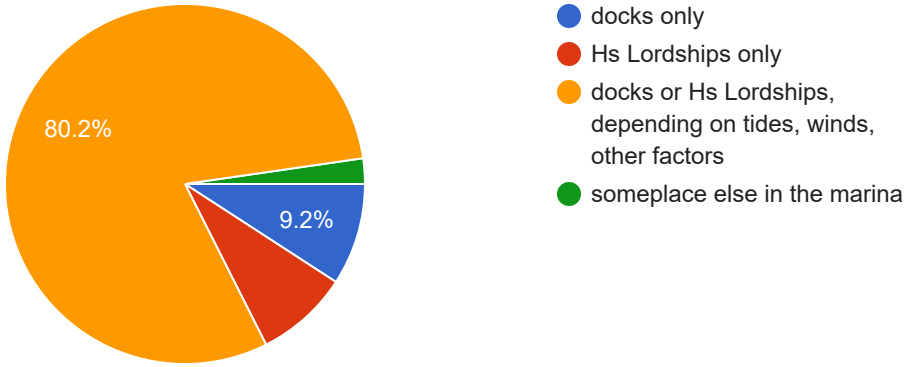
134 responses



Favorite launch spot?

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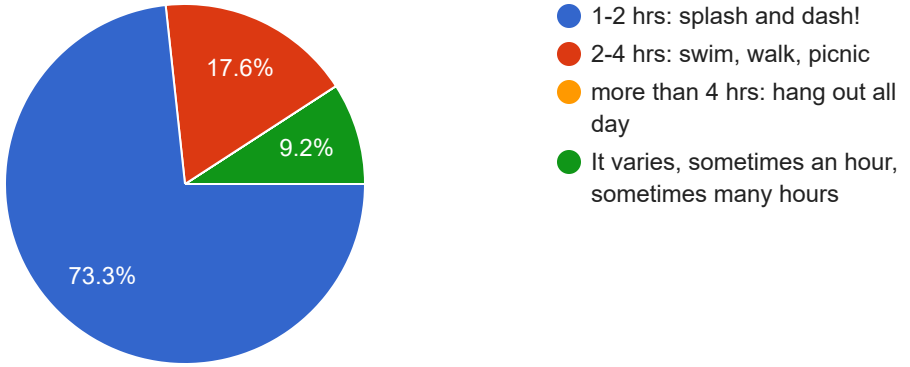
131 responses



How long does your marina visit last?

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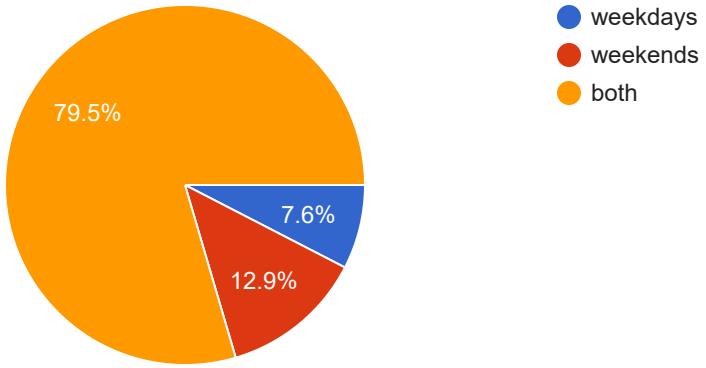
131 responses



Do you swim during weekdays or weekends only?

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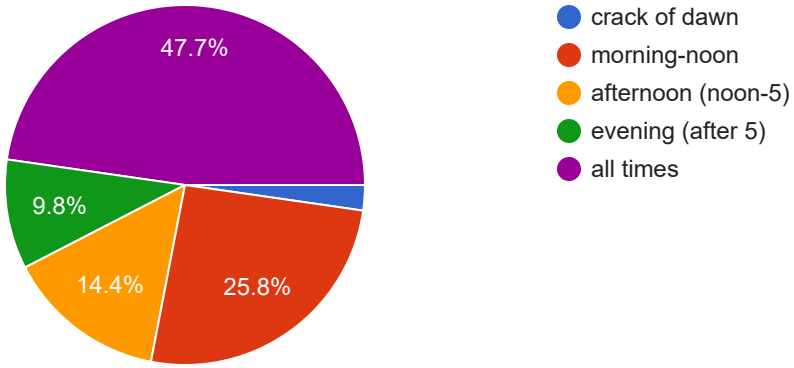
132 responses



What time of day?

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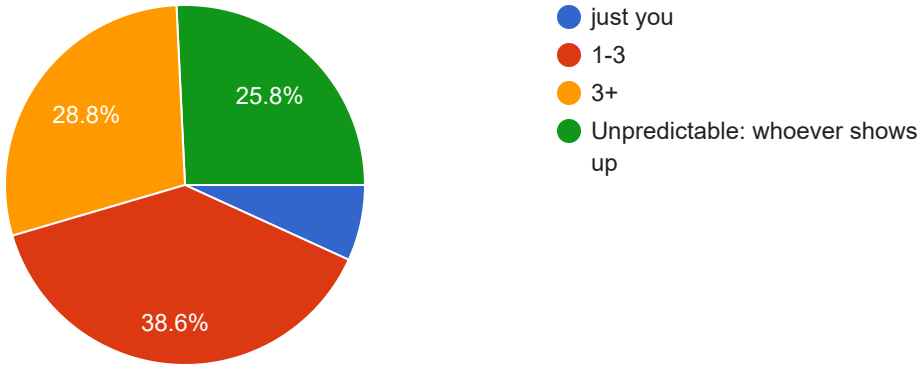
132 responses



How many swimmers in your pod usually?

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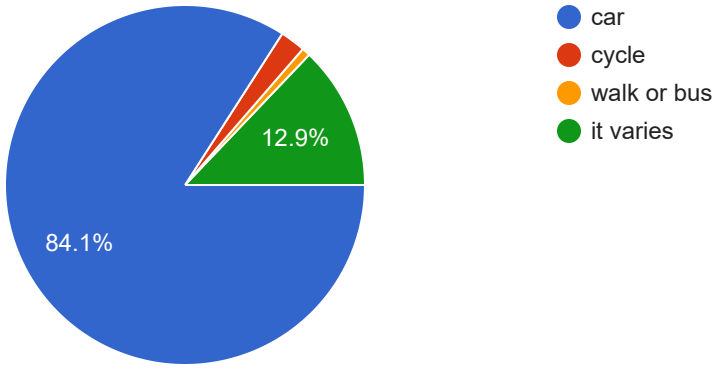
132 responses



How do you travel to the marina?

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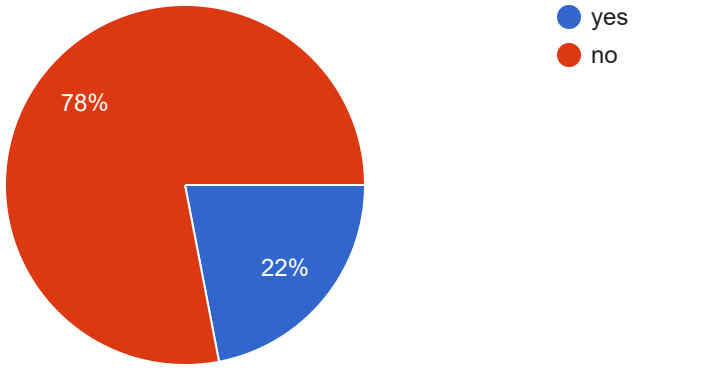
132 responses



Do you ever find trouble parking near enough to your swim spot?

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132 responses



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Letter O10

Commenter: Draft Environmental Impact Report Review Committee, Berkeley Waterfront Community Coalition

Date: April 28, 2026

Response to Comment O10-1 and O10-2

These comments do not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-3

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

Response to Comment O10-4

Please refer to subsequent comments for a response to specific comments, including comments that rely on the information provided in attachments.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-5

All comments on the Draft EIR have been responded to and are included in their respective responses to comments. Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Response to Comment O10-6

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

For responses to specific issues raised in the comment letter, please refer to the following Response to Comments.

Response to Comment O10-7

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* regarding quantified baseline inventory of recreational use and sufficient analysis of impacts on recreational uses. Refer to Section 2.2.9, *Topical Response: Cumulative Impacts,* for a discussion regarding the sufficiency of the cumulative impact analysis. The Draft EIR provides an adequate baseline for CEQA purposes, and the analyses and conclusions remain valid as written. No revisions are required.

Response to Comment O10-8

With respect to potential public access constraints related to parking, refer to Section 2.2.20, *Topical Response: Parking.* As stated in Section 2.2.20, *Topical Response: Parking,* the project would have sufficient parking spaces to accommodate all users and as described in the Topical Response, the project would not reduce public access to the Waterfront rather, bluespace recreation access would be maintained and enhanced with project implementation.

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, and 3.12, *Transportation*, of the Draft EIR remain valid as written. No revisions to the EIR are necessary.

Response to Comment O10-9

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of project objectives and its alternatives analyses.

Response to Comment O10-10

Refer to Section 2.2.2, *Topical Response: Alternatives* (Project Objectives subsection), which clarifies that the City's inclusion of ferry service as a core objective is consistent with a long-standing and well-documented interagency effort to establish ferry service at the Berkeley Waterfront and expand water transit service in the Bay Area. Therefore, the objectives appropriately define the purpose of the project consistent with CEQA Guidelines Section 15124.

The Draft EIR appropriately defines project objectives and evaluates environmental impacts independently of those objectives, consistent with CEQA requirements. The analysis, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written, and no revisions to the Draft EIR are required in response to this comment.

Response to Comment O10-11

The comment that the Draft EIR fails to adequately analyze the ferry component of the project or its associated environmental impacts is not correct. The Draft EIR includes a comprehensive, project-level evaluation of ferry operations and infrastructure across all relevant resource areas, consistent with CEQA requirements. This analysis is based on the Project Description provided in Chapter 2 and evaluates both construction and operational impacts in Chapter 3, supported by technical studies and substantial evidence in the record.

With respect to comments about improvements being attributed to the project, the Draft EIR establishes the environmental baseline in accordance with CEQA Guidelines Section 15125 and evaluates the project's incremental contribution to recreational access and facilities. Refer to Response to Comments O10-47 to O10-49 for a discussion of specific recreational improvements identified in the comment letter.

Regarding alternatives, Chapter 5, *Alternatives*, evaluates a reasonable range of feasible alternatives consistent with CEQA Guidelines Section 15126.6. The Draft EIR also includes a discussion of alternatives considered but rejected, including the reasons for their dismissal based on feasibility, environmental considerations, and the ability to meet project objectives. The comment's suggested pier restoration or replacement approaches are either encompassed within the alternatives screening process or would not meet the fundamental objectives of the project, as described in Sections 5.3 and 5.9 (Pages 5-2 and 5-25 through 5-28 of the Draft EIR). CEQA does not require evaluation of every conceivable alternative, but rather a reasonable range sufficient to inform decision makers. For additional information about how alternatives were considered consistent with CEQA, refer to Section 2.2.2, *Topical Response: Alternatives*.

The analysis, significance conclusions, mitigation measures, and discussion of alternatives presented in the Draft EIR remain valid as written, and no revisions to the Draft EIR are required in response to this comment.

Response to Comment O10-12

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

For responses to specific issues raised in the comment letter, please refer to the following Response to Comments.

Response to Comment O10-13

The comment is referring to later specific comments which are responded to in subsequent Response to Comments. Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations within CEQA documents.

This comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment O10-14

CEQA Guidelines Section 15124 requires that an EIR include a project description containing sufficient detail to allow evaluation of environmental impacts, including the project's location, objectives, and general characteristics. The Draft EIR includes these required elements in Chapter 2, *Project Description*, including Section 2.1 (*Project Location and Setting*), Section 2.3 (*Project Objectives*), Section 2.5 (*Proposed Project Components*), and Section 2.6 (*Construction Details*), as well as a description of operational characteristics in Section 2.7.

The Draft EIR project description represents the current and reasonably foreseeable project design at the time of preparation and provides a stable and comprehensive basis for environmental analysis. To the extent that earlier project concepts were presented during the Notice of Preparation (NOP) and scoping process at a more conceptual level, the refinement of project details reflected in the Draft EIR is a normal and expected part of the CEQA process and does not indicate an unstable or shifting project description. Rather, the Draft EIR provides a more fully developed and detailed description consistent with CEQA Guidelines requirements.

Refer to subsequent response to comments for responses to specific issues raised in the comment letter. The analysis, significance conclusions, mitigation measures, and discussion of alternatives presented in the Draft EIR remain valid as written, and no revisions to the Draft EIR are required in response to this comment.

Response to Comment O10-15

Refer to Section 2.2.10, *Topical Response: Electric Ferry*.

Response to Comment O10-16

Refer to Section 2.2.10, *Topical Response: Electric Ferry*.

Response to Comment O10-17

Refer to Section 2.2.10, *Topical Response: Electric Ferry*, which explains that the Draft EIR includes sufficient details in the Project Description according to CEQA requirements, including a description of electric ferry infrastructure and emergency operations.

Response to Comment O10-18

Refer to Section 2.2.11, *Topical Response: Ferry Operations*, for a discussion of the operational details included in the Draft EIR, and how those are consistent with CEQA requirements.

Response to Comment O10-19

With regard to the description of ferry service operations, refer to Section 2.2.11, *Topical Response: Ferry Operations*, for a discussion related to the operational details used in the Draft EIR to inform the environmental analysis.

With regard to characterizing ferry service, the Project Objectives in the Draft EIR (page 2-4) describes the use of the ferry service as for both recreational and commuter purposes.

Response to Comment O10-20

Refer to Response to Section 2.2.11, *Topical Response: Ferry Operations*, for a discussion related to how the Draft EIR addresses service schedule assumptions.

Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Response to Comment O10-21

First as a matter of clarification, the comment incorrectly describes TDM Measures as mitigation. As explained in Section 2.2.20, *Topical Response: Parking,* TDM Measures are not mitigation measures because there are no environmental impacts under CEQA that would require mitigation in the form of TDM.

Chapter 2, *Project Description* of the Draft EIR describes the physical improvements that could result on a physical impact on the environment, including those physical improvements that provide TDM benefits such as enhanced bicycle facilities and secure bike parking; improved bicycle and pedestrian access including a two-way cycle track along University Avenue and Bay Trail improvements; designated pick-up and drop-off zones; and wayfinding that would direct visitors to appropriate parking lots. All of these features are described in Chapter 2, *Project Description* (refer to pages 2-11 to 2-22 of the Draft EIR).

Thus, the characterization that the Draft EIR has omitted information about TDM is incorrect. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment O10-22

Refer to Response to Comment O10-21. In response to this comment and to improve clarity, the following text change has been made to Section 2.5 of the Project Description (Page 2-18):

> … The proposed project would replace all of the existing parking spaces with 400 to 450 new parking spaces (pending final design), including ADA-accessible and EV parking spaces.
>
> Project access is anticipated to occur via a combination of travel modes, including private vehicles, transit, bicycle, and pedestrian connections. Parking supply and demand assumptions, including the role of TDM measures, are evaluated in Section 3.12, *Transportation*, and in Appendix F, *Transportation Impact Assessment*.

Regarding the comment that the Draft EIR should identify that the majority of ferry patrons arrive by car, this information has already been provided in Appendix F of the Draft EIR. Page 2 of Appendix F of the Draft EIR includes Table 2: Estimated Daily Trip Generation for First Year of Service (without TDM). This table indicates that an estimated 40 percent of the estimated trips would be from car, and represents the majority of the trips. Please note that this is a conversative estimate because it does not account for TDM, as indicated in the title of the Table.

Regarding the comment that TDM should be included in the analysis, implementation of TDM would actually result in reduced impacts to the environment. Implementation of TDM would reduce the number of single-occupancy trips, which would result in reduced environmental impacts. Where relevant, the Draft EIR does consider how constructed elements of the project that provide TDM benefits would affect environmental impacts (refer to page 3.10-36 of the Draft EIR).

Insofar that the comment is concerned about parking, refer to Section 2.2.20, *Topical Response: Parking.*

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no further revisions are required beyond the clarification above.

Response to Comment O10-23

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. The comment associated with this figure are responded to in Response to Comment O10-24. No further response is required.

Response to Comment O10-24

The comment refers to a scoping comment and states that "the NOP project description characterized project dredging as maintained." This is not an accurate statement. The NOP identified that the project would include "Dredging along the existing 100-foot wide United States Army Corps of Engineers federal navigation channel that parallels the closed pier." The NOP does not use the words maintenance dredging and the NOP text was intended to physically identify where dredging would occur.

Refer to Section 2.2.15, *Topical Response: Maintenance Dredging.* As described in Section 2.6.1, *Construction Details* (Page 2-28), the Draft EIR identifies the extent, location, and volume of dredging required for project implementation. The environmental analysis in Section 3.3, *Biological Resources* and Section 3.8, *Hydrology and Water Quality,* evaluates dredging impacts based on the maximum anticipated dredging volume and associated in-water activities, regardless of whether the dredging is characterized as "new" or "maintenance." As further clarified in the referenced responses, dredging would occur under applicable regulatory oversight (including USACE, RWQCB, BCDC, and DMMO), and the Draft EIR does not rely on assumptions regarding federal maintenance dredging or prior dredging activities in this location. The Draft EIR evaluates dredging based on the full scope of project-specific activities and associated environmental impacts. The clarifications provided in Section 2.2.15, *Topical Response: Maintenance Dredging,* fully address the issues raised.

The analysis and conclusions presented in the Draft EIR remain valid as written, and no further revisions beyond those included in the referenced responses are required.

Response to Comment O10-25 to O10-28

Refer to Response to Comment O10-24 for a complete discussion on the issues raised in these comments. The analysis and conclusions presented in the Draft EIR remain valid as written, and no further revisions beyond those included in the referenced responses are required.

Response to Comment O10-29

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion about sedimentation patterns.

Response to Comment O10-30

Refer to Response to Comment O10-24 for a complete discussion on the issues raised in this comment.

Regarding maintenance dredging, refer to Section 2.2.15, *Topical Response: Maintenance Dredging*, which discusses this topic.

The analysis and conclusions presented in the Draft EIR remain valid as written, and no further revisions beyond those included in the referenced responses are required.

Response to Comment O10-31

Dredging impacts from construction of the project have been analyzed throughout the Draft EIR. Draft EIR Section 2.6., *Construction Details*, describes the extent, location, and volume of project dredging required to support ferry operations (page 2-28 of the Draft EIR). Potential environmental impacts associated with dredging are evaluated throughout Chapter 3, *Environmental Impact Analysis*, including Section 3.3,

Biological Resources (Section 3.3.4, Impacts BIO-1 through BIO-3), and Section 3.8, *Hydrology and Water Quality* (Section 3.8.4, Impact HYD-1).

Regarding dredging required for long-term ongoing operation of the project, refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* which discusses this topic.

Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Response to Comment O10-32

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-33

CEQA Guidelines Section 15123 (b)(2) states that the summary within the EIR shall "identify [a]reas of controversy known to the Lead Agency including issues raised by agencies and the public". Draft EIR page ES-3 contains this discussion. To summarize these areas of controversy, the discussion in the Draft EIR explains that members of the public identified concerns regarding parking availability for recreationalists.

The Draft EIR includes additional information about the issues raised by the public beyond the discussion in the Executive Summary. Refer to Sections 1.2.2, *Public Outreach*, 1.2.4, *EIR Notice of Preparation*, and 1.5, *Environmental Review Process*, of the Draft EIR for a summary of the public outreach conducted between 2021 and 2025. Additionally, the Draft EIR public comment period was held from February 27, 2026, to April 26, 2026, a total of 60 days, 15 more than what is required under CEQA.

Section 1.2.2, *Public Outreach*, of the Draft EIR explains that the City collected suggestions made by the community during public outreach efforts and incorporated them into the project, to the extent feasible. This discussion in the EIR also cites the *Environmental Justice Existing Conditions and Constraints Final Technical Study* prepared by the City, which explains how community input was integrated into the project.

For additional clarity, page ES-3 of the Draft EIR has been revised as follows:

> During the EIR scoping process, members of the public identified concerns related to the potential for the proposed project to affect parking availability for recreationalists, continued recreational access to the Berkeley Waterfront, potential impacts on biological resources including whales and other marine species, and the project's consistency with broader waterfront planning efforts. Chapter 3, *Environmental Impact Analysis* (see *Secondary Impacts* subsection) identifies the approach for addressing parking impacts under CEQA for the proposed project and describes the relationship between the proposed project and other waterfront planning efforts (see *Relationship with Draft Waterfront Specific Plan* subsection). In addition, each environmental resource section within Chapter 3 includes an *EIR Scoping Comments Consideration* subsection that identifies resource-specific concerns raised during scoping and explains how those issues are addressed in the environmental analysis. Public responses to the Notice of Preparation of a Draft EIR as well as public input received at the EIR scoping meeting held by the City are summarized in Chapter 1, *Introduction*.

This revision is clarifying in nature and does not alter the impact analysis or significance conclusions presented in the Draft EIR. The Draft EIR adequately identifies and addresses areas of known controversy, and no further revisions are required.

Response to Comment O10-34

The outreach identified in this comment is summarized in Section 1.2.2, *Public Outreach* in Chapter 1, *Introduction* of the Draft EIR (page 1-4). Refer also to Response to Comment O10-33 for a response to this comment. No further response is required.

Response to Comment O10-35

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion related to how the Draft EIR appropriately addresses the Draft Waterfront Specific Plan.

Response to Comment O10-36

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-37

The comment provides information regarding user opinions and preferences. Under CEQA, the purpose of an EIR is to evaluate environmental effects on physical conditions, not user perceptions or preferences (CEQA Guidelines §15382). As described in Chapter 2, *Project Description*, Subsection 2.3, *Project Objectives*, enhancing public pier facilities and recreational opportunities at the Berkeley Waterfront are key objectives of the proposed project. Chapter 2 further states in Subsection 2.5.1, *Waterside*, that the project would incorporate amenities that would directly support fishing at the Waterfront, including the development of a new pier and breakwater with safety railings, a fish cleaning station, seating, shade canopy, and security gates, which would remain open to the public, except in cases where public safety requires closure (refer to Page 2-6). Accordingly, the analysis provides in Section 3.11, *Recreation*, evaluates potential impacts to recreation and concludes that the project would provide a net increase in recreational opportunities, including restored fishing access (refer to Impact REC-1, Pages 3.11-16 through 3.11-20). Additionally, Section 3.3, *Biological Resources*, Subsection 3.3.4, *Impacts Analysis*, evaluates potential impacts on marine wildlife, including fish species. The analysis therein concludes that impacts to fish species would be less than significant with mitigation incorporated (refer to Pages 3.3-39 through 3.3-66).

This comment does not provide supporting arguments, data, or analysis to substantiate concerns related to impacts on fish behavior. Accordingly, no changes are warranted to the Draft EIR analysis, conclusions, or mitigation, and no further response is required.

Response to Comment O10-38

Refer to Response to Comment O10-33. Refer to Section 1.5, *Environmental Review Process*, for a summary of the CEQA process. Prior to making a decision on the proposed project, the City must certify that the Final EIR was presented to the Berkeley City Council and that they reviewed and considered the information in the Final EIR prior to making a decision about approving the project, consistent with CEQA Guidelines Section 15090. As discussed in CEQA Guidelines Section 15093, agencies must balance the various benefits of a project, such as economic, legal, social, technological, and larger-scale environmental benefits, with the potential environmental impacts associated with the project when making their decision. No further response is required.

Response to Comment O10-39

Refer to Response to Comments O10-40 through O10-83 for responses to specific issues raised in the comment letter. As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

Response to Comment O10-40

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-41

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion about why the cumulative impact analysis included in the Draft EIR is sufficient and complies with CEQA requirements.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-42

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts,* which explains that the Draft EIR includes the reopening of a restaurant at 199 Seawall Drive as a cumulative project. Refer to Response to Comment P36-108 for a discussion about this cumulative project, as it relates to parking.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-43

As shown in Draft EIR Table 3-1, *Present and Reasonably Foreseeable Cumulative Projects List* (page 3-9), the D&E Dock Replacement Project is identified as Cumulative Project No. 5 under the category of Recreation and Marina Projects. For clarity, in response to this comment, Table 3-1 has been updated to reflect the completion of the D&E Dock replacement project. Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, which explains the methodology used to identify and evaluate cumulative projects.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No further revisions to the Draft EIR are necessary in response to this comment.

The reopening of the East Dock does not alter the conclusions of the Draft EIR. Because repairs have already been completed, no future construction-related impacts associated with that project would overlap with construction of the proposed project. In addition, operation of the East Dock represents the condition that would exist at the time of project operation and is generally consistent with the cumulative scenario evaluated in the Draft EIR. Therefore, the reopening does not result in new significant impacts, a substantial increase in the severity of identified impacts, or a change to the cumulative impact conclusions presented in the Draft EIR.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. Aside from the clarifying update to Table 3-1 regarding the status of the South Cove East Dock Pier Piling Repairs project, no further revisions to the Draft EIR are necessary in response to this comment.

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Table 3-1 Present and Reasonably Foreseeable Cumulative Projects List

Cumulative Project Number	Name	Jurisdiction	Land Uses	Cumulative Project Characteristics			
				Cumulative Project Use	Location	Status	Brief Description
Recreation and Marina Projects							
5	D & E Dock Replacement Project [a]	Berkeley	Waterfront/Marina	Docks	Berkeley Marina Basin	~~Under Construction~~ Substantially complete. Remaining contract work anticipated to be completed by September 30, 2026.[i]	Replacement of docks, concrete piles, utilities, gangway, and gate structure. Installation of a concrete wall, slope protection, and landslide improvements. The replacement dock system consisting of 79 slips has been installed. Minor repairs and restroom improvements remain to be completed under the construction contract.
....							
7	Tom Bates Regional Sports Complex Restroom & Community Space [a]	Berkeley	Waterfront/Marina	Park facilities	400-408 Gilman Street	Design	Installation of a restroom, meeting room, storage area, one youth soccer field, and six pickle ball courts.
8	South Cove East Dock Pier Piling Repairs [a]	Berkeley	Waterfront/Marina	Docks	Easternmost public dock within the South Cove Sailing Basin	~~Design~~ Completed September 2025	Structural rehabilitation of deteriorated pier structure that leads to East Dock.
9	Replacement of South Cove Middle Dock ADA Gangway Float [a]	Berkeley	Waterfront/Marina	Docks	Connected to the middle public dock within the South Cove Sailing Basin	Design	Replacement of damaged ADA-compliant dock.
...							
20	Bay Trail Extension to the Berkeley Marina [j]	Berkeley	Waterfront/Marina	Active transportation facilities	Extends from the Bay Trail and I-80 bicycle/pedestrian overcrossing west of Frontage Road through the southern Berkeley Marina to the Berkeley Yacht Club at the north end of Seawall Drive	Partially completed	Multi-use Bay Trail extension approximately 1.2 to 1.3 miles in length. Trail implementation has occurred in phases, with initial segments completed in 2014 and Segment 3 completed in 2020. Remaining segments south of Adventure Playground toward Seawall Drive and the Berkeley Yacht Club remain dependent on future funding. [k]
Infrastructure Projects							
~~20~~21	N-Lot Parking Lot Improvements [c]	Berkeley	Parking	Parking	Berkeley Marina near Skates	Design	Parking lot improvements
~~21~~22	South Cove West Parking Lot [a]	Berkeley	Parking	Parking	South side of University Ave at the Berkeley Waterfront by Cal Adventures Club	~~Construction (expected completion date is Summer 2026)~~ Completed April 2026	~~Renovated p~~Parking lot ~~with~~ improvements including new asphalt, storm water treatment system, and new safety elements.
~~22~~23	Climate Action Plan [d]	Berkeley	Infrastructure	Mixed uses	Berkeley	Adopted	Strategic plan to improve sustainability in Berkeley through increased energy efficiency and renewable energy, improved active and public transportation, reduced waste and improved accessibility to locally produced food.
~~23~~24	199 Seawall Structural Repair Project [e]	Berkeley	Waterfront/Marina	Improved structural integrity	199 Seawall Drive	Planning	Installation of new pilings to reinforce concrete on eastern side of the building, repairs to a failed beam support, and repairs to existing pilings.
~~24~~25	Interstate 80/Ashby Avenue (SR-13) Interchange Improvements [f]	Alameda County Transportation Commission, Caltrans	Transportation Infrastructure	Transportation	I-80 and Ashby Avenue interchange	Design	Reconstruct the interchange to improve traffic flow, safety, and multimodal access, including a separate pedestrian and bicycle overcrossing connecting Shellmound Street to the Bay Trail.
~~25~~26	Local Bus Service Frequency Upgrades | AC Transit | Systemwide [f]	Alameda County Transit	Infrastructure, Transportation	Enhanced transit access and frequency in high-demand corridors	Alameda; Routes 72/72M/72R and 51B	Implementation	Upgrades bus frequency to 5-10-minute peak headways on routes 72, 72M, 72R, and 51B, which serve key access points to the Berkeley Waterfront.

Sources:

[a] Berkeley, City of. ~~2025~~ 2026. Capital Projects. https://berkeleyca.gov/your-government/our-work/capital-projects. (Accessed ~~June 2025~~ September 2026); Berkeley, City of. 2024. Status of the Southern Peninsula and the building at 199 Seawall Drive in the Berkeley Waterfront. November 18. https://berkeleyca.gov/sites/default/files/documents/2024-11-18%20%20Status%20of%20the%20Southern%20Peninsula%20and%20the%20building%20at%20199%20Seawall%20Drive%20in%20the%20Berkeley%20Waterfront.pdf. (accessed October 2025).

				Cumulative Project Characteristics			
Cumulative Project Number	**Name**	**Jurisdiction**	**Land Uses**	**Cumulative Project Use**	**Location**	**Status**	**Brief Description**

[b] East Bay Regional Park Improvement Project. 2025. North Basin Strip Shoreline Park Improvement Project. https://www.ebparks.org/sites/default/files/2025-0512_NBS-Feasibility-Report.pdf. (Accessed June 2025).

[c.] Berkeley, City of. 2025. Parks, Recreation, and Waterfront Department Capital Improvement Project and Minor Maintenance Program Update. https://berkeleyca.gov/sites/default/files/documents/2025-03-28%20%20Parks%2C%20Recreation%2C%20and%20Waterfront%20Department%20Capital%20Improvement%20Project%20and%20Minor%20Maintenance%20Program%20Update.pdf. (accessed October 2025).

[d.] Berkeley, City of. 2009. Berkeley Climate Action Plan. https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan (accessed October 2025)

[e] Berkeley, City of. 2024. Status of the Southern Peninsula and the building at 199 Seawall Drive in the Berkeley Waterfront. November 18. https://berkeleyca.gov/sites/default/files/documents/2024-11-18%20%20Status%20of%20the%20Southern%20Peninsula%20and%20the%20building%20at%20199%20Seawall%20Drive%20in%20the%20Berkeley%20Waterfront.pdf. (Accessed June 2025).

[f] Metropolitan Transportation Commission and Association of Bay Area Governments. 2025. Plan Bay Area 2050+ Final Blueprint: Transportation Project List Attachment F - Updated. https://planbayarea.org/sites/default/files/meetings/attachments/6204/10a_25_0106_7_Attachment_F_Transportation_Project_List_CORRECTED.pdf. (accessed June 2025).

[g.] Berkeley, City of. 2025. Reject All Bids Associated with Cesar Chavez Park Perimeter Pathway Improvement Project. https://berkeleyca.gov/sites/default/files/documents/2025-09-09%20Item%2014%20Reject%20All%20Bids%20Associated%20with%20Cesar%20Chavez.pdf#:~:text=The%20City%20received%20five%20bids%2C%20the%20lowest%20being,the%20Project%20is%20paused%20at%20the%20design%20phase. (accessed October 2025).

[h.] Berkeley, City of. 2025. K-Dock Restroom Renovation Project. https://berkeleyca.gov/your-government/our-work/capital-projects/k-dock-restroom-renovation. (accessed October 2025).

[i.] Miller, Roger. 2026. Senior Management Analyst and Project Manager, City of Berkeley Parks, Recreation, and Waterfront Department. Personal Communication via email regarding the D & E Dock Replacement Project status with Ryan Perry, Environmental Planner, Rincon Consultants. September 3.

[j.] Berkeley, City of. 2003. Bay Trail Extension To The Berkeley Marina Design Plan and Final Initial Study/Mitigated Negative Declaration. https://ceqanet.lci.ca.gov/2003092068 (accessed September 2026).

[k.] Berkeley, City of. 2020. Berkeley Bay Trail Extension – Segment Three Project at the Berkeley Marina. https://berkeleyca.gov/sites/default/files/documents/Bay-Trail-Extension_Project%20Summary.pdf (accessed September 2026).

Response to Comment O10-44

As described in Response to Comment O10-43, the Draft EIR relies upon the best available information at the time of the Notice of Preparation (April 18, 2025) to define baseline conditions. At the time of Notice of Preparation, the referenced closure and repairs were ongoing and the project was identified as a cumulative project because completion and reopening of the facility was reasonably foreseeable prior to implementation of the proposed project (refer to Table 3-1, page 3-9 of the Draft EIR).

The City acknowledges that the South Cove East Dock reopened in September 2025 after publication of the Notice of Preparation and prior to preparation of the Final EIR. Accordingly, in response to this comment Draft EIR Table 3-1, Present and Reasonably Foreseeable Cumulative Projects List, has been revised to update the project status. Please refer to Response to Comment O10-43, which includes this revision as well as additional clarifying revisions in response to similar comments.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. Aside from the clarifying revision to Table 3-1, no further revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-45

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, and Section 2.2.20, *Topical Response: Parking,* for discussions regarding the cumulative impact assessment methodology and parking considerations as they relate to CEQA analysis.

The City acknowledges that, following publication of the Notice of Preparation, the Berkeley City Council approved implementation of parking fees at the South Cove East, South Cove West, and J/K parking lots. The fee program was scheduled to take effect beginning January 1, 2026, and would apply to more than 200 parking spaces within these lots. The program involves placement of parking fee collection equipment and associated payment kiosks that would be placed on existing concrete surfaces. Public Resource Code 21065 provides the following definition for a project: " 'Project' means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment…" The implementation of parking fees does not meet this definition pursuant to CEQA; therefore, the fee program identified by the commenter does not meet the definition of a cumulative project.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-46

Page 3-6 of the Draft EIR defined reasonably foreseeable projects as follows: "Reasonably foreseeable future projects are defined as those likely to occur during the same period of time as construction and operation of the project and that could contribute to the cumulative impact on a particular environmental resource. Reasonably foreseeable projects are future projects (including those currently proposed) that are likely or probable, rather than those that are merely possible. Generally, projects are reasonably foreseeable if they meet any one or more of the following conditions:

- The project is a foreseeable future phase of an existing project.
- Applications for project entitlements or construction are pending with a government agency (these projects may have been analyzed in a recent environmental document).
- The project is included in regional transportation plans; regional transportation improvement programs; local long-range transportation plans; local land use, general, and specific plans; or an agency's budget or capital improvement program."

Funding commitments alone do not constitute a reasonably foreseeable cumulative project. When it comes to Measure FF, a cumulative project would need to be a specific project located near the project

site that is reasonably foreseeable and not just merely possible. The comment has not identified a specific cumulative project that is funded through Measure FF that would constitute a cumulative project. The City's Measure FF webpage identifies two specific funded projects, including the Replacing Traffic Barriers with Planter Boxes project and the Outdoor Warning System: Emergency Siren Network project.[34] The planter box project involves replacement of existing traffic barriers at locations including Woolsey/Hillegass, Fulton/Ashby, and Harmon/California.[35] The emergency siren project involves installation of warning sirens at various locations throughout Berkeley.[36] Neither project is located within the project vicinity, involves bicycle recreation facilities, nor would contribute to recreation-related cumulative impacts associated with the proposed project. In addition, neither project would provide the type of bicycle facility improvements referenced in the comment. Accordingly, these Measure FF-funded projects do not constitute cumulative projects relevant to the recreation analysis for the proposed project.

The comment has not identified any specific bicycle improvement project funded through Measure FF. The general existence of Measure FF funding itself does not provide evidence that a reasonably foreseeable recreation or transportation project should be added to the cumulative projects list or discussed as an alternative recreational facility within the EIR. For further discussion regarding the identification of cumulative projects and cumulative analysis under CEQA, refer to Section 2.2.9, *Topical Response: Cumulative Impacts*.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-47

Although future Bay Trail improvements may occur independent of the project, the proposed Bay Trail extension is a project feature that advances the project objectives by enhancing recreation and multimodal access at the project site. The Draft EIR does not rely on the proposed project as the sole means of implementing Bay Trail improvements. Rather, the Draft EIR evaluates the environmental effects of all project components being proposed by the City, including the Bay Trail extension, consistent with CEQA Guidelines. Section 3.11, *Recreation*, evaluates project-related contributions to recreation and concludes that the project would result in a net increase in recreational opportunities at the waterfront due to the inclusion of features such as the Bay Trail extension (refer to Impact REC-1).

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-48

Under CEQA Guidelines Section 15125, an EIR must describe the physical environmental conditions at the time the NOP is published. Future improvements to the Bay Trail, regardless of when or by what funding mechanism they are constructed, are not appropriate to be considered a baseline condition. The comment does not raise any specific deficiencies in the cumulative analysis as it relates to the Bay Trail. The Draft EIR adequately characterizes baseline conditions and reasonably foreseeable cumulative conditions and evaluates the project's contribution to cumulative impacts consistent with CEQA Guidelines. Accordingly, the analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

[34] Berkeley, City of. 2026. Capital Projects, Measure FF. https://berkeleyca.gov/funding-source/measure-ff (accessed July 2026).

[35] Berkeley, City of. 2026. Capital Projects, Replacing Traffic Barriers with Planter Boxes. https://berkeleyca.gov/your-government/our-work/capital-projects/replacing-traffic-barriers-planter-boxes (accessed July 2026).

[36] Berkeley, City of. 2026. Capital Projects, Outdoor Warning System: Emergency Siren Network. https://berkeleyca.gov/your-government/our-work/capital-projects/outdoor-warning-system-emergency-siren-network (accessed July 2026).

Response to Comment O10-49

CEQA distinguishes between baseline conditions (CEQA Guidelines Section 15125) and cumulative analysis (CEQA Guidelines 15130). The Draft EIR appropriately evaluated project-related impacts based on existing conditions at the time of Notice of Preparation (April 18, 2025) and project-related contributions to cumulatively considerable impacts consistent with the defined requirements within the referenced CEQA Guidelines.

Refer to Response to Comments O10-42 through O10-48 for specific responses to conditions raised by the comment.

The Draft EIR adequately characterizes baseline conditions and reasonably foreseeable cumulative conditions and evaluates the project's contribution to cumulative impacts consistent with CEQA Guidelines. Accordingly, the analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-50

Table 1-1, *EIR Scoping Comments and EIR Location Information*, within the Draft EIR, summarizes the comments received and where the City addressed those issues within the EIR.

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* regarding quantified baseline inventory of recreational use and sufficient analysis of impacts on recreational uses.

Response to Comment O10-51

The comment correctly identifies a typographical error in Section 3.11.4 that references Section 3.10.2, which pertains to Noise. The correct reference is Section 3.11.2, *Environmental Setting*. In response to this comment, page 3.11-15 of the EIR has been revised to correct the reference as follows:

> One agency (BCDC) requested that the City document recreational use, identify the service area and service population, assess whether recreational facilities for the project are commensurate with need, and assess potential deterioration of facilities. Section ~~3.10.2~~ 3.11.2, *Environmental Setting* provides details about existing recreational use, the service area and service population, and the existing parks to person ratio; and Impact REC-1 addresses impacts associated with the physical deterioration of recreational facilities.

The above revision is clarifying in nature and does not alter the analysis or significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR.

Regarding the request for a quantitative inventory of recreational uses, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

With respect to Bay Plan Recreation Policy 3(a)(7), consistency with applicable San Francisco Bay Plan policies is evaluated in Draft EIR Section 3.9, *Land Use and Planning* (see Table 3.9-1 within Impact LU-2, pages 3.9-12 through 3.9-23). Although Recreation Policy 3(a)(7) is not specifically identified in Table 3.9-1, the Draft EIR's broader Bay Plan consistency analysis addresses the policy's underlying objectives related to public access, multimodal access, recreational facilities, parking, signage, and wayfinding.

Notably, BCDC did not identify omission of Recreational Policy 3(a)(7) as a concern in its comment Letter on the Draft EIR. Nonetheless, in response to this comment, Draft EIR Table 3.9-1 has been revised for clarity to expressly evaluate consistency with Bay Plan Recreation Policy 3(a)(7) as follows.

Table 3.9-1 BCDC San Francisco Bay Plan Consistency

Policy	Consistency
Recreation	
Policy 3(a)(7). Access to marinas, launch ramps, beaches, fishing piers, and other recreational facilities should be clearly posted with signs and easily available from parking reserved for the public or from public streets or trails.	**Consistent.** As described in Chapter 2, *Project Description*, the proposed project would include wayfinding signage along University Avenue, Marina Boulevard, Seawall Drive, the Seawall Drive Parking Lot, portions of the Berkeley Waterfront, and Shorebird Park to direct visitors to the new pier, ferry facilities, parking areas, and other recreational destinations. The project would also include interpretive and educational signage along the pier, breakwater, and Bay Trail Extension. Final signage design and placement would be refined through final design and applicable permitting processes. The project would also provide continued public access to recreational facilities from public streets and trails, including University Avenue, Seawall Drive, and the Bay Trail, and would maintain and improve public parking access through renovation of the existing Seawall Drive parking lot, which would provide approximately 400 to 450 public parking spaces. In addition, the project would enhance pedestrian, bicycle, and transit access through construction of a new cycle track, Bay Trail improvements, bicycle parking facilities, and transit improvements. Accordingly, the project would be consistent with Recreation Policy 3(a)(7).
Policy 7. Because of the need to increase the recreational opportunities available to Bay Area residents, small amounts of Bay fill may be allowed for waterfront parks and recreational areas that provide substantial public benefits and that cannot be developed without some filling.	**Consistent.** The proposed pier and breakwater would provide recreational opportunities to the Bay. As such, the fill would be allowed if it provides substantial public benefits and cannot be developed without some filling. Since the proposed project will provide an alternative form of transportation that will reduce vehicle miles traveled and greenhouse gas emissions, as well as providing a new recreational opportunity to access the Bay, the proposed project will result in substantial public benefits.

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The revisions described above are clarifying in nature and do not alter the impact analysis or significance conclusions presented in Section 3.9, *Land use and Planning*, or Section 3.11, *Recreation*, of the Draft EIR. Accordingly, the analysis, significance conclusions, and mitigation measures presented therein remain valid as written, and no further revisions are necessary.

Response to Comment O10-52

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* for a discussion of recreational uses.

Additionally, the comment that the project would eliminate nearly all public parking is not accurate. The Draft EIR states in Chapter 2, *Project Description*, that the project would replace the existing 404 parking spaces with 400 to 450 new public parking spaces (pending final design), including ADA-accessible and EV parking spaces (see Section 2.5, page 2-18). For further discussion of parking considerations, please refer to Section 2.2.20, *Topical Response: Parking.*

The Draft EIR provides an adequate baseline for CEQA purposes, and the analyses and conclusions remain valid as written. No revisions are required.

Response to Comment O10-53

Section 3.11, *Recreation*, describes the relationship among shoreline parks, marina areas, and adjacent state park lands, and identifies the broader recreational system within the project vicinity. Figures 3.11-1 and 3.11-2 (Draft EIR pages 3.11-2 and 3.11-3) illustrate the distribution of these resources and their connections via the Bay Trail and bicycle/pedestrian linkages. The impact analysis considers how the project would affect this interconnected system and concludes that the project would improve access and connectivity. As described in Chapter 2, *Project Description*, project features supporting recreational use include the new pier and breakwater, shoreline access improvements, pedestrian and bicycle infrastructure (including Bay Trail connections), enhanced transit access, and amenities such as an ADA-accessible public plaza, restrooms, bicycle parking, shade structures, seating, and a fish-cleaning station (see Draft EIR Section 2.5, *Proposed Project Components*).

For additional discussion of baseline adequacy, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

The Draft EIR provides an adequate baseline for CEQA purposes, and the analysis and conclusions remain unchanged. No revisions are required.

Response to Comment O10-54

Refer to Section 3.11, *Recreation*, including Figures 3.11-1 and Section 3.11.2, which identify recreational resources within the project vicinity, including shoreline parks, trails, marina basins, and adjacent waters. The Draft EIR evaluates recreation consistent with CEQA Guidelines by considering all physical recreational resources, including both land-based and water-based uses, and evaluating whether the project would cause deterioration or require new facilities (Impact REC-1).

In response to this comment, the following clarifying text changes have been made to Subsection 3.11.2, *Environmental Setting*, of the Draft EIR, which provides the following recreation definitions (refer to Page 3.11-1):

> Open space is a broad term for undeveloped land that provides public access, while a park is a specific type of open space that is developed for recreation and leisure activities. Parks can include playgrounds, sports fields, and paved paths, whereas open spaces can be more natural and less developed areas like forests, farms, or grasslands. Both open space and parks can be publicly owned and operated by a city, a regional jurisdiction, the State, or the federal government. A recreational facility is a specific, human-made structure or area designed for a particular recreational activity and can include elements such as parks and picnic sites, pathways and trails, boating docks, community

and nature center buildings, sports courts and swimming pools, among other elements. For purposes of the EIR analysis presented in Section 3.11.4, *Impacts Analysis*, recreational resources include both land-based facilities, such as parks, trails, and open space areas, as well as water-based areas used for recreation, such as marina basins, lagoons, and San Francisco Bay Waters. Figures depicting park and recreation resources may include water features to represent the full extent of recreational use areas rather than solely land acreage.

The text change is clarifying in nature and does not result in a change to the adequacy of the Draft EIR. The analysis, significance conclusion, and mitigation measures presented in the Draft EIR remain valid as written, and no further revisions are required.

Response to Comment O10-55

As identified on Page 3.11-1, Section 3.11, *Recreation*, of the Draft EIR, the park acreage ratio is 34.5 acres per 1,000 residents. As described therein, the City has a total of 4,430 acres of public parks and open space within City limits, spanning 52 parks (and associated buildings, parking lots, and play areas), 21 turf medians, 75 developed paths, 40 undeveloped paths, the Berkeley Marina, and 310 acres of parklands, as well as portions of the 1,833-acre McLaughlin Eastshore State Park, the 2,079-acre East Bay Regional Park District Tilden Regional Park, and 209-Claremont Canyon Regional preserve. The acreage of these parks and open space resources was obtained from publicly available information published by the agencies that manage these facilities, including the City of Berkeley General Plan, the City of Berkeley Parks, Recreation, and Waterfront Department website, and the East Bay Regional Park District website. These publicly available acreage figures represent the agencies' characterization of the recreational resources they manage and therefore provide a reasonable basis for evaluating existing park and recreation resources, as well as calculating the park acreage ratio presented in the Draft EIR. The total of 4,430 acres of parks and open space and a population of 128,348 residents in 2025 equates to 0.0345 acres per person, or 34.5 acres per 1,000 residents when multiplied by a factor of 1,000 to achieve the standard metric of acreage per 1,000 residents. which results in a total of 34.5 acres per 1,000 residents. The calculation of park acreage per resident is consistent with the City's methodology of identifying park acreage per resident. In addition, the Draft EIR does not rely solely on the park acreage ratio to evaluate impacts. As discussed within Section 3.11.4, *Impacts Analysis*, the Draft EIR evaluates whether the project would increase the use of existing recreational facilities such that substantial deterioration would occur or be accelerated (refer to Impact REC-1). Based on the information presented therein, the Draft EIR identifies that the project would improve and expand recreational opportunities at the Berkeley Waterfront through the construction of new public amenities, including Bay Trail improvements, waterfront access enhancements, public open space features, viewing areas, seating areas, and related recreational infrastructure. As such, the Draft EIR concludes that the project would add recreational resources and improve public access rather than reducing recreational opportunities available to residents, and accordingly concludes that impacts would be less than significant. No change to the Draft EIR or other response is necessary.

Response to Comment O10-56

Draft EIR Section 3.11, *Recreation*, describes existing recreational resources at the Berkeley Waterfront, including the type, function, and characteristics of facilities and use areas (see Section 3.11.2, *Environmental Setting*). This qualitative discussion reflects the quality of recreational opportunities, including the range of activities supported (e.g., shoreline access, boating, fishing, and passive recreation) and the physical features that enable those uses. Where available, the Draft EIR also provides quantitative information, such as park acreage and spatial extent of recreational areas. Together, these qualitative and quantitative descriptions provide an appropriate characterization of both the quality and quantity of recreational resources consistent with CEQA requirements, which focus on physical conditions and facility capacity rather than subjective measures of recreational experience. No revisions to the Draft EIR are required.

Response to Comment O10-57

As discussed in Section 3.11, *Recreation*, the Draft EIR evaluates environmental impacts to recreational resources consistent with CEQA Guidelines, which focus on physical environmental conditions and effects. CEQA does not require characterization of user demographics unless such information is necessary to evaluate whether a project would result in a physical environmental impact. Accordingly, the recreational baseline focuses on the location, capacity, and function of recreational facilities and access, which are the relevant factors for evaluating potential physical deterioration or the need for expanded facilities (see Draft EIR Section 3.11.4).

While socioeconomic considerations such as environmental justice are not a resource requiring evaluation under CEQA, the City continues to consider such issues through its broader planning and policy efforts, including its General Plan Environmental Justice Element. The Environmental Justice Technical Report describes how the City engaged with Environmental Justice communities in its extensive public engagement efforts and how that input helped to inform project design.

As described in Draft EIR Chapter 2, *Project Description* (see Section 2.5, *Proposed Project Components*), and Section 3.11, *Recreation* (see Impact REC-1), the project would expand recreational opportunities and improve public access to the waterfront through new and enhanced facilities, including shoreline access, a restored pier, public open space, and multimodal connections. These improvements would benefit a diverse range of users and increase overall accessibility.

The Draft EIR evaluates environmental impacts to physical recreational resources consistent with CEQA Guidelines, which do not require demographic analysis unless tied to physical environmental impacts. For additional discussion of baseline adequacy, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment O10-58

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*, for a discussion of how the Draft EIR evaluates the project's consistency with applicable land use plans and policies.

SB 1000 (Government Code Section 65302(h)) requires local jurisdictions to address environmental justice in their General Plans, including through the preparation of an Environmental Justice Element or equivalent policies for disadvantaged communities. SB 1000 applies to the preparation or update of General Plans and does not establish a separate CEQA significance threshold for individual development projects. The proposed project is not a General Plan amendment or General Plan update, and therefore, the requirements of SB 1000 do not apply to the proposed project. Nevertheless, environmental justice considerations were incorporated into the planning process for the proposed project. As summarized in Draft EIR Section 1.2.2, *Public Outreach*, the City conducted extensive public outreach in 2025, including engagement with community organizations and groups representing historically underserved populations (see Draft EIR pages 1-4 and 1-5). In addition, the City prepared the Berkeley Water Transportation Pier Ferry Environmental Justice Existing Conditions and Constraints Technical Study, which was cited within Draft EIR Section 1.2.2 and made publicly available as part of the environmental review process[37], to evaluate environmental justice conditions in the project vicinity.

The Draft EIR evaluates the project's consistency with applicable local and regional plans, including policies related to public access and recreation, within Section 3.9, *Land Use and Planning* (see Impact LU-2), and evaluates potential physical environmental impacts that could affect surrounding communities, throughout Chapter 3, *Environmental Impact Analysis*, and identifies mitigation measures as appropriate. The analysis therein did not identify substantial evidence that the proposed project would result in

[37] Berkeley, City of. 2025. Berkeley Water Transportation Pier Ferry Environmental Justice Existing Conditions and Constraints Technical Study. October 15. Prepared by Rincon Consultants. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/Berkeley_2025_BWTPF-Environmental-Justice-Technical-Study.pdf (accessed July 2026).

disproportionately severe adverse physical environmental impacts on disadvantaged or underserved communities.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O10-59

SB 535 established a framework for identifying disadvantaged communities for purposes of directing portions of State climate-investment funding to communities experiencing disproportionate environmental burdens, with the goal of improving public health, quality of life, and economic opportunities while reducing climate-related pollution.[38] However, SB 535 does not establish independent CEQA significance thresholds, create environmental justice analysis requirements under CEQA, or otherwise modify the standards used to determine the significance of environmental impacts under CEQA.

Although SB 535 does not impose CEQA requirements, the proposed project would generally support many of the policy objectives associated with State identification of and investment in disadvantaged communities. As described throughout the Draft EIR, the proposed project would expand public access to the Berkeley Waterfront through construction of a public pier and breakwater, improved bicycle and pedestrian connections including a new cycle track and Bay Trail Extension, enhanced public transit facilities, and new public amenities (refer to Draft EIR Section 2.5, *Proposed Project Components*). In addition, the proposed project would provide a new zero-emission transportation option connecting Berkeley to regional job centers while reducing greenhouse gas emissions and supporting multimodal mobility. The project would provide public health benefits through reduced greenhouse gas emissions and expanded opportunities for active transportation, including improved bicycle and pedestrian infrastructure and supporting amenities that promote walking, bicycling, and transit use while improving access to the Berkeley Waterfront. Furthermore, WETA has identified the surrounding community as having comparatively limited transit access and a greater concentration of lower-income and historically underserved populations.[39] Accordingly, the proposed zero-emission ferry service would improve connectivity between the community and higher-paying regional job centers throughout the Bay Area while advancing the goals of SB 535 to improve public health and economic opportunity in disadvantaged communities.

However, the fact that nearby communities may be identified as disadvantaged communities under SB 535 does not create a separate CEQA impact category or significance threshold. Rather, potential environmental impacts of the proposed project are evaluated in the Draft EIR using the significance criteria established under CEQA. Consistent with that analysis, the project would not result in disproportionately severe adverse physical environmental impacts on disadvantaged communities.

For further discussion of how the Draft EIR evaluates consistency with applicable plans and policies, including those related to public access and recreation, refer to Response to Comment O10-58 and to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O10-60

For a discussion of BMC 6.20.180 as it relates to the Draft EIR analysis, refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*.

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[38] California Environmental Protection Agency Office of Environmental Health Hazard Assessment. 2026. SB 535 Disadvantaged Communities. https://oehha.ca.gov/calenviroscreen/sb535 (accessed August 2026).

[39] WETA. 2022. WETA Berkeley Ferry Service Business Plan, Version 1.0. Prepared by Economic Planning Systems, Inc. March 17. Available: https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240926061356/Item-8A-Berkeley-Ferry-Service-Business-Plan.pdf. (accessed August 2026).

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment O10-61

For discussion of existing water access and legally permitted recreational uses, refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*, and Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

The baseline and resulting analysis and significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No revisions are required.

Response to Comment O10-62

Page 3.11-7, Section 3.11, Recreation (Section 3.11.3, Regulatory Framework), states that Section 4(f) would only apply should project implementation involve federal funding. The comment is incorrect. CEQA compliance often occurs independently of NEPA compliance. NEPA compliance is required if the project has a federal nexus such as federal funding, requirement for a federal permit, or the use of federal land. In this instance, the project has not yet received any federal funding. It is likely that the project will require NEPA clearance when pursuing federal permits from National Marine Fisheries Service or U.S. Army Corps of Engineers (USACE). At that time, the federal lead agency would determine the NEPA pathway for environmental compliance. In summary, CEQA does not require an analysis of Section 4(f) impacts, and no change to the Draft EIR or other response is necessary.

Response to Comment O10-63 and O10-64

Section 3.11, *Recreation*, of the Draft EIR includes descriptions of each of the facilities identified by the comment, including formerly named Cesar Chavez Park (pages 3.11-5 and 3.11-6), Shorebird Park (page 3.11-4), Horseshoe Park (page 3.11-5), Adventure Playground (page 3.11-4), and McLaughlin Eastshore State Park (page 3.11-6), in addition to other facilities and uses at the Waterfront (see Section 3.11-2, *Environmental Setting*, pages 3.11-1 through 3.11-7). The level of detail provided therein is sufficient to support environmental analysis in accordance with CEQA Guidelines. No further revisions to the EIR are necessary.

Response to Comment O10-65

Section 3.11, *Recreation*, of the Draft EIR relies upon established, professionally reviewed data sources as described in reports accessible to the public. While the City has access to and may consider third-party proprietary tools such as Placer.ai for certain planning purposes, such tools are not typically used as primary data sources in CEQA documents due to limitations related to methodological transparency, replicability, and representativeness at broader geographic scales. Given that the proposed project serves a regional transportation function, including connectivity beyond the City of Berkeley, the use of more authoritative data sources is appropriate and ensures consistency with established CEQA practice.

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* for further discussion of the environmental baseline described in the Draft EIR.

The level of detail provided therein is sufficient to support environmental analysis in accordance with CEQA Guidelines. No further revisions to the EIR are necessary.

Response to Comment O10-66

Refer to Response to Comment O10-65 regarding concerns about baseline conditions and use of Placer.ai data.

Cumulative impacts considering future uses are analyzed at a level of detail consistent with CEQA Guidelines within Section 3.11.5, *Cumulative Impacts*, based on the cumulative baseline established in

Chapter 3 (refer to pages 3-1 through 3-10). The analysis therein concludes that cumulative impacts related to increased visitation would be less than significant (refer to page 3.11-24).

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-67 to O10-70

Draft EIR Section 3.11, *Recreation*, evaluates recreational use based on physical conditions and access rather than demographic or socioeconomic characteristics of users consistent with CEQA Guidelines (Section 15064(e)). However, the City acknowledges the importance of accessibility to the Waterfront, as expressed in Draft EIR Chapter 2, *Project Description*, which describes that a key objective of the project is to maximize access to the Bay (see Section 2.3, Project Objectives, page 2-4). While not required by CEQA and therefore not directly analyzed in the Draft EIR, the City has addressed socioeconomic concerns through other project planning efforts, such as preparation of the Environmental Justice Technical Report, which included extensive public engagement to support project design refinements and identify key issues.

These efforts are reflected in Draft EIR Section 2.5, *Project Components*, which describes several project features that would increase public access at the Waterfront for all users, including the implementation of new and improved pedestrian and bicycle infrastructure, the new pier and breakwater, and supporting amenities such as the ADA-compliant public plaza, restrooms, shade canopies, seating, fish cleaning station, and bike racks, as well as enhancements to existing AC Transit infrastructure, all of which have been designed to support increased accessibility and encourage recreational uses. Draft EIR Section 3.11.2, *Environmental Setting*, appropriately characterizes existing Waterfront uses consistent with what is required by CEQA Guidelines and provides sufficient information to assess the potential impacts associated with project implementation and whether recreational opportunities would be increased or diminished by the project (refer to Draft EIR pages 3.11-1 through 3.11-7). This is evaluated in Draft EIR Section 3.11.4, *Impacts Analysis*, under Impact REC-1, which concludes that the project would result in a net increase in recreational opportunities and that impacts related to increased visitation and subsequent degradation of existing recreational facilities would be less than significant (see Draft EIR pages 3.11-16 through 3.11-20).

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-71

The Draft EIR analyzes physical project impacts related to each CEQA Appendix G resource at a level consistent with CEQA Guidelines. As described in Responses to Comments O10-67 to O10-70, demographic or socioeconomic characteristics do not represent physical environmental impacts requiring analysis under CEQA Guidelines Section 15064(e). Accordingly, such characteristics are not disclosed in the Draft EIR *Project Description*, as they are not recognized issues under CEQA, and inclusion of such data as provided by the comment would not result in a change to the physical impact conclusions presented in the Draft EIR. The Draft EIR instead describes the project features (Chapter 2, *Project Description*) and then analyzes project impacts related to environmental resources in accordance with CEQA Appendix G Guidelines based on sufficient evidence in the record, regulatory requirements, and professional judgement by subject matter experts within Chapter 3, *Environmental Impact Analysis*. Therein, the Draft EIR demonstrates that the proposed project features such as the new pier and breakwater, new recreational and active transportation infrastructure, enhanced AC Transit facilities, and supporting amenities would result in improved access to the Waterfront (see Section 3.11, *Recreation*, Impact REC-1, and Section 3.12, *Transportation*, Impact TRA-1).

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-72 to O10-73

The Draft EIR acknowledges fishing as an existing Waterfront activity within Section 3.11, *Recreation* (see Section 3.11.2, Environmental Setting, pages 3.11-1 through 3.11-7). As described in Chapter 2, *Project Description*, and in Section 3.11.4, *Impacts Analysis*, the project would restore public access to the Berkeley Pier, which has been closed since 2015, thereby enhancing opportunities for fishing and other recreational uses (see Section 2.5, *Project Components*, and Impact REC-1).

The analyses and significance conclusions, and mitigation measures presented in Section 3.11, *Recreation* of the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-74

In response to this comment, the following text revisions have been made to Draft EIR page 3.4-10 to clarify the results of the 2025 Berkeley Pier evaluation:

> Two of the evaluation efforts focused on the Berkeley Pier and did not consider the property's larger developmental context, current ownership, and functionally related relationship of the Berkeley Pier to the larger Berkeley Marina, to which it is historically linked. As recommended by guidance from OHP, the evaluation was updated in 2025 to support the proposed project's environmental review to amplify information about the resource and document changes that have occurred since the previous evaluation.[43] Additionally, the updated 2025 Berkeley Pier evaluation considered the Berkeley Pier within its broader historical context, including its relationship to the Berkeley Marina, and assessed local eligibility, which was not included in previous evaluations. The results of the 2025 updated evaluation indicate that the Berkeley Pier does not meet the criteria for listing in the NRHP, CRHR, Berkeley Register of Designated Landmarks BERD, or as a City of Berkeley historical resource. Accordingly, the updated evaluation confirms that no historical resources are present within or directly adjacent to the project site.

The above text change is clarifying in nature, as it provides additional information regarding the evaluation outcome, but does not result in a change to the analysis or impact conclusions presented in the Draft EIR. The analysis, significance conclusions, and mitigation measures presented in Section 3.4, *Cultural Resources*, of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment O10-75

Draft EIR Section 3.11, *Recreation,* acknowledges fishing as an existing Waterfront use (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7) and evaluates how project features would affect access to shoreline and pier-based fishing (see Section 3.11.4, pages 3.11-16 through 3.11-20). As described in Draft EIR Chapter 2, *Project Description*, the project would restore public access to the Berkeley Pier, which has been closed since 2015, and install new amenities that would support fishing and other recreational uses, such as shade canopies, seating, and a fish cleaning station (see Section 2.5, *Proposed Project Components*). Accordingly, the Draft EIR concludes that the project features described in Section 2.5 would enhance opportunities for fishing and other recreational uses, and that impacts related to degradation of existing recreational facilities and uses would be less than significant as a result (see Impact REC-1, pages 3.11-16 through 3.11-20).

The analyses, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-76

CEQA requires evaluation of physical environmental impacts rather than economic valuation or social benefits (CEQA Guidelines 15064(e)). Accordingly, Draft EIR Section 3.11, *Recreation*, evaluates whether recreational opportunities would be increased or decreased and whether implementation of new

recreational infrastructure would result in environmental impacts based on physical changes. The absence of economic valuation does not affect the adequacy of the environmental analysis within the Draft EIR. Nonetheless, the project would involve installation of a new pier and breakwater with supporting amenities that would increase and encourage access to fishing (see Section 2.5, *Proposed Project Components*, and Impact REC-1), thereby enhancing the economic and social benefits associated with recreational fishing referenced by the comment.

The analyses, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-77

The Draft EIR acknowledges boating, fishing, and related water-dependent recreational uses in Section 3.11.2, *Environmental Setting* (see Draft EIR pages 3.11-1 through 3.11-7). The comment does not identify a deficiency in the environmental analysis or affect the conclusions of Impact REC-1 or REC-2.

The comment is noted for informational purposes. No revisions to the Draft EIR are required.

Response to Comment O10-78

Refer to Response to Comment O10-76 regarding the comment about understating the economic value, use and social benefits of uses at the waterfront.

The omission of specific nonprofit program reporting or updated berth fee waiver data does not undermine the adequacy of the recreational baseline for purposes of CEQA impact analysis.

For additional discussion of baseline adequacy, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users.*

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No revisions are required.

Response to Comment O10-79

While the comment provides additional details regarding specific programs and their social value, CEQA focuses on physical environmental conditions and impacts. The omission of specific programmatic or economic descriptions does not affect the adequacy of the environmental analysis.

The comment is noted for the record. No revisions to the Draft EIR are required.

Response to Comment O10-80

Draft EIR Section 3.11, *Recreation*, describes water-based recreation uses of the Waterfront, including sailing and windsurfing, and specifically acknowledges Cal Sailing Club activities within Section 3.11.2, Environmental Setting (refer to page 3.11-6). The description of existing recreational facilities and uses presented therein reflects level of detail sufficient to support analysis under CEQA, rather than a catalog of specific programs and their socioeconomic benefits, which are not subject to CEQA evaluation (CEQA Guidelines 15064(e)). Additionally, the Draft EIR demonstrates that project implementation would maintain access to existing sailing areas and improve infrastructure supporting water-based recreation (see Impact REC-1). Therefore, inclusion of the socioeconomic considerations provided by the comment would not result in a change in analysis or significance conclusions under Impact REC-1 or Impact REC-2.

The analyses, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-81

The Draft EIR does not understate the project site as a resource for swimming. Section 3.11, *Recreation*, Subsection 3.11.2, *Environmental Setting*, identifies swimming among existing recreational uses within the South Sailing Basin and San Francisco Bay (Pages 3.11-6 and 3.11-7). For further discussion of the baseline conditions used in the recreation analysis, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*. With respect to parking as it relates to public access, refer to Section 2.2.20, *Topical Response: Parking,* which describes specific planned strategies to reduce the potential for public access impacts due to parking conflicts between recreational users and ferry commuters.

Although the City maintains the adequacy of the recreational baseline conditions and analysis, in response to this comment, the following clarifying text change has been made to Section 3.11.2 of the EIR (Page 3.11-7):

> Open water swimming is a recognized recreational activity within the Berkeley Waterfront, including use of marina coves and shoreline areas. While the Draft EIR does not quantify user volumes, these activities are considered part of the existing recreational baseline in evaluating potential impacts to recreational access and facilities. Windsurfers, wingers, swimmers, paddleboarders, and kayakers launch from the South Sailing docks or Shorebird Beach for access throughout the South Sailing Cove and beyond. An un-improved rocky shoreline at the southernmost point of the 199 Seawall peninsula is used by some swimmers and windsurfers/wingers, primarily when low tides make launching from the South Cove undesirable due to shallow water and exposed mudflats. According to Berkeley Municipal Code Section 6.20.180, Prohibited activities, swimming, bathing, windsurfing, and wading is prohibited within the City jurisdictional waters except for the South Sailing Basin (including the Shorebird Park Beach and the sailing docks), and no personal watercraft of any kind may be operated within 1,500 feet of the Berkeley Pier.

The above text change is clarifying in nature, as it provides additional transparency regarding the recreational baseline, but does not result in a change to the analysis or impact conclusions presented in the Draft EIR. The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment O10-82

Refer to Response to Comment O10-81 regarding the consideration of swimmers in the EIR.

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions are necessary.

Response to Comment O10-83

For discussion of baseline adequacy, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users.*

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No revisions are required.

Response to Comment O10-84

Impacts to visual resources are discussed and analyzed in Section 3.1, *Aesthetics,* Impact Evaluation, pages 3.1-20 through 3.1-36*,* of the Draft EIR. Such analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of visual resource impacts is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-85

The Draft EIR evaluates the proposed project's consistency with applicable Bay Plan policies in Table 3.9-1 (BCDC Bay Plan Consistency) under Impact LU-2 in Section 3.9, *Land Use and Planning* (Draft EIR pages 3.9-12 through 3.9-23). Table 3.9-1 identifies relevant Bay Plan policies, including Public Access Policy 9 and Recreation Policy 9, and provides a qualitative assessment of project consistency based on project design features and operational characteristics. The analysis therein concludes that the proposed project would be consistent with applicable Bay Plan policies with implementation of identified mitigation measures (see Draft EIR page 3.9-23), and acknowledges that BCDC will conduct an independent review of the project's consistency with its governing laws and policies. Regarding Recreation Policy 9, refer also to Section 2.2.20, *Topical Response: Parking,* for a detailed discussion related to consistency with this policy as it relates to parking access for different users of the Berkeley Waterfront.

With respect to the comment regarding BCDC Bay Plan Appearance, Design, and Scenic Views Finding (d), Table 3.9-1 evaluates consistency with applicable Bay Plan policies, including those related to Appearance, Design, and Scenic Views. This analysis appropriately addresses policy consistency, as the Bay Plan Findings provide the basis for those policies but are not themselves independently applied as standards for consistency review consistent with CEQA Guidelines. Impacts related to aesthetics, including scenic views, are evaluated in more detail within Draft EIR Section 3.1, *Aesthetics*, which concludes that impacts related to scenic views would be less than significant (see Impact AES-1). For further discussion regarding project impacts related to scenic views, refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access.* The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O10-86

As detailed in the Operation discussion under Impact AES-1, page 3.1-20, of the Draft EIR, the low profile of the proposed project compared to the elevation of surrounding viewpoints is one of multiple factors considered when determining the significance of impacts to scenic views and vistas. Additionally, the visibility of key viewsheds (i.e., the San Francisco skyline, the Bay, surrounding ridgelines) is key to determining whether substantial adverse effects on scenic vistas would occur; if a proposed project were to obscure a scenic vista, that would result in a significant impact. The proposed project was determined to have less than significant impacts to scenic vistas.

Environmental impacts associated with scenic vistas are evaluated throughout the Draft EIR. Such analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of scenic vistas is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-87

Changes to the scenic views, including the Bay and the extended viewshed, as a result of individual project components are detailed in Section 3.1, *Aesthetics* (Impacts AES-1, pages 3.1-20 through 3.1-27, and AES-3, pages 3.1-28 through 3.1-33). Impacts related to degradation of scenic views/vistas and visual character, and consistency with applicable zoning and other regulations governing scenic quality, were determined to be less than significant.

The aesthetics analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of scenic vistas is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-88

The comment expresses concern that the Draft EIR does not fully evaluate impacts to views of the Bay and shoreline, and scenic composition, resulting from implementation of the proposed breakwater.

Changes to the scenic views, including the Bay and the extended viewshed, as a result of individual project components are detailed in Section 3.1, *Aesthetics* (Impacts AES-1, pages 3.1-20 through 3.1-27, and AES-3, pages 3.1-28 through 3.1-33). Impacts related to degradation of scenic views/vistas and visual character, and consistency with applicable zoning and other regulations governing scenic quality, were determined to be less than significant.

Aesthetics analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of scenic vistas is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-89 to O1-93

Refer to Section 2.2.26, *Topical Response: Vessel Aesthetics*, for a discussion about how the project's introductions of ferry vessels would be consistent with the visual character of the viewshed.

The absence of vessels in conceptual renderings does not affect the adequacy of the environmental analysis, which evaluates impacts based on realistic operational assumptions. Accordingly, the analysis and conclusions presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O10-94

Section 2.7.1, *Operational Scenario and Ridership*, of the Draft EIR identifies a representative vessel capacity of approximately 250 passengers for purposes of estimating ridership and service levels, consistent with what WETA projects in its Berkeley Ferry Service Business Plan. This capacity assumption is used to describe a reasonable operational scenario and to inform projections of ferry frequency and daily ridership. The Draft EIR does not state that vessel passenger capacity directly determines vessel dimensions, nor does it rely on passenger capacity as a proxy for vessel footprint. Refer to Section 2.2.10, *Topical Response: Electric Ferry*, which describes that the analysis in the Draft EIR is based on a defined project "envelope" or set of reasonable operational components described in Chapter 2, Project Description.

The comment does not identify an inconsistency in the environmental analysis or demonstrate that the impact conclusions would differ based on alternative vessel capacity assumptions. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment O10-95 to O10-96

Refer to Section 2.2.26, *Topical Response: Vessel Aesthetics*, for a discussion related to the aesthetics associated with introducing ferry vessels in the Berkeley Waterfront.

The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-97

Refer to Section 2.2.26, *Topical Response: Vessel Aesthetics*, for a discussion related to the aesthetics associated with introducing ferry vessels in the Berkeley Waterfront.

Refer to Section 2.2.5, *Topical Response: CEQA Adequacy,* which explains that the City has concluded that the Draft EIR is sufficient from a CEQA perspective.

The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-98

The analyses provided in Section 3.1, *Aesthetics,* provide separate discussions of construction and operational impacts to aesthetics. Environmental impacts associated with project construction aesthetics are evaluated throughout the Draft EIR. Such analyses are based on the assumptions

described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of project construction aesthetics is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-99

Appendix G of the CEQA Guidelines requires evaluation of a project's effects on public scenic views and vistas. Because CEQA is concerned with impacts to the physical environment experienced by the public, changes to views from private businesses, including restaurants, are not considered environmental impacts requiring separate analysis under Appendix G. Views from the pier and recreational paths around Skates Restaurant are discussed under threshold question for Impact AES-1, page 3.1-20, of the Draft EIR, and represented by KVP 1. Such analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of scenic views and vistas is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-100

The threshold question for Impact AES-2, page 3.1-28, of the Draft EIR, is directly quoted from the Appendix G of the CEQA Guidelines, "Would the project… Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a **state scenic highway**?" (Emphasis added.) Thus, since there are no State scenic highways within the project site, no impact to these scenic resources would occur. Discussion and analysis of scenic resources within the project vicinity, but outside a state scenic highway, are provided in Impact Evaluation, pages 3.1-20 through 3.1-36, Section 3.1, *Aesthetics*.

Environmental impacts associated with scenic resources within a state scenic highway are evaluated under Impact AES-2, page 3.1-28, of the Draft EIR. Such analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of scenic resources within a state scenic highway is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-101

Impact AES-2 evaluates whether the project would damage scenic resources within a designated State scenic highway, consistent with CEQA Guidelines Appendix G significance criteria. As explained in Response to Comment O10-100, because no State scenic highway exists at or near the project site, traffic volumes are not relevant to this threshold. To the extent the comment is concerned with the visual presence of increased vehicle traffic on University Avenue or Seawall Drive as a change to the visual character of the corridor, vehicle traffic is a transient condition rather than a permanent physical alteration to the visual environment. Vehicles move through and clear the corridor continuously, and University Avenue and Seawall Drive are existing paved roadways where vehicular use is already part of the established visual and functional character of the area. An increase in the volume of an existing, transient use does not constitute a permanent visual change to the physical environment.

Refer to Response to Comment O10-100 and refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN*, for a discussion related to aesthetic traffic impacts. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-102 to O10-114

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to in-car viewing spaces and views from Seawall Drive.

To the extent the comment raises concerns about the distribution of costs and benefits among waterfront users of different income levels, these are important policy considerations that the City

Council should weigh in its deliberations on the project. However, the distribution of costs and benefits among different user groups does not constitute a physical environmental impact under CEQA. CEQA Guidelines Section 15131 provides that economic and social effects of a project shall not be treated as significant effects on the environment.

With regard to whether Seawall Drive is a cultural or historical feature, as stated on page 3.4-24, Section 3.4 *Cultural Resources*,

> "…the project site, inclusive of the Berkeley Pier, and its associated features and buildings as well as the proximate César E. Chávez Park, is not considered eligible for listing as a City of Berkeley Landmark or Structure of Merit given a lack of historical or architectural significance requisite for listing. Therefore, the project site is not considered a historical resource for the purposes of CEQA impact assessment evaluation."

The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-115

Refer to Section 3.9, *Land Use and Planning*, including Table 3.9-1 (BCDC San Francisco Bay Plan Consistency) on pages 3.9-12 through 3.9-23 of the Draft EIR, which evaluates consistency with applicable Bay Plan policies (Impact LU-2). Page 3.9-14 specifically addresses project consistency with Bay Plan Environmental Justice and Social Equity Policy 1, which requires the Commission to consider its guiding principles in all actions. As concluded therein, the project would not preclude the implementation of Policy 1, as the City has considered environmental justice in the development of the project and the potential impacts on environmental justice reports through its preparation of the Environmental Justice Technical Report. Impact LU-2 concludes that the project construction and operation would remain consistent with the applicable Bay Plan policies with implementation of identified mitigation measures (see Draft EIR page 3.9-23).

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are necessary.

Response to Comment O10-116

Impact LU-2 within Section 3.9, *Land Use and Planning*, of the Draft EIR (see Table 3.9-1, pages 3.9-12 through 3.9-23) evaluates the project's consistency with applicable Bay Plan policies. As discussed on Draft EIR page 3.9-18, the project is consistent with Recreation Policy 9 because the proposed ferry terminal is located within an area contemplated by the policy and would maintain recreational access, including through shared-use parking, while ensuring navigational safety. Accordingly, Impact LU-2 concludes the project would be consistent with Bay Plan policies (page 3.9-23). Regarding Recreation Policy 9, refer also to Section 2.2.20, *Topical Response: Parking,* for a detailed discussion related to consistency with this policy as it relates to parking access for different users of the Berkeley Waterfront.

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are necessary.

Response to Comment O10-117

Impact LU-2 within Section 3.9, *Land Use and Planning*, of the Draft EIR (see Table 3.9-1, pages 3.9-12 through 3.9-23) evaluates the project's consistency with applicable Bay Plan policies. As discussed on Draft EIR page 3.9-17, the project is consistent with Transportation Policy 5.

As described therein, the proposed ferry terminal would be located along the existing 100-foot-wide U.S. Army Corps of Engineers-designated federal navigation channel adjacent to the pier, thereby providing access to navigable waters suitable for ferry operations. Regarding sedimentation, the Draft EIR explains that according to the Coastal Study prepared for the project by COWI, sedimentation rates at the ferry

terminal site were less than 0.05 foot between 2020 and 2023, indicating practically no sedimentation at the project site.

With respect to Transportation Policy 5's direction regarding tidal marshes, tidal flats, and wildlife habitat, the Draft EIR concludes that the project would not significantly affect such resources. As discussed on Draft EIR page 3.9-17 and in Section 3.3, *Biological Resources*, there are no tidal marshes located near the project site, and impacts to wildlife habitat would be less than significant with mitigation, including implementation of Mitigation Measure BIO-3, which would require the removal of existing pier fill to address net increase in fill and cover.

Regarding the policy's statement that terminals should be located near higher-density, mixed-use development where possible, the Draft EIR explains that although the project site is not located adjacent to higher-density mixed-use development, it is served by existing AC Transit service and includes improvements that would support expanded transit access, as well as enhanced bicycle and pedestrian facilities. Additionally, consistent with the parking and public access provisions of Transportation Policy 5, parking facilities serving the ferry terminal would be located landward of shoreline access areas, including the Seawall Drive Parking Lot, Skates/N parking area, and Marina Boulevard Lot. The project would also provide amenities intended to enhance public access and enjoyment of the Bay, including shoreline access improvements, Bay-viewing opportunities, public open space, and a portion of the Bay Trail Extension with seating and viewing areas.

Accordingly, Impact LU-2 concludes the project would be consistent with Transportation Policy 5 and other applicable Bay Plan policies (page 3.9-23).

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remain valid as written in the Draft EIR. No revisions are necessary.

Response to Comment O10-118

Impact LU-2 within Section 3.9, *Land Use and Planning*, of the Draft EIR (see Table 3.9-1, pages 3.9-12 through 3.9-23) evaluates the project's consistency with applicable Bay Plan policies. As summarized therein on Draft EIR page 3.9-18, the City conducted public engagement with disadvantaged and/or underrepresented communities and prepared an Environmental Justice Technical Report, in consistent with the requirements Public Access Policy 5. Additionally, as described in Section 1.2.2, *Public Outreach* (pages 1-4 through 1-5), the project includes extensive community outreach, including engagement with historically underrepresented groups, and the project design incorporates inclusive public access improvements such as the new public pier, plaza, and Bay Trail extension (Section 2.5). Accordingly, Impact LU-2 concludes the project would be consistent with Bay Plan policies (page 3.9-23)

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are necessary.

Response to Comment O10-119

Impact LU-2 within Section 3.9, *Land Use and Planning*, of the Draft EIR (see Table 3.9-1, pages 3.9-12 through 3.9-23) evaluates the project's consistency with applicable Bay Plan policies, including Bay Plan Map No. 4 Policy 15. As discussed on Draft EIR page 3.9-22, the project is consistent with Bay Plan Map No. 4 Policy 15 because the policy specifically identifies a ferry terminal as a potential use at the Berkeley Waterfront if compatible with park and marina uses and served by public transit.

As described in Chapter 2, *Project Description* (Section 2.5) and summarized in Table 3.9-1 on page 3.9-22, the project includes a ferry terminal designed to be compatible with park and marina uses, as well as features intended to preserve and enhance recreational uses and Bay access, such as the construction of a publicly accessible pier, shoreline access improvements, Bay Trail Extension, public plaza, and supporting amenities. Consistent with the policy's transit provision, the project would be served by existing AC Transit routes and includes infrastructure improvements designed to support transit access, bicycle access, and pedestrian circulation, thereby reducing reliance on private vehicle travel and related

traffic and parking needs. With respect to the policy's reference to fish consumption advisories, signage requirements related to fishing and public health are addressed through applicable regulatory and operational requirements and do not alter the Draft EIR's land use consistency analysis. Accordingly, Impact LU-2 concludes the project would be consistent with Bay Plan Map No. 4 Policy 15 and other applicable Bay Plan policies (page 3.9-23).

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are necessary.

Response to Comment O10-120

As described in Draft EIR Section 3.9, *Land Use and Planning*, the McAteer-Petris Act establishes BCDC with the authority to regulate land use and development in the coastal San Francisco Bay area, with aims to limit unnecessary fill, promote public access, and provide comprehensive planning through the San Francisco Bay Plan (see Draft EIR page 3.9-3). Draft EIR Section 3.9, *Land Use and Planning*, subsequently evaluates the project for consistency with all applicable land use plans, including the San Francisco Bay Plan, under Impact LU-2. Table 3.9-1 provides a consistency analysis for relevant Bay Plan policies, including those related to fill, public access, and planning. As summarized therein and described in greater detail in Draft EIR Chapter 2, *Project Description* (Section 2.5, *Project Components*), the project would include features that enhance public access and recreational opportunities such as a new publicly accessible pier, Bay Trail extension, and plaza. Table 3.9-1 also explains that the project would remain consistent with McAteer-Petris regulations on fill through the implementation of mitigation measures for biological resources and hydrology/water quality (see Draft EIR pages 3.9-13 through 3.9-14 and 3.9-16 through 3.9-17). Accordingly, the analysis within Impact LU-2 concludes that with incorporation of specified mitigation measures, project construction and operation would remain consistent with the goals of the McAteer-Petris Act implemented by applicable Bay Plan policies (see Draft EIR page 3.9-23). As indicated on page 2-33 of the Draft EIR, the City will obtain a Major Permit or Major Permit Amendment from BCDC.

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are necessary.

Response to Comment O10-121

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

Project consistency with the Berkeley Marina Master Plan is evaluated under Impact LU-2 in Draft EIR Section 3.9, *Land Use and Planning* (pages 3.9-29 through 3.9-33), which concludes that the project would be consistent with the key goals and strategies of the Plan (refer to page 3.9-33).

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-122

Refer to Response to Comment O10-121.

Table 3.9-4 (Berkeley Marina Master Plan Consistency) identifies Principles 4A and 4B as applicable to the project and explains that the project would encourage and support marine and recreation functions without conflicting with marine operations (refer to page 3.9-32). Accordingly, the Draft EIR concludes that the project would be consistent with the key goals and strategies of the Berkeley Marina Master Plan (refer to page 3.9-33).

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-123

Refer to Response to Comment O10-121.

Table 3.9-4 (Berkeley Marina Master Plan Consistency) identifies Principle 5 as applicable to the project and explains that the project would provide the pedestrian and bicycle infrastructure identified by the policy, while also incorporating additional recreational amenities and safety features to improve access for all users, inclusive of special user groups identified by Principle 5, thereby demonstrating consistency with the principle (refer to Draft EIR page 3.9-32). Accordingly, the Draft EIR concludes that the project would be consistent with the key goals and strategies of the Berkeley Marina Master Plan (refer to page 3.9-33).

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-124

Refer to Response to Comment O10-121. Table 3.9-4 (Berkeley Marina Master Plan Consistency) identifies Principle 6 as applicable to the project and demonstrates consistency by identifying the pertinent policy under this Principle related to "maintain[ing] the Plan's prioritized capital improvement program…". As explained in Draft EIR page 3.9-32, the proposed project is a Berkeley capital improvement project (see Draft EIR page 3.9-32). Accordingly, the Draft EIR concludes that the project would be consistent with the key goals and strategies of the Berkeley Marina Master Plan (refer to page 3.9-33).

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-125

For discussion of the environmental baseline, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users.*

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the EIR are required.

Response to Comment O10-126

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to in-car viewing spaces and views from Seawall Drive.

To the extent the comment raises concerns about the distribution of costs and benefits among waterfront users of different income levels, these are important policy considerations that the City Council should weigh in its deliberations on the project. However, the distribution of costs and benefits among different user groups does not constitute a physical environmental impact under CEQA. CEQA Guidelines Section 15131 provides that economic and social effects of a project shall not be treated as significant effects on the environment.

With regard to whether Seawall Drive is a cultural or historical feature, as stated on page 3.4-24, Section 3.4 *Cultural Resources*, "

> …the project site, inclusive of the Berkeley Pier, and its associated features and buildings as well as the proximate César E. Chávez Park, is not considered eligible for listing as a City of Berkeley Landmark or Structure of Merit given a lack of historical or architectural significance requisite for listing. Therefore, the project site is not considered a historical resource for the purposes of CEQA impact assessment evaluation."

The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment O10-127

The Draft EIR identifies the liveaboard community in the Marina as a residential community and evaluates the environmental resource areas with those residents in mind. For example, noise impacts and air quality impacts use thresholds established for residences. Section 3.10, *Noise* of the Draft EIR (page 3.10-17) states the following: "construction noise impacts upon live-aboard boats were evaluated using the City's construction noise threshold of 65 dBA for multi-family residential land uses." Section 3.2, A*ir Quality* of the Draft EIR (page 3.2-10) states the following "any individual living in the house boats . . . would have that potential risk covered in the conservative health risk analysis from living within 1,000 feet of the project site, as it is assumed residents are exposed for the maximum duration during a construction period."

The analysis, significance conclusions, and mitigation measures remain valid as written, and no revisions to the Draft EIR are required.

Response to Comment O10-128

For discussion of the environmental baseline, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users.*

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the EIR are required.

Response to Comment O10-129

As described in the Draft EIR, the proposed project would introduce new and enhanced recreational features that do not currently exist, including a restored public pier, Bay Trail extension, and dedicated cycle track (see Section 2.5.2 and Impact REC-1). These features would expand recreational access and opportunities at the Berkeley Waterfront. In addition, although the project may increase visitation, the analysis concludes that this increased use would not result in substantial physical deterioration of existing facilities because the project itself includes new recreational infrastructure that accommodates additional demand (Impact REC-1).

Furthermore, the Draft EIR does not rely solely on a generalized "net increase" conclusion. Instead, it evaluates existing recreational conditions at the project site and vicinity (Section 3.11.2), the specific recreational components included in the project design (Section 2.5, *Proposed Project Components*), and whether project-related increase in use would result in physical environmental effects (Impact REC-1). Based on this analysis, the Draft EIR determines that the project would provide additional recreational opportunities and would not cause adverse physical impacts requiring new facilities or resulting in deterioration of existing ones. This conclusion is supported by substantial evidence and is consistent with CEQA Guidelines Appendix G.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-130

Please refer to Responses to Comments O10-42, O10-46, and O10-47. As described in Response to Comment O10-42, the referenced TSA option agreement does not constitute a lease agreement or an approved project and therefore is not an existing condition under CEQA. Nonetheless, the potential new restaurant is addressed in the cumulative impacts analysis. As described in Response to Comment O10-46, approved bond measures similarly do not constitute defined projects or existing conditions. As described in Response to Comment O10-47, although similar recreational improvements may occur independent of the project, recreational enhancements such as the proposed Bay Trail extension are intentionally included in the project design to advance the goals identified in Section 2.3, *Project Objectives*.

The purpose of the Draft EIR is to disclose and mitigate for the environmental impacts associated with the features being proposed by the project. This Draft EIR has done so. The Draft EIR appropriately evaluates baseline conditions and the environmental effects of all project components, regardless of whether similar features may be implemented independently by other agencies or as part of other projects. Accordingly, the analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-131

Refer to Section 2.2.20, *Topical Response: Parking.*

The comment's concern that the 199 Seawall area would no longer be accessible to the public is not supported by the Draft EIR. The project would continue to provide public access to waterfront recreational resources and would maintain parking facilities intended to serve a variety of users, including recreational visitors. For further discussion regarding the evaluation of project-related changes to Seawall Drive, refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*.

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding the analysis of potential impacts to existing recreational users from the project. With respect to changes in recreational demand, the Draft EIR evaluates reasonably foreseeable conditions associated with project operation, including increased visitation associated with ferry riders accessing the terminal and new recreation use of the pier for activities such as walking, fishing and sightseeing (refer to Draft EIR Page 3.11-9, Proposed Recreational Amenities). Impact REC-1 analyzes the impact of increased visitation, finding that the project would increase the number of visitors to the Berkeley Waterfront area in a manner that may increase the use of on-site and nearby recreational facilities (Draft EIR page 3.11-16). However, because the project concurrently creates a net increase in recreational facilities and opportunities (a restored pier, new Bay Trail and new dedicated cycle track), the Draft EIR concludes that resulting impacts related to physical deterioration of existing recreational facilities, and the need for new or altered parks to maintain acceptable service ratios, would be less than significant (refer to Impact REC-1, Draft EIR Pages 3.11-16 through 3.11-20). This conclusion is based on the project's contribution of new recreational capacity commensurate with the increased visitation it would generate, not on an assumption that visitation would remain unchanged.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment O10-132

For discussion of Seawall Drive view access and the net increase in recreational use, refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-133

For discussion of parking considerations, refer to Section 2.2.20, *Topical Response: Parking.* Some comments raise concerns that changes to parking, including the introduction of parking fees, would disproportionately affect lower-income and non-white recreational users who currently access the Berkeley Waterfront at no cost. The City acknowledges this concern. The imposition of parking fees does not impose an environmental impact that needs be analyzed.

The analysis, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No revisions are necessary.

Response to Comment O10-134

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion of Berkeley Municipal Code 6.20.180 and its relationship to the proposed project.

The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further response or revisions to the Draft EIR are necessary.

Response to Comment O10-135

Potential impacts to fish and marine habitat are evaluated in Draft EIR Section 3.3, *Biological Resources*, including Impact BIO-1 (effects to special-status species and habitats) and Impact BIO-3 (effects to jurisdictional aquatic habitat), while recreational fishing access is evaluated in Draft EIR Section 3.11, *Recreation* (see Impact REC-1).

Within Section 3.3, *Biological Resources*, the Draft EIR evaluates both construction and operational effects of the proposed project on aquatic habitats, including fish and Essential Fish Habitat, and concludes that construction and operational impacts to fish habitat would be less than significant with the incorporation of mitigation measures such as seasonal work windows, soft-start pile driving procedures, and monitoring requirements to minimize disturbance to fish and marine species, as well as mitigation to ensure no net increase in Bay fill or substantial loss of aquatic habitat (see Section 3.3.4, *Impacts Analysis*, Impacts BIO-1 and BIO-3). CEQA requires evaluation of physical environmental impacts, such as changes to aquatic habitat and species behavior. While recreational fishing depends in part on underlying ecological conditions, CEQA does not require analysis of changes in fishing success, catch rates, or user experience. Because the Draft EIR concludes that the project would not result in significant adverse effects to fish habitat, no significant indirect impact to recreational fishing would occur under CEQA.

Recreational fishing access is evaluated in Section 3.11, *Recreation*, which considers both existing access conditions and the addition of new publicly accessible facilities, including the restored pier and enhanced shoreline access. As described therein, the project would maintain and expand opportunities for public access to the waterfront and fishing locations, and impacts to recreational access are concluded to be less than significant (see Section 3.11.4, *Impacts Analysis*, Impact REC-1).

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-136

The comment appears to be referring to Table 3.10-18 in Section 3.10, *Noise* of the Draft EIR. Table 3.10-18 shows that on University Avenue, between Seawall Drive and Marina Boulevard, there would be an increase of 1,127 daily trips, in addition to the existing 1,471 daily trips.[40] Average daily traffic is used for the purpose of estimating vehicle traffic increases and the associated traffic noise. For the purpose of Draft EIR, the 77% ADT increase is reported for University Avenue and is used for the noise analysis of potential traffic noise impacts.

Draft EIR Section 3.12, *Transportation*, and Appendix F, *Transportation Impact Assessment Memorandum*, evaluate traffic increases and associated effects, while Draft EIR Section 3.11, *Recreation*, evaluates whether the project would result in adverse physical effects on recreational facilities or reduce public access to those facilities. The analysis in Section 3.12, *Transportation* concludes that the project would contribute to a net reduction in vehicle miles traveled, the applicable CEQA threshold for transportation impacts (see Impact TRA-2), and would not result in substantial adverse changes to access or circulation conditions affecting the waterfront. This analysis supports the findings in Section 3.11, *Recreation* which concludes that the proposed project would improve recreational access compared to existing conditions (see Impact REC-1). To the extent the comment states that increased traffic could indirectly affect recreational access, such effects would only be relevant under CEQA if they result cause substantial

[40] 1,471/1,127 *100 percent = 76.6 percent

deterioration of such facilities. As demonstrated in the Draft EIR, access to the waterfront would be maintained and enhanced through the provision of parking, multimodal access improvements, and new recreational infrastructure. Therefore, even considering transportation conditions, the project would not reduce access to recreational resources and would not result in a significant recreational impact.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-137

With respect to parking and access, refer to Section 2.2.20, *Topical Response: Parking.* The Draft EIR evaluates potential secondary effects of parking and circulation in Section 3.12, *Transportation*, and concludes that access to the waterfront would be maintained, including provision of a comparable parking supply and improved multimodal access options. With regard to recreational access and equipment-dependent recreational uses, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*, and Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

The comment's concern that changes in parking cost or availability could influence visitation patterns reflects potential behavioral or preference-based changes, which are considered social or economic effects rather than physical environmental impacts under CEQA. The comment does not identify a deficiency demonstrating that the project would result in a substantial adverse physical impact on recreational resources.

Accordingly, the analyses and significance conclusions presented in Section 3.11, *Recreation*, and Section 3.12, *Transportation*, of the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment O10-138

As described in Draft EIR Section 3.9, *Land Use and Planning*, and Section 3.11, *Recreation*, the McAteer-Petris Act establishes the San Francisco Bay Conservation and Development Commission (BCDC) and provides the statutory framework governing development and public access within San Francisco Bay (see Section 3.9.2 and 3.11.2). Implementation of the Act's policies occurs primarily through BCDC's administration of the San Francisco Bay Plan and permitting authority. Accordingly, consistency with the McAteer-Petris Act is evaluated through analysis of project consistency with applicable Bay Plan policies and BCDC regulations. The Draft EIR primarily addresses this framework in Section 3.9, *Land Use and Planning*, which evaluates the project's consistency with applicable regional plans and policies, including the San Francisco Bay Plan administered by BCDC and the Berkeley Marina Master Plan (see Impact LU-2, Table 3.9-1 and Table 3.9-4). This analysis concludes that the project is consistent with Bay Plan policies related to public access, recreation, and shoreline use, which are intended to implement the goals of the McAteer-Petris Act, and that the project is consistent with the key principles of the Berkeley Marina Master Plan, which similarly is intended to preserve marina access (see Draft EIR pages 3.9-23 and 3.9-33).

The Draft EIR evaluates existing recreational uses and access conditions in Section 3.11, *Recreation*, and analyzes whether the project would result in adverse physical effects on recreational resources or reduce public access (see Impact REC-1). As described therein, although certain existing site conditions would change, the project would restore public access to the Berkeley Pier, which has been closed since 2015; provide new and enhanced recreational facilities, including improved Bay Trail connections and shoreline access; and maintain public access to waterfront areas, including parking and viewing opportunities along Seawall Drive and adjacent areas (see Section 3.1, *Aesthetics*, Impact AES-3 and Section 3.9, Table 3.9-1). The Draft EIR acknowledges that recreational use patterns may shift as a result of these changes. However, CEQA requires evaluation of physical environmental effects, such as the availability and condition of recreational facilities and access, not preservation of specific informal use patterns or user preferences. Thus, the analysis in Draft EIR Section 3.11 appropriately concludes that the project would

result in a net increase in recreational opportunities and improved access and would not result in substantial physical deterioration of recreational resources or require new facilities.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-139

The reference to a 0.07 percent reduction in VMT is identified in the 2003 WETA EIR for the nine county Bay Area as a whole. Regardless, the Draft EIR does not rely on the conclusions made in the 2003 WETA EIR for its VMT impact analysis. The Draft EIR has provided a project-level VMT analysis with the latest data. Refer to Impact TRA-2 in Section 3.12, *Transportation* of the Draft EIR (pages 3.12-20 to 3.12-21).

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-140

The comment appears to be referring to Table 3.10-18 in Section 3.10, *Noise* of the Draft EIR. Table 3.10-18 shows that on University Avenue, between Seawall Drive and Marina Boulevard, there would be an increase of 1,127 daily trips, in addition to the existing 1,471 daily trips.[41] Average daily traffic is used for the purpose of estimating vehicle traffic increases and the associated traffic noise. ADT and VMT are different metrics used for different reasons. For the purpose of Draft EIR, the 77 percent ADT increase is reported for University Avenue and is used for the noise analysis of potential traffic noise impacts.

As described in page 3.12-8 of the Draft EIR, prior rules treated automobile delay and congestion as an environmental impact; however, the final update to CEQA Guidelines consistent with SB 743 recommends using vehicle miles traveled (VMT) as the most appropriate metric of transportation impact to align local environmental review under CEQA with California's long-term greenhouse gas emissions reduction goals.

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* for analysis of the impact on recreational facilities, change in public access. Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* regarding the project consistency with applicable plans and policies. Based on the analysis in the Draft EIR, the project would enhance not split a recreational community.

Response to Comment O10-141

Refer to Response to Comments O10-139 and O10-140 for individual responses to these comments. No further response is required.

Response to Comment O10-142

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access* (Sub-Section Bay Plan Policy 15 and Marina Master Plan), regarding consistency with Bay Plan Policy 15. Refer also to Response to Comment A3-55 for further discussion regarding the Draft EIR analysis of construction-related impacts to recreation.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-143

Project consistency with the Berkeley Marina Master Plan is evaluated under Impact LU-2 in Draft EIR Section 3.9, *Land Use and Planning* (pages 3.9-29 through 3.9-33). Table 3.9-4 (Berkeley Marina Master Plan Consistency) identifies Principles 4A and 4B as applicable to the project and explains that the

[41] 1,471/1,127 *100 percent = 76.6 percent

project would encourage and support marine and recreation functions without conflicting with marine operations (refer to page 3.9-32). Accordingly, the Draft EIR concludes that the project would be consistent with the key goals and strategies of the Berkeley Marina Master Plan (refer to page 3.9-33).

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the project's consistency with policies, as they relate to transportation and parking management.

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remains valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-144

First, as a matter of clarification, the Draft EIR does disclose the TDM features that are being implemented as a part of the proposed project, and that are being cleared under CEQA. For example, Section 3.10, Noise (page 3.10-36) of the Draft EIR states the following: "The project includes enhanced bicycle facilities and secure bike parking; improved bicycle and pedestrian access including a two-way cycle track along University Avenue and Bay Trail improvements; designated pick-up and drop-off zones; and wayfinding that would direct visitors to appropriate parking lots." In this context, the commenter may also be referring to the Parking and TDM Plan. Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the strategies in the Parking and TDM Plan, and how they are addressed from both a CEQA and policy perspective.

Response to Comment O10-145

Refer to Section 2.2.3, *Topical Response BCDC Jurisdiction, Planning Consistency, and Permit Compliance*, and Section 2.2.20, *Topical Response: Parking,* regarding consistency with Bay Plan Policy 9.

With respect to parking (Recreation Policy 9), Table 3.9-1 of the Draft EIR explains that the City would implement a parking strategy to balance shared-use parking for ferry patrons and recreational users, thereby minimizing the shoreline area dedicated to parking while maintaining access for existing recreational users and avoiding displacement of park and marina parking (page 3.9-18 of the Draft EIR). The analysis therein concludes that the project would not conflict with the Bay Plan, and related construction and operational impacts would be less than significant with incorporation of Mitigation Measures BIO-1(a) through BIO-1(f), BIO-2, BIO-3, and HYD-1 (page 3.9-23).

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-146

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding the analysis of recreational access and use.

The analyses and significance conclusions presented under Impact REC-1 and throughout Section 3.11, *Recreation* remain valid as written. No revisions are required.

Response to Comment O10-147

First, as a matter of clarification, there is no designated State or City park that the proposed project would traverse. While the proposed project is located adjacent to City parks, the proposed project would not be located within a City park, with the exception of the installation of a wayfinding sign in Shorebird Park (refer to page 3.11-16 of the Draft EIR). The proposed project would also not traverse any State Parks. The closest State Park is McLaughlin Eastshore State Park, and as shown in Figure 3.11-12 of the Draft EIR (page 3.11-3), the proposed project does not traverse this State Park.

Nonetheless, the City does understand that recreational activities occur near the project site. The analysis in Section 3.11, *Recreation*, of the Draft EIR described existing recreation conditions on the Berkeley Waterfront and evaluated potential impacts to recreational resources in the project vicinity. As described

in the impact analysis of that section, the proposed project would be located near areas that include existing recreational uses; however, the project would not result in a significant impact to recreational resources. Additionally, the proposed project would result in a net increase of recreational facilities.

Therefore, while the project is in proximity to existing recreational opportunities unlike other WETA ferry terminals as the commenter identified, it would not result in a significant impact to recreational resources. No further response is required.

Response to Comment O10-148

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access* (Sub-Section Bay Plan Policy 15 and Marina Master Plan), regarding consistency with Bay Plan Policy 15.

The analyses and significance conclusions presented throughout the Draft EIR, including Chapter 5, remain valid as written. No revisions are required.

Response to Comment O10-149

For a detailed discussion of land use plan consistency considerations related to the Draft EIR, refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*.

Impact LU-2 within Section 3.9, *Land Use and Planning*, of the Draft EIR (see Table 3.9-1, pages 3.9-12 through 3.9-23) evaluates the project's consistency with applicable Bay Plan policies, including Transportation Policy 5. As discussed on Draft EIR page 3.9-17, the project is consistent with Transportation Policy 5. The Draft EIR does not interpret Transportation Policy 5 as requiring that all ferry terminals be located adjacent to higher-density, mixed-use development. Rather, the policy provides that such locations should be used "wherever possible," recognizing that site-specific conditions may warrant alternative locations. As described on Draft EIR page 3.9-17, the project site provides direct access to an existing federal navigation channel, experiences minimal sedimentation, provides an opportunity for dual-use recreation improvements and is served by existing AC Transit service. The proposed project would further improve multimodal access to the ferry terminal through enhancements to AC Transit facilities that would support expanded transit service, as well as new bicycle and pedestrian infrastructure. In addition, BCDC Bay Plan Map No. 4 Policy 15 specifically identifies a ferry terminal as a potential use at the Berkeley Waterfront, provided that the facility remains compatible with park and marina uses. As discussed on Draft EIR page 3.9-22, the project is consistent with those requirements because it would maintain compatibility with existing recreational and marina uses while expanding public access and recreational amenities. For further explanation of the project’s consistency with the other elements of Transportation Policy 5, refer to Response to Comment O10-117.

To the extent the comment expresses concern regarding the proposed ferry terminal site due to the comment’s characterization of the site as a recreational area, the Draft EIR acknowledges and evaluates the existing recreational uses of the Berkeley Waterfront within Section 3.11, *Recreation*. As discussed therein, the proposed project has been designed as a dual-purpose facility that would both accommodate ferry service and expand public recreational opportunities. The project would preserve existing marina, shoreline, and recreational uses while providing new recreational infrastructure, including a publicly accessible pier, Bay Trail improvements, public open space, and shoreline viewing opportunities. As a result, the Draft EIR concludes that the project would result in a net increase in recreational opportunities and facilities available to the public (see Impact REC-1).

Accordingly, Impact LU-2 concludes that the proposed project would be consistent with Transportation Policy 5 and other applicable Bay Plan policies (refer to page 3.9-23). The Draft EIR therefore does not conclude that the project's location within a recreational waterfront setting results in a conflict with Transportation Policy 5.

The analysis and significance conclusion presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, remain valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-150

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of parking adequacy and how parking is considered under CEQA. Regarding the comment about the lease at the 199 Seawall Drive restaurant, including the potential use of 150 parking spaces, refer to Response to Comment P36-108.

Response to Comment O10-151

Comments associated with this figure are responded to in Responses to Comment O10-150. This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-152

The Draft EIR evaluates recreation impacts under two distinct CEQA thresholds in Section 3.11, *Recreation*:

- Impact REC-1, which evaluates whether the project would increase use of existing recreational facilities such that substantial physical deterioration would occur or require construction of new or expanded facilities (pages 3.11-14 through 3.11-20); and
- Impact REC-2, which evaluates whether the project includes construction of recreational facilities or requires expansion of such facilities that could result in adverse environmental effects (pages 3.11-20 through 3.11-24).

With respect to construction-related access, refer to Response to Comment A3-55. Under Impact REC-1, the Draft EIR evaluates whether temporary construction-induced constraints would result in a substantial physical deterioration of recreational resources. Given the availability of numerous other waterfront areas, including the South Sailing Basin, Marina Basin, Bay Trail, and adjacent regional shoreline facilities, the Draft EIR concludes that temporary displacement of recreational users would not result in physical degradation of facilities or require construction of new recreational resources. This conclusion does not assume recreational uses are fully interchangeable; rather, it reflects the CEQA standard, which focuses on physical environmental effects, not temporary inconvenience or limitations at specific preferred locations.

With respect to Impact REC-2, the Draft EIR concludes that the project would include construction of recreational facilities (e.g., pier improvements, shoreline amenities, Bay Trail improvements), and that construction of these facilities would result in significant and unavoidable environmental impacts due to impacts disclosed in other sections of the Draft EIR related to other CEQA-defined resources, rather than direct impacts to existing recreational uses(see Section 3.11.4, pages 3.11-20 through 3.11-24). Accordingly, the Draft EIR does not conclude that all construction-related recreation impacts are less than significant; rather, it recognizes significant impacts associated with facility construction, consistent with CEQA requirements.

The commenter's reference to the duration of construction does not alter the CEQA significance determination under Impact REC-1. CEQA distinguishes between temporary construction-phase disruptions and permanent physical impacts. As described in the Draft EIR, construction would be time-limited and would not permanently remove or degrade recreational facilities or access. Seasonal variation in recreational use does not change this conclusion, as access to the broader Berkeley Waterfront and surrounding shoreline resources would remain available throughout the construction period. For further discussion regarding the Draft EIR analysis of construction-related impacts to recreation, refer to Response to Comment A3-55.

With respect to policies referenced by the commenter, consistency with the Berkeley Marina Plan and BCDC Bay Plan policies is evaluated in Section 3.9, *Land Use and Planning* (Impact LU-2, Table 3.9-1). As described therein, the project would maintain and enhance long-term public access and recreational

opportunities, and temporary construction-related access constraints do not constitute a policy conflict where long-term access is preserved and improved.

The comment does not identify a deficiency demonstrating that construction-related access limitations would result in a substantial adverse physical impact on recreational facilities, as defined under CEQA.

Response to Comment O10-153

Refer to Response to Comment O10-135 regarding potential impacts to recreational fish. Fish and marine habitat are evaluated in Draft EIR Section 3.3, *Biological Resources*, including Impact BIO-1 (effects to special-status species and habitats) and Impact BIO-3 (effects to jurisdictional aquatic habitat), while recreational fishing access is evaluated in Draft EIR Section 3.11, *Recreation* (see Impact REC-1).

In response to this comment, the following clarifying text change has been made to Page 3.11-15 within Section 3.11.4 of the EIR:

> Organizations and individuals provided general comments about addressing recreational impacts, including impacts on swimming and fishing, as well as recreational access. Comments about recreation impacts and recreational access are addressed in Impacts REC-1 and REC-2. Potential indirect effects on fish habitat and behavior are evaluated in Section 3.3, *Biological Resources*, while this Section evaluates physical access to fishing opportunities. The City also received comments about parking. Comments about parking not related to CEQA impacts are not addressed in this Section (please refer to Chapter 3, Environmental Impact Analysis, for a discussion about how parking is considered in this EIR).

The above text change is clarifying in nature, as it provides additional transparency regarding the recreational baseline, but does not result in a change to the analysis or impact conclusions presented in the Draft EIR. The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment O10-154

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* regarding navigation near the waterfront. Potential risks associated with vessel operation, including low-probability incident scenarios such as loss of control during approach or docking, are addressed through design features, vessel specifications, and operational procedures implemented by WETA and subject to oversight by applicable regulatory agencies, including the U.S. Coast Guard and other maritime safety authorities [see Draft EIR Section 2.9, *Discretionary Actions and Required Approvals* (refer to page 2-33) and Section 3.12, *Transportation* (refer to Impact TRA-3, pages 3.12-23 and 3.12-24)].

With respect to impacts on existing marina users: under the proposed project, ferry vessels travel and dock in open Bay waters north of the pier, entirely outside the marina entrance. As described in the Draft EIR at Section 3.11, *Recreation*, boats entering or exiting the marina would continue to navigate around ferry infrastructure in a manner similar to how they currently navigate the existing pier and other Bay vessels.

Response to Comment O10-155

Draft EIR Section 3.11, *Recreation*, evaluates the types of recreational uses present in the project vicinity, including shoreline access, fishing, boating, and passive recreation. The analysis considers how these uses would change based on the project's physical footprint and design.

As described in Draft EIR Section 2.5, *Proposed Project Components*, (pages 2-6 through 2-25), the project includes restoration of the Berkeley Pier (supporting fishing and sightseeing), new public access areas, and improved shoreline amenities. While certain existing informal uses (such as in-car viewing along Seawall Drive) would be reconfigured, the Draft EIR concludes that the availability of recreational opportunities would increase in both quantity and quality.

Section 3.3, *Biological Resources*, evaluates potential impacts on aquatic habitat (pages 3.3-1 et seq.), concluding that impacts would be less than significant with mitigation. Accordingly, there is no substantial evidence that changes in habitat would materially reduce fishing opportunities.

The Draft EIR's CEQA analysis focuses on whether recreation would be substantially degraded; it concludes that although the location and configuration of certain activities may change, overall opportunities would not be significantly diminished (Impact REC-1, page 3.11-20).

The analyses and significance conclusions presented under Impact REC-1 remain valid as written. No revisions are required.

Response to Comment O10-156

As described in page 3.12-8 of the Draft EIR, prior rules treated automobile delay and congestion as an environmental impact; however, the final update to CEQA Guidelines consistent with SB 743 recommends using vehicle miles traveled (VMT) as the most appropriate metric of transportation impact to align local environmental review under CEQA with California's long-term greenhouse gas emissions reduction goals. However, the EIR did evaluate project traffic with regard to queuing of vehicles and safety and found that the traffic added from the project would not result in a worsening of traffic and result in safety hazards (refer to Impact TRA-3 in Section 3.12, *Transportation* of the Draft EIR, page 3.12-22 through 3.12-24).

Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* regarding conflicts between commuter and recreational users. Circulation conflicts among user groups are primarily a social consideration rather than a physical environmental impact under CEQA; however, the topic is also addressed through the City's compliance with the BCDC Bay Plan, including Transportation Policy 4 and Public Access Policy 11, which require that transportation and shoreline improvements maintain and enhance safe, physical access to and along the Bay shoreline for all users. The project incorporates dedicated infrastructure designed to safely accommodate both user groups, including a new Class IV cycle track on University Avenue, raised table-top style crosswalks, a widened sidewalk connecting the AC Trans bus stop to the proposed plaza, wayfinding signage for pedestrians, bicyclists and vehicles and improved shoreline pathways. The City presented exhibits illustrating circulation routes and connections for land, water and ferry users groups at the DRB May 11, 2026 meeting. The DRB indicated it was satisfied that the design addressed their concerns.

Response to Comment O10-157

The character of the project site is addressed throughout the Draft EIR where it is reflected in CEQA thresholds and relates to physical impacts caused by the project. Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* regarding existing recreational uses and analysis of impacts on those uses. Refer to Section 2.2.26, *Topical Response: Vessel Aesthetics*, regarding proposed ferry vessels similar to existing boats traversing the Marina and waterfront. Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding proposed lighting and effects on the existing waterfront. Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* regarding the preservation of existing recreational uses. Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* regarding land use plan consistency considerations.

As described in Chapter 2, *Project Description*, of the Draft EIR, the project would introduce recreational improvements in addition to ferry service, as the project reflects interagency goals of enhancing public access and recreational goals at the waterfront while providing efficient and environmentally friendly public ferry service (see Section 2.3, *Project Objectives*, and Section 2.5, *Project Components*). The Draft EIR evaluates changes proposed by the project for consistency with applicable land use plans and existing uses within Section 3.9, *Land Use and Planning*, and Section 3.11, *Recreation*. As discussed in the analyses, the proposed project would restore public access to the pier, expand recreational amenities, and incorporate a dual-use design that accommodates both recreation and ferry service consistent with applicable regulations (see Impact LU-2 and Impact REC-1).

The analyses and significance conclusions presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, and under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-158

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the City's planning efforts to address parking concerns.

CEQA Guidelines 15123(a) states that "An EIR shall contain a brief summary of the proposed actions and its consequences. The language of the summary should be as clear and simple as reasonably practical." CEQA Guidelines 15123(b)(2) states that the summary shall identify "Areas of controversy known to the Lead Agency including issues raised by agencies and the public." The City has provided a "brief summary" of areas of controversy, consistent with the CEQA Guidelines. Please also note that Table 1-1 in Chapter 1, Introduction of the Draft EIR includes a more detailed list of comments raised by the public, including areas of controversy, and Appendix A includes the full text of all scoping comments received, including those expressing comments related to the controversy of the project.

Because the comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR, no further response is required.

Response to Comment O10-159

Refer to Response to Comment O10-157 regarding compatibility of the ferry operations with existing recreation uses.

Refer to Response to Comment O10-118 regarding consistency with BCDC Public Access Policy 5.

Given the recreational infrastructure and supporting amenities incorporated into the proposed project, the Draft EIR demonstrates that the project would increase both the quality and quantity of recreational opportunities. As a result, the analysis concludes that the project would not substantially degrade recreational uses and would maintain compatibility between ferry operations and recreation through design features and operational characteristics (see Impact REC-1). Accordingly, the analysis in Section 3.9, *Land Use and Planning*, concludes that the project would be consistent with applicable plans and policies governing existing and planned development at the Waterfront (see Impact LU-2).

The analyses and significance conclusions presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, and under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-160

CEQA requires evaluation of physical environmental effects, and does not require analysis of social or demographic equity impacts unless such effects would result in a physical change in the environment (CEQA Guidelines §15064(e)). Accordingly, the Draft EIR appropriately focuses on physical conditions, including the availability, capacity, and accessibility of recreational facilities, rather than demographic characteristics of users. Consistent with CEQA Guidelines Appendix G, Section 3.11, *Recreation*, evaluates whether the project would (1) increase use of existing recreational facilities such that substantial physical deterioration would occur, or (2) require construction of new or expanded facilities that could result in adverse physical environmental effects. The analysis concludes that the project would result in a net increase in recreational opportunities, including a restored public pier, new Bay Trail connection, shoreline access improvements, and additional amenities such as seating, shade structures, restrooms, and a fish-cleaning station (Impact REC-1).

The comment's concerns regarding potential effects of parking availability, congestion, or cost on specific user groups represent socioeconomic and policy considerations. Under CEQA, such considerations are not treated as environmental impacts unless they would cause a physical

environmental change. As explained in Chapter 3, *Environmental Impact Analysis*, of the Draft EIR, parking availability and pricing are not environmental impacts in themselves, although potential secondary physical effects (e.g., changes in access) are evaluated where appropriate. For further discussion of parking considerations, refer to Section 2.2.20, *Topical Response: Parking*.

Refer also to page 3.9-14 for an explanation of how the project would not preclude the implementation of Environmental Justice Policy 1.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment O10-161

To the extent the comment's concerns relate to BCDC Bay Plan Environmental Justice Policy 1, refer to Response to Comment O10-115, which explains how the Draft EIR demonstrates project consistency with Environmental Justice Policy 1 under Impact LU-2 within Section 3.9, *Land Use and Planning* (see Table 3.9-1).

Regarding the statement that the project would introduce major traffic along University Avenue to Seawall Drive, the Draft EIR evaluates transportation conditions associated with the project in Section 3.12, *Transportation*, and Appendix F, *Transportation Impact Assessment*. As discussed in Appendix F, University Avenue within the project vicinity would continue to operate at acceptable levels of service under project conditions. Additionally, as described in Draft EIR Chapter 2, *Project Description* (see Section 2.5.2), and Section 3.12, *Transportation* (see Section 3.12.4), the project includes multimodal access improvements, including enhancements to transit, bicycle, and pedestrian facilities, that are intended to reduce reliance on private vehicle travel. Accordingly, the Draft EIR does not support the conclusion that the project would introduce major traffic effects that would substantially alter access to or use of the Berkeley Waterfront. To the extent the comment contends that the project would divide an existing recreational community or result in a land use change impact, the Draft EIR evaluated potential land use, recreation, and public access effects in Sections 3.9, *Land Use and Planning* (see Impact LU-2), and 3.11, *Recreation* (see Impact REC-1). As discussed therein, the project has been designed as a dual-purpose facility that would accommodate ferry service while preserving and enhancing public access and recreational opportunities. The project would not eliminate the recreational function of the Berkeley Waterfront. Rather, it would maintain existing marina and recreational uses while providing additional public amenities, including a publicly accessible pier, shoreline access improvements, Bay Trail improvements, and new public open space. As discussed under Impact REC-1, the Draft EIR concludes that the project would result in a net increase in recreational opportunities and facilities available to the public.

Regarding Seawall Drive in-car viewing, impacts to scenic views are addressed in Draft EIR Section 3.1, *Aesthetics*, which concludes that impacts to scenic vistas would be less than significant (see Impact AES-1). For additional discussion of Seawall Drive access for in-car viewing, refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*.

The analyses and significance conclusions presented in Section 3.1, *Aesthetics*, Section 3.9, *Land Use and Planning*, Section 3.11, *Recreation*, and Section 3.12, *Transportation*, remain valid as written in the Draft EIR. No revisions are required.

Response to Comment O10-162

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* regarding quantification of current recreational use and analysis of impacts. Refer to Section 3.9, *Land Use and Planning* of the Draft EIR and Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* regarding consistency with BCDC plan policies. Regarding the public trust implications, refer to page 3.9-3 of the Draft EIR for an explanation of how the Draft EIR considers the Public Trust Doctrine. Refer to Section 2.2.2, *Topical Response: Alternatives*, regarding evaluating a reduced footprint or relocated alternative that preserves existing access.

The analyses and significance conclusions presented throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment O10-163

Refer to Response to Comment O4-7 regarding the Draft EIR discussion of eelgrass. Refer to Response to Comment O10-167 for a discussion related to misreported data. The proposed project is not expected to impact eelgrass habitat function. No revisions to the EIR are necessary.

Response to Comment O10-164

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required and no revisions to the EIR are necessary.

Response to Comment O10-165

Refer to Section 3.3.2, *Environmental Setting*, of the Draft EIR where the subsequent 2009 and 2014 Baywide Eelgrass Inventories are cited. No eelgrass is currently documented to be present in the project site. No further response is required and no revisions to the EIR are necessary.

Response to Comment O10-166

Refer to Figure 15b of the 2004 Baywide Eelgrass Inventory that shows eelgrass distribution in Central San Francisco Bay; the figure shows eelgrass was detected within the Southern Sailing Basin.

The commenter also states that Figure 7 and Figure 8b of the 2004 Baywide Eelgrass Inventory show there is a high potential for eelgrass in the area surrounding the Project site. These figures show the results of the Habitat Suitability Index (HSI), a pre-survey screening model. The discussion on page 36 of the 2004 Baywide Eelgrass Inventory indicates that only 8.6% of the areas identified as potential eelgrass habitat by the pre-survey screening model actually supported eelgrass during the surveys. In addition, the discussion suggested that updated eelgrass distribution and more accurate bathymetry is needed to allow for a more exact model. No eelgrass is currently documented to be present in the project site. No further response is necessary and no revisions to the EIR are necessary.

Response to Comment O10-167

The commenter provided a figure from the 2014 Baywide Eelgrass Inventory that shows no eelgrass was detected in the Southern Sailing Basin in 2014. No further revisions to the EIR are necessary.

In addition, the comment refers to beds 18, 19, 21, and 22 from the 2014 Baywide Eelgrass inventory as evidence of eelgrass presence in the vicinity of the project site. Beds 18, 19, 21, and 22 are located more than 1,000 meters from the location of proposed in-water work which far exceeds the adopted threshold of 250 meters for potential impacts to eelgrass.[42]

Response to Comment O10-168

Refer to Response to Comment O10-167 regarding the adopted threshold of 250 meters for these locations which are more than 1,000 meters from the location of proposed in-water work. No further response is required and no revisions to the EIR are necessary.

[42] USACE and EPA 2011, Programmatic EFH Conservation Measures for the LTMS Program Agreed-upon by USACE, EPA, and NMFS. https://www.spn.usace.army.mil/Portals/68/docs/Dredging/LMTS/LTMS%20EFH%20full%20signed%20agreement%20FINAL%206-9-2011.pdf, Accessed June 18, 2026.

Response to Comment O10-169

Refer to Response to Comment O10-166 and Comment O10-167 for a discussion of eelgrass presence at the project site. No further response is required and no revisions to the EIR are necessary.

Response to Comment O10-170

The listed limitations and caveats of the *San Francisco Eelgrass Habitat Suitability Model* include an explicit disclaimer that the result of the model should not be used to determine current presence or absence of eelgrass and that the model is based on imperfect data sets.[43] This comment does not change the significance conclusions or mitigation in the Draft EIR. As such, no revisions to the EIR are necessary.

Response to Comment O10-171

The data for the EcoAtlas tool come from the 2004, 2009, and 2014 Baywide Eelgrass Inventories. Refer to Section 3.3.2, *Environmental Setting,* of the Draft EIR and Response to Comment O10-166 and Comment O10-167 for an analysis of the results of the Baywide Eelgrass Inventories. No revisions to the EIR are necessary.

Response to Comment O10-172

The data for the BCDC tool are sourced from the 2004, 2009, and 2014 Baywide Eelgrass Inventories. Refer to Section 3.3.2, *Environmental Setting,* of the Draft EIR and Response to Comment O10-166 and Comment O10-167 for an analysis of the results of the Baywide Eelgrass Inventories. No revisions to the EIR are necessary.

Response to Comment O10-173

The Ashby Shoal eelgrass bed is located more than 1,000 meters from the location of proposed in-water work which far exceeds the adopted threshold of 250 meters for potential impacts to eelgrass.[44] No revisions to the EIR are necessary.

Response to Comment O10-174

All iNaturalist observations in the vicinity of the project site show eelgrass wrack, or uprooted eelgrass mixed with organic debris. In sheltered bays, tracking studies show that detached seagrass can drift over 3 miles depending on tide and wind shifts.[45] Therefore, the presence of eelgrass wrack is not indicative of the presence of eelgrass beds in the immediate vicinity of the project site. This comment does not change the significance conclusions or mitigation in the Draft EIR. No revisions to the EIR are necessary.

Response to Comment O10-175

Refer to Chapter 3.3 *Biological Resources* for a discussion of dredging impacts. As stated in Section 3.3.4, *Impacts Analysis*, the City would obtain all applicable permits from the DMMO prior to dredging activities and consult with NMFS and CDFW during the permitting process. No revisions to the EIR are necessary.

[43] Audubon Society 2026, https://www.audubon.org/california/partnerships/san-francisco-bay-eelgrass-habitat-suitability-model, accessed June 18, 2026.

[44] USACE and EPA 2011, Programmatic EFH Conservation Measures for the LTMS Program Agreed-upon by USACE, EPA, and NMFS.

[45] Baring et al. 2018, https://www.sciencedirect.com/science/article/abs/pii/S0272771417302378, accessed June 18, 2026

Response to Comment O10-176

Refer to Section 3.3.2 Environmental Setting of the Draft EIR and the Response to Comment O10-166 and Comment O10-167 for an analysis of eelgrass presence at the project site. No revisions to the EIR are necessary.

Response to Comment O10-177

See Response to Comment O9-3 for discussion of survey adequacy and Response to Comment 04-7 for discussion regarding the absence of eelgrass at the project site. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O10-178

The proposed project is not expected to impact eelgrass habitat; therefore, the project does not conflict with the San Francisco Bay Subtidal Habitat Goals.

As discussed in detail in Impact LU-2 in Section 3.9, *Land Use and Planning*, construction and operation of the project would overall be consistent with the key policies of the BCDC San Francisco Bay Plan with incorporation of identified mitigation measures for biological resources and hydrology/water quality, specifically Mitigation Measures BIO-1(a) through BIO-1(e), BIO-2, BIO-3, HYD-1, and AES-1. No revisions to the EIR are necessary.

Response to Comment O10-179

The proposed project is not expected to impact eelgrass habitat due to the absence of eelgrass at the project site; therefore, the project does not conflict with the goals of the CEMP. No revisions to the EIR are necessary.

Response to Comment O10-180

Refer to the statement in Section 3.3.4, *Impacts Analysis*, on page 3.3-41 of the Draft EIR addressing the comment Letter from CDFW. The proposed project is not expected to impact eelgrass habitat due to the absence of eelgrass at the project site. No revisions to the EIR are necessary.

Response to Comment O10-181

As stated in the Draft EIR, Section 3.3.2 (pages 3.3-11 through 3.3-13) and shown on Figure 3.3-2 on page 3.3-9, there is no eelgrass habitat within the project site, and no project impacts related to or loss of eelgrass habitat would occur. In addition, see Response to Comment O4-7 for further discussion regarding the absence of eelgrass at the project site. Finally, carbon sequestration is not a topic required for analysis pursuant to CEQA and CEQA Guidelines. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment O10-182

Ferry operations and service frequency are described in Section 2.7 (Chapter 2, *Project Description*) and are evaluated across impact areas in Chapter 3, *Environmental Impacts Analysis*, with operational impacts addressed based on representative and conservative assumptions.

Regarding impacts from ferry operations, refer Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion of how the City used the 2003 WETA EIR in the Draft EIR.

Regarding maintenance dredging, refer to Section 2.2.15, *Topical Response: Maintenance Dredging.*

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O10-183

See Response to Comment O4-8 for discussion of project operation impacts on fish and other aquatic resources. See Response to Comment A3-28 for clarifying text changes to address dredging impacts to aquatic species and their habitat, which would include spawning areas, if present. In addition, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate,* for a discussion of sedimentation and Section 2.2.15, *Topical Response: Maintenance Dredging,* for a discussion of maintenance dredging. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O10-184

Operational ferry impacts, including vessel activity, are analyzed in Section 3.3, *Biological Resources* and Section 3.8, *Hydrology and Water Quality*. The analysis presented therein considers vessel-induced turbulence and baseline water conditions. For additional discussion of ferry operations and regional effects, refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment O10-185

Refer to Section 2.2.10, *Topical Response: Electric Ferry,* for a discussion of how the proposed project includes and the Draft EIR analyses assume installation and operation of an electric ferry, and not a ferry that would be propelled by any other means of fuel or energy source.

Response to Comment O10-186

The comment states the EIR does not address the impacts on recreational fishing especially with regard to white sturgeons and halibut.

Refer to Response to Comment O10-153, which revises the Draft EIR to clarify that Section 3.11, *Recreation*, evaluates recreational fishing access and opportunities, while Section 3.3, *Biological Resources*, evaluates effects to fish species, including white sturgeon and halibut, and aquatic habitat.

The analysis, significance conclusions, and mitigation measures presented in Section 3.3, *Biological Resources*, and Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions are required beyond the clarification provided in Response to Comment O10-153.

Response to Comment O10-187

Eelgrass is not known to occur on the north side of the pier nor anywhere within the project site, as noted in Draft EIR Section 3.3.2, Environmental Setting, page 3.3-11, nor are eelgrass beds expected to contribute to essential fish habitat within the project site as noted in Draft EIR Section 3.3.2, page 3.3-12. As discussed in Draft EIR Section 3.3.4 under Impact BIO-2, page 3.3-58, operational impacts to fish habitat would be limited to potential impacts related to water quality and introduction of invasive species and would be less than significant. Refer to Response to Comment O4-8 for additional discussion of operational aquatic species impacts.

Essential fish habitat (EFH) includes various types of aquatic habitat where fish spawn, breed, feed, or grow to maturity. Thus, in response to this comment, the following clarifying text has been added to Draft EIR Section 3.3 Biological Resources, page 3.3-58:

Section 3.3, page 3.3-58:

> Vessel operators would be required to comply with all USCG and RWQCB requirements for ferry operations. Therefore, operational impacts related to sensitive marine habitats, including EFH for Pacific Coast Salmon, would be less than significant.

Cumulative impacts on fish habitat, including EFH, are assessed in Draft EIR Section 3.3.5 on pages 3.3-67 through 3.3-69 and concluded to be less than significant.

Even with this clarification text change, the analysis and significance conclusion presented in the Draft EIR under Impact BIO-2 in Section 3.3.4, Impacts Analysis (pages 3.3-58 through 3.3-59) remains valid. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment O10-188

See Section 2.2.27, *Topical Response: VMT*, for a discussion of how the proposed project would result in a net reduction in regional VMT. The mobile source emissions in the GHG analysis in the Draft EIR were based on the Technical Memorandum for the project dated January 16, 2026, and included as Draft EIR Appendix F. The Technical Memorandum states in Table 3 page 4, that there are 955 person trips, of which 48 are transit, 153 are bike, 38 are pedestrian, and 96 are "other" (defined as including multiple modes and private shuttles) along with 382 single passenger trips, 115 carpool trips, 76 passenger drop off in personal vehicles, and 48 Taxi/transportation network (TNC) trips. The 1,127 daily vehicle trips include only the drive alone, carpool, passenger drop off, and Taxi/TNC trips. The Memorandum states the trip generation provided in Table 3 is conservative and doesn't account for the parking and TDM strategies. The Memorandum further states that "Factors such as limiting parking supply would constrain the number of trips that could be supported to the project, so while the pier may attract some new demand, overall trip levels at the Waterfront would be expected to self-regulate. Furthermore, the trips associated with pier and recreational visitors would be expected to be higher during the weekends when the ferry usage would be lower than weekdays. Hence, the estimated trip generation only shows information from the proposed ferry which as mentioned earlier is considered conservative as it doesn't account for parking and TDM strategies." Therefore, the 1,127 vehicle trips would more than account for the recreational trips that could occur on the weekends and during the week when ferry usage is lower. The mobile-related GHG emissions analysis in the EIR is accurate (see methodology approach discussion on Draft EIR page 3.6-32), and no additional analysis is required. No Draft EIR changes are necessary in response to this comment.

Response to Comment O10-189

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the Draft EIR's project objectives and how the City has identified a reasonable range of alternatives, consistent with CEQA.

The Draft EIR adequately identifies project objectives and analyzes a reasonable range of alternatives consistent with CEQA Guidelines. Accordingly, the analysis and conclusions presented in Chapter 5, *Alternatives*, of the Draft EIR remain valid as written. No changes to the Draft EIR are required in response to this comment.

Response to Comment O10-190

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of project objectives and its alternatives analyses.

Response to Comment O10-191

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the evidence used to conduct the VMT analysis.

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations.

Response to Comment O10-192

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the evidence used to conduct the VMT analysis.

Response to Comment O10-193

Refer to Response to Comment O10-189 for a discussion of project objectives. Furthermore, as a matter of clarification, one of the basic project objectives is to "provide efficient and environmentally friendly zero emission public ferry service between Berkeley and San Francisco" (see Section 5.3 in Chapter 5, *Alternatives* of the Draft EIR, page 5-2). Large scale ferry service does meet this project objective.

The comment suggests that the Draft EIR should have evaluated ferry service as a recreational amenity rather than as a transportation service. As discussed in Draft EIR Section 5.9, *Alternatives Considered but Rejected* (page 5-27), the City considered a Smaller Scale Ferry Service Alternative during the alternatives screening process. The Draft EIR explains that a smaller ferry service would still introduce ferry operations and associated infrastructure but would not substantially reduce significant environmental impacts relative to the proposed project. Accordingly, the City determined that further evaluation of this alternative would not provide a meaningful environmental comparison. To provide further clarification, Draft EIR Section 5.9, *Alternatives Considered but Rejected* (page 5-27) is revised as follows:

> **Smaller scale ferry service.** Under this potential alternative, smaller ferry vessels or a reduced ferry vessel schedule would be used. A smaller ferry or reduced ferry vessel schedule would still result in additional ferry vessels and would not reduce a significant environmental impact. Regarding biological resources, in general, fish and marine mammals potentially near the Berkeley waterfront are adapted to the high activity level of an active marina and would avoid ferry boats as they now avoid commercial and recreational boaters. An alternative that would introduce a smaller scale ferry service would still have the same potential impact. Therefore, this alternative would not reduce any environmental impacts. Similarly, the use of smaller vessels or smaller scale ferry service would also not avoid or substantially lessen significant environmental impacts associated with dredging. Regardless of vessel size or the schedule of ferry vessels, ferry operations would still require in-water improvements and construction activities within the San Francisco Bay to provide safe vessel access and passenger boarding facilities and therefore, although a smaller vessel could potentially reduce dredging requirements, there is no assurance that dredging would be avoided altogether. In addition, to the extent that a smaller scale ferry service or smaller ferry vessel could operate from within the Berkeley Marina using an existing berth or marina facilities, such an alternative would present similar operational and feasibility concerns as the Berkeley Marina Basin alternative (refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative*, of the Final EIR). Similar to the Berkeley Marina Basin alternative, a smaller scale ferry service or smaller ferry vessel would result in operational inefficiencies and decreased reliability, as ferry operations within the marina would be subject to maneuvering constraints, increased docking and departure times, and potential conflicts with slipholders. Furthermore, a substantially smaller ferry service or smaller ferry vessel would not fully meet the project's basic objective of providing efficient and environmentally friendly zero-emission public ferry service between Berkeley and San Francisco, as a smaller vessel or substantially reduced service schedule would lessen the project's capacity to improve regional connectivity and reduce single-occupancy vehicle trips. Because this alternative would not reduce significant environmental impacts and would not meet the project's basic objective of providing efficient ferry service, this alternative has been considered but rejected.

The comment also suggests that the Draft EIR should have evaluated a recreational-only pier alternative without ferry service. As discussed in Draft EIR Section 5.9 (page 5-27), the City considered a *No Ferry Service with New Pier Alternative* but did not carry it forward for detailed evaluation because it would not meet one of the project's two basic objectives: providing efficient and environmentally friendly zero-emission public ferry service between Berkeley and San Francisco. The Draft EIR also notes that funding

available through WETA is tied to implementation of ferry service and that WETA can only fund and implement ferry projects.

With respect to the range of alternatives, the Draft EIR was developed using screening assumptions and criteria intended to identify alternatives that could attain most of the project objectives while reducing environmental impacts. Consistent with those assumptions, Chapter 5 evaluates the No Project Alternative and three action alternatives that vary key project components, including the amount of Bay fill, breakwater length, pier length, and landside facilities, and compares their environmental impacts and ability to meet project objectives (Draft EIR pages 5-3 through 5-31). Draft EIR Section 5.9 additionally identifies and explains why numerous other alternatives were considered but rejected from detailed analysis, including alternative terminal locations, the In-Marina Ferry Terminal Alternative, a Smaller Scale Ferry Service Alternative, a No Ferry Service with New Pier Alternative, transit alternatives, and repair of the existing pier (Draft EIR pages 5-25 through 5-28).

For additional discussion regarding the assumptions and criteria used to formulate and evaluate alternatives, as well as alternatives considered but rejected from further evaluation, please refer to Section 2.2.2, *Topical Response: Alternatives*.

The Draft EIR adequately evaluates project objectives and alternatives consistent with CEQA Guidelines. The analysis and conclusions presented in Chapter 5, Alternatives, of the Draft EIR remain valid as written. No further revisions to the Draft EIR are required in response to this comment.

Response to Comment O10-194

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the Draft EIR's project objectives and how the City has identified a reasonable range of alternatives, consistent with CEQA.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-195

Refer to Section 2.2.2, *Topical Response: Alternatives*. No further response is required.

Response to Comment O10-196

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the how the Draft EIR has appropriately considered alternatives, consistent with CEQA requirements.

Response to Comment O10-197

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of how the Draft EIR addresses the No Project Alternative. The Draft EIR clearly identifies the assumptions underlying Alternative 1 and applies those assumptions consistently throughout the alternatives analysis. The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-198

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of how the Draft EIR addresses the No Project Alternative.

The Draft EIR's evaluation of the No Project Alternative is based on the assumptions identified in Draft EIR Section 5.5, *Alternative 1: No Project Alternative*, and is intended to facilitate a comparison of environmental effects among alternatives. The analysis and conclusions presented in Chapter 5, *Alternatives*, of the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-199

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of how the Draft EIR addresses the No Project Alternative. The Draft EIR clearly identifies the assumptions underlying Alternative 1 and applies those assumptions consistently throughout the alternatives analysis.

As described in Draft EIR Section 5.5, *Alternative 1: No Project Alternative* (pages 5-3 through 5-9), Alternative 1 evaluates conditions under which the proposed project would not proceed. The purpose of the No Project Alternative is to provide a basis for comparison with the proposed project, rather than to speculate regarding every potential future improvement that could occur in the project vicinity. Additionally, the Draft EIR does not overstate the benefits of the proposed project. Rather, it identifies the project features and improvements proposed by the City in Chapter 2, *Project Description* (see Draft EIR Section 2.5, *Proposed Project Objectives*), and evaluates the environmental effects of those features, including their environmental benefits and impacts, in accordance with CEQA's informational and comparative analysis requirements.

The City has identified reasonably foreseeable projects in Table 3-1 of the Draft EIR, which include recreational amenities. It is true that these projects may continue under the No Project Alternative; however, the greatest influence of the No Project Alternatives analysis, for the purposes of a meaningful comparative analysis, continues to be the elimination of project features associated with the proposed project. For example, in terms of temporary construction impacts, while the implementation of these future projects would require construction, these would also occur under proposed project conditions, and the main difference to disclose is the reduced impacts from reduced construction associated with the elimination of proposed project amenities. In terms of operational impacts, such as VMT, GHG, and air quality impacts, the addition of future recreational projects will not measurably affect the VMT, GHG, or air quality analysis for the No Project Alternative. This is because the proposed project results in VMT reductions that could not be realized by any of the reasonably foreseeable projects identified in the Draft EIR.

The comment's views regarding other potential future improvements and proposed project benefits are noted. However, the comment does not identify information demonstrating that the Draft EIR's alternatives analysis fails to provide the meaningful environmental comparison required by CEQA. The analysis and conclusions in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-200

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the substantial evidence used to analyze the No Project Alternative. Refer also to Response to Comment O10-199 for further discussion of the No Project baseline conditions.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-201

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the substantial evidence used to analyze the No Project Alternative. Refer also to Response to Comment O10-199 for further discussion of the No Project baseline conditions.

The Draft EIR evaluates recreational opportunities under both the proposed project and Alternative 1. As described in Draft EIR Section 5.5.2, *Recreation* (page 5-8), Alternative 1 would not include reconstruction of the pier, ferry-related public access improvements, the public plaza, Bay Trail Extension, cycle track, or other recreational amenities included as part of the proposed project. The recreational benefits and impacts associated with the proposed project are separately evaluated in Draft EIR Section 3.11, *Recreation*, which concludes that the project would result in a net increase in recreational opportunities at the Waterfront (see Impact REC-1). The City acknowledges that other recreational or waterfront

improvements may occur independently of the proposed project and such projects are addressed separately, as appropriate, in the Draft EIR (see Chapter 3, *Environmental Impact Analysis*, pages 3-5 through 3-10). However, the possibility of other recreational projects does not change the fact that the recreational facilities proposed as part of this project do not currently exist and would not be implemented as a part of this project under Alternative 1. Consistent with CEQA, the Draft EIR evaluates the proposed project's recreational features against the environmental baseline and concludes that implementation of those project features would increase public access and recreational opportunities relative to existing conditions.

The comment suggests that "many project elements decrease recreation or have the potential to decrease recreation." As documented in the paragraph above, the City has found that the project would directly increase recreational opportunities. Insofar the comment is related to concerns on indirect impacts on recreation from parking or access, refer to Section 2.2.20, *Topical Response: Parking*, Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*, and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*.

The comment's opinion regarding the relative recreational value of existing and proposed conditions is noted. However, the Draft EIR discloses the recreational features that would occur under the proposed project and evaluates the No Project Alternative as required by CEQA. The analysis and conclusions presented in Chapter 3, *Environmental Impact Analysis*, and Chapter 5, *Alternatives*, of the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-202

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the substantial evidence used to analyze the No Project Alternative.

As discussed in Draft EIR Section 5.5, *Alternative 1: No Project Alternative* (pages 5-3 through 5-9), the purpose of the No Project Alternative is to evaluate the condition under which the proposed project would not proceed. The No Project Alternative therefore assumes that the project-specific improvements associated with the proposed project, including the reconstructed pier, ferry service, public plaza, Bay Trail Extension, cycle track, and related facilities, would not be implemented. The Draft EIR does not assume that no development or improvements could ever occur elsewhere within the project vicinity.

The comment identifies potential future improvements that may occur independent of the proposed project, including redevelopment of the site at 199 Seawall Drive. As discussed in the *EIR Baseline* Section of Chapter 3 (pages 3-1 through 3-2), the closure of the 199 Seawall restaurant is part of the existing environmental baseline because the restaurant was closed at the time the Notice of Preparation was published. Furthermore, the Draft EIR expressly acknowledges the potential reopening of a restaurant at 199 Seawall Drive in its cumulative impact analysis. As described in the *Cumulative Scenario Setting* subsection (pages 3-6 through 3-10), the reopening of a restaurant at the 199 Seawall site is included within the assumed buildout of the Draft Waterfront Specific Plan and is incorporated into the cumulative analyses where relevant. Accordingly, the Draft EIR does not ignore potential future redevelopment of the site. The existence of potential future redevelopment opportunities does not alter the purpose of the No Project Alternative or the environmental comparison required under CEQA. The Draft EIR evaluates the environmental effects of the proposed project relative to the No Project Alternative and discloses the environmental consequences of both scenarios.

In response to this Comment the No Project scenario, page 5-4 of the Draft EIR has been revised for clarity as follows.

> Under the No Project Alternative, none of the improvements associated with the project and the current uses would remain. Below is a summary of the No Project Alternative.
>
> - The pier, breakwater, and associated infrastructure for the ferry vessels would not be installed, and the pier would continue to deteriorate and remain closed to the public.

- No new ferry service from Berkeley would be established and vehicle trips across the Bay would continue at their current rate.
- No new public plaza would be installed.
- None of the improvements along University Avenue or Seawall Drive would be installed, including no new cycle track, no upgraded bus facilities, and no Bay Trail Extension. Vehicles, buses, pedestrians, and bicyclists would continue to use the existing facilities.
- The Seawall Drive East Parking lot would remain in its current condition.
- None of the construction associated with the project would occur.
- Reasonably foreseeable projects, as identified in Table 3-1 would continue to be implemented.

To clarify the potential impacts from reasonably foreseeable projects, page 5-8 has been revised as follows.

Transportation

Under Alternative 1, the site would remain in its current condition, with no ferry infrastructure, public plaza, recreation, or transportation improvements implemented. Existing facilities such as the deteriorating pier and Seawall Drive East Parking lot would remain unchanged, and vehicle trips across the Bay would continue at their current rate. At the project site, trips to the site for recreation would continue. In addition, if future development occurs at the Berkeley Waterfront, including but not limited to the development of a new restaurant at 199 Seawall Drive, local VMT would increase. Regionally, VMT would increase over time with projected regional growth, University Avenue would not undergo any safety improvements, and emergency evacuation capabilities would remain constrained. Alternative 1 transportation impacts would be less than significant.

The proposed project's impact related to transportation would be less than significant (see Section 3.12, *Transportation*). Alternative 1 would have a greater impact related to transportation compared to the proposed project due to the lack of improvements on University Avenue that would improve circulation and pedestrian safety, the lack of zero-emission transportation infrastructure that would decrease VMT, and the lack of emergency evacuation capability improvements that the proposed project would provide.

The analysis and conclusions presented in Chapter 5, *Alternatives* of the Draft EIR remain valid as written, and no further revisions to the EIR are necessary beyond the clarifying text included above.

Response to Comment O10-203

Refer to Section 2.2.27, *Topical Response: VMT*, which demonstrates that the project would result in lowered VMT compared to the No Project Alternative. Under California SB 743, transportation impacts in CEQA documents are evaluated using VMT rather than roadway congestion measures such as Level of Service (LOS). Because the project would reduce VMT even under conservative assumptions, it would not result in a transportation impact under CEQA. With respect to the No Project Alternative, the Draft EIR evaluates reasonably foreseeable future conditions in the absence of the project, consistent with CEQA guidelines 15126.6(e)(2). This includes consideration of planned and expected changes in travel patterns, population, and regional growth that would occur regardless of project approval. As described in the Draft EIR (refer to Section 3.12, *Transportation*; Chapter 5, *Alternatives*; and Appendix F, *Transportation Impact Analysis*), these conditions include continued reliance on existing travel modes, which are expected to result in greater regional vehicle travel compared to conditions with the proposed project in place. Accordingly, the analysis and conclusions in Section 3.12,*Transportation* and Chapter 5, *Alternatives* of the Draft EIR remain valid as written, and no further revisions are required.

Response to Comment O10-204

Refer to Section 2.2.27, *Topical Response: VMT*, regarding substantive evidence of lower VMT with the project. With respect to proposed project, induced travel or new trip generation, Appendix F demonstrates that the project would primarily serve existing regional travel demand rather than induce new long-distance trips. Localized increases in traffic volumes associated with terminal access do not correspond to an increase in VMT, which is the applicable CEQA metric. As a regional transit improvement in a constrained corridor, the project would provide an alternative to automobile travel and reduce reliance on longer-distance vehicle trips, resulting in a net reduction in VMT, consistent with State guidance on transit projects.

The comment has not provided evidence demonstrating that the methodology or assumptions are inconsistent with CEQA Guidelines or State guidance. Because the project would reduce VMT even under conservative assumptions, it would not result in a transportation impact under CEQA. Accordingly, the analysis and conclusions in Section 3.12, *Transportation* of the Draft EIR remain valid as written, and no further revisions are required.

Response to Comment O10-205

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the substantial evidence used to analyze the No Project Alternative. Refer also to Response to Comment O10-199 for further discussion of the No Project baseline conditions.

The comment's concern with those assumptions is noted. However, the comment does not identify any specific error in the environmental comparison presented in Draft EIR Chapter 5, *Alternatives*. The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-206 to O10-208

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the how the Draft EIR has identified a reasonable range of alternatives, including the evaluation of alternatives that allow for meaningful decision-making, consistent with CEQA.

Regarding the comment about alternatives that eliminate ferry operations, relocate the project, or provide non-ferry recreation focused improvements, refer to Response to Comment O10-193.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-209

As discussed in Draft EIR Section 5.5, *Alternative 1: No Project Alternative* (pages 5-3 through 5-9), the Draft EIR evaluates the No Project Alternative separately from the proposed project and identifies the environmental consequences associated with that scenario. The Draft EIR does not establish the proposed project as the environmental baseline. Rather, the Draft EIR explicitly defines the environmental baseline conditions evaluated in the No Project Alternative within Chapter 3, Environmental Impact Analysis (see Draft EIR pages 3-2 and 3-3, and the *Environmental Setting* subsections of each resource section). Accordingly, Draft EIR Chapter 5, *Alternatives*, compares the environmental effects of the proposed project and alternatives against the No Project Alternative and against existing environmental conditions as described in the applicable environmental resource sections. For further discussions of the baseline conditions assumptions evaluated in the alternatives analysis and the relationship between project objectives and alternatives analysis, refer to Section 2.2.2, *Topical Response: Alternatives*.

The comment's concern with the assumptions underlying the No Project Alternative is noted. However, the Draft EIR clearly identifies the assumptions used in developing Alternative 1 and provides the comparative analysis required by CEQA. The analysis and conclusions presented in Chapter 5,

Alternatives, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-210

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the how the Draft EIR has identified a reasonable range of alternatives, including the evaluation of alternatives that allow for meaningful decision-making, consistent with CEQA.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-211

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of the data used to design the project. Pages 5-9 through 5-10 of the Draft EIR state the following: "The exact length of the breakwater under this Alternative would depend on future engineering to identify the shortened length that would still maintain the necessary safe harbor conditions for ferry vessels to dock next to the proposed pier." Any reductions in the size of the breakwater will maintain necessary safe harbor conditions. The comment does not identify a specific deficiency in the analysis presented. No revisions to the Draft EIR are required.

Response to Comment O10-212

The City acknowledges the comment's opinion regarding the relative merits of Alternative 3. As discussed in Draft EIR Section 5.7, *Alternative 3: Shortened Pier Alternative* (pages 5-14 through 5-19), Alternative 3 was developed and evaluated as a reduced-project alternative that would decrease the length of the reconstructed pier, reduce Bay fill, and lessen certain environmental impacts associated with construction and operation of the proposed project. The purpose of evaluating Alternative 3 is to provide decision-makers with information regarding the environmental tradeoffs associated with a smaller pier configuration, not to identify a preferred design.

The comment's preference for a longer recreational pier and greater public access is noted. This comment is included in the project record considered by City decision makers. The Draft EIR evaluates Alternative 3, discloses its environmental advantages and disadvantages, and compares its ability to meet the project objectives relative to the proposed project, consistent with CEQA requirements. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-213

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the how the Draft EIR has identified a reasonable range of alternatives, including the evaluation of alternatives that allow for meaningful decision-making, consistent with CEQA.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-214

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the how the Draft EIR has identified a reasonable range of alternatives, including the evaluation of alternatives that allow for meaningful decision-making, consistent with CEQA. This Topical Response also includes a discussion of the process in which alternatives were considered but rejected, including alternative locations, as well as the City's discretion in developing project objectives.

Regarding the comment about a pier-only alternative, refer to Response to Comment O10-215 for a discussion of how his alternative was considered but ultimately rejected.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-215

As discussed in Draft EIR Section 5.9, *Alternatives Considered but Rejected* (refer to page 5-27), the City considered a "No Ferry Service with New Pier Alternative," which would include reconstruction of the pier without ferry facilities. The Draft EIR explains that this alternative was not carried forward for detailed analysis because it would not meet one of the project's two basic objectives: providing efficient and environmentally friendly zero-emission public ferry service between Berkeley and San Francisco. The Draft EIR further notes that funding available through WETA is tied to implementation of ferry service and that WETA can only fund and implement ferry projects. Accordingly, the City determined that the alternative would not attain most of the project's basic objectives and would not be feasible.

The comment that the Draft EIR fails to provide a meaningful comparison of alternatives is not accurate. Draft EIR Chapter 5, *Alternatives*, evaluates the No Project Alternative (Alternative 1) and three action alternatives (Alternatives 2 through 4) that provide varying levels of public access, recreational improvements, and ferry service, and compares their environmental impacts and attainment of project objectives. The analysis concludes that the No Project Alternative would not enhance public access and recreational opportunities because the existing pier would remain closed and continue to deteriorate. The analysis further concludes that Alternative 2 (Shortened Breakwater), Alternative 3 (Shortened Pier), and Alternative 4 (Reduced Landside Facilities) would provide public access and recreational benefits, but to a lesser extent than the proposed project because they would reduce recreational amenities or public access opportunities. In addition, Draft EIR Chapter 5 concludes that the No Project Alternative would generally result in greater impacts related to air quality, greenhouse gas emissions, land use and planning, and transportation because it would not provide the transportation and environmental benefits associated with the proposed ferry service.

For further discussion regarding the formulation of project objectives as they relate to the development of project alternatives, as well as the criteria used to develop and evaluate alternatives and alternatives considered but rejected from detailed analysis, such as the no-ferry-service pier alternative, refer to Section 2.2.2, *Topical Response: Alternatives*.

Accordingly, the City concludes that the Draft EIR evaluates a reasonable range of feasible alternatives consistent with CEQA requirements. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-216

Please refer to Response to Comment O10-215 regarding the City's consideration of a no-ferry-service pier alternative. To the extent the comment references alternative funding sources, grant availability, or project financing, such issues are primarily economic, financial, and policy considerations and are not environmental impacts subject to CEQA review. Please refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

The comment's opinion regarding the feasibility of a pier-only project is noted and included in the project record considered by decision-makers. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-217

The City acknowledges the comment's support for a recreational-use pier alternative. Refer to Response to Comment O10-215.

The information cited by the comment regarding potential recreational visitation does not alter the City's conclusion that a pier-only alternative would not attain most of the project's basic objectives. The City's determination regarding which alternatives were carried forward for detailed evaluation is discussed in

Draft EIR Section 5.9, *Alternatives Considered but Rejected*, and further addressed in Response to Comment O10-215 and Section 2.2.2, *Topical Response: Alternatives*.

The comment's preference for a recreation-focused alternative is noted and included in the record considered by City decision makers for consideration. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-218

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The comment proposes alternative marina configurations that differ from those previously evaluated. However, the comment does not provide information demonstrating that such alternatives would avoid the operational, access, recreational, or feasibility issues identified in Draft EIR Section 5.9. The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-219

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The comment's observations regarding previous ferry operations are noted. However, they do not alter the conclusions presented in Draft EIR Chapter 5, *Alternatives* regarding the City's evaluation of the In-Marina Ferry Terminal Alternative. The analysis and conclusions in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-220

The comment suggests that ridership data from previous ferry services may support the viability of marina-based or smaller-scale ferry operations. However, the Draft EIR's analysis relies on project-specific ridership projections developed by WETA and evaluates impacts based on a conservative maximum operational scenario. The environmental analysis does not depend on historical Genentech or Tideline ridership data to determine whether the In-Marina Ferry Terminal Alternative or Smaller Scale Ferry Service Alternative would attain most of the project's basic objectives or substantially reduce environmental impacts. The comment has not demonstrated that inclusion of the referenced ridership information would result in a different impact determination, a different alternatives-screening conclusion, or a change to the analysis presented in the Draft EIR.

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for additional discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation. With respect to the suggestion that a smaller-scale ferry service should have been analyzed, Draft EIR Section 5.9 similarly explains that the City considered a Smaller Scale Ferry Service Alternative but determined that it would not substantially reduce environmental impacts compared to the proposed project because it would still require ferry operations and associated ferry infrastructure (Draft EIR page 5-27). Accordingly, the City concluded that a smaller-scale ferry service would not provide a meaningful reduction in environmental impacts and therefore did not warrant separate detailed analysis.

The comment does not identify information demonstrating that either an In-Marina Ferry Terminal Alternative or a Smaller Scale Ferry Service Alternative would attain most of the project's basic objectives while substantially reducing environmental impacts compared to the alternatives evaluated in Chapter 5. For further discussion regarding alternatives considered but rejected from detailed evaluation, please refer to Section 2.2.2, *Topical Response: Alternatives*.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-221

The 2003 WETA EIR is a programmatic document that did not include a project-level analysis for a terminal at the Berkeley Waterfront. Page 2-2 of the WETA EIR states the following: "While the IOP does not represent a precisely fixed set of routes and terminal sites, the Proposed Project is based on the anticipated routes and terminals that would result from implementation of the IOP. The routes, terminals, and frequency of service (headways) associated with the Proposed Project are listed in Table 2.1. The routes and terminals are shown on Figure 2.1. Further site-specific studies and design would be necessary prior to IOP implementation to determine actual terminal sites and routes." The suggestion that the 2003 WETA EIR proposed a terminal within the marina is not accurate and the 2003 WETA EIR specifically identifies that additional studies will be needed to determine the actual terminal site. This Draft EIR provides that project-level analysis for a terminal site in the Berkeley Waterfront.

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The comment does not identify a deficiency in the Draft EIR's environmental analysis or alternatives evaluation. Therefore, no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment O10-222

This comment specifically refers to text on page 3.9-10 within Section 3.9, *Land Use and Planning*, of the Draft EIR. Under the 'EIR Scoping Comments' heading, there is a brief discussion about a comment received on the NOP regarding urban decay and a specific court case regarding urban decay. Although urban decay is not a CEQA issue, this Section of the Draft EIR does address the NOP comment received and explains that the referenced case is not applicable because the project would not draw businesses or recreators away from the Berkeley Waterfront. It is expected that the project would bring in new visitors and recreators to the Berkeley Waterfront, resulting in positive economic and social effects. The information regarding expected economic and social effects within this Section does not influence the results of any impact analyses or mitigation measures found throughout the Draft EIR. The information included in page 3.9-10 was not analysis but rather the City's good faith effort to provide a response to the public on matters that are not CEQA impacts. It is still true that economic and social matters are not considered under CEQA. No revision to the Draft EIR is required in response to this comment.

Response to Comment O10-223

This comment specifically refers to text on page 3.9-15 within Table 3.9-1, *BCDC San Francisco Bay Plan Consistency*, in Section 3.9, *Land Use and Planning*, of the Draft EIR. Within this table, the proposed project's consistency with BCDC San Francisco Bay Plan Climate Change Policy 7 is analyzed. The policy broadly states that BCDC should evaluate each project on case-by-case basis to determine the project's public benefits, resilience to flooding, and capacity to adapt to climate change impacts. The discussion in the Draft EIR finds that the project is consistent with Climate Change Policy 7 due to the many types of public benefits it could provide, including economic benefits, reducing VMT, decreasing emissions, and providing additional transportation infrastructure in the region. Although this discussion does include economic benefits as cited from the 2022 WETA Business Plan, environmental impacts are discussed as well. The City has identified public benefits because the policy specifically references benefits. Section 3.9.4, Impact Analysis, of the Draft EIR states that, "[a] policy inconsistency is considered a significant adverse impact only if the inconsistency would result in a significant adverse physical impact". Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for more information about this topic. No revision to the Draft EIR is required in response to this comment.

Response to Comment O10-224

This comment specifically refers to text on page 3.9-32 within Table 3.9-4, *Berkeley Marina Master Plan Consistency*, in Section 3.9, *Land Use and Planning*, of the Draft EIR. Within this table, the proposed project's consistency with Berkeley Marina Master Plan Principle 5 is analyzed. The policy broadly

encourages projects to enhance access and use of the Berkeley Marina, especially for members of special user groups such as elder, economically disadvantaged or physically challenged persons. The discussion finds that the project is consistent with Principle 5 because the project would provide the infrastructure identified within the policy. Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for more information about this topic. No revision to the Draft EIR is required in response to this comment.

Response to Comment O10-225

It is correct that if a lead agency approves a project with significant and unavoidable impacts, that agency must prepare a Statement of Overriding Considerations that describes the specific social, economic, or other reasons supporting their decision. The purpose of the EIR is to disclose the environmental impacts of a project, identify mitigation to avoid or reduce impacts, and consider alternatives to a project. The EIR is used as an informational document for agencies and the public. The preparation of a Statement of Overriding Considerations happens after the preparation of the Final EIR and is a part of the materials used by the decision-making body to make a decision on the project. No revision to the Draft EIR is required in response to this comment.

Response to Comment O10-226

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

As stated in Response to Comment O10-13, economic and social considerations are evaluated by decision makers during the consideration of the Final EIR and are not part of the contents of the Draft EIR or CEQA analysis.

This comment is included in the project record considered by City decision makers. No further response is required.

Response to Comment O10-227

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion related to cumulative projects, as it relates to WETA's planned expansion of ferry terminal.

Response to Comment O10-228

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Response to Comment O10-229

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how the Draft EIR addressed parking, consistent with CEQA.

Response to Comment O10-230

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment O10-231

The discussion of Impact TRA-2 in Section 3.12, *Transportation*, of the Draft EIR states that ferry service between Berkeley and San Francisco would increase access to higher-paying jobs, which is substantiated by the 2022 WETA Berkeley Ferry Service Plan. Ferry service between Berkeley and San Francisco would allow workers to live in the East Bay while working in San Francisco or other regional areas providing higher-paying employment opportunities. Refer to Chapter 6, Equity Considerations, of the 2022 WETA Berkeley Service Plan for more information. Rather than social or economic benefits, the discussion in Impact TRA-2 is focused on how daily vehicle trips associated with the project may not necessarily be new trips and could be shifted rides from other commuters; people in West Berkeley currently have limited transit options. The expansion of ferry service would result in a new transit option for West Berkeley residents, which could lead to a shift in rides across the region. No further response is required.

Response to Comment O10-232

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-233

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment O10-234

The comment states that the city's public ferry survey found that respondents viewed ferry service primarily as a community amenity rather than a regular commuting option.

Refer to Section 2.2.27, *Topical Response: VMT*, regarding development of the ferry ridership numbers as well as changes in VMT resulting from implementation of the project.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment O10-235

Refer to Response to Comments O10-13 and O10-231. As discussed in Response to Comment O10-13, economic merits or social considerations are not environmental issues subject to analysis under CEQA. Nevertheless, this comment has been included in the project record considered by City decision makers.

To the extent the comment raises concerns about the distribution of costs and benefits among waterfront users of different income levels, these are important policy considerations that the City Council should weigh in its deliberations on the project. However, the distribution of costs and benefits among different user groups does not constitute a physical environmental impact under CEQA. CEQA Guidelines Section 15131 provides that economic and social effects of a project shall not be treated as significant effects on the environment. Section 3.11, *Recreation* of the Draft EIR analyzes whether the project would have physical impacts on recreational uses and access, and concludes that the project enhances rather than diminishes recreational opportunities at the Berkeley Waterfront. The equity implications of fee structures for marina and ferry infrastructure are policy matters appropriately addressed through the City's public deliberative process, not through the CEQA environmental review of the physical project. No revision to the Draft EIR is warranted on this basis.

Response to Comment O10-236

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Response to Comment O10-237

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Response to Comment O10-238

Regarding the commenter's opinion on the project this comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Regarding, concerns about recreation, please refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* and Section 3.11, *Recreation* of the Draft EIR, for a discussion about the potential impacts on recreation.

Regarding the comment about the separate process between this proposed project and the Waterfront Specific Plan, refer to Section 2.2.9, *Topical Response: Cumulative Impacts*.

Response to Comment O10-239

Regarding the comment about conditions in State grants, this comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Regarding the WSP, refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion about how the Draft EIR appropriately considers the Draft WSP in the Draft EIR.

Response to Comment O10-240

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the Marina Basin Alternative from further evaluation.

Response to Comment O10-241

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of the City's evaluation of alternatives.

Refer to Response to Comment O10-215, for a discussion about an alternative that would restore the recreational pier without ferry service.

Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Response to Comment O10-242

This comment is accurate. The Draft EIR has identified potentially significant impacts and identified mitigation measures to address those impacts, consistent with CEQA. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment O10-243

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

Response to Comment O10-244

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of alternatives that were considered but rejected and how the City has identified a reasonable range of alternatives, consistent with CEQA.

Response to Comment O10-245

The Draft EIR already fully complies with the CEQA Guidelines and is adequate, as discussed in Section 2.2.5, *Topical Response: CEQA Adequacy.* Additionally, refer to Section 2.2.7, *Topical Response: CEQA Process*, for a discussion about why recirculation is not required. No further response is required.

Response to Comment O10-246

Insofar that these references and attachments provide information for earlier comments, those comments are addressed in earlier response to comments. Please refer to earlier response to comments. This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

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From: Emilie <desertpeach2@earthlink.net>
Sent: Thursday, March 5, 2026 7:54 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Fw: Fwd: Pier Ferry Project

Letter P1

WARNING:

safe.

Ignore next email from me. Please use this address, not address in next email. Thx!

-----Forwarded Message-----
From: Emilie Strauss <desertpeach@earthlink.net>
Sent: Mar 5, 2026 7:51 AM
To: Emilie Strauss <desertpeach2@earthlink.net>
Subject: Fwd: Pier Ferry Project

P1-1

Begin forwarded message:

From: Emilie Strauss <desertpeach@earthlink.net>
Date: March 5, 2026 at 7:50:44 AM PST
To: lmcnulty@berkeleyca.gov
Subject: Pier Ferry Project

Please put me on the distribution list for the Pier-Ferry project, and the notice list for the DEIR.

Thank you,

Emilie Strauss

Letter P1

Commenter: Emilie Strauss

Date: March 5, 2026

Response to Comment P1-1

The City has added the comment's contact information to the project notification list and would provide future notices via email in accordance with CEQA and City procedures. No further response is required.

Letter P2

From: Emilie <desertpeach2@earthlink.net>
Sent: Friday, March 13, 2026 8:12 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Request for Extension of deadline for Berkeley Pier Ferry Project EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

Given that the DEIR is 1000 pages, I would like to formally request an extension of the 45 day comment period for another two weeks thereby ending on or about April 27.

P2-1

Thank you in advance for consideration of my request.

Emilie Strauss
Berkeley, California

Letter P2

Commenter: Emilie Strauss

Date: March 13, 2026

Response to Comment P2-1

The City acknowledged this request for an extension of the Draft EIR comment deadline. The comment period was originally scheduled for 45 days, from February 27, 2026, to April 13, 2026. On April 1, 2026, the City extended the comment period by 15 days, thereby ending on April 28, 2026. No further response is required.

Letter P3

From: Diego Aguilar-Canabal <d.aguilarcanabal@gmail.com>
Sent: Friday, March 13, 2026 5:34 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Pier Ferry Draft EIR Public Comment

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Good afternoon,

I have some concerns regarding the sustainability of this project, specifically due to the fact that the nearest housing is over a mile away. P3-1

From the draft document, it is unclear to me if the ridership projections were made before or after the COVID-19 pandemic -- while it appears that they were published in 2022, it's not entirely clear to me when and how the estimates were calculated. P3-2 Without more detail on the sources of ridership projections, operating revenue scenarios seem overly optimistic, and I believe these merit further scrutiny to re-evaluate them to ensure the project's long-term viability. P3-3

Best regards,

Diego

--
Diego Aguilar-Canabal

Letter P3

Commenter: Diego Aguilar-Canabal

Date: March 13, 2026

Response to Comment P3-1

The comment does not identify a deficiency in the environmental analysis presented in the Draft EIR. Nevertheless, the City notes that sustainability concerns are incorporated throughout the project design. As described in Draft EIR Chapter 2, *Project Description*, the project would support a transition to zero-emission regional transportation options and would be served by all-electric ferry vessels operated by WETA (see Section 2.3, *Project Objectives*, page 2-4). The project also includes multimodal access improvements intended to reduce reliance on single-occupant vehicle trips, including bicycle and pedestrian facilities, Bay Trail improvements, transit connections, bicycle parking, and transportation demand management measures (see Section 2.5.2, pages 2-11 through 2-22). In addition, the project would include electric vehicle charging infrastructure within the parking area and has been designed to accommodate future solar photovoltaic installations over portions of the parking facilities. Refer to Draft EIR Chapter 2, *Project Description* (Section 2.5.2, page 2-18).

The Draft EIR also evaluates greenhouse gas emissions in Section 3.7, *Greenhouse Gas Emissions*, which concludes that the project would not conflict with applicable plans, policies, or regulations adopted to reduce greenhouse gas emissions and would not generate significant greenhouse gas impacts (see Impacts GHG-1 and GHG-2). The greenhouse gas analysis accounts for the project's transportation characteristics, operational features, and consistency with regional and State climate objectives.

While the comment questions whether the terminal's location relative to residential areas affects project sustainability, the comment does not identify specific sustainability concerns or provide evidence demonstrating that the project's environmental analysis or greenhouse gas conclusions are inaccurate.

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment P3-2

The ridership estimates presented in Table 2-4 of the Draft EIR (refer to page 2-31) were derived from the WETA Berkeley Ferry Service Business Plan, Version 1.0 (herein referred to as WETA Business Plan), dated March 17, 2022. The Business Plan explains that the ridership projections are based on pre-pandemic ridership assumptions and demand data but were adjusted to account for pandemic-related changes in travel behavior, fare structures, and ferry service demand. Specifically, the Business Plan states that it was prepared "amidst the ongoing COVID-19 pandemic and in the context of emerging recovery trends" and that the ridership projections are "based upon pre-COVID assumptions but have been adjusted to reflect a 'pandemic recovery' fare structure and changing commuter travel pattern trends and demand for weekend services," (see WETA Business Plan, page 1).

The WETA Business Plan further explains that the ridership projections were developed using updated assumptions regarding post-pandemic travel patterns, including changes in peak-period travel demand and increased demand for weekend ferry service, and that projections will continue to be refined as additional information becomes available (see WETA Business Plan pages 1 and 13-18). Accordingly, the ridership estimates presented in the Draft EIR were developed after the onset of the COVID-19 pandemic using a methodology that incorporated both pre-pandemic ridership data and post-pandemic recovery assumptions.

Refer to Response to Comment O7-4, which revises Table 2-4, Daily Ridership Projections (trips), on Draft EIR page 2-31 within Chapter 2, *Project Description*, to provide additional clarity regarding the ridership assumptions associated with the proposed project. The revision presented in Response to Comment O7-

4 is clarifying in nature and does not result in changes to the analysis of operational impacts or related assumptions associated with the proposed project. Accordingly, the analysis and conclusions presented in the Draft EIR remain valid as written. No further revisions to the Draft EIR are necessary beyond the clarification above.

Response to Comment P3-3

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Letter P4

From: Julie Allen <valepuella@gmail.com>
Sent: Saturday, March 14, 2026 7:03 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: comments on WETA ferry draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty and relevant city of Berkeley folks,

I'm writing with serious concerns about the proposed berkeley ferry EIR and the lack of protection for recreational use.

I'm a regular marina swimmer and a 20+ year Berkeley resident. The EIR dismisses the important recreational use of the Hs Lordships/south peninsula launch spot and gives no assurance that current recreational use will be protected. Though "unimproved" this is an established entry spot, used for decades. It was acknowledged in the 2003 Marina Master Plan, with the intent to "enhance windsurfer activity" at the location. During water levels below 3 feet -- nearly 50% of the time! -- it is the only feasible swimming launch in the marina. P4-1 P4-2

The EIR discusses an effort to make swimming illegal within 1500 feet of the pier. This ignores the original intent of the code 6.20.180 (to prohibit jetskis) along with decades of practice. The city is misinterpreting and misrepresenting this code to avoid analyzing the impacts on recreational use. P4-3

The environmental impacts of the plan, which include construction of a large breakwater, have not been adequately investigated. That area is extremely shallow and a breakwater will have a heavy impact on the bathymetry of the already silt-choked sailing basin (already unusable at low tide). The EIR does not address the potential impact on eelgrass in that area (observed regularly during low tide Ashby Shoal outings) which serves as a foundational species of the Bay and is protected under federal and state laws. P4-4 P4-5

This plan would eliminate recreational use of this area which is enjoyed by swimmers, fishers, walkers, wing and windboarders, kayakers, bird watchers, and others. This recreational amenity is valuable to residents of all income and social backgrounds. If a ferry is needed in this area, alternatives should be considered that do not eliminate the vibrant recreational community. P4-6 P4-7

Thank you for your time,

-Julie Allen

Letter P4

Commenter: Julie Allen

Date: March 14, 2026

Response to Comment P4-1

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*, which provides clarification regarding access to water-based recreation and associated launch areas.

The analysis and significance conclusions in the Draft EIR remain valid as written. No further response or revisions to the EIR are necessary.

Response to Comment P4-2

The Draft EIR analyzes the project for consistency with the Marina Master Plan in Section 3.9, Land Use and Planning, and concludes that the project would not conflict with the key principles of the plan (see Impact LU-2, Table 3.9-4). With respect to water access from the 199 Seawall site, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

The analysis and significance conclusions in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are necessary.

Response to Comment P4-3

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for clarification regarding the analysis of recreational impacts as it relates to the Berkeley Municipal Code.

The analysis and significance conclusions in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are necessary.

Response to Comment P4-4

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion about the South Cove Sailing Basin, as it relates to sedimentation and bathymetry.

Response to Comment P4-5

Refer to Section 3.3.2, *Environmental Setting*, of the Draft EIR for information regarding eelgrass. The Ashby Shoal eelgrass bed is located more than 1,000 meters from the location of proposed in-water work which far exceeds the adopted threshold of 250 meters for potential impacts to eelgrass[46]. No revisions to the EIR are necessary.

Response to Comment P4-6

For discussion of shoreline access at 199 Seawall launch site and equipment-dependent access points, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which explains how such access is considered in the CEQA baseline and how the project would not eliminate or reduce those opportunities.

[46] USACE and EPA 2011, Programmatic EFH Conservation Measures for the LTMS Program Agreed-upon by USACE, EPA, and NMFS.

Accordingly, the Draft EIR does not support the statement that recreational use of the referenced area would be eliminated. The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P4-7

The analysis in the Draft EIR indicates that the proposed project would not “eliminate” a vibrant recreational community. Rather, the Draft EIR finds that the proposed project would enhance recreational opportunities through the construction of recreational amenities. Refer to Response to Comments P4-1, P4-2, P4-3, and P4-6 for a response to specific concerns on recreation raised in the comment letter.

For a discussion of how the Draft EIR considered alternatives, refer to Section 2.2.2, *Topical Response: Alternatives*.

To the extent the comment references recreational opportunities for people of different income levels and social backgrounds, the City notes that CEQA generally focuses on the project's physical environmental effects rather than the socioeconomic characteristics of recreational users. The comment's view regarding the value of the marina to the community is acknowledged and has been included in the project record considered by decision-makers. The comment does not identify a deficiency in the Draft EIR's analysis, and no revisions to the Draft EIR are necessary in response to this comment.

Letter P5

From: Corbin Pagter <corbinp@earthlink.net>
Sent: Saturday, March 14, 2026 11:30 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley marina ferry project proposal

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello I am a native Berkeley resident and outdoor enthusiast and I wanted to express my concern over the proposed ferry project and its impacts on the Berkeley marina. I am concerned that there will be a large amount of commuter traffic and a parking mess that will make it near impossible for the people who enjoy outdoor activities at the marina to navigate . Also the impact of the ferry terminal to the existing water conditions- wind shadow/ wave shadow and environmental impact on an already stressed ecosystem. Also I wonder why we need another expensive transportation solution that requires major investment and infrastructure and does not solve the overall transportation problem in the Bay Area. A large investment for very little positive impact with potentially devastating impact to the quality of life for the residents of Berkeley sounds like like an awful idea.
Please do not pass the ferry project- let's find other solutions to our transportation and not negatively impact the quality of life that makes Berkeley a unique gem with a beautiful waterfront.
Thank you
Corbin Pagter
Sent from my iPhone

P5-1
P5-2
P5-3
P5-4

Letter P5

Commenter: Corbin Pagter

Date: March 14, 2026

Response to Comment P5-1

Refer to Section 2.2.20, *Topical Response: Parking.* The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P5-2

Refer to Section 2.2.29, *Topical Response: Wind*, for discussion concerning CEQA and wind. Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for more information regarding waves and ferry operations. No further response is required.

Response to Comment P5-3

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P5-4

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P6

From: Paul Kamen <pk@well.com>
Sent: Saturday, March 14, 2026 11:05 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: comments on WETA ferry draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov
Subject: comments on WETA ferry draft EIR

I was on the Berkeley Waterfront Commission when the restrictions on Jetski operation was passed as a recommendation to Council. In fact I contributed to the proposed wording, increasing the speed limit in the access corridor from 5 to 15 MPH for better control in waves outside the harbor. Clearly this has no application to paddleboards, kayaks, swimmers, etc. The wording "*No jetski or personal watercraft of any kind...*" is used because "Jetski" is a registered trademark of Kawasaki, and a "Jetski" may actually be a "Sea-Doo" (Bombardier) or a "Waverunner" (Yamaha). Hence the term "PWC" or Personal Watercraft is used to accurately describe what is commonly recognized in the English language as a "Jetski" from a builder other than Kawasaki. The wording "*of any kind*" is there to make sure jetskis/PWCs from other manufacturers are covered. It's a "Scotch Tape" kind of thing. If you say "cellophane tape" to avoid the trademark, it's not interpreted as packing tape, etc. P6-1

I've tried to use "jetski" in papers about jetski safety I've written for the National Academy of Forensic Engineers, but the peer reviewers have insisted that I stay clear of that word and use PWC to describe the same thing.

Ask any AI server for the definition of a PWC: Perplexity gives me this one in the first cited reference: "A Personal Watercraft (PWC) often known as a jet ski, is a compact recreational waterfacft propelled by an inboard jet drive system..."

Point is, you can't extend the ordinance to apply Berkeley Municipal Code Section 6.20.180 to anything other than what is commonly known as a "jet ski." This based on both widespread modern usage of the terms "PWC" or "Personal Watercraft," and on legislative intent, of which I have personal knowledge. P6-2

--
Paul Kamen, Naval Architect, P.E.
Surface Propulsion Analysis
1224 Campus Drive, Berkeley, California 94708
pk@well.com http://www.SurfacePropulsion.com
510-540-7968 510-219-8106 (cell)

Letter P6

Commenter: Paul Kamen

Date: March 14, 2026

Response to Comment P6-1

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion related to the definition of personal watercraft.

Response to Comment P6-2

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a detailed discussion of the relationship between Berkeley Municipal Code Section 6.20.180 and the proposed project analyzed in the Draft EIR.

Letter P7

From: Paul Kamen <pk@well.com>
Sent: Saturday, March 14, 2026 11:50 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: comments on WETA ferry draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov
Subject: comments on WETA ferry draft EIR

The EIR is deficient in that it does not address the effect of various TDM (Transportation Demand Management) strategies on the environment. More specifically, it does not provide the detail required to asses where ferry passengers will park when demand exceeds the dedicated lot for ferry passengers. Also, the EIR does not include the environmental effects of using fast ferries to partially compensate for excessive time required to find a parking space. P7-1 P7-2

Of particular interest to boat berthers (who provide about 2/3 of Marina Fund revenue) is how guests, crew and family will be differentiated from ferry passengers who have strong incentives to use the lots intended for boat berthers. We assume that boat berthers will be issued parking permits in some for that will exempt them from time-of-day or elapsed time restrictions. But boats are rarely used by the owner alone. My 25 ft sailboat, for example, usually sails with a total crew of five, so four additional parking spaces are needed in the O-Dock lot. None of my crew live near a direct bus line, and they all bring a heavy sea bag and personal safety gear. That, and distance make bike access infeasible. Crew and guests have the same time-of-day requirements as ferry passengers: Early arrival and all-day, and sometimes overnight, use of the parking space. Larger boats may sail with ten crew or more. Boats that go fishing for the day have similar requirements for guest parking. P7-3

How will this be handled? Will all crew or guests have to stop by the marina office to get a temporary pass? Does the economic forecast allow for keeping the marina office open on Sunday mornings? Adding cost, whether monetary or tranactional (e.g.time wasted) reduces the marketability of berths on the south side of the harbor and will reduce berther revenue.

There will be unintended consequences. For example, a ferry commuter might buy an inexpensive (or even a semi-derelict) boat for the sole purpose of obtaining a parking pass. Note that some of the berther parking lots are closer to the proposed ferry terminal than the designated ferry passenger log. At $300/month (typical for a 25 ft berth) this is only $10/day, a bargain for a reliable and convenient space. This use would be a clear violation of tideland public trust (see 1913 tideland grant and 1962 amendments...) It's a non- P7-4

maritime and non-recreational use.

A related but often ignored environmental effect of insufficient parking: When passengers have to spend time finding a legal parking space, it increasing the required speed and carbon footprint of the ferries in order to meet a door-to-door transit time. P7-5

Various studies have shown that when missing a boat, train or carpool has serious consequences, e.g. being very late for work, most commuters will allow two standard deviations of time margin. Example: If parking is adequate and easy to find (see Richmond ferry terminal) the process of parking and walking back to the boarding gangway only takes about two minutes with a standard deviation of about one minute at most. So arriving five minutes before scheduled departure is a reliable strategy. But what if it takes 15 minutes to find a more distant parking space, searching in several lots or cruising for the closest on-street parking possibility, then at least five minutes to walk back to the ferry. Standard deviation perhaps 5 minutes. The average commuter will allow the 20 (15+5) minutes average delay, plus two sigma or ten minutes (2x5) margin to be sure not to miss the boat. This adds 25 minutes to the door-to-door commute time, compared to a scenario with ample parking. P7-6

For our short route to SF, the ferry has to very much faster to provide the same commute time, door-to-door. Remember that required power is proportional to speed cubed -- so the environmental impact of the ferry system is much reduced if sufficient parking is part of the system. It's cheaper and greener to provide the parking and slow down the boats. P7-7

--
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Letter P7

Commenter: Paul Kamen

Date: March 14, 2026

Response to Comment P7-1

TDM strategies provide an alternative to driving and result in reduction of GHG emissions. Hence, TDM strategies are beneficial for the environment. The commenter appears to be concerned about how the TDM can affect parking availability. Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the project's effect on parking availability.

Response to Comment P7-2

Ferry vessels will not operate at higher speeds to compensate for time required to find a parking space. Ferry speeds are governed by operational, safety, and regulatory constraints, not passenger arrival patterns. No supporting arguments, data, or analysis were provided to substantiate these comments. Accordingly, no changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. No further response is required.

Response to Comment P7-3

Refer to Section 2.2.20, *Topical Response: Parking.* The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P7-4

The comment expresses concern that ferry users could obtain berthing privileges to access marina parking.

The comment concerns speculative user behavior and parking management practices rather than a physical environmental impact under CEQA. For discussion regarding project-related parking changes, parking management strategies, and the analysis of parking-related impacts under CEQA, refer to Section 2.2.20, *Topical Response: Parking.* No revisions are required.

Response to Comment P7-5

Ferry vessels will not operate at higher speeds to compensate for time required to find a parking space. Ferry speeds are governed by operational, safety, and regulatory constraints, not passenger arrival patterns. No supporting arguments, data, or analysis were provided to substantiate these comments. Accordingly, no changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. No further response is required.

Response to Comment P7-6

This comment pertains to commuter choice and travel behavior rather than environmental impacts as defined under CEQA. Parking convenience and commute reliability are social and operational considerations, not environmental impacts in and of themselves. The Draft EIR evaluates vehicle circulation and potential secondary environmental effects related to parking search behavior pursuant to CEQA requirements (refer to Section 3.12.4, *Transportation*, *Impacts Analysis* subsection, Pages 3.12-15 through 3.12-25). For further discussion on the evaluation of parking and potential secondary effects, refer to Section 2.2.20, *Topical Response: Parking*.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

This comment is noted; however no supporting arguments, data, or analysis were provided to substantiate these comments. Accordingly, no changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P7-7

Refer to Response to Comment P7-5.

Letter P8

From: Paul Kamen <pk@well.com>
Sent: Sunday, March 15, 2026 12:10 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: comments on WETA ferry draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov
Subject: comments on WETA ferry draft EIR

Successful ski resorts offer a variety of difficulty levels: There's a bunny slope, some intermediate runs, and the expert slopes. A ski resort needs all three.

Windsurfing and beginner sailing in the South Cove have the same requirements: A popular site needs to provide conditions for a wide range of skill levels. P8-1

One of the features that make the South Cove so desirable and popular for small boat sailing and windsurfing (and related wind-powered activities) is that it offers wind and waves at all levels of skill.

The "inner sailing area," with wind moderated by the land mass and the trees on Hs. Lordships peninsula, is of particular importance for the novice area. There are about 40 trees slated to be removed in order to increase the capacity of the Hs. Lordships parking lot from approx. 250 to 400. This will likely change the wind environment of the inner South Cove. More wind, more difficulty for novice sailors, more demands on the rescue skiff for both Cal Sailing Club and Cal Adventures. And less continued use by the more skilled sailors, if they had to go elsewhere to learn. P8-2

The South Cove site is unique among windsurfing sites for its skill level variety. Removing wind-attenuating trees will cause an environmental impact not mentioned in the EIR that will be difficult to undo. It will compromise access and safety. This needs to be analyzed in detail. P8-3

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Letter P8

Commenter: Paul Kamen

Date: March 15, 2026

Response to Comment P8-1

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, and to Section 2.2.29, *Topical Response: Wind,* regarding maintaining South Sailing Basin conditions.

The Draft EIR concludes that the range of recreational opportunities, including those supporting different skill levels, would be maintained, and that water based recreation would continue to occur safely in the vicinity of the project. For further discussion of recreational water access, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*, and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*.

The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P8-2

Refer to Section 2.2.29, *Topical Response: Wind*, which provides clarification regarding the analysis of wind conditions related to recreational uses.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P8-3

Refer to Response to Comments P8-2.

Letter P9

From: Tinne <tinneae@gmail.com>
Sent: Sunday, March 15, 2026 9:13 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Impact /marina meeting 3/16/2026

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi there

I am concerned about the impact of the planning of the ferry terminal in berkeley marina. We are a growing community wingers, windsurfers, sailors and need sometimes parking there to unload heavy gear. I come every other day to the marina to work out. When I windsurf I am also concerned about having enough wind and buildings being built at the current 'lordships' can restrict the wind flow or wind line.

P9-1

P9-2

I am also concerned about having too many ferries. Water is crowded with boats,... Lately I have been using my bike on the bay bridge to go to the city. Now that's something to work on!

P9-3

Kind regards
Tinne Aerts

Letter P9

Commenter: Tinne Aerts

Date: March 15, 2026

Response to Comment P9-1

Refer to Section 2.2.20, *Topical Response: Parking,* regarding parking availability as it relates to CEQA. Refer also to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*, regarding equipment-dependent recreational activities and access needs.

As discussed therein, CEQA does not treat parking availability, parking convenience, or user preferences regarding parking location as environmental impacts in themselves. The Draft EIR evaluates whether project-related parking changes would result in secondary physical environmental impacts, including restrictions on access to recreational resources. The Draft EIR concludes that recreational access would be maintained, parking supply would remain available for recreational users, and implementation of the project would not result in a significant impact to recreational resources or access.

The analyses and significance conclusions presented in Sections 3.11, *Recreation*, 3.12, *Transportation*, and related sections of the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P9-2

The comment is concerned about potential changes in wind conditions near 199 Seawall Drive from buildings being built there.

The City does not propose to build buildings near 199 Seawall Drive as part of this project. Refer to Section 2.2.29, *Topical Response: Wind* for discussion concerning CEQA and wind. Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* concerning the 199 Seawall launch point. No further response is required.

Response to Comment P9-3

The comment expresses concern regarding the quantity of ferries in the San Francisco Bay.

Page 2-30 of the Draft EIR describes that the project would operate two ferry vessels with regular service to San Francisco. The project would represent an incremental increase in existing boat trips on the Bay.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P10

From: Leslie Absher <leslie@leslieabsher.com>
Sent: Sunday, March 15, 2026 2:19 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comments on WETA ferry draft IER

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza McNulty,

I am writing to express opposition to the changes proposed in WETA's ferry draft IER to eradicate recreational activities in the waters of the Berkeley Marina. I have been following the developments and meetings between community members who use the marina for recreational swimming and other water sports closely. I am a regular swimmer at the marina and a member of the 500 strong East Bay Open Water swim group. P10-1 P10-2

Among my grievances is the fact that the IER makes little to no provisions for maintaining and respecting the decades long precedent of swimmers, boarders, wingers, windsurfers and others to be able to continue to enjoy the marina. The ferry draft states that it will charge recreational folks to park. It will declare swimming illegal in the open bay, where it doesn't have jurisdiction. It will get rid of Seawall drive 'in-car' viewing altogether after promising to protect it. P10-3 P10-4 P10-5

So many promises broken.

No more picnics, quick lunch breaks to unwind, gathering at sunset to look at the sky with a loved one, or swims with community groups. All the things that help us feel connected. The Bay belongs to all of us--swimmers, kayakers, windsurfers, kiteboarders, stand-up paddlers, wingers, and walkers. Everyone. P10-6

There is plenty of precedence in place protecting recreational access. BCDC governs the Bay and protects its continued recreational use. In 2003, the city acknowledged the Lordships entry point for recreational use in the marina master plan and yet the current plan ignores this precedent and the decades of established recreational use. P10-7

Perhaps most egregious in WETA's plan is its decision to remove Seawall Drive for 'in-car' viewing. Anyone who wants to look out at our Bay and relax for a while without forking out bucks is out of luck. Simply put cutting the public out of the picture is antithetical to what city government and its contractors should be doing. Time to set it right. P10-8

Sincerely,
Leslie Absher

Leslie Absher
Author, Journalist

Spy Daughter, Queer Girl

Letter P10

Commenter: Leslie Absher

Date: March 15, 2026

Response to Comment P10-1

The comment expresses opposition to the project because it would eradicate recreational activities.

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*, Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* and Section 2.2.14, *Topical Response: Loss of Ferry Vessel Contro*l regarding impacts to existing recreational uses.

The Draft EIR does not conclude that existing recreational activities would be eradicated or eliminated. As discussed in the Topical Responses identified above, the Draft EIR recognizes existing water-based recreational uses, including sailing, kayaking, swimming, windsurfing, wing foiling, and other marina-related activities as part of the recreational baseline (see Draft EIR Section 3.11.1, *Environmental Setting*). Existing recreational access points, including the South Sailing Basin and the 199 Seawall launch area, would remain available, and the project would not physically eliminate these recreational uses. Ferry operations would occur north of the pier within defined navigation corridors and would not preclude continued recreational use of the Berkeley Waterfront. The Draft EIR concludes that existing recreational access would be maintained and that the project would provide additional recreational amenities, including a restored public pier, Bay Trail improvements, shoreline amenities, and other public access features (refer to Section 3.11.4, *Impacts Analysis*, Impact REC-1).

The analysis and significance conclusions presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further response is required.

Response to Comment P10-2

The comment states the author is a regular swimmer in the Marina and a member of the East Bay Open Water swim group.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P10-3

The comment states that the Draft EIR does not provide for existing long-standing recreational users (swimmers, boarders, windsurfers, etc.).

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding impacts to existing recreational uses.

The analyses, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No further revisions are necessary.

Response to Comment P10-4

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking management strategies, parking fees, and the role of parking under CEQA. As discussed therein, parking fees and parking pricing are operational and policy considerations rather than environmental impacts under CEQA. The Draft EIR evaluates potential secondary physical environmental effects associated with parking and concludes that no significant parking-related environmental impacts would occur. No revisions to the Draft EIR are required.

Response to Comment P10-5

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for the topic of swimming in the Bay.

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to in-car viewing spaces and views from Seawall Drive. The analyses, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No further revisions are necessary.

Response to Comment P10-6

The comment expresses concern regarding loss of recreational activities.

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding impacts to existing recreational uses. The comment does not pertain to the analyses, significance conclusions, and mitigation measures presented in the Draft EIR. No further revisions are necessary.

Response to Comment P10-7

Section 3.9, *Land Use and Planning*, evaluates project consistency with adopted land use plans, including the Berkeley Marina Master Plan and BCDC San Francisco Bay Plan (refer to Impact LU-2, Pages 3.9-12 through 3.9-23 and 3.9-29 through 33). As concluded therein, the project would be consistent with both the Berkeley Marina Master Plan and BCDC San Francisco Bay Plan. To the extent that the project would conflict with an adopted policy (specifically, noise thresholds established by the Berkeley Municipal Code during project construction), such effects are analyzed and mitigated in the appropriate resource Section (refer to Section 3.9.4 Pages 3.9-34 and 3.9-35).

With respect to specific concerns regarding water access, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*.

The analysis, significance conclusions, and mitigation measures presented in Section 3.9, *Land Use and Planning*, and Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions to the EIR are necessary.

Response to Comment P10-8

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.20, *Topical Response: Parking,* for discussions regarding in-car viewing access and parking considerations. No further response is required.

Letter P11

From: Ives Humphreys <iveshumphreys@gmail.com>
Sent: Sunday, March 15, 2026 3:48 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: comments on WETA ferry Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi,

Please hear me out on my comments on the city's WETA ferry draft EIR. I regularly swim at the Lordship's Restaurant entry point with Odyssey Swim Club. The recreation we enjoy there needs to be respected and given due consideration. Swimming in the ocean should not be considered illegal, as a Marina is meant to provide recreation opportunities for the general public. P11-1

Besides swimmers, many windsurfers also use the Marina as a launch point and their right to recreation needs to be protected too..

I understand that a Ferry would make public transportation possible around Berkeley and be a source of income for the city. This is a worthy purpose, there's no denying that. But please strike a balance with recreational users, we don't have many safe protected places to swim. P11-2

Sincerely,
Ives Humphreys
1730 Lacassie Ave, Unit 11
Walnut Creek, CA 94596

Letter P11

Commenter: Ives Humphreys

Date: March 15, 2026

Response to Comment P11-1

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of the Berkeley Municipal Code provision as it relates to the project and Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* for discussion of maintenance of existing 199 Seawall launch site.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P11-2

The comment supporting ferry service is not a comment pertaining to the CEQA analysis and has been included in the project record considered by decision makers.

With regard to preserving recreational swimming access, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, regarding existing recreational use and the benefit the project will provide to overall recreational use at the waterfront. Refer also to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* for discussion of maintenance of existing 199 Seawall launch site.

The analyses and significance conclusions presented under Impact REC-1 within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revision to the EIR is required.

Letter P12

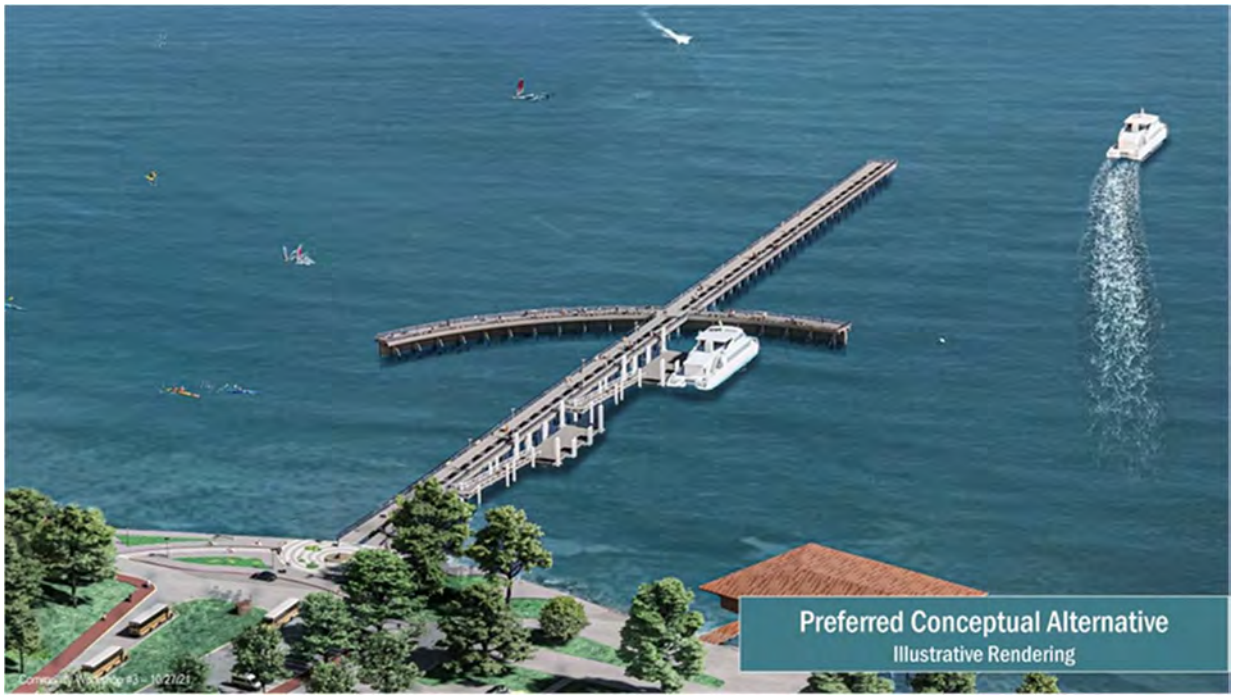
From: Eugenia McCauley <eugeniamccauley@yahoo.com>
Sent: Sunday, March 15, 2026 5:29 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: recreational water use near proposed Berkeley Pier

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi,

I'm not sure I'm following. Is Berkeley is trying to limit non-motorized, healthy recreational use of the waters within 1500' of the proposed Berkeley pier? I hope not. People should still be able to continue use the water on the "left" side of the pier as looking at the pier from the land and in this "picture" as it shows people enjoying healthy activities. Please keep the waters open for healthy, non-motorized reacreational use! P12-1

Eugenia McCauley



P12-2

Letter P12

Commenter: Eugenia McCauley

Date: March 15, 2026

Response to Comment P12-1

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* which explains that the City is not limiting non-motorized use of the areas near the pier as part of the proposed project.

Response to Comment P12-2

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* which explains that the City is not limiting non-motorized use of the areas near the pier as part of the proposed project.

Letter P13

From: Kirk van Moon <kirk@vanmoon.com>
Sent: Sunday, March 15, 2026 6:00 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comments on WETA ferry draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

I am an avid windsports enthusiast who launches at the Berkeley Marina all year round. I am concerned about the proposed ferry situation and impacts for existing watersports use. P13-1

I have two areas of concern:

1. Access to the water on the south end of Seawall Drive, near the old Hs. Lordships building.

During low tides (twice a day), the ***docks in the South Sailing Basin do not provide enough water depth to launch most sailing or hydrofoiling vessels***. Even the swimmers (who draw very little water depth) often enter and exit the water from the small cove on the West side of the Hs. Lordships building, due to the shallow water at the docks. P13-2

It is imperative that access to this single and important launch area remain available for existing and future watersports users.

2. Parking along Seawall Drive.

It isn't yet clear from the City's plans, but limiting the existing parking (and SF viewing) areas along Seawall Drive would be unacceptable. P13-3

Please consider carefully the impacts on existing users when planning for modifications to the Berkeley Marina area and waterfront.

Many thanks,

Kirk out

Kirk van Moon
kirk@vanmoon.com

Letter P13

Commenter: Kirk van Moon

Date: March 15, 2026

Response to Comment P13-1

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* and Section 2.2.29, *Topical Response: Wind.* As discussed therein, existing launch points used by windsurfers, wingers, sailors, swimmers, and other water-based recreational users would remain available. Vessel activity associated with the project would be comparable to existing boat activity with minimal wake effects (see Impact REC-1, pages 3.11-19 and 3.11-20). Ferry operations would occur north of the pier within defined navigation corridors and would be subject to applicable navigation and safety requirements.

In addition, as described in Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* Section 3.11, *Recreation* (pages 3.11-19 and 3.11-20), has been revised to provide additional clarification regarding the continued compatibility of ferry operations and recreational water uses.

The analysis and conclusions presented therein remain valid as written, and no further clarifications are required.

Response to Comment P13-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for water-based recreation.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P13-3

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to in-car viewing spaces and views from Seawall Drive. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response is required.

Letter P14

From: Nancy Rader <nraderhome@gmail.com>
Sent: Sunday, March 15, 2026 7:04 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Please Preserve Seawall Drive Parking! (Pier-Ferry Draft EIR)

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

Please preserve the well-loved and well-used parking on the western side of Seawall Drive. This is a place of peace and refuge for everyone. Don't give away our public resources to developers. Preserve what makes Berkeley a great place for people of all income levels. P14-1

Nancy Rader
1198 Keith Avenue
Berkeley, CA 94708
(510) 919-6358 cell

Letter P14

Commenter: Nancy Rader

Date: March 15, 2026

Response to Comment P14-1

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to in-car viewing spaces and views from Seawall Drive. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response is required.

Letter P15

From: Michael Evans <michael.evans100@gmail.com>
Sent: Sunday, March 15, 2026 11:04 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Marina feedback and request

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Liza,

I am a long time Berkeley resident and active windsports enthusiast. I frequently launche at the Berkeley Marina all year round. I am writing about some recent things I have heard that concer me regarding the proposed ferry situation and impacts for existing watersports use. P15-1

The areas of concern I have are:

> Water Access - on the south end of Seawall Drive, near the old Hs. Lordships building. This is my most frequently used water access spot due to low tides making the docks in the South Sailing Basin un laudable, due to a need for at least 4 feet of water depth to launch hydrofoiling vessels. I also see swimmers often enter and exit the water from the small cove on the West side of the Hs. Lordships building, due to the shallow water at the docks. P15-2

It is imperative that access to this single and important launch area remain available for existing and future watersports users.

> Seawall Drive Parking - I am not sure yet what the City's plans are, but limiting the existing parking (and SF viewing) areas along Seawall Drive would be unacceptable in my view. P15-3

I am asking you to consider carefully the impacts on existing users when planning for modifications to the Berkeley Marina area and waterfront.

I am happy to discuss any questions or ideas also.

Thanks much,
Michael Evans
2019 Del Norte St
Berkeley, CA 94707

Letter P15

Commenter: Michael Evans

Date: March 15, 2026

Response to Comment P15-1

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion of City regulations governing water-based recreational activities; and Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, regarding no significant impact to existing recreational uses.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P15-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P15-3

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, regarding in-car Bay viewing areas. For further discussion of additional parking considerations, refer to Section 2.2.20, *Topical Response: Parking*.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P16

From: Ryan Linderman <ryanjlinderman@gmail.com>
Sent: Monday, March 16, 2026 11:09 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Proposed Berkeley Ferry Development Rules

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza McNulty,

I've been an active user of the public docs facing the Berkeley South Basin and SF Bay for almost a decade. I do windsports, stand up paddling and swimming several times a week along with the many other community members who enjoy using this space to enter the SF Bay.

P16-1

I am concerned about the proposed ferry situation and impacts for existing watersports use. There are two areas of concern I'd like to raise.

1. Access to the water on the south end of Seawall Drive, near the old Hs. Lordships building.

During low tides (twice a day), the **docks in the South Sailing Basin do not provide enough water depth to launch most sailing or hydrofoiling vessels.** Even the swimmers (who draw very little water depth) often enter and exit the water from the small cove on the West side of the Hs. Lordships building, due to the shallow water at the docks.

P16-2

It is imperative that access to this single and important launch area remain available for existing and future watersports users. There are very few alternative access points during low tide that are not actively used by motorized vessels. Mixing swimmers and board sports participants with powered vessels is very high risk.

2. Parking along Seawall Drive.

It isn't yet clear from the City's plans, but limiting the existing parking (and SF viewing) areas along Seawall Drive would be unacceptable.

P16-3

Please consider carefully the impacts on existing users when planning for modifications to the Berkeley Marina area and waterfront.

Thank you,

Ryan Linderman

Letter P16

Commenter: Ryan Linderman

Date: March 16, 2026

Response to Comment P16-1

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion of City regulations governing water-based recreational activities; and Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* regarding no significant impact to existing recreational uses.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P16-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*, which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P16-3

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to in-car viewing spaces and views from Seawall Drive.

Letter P17

From: Gordon Stout <gords11@gmail.com>
Sent: Monday, March 16, 2026 11:18 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Please read and then include as EIR comment

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi, Liza,

I think I have an important unintended consequence observation about the Waterfront Permit--please read the attached before you file it under EIR comments.

When I first saw the $500 annual parking pass, I decided I would get one if I get around to selling my boat. I hate parking tickets, and the Waterfront Permits are cost-effective for the city. Win-win.

But the South Cove West parking lot is ideally positioned for fishing charter customers, who are happy to pay about $100 or $200 for a day's fishing, and I expect would be delighted to buy Waterfront Permits and park just across the street from K-Dock. P17-1

Ferry customers would probably also be customers for Waterfront Permits, which would allow them to park in the South Cove West parking lot instead of waiting through the backup to get into the199 Seawall lot.

But it would only take twenty more cars to completely fill the South Cove West parking lot with all-day cars, by 9:00 am.

Ouch!

GordonS

Parking-TDM for Pier/Ferry EIR, Mar 16, 2026 G. Stout

Imagine you are a ferry commuter in Berkeley, not wanting to be late and miss your boat. Let's say the line for the Seawall parking lot is moving slowly. Rather than risk missing that ferry, you may well park in whatever lot looks quickest, even if it means a $100 parking ticket.

That is expensive, but the city has made it easy for you: for $500 per year, you can get a Waterfront Permit that exempts you from parking time limits. Such a deal! But what prevents Waterfront Permit holders from filling up the South Cove lots with all-day parking? P17-1

On many days this last year, the South Cove West lot was mostly full by 9:00 am with fishing charter boat patrons and riders of the small Genentech ferry. Add twenty Waterfront Permit holders from the much bigger WETA ferry, and that parking lot will get very full indeed, every day. The $500 Waterfront Permit will be useless for South Cove sailors or Adventure Playground families—the South Cove West lot will have no parking spaces available, short-term or all-day. They will all be full.

The Waterfront Permit program is a bad idea!

Even if there is no Waterfront Permit program, $100 tickets may not keep the South Cove West lot free from all-day parking. How long will it take to fill that 400-space Seawall lot? Use.ai suggests a maximum rate of one car every 5 seconds, which would take 33 minutes to fill the lot. Rather than joining the resulting stop-and-go traffic on University Avenue, our ferry rider may well decide to park in the South Cove, pay the $100 ticket, and be on time for the ferry and for work.

Despite an amazing amount of work, we still do not have a credible picture of parking utilization at the Marina, and the measures proposed to protect recreational parking from ferry riders are not at all convincing. We should not proceed with this project.

Letter P17

Commenter: Gordon Stout

Date: March 16, 2026

Response to Comment P17-1

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking management strategies and the role of parking under CEQA. Concerns regarding parking management programs, permit administration, speculations of potential user behavior, and parking convenience do not, by themselves, constitute environmental impacts under CEQA. The analyses and conclusions presented in the Draft EIR remain valid as written. No further response is necessary.

Letter P18

From: Madeleine King <kingmadeleine99@gmail.com>
Sent: Monday, March 16, 2026 3:20 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: recreational use at Berkeley waterfront

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

I am actually going to copy a letter to you sent by my friend Kirk Van Moon because he said exactly what I would say to you but no doubt worded it better than I could have. So I'm copying his letter here. I agree with all of his points 100% and I plan to attend the Zoom meeting this afternoon. Thank you so much for your attention to the matter.
Madeleine King

P18-1

I am an avid windsports enthusiast who launches at the Berkeley Marina all year round. I am concerned about the proposed ferry situation and impacts for existing watersports use.

I have two areas of concern:

P18-2

1. Access to the water on the south end of Seawall Drive, near the old Hs. Lordships building.

During low tides (twice a day), the **docks in the South Sailing Basin do not provide enough water depth to launch most sailing or hydrofoiling vessels.** Even the swimmers (who draw very little water depth) often enter and exit the water from the small cove on the West side of the Hs. Lordships building, due to the shallow water at the docks.

It is imperative that access to this single and important launch area remain available for existing and future watersports users.

P18-3

2. Parking along Seawall Drive.

It isn't yet clear from the City's plans, but limiting the existing parking (and SF viewing) areas along Seawall Drive would be unacceptable.

Please consider carefully the impacts on existing users when planning for modifications to the Berkeley Marina area.

P18-4

Thank you so much,
Madeleine King
SFBA board member and wind enthusiast.

--
www.madeleinekingmusic.com

Letter P18

Commenter: Madeleine King

Date: March 16, 2026

Response to Comment P18-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P18-2

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion of City regulations governing water-based recreational activities; and Topical Response CEQA Baseline/Baseline Recreation regarding no significant impact to existing recreational uses.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P18-3

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for water-based recreation.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P18-4

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to in-car viewing spaces and views from Seawall Drive.

Letter P19

From: noah marcel sudarsky <noah.sudarsky@gmail.com>
Sent: Monday, March 16, 2026 4:31 PM
To: All Council <council@berkeleyca.gov>; Berkeley Mayor's Office <Mayor@berkeleyca.gov>; Ferris, Scott <SFerris@berkeleyca.gov>; McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: WETA change of use as per South Peninsula/Seawall

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the Berkeley City Council and relevant planning authorities,

Preserving the South Peninsula and maintaining public access to the seawall for future generations must remain a priority. Retiring this area to accommodate ferry-terminal logistics is not what the public has asked for. Community comments have been consistent and unequivocal: people come to this stretch of shoreline to experience nature, watch birds, enjoy the Bay and the sunset, or simply take a quiet, romantic walk. P19-1 P19-2

This area also supports constant, year-round recreational use. Anglers rely on it daily. Those of us who windsurf, kayak, foil, or swim depend on the beachhead at the point for safe water access. There is no alternative access at low tide—or even at mid-ebb, depending on equipment. Attempting to reach the waterline from any of the docks along the South Sailing Basin requires slogging through hundreds of feet of deep, slippery mud, which is unsafe and effectively unusable. There is a reason the Cal Sailing Club cannot operate when water depth at the docks drops below two feet, which occurs roughly 40 percent of the time. P19-3 P19-4

The small cove at the foot of the former Hs. Lordships Restaurant is, quite literally, the only reliable low-tide access point for aquatic recreation in Berkeley, especially for anyone carrying gear such as boards or kayaks. P19-4

For these reasons, I urge you not to remove the already limited parking on the South Peninsula. Eliminating access—whether by restricting shoreline space or by removing the parking that makes it reachable—would effectively shut down one of Berkeley's most valued and irreplaceable public waterfront areas. P19-5 P19-6

Sincerely,

Noah Marcel Sudarsky

Project Coordinator

The Center for Environmental Structure
2701 Shasta Road
Berkeley, CA 94708
Office: 510-841-6166
Cell: 212-920-5520
noahnoe@noahsudarsky.com
www.patternlanguage.com

www.livingneighborhoods.org

www.noahsudarsky.com

Letter P19

Commenter: Noah Marcel Sudarsky

Date: March 16, 2026

Response to Comment P19-1

The Draft EIR describes project components that provide continued public access and recreational opportunities, including a new public pier, breakwater, Bay Trail improvements, and a public plaza (refer to Chapter 2, *Project Description*). Recreational impacts, including Waterfront access, are evaluated in Section 3.11, *Recreation* (refer to Section 3.11.4, *Impacts Analysis*, beginning on Page 3.11-14 of the Draft EIR).

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P19-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P19-3

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion of City regulations governing water-based recreational activities; and Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, regarding no significant impact to existing recreational uses.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P19-4

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*, which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analyses and significance conclusions presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment P19-5

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking supply, parking management, and the role of parking under CEQA.

Refer also to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, regarding modifications to Seawall Drive and continued public access to waterfront recreational resources. No revisions to the Draft EIR are required.

This comment opposing parking removal has been included in the project record considered by City decision makers.

Response to Comment P19-6

With respect to restricting shoreline access, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*, which provides further clarification on how the project would preserve water-based recreation access and Section 2.2.24, *Topical Response: Seawall Drive/View Access*, regarding parking on Seawall Drive. With respect to removing parking, refer to Section 2.2.20, *Topical Response: Parking.*

In response to this comment, page 3.11-20 of the Draft EIR (Section 3.11.4, *Impacts Analysis*), has been revised to include the following clarifying text confirming that the project would not remove or restrict shoreline access for water-based recreation:

> Operation of the ferry would not hinder existing and new physical access to recreational resources on the project site or adjacent areas. The project would not restrict shoreline areas used for water-based recreation within the South Sailing Basin, and existing access points to these areas would be maintained.
>
> While certain access points, circulation patterns, and parking configurations within the project vicinity would be modified, overall access to recreational resources would be maintained and enhanced. The proposed new pier and breakwater, Bay Trail Extension, and green space next to the Bay Trail Extension would be publicly accessible and access to such project-related recreational uses would not be hindered by ferry operation or riders commuting to and from the Berkeley Waterfront area to utilize ferry services. Furthermore, the proposed project would include amenities such as fish cleaning stations, seating, and public restrooms, which would enhance the experience of people visiting the pier and breakwater for recreation.

The Draft EIR demonstrates that the project would maintain and expand public access to recreational resources, and would not result in the loss of recreational facilities or shoreline access under CEQA thresholds.

The revision above is clarifying in nature and does not alter the analysis or conclusions of Impact REC-1. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No further revisions are required.

Letter P20

From: cheong-tseng Eng <cheong.eng@gmail.com>
Sent: Monday, March 16, 2026 4:54 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Ferris, Scott <SFerris@berkeleyca.gov>; Berkeley Mayor's Office <Mayor@berkeleyca.gov>; All Council <council@berkeleyca.gov>
Subject: Proposed ban on recreation near Berkeley Pier/Marina

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello Liza McNulty,

I am writing to express concern about the proposed ban on water-based recreation near the Berkeley Pier (by the Berkeley Marina). P20-1

As a Bay Area native, I have been using this area my entire life. I fished there as a child and I now wing-foil, kayak, and dockstart there on a regular basis. P20-2

The marina itself is significantly affected by tides. On many days, those of us wishing to wing-foil, wind-surf, or do related sports can only launch at Lordships due to the shallow depths at low tide. Putting a ban in place will effectively prohibit a large number of people from using the waters in/near the marina for recreation. P20-3

I am requesting that you and your team please ensure the waters in and near the Berkeley Marina and Pier remain open for all. P20-4

Thank you,

Cheong-Tseng

Letter P20

Commenter: Cheong-Tseng Eng

Date: March 16, 2026

Response to Comment P20-1

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities).* The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P20-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P20-3

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P20-4

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities).* This comment has been included in the project record considered by City decision makers. The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P21

From: David Hermele <hermele@gmail.com>
Sent: Monday, March 16, 2026 5:34 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Waterfront Access

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza

As a Berkeley resident, the Marina and waterfront are an essential part of my personal daily routine, as well as the routines of countless others in our community. I am writing to express my deep concern regarding the proposed ferry plans and the devastating impact they could have on our existing watersports use and our connection to nature. P21-1

For many of us, the San Francisco Bay is the largest and most dynamic wilderness we have access to Currently, When the tide is too low or the wind hasn't made it into the south sailing basin, then Hs. Lordships becomes an essential access point for us. If this project moves forward without careful consideration of existing users, we risk losing that connection. P21-2

I urge you to address the following areas of concern:

- Preserving the Hs. Lordships Launch Site: Access to the water on the south end of Seawall Drive, specifically the small cove on the west side of the old Hs. Lordships building, must remain open. During low tides (twice a day), the docks in the South Sailing Basin simply do not provide enough water depth to launch most sailing or hydrofoiling vessels. Because of this shallow water, even swimmers rely on this cove. It is a daily, indispensable launch point for our community. P21-3
- Maintaining Access Near and Through the Pier: I am highly concerned about any restrictions that would limit how close we can sail to the Berkeley Pier. Sailing near the pier—and frequently navigating right through it—is a fundamental part of how windsports enthusiasts experience the water here. Creating exclusion zones or restricting our proximity to the pier effectively limits our ability to engage with and navigate this incredible marine wilderness. P21-4
- Protecting Seawall Drive Parking: While the City's plans are still coming into focus, it is vital that existing parking and San Francisco viewing areas along Seawall Drive are not reduced. Limiting this infrastructure would severely restrict access for the diverse groups of people who come to enjoy the waterfront daily. P21-5

Please ensure that any modifications to the Berkeley Marina and waterfront enhance, rather than eliminate, the ways existing residents and watersports users interact with our local wilderness. P21-6

Thank you for your time and careful consideration.

Sincerely,

David Hermele

Letter P21

Commenter: David Hermele

Date: March 16, 2026

Response to Comment P21-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P21-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for water-based recreation.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P21-3

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P21-4

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities).* The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P21-5

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to parking, in-car viewing spaces, and views from Seawall Drive. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P21-6

As described in Chapter 2, *Project Description*, Subsection 2.5.2 (*Landside*), the project includes new pedestrian, bicycle, and Bay Trail improvements to enhance shoreline access. The project would overall enhance recreational opportunities. The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further revisions are required.

Letter P22

From: Charley Paff <charleypaff@gmail.com>
Sent: Monday, March 16, 2026 7:36 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: pier/ferry project

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first attempt bounced. please see below

On Mon, Mar 16, 2026 at 7:34 PM Charley Paff <charleypaff@gmail.com> wrote:
Please include me in your email list for announcements regarding the project DEIR and forward. P22-1
Thank you!
Charley Paffenbarger
Berkeley resident and Marina area user.

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Charley Paff

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Charley Paff

Letter P22

Commenter: Charley Paffenbarger

Date: March 16, 2026

Response to Comment P22-1

The City has added the commenter's contact information to the project notification list and would provide future notices via email in accordance with CEQA and City procedures. No further response is required.

Letter P23

From: Jennifer Natali <jennifer.natali@gmail.com>
Sent: Monday, March 16, 2026 6:50 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comments on WETA Ferry draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza,

Thanks for the opportunity to comment on the draft EIR for the proposed WETA Ferry and Pier at the Berkeley Marina.

I'm a Berkeley resident for over 20 years and an SF Bay swimmer and paddleboarder. Access to SF Bay's waters from Berkeley's shoreline has been a boon to my health, my community, and my sense of connection to our amazing Bay. P23-1

The programming and land uses surrounding the proposed pier are overly focused on a commuter ferry, while public recreational access to SF Bay waters for human-propelled water sports is ignored. The proposal and EIR for this part of the Marina should not only retain low-tide access to the bay for open water swimmers and paddleboarders, but improve it. Reference to Berkeley Municipal Code Section 6.20.180 directly contradicts the long-standing use of the south side of the pier for recreational swimming during low tides. P23-2

Yes, the South Sailing Basin offers great access to swimming and water sports, but only during high tide -- about half of every day. At low tide, the safest access to the bay is from the functional launch ramp at H.S. Lordships -- not pretty, but it works!

I find it shameful to suggest that swimmers, paddleboarders, and windsurfers drive to Albany, Richmond or San Francisco when our City and region have invested so much to clean SF Bay water for safe swimming and open access to SF Bay shoreline in Berkeley! This access is a boon to our community. We now have two I-80 crossings for cyclists and pedestrians to reach the shoreline. Unlike other shoreline locations (e.g. Keller Beach in Richmond and its sewage leaks or beaches built on toxic/radioactive landfill), we have reliably swimmable water quality *and water levels* at the south side of the former pier during low tide. P23-3

The public-access pier at the Marina was a well-loved Berkeley destination and I'd welcome its return. The rebuild should NOT be at the expense of an actively-used local swim access point. Please consider how to improve the south end of the marina for the many well-loved EXISTING uses before displacing local, self-propelled water sport enthusiasts for a new commuter ferry service. I'm not sure who will make money from that service or who will use it (especially when public transit use has plummeted to the point of P23-4 P23-5 P23-6

financial insolvency), but I know that swimming in SF Bay should continue to be free and accessible to all from our Berkeley shoreline. No extra commute needed. P23-6

Please do not displace the swimmers who've been using ramped access to low tide swimming south of the pier for over a decade. P23-7

Thanks for considering my comment!
Jen Natali
94705 resident

Letter P23

Commenter: Jennifer Natalie

Date: March 16, 2026

Response to Comment P23-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P23-2

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* which explains that the City is not banning water-based recreation near the pier as part of the proposed project.

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall launch point for water-based recreation. The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further response is required.

Response to Comment P23-3

The City recognizes the importance of local shoreline access for recreation, and the project would not result in the displacement of such uses, although localized adjustments may occur during construction of project infrastructure. Although a summary of other water-based recreation sites within the region is provided in Section 3.11, *Recreation*, this is not intended to suggest that recreationalists should use these areas instead of the Berkeley Waterfront. They are provided for the purposes of analysis, to consider if the project would require the construction of new facilities, consistent with CEQA. Although the project would temporarily reduce waterfront access during construction, the Berkeley Waterfront area spans over approximately 100 acres with multiple access points at other locations that would not be impacted by construction, such as the South Sailing docks and Marina Basin (refer to Impact REC-1, Pages 3.11-16 through 3.11-20).

The analysis and significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions beyond the above clarification are required.

Response to Comment P23-4

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall launch point for water-based recreation. The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further response is required.

Response to Comment P23-5

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for water-based recreation.

The proposed project includes improvements to the south end of the Berkeley Waterfront, through its implementation of the new public plaza, Bay Trail Extension, improved parking lot, and proposed amenities. While the objective of this proposed project is to introduce ferry service, it is also to enhance recreational opportunities at the Berkeley Waterfront (see Section 2.3, *Project Objectives*, page 2-4 of the Draft EIR).

The analysis and significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions beyond the above clarification are required.

Response to Comment P23-6

Regarding the question about who will make money from the ferry service, WETA would operate the ferry service and WETA is a public agency. Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Regarding the comment that swimming should remain free, the comment may be referencing concerns about paid parking. Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of how parking is addressed under CEQA.

Regarding the comment that swimming should remain accessible, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which notes that access to this site would be maintained under the proposed project.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P23-7

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for water-based recreation. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P24

From: Zora Whitfield <zorakitwana@gmail.com>
Sent: Monday, March 16, 2026 7:39 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Thank you- Public Comment

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello Liza,

I went to the public meeting today and wanted to say thank you! I appreciate you and and your teams hard work on the DEIR:) I understand this plan has been a long time coming. While I have concerns about the DEIR I wanted to recognize all the hard work that went into it.

P24-1

I will submit a written comment soon-

Best,
Zora

Zora Kitwana Whitfield
Pronounced: Zò-răh Key-Twan-ă Wit-field
Pronouns: She/Her/Hers

Letter P24

Commenter: Zora Whitfield

Date: March 16, 2026

Response to Comment P24-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P25

From: Jeffrey Finn <1956madworld@gmail.com>
Sent: Tuesday, March 17, 2026 4:21 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Pier with Ferry Access Project public comment period for the Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Whom It May Concern: I am submitting this comment in response to the WETA Ferry Terminal Draft Environmental Impact Report (DEIR). The DEIR's dismissal of recreational impacts—particularly those affecting wind-powered water sports such as windsurfing, winging, kiteboarding, and paddling—is based on a misinterpretation of Berkeley Municipal Code § 6.20.180, a misunderstanding of the ordinance's legislative history, and a disregard for decades of established public use of the Berkeley waterfront. The code clearly prohibits swimming and windsurfing only **within the marina**, and explicitly allows windsurfing in the South Sailing Basin; it does not regulate the open waters of the Bay west of the Berkeley Pier. The City's attempt to extend this prohibition by reinterpreting the term "personal watercraft" to include windsurfing, kiteboarding, kayaking, stand-up paddling, foiling, and winging is legally indefensible. The 1,500-foot "personal watercraft" provision was adopted in 2001 to address jet-ski use following litigation over municipal jet-ski bans, not to regulate human-powered or wind-powered recreation. At the time, foiling and winging did not exist, stand-up paddling was not mainstream, and windsurfing had already been occurring in these waters for decades. Under basic principles of statutory construction, different terms in an ordinance must be given different meanings; because the ordinance explicitly names windsurfing in one subsection, the City cannot credibly claim that "personal watercraft" was intended to include it. The City's reinterpretation contradicts more than forty years of continuous, well-documented public use of the open Bay for wind-powered sports, and appears designed to avoid CEQA's requirement to analyze the impacts of the proposed breakwater and marina basin expansion on existing recreational resources. CEQA does not permit agencies to redefine existing conditions to avoid acknowledging impacts. Furthermore, Article X, Section 4 of the California Constitution guarantees public access to navigable waters and prohibits exclusion of the public from such waters when needed for public purposes. The City's interpretation would create a de facto exclusion zone in navigable state waters, undermining constitutionally protected access rights. For these reasons, the DEIR must correct its misinterpretation of the Marina Code, acknowledge the long-standing recreational use of the open Bay by wind-powered and human-powered water sports, and fully analyze the impacts of the proposed structures on these activities as CEQA requires. Wind-powered water sports are a defining and legally protected component of the Berkeley waterfront, and the environmental review must reflect that reality. Respectfully submitted, Jeffrey Finn

P25-1
P25-2
P25-3
P25-4
P25-5
P25-6
P25-7
P25-8

Letter P25

Commenter: Jeffrey Finn

Date: March 17, 2026

Response to Comment P25-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P25-2

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of this Berkeley Municipal Code provision and its role in relation to the project. For discussion regarding potential project impacts on wind-powered recreational uses, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access.*

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P25-3

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of this Berkeley Municipal Code provision and its role in relation to the project.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P25-4

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of this Berkeley Municipal Code provision and its role in relation to the project.

To the extent the comment is concerned with construction, refer to Response to Comment A3-55, which revises Section 3.11, *Recreation*, of the Draft EIR to clarify the analysis of temporary recreational impacts on recreational access. The revision presented therein is clarifying in nature, and does not alter the analysis or subsequent significance conclusion under Impact REC-1.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P25-5

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of this Berkeley Municipal Code provision and its role in relation to the project. For discussion regarding potential project impacts on wind-powered recreational uses, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access.*

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P25-6

The comment reflects a misunderstanding of the Draft EIR's analysis. The Draft EIR does not propose or assume the creation of new restrictions on water-based recreation. Rather, it describes existing regulatory conditions, including provisions of the Berkeley Municipal Code (BMC), as part of the environmental baseline used for analysis under CEQA.

As explained in Draft EIR Section 3.11, *Recreation*, and Section 3.12, *Transportation*, the discussion of compatibility between ferry operations and water-based recreation reflects the fact that certain activities are already regulated or restricted in specific areas of the Berkeley Marina for safety and navigation purposes. These conditions are part of the existing baseline, consistent with CEQA Guidelines Section 15125. The project does not expand the geographic extent of these restrictions or introduce new prohibitions on recreational uses. Please refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* which provide additional detail regarding recreational water access and the scope and application of BMC Section 6.20.180. As described therein, the ordinance establishes localized safety regulations applicable to specific areas of the marina (e.g., near the pier and navigation areas) and does not prohibit public access to navigable waters more broadly. The Draft EIR appropriately considers these existing conditions in evaluating whether the project would result in a physical conflict with water-based recreation.

Under CEQA, the relevant question is whether the project would result in a physical environmental impact, such as the loss or substantial impairment of recreational resources. As analyzed in Impact REC-1, the project would maintain and enhance recreational access, and would not result in a substantial adverse effect on water-based recreation. The commenter's statements regarding constitutional interpretation and public access rights raise legal and policy considerations outside the scope of CEQA environmental impact analysis.

In response to this comment, the City notes that page 3.11-19 of the Draft EIR (Section 3.11.4, *Impacts Analysis*), has been revised to clarify the discussion of ferry operations, existing recreational uses, and the applicability of Berkeley Municipal Code Section 6.20.180. The text revision addressing these topics is provided in Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control*.

The revision presented under Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* ensures that the Draft EIR clearly distinguishes between existing regulatory conditions and potential project effects, and confirms that the project does not introduce new restrictions on water-based recreation or access to navigable waters.

The above revision is clarifying in nature and does not change the analysis or conclusions of Impact REC-1. The analyses and significance conclusions presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment P25-7

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* which discusses this Berkeley Municipal Code provision and its role in relation to the project. Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* presents a revision to the Draft EIR that ensures the analysis therein clearly distinguishes between existing regulatory conditions and potential project effects, and confirms that the project does not introduce new restrictions on water-based recreation or access to navigable waters. For discussion regarding potential project impacts on wind-powered recreational uses, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

The revision referenced above is clarifying in nature and does not change the analysis or conclusions of Impact REC-1. The analyses and significance conclusions presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment P25-8

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of the Berkeley Municipal Code provision and its role in relation to the project. For discussion regarding potential project impacts on wind-powered recreational uses, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access.* The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P26

From: b c <coesurf@hotmail.com>
Sent: Tuesday, March 17, 2026 8:47 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: WETA Ferry Terminal DEIR and Berkeley waterfront windsport access

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To : Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704

To Whom It May Concern:

I am submitting this comment in response to the errant WETA Ferry Terminal Draft Environmental Impact Report (DEIR). P26-1

The DEIR's dismissal of recreational impacts—particularly those affecting wind-powered water sports such as windsurfing, winging, kiteboarding, and paddling—is based on a misinterpretation of Berkeley Municipal Code § 6.20.180, a misunderstanding of the ordinance's legislative history, and a denial of the *decades* of established public use of the Berkeley waterfront. P26-2 The code clearly prohibits swimming and windsurfing **only within the marina**, and *explicitly* allows windsurfing in the South Sailing Basin; it does not regulate the open waters of the Bay west of the Berkeley Pier. P26-3

The City's attempt to extend this prohibition by reinterpreting the term "personal watercraft" to include windsurfing, kiteboarding, kayaking, stand-up paddling, foiling, and winging is legally indefensible.
The 1,500-foot "personal watercraft" provision was adopted in 2001 to address jet-ski use following litigation over municipal jet-ski bans, not to regulate human-powered or wind-powered recreation. P26-4 At the time, foiling and winging did not exist, stand-up paddling was not mainstream, and windsurfing had already been occurring in these waters for decades. Under basic principles of statutory construction, different terms in an ordinance must be given different meanings. P26-5 When the ordinance explicitly names windsurfing in one subsection, the City cannot credibly claim that "personal watercraft" was intended to include it. The City's reinterpretation contradicts more than forty years of continuous, well-documented public use of the open Bay for wind-powered sports. The report appears designed to avoid CEQA's requirement to analyze the impacts of the proposed breakwater and marina basin expansion on existing recreational resources. P26-6
CEQA does not permit agencies to redefine existing conditions to avoid acknowledging impacts.

Furthermore, the California Constitution guarantees public access to navigable waters and prohibits exclusion of the public from such waters when needed for public purposes P26-7

(Article X, Section 4). The City's incorrect interpretation would create a de facto exclusion zone in navigable state waters, undermining constitutionally protected access rights. P26-7

For these reasons, the DEIR must correct its misinterpretation of the Marina Code, acknowledge the long-standing recreational use of the open Bay by wind-powered and human-powered water sports, and fully analyze the impacts of the proposed structures on these activities as CEQA requires. Wind-powered water sports are a defining and legally protected component of the Berkeley waterfront, and the environmental review must reflect that reality. P26-8 P26-9

Respectfully submitted,

Brian Coe

Letter P26

Commenter: Brian Coe

Date: March 17, 2026

Response to Comment P26-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P26-2

Draft EIR Section 3.11, *Recreation*, establishes that the activities identified by the commenter represent existing recreational uses of the Berkeley Waterfront and identifies the locations and conditions that support these uses within Section 3.11.2, *Environmental Setting* (pages 3.11-1 through 3.11-7). The Draft EIR also describes the applicable regulatory context, including local policies and ordinances governing waterfront uses such as BMC Section 6.20.180, in Section 3.11.3, *Regulatory Framework* (pages 3.11-7 through 3.11-14). Potential impacts to the recreational uses described in Draft EIR Section 3.11.2 are evaluated in Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24), which considers whether the proposed project would result in a substantial physical deterioration of recreational resources or restrict physical access to such resources, consistent with CEQA Guidelines Appendix G. The analysis concludes that the project would maintain and enhance recreational access and facilities, and would not result in a substantial adverse impact on water-based recreation (Impact REC-1).

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of this Berkeley Municipal Code provision and its role in relation to the project. For discussion regarding potential project impacts on access at the 199 Seawall location, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

Accordingly, the Draft EIR adequately characterizes existing recreational uses, including wind-powered and equipment-dependent water sports, incorporates applicable regulatory conditions into the CEQA baseline, and evaluates potential impacts consistent with CEQA requirements. The analyses and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P26-3

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussion of this Berkeley Municipal Code provision and its role in relation to the project. For discussion regarding potential project impacts on wind-powered recreational access, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P26-4 to P26-9

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion related to the definition of personal watercraft and a discussion of this Berkeley Municipal Code provision and its role in relation to the project and Draft EIR analyses. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P27

From: Kathryn Fisher <f800gschic@hotmail.com>
Sent: Tuesday, March 17, 2026 11:04 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>; Ferris, Scott <SFerris@berkeleyca.gov>; Berkeley Mayor's Office <Mayor@berkeleyca.gov>; All Council <council@berkeleyca.gov>
Subject: Berkeley Ferry Project- BWTPF EIR Public Comment

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear [Liza /Planning Team/Gov],

I am an avid windsports Enthusiast/Instructor/Past Pro-Competitor who regularly launches from the Berkeley Marina year-round. I'm writing to share concerns regarding the proposed ferry plans and their potential impacts on existing watersports use. P27-1

I have two primary areas of concern:

1. Water Access at the South End of Seawall Drive (near the former Hs. Lordships building)
During low tides, which occur twice daily, the docks in the South Sailing Basin do not provide sufficient water depth for many sailing or hydrofoiling vessels. Even swimmers—who require minimal depth—often rely on the small cove west of the former Hs. Lordships site due to the shallow conditions at the docks. P27-2

Maintaining access to this critical launch area is essential for both current and future watersports users. Any reduction or restriction in access would significantly impact safe and viable entry to the water.

2. Parking Along Seawall Drive
It remains unclear how the current plans will affect parking availability along Seawall Drive. Any reduction in existing parking—or loss of shoreline access and viewing areas—would be highly concerning. These spaces are heavily used and are an important part of the marina's accessibility and public enjoyment. P27-3

I strongly urge careful consideration of how proposed changes may affect long-standing recreational use of the Berkeley Marina. Preserving access and usability for the existing community should remain a priority in any development plans.

I also want to clarify some misused/misinterpreted terminology- this is US Boating Definition of the term PWC which is used extensively all over the USA and abroad -

A PWC (Personal Watercraft) is a small, jet-propelled motorboat designed for individuals to sit, stand, or kneel on rather than inside, such as jet skis or wet bikes. It is primarily used for recreation, fishing, or watersports. P27-4

Usage Examples & Synonyms of PWC (Personal Watercraft)

- Synonyms: Jet ski (brand name commonly used), wet bike, water scooter, jet bike.
- Usage Contexts: Recreational riding, racing, rental for tourists, towing skiers, and specialized fishing.
- Key Features: Operated on the water, inboard engine, usually under 16 feet, restricted to daytime use in many regions.

P27-4

Thank you for your time and consideration,

Avid Watersports Enthusiast & Bay Area Native,

Kathryn Fisher

Letter P27

Commenter: Kathryn Fisher

Date: March 17, 2026

Response to Comment P27-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P27-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P27-3

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to parking, in-car viewing spaces, and views from Seawall Drive. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P27-4

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion related to the definition of personal watercraft. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P28

From: David Spragg <dave@spragg.com>
Sent: Tuesday, March 17, 2026 9:52 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Public comments - Berkeley Ferry Draft Environmental Impact Report

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Liza McNulty, PE, Project Manager Parks,

I'm an area wing foiler (think surfboard with a hydrofoil on it and a sail in your hands) and have been using the area in front of the closed restaurant (Lordships) and the dock to launch with my family for the past three years. Sometimes we launch off the point in front of the abandoned restaurant due to lower tides making the dock unusable. The whole area is a great place to get a little break from the bustle and some exercise. We love to come over and enjoy and then grab dinner while the traffic dies down. P28-1

It's an important resource to access the water for us and we would love to see a plan that allows us to still park near the water at the closed restaurant with heavy gear and to get out on the water as well as at the docs. P28-2

Best,
Dave Spragg
davelist@spragg.com

Letter P28

Commenter: David Spragg

Date: March 17, 2026

Response to Comment P28-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P28-2

With respect to water access for recreationists carrying equipment, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which explains how shoreline and equipment-dependent access points are considered in the baseline and how such access would be maintained. In addition, refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* regarding parking and its role in the CEQA process, and regarding existing regulatory conditions that guide use of specific areas of the Marina for safety purposes.

Accordingly, the Draft EIR demonstrates that the project would continue to accommodate both recreational users and ferry patrons through maintained parking supply and improved multimodal access, and would not result in a significant impact to recreational access under CEQA.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Letter P29

From: John Bosche <jvblvb@gmail.com>
Sent: Tuesday, March 17, 2026 9:54 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Public Comment: WETA Ferry Terminal Draft Environmental Impact Report

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Whom It May Concern:

I am submitting this comment in response to the WETA Ferry Terminal Draft Environmental Impact Report (DEIR). The DEIR's dismissal of recreational impacts—particularly those affecting wind-powered water sports such as windsurfing, winging, kiteboarding, and paddling—is based on a misinterpretation of Berkeley Municipal Code § 6.20.180, a misunderstanding of the ordinance's legislative history, and a disregard for decades of established public use of the Berkeley waterfront. I have **personally** been using these waters for windsurfing and winging for over 40 years. The San Francisco bay is one of the premier locations for these sports in the world and it is imperative that public access is maintained for these sports. P29-1 P29-2 P29-3

The code clearly prohibits swimming and windsurfing only within the marina, and explicitly allows windsurfing in the South Sailing Basin; it does not regulate the open waters of the Bay west of the Berkeley Pier. The City's attempt to extend this prohibition by reinterpreting the term "personal watercraft" to include windsurfing, kiteboarding, kayaking, stand-up paddling, foiling, and winging is legally indefensible. The 1,500-foot "personal watercraft" provision was adopted in 2001 to address jet-ski use following litigation over municipal jet-ski bans, not to regulate human-powered or wind-powered recreation. At the time, foiling and winging did not exist, stand-up paddling was not mainstream, and windsurfing had already been occurring in these waters for decades. Under basic principles of statutory construction, different terms in an ordinance must be given different meanings; because the ordinance explicitly names windsurfing in one subsection, the City cannot credibly claim that "personal watercraft" was intended to include it. The City's reinterpretation contradicts more than forty years of continuous, well-documented public use of the open Bay for wind-powered sports, and appears designed to avoid CEQA's requirement to analyze the impacts of the proposed breakwater and marina basin expansion on existing recreational resources. CEQA does not permit agencies to redefine existing conditions to avoid acknowledging impacts. Furthermore, Article X, Section 4 of the California Constitution guarantees public access to navigable waters and prohibits exclusion of the public from such waters when needed for public purposes. The City's interpretation would create a de facto exclusion zone in navigable state waters, undermining constitutionally protected access rights. For these reasons, the DEIR must correct its misinterpretation of the Marina Code, acknowledge the long-standing recreational use of the open Bay by wind-powered and human-powered water sports, and fully analyze the impacts of the proposed structures on these activities as CEQA requires. P29-4 P29-5 P29-6 P29-7 P29-8 P29-9

Wind-powered water sports are a defining and legally protected component of the Berkeley waterfront, and the environmental review must reflect that reality. P29-10

Respectfully submitted,

John Bosche

John Bosche
5 Scenic Ave.
Piedmont, CA 94611
(510) 387-8733
jvblvb@gmail.com

Letter P29

Commenter: John Bosche

Date: March 17, 2026

Response to Comment P29-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P29-2

Refer to Response to Comment P25-2.

The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-3

The analysis in the Draft EIR demonstrates that recreational access would be maintained and enhanced through project implementation (see Section 3.9, Impact LU-2 and Section 3.11, Impact REC-1). Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* for further clarification on how recreational water access would be maintained under project implementation and refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion of the existing City regulations that govern existing recreational activities at the Waterfront.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, and in related sections of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-4

Refer to Response to Comment P25-2. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-5

Refer to Response to Comment P25-3. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-6

Refer to Response to Comment P25-4. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-7

Refer to Response to Comment P25-6. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-8

Refer to Response to Comment P25-6. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-9

Refer to Response to Comment P25-7. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P29-10

Refer to Response to Comment P25-8. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P30

From: Erin Diehm <erindiehm@hotmail.com>
Sent: Wednesday, March 18, 2026 5:03 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Issues with 2003 WTA Program EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza,

I have been having a very hard time parsing the 2003 Program EIR. After struggling for several days on this important document I finally understand why. The pages are in the wrong order, with sections and subsections in reverse order. Moreover, the actual ordering of pages does not agree with the order listed in the Table of Contents. This reversed order of pages makes it impossible to efficiently read this important document, especially for members of the public, like myself, who are reading it for the first time.

Below is a summary of the actual page order of the DEIR currently posted on the COB Pier-Ferry webpage. Sections and subsections are in reverse order, making it virtually imposible to read the document.
(NB: Numbers in parens at the beginning of each bullet point refer to the actual page number, e.g, page # of 910 total)

The main document:

- (1) Title Page
- (2-9) Table of Contents
- (10 to 605) Sections 6 through 1 – **NOTE: Sections and Subsections presented with the reverse ordering**
- (606) Section 7 - Acronyms and Technical Terms

P30-1

The following important sections are included at the end of the document but not included in the Table of Contents or easily identified:

- (610) Technical Appendices
- (774) Executive Summary (including Table of Impacts and Mitigation Measures)
- (804) Eratta for the Final EIR and Public Comments and Responses
- (830) Statement of Overriding Consideration
- (880) Mitigation Monitoring Plan

Given the enormous amount of documentation we in the public are trying to review the misordering of the 2003 WTA Program EIR pages is a real hindrance.

Moreover, I cannot find a readable copy of this document on the SF Bay Ferry webpage. It took me quite a while to navigate to the specific page where I believe the 2003 WTA Program EIR should be located. I believe it should be on the "Our History" page (https://sanfranciscobayferry.com/our-history/) . Scroll down and click on "2003" in the timeline graphic. You should now see a page that has two identical paragraphs with the header "WTA Adopts Implementation and Operations Plan" followed by the text that includes a hyperlink to the desired 2003 EIR: P30-1

"WTA developed an Implementation and Operations Plan (IOP) and companion programmatic Environmental Impact Report...."

Unfortunately, clicking the hyperlink above, for the "Implementation and Operations Plan...", seems to be broken and takes the user to a generic "About Us" page. See attached screenshots

Finally, and perhaps most importantly, the current Berkeley Water Transportation Pier Ferry Project Draft EIR relies on the 2003 WTA Program EIR as a basis for tiering many documents of concern to me, especially those associated with conditions for birds, marine animals and vegetation in the Bay. Since the project disturbs habitat, and since recent studies have found declines in species of waterbirds regionally and beyond, and since there's an increased presence of gray whales in the Bay, and since the 2003 Program EIR is now over 20 years old, it is essential that the City also review whether or not there are changed circumstances that might require updating to disclose impacts that may no longer be insignificant or adequately mitigated. P30-2

In summary, the inability to access the 2003 WTA Program EIR on the SF Bay Ferry webpage because of the apparent broken link, and the manner in which the version is available on the COB Pier-Ferry webpage, with pages reversed and innacurately displayed, makes it impossible for the public to review this document in the alloted time.

I, therefore, respectfully request that the 2003 document be updated as quickly as possible, to correct the reversed page ordering so that it sequentially correct and agrees with the page ordering listed in the Table of Contents. In addition, since it has taken more than two weeks for this oversight to be identified, I respectfully request that the final date to submit public comment on the Berkeley Water Transportation Pier Ferry Project Draft EIR be extended by at least the amount of time it will take to update and correct the 2003 document. P30-3

Thank you for your assistance. I look forward to your response.

Respectfully,
Erin Diehm

From: Erin Diehm <erindiehm@hotmail.com>
Sent: Wednesday, March 18, 2026 11:09 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Issues with 2003 WTA Program EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza,

To clarify the final request in my prior email - since the 2003 Program EIR has been posted with problematic reversed page order for more than two weeks, I request that a compensatory extension be given to the public representing half of the number of days that will have passed from February 27 to the updated posting. For example, if the corrected 2003 document is posted this coming Monday March 23, that is 25 days after February 27. Half of 25 is approximately 13 which would push the due date roughtly 13 days later, or, from April 13 to approximately April 27.

P30-3

Thank you for your assistance.

Respectfully,
Erin Diehm

Letter P30

Commenter: Erin Diehm

Date: March 18, 2026

Response to Comment P30-1

The City acknowledges that the version of the 2003 WETA EIR initially posted to the project website on February 27, 2026, contained the complete document but was not organized in the intended sequential order. After the issue was brought to the City's attention, the document was corrected and re-posted in proper order on the project website. The corrected version is available at the following link: https://berkeleyca.gov/sites/default/files/2026-02/WETA-Program-EIR-2003.pdf.

Additionally, in response to concerns regarding public review of the document, the City also extended the Draft EIR public review period. As shown in the revised Notice of Availability, the original 45-day public review period ending on April 13, 2026, was extended to a 60-day public review period ending on April 28, 2026.[47]

The City therefore provided the public with additional time to review and comment on the Draft EIR and the documents incorporated by reference. No further response is required.

Response to Comment P30-2

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. Refer to Section 2.2.28, *Topical Response: Whale Strike* for a discussion specific to whale strikes.

Response to Comment P30-3

Regarding the request that the 2003 WETA EIR be re-uploaded so that the page order is reformatted, please refer to Response to Comment P30-1.

The City acknowledged this request for an extension of the Draft EIR comment deadline. The comment period was originally scheduled for 45 days, from February 27, 2026, to April 13, 2026. On April 1, 2026, the City extended the comment period by 15 days, thereby ending on April 28, 2026. No further response is required.

[47] Berkeley, City of. 2026. Updated Notice of Availability of a Draft EIR and Notice of Draft EIR Public Meeting for the Proposed Berkeley Water Transportation Pier Ferry. https://berkeleyca.gov/sites/default/files/2026-02/Pier-Ferry-Project-EIR-Notice-of-Availability.pdf (accessed July 2026).

Letter P31

From: Claudia Kawczynska <claudia94710@gmail.com>
Sent: Wednesday, March 18, 2026 12:05 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: 3/16 meeting recording

Thanks for the greeting! But a transcript will be much too late if only published with the Final EIR, sadly.
Claudia
Claudia Kawczynska
2810 8th St. | Berkeley, CA 94710 | 510.821.0044

On Wed, Mar 18, 2026 at 8:50 AM McNulty, Liza <lmcnulty@berkeleyca.gov> wrote:
Hi Claudia,

Happy Birthday!

The meeting was not recorded. A transcript of the meeting was taken and will be published with the Final EIR.

Best,

P31-1

Liza McNulty, PE
Capital Improvement Program Manager
City of Berkeley Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
(510) 542-4131 (cell)

From: Claudia Kawczynska <claudia94710@gmail.com>
Sent: Wednesday, March 18, 2026 6:58 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: 3/16 meeting recording

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

HI Liza
I was sorry to miss the 3/16 EIR meeting (it was actually my 80th birthday so bad timing for me) but was a recording made of it? Hopefully so, a link would be appreciated.
Thanks
Claudia
Claudia Kawczynska
2810 8th St. | Berkeley, CA 94710 | 510.821.0044

Letter P31

Commenter: Claudia Kawczynska

Date: March 18, 2026

Response to Comment P31-1

The City responded directly to this commenter and indicated that a transcript of the public meeting will be published with the Final EIR, to which the commenter replied that it would be too late if published in the Final EIR. CEQA requires that a lead agency provides public notice and an opportunity for public review and comment on a Draft EIR (per CEQA Guidelines Sections 15087 and 15105). Public meetings or hearings may be held to facilitate public participation; however, CEQA does not require that a public meeting be held or that transcripts of such meetings be published in advance of a Final EIR. Consistent with CEQA, the lead agency has provided a copy of all timely submitted comments and a response to each in this Final EIR. To the extent oral comments were provided at public meetings, those comments have been considered in the preparation of responses. No further response is required.

Letter P32

From: Igor Serebryany <igor47@moomers.org>
Sent: Wednesday, March 18, 2026 11:55 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>; All Council <council@berkeleyca.gov>
Subject: Public Comment in Support: Berkeley Water Transportation Pier Ferry Project Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty and Members of the Berkeley City Council,

I am writing to express my strong support for the Berkeley Water Transportation Pier Ferry Project.

As a frequent visitor to the Berkeley Marina — where I walk my dog regularly and sail out of Modern Sailing Berkeley — I have a deep appreciation for the waterfront and a personal stake in its future. The revitalization work at the marina over the past several years has been a tremendous success, and this project feels like the natural next step. P32-1

The existing pier is a genuine eyesore and, from a sailor's perspective, a navigational hazard. Replacing it with a modern, dual-purpose structure that restores public access and adds zero-emission ferry service to San Francisco would be a tremendous improvement for the waterfront and for the region's transportation network.

I also want to address the parking and access fee concerns that have been raised during this process. As a regular user of the marina, I am happy to pay reasonable usage or parking fees, and would welcome a frequent-visitor pass option. Modest fees that support world-class waterfront infrastructure seem like a fair trade. P32-2

I encourage the City and WETA to move this project forward. Please include this letter in the public record for the Draft EIR. P32-3

Thank you for your work on this project.

Igor Serebryany
1505 Milvia St.

Letter P32

Commenter: Igor Serebryany

Date: March 18, 2026

Response to Comment P32-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P32-2

The comment does not identify a deficiency in the Draft EIR analysis, significance conclusions, or mitigation measures. Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of parking fees and parking management. The implementation of parking fees or access fees is an operational and policy matter and is not a physical environmental impact subject to analysis under CEQA. The comment is noted and has been included in the project record considered by City decision makers. No further response or revisions to the Draft EIR are required.

Response to Comment P32-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P33

From: David Fox <david@davidfox.com>
Sent: Friday, March 20, 2026 7:09 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: re: berkeley-pier-ferry-access-project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Attn: **Liza McNulty, PE – Project Manager**
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704

re: https://berkeleyca.gov/your-government/our-work/capital-projects/berkeley-pier-ferry-access-project

The DEIR's dismissal of recreational impacts—particularly those affecting wind-powered water sports such as windsurfing winging kiteboarding and paddling—is based on a misinterpretation of Berkeley Municipal Code § 6.20.180 and a disregard for decades of established public use of the Berkeley waterfront. The ordinance does not regulate the open Bay west of the Berkeley Pier and the City's attempt to redefine "personal watercraft" to include human-powered and wind-powered recreation is inconsistent with its legislative history. CEQA requires an accurate baseline and a full analysis of impacts to existing recreational resources. The DEIR must correct these errors and acknowledge the long-standing legally protected recreational use of these waters. P33-1 P33-2 P33-3

On a personal note, this location is a much appreciated - and most importantly SAFE - location for wind sports. Limiting access may lead to unprepared riders venturing out from locations like Treasure Island and Crissy Fied, putting them in danger in challenging bay conditions. P33-4

Regards,
David Fox
415-264-2170
https://www.linkedin.com/in/davidfox

Letter P33

Commenter: David Fox

Date: March 20, 2026

Response to Comment P33-1

Refer to Response to Comment P26-2. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P33-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* for a discussion of potential project impacts on recreational water access, and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion of City regulations governing water-based recreational activities.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P33-3

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* for discussion of the adequacy of the environmental baseline considered in the Draft EIR. For discussion of recreational water access under project implementation, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for further information regarding the role of BMC Section 6.20.180 in the assessment of recreational water access impacts.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P33-4

This comment is a summary of earlier comments, expressing concern about Berkeley Municipal Code Section 6.20.180.

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* which explains that the City is not banning water-based recreation near the pier as part of the proposed project. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P34

From: Jim McGrath <macmcgrath@comcast.net>
Sent: Monday, March 23, 2026 8:17 AM
To: Tomerlin <ashley.tomerlin@bcdc.ca.gov>
Cc: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Recreational use March 22

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I took these pictures from Shorebird Park yesterday around 2:00. You can see that there is no wind. There were probably at least 200 people in that park and Adventure Playground. Nearly all parking spaces in South Cove East lot were occupied. And you can see that the lot at Seawall is heavily parked.

Consider these comments about existing recreational use on the EIR. The EIR does not include a quantitative baseline of such use.



P34-1





P34-1





P34-1



P34-1

Sent from my iPad

Letter P34

Commenter: Jim McGrath

Date: March 23, 2026

Response to Comment P34-1

With respect to parking, refer to Section 2.2.20, *Topical Response: Parking*.

The Draft EIR provides an appropriate characterization of existing recreational use and access conditions, supported by both qualitative description and quantitative transportation analysis. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Letter P35

From: Nico Tripcevich <ntripcevich@gmail.com>
Sent: Wednesday, March 25, 2026 10:18 AM
To: Lindsay.Martien@bcdc.ca.gov
Cc: Ewing, Lesley@BCDC <Lesley.Ewing@bcdc.ca.gov>; Ilsley, Olivia@BCDC <Olivia.Ilsley@bcdc.ca.gov>; Wong, Makena@BCDC <makena.wong@bcdc.ca.gov>; Pan, Katharine@BCDC <katharine.pan@bcdc.ca.gov>; Tomerlin, Ashley@BCDC <ashley.tomerlin@bcdc.ca.gov>; Ross, Harriet@BCDC <harriet.ross@bcdc.ca.gov>; McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Fw: Berkeley ferry response

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Lindsay, Thanks. I fixed a couple of typos in the text below so please use this later version.
I intended it as a public comment for the DEIR for city but it is relevant and important material for the upcoming May meetings of BCDC 's design review board and the engineering criteria review board on the WETA ferry/pier project in Berkeley, and so I'd like it included as a BCDC public comment and input into those meetings at BCDC. Please add me to the mailing list. Best regards, Nico

P35-1

On Wed, Mar 25, 2026 at 9:46 AM Martien, Lindsay@BCDC <Lindsay.Martien@bcdc.ca.gov> wrote:
Hi Nico,

Thank you for your public comment. Can you please clarify whether your comment is for our information (BCDC staff), or whether it is intended as public comment for the BCDC Commission or one of the Boards? Or is this a comment for the City on the Draft EIR?

Additionally, would you like to be added to the Interested Parties list to receive email communications for this project? I am not currently seeing your email on our spreadsheet.

Best,
Lindsay

Lindsay Martien
San Francisco Bay Conservation and Development Commission
Principal Shoreline Development Analyst
Direct: (415) 352-3635 | lindsay.martien@bcdc.ca.gov

From: Nico Tripcevich <ntripcevich@gmail.com>
Sent: Tuesday, March 24, 2026 4:31:26 PM
To: lmcnulty@berkeleyca.gov <lmcnulty@berkeleyca.gov>; Tomerlin, Ashley@BCDC <ashley.tomerlin@bcdc.ca.gov>; Ewing, Lesley@BCDC <Lesley.Ewing@bcdc.ca.gov>; Ross,

Harriet@BCDC <harriet.ross@bcdc.ca.gov>
Subject: Berkeley ferry response

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Hello thanks for the opportunity to provide feedback on the Berkeley ferry plan. P35-2
As a Berkeley resident and wind-sports practitioner I am concerned about the following:
1. The ferry commuter parking will cause parking problems for long-standing recreation uses of the marina area. P35-3
2. We will spend a great deal of money subsidizing a ferry based on estimated usage when other similar projects got much lower ridership than anticipated. Here's a sobering story: P35-4
When the BART connector to the airport was first conceived it replaced a very efficient shuttle bus--and probably saved about ten minutes. It was forecast to carry 10,000 passengers as the boosters believed traffic at the Airport would increase from 12 million annual passengers to 20 million annual passengers. It cost $500 million to build, costs about $6 million a year to maintain (not including opportunity cost or capital accumulation for replacement) and serves in the low hundreds of passengers. The most recent annual air traffic through OAK was 9.3 million passengers.
I agree that the backup/redundancy of a ferry is a good idea, as we saw after the 1989 earthquake, but there are other important bay transportation options that are overdue including a bike lane across the entire bridge and a second BART tube. P35-5

3. Please clarify in the Final EIR where the wind-sports, kayaks, and other small craft will be permitted to go. The area off of His Lordships is an excellent launch and a very popular spot during the summer windy season. Proficient sailors fly several miles west towards Treasure Island and surf swells back towards Berkeley. Your Draft EIR has big red boxes around the proposed Ferry Terminal pier and the southern box west of His Lordships overlaps with the prime wind sports area. P35-6

4. Finally, in consulting with a friend in the Coast Guard he writes: *it is already against the regulations for a vessel less than 20 Meters (wing sport vessels) to impede the passage of a vessel that can only navigate safely within a channel or fairway (Nav Rules, Rule 9). There is no need for a localized "buffer." USCG Nav Rules protects the ferry in many situations*. P35-7

Other ferry terminals around the Bay such as Richmond (near the Rosie the Riveter museum) do not have a specific closure adjacent the ferry despite being right next to an extremely popular sailing spot at Marina Bay. Wind users just stay out of the way of the ferry so there is no need for the city to add additional prohibitions. P35-8

If we're to invest in a ferry at this point my vote is to put the ferry inside the marina where other craft already moor and not interfere with existing uses.
Thank you

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Letter P35

Commenter: Nico Tripcevich

Date: March 25, 2026

Response to Comment P35-1

The City has added the commenter's contact information to the project notification list and would provide future notices via email in accordance with CEQA and City procedures. No further response is required.

Response to Comment P35-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P35-3

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding the role of parking under CEQA. The Draft EIR evaluates potential effects on recreational access, recreational facility use, transportation, and plan consistency. As discussed in Sections 3.9, *Land Use and Planning* (Impact LU-2), 3.11, *Recreation* (Impact REC-1), and 3.12, *Transportation* (Impact TRA-2), the Draft EIR concludes that project implementation would not result in physical deterioration of recreational facilities, would maintain recreational access, and would not result in significant parking-related environmental impacts. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P35-4

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P35-5

This comment raises policy considerations regarding regional transportation planning and funding priorities that are beyond the scope of the proposed project and this Draft EIR. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P35-6

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which provides clarification regarding how recreational water access would be maintained with project implementation; and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* regarding location of watersports and the ferry route.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P35-7

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a discussion related to the definition of personal watercraft. The analysis, significance conclusions, and mitigation

measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P35-8

The “closure adjacent the ferry” appears to reference an earlier comment about buffer zones excluding recreational activities around the pier. Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*.

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The analysis and conclusions presented in Chapter 5, *Alternatives*, of the Draft EIR remain valid as written. No further revisions to the EIR are necessary.

Letter P36

From: James McGrath <macmcgrath@comcast.net>
Sent: Friday, March 27, 2026 11:27 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Tomerlin, Ashley@BCDC <ashley.tomerlin@bcdc.ca.gov>
Subject: comments on draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Attached is a comment letter and 4 other attachments cited in the letter. I anticipate submitting an additional letter once I have been able to absorb the content of the 2001 Final EIR by WTA

Jim McGrath

Jim McGrath
2301 Russell Street
Berkeley, CA
March 27, 2026

Liza McNulty
Cit of Berkeley
2180 Milvia
Berkeley, CA 94704

Subject: Comments on Berkeley Water Transportation Pier Ferry Project draft EIR

Dear Ms. McNulty:

INTRODUCTION

On January 20, 1967, the Bay Conservation and Development Commission issued a permit to the City of Berkeley to dredge 40,000 cubic yards of material to fill 4.6 acres of open Bay in order to create land for a marina, a restaurant, a public beach, a park area, a relocated University of California sailing facility, and the parking to support those uses. That permit was approved in a public hearing on January 5, 1967, with support from Sylvia McLaughlin because it would implement the city's plan and its commitment that "..Berkeley's portion of the shoreline of the Bay should be **reserved exclusively for public recreation** and related public use." P36-1

Now the City of Berkeley proposes to break that commitment to public recreation and eliminate most of the existing public parking spaces and devote the land in question to a ferry terminal for commuters. We are expected to accept on faith that a ferry terminal that can easily accommodate 1600 passengers will work fine with 399 parking spaces—and look the other way when those parking spaces are made unavailable to those who now use them. But we have seen how Berkeley has artificially restricted recreational parking by P36-2 P36-3

locking the Seawall lot without a BCDC permit, by approving small ferry operations without coordinating with BCDC or considering Bay Plan policies, and by relocating the Parking Bureau, a non-trust use, into the marina. Those policies restricted the amount of parking so that recreational users were turned away, and the city failed to enforce the parking management promises they made to BCDC. This EIR does not evaluate whether there will be enough parking for a new ferry terminal, or what the impact would be on recreational uses. Instead, the city argues that despite this history and the promises the city made, and Bay Plan policies that protect recreational access, CEQA does not require them to address parking. With such analysis not available in the EIR, the city then blithely concludes that any impact on recreation would not be significant. The rationale and analysis behind that conclusion is inadequate, as I will explain in detail in the following comments.

P36-3

P36-4

CONFLICTS WITH ADOPTED PLAN POLICIES

Consistency with adopted plans is discussed in EIR Section 3.9, Land Use Planning

Under the California Environmental Quality Act, an EIR is required to discuss any inconsistencies between the proposed project and the applicable plans of regional agencies. (Section 15125(d) of the CEQA Guidelines.) Where a local or regional policy of general applicability, such as an ordinance, is adopted in order to avoid or mitigate environmental effects, a conflict with that policy indicates a potentially significant impact on the environment. (*Pocket Protectors v. Sacramento* (2005) 124 Cal.App.4th 903.) Any inconsistencies between a proposed project and applicable plans must be discussed in an EIR. (14 CCR § 15125(d); *City of Long Beach v. Los Angeles Unif. School Dist*. (2009) 176 Cal. App. 4th 889, 918; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal. App. 4th 859, 874 (EIR inadequate when Lead Agency failed to identify relationship of project to relevant local plans).) A Project's inconsistencies with local plans and policies constitute significant impacts under CEQA. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 783-4, 32 Cal.Rptr.3d 177). Particular emphasis in the Guidelines is given to agencies—like BCDC—that are responsible for protection of San Francisco Bay and access to and along the Bay.

P36-5

The draft EIR cherry-picks policies within BCDC's Bay Plan, as well as policies in the City's own "Berkeley Marina Master Plan" (June 1, 2003), eliding any policy in those plans that does not support their view of the project. Instead of discussing the inconsistencies, the EIR ignores them, and without discussion or analysis concludes that there are no such inconsistencies. This approach is inadequate and requires a revised Draft EIR to disclose all inconsistencies between the proposed project and applicable plans and policies.

P36-6

RELEVANT BERKELEY PLANS, LAND USE DESIGNATIONS, AND POLICIES

P36-7

There are two directly applicable Berkeley plans, the Marina Master Plan cited above, and Measure L, passed as a citizen initiative in 1986. Rather than enumerate and analyze specific policies within those plans that appear to conflict with the proposed project, the EIR pivots to very general language in the city's General Plan. But that plan does not designate this site, or indeed any site in the marina for a ferry terminal, while the Marina Master Plan designates this site for access improvements and open space. (Figures 2.0 and 12.0) Berkeley has stalled its efforts to complete a revision to the Waterfront Planning Documents. This leaves in place the Berkeley Marina Master Plan (BMMP), dated June 1, 2003.

P36-7

P36-8

In both adopted policies and in land use designations, there are fundamental conflicts between the Berkeley Marina Master Plan (BMMP) and the project contemplated in the EIR. Most of these can be seen by reviewing the adopted map, Figure 2.0. Those conflicts include:

P36-9

- The only ferry site considered in the plan is located within the marina, and the plan adopts policies to make that site seismically safe.
- The site now proposed for a ferry terminal and ferry parking is designated for other recreational uses, including enhanced windsurfing access. An illustration of that concept is provided in Figure 12, that shows head in parking for public viewing, improvements to the windsurfing launch and staging area, and open space at the water's edge. The proposed project conflicts with this plan by eliminating much of the open space on the peninsula, not increasing it, eliminating the staging area for windsurfing, and eliminating most of the parking places that are currently used for fishing access and viewing the Bay. The EIR does not discuss any of these conflicts.
  The project entails removal of much of the green area and landscaping that now exists, including 40 trees (or perhaps 39; both numbers are provided) and makes no quantitative assessment of the impact on open space.

P36-10

P36-11

Among the other important BMMP policies elided from the EIR are:

P36-12

- Enhance open space and recreational opportunities
- Enhance and protect wildlife habitat
- Address the future viability of the Marina
- Protect scenic view and view corridors
- Increase green space
- Upgrade the Ferry Pier to comply with seismic regulations
- **Enhance Windsurfer Activities at the point immediately to the west of H's Lordships Restaurant. Includes a reference to staging areas**

P36-13

P36-14

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P36-18

The EIR concludes that providing a much shorter recreational pier, bikeway and plaza will enhance recreation. But this is simply provided as a conclusion, without any discussion of

P36-19

how the project might impact existing recreation. As we point out repeatedly, currently over 600,000 people visited this recreational area in the year that ended in May 2024. The EIR lacks any quantitative discussion of changes in green space or impacts to that recreation—while proposing to remove many of the scenic view parking spaces protected in the BMMP. Since the BMMP included discussion of a ferry terminal site within the marina, it cannot be said that this new location in the open Bay is consistent with that plan.

P36-19
P36-20
P36-21

The EIR doesn't merely ignore the need to address the fiscal viability of the marina, it avoids any discussion of the cost of the project or who would pay. Currently, the marina needs more than $100 million in repairs just to address existing problems. Many of those are within the commercial area of the marina, which provides about 2/3 of the revenue for the marina fund. Cost information that I obtained only through Public Records Act requests shows that the proposed project would cost about $170 million. No firm sources of revenue for those costs have been identified, but it appears that the city's share would be more than $30 million. Since there would be no direct revenue from the project, it is impossible to understand how making this site into a commuter terminal would address the future viability of the marina. It seems clear that it would divert funds, and land areas, that could be used to repair assets that generate the revenue needed to maintain the marina.

P36-22
P36-23
P36-24

As with the lack of discussion on the policies in the BMMP, the discussion of the 1986 Measure L is cursory and conclusory, without presenting the policy or discussing the provisions. Measure L was adopted by Berkeley voters on November 3, 1986. It is included in the city's laws as ORDINANCE NO. 5785-N.S. and titled THE BERKELEY PUBLIC PARKS AND OPEN SPACE PRESERVATION ORDINANCE. The specific provisions that are relevant to consideration in this part of an EIR include:

P36-25

> Section 1. **VOTER AUTHORIZATION PROCEDURE.**
>
> That **no** public parks (hereinafter defined) or **public open space** (hereinafter defined) owned or controlled or leased by the City of Berkeley or agency thereof, **shall be used for any other purpose** than public parks and open space, **without The Berkeley City Council first having submitted such use to the citizens for approval by a majority of registered Berkeley voters voting at the next general election**.
>
> Section 2. **FUNDING LEVELS TO ALLOW FULL USE**
>
> 2(a): That wherever public parks and open space currently exist in Berkeley, such use shall continue and be funded at least to allow the maintenance of the present condition and services. (b) **That all undedicated or unimproved open space owned or controlled by the City of Berkeley (including land held by the City in trust) shall be retained and funded by the Berkeley**

P36-26
P36-27
P36-28

P36-28

City Council to enable public recreational use of those lands. (c) That those census tracts containing less that the Master Plan provision of two acres of parks and open space per 1,000 population shall be singled out as having a high priority for funding the acquisition, development and maintenance of parks and recreational facilities.

P36-29

Section 3. **DEFINITIONS**

3(a): Public parks shall be defined as City of Berkeley parks, public school playgrounds or lands held in trust by a public entity, which have been formally dedicated to permanent recreational use by the City of Berkeley, and funded for recreational use by City of Berkeley public funds.

P36-30

3(b): **Public open space shall be defined as all City of Berkeley parks, public school playgrounds, and vacant public land, whether dedicated formally to park use or being used de facto as open space with recreational use or potential use on or after January 1, 1985**.

P36-31

This area clearly meets the definition of open space as it has been used for various recreational purposes since it was filled in about 1970. The EIR does not discuss the Measure in any detail or provide any quantitative analysis or discussion. Instead, the EIR claims that this area, designated a shoreline park in BCDC's Bay Plan and including landscaped areas of open space, is not open space. The EIR leaps to this conclusion:

P36-32

> Even if the improvements were located on public parks or open space as defined by Measure L, they would be Measure L compliant because they do not change the use or purpose of these areas but rather maintain their recreational nature and in fact enhance recreational opportunities there.

P36-33

The EIR is for a project that will regrade this area, filled to create a recreational area, eliminating trees, berms, and public parking spaces where people access the Bay and enjoy the view, to create additional space that will then be privatized for ferry or restaurant use. This will reduce open space and eliminate the parking now used for recreational access to the Bay and access to Shorebird Park. The EIR in essence argues that despite city policies which protect these uses, parking lies outside the scope of CEQA. A cursory discussion of city policies that argue that obvious open space is not really open space is fundamentally inadequate.

P36-34

P36-35

Pursuant to Section 1 of Measure L, the project must be presented to the voters for the city to comply with Measure L. Obviously, a city must comply with its own regulations. (*Pacifica Corp. v. City of Camarillo* (1983) 149 Cal.App.3d 168, 180-181.) Also, the city may not approve the project due to its conflict with Measure L. Under CEQA a city may not approve a project with significant unavoidable imposed unless it is "otherwise permissible under applicable laws and regulations." (CEQA §21002.1(c).) Since the project conflicts with Measure L, the city may not approve the project pursuant to CEQA.

P36-36

RELEVANT BCDC POLICIES

As I pointed out in my scoping comments of May 16, 2025, Section 15125(d) of the CEQA Guidelines requires discussion of inconsistencies between a proposed project and regional plans. There are multiple Bay Plan policies that govern any proposal to alter the peninsula of land filled in about 1967. Those policies establish protection for recreational uses, and a standard for consideration of a project like a ferry terminal. This site is unique; it was approved in the early days of the BCDC program to create a **permanent** recreational area, including parking to support those recreational uses. BCDC continues to have permit authority over the area, and its policies have more weight than normal EIR considerations of consistency with agency plans. The approach in the EIR cherry picks among BCDC's policies. For recreational access, which is protected by Bay Plan Policies, the EIR only considers policies 7 and 9, and limits analysis with a claim that an EIR need not consider parking, even if Local Plans require protection of recreational parking as an essential resource. The relevant Bay Plan policies include:

P36-37

P36-38

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P36-41

Plan Map 4 includes the following guidance:

> Berkeley Waterfront - Cesar Chavez Park - Preserve marina, beach, small boat launch, windsurfing access, fishing pier, interpretive center and multi-use trails**. Possible ferry terminal. Allow if compatible with park and marina use**... (emphasis added)

P36-42

Recreation Policy 3(a)(6) states:

> **Sites, features or facilities within designated waterfront parks that provide optimal conditions for specific water-oriented recreational uses should be preserved and, where appropriate, enhanced for those uses**, consistent with natural and cultural resource preservation. (emphasis added)

P36-43

Recreation Policy 3(a)(7) states:

> Access to marinas, launch ramps, beaches, fishing piers, and other recreational facilities should be clearly posted with signs and **easily available from parking reserved for the public (**emphasis added)

P36-44

Recreation Policy 3(b)(4) states:

> marinas should include public amenities, **such as viewing areas**, restrooms, public mooring docks or floats and moorages for transient recreational boaters**, nonmotorized small boat launching facilities, public parking** (emphasis added)

P36-45

Recreation Policy 3(e)(3) states:

> **Sufficient, convenient parking** that accommodates expected **use should be provided** at sites improved for launching non-motorized small boats. (emphasis added)

P36-46

Finally, Recreational Policy 9 provides:

> Ferry terminals may be allowed in waterfront park priority use areas and marinas and near fishing piers and launching lanes**, provided the development and operations of the ferry facilities do not interfere with current or future park and recreational uses,** and navigational safety can be assured. Terminal configuration and operation should not disrupt continuous shoreline access. **Facilities provided for park and marina patrons, such as parking, should not be usurped by ferry patrons**. Shared parking arrangements should be provided to minimize the amount of shoreline area needed for parking. (emphasis added)

P36-47

While these policies emphasize protection of windsurfing and other non-motorizing boat access opportunities, the plain language of the policies protect all current recreational uses and require consideration of future recreational needs. Yet the draft EIR does not provide the required discussion or consider mitigation measures that would resolve these inconsistencies.

P36-48

THE CITY HAS REFUSED TO DOCUMENT EXISTING RECREATIONAL USES OR CONSIDER FUTURE RECREATIONAL NEEDS

Stakeholders representing the existing recreational users have documented current recreational uses. Specifically, we obtained a report from Placer AI using cell phone data to document visitation to the marina for the period from June 1, 2024, through May 31, 2025. Excluding the commercial areas, that report showed more than 600,000 annual visits—more than 1800 a day. It further showed a peak use of more than 4,000 visitors during summer months. A copy of a page of data from that report is attached.

P36-49

BCDC echoed our scoping comments that the planning effort needed to document existing recreational uses with this comment:

> **The EIR should document the recreational uses** of the Bay and shoreline in and around the Project site, identify the service area and service population for the recreational facilities serving those uses...

P36-50

Despite that comment, Berkeley has made no effort to document the current recreational uses and incorporate them into a baseline that could be used to evaluate the project's impacts. Existing uses are protected; therefore, a baseline of existing recreational use is essential to analyze consistency with the relevant Bay Plan policies. P36-51

Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. (*Communities for a Better Environment v. So Coast Air Qual. Mgmnt. Dist*. (2010) 48 Cal. 4th 310, 321.) Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency's environmental review under CEQA:

> "...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis] is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." P36-52

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125.) As the court of appeal has explained, "the impacts of the project must be measured against the 'real conditions on the ground,'" and not against hypothetical permitted levels. (*Save Our Peninsula*, 87 Cal.App.4th 99, 121-123.) As the court has explained, using such a skewed baseline "mislead(s) the public" and "draws a red herring across the path of public input." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708-711.) The EIR fails entirely to analyze the recreational use baseline.

Berkeley also fails to consider future recreational needs and the guidance provided in the BCDC scoping comments. Two on-site uses are obvious; re-opening of the old H's Lordships Restaurant and opening a pier that would provide recreational access. On the restaurant use—a protected commercial recreational use—the city has an exclusive negotiating agreement for that facility that would reserve 150 of what are now public parking spaces for that use. While the portion of the proposed pier suitable for fishing is much shorter than the closed section (580 feet compared to 3000 feet), the city has made no attempt to account for these two future uses—which are protected under Bay Plan Recreational Policy 9. P36-53 P36-54

Instead of providing an adequate analysis of whether the project meets Bay Plan policies, and provides for future *regional* recreational needs, as suggested in the BCDC scoping comments, the EIR considers only the future recreational needs of Berkeley. The city contends on page 3.11-19 that there is no need for future park facilities. While this may satisfy Berkeley's requirement, it ignores the provisions in the Bay Plan, which must consider regional needs for recreational access only available in a waterfront park. P36-55

The draft EIR is conclusory and fails to support its conclusions with analysis that links to existing recreational use or the Bay plan—because the city has not established what the protected uses are. Here is the limited information to be found on page 3.9-18 of the draft EIR:

> Consistent. The proposed ferry facility is located within a waterfront park priority use area and would be located at the proposed pier that will also be used for fishing, sight-seeing, and walking. The proposed ferry facility would not interfere with current or future park and recreational users. This project would actually enhance recreational use by providing a pier that can be used for recreation. Navigational safety would be assured through adherence to WETA safety protocols. The project would not disrupt shoreline access; in fact, the project would restore shoreline access that is not publicly available under existing conditions.
>
> Regarding parking facilities, **the City would implement a parking strategy to balance shared-use parking for both future ferry patrons and recreational users. The exact strategies that would be implemented would follow the guidelines established in the project Parking and TDM Plan19,20 and may be subject to approval from BCDC via the Project permitting process. It should be noted that consistency with this policy related to parking would not be considered an environmental impact under CEQA**. Please refer to Chapter 3, Environmental Impact Analysis, for a discussion about how parking is addressed in this EIR. This EIR has found no secondary environmental impacts related to parking.

P36-56

P36-57

In support of this position, the city cites, on page 3-11 in a footnote that impacts to parking cannot be a significant impact under CEQA, citing *San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App. 656 at 697, "The social inconvenience of having to hunt for scarce parking spaces is not an environmental impact; the secondary effect of scarce parking on traffic and air quality is. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. An EIR need only address the secondary physical impacts that could be triggered by a social impact."

P36-58

This is an erroneous conclusion for the current proposal. Here, under BCDC's Bay Plan, a ferry terminal can only be considered for a waterfront park if it does not usurp recreational parking. This is not matter of parking becoming less convenient, but instead it is an inconsistency with the adopted plan of a responsible agency that has a mission to protect the recreational uses that it allowed Bay fill to create. CEQA continues to consider such inconsistencies significant impacts—particularly here where the Bay Plan policy is not merely an advisory land use policy where the city could adopt a finding of overriding circumstances, but a regulatory standard. Unlike here, the *San Francisco* case did not involve any plan inconsistency.

The second paragraph in the city's document promises that the city would, outside of this EIR, implement a parking strategy to protect recreational use. The language of this proposal is too vague to be acceptable as a mitigation measure. Further, in addressing the regulatory standard, the vague promise by the city is insufficient if it has not prepared an analysis that allows the public to comment on the sufficiency and enforceability of that program. This is contrary to CEQA guidance, which provides:

P36-59

> **Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments**. 14 CCR § 15126.4(a)(2). *See Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 730 (project proponent's agreement to a mitigation by itself is insufficient; mitigation measure must be an enforceable requirement). (emphasis added)

CEQA disallows deferring the formulation of mitigation measures to post-approval studies. (CEQA Guidelines § 15126.4(a)(1)(B); *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309.) An agency may only defer the formulation of mitigation measures when it possesses "'meaningful information' reasonably justifying an expectation of compliance." (*Sundstrom* at 308; see also, *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.) A lead agency is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved; an agency may not rely on mitigation measures of uncertain efficacy or feasibility (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation because there was no evidence that replacement water was available).) This approach helps "insure the integrity of the process of decisionmaking by precluding stubborn problems or serious criticism from being swept under the rug." (*Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.)

P36-60

We have seen that happen when Berkeley approved charters to let Prop SF and Tidelines start a private ferry service in December 2016. As the city's first transportation consultant, Nelson\Nygaard pointed out in their September 11, 2018, report, "Ferry customers continue to park in South Coast Eat, J&K, and L&M Lots due to a lack of enforcement. Since re-opening, South Cove East Lot experiences as much as 90% occupancy." So even the much smaller ferries were usurping recreational parking, and the city was not enforcing restrictions to prevent that. The city acknowledged that in response to concerns from BCDC, stating in a letter dated April 15, 2019, that "over 300 customers depart from K-dock in the early morning hours, occupying the majority of the 400 total parking spaces…" Examination of the ridership records show that a peak daily ridership by PropSF was 68 passengers per day, while Tidelines only served a higher of 71 passengers for their highest month

P36-61

during the period of March 2022 through October 2022. Even with thatlimited number of passengers, recreational parking was usurped. While the city adopted restrictions on such parking, and promised BCDC it would protect recreational parking, they failed to enforce those restrictions.

P36-61

PARKING FEES WILL NOT PROTECT RECREATIONAL PARKING

What little detail is provided about the city's intent to protect recreational parking from usurpation convinces us that it will not only be ineffective, but end much of the recreation that currently occurs. The City Council has endorsed a staff plan to initiate parking fees for the area south of University Avenue where BCDC has continuing jurisdiction. No details of that plan or its efficacy are included in the EIR; the EIR claims that CEQA allows them to experiment with parking in the marina without oversight under CEQA. But the report to the City Council contemplates an annual pass of $500 for parking. A regular ferry commuter could purchase such a pass; it represents a cost of only about $2 a day—less than the recently established parking fee in Alameda. With such a pass, a commuter who purchased a recreational pass could park anywhere in the recreational lots, knowing that the Seawall lot is likely to fill up. Since there are only 729 parking spaces in close proximity to the proposed terminal, and a capacity for 1600 departing passengers, it can readily be seen that initiating a ferry service under such a program could result in every parking space being occupied by 10:00 a.m., effectively displacing almost all recreational users.

P36-62

P36-63

P36-64

THE CITY HAS NOT COLLECTED AN ADEQUATE BASELINE OF EXISTING USE FOR RECREATIONAL PARKING THAT SHOULD BE PROTECTED FROM USURPATION

There are many different types of recreation that occur at Berkeley waterfront. It is not in dispute that the most heavily used parking lots are on the South side of University Avenue. Data provided by the city's consultant Kittelson & Associates in a March 7, 2025, report established that peak usage occurred at 2 pm on weekends and weekdays. The Placer AI data, which tracked cell phone movement into the marina has a similar peak. The peak season for use is summer after school ends for the summer. Parking utilization by ferry patrons is most critical on weekdays because ridership projections are highest on weekdays as a primarily commuter service.

P36-65

Kittelson had Quality Counts collect parking data on only two days that correspond to summer weekdays—Thursday August 1, 2024, and Thursday August 22, 2024. However, in their report they combined those counts with other remote areas and thus avoided providing even two days of data about peak use of the recreational lots where ferry riders might usurp recreational parking. This practice underestimates the potential for impact by diluting the data and is an improper statistical approach

P36-66

P36-66

to time series analysis. Other lot-by-lot counts were not included in the March 7, 2025, report or in subsequent Kittelson & Associates reports. As Kittelson informed the city in their May 7, 2025, report "The South Cove West Lot reaches peak occupancy between 1 and 3 pm on both weekdays and weekends." To be adequate, a statistically robust data set must be developed for the individual lots, and particularly those closest to the proposed terminal. I requested a copy of the Quality Counts report—and received a series of GPS readings of latitude and longitude that did not show the counts at the individual parking lots. The city has continued to hold that information away from public review. Whether intended to reverse engineer data collection to obscure actual use or not, no conclusions can be drawn about parking use at peak times from the information that the city has made public.

P36-67

This Kittelson & Associates approach uses 1,541 parking spaces as the total parking inventory, the denominator if you will. However, there is a much smaller inventory of parking spaces which support existing recreational use and are within easy walking distance of the proposed ferry terminal. Those lots include Seawall lot, filled under a BCDC permit to support recreational use at Shorebird Park and the former H's Lordships restaurant, 320 spaces; Seawall Drive, 90 spaces used for sightseeing and fishing; Skates/N lot, 137 spaces supporting a restaurant and overflow parking for the Yacht Club; South Cove East, 96 spaces; and South Cove West, 86 spaces. That is a total of 729 spaces, supporting most of the 600,000+ annual visitors. In effect, the approach by the City and Kittelson doubles the denominator and thus cuts the actual inventory of use at these sites by at least 50%.

P36-68

The city cites other parking counts to assert that there is plenty of parking. The city has had contract employees collect parking data for several years to determine whether there were cars or RV's parked overnight in the marina. Those counts were taken at 8:00 pm and 10:00 am and provide no useful information about recreational parking demand. City staff increased the frequency of counts for a brief period from July 23, 2024, through August 23, 2024. The parking area closest to the proposed ferry terminal is along Seawall Drive, and the next closest are the two South Cove lots. The Kittelson report noted that the peak use at the South Cove lots was earlier, between 1 and 3 pm. For those two lots, the city collected parking counts on only 12 weekdays, with all data taken at 4:00 pm, after the peak period. Even then that data showed the South Cove lots as much as 96% full. Only 8 days of use were counted for parking along Seawall Drive, again at 4:00. Those parking spaces support recreational access by swimmers, windsurfers, anglers, and people simply enjoying the view, and are protected in the City's Marina Plan. The city proposes, under the revised Kittelson Memorandum dated May 7, 2025, to provide 83 ferry parking spaces along Seawall Drive, where only 90 spaces are now present. It is not clear whether that would reduce the number of public parking to 7. The project description does not provide any details about this proposal, and states that the final design might provide between 400 and 450 spaces. While there is a drawing in

P36-69

P36-70

the EIR that shows some spaces still facing the water, no discussion or quantitative analysis of how that compares to existing available parking and use is provided. P36-70

This EIR uses 1160 departures as their projection for passengers leaving the terminal in 2040 and does not disclose expected passenger departures for 2050. As noted, if only 52% of those passengers drove to the waterfront that means that more than 600 people would be seeking parking spaces in an area where there are only 729. Even if all passengers parked in the now restricted lots, more than 200 drivers would be looking for spaces in the recreational areas. The risk of ferry parkers usurping recreational use is evident and must be considered as a significant impact because it conflicts with an adopted regulatory standard by an agency whose mission is to protect access to the shoreline. As noted later, substantially higher numbers for departures are given in WETA business plans. P36-71

THE CITY HAS RELIED ON ASSUMPTIONS RATHER THAN EXISTING PATTERNS TO UNDERESTIMATE THE MOST LIKELY CAR USE

Instead of using mode split information from similar terminals now in operation, Berkeley has used assumptions that underestimate car use and overestimate use by bicycles. WETA, or San Francisco Bay Ferry, published a summary report on November 2022 based on on-board passenger surveys. For Richmond, an existing terminal like Berkeley more than a mile from residential areas, 57% of passengers drove alone and 11% of passengers rode bicycles. More passengers carpooled and parked, but that number was combined with drop offs and transit. The 2021 and 2017 survey had Alameda with 57% and 58% of passengers driving alone. P36-72

Initial estimates on mode split for Berkeley were prepared by Nelson/Nygaard in a report date April 2021. That report estimated that 54% of passengers would drive alone. Another 9%, with an average of 2 passengers per vehicle, would carpool. That means that 58.5% of passengers would arrive by car and need a parking space. Berkeley hired a new parking consultant, and developed estimates based on assumptions rather than investigating the mode split that was occurring in the marina with the two small ferry operations. Without explanation or substantial evidence to counter existing practices, Berkeley now assumes that most people will not drive. P36-73

The court in the case *Stanislaus Audobon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144 rejected a county's argument that a revised initial study prepared by the county which contradicted the findings of the first initial study had "relegated the first initial study to oblivion." (Id. at 154.) The court stated, "We analogize such an untenable position to the unringing of a bell. The first initial study is part of the record. The fact that a revised initial study was later prepared does not make the first initial study any less a record entry nor does it diminish its significance, particularly when the revised study does not conclude that the project P36-74

would not be growth inducing but instead simply proceeds on the assumption that evaluation of future housing can be deferred until such housing is proposed." (Id. at 154) Similarly here, the city cannot simply pretend that the Nelson/Nygaard study does not exist and disregard its findings.

P36-74

If the Nelson\Nygaard estimate is applied to 955 passengers, nearly 560 drivers would be looking for parking with a supply of only 399 spaces. If the higher estimates of 1018 (2035) and 1055 (2040) from the WETA business plan, that means that 596 to 617 cars will arrive to encounter a supply of only 399 spaces. Clearly usurpation of recreational parking is an issue. The actual capacity of the proposed ferry system is even greater. WETA proposes to run 8 morning departures from Berkeley in 250 passenger ferries. WETA uses 80% occupancy as a practical estimate of capacity, giving a departure capacity of 1600 passengers. Berkeley cannot determine what equipment WETA uses on a new route, or restrict the number of departures, so the analysis is based on unrealistically low departures.

P36-75

P36-76

To meet the needs of these departing passengers, Berkeley initially proposed designating 250 of the existing 320 spaces in Seawall lot for ferry use instead of public use. Earlier proposals by WETA in a 2008 draft EIR were for at least 400 spaces. In an addendum dated May 7, 2025, Kittelson lays out the current, and revised proposal by the city and WETA. That proposal would provide 250 spaces in Seawall Lot, 83 spaces along Seawall Drive, and 66 spaces in the Skate's lot, for a total of 399 spaces to serve 1160 departing passengers. Currently, Seawall lot has only 320 spaces and the city proposes to reserve 150 spaces for a new restaurant lessee. To reach these numbers, it would be necessary to restripe Seawall lot, eliminating most of the existing landscaping. At present, the 90 spaces along Seawall Drive facing the Bay are used for access to the Bay and for viewing—uses protected by policies like Recreation Policy 3. The Kittelson addendum noted that peak use of those spaces (according to their limited counts) is 49 cars parked, while parking counts mentioned above show 63% of the 90 spaces, or 57 spaces occupied by recreational users so this proposal directly usurps existing recreational parking.

P36-77

BERKELEY'S ASSUMPTION OF 18% OF PASSENGERS ARRIVING BY BICYCLE IS NOT SUPPORTED BY SUBSTANTIAL EVIDENCE

Berkeley approved two small ferry operations which operated at times between 2017 and 2024. Nelson/Nygaard reported that passengers arriving by car usurped more than half of the parking spaces in the recreational lots in the South Basin. Berkeley has made no attempt to assess the number of passengers that arrived by bicycle. At least some information about use is readily available. Berkeley approved and helped fund installation of 20 bike lockers adjacent to the bait shop and on the way to the small ferry debarkation pier. Since those lockers can only be used with a

P36-78

cell phone app, data on usage is readily available—but Berkely has shown no interest in relying on data instead of assumptions. P36-78

Various reliable sources of bicycle use are available that suggest the estimate of 18% is wildly exaggerated. The American Community Survey, which uses census data, shows results for bicycle use in 2024 for Berkeley at 4%. https://censusreporter.org/profiles/16000US0606000-berkeley-ca/

The Metropolitan Transportation Commission recently released a draft EIR for Plan Bay Area 2050+. On page 3.15-10 they estimate travel to work by bicycle for 2023 at 1% of the total. They continue to indicate that bicycle use has been relatively steady at 1% since 1990 and has an average length of only 2.4 miles. Other sources have somewhat higher estimates of bicycle use—but still well below 18%. Data USA concluded that Berkeley's bicycle use in 2019 was 5.9%. MTC reports a similar number, perhaps relying on the Data Usa data. The Census American Community Service reported a 6.2% mode share for Berkeley for 2019—a very slight recovery. The 2019 CACS report is particularly valuable because it tracks trends. P36-79

For Berkeley to ignore readily available information based on prototypes and rely on assumptions that conclude that 18% of the passengers will access the ferry by bicycle, is unreasonable. It is not merely inadequate; it is evidence of the continued bias and reverse engineering of the analysis of recreational impacts. P36-80

THE CITY HAS FAILED TO ENFORCE PARKING RESTRICTIONS AND HAS NOT PRESENTED AN ENFORCEABLE PROGRAM TO PROTECT RECREATIONAL PARKING

The statement made on page 3.9-18 that the city would somehow develop and implement a parking management system that would protect recreational users is not supported by analysis or a draft workplan and budget. We have seen that the city failed to enforce parking restrictions for years after approving earlier and smaller ferries. While the city's first traffic consultant estimated the cost of the program to be $550,000 a year, the program has been substantially modified since then. There is no final budget for the program, an outline of what would be required to make it mandatory, or any indication of the potential source of funding. As noted in the introduction, the city has failed to enforce the parking restrictions now in place that might protect recreational users. P36-81

PROTECTION OF RECREATIONAL USE CANNOT BE ACHIEVED BY ADOPTING POLICIES INTENDED TO REDUCE ACCESS TO THE MARINA BY AUTOMOBILE WHEN THE CITY'S OWN SURVEYS SHOW THAT 90% OF THE VISITORS TO THE MARINA DO SO BY AUTOMOBILE P36-82

Rather than address the obvious issues raised by planning for more than 1000 passengers in an area where most of the existing parking is needed for recreational

use, the city pivoted to considering a transportation demand management approach. In effect, the city decided to charge recreational users enough money to drive some out of the marina's recreational area and make room for commuters. Berkeley has long been considering ways to discourage recreational activities that depend on car access—as about 90% of access presently does. As early as February 16, 2021, city recreation staff touted paid parking as a way of "disincentivizing car-based traffic to the Waterfront." City consultants seem to have been instructed to evaluate such approaches; the January 2022 Nelson\Nygaard report recommended paid parking and stated "Paid parking is an effective tool for managing demand and turnover in the most convenient, high-demand parking spaces." Rather than adopt a plan that will assure that ferry patrons do not usurp parking for protected recreational users, the city is proposing a system that would charge recreational users of this public trust park land enough to drive many away and make room for ferry parking.

P36-82

FEASIBILITY AND ALTERNATIVES

It is certainly unusual to see a project proponent ignore the scoping comments of a responsible agency. Yet in the cursory dismissal of alternatives and lack of discussion of costs and feasibility, that is exactly what this document does. BCDC provided scoping comments similar to those submitted by stakeholders and Save Berkeley Pier. BCDC's comments were clear and direct:

P36-83

> Therefore, the alternatives evaluated in the EIR should include at least one alternative that reduces or eliminates the amount of fill proposed.

BCDC's scoping letter identifies the specific Bay Plan policies that *compel* consideration of alternatives with less dredging and fill. Similar policies are included in the Clean Water Act, where Section 404(b) and its implementing regulations require analysis of alternatives that would avoid fill completely, further analysis of alternatives with less impact, and then mitigation only if there were no practicable alternatives.

P36-84

The EIR short circuits this process by insisting that there are no alternatives that would meet the city's objectives. In effect, they argue the city's objectives are superior to the regulatory standards for considering marine impacts, which don't merit discussion. That position can be found in this assertion:

P36-85

> For the purposes of this alternatives analysis, the City considers the two top bullets as the basic project objectives. In other words, for an alternative to meet the basic project objectives, they would need to meet of the following basic objectives: (1) enhance public access and recreational opportunities at the Berkeley Waterfront and (2) provide efficient and environmentally friendly zero emission public ferry service between Berkeley and San Francisco.

The city cannot avoid considering alternatives by including some recreational benefits as mandatory elements of the city's objectives. The objectives of improving access and providing ferry service are independent objectives. Restoration of pier access and improvements to the Bay Trail are separate projects from establishment of a ferry service—although the city has consistently argued otherwise. Both are subject to feasibility and alternative tests.

P36-86

CEQA requires that an EIR provide a discussion of project alternatives that allows meaningful analysis. (*Laurel Heights Improvement Assn. v. Regents of Univ. of California* (1988) 47 Cal. 3d 376, 403.) An overly narrow definition of project objectives renders the alternatives analysis inadequate. To narrowly define the primary "objective" of the proposed project itself constitutes a violation of CEQA since such a restrictive formulation would improperly foreclose consideration of alternatives. (See, *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438) (holding that when project objectives are defined too narrowly an EIR's treatment of analysis may also be inadequate). It is an abuse of discretion for an agency to exclude a potentially feasible alternative that would substantially reduce significant impacts from analysis in the EIR simply because it does not meet all project objectives. (*Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1304 ["limited-water alternative could not be eliminated from consideration solely because it would impede to some extent the attainment of the project's objectives"]; *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal. App. 4th 1059, 1087 [agency's refusal to analyze a reduced development alternative because it failed to meet two of 12 project objectives was legal error].)

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P36-88

The EIR's alternatives analysis is inadequate because it fails to consider a feasible reduced fill alternative suggested by BCDC, and it has defined the project alternatives so narrowly as to foreclose the consideration of environmentally superior alternatives.

P36-89

P36-90

RESTORATION OF BERKELEY PIER

Berkeley received a grant of $15 million that could have been used to restore Berkeley Pier. The most recent cost estimates, obtained through a Public Records Act request, estimate the total cost of 1080' feet of pier, including demolition, pilings, and a new deck, is about $14 million. I first pitched the idea of State funding for restoration of the pier to then Senator Nancy Skinner and then to newly elected Council Member Terry Taplin. The city requested a grant and received $15 million. It was not limited to construction of a pier and a new ferry service; the grant made no mention of a ferry service, the money was simply available for the pier and the marina. Senator Skinner wrote eloquently about the importance of a pier as a way to get people out onto the Bay without owning a boat—a sentiment I heartily support. Restoring the pier has a much easier regulatory path than the proposed

P36-91

project. Demolition of the old pier would be in-kind mitigation for a new pier. Construction of a new fishing pier, even if only 1080 feet long, would not entail new fill for a terminal breakwater or 400,000 cubic yards of dredging that would deepen the flats that have supported a pier fishery for decades. Even if not matched by the city, the $15 million grant was sufficient to restore a substantial recreational pier. The city chose not to do so; that is a policy choice, not evidence that a pier is only feasible in combination with a new, in-bay ferry terminal.

P36-91

A revised EIR should consider the restoration alternative as a "no project" alternative. It would clearly be environmentally superior to the proposed project.

P36-92

BUILDING A NEW PIER IN THE BAY REQUIRES CAREFUL ANALYSIS OF IMPACTS, ALTERNATIVES AND FEASIBILITY

Cost estimates obtained through a Public Records Act request, although not included in the EIR, estimate the cost of the current project, not including new ferries for operation, at $131,133,445. Previous estimates for the cost of ferries were $38 million, bringing the total cost of the project close to $170 million. A copy of that estimate is attached and incorporated by evidence. In contrast, the construction of a ferry terminal at Richmond, built inside the breakwater, was $20 million. As the City of Berkeley has admitted in their presentation to the Design Review Board at BCDC, there are no identified funding sources for the project—which undermines their argument that only the project and no cheaper alternatives are feasible. The city has not provided an update of the city's costs for construction or for management and maintenance of the landside improvements, but those costs appear to be in excess of $30 million just for the initial cost. That would fund restoration of a much longer recreational pier, with better fisheries resources, than the current proposal. A feasibility analysis would allow consideration of the considerable value of recreational access for fishing and other uses.

P36-93

P36-94

Feasibility, and the related term practicability, pose regulatory hurdles beyond simply finding $131 million. As noted above, the Bay Plan, the Clean Water Act, and the Porter-Cologne Act all require rigorous analysis of alternatives before new fill and 400,000 cubic yards of dredging can be permitted. Most of those hurdles disappear with a location inside the marina.

P36-95

Operation of the terminal would require ongoing costs and subsidies for direct subsidy of the passengers, and for parking management. While WETA has not updated its strategic vision document for 2050, a draft was prepared for the WETA Board. Dated April 12, 2023, and contained in Table 14: Route Summary Metrics, it estimates the annual operational subsidy required for a Berkeley service at $9 to $12 million a year.

P36-96

The EIR fails to adequately establish either the impacts of dredging or propose adequate, in-kind mitigation measures for the dredging impacts, as requested in

P36-97

BCDC's scoping comments. Those impacts need to be established to consider both alternatives and mitigation measures. The discussion in the EIR limits its consideration to the footprint of fill. The proposed mitigation approach is merely to remove of an equivalent amount of fill, with no consideration for mitigating the impacts of dredging and the permanent loss of benthic values. Again, the EIR is conclusory rather than analytical or transparent, limiting its analysis to broad statements like:

P36-97

> Because implementation of Mitigation Measures BIO-3 would result in no net loss of jurisdictional waters, impacts would be less than significant with mitigation. (Page 3.3-59)

P36-98

While replacement of an existing pier structure with a similar structure might be adequately mitigated by removal of an equivalent or greater area of pilings and best management practices, the proposed project involves construction of a terminal breakwater to shelter the proposed ferry berths, 400,000 cubic yards of dredging, and permanent maintenance of deeper water in an area historically used for fishing. These impacts are neither captured in analysis nor adequately mitigated, despite the directions in the BCDC scoping letter. Even the inadequate mitigation measure is proposed in general terms not acceptable for a draft EIR. The public and the regulatory agencies are entitled to see mitigation measures in sufficient detail to assess and comment upon their efficacy. This is the mitigation measure proposed:

P36-99

> The City **shall develop a mitigation plan** documenting the existing pier footprint, the proposed pier footprint, and the required additional demolition needed to meet the mitigation goal. This plan shall be developed by a qualified regulatory specialist prior to project construction and submitted to the appropriate agencies for review and approval during permitting. This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

P36-100

This falls far short of the comment in the BCDC scoping letter:

P36-101

> Impacts to the subtidal habitat area should be discussed in the EIR analysis, and **it should also describe the mitigation** that will be required for those impacts.

As CEQA litigation has long held, a proposal for a future plan for mitigation does not provide for an effective or legally binding mitigation measure and does not allow the public to comment on those issues. Deferred mitigation is prohibited under CEQA. Mitigation measures must be set forth in the EIR so the public can assess the adequacy of the measure. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92.)

P36-102

The BCDC scoping comment continues to direct that the EIR consider the impacts on sediment transport, erosion and accretion, and the Bay's bathymetry—a comment that has also been ignored in the document. Nothing in the EIR establishes a rationale that shows that removal of pilings is suitable mitigation for dredging impacts.

P36-103

The EIR ignores the direction of the BCDC scoping letter that it consider "...at least one alternative that reduces or eliminates the amount of fill proposed." As the project description continues to change, and there is no definitive design for the length of breakwater that would be required to provide sheltering for the ferry berths, the amount of fill proposed is not even certain. The approach in the EIR fails to meet the direction from BCDC in their scoping letter that:

> If all such alternatives are determined to be infeasible and not appropriate to include in the EIR analysis, please include a detailed discussion of why these alternatives are infeasible and how the determination was made.

P36-104

We believe that the City and WETA are required to consider a location within the marina, as well as an alternative design that entails less dredging. We have seen a report in the GHD Feasibility Study titled "Small scale Ferry Terminal Feasibility Study" that projected ferry service using aluminum catamarans that had only a 4'6" draft. It seems obvious that such equipment, considered in developing this project, would require substantially less dredging than is currently proposed and should be considered.

P36-105

ALTERNATIVE PARKING ARRANGEMENTS SHOULD BE CONSIDERED

Currently, the City of Berkely's parking division is located on public trust land just north of University Avenue. City facilities like parking for city vehicles of any sort is not a public trust use and is only allowable as an interim use. The EIR should consider leasing that land to WETA for parking, making WETA solely responsible for parking management and enforcement, and retaining the Seawall lot for recreational parking and for revenue generating recreational uses, as the city committed to when they received permission from BCDC to fill the bay.

P36-106

THE EIR LACKS A STABLE PROJECT DESCRIPTION

The description of the project has been in constant flux since the deadline for scoping comments. The project description for parking has changed number of total parking spaces and location, with the proposed parking devoted to ferry passengers increasing from 250 spaces to 399 spaces. The proposal now eliminates most of the public parking along Seawall Drive. The EIR does not bother to mention the city's exclusive negotiating agreement for leasing the old restaurant, which would reserve 150 of the existing public

P36-107

P36-108

parking spaces for the exclusive use of the restaurant lessee. The project description does not include a clear description of the project elements that would convert what are currently all public parking spaces to spaces reserved for ferry passengers, restaurant users and what might remain as public spaces. Nor does it compare what might remain as public spaces to current use. Instead, the document states: P36-108

> The existing Seawall Drive Parking lot includes approximately 320 parking spaces, and the parking off Seawall Drive adjacent to the Bay and south of the pier entrance includes approximately 84 parking spaces for a total of 404 existing parking spaces across the project site. **The proposed project would replace all of the existing parking spaces with 400 to 450 new parking spaces (pending final design)**, including ADA-accessible and EV parking spaces. P36-109

Depending on source, currently 84 to 90 spaces along Seawall Drive are used for recreational purposes. It is not clear how many spaces might remain, but the city proposes to end unrestricted public use for 400 of the public spaces on the peninsula filled under the BCDC permit to create parking for recreational users. The proposal would reserve 250 spaces for ferry passengers and 150 spaces for restaurant patrons. Such a vague project description does not meet the requirements for an adequate EIR. P36-110

The number of passengers, and associated ferry trips, are also apparently in flux. The city has used 955 departing passengers in presentations to the public and BCDC's Design Review Board and now uses 1,018 departing passengers for year ten and 1,055 departing passengers for year fifteen. A footnote on page 3.11-19 increases the number of departures to 1060. Those numbers are taken from WETA's 2022 Berkeley Ferry Service Plan, and are only found in an appendix, not the body of the EIR. P36-111

Different numbers of departures from Berkeley are also possible and must be analyzed. The EIR establishes that at least three departures would take place, (page 2-30) while the same 2022 WETA business plan forecasts 8 departures. Since WETA also forecasts using 250 seat ferries and an 80% load as a practical capacity, the proposed system might have a departure capacity of 1600 passengers. WETA in a plan dated April 12, 2023, considers an even higher number of 4000 total passengers, or 2000 departures. With only 399 parking spaces proposed, the document needs to provide clarity on what the project description really is, and what the potential impacts are. P36-112

Finally, in their presentation to the Engineering Criteria Review Board (ECRB), Berkeley and WETA now propose a shorter breakwater, 350 feet rather than 400 feet, with a different orientation. However, the wave climate provided to the public and the ECRB dismissed wave energy from the northwest, without using wind data from that direction. That issue will return to the ECRB—after closing of the EIR comment P36-113

period—and is only dealt with in the EIR by treating the shorter breakwater as an alternative. P36-113

"An accurate, stable and finite project description is the sine qua non of an informative and legally adequate EIR." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192.) "[A] curtailed or distorted project description," on the other hand, "may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental costs, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance." (CEQA section 15124; *City of Santee v. County of San Diego*, 263 Cal.Rptr 340 (1989).) P36-114

All of these uncertainties affect impact analysis, and the right of the interested public to comment on the project and mitigation measures.

AIR QUALITY AND VMT

In my scoping letter I asked for an analysis of energy use normalized as British Thermal Units, (BTU's) per passenger, and a comparison of efficiency to BART and AC Transit as a carbon signature analysis. On page 3.2-21, Berkeley limits the EIR's consideration of air quality impacts to 4 factors, none of which consider carbon emissions from the whole of the project. A lack of analysis does not prevent Berkeley and the EIR from claiming, without providing enforceable implementation measures, that the project will be a zero-emission project that will reduce VMT. Such claims cannot be made without some substantial evidence and analysis that bridges the analytical gap to support the claim. Paul Kamen has prepared an analysis of energy use per passenger mile that shows the existing ferry fleet requiring 4 times as much energy (measured as BTU's/passenger mile) as AC Transit, and 40 times as much energy as BART. While that analysis may be subject to change in an adequate EIR, the very low efficiency of the ferry system and the fact that energy generation for charging batteries and for cars driving to the terminal still involves fossil fuel sources compels a more detailed analysis. P36-115 P36-116 P36-117 P36-118

Berkeley does not control the source of emissions from ferries, or the purchase practices of WETA. As I pointed out in my scoping comments, the Executive Director of WETA has qualified any commitment to electric ferry propulsion with the caveat of "if feasible." While WETA has entered into contracts for purchase of some electric ferries and retrofit of others, meeting agendas have made it clear that continued electrification depends on sources that are not now available. None of those ferries are intended for a new Berkeley route, and WETA Board reports make it clear that continued electrification depends on funding which is not now available. As such, electric ferries may not be feasible, and Berkeley cannot require their use if a terminal is built P36-119

Instead of analysis that shows certainty or feasibility, the EIR relies on unsubstantiated claims. For example, on page 3.6-43 the document asserts, without quantitative analysis, that the project would convert auto trips into ferry trips. The EIR claims, without substantiation, that the project would reduce VMT. That is an appropriate metric for consideration, the Bay Area Air Quality Management has issued advisory CEQA guidelines that suggest that a project might have a less than significant impact if the project "will achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average…" The air quality section does not include any quantitative discussion of the project's impact on VMT to address this guideline. The potential impacts on VMT are briefly discussed beginning on page 3.12-20, but proceeds from an assumption:

> Operation Transit projects typically reduce VMT and are therefore **presumed** to have a less-than-significant impact on transportation.

P36-120

No origin and destination information is provided, either for the anticipated passengers, or from analysis of other WETA terminals or on-board surveys. The analysis is assumption driven and concludes that VMT will be reduced if passengers on a ferry travel to the new ferry terminal instead of crossing the Bay Bridge.

P36-121

However, the practices and fare structure of WETA in recent years suggests another source for many passengers. In 2021, WETA reduced fares by 30% in order to increase ridership in the wake of the pandemic. An account of that can be found in an article in the Alameda Post dated March 7, 2023. Discussion at WETA Board meetings and on-board surveys established that fares were set at a level intended to compete with BART, and at least some of the increased ridership came from BART passengers. If some combination of elimination of parking at the North Berkeley and Ashby Bart stations, and cheaper fares or less crowded conditions on the ferry induce people to drive further to the ferry, or drive to the ferry instead of walking to BART or bus stops, VMT may increase. WETA has collected on-board surveys to determine why new passengers are now riding the ferry. Many passengers cited the lower fares as the reason they switched to the ferry and said they would return to BART if the fares increased. As WETA Executive Director is quoted in the Alameda Post, "San Francisco Bay Ferry is a premium option for travelers, but we can't charge premium prices if we want to rebuild ridership." WETA clearly attracted passengers away from BART with lower fares, on-board cocktails, and seats for all. The question is how many. Information from on-board surveys, rather than assumptions, should be used to determine whether a new ferry service in Berkeley will reduce VMT.

P36-122

P36-123

RECREATIONAL IMPACTS

In my scoping letter I pointed out that construction of a vertical breakwater in a highly used recreational area—one designated as part of a waterfront park—would

P36-124

alter wind and wave patterns. Those might in turn affect the safety of sailing near the proposed facilities. The response in the EIR is limited to 3 conclusory paragraphs on pages 3.11-19 and 3.11-20 that don't mention the impact of a breakwater on wind and waves. This not only avoids serious quantitative analysis and informed public input but is characteristic of what Berkeley calls a robust public process. Berkeley brags about the number of public meetings it has had on the project—but the experience of most users is that there is no response to that public input.

P36-124

There is no question that a vertical seawall would result in a physical change in the environment. There is no question that there are analytical tools in the coastal engineering profession that could assess the disruptions in the wind and wave fields that might result. To ignore the comment and replace analysis with pre-ordained conclusions is inadequate.

P36-125

The city dismisses scoping comments about recreational impacts being affected by a new breakwater or the presence of a marina basin occupying a section of the bay that is recreational by citing Berkeley Municipal Code Section 6.20.180. The interpretation of the city ignores the language of the code, the genesis of the language, and decades of practice. The language of the code prohibits swimming and windsurfing **in the marina**. The specific language makes that clear.

> It is unlawful for any person to swim, bathe, wade or **windsurf in any portion of the marina** except at Shorebird Park, and in South Sailing Basin.

P36-126

The city has defined the marina to include a very large area of open Bay outside the protective breakwaters and thus is arguing that the existing recreational use is illicit and they are not required to consider it in this EIR. The city further argues that neither windsurfing or similar activities can occur within 1500 feet of the Berkeley Pier—open waters of the bay outside the marina and where the city's jurisdiction is limited. The genesis of this section of the Marina Code was as an outcome from Berkeley's effort to ban jetskis that generated litigation. Berkeley and other cities which adopted ordinances banning jetskis were sued successfully. The genesis of the code is a result of this lawsuit, and its adoption in 2001, reflects this history. The literal language is:

P36-127

P36-128

> **No jetski or personal watercraft** of any kind may be operated within 1,500 feet of the Berkeley shoreline or the Berkeley Fishing Pier except in the 200-foot wide access corridor for personal watercraft designated by the Harbormaster from a boat launch at the marina to a point further than 1,500 feet from the shoreline

The city now attempts to argue that the term "personal watercraft" applies to uses that have long occurred in this area such as kayaking, windsurfing, kiteboarding, stand-up paddling, and winging. At the time, and to the present, personal watercraft is a synonym for jetski, reflecting the marketing approach of similar motorized craft. See for example https://boattests101.com/blog/2023/08/30/what-is-the-difference-between-a-boat-and-a-personal-watercraft-pwc

P36-128

From that source, "A **Personal Watercraft (PWC)**, often known as a jet ski, is a compact recreational watercraft propelled by an inboard jet drive system." The city uses a similar definition in its code, so this citation is clearly incorrect.

The application of this ordinance to windsurfing stands history on its head. This ordinance was adopted in 2001 after litigation successfully challenged a complete ban on jetskis and personal watercraft. In 2003, Berkeley adopted the Waterfront Master Plan, which recognized the launch adjacent to H's Lordships. After that, the city spent more than $100,000 developing a plan to improve that launch. In 2011, the US Windsurfing Nationals were held in Berkeley, after abandonment of the 2008 WETA plan for a new terminal, in the area where WETA had proposed that terminal. Berkeley Marina supported that effort. Berkeley was aware that windsurfing occurred within 1500 feet of the old pier and considered a project to enhance that use. Arguing now that such use is not allowed to avoid analyzing the physical impacts of the breakwater, shows both that Berkeley doesn't have much understanding of the industry or the users, and its overt hostility to protecting the uses that it recognized in the 2001 Waterfront Plan.

P36-129

For years, stakeholders at the marina have argued that the city must provide a baseline of recreational use in the marina. That viewpoint was shared by BCDC's Design Review Board, at two different hearings where they told city staff that they needed to identify recreational users—and work with them. The stakeholder community bolstered our comments by submitting a year's worth of data showing that there were more than 600,000 visits to the recreational part of the marina south of University. Placer AI data is based on cell phone geographical location records and provides the timing and location information necessary to understand recreational uses. As pointed out elsewhere in these comments, such recreational uses are protected by Bay Plan policies. In their scoping letter, BCDC make similar comments reflecting the direction of the Design Review Board:

> ...please note that the Bay itself function as a recreational facility ...The EIR should document the recreational uses in and around the Project site, identify the service area and service population for the recreational facilities serving those uses...

P36-130

The CEQA baseline must include the conditions as they actually exist, even if the baseline conditions include unauthorized uses. (*Lighthouse Field Beach Rescue v.*

P36-131

City of Santa Cruz (2005) 131 Cal. App. 4th 1170 (baseline includes current unlawful off-leash dog walking); *Fat v. Cnty. of Sacramento*, (2002) 97 Cal. App. 4th 1270; *Riverwatch v. Cnty. of San Diego* (1999) 76 Cal. App. 4th 1428). Clearly, the baseline currently includes recreational uses such as windsurfing in the Marina area.

P36-131

Further specifics about the intent of this scoping comment can be found in the minutes of the two DRB meetings. The EIR is inadequate because the city failed to develop any quantitative inventory of recreational activities or their physical location. Instead, on page 3.11-15 of the EIR, the city selectively quotes from the BCDC scoping letter, eliding the part about documenting the recreational uses. It then claims that Section 3.10.2 covers such uses. This is clearly a typo, Section 3.10 covers noise. There is a section in the discussion of recreation that provides only a general description of recreational activities without establishing the intensities at different locations, or applying Bay Plan Recreation Policy 3, which provides protection for all existing recreational uses and establishes that such uses shall be "easily available from parking reserved for the public." Indeed, the city proposes to eliminate nearly all such public parking.

P36-132

Finally, the EIR establishes unreasonably high thresholds for significant impacts, and thus avoids considering mitigation. This is clear in the discussion of construction, which would close much of the peninsula for project staging. The EIR argues that since that closure is temporary, and there are other areas in the marina, the impact would not be significant. Such truncated analysis ignores the language in the existing Marina Plan that protects access adjacent to the old restaurant and ignores Bay Plan policies which also protect those and other recreational uses like shoreline fishing and swimming.

P36-133

CUMULATIVE IMPACT

The city of Berkeley has issued a draft of the Waterfront Specific Plan, dated November 8, 2024. The City Council authorized environmental work under CEQA for that plan, which included a development scenario that would increase commercial development on the waterfront from 380,000 square feet to 1.215 million square feet. Yet a reviewer of this EIR would search in vain for any analysis of the cumulative impact of the city's development plans. Section 3.95, in land use, avoids any mention of this land use plan. The EIR devotes a short paragraph on page 1-5, section 1.2.3, that dismisses the need to consider their future plans, reasoning "Because the draft WSP is currently a draft document and has not yet been adopted by the City, policies in the Draft WSP would not apply to the proposed project unless the City adopts the WSP prior to approval of the proposed project." With that sentence the city tips us off that they have piecemealed their development plans to avoid providing any analysis of the cumulative impact of those plans.

P36-134

The city also avoids any discussion of their plans for redevelopment of the former H's Lordships restaurant. The city has entered into an exclusive negotiating agreement with a firm to market that site, including remodeling, CEQA clearance, and reserving 150 of the public parking spaces for that lease. This plan does not make it into the EIR.

P36-135

There is a fundamental problem with the city's approach. There is no existing land use plan for Berkeley that designates this site, and the adjacent parking lot, for a ferry terminal for commuters. Section 1.2.3 acknowledges that adoption of the WSP would provide such a designation, with the statement "As described in the Draft WSP, ferry access is a proposed allowable use in the Berkeley Waterfront." Rather than complete a land use planning process that is far advanced, the city has tabled the WSP and thereby argues that they don't have to consider cumulative impacts. Or, as the comedienne used to say, "Never mind." This approach is clearly inconsistent with CEQA case law.

P36-136

An EIR must discuss significant cumulative impacts. (CEQA Guidelines section 15130(a).) This requirement flows from CEQA section 21083, which requires a finding that a project may have a significant effect on the environment if "the possible effects of a project are individually limited but cumulatively considerable. . . . 'Cumulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines section 15355(a). "[I]ndividual effects may be changes resulting from a single project or a number of separate projects." CEQA Guidelines section 15355(a).

"The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (*Communities for a Better Environment v. Cal. Resources Agency ("CBE v. CRA")*, (2002) 103 Cal.App.4th 98, 117.) A legally adequate cumulative impacts analysis views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (CEQA Guidelines § 15355(b).)

P36-137

The city clearly ignores reasonably foreseeable future projects in the area, and the EIR therefore lacks an adequate cumulative impacts analysis.

CONCLUSION

The city has produced a wholly inadequate document. It needs to be amended and recirculated. P36-138

Very truly yours,

Jim McGrath

Attachments

1. Placer AI cell phone data showing visits to Berkeley marina
2. Adopted Marins Plan for the area now proposed for a different use
3. Marina Plan exhibit showing enhancement of water access
4. Cost estimates obtained through PRA 25-2672

Custom Report - Insights - Placer 3/19/26, 11:16 AM

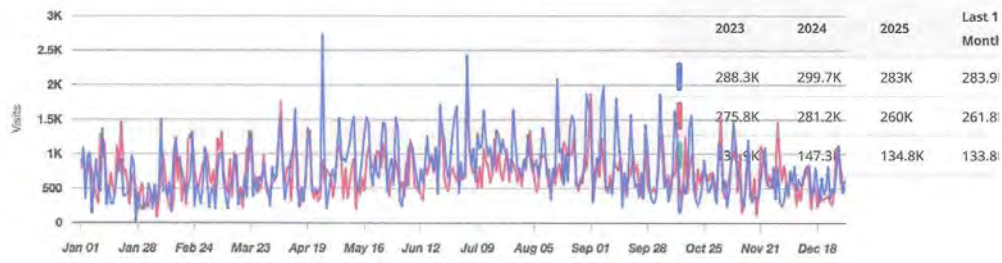
Metrics

Properties:

Metric Name	SOUTH MARINA BERKELEY 235 University Ave, Berkeley, CA 94710	NORTH MARINA BERKELEY 200 Marina Blvd, Berkeley, CA 94710	CENT 201 U
Visits	283K	260K	134.8K
Visits / sq ft	0.16	0.05	0.23
Size - sq ft	1.8M	4.8M	590.1K
Visitors	171.1K	111.3K	85.5K
Visit Frequency	1.65	2.34	1.58
Avg. Dwell Time	10 Min	11 Min	9 Min
Panel Visits	10.1K	7.8K	5.9K
Visits YoY	-5.6%	-7.5%	-8.5%
Visits Yo2Y	-1.8%	-5.7%	+2.2%
Visits Yo3Y	+12.9%	+10.9%	+13.9%

Visits Trend

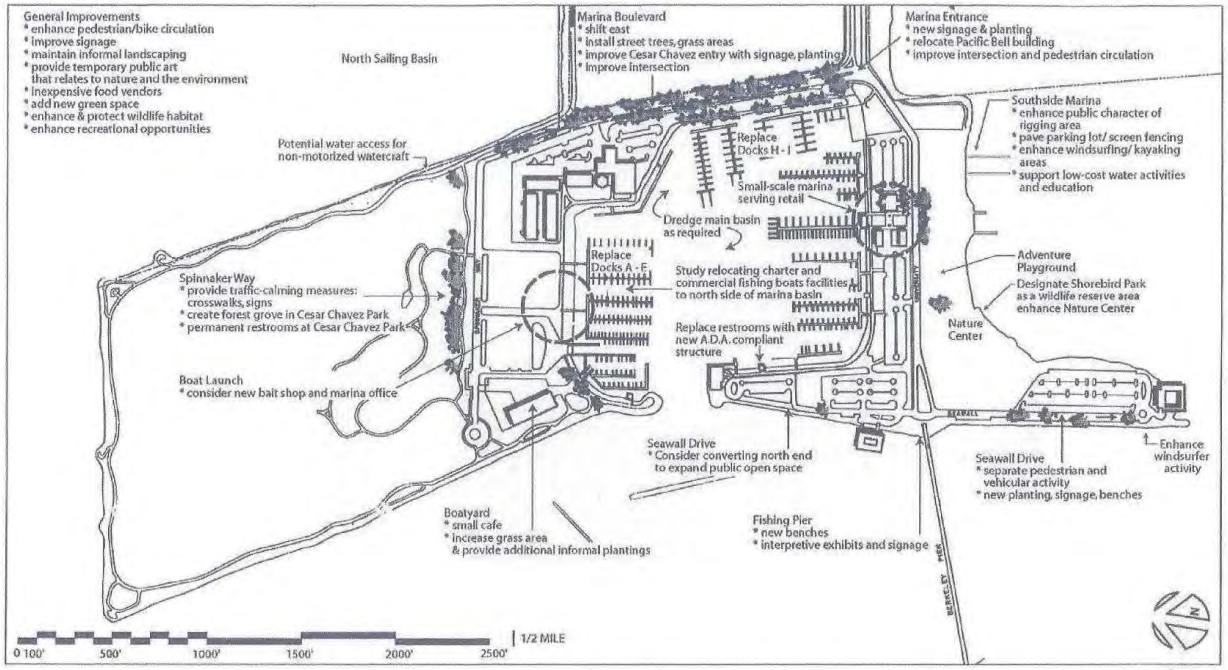
Properties: Metric: Visits Aggregation: Daily Annual Summary Outlier Indicators



	2023	2024	2025	Last 1 Month
	288.3K	299.7K	283K	283.9
	275.8K	281.2K	260K	261.8
	3[illegible]K	147.3[illegible]	134.8K	133.8

https://analytics.placer.ai/insights/complexes/699f4a6cb39210...ll%22%2C%5B%22%3C%22%2C%22visit_duration%22%2C15%5D%5D%7D%5D Page 2 of 8

P36-139



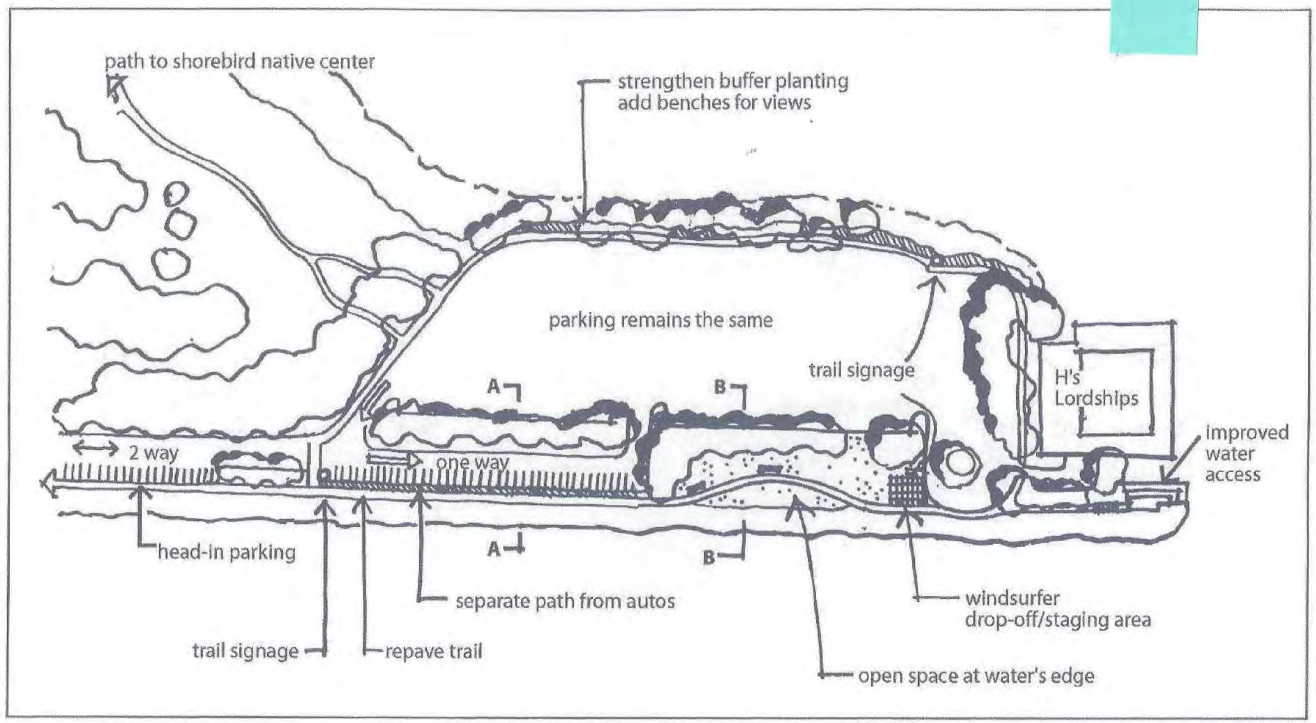
BERKELEY MARINA PLAN
JUNE 2003

Wolfe Mason Associates, Inc.
Landscape Architects / Environmental Scientists

Figure 2.0
Marina Master Plan

Page 42

P36-140



BERKELEY MARINA PLAN
JUNE 2003

Wolfe Mason Associates, Inc.
Landscape Architects / Environmental Scientists

Figure 12.0
Seawall Drive Design Concept Plan Option B

Page 58

P36-141

BERKELEY WATER TRANSPORATION PIER FERRY (BWTPF) PROJECT

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BID PROPOSAL

Biditem	Description	Quantity	Units	Unit Price	Bid Total
100	**WATERSIDE**				
200	Mobilization and Demobilization	1	LS	$420,150	$420,150
400	Best Management Practices	1	LS	$112,040	$112,040
500	Demolition	1	LS	$2,989,693	$2,989,693
550	Pier Pile Installation	90	EA	$14,719	$1,324,710
600	Pier Construction	23,760	SF	$421	$10,002,960
700	Breakwater Pile Installation 24" OCT	30	EA	$16,559	$496,770
750	Breakwater Pile Installation Concrete Sheet	100	EA	$12,311	$1,231,100
775	Breakwater Construction	6,000	SF	$839	$5,034,000
800	Berthing Facility	2	EA	$27,029,667	$54,059,334
900	Ramp Construction	2	EA	$464,311	$928,622
1000	Dredging	400,000	CY	$64	$25,768,000
1100	Ferry Facility Electrification	1	LS	$350,125	$350,125
2000	**LANDSIDE**				
2100	Mobilization and Demobilization	1	LS	$245,088	$245,088
2200	Site Preparation	1	LS	$112,040	$112,040
2300	Best Management Practices	1	LS	$112,040	$112,040
2400	Parking Area	1	LS	$7,623,627	$7,623,627
2500	Bay Trail Extension	1	LS	$1,425,150	$1,425,150
2600	University Ave	1	LS	$5,431,885	$5,431,885
2700	Seawall Drive	1	LS	$1,627,304	$1,627,304
2900	Plaza and Pier Enterance	1	LS	$2,816,127	$2,816,127
4000	MSE Wall	350	LF	$2,176	$761,600
4500	Soil Mixing	2,900	CY	$259	$751,100
5000	Utilities	1	LS	$4,681,320	$4,681,320
999991	Project Management	1	LS	$2,366,495	$2,366,495
999992	Project Office, Yard, Temporary Facilites	1	LS	$462,165	$462,165
	Base Total				**$131,133,445**

P36-142

563

Letter P36

Commenter: Jim McGrath

Date: March 27, 2026

Response to Comment P36-1

As described in Chapter 2, *Project Description*, the objectives of the proposed project include enhancing public access and recreational opportunities at the waterfront and providing efficient, environmentally sustainable ferry service to support regional mobility and resiliency. Refer to Section 3.11.4, *Impacts Analysis*, of the Draft EIR for detailed information regarding the level of impacts to recreation.

Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* regarding BCDC and its policies and processes. The City of Berkeley will obtain all necessary permits and approvals from BCDC and other relevant agencies prior to commencement of construction activities. Compliance with agency-specific requirements will be confirmed through the respective permitting processes. These permits will include conditions that ensure the project meets all applicable regulatory standards before construction begins. No revisions to the EIR are necessary.

Response to Comment P36-2

The comment questions adequacy of parking relative to ferry capacity.

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about parking adequacy. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-3

Refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance.* The City acknowledges the commenter's discussion of historical actions related to parking management at the Berkeley Waterfront. However, the environmental review conducted under CEQA is focused on the potential physical environmental impacts of the proposed project and the adequacy of the analysis presented in the Draft EIR. Prior actions, decisions, or disputes regarding parking management do not, by themselves, constitute evidence that the Draft EIR's analysis of the proposed project is deficient. Rather, the relevant question under CEQA is whether the proposed project would result in significant physical environmental impacts.

As discussed in the referenced topical responses, the Draft EIR evaluates parking-related secondary effects, recreational access, and consistency with applicable Bay Plan policies and concludes that the project would not result in significant parking-related environmental impacts. The commenter does not identify a deficiency in that analysis or provide evidence demonstrating that the Draft EIR's conclusions are incorrect. Accordingly, the analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-4

Refer to Section 2.2.20, *Topical Response: Parking.* As discussed therein, the analysis of whether parking changes could result in secondary physical environmental effects are addressed in Sections 3.2, *Air Quality*, 3.10, *Noise*, and 3.12, *Transportation*. Additionally, the Draft EIR evaluates potential effects on recreational access, recreational facility use, transportation, and plan consistency accordingly within Sections 3.9, *Land Use and Planning* (Impact LU-2), 3.11, *Recreation* (Impact REC-1), and 3.12, *Transportation* (Impact TRA-2), which conclude that project implementation would not result in physical deterioration of recreational facilities, would maintain recreational access, and would not result in

significant parking-related environmental impacts. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-5

The Draft EIR evaluates the project for consistency with all applicable land use plans and policies under Impact LU-2 within Section 3.9, *Land Use and Planning*. Therein, the Draft EIR identifies applicable plans and policies and discloses any potential inconsistencies in accordance with CEQA Guidelines. This includes a consistency analysis with the Bay Plan.

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The analyses and significance conclusions presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, and throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-6

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

Section 3.9, *Land Use and Planning*, of the Draft EIR includes a comprehensive evaluation of applicable policies under Impact LU-2. Specifically, Table 3.9-1 (pages 3.9-12 through 3.9-23) evaluates consistency with Bay Plan policies, and Table 3.9-4 (page 3.9-31) evaluates consistency with the Berkeley Marina Master Plan. These analyses identify applicable policy topics and assess consistency based on project design, including recreational access, shoreline access, and multimodal circulation improvements. Any potential inconsistencies with Bay Plan and Marina Master Plan policies are disclosed therein in accordance with CEQA Guidelines.

Regarding the statement that the Draft EIR selectively identifies policies, Section 3.9.4, *Impacts Analysis*, Approach to Analysis discussion explains that although the subsequent analysis discusses the most relevant policies from the applicable planning documents, the City's overall consistency conclusions are based upon the complete planning documents (see Draft EIR page 3.9-10). Additionally, some planning documents or policies omitted from Section 3.9 are addressed in other Draft EIR sections within Chapter 3, *Environmental Impact Analysis*, as summarized on Draft EIR page 3.9-10.

The analyses and significance conclusions presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, and throughout the Draft EIR remain valid as written. No revisions are required.

Refer to subsequent Responses to Comments for specific responses to the policies raised in the comments.

Response to Comment P36-7

The Draft EIR evaluates the project for consistency with all applicable land use plans and policies under Impact LU-2 within Section 3.9, *Land Use and Planning*. This includes a consistency analysis with the Berkeley Marina Master Plan (pages 3.9-29 to 3.9-33) and Measure L (page 3.9-33).

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*, for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

Refer to Section 2.2.16, *Topical Response: Measure L,* for a discussion related to how the project would not conflict with Measure L.

The analyses and significance conclusions presented throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-8

This statement is not accurate. The Draft EIR includes a consistency analysis of relevant policies in the Berkeley Marina Master Plan (see Table 3.9-3 in Section 3.9, *Land Use and Planning* of the Draft EIR, pages 3.9-31 to 3.9-33). For Measure L, the Draft EIR includes a robust discussion of why the project would not conflict with Measure L (see Section 3.9, *Land Use and Planning* of the Draft EIR, page 3.9-33). Refer also to Section 2.2.16, *Topical Response: Measure L*, for a discussion related to how the project would not conflict with Measure L.

Regarding the references to Figures 2.0 and 12.0 in the Berkeley Marina Master Plan, refer to Response to Comment P36-10.

The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further revisions to the EIR are required.

Response to Comment P36-9

The Draft EIR evaluates the project for consistency with all applicable land use plans and policies under Impact LU-2 within Section 3.9, *Land Use and Planning*. This includes a consistency analysis with the Berkeley Marina Master Plan (pages 3.9-29 to 3.9-33). Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

Regarding the statement that "the only ferry site considered in the plan is located within the marina, and the plan adopts policies to make that site seismically safe", the City has reviewed the Berkeley Marina Master Plan, including Figure 2.0, which is referenced in this comment, and has found no mention of a new ferry site. The Berkeley Marina Master Plan does reference an existing "ferry pier" when discussing compliance with seismic regulations, under Principle 3. The first policy under Principle 3 is to "update the ferry pier to comply with seismic regulations." Page 3.9-32 of the Draft EIR analyses consistency with this policy, and finds that the project would be consistent with this policy.

The comment does not provide evidence that "the only ferry site considered in the plan is located within the marina, and the plan adopts policies to make that site seismically safe." No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. No further response is required.

Response to Comment P36-10

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

First, as a matter of clarification, the comment incorrectly characterizes the project. The project would not eliminate much of the open space of the peninsula. As described in Chapter 2, *Project Description* of the Draft EIR, the project features on land are primarily within existing roadways or parking areas. While the project would eliminate a planter that consists of a raised berm with landscaped trees withing the Seawall Parking Lot, this is not considered open space and the project would not eliminate open space. In addition, as described in Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* the project would not eliminate the staging area for windsurfing, but rather the proposed amenities for the project would be supportive and consistent with goals in the Berkeley Marina Master Plan related to recreational activities and it would not preclude the development of future recreational amenities identified in the Berkeley Marina Master Plan. Furthermore, the comment incorrectly states that the project would eliminate most of the parking places that are currently used for fishing access and viewing the Bay. Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion of the parking spaces off Seawall Drive and Section 2.2.20, *Topical Response: Parking,* for a discussion about how parking is addressed under CEQA.

The Draft EIR considered relevant policies in the Berkeley Marina Master Plan related to recreation (see Impact LU-2 in Section 3.9, *Land Use and Planning* of the Draft EIR, page 3.9-32). Nonetheless, in response

to this comment and to provide additional clarification about the project, the EIR has been revised to include a discussion of Figure 2.0: Marina Master Plan. While the comment addresses Figure 12.0, it should be noted that Figure 12.0 is a concept plan. For that reason, the EIR considers Figure 2.0. The EIR has also been revised to include a discussion of a relevant policy in Principle 4, Item C.

Table 3.9-4 Berkeley Marina Master Plan Consistency

Policy	Consistency
Principle 4. Provide for appropriate recreational, commercial and nonprofit development that both encourages use and protects or enhances the natural resources of the Marina lands.	
Policy 4A. Promote the use of the Marina for boating and appropriate recreational activities and encourage appropriate commercial and non-profit uses that support marine and recreation functions. Encourage Inexpensive Food Vendors. The availability of inexpensive food at the Marina should be encouraged. Use of pushcarts and other mobile structures should be allowed, but should not be located in areas that will obstruct public access or views. Support Low Cost Water Activities and Education. The City should continue to support affordable programs such as Cal Sailing Club, Cal Adventures and the Nautilus Institute that provide a variety of low-cost water-related activities as well as educational programs for youth and the community.	**Consistent.** Overall, the project would create a more attractive area that would encourage and support marine and recreation functions. The proposed public plaza would facilitate the potential for inexpensive food at the Marina. Additionally, the ferry service would support low-cost water activities, and informative signs on the pier would support education for visitors.
Policy 4C. Preserve the areas devoted to marine operations and recreational activities and expand to new areas where feasible and without negatively impacting natural resources. • Enhance Windsurfer Activities at the point immediately to the west of H's Lordships Restaurant. Consider constructing large terraced stairs to improve windsurfer access. Consider low-maintenance materials for adjacent staging areas and screening these areas with landscaping. A new pedestrian path is needed that links with the existing pathway on the north side of the parking lot. New signage and benches should be installed.	**Consistent.** The project would not be located within the Marina Basin and would, therefore, not conflict with marine operations. Implementation of the enhanced pier and ferry infrastructure would not impact waterfront recreation as recreation is prohibited at this location. The project would expand recreational activities by provided a new pier. The project would also be consistent with the Policy 4C provision to enhance windsurfer activities west of H's Lordships Restaurant (199 Seawall Drive). The project would not eliminate shoreline access used by windsurfers or other non-motorized watercraft users and would not preclude future implementation of windsurfing-related improvements contemplated by the Marina Master Plan. Access to the existing launch area near 199 Seawall Drive would be maintained. In addition, the project would provide improvements that are consistent with the policy's objectives to enhance public access and shoreline amenities, including new pedestrian and bicycle facilities, Bay Trail improvements, wayfinding signage, seating areas, the public plaza and restroom, and shoreline access improvements. Accordingly, the project would improve access and recreational use of the Waterfront while remaining compatible with existing water-oriented recreational activities such as windsurfing.
Principle 5. Enhance access and use of the Marina, especially for members of special user groups such as elderly, economically disadvantaged or physically challenged persons.	
Provide new and renovate pedestrian pathways and bicycle trails to increase public access at the Marina. As needed, pedestrian paths should be resurfaced and widened to provide access for all members of the community. New paths and upgraded paths will comply with ADA requirements. Bicycle paths and improvements consistent with the Berkeley Bicycle Plan should be installed along Seawall Drive, University Avenue, Marina Boulevard, and Spinnaker Way. Bike racks should be installed at key locations along the bicycle paths. *Improve shoreline access by upgrading existing pedestrian pathways along the shoreline and, where feasible, providing new pathways at the shoreline edge.* Provide a pedestrian path along the entire length of Seawall Drive. The pedestrian pathway should be grade separated from parked cars and the roadway. Plantings and berms should be used to screen cars from the pedestrian path. New signage and benches should be installed along the path. *Improve Marina Boulevard/University Avenue intersection.* As part of the Marina Boulevard realignment, the intersection should be redesigned to improve safety and clarity for pedestrian and bicyclists.	**Consistent.** The proposed project would provide the infrastructure identified in this policy. The proposed project includes the installation of a cycle track on University Avenue and a portion of the Bay Trail Extension off Seawall Drive. Where the Bay Trail Extension or recreation amenities are adjacent to Seawall Drive, the City would implement safety measures to create a barrier between vehicles and pedestrians (such as parking areas, boulders, bollards, fence, or guardrail). In addition, benches, chairs, and signage are planned to be installed on the Bay Trail Extension. The project is being designed to be ADA compliant.
Principle 6. Pursue a fiscally responsible and sustainable implementation program for the Marina.	
Maintain the Plan's prioritized capital improvement program for the construction of boating facilities, roadways, restroom facilities, and other infrastructure facilities necessary to continue Marina operations. Identify funding options to pay for the improvements.	**Consistent.** The proposed project is identified as one of Berkeley's capital projects.
Figure 2.0, Marina Master Plan	
The Marina Master Plan concept diagram identifies numerous recreational enhancements throughout the Marina, including enhancement of pedestrian and bicycle circulation, recreational opportunities, shoreline access amenities, and of windsurfer activity in the vicinity of Seawall Drive and H's Lordships Restaurant.	**Consistent.** Figure 2.0 illustrates a conceptual vision for future improvements at the Berkeley Marina and Waterfront, including enhancement of windsurfer activity near Seawall Drive and H's Lordships Restaurant (199 Seawall Drive). The proposed project would not eliminate access to the existing shoreline areas used by windsurfers, wingers, swimmers, kayakers, paddleboarders, and other water-based recreational users. The project would maintain access to the existing 199 Seawall Drive launch area and would not preclude continued use of shoreline areas adjacent to the project site for water-oriented recreation. The project would also enhance public access through construction of the Bay Trail Extension, bicycle and pedestrian improvements, new public viewing areas, shoreline access improvements, and restoration of public access to the Berkeley Pier. Accordingly, the project would support and not conflict with the recreational access objectives depicted in Figure 2.0.

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The above revisions are clarifying in nature and would not affect the analysis or significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, or related sections of the Draft EIR. The analysis, significance conclusions, and mitigation measures identified therein remain valid as written. No further revisions are necessary.

Response to Comment P36-11

As stated in Draft EIR Chapter 2, *Project Description: Landside*, page 2-23, the proposed project would remove approximately 40 existing trees and would plant between 50 and 70 new trees. The Draft EIR analysis presented under Impact BIO-5 in Section 3.3.4, page 3.3-65 concluded that impacts to protected trees would be less than significant. In addition, see Response to Comment P36-10 for a discussion regarding open space. No Draft EIR changes are necessary in response to this comment.

Response to Comment P36-12 to P36-18

The Draft EIR evaluates the project for consistency with all applicable land use plans and policies under Impact LU-2 within Section 3.9, *Land Use and Planning*. This includes a consistency analysis with the Berkeley Marina Master Plan (pages 3.9-29 to 3.9-33). Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The comment provides a bulleted list of "policies"; however, these bullets appear to be the commenters own interpretation of policies and not the actual policies in the Berkeley Marina Master Plan. The consistency analysis in the Draft EIR (pages 3.9-29 to 3.9-33) includes the relevant policies from the Berkeley Marina Master Plan verbatim and cover the summarized list identified in the comment. For a discussion of windsurfer activities (comment P36-18), refer to Response to Comment P36-10.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-19

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* regarding how existing recreation would be affected by the project. The analysis and conclusions presented therein remain valid as written, and no further clarifications are required.

Response to Comment P36-20

For discussion of CEQA baseline adequacy, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*. For discussion of Seawall Drive in-car Bay viewing, refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access.*

The Draft EIR appropriately characterizes existing recreational conditions, evaluates potential changes to recreational space and access, and demonstrates that scenic-view parking and recreational opportunities would be maintained. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-21

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

Refer to Response to Comment P36-9, which notes that the Berkeley Marina Master Plan does not include a discussion about a new ferry terminal site within the Marina. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-22

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-23

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-24

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-25 to P36-36

Draft EIR Section 3.9, *Land Use and Planning*, evaluates the project's consistency with all applicable land use plans, including the policies of the Berkeley Marina Master Plan (refer to Impact LU-2, pages 3.9-31 to 3.9-33). The analysis provided therein concludes that the project would not conflict with the Berkeley Marina Master Plan.

With respect to the comments regarding Measure L, refer to Section 2.2.16, *Topical Response: Measure L*, for a discussion related to how the project would not conflict with Measure L.

With respect to comments regarding Parking, refer to Section 2.2.20, *Topical Response: Parking.*

The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further revisions to the EIR are required.

Response to Comment P36-37

Refer to Section 2.2.13, *Topical Response: Land Use Plan/Consistency* for a discussion of how the Draft EIR complies with CEQA Guidelines Section 15125(d). Please refer to subsequent response to comments for responses to specific policies identified in the comment letter.

Response to Comment P36-38

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*, for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The Draft EIR evaluates the proposed project's consistency with applicable Bay Plan policies in Table 3.9-1 (BCDC Bay Plan Consistency) under Impact LU-2 in Section 3.9, *Land Use and Planning* (Draft EIR pages 3.9-12 through 3.9-23). Table 3.9-1 identifies relevant Bay Plan policies, including policies established for the protection of recreational resources and standard for a ferry terminal.

The analyses and significance conclusions presented under Impact LU-2 remain valid as written. No revisions are required.

Refer to subsequent responses to comments for specific responses on policies raised by the commenter.

Response to Comment P36-39

See Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* for a discussion of BCDC jurisdiction with respect to the project site as well as BCDC planning consistency and permit compliance with respect to recreational public access. BCDC jurisdiction is also discussed in

Draft EIR Section 3.3.3 Regulatory Framework, and appropriate permits would be required. The Draft EIR analysis under Impact BIO-3 in Section 3.3.4, Impacts Analysis, pages 3.3-59 through 3.3-62 concluding that impacts to State-protected wetlands and waters would be less than significant with implementation of Mitigation Measure BIO-3, remains valid. No Draft EIR changes are necessary in response to this comment.

Response to Comment P36-40

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The approach used in the Draft EIR is described in Section 3.9.4, *Impacts Analysis*. As discussed therein, consistency analysis under Impact LU-2 focuses on plans and policies that are relevant to the proposed project and the environmental issues evaluated in the Draft EIR, consistent with CEQA Guidelines Section 15125(d), which requires discussion of inconsistencies with plans adopted for environmental purposes. However, the City's overall consistency conclusions are based upon the planning documents in their entirety, rather than individual policies (see Draft EIR page 3.9-10). The Draft EIR further explains that some applicable plans or policies are evaluated in other sections within Chapter 3, *Environmental Impact Analysis*, where they are more directly related to the environmental topic being analyzed (see Draft EIR page 3.9-10).

Consistent with this approach, Impact LU-2 evaluates the project's consistency with applicable BCDC Bay Plan policies in Table 3.9-1 (pages 3.9-12 through 3.9-23). The table includes a broad range of Bay Plan policies addressing topics such as environmental justice, public access, recreation, transportation, climate change, shoreline protection, operational safety, water quality, marine resources, and special area plans. In addition, where specific Bay Plan policies relate to resource areas evaluated elsewhere in the Draft EIR, those issues are addressed in the corresponding environmental sections, including Section 3.3, *Biological Resources*; Section 3.8, *Hydrology and Water Quality*; Section 3.11, *Recreation*; and Section 3.12, *Transportation*. The City also notes that BCDC, the agency responsible for administering and enforcing the Bay Plan, reviewed the Draft EIR and provided extensive comments regarding project impacts, regulatory considerations, and areas where additional analysis or clarification would be beneficial. BCDC did not identify any Bay Plan policy that was improperly omitted from the Draft EIR's land use consistency analysis under Impact LU-2. Rather, BCDC acknowledged the Draft EIR's Bay Plan consistency analysis and noted that it would conduct its own independent review of project consistency with applicable Bay Plan policies as part of its permit review process.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-41

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies and Response to Comment P36-40. The Draft EIR evaluates project consistency with applicable policies of the BCDC San Francisco Bay Plan under Impact LU-2, including Recreation Policies 7 and 9 (see Draft EIR pages 3.9-12 through 3.9-23). In addition, recreational access, public access, and recreation-related issues are evaluated throughout the Draft EIR, including in Section 3.11, *Recreation*, which discusses the applicable regulatory framework and evaluates the project's potential effects on recreational facilities and opportunities. (see Section 3.11.3, Re*gulatory Framework*, pages 3.11-8 through 3.11-10). The Draft EIR's consideration of recreational issues is therefore not limited to the two policies identified by the commenter.

The Draft EIR does not improperly limit analysis of Bay Plan policies requiring recreational parking, which is addressed under the consistency analysis for Bay Plan Recreation Policy 9. For additional discussion on parking as it relates to CEQA requirements and Bay Plan policies, refer to Section 2.2.20, *Topical Response: Parking.*

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-42

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies. Refer also to Response to Comment O10-149, which indicates that the Draft EIR does consider consistency with this policy.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-43

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The Draft EIR evaluates the project for consistency with applicable BCDC Bay Plan policies under Impact LU-2 within Section 3.9, *Land Use and Planning* (see Table 3.9-1, pages 3.9-12 through 3.9-23). Although Recreation Policy 3(a)(6) was not specifically identified in Draft EIR Table 3.9-1, the Draft EIR's recreation and land use analyses address the policy's underlying objectives related to preservation and enhancement of water-oriented recreational uses. Notably, BCDC did not identify omission of Recreation Policy 3(a)(6) as a concern in its comment Letter on the Draft EIR. Nonetheless, in response to this comment, Table 3.9-1 within Draft EIR Section 3.9, *Land Use and Planning*, has been revised to expressly evaluate consistency with BCDC Bay Plan Recreation Policy 3(a)(6) as follows.

Table 3.9-1 BCDC San Francisco Bay Plan Consistency

Policy	Consistency
Recreation	
Policy 3(a)(6). Sites, features or facilities within designated waterfront parks that provide optimal conditions for specific water-oriented recreational uses should be preserved and, where appropriate, enhanced for those uses, consistent with natural and cultural resource preservation.	**Consistent.** The project site is located within a waterfront area that supports a variety of water-oriented recreational uses, including fishing, windsurfing, kayaking, sailing, wildlife viewing, and shoreline recreation. As described in Chapter 2, *Project Description*, and evaluated in Section 3.11, *Recreation*, the proposed project would preserve and enhance opportunities for water-oriented recreation by restoring public access to the Berkeley Pier, constructing a new publicly accessible pier and breakwater, implementing shoreline access improvements, extending the Bay Trail, and providing new public amenities including seating, viewing areas, bicycle facilities, and interpretive features. The project would also maintain access to existing marina facilities, windsurfing areas, boat launching facilities, and other water-oriented recreational resources. As discussed in Section 3.11, *Recreation*, the project would result in a net increase in recreational opportunities and facilities available to the public (Impact REC-1). Furthermore, the project has been designed to avoid substantial impacts on natural and cultural resources, and mitigation measures identified in Sections 3.3, *Biological Resources*, and 3.8, *Hydrology and Water Quality*, would ensure that project-related impacts remain less than significant or less than significant with mitigation.
Policy 3(a)(7). Access to marinas, launch ramps, beaches, fishing piers, and other recreational facilities should be clearly posted with signs and easily available from parking reserved for the public or from public streets or trails.	**Consistent.** As described in Chapter 2, *Project Description*, the proposed project would include wayfinding signage along University Avenue, Marina Boulevard, Seawall Drive, the Seawall Drive Parking Lot, portions of the Berkeley Waterfront, and Shorebird Park to direct visitors to the new pier, ferry facilities, parking areas, and other recreational destinations. The project would also include interpretive and educational signage along the pier, breakwater, and Bay Trail Extension. Final signage design and placement would be refined through final design and applicable permitting processes. The project would also provide continued public access to recreational facilities from public streets and trails, including University Avenue, Seawall Drive, and the Bay Trail, and would maintain and improve public parking access through renovation of the existing Seawall Drive parking lot, which would provide approximately 400 to 450 public parking spaces. In addition, the project would enhance pedestrian, bicycle, and transit access through construction of a new cycle track, Bay Trail improvements, bicycle parking facilities, and transit improvements. Accordingly, the project would be consistent with Recreation Policy 3(a)(7).
Policy 7. Because of the need to increase the recreational opportunities available to Bay Area residents, small amounts of Bay fill may be allowed for waterfront parks and recreational areas that provide substantial public benefits and that cannot be developed without some filling.	**Consistent.** The proposed pier and breakwater would provide recreational opportunities to the Bay. As such, the fill would be allowed if it provides substantial public benefits and cannot be developed without some filling. Since the proposed project will provide an alternative form of transportation that will reduce vehicle miles traveled and greenhouse gas emissions, as well as providing a new recreational opportunity to access the Bay, the proposed project will result in substantial public benefits.

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This revision is clarifying in nature and does not alter the analyses, significance conclusions, or mitigation measures presented in the Draft EIR. Accordingly, the analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No further revisions are required.

Response to Comment P36-44

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

Refer also to Response to Comment O10-51, which similarly addresses Bay Plan Recreation Policy 3(a)(7). As explained therein, although Recreation Policy 3(a)(7) was not specifically identified in the Bay Plan consistency analysis provided in Draft EIR Section 3.9, *Land Use and Planning* (see Impact LU-2, Table 3.9-1), the Draft EIR's overall Bay Plan consistency analysis addresses similar objectives related to public access, wayfinding, signage, parking, and multimodal access. Additionally, BCDC did not identify omission of Recreation Policy 3(a)(7) as a concern in its comment Letter on the Draft EIR. Nonetheless, in response to Comment O10-51, Table 3.9-1 within Draft EIR Section 3.9, *Land Use and Planning*, has been revised to expressly evaluate project consistency with BCDC Bay Plan Recreation Policy 3(a)(7).

The revisions described in Response to Comment O10-51 are clarifying in nature and do not alter the impact analysis or significance conclusions presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, or related sections of the Draft EIR. Accordingly, the analyses and significance conclusions presented therein remain valid as written in the Draft EIR. No additional revisions are required.

Response to Comment P36-45

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The City does not agree that Recreation Policy 3(b)(4) is directly applicable to the proposed project. As described in Draft EIR Section 3.9, *Land Use and Planning*, and Bay Plan Map No. 4 referenced therein, the project site is located within the Berkeley Waterfront/Cesar Chavez Park area, which is designated as a BCDC "Waterfront Park, Beach" priority use area. Although the Berkeley Marina is adjacent to the project site, the proposed project is not located within the marina itself and would not remove or substantially alter marina facilities or marina-related uses. Rather, the project would preserve existing marina uses while constructing a ferry terminal and associated public access and recreational improvements within the Berkeley Waterfront (see Impact LU-2).

The Draft EIR evaluates the project for consistency with applicable BCDC Bay Plan policies under Impact LU-2 within Section 3.9, *Land Use and Planning* (see Table 3.9-1, pages 3.9-12 through 3.9-23), including Bay Plan Map No. 4 Policy 15, which specifically identifies a ferry terminal as a potential use at the Berkeley Waterfront provided it remains compatible with park and marina uses. As discussed in Table 3.9-1, the project would maintain compatibility with existing marina and recreational uses while providing additional public amenities. Therefore, although Recreation Policy 3(b)(4) is not directly applicable to the proposed project, the Draft EIR demonstrates that the project would not preclude continued operation of adjacent marina facilities. Additionally, the City notes that BCDC reviewed and provided extensive comments on the Draft EIR but did not identify Recreation Policy 3(b)(4) as a policy requiring additional analysis or identify omission of the policy as a deficiency in the Draft EIR. As noted within Draft EIR Section 3.9, BCDC will independently review project consistency with applicable Bay Plan policies through its permitting process.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-46

For a detailed discussion of project consistency with applicable land use plans, refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*.

Recreation Policy 3(e)(3) is not directly applicable to the proposed project. As described in Draft EIR Chapter 2, *Project Description*, the proposed project would construct a public pier, ferry terminal, breakwater, public plaza, Bay Trail extension, bicycle and pedestrian facilities, and related infrastructure (see Section 2.5, *Proposed Project Components*). The project does not include construction of new non-motorized small boat launching facilities or improvements to existing non-motorized small boat launching facilities; however, such existing facilities would remain available for use with project implementation.

To the extent the comment concerns the availability of parking for users of existing recreational facilities such as non-motorized boating facilities, refer to Section 2.2.20, *Topical Response: Parking,* which includes discussion of the shared-use parking approach and parking demand management measures planned for the project, as well as the evaluation of parking impacts under CEQA. Refer also to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which provides discussion of the project's relationship to existing waterfront recreational uses and access opportunities. As discussed therein, the project would not eliminate small boat launching facilities or preclude continued use of those facilities.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-47

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies. Refer also to Response to Comment O10-116, which describes that the Draft EIR includes an analysis of consistency with Bay Plan Recreation Policy 9.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-48

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies. Refer also to Response to Comments P36-37 through P36-47, which indicate that the City has found no inconsistencies with Bay Plan policies. For that reason, no mitigation measures have been proposed.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-49

For discussion regarding the adequacy of the CEQA baseline and level of detail required, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

The Draft EIR provides an adequate description of existing recreational use consistent with CEQA requirements. The analyses and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-50

For discussion of the environmental baseline considered in the Draft EIR, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users.*

The analyses and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-51

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, for a discussion of how the analysis performed in the Draft EIR is appropriate.

The analyses and significance conclusions presented in Draft EIR Section 3.11, *Recreation*, remain valid as written. No revisions are required.

Response to Comment P36-52

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, for a discussion of the baseline used to assess recreational impacts, according to CEQA. No further response is required.

Response to Comment P36-53

As explained in Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* the City has coordinated with BCDC and will continue to do so through the permitting process, where BCDC will independently evaluate consistency with its policies, including those related to recreational use and access to the Bay.

For discussion of CEQA baseline adequacy and level of detail, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users.*

Accordingly, the Draft EIR appropriately considers recreational conditions and evaluates project impacts consistent with CEQA requirements. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-54

Under CEQA an EIR must evaluate a project's impacts relative to existing environmental conditions, which "normally constitute the baseline" for determining CEQA significance (CEQA Guidelines Section 15125(a)). The Guidelines further specify that the baseline shall not include hypothetical conditions that have not occurred, even if such uses could be allowed under existing plans or agreements. Consistent with these requirements, the Draft EIR evaluates environmental impacts based on existing conditions at the project site at the time of environmental review. The potential reopening of the restaurant at 199 Seawall and other future uses referenced by the commenter are not part of the proposed project and are not existing conditions; therefore, they are not treated as baseline conditions under CEQA. However, CEQA does require consideration of reasonably foreseeable future projects and development in a cumulative context. Accordingly, the Draft EIR evaluates the project's incremental contribution to cumulative impacts in each resource Chapter (Chapter 3), in combination with other past, present, and reasonably foreseeable future projects, consistent with CEQA Guidelines Section 15130. This cumulative analysis captures the combined effects of the proposed project and other anticipated development activities in the project vicinity.

With respect to the reopening of the 199 Seawall restaurant, refer to Response to Comment P36-108, which explains that the City does consider a potential new restaurant at the 199 Seawall Drive site as a cumulative project. Response to Comment P36-108 also includes a discussion of the City of Berkeley lease agreement providing 150 parking stalls to the new restaurant.

With respect to "opening a pier that would provide recreational access", this proposed project that has been analyzed in the Draft EIR proposed to create a new pier that would provide recreational access.

The Draft EIR appropriately evaluates project impacts based on existing environmental conditions and includes cumulative impact analysis that considers reasonably foreseeable future development.

Consistency with applicable Bay Plan policies is addressed in Sectio 3.9, *Land Use and Planning*. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no further revisions to the EIR are required.

Response to Comment P36-55

The Draft EIR evaluates recreational impacts consistent with CEQA, which focuses on a project's effects on existing physical environmental conditions at and in the vicinity of the project site (see Chapter 3, *Environmental Impact Analysis*, discussion of environmental baseline). Accordingly, Draft EIR Section 3.11, *Recreation*, appropriately focuses on recreational facilities, access, and use patterns at the Berkeley Waterfront and surrounding area to determine whether the project would result in a physical impact on those resources. At the same time, the Draft EIR does incorporate regional context where relevant. Section 3.11.2, *Environmental Setting* (pages 3.11-1 through 3.11-7), identifies San Francisco Bay as a regional recreational resource and describes water-based recreation occurring beyond the immediate project site, as well as the relationship to broader regional recreational opportunities. In addition, Section 3.11.5, *Cumulative Impacts*, considers the project's contribution to recreational demand in combination with other past, present, and reasonably foreseeable projects, which provides a regional perspective on recreational capacity.

As explained in Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* the City has coordinated with BCDC and will continue to do so through the permitting process, where BCDC will independently evaluate consistency with its policies, including those related to recreational use and access to the Bay.

Accordingly, the Draft EIR appropriately focuses its impact analysis on the project site and surrounding area as required under CEQA, while also incorporating regional considerations through the environmental setting, cumulative analysis, and policy consistency evaluation. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-56

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* for a discussion of how the analysis performed in the Draft EIR is appropriate.

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-57

Refer to Response to Comment O10-116, which discusses the Draft EIR consistency analysis for BCDC Bay Plan Recreation Policy 9. As explained therein, the proposed ferry facility is located within a waterfront park priority use area specifically contemplated by the policy, would maintain recreational access, and shared-use parking would accommodate both ferry patrons and recreational users while minimizing the amount of shoreline area devoted to parking (see Draft EIR Section 3.9, *Land Use and Planning*, Table 3.9-1, page 3.9-18).

With respect to the comment's specific concerns regarding the Draft EIR's discussion of parking, parking supply, demand, transportation demand management measures, shared-use parking strategies, and access considerations are evaluated throughout the Draft EIR, including Section 3.12, *Transportation*, and Appendix F, *Transportation Impact Assessment*, as well as supporting documents such as the City's Parking and TDM plan. Refer to Section 2.2.20, *Topical Response: Parking,* which provides a detailed discussion of parking conditions, shared-use parking management, implementation of the Parking and TDM Plan, and the relationship between parking considerations, Bay Plan Recreation Policy 9, and CEQA Guidelines. As explained therein, CEQA requires the evaluation of physical environmental effects rather

than policy concerns regarding the allocation of parking resources. Accordingly, the Draft EIR evaluates potential physical environmental impacts associated with parking and circulation and does not identify secondary impacts resulting from parking demand.

The analyses and significance conclusions presented under Impact LU-2 within Section 3.9, *Land Use and Planning*, and related sections remain valid as written in the Draft EIR. No revisions are required.

Response to Comment P36-58

Refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance*. The Draft EIR separately evaluates Bay Plan consistency under Section 3.9, *Land Use and Planning*, and concludes that the project would not conflict with applicable Bay Plan policies related to parking and recreational access (see Impact LU-2, Table 3.9-1, pages 3.9-12 through 3.9-23). The analyses and significance conclusions presented in the Draft EIR remain valid as written.

Response to Comment P36-59

Parking supply is not an impact under CEQA, and no mitigation measure was identified to prepare a parking management plan. Refer to Section 2.2.20, *Topical Response: Parking,* for more information on this topic. No further response is required.

Response to Comment P36-60

Refer to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, and Section 2.2.20, *Topical Response: Parking.* Parking is not an impact under CEQA and the Draft EIR does not include deferred mitigation. No further response is required.

Response to Comment P36-61 to P36-64

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about how the City appropriately discusses parking in the Draft EIR, according to CEQA. This comment does not directly pertain to proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P36-65

Refer to Section 2.2.20, *Topical Response: Parking,* and Topical Response: CEQA Baseline/Baseline Recreation. As discussed therein, the Draft EIR uses the physical conditions existing at the time the Notice of Preparation was published as the CEQA baseline and evaluates potential secondary physical environmental effects associated with project-related parking conditions. The comment does not provide evidence demonstrating that the baseline used in the Draft EIR is inconsistent with CEQA requirements or that the analyses and significance conclusions are incorrect. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-66

Refer to Section 2.2.20, *Topical Response: Parking.* As discussed therein, the Draft EIR's parking analysis is based on parking utilization data and supporting technical studies prepared for the project. The comment does not provide evidence demonstrating that the parking data, methodology, or resulting analyses are inadequate for purposes of CEQA review. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-67

Refer to Section 2.2.20, *Topical Response: Parking.* The Draft EIR provides sufficient information regarding existing parking conditions, parking utilization, and proposed parking facilities to support the environmental analyses required by CEQA. The commenter does not identify a deficiency in the Draft EIR analysis, significance conclusions, or mitigation measures. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-68

Refer to Section 2.2.20, *Topical Response: Parking.* The Draft EIR provides sufficient information regarding existing parking conditions, parking utilization, and proposed parking facilities to support the environmental analyses required by CEQA.

The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-69

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-70

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access,* for a discussion of parking on Seawall Drive.

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of how parking is assed under CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-71

The comment does not identify an inadequacy in the environmental analysis. As described in the Draft EIR (pages 2-30 to 2-31 of the Draft EIR), the ridership assumptions used for the project were based on ridership forecasts developed through the WETA Berkeley Ferry Service Business Plan. The Business Plan includes ridership forecasts prepared by CDM Smith using accepted transportation planning and travel demand modeling methodologies developed to evaluate proposed ferry services. The forecasts estimate weekday, weekend, and special event ridership under multiple service scenarios and incorporate assumptions regarding travel demand, service characteristics, and phased ridership growth over time. The Business Plan also recognizes that new transit services typically experience a multi-year ridership ramp-up period and incorporates a service adoption factor into its evaluation of future service performance.

Under CEQA, an EIR must be supported by substantial evidence in the administrative record and may rely on reasonable assumptions, expert opinion, and facts to support its analysis (Pub. Resources Code, § 21080, subd. (e); CEQA Guidelines, §§ 15144, 15145, 15151). CEQA Guidelines Section 15151 expressly provides that "[d]isagreement among experts does not make an EIR inadequate," and that an EIR should be judged based on whether it reflects a good-faith effort at full disclosure rather than by a standard of absolute perfection. The ridership projections relied upon in the Draft EIR were prepared by qualified professionals using accepted transportation planning methodologies and constitute substantial evidence supporting the environmental analysis. While the commenter has provided an alternative estimate of future ridership, CEQA does not require the Lead Agency to adopt a commenter's assumptions or conclusions where the EIR relies on reasonable forecasting methodologies supported by substantial

evidence in the administrative record. A difference of opinion regarding future ridership projections does not demonstrate that the Draft EIR's analysis is inadequate.

In addition, higher ridership in the future represents an environmental benefit, through the reduction of VMT and GHG emissions. Insofar the comment is expressing concern about parking, refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of parking supply adequacy.

Accordingly, the comment has been noted. The information provided by the commenter does not alter the conclusions of the Draft EIR, and no revisions to the environmental analysis are required.

Response to Comment P36-72

Refer to Section 2.2.27, *Topical Response: VMT*, for a detailed discussion of the mode split assumptions used in the Draft EIR. Refer also to Response to Comment P36-73 for responses to additional comments related to the mode split assumptions.

Response to Comment P36-73 to P36-76

This comment is inaccurate. The Parking and TDM Plan, as well as the Draft EIR directly address the relationship between the prior and current mode share estimates. As documented in Section 3.0 of the Parking and TDM Plan (page 5), the City's Traffic Consultant (Kittelson and Associates) expressly reviewed the Berkeley Marina Ferry Parking & Transportation Demand Management Strategy (Nelson\Nygaard, October 2021) and the 2018 Short-Term Recommendations for Waterfront Parking Management on which it was based. Appendix F (page 2) of the Draft EIR identifies the 54 percent baseline as one of the sources used in developing the mode split. The City's Traffic Consultant also reviewed the WETA Business Service Plan (31 percent drive-alone) and updated WETA onboard survey data from 2022 (44 percent drive-alone) and derived a recommended baseline of 40 percent drive-alone, a figure that reflects more current observed travel behavior than the 2021 Feasibility Study estimate. This methodology is explained in Section 3.4 of the Parking and TDM Plan (page 10) and constitutes substantial evidence supporting the Draft EIR's analysis. The commenter's preferred 54 percent figure is not ignored; it is one data point among several that the City's Traffic Consultant weighed in arriving at a more current and comprehensive estimate.

The commenter's parking demand calculations in P36-75 similarly rely on the 54 percent figure and a parking supply figure of 399 spaces that does not reflect the full parking supply available to ferry riders under the project. As discussed in Section 2.2.20, *Topical Response: Parking,* the City's analysis demonstrates that sufficient parking capacity exists within the Berkeley Waterfront to accommodate projected ferry demand. While some commenters offered their own demand calculations, the City's conclusions are based on the Parking and TDM Plan prepared by the City's Traffic Consultant using empirical data and professional methodology. These mode split assumptions that have been substantiated in the Parking and TDM Plan are also identified in the Draft EIR, as part of Appendix F (subsection Mode Split Assumptions, page 2). Regarding potential ferry ridership, refer to Response to Comment P36-71.

The commenter's reliance on Stanislaus Audubon Society, Inc. v. County of Stanislaus (1995) 33 Cal.App.4th 144 is misplaced. In Stanislaus, the question at issue was whether there was substantial evidence in the record supporting a fair argument that the proposed project may have a significant impact on the environment, thus necessitating an EIR. Here, the City has prepared an EIR. Accordingly, no revision to the Draft EIR is warranted in response to these comments.

Response to Comment P36-77

Refer to Response to Comment P36-109, which explains that the City has not proposed parking allocation among users. Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of how parking is assed under CEQA, and how the City would provide sufficient parking to accommodate all users.

Response to Comment P36-78 and P36-79

First, as a matter of clarification, the Draft EIR uses a 16 percent mode split for bicycle use. Refer to Page 2 of Appendix F of the Draft EIR.

The data referenced in the comment (5.9% percent bicycle use in Berkeley, per Data USA) is for the entire city[48, 49] and not for the Berkeley Waterfront sub region. It is important to note that the data from the Census or Data USA is only based commuting characteristics, i.e., home-to-work trips, and does not include trips such as recreational trips or trips made for shopping and going to school. The data used for the analysis in the Draft EIR is 16 percent for the sub region and specifically looks at the bicyclist using ferry (see Table 2 in Appendix F of the Draft EIR). Other ferry terminals have documented over 10 percent of the users bicycling to the ferry terminals.[50] The WETA Business Plan estimated that approximately 16 percent of ferry passengers would access the terminal by bicycle, based on observed travel patterns at comparable WETA ferry terminals. The Berkeley Ferry Feasibility Study prepared by Nelson\Nygaard estimated a similar bicycle mode share of 18 percent. All of these sources have been identified on page 2 of Appendix F of the Draft EIR.

To further validate these assumptions, Kittelson reviewed the most recent WETA onboard survey data, including surveys conducted in 2022, and applied the methodology used in the WETA Business Plan. Based on the updated survey data, Kittelson estimated that approximately 11 percent of ferry passengers would access the terminal by bicycle.

The three estimates (11 percent, 16 percent, and 18 percent) were compared as part of the analysis. After considering the methodologies, underlying datasets, and consistency with previous WETA planning efforts, the 16 percent bicycle mode share from the WETA Business Plan was determined to be the most reasonable and defensible assumption for this environmental analysis because it is based on observed travel behavior at comparable ferry terminals and is consistent with WETA's planning assumptions.

The City concludes that the mode split assumptions used for the Draft EIR are supported by substantial evidence and appropriate for CEQA analysis. The analysis and conclusions in the Draft EIR remain valid. No further revisions to the EIR are necessary.

Response to Comment P36-80

Refer to Response to Comment P36-79 for a discussion related to the assumptions used for the percentage of people that would access the project site via bicycle.

For concerns related to recreational impacts due to parking capacity, please refer to Section 2.2.20, *Topical Response: Parking.* The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-81

This comment refers to the consistency discussion for Bay Plan Recreation Policy 9 found in Table 3.9-1, *BCDC San Francisco Bay Plan Consistency*, in Section 3.9, *Land Use and Planning*, of the Draft EIR. The

[48] U.S. Census Bureau. (2024). *American Community Survey 5-Year Estimates, Table S0801: Commuting Characteristics by Sex, Alameda County, California.* Available: https://data.census.gov/table/ACSST5Y2024.S0801?q=S0801:+Commuting+Characteristics+by+Sex&g=1400000US06001422000&moe=false. Accessed July 10, 2026.

[49] U.S. Census Bureau. (2024). *American Community Survey 5-Year Estimates, Table S0801: Commuting Characteristics by Sex, Berkeley City, California.* Available: https://data.census.gov/table?q=S0801:+Commuting+Characteristics+by+Sex&g=160XX00US0606000. Accessed September 9, 2026.

[50] WETA. 2025. *2025 Onboard Ferry Survey: Summary Report.* Prepared by Corey, Canapary & Galanis Research. Available: https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20260407225430/WETA-onboard-2025-Report-Finalv2-1.pdf. accessed July 2026.

discussion in the table explains that the City would implement a parking strategy that would balance shared-use parking for ferry patrons and recreational users.

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the City's parking management, as well as how parking is addressed in this Draft EIR, according to CEQA.

Response to Comment P36-82

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of how parking is assed under CEQA, and how the City would provide sufficient parking to accommodate all users. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-83

The City has not disregarded BCDC's scoping comment. The Draft EIR considered comments received during the scoping process, including comments submitted by BCDC. With respect to alternatives, Chapter 5 evaluates alternatives that reduce Bay fill relative to the proposed project, including the Shortened Breakwater Alternative and Shortened Pier Alternative. In addition, alternatives intended to further reduce fill were considered during project planning. As discussed in Section 2.2.2, *Topical Response: Alternatives*, the alternatives analysis was developed using reasonable assumptions and screening criteria consistent with CEQA requirements. Additionally, as discussed in Section 5.9, *Alternatives Considered but Rejected*, and further addressed in Section 2.2.2, *Topical Response: Alternatives*, these alternatives were not carried forward because they would not attain most of the project objectives, would be infeasible (i.e., operational and navigational), or would not meaningfully reduce environmental impacts. For example, the in-marina alternative would still require substantial dredging and therefore would not significantly reduce the dredging footprint while meeting the project's operational requirements. For additional information about the In-Marina Alternative, refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative*.

Accordingly, the Draft EIR satisfies CEQA's requirement to evaluate a reasonable range of feasible alternatives, and the analysis and conclusions presented in Chapter 5, *Alternatives* remain valid. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-84

The City acknowledges that BCDC Bay Plan policies and Clean Water Act Section 404(b)(1) Guidelines emphasize avoidance and minimization of Bay fill and other aquatic-resource impacts. Consistent with those principles, the Draft EIR evaluates alternatives that reduce Bay fill relative to the proposed project and discusses additional alternatives considered during project planning. Refer to Response to Comment P36-83 and P36-85, which describes the City's evaluation of alternatives, consistent with CEQA requirements.

The Draft EIR's purpose under CEQA is to evaluate a reasonable range of feasible alternatives and disclose their environmental consequences. Separate regulatory review and permitting processes administered by agencies such as BCDC and the U.S. Army Corps of Engineers may apply additional alternatives analyses and permitting standards. The analysis and conclusions presented in the Draft EIR remain valid, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-85

Refer to Section 2.2.2, *Topical Response: Alternatives* (Project Objectives Sub-section). As discussed therein, CEQA permits a lead agency to define reasonable project objectives and to evaluate alternatives based on their ability to attain most of those objectives. The Draft EIR evaluates a reasonable range of alternatives capable of attaining most of the project objectives while reducing environmental impacts.

Accordingly, the alternatives analysis presented in Chapter 5, *Alternatives* is consistent with CEQA requirements. No revisions to the Draft EIR are necessary.

Response to Comment P36-86

Refer to Response to Comment P36-85, which explains how the project objectives identified in the Draft EIR are in compliance with CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-87

Refer to Section 2.2.2, *Topical Response: Alternatives*, which explains that the project objectives are not overly narrow and describes how the Draft EIR provides for meaningful decision-making. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-88

The City agrees that CEQA requires evaluation of alternatives capable of attaining most, rather than all, project objectives. Consistent with that requirement, Chapter 5, *Alternatives* evaluates alternatives that vary in the degree to which they satisfy project objectives and reduce environmental impacts. Alternatives were not excluded solely because they failed to meet every project objective; rather, screening decisions reflected a combination of factors, including feasibility, reduction of significant environmental impacts, operational considerations as they relate to feasibility, and the ability to attain most project objectives. For further discussion of the City's evaluation of Alternatives, refer to Section 2.2.2, *Topical Response: Alternatives*. No revisions to the Draft EIR are necessary. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-89

Refer to Response to Comment P36-83, for a response to this same comment made earlier in the comment letter. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-90

Refer to Section 2.2.2, *Topical Response: Alternatives*. As discussed therein, the City has established reasonable project objectives consistent with CEQA and evaluated a reasonable range of alternatives capable of attaining most of those objectives. The Draft EIR identifies an environmentally superior alternative and evaluates alternatives with varying levels of environmental impact, public access benefits, and ferry-service functionality. Accordingly, the project objectives do not improperly constrain the alternatives analysis. No revisions to the Draft EIR are necessary.

Response to Comment P36-91

The City acknowledges the commenter's opinions regarding project funding and the desirability of a recreational-use pier without ferry service. However, the issues raised regarding grant funding, project costs, financing, and comparative economic feasibility are primarily financial and policy considerations rather than environmental impacts subject to CEQA review. Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for additional discussion.

To the extent the comment advocates for a pier-only alternative, refer to Response to Comment O10-215. As described therein, the City considered a No Ferry Service with New Pier Alternative in Draft EIR Section 5.9, Alternatives Considered but Rejected (page 5-27). The No Ferry Service with New Pier

Alternative would reconstruct the pier without providing ferry service, but was not carried forward for detailed evaluation because it would not attain one of the project's two basic objectives: providing efficient and environmentally friendly zero-emission public ferry service between Berkeley and San Francisco. Refer also to Responses to Comments O10-216 and O10-217 for additional discussion regarding project funding and the recreational benefits associated with a pier-only alternative.

The City does not dispute that reconstruction of the pier without ferry service could provide public access and recreational benefits. However, CEQA does not require the City to select or evaluate in detail every alternative preferred by a commenter. Rather, CEQA requires evaluation of a reasonable range of feasible alternatives capable of attaining most of the project's objectives. The Draft EIR explains the basis for screening the No Ferry Service with New Pier Alternative from detailed evaluation and identifies the alternatives that were carried forward for analysis in Chapter 5. For more information of how the Draft EIR considers alternatives, refer to Section 2.2.2, *Topical Response: Alternatives*.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required. For further discussion of project alternatives, refer to Section 2.2.2, *Topical Response: Alternatives*.

Response to Comment P36-92

It is not accurate that restoration of the pier constitutes the No Project Alternative under CEQA. CEQA Guidelines Section 15126.6(e) requires that an EIR evaluate a No Project Alternative that describes the existing conditions and reasonably foreseeable future conditions if the proposed project is not approved. Consistent with this requirement, the Draft EIR's No Project Alternative assumes that the proposed project would not be implemented and that the existing pier would remain closed due to its deteriorated structural condition. As discussed in Chapter 5, *Alternatives*, the No Project Alternative therefore reflects continuation of existing conditions rather than implementation of a separate project involving repair or reconstruction of the pier. There are no planning documents, funding, or other evidence to suggest that the restoration of the pier, without ferry service, would be reasonably foreseeable.

Restoration or reconstruction of the pier would constitute a distinct project requiring discretionary approvals, funding, design, and construction activities. Accordingly, it is more appropriately considered an action alternative rather than a No Project Alternative. As discussed in Section 5.9, *Alternatives Considered but Rejected*, alternatives involving restoration of the pier without ferry service were considered but not carried forward because they would not attain most of the project's basic objectives, including provision of zero-emission ferry service. For further discussion, please refer to Response to Comment O10-215, as well as Section 2.2.2, *Topical Response: Alternatives*.

The comment's preference for a restored pier without ferry service is noted; however, that preference does not demonstrate that the Draft EIR's No Project Alternative is inconsistent with CEQA requirements. This comment has been included in the project record considered by City decision makers. The analysis and conclusions presented in Chapter 5 remain valid, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-93

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-94

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-95

Please refer to Responses to Comments P36-83 and P36-84 and to Section 2.2.2, *Topical Response: Alternatives*, and Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative*.

The comment that regulatory requirements would largely be avoided by locating the project within the marina does not alter the Draft EIR's conclusion regarding the in-marina alternative. Accordingly, the alternatives analysis presented in Chapter 5 remains valid, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-96

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-97

The Draft EIR evaluates impacts due to various in-water construction activities, including dredging and pile installation, and provides mitigation measures in Section 3.3.4 Impacts Analysis on pages 3.3-45 through 3.3-57. See Mitigation Measures BIO-1(d) that requires use of “soft start” and “ramping up” techniques and sound curtains as well as a work window of June 1 through November 30 as impact avoidance to fish and marine mammals. Additionally, a significant portion of the construction-related dredging would occur within a former U.S. Army Corps of Engineers channel and the proposed project dredge depth would result in only short-term temporary impacts to water quality and benthic infaunal communities, as discussed in Section 3.3.4 under Impact BIO-1, page 3.3-46, and those impacts would be less than significant with implementation of Mitigation Measure HYD-1. See Response to Comment A3-28 for further discussion regarding construction-related impacts of dredging. The Draft EIR significance conclusion of less-than-significant special-status aquatic species impacts with incorporation of identified mitigation remains valid. No additional Draft EIR changes are necessary in response to this comment.

Response to Comment P36-98

The Draft EIR Mitigation Measure BIO-3 (page 3.3-66) 1:1 replacement ratio requirement to avoid net loss of jurisdictional waters is a minimum baseline mitigation commitment evaluated under CEQA and is not a fixed permit-stage outcome. The actual mitigation ratio and specific mitigation actions will be determined during agency permitting based on the final design, the results of a formal jurisdictional and functional assessment, and agency review. Draft EIR Mitigation Measure BIO-3 addresses impacts to jurisdictional waters discussed under Impact BIO-3. Impacts to aquatic and benthic habitat are discussed in Section 3.3.4 under Impact BIO-1, pages 3.3-45 through 3.3-54 and concluded to be less than significant with implementation of Mitigation Measures BIO-1(a), BIO-1(d), BIO-1(e), and HYD-1. See Response to Comment O5-36 for further discussion of impacts to aquatic habitat. No Draft EIR changes are necessary in response to this comment. However, refer to the errata in Chapter 3 of the Final EIR for changes to the wording of Mitigation Measure BIO-3.

Response to Comment P36-99

See Response to Comment P36-98 for a discussion of how the project will address impacts beyond no-net loss of jurisdictional waters within the project site. See Response to Comment O5-36 for discussion of dredging and in-water construction impacts. See Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, for further discussion of mitigation approach. No Draft EIR changes are necessary in response to this comment.

Response to Comment P36-100

Refer to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, which explains how Mitigation Measure BIO-3 fulfills CEQA requirements for mitigation. No further response is required.

Response to Comment P36-101

See Response to Comment O5-36 for discussion of dredging and in-water construction impacts. See Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, for further discussion of mitigation approach. No Draft EIR changes are necessary in response to this comment.

Response to Comment P36-102

Refer to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, which explains how the mitigation measures included in the Draft EIR are not considered deferred mitigation. No further response is required.

Response to Comment P36-103

See Response to Comment A3-21 for discussion of impacts to subtidal habitats from construction-related sediment disturbance. See Response to Comment A3-25 for discussion of fill removal as mitigation. See Response to Comment P36-99 for additional discussion regarding dredging in-water construction impacts and mitigation. No Draft EIR changes are necessary in response to this comment.

Response to Comment P36-104

Regarding the comment about evaluating alternatives per BCDC recommendations, refer to Response to Comment P36-83 for a response to this same comment made earlier in the comment letter.

This comment also suggests that the project description has changed, and points to the size of the breakwater. As indicated in Response to Comments P36-107 through P36-114, the Draft EIR includes a stable project description.

The Draft EIR both evaluates alternatives that reduce Bay fill and explains why additional alternatives were not selected for detailed analysis. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-105

Refer to Section 2.2.2, *Topical Response: Alternatives*, and Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative*. The comment references a small-scale ferry concept described in the GHD Feasibility Study. The Draft EIR did consider a smaller-scale ferry service but ultimately rejected it from further consideration. For a discussion of the rationale for its rejection, refer to page 5-27 of the Draft EIR.

The City therefore concludes that the alternatives analysis presented in Chapter 5 satisfies CEQA requirements, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-106

The comment suggests a project design alternative related to parking management and facility location. Because neither the Draft EIR nor the comment identify a significant parking-related environmental impact pursuant to CEQA Guidelines, the analysis of additional parking alternatives for the purpose suggested by the commenter is not required. For further discussion of parking considerations related to the analysis presented in the Draft EIR, refer to Section 2.2.20, *Topical Response: Parking.* For additional information regarding the evaluation of alternatives, refer also to Section 2.2.2, *Topical Response: Alternatives*.

This comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P36-107

The Notice of Preparation (NOP), which initiates the CEQA process did not identify the specific number of parking spaces because those details were still being developed in the design process. The Draft EIR identified a range of 400 to 450 parking spaces (refer to page 2-18 of the Draft EIR). This has not changed in the Final EIR. As indicated in Response to Comments P36-107 through P36-114, the Draft EIR includes a stable project description.

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion of parking on Seawall Drive.

No supporting arguments, data, or analysis were provided to substantiate these comments. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P36-108

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, which explains that the City does consider a potential new restaurant at the 199 Seawall Drive site as a cumulative project. The comment mentions 150 parking spaces, which is a reference to the City of Berkeley lease agreement providing 150 exclusive-use parking stalls at the Seawall Lot for 45 years.[51] As described in Section 2.2.20, *Topical Response: Parking,* parking scarcity alone does not constitute a significant impact on the environment. Rather, projects must be evaluated on a case-by-case basis to determine whether secondary physical impacts - such as increased VMT, roadway noise, or air quality impacts result from parking condition. The "Parking Availability Does Not Create Secondary Environmental Impacts" subsection of Section 2.2.20, *Topical Response: Parking,* explains that the Draft EIR and the supporting Parking and TDM Plan demonstrate that the Berkeley Waterfront parking supply is sufficient to accommodate project ferry parking demand without requiring drivers to circulate between parking lots or generate additional vehicle travel.

In addition, the future redevelopment of 199 Seawall Drive would be located within BCDC jurisdiction and any future redevelopment proposal would be required to demonstrate consistency with applicable BCDC policies during the BCDC permit review process. As discussed in Draft EIR Section 3.9, *Land Use and Planning*, the proposed project has been evaluated for consistency with applicable Bay Plan policies, including Bay Plan Recreation Policy 9 which provides that ferry terminals may be located within waterfront park priority use areas provided that facilities for park and marina patrons, such as parking, are not usurped by ferry users and that shared parking arrangements are provided to minimize the amount of shoreline area devoted to parking (refer to Impact LU-2, Table 3.9-1). The Bay Plan further provides that terminal parking facilities should be set back from the shoreline to allow for public access and enjoyment of the Bay, and that public access to and along the shoreline should be maintained. Likewise, any future restaurant redevelopment and associated parking arrangements would be subject to independent review by BCDC to demonstrate consistency with applicable Bay Plan policies concerning shared parking, public access, and recreational use of the Berkeley Waterfront. In addition, as described in Draft EIR Section 3.9, *Land Use and Planning*, the 199 Seawall Drive property is located within Berkeley's Unclassified (U) District, where establishment of a new use requires discretionary approval through a Use Permit process. As part of that process, the City may establish project-specific development standards, including standards related to off-street parking. Therefore, future redevelopment of 199 Seawall Drive and any associated parking allocation or management program would be subject to independent review and discretionary approval by both the City and BCDC, both of which would ensure development consistency

[51] City of Berkeley. 2026. Option Agreement with TSA Holding Group, LLC for 199 Seawall Drive. January 27. Available: https://berkeleyca.gov/sites/default/files/2026-01/2026-01-27%20Item%2006%20Option%20Agreement%20with%20TSA.pdf. (accessed July 2026).

with applicable land use plans related to public access and parking. To the extent redevelopment of 199 Seawall Drive could contribute to cumulative environmental effects, such effects were considered in the applicable cumulative impact analyses presented throughout the Draft EIR. As discussed in Section 2.2.20, *Topical Response: Parking,* the Draft EIR concludes that operation of the proposed project would not result in secondary physical environmental impacts associated with parking conditions. Therefore, the comment does not identify a new significant impact or substantial increase in the severity of a previously identified impact beyond those evaluated in the Draft EIR. No further response is required.

Response to Comment P36-109

The City has not proposed parking allocation among users. Rather, as explained in Section 2.2.20, *Topical Response: Parking,* the City has developed a Parking and TDM Plan, which identifies TDM strategies and ultimately demonstrates sufficient capacity to accommodate both ferry patrons and recreation users. The Parking and TDM Plan identifies a range of parking management regulations to manage the shared use of available parking stalls, and a range of TDM strategies, but does not propose allocation of specific stalls by user groups. Rather, it suggests various parking management regulations, generally time limits, to ensure a balance of parking availability in various parking lots, which can be utilized by any user group based on their needs (proximity, duration, cost, etc.). The information requested in the comment (i.e., clarification of parking allocation among users) is not included because it's not being proposed.

The analysis and significance conclusion presented in the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment P36-110

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a clarification of parking details on Seawall Drive.

Refer to Response to Comment P36-109 for clarification that the project does not include parking allocation among users.

The description of parking in Chapter 2, *Project Description* in the Draft EIR remains valid and adequate as written. No further revisions to the EIR are necessary.

Response to Comment P36-111

First, as a matter of clarification, the statement that the number of passengers associated with the project is not on the body of the Draft EIR is not accurate. Table 2-4: Daily Ridership Projections (trips) in Chapter 2, *Project Description* of the Draft EIR (page 2-31) includes information about passenger demand. The comment references 955, 1,018, 1,055, and 1,060 passengers. These numbers aren't numbers in flux, but rather represent different scenarios for different years of service, or service to Mission Bay in addition to the Ferry Building. Most importantly, these numbers are all presented in the Chapter 2, *Project Description* of the Draft EIR. Please note that as explained in footnote 26 in Chapter 2, *Project Description* of the Draft EIR, Table 2-4 shows ridership projections in trips, so to calculate number of passengers, one would need to divide by two.

The description of parking in Chapter 2, *Project Description* in the Draft EIR remains valid and adequate as written. No further revisions to the EIR are necessary.

Response to Comment P36-112

Refer to Response to Comment P36-76 for a response to the ridership projections provided in the comment letter.

Regarding the comment that the Draft EIR should provide clarity on what the project description really is, the Draft EIR already provides a clear project description. The commenter appears to be referencing two items: parking and ridership. The parking proposed by the project is described on pages 2-18 to 2-22 of

the Draft EIR and includes graphics to identify the proposed parking. The ridership expected as a result of the project is described on pages 2-30 to 2-31 of the Draft EIR.

The description of parking in Chapter 2, *Project Description* in the Draft EIR remains valid and adequate as written. No further revisions to the EIR are necessary.

Response to Comment P36-113

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for how the City considered wave data for different configurations of the breakwater.

Response to Comment P36-114

Earlier Comments P36-107 through P36-113 include perceived changes related to parking, number of passengers associated with ferry operations, and size of the breakwater. The Draft EIR includes information about these project features in Chapter 2, *Project Description*. It is unclear what the commenter means by "changes." The Notice of Preparation (NOP), which initiates the CEQA process did not identify the specific number of parking spaces because those details were still being developed in the design process; did not identify the number of passengers associated with ferry operations; and did identify a proposed breakwater of 400 feet. The parking details identified in Chapter 2, *Project Description* have not changed in the Final EIR. The details about the number of passengers associated with ferry operations has not changed in the Final EIR. The size of the proposed breakwater has not changed in the Final EIR. However, it should be noted that the Draft EIR does identify an alternative that would reduce the size of the breakwater (Alternative 2, page 5-9 of the Draft EIR), and the decision-making body will make a decision on that alternative. No further response is required.

Response to Comment P36-115

A BTU-per-passenger measurement would mean the amount of heat energy per passenger anticipated to be consumed. The more BTUs consumed in general as well as per passenger could indicate a lower level of energy efficiency.

Air quality impacts analyze energy emissions project from natural gas use and not electricity. This is because use of natural gas results in criteria air pollutant emissions directly associated with onsite project activities, whereas the use of electricity does not result in air quality impacts directly generated at the project site. Specifically, for the proposed project, there would be no project-related natural gas use at the project site and, therefore, energy use from an air quality perspective is zero, because air quality emissions associated with electrical generation are assumed by the generating facility and are not part of an individual project's criteria pollutant emissions inventory.

From an energy and GHG standpoint, CEQA significance thresholds identified in the Draft EIR through either the CEQA Checklist or the Bay Area Air District thresholds do not use a BTU-per-passenger mile threshold nor do they require the comparison of project emissions to alternative modes of transportation not proposed as part of a project. Further, the Draft EIR Alternatives Section (Section 5.9) discussed alternative projects such as increasing Bay Area Rapid Transit (BART) capacity and improving access to BART, both of which were alternatives that were considered but rejected. The analysis in the Draft EIR accurately analyzes energy impacts with respect to CEQA Guidelines Appendix G significance criteria, specifically, would the proposed project result in a potentially significant environmental impact due to a wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; and would the proposed project conflict or obstruct a state or local plan for renewable energy or energy efficiency. Thresholds are discussed in Draft EIR *Section 3.6.4* on page 3.6-30. Since the Draft EIR used CEQA Guidelines and Public Resource Code methodology to analyze impacts related to energy efficiency and use, additional energy analysis is not required.

The Draft EIR under Impact GHG-2 (pages 3.6-43 through 3.6-44) concludes that the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. And the Draft EIR under

Impact GHG-3 (pages 3.6-45 through 3.6-46) concludes that the project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Therefore, additional energy analysis is not required.

Response to Comment P36-116

Carbon is not a criteria pollutant that is addressed under the federal or State Ambient Air Quality Standards and is, therefore, not analyzed as part of the air quality analysis as it does not have a State or federal threshold for which states or regions are required to comply with. The air quality analysis does include an analysis of direct carbon monoxide emissions associated with the construction and operation of the project. As discussed in Response to Comment P36-115, carbon monoxide emissions, along with the other criteria pollutants, from electrical consumption are not analyzed under air quality impacts. Carbon monoxide emissions from the mobile sources associated with the proposed project are included in Draft EIR Tables 3.2-9 and 3.2-10 on page 3.2-28 and result in 26 lbs per day or 5 tons per year of carbon monoxide emissions. There are no air district thresholds for carbon monoxide emissions at this time and, therefore, carbon monoxide emissions are less than significant.

See Section 2.2.10, *Topical Response: Electric Ferry,* for a discussion of how the proposed project includes and the Draft EIR analyses assume installation and operation of an electric ferry, and not a ferry that would be propelled by any other means of fuel or energy source. In addition, see Responses to Comments O5-18 and 05-19 that discuss the project's commitment to zero-emission ferry and 100 percent renewable energy consumption past 2030. The reference to a zero-emissions project is specific to zero GHG emissions associated with proposed all-electric ferry operation as well as ferry and recreational amenities that would use 100 percent renewable energy-sourced electricity past 2030.

See Section 2.2.27, *Topical Response: VMT*, for a discussion of how the proposed project would result in a net reduction in regional VMT. Draft EIR Section 3.12 *Transportation* page 3.12-21 details the VMT analysis and how the project would reduce vehicle miles traveled from the current 1,127 trips traveling into San Francisco at 25 miles to an 8 mile commute to the ferry terminal. The source of the information for determining trip lengths is Transportation Research Board of the National Academies. Coffel, K., Parks, J., Semler, C., Ryus, P., Bose, D., Vandehey, M., Petritsch, T., Proulx, F., & Chang, J. (2012). Guidelines for providing access to public transportation stations (TCRP Report 153) are available at https://nacto.org/wp-content/uploads/2016/04/1-4_Coffell-et-al_Guidelines-for-Providing-Access-to-Public-TransportationStations_TCRP-153_2012.pdf and the use of the information is summarized in Draft EIR Section 3.12 *Transportation*. Together, this Draft EIR analysis, information source, and guidelines document how the project would result in a net reduction in regional VMT. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P36-117

Refer to Section 2.2.2, *Topical Response: Alternatives* for a discussion of how the Draft EIR need only assess a reasonable range of alternatives that also meet the project objectives. A project objective is to construct and operate a new all-electric ferry from Berkeley to San Francisco. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P36-118

Refer to Response to Comment P36-115 for a discussion of the analysis on BTU-per-passenger comparisons in terms of energy use. In addition, see Response to Comment P36-116 for a discussion of how the reference to a zero-emissions project is specific to zero GHG emissions associated with proposed all-electric ferry operation as well as ferry and recreational amenities that would use 100 percent renewable energy-sourced electricity past 2030.

In addition, while the efficiency of a ferry may be lower than that of AC transit or BART, these systems are already in place and will continue to service transportation needs between Berkeley and San Francisco after and during operation of the ferry service. Since these other modes of regional transit are not part of

the proposed project, the efficiency of the ferry in comparison to these other regional modes of transit are not relevant to the project analysis.

Furthermore, see Section 2.2.27, *Topical Response: VMT,* for a discussion of how the proposed project would result in a net reduction in regional VMT. As demonstrated in the Draft EIR (Impact TRA-2, page 3.12-20) and discussed in Response to Comment P36-116, implementation of the project would reduce regional VMT compared to the existing condition by taking an additional 1,127 cars trips off of the roads between Berkeley and San Francisco. The Draft EIR Air Quality analysis in *Section 3.2* and the Greenhouse Gas and Energy analysis in *Section 3.6* discuss the impacts from the use of fossil fuels from the vehicles accessing the project site (see Impact AQ-2 and GHG-1 on pages 3.2-29 and 3.6-36).

Finally, as discussed in Response to Comments O5-18 and 05-19, the project objective and commitment is to zero-emission ferry fleet and participation in 100 percent renewable electricity post 2030 with the emissions from electricity generation for Greenhouse Gases analyzed in Draft EIR *Section 3.6 (page 3.6-31)*. See Response to Comment P36-115 discussion regarding why the air quality analysis does not include emissions from electrical consumption. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P36-119

See Section 2.2.10, *Topical Response: Electric Ferry,* for a discussion of how the proposed project includes and the Draft EIR analyses assume installation and operation of an electric ferry, and not a ferry that would be propelled by any other means of fuel or energy source. In addition, Response to Comment O5-19 details WETA's commitments to electrification of the ferries in the San Francisco Bay area as well as the expansion of the electrified fleet. While the City of Berkeley cannot mandate the types of ferries that will be used, WETA has demonstrated a commitment to electrification of the ferry system in the Bay Area including within the expansions of ferry services, and the use of all-electric ferry service between Berkeley and San Francisco is a project objective that the City intends to meet. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P36-120

See Section 2.2.27, *Topical Response: VMT*, for a discussion of how the proposed project would result in a net reduction in regional VMT. The air quality analysis for vehicle trips is based on the Kittelson Technical Memorandum dated January 16, 2026, and provided as Appendix F to the Draft EIR. This analysis is by a qualified traffic engineer that substantiates the vehicle trip assumptions used in the analysis. Additionally, Draft EIR Section 3.12 *Transportation* (page 3.1-21) documents the reduction in VMT that is used in the report.

The comment is correct in stating that the air quality analysis does not address the referenced VMT guideline. The referenced guideline is part of the Bay Area Air District Greenhouse Gas Thresholds and is used for the determination of significance from a project's GHG emissions. The discussion of the project's compliance with this regulation is detailed in Draft EIR Section 3.6 *2022 Scoping Plan* beginning on page 3.6-36 which inherently relies on the methodology discussion on page 3.6-32 that details how the VMT is quantified and that the existing conditions result in an average 25 mile per trip distance where the project would reduce that to an average 8 miles per trip. Further, the GHG emissions quantification for operations in Table 3.6-5 on page 3.6-36 shows that while 889 MT CO_2e is anticipated from the 1,127 trips to the project site, the existing commute results in 2,351 MT CO_2e that would be removed from the region with the implementation of the project. Therefore, the GHG analysis adequately analyzes and substantiates the reduction in VMT below regional average, as there is a reduction in overall VMT in the region with implementation of the project. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P36-121

The VMT analysis is based on the ridership projections identified in the WETA Business Plan. Page 13 of the WETA Business Plan includes the discussion about the ferry ridership projections. The ridership has been estimated using the Alameda Countywide Travel Demand Model which was developed for the Plan Bay Area 2040. The forecasts were compared against the unconstrained capacity (4,250 daily boardings). The ridership projections account for several factors such as headways, capacity, directional split, parking availability. The mode split were estimated using the on-board surveys at the existing East and North Bay Terminals.

Regarding origin and destinations, the business plan includes the information ferry catchment area which is where most of the origin and destination will be in Berkeley. A trip between the Berkeley Waterfront and San Francisco's Embarcadero is approximately 10 miles by car. When a traveler chooses the ferry instead of driving, those approximately 10 vehicle miles are eliminated from the roadway network, resulting in a direct reduction in VMT. Even if only a relatively small share of travelers who currently drive choose to switch to the ferry, each of those trips contributes to a measurable reduction in VMT. Because every diverted automobile trip removes vehicle travel from the roadway system, the cumulative effect of even modest mode shift from driving to ferry service will reduce overall VMT.

Response to Comment P36-122

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to transit-to-transit mode shifts.

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-123

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the VMT analysis under CEQA, as well as the mode split assumptions and how they relied on onboard surveys. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-124

Refer to Section 2.2.29, *Topical Response: Wind*, which provides additional detail demonstrating that the project design has been informed by technical analysis to ensure safe operation and compatibility with existing recreational uses. Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, regarding wave climate and breakwater effects.

With respect to public input, refer to Chapter 1, *Introduction* (Section 1.2.2), for a description of the City's public outreach efforts conducted during project development and environmental review. CEQA requires that agencies provide opportunities for public participation and consider comments received; it does not require that agencies agree with or adopt all comments or suggested changes. The Draft EIR acknowledges scoping input and incorporates relevant issues into the analysis, including within the *Approach to Analysis* discussions of each resource Section (e.g., Section 3.11.4, *Recreation*). This Final EIR provides written responses to comments received on the Draft EIR in accordance with CEQA Guidelines Sections 15086 and 15088.

The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further revisions to the Draft EIR are necessary.

Response to Comment P36-125

See Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for discussion of sedimentation transport patterns, wave energy, and effects of breakwater installation within the project site and beyond. No Draft EIR changes are necessary in response to this comment.

Response to Comment P36-126

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a detailed discussion of the relationship between Berkeley Municipal Code Section 6.20.180 and the proposed project analyzed in the Draft EIR.

The analysis, significance conclusions, and mitigation measures presented within Section 3.11, *Recreation*, and related sections in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-127

For discussion of the environmental baseline presented in the Draft EIR, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*. For analysis of potential project impacts to recreational water access beyond the breakwaters, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* regarding Berkeley Municipal Code restrictions.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No further response or revisions are required.

Response to Comment P36-128

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities).* As discussed therein, the Draft EIR does not conclude that all non-motorized recreation is prohibited in these areas, nor does it rely on a broad or expanded interpretation of "personal watercraft" to exclude traditional recreational uses such as windsurfing or kayaking. The project does not modify the ordinance or expand its applicability. To provide further clarification, Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* includes a text revision to Draft EIR page 3.11-19 to clarify the role of BMC Section 6.20.180 in the analysis presented under Impact REC-1.

The Draft EIR appropriately incorporates existing regulatory conditions into the CEQA baseline and evaluates impacts to water-based recreation based on physical environmental effects, rather than regulatory interpretation disputes. The analyses and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No further revisions to the Draft EIR are required.

Response to Comment P36-129

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions. Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* regarding windsurfing within 1,500 feet of the existing pier.

The analyses and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No further revisions to the Draft EIR are required.

Response to Comment P36-130

Regarding the comment's statement that the City neglected to work with stakeholders, as documented in Draft EIR Chapter 1, *Introduction* (Section 1.2.2), the City conducted extensive public outreach with recreational users, community organizations, and other stakeholders prior to preparation of the Draft EIR.

Input from this outreach informed the identification of key recreational uses and project features described in Chapter 2, *Project Description* (Section 2.3), and in Section 3.11, *Recreation*.

For discussion regarding the adequacy of the CEQA baseline and level of detail required, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

As described in Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance*, the City has coordinated with BCDC throughout project development, and final policy consistency determinations will be made by BCDC during the permitting process.

Accordingly, the Draft EIR includes an adequate description of existing recreational use and applies that baseline appropriately in evaluating project impacts. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P36-131

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, for a discussion of the baseline used to assess recreational impacts, according to CEQA. No further response is required.

Response to Comment P36-132

Regarding the comment that the Draft EIR failed to develop any quantitative inventory of recreational use, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, which provides additional clarification regarding the formulation of the environmental baseline and demonstrates that the baseline description in the Draft EIR is consistent with CEQA Guidelines Section 15125 and sufficient to support the impact analysis.

The commenter correctly identifies a typographical error referencing Draft EIR Section 3.10.2. As described in Response to Comment O10-51, the Draft EIR has been revised to correct this reference to Section 3.11.2. This change is clarifying in nature and does not affect the analysis or conclusions.

The comment that the project would eliminate nearly all public parking is not accurate. As described in Chapter 2, *Project Description*, the proposed project would replace approximately 404 existing parking spaces with approximately 400 to 450 parking spaces, including ADA-accessible and electric vehicle (EV) charging spaces. For additional discussion of parking-related considerations under CEQA, refer to Section 2.2.20, *Topical Response: Parking*.

The analyses, significance determinations, and mitigation measures presented throughout the Draft EIR remain valid as written, and no further revisions are required.

Response to Comment P36-133

The Draft EIR evaluates environmental impacts using the CEQA Appendix G Environmental Checklist (State CEQA Guidelines, Appendix G), which provides the standard thresholds of significance used by lead agencies throughout California. The impact analyses presented in Chapter 3 apply these thresholds consistently and include resource-specific evaluation criteria, supported by site-specific data and technical analysis, in accordance with CEQA Guidelines.

Construction-related impacts, including temporary effects on access and recreation, are evaluated in Section 3.11, *Recreation*, and other relevant sections of Chapter 3. The Draft EIR considers the nature, duration, and extent of temporary disruptions and applies CEQA significance criteria accordingly. The conclusion that certain temporary impacts would be less than significant is supported by the analysis provided and is consistent with CEQA practice, which distinguishes between temporary and permanent impacts. For further discussion, refer to Response to Comment A3-55, which revises Draft EIR Section 3.11, *Recreation*, to clarify the analysis of temporary construction impacts on recreational access. The revision presented therein is clarifying in nature, and does not alter the analysis or subsequent significance conclusion under Impact REC-1.

To the extent that conflict between the project and an applicable land use plan may result in physical adverse effects on the environment, those effects are evaluated and mitigated as appropriate throughout Chapter 3, *Environmental Impact Analysis*, of the Draft EIR. With respect to consistency with the Berkeley Marina Master Plan, the Draft EIR evaluates land use consistency in Section 3.9, *Land Use and Planning*. That Section evaluates the project's consistency with applicable local and regional plans, including policies related to recreational access and shoreline use within the Berkeley Marina Master Plan (refer to Impact LU-2, Pages 3.9-29 through 3.9-33). The Draft EIR concludes that the project would be consistent with the policies of the Marina Master Plan, and that related construction and operational impacts would be less than significant.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no further revisions are required.

Response to Comment P36-134

The Draft Waterfront Specific Plan (WSP) is a draft document that has not been adopted and therefore does not constitute an applicable land use plan or regulatory framework governing the project. Accordingly, the Draft EIR appropriately does not include an analysis of project consistency with the Draft WSP. As explained in Draft EIR Section 1.2.3, Draft Waterfront Specific Plan and General Plan/Zoning Background (page 1-5), policies in the Draft WSP would not apply to the proposed project unless the City adopts the WSP prior to project approval. This approach is consistent with CEQA Guidelines Section 15125(3), which provides that an existing conditions baseline "shall not include hypothetical conditions, such as those that might be allowed, but have never actually occurred, under existing permits or plans."

With respect to cumulative impacts, refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, which describes that the Draft EIR includes the Draft WSP as a cumulative project and is analyzed in the cumulative impacts analysis.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-135

Refer to Response to Comment P36-108. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-136

The Draft EIR does not rely on the Draft Waterfront Specific Plan as an adopted policy document for purposes of determining land use plan consistency. Rather, the Draft EIR establishes in Chapter 1, *Introduction*, that the Draft WSP would not apply to the proposed project unless adopted by the City prior to approval of the proposed project (see Draft EIR page 1-5) and subsequently elaborates in Chapter 3, *Environmental Impact Analysis*, that the proposed project can be built with or without the development associated with the Draft WSP, as the proposed project and Draft WSP are independent projects under CEQA, as the proposed project constitutes the "whole of an action," (see Draft EIR page 3-11).

As explained in Draft EIR Section 2.4, *Existing General Plan and Zoning* (pages 2-5 through 2-6 of Chapter 2, *Project Description*), the project site is zoned Unclassified (U) and is designated Waterfront/Marina under the City's General Plan, which allows water-oriented uses, including water transit facilities. As discussed in Draft EIR Section 3.9.3, *Environmental Setting* (page 3.9-2) and Section 3.9.3, *Regulatory Framework* (page 3.9-7), the proposed ferry terminal would be required to obtain a Use Permit from the City. The Draft EIR further explains that development within the Unclassified District is governed by Berkeley Municipal Code Section 23.208.020 and that establishment of the proposed ferry use would be subject to discretionary review and approval by the City. Accordingly, land use approvals would be

guided by regulations tied to its existing zoning designations, rather than hypothetical future designations presented in the Draft WSP.

In addition, regarding the statement that "the City has tabled the WSP and thereby argues that they don't have to consider cumulative impacts", this is not an accurate statement. The Draft EIR does consider the Draft WSP in its cumulative analysis. Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion related to how the Draft WSP is addressed in the Draft EIR.

For further discussion regarding the Draft EIR's evaluation of consistency with applicable land use policies, refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*.

The analyses and significance conclusions presented under Impact LU-2 in Section 3.9, *Land Use and Planning*, and throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment P36-137

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion about why the cumulative impact analysis included in the Draft EIR is sufficient and complies with CEQA requirements.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P36-138

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Response to Comment P36-139

In earlier comments (P36-49, P36-65, and P36-130), the commenter identified comments related to the need for a baseline of recreational uses. Refer to those Response to Comments as well as Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, for a discussion of the baseline used to assess recreational impacts, according to CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-140

The commenter references this Figure once in comment P36-9. Based on comment P36-9, the commenter appears to reference this Figure to indicate that there are fundamental conflicts with the Berkeley Marina Master Plan. The City has appropriately disclosed the project's consistency with the Berkeley Marina Master Plan in Impact LU-2 in Section 3.9, *Land Use and Planning* of the Draft EIR. Refer to Response to Comments P36-9 through P36-18 for further discussion about the project's consistency with the Berkeley Marina Master Plan. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-141

In an earlier comment (P36-10), the commenter references this figure as it relates to perceived conflicts with the Berkeley Marina Master Plan. Refer to Response to Comment P36-10. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P36-142

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P37

From: Kirsten M <kirsten_mahoney@hotmail.com>
Sent: Friday, March 27, 2026 11:04 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Water Transportation Pier Ferry Project- public comment

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza and Committee members,

I know you've heard from a number of my fellow wind and water sport enthusiasts and, while I agree with everything they have said regarding the proposed Berkeley Water Transportation Pier Ferry Project, including how it will impinge on our access to our various chosen activities and parking to access those activities, to me your proposed project impacts something even more essential to my needs, and quintessential to our collective needs as human beings and that is COMMUNITY. At a time in our country that is as disconnected and disheartening as ours currently is, we need as many avenues as possible for a community to be born, grow, and thrive. What we don't need is another mode of commuter transportation that leaves us disconnected from each other, staring down at our phones; we have an underutilized BART and bus systems for that. P37-1 P37-2

If I may, I would love to share a little bit about this community I am advocating for. I began learning how to wing foil in earnest about 6 years ago. I was 50 at the time and it was the first and only sport I've ever done and I kinda really sucked at it, but I kept coming back. One of the main reasons for that is the COMMUNITY. In my entire life, I have never come across a group as welcoming, kind, and helpful as this community. I've had the honor to meet Mary, the 72-year-old, purple mustang-driving, long-time Berkeley resident who swims off Hs Lordships to stave off the aches and pains of old age. I've been cheered on by Domond, a 70-something-year-old OG of the surfing world who lends me his wisdom and support as I continue to try and try again. I've had the pleasure of watching a father and son team, Bob and Antonio, come together at the Berkeley waterfront, celebrating each other through each milestone and accomplishment achieved out on the water. I know of at least one couple that found love out on their boards during a lull in the wind. Anything can happen in this place where we commune, as it doesn't discriminate against age, race, gender, or religion. The only thing you're asked to bring is a love of the water and a good enough attitude. Almost any day of the week, on or off season, if you wander down to the Berkeley waterfront, you will find one of us, seeking out not just the sport we love to do but the COMMUNITY we love to do it with. P37-3

Liza, as a University of Vermont and Cal alum, my guess is you are no stranger to the magic of nature and how it can bring people together. I would love to invite you down to his Hs Lordships on one of these days, so you can meet these people: the wingers, the swimmers, the windsurfers, the fisher people. These are the communities we need to foster, not separate. These are the communities we need to invest in, not divest from. This is your community and mine, and the cost of not preserving it will be higher than any revenue you are seeking to get from your proposed project.

Let’s heed the warning of California’s adopted daughter, Joni Mitchell, and save what we have while we still have it.
”Don't it always seem to go
That you don't know what you got 'til it's gone
They paved paradise and put up a parking lot”

- Big Yellow Taxi

P37-3

Liza, I look forward to getting you or any member of the committee out there with us. as I know it’ll take you no time to see, feel and experience exactly what we are fighting for.

Thank you for your time.

Warmly

Kirsten Mahoney
Water Mama, Wing Sister!

Letter P37

Commenter: Kirsten Mahoney

Date: March 27, 2026

Response to Comment P37-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P37-2

Draft EIR Section 3.11, *Recreation*, evaluates changes in recreational access and facility availability (see Section 3.11.4, pages 3.11-14 through 3.11-24). The Draft EIR explains that while certain access patterns may change, the project would provide new and improved access to recreational facilities, including the reopened pier and improved shoreline access.

Refer to Response to Comment P19-6, which includes a clarifying revision to page 3.11-20 of the Draft EIR confirming that the project would not restrict shoreline areas used for water-based recreation within the South Sailing Basin, that existing access points to these areas would be maintained, and that overall access to recreational resources would be maintained and enhanced despite modifications to certain access points, circulation patterns, and parking configurations. Refer to Section 2.2.20, *Topical Response: Parking,* regarding parking under CEQA and parking effects on recreational access. Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, regarding impacts on existing recreational use.

The revision presented in Response to Comment 19-6 and referenced above is clarifying in nature and does not alter the analysis or significance conclusion presented under Impact REC-1. The analysis and conclusions presented therein remain valid as written, and no further clarifications are required.

Response to Comment P37-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P38

From: Jaine Gilbert <jainegilbert@gmail.com>
Sent: Saturday, April 4, 2026 11:40 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Save the Berkeley Marina

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza McNulty

As a lifelong Berkeley resident, I am deeply concerned and saddened that Berkeley may go ahead with the construction of a new pier and ferry terminal on our coastline. We must preserve this natural habitat as is or do work to restore the habitat based on sound environmental practices. As a lifelong Berkeley resident, I find it egregious that we are even considering such an environmentally unfriendly project. It is a shameless waste of money that would be better spent improving BART and AC Transit. The harm to what's left of the bayshore that is used by shorebirds and other wildlife is tragic. It is a wonderful area to explore on foot. Any upgrades to our marina must not impact bay waters and wildlife from the smallest crawlers that are food to the shorebirds. What a peaceful, beautiful thing it is to sit and watch the long legged birds so patiently forage for food. When my elders were too frail to walk unassisted, I could drive us to the marina, park and walk to a bench and just take in the fresh bay air, watch the birds and just sit. On my own or with biking friends, I can ride my bike there and enjoy a long sit for bird and bay watching and/or take a stroll.

The SF Bay already has plenty of ferries and ferry terminals that are underutilized. To reduce the harm caused by the existing ferries, replace or retrofit them to electric or less polluting motors! Improve bike paths along already paved areas. Under no circumstances should we reduce any of the limited natural habitat by any more pavement for bikes or walkers. Fixing existing paved areas for easier access is acceptable.

Sincerely,

P38-1
P38-2
P38-3
P38-4
P38-5
P38-6
P38-7

Letter P38

Commenter: Jaine Gilbert

Date: April 4, 2026

Response to Comment P38-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P38-2

The comment's preference for preserving existing conditions or undertaking restoration in lieu of the proposed project is noted. As discussed in Section 5.5, *No Project Alternative* (pages 5-3 through 5-9), the Draft EIR evaluates the environmental effects of not implementing the proposed project. The Draft EIR concludes that, although the No Project Alternative would avoid certain construction-related impacts, it would not provide the long-term transportation, air quality, greenhouse gas reduction, and public access benefits associated with the proposed project and would not meet the project's basic objectives. Further, as discussed in Section 5.9, *Alternatives Considered but Rejected* (pages 5-25 through 5-28), alternatives that would not provide efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco were not carried forward because they would not attain most of the project's basic objectives. Please also refer to Section 2.2.2, *Topical Response: Alternatives*.

The comment's preference for preservation or restoration is acknowledged; however, the comment does not identify a deficiency in the Draft EIR's alternatives analysis. This comment has been included in the project record considered by City decision makers. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P38-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P38-4

Impacts to Bay waters and wildlife are discussed in Draft EIR Section 3.3.4 and were concluded to be less than significant with implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, HYD-1, and AES-1. No Draft EIR changes are necessary in response to this comment.

Response to Comment P38-5

The recreational activities described by the comment are among the types of public access and recreational opportunities that the proposed project is intended to enhance. As described in Chapter 2, *Project Description*, the proposed project would provide a restored public pier, public-access breakwater, public plaza, Bay Trail Extension, dedicated cycle track, seating areas, interpretive signage, and other amenities intended to expand opportunities for walking, bicycling, sightseeing, fishing, and enjoying views of the Bay. The proposed pier and breakwater would also provide new public access to portions of the waterfront that are currently inaccessible due to the closure of the existing pier (see Draft EIR Section 2.5, *Proposed Project Components*). Consistent with these objectives, the Draft EIR analysis concludes that the project would result in a net increase in recreational facilities and opportunities at the Berkeley Waterfront (see Draft EIR Section 3.11, *Recreation*, Impact REC-1), which would enhance the activities described by the comment. As discussed in Chapter 5, *Alternatives*, the alternatives analysis considered

how each alternative would affect public access and recreational opportunities. The No Project Alternative (Alternative 1) would not provide these recreational improvements because the existing pier would remain closed and continue to deteriorate. Alternatives 2 (Shortened Breakwater), 3 (Shortened Pier), and 4 (Reduced Landside Facilities) would provide recreational benefits similar to the proposed project but to a lesser extent, due to reductions in public access facilities and recreational amenities.

Therefore, the recreational opportunities identified by the comment were considered in the development and evaluation of the Draft EIR. The comment does not identify a deficiency in the Draft EIR's analysis, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P38-6

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P38-7

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P39

From: DAVID RICE <drice2@comcast.net>
Sent: Monday, April 6, 2026 7:45 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Ferry Project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty, PE, Project Manager,

As the ferry project moves forward, I am most concerned about parking fees at the marina. P39-1

On the one hand, if you build it, they will come, as they say, and maybe lots of people will end up riding the ferries to SF, and it will be a boom to the commute problem. (I'm assuming the ferries will be electric, or primarily electric; if not, I don't understand the project, since we need to use less oil, as you know, and because a lot of birds regularly use that area-- Least Terns (endangered) use the area in the spring and summer--and birds don't mix well with pollution.) P39-2 P39-3

On the other hand, once an area is developed, it will never be undeveloped, and the marina is a treasure, one of the few places on the edge of SF Bay where people can walk, bike, etc. P39-4

All that to say, if too much parking, which is now free, will require fees, fewer people will use the area, so the trade-off is parking fees for ferry commuters vs free parking for people using the marina. I don't know how to evaluate that issue, but I worry the city will overly prioritize parking fees, and fewer people will use the marina. P39-5

As you also know, there is not another marina that people can use. There are buses and BART that SF commuters can use. P39-6

Thank you for your attention.

David Rice
1470 Keoncrest Drive
Berkeley

Letter P39

Commenter: David Rice

Date: April 6, 2026

Response to Comment P39-1

Refer to Section 2.2.20, *Topical Response: Parking.* As discussed therein, parking fees are operational and policy considerations rather than environmental impacts under CEQA. The comment has been included in the project record considered by City decision makers.

The comment expresses an opinion and does not identify a deficiency in the analysis presented in the Draft EIR. Accordingly, the analyses and significance conclusions presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment P39-2

Refer to Section 2.2.10, *Topical Response: Electric Ferry*, which discusses that the ferry vessels being proposed in the Draft EIR are electric. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P39-3

See Section 2.2.10, *Topical Response: Electric Ferry,* for discussion regarding how no non-electric ferry vessels are proposed. Impacts to protected birds are analyzed in Draft EIR Section 3.3.4 under Impact BIO-1 on page 3.3-44, which concludes impacts to be less than significant with implementation of Mitigation Measures BIO-1(a), BIO-1(c), and AES-1. See also Response to Comment A2-35 to A2-38 for discussion of impacts to California least tern. No Draft EIR changes are necessary in response to this comment.

Response to Comment P39-4

As discussed in Draft EIR Chapter 2, *Project Description*, and Section 3.11, *Recreation*, the proposed project is intended to enhance public access and recreational opportunities at the Berkeley Waterfront through construction of a restored public pier, public-access breakwater, public plaza, Bay Trail Extension, dedicated cycle track, seating areas, and other public amenities (see Section 2.5, *Proposed Project Components*). The proposed project would provide new public access to portions of the waterfront that are currently inaccessible due to closure of the existing pier and would result in a net increase in recreational facilities and opportunities at the Berkeley Waterfront (see Section 3.11.4, *Impacts Analysis,* Impact REC-1).

The alternatives analysis in Chapter 5 specifically considered the project's recreational benefits. As discussed in the analysis of the No Project Alternative (Alternative 1), the existing pier would remain closed and continue to deteriorate, and none of the proposed public access, recreational, bicycle, pedestrian, or waterfront improvements would be implemented. The Draft EIR concludes that the No Project Alternative would not meet the project's objective of enhancing public access and recreational opportunities at the Berkeley Waterfront.

Accordingly, the recreational values identified by the comment were considered in the development and evaluation of project alternatives. The comment does not identify a deficiency in the Draft EIR's alternatives analysis, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P39-5

The comment expresses concern that parking fees could discourage marina use.

Refer to Section 2.2.20, *Topical Response: Parking.* As described therein, potential changes in user behavior associated with parking fees are social and economic considerations rather than environmental impacts under CEQA unless they result in a secondary physical environmental effect. The Draft EIR does not identify such impacts, nor does the comment present evidence of a deficiency in the Draft EIR analysis. The comment has been included in the project record considered by City decision makers. No revisions are required.

Response to Comment P39-6

The City acknowledges the comment's views regarding the relative value of marina recreational resources and alternative transportation options. The comment expresses a preference regarding the balance between recreational access and transportation improvements, which is a policy matter for City decision-makers to consider. The Draft EIR evaluates the environmental impacts of the proposed project and a reasonable range of alternatives, including the No Project Alternative, and provides information regarding the project's recreational and transportation benefits. As discussed in Draft EIR Chapter 5, *Alternatives*, the project's objectives include both enhancing public access and recreational opportunities at the Berkeley Waterfront and providing efficient, environmentally friendly zero-emission ferry service between Berkeley and San Francisco.

The comment's preference regarding how these objectives should be balanced has been noted and has been included in the project record considered by City decision-makers. No revisions to the Draft EIR are necessary in response to this comment.

Letter P40

From: Fran Haselsteiner <franhaselsteiner@gmail.com>
Sent: Saturday, April 11, 2026 12:24 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Taplin, Terry <ttaplin@berkeleyca.gov>
Subject: Comment on Ferry Proposal

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Let's please not pretend that the ferry project will actually improve the transbay commute. Has anyone calculated how many single-passenger trips would be eliminated if those riders used the ferry? I doubt it would be anything more than five minutes' worth on the Bay Bridge. P40-1

State and municipal land intended for recreation will host all-day parking for commuters. P40-2

As one who commuted daily to the city for 15 years, even with a transit subsidy I could not afford to pay for a ferry. Nor would it deliver me to my destination at SF Civic Center Plaza. Instead of paying for bus and BART, I would have been paying for bus (with transfer), ferry, and SF Muni. P40-3

I also wish to express concern about the toxic waste generated by dredging. P40-4

I am a homeowner and resident of Berkeley since 1984. P40-5

Fran Haselsteiner
1202 Dwight Way
franhaselsteiner@gmail.com

Letter P40

Commenter: Fran Haselsteiner

Date: April 11, 2026

Response to Comment P40-1

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the evidence used to evaluate VMT impacts. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P40-2

With regard for policies about use of state and municipal land, refer to Draft EIR Section 3.9, *Land Use and Planning*, which analyzes the project for conflicts with applicable land use plans and policies and demonstrates that the project would be consistent with plans and policies intended to preserve and expand recreational access at the Waterfront (see Impact LU-2). With respect to the comment's concerns about project-related parking changes, refer to Section 2.2.20, *Topical Response: Parking*.

The analyses and significance conclusions presented throughout the Draft EIR remain valid as written. No further response or revisions are required.

Response to Comment P40-3

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P40-4

The Draft EIR considered the potential impacts related to hazardous materials in dredged materials in Impact HAZ-1 in Section 3.7, *Hazards and Hazardous Materials* of the Draft EIR. Pages 3.7-27 and 3.7-28 specifically discusses the results of sediment sampling and the potential impacts associated with dredging. The conclusions in Impact HAZ-1 in the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment P40-5

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P41

From: Gina Gutierrez <ggfreysz@gmail.com>
Sent: Monday, April 13, 2026 5:23 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Very pro ferry

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi there,

Emailing to express my strong support and desire to use the Berkeley —> San Francisco ferry. What a game changer. P41-1

Thank you,
Gina Gutierrez

Letter P41

Commenter: Gina Gutierrez

Date: April 13, 2026

Response to Comment P41-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P42

-----Original Message-----
From: cafred1@juno.com <cafred1@juno.com>
Sent: Monday, April 13, 2026 12:36 AM
To: BMASP <BMASP@berkeleyca.gov>
Subject: FERRY PROJECT DRAFT EIR COMMENTS

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

April 12, 2026
Clifford Fred
Berkeley Calif

To Ali Endress
Waterfront Manager
Parks, Recreation & Waterfront

BERKELEY FERRY PROJECT DRAFT EIR COMMENTS

THE BERKELEY FERRY PROJECT VIOLATES BERKELEY'S 1986 MEASURE 'L' –THE BERKELEY PUBLIC PARKS AND OPEN SPACE PRESERVATION ORDINANCE

By pursuing the massive Berkeley Ferry Project, the City is clearly violating the 1986 Citizens' Initiative Measure 'L'.

Measure 'L' - The Berkeley Parks and Open Space Preservation Ordinance, was adopted by Berkeley voters in November 1986 by a vote of 21,946 to 18,854. It is codified in BMC Chapter 6.42.

Measure 'L' states, "Shall an ordinance be adopted to require voter approval of non-recreational uses of parks or open space and require acquisition of open space controlled or leased by the City if acquisition is the only means of preserving the open space?"

I was one of the signers of the ballot argument in favor of Measure 'L'.

P42-1

Measure 'L' is still in effect today.

Measure 'L' thus requires approval by Berkeley's voters before any aspect of the Berkeley Ferry Project can be built.

In 1996, the City of Berkeley wanted to place temporary buildings on Civic Center (Provo) Park for various city bureaucratic functions while the Civic Center building on Milvia Street went through extensive renovations and a seismic upgrade. Because of Measure 'L', the City had to put a measure on the November 1996 ballot - Measure X - to get the public's approval.

The last of the "where as's" at the start of the Full Text of Measure X" states,

"Where as Measure 'L', BMC Chapter 6.42 requires voter approval to use public parks for purposes other than park or open space uses,"

"Shall the MLK Jr. Civic Center Park be used for a period to expire no later than June 30, 2001 for the purpose of temporarily housing City of Berkeley offices in portable buildings, as well as associated site preparation and maintenance activities in order to allow the abatement of seismic hazards at the site of the MLK Jr. Civic Center Building at 2180 Milvia Street if the Council finds after a public hearing that there is no other feasible alternative to relocate City employees during such seismic work?"

Measure X failed 17,476 to 23,151. The City could not install temporary offices in Civic Center Park, and thus leased commercial property around downtown instead.

Thus, Measure 'L' requires voter approval before any park or open space under the city's control can be used for other purposes.

P42-1

Measure 'L' is still in effect, & covers all City parks & city owned or controlled open space.

Councilmember Terry Taplin has cited Measure 'L' in insisting that the City preserve the open space at the former Lawn Bowling Club site.

Last year, Councilmember Cecilia Lunaparra cited Measure 'L' to insist that the City preserve the public open space at the Dwight - Telegraph triangle.

And in recent years, former Councilmember Kate Harrison cited Measure 'L' to designate the open space around old City Hall as a city park, so as to give it more protection.

THE FERRY PROJECT IS CLEARLY FOR TRANSPORTATION, NOT RECREATION

The Ferry Project would include a breakwater, a 1200 square foot gangway, 750 square foot gates and landings, and a 5700 square foot ferry charging/boarding float.

P42-2

The official description of the Project specifically states that it is for transportation, to take commuters to and from San Francisco.

REMOVING THE EXISTING LANDMARKED PIER WOULD VIOLATE MEASURE 'L'.

The landmarked and iconic Berkeley Pier was for many years used for open space and recreation. The Project would replace it with a much smaller Pier that would not be conducive the recreation.

It's not the public's fault that the Pier has been deemed unsafe to use for the last eleven years. By keeping the Pier closed and refusing to repair it for the last 11 years, the City has been violating Measure 'L'.

P42-3

Demolishing the existing pier and replacing it with a smaller and more officious pier should first require approval of the voters as per Measure 'L'.

All of the SF Bay that is within Berkeley's City Limits is as much City of Berkeley recreational open space as is the Aquatic Park Lagoon.

Any development on the SF Bay that is within Berkeley's City Limits is no less the destruction of recreational open space for non-recreational uses than would the dredging of the Aquatic Park Lagoon and constructing office buildings where the Lagoon once was. P42-3

The proposed Ferry Complex's gates, and landing, the gangway, and the ferry charging and boarding float would all destroy the incomparable view of the SF Bay looking out toward the Golden Gate that generations of Berkeley residents have long enjoyed. P42-4

The San Francisco Bay within Berkeley's City Limits is Berkeley public open space. It has been enjoyed by tens of thousands of Berkeley residents for over 100 years as passive recreation, and by many other people for recreational boating.

Transportation is not recreation. As the City's own official description of the Ferry Project clearly states, the purpose of the Project is Transportation.

Construction is construction, whether on land or water.

Measure 'L' should not be seen as an inconvenience, but as an opportunity to allow the public to vote on proposed changes to existing city parks and open space.

In 1996, city officials were not dismissive of Measure 'L' even though it would slow down the seismic upgrade of the 2180 Milvia Civic Center Building. They put approval of the temporary use of Civic Center Park for city offices on the ballot, because honoring the law and the will of the voters was the right thing to do. P42-5

Today in 2026, city officials should not be dismissive of Measure 'L' just because its implementation could delay construction of the Berkeley Ferry Project Complex.

If city officials could delay the seismic upgrade of the City of Berkeley offices at 2180 Milvia in 1996 to honor the will of the voters, city officials can certainly delay the construction of the Berkeley Ferry Project, to honor the will of the voters.

If city officials believe that taking away incomparable open space at the Waterfront is acceptable so as to construct the Ferry Project Complex, it can certainly make that argument in the ballot handbook and in campaign literature.

THE DRAFT EIR FAILS TO IDENTIFY AND ANALYZE REASONABLE ALTERNATIVE TO THE FERRY PROJECT P42-6

The DEIR should give equal weight to repairing and renovating the existing Pier so that the public and again enjoy walking on it and enjoying the views of the SF Bay from the Pier. P42-7

Equal weight should be given to a No Project Alternative. Why not continue to have ferry service to San Francisco from where the commuter ferries have been running the past several years. P42-8

What is the compelling reason for this massive new Project?
Serious considering and acknowledgement must be given to the rapid and on-going increase in Berkeley's population. Over ten thousand housing units have been constructed in the last several years, P42-9

and over ten thousand additional housing units are in the pipe line. The University is growing at an unprecedented pace, with new high rise dorms being approved on a regular basis.

Berkeley is now likely the most densely populated city in California. We need to maximize open space at the waterfront, and throughout Berkeley. Existing parking spaces at the waterfront should be converted to green open space. P42-9

We need to preserve all existing views from the waterfront of the SF Bay, the Golden Gate, San Francisco and of Marin County. P42-10

EMF STUDY NEED OF FERRY PROJECT CHARGING STATION

The EIR needs to analyze the EMF's that would be emitted from the Ferry Project Charging Station. With the proliferation of cell phones, 5G cell towers, and telecom satellites, we are being exposed to higher and higher levels of radiation in our day to day lives. Studies of the dangers of EMF radiation exposure can easily be found on the internet. P42-11

An independent analysis of the EMF radiation level from the proposed Ferry Project Charging Station is needed to determine is the cumulative radiation from the Charging Station and all other telecom radiation sources would pose an unacceptable health risk to Berkeley residents.

PEOPLE SHOULD BE ABLE TO USE THE FERRY BY PAYING WITH CASH OR CREDIT CARD AT TIME OF BOARDING

Not everyone is high tech. Not everyone has a smart phone. People should be able to use the ferry by paying with cash or a credit card at time of boarding. P42-12

Otherwise, the City would be discriminating against those who choose not to have smart phones, or cannot afford smart phone, or who are made ill by the EMF radiation from smart phones.

PROJECT APPROVAL PROCESS HAS BUILT IN BIAS

The Project applicant and project decision maker are both the City of Berkeley. P42-13

The Draft EIR comments need to be responded to by an impartial third party.
A determination as to whether or not Measure 'L' requires that the Ferry Project first be submitted to the voters for approval needs to be made by an impartial third party. P42-14

And the determination as to whether or not the Project should be approved should be made by an impartial third party. P42-15

DO NOT RUSH APPROVAL OF THE EIR OR OF THE PROJECT

Do not rush approval of the EIR or of the Project P42-16

A Revised Draft EIR should be prepared based on the comments received for the Draft EIR. P42-17

Any Final EIR should be approved separately from consideration of whether the Project itself should be approved. P42-18

Please put me on the notification list for all documents and meetings concerning the Ferry Project. P42-19

Please confirm receipt of these comments. P42-20

Clifford Fred

Letter P42

Commenter: Clifford Fred

Date: April 13, 2026

Response to Comment P42-1

Refer to Section 2.2.16, *Topical Response: Measure L*, for a discussion related to how the project would not conflict with Measure L. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P42-2

As described in Section 2.5, *Project Components*, of the Draft EIR, the project includes both ferry infrastructure and public recreational amenities. Section 2.3, *Project Objectives*, identifies dual objectives of enhancing recreation and providing ferry service. Accordingly, the environmental analysis presented throughout Chapter 3, *Environmental Impacts Analysis*, evaluates both aspects.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P42-3

Refer to Section 2.2.16, *Topical Response: Measure L*, for a discussion related to how the project would not conflict with Measure L. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P42-4

As described in Section 3.1, *Aesthetics (*Impact AES-1), views of the Bay and Golden Gate would not be obstructed by the proposed project. Environmental impacts associated with availability of scenic views and vistas are evaluated in Impact Evaluation, pages 3.1-20 through 3.1-36 of the Draft EIR. Such analyses are based on the assumptions described therein, and mitigation measures are identified as appropriate. Accordingly, the analysis of scenic views and vistas is adequate and consistent with CEQA Guidelines. The analysis and conclusions presented in the Draft EIR remain valid as written.

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, for a discussion related to availability of public views. The analysis and conclusions presented in the Draft EIR remain valid as written.

Response to Comment P42-5

The Draft EIR evaluates the project for consistency with all applicable land use plans and policies under Impact LU-2 within Section 3.9, *Land Use and Planning*. This includes a consistency analysis with Measure L (page 3.9-33). Refer to Section 2.2.16, *Topical Response: Measure L*, for a discussion related to how the project would not conflict with Measure L.

The analyses and significance conclusions presented throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment P42-6

Please refer to Section 2.2.2, *Topical Response: Alternatives*, which identifies that the City has identified a reasonable range of alternatives consistent with CEQA requirements. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P42-7

The City acknowledges the comment's support for restoration of public access to the pier. The proposed project includes reconstruction of the existing deteriorated pier and would restore public access opportunities that have been unavailable since the pier was closed. As discussed in Draft EIR Chapter 2, *Project Description*, the proposed project would provide a new public-access pier and breakwater, along with additional recreational amenities designed to enhance opportunities for walking, sightseeing, fishing, bicycling, and enjoyment of Bay views (see Section 2.5, *Proposed Project Components*).

To the extent the comment is advocating for reconstruction of the pier without ferry service, please refer to Response to Comment O10-215. As discussed therein, the City considered a "No Ferry Service with New Pier Alternative" and explains in Draft EIR Section 5.9, *Alternatives Considered but Rejected*, why that alternative was not carried forward for detailed analysis (refer to page 5-28). Specifically, while a pier-only alternative would provide recreation and public access benefits, it would not meet one of the project's two basic objectives: providing efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco. In addition, Chapter 5 evaluates the No Project Alternative and three action alternatives and concludes that the No Project Alternative would not restore public access because the existing pier would remain closed and continue to deteriorate, while alternatives with reduced project features would provide fewer public access and recreational benefits than the proposed project. For additional discussion regarding the assumptions, screening criteria, and requirements used in developing and evaluating alternatives, and alternatives considered but rejected, refer to Section 2.2.2, *Topical Response: Alternatives*.

Accordingly, the Draft EIR considered recreational and public-access objectives in formulating and evaluating alternatives. The comment does not identify a deficiency in the Draft EIR's alternatives analysis, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P42-8

Draft EIR Chapter 5, *Alternatives*, evaluates the No Project Alternative (Alternative 1), as required by CEQA Guidelines Section 15126.6(e), and compares its environmental impacts and ability to meet project objectives relative to the proposed project and other alternatives. The Draft EIR concludes that, under the No Project Alternative, the existing pier would remain closed and continue to deteriorate, no ferry service would be established from Berkeley, and none of the proposed public access, recreational, bicycle, pedestrian, or transportation improvements would occur. The Draft EIR further concludes that the No Project Alternative would not meet either of the project's basic objectives and would generally result in greater impacts related to air quality, greenhouse gas emissions, land use and planning, and transportation because it would not provide the transportation and environmental benefits associated with the proposed ferry service.

To the extent the comment suggests providing ferry service from another location, please refer to Section 2.2.2, *Topical Response: Alternatives*. As discussed in Draft EIR Section 5.9, *Alternatives Considered but Rejected*, the City considered alternative ferry terminal locations, including locations outside the Berkeley Waterfront, and determined that such alternatives would either not be feasible, would not attain most of the project's basic objectives, or were outside the City's jurisdiction. The project's objectives include both enhancing public access and recreational opportunities at the Berkeley Waterfront and providing efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco.

Accordingly, the City concludes that the Draft EIR evaluates a reasonable range of feasible alternatives, including the No Project Alternative, consistent with CEQA requirements. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P42-9

Section 2.3, *Project Objectives*, (Pages 2-7 and 2-8 of the Draft EIR) and Section 1.2.1, *Project Background*, (Page 1-3 and 1-4 of the Draft EIR) describe the objectives for the project, including enhancing public

access and recreational opportunities at the Berkeley Waterfront and providing zero-emission ferry service to improve regional mobility. The project would support ongoing growth by expanding multimodal transportation options and improving regional connectivity between Berkeley and major employment centers such as San Francisco, as well as within Berkeley itself. The proposed ferry service and associated landside improvements would support regional population and employment growth by providing an alternative to automobile travel, thereby enhancing transportation system efficiency and first- and last-mile connectivity through integration with pedestrian, bicycle, and transit facilities. In this way, the project functions as supporting infrastructure that helps accommodate planned growth in the region consistent with regional transportation and land use planning frameworks.

With respect to open space, the project would not eliminate open space nor public access to the waterfront. As described in Chapter 2, *Project Description*, the project includes new and enhanced recreational features, including a publicly accessible pier, breakwater walkway, public plaza, Bay Trail extension, and improved bicycle and pedestrian facilities. Section 3.11, *Recreation*, evaluates these features and concludes that the project would provide a net increase in recreational opportunities and public access at the Berkeley Waterfront.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P42-10

This comment is noted; however, it does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required. Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access,* for a discussion related to preservation of existing views.

Response to Comment P42-11

The environmental topics evaluated in the Draft EIR are based on CEQA Guidelines Appendix G, which does not explicitly identify EMF radiation exposure as a topic for consideration. Electric and magnetic fields are generally associated with power substations and utility facilities. For example, the California Energy Commission regularly approves electrical facilities. These are dedicated region-serving battery energy storage systems. In one such assessment, the CEC explicitly addressed EMF from the project's electrical facilities: “The construction and operation of the project’s new collector feeders, gen[eration]-tie line, on-site substation, and switchyard would not contribute to electromagnetic field (EMF) levels ... beyond acceptable standards.52” Staff further concluded that worker and public exposure would be short term and consistent with comparable PG&E facilities, and that grounding and field reduction measures would minimize nuisance-shock potential. The same assessment concluded that transmission-line safety and nuisance impacts, including EMF-related considerations, would be less than significant with proposed conditions of certification. The proposed conditions are in compliance with CPUC General Order 131-E. The project does not include components that require compliance with CPUC General Order 131-E. Consequently, an assessment of EMF effects was not provided. Accordingly, EMF is not included in the Draft EIR. No revision to the Draft EIR is required in response to this comment.

Response to Comment P42-12

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

[52] California Energy Commission. 2026. Potentia-Viridi Battery Energy Storage System Staff Assessment (24-OPT-04). CEC-700-2026-001-SA. TN 268314. January 2026.

Response to Comment P42-13

As discussed in Section 1.4.1, *Lead Agency*, of the Draft EIR, the City of Berkeley is the lead agency for the project as defined by CEQA Guidelines Section 15367 because it holds the principal responsibility for approving the proposed project. The City of Berkeley Parks, Recreation, and Waterfront Department is proposing the project. Section 1.1.4, *Legal Authority*, explains that the approval of the project cannot be considered until the EIR has been certified by the Berkeley City Council. Consistent with CEQA Guidelines Section 15084, the draft EIR reflects the independent judgement of the City as lead agency. It is common for a government agency to propose a project and act as CEQA lead. Even in cases where the lead agency is not a project's applicant, the lead agency still must review the Draft EIR and take responsibility for its contents. CEQA requires that led agencies exercise independent judgement and maintain objectivity in CEQA documentation. No further response is required.

Response to Comment P42-14

Refer to Section 2.2.16, *Topical Response: Measure L*, for a discussion related to how the project would not conflict with Measure L. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P42-15

This is not correct. Under CEQA, the lead agency (in this case, the City of Berkeley) is the entity responsible for preparing and certifying the EIR and for making the project approval decision. CEQA Guidelines Section 15050 designates the lead agency as the public agency with the greatest responsibility for carrying out or approving a project. The Berkeley City Council, as the lead agency's decision-making body, is vested by law with the authority and responsibility to: (a) certify that the Final EIR has been completed in compliance with CEQA; (b) consider the environmental information presented in the Final EIR; and (c) decide whether to approve, modify, or reject the proposed project (CEQA Guidelines Sections 15090–15096). There is no provision in CEQA or the CEQA Guidelines for delegation of this decision-making authority to an impartial third party. No revision to the Draft EIR is warranted on this basis.

Response to Comment P42-16

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P42-17

All comments on the Draft EIR have been responded to and are included in their respective responses to comments. Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Response to Comment P42-18

The City notes that this is precisely what CEQA requires, and the project's approval process is designed accordingly. Section 1.1.4, *Legal Authority* in Chapter 1, *Introduction* of the Draft EIR (page 1-3) states the following: "Adoption of the proposed project may not be considered until this EIR has first been considered by the decision makers and certified by the approving body, in this case the Berkeley City Council." Similarly, Section 1.5, *Environmental Review Process* in Chapter 1, *Introduction* of the Draft EIR (page 1-15, bullet number 5) describes the Final EIR certification process as a prerequisite to any project

approval decision, consistent with CEQA Guidelines Section 15090, which requires the lead agency to certify the Final EIR before approving the project.

The City Council will first consider whether to certify the Final EIR as a complete and adequate environmental document, and only after certification may it consider whether to approve the project itself. Though both actions could occur sequentially at the same meeting, these are distinct actions with distinct legal standards. Certification requires findings that the EIR has been completed in compliance with CEQA, was reviewed and considered by the decision-making body prior to project approval, and reflects the lead agency's independent judgment and analysis, pursuant to CEQA Guidelines Section 15090. By contrast, project approval requires findings including that significant environmental impacts have been avoided, mitigated, or are outweighed by project benefits, pursuant to CEQA Guidelines Sections 15091 and 15093. The Draft EIR describes this sequence accurately, and the City's approval process will follow it (see Section 1.5, *Environmental Review Process* in Chapter 1, *Introduction* of the Draft EIR). No revision to the Draft EIR is warranted on this basis.

Response to Comment P42-19

The City has added the commenter's contact information to the project notification list and will provide future notices via email in accordance with CEQA and City procedures. No further response is required.

Response to Comment P42-20

This comment has been received. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P43

From: cafred1@juno.com <cafred1@juno.com>
Sent: Monday, April 13, 2026 12:32 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: FERRY PROJECT DRAFT EIR COMMENTS

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

April 12, 2026
Clifford Fred
Berkeley Calif

To Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704

BERKELEY FERRY PROJECT DRAFT EIR COMMENTS

THE BERKELEY FERRY PROJECT VIOLATES BERKELEY'S 1986 MEASURE 'L' –THE BERKELEY PUBLIC PARKS AND OPEN SPACE PRESERVATION ORDINANCE

By pursuing the massive Berkeley Ferry Project, the City is clearly violating the 1986 Citizens' Initiative Measure 'L'.

Measure 'L' - The Berkeley Parks and Open Space Preservation Ordinance, was adopted by Berkeley voters in November 1986 by a vote of 21,946 to 18,854. It is codified in BMC Chapter 6.42.

Measure 'L' states, "Shall an ordinance be adopted to require voter approval of non-recreational uses of parks or open space and require acquisition of open space controlled or leased by the City if acquisition is the only means of preserving the open space?"

P43-1

I was one of the signers of the ballot argument in favor of Measure 'L'.

Measure 'L' is still in effect today.

Measure 'L' thus requires approval by Berkeley's voters before any aspect of the Berkeley Ferry Project can be built.

In 1996, the City of Berkeley wanted to place temporary buildings on Civic Center (Provo) Park for various city bureaucratic functions while the Civic Center building on Milvia Street went through extensive renovations and a seismic upgrade. Because of Measure 'L', the City had to put a measure on the November 1996 ballot - Measure X - to get the public's approval.

The last of the "where as's" at the start of the Full Text of Measure X" states,

"Where as Measure 'L', BMC Chapter 6.42 requires voter approval to use public parks for purposes other than park or open space uses,"

"Shall the MLK Jr. Civic Center Park be used for a period to expire no later than June 30, 2001 for the purpose of temporarily housing City of Berkeley offices in portable buildings, as well as associated site preparation and maintenance activities in order to allow the abatement of seismic hazards at the site of the MLK Jr. Civic Center Building at 2180 Milvia Street if the Council finds after a public hearing that there is no other feasible alternative to relocate City employees during such seismic work?"

Measure X failed 17,476 to 23,151. The City could not install temporary offices in Civic Center Park, and thus leased commercial property around downtown instead.

Thus, Measure 'L' requires voter approval before any park or open space under the city's control can be used for other purposes

Measure 'L' is still in effect, & covers all City parks & city owned or controlled open space.

Councilmember Terry Taplin has cited Measure 'L' in insisting that the City preserve the open space at the former Lawn Bowling Club site.

Last year, Councilmember Cecilia Lunaparra cited Measure 'L' to insist that the City preserve the public open space at the Dwight - Telegraph triangle.

And in recent years, former Councilmember Kate Harrison cited Measure 'L' to designate the open space around old City Hall as a city park, so as to give it more protection.

P43-1

THE FERRY PROJECT IS CLEARLY FOR TRANSPORTATION, NOT RECREATION

The Ferry Project would include a breakwater, a 1200 square foot gangway, 750 square foot gates and landings, and a 5700 square foot ferry charging/boarding float.

The official description of the Project specifically states that it is for transportation, to take commuters to and from San Francisco.

REMOVING THE EXISTING LANDMARKED PIER WOULD VIOLATE MEASURE 'L'.

The landmarked and iconic Berkeley Pier was for many years used for open space and recreation. The Project would replace it with a much smaller Pier that would not be conducive the recreation.

It's not the public's fault that the Pier has been deemed unsafe to use for the last eleven years. By keeping the Pier closed and refusing to repair it for the last 11 years, the City has been violating Measure 'L'.

Demolishing the existing pier and replacing it with a smaller and more officious pier should first require approval of the voters as per Measure 'L'.

All of the SF Bay that is within Berkeley's City Limits is as much City of Berkeley recreational open space as is the Aquatic Park Lagoon.

Any development on the SF Bay that is within Berkeley's City Limits is no less the destruction of recreational open space for non-recreational uses than would the dredging of the Aquatic Park Lagoon and constructing office buildings where the Lagoon once was.

The proposed Ferry Complex's gates, and landing, the gangway, and the ferry charging and boarding float would all destroy the incomparable view of the SF Bay looking out toward the Golden Gate that generations of Berkeley residents have long enjoyed.

The San Francisco Bay within Berkeley's City Limits is Berkeley public open space. It has been enjoyed by tens of thousands of Berkeley residents for over 100 years as passive recreation, and by many other people for recreational boating.

Transportation is not recreation. As the City's own official description of the Ferry Project clearly states, the purpose of the Project is Transportation.

Construction is construction, whether on land or water.

Measure 'L' should not be seen as an inconvenience, but as an opportunity to allow the public to vote on proposed changes to existing city parks and open space.

In 1996, city officials were not dismissive of Measure 'L' even though it would slow down the seismic upgrade of the 2180 Milvia Civic Center Building. They put approval of the temporary use of Civic Center Park for city offices on the ballot, because honoring the law and the will of the voters was the right thing to do. P43-1

Today in 2026, city officials should not be dismissive of Measure 'L' just because its implementation could delay construction of the Berkeley Ferry Project Complex.

If city officials could delay the seismic upgrade of the City of Berkeley offices at 2180 Milvia in 1996 to honor the will of the voters, city officials can certainly delay the construction of the Berkeley Ferry Project, to honor the will of the voters.

If city officials believe that taking away incomparable open space at the Waterfront is acceptable so as to construct the Ferry Project Complex, it can certainly make that argument in the ballot handbook and in campaign literature.

THE DRAFT EIR FAILS TO IDENTIFY AND ANALYZE REASONABLE ALTERNATIVE TO THE FERRY PROJECT

The DEIR should give equal weight to repairing and renovating the existing Pier so that the public and again enjoy walking on it and enjoying the views of the SF Bay from the Pier.

Equal weight should be given to a No Project Alternative. Why not continue to have ferry service to San Francisco from where the commuter ferries have been running the past several years.

What is the compelling reason for this massive new Project?
Serious considering and acknowledgement must be given to the rapid and on-going increase in Berkeley's population. Over ten thousand housing units have been constructed in the last several

years, and over ten thousand additional housing units are in the pipe line. The University is growing at an unprecedented pace, with new high rise dorms being approved on a regular basis.

Berkeley is now likely the most densely populated city in California. We need to maximize open space at the waterfront, and throughout Berkeley. Existing parking spaces at the waterfront should be converted to green open space.

We need to preserve all existing views from the waterfront of the SF Bay, the Golden Gate, San Francisco and of Marin County.

EMF STUDY NEED OF FERRY PROJECT CHARGING STATION

The EIR needs to analyze the EMF's that would be emitted from the Ferry Project Charging Station. With the proliferation of cell phones, 5G cell towers, and telecom satellites, we are being exposed to higher and higher levels of radiation in our day to day lives. Studies of the dangers of EMF radiation exposure can easily be found on the internet.

An independent analysis of the EMF radiation level from the proposed Ferry Project Charging Station is needed to determine is the cumulative radiation from the Charging Station and all other telecom radiation sources would pose an unacceptable health risk to Berkeley residents.

PEOPLE SHOULD BE ABLE TO USE THE FERRY BY PAYING WITH CASH OR CREDIT CARD AT TIME OF BOARDING

Not everyone is high tech. Not everyone has a smart phone. People should be able to use the ferry by paying with cash or a credit card at time of boarding. P43-1

Otherwise, the City would be discriminating against those who choose not to have smart phones, or cannot afford smart phone, or who are made ill by the EMF radiation from smart phones.

PROJECT APPROVAL PROCESS HAS BUILT-IN BIAS

The Project applicant and project decision maker are both the City of Berkeley.

The Draft EIR comments need to be responded to by an impartial third party.
A determination as to whether or not Measure 'L' requires that the Ferry Project first be submitted to the voters for approval needs to be made by an impartial third party.

And the determination as to whether or not the Project should be approved should be made by an impartial third party.

DO NOT RUSH APPROVAL OF THE EIR OR OF THE PROJECT

Do not rush approval of the EIR or of the Project

A Revised Draft EIR should be prepared based on the comments received for the Draft EIR.

Any Final EIR should be approved separately from consideration of whether the Project itself should be approved.

Please put me on the notification list for all documents and meetings concerning the Ferry Project.

P43-1

Please confirm receipt of these comments.

Clifford Fred

Letter P43

Commenter: Clifford Fred

Date: April 13, 2026

Response to Comment P43-1

Refer to Response to Comments P42-1 through P42-20. No further response is required.

Letter P44

From: Elliot Cobb <elliotcobb@gmail.com>
Sent: Monday, April 13, 2026 4:46 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: bring the ferry to Berkeley!

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I'm excited to ride the ferry! I bike to the marina often and would love to have a ferry to SF there. Reasons I'm excited about a berkeley ferry terminal

- more car free transit options to SF
- taking ferries is beautiful and fun. I always suggest that guests take the jack london ferry
- connect people to the waterfront
- rebuild the pier for fishing

P44-1

I don't drive, but maybe people's concerns about parking could be allayed if we told them parking would be paid and the funds used to improve the marina park facilities. I know how much people like it when you propose paid parking ;)

P44-2

There's also the 51 bus and nice bike paths to the park.

P44-3

Letter P44

Commenter: Elliot Cobb

Date: April 13, 2026

Response to Comment P44-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P44-2

The comment does not identify a deficiency in the analysis presented in the Draft EIR but rather expresses an opinion regarding parking management and funding strategies. Refer to Section 2.2.20, *Topical Response: Parking,* for further discussion of parking evaluation and management strategies proposed by the City. Refer also to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, which explains that funding strategies such as those suggested by the comment represent policy considerations outside the scope of CEQA review. The comment is noted and has been included in the project record considered by City decision makers. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P44-3

The proposed project would include infrastructure improvements for both the existing AC Transit Route 51B and bicycle use. Refer to pages 2-12 through 2-18 of the Draft EIR.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P45

From: Charlene Woodcock <charlene@woodynet.net>
Sent: Monday, April 13, 2026 4:30 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>; McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comment on Berkeley Pier-Ferry project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

TO: Parks, Recreation & Waterfront Department

RE: Berkeley Pier-Ferry Project

I write to express opposition to the Berkeley Ferry project because this project would serve a very few commuters and tourists, compared to BART and buses, at a very significant environmental cost. P45-1

Additionally, it disregards the city's longtime commitment to use the Bay Shoreline "exclusively for public recreation and related public use." The mere designation of P45-2

Adding a ferry, even if electric, to the Bay will add noise and pollution to the Bay. P45-3

It will replace open space with parking for hundreds of cars, further degrading an area intended for local recreation. P45-4

It will be extremely costly without away to recover the investment which, as above, will serve a very small portion of Bay Area residents. P45-5

The city of Berkeley needs to find a less destructive means of raising money to rehabilitate our pier. P45-6

Sincerely,
Charlene M. Woodcock
2355 Virginia Street
Berkeley

Letter P45

Commenter: Charlene Woodcock

Date: April 13, 2026

Response to Comment P45-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P45-2

Draft EIR Section 3.9, *Land Use and Planning*, analyzes the project for conflicts with applicable land use plans and policies and demonstrates that the project would be consistent with plans and policies intended to preserve and expand recreational access at the Waterfront (see Impact LU-2). With respect to the comment's concerns about project-related parking changes, refer to Section 2.2.20, *Topical Response: Parking*.

The analyses and significance conclusions presented throughout the Draft EIR remain valid as written. No further response or revisions are required.

Response to Comment P45-3

Operational impacts to wildlife from noise and to water quality and sensitive natural communities are discussed in Draft EIR Section 3.3.4 under Impacts BIO-1, BIO-2, and BIO-3 (pages 3.3-52 through 3.3-63) and are determined to be less than significant with implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, HYD-1, and AES-1. Cumulative impacts are discussed in Section 3.3.5 and were determined to be less than significant. No Draft EIR changes are necessary in response to this comment.

Response to Comment P45-4

With respect to project-related parking changes, refer to Section 2.2.20, *Topical Response: Parking*.

The analyses and significance conclusions presented throughout the Draft EIR remain valid as written. No further response or revisions are required.

Response to Comment P45-5

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P45-6

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. Nevertheless this comment has been included in the project record considered by City decision makers. No further response or revisions to the EIR are required.

Letter P46

From: Jennifer Chan <jenniferchandc@gmail.com>
Sent: Thursday, April 16, 2026 3:39 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Ferry opposition

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza McNulty,

I write to express my strong opposition to the proposed Ferry/Pier project, as outlined in the Draft Environmental Impact Report (DEIR). The DEIR is fundamentally deficient and fails to adequately address critical environmental and community impacts. P46-1 P46-2

The project's environmental costs are substantial and unacceptable. The removal of approximately 14 trees at Seawall Drive for parking infrastructure, combined with the loss of 1,200 feet of the historic Berkeley fishing pier, represents irreversible damage to our waterfront ecosystem. The pier's tip currently serves as a crucial high-tide roosting habitat for shorebirds—a function that the DEIR inadequately evaluates. P46-3 P46-4

Additionally, ferries operating at 30-minute intervals will generate wake activity across a 650-foot swathe, unavoidably stirring up sediment and displacing waterbirds throughout the area. The cumulative environmental disruption contradicts any claimed benefits. P46-5 P46-6

On the community level, converting currently free parking at the marina into a fee-based system will burden local users who depend on this public resource. This shifts costs onto residents while creating traffic and congestion challenges. P46-7

For a $170 million investment, the project fails to justify its environmental cost or community benefit. I urge you to reject this proposal and return to the drawing board with a genuinely responsible plan. P46-8

Thank you,
Jennifer Chan
1228 Dwight Way,
Berkeley, CA 94702

Letter P46

Commenter: Jennifer Chan

Date: April 16, 2026

Response to Comment P46-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P46-2

Refer to Section 2.2.5, *Topical Response: CEQA Adequacy,* for a discussion about the Draft EIR's adequacy. Please also refer to subsequent Response to Comments for responses to the specific issues raised in the comment letter. No further response is required.

Response to Comment P46-3

The Draft EIR discusses tree removal and replacement under Impact BIO-5 in Section 3.3. (page 3.3-65) and concludes that impacts to protected trees would be less than significant. Impacts to wildlife, sensitive natural communities, and water quality due to removal of the existing pier are discussed in Draft EIR Section 3.3.4 under Impacts BIO-1, BIO-2, and BIO-3 (pages 3.3-43 through 3.3-63) and were determined to be less than significant with implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, HYD-1, and AES-1. No Draft EIR changes are necessary in response to this comment.

Response to Comment P46-4

As discussed under Response to Comment O7-17, most roosting waterbird species are not considered special-status under CEQA, because they are common, widespread, and not listed as threatened, endangered, or otherwise protected under federal or State endangered species acts or CDFW special-status criteria. Therefore, such species are not evaluated individually as special-status species in the EIR. In response to this comment, the following clarification text revisions have been made to the Draft EIR:

Section 3.3.2 page 3.3-7:

> The California Essential Habitat Connectivity Project, commissioned by the California Department of Transportation (Caltrans) and CDFW, identifies "Natural Landscape Blocks" which support native biodiversity and the "Essential Connectivity Areas" which link them.[35]
>
> The Pacific Flyway is the westernmost of North America's four major migratory corridors. Each year millions of birds travel the Pacific Flyway between northern breeding areas and southern wintering grounds, relying on a chain of coastal and inland stopovers for feeding and rest. This migration corridor extends from Alaska through western North America to Central and South America, and is used by waterfowl, shorebirds, raptors, and passerines. The San Francisco Bay is one of the most important stopovers along the Pacific Flyway, as the largest estuary on the West Coast.
>
> [35.] Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi, and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration.

Section 3.3.2 page 3.3-7:

> Most of the project site is developed and urbanized and does not provide for wildlife movement corridors. The project site is not located within an Essential Connectivity Area or Natural Landscape Block.[36] However, the project site is located within Baylands adjacent to marine foraging habitat, and trees within the project site may provide roosting habitat for migratory birds. The old pier and pilings also provide roosting and migration staging habitat for migratory waterfowl, seabirds, and shorebirds.
>
> [36.] CDFW. 2024. Biogeographic Information and Observation System (BIOS). Available: www.wildlife.ca.gov/data/BIOS (accessed September 2024).

Section 3.3.4 page 3.3-63:

> Operation of the project would include vehicles, bicycles, and pedestrians using University Avenue, Seawall Drive, and parking lots. These uses of the project site would be consistent with existing recreation and commercial uses. No new barriers or disturbances to terrestrial wildlife movement are proposed. Roosting birds and birds staging during migration may be temporarily displaced by removal of portions of the existing pier deck and pilings; however, the old wooden pilings at the west end where the majority of roosting birds occur would remain in place. Additionally, there are other roosting sites available in the project vicinity and wider bay, including a platform that was specifically constructed for cormorants on the new eastern span of the Bay Bridge. Therefore, there would be no operational impact related to terrestrial wildlife movement.

These clarification text changes do not change the Draft EIR significance conclusions in Section 3.3, *Biological Resources*.

Response to Comment P46-5

See Response to Comment O4-8 for discussion of effects of ferry operation, including wakes, on waterbirds and Response to Comment A3-20 for discussion of ferry wake with regard to sedimentation and water quality. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P46-6

This comment expresses an opinion on the merits of the project. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P46-7

Refer to Section 2.2.20, *Topical Response: Parking.* As discussed therein, parking fees and other parking management measures are policy considerations rather than environmental impacts under CEQA. This comment is noted and has been included in the project record considered by City decision makers. The analyses presented in the Draft EIR remain valid as written, and no revisions to the Draft EIR are required.

Response to Comment P46-8

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P47

From: James McGrath <macmcgrath@comcast.net>
Sent: Friday, April 17, 2026 10:12 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: EIR comments

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Attached

Jim McGrath
2301 Russell Street
Berkeley, CA
April 17, 2026

Liza McNulty
Cit of Berkeley
2180 Milvia
Berkeley, CA 94704

Subject: Comments on Berkeley Water Transportation Pier Ferry Project draft EIR

Dear Ms. McNulty:

The following are additional comments on the EIR which reflect my reading of the Final Program EIR by the Water Transit Authority "Expansion of Ferry Transit Service in the San Francisco Bay Area." That EIR was completed in June of 2003. While a programmatic FEIR prepared twenty-three years ago *may* still be used for preparation of a draft EIR for one of the projects contemplated in that document, it is essential to update the parts of that document that may no longer be accurate. The subject EIR relies on that FEIR for its consideration of environmental impacts, particularly operational impacts, but does not update the analysis to address the many significant differences between the project described in that document and the current proposal. Where those changes may constitute "changed circumstances" under the California Environmental Quality Act, or increase cumulative impacts, the current EIR is required to analyze and disclose those changes and impacts, and include feasible mitigation measures. Where there are conflicts between that adopted document and the current proposal, those conflicts may rise to the level of significant impacts. The current document fails to do that.

P47-1
P47-2
P47-3
P47-4

CHANGED PROJECT DESCRIPTION

The WTA Final EIR contemplates a very different project for expanding service to Berkeley, and includes mitigation measures that the current document has ignored. In describing the regional system, the Final EIR makes it clear that only limited dredging will be required,

P47-5
P47-6

and only for the Rodeo/Hercules service. The current proposal includes a proposal for up to 400,000 cubic yards of dredging. The rationale behind the Final EIR proposal can be found in this language from page 2-2:

> ...only the Hercules/Rodeo terminal would require additional dredging for implementation. **All other terminal sites** proposed for expanded ferry service **are within existing ports or marinas**.

The FEIR clearly contemplated a terminal site in Berkeley that would not require dredging. This language is included under Impact D-1: "Ferries have relatively low draft requirements (approximately 7 feet) and would not be deeper than those at existing marinas and ports." The associated mitigation measure D-21, ignored in the draft EIR states "**Dredging shall be minimized**." Additional information about the rationale for concluding that there would be little or no dredging required for initiating Berkeley ferry service can be found on page 2-6, where it indicates that the vessels that would be used would be "relatively shallow draft." Exhibits in the FEIR confirm that the programmatic document did not contemplate an open water site that would require massive dredging. Figure 5.1.1 and the related Table 5.1.5 conclude that a Berkeley marina terminal would only require 13,260 cubic yards of construction dredging—not the 400,000 cubic yards in the current draft EIR. P47-6

This is particularly relevant to the current proposal, which is fundamentally different from that contemplated in the 2003 FEIR, and that considered in the existing Berkeley Marina Master Plan, dated June 1, 2003, which also contemplated ferry service only inside the marina. That can be seen in Principle 3, which establishes a principle to "Upgrade the Ferry Pier to comply with seismic regulations." It is also relevant to the Bay Plan Recreation Policy 9, adopted in September 2006. At that time—and still—the adopted plans for ferry expansion and the adopted Marina Plan anticipated a ferry expansion staged out of the marina. As noted in my first letter, the current proposal is inconsistent with those adopted plans and clearly falls under the changed circumstances provisions of CEQA because it entails a different location that would require extensive dredging. Yet no discussion of those changes can be found in the draft EIR, and the discussion of the environmental effects of dredging is brief and conclusory. That issue will be discussed below. P47-7

It may be that the type of equipment currently contemplated for a new Berkeley service has also changed and that a deeper channel and berthing areas are required for that different equipment. But again, that would be a changed circumstance, limiting the degree to which the 2003 FEIR can be relied upon. The 2003 FEIR had an extensive discussion of ferry wakes, or wake wash in Section 3.3. The current draft EIR does not revisit that discussion and concludes that the analysis is still valid with the deeper draft vessels now proposed. P47-8

IMPACTS OF CONCERN WITH CHANGED CIRCUMSTANCES

Since the adoption of the FEIR in 2003, there are changes in the sensitivity of the marine environment that might be affected by a new service and substantial dredging. The FEIR concluded that whale strikes were unlikely but would be significant if they occurred. But whale visits to San Francisco Bay have become much more frequent, with clear evidence that whales are feeding in the Bay. No consideration of this as a changed circumstance is included in the draft EIR. P47-9

The longfin smelt was listed as endangered by the State of California in 2009, and as of August 29, 2024, is also listed under the Federal Endangered Species Act. Smelt can be entrained and killed in dredging operations. Both construction and operation of a ferry terminal might affect this species. P47-10

While the Green sturgeon was listed as endangered, and discussed in the program FEIR, additional research has been completed and NOAA formally adopted "take" provision rules for the species. Dredging may reduce benthic habitat value and operations may have greater impacts than previously disclosed in the program FEIR. P47-11

The increased presence of whales feeding in San Francisco Bay is yet another area where the changed circumstances warrant discussion in the draft EIR. Biologists are well aware of both whales feeding in the bay, and increasing deaths due to vessel strikes. Press media has reported this concern, for example
https://www.nytimes.com/2026/04/13/climate/gray-whales-san-francisco-bay.html

and the April 15, 2026 San Francisco Chronicle. Whale strikes are identified as a significant impact in the 2023 FEIR, but considered rare—a conclusion no longer tenable. Yet the current draft EIR makes no effort to analyze the impacts. P47-12

RECREATIONAL IMPACTS

As noted in my initial letter, Berkeley dismisses recreational impacts, concluding without providing substantial evidence that a ferry project would be beneficial to recreation. In doing so, the city ignores the concerns about impacts on parking, largely ignoring any quantitative effort to demonstrate compliance with Bay Plan Recreational Policy 9. The city's claim that parking analysis is not required flies in the face of impacts and mitigation measures contained in the program FEIR that they are relying on. I would note that the relocation of the ferry site from within the marina and the use of parts of the bay filled to create recreational uses and supporting parking make this impact much more significant than considered in 2003. The city also ignores the enactment of the Water Trail Act, enacted in 2005:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200520060AB1296
That act establishes legislative policy that: " Water-oriented recreational uses of the San Francisco Bay... are of great benefit to the public welfare of the San Francisco Bay Area." Commuter ferries are not among the listed water-oriented uses. Berkeley has obtained grants through the Water Trail program but fails to use the standards of P47-13 P47-14 P47-15

that act for evaluation of recreational impacts. The FEIR recognizes the potential for recreational impacts and includes a mitigation provision to prevent significant impacts. P47-15

The Final EIR lists Impact LU-4 on page 3.7-16, recognizing that adverse impacts to shoreline access could occur. It establishes mitigation LU-4.1 that includes the phrase that incorporating public access at the next stage of planning "...may include trails, **parking set aside for shoreline users**, viewpoints, disabled access, etc." That Final EIR also establishes a very different mode split for access to the terminal, estimating that on an average day 24 would walk, 1789 would drive, and 344 would take transit. (Table 3.12.12) Table 3.12.13 forecasts a demand for at least 510 parking spaces to meet the estimated ridership. The current EIR simply casts aside all previous analyses of mode split without explanation, as well as the mitigation responsibilities established in the 2003 FEIR. P47-16

The draft EIR fails to follow up with a mitigation plan that implements the standard in the FEIR in a manner that provides full disclosure and allows public review of the sufficiency. Indeed, it is impossible to generate such a plan without developing an adequate baseline of existing recreational use and considering latent use and regional population growth. P47-17

ENERGY EFFICIENCY AND VMT REDUCTION

The 2003 FEIR discusses energy efficiency, as required by Public Resources Code Section 21100(b)(3). The analysis in that document presents energy use by transit modes using a metric of BTU's per passenger mile. That analysis showed that ferries use nearly 10 times as much energy as buses, and about 90 times as much energy as BART. The draft EIR includes no discussion of energy efficiency and assumes that all ferry passengers would be drivers at present, rather than considering the number that might be diverted from current bus and BART crossings. That despite the dedicated marketing efforts of WETA for exactly that purpose. Energy is of sufficient import to merit an appendix, F, in the CEQA Guidelines. Despite those guidelines and my scoping comments on the need for to update the efficiency analysis, the EIR fails to address this issue or include a CO2 emission comparison. This analysis is clearly inadequate. Among the many policies elided from the draft EIR is **Policy T-9 Ferry Service** from the General Plan: P47-18 P47-19 P47-20

> B. Prioritize transit, pedestrian, and bicycle public expenditures over expenditures of public funds for ferry service, and **ensure that new ferry service will not result in a reduction in public subsidies for existing transit services.**

FEASIBIILTY

Feasibility is an important term of art under CEQA, under BCDC's requirements for providing maximum feasible public access, and for consideration under the Clean Water Act. Yet a discussion of even the current cost of the project is absent from the current draft EIR. In my previous letter, I attached a copy of the cost estimates prepared by city P47-21

consultants, prepared on 7/11/2025, that showed the estimate for the project, not including ferries, was $131,133,445. The previous cost estimate for ferries, not updated to include the current costs, was $38 million, leaving a total cost of about $170 million. It appears that the City of Berkeley's share of that costs would be about $32 million.

P47-21

No sources for Berkeley's funding have been identified. Significantly, Berkeley's marina fund has struggled with a structural deficit, in part because boating revenues instead of Berkeley's parks tax have been used to maintain the waterfront parks. The most recent estimate of the deferred maintenance at the waterfront can be found in the recent Auditor's report. On page 15 of that report, the size of that problem was noted: "unfunded capital infrastructure needs at the waterfront still exceed an estimated $163 million."

P47-22

Berkeley relies on WETA's Berkeley Ferry Service Business Plan in numerous places in the draft EIR, but then avoids the discussion of local funding in that plan which concludes:

> One option would include a Transient Occupancy Tax surcharge on hotel night stays in the marina that would reinvest revenue in the Berkeley waterfront and support maintenance of the pier and shared parking facilities.

With revenues from the DoubleTree Hotel already reduced, and the hospitality industry continuing to contract, with bankruptcy of yet another Berkeley hotel reported in the news on April 16, 2026, the staff who prepared this EIR hardly need to be reminded of the infeasibility of such an approach.

P47-23

The current approach, avoiding any discussion of feasibility or costs, is a departure from the FEIR. That document included in Table 2.2 estimates of the capital cost per rider ($4) and the annual operating subsidy per rider ($5) to compare the feasibility of reducing VMT by improving ferry service as compared to rail and bus alternatives. WETA no longer reports either the capital cost or the operating subsidy per rider, and no discussion of feasibility of any depth is included in the draft EIR. Yet current operational subsidies for are more than $30 per passenger for a round trip and WETA documents have made it clear that the available subsidies will be exhausted to support the existing system..

P47-24

While many of the recreational activities that currently occur at the waterfront do not generate revenue into the marina fund, they have substantial economic value. Boating activities directly contribute about 2/3 of the funding for the marina fund. Other visitors from outside Berkeley visit the waterfront as part of other activities such as dining that indirectly generate revenue. If parking for those users is usurped by commuters, those activities would be reduced. If Berkeley leases the Seawall lot to WETA but does not collect revenue for that lease, there will be no opportunity to use that site for uses that might generate revenue. Further, if managing parking costs more than parking fees generate, or Berkeley agrees to devote some of the TOT funds from the marina to subsidies, a measure proposed by their consultants, the structural deficit in the marina fund will be increased.

P47-25

To put the cost of the proposed terminal into context, if there are an average of 955 occupied seats on the new service, the capital cost per seat is $178,000. At a 5% discounting rate, that is $8900 a year, or $35.60 a day as an opportunity cost. Well above the $4 in the programmatic document. The lower annual operating subsidy cost estimate by WETA is $9 million a year. Again using 955 seats, that is about $9,425 per seat of subsidy required, or $37.70 per seat per day. This does not include the cost to manage parking in an attempt to preserve some recreational use. Of course, if less than 955 passengers use the service the impacts on recreation will go down, but the subsidy required will go up proportionately. With the most recent East Bay terminal at Richmond constructed at a cost of $20 million, the need for analysis of alternatives becomes compelling. P47-26

No sources for city capital costs, WETA capital costs, or annual operating subsidies are identified—yet the EIR insists that only this project is feasible. Without analysis of the economic value of recreational uses that might be lost and might be improved on the land instead of a commuter terminal, this is a fatal flaw. Conclusions in an EIR must be supported by substantial evidence, and by analysis that links the facts to the conclusion. But in this EIR, feasibility does not warrant even a discussion. That is inadequate to support consideration of alternatives or answer questions of maximum feasible public access under BCDC's law. P47-27

Very truly yours,

Jim McGrath
Save Berkeley Pier

Letter P47

Commenter: Jim McGrath

Date: April 17, 2026

Response to Comment P47-1 to P47-4

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Berkeley Water Transportation Pier Ferry Project Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Please refer to Response to Comments P47-8 to P47-12 for responses to specific comments related to perceived changes in circumstances, and how the Draft EIR appropriately addresses these potential impacts. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P47-5

The 2003 WETA EIR was a programmatic EIR and did not result in the approval of a specific site for a ferry terminal in Berkeley. In fact, the 2003 WETA EIR included the following text on page 4 of the Errata for the Final Program Environmental Impact Report and Public Comments and Responses: "A future site specific EIR will need to evaluate the Berkeley route(s) and associated terminal. The project level EIR will consider those issues that could not be fully addressed at the general programmatic level, including potential ridership and catchment area and specific project impacts." The City has prepared a project-level Draft Environmental Impact Report based on their planning efforts. Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion of how the City uses the 2003 WETA EIR.

The analysis, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written, and no revisions are required.

Response to Comment P47-6

As described in Draft EIR Section 2.6, Construction Details (page 2-28), 400,000 cubic yards of dredge volume represents the maximum potential dredging extent and is a conservative upper bound that may be reduced as final design progresses. The project would primarily occur within the existing 100-foot-wide USACE federal navigation channel that parallels the closed pier. Dredging impacts are discussed in Draft EIR Section 3.3.4 under Impacts BIO-1 and BIO-3 (pages 3.3-46 through 3.3-51 and pages 3.3-60 through 3.3-61), respectively, and were determined to be less than significant with implementation of mitigation (see Mitigation Measures BIO-1[a], BIO-1[d], BIO-1[e], BIO-3, and HYD-1). See also Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for discussion of how analysis of project dredging impacts has been addressed independently in the Draft EIR. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P47-7

Refer to Response to Comment P47-1 through P47-6 regarding the 2003 WETA EIR.

Regarding the comment that the Berkeley Marina Master Plan "contemplated ferry service only inside the marina", this is not an accurate statement. Refer to Response to Comment P36-9, which explains that there is no meaningful mention of a ferry in the Berkeley Marina Master Plan and that it appropriately considered consistency with Berkeley Marina Master Plan Principle 3 in the Draft EIR.

Regarding Bay Plan Policy 9, refer to Response to Comment O10-116, which describes that the Draft EIR includes an analysis of consistency with Bay Plan Recreation Policy 9.

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion about why the In-Marina Ferry Terminal Alternative was rejected from further evaluation by the City.

The City has found no inconsistencies with adopted plans and the City has prepared a project-level Draft EIR that addresses the environmental impacts from the proposed project that the City is proposing.

Response to Comment P47-8

The type of ferry equipment and volume of dredging proposed for project site may have changed since the 2003 WETA EIR; however, this does not represent a changed circumstance under CEQA. Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR, and that the Draft EIR provides a project-specific analyses regarding the potential impacts from dredging.

The 2003 WETA EIR evaluated a range of vessel types, operational speeds, and wake characteristics for regional ferry service, and its analysis was intentionally programmatic to accommodate future vessel design improvements, including variations in draft, propulsion systems, and hull form. The current vessels proposed for service to/from the project site fall within the performance envelope and operational assumptions evaluated in the 2003 WETA EIR, including wake generation, maneuvering behavior, and transit speeds. The Draft EIR discusses the impacts of ferry wake in Section 3.8.4. Impacts Analysis (on page 3.8-33) and concludes that water-side operational impacts related to water quality would be less than significant. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P47-9

As described in Draft EIR Section 3.3.4 (Impact BIO-1, pages 3.3-52 to -54), the analysis acknowledges that vessel strikes are a known source of mortality for whales and evaluates the project's incremental contribution to this risk in the context of the existing Central Bay transit corridor, which includes substantial existing commercial, recreational, and ferry vessel operational levels. See Response to Comment O7-13 for a discussion regarding potential whale strike. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P47-10

Impacts to longfin smelt are discussed in Draft EIR Section 3.3.4. The Draft EIR analysis and significance conclusion of less than significant impacts with implementation of mitigation (Mitigation Measure HYD-1) presented under Impact BIO-1 in Section 3.3.4, Impacts Analysis, starting on page 3.3-46 remains valid. See Response to Comment A3-28 for discussion of and text clarification change with regard to dredge impacts to special status fish species. No additional changes to the Draft EIR are necessary in response to this comment.

Response to Comment P47-11

The comment does not provide the research cited. Impacts to green sturgeon are discussed in Draft EIR Section 3.3.4. The Draft EIR analysis and significance conclusion of less than significant impacts to water quality with implementation of mitigation (Mitigation Measure HYD-1) under Impact BIO-1 in Section 3.3.4, Impacts Analysis, starting on page 3.3-46 remains valid. See also Response to Comment A3-28 for discussion regarding minimization of impacts to special-status fish species during construction dredging and Response to Comment O5-35 for further discussion of dredge impacts to special status fish species and benthic communities. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P47-12

As described in Draft EIR Section 3.3.4 under Impact BIO-1 (pages 3.3-52 to -54), the analysis acknowledges that vessel strikes are a known source of mortality for whales and evaluates the project's incremental contribution to this risk in the context of the existing Central Bay transit corridor, which includes substantial commercial, recreational, and ferry vessel operational levels. See Response to Comment O7-13 for a discussion regarding potential whale strike. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P47-13

With respect to the comment's claim that the City fails to provide substantial evidence that the proposed ferry would be beneficial to recreation, CEQA does not require an EIR to demonstrate that a project is affirmatively beneficial to recreation. Rather, CEQA requires evaluation of whether a project would result in significant adverse physical environmental impacts related to recreational facilities. Accordingly, Draft EIR Section 3.11, *Recreation*, evaluates recreation based on the applicable CEQA Guidelines Appendix G thresholds of significance, specifically analyzing whether the proposed project would (1) increase the use of existing recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated, or (2) require the construction or expansion of recreational facilities that might result in adverse physical environmental effects (see Section 3.11.4, *Impacts Analysis*). Based on the analysis therein, the Draft EIR concludes that the project would enhance recreational activities and would not result in substantial physical deterioration of recreational facilities (see Impact REC-1). Regarding concerns about parking, as it relates to consistency with Bay Plan Policy 9, refer to Section 2.2.20, *Topical Response: Parking,* for a detailed discussion related to how parking is considered consistent with CEQA.

The analysis, significance conclusions, and mitigation measures presented within Section 3.9, *Land Use and Planning*, and related sections in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P47-14

When referring to an increase in significant impacts, the comment is referring to the impacts compared to what was provided in the 2003 WETA EIR. However, the 2003 WETA EIR is a programmatic document that did not include a project-level analysis for a terminal at the Berkeley Waterfront. Page 2-2 of the WETA EIR states the following: "While the IOP does not represent a precisely fixed set of routes and terminal sites, the Proposed Project is based on the anticipated routes and terminals that would result from implementation of the IOP. The routes, terminals, and frequency of service (headways) associated with the Proposed Project are listed in Table 2.1. The routes and terminals are shown on Figure 2.1. Further site-specific studies and design would be necessary prior to IOP implementation to determine actual terminal sites and routes." The suggestion that the 2003 WETA EIR proposed a terminal within the marina is not accurate and the 2003 WETA EIR specifically identifies that additional studies will be needed to determine the actual terminal site. This Draft EIR provides that project-level analysis for a terminal site in the Berkeley Waterfront.

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The comment does not identify a deficiency in the Draft EIR's environmental analysis or alternatives evaluation. Therefore, no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P47-15

Refer to Response to Comments A3-57 and A3-58, which identify text changes to the Draft EIR identifying that the McAteer-Petris Act includes the San Francisco Bay Area Water Trail, which includes the South Sailing Basin and Marina as designated sites. The Water Trail Act is noted.

With regard to commuter ferries not included in the Bay Area Water Trail listed water-oriented uses, that is correct, the list is inclusive of **non-motorized** (emphasis added) small boaters and associated

launching and landing sites. The comment is noted that the Water Trail Act Final EIR recognizes recreational impacts and identifies mitigation for that Project. The analysis of recreational impacts related to the Berkeley Water Transportation Pier Ferry Project is included within this Draft EIR in Section 3.11, *Recreation*. The Draft EIR acknowledges the Berkeley Waterfront as a heavily used recreational resource in Section 3.11.2, Environmental Setting, and evaluates whether the project would adversely affect these uses in Section 3.11.4. The analysis concludes that the project would maintain and enhance recreational opportunities and access (Impact REC 1). Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding existing recreational uses and analysis of impacts. No further response is necessary.

Response to Comment P47-16

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion related to how the 2003 WETA EIR is used as part of the Draft EIR.

Regarding the comment about the mode split assumptions from the 2003 WETA EIR, the City acknowledges that previous planning documents evaluated a range of assumptions regarding mode split. As project planning advanced, additional information became available and the Draft EIR relies on the most current information available during preparation of the environmental analysis. Refer to Section 2.2.27, *Topical Response: VMT,* for a detailed discussion of the mode split assumptions used in the Draft EIR.

Regarding the comment about mitigation responsibilities from the 2003 WETA EIR, refer to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P47-17

Refer to Section 2.2.17, *Topical Response: Mitigation Measure Requirements,* for a discussion about how the mitigation in the Draft EIR is compliant with CEQA requirements.

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, for a discussion of the baseline used to assess recreational impacts, according to CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P47-18

With respect to the commenter's comparison of the energy efficiency of ferry service relative to buses and BART as analyzed in the 2003 WETA EIR, the comment concerns the relative merits of different transportation modes and the policy decision to provide ferry service in Berkeley. CEQA does not require an EIR to determine whether the proposed project is the most energy-efficient transportation option available. Rather, CEQA requires disclosure and evaluation of a project's environmental impacts. The City acknowledges the commenter's opinion regarding the comparative efficiency of various transit modes and has included the comment in the project record provided to City decision-makers for consideration. The City also notes that the energy comparisons cited by the commenter were developed as part of the 2003 WETA EIR, which evaluated a substantially different ferry program and did not analyze the electric ferry vessels proposed as part of the Berkeley Water Transportation Pier Ferry Project. For additional discussion regarding the proposed project's electric ferry operations and the relationship between the Draft EIR and the 2003 WETA EIR, please refer to Section 2.2.10, *Topical Response: Electric Ferry,* and Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*.

The comment that the Draft EIR does not evaluate energy efficiency is not correct. Draft EIR Section 3.6, *Greenhouse Gas Emissions and Energy*, evaluates energy consumption associated with both project

construction and operation and assesses the project's consistency with applicable energy conservation goals and policies (see Impact GHG-2, pages 3.6-44 through 3.6-48). The analysis concludes that the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. In addition, the analysis evaluates project greenhouse gas emissions associated with operation of the proposed ferry service and associated transportation improvements. Accordingly, the Draft EIR includes an energy analysis consistent with CEQA requirements.

With respect to the comment regarding diversion of riders from existing transit services, refer to Section 2.2.27, *Topical Response: VMT,* for a discussion of transit-to-transit mode shifts.

Accordingly, the Draft EIR includes analyses of both energy consumption and transportation-related VMT effects supported by substantial evidence and technical documentation. The analyses and conclusions presented in Draft EIR Sections 3.6, *Greenhouse Gas Emissions and Energy*, and 3.12, *Transportation*, remain valid as written. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P47-19

The CEQA significance thresholds for GHG emissions and energy consumption do not have a requirement for comparing efficiencies from one form of transit to another. The project as proposed is not anticipating replacing existing forms of transit but rather including an additional option to remove passenger vehicles from the roadways. The current bus and BART operations would continue with or without the project, and the implementation of the project would not require a reduction in trips of these alternate modes of transit. Therefore, the GHG emissions and energy consumption from buses and BART are assumed to continue consistent with what they are consuming today. The analysis of the project in isolation of a GHG emissions and energy efficiency comparisons with other forms of transit is accurate. Further, Draft EIR Alternatives (Section 5.9) discussed alternative projects such as increasing Bay Area Rapid Transit (BART) capacity and improving access to BART, both of which were alternatives that were considered but rejected as they did not meet the project objective of provision of all-electric ferry service between Berkeley and San Francisco. The analysis in the Draft EIR accurately analyzes GHG emissions and energy consumption with respect to CEQA and Bay Area Air District methodologies and thresholds. Therefore, additional analysis is not required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P47-20

This statement is not accurate. The Draft EIR considered consistency with Policy T-9, including Action B, as part of its analysis in Section 3.9, *Land Use and Planning* (see Table 3.9-3 in Impact LU#2, page 3.9-26).

As stated in the EIR, page 3.9-26, the project would build infrastructure to facilitate regular ferry service and would be supported by nearby AC Transit routes and bus stops, as well as existing and proposed bicycle and pedestrian paths to encourage visitors to reduce vehicle miles travelled. The project includes substantial transit improvements to AC Transit, and bicycle and pedestrian pathways including the Bay Trail.

As concluded in Draft EIR Section 3.9, *Land Use and Planning*, Impact LU-2 (pages 3.9-12 through 3.9-35), the proposed project would be generally consistent with the goals and policies identified in applicable plans; however, because the project would generate noise that even after mitigated would exceed thresholds established in the Berkeley Municipal Code, impacts would be significant and unavoidable (due to noise impacts).

Furthermore, to the extent that an inconsistency with a land use plan or policy would result in a physical environmental effect, such effects are evaluated throughout the Draft EIR, and mitigation measures are identified as appropriate. Therefore, no changes to the Draft EIR conclusions or mitigation measures are necessary in response to this comment.

Response to Comment P47-21 to P47-24

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P47-25

The issues raised regarding marina revenues, parking revenues, lease payments, tourism-related spending, subsidy levels, and the fiscal management of the Marina Fund are primarily economic, financial, and policy considerations for City decision-makers. CEQA focuses on the disclosure and evaluation of physical environmental impacts and does not generally require analysis of the economic effects identified by the comment. For additional discussion regarding project funding, costs, and financial feasibility considerations, please refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

Regarding concerns that parking used by recreationalists could be usurped by ferry commuters, refer to Section 2.2.2, *Topical Response: Alternatives,* and Section 2.2.20, *Topical Response: Parking*.

The comment has been noted and has been included in the project record considered by decision-makers. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P47-26

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P47-27

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations.

Regarding feasibility, before the CEQA process, the City considered the feasibility of the project through a feasibility study.[53]

Regarding maximum feasible public access, the project objectives includes the following: “Provide sufficient public access and recreational opportunities at the Berkeley Waterfront that meet regional needs, consistent with BCDC Bay Plan Policies maximizing access to the Bay” (refer to page 2-4 of the Draft EIR). The City will continue to work with BCDC, as it relates to BCDC’s regulatory authority.

[53] Berkeley, City of. 2023. Feasibility Study. Ferry Facility at Berkeley Municipal Pier. Available: https://berkeleyca.gov/sites/default/files/documents/FINAL_Ferry%20Terminal%20Facility%20Feasibility%20Study%20-%20Berkeley%20Municipal%20Pier.pdf (accessed February 2025)

Letter P48

From: Kally Price <haveaheartortwo@gmail.com>
Sent: Friday, April 17, 2026 11:49 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: 26 Berkeley ferries proposed

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To whom it may concern:

I am opposed to the new Berkeley Ferry Project. I am a daily swimmer in the SF bay and would like to protect the 1200' of pier for shorebirds and think that this project is not cost efficient and is not actually that green considering the low ridership, esp at ferries every 30 mins and a cost of $170 million. This stirs up sediment with this increased traffic, and does not allow the natural ecosystem to have time to grow and settle with all that disruption. I would like to keep free parking and access to beachfront free for low income families. Thank you! P48-1 P48-2 P48-3 P48-4 P48-5

Kally Price

Letter P48

Commenter: Kally Price

Date: April 17, 2026

Response to Comment P48-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P48-2

The City acknowledges the comment's views. To the extent the comment is advocating for an alternative that would preserve the existing pier without providing ferry service, please refer to Response to Comment O10-215. As discussed therein, the City considered alternatives that would not include ferry service but determined that such alternatives would not attain one of the project's two basic objectives: providing efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco. Draft EIR Section 5.9, *Alternatives Considered but Rejected*, explains the reasons such alternatives were not carried forward for detailed analysis. The Draft EIR also evaluates the No Project Alternative and alternatives with reduced project features and concludes that those alternatives would provide fewer public access and recreational benefits than the proposed project and, in the case of the No Project Alternative, would not provide the transportation, air quality, and greenhouse gas reduction benefits associated with ferry service.

The comment's concerns regarding project cost, ridership levels, and overall project value are noted. These issues are primarily economic, financial, and policy considerations for City decision-makers. This comment has been included in the project record considered by City decision makers. For additional discussion regarding project costs, funding, and economic feasibility considerations, please refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

The comment does not identify a deficiency in the Draft EIR's environmental analysis or alternatives evaluation. Therefore, no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P48-3

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P48-4

See Response to Comment O4-8 for discussion of ferry operational impacts. In addition, see Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of sedimentation and wave effects within the project site and beyond. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P48-5

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about how parking is addressed under CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. Nevertheless the comment has been included in the project record considered by City decision makers. No further response or revisions to the EIR are required.

Letter P49

From: Libby Karolczak <libbyok@gmail.com>
Sent: Friday, April 17, 2026 5:48 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: The environmental impacts of the Ferry are not worth it

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

The wildlife it will disturb has no where else to go. - Libby Karolczak P49-1

Letter P49

Commenter: Libby Karolczak

Date: April 17, 2026

Response to Comment P49-1

Wildlife species temporarily displaced by project construction or operation have the wider San Francisco Bay to occupy. The Draft EIR analysis and significance conclusion of less than significant impacts to wildlife species with implementation of mitigation (Mitigation Measures BIO-1, HYD-1, and AES-1) presented under Impact BIO-1 in Section 3.3.4, Impacts Analysis, starting on page 3.3-44 remains valid. No changes to the Draft EIR are necessary in response to this comment.

Letter P50

From: Margots999@sonic.net <Margots999@sonic.net>
Sent: Saturday, April 18, 2026 12:15 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Concerns re: Berkeley Water Transportation Pier Ferry construction

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov

Dear Ms. McNulty,

Reading the EIR City report on the Berkeley Water Transportation Pier Ferry, I have several concerns regarding subjects that are not mentioned: P50-1

1. Sea rise projections and their impact on the Berkeley shore, see this Berkeley report: P50-2

2019-8-30 Draft Sea Level Rise Assessment ..The City of Berkeley (.gov)
https://berkeleyca.gov › default › files › documents

2. Given our current severe budget limitations, the cost to the city, P50-3

3. Current BART ridership has drastically declined, The report states, based on old information, that P50-4

• Transbay **BART** and Bridges **Are at Capacity.** Several of the worst congestion points involve approaches to Bay Area bridges, and transbay bridge trips are expected to substantially increase.

4. Increased working from home with fewer commuters, P50-5

5. Outdated estimates from past years which do not anticipate climate changes: P50-6

3.3.1 Monthly Sustained Wind Wave Heights (m) for Selected Locations in San Francisco Bay **1992-1993**

3.3.2 Monthly Wave Energy (MJ/m) Reaching the Shore for Selected Locations in San Francisco Bay **1992-1993** P50-7

3.5.5 Acreage of Individual Eelgrass Beds in San Francisco/San Pablo Bay in **1989** P50-8

3.6.1 Ambient Air Quality **(1997-2000)**

3.6.7 Existing (**Year 2000**) Bay Area Emissions Inventory - Total Bay Area Summer Average Emissions (Tons/Day) P50-9

These outdated EIR considerations should cease implementation of Ferry construction until current data are examined and all implications pursued. P50-10

Margot Smith
1300 A Shattuck Ave, 94709
510-486-8010
510-660-5508 (Text)
Margots999@sonic.net

Letter P50

Commenter: Margot Smith

Date: April 18, 2026

Response to Comment P50-1

Refer to Response to Comments P50-2 through P50-10 for responses to individual comments. No further response is required.

Response to Comment P50-2

Refer to Section 2.2.23, *Topical Response: Sea Level Rise,* for a discussion of the sea level rise projections used in the project design. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P50-3

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P50-4

While transit ridership patterns have fluctuated in recent years, recent trends indicate that ridership on regional transit systems, including BART, has been steadily recovering as travel demand increases, fuel costs rise, and more employees return to in-person work. According to BART, average weekday ridership has continued to grow and is trending toward pre-pandemic levels.[54]

Transit infrastructure projects are planned and evaluated based on long-term transportation needs rather than short-term ridership fluctuations. The proposed ferry service is intended to provide an additional transportation option, improve regional mobility, provide emergency response and resiliency, and accommodate future travel demand. As population and employment continue to grow in the region, maintaining and expanding a diverse transit network helps ensure that residents and workers have access to reliable transportation choices.

The analysis performed in the Draft EIR is based on the best available information at the time. Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the information used to conduct the VMT analysis.

The Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment P50-5

Refer to Response to Comment P50-4. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P50-6

This comment is a reference to the 2003 WETA EIR. Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* regarding use of the 2003 WETA EIR in this EIR. Refer to Section 2.2.29, *Topical Response: Wind*, for discussion concerning CEQA and wind. Refer to Section 2.2.25, *Topical Response:*

[54] Metropolitan Transportation Commission. 2026. *Monthly Transportation Statistics.* Bay Area Metro. Available: https://mtc.ca.gov/tools-resources/data-tools/monthly-transportation-statistics. (accessed July 2026).

Siltation/Wave Climate, for discussion regarding wind and wave data prepared for the project. No further response is required.

Response to Comment P50-7

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of the wave data used for the project design. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P50-8

The comment is incorrect. The Draft EIR utilized the most up to date publicly available eelgrass spatial data (Merkel and Associates 2004, 2009, 2014). Refer to Section 3.3.2, *Environmental Setting*, of the Draft EIR where the 2004, 2009, and 2014 Baywide Eelgrass Inventories are cited. No revisions to the EIR are necessary.

Response to Comment P50-9

The comment does not explain the exact nature of the concerns with respect to the topics. Background information in the Draft EIR air quality analysis uses historic information where applicable to define the setting and regulatory environment that is applicable to the project. The analysis itself uses current emissions estimates based on current air district methodology and are not based on historical data. Emissions estimates in the Draft EIR are provided in Impact AQ-2 starting on page 3.2-27 and conclude that impacts were less than significant with mitigation. Therefore, the Draft EIR air quality analysis is adequate, and no changes to the Draft EIR are necessary in response to this comment.

Response to Comment P50-10

Refer to Response to Comments P50-2 through P50-9 for responses to individual comments. Regarding the project and EIR, refer to Section 2.2.5, *Topical Response: CEQA Adequacy,* for more information on this topic. No further response is required.

Letter P51

From: Eric J Schroeder <ejschroeder@ucdavis.edu>
Sent: Sunday, April 19, 2026 1:48 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Opposition to the current proposal for the Berkeley/SF ferry

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am a resident of Berkeley and I oppose the proposed ferry legislation for five reasons: P51-1

1) the new parking lots will cause the removal of at least 14 trees on Seawall Drive; P51-2

2) the removal of a piece of the old Berkeley fishing pier will displace a large shorebird roost; P51-3

3) those of us who currently use the marina for recreational purposed will lose what is currently free parking; P51-4

4) the ferry wake will disturb waterbirds due to a wake that stirs up sediment in a 650 ft swathe; P51-5

5) ferries to SF from Berkeley are a great idea but running the service every 30 minutes is excessive by most standards. P51-6

Thank you for recording my opinion on this matter.

Eric Schroeder
1353 Francisco St., Berkeley, CA

massive parking lots (14 or so trees to be removed at Seawall Dr.)c P51-2
t is deficient--doesn't address the massive parking lots (14 or so trees to be removed at Seawall Dr.), the ferry wake stirring up sediment and disturbing waterbirds in a 650' P51-5
swathe (plans are to run ferries every 30 minutes), the loss of 1200' of the old Berkeley P51-3
fishing pier (tip harbors a large high tide shorebird roost), or the aggravation to us humans as a proportion of the currently free parking at the marina will become subject to fee. P51-4

Letter P51

Commenter: Eric Schroeder

Date: April 19, 2026

Response to Comment P51-1

Refer to Response to Comments P51-2 through P51-6 for responses to individual comments. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P51-2

The comment summarizes the project description with respect to tree removal. Because the comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR, no further response is required.

Response to Comment P51-3

See Response to Comment P46-4 for a discussion regarding impacts to roosting birds, as well as a revision to the Draft EIR which provides additional clarification regarding roosting birds and the potential for the project to affect roosting bird habitat. The revisions presented under Response to Comment 46-4 are clarifying in nature and do not alter the analysis or significance conclusions presented in Section 3.3, *Biological Resources*, of the Draft EIR. No further changes to the Draft EIR are necessary in response to this comment.

Response to Comment P51-4

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about how parking is addressed under CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P51-5

See Response to Comment O7-17 for a discussion of and Draft EIR clarification text changes addressing ferry operations impacts on waterbirds. In addition, see Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of sedimentation and wave effects within the project site and beyond. No additional changes to the Draft EIR are necessary in response to this comment.

Response to Comment P51-6

Refer to page 2-30 of the Draft EIR, which clarifies that the headways, or the travel times between successive ferry departures would be 35 minutes during peak hours.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P52

From: Carroll Elizabeth <carrollelizabeth@gmail.com>
Sent: Monday, April 20, 2026 10:33 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Water Transportation Pier Ferry Project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza,

I am writing to oppose the Berkeley Water Transportation Pier Ferry Project, for two separate reasons. This seems like a project designed to funnel public funds into construction company pockets to provide an unasked-for ferry system which will need to be kept afloat by higher and higher taxes, meanwhile destroying a much-loved and used public space. P52-1

First, I commuted by ferry from Oakland between the years 2021-2025 and found many downsides which ultimately led me back to driving. The cost to commute by ferry is more expensive than either BART or driving (if you don't have to pay for parking at work). Then, the ferries were usually not even close to capacity, and according to the people working on it, this was a concern of theirs as the ferries do not earn enough to pay their own costs, relying on public (taxpayer) subsidizing. The ferry was also unreliable, frequently getting cancelled without notice due to heavy rains, heavy winds, or when special event ferries were being run. For commuters, it is an unreliable mode of commuting. P52-2 Considering the wind tunnel that boaters know the Berkeley Marina area to be, I would expect ferries to have a lot of trouble docking reliably during high winds. P52-3

Right now, we see BART struggling due to lack of ridership which never returned post pandemic and is likely to require more ever taxpayer support to stay solvent. Who is the intended commuter expected to use a Berkeley ferry system placed within 2.5 miles of multiple BART systems but not walking distance from housing? This will only serve to further decrease an already limited commuter pool. P52-4

Secondly, the area around the Berkeley fishing pier is prized by locals as the best or only area for use for recreational use like learning how to sail, sailboarding, swimming and fishing. Walkers are there all day every day and prize the natural beauty, the birds, fish and mammals that will be destroyed by this project. P52-5

If the project goes through, it will be destroying an amazing natural space available to people and animals, while committing both the people of Berkeley and likely the larger Bay Area to increasingly larger subsidizing of costs for a niche ferry system used by very few people. It seems very elitist to go through with such a project. P52-6

Regards,
Carroll Henschel

Letter P52

Commenter: Caroll Henschel

Date: April 20, 2026

Response to Comment P52-1

Refer to Response to Comments P52-2 through P52-6 for responses to individual comments. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P52-2

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P52-3

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* for a discussion of navigation safety. Refer to Section 2.2.29, *Topical Response: Wind*, for discussion concerning wind conditions and the safety of ferry docking in high wind events. No further response is required.

Response to Comment P52-4

Refer to Response to Comment P50-4 for a response regarding BART ridership.

Regarding the question of who the commuters would be, page 33 of the WETA Business Service Plan identifies that the resident from West Berkeley will be able to access the high paying jobs in San Francisco near Embarcadero and Mission Bay. In addition, it should be noted that redundancy in transit systems is important to ensure that the people using transit have an alternative.

The Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment P52-5

The Draft EIR evaluates impacts to natural resources such as the San Francisco Bay, birds, fish, and mammals within Section 3.3, *Biological Resources*, which concludes that impacts associated with project implementation would be less than significant with mitigation (see Section 3.3.4, Impacts Analysis), while Section 3.11, *Recreation*, evaluates impacts to natural resources with respect to their role in facilitating recreation and concludes that the project would be compatible with existing uses and enhance recreational access (see Section 3.1.4).

The comments regarding opposition to the project has been included in the project record considered by City decision makers.

The analyses and significance conclusions presented in the Draft EIR remain valid as written, and no revisions are required.

Response to Comment P52-6

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. Nevertheless, the comment has been included in the project record considered by City decision makers. No further response or revisions to the EIR are required.

Letter P53

From: James McGrath <macmcgrath@comcast.net>
Sent: Monday, April 20, 2026 1:06 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Draft EIR for ferry

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please accept version with typos corrected.
On 04/20/2026 11:30 AM PDT James McGrath <macmcgrath@comcast.net> wrote:

letter and phots attached

Jim McGrath
2301 Russell Street
Berkeley, CA
April 20, 2026

Liza McNulty
City of Berkeley
2180 Milvia
Berkeley, CA 94704

Subject: Comments on Berkeley Water Transportation Pier Ferry Project draft EIR

Dear Ms. McNulty:

I have taken another look at the claim made by Berkeley in Section 3.11 that construction would not have a significant impact on recreational access. In support of that conclusion the draft EIR states:

> While construction of the proposed project may temporarily influence recreational users to seek alternative park facilities, the Berkeley Waterfront area spans approximately 100 acres with multiple access points at other locations that would not be affected by construction staging. Therefore, project construction would not preclude recreation at the Waterfront to such an extent that recreational facilities would physically deteriorate or new recreational facilities would be needed. There are other launch points within the Berkeley Waterfront area where access would not be affected for these recreational users during most tidal conditions such as the South Sailing docks for swimmers, windsurfers, and kayakers as well as the Marina Basin for sailors and kayakers. In addition, there are other launch points in

P53-1

adjacent cities where access would not be affected for these recreational users

Here the EIR repeats the flaws that permeate the document. It ignores adopted policies by both the city and BCDC that provide protection for recreational use in the area. Moreover, the language here is conclusory and does not consider the physical conditions available at the site that are not available at other sites. P53-1

Both the Berkeley Marina Master Plan (BMMP) and the Bay Plan Recreational Policy 9 are germane to impact analysis; neither is referenced in the language above. Language and maps in the BMMP repeatedly refer to this site, with language like "Enhance windsurfer activity", (Figure 2.0) and "Preserve the areas devoted to ...recreational activities [and] Enhance Windsurfer Activities at the point immediately to the west of H's Lordships Restaurant" (item C, page 37). P53-2

The Bay Plan Policy 9 is also clear that protection of access includes protection during construction. Recreational policy 9 which provides that ferry terminal may only be allowed if "development" does not interfere with current recreational uses. A project where development would terminate protected recreational uses for an indeterminate time is inconsistent with that policy and thus has a significant impact. Consideration of alternatives and mitigation is therefore required. P53-3

Finally, the claim that replacement access is available elsewhere in the marina ignores the physical reality of tides. Public meetings chaired by the city have repeatedly featured testimony from windsurfers and swimmers using the site that it is the only location in the marina where access is possible at low tides. P53-4

Earlier analysis in the document, e.g. the Table on page 3.9-32 that purports to analyze the consistency of the project with the BMMP provides no resolution for this issue. That table ignores the policies referenced in this letter and thus is inadequate on its face. P53-5

I've attached two photographs taken on April 19, 2026. They show the South Basin lot completely full of parked cars, with cars parked along the curbs as well. This shows activities well before the peak season for the marina—and the necessity of parking to support those activities. P53-6

Very truly yours.

Jim McGrath

attachments



P53-6



P53-6

Letter P53

Commenter: Jim McGrath

Date: April 20, 2026

Response to Comment P53-1

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding impacts during construction. Refer also to Response to Comment A3-55, which revises Section 3.11, *Recreation*, of the Draft EIR to clarify the analysis of temporary recreational impacts on recreational access. The revision presented therein is clarifying in nature, and does not alter the analysis or subsequent significance conclusion under Impact REC-1.

For additional discussion of shoreline and equipment-dependent access and how site-specific conditions are considered in the analysis, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access.* Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency,* regarding appropriate consideration of plans and policies.

Accordingly, the Draft EIR provides an appropriate evaluation of construction-related recreational impacts consistent with CEQA requirements. The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further revisions to the Draft EIR are required.

Response to Comment P53-2

The comment that the Berkeley Marina Master Plan and Policy 9 of the Bay Plan are not referenced in the EIR is not accurate. A consistency analysis with the Berkeley Marina Master Plan is discussed on pages 3.9-29 to 3.9-33 of the Draft EIR. Recreation Policy 9 of the Bay Plan is discussed on page 3.9-18 of the Draft EIR.

The comment identifies two specific policies in the Berkeley Marina Master Plan. One is Figure 2.0, which includes a label that says “Enhance Windsurfer Activity.” The second is Item C under Principle 4, which states: “Enhance Windsurfer Activities at the point immediately west of H’s [sic] Lordships Restaurant.” Refer to Response to Comment P36-10 for a discussion of the project’s consistency with these policies.

Response to Comment P53-3

Construction-related impacts to recreation are evaluated in Section 3.11, *Recreation*, which considers temporary disruptions and concludes that impacts would be less than significant because construction effects are temporary and the project would provide long-term increases in recreational facilities (refer to Impact REC-1). While localized construction areas, staging areas, and temporary detours may affect access within portions of the project vicinity during construction, recreational access to the broader Berkeley Waterfront would remain available throughout the construction period.

As described in Chapter 2, *Project Description*, and Section 3.11, *Recreation*, construction would be managed to maintain recreational access to the maximum extent feasible. Access routes may be temporarily modified; however, the City would implement standard access management practices, including maintaining access where feasible, providing temporary detours around active construction areas, and installing temporary signage and wayfinding to direct recreational users to available waterfront facilities. In addition, the Berkeley Waterfront encompasses a large recreational area with multiple access points and numerous recreational resources that would remain available during construction. Under CEQA, the relevant question is whether temporary construction activities would result in a substantial adverse physical impact on recreational facilities or require the construction of new recreational facilities. As discussed in Impact REC-1, temporary construction-related access limitations would not result in substantial physical deterioration of recreational facilities, would not require construction of new

recreational facilities, and therefore would not result in a significant recreational impact. For further discussion of recreational access during project construction, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

To the extent the comment contends that temporary construction-related access limitations result in an inconsistency with Bay Plan Recreation Policy 9, refer to Response to Comment O10-116 regarding the Draft EIR's consistency analysis for Recreation Policy 9 and Section 2.2.13, *Topical Response: Land Use/Plan Consistency.* The Draft EIR concludes that the project would maintain and enhance long-term recreational access through restoration of public access to the Berkeley Pier, construction of a new public pier and breakwater, shoreline access improvements, Bay Trail improvements, public open space, and other recreational amenities (see Impact LU-2 and Impact REC-1). The temporary and phased nature of construction activities does not alter those conclusions.

The analysis, significance conclusions, and mitigation measures presented within Section 3.9, *Land Use and Planning*, Section 3.11, *Recreation*, and related sections in the Draft EIR remain valid as written. No revisions are required.

Response to Comment P53-4

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analyses, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written. No further response or revisions are necessary.

Response to Comment P53-5

Refer to Section 2.2.13, *Topical Response: Land Use/Plan Consistency*, for a discussion related to how the Draft EIR addresses inconsistencies with relevant land use plans and policies.

The comment identifies two specific policies in the Berkeley Marina Master Plan. One is Figure 2.0, which includes a label that says “Enhance Windsurfer Activity.” The second is Item C under Principle 4, which states: “Enhance Windsurfer Activities at the point immediately west of H’s [sic] Lordships Restaurant.”

Refer to Response to Comment P36-10 for a discussion of the project’s consistency with these policies.

Response to Comment P53-6

The City acknowledges the photographs and observations provided by the commenter. Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking inventories, parking utilization, recreational access, and the methodology used to evaluate parking conditions at the Berkeley Waterfront. While the photographs document parking demand at a particular location and point in time, they do not demonstrate that the methodology or conclusions presented in the Draft EIR are incorrect.

The Draft EIR evaluates whether project-related parking changes would result in secondary physical environmental impacts and concludes that recreational access would be maintained. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Letter P54

-----Original Message-----
From: Sally Tobin <otwsally@gmail.com>
Sent: Monday, April 20, 2026 6:06 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Feinstein Arthur <arthurfeinstein@earthlink.net>; La Force Norman <n.laforce@comcast.net>; Robert Cheasty <Rcheasty@cheastylaw.com>
Subject: Comment on Draft EIR for Berkeley Pier with Ferry Access Project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

As a member of the Bay Area Sea Kayakers, I have spent considerable time at the Berkeley Marina. Much of my time has been spent on the little gravelly beach south of the Shorebird Nature Center, practicing, and then teaching, kayaking skills. During the course of many hours of observation, I came to realize that the Berkeley Marina was one of the Bay Area's most successful parks, especially for low-income families with young children. I have seen multi-generational families pile out of a dilapidated car with their picnic baskets and coolers and kiddie bicycles, beaming with joy. Older kids head for the Adventure Playground. Toddlers are carried down to the beach to get their toes in the water for the very first time. Parents lay out the picnic or just walk around with big smiles. P54-1

What makes this miracle possible? Free parking with no one rushing about to find a parking space before the ferry leaves. There is no way that these families could use public transit because of their bulky picnic equipment, let alone the out-of-pocket expense.

My take on this proposed project is that its aim is to monetize a fantastic park experience that has benefitted Berkeley and regional residents for many years. The project is worthy of Ebenezer Scrooge, and as a former resident of Berkeley, I am deeply ashamed.

So how do you monetize a park? It is really pretty simple:

1. You ignore the debt owed by the Doubletree Hotel and the slip fee structure for boats at the Marina and continue to siphon off Marina-generated funds.. P54-2
2. You bring in a ferry that is sure to be undersubscribed.
3. You charge for everything, but especially for parking. After all, the ferry riders come first, and they need to have places to park.
4. Maybe there will even be a charge for the Adventure Playground?

Why is Berkeley's Marina required to run a profit? What other Berkeley Parks are accompanied by pay parking?

If the future holds more multi-unit housing, where can kids go to make noise without being shushed? I remember one boy having a glorious time pounding with a hammer in the Adventure Playground, and I realized that he probably would not have been able to make noise like that in his home. P54-3

If the City of Berkeley has its way, there will be no free and convenient Marina parking, no social justice, no families, no water sports, and no more fabulous park. P54-4

Personally, I am staking my hopes on BCDC to stop this downward spiral. BCDC has clear policy documents that prioritize recreational uses along the shoreline. If recreational activities will be impacted by a ferry, as in this proposed project that would transform a public park into a paid parking lot, their guidelines call for disapproval of the ferry. I hope they stick to their principles because the City of Berkeley has lost its way. P54-5

Sincerely,
Sally Tobin

Letter P54

Commenter: Sally Tobin

Date: April 20, 2026

Response to Comment P54-1

The City acknowledges the importance of Waterfront recreation accessibility for all residents. However, parking scarcity, as well as social, economic, and affordability considerations related to parking fees are not environmental impacts under CEQA. The Draft EIR accordingly evaluates the potential physical environmental impacts associated with parking conditions. For further discussion of the Draft EIR evaluation of parking considerations, please refer to Section 2.2.20, *Topical Response: Parking.*

While socioeconomic and affordability considerations are generally outside the scope of CEQA unless they result in a physical environmental impact, the City recognizes the importance of equitable access to public amenities and recreational resources. Accordingly, the City has undertaken separate efforts to evaluate environmental justice and equity considerations, including preparation of an Environmental Justice Technical Study[55] for the proposed project and ongoing development of the City's General Plan Environmental Justice Element[56]. These efforts provide additional opportunities for the City to consider issues related to accessibility, equity, and community benefits beyond the environmental review required under CEQA.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P54-2

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Response to Comment P54-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P54-4

The comment expressing opposition to the project has been included in the project record provided to decision makers for consideration.

Refer to Section 3.11, *Recreation*, in particular Section 3.11.2 (*Environmental Setting*, pages 3.11-1 through 3.11-7) and Section 3.11.4 (*Impacts Analysis*, pages 3.11-14 through 3.11-24), which describe existing recreational uses and evaluate whether the proposed project would result in a physical loss of recreational resources or restriction of access. As discussed therein, the Draft EIR concludes that the project would maintain and enhance recreational opportunities and access, including new and improved shoreline access, a restored public pier, and additional amenities.

[55] Berkeley, City of. 2025. Berkeley Water Transportation Pier Ferry Environmental Justice Existing Conditions and Constraints Final Technical Study. Prepared by Rincon Consultants. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/Berkeley_2025_BWTPF-Environmental-Justice-Technical-Study.pdf (accessed July 2026).

[56] Berkeley, City of. 2025. City Council Report, Prepared, Safe and Healthy Berkeley: General Plan Disaster Preparedness and Safety Element and Environmental Justice Element. https://berkeleyca.gov/sites/default/files/documents/2025-01-17%20-%20Prepared%2C%20Safe%20and%20Healthy%20Berkeley%20-%20General%20Plan%20Disaster%20Preparedness%20and%20Safety%20Element%2C%20Environmental%20Justice%20.pdf (accessed July 2026).

With respect to parking and access, refer to Section 2.2.20, *Topical Response: Parking.* As described in Chapter 2, *Project Description*, the project would replace existing parking with a comparable number of spaces and maintain access to the waterfront for both recreational users and ferry patrons.

The comment's reference to "social justice" reflects broader policy considerations. While such considerations may be addressed by decision-makers through planning and policy processes, they are not, in themselves, environmental impacts under CEQA unless they would result in a physical change to the environment. The Draft EIR focuses on the physical environmental effects of the project, as required by CEQA.

The comment does not identify a specific deficiency in the Draft EIR's analysis of environmental impacts. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P54-5

The comment regarding opposition to the project has been included in the project record provided to decision makers for consideration.

Refer to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance,* regarding the BCDC permitting and approval process and consistency determinations.

For discussion of parking considerations, refer to Section 2.2.20, *Topical Response: Parking.*

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Letter P55

From: Paul Kamen <pk@well.com>
Sent: Tuesday, April 21, 2026 12:49 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comment on the DEIR for the Berkeley Ferry Terminal

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Comment: There is no analysis of economic feasibility, the true per-ride subsidy level, and realistic funding sources. P55-1

Here's the 'published 24-'25 WETA budget:

https://weta.bynder.com/share/85AFA60B-3C3F-43B9-A69010245CFBEC9D/

"The FY 2024/25 operating budget is made up of two primary components: a $69.2 million Ferry
Service Operating Budget and a $5.5 million Planning and Administration budget. Together those
two components result in a total Operating Budget of $74.7 million." P55-2

From Table 2: Fares = $14.1M; Ridership (projected) = 2.6M

Operating cost per ride = $74.4M / 2.6M = $28.8 per ride
Fare revenue per ride $14.1M / 2.6M = $5.4 per ride
Subsidy per ride = operating cost per ride - revenue per ride = $28.8 - $5.4 = $23.4 per ride

But omitting the capital budget is not a valid estimate of actual subsidy level. Boats need to be replaced, terminals need to be maintained, maintenance dredging is required. Capital expense from the '24-35 budget is $83M.

With capital budget included, the actual cost per one-way trip is $60.68.

The DEIR needs to justify this level of subsidy in the context of other public transportation modes that are far less expensive and have much greater impact on VMT and congestion. P55-3

Paul Kamen, Naval Architect, P.E.
Surface Propulsion Analysis
1224 Campus Drive, Berkeley, California 94708
pk@well.com http://www.SurfacePropulsion.com
510-540-7968 510-219-8106 (cell)

Letter P55

Commenter: Paul Kamen

Date: April 21, 2026

Response to Comment P55-1

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P55-2

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P55-3

The issues raised regarding transportation subsidies, operating costs, cost-effectiveness, and the comparative allocation of public transportation funding are primarily economic and policy considerations for City and regional transportation decision-makers. CEQA focuses on disclosure and analysis of a project's physical environmental effects and does not require an EIR to determine whether a project represents the most cost-effective transportation investment. For additional discussion regarding project costs, funding, and financial feasibility considerations, please refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

To the extent the comment suggests that a different transportation alternative should have been evaluated, Chapter 5, *Alternatives*, evaluates a reasonable range of feasible alternatives consistent with CEQA requirements and explains the assumptions and criteria used to formulate and evaluate those alternatives. Please refer to Section 2.2.2, *Topical Response: Alternatives*, for additional discussion of how the Draft EIR considers alternatives in its analysis.

The comment has been noted and has been included in the project record considered by decision-makers. No revisions to the Draft EIR are necessary in response to this comment.

Letter P56

From: Kerrily Kitano <kerrilyjoy@gmail.com>
Sent: Tuesday, April 21, 2026 7:05 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Berkeley Pier Ferry Project EIR - Extension of Public Review Period

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

April 21, 2026

Dear Ms. McNulty,

I understand that you are still accepting public comments on the Berkeley Pier with Ferry Access Project and I am writing to do this very thing now. I have attended a couple of the planning meetings on Zoom and have even tried to articulate a parking plan at one of them, that I'd like to try to repeat in this note. P56-1

I am an open water swimmer that swims both in the Berkeley marina basin and the site at the defunct HsLordships for low tide swims. These are two precious swim sites that attract a loyal following of swimmers/users. I know that they are also used by a host of other water recreational users; windsurfers, wing boarders, kayakers, to name just a few. I am concerned that the Berkeley Pier/Ferry project will render these sites as unusable if nothing is done to protect access and parking access to them. I find this completely unacceptable. I'll let other more well-informed people speak to environmental and other aspects of the project. P56-2

I do have an idea for parking that I think could protect access to these sites. My idea is actually quite simple. At the entrance to the Berkeley marina, have a road to the left which includes present day Cal Adventures, Adventure Playground, Berkeley marina, HsLordships. To the right, another road leading to Berkeley Ferry and Pier. SEPARATE the two with a fence or wall, which could be as cheap and ugly or as beautiful and expensive as you want. Keep designated parking along the left side/recreational sites as limited or as extensive as you want, depending on placement of the fence/wall. Recreational users will not compete with ferry users for their spots to which they can carry heavy equipment and swimmers won't have to walk long ways in their cold, wet gear especially in the winter time. Ferry users won't be able to access these limited parking spots without having to climb the wall/fence. You can keep the lion's share of parking spaces for ferry users, as long as there are ample spaces for recreational users. I'm not sure if the description here is as clear for you to visualize as it is in my imagination. I am happy to expound on it if you'd like. In fact, I will follow-up with a hand drawing of this idea in the next few days. P56-3

The way that parking and access to recreation is currently planned does not respect and realistically address the needs of those who use it for this purpose. Please find an alternate way of addressing it. P56-4

Thank you,
Kerrily Kitano, PhD, MSW
Open water swimmer
510-387-5066

From: Kerrily Kitano <kerrilyjoy@gmail.com>
Sent: Monday, April 27, 2026 5:59 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Berkeley Pier Ferry Project EIR - Extension of Public Review Period

Dear McNulty,
Attached is a very rudimentary drawing of my parking idea. I apologize for its elementary expression. Not my strong suit but hopefully conveys my idea. Thank you for your time and attention.
Best,
Kerrily Kitano

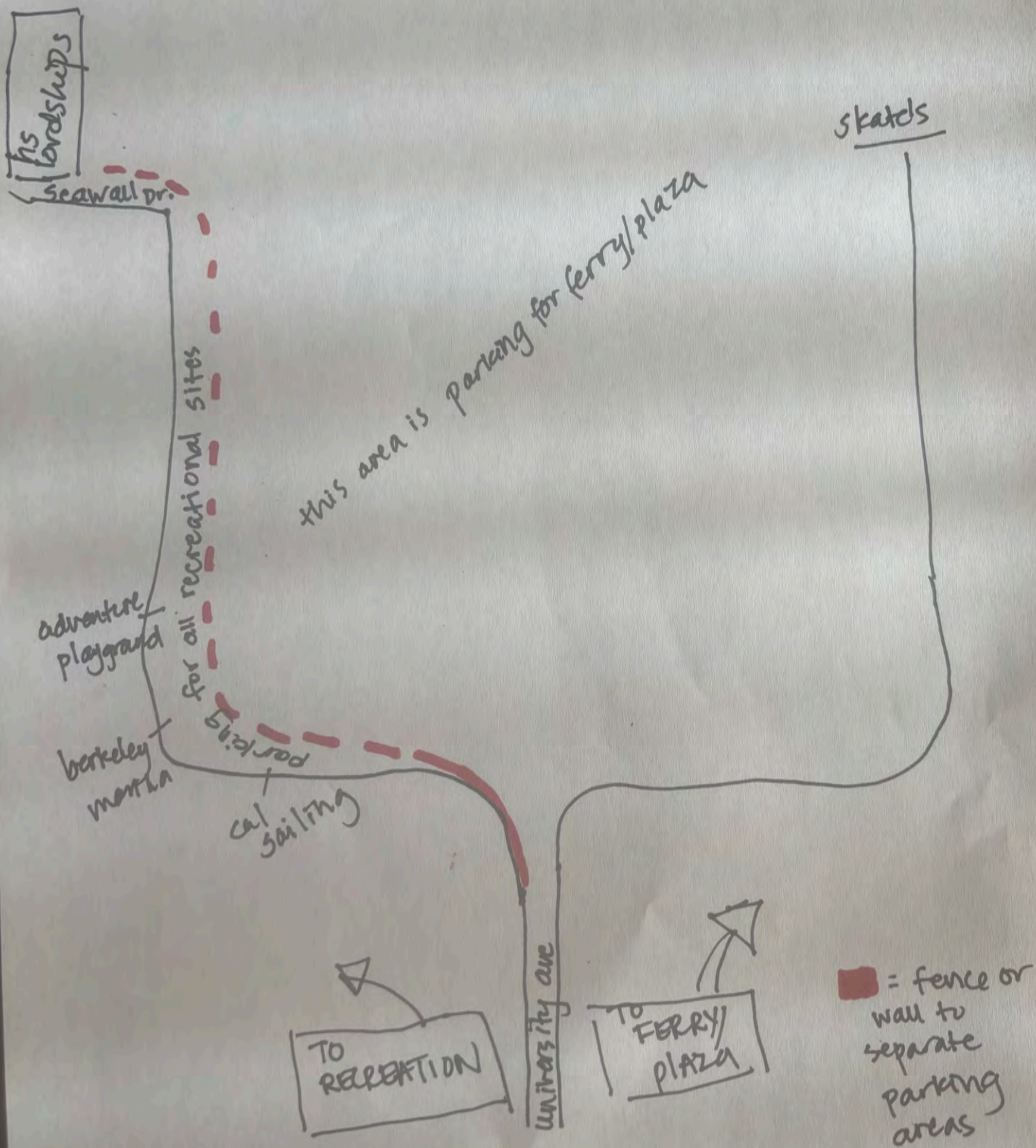
parkingKerrily.pdf

P56-5

From: Kerrily Kitano <kerrilyjoy@gmail.com>
Sent: Wednesday, April 29, 2026 9:57 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Berkeley Pier Ferry Project EIR - Extension of Public Review Period

Dear Ms McNukty,
That sketch attachment is meant to accompany the email I sent you on April 21, 2026. Can it just be added to that email? Sorry for the inconvenience and confusion.
Best,
Kerrily Kitano

Kerrily's parking idea



P56-6

Letter P56

Commenter: Kerrily Kitano

Date: April 21, 2026 (appended April 28, 2026)

Response to Comment P56-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Please refer to Response to Comment P56-6 for a response on the comment's parking plan.

Response to Comment P56-2

With respect to the specific concern regarding launch points for swimming and water-based recreation, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*; Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* and Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users.* Refer to Section 2.2.20, *Topical Response: Parking,* regarding adequate parking for recreational uses, access to the waterfront, and access with equipment.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P56-3

The comment suggests a project design alternative related to parking management, circulation, and facility layout. The comment does not identify a deficiency in the Draft EIR analysis, significance conclusions, or mitigation measures. As discussed in Section 2.2.20, *Topical Response: Parking,* the Draft EIR does not identify a significant parking-related physical environmental impact under CEQA. Accordingly, detailed analysis of the proposed parking configuration is not required. Decisions regarding parking management, parking allocation, access controls, and related design features are operational and policy considerations that may be considered by City decision-makers. Refer to Section 2.2.2, *Topical Response: Alternatives*, and Section 2.2.20, *Topical Response: Parking.* The Parking and TDM Plan analyzes parking demand based on observed usage patterns at the Berkeley Waterfront and WETA ridership projections and demonstrates that the Waterfront will have sufficient spaces to accommodate all users.

The comment has been included in the project record provided to City decision-makers for their consideration. No revisions to the Draft EIR are required.

Response to Comment P56-4

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about how parking is addressed under CEQA. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P56-5

Please refer to Response to Comment P56-6 for a response on the commenter's parking plan.

Response to Comment P56-6

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about how parking is addressed under CEQA. As discussed therein, the City has found that with implementation of the proposed project, there would be sufficient parking to accommodate all users. Refer also to Section 2.2.2, *Topical Response:*

Alternatives, for a discussion of how the City considered alternatives in the CEQA process. Because this parking concept would not reduce an environmental impact, the City has not considered it for further evaluation. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Letter P57

From: Qiu Xie <pikachupikaqiu@gmail.com>
Sent: Tuesday, April 21, 2026 10:22 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Public Comment on the Berkeley Pier and Ferry Project Draft EIR (April 2026)

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the Berkeley Planning Division,

I am writing to express my formal opposition to the Berkeley Pier and Ferry Project as currently proposed in the Draft EIR. As a frequent user of the Berkeley waterfront for wind-powered water sports, I find the document's analysis of recreational impacts to be deeply flawed and legally insufficient. P57-1 P57-2

1. Misinterpretation of Berkeley Municipal Code § 6.20.180
The DEIR's dismissal of recreational impacts—particularly those affecting wind-powered water sports such as winging, kiteboarding, and paddling—is based on a misinterpretation of Berkeley Municipal Code § 6.20.180. This ordinance was never intended to regulate the open Bay west of the Berkeley Pier. Furthermore, the City's attempt to redefine "personal watercraft" to include human-powered and wind-powered recreation is inconsistent with the legislative history of the code, which was designed to address motorized craft. P57-3

2. Failure to Establish an Accurate CEQA Baseline CEQA requires an accurate baseline and a full analysis of impacts to existing recreational resources. By failing to acknowledge decades of established public use of these waters for wind sports, the DEIR fails to provide a truthful starting point for its impact analysis. The DEIR must be revised to acknowledge the long-standing, legally protected recreational use of these waters. P57-4

3. Direct Impacts to Launch Access and Safety
The proposed ferry terminal and security exclusion zones create a direct conflict with established launch sites at the South Basin. For sports like foiling and kiteboarding, which require specific wind angles and clear paths for safe launching, the introduction of large ferry traffic and physical barriers constitutes a significant "Loss of Recreational Resource" under CEQA that has not been adequately mitigated. P57-5

4. Transportation and Parking Impacts
The DEIR fails to account for the loss of parking near the water that is essential for participants transporting heavy, specialized equipment. Without dedicated, proximate parking for recreational users, the project effectively "prohibits" access for a large segment of the community. P57-6

I urge the City to recirculate the EIR with a corrected analysis that respects the rights of the existing water sports community and explores project alternatives that do not displace these historic uses. P57-7

Sincerely.

Letter P57

Commenter: Qiu Xie

Date: April 22, 2026

Response to Comment P57-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P57-2

For discussion of specific issues related to wind-powered water sports, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.29, *Topical Response: Wind.* For further discussion of the adequacy of the environmental baseline considered in the Draft EIR, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

The comment does not identify specific deficiencies in the Draft EIR's analysis beyond general concern with its conclusions. The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P57-3

Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for a detailed discussion of the relationship between Berkeley Municipal Code Section 6.20.180 and the proposed project analyzed in the Draft EIR. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P57-4

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, for a discussion of the baseline used to assess recreational impacts, according to CEQA. No further response is required.

Response to Comment P57-5

The comment is based on an incorrect description of the proposed project. The Draft EIR does not identify or assume the establishment of a permanent water-based "security exclusion zone" extending into surrounding waters. As confirmed by the project operator, WETA, applicable federal maritime security regulations (33 CFR Part 105) require facility security planning, access control, and operational procedures, but do not impose fixed exclusion zones of the type described by the comment. Operational ferries would be managed consistent with existing U.S. Coast Guard navigation requirements and standard maritime safety practices.[57]

Additionally, the comment conflates the location of proposed ferry infrastructure with existing recreational launch areas. The ferry terminal, pier, and approach areas are located north of the existing pier within the Berkeley Marina Basin, whereas the South Sailing Basin launch areas referenced by the comment are located south of the project site. As described in Section 3.11.2 and Section 2.5.1 of the Draft EIR, these areas are physically separated, and ferry vessels would not traverse the South Sailing

[57] Gerrity, Brian. 2026. Project Manager, Capital Planning, San Francisco Bay Ferry. Personal communication regarding maritime safety regulations with Liza McNulty, Capital Improvement Program Manager, City of Berkeley. May 20, 2026.

Basin. Accordingly, the project would not interfere with established launch areas used for windsurfing, kiteboarding, foiling, or similar activities.

Draft EIR Section 3.11.4, *Impacts Analysis*, further explains that ferry navigation would occur within defined approach and berthing areas, allowing continued compatibility with Marina related recreational boating and water-based activities. The analysis concludes that operation of the ferry would not hinder physical access to recreational resources, including water-based recreation, and would not result in a substantial adverse effect on such uses (see Impact REC-1).

Under CEQA, a "loss of recreational resource" is evaluated based on whether a project would cause a substantial physical deterioration of existing recreational facilities or require new facilities with resulting environmental effects. The Draft EIR concludes that the project would instead expand recreational access and facilities, including a restored public pier and improved shoreline access (Impact REC-1). The comment's concerns regarding user preferences, operational interactions among water users, or perceived reductions in convenience do not constitute a significant environmental impact under CEQA unless they would result in a physical degradation of the recreational resource. Therefore, the Draft EIR adequately evaluates potential interactions between ferry operations and water-based recreation and correctly concludes that impacts would be less than significant.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P57-6

For discussion of the analysis of water-based recreational impacts, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities)*.

Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, which includes a revision to page 3.11-6 of the Draft EIR to acknowledge that many Waterfront recreators require access to specific equipment. With respect to parking concerns, refer to Section 2.2.20, *Topical Response: Parking.*

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P57-7

Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Letter P58

-----Original Message-----
From: Dick Maclay <dick@maclay.net>
Sent: Wednesday, April 22, 2026 3:14 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: EIR

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Building a new facility in a location exposed to winds from the south at a cost of $170,000,000 is a big boondoggle. P58-1

When I read the EIR I assumed it was based on never reopening the old HIs Lordships since parking for established uses near the proposed ferry terminal is already over committed. A new ferry here without new dedicated parking for 900 cars will make it impossible to reopen His Lordships due to lack of adequate parking and will damage the viability of Skates on the Bay and the Berkeley Yacht Club by making parking woefully inadequate for them. P58-2

Letter P58

Commenter: Dick Maclay

Date: April 22, 2026

Response to Comment P58-1

Refer to Section 2.2.29, *Topical Response: Wind* (Sub-Section Breakwater Design, Wave Climate, and Ferry Operations), for discussion concerning ferry operation with existing wind conditions. Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a general response about project cost. No further response is required.

Response to Comment P58-2

Refer to Section 2.2.20, *Topical Response: Parking.* The Parking and TDM Plan analyzes parking demand based on observed usage patterns at the Berkeley Waterfront and WETA ridership projections and demonstrates that the Waterfront will have sufficient spaces to accommodate all users.

Also as discussed therein, the Draft EIR evaluates potential secondary physical environmental effects related to parking and concludes that recreational access would be maintained and that the project would not result in significant environmental impacts related to parking or recreational access. In addition, the Draft EIR's environmental baseline reflects existing conditions, including the closure of Hs. Lordships at 199 Seawall Drive, and the cumulative analysis accounts for the potential reopening of the facility as part of the Draft Waterfront Specific Plan cumulative scenario (see Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, Section 2.2.9, *Topical Response: Cumulative Impacts,* and Draft EIR Chapter 3, *Environmental Impact Analysis*, pages 3-1 through 3-11). The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Letter P59

-----Original Message-----
From: Laurie Nardinelli <laurie.e.nardinelli@gmail.com>
Sent: Wednesday, April 22, 2026 4:13 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Berkeley Pier Ferry Proposal EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I read the draft EIR. With the ferry positioned at the pier, the parking would become untenable for walkers, water sports enthusiasts, live-aboards, and dock users. Your current parking usage survey is simply laughable. There is no way that a careful survey was conducted. P59-1

We walk four miles four times a week at the Marina starting near the pier and around to the North Side and hade done so for years. The survey reports are obviously well under actual usage. P59-2

Our other objection is ….what about the fisherman? The pier needs to be rebuilt to support fishing again. This is a low cost sport that the lowest income community members dearly love. It needs to be restored. P59-3

Laurie Nardinelli
834 Delaware Street

Letter P59

Commenter: Laurie Nardinelli

Date: April 22, 2026

Response to Comment P59-1

Refer to Section 2.2.20, *Topical Response: Parking.* The Parking and TDM Plan analyzes parking demand based on observed usage patterns at the Berkeley Waterfront and WETA ridership projections and demonstrates that the Waterfront will have sufficient spaces to accommodate all users. Also, as discussed therein, parking scarcity is not considered a significant environmental impact under CEQA unless it would result in a secondary physical environmental effect. Accordingly, the Draft EIR evaluates whether project-related parking changes would result in secondary physical environmental impacts within Sections 3.2, *Air Quality*, 3.10, *Noise*, and 3.12, *Transportation*, which conclude that no significant impacts related to parking changes would occur (see Draft EIR Chapter 3, *Environmental Impact Analysis*, page 3-11). The Draft EIR also evaluates effects on recreational facilities in Section 3.11, Recreation, and concludes that the project would not cause substantial physical deterioration of existing recreational facilities or require construction of new recreational facilities that would result in significant physical environmental effects (Impact REC-1). The comment does not provide evidence demonstrating that the parking utilization data, methodology, or resulting impact conclusions are inadequate or inconsistent with CEQA requirements. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P59-2

Refer to Section 2.2.20, *Topical Response: Parking.* The parking analysis presented in the Draft EIR relies upon parking utilization data and supporting technical analyses prepared by professional transportation engineers for the project. Personal observations regarding marina use do not demonstrate that the data or methodology underlying the Draft EIR analysis are inaccurate. Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding analysis of impacts on existing recreational uses. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P59-3

The project includes a new publicly accessible pier and amenities such as fish cleaning stations, as described in Section 2.5, beginning on Page 2-9 of Chapter 2, *Project Description*. Recreational benefits are evaluated in Section 3.11, Recreation (refer to Subsection 3.11.4, *Impacts Analysis*).

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, the comment has been included in the project record provided to decision makers for consideration. No further response is required.

Letter P60

From: Hawkeye King <hawkeye.king@gmail.com>
Sent: Wednesday, April 22, 2026 4:26 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Public Comment: Objection to Berkeley Water Transportation Pier Ferry Project Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

I am writing to submit my objections to the proposed Berkeley Water Transportation Pier Ferry Project as part of the public comment period on the Draft EIR. P60-1

I am an avid boater with a vessel berthed at the Berkeley Marina, and a father of two toddlers who regularly visits Shorebird Park, César Chávez Park, and Adventure Playground with my family. The Berkeley waterfront is one of the great public treasures of the East Bay, and I am deeply concerned that this project would irreparably harm the recreational communities and quality of life that define it. P60-2 P60-3

My key concerns are:

1. Threat to Recreational Access – The south side of the Berkeley Marina is home to an irreplaceable collection of recreational amenities: the Berkeley Yacht Club, Cal Sailing Club, Adventure Playground, Shorebird Park, kayaking, windsurfing, fishing, and open green space enjoyed by families, school groups, and people of all ages and incomes. Parking overflow from ferry commuters would directly displace these users, many of whom — including families with young children like mine — cannot easily arrive by bike or transit. P60-4

2. Parking Demand Is Severely Underestimated – The EIR estimates peak demand of 950+ cars on weekday mornings, yet identifies only 250–400 available spaces even with major redesign. Surveys missed peak recreational use periods, excluded fishing pier demand, and failed to account for the anticipated Hs. Lordships redevelopment. The result is a plan that will pit ferry commuters against the recreational users who have long made this waterfront their home. P60-5

3. Impact on the Berkeley Yacht Club and Marina Berthers – As a berther, I am concerned that ferry parking demand will directly compete with boating guest parking, adding administrative burdens and reducing the marina's revenue. Berthers currently provide approximately two-thirds of Marina Fund income. Undermining that base threatens the long-term financial health of the entire facility. Every Friday night through the summer, and Sundays through the winter, boatloads of sailors converge on this exact location! P60-6

4. This Waterfront Belongs to the Community – The Berkeley waterfront exists because it was filled for public recreation. Shorebird Park, Adventure Playground, Cal Sailing, and the Yacht Club are not incidental to the marina — they are its heart. A ferry project that P60-7

degrades parking, restricts access, and prioritizes commuter infrastructure over community recreation gets the priorities exactly backwards. P60-7

5. Funding Feasibility – With no identified funding sources and a potential $25M+ ongoing financial exposure for the City on top of construction costs, Berkeley taxpayers would be left holding the bill for a project that diminishes the very waterfront it claims to serve. P60-8

6. The proposed plan replaces the old Berkeley Pier with a mere 580-foot structure primarily designed to serve the ferry terminal. I grew up fishing and playing on that pier with my parents. It's a damn shame to go past it regularly and see that beautiful site closed to having fun on as I used to! P60-9

I urge the City to prioritize the recreational character of the Berkeley waterfront and to fully account for the impacts this project would have on the communities who depend on it daily. P60-10

Thank you for your consideration.

Sincerely,
H. Hawkeye King, Ph.D.
1907 Parker St., Berkeley, CA
hawkeye.king@gmail.com

Letter P60

Commenter: Hawkeye King

Date: April 22, 2026

Response to Comment P60-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P60-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Please refer to the following responses to the remaining comments submitted by this individual.

Response to Comment P60-3

Section 3.11, *Recreation*, of the Draft EIR describes existing recreational uses and facilities at the Berkeley Waterfront (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7) and evaluates potential impacts to those resources in Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24). As discussed therein, the Draft EIR concludes that the project would maintain and enhance recreational opportunities and access, including improved shoreline access, a restored public pier, and additional amenities, and would not result in a substantial adverse effect on recreational resources (Impact REC-1).

These comments have been included in the project record considered by City decision makers.

The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P60-4

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA.

The parking analysis in the Parking and TDM Plan evaluated the potential effects of ferry-related parking demand on recreational users of the Waterfront and concluded that sufficient parking would remain available to accommodate recreational activities. On Page 34 of the Parking and TDM Plan, Weekday Parking Demand by Time of Day is presented both for existing and future uses including the ferry users. Existing uses include recreational visitors.

Response to Comment P60-5

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA.

To the extent the comment raises concerns regarding operational conflicts with the potential reopening of a restaurant, the analysis presented in the Draft EIR considers whether project-related changes to the environmental baseline would result in significant physical impacts consistent with CEQA Guidelines. As discussed in Draft EIR Chapter 3, *Environmental Impact Analysis* (pages 3-1 through 3-11) and in Topical Response: CEQA Baseline/Baseline Recreation, the environmental baseline reflects existing conditions, including the closure of the restaurant at 199 Seawall. The potential reopening of this restaurant is considered as part of the cumulative impact analysis associated with the Draft Waterfront Specific Plan. The commenter does not provide evidence demonstrating that the analyses or significance conclusions

presented in the Draft EIR are incorrect. The analyses and conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P60-6

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA.

In addition, as a matter of clarification, no changes have been proposed to the parking allocated to berthers as a part of the proposed project. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P60-7

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA.

Regarding impacts on restricted access and prioritization of commuter infrastructure over community recreation, the project has the dual objective of providing recreation and ferry service. The project would implement several recreational facilities that would enhance recreational access, including the reopening of the pier, the installation of the Bay Trail, public plaza, and cycle track. Insofar the commenter is concerned on impacts on the recreational experience due to access to parking, refer to Section 2.2.20, *Topical Response: Parking,* for a detailed discussion about parking supply.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P60-8

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P60-9

Section 2.5, *Project Components*, describes the proposed pier dimensions and design. As described therein on Page 2-9, the proposed pier would be approximately 1,080 feet in length and would incorporate amenities such as a fish cleaning station, seating, a shade canopy, and security gates, to support recreational fishing as well as ferry service. Project alternatives with different pier configurations are evaluated in Chapter 5, *Alternatives*.

The EIR evaluates recreational impacts associated with the project, including those related to fishing, in Section 3.11, *Recreation*.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P60-10

Section 3.11, *Recreation*, of the Draft EIR describes existing recreational uses and facilities at the Berkeley Waterfront (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7) and evaluates potential impacts to these resources in Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24). As discussed therein, the Draft EIR concludes that the project would maintain and enhance recreational opportunities and access, including improved shoreline access, a restored public pier, and additional amenities, and would not result in a significant impact to recreational resources (Impact REC-1).

The comment's request reflects policy considerations regarding how recreational resources should be prioritized. These comments have been included in the project record considered by City decision makers.

The analysis and significance conclusions presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Letter P61

From: Paul Kamen <pk@well.com>
Sent: Wednesday, April 22, 2026 10:22 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comment on the DEIR for the Berkeley Ferry Terminal

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The DEIR does not recognize the value of certain features of the South Cove sailing area. Considerable value is lost if any component of water-borne recreation is forced to relocate, or restricted by limited parking supply or parking fees. P61-1 P61-2

The ski resort analogy is appropriate here. A viable ski resort needs to accommodate multiple skill levels:The "bunny" slope, the intermediate runs, and the expert runs. This accommodates groups at various skill levels. Access to variable skill environments from a single facility adds much value. P61-3

The South Cove is unique among Bay Area windsurfing and small craft sailing sites in that it provides a range pf skill levels from a single launch site and a single social gathering area. the "Inner Daysailing Area" is well protected (in part by trees slated for removal if Seawall Drive parking is reconfigured) and is perfect for beginners, with steady but attenuated wind and very good wave protection.

Beyond the protection of the Hs. Lordships Peninsula, we have wind and waves from the open Bay in close proximity, but within easy range of rescue skiffs (made even more valuable by Cal Adventures and Cal Sailing Club duplicating some of the safety resources).

Farther west, the wind and waves increase significantly as the influence of the shoreline decreases. It's out of range and out of sight of the rescue options. This is the expert slope. P61-4

This unique feature of the South Cove sailing and windsurfing site is the source of much of its value for mixed-skill user groups, families, and sailors moving rapidly along their learning curves. This value would be seriously compromised if some categories of water users were to be displaced to other sites.

To maintain the recreational value of the South Cove site, the diversity of user skill should not be limited. Maximum access for all skill levels requires that the parking cannot be throttled back via time limits, time-of-day restrctions or fees. None of this diverse use of users and user environments can be relocated if the the unique value of South Cove sailing is to be maintained.

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Letter P61

Commenter: Paul Kamen

Date: April 22, 2026

Response to Comment P61-1

Section 3.11, *Recreation*, of the Draft EIR describes the Berkeley Waterfront's recreational resources, including windsurfing, sailing, and other water-based activities occurring in the South Sailing Basin and adjacent areas (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7). This discussion identifies the physical characteristics and uses that make these areas important for recreation. Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24), evaluates whether the proposed project would adversely affect these recreational resources or restrict access to them and concludes that the project would maintain and enhance recreational opportunities and access (Impact REC-1).

The Draft EIR's analysis is focused on physical environmental conditions and facility capacity, consistent with CEQA requirements, and therefore evaluates the functional aspects of recreational resources rather than subjective measures of value.

The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P61-2

Section 3.11, *Recreation*, of the Draft EIR evaluates whether the proposed project would result in the physical loss of recreational resources or restriction of access consistent with CEQA Guidelines Appendix G (see Section 3.11.4, pages 3.11-14 through 3.11-24). As discussed therein, the Draft EIR concludes that the project would maintain and enhance recreational opportunities and physical access, and would not result in a substantial adverse effect on recreational resources (Impact REC-1).

The Draft EIR does not identify displacement of water-based recreational uses or removal of shoreline access areas that support such uses. For additional discussion of shoreline and equipment-dependent water access, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

With respect to parking, refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA. The Draft EIR evaluates potential secondary physical effects related to access and circulation and concludes that access to recreational resources would be maintained.

The comment's reference to changes in "value" reflects user preference and convenience rather than a physical environmental impact as defined under CEQA. The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P61-3

Section 3.11, *Recreation*, of the Draft EIR identifies windsurfing, sailing, and other water-dependent activities as key recreational uses of the Berkeley Waterfront and describes the physical conditions that support these uses (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7). Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24), evaluates whether the proposed project would adversely affect these recreational resources and concludes that the project would maintain and enhance recreational opportunities and access, and would not substantially interfere with water-based recreation (Impact REC-1).

Potential effects to environmental conditions influencing water-based recreation, including wind and wave patterns, have been considered through engineering design and supporting technical analyses. As

discussed in Section 2.2.29, *Topical Response: Wind,* the project does not materially alter the suitability of the South Sailing Basin and surrounding areas for recreational uses. For additional discussion of recreational water access, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access*.

While the comment emphasizes the value of a range of conditions for different skill levels, CEQA requires evaluation of physical environmental impacts, such as loss of access or deterioration of recreational facilities. The Draft EIR demonstrates that these conditions would remain available and that water-based recreational opportunities would continue at the Berkeley Waterfront.

The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P61-4

Refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* for discussions regarding project-related parking considerations and analysis under CEQA, as well as water-based recreation access considerations. As discussed therein, the Draft EIR evaluates whether project-related changes would result in significant adverse impacts, such as physical restrictions to access or degradation of existing recreational facilities and concludes that recreational opportunities and access would be maintained and enhanced by the project. The commenter does not provide evidence demonstrating that the analyses or significance conclusions presented in the Draft EIR are incorrect. The analyses and conclusions remain valid as written. No revisions to the Draft EIR are required.

Letter P62

From: Leia Ambra <leiaambra@gmail.com>
Sent: Thursday, April 23, 2026 12:00 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: I am writing you to let me you know that I am against the Berkeley water Transportation ferry project

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There's already a huge shortage of parking currently at the Berkeley Marina and I do not believe that this proposal in any way provides for the additional parking requireThere's already a huge shortage of parking currently at the Berkeley Marina and I do not believe that this proposal in any way provides for the additional parking requirements. Thank you kindly for your attention Leia Ambra, Berkeley residence and user of the Marina.

P62-1

Letter P62

Commenter: Leia Ambra

Date: April 23, 2026

Response to Comment P62-1

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA. As discussed therein, the Draft EIR evaluates whether project-related parking conditions could result in secondary physical environmental impacts and concludes that no significant parking-related environmental impacts would occur. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Letter P63

From: Paul Kamen <pk@well.com>
Sent: Friday, April 24, 2026 2:14 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comment on the Draft EIR

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The Draft Environment Impact Report is deficient in its evaluation of carbon impacts because it considers the ferry as an isolated transportation link rather then a part of an integrated system. The DEIR must consider the door-to-door commute rather than the water-borne time in isolation. P63-1

For the anticipated primary commuter service, the "last mile" is adequately address by multiple public transit options near the SF Ferry Building (and the density of destinations within walking distance) P63-2

But the "first mile" is problematic. Dedicated ferry passenger parking in the Berkeley Marina is estimated to be only about one-third to on-quarter of anticipated demand. After the dedicated parking area fills, commuters will need to spend much additional time finding a place to park, legally or otherwise. Or walking back to the ferry terminal from a distant parking space. This extra time needs to be considered in the design of the system. Time spent parking adds to the target door-to-door commute time. P63-3

When there is uncertainty in the time required to complete the first mile, studies have shown that commuters will usually allow two standard deviations based on the variable extra time to insure reaching their destination on schedule. In simple language, insufficient convenient parking requires faster boats. Required ferry propulsion power is approximately proportional to speed cubed, so for the short route from Berkeley to SF, time spent finding parking, plus two times the variation in this additional time will add many extra minutes to the commute. This translates to additional required boat speed with an exaggerated effect on both first cost and carbon footprint. P63-4 P63-5

We note that even after electrification, there is still a significant remote carbon footprint proportional to the energy used to generate the electricity. This will be true far into the future, until the grid is entirely supplied by renewable power generation. P63-6

The DEIR also assumes an unrealistic first mile mode split not justified by applicable data. Typical parking requirement is 0.6 spaces per ferry passenger, and this will not be provided by the planned parking scheme. The result is wasted time, requiring faster boats if the ferry is to remain marketable to commuters. P63-7

An efficient system requires more parking, smaller ferries, or a massive expansion of local bus routes. The effect of the ferry service on vehicle miles driven must also be considered. Without more study, it's difficult to show that the ferry will not pull passengers away from thier narby BART station for a drive to the more distant ferry terminal. P63-8

We also note that the catchment area for bus service, where it exists at all, is patently impractical except for the minority of ferry passengers living near a marina bus line that serves the marina without a transfer. P63-9

The point is, the environmental impact of a ferry service must be as evaluated as a multi-modal system, and not in isolation as the DEIR appears to assume.

--
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Letter P63

Commenter: Paul Kamen

Date: April 24, 2026

Response to Comment P63-1

The Draft EIR is a project-level EIR that is required to assess the GHG emissions impacts of the proposed project with respect to the thresholds of significance discussed on Draft EIR page 3.6-33. As discussed in Draft EIR Section 3.6.4 *Operations*, (page 3.6-32) the analysis includes the GHG emissions from mobile sources, cars, that are anticipated to access the site from the commuters that would use the ferry once it is operational. Therefore, the analysis does include an analysis of a door-to-door commute. It is anticipated that riders would use other forms of transit currently operational to reach their destination. There is no anticipated need to change the number of trips of these transit modes due to implementation of the project and, therefore, the GHG emissions from these modes would be incurred regardless of project implementation and is correctly not attributed to the project in the project-level Draft EIR. The GHG analysis is accurate as presented, and no additional analysis is required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P63-2

The EIR evaluates near shore impacts of implementing ferry service at the Berkeley waterfront. Last mile refers to the travel between a transit station and a user's ultimate destination. This EIR does not address last mile effects from implementing the project.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P63-3

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how the project is not expected to result in secondary impacts on the environment due to parking. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P63-4

Refer to Response to Comment P7-2. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P63-5

Refer to Response to Comment P7-2. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P63-6

The comment is accurate. However, as stated in Draft EIR Section 3.6.4 *Energy Sources,* on page 3.6-31, "The project would be serviced by the Ava Community Energy, which will source all of its power from renewable resources by 2030. The analysis conservatively assumes the CalEEMod estimated emissions from electrical consumption for the project operations in 2028 would also occur in 2029 with a jump to 100 percent renewable electricity in 2030. In addition, for purposes of energy-related GHG emissions

modeling, the project is assumed to stay in its initial automatically enrolled Ava Renewable 100 plan." Therefore, the analysis includes carbon emissions from non-renewable electrical sources for the two years where AVA energy would not be 100 percent renewable. The analysis conservatively assumes a carbon content for current year rather than estimating a future year. Therefore the analysis, as provided, accurately accounts for energy consumption emissions. No Draft EIR changes are necessary in response to this comment.

Response to Comment P63-7

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the mode split used for the project and the analysis in the Draft EIR.

Regarding the comment that ferry vessels will need to be faster to remain marketable, ferry vessels will not operate at higher speeds to compensate for time required to find a parking space. The analysis and significance conclusion presented in the Draft EIR remains valid as written in the Draft EIR. No revisions are required.

Response to Comment P63-8

Refer to Impact TRA-2 in Section 3.12, *Transportation* of the Draft EIR (pages 3.12-20 to 3.12-21) for a discussion of the VMT analysis performed in the Draft EIR. Refer also to Section 2.2.27, *Topical Response: VMT,* for a discussion related to transit-to-transit mode shifts.

Response to Comment P63-9

Refer to Table 2 in Appendix F of the Draft EIR, which identifies the various ways in which people are expected to access the project site.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P64

From: Shyla Gupta <shyla_gupta@berkeley.edu>
Sent: Friday, April 24, 2026 6:28 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Kina H Li <kina_li@berkeley.edu>; Ardyn Elizabeth Henry <ardynhenry@berkeley.edu>; John Hao Do <johnhdo@berkeley.edu>
Subject: Berkeley Engineering Students' Comment Letter on Berkeley Pier with Ferry Access Project

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Dear Liza McNulty,

I hope you are well. I am Shyla, a freshman studying at Berkeley's College of Engineering. I am writing to you on behalf of my fellow engineering students and I. As a part of our course on Engineering, Ethics, and Society (ENGIN 125), we completed a Civic Engagement Project. Our group read the EIR for the "Berkeley Pier with Ferry Access Project" and wanted to submit our comments regarding some of the points of impact discussed in the report. Attached is our comment letter. Please let me know if you have any questions or thoughts. Thank you for your time.

P64-1

Best regards,
— Ardyn Henry, John Do, Kina Li, and Shyla Gupta

Ardyn Henry, John Do, Kina Li, Shyla Gupta
Professor Raluca Scarlat, GSIs Hanah Habash, Meghana Sanjay
E125 Engineering Ethics — Public Comment Letter

Re: Public Comment on the Draft Environmental Impact Report for the Berkeley Water Transportation Pier Ferry Project

To the City of Berkeley and Responsible Agencies:

We are undergraduate engineering students at the University of California, Berkeley submitting this comment as part of a course on engineering, ethics and society (ENGIN 125). We have reviewed the Draft Environmental Impact Report for the Berkeley Water Transportation Pier Ferry Project and want to submit the following comments in the interest of improving the accuracy of the environmental review under the California Environmental Quality Act. We support the project's goals of reducing car dependency and expanding sustainable transportation. We hope to strengthen the analysis through our commentary, not oppose the project.

P64-2

Comment 1: Marine Life Impacts

Marine Life Impacts Section 3.3, Biological Resources, pp. 3.3-1 through 3.3-66

Claim 1: The eelgrass surveying method is outdated

Eelgrass (*Zostera marina*) are an extremely beneficial organism to marine ecosystems, especially in bays and estuaries (areas impacted by the ferry project). The EIR addresses this claim by stating that there was no Eelgrass in the project footprint as of baywide surveys in 2003, 2009, and 2014. However, the most recent survey data used to determine whether there is eelgrass is over a decade old, and does not represent the current state of the ecosystem. Small changes in water quality or temperature can change the distribution and growth of eelgrass. In fact, immediately after, the EIR states that there is a possibility that a portion of the project footprint that lies in sandy regions may be a potential site of eelgrass growth. This suggests that the city is unaware of what regions eelgrass actually currently inhabits. When harm can be reduced, it should be. This is a fundamental responsibility of engineers. The city shouldn't build upon this engineering project just because those who are affected cannot say so.

P64-3

We recommend that the city do a thorough, pre-construction survey of eelgrass, determining where it resides currently, and where are potential growth spots for it in the future. The city should only go forth with the plan if no significant eelgrass habitats are being affected.

If the construction footprint does in fact infringe on current eelgrass habitats, the city should modify the plan, or at least acknowledge the impact and try to mitigate the downsides of this in some other way. P64-4

Claim 2: The noise impact on marine mammals is inadequately analyzed

The EIR discusses how the noise levels of pile driving, an important step in the construction process, is "potentially significant" for marine mammals (such as seals, sea lions, porpoises, and dolphins). In order to decrease the impact to "less than significant", the EIR proposes that construction will begin slowly and that there will be exclusion zones around the construction site (BIO-1(d)). Essentially, the pile driving will start softly, slowly, and at low intensities, giving animals time to migrate. Additionally BIO-1(d) promises a Marine Mammal Mitigation Plan (MMMP): trained workers will watch for mammals who cross into the construction site and then halt construction accordingly. However, there is no concrete plan or details as to what the MMMP contains and how it will be carried out. P64-5

While the city has good intentions to protect marine mammals, we recommend that the Final EIR contain a detailed MMMP document, along with ways to enforce it, so we can ensure their safety and wellbeing. A sufficient MMMP will include the following at a minimum:

- Where the exclusion zones are and how large each zone is
- How many monitors are required (per site)
- The training/qualifications required for each monitor
- Specific instances and conditions under which pile driving construction must halt
- Conditions/timeframe under which construction can begin again
- Protocols and procedures for if a casualty or emergency occurs

P64-6

Without a detailed MMMP, the true reduction from "potentially significant" to "less than significant" cannot be justified.

Comment 2: Construction Impacts

Air Quality Section 3.2, pp. 3.2-27 to 3.2-28; Section 3.6, pp. 3.6-34 to 3.6-35; Table 3.2-7/3.2-8

Claim 1: Air quality analysis relies on averaged emissions that may underestimate peak impacts

P64-7

The EIR concludes that construction-related air pollutant emissions would not exceed what is reasonable and so results in less-than-significant impacts. This conclusion relies on annual and average daily emission estimates presented in Tables 3.2-7 and 3.2-8, which show

that modeled estimates of pollutants such as NOx, PM10, and PM2.5 remain below established thresholds. This conclusion relies on annual and average daily emission estimates, which may obscure short-term peak emissions generated during high-intensity construction activities such as pile driving, dredging, and demolition. These activities occur intermittently, but can produce concentrated bursts of pollutants over short time periods, particularly when multiple pieces of heavy equipment are operating simultaneously. Because the tables present emissions as averaged values, they do not clearly indicate whether emissions during specific constriction phases or peak activity periods exceed those thresholds. This is particularly relevant for pollutants such as PM2.5, which are associated with short-term exposure risks. Averaging emissions over longer timeframes may not accurately represent real-world exposure conditions, so as a result, the analysis may underestimate localized air quality impacts experienced by nearby people during certain phases of the project.

P64-7

Under the California Environmental Quality Act, conclusions of less-than-significant impacts must be supported by substantial evidence and a good faith effort at full disclosure. We recommend that the Final EIR evaluate worst-case, short-term emission scenarios during peak construction activity, including periods of simultaneous equipment operation. This analysis should also identify which construction phases contribute most significantly to emissions and compare those peak conditions to the applicable thresholds. Providing this analysis would improve transparency and ensure that temporary but potentially significant exposure events are adequately considered and mitigated.

P64-8

Claim 2: Construction noise analysis does not adequately address peak noise and vibration from pile driving

The EIR states that construction noise impacts would be less-than-significant with implementation of standard mitigation measures, and that vibration impacts would also be less-than-significant. The analysis describes general construction noise sources and identifies commonly used mitigation practices such as equipment controls and operational limits. In a similar issue as above, it appears to focus primarily on average noise levels and does not fully evaluate high-intensity, short-duration noise events such as impact pile driving. These activities are known to generate sharp, intermittent noise spikes and ground vibrations that can exceed established thresholds even if average noise levels remain within acceptable limits. For example, impact pile driving can generate peak noise levels exceeding 90 dBA at close distances, which are not reflected in average noise metrics. The EIR does not clearly quantify maximum noise levels, duration of peak events, or the extent of vibrational impacts.

P64-9

The Final EIR should quantify peak noise and vibrational levels from pile driving, including maximum sound levels, duration, and frequency of these events. This analysis should

P64-10

include estimated peak noise levels and vibration levels compared to the acceptable limits. It should also incorporate specific, enforceable mitigation measures, such as restrictions on pile driving hours, use of noise attenuation technologies, and vibrational monitoring, to ensure peak noise and vibration impacts are effectively reduced. P64-10 P64-11

Comment 3: Accessibility and Public Transit Connections

Transit Accessibility Section 2 (Project Description), pp. 2-12 to 2-13; Section 3.12, Transportation

Claim 1: The feasibility study relies on uncertain assumptions about ferry-bus coordination

The feasibility study suggests current infrastructure is sufficient, but adjustments must be made to improve public transit, such as the ones pertaining to the 51B line, in order to make the use of this transport an appealing and feasible option for riders departing from the proposed terminal. Given that this ferry has a main focus of providing an alternative to the typical commute with a personal vehicle, it still largely hinges on the coordination that can be made between the buses connecting to the terminal. However, with the inevitable inability to adhere to a strict schedule given the unforeseen or erratic events that happen on roadways, the syncing of the schedules with the bus and the ferry is a considerable hindrance for commuters who are under strict time constraints. The reliance on precise schedule coordination introduces uncertainty and may reduce the reliability of public transit as a viable alternative to personal vehicle use. P64-12

The Final EIR should evaluate bus-ferry coordination under real-world conditions, including delays, traffic variability, and schedule disruptions. This analysis should assess how these factors impact transit reliability and commuter wait times.

Claim 2: Bus waiting practices may increase emissions and create localized environmental impacts

The feasibility study of the project also proposes that buses should attempt to remain at the stop until the inbound ferry of passengers have disembarked, effectively making public transit more accessible, but this would incidentally create even more delays. This waiting idle at the marina poses an escalated risk factor pertaining to the ecosystem since the buses would be emitting harmful gases in immediate proximity to a waterfront simply to provide convenience to the commuters. These increased idling periods may result in additional localized air quality impacts that are not clearly accounted for in the EIR. In particular, emissions from P64-13

diesel-powered buses during extended dwell times could contribute to higher concentrations of pollutants such as particulate matter and nitrogen oxides.

The Final EIR should evaluate emissions associated with increased bus idling at the marina and quantify their contribution to localized air pollution. It should also incorporate mitigation measures such as strict idling limits or alternative passenger boarding strategies. These measures would help reduce emissions while maintaining accessibility to the terminal. P64-13

Claim 3: Assumptions about increased transit frequency and shuttle alternatives may be financially and operationally unrealistic

Although increasing the frequency of the 51B could be a potential mitigation approach, this seems to be operationally speculative given the recent budgeting issues as stated by an AC Transit press release which details a plan that "could result in considerable service cuts and layoffs"[1]. With this new information coming from the public transportation itself, the assumed compliance of the bus to the schedule of the ferry is not easily viable and could compromise the use of public transportation as a means of getting to the terminal. If this barrier of time constraints poses a big enough risk to the commuters, there might be an incentive to use some personal vehicles. Later in feasibility studies, there is a mention of using shuttles rather than the bus that runs to the marina; this in theory would increase frequency and avoid the reliance on a singular bus line to transport passengers. This could increase the productivity of the terminal; however, it also seems to not consider the potential high costs of opening a new shuttle line as the existing lines mentioned in the studies operate without fares and ultimately would require even more funding from the public on transportation. As a result, the EIR may overestimate the feasibility of and reliability of transit-based access to the terminal, which could undermine the project's goal of reducing personal vehicle use. P64-14

The Final EIR should include a realistic assessment of transit service improvements based on current funding and operational constraints, including whether increased bus frequency or shuttle services are financially feasible. This analysis should evaluate the likelihood of implementation and identify alternative access strategies if these improvements can not be achieved. P64-15

Comment 4: Greenhouse Gas Emissions and Energy

Section 3.6, Greenhouse Gas Emissions and Energy; Appendix B (CalEEMod calculations); Section 3.2, Air Quality, Tables 3.6-4 and 3.6-5; Section 5.9, Alternatives Considered but Rejected; Alternative 1 (No Project) GHG analysis

Claim 1: The feasibility study does not include embedded carbon of the construction materials in its greenhouse gas calculations, which underestimates the true GHG emissions of the project

The Draft EIR calculates construction-phase GHG emissions using CalEEMod, amortizes them over a 30-year project lifetime, and concludes that construction-related GHG impacts are less than significant when viewed alongside projected operational emission reductions attributable to replacing transbay vehicle trips with electric ferry service. The EIR states that GHG emissions from construction are primarily generated by internal combustion engines powering on-site equipment and by worker vehicle trips to and from the site. P64-16

The EIR's construction emissions analysis is materially incomplete because it accounts only for direct combustion emissions from construction equipment and worker commute trips. It does not assess the embodied carbon of the structural materials, such as concrete and reinforcing steel for 1,080 linear feet of pier, double-row pile foundations driven into the Bay floor, a breakwater structure, and associated floats and gangways. P64-17

The lifecycle greenhouse gas emissions associated with the extraction, manufacturing, transportation, and installation of construction materials is often a major source of GHG emissions from project construction, and may even exceed the cumulative operational emissions of construction equipment over the entire build period.

The EIR's net GHG benefit conclusion (that the project results in an overall reduction in greenhouse gas emissions) cannot be verified without embodied carbon data. The Final EIR should include a quantified embodied carbon analysis for all major structural materials, including concrete, reinforcing steel, composite decking, and pile materials, using a recognized lifecycle assessment methodology. This analysis should be incorporated into the net GHG emissions summary alongside construction equipment emissions and operational emission reductions. The City should also evaluate whether use of lower-carbon concrete mixes or recycled-content steel could meaningfully reduce the project's embodied carbon footprint, and commit to these material specifications as project conditions of approval where feasible. P64-18

Claim 2: The feasibility study does not adequately calculate the net reduction in GHG by overestimating the number of private automobile trips displaced from transbay drivers, and by not including GHG emissions from new drivers from induced demand caused by the ferry plaza. The EIR also assumes that Ava Community Energy will reach its 100% renewable goal by 2030 and that it will support the ferry project for its full operational lifespan. P64-19

The Draft EIR concludes that the project results in an overall net reduction in GHG emissions compared to the No Project alternative. This conclusion rests primarily on the finding that the 1,127 new daily trips to the project site represent vehicle trips displaced from transbay automobile travel — modeled as 1,127 round trips to San Francisco at an average of 25 miles per day each. The EIR also states that the project will be served by Ava Community Energy, which will source all power from renewable resources by 2030, and conservatively accounts for two years of non-renewable electricity consumption (2028–2029) before assuming 100% renewable generation for the remainder of the 30-year project life. On this basis, the EIR concludes that GHG and energy impacts are less than significant. P64-20

First, the EIR models all 1,127 daily ferry riders as having replaced private automobile round trips to San Francisco averaging 25 miles. However, the EIR's own transportation analysis acknowledges that "some of these trips might have shifted from commuters previously taking BART and Transbay bus services" (§3.12, p. 3.12-20). Despite this acknowledgment, the GHG model treats all 1,127 trips as fully displaced vehicle trips, with no adjustment for the share of riders who were already using zero-emission transit. Riders shifting from BART generate zero marginal GHG reduction, since BART operates on predominantly renewable electricity. The EIR should provide ridership survey data and comparable route mode-split analysis to support its modeling assumptions, and should adjust the net GHG benefit calculation to reflect the acknowledged share of transit-to-ferry shifts. P64-21

Second, the EIR does not address induced demand. The transportation section describes the project as generating "1,127 new trips per day to the project site" (§3.12, p. 3.12-20), while the GHG model treats those same 1,127 trips as eliminated San Francisco vehicle trips. New transit infrastructure (a public plaza, recreational pier, and enhanced waterfront access) will likely generate new trips that would not otherwise occur. Some portion of the 1,127 daily trips modeled as "ferry riders" will be people making entirely new transbay or waterfront trips, not people who were previously driving to San Francisco. New trips generate new VMT rather than displacing it. P64-22

Third, the EIR states that Ava Community Energy will achieve 100% renewable generation by 2030, and that for modeling purposes the project is assumed to remain enrolled in the Ava Renewable 100 plan for its entire operational life. However, the EIR should present sensitivity analysis showing what the net GHG outcome would be if Ava's renewable transition is delayed by two, five, or ten years, or if the project's electricity enrollment changes over time due to rate restructuring, regulatory changes, or policy shifts over the 30-year period. P64-23

The Final EIR should: (1) provide transparent modal shift assumptions supported by ridership survey data, WETA comparable-route mode-split analysis, or peer-reviewed transit P64-24

demand modeling and account for the share of riders likely shifting from BART or other zero-emission transit; (2) present a sensitivity analysis of net GHG outcomes under at a few scenario, such as 50%, 75%, and 100% of riders replacing private vehicle trips—to bracket a plausible range of climate benefit; (3) include an induced demand estimate quantifying the share of new ferry trips that represent entirely new transbay or waterfront travel rather than displaced vehicle trips; (4) present a renewable electricity sensitivity analysis showing net GHG emissions under delayed or partial Ava Community Energy renewable transition scenarios (2030, 2033, and 2037 transition dates); and (5) add a comparative GHG efficiency analysis benchmarking the project's cost-per-ton-of-CO_2-reduced against alternative transbay emission reduction strategies.

P64-24

P64-25

P64-26

P64-27

P64-28

Conclusion

We request that the Final EIR provide a substantive response to each comment raised above. If significant new analysis is added in response to these comments, we further request that the public be provided an opportunity to review the revised sections. We appreciate the City's commitment to environmental review and public participation in this process.

P64-29

Respectfully,

Ardyn Henry, John Do, Kina Li, and Shyla Gupta (UC Berkeley — ENGIN 125)
April 24, 2026

Letter P64

Commenter: Shyla Gupta, Ardyn Henry, John Do, Kina Li

Date: April 24, 2026

Response to Comment P64-1

These introductory statements provide context for the comments that follow. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P64-2

These introductory statements provide context for the subsequent comments. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P64-3

The Draft EIR utilized the most up to date publicly available eelgrass spatial data (Merkel and Associates 2004, 2009, 2014). Based on the best available data, there are no documented occurrences of eelgrass within the project site. No revisions to the EIR are necessary.

Response to Comment P64-4

The comment is noted; there are no reported eelgrass beds within 1,000 feet of the project site. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. No further response is required.

Response to Comment P64-5

The MMMP is described in Mitigation Measure BIO-1(e) *Prepare Marine Mammal Monitoring Plan Prior to Construction and Implement Recommendations During Construction*, and includes protection zones, vessel operation protocols, on-site monitoring and response, and adaptive management coordination. The Draft EIR discusses impacts to marine mammals under Impact BIO-1 in Section 3.3.4, Impacts Analysis (pages 3.3-48 through 3.3-54) and concludes that impacts would be less than significant with mitigation (Mitigation Measures BIO-1[a], BIO-1[d], and BIO-1[e]). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P64-6

The MMMP as described in Mitigation Measure BIO-1(e) is enforceable as part of the EIR MMRP, and details described above will be determined in consultation with NOAA NMFS during project permitting. The Draft EIR discusses impacts to marine mammals under Impact BIO-1 in Section 3.3.4, Impacts Analysis (pages 3.3-48 through 3.3-54) and concludes that impacts would be less than significant with mitigation (Mitigation Measures BIO-1[a], BIO-1[d], and BIO-1[e]). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P64-7

Table 3.2-7 and 3.2-8 show the estimated regional construction emissions to demonstrate significance with respect to cumulative considerable increases of criteria pollutants where the project is in a non-attainment area. These tables show the average daily emissions by year which is consistent with the thresholds of significance identified by the Bay Area Air District. The air quality analysis compares

construction emissions to the average daily and annual thresholds which are the thresholds designated by the Bay Area Air District in Table 3-1 *Air Quality Thresholds of Significance (Project Level)* in their 2022 CEQA Guidelines. The table specifically identifies thresholds for average daily emissions of construction related impacts. The Bay Area Air District states in Section 5.2.1 of the 2022 CEQA Guidelines: "The Air District provides project-level thresholds of significance for criteria air pollutants for which the SFBAAB is in non-attainment. These are the levels at which the Air District has determined that an individual project's contribution to the cumulative impact (non-attainment) is cumulatively considerable."

Tables 3.2-7 and 3.2-8 of the analysis are not intended to estimate localized impacts to air quality as the emissions of criteria pollutants identified in these tables satisfy the cumulatively considerable impacts question defined under CEQA, specifically question b which states would the project: "Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?" Therefore, the analysis is accurate as presented and no further analysis is needed.

Response to Comment P64-8

As discussed in Response to Comment P64-7, the Draft EIR air quality analysis compares project emissions with the recommended significance thresholds provided in the Bay Area Air District's 2022 CEQA Guidelines, which specifically refer to average daily emissions. The Draft EIR compares criteria pollutant emissions with regulatory thresholds in Impact AQ-2 starting on page 3.2-27 and concludes that emissions would be less than significant with the implementation of mitigation. The proposed project includes a conservative analysis of construction activities, assuming a conservative construction fleet and schedule that accounts for several construction phases occurring simultaneously. The proposed project's construction fleet can be found in Draft EIR Section 2.6.1 starting on page 2-25, and the construction schedule in Draft EIR Section 2.6.2 starting on page 2-28. Methodology for quantifying emissions is included in Draft EIR Section 3.2 starting on page 3.2-21. Therefore, the Draft EIR air quality analysis is accurate, and no changes to the Draft EIR air quality analysis, methodology approach, or significance conclusions is necessary in response to this comment.

Response to Comment P64-9

As shown on page 3.10-32 of the Draft EIR, construction noise impacts were determined to be Significant and Unavoidable, even with implementation of mitigation; therefore, this comment is inaccurate in stating that impacts were found to be less-than-significant. The construction noise analysis methodology in the Draft EIR was consistent with Federal Transit Administration (FTA) guidance. Nevertheless, to address this comment and to compare noise impacts to the City's maximum construction noise thresholds, maximum construction noise levels are presented as supplemental information. Maximum noise levels were calculated based on the loudest piece of equipment in each phase operating at the closest edge of respective work area relative to the nearest sensitive receptor using the FHWA Roadway Construction Noise Model (RCNM). Maximum noise levels for landside and waterside phases, as well as a comparison of noise levels before and after implementation of Mitigation Measure NOI-1 for each respective phase, are presented in the following tables. As shown in Tables 3.10-20 to 3.10-23, which have been added to the EIR (starting on Draft EIR page 3.10-28) for supplemental informational purposes, construction noise impacts would remain significant and unavoidable with Mitigation Measure NOI-1. The impact assessment, significance conclusions, and mitigation measure would be the same with the FTA and City's maximum construction noise thresholds. The analysis and significance conclusion presented under Impact NOI-1 in Section 3.10, *Noise*, of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Table 3.10-20 Maximum Landside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA L_{max})	Applicable Noise Threshold (dBA L_{max})[2]	Exceeds Threshold?
Demolition	10	At pier entrance	Skates on the Bay Restaurant[3]	215	72	70	**Yes**
			Nearest live-aboard boat[4]	620	63	65	No
Site Preparation	14	At Seawall Drive parking lot	Shorebird Park[5]	65	83	60	**Yes**
Grading	15	At public plaza	Shorebird Park[5]	150	75	60	**Yes**
			Nearest live-aboard boat[4]	640	63	65	No
Geotechnical Solutions	15	At public plaza	Shorebird Park[5]	100	79	60	**Yes**
			Nearest live-aboard boat[4]	615	63	65	No
Building Construction – Restroom	10	At public plaza	Shorebird Park[5]	100	79	60	**Yes**
			Nearest live-aboard boat[4]	615	63	65	No
Paving	20	Along University Avenue	Marina Offices[3]	35	93	70	**Yes**
			Nearest live-aboard boat[4]	295	75	65	**Yes**
Landscaping	15	Along Seawall Drive	Shorebird Park[5]	50	85	60	**Yes**
			Nearest live-aboard boat[4]	900	60	65	No
Amenities Installation	25	At public plaza	Shorebird Park[5]	100	84	60	**Yes**
			Nearest live-aboard boat[4]	615	68	65	**Yes**

dBA = A-weighted decibels; L_{max} = maximum sound level

[1] The distances from construction work areas to nearest sensitive receptors were determined from the closest edge of each work area relative to a nearby sensitive receptor.

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime multi-family residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime multi-family residential and commercial limits are 65 dBA and 70 dBA, respectively.

[3] Note that while commercial uses (e.g., restaurants and offices) are not typically considered to be noise-sensitive receptors, these uses were included as sensitive receptors in the analysis as the City defines construction noise limits for commercial uses.

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA L_{max})	Applicable Noise Threshold (dBA L_{max})[2]	Exceeds Threshold?

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. This analysis conservatively assumes that the nearest live-aboard boat is situated at a location within the Marina that is nearest to proposed construction activity during each phase of construction.

[5] Note that the City does not define construction noise thresholds for parks or similar outdoor recreation spaces; however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., single-family residential land uses) of 60 dBA was used.

See Appendix E for construction noise modeling results.

Table 3.10-21 Comparison of Maximum Landside Construction Noise Levels at Nearby Sensitive Receptors by Phase With and Without Mitigation Measure NOI-1

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA L_{max})		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With MM NOI-1[1]		
Demolition	10	At pier entrance	Skates on the Bay Restaurant[3]	72	52	70	**Yes**
			Nearest live-aboard boat[4]	63	43	65	No
Site Preparation	14	At Seawall Drive parking lot	Shorebird Park[5]	83	63	60	**Yes**
Grading	15	At public plaza	Shorebird Park[5]	75	55	60	No
			Nearest live-aboard boat[4]	63	43	65	No
Geotechnical Solutions	15	At public plaza	Shorebird Park[5]	79	59	60	No
			Nearest live-aboard boat[4]	63	43	65	No
Building Construction – Restroom	10	At public plaza	Shorebird Park[5]	79	59	60	No
			Nearest live-aboard boat[4]	63	43	65	No
Paving	20	Along University Avenue	Marina Offices[3]	93	73	70	**Yes**
			Nearest live-aboard boat[4]	75	55	65	No
Landscaping	15	Along Seawall Drive	Shorebird Park[5]	85	65	60	**Yes**
			Nearest live-aboard boat[4]	60	40	65	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA L_{max})		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With MM NOI-1[1]		
Amenities Installation	25	At public plaza	Shorebird Park[5]	84	64	60	**Yes**
			Nearest live-aboard boat[4]	68	48	65	No

dBA = A-weighted decibels; MM = Mitigation Measure; L_{max} = maximum sound level

[1] Note that all noise levels presented at sensitive receptors in this column account for the noise reduction provided by Mitigation Measure NOI-1, which is estimated to provide 20 dBA of noise reduction for general construction activities.

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime multi-family residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime multi-family residential and commercial limits are 65 dBA and 70 dBA, respectively.

[3] Note that while commercial uses (e.g., restaurants and offices) are not typically considered to be noise-sensitive receptors, these uses were included as sensitive receptors in the analysis as the City defines construction noise limits for commercial uses.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. This analysis conservatively assumes that the nearest live-aboard boat is situated at a location within the Marina that is nearest to proposed construction activity during each phase of construction.

[5] Note that the City does not define construction noise thresholds for parks or similar outdoor recreation spaces; however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., single-family residential land uses) of 60 dBA was used.

See Appendix E for construction noise modeling results.

Table 3.10-22 Maximum Waterside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA L_{max})	Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
Demolition	50	At pier entrance	Shorebird Park[3]	150	85	60	**Yes**
			Nearest live-aboard boat[4]	670	72	65	**Yes**
Dredging	83	At pier entrance	Shorebird Park[3]	150	75	60	**Yes**
			Nearest live-aboard boat[4]	670	62	65	No
Pile Installation	49	Along pier	Shorebird Park[3]	150	85	60	**Yes**
			Nearest live-aboard boat[4]	670	72	65	**Yes**
Deck, Float, and Gangway Construction	120	At pier entrance	Shorebird Park[3]	150	80	60	**Yes**
			Nearest live-aboard boat[4]	670	67	65	**Yes**

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA L_{max})	Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
Amenities Installation	95	At pier entrance	Shorebird Park[3]	150	75	60	**Yes**
			Nearest live-aboard boat[4]	670	62	65	No

dBA = A-weighted decibels; L_{max} = maximum sound level

[1] All equipment in each waterside construction phase was conservatively assumed to operate near the pier entrance, as this represents the closest location where construction activity may occur relative to nearby sensitive receptors.

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime residential and commercial limits are 60 dBA and 70 dBA, respectively.

[3] Note that the City does not define construction noise thresholds for parks or similar outdoor recreation spaces; however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., single-family residential land uses) of 60 dBA was used.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. For evaluation of waterside construction noise impacts, this analysis conservatively assumes that the nearest live-aboard boat is situated at the southwestern corner of the Marina, as this represents the nearest location to proposed waterside construction activities.

See Appendix E for construction noise modeling results.

Table 3.10-23 Comparison of Maximum Waterside Construction Noise Levels at Nearby Sensitive Receptors by Phase With and Without Mitigation Measure NOI-1

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA L_{max})		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With MM NOI-1[1]		
Demolition	50	At pier entrance	Shorebird Park[3]	85	75	60	**Yes**
			Nearest live-aboard boat[4]	72	62	65	No
Dredging	83	At pier entrance	Shorebird Park[3]	75	55	60	No
			Nearest live-aboard boat[4]	62	42	65	No
Pile Installation	49	Along pier	Shorebird Park[3]	85	75	60	**Yes**
			Nearest live-aboard boat[4]	72	62	65	No
Deck, Float, and Gangway Construction	120	At pier entrance	Shorebird Park[3]	80	60	60	No
			Nearest live-aboard boat[4]	67	47	65	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA L_{max}) Unmitigated	With MM NOI-1[1]	Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
Amenities Installation	95	At pier entrance	Shorebird Park[3]	75	55	60	No
			Nearest live-aboard boat[4]	62	42	65	No

dBA = A-weighted decibels; MM = Mitigation Measure; L_{max} = maximum sound level

[1] Note that all noise levels presented at sensitive receptors in this column account for the noise reduction provided by Mitigation Measure NOI-1, which is estimated to provide 20 dBA of noise reduction for phases consisting of general construction activities (i.e., dredging, deck, float, and gangway construction, and amenities installation) and 10 dBA of noise reduction for phases consisting of pile driving activities (i.e., demolition and pile installation).

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime residential and commercial limits are 60 dBA and 70 dBA, respectively.

[3] Note that the City does not define construction noise thresholds for parks or similar outdoor recreation spaces; however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., single-family residential land uses) of 60 dBA was used.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. For evaluation of waterside construction noise impacts, this analysis conservatively assumes that the nearest live-aboard boat is situated at the southwestern corner of the Marina, as this represents the nearest location to proposed waterside construction activities.

See Appendix E for construction noise modeling results.

Response to Comment P64-10

As discussed in the Environmental Setting Section (page 3.10-5), the peak particle velocity (PPV) is a vibration metric used to describe the maximum peak of a vibration signal. All vibration levels presented in the construction vibration analysis are expressed in terms of PPV, therefore, already represent maximum vibration impacts. No revisions to the EIR are necessary.

Response to Comment P64-11

Mitigation Measure NOI-1 (discussed on pages 3.10-31 and 3.10-32 of the Draft EIR) to reduce construction noise impacts already includes such measures, which would also reduce construction vibration levels, including the following:

- With approval of the project structural engineer, landside pile holes shall be pre-drilled to minimize the number of impacts necessary to seat the pile, where feasible.
- Pile driving shall be scheduled to have the least impact on nearby live-aboards or houseboats.
- Applicable pile driving noise control devices shall be integrated to the extent feasible to conduct both landside and in-water pile driving. These may include, but are not limited to, shrouding the pile hammer point of impact, by placing resilient padding directly on top of the pile cap, and/or by reducing exhaust noise with a sound-absorbing muffler.
- Alternatives to impact hammers, such as oscillating or rotating pile installation systems, shall be used where possible for landside pile driving.

Due to the sufficient distance between areas where pile driving would be conducted and the nearest structures (200+ feet), adverse vibration impacts are not expected due to the fact that vibration levels rapidly attenuate with distance from the source (even assuming maximum equipment vibration levels). Vibration monitoring is not considered necessary in this case. The analysis and significance conclusion

presented under Impact NOI-1 in Section 3.10, Noise, of the Draft EIR remains valid as written. No revisions to the EIR are necessary.

Response to Comment P64-12

The City acknowledges the commenter's concern regarding coordination between ferry and bus services. However, CEQA requires an EIR to evaluate a project's potentially significant physical effects on the environment (CEQA Guidelines Sections 15126.2 and 15358). The comment concerns the operational reliability, scheduling, and convenience of transit connections, which are service-planning and operational considerations rather than physical environmental impacts. Accordingly, CEQA does not require the Draft EIR to model future bus-ferry wait times, transit scheduling adjustments, or the effects of routine traffic delays and schedule disruptions on individual transit users.

Nonetheless, the City recognizes the importance of providing effective multimodal connections to the proposed ferry service. As described in Draft EIR Chapter 2, *Project Description*, the proposed project includes improvements to AC Transit facilities serving the Waterfront, including an upgraded bus loading area, improved pedestrian connections between the bus stop and ferry terminal, enhanced bicycle and pedestrian infrastructure, and accommodations that would support future transit service enhancements (see Section 2.5.2, page 2-12 and Figures 2-7 through 2-10). The design of these facilities was developed in coordination with AC Transit and is intended to improve connections between existing bus service and the proposed ferry terminal.

Ferry and bus schedules would continue to be developed, adjusted, and coordinated by the respective agencies during implementation and operation of the project, and the City will continue coordination with AC Transit and other transportation providers as project design advances. While traffic incidents, delays, and other unforeseen events can affect transit operations, such conditions are inherent to transportation systems generally and are not environmental impacts caused by the proposed project.

The comment does not identify a physical environmental impact that was omitted from the Draft EIR. The Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment P64-13

The increased bus idling identified by the comment is associated with a feasibility study and is not part of the project as proposed. Bus frequency and timing is detailed in Draft EIR Section 2.5.2 on page 2-12 and shows that bus frequency would be two buses every hour at the waterfront between 7 a.m. and 9 p.m. The project as proposed provides updates to existing bus stops but does not identify or propose an increase or change in frequency of bus service or the extension of bus idling at this location. In addition, the bus fleet is currently 30 to 40 percent zero-emission buses with a plan in place to have a full zero-emission bus fleet by 2040 or sooner. Therefore, by the time the project starts operation in Year 2028, the number of zero-emission buses would be closer to 44 percent (assuming a straight-line progression and integration of zero emission buses between 2025 and 2040; this is a conservative assumption since AC transit is anticipating a full zero-emission bus fleet prior to 2040[58]. Therefore, as the project is not designed to increase bus on-road vehicle trips or extend the stop time for buses at this location, the Draft EIR air quality analysis as presented is accurate, and no changes to the Draft EIR are necessary in response to this comment.

Response to Comment P64-14

The City acknowledges the commenter's concerns regarding the long-term funding and operation of transit services. However, CEQA requires an EIR to evaluate a project's potentially significant physical effects on the environment in accordance with the impact significance thresholds presented in Appendix G of the CEQA Guidelines. The financial viability of third-party transit providers or future transit service funding decisions represent economic considerations outside of the scope of CEQA analysis (CEQA

[58] AC Transit 2026. *Zero Emission Program* https://www.actransit.org/zeb.

Guidelines Sections 15126.2 and 15358). Accordingly, the Draft EIR evaluates the environmental impacts of the proposed project and does not determine future funding decisions by AC Transit, WETA, or other transit operators. Such issues are not environmental impacts under CEQA unless they would result in a reasonably foreseeable physical environmental effect, and are appropriately not analyzed as such within the Draft EIR. For further discussion of CEQA's treatment of funding and economic considerations, please refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

As described in Chapter 2, *Project Description* (see Section 2.5.2, page 2-12 and Figures 2-7 through 2-10), the project includes improvements to transit facilities serving the Waterfront, including enhancements to AC Transit passenger facilities, improved pedestrian connections between transit stops and the ferry terminal, bicycle and pedestrian improvements, and design accommodations that would facilitate future transit service enhancements should they be implemented by the responsible agencies. These improvements were developed through coordination with AC Transit and are evaluated as part of the proposed project.

To the extent the comment references potential future shuttle service and increased bus service frequency, shuttle service is not part of the proposed project and as such is not evaluated within the impact analyses presented in the Draft EIR. As discussed in the City's Parkign and TDM Plan (page 29), shuttle service is identified only as a potential future transportation demand management (TDM) strategy that could be considered if warranted by future conditions, rather than a feature of the proposed project evaluated in the Draft EIR. Whether transit operators elect to implement increased service frequency, shuttle service, or other operational changes would be determined through separate planning, operational, and funding processes independent of the proposed project analyzed in the Draft EIR. However, the City continues to pursue strategies intended to reduce single-occupancy vehicle travel and support multimodal access to the Waterfront. These efforts are intended to support a range of transportation alternatives while maintaining flexibility as conditions evolve.

The comment does not identify a physical environmental impact that was omitted from the Draft EIR. The Draft EIR remains valid as written. No revisions are required.

Response to Comment P64-15

The City acknowledges the commenter's concern regarding the potential effect of future transit funding constraints on access to the proposed ferry terminal. However, as described in Response to Comment P64-14, CEQA requires an EIR to evaluate a project's potentially significant physical effects on the environment, rather than the future funding decisions, service levels, or operational priorities of third-party transit providers (CEQA Guidelines Sections 15126.2 and 15358).

Refer also to Responses to Comments P64-12 and P64-14 regarding transit service coordination and future service enhancements.

To the extent the comment requests that the Final EIR evaluate alternative access strategies should such future transit enhancements not occur, the Draft EIR does not assume shuttle service or increased AC Transit service frequency as components of the proposed project (see Response to Comment P64-14).

The comment does not identify a physical environmental impact that was omitted from the Draft EIR. The Draft EIR remains valid as written. No revisions are required.

Response to Comment P64-16

The comment is accurate as stated. The comment provides facts and a statement and does not ask a question or challenge the analysis. Therefore, no additional discussion is needed.

Response to Comment P64-17

According to the California Air Resources Board (CARB) and California Office of Land Use and Climate Innovation (LCI), a project under CEQA, is defined to include, "the whole of an action, which has a

potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment." (CEQA Guidelines, § 15378, subd. (a).[59]) Further the Guidelines state that construction emissions may include construction equipment onsite, trucks hauling materials to and from the site, and worker commute trips, all of which are included in the Draft EIR analysis (see methodology approach discussion on Draft EIR page 3.6-30 and specific thresholds of significance on Draft EIR page 3.6-33). The issue with lifecycle analysis in a project-level EIR is that emissions are then double counted and attributed to a project when it has already been attributed to the operational activities of the facility producing said material. Therefore, as the emissions sources used in the Draft EIR construction analysis are consistent with the sources recommended for use by CARB and LCI, the analysis is adequate as presented, and no further analysis is required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-18

As stated in Response to Comment 64-17, the emissions sources evaluated in the construction scenario are consistent with what is recommended by CARB and OPR. A lifecycle analysis is not required in a project-level EIR under CEQA, as it double counts emissions that are already attributed to other facilities. This would inappropriately overburden projects with reducing GHG emissions that a project has no direct influence over (such as the manufacturing process of materials). Further, the specific detailed type of material used during construction is typically decided by a construction contractor and needs of the individual project that do not typically occur until after a project has undergone CEQA approval, or a material type is a significant component of the project and, therefore, would be analyzed as part of follow-on analysis if could result in significantly greater environmental impacts during construction or operation. Given the nature of GHG emissions and following recommendations by CARB and LCI for GHG emissions sources to be analyzed during construction, the Draft EIR GHG analysis is adequate as identified and no additional analysis is required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-19

See Section 2.2.27, *Topical Response: VMT*, for a discussion of how the proposed project would result in a net reduction in regional VMT. The Draft EIR GHG emissions analysis for vehicle trips is based on the Technical Memorandum dated January 16, 2026, and provided as Draft EIR Appendix F. This analysis is by a qualified transportation engineer that substantiates the vehicle trip assumptions used in the analysis. Additionally, Draft EIR Section 3.12 *Transportation* documents the reduction in VMT that is used in the report as discussed in Response to Comment P36-116. The analysis is adequate as presented (see methodology approach discussion on Draft EIR page 3.6-32), and no additional analysis is required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-20

The comment is accurate as stated. The comment provides facts and a statement that the project GHG emissions and energy impacts would be less than significant and does not ask a question. Therefore, no additional discussion is needed. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-21

The discussion of accounting for the full 1,127 trips is detailed in Response to Comment O10-188. As discussed in the Kittleson report where the 1,127 trips is provided, shows that these trips do not include person trips that would change mode from BART or other non-personal vehicle transportation modes to the ferry. Therefore, the analysis is accurate as provided, and no additional analysis is required. No Draft EIR changes are necessary in response to this comment.

[59] OPR and CARB. 2023. *CEQA 202 Series Greenhouse Gas Emissions*. http://lci.ca.gov/wp-content/uploads/20230517-CEQA_202_GHGAnalysis_Slides.pdf, accessed June 18, 2026.

Response to Comment P64-22

The City of Berkeley VMT Guidelines generally do not consider trips associated with public parks to be a substantial contributor to VMT because such facilities primarily serve local residents and typically generate relatively short trips.[60] The underlying assumption is that the demand for parks already exists, but the residents are either going to parks elsewhere or the available park at the Waterfront. Expansion of public park facility at the waterfront, which already has parks will provide better service to the existing users. Therefore, the development will not result in VMT impacts. In contrast, the project would provide a ferry alternative for transbay commuters, many of whom would otherwise travel by personal vehicle. By shifting a portion of these longer-distance trips from automobiles to ferry service, the project would reduce vehicle travel and result in an overall reduction in VMT.

Response to Comment P64-23

The analysis is based on currently known and anticipated occurrences at the time the analysis was completed. Based on AVA's own information, they are on track to meet the 2030 100 percent renewable goal and therefore the analysis is adequate as presented. Additionally, CEQA requires the analysis of a project under current or known future conditions and does not require analysis of speculative occurrences. It would be speculative to try to predict future enrollment changes or shifts in regulatory programs over a thirty-year operational period. Therefore, the analysis is not required to provide additional analysis to account for potential speculative conditions. Therefore, the analysis is accurate as presented, and no additional analysis is required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-24

Refer to Section 2.2.27, *Topical Response: VMT*, for a detailed discussion of the mode split assumptions used in the Draft EIR, transit-to-transit mode shifts, and the data used to substantiate these topics. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P64-25

As detailed in Response to Comment O10-188, the analysis is based on a transportation analysis by Kittleson & Associates, Inc. The GHG analysis is consistent with the traffic study and therefore is consistent with the requirements under CEQA to adequately analyze a project's GHG emissions. The analysis identifies emissions reductions from the anticipated 1,127 vehicle trips that would be replaced with ferry trips and accounts for the net difference in VMT traveled. Therefore, the analysis is accurate as presented, and no additional analysis is required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-26

Refer to Response to Comment P64-22 and Section 2.2.27, *Topical Response: VMT*. As stated in page 3.12-21 of the Draft EIR, this project would contribute to a net reduction in vehicle based VMT. Because the project would reduce regional VMT, the project would result in no net increase in VMT impact and would in fact provide a regional benefit by reducing VMT. Few new trips are anticipated as the majority of trips would be displaced vehicle and other trips between Berkeley and San Francisco.

The comment does not identify a physical environmental impact that was omitted from the Draft EIR. The Draft EIR remains valid as written. No revisions are required.

[60] City of Berkeley. 2020. *Vehicle Miles Traveled (VMT) Criteria and Thresholds.* June 29, 2020. Available: https://berkeleyca.gov/sites/default/files/2022-02/VMT-Criteria-and-Thresholds.pdf (accessed July 10, 2026).

Response to Comment P64-27

As detailed under Response to Comment P64-23, the analysis is based on currently known and anticipated occurrences at the time the analysis was completed. Based on AVA's own information, they are on track to meet the 2030 100 percent renewable goal and, therefore, the analysis is adequate as presented. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-28

A discussion on why a comparative GHG efficiency analysis is not required is detailed in Response to Comment P47-19. As discussed in the Draft EIR analysis, GHG emissions and energy consumption impacts are analyzed with respect to CEQA and Bay Area Air District methodologies and thresholds (see methodology approach discussion on Draft EIR page 3.6-30). Therefore, additional analysis is not required. No Draft EIR changes are necessary in response to this comment.

Response to Comment P64-29

Refer to Response to Comments P64-1 through P64-28 for responses to individual comments. Prior to the City Council making a decision related to EIR certification and project approval, the Final EIR will be published, which will include response to all comments received during the Draft EIR public review period, as well as any changes made to the Draft EIR. The public will be afforded the opportunity to review responses to comments and changes to the EIR prior to the City Council making a decision.

Letter P65

-----Original Message-----
From: Divya Manian <divya.manian@gmail.com>
Sent: Friday, April 24, 2026 8:27 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Why do we need a Berkley-SF Ferry?

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Liza

I really do not understand why we need yet another ferry service that is under-used to get to San Francisco. I speak as a home and car owner who lives in San Francisco and visits Berkley at least once a week. There is a decent BART station that is close enough to Berkley that gets to San Francisco pretty quickly. There are TWO OTHER ferry stops in East Bay Alameda & Jack London Square both of which go to Embarcadero and South San Francisco. What would this new service offer? P65-1

To think the city of Berkley is thinking of spending 170 MILLION dollars on this sounds UTTERLY wild. There were ~800 unhoused people in Berkley in 2024, can you imagine what 170 million dollars would mean in terms of building housing for these 800 people? It would be such a better use of the money. I know money is not interchange-able once allocated but it might even be put to work on offering some free shuttle services to the BART station for Berkley users instead of a Ferry! P65-2

I am also a birder and I cannot imagine displacing the only non-human spot that these birds have with even more frequent ferries between here and SF. I would highly recommend finding profitability for existing ferry services instead of offering yet another ferry service that nobody is going to use (I can guarantee the car owners are NEVER going to use it). P65-3

Letter P65

Commenter: Divya Manian

Date: April 24, 2026

Response to Comment P65-1

The need for the project is identified in the Project Objectives, which are included in page 2-4 of the Draft EIR. The Project Objectives identify that ferry service would help improve regional connectivity and resiliency with enhanced public transportation choices for East Bay residents, including for accessing jobs in San Francisco and other locations along the Bay for commerce and recreational purposes, and to address existing deficiencies in the Transbay transportation network; reduce the use of single-occupancy vehicles for Transbay trips, thereby reducing greenhouse gas and air quality emissions and decreasing congestion on the regional roadway system, consistent with regional and Statewide goals; and provide options for emergency response and transportation services in case of an emergency, such as a natural or human-caused event that disables roads, other transit, bridges, and/or tunnels.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P65-2

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. Nevertheless the comment has been included in the project record considered by City decision makers. No further response or revisions to the EIR are required.

Response to Comment P65-3

Wildlife species temporarily displaced by the project have the wider San Francisco Bay to occupy. The Draft EIR analysis presented under Impact BIO-1 in Section 3.3.4, Impacts Analysis, starting on page 3.3-44, concludes less than significant impacts to wildlife species with implementation of mitigation (Mitigation Measures BIO-1, HYD-1, and AES-1) and remains valid. No changes to the Draft EIR are necessary in response to this comment.

Letter P66

From: Paul Kamen <pk@well.com>
Sent: Saturday, April 25, 2026 12:16 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comment on the WETA ferry DEIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please see the attached article. It's an editorial I wrote for the July 2023 issue of the regional sailing magazine *Latitude 38*. I'd like to enter it into the record of comments on the "Pier-Ferry" project Draft EIR. P66-1

--
Paul Kamen, Naval Architect, P.E.
Surface Propulsion Analysis
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510-540-7968 510-219-8106 (cell)

This parody article first appeared in the July 2023 issue of the regional sailing magazine Latitude 38. It is copied here with permission. All persons and events described herein are fictional. But the analysis is real .

max ebb **to the guillotine**

"The trouble with democracy is that there are never enough weekday evenings."

I'm not sure who first said that, but it rings true. My local Harbor Commission, Planning Commission, Transportation Commission, and City Council all expect citizens to exercise their right to participate in City government at evening sessions that fill up the calendar and usually run late.

Despite this state of affairs, there was a surprisingly good turn-out at the last Harbor Commission meeting. After I filled out a speaker's card and turned around to find a seat, I was surprised to see Lee Helm in the front row.

"Like, what brings you here?" she asked as I took the empty seat next to her. It seems that even when a meeting room is crowded, people tend to avoid that front row. But I like it, and so does Lee.

"Rate hikes in the marina," I said. "Someone needs to tell these people that if they're going to raise our fees, the least they can do is fix the broken docks. But Lee, you don't even have a boat, why are you here?"

"This is way more important than a few more pesos on your monthly marina bill," she answered. "It like, threatens the waterfront as we know it. We have a whole coalition mobilized to oppose this train wreck."

P66-2

"What train wreck?" I asked. "And why don't I know about it?"

"The ferry terminal," she sighed. "Don't you read the comments in the local online paper?"

Before Lee had a chance to explain what was so terrible about a new ferry terminal, the meeting came to order and small talk was cut off. After some formalities, the first speaker, Armanda Legg, was called to the lectern.

"The Ferry Authority says this is about equity," the young man began his commentary. "They say that it will open up the downtown job market to people in the non-wealthy neighborhoods near the harbor. That's pure fantasy. By the Ferry Authority's own data, 90% of their passengers earn above median income, and 40% are above two hundred K."

"I could have told them that," I whispered to Lee. "It's not the same crowd that rides the bus."

"Look at the per-ride subsidy level." Armanda continued. "The operating subsidy alone is 33 dollars per ride. That's per one-way ride. Every time some tech bro commutes to the City and back, it's like they get a check for 66 bucks. And that's just operating subsidy – crank in the capitalization of a 120 million dollar terminal, two fast diesel ferries at 30 million apiece, and about 15 million the City is expected to pay for shoreside improvements. Depending on the interest rate you choose, the total subsidy could top a Franklin each day. It's nuts. It's as far from equity as public policy could ever be. Especially when transit ridership all over the state is in trouble."

"But we need to reduce congestion on the bridges," one of the Commissioners interrupted, making a gesture with her hands that seemed to say "what else can we do?"

"Do what they did in New York," replied the speaker. "They changed one lane of the Holland Tunnel to Busses and carpool only, and peak throughput increased by 20,000 commuters per hour on that one lane. Think how many ferries it would take to do that! Want equity? Spend the money where it's needed and where it does some good, on buses and rail. Want poor folk to have a way to get out on the water? Fix the fishing pier. Don't choke off access to the pier and the low-cost boating clubs with a parking crunch. That will ruin water access for everyone who's not a ferry passenger. Thank you."

"We built a six million dollar bike overpass," remarked one of the Commissioners before the next speaker reached the microphone. "And there's excellent bus service to the Marina."

Lee was called up next.

This is, like, all about carbon," Lee began. "A typical modern fast ferry, the ones run by our Ferry Authority, uses fuel at a rate of about 2300 BTU per passenger-mile. For liquid petroleum fuels, carbon footprint is about proportional to fuel consumed, 2300 BTU per passenger mile," Lee repeated, then introduced herself to the Commission as a naval architect who loves ships, loves ferries, and can do this kind of math.

"Pop quiz," she challenged the Commissioners. "What do you think is the fossil fuel energy per mile for a transbay commuter bus? Anyone?"

The Commissioners were not used to having quizzes sprung on them during public comment sessions, but eventually one of them tried to answer.

"Probably less than half what the ferry burns," he conjectured thoughtfully. "If the ferry is at 2300, I'll say a thousand BTUs per passenger-mile for the bus."

"Too high," said Lee.

"Five hundred?" suggested another public servant. "That's closer to a fifth what a ferry uses." P66-2

"Still too high," Lee said. "The number is just 130 BTU per passenger-mile. And like, the new ferries on order, with two already delivered, have twin 2557 horsepower diesels and carry 320 passengers at 36 knots. Works out to 2719 BTU per passenger-mile. That's, like, 21 times the carbon footprint, per passenger, compared to the bus. Then there's rail transit at 68. Per passenger-mile, the ferry emits 38 times as much CO2 as a commuter train."

The numbers seemed exaggerated, but I was pretty sure Lee could back them up.

"How long do you think we'll be running these carbon-spewing beasts?" Lee continued. "A ferry has a useful life of like, 30-40 years. Can you think not-so-far into the future?" she asked the Commission. "Do you think in just 12 years when half of all cars sold in the state are supposed to be electric, or in 27 years when the state is supposed to be carbon-neutral, do you think those diesel boats will be anything but an embarrassment?"

"Now wait a minute," said the interrupting Commissioner. "The new boats have 'Tier 4' emission controls, the highest standard. And the Ferry Authority has promised electric boats on this route, not diesels."

"But all their projections for like, cost, performance, speed, and ridership are based on the diesel ferries. They refuse to do the math for electric, because they know it would require scaling things back a lot and in the short run cost more. Electric is not consistent with the big shiny new terminal and 300 passengers every half hour; It's what I call the 'Edifice Complex' that's driving this project. For sure, Tier 4 removes most of the particulates, but does nada about CO2. Our City is about to prove to the world that it can't follow it's own stated climate priorities."

Lee was not done with them, but she was almost out of time.

"And now, like, the worst part of this: There's this parking problem. They project 2,000 passengers a day, but only have 250 designated spaces for ferry passengers."

She was cut short by the bell that indicated her comment time was up, and as with other speakers who seemed to take an adversarial position, a Commissioner had to get in the last word: "People will just have to take the bus," he said.

Lee did not seem pleased when she returned to her seat. "I never got to the good stuff, about CEQA rules being bypassed and no viable alternatives considered, no feasibility study presented, no unified planning process. Or the a plan for the parking thing, which is, like the real reason we're here."

Next up was an older man named Cesar Kalm, who said he fishes from the shoreline. He brought props: Fishing rods, a tackle box, and an ice chest full of ice and a fresh-caught halibut, which he held up to show the Commission. "I often fish right where they want to put the ferry terminal," Cesar explained. "I need all this gear – it's important to keep fish cold after it's caught. I also need to park nearby. Tell me, where am I supposed to park when nine hundred ferry passengers are fighting for 250 spaces?"

A woman from the back of the public seating area cut in: "That's an old number," she shouted. "Now they say it's going to be two thousand passengers per day, but the City, for reasons we can guess, uses less than five hundred passengers in their parking analysis…"

"Please, no interruptions," scolded the Commission Chair.

The fisherman continued: "There's talk of time limits on all the other parking areas, to keep the ferry passengers out. Doesn't work for me, I fish all day. Doesn't work for people who go out on the charter fish boats, doesn't work for when I get an invite on a private fishing boat for the day. People need to park to use the park."

P66-2

"There's always the bus," one of the Commissioners repeated.

I was called up next, but by this time I had completely forgotten my complaint about berth fees. Instead I pointed out that the yacht club has all-day events that require all-day parking. And that while the club makes some money with commercial rentals, there are deep discounts for non-profits and charitable organizations that meet at the club on a regular basis. Even City departments get to use the club at rock-bottom prices for daytime events, and virtually everyone attending these events has to find a parking space.

"That big retirement party you had last week, during business hours? I suppose you could have chartered a bus to go from City Hall and all the other City offices to the marina… but that would have tripled your cost. "

If Lee had to leave out parking, the next speaker more than made up for it. Roxanne Scholes was called up next.

"I hate cars too," she began, "but this is the most popular park in the City, and it's not a park in a neighborhood that people can easily walk to. There are parents with small children who come here for picnics, there are people with big dogs who come for the dog park, there are kayakers, windsurfers and kiteboarders with their equipment, there are guests and crew on private boats. They want to manage it with restricted parking areas, time limits and time-of-day-restrictions. Okay, maybe the boat owners will get parking passes, maybe guest passes too. Think of the black market in parking passes, or other ways to game these rules. If I had a fancy job in the City and needed to avoid the traffic jam on the bridge, I'd just put a small boat in the harbor and use my boat owner parking pass.

Problem solved for about ten dollars a day. Maybe the whole thing is just a scheme to fill up those vacant small boat slips."

"I have to repeat again," said the Commissioner who likes to interrupt, after the "time's up" bell rang. "there's a bike overpass and pretty good bus service."

"You and Marie Antoinette," said the speaker. "Remember Marie Antoinette? When told that the peasants had no bread, she said "let them eat cake." Now those of us who can't bring our fishing gear on a bike, or are a little too old to pedal back up the hill, or have a big dog to run in the off-leash dog park, or have medical issues, or who don't happen live along the marina bus route and might have to take two busses when the schedule is infrequent and it would take an hour or more each way, now you're telling us to just 'take the bus' or bike. It's just as clueless and as detached from reality as old Marie A. telling the peasants to eat cake when they have no bread. Anyone remember what eventually happened to her?"

"The French revolutionaries sent her to the guillotine," volunteered one of the Commissioners.

"Correct," confirmed Roxanne. "Please everyone, tell the Councilmembers who appointed you that this thing needs to be scaled back. Back up and start a valid planning process, not hijacked by the Ferry Authority. Don't let our City Council put their heads on the block next to Marie Antoinette's. It's not a good look."

max ebb

P66-2



This all-electric fast ferry is in service in Norway, carrying 147 passengers at 23 knots. Electric ferry projects, designed for routes similar to the new proposed transbay routes, are springing up all over the world. Yet our local ferry authority still insists on ordering new diesel boats that will be spewing high levels of CO2 for decades.

Letter P66

Commenter: Paul Kamen

Date: April 25, 2026

Response to Comment P66-1

This request pertains to submission of materials for the administrative record and does not raise issues regarding the adequacy of the analysis, significance conclusions, or mitigation measures presented in the Draft EIR. The submitted material has been received and included in the record. No further response is required.

Response to Comment P66-2

This comment does not pertain to the proposed project or to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P67

-----Original Message-----
From: Leslie Aguilar <laa@sonic.net>
Sent: Saturday, April 25, 2026 2:22 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Leslie Aguilar <laa@sonic.net>
Subject: Berkeley Waterfront Ferry Terminal

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

I'm very concerned about the new proposed ferry plan. There seems to be no adequate parking or planning for this project. I'm against the ferry unless there is much better planning and an adequate amount of parking. P67-1 P67-2

Sincerely,
Leslie Aguilar

Letter P67

Commenter: Leslie Aguilar

Date: April 25, 2026

Response to Comment P67-1

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA. As discussed therein, the Draft EIR evaluates whether project-related parking conditions could result in secondary physical environmental impacts and concludes that no significant parking-related environmental impacts would occur. The Draft EIR provides sufficient detail regarding the proposed project, including parking facilities, access improvements, and associated planning efforts, to support the environmental analyses and conclusions presented therein.

The comment does not identify a specific deficiency in the Draft EIR analysis. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P67-2

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about how the City appropriately discusses parking in the Draft EIR, according to CEQA. This comment does not directly pertain to proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, the comment has been included in the project record considered by City decision makers. No further response is required.

Letter P68

-----Original Message-----
From: Paul Kamen <pk@well.com>
Sent: Sunday, April 26, 2026 12:16 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comment on the WETA Pier-Ferry Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Ever since my first year on the Berkeley Waterfront Commission, in 1999, I have been pointing out to the Commission and to Marina Staff that in-car viewing of the Bay from the west-facing parking spaces along Seawall Drive is a perfectly legitimate form of waterfront recreation. P68-1

It's usually cold and windy at our shoreline, and watching the Bay from inside the protection of a vehicle makes sense for people with limited options. P68-2

My unscientific impression was that people who park to watch the Bay from their cars are, in general, from a lower-income demographic than other identifiable user groups. Not exclusively of course, but the demographic mix is noticeably more low-income and non-white. These are not people who routinely eat at waterfront restaurants with dining room views. They do not belong to a yacht club. They do not have boats in the marina. This demographic bias has been recently confirmed more rigorously by the Placer.ai report found in the comments on the Draft EIR compiled by other commenters. P68-3

This comment addresses the parking reconfiguration plan that eliminates nearly all of these west-facing parking spaces. This plan smacks of elitism and blatant disregard for this lower-income non-white demographic. Unfortunately it seems to be a characteristic of other elements of the Pier-Ferry project: P68-4

See the City's stated intention to apply parking fees only to the South Cove West parking lot, which serves Shorebird Park, the Shorebird Nature Center, and low-cost water access.
Also see the proposed Waterfront Benefits District, "to collect fees from waterfront visitors to support marina and ferry infrastructure." P68-5

This is "reverse Robin Hood" at its worst: Charge fees paid by the lower-income marina visitors to help subsidize the ferry, which, by WETA's own estimate, serves passengers of which 90% are above median income.

PLEASE DO NOT REDUCE SHORELINE PARKING FOR IN-CAR VIEWING OF THE BAY. P68-6

Paul Kamen, Naval Architect, P.E.
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510-540-7968 510-219-8106 (cell)

Letter P68

Commenter: Paul Kamen

Date: April 26, 2026

Response to Comment P68-1 and P68-2

For discussion of Seawall Drive in-car viewing access, refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*.

With respect to parking, refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA. The Draft EIR concludes that the project would maintain a comparable supply of parking and access to waterfront viewing opportunities.

Accordingly, the Draft EIR appropriately considers passive recreational uses, including scenic viewing, and demonstrates that such opportunities would continue to be available. The analyses and significance conclusions presented in Sections 3.11, *Recreation*, 3.1, *Aesthetics*, and 3.9, *Land Use and Planning*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P68-3

CEQA requires analysis of physical environmental impacts and does not require evaluation of demographic characteristics of users or distributional social effects, unless such effects would result in a physical environmental change. Accordingly, the Draft EIR does not rely on demographic characterization of user groups in its impact analysis. As described in Chapter 2, *Project Description* (refer to Section 2.5.2), and Section 3.11, *Recreation* (refer to Impact REC-1), the project would expand public access and introduce new recreational amenities, including a restored pier, public plaza, and improved shoreline access. These features are expected to benefit a diverse user base. Although socioeconomic considerations such as environmental justice are not a resource requiring evaluation under CEQA, the City continues to consider such issues through its broader planning and policy efforts, including the Environmental Justice Technical Report prepared for the project.

The Draft EIR and supporting Environmental Justice Technical Report rely on established data sources for demographic analysis, including CalEnviroScreen and U.S. Census data, which are widely used at the local, regional, and state levels. These sources provide consistent and replicable methodologies appropriate for public agency decision-making and are commonly relied upon in environmental review documents to ensure comparability across jurisdictions and projects. While the City may consider third-party proprietary tools such as Placer.ai for certain planning purposes, such tools are not typically used as primary data sources in CEQA documents due to limitations related to methodological transparency, replicability, and representativeness at broader geographic scales. Given that the proposed project serves a regional transportation function, including connectivity beyond the City of Berkeley, the use of standardized, regionally comparable datasets such as CalEnviroScreen and U.S. Census data is appropriate and ensures consistency with established CEQA practice.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are necessary.

Response to Comment P68-4

The comment appears to reference the parking spaces off Seawall Drive. Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, which identifies that while parking would be reconfigured, parking spaces that allow for views of the Bay would remain, and that there would also be an expansion of access to views for diverse user groups.

Regarding the comment about parking fees on the South Cove West Parking Lot, the implementation of fees at the South Cove West Parking Lot is not a part of this proposed project. Insofar that the comment

is concerned about parking in general, including equity considerations related to parking, refer to Section 2.2.20, *Topical Response: Parking.*

As described in Response to Comment P68-3, CEQA does not require analysis of social or demographic equity impacts unless such impacts would cause physical environmental changes. Although the comment's concerns regarding perceived inequity and allocation of parking resources are policy considerations that fall outside the scope of CEQA, the City's Environmental Justice Technical Report and ongoing development of a General Plan Environmental Justice Element address broader equity concerns at a project- and policy-level. Furthermore, as described in Chapter 2, *Project Description* (refer to Section 2.5.2), Section 3.11, *Recreation* (refer to Impact REC-1), and Section 3.12, *Transportation* (refer to Section 3.12.4), the project includes substantial public access and recreational improvements and would enhance overall access to the waterfront for all user groups.

The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written, and no revisions are necessary.

Response to Comment P68-5

The Waterfront Benefits District referenced by the comment is referenced as a future possible Transportation Demand Management (TDM) Measure in the Parking and TDM Plan. If implemented in the future, it would be a distinct City policy initiative that is not a component of the proposed Berkeley Water Transportation Pier Ferry Project evaluated in the Draft EIR. The proposed project consists of the physical improvements described in Chapter 2, Project Description. The Waterfront Benefits District is not proposed as part of this project, is not analyzed as a project component in the Draft EIR, and is not a condition of project approval. Whether and how to implement a Waterfront Benefits District in the future is a separate policy decision for the City Council through a separate public process. Comments regarding the Waterfront Benefits District are beyond the scope of this EIR.

To the extent the comment raises concerns about the distribution of costs and benefits among waterfront users of different income levels, these are policy considerations that the City Council will weigh in its deliberations on the project. However, the distribution of costs and benefits among different user groups does not constitute a physical environmental impact under CEQA. CEQA Guidelines Section 15131 provides that economic and social effects of a project shall not be treated as significant effects on the environment. The Draft EIR at Section 3.11, Recreation, analyzes whether the project would have physical impacts on recreational uses and access, and concludes that the project enhances rather than diminishes recreational opportunities at the Berkeley Waterfront. The equity implications of fee structures for marina and ferry infrastructure are policy matters appropriately addressed through the City's public deliberative process, not through the CEQA environmental review of the physical project. No revision to the Draft EIR is warranted on this basis.

Response to Comment P68-6

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, Section 2.2.20, *Topical Response: Parking*, and Response to Comments P68-1 and P68-2.

Accordingly, the Draft EIR appropriately considers passive recreational uses, including scenic viewing, and demonstrates that such opportunities would continue to be available. The analyses and significance conclusions presented in Sections 3.11, *Recreation*, 3.1, *Aesthetics*, and 3.9, *Land Use and Planning*, remain valid as written. No revisions to the Draft EIR are required.

Letter P69

-----Original Message-----
From: Kat Schaaf <katte.schaaf@gmail.com>
Sent: Sunday, April 26, 2026 7:33 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Pier and Ferry proposal

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the city council and decision makers … As a constituent/ resident and voter I am Alarmed that your committee is going to undertake this major project … first the parking is at issue … second, who can afford the time to drive out and catch a big ferry..there really aren't that many folks … We had the Tideline commuter ferry and Mayor Arreguin was the person who cut the ribbon way back in '16… but then City of Berkeley left the owner of Tideline Twisting in the wind unto bankruptcy when Covid happened … what a disappointment that the City didn't follow through as the other Bay communities did on behalf of their ferryboats… P69-1 P69-2

Even the Tideline's 'Osprey' and 'Heron' Seldom reached full capacity on the commute to the Ferry Building in San Francisco … P69-3

Why oh Why ?

As a swimmer I can see that the dredges would churn the under water tailings from the century of gold mining in the Sacramento and American Rivers …and so I have no confidence that the Bay water will be safe … P69-4

Thank you for taking the time to reconsider …

Kat Schaaf

Sent from my iPhone

Letter P69

Commenter: Kat Schaaf

Date: April 26, 2026

Response to Comment P69-1

The comment expresses the commenter's opinion regarding the proposed project but does not identify a specific deficiency in the Draft EIR analysis, significance conclusions, or mitigation measures. To the extent the comment raises concerns related to parking, refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

This comment has been included in the project record considered by City decision makers.

Response to Comment P69-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P69-3

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P69-4

The Draft EIR considers potential impacts associated with potential hazardous materials in dredged materials. Refer to Impact HAZ-1 in Section 3.7 *Hazards and Hazardous Materials* (page 3.7-27) of the Draft EIR, which includes a summary of the results of sediment sampling conducted in the area where dredging would occur. Page 3.7-27 of the Draft EIR identifies that concentrations of various parameters do not exceed California or Federal hazardous waste criteria. The analysis and significance conclusion presented under Impact HAZ-1 in Section 3.7 *Hazards and Hazardous Materials* of the Draft EIR remains valid as written.

In addition, potential water quality effects associated with dredging, including temporary increases in turbidity and sediment disturbance, are evaluated in Impact HYD-1 of Section 3.8, *Hydrology and Water Quality* (pages 3.8-27 through 3.8-35). As discussed therein, dredging activities would be subject to permitting requirements, best management practices, and regulatory oversight by agencies including the Regional Water Quality Control Board and U.S. Army Corps of Engineers. With implementation of applicable regulatory requirements and project design features, the Draft EIR concludes that construction-related water quality impacts associated with dredging would be less than significant. The analysis and significance conclusion presented under Impact HYD-1 in Section 3.8, *Hydrology and Water Quality* of the Draft EIR remains valid as written.

No further revisions to the EIR are necessary.

Letter P70

-----Original Message-----
From: may@lmi.net <may@lmi.net>
Sent: Sunday, April 26, 2026 10:48 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: ferry terminal

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Suggestion,

Increase 51B bus service to the Marina.
Promote it to the Public.

P70-1

Letter P70

Commenter: May

Date: April 26, 2026

Response to Comment P70-1

The City recognizes the importance of AC Transit 51B service. The proposed project includes improvements to bus facilities that would serve AC Transit route 51B, including improving facilities to allow for future expansion (see Chapter 2, *Project Description* page 2-12).

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Letter P71

From: Charley Paff <charleypaff@gmail.com>
Sent: Monday, April 27, 2026 12:50 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: All Council <council@berkeleyca.gov>; Berkeley Mayor's Office <Mayor@berkeleyca.gov>; PRW <PRW@berkeleyca.gov>; marinainbox <marinainbox@berkeleyca.gov>; O'Keefe, Shoshana <SOKeefe@berkeleyca.gov>; Blackaby, Brent <BBlackaby@berkeleyca.gov>; Miller, Roger <RMiller@berkeleyca.gov>
Subject: Comments on Berkeley Pier/Ferry project and 3/7/2025 Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To: Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov
Re Pier/Ferry Draft EIR

Dear Project Manager McNulty, Parks Director Scott Ferris, Parks, R&W Dept employees of City of Berkeley, Mayor, City Council members, Waterfront Commission Secty,

My comments on the March 7, 2025 Draft EIR for the present Pier/Ferry proposal are based upon my 57 years as a resident of Berkeley, my dedication to my family, compassion for our diverse local community, and influenced by my avid interest in and deference to wildlife and habitat, especially birds potentially impacted by the proposed project. I frequently visit the Bay shoreline from the Eastshore State Park in Berkeley north to Point Molate and south to Hayward by car, walking to experience and respectfully share these precious natural resources with all inhabitants of this unique environment. P71-1

I have only recently become aware that a pier/ferry proposal has moved this far to a a Draft EIR. The Parks&Waterfront division needs to do a better job of outreach to get more Community Engagement. Somehow, I am no longer receiving email notifications about waterfront activities and changes and I would like to be included in the future. P71-2

Why is a ferry being proposed? The need for a Berkeley to San Francisco ferry is based upon outdated assumptions. Workday commuters driving to SF downtown from the East Bay has reduced with the prevalence of Work From Home routines post-pandemic. BART was nearing capacity before the 2020 pandemic, but ridership has declined for Mon-Fri commuters, also from the trend to Work From Home employment. An emergency ferry route seemed urgent only briefly in the wake of the damage to the Bay Bridge 1987 Loma Prieta earthquake. That bridge was repaired and functional in 30 days and that cantilever section of the bridge has been replaced with a modern, seismically stable structure. P71-3

The environmental impacts on wildlife by the proposed Ferry Terminal location, support structures, required initial and future dredging are understated in the Draft EIR. The document dismisses the option of locating the Ferry Terminal and infrastructure within the available Marina area which would take advantage of the existing waterway and dredging routines, greatly reducing environmental impacts. P71-4 P71-5

In addition to meeting the Minimum requirements of Federal, State and local regulations, the proposed project must be designed to minimize rafting waterfowl and other wildlife disruption and habitat loss. Berkeley can and should demand a design that meets the recreation interests and needs of our community and region while protecting and enhancing wildlife. The SF Bay has suffered from development for 150 years, and we, the forward looking citizens and Berkeley Parks&Waterfront should not perpetuate this over urbanization. P71-6 P71-7

The Draft EIR does not acknowledge many current activities at the closed Berkeley Pier site and environs. The present conditions provide many view-oriented parking spaces on Seawall Drive for car based bay viewing. This project proposal deletes this recreation opportunity by the proposed parking layout and loss of Free access changes. (In contrast, for an example of successful integration of view parking and a bay shoreline pedestrian path, see the Emeryville bayfront west of their Marina Park.) P71-8

Through-travel via bicycles, e-bikes, e-scooters is overly emphasized in the proposed project, at the expense of mature trees and the wildlife they host. Pedestrians of limited mobility and disabled access should be prioritized and new shoreline walking paths should not be co-located with wheeled and powered-vehicle trails. Richmond shoreline Bay Trail (between Albany and Richmond Marina) is an example where pedestrians and elders do not feel safe while bicycle riders and e-vehicles race past at much higher speed. In Berkeley, the existing Bay Trail along Frontage Road is working fine for cyclists. The current roadways and paths of University Ave west of I-80 already provide sufficient access for cyclists and e-vehicles. P71-9 P71-10 P71-11

I am disappointed in this proposed project for many reasons, and the Draft EIR fails to address, protect or enhance many existing low-impact recreational uses, in favor of a commuter ferry that is likely not needed and will congest the waterfront park with empty cars for fees. This project should be limited to a lower impact re-building of the Berkeley Pier in some form, but must not include a Ferry attached to the pier. A commuter ferry is not primarily a 'recreational' enhancement as the DEIR contends. The proposed Ferry Terminal will instead demand parking and will exacerbate traffic for the benefit of non-recreational users of the Berkeley waterfront. No ferry should be permanently hosted at the Berkeley waterfront. If an Emergency Ferry is truly needed, it can be serviced on a much smaller dock within the existing Marina, possibly adjacent to the existing public boat launch and only in service when required. P71-12 P71-13 P71-14

I am in favor of Berkeley pursuing a more limited project to restore the amenities of the pier, but a more accurate and comprehensive EIR must be prepared. P71-15

Thank you for this opportunity to comment, and please keep me on the mailing list for this and other Berkeley Marina area development plans and activities. P71-16

Charley Paffenbarger
Resident of the City of Berkeley
Employee and Alum of UC Berkeley

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Charley Paff
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Letter P71

Commenter: Charlie Paff

Date: April 27, 2026

Response to Comment P71-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P71-2

The City has added the commenter's contact information to the project notification list and would provide future notices via email in accordance with CEQA and City procedures. No further response is required.

Response to Comment P71-3

Refer to Section 2.3, Project Objectives, of the Draft EIR for a discussion about the objectives of the project. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P71-4

The comment does not specify how it believes impacts are understated. The Draft EIR analysis and significance conclusion of less than significant impacts to wildlife species with implementation of mitigation (Mitigation Measures BIO-1, HYD-1, and AES-1) presented under Impact BIO-1 in Section 3.3.4, Impacts Analysis, starting on page 3.3-44 remains valid. In addition, see Section 2.2.25, *Topical Response: Siltation/Wave Climate,* for discussion of maintenance dredging. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P71-5

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The comment's preference regarding the location of the ferry terminal is a policy matter for decision-makers to consider. This comment has been included in the project record considered by City decision makers. The comment does not identify a deficiency in the Draft EIR's alternatives analysis, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P71-6

The project-related increase in ferry trips would be incremental relative to existing vessel operational levels in San Francisco Bay. Stating that a direct population-level impact would occur from this project alone is speculative without site-specific evidence linking the project's incremental disturbance to measurable declines in body condition, migration success, or reproductive output. The Draft EIR addresses impacts to wildlife movement in Section 3.3.4 under Impact BIO-4, page 3.3-63, and concludes that impacts would be less than significant. See Response to Comment O7-17 for a discussion of ferry operation impacts to waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P71-7

The comment's statements reflect general policy preferences regarding project design, recreational priorities, and regional environmental stewardship. These comments have been included in the project record considered by City decision makers.

The Draft EIR evaluates the proposed project consistent with CEQA, which requires analysis of physical environmental impacts. As described in Section 3.11, *Recreation*, the Draft EIR concludes that the project would maintain and enhance recreational opportunities and access (see Impact REC-1, pages 3.11-14 through 3.11-24). In addition, Section 3.9, *Land Use and Planning* (Impact LU-2 and Table 3.9-1), evaluates consistency with applicable policies, including BCDC Bay Plan policies related to public access and protection of Bay resources, including both natural and recreational resources, and concludes that the project would be consistent with those policies.

The proposed project has also been designed to meet the recreational needs and priorities of the community, as informed by extensive public outreach conducted during project development (see Chapter 1, *Introduction*, Section 1.2.2). Input from stakeholders helped shape project features to maintain access and enhance recreational opportunities while supporting transportation improvements. The design of the ferry terminal, breakwater, and associated infrastructure has been informed by standard engineering practices and safety considerations to ensure safe integration of transportation and recreational uses at the waterfront.

Impacts to biological resources and wildlife are specifically evaluated in Section 3.3, *Biological Resources*, which analyzes potential effects on habitats and species and identifies mitigation measures to reduce impacts. As described therein, implementation of mitigation measures would reduce impacts to less-than-significant levels (see Section 3.3.4, *Impacts Analysis*).

Accordingly, the Draft EIR addresses both recreational access and environmental resource protection within the scope required by CEQA.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P71-8

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access,* and Section 2.2.20, *Topical Response: Parking.* As discussed therein, the Draft EIR evaluates existing recreational uses, public access opportunities, proposed parking configurations, and shoreline access improvements associated with the proposed project. The Draft EIR provides sufficient detail regarding existing conditions and proposed project features to support the environmental analyses required by CEQA. The commenter's reference to alternative parking and shoreline design concepts constitutes a project design recommendation that may be considered by City decision-makers. As discussed in Section 2.2.20, *Topical Response: Parking,* the Draft EIR evaluates whether project-related parking conditions could result in secondary physical environmental impacts and concludes that no significant parking-related environmental impacts would occur. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P71-9

The project would remove approximately 40 trees and plant between 50 and 70 new trees. The Draft EIR analysis and conclusion of less than significant impacts to protected trees presented under Impact BIO-5 in Section 3.3.4, Impacts Analysis, (page 3.3-65) remains valid. Additionally, impacts to nesting birds are discussed in Draft EIR Section 3.3.4 under Impact BIO-1 (page 3.3-44) and were determined to be less than significant with mitigation (Mitigation Measures BIO-1(a) and BIO-1(c)). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P71-10

The Richmond shoreline segment referenced by the comment is outside the project vicinity and does not reflect the design features of the proposed project. The Draft EIR evaluates pedestrian and bicycle circulation in Section 3.12, *Transportation*, and identifies the Bay Trail as a key recreational and circulation

feature in Section 3.11, *Recreation* (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7).

As described in Chapter 2, *Project Description*, the proposed project has been specifically designed to minimize conflicts between user groups and improve safety for all users, including pedestrians with limited mobility. The project would incorporate a raised cycle track, which would physically separate bicycle and micromobility traffic from pedestrian pathways and gathering areas, thereby reducing potential conflicts associated with speed differentials. In addition, pedestrian facilities, including the plazas, pathways, and shoreline access areas, would be designed to be ADA-accessible, with improved surfaces, grades, and circulation routes that enhance accessibility for individuals with mobility constraints. These design features represent an improvement over existing conditions by providing clear separation of travel modes and upgraded, accessible pedestrian infrastructure, and are intended to ensure safe and inclusive access for all waterfront users. The Draft EIR concludes that access and circulation conditions, including along the Bay Trail, would be maintained and enhanced (see Sections 3.11 and 3.12).

Accordingly, the conditions described by the comment at other shoreline locations do not indicate a deficiency in the Draft EIR's analysis, and the proposed project includes specific design measures to avoid the types of user conflicts identified. The analyses and significance conclusions presented in Sections 3.11, *Recreation*, and 3.12, *Transportation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P71-11

This comment does not raise an issue related to CEQA environmental impact analysis, but instead reflects preferences regarding project design and transportation improvements, which are matters for consideration by decision-makers. The comment has been included in the project record considered by City decision makers.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P71-12

Section 3.11, *Recreation*, of the Draft EIR describes the full range of existing recreational uses at the Berkeley Waterfront, including low-impact, water-based, and passive recreational activities (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7), and evaluates whether the project would adversely affect these uses in Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24). As discussed therein, the Draft EIR concludes that the project would **ma**intain and enhance recreational opportunities and access, including provision of new public amenities, shoreline access improvements, and restoration of public access to the Berkeley Pier (Impact REC-1).

With respect to the comment's concerns regarding congestion and parking, refer to Section 3.12, *Transportation*, and Section 2.2.20, *Topical Response: Parking,* which explains that parking and traffic conditions are evaluated for their physical environmental effects under CEQA. The Draft EIR concludes that access to the waterfront would be maintained and that the project would provide a comparable parking supply and improved multimodal access options.

The comment's statements regarding whether a ferry is "needed" and whether the project should be limited to pier improvements reflect policy preferences regarding project design and purpose, rather than CEQA environmental impact issues. This comment has been included in the project record considered by City decision makers.

Accordingly, the Draft EIR adequately evaluates impacts to recreational uses and access and demonstrates that these resources would not be adversely affected. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P71-13

As described in Section 2.5, *Project Components*, of the Draft EIR, the project includes both ferry infrastructure and public recreational amenities. Section 2.3, *Project Objectives*, identifies dual objectives of enhancing recreation and providing ferry service. Accordingly, the environmental analysis presented throughout Chapter 3, *Environmental Impacts Analysis*, evaluates both aspects.

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about parking adequacy.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P71-14

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

The comment's preference regarding the scale and location of ferry service is a policy matter for decision-makers to consider. This comment has been included in the project record considered by City decision makers. The comment does not identify a deficiency in the Draft EIR's alternatives analysis, and no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P71-15

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy*, the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

Response to Comment P71-16

The City has added the commenter’s contact information to the project notification list and would provide future notices via email in accordance with CEQA and City procedures. No further response is required.

Letter P72

From: Emilie <desertpeach2@earthlink.net>
Sent: Monday, April 27, 2026 8:12 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Strauss Comment Letter Pier & Ferry

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms McNulty--

Attached is a pdf with my pier/ferry comments. P72-1

Thank you!

Emilie Strauss

April 28, 2026

Liza McNulty, PE, Project Manager

Email: lmcnulty@berkeleyca.gov (mailto:lmcnulty@berkeleyca.gov)

Dear Ms. McNulty,

Herein I provide comments addressing the Draft Environmental Impact Report (DEIR) for the Proposed Berkeley Water Transportation Pier Ferry Project.

Thank you very much for the extension of the comment. I note that prior personal comment letters on the Specific Waterfront Plan and other City of Berkeley projects included a request for preparation of an environmental impact report due to significant impacts. I found the document deficient but am grateful that the effort was made. P72-2

I grew up in Berkeley and attended Berkeley High School. I visit the waterfront almost every month for birdwatching, nature bathing, and walking. I have led approximately four Golden Gate Bird Alliance field trips to the Berkeley waterfront/Eastshore State Park. The Berkeley waterfront is important!

After much thought, I advocate adoption of Alternative 1: No Project Alternative. P72-3

I have not read all 660 pages of the Draft Environmental Impact Report (DEIR), but sections I studied are deficient in (a) scope, (b) wildlife and San Francisco Bay ecological health data, and (c) cumulative impact analysis. In lieu of Alternative 1, a Subsequent EIR is required. A Supplemental EIR is generated when only minor additions are needed to revise the project EIR. A Subsequent EIR is required when the first EIR is no longer sufficient due to changes in the existing condition. There have been significant changes to San Francisco Bay baseline ecological health since the program EIR was written in 2003. See discussion below. A Subsequent EIR is essential for the general public to make an informed decision about the impacts from the project. P72-4 P72-5 P72-6 P72-7

On general grounds, I am opposed to construction of the ferry. I believe it is overly expensive, will do little to relieve congestion and will not reduce climate change. The ferry and pier as currently planned would sanitize/sterilize waterfront character, make access elitist via fees garnered at parking lots, tarnish the wild and scenic nature of the current view shed, and reduce both biodiversity and abundance of wildlife. Why do we have three BART stations and need a ferry? Berkeley is becoming denser. We need our wild spaces. P72-8

<u>Overview: DEIR's/CEQA Definition of "Sufficient Degree of Analysis".</u>

> "An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently P72-9

> takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure." **DEIR**, 1.3.2.

P72-9

DEIR relies on a 23-year-old document/Synopsis of Changes to SF Bay Ecological Health.

The DEIR is inadequate because it depends on a 23-year-old document, "Expansion of Ferry Transit Service in the San Francisco Bay Area Program EIR" (2003 [please see DEIR for full citation]). Since 2003, there have been intensive and escalating negative impacts to wildlife of the San Francisco Bay. Wildlife has declined tremendously and sea surface rise has (already) altered San Francisco Bay shorelines. The Bay has been hammered by outbreaks of cyanobacteria causing fish kill. Shorebirds are in decline. Mercury and selenium continue to threaten health of fish and birds. Decreased freshwater flows through San Francisco Bay impact native fish and thus impacts many bird species (SFEI 2025). Not mentioned by SFEI, at least in the sections I read, is the relatively recent increase in utilization of San Francisco Bay by gray whales, recent devastating mortality of gray whales (likely by boat strike), and impacts to birds and marine mammals from avian flu.

P72-10

Baseline/DEIR Study Area Incomplete (DEIR, Fig. 3.3-1) (DEIR Section 3-1).

The Study Area "terrestrial polygon" is a narrow linear band running down University Avenue. The "terrrstrial polygon" thus neglects indirect impacts to a suite of rare and sensitive bird species discussed in the avian section below. The Study Area's similarly slender "aquatic polygon" does not include consequences to waterbirds and shorebirds from the ferry itself, the Ferry Wake 600' death zone to waterbirds, and smothering of benthic invertebrates by sediment.

P72-11

P72-12

The myopic Study Area does not address tree removal, increased lighting, and hardscape changes from parking. The document implies it does not need to address parking because need for parking is not part of CEQA:

> From DEIR (Section 3.1 – Baseline) regarding lack of inclusion of impacts from parking in the DEIR :"As part of the scoping process, the City received comments from the public requesting the use of a different baseline …. Lack of parking is not considered an environmental impact under CEQA. Given the guidance from CEQA Guidelines Section 15125 and that the main concern raised by the public requesting the use of a different baseline is for a non-CEQA topic, a baseline that differs from the existing condition at the time of the NOP publication is not used for this analysis."

P72-13

If I'm reading the document correctly, it denies the need to address parking reconfiguration and expansion of trails. Inconsistently, however, the DEIR discussed tree removal in preparation for parking! The DEIR explains that removal of trees at Seawall Drive (DEIR Figure 3.1.7) is mitigated by planting of new trees. Removal of mature old gnarled conifers such as planned is a habitat element that will not be available to birds within most of our lifetimes.

> Excerpt from Strauss comments regarding the Draft Specific Waterfront Plan to City of Berkeley circa September 2024: "The waterfront should include willow thickets/shrubs/habitat that do NOT allow for human access. There was massive tree loss during the March 2023 windstorm. The Berkeley waterfront conifers are home to fantastic flocks of chickadees, red-breasted nuthatch, and other species.

P72-13

Reconfiguring parking plus tree removal is an environmental consequence that must be included in the study scope.

DEIR Inadequately Relies on One Day of Field Surveys.

The DEIR is inadequate because field surveys were restricted to one day (19 September 2024) (DEIR, Appendix C, p. 37). This date avoids appropriate phenological windows for almost all of the rare plants and animals mentioned in Appendix C. A further discussion of survey requirements to obtain an adequate environmental baseline is provided below.

P72-14

Ferry Wake.

The impact of the ferry wake creating a "dead zone" of 600' width has been well-documented by Takekawa (circa 2004). Background from USGS biologists:

> Waterbirds such as shorebirds, waders, and ducks depend on healthy and productive estuaries to "fuel up" for long distance migrations along the Pacific flyway. As the largest estuary on the Pacific Coast of North America, California's San Francisco Bay-Delta is a critically important diving duck wintering area. Continentally, populations of Bay and sea duck species such as Lesser Scaup and Surf Scoters have declined dramatically over the past three decades… Several hypothetical reasons for these declines are changes in habitat quality and quantity at wintering and spring stop-over sites" (USGS 2026: (Https://www.usgs.gov/centers/werc/science/avian-studies-san-francisco-bay).

P72-15

Sediment.

The ferry wake, dredging to install new pier and ferry channel, redredging of ferry channel every 10 years or so, and pile driving will increase sedimentation. This could negatively affect eelgrass beds and reduce benthic prey critical to fish and birds.

P72-16

Additional Cumulative Impacts Not Fully Addressed in DEIR.

Not fully acknowledged in the DEIR are wildlife unfriendly projects proposed by City of Berkeley and Eastshore State Park including North Basin boat access and various projects proposed in the Waterfront Specific Plan including creation of a large bike “freeway” around the exterior of the "Berkeley Bulb". Also proposed are various climate resiliency projects that could include massive changes to the waterfront area. See DEIR: Table 3-1 Present and Reasonably Foreseeable Cumulative Projects List. 3-9. What is the projected paved footprint from each? What is “dead zone” wake from increased bike use? P72-17

The DEIR does not address cumulative impact generated by proposed build-out of 26 ferries across San Francisco Bay.

Demolition of Portions of Closed Pier.

It was disappointing that 1280’of the old Berkeley fishing pier was slated for removal See DEIR, Figure 2-2; Also Section 2.5.1. The old pilings support invertebrates (mussels, etc.) important for foraging waterbirds. The tip of the old pier supports a large high tide shorebird roost. Prior to the closure of the pier, it was common birdwatcher’s practice to walk the pier to westernmost end of the pier at high tide, look through the wooden slats, and search for rare shorebirds that might be present amongst the hundreds to low thousands of assembled waders. The data for my high counts are buried in old notebooks. I am slowly going through the data and entering it into EBird but did not have time to ferret it out. A photo in Anderson, Hart, and Rauzon 2021 illustrates the roost. Also see Rauzon’s comment letter on ferry impacts. High tide roosts for shorebirds are a limiting factor in the central Bay (Gary Page, Pt Blue Cons. Science senior biologist; personal communication). P72-18

What is the the relative densities of invertebrates on concrete versus old wooden piers? That should be addressed in the Subsequent DEIR. I have seen discussions of recent San Francisco Bay projects that create living shorelines using “slippery” hard substrate that encourages native versus non-native invertebrates to colonize. I am in favor of encouragement of native species, but the reality is that waterbirds and San Francisco Bay have intermittently benefited from massive invasions of non-native plants, etc. I believe I heard about this through a presentation by Susan De La Cruz (USGS)(https://www.usgs.gov/centers/werc/science/avian-studies-san-francisco-bay) at a State of the Estuary conference a few years ago. P72-19

Proposed EIR mitigations are incomplete.

Pigeon guillemot boxes as advocated by Mark Rauzon (see his comments on DEIR) should be installed (Anderson, Hart, and Rauzon 2021). P72-20

Impacts of the ferry wake to waterfowl, shorebird high tide roosts, and impacts to wildlife in general from increased sedimentation from dredging and piledriving are probably not P72-21

mitigatable. Dredging impacts to anadromous fish and green sturgeon may be partially mitigatable from limiting dredging and piledriving to narrow work windows, which is a standard and well-accepted boilerplate mitigation. Adoption of these work windows is mentioned in the DEIR (Mitigation Measure BIO-1(D). This establishes no work windows from June 1 to November 30. Note that this would concentrate piledriving and other SF Bay water disturbing activities to December 1 to May 31 which is also when there is peak waterbird abundance. Wintering shorebirds arrive earlier but would still be present and unprotected. P72-21

Trees should be replaced at a 3:1 ratio. A portion of the His Lordship's parking lot should be removed and a Miyawaki forest installed. P72-22

Incomplete assessment of Environmental Justice.

If parking lots were to require fees, it might challenge options for income-disadvantaged hominids to enjoy the currently free sensational views of the bay on Seawall Drive. Seawall Drive is used by many fishermen and is easy access for birdwatchers, older folks, disabled people, etc. When my father got older, we would park on Seawall Drive. Walking was not easy for him. By the time he was ready to venture forth, bay conditions were windy and cold. Both of us enjoyed watching the boats and the sensation of being close to the bay from the warm shelter of the car. Similarly, many people fish from the Seawall Drive bay shore and watch their rod tips from behind a windshield. P72-23

INSUFFICIENT ANALYSIS OF SENSITIVE AVIAN POPULATIONS AND CDFW RARE AND SENSITIVE AVIAN SPECIES WITH POTENTIAL TO OCCUR. P72-24

Impact of the proposed project to marine mammals is being addressed by other commenters. Herein, avian species are discussed in more or less taxonomic order.

Waterfowl/shorebirds.

Appropriate waterfowl and shorebird surveys, including high tide roosts surveys, need to be conducted. The last formal surveys that the author has knowledge of were completed circa 2005 for Berkeley's North Basin. P72-25

Of 11 central coast/SF Bay sites, North Basin supported the 2nd highest density of waterbirds (Avocet 2007, Table 7) (based on 20-30 year old data).

Surveys must include a comprehensive revisit of the Rafting Waterbirds Study (Avocet 2007) including an extension of the survey area to include that around the old Berkeley fishing pier, and any areas to be impacted by dredging, piledriving, ferry wake, and sedimentation. The Avocet 2007 study should be consulted –it was designed to capture P72-26 P72-27

waterbird disturbance in the North Basin of the Berkeley waterfront area as a component of planning a non-motorized watercraft impacts to wildlife.

P72-27

Some biologists might recommend utilizing EBird for waterfowl/shorebird data rather than conducting new studies. The author is familiar with the configuration of the EBird hotspots in the Berkeley waterfront area. Although Ebird has a hotspot for North Basin (NB), the tendency for most birders is to utilize either Berkeley Meadows or Cesar Chavez ("Farmworkers" Park) hotspots for observations. EBird is useful for preliminary assessment of presence of sensitive species (although absence would not be in lieu of formal surveys in search of aforesaid species) but EBird often is useless for tallying and documenting large avian assemblages. In preparation of a new Draft EIR, NB hotspots should be consulted but not used exclusively. New surveys must be conducted.

P72-28

<u>California Least Tern.</u>

California Least Terns are state and federally endangered (CDFW 2026). Appendix C states that "there are no known occurrences within 5 miles". This is incorrect. I myself have seen them foraging in North Basin and Cesar Chavez ("Farmworkers" Park). There are 75 observations of California least terns at Cesar Chavez Park ("Farmworkers" Park) documented in EBird. See: https://ebird.org/species/leater1/L285281 {eBird 2026]). Least Terns "occurred regularly" (Avocet 2007, Appendix D).

Surveys should be conducted for the species during the chick provisioning period to assess habitat utilization within the ferry travel lanes as well as North Basin and habitat west of the west end of the waterfront.

P72-29



Figure 1. Four Least Terns bobbing on a floating log, just offshore of "Farmworkers" (Cesar Chavez) Park. Photo courtesy of Jack Hayden.

P72-29

Brant and eelgrass.

Staging and wintering Brant, a species of small goose that depends on eelgrass (Zostera), have been recently documented just north of the proposed ferry route. There are probably many other records in the waterfront area in EBird. Brant are a California State Species of Special Concern (CDFW 2026). They do not nest in California. Brant staging and wintering habitat is protected. There are eelgrass beds in this locale. See comment letter by Mark Rauzon. Mark's letter includes an excellent photo of staging Brant taken in April 2026. This photo is an example of staging habitat utilization. Staging refers to dense gatherings of waterfowl or shorebirds prior to migrating north. The DEIR insufficiently addresses impacts to eelgrass beds. Appendix C describes eelgrass surveys in 2009 and 2014 (DEIR, Appendix C, p. 3.3-11). In fact, the DEIR maps that eelgrass beds (p. 3.3-9) as "historic" thus implying that the authors acknowledge that data should be updated. Eelgrass across central SF Bay should be re-surveyed by appropriate eelgrass experts. Sedimentation and sea surface rise in recent years may have redistributed eelgrass.

P72-30

P72-31

Snowy Plover.

Appendix C notes that this species would be "unexpected" and I would tentatively agree. There is a record for Western Snowy Plover (North Basin [Avocet 2007]). Although unlikely, Snowy Plovers might utilize mudflats at the Ferry/ Pier site at extreme low tide or the tip of the old fishing pier at high tide. I did not search EBird for occurrences.

P72-32

Osprey.

No mention of Osprey in Appendix C summary chart of sensitive species with potential to occur. The species, however, is indeed mentioned on page 181 of DEIR where it is incorrectly classified as a "seabird". Osprey have been sighted frequently at the Berkeley Waterfront. Osprey are on the California Department of Fish and Wildlife Watch List (CDFW 2026). They frequently nest in old piers around north/central San Francisco Bay (see publications by Tony Brake). I do not personally know of a nest on the old fishing pier and, by the way, as EBird is current configured it is difficult to query for nests. Surveys for nesting Osprey must be conducted.

P72-33

White-Tailed Kite.

Appendix C list only "two known occurrences". Construction along University Avenue would likely reduce foraging habitat. Under CDFW regulations, only nesting trees are protected but it is reasonable to complain that there may be some impact to foraging habitat. See CDFW 2026.

P72-34



Figure 2. A pair of White-Tailed Kites. Photo taken April 27, 2020 at “Farmworkers” (Cesar Chavez) Park by Emilie Strauss.

P72-34

Burrowing owl.

I thought authors of the DEIR had a good discussion in Appendix C. However, impacts from massive parking planned for project might take out burrowing owl habitat. Burrowing owls often use riprap.

P72-35

Bald Eagle. “No known occurrences”. Mining EBird data will no doubt show many observations in the general area,

P72-36

Bryant’s Savannah Sparrow.

No mention of Bryant’s Savannah Sparrow in Appendix C summary chart of sensitive species with potential to occur. Bryant’s Savannah Sparrow, a subspecies of the Savannah Sparrow, is a California State Species of Special Concern that potentially nests in the remnant unmowed grassland patches at Cesar Chavez (“Farmworkers” Park). Bryant’s Savannah Sparrow are in decline because they are restricted to coastal grasslands which have been heavily developed across its range. Identification of many Savannah Sparrow subspecies, including Bryant’s, is difficult in the field. Cesar Chavez (“Farmworkers” Park) harbors Savannah Sparrows in its grasslands that are likely nesting as they occupy territories (eg. sing) through spring and

P72-37

summer (E. Strauss, pers. observation). These *Passerculus* were not identified to the subspecies *P. sandwichensis alaudinus*. Appropriate nesting habitat is is present at the Berkeley waterfront. See: Bird Species of Special Concern (CDFW website accessed 2026) and scroll down to Bryant's Savannah Sparrow for further discussion of habitat requirements. P72-37

Willow thicket.

The willow thicket is in the southeast corner of the junction of University Avenue and Seawall Drive. The willow thicket is one of the waterfront's neotropical migrant patches. It has harbored Macgillivray's, Wilson's and Yellow Warblers. Wildlife utilizing the willow thicket, even if it survives pier/ferry construction, would have a reduced foraging area due to removal of Seawall Drive trees. P72-38

In closing, I do not believe the DEIR provides a sufficient discussion of the significant aspects of probable environmental consequences (paraphrase from DEIR 1.3.2). P72-39

I support adoption of Alternative 1: No Project Alternative. P72-40

Berkeley does not need another expensive white elephant like the research labs that sit empty at Aquatic Park. If Berkeley continues to pursue construction of the ferry/pier then a Subsequent EIR must be prepared. P72-41

Thank you for consideration of my views.

Emilie Strauss

Berkeley California

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P72-42

Letter P72

Commenter: Emilie Strauss

Date: April 27, 2026

Response to Comment P72-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P72-2

These statements generally provide context for the commenter's perspective but because no supporting arguments, data, or analysis were provided to substantiate the statement on the adequacy of the Draft EIR, a substantive response is unable to be prepared. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. No further response is required.

Response to Comment P72-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P72-4

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy*, the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

Response to Comment P72-5

The Draft EIR impacts analysis was based on a current literature review of publicly available agency databases and documents consistent with industry standards. The literature and database review conducted for the EIR is described in Draft EIR Section 3.3.1, Introduction (page 3.3-1) remains valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-6

The Draft EIR is not a supplemental or subsequent EIR to the 2003 WETA EIR. Rather, as stated in Draft EIR Section 1.1.2, *EIR Type*, this document has been prepared as a project-level EIR pursuant to CEQA Guidelines Section 15161, which focuses on the specific environmental effects of the proposed Berkeley Water Transportation Pier Ferry Project.

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* which explains that the Draft EIR does not tier from the 2003 WETA EIR, but rather incorporates it by reference. Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* also explains how the Draft EIR uses the 2003 WETA EIR, and where appropriate provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Because the Draft EIR constitutes a complete and independent project-level environmental review document, and not an update to the 2003 WETA EIR, preparation of a subsequent or supplemental EIR is not required. The Draft EIR's analysis, significance determinations, and mitigation measures are based on current conditions and substantial evidence in the record and remain valid as presented. Accordingly, no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P72-7

Refer to Response to Comment P72-6, which explains why a subsequent EIR is not needed.

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Response to Comment P72-8

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P72-9

Refer to Section 2.2.5, *Topical Response: CEQA Adequacy,* for a discussion of CEQA adequacy. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P72-10

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Response to Comment P72-11

The landside portion of the project site evaluated for the project includes all areas that may potentially be impacted by the project, including temporary staging and access, temporary disturbance, and permanent impacts. The project site is defined in Draft EIR Section 2.2, Existing Project Site Characteristics (page 3.3-7). Impacts to protected and special-status bird species are analyzed in Draft EIR Section 3.3.4 under Impact BIO-1 (page 3.3-44), which concludes impacts to be less than significant with implementation of Mitigation Measures BIO-1(a), BIO-1(c), and AES-1. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-12

The waterside portion of the project site evaluated for the project includes all areas that may potentially be impacted by the project, including temporary staging and access, temporary disturbance, and permanent impacts. The project site is defined in Draft EIR Section 2.2, Existing Project Site Characteristics (page 2.2-7). No specific information or documentation on the ferry “death zone” or what specific project activities the comment suggests would result in sedimentation are provided. Text clarification changes in Reponses to Comments O7-17 and P46-4 address operational impacts to migratory waterbirds and shorebirds, which would be less than significant. See also Response to Comment O4-8 for additional discussion of ferry operational impacts on waterbirds. No additional changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-13

Tree removal is proposed within landscaped upland areas that are not within any sensitive habitats such as riparian or jurisdictional areas. Thus, tree removal analysis was included in the Draft EIR in Section 3.3.4 under Impact BIO-5 (page 3.3-65) and concluded less-than-significant impact with regard to

protected trees. Separately, tree replacement is required by the Berkeley Municipal Code but not as mitigation for potential habitat loss. The analysis and significance conclusion presented under Impact BIO-5 remains valid. Additionally, impacts to nesting birds are discussed in Draft EIR Section 3.3.4 under Impact BIO-1(page 3.3-44) and were determined to be less than significant with implementation of Mitigation Measures BIO-1(a) and BIO-1(c)). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-14

See Response to Comment O9-3 for discussion of reconnaissance survey adequacy. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-15

As described in Draft EIR Section 3.3.4 under Impact BIO-1 (pages 3.3-46 to 3.3-52), the analysis evaluates operational disturbance in the context of the existing Central Bay transit corridor, which already includes substantial commercial, recreational, and ferry vessel operational levels. Adult waterbirds are highly mobile and able to avoid localized disturbance, and the incremental increase in ferry trips associated with the project would not constitute a substantial adverse effect under CEQA.

The study cited by the comment provides regional behavioral information, but it does not provide site-specific evidence demonstrating that the proposed project would result in population-level effects, exceed CEQA significance thresholds, or cause a substantial loss of foraging or resting habitat in the project vicinity. The Draft EIR evaluates operational impacts using current environmental conditions and concludes that the project would not result in significant impacts to rafting waterbirds.

See Response to Comment O4-8 for further discussion of operational impacts related to aquatic species, including waterbirds. The analysis and significance conclusions presented in Section 3.3 Biological Resources remain valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-16

Refer to Response to Comment O5-36 for a discussion of in-water construction impacts, including pile driving. See Response to Comment O10-183 for discussion of impacts on eelgrass beds and benthic communities from construction, ferry operations, and maintenance dredging.

Response to Comment P72-17

The Draft EIR includes a cumulative impacts analysis consistent with CEQA Guidelines Section 15130 and identifies present and reasonably foreseeable projects in Table 3-1 (pages 3-9 through 3-10). The cumulative analysis evaluates the project's incremental contribution to cumulative impacts for each environmental resource topic.

The comment references North Basin boat access. The City notes that the Berkeley North Basin Project is already included in the cumulative projects list in Draft EIR Table 3-1 as Project No. 15 (page 3-9). As described therein, the project includes habitat improvements and public access improvements within the North Basin area of McLaughlin Eastshore State Park. Accordingly, this project was considered as part of the cumulative scenario evaluated in the Draft EIR. To the extent the comment references projects proposed in the Draft Waterfront Specific Plan (WSP) and the potential for regional ferry expansion, refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, which explains that the Draft WSP is included in the Draft EIR cumulative impacts analysis (see Draft EIR page 3-9 and 3-11) and provides further clarification regarding the relationship between the Draft EIR cumulative analysis and the Draft WSP.

The comment also references creation of a large bicycle “freeway” around the exterior of the Berkeley Bulb. However, the comment does not identify a specific project by that name or provide information demonstrating that it is a separate reasonably foreseeable project not already captured within the Draft WSP or other projects listed in Draft EIR Table 3-1. The City is not aware of a cumulative project identified

as a bicycle freeway in the capital improvement projects lists reviewed during preparation of the Draft EIR. To the extent the comment is referring to future bicycle improvements that may be implemented as part of broader waterfront planning efforts, those efforts would either be encompassed within projects already included in the cumulative projects list or would be evaluated separately if and when they become reasonably foreseeable projects.

Additionally, the comment references climate resiliency projects that could result in changes to the waterfront area, but does not identify specific projects. However, the cumulative projects list provided in the Draft EIR (Table 3-1) includes several projects that could be responsive to this concern, including the César E. Chávez Park Pathway Restoration Project, Marina Boulevard Shoreline Resiliency and Public Access Improvements Project, Berkeley North Basin Project, and other shoreline restoration, habitat enhancement, and public access improvement projects that were reasonably foreseeable at the time the Draft EIR was prepared. These projects were considered in the cumulative impact analysis based on the best available project information. With respect to the question regarding the projected paved footprint of each cumulative project, CEQA does not require a cumulative analysis to quantify the paving area of every cumulative project. Rather, CEQA requires evaluation of the environmental effects of past, present, and reasonably foreseeable future projects. The Draft EIR relies on the available project descriptions and planning documents associated with cumulative projects to evaluate cumulative environmental conditions and determine whether the proposed project would make a cumulatively considerable contribution to identified impacts. The comment also asks about a "dead zone wake" from increased bicycle use. Increased bicycle use does not generate a wake and, by itself, is not a physical environmental impact under CEQA. To the extent new bicycle facilities require physical improvements, any associated environmental impacts would result from construction or operation of those facilities and would be evaluated as part of the applicable project. Increased bicycle use itself is generally associated with reduced reliance on motor vehicles and does not constitute a significant environmental impact.

Finally, the comment states that the Draft EIR does not address cumulative impacts associated with a buildout of 26 ferry terminals across San Francisco Bay. As discussed in Section 2.2.9, *Topical Response: Cumulative Impacts*, the 26-terminal scenario was a conceptual planning network considered during development of WETA's long-range planning efforts but was not adopted as part of WETA's 2050 Service Vision. Because the 26-terminal concept was not adopted and does not meet the Draft EIR's definition of a reasonably foreseeable project, it was appropriately not included in the cumulative projects analysis. The Draft EIR analyzes reasonably foreseeable ferry service expansion projects that meet the criteria identified on Page 3-6 of the Draft EIR.

The Draft EIR adequately evaluates cumulative conditions and the project's incremental contributions to cumulative impacts consistent with CEQA requirements. Therefore, the analysis, impact determinations, and mitigation measures remain valid as presented, and no revisions to the Draft EIR are required in response to this comment.

Response to Comment P72-18

The historic Berkeley Pier extended almost 4 miles out from the shore, and pier pilings will remain in place that will provide sufficient substrate for sessile invertebrate and roosting birds despite the pier pilings that will be removed to ensure no-net loss of jurisdictional waters due to project construction. As discussed in Draft EIR Section 3.3.2, Environmental Setting, page 3.3-10, invertebrate communities present on pier pilings are also present on the rip rap shoreline within the project site, providing alternate foraging opportunities for waterbirds. Removal of the pier pilings would be a temporary impact to invertebrate communities, as the breakwater and new piles that are to be installed would provide hard substrate that could be recolonized by these communities, as discussed in Section 3.3.4, Shading and Soft Bottom Habitat Impacts, page 3.3-61. See Responses to Comment O7-17 and P46-4 for further discussion of project impacts specific to foraging and roosting birds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-19

The density of invertebrates on the existing pilings is beyond the scope of the Draft EIR, because CEQA evaluates whether a project would cause a substantial, adverse change in biological resources or exceed established significance thresholds, not the absolute abundance of organisms on individual structural elements. A records review and the project reconnaissance found no evidence that the pilings support special-status species or constitute a unique or irreplaceable benthic habitat; thus, quantifying invertebrate density on pilings would not change the conclusion that impacts are unlikely to be significant. See Response to Comment P72-18 for additional discussion of invertebrate communities on pier pilings. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-20

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P72-21

See Response to Comment O4-8 for a discussion of ferry operational impacts on aquatic species. Refer to Response to Comment 05-27 for discussion of pile driving and dredging impacts to wildlife. Also see Response to Comment P46-4 for discussion of impacts to roosting birds. With respect to the work windows and potential conflicts with regard to species presence, construction impacts would be temporary, and waterbirds can move out of the project vicinity, whereas hydroacoustic impacts to fish may result in injury at greater distances. The Draft EIR addresses construction impacts to wildlife in Section 3.3.4 under Impact BIO-1 (pages 3.3-43 through 3.3-51) and concludes that impacts would be less than significant with implementation of Mitigation Measures BIO-1, HYD-1, and AES-1. The Draft EIR also addresses impacts to wildlife movement in Section 3.3.4 under Impact BIO-4 (pages 3.3-63 through 3.3-62) and concludes that impacts would be less than significant. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-22

Tree removal and replacement ratios will be determined by the City Urban Forestry Unit. The Draft EIR analysis presented under Impact BIO-5 in Section 3.3.4 (page 3.3-65) concluded that impacts to protected trees would be less than significant. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-23

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, and Section 2.2.20, *Topical Response: Parking,* for detailed discussions of parking conditions and access along Seawall Drive.

As explained within Draft EIR Chapter 3, *Environmental Impact Analysis*, CEQA does not require analysis of the economic effects of potential parking fees or user costs unless those effects would result in a physical environmental change (see Draft EIR page 3-11). Decisions regarding whether to implement parking fees, and how such fees would be structured, are policy decisions outside the scope of the CEQA analysis.

As described in Chapter 2, *Project Description*, the project includes improved public access features such as a new public plaza, accessible pathways, and enhanced recreational amenities (see Section 2.5.2). These improvements are intended to increase accessibility for all users, including those with mobility limitations. The Draft EIR evaluates these improvements accordingly, including parking supply and access, in Section 3.12, *Transportation*, and Appendix F, *Transportation Impact Analysis*, and concludes that the project would maintain a parking supply comparable to existing conditions and improve site circulation and accessibility through its multimodal access improvements, which include enhanced pedestrian, bicycle, and transit infrastructure (refer to Section 3.12.4 and Appendix F).

The analysis and significance conclusions presented in the Draft EIR remain valid as written, and no revisions are necessary.

Response to Comment P72-24

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P72-25

The literature review and reconnaissance survey conducted for the Draft EIR are sufficient to document existing conditions, analyze special-status species potential to occur within the project site, and evaluate potential species impacts. Targeted or protocol-level surveys are only required only if the reconnaissance or agency consultation identifies the potential for special-status species or other conditions indicating potential significant impacts. See Responses to Comments O7-17 and P46-4 for further discussion of project impacts specific to waterbirds and use of pier structures for roosting, respectively. No additional analyses or surveys or changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-26

See Response to Comment P72-25 for a discussion of surveys required for the Draft EIR. See also Response to Comment O5-36 for discussion of dredging and in-water construction impacts and Response to Comment O7-17 for discussion of ferry operations on waterbirds. No additional analyses or surveys or changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-27

See Response to Comment P72-25 for a discussion of literature review and surveys required for the Draft EIR. See also Response to Comment O4-8 for discussion of operational impacts related to aquatic species, including waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-28

Public resources such as eBird were reviewed at a high-level to identify potential species occurrences within the project vicinity to provide additional information about the species potential to occur. The Draft EIR's primary biological analysis is not based on eBird presence/absence alone. The Draft EIR relies on a review of literature and publicly available databases described in Section 3.3.1, Introduction, page 3.3-1 and a habitat-suitability assessment as discussed in Section 3.3.2, Environmental Setting, pages 3.3-17 and 3.3-18. The reconnaissance survey conducted for the Draft EIR are sufficient to document existing conditions, analyze special-status species potential to occur within the project site, and evaluate potential species impacts. Targeted or protocol-level surveys are only required if the reconnaissance or agency consultation identifies the potential for special-status species or other conditions indicating potential significant impacts. No additional analyses or surveys or changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-29

The Draft EIR evaluated impacts to California least tern, and clarification text changes have been made to Draft EIR Section 3.3 Biological Resources, pages 3.3-18 (see Response to Comment A2-35 to A2-38 for details). See also Response to Comment P72-25 for a discussion of survey requirements. No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment P72-30

Although brant are a California species of special concern, there are no occurrences in the CNDDB. Thus, this species was not included in the literature review. There is potential for brant to forage over open

water within and adjacent to the project site. In response to the comment, potential for the species to occur within the project site has been added as low in Appendix C, and the following clarification text changes have been made to Draft EIR Section 3.3, *Biological Resources*, and Appendix C, *Supporting Biological Resources Information:*

Section 3.3.4, page 3.3-18:

Special-status Wildlife Species

Fifty-one ~~Forty-seven~~ (51 ~~47~~) terrestrial special-status wildlife species were assessed for their potential to occur within the project site (Appendix C), of which 12 ~~seven~~ have the potential to occur within the terrestrial portions of the project site. One species, double-crested cormorant (*Nannopterum auritum*, CDFW Watch List), was determined to have a moderate potential to occur and is discussed in further detail below.

In addition, the following ~~six~~ 11 species (one insect, one reptile, and ~~four~~ nine avian species) were determined to have a low potential to occur, and therefore, with the exception of Crotch's bumble bee and burrowing owl (due to their State candidate endangered status), least tern, and the northwestern pond turtle (which is discussed further due to the proximity of potential habitat near the project site), are not discussed further because they are unlikely to be affected by the project:

- Crotch's bumble bee (*Bombus crotchii*, State candidate endangered)
- Northwestern pond turtle (*Actinemys marmorata*, federally proposed threatened, State species of special concern [SSC])
- Cooper's hawk (*Accipiter cooperii*, CDFW Watch List)
- Burrowing owl (*Athene cunicularia*, State candidate)
- Common loon (*Gavia immer*, SSC)
- Brant (*Branta bernicla*, SSC)
- White-tailed kite (*Elanus leucurus*, State fully protected)…
- Alameda song sparrow (*Melospiza melodia pusillula*, SSC)
- Osprey (*Pandion haliaetus*, CDFW Watch List)
- Least tern (Sternula antillarum browni, Federally endangered, State endangered, State fully protected)
- Elegant tern (*Thalasseus elegans*, CDFW Watch List)

The remaining ~~40~~39 terrestrial species evaluated are not expected to occur in the project site or the immediate vicinity based on the absence of grassland, woodland, chaparral, vernal pool, or other…

Appendix C, page C-9:

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
Athene cunicularia burrowing owl	None/SC G4/S2 SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Low Potential	Although one occurrence has been documented within five miles of the project site and burrowing owls are known to overwinter at Cesar Chavez Park, the project site itself does not provide the habitat conditions required for overwintering. The site lacks open, low-stature annual

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
				grassland and protected foraging areas with sufficient insect prey, which are essential for sustaining overwintering individuals. Adjacent areas, including fragmented grasslands in Shorebird Park and along University Avenue, contain limited open space but do not provide suitable overwintering habitat. While some ground squirrel burrows are present, these grassland areas are routinely mowed for park use and subject to heavy recreational use and frequent human disturbance, which reduces prey availability and limits habitat suitability. In addition, the grassland areas along University Avenue are narrow and linear, lack refuge from disturbance due to regular trail use, recreation, and the presence of dogs, and are exposed to numerous tall perching structures that support hawks and other avian predators. A migrating or displaced individual could briefly land on the project site or within nearby areas during movement; however, sustained overwintering use is not expected. Accordingly, neither the project site nor immediately adjacent areas, provide suitable overwintering habitat for burrowing owl.
Branta bernicla brant	None/SC G5/S2 SSC	Requires well-protected, shallow marine waters with intertidal eel-grass beds, primarily within bays and estuaries. At high tide they need sheltered open water or protected beaches for loafing. Primary food is eelgrass. Brant often feed close to mudflats, sandbars, or spits used as gritting sites.	Low Potential	There are no known occurrences within five miles and this species does not breed in California; however, suitable foraging habitat may be present in the project vicinity.

Even with these Draft EIR clarification text changes, the analysis and significance conclusion presented in Section 3.3.4 under Impact BIO-1 (page 3.3-43) of no significant impacts to wildlife species with implementation of identified mitigation remains valid.

Response to Comment P72-31

Refer to Section 3.3.2, *Environmental Setting*, of the Draft EIR for information regarding eelgrass. The Draft EIR utilized the most up to date publicly available eelgrass spatial data (Merkel and Associates 2004, 2009, 2014). Based on the best available data, there are no documented occurrences of eelgrass within the project site. No revisions to the EIR are necessary.

Response to Comment P72-32

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P72-33

See Response to Comment O9-5 for a discussion related to osprey. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-34

See Response to Comment A2-10 for discussion of impacts related to white-tailed kite. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-35

There is low potential that burrowing owl will occur on or in the vicinity of the project site due to heavy anthropogenic disturbance and limited foraging habitat. However, as discussed in Response to Comment A2-28 to A2-31, clarification text changes have been made to Draft EIR Mitigation Measure BIO-1(c) in Section 3.3 Biological Resources (page 3.3-55). No additional Draft EIR clarification text changes are necessary in response to this comment.

Response to Comment P72-36

Bald eagle is addressed in Draft EIR Appendix C *Supporting Biological Resources Information*, page 3.3-C-10. It is not expected to occur due to lack of suitable nest trees within a mile of the project site. While foraging habitat does occur in the San Francisco Bay, high anthropogenic activity within the project site would discourage presence of bald eagle habitat within the developed project site. However, even if it were to occur on the project site, impacts would be less than significant with implementation of Mitigation Measures BIO-1 (a) and BIO-1(c). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-37

The Draft EIR Section 3.3.4 under Impact BIO-1, starting on page 3.3-44, discusses nesting birds and concludes that with implementation of Mitigation Measures BIO-1(a) and BIO-1(c), impacts would be less than significant. Bryant's savannah sparrow had no recorded database occurrences within the standard search area (nine USGS quadrangles) and, thus, was not included in Draft EIR Appendix C. This species requires low, tidally influenced pickleweed coastal marshes and associated coastal grasslands for breeding and foraging. Such habitat is not present within the project site, and there are no recorded occurrences in publicly available databases within five miles of the project site. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-38

The willow thicket referenced in this comment will not be impacted by the project. Removal of trees along Seawall Drive would include replacement plantings ratios to be determined by the City Urban Forestry Unit (see Impact BIO-5, page 3.3-65). The temporary loss of marginal habitat within urban landscaped areas would not create a significant impact. Larger areas of undeveloped habitats at Cesar Chavez "Farmworkers" Park and McLaughlin Eastshore State Park provide higher quality foraging habitat in the project vicinity. The Draft EIR analysis and significance conclusion that impacts to birds protected under the MBTA and CFGC would be less than significant with mitigation (Mitigation Measures BIO-1[a] and BIO-1[c]) under Impact BIO-1 in Section 3.3.4 (page 3.3-44) remains valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P72-39

Refer to Section 2.2.5, *Topical Response: CEQA Adequacy,* for more information on this topic. Refer also to earlier comments for responses to specific comments raised in the comment letter. No further response is required.

Response to Comment P72-40

The comment's preference for the No Project Alternative is a policy matter for City decision-makers to consider. This comment has been included in the project record considered by City decision makers. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P72-41

Refer to Response to Comment P72-6, which explains why a subsequent EIR is not needed. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P72-42

Insofar that these references are cited in earlier comments, refer to Response to Comments P72-1 through P72-41 for a discussion about specific comments raised by the commenter.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P73

From: Steven Belcher <swbelcher@msn.com>
Sent: Monday, April 27, 2026 7:40 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: tom loughran <tloughran4@gmail.com>
Subject: Berkeley Marina EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City of Berkeley, you have a problem, making way for popular transportation project that is elbowing itself into a multitude of other popular and sensitive and existing facilities', recreation and outdoor uses. The main weakness of the proposed ferry is that there is a assumption that parking will be close the to the terminal. This is impossible without major disruption and destruction of the marina family of public use. Many transportation related projects rely on a shuttle for near by parking lots…I would support this. Steve Belcher, 80 year user. P73-1

Letter P73

Commenter: Steven Belcher

Date: April 27, 2026

Response to Comment P73-1

Section 3.11, *Recreation*, of the Draft EIR identifies existing recreational uses and facilities at the Berkeley Waterfront (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7) and evaluates whether the project would result in a physical loss of recreational resources or restrict access (Section 3.11.4, *Impacts Analysis*, pages 3.11-14 through 3.11-24). As discussed therein, the Draft EIR concludes that the project would maintain and enhance recreational opportunities and access, including new and improved facilities and public amenities (Impact REC-1).

Parking and circulation are evaluated in Section 3.12, *Transportation*, and Chapter 2, *Project Description*, which describe that the project would provide a comparable parking supply while incorporating multimodal access improvements. For further discussion of parking considerations related to the Draft EIR analysis, refer to Section 2.2.20, *Topical Response: Parking.* The comment's suggestion regarding alternative parking strategies (e.g., shuttle services) represents a design preference. As described in the Parking and TDM Plan, such strategies are among the tools that could be implemented if needed as part of ongoing management. CEQA requires analysis of environmental impacts of the proposed project, but does not require adoption of specific alternative management strategies unless necessary to mitigate a significant environmental impact

The Draft EIR demonstrates that the proposed project would not result in a significant impact to recreational resources or access. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Letter P74

From: ywatson dslextreme.com <ywatson@dslextreme.com>
Sent: Monday, April 27, 2026 4:30 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Public Comment on Waterfront Transportation Pier Ferry Project DEIR State Clearing House #2025040995

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Ms. McNulty,

Please accept the attached comment on the
Waterfront Transportation Pier Ferry Project DEIR
State Clearing House #2025040995

P74-1

Thank you,

Yvonne Watson

April 27, 2026

Via Email: lmcnulty@berkeleyca.gov

Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Via Email: lmcnulty@berkeleyca.gov

Re: Waterfront Transportation Pier Ferry Project DEIR
State Clearing House #2025040995

Dear Ms. McNulty,

Please accept the following comments on the Waterfront Transportation Pier Ferry Project DEIR. P74-1

PUBLIC ACCESS: Confusion Over Which Public Agency Will Manage Public Parking (Park and Ride Programs) in and near the Project Site P74-2

The DEIR is insufficient in describing the relationship between the following 4 parties associated with the Project site:

1. California State Park System

Eastshore State Park General Plan (from here on referred to as the General Plan), December 6, 2002, page III-2 thru page III-3 P74-3
https://www.parks.ca.gov/pages/21299/files/eastshorestatepark-generalplan.pdf
Last accessed: April 27, 2026

The Public Resources Code, Section 5003.03(h) has proposed that the Eastshore park project shall be:

"...a recreational facility harmonious with its natural setting."

To accomplish this purpose, the park project's resources will be managed by balancing its scenic and recreational resources with the protection and restoration of its natural resources. Opportunities to enjoy the on-shore breezes, the wildlife, as well as the world-renowned vistas of urban skylines and the Bay and Golden Gate Bridges shall be enhanced. **Public access to the San Francisco Bay and its shoreline shall be provided,** consistent with resource protection, to meet recreational needs through use of the Bay Trail and waterfront recreational areas. P74-3

The General Plan acknowledges there is limited space for public parking. Page II-73.

The limited amount of upland area means that land area for parking is at a premium. **Land set aside for parking with necessarily be competing with potential recreation and habitat uses**.

Since "…land area for parking is at a premium," it is essential that a Park and Ride Program or some other type of parking mitigation be established to protect public access to the limited number of public parking spaces set aside for visitors to the McLaughlin Eastshore State Park.

According to the *California Department of Parks and Recreation Policy Manual* it may in fact be necessary to warn ferry users that vehicles found illegally parked on State Park land may be subject to being towed.
https://www.parks.ca.gov/pages/937/files/Chapter_1_DPR_CA_Policy_Manual.pdf
Last accessed: April 23, 2026 P74-4

Law Enforcement Authority, Page 23

100.8 CALIFORNIA VEHICLE CODE

Although State Park Peace Officers enforce many sections of the California Vehicle Code, the following sections are of particular importance:

Vehicle Code § 21113 - Public Grounds - This section makes all provisions of the California Vehicle Code applicable to the traffic upon the driveways, paths, parking facilities, and grounds of the State Park System. (The complete text is contained in the California Vehicle Code.)

Vehicle Code §§ 22651 through 22656, and 22669 - These sections authorize the removal, towing, and storage of vehicles under certain conditions by State Park Peace Officers. The removal, towing, and storage of any vehicle by State Park Peace Officers shall be performed in accordance with these sections and with the procedures detailed in Sections 22850 through 22853. (The complete text is contained in the California Vehicle Code.)

Vehicle Report Form, CHP 180, shall be used when removing and storing vehicles. An owner of a vehicle placed in storage is entitled to a review process and may request a hearing. The CHP 180 is used to notify the owner of the vehicle of his/her entitlement to a hearing.

P74-4

2. California Department of Transportation (CalTrans) Commuter Park and Ride Program https://dot.ca.gov/programs/traffic-operations/park-ride
Last accessed April 27, 2026

P74-5

CalTrans operates Park and Ride Programs at many of the California State Parks but McLaughlin Eastshore Park does not show up on a search of their website.

3. City of Berkeley
https://berkeleyca.gov/city-services/parking
Last accessed: April 27, 2026

P74-6

The City of Berkeley website does not appear to operate any Park and Ride facilities.

4. Bay Regional Park District (EBRPD)
https://www.ebparks.org/parks/mclaughlin-eastshore

P74-7

Last accessed: April 27, 2026

A search of the EBRPD website revealed this information:

> The East Bay Regional Park District**, acting as agent for the State,** used funds from the Park District's 1988 Measure AA and state park bonds to acquire the property and clean up contaminated areas at a cost of more than $33 million. The McLaughlin Eastshore State Park General Plan identifies the future preservation, conservation, and recreation uses and improvements for the park.

P74-7

There is no indication on the EBRPD website that it operates any Park and Ride facilities for commuters.

The confusion over who does or doesn't have clear jurisdiction over the subject of parking in the Project area must be resolved in order to ensure public access to the recreational resources located at or adjacent to the Project site is maintained.

P74-8

Thank you for the opportunity to comment on this project.

Yvonne Watson

Environmental and Social Justice Leader
Disability Rights Activist
13652 Sunset Drive
Whittier, CA 90602

Letter P74

Commenter: Yvonne Watson

Date: April 27, 2026

Response to Comment P74-1

This request pertains to submission of materials for the administrative record and does not raise issues regarding the adequacy of the analysis, significance conclusions, or mitigation measures presented in the Draft EIR. The submitted material has been received and included in the record. No further response is required.

Response to Comment P74-2

First, as a matter of clarification, no park and ride programs have been proposed as part of the project. The project does include renovations to the Seawall Drive Parking Lot. This parking lot is within the City of Berkeley's jurisdiction and the City would manage the parking lot.

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the City's plan to maintain and protect access for recreational users.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P74-3

The proposed project is not located in the California State Park System, and the California State Park System would not be responsible for managing any of the parking associated with the proposed project. Refer to Response to comment P74-2. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P74-4

The proposed project would not infringe on the continued implementation of laws from California State Parks. Refer to Response to comment P74-2 and P74-3. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P74-5

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P74-6

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P74-7

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P74-8

Refer to Response to comment P74-2.

Letter P75

-----Original Message-----
From: Paul Kamen <pk@well.com>
Sent: Monday, April 27, 2026 6:39 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Comment on the WETA Pier-Ferry Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please see attached. I would like to enter it into the record of comments on Draft EIR for the Pier-Ferry project. P75-1

Berkeley and WETA need to commit to electric ferries and only electric ferries for this route. Promises of electrification seem disingenuous when the costs, performance, schedule, and the initial business plan appear to based on diesel ferries. P75-2

Paul Kamen, Naval Architect, P.E.
Surface Propulsion Analysis
1224 Campus Drive, Berkeley, California 94708
pk@well.com
https://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.surfacepropulsion.com%2F&data=05%7C02%7Crperry%40rinconconsultants.com%7C53bbdec44fb147337ff108dea59b11d8%7C0601450f05594ee5b99257193f29a7f8%7C0%7C0%7C639130282632886804%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=FwIyfyzPQnLZz2B4AjDZdi%2BAjF75sFh9KRbkIPfZA%2BI%3D&reserved=0
510-540-7968 510-219-8106 (cell)

Op Ed by Paul Kamen, Naval Architect
March 7, 2023

Why is Berkeley Going Backwards on Climate Change?

Berkeley is poised to embrace one of the dirtiest, highest-carbon, globally-destructive forms of transportation ever devised: Diesel Powered High Speed Commuter Ferries.

The numbers speak for themselves: A modern fast ferry is a carbon hog, using about 2300 BTU of liquid fossil fuel energy per passenger mile. Compare to commuter buss at 130 BTU per passenger-mile, lilght rail at 91, or BART at only 68. Even an older gasoline-powered car, 20 MPG in a four-person carpool, leaves a lighter carbon footprint than the ferry at 1750 BTU/passenger-mile.

Modern battery-electric cars, single-occupancy, have an energy consumption range from 853 to about 1180 BTU equivalent per passenger-mile. Also consider that with private vehicles there's no reverse commute; with public transportation, a half-load in the reverse commute direction doubles the per-mile carbon footprint. If our high speed diesel ferry averages 50% passenger load throughout the day (probably optimistic), then the ferry's actual carbon footprint per passenger-mile is doubled.

While it's true that modern "Tier 4" emission controls can remove particulates and other pollutants from diesel exhaust, they do nothing for carbon dioxide, the primary greenhouse gas produced when petroleum fuel is burned. The carbon footprint tracks closely with the energy content of the liquid fossil fuel burned, so BTU per passenger-mile is a good measure of the carbon footprint of a diesel ferry. (Electric vehicle energy is more commonly given as kilowatt-hours rather than British thermal units, but the conversion is easy: 1 kWh = 3412 BTU.) P75-3

Now look at the latest purchase by our local ferry authority, WETA: Two diesel engines of 2557 HP each, 36 knots at full load, 320 passengers. It works out to 2719 BTU per passenger-mile, assuming every seat is occupied in both commute directions.

Meanwhile, California is aggressively pursuing full electrification of our transportation fleet. New cars must be all electric by 2035. We are transitioning to zero-emission busses. Electric ferries are in the works all over the world (Seattle, Vancouver, New York, Europe, and Asia). Norway is particularly progressive: A new 27 knot, 150-passenger all-electric ferry is now operational, joining a fleet of 70 zero-emission ferries. It runs at a relatively efficient 927 BTU/passenger-mile. And their largest all-electric ferry transports 360 passengers plus 120 vehicles at about 12 knots on a 4 mile route. If we count each car as equivalent to four more passengers, carbon footprint is a very clean 305 BTU per passenger-mile.

Thailand is planning no less than 27 250-passenger electric ferries to serve routes on the Chao Phraya River in Bangkok. Other electrification projects are underway in Taiwan, New York and several European routes.

Closer to home, BC Ferries is already operating two Island Class hybrid car ferries in Puget Sound – capacity is 47 vehicles and up to 450 passengers.

Here in the U.S., the Federal Trade Commission recently awarded $97.6 million to fund the "Electric or Low-Emitting Ferry Pilot Program" in 7 states. Washington State Ferries, the largest ferry operator in the U.S., has initiated a $4B program to first hybridize and then electrify its fleet by 2040.

Even the humble old Tiburon-Angel Island ferry will be electrified next year, moving 400 passengers at only 256 BTU/passenger-mile. This is less than one-tenth of the per-passenger per-mile carbon footprint of WETA's newest diesel ferries.

The proposed Berkeley to San Francisco ferry service is well suited to electrification. It's a short route at only 6.5 miles, with a long enough dwell time at each end for useful recharge. (The SF-Jack London Square route if even shorter, at 6.2 miles.)

Before proceeding with plans for a major ferry terminal at the Berkeley Marina, Berkeley needs a firm contractual guarantee from WETA that ONLY electric ferries will operate from the new terminal. Yes, WETA has made this promise, but their cost projections are still based on diesel power. We need an enforceable agreement that we can hold them to. And we need to see realistic costs and revenue projections based on electric boats. P75-3

A ferry has a useful life of 30 to 40 years. In 2050 and beyond, do we really imagine that we will still be supporting a diesel fleet for the short run from Berkeley to San Francisco? Diesel will cost more, diesel will contribute to disastrous climate change, and adding more diesel exhaust is absolutely the wrong legacy to leave to those who come after us.

It's easy to see why the Berkeley City Council would love to take credit for bringing ferry service back to Berkeley. But if large diesel-powered boats come to Berkeley, the legacy will be regressive climate policy and an inexcusable disregard for the future.

Paul Kamen, Naval Architect

Letter P75

Commenter: Paul Kamen

Date: April 27, 2026

Response to Comment P75-1

The City confirms that subsequent comments have been entered into the record. Refer to Response to Comments P75-2 to P75-3.

Response to Comment P75-2

Refer to Section 2.2.10, *Topical Response: Electric Ferry*, which discusses that the ferry vessels being proposed in the Draft EIR are electric. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. Nevertheless, the comment has been included in the project record provided to decision makers for consideration. No further response or revisions to the EIR are required.

Response to Comment P75-3

Insofar that this opinion article discusses electric ferry vessels, refer to Section 2.2.10, *Topical Response: Electric Ferry*.

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P76

From: Val fong <vofong@gmail.com>
Sent: Monday, April 27, 2026 7:19 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Please no Pier Ferry Project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please, no ferry without better planning and adequate parking

P76-1

Valerie Fong

Sent from my iPhone

Letter P76

Commenter: Valerie Fong

Date: April 27, 2026

Response to Comment P76-1

Regarding the commenter's opposition to the project, the commenter's opposition does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers.

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the City's plan to provide an adequate parking supply.

Letter P77

From: Zahwa Amad <zamad@msn.com>
Sent: Monday, April 27, 2026 9:26 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Oppose ferry project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Lisa

I am a long time Berkeley resident, a Cal graduate, and a senior on limited income. I am also disabled. I am a regular daily user of the Berkeley Marina for recreation and excercise. I strongly oppose the ferry project as it adversely affects parking. The marina offers a respite for recreation to Berkeley low income. I paddle on the bay and I am a member of Draggon max and of Berkeley yacht club. P77-1 P77-2

There is no planning for adequate parking. There are already two ferries nearby in Richmond and Oakland. I urge you to Please reconsider the ferry project. Thank you. P72-3 P72-4

Zahwa Amad

Get Outlook for iOS

Letter P77

Commenter: Zahwa Amad

Date: April 27, 2026

Response to Comment P77-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P77-2

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion about how the City appropriately discusses parking in the Draft EIR, according to CEQA.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P77-3

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to the City's plan to provide an adequate parking supply. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P77-4

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P78

From: corinnelouise paff <corinnelouisedesign@yahoo.com>
Sent: Tuesday, April 28, 2026 6:27 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: emilie strauss <desertpeach@earthlink.net>; Charley Paff <charleypaff@gmail.com>
Subject: re: Berkeley Ferry Draft EIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

to Parks, Rec. Water Front Commission:
I am appalled at the proposal for the Berkeley Ferry
and concurrent changes to near shore areas.

As an Environmental Educator, past member of
Audubon and Sierra Club Conservation committees,
wildlife data provider for the planning of the
East Bay Regional Park, and long time
Berkeley resident, I am dismayed at the inadequate
and misleading Draft EIR. P78-1

1. Ferry wakes cause harmful disturbance to foraging, resting, courting of
resident and migrating water birds including Species of Special Concern
double Crested Cormorants and Clark's Grebes, that regularly display
courtship in this area. 16 Ferry trips would make this disturbance unrelenting. P78-2

2. Dredging for this endeavor will destroy existing and vital eel grass beds
and greatly disturb shoreline habitat that provides feeding for both
water birds and shorebirds. P78-3

3. Eliminating historically free bay view parking in favor of
monetizing this area for Ferry parking discriminates against
income limited people, goes against the accepted practice of
free coastal access (the bay is essentially an extension of the coast),
and is actually a social justice issue. P78-4

4. Emphasizing creating trails for bikes, e-bikes creates danger
for disabled or elderly walkers, casual strollers wanting a peaceful nature experience,
birders..... the multi-use trail along the Richmond shoreline is filled with speeding
bikes that are perilous for pedestrians P78-5

5. Ferry will be high cost for users, not reduce gridlock freeway traffic,
in itself will be a costly boondagle for taxpayers, is not really a
recreational activity, and will cause harm that no mitigation can correct
and adequately substitute. P78-6

6. Re=creating an ecologically sound Berkeley Pier is possible without
long term dredging and establishing a Ferry. P78-7

sincerely, Corinne Louise Greenberg MA, DTR

Letter P78

Commenter: Corinne Louise Greenberg

Date: April 28, 2026

Response to Comment P78-1

Refer to Section 2.2.5, *Topical Response: CEQA Adequacy*, for more information on this topic. No further response is required.

Response to Comment P78-2

Double crested cormorant (*Nannopterum auritum*) is on the CDFW Watch List for nesting colonies, but is not a Species of Special Concern, and Clark's grebe (*Aechmophorus clarkii*) is currently listed as Least Concern by the International Union for Conservation of Nature (IUCN). Sixteen (16) new ferry trips daily (eight in the morning and eight in the afternoon) would not contribute significantly to existing levels of vessel operational levels on the Bay. The analysis and significance conclusion presented under Impact BIO-1 in Section 3.3.4, Impacts Analysis, Page 3.3-56 of the Draft EIR remains valid as written. The Draft EIR discusses the impacts of ferry wake in Section 3.8.4. Impacts Analysis on page 3.8-33. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P78-3

Refer to Section 3.3.2, *Environmental Setting*, of the Draft EIR for information regarding eelgrass. There are no documented occurrences of eelgrass within the project site. Therefore, the proposed project is not expected to impact eelgrass habitat. No further revisions to the EIR are necessary.

Response to Comment P78-4

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of parking supply, demand, and transportation demand management project elements that would maximize accessibility of the Berkeley Waterfront for all users.

To the extent the comment raises concerns about the distribution of costs and benefits among waterfront users of different income levels, these are important policy considerations that the City Council should weigh in its deliberations on the project. However, the distribution of costs and benefits among different user groups does not constitute a physical environmental impact under CEQA. CEQA Guidelines Section 15131 provides that economic and social effects of a project shall not be treated as significant effects on the environment. The Draft EIR at Section 3.11, Recreation, analyzes whether the project would have physical impacts on recreational uses and access, and concludes that the project enhances rather than diminishes recreational opportunities at the Berkeley Waterfront. The equity implications of fee structures for marina and ferry infrastructure are policy matters appropriately addressed through the City's public deliberative process, not through the CEQA environmental review of the physical project. No revision to the Draft EIR is warranted on this basis. The project would provide a range of public benefits, including expanded public access, improved recreational facilities, and enhanced multimodal transportation options, which are intended to support continued public use of the waterfront. The Draft EIR appropriately evaluates the physical environmental effects of all project features, including potential impacts related to changes to parking configuration and supply, and concludes based on substantial recorded evidence that impacts related to transportation and related impacts to recreational access would be less than significant, as described in Section 3.11, *Recreation* (refer to Impact REC-1), and Section 3.12, *Transportation* (refer to Impact TRA-1).

Accordingly, the analysis and significance conclusions presented in the Draft EIR remain valid as written, and no revisions are necessary.

Response to Comment P78-5

Conditions along the Richmond shoreline are outside the project vicinity and do not reflect the design approach of the proposed project at the Berkeley Waterfront. The Draft EIR evaluates pedestrian and bicycle circulation in Section 3.12, *Transportation*, and identifies the Bay Trail as a key recreational and circulation feature in Section 3.11, *Recreation* (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7).

As described in Chapter 2, *Project Description*, the proposed project has been specifically designed to reduce conflicts between different user groups and improve safety and accessibility for all users, including those with limited mobility. The project would incorporate a raised cycle track, which would physically separate bicycle and micromobility traffic from pedestrian pathways and public spaces. In addition, pedestrian routes, the public plaza, and shoreline access areas would be designed to be ADA-accessible, with improved surfaces, grades, and circulation that enhance usability for individuals with mobility constraints (see Section 2.5, *Proposed Project Components*). These features represent an improvement over existing shared-use conditions by providing clear separation of travel modes and upgraded accessible infrastructure, thereby addressing potential safety conflicts such as those described by the comment. The Draft EIR concludes that access and circulation conditions for recreation and transportation users would be maintained and enhanced (see Sections 3.11 and 3.12).

Accordingly, the comment's concerns regarding conditions at other shoreline locations do not indicate a deficiency in the Draft EIR's analysis, and the proposed project includes design measures specifically intended to improve safety for pedestrians, including disabled and elderly users.

The analyses and significance conclusions presented in Sections 3.11, *Recreation*, and 3.12, *Transportation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P78-6

For comments about cost, refer to Section 2.2.22, *Topical Response*: *Project Cost/Financial Feasibility,* for a discussion related to economic considerations.

For comments about traffic, pursuant to California SB 743, transportation impacts in CEQA documents are evaluated using vehicle miles traveled (VMT) rather than roadway congestion measures such as Level of Service (LOS). The project is expected to increase traffic volumes on certain roadways leading to the terminal because additional users would travel to the Waterfront to access the ferry. However, existing roadway segments, including University Avenue between Frontage Road and Marina Boulevard, would continue to operate within acceptable capacity conditions (LOS A). At the same time, many ferry users would replace longer automobile trips with ferry travel. As a result, the overall amount of driving per person is reduced, leading to a decrease in VMT on a per capita basis.

Regarding the comment about mitigation, the Draft EIR has appropriately identified potentially significant environmental impacts and feasible mitigation measures to reduce those impacts. Refer to page 4-1 of the Draft EIR, which discloses the significant and unavoidable impacts from the project.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P78-7

The City acknowledges the comment's preference for a pier restoration project without ferry service. This comment has been included in the project record considered by City decision makers.

As discussed in Draft EIR Section 5.9, *Alternatives Considered but Rejected*, the City considered a "No Ferry Service with New Pier Alternative" but did not carry it forward for detailed analysis because it would not meet one of the project's two basic objectives: providing efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco. The Draft EIR further explains that funding available through WETA is tied to implementation of ferry service.

For additional discussion regarding the no-ferry-service pier alternative and other alternatives considered but rejected from further analysis, please refer to Response to Comment O10-215.

Accordingly, the City concludes that the Draft EIR evaluates a reasonable range of feasible alternatives consistent with CEQA requirements. No revisions to the Draft EIR are necessary in response to this comment.

Letter P79

From: kelly hammargren <kellyhammargren@gmail.com>
Sent: Tuesday, April 28, 2026 4:58 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Response to DEIR for Pier Ferry Project

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To state the obvious, the purpose for an environmental impact report is to identify the impact of a project on the environment, plan mitigations and assess the damage to the environment of those impacts which cannot be mitigated. P79-1

Since the environmental impacts to wildlife are significant and cannot be mitigated, the scope and framing of the DEIR are severely limited to avoid identifying the unmitigable impacts to wildlife and the bay. Studies to support the desired conclusions are also limited as are the alternatives. P79-2

The glaring alternative never studied is portrayed in this flyer P79-3



The best solution to ferry service was never proposed or analyzed as an option. Instead the alternatives were a shortened breakwater and a shortened pier at the planned location. The fourth alternative of reduced landside facilities has already been reduced in the planning and stripped down to a small plaza in the last presentation to the public.

Reaching back to a 2003 EIR is out of place in the science and analysis that has developed in the last 23 years. This 2026 DEIR needed to be a completely fresh start. P79-4

The premise that the ferry will reduce commuters on the bridge upends the purpose of the ferry as enhancing recreation. An in depth study needs to be performed on the impact of a ferry on BART ridership. BART is the superior mode of transportation in moving people with the least environmental impact. Competing with and diverting ridership from BART to the ferry has been a WETA practice in establishing fare price points for other routes. P79-5

The impact on nature needs fresh study for the entire marina, waterfront and surrounding area. Berkeley including the marina/waterfront is on the Pacific Flyway. The impact of a ferry on migrating birds is significant. A thorough study needs to be completed during winter migration and during spring and summer nesting. Between 1970 and 2020 numerous studies documented the loss of greater than 30% of birds in North America. The decline in bird populations continues at an accelerated pace. https://www.stateofthebirds.org/2025/ P79-6

The mortality of gray whales in the bay from boat strikes is on the increase, well documented in local papers. This needs fresh review. Adding more ferries and ferry routes will only add to this crisis. Somehow the DEIR didn't find any whales, but this absence of findings appears in the DEIR to be absent due to the small constrained area and time of study in the DEIR. P79-7

Kelly Hammargren

Letter P79

Commenter: Kelly Hammargren

Date: April 28, 2026

Response to Comment P79-1

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P79-2

The comment does not identify what impacts are significant that cannot be mitigated. The comment also does not provide supporting information about how the scope and framing of the Draft EIR are limited. Studies prepared for the Draft EIR include a literature and database review included publicly available agency databases and documents consistent with industry standards. The literature and database review conducted for the EIR is described in Section 3.3.1, Introduction, Page 3.3-1 of the Draft EIR remains valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P79-3

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

Refer to Section 2.2.2, *Topical Response: Alternatives*, which describes the overall alternatives analysis in the Draft EIR, including consideration of alternatives, consideration of off-site alternatives, and why the Alternatives analyzed in the Draft EIR are not minor variations, but alternatives with sufficient variation to allow for meaningful decision-making.

The comment's preference for a different ferry terminal location or project configuration is noted; however, the comment does not identify a deficiency in the Draft EIR's alternatives analysis. This comment has been included in the project record considered by City decision makers. No revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P79-4

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Response to Comment P79-5

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to transit-to-transit mode shifts. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P79-6

The Central Bay already supports dense commercial, recreational, and ferry operational levels; the EIR compares the incremental ferry operations to this existing baseline rather than to an undisturbed Bay. The research cited does not identify reasons for the decline in birds of North America, but does suggest sea-level rise, predation, and warming or changing climates affecting foraging habitat as potential causes for the decline in seabirds, none of which would be exacerbated by the proposed project. The EIR impacts

analysis was based on a current literature review of publicly available agency databases and documents consistent with industry standards. The literature and database review conducted for the EIR is described in Section 3.3.1, Introduction, Page 3.3-1 of the Draft EIR remains valid as written. See Response to Comment P46-4 for a discussion regarding the Pacific Flyway. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P79-7

As described in Draft EIR Section 3.3.4 (Impact BIO-1, pages 52 to 54), the analysis acknowledges that vessel strikes are a known source of mortality for whales and evaluates the project's incremental contribution to this risk in the context of the existing Central Bay baseline, which includes substantial commercial, recreational, and ferry vessel operational levels. See Response to Comment O7-13 for a discussion regarding potential whale strike. No changes to the Draft EIR are necessary in response to this comment.

Letter P80

From: casilda rubio <casilda100@gmail.com>
Sent: Tuesday, April 28, 2026 4:52 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>; All Council <council@berkeleyca.gov>
Subject: Objection to ferry terminal in Berkeley marina

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am a resident of Berkeley, a registered voter and a taxpayer. P80-1

I am appalled by the city proposal to build a ferry terminal in Berkeley Marina P80-2

1) due to massive expense and poor planning, which will be paid for by us the taxpayers at the expense of Berkeley schools and other much higher priorities P80-3

2) it is a huge de facto subsidy of riders at the expense of the rest of the community

3) it steamrolls over years of active community use of the waterfront for nonprofit recreational and educational activities, for example Cal Sailing club which is open to the community, families picnicking, kayaks, and other recreational use P80-4

4) wasting a whole parking lot in the marina on meter maid vehicles was not disgraceful enough, this massively disruptive project takes disregard for the community to a whole new level P80-5

5) I am in the marina daily for hiking
and have observed Community use in the marina for years P80-6

Please vote NO for this massively wasteful proposal. P80-7

C.Rubio
Berkeley, California

Letter P80

Commenter: Casilda Rubio

Date: April 28, 2026

Response to Comment P80-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P80-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P80-3

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P80-4

The Draft EIR identifies and describes existing recreational uses at the Berkeley Waterfront, including community-serving and nonprofit recreational activities, in Section 3.11.2, *Environmental Setting* (pages 3.11-1 through 3.11-7). These uses include sailing, kayaking, boating, shoreline recreation, and passive recreational activities, many of which are supported by organizations such as the Cal Sailing Club. Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24), evaluates whether the proposed project would result in a physical loss of recreational resources or restrict access to these uses (see Impact REC-1). As discussed therein, the Draft EIR concludes that the proposed project would maintain and enhance recreational opportunities and access, including through improved shoreline access, restoration of public access to the Berkeley Pier, and the addition of new public amenities. The project does not eliminate recreational facilities or preclude the continuation of nonprofit and community-based recreational uses at the waterfront.

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which explains how these continued uses of the unimproved water access near 199 Seawall is maintained under the project.

Accordingly, the Draft EIR does not support the statement that the project would displace or "steamroll" existing recreational uses. The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P80-5

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P80-6

The Draft EIR recognizes the Berkeley Waterfront as a heavily used recreational resource and describes a wide range of existing recreational activities, including walking, hiking, and passive enjoyment of the shoreline, in Section 3.11.2, *Environmental Setting* (pages 3.11-1 through 3.11-7). These observed uses

are reflected in the baseline conditions used to evaluate the project. Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24), evaluates whether the project would result in a physical loss of recreational resources or restriction of access and concludes that the project would maintain and enhance access to these resources, including improvements to shoreline access, the Bay Trail, and related recreational infrastructure (Impact REC-1).

Accordingly, the comment's observations regarding existing community use are consistent with the baseline conditions described in the Draft EIR, and the analysis concludes that these uses would continue to be accommodated. This comment has been included in the project record considered by City decision makers.

The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P80-7

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P81

From: Claudia Kawczynska <claudia94710@gmail.com>
Sent: Tuesday, April 28, 2026 4:42 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Revision comment to DEIR

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

HI Liza
Sorry but I had to add another sentence to my previous comment about the whales. Sorry about the confusion. But it is important to note that the majority of whales in the Bay are NEW to the area, hence cannot be acclimated to it. P81-1

Date: **April 28, 2026**
To: **Liza McNulty, PE, Project Manager**
City of Berkeley, Parks, Recreation, and Waterfront Department
From: **Claudia Kawczynska**
Re: **Berkeley Water Transportation Pier Ferry Draft EIR Comments**
Thank you for providing the opportunity to respond to the Draft EIR, I will be addressing only two aspects of this study, the equity issue in parking and the potential impacts to whales: P81-2
Biological Resources:
Potential Impacts to Whales
In your document you analyzed potential impacts to whales but I believe this merits a more in-depth analysis and should not just rely on the very dated WETA's 23 year old programmatic EIR that determined the following:
"Given the existing setting of the Central Bay, and WETA's ongoing implementation of best practices to reduce the potential for whale strikes per the Mitigation Measures in the 2003 Program EIR, impacts would be less than significant."
But yet according to the National Oceanic and Atmospheric Association, 18% of gray whales that enter the SF Bay die there, with fast moving vessel traffic and resulting strikes being a primary cause. Just a few days ago another body of a gray whale, the 8th so far this season, was spotted in the Bay. And while the EIR does cite the "WETA Marine Mammal Protection & Whale Avoidance Memorandum" that document is not fully reproduced in the EIR. This makes WETA's internal whale-protection guidance less than transparent. P81-3
Since vessel speed is the major concern in avoiding striking whales, it is of great concern that this DEIR does not support imposing mandatory ferry speed reductions, and simply relies on "personal communication regarding ferry speeds." So the reduction of the speed is NOT regulated but simply dependent on "conditional" observations. P81-4

Outside of the SF Bay NOAA etc promotes a 10 knot slow zone in whale habitats, but there is no equivalent enforceable standard with ferry operators. The DEIR asserts that "marine mammal activity, particularly for whales, is expected to be lower in the project vicinity than elsewhere in the Bay." But a whale protection approach must analyze cumulative impacts of the ferry system, not just individually. P81-5
In reaching the conclusion that "No mitigation would be required" around this issue, the DEIR states that "Special-status fish and marine mammals, specifically whales, are likely habituated to existing levels of boat trip levels and would avoid new ferry boat service." This certainly sounds more like "wishful" thinking than any in-depth analysis that this important matter merits. In fact many of the whales that come into the Bay are new to the area, so don't have any memory of it to acclimate to it. It is hoped that the deficiencies in the environmental review of valuable resources, such as protection of the whales, be further explored so that the public and policymakers can make an informed judgment regarding the project. P81-6
DEIR Parking and Parking Fee Program
For more "wishful" thinking there is the DEIR's analysis around providing parking for both ferry riders and to the many other users and recreationists who visit the waterfront. I realize that you have already received many comments about the deficiencies of the DEIR's plan to provide sufficient parking for ferry riders, especially since it relies mostly on data collected from other terminals in non-park settings in the Bay Area. So while I do not have much more to add to those comments except to provide a short recent history of how the city of Berkeley, in anticipating the advent of a ferry, thought to impose paid parking on some of the most popular areas, for recreationists, in the waterfront area.
On May 14, 2025, the idea of paid parking first came to the Parks, Recreation and Waterfront Commission, on which I served as vice chair (for the previous 2 years I was its chair). At that time the idea of exploring added revenue generation was extremely important, partially due to the fact that the Doubletree hotel had not paid its lease payments for quite some time, so the PRW formed a subcommittee to study this issue. P81-7
The commission had heard from a wide range of Waterfront users and stakeholders about how this proposed parking fee would have an insurmountable impact on their and others' ability to use the waterfront. This ran counter to one of the state goals of the Waterfront Planning process (WSP) to attract a wider range of users. It was thought that a parking fee would do quite the opposite. According to the Kittelson report parking data found that a third of visitors made less than $75K/yr. The commission requested that it be "fully integrated into the City's evaluation of any trial program of parking fees", and also appointed me to speak for the commission at the June 24 city council meeting regarding this issue.

At that meeting the PRW staff presented its quickly developed paid parking program, that was NOT included in the agenda packet for public review, and with little time given to any further analysis, or acknowledgement of the concerns of the public (who had written hundreds of letters on this issue), the council approved this paid parking plan. The PRW commission was not informed beforehand either.

P81-7

Frankly it is hard to imagine that this parking fee program would not have happened if it hadn't been to create a parking plan for this DEIR that was thought to discourage ferry riders from using those lots that were most popular with recreationists. Although by offering a $500/annual fee that would allow "free" daily parking, that in itself seems to be an attractive alternative to a higher income level ferry rider than to those in the recreational community. (Because of the "behind closed doors" decision making from policymakers, I tendered my resignation from the PRW commission. Equity and fairness were at the heart of my concerns.)

There should be more analysis of how the DEIR's parking plan will affect current waterfront users (not just the patrons of the ferry) and how programs that are designed to help implement this plan, like the paid parking one, will affect future usage of Berkeley's waterfront.

P81-8

Claudia

Claudia Kawczynska
2810 8th St. | Berkeley, CA 94710 | 510.821.0044

Date: **April 28, 2026**

To: **Liza McNulty, PE, Project Manager**
City of Berkeley, Parks, Recreation, and Waterfront Department
From: **Claudia Kawczynska**
Re: **Berkeley Water Transportation Pier Ferry Draft EIR Comments**

Thank you for providing the opportunity to respond to the Draft EIR, I will be addressing only two aspects of this study, the equity issue in parking and the potential impacts to whales:

Biological Resources:
Potential Impacts to Whales

In your document you analyzed potential impacts to whales but I believe this merits a more in-depth analysis and should not just rely on the very dated WETA's 23 year old programmatic EIR that determined the following:

"Given the existing setting of the Central Bay, and WETA's ongoing implementation of best practices to reduce the potential for whale strikes per the Mitigation Measures in the 2003 Program EIR, impacts would be less than significant." P81-9

But yet according to the National Oceanic and Atmospheric Association, 18% of gray whales that enter the SF Bay die there, with fast moving vessel traffic and resulting strikes being a primary cause. Just a few days ago another body of a gray whale, the 8th so far this season, was spotted in the Bay. And while the EIR does cite the "WETA Marine Mammal Protection & Whale Avoidance Memorandum" that document is not fully reproduced in the EIR. This makes WETA's internal whale-protection guidance less than transparent.

Since vessel speed is the major concern in avoiding striking whales, it is of great concern that this DEIR does not support imposing mandatory ferry speed reductions, and simply relies on "personal communication regarding ferry speeds." So the reduction of the speed is NOT regulated but simply dependent on "conditional" observations.

Outside of the SF Bay NOAA etc promotes a 10 knot slow zone in whale habitats, but there is no equivalent enforceable standard with ferry operators. The DEIR asserts that "marine mammal activity, particularly for whales, is expected to be lower in the project vicinity than elsewhere in the Bay." But a whale protection approach must analyze cumulative impacts of the ferry system, not just individually.

In reaching the conclusion that "No mitigation would be required" around this issue, the DEIR states that "Special-status fish and marine mammals, specifically whales, are likely habituated to existing levels of boat trip levels and would avoid new ferry boat service." This certainly sounds more like "wishful" thinking than any in-depth analysis that this important matter merits. In fact many of the whales that come into the Bay are new to the area, so don't have any memory of it to acclimate to it. It is hoped that the deficiencies in the environmental review of valuable resources, such as protection of the whales, be further explored so that the public and policymakers can make an informed judgment regarding the project.

DEIR Parking and Parking Fee Program

For more "wishful" thinking there is the DEIR's analysis around providing parking for both ferry riders and to the many other users and recreationists who visit the waterfront. I realize that you have already received many comments about the deficiencies of the DEIR's plan to provide sufficient parking for ferry riders, especially since it relies mostly on data collected from other terminals in non-park settings in the Bay Area. So while I do not have much more to add to those comments except to provide a short recent history of how the city of Berkeley, in anticipating the advent of a ferry, thought to impose paid parking on some of the most popular areas, for recreationists, in the waterfront area.

P81-9

On May 14, 2025, the idea of paid parking first came to the Parks, Recreation and Waterfront Commission, on which I served as vice chair (for the previous 2 years I was its chair). At that time the idea of exploring added revenue generation was extremely important, partially due to the fact that the Doubletree hotel had not paid its lease payments for quite some time, so the PRW formed a subcommittee to study this issue.

The commission had heard from a wide range of Waterfront users and stakeholders about how this proposed parking fee would have an insurmountable impact on their and others' ability to use the waterfront. This ran counter to one of the state goals of the Waterfront Planning process (WSP) to attract a wider range of users. It was thought that a parking fee would do quite the opposite. According to the Kittelson report parking data found that a third of visitors made less than $75K/yr. The commission requested that it be "fully integrated into the City's evaluation of any trial program of parking fees", and also appointed me to speak for the commission at the June 24 city council meeting regarding this issue.

At that meeting the PRW staff presented its quickly developed paid parking program, that was NOT included in the agenda packet for public review, and with little time given to any further analysis, or acknowledgement of the concerns of the public (who had written hundreds of letters on this issue), the council approved this paid parking plan. The PRW commission was not informed beforehand either.

Frankly it is hard to imagine that this parking fee program would not have happened if it hadn't been to create a parking plan for this DEIR that was thought to discourage ferry riders from using those lots that were most popular with recreationists. Although by offering a $500/annual fee that would allow "free" daily parking, that in itself seems to be an attractive alternative to a higher income level ferry rider than to those in the recreational community. (Because of the "behind closed doors" decision making from policymakers, I tendered my resignation from the PRW commission. Equity and fairness were at the heart of my concerns.)

P81-9

There should be more analysis of how the DEIR's parking plan will affect current waterfront users (not just the patrons of the ferry) and how programs that are designed to help implement this plan, like the paid parking one, will affect future usage of Berkeley's waterfront.

Letter P81

Commenter: Claudia Kawczynska

Date: April 28, 2026

Response to Comment P81-1

As described in Draft EIR Section 3.3.4 (Impact BIO-1, pages 52–54), the analysis does not rely on an assumption that whales are acclimated to ferry operational levels. Instead, the EIR evaluates the project's incremental contribution to an already heavily trafficked Central Bay environment and relies on WETA's established marine mammal protection protocols, which are based on NOAA guidance and ongoing coordination with the Marine Mammal Center. Refer to Section 2.2.28, *Topical Response: Whale Strike*, and Response to Comment O7-13 for a discussion regarding potential whale strike. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P81-2

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P81-3

As described on Draft EIR page 3.3-53, WETA works closely with the Marine Mammal Center to implement a multi-layered marine mammal protection protocol that reflects current scientific understanding and updated NOAA guidance. The memorandum referenced by the comment is summarized in the Draft EIR as part of the regulatory and operational framework. CEQA does not require full reproduction of external operational documents within an EIR. In addition, see Section 2.2.28, *Topical Response: Whale Strike*, and Response to Comment O7-13 for discussion regarding potential whale strike. With respect to the comment's concern regarding the Draft EIR's incorporation of the 2003 WETA EIR, refer also to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* which clarifies the role of that document in the environmental review and the basis for the Draft EIR's project-specific analysis. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P81-4

As described on Draft EIR page 3.3-53, WETA works closely with the Marine Mammal Center to implement a multi-layered marine mammal protection protocol that reflects current scientific understanding and updated NOAA guidance, including speed reduction. The memorandum referenced by the comment is summarized in the Draft EIR as part of the regulatory and operational framework; CEQA does not require full reproduction of external operational documents within the EIR. See Section 2.2.28, *Topical Response: Whale Strike,* and Response to Comment O7-13 for a discussion regarding potential whale strike. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P81-5

As described in Draft EIR Section 3.3.5, Cumulative Impacts (page 3.3-66), the EIR evaluates the project's incremental contribution to cumulative marine mammal impacts in the context of existing commercial, recreational, and ferry vessel operational levels in the Central Bay. The analysis concludes that the project would not make a cumulatively considerable contribution to whale strike risk, because WETA operational protocols developed in coordination with NOAA and the Marine Mammal Center apply to all WETA vessels, including those operated as part of the proposed project. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P81-6

This comment quotes the analysis of operational impacts on movement of marine species in Draft EIR Section 3.3.4 under Impact BIO-4, page 3.3-66, which determined that impacts would be less than significant. In addition, the Draft EIR addresses operational impacts to special-status fish and marine mammals in Section 3.3.4, under Impact BIO-1 (pages 3.3-52 through 3.3-54). See Section 2.2.11, *Topical Response: Ferry Operations*, for additional discussion of vessel interaction with aquatic species to support the less than significant effects determination Section 2.2.4, *Topical Response: Biological/Underwater Noise*, for discussion of effects of noise made by ferries on aquatic species. In addition, see Section 2.2.28, *Topical Response: Whale Strike*, for discussion of ferry operations and its impacts to whales. Finally, see Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability*, for discussion of how WETA would avoid impacts to aquatic species, including whales. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P81-7

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P81-8

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed under CEQA.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P81-9

Refer to Response to Comments P81-1 through P81-8.

-----Original Message-----
From: Paul Kamen <pk@well.com>
Sent: Tuesday, April 28, 2026 4:40 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Re: Comment on the WETA Pier-Ferry Draft EIR

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The Draft EIR is seriously deficient in its estimation of the environmental effects of dredging and land fill. This is because the required size and extent of the breakwater is grossly underestimated. P82-1

The problem is not the methodology, it is the omission of complete wind and wave data, specifically the occurrence of winter gale force north or north-west winds. These wind events produce waves that leave the ferry float entirely unprotected by the proposed breakwater design. P82-2

The same mistake was made in 1965 when the Berkeley Marina was designed.
The original design only included the rip-ra[breakwater, which was insufficient protection. During winter northerlies, the wave action INSIDE the marina was enough to repeatedly damage the docks on O-Dock that were in the waves' path. One section of boat berths had to be abandoned. P82-3

In the early '70s, the required fix was to add the sheet pile breakwater to the north of the original rip-rap breakwater, at great expense. The missing berths were replaced.

The problem then, as now, was that none of the wind measurement stations used for the wave analysis were accurately recording these north or north-west wind events. When these conditions are considered in the wave analysis for the proposed ferry terminal, it will be found that the breakwater must be much longer. Siltation and maintenance dredging requirements will increase beyond current estimates. P82-4 With the longer breakwater protecting the ferry float from the north, the location of the breakwater and the ferry floats may have to move farther west to allow sufficient maneuvering room for the ferry. P82-5

The analysis must include more extensive fill for a longer breakwater, a new assessment of landfill and maintenance dredging and related costs and impacts, and possible upgrades to the ferry float design or allowance for more frequent repairs after north wind events. P82-6

These costs should be considered as part of the feasibility assessment of the project as proposed, otherwise the City, WETA, and other funding agencies will be responsible for another expensive retrofit, similar to what happened in the same location more than 50 years ago. P82-7

Paul Kamen, Naval Architect, P.E.
Surface Propulsion Analysis
1224 Campus Drive, Berkeley, California 94708
pk@well.com
https://nam10.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.surfacepropulsion.com%2F&data=05%7C02%7Crperry%40rinconconsultants.com%7C66636354728041c6010c08dea59b558f%7C0601450f05594ee5b99257193f29a7f8%7C0%7C0%7C639130283753988074%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C%7C&sdata=t5NbUgAW%2BhL9OCoxle7YwsxqAMCBzWWgIJk9Gh%2FSjWM%3D&reserved=0
510-540-7968 510-219-8106 (cell)

Letter P82

Commenter: Paul Kamen

Date: April 28, 2026

Response to Comment P82-1

In subsequent comments, the commenter provides specific concerns. Refer to Response to Comments P82-2 to P82-7 for a response to the specific comments raised.

Response to Comment P82-2

Refer to Section 2.2.29, *Topical Response: Wind*, for discussion concerning ferry operation with existing wind conditions. Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate* for discussion concerning wind and wave data produced for the project. No further response is required.

Response to Comment P82-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P82-4

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of the wind data used in the project design. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P82-5

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, and Section 2.2.15, *Topical Response: Maintenance Dredging,* for a discussion of the modeling conducted to identify maintenance dredging.

For a discussion of how maintenance dredging is treated in the CEQA document, refer to Section 2.2.15, *Topical Response: Maintenance Dredging.* The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P82-6

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a response to the specific issues raised in Comments P82-4 and P82-5, as it relates to the design of the project. Based on the data, modeling, and design gathered and prepared by the City's licensed professional coastal engineers, updates to the design are not needed, and updated analysis on the amount of fill and dredging is not required. The comment does not identify a specific deficiency in the analysis presented. No revisions to the Draft EIR are required.

Response to Comment P82-7

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

From: Mike <ebaymike666@yahoo.com>
Sent: Tuesday, April 28, 2026 10:52 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Concerns Regarding Proposed Ferry Project and Impact on Cal Sailing Club

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Liza McNulty,

I am writing to express my serious concerns regarding the proposed ferry project and the direct impact it may have on the Cal Sailing Club and the surrounding recreational waterfront community.

The Cal Sailing Club is a unique and valuable part of Berkeley's waterfront, providing affordable public access to sailing, windsurfing, kayaking, and other water recreation for a wide range of residents. Many of us rely on this area not only for recreation, but for community, wellness, and connection to the Bay. P83-1

There are several major concerns with the current proposal that I hope the City will carefully consider:

• Loss of parking for recreational users, which would significantly reduce accessibility for those who regularly use the marina and Cal Sailing Club. P83-2

• Degradation of wind quality, wind strength, and water conditions on the leeward side of the proposed breakwater. This could severely impact sailing and windsurfing conditions, which depend heavily on the natural wind flow and water state. P83-3

• Restriction of the sailing zone south of the pier, limiting safe and usable space for sailors and other small craft users. P83-4

• Disruption of the sea floor during dredging, which may increase siltation and further reduce access to the south sailing basin during low tides—an area already sensitive to tidal limitations. P83-5

• Increased congestion on University Avenue during ferry arrival and departure times, creating additional traffic challenges for both recreational users and the surrounding community. P83-6

I strongly urge the City to fully evaluate these impacts and work closely with the Cal Sailing Club and the local waterfront community before moving forward. Once these environmental and recreational conditions are altered, they may not be easily restored. P83-7

Please ensure that preserving public recreation, sailing access, and the character of Berkeley's waterfront remains a top priority in this decision. P83-8

Thank you for your time and consideration.

Sincerely,
Michael Freeman
Cal Sailing Club Member

Letter P83

Commenter: Michael Freeman

Date: April 28, 2026

Response to Comment P83-1

The Draft EIR recognizes the Cal Sailing Club and similar community-serving recreational uses as important components of the Berkeley Waterfront. Section 3.11.2, *Environmental Setting* (pages 3.11-1 through 3.11-7), identifies sailing, windsurfing, kayaking, and other water-based activities as key existing uses, including those supported by nonprofit organizations that provide public access and educational opportunities.

Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24), evaluates whether the proposed project would result in a physical loss of recreational resources or restrict access to these uses. As discussed therein, the Draft EIR concludes that the project would maintain and enhance recreational opportunities and access, including improved shoreline access, restoration of public access to the Berkeley Pier, and the addition of new amenities (Impact REC-1). The project does not remove or preclude continued use of facilities such as the Cal Sailing Club.

For additional discussion of shoreline and equipment-dependent access for activities such as sailing and kayaking, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities).*

Accordingly, the Draft EIR does not support the statement that the project would adversely affect or displace the recreational community referenced by the comment. The analyses and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P83-2

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking availability and convenience are not environmental impacts under CEQA in themselves, but are evaluated for potential secondary effects on access. The Draft EIR concludes that access to recreational resources, including facilities such as the Cal Sailing Club, would be maintained.

Accordingly, the Draft EIR does not support the statement that the project would significantly reduce accessibility for recreational users. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P83-3

Refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users,* for information on these topics. No further response is required.

Response to Comment P83-4

For discussion of the regulations surrounding the waterfront, refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities).* Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* regarding analysis of impacts on existing recreational access, including any limitations.

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment P83-5

Refer to Section 3.8, *Hydrology and Water Quality*, of the Draft EIR and Section 2.2.25, *Topical Response: Siltation/Wave Climate*. As discussed therein, any increase in turbidity associated with dredging activities would be temporary and limited to the construction period. Suspended sediments generated during dredging would be expected to settle following completion of the work, and standard construction best management practices would be implemented to minimize sediment dispersion beyond the immediate work area. Sediment transport analyses prepared for the project indicate that the highest sedimentation rates would occur within the dredged navigation channel, where natural sediment transport processes would tend to gradually infill the dredged area over time.

Although the South Sailing Basin was not specifically evaluated as part of the sediment transport modeling, the basin is shallower and more sheltered from wave action than the navigation channel, resulting in different hydrodynamic and sediment transport conditions. Given the localized nature of dredging activities and the expected settling of suspended sediments near the dredged area, the project is not anticipated to result in a measurable increase in sediment deposition within the South Sailing Basin or a reduction in access beyond existing tidal limitations.

To provide additional clarification, the following text has been added to Impact HYD-1 in Section 3.8, *Hydrology and Water Quality* (page 3.8-30):

> Dredging activities have the potential to temporarily degrade water quality by resuspending bottom sediments into the water column. As described previously, in 2025, sediment sampling and analysis was conducted within five dredge units in the project vicinity and sediment samples were found to contain metals, organochlorine pesticides, polynuclear aromatic hydrocarbons, PCBs, and dioxins/furans. Although contaminants were present, the concentrations of such contaminants indicate that sediments are not likely to pose significant hazards if managed according to reuse site requirements.
>
> Any increase in suspended sediment concentrations resulting from dredging activities would be temporary and limited to the construction period. Suspended sediments generated during dredging would be expected to settle following completion of the work, and standard construction best management practices would be implemented to minimize sediment dispersion beyond the immediate work area. The sediment transport assessment indicates that the highest sedimentation rates would occur within the dredged navigation channel as natural sediment transport processes gradually infill dredged areas over time.[48] Given the localized nature of dredging activities and the expected settling of suspended sediments near the dredged area, the project is not expected to result in a measurable increase in sediment deposition within the South Sailing Basin or a reduction in access beyond existing tidal limitations.
>
> [48.] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study prepared for City of Berkeley. December. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_Coastal-Study.pdf (accessed July 2026).

This revision is clarifying in nature and does not alter the impact analysis, significance determinations, or mitigation measures presented in the Draft EIR. Therefore, the analysis and significance conclusions presented in Section 3.8, *Hydrology and Water Quality*, remain valid as written. No further revisions to the EIR are necessary.

Response to Comment P83-6

Refer to Response to Comment O10-156 regarding congestion and impacts on recreational users. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P83-7

Refer to Response to Comments P83-1 through P83-6 for responses to individual comments. This comment has been included in the project record considered by City decision makers. This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P83-8

As described in Chapter 2, *Project Description*, the City's project objectives include goals to preserve and enhance public recreational access to the waterfront while improving regional transportation connectivity (see Section 2.3, *Project Objectives*). These objectives reflect the City's intent to balance transportation improvements with continued support for recreational uses.

Section 3.11, *Recreation*, of the Draft EIR accordingly describes existing recreational uses at the Berkeley Waterfront, including sailing, windsurfing, kayaking, and other water-based and passive recreational activities (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7), and subsequently evaluates whether the proposed project would result in a loss of recreational resources or restrict access (see Section 3.11.4, *Impacts Analysis*, pages 3.11-14 through 3.11-24). The analysis therein concludes that the project would maintain and enhance recreational opportunities and access (Impact REC-1). In addition, Draft EIR Section 3.9, *Land Use and Planning* (Impact LU-2 and Table 3.9-1), further evaluates consistency with applicable policies, including BCDC Bay Plan policies that prioritize public access, recreation, and preservation of the waterfront setting, and concludes that the project would be consistent with those policies.

The comment's statement reflects a policy preference regarding project priorities. This comment has been included in the project record provided to decision makers for consideration.

The Draft EIR evaluates the physical environmental effects of the project as required by CEQA and demonstrates that recreational uses, access, and the overall character of the waterfront would be maintained and enhanced.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Letter P84

From: Gordon Stout <gords11@gmail.com>
Sent: Tuesday, April 28, 2026 1:47 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>; Scott Humphrey <scotth@sfmx.org>; theeter@blueandgoldfleet.com; kevin.hartley@crowley.com; phendriks@baydeltamaritime.com; qualman@norvicshipping.com; tammie.lasiter@ssamarine.com; alex@goprop.com; robert@ibu.org; freeling@sfmx.org; ben@baykeeper.org; GeorgeK@tmmc.org; d.corbett@sfbarpilots.com; p.ruff@sfbarpilots.com; scott.grindy@sfgov.org; im@cmanc.com; thosmer@portoakland.com; jtaschek@portoakland.com; jvine@stocktonport.com; mmiller@stocktonport.com; rscott@amports.com; katie.baracosa@amports.com; patrick.forrester@sfport.com; joe.monroe@sfport.com; cody.aichele@bcdc.ca.gov; jjschneider@marathonpetroleum.com; fadj@chevron.com; Erin.Pierson@crowley.com; laura@foss.com; timothy.w.shebesta@usace.army.mil; Jordan.M.Baldueza@uscg.mil; jeffrey.ferguson@noaa.gov; Robert.Booker@slc.ca.gov
Subject: EIR Docking Safety Questions

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Please read the attached file *EIR Docking Safety Questions.pdf*

It responds to the *Berkeley-Water-Transportation-Pier-Ferry-Project-Draft-EIR* P84-1

Also attached are the two previous files that describe the ferry docking situation.

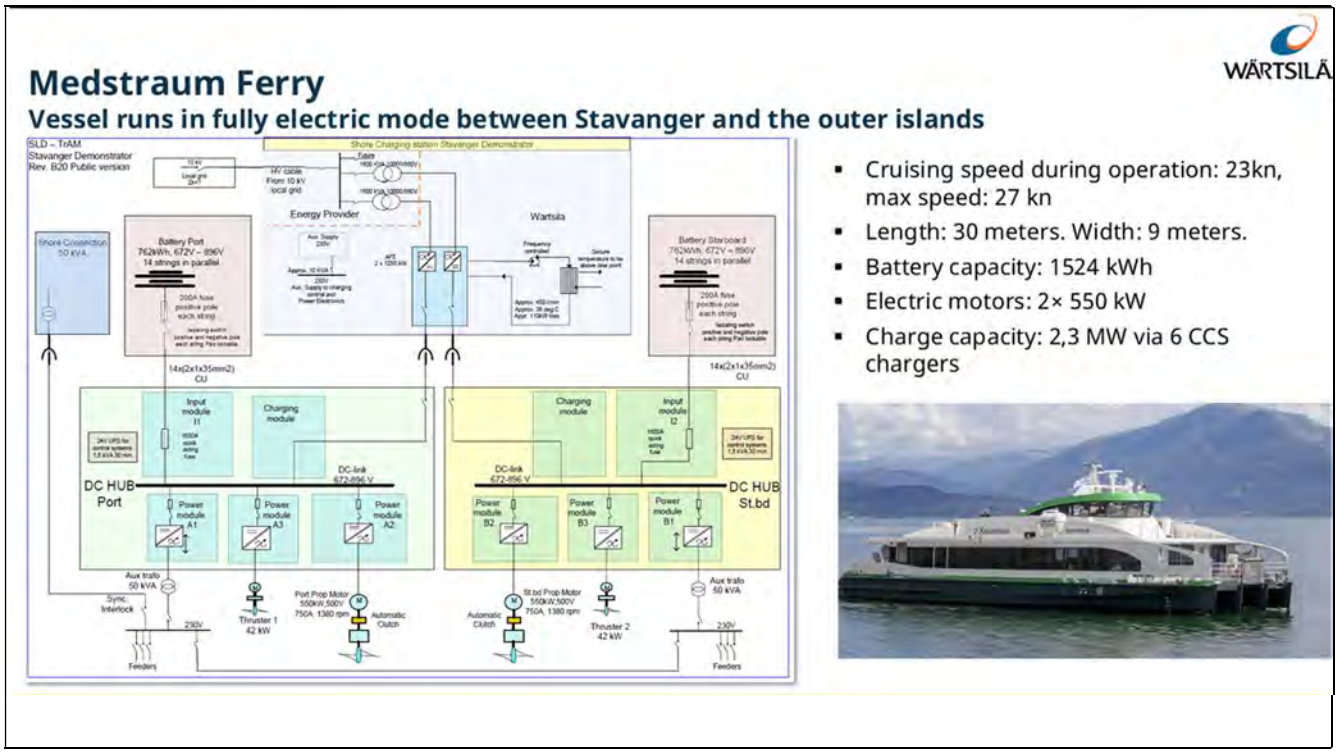
Thanks, all!

Gordon Stout

Draft EIR statement: "The project would introduce battery-electric ferry vessels operating on the project site. In the unlikely event of a loss of propulsion on an electric vessel, multiple layers of redundancy would be in place to prevent a complete failure. The vessel would be equipped with independent electric motors and multiple battery banks, each with isolated controls and protection systems, ensuring that a single point of failure does not disable the entire system."

Response: See below, the diagram shows one battery per side (port and starboard) each with an input and charging module and a DC Hub (output bus). Not quite per the rosy description above— "Multiple battery banks" is actually only two battery assemblies, one for port and one for starboard, and you probably only get limp-along capability with one bank out. These will be new prototype designs with as yet no operational track record—understand that the failure modes expected from a novel, very complex system will require careful analysis, way beyond what a paragraph or two can do. We trust that Wartsila will provide WETA with a very detailed failure mode and effect analysis that will guide our thinking.

At the end of the day, please don't bet 400 lives on the assumption that the control system will never fail—the system must have a backup, a foolproof way to stop the ferry if there is a control failure that leaves the ferry adrift. The consequences of a ferry being blown onto the Berkeley rocks or the Skates restaurant are much too serious to take risks with. P84-2



Draft EIR statement: "Crew members are trained regularly to respond to such scenarios, including loss of propulsion drills. In the rare case that all propulsion is lost, the crew would deploy the vessel's anchor to maintain position and initiate protocols to ensure passenger safety." **Response:** Such drills are indeed essential, and should be based on scenarios that include actual windy-day anchoring in response to surprise control failures. Drills should also cover simulated evacuation of passengers. The drills should follow well thought out protocols that are described in detail. A simulator, such as the one at the Cal Poly Maritime Academy, could be very useful in developing protocols. P84-3

Draft EIR statement: "WETA and its contracted operator proactively monitor weather forecasts. In the event of an approaching storm, senior staff coordinate with vessel crews to evaluate the safety of continuing ferry service on affected routes." **Response:** Fair enough, but will WETA help getting stranded passengers to their jobs across the bay? Not a trivial problem for passengers who find themselves stranded at the Marina without transit options. The EIR needs to consider what to do with weather-stranded passengers. P84-4

Draft EIR statement: "It should be noted that other marine vessels regularly operate near the project site, given that the project site is next to an active Marina. Similar to other vessels, ferry vessels would operate safely. For example, when approaching the ferry floats, ferry vessels would slow down significantly and adhere to speed limits and docking safety procedures. For these reasons, the operation of ferry vessels would not increase transportation safety use hazards due to the introduction of a new use on the project site (i.e., operation of ferry vessels)." **Response:** There are indeed many fishing charter boats that transit the area safely, but they do not brave wind and waves several times per day to make the ferry's amazing 180-degree turn and docking in the middle of a very windy high-traffic area. And these new ferries will be prototypes with as yet no operational track record, so we should be prepared for some failures. P84-5

In the end, a large, 400-passenger ferry blown onto Skates or the shore would do much more damage, and risk many more lives, than a grounding of any of the Berkeley fishing charter boats. We need to be very sure we can stop a ferry with any foreseeable control failure.

Harbor Safety Committee Reports of Loss of Propulsion Jan and Feb 2025
G. Stout 1/30/2026

What will be the reliability of the WETA electric ferry? We don't have data—perhaps referring to experience with other ferries on the bay may give some insight. Check out the HSC minutes, Marine Exchange of the San Francisco Bay Region

Draft Minutes Harbor Safety Committee of the San Francisco Bay Region February 13, 2025
https://www.sfmx.org/wp-content/uploads/2025-02_HSCMinutes_DRAFT.pdf
Total of 29 entries, the four below were LOP for passenger vessels

Loss of Propulsion (17DEC2024): A U.S. flag passenger vessel experienced a Loss of Propulsion on the port engine. Vessel moored safely at San Francisco Gate B and received permission for a one-time transit from San Francisco to Larkspur for repairs. Coast Guard issued the vessel an Operational Control, rectify Prior to Carriage of Passengers (Code 701). On 07JAN2025, vessel operator reported the root cause of the loss of propulsion as a failed fuel injector. On 21JAN2025, Coast Guard received a report that the vessel propulsion system operated as intended following satisfactory sea trials. Deficiency Cleared. Case pends.

Loss of Propulsion (23DEC2024): A U.S. flag passenger vessel experienced a reduction in propulsion on the starboard engine due to a low fuel oil pressure alarm. Vessel received permission from the Coast Guard for one time transit to Alameda facility to identify root cause, provide tech report, and conduct sea trials. Coast Guard issued an Operational Control, rectify Prior to Carriage of Passengers (Code 701). On 01JAN2025, Coast Guard received an email outlining the root cause of the reduction in propulsion to be from an issue with the ECU connecting to the starboard main engine. Vessel replaced the ECU and completed satisfactory sea trials. Operational Control Cleared. Case Pends.

P84-6

Loss of Propulsion (27DEC2024): A U.S. flag passenger vessel experienced an engine stall while transiting in the San Francisco Bay. Vessel returned to Pier 3 in Alameda and determined the engine stall occurred due to a leaky fuel fitting. Vessel crew also found a loose connection at a fuel hardline which caused air intrusion into the fuel system. Coast Guard issued an operational control, rectify Prior to Carriage of Passengers (Code 701). Crew repaired the faulty connection and engine reached full RPM during satisfactory sea trials. Operational Control Cleared. Case Pends.

Operational Control (23DEC2024): A U.S. flag passenger vessel received an operational control, rectify Prior to Carriage of Passengers (Code 701). Vessel reported loss of throttle control to port and starboard propulsion drives while mooring at Pier 41. On 26DEC2024, operator submitted a tech report that no abnormalities were found, sea trials conducted satisfactorily, and all systems operational. Operational Control Cleared. On 27DEC2024, during transit, the vessel experienced loss of throttle control to the port and starboard propulsion drives. Vessel moored at Pier 41. Coast Guard issued an operational control, rectify Prior to Carriage of Passengers (Code 701). Vessel received authorization for one-time transit to Pier 9 for maintenance and repairs. On 10JAN2025, the vessel conducted sea trials. While underway the operator completed several propulsion tests, including full ahead followed by full astern. On 14JAN2025, technicians reported that the throttles were calibrated to disable themselves until RPMs reduced below 70 when going from ahead to astern. Vessel installed new throttle controls. Operational control Cleared. Case Closed.

Harbor Safety Committee Reports of Loss of Propulsion Jan and Feb 2025

G. Stout 1/30/2026

Draft Minutes Harbor Safety Committee of the San Francisco Bay Region January 9, 2024

https://www.sfmx.org/wp-content/uploads/2025-01_HSCMinutes_DRAFT.pdf

Total of 19 entries, the three below were LOP for passenger vessels

Loss of Propulsion (10NOV2024): A U.S. flag passenger vessel experienced a loss of propulsion on their STBD engine due to loss of propeller while transiting to Richmond. The vessel returned to the pier and offloaded all passengers. Coast Guard issued the vessel an operational control (Code 60, Prior to Movement), with a one-time transit to Alameda for drydock. At drydock damage was found to have occurred to the strut, shaft, rudder, and cutless (sic) bearing. On 17NOV2024, Coast Guard attended vessel for sea trials, sea trials conducted satisfactorily. Operational Control Cleared. Case Closed.

Loss of Steering (22NOV2024): A U.S. flag passenger vessel experienced a loss of steering; vessel operator reported issues with the STBD steering system while underway, with alternate jet propulsion available. Vessel returned to the pier. Coast Guard issued an operational control (Code 701, Prior to Carraige of Passengers). On 24NOV2024, vessel operator submitted tech report attesting to satisfactory repairs. Vessel conducted satisfactory sea trial. Operational Control Cleared. Case Pends.

P84-6

Operational Control (02NOV2024): A U.S. flag passenger vessel was issued an Operational Control (Code 70, Prior to Carraige of Passengers). While departing the pier, the vessel lost power from one of two generators, reducing propulsion to approximately 66% power. Vessel safely moored and was issued the operational control. On 03NOV2024, operator notified Coast Guard that the issue had been resolved. Identified a failure of two electrical relays that send the key switch signal to the control system. Both relays were replaced, and sea trials conducted. Coast Guard received satisfactory tech report. Operational Control Cleared. Case Closed.

Lee Shore Hazard at the Proposed Berkeley Ferry Dock

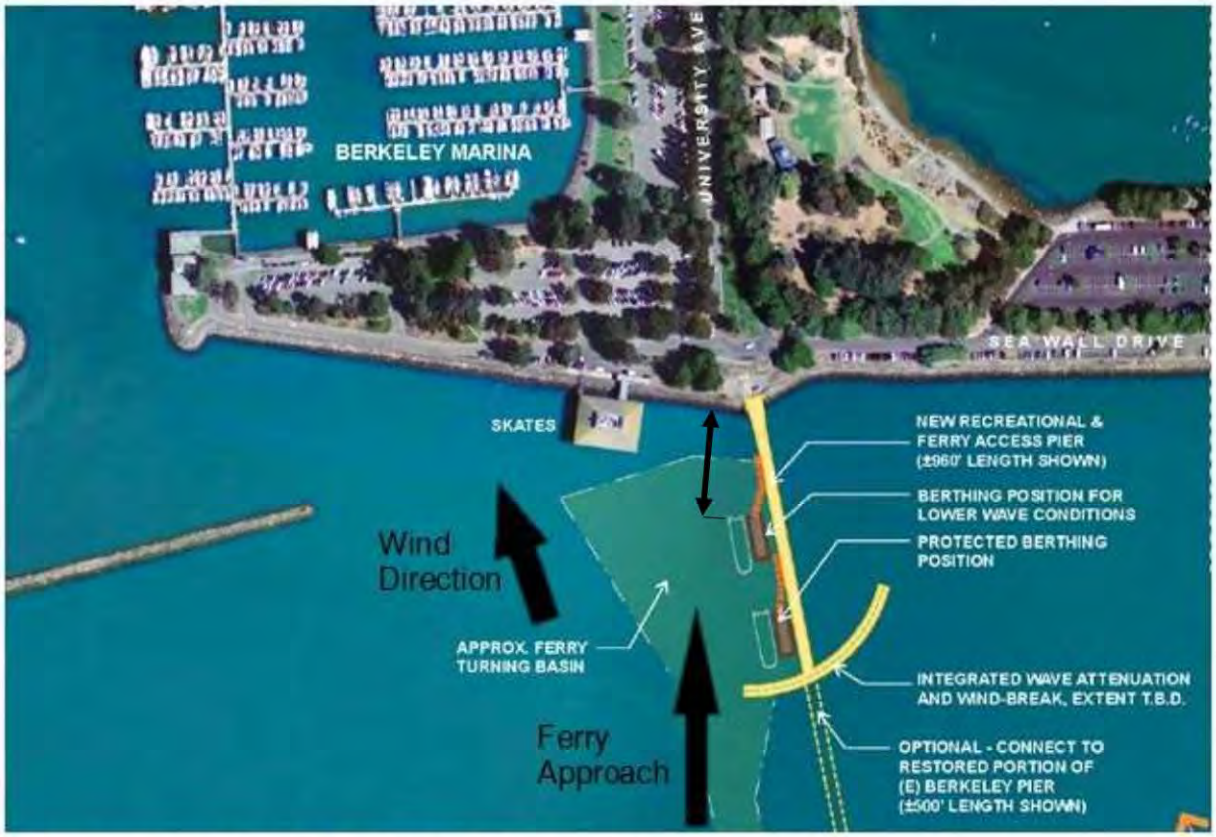




P84-7

On November 23, 2018 a Golden Gate Ferry rammed a dock at the San Francisco Ferry building, check out the bow damage in the picture above and this video. Fortunately, there were no serious injuries and damage was relatively minor. The cause of the accident appears to have been the captain's unfamiliarity with a recently upgraded control system.

Consider the possibility of a loss of control incident occurring in a ferry approaching the dock proposed for the Berkeley WETA ferry (see below). An inbound ferry will normally arrive downwind roughly along the "Ferry Approach" arrow, then make a 180° turn in the "Ferry Turning Basin" so the ferry ends up pointed upwind when it arrives at the dock. The summer afternoon winds are often well above 20 mph, the chop is significant, and most of the marina's boat traffic leaves and arrives through this area. The 180° turn and docking will be demanding even with perfectly functioning equipment.



FINAL_Ferry Terminal Facility Feasibility Study - Berkeley Municipal Pier See Page 34 (arrows added)

P84-8

Zoomed-in image showing Dorado-sized (~300 passenger) ferry halfway through a 180° turn.



This is a very tight situation in which to suffer a control or propulsion loss. The inshore end of the ferry's dock is only 200 feet upwind of the rocky shore, and a 20- or 25-mph wind would soon push a disabled ferry downwind onto the rocks or the Skates restaurant. Skates is built on

tall, slender pilings (see next page) and might not survive wind and waves pushing a 135-foot-long ferry against and perhaps underneath it. Injuries and damage in such an accident would be very likely.

P84-8

Information with some bearing on how likely a control loss event might be:

1. The meeting minutes of the Harbor Safety Committee of the San Francisco Bay Region for January and February 2025 described seven instances of loss of propulsion or steering in passenger vessels on the Bay. (see Harbor Safety Committee Reports of Loss of Propulsion Jan and Feb 2025.pdf, attached with this document).
2. Hyundai, Kia, and Genesis are recalling over 146,000 electric vehicles because a faulty part may cause them to lose power while driving. What will be the reliability of the new WETA electric ferries?
3. After the Baltimore bridge collapse caused by a power loss in a big container ship, USA Today summarized US Coast Guard data showing that at least 6,000 times in the past 22 years – an average of more than five times a week – crews on board large cargo ships, oil tankers, container barges and even cruise vessels have reported what befell the Dali, a loss of propulsion and/or steering.

Docking Maneuvers:

- The ferry battery will be at a low state of charge when the ferry arrives at Berkeley, which may exacerbate some system failure modes.
- To the extent that the docking maneuvers involve dramatic steering or propulsion inputs, they may stress the control system and cause an incipient control failure to manifest as a hard failure during the docking.
- The 180° turn requires the skipper to shift attention from starboard to port, which adds to the skipper's workload. A Dorado's beam is 34.5 feet.
- If the final approach requires the ferry to drop backwards into position, the helmsman must look backwards to the dock, again adding to workload.
- Marina traffic needs to use the South entrance when the tide is low, and even if the ferry has the right of way, someone aboard will need to watch for approaching vessels. Boats leaving the marina will not be visible until they are close to the turning basin.
- If the loss of control occurs before the ferry slows for the 180° turn, the ferry's downwind speed will greatly reduce the available time to respond.

P84-9

Anchoring:

The best response to a loss of control event would probably be to drop an anchor, though better solutions might be found. An anchor would need to be dropped very quickly or the ferry will not stop before it hits the restaurant or shore.

- What kind of anchor should be used, and how much scope will the anchor need?
- Will the anchor be dropped off the stern or bow? There might need to be two protocols, one for a loss of control (LOC) event before the 180° turn and another for a (LOC) after the turn.
- Will the seabed be free of debris that might keep the anchor from biting into the mud?

- Is there anything on the underside of the ferry (e.g. rudder. skeg, propellor) that the anchor line could foul?
- Will additional crew be needed to deploy the anchor quickly?
- When the anchor line comes tight, is there potential for injury to people near it, on the ferry or the docking float?

P84-9

The approach of the ferry to the dock and the dropping of the anchor would need carefully thought-out protocols, which ferry personnel would need to be well-trained to execute rapidly if a loss of control event occurs.

In my opinion, the dock should be positioned in a less exposed site, for example inside the Marina or in a purpose-designed facility on the Golden Gate Fields shoreline.

P84-10

This is a matter that should be carefully considered in the ferry project EIR.

Skates Restaurant Would Skates survive being hit by a 135-foot, 169-ton ferry?



P84-11

Letter P84

Commenter: Gordon Stout

Date: April 28, 2026

Response to Comment P84-1

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P84-2

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* for discussion regarding vessel maneuverability, propulsion redundancy, loss-of-control scenarios, emergency response procedures, marine safety features, regulatory oversight, and the conclusions presented under Impact TRA-3 in Draft EIR Section 3.12, *Transportation* (pages 3.12-23 through 3.12-24). The Topical Response also includes clarifying revisions to the Draft EIR in response to comments received regarding ferry vessel control, docking safety, loss-of-propulsion scenarios, and emergency response procedures and a design adjustment that has been made to the proposed project to include fender piles and donut fenders within the project site in the water area to provide an additional passive safety measure by helping to absorb or deflect vessel movement in the unlikely event of a loss of control during approach or docking. For additional discussion related to electric ferry vessel assumptions, electric propulsion systems, vessel procurement, and the environmental analysis of electric ferry operations and supporting infrastructure, refer to Section 2.2.10, *Topical Response: Electric Ferry*.

The City acknowledges the commenter's observations regarding a representative electric ferry system and suggestion that failure analyses should be conducted or vessel systems. However, the City notes that the diagram included in the comment depicts a vessel configuration operated by a separate ferry operator and does not represent the final vessel design proposed for the Berkeley Water Transportation Pier Ferry Project. As discussed in Section 2.2.10, *Topical Response: Electric Ferry,* the specific ferry vessel model has not yet been procured or finalized. Accordingly, the Draft EIR does not rely on the design, battery architecture, or operational characteristics of any particular third-party vessel. Rather, the environmental analysis is based on the project description and operational assumptions evaluated in Draft EIR Chapter 2, *Project Description* (refer to Section 2.7, *Operational Details*, pages 2-30 through 2-33). Future vessel designs would be required to comply with applicable U.S. Coast Guard requirements, vessel certification standards, WETA operational requirements, and all other applicable maritime safety regulations. Therefore, statements regarding the configuration, reliability, or failure characteristics of a specific third-party vessel design do not demonstrate a deficiency in the environmental analysis presented in the Draft EIR.

The analyses and significance conclusions presented in the Draft EIR, including Impact TRA-3 in Section 3.12, *Transportation*, remain valid as written. No further revisions to the EIR are necessary.

Response to Comment P84-3

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* for discussion of ferry vessel safety systems, emergency response procedures, crew training requirements, vessel redundancy, and regulatory oversight. As discussed therein, ferry vessels would be operated by trained and licensed personnel in accordance with applicable U.S. Coast Guard requirements and WETA operational procedures.

The City acknowledges the commenter's recommendations regarding emergency preparedness and training. Specific training curricula, simulator use, drill frequency, and operating procedures are matters

determined by the ferry operator and applicable maritime regulatory authorities. These operational considerations do not constitute physical environmental impacts requiring analysis under CEQA.

The comment does not identify a deficiency in the environmental impact analysis presented in the Draft EIR. Therefore, no revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P84-4

As described in Draft EIR Section 3.12, *Transportation*, WETA would monitor weather conditions and make operational decisions regarding ferry service based on passenger and crew safety considerations (see Impact TRA-3, pages 3.12-24 and 3.12-24). However, the availability of alternative transportation for passengers during weather-related service disruptions is an operational and customer service matter rather than a physical environmental impact subject to analysis under CEQA.

Pursuant to CEQA Guidelines Sections 15064, 15360, and 15382, CEQA focuses on physical changes to the environment and the resulting environmental effects of a project. Potential inconvenience to passengers, including delays, cancellations, or the need to make alternative travel arrangements during weather-related service disruptions, would constitute a social or operational effect and would not, in itself, result in a physical impact on the environment requiring analysis in an EIR.

The comment does not identify a deficiency in the environmental analysis presented in the Draft EIR. Therefore, no changes to the Draft EIR conclusions or mitigation measures are necessary in response to this comment.

Response to Comment P84-5

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* which discusses vessel maneuverability, docking operations, emergency response procedures, propulsion and control system redundancy, regulatory oversight, and transportation hazard analysis under Impact TRA-3 in Draft EIR Section 3.12, *Transportation* (pages 3.12-23 through 3.12-24). The Topical Response also includes clarifying revisions to the Draft EIR in response to comments received regarding ferry vessel control, docking safety, loss-of-propulsion scenarios, and emergency response procedures. As discussed therein, ferry operations were evaluated with consideration of navigation conditions, vessel maneuvering requirements, and potential vessel emergency scenarios.

The Draft EIR concludes that operation of the proposed ferry service would not substantially increase transportation hazards. While the City acknowledges the commenter's concern that ferry vessels differ from recreational or charter vessels and that the consequences of a loss-of-control event could be more substantial, the comment does not provide substantial evidence demonstrating that the analysis, methodology, or significance conclusions presented in the Draft EIR are inadequate.

Accordingly, the analysis and significance conclusions presented in the Draft EIR, as supplemented and clarified in Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control*, remain valid, and no further revisions to the EIR are necessary in response to this comment.

Response to Comment P84-6

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* for discussion regarding ferry vessel maneuverability, loss-of-propulsion scenarios, vessel redundancy, emergency response procedures, U.S. Coast Guard oversight, and transportation safety analysis under Impact TRA-3 in Draft EIR Section 3.12, *Transportation* (pages 3.12-23 through 3.12-24). As discussed therein, the Draft EIR concludes that ferry operations would not substantially increase transportation hazards.

The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further revisions to the EIR are necessary in response to this comment.

Response to Comment P84-7

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* for discussion regarding control system failure and related considerations.

The incident identified by the commenter has been noted; however, isolated incidents involving other ferry systems do not demonstrate a deficiency in the environmental analysis prepared for the proposed project. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P84-8

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* for discussion regarding vessel maneuverability, loss-of-propulsion scenarios, ferry approach and docking operations, emergency response procedures, vessel redundancy, project design features, and applicable regulatory oversight. As discussed therein, Draft EIR Section 3.12, *Transportation*, evaluates ferry navigation and vessel maneuverability under Impact TRA-3 (pages 3.12-23 through 3.12-24) and concludes that operation of the proposed project would not substantially increase transportation hazards.

The analysis and significance conclusions presented in the Draft EIR remain valid as written. No further revisions to the EIR are necessary in response to this comment.

Response to Comment P84-9

The Draft EIR evaluates the environmental impacts associated with operation of the proposed ferry service and includes analysis of vessel safety considerations, including vessel emergencies and loss-of-control scenarios (refer to Section 3.12, *Transportation*). Please refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* which discusses the safeguards, operational procedures, and vessel safety requirements applicable to ferry operations, and includes clarifying revisions to the Draft EIR related to ferry vessel control, docking safety, emergency response procedures, and potential loss of control scenarios. As discussed therein, ferry vessels would be operated by trained and licensed personnel in accordance with applicable U.S. Coast Guard requirements and WETA operational procedures.

The City acknowledges the commenter's observations regarding vessel failures that have occurred elsewhere, the importance of emergency response planning and crew training, and the need to consider a range of potential loss-of-control scenarios when evaluating ferry safety. The commenter raises several examples of operational and emergency-response considerations, including emergency anchoring procedures, crew responsibilities, and personnel safety during vessel emergencies, which may be evaluated during vessel design, operational planning, crew training, and development of emergency response procedures. The specific crew requirements and emergency operating procedures for anchor deployment are operational matters that would be determined by the ferry operator and are not environmental impacts subject to CEQA review. The comment does not identify a deficiency in the Draft EIR's environmental analysis. Accordingly, the analysis and significance conclusions presented in the Draft EIR, as revised and clarified in Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control*, remain valid, and no further revisions to the Draft EIR are necessary in response to this comment.

Response to Comment P84-10

Refer to Section 2.2.29, *Topical Response: Wind,* for a discussion of the design and ferry operations, as it relates to wind conditions.

The City considered a range of alternatives and terminal locations during project planning and environmental review. Refer to Chapter 5, *Alternatives*, of the Draft EIR, including the discussion of alternatives considered but rejected from detailed analysis (Section 5.9, pages 5-25 through 5-28). Refer also to Section 2.2.2, *Topical Response: Alternatives*, and Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* which discusses comments suggesting that a ferry terminal be located within the Berkeley Marina rather than at the proposed project site. As discussed therein, the Draft EIR evaluated the

proposed project and a reasonable range of alternatives consistent with CEQA requirements and project objectives.

To the extent the comment raises concerns regarding the project location with respect to potential vessel loss of control scenarios, refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control*.

The comment does not provide evidence demonstrating that the environmental analysis presented in the Draft EIR is inadequate or that an alternative terminal location would avoid or substantially lessen significant environmental impacts while meeting most of the project's objectives. Accordingly, the analysis and significance conclusions presented in the Draft EIR remain valid, and no revisions to the EIR are necessary in response to this comment.

Response to Comment P84-11

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* for a discussion of how the EIR considers loss of control events, including a design adjustment that has been made to the proposed project to include fender piles and donut fenders within the project site in the water area to provide an additional passive safety measure by helping to absorb or deflect vessel movement in the unlikely event of a loss of control during approach or docking. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

From: Toni Mester <tonispann@sonic.net>
Sent: Tuesday, April 28, 2026 10:20 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Ferry DEIR comments

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To: Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov

From: Toni Mester, Berkeley resident

Re: Berkeley Waterfront Transportation Pier Ferry Project DEIR,
State Clearing house #2025040995

Dear Ms. McNulty:

As a Berkeley resident and waterfront user since 1972, I have an interest in the ferry project as it might impact my access to recreational opportunities such as walking, visiting restaurants, and sailing, all of which I have enjoyed over the years. I may also use the ferry as I have in the past when service from Berkeley was available. My usual transportation option to the waterfront is my car, as that is the most convenient for a person my age (83) and abilities. In the past I have served as a parks commissioner and Sierra Club officer, so I am familiar with many of the marina issues besides my own interests. I have read the DEIR with both personal and community concerns in mind. P85-1

The EIR must analyze ferry terminals parking and include a parking management plan as an enforceable mitigation measure P85-2

The DEIR reiterates that parking is not an environmental impact under CEQA but that VMTs (vehicle miles traveled) are an impact because VMTs produce emissions and greenhouse gases. But parking and VMTs are intricately connected. The more parking, the more trips from home to the parking space. The less parking, the greater the need for alternative strategies to arrive at one's destination. None of these contingencies are adequately explored in the DEIR to demonstrate that: P85-3

"Because the project would result in no impact related to VMT and would in fact reduce regional VMT, the project would not contribute to a cumulative impact related to VMT." (3.12.25)

P85-3

If the parking is adequate to meet the demand of ferry riders, the DEIR provides no data that shows the drivers would otherwise choose to drive across the bridge to San Francisco, the most frequent route. They could alternately have chosen BART or a cross-Bay bus as transportation options that would get them to work on time. There are three BART stations to the north of University Avenue: Richmond, El Cerrito, and North Berkeley and several cross-Bay bus routes with frequent service.

P85-4

If parking is inadequate for ferry riders, they would likely choose public transit over driving if they wish to avoid driving across the bridge and paying for parking in San Francisco. The EIR relies on assumptions of reduced VMT rather than quantitative analysis. This approach ignores the potential for this new ferry route to divert passengers from BART, AC Transit, and other ferry operations. Attracting passengers from BART by lowering fares could be used by Bay Ferry to increase ridership, which does not decrease VMT.

P85-5

If parking is inadequate for ferry use, how can displacement of parking intended for recreational uses, including visits to McLaughlin State Park, and for a future visits to a restaurant at the now closed H's. Lordship's be prevented? Who will enforce the rules and pay for enforcement? How practical are such enforcement strategies given that they would be in effect most days all day and therefore require constant surveillance? If the EIR relies on a parking management program both to protect recreational uses and assure that the project reduces VMT, that program must be presented as an enforceable mitigation measure.

P85-6

P85-7

The DEIR therefore should analyze data on transportation options gathered from other WETA routes including:

- **Richmond:** Daily service between Richmond and SF Ferry Building.
- **Vallejo:** Daily service between Vallejo/Mare Island and SF Ferry Building.
- **Oakland & Alameda:** Daily service connecting Oakland (Jack London Square), Alameda (Main St), and SF Ferry Building.
- **Harbor Bay:** Weekday service between Bay Farm Island and SF Ferry Building.
- **Alameda Seaplane:** Weekday service between Alameda Seaplane Lagoon and SF Ferry Building.

P85-8

- **South San Francisco:** Weekday commute service between Oyster Point, Alameda, and Oakland.

P85-8

Data including the mode of travel to and from the ferry parking, distances traveled to the ferry parking, and availability of transit for each terminal would test the assumption that indeed the VMTs will be reduced and that only 40% of Berkeley users will arrive at the ferry in single occupancy vehicles. The EIR does not use data from other ferry terminals to support the assumption of 40% with substantial evidence.

P85-9

The EIR should study the transportation impacts of an expected increase in Berkeley population due to planning initiatives

The City of Berkeley is currently engaged in a multi-zone increase in housing capacity to meet the goals of its Housing Element. The EIR should analyze the increase in population projected by the Adeline Corridor Plan (completed), the middle housing zonings (completed), the Corridors zoning (in progress), and the San Pablo Avenue Specific Plan (in progress).

P85-10

What will be the demand for ferry and recreational parking from these various initiatives? What will likely be the mode of transport from these neighborhoods to the marina for various uses, given bus routes, bike lanes, proximity to the waterfront, and population cohorts (students, workforce, elderly, families, etc.)? Major investments such as this should be supported by quantitative analysis of the origins and destinations of projected passengers, not general assumptions.

The EIR should explain how the University Avenue Overcrossing Project impacts the transportation alternatives conceived by the ferry project.

The Overcrossing project is depicted on page 9 of the Transportation Impact Assessment technical memorandum. What are the timelines for completion of this CalTrans project and the ferry improvements such as construction of bike lanes? How will one project affect the other? Are they compatible in structure and continuity? Which agency is responsible for ensuring the completion such improvements so they connect in a practical way since the jurisdictions differ?

P85-11

Finally, a tiny technical mistake that should be corrected: in several tables (5,6, and 9) in the segment ADT, San Pablo Avenue is called San Pablo Drive.

P85-12

Thank you for your attention to my comments

P85-13

To: Liza McNulty, PE, Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
Email: lmcnulty@berkeleyca.gov

From: Toni Mester, Berkeley resident

Re: Berkeley Waterfront Transportation Pier Ferry Project DEIR,
State Clearing house #2025040995

Dear Ms. McNulty:

As a Berkeley resident and waterfront user since 1972, I have an interest in the ferry project as it might impact my access to recreational opportunities such as walking, visiting restaurants, and sailing, all of which I have enjoyed over the years. I may also use the ferry as I have in the past when service from Berkeley was available. My usual transportation option to the waterfront is my car, as that is the most convenient for a person my age (83) and abilities. In the past I have served as a parks commissioner and Sierra Club officer, so I am familiar with many of the marina issues besides my own interests. I have read the DEIR with both personal and community concerns in mind.

The EIR must analyze ferry terminals parking and include a parking management plan as an enforceable mitigation measure

The DEIR reiterates that parking is not an environmental impact under CEQA but that VMTs (vehicle miles traveled) are an impact because VMTs produce emissions and greenhouse gases. But parking and VMTs are intricately connected. The more parking, the more trips from home to the parking space. The less parking, the greater the need for alternative strategies to arrive at one's destination. None of these contingencies are adequately explored in the DEIR to demonstrate that: P85-14

"Because the project would result in no impact related to VMT and would in fact reduce regional VMT, the project would not contribute to a cumulative impact related to VMT." (3.12.25)

If the parking is adequate to meet the demand of ferry riders, the DEIR provides no data that shows the drivers would otherwise choose to drive

across the bridge to San Francisco, the most frequent route. They could alternately have chosen BART or a cross-Bay bus as transportation options that would get them to work on time. There are three BART stations to the north of University Avenue: Richmond, El Cerrito, and North Berkeley and several cross-Bay bus routes with frequent service.

If parking is inadequate for ferry riders, they would likely choose public transit over driving if they wish to avoid driving across the bridge and paying for parking in San Francisco. The EIR relies on assumptions of reduced VMT rather than quantitative analysis. This approach ignores the potential for this new ferry route to divert passengers from BART, AC Transit, and other ferry operations. Attracting passengers from BART by lowering fares could be used by Bay Ferry to increase ridership, which does not decrease VMT.

If parking is inadequate for ferry use, how can displacement of parking intended for recreational uses, including visits to McLaughlin State Park, and for a future visits to a restaurant at the now closed H's. Lordship's be prevented? Who will enforce the rules and pay for enforcement? How practical are such enforcement strategies given that they would be in effect most days all day and therefore require constant surveillance? If the EIR relies on a parking management program both to protect recreational uses and assure that the project reduces VMT, that program must be presented as an enforceable mitigation measure.

P85-14

The DEIR therefore should analyze data on transportation options gathered from other WETA routes including:

- **Richmond:** Daily service between Richmond and SF Ferry Building.
- **Vallejo:** Daily service between Vallejo/Mare Island and SF Ferry Building.
- **Oakland & Alameda:** Daily service connecting Oakland (Jack London Square), Alameda (Main St), and SF Ferry Building.
- **Harbor Bay:** Weekday service between Bay Farm Island and SF Ferry Building.
- **Alameda Seaplane:** Weekday service between Alameda Seaplane Lagoon and SF Ferry Building.
- **South San Francisco:** Weekday commute service between Oyster Point, Alameda, and Oakland.

Data including the mode of travel to and from the ferry parking, distances traveled to the ferry parking, and availability of transit for each terminal would

test the assumption that indeed the VMTs will be reduced and that only 40% of Berkeley users will arrive at the ferry in single occupancy vehicles. The EIR does not use data from other ferry terminals to support the assumption of 40% with substantial evidence.

The EIR must study the transportation impacts of an expected increase in Berkeley population due to planning initiatives

The City of Berkeley is currently engaged in a multi-zone increase in housing capacity to meet the goals of its Housing Element. The EIR should analyze the increase in population projected by the Adeline Corridor Plan (completed), the middle housing zonings (completed), the Corridors zoning (in progress), and the San Pablo Avenue Specific Plan (in progress).

What will be the demand for ferry and recreational parking from these various initiatives? What will likely be the mode of transport from these neighborhoods to the marina for various uses, given bus routes, bike lanes, proximity to the waterfront, and population cohorts (students, workforce, elderly, families, etc.)? Major investments such as this should be supported by quantitative analysis of the origins and destinations of projected passengers, not general assumptions. P85-14

The EIR should explain how the University Avenue Overcrossing Project impacts the transportation alternatives conceived by the ferry project.

The Overcrossing project is depicted on page 9 of the Transportation Impact Assessment technical memorandum. What are the timelines for completion of this CalTrans project and the ferry improvements such as construction of bike lanes? How will one project affect the other? Are they compatible in structure and continuity? Which agency is responsible for ensuring the completion such improvements so they connect in a practical way since the jurisdictions differ?

Finally, a tiny technical mistake that should be corrected: in several tables (5,6, and 9) in the segment ADT, San Pablo Avenue is called San Pablo Drive.

Thank you for your attention to my comments

Letter P85

Commenter: Toni Mester

Date: April 28, 2026

Response to Comment P85-1

These statements provide background information and context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P85-2

Parking supply is not considered an impact under CEQA; therefore, a mitigation measure to include a parking management plan would not be required, and would not be an appropriate CEQA mitigation measure. Nonetheless, separate to the CEQA process, the City has prepared a Parking and TDM Plan.[61] Refer to Section 2.2.20, *Topical Response: Parking,* for a detailed discussion related to how parking is addressed in the Draft EIR, and how the City plans to address parking, as a matter of policy.

Response to Comment P85-3

The Draft EIR does consider the relationship between parking and VMT. Section 3.12, *Transportation* (page 3.12-21) states in part: "The project is overall resulting in a reduction in VMT, and potential VMT increases due to searching for parking are expected to be nominal given the availability of parking (see Appendix F). For these reasons there would be no secondary impacts on VMT due to scarcity of parking." For additional information about the lack of secondary impacts on VMT from parking, refer to Section 2.2.20, *Topical Response: Parking.*

Response to Comment P85-4

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion of parking adequacy.

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to the data and methodology used to analyze VMT impacts. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P85-5

Refer to Section 2.2.27, *Topical Response: VMT*, for a discussion related to transit-to-transit mode shifts. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P85-6

Refer to Section 2.2.20, *Topical Response: Parking,* which clarifies the role of parking as it relates to CEQA analysis and clarifies the analysis of secondary impacts related to parking. No displacement of parking at McLaughlin State Park or at future 199 Seawall restaurant has been identified.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

[61] Berkeley, City of. 2025. Water Transportation Pier-Ferry Project Parking and TDM Plan. https://berkeleyca.gov/sites/default/files/documents/Berkeley-WTPF-Parking-and-TDM-Plan-March-2025-Public-Draft.pdf (accessed July 2026).

Response to Comment P85-7

Regarding the comment about parking, including the need for parking to protect recreational use, refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to how parking is addressed according to CEQA in the Draft EIR.

Regarding the comment about parking mitigation and whether the Draft EIR relies on a parking management plan to reduce VMT, refer to Section 2.2.20, *Topical Response: Parking,* which explains that adequate parking supply is available for shared use with recreation, ferry rider, and other waterfront visitors. Parking supply is not an impact under CEQA and no mitigation measure was identified to prepare a parking management plan, and the parking management plan is not used to reduce VMT (refer to Section 2.2.27, *Topical Response: VMT*). The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P85-8

Refer to Section 2.2.27, *Topical Response: VMT*, for a detailed discussion of the mode split assumptions used in the Draft EIR, including the data used to make these assumptions, including existing data from other WETA routes. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P85-9

Refer to Section 2.2.27, *Topical Response: VMT*, for a detailed discussion of the mode split assumptions used in the Draft EIR. Refer also to Response to Comment P36-73 for a discussion about how the City determined the 40 percent mode split. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P85-10

The cumulative conditions analyzed in the EIR reflect projected growth over the approximately 15-year planning horizon, including population and development associated with recently completed housing projects, planned developments, the Corridors Zoning Program, the San Pablo Avenue Specific Plan, and other future land uses identified by the City. The Year 15 travel demand forecasts were developed using the travel demand model that was updated to support the City of Berkeley Housing Element. That model incorporates planned development projects, including planning initiatives that were underway and identified potential housing opportunity sites at the time the model was prepared.

While these planning initiatives are not individually identified in the EIR, they are reflected in the land use assumptions incorporated into the travel demand model. Accordingly, the Year 15 forecasts are consistent with the growth assumptions developed as part of the Housing Element update and account for the anticipated development associated with those planning efforts.

The analysis and significance conclusion presented in the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment P85-11

The Transportation Impact Assessment (TIA) Memorandum (Appendix F) discusses the University Avenue Overcrossing Project in the context of existing and future traffic operations at the intersection of University Avenue and Frontage Road. As described therein, the University Avenue Overcrossing Project includes a preferred alternative that would convert the intersection of University Avenue and Frontage Road to a roundabout. The TIA Memorandum notes that the intersection currently experiences queuing associated with an existing deficiency and states that the proposed roundabout would be expected to

reduce queuing and improve operational and safety conditions at the intersection. However, the TIA Memorandum also notes that implementation of the Overcrossing Project is uncertain because it requires coordination with Caltrans and is not expected to be completed prior to the opening year of the proposed ferry project (Appendix F, pages 8 and 9).

The University Avenue Overcrossing Project is a separate project from the proposed Berkeley Water Transportation Pier Ferry Project and is not part of the project description analyzed in this Draft EIR. Accordingly, specific decisions regarding the design, funding, schedule, construction, and implementation of the Overcrossing Project are outside the scope of this environmental review and would be addressed through the planning, design, permitting, and environmental review processes applicable to that project.

With respect to bicycle and pedestrian facilities, the proposed project includes improvements intended to enhance multimodal access to the ferry terminal and Berkeley Waterfront, including a two-way cycle track along University Avenue, Bay Trail improvements, enhanced bicycle facilities, and improved pedestrian access (see Appendix F, pages 3 and 4; Draft EIR Chapter 2, *Project Description*, Section 2.5). These improvements were developed to function under existing and reasonably foreseeable future transportation conditions. The City will continue to coordinate with Caltrans and other affected agencies, as appropriate, during project implementation and as separate transportation projects advance. Any future connections between facilities located within different jurisdictions would be addressed through the applicable interagency coordination and permitting processes.

The comment does not identify a deficiency in the environmental analysis presented in the Draft EIR. Therefore, no changes to the Draft EIR conclusions or mitigation measures are necessary in response to this comment.

Response to Comment P85-12

The City acknowledges the comment. The comment references Tables 5, 6, and 9 within Appendix F of the Draft EIR, where the segment limits for University Avenue are identified as extending to "San Pablo Drive," rather than "San Pablo Avenue." The City acknowledges the comment and concurs that the correct segment limit is San Pablo Avenue. In response to this comment, Tables 5, 6, and 9 have been revised as follows:

Table 5: Corridor Segment LOS Evaluation

#	Roadway Name	Segment Limits	Existing Weekday ADT	LOS	Year 1 Project Conditions	LOS	Year 15 Project Conditions	LOS
1	University Avenue[1]	Seawall Drive to Marina Blvd	NA	NA	2,551	A	5,222	A
2	University Avenue	Marina Blvd to Frontage Road	9,350	D	10,439	A	15,285	A
3	University Avenue	Frontage Road to Sixth Street	NA	NA	27,653	D	35,583	**F**
4	University Avenue	Sixth Street to San Pablo ~~Drive~~ Avenue	29,753	E	30,415	E	40,741	**F**

Notes: ADT- Average Daily Traffic Volume; LOS – Level of Service.
[1]Segment 1- University Avenue between Seawall Drive to Marina Blvd is evaluated as a two-lane arterial. The remaining segments are evaluated as four-lane divided arterial.
Bold indicates volumes-to-capacity ratio higher than 1 i.e., volume exceeds capacity.
Source: Kittelson & Associates, Inc. 2025

Table 6: Existing Conditions Intersection LOS Summary (No Project Conditions)

#	Intersection	Control	Weekday				Weekend Peak Hour	
			AM Peak Hour		PM Peak Hour			
			Delay	LOS	Delay	LOS	Delay	LOS
1	University Avenue & Frontage Road	All Way Stop	**58.5**	**F**	**98**	**F**	**78.6**	**F**
2	University Avenue & Marina Blvd	Roundabout	3.8	A	4.4	A	5.8	A
3	University Avenue & Seawall Drive	All Way Stop	NA	NA	NA	NA	NA	NA
4	University Avenue & Sixth Street	Signal	35.2	D	39.3	D	41.4	D
5	University Avenue & San Pablo ~~Drive~~ Avenue	Signal	**59.6**	**E**	**65.5**	**E**	53.4	D

Notes: Bold indicates intersection is operating at unacceptable conditions (LOS E or LOS F)
NA – Data not available.
Source: Kittelson & Associates, Inc. 2025

Table 9: Year 1 and Year 15 Segment Volumes

#	Roadway Name	Segment Limits	Lane Configuration	Posted Speed Limit (mph)	Existing Weekday ADT	Year 1 No-Project	Year 1 Plus-Project	Year 15 No-Project	Year 15 Plus-Project
1	University Avenue	Seawall Drive to Marina Blvd	2U	25	NA	1,471	2,551	4,142	5,222
2	University Avenue	Marina Blvd to Frontage Road	4D	30	9,350	9,359	10,439	14,205	15,285
3	University Avenue	Frontage Road to Sixth Street	4D	30	NA	27,005	27,653	34,935	35,583
4	University Avenue	Sixth Street to San Pablo ~~Drive~~ Avenue	4D	25	29,753	29,875	30,415	40,201	40,741

These revisions correct typographical errors and are clerical in nature, and accordingly do not change the analysis, findings, or conclusions presented in the Draft EIR. No further revisions are required.

Response to Comment P85-13

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment P85-14

Refer to Response to Comments P85-1 through P85-13 for responses to individual comments. No further response is required.

Letter P86

From: Lynn Olinger <euclyptus@gmail.com>
Sent: Tuesday, April 28, 2026 7:51 AM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>; Lynn Olinger <euclyptus@gmail.com>; apetersson.284@gmail.com <apertersson.284@gmail.com>
Subject: Berkeley Water Transportation Pier Ferry and is requesting comments on the Draft EIR.

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Attn: Liza McNulty, PE – Project Manager
Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704

I am submitting these comments in response to the WETA Ferry Terminal Draft Environmental Impact Report (DEIR). P86-1

The report has a number of misrepresentations about the various types and of activities that occur in the park, too many to mention here. I will focus on two concerns:

1. Access to the park for recreational activities- specifically access to the water for wind and other water sport recreation that require equipment, particularly at the south end of Seawall Drive. P86-2
2. Safety on the water. P86-3

Access to the park for recreational activities.

The report talks about supporting recreational activities but does not define what type of recreational activities are being referenced. It implies that recreational activities are things people do on land while dismissing the negative impacts to water sports recreational activities that require equipment and access to the water. My understanding is that this park was developed, in large part, specifically for water activities. One of these water accessible areas is the launch site at the south end of Seawall Drive. This is the only water accessible site in the East Bay when the tide level is below 2 feet. Any disruption or restriction to parking in this area has a very big negative impact. P86-4 P86-5

The report also states that there is currently sufficient public access (parking) and that the commuter parking would not cause a problem. The report does not define “sufficient public access”. The issue of parking has been misrepresented. Currently there are many days and times when parking for access to the water for people with wind sport equipment is extremely limited. Additional commuter cars will cause additional limitations to all users of the park. P86-6

Safety on the waters

I believe the report stated that there is no water/wind sport activity west of the south sailing basin. This is not true. On any day you can find windsurfers, wingers, parawinger, paddlers, small sailboats,and swimmers west of the south sailing basin and primarily south of the pier. Operating on the notion that there is no recreational activity west of the south sailing basin poses a serious safety concern for all of us in these waters. On a personal note, I was nearly struck by a ferry boat on two occasions while windsurfing slowly on the south side of the pier. The boats in question were operated by the private ferry service operating dark blue boats out P86-7

of the marina. Safety, Safety, Safety for water sports recreationalists. If the pier is removed there will be wind sport participants everywhere west of the marina because the pier will no longer be a limiting line for wind sport activities.

P86-7

In closing, I would like to remind the decision makers that the mission for the use of this land is as a park for water access and activities and not as a transportation and commuter vehicle storage hub. Consideration of this project is perhaps inappropriate because it does not fit the mission.

P86-8

Respectfully submitted, Lynn Olinger - 415 238-6500, euclyptus@gmail.com

Letter P86

Commenter: Lynn Olinger

Date: April 28, 2026

Response to Comment P86-1

These statements provide introductory context and a general statement without supporting arguments, data, or analysis. As such, they do not present specific information regarding the adequacy of the analysis, significance conclusions, or mitigation measures in the Draft EIR. Therefore, a substantive response cannot be provided. No changes are warranted to the Draft EIR analysis, conclusions, or mitigation measures. No further response is required.

Response to Comment P86-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analysis and significance conclusion presented under Impact REC-1 in Section 3.11, *Recreation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P86-3

Draft EIR Section 3.12, *Transportation*, evaluates navigation safety and concludes that ferry operations would comply with U.S. Coast Guard requirements and include standard safety measures to avoid conflicts with other users (Impact TRA-3, pages 3.12-23 through 3.12-24). Operational compatibility with water-based recreation is similarly addressed in Draft EIR Section 3.11, *Recreation*, which explains that ferry vessels would not interfere with water-based recreation (Impact REC-1, pages 3.11-16 through 3.11-20).

Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control*, regarding safety of ferry vessels.

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment P86-4

Draft EIR Section 3.11, *Recreation*, explicitly identifies water-based recreational uses, including sailing, kayaking, swimming, and wind sports occurring in the Berkeley Marina and adjacent waters (see Section 3.11.2, pages 3.11-1 through 3.11-7) and evaluates impacts to these uses consistent with CEQA Guidelines Appendix G thresholds of significance (see Section 3.11.4, pages 3.11-14 through 3.11-24).

For discussion of the analysis of water-based recreational impacts, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities).*

The analysis, significance conclusions, and mitigation measures presented in Section 3.11, *Recreation*, and related sections of the Draft EIR remain valid as written. No further revisions are required.

Response to Comment P86-5

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

Refer to Section 2.2.20, *Topical Response: Parking,* regarding the analysis of parking and of circulation.

The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P86-6

Refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access.* The Parking and TDM Plan analyzes parking demand based on observed usage patterns at the Berkeley Waterfront and WETA ridership projections and demonstrates that the Waterfront will have sufficient spaces to accommodate all users.

Draft EIR Section 3.11, *Recreation*, evaluates recreational access and use of existing recreational facilities, including whether project-related changes could result in physical restrictions on recreational access or the physical deterioration of recreational facilities. The Draft EIR concludes that recreational access would be maintained and that impacts related to increased use of existing recreational facilities would be less than significant (see Impact REC-1). Sections 3.2, *Air Quality*, 3.10, *Noise*, and 3.12, *Transportation*, of the Draft EIR also evaluate potential secondary physical environmental effects associated with project-related parking conditions and conclude that no significant parking-related environmental impacts would occur. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Response to Comment P86-7

The Draft EIR does not rely on an assumption that water-based recreation is absent west of the South Sailing Basin. Rather, Section 3.11, *Recreation*, identifies the Berkeley Waterfront and adjacent Bay waters as supporting a range of water-based recreational activities, including windsurfing, sailing, paddling, and swimming (see Section 3.11.2, *Environmental Setting*, pages 3.11-1 through 3.11-7). These activities are described in connection with established use areas such as the South Sailing Basin as well as surrounding Bay waters. Section 3.11.4, *Impacts Analysis* (pages 3.11-16 through 3.11-20), evaluates whether the project would result in a physical restriction of access to recreational resources or create incompatibilities with these uses and concludes that recreational opportunities would be maintained (Impact REC-1). The project does not preclude water-based recreation in areas west of the South Sailing Basin, and such uses would continue to occur consistent with existing navigation practices and regulatory requirements. Refer to Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* regarding permitted uses throughout the waterfront.

With respect to safety concerns, the Draft EIR evaluates navigation, maneuverability, and operational safety in Section 3.12, *Transportation* (Impact TRA-3). As described therein, ferry vessels would operate within designated approach and berthing areas and would comply with applicable maritime navigation rules, safety standards, and operational procedures, which are intended to ensure compatibility with other water users. The analysis concludes that operation of ferry vessels would not increase transportation safety hazards. Potential effects related to vessel movement, wave conditions, and user interaction are further addressed through project design, engineering, and operational controls. Refer to Section 2.2.14, *Topical Response: Loss of Ferry Vessel Control,* which explains that potential vessel maneuverability risks, including low-probability loss-of-control scenarios, are addressed through vessel design, redundant propulsion systems, crew training, regulatory oversight, and additional passive safety features. That response also revises Section 3.12 of the Draft EIR to explicitly incorporate by reference the 2003 WETA EIR, which provides a program-level framework for ferry navigation safety, including established procedures and mitigation measures to minimize navigation conflicts.

Regarding the comment's concern that removal of the pier could change patterns of recreational use, refer to Section 2.2.29, *Topical Response: Wind*.

Accordingly, the Draft EIR adequately evaluates existing water-based recreational uses, navigation safety, and potential interactions between ferry operations and recreational users, and demonstrates that the project would not introduce unsafe conditions or preclude continued recreational use of the Bay.

The analyses and significance conclusions presented in Section 3.11, *Recreation*, and Section 3.12, *Transportation*, remain valid as written. No further revisions to the Draft EIR are required.

Response to Comment P86-8

Refer to Section 3.9, *Land Use and Planning*, of the Draft EIR for a discussion of land use characteristics of the project site and adjacent areas. This Section also analyzes how the project aligns with existing land use plans and policies. As discussed therein, the project site is designated Waterfront/Marina under the City of Berkeley General Plan, which allows water-oriented uses, including water transportation facilities. The site is zoned Unclassified (U), and proposed uses are subject to discretionary review and approval by the City. As discussed in Draft EIR Section 3.9.2, *Environmental Setting* (page 3.9-2), and Section 3.9.3, *Regulatory Framework* (page 3.9-7), development within the Unclassified District is governed by Berkeley Municipal Code Section 23.208.020, and the proposed ferry terminal would be required to obtain a Use Permit from the City. The Draft EIR explains that the establishment of a public ferry use is subject to the City's discretionary review process, through which the City evaluates compatibility with surrounding uses and applicable land use regulations. Accordingly, whether the project is an appropriate use at this location is governed through the City's adopted land use designations, zoning regulations, and Use Permit process.

The Draft EIR evaluates the project's consistency with applicable plans and policies, including the Berkeley General Plan, Berkeley Marina Master Plan, BCDC Bay Plan, and other applicable land use regulations under Impact LU-2 in Section 3.9, *Land Use and Planning*. The analysis concludes that the project would be consistent with applicable land use plans and policies and would not physically divide an established community. The project would also continue to provide water access and recreational opportunities through restoration of public access to the Berkeley Pier, construction of a new public pier and breakwater, shoreline access improvements, the Bay Trail Extension, and other public amenities.

The analyses, significance conclusions, and mitigation measures throughout the Draft EIR, including Impact LU-2 in Section 3.9, *Land Use and Planning*, remain valid as written. No revisions are required.

From: Erin Diehm <erindiehm@hotmail.com>
Sent: Tuesday, April 28, 2026 1:26 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Public Comment on the Berkeley Pier-Ferry Draft Environmental Impact Report

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Ms. McNulty,

Please find attached my public commit submitted on the Draft Environmental Impact Report (DEIR) for the Berkeley Water Pier-Ferry Project. Today (4/28/26) at 5pm is the due date. Confirmation of receipt would be greatly appreciated. P87-1

Thank you for your assistance.

Respectfully,
Erin Diehm

April 28, 2026

FROM: Erin Diehm
2316 Jefferson Ave
Berkeley CA 94703
erindiehm@hotmail.com

TO: Liza McNulty, PE, Project Manager
City of Berkeley Parks Recreaon & W aterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA 94704
lmcnulty@berkeleyca.gov

RE: Comments on DraY Berkeley Water Transportaon Pier F erry Project Dra EIR

Dear Ms. McNulty

Please accept the following public comment on the Dra En vironmental Impact Report (dEIR) for the Berkeley Water Transportaon Pier F erry Project, as part of the California Environmental Quality Act (CEQA). The 2026 Dra Pr oject EIR is er ed on the 2003 Program FEIR (FEIR) so both documents were reviewed. The 2003 FEIR was approved almost 25 year ago. Many substanal changes have occurred since, raising the queson if it is no w outdated. The Dra EIR f ails to incorporate into its analyses many of the changes relevant to this project. My comments below address updates needed to remedy those omissions, as well as inadequacies of the scope and on-site survey, failure to address the impact of the ferry within the context of the larger waterfront area, and inadequacies in the evaluaon of ligh t polluon.

P87-2

P87-3

P87-4

Changed Circumstances and New Information: Overview

The 2026 Project dra EIR (dEIR) is er ed on the 2003 Program FEIR. More than 23 years have passed. Many significant changes have happened and new informaon learned since assessments were made in 2003. Those changes are not reflected in the dEIR. Updated analyses are needed before determinaons on mig aons and signific ance can be made.

P87-5

Arcl e 11, Seco n 15162 Subsequent EIRS and Nega#ve Declara#ons of the 2026 CEQA Guidelines Statue & Guidelines defines when a previously cerfied EIR is no long er adequate and a subsequent or supplement to that EIR must be prepared. Specifically, an update to an exisng EIR mus t be prepared if:

- **Changed Circumstances 15162(a)(2)**: "Substanal chang es occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR... due to the involvement of new significant environmental effects or a substanal incr ease in the severity of previously idenfied signific ant effects."

P87-6

- **New Informa#on 15162(a)(3)):** "New informaon of sub stanal import ance, which was not known and could not have been known with the exercise of reasonable diligence at the me the pr evious EIR was cerfied... sho ws any of the following:
    - (A) The project will have one or more significant effects not discussed in the previous EIR;
    - (B) Significant effects previously examined will be substanally mor e severe than shown in the previous EIR."

In addion, **Sec#on 15168 Program EIR** explains how a Program EIR should be used for later acvies, like the Berkeley Pier-Ferry dEIR. Specifically, "Later acvies in the pr ogram must be examined in the light of the Program EIR to determine whether an addional **environmental** document must be prepared," stang

- **15168(c)(1):** "If the later acvity w ould have effects that were not examined in the program EIR, a new Inial Study w ould need to be prepared..."

Lastly, **Sec#on 15152 Tiering** (under **15151 Standards for Adequacy of an EIR**) states:

- **Tiering 15152(f)** A later EIR shall be required when the inial s tudy or other analysis finds that the later project may cause significant effects on the environment that were not adequately address in the prior EIR."

P87-6

The 2003 Program EIR is now deficient as it does not adequately address impacts on Biological Resources, of Dredging, and more. Since its compleon, more than 23 years ago, there have been **substan#al changes with respect to circumstances** and **new informa#on of substan#al importance**. The following secons pr ovide details for a subset of the Biological Resources impacted.

P87-7

Changed Circumstances and New Information: Whales

Since the 2003 FEIR was completed circumstances for Gray Whales have changed significantly and new informaon of sub stanal import is a vailable. These changes meet the criteria of "changed circumstances" and "new informaon" tha t trigger a subsequent or supplemental EIR to address the deficiencies in the er ed 2003 FEIR and 2026 dEIR.

P87-8

The 2003 FEIR states that:

a) **Gray Whale populao ns were recovering** ("*the gray whale population in the Pacific has returned to historic level*" (3.5-44)),
b) **they were uncommon** ("*... gray whales rarely use the Bay...*" (3.11-15)),
c) **the average amount of me spen t in the Bay unknown** *("...the length of time whales stay in the Bay... are not well known...*" (3.5-44)), and
d) **the likelihood of vessel strike not reliably quan#fied** ("*...An attempt to statistically estimate the probability of a vessel making contact with whales was made...*" (3.5-44)).

P87-9

P87-9

These statements were made to approve the expanded ferry system. **All are outdated.**

Current research published in *Frontiers in Marine Science* this month (April 2026)[1] describes completely changed circumstances, including:

a) **their popula#ons are now in decline** ("*...the ENP gray whale population... has declined by 52% since 2016."*)
b) **they now frequent the Bay** (*"Novel to known migration phenology, gray whales have been observed seasonally since 2018 in SF Bay... in 2025... an increased volume of gray whale sighting reports.")*
c) **the length of stay in the Bay is measured** ("*the average minimum length of stay was 27.6 days for 2023... 5 days for 2024... and 24.2 days for 2025."*)
d) **and the likelihood of vessel strike mortality is high** ("*This work confirms that gray whales entering SF Bay are highly susceptible to vessel strike mortality*.")

That same research in *Frontiers* summarizes the cumulav e negav e impacts that increased human presence in the Bay has on coastal species, even cing high-spe ed ferries - especially in the Central Bay - and the direct-cause mortality that can be aribut ed to vessel strikes, as the following quotes show (emphasis added):

- "*Negative impacts on coastal species are amplified by the pressure of increased human presence, associated **direct mortality from vessel traffic**... and the **interaction of multiple stressors**..."*
- *"Additionally, high-speed ferries... frequent the entire bay but are most prevalent in the **central bay**."*

P87-10

The *Frontiers* research also describes the increasing mortal threat that vessel traffic poses to Gray Whales as a result of altered feeding/migraon pa j erns due to Climate Change:

- *"gray whales entering the SF Bay are highly susceptible to vessel strike mortality"*
- *"Determined causes of death during the 2019-2023 UME [Unusual Mortality Event] were primarily malnutrition (26%) and vessel strike (18%)... poor body condition during a UME may additionally impact whales' probability of vessel interaction and should be investigated further"*
- *"Blunt and/or sharp force trauma consistent with vessel strikes was determined to be the cause of death for 30 of 70 carcasses"*
- "*Despite frequent mitigation efforts, the interaction of threats from human presence and global climate change make coastal ecosystems and the species that rely on them particularly vulnerable."*

[1] Slaathaug JM, Lane RS, Keener W, Pérez A, Flannery M, Webber MA, Grimes A, Wilkin AM, O'Hern JE, Duignan PJ, Calambokidis J and Crocker DE (2026) Gray whales (EschrichNus robustus) in San Francisco Bay experience high mortality and have limited affiliaNon to known foraging groups. Front. Mar. Sci. 13:1775666. doi: 10.3389/fmars.2026.1775666

The findings are also being reported in the press, nong tha t whales may be foraging in the Bay mud and the threat of high-speed ferries:

> "*[The authors] had reason to believe that something close to half of the whales that come to the Bay Area are hit by ships and die," and "Researchers... say the whales might be foraging in the mud at the bottom of the Bay." and "The waters of the Bay Area are relatively confined and crowded... large and fast-moving vessels that can hit whales... there's just not a lot of room to coexist." and "Some boats in the Bay, like high-speed ferries on tight schedules travel at around 30 knots... whales... are more likely to survive collisions with ships moving slower than 10 knots."*
>
> from "More Gray Whales Are VisiNng San Francisco Bay, and Many Die There." *NY Times*
> h ps://www.nyTmes.com/2026/04/13/climate/gray-whales-san-francisco-bay.html

P87-11

> "*...gray whales in the bay have been dying at alarming rates, largely due to collisions with vessels." and "at least 18% of gray whales that entered the bay from 2018 to 2025 have died... for more than 40% of the whale carcasses, the cause of death was blunt force trauma consistent with vessel strikes..."*
>
> from "Gray whales, once rare in San Francisco Bay, dying there at alarming rates." *Guardian*
> hp s://www.theguardian.com/us-news/2026/apr/15/gray-whales-san-francisco-bay

The whales are now so frequent that a wind surfer even collided with one recently, all caught on video:

> in "Windsurfer collides into whale in SF Bay as mulple w ash up dead." *SF Gate*
> hp s://www.sfgate.com/bayarea/arcle/ gray-whale-death-22162140.php
> in "Unsuspecng windsurf er collides with gray whale in San Francisco Bay." *Guardian*
> hp s://www.theguardian.com/us-news/2026/apr/01/windsurfer-hits-gray-whale-san-francisco

SUMMARY

The 2026 Project EIR is er ed on the 2003 Program EIR. Both fail to incorporate into their analyses the significant recent changes affecng Gr ay Whales and, therefore, are deficient. Per CEQA provisions on changed circumstances and new informaon, updated analyses are necessary.

P87-12

Changed Circumstances and New Information: Waterfowl Populations

The 2026 dEIR is er ed on the 23-yr-old 2003 FEIR. At least two new reports about birds in the Bay that are directly relevant have been published since the old 2003 FEIR was completed, including:

P87-13

- the 2004 USGS Study on the "Effects of Ferry Traffic on Migratory Waterbirds in the San Francisco Bay" by John Y. Takekawa, Natalie R. Wilson, Susan W. De La Cruz, and Jane O. Anfison. (for the Abstract, see 2026 dEIR Appendix 1, pg 102)
- the "2025 San Francisco State of the Birds" report (h ps://s aystateoY hebirds.org)

P87-13

P87-14

Both reports provide "new informaon" essen al f or evaluang impacts of the Berk eley and larger Program ferry routes on Biological Resources. In addion, the 2025 State of the Birds documents "changed circumstances" in bird populaons, notably in the Central Bay. But newer informaon hasn't been inc orporated into the 2026 dEIR or included in the Administrav e Record, making the findings on Impacts on waterbirds inadequate.

P87-15

The first study - the 2004 USGS Study on the "Effects of Ferry Traffic on Migratory Waterbirds in the San Francisco Bay" - was a direct outcome of the 2003 EIR process which stated:

> **Impact B-11** that "*it is assumed that waterfowl within 100 meters of a ferry route would be disturbed as a ferry passe*s," but further study was needed ("*shall be evaluated*") to confirm the assumpon. (2003 FEIR , 5.5-12 and 5.5-13)

P87-16

The 2003 IOP confirmed the need for addional s tudy:

> **"Birds.** *After extensive consultation, experts determined that this impact [on Rafting Birds] could not be effectively evaluated within the short time frame of the Program FEIR. Additional site-specific studies will be needed...* ***Ongoing environmental study connected to this plan will continue to examine these issues before any new routes are implemented****."*(emphasis added) (2003 IOP, pg. 53)

P87-17

The IOP explicitly stated that environmental issues would connue t o be examined "**before any new routes are implemented"** (emphasis added). Yet the 2026 dEIR was wrij en without incorporang findings from the 2004 USGS Study, another area where the EIRs are inadequate and addional analy ses must be conducted to address insufficiencies.

It's worth nong tha t **Impact B-11** implies there's no limit to the number of disturbances birds can withstand, as if they can be disturbed over and over again, with no negav e outcomes:

> "*The disturbance does not represent a permanent loss of habitat but rather the area of habitat where disturbance may take place. Waterfowl may use these when ferries are not present."* (2003, 5.5-12)

P87-18

But what if a ferry passes by every 10 minutes, approaching a desna on lik e the SF Ferry Building from different Terminals? The cumulav e impacts of the exisng and e xpanded ferry system, flushing and exhausng bir ds repeatedly. Each new ferry route will create more dead zones in the Bay, effecv ely represenng a *"permanent loss of habitat"*, reducing even more the areas where waterfowl can reliably rest and forage. Analyses on cumulav e impacts of ferry

operaon on r aing bir d foraging should be added to the 2026 dEIR to make up for this deficiency.

Relevant findings from the 2004 USGS Study include:

- Generalizaons
  - Larger birds are less tolerant than smaller ones
  - Larger flocks flush at greater distances than smaller flocks or individuals
  - Flight distance is correlated posiv ely with flock size and species diversity. Flight distances are longer for species that are foraging
  - Waterbirds may relocate to less profitable areas or emigrate to compensate for disturbance
- Conclusions
  - Diving birds alter their behavior in response to commuter ferries
  - Response distance depends on species but is typically 300 m for scoters
  - Duraon of the dis turbance with ferry passage is difficult to measure, given habituaon occur s in early in winter
  - Disturbance zones suggest indirect loss of habitat several km^2 of open water habitats

P87-18

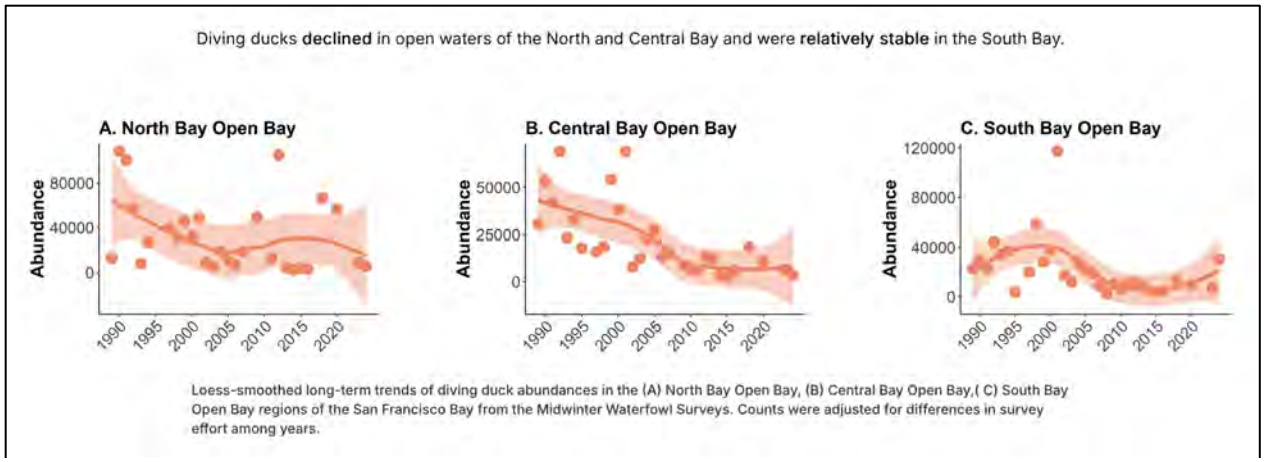
THUS, THE 2004 USGS Study found that increased ferry traffic may cause waterbirds to relocate to less profitable areas, will cause an indirect loss of open water habitats, and waterfowl are disturbed at greater distances than what was assumed in the 2003 FEIR. Instead of 100 meters (m) the average response distance of 300 m, and scoters can be disturbed at 500+m

FAST FORWARD TO 2025 and the "SF Bay State of the Birds" (h ps://s aystateoY hebirds.org) Their longitudinal analyses of Bay bird populaons find c oncerning declines in the Central Bay:

> "***The State of Bay Area Birds...*** *Bird indicators for tidal flats and open bay subtidal areas showed the most concerning declines,* ***especially in the Central Bay****.*" (emphasis added)

P87-19

In fact, while Diving Duck populaon w ere relav ely stable in the South Bay, <u>they've declined in the North and Central Bay</u>:



Diving ducks populao ns declined in open water in the North and Central Bay.
from "SubNdal – Waterfowl", h ps://sd aystateoe hebirds.org/subNdal-waterfowl/ P87-19

Regarding declines in Scoters and Scaups:

> "*Diving ducks are the most abundant waterfowl in San Francisco Bay, using open bay and pond habitats for resting and feeding. Historically, nearly half of the Lesser and Greater Scaup and Surf Scoters in the lower Pacific Flyway have overwintered in the SF Bay. However, some species have declined significantly across the bay over the last 30 years, with* ***scaup populations now below the targets set by the San Francisco Bay Joint Venture****."* (from "Subdal – Waterfowl")(emphasis added)
>
> "*The reason for the decline in scoter and scaup are unclear, likely stemming from changes in both their breeding and wintering grounds. Improving food availability and* ***creating undisturbed resting areas*** ***in the bay's open water*** *and pond habitats could improve conditions for these species in SF Bay."* (from "Subdal – Waterfowl")(emphasis added)

How will the proposed new ferry routes - in Berkeley and addion ones iden fied in the 2003 Program EIR - affect Scoters, Scaups, and other Diving Ducks in the Central Bay? Will the increased presence of ferries, including wakes generated, during **opera#on** - every 30 minutes between S.F. and Berkeley - negav ely impact diving ducks further, causing addional populaon declines? The 2026 dEIR f ails to address these essenal ques ons. Mor eover, note that **2026 Impact BIO-1** and **Mig aon B IO-1(e)** analyze vessel impacts only on marine mammals, and only during construcon. **Impacts of ongoing vessel opera#on on waterbirds is missing from the 2026 dEIR.** The 2026 document completely ignores the impact of vessel operaon , with frequent trips between Berkeley and Larkspur on waterbirds, relying on the outdated 2003 FEIR instead. P87-20 P87-21

SUMMARY

The 2004 USGS Takegawa and 2025 SF Bay State of the Birds reports provide "new informaon" and document "changed circumstances". Per CEQA provisions, the 2026 dEIR must be updated to analyze the impacts of vessel operaon on w aterbirds and other species, incorporang the most recent data on bird populaon tr ends (from the 2025 SF Bay State of the Birds) and the impacts of vessel traffic (from 2004 USGS Takekawa). Unl those analy ses are added, the 2026 dEIR assessments of waterbirds is deficient. P87-22

Changed Circumstances: Dredging

The 2026 Dra En vironmental Impact Report (dEIR) improperly er s its analysis on the 2003 Program FEIR by failing to acknowledge a fundamental change in the project's dredging scope. The 2003 FEIR was predicated on the commitment to minimize environmental disturbance by ulizing e xisng marime in frastructure. Specifically, in the very first impact statement on dredging the 2003 FEIR stated:

> "***Impact D-1.*** *A relatively small amount of dredging would be required for implementation of the Proposed Project. Of the sixteen ferry terminal locations included, seven currently have ferry service and would, therefore, not require additional dredging. All but one of the nine new terminal locations (Hercules/Rodeo) already have port or maritime land uses at the site and have water depths, either naturally or through maintenance dredging, capable of accommodating ferries. Ferries have relatively low draft requirements (approximately 7 feet) and would not require channels deeper than those at existing marinas and ports. Therefore, new channel dredging would only be required at Hercules/Rodeo."* (2003, 3.1-16) P87-23

The current proposal for nearly 400,000 cubic yards of new dredging at the Berkeley site–nearly ten mes the v olume originally analyzed for the enr e program in 2003–contradicts this foundaonal assump on. Furthermor e, the 2003 Berkeley Marina Master Plan, which remains the effecv e planning document for the area, contemplated ferry service only within the exisng Marina basin. B y moving the project to a new pier locaon r equiring massive dredging, the dEIR introduces environmental stressors never contemplated in the original program-level review. P87-24

Under **CEQA Guidelines Sec#on 15162**, these shis c onstut e "substanal chang es" and "changed circumstances" that require addional environmental review. The 2003 FEIR's finding of minimal impact was explicitly ed t o the absence of new dredging at sites like Berkeley. Proposing a massive new deep-water channel in a previously un-dredged area represents a "substanal incr ease in the severity of previously idenfied e ffects" on water quality, biological resources, and benthic habitats. Addionally , the 2026 dEIR fails to address the frequency and volume of required ongoing maintenance dredging. P87-25

SUMMARY

To address the deficiencies and changed circumstances described above, addional analy ses are needed, including:

- **Supplemental EIR:** Conduct a supplemental analysis that addresses the 400,000 cubic yards of dredging and the associated maintenance requirements as a new, significant environmental impact not covered by the 2003 Program FEIR.
- **Update Environmental Baselines and Impact Thresholds:** Re-evaluate all biological, hydrological, and water quality impact assessments using current site-specific data to reflect the vastly increased scale of dredging and its long-term cumulav e effects on the San Francisco Bay ecosystem.

P87-26

P87-27

Change Circumstances: Underwater Radiated Noise of proposed EV Vessels

> "*Underwater Radiated Noise (URN) from shipping has grown significantly over the past few decades due to increases in both the size and number of commercial vessels. In the past, URN has primarily been a concern for naval vessels... However, as the detrimental impacts on marine life become clearer, there is a need to understand and reduce the noise produced by commercial and recreational vessels as well.... As well as large commercial vessels, the role of smaller vessels and ferries is being increasingly scrutinized, with studies finding that the noise from smaller recreational vessels and* ***ferries can dominate the soundscape in shallow coastal waters****."*[2] (emphasis added)
>
> "*Ship underwater noise affects marine life and can cause both behavioral and physiological effects depending on the noise level and* ***frequency distribution****."*[3] (emphasis added)

P87-28

It is well established that marine animals rely on their ability to use sound underwater to communicate, find food, navigate and more. Both volume and frequency range of underwater noise maj ers. Different marine species use different frequency ranges to survive. It is therefore essenal tha t all assessment for the introducon of high-speed f erries evaluate not only the underwater noise levels (loudness) of the proposed ferries, but also the frequency footprints (spectral signature or paj ern), generated at different speeds.

P87-29

When discussing underwater noise generated by ferries, the 2003 FEIR acknowledges the lack of data and describes how esma tes were made instead, using worst-case condions:

P87-30

> "*Underwater noise data of existing ferries throughout the world is* ***virtually nonexistent, especially for the types of fast ferries proposed for this project****. Therefore,* ***the expected***

[2] Tom A. Smith, Jake Rigby. "Underwater radiated noise from marine vessels: A review of noise reducNon methods and technology." Ocean Engineering, Volume 266, Part 1, 2022, 112863, ISSN 0029-8018, hc ps://doi.org/10.1016/j.oceaneng.2022.112863.

[3] pg. 9 in the 2024 Silent@Sea Report, part of the 2026 dEIR AdministraNve Record

P87-28

> ***range of underwater noise levels is unknown**... Therefore, an estimate of 177 dB (re 1µPa at 1 meter) would be considered a worst-case condition."* (2003, 3.11-6 and 2003, 3.11-6)

P87-30

SPEED and NOISE LEVEL

The 2026 dEIR relies on the *Silent@Sea* study (January 2024) for inial da ta on volume levels generated underwater by several different kinds of ferries[4] and cites a reducon of under water noise levels up to 10dB for the hybrid-electric vessels studied (2026, 3.3-52). TesTng reported in the Silent@Sea paper was done at much slower speeds than what is expected for the proposed WETA ferries. Importantly, the study authors state:

> "*Both Tellus and Neptunus were also measured in two speeds, targeting propeller rotation rates of 240 RPM and 190 RPM. This corresponds to a normal "daytime" cruising **speeds of 8** knots and a normal "nighttime" **speed of 6.5 knots**." (emphasis added)*[5]

P87-31

These are much lower speeds than what is ancipa ted for the Berkeley vessels which will operate up to speeds of **up to 25, and maybe even 30 knots or more**. Therefore, reliance on the Silent@Sea study is inappropriate in evaluang the noise of the pr oposed Berkeley vessels.

While electric ferries are significantly quieter underwater at low speeds, at high speeds the volume gap narrows or even disappears because propulsion, like propeller cavitaon , rather than engine noise, becomes the dominant noise source for both convenonal and ele ctric vessels.

P87-32

> "*The total URN of a vessel is often split up into machinery noise, propeller and flow noise, and cavitation (see Fig. 1). The contribution of each component will differ from one vessel to the next and is also strongly dependent on the vessel's speed. **Studies have***

---

[4] Between Sweden and Denmark

- Hamlet - diesel
- Aurora - converted to electrical hybrid propulsion ferry
- Tycho Brahe - converted to electrical hybrid propulsion ferry

Road ferry crossing fyord in western Sweden

- Neptunus - diesel
- Tellus - electrical hybrid

Public transport in Gothenburg

- Elvy - electric hybrid passenger ferry - (appears to be most similar to WETA proposal)

Swedish tankers

- Fure, Ramanda, or Ramona - LNG or diesel

[5] "Noise from ships powered by LNG or electricity and its effects: a cross-domain inves Wga Won", from the 2026 dEIR Administra Won Record. hZ ps://berkeleypierferryproject.com/wp-content/uploads/2026/02/Johansson-et-al-2024-Noise-from-ships.pdf

P87-31

shown that the signature tends to be dominated by machinery noise at low speed, with cavitation becoming the dominant source at higher speeds."[6]

P87-32

When traveling at high speed, will the proposed WETA all-electric ferries s ll be significantly quieter than conven#onal ones? The discussion in the 2026 dEIR is insufficient and doesn't answer this important queson . Addional analy ses are needed to provide reliable measurements of the underwater noise levels generated by all-electric ferries, at a variety of speeds expected for operaTon – for example at Idle, Maneuvering, and Transit. Data from these addional analy ses can then be used to reassess impacts to evaluate if significance thresholds are exceeded.

P87-33

ELECTRIC, DIESEL and ACOUSTIC FOOTPRINT

It is well established that different groups of marine animals uliz e different frequency ranges to communicate. For example, whales communicate at lower frequencies; porpoises and dolphins uliz e higher ones. (See the leY-most column in Table 3.3-2, below, idenTfying groups like "Low-Frequency Cetaceans" vs. "High-Frequency Cetaceans".)

Table 3.3-2 NOAA Fisheries Marine Mammal Permanent Threshold Shifts – Level A Injury Limits

Hearing Group (Hearing Range/Weighting)	Accumulated SEL (cSEL)Limit		PeakLimit
	Impulsive[1]	Non-impulsive[2]	Impulsive[1]
Low-Frequency Cetaceans (LF 7 Hz. to 35 kHz.)	183 dB	199 dB	219 dB
Mid-Frequency Cetaceans (MF 150 Hz. to 160 kHz.)	185 dB	198 dB	230 dB
High-Frequency Cetaceans (HF 275 Hz. to 160 kHz.)	155 dB	173 dB	202 dB
Phocid Pinnipeds (PW 50 Hz. to 86kHz.)	185 dB	201 dB	218 dB
Otariid Pinnipeds (OW 60 Hz. 39 kHz.)	203 dB	219 dB	232 dB

Table 3.3-2, from the 2026 dEIR illustraNng the acousNc ranges uNlized by different guilds of marine animals

P87-34

Electric (EV) and diesel ferry vessels differ in their underwater acousc signa tures. Diesel vessels generate underwater noise that is primarily low-frequency. This low-frequency noise can overlap with the same frequency band large marine mammals, like whales, use to communicate and perform essenal lif e funcons. EV vessels, on the other hand, don't generate low-frequency noise but can introduce &/or emphasize higher-frequencies, introducing a kind of "whine" or other sounds further up the spectrum which can overlap with communicaon of some marine animals, like porpoises and dolphin. Thus, changing from diesel to EV ferries may facilitate whale communicaons but in terfere with dolphins and porpoises.

P87-35

[6] Tom A. Smith, Jake Rigby. "Underwater radiated noise from marine vessels: A review of noise reducWon methods and technology." Ocean Engineering, Volume 266, Part 1, 2022, 112863, ISSN 0029-8018. hZps://doi.org/10.1016/j.oceaneng.2022.112863

P87-32

Harbor porpoises have recently returned to the SF Bay and face many threats. From the Marine Mammal Center webpage:

> "*Harbor porpoises have returned to San Francisco Bay after an absence of approximately 65 years... Today, harbor porpoises around the world face many threats, such as entanglement in commercial fishing gear... as well as* ***underwater noise pollution*** *that interferes with their communication*." (emphasis added)
> hp s://www.marinemammalcenter.org/animal-care/learn-about-marine-mammals/cetaceans/harbor-porpoise

P87-36

It's worth nong tha t recreaonal sailor s at the Berkeley Waterfront have seen harbor porpoises and seals recently in the South Sailing Basin. If EV vessels are introduced in the vicinity and significant noise at higher frequencies is introduced, could these same vessels negav ely impact these and other higher-frequency groups of marine animals?

P87-37

Many important quesons r emain unanswered in the 2026 dEIR regarding Underwater Radiated Noise and a transion t o all-electric vessels:

P87-38

- Do we know that the EV vessels WETA will purchase will be significantly quieter than diesel ones when operated at cruising speed (e.g. 25 knots? 30 knots? more?)? Which brand and model will be purchased? What are the specificaons of the ac ousc pr ofile underwater at various speeds?
- With the eliminaTon of low-frequency noise (diesel vessel) and the introducon of high-frequency noise (EV vessel) how does the EV underwater frequency profile impact marine animals that uliz e high-frequencies for communicaon, like porpoises and dolphins? in the Project area? in larger Program area? (the 2026 dEIR relies on the 2003 FEIR for Operaons impacts and mig aons. cf . from the 2026 dEIR, "*As noted above, WETA adopted the Expansion of Ferry Transit Service in the San Francisco Bay Area Proram Mitigation Monitoring Plan which addresses operation of ferry vessels through San Francisco Bay.*" (2026 dEIR, 3.3-51))

P87-39

- Are studies on URN of electric ferries cited in the 2026 dEIR comparable to the operaon of EV vessels in the Bay, with its shallow depths? (cf. "*Shallow, confined water bodies typically have lower sound attenuation rates as compared to the deeper open ocean*." (2026 dEIR, 3.3-14) See footnote #5 above for an summary of the ferry locaons s tudied. They appear to be in Scandinavia and may represent deeper water than the Bay.

P87-40

- "Fast, silent, and deadly" - assuming the EV ferries are quieter at cruising speed, with low-frequencies removed, will animals that rely on lower-frequencies be able to detect oncoming high-speed ferry traffic early enough to take evasive measures and swim away to avoid a ship strike? does pung this onus on marine animals c onstut e "harassment"? what happens aYer 14, 18 or 26 total new terminals are online and

P87-41

operang with EV ferries traveling at high speed? (as illustrated in the WETA 2050 Service and Business Plan)[7]

P87-41

Lastly, **CEQA Secon 15140. WRITING** dictates that documents must be wri en so we in the public can understand the informaon: " *EIRs shall be written in **plain language** and may use appropriate graphics so that decision makers and **the public can rapidly understand** the documents.*" (emphasis added) When discussing underwater noise of vessels the dEIR failed to provide easy-to-understand data tables and, therefore, did not comply with this requirement.

P87-42

SUMMARY

While electric ferries are quieter than convenonal f erries at lower speeds, that advantage decreases and may even disappear at faster cruising speeds. All-electric ferries have different underwater acousc signa tures than diesel ferries. While this difference may benefit marine animals that uliz e low-frequencies (e.g. whales) it could negav ely impact species that hear and uliz e higher frequencies (e.g. porpoises). The 2026 dEIR relies on the older 2003 FEIR for many of the Operaonal impacts assessmen t. Per **CEQA Secon 15162(a),** and provisions of "changed circumstances" and "new informaon", subsequent analyses and informaon ar e needed to answer the important quesons outlined abo ve, and more. Moreover, to adhere to **CEQA Secon 15140** , the informaon should be presented with clear graphs and illustraons that make it easy for us in the public to understand the informaon shar ed. We in the public want to understand the real impacts the proposed all-electric ferry vessel(s) will have on the environment.

P87-43

Scope: Timing and methodology of on-site survey

As the largest estuary on the U.S. Pacific Coast, the San Francisco Bay is a cric al stopover and wintering site of hemispheric importance for millions of migratory shorebirds and waterfowl traveling the Pacific Flyway. It is serves as a vital refuge, supporng o ver 1,000 species of fish, marine mammals and plants, including many threatened and endangered species. Designated a Ramsar Wetland of Internaonal Import ance, its extensive wetlands and mudflats provide unmatched foraging habitats for birds migrang be tween arcc br eeding grounds and southern wintering areas.

P87-44

The single on-site survey conducted on September 19, 2024 for a duraon of only 5.5 hour s (8:00am to 1:30pm) is inadequate for assessing biological resources and impacts of the proposed construcon and oper aon of the f erry terminal. Moreover, it appears all assessments were made on the land, using "Binoculars (10x42)" when needed, including for the assessment of water porons of the pr oject site. Under **CEQA Guidelines 15125(a)**, an EIR must include a

P87-45

[7] 17 terminals were approved in the 2003 FEIR (2003 FEIR, Figure 2.1); 26 terminals are documented in the WETA as the "Coverage Network" in the "2050 Service Vision & Business Plan", see slide 10 in the PresentaNon (hc ps://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240919065553/b041723aDECK.pdf)

P87-41

descripon of the ph ysical environmental condions as the y exist at the me of the N oce of Preparaon is published.

P87-45

A single "snapshot" survey in mid-September, conducted only on and from the land, is legally and scienfic ally insufficient to establish a baseline for a locaon of global signific ance for migratory birds within the San Francisco Bay. Moreover, September represents a "shoulder season" – a period of relav e dormancy between the peak spring breeding season and the arrival of hundreds of thousands of wintering waterfowl and shorebirds. By failing to survey nearby water areas (including extents of the old pier; rip rap nearby including entrance to marina, etc.) and by failing to survey during the peak migratory and peak breeding windows, the dEIR ignores the presence of numerous special-status species that uliz e the Berkeley waterfront. Consequently, the impact analysis is based on a truncated baseline that does not reflect the actual biological diversity of the project site.

P87-46

P87-47

P87-48

The dEIR's conclusion that the project will have a "Less Than Significant" impact on biological resources is not supported by **substan#al evidence**. Under **CEQA Guideliens § 15384**, substanal e vidence must include "enough relevant informaon and r easonable inferences from this informaon tha t a fair argument can be made to support a conclusion."

P87-49

A 5.5-hour terrestrial observaon c annot constut e substanal e vidence for a project that introduces high-speed ferry transit into open water at all mes of the y ear. Specifically:

- **Methodological Flaws**: the survey team conducted observaons f or marine species from land using binoculars. This methodology is incapable of assessing the presence or behavior of diving birds, marine mammals, or benthic organisms that may be impacted by vessel traffic, wakes and underwater noise.
- **Temporal Flaws**: Observaons limit ed to a single morning window fail to account for migratory paj erns and changes, crepuscular (dawn/dusk) acvity pa j erns, or the dal variaons tha t dictate habitat use in the Berkeley pier area.

P87-50

The project site is located within the largest estuary on the Pacific Coast of the US. It is "*recognized as one of North America's most ecologically important estuaries... noted for hosting more wintering shorebirds than any other estuary along the US Pacific Coast south of Alaska .*"[8] The dEIR fails to sufficiently analyze how the introducon of high-spe ed ferry frequencies will disrupt the foraging and energec budg ets of migratory birds that rely on the water habitats adjacent to and in the vicinity of the pier. By oming mul -season data, the lead agency has effecv ely shielded the project's potenal impacts fr om public review.

P87-51

[8] from descripNon of the San Francisco Bay/Estuary (SFBE) webpage of Ramsar Sites InformaNon Service, associated with the 2013 designaNon of the SFBE as a Ramsar Wetland of InternaNonal Importance. hc ps://rsis.ramsar.org/ris/2097

SUMMARY

Because the current biological analysis is fundamentally flawed, the dEIR does not provide the "sufficient degree of analysis to provide decision-makers with informaon which enables them to make a decision which intelligently takes account of environmental consequences" (**CEQA Guidelines § 15151 Standards of Adequacy**). To remedy these deficiencies, addional analy ses must be completed, including: P87-52

- **Mul- Season Surveys:** biological surveys during the wintering and spring breeding seasons.
- **Aquac-B ased Monitoring:** U lize on-water surveys and hydroacousc monit oring to accurately assess the project's impacts and extent of influence regarding underwater noise and wake impacts P87-53
- **Recirculate the dEIR**: Because the current dEIR omi ed these significant data points, the introducon of ne w mul-season sur vey results will constut e "significant new informaon" under **CEQA Guidelines § 15088.5**, requiring recirculaon of the Biologic al Resources secon f or public comment. P87-54

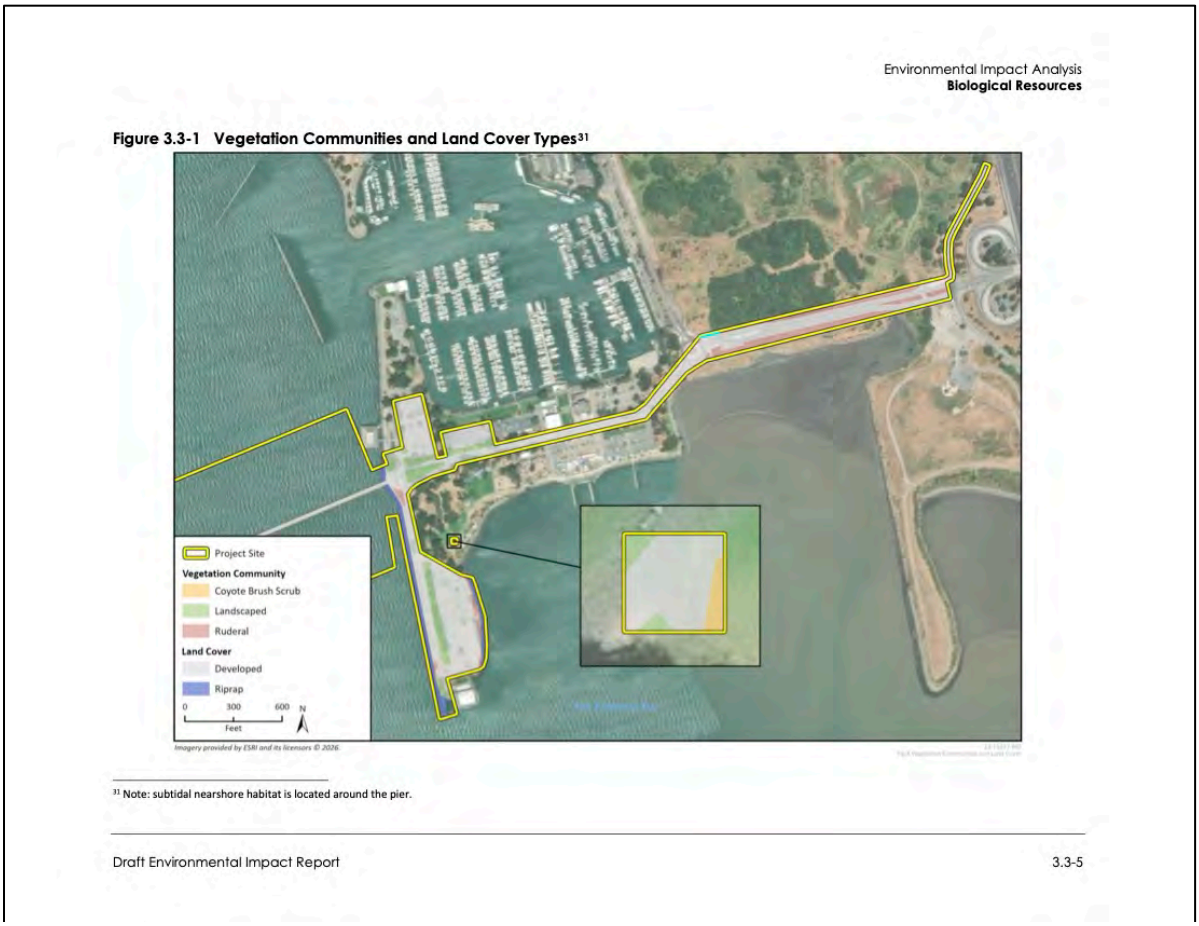
Scope: Geographic coverage of scope

The geographic scope in the 2026 dEIR is arficially narr ow and inadequate, parcularly f or a region of global biodiversity significance. Between the periods of the NOP and dEIR the scope was made even smaller: Shorebird Park was excluded, even though it is surrounded by the Project on the north, west, and south sides. While CEQA allows a reducTon of geographic scope between these two phases, the scope is now so small that real impacts to the biological resources immediately adjacent to and "in the vicinity" of the project are missing, even though those resources will be impacted by the project. The area of analysis in an EIR should be dictated by the reach of the environmental impact, not just the project's transit corridor spaces. The arficially narr ow geographic scope makes it impossible to idenf y and disclose the actual impacts of the project on Biological Resources in the vicinity, is deficient and should be expanded. P87-55

Under CEQA Guidelines **Sec#on 15125(a)** "*An EIR must include a description of the physical environmental conditions **in the vicinity of the project**.*" (emphasis added). In their response to an NOP of a DEIR (April 2021), CDFW recommends, *"...providing a complete assessment and impact analysis of the flora and fauna within and **adjacent to the Project area**...."*[9] P87-56

Page 3.3-5 of the 2026 dEIR documents the Vegetaon Communies e valuated. Shorebird Park is not included, even though it is immediately abuts and is surrounded by the project on the north, west, and south sides. P87-57

[9] CDFW. "Paseo Montril Project, NoNce of PreparaNon of a Drae Environmental Impact Report, SCH #2021030038. April 21, 2021. hc ps://files.ceqanet.lci.ca.gov/267970-1/ac achment/exICRIViTVCEUPgfBFxKYlCO_IwwXAab-zTmCYjIKy04GRN_AokRSBKNTwXX31wzgvu5OZE02B8LZkhQ0 P87-56



Shorebird Park and its rich habitat was is excluded from analysis (except for the Nny square noted).
Figure 3.3-1 Vegetaon Communies and Land Cover Types (2026 dEIR, 3.3-5)

Shorebird Park, though not large in size, contains the richest habitat area on the south side of the marina area (including a dense willow thicket) and **is in the vicinity of the project**. Yet it was excluded from the analysis.

The Project will directly impact the Biological Resources in Shorebird Park. During Construcon, 40 mature trees will be cut down on the west side of the parking lot, most of them tall, removing valuable roosTng, foraging, and nesng habit at. Iconic species like the White-tailed Kite and Hummingbirds will be negav ely impacted. Ferry operaon will a r act thousands of new vehicles daily, traversing University Ave, coming to park in the ~450 parking spaces at the reopened Seawall Dr parking lot and beyond. LED vehicle headlights, a significant known biological disruptor, will spill out in all direcons. Dark Sky In ternaonal describes the issue:

P87-57

P87-58

P87-59

> "*...headlights are mobile, intense and projected horizontally, allowing light to penetrate deep into habitats that would otherwise remain dark. This moving, horizontal light reaches places untouched by permanent lighting, including... undeveloped land. "*[10]

Note, too, that the current design of the parking lot stripes the parking spaces around the perimeter (see pink arrows below) with vehicles poinng their o en-intensely-bright headlights directly into Shorebird Park or the open water.



Proposed parking lot design for Seawall Drive, with perimeter parking spaces (indicated with pink arrows) direc ng the headlights of parking cars into Shorebird Park or towards water. (2026, 2-21)

Terrestrial and aquac species, in Shorebird Park and the open water will be disrupted by headlights from thousands of new cars daily. (See the further discussion below, in Secon 3, under "Arficial Ligh t At Night (ALAN)")

SUMMARY

CEQA **Secon 15151 (Standards for Adequacy)** state that "*An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences."*

P87-59

P87-60

[10] "A driving source of light polluNon: How car headlights are reshaping the nighw me environment" by Drew Reagan, January 8 2026. Dark Sky InternaNonal. h ps://darksky.org/news/a-driving-source-of-light-pollu on-how-car-headlights-are-reshaping-the-nighw me-environment/

P87-59

The narrow geographic scope excludes Shorebird Park, obscuring the true consequences of the project from decision makers and is inadequate. To provide an adequate evaluaon of pr oject impacts that meet the CEQA standard of Adequacy, **Sec#on 15151**, the Final EIR must broaden its geographic scope to include the enr ety of Shorebird Park and the Biological Resources within, and expand its analyses to include habitat loss and arficial ligh t at night introduced by thousands of new vehicles (many with LED headlamps) and hundreds of new light fixtures.

P87-60

Procedure: Bifurcation and piecemealing

CEQA Guidelines **Sec#on 15378(a)** defines a Project as "*the whole of an action, which has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment...*" By defining a project as the "whole of an acon, " the law ensures that agencies cannot overlook the cumulav e impacts of a large undertaking by breaking it into smaller, seemingly insignificant pieces.

The City of Berkeley bifurcated the Waterfront Specific Plan (WSP)[11] and Pier/Ferry Planning projects early-on in the planning processes. This segmentaon is pr oblemac as the Pier/F erry project lies geographically within the overall waterfront, the focus of the WSP. While the WSP and Pier/Ferry are two separate projects run by the same Lead Agency, the City of Berkeley, separang the analy sis of the environmental impacts of the two projects into two disnct phases will make the immediate impacts of each Project look smaller. The reduced geographic footprint of the Pier/Ferry scope represents piecemealing.

P87-61

While the dEIR defends the bifurcaon – stang tha t the WSP and Pier/Ferry are separate projects (pg. 3-11) and that the dEIR will consider Cumulav e Impacts of the pending WSP – when it comes to real-world impacts, the bifurcaon of the W SP and Pier/Ferry violate sCEQA's requirement that the "whole of the acon" be r eviewed.

SUMMARY

To adhere to **CEQA Secon 15378(a),** the evaluaon of the Pier/Ferry Project EIR should be delayed unl the W aterfront Specific Plan (WSP) effort is complete. Only then is it appropriate for the EIR to be undertaken, covering the enr e waterfront area, to ensure that cumulav e impacts for all waterfront development are accurately evaluated and disclosed to the public.

P87-62

Artificial Light at Night (ALAN): New fixtures and impacts of vehicles

Arficial Ligh t At Night (ALAN) is a significant biological disrupter at all trophic levels and is growing globally at 2% per year. It interferes with bird migraon and nesng acvity , insect lifecycles. It penetrates the upper layers of soil and water to disrupt microbial acvity . It disrupts plants' seasonal rhythms. It interferes with marine animal movements, disrupng phot otaxis in

P87-63

[11] formerly known as the "Berkeley Marina Area Specific Plan (BMASP)"

P87-61

fish and other marine animals, altering their natural behaviors such as feeding and migraon. It's associated with cancer in humans, disrupng cir cadian rhythms and melatonin producon. **In short, ALAN a serious, pervasive pollutant.** Any proposal to install new outdoor light fixtures, even if they're Dark Sky Compliant, must be carefully considered, to determine if the proposed light will (a) result in a net increase of ALAN and (b) if new lighng should even be added. These concerns are especially relevant to biologically significant locaons lik e the San Francisco Bay, including the proposed project area of the Berkeley Pier/Ferry (staonar y pier and dynamic ferry route).

P87-63

Sadly, there aren't any caps on the cumulav e amount of light polluon tha t can be added to the Bay sky. Moreover, sadly and quite surprisingly, per the dEIR, the enr e waterfront area is allowed to have the same levels of light-polluon as do wntown Berkeley, LZ3, which is zoned for "moderately high" amounts of light:

> "*City of Berkeley falls under the "urban" standard and thus, is designated LZ3*." (2026, 3.3-10)

P87-64

BCDC guidelines do, however, define some restricons, and/ or goals, related to lighng designs and light polluon (emphasis added):

- *"Public access should be sited, designed and managed **to prevent significant adverse effects on wildlife**."* (BCDC SF Bay Plan. p.77)
- "*1. To enhance the visual quality of the Bay... shores shall be developed in accordance with the Public Access Design Guidelines.*" (BCDC SF Bay Plan. p. 80)
    - "*7. Sight Furnishings. Provide enough lighting to create a sense of safety, but design to **control intensity, glare and spillover**.*" (BCDC Shoreline Spaces: Public Access Guidelines. pg 20)

P87-65

The dEIR also commits to quanf y the magnitude of proposed changes in light and glare.

> "*The analysis of light and glare impacts focuses on the nature and **magnitude of changes in light and glare conditions***", and,
> *"Similarly, the City considers whether a proposed project would **increase nighttime light**."* (2026, 3.1-19)(emphasis added)

P87-66

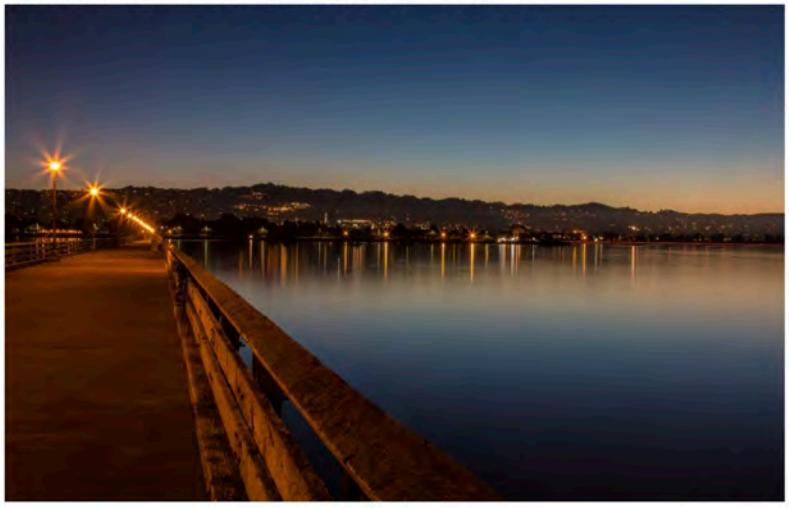
However, no "*analysis of light and glare impacts*" (as cited above) was conducted. No measurements were made to evaluate the "*increase [in] nighttime light"* (as cited above). Instead, analysis of light polluon w as relegated to **Secon 3.1 Aes thecs** , a secon tha t uses Levels of Significance that are only subjecv e and descripv e in nature.

P87-67

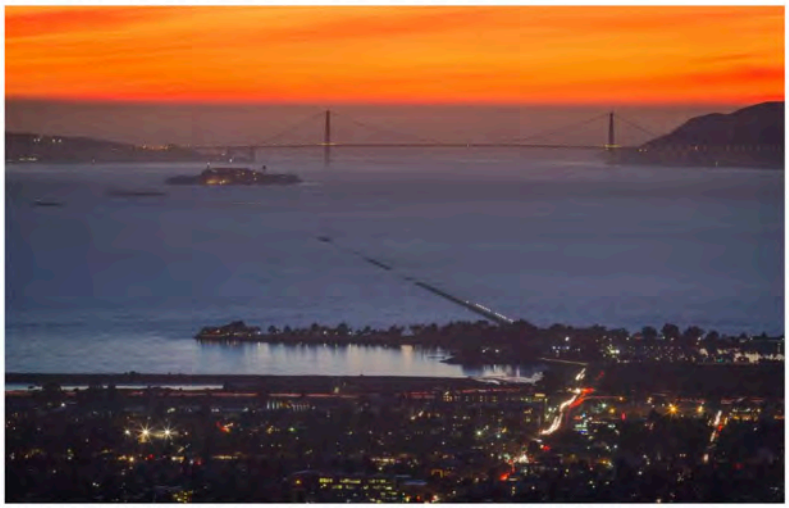
For example, to establish the current baseline of ALAN at the project site, 2 photographs are submi ed (pasted below). It's noteworthy that these photos were taken at dusk, when sunlight was sll visible, making it impossible to establish an approximate qualitav e (subjecv e) baseline of current levels of light at night, much less a reliable quant av e (measurable) one.

P87-68

Figure 3.1-2 Nighttime Lighting Photographs at the Project Site



Photograph 1: Existing Nighttime Lighting on the Berkeley Pier



Photograph 2: Existing Nighttime Lighting on the Berkeley Pier and Seawall Drive Parking Lot

Draft Environmental Impact Report 3.1-9

The only evidence provided by the 2026 dEIR of the Baseline level of light at the project site. Photos were taken at dusk and are inadequate. No measurements with a light meter were made. (2026, 3.1-9)

P87-68

No measurements were made with a light meter to establish actual light levels at night. Furthermore, descripon s of the proposed lighng in **Impact statement AES-4** do not even aj empt to quanf y the total number of proposed fixtures or the cumulav e amount of nighme ligh t that will be emi ed.

P87-69

By relegang the analy sis of light polluon t o Secon 3.1 Aes thecs, a sec#on that relies on qualita#ve assessments, the dEIR fails to provide substanal evidence to supports its significance findings regarding ligh#ng.

P87-70

THE TOTAL NUMBER OF PROPOSED LIGHT FIXTURES ISN'T STATED AND WILL TRIPLE OR QUADRUPLE IN NUMBER

Current light. The dEIR idenfie s 36 total light fixtures (28 on the pier, 8 in the parking island island):

> "*Lighting already exists on the closed pier (**28 lights spaced approximately 110 feet apart** from each other on the north side of the closed pier), as well as the existing Seawall Drive parking lot (eight lights in parking islands). The proposed project would remove the existing lighting from the pier and the parking lot during construction of the proposed project."* (2026, 2-22) (emphasis added)

Proposed Wayfinding Signage. Illuminated signage is now being proposed for our parks.

> *"Wayfinding signage would be installed at various points along University Ave, Marina Boulevard, and Seawall Drive & Parking Lot. In addition, wayfinding signage would also be installed in a small portion of Shorebird Park, as shown in Figure 2-2, and within existing parking lots at the Waterfront. The purpose of this signage would be to direct visitors to the new pier, ferry vessels, and Seawall Drive parking lot as well as other recreational locations throughout the Berkeley Waterfront. **These wayfinding signs may be lighted at night**. Interpretive/educational signage regarding the history of the Berkeley Waterfront and notable environmental or geographic landmarks would be installed at locations along the Pier, Breakwater, and/or the new Bay Trail Extension. These interpretive/educational signs would not be lighted at night."* (2026, 2-22)(emphasis added)

Proposed Ligh#ng. The dEIR doesn't idenf y the total (or even approximate) number of proposed light fixtures.

P87-71

> *New lighting is proposed for University Avenue and the Plaza, parking lot, pier, and ferry terminal, and additional lighting poles would be provided for the proposed Bay Trail Extension along Seawall Drive. LED lighting would be installed for the pier/breakwater, gangway walkway, and railings. Down-cast LED lights would be placed approximately **every 50-feet along the Pier and Breakwater on 16-foot tall poles**. The pier canopy structure would be fitted with LED linear downlights attached to the roof and wall sconces attached to the columns. Stainless steel guardrails on the pier would contain LED handrail point lighting aimed at the deck, which would also to be used for emergency egress lighting. A solar-powered marine navigational signal lights and emergency LED path of egress lighting would be installed on the ferry float system and the central charging inverter.* (2026, 2-22)

> *All Project lighting would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements. As such, full cut-off photocell fixtures with side shields and visors would be used for roadway and street lighting. The ferry terminal photocell lighting fixtures would be dimmable and controlled by a timer. The Pier, plaza, and parking lot would include a bi-level lighting system comprised of full cut-off photocell fixtures equipped with shields, guards to the seaside, and controlled by a timer.* (2026, 2-22)

> and

"The proposed project would include the following lighting features:

- *Wayfinding signage lighting along University Avenue, Seawall Drive, and the proposed Bay Trail Extension*
- *Lighting at the Seawall Drive parking lot*
- *Lighting on the new pier, breakwater, gangways, and floats*
- *Lighting at the new public plaza*

Down-cast LED lights would be placed approximately every 50-feet along the Pier and Breakwater on 16-foot tall poles. The pier canopy structure would be fitted with LED linear downlights attached to the roof and wall sconces attached to the columns. Stainless steel guardrails on the pier would contain LED handrail point lighting aimed at the deck, which would also be used for emergency egress lighting. A solar-powered marine signal light would be installed on the float. Emergency LED path of egress lighting would also be installed on the central inverter.

Furthermore, lighting would be photocell-controlled area lighting in compliance with illuminating Engineering Society (IES) and DarkSky recommendation... (2026, Impact AES-4, 3.1-33 to -34)

P87-71

It is appreciated that Dark Sky fixtures will be used, but it isn't enough to ensure significant amounts of light won't be added, the visual quality of the Bay won't be degraded and Biological Resources won't be harmed.

P87-72

With a doubling of the spacing of fixtures on the pier/breakwater (instead of every 100-, fixtures will be every 50) and an unquan fied but high number of ne w fixtures throughout the park, based descripons in the dEIR, **the total number of light fixtures will triple or quadruple**, adding significant amounts of nighme ligh t to project site and be visible from the Bay waters.

P87-73

As noted above, the dEIR fails to establish a baseline level of nighme ligh t at the waterfront on which a determinaon of the le vel of significance can be based. The dEIR also failed to establish a quanfiable le vel of significance. Instead, it used an arbitrary threshold of significance (cf. **Impact AES-4**). As such, the impacts of the proposed lighng ar en't quanfied, making it impossible to evaluate the criteria of the "*magnitude of changes in light and glare conditions*" and the "*increase nighttime light*" and is, therefore, deficient. Given the BCDC policies to "*prevent significant adverse effects on wildlife*" and prevent "*glare and spillover*", and given the understanding that ALAN is a form of polluon, and given the easily-measured nature of light and the significance of ALAN on biological resources and aesthecs, **a quan#fied baseline and jusfied threshold level of significance are missing and must be defined.**

P87-74

Nighme ligh t levels should be measured and quanfied with a ligh t meter during the current baseline situaon (tha t is, the pier and Seawall Dr parking lot aren't in use). Those findings should then be compared with the proposed amount of nighme ligh t levels, to quanf y the change in light levels and change in total number of individual fixtures visible, from land and from the water..

P87-75

To reiterate, to comply with BCDC requirements to "prevent significant adverse effects on wildlife, "enhance the visual quality" of the Bay and "control intensity, glare and spillover"

P87-76

addi onal analysis is necessary. Those analyses should document the current baseline light levels at night, total proposed number of new light fixtures (and for each loca#on, if the fixture is a new loca#on or upda#ng an exis#ng one), broken down by type (including height, spectrum, intensity, shielding, mes -of-use, and jus#fica#on for inclusion[12])

P87-76

THE FIXTURES PROPOSED FOR THE PIER/BREAKWATER WILL BE SPACED 2x CLOSER, ON 16'-TALL POLES, CREATING GLARE AND SPILLOVER

While the dEIR proposes to use Dark Sky fixtures, the ones proposed for the pier/breakwater will be on 16-foot tall poles, creaTng glare and spillover onto the surface of the water below and disturbing the marine ecosystem.

P87-77

To comply with BCDC Public Access Guidelines that prohibit glare and spillover (above), the Final EIR should evaluate the feasibility of lower mounn g heights (e.g. 3-to-4-foot bollards) and increased spacing on all pier, breakwater and shoreline lighng , to minimize the project's "light footprint" while sl l maintaining pedestrian safety.

LED LIGHTING ON THE GUARDRAILS AND OTHER STRUCTURES WILL SHINE DOWNWARD, CREATING GLARE AND SPILLOVER ONTO THE WATER

The dEIR describes "*The pier canopy structure would be fitted with LED linear downlights attached to the roof and wall sconces attached to the columns. Stainless steel guardrails on the pier would contain LED handrail point lighting aimed at the deck...*" It is not enough to have down-cast, fully-shielded fixtures. If the light fixtures are mounted to the canopy, columns or underneath the guardrails, the light will create glare, spilling down to the water below, introducing light polluon into the water column, disturbing marine wildlife, and out into the atmosphere, creang glar e.

P87-78

As an example of what not to do, see the photos of the WETA Richmond Ferry Terminal below. They show disrupv e, unacceptable levels of light polluon emanang brigh t-white from the place-name sign, and bright-blue light from the enr e pier structure, shining out into the Bay atmosphere and entering the water column below. The lighng on the Richmond pier is an example of exactly the kind of lighng t o be avoided.

P87-79

[12] See the "Five Principles for Responsible Outdoor LighNng" by Dark Sky InternaNonal. hc ps://darksky.org/resources/guides-and-how-tos/lighNng-principles/

P87-76



Photos of the Richmond WETA Terminal, illustran g irresponsible lighn g that disrupts wildlife

P87-79



Photos of the Richmond WETA Terminal, illustran g irresponsible lighn g that disrupts wildlife



Photos of the Richmond WETA Terminal, illustran g irresponsible lighn g that disrupts wildlife

P87-79

To comply with BCDC SF Bay Plan to "prevent significant adverse effects on wildlife", addi onal details on ligh#ng must be added to the dEIR. It must document how all light spillage will be eliminated on the pier and breakwater, to ensure no light pollu on enters the surrounding atmosphere or the water column below.

P87-80

SHIELDED ISN'T ENOUGH. NEED A LIGHTING PLAN, WITH SPECTRUM, INTENSITY AND MORE

Fully-shielded fixtures isn't enough to prevent light polluon. T o minimize biological disrupon, lighng should be added only when ab solutely necessary. All lighng should use w armer spectrum lighng (<2, 700 Kelvin) at the minimum intensity.

P87-81

The dEIR descripon of ne w lighng cit es the use of Dark Sky fixtures but fails to describe other essen#al features of responsible outdoor ligh#ng and is inadequate. To comply with BCDC SF Bay Plan to "*prevent significant adverse effects on wildlife*", the Final EIR should include a ligh#ng plan, that addresses ques#ons raised above, including spectrum, intensity, and details of the place-name signage (if one is proposed).

P87-82

THE IMPACT OF INCREASED VEHICLE HEADLIGHTS ON BIOLOGICAL RESOURCES WAS NOT EVALUATED. THE ASSOCATED FINDINGS OF IMPACT AES-4 ARE DEFICIENT and OUTDATED.

P87-83

The dEIR fails to evaluate the impacts on Biological Resources of bright automobile headlights from increased vehicle traffic generated by the proposed project during the Operaonal phase . **Sec#on 3.1, Environmental Sen g, Light and Glare** briefly menons aut omobile headlights, emphasizing the temporary nature of the light and how it touches terrestrial spaces. However, the statement fails to acknowledge that vehicle headlight can also illuminate the surface of surrounding Bay water:

> "*Automobile headlights also create temporary mobile sources of light along proximate roadways and within on-site and nearby parking lots*". (2026, 3.1-8).

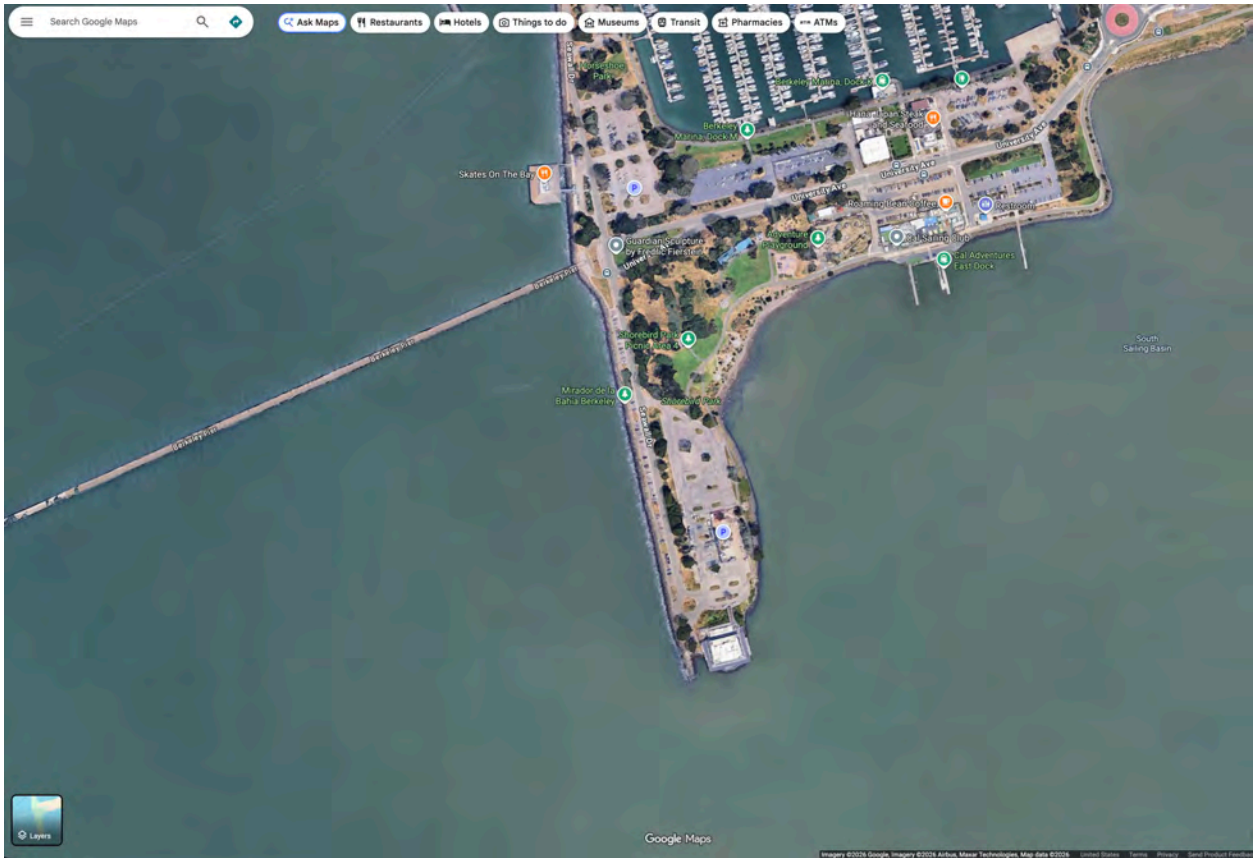
Only later in the dEIR, in **Secon 3.1 Aes thecs** , are the impacts of introduced nighme ligh t during the Operaonal phase discussed (not in Biological Resources, where such an analysis belongs). That analysis is within **Impact AES-4**. It assesses light only from staonar y fixtures; mobile sources, like automobile headlights, are missing. Though it isn't stated directly, **Impact AES-4** also seem to make the important assumpon tha t the number vehicles visin g the Seawall Dr. area won't increase (relaTve to the exisng Baseline c ondions). This assump on is flawed.

If the pier/ferry project is completed, the number of vehicles coming to the Seawall Drive area will increase. Why? Because the number of vehicles present during exisTng Baseline condions is arficially lo w. Those condions w ere set only aYer the pier was closed and available parking spaces had been closed to the public. P87-83

> "**EIR Baseline.** *This baseline includes the closure of the existing pier, the closure of the HS Lordship restaurant located at 199 Seawall Drive, and intermittent closure of the Seawall Drive parking lot."* (2026, 3-2)

If the pier/ferry project is developed, once it's completed and the ferry operang , more cars will be parking at the waterfront and impacts will have changed, too.

To help explain the net increase in the number of vehicles expected let's look at the number ferry patrons who will drive. The dEIR describes up to "*450 (or 475) new parking spaces*" (2026, 2-18 or 3.6-37) in the Seawall Dr. area. The expected ferry ridership in 2040 is projected at 1,160, with 52% of them driving. **This means at least 600 <u>new</u> vehicles are projected to be coming down to the project site to park.** These will be cars <u>in addion t o</u> the ones that already park at the waterfront. These addional f erry patron drivers will circulate, looking for a place to park in the Seawall Dr. area. At early morning and late evening hours, and especially during winter, these drivers will have headlights turned on. O en these headlights will be extremely intense, blue-spectrum LED lights that will temporarily blind and incapacitate wildlife. (Do these chronic disrupons c onstut e "harassment"?) As a reminder, the parking lot proposed for ferry patrons is surrounded on Bay water on 3 sides – west, south, and east. See screenshot below.



Screenshot of parking lot documenNng that it is surrounded by Bay water on 3 sides. ALAN from vehicle headlights circulaNng in the parking lot - which is currently closed (the "baseline condiNon") - will shine onto the surrounding surfaces of the water.

P87-83

Thus, the vehicle headlights will illuminate not only terrestrial surroundings but shine onto and illuminate the Bay waters, too, causing increased glare and spillage. Repeated exposure to these bright lights, even if each exposure is brief, causes harmful cumulav e impacts on Biological Resources and degrades the character of the project site. The quality of vehicle headlights has even changed in recent years, becoming more disrupv e to sensiTve receptors. With headlights in newer cars, the light emij ed has shi ed from a warmer lower-spectrum to more disrupv e blue higher-spectrum. Addional ligh t polluon fr om ferry patrons driving to the project site will add to the harmful cumulav e impacts of ALAN on Biological Resources and degrade the visual character of the project site and adversely affect nighme vie ws for sensiv e receptors near the project.

P87-84

The **Impact AES-4** analysis ignores the impacts of all of these changes – the increased number of vehicle and the associated increased harmful headlight glare and spillover into the surrounding land and water, as if light polluon fr om vehicle headlights doesn't require quanfied analy sis. Nothing could be further from the truth.

P87-85

The quarterly publicaon of Dark Sky In ternaonal recently highlighted the significant, negav e impacts of light polluon fr om car headlights on wildlife. The arcle describes how tradional analyses focus on fixed sources of light, ignoring the impacts of automobiles (emphasis added):

> "*Artificial light at night is a well-documented environmental pressure. It disrupts wildlife behavior, alters ecosystems, and interferes with biological rhythms that have evolved over millions of years.* ***Yet most research, policy, and mitigation efforts have focused on fixed sources of light, such as streetlights, buildings, and sports facilities...*** *Many modern LED and xenon headlights emit blue-rich, cool-white light. Blue light is particularly disruptive at night, suppressing the production of melatonin and disrupting circadian rhythms in many species. In ecological terms, not all light is equal, and blue-rich light causes greater harm after dark... For nocturnal insects, especially, this is a serious problem. Many species cannot quickly adjust their vision after exposure, leaving them disoriented, exhausted, or vulnerable to predators long after the car has passed."*[13]

P87-86

SUMMARY

The analysis and findings of the impacts of new sources of nighme ligh t at the project site is grossly deficient, lacking quanfic aon and based on an unr easonable, arbitrary significance threshold. The analysis of the impact of lighng has been r elegated to Secon 3.1 Aes thecs where there are no measurable thresholds of significance. Yet the amounts of exisTng and proposed changes in Arficial Ligh t At Night (ALAN) are easily quanfied. The dEIR didn't establish a Baseline condion of actual nigh me ligh t to then establish the "magnitude of change" to determine if the project "would increase nighme ligh t" (as stated in the Approach to Analysis (2026, 3.1-17)) . The number of fixtures on the pier/breakwater will at least double, with light mounted on 16-foot high poles. The total number of new fixtures across the project site will triple or quadruple. The number of expected vehicles will increase during Operaon, aYer parking areas nearby are reopened to the public (a change from the Baseline), spilling intense blue-spectrum light from increased vehicle traffic onto vegetaon and the w ater surface in all three direcons ar ound the parking lot (west towards the Bay, south, and east towards the S. Sailing Basin). Under CEQA this intermi ent light polluon c onstut es a significant impact on the "exisng visual char acter" and "biological resources" of the site.

P87-87

P87-88

P87-89

To ensure that proposed lighng a t the project site adheres to BCDC SF Bay Plan Policy 4 (Public Access) and Shoreline Spaces Policy 7 (Site Specific Improvements), and doesn't violate any of the CEQA tests of significance for Aesthecs and Biologic al Resources, addional analy ses must be performed, including (but not limited to):

- A new, separate and quanfied analy sis of lighng impacts added t o the Biological Resources SecTon 3.3., to ensure that impacts on biological resources are sufficiently analyzed. Those updates should include new photos - ones taken at night (not dusk) -

P87-90

[13] "A driving source of light polluNon: How car headlights are reshaping the nighw me environment." by Drew Reagan. January 8, 2026. Dark Sky InternaNonal. hc ps://darksky.org/news/a-driving-source-of-light-polluNon-how-car-headlights-are-reshaping-the-nighw me-environment/

and measurements of nighme ligh t taken with a light meter at night (not dusk). Those findings will establish an exisng Baseline of nigh me ligh t.

- Essenal addional in formaon about the pr oposed light fixtures should be included in the aforemenoned secon, including (but not limited to): ancipa ted total number of fixtures (e.g. spectrum, intensity, mes of oper aon), how much of the nighme ligh t emij ed from fixtures on the pier/breakwater will add spillage and glare onto the Bay waters and into the atmosphere, if placename signage will be installed and amount of glare and spillover introduced, and more. Based on this addional in formaTon, a project-level assessment of lighng impacts c an be quanfied and c ompared with the Baseline.
- An analysis of the increase of vehicle headlights and vehicle circulaon should be included, drawing from the most recent research to assess the adverse effects of blue-spectrum LED headlights sweeping through and across the surroundings (terrestrial and aquac) and biologic al resources within.

P87-90

CONCLUSION

The Dra EIR f ails to address new informaon and chang ed circumstance, and offers deficient analyses. In its current form, the Dra EIR does not pr ovide "a sufficient degree of analysis to provide decision makers with informaon which enables them t o make a decision which intelligently takes account of environmental consequences." (CEQA Guidelines § 15151). To remedy these deficiencies updates are necessary and an updated Dra EIR r ecirculated.

P87-91

Thank you for the opportunity to submit comments on the proposed Project.

P87-92

Respectfully,
Erin Diehm

Letter P87

Commenter: Erin Diehm

Date: April 28, 2026

Response to Comment P87-1

This statement pertains to administrative processing of the comment and does not address the adequacy of the analysis, significance conclusions, or mitigation measures in the Draft EIR. The comment has been received. No further response is required.

Response to Comment P87-2

These introductory statements provide context for the commenter's subsequent remarks. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P87-3

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Response to Comment P87-4

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for more information about this topic. Refer to Response to Comments P 98-5 through P87-92 for responses to individual comments. No further response is required.

Response to Comment P87-5

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

Response to Comment P87-6

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P87-7

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion of the 2003 WETA EIR relevance to the Draft EIR. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-8

The Draft EIR is not tiered to, nor is a supplemental or subsequent EIR to the 2003 WETA EIR. Rather, as stated in Draft EIR Section 1.1.2, *EIR Type*, this document has been prepared as a project-level EIR pursuant to CEQA Guidelines Section 15161, which focuses on the specific environmental effects of the proposed Berkeley Water Transportation Pier Ferry Project.

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* which explains that the Draft EIR does not tier from the 2003 WETA EIR, but rather incorporates it by reference. Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* also explains how the Draft EIR uses the 2003 WETA EIR, and where appropriate provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Regarding gray whales, refer to Response to Comments P87-8 through P87-12 for responses to specific comments about gray whales.

Response to Comment P87-9

As described in Draft EIR Section 3.3.4 under Impact BIO-1 (pages 52 to 54), the analysis evaluates potential impacts to gray whales and other marine mammals based on current environmental conditions, including increased whale presence in the Bay in recent years. The Draft EIR does not rely on 2003 assumptions regarding whale rarity or population trends. Instead, the analysis considers the existing Central Bay transit corridor, which includes substantial commercial, recreational, and ferry vessel operational levels, and evaluates the project's incremental contribution to vessel-strike risk. See Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion of Draft EIR references to the 2003 WETA EIR. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-10

As described in Draft EIR Section 3.3.4 under Impact BIO-1 (pages 52 to 54), the analysis evaluates potential impacts to gray whales based on current environmental conditions, including increased whale observations in the Bay in recent years. The Draft EIR acknowledges that vessel strikes are a known source of mortality for gray whales and evaluates the project's incremental contribution to this risk in the context of the existing Central Bay baseline, which includes substantial commercial, recreational, and ferry vessel operational levels. In addition, see Response to Comment O7-13 for a discussion regarding potential whale strike. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-11

As described in Draft EIR Section 3.3.4 (Impact BIO-1, pages 52 to 54), the analysis acknowledges that vessel strikes are a known source of mortality for gray whales and evaluates the project's incremental contribution to this risk in the context of the existing Central Bay baseline, which includes substantial commercial, recreational, and ferry vessel operational levels. The Draft EIR evaluates current whale presence in the Bay and does not rely on assumptions from the 2003 WETA EIR regarding whale rarity or population trends. In addition, see Section 2.2.28, *Topical Response: Whale Strike*, and Response to Comment O7-13 for a discussion regarding potential whale strike. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-12

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

Response to Comment P87-13

The EIR impacts analysis was based on a current literature review of publicly available agency databases and documents consistent with industry standards. With respect to the conference presentation cited in this comment, the analysis in the Draft EIR considers impacts to migratory waterbirds; see Response to Comment O7-17 for a discussion of operational impacts on waterbirds. The literature and database

review conducted for the Draft EIR described in Section 3.3.1, *Introduction*, (page 3.3-1) of the Draft EIR remains valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-14

The "2025 San Francisco State of the Birds" report is noted. The EIR impacts analysis was based on a current literature review of publicly available agency databases and documents consistent with industry standards. The State of the Birds report tracks trends in bird populations in the San Francisco Bay that are informative but do not change the analysis or conclusions of the Draft EIR Section 3.3, *Biological Resources*. The literature and database review conducted for the Draft EIR described in Section 3.3.1, Introduction, (page 3.3-1) remains valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-15

As described in Draft EIR Section 3.3.4 (Impact BIO-1, pages 3.3-44 to 3.3-54), the project site does not provide significant roosting or natal habitat for diving ducks or other rafting waterbirds. The analysis evaluates potential disturbance from ferry operation in the context of the existing Central Bay transit corridor, which already includes substantial commercial, recreational, and ferry vessel operational levels. Adult waterbirds are highly mobile and able to avoid localized disturbance, and the incremental increase in ferry trips associated with the project would not constitute a substantial adverse effect under CEQA. In addition, see Response to Comment P46-4 for a discussion of and text changes related to roosting and migration of waterbirds. With respect to “new information” from the 2004 USGS study, the analysis in the Draft EIR already considers impacts to migratory waterbirds from operational and cumulative impacts of ferry operation as discussed in Response to Comment O7-17. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-16

As described in Draft EIR Section 3.3.5, Cumulative Impacts (page 3.3-66), the analysis evaluates the project’s incremental contribution to cumulative biological impacts in the context of the existing Central Bay transit corridor, which already includes substantial commercial, recreational, and ferry vessel operational levels. The Draft EIR concludes that the addition of the Berkeley service would not make a cumulatively considerable contribution to regional waterbird disturbance because adult waterbirds are highly mobile and able to avoid localized disturbance; and the incremental increase in ferry trips associated with the project would be small relative to existing vessel activity in the Central Bay. For additional discussion of cumulative impacts to waterbirds, see Response to Comment O7-17.

The comment does not provide site-specific evidence demonstrating that the proposed project would result in population-level effects, exceed CEQA significance thresholds, or cause a substantial loss of foraging or resting habitat in the project vicinity. The analysis and significance conclusions presented in Section 3.3 Biological Resources remain valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-17

As described in Draft EIR Section 3.3.4 under Impact BIO-1 (pages 46 to 52), and in text clarification changes in Response to Comment P46-4 describing impacts to wildlife movement, the analysis evaluates operational disturbance in the context of the existing Central Bay transit corridor, which already includes substantial commercial, recreational, and ferry vessel operational levels. Adult waterbirds are highly mobile and able to avoid localized disturbance, and the incremental increase in ferry trips associated with the project would not constitute a substantial adverse effect under CEQA.

The 2004 USGS study cited in the comment provides regional behavioral information, but it does not provide site-specific evidence demonstrating that the proposed project would result in population-level effects, exceed CEQA significance thresholds, or cause a substantial loss of foraging or resting habitat in

the project vicinity. The Draft EIR evaluates operational impacts using current environmental conditions and concludes that the project would not result in significant impacts to rafting waterbirds. For further discussion of operational impacts to waterbirds, see Response to Comment O7-17.

The analysis and significance conclusions presented in Section 3.3 Biological Resources remain valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-18

The Draft EIR evaluates the project's incremental contribution to regional biological impacts and explicitly considers cumulative effects in Section 3.3.5, Cumulative Impacts, using the existing Central Bay vessel operational levels as the comparable existing condition. The analysis recognizes that repeated disturbance can affect bird behavior at some locations, and it relies on the best available, site-specific information to determine whether the Berkeley route would cause a substantial, long-term loss of foraging or roosting habitat. See Response to Comment O7-17 for further discussion of operational impacts on waterbirds.

The comment has not provided site-specific evidence showing that the Berkeley service would convert usable habitat into a permanent "dead zone" or cause population-level declines. Therefore, the analysis and significance conclusions in Section 3.3 Biological Resources remains valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-19

See Response to Comment 7-17 for discussion of operational and cumulative impacts to waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-20

The proposed increase in ferry trips would be incremental relative to existing vessel operations in San Francisco Bay. Stating that a direct population-level impact from this project alone is speculative without site-specific evidence linking the project's incremental disturbance to measurable declines in body condition, migration success, or reproductive output. The Draft EIR addresses impacts to wildlife movement in Section 3.3.4 Impacts analysis under Impact BIO-4 (page 3.3-63) and concludes that impacts would be less than significant. In addition, see Response to Comment P46-4 for text clarification changes addressing migratory birds, Response to Comment O7-17 for a discussion of operational impacts to waterbirds, and Section 2.2.25, *Topical Response: Siltation/Wave Climate,* for a discussion of wave climate and sedimentation/turbidity. The Draft EIR discusses the impacts of ferry wake in Section 3.8.4. Impacts Analysis on page 3.8-33. No additional analysis or changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-21

See Response to Comment O7-17 for discussion of operational and cumulative impacts to waterbirds. No additional analysis or changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-22

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

Regarding gray whales, refer to Response to Comments P87-13 through P87-21 for responses to specific comments about waterbirds.

Response to Comment P87-23

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

Response to Comment P87-24

Regarding the comment that "the 2003 Berkeley Marina Master Plan, which remains the effective planning document for the area, contemplated ferry service only within the existing Marina basin", this is not an accurate statement. The City has reviewed the Berkeley Marina Master Plan, including Figure 2.0, which is referenced in this comment, and has found that the only references to a ferry in the document are cost estimates related to seismic retrofit of an existing (as of 2003) "ferry pier". Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion of why the City considered an In-Marina Ferry Terminal Alternative, but ultimately rejected it, consistent with CEQA.

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR. A supplemental analysis of the potential impacts from dredging approximately 400,000 cubic yards is not needed because the Draft EIR already analyzes the potential impacts from dredging 400,000 cubic yards.

Response to Comment P87-25

Refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* which discusses how potential future maintenance dredging is addressed in the Draft EIR. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P87-26

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. This Topical Response also clarifies that the Draft EIR does not tier from the 2003 WETA EIR.

A supplemental analysis of the potential impacts from dredging approximately 400,000 cubic yards is not needed because the Draft EIR already analyzes the potential impacts from dredging 400,000 cubic yards. Draft EIR Chapter 2, *Project Description*, identifies the anticipated dredging quantities (see Section 2.6, page 2-28), and potential dredging impacts are evaluated in Section 3.3, *Biological Resources* (see Section 3.3.4, Impacts BIO-1 through BIO-1), and Section 3.8, *Hydrology and Water Quality* (see Section 3.8.4, Impact HYD-1), of the Draft EIR.

With respect to maintenance dredging, refer to Section 2.2.15, *Topical Response: Maintenance Dredging,* and Section 2.2.25, *Topical Response: Siltation/Wave Climate*. As discussed therein, the Draft EIR evaluates post-construction sedimentation conditions through the project-specific Coastal Study and associated sediment transport modeling. The referenced responses to comments further explain that based on the sedimentation rates identified in the Coastal Study, maintenance dredging would not be anticipated for approximately 10 to 15 years within the approach channel and approximately 22 to 33 years within the turning basin and berth areas. Because the timing, extent, volume, methods, disposal requirements, and regulatory framework associated with any future maintenance dredging cannot

presently be determined and would depend on future site conditions, detailed environmental analysis of such activities would be speculative. Accordingly, any future maintenance dredging would constitute a separate action subject to future regulatory review, permitting, and environmental review, as appropriate.

The analyses, significance conclusions, and mitigation measures presented in the Draft EIR remain valid as written. No revisions to or recirculation of the Draft EIR, or preparation of a supplemental EIR, are required in response to this comment.

Response to Comment P87-27

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P87-28

Because the comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR, no further response is required. Nonetheless, see Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of noise produced by electric ferries.

Response to Comment P87-29 to P87-33

Refer to Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of operational ferry vessel speed, power, and noise impacts on marine mammal species. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-34

The comment restates the various marine species communication frequency range information included in Draft EIR Table 3.3-2 (page 3.3-.51). Because the comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR, no further response is required.

Response to Comment P87-35 to P87-39

Refer to Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of operational ferry vessel speed, power, and noise impacts on marine mammal species. In addition, refer to Section 2.2.10, *Topical Response: Electric Ferry,* for a discussion regarding the timing and availability of electric ferry models. No changes to the Draft EIR are necessary in response to these comments.

Response to Comment P87-40

See Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of operational ferry vessel speed, power, and noise impacts on marine mammal species. With respect to comments about the noise studies cited in the Draft EIR being for different types of water bodies, the statement referenced in this comment from Draft EIR Section 3.3.2, Environmental Setting, (page 3.3-14) specifically cites a sound monitoring study conducted in the central San Francisco Bay. When calculating safe zones for construction work to avoid impacts to fish and marine mammals, the most recent NMFS guidelines will be used, as described in Mitigation Measure BIO-1(d). These safe zones and avoidance measures will be developed and approved in coordination with NMFS, USFWS, and CDFW during permitting. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-41

See Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of operational ferry vessel speed, power, and noise impacts on marine mammal species. In addition, see Section 2.2.28, *Topical Response: Whale Strike*, for a more specific discussion related to potential for operation of ferry vessels to come into contact with whales. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-42

The comment does not specify what was not written in plain language and/or information was not easy to understand. Therfore a substantive response is unable to be prepared. Nonetheless, see Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of operational ferry vessel speed, power, and noise impacts on marine mammal species. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-43

Refer to Section 2.2.4, *Topical Response: Biological/Underwater Noise*, for a discussion about how the EIR addresses underwater noise impacts on biological resources from the operation of electric ferry vessels.

Response to Comment P87-44

A reconnaissance-level field survey, when combined with targeted database and literature review and the application of standard CEQA avoidance/minimization measures, provides sufficient, project-specific information to map and evaluate potential species habitats and sensitive biological resources and to support the CEQA impact analysis. CEQA requires enough information to evaluate environmental effects and to adopt feasible mitigation; it does not require exhaustive scientific research or the generation of new baseline science beyond what is necessary to make an informed determination. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-45

See Response to Comment P87-44 for a discussion regarding survey adequacy. Existing conditions are adequately described for the purposes of CEQA analysis in Draft EIR Section 3.3.2. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-46

Refer to Response to Comment O9-3 for a response to this comment. No further response is required.

Response to Comment P87-47

See Response to Comment P87-44 for a discussion regarding survey adequacy. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-48

See Response to Comment P87-44 for a discussion regarding survey adequacy. In addition, the reconnaissance survey, while terrestrial, covered a larger area than the current project site in the Draft EIR. Surveyors were provided access to the closed pier and walked its length, and surveyed the riprap shoreline surrounding the project site, including the Marina edge outside of the current project site. The comment does not specify what special-status species were omitted, so a substantive response is unable to be prepared for that portion of the comment. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-49

Refer to Response to Comments P87-44 to P87-48 for responses to specific issues raised by the commenter. As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. The commenter does not identify any particular impact or conclusion within the biological resources Section that is not supported by substantial evidence. No further response is required.

Response to Comment P87-50

See Response to Comment P87-44 with regard to survey adequacy. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-51

See Response to Comment O5-36 for discussion of dredging and in-water construction impacts and Response to Comment O7-17 for discussion of ferry operations on waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-52

See Response to Comment P87-44 for a discussion regarding survey adequacy. In addition, see Response to Comment O7-17 for a discussion of long-term and cumulative impacts to waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-53

See Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of how the existing underwater noise environment has been identified and related project impacts have been assessed and would be less than significant with incorporation of Mitigation Measures BIO-1(d) and BIO-1(e). With regard to comment request for aquatic-based monitoring, Draft EIR Mitigation Measures BIO-1(e) (page 3.3-60) requires preparation of a marine mammal monitoring plan prior to construction and implementation of recommendations during construction. In addition, refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate* for a discussion of project impacts with respect to wave climate and effects within and beyond the project site. No changes to the Draft EIR are necessary in response to this comment

Response to Comment P87-54

No additional research or multi-season bird, on-water, or hydroacoustic monitoring surveys are proposed or required. See Response to Comment P87-44 for a discussion regarding survey requirements. The Draft EIR analysis and significance conclusion of less than significant with mitigation (Mitigation Measures BIO-1, HYD-1, and AES-1) related to special status wildlife, including birds and aquatic species, presented under Impact BIO-1 in Section 3.3.4, Impacts Analysis, starting on page 3.3-44 remain valid. In addition, see Section 2.2.7, *Topical Response: CEQA Process,* for discussion of how recirculation of the Draft EIR is not required. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-55

The project site evaluated for the project includes all areas that may potentially be impacted by the project, including temporary staging and access, temporary disturbance, and permanent impacts. The project site is defined in Draft EIR Section 2.2, Existing Project Site Characteristics, page 3.3-7. Review of biological occurrence data extended beyond the project site, utilizing an industry-standard nine USGS 7.5-minute quadrangle search of databases described in Draft EIR Section 3.3.1, Introduction, (page 3.3-1). The analysis under Impact BIO-1, starting on page 3.3-44, and BIO-2, starting on page 3.3-58, evaluated the project's potential to impact species and sensitive habitats, respectively, both within the project site

and in the project vicinity (within approximately five miles of the project site), as well as water quality, noise, lighting, etc. impacts to biological resources with the immediate project vicinity and encompassing Shorebird Park. In addition, see Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting and its effects on the shoreline. The Draft EIR analysis and significance conclusions of less than significant with mitigation (Mitigation Measures BIO-1, BIO-2, HYD-1, and AES-1) under Impacts BIO-1 and BIO-2 in Section 3.3.4, Impacts Analysis, starting on page 3.3-46 and 3.3-58, respectively, remain valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-56

Refer to Response to comment P87-55 for a discussion about how the Draft EIR accurately addresses the physical environment, including impacts on areas in the vicinity and adjacent to the project.

Response to Comment P87-57

The project site evaluated for the project includes all areas that may potentially be impacted by the project, including temporary staging and access, temporary disturbance, and permanent impacts. The project site is defined in Draft EIR Section 2.2, Existing Project Site Characteristics, page 3.3-7. The Draft EIR analysis under BIO-1, starting on page 3.3-44, and BIO-2, starting on page 3.3-58, evaluated the projects potential to impact species and sensitive habitats both within the project site and in the project vicinity (within approximately five miles of the project site), as well as water quality, noise, lighting, etc. impacts to vegetation communities with the immediate project vicinity and encompassing Shorebird Park. The Draft EIR analysis and significance conclusions of less than significant with mitigation (Mitigation Measures BIO-1, BIO-2, HYD-1, and AES-1) under Impact BIO-1 and BIO-2 in Section 3.3.4, Impacts Analysis, starting on page 3.3-46 and 3.3-58, respectively, remain valid. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-58

Project-related tree removal near Shorebird Park are limited to landscaped ornamentals and are not part of a natural vegetation community. Impacts to protected bird species, including nesting birds, are analyzed in Draft EIR Section 3.3.4 under Impact BIO-1 on page 3.3-44, which concludes impacts to be less than significant with implementation of Mitigation Measures BIO-1(a), BIO-1(c), and AES-1. Impacts of increased vehicle use of existing roads in this already disturbed area immediately adjacent to Interstate 80 would not vary greatly from existing conditions. Refer to Response to Comment A2-10 for discussion of impacts on white-tailed kite. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-59

The Draft EIR addresses impacts to nesting birds as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy mitigation requirements. See also Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting effects, including vehicle headlights. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-60

Regarding Shorebird Park, the Draft EIR considers Shorebird Park as part of the environmental setting and surrounding biological context for the project vicinity. As discussed in Responses to Comments O10-64, P87-55, P87-57, and P87-58, the Draft EIR identifies and describes Shorebird Park as part of the existing environmental setting and evaluates the project's potential direct and indirect effects on nearby biological and recreational resources. The project would not result in direct habitat loss within Shorebird Park

because project construction and operation would occur outside the park. The Draft EIR further evaluates potential indirect effects, including effects related to lighting and biological resources, consistent with the applicable CEQA thresholds.

Regarding the geographic scope for biological resources, CEQA does not require analysis of biological resources over an unlimited geographic area. Rather, the scope of analysis must be tailored to the area within which project-related impacts could reasonably occur. The Draft EIR evaluates biological resources within the project site and surrounding areas where direct or indirect effects could occur and includes consideration of adjacent habitats and species that could potentially use the project vicinity. As discussed in Responses to Comments P87-55, P87-57, and P87-58, the City concludes that the geographic scope of the biological resources analysis is appropriate and sufficient to disclose the project's potential environmental effects.

Regarding the artificial light at night (ALAN), the Draft EIR evaluates potential operational lighting effects on biological resources in Section 3.3.4, *Biological Resources* (pages 3.3-51 and 3.3-52). As discussed in Response to Comment O4-19, existing stationary sources of lighting are already present within the project site and vicinity, including streetlights, parking lot lighting, pier lighting, and building lighting. Project lighting would be designed in accordance with applicable lighting standards, including DarkSky principles and glare reduction measures. In addition, refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* which provides a detailed discussion of lighting-related concerns, including biological resource considerations. As discussed therein, the project would not result in significant impacts related to ALAN.

Regarding Shorebird Park, habitat loss, and artificial light at night, refer to Response to Comments O4-19, P87-55, P87-57, P87-58, P87-63, and Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for additional discussion of these topics.

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy*, the City has concluded that the Draft EIR provides sufficient information to allow decision makers to understand and consider the environmental consequences of the project, consistent with CEQA Guidelines Section 15151. No further revision is required.

Response to Comment P87-61

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion related to how the Draft WSP is addressed in the Draft EIR.

Response to Comment P87-62

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for a discussion related to how the Draft WSP is addressed in the Draft EIR. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment P87-63

The Draft EIR addresses impacts as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy mitigation requirements. See also Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting effects. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-64

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding nighttime lighting analysis methodology.

Response to Comment P87-65

Both policies provided in the comment have been addressed in the Draft EIR. Refer to Impact LU-2 in Section 3.9, *Land Use and Planning* of the Draft EIR. Draft EIR page 3.9-18 includes a consistency analysis with Public Access Policy 4 and Appearance, Design, and Scenic Views Policy 1.

As described in Section 3.1, Aesthetics, construction activities would largely occur during the daytime; nighttime illumination would be restricted to the minimum needed for safety during piledriving and for security at staging yards. Mitigation Measure AES-1 commits to lighting details that minimize lighting impacts, and impacts were found to be less than significant after mitigation.

Draft EIR Section 3.10, Land Use and Planning, discusses consistency with BCDC's Bay Plan policies. Additionally, the statutory mandates for BCDC and other permitting agencies are reviewed under Regulatory Framework in each Draft EIR Chapter 3, *Environmental Impact Analysis*, section. Compliance with agency-specific requirements will be confirmed through the respective permitting processes. These permits will include conditions that ensure the project meets all applicable regulatory standards before construction begins. No further response is required.

Regarding lighting impacts on wildlife, the Draft EIR address impacts as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements.

See also Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting effects.

No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-66

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding baseline and analysis of lighting impacts. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-67

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts with regard to quantification. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-68

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding baseline and analysis of lighting impacts. Environmental impact analysis associated with light and glare evaluated in Draft EIR Section 3.1, *Aesthetics*, is based on the lighting infrastructure and design assumptions described in Draft EIR Chapter 2, *Project Description*, (pages 2-22 through 2-23) and implementation of required Mitigation Measure AES-1. The light and glare impact (Impact AES-4, refer topages 3.1-33 through 3.1-34) was determined to be less-than-significant-with mitigation. For the following reasons, modelling future lighting is not reasonable or required for assessment of environmental impacts related to the proposed project:

- Project lighting would occur within an already developed area along already developed roadways, trails, paths, piers, and other public uses;

- Project lighting would primarily replace or enhance existing lighting;
- Project lighting would be primarily to provide for safe use of the waterfront and to extend the public hours of such use; and
- Project lighting would be designed to avoid glare and in conformance with DarkSky recommendations.

No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-69

Refer to Response to Comment P87-68 regarding quantitative lighting analysis. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-70

Refer to Response to Comment P87-68 regarding quantitative lighting analysis. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-71

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding proposed light fixtures. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-72

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts with regard to scenic Bay views and lighting. Regarding lighting impacts on wildlife, the Draft EIR address impacts as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements.

No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-73

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-74

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts consistent with CEQA thresholds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-75

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts with regard to quantification. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-76

Refer to Response to Comment P87-65 regarding BCDC policies on lighting. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-77

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts. Regarding lighting impacts on wildlife, the Draft EIR address impacts as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements.

No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-78

The comment states that the proposed LED lighting on the pier could create glare and spill light onto the water and surrounding environment, downward-directed, shielded fixtures alone may not prevent light pollution, and the Draft EIR should evaluate potential effects of lighting on marine wildlife and other biological resources.

The Draft EIR addresses impacts from operational lighting in Section 3.3.4 Impacts Analysis (page 3.3-51). Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy mitigation requirements. See also Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting effects, including on biological resources. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-79

This comment is noted; however, it does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment P87-80

The Draft EIR address impacts to nesting birds as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements. See also Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting effects, including on biological resources. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-81

The Draft EIR address impacts as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements. See also Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting effects, including on biological resources. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-82

See Response to Comments P87-65 and P87-80 for a discussion of nighttime lighting consistency with BCDC SF Bay Plan, including with respect to biological resources. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-83

The Draft EIR address impacts as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements. Impacts of increased vehicles on existing roads in this already disturbed area immediately adjacent to Interstate 80 would not vary greatly from existing conditions. See also Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* for a discussion of nighttime lighting effects, including on biological resources. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-84

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts with regard to glare, visual character, and nighttime views. Regarding lighting impacts on wildlife, the Draft EIR address impacts as a result of operational lighting in Section 3.3.4 Impacts Analysis on page 3.3-51. Existing stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Project lighting would be similar in scope to existing conditions, the minimum necessary for safe access and egress, and would be designed in compliance with Illuminating Engineering Society recommendation and DarkSky Policy glare mitigation requirements.

No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-85 to P87-88

Refer to Section 2.2.18, *Topical Response: Nighttime Lighting/ALAN,* regarding analysis of lighting impacts with regard to increased vehicle headlights.

No changes to the Draft EIR are necessary in response to these comments.

Response to Comment P87-89

Refer to Response Comment P87-84 regarding impacts on visual character and biological resources. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-90

See Draft EIR Impact AES-4 in Chapter 3.1.4 (page 3.1-41) that determines that the operational levels of light and glare would be minor, similar to existing conditions. The same page details lighting needs, duration, and potential impacts. Refer to Section 3.1, Aesthetics, and Section 3.3, Biological Resources, of the Draft EIR, which evaluate potential impacts associated with project lighting, including light and glare, spillover, and potential effects on sensitive receptors and biological resources.

CEQA does not require that environmental analyses rely on specific quantitative field measurements where sufficient information exists to evaluate impacts based on accepted methodologies, regulatory standards, and professional judgment. The Draft EIR's analysis of lighting impacts is based on the project description, applicable design standards (e.g., shielding, directionality, and intensity controls), and compliance with local and regional policies, including applicable BCDC policies. The Draft EIR provides sufficient information to evaluate lighting-related impacts under CEQA, and the requested additional

analyses and data collection are not required to support the adequacy of the document. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment P87-91

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy*, the City has concluded that the Draft EIR is sufficient from a CEQA perspective. Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Response to Comment P87-92

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Letter P88

From: Gordon Stout <gords11@gmail.com>
Sent: Tuesday, April 28, 2026 3:52 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Subject: Seawall Drive View parking

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Liza,

In your spare time:

Open each of the attached files, then hit page-up and page-down to scan through, watching in particular the parking along Seawall (and elsewhere, it's interesting).

P88-1

This isn't a perfect picture set, but it nonetheless does a pretty good job of showing how much this parking gets used.

Check them out! WE need those spaces with the great views, rank-and-file Berkeley has been voting via Google Earth!

Gordon

Before the Pier closed in July 2015



P88-2

Before the Pier closed in July 2015



P88-2

Before the Pier closed in July 2015



P88-2

Before the Pier closed in July 2015



P88-2

Before the Pier closed in July 2015



P88-2

Before the Pier closed in July 2015



P88-2

Before the Pier closed in July 2015



P88-2

Before the Pier closed in July 2015



P88-2

Before the Pier closed in July 2015



P88-2

Before the Pier closed in July 2015



P88-2

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

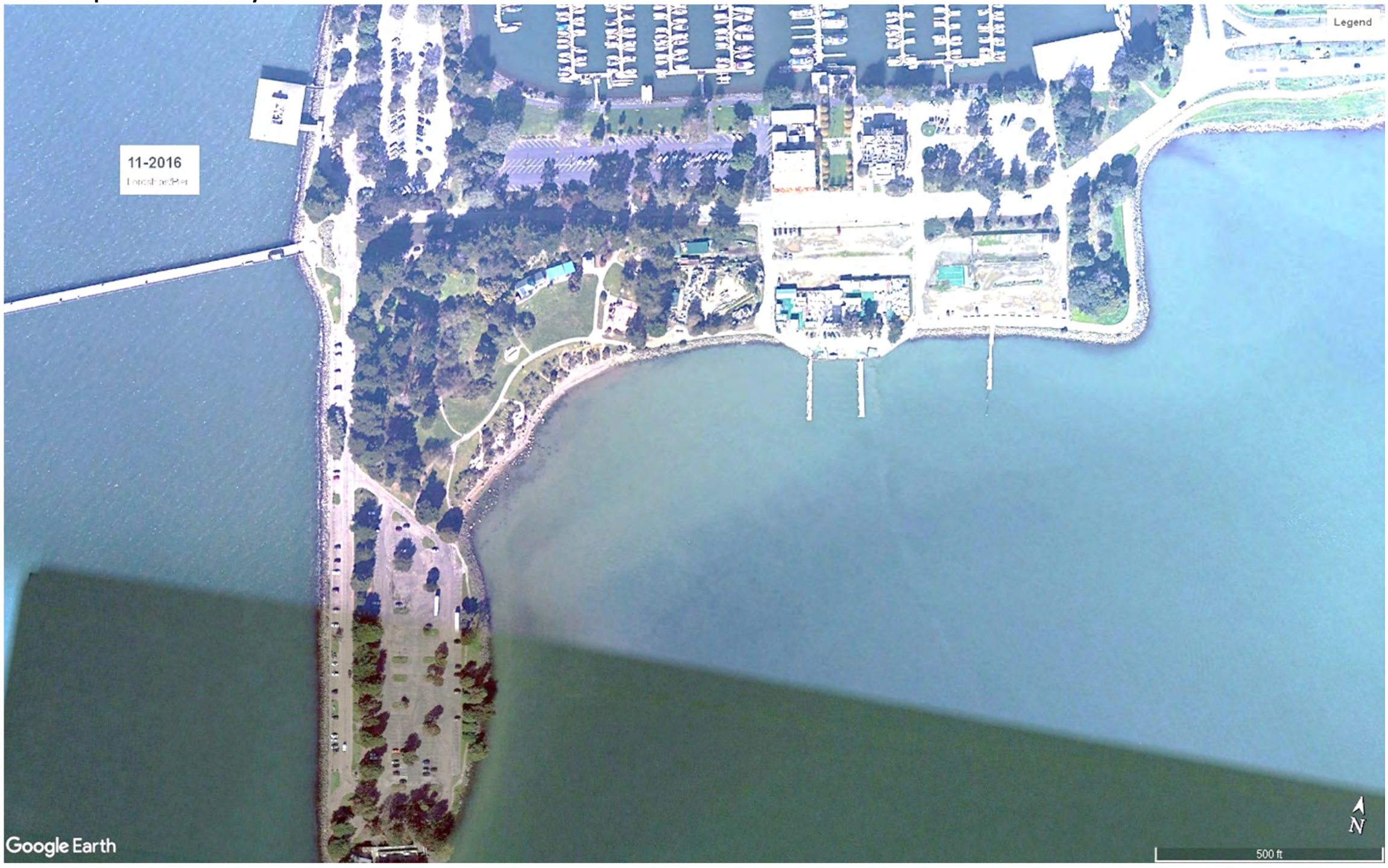
After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

P88-2

After the pier closed in July 2015



Note that Hs Lordships closed in July 2018

Letter P88

Commenter: Gordon Stout

Date: April 28, 2026

Response to Comment P88-1

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access*, and Section 2.2.20, *Topical Response: Parking*. As discussed therein, the Draft EIR evaluates the proposed project's shoreline access improvements, view opportunities, and parking configurations. The commenter's preference regarding retention of existing view-oriented parking spaces constitutes a project design recommendation that has been included in the project record considered by City decision makers. The comment does not identify a deficiency in the Draft EIR analysis, significance conclusions, or mitigation measures. No revisions to the Draft EIR are required.

Response to Comment P88-2

Refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*. The Draft EIR's parking analysis is based on parking utilization data and supporting technical studies prepared for the project. As discussed therein, the Draft EIR uses the physical conditions existing at the time the Notice of Preparation was published as the CEQA baseline; therefore, historical parking conditions depicted in the commenter’s aerial imagery do not represent the baseline against which project impacts are analyzed and do not alter the conclusions of the Draft EIR. The Draft EIR evaluates potential secondary physical environmental effects associated with project-related parking conditions and concludes that no significant parking-related environmental impacts would occur. The comment does not provide evidence demonstrating that the analyses or significance conclusions presented in the Draft EIR are incorrect. The analyses and significance conclusions remain valid as written. No revisions to the Draft EIR are required.

Berkeley Pier-Ferry Draft EIR Public Comment Zoom Meeting – 2026-03-16

TRANSCRIPT

[Liza McNulty, City of Berkeley] 18:01:18
Hi, folks joining us. We're just going to give it a few minutes for everyone to get logged on here.

[Liza McNulty, City of Berkeley] 18:01:25
And then we will start the meeting at 6:01 right now. I think we'll give it about two or three minutes, and then we'll get started just to make sure that everybody is able to get out of the waiting room and into the meeting.

[kelly hammargren] 18:01:43
Thank you for letting us have the transcript.

[Liza McNulty, City of Berkeley] 18:01:48
So we're taking a transcript now, and then that will become part of the public record, and I'll cover that as part of our presentation today.

[Liza McNulty, City of Berkeley] 18:02:07
All right. I'm seeing 2 more folks in the waiting room. I'm going to give 3.

[Liza McNulty, City of Berkeley] 18:02:12
Give them all a chance to make their way here. If everybody could please keep yourself muted.

[Liza McNulty, City of Berkeley] 18:02:44
Okay.

[David] 18:02:45
Okay.

[Liza McNulty, City of Berkeley] 18:02:48
So I'm going to get started. Even as we have a few folks joining us, again, if everyone on the call can please mute yourself.

[Liza McNulty, City of Berkeley] 18:02:58
I do want to warn you that we will do it if necessary. But if you could please keep yourself muted except when you're called on to speak, that would be great. I'm going to get started. My name is Liza McNulty. I am the City of Berkeley.

[Liza McNulty, City of Berkeley] 18:03:15
Parks and recreation. Parks, Recreation and waterfront Capital Improvement Program Manager. That is a mouthful, but the takeaway is that I'm the project manager for the Berkeley Pier Ferry Project. Joining me from the city today is Roger Miller, a senior systems analyst, and he is going to be running a lot of the behind the scenes.

[Liza McNulty, City of Berkeley] 18:03:39

Zoom work here. This meeting is being transcribed, and that transcription, including all comments made today, will become part of the public record, and so will be published with the final Eir.

[Liza McNulty, City of Berkeley] 18:03:55
We're here today to talk, uh, to receive comments on the Berkeley Water Transportation Pier ferry draft environmental impact report.

[Liza McNulty, City of Berkeley] 18:04:04
Slide, please.

[Liza McNulty, City of Berkeley] 18:04:09
Thank you. So our goal here today is to receive your public comments on the draft report that was published on the city's website. I did put into the chat window a link to the city's website where you can download the report.

[Liza McNulty, City of Berkeley] 18:04:27
As well as the notifications and other background documents about the report.

[Liza McNulty, City of Berkeley] 18:04:33
We're not here today to respond to comments. So in general, you will give us your comment. We will thank you for your comment, and then we'll call on the next person. The comments will be published in the final EIR, and that is where you will see a response to your comment in that final EIR document.

[Liza McNulty, City of Berkeley] 18:04:52
Um, again, please reminder to be muted, except when we call on you. We're going to go through a brief presentation here, and then we'll open the public comment period, and we'll talk about the sort of rules of engagement.

[Liza McNulty, City of Berkeley] 18:05:09
public comment period when we get there. I believe. Oh, one other thing I wanted to say, giving a verbal comment here does not mean that you cannot also submit a written comment. So you are welcome and encouraged to do both, particularly if you want to be sure that you have as much time and space to make your comment. There's no limit on.

[Liza McNulty, City of Berkeley] 18:05:34
on written comment length. You can take as much space as you want in a written comment. We will have a 3-minute time period for our comments today to keep this meeting to a reasonable length.

[Liza McNulty, City of Berkeley] 18:05:46
Um, okay, and with that, I'm going to turn it over to Leo Mina, our project manager from Rincon, who helped prepare the draft document.

[Leo Mena (he/him)] 18:05:55
Thank you, Liza. Good evening, everyone. To begin. I just want to go over the purpose of the Eir or environmental impact report under CEQA or

California Environmental Quality Act. So under CEQA, the purpose of an Eir is to disclose.

[Leo Mena (he/him)] 18:06:11
significant environmental effects of the proposed project. Identify ways to avoid or reduce environmental impacts. Consider feasible alternatives to the proposed project and involve public participation in the planning process. So that's why we're here today.

[Leo Mena (he/him)] 18:06:26
So we've prepared a project level Eir, which provides a site-specific analysis of the proposed project. Our Eir is focused on the impacts from construction and operation of the project, as well as the cumulative impacts. And we also include alternatives.

[Leo Mena (he/him)] 18:06:42
Um, that were developed, considered, and evaluated. So on the screen here, we have the project objectives. The project objectives are to enhance public access and recreational opportunities at the Berkeley waterfront and to provide efficient and environmentally friendly zero emission public ferry service between Berkeley and San Francisco.

[Leo Mena (he/him)] 18:07:03
So here is our project. So the project involves the demolition of portions of the closed pier.

[Leo Mena (he/him)] 18:07:10
the installation of a 1,080-foot-long pier, as well as a 400-foot breakwater, both of which will provide pedestrian access and recreational amenities.

[Leo Mena (he/him)] 18:07:20
Such as interpretive and educational signs, benches, shade canopy, um, and a fish cleaning station.

[Ray Yep] 18:07:28
Berkeley Ferry.

[Leo Mena (he/him)] 18:07:28
Okay, and I'm going to mute somebody who has a little bit background noise. Sorry.

[Leo Mena (he/him)] 18:07:34
Um, and I just wanted to note that the EIR does include two alternatives that consider both a shorter peer and a shorter breakwater. I'll talk about that in a bit.

[Leo Mena (he/him)] 18:07:43
The project includes the infrastructure for the ferry vessels, including a universal charging and board floats, landings, gangways, and security entrance. And I did want to note that on the screen here, we see two ferry terminals being shown. And as described in the EIR, the city expects to initially permit and construct.

[Leo Mena (he/him)] 18:08:02
a single terminal, and then the second terminal would be constructed at a later phase.

[Leo Mena (he/him)] 18:08:07
Uh, the project also includes dredging along the 100 foot wide existing US Army Corps of Engineer navigation channel, which parallels the existing pier.

[Leo Mena (he/him)] 18:08:17
Um, the project includes a new plaza with a public restroom, benches, and bicycle parking.

[Leo Mena (he/him)] 18:08:24
It also includes improvements along roadways, including on University Avenue, repaving and restriping between the intersections of seawall and Marina, and a new cycle track, passenger drop-off zone, and public bus infrastructure.

[Leo Mena (he/him)] 18:08:37
And on Seawall Drive, we would have realignment, restriping, and repaving.

[Leo Mena (he/him)] 18:08:43
For parking, the project would renovate the Seawall Drive parking lot with new pavement, surfacing, striping, lighting, stormwater treatment, and electric vehicle charging stalls.

[Leo Mena (he/him)] 18:08:54
And then along 300 feet, let me go to the next slide along 300 feet of the shoreline, kind of on the eastern side of the peninsula, right by His Lordship, just right there where my cursor is, the project includes repairing a portion of that shoreline.

[Leo Mena (he/him)] 18:09:09
that's been eroded. The project is also going to include landscaping, wayfinding, and infrastructure for utilities, including electrical infrastructure for the charging of the ferry vessels, and the connections for water and wastewater. And then finally, the project includes operation of a new zero-emission electric passenger ferry service between Berkeley.

[Leo Mena (he/him)] 18:09:28
San Francisco and Larkspur. I did also just want to note that there's been a lot of public interest and concern regarding the existing and improved water access location near the old His Lordship's restaurant. So this project description does not include any modifications to that existing access in that location.

[Leo Mena (he/him)] 18:09:47
And then, finally, the city is still considering adding solar panels in the parking lot. The draft Eir does analyze the potential potential environmental impacts associated with the solar panels. However, the city is still considering this project feature.

[Leo Mena (he/him)] 18:10:02
And then here we have an overview of our secret process to date. So we started with a notice of preparation and a scoping period between April 18th and May 19th of 2025.

[Leo Mena (he/him)] 18:10:12
The city considered the scoping comments that were received and then prepared the draft environmental impact report. That's where we are now with the with the red star.

[Leo Mena (he/him)] 18:10:20
So we're currently in the comment period. And once that common period closes, the city will prepare the final EIR, including responding to all of the comments received, publishing that final EIR, and then the city council will make a decision on the EIR and the project.

[Leo Mena (he/him)] 18:10:35
Here we just have an overview of all of the topics considered in the EIR. I'm not going to read them all, but you can see that it covers everything from aesthetics to wildfire.

[Leo Mena (he/him)] 18:10:47
Okay? So before I jump into the summary of the draft Eir findings, I just wanted to give some overall context of some terms that we're going to use. So when we talk about no impact, that indicates that the project would cause no physical change to the environment and would have no effect on environmental resources or conditions.

[Leo Mena (he/him)] 18:11:04
A less than significant impact means that the project would have a minimal effect on the environment, but it's below the sequel thresholds of significance without mitigation.

[Leo Mena (he/him)] 18:11:12
And then a finding of less than significant with mitigation means that the project would have a potentially significant impact, but there is feasible mitigation measures that reduce that effect to a less significant. And then, finally, our significant and avoidable impacts. Those are those where we've identified a mitigation.

[Leo Mena (he/him)] 18:11:28
But still, it cannot achieve that level of less than significance.

[Leo Mena (he/him)] 18:11:33
Okay. And then I'm going to jump into some of the conclusions. But I do encourage everyone to review the draft environmental impact report for specific issues that you're concerned about. This is just going to be, you know, a high level overview.

[Leo Mena (he/him)] 18:11:46
So the draft EIR did identify a couple of significant and unavoidable impacts, all having to do with construction noise. So let's begin with that.

[Leo Mena (he/him)] 18:11:54
Um, even with the implementation of a construction noise management plan, we did find significant and unavoidable noise impacts during construction, primarily as a result of pile driving activities associated with the pier.

[Leo Mena (he/him)] 18:12:07
And because we have that significant unavoidable construction impact, we also have impacts on land use and recreation, and I'll explain that in just a sec.

[Leo Mena (he/him)] 18:12:15
So going one by one during construction, the noise impacts would exceed standards established in the city of Berkeley Municipal code. And given that impact, the draft Eir concluded that the project would also have a significant and unavoidable land use impact, given the conflicts with the policy for the purpose of avoiding an environmental effect in this case.

[Leo Mena (he/him)] 18:12:34
the Muni code. And because the construction noise impacts are a result of constructing a recreational facility, a recreational pier. The draft Eir concluded that the project would also have a significant and unavoidable impact from the construction of a recreational facility.

[Leo Mena (he/him)] 18:12:51
So in addition to those significant and unavoidable impacts, the project included potential impacts that could be mitigated to a less than significant level, and these included aesthetics impacts due to nighttime lighting.

[Leo Mena (he/him)] 18:13:03
air quality impacts associated with the construction. biological resources impacts during construction due to impacts on special status species, potential impacts associated with invasive species, and then the loss of jurisdictional waters.

[Leo Mena (he/him)] 18:13:18
And as well, unanticipated cultural, tribal cultural, and paleontological resources during construction. That's if anything were discovered during construction. We also had less than significant impacts with mitigation for construction related water quality, and then environmental impacts from the construction of the utility connections.

[Leo Mena (he/him)] 18:13:35
So next, I'll go over some of the mitigation measures that we've included in this EIR.

[Leo Mena (he/him)] 18:13:40
So for aesthetics, we identified a mitigation measure to shield nighttime lighting.

[Leo Mena (he/him)] 18:13:46

For air quality requirements to reduce air quality emissions, such as using tier 4 engines, so stuff having to do with the construction equipment.

[Leo Mena (he/him)] 18:13:55
For bio, a worker environmental awareness program, pre-construction surveys for special status species, avoidance protocols for special set of species and nesting birds, pile driving impact avoidance for fish and marine mammals. So that's to minimize the impacts from the noise on fish and mammals.

[Leo Mena (he/him)] 18:14:12
A marine mammal monitoring plan. Invasive species prevention.

[Leo Mena (he/him)] 18:14:17
Um, and then compensatory mitigation for the loss of jurisdictional waters.

[Leo Mena (he/him)] 18:14:22
So for cultural and paleo, we also identified protocols for the unanticipated discovery of paleontological resources.

[Leo Mena (he/him)] 18:14:32
So for water quality, we included a mitigation requiring additional best management practices in the stormwater pollution prevention plan during the pier demolition to avoid debris or spills from entering the bay during that demolition.

[Leo Mena (he/him)] 18:14:45
Um, and then finally, we did include a suite of mitigation measures that we developed in consultation with Native American tribes, including cultural resources, sensitivity training, providing signage, acknowledging Native American history, Native American monitoring.

[Leo Mena (he/him)] 18:15:00
And following protocols of a tribal cultural resource is found, and then finally, providing respectful treatment of Native American human remains if those are discovered.

[Leo Mena (he/him)] 18:15:09
All mitigation measures that were developed in consultation with tribes.

[Leo Mena (he/him)] 18:15:13
So now, turning our attention to alternatives, the city conducted an analysis of these 4 alternatives and compared their environmental impacts against each other.

[Leo Mena (he/him)] 18:15:22
First, the city considered the no project alternative, which is a CEQA requirement. Under this alternative, none of the improvements that I discussed about the project, that long list would occur.

[Leo Mena (he/him)] 18:15:32

Under alternative two, the shortened breakwater, the breakwater length would be reduced. Under alternative three, the length of the pier would be reduced and under alternative four, the length of the pier and the breakwater would remain the same, but most of the amenities on the land side would be removed.

[Leo Mena (he/him)] 18:15:48
Not that wouldn't be the renovation of the parking lot or improvements on on University Avenue. All that would be retained would be that pier abutment and retaining wall required to complete the pier.

[Leo Mena (he/him)] 18:15:59
So, at a high level, these alternatives would reduce construction level impacts. So, for example, less noise, less air quality due to a shortened breakwater, a shortened pier, less facilities.

[Leo Mena (he/him)] 18:16:11
due to that reduced scale, but they would also have reduced benefits, such as less recreational access and less recreational amenities. So I do encourage everyone to take a look at the alternatives analysis. It has a lot of information in there.

[Jim McGrath] 18:16:24
I think if Jose would have liked him to chair

[Leo Mena (he/him)] 18:16:26
Okay. And then here are the instructions for how to submit a public comment.

[Leo Mena (he/him)] 18:16:33
So, umâ€¦ The comment period is open till April 13th of this year. By April 13th at 5:00 PM, please submit your comments. You can submit them via mail or via email. I'll just read it really quickly via mail, you can send it to Liza McNulty.

[Leo Mena (he/him)] 18:16:49
City of Berkeley Parks, waterfront and Recreation Division 2180 Milvia Street, third floor, Berkeley, California, 94704, or via email, lmcnulty, lmcnul@berkeleyca.gov.

[Leo Mena (he/him)] 18:17:05
And that is the link to our website, which I believe Eliza posted in the chat.

[Leo Mena (he/him)] 18:17:10
So next, I am going to turn it over to Liza.

[Liza McNulty, City of Berkeley] 18:17:14
Thanks, Leo. So what happens next in this process after the public review period closes is that the city and our our team of consultants take a look at every single comment that we receive, whether verbal or written, and prepare a response to that comment that may include revisions to the draft Eir.

[Liza McNulty, City of Berkeley] 18:17:37
Those comments, the final Eir is then published, which is which includes every comment and the response to that comment and any changes to the draft Eir that was made as a result.

[Liza McNulty, City of Berkeley] 18:17:49
That is published, and then the city council will make a decision on whether or not to certify the final Eir to adopt the final Eir. Our expectation is that this will come to Council in either July or September of this year. City Council takes a recess in August, and so.

[Liza McNulty, City of Berkeley] 18:18:10
Um, either prior to or just after that recess.

[Liza McNulty, City of Berkeley] 18:18:14
Next slide, please.

[Liza McNulty, City of Berkeley] 18:18:19
Okay, so we're now going to open the the comment period. What's going to happen is, once I finish getting through this slide, we'll stop sharing the screen. The way to make a comment is to raise your hand. So at the bottom of your screen there is a react button. It looks. It has sort of a heart.

[Liza McNulty, City of Berkeley] 18:18:42
Um, above it, if you click on that, then the second line up says raise hand. So you will raise your hand if you'd like to make a comment. I will begin, um, calling on people with raised hands in the order in which they raise them, and I will ask them to unmute themselves.

[Liza McNulty, City of Berkeley] 18:19:00
At that time, Roger will start the 3-minute timer. As you can see, we have 30-plus folks here, and so we're going to limit people to three minutes per verbal comment.

[Liza McNulty, City of Berkeley] 18:19:14
And I will call, you know, I'll give you a little bit of grace, but then we'll ask you to quickly when we reach that three-minute mark. As a reminder, if you feel as though you didn't have time to make your comment, you may certainly follow it up in writing.

[Liza McNulty, City of Berkeley] 18:19:30
You do not need to, um, submit a comment in writing in order for it to be captured. Making a comment at this meeting means that we will be transcribing and responding to that comment in the final EIR document. Again, we will not be responding to comments in this meeting. Our goal is to simply capture your comment.

[Liza McNulty, City of Berkeley] 18:19:50
And we will not be responding to questions, except insofar as there are clarifying questions related to the process that are relevant.

[Liza McNulty, City of Berkeley] 18:20:01

Umâ€¦ I believe that is it. Let me checking my notes to make sure. Oh, I'm sorry. One last thing. Please make sure at the beginning of your comment, because we are transcribing this to state your name in full, and whether you're speaking.

[Liza McNulty, City of Berkeley] 18:20:19
As an individual or on behalf of an organization.

[Liza McNulty, City of Berkeley] 18:20:24
Andâ€¦ I believe I hit on all my notes. So.

[Liza McNulty, City of Berkeley] 18:20:32
Leo, you can stop sharing. Roger, please let me know when you are ready to go with the timer.

[Roger Miller] 18:20:40
All set. So, when you start, I'll just press the timer.

[Liza McNulty, City of Berkeley] 18:20:43
Great. Thank you. I'm going to start with Paul Kamen. Paul, please feel free to give your comment.

[Paul Kamen] 18:20:50
Hi. Again, I'm Paul Kamen, a naval architect and professional engineer. I've been at the Marina almost every day since 1973 when I came for graduate school.

TR1.1-1

[Paul Kamen] 18:21:01
And I'll add that the Cal Salin Club is the reason I don't have a PhD. I think we're about to grossly underestimate the amount of fill, the amount of dredging, and the amount of money required to build a breakwater that will protect the ferry dock and the open bay.

TR1.1-2

[Paul Kamen] 18:21:18
Uh, this is similar to what happened in the 60s, when theâ€¦ when the marina was first designed, and it was a classic case of garbage in, garbage out. The science was good, but the wind data was inadequate, because then, as now, the wind reporting stations.

[Paul Kamen] 18:21:34
were mostly blocked from some of the intermittent, strong northerly winds we have, especially in the winter.

[Paul Kamen] 18:21:40
Uh, so the marina was built with only the riprap breakwater, the, uh, the second sheepile breakwater was not there. Uh, when the wind was from the north, the wave condition in the harbor was so bad that some of theâ€¦ there was a whole block of marina berths that had to be dismantled because they kept.

TR1.1-3

[Paul Kamen] 18:21:58
They kept getting damaged in the north winds. In the 70s, uh, the city spent a lot of money, or maybe it was the Corps of Engineers, a lot of

money was spent building the additional sheet pile breakwater so the marina could actually be finished.

[Paul Kamen] 18:22:13
With all the births that were planned. We're making exactly the same mistake now. We don't have good data for northerly wind.

TR1.1-3

[Paul Kamen] 18:22:21
The science using the wind data you had was fine, but it's garbage in, garbage out. And the ferry terminal will not survive the strong northerly gales that we get in winter.

[Paul Kamen] 18:22:35
Without seriously upgrading the, uh, the length of the breakwater and.

[Paul Kamen] 18:22:41
and the design of the floats and the gangways. I don't know how you can consider a shorter breakwater to be a viable alternative to look at when the existing design is still too short. It's going to have to curve around the ferry dock further.

TR1.1-4

[Paul Kamen] 18:22:58
More fill, more dredging, because there will be more sedimentation inside that larger breakwater.

[Paul Kamen] 18:23:03
to allow maneuvering room for the ferry to get in and out without getting dangerously close to the restaurant. Uh, the whole breakwater and float facility might have to be located further west to allow more maneuvering room.

TR1.1-5

[Paul Kamen] 18:23:18
Uh So I'd rather go into this knowing what those high costs and high environmental impacts are going to be instead of discovering after the fact, where it's too late to make a better decision. The better decision being the alternative we should have been looking at.

[Paul Kamen] 18:23:35
A long time ago, considering a much more economical and much more practical location inside the harbor. Not where the old ferry dock is. That took 5 or 6 minutes to get in and out, but something closer to the harbor mouth.

[Paul Kamen] 18:23:50
We're behind the Doubletree where the Yang at a time and maneuvering.

TR1.1-6

[Paul Kamen] 18:23:56
be a lot less. Okay, that must be my time signal. Okay.

[Liza McNulty, City of Berkeley] 18:24:00
Oh, that's I I that it must be. I was just just wondering what how you might know. Thank you, Paul.

[Paul Kamen] 18:24:08

Thank you very much. There's a lot more to say. Please look at my written comments.

TR1.1-6

[Liza McNulty, City of Berkeley] 18:24:13
Thank you, Hua. Um, and Roger's gonna try to share his screen in such a way that we can all see the timer, because I'm sure that would be helpful to folks as they're making comments.

[Liza McNulty, City of Berkeley] 18:24:25
Roger, do you want me to pause on calling on the next person while you try to work on that?

[Roger Miller] 18:24:29
No, I've clicked on show the timer to all and it's not working, so I'll have to check the back end and see, but it'll show up on my screen.

[Liza McNulty, City of Berkeley] 18:24:32
Okay. Okay, well, we'll keep working on that. And in the meantime, what I will do for the participants is.

[Liza McNulty, City of Berkeley] 18:24:43
I'll let you know when you have one minute left, just as a heads up. So I'll just say one minute. Feel free to keep going and ignore me there. Okay, I'm going to lower your hand, Paul, and next up we have Gordon Stout. Gordon Stout, go ahead.

[Gordon Stout] 18:25:03
Okay. Thank you. My name is Gordon Stout. I've been around the marina a long, long time as the windsurfer and a boat sailor.

TR1.2-1

[Gordon Stout] 18:25:12
And here's my thing, I can actually read it in two minutes. I'll go a little slow.

[Gordon Stout] 18:25:18
Imagine you are a ferry commuter in Berkeley, not wanting to be late and miss your ferry. Let's say the line at the Seawall parking lot is moving slowly. Rather than risk missing that ferry, you may well park in whatever lot looks quickest, even if it means a $100 parking ticket.

[Gordon Stout] 18:25:35
$100 is expensive, but the city has made it easy for you. For $500 per year, you can get a waterfront permit that exempts you from parking time limits. Such a deal.

TR1.2-2

[Gordon Stout] 18:25:46
But what prevents waterfront permit holders from filling up the South Cove lots with all-day parking?

[Gordon Stout] 18:25:53
Well, nothing. On many days this last winter, the South Cove West lot was mostly full by 9:00 AM.

[Gordon Stout] 18:26:01

with fishing charter boat patrons and riders of the small Genentech ferry. If you were to add 20 waterfront permit holders from the much bigger WIDA Ferry, that parking lot will get very full indeed every day.

[Gordon Stout] 18:26:15
The waterfront permit is not a good deal for South Coast Sailors or adventure playground families. South Cove West will have no parking spaces available for short-term or all-day use. All the spaces will be full.

[Gordon Stout] 18:26:27
The waterfront permit program is a bad idea. Even if we got rid of the waterfront permit program, $100 tickets may not keep the South Cove West lot free from all day parking. How long will it take to fill that 400-space seawall lot? TR1.2-2

[Gordon Stout] 18:26:44
Use .ai suggests a maximum rate of one car every five seconds, which would take 33 minutes to fill the lot.

[Gordon Stout] 18:26:51
Rather than joining the resulting stop-and-go traffic on University Avenue, our ferry rider may well decide to park in the South Cove, pay the $100 ticket, and be on time for the ferry.

[Gordon Stout] 18:27:04
and for work. Mingo, the lot will be full again.

[Liza McNulty, City of Berkeley] 18:27:09
I have 1 min. Thank you.

[Gordon Stout] 18:27:09
Despite an amazing amount of effort, we still do not have a credible picture of parking utilization of the marina. TR1.2-3

[Gordon Stout] 18:27:17
And the measures proposed to protect recreational parking from ferry riders are not at all convincing. People who use the marina are telling you that the WIDA Ferry project will be bad for the marina. It will change this amazing place to something that is a lot less amazing. TR1.2-4

[Gordon Stout] 18:27:34
Please listen, do not proceed with this project. That's done. I sell my remaining.

[Gordon Stout] 18:27:42
10 seconds to somebody else.

[Liza McNulty, City of Berkeley] 18:27:44
Thank you, Gordon.

[Liza McNulty, City of Berkeley] 18:27:49
Next up, I have Kirk Van Moon. Kirk, please unmute yourself.

[Gordon Stout] 18:27:49
Oh.

[Kirk van Moon] 18:27:56
And you hear me?

[Liza McNulty, City of Berkeley] 18:27:59
I can't. Yep.

[Kirk van Moon] 18:28:00
Hi, uh, my name is Kirk Van Moon, uh, I'm an individual.

[Kirk van Moon] 18:28:05
Althoughâ€¦

[Liza McNulty, City of Berkeley] 18:28:06
Oh, sorry, hang on. Sorry about that, Kirk. That's from the prior. That's Gordon's extra time there.

[Kirk van Moon] 18:28:07
That's it.

[Liza McNulty, City of Berkeley] 18:28:12
Hang on. Let's. Okay, we ready, Roger?

[Roger Miller] 18:28:17
Uh, yes.

[Liza McNulty, City of Berkeley] 18:28:19
Okay, my apologies. Go ahead, Kirk.

[Kirk van Moon] 18:28:20
All good, thanks. Um, so, my name is Kirk Van Moon, I'm an individual, um, I'm a water sports user,

TR1.3-1

[Kirk van Moon] 18:28:28
Sailing, kayaking, windsurfing, wing foiling.

[Kirk van Moon] 18:28:31
Uh, I've been in and around the Berkeley Marina for almost 40 years.

[Kirk van Moon] 18:28:37
Um, we use it year-round. Um, it's a situation that I want to make really clear that

TR1.3-2

[Kirk van Moon] 18:28:43
The peers and the docks in the South Sailing Basin

[Kirk van Moon] 18:28:47
Do not allow most sailing vessels, including sailboats with any sort of removable or permanent keel,

[Kirk van Moon] 18:28:55

Hydrofoiling craft of any kind, whether they're windsurfers or wingboards or any of that.

[Kirk van Moon] 18:29:00
The tide gets too low in that area, and there's no access to the water.

[Kirk van Moon] 18:29:06
And so, I think it's really important that the city and the people who are looking at the environmental impact

[Kirk van Moon] 18:29:12
understand the only, and I repeat that, the only access to the water at low tides

[Kirk van Moon] 18:29:18
For all of the water sports enthusiasts, uh, is the location at the south end of, I believe you're calling it Seawall Drive. TR1.3-2

[Kirk van Moon] 18:29:26
Um, right next to the west of His Lordship's restaurant.

[Kirk van Moon] 18:29:30
And I've noted recently, even the swimmers who draw very little water,

[Kirk van Moon] 18:29:35
The swimmers are accessing the water out there at low tides. So, I just want to make it really clear that the docks in the south sailing basin are not useful,

[Kirk van Moon] 18:29:45
And not available for, uh, any watercraft launching other than very limited draw of kayaks.

[Kirk van Moon] 18:29:52

I'm sure the parking issues along Seawall Drive are being addressed.

[Kirk van Moon] 18:30:01
Um, I also just wanted to repeat that, um, I think reducing those parking spaces along that area where people can see the beautiful bay and the Golden Gate,

TR1.3-3

[Kirk van Moon] 18:30:10
Um, San Francisco City Front, um, I think reducing those parking spaces would be a crime.

[Kirk van Moon] 18:30:16
Uh, so I'd like to just say thank you and yield the rest of my time to whoever else might need it.

[Liza McNulty, City of Berkeley] 18:30:23
Thank you. Okay, next hand raised is, and I apologize if I mispronounce this Shreyas Shand or Chand from Cal Sailing Club.

[Shreyas Chand, Cal Sailing Club] 18:30:37
Hey there.

[Liza McNulty, City of Berkeley] 18:30:39
Hey. Go ahead.

[Shreyas Chand, Cal Sailing Club] 18:30:42
All right. Thank you so much for this opportunity to comment on the draft EIR. My name is Shreyas John. I'm the Commodore or the chairman of the Board of Directors for the Cal Sailing Club, and I'm speaking on behalf of the Cal Sailing Club this evening. We have called the Berkeley Waterfront home for over half a century. TR1.4-1

[Shreyas Chand, Cal Sailing Club] 18:30:59
We're excited for the potential of having expanded transportation options to make the Bay more accessible, including our own members, but we share collective interest in ensuring that the EIR provides a thorough analysis of.

[Shreyas Chand, Cal Sailing Club] 18:31:10
uh, impact, particularly to the waterfront's recreational uses. Um, the South Salem Basin in particular is the foundation of our educational and recreation programs, and a number of questions about the effects on that area, we believe are not fully addressed in the draft EIR. TR1.4-2

[Shreyas Chand, Cal Sailing Club] 18:31:25
Uh, we request further extendation in three key areas.

[Shreyas Chand, Cal Sailing Club] 18:31:29
As has been mentioned. The siltation and sediment transport in that area. Again, sort of touched on previously, and wind shadow effects from the peninsula and berm changes along South Seawall Drive down by his lordships. Umâ€¦

[Shreyas Chand, Cal Sailing Club] 18:31:45
First, on the parking point, CSC attracts volunteers and guests from across the wider Bay area who depend on the nearby parking to participate in sailing and windsurfing programs. The draft Eir acknowledges a net reduction in available parking, but does not fully assess the impact on recreational users. TR1.4-3

[Shreyas Chand, Cal Sailing Club] 18:32:02
Um, we request that it address compliance with the 2025 San Francisco Bay Plan, which calls for conveniently located parking at Waterfront recreational facilities, and identify mitigation measures if ferry ridership is projected to increase demand beyond the current capacity.

[Shreyas Chand, Cal Sailing Club] 18:32:17
Second, the South Sailing Basin benefits from wind shelter provided by existing landforms along Seawall Drive, and this protected environment is essential to our ability to teach beginners before they venture out into the more challenging open bay. We request further analysis of potential wind pattern changes in particular, including how some of the new TR1.4-4

landscaping there may affect those conditions over time as that landscaping.

TR1.4-4

[Shreyas Chand, Cal Sailing Club] 18:32:41
Uh, grows. Um, the third around silting and sediment transport, the construction and ongoing ferry operations have the potential to disturb sediment and affect siltation patterns, including in the South Sailing Basin, particularly when north winds, um.

[Shreyas Chand, Cal Sailing Club] 18:32:58
Pick up during the winter. Um, and this can seriously impact the navigability of the already really shallow water, as was mentioned, that's used for beginner instruction and non-motorized watercraft.

TR1.4-5

[Shreyas Chand, Cal Sailing Club] 18:33:09
Um, I also want to take the last few seconds here to recognize, you know, there's a lot of additional technical study and so on, um, that we think is necessary, and we would love to offer Cal Sailing Clubs institutional knowledge of the South Sailing Basin as a resource in the project team.

[Shreyas Chand, Cal Sailing Club] 18:33:25
Um, you know, we're really hope that the project can move forward. If it does in a way that actually benefits the entire Berkeley waterfront community, including the existing recreational stakeholders in that waterfront. Thank you.

TR1.4-6

[Liza McNulty, City of Berkeley] 18:33:41
Thank you.

[Liza McNulty, City of Berkeley] 18:33:49
Okay. I really like that music. next step, Roger, did you want to take an attempt to share your screen so everyone can see the timer or?

[Roger Miller] 18:34:00
It doesn't. It won't when I share, it won't go like that. But I've clicked a button that shares it to all and should appear in everyone's screen.

[Liza McNulty, City of Berkeley] 18:34:02
It's not working. Okay.

[Roger Miller] 18:34:08
But I'm not sure if that's working, but it definitely appears in my screen when I turn on my video. So you can look at myâ€¦ Yeah.

[Liza McNulty, City of Berkeley] 18:34:13
Great. I think if folks look in the chat.

[kelly hammargren] 18:34:16
The timer is showing.

[Liza McNulty, City of Berkeley] 18:34:18
Oh, great. Thank you so much. Thanks for confirming that. Great. Okay. Sadly Tobin.

[Roger Miller] 18:34:20
Great

[Liza McNulty, City of Berkeley] 18:34:27
Please unmute yourself and provide your comments.

[Sally Tobin] 18:34:29
There we go. Okay, and I can see the timer, though, a little bitâ€¦ it's not reset right now.

[Liza McNulty, City of Berkeley] 18:34:33
Great. That's.

[Sally Tobin] 18:34:38
Can you reset it?

[Liza McNulty, City of Berkeley] 18:34:39
Yeah, give us just one moment.

[Sally Tobin] 18:34:41
Thank you.

[Sally Tobin] 18:34:44
Oh, I got 5 minutes. Oh, sorry. Back.

[Liza McNulty, City of Berkeley] 18:34:46
There we go.

[Sally Tobin] 18:34:47
Okay, thanks, thanks very much. I'm Sally Tobin, I'm commenting as an individual.

[Sally Tobin] 18:34:52
Um, and I'm commenting mostly from my experience at the Berkeley Marina.

[Sally Tobin] 18:34:58
When I was with my friend Sharon Fleming, the, um, the Bay Area Sea Kayakers, um,

[Sally Tobin] 18:35:07
education and, um, and, um, and safety.

TR1.5-1

[Sally Tobin] 18:35:12
chairs. And so we used to run a lot of our programs on that little gravel beach, um, by the Shorebird Center,

[Sally Tobin] 18:35:22
And you can really observe a lot, even when you're lying on the gravel,

[Sally Tobin] 18:35:27
Trying to demonstrate the heel hook re-entry technique.

[Sally Tobin] 18:35:31



Um, andâ€¦ and one thing that Iâ€¦ that I really saw at the Berkeley Marina

[Sally Tobin] 18:35:38
was that that is a fabulous park. People were having the kind of joyful faces that I really only have seen otherwise at, like, crossing the Golden Gate Bridge, or, umâ€¦

[Sally Tobin] 18:35:56
tourists along the Embarcadero. It is really a special place, and I would really hate to see that changed in any way.

TR1.5-1

[Sally Tobin] 18:36:04
And, in particular, having grown up in Port Angeles, Washington, which is where the ferry boat leaves for Victoria,

[Sally Tobin] 18:36:13
British Columbia, I would hate to have that absolutely fabulous park

[Sally Tobin] 18:36:19
transformed into a parking lot by ferry boat patrons.

[Sally Tobin] 18:36:25
I mean, that's not to suggest that ferry boat patrons don't deserve parking.

TR1.5-2

[Sally Tobin] 18:36:30
Um, but I haven't heard anything about some kind of parking structure being built around 4th Street and a shuttle bus, so that people would

[Sally Tobin] 18:36:42
continue to be able to bring their families out to the Berkeley Marina. Now, sometimes people say, well,

[Sally Tobin] 18:36:49
you know, they could take public transit, butâ€¦

[Sally Tobin] 18:36:53
Public transit is kind of the equivalent of Marie Antoinette saying, let them eat cake, because public transit is really very expensive

[Sally Tobin] 18:37:03
for children, and you can't bring their little bicycles and their tricycles with any kind of, umâ€¦ or their beach, uh, their beach buckets and their little shovels. I mean, it really is a whole experience if you just sit out at the Berkeley Marina,

TR1.5-3

[Sally Tobin] 18:37:22
And watch families pile out of cars with big smiles on their faces and picnic baskets and everything else. It's absolutely fabulous. And that's just a completely different experience from

[Sally Tobin] 18:37:37
some, um, commuter trying to, um, or driving carelessly in the marina in

[Sally Tobin] 18:37:46
Our friends need, um, search for a parking place.

[Liza McNulty, City of Berkeley] 18:37:51
Thank you, Sally.

[Liza McNulty, City of Berkeley] 18:37:56
Okay, I'm gonna. Can we add the timer? Okay, the timer is ready. David.

[Liza McNulty, City of Berkeley] 18:38:05
I'm asking you to unmute and provide your comments.

[David] 18:38:09
All right, can you hear me? Okay, then we'll keep my comments brief. I am a water sports enthusiast. I use the South Sailing Basin.

[Liza McNulty, City of Berkeley] 18:38:10
We can. Yes.

[David] 18:38:24
When the tide is high for doc start hydrofoiling, and I'm also a wing foiler. TR1.6-1

[David] 18:38:33
Like Kirk said. Oftentimes, when the tide is low, we can't use the South Saline basin, and when the winds are variable.

[David] 18:38:45
A lot of times we need to launch from that area by his lordships because the wind doesn't always make it into the Cal Sailing Club area, Berkeley Marina.

[David] 18:38:56
Uh, but really, what I want to do is echo what Sally was just talking about with regards to the parking and access to that little strip there that seemsâ€¦ It seems like nothing to a lot of people, but it's everything to so many to just be able to go there and connect with what is the largest wilderness area that we have here in the Bay, and that is the Bay. TR1.6-2

[David] 18:39:20
And to take that away from people and put a price tag on it for parking, it just it just feels wrong. So.

[David] 18:39:28
I personally feel saddened by the prospect of losing that area, and I hope, umâ€¦ I think it was Paul that was saying that this this project doesn't go forward. And also with regards to access placing a buffer zone around the pier seems like a huge blow to the wind sports community in that we travel close to the pier regularly. TR1.6-3

[David] 18:39:58

We pass through the pier, you know, when transiting from if, say, we would launch from Lordships and we want to go up to at Point Isabel or Brooks Island, we'll definitely go through the pier. And so to all of a sudden take that away.

[David] 18:40:15
from this, uh, you know, with the implementation of this project seems justâ€¦ profoundly sad, you know?

TR1.6-3

[David] 18:40:24
So, again, please do not go forward with this project. I yield my time to whoever is going to need it, and that's it for me.

TR1.6-4

[Liza McNulty, City of Berkeley] 18:40:34
Thank you, David.

[Liza McNulty, City of Berkeley] 18:40:41
Okay. Um.

[Liza McNulty, City of Berkeley] 18:40:45
Emily Strauss, I have you next up. I've asked you to unmute.

[Emilie Strauss] 18:40:54
Hi, greetings! This is Emily Strauss speaking on behalf of myself.

[Emilie Strauss] 18:41:00
My video is broken, sorry. But, um, I am a long-time Berkeley resident, uh, Berkeley Waterfront birdwatcher, and a wildlife biologist.

TR1.7-1

[Emilie Strauss] 18:41:10
So, because there are a thousand pages to review, uh, these are my preliminary thoughts.

[Emilie Strauss] 18:41:18
So, Ms. McNulty, I have already contacted you by email, but I would respectfully ask orally that perhaps we could extend the comment deadline.

[Emilie Strauss] 18:41:29
beyond April 13, due to the length of the document. And I'm sure you will eventually respond to my

TR1.7-2

[Emilie Strauss] 18:41:36
Uh, email. So, studies thus far by meâ€¦

[Emilie Strauss] 18:41:42
uhâ€¦ makeâ€¦

[Emilie Strauss] 18:41:44
me believe the project scope is too restrictive,

[Emilie Strauss] 18:41:49
Uh, as far as I can tell, the proposed massive parking changes and the impacts of the movement of the ferry

TR1.7-3

[Emilie Strauss] 18:41:57
are not addressed in the draft EIR.

[Emilie Strauss] 18:42:02
Uh, impacts from the ferry movement, uh, include a dead zone to rafts of wintering

[Emilie Strauss] 18:42:07
Waterfowl extending hundreds of feet on either side of the wake.

[Emilie Strauss] 18:42:12
See John Takakawa's PowerPoint. He was a USGS biologist, and that is entitled,

[Emilie Strauss] 18:42:18
Summary effects of ferry traffic on migratory waterbirds on San Francisco Bay.

[Emilie Strauss] 18:42:25
And there used to be a, uh, and probably still is, a large high-tide shorebird roost at the end of the old pier.

[Emilie Strauss] 18:42:33
That could well be disturbed when the ferry goes by it. Back in the day, when birders could walk to the end of the public pier, very fun, we would see hundreds of shorebirds and terns roosting there.

[Emilie Strauss] 18:42:45
Umâ€¦

[Emilie Strauss] 18:42:49
There's two species that could nest there, probably others. One is addressed a little bit in the draft EIR, that is double-crested cormorant. This is to nest on the old pier, and both of these species are California Department Fish and Wildlife watchlist species.

[Emilie Strauss] 18:43:05
Uh, the other is Osprey. Osprey frequently nests on old piers, uh, around San Francisco Bay, and the only mention of osprey in the document is of them foraging.

[Emilie Strauss] 18:43:16
Then, uh, there'sâ€¦

[Emilie Strauss] 18:43:18
Other impacts from ferry movement, such as dredging, which affects aquatic invertebrates,

[Emilie Strauss] 18:43:24
Uh, through sediment disruption, and if I scaled out the length of the, uh, dredging, it looks like it'sâ€¦

[Emilie Strauss] 18:43:33

TR1.7-3

TR1.7-4

TR1.7-5

TR1.7-6

TR1.7-7

TR1.7-8

Oh, almost 2 miles long? That's a huge dredging window, I think. And, uhâ€¦

TR1.7-8

[Emilie Strauss] 18:43:41
Uh, theâ€¦

[Emilie Strauss] 18:43:42
Eelgrass surveys areâ€¦

[Emilie Strauss] 18:43:44
very old, dating to 2014. Those need to be redone.

[Emilie Strauss] 18:43:49
project-specific eelgrass surveys.

TR1.7-9

[Emilie Strauss] 18:43:51
Uh, and, um, the only site visit I could find by biologists was 19 September 2024.

[Emilie Strauss] 18:43:59
Uh, I think most people will recognize Nada.

[Emilie Strauss] 18:44:03
we need, uh, appropriate spring surveys.

TR1.7-10

[Emilie Strauss] 18:44:06
So, uh, and as a Berkeley resident, I'm opposed.

[Emilie Strauss] 18:44:10
to the project, and it gobbles money. Thank you.

TR1.7-11

[Liza McNulty, City of Berkeley] 18:44:14
Thank you, Emily. I did receive your prior written comment as well, just confirming that, and I will respond and let you know once we make a determination about the timeline for the review period.

[Liza McNulty, City of Berkeley] 18:44:29
Okay, next up I have Camille. with Berkeley waterfront community.

[Liza McNulty, City of Berkeley] 18:44:38
Go ahead. Oh, sorry. Yeah.

[Camille - Berkeley Waterfront Community Coalition] 18:44:38
coalition. Yeah, I know, it doesn't fit on the screen. Thank you. Yeah, um, yeah, my name is Camellia Antonori.

[Camille - Berkeley Waterfront Community Coalition] 18:44:46
And, um, I'm speaking this evening from the, uh, for the Berkeley Waterfront Community Coalition,

TR1.8-1

[Camille - Berkeley Waterfront Community Coalition] 18:44:53
We're a group of about 50 people, um, who are interested in supporting the community of waterfront users and visitors.

[Camille - Berkeley Waterfront Community Coalition] 18:45:01
Um, I'll start with, um, the description of the project itself in order to understand its full impact. For CEQA purposes.

[Camille - Berkeley Waterfront Community Coalition] 18:45:12
Um, we've noticed that the planâ€¦ a number of planning documents, um, submitted to the city and to the, um, BCDC

[Camille - Berkeley Waterfront Community Coalition] 18:45:20
have mentioned that Seawall Drive would be taken out.

[Camille - Berkeley Waterfront Community Coalition] 18:45:25
Itâ€¦ the descriptions vary, um, but I've seen all the seawall Drive parking lot spaces going from 90 to 20 spaces.

TR1.8-2

[Camille - Berkeley Waterfront Community Coalition] 18:45:35
Other places, it says going from 90 down to 7, or else completely removed, and possibly just for the ferry parking patrons.

[Camille - Berkeley Waterfront Community Coalition] 18:45:44
Um, this really needs to be, um, reflected in the, um, EIR document.

[Camille - Berkeley Waterfront Community Coalition] 18:45:50
And, um, and part of the project for us to fully assess what these impacts are going to be.

[Camille - Berkeley Waterfront Community Coalition] 18:45:56
I've spoke to a lot of people at the, umâ€¦

[Camille - Berkeley Waterfront Community Coalition] 18:46:00
Along Seawall Drive, both casually and in my role as a researcher doing surveys there, and I'm happy to provide that research to you.

TR1.8-3

[Camille - Berkeley Waterfront Community Coalition] 18:46:09
Um, but many people, um, as somebody mentioned earlier, would be incredibly saddened and upset.

[Camille - Berkeley Waterfront Community Coalition] 18:46:16
Um, my second comment has to do with the way that, um, alternatives are characterized.

[Camille - Berkeley Waterfront Community Coalition] 18:46:24
In the document, we think that they do need to be updated.

[Camille - Berkeley Waterfront Community Coalition] 18:46:28
For example, under the no-project alternative,

TR1.8-4

[Camille - Berkeley Waterfront Community Coalition] 18:46:31
It's not correct to say that none of the improvements would be made without this WIDA Ferry plan.

[Camille - Berkeley Waterfront Community Coalition] 18:46:37
For example, the Bay Trail, um, the Bay Trail that exists in the marina now, over in the South Basin,

[Camille - Berkeley Waterfront Community Coalition] 18:46:44
was a stand-alone project funded by State Coastal Conservancy federal funds and regional funds, and the City of Berkeley as a stand-alone project.

[Camille - Berkeley Waterfront Community Coalition] 18:46:53
Um, it's certainly reasonable to expect that it could be funded as a standalone project again in the future.

TR1.8-4

[Camille - Berkeley Waterfront Community Coalition] 18:46:58
Um, that His Lordship site parking lot, um, we also think the EIR needs to state that the city is in agreement with a company now

[Camille - Berkeley Waterfront Community Coalition] 18:47:06
To renovate that building, and as part of that agreement, uh, fix up that seawall lot.

[Camille - Berkeley Waterfront Community Coalition] 18:47:13
parking lot, and possibly even Seawall Drive.

TR1.8-5

[Camille - Berkeley Waterfront Community Coalition] 18:47:17
In whatever form, and the Bay Trail.

[Camille - Berkeley Waterfront Community Coalition] 18:47:19
This is a current document, current agreement.

[Camille - Berkeley Waterfront Community Coalition] 18:47:23
And, uh, that does need to be part of characterizing that no project alternative.

[Camille - Berkeley Waterfront Community Coalition] 18:47:29
Um, thirdly, the state, the city has received state and federal funding for the pier and harbor,

[Camille - Berkeley Waterfront Community Coalition] 18:47:35
before for recreational use. It's received state money within the last 10 years for infrastructure funding

TR1.8-6

[Camille - Berkeley Waterfront Community Coalition] 18:47:41
at the marina. It's quite conceivable that it can find the funds to do so again,

[Camille - Berkeley Waterfront Community Coalition] 18:47:46
Just like it has to find the funds for, um, for this WIDA Ferry plan.

[Camille - Berkeley Waterfront Community Coalition] 18:47:51
Um, and, um, I realized that my time is up. I'll just say two more things, one sent two sentences.

TR1.8-7

[Camille - Berkeley Waterfront Community Coalition] 18:47:58
What's the probability in the other alternatives? It sounds like theâ€¦ not putting that recreational extensionâ€¦

[Camille - Berkeley Waterfront Community Coalition] 18:48:05
It's almost talked about as another version of this project, and we'd like clarifications. Is that an alternative, or just another version that's possible?

TR1.8-7

[Camille - Berkeley Waterfront Community Coalition] 18:48:13
And lastly, to reiterate, there are new eelgrass inventories and new eelgrass

[Camille - Berkeley Waterfront Community Coalition] 18:48:18
data that needs to be cited and referenced correctly. Thank you.

TR1.8-8

[Liza McNulty, City of Berkeley] 18:48:24
Thank you, Camille. Okay, next up I see Edward.

[Liza McNulty, City of Berkeley] 18:48:34
Edward. Go ahead.

[Edward (he/him/Ã©l)] 18:48:37
Thank you. Good evening. My name is Edward Schlesinger. I'm speaking as an individual, and I am a recreational user of the Berkeley Marina.

TR1.9-1

[Edward (he/him/Ã©l)] 18:48:48
My comment is about the environmental impact on bringing commuter vehicles into the marina.

[Edward (he/him/Ã©l)] 18:48:56
On page 55 the draft Eir States, this project is estimated to generate 1,127 daily vehicle trips.

[Edward (he/him/Ã©l)] 18:49:10
The EIR has a lot of data, but if I understood it correctly, it is saying that the reduction of car trips by ferry commuters.

TR1.9-2

[Edward (he/him/Ã©l)] 18:49:20
offsets the impact of new vehicle trips into the marina.

[Edward (he/him/Ã©l)] 18:49:24
I disagree. Bringing over a thousand cars into the marina is going to affect traffic.

[Edward (he/him/Ã©l)] 18:49:32
It's going to affect air quality and it's going to affect safety.

TR1.9-3

TR1.9-4

[Edward (he/him/Ã©l)] 18:49:36
The marina is a very tranquil place where you rarely see people rushing around.

[Edward (he/him/Ã©l)] 18:49:43
Consider the speed which people drive when they are late for work.

TR1.9-5

[Edward (he/him/Ã©l)] 18:49:48
and now consider the speed they may drive when they are going for a swim or for another recreational activity.

[Edward (he/him/Ã©l)] 18:49:55
We come to the marina to get away from stress.

[Edward (he/him/Ã©l)] 18:49:59
And my request is for specific mitigation plans to address the impact of these new vehicles to keep the marina a safe.

[Edward (he/him/Ã©l)] 18:50:10
enjoyable place for all the community. Thank you.

TR1.9-6

[Liza McNulty, City of Berkeley] 18:50:14
Thank you, Edward.

[Liza McNulty, City of Berkeley] 18:50:21
Okay. Next up, Jeff Lomax.

[Liza McNulty, City of Berkeley] 18:50:29
Jeff, you are.

[Geoff Lomax - KK6IZS] 18:50:31
Thank you. Jeff Lomax, Berkeley resident commenting on behalf of myself as an individual.

[Geoff Lomax - KK6IZS] 18:50:38
I want to preface by saying I am a regular commuter from Jack London to South San Francisco, and I mention that because I recognize how integral ferry service is to our transportation future, and it's an important and vital piece of infrastructure.

TR1.10-1

[Geoff Lomax - KK6IZS] 18:50:54
for the bay. With that said, our existing network is already massively subsidized, and again, that's to be expected if you look at ferry systems across the United States. They do, in fact, receive subsidies, um, and that those subsidies are vital, because the broader benefit of such services are worth the investment.

[Geoff Lomax - KK6IZS] 18:51:18
With that said, the WITA system is the most expensive system that I've been able to identify in the United States, and this proposed project would further stretch those costs.

TR1.10-2

[Geoff Lomax - KK6IZS] 18:51:33
to a point where one needs to consider the impacts on the broader regional transportation ecosystem, including AC Transit and BART.

[Geoff Lomax - KK6IZS] 18:51:44
I was only able to identify two sentences in the EIR that discuss this, and it suggested that theyâ€¦ I will read them. It is anticipated that most of the trips are not new trips and were originally headed to South San Francisco by driving across the Bay Bridge. Some of these trips might have shifted from consumers previously taking BART.

TR1.10-3

[Geoff Lomax - KK6IZS] 18:52:05

and trans-based services, and it doesn't even reference existing WITA services out of Jack London. This is a mistake. It needs the Eir needs to understand and better forecast what the impacts will be on existing transit infrastructure.

TR1.10-3

[Geoff Lomax - KK6IZS] 18:52:21
Because all those systems are highly stressed, they're in debt, and this simply creates another capital risk to our regional transit infrastructure system, which is critical for environmental and quality of life issues. Further, the report seems to almost go out of the way to not forecast revenue.

[Geoff Lomax - KK6IZS] 18:52:41
from the Berkeley Ferry. The only reference I could find was a sub-reference in a footnote to a UITA business plan that suggested a 52% cost recovery at the fare box, which is impossible, because the only service that even comes close is Vallejo at 44%.

TR1.10-4

[Geoff Lomax - KK6IZS] 18:53:00
And the system overall only recovers. 24% of its operating expenses at the fare box. So, again, you need to understand, analyze, and present the economics of this proposed service in the context of the broader system, which is critical to our environment and our health.

[Geoff Lomax - KK6IZS] 18:53:20
and I was not able to find any such data in the report, and I will follow up with written comments documenting these deficiencies. Thank you.

[Liza McNulty, City of Berkeley] 18:53:31
Thank you, Jeff.

[Liza McNulty, City of Berkeley] 18:53:40
Okay, next Bill. I apologize. I don't know how to.

[Liza McNulty, City of Berkeley] 18:53:48
That's the last name, but I've asked you to unmute Bill.

[Bill feucht] 18:54:00
Most likely to be unmute. Can you hear me?

[Liza McNulty, City of Berkeley] 18:54:02
Yes, we can. Thank you.

[Bill feucht] 18:54:03
What I'd like to talk about is how selfish we are here in Berkeley by only talking about the effects that appear on the city of Berkeley and the Berkeley Marina. But in fact, if I understand things correctly, the ferry terminal will be built, and a ferry will be.

TR1.11-1

[Bill feucht] 18:54:18
brought to the ferry terminal, but it's not going to sit there. It's going to go out into the bay, over and over again, daily, every day. And thoseâ€¦ those environmental effects will affect the entire bay, not just the Berkeley Marina. And we haven't talked about any of that.

[Bill feucht] 18:54:34
And the real question here for me is, how many of these ferries are going to happen? I mean, maybe if the Berkeley ferry was, we considered aâ€¦ We would we give up the Berkeley Marina so that we could have this ferry, but how many ferries does we plan to make? I heard someone say up to 26 ferry lines in the city in the bay. And at that point, people are going to say.

TR1.11-2

[Bill feucht] 18:54:59
Berkeley caused this cascade effect of ferries being built in the bay, and having these outrageous effects. And I would like to point out that the Save the Bay Foundation back in the 1960s was formed.

[Bill feucht] 18:55:14
to stop landfill. The unscrupulous people were doing to monetize the bay for their own reasons, and we don't allow that kind of thing to happen anymore. So the bay now faces a new threat, which I would call ferry fill. And that ferry fill.

TR1.11-3

[Bill feucht] 18:55:32
could be very destructive, even more destructive than landfill, because those ferries are very disruptive as they move through the bay, and our habitat, rather than being a natural beauty, will become a freeway.

[Bill feucht] 18:55:43
And Berkeley can be the leader in that if they want to be, or they could put their foot down and say, no, it's not going to happen, and we're going to stop it right here.

[Bill feucht] 18:55:51
So that would be my suggestion, because I, as the user of the marina, I'm a swimmer mainly, but I use it for all sorts of things, and I've lived in the city of Berkeley for 35 years.

TR1.11-4

[Bill feucht] 18:56:00
Don't want to see that to happen. So I'd like to raise the specter of the Save the Bay. I believe it was a group of women who chose to put their foot down and say, wait a second, we have toâ€¦ we have this wonderful thing in ourâ€¦ that is part of our community that we sometimes lose fact that it's because it's always there.

[Bill feucht] 18:56:16
And we can save it or we can destroy it with landfill. And I would say that we can right now, make the same decision about ferries. Are we going to save the bay by restricting ferry access and ferries in the bay? Or are we going to just let them run rampant? I would like to know what Rita's plans are.

TR1.11-5

[Bill feucht] 18:56:32
in the long term for ferries in the bay, because I think that affects how Berkeley looks at their particular.

[Bill feucht] 18:56:38

Very, very pure. That's it.

TR1.11-5

[Liza McNulty, City of Berkeley] 18:56:42
Thank you, Bill. And Bill, just to confirm, you're speaking on behalf of yourself as an individual, correct?

TR1.11-6

[Bill feucht] 18:56:48
Yeah, myself as an individual, yes.

[Liza McNulty, City of Berkeley] 18:56:49
Thank you so much. Okay.

[Liza McNulty, City of Berkeley] 18:56:57
Next up, Julie Allen. Julie, please go ahead and unmute yourself and provide your comments.

[Julie Allen] 18:57:18
Hello! Thank you for hosting this. Um, excuse me, I was eating my sober.

[Julie Allen] 18:57:20
I'm Julie Allen, I live in Berkeley. I've lived here for more than 20 years.

[Julie Allen] 18:57:25
I've been swimming in the bay for 6 years now.

TR1.12-1

[Julie Allen] 18:57:27
And I'm part of, um, I'm speaking on behalf of myself only, but I will note that I'm part of a very large and growing open water swim group called the East Bay Open Water Swimmers.

[Julie Allen] 18:57:39
And, um, we swim all over the Bay, we swim at the Berkeley Marina.

[Julie Allen] 18:57:39
And as others have noted,

[Julie Allen] 18:57:41
The Lordship's entry is the only place where we can get in,

[Julie Allen] 18:57:49
About half the time. Um, anytime the water is under 3 feet, it's muck and, you know,

TR1.12-2

[Julie Allen] 18:57:54
it's really unusable to us. So, the saline basin is so silted in,

[Julie Allen] 18:58:00
that right now, lordships is our launch spot.

[Julie Allen] 18:58:01
And I was surprised to see that even though theâ€¦

[Julie Allen] 18:58:03

marina master plan, andâ€¦

[Julie Allen] 18:58:06
2003, I think.

[Julie Allen] 18:58:09
had noted that LaunchSot, even then, in use, and now 23 years later, still in use,

[Julie Allen] 18:58:17
Um, I was surprised that the ferry EIR, uh, doesn't make any mention of that, treats it like it is not really, like, an actual spot.

[Julie Allen] 18:58:27
that people use, but it is very much a spot that people use. People use it all day long.

TR1.12-2

[Julie Allen] 18:58:30
Um, so I think that there needs to be a little bit more recognition of the on-the-ground

[Julie Allen] 18:58:38
recreational uses, um, recreational use seems to be one of the main goals of this project, so it should not really be in opposition to theâ€¦

[Julie Allen] 18:58:46
current recreational use. Um, and recreational users have been

TR1.12-3

[Julie Allen] 18:58:51
not really drawn into thisâ€¦

[Julie Allen] 18:58:54
conversation until recently, and only those of us who have

[Julie Allen] 18:58:58
bought for that, and knew enough

[Julie Allen] 18:59:00
to say something. Most people who use the marina seem to not actually know, and it makes me wonder what kind of outreach the city did that

[Julie Allen] 18:59:08
people that go there all the time are unaware that they're about to lose access to this really terrific spot.

[Julie Allen] 18:59:15
Um, that is all. Thank you.

TR1.12-4

[Liza McNulty, City of Berkeley] 18:59:18
Thank you, Julie.

[Liza McNulty, City of Berkeley] 18:59:26
Okay. Next up, Erin.

[Liza McNulty, City of Berkeley] 18:59:32
going to invite you to unmute. Yes, we can.

[Erin Diehm] 18:59:36
Okay, can you hear me?

[Erin Diehm] 18:59:39
Okay, um, this is Aaron D. Am I speaking as an individual, and I want to begin by echoing what a prior speaker said to ask for an extension.

[Erin Diehm] 18:59:49
beyond the April 13th.

[Erin Diehm] 18:59:51
The, um, the currentâ€¦

TR1.13-1

[Erin Diehm] 18:59:53
EIR, DEIR is, I think, 661 pages, plus one or two appendices.

[Erin Diehm] 18:59:58
But maybe more importantly is a 2003 program, EIR, which is several thousand

[Erin Diehm] 19:00:05
pages long, and for those of us who are really concerned about the environment, we need time to look at those documents.

[Erin Diehm] 19:00:10
I also want to say that a program EIR, that was done 23 years ago to evaluate the cumulative impacts of the ferry, in my opinion, is deficient and needs to be revisited.

TR1.13-2

[Erin Diehm] 19:00:22
I do hope that the preparers of this document think about that we are now in the sixth

[Erin Diehm] 19:00:28
mass extinction, and the recent state of the birds report for the San Francisco Bay Area has found that water birds are in decline, especially ducks,

TR1.13-3

[Erin Diehm] 19:00:37
And I hope that that is kept in mind. I asked the scope is too narrow, both spatially and temporarily.

[Erin Diehm] 19:00:44
We know that there are birds that live out on the pier, and we know that there are birds that live in other parts of the waterfront area that would come over and forage near shore Bird Nature Center, for example.

TR1.13-4

[Erin Diehm] 19:00:56
They were not considered as spatially the only area considered is along University Avenue, and then around the terminal area.

[Erin Diehm] 19:01:04
So we need to look at adjacent areas.

TR1.13-4

[Erin Diehm] 19:01:08
Also, temporarily, I heard on this call that only one day of monitoring was considered.

[Erin Diehm] 19:01:13
We need, uh, uh, many more visits, especially

TR1.13-5

[Erin Diehm] 19:01:16
Throughout the migration period, as we are on the Pacific Flyway, and we know that birds will be here sometimes only certain months of the year.

[Erin Diehm] 19:01:23
Maybe most importantly, I was really just shocked, frankly, that the environmental impacts were only

TR1.13-6

[Erin Diehm] 19:01:29
during construction. I mean, that's just insane.

[Erin Diehm] 19:01:32
First thing, energy efficiency. We have never been able to actually get any numbers on how energy efficient our ferries compare to other forms of transit.

TR1.13-7

[Erin Diehm] 19:01:42
they are not efficient, because water is thick and air is thin.

[Erin Diehm] 19:01:46
noise, we need to know noise. It's true that the ferries are actually all electric ferries are quiet when they're going at slow speed, but at high speed, they are almost as loud as diesel ferries, and that impacts marine life.

TR1.13-8

[Erin Diehm] 19:01:59
We know that the wake that comes off the ferries will interfere with diving ducts, and none of thatâ€¦ I didn't see any of that so far in the DEIR that I read.

TR1.13-9

[Erin Diehm] 19:02:08
We need to understand about ongoing impacts, like turbidity, whenever the ferry comes in and actually docks, it's going to completely stir up all of the soil on the bottom of the bay, make it cloudy, and the organisms that live there will not be able to survive.

TR1.13-10

[Erin Diehm] 19:02:22
And of course, what about dredging? 440,000 cubic yards, I think, is the latest. That's a huge amount. Think of all the billions of organisms that are going to actually be shoveled up and

TR1.13-11

[Erin Diehm] 19:02:34

God knows where they're going to be sent. I don't know. And I didn't see that in there either. And that's ongoing, because dredging is not going to happen just this one time. It's going to have to happen overâ€¦

[Erin Diehm] 19:02:44
at periodic times.

[Erin Diehm] 19:02:45
Um, soâ€¦

TR1.13-11

[Erin Diehm] 19:02:49
When I look at, actually, the cumulative impacts of this system,

[Erin Diehm] 19:02:53
Okay? It isâ€¦ what I see, the goal isâ€¦

[Erin Diehm] 19:02:56
Okay, I heard the music, thank you, is 26 total terminals, and I really appreciate what the prior speaker said, is that, don't let Berkeley be the cascade to build this new highway on the water. Put the funds into our existing transit agencies before they fail. Thank you.

TR1.13-12

[Liza McNulty, City of Berkeley] 19:03:13
Thank you, Erin. Okay.

[Liza McNulty, City of Berkeley] 19:03:21
Okay, Jim McGrath, you are up.

[Jim McGrath] 19:03:25
Uh, thank you. Umâ€¦

[Jim McGrath] 19:03:27
I am near the end of a 22-page draft comment letter,

[Jim McGrath] 19:03:32
I'm obviously not going to talk about that now.

[Jim McGrath] 19:03:35
The CIR is grossly inadequate. It makes almost no quantitative analysis of any of the issues.

TR1.14-1

[Jim McGrath] 19:03:42
It ignores scoping comments from responsible agencies like BCDC,

[Jim McGrath] 19:03:47
And for that reason, it will not suffice for permitting purposes for BCDC, the Corps of Engineers,

[Jim McGrath] 19:03:52
or the Regional Water Quality Control Board. It ignores the comments that they said were needed.

TR1.14-2

[Jim McGrath] 19:03:58

Um, I'm going to focus on just a couple of things. First of all, there's no analysis of the biological, habitat,

[Jim McGrath] 19:04:05
And fishing impacts of dredging.

TR1.14-3

[Jim McGrath] 19:04:07
It is 400,000 cubic yards of dredging. No alternatives have been evaluated.

TR1.14-4

[Jim McGrath] 19:04:12
And the impact mitigation program is, well, we'll prepare a plan.

[Jim McGrath] 19:04:18
And that is not legally sufficient.

TR1.14-5

[Jim McGrath] 19:04:20
On parking. I was at the marina today, and on Seawall Drive, there were 20 people parked.

[Jim McGrath] 19:04:28
There was nobody swimming.

[Jim McGrath] 19:04:30
There's no wind, so nobody wasâ€¦ was using water sports. 20 people parked.

[Jim McGrath] 19:04:35
And, uh, 4 people fishing.

TR1.14-5

[Jim McGrath] 19:04:38
Um, I asked them if they knew that the city was going to restrict all of that parking.

[Jim McGrath] 19:04:43
The 320 in the seawall lot and the 80â€¦

[Jim McGrath] 19:04:47
along the Seawall Drive to 7.

[Jim McGrath] 19:04:50
They thought that was nuts. I believe it's nuts. It's a direct usurpation

[Jim McGrath] 19:04:56
of recreational parking.

TR1.14-6

[Jim McGrath] 19:04:58
Then I want to hit the last issue that I'm going to hit here, which is the cost of this. You won't find this in the document.

[Jim McGrath] 19:05:04
You won't find it on the website. You have to submit a public records act request to get the city to cough up virtually anything.

TR1.14-7

TR1.14-7

[Jim McGrath] 19:05:11
The cost is nearly $170 million.

[Jim McGrath] 19:05:15
As Paul said, uh,

[Jim McGrath] 19:05:17
The only place that you can put the marina in that doesn't raise these biological impacts, and these recreational impacts,

[Jim McGrath] 19:05:24
is within the marina.

[Jim McGrath] 19:05:27
You would save in the process, $100 million, or more.

[Jim McGrath] 19:05:30
That would certainly be enough to fix all

[Jim McGrath] 19:05:32
all the remaining infrastructure problems at the marina.

[Jim McGrath] 19:05:35
Which, in my mind, are both more pressing and higher priority. $170 million. The public has been told about the $170 million.

TR1.14-8

[Jim McGrath] 19:05:43
And if you look on the website for, uhâ€¦

[Jim McGrath] 19:05:46
You know, the city doesn't put this in the document either.

[Jim McGrath] 19:05:50
The estimated cost for subsidy for operationalists, and this doesn't consider any of the capital cost, and it doesn't consider

[Jim McGrath] 19:05:57
Parking management, or landscape management,

[Jim McGrath] 19:06:01
9 to 12 million dollars. So you've got

[Jim McGrath] 19:06:03
Something that you've declared as feasible,

[Jim McGrath] 19:06:06
But it costs $170 million that you don't have,

[Jim McGrath] 19:06:10
And it cost $9 to $12 billion a year that you don't know where it's coming from.

[Jim McGrath] 19:06:14
I will submit my 22-page letter.

TR1.14-9

[Jim McGrath] 19:06:17
And I expect that you will recirculate this document, and hopefully you'll do a better job the next time.

TR1.14

-----Original Message-----
From: James McGrath <macmcgrath@comcast.net>
Sent: Monday, March 16, 2026 7:12 PM
To: McNulty, Liza <lmcnulty@berkeleyca.gov>
Cc: Tomerlin, Ashley@BCDC <ashley.tomerlin@bcdc.ca.gov>
Subject: Fwd: 3/16/26

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I took this picture today at 2:30. A sunny winter day with no swimmers or board sports use. There are twenty cars parked--all for recreational use. Reducing public parking from 400 or so spaces to 7 spaces will obviously usurp existing recreational use.

Jim McGrath
> ---------- Original Message ----------
> From: Jim McGrath <macmcgrath@comcast.net>
> To: macmcgrath@comcast.net
> Date: 03/16/2026 3:20 PM PDT
> Subject: 3/17/26



TR1.14-10

[Liza McNulty, City of Berkeley] 19:06:25
Thank you, Jim. Okay, next up we have Zora Whitfield.

[Zora Whitfield] 19:06:37
Hello. Hi. Nice to speak with you today. My name is Zora. I'm a liveaboard resident and regular user of the marina. First, I want to say that while the ferry plan identifies potential benefits for regional connectivity, environmental gains, reduced vehicle use and environmental response for emergency response.

[Liza McNulty, City of Berkeley] 19:06:37
Zora. Hi.

TR1.15-1

[Zora Whitfield] 19:06:57
It does not adequately account for existing conditions at the marina, or whether the ferry is necessary to achieve these goals without negatively impacting current residents and users, recreational use, live aboard residency and operational activities.

TR1.15-2

[Zora Whitfield] 19:07:13
could coexist with the ferry plan, but it seems like some parts of the plan have them in opposition and I just think that there could be other ways for the city to meet these goals of environmental just improving the environment and reduce vehicle use. However, there's not another way.

[Zora Whitfield] 19:07:31
to replace these current uses at the marina, including housing, recreation, and fishing. So if I had to choose one, if they were in opposition, I would choose these current uses.

TR1.15-3

[Zora Whitfield] 19:07:42
Second, I want to say that while the DER mentions liveaboard residents as part of the setting, it doesn't adequately represent other communities or fully adequate the lived experience or the impact that this will have on live aboard residents.

TR1.15-4

[Zora Whitfield] 19:07:58
And I believe that this is an issue. When I was looking at some of the mitigation impacts for things like air pollution. I did see that there were solutions put in place to mitigate the impacts. However.

[Zora Whitfield] 19:08:13
As someone who lives there, it does kind of feel like I would like a say in how you would mitigate. Additionally, I would like to have a say, like, as the project's going on, not just through the construction, but also through the implementation on like.

TR1.15-5

[Zora Whitfield] 19:08:29

like, let's say there was an issue with how you decided to mitigate that was impacting the community. How are you going to be held accountable while this is going on? I would like that to be added to the plan. Umâ€¦ Additionally, I wanted to point out that this is really important that you do this if this ends up going through, because during the feasibility and design stages, when looking at your engagement, community engagement was you didn't really engage people in the marina that much.

[Zora Whitfield] 19:08:54
like specific specifically like communities who are directly impacted. In fact, 7 of the engagements. I think there are about 12 engagements with people at the Marina specifically, and 7 of those were parking surveys, which means that that topic was limited to parking. So the majority of engagements were limited to parking as opposed to what would implementation look like? What are alternatives?

TR1.15-6

[Zora Whitfield] 19:09:16
Next, I know I'm running out of time. I want to say that, um.

[Zora Whitfield] 19:09:21
Whileâ€¦ well, I guess I will just say what I want to urge the city to do. I urge the city to strengthen engagement and outreach, just for any project, not just this one, with all communities who are impacted by projects. I also urge for the review of this plan to be extended, because I know a lot of people don't know about it.

TR1.15-7

[Zora Whitfield] 19:09:36
And a lot of people who are directly impacted don't know about it. And also, it's a really confusing document.

[Zora Whitfield] 19:09:42
And I also want more accountability for mitigation measures and to explore alternatives for mitigations. Thank you

TR1.15-8

[Liza McNulty, City of Berkeley] 19:09:49
Thank you, Zora. Okay, next up. I'm sure this timer is reset. We have Kelly Hammergren.

[kelly hammargren] 19:10:06
Okay, I just have a few comments. I appreciate all the prior comments.

[kelly hammargren] 19:10:14
And the, umâ€¦ just to reiterate, the EIR, the draft EIR, is really too narrow in scope. It's not looking at.

TR1.16-1

[kelly hammargren] 19:10:25
the long-term impacts. It's not looking at the breakwater impacts to the rest of the bay. It's not really covering enough of the waterfront. And we're not looking at the impact on on nature and ecosystems.

[kelly hammargren] 19:10:42
Um, there's also the assumption that the ferry is going to take passengers drivers off the bay.

TR1.16-2

[kelly hammargren] 19:10:52
off the Bay Bridge. But as far as I've gotten, there's no analysis of the impact on raiding passengers from BART or from other ferries. So I think that justifying this by saying you're going to take.

[kelly hammargren] 19:11:09
people off the bridge when it's more likely that some passengers will be coming from taking the ferry instead of Bart. So that really isn't.

TR1.16-2

[kelly hammargren] 19:11:24
a sound argument. Um, in terms ofâ€¦ the environment.

[kelly hammargren] 19:11:30
So that that's really all I have to say. Thank you.

[Liza McNulty, City of Berkeley] 19:11:35
Thank you, Kelly.

[Liza McNulty, City of Berkeley] 19:11:43
Okay, next up we have Noah Sadarski.

[Noah Sudarsky] 19:11:50
Mute. All right, am I unmuted? I believe so.

[Liza McNulty, City of Berkeley] 19:11:53
Yes, I can hear you.

[Noah Sudarsky] 19:11:54
Hi, um, my name is Noah Szdarski. I have been living in Berkeley now for 15 years.

[Noah Sudarsky] 19:12:00
I'm speaking on my own behalf and also on behalf of the Center for Environmental Structure, of which I am a project coordinator. The center is not as active as it once was, but it is a pioneer in user-based.

[Noah Sudarsky] 19:12:17
design and building the whole point of CS was to reclaim the built environment and allow lay people to take control of expensive building processes that were determined by developers and people with vested interests in other things other than quality of life.

TR1.17-1

[Noah Sudarsky] 19:12:34
So, CS built Julian Street Inn, which is a homeless shelter in San Jose. They've built multi-service centers in the Bronx and other places in the world.

[Noah Sudarsky] 19:12:45
Uh, as far as Japan. So the point of this premise is to say that.

[Noah Sudarsky] 19:12:52
We've all heard people talk fromâ€¦ Recreators, uh, to people who are obviously way more specialized and way more competent than I in analyzing these complicated.

TR1.17-2

[Noah Sudarsky] 19:13:08
Documents and DER and all sorts of stuff. I haven't heard anybody in favor of this.

[Noah Sudarsky] 19:13:16
But it will probably still happen. Why? Because of the dogma of top-down management, which is that the city thinks that by hiring a few experts and having people who have financial incentive to build a project, it's okay to go ahead and steamroll everybody and do whatever the heck it wants, and that's what's going to happen here.

[Noah Sudarsky] 19:13:36
Despite this overwhelming and obvious. and quality opposition.

[Noah Sudarsky] 19:13:44
And that is a sad, a really sad and ironic turn for a city like Berkeley.

TR1.17-2

[Noah Sudarsky] 19:13:49
So I think that the mayor and the entire city council and everybody involved in this project take a long, hard look at themselves to see what it is that they're actually doing with this and with other projects like it. But this is the most egregious example that I can think of.

[Noah Sudarsky] 19:14:04
Nobody wants this. Thank you.

[Liza McNulty, City of Berkeley] 19:14:08
Thank you, Noah.

[Liza McNulty, City of Berkeley] 19:14:16
Okay, next up. We have Tony.

[Liza McNulty, City of Berkeley] 19:14:23
Start home.

[Toni Mester] 19:14:23
Good evening. And I'd like to wish my good friend Jim McGrath happy St. Patrick's Day tomorrow and your family.

[Toni Mester] 19:14:35
And I would have given you my three minutes had I gotten my hand up before you.

[Jim McGrath] 19:14:41
you play some tunes for you, Tony

[Toni Mester] 19:14:42
Um, uhâ€¦ So, um, I think we need a little bit more time. It's over 600 pages. I have macular degeneration, and I can't stare at a screen for that long. Um, there's a lot to digest in the DEIR. I did go through the impacts and looked at some things I was interested in.

TR1.18-1

[Toni Mester] 19:15:02

So here are my comments. I think that the impacts are overly optimistic. I think the impacts will be much greater than the consultants have admitted to. I think they've overlooked several aspects that other people have commented on, so I won't repeat. TR1.18-2

[Toni Mester] 19:15:22
Um, but I would like to add some new observations.

[Toni Mester] 19:15:29
In regards to the traffic impacts, there's sections on the.

[Toni Mester] 19:15:38
a greenhouse gas emissions and so forth. But there really isn't a traffic analysis. And I think there needs to be another. In other words, where are the ferry riders coming from? What are the patterns of travel? TR1.18-3

[Toni Mester] 19:15:54
are the expectations that it will serve the city of Berkeley or.

[Toni Mester] 19:16:01
What is the, umâ€¦ where are the riders coming from? And that's important to understand some of the comments that Jeff Lomax made in regards to the impacts on.

[Toni Mester] 19:16:16
Um, other, uh, transportation modes and services that we rely on.

[Toni Mester] 19:16:24
So, I don't thinkâ€¦ I think it needs a traffic, a real traffic analysis.

[Toni Mester] 19:16:30
Um, I think that it passes over the city's planned. TR1.18-4

[Toni Mester] 19:16:36
drainage plan and the impacts on the creeks north and south.

[Toni Mester] 19:16:44
The economic impacts areâ€¦ there's no, umâ€¦ there's no business model here. It should be summarized, like, how much is this going to cost? Who is going to pay for it, and how long is this construction going to go on? TR1.18-5

[Toni Mester] 19:17:00
Finally, on my 27 seconds left, I'd like to say completely ignores the San Pablo Avenue specific plan, and all of the construction that's going on in West Berkeley, and these people are going to probably want recreational facilities more than they're going to want a water ride to the city. TR1.18-6

[Toni Mester] 19:17:20
So that's it. Get with the plans that aren't included and make sure that you are inclusive. Thank you.

[Liza McNulty, City of Berkeley] 19:17:32
Thank you, Tony. Okay, next up, I see we have Larry version 3.1.0.

[Larry v3.1.0] 19:17:44
Yeah, trying to change that name. My name is Larry Molstein.

[Larry v3.1.0] 19:17:50
I'm speaking for myself as an individual. I have been.

[Larry v3.1.0] 19:17:55
blown away. This is my first time attending one of these public comment sessions, and I've been blown away by just the quality and care of everyone who's come to participate, as well as you all who are holding the space for this meeting, and I share the concern. TR1.19-1

[Larry v3.1.0] 19:18:13
That was just voiced, I believe, by Noah about the structure of this decision process, where.

[Larry v3.1.0] 19:18:21
I mean, Iâ€¦ I tend to agree with basically everything that everyone said, and in a way that is a lot less informed. But.

[Larry v3.1.0] 19:18:30
How Iâ€¦ my questions are reallyâ€¦ How do our comments make their way to city council? How can they be held accountable to actually responding and integrating what we're saying? So they're making a decision that is really.

[Larry v3.1.0] 19:18:47
you know, for the people, um, by the people, in a way that is not just.

[Larry v3.1.0] 19:18:52
You know, Iâ€¦ I don't have an understanding fully of what you'reâ€¦ mechanism for transmitting these comments is, but I'm concerned that they might be. TR1.19-2

[Larry v3.1.0] 19:19:04
see buried in some way amongst the. quite staggering amount of literature, andâ€¦ You know, other information that I'm sure the city council members need to digest in order to make these decisions.

[Larry v3.1.0] 19:19:16
And so my questions, umâ€¦ Simply, what is the process by which you are making this decision? How are you intending to?

[Larry v3.1.0] 19:19:28
Um, really represent all of us who are impacted by the decision.

[Larry v3.1.0] 19:19:35
And if you do not feel that this process isâ€¦ sufficient for a decision that has such a substantial impact, not only on. TR1.19-3

[Larry v3.1.0] 19:19:49
our city today, but our entire trajectory of our city, entire trajectory of our San Francisco Bay area. Shouldn't we?

[Larry v3.1.0] 19:19:59
not. Isn't it a lot better to not do something and to direct our resources towards the.

[Larry v3.1.0] 19:20:05
you know, myriad number of other pressing issues that we need them for. So, you know, I share also this question of.

[Larry v3.1.0] 19:20:16
We seem to have a lot that we need to do. We seem to have a limit of resources. I don't really see who's asking for.

[Larry v3.1.0] 19:20:25
this thing to happen. Perhaps they haven't shown up to the meeting, but if they really cared, maybe they would.

TR1.19-3

[Larry v3.1.0] 19:20:32
Um, andâ€¦ Yeah, I meanâ€¦ I'm just echo what everybody else is saying, likeâ€¦ BART needs resources. Our.

[Larry v3.1.0] 19:20:46
Our other public transportation methods need resources are environment needs resources. Our city needs resources. Let's direct towards caring for what we have instead of creating the new vision that we just might.

TR1.19-4

[Larry v3.1.0] 19:20:59
you know, be imagining.

[Liza McNulty, City of Berkeley] 19:21:02
Thank you, Larry. There are no other hands raised. And so it's a good opportunity for me to take the time to answer Larry's question about.

[Camille] 19:21:09
I thinkâ€¦ I'm sorry, Liza. A woman named Carol looks like she's, uh, looking like she's raising her hand.

[Camille] 19:21:19
But I don't think she used the tool, but in case you want to recognize her.

[Liza McNulty, City of Berkeley] 19:21:20
Umâ€¦

[Liza McNulty, City of Berkeley] 19:21:23
Thank you. I don't see that on my end. Is there a Carol on the line who would like to make comments who hasn't had the opportunity to?

[Liza McNulty, City of Berkeley] 19:21:32
If. Oh, okay, we can hear you, Carol. Go ahead. You've got 3 min.

[carolvalk] 19:21:33
I didn't I didn't find a place to click for chatting.

[kelly hammargren] 19:21:33
It'sâ€¦

[carolvalk] 19:21:40
Okay, I really, I really think that something like this needs to be put on a bond issue so that the people in Berkeley know what they're getting into.

TR1.20-1

[Liza McNulty, City of Berkeley] 19:21:42
Thank you, Camille.

[carolvalk] 19:21:52
I know it's difficult, but I think if you've got a good idea, you should be able to convince people. For those of us who are passionately against this.

[carolvalk] 19:22:05
I'm speaking for myself as a windsurfer who's been using the Berkeley Marina since the mid 80s.

TR1.20-2

[carolvalk] 19:22:13
And we're being asked to give up a world-class view.

[carolvalk] 19:22:17
We're being asked to become indebted to this fairy business. We're being asked to have our marina turned into a parking lot. We're also, as people who use the water, being asked to somehow carry our equipment for I don't know how far.

[carolvalk] 19:22:34
you know, because we can't park where we normally park on Seawall Drive, which has been essential.

TR1.20-3

[carolvalk] 19:22:40
And you're taking over as lordships, that's one thing, but to take away Seawall Drive is just a disaster. I can't carry my stuff save from, you know, scopes or farther down or in other places. I can't carry my gear that far.

[carolvalk] 19:22:58
I mean, this stuff is heavy. The other thing I'd like to say is that if you really want to know what this is going to look like, go to go to Larkspur.

[carolvalk] 19:23:07
You know, nobodyâ€¦ nobody goes there for picnics. Nobody swims there. Nobody sails there. Even the ducks have left. It's a big, dirty mud puddle. And so the bay is shallow, sandy, muddy.

TR1.20-4

[carolvalk] 19:23:23
And when those theories come in and go out, they churn like crazy. It's going to need dredging all the time, which is nasty. It's going to fill the little cove where cal sailing is even worse than it is, and it's going to muck up the boats.

[carolvalk] 19:23:40
I mean, I don't think, you know, Berkeley talks about ecology, but I'm shocked.

[carolvalk] 19:23:46
And also, one of the beauties of that place is that million dollar view that hasn't been spoiled by architecture.

TR1.20-5

[carolvalk] 19:23:55
I mean, why would you want to mess with that?

[carolvalk] 19:23:59
So I'm I vote very strongly against this, and I really do think it should be presented to the people in Berkeley to vote on. Because you're indebted them, and you're taking away their marina.

TR1.20-6

[carolvalk] 19:24:15
Done. Thank you.

[Liza McNulty, City of Berkeley] 19:24:16
Thank you, Carol. Okay. I'm going to speak for a few moments during which time, if anyone who has not commented on yet is would like to raise their hand. The way to do that is on the very.

[Liza McNulty, City of Berkeley] 19:24:34
There's a react button that has a heart on it. If you click on that button, you should see a raise hand. It's like the second button up just above be right back. So please feel free to do that.

[Liza McNulty, City of Berkeley] 19:24:50
While we give it a few moments to see if anyone else would like to make a comment, I'll respond to Larry's questions as far as sort of what happens next and what happens to these comments that we've received. This meeting is being transcribed, and so every comment that we've received will appear word for word.

[Liza McNulty, City of Berkeley] 19:25:08
In the final EIR document and a response to each comment will be provided in that final document. That applies both to the verbal comments that we've received tonight, and to the written comments that we receive, that I received via email. So.

[Liza McNulty, City of Berkeley] 19:25:26
Every comment is produced in the final EIR word for word. We do not attempt to, umâ€¦ summarize or present people's comments on their behalf. All the decision about adoption of the final EIR will be made by Council. As I mentioned at the beginning of the meeting, our expectation is that we'll be bringing this to Council in July.

[Liza McNulty, City of Berkeley] 19:25:51
or September of this year, and of course that would be noticed as council meetings generally are. And when the final Eir is available for public review, we will be sending a notice of that to.

[Liza McNulty, City of Berkeley] 19:26:07
All of the email lists that we have, that includes anyone who submits a comment on the draft EIR by submitting a comment on the draft EIR, I will automatically add you to my email list to send notifications.

[Liza McNulty, City of Berkeley] 19:26:20
That's a good reminder that we're not capturing emails tonight, so if you made a verbal comment tonight and do not intend to submit a written comment, that's fine, but if you would like to make sure you receive project updates and information when I send them out, please go ahead and send me.

[Liza McNulty, City of Berkeley] 19:26:38
An email, so that I can add you to the list. And again, my email address is lmcnulty.

[Liza McNulty, City of Berkeley] 19:26:45
MCNULTY. at berkeleyca.gov, and I will drop that into the chat window so that everyone has it.

[Liza McNulty, City of Berkeley] 19:26:55
Okay, while I was speaking, I see we have a few more hands raised. So next up we have C.

[Liza McNulty, City of Berkeley] 19:27:03
PAF? Go ahead and unmute yourself and your comments. Hi, we can hear you.

[C Paff] 19:27:07
Hello?

[C Paff] 19:27:10
Okay. Uh, my name is Charlie Paffenbarger.

[C Paff] 19:27:14
long-time resident of Berkeley since the 60s, late 60s.

[C Paff] 19:27:17
When my family moved here, I speak for myself and my personal experience with the Berkeley

TR1.21-1

[C Paff] 19:27:23
Marina, which is extensive andâ€¦

[C Paff] 19:27:25
Various ways. Cal Sailing Club, when I was a youngster.

[C Paff] 19:27:31
And a birder in the last 25 or so years, 30 maybe.

[C Paff] 19:27:36
As presented, I think the draft EIR is woefully insufficient.

TR1.21-2

[C Paff] 19:27:41

endorse 90% of what people have expressed today.

TR1.21-2

[C Paff] 19:27:45
I will submit a written document, but I just wanted to raise my hand and say,

[C Paff] 19:27:49
I'm opposed with the project as proposed.

TR1.21-3

[C Paff] 19:27:53
alternatives of putting the ferry back inside the marina.

[C Paff] 19:27:56
would perhaps be better, but uhâ€¦

TR1.21-4

[C Paff] 19:27:59
I think all the other impacts that are not covered yet.

[C Paff] 19:28:02
People have raised, I think, areâ€¦

[C Paff] 19:28:04
germane and important to review.

TR1.21-5

[C Paff] 19:28:06
Soâ€¦ thank you.

[Liza McNulty, City of Berkeley] 19:28:09
Thank you.

[Liza McNulty, City of Berkeley] 19:28:15
Okay. Next up we have Doug Yamamoto.

[Liza McNulty, City of Berkeley] 19:28:26
Doug, go ahead.

[Doug Yamamoto] 19:28:28
My name is Doug Yamamoto, and I've been a long time.

[Doug Yamamoto] 19:28:34
User, enjoyer of the marina. I can remember walking on the Berkeley Pier as a child.

[Doug Yamamoto] 19:28:44
Uh, walking, it seems like, uhâ€¦ Halfway across the bay to San Francisco.

TR1.22-1

[Doug Yamamoto] 19:28:52
Uh, taking myâ€¦ my children there. Well, I want to, as a child.

[Doug Yamamoto] 19:28:57
And taking my children there, fishing. Uh, thisâ€¦ this project.

[Doug Yamamoto] 19:29:06

To me isâ€¦ something that's been, as some of the other comments have stated, someâ€¦ it was almost predetermined, because I've been coming to these meetings and.

[Doug Yamamoto] 19:29:20
participating in the city's efforts to get public comment, but I never.

[Doug Yamamoto] 19:29:28
Oh. I never got the sense that the city was interested in rebuilding the old pier, just the way it was.

[Doug Yamamoto] 19:29:40
When there's storms knock the pier down in Capitola. TR1.22-2

[Doug Yamamoto] 19:29:46
That city valued their peer. They rebuilt it in 2 years.

[Doug Yamamoto] 19:29:53
Our peer has beenâ€¦ A dead zone, except for the birds that live there forâ€¦ I guess we're going on nine years now.

[Doug Yamamoto] 19:30:07
This project here, as envisioned. is just going to turn it turn our our our marina into a parking lot.

[Doug Yamamoto] 19:30:18
for commuters. One of the things that I've noticed as a long-time user.

[Doug Yamamoto] 19:30:27
of a visitor of the pier is that the wide variety of people.

[Doug Yamamoto] 19:30:32
who come down every day. And none of that is addressed in this report.

[Doug Yamamoto] 19:30:40
People come down on their lunch hour. to just park their cars on Seawall Drive and look at the view. TR1.22-3

[Doug Yamamoto] 19:30:52
Other people come down when they're having someâ€¦ some conflict or issue in their life. And once again just sit there.

[Doug Yamamoto] 19:31:04
Umâ€¦ And Iâ€¦ this impact review doesn't give any value to that.

[Doug Yamamoto] 19:31:14
It only sees those spaces as spaces for commuters.

[Doug Yamamoto] 19:31:21
And I think that's wrong. It shouldâ€¦ Take into consideration.

[Doug Yamamoto] 19:31:30
The users today. as well asâ€¦ The increased use.

[Doug Yamamoto] 19:31:39
Uh, whenâ€¦ When things, uh, whenâ€¦ when there are improvements to the existing marine.

[Doug Yamamoto] 19:31:47
And it doesn't do that at all. It's going to beâ€¦ Andâ€¦ Okay.

TR1.22-3

[Liza McNulty, City of Berkeley] 19:31:58
Thank you, Dad.

[Liza McNulty, City of Berkeley] 19:32:05
Okay. I believe that we've received comment from everyone who's raised their hand.

[Kirk van Moon] 19:32:11
I'm seeing, uh, looks like Madeline King wants to speak. She's raising her hand in the video.

[Liza McNulty, City of Berkeley] 19:32:17
Oh, thank you. Madeleine. Hi, go ahead. Thank you for noticing that.

[Madeleine King] 19:32:22
Hi. Yeah, I apologize. I don'tâ€¦ I apologize, I'm on my cell phone, and Iâ€¦ I don't see the little hand raise emoji on here.

[Liza McNulty, City of Berkeley] 19:32:31
No, that'sâ€¦ that's fine. I can't see all the faces at once withâ€¦ All the little mini screens. Go ahead.

[Madeleine King] 19:32:38
I'm justâ€¦ I'm gonna make this really brief. I just want to register my comment that I echo a lot of what I've heard here. I want to thank everybody for yourself included, for all of the thoughtful input people have.

TR1.23-1

[Madeleine King] 19:32:54
mentioned, I come on here as an individual, but I also am on the SFBA, the San Francisco Board Sailing Association Board. I'm not speaking, um.

[Madeleine King] 19:33:06
I'm not speaking on behalf of them, I'm speaking for myself, but just to register that as well. Um, I came on here wanting to speak as a, um, recreational user, a wind sport enthusiast, but after hearing all of the comments, Iâ€¦ so many things resonated with me besides my own personal concerns. But my own personal concern, um, is as a wind sports enthusiast, uh, echoing what some other people said, theâ€¦ the use.

TR1.23-2

[Madeleine King] 19:33:40
of the launch site, uh, at the end of Seawall Drive by His Lordship's restaurant is indeed, as was mentioned earlier, the only launch site at low tide for many of us, not just.

[Madeleine King] 19:33:58

Um, the sport I do, which is wing foiling, but the swimmers andâ€¦ and etc, etc.

TR1.23-2

[Madeleine King] 19:34:05
Um, the docs are not always accessible. The parking, I think, is aâ€¦ huge issue that along Seawall Drive. There were some really interesting comments made by people about how, you know, people do just go down there just to park and look at the beautiful view, and.

TR1.23-3

[Madeleine King] 19:34:29
not only those of us who use it as a launch site, and there's lots of us, umâ€¦ So I can't even imagine that parking being diminished from.

[Madeleine King] 19:34:41
What's there currently? Uhâ€¦ And again, there were so many other comments that interested me and were concerning, like the dredging, um, and the impact on the bay, and umâ€¦ And the Berkeley Marina being turned into a parking lot, um, basically. I've been a user of that marina for a long time, and in various ways over the years, and it's a special, special place.

TR1.23-4

[Madeleine King] 19:35:12
Also concerning is something that NOAA first brought up, and then another person, I can't remember, Larry, maybe, um, the notion of, of.

[Madeleine King] 19:35:21
How do our comments make their way to the ears they need to make their way to? I also would be concerned that despite all of these comments, that it's just going to be pushed through anyway. I would hope that's not the case. And the other thing is, all of the people in Berkeley who don't know anything about.

TR1.23-5

[Madeleine King] 19:35:40
Those people who sit in their cars down there on Seawall Drive, and that somebody said they asked them if they knew anything about it. They don't know anything about it. It justâ€¦ it seemsâ€¦ I'm a post, and so I just want to register that. Thank you for the time.

[Liza McNulty, City of Berkeley] 19:35:57
Thank you, Madeleine. Okay.

[Liza McNulty, City of Berkeley] 19:36:05
If anyone sees someone who is indicating they'd like to make a comment, please do feel free to call that to my attention.

[Liza McNulty, City of Berkeley] 19:36:14
I don't see any other hands raised and looking to see other emojis to see if there are any hands floating.

[Liza McNulty, City of Berkeley] 19:36:25
So I believe we have reached everyone who would like to make a comment. So thank you, everyone, for participating in tonight.

[Liza McNulty, City of Berkeley] 19:36:36

The next steps will be for us to continue to receive comments through the public review period. And then as noted, we will be then working on the draft. I'm sorry, then working on the final document that will include.

[Liza McNulty, City of Berkeley] 19:36:53
Um, every comment that we receive in a response to that comment.

[Liza McNulty, City of Berkeley] 19:36:59
both verbally and and in writing. With that, I will wish you all a good evening. And again, thank you for your time.

[Camille] 19:37:18
Thank you.

[Kirk van Moon] 19:37:21
Thank you

[Paul Kamen] 19:37:26
Is there a next meeting planned for the community group?

[Liza McNulty, City of Berkeley] 19:37:31
Um, Paul, I don't have any specific meetings scheduled yet.

[Paul Kamen] 19:37:36
I was asking Camille, hoping she was still listening.

[Liza McNulty, City of Berkeley] 19:37:40
Sorry, I thought you were asking me. Well, I'll be quiet, um, and if Camille answers before the meeting ends.

[Paul Kamen] 19:37:48
I think she's off already.

[Liza McNulty, City of Berkeley] 19:37:50
All right.

/// END OF TRANSCRIPT ///

Verbal Comment TR1.1

Commenter: Paul Kamen

Date: March 16, 2026

Response to Comment TR1.1-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.1-2

The project design, including the proposed breakwater and the amount of fill and dredging required for the project, has been developed by qualified coastal engineering professionals based on site-specific studies, technical analyses, and engineering modeling prepared for the project. The design and supporting analyses are documented in the Coastal Study prepared by COWI, which evaluated wave conditions, sediment transport, operational requirements, and breakwater design criteria for the proposed ferry terminal. The comment does not provide evidence, engineering analyses, or other factual information demonstrating that the quantities of fill, dredging, or breakwater construction requirements described in the Draft EIR are underestimated.

With respect to the comment's concern regarding the cost of the breakwater, refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

No further response is required.

Response to Comment TR1.1-3

Refer to Section 2.2.29, *Topical Response: Wind*, which discusses the engineering studies, wind and wave modeling, and design assumptions used to evaluate the proposed ferry facilities. As discussed therein, the ferry terminal, breakwater, gangway, and associated marine infrastructure were designed based on site-specific engineering analyses and are subject to detailed design review by qualified engineers and review by applicable permitting and regulatory agencies.

The comment expresses concern with the adequacy of the wind data and engineering assumptions used during project planning; however, the comment does not provide technical analyses demonstrating that the wind and wave studies relied upon for project design are inaccurate or that the proposed facilities would fail to perform under the design conditions evaluated for the project.

To the extent the comment concerns the engineering design, feasibility, or operational performance of the ferry facilities, those issues are engineering and design considerations rather than environmental impacts addressed under CEQA. The Draft EIR evaluates the physical environmental effects of constructing and operating the proposed project and relies on the project design and supporting technical studies prepared for the project.

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment TR1.1-4

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of the data used to design the project. Based on the data, modeling, and design gathered and prepared by the City's licensed professional coastal engineers, updates to the design are not needed, and updated analysis on the amount of fill and dredging is not required. Pages 5-9 through 5-10 of the Draft EIR state the following: "The exact length of the breakwater under this Alternative would depend on future engineering to identify the shortened length that would still maintain the necessary safe harbor conditions for ferry vessels to

dock next to the proposed pier." Any reductions in the breakwater would maintain necessary safe harbor conditions. The comment does not identify a specific deficiency in the analysis presented. No revisions to the Draft EIR are required.

Response to Comment TR1.1-5

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of the data used to design the project. Based on the data, modeling, and design gathered and prepared by the City's licensed professional coastal engineers, updates to the design are not needed, and updated analysis on the amount of fill and dredging is not required. The comment does not identify a specific deficiency in the analysis presented. No revisions to the Draft EIR are required.

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations.

Response to Comment TR1.1-6

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

To the extent the comment's reference to a more "economical" alternative reflects concerns regarding project costs or funding, refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

The comment's preference for an in-marina ferry terminal location is noted and has been included in the project record considered by decision-makers. The comment expresses an opinion regarding project location and does not identify a deficiency in the Draft EIR's environmental analysis. The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are required in response to this comment.

Verbal Comment TR1.2

Commenter: Gordon Stout

Date: March 16, 2026

Response to Comment TR1.2-1

These statements provide background information. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.2-2

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking demand and adequacy. The Draft EIR evaluates whether project-related parking conditions would result in secondary physical environmental impacts and concludes that recreational access would be maintained. The Parking and TDM Plan analyzes parking demand based on observed usage patterns at the Berkeley Waterfront and WETA ridership projections and demonstrates that the Waterfront will have sufficient spaces to accommodate all users. The analyses and significance conclusions presented in the Draft EIR remain valid as written.

Response to Comment TR1.2-3

Refer to Section 2.2.20, *Topical Response: Parking,* which discusses parking supply and adequacy and Response to Comment TR1.2-2. The Draft EIR contains sufficient information to evaluate potential secondary environmental effects associated with parking and access consistent with CEQA requirements. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions are required.

Response to Comment TR1.2-4

Refer to Section 2.2.20, *Topical Response: Parking,* and Response to Comment TR1.2-2. The analyses and significance conclusions presented in the Draft EIR remain valid as written.

The commenter's opposition to the project is noted and has been included in the project record considered by City decision makers. However, the comment does not provide evidence demonstrating that the proposed parking management strategies would result in a secondary physical environmental impact or otherwise invalidate the analyses presented in the Draft EIR. Accordingly, no further response or revision to the Draft EIR is required.

Verbal Comment TR1.3

Commenter: Kirk van Moon

Date: March 16, 2026

Response to Comment TR1.3-1

These statements provide context. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.3-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

The analysis and significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.3-3

Refer to Section 2.2.20, *Topical Response: Parking,* and Section 2.2.24, *Topical Response: Seawall Drive/View Access.* The analyses and significance conclusions remain valid as written.

Verbal Comment TR1.4

Commenter: Shreyas Chand, Cal Sailing Club

Date: March 16, 2026

Response to Comment TR1.4-1

These statements are introductory in nature and provide context for subsequent comments. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.4-2

Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate* for discussion regarding sedimentation and siltation and impacts from the project. Refer to Section 2.2.29, *Topical Response: Wind,* regarding effects of the project on wind conditions and effects on nearby facilities including South Sailing Basin.

The analysis and significance conclusions presented in Draft EIR Sections 3.3, 3.8, and 3.11 remain valid as written, and no revisions to the Draft EIR are required.

Response to Comment TR1.4-3

Refer to Section 2.2.20, *Topical Response: Parking,* and to Section 2.2.3, *Topical Response: BCDC Jurisdiction, Planning Consistency, and Permit Compliance.*

As discussed therein, parking availability and parking convenience are not environmental impacts under CEQA in themselves. The Draft EIR evaluates whether project-related parking changes could result in secondary physical environmental impacts and concludes that recreational access would be maintained. In addition, Draft EIR Section 3.9, *Land Use and Planning*, evaluates consistency with applicable Bay Plan policies and concludes that the project would not conflict with those policies (see Impact LU-2, Table 3.9-1).

Because the Draft EIR does not identify a significant parking-related environmental impact, additional mitigation is not required under CEQA. The analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment TR1.4-4

Refer to Section 2.2.29, *Topical Response: Wind* (Sub-Section Wind Shelter Effects of Tree and Berm Removal), for discussion concerning CEQA and wind. No revisions to the EIR are required. No further response is required.

Response to Comment TR1.4-5

The Draft EIR discusses the impacts of ferry wake and Section 3.8.4. Impacts Analysis on page 3.8-33, and wave action and sea level rise concerns are addressed in Section 3.8.4 page 3.8-40. Drainage patterns alteration and erosion are addressed in Section 3.8.4 page 3.8-43 and 3.3-44. See Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for further discussion of sediment transport and siltation. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.4-6

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Verbal Comment TR1.5

Commenter: Sally Tobin

Date: March 16, 2026

Response to Comment TR1.5-1

The Draft EIR acknowledges the Berkeley Waterfront as a heavily used recreational resource in Section 3.11.2, *Environmental Setting*, and evaluates whether the project would adversely affect these uses in Section 3.11.4. The analysis concludes that the project would maintain and enhance recreational opportunities and access (Impact REC-1). Refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, regarding existing recreational uses and analysis of impacts.

The comment does not identify a specific environmental impact or deficiency in the analysis presented. Accordingly, the analysis and significance conclusions in Section 3.11, *Recreation*, remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.5-2

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking supply and demand. The Draft EIR evaluates the proposed project and concludes that project-related parking conditions would not result in significant environmental impacts. The suggestions to use remote parking facilities and shuttle services have been included in the project record considered by City decision makers. The analyses and significance conclusions presented in the Draft EIR remain valid as written.

Response to Comment TR1.5-3

Refer to Section 2.2.20, *Topical Response: Parking,* for a discussion related to parking availability, parking management, and recreational access.

The comment does not identify a deficiency in the environmental analysis presented in the Draft EIR. No revisions to the Draft EIR are necessary.

Verbal Comment TR1.6

Commenter: David

Date: March 16, 2026

Response to Comment TR1.6-1

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

Accordingly, the analysis and significance conclusions presented in Section 3.11, *Recreation*, remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.6-2

The comment appears to reference the parking along Seawall Drive. Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access,* for a discussion of parking in this location. Refer also to Section 2.2.20, *Topical Response: Parking,* for a discussion regarding the analysis of parking under CEQA.

Response to Comment TR1.6-3

Section 3.11, *Recreation*, evaluates whether the project would physically restrict access to recreational resources and concludes that access would be maintained and enhanced (Impact REC-1). Section 3.12, *Transportation*, evaluates parking and circulation, consistent with CEQA requirements.

For additional discussion of shoreline access and regulatory framework for water uses, refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* respectively. For further clarification regarding parking considerations, refer to Section 2.2.20, *Topical Response: Parking.*

The comment raises concerns related to access and user experience but does not demonstrate that the project would result in a physical loss or degradation of recreational resources under CEQA.

Accordingly, the analyses and significance conclusions presented in Sections 3.11 and 3.12 of the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.6-4

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Verbal Comment TR1.7

Commenter: Emilie Strauss

Date: March 16, 2026

Response to Comment TR1.7-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.7-2

The City acknowledged this request for an extension of the Draft EIR comment deadline. The comment period was originally scheduled for 45 days, from February 27, 2026, to April 13, 2026. On April 1, 2026, the City extended the comment period by 15 days, thereby ending on April 28, 2026. No further response is required.

Response to Comment TR1.7-3

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking availability, parking-related secondary effects, and compliance with CEQA requirements. As discussed therein, the Draft EIR evaluates whether project-related parking changes would result in secondary physical environmental impacts and concludes that no significant parking-related environmental impacts would occur.

With respect to ferry operations, the Draft EIR evaluates operational impacts associated with vessel movement, navigation, transportation safety, biological resources, hydrology and water quality, noise, recreation, and other environmental issue areas throughout Chapter 3. Refer to the Topical Responses related to Loss of Control, Electric Ferry, and Ferry Operations for additional discussion of ferry vessel operations, navigation, maneuverability, safety considerations, and operational assumptions incorporated into the environmental analysis.

The comment does not identify a deficiency in the environmental analysis or provide evidence demonstrating that the project scope is inadequate for purposes of CEQA review. Accordingly, the analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment TR1.7-4

The proposed increase in ferry trips would be incremental relative to existing vessel operational levels in San Francisco Bay. Stating that a direct population-level impact from this project alone is speculative without site-specific evidence linking the project's incremental disturbance to measurable declines in body condition, migration success, or reproductive output. The Draft EIR addresses impacts to wildlife movement in Section 3.3.4, Impacts Analysis under Impact BIO-4, pages 3.3-63 through 3.3-62, and concludes that impacts would be less than significant. In addition, see Response to Comment O7-17 for a discussion of ferry operation impacts to waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.7-5

The Draft EIR addresses impacts to wildlife movement in Section 3.3.4 Impacts analysis. See Response to Comment O7-17 for a discussion of ferry operation impacts to waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.7-6

The Draft EIR addresses impacts to nesting birds in Section 3.3.4 Impacts Analysis (page 3.3-51). No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.7-7

Impacts to nesting birds are analyzed in Draft EIR Section 3.3.4 under Impact BIO-1 (page 3.3-44), which concludes impacts to be less than significant with implementation of Mitigation Measures BIO-1(a), BIO-1(c), and AES-1. In addition, see Response to Comment O9-5 for a discussion related to osprey. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.7-8

The Draft EIR evaluates impacts due to in-water construction activities, including dredging and pile installation, in Section 3.3.4 Impacts Analysis (pages 3.3-45 through 3.3-50) and concludes impacts would be less than significant with implementation of Mitigation Measures BIO-1(a), BIO-1(d), and HYD-1. Additionally, dredging would occur within an existing U.S. Army Corps of Engineers channel that was previously dredged, and the project-related dredge depth would result in only short-term temporary impacts to water quality and benthic infaunal communities. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.7-9

Refer to Section 3.3.2, *Environmental Setting*, of the Draft EIR for information regarding eelgrass. The Draft EIR utilized the most up to date publicly available eelgrass spatial data (Merkel and Associates 2004, 2009, 2014). Based on the best available data, there are no documented occurrences of eelgrass within the project site. No revisions to the EIR are necessary.

Response to Comment TR1.7-10

See Response to Comment O9-3 for discussion of reconnaissance survey adequacy. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.7-11

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Verbal Comment TR1.8

Commenter: Camille Antinori, Berkeley Waterfront Community Coalition

Date: March 16, 2026

Response to Comment TR1.8-1

These statements provide background and context. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.8-2

Refer to Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking supply, parking management, and the role of parking under CEQA. Refer also to Section 2.2.24, *Topical Response: Seawall Drive/View Access,* regarding modifications to Seawall Drive and continued public access to waterfront recreational resources.

The Draft EIR includes a description of the proposed project and associated parking improvements in Chapter 2, *Project Description*, including the reconfiguration of parking facilities within the project site and replacement of existing parking spaces as part of the Seawall Drive parking lot improvements (see Section 2.5, *Proposed Project Components*). The environmental analysis evaluates the proposed project based on the project description presented in the Draft EIR and assesses whether project-related parking changes could result in secondary physical environmental impacts. Consistent with CEQA Guidelines, parking availability is not considered an environmental impact in itself; rather, the relevant inquiry is whether parking-related changes could result in physical environmental effects. Accordingly, the Draft EIR evaluates potential effects on recreational access, recreational facility use, transportation, and plan consistency. As discussed in Sections 3.9, *Land Use and Planning* (Impact LU-2), 3.11, *Recreation* (Impact REC-1), and 3.12, *Transportation* (Impact TRA-2), the Draft EIR concludes that project implementation would not result in physical deterioration of recreational facilities, would maintain recreational access, and would not result in significant parking-related environmental impacts.

To the extent that the commenter references differing parking counts contained in other planning or conceptual project documents, those references do not alter the project description evaluated in the Draft EIR or demonstrate a deficiency in the environmental analysis. The Draft EIR evaluates the proposed project as described in Chapter 2 and provides sufficient information to assess the environmental impacts associated with parking and access under CEQA.

Accordingly, the analyses and significance conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are required.

Response to Comment TR1.8-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.8-4

Refer to Response to Comment O10-202, which explains that the Draft EIR does not assume that no development or improvements could ever occur elsewhere within the project vicinity. As described therein, the Draft EIR has been revised to indicate that, under the No Project Alternative, reasonably foreseeable projects identified in Table 3-1 would continue to be implemented independent of the proposed project and, Draft EIR Table 3-1 identified some but not all potential pieces of the Bay Trail Extension(e.g., the Cesar Chavez Path). Accordingly, Table 3-1 has been revised to also include the Bay

Trail Extension in the Berkeley Marina as a reasonably foreseeable cumulative project, as it is described in the Bay Trail Extension To The Berkeley Marina Design Plan and Final Initial Study/Mitigated Negative Declaration prepared by the City of Berkeley Department of Parks, Recreation, and Waterfront in 2003.[62] Rrefer to Response to Comment O10-43, which includes this revision. The clarification presented under Responses to Comments O10-43 and O10-202 do not alter the conclusions of the No Project Alternative analysis presented in Draft EIR Chapter 5, *Alternatives*. Construction-related impacts under the No Project Alternative would remain less than those associated with proposed project implementation, because the ferry terminal, reconstructed pier, breakwater, ferry operations, and associated landside improvements would not be developed. The operational comparison presented in Chapter 5 similarly remains valid, because the No Project Alternative would not provide the proposed ferry service or associated transportation improvements that would improve regional connectivity and reduce reliance on single-occupancy vehicle travel. The clarification also does not alter the cumulative impact analysis. The Bay Trail Extension project would complement existing and planned recreational and active transportation facilities within the Berkeley Waterfront by improving connectivity and public access. Operationally, implementation of the Bay Trail Extension would support walking and bicycling opportunities and would not result in new significant cumulative operational impacts. Construction of the Bay Trail Extension would be comparatively limited in scale and duration and would not materially change the Draft EIR conclusions regarding cumulative construction impacts.

This clarification does not change the impact analysis or conclusions of the No Project Alternative. No further revisions to the Draft EIR are required in response to this comment.

Response to Comment TR1.8-5

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, which explains that the Draft EIR includes the reopening of a restaurant at 199 Seawall Drive as a cumulative project. Refer to Response to Comment P36-108 for a discussion about this cumulative project, as it relates to parking.

Regarding the comment about the No Project Alternative, refer to Response to Comment O10-130.

The analysis and significance conclusion presented under Impact the Draft EIR remains valid as written. No revisions to the EIR are necessary.

Response to Comment TR1.8-6

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment TR1.8-7

As discussed in Draft EIR Chapter 5, *Alternatives*, the City developed and screened alternatives based on their ability to feasibly attain most of the project's basic objectives while potentially reducing environmental impacts. The alternatives evaluated in the Draft EIR and the rationale for eliminating other alternatives from detailed consideration are described in Chapter 5 and are discussed further in Section 2.2.2, *Topical Response: Alternatives*.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are required in response to this comment.

[62] Berkeley, City of. 2003. Bay Trail Extension To The Berkeley Marina Design Plan and Final Initial Study/Mitigated Negative Declaration. https://ceqanet.lci.ca.gov/2003092068 (accessed September 2026).

Response to Comment TR1.8-8

The comment is noted. However, because no supporting arguments, data, or analysis were provided to substantiate these statements, a substantive response is unable to be prepared. Refer to Section 3.3.2, *Environmental Setting*, of the Draft EIR for information regarding eelgrass. The Draft EIR utilized the most up to date publicly available eelgrass spatial data (Merkel and Associates 2004, 2009, 2014). Based on the best available data, there are no documented occurrences of eelgrass within the project site. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation. No further response is required.

Verbal Comment TR1.9

Commenter: Edward S.

Date: March 16, 2026

Response to Comment TR1.9-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.9-2

Transportation impacts under CEQA are evaluated consistent with CEQA Guidelines Section 15064.3 and applicable Office of Planning and Research guidance, which focus on vehicle miles traveled (VMT) rather than congestion or level of service. As discussed in Draft EIR Section 3.12, *Transportation*, and Appendix F, *Transportation Impact Assessment Memorandum*, the project's transportation impacts were evaluated using the methodology required under current CEQA requirements. The Draft EIR concludes that the project would not result in a significant transportation impact under CEQA and would contribute to a reduction in regional VMT.

The analysis and significance conclusion presented in the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment TR1.9-3

The comment does not provide specific questions regarding the Draft EIR air quality analysis nor provide additional information to inform the analysis. Impacts related to air quality are discussed in detail in Draft EIR Section 3.2 Air Quality. The analysis concludes that air quality impacts would be reduced to less than significant levels with the implementation of Mitigation Measure AQ-1 (see Impacts AQ-1 through AQ-4 on pages 3.2-25 through 3.2-35). The Draft EIR air quality significance conclusions and mitigation measures remain the same, and no Draft EIR text changes are necessary in response to this comment.

Response to Comment TR1.9-4

Roadway safety is evaluated in Draft EIR Section 3.12, *Transportation*, under Impact TRA-3. As discussed therein, the project would not substantially increase hazards due to a geometric design feature or incompatible uses and would not result in a significant transportation safety impact. The analysis considered project-generated traffic, circulation patterns, and proposed multimodal improvements, including bicycle and pedestrian facilities. The analysis and significance conclusion presented under Impact TRA-3 remain valid as written. No revisions to the Draft EIR are necessary.

Response to Comment TR1.9-5

University Avenue is currently subject to posted speed limits and existing traffic control measures. In addition, the project includes multimodal transportation improvements intended to improve pedestrian, bicycle, transit, and vehicle circulation. As discussed under Impact TRA-3 in Draft EIR Section 3.12, *Transportation*, the proposed project would not introduce roadway features that would create a transportation safety hazard. Enforcement of traffic laws and management of vehicle speeds are ongoing City operational responsibilities and are not environmental impacts of the proposed project requiring mitigation under CEQA. The Draft EIR remains valid as written.

Response to Comment TR1.9-6

Roadway safety is evaluated under Impact TRA-3 in Draft EIR Section 3.12, *Transportation*. As discussed therein, the project would comply with applicable City and State design standards and would not introduce roadway features that would adversely affect the safety of motorists, bicyclists, pedestrians, transit users, or other roadway users. In addition, Draft EIR Section 3.11, *Recreation*, evaluates whether the project would increase the use of existing recreational facilities such that substantial physical deterioration would occur or require the construction or expansion of recreational facilities. The Draft EIR concludes that operation of the project would maintain and enhance recreational opportunities and access and would not result in a significant impact to existing recreational facilities (Impact REC-1). Concerns regarding changes in user experience or the recreational character of the Waterfront are not, by themselves, environmental impacts under CEQA. Accordingly, no significant transportation safety impact or significant operational recreation impact has been identified that would require mitigation.

The analyses and significance conclusions presented in the Draft EIR remain valid as written.

Verbal Comment TR1.10

Commenter: Geoff Lomax

Date: March 16, 2026

Response to Comment TR1.10-1

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment TR1.10-2

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. Nevertheless, the comment has been included in the project record provided to decision makers for consideration. No further response or revisions to the EIR are required.

Response to Comment TR1.10-3

Refer to Response to Comment O2-2 and Section 2.2.27, *Topical Response: VMT,* for discussion regarding transit-to-transit mode shifts, regional transportation assumptions, and the transportation analysis prepared for the project. The analyses and conclusions presented in the Draft EIR remain valid as written. No further revisions are necessary.

Response to Comment TR1.10-4

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Verbal Comment TR1.11

Commenter: Bill Feucht

Date: March 16, 2026

Response to Comment TR1.11-1

The Draft EIR evaluates operational impacts to the Bay in Section 3.3.4 Impacts Analysis, starting on page 3.3-39. See Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion regarding how the EIR does not need to address Baywide ferry route impacts that were previously addressed in the 2003 WETA EIR. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.11-2

Refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, for more information about this topic. No further response is required.

Response to Comment TR1.11-3

Because no supporting arguments, data, or analysis were provided to substantiate the comment statements, a substantive response is unable to be prepared. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation.

Response to Comment TR1.11-4

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.11-5

To the extent the comment concerns the cumulative environmental effects of existing and reasonably foreseeable future ferry projects, refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, which discusses the methodology used to identify cumulative projects and evaluate cumulative impacts consistent with CEQA Guidelines Section 15130. As explained therein, the Draft EIR evaluates the project's incremental contribution to cumulative impacts in combination with past, present, and reasonably foreseeable probable future projects. The Draft EIR also considers regional ferry planning documents where appropriate and incorporates relevant information from the Water Emergency Transportation Authority (WETA) planning efforts and the 2003 WETA EIR.

The comment appears to request information regarding future regional ferry planning and the long-term expansion of ferry service in San Francisco Bay. To the extent the comment concerns future policy decisions or service expansion plans that are outside the scope of the proposed project, such issues do not identify a deficiency in the environmental analysis presented in the Draft EIR. The Draft EIR evaluates the environmental impacts associated with the proposed Berkeley Water Transportation Pier Ferry Project based on the project description and reasonably foreseeable future conditions.

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No revisions are required.

Response to Comment TR1.11-6

Because the comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR, no further response is required.

Verbal Comment TR1.12

Commenter: Julie Allen

Date: March 16, 2026

Response to Comment TR1.12-1

These statements provide background information and context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.12-2

The Draft EIR discusses the 199 Seawall launch point on page 3.11-7 of the Draft EIR. Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any changes to the accessibility of the 199 Seawall Drive launch point for water-based recreation.

Response to Comment TR1.12-3

The Draft EIR describes existing recreational uses at the Berkeley Waterfront, including both formal and informal activities, in Section 3.11.2, *Environmental Setting* (pages 3.11-1 through 3.11-7). These include walking, picnicking, boating, and water-based recreation such as sailing, kayaking, and wind-based sports. As discussed in Section 3.11.4, *Impacts Analysis* (pages 3.11-14 through 3.11-24), the impact analysis evaluates whether the proposed project would result in a physical loss of recreational resources or restrict access and concludes that the project would maintain and enhance recreational opportunities and access (Impact REC-1).

For additional discussion of on the ground recreational uses, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*; Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* regarding continuation of existing uses and access points; and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* regarding permitted uses.

The Draft EIR does not identify a significant conflict between project implementation and recreational use. In addition, the comment does not identify a specific deficiency in the Draft EIR's analysis or demonstrate how the project would result in a physical impact to recreational resources. Accordingly, the analysis and significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.12-4

Refer to Sections 1.2.2, *Public Outreach*, 1.2.4, *EIR Notice of Preparation*, and 1.5, *Environmental Review Process*, of the Draft EIR for a summary of the public outreach conducted between 2021 and 2025. Additionally, the Draft EIR public comment period was held from February 27, 2026, to April 26, 2026, a total of 60 days.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Verbal Comment TR1.13

Commenter: Erin Diehm

Date: March 16, 2026

Response to Comment TR1.13-1

The City acknowledged this request for an extension of the Draft EIR comment deadline. The comment period was originally scheduled for 45 days, from February 27, 2026, to April 13, 2026. On April 1, 2026, the City extended the comment period by 15 days, thereby ending on April 28, 2026. No further response is required.

Response to Comment TR1.13-2

Refer to Section 2.2.1, *Topical Response: 2003 WETA EIR Applicability,* for a discussion about how the 2003 WETA EIR is used in the Draft EIR, and an explanation of how the Draft EIR, where appropriate, provides new and current background setting information and analyses based on the latest information available at the time of EIR Notice of Preparation.

Response to Comment TR1.13-3

The Draft EIR evaluates operational impacts to the Bay in Section 3.3.4 Impacts Analysis, starting on page 3.3-39. See also Section 2.2.2, *Topical Response: Alternatives*, for a discussion of project objectives and scope of the Draft EIR. Because no supporting arguments, data, or analysis were provided to substantiate the comment statements, a substantive response is unable to be prepared. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation.

Response to Comment TR1.13-4

The Draft EIR evaluates operational impacts to the Bay and impacts to nesting birds in Section 3.3.4 Impacts Analysis, starting on page 3.3-39. Because no supporting arguments, data, or analysis were provided to substantiate these statements, a substantive response is unable to be prepared. No changes are warranted related to the Draft EIR analysis, conclusions, or mitigation.

Response to Comment TR1.13-5

A reconnaissance-level field survey, when combined with targeted database and literature review and the application of standard CEQA avoidance/minimization measures, provides sufficient, project-specific information to map and evaluate potential species habitats and sensitive biological resources and to support the CEQA impact analysis. CEQA requires enough information to evaluate environmental effects and to adopt feasible mitigation; it does not require exhaustive scientific research or the generation of new baseline science beyond what is necessary to make an informed determination. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.13-6

This is not an accurate statement. The Draft EIR considers the potential impacts from construction, operation, and maintenance of the proposed project. As an example, refer to Impact Discussion AES-1 in Section 3.1.4, *Impacts Analysis*, of the Draft EIR. This section, like others throughout the document, separates the impact discussion into two separate headings – one for construction and one for operation. No further response is required.

Response to Comment TR1.13-7

The CEQA significance thresholds for energy consumption do not have requirement for comparing efficiencies from one form of transit to another. The project as proposed is not anticipating replacing existing forms of transit but rather including an additional option to remove passenger vehicles from the roadways. The current bus and BART operations would continue with or without the project, and the implementation of the project would not require or result in a change in trips of these alternate modes of transit. Therefore, the energy consumption from buses and BART would continue consistent with what they are consuming today. Therefore, the analysis of the project in isolation of an energy efficiency comparison with other forms of transit is accurate. Further, Draft EIR Alternatives (Section 5.9) discussed alternative projects such as increasing Bay Area Rapid Transit (BART) capacity and improving access to BART, both of which were alternatives that were considered but rejected as they did not meet the project objective of provision of all-electric ferry service between Berkeley and San Francisco. The analysis in the Draft EIR accurately analyzes energy consumption with respect to CEQA and Bay Area Air District methodologies and thresholds (see methodology approach discussion on Draft EIR page3.6-30 and specific thresholds of significance on Draft EIR page 3.6-33). Therefore, additional analysis is not required. No Draft EIR changes are necessary in response to this comment.

Response to Comment TR1.13-8

See Section 2.2.4, *Topical Response: Biological/Underwater Noise,* for a discussion of operational ferry vessel speed, power, and noise impacts on marine mammal species. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.13-9

The project-related increase in ferry trips would be incremental relative to existing vessel operational levels in San Francisco Bay. Stating that a direct population-level impact from this project alone is speculative without site-specific evidence linking the project's incremental disturbance to measurable declines in body condition, migration success, or reproductive output. The Draft EIR addresses impacts to wildlife movement in Section 3.3.4 Impacts analysis. In addition, see Response to Comment O7-17 for a discussion of impacts of ferry service on waterbirds. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.13-10

Refer to Impact HYD-1 in Section 3.8 *Hydrology and Water Quality* of the Draft EIR (pages 3.8-33 to 3.8-34) for a discussion of water quality impacts from the operation of ferry vessels. Impact HYD-1 found that the water quality impacts from the operation of ferry vessels would be less than significant with compliance with existing regulations. The analysis and significance conclusion presented under Impact HYD-1 in Section 3.8, *Hydrology and Water Quality* remains valid as written.

The analysis and significance conclusion presented under Impact HYD-1 in Section 3.8, *Hydrology and Water Quality,* remain valid as written. No further revisions to the EIR are necessary.

Response to Comment TR1.13-11

The Draft EIR evaluates impacts due to dredging and pile installation and provides mitigation measures in Section 3.3.4 Impacts Analysis on pages 3.3-45 through 3.3-50 Specifically, Mitigation Measure BIO-1(d) would require aquatic species avoidance techniques and would reduce construction-related (including dredging and pile driving) impacts to less than significant with mitigation. Additionally, dredging would occur primarily within a former U.S. Army Corps of Engineers channel, which was previously dredged, and the proposed design dredge depth would result in only short-term temporary impacts to water quality and benthic infaunal communities. In addition, see Response to Comment O5-36 for a discussion of impacts of dredging on aquatic habitat and Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a

discussion of maintenance dredging No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.13-12

Please refer to Section 2.2.9, *Topical Response: Cumulative Impacts*, which clarifies that the development of 26 ferry terminals is not a cumulative impact.

Regarding the comment's suggestion to reallocate project funding to existing transit agencies, CEQA does not require the evaluation of funding allocation, fiscal policy decisions, or the comparative prioritization of unrelated public infrastructure investments. As explained in Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* economic considerations and funding decisions are not environmental impacts under CEQA and are outside the scope of environmental analysis. Such considerations are appropriately addressed by decision-makers as part of the broader project approval process, rather than as part of the environmental impact analysis. As described in Chapter 2, *Project Description*, of the Draft EIR, the project includes multimodal access improvements, including enhancements to pedestrian, bicycle, and transit infrastructure, and improvements to AC Transit facilities serving the project site (refer to Draft EIR Section 2.5.2). Additionally, one of the stated project objectives is to improve regional connectivity and provide efficient, environmentally friendly, zero-emission ferry service that supports multimodal transportation options and reduces reliance on single-occupancy vehicle travel (refer to Draft EIR Section 2.3).

The Draft EIR adequately evaluates cumulative impacts consistent with CEQA requirements and appropriately scopes the analysis to environmental issues. Therefore, the analysis, significance determinations, and mitigation measures remain valid as presented, and no revisions to the Draft EIR are necessary in response to this comment.

Verbal Comment TR1.14

Commenter: Jim McGrath

Date: March 16, 2026

Response to Comment TR1.14-1

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. CEQA does not require quantitative analysis in all cases. In general, an EIR must provide substantial evidence and a good-faith effort at full disclosure, which may be quantitative or qualitative. Nonetheless, quantitative analyses are provided throughout the Draft EIR, including in the Air Quality, Biological Resources, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, Recreation, and Transportation sections. No further response is required.

Response to Comment TR1.14-2

This is incorrect. BCDC scoping comments were considered and addressed throughout the Draft EIR. Section 1.2.4, *EIR Notice of Preparation*, and Table 1-1, *EIR Scoping Comments and EIR Location Information*, of the Draft EIR, provides a summary of the scoping comments received during the 2025 notice of preparation public review period and where in the Draft EIR the comments were addressed by the City. Page 1-7 of the Draft EIR identifies the a summary of the comments raised by BCDC, as well as the sections of the Draft EIR where those scoping comments were considered.

Throughout the CEQA process, the City has engaged with relevant regulatory agencies to address those potential concerns in the Draft EIR. During the scoping period, the City held an interagency meeting on May 8, 2025, with staff from the U.S. Army Corps of Engineers, RWQCB, and CDFW who provided their input on the project. In addition, the City has presented the project to the BCDC Design Review Board on three dates (May 12, 2025, November 3, 2025, and May 11, 2026), as well as the Engineering Criteria Review Board on two dates (February 26, 2025, and May 27, 2026).

No further response is required.

Response to Comment TR1.14-3

Impacts on biological resources from dredging are addressed in Section 3.3, *Biological Resources* of the Draft EIR. Specifically, refer to Impact BIO-1 and 3, which includes specific subheadings that discuss potential dredging impacts (refer to subsection “Pile Driving and Dredging Water Quality” on page 3-45 and 3-50, “Dredging Noise” on page 3-46 and 3-50, and “Fill and Dredging Impacts” on page 3.3-59.

Regarding the comment on impacts to fishing, refer to Response to Comment O10-135.

Because no supporting arguments, data, or analysis were provided to substantiate these statements, a substantive response is unable to be prepared. No further response is required.

Response to Comment TR1.14-4

Refer to Section 2.2.2, *Topical Response: Alternatives*, for a discussion of how the Draft EIR adequately considered alternatives in its Draft EIR.

The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are required in response to this comment.

Response to Comment TR1.14-5

The comment incorrectly characterizes the mitigation included in the Draft EIR. The comment appears to be referencing mitigation that include the development of plans, such as Mitigation Measure BIO-3. Refer

to Section 2.2.17, *Topical Response: Mitigation Measure Requirements*, for a discussion about how the mitigation in the Draft EIR is compliant with CEQA requirements.

To the extent the comment raises concerns regarding parking availability and the potential displacement of recreational users by ferry patrons, refer to Section 2.2.20, *Topical Response: Parking*.

The Draft EIR adequately addresses both mitigation requirements and parking-related concerns. The analyses and conclusions presented in the Draft EIR remain valid as written. Therefore, no revisions to the Draft EIR are required in response to this comment.

Response to Comment TR1.14-6

The statement that the project would reduce parking to seven parking spaces is not supported by the Draft EIR, which states in Chapter 2, *Project Description*, that the project would replace the 404 total existing parking spaces, including the 320 spaces at Seawall Drive, with 400 to 450 new parking spaces pending final design (see Section 2.5, *Proposed Project Components*, page 2-18), and states that the project would maintain a shared-use approach to maintain parking availability for both recreational users and ferry patrons (see Impact LU-2, Table 3.9-1).

Refer to Section 2.2.20, *Topical Response: Parking,* for further discussion regarding parking availability, parking management, and the role of parking under CEQA. For additional discussion regarding parking along Seawall Drive and continued public access, refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access.* As discussed therein, parking availability and parking convenience are not environmental impacts under CEQA in themselves. The Draft EIR evaluates whether project-related parking changes would result in secondary physical environmental impacts, including restrictions on access to recreational resources. The Draft EIR concludes that recreational access would be maintained and that implementation of the project would not result in a significant impact to recreational resources or access. The analyses and significance conclusions presented in the Draft EIR remain valid as written.

Response to Comment TR1.14-7

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility,* for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment TR1.14-8

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

To the extent the comment's reference to a project costs, operating subsidies, and funding priorities reflects concerns regarding project costs or funding, refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*.

The comment's preference for an in-marina ferry terminal location is noted and has been included in the project record considered by decision-makers. The comment expresses an opinion regarding project location and does not identify a deficiency in the Draft EIR's environmental analysis. The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are required in response to this comment.

Response to Comment TR1.14-9

Refer to Section 2.2.7, *Topical Response: CEQA Process*, which describes that although clarifying edits have been made to the Draft EIR in response to comments, none of the edits have affected the impact conclusions or mitigation measures in a substantive manner. Recirculation of the Draft EIR is not required.

Verbal Comment TR1.15

Commenter: Zora Whitfield

Date: March 16, 2026

Response to Comment TR1.15-1

Section 3.11.2, *Environmental Setting* (pages 3.11-1 through 3.11-7), describes existing recreational conditions at the Berkeley Waterfront, including the range of user groups, activities, and locations where recreation occurs. This includes both land-based and water-based uses and reflects the environmental baseline used for impact analysis. The level of detail provided is consistent with CEQA requirements, which require a reasonable description of baseline physical conditions sufficient to evaluate environmental impacts. For discussion of baseline recreational conditions and CEQA requirements, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*.

The comment does not identify specific deficiencies in the baseline description or demonstrate how additional detail would change the impact analysis or conclusions. Accordingly, the analysis and significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.15-2

The Draft EIR evaluates the environmental impacts of the proposed project on recreation, transportation, biological resources, noise, and other CEQA Guidelines Appendix G resource areas throughout Chapter 3, *Environmental Impact Analysis*. As discussed in Draft EIR Section 3.11, *Recreation*, the project would result in a net increase in recreational facilities and opportunities at the Berkeley Waterfront, including a restored public-access pier, public-access breakwater, Bay Trail Extension, cycle track, public plaza, and related amenities (see Section 3.11.4, *Impacts Analysis*, Impact REC-1).

Additionally, Draft EIR Chapter 5, *Alternatives*, evaluates alternatives and compares their ability to meet the project's objectives while reducing environmental impacts. As discussed in Section 5.5, *No Project Alternative*, the No Project Alternative would not provide ferry service, public access improvements, or recreational enhancements because the existing pier would remain closed and continue to deteriorate. The Draft EIR further concludes that the No Project Alternative would generally result in greater impacts related to air quality, greenhouse gas emissions, land use and planning, and transportation because it would not provide the transportation and environmental benefits associated with the proposed ferry service. Section 5.10, *Environmentally Superior Alternative*, also concludes that Alternatives 2 through 4 would provide public access and recreational benefits, but to a lesser extent than the proposed project. Accordingly, the Draft EIR specifically evaluates whether the project's objectives can be achieved through alternatives with reduced facilities or through the No Project Alternative and concludes that those alternatives either would not meet the project's basic objectives or would do so to a lesser extent than the proposed project.

To the extent the comment is suggesting a restored pier without ferry service, please refer to Response to Comment O10-215. As discussed therein, the City considered a "No Ferry Service with New Pier Alternative" but did not carry it forward for detailed analysis because it would not meet one of the project's two basic objectives: providing efficient and environmentally friendly zero-emission ferry service between Berkeley and San Francisco.

The comment does not identify a deficiency in the Draft EIR's environmental analysis or alternatives analysis, but instead questions whether ferry service is necessary to achieve the project's objectives. The Draft EIR evaluates that question through its analysis of the No Project Alternative, the reduced-feature action alternatives, and alternatives considered but rejected, and concludes that the proposed project best achieves the project's objectives while providing greater public access and recreational benefits and transportation-related environmental benefits than the alternatives considered. Therefore, the analysis

and conclusions presented in Chapter 5, *Alternatives*, remain valid as written, and no revisions to the Draft EIR are required in response to this comment.

Response to Comment TR1.15-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.15-4

As noted in Chapter 1, *Introduction*, the City led several public outreach efforts with various groups within the Berkeley community, prior to preparation of the Draft EIR (refer to Draft EIR Section 1.1.2, *Public Outreach*). These efforts, which involved engagement with Marina liveaboard residents, helped the City to refine the project design and identify key issues to address in the Draft EIR. As noted in the comment, the presence of liveaboard residents is included in the environmental setting presented in Draft EIR. Further, refer to Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users* regarding construction and operation impacts on the entire marina community, including liveaboard residents. The City of Berkeley maintains standards relating to pedestrian access during construction projects, which would require safe and accessible paths of travel for pedestrians throughout the construction period. Prior to the beginning of construction, the contractor will be required to implement the traffic control plan. Adopted standards require that recreational and vehicular access be maintained during construction to the maximum extent feasible. Accordingly, construction traffic control plans would maintain, to the maximum extent feasible: (1) vehicular and recreational access to the South Cove area; (2) vehicular access along University Avenue to Seawall Drive; and (3) access to the Bay Trail and adjacent recreational areas. Pedestrian access along Seawall Drive and the shoreline would be maintained except when actual construction of the Bay Trail was occurring, and pedestrian detours would be provided during those periods.

With regard to operations, the Draft EIR for the proposed project evaluates project-specific and proximate environmental effects associated with ferry operations at the Berkeley Waterfront using representative operational assumptions (see Chapter 2, Section 2.7). These analyses focus on nearshore and localized conditions, including terminal approach and docking, vessel presence within the project viewshed, and project-related contributions to vessel traffic in the immediate vicinity. As described in Section 3.3, *Biological Resources*, and 3.8, *Hydrology and Water Quality*, the Draft EIR concludes that operational impacts associated with ferries, including vessel traffic, underwater noise, wake, and water quality effects would be less than significant or less than significant with mitigation (see Sections 3.3.4 and 3.3.5).

The analyses, significance conclusions, and mitigation measures presented throughout the Draft EIR remain valid as written. No revisions are required. The City will continue public outreach and engagement efforts as the project progresses through implementation.

Response to Comment TR1.15-5

Refer to Section 1.5, *Environmental Review Process*, of the Draft EIR for a summary of the CEQA process and where public input could be garnered. Future additional opportunities to provide input after the CEQA process could be possible during the permitting phase of the proposed project, but would be separate from the CEQA comment period altogether and is not defined in the EIR as it would not pertain to CEQA. No further response is required. Generally, this comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.15-6

Refer to Sections 1.2.2, *Public Outreach*, 1.2.4, *EIR Notice of Preparation*, and 1.5, *Environmental Review Process*, of the Draft EIR for a summary of the public outreach conducted between 2021 and 2025.

Additionally, the Draft EIR public comment period was held from February 27, 2026 to April 26, 2026, a total of 60 days.

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.15-7

The City acknowledged this request for an extension of the Draft EIR comment deadline. The comment period was originally scheduled for 45 days, from February 27, 2026, to April 13, 2026. On April 1, 2026, the City extended the comment period by 15 days, thereby ending on April 28, 2026. No further response is required.

Response to Comment TR1.15-8

The Draft EIR identifies mitigation measures in accordance with CEQA Guidelines Section 15126.4 and presents them in Table ES-1 and throughout Chapter 3, including clear descriptions of performance standards and implementation actions. As shown within Table ES-1 (refer to Draft EIR, *Executive Summary*, pages ES-5 through ES-15) and throughout Chapter 3, *Environmental Impact Analysis*, in the Draft EIR, mitigation measures reduce impacts to less than significant levels in most cases. Where impacts remain significant, the Draft EIR clearly identifies them as such, consistent with CEQA's disclosure requirements. Mitigation measures are formulated to achieve standards that reduce impacts, consistent with CEQA Guidelines Section 15126.4(a)(1), and reflect substantial evidence in the record, regulatory compliance measures, industry best practices, and the professional judgment of qualified subject-matter experts. Regarding accountability, the City of Berkeley, as lead agency, would adopt a Mitigation Monitoring and Reporting Program (MMRP) at the time of Final EIR certification to ensure implementation of all mitigation measures, as required by CEQA Guidelines Section 15097.

Accordingly, mitigation measures in the Draft EIR are supported by substantial evidence, grounded in accepted professional practice and regulatory standards, and consistent with CEQA requirements. The analysis, significance conclusions, and mitigation measures presented in the Draft EIR remain valid. No revisions to the EIR are required.

Verbal Comment TR1.16

Commenter: Kelly Hammargren

Date: March 16, 2026

Response to Comment TR1.16-1

See Section 2.2.2, *Topical Response: Alternatives*, for a discussion of Draft EIR scope and Section 2.2.25, *Topical Response: Siltation/Wave Climate*, for a discussion of wave climate and breakwater effects beyond the project site. In addition, because no supporting arguments, data, or analysis were provided in the comment to substantiate statements with respect to breakwater impacts on aquatic resources, a substantive response is unable to be prepared. No changes to the Draft EIR are necessary in response to this comment.

Response to Comment TR1.16-2

Refer to Section 2.2.27, *Topical Response: VMT*, for discussion regarding ridership assumptions, transit-to-transit mode shifts, and the basis for the transportation analysis conducted in the Draft EIR. The Draft EIR remains valid as written. No further revisions are necessary.

Verbal Comment TR1.17

Commenter: Noah Sudarsky

Date: March 16, 2026

Response to Comment TR1.17-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.17-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Verbal Comment TR1.18

Commenter: Toni Mester

Date: March 16, 2026

Response to Comment TR1.18-1

The City acknowledged this request for an extension of the Draft EIR comment deadline. The comment period was originally scheduled for 45 days, from February 27, 2026, to April 13, 2026. On April 1, 2026, the City extended the comment period by 15 days, thereby ending on April 28, 2026. No further response is required.

Response to Comment TR1.18-2

Based on the best available information, the Draft EIR has identified environmental impacts from the proposed project that range from no impact to significant and unavoidable impacts. Refer to page 4-1 of the Draft EIR, which identifies that the project would result in significant and unavoidable impacts related to construction noise.

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

Response to Comment TR1.18-3

Transportation impacts under CEQA are evaluated consistent with CEQA Guidelines Section 15064.3 and applicable Office of Planning and Research guidance, which focus on vehicle miles traveled (VMT) rather than congestion or level of service. As discussed in Draft EIR Section 3.12, *Transportation*, and Appendix F, *Transportation Impact Assessment Memorandum*, the project's transportation impacts were evaluated using the methodology required under current CEQA requirements. The Draft EIR concludes that the project would not result in a significant transportation impact under CEQA and would contribute to a reduction in regional VMT.

Refer to Section 2.2.27, *Topical Response: VMT*, for discussion of ridership forecasts, mode split assumptions, regional travel behavior, and transit-to-transit mode shifts. The analyses and conclusions presented in the Draft EIR remain valid as written. No revisions to the Draft EIR are necessary.

Response to Comment TR1.18-4

Refer to Impact HYD-3 in Section 3.8, *Hydrology and Water Quality* of the Draft EIR (pages 3.8-36 to 3.8-39), which found that the proposed project would result in less than significant impacts related to drainage patterns. The analysis and significance conclusion presented under Impact HYD-3 in Section 3.8, *Hydrology and Water Quality* of the Draft EIR remains valid as written. No further revisions to the EIR are necessary.

Response to Comment TR1.18-5

Refer to Section 2.2.22, *Topical Response: Project Cost/Financial Feasibility*, for a discussion related to economic considerations. The analysis, significance conclusions, and mitigation measures presented within the Draft EIR remain valid as written. No further response or revisions to the EIR are required.

Response to Comment TR1.18-6

Regarding the San Pablo Avenue Specific Plan and construction projects occurring in West Berkeley, the Draft EIR identifies and evaluates cumulative projects consistent with CEQA Guidelines Section 15130 and based on the methodology described in Chapter 3, *Environmental Impact Analysis*. As discussed in

Section 2.2.9, *Topical Response: Cumulative Impacts*, cumulative projects were identified based on publicly available information and evaluated according to the geographic scope and impact pathways applicable to each environmental resource topic. The Draft EIR does not include every project occurring within the City of Berkeley; rather, it includes projects that are reasonably foreseeable and that could combine with the proposed project to contribute to a particular cumulative environmental effect.

The San Pablo Avenue Specific Plan area is located inland and outside of the Berkeley Waterfront and project vicinity. The comment has not identified a specific project within the San Pablo Avenue Specific Plan area that would combine with the proposed project to result in a cumulative environmental impact. Moreover, because cumulative impacts are evaluated separately for each resource area based on the relevant geographic scope of potential impacts, inland development occurring along the San Pablo Avenue corridor would generally not combine with the proposed project's waterfront-related impacts involving resources such as recreation, biological resources, hydrology and water quality, waterfront access, or shoreline conditions. Accordingly, the City determined that the San Pablo Avenue Specific Plan did not constitute a cumulative project requiring inclusion in Draft EIR Table 3-1. For additional discussion regarding the cumulative impact assessment methodology, including the criteria used to identify and evaluate cumulative projects, refer to Section 2.2.9, *Topical Response: Cumulative Impacts*.

With respect to the comment's preference for recreational improvements in lieu of ferry service, the Draft EIR recognizes the importance of recreational resources and evaluates both existing conditions and project-related changes in detail. As described in Chapter 2, *Project Description*, the proposed project includes substantial recreational enhancements, including a new publicly accessible pier, public plaza, Bay Trail improvements, bicycle and pedestrian facilities, and related amenities designed to improve public access to the waterfront (see Draft EIR Section 2.5.2). The environmental effects of these improvements are fully analyzed in the Draft EIR.

As discussed in Section 3.11, *Recreation*, the City currently maintains a high ratio of parkland and open space relative to population (34.5 acres per 1,000 residents, see Draft EIR page 3.11-1), and even with projected population growth, the City's park acreage per resident would remain well above established City targets. As analyzed under Impact REC-1, assuming an estimated population of 141,000 residents by 2040, the citywide parkland to persons ratio would be 31.6 acres per 1,000 residents, approximately eighteen times the established City target of at least 2 acres of parkland per 1,000 residents (see Draft EIR page 3.11-19).

The proposed project does not present a binary choice between recreation and transit improvements. Rather, it is designed to achieve multiple, complementary objectives, including expanding recreational opportunities at the waterfront while also providing new zero-emission ferry service and improving multimodal access (see Draft EIR Section 2.3, *Project Objectives*). As such, the project would both enhance recreational resources and contribute to regional transportation goals, consistent with the City's broader planning objectives.

Accordingly, the Draft EIR adequately evaluates cumulative impacts and recreational effects consistent with CEQA, and no revisions to the analysis are required in response to this comment.

Verbal Comment TR1.19

Commenter: Larry Molstein

Date: March 16, 2026

Response to Comment TR1.19-1

These introductory statements provide context. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.19-2

Refer to Section 1.5, *Environmental Review Process*, for a summary of the CEQA process. Page 1-15 of the Draft EIR states the following: "Prior to making a decision on the proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency (i.e., Berkeley City Council); and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving the proposed project (CEQA Guidelines Section 15090)." The comments provided on the Draft EIR, and the response to those comments have been included as a part of the Final EIR. Therefore, the City Council will see these public comments when they review the Final EIR prior to their decision to certify the EIR. No further response is required.

Response to Comment TR1.19-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.19-4

The comment expresses an opinion regarding public policy, funding priorities, and whether the proposed project should be implemented. Such comments do not address the adequacy of the environmental analysis presented in the Draft EIR and do not identify a specific environmental impact requiring further analysis under CEQA. The comment has been noted and included in the project record provided to City decision-makers for their consideration. No revisions to the Draft EIR are required.

Verbal Comment TR1.20

Commenter: Carol Valk

Date: March 16, 2026

Response to Comment TR1.20-1

This comment does not pertain to the proposed project or the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.20-2

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.20-3

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access,* for discussion regarding modifications to Seawall Drive and continued public access to Waterfront recreational resources. Refer also to Section 2.2.20, *Topical Response: Parking,* Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* Section 2.2.6, *Topical Response: CEQA Baseline/Baseline Recreation Users*, and Section 2.2.19, *Topical Response: Ordinance (Prohibited Recreational Activities),* for discussions regarding parking availability, equipment-dependent recreational uses, and shoreline access. As discussed therein, the Draft EIR recognizes that certain recreational activities require specialized equipment and evaluates whether the proposed project would physically restrict access to recreational resources. The Draft EIR concludes that recreational access would be maintained and enhanced and that the project would not result in a significant impact to existing recreational resources (Impact REC-1).

The comment's concerns regarding parking location preferences and the distance required to transport recreational equipment do not, in themselves, constitute significant environmental impacts under CEQA unless they result in a physical degradation of recreational resources or loss of physical access. The Draft EIR does not identify such impacts. Accordingly, the analyses and significance conclusions presented in Sections 3.11, *Recreation*, and 3.12, *Transportation*, remain valid as written. No revisions to the Draft EIR are required.

Response to Comment TR1.20-4

The Draft EIR evaluates environmental conditions and project impacts based on site-specific characteristics of the Berkeley Waterfront. Sections 3.3 (*Biological Resources*), 3.8 (*Hydrology and Water Quality*), and 3.11 (*Recreation*) evaluate potential effects related to sediment disturbance, dredging, vessel wake, and water-based recreation using project-specific data and technical analysis. Refer to Section 2.2.25, *Topical Response: Siltation/Wave Climate,* for a discussion regarding analysis of sediment disturbance.

Conditions at other ferry terminals reflect different environmental settings, infrastructure, and operational characteristics, and are not determinative of impacts at the project site. The Draft EIR relies on site-specific analysis rather than comparison to unrelated facilities.

The comment does not identify a specific deficiency in the technical analysis presented in the Draft EIR or provide substantial evidence demonstrating that similar impacts would occur under the project conditions analyzed. Accordingly, the analyses and significance conclusions presented in Sections 3.3, 3.8, and 3.11 of the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.20-5

This comment is noted; however, it does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.20-6

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Verbal Comment TR1.21

Commenter: Charley Paffenbarger

Date: March 16, 2026

Response to Comment TR1.21-1

These statements provide context for the commenter's perspective. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.21-2

As discussed in Section 2.2.5, *Topical Response: CEQA Adequacy,* the City has concluded that the Draft EIR is sufficient from a CEQA perspective. No further response is required.

Response to Comment TR1.21-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Response to Comment TR1.21-4

Refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative,* for a discussion related to why the City rejected the In-Marina Ferry Terminal Alternative from further evaluation.

No revisions to the Draft EIR are required in response to this comment.

Response to Comment TR1.21-5

All comments on the Draft EIR have been responded to and are included in their respective responses to comments. No further response is required.

Verbal Comment TR1.22

Commenter: Doug Yamamoto

Date: March 16, 2026

Response to Comment TR1.22-1

These statements provide background information and context. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.22-2

As discussed in Draft EIR Section 5.9, *Alternatives Considered but Rejected* (pages 5-25 through 5-28), the City considered an alternative involving repair of the existing pier in its historic form. As described on page 5-27 of the Draft EIR, this alternative was not carried forward for detailed evaluation because the existing pier has substantially deteriorated and reconstruction of the pier in its historic configuration was determined to be infeasible. The Draft EIR explains the basis for eliminating this alternative from further consideration and identifies the factors used to evaluate alternatives during project planning. For additional discussion regarding the assumptions used to develop and evaluate project alternatives, as well as how alternatives were dismissed from further evaluation, refer to Section 2.2.2, *Topical Response: Alternatives*.

The comment does not identify a specific deficiency in the environmental analysis presented in the Draft EIR. The analysis and conclusions presented in Chapter 5, *Alternatives*, remain valid as written. No revisions to the Draft EIR are required in response to this comment.

Response to Comment TR1.22-3

This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. Nevertheless, this comment has been included in the project record considered by City decision makers. No further response is required.

Verbal Comment TR1.23

Commenter: Madeleine King

Date: March 16, 2026

Response to Comment TR1.23-1

These statements provide background information and context. This comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.23-2

Refer to Section 2.2.21, *Topical Response: Potential Impacts on Existing Recreational Water Access,* which clarifies that the project would not result in any permanent changes to the accessibility of the 199 Seawall Drive launch point for watersports during low tide conditions.

Accordingly, the analysis and significance conclusions presented in Section 3.11, *Recreation*, of the Draft EIR remain valid as written, and no further revisions to the Draft EIR are required.

Response to Comment TR1.23-3

Refer to Section 2.2.24, *Topical Response: Seawall Drive/View Access,* for discussion regarding waterfront viewing opportunities and Seawall Drive access, and Section 2.2.20, *Topical Response: Parking,* for discussion regarding parking availability and recreational access.

Response to Comment TR1.23-4

The comment does not pertain to the adequacy, significance conclusions, or mitigation in the Draft EIR. No further response is required.

Response to Comment TR1.23-5

Refer to Response to Comment TR 1.19-2 for a response to this comment. No further response is required.

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3 Errata

The following are revisions to the Draft Environmental Impact Report (EIR) for the Berkeley Water Transportation Pier Ferry Project. These revisions are minor modifications and clarifications to the document and do not change the significance of the environmental issue conclusions within the Draft EIR. The revisions are listed by the Draft EIR section and page number. All additions to the text are underlined (underlined), and all deletions from the text are stricken (~~stricken~~).

3.1 Changes in Response to Comments

Executive Summary

Areas of Known Controversy

Draft EIR Page ES-3:

> During the EIR scoping process, members of the public identified concerns related to the potential for the proposed project to affect parking availability for recreationalists, continued recreational access to the Berkeley Waterfront, potential impacts on biological resources including whales and other marine species, and the project's consistency with broader waterfront planning efforts. Chapter 3, *Environmental Impact Analysis* (see *Secondary Impacts* subsection) identifies the approach for addressing parking impacts under CEQA for the proposed project and describes the relationship between the proposed project and other waterfront planning efforts (see *Relationship with Draft Waterfront Specific Plan* subsection). In addition, each environmental resource section within Chapter 3 includes an *EIR Scoping Comments Consideration* subsection that identifies resource-specific concerns raised during scoping and explains how those issues are addressed in the environmental analysis. Public responses to the Notice of Preparation of a Draft EIR as well as public input received at the EIR scoping meeting held by the City are summarized in Chapter 1, *Introduction*.

Summary of Impacts and Mitigation Measures

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Draft EIR Page ES-7:

Table ES-1 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

Impact Statement	Mitigation Measure(s)	Residual Impact
Biological Resources		
Impact BIO-1. The project could result in direct or indirect impacts to special-status species or their associated habitats including impacts to migratory bird nest sites. Impacts would be less than significant with mitigation.	**BIO-1(a): Implement Worker Environmental Awareness Program Prior to and During Construction.** Prior to initiation of all construction activities (including staging and mobilization), all personnel associated with project construction shall attend a Worker Environmental Awareness Program training, conducted by a City-approved qualified biologist, to aid workers in recognizing special-status biological resources that may occur in the project ~~area~~ site. This training will include information about northwestern pond turtle, special-status fish, marine mammals, and nesting birds potentially occurring in the project site. The specifics of this program shall include identification of special-status species and habitats, a description of the regulatory status and general ecological characteristics of special-status resources, and review of the limits of construction and measures required to avoid and minimize impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employees, and other personnel involved with construction of the project. All employees shall sign a form provided by the trainer documenting they have attended the Worker Environmental Awareness Program and understand the information presented to them. The crew foreman shall be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to special-status species. **BIO-1(b): Conduct Northwestern Pond Turtle Survey and Avoidance Prior to Construction.** No less than seven days prior to the start of any construction activities within 500 feet of Strawberry Creek (including staging and mobilization), a City-approved qualified biologist will conduct a preconstruction survey for northwestern pond turtle within suitable habitat on the project site as feasible. If any northwestern pond turtle are identified within the work area, they will be allowed to leave the work site on their own. CNDDB Field Survey Forms will be submitted to the CDFW for all special-status animal species observed. If any northwestern pond turtles are observed by construction personnel within or adjacent to (within 50 feet) the project site, all work within the vicinity of the observation will be halted and the~~ qualified biologist will be notified immediately to evaluate the occurrence and relocate the animal as necessary~~ City will contact CDFW immediately for guidance. Only a ~~qualified~~ CDFW-approved biologist will capture and relocate wildlife. Construction personnel are not permitted to handle said animals. If northwestern pond turtles become federally-listed at the time of construction, no individuals shall be handled without approval from USFWS. A report of all pre-construction survey efforts will be submitted to the City within 30 days of completion of the survey effort to document compliance. The report will include the dates, times, weather conditions, and personnel involved in the surveys and monitoring. The report will also include for each captured special-status animal, the Universal Transverse Mercator (UTM) coordinates and habitat descriptions of the capture and release sites (in UTM coordinates), the length of time between capture and release, and the general health of the individual(s). This measure may be modified or supplemented by permit conditions from applicable regulatory agencies. **BIO-1(c): Conduct Burrowing Owl and Nesting Bird Survey and Avoidance Prior to Construction.** **Burrowing Owl** Prior to project construction, a qualified biologist will conduct a habitat assessment to determine if potential habitat for burrowing owl is present in or near the project site. If potential habitat is present in or within 500 feet of the project site, a qualified biologist will conduct a pre-construction survey of the project site (plus a 500-foot buffer as access allows) for the presence of burrowing owl. The survey will be conducted no more than 14 days prior to ground disturbing activities and will conform to CDFW guidelines for burrowing owl Take Avoidance Surveys as described in Appendix D of the 2012 CDFW Staff Report on Burrowing Owl Mitigation.[100] A report of pre-construction survey efforts and results will be submitted to the City within 30 days of completion of the survey. The report will include the dates, times, weather conditions, and personnel involved in the survey. Depending on survey results, the report will also include observations of burrowing owl or potential burrows, and the location and habitat description of the observations. If burrowing owl, active burrows, or their sign (i.e., tracks or pellets) are not observed in the project site, no additional measures related to impact avoidance and minimization of the absent species are recommended. If burrowing owl, active burrows, or their sign are observed within the project site, CDFW will be notified and the following measures will be implemented: • A qualified biological monitor will be present during landside construction on the project site to document burrowing owl observations, burrow statuses, and require that construction activities do not negatively affect burrowing owl. The duration and frequency of monitoring will be determined at the discretion of the qualified biologist and a monitoring report detailing monitoring results will be submitted to the City within 30 days of the completion of project activities or breeding season (February 1 to August 31), if applicable. • The biological monitor will visually inspect any pipes, debris piles, culverts, or similar structures for burrowing owl before the material is moved, buried, or capped. Open holes and trenches within the project site will be inspected at the beginning and end of each landside construction workday and immediately prior to backfilling. At the end of each such workday, trenches and holes will be ramped so that any animals that may have become trapped in the trench or hole can climb out. The ramp may be constructed of dirt fill or wood planking or other suitable material at an angle no greater than 30-45 degrees. If a burrowing owl is trapped in a trench or hole, work will stop and the qualified biologist will be notified immediately. The burrowing owl will be allowed to escape unimpeded. • If active burrows are observed on the project site, a non-disturbance buffer will be established restricting all ground-disturbing activities from occurring within the buffer and a qualified biological monitor will be present at the initiation of project activities. The buffer will be established by a qualified biologist and range from 330 ft. to 1,500 ft. depending on project activity, line of sight, and local topography during the breeding season. During the non-breeding season (September 1 to January 31), the buffer will range from 165 ft. to 330 ft. The buffer will be demarcated using brightly colored flagging and may only be reduced at the discretion of a qualified biologist based on the factors listed above and potential use of sound and visual barriers (i.e., hay bales). Removal of the buffer will only occur if a qualified biologist determines burrowing owl are not present in the vicinity and any potential burrows are inactive.	Less Than Significant with Mitigation

Impact Statement	Mitigation Measure(s)	Residual Impact

- If active burrow avoidance is infeasible during the non-breeding season or during the breeding season, where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, the City in coordination with a qualified biologist will consult with CDFW to prepare, authorize, and implement a passive relocation program consistent with Appendix E of the 2012 CDFW Staff Report on Burrowing Owl Mitigation.
- A habitat mitigation plan will be developed in coordination with the City and CDFW for loss of active burrowing owl burrow sites if implementation of a passive relocation plan is necessary and/or burrowing owl are documented to nest on site or within 500 feet of the project site. This would be based upon the portion of the project site that overlaps with the primary foraging area around the burrow site (approximately 500-foot buffer) to be replaced at a minimum 1:1 ratio.

Nesting Birds

Project construction activities, including but not limited to vegetation removal and ground disturbance that result in noise or disturbance affecting potential nesting bird habitat, should commence outside of the nesting season (February 1 through September 15), if feasible. If construction begins outside the nesting season, a nesting bird survey is not required.

If ground disturbing project activities begin within the nesting season (February 1 through ~~August 31~~ September 15), then no more than seven days prior to the initiation of project activities, a nesting bird pre-construction survey shall be conducted by a City-approved qualified biologist within the disturbance footprint, plus a 300-foot buffer for passerines and a 1,000-foot buffer for raptors. During construction within the nesting season, an additional focused survey shall be conducted prior to tree removal to identify active nests with the subject tree(s). If no active nests are observed, no further action would be required. Ground-disturbing project activities that are initiated outside of the nesting season may continue into the nesting season without requiring new nesting bird surveys.

Pre-construction nesting bird surveys shall be conducted by a qualified biologist during the time of day when birds are most active and should be of sufficient duration to reliably conclude presence or absence of nesting birds on the project site and within the designated buffer. A report of the nesting bird surveys results shall be submitted to the City for review and approval prior to clearance for mobilizing equipment. If nests are found, their locations shall be flagged (if possible) and recorded with the use of a GPS unit. Avoidance buffers shall be established around active nests. Depending upon the species, suitable minimum buffers may be 50 feet for non-raptor species and 300 feet for raptor species, or as determined by the qualified biologist in consultation with CDFW based on species sensitivity, construction activities, and other factors.

If active nests are present, all project work shall be conducted outside the established avoidance buffer zone from the nest until it is no longer active. No staging of large equipment shall occur within the avoidance buffer until the qualified biologist confirms that breeding/nesting is complete and all the young have fledged. If buffer zones are determined to be infeasible, a City-approved qualified biological monitor shall be on site to monitor project activities within the avoidance buffer zones to ensure active nests and nesting birds are not impacted. Nesting bird surveys are not required for project activities that occur between September 16 and January 31. A report of all survey results and any proposed avoidance buffers shall be submitted to the City for review and approval.

This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

[100] California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. Department of Fish and Game. March 7, 2012. Available at: http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf2 (accessed July 2026).

BIO-1(d): Conduct Pile Driving Impact Avoidance to Fish and Marine Mammals Prior to and During Construction. In-water work, including pile driving and dredging, shall be limited to the window of June 1 through November 30. The soft-start, ramp-up, exclusion-zone and sound attenuation procedures described below apply to pile-driving and pile-extraction activities. A "soft-start" technique will be used to allow fish and marine mammals to vacate the area before the pile driver reaches full power. For vibratory hammers, the contractor will initiate the driving for 15 seconds at reduced energy, followed by a 1-minute waiting period when there has been downtime of 30 minutes or more. This procedure shall be repeated two additional times before continuous driving is started. This procedure would also apply to vibratory pile extraction. For impact driving, an initial set of three strikes would be made by the hammer at 40 percent energy, followed by a 1-minute waiting period, then two subsequent three-strike sets before initiating continuous driving. Pile-driving activity shall not begin at any location if any marine mammal is observed within the applicable safe-zone distance for its hearing group, as defined for the specific pile-driving method (e.g., pile diameter, vibratory or impact installation, and number of piles installed per day). Safe-zone distances shall follow the most current NMFS-approved guidance and the Marine Mammal Monitoring Plan prepared pursuant to Mitigation Measure BIO-1(E). In all cases, a minimum exclusion distance of no less than 10 meters shall be maintained around the pile-driving location. If a marine mammal moves within the safe zone after pile driving has begun, the contractor shall implement the appropriate delay or shutdown as described in Mitigation Measure BIO-1(E). A sound curtain, or bubble curtain, shall be employed during impact pile driving to break up sound waves, as feasible. The sound curtain would consist of a perforated hose laid in a circle to release air bubbles around the pile and diesel impact hammer. Jetting methods using pressurized water and/or wood cushion block methods shall also be employed as feasible to minimize impacts.

If the intensity of the pile-driving activity needs to be increased or a marine mammal is within the safe zone buffer for the activity, pile-driving shall be "ramped-up", which is a slow increase in the intensity of pile-driving. At the start of pile-driving for each pile at all locations, the pile shall be struck once with the hammer and the second pile strike delayed long enough to permit adequate time for any marine mammals within the safe zone to leave the area prior to the start of sustained pile-driving activities.

This measure, including the technique and the size of the safe zone, may be modified or supplemented by permit conditions from applicable regulatory agencies.

BIO-1(e): Prepare Marine Mammal Monitoring Plan Prior to Construction and Implement Recommendations During Construction

Prior to construction, the City shall prepare a Marine Mammal Monitoring Plan (MMMP) to avoid and minimize potential adverse impacts on marine mammals during pile driving and tug operations. The MMMP shall implement general guidelines set forth in the MMPA and incorporate the hydroacoustic modeling results developed for the project to define site-specific protection zones and avoid exposure of marine mammals to underwater sound levels exceeding the most up to date Level A (injury) thresholds identified by NOAA Fisheries. The MMMP shall include the following:

- **Protection and Monitoring Zones:** Using the hydroacoustic modeling results, the MMMP shall define shutdown and disturbance zones for each marine mammal hearing group. These zones will be tailored to the pile type, size, and driving method and will correspond to the Level A and Level B effect distances developed for the project. The plan will describe how these protection zones will be verified and monitored in the field, integrating them with the soft-start and observation procedures described in Mitigation Measure BIO-1(d).

Impact Statement	Mitigation Measure(s)	Residual Impact
	• **Vessel Operation Protocols:** The MMMP shall include vessel-operation measures consistent with the MMPA. Construction vessels under power shall remain at least 300 feet from whales and 150 feet from dolphins, porpoises, seals, and sea lions. When marine mammals are encountered, vessel operators shall reduce speed to no-wake, shift to neutral, and allow the animals to pass safely before resuming operations. • **On-Site Monitoring and Response:** A qualified biologist shall be present on site, either observing from the pier or aboard a vessel, during all pile-driving and tug operations. The biologist shall document all marine-mammal observations, note behavioral responses, and immediately alert project personnel if a whale enters the modeled harassment distance or comes within 300 feet, or if any other marine mammal enters the modeled harassment distance or comes within 150 feet, whichever is greater. Upon such an observation, the contractor shall implement the appropriate delay or shutdown procedures identified in the MMMP. • **Adaptive Management and Coordination:** The MMMP shall outline communication and reporting protocols, including stop-work notification procedures and coordination with NMFS Protected Species Division. Results from daily monitoring will be used to assess the effectiveness of the protection zones and adjust them, if needed, in consultation with NMFS. • **Nighttime Pile Driving:** Nighttime pile driving shall be limited to situations where safety concerns or significant schedule delays require that pile driving started during daytime hours extend beyond typical work hours. For instances where nighttime pile driving is required, the MMMP shall include non-visual monitoring protocols, such as passive acoustic monitoring, thermal/infrared cameras, and night-vision optics, as well as larger nighttime exclusion/shutdown zones, extended soft-start procedures, and the most effective feasible hydroacoustic attenuation. This measure may be modified or supplemented by permit conditions from applicable regulatory agencies. **HYD-1: Include and Implement Additional Best Management Practices in the SWPPP Prior to and During Pier Demolition.** See Section 3.8, *Hydrology and Water Quality,* for mitigation measure details. **AES-1: Reduce Night Lighting During Construction of Facilities.** See Section 3.1, *Aesthetics*, for mitigation measure details.	
Crotch's bumblebee has a low likelihood to be present in undeveloped portions of the project site. Based on the low likelihood for this species to occur, the low quality of habitat in the project site, and the distance from the known occurrence of this species, potential impacts to Crotch's bumblebee are less than significant. Nonetheless, the City would implement Mitigation Measure 1(f), as recommended by CDFW. Implementation of this mitigation, however, does not change the conclusion that impacts to this species is less than significant without mitigation.	**BIO-1(f): Implement CDFW-Requested Measure for Crotch's Bumble Bee Prior to Construction.** A formal habitat assessment of the project site landside project disturbance areas shall be performed by a qualified biologist prior to initiating ground disturbing activities to determine if suitable nesting or foraging habitat is present within the project site. The assessment shall include: • Review of occurrence record data • Analysis of foraging, nesting, and overwintering resources • Documentation of plant species observed (including what is blooming at the time of the survey and percent cover) The locations of nesting resources, including rodent burrows, cavities, thatched grasses, brush, rock piles, fallen logs, and manmade structures, shall be mapped during the assessment. Areas adjacent (within 50 feet) to the project site shall also be considered, if accessible, to determine if there is suitable nesting or foraging habitat. If suitable nesting and foraging resources are detected during the habitat assessment, they will be avoided by a minimum 50-foot buffer, where possible. If avoidance is not possible, protocol-surveys following the CDFW *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023) will be conducted to determine if Crotch's bumble bee is present within the project site. A minimum of three visits will be conducted during the colony active season (April – August) and will be spaced 2-4 weeks apart. Surveys will be conducted each year that construction activities occur within suitable nesting habitat, because bumble bees move their nests each year. If no Crotch's bumble bees are detected on the project site, no further mitigation actions will be required. If Crotch's bumble bees are detected, consultation with CDFW will be initiated to determine the most appropriate strategy to avoid impacts to bumble bees on the project site. If full take avoidance is not feasible, the City will apply to CDFW for take authorization under an Incidental Take Permit.	N/A

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Chapter 1, Introduction

Sub-Section 1.1.3, Incorporation by Reference

Draft EIR Page 1-2:

> This EIR hereby incorporates by reference the Final Program EIR for the Expansion of Ferry Transit Service in the San Francisco Bay Area (State Clearinghouse Number 2001112048; WETA Program EIR).

Chapter 2, Project Description

Sub-Section 2.5.1, Waterside

Draft EIR Page 2-6:

> The new pier and breakwater would have safety railings, public amenities (fish cleaning station, seating, shade canopy, and security gates). In addition, at the entrance to the pier, the City is proposing a gate that would remain open to the public, except in cases where public safety requires closure, such as during a tsunami evacuation, high wind advisory, or other emergency situations. The proposed pier would be a maximum of 1,080 feet in length and would have a width of 22 feet. The reinforced concrete deck comprising the pier would be an approximately 2-foot-thick slab. Piles for the pier are discussed in Section 2.6.1 ~~2.7.2~~ below.
>
> The proposed new breakwater would create a safe harbor from the predominant southwesterly wind and waves for ferry vessel charging and boarding on the north side of the new pier. The breakwater would also offer recreational pedestrian access. The proposed breakwater would be approximately 400 feet in length and would have a width of 15 feet. The reinforced concrete deck comprising the breakwater would be an approximately 2-foot-thick slab. Piles for the breakwater are discussed in Section 2.6.1 ~~2.7.2~~ below.

Draft EIR Page 2-8:

> The project would include a Universal Charging Float or UCF featuring a 1.351 MWh Echandia battery weighing approximately 47,554 pounds. The UCF has not yet been designed and is not included in this rendering. UCF dimensions may differ from what is shown in this rendering; however, the environmental analysis in this EIR assumes a conservative maximum design envelope that encompasses potential variations in size, equipment, and operation.

Draft EIR Page 2-10:

> In accordance with standards as set by the American Society of Civil Engineers (ASCE), the proposed pier would comply with ASCE Risk Category IV requirements and base design loads. The project design ~~takes into account projected sea level rise~~ incorporates sea level rise adaptation considerations through the design of the pier, breakwater, ferry infrastructure, and related facilities.[7] Design elevations and structural elements were developed to account for projected increases in surface water levels and coastal flood conditions over the life of the project, while floating ferry facilities and gangway connections have been designed to accommodate a range of future tidal and water surface elevations. Refer to Section 3.8, *Hydrology and Water Quality*, for an evaluation of the project with respect to future flooding and sea level rise. The City prepared a Coastal Study, including a project-specific sea level rise risk assessment, consistent with applicable BCDC permit requirements.[8]
>
> [7.] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study. Prepared for City of Berkeley. December.

[8.] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study prepared for City of Berkeley. December. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_Coastal-Study.pdf (accessed July 2026).

Draft EIR Page 2-11:

In addition, the UCF would include a fire suppression system for the batteries comprised of a primary fire suppression (direct foam injection system), secondary fire suppression (aerosol fire suppression), and tertiary fire suppression (freshwater deluge system). Although the final engineering design and dimensions of the UCF are not yet complete, this EIR evaluates a conservative maximum design envelope that includes all major structural, electrical, and safety components. The final UCF configuration, dimensions, and layout would be determined during final design and permitting but would not exceed the scope or introduce impacts beyond those analyzed in this EIR.

Sub-Section 2.5.2, Landside

Draft EIR Page 2-18:

… The proposed project would replace all of the existing parking spaces with 400 to 450 new parking spaces (pending final design), including ADA-accessible and EV parking spaces.

Project access is anticipated to occur via a combination of travel modes, including private vehicles, transit, bicycle, and pedestrian connections. Parking supply and demand assumptions, including the role of TDM measures, are evaluated in Section 3.12, *Transportation*, and in Appendix F, *Transportation Impact Assessment*.

Sub-Section 2.5.3, Proposed Wayfinding Signage, Lighting, and Landscaping

Draft EIR Page 2-23:

Proposed Landscaping

The proposed project would require the removal of vegetation, such as shrubs and trees from the Seawall Drive eastern berm and the eastern parking lot to accommodate the new Bay Trail Extension. Vegetation and trees would also be removed in the vicinity of the plaza and in the median at the intersection of University Avenue and Seawall Drive. In total, approximately 39 ~~40~~ trees would be removed for the proposed project, the majority of which are in poor health and include species such as Monterey Cypress, Monterey Pine, Italian Stone Pine, Japanese Black Pine, Soapwood, Blackwood Acacia, Coast Reedwood, Cataline Ironwood, and New Zealand Christmas Tree.

Sub-Section 2.6.1, Construction Activities and Equipment

Draft EIR Page 2-28:

Dredged materials and demolition debris would all be transported via barge that have a capacity of between 3,000 and 6,000 cubic yards. The location for disposal of dredged materials would depend on the sampling results of the dredged materials, as well as permitting requirements. However, based on the recently completed Berkeley Marina Dredging Project of 2024 to 2025, it is expected that disposal would occur at Montezuma Wetland Restoration Project (Beneficial Reuse), Alcatraz Disposal Site, or another disposal site in the San Francisco Bay. The dredging described above represents one-time, project-specific dredging required to establish navigable depths for ferry operations. This dredging would be conducted on behalf of the City of Berkeley and/or WETA, subject to all applicable permits and approvals from the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), San Francisco Bay Conservation and Development Commission (BCDC), and the Dredged Material Management Office (DMMO). Although dredging would occur within the alignment of an existing USACE-designated federal navigation channel, this portion of the channel has not been maintained by USACE in recent decades and is not currently

included in an active federal maintenance dredging program. Accordingly, dredging at this location would constitute new work dredging, and the proposed project does not assume that USACE would conduct or be responsible for this initial dredging.

Sediment transport modeling prepared for the project estimates that maintenance dredging, if required, would occur infrequently. Based on modeled sedimentation rates, maintenance dredging within the approach channel may not be needed for approximately 10 to 15 years, while maintenance dredging within berth pockets may not be needed for approximately 22 to 33 years, depending on operational depth requirements.[23] Because the timing, extent, volume, methods, and regulatory requirements associated with any future maintenance dredging are presently unknown, no maintenance dredging program is proposed as part of the project at this time. Any future maintenance dredging activities would be evaluated and permitted, as required, based on the circumstances existing at that time.

[23] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study prepared for City of Berkeley. December. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_Coastal-Study.pdf

Sub-Section 2.7.1, Operational Scenario and Ridership[23]

Draft EIR Page 2-30:

A conceptual plan for ferry service has been provided in the 2022 San Francisco Bay Area Water Emergency Transportation Authority (WETA) Berkeley Ferry Service Business Plan, Version 1.0.[24] This is a living document and updates to the Business Plan and contemplated ferry service will be ~~captured~~ described in future updates. The following ferry operation is proposed in the current Berkeley Ferry Service Business Plan, Version 1.0:

- WETA would operate two 250-passenger electric zero-emission vessels on the weekday route between Berkeley and San Francisco.
- Weekend service would operate ~~a single 250-passenger vessel to Larkspur and~~ a single 250-passenger vessel to San Francisco.
- At least three round-trip services would be completed during peak hours for the Berkeley/San Francisco weekday service, pursuant to WETA Board-adopted standards.
- The Berkeley-San Francisco service would travel 6.7 miles between the Berkeley Ferry Terminal and the San Francisco Ferry Terminal. The total one-way travel time would be 25 minutes, door-to-door. Weekday peak-direction headways[25] would be approximately 35 minutes. Weekend headways would be 70 to 110 minutes, depending on the time of day.
- ~~The Berkeley-Larkspur service would travel 11.8 miles between the terminal at the Berkeley Marina and the Larkspur Ferry Terminal. The one-way travel time would be 35 minutes, door-to-door. Weekend headways would be 90 to 150 minutes, depending on the time of day.~~
- Special event service may operate between Berkeley and San Francisco or Mission Bay (e.g., for events at the Chase Center or Oracle Park or future events at the Berkeley Marina)~~, as well as between Larkspur and Berkeley~~.

[23] As described in Chapter 1, *Introduction* of this EIR, operation of ferry vessels serving Berkeley has been analyzed by WETA in the Expansion of Ferry Transit Service in the San Francisco Bay Area Program EIR in 2003. WETA's Program EIR has been incorporated by reference.

[24] WETA. 2022. WETA Berkeley Ferry Service Business Plan, Version 1.0. March 17, 2022. Available: https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240926061356/Item-8A-Berkeley-Ferry-Service-Business-Plan.pdf (accessed August 2024).

[25] A headway refers to the time interval between successive ferry departures.

Draft EIR Page 2-31:

Table 2-4 Daily Ridership Projections (trips)

Destination	Weekday	Weekend Day	Special Events
Projected First Year of Service			
San Francisco	1,910	1,367	209
Mission Bay[1]	2,106	1,503	209
~~Larkspur[2]~~	~~–~~	~~515~~	~~104~~
Estimated Fifteenth Year of Service[1]			
San Francisco	2,110	1,510	230
Mission Bay[1]	2,320	1,660	230
~~Larkspur[2]~~	~~–~~	~~580~~	~~115~~

[1] Total trips (including stop at San Francisco Ferry Terminal) (i.e., ridership estimate is additive of Berkeley to San Francisco passengers)

~~[2] Weekend service only~~

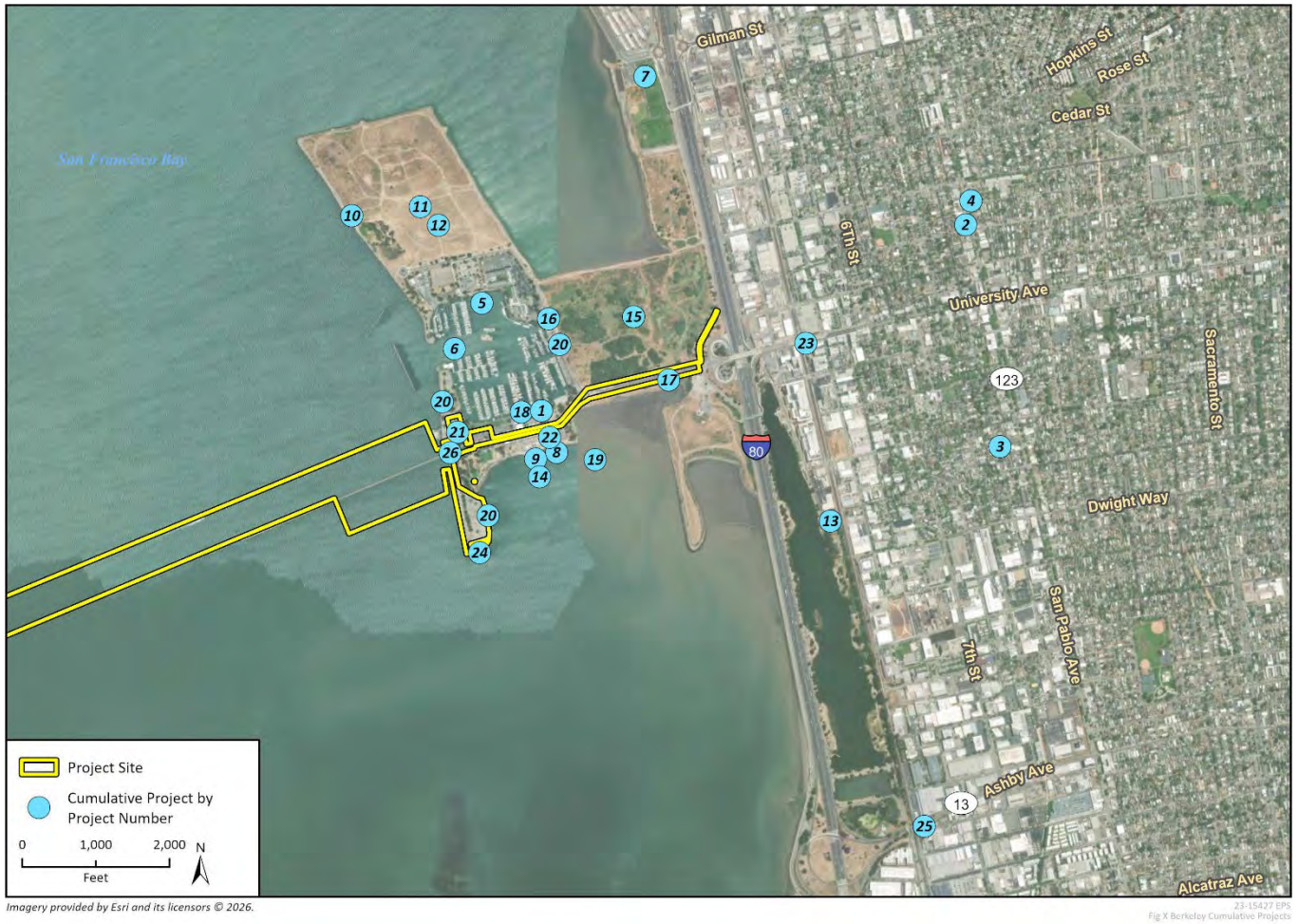
[2] Ridership projections were developed after the onset of the COVID-19 pandemic using pre-pandemic ridership assumptions and demand data that were adjusted to reflect pandemic-related changes in travel behavior, fare structures, and ferry service demand.

Source: WETA. 2022. WETA Berkeley Ferry Service Business Plan, Version 1.0. March 17

Chapter 3, Environmental Impacts Analysis

Draft EIR Page 3-8:

Figure 3-1 Present and Reasonably Foreseeable Cumulative Projects Locations (Revised)[3]



[3] Figure 3-1 has been revised to reflect updates to the cumulative projects list presented in revised Table 3-1. Revisions in this Figure include: adding the Bay Trail Extension as a cumulative project (Project Number 20) and updating the numbering of Project Numbers 20 to 25 in the Draft EIR, to Project Numbers 21 to 26, to correspond with the revised cumulative projects list as shown in the revised Table 3-1.

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Draft EIR Pages 3-9 and 3-10:

Table 3-1 Present and Reasonably Foreseeable Cumulative Projects List

Cumulative Project Number	Name	Jurisdiction	Land Uses	Cumulative Project Characteristics			
				Cumulative Project Use	Location	Status	Brief Description
Recreation and Marina Projects							
5	D & E Dock Replacement Project [a]	Berkeley	Waterfront/Marina	Docks	Berkeley Marina Basin	~~Under Construction~~ Substantially complete. Remaining contract work anticipated to be completed by September 30, 2026.[i]	Replacement of docks, concrete piles, utilities, gangway, and gate structure. Installation of a concrete wall, slope protection, and landslide improvements. The replacement dock system consisting of 79 slips has been installed. Minor repairs and restroom improvements remain to be completed under the construction contract.
…							
7	Tom Bates Regional Sports Complex Restroom & Community Space [a]	Berkeley	Waterfront/Marina	Park facilities	400-408 Gilman Street	Design	Installation of a restroom, meeting room, storage area, one youth soccer field, and six pickle ball courts.
8	South Cove East Dock Pier Piling Repairs [a]	Berkeley	Waterfront/Marina	Docks	Easternmost public dock within the South Cove Sailing Basin	~~Design~~ Completed September 2025	Structural rehabilitation of deteriorated pier structure that leads to East Dock.
9	Replacement of South Cove Middle Dock ADA Gangway Float [a]	Berkeley	Waterfront/Marina	Docks	Connected to the middle public dock within the South Cove Sailing Basin	Design	Replacement of damaged ADA-compliant dock.
…							
20	Bay Trail Extension to the Berkeley Marina [j]	Berkeley	Waterfront/Marina	Active transportation facilities	Extends from the Bay Trail and I-80 bicycle/pedestrian overcrossing west of Frontage Road through the southern Berkeley Marina to the Berkeley Yacht Club at the north end of Seawall Drive	Partially completed	Multi-use Bay Trail extension approximately 1.2 to 1.3 miles in length. Trail implementation has occurred in phases, with initial segments completed in 2014 and Segment 3 completed in 2020. Remaining segments south of Adventure Playground toward Seawall Drive and the Berkeley Yacht Club remain dependent on future funding. [k]
Infrastructure Projects							
~~20~~21	N-Lot Parking Lot Improvements [c]	Berkeley	Parking	Parking	Berkeley Marina near Skates	Design	Parking lot improvements
~~21~~22	South Cove West Parking Lot [a]	Berkeley	Parking	Parking	South side of University Ave at the Berkeley Waterfront by Cal Adventures Club	~~Construction (expected completion date is Summer 2026)~~ Completed April 2026	~~Renovated p~~Parking lot ~~with~~ improvements including new asphalt, storm water treatment system, and new safety elements.
~~22~~23	Climate Action Plan [d]	Berkeley	Infrastructure	Mixed uses	Berkeley	Adopted	Strategic plan to improve sustainability in Berkeley through increased energy efficiency and renewable energy, improved active and public transportation, reduced waste and improved accessibility to locally produced food.
~~23~~24	199 Seawall Structural Repair Project [e]	Berkeley	Waterfront/Marina	Improved structural integrity	199 Seawall Drive	Planning	Installation of new pilings to reinforce concrete on eastern side of the building, repairs to a failed beam support, and repairs to existing pilings.
~~24~~25	Interstate 80/Ashby Avenue (SR-13) Interchange Improvements [f]	Alameda County Transportation Commission, Caltrans	Transportation Infrastructure	Transportation	I-80 and Ashby Avenue interchange	Design	Reconstruct the interchange to improve traffic flow, safety, and multimodal access, including a separate pedestrian and bicycle overcrossing connecting Shellmound Street to the Bay Trail.

City of Berkeley
Berkeley Water Transportation Pier Ferry Project

Cumulative Project Number	Name	Jurisdiction	Land Uses	Cumulative Project Characteristics			
				Cumulative Project Use	Location	Status	Brief Description
~~25~~26	Local Bus Service Frequency Upgrades | AC Transit | Systemwide [f]	Alameda County Transit	Infrastructure, Transportation	Enhanced transit access and frequency in high-demand corridors	Alameda; Routes 72/72M/72R and 51B	Implementation	Upgrades bus frequency to 5-10-minute peak headways on routes 72, 72M, 72R, and 51B, which serve key access points to the Berkeley Waterfront.

Sources:

[a] Berkeley, City of. ~~2025~~ 2026. Capital Projects. https://berkeleyca.gov/your-government/our-work/capital-projects. (Accessed ~~June 2025~~ September 2026); Berkeley, City of. 2024. Status of the Southern Peninsula and the building at 199 Seawall Drive in the Berkeley Waterfront. November 18. https://berkeleyca.gov/sites/default/files/documents/2024-11-18%20%20Status%20of%20the%20Southern%20Peninsula%20and%20the%20building%20at%20199%20Seawall%20Drive%20in%20the%20Berkeley%20Waterfront.pdf. (accessed October 2025).

[b] East Bay Regional Park Improvement Project. 2025. North Basin Strip Shoreline Park Improvement Project. https://www.ebparks.org/sites/default/files/2025-0512_NBS-Feasibility-Report.pdf. (Accessed June 2025).

[c] Berkeley, City of. 2025. Parks, Recreation, and Waterfront Department Capital Improvement Project and Minor Maintenance Program Update. https://berkeleyca.gov/sites/default/files/documents/2025-03-28%20%20Parks%2C%20Recreation%2C%20and%20Waterfront%20Department%20Capital%20Improvement%20Project%20and%20Minor%20Maintenance%20Program%20Update.pdf. (accessed October 2025).

[d] Berkeley, City of. 2009. Berkeley Climate Action Plan. https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan (accessed October 2025)

[e] Berkeley, City of. 2024. Status of the Southern Peninsula and the building at 199 Seawall Drive in the Berkeley Waterfront. November 18. https://berkeleyca.gov/sites/default/files/documents/2024-11-18%20%20Status%20of%20the%20Southern%20Peninsula%20and%20the%20building%20at%20199%20Seawall%20Drive%20in%20the%20Berkeley%20Waterfront.pdf. (Accessed June 2025).

[f] Metropolitan Transportation Commission and Association of Bay Area Governments. 2025. Plan Bay Area 2050+ Final Blueprint: Transportation Project List Attachment F - Updated. https://planbayarea.org/sites/default/files/meetings/attachments/6204/10a_25_0106_7_Attachment_F_Transportation_Project_List_CORRECTED.pdf. (accessed June 2025).

[g] Berkeley, City of. 2025. Reject All Bids Associated with Cesar Chavez Park Perimeter Pathway Improvement Project. https://berkeleyca.gov/sites/default/files/documents/2025-09-09%20Item%2014%20Reject%20All%20Bids%20Associated%20with%20Cesar%20Chavez.pdf#:~:text=The%20City%20received%20five%20bids%2C%20the%20lowest%20being,the%20Project%20is%20paused%20at%20the%20design%20phase. (accessed October 2025).

[h] Berkeley, City of. 2025. K-Dock Restroom Renovation Project. https://berkeleyca.gov/your-government/our-work/capital-projects/k-dock-restroom-renovation. (accessed October 2025).

[i] Miller, Roger. 2026. Senior Management Analyst and Project Manager, City of Berkeley Parks, Recreation, and Waterfront Department. Personal Communication via email regarding the D & E Dock Replacement Project status with Ryan Perry, Environmental Planner, Rincon Consultants. September 3.

[j] Berkeley, City of. 2003. Bay Trail Extension To The Berkeley Marina Design Plan and Final Initial Study/Mitigated Negative Declaration. https://ceqanet.lci.ca.gov/2003092068 (accessed September 2026).

[k] Berkeley, City of. 2020. Berkeley Bay Trail Extension – Segment Three Project at the Berkeley Marina. https://berkeleyca.gov/sites/default/files/documents/Bay-Trail-Extension_Project%20Summary.pdf (accessed September 2026).

Section 3.1, Aesthetics

Sub-Section 3.1.2, Environmental Setting

Draft EIR Page 3.1-8:

Primary stationary sources of light at the project site include streetlights, parking lot and safety lighting, pier lighting, and exterior building lights. Automobile headlights also create temporary, mobile sources of light along proximate roadways and within on-site and nearby parking lots. Refer to Figure 3.1-2, Photograph 1 for a representative photograph of the existing lighting on the pier. Refer to Figure 3.1-2, Photograph 2 for a photograph of the Berkeley Waterfront, which shows the nighttime lighting on the pier, as well as the Seawall Drive Parking lot (refer to the middle of the photograph, to the peninsula located to the left of the pier).

As described in Chapter 2, *Project Description*, existing lighting is present on the closed pier (28 lights spaced approximately 110 feet apart from each other on the north side of the closed pier), as well as the existing Seawall Drive parking lot (eight lights in parking islands).

Sub-Section 3.1.3, Regulatory Framework

Draft EIR Page 3.1-16:

San Francisco Bay Plan

The San Francisco Bay Plan[8] developed by the San Francisco Bay Conservation and Development Commission (BCDC) aims to maintain and enhance the Bay as a body of water that affords scenic enjoyment. Key aesthetics objectives in the form of findings and policies applicable to the proposed project include the following:

…

- Transportation Policies
  - Policy 4. Transportation projects on the Bay shoreline and bridges over the Bay or certain waterways should include pedestrian and bicycle paths that will either be a part of the Bay Trail or connect the Bay Trail with other regional and community trails. Transportation projects should be designed to maintain and enhance visual and physical access to the Bay and along the Bay shoreline.

Public Access Design Guidelines for Shoreline Spaces[9]

The BCDC Public Access Design Guidelines for Shoreline Spaces (BCDC 2005) provides guidelines for shoreline design. Guidelines related to visual resources are listed below.

- Taking advantage of existing site characteristics and opportunities, such as fishing, viewing, picnicking, swimming or boating.
- Locating buildings, structures, parking lots and landscaping of new shoreline projects such that they enhance and dramatize views of the Bay and the shoreline from public thoroughfares and other public spaces.
- Organizing shoreline development to allow Bay views and access between buildings. • In hilly areas, designing and locating shoreline buildings to allow for upland views down to the Bay and to Bay access areas.
- In hilly areas, employing split-level roads to increase viewing and landscaping potential.
- Designing towers, bridges or other structures as landmarks that suggest the location of the waterfront, even when the Bay itself is not visible.
- Providing visual interest and architectural variety in massing and height to new buildings along the shoreline.

- Using building footprints to create a diversity of public spaces along the Bay.
- Articulating shoreline building facades with human-scale elements.
- Using forms, materials, colors and textures that are compatible with the Bay and adjacent development.
- Locating service areas, such as garbage facilities and loading docks, away from the shoreline or screen them with suitable fencing or landscaping.
- Utilizing the shoreline for Bay-related land uses as much as possible; uses that do not complement the Bay should be set back from and not impact the shoreline.
- Orienting the development to Bay views and providing physical connections to the Bay at every opportunity.
- Orienting public access areas and improvements to take advantage of views of opposite shores, landmarks (such as islands and bridges) and adjacent maritime activities such as boat launching, gas docks, ferry landings or other marine-related uses.
- Utilizing the shoreline for Bay-related uses. Uses that do not orient to the Bay should be set well back from the Bay and be sited, designed and managed so as to not impact the shoreline.
- Provide buffers between roadways and public access areas, such as planting, low berms or roadside parking, and maintain views to the Bay.
- Provide parking for shoreline access areas where appropriate, but keep parking areas reasonably sized, away from the Bay and adequately screened.
- Provide small bayside parking areas or pull-offs for limited in-car Bay viewing, where compatible with existing roads and adjacent uses.
- Provide elevated places for viewing the Bay.
- Use site furnishings, such as benches, trash containers and lighting, to provide visual cues that the shoreline space is available for public use.
- Use lighting to extend the hours of shoreline use.
- Locate night lighting away from sensitive habitat areas.
- Provide enough lighting to create a sense of safety, but designing to control intensity, glare, and spillover.

[8.] BCDC. 1969. San Francisco Bay Plan. Available: https://bcdc.ca.gov/resources/plans/san-francisco-bay-plan/#introduction. (accessed September 2024).

[9.] BCDC. 2005. Shoreline Spaces: Public Access Design Guidelines for the San Francisco Bay. Available at: https://www.bcdc.ca.gov/wp-content/uploads/sites/354/2023/09/Public-Access-Design-Guidelines-Shoreline-Spaces-PDF.pdf. Accessed June 2026.

Sub-Section 3.1.4, Impacts Analysis

Draft EIR Page 3.1-30:

As shown in Figure 3.1-4 and Figure 3.1-5, the proposed ferry infrastructure would introduce a series of linear horizontal and vertical features and planes which would be visually consistent with the proposed pier infrastructure, but would be contrasted against the surrounding water in the Bay. These features would be most visually prominent on the north side of the proposed pier; when viewed from the south (Figure 3.1-5), views of the proposed ferry infrastructure would be interrupted and partially obscured by the sequence of evenly-spaced pier pilings. When viewed from a distance (Figure 3.1-6 and Figure 3.1-8), the proposed ferry infrastructure would not present as a prominent visual feature, and would not exceed the height of the proposed pier infrastructure in a manner that would result in the degradation of surrounding views. Individual ferry vessel(s) would also be similar in size, and

perform similar functions, to those already present in the vicinity; and thus, would integrate with existing boat traffic.

As described in Chapter 2, *Project Description*, ferry operations are evaluated using a representative weekday and weekend service scenario that reflects the maximum reasonably foreseeable level of service for purposes of environmental review (refer to Section 2.7, pages 2-30 through 2-33). While specific schedules, frequencies, and operational details may vary over time, the analysis evaluates vessel presence and activity within the viewshed based on these planning-level assumptions.

While the visual character of the proposed ferry infrastructure would introduce new materials and massing, and additional vessels would be intermittently present in the viewshed, these components would be consistent with visual character of the surrounding infrastructure and development. Impacts would be less than significant.

Draft EIR Page 3.1-32:

As shown in Figure 3.1-7, the existing shoreline is characterized by natural elements; specifically, the mature tree canopy provides a soft, variable tree line which largely dominates the view as it contrasts against the sky. The proposed solar panels over the parking area present a distinct, solid horizontal line against the sky that is generally only visible from KVP 4; all other viewpoints discussed herein lack prominent views of the proposed solar panels due to their location and angle of view. Distant structures and development across the Bay are vaguely visible through the series of vertical lines created by the solar support columns. The solar shade structures introduce new linear elements and repetitive architectural forms, replacing previously organic shapes and softened skyline with geometric forms and engineered materials. The proposed redevelopment of this area introduces more distinct built elements that would contrast with the existing naturalized features. While the proposed project would result in visual changes to this area, the proposed updates to the Seawall Drive parking lot would be compatible with existing uses, would enhance the site's functionality while incorporating clean energy solutions, and would be designed and implemented in adherence to the BCDC Public Access Design Guidelines for Shoreline Spaces[10] and the City's goals, policies, and development review criteria related to the maintenance and enhancement of visual character, while also aligning with the City's renewable energy goals. For these reasons, impacts would be less than significant.

[10.] San Francisco Bay Conservation and Development Commission (BCDC). 2005. Public Access Design Guidelines for the San Francisco Bay: Shoreline Spaces. https://www.bcdc.ca.gov/wp-content/uploads/sites/354/2023/09/Public-Access-Design-Guidelines-Shoreline-Spaces-PDF.pdf (accessed July 2026).

Draft EIR Page 3.1-33:

Operation

The BCDC Public Access Design Guidelines for Shoreline Spaces (BCDC 2005) provides guidelines for shoreline design. Guidelines related to lighting include:

- Using site furnishings, such as benches, trash containers and lighting, to provide visual cues that the shoreline space is available for public use;
- Using lighting to extend the hours of shoreline use;
- Locating night lighting away from sensitive habitat areas; and
- Providing enough lighting to create a sense of safety, but designing to control intensity, glare, and spillover.

The proposed project would include the following lighting features:

- Wayfinding signage lighting along University Avenue, Seawall Drive, and the proposed Bay Trail Extension

- Lighting at the Seawall Drive parking lot
- Lighting on the new pier, breakwater, gangways, and floats
- Lighting at the new public plaza

Down-cast LED lights would be placed approximately every 50-feet along the Pier and Breakwater on 16-foot tall poles. The pier canopy structure would be fitted with LED linear downlights attached to the roof and wall sconces attached to the columns. Stainless steel guardrails on the pier would contain LED handrail point lighting aimed at the deck, which would also to be used for emergency egress lighting. A solar-powered marine signal light would be installed on the float. Emergency LED path of egress lighting would also be installed on the central inverter. The proposed project lighting is required to support safe nighttime use of University Avenue, Seawall Drive, the proposed Bay Trail Extension, Seawall Drive parking lot, and pier by providing adequate visibility for pedestrian circulation, wayfinding, vehicle maneuvering, and hazard avoidance during hours of darkness, as required by the BCDC. ~~Furthermore, lighting~~ All project light fixtures would be photocell-controlled area lighting in compliance with Illuminating Engineering Society (IES) and DarkSky recommendation to minimize glare, reduce light trespass, and avoid light pollution. With utilization of DarkSky approved light fixtures, operational impacts related to new sources of light would be less than significant.

Vehicular traffic from the proposed project would result in an increase in mobile light sources (i.e., vehicle headlights) in the project vicinity. The existing visual setting is characterized by developed land uses, established roadway infrastructure, and ongoing vehicular activity that already introduces intermittent headlight illumination and associated glare during nighttime hours; thus, the baseline environment includes regular exposure to such light sources. As described in Section 3.12, *Transportation*, and Appendix F, the Project is estimated to generate 1,127 daily vehicle trips; however, it is anticipated that most of these trips are not new trips, and were originally headed to San Francisco by driving across the Bay Bridge. Project-generated traffic would incrementally increase the number of vehicles on nearby roadways, increasing the frequency of headlight visibility within the viewshed. However, this increase would be minor and dispersed, occurring within existing roadway corridors and parking areas already defined by vehicular movement and associated lighting. Vehicle headlights are inherently transient, directional, and mobile, producing short-duration illumination rather than static or concentrated light sources. Accordingly, the project would not substantially increase ambient nighttime illumination or introduce new patterns of light spill or glare beyond existing conditions. This impact would be less than significant.

It is not anticipated that significant operational daytime glare would occur from proposed project structures (e.g. pier, breakwater, ferry infrastructure), given the lack of reflective materials in the proposed facility. While the surface of water is reflective, this would not be a change from existing conditions and, thus, would not introduce new sources of daytime glare. Potential glare resulting from Bay water would appear similar in character to existing, surrounding Bay water at the project site. Therefore, operational glare impacts related to new sources of glare would be less than significant.

Discussion of project impacts to biological resources associated with proposed project lighting is included in Section 3.3, *Biological Resources*.

Section 3.2, Air Quality

Sub-Section 3.2.4, Impacts Analysis

Draft EIR Page 3.2-21:

This analysis uses the Bay Area Air District ~~May 2017~~ 2022 CEQA Air Quality Guidelines to evaluate air quality. Air pollutant emissions generated by project construction and operation were estimated using the California Emissions Estimator Model (CalEEMod), version 2022.1. CalEEMod uses project-specific information, including the project's land uses, square footage for different uses (e.g.,

restroom building and parking), and location, to model a project's construction and operational emissions. The analysis reflects the construction and operation of the proposed project as described under Section 2, Project Description.

Draft EIR Page 3.2-24:

The Bay Area Air District ~~May 2017~~ 2022 *CEQA Air Quality Guidelines* include project-level thresholds for construction-related and long-term operational emissions of air pollutants. These thresholds represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. Construction emissions associated with plan implementation are discussed qualitatively to evaluate potential air quality impacts.

For health risks associated with TAC and $PM_{2.5}$ emissions, the Bay Area Air District ~~May 2017~~ 2022 *CEQA Air Quality Guidelines* state a project would result in a significant impact if ~~the~~ any of the following thresholds are exceeded:

Section 3.3, Biological Resources

Sub-Section 3.3.2, Environmental Setting

Draft EIR Page 3.3-7:

The California Essential Habitat Connectivity Project, commissioned by the California Department of Transportation (Caltrans) and CDFW, identifies "Natural Landscape Blocks" which support native biodiversity and the "Essential Connectivity Areas" which link them.[35]

The Pacific Flyway is the westernmost of North America's four major migratory corridors. Each year millions of birds travel the Pacific Flyway between northern breeding areas and southern wintering grounds, relying on a chain of coastal and inland stopovers for feeding and rest. This migration corridor extends from Alaska through western North America to Central and South America, and is used by waterfowl, shorebirds, raptors, and passerines. The San Francisco Bay is one of the most important stopovers along the Pacific Flyway, as the largest estuary on the West Coast.

PROJECT SITE

Most of the project site is developed and urbanized and does not provide for wildlife movement corridors. The project site is not located within an Essential Connectivity Area or Natural Landscape Block.[36] However, the project site is located within Baylands adjacent to marine foraging habitat, and trees within the project site may provide roosting habitat for migratory birds. The old pier and pilings also provide roosting and migration staging habitat for migratory waterfowl, seabirds, and shorebirds.

[35.] Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi, and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration.

[36.] CDFW. 2024. Biogeographic Information and Observation System (BIOS). Available: www.wildlife.ca.gov/data/BIOS (accessed September 2024).

Draft EIR Page 3.3-8:

Water temperature in San Francisco Bay ranges from 53 °F to 60 °F. According to 2022 U.S. Environmental Protection Agency (USEPA) Waterbody Reports, water quality in the San Francisco Bay Estuaries watershed is considered a CWA Section 303d impaired waterbody. Salinity in the vicinity of the project site is estuarine and seasonally variable, influenced by tidal exchange and freshwater inflow from the Delta, and typically ranges between 10 to 20 ppt.[38] Ambient levels of turbidity in the San Francisco Bay are naturally elevated and highly variable due to tides, wind, and vessel traffic;

resuspension of fine bay mud is common. Water quality is monitored for physical, chemical, and biological factors. The assessment of the water quality is analyzed against USEPA-approved water standards or thresholds, and water quality can either be categorized as good or impaired. The water quality parameters evaluated along the San Francisco Bay shoreline included dioxins, mercury, polychlorinated biphenyls, pesticides, foreign plants and/or animals, and trash. Bathymetric data indicates maximum depth within the project site at the end of the pier is approximately ten feet at mean lower low water (MLLW), and less than five feet at MLLW within the South Sailing Basin (Figure 3.3 2).

[38.] Schraga, T., and Cloern, J.E. 2017. Water quality measurements in San Francisco Bay by the U.S. Geological Survey, 1969–2015: Scientific Data, v. 4, Article 170098: 14 p., https://doi.org/10.1038/sdata.2017.98 (accessed July 2026).

Draft EIR Page 3.3-9:

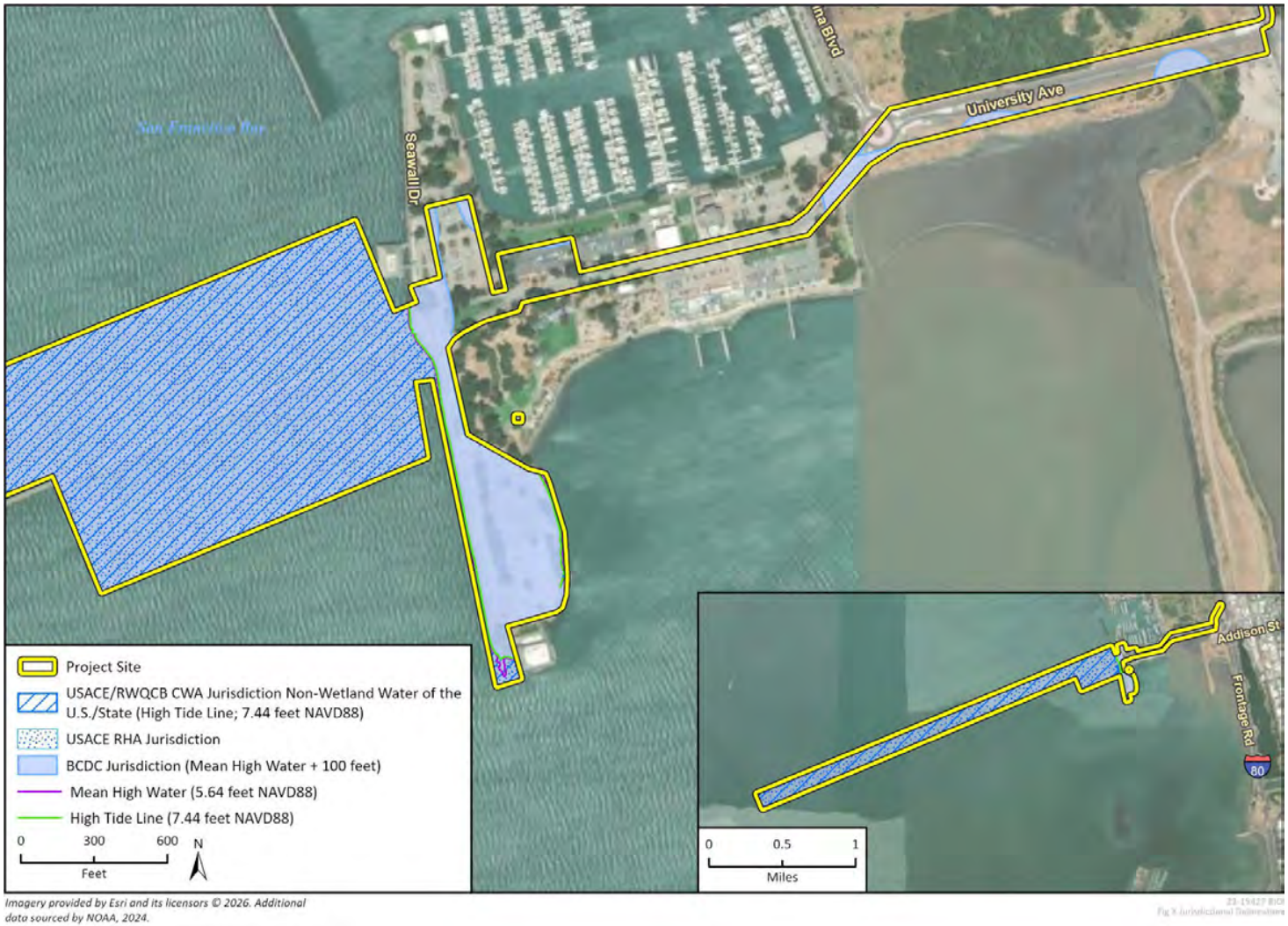
Figure 3.3-2 Marine Habitat Types Within and Proximate to the Project ~~Footprint~~ Site (Revised)[39]



[39] Figure 3.3-2 has been revised to reflect the updated project footprint and to clarify the marine habitat types and structural features within and adjacent to the project site. The revised figure separately depicts subtidal nearshore marine habitat, riprap, and pier pilings and other structures; updates mapped San Francisco Bay Eelgrass based on BCDC 2020 data; removes the previously shown bathymetric contours; and improves the map extent and inset to enhance the visibility of marine habitat features.

Draft EIR Page 3.3-16:

Figure 3.3-3 BCDC Jurisdiction Limits (Revised)[56]



[56] Figure 3.3-3 ~~shows the City's current understanding of~~ has been revised to reflect updated BCDC jurisdictional boundaries, ~~based on available information~~ as confirmed by BCDC staff on April 9, 2026. The revision incorporates an updated project footprint and adjusts the mapped BCDC Shoreline Band jurisdiction near Seawall Drive and University Avenue, including approximately 20,930 square feet east of Seawall Drive.

Draft EIR Page 3.3-17 and 3.3-18:

Fifty-one ~~Forty-seven~~ (~~47~~ 51) terrestrial special-status wildlife species were assessed for their potential to occur within the project site (Appendix C), of which 12 ~~seven~~ have the potential to occur within the terrestrial portions of the project site. One species, double-crested cormorant (*Nannopterum auritum*, CDFW Watch List), was determined to have a moderate potential to occur and is discussed in further detail below.

In addition, the following ~~six~~ 11 species (one insect, one reptile, and ~~four~~ nine avian species) were determined to have a low potential to occur, and therefore, with the exception of Crotch's bumble bee and burrowing owl (due to their State candidate endangered status), least tern, and the northwestern pond turtle (which is discussed further due to the proximity of potential habitat near the project site), are not discussed further because they are unlikely to be affected by the project:

- Crotch's bumble bee (*Bombus crotchii*, State candidate endangered)
- Northwestern pond turtle (*Actinemys marmorata*, federally proposed threatened, State species of special concern [SSC])
- Cooper's hawk (*Accipiter cooperii*, CDFW Watch List)
- Burrowing owl (*Athene cunicularia*, State candidate)
- Common loon (*Gavia immer*, SSC)
- Brant (*Branta bernicla*, SSC)
- White-tailed kite (*Elanus leucurus*, State fully protected)
- Alameda song sparrow (*Melospiza melodia pusillula*, SSC)
- Osprey (*Pandion haliaetus*, CDFW Watch List)
- Least tern (*Sternula antillarum browni*, Federally endangered, State endangered, State fully protected)
- Elegant tern (*Thalasseus elegans*, CDFW Watch List)

The remaining ~~40~~39 terrestrial species evaluated are not expected to occur in the project site or the immediate vicinity based on the absence of grassland, woodland, chaparral, vernal pool, or other suitable natural habitats or vegetation communities and/or because the range of the species does not overlap with the project site.

[…]

Burrowing Owl

Burrowing owl occupy open, dry habitats such as grasslands, coastal dunes, salt marsh edges, and sparsely vegetated disturbed sites that support abundant small mammal and insect prey. The species relies on a mix of invertebrates and small vertebrates for foraging, with peak activity at dawn and dusk. Nesting and roosting typically occur in underground burrows—often those excavated by ground squirrels, pocket gophers, or other fossorial mammals—or in artificial burrows and cavities with loose soil for excavation, while nonbreeding individuals favor undisturbed, low-vegetation areas for shelter and foraging.

Although one occurrence has been documented within five miles of the project site and burrowing owls are known to overwinter at Cesar Chavez Park ("Farmworkers Park"), the project site itself does not provide the habitat conditions required for overwintering. The site lacks open, low-stature annual grassland and protected foraging areas with sufficient insect prey, which are essential for sustaining overwintering individuals.

Adjacent areas, including fragmented grasslands in Shorebird Park and along University Avenue, contain limited open space but do not provide suitable overwintering habitat. While some ground

squirrel burrows are present, these grassland areas are routinely mowed for park use and subject to heavy recreational use and frequent human disturbance, which reduces prey availability and limits habitat suitability. In addition, the grassland areas along University Avenue are narrow and linear, lack refuge from disturbance due to regular trail use, recreation, and the presence of dogs, and are exposed to numerous tall perching structures that support hawks and other avian predators.

A migrating or displaced individual could briefly land on the project site or within nearby areas during movement; therefore, this species has a low potential to occur.

Crotch's Bumble Bee

Crotch's bumble bee occupies open, dry habitats such as coastal scrub, grasslands, chaparral margins, and sparsely vegetated alluvial terraces that support abundant spring and early summer blooming plants. The species relies on diverse nectar and pollen resources. Nesting typically occurs in abandoned rodent burrows or concealed upland cavities with sufficient thatch or loose soil, while overwintering queens select undisturbed, well drained areas.

Crotch's bumble bee has only one known occurrence recorded within five miles of the project site. Suitable habitat on the project site is of low quality because most terrestrial areas of the project site are paved or landscaped with sparse floral resources for foraging. Although small mammal burrows on the project site may provide suitable nesting habitat and floral resources for foraging occur adjacent to the site, the highly developed character of the project site and associated anthropogenic disturbance reduce the availability and connectivity of habitat needed to support the species. Therefore, there is low potential for this species to occur within the project site.

Draft EIR Page 3.3-19:

Least Tern

California least tern is a small tern with a distinctive black-capped head and is federally endangered, State endangered, and a State fully protected species. This species nests along the California coast and breeds colonially on bare or sparsely vegetated areas.[62] The California least tern nests during summer from Baja California north to the San Francisco Bay. Least terns are migratory and spend winter months in coastal areas of Mexico and Central America. Least terns forage primarily on silversides (e.g., topsmelt), northern anchovies, Pacific herring, and surfperches.[63] This species nests in colonies on bare or sparsely vegetated flat substrates, including beaches, alkali flats, or paved areas.

California least terns have a low potential to forage over open water within and adjacent to the project site. This species has no potential to nest within the project site despite the presence of bare or sparsely vegetated areas due to the heavy recreational use and disturbed nature of the project site.

[…]

MARINE AND ANADROMOUS WILDLIFE SPECIES

Twenty-three ~~two~~ (~~22~~ 23) special-status marine species were evaluated for their potential to occur within the project site (Appendix C), of which 13~~2~~ have high to moderate potential to occur within the marine areas of the project site. The species that can be reasonably anticipated to occur were determined based on the published ranges of the species, and the type, extent, and condition of habitat available at the project site.

Seven species have a high potential to occur in the project site:

- Green sturgeon – Southern DPS (*Acipenser medirostris*, pop. 1 federally threatened, SSC)
- White sturgeon (*Acipenser transmontanus*, State candidate threatened) non-breeding
- Chinook salmon – Sacramento River Winter-Run Evolutionarily Significant Unit (ESU) (*Oncorhynchus tshawytscha*, pop. 7 federally and State endangered) non-breeding

- Pacific lamprey (*Entosphenus tridentatus*, SSC)
- Longfin smelt – San Francisco Bay-Delta DPS (*Spirinchus thaleichthys,* pop. 2 federally endangered and State threatened)
- Harbor seal (*Phoca vitulina richardii*, MMPA)
- California sea lion (*Zalophus californianus*, MMPA)

~~Five~~ Six species have a moderate potential to occur within the project site:

- Steelhead – Central California coast DPS (*Oncorhynchus mykiss irideus*, pop. 8 federally threatened) non-breeding
- Steelhead – Central Valley DPS (*Oncorhynchus mykiss irideus*, pop. 11 federally threatened) non-breeding
- Chinook salmon – Central Valley spring-run ESU (*Oncorhynchus tshawytscha*, pop. 11 federally threatened) non-breeding
- Chinook salmon – Central Valley fall/late fall-run ESU (*Oncorhynchus tshawytscha*, pop. 13, SSC) non-breeding
- Harbor porpoise (*Phocoena phocoena*, MMPA)
- Common bottlenose dolphin (*Tursiops truncates*, MMPA)

62. Cornell Lab of Ornithology. 2026. All About Birds. Updated online and accessed at: https://www.allaboutbirds.org/. Accessed June 2026.

63. Burton and Terrill. 2012. Least Tern Literature Review and Study Plan Development prepared for U.S. Army Corps of Engineers. https://www.spn.usace.army.mil/Portals/68/docs/Dredging/LMTS/S%20and%20S/11%20-%20Least%20Tern%20Lit%20Rev%20Study%20Plan%20Report%20Final.pdf (accessed September 2026).

Draft EIR Page 3.3-22:

Chinook Salmon - Central Valley Spring-Run ESU

The Chinook salmon - Central Valley spring-run ESU is federally threatened. Chinook salmon is an anadromous fish spending most of its life in coastal waters. This population of chinook salmon spawns in the Sacramento River and its tributaries. Juveniles are reared in the San Joaquin Delta and migrate to the ocean between December, January, and February, and adult immigration through the delta and into the lower Sacramento River occurs from late January to early February.[67] Therefore, there is a moderate potential for individuals to migrate, forage, and transit within the project site.

Chinook Salmon – Central Valley fall/late-fall-run ESU

The Chinook salmon - Central Valley fall/late-fall-run ESU includes both fall-run and late-fall-run Chinook salmon; however, only the fall-run is a CDFW SSC. Chinook salmon are anadromous, spending the majority of their life cycle in marine waters before returning to freshwater systems to spawn. Fall-run Chinook salmon migrate upstream through the San Joaquin Delta from July through December and spawn from early October through late December, with the timing of runs varying by stream.[68] Late fall-run Chinook salmon migrate through the San Joaquin Delta from mid-October through December and spawn from January through mid-April. Following emergence, most juvenile fall-run and late-fall-run Chinook salmon rear in freshwater for approximately one to seven months before emigrating to the ocean, while a smaller proportion remain in freshwater and migrate as yearlings. Among the Central Valley Chinook salmon populations, the fall-run is the most abundant and exhibits a life history strategy characterized by a relatively short freshwater residence period. The fall-run population emigrates to the ocean during the spring, prior to the onset of elevated summer

water temperatures, allowing juveniles to utilize lower-elevation reaches of Central Valley rivers during outmigration. This life history strategy, combined with the population's relative abundance, has resulted in fall-run Chinook salmon being the primary stock propagated at the five major Central Valley hatcheries.[69] Based on the species' migration ecology, habitat use, and the location of the project site within a potential migratory corridor, there is moderate potential for Central Valley fall-run/late-fall-run Chinook salmon to occur within the project site and vicinity during migration or dispersal periods. Individuals may use aquatic habitats within or adjacent to the project site for passage and transient foraging; however, the project site does not provide suitable spawning or long-term rearing habitat.

[67.] NMFS. 2014. Recovery Plan for the Evolutionarily Significant Units of Sacramento River Winter-Run Chinook Salman, Central Valley spring-run Chinook Salmon, and the Distinct Population Segment of Central Valley Steelhead. July.

[68.] NMFS. (no date). Central Valley fall/late fall-run Chinook [PDF]. NOAA Fisheries. https://www.st.nmfs.noaa.gov/data-and-tools/Salmon_CVA/pdf/Salmon_CVA_Name_Central_Valley_fall-late_fall-run_Chinook.pdf. Accessed July 2026.

[69.] CDFW. 2026. *Chinook salmon: Central Valley fall and late-fall-run Chinook salmon*. https://wildlife.ca.gov/Conservation/Fishes/Chinook-Salmon#central-valley-fall. Accessed July 2026.

Sub-Section 3.3.3, Regulatory Framework

Draft EIR Page 3.3-32:

The SWRCB and RWQCBs have not currently established regulations for field determinations of waters of the State except for wetlands. In many cases, the RWQCBs interpret the limits of waters of the State to be bounded by the OHWM unless isolated conditions or ephemeral waters are present. However, in the absence of statewide guidance, each RWQCB may interpret jurisdictional boundaries within their region, and the SWRCB has encouraged applicants to confirm jurisdictional limits with their RWQCB before submitting applications. As determined by the RWQCB, waters of the State may include riparian areas or other locations outside the OHWM, leading to a larger jurisdictional area over a given water body compared to USACE. The San Francisco Regional Water Quality Control Board has indicated that along creeks and rivers, they would assert jurisdiction up to at least the top of bank and along the Bay shoreline, and they consider that areas of the bank below the epochal high tide line to be regulated waters of the State. For the purposes of this EIR, the one-year extreme high tide line was used to delineate the extent of jurisdictional waters, in line with USACE guidance, and assumed to encompass both waters of the U.S. and waters of the State. Further coordination with the SFRWQCB will be conducted during the permitting process.

Sub-Section 3.3.4, Impacts Analysis

Draft EIR Page 3.3-43:

Special-status Wildlife

Crotch's Bumblebee, Northwestern Pond Turtle, Burrowing Owl, Double-Crested Cormorant, Least Tern, and Nesting Birds

Crotch's bumblebee (state candidate endangered), ~~Northwestern~~ northwestern pond turtle (federally proposed threatened, SSC), burrowing owl (state candidate), and least tern (federally endangered, state endangered, and state fully protected) ~~has~~ have a low potential and double-crested cormorant (CDFW Watch List) has a moderate potential to occur in terrestrial portions…during the nesting season.

Crotch's bumblebee has a low likelihood to be present in undeveloped portions of the project site. Based on the low likelihood for this species to occur, the low quality of habitat in the project site, and the distance from the known occurrence of this species, potential impacts to Crotch's bumblebee are less than significant. Nonetheless, the City would implement Mitigation Measure 1(f), as recommended by CDFW. Implementation of this agency-requested mitigation, however, does not change the conclusion that impacts to this species is less than significant without mitigation due to the low likelihood of occurrence.

…Impacts to northwestern pond turtle would be potentially significant and Mitigation Measures BIO-1(a) and BIO-1(b) would be required.

California least tern may forage over open water portions of the project site but does not have potential to breed within the project site. Temporary impacts during construction would occur within open water areas, temporarily excluding least tern from a small portion of their greater foraging area, that is, open water within the San Francisco Bay. Similar foraging habitat is available along the shoreline to the north and south of areas to be temporarily impacted by the project, thus impacts to least tern would be less than significant.

[…]

However, implementation of Mitigation Measures BIO-1(a), BIO-1(b), and BIO-1(c) would require a Worker Environmental Awareness Program (WEAP), as well as preconstruction surveys for and avoidance of northwestern pond turtle, burrowing owl, and nesting birds. Biologists responsible for implementing Mitigation Measure BIO-1(a) and other biological mitigation measures would be required to meet any qualifications for approval requirements established by applicable resource agencies through project permits and authorizations. Mitigation Measure BIO-1(a) would include Crotch's Bumble Bee as part of the WEAP; however, this does not change the conclusion that impacts to this species would be less than significant without mitigation. These mitigation measures would reduce construction related impacts to terrestrial special-status species (i.e., northwestern pond turtle) and birds protected under the MBTA and CFGC to less than significant after mitigation.

Draft EIR Page 3.3-44:

Marine

Special-status Fish

The following analysis applies for the following species: green sturgeon - Southern DPS; white sturgeon non-breeding; chinook salmon - Sacramento River Winter-Run ESU non-breeding; Pacific lamprey; longfin smelt - San Francisco Bay-Delta DPS; steelhead - Central California coast DPS non-breeding; steelhead - Central Valley DPS non-breeding; ~~and~~ chinook salmon - Central Valley spring-run ESU non-breeding; and chinook salmon - Central Valley fall/late-fall-run ESU non-breeding.

Draft EIR Page 3.3-45:

However, Mitigation Measure BIO-1(a) and BIO-1(d) would be required. Mitigation Measure BIO-1(a), which requires a Worker Environmental Awareness Program (in part to support implementation of Mitigation Measure BIO-1(d)), and Mitigation Measure BIO-1(d), which dictates seasonal work windows, soft-start and ramp-up procedures, exclusion zones, and sound attenuation measures during pile driving, would reduce impacts related to special-status fish to less than significant with mitigation. Soft-start procedures would occur when pile driving and pile-extraction activities commence during daytime hours, allowing marine mammals to leave the vicinity of the construction site before pile driving reaches full power. Nighttime pile driving, if required, would only occur as a continuation of work initiated during the daytime after implementation of the daytime soft-start procedures. In addition, the City would consult with NOAA Fisheries and CDFW during the permitting process.

Draft EIR Page 3.3-46:

In addition, the City would consult with NOAA Fisheries, USFWS, SFRWQCB, and CDFW during the permitting process.

Draft EIR Page 3.3-47:

In addition, the City would consult with NOAA Fisheries, USFWS, SFRWQCB, and CDFW during the permitting process.

Draft EIR Page 3.3-48:

However, Mitigation Measure BIO-1(a) and BIO-1(d) would be required. Mitigation Measure BIO-1(d) requires implementation of soft-start and ramp-up procedures, monitoring, and exclusion zones based on the most current NMFS-approved guidance to avoid and minimize marine mammal exposure to pile-driving noise. Soft-start procedures would occur when pile driving and pile-extraction activities commence during daytime hours, allowing marine mammals to leave the vicinity of the construction site before pile driving reaches full power. Nighttime pile driving, if required, would only occur as a continuation of work initiated during the daytime after implementation of the daytime soft-start procedures. Implementation of these measures would reduce construction related, pile-driving noise impacts related to special-status marine mammals to less than significant with mitigation.

Draft EIR Page 3.3-50:

In addition to the Worker Environmental Awareness Program required under Mitigation Measures BIO-1(a), implementation of BIO-1(d), BIO-1(e), and HYD-1 would also be required to mitigate impacts on marine mammals during construction. The MMMP developed under BIO-1(e) would apply the project's hydroacoustic analysis to establish Level A and Level B protection zones and integrate these with the soft-start procedures and observation protocols identified in Mitigation Measure BIO-1(d). These measures would require soft-start techniques, a sound curtain, buffer zones, and biological monitoring to address impacts due to pile driving noise. Soft-start procedures would be implemented at the start of pile-driving and pile-extraction activities, which would only commence during the daytime, allowing marine mammals to leave the vicinity before pile driving reaches full power. Any nighttime pile driving, if required, would occur only as a continuation of work initiated during the daytime after implementation of the daytime soft-start procedures. Mitigation Measure BIO-1(d) would ensure that any impacts to marine mammals would avoid injury and be limited to behavioral impacts, and would thus be less than significant.

Draft EIR Page 3.3-51:

SPECIAL-STATUS WILDLIFE

The proposed project would primarily occur within existing developed areas, and would not involve significant new levels of disturbance to suitable Crotch's bumble bee habitat or to the mouth of Strawberry Creek… Therefore, impacts on northwestern pond turtle due to operation would be less than significant.

Impacts to California least tern from operation would be minimal, with the ferry operating in open water and the existing use of the project site for recreation would continue with similar levels of activity and disturbance. Wake generated by ferry operation would be consistent with existing vessel operations in the Bay, thus impacts to California least tern foraging habitat due to project operation would be less than significant.

Impacts on nesting birds, including double-crested cormorant, from operation would also be minimal. Any additional lighting added as part of the project, as discussed in *Section 3.1, Aesthetics,* under Impact AES-4, would be designed in accordance with City ordinance, and would be similar to existing levels of lighting present on the project site. The ferry would operate in open water, and the existing

use of the project site for recreation would continue with similar levels of activity and disturbance. Wake generated by ferry operation would be consistent with existing vessel operations in the Bay and not result in disturbance to nesting or roosting habitats above the existing shoreline riprap armoring. Therefore, impacts on migratory and nesting birds due to operation would be less than significant.

Draft EIR Page 3.3-52:

While the electric ferry vessels would introduce a new noise source, they would generate significantly less noise, especially at lower frequency sounds, than traditional diesel engines. Underwater noise measurements made of various hybrid electric and conventional ferry vessels indicate that a ship retrofitted with electric motors, generators, and batteries (Tellus) radiated less underwater noise than a ship with a conventional diesel propulsion system (Neptunus). A report from 2024 prepared by Silent@Sea notes the following: "according to our measurements, Tellus radiates less underwater noise than Neptunus, with up to 10 dB [difference]." A 10dB difference is a halving of noise, as if a wall or barrier has been put in place. The report states: "This is an indication that retrofitting ships with modern hybrid propulsion is a potential way to reduce their noise radiation."[94] Additionally, recent research evaluating underwater noise generated by electric vessels indicates that while certain electric vessel configurations may generate high-frequency tonal noise associated with electric propulsion components, underwater noise characteristics vary substantially depending on vessel design, propulsion architecture, and motor installation. In particular, Smith et al. (2026) found that electric vessels remained quieter than a comparable conventionally powered vessel across the full range of operating speeds evaluated and found that such tonal noise can be reduced through engineering measures including optimization of motor controller switching frequencies and electromagnetic interference filtering.[95] Similarly, Gaggero et al. (2024) found that although electric vessels may generate high-frequency tonal noise, propulsion architecture and motor placement are important factors influencing underwater noise generation.[96] Accordingly, following publication of the Draft EIR, WETA has advanced the design-build contract for the proposed electric ferry vessels to incorporate features consistent with those identified in the recent literature, including propulsion motors mounted inboard in enclosed Propulsion Rooms with water-cooled, resilient-mounted configurations, acoustic insulation and sound-damping coatings on propulsion equipment spaces, and third-party acoustic measurement and verification during construction. These design features would minimize the potential for the proposed electric ferry vessels to generate underwater noise that could adversely affect marine mammals. Therefore, in-water noise impacts on marine mammals due to operation of ferry vessels would be less than significant.

[94] Silent@Sea. 2024. Noise from ships powered by LNG or electricity and its effects: a cross-domain investigation Final report of the Silent@Sea project. Swedish Environmental Research Institute.

[95] Smith, Findlay, Grech La Rosa & Wu (2026), "A comparative study of underwater radiated noise from electric and conventional boats," *J. Acoust. Soc. Am.* 159(3): 2388–2397.

[96] Gaggero, T., Armelloni, E., Codarin, A., & Borghini, D. (2024). Electric boat underwater radiated noise and its potential impact on species of conservation interest. Marine Pollution Bulletin, 199, 115886.

Draft EIR Page 3.3-54 and Page 3.3-55:

MITIGATION MEASURE BIO-1(B): CONDUCT NORTHWESTERN POND TURTLE SURVEY AND AVOIDANCE PRIOR TO CONSTRUCTION

No less than seven days prior to the start of any construction activities within 500 feet of Strawberry Creek (including staging and mobilization), a City-approved qualified biologist will conduct a preconstruction survey for northwestern pond turtle within suitable habitat on the project site as feasible. If any northwestern pond turtle are identified within the work area, they will be allowed to leave the work site on their own. CNDDB Field Survey Forms will be submitted to the CDFW for all special-status animal species observed.

If any northwestern pond turtles are observed by construction personnel within or adjacent to (within 50 feet) the project site, all work within the vicinity of the observation will be halted and the ~~qualified biologist will be notified immediately to evaluate the occurrence and relocate the animal as necessary.~~ City will contact CDFW immediately for guidance. Only a ~~qualified~~ CDFW-approved biologist will capture and relocate wildlife. Construction personnel are not permitted to handle said animals. If northwestern pond turtles become federally-listed at the time of construction, no individuals shall be handled without approval from USFWS.

[…]

MITIGATION MEASURE BIO-1(C): CONDUCT BURROWING OWL AND NESTING BIRD SURVEY AND AVOIDANCE PRIOR TO CONSTRUCTION

Burrowing Owl

Prior to project construction, a qualified biologist will conduct a habitat assessment to determine if potential habitat for burrowing owl is present in or near the project site. If potential habitat is present in or within 500 feet of the project site, a qualified biologist will conduct a pre-construction survey of the project site (plus a 500-foot buffer as access allows) for the presence of burrowing owl. The survey will be conducted no more than 14 days prior to ground disturbing activities and will conform to CDFW guidelines for burrowing owl Take Avoidance Surveys as described in Appendix D of the 2012 CDFW Staff Report on Burrowing Owl Mitigation.[100] A report of pre-construction survey efforts and results will be submitted to the City within 30 days of completion of the survey. The report will include the dates, times, weather conditions, and personnel involved in the survey. Depending on survey results, the report will also include observations of burrowing owl or potential burrows, and the location and habitat description of the observations. If burrowing owl, active burrows, or their sign (i.e., tracks or pellets) are not observed in the project site, no additional measures related to impact avoidance and minimization of the absent species are recommended. If burrowing owl, active burrows, or their sign are observed within the project site, CDFW will be notified and the following measures will be implemented:

- A qualified biological monitor will be present during landside construction on the project site to document burrowing owl observations, burrow statuses, and require that construction activities do not negatively affect burrowing owl. The duration and frequency of monitoring will be determined at the discretion of the qualified biologist and a monitoring report detailing monitoring results will be submitted to the City within 30 days of the completion of project activities or breeding season (February 1 to August 31), if applicable.
- The biological monitor will visually inspect any pipes, debris piles, culverts, or similar structures for burrowing owl before the material is moved, buried, or capped. Open holes and trenches within the project site will be inspected at the beginning and end of each landside construction workday and immediately prior to backfilling. At the end of each such workday, trenches and holes will be ramped so that any animals that may have become trapped in the trench or hole can climb out. The ramp may be constructed of dirt fill or wood planking or other suitable material at an angle no greater than 30-45 degrees. If a burrowing owl is trapped in a trench or hole, work will stop and the qualified biologist will be notified immediately. The burrowing owl will be allowed to escape unimpeded.
- If active burrows are observed on the project site, a non-disturbance buffer will be established restricting all ground-disturbing activities from occurring within the buffer and a qualified biological monitor will be present at the initiation of project activities. The buffer will be established by a qualified biologist and range from 330 ft. to 1,500 ft. depending on project activity, line of sight, and local topography during the breeding season. During the non-breeding season (September 1 to January 31), the buffer will range from 165 ft. to 330 ft. The buffer will be demarcated using brightly colored flagging and may only be reduced at the discretion of a qualified biologist based on the factors listed above and potential use of sound and visual barriers (i.e., hay bales). Removal of the

buffer will only occur if a qualified biologist determines burrowing owl are not present in the vicinity and any potential burrows are inactive.

- If active burrow avoidance is infeasible during the non-breeding season or during the breeding season, where resident owls have not yet begun egg laying or incubation, or where the juveniles are foraging independently and capable of independent survival, the City in coordination with a qualified biologist will consult with CDFW to prepare, authorize, and implement a passive relocation program consistent with Appendix E of the 2012 CDFW Staff Report on Burrowing Owl Mitigation.
- A habitat mitigation plan will be developed in coordination with the City and CDFW for loss of active burrowing owl burrow sites if implementation of a passive relocation plan is necessary and/or burrowing owl are documented to nest on site or within 500 feet of the project site. This would be based upon the portion of the project site that overlaps with the primary foraging area around the burrow site (approximately 500-foot buffer) to be replaced at a minimum 1:1 ratio.

Nesting Birds

Project construction activities, including but not limited to vegetation removal and ground disturbance that result in noise or disturbance affecting potential nesting bird habitat, should commence outside of the nesting season (February 1 through September 15), if feasible. If construction begins outside the nesting season, a nesting bird survey is not required.

If ground disturbing project activities begin within the nesting season (February 1 through ~~August 31~~ September 15), then no more than seven days prior to the initiation of project activities, a nesting bird pre-construction survey shall be conducted by a City-approved qualified biologist within the disturbance footprint, plus a 300-foot buffer for passerines and a 1,000-foot buffer for raptors. During construction within the nesting season, an additional focused survey shall be conducted prior to tree removal to identify active nests with the subject tree(s). If no active nests are observed, no further action would be required. Ground-disturbing project activities that are initiated outside of the nesting season may continue into the nesting season without requiring new nesting bird surveys.

Pre-construction nesting bird surveys shall be conducted by a qualified biologist during the time of day when birds are most active and should be of sufficient duration to reliably conclude presence or absence of nesting birds on the project site and within the designated buffer. A report of the nesting bird surveys results shall be submitted to the City for review and approval prior to clearance for mobilizing equipment. If nests are found, their locations shall be flagged (if possible) and recorded with the use of a GPS unit. Avoidance buffers shall be established around active nests. Depending upon the species, suitable minimum buffers may be 50 feet for non-raptor species and 300 feet for raptor species, or as determined by the qualified biologist in consultation with CDFW based on species sensitivity, construction activities, and other factors.

If active nests are present, all project work shall be conducted outside the established avoidance buffer zone from the nest until it is no longer active. No staging of large equipment shall occur within the avoidance buffer until the qualified biologist confirms that breeding/nesting is complete and all the young have fledged. If buffer zones are determined to be infeasible, a City-approved qualified biological monitor shall be on site to monitor project activities within the avoidance buffer zones to ensure active nests and nesting birds are not impacted. Nesting bird surveys are not required for project activities that occur between September 16 and January 31. A report of all survey results and any proposed avoidance buffers shall be submitted to the City for review and approval.

This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

[100.] California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. Department of Fish and Game. March 7, 2012. Available at: http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf2 (accessed July 2026).

Draft EIR Page 3.3-56:

MITIGATION MEASURE BIO-1(E): PREPARE MARINE MAMMAL MONITORING PLAN PRIOR TO CONSTRUCTION AND IMPLEMENT RECOMMENDATIONS DURING CONSTRUCTION

Prior to construction, the City shall prepare a Marine Mammal Monitoring Plan (MMMP) to avoid and minimize potential adverse impacts on marine mammals during pile driving and tug operations. The MMMP shall implement general guidelines set forth in the MMPA and incorporate the hydroacoustic modeling results developed for the project to define site-specific protection zones and avoid exposure of marine mammals to underwater sound levels exceeding the most up to date Level A (injury) thresholds identified by NOAA Fisheries. The MMMP shall include the following:

- **Protection and Monitoring Zones**: Using the hydroacoustic modeling results, the MMMP shall define shutdown and disturbance zones for each marine mammal hearing group. These zones will be tailored to the pile type, size, and driving method and will correspond to the Level A and Level B effect distances developed for the project. The plan will describe how these protection zones will be verified and monitored in the field, integrating them with the soft-start and observation procedures described in Mitigation Measure BIO-1(d).
- **Vessel Operation Protocols**: The MMMP shall include vessel-operation measures consistent with the MMPA. Construction vessels under power shall remain at least 300 feet from whales and 150 feet from dolphins, porpoises, seals, and sea lions. When marine mammals are encountered, vessel operators shall reduce speed to no-wake, shift to neutral, and allow the animals to pass safely before resuming operations.
- **On-Site Monitoring and Response**: A qualified biologist shall be present on site, either observing from the pier or aboard a vessel, during all pile-driving and tug operations. The biologist shall document all marine-mammal observations, note behavioral responses, and immediately alert project personnel if a whale enters the modeled harassment distance or comes within 300 feet, or if any other marine mammal enters the modeled harassment distance or comes within 150 feet, whichever is greater. Upon such an observation, the contractor shall implement the appropriate delay or shutdown procedures identified in the MMMP.
- **Adaptive Management and Coordination**: The MMMP shall outline communication and reporting protocols, including stop-work notification procedures and coordination with NMFS Protected Species Division. Results from daily monitoring will be used to assess the effectiveness of the protection zones and adjust them, if needed, in consultation with NMFS.
- **Nighttime Pile Driving**: Nighttime pile driving shall be limited to situations where safety concerns or significant schedule delays require that pile driving started during daytime hours extend beyond typical work hours. For instances where nighttime pile driving is required, the MMMP shall include non-visual monitoring protocols, such as passive acoustic monitoring, thermal/infrared cameras, and night-vision optics, as well as larger nighttime exclusion/shutdown zones, extended soft-start procedures, and the most effective feasible hydroacoustic attenuation.

This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

MITIGATION MEASURE BIO-1(F): IMPLEMENT CDFW-REQUESTED MEASURE FOR CROTCH'S BUMBLE BEE PRIOR TO CONSTRUCTION

A formal habitat assessment of the project site landside project disturbance areas shall be performed by a qualified biologist prior to initiating ground disturbing activities to determine if suitable nesting or foraging habitat is present within the project site. The assessment shall include:

- Review of occurrence record data
- Analysis of foraging, nesting, and overwintering resources

- Documentation of plant species observed (including what is blooming at the time of the survey and percent cover)

The locations of nesting resources, including rodent burrows, cavities, thatched grasses, brush, rock piles, fallen logs, and manmade structures, shall be mapped during the assessment. Areas adjacent (within 50 feet) to the project site shall also be considered, if accessible, to determine if there is suitable nesting or foraging habitat.

If suitable nesting and foraging resources are detected during the habitat assessment, they will be avoided by a minimum 50-foot buffer, where possible. If avoidance is not possible, protocol-surveys following the CDFW *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023) will be conducted to determine if Crotch's bumble bee is present within the project site. A minimum of three visits will be conducted during the colony active season (April – August) and will be spaced 2-4 weeks apart. Surveys will be conducted each year that construction activities occur within suitable nesting habitat, because bumble bees move their nests each year. If no Crotch's bumble bees are detected on the project site, no further mitigation actions will be required. If Crotch's bumble bees are detected, consultation with CDFW will be initiated to determine the most appropriate strategy to avoid impacts to bumble bees on the project site. If full take avoidance is not feasible, the City will apply to CDFW for take authorization under an Incidental Take Permit.

Draft EIR Page 3.3-58:

Vessel operators would be required to comply with all USCG and RWQCB requirements for ferry operations. Therefore, operational impacts related to sensitive marine habitats, including EFH for Pacific Coast Salmon, would be less than significant.

Draft EIR Page 3.3-63:

TERRESTRIAL

Operation of the project would include vehicles, bicycles, and pedestrians using University Avenue, Seawall Drive, and parking lots. These uses of the project site would be consistent with existing recreation and commercial uses. No new barriers or disturbances to terrestrial wildlife movement are proposed. Roosting birds and birds staging during migration may be temporarily displaced by removal of portions of the existing pier deck and pilings; however, the old wooden pilings at the west end where the majority of roosting birds occur would remain in place. Additionally, there are other roosting sites available in the project vicinity and wider bay, including a platform that was specifically constructed for cormorants on the new eastern span of the Bay Bridge. Therefore, there would be no operational impact related to terrestrial wildlife movement.

MARINE

Operation of ferry vessels would occur at the water surface level, with some incremental increase in ferry boat noise and lighting within the project ~~area~~ vicinity. The project proposes to operate two ferry vessels with regular service to San Francisco ~~and weekend service to Larkspur~~, which ~~are both~~ is an active shipping port~~s~~ with existing recreational and ferryboat use. Therefore, the project would represent an incremental increase in existing boat trips on the Bay.

Temporary disturbance from ferry operations would be localized and intermittent, affecting only a small portion of the broad open-water foraging and roosting areas used by migratory and wintering birds in San Francisco Bay. The project's operational corridor represents a minor fraction of the available bay habitat, and similar foraging and roosting sites occur immediately north and south of the corridor. Because displacement events would be shorter and birds can move to adjacent habitat with comparable resources, the loss of usable foraging or roosting area is expected to be temporary and minimal.

Special-status fish and marine mammals, specifically whales, are likely habituated to existing levels of boat trip levels and would avoid new ferry boat service….

Section 3.4, Cultural Resources

Sub-Section 3.4.2, Environmental Setting

Draft EIR Page 3.4-10:

Two of the evaluation efforts focused on the Berkeley Pier and did not consider the property's larger developmental context, current ownership, and functionally related relationship of the Berkeley Pier to the larger Berkeley Marina, to which it is historically linked. As recommended by guidance from OHP, the evaluation was updated in 2025 to support the proposed project's environmental review to amplify information about the resource and document changes that have occurred since the previous evaluation.[43] Additionally, the updated 2025 Berkeley Pier evaluation considered the Berkeley Pier within its broader historical context, including its relationship to the Berkeley Marina, and assessed local eligibility, which was not included in previous evaluations. The results of the 2025 updated evaluation indicate that the Berkeley Pier does not meet the criteria for listing in the NRHP, CRHR, Berkeley Register of Designated Landmarks BERD, or as a City of Berkeley historical resource. Accordingly, the updated evaluation confirms that no historical resources are present within or directly adjacent to the project site.

Section 3.5, Geology and Soils

Sub-Section 3.5.4, Impacts Analysis

Draft EIR Page 3.5-30:

Based on a groundwater ~~table elevation of~~ level encountered approximately 5 feet below existing ground surface during geotechnical investigations, soil testing results indicated there were discontinuous layers of liquefiable soil within the artificial fill.

[…]

The liquefaction analysis of the artificial fill indicated that approximately half of the area may experience liquefaction or cyclic softening in discontinuous layers. Although future sea level rise and corresponding increases in groundwater elevations could increase liquefaction susceptibility over time, the project site is already characterized by shallow groundwater conditions and is mapped within a liquefaction hazard zone under existing conditions. Accordingly, liquefaction hazards associated with shallow groundwater conditions were considered in the geotechnical evaluation and the development of site-specific recommendations for the proposed project. In addition to the incorporation of site-specific recommendations, final engineering design would be required to comply with applicable California Building Code requirements and current geotechnical engineering standards in effect at the time of construction.

[…]

The geotechnical report soil stabilization recommendations would be required for all proposed project landside and waterside components

Although the project site is underlain by artificial fill, Young Bay Mud, and other Bay-margin deposits that may be susceptible to liquefaction, settlement, and lateral spreading during a seismic event, the site is suitable for the proposed project provided that site-specific geotechnical recommendations are incorporated into final design and construction. Consistent with Berkeley General Plan Policy S-14, which requires soil investigation and/or geotechnical reports for the project, implementation of recommendations included within the Geotechnical Report would be required as part of project design and prior to operation. The geotechnical report soil stabilization recommendations would be

required for all proposed project landside and waterside components. Specifically, the use of deep soil mix would improve weak and potentially liquefiable soils, retaining wall design recommendations would stabilize landside fill areas, pile-supported structures would transfer loads to more competent subsurface materials, and continued geotechnical engineer oversight during construction would reduce risks associated with construction in areas of variable subsurface conditions. Additionally, final engineering design would be required to comply with the regulations described in Section 3.5.3, *Regulatory Framework*, including the California Building Code, International Building Code, and applicable seismic design standards for piers and wharves in effect at the time of construction. Regulatory compliance and implementation of the measures described above would reduce the potential for excessive settlement, lateral spreading, structural instability, or loss of bearing capacity during a seismic event. Therefore, construction and operational impacts related to substantial adverse effects involving seismic-related ground failure and unstable geologic unit risk specific to liquefaction and lateral spreading to less than significant.

Draft EIR Page 3.5-31:

In addition, the shoreline around the ~~project site~~ ferry approach area is made of armored rip rap, rather than exposed native soils or unconsolidated shoreline sediments.~~; therefore, there is no soil that could be eroded.~~ As described in Chapter 2, *Project Description*, a localized section of shoreline along the eastern side of the Seawall Peninsula is currently experiencing deterioration of existing shoreline protection and exposure of underlying fill material. The proposed project would repair and stabilize this already-armored shoreline segment through in-kind replacement and reinforcement of existing shoreline protection features. Because the proposed shoreline repair would restore and maintain an existing hardened shoreline condition, rather than introduce new armoring into a previously natural shoreline, the project would not substantially alter shoreline geomorphology, wave reflection patterns, or erosion processes relative to existing conditions. Although shoreline armoring can influence localized erosion patterns in adjacent unarmored areas, the shoreline areas immediately adjacent to the proposed repair are similarly developed and protected with existing shoreline stabilization features. Therefore, the proposed shoreline repair would not substantially increase erosion rates in nearby shoreline areas beyond existing conditions. Finally, the ferry vessels approaching the project site would reduce speed to 8 knots or less when approaching the Berkeley pier boarding float, which would further minimize wake-related shoreline effects.[68] For these reasons, operational impacts on erosion or loss of topsoil would be less than significant.

[68.] 8 knots is equal to approximately 9.2 miles per hour.

Section 3.7, Hazards and Hazardous Materials

Sub-Section 3.7.4, Impacts Analysis

Draft EIR Page 3.7-28:

However, compliance with existing regulations would minimize the potential risk associated with piles that have been treated with creosote, which is also known as Treated Wood Waste or TWW. TWW at the project site would be identified prior to construction, as part of the design process, via visual inspection for indications of treated wood, such as but not limited to end tags, wood manufacturer stamp codes, discoloration, and/or odor.[45]

[45.] California Department of Toxic Substances Control (DTSC). 2026. "Treated Wood Waste." Via https://dtsc.ca.gov/toxics-in-products/treated-wood-waste/ (accessed June 2026).

Section 3.8, Hydrology and Water Quality

Sub-Section 3.8.4, Impacts Analysis

Draft EIR Pages 3.8-7 through 3.8-8:

Tides and Currents

While the discussion presented herein primarily references the City of Berkeley Mean Lower-Low Water (MLLW) vertical datum, other discussions such as those within Section 3.3, *Biological Resources*, may reference both the North American Vertical Datum of 1988 (NAVD88) and the Berkeley MLLW vertical datum when presenting tidal elevations, flood elevations, and sea level rise projections. For reference, NAVD88 is approximately 0.6 feet below Berkeley MLLW at the project site. Unless otherwise noted, future references to elevations relevant to the project may be presented in both datums to facilitate comparison. Table 3.8-1, below, summarizes representative tidal datums and conversion values applicable to the project site.

Table 3.8-1 Representative Vertical Datum Conversion Values

Datum (NOAA)	NAVD88 (feet)	Berkeley MLLW (feet)
Highest Astronomical Tide (HAT)	+7.8	+8.4
Mean Higher-High Water (MHHW)	+6.2	+6.8
Mean High Water (MHW)	+5.6	+6.2
Mean Sea Level (MSL)	+3.4	+4.0
North American Vertical Datum of 1988 (NAVD88)	0.0	+0.6
Berkeley Mean Lower-Low Water (MLLW)	-0.6	0.0
Lowest Astronomical Tide (LAT)	-2.1	-1.6

Source: COWI. 2025. Berkeley Water Transportation Pier Ferry Project: Basis of Design 60% Submittal. December 12.

The Berkeley Waterfront experiences mixed semidiurnal tides, with water levels ranging from approximately +6.8 feet ~~mean lower-low water (~~MLLW~~)~~ during average higher-high tide conditions to about ~~+10.3~~ 8.4 feet MLLW ~~under 100-year extreme tide events~~ during Highest Astronomical Tide (HAT) conditions. Extreme Water Level conditions may reach approximately +10.3 feet MLLW during severe storm and coastal flooding events. The design still water level, which accounts for astronomical tides, storm surge, and projected sea level rise through 2075, is estimated at +11.9 feet MLLW.

Draft EIR Page 3.8-11:

A portion of the project site is located in a special flood hazard area. As shown on Figure 3.8-3, Central San Francisco Bay within the project site is mapped as “Zone VE” of the 100-year floodplain, which are coastal areas with a 1 percent or greater chance of flooding in any single year and an additional hazard associated with storm waves. Zone VE areas have a 26 percent chance of flooding over a 30-year period.[29] As also shown on Figure 3.8-3, portions of the shoreline and surrounding areas adjacent to the project site are mapped as FEMA Zone AE, which identifies areas subject to inundation from the 1-percent-annual-chance flood event where Base Flood Elevations (BFEs) have been established. While the proposed waterside project components are primarily associated with the Zone VE flood hazard area, nearby shoreline areas include both Zone AE and Zone X flood hazard designations. FEMA Flood Insurance Rate Maps identify BFEs for the mapped Zone VE and Zone AE areas adjacent to the project site. The BFE for Zone VE ranges from approximately 12 to 13 feet and the BFE for adjacent Zone AE areas is approximately 10 feet. These BFEs represent the estimated water surface elevation associated with the 1-percent-annual-chance flood event and are used for floodplain management and project design purposes. Further offshore, the San Francisco Bay is designated as open water, which is not considered a special flood hazard area.[30]

[29.] FEMA. 2026. Flood Map Service Center. Available: https://msc.fema.gov/portal/search?AddressQuery=Berkeley%20marina (accessed February 2026).

[30.] FEMA. 2026. Flood Map Service Center. Available: https://msc.fema.gov/portal/search?AddressQuery=Berkeley%20marina (accessed February 2026).

Sub-Section 3.8.3, Regulatory Framework

Draft EIR Page 3.8-18:

Water quality objectives for surface and ground waters relevant to the proposed project and project ~~area~~ site, which include the enclosed San Francisco Bay, include those listed in Table ~~3.8-1~~ 3.8-2 and Table ~~3.8-2~~ 3.8-3.

Draft EIR Page 3.8-19:

Table ~~3.8-1~~ 3.8-2 Water Quality Objectives for Surface Waters

Draft EIR Page 3.8-21:

Table ~~3.8-2~~ 3.8-3 Water Quality Objectives for Groundwater

Draft EIR Page 3.8-23:

San Francisco Bay Plan

The San Francisco Bay Plan is the guiding policy document for the BCDC codified by the McAteer-Petris Act. The plan includes policies to ensure water quality in San Francisco Bay is maintained at levels sufficient for the protection and beneficial use of San Francisco Bay. For additional information about pertinent policies, please refer to Section 3.9, *Land Use and Planning.*

BCDC implements the McAteer-Petris Act, a State law governing development within the San Francisco Bay and its shoreline, and administers the San Francisco Bay Plan, which includes policies that are adopted as State regulations.

Sub-Section 3.8.4, Impacts Analysis

Draft EIR Page 3.8-27:

For purposes of the following impact analysis, the following thresholds are used to evaluate the significance of hydrology and water quality impacts resulting from implementation of the proposed project.

- Violate any surface water or groundwater quality standards or waste discharge requirements, or conflict with the San Francisco Bay Basin Plan, in a way that would:
  - Result in an exceedance of a water quality objective, specified in the Basin Plan and shown in Table ~~3.8-1~~ 3.8-2 or Table ~~3.8-2~~ 3.8-3, in a manner that would impair beneficial uses; or
  - Discharge a pollutant that the water body (i.e., San Francisco Bay) is listed as impaired with on the 303(d) list (see *Surface Water Quality* subsection in Section 3.8.2, *Environmental Setting*).

Draft EIR Page 3.8-29:

Without proper controls, accidental releases of fuels, oils, concrete wash water, or other construction-related pollutants could infiltrate shallow soils and migrate into perched groundwater, potentially affecting groundwater quality in violation of the objectives identified in Table 3.8-3.

[…]

Construction activities within surface waters have the greatest potential to affect water quality in the San Francisco Bay. Impacts to the San Francisco Bay would be primarily due to construction-related

dredging, demolition of the existing pier, and construction of a new pier. In-water construction activities, such as dredging, existing pile removal and new pile installation, and pier deck demolition and construction, as well as any associated sediment disturbance, have the potential to directly affect San Francisco Bay water quality. Some of the existing pier piles, if wooden, could contain hazardous materials, such as creosote, that could be released during demolition and removal activities. Consistent with standard practice, existing wooden piles would be evaluated for the presence of wood preservatives and managed in accordance with applicable requirements, including requirements related to Treated Wood Waste, if applicable, as discussed further in Section 3.7, *Hazards and Hazardous Materials*. Dredging of debris, removal of existing pier infrastructure, and pier installation could resuspend bottom sediments, increasing turbidity in the immediate project vicinity. Elevated turbidity can reduce light penetration, affecting photosynthetic organisms and potentially adversely affecting water quality. Sediment resuspension may also release adsorbed contaminants such as metals, hydrocarbons, or legacy pollutants into the water column, where they can be transported by currents and dispersed to adjacent areas.

Draft EIR Page 3.8-30:

Dredging activities have the potential to temporarily degrade water quality by resuspending bottom sediments into the water column. As described previously, in 2025, sediment sampling and analysis was conducted within five dredge units in the project vicinity and sediment samples were found to contain metals, organochlorine pesticides, polynuclear aromatic hydrocarbons, PCBs, and dioxins/furans. Although contaminants were present, the concentrations of such contaminants indicate that sediments are not likely to pose significant hazards if managed according to reuse site requirements.

Any increase in suspended sediment concentrations resulting from dredging activities would be temporary and limited to the construction period. Suspended sediments generated during dredging would be expected to settle following completion of the work, and standard construction best management practices would be implemented to minimize sediment dispersion beyond the immediate work area. The sediment transport assessment indicates that the highest sedimentation rates would occur within the dredged navigation channel as natural sediment transport processes gradually infill dredged areas over time.[48] Given the localized nature of dredging activities and the expected settling of suspended sediments near the dredged area, the project is not expected to result in a measurable increase in sediment deposition within the South Sailing Basin or a reduction in access beyond existing tidal limitations.

[…]

The work surface on the barge deck will include a containment basin for creosote, piles, concrete, and any mud or sediment removed during pulling. Upon removal from substrate, the piles will be moved expeditiously from the water into the containment basin. Any sediment accumulated from the pile removal operations ~~will be assumed to contain creosote and~~ will be contained, managed, and disposed ~~offsite in an appropriate landfill~~ of in accordance with applicable federal, State, and local requirements, including any requirements associated with treated wood preservatives identified during pre-construction materials characterization (refer to Section 3.7, *Hazards and Hazardous Materials*).

[48]. COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study prepared for City of Berkeley. December. https://berkeleypierferryproject.com/wp-content/uploads/2026/02/COWI_2025_Coastal-Study.pdf (accessed July 2026).

Draft EIR Page 3.8-33:

Projects in Berkeley are subject to CalOSHA regulations regarding management of certain hazardous materials. Title 8 of the California Code of Regulations Section 5194, 5531-5608, and 5198 cover the control and management of chemicals, including paints, solvents, fuels, detergents and sludges, and

lead. CalOSHA requires testing, monitoring, containment, and disposal of these materials, such that exposure levels do not exceed CalOSHA standards.[53]

The proposed fish cleaning station would be a small amenity with intermittent use, typical of public fishing piers. While the station would include a drain that discharges to the Bay, the volume and frequency of fish cleaning activities would be limited and would not result in substantial degradation of water quality due to consistent flows, dilution, and regular tidal flushing. The covered trash receptacles and fishing line recycling stations would promote proper disposal of fish waste and associated materials. These amenities would be regularly serviced to promote usage and maintain sanitary conditions, minimizing the potential for water quality-related impacts to surface waters.

[53] California Code of Regulations. 2025. Title 8, Industrial relations. Office of Administrative Law. Available: https://www.dir.ca.gov/Counters/t8index.htm (accessed September 2025).

Draft EIR Page 3.8-40:

The Universal Charging Float battery systems would be housed in smoke-tight, watertight compartments with real-time monitoring, automated shutoff systems, and multiple redundant fire suppression systems, substantially reducing the potential for pollutant release in the event of inundation. Additionally, as depicted in Figure 3.8-3, portions of the project site are located within FEMA-designated 500-year floodplains. However, the proposed ferry terminal includes infrastructure intended to remain structurally resilient during extreme coastal flood events. As described in Section 3.12, *Transportation*, WETA and its contracted operator proactively monitor weather forecasts and U.S. Coast Guard advisories. In the event of an approaching storm, senior staff coordinate with vessel crews to evaluate the safety of continuing ferry service on affected routes. Although ferry operations may be temporarily suspended during severe storm conditions such as a 500-year flood event due to navigational safety concerns, the pier, breakwater, piles, and associated structural elements have been designed to accommodate water levels and wave forces associated with extreme flood events, as the project's coastal engineering analyses considered future sea level rise and coastal flooding conditions over the life of the project. Therefore, any operational interruption associated with extreme storm or flooding events would be temporary and would not be expected to result in a substantial long-term loss of emergency transportation or evacuation capabilities, nor would any operational interruption indicate structural failure of the proposed facilities.

Draft EIR Page 3.8-41:

The Basin Plan establishes water quality objectives and beneficial uses for San Francisco Bay, and emphasizes control of pollutant discharges, protection of aquatic life, and maintenance of water quality standards. See Table ~~3.8-1~~ 3.8-2 and Table ~~3.8-2~~ 3.8-3 for an overview of water quality objectives and beneficial uses in the Basin Plan.

Section 3.9, Land Use and Planning

Sub-Section 3.9.2, Environmental Setting

Draft EIR Page 3.9-2:

The project site has a Berkeley General Plan land use designation of Waterfront/Marina.1 The General Plan describes the Waterfront/Marina as areas intended to maintain and preserve areas of Berkeley adjacent to the Bay for open space, recreational uses, waterfront-related commercial and visitor services, boating, and water transit facilities. The project site has a zoning designation of Unclassified (U). Development within Unclassified areas requires a Use Permit in compliance with Berkeley Municipal Code Section 23.208.020, which governs Use Permits in Unclassified zones. The project site is subject to the Berkeley Marina Use Permit (Permit No. 5567), issued in 1965, which authorizes existing uses and permits implementation of the Marina Master Plan. This permit governs current uses at the Berkeley Waterfront and establishes a framework for future improvements. The

project will be required to obtain a new Use Permit for any new use proposed, which includes the use of the pier for the operation of a public ferry. A summary of the permitting process pursuant to Berkeley Municipal Code Section 23.208.020 is provided in Section 3.9.3, *Regulatory Framework*, below.

Portions of the project site are located within the jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC), pursuant to the McAteer-Petris Act. The City will coordinate with BCDC staff, as appropriate, during permitting to confirm jurisdictional boundaries and applicable regulatory requirements.

Sub-Section 3.9.3, Regulatory Framework

Draft EIR Page 3.9-4:

In compliance with the McAteer-Petris Act, BCDC prepared the first San Francisco Bay Plan in 1968 which was transmitted to the California Legislature and the Governor in 1969. BCDC amends the Bay Plan over time to address regional needs. The San Francisco Bay Plan includes policies to guide future uses of the Bay and the shoreline. The Plan aims to protect the Bay from unnecessary filling, promote public access, and ensure sustainable development. It designates priority use areas for water-oriented activities, such as ports and recreational facilities, and establishes environmental safeguards to preserve the Bay's natural resources. The Plan also includes specific policies for shoreline protection, habitat restoration, and climate resilience, ensuring that land use and planning decisions support ecological health and community needs. Pertinent policies are identified and addressed in detail under Impact LU-2 within this EIR section.

Although BCDC laws and policies have a regional focus and are therefore included within the Regional and Local Regulations subsection of Section 3.9.3, *Regulatory Framework*, BCDC's governing legislation, the McAteer-Petris Act, has the status of State law and is effectively comprised of State regulations subject to approval by the California Office of Administrative Law.

Sub-Section 3.9.4, Impacts Analysis

Draft EIR Page 3.9-12:

Given the project location within 100 feet of the San Francisco Bay shoreline, the BCDC San Francisco Bay Plan would be applicable in terms of land use planning. BCDC will determine whether the proposed project is consistent with the McAteer-Petris Act and Bay Plan policies. Such determinations are made by BCDC on a case-by-case basis when considering permit applications. As part of this process, BCDC will conduct an independent review of the project's consistency with its governing laws and policies and may impose conditions or require project modifications to ensure compliance. To the extent that consistency with these laws and policies is subject to CEQA review, ~~T~~the City's evaluation of project consistency with applicable BCDC San Francisco Bay Plan policies is discussed in Table 3.9-1.

Draft EIR Pages 3.11-17 through 3.11-18:

Table 3.9-1 BCDC San Francisco Bay Plan Consistency

Policy	Consistency
Recreation	
Policy 3(a)(6). Sites, features or facilities within designated waterfront parks that provide optimal conditions for specific water-oriented recreational uses should be preserved and, where appropriate, enhanced for those uses, consistent with natural and cultural resource preservation.	**Consistent.** The project site is located within a waterfront area that supports a variety of water-oriented recreational uses, including fishing, windsurfing, kayaking, sailing, wildlife viewing, and shoreline recreation. As described in Chapter 2, *Project Description*, and evaluated in Section 3.11, *Recreation*, the proposed project would preserve and enhance opportunities for water-oriented recreation by restoring public access to the Berkeley Pier, constructing a new publicly accessible pier and breakwater, implementing shoreline access improvements, extending the Bay Trail, and providing new public amenities including seating, viewing areas, bicycle facilities, and interpretive features. The project would also maintain access to existing marina facilities, windsurfing areas, boat launching facilities, and other water-oriented recreational resources. As discussed in Section 3.11, *Recreation*, the project would result in a net increase in recreational opportunities and facilities available to the public (Impact REC-1). Furthermore, the project has been designed to avoid substantial impacts on natural and cultural resources, and mitigation measures identified in Sections 3.3, *Biological Resources*, and 3.8, *Hydrology and Water Quality*, would ensure that project-related impacts remain less than significant or less than significant with mitigation.
Policy 3(a)(7). Access to marinas, launch ramps, beaches, fishing piers, and other recreational facilities should be clearly posted with signs and easily available from parking reserved for the public or from public streets or trails.	**Consistent.** As described in Chapter 2, *Project Description*, the proposed project would include wayfinding signage along University Avenue, Marina Boulevard, Seawall Drive, the Seawall Drive Parking Lot, portions of the Berkeley Waterfront, and Shorebird Park to direct visitors to the new pier, ferry facilities, parking areas, and other recreational destinations. The project would also include interpretive and educational signage along the pier, breakwater, and Bay Trail Extension. Final signage design and placement would be refined through final design and applicable permitting processes. The project would also provide continued public access to recreational facilities from public streets and trails, including University Avenue, Seawall Drive, and the Bay Trail, and would maintain and improve public parking access through renovation of the existing Seawall Drive parking lot, which would provide approximately 400 to 450 public parking spaces. In addition, the project would enhance pedestrian, bicycle, and transit access through construction of a new cycle track, Bay Trail improvements, bicycle parking facilities, and transit improvements. Accordingly, the project would be consistent with Recreation Policy 3(a)(7).
Policy 7. Because of the need to increase the recreational opportunities available to Bay Area residents, small amounts of Bay fill may be allowed for waterfront parks and recreational areas that provide substantial public benefits and that cannot be developed without some filling.	**Consistent.** The proposed pier and breakwater would provide recreational opportunities to the Bay. As such, the fill would be allowed if it provides substantial public benefits and cannot be developed without some filling. Since the proposed project will provide an alternative form of transportation that will reduce vehicle miles traveled and greenhouse gas emissions, as well as providing a new recreational opportunity to access the Bay, the proposed project will result in substantial public benefits.

Draft EIR Page 3.9-32:

Table 3.9-4 Berkeley Marina Master Plan Consistency

Policy	Consistency
Principle 4. Provide for appropriate recreational, commercial and nonprofit development that both encourages use and protects or enhances the natural resources of the Marina lands.	
Policy 4A. Promote the use of the Marina for boating and appropriate recreational activities and encourage appropriate commercial and non-profit uses that support marine and recreation functions. Encourage Inexpensive Food Vendors. The availability of inexpensive food at the Marina should be encouraged. Use of pushcarts and other mobile structures should be allowed, but should not be located in areas that will obstruct public access or views. Support Low Cost Water Activities and Education. The City should continue to support affordable programs such as Cal Sailing Club, Cal Adventures and the Nautilus Institute that provide a variety of low-cost water-related activities as well as educational programs for youth and the community.	**Consistent.** Overall, the project would create a more attractive area that would encourage and support marine and recreation functions. The proposed public plaza would facilitate the potential for inexpensive food at the Marina. Additionally, the ferry service would support low-cost water activities, and informative signs on the pier would support education for visitors.
Policy 4C. Preserve the areas devoted to marine operations and recreational activities and expand to new areas where feasible and without negatively impacting natural resources. • Enhance Windsurfer Activities at the point immediately to the west of H's Lordships Restaurant. Consider constructing large terraced stairs to improve windsurfer access. Consider low-maintenance materials for adjacent staging areas and screening these areas with landscaping. A new pedestrian path is needed that links with the existing pathway on the north side of the parking lot. New signage and benches should be installed.	**Consistent.** The project would not be located within the Marina Basin and would, therefore, not conflict with marine operations. Implementation of the enhanced pier and ferry infrastructure would not impact waterfront recreation as recreation is prohibited at this location. The project would expand recreational activities by provided a new pier. The project would also be consistent with the Policy 4C provision to enhance windsurfer activities west of H's Lordships Restaurant (199 Seawall Drive). The project would not eliminate shoreline access used by windsurfers or other non-motorized watercraft users and would not preclude future implementation of windsurfing-related improvements contemplated by the Marina Master Plan. Access to the existing launch area near 199 Seawall Drive would be maintained. In addition, the project would provide improvements that are consistent with the policy's objectives to enhance public access and shoreline amenities, including new pedestrian and bicycle facilities, Bay Trail improvements, wayfinding signage, seating areas, the public plaza and restroom, and shoreline access improvements. Accordingly, the project would improve access and recreational use of the Waterfront while remaining compatible with existing water-oriented recreational activities such as windsurfing.

City of Berkeley
Berkeley Water Transportation Pier Ferry Project

Policy	Consistency
Principle 5. Enhance access and use of the Marina, especially for members of special user groups such as elderly, economically disadvantaged or physically challenged persons.	
Provide new and renovate pedestrian pathways and bicycle trails to increase public access at the Marina. As needed, pedestrian paths should be resurfaced and widened to provide access for all members of the community. New paths and upgraded paths will comply with ADA requirements. Bicycle paths and improvements consistent with the Berkeley Bicycle Plan should be installed along Seawall Drive, University Avenue, Marina Boulevard, and Spinnaker Way. Bike racks should be installed at key locations along the bicycle paths. *Improve shoreline access by upgrading existing pedestrian pathways along the shoreline and, where feasible, providing new pathways at the shoreline edge.* Provide a pedestrian path along the entire length of Seawall Drive. The pedestrian pathway should be grade separated from parked cars and the roadway. Plantings and berms should be used to screen cars from the pedestrian path. New signage and benches should be installed along the path. *Improve Marina Boulevard/University Avenue intersection.* As part of the Marina Boulevard realignment, the intersection should be redesigned to improve safety and clarity for pedestrian and bicyclists.	**Consistent.** The proposed project would provide the infrastructure identified in this policy. The proposed project includes the installation of a cycle track on University Avenue and a portion of the Bay Trail Extension off Seawall Drive. Where the Bay Trail Extension or recreation amenities are adjacent to Seawall Drive, the City would implement safety measures to create a barrier between vehicles and pedestrians (such as parking areas, boulders, bollards, fence, or guardrail). In addition, benches, chairs, and signage are planned to be installed on the Bay Trail Extension. The project is being designed to be ADA compliant.
Principle 6. Pursue a fiscally responsible and sustainable implementation program for the Marina.	
Maintain the Plan's prioritized capital improvement program for the construction of boating facilities, roadways, restroom facilities, and other infrastructure facilities necessary to continue Marina operations. Identify funding options to pay for the improvements.	**Consistent.** The proposed project is identified as one of Berkeley's capital projects.
Figure 2.0, Marina Master Plan	
The Marina Master Plan concept diagram identifies numerous recreational enhancements throughout the Marina, including enhancement of pedestrian and bicycle circulation, recreational opportunities, shoreline access amenities, and of windsurfer activity in the vicinity of Seawall Drive and H's Lordships Restaurant.	**Consistent.** Figure 2.0 illustrates a conceptual vision for future improvements at the Berkeley Marina and Waterfront, including enhancement of windsurfer activity near Seawall Drive and H's Lordships Restaurant (199 Seawall Drive). The proposed project would not eliminate access to the existing shoreline areas used by windsurfers, wingers, swimmers, kayakers, paddleboarders, and other water-based recreational users. The project would maintain access to the existing 199 Seawall Drive launch area and would not preclude continued use of shoreline areas adjacent to the project site for water-oriented recreation. The project would also enhance public access through construction of the Bay Trail Extension, bicycle and pedestrian improvements, new public viewing areas, shoreline access improvements, and restoration of public access to the Berkeley Pier. Accordingly, the project would support and not conflict with the recreational access objectives depicted in Figure 2.0.

Section 3.10, Noise

Sub-Section 3.10.4, Impacts Analysis

Draft EIR Page 3.10-23:

Table 3.10-14 Comparison of Landside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated and Mitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
Demolition	10	At pier entrance	Skates on the Bay Restaurant[3]	70	50	70	No
			Nearest live-aboard boat[4]	61	41	65	No
			Shorebird Park[5]	67	47	60	No
			Bay Trail Corridor[5]	62	42	60	No
			Horseshoe Park[5]	62	42	60	No
			Adventure Playground[5]	59	39	60	No
			Marina Mall[5]	56	56	60	No
Site Preparation	14	At Seawall Drive parking lot	Shorebird Park[5]	67	47	60	No
			Bay Trail Corridor[5]	64	44	60	No
			Adventure Playground[5]	58	38	60	No
			Marina Mall[5]	55	35	60	No
			Horseshoe Park[5]	54	34	60	No
			César E. Chávez Park[5]	46	26	60	No
Grading	15	At public plaza	Shorebird Park[5]	75	55	60	No
			Nearest live-aboard boat[4]	63	43	65	No
			Bay Trail Corridor[5]	64	44	60	No
			Horseshoe Park[5]	64	44	60	No
			Adventure Playground[5]	61	41	60	No
			Marina Mall[5]	58	58	60	No
			César E. Chávez Park[5]	55	35	60	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
Geotechnical Solutions	15	At public plaza	Shorebird Park[5]	75	55	60	No
			Nearest live-aboard boat[4]	63	43	65	No
			Bay Trail Corridor[5]	64	44	60	No
			Horseshoe Park[5]	64	44	60	No
			Adventure Playground[5]	61	41	60	No
			Marina Mall[5]	58	58	60	No
			César E. Chávez Park[5]	55	35	60	No
Building Construction – Restroom	10	At public plaza	Shorebird Park[5]	73	53	60	No
			Nearest live-aboard boat[4]	60	40	65	No
			Bay Trail Corridor[5]	62	42	60	No
			Horseshoe Park[5]	61	41	60	No
			Adventure Playground[5]	58	38	60	No
			Marina Mall[5]	55	35	60	No
			César E. Chávez Park[5]	52	32	60	No
Paving	20	Along University Avenue	Marina Offices[3]	85	65	70	No
			Nearest live-aboard boat[4]	70	50	65	No
			Marina Mall[5]	80	60	60	No
			Adventure Playground[5]	79	59	60	No
			Bay Trail Corridor[5]	72	52	60	No
			Shorebird Park[5]	78	58	60	No
			Horseshoe Park[5]	61	41	60	No
			César E. Chávez Park[5]	52	32	60	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
Landscaping	15	Along Seawall Drive	Shorebird Park[5]	64	44	60	No
			Nearest live-aboard boat[4]	51	31	65	No
			Bay Trail Corridor[5]	61	41	60	No
			Adventure Playground[5]	54	34	60	No
			Horseshoe Park[5]	51	51	60	No
			Marina Mall[5]	51	31	60	No
			César E. Chávez Park[5]	43	43	60	No
Amenities Installation	25	At public plaza	Shorebird Park[5]	75	55	60	No
			Nearest live-aboard boat[4]	62	42	65	No
			Bay Trail Corridor[5]	64	44	60	No
			Horseshoe Park[5]	63	43	60	No
			Adventure Playground[5]	60	40	60	No
			Marina Mall[5]	57	37	60	No
			César E. Chávez Park[5]	54	34	60	No

dBA = A-weighted decibels; MM = Mitigation Measure

[1] All noise levels presented at sensitive receptors in this column account for the noise reduction provided by Mitigation Measure NOI-1, which is estimated to provide 20 dBA of noise reduction for general construction activities.

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime multi-family residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime multi-family residential and commercial limits are 65 dBA and 70 dBA, respectively.

[3] While commercial uses (e.g., restaurants and offices) are not typically considered to be noise-sensitive receptors, these uses were included as sensitive receptors in the analysis as the City defines construction noise limits for commercial uses.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. This analysis conservatively assumes that the nearest live-aboard boat is situated at a location within the Marina that is nearest to proposed construction activity during each phase of construction.

[5] The City does not define construction noise thresholds for parks or similar outdoor recreation spaces (e.g., Shorebird Park); however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., low-density residential land uses) of 60 dBA was used.

Source: See Appendix E for construction noise modeling results

Draft EIR Page 3.10-24:

Implementation of Mitigation Measure NOI-1, including the use of temporary noise barriers, would reduce construction noise levels by up to 20 dBA for ~~demolition,~~ dredging~~,~~ and construction of waterside infrastructure and amenities (excluding pile driving equipment).[18,19] For construction phases which include the use of pile driving equipment (e.g., demolition and pile installation), ~~S~~shrouding of pile driving equipment would attenuate noise levels by 10 dBA or more.

[18.] Bies, David A, Hansen, Colin H., Howard, Carl Q. 2018. Engineering Noise Control, Fifth Edition.

[19.] Harris, Cyril M. 1991. Handbook of Acoustical Measurements and Noise Control.

Draft EIR Page 3.10-26:

Table 3.10-16 Comparison of Waterside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated and Mitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
Demolition	50	At pier entrance	Shorebird Park[3]	80	70	60	**Yes**
			Skates on the Bay Restaurant	77	67	70	No
			Nearest live-aboard boat[4]	67	57	65	No
			Bay Trail Corridor[5]	69	59	60	No
			Horseshoe Park[5]	69	59	60	No
			Adventure Playground[5]	66	56	60	No
			Marina Mall[5]	63	53	60	No
			César E. Chávez Park[5]	56	46	60	No
Dredging	83	At pier entrance	Shorebird Park[3]	70	50	60	No
			Skates on the Bay Restaurant	66	56	70	No
			Nearest live-aboard boat[4]	58	38	65	No
			Bay Trail Corridor[5]	58	38	60	No
			Horseshoe Park[5]	58	38	60	No
			Adventure Playground[5]	55	35	60	No
			Marina Mall[5]	52	32	60	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
			César E. Chávez Park[5]	45	25	60	No
Pile Installation	49	Along pier	Shorebird Park[3]	79	69	60	**Yes**
			Skates on the Bay Restaurant	~~75~~78	~~65~~68	70	No
			Nearest live-aboard boat[4]	66	56	65	No
			Bay Trail Corridor[5]	68	58	60	No
			Horseshoe Park[5]	67	57	60	No
			Adventure Playground[5]	64	54	60	No
			Marina Mall[5]	61	51	60	No
			César E. Chávez Park[5]	54	44	60	No
Deck, Float, and Gangway Construction	120	At pier entrance	Shorebird Park[3]	76	56	60	No
			Skates on the Bay Restaurant	73	53	70	No
			Nearest live-aboard boat[4]	63	43	65	No
			Bay Trail Corridor[5]	65	45	60	No
			Horseshoe Park[5]	65	45	60	No
			Adventure Playground[5]	62	42	60	No
			Marina Mall[5]	59	39	60	No
			César E. Chávez Park[5]	52	32	60	No
Amenities Installation	95	At pier entrance	Shorebird Park[3]	71	51	60	No
			Skates on the Bay Restaurant	68	48	70	No
			Nearest live-aboard boat[4]	58	38	65	No
			Bay Trail Corridor[5]	60	40	60	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
			Horseshoe Park[5]	60	40	60	No
			Adventure Playground[5]	57	37	60	No
			Marina Mall[5]	54	34	60	No
			César E. Chávez Park[5]	47	27	60	No

dBA = A-weighted decibels; MM = Mitigation Measure

[1] All noise levels presented at sensitive receptors in this column account for the noise reduction provided by Mitigation Measure NOI-1, which is estimated to provide 20 dBA of noise reduction for phases consisting of general construction activities (i.e., dredging, deck, float, and gangway construction, and amenities installation) and 10 dBA of noise reduction for phases consisting of pile driving activities (i.e., demolition and pile installation).

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime residential and commercial limits are 60 dBA and 70 dBA, respectively.

[3] The City does not define construction noise thresholds for parks or similar outdoor recreation spaces (e.g., Shorebird Park); however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., low-density residential land uses) of 60 dBA was used.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. For evaluation of waterside construction noise impacts, this analysis conservatively assumes that the nearest live-aboard boat is situated at the southwestern corner of the Marina, as this represents the nearest location to proposed waterside construction activities.

Source: See Appendix E for construction noise modeling results.

Draft EIR Page 3.10-28:

Table 3.10-20 Maximum Landside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA L_{max})	Applicable Noise Threshold (dBA L_{max})[2]	Exceeds Threshold?
Demolition	10	At pier entrance	Skates on the Bay Restaurant[3]	215	72	70	**Yes**
			Nearest live-aboard boat[4]	620	63	65	No
Site Preparation	14	At Seawall Drive parking lot	Shorebird Park[5]	65	83	60	**Yes**
Grading	15	At public plaza	Shorebird Park[5]	150	75	60	**Yes**
			Nearest live-aboard boat[4]	640	63	65	No

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA L_{max})	Applicable Noise Threshold (dBA L_{max})[2]	Exceeds Threshold?
Geotechnical Solutions	15	At public plaza	Shorebird Park[5]	100	79	60	**Yes**
			Nearest live-aboard boat[4]	615	63	65	No
Building Construction – Restroom	10	At public plaza	Shorebird Park[5]	100	79	60	**Yes**
			Nearest live-aboard boat[4]	615	63	65	No
Paving	20	Along University Avenue	Marina Offices[3]	35	93	70	**Yes**
			Nearest live-aboard boat[4]	295	75	65	**Yes**
Landscaping	15	Along Seawall Drive	Shorebird Park[5]	50	85	60	**Yes**
			Nearest live-aboard boat[4]	900	60	65	No
Amenities Installation	25	At public plaza	Shorebird Park[5]	100	84	60	**Yes**
			Nearest live-aboard boat[4]	615	68	65	**Yes**

dBA = A-weighted decibels; L_{max} = maximum sound level

[1] The distances from construction work areas to nearest sensitive receptors were determined from the closest edge of each work area relative to a nearby sensitive receptor.

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime multi-family residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime multi-family residential and commercial limits are 65 dBA and 70 dBA, respectively.

[3] Note that while commercial uses (e.g., restaurants and offices) are not typically considered to be noise-sensitive receptors, these uses were included as sensitive receptors in the analysis as the City defines construction noise limits for commercial uses.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. This analysis conservatively assumes that the nearest live-aboard boat is situated at a location within the Marina that is nearest to proposed construction activity during each phase of construction.

[5] Note that the City does not define construction noise thresholds for parks or similar outdoor recreation spaces; however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., single-family residential land uses) of 60 dBA was used.

See Appendix E for construction noise modeling results.

Table 3.10-21 Comparison of Maximum Landside Construction Noise Levels at Nearby Sensitive Receptors by Phase With and Without Mitigation Measure NOI-1

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA L_{max})		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With MM NOI-1[1]		
Demolition	10	At pier entrance	Skates on the Bay Restaurant[3]	72	52	70	**Yes**
			Nearest live-aboard boat[4]	63	43	65	No
Site Preparation	14	At Seawall Drive parking lot	Shorebird Park[5]	83	63	60	**Yes**
Grading	15	At public plaza	Shorebird Park[5]	75	55	60	No
			Nearest live-aboard boat[4]	63	43	65	No
Geotechnical Solutions	15	At public plaza	Shorebird Park[5]	79	59	60	No
			Nearest live-aboard boat[4]	63	43	65	No
Building Construction – Restroom	10	At public plaza	Shorebird Park[5]	79	59	60	No
			Nearest live-aboard boat[4]	63	43	65	No
Paving	20	Along University Avenue	Marina Offices[3]	93	73	70	**Yes**
			Nearest live-aboard boat[4]	75	55	65	No
Landscaping	15	Along Seawall Drive	Shorebird Park[5]	85	65	60	**Yes**
			Nearest live-aboard boat[4]	60	40	65	No
Amenities Installation	25	At public plaza	Shorebird Park[5]	84	64	60	**Yes**
			Nearest live-aboard boat[4]	68	48	65	No

dBA = A-weighted decibels; MM = Mitigation Measure; L_{max} = maximum sound level

[1] Note that all noise levels presented at sensitive receptors in this column account for the noise reduction provided by Mitigation Measure NOI-1, which is estimated to provide 20 dBA of noise reduction for general construction activities.

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime multi-family residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime multi-family residential and commercial limits are 65 dBA and 70 dBA, respectively.

[3] Note that while commercial uses (e.g., restaurants and offices) are not typically considered to be noise-sensitive receptors, these uses were included as sensitive receptors in the analysis as the City defines construction noise limits for commercial uses.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. This analysis conservatively assumes that the nearest live-aboard boat is situated at a location within the Marina that is nearest to proposed construction activity during each phase of construction.

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA L_{max})		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With MM NOI-1[1]		

[5] Note that the City does not define construction noise thresholds for parks or similar outdoor recreation spaces; however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., single-family residential land uses) of 60 dBA was used.

See Appendix E for construction noise modeling results.

Table 3.10-22 Maximum Waterside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA L_{max})	Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
Demolition	50	At pier entrance	Shorebird Park[3]	150	85	60	**Yes**
			Nearest live-aboard boat[4]	670	72	65	**Yes**
Dredging	83	At pier entrance	Shorebird Park[3]	150	75	60	**Yes**
			Nearest live-aboard boat[4]	670	62	65	No
Pile Installation	49	Along pier	Shorebird Park[3]	150	85	60	**Yes**
			Nearest live-aboard boat[4]	670	72	65	**Yes**
Deck, Float, and Gangway Construction	120	At pier entrance	Shorebird Park[3]	150	80	60	**Yes**
			Nearest live-aboard boat[4]	670	67	65	**Yes**
Amenities Installation	95	At pier entrance	Shorebird Park[3]	150	75	60	**Yes**
			Nearest live-aboard boat[4]	670	62	65	No

dBA = A-weighted decibels; L_{max} = maximum sound level

[1] All equipment in each waterside construction phase was conservatively assumed to operate near the pier entrance, as this represents the closest location where construction activity may occur relative to nearby sensitive receptors.

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime residential and commercial limits are 60 dBA and 70 dBA, respectively.

[3] Note that the City does not define construction noise thresholds for parks or similar outdoor recreation spaces; however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., single-family residential land uses) of 60 dBA was used.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. For evaluation of waterside construction noise impacts, this analysis conservatively assumes that the nearest live-aboard boat is situated at the southwestern corner of the Marina, as this represents the nearest location to proposed waterside construction activities.

See Appendix E for construction noise modeling results.

Table 3.10-23 Comparison of Maximum Waterside Construction Noise Levels at Nearby Sensitive Receptors by Phase With and Without Mitigation Measure NOI-1

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA L_{max})		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With MM NOI-1[1]		
Demolition	50	At pier entrance	Shorebird Park[3]	85	75	60	**Yes**
			Nearest live-aboard boat[4]	72	62	65	No
Dredging	83	At pier entrance	Shorebird Park[3]	75	55	60	No
			Nearest live-aboard boat[4]	62	42	65	No
Pile Installation	49	Along pier	Shorebird Park[3]	85	75	60	**Yes**
			Nearest live-aboard boat[4]	72	62	65	No
Deck, Float, and Gangway Construction	120	At pier entrance	Shorebird Park[3]	80	60	60	No
			Nearest live-aboard boat[4]	67	47	65	No
Amenities Installation	95	At pier entrance	Shorebird Park[3]	75	55	60	No
			Nearest live-aboard boat[4]	62	42	65	No

dBA = A-weighted decibels; MM = Mitigation Measure; L_{max} = maximum sound level

[1] Note that all noise levels presented at sensitive receptors in this column account for the noise reduction provided by Mitigation Measure NOI-1, which is estimated to provide 20 dBA of noise reduction for phases consisting of general construction activities (i.e., dredging, deck, float, and gangway construction, and amenities installation) and 10 dBA of noise reduction for phases consisting of pile driving activities (i.e., demolition and pile installation).

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime residential and commercial limits are 60 dBA and 70 dBA, respectively.

[3] Note that the City does not define construction noise thresholds for parks or similar outdoor recreation spaces; however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., single-family residential land uses) of 60 dBA was used.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. For evaluation of waterside construction noise impacts, this analysis conservatively assumes that the nearest live-aboard boat is situated at the southwestern corner of the Marina, as this represents the nearest location to proposed waterside construction activities.

See Appendix E for construction noise modeling results.

Draft EIR Page 3.10-30:

Noise from Operation of Ferry Vessels

Ferry vessels would operate at the north end of the pier, as close as approximately 400 feet from the nearest sensitive receptor (i.e., the Skates on the Bay Restaurant located to the northeast). At this distance, operation of the ferry vessels would generate noise levels up to 52 dBA at the Skates on the Bay Restaurant, which would not exceed the City's daytime or nighttime exterior noise limits of 65

and 60 dBA, respectively, at commercial land uses. Additionally, ferry vessels would operate approximately 430 feet from the nearest portion of the proposed Bay Trail corridor and approximately 550 feet from Shorebird Park. At these distances, operation of ferry vessels would generate noise levels up to 51 and 49 dBA at the Bay Trail corridor and Shorebird Park, respectively, which would not exceed the City's daytime exterior noise limit of 55 dBA for low-density single-family residential uses, which is the threshold also used for outdoor recreation spaces due to a similar level of noise sensitivity. Note that noise levels would continue to decrease as distance from the ferry terminal increases, therefore noise levels at all other parks located farther away (e.g., César E. Chávez Park, Horseshoe Park, Marina Mall, and Adventure Playground) would also not exceed the City's applicable daytime exterior noise limit. Therefore, operational noise impacts associated with the ferry vessels would be less than significant. For the noise impact associated with operation of ferry vessels as it relates to potential impacts related to biological resources discussion, see Impact BIO-1 in Section 3.3, *Biological Resources*.

Section 3.11, Recreation

Sub-Section 3.11.2, Environmental Setting

Draft EIR Page 3.11-1:

Open space is a broad term for undeveloped land that provides public access, while a park is a specific type of open space that is developed for recreation and leisure activities. Parks can include playgrounds, sports fields, and paved paths, whereas open spaces can be more natural and less developed areas like forests, farms, or grasslands. Both open space and parks can be publicly owned and operated by a city, a regional jurisdiction, the State, or the federal government. A recreational facility is a specific, human-made structure or area designed for a particular recreational activity and can include elements such as parks and picnic sites, pathways and trails, boating docks, community and nature center buildings, sports courts and swimming pools, among other elements. For purposes of the EIR analysis presented in Section 3.11.4, *Impacts Analysis*, recreational resources include both land-based facilities, such as parks, trails, and open space areas, as well as water-based areas used for recreation, such as marina basins, lagoons, and San Francisco Bay Waters. Figures depicting park and recreation resources may include water features to represent the full extent of recreational use areas rather than solely land acreage.

Draft EIR Page 3.11-5:

Berkeley Marina Basin

The Berkeley Waterfront is an approximately 125-acre area west of I-80 in the City of Berkeley. The Berkeley Marina Basin refers to a subset of the Berkeley Waterfront north of the project site that includes the main boat harbor with approximately 1,000 recreational boat slips (Figure 3.11-2). In 1937, Berkeley built the original yacht harbor (i.e., the Marina Basin) in the Waterfront area. In the 1960s, the City participated in regional planning efforts to develop an East Bay Shoreline for recreation and public access. During this period, the City decided to re-develop the existing yacht harbor of 1937 into the modern Berkeley Marina Basin that exists today.[11] The predominant activity at the Berkeley Marina Basin Main Harbor involves the operation of boat slips for up to 1,000 recreational sailboats, as well as other activities such as dinner cruises, commercial charter boats for sightseeing and fishing, sailing lessons and dragon boat canoe racing. The Marina is a designated San Francisco Bay Water Trail site.[12]

[11.] Berkeley, City of. 2024. Draft Waterfront Specific Plan for the City of Berkeley Public Tidelands Area. Available: https://berkeleyca.gov/sites/default/files/documents/BWSP_Draft_2024-11-08.pdf (accessed September 2024).

[12.] San Francisco Bay Conservation and Development Commission (BCDC). 2026. Berkeley Marina Boat Ramp. https://sfbaywatertrail.org/trailhead/berkeley-marina-ramp/ (accessed September 2026).

Draft EIR Page 3.11-6:

South Sailing Basin

The South Sailing Basin, located immediately south and southeast of project site is identified as a Water/Recreational use in the Marina Master Plan (see Figure 3.11-2).[16] The South Sailing Basin is a designated San Francisco Bay Water Trail site.[17] Three public docks, located south of University Avenue and south of the sailing club facilities, and south of the project site provide public access to the water for small boats (sail, windsurf, wing, kayak, canoe, paddleboard, etc.) and swimming. The Cal Sailing Club and the Cal Adventures Center utilize the public access docks for sailing and other water recreation activities in the South Sailing Basin.

16. Berkeley, City of. 2003. Berkeley Marina Master Plan. https://berkeleyca.gov/sites/default/files/2022-02/Berkeley-Marina-Master-Plan 1.pdf (accessed September 2024).

17. San Francisco Bay Conservation and Development Commission (BCDC). 2026. Berkeley Marina Small Boat Launch. https://sfbaywatertrail.org/trailhead/berkeley-marina-small-boat-launch (accessed September 2026).

San Francisco Bay

The San Francisco Bay is a tidal estuary that provides a variety of natural resource and open space opportunities (see Figure 3.11-2). According to the BCDC San Francisco Bay Plan, the San Francisco Bay is the most important open space in the Bay region, and it provides a variety of unique recreational opportunities. Primary recreation activities occurring throughout the San Francisco Bay include sailing, kayaking, paddle-boarding, swimming, windsurfing, kitesurfing, canoeing and dragon boat canoeing. Additional recreation activities on the Bay include wildlife viewing, fishing and boating via public ferry, private and charter boats. These water-based recreational activities often involve specialized equipment and access points to the shoreline and marina facilities, and are an integral component of the recreational setting at the Berkeley Waterfront.

Draft EIR Page 3.11-7:

Open water swimming is a recognized recreational activity within the Berkeley Waterfront, including use of marina coves and shoreline areas. While the Draft EIR does not quantify user volumes, these activities are considered part of the existing recreational baseline in evaluating potential impacts to recreational access and facilities. Windsurfers, wingers, swimmers, paddleboarders, and kayakers launch from the South Sailing docks or Shorebird Beach for access throughout the South Sailing Cove and beyond. An un-improved rocky shoreline at the southernmost point of the 199 Seawall peninsula is used by some swimmers and windsurfers/wingers, primarily when low tides make launching from the South Cove undesirable due to shallow water and exposed mudflats. According to Berkeley Municipal Code Section 6.20.180, Prohibited activities, swimming, bathing, windsurfing, and wading is prohibited within the City jurisdictional waters except for the South Sailing Basin (including the Shorebird Park Beach and the sailing docks), and no personal watercraft of any kind may be operated within 1,500 feet of the Berkeley Pier.

Sub-Section 3.11.3, Regulatory Framework

Draft EIR Page 3.11-8:

McAteer-Petris Act

The McAteer-Petris Act, enacted in 1965, established the San Francisco Bay Conservation and Development Commission (BCDC) to address public concerns about the future of San Francisco Bay. The Act empowers BCDC to regulate development and fill within the Bay, requiring that changes promote public access and recreational opportunities. This provision mandates comprehensive

planning through the San Francisco Bay Plan, which includes requirements for parks and recreational areas to enhance public enjoyment of the Bay. Additionally, the Act empowers BCDC to issue and deny permits for projects within its jurisdiction, balancing development projects with environmental preservation and public access. In addition, Chapter 7 of the McAteer-Petris Act describes the San Francisco Bay Area Water Trail, a non- linear, recreational trail of launching and landing sites for non-motorized small boaters that circumnavigates the San Francisco Bay. The South Sailing Basin and Marina are designated San Francisco Bay Water Trail sites.

[…]

BCDC San Francisco Bay Plan

The San Francisco Bay Plan, developed by BCDC, serves as a comprehensive framework for managing the Bay and its shoreline. The Plan emphasizes the importance of preserving and enhancing public access to the Bay, including the development of parks, marinas, beaches, and fishing piers. It aims to balance environmental preservation with recreational opportunities, ensuring that the Bay remains a valuable natural asset for both current and future generations. The Plan establishes policies and identifies priority use areas to guide development within BCDC's jurisdiction, including the "Waterfront Park, Beach" designation, which applies to portions of the project site. By guiding development and conservation efforts, the Plan supports the creation of recreational spaces that contribute to the overall quality of life in the Bay Area. Although BCDC laws and policies have a regional focus and are therefore included within the Regional and Local Regulations subsection of Section 3.11.3, *Regulatory Framework*, BCDC's governing legislation, the McAteer-Petris Act, has the status of State law and is effectively comprised of State regulations subject to approval by the California Office of Administrative Law. The BCDC San Francisco Bay Plan includes the following policies related to recreation and public access: …

Sub-Section 3.11.4, Impacts Analysis

Draft EIR Page 3.11-15:

One agency (BCDC) requested that the City document recreational use, identify the service area and service population, assess whether recreational facilities for the project are commensurate with need, and assess potential deterioration of facilities. Section ~~3.10.2~~ 3.11.2, *Environmental Setting* provides details about existing recreational use, the service area and service population, and the existing parks to person ratio; and Impact REC-1 addresses impacts associated with the physical deterioration of recreational facilities.

Organizations and individuals provided general comments about addressing recreational impacts, including impacts on swimming and fishing, as well as recreational access. Comments about recreation impacts and recreational access are addressed in Impacts REC-1 and REC-2. Potential indirect effects on fish habitat and behavior are evaluated in Section 3.3, *Biological Resources*, while this Section evaluates physical access to fishing opportunities. The City also received comments about parking. Comments about parking not related to CEQA impacts are not addressed in this Section (please refer to Chapter 3, *Environmental Impact Analysis*, for a discussion about how parking is considered in this EIR).

Draft EIR Pages 3.11-16:

Direct impacts on parks due to construction would be limited to the installation of a wayfinding signage in Shorebird Park. These potential impacts would be minor, as the construction would be completed using hand tools, would last one day, and would not require the closure of Shorebird Park. For these reasons, direct impacts on parks would be limited; however, there is the potential for construction to result in indirect impacts on recreational resources located near the project site, such as air quality and noise impacts due to use of construction equipment.

Construction activities associated with the proposed project would be phased and managed to maintain recreational access to the Berkeley Waterfront to the maximum extent feasible. During construction, temporary access constraints may occur in localized areas used for staging or active work. However, the City would implement access management practices, including maintaining access where feasible, providing temporary detours around active work areas, and installing temporary signage and wayfinding to direct recreational users to available areas of the waterfront, consistent with the City's construction permitting requirements and traffic control standards.

Draft EIR Page 3.11-17:

While construction of the proposed project may temporarily influence recreational users to seek alternative park facilities, the Berkeley Waterfront area spans approximately 100 acres with multiple access points at other locations that would not be affected by construction staging. In addition, although access routes may be temporarily modified, construction staging and sequencing would be organized, to the maximum extent feasible, to minimize disruption to public access, while maintaining safe construction operations. Therefore, project construction would not preclude recreation at the Waterfront to such an extent that recreational facilities would physically deteriorate or new recreational facilities would be needed.

Draft EIR Page 3.11-18:

For construction occurring in the water, swimming, bathing, wading, and wind surfing~~, sailing, and kayaking~~ are prohibited at the existing and new pier areas, pursuant to Berkeley Municipal Code Section 6.20.180(A), Prohibited activities. Although Berkeley Municipal Code Section 6.20.180(B) also prohibits the use of jet skis and other motorized watercrafts in this vicinity, sailboats, kayaks, paddleboards, and other non-motorized recreational watercraft may continue to use waters in the pier area. Boats already navigate around the existing pier and other vessels in the Bay and Marina, and they would similarly be able to navigate around in-water construction activities. Boats entering or exiting the Marina would also be able to maneuver around the work area, as construction would be staged to maintain adequate space for vessel passage. Therefore, water-work would not directly impact water-based recreation. ~~Therefore, p~~Project construction also would not substantially increase the use of existing park and recreational ~~reactional~~ facilities, including access to the San Francisco Bay for recreational use, such that there would be substantial physical deterioration of existing parks and recreational facilities and result in need for new or physically altered park facilities.

Draft EIR Page 3.11-19 and 3.11-20:

Operation of the ferry vessels would not interfere with recreational uses of the Berkeley Waterfront area. While the project would introduce ferry vessel operations within the approach channel and berthing area, these activities would be limited to defined navigation corridors. Recreational sailing areas in the Marina and adjacent waters would remain available. Proposed ferry vessels would travel and dock in Bay waters north of the pier, in an area where swimming, bathing, wading, and windsurfing~~/sailing is~~ are prohibited by the Berkeley Municipal Code Section 6.20.180(A), Prohibited activities. These restrictions represent existing municipal regulations applicable to localized areas of the Marina and are part of the existing baseline conditions; the proposed project would not modify or expand the geographic extent of these regulated areas. However, other types of recreational boats are permitted to use this area. Sailboats, kayaks, paddleboards, and other non-motorized personal watercraft are not prohibited by either Section 6.20.180(A) or Section 6.20.180(B) and may continue to use the area accordingly. At present, permitted recreational boats already navigate around the existing pier and other vessels using the Bay and Marina, and they would similarly be able to navigate around the proposed ferry infrastructure and ferry vessels. Boats entering or exiting the Marina would continue to be able to maneuver around ferry infrastructure similar to how they currently navigate the area, as ferry infrastructure would maintain adequate space for the passage and docking of permitted recreational boats. Ferry operations would comply with speed restrictions and navigation protocols, resulting in wake conditions consistent with existing vessel traffic. Recreational users, including

swimmers and non-motorized watercraft users, are not typically present within the proposed ferry terminal location, north of the Pier, due to the existing traffic of sailboats and charter boats entering and exiting the Marina. Ferry boats would be regulated near the ferry terminal and be restricted to a travel speed maximum of 8 knots.[29] More specifically, at 0.33 nautical miles, or approximately 2,000 feet from the terminal, ferry boats would begin to slow speed to reduce the effects of the vessel's wake. At 0.25 nautical miles, or approximately 1,500 feet from the terminal, the vessels would be brought to neutral for transferring and qualifying controls at the wing station for docking.[30] Consistent with existing WETA practices, ferry operations would be subject to U.S. Coast Guard navigation and safety requirements and would incorporate standard operational protocols, including defined approach routes, speed controls, and coordination with marina traffic, to ensure safe coexistence with recreational water users (refer to Section 3.12, *Transportation*). In addition to compliance with speed restrictions and navigation protocols, recreational users, including swimmers and non-motorized watercraft users, are not typically present within the proposed ferry terminal location north of the Pier due to the existing traffic of sailboats and charter boats entering and exiting the Marina. There are no designated launch points within the immediate vicinity of the ferry terminal. Ferry operations would occur within areas already characterized by vessel activity and would not affect primary recreational launch areas located elsewhere within the Berkeley Waterfront. Therefore, the associated ferry wake would not be noticeable within the context of the Berkeley Waterfront area and existing sailboat, motorized boats, and other recreational craft use. Recreation in the South Sailing Basin would not be impacted by operation of the proposed project, given the ferry boats would not traverse that area.

Operation of the ferry would not hinder existing and new physical access to recreational resources on the project site or adjacent areas. The project would not restrict shoreline areas used for water-based recreation within the South Sailing Basin, and existing access points to these areas would be maintained.

While certain access points, circulation patterns, and parking configurations within the project vicinity would be modified, overall access to recreational resources would be maintained and enhanced. The proposed new pier and breakwater, Bay Trail Extension, and green space next to the Bay Trail Extension would be publicly accessible and access to such project-related recreational uses would not be hindered by ferry operation or riders commuting to and from the Berkeley Waterfront area to utilize ferry services. Furthermore, the proposed project would include amenities such as fish cleaning stations, seating, and public restrooms, which would enhance the experience of people visiting the pier and breakwater for recreation.

29. 8 knots is equal to approximately 9.2 miles per hour.

30. Gerrity, Brian. 2025. Project Manager, Capital Planning, San Francisco Bay Ferry. Personal communication regarding ferry speed in the Berkeley Waterfront area with Leo Mena, Senior Environmental Planner, Rincon Consultants. December 4, 2025.

Section 3.12, Transportation

Sub-Section 3.12.3, Regulatory Framework

Draft EIR Page 3.12-11:

BCDC San Francisco Bay Plan

The San Francisco Bay Plan, developed by BCDC, serves as a comprehensive framework for managing the Bay and its shoreline. The Plan emphasizes the importance of preserving and enhancing public access to the Bay, including the development of parks, marinas, beaches, and fishing piers. It aims to balance environmental preservation with recreational opportunities, ensuring that the Bay remains a valuable natural asset for both current and future generations. The Plan establishes policies and identifies priority use areas to guide development within BCDC's jurisdiction,

including the "Waterfront Park, Beach" designation, which applies to portions of the project site. By guiding development and conservation efforts, the Plan supports the creation of recreational spaces that contribute to the overall quality of life in the Bay Area. Although BCDC laws and policies have a regional focus and are therefore included within the Regional and Local Regulations subsection of Section 3.12.3, Regulatory Framework, BCDC's governing legislation, the McAteer-Petris Act, has the status of State law and is effectively comprised of State regulations subject to approval by the California Office of Administrative Law. Refer to Table 3.9-1 within Section 3.9, *Land Use and Planning*, of this EIR, which identifies the relevant BCDC San Francisco Bay Plan policies applicable to transportation and public access considerations at the project site.

Chapter 5, Alternatives

Sub-Section 5.5.1, Alternative 1: No Project Alternative Description

Draft EIR Page 5-4:

Under the No Project Alternative, none of the improvements associated with the project and the current uses would remain. Below is a summary of the No Project Alternative.

- The pier, breakwater, and associated infrastructure for the ferry vessels would not be installed, and the pier would continue to deteriorate and remain closed to the public.
- No new ferry service from Berkeley would be established and vehicle trips across the Bay would continue at their current rate.
- No new public plaza would be installed.
- None of the improvements along University Avenue or Seawall Drive would be installed, including no new cycle track, no upgraded bus facilities, and no Bay Trail Extension. Vehicles, buses, pedestrians, and bicyclists would continue to use the existing facilities.
- The Seawall Drive East Parking lot would remain in its current condition.
- None of the construction associated with the project would occur.
- Reasonably foreseeable projects, as identified in Table 3-1 would continue to be implemented.

Sub-Section 5.5.2, Alternative 1: No Project Alternative Impact Analysis

Draft EIR Page 5-8:

Transportation

Under Alternative 1, the site would remain in its current condition, with no ferry infrastructure, public plaza, recreation, or transportation improvements implemented. Existing facilities such as the deteriorating pier and Seawall Drive East Parking lot would remain unchanged, and vehicle trips across the Bay would continue at their current rate. At the project site, trips to the site for recreation would continue. In addition, if future development occurs at the Berkeley Waterfront, including but not limited to the development of a new restaurant at 199 Seawall Drive, local VMT would increase. Regionally, VMT would increase over time with projected regional growth, University Avenue would not undergo any safety improvements, and emergency evacuation capabilities would remain constrained. Alternative 1 transportation impacts would be less than significant.

The proposed project's impact related to transportation would be less than significant (see Section 3.12, *Transportation*). Alternative 1 would have a greater impact related to transportation compared to the proposed project due to the lack of improvements on University Avenue that would improve circulation and pedestrian safety, the lack of zero-emission transportation infrastructure that would decrease VMT, and the lack of emergency evacuation capability improvements that the proposed project would provide.

Sub-Section 5.5.9, Alternatives Considered but Rejected

Draft EIR Page 5-27:

Smaller scale ferry service. Under this potential alternative, smaller ferry vessels or a reduced ferry vessel schedule would be used. A smaller ferry or reduced ferry vessel schedule would still result in additional ferry vessels and would not reduce a significant environmental impact. Regarding biological resources, in general, fish and marine mammals potentially near the Berkeley waterfront are adapted to the high activity level of an active marina and would avoid ferry boats as they now avoid commercial and recreational boaters. An alternative that would introduce a smaller scale ferry service would still have the same potential impact. Therefore, this alternative would not reduce any environmental impacts. Similarly, the use of smaller vessels or smaller scale ferry service would also not avoid or substantially lessen significant environmental impacts associated with dredging. Regardless of vessel size or the schedule of ferry vessels, ferry operations would still require in-water improvements and construction activities within the San Francisco Bay to provide safe vessel access and passenger boarding facilities and therefore, although a smaller vessel could potentially reduce dredging requirements, there is no assurance that dredging would be avoided altogether. In addition, to the extent that a smaller scale ferry service or smaller ferry vessel could operate from within the Berkeley Marina using an existing berth or marina facilities, such an alternative would present similar operational and feasibility concerns as the Berkeley Marina Basin alternative (refer to Section 2.2.12, *Topical Response: In-Marina Ferry Terminal Alternative*, of the Final EIR). Similar to the Berkeley Marina Basin alternative, a smaller scale ferry service or smaller ferry vessel would result in operational inefficiencies and decreased reliability, as ferry operations within the marina would be subject to maneuvering constraints, increased docking and departure times, and potential conflicts with slipholders. Furthermore, a substantially smaller ferry service or smaller ferry vessel would not fully meet the project's basic objective of providing efficient and environmentally friendly zero-emission public ferry service between Berkeley and San Francisco, as a smaller vessel or substantially reduced service schedule would lessen the project's capacity to improve regional connectivity and reduce single-occupancy vehicle trips. Because this alternative would not reduce significant environmental impacts and would not meet the project's basic objective of providing efficient ferry service, this alternative has been considered but rejected.

Appendix C, Supporting Biological Resources Information

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Special Status Animal Species in the Regional Vicinity of the Project site

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
…				
Fish				
…				
Oncorhynchus tshawytscha pop. 11 chinook salmon - Central Valley spring-run ESU	FT/ST G5T2Q/S2	Adult numbers depend on pool depth and volume, amount of cover, and proximity to gravel. Water temps >27 C are lethal to adults. Federal listing refers to populations spawning in Sacramento River and tributaries.	Moderate Potential (non-breeding)	Suitable freshwater breeding habitat for the species does not occur within the Project site. However, the Bay habitat within the Project site provides migrating habitat for this species.
Oncorhynchus tshawytscha pop. 13 chinook salmon - Central Valley fall/late-fall-run ESU	None/None G5T3Q/S3 SSC	Populations spawning in Sacramento River and San Joaquin rivers and their tributaries.	Moderate Potential (non-breeding)	Suitable freshwater breeding habitat for the species does not occur within the Project site. However, the Bay habitat within the Project site provides migrating habitat for this species.
Spirinchus thaleichthys pop. 2 longfin smelt- San Francisco Bay-Delta DPS	FE/ST G5TNRQ/S1	Pelagic and anadromous within the Sacramento-San Joaquin River Delta, San Francisco Bay, and Gulf of the Farallones. Spawns in lower freshwater reaches of Sacramento and San Joaquin Rivers. First year in Suisun Bay; later SF Bay or Gulf of the Farallones. Occurs in salinities ranging from pure freshwater to pure saltwater; typically salinities ranging from 14-28 parts per thousand (ppt). Generally occupies water temperatures from 61-68F, with spawning occurring in water temperatures from 41-58F.	High Potential	The Project site is within a known occurrence with recent observations, and marine areas are suitable habitat for the species.
…				
Birds				
…				
Athene cunicularia burrowing owl	None/SC G4/S2 SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Low Potential	Although one occurrence has been documented within five miles of the project site and burrowing owls are known to overwinter at Cesar Chavez Park, the project site itself does not provide the habitat conditions required for overwintering. The site lacks open, low-stature annual grassland and protected foraging areas with sufficient insect prey, which are essential for sustaining overwintering individuals. Adjacent areas, including fragmented grasslands in Shorebird Park and along University Avenue, contain limited open space but do not provide suitable overwintering habitat. While some ground squirrel burrows are present, these grassland areas are routinely mowed for park use and subject to heavy recreational use and frequent human disturbance, which reduces prey availability and limits habitat suitability. In addition, the grassland areas along University Avenue are narrow and linear, lack refuge from disturbance due to regular trail use, recreation, and the presence of dogs, and are exposed to numerous tall perching structures that support hawks and other avian predators. A migrating or displaced individual could briefly land on the project site or within nearby areas during movement; however, sustained overwintering use is not expected. Accordingly, neither the project site nor immediately adjacent areas, provide suitable overwintering habitat for burrowing owl.
Branta bernicla *brant*	None/SC G5/S2 SSC	Requires well-protected, shallow marine waters with intertidal eel-grass beds, primarily within bays and estuaries. At high tide they need sheltered open water or protected beaches for loafing. Primary food is eelgrass. Brant often feed close to mudflats, sandbars, or spits used as gritting sites.	Low Potential	There are no known occurrences within five miles and this species does not breed in California; however, suitable foraging habitat may be present in the project vicinity.

City of Berkeley
Berkeley Water Transportation Pier Ferry Project

Scientific Name Common Name	Status Fed/State ESA CDFW	Habitat Requirements	Potential to Occur	Rationale[1]
Branta hutchinsii leucopareia cackling (=Aleutian Canada) goose	FD/None G5T3/S3 WL	Winters on lakes and inland prairies. Forages on natural pasture or that cultivated to grain; loafs on lakes, reservoirs, ponds.	Not Expected	There are no known occurrences within five miles, this species does not typically breed in California, and the Project site is largely developed and disturbed by recreational use.
…				
Falco peregrinus anatum American peregrine falcon	FD/SD G4T4/S3S4	Near wetlands, lakes, rivers, or other water; on cliffs, banks, dunes, mounds; also, human-made structures. Nest consists of a scrape or a depression or ledge in an open site.	Not Expected	There are two known occurrences within five miles; however, suitable cliffs or tall buildings are not present.
Gavia immer common loon	None/None G5/S1 SSC	Breeds in northern freshwater lakes in Canada and the northern United States, migrates to coastal waters or large southern lakes in winter. Frequents bodies of water that are extensive, fairly deep, and produce quantities of large fish.	Low Potential	No recorded occurrences within five miles, however winter habitat is present in open water in the vicinity of the project site.
Geothlypis trichas sinuosa saltmarsh common yellowthroat	None/None G5T3/S3 SSC	Resident of the San Francisco Bay region, in freshwater and saltwater marshes. Requires thick, continuous cover down to water surface for foraging; tall grasses, tule patches, willows for nesting.	Not Expected	There is one known occurrence within five miles; however, suitable marsh habitat is not present, and the Project site is largely developed and disturbed by recreational use.
…				
Nannopterum auritum double-crested cormorant	None/None G5/S4 WL	Colonial nester on coastal cliffs, offshore islands, and along lake margins in the interior of the state. Nests along coast on sequestered islets, usually on ground with sloping surface, or in tall trees along lake margins.	Moderate Potential	There are no known occurrences within five miles, and the Project site is largely developed and disturbed by recreational use; however, this species is known locally to nest on man-made structures.
Pandion haliaetus *osprey*	None/None G5/S4 WL	Ocean shore, bays, freshwater lakes, and larger streams. Builds large nests in tree-tops or tall structures within 15 miles of a good fish-producing body of water.	Low Potential	There are no recorded occurrences within five miles. Suitable foraging habitat is present over open water within the project site. There are suitable trees and tall structures for nesting within the project site, but due to high anthropogenic disturbance and no documentation of nests, it is unlikely that ospreys would nest in the project site.
Rallus obsoletus obsoletus California Ridgway's rail	FE/SE G3T1/S2 FP	Salt water and brackish marshes traversed by tidal sloughs in the vicinity of San Francisco Bay. Associated with abundant growths of pickleweed, but feeds away from cover on invertebrates from mud-bottomed sloughs.	Not Expected	There are two known occurrences within five miles; however, suitable marsh habitats are not present and the Project site is largely developed and disturbed by recreational use
…				
Rynchops niger black skimmer	None/None G5/S2 SSC	Nests on gravel bars, low islets, and sandy beaches, in unvegetated sites. Nesting colonies usually less than 200 pairs.	Not Expected	There are no known occurrences within five miles, suitable gravel bars and beaches are not present, and the Project site is largely developed and disturbed by recreational use.
Sternula antillarum browni California least tern	FE/SE G4T2T3Q/S2 FP	Nests along the coast from San Francisco Bay south to northern Baja California. Colonial breeder on bare or sparsely vegetated, flat substrates: sand beaches, alkali flats, land fills, or paved areas.	~~Not Expected~~ Low Potential	There are no known occurrences within five miles, suitable colonial breeding sites are not present, and the Project site is largely developed and disturbed by recreational use. This species may forage over open water in the vicinity of the project site.
Thalasseus elegans *elegant tern*	None/None G5/S3 WL	Nests on open, sandy undisturbed beaches and on salt-evaporating pond dikes (San Diego) in association with the Caspian tern. There are three known breeding colonies in San Diego Bay, Los Angeles Harbor, and Bolsa Chica Ecological Reserve. Outside of breeding season they can be found along the Pacific coast, from California, all the way into South America. They eat mostly small schooling fish and the northern anchovy is their primary prey.	Low Potential	There are no known occurrences within five miles, suitable breeding sites are not present. This species may forage over open water in the vicinity of the project site.
Xanthocephalus xanthocephalus yellow-headed blackbird	None/None G5/S3 SSC	Nests in freshwater emergent wetlands with dense vegetation and deep water. Often along borders of lakes or ponds. Nests only where large insects such as Odonata are abundant, nesting timed with maximum emergence of aquatic insects.	Not Expected	There are no known occurrences within five miles, suitable freshwater emergent wetlands are not present, and the Project site is largely developed and disturbed by recreational use.
…				

Appendix F, Transportation Impact Analysis Memorandum

Roadway Segment LOS

Appendix F Page 5:

Table 5: Corridor Segment LOS Evaluation

#	Roadway Name	Segment Limits	Existing Weekday ADT	LOS	Year 1 Project Conditions	LOS	Year 15 Project Conditions	LOS
1	University Avenue[1]	Seawall Drive to Marina Blvd	NA	NA	2,551	A	5,222	A
2	University Avenue	Marina Blvd to Frontage Road	9,350	D	10,439	A	15,285	A
3	University Avenue	Frontage Road to Sixth Street	NA	NA	27,653	D	35,583	**F**
4	University Avenue	Sixth Street to San Pablo ~~Drive~~ Avenue	29,753	E	30,415	E	40,741	**F**

Notes: ADT- Average Daily Traffic Volume; LOS – Level of Service.
[1]Segment 1- University Avenue between Seawall Drive to Marina Blvd is evaluated as a two-lane arterial. The remaining segments are evaluated as four-lane divided arterial.
Bold indicates volumes-to-capacity ratio higher than 1 i.e., volume exceeds capacity.
Source: Kittelson & Associates, Inc. 2025

Queuing

Appendix F Page 6:

Table 6: Existing Conditions Intersection LOS Summary (No Project Conditions)

#	Intersection	Control	Weekday				Weekend Peak Hour	
			AM Peak Hour		PM Peak Hour			
			Delay	LOS	Delay	LOS	Delay	LOS
1	University Avenue & Frontage Road	All Way Stop	**58.5**	**F**	**98**	**F**	**78.6**	**F**
2	University Avenue & Marina Blvd	Roundabout	3.8	A	4.4	A	5.8	A
3	University Avenue & Seawall Drive	All Way Stop	NA	NA	NA	NA	NA	NA
4	University Avenue & Sixth Street	Signal	35.2	D	39.3	D	41.4	D
5	University Avenue & San Pablo ~~Drive~~ Avenue	Signal	**59.6**	**E**	**65.5**	**E**	53.4	D

Notes: Bold indicates intersection is operating at unacceptable conditions (LOS E or LOS F)
NA – Data not available.
Source: Kittelson & Associates, Inc. 2025

Appendix A, Segment Volumes

Appendix F-A Page 11:

Table 9: Year 1 and Year 15 Segment Volumes

#	Roadway Name	Segment Limits	Lane Configuration	Posted Speed Limit (mph)	Existing Weekday ADT	Year 1 No-Project	Year 1 Plus-Project	Year 15 No-Project	Year 15 Plus-Project
1	University Avenue	Seawall Drive to Marina Blvd	2U	25	NA	1,471	2,551	4,142	5,222
2	University Avenue	Marina Blvd to Frontage Road	4D	30	9,350	9,359	10,439	14,205	15,285
3	University Avenue	Frontage Road to Sixth Street	4D	30	NA	27,005	27,653	34,935	35,583
4	University Avenue	Sixth Street to San Pablo ~~Drive~~ Avenue	4D	25	29,753	29,875	30,415	40,201	40,741

3.2 Staff-initiated Changes

Executive Summary

Summary of Impacts and Mitigation Measures

Draft EIR Page ES-7:

Table ES-1 Summary of Environmental Impacts, Mitigation Measures, and Residual Impacts

Impact Statement	Mitigation Measure(s)	Residual Impact
Aesthetics		
…		
Impact AES-4. Construction ~~of~~ lighting from the proposed project would ~~not create a new source of substantial light or glare~~ affect nearby houseboat residents or occupants. This impact would be less than significant with mitigation. Operation of the Proposed project would result in sources of light and glare from overhead light fixtures and safety and wayfinding lighting. However, operational levels of light and glare would be minor, similar to existing conditions, and all lighting associated with the project would designed with DarkSky approved fixtures, resulting in a less than significant impact during operations. ~~This impact would be less than significant with mitigation.~~	…	…
Biological Resources		
Impact BIO-1. Construction of ~~T~~the project ~~e~~would result in direct or indirect impacts to special-status species or their associated habitats including impacts to migratory bird nest sites. Impacts would be less than significant with mitigation.	…	…
Impact BIO-2. Construction of ~~T~~the project ~~e~~would have a substantial adverse effect on sensitive natural communities identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service. Impacts would be less than significant with mitigation incorporated..	…	…
Impact BIO-3. Construction and operation of ~~T~~the project ~~e~~would have a substantial adverse effect on state- or federally-protected wetlands or Waters. Impacts would be less than significant with mitigation incorporated.	**BIO-3: ~~Provide~~ Avoid ~~Compensatory Mitigation for~~ Net Loss of Jurisdictional Waters Prior to Operation** The City shall avoid a net loss of jurisdictional waters due to project implementation by demolishing additional portions of the existing pier to offset ~~new~~ net increase in fill and overwater cover. ~~Compensatory mitigation~~ Removal of existing pier decking and associated piles shall be required at a minimum 1:1 ratio for net increase in fill and overwater cover impacts on tidal waters of the San Francisco Bay, to achieve no net increase in Bay fill. ~~Compensatory mitigation shall be provided at a minimum 1:1 ratio (by square foot of impact) through removal of existing pier piles and decking, as approved by the regulatory agencies. Mitigation may be achieved through removal of additional areas of the existing pier, including the concrete pier deck and pilings. Compensatory mitigation~~ Removal of existing structures shall be implemented prior to or concurrently with construction of the new pier. The City shall develop a ~~mitigation~~ plan documenting the existing pier footprint, the proposed pier footprint, and the required additional demolition needed to ~~meet the mitigation goal~~ demonstrate that no net increase in Bay fill or overwater cover would occur. This plan shall be developed by a qualified regulatory specialist prior to project construction and submitted to the appropriate agencies for review and approval during permitting. This measure may be modified or supplemented by permit conditions from applicable regulatory agencies. HYD-1: Include and Implement Additional Best Management Practices in the SWPPP Prior to and During Pier Demolition. See Section 3.8, *Hydrology and Water Quality,* for mitigation measure details.	Less Than Significant with Mitigation
…		

City of Berkeley
Berkeley Water Transportation Pier Ferry Project

Impact Statement	Mitigation Measure(s)	Residual Impact
Impact BIO-5. Construction and operation of ~~T~~the project would be subject to the City's policies and ordinances protecting biological resources, including protected trees, and therefore would not conflict with them. ~~For other policies~~ Regarding consistency with policies in the BCDC Bay Plan related to protecting biological resources, impacts would be less than significant with mitigation.	...	...
...		
Cultural Resources		
...		
Impact CR-2. The proposed land and water disturbances during construction ~~could~~ would adversely affect unidentified archaeological resources. This impact would be less than significant with mitigation for potential unknown archaeological resources.	...	...
...		
Land Use and Planning		
...		
Impact LU-2. Operation and construction of the proposed project would be consistent with the goals and policies of the Berkeley General Plan, Bay Area Clean Air Plan, ABAG/MTC Plan Bay Area 2050, Berkeley Marina Master Plan, Berkeley Local Hazard Mitigation Plan, Berkeley Climate Action Plan, and Berkeley Measure L, and impacts would be less than significant. Operation and construction of the proposed project would be consistent with the goals and policies of the BCDC San Francisco Bay Plan with ~~incorporation~~ implementation of mitigation. Construction of the proposed project would not be consistent with polices related to noise in the Berkeley Municipal Code, and impacts would be significant and unavoidable.	...	...
Noise		
Impact NOI-1. Operational Impacts: Mobile and stationary operational noise impacts would be less than significant. Construction Impacts: Most project construction noise impacts would be less than significant with mitigation; however, construction noise levels at ~~some nearby sensitive receptors~~ Shorebird Park and some live-aboard boats, including for demolition and daytime nighttime ~~construction work~~ pile installation, would still exceed City thresholds and, thus, overall construction noise impacts would be significant and unavoidable.	...	...
...		
Tribal Cultural Resources		
Impact TCR-1. The proposed disturbances due to construction on the non-fill ground and seabed ~~could~~ would adversely affect Tribal Cultural Resources. With adherence to mitigation measures agreed upon through AB 52 consultation, impacts to tribal cultural resources would be less than significant with mitigation.	...	...

Impact Statement	Mitigation Measure(s)	Residual Impact
Utilities and Service Systems		
Impact UTL-1. Construction of ~~T~~the proposed project would require utility service and connections for water supply, wastewater conveyance, and stormwater conveyance, as well as telecommunications and electricity. Existing utility systems for water, wastewater, stormwater, electric power, and telecommunications facilities in Berkeley have sufficient capacity to serve the Project. Adequate wastewater capacity exists to serve the Project's projected demand in addition to the provider's existing commitments. Utility connections from the proposed project would result in less than significant impacts on air quality, biological resources, cultural resources, noise, and tribal cultural resources, after mitigation. Impacts would be less than significant with mitigation. ...	...	...

City of Berkeley
Berkeley Water Transportation Pier Ferry Project

Chapter 1, Introduction

Sub-Section 1.1.3, Incorporation by Reference

Draft EIR Page 1-2:

> This EIR includes a summary of the relevant parts of the WETA Program EIR. Please refer to Section 3.3, *Biological Resources*, ~~and~~ Section 3.7, *Hazards and Hazardous Materials*, and Section 3.12, *Transportation*, for a summary of the analysis in the WETA Program EIR, as it pertains to the proposed project.

Sub-Section 1.2.4, EIR Notice of Preparation

Draft EIR Page 1-8:

Table 3-2 EIR Scoping Comments and EIR Location Information

Commenter	Comment/Request	Where Addressed in the EIR
Agency Comments		
Individual Resident/Community Member Comments		
Claudia Kawczynska	Parking concerns Recreational impacts Wave and wake impacts Traffic safety and impacts on transit Alternative ferry terminal sites in the Marina	Comments relevant to CEQA are addressed in Chapter 3, *Environmental Impact Analysis,* Section 3.5, *Geology and Soils,* Section 3.11, *Recreation,* Section 3.12, *Transportation,* and Chapter 5, *Alternatives.* Part of this comment is related to potential impacts to parking, which is not a CEQA environmental impact in and of itself. Please refer to Chapter 3, *Environmental Impact Analysis* for further information. This comment will be considered by the City decision-makers as part of the project approval process.
Daniel Borgstrom	Reduced parking for those visiting César E. Chávez Park[1]	This comment is related to potential impacts to parking, which is not a CEQA environmental impact in and of itself. Please refer to Chapter 3, *Environmental Impact Analysis* for further information. This comment will be considered by the City decision-makers as part of the project approval process.
David Fielder	Impacts on non-motorized access at HS Lordships Cove Recommendations on the design of a non-motorized launch Consider alternatives in the marina or smaller vessels	Comments relevant to CEQA are addressed in Chapter 2, *Project Description,* Section 3.11, *Recreation, and* Chapter 5, *Alternatives*.
David Sheh	Water access and parking for existing recreational users Outreach to affected communities	Comments relevant to CEQA are addressed in Section 3.11, *Recreation.* Please refer to Section 1.2.2, *Public Outreach* for an overview of public outreach. Part of this comment is related to potential impacts to parking, which is not a CEQA environmental impact in and of itself. Please refer to Chapter 3, *Environmental Impact Analysis* for further information. This comment will be considered by the City decision-makers as part of the project approval process.
Erin Diehm (1 of 2)	Cumulative impacts from ferry vessels on Bay wildlife and vegetation Whale death due to vessel strikes	Comments relevant to CEQA are addressed in Section 3.4, *Biological Resources*.
…		

[1] The City acknowledges that this park is currently undergoing a formal renaming process. This document was prepared prior to the name change and, for consistency, has not been revised throughout to reflect the new park name. References to the existing park name are intended solely for identification purposes. The pending name change does not affect the analyses, findings, recommendations, or conclusions presented in this document.

Chapter 2, Project Description

Sub-Section 2.1.2, Project Site Setting

Draft EIR Page 2-1:

> Vehicle access to the project site is available via University Avenue and Seawall Drive. Bicycle and pedestrian access is also available at multiple locations at the project site, including existing sidewalks and pathways for pedestrians and bicyclists on both sides of University Avenue, the Bay side of Seawall Drive, and completed portions of the Bay Trail Extension. AC Transit bus route 51B provides public bus access to the project site.
>
> Following publication of the Draft EIR, the project footprint has been refined to reflect updated project design information. Figure 2-2, below, has been revised to reflect the updated project footprint, including areas where the footprint has been reduced and the limited areas where the footprint has been expanded. Overall, these refinements result in a net reduction in the project footprint compared to the Draft EIR. The shoreline revetment area associated with the proposed shoreline repair improvements is included within the revised project footprint, and has been analyzed throughout the Draft EIR as part of the proposed project.

Draft EIR Page 2-3:

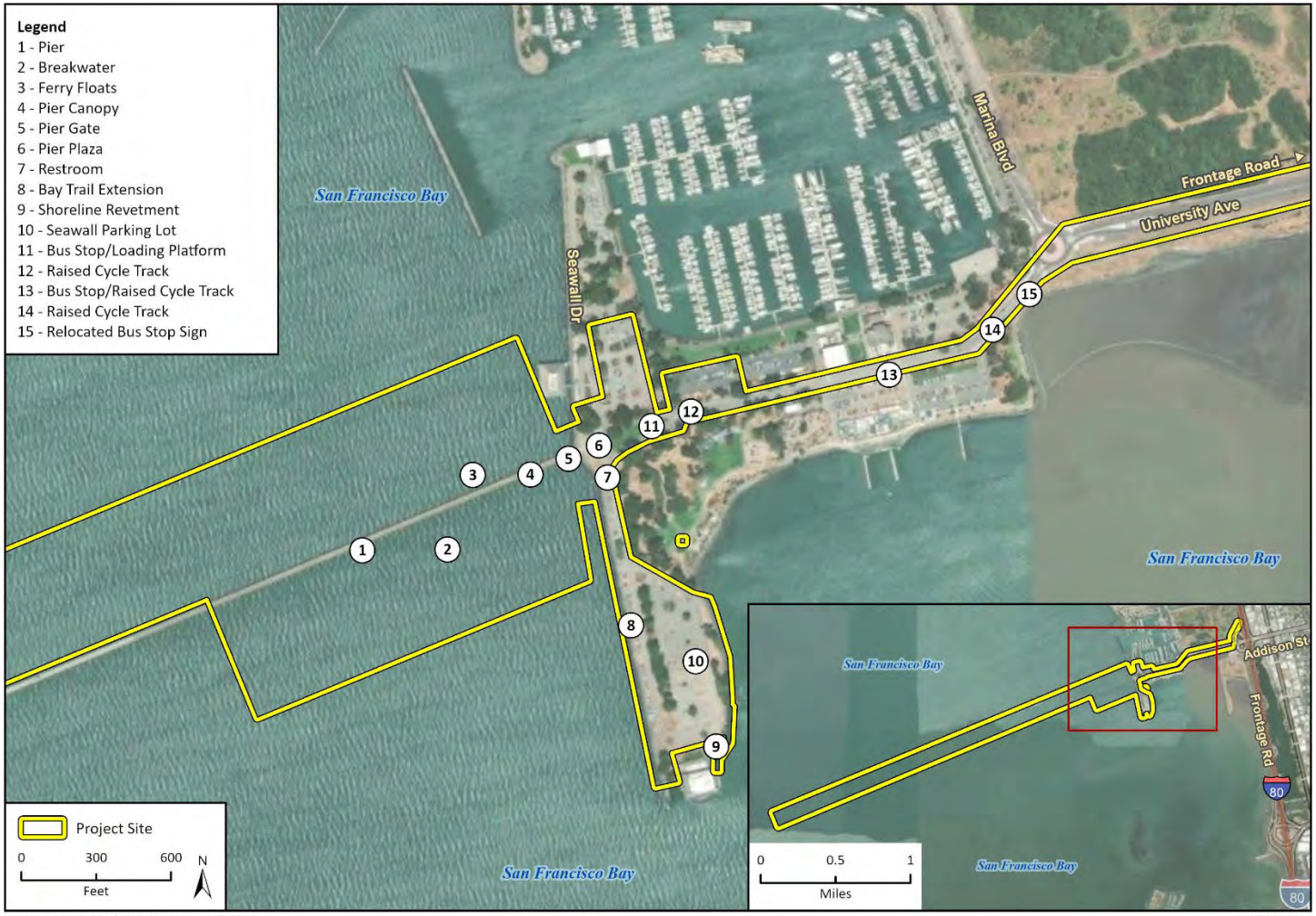
Figure 2-2 Project Site Location (Revised)[1]



[1] Figure 2-2 has been revised to reflect refinements to the project footprint based on updated project design information. The revised figure identifies areas where the footprint has been reduced or expanded and incorporates the shoreline repair area within the project footprint. These revisions result in a net reduction in the project footprint compared to the footprint analyzed in the Draft EIR.

Draft EIR Page 2-7:

Figure 2-3 Overview of Proposed Project Components (Revised)[5]



[5] Figure 2-3 has been revised to reflect updated project design information and refinements to the project footprint shown on revised Figure 2-2, including incorporation of the shoreline repair area and adjustments to the project footprint boundaries.

Sub-Section 2.5.1, Waterside (Sub-Section Proposed Ferry Vessel Infrastructure)

Draft EIR Page 2-10:

The proposed ferry vessel infrastructure would include up to two 120-foot-long and 10-foot-wide gangways[9] that would bring passengers from the pier to the two proposed boarding floats[10], which would measure approximately 135 feet in length and 42 feet in width. Each float would include 4 to 6 steel guide piles to moor the floats in place. In addition, there would be a total of 6 donut fenders (2 at the end of each float and 2 near the breakwater), each of which would be 6-feet in diameter and would require a 3-foot pile. Since publication of the Draft EIR, the project design has been refined to include additional fender piles[11] and donut fenders[12] (steel protection piles, 36-inches in diameter) located adjacent to the ferry berthing area and around portions of the breakwater and turning basin. These protection piles would function as passive marine safety features and would supplement the guide piles and donut fender system associated with the proposed ferry facilities. The protection piles are intended to provide additional protection for waterside infrastructure during vessel approach and docking operations, including in the unlikely event of a vessel loss-of-control incident (see Section 3.12, Transportation).

[9.] Gangway is defined as a raised platform or walkway that provides a passage. For the proposed project, the gangway would provide passage from the pier to the float.

[10.] Floats are defined as structures buoyant in water.

[11.] Fender piles are marine protective structures designed to absorb or deflect vessel impact and help prevent contact with adjacent facilities.

[12.] Donut fenders are circular energy-absorbing devices installed around piles or other marine structures to cushion vessel contact and reduce the transfer of impact forces during docking maneuvers or other low-speed vessel movements.

Sub-Section 2.6.1, Construction Activities and Equipment (Sub-Section Piles)

Draft EIR Page 2-27:

The landside retaining wall would be a mechanically stabilized earth (MSE) with a pre-case concrete panel face. Following the completion of the shoreline retaining wall and landside concrete abutment, the new pier would be constructed from the shoreline heading westward likely using a combination of a floating crane barge and shore-based cranes operating from the progressive extension of the newly constructed concrete abutment and pier. The 1,080-foot pier would be constructed using 24-inch octagonal precast concrete piles (24-inch concrete piles). Two 24-inch concrete piles would be installed approximately every 25 feet using a combination of jetting and impact pile driving. At the landside interface approximately 2 steel piles will be driven through the existing rock dike using a crane and a combination of vibratory and impact hammers. The construction of the pier would progress westward to include construction of the landing floats using 24-inch concrete vertical piles and eventually construction of loading ramps, and adjacent donut fender piles and fender piles using 36-inch steel pipe piles as support guide piles. The 36-inch steel pipe piles anchoring the UCFs and donut fenders would be installed using a combination of vibratory and impact pile driving hammers. To complete the project and to help protect the ferry boarding areas and reduce wave energy, a concrete sheet pile breakwater perpendicular to the new pier would be constructed using 24-inch concrete batter piles and interlocking 48-inch x 14-inch prestressed concrete sheet piles (sheet piles) using a combination of jetting and impact pile driving hammers for the 24-inch concrete batter piles and sheet piles. Four 12-inch Precast Prestressed Concrete Marker Piles would be installed along the dredged channel to identify the limits of the dredged channel. Table 2-1 provides a summary of the kinds of piles and the number of piles that are proposed.

Table 2-1 Summary of Proposed Piles ~~201~~

Location	Pile Type	Number of Piles
Landside/Shoreline Retaining Wall	24-inch Steel Pipe Pile [2]	46
UCF Guide and Donut Piles and Fender Piles	36-inch Steel Pipe Pile	~~18~~ 28
Pier, Landing Platform, and Breakwater	24-inch Octagonal Prestressed Concrete Pile	~~227~~ 128
Breakwater	48-inch x 14-inch Concrete Sheet Pile	~~125~~ 75
Dredged Channel	12-inch Precast Prestressed Concrete Marker Piles	4

[1.] The overall number of piles presented in Table 2-1 ~~is based on the current design of the Project and may be reduced in the future~~ has been reduced from the Draft EIR to the Final EIR, based on the updated project design. ~~The number of piles in Table 2-1 is a conservative estimate. For example, the retaining wall may be MSE and would not require the number of piles identified.~~

[2.] Two of these piles have a 54-inch diameter sleeve. The purpose of the steel pile sleeve is to isolate the inner steel piles from riprap slope movement during earthquakes.

Draft EIR page 2-28:

Dredging is the process of removing sediment from the bottom of waterbodies to make waterways deeper for boats. The following specifications represent the maximum extent of potential dredging; however, further design may decrease the proposed dredging footprint and/or volume. Nonetheless, for the purposes of environmental analysis, this Environmental Impact Report uses these conservative assumptions.

As part of the proposed project, dredging would be conducted north of the closed pier. Dredging would be needed along the existing 100-foot wide United States Army Corps of Engineers (USACE)-designated federal navigation channel that parallels the closed pier and which future ferry vessels would use to travel to and from the pier. Refer to Figure 2-2 for the location of dredging. The dredging footprint represents a maximum envelope wherein dredging would occur and not all the areas shown in Figure 2-2 would be dredged. Rather, the exact location of the dredging channel will be refined as the project advances in its design. As needed, the final design plans will identify areas where buoys will be employed to identify the limits of dredging or anchoring, or to avoid sensitive areas outside of the dredging footprint. In addition, dredging would be needed for the turning basin, which would allow for ferry vessels to turn and dock at the two ferry boarding floats. Dredging would be done to a maximum depth of minus 12.51 feet City of Berkeley mean lower low water (MLLW)[22], which is equal to -12 feet National Oceanic and Atmospheric Administration (NOAA) MLLW. A maximum total of 400,000 cubic yards of dredged materials would be generated and would require disposal.

[22.] The 12.51 feet measurement uses City of Berkeley Datum.

Section 3.1, Aesthetics

Sub-Section 3.1.4, Impacts Analysis

Draft EIR Page 3.1-33:

IMPACT AES-4 CONSTRUCTION ~~OF~~ LIGHTING FROM THE PROPOSED PROJECT WOULD ~~NOT CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE~~ AFFECT NEARBY HOUSEBOAT RESIDENTS OR OCCUPANTS. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION. OPERATION OF THE PROPOSED PROJECT WOULD RESULT IN SOURCES OF LIGHT AND GLARE FROM OVERHEAD LIGHT FIXTURES AND SAFETY AND WAYFINDING LIGHTING. HOWEVER, OPERATIONAL LEVELS OF LIGHT AND GLARE WOULD BE MINOR, SIMILAR TO EXISTING CONDITIONS, AND ALL LIGHTING ASSOCIATED WITH THE PROJECT WOULD DESIGNED WITH DARKSKY APPROVED FIXTURES, RESULTING IN A LESS THAN SIGNIFICANT IMPACT DURING OPERATION. ~~THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.~~

Section 3.3, Biological Resources

Sub-Section 3.3.4, Impact Analysis

Draft EIR Page 3.3-42:

IMPACT BIO-1 CONSTRUCTION OF ~~T~~THE PROJECT ~~C~~WOULD RESULT IN DIRECT OR INDIRECT IMPACTS TO SPECIAL-STATUS SPECIES OR THEIR ASSOCIATED HABITATS INCLUDING IMPACTS TO MIGRATORY BIRD NEST SITES. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION

Draft EIR Page 3.3-57:

IMPACT BIO-2 CONSTRUCTION OF ~~T~~THE PROJECT ~~C~~WOULD HAVE A SUBSTANTIAL ADVERSE EFFECT ON SENSITIVE NATURAL COMMUNITIES IDENTIFIED IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS, OR BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE OR US FISH AND WILDLIFE SERVICE. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.

Draft EIR Page 3.3-59:

IMPACT BIO-3 CONSTRUCTION AND OPERATION OF ~~T~~THE PROJECT ~~C~~WOULD HAVE A SUBSTANTIAL ADVERSE EFFECT ON STATE- OR FEDERALLY-PROTECTED WETLANDS OR WATERS. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.

[…]

The project would remove approximately 1,280 linear feet of the existing pier, which is equivalent to approximately 28,160 square feet. It should be noted that this removal is part of the proposed project, is required for the installation of the new pier, and is not considered mitigation. The project would install a new pier, breakwater, universal charging floats, and landing ramps and platforms, with an area of approximately 45,210 square feet. Table 3.3-4 provides a summary of the proposed removal and addition of this cover area within tidal waters of the San Francisco Bay. The project would result in a net increase of approximately 17,050 square feet of fill and/or cover area within the San Francisco Bay. The increase in fill and cover within the Bay would result in temporary or permanent loss of tidal waters by area and associated ecological functions and services, which would be a potentially significant impact.

Mitigation Measure BIO-3 would require the removal of additional portions of the existing pier to address project impacts associated with net increase in fill and cover in the San Francisco Bay. The City would also obtain the appropriate permits from the USACE, RWQCB, and BCDC; these permits will

include avoidance, minimization, and compensatory mitigation requirements to achieve no net loss of jurisdictional waters. Because implementation of Mitigation Measures BIO-3 would result in no net loss of jurisdictional waters, impacts would be less than significant with mitigation.

Draft EIR Page 3.3-60:

Table 3.3-4 Proposed Project Estimated Cover Area

Structure	Pile Type	Cover Area (square feet)
Existing Pier	20" Concrete Piles	28,160
New Build		
New Pier, Gangway and Platform, and Breakwater	24" Octagonal Piles	33,525
	48"x14" Prestressed Concrete Sheet Pile (for breakwater)	
Universal Charging Float Guide and Donut Piles	36" Steel Guide Pipe Piles	11,685
	36" Steel Donut Fender Pipe Piles	
Total New Build		**45,210**
Net Change		**17,050**

Note: As noted in Table 2-1 of Chapter 2, *Project Description*, design updates (since the Draft EIR was published) have resulted in an overall reduction in the number of piles proposed for installation. Given that final calculations will be conducted as the City obtains regulatory permits, the values in this table have not been changed. They continue to represent conservative values for the purposes of CEQA analysis.

[…]

However, Mitigation Measure BIO-3 would be required to remove additional areas of the existing pier at a ratio of at least 1:1 for net increase in fill and cover, so that there is no increase in shading or loss of soft bottom habitat. The project would add hard substrate for algal growth, sessile invertebrates, and seaweeds with the creation of the breakwater, which could benefit ecological function. Therefore, operation-related fill shading and soft bottom habitat impacts would be less than significant with mitigation.

Draft EIR Page 3.3-61:

MITIGATION MEASURE BIO-3: ~~PROVIDE~~ AVOID ~~COMPENSATORY MITIGATION FOR~~ NET LOSS OF JURISDICTIONAL WATERS PRIOR TO OPERATION

The City shall avoid a net loss of jurisdictional waters due to project implementation by demolishing additional portions of the existing pier to offset ~~new~~ net increase in fill and overwater cover. ~~Compensatory mitigation~~ Removal of existing pier decking and associated piles shall be required at a minimum 1:1 ratio for net increase in fill and overwater cover impacts on tidal waters of the San Francisco Bay, to achieve no net increase in Bay fill. ~~Compensatory mitigation shall be provided at a minimum 1:1 ratio (by square foot of impact) through removal of existing pier piles and decking, as approved by the regulatory agencies. Mitigation may be achieved through removal of additional areas of the existing pier, including the concrete pier deck and pilings. Compensatory mitigation~~ Removal of existing structures shall be implemented prior to or concurrently with construction of the new pier.

The City shall develop a ~~mitigation~~ plan documenting the existing pier footprint, the proposed pier footprint, and the required additional demolition needed to ~~meet the mitigation goal~~ demonstrate that no net increase in Bay fill or overwater cover would occur. This plan shall be developed by a qualified regulatory specialist prior to project construction and submitted to the appropriate agencies for review and approval during permitting.

This measure may be modified or supplemented by permit conditions from applicable regulatory agencies.

Draft EIR Page 3.3-64:

IMPACT BIO-5 CONSTRUCTION AND OPERATION OF ~~T~~THE PROJECT WOULD BE SUBJECT TO THE CITY'S POLICIES AND ORDINANCES PROTECTING BIOLOGICAL RESOURCES, INCLUDING PROTECTED TREES, AND THEREFORE WOULD NOT CONFLICT WITH THEM. ~~FOR OTHER POLICIES~~ REGARDING CONSISTENCY WITH POLICIES IN THE BCDC BAY PLAN RELATED TO PROTECTING BIOLOGICAL RESOURCES, IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Section 3.4, Cultural Resources

Sub-Section 3.4.4, Impacts Analysis

Draft EIR Page 3.4-24:

IMPACT CR-2 THE PROPOSED LAND AND WATER DISTURBANCES DURING CONSTRUCTION ~~COULD~~ WOULD ADVERSELY AFFECT UNIDENTIFIED ARCHAEOLOGICAL RESOURCES. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION FOR POTENTIAL UNKNOWN ARCHAEOLOGICAL RESOURCES.

Section 3.9, Land Use and Planning

Sub-Section 3.9.4, Impacts Analysis

Draft EIR Page 3.9-12:

IMPACT LU-2 OPERATION AND CONSTRUCTION OF THE PROPOSED PROJECT WOULD BE CONSISTENT WITH THE GOALS AND POLICIES OF THE BERKELEY GENERAL PLAN, BAY AREA CLEAN AIR PLAN, ABAG/MTC PLAN BAY AREA 2050, BERKELEY MARINA MASTER PLAN, BERKELEY LOCAL HAZARD MITIGATION PLAN, BERKELEY CLIMATE ACTION PLAN, AND BERKELEY MEASURE L, AND IMPACTS WOULD BE LESS THAN SIGNIFICANT. OPERATION AND CONSTRUCTION OF THE PROPOSED PROJECT WOULD BE CONSISTENT WITH THE GOALS AND POLICIES OF THE BCDC SAN FRANCISCO BAY PLAN WITH ~~INCORPORATION~~ IMPLEMENTATION OF MITIGATION. CONSTRUCTION OF THE PROPOSED PROJECT WOULD NOT BE CONSISTENT WITH POLICIES RELATED TO NOISE IN THE BERKELEY MUNICIPAL CODE, AND IMPACTS WOULD BE SIGNIFICANT AND UNAVOIDABLE.

Draft EIR Page 3.9-18 (Table 3.9-1):

Policy	Consistency
Fish, Other Aquatic Organisms and Wildlife	
Policy 1. To assure the benefits of fish, other aquatic organisms and wildlife for future generations, to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored, and increased.	**Consistent**. The City would mitigate all impacts on aquatic resources to address adverse effects, in accordance with Mitigation Measure Bio-3. Implementation of this ~~compensatory~~ mitigation would result in <u>no net loss of jurisdictional waters and</u> the preservation of aquatic resources.
…	…
Water Quality	
Policy 1. Bay water pollution should be prevented to the greatest extent feasible. The Bay's tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality. Fresh water inflow into the Bay should be maintained at a level adequate to protect Bay resources and beneficial uses.	**Consistent.** Please refer to Section 3.8, *Hydrology and Water Quality.* The project would be subject to regulatory requirements that would prevent Bay water pollution during construction, including preparation of a SWPPP and implementation of BMPs in accordance with the State Water Resources Control Board's Construction Stormwater General Permit. In addition, implementation of Mitigation Measure~~s~~ HYD-1~~, HYD-2, and HYD-3~~ would include additional requirements during construction that would further prevent Bay water pollution. As described in Section 3.8, *Hydrology and Water Quality*, adherence to existing regulations, operation of proposed project would not violate water quality standards. The City would mitigate all impacts on aquatic resources to address adverse effects, in accordance with Mitigation Measure Bio-3. Implementation of this ~~compensatory~~ mitigation would result in <u>no net loss of jurisdictional waters and</u> the preservation of aquatic resources. Regarding water surface area and volume, please see Consistency with Water Surface Area and Volume Policy 1. The project does not have any features that would impede freshwater inflow.
…	
Water Surface Area and Volume	
Policy 1. The surface area of the Bay and the total volume of water should be kept as large as possible in order to maximize active oxygen interchange, vigorous circulation, and effective tidal action. Filling and diking that reduce surface area and water volume should therefore be allowed only for purposes providing substantial public benefits and only if there is no reasonable alternative.	**Consistent.** Given that the proposed project is not introducing any dikes, and that the proposed project would introduce a new pier in the location of an existing pier, substantial changes to the existing environment as it relates to water surface area, water volume, and water circulation is not expected. The proposed project includes mitigation to remove fill (in the form of removing piles from the existing pier) to mitigate the <u>net increase in</u> fill <u>and cover</u> impacts associated with the project (see Mitigation Measure Bio-3 in Section 3.3, *Biological Resources*).
…	
Tidal Marshes and Tidal Flats	
Policy 1. Tidal marshes and tidal flats should be conserved to the fullest possible extent. Filling, diking, and dredging projects that would substantially harm tidal marshes or tidal flats should be allowed only for purposes that provide substantial public benefits and only if there is no feasible alternative.	**Consistent.** The project would not affect tidal marshes. The City would mitigate all impacts on aquatic resources to address adverse effects, in accordance with Mitigation Measure Bio-3. Implementation of this ~~compensatory~~ mitigation would result in <u>no net loss of jurisdictional waters and</u> the preservation of aquatic resources. See Consistency with Subtidal Areas Policy 1 regarding public benefits.
…	
Transportation	
…	
Policy 5. Ferry terminals should be sited at locations that are near navigable channels, would not rapidly fill with sediment and would not significantly impact tidal marshes, tidal flats or other valuable wildlife habitat. Wherever possible, terminals should be located near higher density, mixed-use development served by public transit. Terminal parking facilities should be set back from the shoreline to allow for public access and enjoyment of the Bay.	**Consistent.** The siting for the ferry terminal is along the existing 100-foot wide USACE-designated federal navigation channel that parallels the closed pier. Sedimentation rates were identified as part of the Coastal Study, which was prepared by registered professional civil engineers at COWI.[18] This coastal study indicated that "sedimentation was < 0.05 ft in the 2020-2023 period, indicating practically no sedimentation." There are no tidal marshes near the project site. Please refer to Section 3.3, *Biological Resources,* which indicates that there would be less than significant impacts on wildlife habitat after the implementation of mitigation, including Mitigation Measure BIO-3, which would require the removal of fill associated with portions of the <u>existing</u> ~~exiting~~ pier<u>, to mitigate for net increase in fill and cover impacts</u>. While there is no higher density, mixed-use development next to the project site, the project is served by public transit (AC Transit) and includes infrastructure that would allow for expanded AC transit service. Parking for ferry patrons would be at the Seawall Drive Parking Lot, Skates/N, and the Marina Blvd Lot, all of which are set back away from the shoreline. The proposed project would provide amenities that would allow for public access and enjoyment of the Bay. The proposed project includes parking to allow for Bay viewing, as well as green space and a portion of the Bay Trail Extension with benches for the enjoyment of the Bay. [18.] COWI. 2025. Berkeley Water Transportation Pier Ferry Project Coastal Study prepared for City of Berkeley. December.

City of Berkeley
Berkeley Water Transportation Pier Ferry Project

Policy	Consistency
Recreation	
...	
Policy 9. Ferry terminals may be allowed in waterfront park priority use areas and marinas and near fishing piers and launching lanes, provided the development and operations of the ferry facilities do not interfere with current or future park and recreational uses, and navigational safety can be assured. Terminal configuration and operation should not disrupt continuous shoreline access. Facilities provided for park and marina patrons, such as parking, should not be usurped by ferry patrons. Shared parking arrangements should be provided to minimize the amount of shoreline area needed for parking.	**Consistent.** The proposed ferry facility is located within a waterfront park priority use area and would be located at the proposed pier that will also be used for fishing, sight-seeing, and walking. The proposed ferry facility would not interfere with current or future park and recreational users. This project would actually enhance recreational use by providing a pier that can be used for recreation. Navigational safety would be assured through adherence to WETA safety protocols. The project would not disrupt shoreline access; in fact, the project would restore shoreline access that is not publicly available under existing conditions. Regarding parking facilities, the City would implement a parking strategy to balance shared-use parking for both future ferry patrons and recreational users. The exact strategies that would be implemented would follow the guidelines established in the project Parking and TDM Plan [19] [20] and may be subject to approval from BCDC via the Project permitting process. The Parking and TDM Plan estimates a weekday ferry parking demand of between 356 and 393 spaces following implementation of TDM measures. This range does not include the implementation of paid parking, which would further reduce ferry rider demand by 42 to 53 spaces. The Parking and TDM Plan analyzes existing parking demand using multiple methodologies, in response to public feedback received during development of the Draft Parking and TDM Plan. The most conservative methodology relies on analyzing only midday, summer-season parking counts collected between April and August 2024 (Parking and TDM Plan Addendum, Figure 3), a period representing the highest weekday recreational parking demand observed at the Waterfront. Even using this conservative dataset, the combined Skates/N Lot, Seawall Drive, Seawall Lot and Marina Boulevard have a conservative minimum 357 unoccupied spaces on weekdays. As described in Chapter 2, *Project Description*, the Project would replace the existing 404 parking spaces across the Seawall Drive Lot and Seawall Drive with approximately 400 to 450 new parking spaces, resulting in a total parking supply at the Seawall Peninsula that is at least the same as existing conditions. The Parking and TDM Plan demonstrates sufficient spaces to accommodate shared use by ferry riders without displacing recreational parking. The City will implement parking management tools to facilitate the shared use of these parking areas. It should be noted that consistency with this policy related to parking would not be considered an environmental impact under CEQA. Please refer to Chapter 3, *Environmental Impact Analysis*, for a discussion about how parking is addressed in this EIR. This EIR has found no secondary environmental impacts related to parking. [19]. Berkeley, City of. 2025. Water Transportation Pier-Ferry Project Parking and TDM Plan. Public Draft. Prepared by Kittelson & Associates. March 7. Available: https://berkeleyca.gov/sites/default/files/documents/Berkeley-WTPF-Parking-and-TDM-Plan-March-2025-Public-Draft.pdf (accessed October 2025). [20]. Berkeley, City of. 2025. Water Transportation Pier-Ferry Project Parking and TDM Plan Addendum. Revised Draft. Prepared by Kittelson & Associates. May 7. Available: https://berkeleyca.gov/sites/default/files/documents/Addendum_Draft-Water-Transportation-Pier-Ferry-Project-Parking-and-TDM-Plan.pdf (accessed October 2025).
...	
Fill for Bay-Oriented Commercial Recreation and Bay-Oriented Public Assembly on Privately-Owned or Publicly-Owned Land	
Policy 1. Filling for Bay-oriented commercial recreation and Bay-oriented public assembly on privately-owned or publicly-owned property should be approved only if the filling would provide, for new public access to the Bay and for improvement of shoreline appearance-in addition to what would be provided by the other Bay Plan policies-and the filling would be limited to replacement piers for Bay-oriented commercial recreation and Bay-oriented public assembly purposes, covering less of the Bay than was being uncovered and the proposed fill would fully comply with all of the additional criteria: a. The proposed replacement fill in its entirety, including all parts devoted to public recreation, open space, and public access to the Bay, would cover an area of the Bay smaller in size than the area being uncovered by removal of piers (pile-supported platforms), and those parts of the replacement fill devoted to uses other than public recreation, open space, and public access would cover an area of the Bay no larger than 50 percent of the area being uncovered (or such greater percentage as was previously devoted to such other uses that were destroyed involuntarily, in whole or in part, by fire, earthquake, or other such disaster, and will be devoted to substantially the same uses). b. The volume (mass) of structures to be built on the replacement pier (pile-supported platform) would be limited to the minimum necessary to achieve the purposes of the project. c. The replacement fill would be limited to piers (pile-supported platforms), rather than earth or other solid material, and, wherever possible, a substantial portion of the replacement project would be built on existing land. d. The pier (pile-supported platform-not a bridge) to be removed from the Bay must have: 1. been destroyed involuntarily, in whole or in part, by fire, earthquake, or other such disaster, or 2. become obsolete through physical deterioration, or 3. become obsolete because changes in shipping technology make it no longer needed or suitable for maritime use.	**Consistent.** The filling associated with the proposed project would provide new public access to the Bay, given that the pier is currently closed to the public and this project would restore public access. The proposed pier is located in the same area as the current pier; however, the proposed breakwater would be perpendicular to the pier and would introduce fill in areas that have not been previously filled. However, the project would implement Mitigation Measure BIO-3 to compensate for this impact of net increase in fill and cover through the removal of additional fill from the existing pier. With implementation of this mitigation, the proposed fill associated with the project (which would all be devoted to public recreation and public access) would cover an area of the Bay equal in size to the area being uncovered by removal of piers (pile-supported platforms). The fill associated with the project is piers (pile-supported platforms) and its volume would be limited to the minimum necessary to achieve the purposes of the project (i.e., providing recreational access and a safe area to berth for ferry vessels). The piers to be removed have become obsolete through physical deterioration. The removal of fill, as required by mitigation, would be located in the same geographic vicinity of where the new fill being placed for the pier would be located. The proposed project would limit the use of the pier for public recreation and accessing ferry vessels for public transportation. The proposed pier would remain free to the public.

Policy	Consistency
4. If the platform itself, or the structures on it, have become obsolete, but the pilings that support the platform are structurally sound, consideration must be given to using the existing pilings in any replacement project. e. The proposed project must be consistent with a comprehensive special area plan for the geographic vicinity of the project, a special area plan that the Commission has determined to be consistent with the policies of the San Francisco Bay Plan, except that this provision would not apply to any project involving replacement of only a pier that had been destroyed involuntarily. f. The proposed project would involve replacement fill and removal of material in the same geographic vicinity (as set forth in the applicable special area plan). g. The proposed replacement pier would not extend into the Bay any farther than (i) the piers (pile-supported platforms) to be removed from the Bay as part of the project or (ii) adjacent existing piers. h. The proposed project would limit the use of the replacement pier to: 1. public recreation (beaches, parks, etc.); and 2. Bay-oriented commercial recreation and Bay-oriented public assembly, defined as facilities specifically designed to attract large numbers of people to enjoy the Bay and its shoreline, such as restaurants, specialty shops, and hotels i. The proposed project would be designed so as to take advantage of its nearness to the Bay, and would provide opportunities for enjoyment of the Bay in such ways as viewing, boating, fishing, etc., by keeping a substantial portion of the development, and a substantial portion of the new shoreline created on the replacement pier, open to the public free of charge (though an admission charge could apply to other portions of the project). j. The proposed project would not conflict with the adopted plans of any agency of local, regional, state, or federal government having jurisdiction over the area proposed for the replacement piers, and would be in an area where governmental agencies have not planned or budgeted for projects that would provide adequate access to the Bay. k. The proposed project would either provide recreational development in accordance with the Bay Plan maps or would provide additional recreation development that would not unnecessarily duplicate nearby facilities. l. The project would be planned to minimize the need for filling. (For example, all automobile parking should, wherever possible, be provided on nearby land or in multilevel structures rather than in extensive parking lots.) m. The proposed project would result in permanent public rights to use specific areas set aside for public access and recreation; these areas would be improved at least to finished grade and by installation of necessary basic utilities, at little or no cost to the public. n. The proposed project would, to the maximum extent feasible, establish a permanent shoreline in a particular area of the Bay, through dedication of lands and other permanent restrictions on all privately-owned and publicly-owned property bayward of the area approved for piers. o. The proposed project would provide, to the maximum extent feasible, for enhancement of fish and wildlife and other natural resources in the area of the development, and in no event would result in net damage to these values.	
Mitigation	
Policy 2. Individual compensatory mitigation projects should be sited and designed within a Baywide ecological context, as close to the impact site as practicable, to: (1) compensate for the adverse impacts; (2) ensure a high likelihood of long-term ecological success; and (3) support the improved health of the Bay ecological system. Determination of the suitability of proposed mitigation locations should be guided in part by the information provided in the Baylands Ecosystem Habitat Goals report.	**Consistent**. Please refer to Mitigation Measure BIO-3 in Section 3.3, *Biological Resources*. ~~Compensatory m~~Mitigation is being proposed as close to the impact site as practicable, through the removal of fill from the existing pier.
…	
Policy 4. When determining the appropriate location and design of compensatory mitigation, the Commission should also consider potential effects on benefits provided to humans from Bay natural resources, including economic (e.g., flood protection, erosion control) and social (e.g., aesthetic benefits, recreational opportunities) benefits and whether the distribution of such benefits is equitable.	**Consistent**. The EIR includes ~~compensatory~~ mitigation for impacts from construction in the water. Mitigation Measure BIO-3 would require the removal of additional portions of the existing pier to address project impacts associated with net increase in fill and cover in the San Francisco Bay. The City would also obtain the appropriate permits from the USACE, RWQCB, and BCDC; these permits will include avoidance, minimization, and compensatory mitigation requirements to achieve no net loss of jurisdictional waters. Because implementation of Mitigation Measures BIO-3 would result in no net loss of jurisdictional waters, impacts would be less than significant with mitigation. The determination as to whether the distributions of the benefits from removing additional piles from the pier is equitable will need to be determined with BCDC. Please note that consistency or inconsistency with this policy would not constitute a significant environmental impact under CEQA.
Policy 5. The amount and type of compensatory mitigation should be determined for each mitigation project based on a clearly identified rationale that includes an analysis of: the probability of success of the mitigation project; the expected time delay between the impact and the functioning of the mitigation site; and the type and quality of the ecological functions of the proposed mitigation site as compared to the impacted site.	**Consistent**. The ~~compensatory~~ mitigation identified for this project, and as required by Mitigation Measure Bio-3, was based on the impacts analyzed in Impact Bio-3 (see Section 3.3, *Biological Resources*).

Policy	Consistency
Policy 6. To increase the potential for the ecological success and long-term sustainability of compensatory mitigation projects, resource restoration should be selected over creation where practicable, and transition zones and buffers should be included in mitigation projects where feasible and appropriate. In addition, mitigation site selection should consider site specific factors that will increase the likelihood of long-term ecological success, such as existing hydrological conditions, soil type, adjacent land uses, and connections to other habitats.	**Consistent**. Please refer to Mitigation Measure BIO-3 in Section 3.3, *Biological Resources*. ~~Compensatory m~~Mitigation would be conducted in the form of removal of fill from the existing pier.
Policy 7. Mitigation should, to the extent practicable, be provided prior to, or concurrently with those parts of the project causing adverse impacts	**Consistent**. Please refer to Mitigation Measure BIO-3 in Section 3.3, *Biological Resources*. ~~Compensatory m~~Mitigation would be conducted prior to, or concurrently with construction of the new pier.
Policy 8. When compensatory mitigation is necessary, a mitigation program should be reviewed and approved by or on behalf of the Commission as part of the project. Where appropriate, the mitigation program should describe the proposed design, construction and management of mitigation areas and include: a. Clear mitigation project goals; b. Clear and measurable performance standards for evaluating the success of the mitigation project, based on measures of both composition and function, and including the use of reference sites; c. A monitoring plan designed to identify potential problems early and determine appropriate remedial actions. Monitoring and reporting should be of adequate frequency and duration to measure specific performance standards and to assure long-term success of the stated goals of the mitigation project; d. A contingency plan to ensure the success of the mitigation project, or provide means to ensure alternative appropriate measures are implemented if the identified mitigation cannot be modified to achieve success. The Commission may require financial assurances, such as performance bonds or letters of credit, to cover the cost of mitigation actions based on the nature, extent and duration of the impact and/or the risk of the mitigation plan not achieving the mitigation goals; and e. Provisions for the long-term maintenance, management and protection of the mitigation site, such as a conservation easement, cash endowment, and transfer of title.	**Consistent**. Please refer to Mitigation Measure ~~Bio~~BIO-3 in Section 3.3, *Biological Resources.* While the Mitigation Measure establishes the requirements associated with providing ~~compensatory~~ mitigation to avoid a net loss of jurisdictional waters, it also required that a Mitigation Plan be developed and shared with regulatory specialists, which would include BCDC.

Draft EIR Page 3.9-23:

As shown in Table 3.9-1, construction and operation of the project would overall be consistent with the applicable policies of the BCDC San Francisco Bay Plan with incorporation of identified mitigation measures for biological resources and hydrology/water quality, specifically Mitigation Measures BIO-1(a) through BIO-1(~~f~~ e), BIO-2, BIO-3, and HYD-1 ~~through HYD-3~~. These mitigation measures would require implementation of surveys and plans that would protect special-status species; compensatory mitigation for loss of jurisdictional waters; and plans and practices that would protect water quality (for more detailed information, please refer to Section 3.3, *Biological Resources* and Section 3.8, *Hydrology and Water Quality).* Therefore, the project would not conflict with the BCDC San Francisco Bay Plan, and related construction and operational impacts would be less than significant with mitigation.

Section 3.10, Noise

Sub-Section 3.10.4, Impacts Analysis

Draft EIR Page 3.10-19:

IMPACT NOI-1
OPERATIONAL IMPACTS: MOBILE AND STATIONARY OPERATIONAL NOISE IMPACTS WOULD BE LESS THAN SIGNIFICANT.
CONSTRUCTION IMPACTS: MOST PROJECT CONSTRUCTION NOISE IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION; HOWEVER, CONSTRUCTION NOISE LEVELS AT ~~SOME NEARBY SENSITIVE RECEPTORS~~ SHOREBIRD PARK AND SOME LIVE-ABOARD BOATS, INCLUDING FOR DEMOLITION AND DAYTIME AND NIGHTTIME ~~CONSTRUCTION WORK~~ PILE INSTALLATION, WOULD STILL EXCEED CITY THRESHOLDS AND, THUS, OVERALL CONSTRUCTION NOISE IMPACTS WOULD BE SIGNIFICANT AND UNAVOIDABLE.

Draft EIR Page 3.10-25:

Table 3.10-15 Waterside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA)	Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
…							
Pile Installation	49	Along pier	Shorebird Park[3]	150	79	60	**Yes**
			Skates on the Bay Restaurant[4]	~~230~~ 170	~~75~~ 78	70	**Yes**
			Nearest live-aboard boat[4][5]	670	66	65	**Yes**
…							

dBA = A-weighted decibels

[1] All equipment in each waterside construction phase was conservatively assumed to operate near the pier entrance, as this represents the closest location where construction activity may occur relative to nearby sensitive receptors for extended periods of time.

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Distance to Sensitive Receptor (feet)[1]	Noise Level at Sensitive Receptor (dBA)	Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?

daytime residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime residential and commercial limits are 60 dBA and 70 dBA, respectively.

[3] The City does not define construction noise thresholds for parks or similar outdoor recreation spaces (e.g., Shorebird Park); however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., low-density residential land uses) of 60 dBA was used.

[4] Note that restaurants are not typically considered to be noise-sensitive receptors; however, due to the close proximity of this land use to project construction and locations where pile driving would occur, this restaurant is conservatively included as a sensitive receptor.

[4-5] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. For evaluation of waterside construction noise impacts, this analysis conservatively assumes that the nearest live-aboard boat is situated at the southwestern corner of the Marina, as this represents the nearest location to proposed waterside construction activities.

Source: See Appendix E for construction noise modeling results.

Draft EIR Page 3.10-26:

Table 3.10-16 Comparison of Waterside Construction Noise Levels at Nearby Sensitive Receptors by Phase (Unmitigated and Mitigated)

Construction Phase	Duration (days)	Primary Work Area	Nearby Sensitive Receptor	Noise Level at Sensitive Receptor (dBA)		Applicable Noise Threshold (dBA)[2]	Exceeds Threshold?
				Unmitigated	With Mitigation[1]		
…							
Pile Installation	49	Along pier	Shorebird Park[3]	79	69	60	**Yes**
			Skates on the Bay Restaurant	~~75~~ 78	~~65~~ 68	70	No
			Nearest live-aboard boat[4]	66	56	65	No
…							

dBA = A-weighted decibels; MM = Mitigation Measure

[1] All noise levels presented at sensitive receptors in this column account for the noise reduction provided by Mitigation Measure NOI-1, which is estimated to provide 20 dBA of noise reduction for phases consisting of general construction activities (i.e., dredging, deck, float, and gangway construction, and amenities installation) and 10 dBA of noise reduction for phases consisting of pile driving activities (i.e., demolition and pile installation).

[2] The applicable noise threshold is based on the City's construction noise limits specified in Section 13.40.070(B)(7) of the BMC, which vary depending on the duration of construction. For construction lasting less than 10 days, the applicable daytime residential and commercial limits are 75 and 85 dBA, respectively. For construction lasting 10 days or more, the applicable daytime residential and commercial limits are 60 dBA and 70 dBA, respectively.

[3] The City does not define construction noise thresholds for parks or similar outdoor recreation spaces (e.g., Shorebird Park); however, these uses are typically considered to be noise-sensitive receptors; therefore, the City's daytime construction noise threshold for similar noise-sensitive uses (i.e., low-density residential land uses) of 60 dBA was used.

[4] Exact locations of live-aboard boats within the Marina are not known; however, based on information provided by the City, up to 100 live-aboard boats are allowed/may be present in the Marina at a given time. For evaluation of waterside construction noise impacts, this analysis conservatively assumes that the nearest live-aboard boat is situated at the southwestern corner of the Marina, as this represents the nearest location to proposed waterside construction activities.

Source: See Appendix E for construction noise modeling results.

Section 3.12, Transportation

Sub-Section 3.12.4, Impacts Analysis

Draft EIR Page 3.12-15:

> *Expansion of Ferry Transit Service in the San Francisco Bay Area Program EIR*
>
> The Water Emergency Transportation Authority (WETA) – also known as San Francisco Bay Ferry – prepared the Expansion of Ferry Transit Service in the San Francisco Bay Area Program EIR in 2003 (2003 WETA EIR). The Navigation Section of the 2003 WETA EIR, which the City incorporates by reference herein, included a program-level analysis of ferry vessel navigation and operational safety within the San Francisco Bay. The 2003 WETA EIR describes the regulatory context governing ferry navigation, including federal, state, and regional regulations, as well as coordination with and oversight by applicable maritime authorities. The 2003 WETA EIR accordingly evaluates potential navigation-related impacts associated with expanded ferry service and identifies standard operating procedures and mitigation measures to maintain safe vessel operation and minimize navigation conflicts, including the potential for vessel loss of control incidents (refer to 2003 WETA EIR Section 3.2.1.5, *Regulatory Setting*, and Section 3.2.2, *Impacts and Mitigation*). This information on the regulatory context as well as these mitigation measures are incorporated by reference and provide a broader regulatory and operational framework for ferry navigation evaluated at the project level in this Draft EIR.

Draft EIR Page 3.12-24:

> It should be noted that other marine vessels regularly operate near the project site, given that the project site is next to an active Marina. Similar to other vessels, ferry vessels would operate safely. For example, when approaching the ferry floats, ferry vessels would slow down significantly and adhere to speed limits and docking safety procedures. Additionally, the project design has been refined to include additional fender piles and donut fenders located adjacent to the proposed ferry berthing area and around portions of the breakwater and turning basin. These fender piles and donut fenders would function as passive marine safety features and are intended to supplement the guide piles and donut fender system associated with the ferry terminal described in Chapter 2, *Project Description*. The fender piles and donut fenders would provide an additional layer of protection for ferry terminal infrastructure during vessel approach and docking operations, including in the unlikely event of a vessel loss-of-control incident. The addition of these fender piles and donut fenders is consistent with standard marine engineering and navigational safety practices and would further reduce the potential for collisions involving ferry terminal facilities. The fender piles and donut fenders do not alter ferry operations, navigation routes, vessel maneuvering requirements, or the conclusions of this analysis regarding transportation safety. As described above, these refinements are within the scope of the project analyzed in the Draft EIR and do not result in new or more severe environmental impacts than those originally disclosed. As such, the conclusions of the Draft EIR remain unchanged.

Draft EIR Page 3.12-26:

> ### Overall Level of Cumulative Significance
>
> Less Than Significant ~~with Mitigation~~

Section 3.13, Tribal Cultural Resources

Sub-Section 3.13.4, Impacts Analysis

Draft EIR Page 3.13-8:

IMPACT TCR-1 THE PROPOSED DISTURBANCES DUE TO CONSTRUCTION ON THE NON-FILL GROUND AND SEABED ~~COULD~~ WOULD ADVERSELY AFFECT TRIBAL CULTURAL RESOURCES. WITH ADHERENCE TO MITIGATION MEASURES AGREED UPON THROUGH AB 52 CONSULTATION, IMPACTS TO TRIBAL CULTURAL RESOURCES WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

3.14, Utilities and Service Systems

Sub-Section 3.14.4, Impacts Analysis

Draft EIR Page 3.14-26:

IMPACT UTIL-1 CONSTRUCTION OF ~~T~~THE PROPOSED PROJECT WOULD REQUIRE UTILITY SERVICE AND CONNECTIONS FOR WATER SUPPLY, WASTEWATER CONVEYANCE, AND STORMWATER CONVEYANCE, AS WELL AS TELECOMMUNICATIONS AND ELECTRICITY. EXISTING UTILITY SYSTEMS FOR WATER, WASTEWATER, STORMWATER, ELECTRIC POWER, AND TELECOMMUNICATIONS FACILITIES IN BERKELEY HAVE SUFFICIENT CAPACITY TO SERVE THE PROJECT. ADEQUATE WASTEWATER CAPACITY EXISTS TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS. UTILITY CONNECTIONS FROM THE PROPOSED PROJECT WOULD RESULT IN LESS THAN SIGNIFICANT IMPACTS ON AIR QUALITY, BIOLOGICAL RESOURCES, CULTURAL RESOURCES, NOISE, AND TRIBAL CULTURAL RESOURCES, AFTER MITIGATION. IMPACTS WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION.

Appendix F, Transportation Impact Analysis Memorandum

Sub-Section Queuing (Sub-Sections, Intersection LOS, Existing Conditions)

Draft EIR Appendix F, Page 6:

Intersection LOS

With LOS no longer used to assess transportation impacts under CEQA, intersection LOS analysis was only conducted to determine if project-related traffic causes queuing exceedances.

Existing Conditions

Table 6 presents the existing conditions intersection delay and LOS summary for weekday AM, PM, and weekend peak hour volumes. The peak hour intersection delay and corresponding LOS were calculated using Highway Capacity Manual (HCM) 7th Edition methodology; the Synchro reports are included in **Appendix B**.

The intersection of University Avenue and Frontage Road operates at an unacceptable LOS F or worse during the AM peak hour, PM peak hour, and Weekend peak hour based on the standard established by the City of Berkeley.[4] ~~A Signal Warrant analysis will be required at this intersection to confirm if a signal is warranted at this intersection. Installation of a traffic signal or other intersection control will help manage queueing at this intersection.~~

[4.] City of Berkeley. (n.d.). Guidelines for development of traffic impact reports. Retrieved from https://berkeleyca.gov/sites/default/files/2022-02/Guidelines-for-Development-of-Traffic-Impact-Reports.pdf

Berkeley Pier-Ferry Project Draft EIR, Appendices, and WETA Program EIR (2003)

Online Access

Draft EIR:

https://berkeleyca.gov/sites/default/files/2026-02/Berkeley-Water-Transportation-Pier-Ferry-Project-Draft-EIR.pdf

Draft EIR Appendix Volume 1:

https://berkeleyca.gov/sites/default/files/2026-02/Berkeley-Water-Transportation-Pier-Ferry-Project-Draft-EIR-Appendices-1-of-2.pdf

Draft EIR Appendix Volume 2:

https://berkeleyca.gov/sites/default/files/2026-02/Berkeley-Water-Transportation-Pier-Ferry-Project-Draft-EIR-Appendices-2-of-2.pdf

2003 WETA Program EIR:

https://berkeleyca.gov/sites/default/files/2026-02/WETA-Program-EIR-2003.pdf

Planning Commission

FINAL MINUTES OF THE REGULAR PLANNING COMMISSION MEETING
January 21, 2026

The meeting was called to order at 6:35 p.m.

Location: North Berkeley Senior Center, 1901 Hearst Avenue, Berkeley, CA 94709

1. **ROLL CALL:**
   Commissioners Present: Emily Marthinsen, Jeff Vincent, Christina Oatfield, Savlan Hauser, Angela Wang, Alfred Twu (Arrived 6:40 pm)
   Commissioners Absent:, Darrell Owens, Blaine Merker, Charles Kahn
   Staff Present: Secretary Justin Horner, Clerk Faye Messner, Liza McNulty

2. **LAND ACKNOWLEDGEMENT**
   The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.

3. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA: 1**

4. **ORDER OF AGENDA:** No change

5. **CHAIRPERSON REPORT:**

- Chair Marthinsen reported on:
- Her correspondence with the Chair of the Parks, Recreation and Waterfront Commission. The Chairs are looking for ways to connect on parks, open space and urban planning.
- Participation in the Vision Zero Advisory Committee. This committee engaged Berkeley Commissions on the status of the 2020 Vision Zero plan.

- Proposed future discussion on the role of the Planning Commission and objective design guidelines.
- Continued informal discussion of Planning Commission goals with fellow Commissioners.

6. AD HOC SUBCOMMITTES AND LIASON COMMENTS

- None

7. COMMISSIONER ANNOUNCEMENTS

- None

8. STAFF ANNOUNCEMENTS

- **Upcoming PC Meeting Items:**
  - February:
    - Corridors Small Business policies and ground floor ODS,
    - Density Bonus and the C-AC,
    - Chair and Vice Chair Elections
  - **March:**
    - Safety-EJ Discussion
    - San Pablo Specific Plan
    - SLTE 2026
    - 5th Street GP and Zoning Amendments
  - **April:**
    - SB 79 and AB 893 implementation
- **Upcoming City Council Items:**
  - **January 20:**
    - ADU Condos
    - Program 32 and Design Review
  - **February 24:**
    - Undergrounding of Transformers
  - **March 10:**
    - SB 684 Implementation

9. APPROVAL OF MINUTES:

Motion/Second (Vincent/Hauser) to approve the Planning Commission Meeting Minutes from December 3, 2025. Ayes: Marthinsen, Vincent, Oatfield, Twu, Hauser and Wang. Noes: None. Abstain: None. Absent: Owens, Kahn, Merker (6-0-0-3). Motion passed.

10. ACTION AND DISCUSSION ITEMS

A. Action: Pier-Ferry Project Use Permit Application

Liza McNulty, Capital Improvement Program Manager (Parks, Recreation and Waterfront Department) presented the Use Permit Application for the Berkeley Pier-Ferry project. Commissioners took public comment, asked questions and made comments including but not limited to: the Planning Commission's role in the Use Permit approval, future transportation needs of the area, other uses on the Pier and in the Marina, the importance of the Ferry as an emergency transportation option, connecting to San Francisco to support tourism and Berkeley businesses, impacts to and connections with BART and AC Transit, and the importance of reinvigoration of the Waterfront and Marina.

Public Comments: 5

Motion/Second (Vincent/Twu) to approve staff recommendation in Attachment 1 to approve the User Permit for the Berkeley Pier Ferry project. Ayes: Marthinsen, Vincent, Oatfield, Twu, Hauser and Wang. Noes: None. Abstain: None. Absent: Owens, Kahn, Merker (6-0-0-3). Motion passed.

B. Public Hearing: Amendments to BMC Title 23 (Zoning) to update the regulation of Nonconforming Lot Coverage, Floor Area Ratio (FAR) and Density for Residential Uses in the Residential Multi-Unit 1 (R-1), Residential Multi-Unit 2 (R-2), Residential Multi-Unit 2A (R-2A), and Mixed Use-Residential (MU-R) Zoning Districts.

Assistant Planner Faye Mingham presented proposed amendments to BMC Title 23 (Zoning) Section 23.324.050 to update the regulation of nonconforming lot coverage, FAR and density for residential uses in the R1, R-2, R-2A, & MU-R zoning districts. Commissioners took public comment, asked questions and made comments including but not limited to: clarifying the intent of Middle Housing development standards and defining nonconforming structures versus alterations.

Public Comments: 1

Motion/Second (Vincent/Wang) to close the public comment. Ayes: Marthinsen, Vincent, Oatfield, Twu, Hauser and Wang. Noes: None. Abstain: None. Absent: Owens, Kahn, Merker (6-0-0-3). Motion passed.

Motion/Second (Vincent/Oatfield) to approve staff's recommendation with the addition of language from 23.324.050(D)(3)(b) to ensure nonconformities are not increased or exacerbated. Ayes: Marthinsen, Vincent, Oatfield, Twu, Hauser and Wang. Noes: None. Abstain: None. Absent: Owens, Kahn, Merker (6-0-0-3). Motion passed.

C. Nominations for February Elections

Commissioners put forward nominations for the Chair and Vice Chair election.

Motions/Seconds for Chair and Vice Chair: 1. (Hauser/Vincent) to nominate Commissioner Marthinsen for Chair and Commissioner Hauser for Vice Chair.

Public Comments: 0

11. INFORMATION ITEMS

None

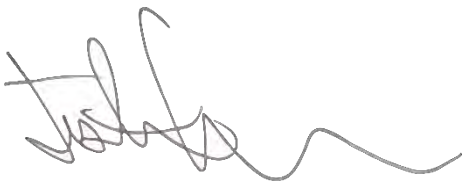
12. CORRESPONDENCE

13. NEXT COMMISSION MEETING: Wednesday, February 4, 2026 at 6:30 PM.

14. ADJOURN

Motions/Second/Carried (Twu/Oatfield) to adjourn the meeting at 8:10pm. Ayes: Marthinsen, Vincent, Oatfield, Twu, Hauser and Wang. Noes: None. Abstain: None. Absent: Owens, Kahn, Merker (6-0-0-3). Motion passed.

Members of the public in attendance: 16
Public Speakers: 6
Length of the meeting: 1 hour and 40 minutes



_____

Justin Horner, Planning Commission Secretary

Planning and Development Department
Land Use Planning Division

STAFF REPORT
January 21, 2026

TO: Members of the Planning Commission

FROM: Liza McNulty, Capital Improvement Program Manager
Parks, Recreation & Waterfront Department

SUBJECT: Pier-Ferry Project Use Permit Application

RECOMMENDATION

Planning Commission review the staff report, receive a staff presentation, consider public comments, and recommend approval of the Use Permit application for the Pier-Ferry Project (Project).

BACKGROUND

History of Berkeley Pier

The Berkeley Pier was constructed in 1926 by the Golden Gate Ferry Company to provide 24-hour ferry service between Berkeley and San Francisco. The pier was constructed as a two-way causeway, allowing vehicles to drive onto the pier and a ferry boat for transit between Berkeley and San Francisco. In 1937, eleven months after the Bay Bridge opened to auto traffic, the ferry line shut down, and the Pier was transferred to City ownership. Berkeley re-opened the pier for pedestrian and vehicle recreational use in 1938. By the 1950s, much of the pier had been abandoned, leaving 3,000 feet maintained for pedestrian access only. In 2015, the Pier was closed to the public due to observed structural deterioration.

Berkeley Pier-Ferry Project

In 2018, the City was approached by the Water Emergency Transportation Authority (WETA) regarding the possibility of a new public ferry service at the Berkeley Waterfront. In 2019, WETA and the Berkeley City Council authorized a Memorandum of Understanding (MOU) Agreement to jointly fund a planning study on the feasibility of rebuilding the Berkeley Pier to provide both ferry service and recreational access. The Feasibility Study concluded in 2023 with the recommendation of preferred layouts for pier, breakwater, ferry terminal and landside improvements. In 2024, the City obtained grant funding for the detailed design and environmental analyses of the Pier-Ferry Project.

The Project scope includes establishing a new use (public transportation) and enhancement of existing uses via the repair or replacement of existing landside and waterside infrastructure including trails, bike paths, streets, sidewalks, parking areas,

public spaces and the pier. The Use Permit application is limited to the establishment of a new use – public transportation – at the Berkeley Pier. The repair and replacement of existing infrastructure to serve existing uses does not require a new Use Permit.

Use Permit Application Process and Role of Planning Commission

The Berkeley Waterfront is a single parcel (APN 06-2545-1) all of which is zoned as an Unclassified (U) zoning district. Berkeley Municipal Code (BMC) Section 23.208.202, Special Purpose Districts, states that a Use Permit is required to establish any use in a U zoning district and establishes the procedures for a Use Permit application.

The BMC requires that a Use Permit application in a U zoning district first be submitted to the Planning Commission with the Planning Commission making a report to the Zoning Adjustment Board (ZAB). If the Planning Commission fails to take an action on the report within 30 days after a Use Permit application is deemed complete, the ZAB will consider the application without a Planning Commission report. To approve a Use Permit in the U zoning district, the ZAB, City Council and Planning Commission must make all the findings in Section 23.406.0303(F), which include:

- That the proposed use will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or neighborhood of the proposed use; and
- That the proposed use will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

The proposed new use is public transportation – specifically, the operation of a public, zero emission ferry at the Berkeley Pier. New structures necessary to accommodate the use include:

- Universal charging and boarding floats, which provide the infrastructure for the ferry vessel to dock and charge while passengers on and off board;
- Ferry gate and landing, including signage and ticket kiosks, connecting the recreational pier to the gangway;
- Gangway connecting the Ferry landing to the float; and
- Breakwater, providing protection for the ferry terminal elements described above. The breakwater also enhances public access for pedestrian recreation and fishing.

Establishing transportation as an allowable use is fundamental to the overall Project schedule and progress. In addition to a Use Permit, the Project must obtain building and other permits from multiple agencies with jurisdiction over the Project, including but not limited to the San Francisco Bay Development and Conservation Commission (BCDC), Army Corps of Engineers, and California Regional Water Quality Control Board. These permits have lengthy application review periods, and the City anticipates submitting applications soon after completing public review of the Draft EIR. For the Project to proceed with these applications and remain on schedule to be shovel-ready by 2027, the

City is prioritizing Planning Commission and ZAB review and action on the Use Permit application prior to publication of the Draft EIR.

Attachments 2-8 include the Use Permit application and application-related materials.

DISCUSSION

The Project is not within or adjacent to a residential zoning district. The nearest residential zone is over one mile east of the proposed use. The nearest neighbors of the proposed use (within 0.1 mile) are a restaurant, park and public parking lot. Within 0.2 miles of the proposed use are additional public amenities (parklands, paths, playground), portions of the Berkeley Marina and additional public and mixed-use parking lots. Beyond 0.2 miles from the proposed use, the Berkeley Waterfront includes additional parks, parking lots, restaurants and office buildings, a hotel, and various boating and recreational facilities. The Berkeley Marina has a total 1,000 boat slips, of which up to 100 are permitted for live-aboard occupancy. Thirteen floating homes are berthed approximately 0.4 miles from the proposed use. ***Attachments 5 and 6*** include additional photographs and images of the Project site and proposed Project.



Ferry Service

Ferry service would be operated by WETA. Prior to initiation of ferry service, the City Council would execute an MOU or similar formal agreement with WETA to authorize the use of the Berkeley Pier for the ferry service.

A summary of the proposed Berkeley Ferry Service included in the WETA Berkeley Ferry Service Business Plan (V1.0)[1] includes:

- WETA envisions operating two vessels on the weekday route and a single vessel during weekend service. Weekday ridership is projected to be 955 riders in the first year of service, increasing to 1,018 riders in the 10th year of service. Weekend ridership is projected to be 684 riders in the first year of service and 729 riders in the 10th year of service.
- Weekday service every 35-minutes between Berkeley and San Francisco. The one-way travel time is about 25-minutes. Service would run from 6:30 am to 11:15 am in the morning and 4 pm to 7:40 pm in the evenings.
- Weekend service every 70-90 minutes. Weekend service could include a Berkeley - Larkspur route; with one-way travel time of 35-minutes. Service would run from 8:30 am to 5 pm weekends.
- The fare for Berkeley – San Francsico service is estimated to be $5.17 - $5.41 per trip, and fare for Berkeley – Larkspur service estimated to be $10.78 - $12.72 per trip (in 2026; fares are projected to increase 3% annually).
- Special event service may operate between Berkeley and San Francsico or Mission Bay for example, for events at the Chase Center, Oracle Park or Berkeley Marina. Special event service fare pricing would be set to cover WETA costs.

The WETA Berkeley Ferry Service Business Plan is a living document and future updates prior to service initiation are expected.

Land Use Planning

The Berkeley Waterfront lands are “public tidelands” that are subject to the Public Trust Doctrine. Under the Public Trust Doctrine, the City holds these lands in trust for the benefit of all the people of California. Public tidelands must be used for water-dependent or water-related uses, including commerce, navigation, fishing, water-oriented recreation, visitor-serving uses, environmental protection, open space, recreation, etc. Portions of the Berkeley Waterfront are also regulated by the San Francisco Bay Development and Conservation Commission (BCDC).

This area has a land use designation of “Waterfront / Marina” in the Berkeley General Plan. The General Plan describes the Waterfront / Marina as areas intended to maintain and preserve areas of Berkeley adjacent to the Bay for open space, recreational uses, waterfront-related commercial and visitor services, boating and water transit facilities. The Berkeley Marina Master Plan (adopted in 2003) identifies various capital improvements throughout the Berkeley Marina, although improvements related to the Pier are limited to new benches and signage. This Plan was adopted 12 years prior to the Pier closure to the public.

[1] https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240926061356/Item-8A-Berkeley-Ferry-Service-Business-Plan.pdf

The City's Local Hazard Mitigation Plan (2019) identifies developing a ferry service as a High Priority Action that would play an important role in the City's emergency response and recovery after a major disaster.

The City's Climate Action Plan identifies public transit as a more sustainable form of transportation (Chapter 3) and sets a goal to established ferry service at the Berkeley Marina that would connect to San Francisco and other locations.

Ferry service connecting Berkeley to San Francsico is included in multiple regional transportation planning documents, including the Metropolitan Transportation Commission adopted Plan Bay Area 2050, Draft Plan Bay Area 2050+ and the WETA 2050 Service Vision.

Public Engagement
The City has conducted extensive public outreach related to the Pier-Ferry Project since 2019 (***Attachment 4***)

Some existing Waterfront users have consistently expressed concern that parking by ferry riders could negatively impact the ability for recreation visitors to find parking. The City and its consultants collected parking utilization data on 588 days between May 2021 and August 2024. Data was collected at various times throughout the days including five separate days of full-day continuous data collection over five months. This data was analyzed by the transportation engineering and planning consultant to determine existing parking patterns, including peak use and occupancy, turn-over and other factors. The analysis (***Attachment 7***) concluded that even during peak visitation periods, multiple parking lots at the Berkeley Waterfront are currently under-utilized and there are sufficient parking stalls to accommodate ferry riders within these under-used parking lots without impacting recreation parking access.

The Project incorporates multiple transportation demand management measures to encourage multi-modal transportation, including a new bike lane on University Avenue, secure bike parking, dedicated ride-share loading zone and improved AC Transit facilities. The City has developed a Preliminary Parking Management Plan (***Attachment 8)*** that would limit full day parking by ferry riders to only those lots identified as having capacity available and would prohibit full-day parking by ferry riders at those lots that do not have excess capacity.

ENVIRONMENTAL REVIEW
The City published a Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the Pier-Ferry Project in May 2025. A Draft EIR for the Project is expected to be published for public review in late February 2025. The Berkeley City Council would need to certify a Final EIR for the Project prior to the Project receiving permits from the City, including this Use Permit, and from other regional or state agencies with jurisdiction over the Project. Federal environmental review pursuant to the National Environmental Policy Act will be conducted by the lead federal agency prior to issuance of any federal permit.

NEXT STEPS

After Planning Commission review and recommendation, the ZAB shall take action to approve, conditionally approve, or deny the application. As pertains to Use Permits in the Unclassified district, ZAB decisions may not be appealed (BMC 23.208.202.C.2) and are not effective until after action by the City Council. City Council may affirm, reverse, or modify the ZAB decision.

CONTACT PERSON

Liza McNulty, Parks, Recreation and Waterfront Department, 510-542-4131

ATTACHMENTS

1) Resolution
2) Use Permit Application Form
3) Use Permit Submittal Requirements Checklist
4) Use Permit Applicant Statement
5) Site Photographs
6) Site Plans, Elevations, Sections
7) Transportation Demand Management Study & Addendum Final Draft
8) Preliminary Parking Management Plan Exhibit

ATTACHMENT 1

PLANNING COMMISSION
RESOLUTION NO. 2026-01

A RESOLUTION OF THE CITY OF BERKELEY PLANNING COMMISSION RECOMMENDING THE ZONING ADJUSTMENTS BOARD AND CITY COUNCIL APPROVE THE USE PERMIT FOR THE BERKELEY PIER-FERRY PROJECT

WHEREAS, the Berkeley Waterfront is a single parcel with an Unclassified zoning district; and

WHEREAS, the City of Berkeley proposes establishing a new transportation use at the Berkeley Pier for public ferry service; and

WHEREAS, establishing Berkeley ferry service is identified as a high priority action in the City of Berkeley Local Hazard Mitigation Plan; and

WHEREAS, establishing Berkeley ferry service is identified as a goal in the City of Berkeley Climate Action Plan; and

WHEREAS, a public ferry is consistent with the allowable water-dependent uses of public tidelands that are subject to the Public Trust Doctrine; and

WHEREAS, establishing transportation as an allowable use at the Berkeley Pier is critical to overall schedule and progress of the Berkeley Pier-Ferry Project; and

WHEREAS, on January 21, 2026, the Planning Commission held a duly-noticed meeting and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

WHEREAS all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California.

WHEREAS, the Use Permit is not effective until after action by Berkeley City Council, who may affirm, reverse or modify the Zoning Adjustment Board decision; and

WHEREAS, the Berkeley City Council would need to certify a Final Environmental Impact Report for the Project prior to the Project receiving permits from the City, including the Use Permit;

NOW, THEREFORE, IT BE RESOLVED that the Planning Commission does hereby recommend the Zoning Adjustments Board and the City Council of the City of Berkeley approve the Use Permit for the Berkeley Pier-Ferry Project

Pursuant to Berkeley Municipal Code Section 23.208.020(E), the Planning Commission makes the following findings to support its recommendation for the Use Permit:

(a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or neighborhood, of the proposed use; and

Rationale: There are no permanent residences within 0.5 miles of the project. Persons working in the area or residing on live-aboard boats or floating homes in the Marina would gain an additional transportation option for commuting or personal travel to San Francisco. The City has conducted an analysis of parking and transportation demand management measures that have been incorporated into the project to ensure that the project will not be detrimental to the general welfare of persons who use the Berkeley Waterfront.

(b) Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

Rationale: Establishing a ferry service in Berkeley has been identified as a goal in multiple City and regional planning documents to improve the general welfare of the City by reducing greenhouse gases, improving transportation access and providing emergency response and disaster recovery. The use of a public ferry is a water-related use consistent with the Public Trust Doctrine governing Berkeley waterfront land use. The project is subject to the City's standard conditions of approval regarding noise and air quality, waste diversion, toxics and stormwater requirements, thereby ensuring the project will not be detrimental.

I HEREBY CERTIFY the foregoing resolution was passed and adopted by the Planning Commission of the City of Berkeley, at a regular meeting thereof, held on the 21st day of January 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JUSTIN HORNER, SECRETARY TO THE PLANNING COMMISSION

APPLICATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION

planning@berkeleyca.gov • Phone (510) 981-7410, TDD (510) 981-7450

Planning and Development
1947 Center St, 2nd Floor
Berkeley, CA 94704

Zoning Project Application

APPLICATION TYPE? CHECK ALL THAT APPLY:

- ☐ **Administrative Use Permit(s)**
- ☑ **Use Permit(s)**
- ☐ **Variance(s)**
- ☐ **Telecommunications Use Permit**
- ☐ **Modification to an Administrative Use Permit or Use Permit**

PROJECT INFORMATION

Project Address(es):

NA
Ferry Terminal located on reconstructed Berkeley Pier, located in San Francisco Bay, directly west of Seawall Drive and University Avenue intersection.

Unit(s)/Suite(s) #:

NA

Assessor Parcel Number(s):

60-2545-1

Project Description:
(include applicable demolition/removal, proposed use(s) total square feet of new/addition, height, number of units and very-low income units, and parking)

Berkeley Waterfront is entirely zoned as Unclassified (U) District, which requires a use permit for new uses. The proposed new use is the operation of an electric, zero-emission ferry service connecting Berkeley to San Francisco & Larkspur. The Project includes construction of a new Pier to replace the derelict existing Pier, new breakwater, and Ferry terminal infrastructure.

☐ **DEDICATED CONSULTANT REVIEW REQUESTED FOR USE PERMIT? (Check box if requested)**

Dedicated Consultant Review involves a competitive bid process to select an outside consultant, and is only available for Use Permits, substantial modifications to a Use Permit, Variances. Consultant costs are in addition to Use Permit fees already paid.

PROPERTY OWNER'S NAME:

City of Berkeley Parks, Recreation & Waterfront

Owner's Property Address:

2180 Milvia Street, 3rd Floor

Phone Number::

510-542-4131

Email:

LMcNulty@berkeleyca.gov

APPLICANT'S NAME:

City of Berkeley Parks, Recreation & Waterfront

Applicant's Property Address:

2180 Milvia Street, 3rd Floor

Phone Number::

510-542-4131

Email:

LMcNulty@berkeleyca.gov

GENERAL INFORMATION

All new uses, structures, and modifications to structures in the City of Berkeley are required to be in conformance with the Zoning Ordinance, Title 23 of the Berkeley Municipal Code.

Additional information about zoning permits:

Types of Zoning Permits

How to Submit a Zoning Project Application

Supplemental Land Use applications, forms, and instructions

Zoning Project Submittal Requirements (must accompany this application)

APPLICATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION

PROJECT INFORMATION:

Does your project require staff-level or committee-level design review?

YES NO

Does your project include demolition of a nonresidential building, or demolition or substantial changes to any building that is 40 or more years old?

☐ YES ☑ NO

Is your project vested by a preliminary housing development pre-application under SB 330?

YES, Pre-Application #PLN20 _____ - _____

NO

Does your project utilize State Density Bonus?

YES NO

Does your project include on-site below market rate units (affordable housing)?

☐ YES ☑ NO

☐ ☑

DRAWINGS PROTECTED BY COPYRIGHT STATEMENT

Effective January 1, 2023, (State Government Code, Section 65103.5 (e), SB 1214), if an official copy of architectural drawings are submitted to the Land Use Division of the Planning and Development Department as part of a zoning permit application, the design professional (or the owner of the copyright if different from the design professional) may submit a separate "site plan" or "massing diagram" for posting online or for distribution to the public.

If a separate "site plan" or "massing diagram" is not submitted in addition to the official architectural plans, permission is deemed granted to the Land Use Division to post online or to provide to the public copies of the architectural drawings without the restrictions that would otherwise apply.

A massing diagram and a site plan are defined as follows per Government Code Section 65103.5 (f): "Massing diagram" means a document that displays the three-dimensional form of a building and describes the general profile, bulk, setbacks, and size of the building, but does not contain specific architectural detail.

"Site plan" means a document for a project that is drawn to scale and displays all of the following: property lines, setback lines, topographic lines, easements, drainage, utilities, lighting, driveways, surrounding streets and traffic flow, parking lots and parking spaces, landscaped areas, setback distance between buildings and property lines, outline of existing and proposed buildings and structures, distance between buildings, and ground sign location.

PLEASE CHECK ONE OF THE FOLLOWING (required):

❑ **My application includes a separate "site plan" or "massing diagram," defined in Government Code Section 65103.5(f), for posting online or for distribution to the public.**

☑ **Permission is granted to make publicly available the submitted architectural drawings without restriction to posting online or distribution to the public.**

Under penalty of perjury, I certify that:

(1) the application materials are true and complete to the best of my knowledge; and
(2) if provided, the attached paper and electronic copies of this application are the same; and
(3) I agree to pay all expenses associated with this application

(*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications)

APPLICANT'S SIGNATURE: _____

Printed Name: Liza McNulty Date: 1/12/2026

OWNER'S SIGNATURE: _____

Printed Name: F. Scott Ferris Date: 1/12/26

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

PROJECT INFORMATION

Project Address(es):

Berkeley Waterfront is entirely zoned as Unclassified (U) District, which requires a use permit for new uses. The proposed new use is the operation of an electric, zero-emission ferry service connecting Berkeley to San

Unit(s)/Suite(s) #:

NA

Assessor Parcel Number(s):

60-2545-1

The Zoning Project Submittal Requirements packet describes all of the materials required to submit a complete Zoning Project Application to the Land Use Division of the Planning and Development Department.

The checklist on pages 1-2 of this packet must be completed, signed, and submitted with the Application. You must initial each Section and check each box that corresponds to an item submitted for review.

Staff will verify that the minimum submittal requirements have been included within 30 days of receiving an application submittal, per Government Code Section 65943 (30-Day Review Period). Applications that are missing the materials will be deemed incomplete and not accepted for permit processing review. During the permit processing review, you may be required to clarify, amplify, correct, or supplement the information listed in the submittal requirements per Government Code Section 65944 (Agency Acceptance of Applications).

Section 1 is a checklist of materials required for all projects. Sections 2-7 are checklists of materials that may be required based on the project type or location.

Each submittal requirement on the checklist is described further in this packet, starting on page 3. Each description identifies whether an item is required, and indicates how to prepare each document, drawing, material, and/or report. Hyperlinked forms and instructions are also online under Land Use at **https://berkeleyca.gov/construction-development/permits-design-parameters/permit-types/permit-forms**.

All documents, reports and plans must be provided in digital format, unless requested in hard copy. Printed plans are required prior to public meetings and/or hearings. See the **Guide to Submitting a Zoning Project Application** for details on how to submit, review timing, and digital plans and document.

SECTION 1 - REQUIRED FOR ALL PROJECTS

- ☑ **A. Completed Application**
  - ☑ **1. Zoning Project Application Form**
  - ☑ **2. Completed Copy of This Zoning Project Submittal Requirements Checklist (Pages 1-2)**
- ☑ **B. Applicant Statement/Waiver Request**
- ☐ **C. Payment of Application Fees**
- ☑ **D. Hazardous Waste and Substance Statement**
- ☐ **E. Tabulation Form** NA - No Bldg
- ☐ **F. Pre-Application Yellow Poster**
- ☑ **G. Pre-Application Neighborhood Contact** NA- No

APPLICANT'S INITIALS

LM

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

☑ SECTION 2 - PLANS REQUIRED FOR ALL DEVELOPMENT PROJECTS INVOLVING NEW STRUCTURES, ADDITIONS, DEMOLITIONS, OR EXTERIOR ALTERATIONS

PLAN SET (I.E. ARCHITECTURAL DRAWINGS)

- ☐ A. Site Plan
- ☐ B. Landscape and Usable Open Space Plan
- ☐ C. Lot Coverage Diagram
- ☐ D. Floor Plans
- ☐ E. Building Elevations
- ☐ F. Street Strip Elevation
- ☑ G. Section Drawings
- ☑ H. Boundary and/or Topographic Survey
- ☐ I. Grading Plan

No buildings, landscaping, lot lines, grading related to new

APPLICANT'S INITIALS: LM

☑ SECTION 3 - SUPPORTING DOCUMENTS, STUDIES, GRAPHICS, AND DEPICTIONS

- ☑ A. Site Photographs
- ☐ B. Shadow Study
- ☐ C. Story Pole Plan
- ☐ D. Arborist Report
- ☐ E. Structural Evaluation
- ☐ F. Parking Survey
- ☑ G. Transportation Demand Management
- ☐ H. Photo Simulations
- ☐ I. Public Art Declaration
- ☐ J. Bird Safe Requirements

No buildings/units, floor area, grading, building demolition or tree removals related to new use

APPLICANT'S INITIALS: LM

☑ SECTION 4 - ENVIRONMENTAL REVIEW

- ☐ A. Creek Protection Documentation
- ☑ B. Historic Resource Evaluation
- ☐ D. Geotechnical and Seismic Hazard Investigation
- ☐ C. Phase I or Phase II Site Assessment
- ☑ E. Transportation Impact Study
- ☐ F. State General Construction Permit
- ☐ G. Stormwater Requirements Checklist

New use is within San Francisco Bay. No excavation. Project is subject to environmental permitting by state & federal agencies. EIR

APPLICANT'S INITIALS: LM

☐ SECTION 5 - REQUIRED FOR HOUSING DEVELOPMENT PROJECTS SUBJECT TO AFFORDABLE HOUSING REQUIREMENTS

- ☐ A. Affordable Housing Compliance Plan (Preliminary)
- ☐ B. Anti-Discrimination Housing Policies
- ☐ C. Density Bonus Eligibility Statement
- ☐ D. Area of Potential Effects (APE) Statement

Project does not include housing

APPLICANT'S INITIALS: LM

☐ SECTION 6 - LANDSCAPE AND GREEN BUILDING REQUIREMENTS

- ☐ A. WELO Landscape Requirements
- ☐ B. Berkeley Energy Code and Berkeley Green Code
- ☐ C. Green Building Requirements

New Use does not include landscaping or building

APPLICANT'S INITIALS: LM

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

☐ SECTION 7 - RELATED LAND USE PLANNING DIVISION APPLICATIONS

- ❑ **A. Design Review**
- ❑ **B. Structural Alteration Permit**
- ❑ **C. Zoning Use Questionnaire**
- ❑ **D. Home Occupation Questionnaire - Class II and III**

APPLICANT'S INITIALS

New Use does not include exterior alterations to City Landmarks, Structures of Merit, not within Historic District, does not establish business or commerical space, no home-

APPLICANT'S SIGNATURE:

Printed Name: F. Scott Ferr

Date: 1/12/2026

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 1 - REQUIRED FOR ALL PROJECTS	
☑	A. **ZONING PROJECT APPLICATION PACKET** 1. **Zoning Project Application Form** 2. **Zoning Project Submittal Requirements** (Checklist on pages 1 and 2)
☑	B. **APPLICANT STATEMENT/REQUEST TO WAIVE A SUBMITTAL REQUIREMENT** **Submit** a written statement (in a separate document) that briefly describes the proposed project and how it satisfies the findings required by the Zoning Ordinance, as well as any request to waive a submittal requirement. For applications to modify a prior permit, **submit** the following information 1. Describe the proposed changes from the approved project 2. Clearly list and describe all changes from the approved project and the basis for the change
☑	C. **PAYMENT OF LAND USE PLANNING APPLICATION FEES** **Submit** required fees to the cashier in the Permit Service Center or pay through the Online Permit Portal. Review of your application will not begin until the fees are paid in full. **If supplemental technical studies are required, a Peer Review deposit will be required (e.**g., Traffic Impact Analysis, Geotechnical Report, Arborist Report).
	D. **HAZARDOUS WASTE AND SUBSTANCES STATEMENT** — **Required for all projects,** pursuant to Government Code Section 65928.
	E. **TABULATION FORM** NA - No Bldg **Required for all projects.** **Submit** the form as a separate document, completely filling out each column, using the applicable development standards of the Zoning Ordinance as a guide.
☑	F. **PRE-APPLICATION YELLOW POSTER** **Required for all Projects** **Install** the poster prior to submittal, and submit color photos that clearly show the poster installed at the front of the site and that clearly show the sign content. Yellow Poster Instructions Small Project Sample Poster and fillable PDF template Large Project Sample Poster and fillable PDF template (Large poster required for projects that include four or more stories, State Density Bonus, Floor Area Ratio greater than 2.0, or more than 10,000 square feet gross floor area.)

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 1 - REQUIRED FOR ALL PROJECTS

G. PRE-APPLICATION NEIGHBORHOOD CONTACT AND OUTREACH INSTRUCTIONS

NA - No

Required for the following projects:

- **All projects located in a Residential District, and all non-residential projects that abut a Residential District are required to contact all abutting and confronting residential occupants and residential property owners to advise them of the proposed development prior to submitting a zoning project application.**
- **All projects of community or neighborhood interest, which consist of the following:**
  i. Any project in a Residential District that would create 6 or more bedrooms on a parcel within ½ mile of the UC Campus (or the area confined by Grant Avenue on the west, Derby Street on the south, and Rose Street on the north), or
  ii. Any project in a Non-Residential District that includes three or more stories, State Density Bonus, Floor Area Ratio greater than 2.0, or more than 10,000 square feet gross floor area.
  iii. Are required to contact all property owners, residents, and neighborhood organizations within 300 feet of the project site to advise them of the proposed development.
- **All residential projects that propose to alter an existing dwelling unit or eliminate a dwelling unit that is subject to the Rent Ordinance (BMC Chapter 13.76) through demolition, including elimination of a dwelling unit through** conversion, are required to provide all sitting tenants notice of the application no later than the date the application is submitted to the City.

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 2 - PLANS REQUIRED FOR ALL DEVELOPMENT PROJECTS INVOLVING NEW STRUCTURES, ADDITIONS, DEMOLITIONS, OR EXTERIOR ALTERATIONS

PLAN SET (I.E. ARCHITECTURAL DRAWINGS) **– GENERAL REQUIREMENTS**

1. **All plans (items A – I) must be included in a single plan set, fully dimensioned, and include:**

— Name of person preparing plans (licensed architect required for certain projects, see Item 3 below)

— Dates of preparation and revision

— Project address

— Graphic scale (see Item 2 below for minimum scales)

— North arrow

— Legend describing all symbols and notations

— Building Code construction and occupancy types

Notes: For applications to modify a prior permit, the plans must clearly show the approved and modified project, and you must "cloud" all changes from the approved project.

For plan resubmittals during review, provide the date of revision on all sheets and "cloud" all changes to previous information. Plan resubmittals must include the full plan set, not individual plan sheets. Staff cannot collate or update your plans for you.

2. **Electronic Plans Requirements:**

See the **Zoning Project Application Guide to Submitting** for digital plans and document standards.

Note that these plans are often released to the public on paper no larger than 8½" x 11", and that you must format your plans so that all images and text are legible at this size.

Hard copy plan sets may be required by the project planner, if necessary to facilitate project review.

Design Review Committee, Landmarks Preservation Commission, and Use Permit applications only, 12 copies of 11" x 17" or 12" x 18" plan sets must be submitted at least two weeks prior to the public meeting or hearing.

3. **Architect or Engineer Required for Certain Projects**

Plans that require preparation by a licensed California architect or engineer under the California Architects Practice Act (Business and Professions Code Sections 5537 and 6737) shall bear the architect or engineer's stamp and signature on each sheet. **This requirement may be waived for projects involving only minor alterations or repairs; consult with a planner. For further information, visit www.cab.ca.gov**

4. **Change of Use**

Applications that ***only*** propose to **change the type of activity or use** occurring within the building must submit the following site-related information:

— **Site Plan** showing the following:

a. Property lines and lot dimensions

b. Existing and proposed building footprint(s), dimensions, setbacks (required, existing and proposed), and projections such as eaves, balconies and bays. Show all buildings , including garages, sheds, etc.

c. Driveways and parking spaces with dimensions, location of handicapped parking spaces, bicycle racks, and security gates.

— **Floor Plans** showing the following:

d. All floors, including mezzanines, basements, and attics

e. Use of all rooms (existing and proposed), per the California Building Code

f. For buildings with multiple commercial tenant spaces, label the use of each tenant space within the subject building

Note: *For changes to existing buildings, provide separate plans for existing and proposed conditions, or if changes are limited, used dashed lines for demolished features and solid lines for new features.*

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 2 - PLANS REQUIRED FOR ALL DEVELOPMENT PROJECTS INVOLVING NEW STRUCTURES, ADDITIONS, DEMOLITIONS, OR EXTERIOR ALTERATIONS

☑ **A. SITE PLAN**

Required for all projects.
The Site Plan must show the following:

- Property lines and lot dimensions
- Existing and proposed building footprint(s) (dimensioned), setbacks (required, existing and proposed), and projections such as eaves, balconies, and bays. Show all accessory structures, such as garages, sheds, etc.
- Delineation of proposed additions, if any, with shading, hatching or another appropriate method
- Any portions of neighboring buildings within 20 feet of property lines, including the building-to-building separation (measured in feet)
- Pathway(s) from the residential structure to the public right of way
- Driveways and parking spaces with dimensions, location of ADA spaces, and security gates
- Trash/solid waste storage area
- Bicycle racks (short-term bicycle parking) subject to the Berkeley Bicycle Plan – Appendix F – Facility Design Toolbox
- Utility meters / boxes / equipment for all wet and dry utilities – including above-ground and under-ground, in conformance with utility company standards, including on the site and in the public right of way (subject to approval by the Public Works Department).
- Decks, patios, hot tubs, and all unenclosed accessory structures

Note: The City of Berkeley Community GIS Portal is an online resource indicating site features and characteristics listed above, which are required to be shown on the Site Plan

☐ **B. LANDSCAPE AND USABLE OPEN SPACE PLAN**

No buildings, landscaping, lot / parcel lines, grading related to new use

Required for all projects
The Landscape Plan must show the following:

- Fully dimension all areas that qualify as existing and proposed Usable Open Space, in compliance with the applicable zoning district development standard and BMC Section 23.304.090; and
- Any existing landscaping to remain and to be removed
- All proposed landscaping, including all existing and proposed trees, including street trees (indicate species, trunk diameter, drip line), hedge rows, and ground cover
- All paved areas and surface treatments
- Fences and retaining walls (materials and height)
- Significant natural features such as creeks (indicate banks or culvert outline), and prominent landforms.

☐ **C. LOT COVERAGE DIAGRAM AND CALCULATIONS**

No buildings, landscaping, lot / parcel lines, grading related to

Required for all residential Projects (or the residential portion of a mixed-use projec

- **Submit** the Lot Coverage Diagram and calculations, using the Site Plan as a base map, which must show the fully dimensioned diagrams to depict existing and proposed lot coverage in compliance with the applicable zoning district development standard and BMC Section 23.106.020.

☐ **D. FLOOR PLANS**

No buildings, landscaping, lot / parcel lines, grading related to new use

Required for all projects
The Floor Plan (s) must show the following

- All floors, including mezzanines, basements, and attics
- Trash room pursuant to Public Works Department requirements
- Long-Term Bicycle parking, showing location of lockers or racks suitable for secure locks and subject to the Berkeley Bicycle Plan – Appendix F – Facility Design Toolbox
- Use of all rooms (existing and proposed), per the California Building Code
- For changes to existing buildings, provide separate plans for existing and proposed conditions, or if changes are limited, use dashed lines for demolished features and solid lines for new features.

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 2 - REQUIRED FOR ALL DEVELOPMENT PROJECTS INVOLVING NEW STRUCTURES, ADDITIONS, DEMOLITIONS, OR EXTERIOR ALTERATIONS

☑ **E. BUILDING ELEVATIONS**

Required for all projects.

The Elevations must show the following:

— All exterior features and openings, including finishes and materials

— Existing and proposed building height (as defined in BMC Sections 23.106.090), see Instructions linked below), finished floor elevations, and existing and finished grades (within five feet of the building).

— Adjacent features such as fences, landscaping, and other buildings and property lines.

— For changes to existing buildings, provide separate elevations for existing and proposed conditions, or if changes are limited, used dashed lines for demolished features and solid lines for new features.

Height Instructions –Average Building Height*

(Residential districts, except R-S, R-SMU, and R-BMU)

Height Instructions –Maximum Building Height*

(Hillside Overlay, R-S, R-SMU, and R-BMU, Commercial, and Manufacturing districts)

*In the Hillside Overlay ("H"), both average and maximum building height apply.

☐ **F. STREET STRIP ELEVATION**

No buildings, landscaping, lot/parcel lines, grading related to new use

Required for any new main buildings.

Submit a street elevation exhibit showing existing conditions on the parcel and the proposed project in elevation view; include at least two (2) parcels on either side of the subject parcel on a single sheet. Minimum scale is 1/8" = 1'.

G. SECTION DRAWINGS

Required for the following projects:

— **New main buildings in the "H" District.**

— **Additions exceeding 14 feet in average height in the "H" District.**

Submit drawings that show adjacent uphill or downhill buildings where views may be affected. Minimum scale is 1/8" = 1'. Show existing and proposed finished grades.

H. BOUNDARY AND/OR TOPOGRAPHIC SURVEY

No buildings, landscaping, lot/parcel lines, grading related to new use

Required for the following projects:

— **Any new main building.**

— **Expansions of a building footprint or the creation of accessory building/structures less than two feet from, or within, a required setback.**

Submit a survey meeting the following requirements:

1. Wet-stamped, signed by a licensed CA surveyor or appropriately licensed civil engineer
2. Minimum scale of 1/10" = 1'
3. All property lines, curb and sidewalk, spot elevations, existing structures, building dimensions, and setbacks to all property lines
4. For projects in the "H" District, survey must be no more than five years old and must show contour lines with minimum 5-foot intervals.

I. CONCEPTUAL GRADING PLAN

Required for projects with more than 50 cubic yards of cut and/or fill.

Submit a survey meeting the following requirements:

1. Prepared by a licensed surveyor, architect or engineer
2. Estimated quantities and locations of cut and fill
3. Existing and final elevations

No buildings, landscaping, lot/parcel lines, grading related to new use

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 3 - SUPPORTING DOCUMENTS, STUDIES, GRAPHICS, AND DEPICTIONS

☑ **A. SITE PHOTOGRAPHS**

Required for all projects.

Submit one set of exterior photos, that meet the following requirements:

1. Use captions or a key indicating the location (perspective) of each photo.
2. Provide an adequate number of photos to show entire project site and all adjacent buildings for context. Where possible, take wide-angle shots showing project site and adjacent buildings together.

☐ **B. SHADOW STUDY**

Required for the following projects:

- **Buildings exceeding 14 feet in average height, located in or adjacent to a residential (R) district (excluding ADUs)**
- **Additions exceeding 14 feet in average height on sites adjacent to a residential use**
- **Projects in either the C-T or C-DMU District, requiring a Use Permit to increase the maximum building height/number of stories**

Shadow Study Instructions

No buildings/units, floor area, grading, building demolition or tree removals related

☐ **C. STORY POLE PLAN**

Required for the following projects:

- **New main buildings exceeding 14 feet in average height in the "H" District (excluding ADUs)**
- **Additions exceeding 14 feet in average height in the "H" D**

Story Pole Instructions

No buildings/units, floor area, grading, building demolition or tree removals related

D. ARBORIST REPORT

Required for projects involving any construction activity (including excavation, trenching, demolition, paving, storage of materials, and parking of vehicles) within the drip line of a Coast Live Oak (quercus agrifolia) tree with a circumference of at least 18 inches at 4 feet above the ground (or at least 26 inches aggregate circumference for a multi-stemmed tree). Submit

1. A report by a certified arborist assessing the project's impacts on the affected tree(s) (tree may be located either on- or off-site) and recommending preservation measures both during and after construction, as applicable.
2. Deposit of $500 for the first two hours of peer review of report (additional funds may be required for more complicated projects or site visits)

Tree Protection Instructions

Coast Live Oak Tree Ordinance

No buildings/units, floor area, grading, building demolition or tree removals related

E. STRUCTURAL EVALUATION

Required for any project that is not a demolition, but is removing between 25 and 49 percent of a main building's exterior wall and between 25 and 49 percent of a main building's roof framing (including in-kind replacement of existing framing), in order to confirm the feasibility of retaining the remaining portions of any wall and roof.

A Structural Evaluation is not required for projects requesting a Use Permit for demolition.

Submit a demolition diagram that indicates the percentage of each wall and roof that is proposed to be replaced or removed, as well as a report by an independent, fully credentialed structu
retention of structural elements not proposed for removal is ac

No buildings/units, floor area, grading, building demolition or tree removals related

☐ **F. PARKING SURVEY**

Required for projects requesting a waiver of any required off-street vehicular parking spaces pursuant to the Zoning Ordinance, located in a Commercial or Manufacturing District (C, M, MM, or MU) .

Parking Survey Instructions

Not in Comerical or Manufacturing District

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 3 - SUPPORTING DOCUMENTS, STUDIES, GRAPHICS, AND DEPICTIONS

☑ **G. TRANSPORTATION DEMAND MANAGEMENT (TDM) AND BICYCLE PARKING SUPPLEMENTAL APPLICATION**

Required projects creating five or more new dwelling units or Group Living Accommodation rooms

TDM required for projects creating 10 or more dwelling units outside of the C-DMU. (Not required for projects where 50 percent of total units are affordable, ADUs, projects located in ES-R, or projects on properties in the Hillside overlay on narrow streets 26-feet wide or less.)

Bicycle parking required for projects creating five or more new dwelling units and/or Group Living Accommodation rooms.

TDM Program and Bicycle Parking Supplemental Application

☐ **H. PHOTO SIMULATIONS**

Required for a project creating any of the following:

— **Wireless telecommunications projects**

— **A "Large Scale Development Project," which consists of project located in a non-residential district that proposes any of the following:**

– Density Bonus under Section 65919 of California State Law,

– Three or more stories in height,

– Floor Area Ratio more than 2.00, or

– 10,000 square feet or more of gross floor area.

Not a large scale development project

Photo Simulation Instructions

I. PUBLIC ART DECLARATION

Required for any of the following projects:

— **A new commercial or industrial building**

— **A project that creates five or more dwelling units**

— **An addition of more than 10,000 square feet to any commercial or industrial building**

No buildings/units, floor area, grading, building demolition or tree removals related

Public Art Allocation Declaration form

J. BIRD SAFE REQUIREMENTS

Required for any of the following projects:[1]

Nonresidential projects: New construction/addition

Nonresidential Projects: New or replacement windows on existing buildings, unless all facades are Lower Hazard Facades

Residential and Mixed-Use Projects: New construction/addition of 10,000 sq. ft. or more AND more than 35 feet average height

Residential Mixed-Use Projects: New or replacement windows on existing buildings of 10,000 sq. ft. or more AND more than 35 ft. average height unless all facades are Lower Hazard Facades

No buildings/units, floor area, grading, building demolition or tree removals related

— **Complete Bird Safe Building Requirements Attestation**

— **For projects that include Lower Hazard Facades, diagrams and calculations that show the percentage of façade area consisting of transparent or reflective material, such as windows or High-Risk Features (as defined in BMC Section 23.304.150)**

[1] Certain projects are exempt. See BMC 23.304.150

See Bird Safe Building Requirements Information and Submittal Checklist.

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 4 - ENVIRONMENTAL REVIEW

☐ **A. CREEK PROTECTION DOCUMENTATION**

Required for any project within 40 feet of the centerline of an open creek, and/or within 25 feet of a culverted creek, that is protected by the Creeks Ordinance

Creek Protection Instructions

New use is within San Francisco Bay, not within 40 feet of

Note: Applies even if a protected creek or culvert has not yet been identified by the City.

B. HISTORIC RESOURCE EVALUATION

Required for:

— **Demolition of a non-residential building 40 or more years old, subject to referral to the Landmarks Preservation Commission in accordance with BMC Section 23.326**

— **Demolition/Substantial Change of any building 40 or more years old subject to environmental review pursuant to CEQA**

Submit: State of California Department of Parks and Recreation (DPR) 523 forms. Evaluation(s) to include references to development history documentation (including but not limited to photographs, building permits, Sanborn maps, and directory listings); completed by a qualified historian, architectural historian or historic architect. Provide supplemental information in accordance with the Landmarks Preservation Ordinance criteria (BMC Section 3.24.110).

Waiver for residential additions/alterations: The Environmental Review Officer may waive this requirement for residential addition and alteration proposals after determining that the project complies with preservation standards and environmental practices OR that qualified sources other than an HRE can provide the relevant information.

California guidelines (Instructions for Recording Historical Features)

C. GEOTECHNICAL AND SEISMIC HAZARD INVESTIGATIONN

Required for all development projects intended for human occupancy located in a State-designated Seismic Hazard Zone, as defined by the California Seismic Hazards Mapping Act and Alquist-Priolo Earthquake Fault Zoning Act, as shown on the State's Environmental Constraints Map.

No building / human occupancy associated with

Exemptions:

For projects located in any State-designated Seismic Hazard Zone (PRC 2693, i.e. liquefaction, landslide, and earthquake shaking):

— Single-family wood-frame or steel-frame dwellings to be built on parcels of land for which geologic reports have been approved pursuant to an approved subdivision map;

— A single-family wood-frame or steel-frame dwelling not exceeding two stories when that dwelling is not part of a development of four or more dwellings; or

— Alterations or additions to any structure within a seismic hazard zone which do not exceed either 50 percent of the value of the structure or 50 percent of the existing floor area of the structure.

If located in the Alquist-Priolo Fault Zone (PRC 2621.6 and 2621.7):

— Single-family wood-frame or steel-frame dwellings to be built on parcels of land for which geologic reports have been approved pursuant to an approved subdivision map;

— A single-family wood-frame or steel-frame dwelling not exceeding two stories when that dwelling is not part of a development of four or more dwellings; and

— Alterations or additions to any structure if the value of the alteration or addition does not exceed 50 percent of the value of the structure; or

— Conversion of an existing apartment complex into a condominium

Submit the following:

1. Geotechnical report satisfying the California Building Code and requirements of Special Publication 117A (for landslide and liquefaction zones) and/or California Geological Survey Note 49 (for fault zones); and

2. Deposit of $1,500 for peer review of report (additional funds may be required for more complicated projects.

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 4 - ENVIRONMENTAL REVIEW

☐ **D. PHASE I OR II SITE ASSESSMENT**

Required for any project that includes the following:

No excavation associated with new use.

— **Excavation of 5 or more feet below grade**
— **A site with a history of soil and/or groundwater contamination (see the Hazardous Waste and Substances Statement)**
— **A site within an Environmental Management Area (see Community GIS Portal)**

Submit: A recent Page I and/or Phase II Site Assessment (less than 2 years old)

Note: Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary in order to determine the appropriate environmental review pathway under CEQA. If the Phase II indicates the exceedance of Environmental Screening Levels, clearance from one of the following agencies must be submitted prior to final action on a zoning permit application:

- San Francisco Bay Regional Water Quality Control Board (RWQCB)
- Department of Toxic Substances Control (DTSC)
- Alameda County Department of Environmental Health's Local Oversight Program (LOP)

Contact the Toxics Management Division (510) 981-7460 for more information.

☑ **E. TRANSPORTATION IMPACT STUDY**

Required for projects that do not meet at least one of the City's screening criteria for determining if detailed VMT or vehicular parking analysis is necessary.

Consult with the Transportation Division for a copy of the screening criteria and thresholds at (510) 981-7010

☐ **F. STATE GENERAL CONSTRUCTION PERMIT**

Required for projects disturbing one acre or more of soil (or less than one acre if part of a larger development plan that disturbs one acre or more).

Submit a copy of the Notice of Intent (NOI) submitted for the State General Construction Permit, and Storm Water Pollution Prevention Plan (SWPPP) prior to building permit issuance.

Construction Stormwater General Permits

New use is within San Francisco Bay. No excavation. Project is subject environmental permitting by state & federal agencies. EIR in

☐ **G. STORMWATER REQUIREMENTS CHECKLIST**

Required for projects creating or replacing 2,500 square feet or more of impervious surface, including single-family dwellings. Includes new buildings, additions, and alterations to existing roofs that affect drainage; does not include maintenance/re-surfacing of existing impervious surfaces.

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 5 - REQUIRED FOR PROJECTS SUBJECT TO AFFORDABLE HOUSING R

Project does not include housing

☐ **A. AFFORDABLE HOUSING COMPLIANCE PLAN (PRELIMINARY)**

Required for Housing Development Projects with more than 5,000 square feet of residential unit floor area

Submit following:

1. Completed Affordable Housing Compliance Plan

2. Affordable Housing Compliance Plan Sheet(s) (in the plan set)

- Residential Unit Floor Area Diagrams (BMC Section 23.328.020 Definitions)
- On-site Below Market Rate unit calculations
- In-Lieu Fee calculations

See BMC 23.328 Inclusionary Housing and the Affordable Housing Compliance Plan Application for additional information.

B. ANTI-DISCRIMINATION HOUSING POLICIES

Required for a project creating any of the following:

— **Five or more new dwelling units and/or five or more live/work units**

— **New dwelling units and/or live/work units on lots whose size and zoning designation is such to allow construction of five or more dwelling units**

— **One to four (new dwelling units and/or five or more live/work units, which are added to an existing one to four-unit property developed after August 14, 1986, and the resulting number of units totals five or more**

— **Additional condominium units, resulting in five or more condominium units converted and/or created after August 14, 1986 on the site**

Submit a written statement answering the following questions and provide the requested documentation, if applicable:

– Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30 percent of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in states or jurisdictions outside of California?

– If the answer to (1) is yes, which?

– If the answer to (1) is yes, does the applicant or sponsor, as defined in (1), have policies in individual states that prohibit discrimination based on sexual orientation, gender identity, and/or gender expression in the sale, lease, or financing of any dwelling units enforced on every property in the state or states where the applicant or sponsor has an ownership or financial interest?

– If the answer to (1) is yes, does the applicant or sponsor, as defined in (1), have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property?

– If the answer to (3) or (4) is yes, please provide a copy of that policy or policies as part of this application.

The Land Use Division will not accept an application as complete unless the applicant provides a response to this section. The processing of and recommendations or determinations made by the Land Use Division regarding an application will be unaffected by the applicant's response to this section.

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 5 - REQUIRED FOR PROJECTS SUBJECT TO AFFORDABLE HOUSING F

Project does not include housing

☐ **C. DENSITY BONUS ELIGIBILITY STATEMENT**

Required for projects requesting a density bonus pursuant to Government Code Section 65915

Submit the following information:

1. A written statement that includes the following information:

a. Number of "base project" units

b. Number and percent of affordable units and level of affordability

c. Percent density bonus requested and allowed pursuant to Government Code Section 65915

d. Waivers or modifications of development standards necessary to physically accommodate "density bonus" units (e.g., increased height or FAR, reduced setbacks or parking, etc.)

e. Explanation of why each waiver or modification is needed to accommodate "density bonus" units

f. If the project is requesting an incentive or concession, describe each incentive or concession being requested in addition to (or instead of) waivers or modifications necessary to accommodate density bonus

2. Plans showing a "base project" that complies with all applicable Zoning Ordinance requirements. For staff to effectively review your density bonus project, a combination of diagrams, compliance tables and calculation tables must be included in the project plan set:

a. Base Project and Proposed Project diagrams, per floor

b. Base Project and Proposed Project development standards compliance tables

c. Residential floor area calculations and diagrams (per floor; can be combined with Base Project and Proposed Project diagrams)

d. Maximum allowable residential density calculation table

e. Usable open space and lot coverage diagrams and calculations

f. Base Project, Density Bonus, and Proposed Project residential floor area table

Your project planner can provide examples of preferred diagram and table formats.

State Density Bonus - Procedures

D. AREA OF POTENTIAL EFFECTS (APE) STATEMENT

Required for projects seeking federal funds (either directly or through the City of Berkeley Housing Trust Fund).

Submit a statement identifying the project's "Area of Potential Effects" as defined in federal regulations (36 CFR Part 800). Contact the Housing Department at (510) 981-5400 for more information and requirements.

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 6 - LANDSCAPE AND GREEN BUILDING REQUIREMENTS

☐ **A. WELO LANDSCAPE REQUIREMENTS**

Required for projects with either:

- **500 square feet or more of new, or**
- **2,500 square feet or more of renovated irrigated area.**

New Use does not include landscaping

These projects must comply with water efficient landscaping as specified in the Model Water Efficient Landscape Ordinance (MWELO) and East Bay Municipal Utility District (EBMUD) Water Efficiency Review: Section 31 Regulations and MWELO Compliance, and all applicable measures in the Bay Friendly Basics checklist.

Submit WELO-compliant landscape documentation including a planting, grading, and irrigation plan. Water budget calculations are also required for landscapes of 2,500 square feet or more. The reference evapotranspiration rate (ETo) for Berkeley is 41.8.

See Green Building requirements.

B. BERKELEY ENERGY CODE AND BERKELEY GREEN CODE

New Use does not include construction of any buildings

Required for newly constructed buildings (buildings that have never before been used or occup

Submit the following:

1. A statement, and corresponding features on plans, that the proposed project is designed to comply with the Berkeley Energy Code (BMC Chapter 19.36) and Berkeley Green Code (BMC Chapter 19.37) including solar PV system, battery energy storage, electric vehicle charging, and low-carbon concrete requirements. Note that for building permit submittal, quantitative values for appliance fuel efficiency must be included in relevant building permit architectural sheets, and window and door schedules, and on architectural, plumbing, and mechanical sheets, matching those values stipulated in prescriptive or performance energy compliance documents.

Note: Carefully consider the Building Code prior to submitting a Use Permit application. Per the standard Conditions of Approval for all development projects, only the Zoning Adjustments Board may approve a modification to the use or structure for which the Permit is issued, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

The California Energy Design Assistance (CEDA) Program provides free energy design assistance, financial incentives, and operational energy savings to new commercial, public, multifamily (4 stories or more), industrial, and agricultural buildings. CEDA application must occur while a project is in early design phases.

See Green Building requirements.

C. GREEN BUILDING REQUIREMENTS

New Use does not include construction of any buildings

Required for newly constructed buildings and additions of more than 20,000 square feet for p
cial-Downtown Mixed-Use District (C-DMU).

Submit a completed LEED Checklist / Scorecard (typically for commercial projects), showing that the proposed project is on track for LEED Gold certification or above, or a completed GreenPoint Rated (GPR) Checklist (for residential and most mixed-use projects), showing that the proposed project is on track for GPR Silver certification or above.

See Green Building requirements.

INFORMATION CITY OF BERKELEY **LAND USE PLANNING**

ZONING PROJECT APPLICATION SUBMITTAL REQUIREMENTS

SECTION 7 - RELATED LAND USE PLANNING DIVISION APPLICATIONS	
☐	**A. DESIGN REVIEW APPLICATION** **Required** for: — **Projects with new construction and/or exterior changes in non-residential districts** — **Mixed use, and community and institutional projects in R-3 within the Southside Plan Area** — **Commercial, mixed-use, and community and institutional projects in R-4, R-S and R-SMU Districts** — **Other projects as required by the Zoning Officer** **Submit** separate Design Review application form per the Design Review Submittal Requirements.
☐	**B. STRUCTURAL ALTERATIONS SUBMITTAL** **Required** for exterior alterations to designated City Landmarks, Structures of Merit, and structures within a Historic District (and interior alterations to such structures if publicly owned). **Submit** separate Structural Alteration Permit application, per the Structural Alteration Permit & Design Review Submittal Requirements.
	C. ZONING USE QUESTIONNAIRE **Required** for projects that establish a new business or create a new commercial space with the tenant/operator already selected.
	D. HOME OCCUPATION QUESTIONNAIRE – CLASS II AND III **Required** for Class II or Class III Home Occupations that establish a new home-based business. **Submit** a Zoning Permit Application (Section 1.A, above), and fill out the Class II and III Home Occupation Questionnaire.

New Use does not include exterior alterations to City Landmarks, Structures of Merit, not within Historic District, does not establish business or commerical space, no home-

Berkeley Ferry Use Permit

Applicant Statement

1 Project History and Context

History of Berkeley Pier

The Berkeley Pier was constructed in 1926 by the Golden Gate Ferry Company to provide 24-hour ferry service between Berkeley and San Francisco. The pier was constructed as a two-way causeway, allowing vehicles to drive onto the pier and a ferry boat for transit between Berkeley and San Francisco. In 1937, eleven months after the Bay Bridge opened to auto traffic, the ferry line shut down, and the Pier was transferred to City ownership. Berkeley re-opened the pier for pedestrian and vehicle recreational use in 1938. By the 1950s, much of the pier had been abandoned, leaving 3,000 feet maintained for pedestrian access only. In 2015, the Pier was closed to the public due to observed structural deterioration.

Zoning / Use Permit History

The Berkeley Waterfront is a single parcel (APN 06-2545-1) all of which is zoned as an Unclassified (U) District. Berkeley Municipal Code Chapter 23.208.202, Special Purpose Districts, establishes that "all uses not prohibited by law are permitted in the U district" and that "a Use Permit is required to establish any use". Use Permit procedures include planning commission review of the use permit application followed by Zoning Adjustment Board (ZAB) action to approve, conditionally approve or deny the application. The ZAB's decision is not effective until after action by the City Council. The Council may affirm, reverse or modify the ZAB decision.

Use Permit #5567 issued by the City of Berkeley in January 1965, authorized the construction of the Berkeley Marina in accordance with the Master Plan dated April 15, 1964 and revised December 16, 1964. Existing uses at the Berkeley Waterfront are authorized via this 1964 Permit. No additional Use Permits within the Berkeley Waterfront have been issued since Use Permit #5567.

Land Use Planning Context

The Berkeley Waterfront lands are "public tidelands" that fall under the Public Trust Doctrine. Under the Public Trust Doctrine, the City holds these lands in trust for the benefit of all the people of California and to ensure the lands are devoted to uses to which they are uniquely situated. Public tidelands must be used for water-dependent or water-related uses, including commerce, navigation, fishing, water-oriented recreation, visitor-serving uses, environmental protection, open space, recreation, etc. Portions of the Berkeley Waterfront are also regulated by the San Francisco Bay Development and Conservation Commission (BCDC).

This area has a land use designation of "Waterfront / Marina" in the Berkeley General Plan. The General Plan describes the Waterfront / Marina as areas intended to maintain and preserve areas of Berkeley adjacent to the Bay for open space, recreational uses, waterfront-related commercial and visitor services, boating and water transit facilities. The Berkeley Marina Master Plan[1] (adopted in 2003) identifies various capital improvements throughout the Berkeley Marina, although improvements related to the Pier are limited to new benches and signage. This Plan was adopted 12 years prior to the Pier closure to the public. The City published a Draft Waterfront Specific Plan in November, 2024, which includes a description of ferry service at a reconstructed Berkeley Pier. In November 2024, City Council directed staff to make various updates to the Draft Waterfront Specific Plan, including developing a conceptual plan for Cesar Chavez Park. Currently there is no funding identified to complete the Waterfront Specific Plan.

The City's Local Hazard Mitigation Plan (2019) identifies developing a partnership with ferry service as a High Priority Action that would play an important role in the City's emergency response and recovery after a major disaster. The City's Climate Action Plan identifies public transit as a more sustainable form of transportation (Chapter 3) and sets a goal to expand under-used modes of transportation, such as ferry Berkeley at the Berkeley Marina that would connect to San Francisco and other locations. Ferry service connecting Berkeley to San Francsico is included in multiple regional transportation planning documents, including the Metropolitan Transportation Commission adopted Plan Bay Area 2050 and Draft Plan Bay Area 2050+ and the WETA 2050 Service Vision.

Berkeley Pier-Ferry Project Context

In 2018, the City was approached by the Water Emergency Transportation Authority (WETA) regarding the possibility of a new ferry service at the Berkeley Waterfront. In 2019, WETA and the Berkeley City Council authorized a Memorandum of Understanding (MOU) Agreement to jointly fund a planning study on the feasibility of rebuilding the Berkeley Pier to provide both ferry service and recreational access. The Feasibility Study concluded in 2023 with the recommendation of preferred layouts for pier, breakwater, ferry terminal and landside improvements. In 2024, the City initiated detailed design and environmental analyses for the Project.

The Pier-Ferry Project scope includes both establishing a new use (public transportation via ferry service) and enhancement of existing uses via the repair or replacement of existing landside and waterside infrastructure including trails, bike paths, streets, sidewalks, parking areas, public spaces and the pier. The current use permit application is to establish a new use – public

[1] https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-marina-master-plan

transportation – at the Berkeley Pier. The repair and replacement of existing infrastructure to serve existing uses does not require a Use Permit.

2 Scope of Use Permit

Construction associated with the new transportation use includes:

- Universal charging and boarding floats, which provides the infrastructure for the ferry vessel to dock and charge while passengers board;
- Ferry gate and landing, including signage and ticket kiosks, connecting the recreational pier to the gangway;
- Gangway connecting the Ferry landing to the float; and
- Breakwater, providing protection for the ferry terminal elements described above. The breakwater also enhances existing public access for pedestrian recreation and fishing.

Ferry service would be operated by WETA. Prior to initiation of ferry service, the City Council would execute an MOU or similar formal agreement with WETA to authorize the use of the Berkeley Pier for the ferry service.

The WETA Berkeley Ferry Service Business Plan is a living document that is expected to be routinely updated by WETA. Future updates may change the specific details of the ferry service, schedule and fares. The most recent published version is V1.0, dated March 17, 2022[2]. Highlights of the proposed Berkeley Ferry Service include in V1.0 include:

- The electric zero-emission vessels proposed for this service would have a passenger capacity of 250. WETA envisions operating two vessels on the weekday route and a single vessel during weekend service.
- Weekday service would be every 35-minutes between Berkeley and San Francisco. The one-way travel time is about 25-minutes. Service would run from 6:30 am to 11:15 am in the morning and 4 pm to 7:40 pm in the evenings.
- Weekend service every 70-90 minutes. Weekend service could include a Larkspur Ferry; with one-way travel time of 35-minutes. Service would run from 8:30 am to 5 pm weekends.
- Special event service may operate between Berkeley and San Francsico or Mission Bay for example, for events at the Chase Center, Oracle Park or Berkeley Marina. Special event service fare pricing would be set to cover WETA costs.

[2] https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240926061356/Item-8A-Berkeley-Ferry-Service-Business-Plan.pdf

- The fare for Berkeley – San Francsico service is estimated to be $5.17 - $5.41 per trip, and fare for Berkeley – Larkspur service estimated to be $10.78 - $12.72 per trip (based on 2026; fares are projected to increase 3% annually).

3 Public Engagement

The Project is not within or adjacent to a residential zoning district. The nearest residential zoning district is over one mile east of the Project location.

The City has conducted extensive public outreach related to the Project and has incorporated public feedback into the Project design in multiple ways. A summary of public meetings regarding the Project is provided below and a detailed list of public outreach engagement is appended to the end of this document.

Feasibility Phase

- Three Focus Groups (January 2021)
- 3 Community Workshops (January, August, October 2021)
- 2 City Council Work Sessions (February, December 2021)
- Public Survey / Questionnaire (March 2021)

Public Meetings

- Berkeley Parks, Recreation, and Waterfront Commission (March 2024, March 2025, May 2025, December 2025)
- Youth Commission
- BCDC Design Review Board Briefing (May) and Review (November)
- Notice of Preparation of EIR (May)

2025 Community Group Meetings

- Telegraph for People
- UC Berkeley Urban Studies Student Association
- Washington Elementary School (Black History Month Celebration)
- Walk/Bike Berkeley
- Bike East Bay
- Healthy Black Families
- Live Oak Community Center (Community Partner Resource Night)
- Save the Bay
- Berkeley Black Ecumenical Ministers Alliance
- Berkeley Breakfast Club
- Berkeley Business District Network

- Berkeley Chamber of Commerce
- Berkeley Design Advocates
- Berkeley Democratic Club
- Berkeley Neighborhood Council
- East Bay Conservation Committee
- Gilman Coordinating Committee

2025 Focus Group / Targeted Surveys

- Water Access Improvement Focus Group (April and December 2025)
- Swimmer Focus Group (June 2025)
- Seven Parking Intercept Surveys (April, July, August 2024)

4 Parking & Transportation Demand Management

Existing Waterfront users have consistently expressed concern that parking by ferry riders could impact the ability for recreation visitors to find parking. The City has conducted daily counts of parking utilization throughout the Berkeley Waterfront for multiple years. Specifically, the City collected parking utilization data on 588 days between May 2021 and August 2024. This includes morning and evening data (523 days), mid-day data (60 days) and full day continuous data collect (5 days). This data was analyzed by the City's consultant to determine existing parking patterns, including peak use and occupancy, turn-over and other factors. The analysis concluded that even during peak visitation periods, multiple parking lots at the Berkeley Waterfront are currently under-utilized and there are sufficient parking stalls to accommodate ferry riders within these under-used parking lots (see attached *Water Transportation Pier-Ferry Project Parking and TDM Plan & Addendum*).

The City has developed a Preliminary Parking Management Plan that would limit full day parking by ferry riders to only those lots identified as having capacity available and would prohibit full-day parking by ferry riders at those lots that do not have excess capacity.

5 Environmental Review

The City published a Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for the Pier-Ferry Project in May 2025. A Draft EIR for the Project is expected to be published for public review in late February 2025. The Berkeley City Council would need to certify a Final EIR for the Project prior to the Project receiving permits from the City, including this Use Permit, and from other regional or state agencies with jurisdiction over the Project. Federal environmental review pursuant to the National Environmental Policy Act will be conducted by the lead federal agency prior to issuance of any federal permit.

6 Other Agencies & Jurisdictions with Authority

The Project includes construction within San Francisco Bay. While individual agencies will be responsible for determining the final permit type required, it is expected that the Project would require the following permits in addition to this Use Permit:

- City of Berkeley Permits: Building, Fire/Safety, Engineering, etc.;
- Approval by California State Lands Commission to ensure compliance with the grant of tidelands restrictions;
- San Francisco Bay Conservation and Development Commission (BCDC) Major Permit or Major Permit Amendment;
- United States Army Corps of Engineers (USACE) Clear water Act Section 404 Individual Permit and Rivers and Harbors Act Section 10 Permit;
- Regional Water Quality Control Board (RWQCB) Water Quality Certification;
- California Department of Fish & Wildlife (CDFW) incidental take permit;
- National Marine Fisheries Service (NMFS) incidental harassment authorization; and
- Section 106 / State Historic Preservation Officer (SHPO) finding.

Public Outreach: Feasibility Phase

Feasibility Phase

- Focus Group Meeting #1, January 5, 2021
- Focus Group Meeting #2, January 6, 2021
- Focus Group Meeting #3, January 7, 2021
- Community Workshop #1, January 21, 2021
- City Council Work Session #1, February 16, 2021
- Public Survey / Questionnaire (online), March 2021
- Community Workshop #2, August 10, 2021
- Community Workshop #3, October 27, 2021
- City Council Work Session #2, December 7, 2021

Public Outreach: Design Phase

2024

- Parks, Recreation & Waterfront Commission, March 13, 2024
- Waterfront Intercept Survey (Parking), April 6, 2024
- Waterfront Intercept Survey (Parking), July 18, 2024
- Waterfront Intercept Survey (Parking), August 1, 2024
- Waterfront Intercept Survey (Parking), August 17, 2024
- Waterfront Intercept Survey (Parking), August 22, 2024
- Waterfront Intercept Survey (Parking), August 24, 2024
- Waterfront Intercept Survey (Parking), August 27, 2024

Public Outreach: Design Phase

2025

- Focus Group, Berkeley Chamber of Commerce, January 15, 2025
- Focus Group, Healthy Black Families, January 16, 2025
- Focus Group, Bike East Bay & Walk/Bike Berkeley, January 29, 2025
- Focus Group, Berkeley Business District Network, February 6, 2025
- Focus Group, Gilman Coordination Committee, February 7, 2025
- Focus Group, Berkeley Neighborhood Council, February 8, 2025
- Focus Group, Berkeley Design Advocates, February 12, 2025
- Agency Presentation, Water Emergency Transportation Agency (WETA), February 13, 2025
- Community Event, Community Partner Resource Night Meet & Greet, February 20, 2025
- Community Event, Black History Month Celebration at Washington Elementary, February 27, 2025
- Focus Group, Berkeley Democratic Club, March 3, 2025
- Focus Group, West Berkeley Shuttle Board, March 5, 2025
- Focus Group, Telegraph for the People, March 10, 2025
- Berkeley Youth Commission, March 10, 2025
- Parks, Recreation & Waterfront Commission, March 12, 2025
- Focus Group, Berkeley Black Ecumenical Ministers Alliance, March 17, 2025

Public Outreach: Design Phase

2025 Continued

- Parks, Recreation & Waterfront Commission, March 12, 2025
- Focus Group, Save the Bay, March 18, 2025
- Focus Group, Golden Gate Bird Alliance / East Bay Conservation Committee, March 18, 2025
- Focus Group, UC Berkeley Urban Studies Students Association, April 2, 2025
- Focus Group, Friends of Ohlone Park, April 2, 2025
- Community Event, Egg Hunt Extravaganza at Berkeley Waterfront, April 19, 2015
- Focus Group, Seawall Peninsula Water Access Improvements, April 30, 2025
- Community Meeting, EIR Scoping, May 5, 2025
- Focus Group, Berkeley Breakfast Club, May 9, 2025
- Agency Presentation, BCDC Design Review Commission, May 12, 2025
- Parks, Recreation & Waterfront Commission, May 14, 2025
- Focus Group, Seawall Peninsula Water Access Improvements (Swimmers), June 12, 2025
- Focus Group, Berkeley Rotary Club, July 30, 2025
- Agency Presentation, BCDC Design Review Commission, November 3, 2025
- Focus Group, Seawall Peninsula Water Access Improvements, December 2025

September 25, 2025



February 14, 2025

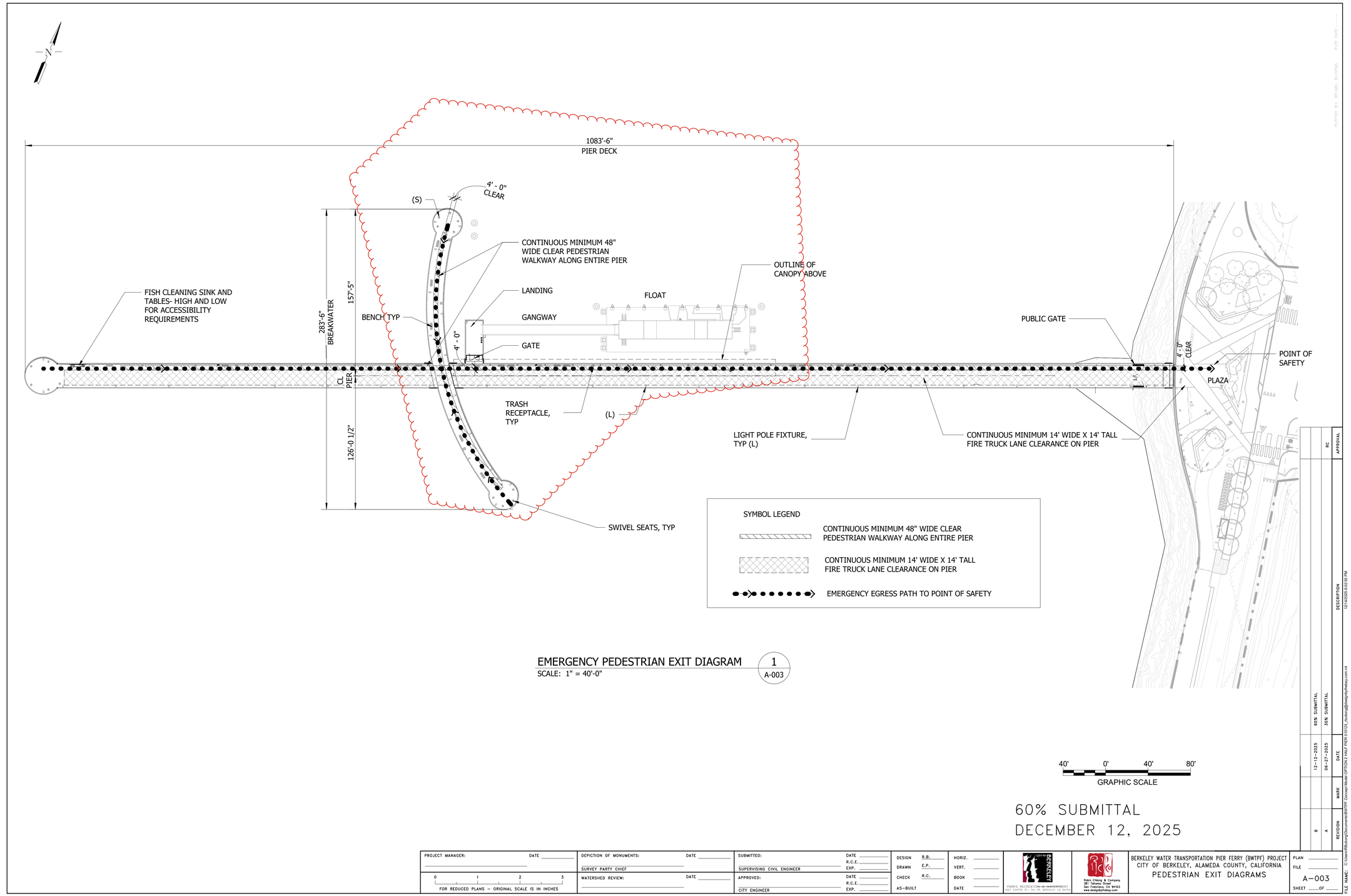


February 14, 2025



February 14, 2025





EMERGENCY PEDESTRIAN EXIT DIAGRAM (1 / A-003)
SCALE: 1" = 40'-0"

40' 0' 40' 80'
GRAPHIC SCALE

60% SUBMITTAL
DECEMBER 12, 2025

REVISION	MARK	DESCRIPTION	DATE	APPROVAL
B		60% SUBMITTAL	12-12-2025	RC
A		30% SUBMITTAL	06-27-2025	

PROJECT MANAGER: DATE
DEPICTION OF MONUMENTS: DATE — SURVEY PARTY CHIEF
WATERSHED REVIEW: DATE
SUBMITTED: DATE — SUPERVISING CIVIL ENGINEER
APPROVED: DATE — CITY ENGINEER
R.C.E. EXP.
DESIGN R.B. DRAWN E.P. CHECK R.C. AS-BUILT
HORIZ. VERT. BOOK DATE
0 1 2 3 FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

PARKS, RECREATION & WATERFRONT
1947 CENTER ST., 3rd FL. BERKELEY, CA 94704

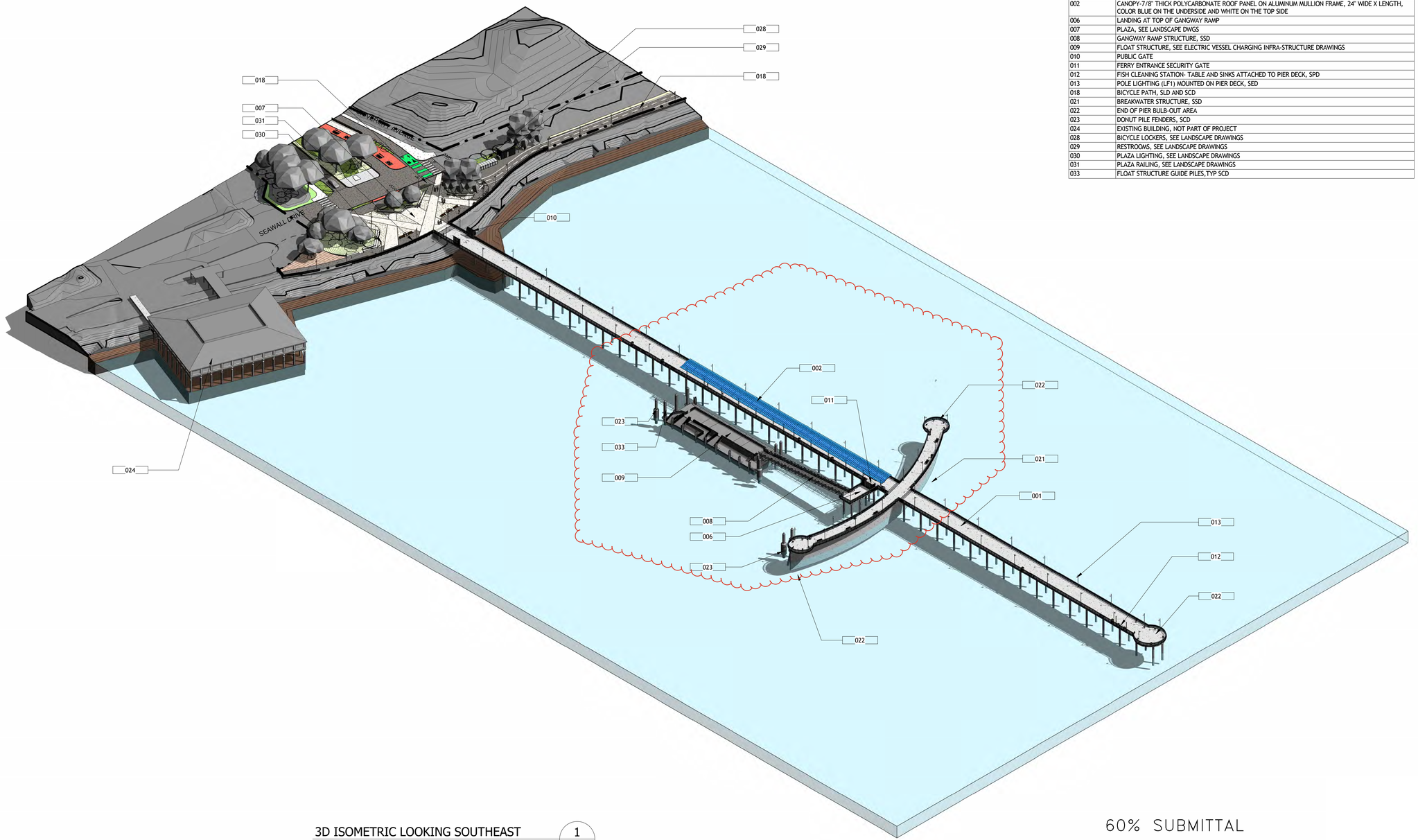
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BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
PEDESTRIAN EXIT DIAGRAMS

PLAN
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A–003
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PLOTTED BY: RONNEL BUIONG PLOT DATE: ----

Keynote Legend	
Key Value	Keynote Text
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002	CANOPY-7/8" THICK POLYCARBONATE ROOF PANEL ON ALUMINUM MULLION FRAME, 24" WIDE X LENGTH, COLOR BLUE ON THE UNDERSIDE AND WHITE ON THE TOP SIDE
006	LANDING AT TOP OF GANGWAY RAMP
007	PLAZA, SEE LANDSCAPE DWGS
008	GANGWAY RAMP STRUCTURE, SSD
009	FLOAT STRUCTURE, SEE ELECTRIC VESSEL CHARGING INFRA-STRUCTURE DRAWINGS
010	PUBLIC GATE
011	FERRY ENTRANCE SECURITY GATE
012	FISH CLEANING STATION- TABLE AND SINKS ATTACHED TO PIER DECK, SPD
013	POLE LIGHTING (LF1) MOUNTED ON PIER DECK, SED
018	BICYCLE PATH, SLD AND SCD
021	BREAKWATER STRUCTURE, SSD
022	END OF PIER BULB-OUT AREA
023	DONUT PILE FENDERS, SCD
024	EXISTING BUILDING, NOT PART OF PROJECT
028	BICYCLE LOCKERS, SEE LANDSCAPE DRAWINGS
029	RESTROOMS, SEE LANDSCAPE DRAWINGS
030	PLAZA LIGHTING, SEE LANDSCAPE DRAWINGS
031	PLAZA RAILING, SEE LANDSCAPE DRAWINGS
033	FLOAT STRUCTURE GUIDE PILES,TYP SCD



3D ISOMETRIC LOOKING SOUTHEAST — 1 / A-101
SCALE: NOT TO SCALE

60% SUBMITTAL
DECEMBER 12, 2025

REVISION	MARK	DATE	DESCRIPTION	APPROVAL
B		12-12-2025	60% SUBMITTAL	RC
A		06-27-2025	30% SUBMITTAL	

PROJECT MANAGER: DATE
DEPICTION OF MONUMENTS: DATE — SURVEY PARTY CHIEF
WATERSHED REVIEW: DATE
SUBMITTED: DATE — SUPERVISING CIVIL ENGINEER
APPROVED: DATE — CITY ENGINEER
0 1 2 3 — FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES
DESIGN R.B. / DRAWN E.P. / CHECK R.C. / AS-BUILT
R.C.E. EXP.
HORIZ. / VERT. / BOOK / DATE

PARKS RECREATION & WATERFRONT, 947 CENTER ST., STE. 111, BERKELEY, CA 94710

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BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
ISOMETRIC VIEW SOUTHEAST

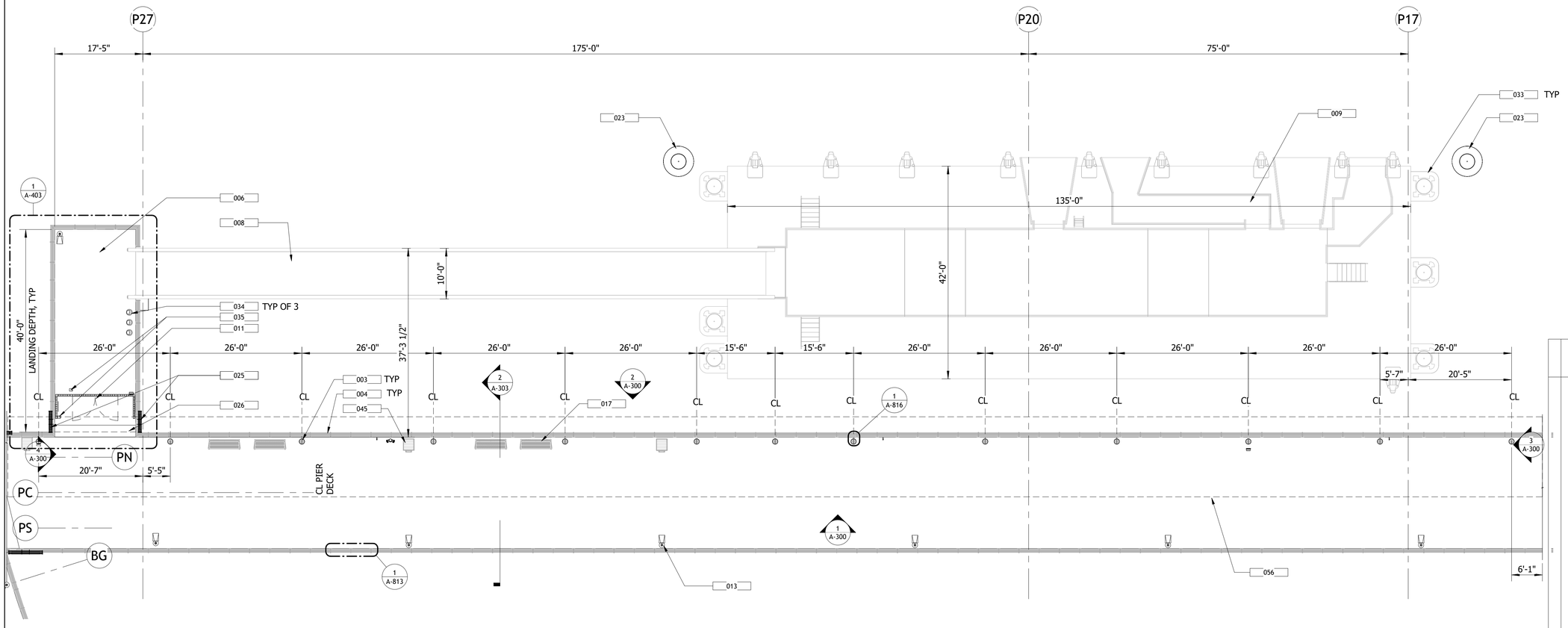
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Keynote Legend	
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003	CANOPY COLUMNS ATTACHED TO CONCRETE PIER DECK
004	48" TALL STEEL GUARDRAIL ASSEMBLY, GALVANIZE FINISH MOUNTED TO EDGE OF PIER DECK
006	LANDING AT TOP OF GANGWAY RAMP
008	GANGWAY RAMP STRUCTURE, SSD
009	FLOAT STRUCTURE, SEE ELECTRIC VESSEL CHARGING INFRA-STRUCTURE DRAWINGS
011	FERRY ENTRANCE SECURITY GATE
013	POLE LIGHTING (LF1) MOUNTED ON PIER DECK, SED

Keynote Legend	
Key Value	Keynote Text
017	BENCH BOLTED TO PIER DECK
023	DONUT PILE FENDERS, SCD
025	MODIFIED GUARDRAIL SECTION AND SLACK CABLE GUARDRAIL ASSEMBLY TO ACCOMODATE SEISMIC MOVEMENT REQUIREMENTS, MAX GAP 4"
026	1" THICK FLOOR STEEL TRANSITION COVER PLATE OVER EXPANSION JOINT AT PIER DECK, SSD
033	FLOAT STRUCTURE GUIDE PILES,TYP SCD
034	CLIPPER CARD READER POST MOUNTED ON PIER DECK,TYP SED
035	ADA GATE OPENER ON BOLLARD POST ATTACHED TO PIER DECK,TYP SED
045	TRASH RECEPTACLE BOLTED TO CONCRETE PIER DECK, TYP
056	OUTLINE OF CANOPY ABOVE



PIER DECK PLAN AT FERRY ENTRANCE GATES
SCALE: 1" = 10'-0"

1 A-130 A-122

10' 0' 10' 20'
GRAPHIC SCALE

60% SUBMITTAL
DECEMBER 12, 2025

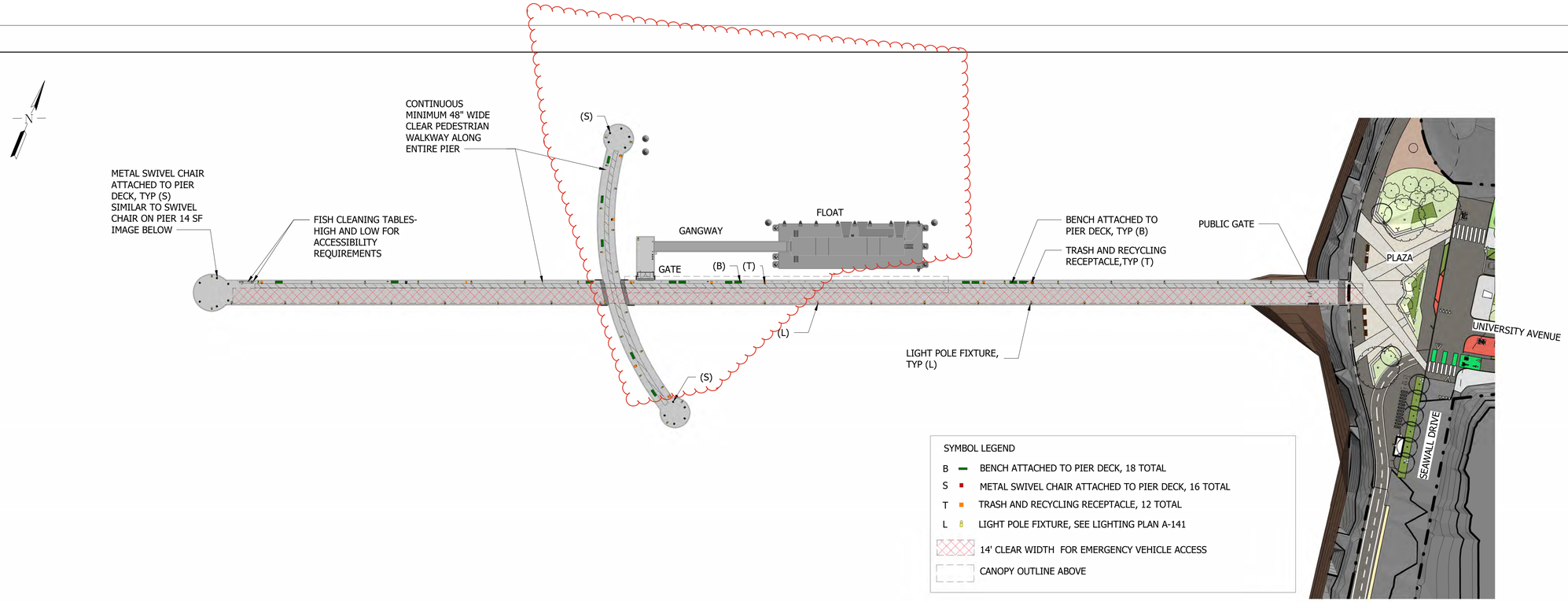
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	SURVEY PARTY CHIEF	SUPERVISING CIVIL ENGINEER R.C.E. EXP.	DRAWN E.P.	VERT.		CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA	FILE
0 1 2 3 FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES	WATERSHED REVIEW: DATE	APPROVED: DATE	CHECK R.C.	BOOK		ENLARGE PLAN AT FERRY GATE AND LANDING	A–130
		CITY ENGINEER R.C.E. EXP.	AS–BUILT	DATE			SHEET ____OF____

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B		12-12-2025	60% SUBMITTAL	RC
A		06-27-2025	30% SUBMITTAL	

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FILE NAME: C:\Users\RBuyong\Documents\BWTPF Concept Model OPTION 2 HALF PIER\13105_RevitArch@designbyfreeway.com.rvt



50' 0' 50' 100'
GRAPHIC SCALE

PIER DECK AMENITYPLAN BCDC
SCALE: 1" = 50'-0"

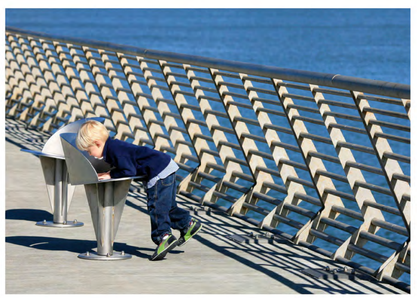
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A-140

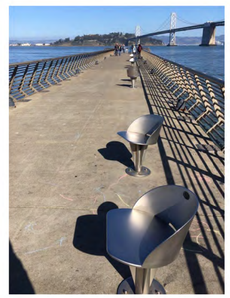


FORMS AND SURFACES RATIO BENCH 6' LONG (PERFORATED METAL)



BIG BELLY ELEMENT 47 GALLONS





OPTION 1: CUSTOM MADE 316 STAINLESS STEEL SWIVEL SEAT BOLTED TO PIER DECK SIMILAR TO SEAT AT PIER 14 IN SF



OPTION 2: PARCO SWIVEL CHAIR OR ARMCHAIR LOUNGE; JACOBA WOOD AND POWDER COATED STEEL OR GALVANIZE FINISH, BASE PLATE SURFACE MOUNTED; https://nola.se/en/products/parco-2/

BENCH SEATING (B)

TRASH BIN RECEPTACLE (T)

SWIVEL SEAT (S) OPTIONS

PIER DECK AMENITIES OPTIONS

- BENCH SEATING
- SWIVEL CHAIR SEAT
- TRASH BIN RECEPTACLE
- PIER DECK AND CANOPY LIGHTING

60% SUBMITTAL
DECEMBER 12, 2025

REVISION	MARK	DATE	DESCRIPTION	APPROVAL
B	60% SUBMITTAL	12-12-2025		RC
A	30% SUBMITTAL	06-27-2025		

PROJECT MANAGER: DATE
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SURVEY PARTY CHIEF
WATERSHED REVIEW: DATE
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APPROVED: DATE
CITY ENGINEER R.C.E. EXP.
DESIGN R.B. DRAWN E.P. CHECK R.C. AS-BUILT
HORIZ. VERT. BOOK DATE
0 1 2 3 FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

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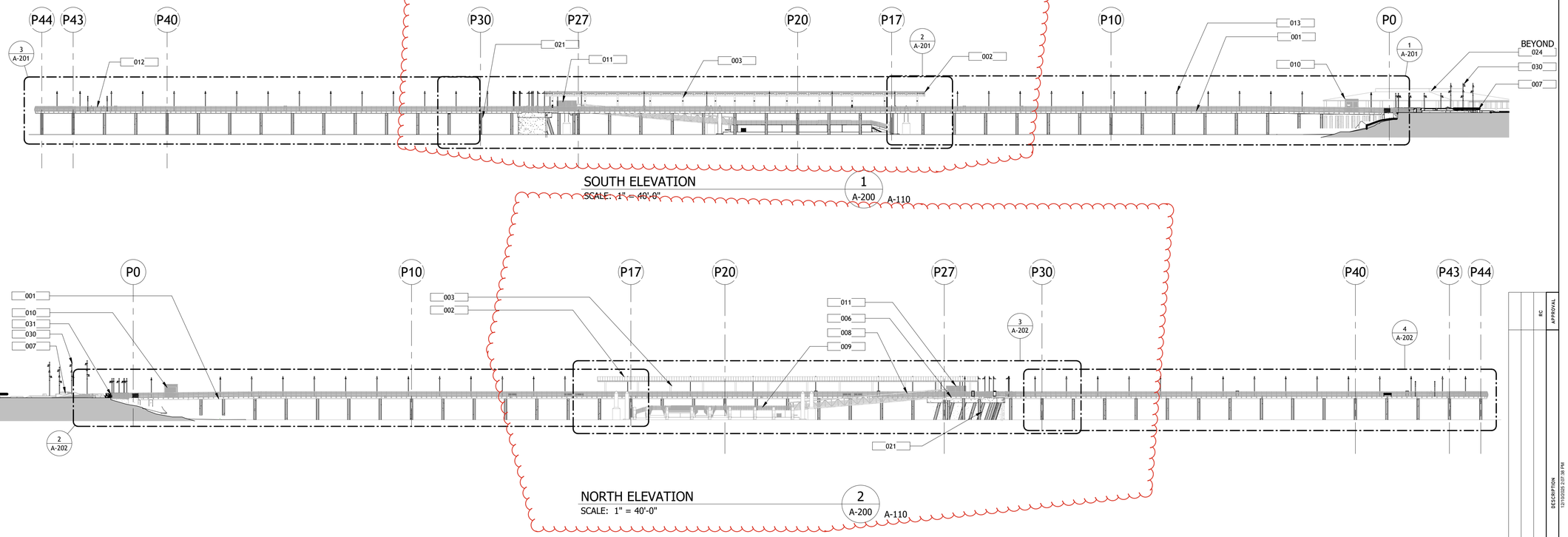
BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
PIER DECK AMENITIES PLAN

PLAN
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A-140
SHEET ____OF____

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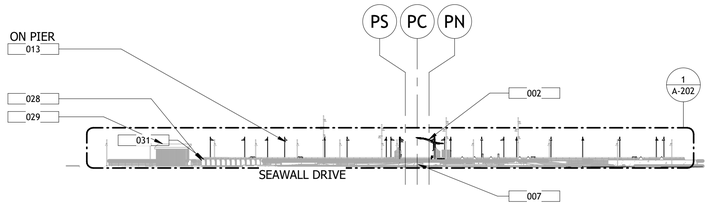
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Key Value	Keynote Text
001	CONCRETE PIER DECK, SED
002	CANOPY-7'/8" THICK POLYCARBONATE ROOF PANEL ON ALUMINUM MULLION FRAME, 24" WIDE X LENGTH, COLOR BLUE ON THE UNDERSIDE AND WHITE ON THE TOP SIDE
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007	PLAZA, SEE LANDSCAPE DWGS
008	GANGWAY RAMP STRUCTURE, SSD
009	FLOAT STRUCTURE, SEE ELECTRIC VESSEL CHARGING INFRA-STRUCTURE DRAWINGS
010	PUBLIC GATE

Keynote Legend	
Key Value	Keynote Text
011	FERRY ENTRANCE SECURITY GATE
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024	EXISTING BUILDING, NOT PART OF PROJECT
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030	PLAZA LIGHTING, SEE LANDSCAPE DRAWINGS
031	PLAZA RAILING, SEE LANDSCAPE DRAWINGS

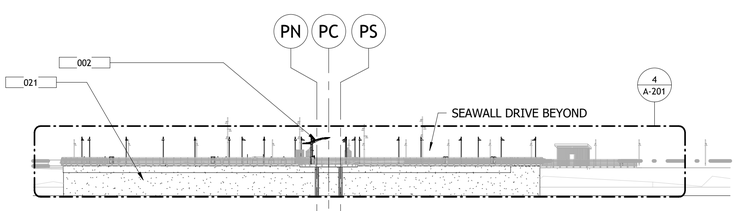


SOUTH ELEVATION
SCALE: 1" = 40'-0"
1 A-200 A-110

NORTH ELEVATION
SCALE: 1" = 40'-0"
2 A-200 A-110



EAST ELEVATION
SCALE: 1" = 40'-0"
3 A-200



WEST ELEVATION
SCALE: 1" = 40'-0"
4 A-200 A-110

40' 0' 40' 80'
GRAPHIC SCALE

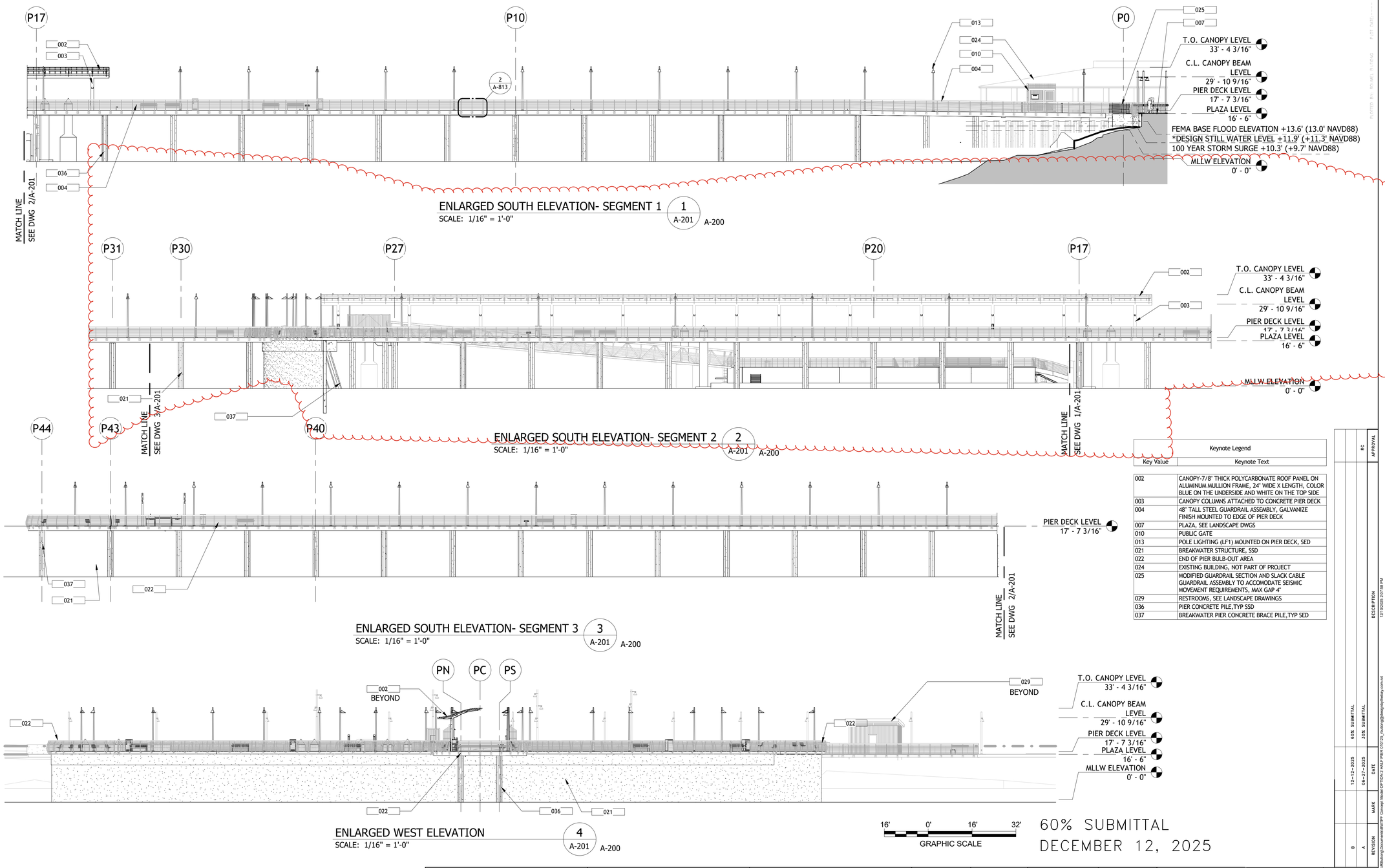
60% SUBMITTAL
DECEMBER 12, 2025

PROJECT MANAGER: DATE	DEPICTION OF MONUMENTS: DATE	SUBMITTED: DATE	DESIGN R.B.	HORIZ.		BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT	PLAN
	SURVEY PARTY CHIEF	SUPERVISING CIVIL ENGINEER R.C.E.	DRAWN E.P.	VERT.	PARKS, RECREATION & WATERFRONT	Robin Chiang & Company 301 Tehama Street San Francisco, CA 94103 www.designbythebay.com	CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA	FILE
0 1 2 3 FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES	WATERSHED REVIEW: DATE	APPROVED: DATE EXP.	CHECK R.C.	BOOK			PIER OVERALL ELEVATION	A–200
		CITY ENGINEER R.C.E. EXP.	AS–BUILT	DATE				SHEET ____OF____

REVISION	MARK	DATE	DESCRIPTION	APPROVAL
B		12-12-2025	60% SUBMITTAL	RC
A		06-27-2025	30% SUBMITTAL	

PLOTTED BY: RONNEL BUYONG PLOT DATE: ----

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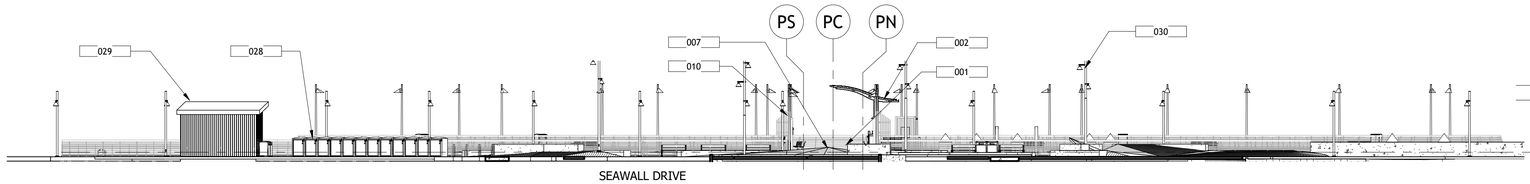
Keynote Legend	
Key Value	Keynote Text
002	CANOPY-7/8" THICK POLYCARBONATE ROOF PANEL ON ALUMINUM MULLION FRAME, 24" WIDE X LENGTH, COLOR BLUE ON THE UNDERSIDE AND WHITE ON THE TOP SIDE
003	CANOPY COLUMNS ATTACHED TO CONCRETE PIER DECK
004	48" TALL STEEL GUARDRAIL ASSEMBLY, GALVANIZE FINISH MOUNTED TO EDGE OF PIER DECK
007	PLAZA, SEE LANDSCAPE DWGS
010	PUBLIC GATE
013	POLE LIGHTING (LF1) MOUNTED ON PIER DECK, SED
021	BREAKWATER STRUCTURE, SSD
022	END OF PIER BULB-OUT AREA
024	EXISTING BUILDING, NOT PART OF PROJECT
025	MODIFIED GUARDRAIL SECTION AND SLACK CABLE GUARDRAIL ASSEMBLY TO ACCOMODATE SEISMIC MOVEMENT REQUIREMENTS, MAX GAP 4"
029	RESTROOMS, SEE LANDSCAPE DRAWINGS
036	PIER CONCRETE PILE,TYP SSD
037	BREAKWATER PIER CONCRETE BRACE PILE,TYP SED

60% SUBMITTAL
DECEMBER 12, 2025

PROJECT MANAGER: DATE	DEPICTION OF MONUMENTS: DATE	SUBMITTED: DATE	DESIGN R.B.	HORIZ.	CITY OF BERKELEY PARKS, RECREATION & WATERFRONT 1947 CENTER ST., 3rd FL. BERKELEY, CA 94704	Robin Chiang & Company 381 Tehama Street San Francisco, CA 94103 www.designbythebay.com	BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA ENLARGED SOUTH AND WEST ELEVATIONS	PLAN
	SURVEY PARTY CHIEF	R.C.E.	DRAWN E.P.	VERT.				FILE
0 1 2 3 FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES	WATERSHED REVIEW: DATE	APPROVED: DATE	CHECK R.C.	BOOK				A–201
		CITY ENGINEER R.C.E. EXP.	AS–BUILT	DATE				SHEET OF

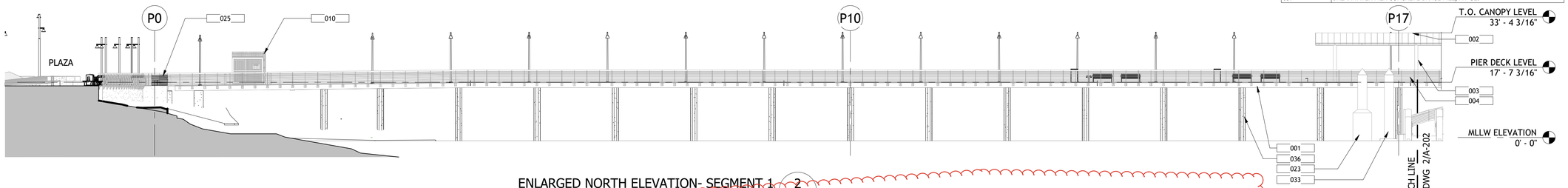
REVISION	MARK	DATE	DESCRIPTION	APPROVAL
B		12–12–2025	60% SUBMITTAL	RC
A		06–27–2025	30% SUBMITTAL	

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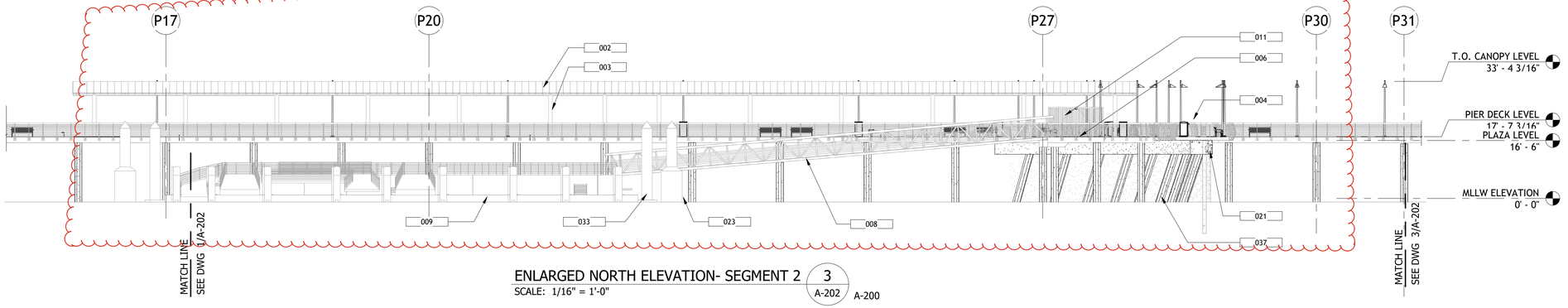


ENLARGED EAST ELEVATION — 1 / A-202 — A-200
SCALE: 1/16" = 1'-0"

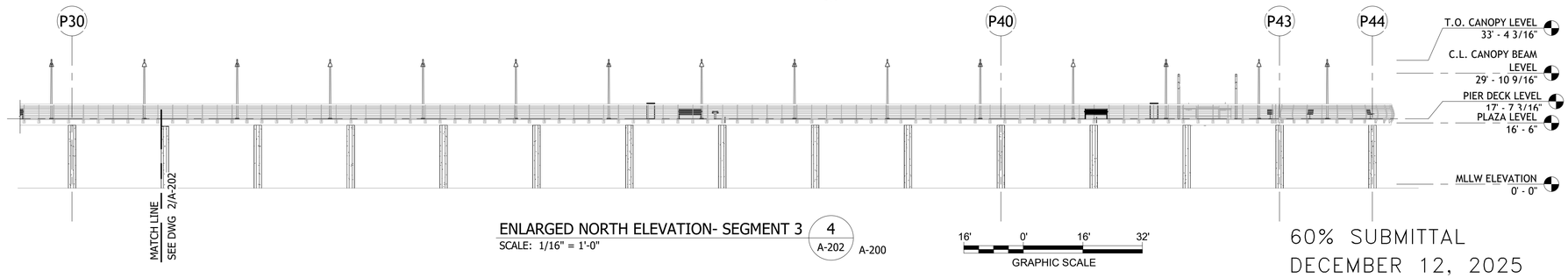
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Key Value	Keynote Text
001	CONCRETE PIER DECK, SED
002	CANOPY-7/8" THICK POLYCARBONATE ROOF PANEL ON ALUMINUM MULLION FRAME, 24" WIDE X LENGTH, COLOR BLUE ON THE UNDERSIDE AND WHITE ON THE TOP SIDE
003	CANOPY COLUMNS ATTACHED TO CONCRETE PIER DECK
004	48" TALL STEEL GUARDRAIL ASSEMBLY, GALVANIZE FINISH MOUNTED TO EDGE OF PIER DECK
006	LANDING AT TOP OF GANGWAY RAMP
007	PLAZA, SEE LANDSCAPE DWGS
008	GANGWAY RAMP STRUCTURE, SSD
009	FLOAT STRUCTURE, SEE ELECTRIC VESSEL CHARGING INFRA-STRUCTURE DRAWINGS
010	PUBLIC GATE
011	FERRY ENTRANCE SECURITY GATE
021	BREAKWATER STRUCTURE, SSD
023	DONUT PILE FENDERS, SCD
025	MODIFIED GUARDRAIL SECTION AND SLACK CABLE GUARDRAIL ASSEMBLY TO ACCOMODATE SEISMIC MOVEMENT REQUIREMENTS, MAX GAP 4"
028	BICYCLE LOCKERS, SEE LANDSCAPE DRAWINGS
029	RESTROOMS, SEE LANDSCAPE DRAWINGS
030	PLAZA LIGHTING, SEE LANDSCAPE DRAWINGS
033	FLOAT STRUCTURE GUIDE PILES,TYP SCD
036	PIER CONCRETE PILE,TYP SSD
037	BREAKWATER PIER CONCRETE BRACE PILE,TYP SED



ENLARGED NORTH ELEVATION- SEGMENT 1 — 2 / A-202 — A-200
SCALE: 1/16" = 1'-0"



ENLARGED NORTH ELEVATION- SEGMENT 2 — 3 / A-202 — A-200
SCALE: 1/16" = 1'-0"



ENLARGED NORTH ELEVATION- SEGMENT 3 — 4 / A-202 — A-200
SCALE: 1/16" = 1'-0"

16' 0' 16' 32'
GRAPHIC SCALE

60% SUBMITTAL
DECEMBER 12, 2025

REVISION	MARK	DATE	DESCRIPTION
B		12-12-2025	60% SUBMITTAL
A		08-27-2025	35% SUBMITTAL

RC APPROVAL

PROJECT MANAGER: DATE
DEPICTION OF MONUMENTS: DATE
SURVEY PARTY CHIEF
WATERSHED REVIEW: DATE
SUBMITTED: DATE
SUPERVISING CIVIL ENGINEER R.C.E. EXP.
APPROVED: DATE
CITY ENGINEER R.C.E. EXP.
DESIGN R.B. DRAWN E.P. CHECK R.B. AS-BUILT
HORIZ. VERT. BOOK DATE

0 1 2 3
FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

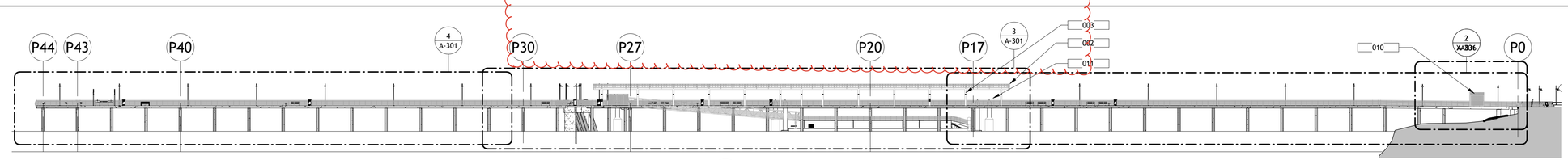
PARKS, RECREATION & WATERFRONT, 847 CENTER ST., 5th FR, BERKELEY CA 94710

Rob Wade & Company
301 Howard St. #1050
San Francisco, CA 94103
www.designbythebay.com

BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
ENLARGED NORTH AND EAST ELEVATIONS

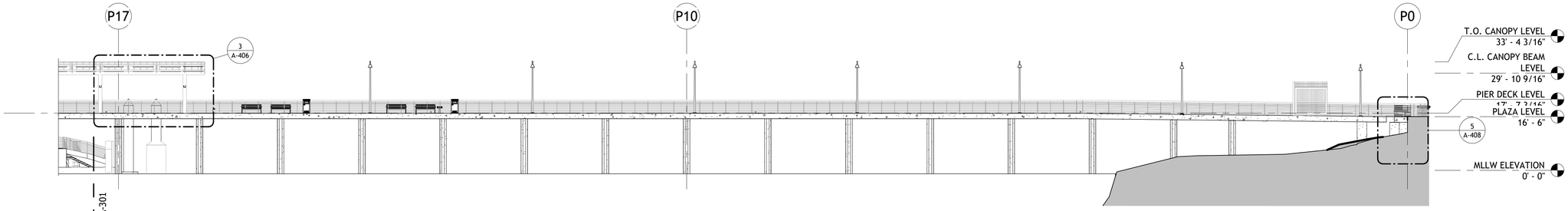
PLAN
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A–202
SHEET ____OF____

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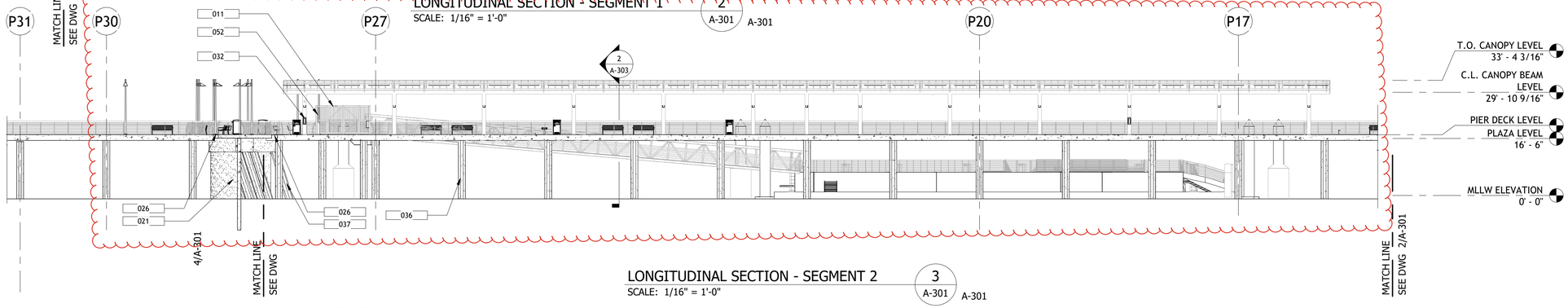


OVERALL LONGITUDINAL SECTION
SCALE: 1" = 40'-0"
1 A-301 A-818

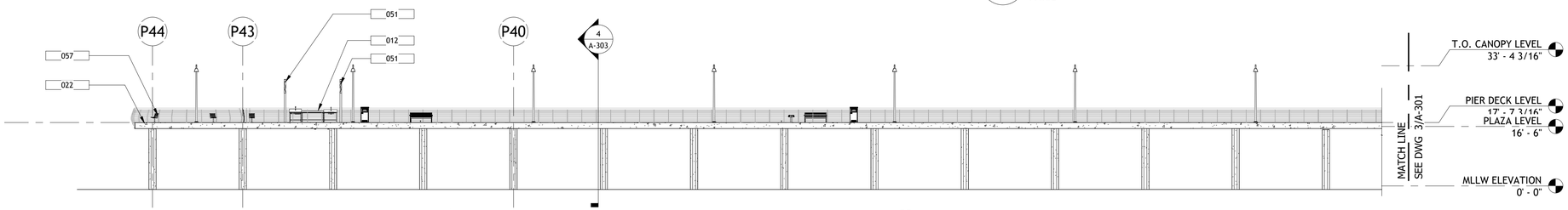
40' 0' 40' 80'
GRAPHIC SCALE



LONGITUDINAL SECTION - SEGMENT 1
SCALE: 1/16" = 1'-0"
2 A-301 A-301



LONGITUDINAL SECTION - SEGMENT 2
SCALE: 1/16" = 1'-0"
3 A-301 A-301



LONGITUDINAL SECTION - SEGMENT 3
SCALE: 1/16" = 1'-0"
4 A-301 A-301

16' 0' 16' 32'
GRAPHIC SCALE

60% SUBMITTAL
DECEMBER 12, 2025

Keynote Legend	
Key Value	Keynote Text
002	CANOPY-7/8" THICK POLYCARBONATE ROOF PANEL ON ALUMINUM MULLION FRAME, 24" WIDE X LENGTH, COLOR BLUE ON THE UNDERSIDE AND WHITE ON THE TOP SIDE
003	CANOPY COLUMNS ATTACHED TO CONCRETE PIER DECK
010	PUBLIC GATE
011	FERRY ENTRANCE SECURITY GATE
012	FISH CLEANING STATION- TABLE AND SINKS ATTACHED TO PIER DECK, SPD
021	BREAKWATER STRUCTURE, SSD
022	END OF PIER BULB-OUT AREA
026	1" THICK FLOOR STEEL TRANSITION COVER PLATE OVER EXPANSION JOINT AT PIER DECK, SSD
032	FIRE EXTINGUISHER CABINET SURFACE MOUNTED, TYP
036	PIER CONCRETE PILE,TYP SSD
037	BREAKWATER PIER CONCRETE BRACE PILE,TYP SED
051	POLE LIGHTING AT FISH CLEANING STATION (LF5), SED
052	MAP CASE SURFACE MOUNTED , TYP
057	METAL SWIVEL CHAIR BOLTED TO PIER DECK, TYP

PROJECT MANAGER: DATE
DEPICTION OF MONUMENTS: DATE
SURVEY PARTY CHIEF
WATERSHED REVIEW: DATE
SUBMITTED: DATE R.C.E. EXP.
SUPERVISING CIVIL ENGINEER
APPROVED: DATE R.C.E. EXP.
CITY ENGINEER
DESIGN R.B. DRAWN E.P. CHECK R.C. AS-BUILT
HORIZ. VERT. BOOK DATE
0 1 2 3
FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

CITY OF BERKELEY
PARKS, RECREATION & WATERFRONT
1947 CENTER ST., 5th FL. BERKELEY, CA 94704

Robin Chiang & Company
581 Market Street #515
San Francisco, CA 94105
www.designbythebay.com

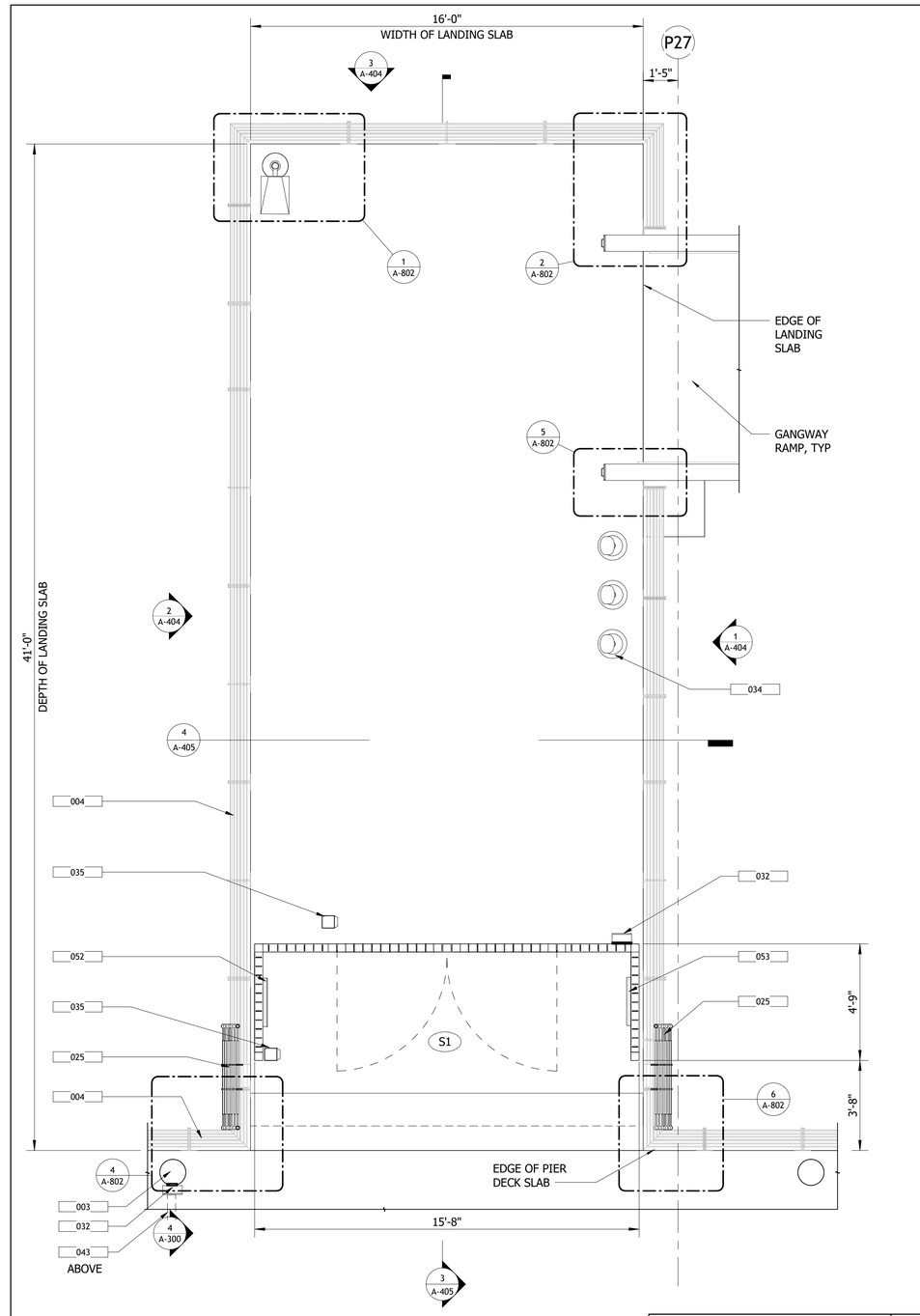
BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
PIER LONGITUDINAL SECTIONS

PLAN
FILE
A–301
SHEET ____OF____

REVISION	MARK	DATE	DESCRIPTION	RC APPROVAL
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B		12-12-2025	60% SUBMITTAL	

PLOTTED BY: RONNEL BUYONG PLOT DATE: ----

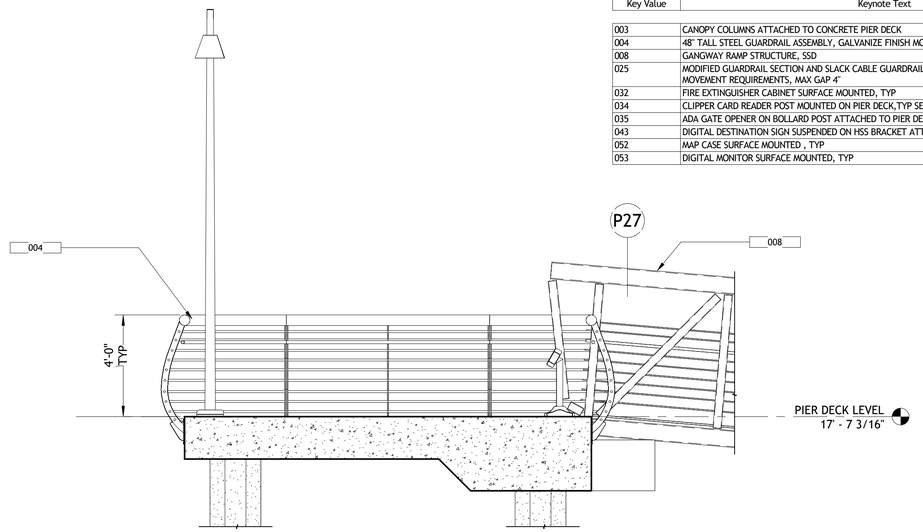
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SECURITY GATE LANDING PLAN
SCALE: 3/8" = 1'-0"

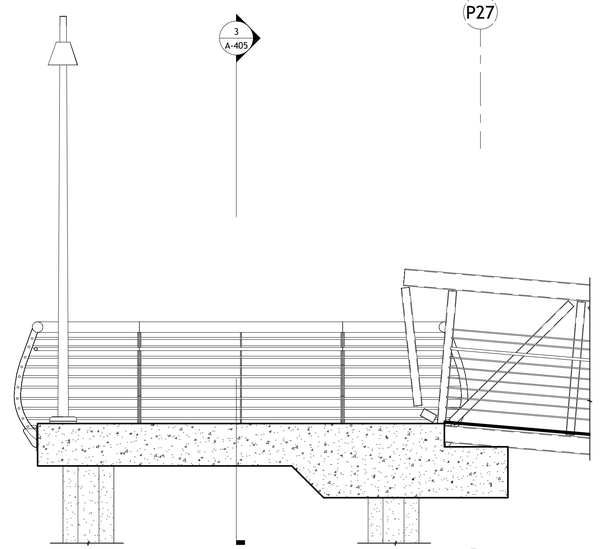
1
A-403
A-130

Keynote Legend	
Key Value	Keynote Text
003	CANOPY COLUMNS ATTACHED TO CONCRETE PIER DECK
004	48" TALL STEEL GUARDRAIL ASSEMBLY, GALVANIZE FINISH MOUNTED TO EDGE OF PIER DECK
008	GANGWAY RAMP STRUCTURE, SSD
025	MODIFIED GUARDRAIL SECTION AND SLACK CABLE GUARDRAIL ASSEMBLY TO ACCOMODATE SEISMIC MOVEMENT REQUIREMENTS, MAX GAP 4"
032	FIRE EXTINGUISHER CABINET SURFACE MOUNTED, TYP
034	CLIPPER CARD READER POST MOUNTED ON PIER DECK,TYP SED
035	ADA GATE OPENER ON BOLLARD POST ATTACHED TO PIER DECK,TYP SED
043	DIGITAL DESTINATION SIGN SUSPENDED ON HSS BRACKET ATTACHED TO COLUMN, TYP
052	MAP CASE SURFACE MOUNTED , TYP
053	DIGITAL MONITOR SURFACE MOUNTED, TYP



SECTION LANDING
SCALE: 3/8" = 1'-0"

2
A-403
A-404



SECTION LANDING THROUGH GANGWAY
SCALE: 3/8" = 1'-0"

3
A-403
A-404

3' 2' 1' 0 3' 6'
(3/8" = 1'-0")
BAR SCALE

60% SUBMITTAL
DECEMBER 12, 2025

REVISION	MARK	DATE	DESCRIPTION
B		12-12-2025	60% SUBMITTAL
A		06-27-2025	30% SUBMITTAL

APPROVAL: RC

PLOTTED BY: RONNEL BUYONG PLOT DATE: ----

PROJECT MANAGER: DATE
DEPICTION OF MONUMENTS: DATE
SURVEY PARTY CHIEF
WATERSHED REVIEW: DATE
SUBMITTED: DATE
SUPERVISING CIVIL ENGINEER
APPROVED: DATE
CITY ENGINEER
R.C.E. EXP.
DESIGN R.B.
DRAWN E.P.
CHECK R.C.
AS-BUILT
HORIZ.
VERT.
BOOK
DATE
0 1 2 3
FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

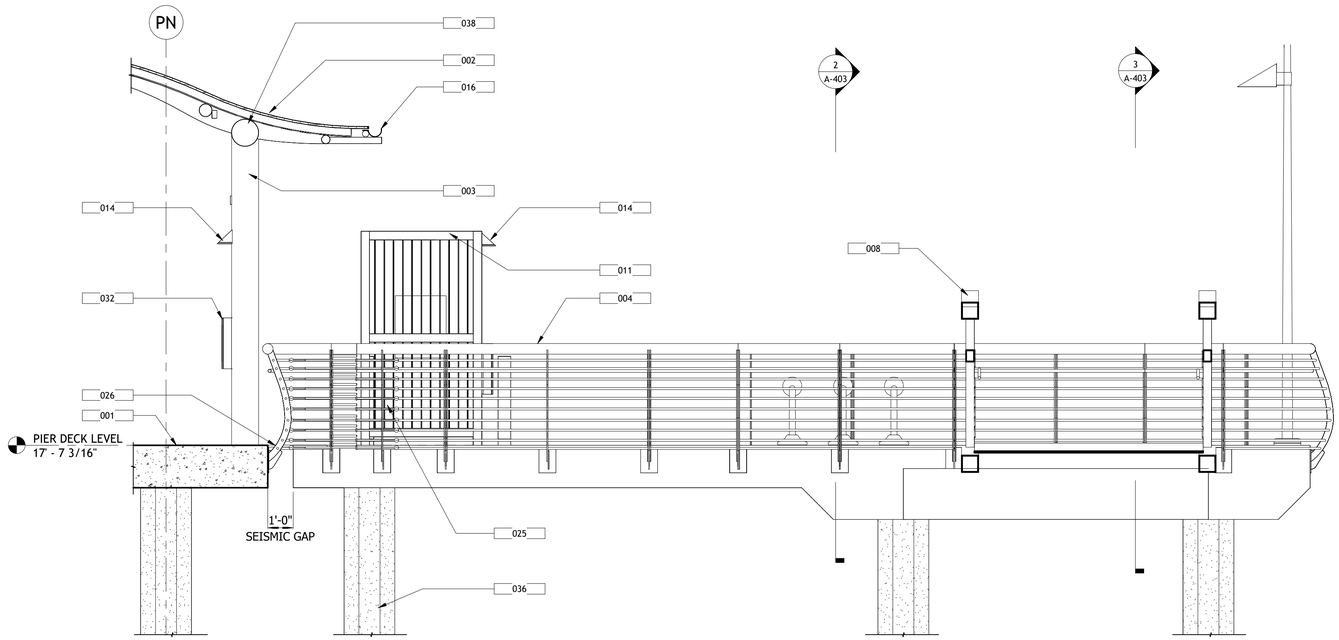
PARKS RECREATION & WATERFRONT
PAT DEVER ST., 5th FL. BERKELEY, CA 94710

Robin Chiang & Company
381 Tehama Street
San Francisco, CA 94103
www.designbythebay.com

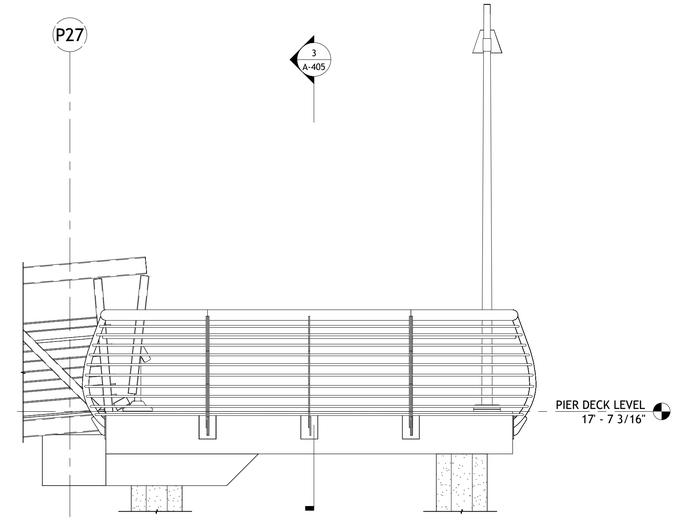
BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
FERRY ENTRANCE AND LANDING
ENLARGED PLAN AND SECTIONS

PLAN
FILE
A–403
SHEET ____OF____

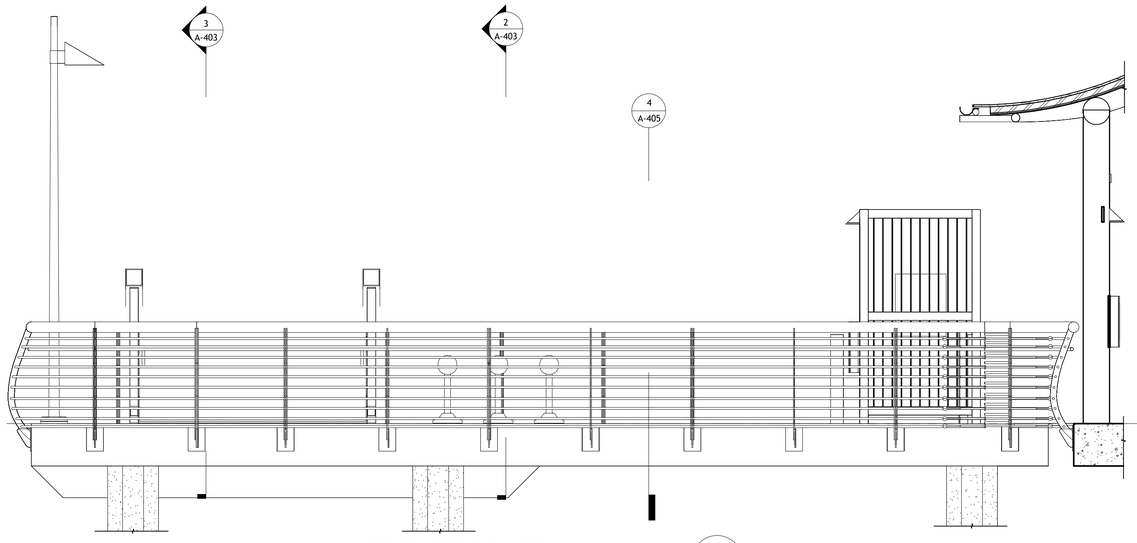
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LANDING EAST ELEVATION
SCALE: 3/8" = 1'-0"
1 A-404 A-403

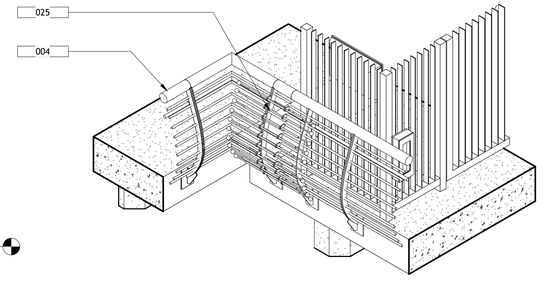


LANDING NORTH ELEVATION
SCALE: 3/8" = 1'-0"
3 A-404 A-403



LANDING WEST ELEVATION
SCALE: 3/8" = 1'-0"
2 A-404 A-133

Keynote Legend	
Key Value	Keynote Text
001	CONCRETE PIER DECK, SED
002	CANOPY-7/8" THICK POLYCARBONATE ROOF PANEL ON ALUMINUM MULLION FRAME, 24" WIDE X LENGTH, COLOR BLUE ON THE UNDERSIDE AND WHITE ON THE TOP SIDE
003	CANOPY COLUMNS ATTACHED TO CONCRETE PIER DECK
004	48" TALL STEEL GUARDRAIL ASSEMBLY, GALVANIZE FINISH MOUNTED TO EDGE OF PIER DECK
008	GANGWAY RAMP STRUCTURE, SSD
011	FERRY ENTRANCE SECURITY GATE
014	DOWNLIGHT AT CANOPY COLUMN (LF-4), SED
016	METAL ROOF GUTTER ABOVE FERRY LANDING SECURITY GATE ONLY, 1 TOTAL
025	MODIFIED GUARDRAIL SECTION AND SLACK CABLE GUARDRAIL ASSEMBLY TO ACCOMODATE SEISMIC MOVEMENT REQUIREMENTS, MAX GAP 4"
026	1" THICK FLOOR STEEL TRANSITION COVER PLATE OVER EXPANSION JOINT AT PIER DECK, SSD
032	FIRE EXTINGUISHER CABINET SURFACE MOUNTED, TYP
036	PIER CONCRETE PILE,TYP SSD
038	CANOPY STEEL BEAM, TYP



3D SEISMIC JOINT AT LANDING 1
SCALE: NOT TO SCALE
4 A-404

3' 2' 1' 0 3' 6'
(3/8" = 1'-0")
BAR SCALE

60% SUBMITTAL
DECEMBER 12, 2025

REVISION	MARK	DATE	DESCRIPTION
B		12-12-2025	60% SUBMITTAL
A		06-27-2025	30% SUBMITTAL

RC APPROVAL

PLOTTED BY: ROMMEL BUYUNG PLOT DATE: ----

FILE NAME: C:\Users\RBuyung\Documents\BWTPF Concept Model OPTION 2 HALF PIER\101125_rbuyung@designbythebay.com.rvt

PROJECT MANAGER:	DATE
DEPICTION OF MONUMENTS:	DATE
SURVEY PARTY CHIEF	
WATERSHED REVIEW:	DATE
SUBMITTED:	DATE / R.C.E. / EXP.
SUPERVISING CIVIL ENGINEER	
APPROVED:	DATE / R.C.E. / EXP.
CITY ENGINEER	
DESIGN Designer	HORIZ.
DRAWN Author	VERT.
CHECK Checker	BOOK
AS-BUILT	DATE

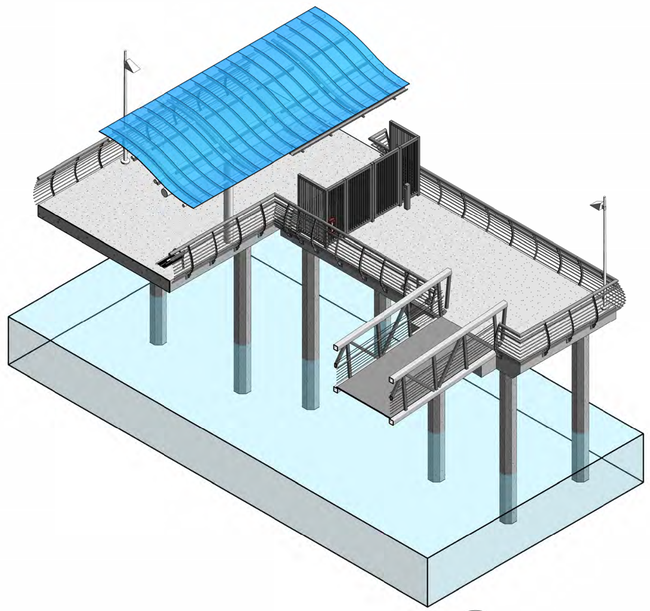
0 1 2 3
FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

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1947 CENTER ST., 5th FL. BERKELEY, CA 94704

Rajiv Chiang & Company
1 Sansome St. Suite 3500
San Francisco, CA 94103
www.designbythebay.com

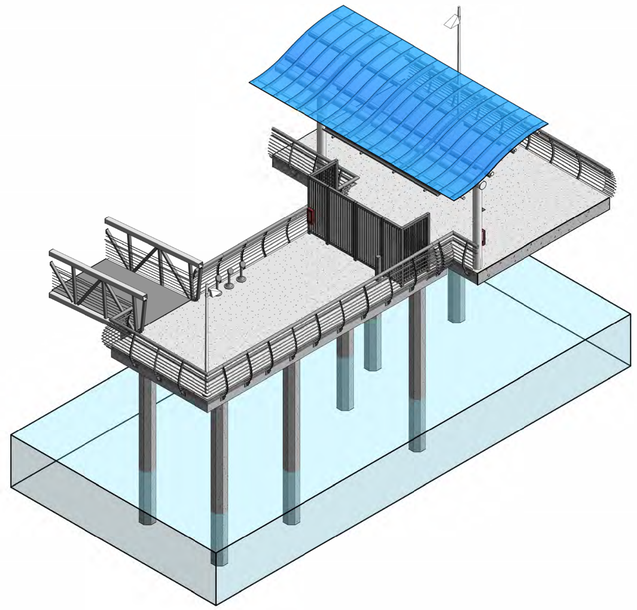
BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
FERRY SECURITY LANDING ELEVATIONS

PLAN
FILE
A-404
SHEET ____OF____



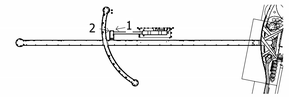
ISOMETRIC AT FERRY GATE LANDING 2 — 1 / A-405

SCALE: NOT TO SCALE



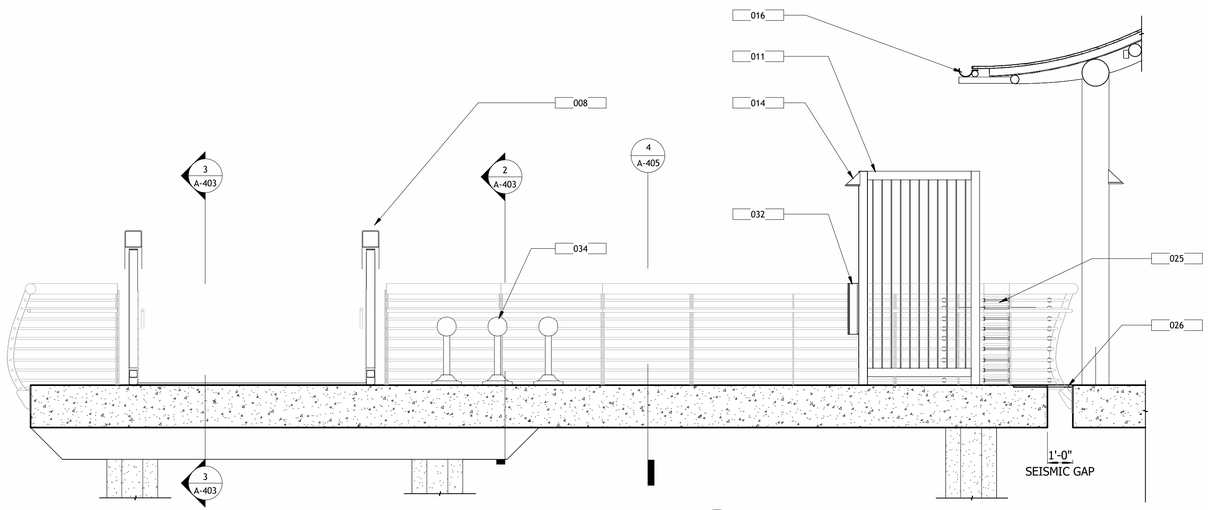
ISONOMETRIC AT FERRY GATE LANDING 1 — 2 / A-405

SCALE: NOT TO SCALE



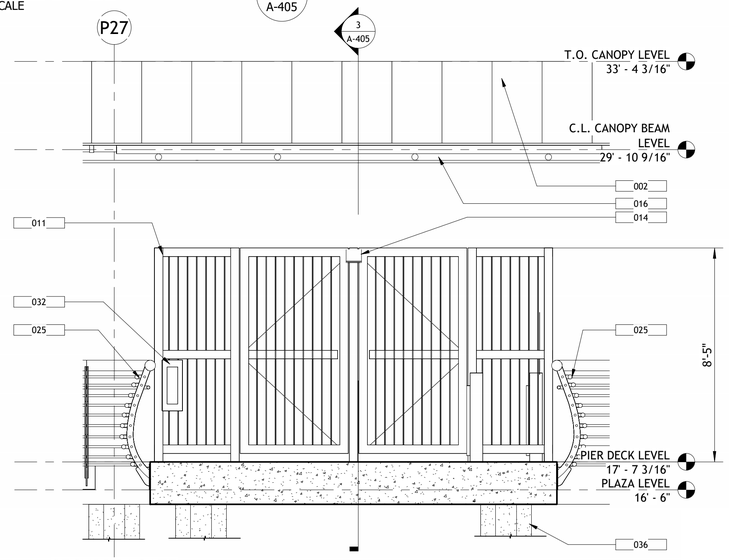
KEY PLAN

Keynote Legend	
Key Value	Keynote Text
002	CANOPY-7/8" THICK POLYCARBONATE ROOF PANEL ON ALUMINUM MULLION FRAME, 24" WIDE X LENGTH, COLOR BLUE ON THE UNDERSIDE AND WHITE ON THE TOP SIDE
008	GANGWAY RAMP STRUCTURE, SSD
011	FERRY ENTRANCE SECURITY GATE
014	DOWNLIGHT AT CANOPY COLUMN (LF-4), SED
016	METAL ROOF GUTTER ABOVE FERRY LANDING SECURITY GATE ONLY, 1 TOTAL
025	MODIFIED GUARDRAIL SECTION AND SLACK CABLE GUARDRAIL ASSEMBLY TO ACCOMODATE SEISMIC MOVEMENT REQUIREMENTS, MAX GAP 4"
026	1" THICK FLOOR STEEL TRANSITION COVER PLATE OVER EXPANSION JOINT AT PIER DECK, SSD
032	FIRE EXTINGUISHER CABINET SURFACE MOUNTED, TYP
034	CLIPPER CARD READER POST MOUNTED ON PIER DECK,TYP SED
036	PIER CONCRETE PILE,TYP SSD



SECURITY GATE LANDING SECTION — 3 / A-405 — A-403

SCALE: 3/8" = 1'-0"



SECURITY GATE
NORTH ELEVATION — 4 / A-405 — A-403

SCALE: 3/8" = 1'-0"

60% SUBMITTAL
DECEMBER 12, 2025

3' 2' 1' 0 3' 6'

(3/8" = 1'-0")

BAR SCALE

PROJECT MANAGER: DATE	DEPICTION OF MONUMENTS: DATE	SUBMITTED: DATE	DESIGN Designer	HORIZ.		BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA FERRY LANDING AT GATE ELEVATIONS & ISOMETRIC VIEW	PLAN
	SURVEY PARTY CHIEF	SUPERVISING CIVIL ENGINEER R.C.E. EXP.	DRAWN Author	VERT.			FILE
0 1 2 3 FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES	WATERSHED REVIEW: DATE	APPROVED: DATE	CHECK Checker	BOOK			A–405
		CITY ENGINEER R.C.E. EXP.	AS–BUILT	DATE			SHEET ____OF____

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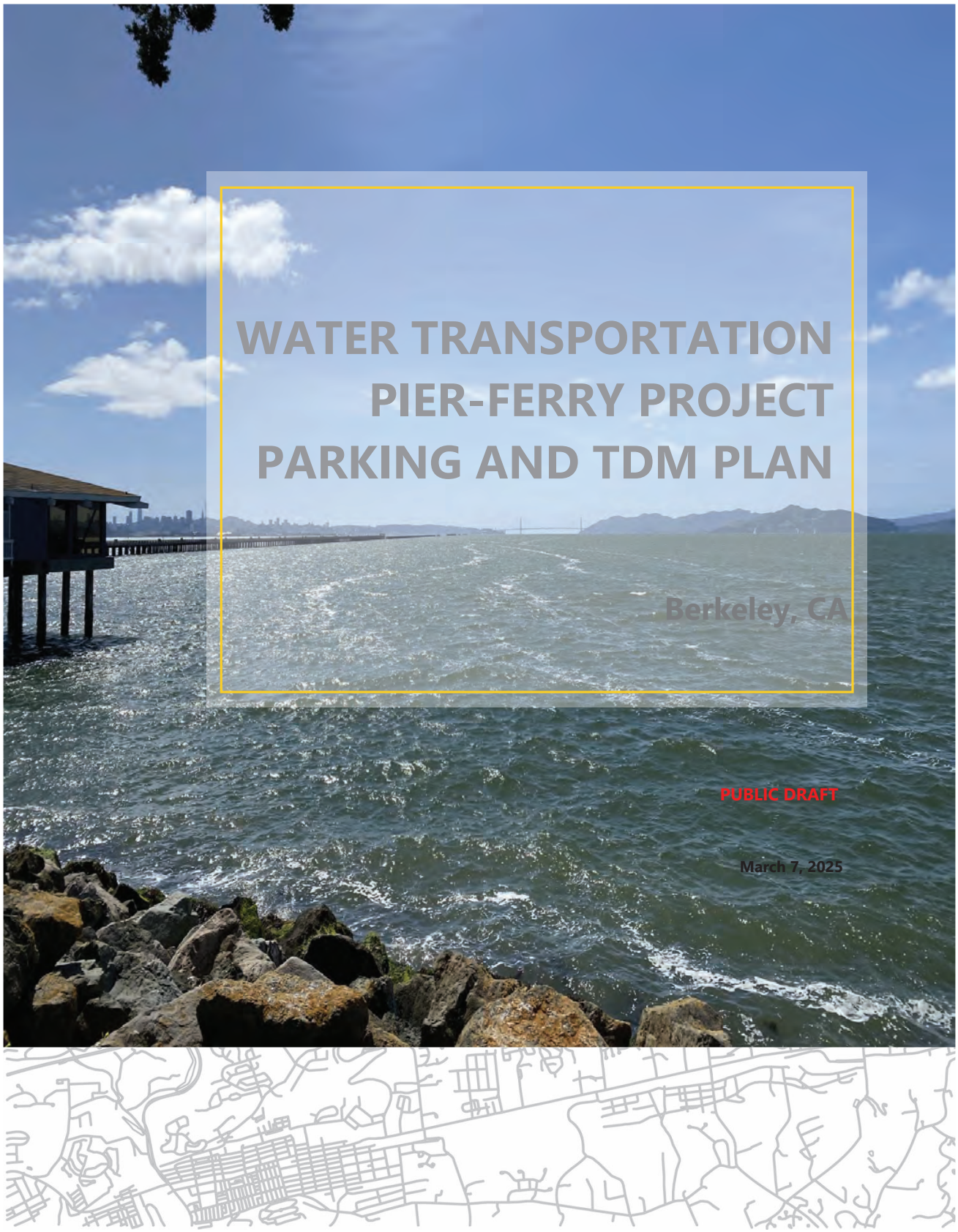
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WATER TRANSPORTATION
PIER-FERRY PROJECT
PARKING AND TDM PLAN
Berkeley, CA
PUBLIC DRAFT
March 7, 2025

Inside front cover

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Water Transportation Pier-Ferry Project Parking and TDM Plan

Berkeley, CA

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March 7, 2025

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CONTENTS

1. Executive Summary 2
2. Introduction 5
2.1. Purpose of the Report 5
2.2. Study Area 5
2.3. MTC TOC Parking Management Policy 8
3. Existing Conditions 10
3.1. Existing Parking Management 10
3.2. Existing Parking Utilization 12
3.3. Time of Day Utilization 14
4. Year 1 Ferry Conditions 16
4.1. Year-One Ferry Conditions 16
4.1.1. Ridership Projections 16
4.1.2. Mode Share Estimates 17
4.1.3. Transportation Demand Management Estimates 18
4.1.4. Year-One Parking Management Strategies 19
4.1.5. Implementation & Enforcement of Time Limited Parking 24
5. Future Conditions 27
5.1. Future Ferry Conditions 27
5.1.1. Ridership and Mode Share 27
5.1.2. Transportation Demand Management Strategies 27
5.1.3. Parking Management Strategies 28
5.2. Cumulative Conditions 29

LIST OF FIGURES

Figure 1: Study Area 6
Figure 2: Existing Businesses and Destinations 7
Figure 3: Average and Peak Utilization by Lot 13
Figure 4: Parking Utilization by Time of Day 14
Figure 5: Study Area with Year One Parking Management Strategies 21
Figure 6: Parking Wayfinding Example 23
Figure 7: Dynamic Wayfinding Signage Example 24
Figure 8: WSP Redevelopment Location - High Development Scenario 30
Figure 9: Weekday Parking Demand for Existing and Future Uses 34
Figure 10: Weekend Parking Demand for Existing and Future Uses 35

LIST OF TABLES

Table 1: Existing and Potential Parking Regulations 11
Table 2: June Parking Utilization at the Berkeley Marina, 2021-2023 12
Table 3: Ferry Ridership Estimates (Total Boardings) 16
Table 4: Mode Share Summary for Ferry Riders (no TDM) 17
Table 5: Estimated Year 1 Weekday Ferry Ridership by Mode and Parking Demand (no TDM) 17
Table 6: Estimated Effectiveness of Parking and TDM Strategies 18
Table 7: Future 2040 Ferry Mode Share and Parking Demand (no TDM) 27
Table 8: Estimated Effectiveness of Parking and TDM Strategies 28
Table 9: Potential Maximum Waterfront Redevelopment Land Use Details 31
Table 10: Reconfiguration of Existing Parking Lots 32
Table 11: Weekday and Weekend Parking Demand 33

APPENDICES

APPENDIX A - Baseline Parking Conditions
APPENDIX B - Berkeley Waterfront Parking and TDM Toolkit
APPENDIX C - TDM Vehicle Trip And Parking Reduction Methodology
APPENDIX D - University Avenue Bicycle and Bus Stop Improvements
APPENDIX E - Marina Boulevard Redevelopment Conceptual Plan

Section 1
Executive Summary

1. EXECUTIVE SUMMARY

The City of Berkeley completed a feasibility study for a ferry facility at the Berkeley Municipal Pier in December 2021 and is now progressing with detailed engineering and environmental studies for the Water Transportation Pier-Ferry (WTPF) Project. To support the proposed ferry service and potential future waterfront development, this Parking and Transportation Demand Management (TDM) Plan evaluates existing parking conditions and proposes strategies to address current and potential parking needs and current stakeholder concerns.

The Waterfront staff currently uses several parking and circulation management strategies, including a slipholder permit program, time-limited parking, gate controls, and paid parking. An analysis of parking counts conducted between May 2021 and February 2024 shows that peak weekday parking utilization Waterfront-wide was 50%, while peak Saturday utilization reached 72%. Certain lots, such as South Cove East/West, J&K lot, and Spinnaker Way lot, experienced near 100% utilization during specific times. However, even though this high utilization was occurring more than 300 parking spaces remained available across various other lots. The primary concern among some stakeholders during these peak periods is not finding a parking space at all, but finding one near the desired destination.

The Feasibility Study estimated 250 parking spaces at the 199 Seawall Drive lot (Hs Lordship) would be utilized by weekday ferry riders. The Water Emergency Transportation Authority (WETA) projects that 915 average weekday passengers per day will use the Berkeley ferry terminal initially, increasing to 1,055 by 2040. Based on WETA's onboard survey data and business plan methodology, Kittelson estimates that in the absence of TDM measures, 40% of ferry riders will drive alone, and 12% will carpool to the terminal. This results in a peak weekday parking demand of 421 spaces, 171 more than the baseline 250 spaces, without TDM measures.

TDM strategies, such as well-designed and convenient loading zones for family drop-off and rideshare vehicles, enhanced bicycle and pedestrian access, improved secure bike parking, expanded shared micromobility options (e.g., scooters, e-bikes, etc.), paid and time-limited parking could reduce parking demand by 65 spaces. Additionally, parking management strategies, including increased capacity at the 199 Seawall Drive lot, overflow parking, and wayfinding signage could provide the City with additional tools to manage potential increased demand for parking at the Waterfront.

The Plan also considers future waterfront development outlined in the Waterfront Specific Plan (WSP) that projects future parking demands. Recommendations include valet parking services, satellite parking lots, demand-based paid parking, and shuttle services. With full implementation of the development considered in the WSP the existing surface parking lots would be redeveloped for proposed developments which could reduce public parking capacity by 81 spaces. However, efficient lot redesign, and developer agreements could recover and potentially enhance the parking at the Waterfront.

The Plan concludes that the Waterfront will have sufficient parking spaces to accommodate the parking demand from future uses in the WSP. However, while the overall parking demand for the area can be met, there will be instances where individuals might not park near their desired destinations during peak times on peak days. This could be frustrating for Waterfront visitors, and this occurs on occasion in the current

environment at the Waterfront. Implementing dynamic wayfinding and clear messaging strategies could help enhance the overall parking experience of visitors.



Section 2
Introduction

2. INTRODUCTION

The City of Berkeley (City) completed the feasibility study for the ferry facility at Berkeley Municipal Pier (Feasibility Study) in December 2021 and is now beginning detailed engineering and environmental studies for the Water Transportation Pier-Ferry (WTPF) Project. This Parking and Transportation Demand Management Plan (Parking and TDM Plan) evaluates the existing parking conditions and parking demand for the proposed ferry service and future development at the Berkeley Waterfront.

2.1. Purpose of the Report

The Parking and TDM Plan aims to address stakeholder concerns related to parking. It provides the City with a comprehensive review of current parking conditions, as well as for Ferry and Cumulative Conditions. This document will serve as an actionable guide for the City, and provides strategies to address future parking needs with the implementation and phasing of a range of TDM measures at different phases of future development.

2.2. Study Area

The study area (Berkeley Waterfront or Waterfront) is the area west of the McLaughlin Eastshore State Park, bordered by Spinnaker Way to the north and South Sailing Basin to the south, see Figure 1. University Avenue provides vehicle connection between the Waterfront, Downtown Berkeley and Highway 80.

AC Transit Bus Route 51B connects the Waterfront and Rockridge BART via College Avenue, Downtown Berkeley BART, and University Avenue. Only one out of every three scheduled bus trips between 7 am and 9 pm serves the Waterfront; all other trips terminate at the Berkeley Amtrak station, resulting in a frequency of two (2) buses every hour to the Waterfront.

The San Francisco Bay Trail Extension provides bicycle and pedestrian access to the Waterfront from the intersection of University Avenue and Frontage Road. The bicycle and pedestrian bridge across I-80 connects the Waterfront with the City of Berkeley. Additionally, the Virginia Street Right-of-Way (a dirt pathway) offers another bike and pedestrian connection.

The Study Area is located entirely on public tidelands held in trust by the City. There are over 100 acres of uplands and 5 miles of pedestrian trails within the Waterfront. Centered within this landscape is the Berkeley Marina, the largest public marina in the San Francisco Bay with 1,000 boat slips. The Berkeley Waterfront also includes three public access docks, a boat launch ramp, nine public parking lots, five on-street parking facilities, slipholder permit lots and privately leased parking lots.

In addition to various recreation opportunities, current businesses and attractions include 1 hotel, 4 restaurants, 1 boatyard, a yacht club, two non-profit sailing clubs, a nature center, a two-story office building (commercially leased), and 9 restroom buildings (including both public and slip-holder only facilities), as shown in Figure 2.



LEGEND

Source: City of Berkeley, MTC

KITTELSON & ASSOCIATES

Figure 2: Existing Businesses and Destinations



Source: Draft Waterfront Specific Plan, 2023

The proposed ferry terminal at the Waterfront will be located at Berkeley Pier, ~1.100-feet of which will be reconstructed to provide a dual-purpose pier for both ferry and recreation access. The study focuses on the following nine (9) public parking lots and five (5) on-street parking facilities. Private, paid and slipholder only parking lots (Boat Launch Stalls – Paid, Doubletree Stalls – Private/Paid, and Berkeley Marine Center) were not included in the analysis, as it is assumed that neither ferry riders nor the general public will have utilize these locations for parking.

Public parking lots

1. Spinnaker Way Lot
2. J & K Lot
3. L Lot
4. M Lot
5. South Cove East Lot
6. South Cove West Lot
7. Seawall Drive Lot
8. Skates/N Lot
9. O Lot

On-street parking facilities

1. Spinnaker Way
2. Marina Blvd
3. University Ave Shoulder (at West Frontage Rd)
4. Seawall Drive North
5. Seawall Drive South

Slipholder Permit Lots

1. D&E Lot
2. F&G Lot
3. H&I Lot
4. Dry Boat Storage Lot

Limited Parking Area (Not included in the analysis)

1. Launch Ramp Paid (Public Lot)
2. Berkeley City Vehicle Parking
3. Berkeley PD Leased Lot
4. Doubletree Leased Lot
5. Marine Center Leased Lot

Potential future redevelopment is limited to the existing developed land at the Waterfront comprised of leased land and surface parking lots. Future redevelopment at the Waterfront over the next several decades may bring in more visitors and hence, an increase in the need for parking and TDM.

2.3. MTC TOC Parking Management Policy

The MTC Transit-Oriented Communities (TOC) parking management policy is designed to reduce automobile trips and prioritize the limited land near transit for shared and active transportation modes. Parking management complements increased residential and commercial density, supporting higher transit ridership on the region's existing and planned fixed-guideway transit systems.[1]

To comply with the TOC Policy, MTC mandates adherence to parking standards based on the level of transit service. Ferry terminals, such as the Berkeley Ferry Terminal, qualify as Tier 4, requiring parking maximums of 4 spaces per 1,000 square feet or fewer for commercial developments and 1.5 spaces per unit or fewer for residential developments. Additionally, AB 2097 prohibits public agencies from imposing or enforcing parking minimums on residential, commercial, or other developments within ½ mile of a major transit stop.[2]

The design standards outlined in the Waterfront Specific Plan, combined with recommendations from this Parking and TDM Plan, ensure compliance with the MTC TOC parking management policy by meeting both residential and commercial parking maximum requirements.

[1] Metropolitan Transportation Commission. (2022). *Resolution No. 4530*. Retrieved from https://mtc.ca.gov/sites/default/files/documents/2022-10/MTC_Resolution_4530.pdf

[2] California State Legislature. (2022). *AB-2097 Housing development: parking requirements*. Retrieved from https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2097



Section 3
Existing Conditions

3. EXISTING CONDITIONS

3.1. Existing Parking Management

Existing parking facilities at the Berkeley Waterfront are managed using a variety of parking regulations. Currently, 8 out of 14 parking lots have no parking restrictions beyond overnight parking restrictions and 72-hour limits set in the Berkeley Municipal Code. The remaining lots are restricted either using manual gate openings at peak periods or via permits for berth holders. Table 1 catalogues existing parking regulations at Waterfront parking facilities and proposes new time-limited regulations to reduce the impact of ferry users on other parking lots. While parking facilities on the North side of the Waterfront are unlikely to experience direct impacts from ferry vehicle trips, facilities in the Waterfront's South and Central facilities are within easy walking distance of the ferry terminal site and have regular visitation throughout the week that could be impacted by overflow ferry parking.

Table 1 should be considered preliminary, and public feedback from waterfront visitors will help the City develop parking restrictions that would best balance the needs of different users while ensuring that commuters cannot leave vehicles in those locations for the 8+ hour duration between morning and evening ferry commute trips.

Separate from ferry parking demand management, the City can evaluate the process for issuing parking permits to non-recreational or commercial visitors to the Waterfront, including boaters with a permit to live aboard their recreational vessel and employees at Waterfront businesses. One common piece of feedback from the parking intercept survey was that the permit parking procedures in the M Lot were opaque to frequent paddlers who were not slip holders. Clarifying and enforcing existing and/or changed permit parking restrictions and procedures would improve the overall parking experience for both frequent and occasional visitors (see Appendix A).

The City has the opportunity at the Berkeley Waterfront to regularly review and revise its parking restrictions and policies. In addition to revisions specifically related to the WTPF, parking regulations should be regularly updated to reflect parking practices among current Waterfront users, as determined from parking data collection, intercept surveys and public outreach and feedback. Generally, parking time restrictions are a powerful tool that should be implemented more broadly throughout the Waterfront, coordinated with the destinations and activities that are served by specific parking lots. Parking facilities optimal uses should be encouraged with parking regulations, such as time-limited parking.

Table 1: Existing and Potential Parking Regulations

#	Parking Lot / Street Parking	Waterfront Area	Existing Regulations[1]	Potential Regulations[2]	Key Stakeholder Group
1	D&E Lot	North	Berther Permit Parking Only	No Change	Slip holders
2	Spinnaker Way Lot	North	No Additional Restrictions	No Change	General Recreation
3	Marina Blvd	North	No Additional Restrictions	No Change	General recreation
4	Spinnaker Way	North	No Additional Restrictions	No Change	General recreation
5	F & G Lot	North	Berther Permit Parking Only	No Change	Slip holders
6	H, & I Lot	North	Berther Permit Parking Only	No Change	Slip holders
7	J & K Lot	Central	No Additional Restrictions	No Change	Boaters / Diners
8	South Cove West Lot	Central	No Additional Restrictions	5-Hour Parking	Charters / Boaters / Adventure Playground / Shorebird Park
9	South Cove East Lot	Central	Limited access hours via manual gate operations	5-Hour Parking	Boaters / Adventure Playground / Shorebird Park
10	L[3] Lot	Central	Berther Permit Parking on weekends and between 8 pm and 10 am on weekdays	5-Hour Parking	Boaters / Nature Center
11	M Lot	Central	Berther Permit Parking on weekends and between 8 pm and 10 am on weekdays	5-Hour Parking	Boaters / Nature Center
12	O Lot	South	No Additional Restrictions	Slip Holder / Permit Parking	Slip holders, Yacht Club Visitors
13	Seawall Drive	South	No Additional Restrictions	3-Hour Parking	General Recreation / In-Car Bay Viewing
14	Skates/N Lot	South	No Additional Restrictions	3-Hour Parking	Diners / General Recreation
15	Seawall Lot	South	Open only during high use periods via manual gate operation	No Regulation	Diners / Pier & Ferry Access / Shorebird Park / General Recreation

Source: Kittelson & Associates, Inc. 2024
[1]Excluding overnight parking restrictions, which vary by lot / location. All public parking has a maximum of 72-hour parking without a permit per Berkeley Municipal Code.
[2] Possible parking regulations. Final recommendations should account for measured parking turnover rates and stakeholder outreach. Paid parking is not included in this table, but should be considered by the City, in particular for full-day parking.
[3] Does not include the Berkeley Police Department lot (gated)

3.2. Existing Parking Utilization

The City of Berkeley Waterfront Monitors have been consistently collecting daily parking counts at the Waterfront since May 2021. The data is collected by counting the number of occupied spaces at each lot at 10 am and 8 pm, with the results recorded on a paper survey form that is later entered into a spreadsheet maintained by Waterfront staff. The data collection methods have been refined over time to better support parking management objectives. Kittelson reviewed data from May 2021 to February 2024. During data processing, some lots had to be merged for various reasons, such as a lack of physical boundaries between them or combined data reporting for adjacent lots.

Limitations: The data may not reflect peak utilization which could occur at times other than 10 am and 8 pm. In Spring, 2024, staff began collecting data at additional time points (2 pm and 4 pm), which was not used for this study due to the comparatively limited number of data points,

Table 2 measures parking utilization by lot for average and peak weekdays and Saturdays. Across all lots, parking utilization averaged around 31% on weekdays and 49% on Saturdays. Peak weekday parking was 50% utilized, while peak Saturday parking was 79%. This Waterfront-wide peak period occupancy estimate is a conservative aggregation of each lot's individual peak utilization. It is therefore likely that, even during peak periods, the Waterfront has more than 300 available spaces, spread across various lots.

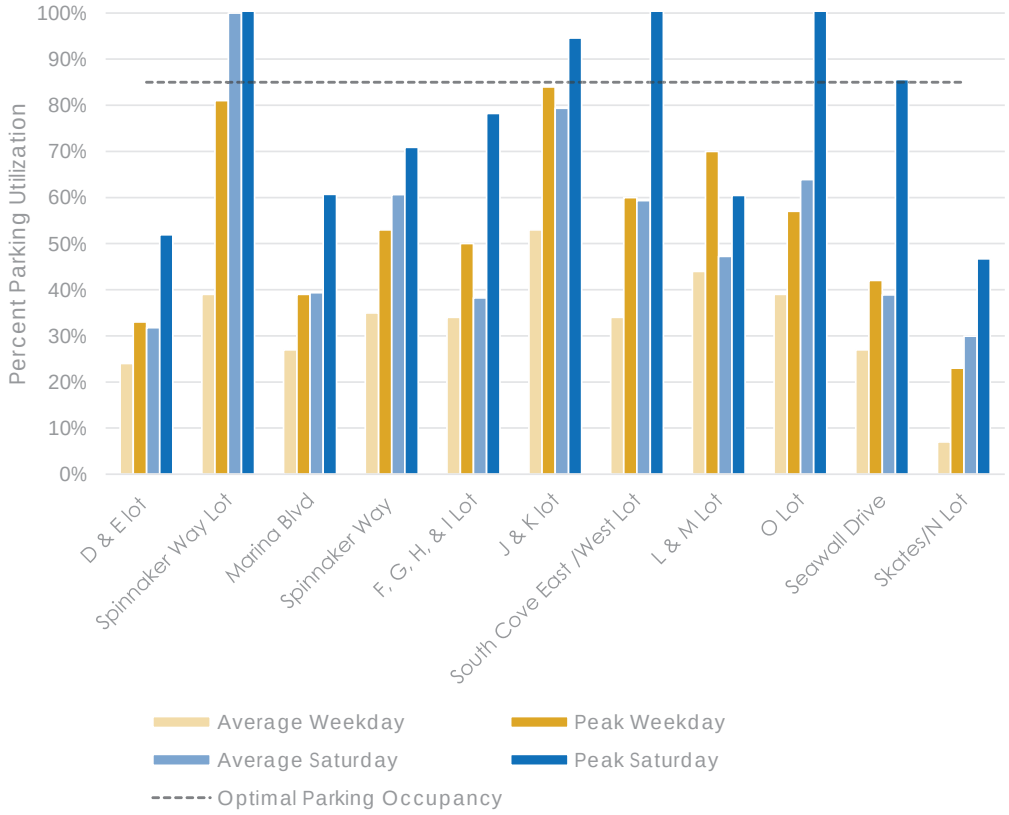
Table 2: June Parking Utilization at the Berkeley Marina, 2021-2023

Parking Lot	Existing Capacity	Utilization (taken spaces, % of spaces occupied)							
		Average Weekday		Peak Weekday		Average Saturday		Peak Saturday	
D&E lot	129	31	24%	42	33%	41	32%	67	52%
Spinnaker Way Lot	36	14	39%	29	81%	36	100%	71	197%
Marina Blvd	150	41	27%	59	39%	59	39%	91	61%
Spinnaker Way	127	45	35%	67	53%	77	61%	90	71%
F, G, H, & I Lot	115	39	34%	57	50%	44	38%	90	78%
J&K lot	92	49	53%	77	84%	73	79%	87	95%
South Cove East /West Lot	182	62	34%	110	60%	108	59%	191	105%
L&M[3] Lot	91	40	44%	64	70%	43	47%	55	60%
O Lot	72	28	39%	41	57%	46	64%	87	121%
Seawall Drive	90	24	27%	38	42%	35	39%	77	86%
Skates/N Lot	137	10	7%	31	23%	41	30%	64	47%
Totals	1,221	383	31%	615	50%	603	49%	970	79%

Source: Kittelson & Associates, Inc. 2024
Note: The peak Saturday utilization for Spinnaker Way Lot exceeded the capacity due to data collection error in which some of the Launch Ramp Paid parking was counted as the adjacent Spinnaker Way Lot.

Figure 3 visualizes the same data, along with a dotted line marker at 85% parking utilization. As a rule of thumb, when parking occupancy is over 85%, drivers have to spend more time looking for parking, increasing congestion, and negatively impacting the experience of visiting a destination. Only the Spinnaker Way lot saw average June occupancies meet or exceed this optimal parking level. In addition, several other locations, including the J&K lot, South Cove East / West, O lot, and Seawall Drive saw individual, peak observation periods exceed this same threshold. This indicates that, while parking at the Waterfront is generally well below optimal utilization, there are periods when parking spaces are difficult to find in individual lots.

Figure 3: Average and Peak Utilization by Lot



Source: Kittelson & Associates, Inc. 2024

Note: The peak Saturday utilization for Spinnaker Way lot exceeded the capacity due to data collection error in which some of the Launch Ramp Paid parking was counted as the adjacent Spinnaker Way Lot.

When all of the Waterfront's parking resources are considered together, peak parking utilization would reach just 72% of available spaces, with around 340 spaces unoccupied. Effective parking management strategies, including wayfinding, time restrictions, and permit holder restrictions could help to better distribute the demand for parking around the Waterfront. This would allow more visitors to park closer to their destination on a more predictable basis.

3.3. Time of Day Utilization

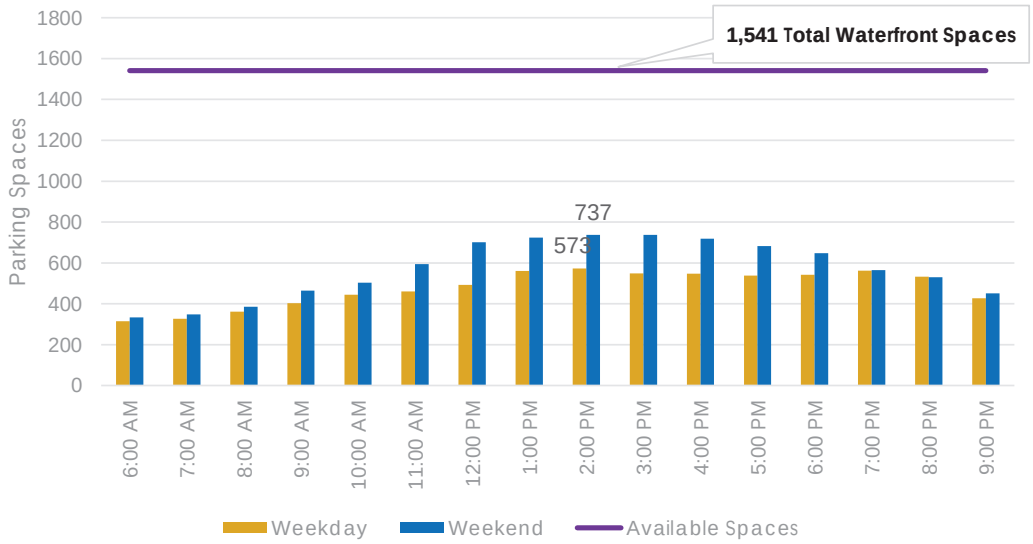
Kittelson retained Quality Counts (QC) to collect hourly parking counts between 5:30 am and 9:30 pm on Saturday, and 8 am to 10 pm on Thursdays on the following dates in 2024:

- Saturday, April 6
- Thursday, April 11
- Thursday, August 1
- Thursday, August 22
- Saturday, August 24

The counts were collected using go-pro dash cams while slowly driving through all parking lots once per hour during the count period. Post-processing involved the analysis of GoPro footage, the partial license plate, make, model, and color to demarcate specific individual vehicles and the time a vehicle remained in parking stall.

Figure 4 displays the number of parking spaces occupied at the Waterfront each day. As expected, the parking utilization was higher on weekends compared to weekdays, especially during midday hours (10 am – 2 pm). The peak usage occurred at 2 pm on weekends (48% occupied, 737 spaces) and weekdays (37% occupied, 573 spaces).

Figure 4: Parking Utilization by Time of Day



Source: Kittelson & Associates, Inc. 2024

Note: The total available spaces include 320 parking spaces on Seawall Lot, bringing the total to 1,541.



Section 4

Year 1 Parking Management and TDM Strategies

4. YEAR 1 FERRY CONDITIONS

3.4. Year-One Ferry Conditions

In this scenario, it is assumed that the Waterfront will continue to operate under typical baseline conditions, with the addition of the Project. The recommended parking and TDM strategies are specifically tailored to address the needs of the Project but are designed to provide benefits to the other uses at the Waterfront.

3.4.1. RIDERSHIP PROJECTIONS

The proposed ferry terminal at the Waterfront would be located at the Berkeley Pier, a portion of which would be reconstructed to provide both ferry and recreation access. WETA estimates a total of 1,830 average weekday boardings. Conservatively, this would result in 915 riders boarding at the Berkeley Terminal, assuming all riders are round-trip traveling between Berkeley and San Francisco and originating in Berkeley. WETA projects that the average weekday boardings could reach 2,110 by 2040, as shown in Table 3.

The Feasibility Study and WETA Business Service Plan separately estimated the travel mode share of future ferry riders, as shown in Table 4. The Feasibility Study estimated that 54% of the ferry riders would drive alone and 9% would carpool to the ferry terminal. The remaining ferry riders would arrive by bicycle, ride-share, public transit or other modes of transportation that would not require a vehicle parking space. The WETA Business Service Plan estimated that only 31% would be driving alone and 15% would be carpooling to the ferry terminal.

Kittelson reviewed updated on-board survey data from WETA, which included surveys conducted in 2022. Using the WETA Business Plan methodology and updated data, Kittelson estimated that approximately 44% of trips would be drive-alone, which is 13 percentage points higher than the WETA Business Service Plan estimate. Using the 2022 data, the results for the lower mode shares for walking (4%) and biking (11%), as well as public transit 2%), are very low, likely due to pandemic conditions, as people were avoiding public transportation.

The Kittelson recommended baseline mode share, shown in bold in Table 4, references the three sources and reflects the local context and our understanding of the existing travel patterns at the Waterfront. These baseline values represent the estimated mode share prior to the implementation of TDM strategies.

Table 3: Ferry Ridership Estimates (Total Boardings)

Year	San Francisco Only		San Francisco + Mission Bay	
	Weekday	Weekend	Weekday	Weekend
2020[1]	1,830	1,310	2,020	1,440
2026	1,910	1,367	2,106	1,503
2035	2,036	1,457	2,241	1,602
2040[2]	2,110	1,510	2,320	1,660

Source: WETA Business Service Plan, 2022

[1]2020 ridership estimates for San Francisco connection is used for year 1 travel assumptions.

[2]2040 ridership projections for San Francisco + Mission Bay is used for future conditions.

Table 4: Mode Share Summary for Ferry Riders (no TDM)

Source	Drive Alone	Carpool	Kiss-and-Ride[1]	Public Transit	Bike	Walk Only	TNC[2]/ Taxi	Other[3]
WETA Business Plan, 2017-19	31%	15%	15%	5%	16%	8%	8%	2%
Feasibility Study (Baseline)	54%	9%	8%	4%	18%	3%	3%	1%
WETA Updated Survey - 2022	44%	8%	8%	2%	11%	4%	2%	21%
Baseline (no TDM)	40%	12%	8%	5%	16%	4%	5%	10%

Source: WETA Business Service Plan, 2022; WETA On-board Surveys, 2022 and Feasibility Study, 2021

1Kiss-and-ride is drop off in personal vehicle; 2TNC is transportation network or "rideshare" company, e.g., Uber/Lyft; 3Other includes multiple modes and private shuttle. Note: Autonomous Vehicles (AV) have not been included.

3.4.2.MODE SHARE ESTIMATES

Using WETA's projected ridership figures and the latest baseline mode share, it is estimated that without implementation of any TDM strategies there will be a weekday peak demand for 421 parking spaces after the implementation of ferry service (Table 5).The City and WETA have conceptually planned for 250 vehicle parking spaces in the Seawall Drive Lot (formerly known as HS Lordship lot) to be utilized by weekday ferry riders (i.e. commuters). The estimated demand for vehicle parking spaces, without implementation of any TDM measures, exceeds this number by 171 parking spaces. The following sections of this memorandum identify strategies to (1) reduce the number of vehicle trips and parking demand and (2) effectively manage and distribute the resulting parking demand.

Table 5: Estimated Year 1 Weekday Ferry Ridership by Mode and Parking Demand (no TDM)

Mode	Mode Share	PersonTrips[1]	Base Parking Demand for Ferry Riders[1]
Drive Alone	40%	366	366
Carpool	12%	110	55
Kiss-and-Ride	8%	73	0
Transit	5%	46	0
Bike	16%	146	0
Walk	4%	37	0
Taxi / TNC	5%	46	0
Other	10%	92	0
Total	100%	915	421

Source: Kittelson & Associates, Inc. 2024
Note: [1]A person trip is a trip taken by a ferry rider using any mode of transportation. Rounded to the nearest integer.

3.4.3.TRANSPORTATION DEMAND MANAGEMENT ESTIMATES

Based on the estimated ferry ridership and mode share, there will be a peak weekday demand for 421 vehicle parking spaces. With the implementation of TDM measures identified in the Berkeley Waterfront Parking and TDM Toolkit (see Appendix B), demand for parking in the ferry terminal lot could be reduced by between 8% and 15%, resulting in a demand for between 356 and 389 parking spaces each day.

The effectiveness of potential TDM strategies was estimated using formulas from the California Air Pollution Control Officer's Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (CAPCOA Handbook), informed by case studies from peer projects and our understanding of the Waterfront. However, estimating the reduction in parking demand through TDM measures is challenging due to limited comparable studies, and none of the available studies are specific to the Waterfront context. Table 6 provides the methodology used for each strategy, and key assumptions are included in the Appendix C of this report. A conceptual design showing bicycle, pedestrian and bus stop improvements at University Avenue and Seawall Drive is included in Appendix D.

The calculated reductions in vehicle trips and parking demand associated with implementation of these TDM strategies is presented in Table 6. Based on these calculations, parking demand from ferry users could be reduced by 32 to 65 spaces. This analysis utilizes the higher range of this expected reduction to reflect the large-scale changes to travel patterns that the City expects as a result of improving bicycle network connections to the WTPF. This reduction would result in a weekday demand for 356 parking spaces at the ferry terminal parking lot, 106 more than the 250 spaces planned for in the Feasibility Study.

Table 6: Estimated Effectiveness of Parking and TDM Strategies

Strategy	Weekday Ferry Parking Lot Demand Reduction (spaces)	Calculation Source
Bicycle and pedestrian access	2	CAPCOA T-20
Improved bicycle facilities and secure bike parking	9–42	CAPCOA T-10
Shared micromobility expansion	12	CAPCOA T-22-B
Pick-up/drop-off zones	5	TNC user satisfaction and efficiency research
Transit subsidy for ferry riders	4	CAPCOA T-9
Reductions with Full TDM Implementation	32 – 65 parking spaces (8% - 15%)	

Source: Kittelson & Associates, Inc. 2024

CAPCOA Handbook- California Air Pollution Control Officer's Association Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity; TNC - Transportation Network Companies

Appendix D includes bicycle and pedestrian improvements at University Avenue and Seawall Drive.

In addition to the strategies mentioned above, demand-based paid parking has proven to be highly effective in reducing vehicle trips and parking demand. The implementation of a paid parking program was the primary recommendation of the Berkeley Marina Area Specific Plan Parking and Mobility Framework. However, public feedback from parking intercept surveys conducted in Summer 2024 as part of this Plan indicates that many current Waterfront visitors are reluctant to pay for parking when visiting for recreational purposes. While this strategy is not included in the Plan, it has the potential to reduce parking demand by an additional 42 vehicles. Further details on paid parking and other TDM strategies can be found in Appendix C.

3.4.4.YEAR-ONE PARKING MANAGEMENT STRATEGIES

After the implementation of TDM strategies, the Waterfront will need to accommodate ferry rider demand for approximately 106 more parking spaces than are planned to be made available in the 199 Seawall Drive lot. The city can meet this excess demand by implementing three strategies for year-one of ferry operations, including 1) maximizing the number of spaces made available in the renovation of the 199 Seawall Drive lot, 2) by directing drivers to designated low-occupancy lots in other locations around the Waterfront to be used as overflow parking when 199 Seawall Drive reaches capacity, and 3) by establishing a wayfinding program that can help drivers locate parking that is best suited for their trip purpose, such as clarifying where all-day parking is and is not allowed.

It should be noted that it is very unlikely that the WETA projected Ferry ridership will actually be achieved within the first year of service. As ridership increases and all-day parking becomes less desirable for ferry riders, they are more likely to switch to alternative modes of transportation including bike, AC transit and ride shares. The approach to TDM planning should allow for a dynamic approach to implementation of TDM strategies based on actual mode shares and parking demand patterns over time. While not evaluated in this study, it should also be noted that the growth of Autonomous Vehicles in urbanized areas is anticipated to growth significantly in the next five to ten years, which is likely to reduce the need for all-day ferry parking at the Berkeley Waterfront.

1. Maximize Parking Capacity at 199 Seawall Drive Lot

The City of Berkeley will consider design strategies to maximize the number of parking spaces available in the 199 Seawall Drive lot, marked by #1 in Figure 5. By accommodating full-day parking in this area, the City can reduce the number of drivers who need to seek parking elsewhere in the Waterfront or who will have to adjust their travel habits to travel to the ferry earlier, when parking is available, or who will have to access the ferry terminal by other modes.

2. Provide Overflow Parking

The City of Berkeley can designate formal overflow lots to provide full-day parking spaces when the 199 Seawall Drive Lot becomes full. Overflow parking can be established in locations that have low existing parking utilization on weekdays and that are within walking distance of the Berkeley Pier, including possible sites at the Marina Boulevard lot or at the Skates/N Lot.

The public street parking on Marina Boulevard could serve as an ideal location for overflow parking (see #2 in Figure 5). On weekdays, the average parking utilization is below 40%, and even at peak occupancy of 53% (as shown in Table 2), it could provide up to 90 additional all day parking spaces. Current observations

indicate that much of the existing utilization is from employees and visitors of the Doubletree Hotel, which has existing parking within their leased premises. With additional management of those vehicles, Marina Boulevard will conservatively accommodate over 100 full-day parkers. However, the walking distance from this lot ranges from approximately 0.4 miles to 0.75 miles away from the Berkeley Pier, for walks of between 10 and 17 minutes respectively, according to Google Maps.

The Skates / N Lot has a similarly low weekday utilization of just 7% and a peak utilization of 22% and is located adjacent to the Berkeley Pier. At its peak 10:00 AM weekday occupancy, the Skates / N Lot can accommodate 108 additional vehicles. However, the Skates / N Lot serves the Skates on the Bay restaurant and is close enough to serve as an informal overflow lot for higher occupancy lots including the O Lot, L&M Lots, and South Cove Lots. Though it has a slightly higher weekday utilization rate, the Marina Boulevard lot may be better suited for use as a formally designated overflow area.

Using these two TDM strategies, the combined overflow capacity at both the Marina Boulevard Lot and Skates / N Lot can easily accommodate the unmet demand for 106 parking spaces from the 199 Seawall Drive Lot.

3. Implement Wayfinding Program

To successfully shift vehicles to overflow lots, the City can implement a Waterfront-wide wayfinding program to clarify parking options for full-day parkers who arrive later in the day, or for whom walking from an overflow lot is not a physical constraint. Key locations for year-one wayfinding are indicated by the circles marked with #3 in Figure 5. Instead of circling the 199 Seawall Drive lot looking for spaces on busy days, these riders would know that they could immediately park at a formally-designated overflow location. Wayfinding can also be used to improve current parking conditions by leading visitors to the lots closest to their destinations or to areas with existing capacity that are a short walk from more popular lots.

Wayfinding measures are split up into two categories, static and dynamic wayfinding. Static wayfinding consists of signage to direct drivers to lots that best suit their needs and most effectively distribute demand across the Waterfront. Static wayfinding is critical as well as cost-effective for managing parking at the Waterfront and should be implemented before or concurrent with the launch of the ferry service. Dynamic wayfinding would use parking occupancy sensors and message boards at key access points around the Waterfront to provide drivers of information regarding the relative occupancy levels of parking lots and direct them to lots with more availability. Dynamic wayfinding would be an addendum to static wayfinding and is not critical for year-one ferry operations. It would also involve installation, operations and maintenance costs that would need to be planned by the City.

Wayfinding improvements would allow the City to effectively distribute parking demand around the ample occupancy in Waterfront lots. A wayfinding plan for the Waterfront would allow the City to strategically direct drivers to available parking that they were not aware of. This strategy can reduce the locations where shorter duration recreational and commercial visitors compete with full-day parkers, and will also more effectively manage weekend and special event parking loads outside of peak commuting hours.



LEGEND

- Study Boundary
- Road
- Dock
- Path/Trail
- Slipholder Permit Parking
- Public Parking

Year One Parking Management Strategies

1 Maximize parking at 199 Seawall Drive
2 Provide overflow parking
3 Implement wayfinding program

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Static Wayfinding

Improving wayfinding is a critical strategy for leveraging the existing resources of the Waterfront. The future ferry terminal site is immediately surrounded by low utilization parking lots. However, drivers pass some of the higher occupancy lots in the Marina on the way to the ferry terminal, including the J&K Lot and South Cove Lots. Improved wayfinding would help drivers find the parking facility that best suits their needs without infringing on the access of other visitors. To successfully implement a static wayfinding plan, the city must:

1. Update parking regulations based on best uses for each parking lot at the Waterfront (Table 1)
2. Identify key wayfinding locations
3. Install critical wayfinding signage as part of the WTPF project scope.

1. **Coordinate parking regulations**. Static wayfinding can direct drivers to specific lots, but the city must first determine the desired use for each lot at the Waterfront. For example, if the main desired usage of the South Cove lots is for access to watersports and Adventure Playground, then picknickers traveling toward Shorebird Park could be directed towards the M Lot or to spaces along Seawall Drive. Appropriate parking regulations should be aligned with the preferred uses at each parking lot. This step can be completed as part of the parking regulation review recommended in this report. See also Section 4.1.5 regarding types of implementation and enforcement for time-limited parking regulations.

2. **Identify key wayfinding locations**. Following the classification of parking lot purpose and regulation, the city should identify key wayfinding decision points around the Waterfront where drivers make parking lot usage choices. Key location might include: the University Ave roundabout, lot entrances to Central Facilities along University Ave, and at the intersection of University Ave and Seawall Dr, show in Figure 5. These locations should be selected to ensure that all drivers who arrive at the Waterfront are presented with a series of options that can help them park in a location that is most convenient for them without inconveniencing other Waterfront visitors.
3. **Implement a wayfinding program**. The City should implement a new wayfinding program before or concurrent with the launch of ferry service. This means that the capital investment in the program should be scaled to match the ferry service project timeline. More ambitious wayfinding could include new branding and features that would emphasize the difference between parking at the Waterfront and parking in the rest of the City. See a mockup of a wayfinding program in Estes Park, Colorado in Figure 6. In this wayfinding program, signs offer drivers a variety of parking options to suit their needs, including directions to specific destinations, directions to free parking with shuttle service, and paid parking closest to key destinations.

Figure 6: Parking Wayfinding Example



Source: e.holdings inc.

Note: This example is from the City of Estes Park, Colorado for implementation of a paid parking program. Notice signs to emphasize free parking, paid parking, and shuttle services.

Dynamic Wayfinding

Dynamic wayfinding techniques could serve as an additional tool to distribute parking effectively around the Marina and avoid excessive circling for spaces and illegal parking practices, especially during peak demand hours. Dynamic wayfinding could be implemented in select parking facilities as demand warrants and is not essential for year-one ferry operations.

Dynamic wayfinding systems use sensors to track parking occupancy across a parking facility. The number of available spaces can then be displayed at a remote wayfinding board before drivers make the decision to enter a facility.

Dynamic wayfinding at the Waterfront could be utilized to monitor the occupancy of spaces available for all day use by ferry riders. A dynamic wayfinding board could be installed in coordination with the provision of alternative parking locations of ferry riders, either to direct them to less occupied lots near the ferry, or to a satellite parking facility with shuttle service to the ferry terminal.

See Figure 7 for an example of dynamic wayfinding in Redwood City, California. In 2022, Redwood City completed a dynamic wayfinding project that monitors over 4,000 parking spaces throughout their downtown area. The occupancy of those spaces is then communicated to drivers at key locations as they approach the downtown area, including in the underpass under Caltrain tracks, as shown in Figure 7.[3] These boards provide information that can improve the visitor experience of parking in Redwood City and more effectively utilize existing parking facilities and helps the City to avoid the need for costly expansion or restructuring of parking.

Figure 7: Dynamic Wayfinding Signage Example



Source: Google Streetview

Note: This example is from Redwood City, CA.

3.4.5.IMPLEMENTATION & ENFORCEMENT OF TIME LIMITED PARKING

Section 4.1.4 provides parking management strategies to manage the projected demand for parking through the use of over-flow full-day parking options. As described in Table 1, while some parking lots have hours of no parking (via either use of permits or gates), no parking lots have enforced time limited parking. In order to ensure that full-day parking for ferry riders only occurs at locations where such use has been planned for, the City will need to create and enforce a means of limiting parking access or duration in those areas where full-day parking by ferry riders is not intended.

[3]Redwood City Pulse. (2022). *Redwood City installs digital parking signs downtown*. Retrieved from https://www.rwcpulse.com/express-newsletter-content/2022/05/17/redwood-city-installs-digital-parking-signs-downtown/

Table 1 provides an example of what those time limits could be at various parking lots; actual durations for time-limited parking should be determined, and adjusted if needed, based on feedback from the public and Waterfront Visitors.

There are a variety of ways to implement time-limited or access-limited parking.

- Free Time Limited Parking. Many areas in Berkeley have 2-hour time limits for on-street parking unless a residential parking permit for that zone is displayed. A similar type of restriction and enforcement could be used in specific Waterfront parking lots. This approach has the advantage of not requiring infrastructure beyond signage, but enforcement is costlier since it requires multiple passes by parking enforcement staff. Berther parking that exceeds the time limit could be accommodated via permits.
- Paid Parking. Similar to many locations in the City, the use of paid parking with maximum time limits allows for enforcement via the issuance of parking passes. This approach would require installation and maintenance of kiosks/meters at parking lots where implemented and enforcement.
- Gated Lots. Use of manual gates to limit the period of access instead of time-limited parking spaces is currently used at the South Cove East Lot. The gate is not opened until after the early-morning boaters depart, ensuring that those primarily full-day parkers use Marina Blvd and South Cove West lot. This system could be refined and expanded in various ways. The use of gates requires staff time, which is costly due to frequent maintenance needs, and can be occasionally variable due to limited staff resources.



Section 5

Future Conditions

5. FUTURE CONDITIONS

5.1. Future Ferry Conditions

In this scenario, it is assumed that the Waterfront will continue to operate under typical baseline conditions with no new development but with an increase in ferry ridership. As outlined in Section 2.3.1, WETA anticipates that average weekday ridership will increase to 1,160 by 2040 under full service which includes connecting service between the San Francisco Ferry Terminal and Mission Bay, reflecting a growth of approximately 15%. These ridership projections are based on pre-COVID assumptions but have been adjusted to account for a "pandemic recovery" fare structure, as well as shifting commuter travel patterns and demand for services. Changes in costs, services, or overall economic conditions may impact these assumptions, so WETA will update the projections as new information becomes available. The City of Berkeley staff should also implement parking and TDM strategies based on the needs of ferry riders and Waterfront visitors. This section is intended for planning purposes, and the recommended strategies will be revisited in the future to assess how ferry ridership aligns with the projections.

5.1.1. RIDERSHIP AND MODE SHARE

This analysis conservatively assumes that the mode share will remain unchanged under future conditions. This would result in a parking demand of 534 spaces without implementing any TDM measures.

Table 7: Future 2040 Ferry Mode Share and Parking Demand (no TDM)

Mode	Mode Share	Person Trips[1]	Base Parking Demand for Ferry Riders[1]
Drive Alone	40%	464	464
Carpool	12%	139	70
Kiss-and-Ride	8%	93	0
Transit	5%	58	0
Bike	16%	186	0
Walk	4%	46	0
Taxi / TNC	5%	58	0
Other	10%	116	0
Total	100%	1,160	534

Source: Kittelson & Associates, Inc. 2024

Note: [1]A person trip is a trip taken by a ferry rider using any mode of transportation. Rounded to the nearest integer.

5.1.2. TRANSPORTATION DEMAND MANAGEMENT STRATEGIES

Applying the same TDM strategies from the Year 1 scenario, parking demand from ferry users could be reduced by 67 to 108 spaces, as shown in Table 8. The higher reduction is attributed to increased ridership, as more individuals would opt for more sustainable modes of accessing the ferry terminal instead of driving, thereby enhancing the effectiveness of the TDM strategies. This reduction would result in a weekday

demand for 467 parking spaces at the ferry terminal parking lot, 217 more than planned (250) for within the 199 Seawall Drive parking lot in the Feasibility Study.

Table 8: Estimated Effectiveness of Parking and TDM Strategies

Strategy	Weekday Ferry Parking Lot Demand Reduction (spaces)	Calculation Source
Bicycle and pedestrian access	3	CAPCOA T-20
Improved bicycle facilities and secure bike parking	14–55	CAPCOA T-10
Shared micromobility expansion	20	CAPCOA T-22-B
Pick-up/drop-off zones	14	TNC user satisfaction and efficiency research
Transit subsidy for ferry riders	16	CAPCOA T-9
Reductions with Full TDM Implementation	67 – 108 parking spaces (14% - 22%)	

Source: Kittelson & Associates, Inc. 2024

CAPCOA Handbook- California Air Pollution Control Officer's Association Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity; TNC - Transportation Network Companies

5.1.3.PARKING MANAGEMENT STRATEGIES

Similar to the TDM strategies, the parking management strategies outlined in Section 4.1.4 for Year 1 Ferry Conditions will help address the additional peak parking demand of 217 spaces from ferry riders. To be conservative, it is assumed that these strategies will be as effective as they were under the Year 1 Ferry Conditions, which would reduce the need by 106 spaces. This means that under Future Ferry Conditions, additional parking management strategies will be necessary to accommodate the remaining demand of approximately 111 spaces.

Based on the Parking and TDM Toolkit presented in Appendix B, the following strategies in combination would be effective in addressing the remaining demand of 111 spaces.

5.1.4. Valet Service

Valet Service would maximize finite space in existing lots by allowing valet attendants to tandem park vehicles. Likewise, valet parking can turn underutilized parking lots into an efficient tool for parking management. Valet parking is well-suited for the Waterfront's parking and usage patterns, which are characterized by an overabundance of parking capacity on most days and congestion and high occupancy levels in certain lots during events and peak periods of good weather and boating conditions. Additional details on the implementation of this strategy are provided in Appendix B.

5.1.5. Satellite Parking Facilities

The City could establish a satellite parking facility at Golden Gate Fields or other public parking lots that could be used by ferry riders or other visitors during special events. The satellite lot would be a tool for transferring parking demand away from Waterfront lots for those who have the flexibility to then proceed

to the Waterfront by shuttle, AC Transit service, or by biking and walking. A satellite parking facility could maximize the space devoted to vehicle parking for recreational uses at the Waterfront without limiting access to the ferry service. Additional details on the implementation of this strategy are provided in Appendix B.

5.1.6. Demand Based Paid Parking

Paid parking can be an effective tool for managing parking demand from ferry users. Its implementation should be carefully designed to accommodate the needs of ferry riders while ensuring sufficient availability for a wide range of Waterfront visitors. A well-executed paid parking program is anticipated to reduce the demand by approximately 53 parking spaces. Additional details on the implementation of this strategy are provided in Appendix B.

5.1.7. Shuttle Service to the Waterfront

A shuttle service to the Berkeley Waterfront that is aligned with the ferry schedule could serve as an alternative to car trips for ferry riders. This shuttle would need to connect commuters and visitors from various origins throughout Berkeley to the Waterfront. Currently, UC Berkeley operates a shuttle bus under the Bear Transit program that loops between the campus and the Downtown Berkeley BART Station.[4] Another West Berkeley Shuttle, funded by Bayer HealthCare and Wareham provides a last-mile connection between Ashby BART Station and businesses in the West Berkeley Area.[5]

The City could consider extending this service to the Ferry Terminal, facilitating a seamless transfer for users. A shuttle service is anticipated to reduce the demand by approximately 53 parking spaces. Additional details on the implementation of this strategy are provided in Appendix B.

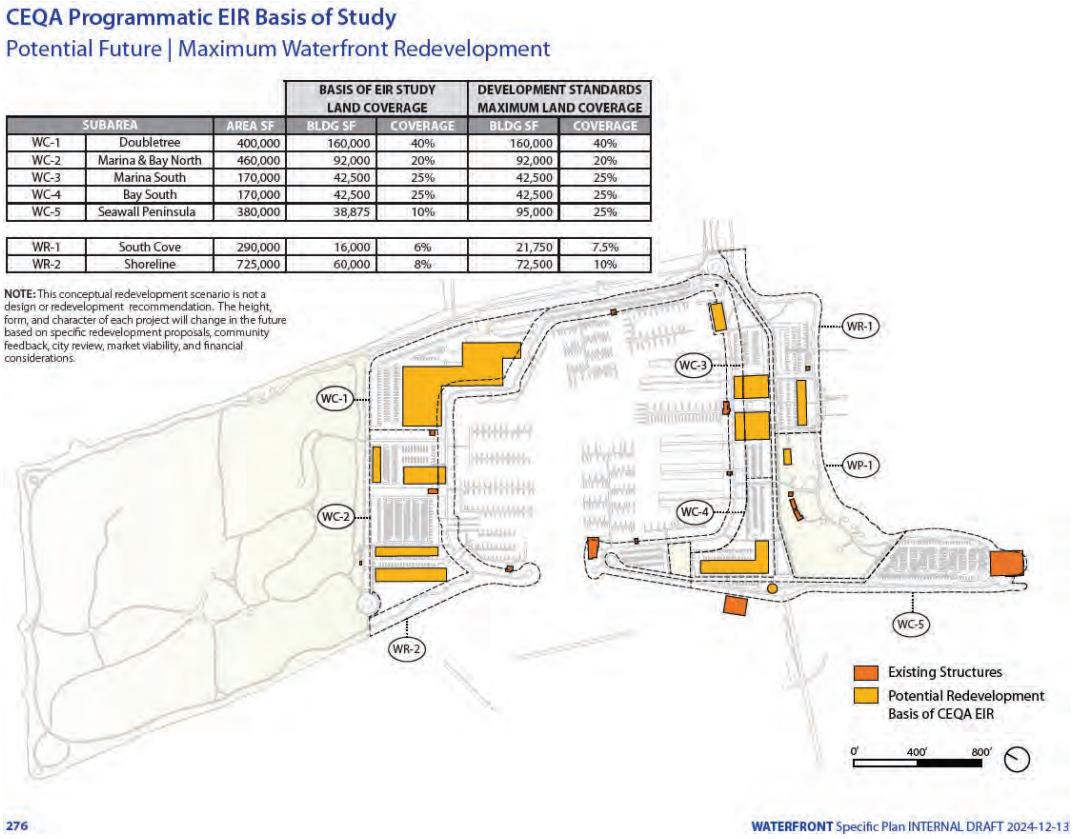
These two strategies would be sufficient to meet the future ferry ridership parking demand and transportation needs. However, the City could explore more strategies in the future based on the updated projections and changes to mode share splits that are not currently foreseeable.

5.2. Cumulative Conditions

This scenario considers the potential maximum development informed by the Draft Waterfront Specific Plan (WSP) combined with projected future ferry ridership. The Draft WSP is currently being developed by City staff in collaboration with Hargreaves Jones. As a part of this effort, the City desires to understand the potential impact of the development considered in the WSP on future Waterfront parking and transportation demands. Kittelson received land use data from City staff to evaluate the High Redevelopment Scenario, which anticipates 1.2 million square feet of development, including the existing 404,150 square feet of structures. The potential redevelopment locations and subareas are illustrated in Figure 8.

[4] UC Berkeley. *Parking and Transportation.* Retrieved from https://pt.berkeley.edu/BearTransit
[5] West Berkeley Shuttle. Retrieved from https://www.westberkeleyshuttle.net/

Figure 8: WSP Redevelopment Location - High Development Scenario



			BASIS OF EIR STUDY LAND COVERAGE		DEVELOPMENT STANDARDS MAXIMUM LAND COVERAGE	
SUBAREA		AREA SF	BLDG SF	COVERAGE	BLDG SF	COVERAGE
WC-1	Doubletree	400,000	160,000	40%	160,000	40%
WC-2	Marina & Bay North	460,000	92,000	20%	92,000	20%
WC-3	Marina South	170,000	42,500	25%	42,500	25%
WC-4	Bay South	170,000	42,500	25%	42,500	25%
WC-5	Seawall Peninsula	380,000	38,875	10%	95,000	25%
WR-1	South Cove	290,000	16,000	6%	21,750	7.5%
WR-2	Shoreline	725,000	60,000	8%	72,500	10%

Source: Hargreaves Jones, for the Waterfront Specific Plan, 2024

Table 9 includes a hypothetical configuration of descriptions and type of use that could potentially be developed at the Waterfront with an estimated size of development. It should be noted that any new development proposed in the WSP would be required to conduct a project-specific parking analysis based on the specific project details at the time of application.

Table 9: Potential Maximum Waterfront Redevelopment Land Use Details

SUBAREA		DESCRIPTION	HEIGHT	USE	EXISTING GSF	POTENTIAL FUTURE GSF	CHANGE
WC-1	N1	DoubleTree Hotel	4-6 story	Hotel & Food Establishment	256,900	450,000	193,100
WC-2	N2	Berkeley Marine Center	3 story	Maritime Visitor Services	24,500	80,000	55,500
	N3	B&C Restroom	1 story	Maritime Visitor Services	1,550	1,550	-
	N4	D&E Restroom	1 story	Maritime Visitor Services	600	600	-
	X1	Bay North Hotel	6 story	Hotel & Food Establishment	0	180,000	180,000
	X2	Recreation/F&B Complex	3-4 Story	Food Service Establishment & Commercial Recreation	0	55,000	55,000
	X3	F&B Café	1 story	Food Service Establishment	0	6,000	6,000
WR-2	N5	Berkeley Marine Center Fuel	1 story	Boat Fuel Station	1,350	1,350	-
WC-3	S1	Hana Japan & Sportsman's Center	3-4 story	Food Service Establishment & Commercial Recreation	22,000	50,000	28,000
	S2	125-127 University Ave	3-4 story	Office	19,000	60,000	41,000
WC-4	X4	Bay South Hotel	6 story	Hotel & Food Establishment	0	213,000	213,000
WC-5	S3	Skates	1 story	Food Service Establishment	13,700	13,700	-
	S4	Hs Lordship	1-2 story	Food Service Establishment	37,000	37,000	-
	X5	Ferry Terminal Kiosk	1 story			5,000	5,000
WR-1	S5	Aquatic Center / F&B Cal Adventure & Cal Sailing	1 story	Recreational Boating & Water Use	8,200	24,000	15,800
	S6	South Cove Restroom	1 story	Maritime Visitor Services	500	500	-
WR-2	S7	Waterfront Office	1-2 story	Maritime Office	2,700	2,700	-
	S8	F&G Restroom	1 story	Maritime Visitor Services	950	950	-
	S9	L&K Restroom	1 story	Maritime Visitor Services	650	650	-
	S10	N Restroom	1 story	Maritime Visitor Services	650	650	-
	S11	Berkeley Yacht Club	1-2 story	Club / Lodge	9,000	9,000	-
	X6	Old Ferry Dock F&B	1 Story	Food Service Establishment	0	16,000	16,000
WP-1	S12	Shorebird Park Nature Center	1 story	Museum / Cultural Center	3,800	3,800	-
	S13	Shorebird Park Maintenance Shed	1 story	Maintenance Facilities	1,100	3,000	1,900
TOTAL					**404,150**	**1,214,450**	**810,300**

Source: Hargreaves Jones, for the Waterfront Specific Plan, 2024
Note: Represents a hypothetical configuration of uses that could potentially be developed at the Waterfront with an estimated size of development.
F&B = food and beverage

The potential development would necessitate the redevelopment of the existing surface parking lots, leading to the reconfiguration of current parking spaces. Table 10 outlines the number of parking spaces affected by the future redevelopment as envisioned in the WSP. It is estimated that the Waterfront would experience a loss of four (4) public spaces, with an overall gain of 40 parking spaces due to the parking lots reconfiguration. Additionally, private parking is projected to increase by 150 spaces, whereas permit parking will decrease by 106 spaces.

However, efficient lot redesign, and developer agreements could recover and potentially enhance the parking at the Waterfront.

Table 10: Reconfiguration of Existing Parking Lots

	Existing			Future			Change
Lot Location	**Public**	**Permit**	**Private**	**Public**	**Permit**	**Private**	
North Facilities							
Marina Blvd	150			204			54
Spinnaker Way	127			127			0
Spinnaker Way Lot	36			36			0
D&E Lot		129			70		-59
F&G Lot		63			63		0
H & Lot		52			52		0
Doubletree Lot			408			408	0
Bay North Hotel	n/a	n/a	n/a			90	90
Launch Ramp Paid	76			76			0
Central Facilities							
J & K Lot	92			92			0
L Lot	14	47		47			-14
M Lot	77			77			0
South Cove East Lot	96			96			0
South Cove West Lot	86			80			-6
University Avenue	25			25			0
South Facilities							
Skates / N Lot	137			52		60	-25
O Lot	72			72			0
Seawall Drive North	6			6			0
Seawall Drive South	84			84			0
Seawall Lot	320			320			0
TOTAL	1,398	291	408	1,394	185	558	40
	2,097			2,137			

Source: Hargreaves Jones, for the Waterfront Specific Plan, 2024

Note: Estimate of change in parking spaces based on the conceptual Maximum Waterfront Redevelopment scenario shown in Figure 8; Includes Marina Boulevard Trail, Access and Shoreline Improvements, dated 7-9-2020.

The City of Berkeley has developed conceptual plans to realign and develop Marina Boulevard, increasing the total parking capacity from 150 to 204 spaces. Details of the conceptual plan can be found in Appendix E.

A parking demand analysis has been prepared to estimate the future parking needs associated with the proposed developments in the WSP, helping to evaluate the requirements for future parking facilities and management strategies. Only certain developments are expected to influence parking demand, while others, such as restrooms and cafés, are considered auxiliary uses that will not generate additional trips to the Waterfront. The developments anticipated to have an effect on parking demand include:

- X1 Bay North Hotel
- X2 Recreation/F&B Complex
- X4 Bay South Hotel
- S1 Hana Japan & Sportsman's Center expansion
- S4 199 Seawall (i.e. Hs Lordship)
- S5 Aquatic Center / F&B/ Cal Adventure & Cal Sailing
- X6 Old Ferry Dock F&B
- Among these developments, the two hotels (Bay North and Bay South) would be required to provide off-street parking at a rate of 0.5 spaces per room, as specified in the development standards section of the WSP. The other five recreational and food establishment uses would not be required to provide off-street parking and would rely on the public parking spaces currently available at the Waterfront. Kittelson conservatively estimated the peak parking demand for these uses using the ITE Parking Generation, 6th Edition. It is estimated during the weekday peak hour the demand would be 461 spaces and during the weekend peak hour demand would be 450 spaces. Different land-uses have varying parking demand across the day. Kittelson utilized the Urban Land Institute (ULI) Shared Parking model, 3rd edition, to estimate the time-of-day rates for each future use. Table 11 presents weekday and weekend parking demand calculations for uses that will rely on public parking spaces.

Table 11: Weekday and Weekend Parking Demand

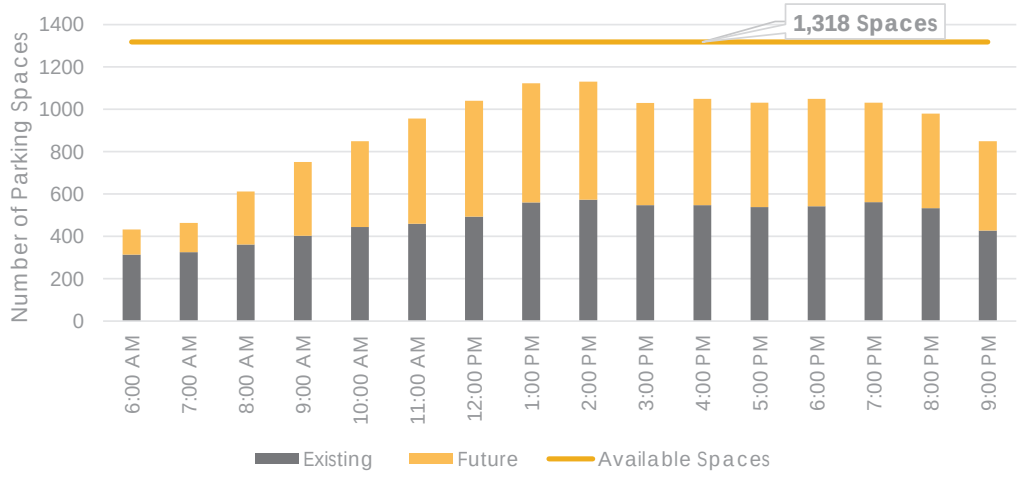
Location	Description	ITE Land Use Code	Weekday Average Rate	Weekend Average Rate	Weekday Peak Parking Demand	Weekend Peak Parking Demand
X2	Recreation/F&B Complex[1]	Food Hall (928) & Recreational Community Center (495)	3.96	2.72	87	60
S1	Hana Japan & Sportsman's Center	Food Hall (928)	3.96	2.72	44	30
S4	Hs Lordship	Fine Dining Restaurant (931)	16.18	18.23	239	270
S5	Aquatic Center / F&B Cal Adventure & Cal Sailing[1]	Food Hall (928) & Recreational Community Center (495)	3.96	2.72	25	17
X6	Old Ferry Dock F&B	Fine Dining Restaurant (931)	16.18	18.23	65	73
Total					461	450

Source: ITE Parking Generation Manual, 6th Edition
Note: [1]It assumes that only 40% of the GFA will be allocated for Food Hall (928) and the remaining 60% will be used for recreational purposes. F&B = food and beverage

The ULI Shared Parking model considers that while each land use generates demand for a certain number of parking spaces, these parking demands fluctuate hour-by-hour and day-by-day and shared parking between land uses can minimize the amount of space and resources devoted to parking.

Figure 9 shows the average weekday parking demand for existing in addition to the future uses by time of day. The "future uses" included in this figure include both ferry riders and the WSP High Redevelopment scenario. The peak demand is expected to be around 2 PM, with 1,131 parking spaces occupied (86% utilization), which remains below the 1,318 publicly available future parking spaces, excluding 76 Launch Ramp Paid parking spaces.

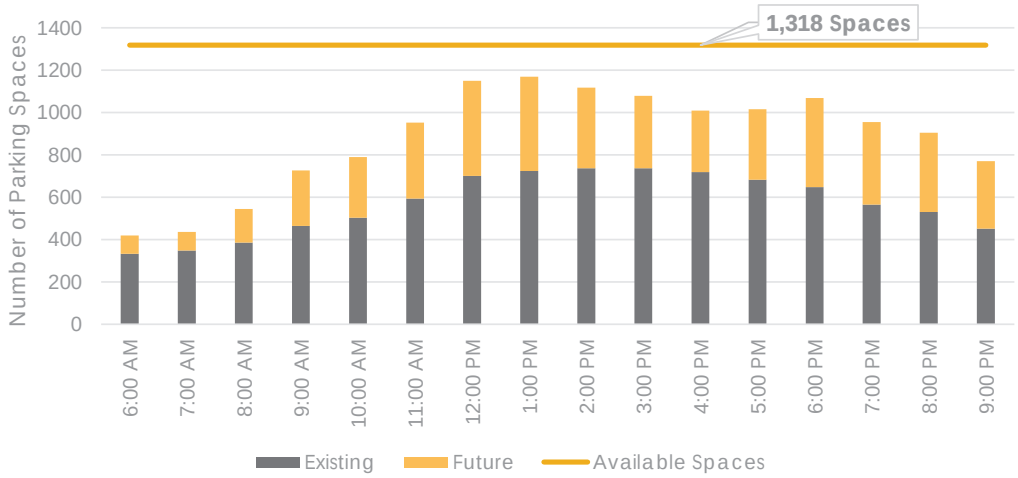
Figure 9: Weekday Parking Demand for Existing and Future Uses



Source: Kittelson & Associates, Inc. 2024

Figure 10 illustrates the average weekend parking demand for existing and future uses at the Waterfront, compared to the available parking spaces by time-of-day. The peak demand occurs around 1 PM, with 1,169 spaces utilized (89% utilization), which remains slightly below the total available spaces.

Figure 10: Weekend Parking Demand for Existing and Future Uses



Source: Kittelson & Associates, Inc. 2024

Based on the parking demand analysis, it can be concluded that the Waterfront will generally have sufficient parking spaces to accommodate the parking demand from future uses in the WSP. However, while the overall parking demand for the area can be met, there will be instances where individuals cannot park near their desired destinations, mainly during peak days and times. This could negatively impact the parking experience and cause frustration for some visitors. Implementing dynamic wayfinding and clear messaging strategies could help enhance the overall parking experience for visitors to the Berkeley Waterfront.

As noted earlier, AB 2097 prohibits public agencies from enforcing parking minimums for developments within ½ mile of a ferry terminal. However, the City can still require developers to implement Transportation Demand Management (TDM) strategies, such as providing bicycle parking, transit subsidies, or contributing to shuttle service programs. Developers must also submit a project-specific TDM plan that aligns with the City's monitoring and reporting requirements.[6]

[6] Berkeley Municipal Code § 23.334.040. (n.d.). *Zoning regulations. Transportation Demand Management*. Retrieved January 2, 2025, from https://berkeley.municipal.codes/BMC/23.334.040



Appendix A :

Baseline Parking Conditions

KITTELSON & ASSOCIATES
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P 510.839.1742

TECHNICAL MEMORANDUM

February 28, 2025 Project# 19867.006

To: Liza McNulty, PE, Capital Improvement Program Manager
City of Berkeley Parks, Recreation & Waterfront (PRW) Department
2180 Milvia Street, 3rd Floor.
Berkeley, CA 94704

From: Kittelson & Associates, Inc.

CC: Ali Endress and Roger Miller

RE: Berkeley WTPF Baseline Parking Conditions

1.0 Background

The City of Berkeley (City) completed the feasibility study for the ferry facility at Berkeley Municipal Pier (Feasibility Study) in December 2021 and is now beginning detailed engineering and environmental studies for the Water Transportation Pier-Ferry (WTPF) Project. Kittelson & Associates, Inc. (Kittelson) is working with the City to develop a Parking and Transportation Demand Management (TDM) Plan that will support the proposed ferry service and future development at the Waterfront ("Parking and TDM Plan").

The purpose of this technical memorandum is to establish a baseline condition for the Parking and TDM Plan. The memorandum is organized into the following sections:

- Study Area
- Review of Existing Documents
  - Parking Issues and Needs
  - Past and Current Parking Management Solutions
  - Historic Parking Utilization
  - Ridership and Mode Share Estimates
- Case Study Interviews
- Staff Working Group Sessions
- Review of Parking Counts
  - Parking Inventory
  - Historical Count Data
  - All Day Count Data
- Intercept Survey
  - Survey Response Summary

2.0 Study Area

The study area (Berkeley Waterfront or Waterfront) is the area west of the McLaughlin Eastshore State Park, bordered by Spinnaker Way to the north and South Sailing Basin to the south, see **Figure 1**. University Avenue provides vehicle connection between the Waterfront, Downtown Berkeley and Highway 80.

AC Transit Bus Route 51B connects the Waterfront and Rockridge BART via College Avenue, Downtown Berkeley BART, and University Avenue. Only one out of every three scheduled bus trips between 7 am and 9 pm serves the Marina; all other trips terminate at the Berkeley Amtrak station, resulting in a frequency of two (2) buses every hour.

The San Francisco Bay Trail Extension provides bicycle and pedestrian access to the Waterfront from the intersection of University Avenue and Frontage Road. The bicycle and pedestrian bridge across I-80 connects the Waterfront with the City of Berkeley. Additionally, the Virginia Street Right-of-Way (a dirt pathway) offers another bike and pedestrian connection.

The Study Area is entirely public tidelands held in trust by the City. There are over 100 acres of uplands and 5 miles of pedestrian trails within the Waterfront. Centered within this landscape is the Berkeley Marina, the largest public marina in the San Francisco Bay with 1,000 boat slips. The Berkeley Waterfront also includes three public access docks, a boat launch ramp, and 11 parking lots.

Current businesses and attractions include 1 hotel, 4 restaurants, 1 boatyard, a yacht club, two non-profit sailing clubs, a nature center, a two-story office building (commercially leased), and 9 restroom buildings, as shown in **Figure 2**.



LEGEND

Source: City of Berkeley, MTC

KITTELSON & ASSOCIATES

Figure 2: Existing Businesses and Landmarks



Source: Draft Waterfront Specific Plan, 2023

The proposed ferry terminal at the Waterfront will be located at the Berkeley Pier, which will be reconstructed to provide dual ferry and recreation access. The study focuses on the following nine (9) public parking lots and three (3) on-street parking facilities. Private, paid and slipholder only parking lots (Boat Launch Stalls – Paid, Doubletree Stalls – Private/Paid, and Berkeley Marine Center) were not included in the analysis, as it is assumed that ferry riders will not use these locations for parking.

- **Public parking lots**
  - Spinnaker Way Lot
  - J&K Lot
  - L&M Lot
  - South Cove East/West Lot
  - Seawall Drive Lot
  - Skates/N Lot
  - O Lot

- **On-street parking facilities**
  - Spinnaker Way
  - Marina Blvd
  - University Ave Shoulder (at West Frontage Rd)
  - Seawall Drive North/South

- **Slipholder Permit Lots**
  - D&E Lot
  - F&G Lot
  - H&I Lot

Potential future redevelopment is limited to the existing developed land at the Waterfront comprised of leased land and surface parking lots Future redevelopment at the Waterfront over the next several decades may bring in more visitors and hence, an increase in the need for parking and TDM.

3.0 Review of Existing Documents

The following relevant documents and programs were reviewed for this task:

- Berkeley Marina Ferry Parking & Transportation Demand Management Strategy (Appendix D), Nelson Nygaard, October 2021
    - Appendix A: Revised Short-Term Recommendations for Parking Management, December 2018
- WETA Berkeley Ferry Service, Business Plan Version 1.0, March 2022
    - The Business Plan is intended to be a "living" document that will be updated as needed to respond to new information, new data, and emerging ideas.
- Parking and Mobility Framework, Draft, Berkeley Marina Area Specific Plan, January 2022
- Draft Waterfront Specific Plan, November 2, 2023
- Traffic Assessment of University Avenue Concept Study, December 2017

The following relevant topics were summarized for each document.

- Parking issues and needs
- Past and current parking management solutions
- Historic parking utilization
- Ridership and mode share estimates

3.1 PARKING ISSUES AND NEEDS

The 2021 Berkeley Marina Ferry Parking & TDM Strategy was developed as part of the Feasibility Study to support the needs of future ferry riders travelling to and from the Waterfront. The study analyzed existing conditions and transportation facilities near the proposed ferry terminal location, and was based largely on the 2018 Short-Term Recommendations for Waterfront Parking Management (Appendix of the Feasibility Study). The following parking issues were highlighted in the 2018 Report:

- **Small Scale Ferry Service:** Small scale ferry service was initiated in 2017 by two independent providers (Tideline and Prop SF). Small scale ferry service increased the demand for all-day parking at the Waterfront, particularly surrounding K-Dock, where ferries depart. It should be noted that both of these services were suspended in 2020 during the COVID pandemic.

- **Overcrowding at South Cove lots due to mixed uses/user groups.** The South Cove lots have multiple users that come to the Waterfront at similar or overlapping times, resulting in peak periods in which the lots are full. Users of South Cove include public access for water activities, Cal Sailing and Cal Adventures, Adventure Playground patrons, small scale ferry passengers, charter boat customers, Hana Japan and Bait Shop customers, and employees who work on the Waterfront.

- **All-day visitors (charter and ferry customers) occupy parking spaces for relatively long periods of time.** Ferry and charter boat customers tend to arrive early and utilize the highest demand spots closest to K-Dock. Their vehicles remain in the prime spots in excess of eight hours per day and leave no room for turnover. This creates an issue for those making shorter trips to the South Cove for sailing and boating (Cal Sailing/Cal Adventures), Adventure Playground, Nature Center, Summer Camp drop off, and customers of the marina office, Berkeley Sportsman's Center, and the 125-127 University Avenue office buildings. Many small-scale ferry and charter boat customers show a preference for the newly paved South Cove East Lot over the unpaved South Cove West Lot, in addition to J&K and M Lots. Ferry customers have not heeded recent [2018] City signage (placed on South Cove, J&K, and M Lots) to park on Marina Boulevard instead.

- **Locations needed for watersports community to park.** Many recreational watersports activities (such as windsurfing and winger watersports) require the use of the new green turf area on the northern edge of the South Cove East lot to prepare and rig their large equipment, the adjacent parking stalls (for convenient loading and unloading), and the adjacent wide path of travel (to access the launching docks in the South Sailing Basin). The parking spaces adjacent to the turf are also desirable for small scale ferry and charter customers because of their proximity to K-Dock and attractive appearance. Over the summer, some windsurfers reported that they were unable to find parking next to the turf on weekday afternoons. Several complaints by windsurfers seeking safe and convenient access to the rigging area from their vehicles were filed with PRW Staff in the months of June, July, and August of 2018. A-Frame signs placed in August 2018, were moderately effective at reserving the parking stalls adjacent to the turf for watersports users.

- **Importance of maintaining adequate slipholder parking close to docks.** Every dock at the Marina has a nearby shared parking lot. Some shared lots fill with the vehicles of other park users, limiting access for slipholders at peak times.

- **Importance of maintaining parking for Hana Japan customers in lot.** Hana Japan is only open for dinner when other Waterfront users tend to be leaving. However, in the summer, parking for Hana Japan customers often overflows to the unlit South Cove lots across University Avenue.

This 2024 Parking and TDM Plan will be reviewing and updating this information based on the changes that occurred during the past few years, in particular changes to parking management activities by the City and post COVID cuts to small scale ferry service.

3.2 PAST AND CURRENT PARKING MANAGEMENT SOLUTIONS

Since at least 2016, parking management at the Waterfront has been an evolving and dynamic effort, with the City implementing various lot-specific parking management strategies. This includes various pilot programs, some of which have been abandoned and others expanded based on their efficacy and public feedback. This section describes the parking management strategies that have previously been implemented or are currently in effect.

Slipholder Permit Program: This program became effective on June 4, 2018, for the three northern slipholder lots (D&E, F&G, H&I Lots).[1] The Program prohibits unpermitted overnight parking (12 am – 10 am). For slipholders at those locations, hangtag overnight permits are distributed by Marina staff, and guest permits are granted upon request. Waterfront staff have issued citations to vehicles parked overnight without a permit, or without payment in the Boat Launch Ramp lot. This Program was subsequently expanded to J&K lot and Skates/N Lot. A similar version of this program was implemented in L&M and O Lots, as a mix of public parking/slipholder only parking depending on time of day and day of week. Since the implementation of this permit program, vehicle counts in north facilities have indicated[2]:

- a 60% reduction of unpermitted parked vehicles.
- a reduction of total cars parked by up to 20%.

Time Limited Parking: In 2018, the City introduced time limited (i.e. maximum allowable parking duration) parking in J&K lot for 5 hours between 8 am and 8 pm. This was to ensure that the visitors to Hana Japan have spaces available and are not affected by all day parkers. This system was subsequently replaced with the Slipholder Permit Program described above. Throughout the Waterfront, virtually all public parking areas (streets and lots) have a maximum 72-hour parking limit (per Berkeley Municipal Code).

Gate Control: The Waterfront staff manage the opening and closing of gates at South Cove East and Seawall Drive as necessary, especially during peak summer months to prevent overnight parking.

Paid parking: There is a gate controlled paid parking at the Boat Launch ramp lot on the northern side of the Waterfront, charging $15 per entry for 76 paid stalls. On the northern side of this lot, referred to as the Spinnaker Way lot, there are 36 free public stalls used primarily by visitors to Cesar Chavez Park. DoubleTree Hotel provides parking for $8/hour or $40/day for its 408 spots.

A summary of the existing parking rules currently enforced at the Waterfront is provided in **Appendix A**.

3.3 HISTORIC PARKING UTILIZATION

The parking utilization summary below and in Figure 3 is based on analysis conducted during the Feasibility Study, which used aerial parking utilization counts taken on several days between 2014 and 2018. **Figure 3** shows the specific days on which car counts were conducted for this analysis. The lots were divided into three subareas based on the geographic location of each facility.

- **Central Facilities** consist of L&M lot, J&K lot, South Cove West, South Cove East, and the "Small Boat Launch". The 10 parking spaces in the small boat launch ramp area were permanently removed in 2020 to make way for improvements to the Bay Trail Extension and access road. During the peak parking demand periods, the J&K Lot and L&M Lot, experienced as much as 89% and 93%

[1] *The Parking Permit Program does not apply to the paid launch ramp lot.*

[2] *Nelson\Nygaard. Revised Short-Term Recommendations for Waterfront Parking Management, 2018*

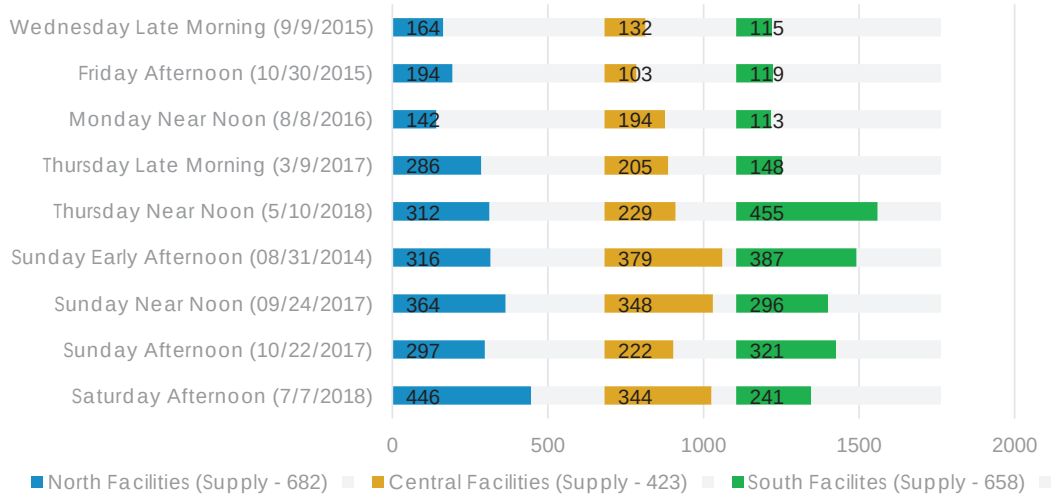
occupancy, respectively. Overall, the Central Facilities experienced 81% occupancy on Saturday afternoon and 90% occupancy on Sunday afternoon during the peak July-August parking periods.

- **South Facilities** consists of Skates/N Lot, O Lot, 199 Seawall Drive Lot, and Seawall Drive. The peak parking period for south facilities was Thursday afternoon with 69% occupancy.

- **North Facilities** consists of D&E Lot, F&G Lot, H&I Lot, Marina Blvd, the Boat Launch Ramp, Spinnaker Circle, and Spinnaker Way. Spinnaker Way had 97% occupancy during the Saturday afternoon surveyed. In aggregate, the parking lot facilities in the north observed the highest demand during Saturday afternoon with 65% occupancy.

Figure 3 shows parking utilization by facilities and time of day.

Figure 3: Parking Utilization by Facilities by Time of Day (2015 – 2018)

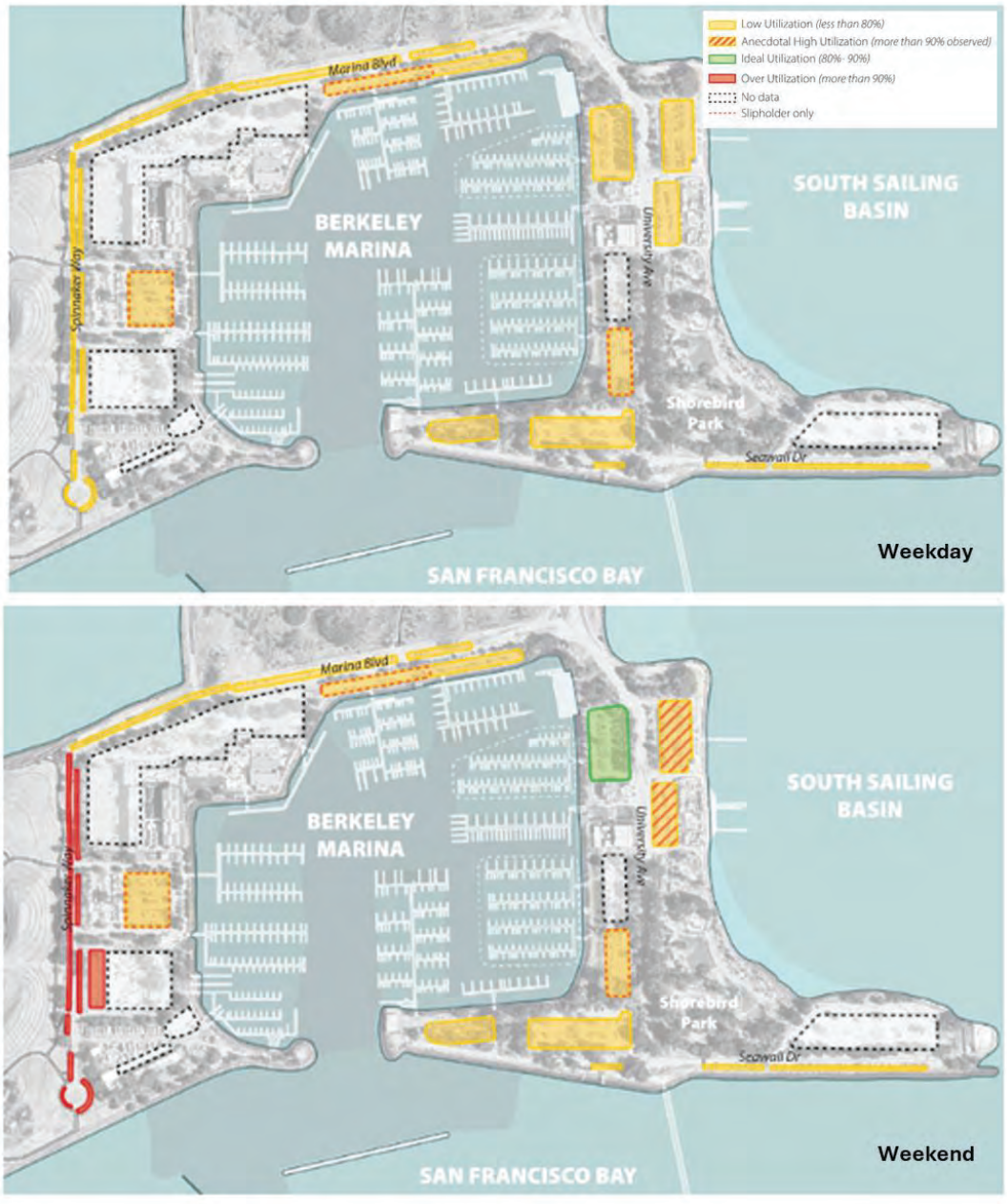


Source: Nelson\Nygaard. 2018. Berkeley Waterfront Parking Study. Appendix A

The data includes private lots such as the Marine Center Leased Lot, DoubleTree Leased Lot, Berkeley Police Department Leased Lot, and Berkeley City Vehicle Parking Lot, which results in the parking supply being 1,763 spaces higher than the public lots (1,566) analyzed in this report.

Figure 4 shows average weekday and weekend parking utilization based on the data collected for the Draft Waterfront Specific Plan in 2022-2023. During the weekend, the parking utilization was higher in the northern facilities – Spinnaker Way on-street parking and Spinnaker Way Lot. The figure also shows high utilization at South Cove lots during the weekend based on anecdotal information, including feedback provided from City staff and community members.

Figure 4: Average Weekday and Weekend Parking Demand (Draft Waterfront Specific Plan)



Source: Draft Waterfront Specific Plan, October 2023

3.4 RIDERSHIP AND MODE SHARE ESTIMATES

The proposed ferry terminal at the Waterfront will be located at the Berkeley Pier, which will be reconstructed to provide dual ferry and recreation access WETA estimates a total of 1,830 average weekday boardings. Conservatively, this would result in 915 riders boarding at the Berkeley Terminal, assuming all riders are round-trip traveling between Berkeley and San Francisco and originating in Berkeley. It is projected that the average weekday boardings would reach 2,110 by 2040.

The Feasibility Study and WETA Business Service Plan separately estimated the travel mode share of future ferry riders, as shown in **Table 1**. The Feasibility Study estimated that 54% of the ferry riders will drive alone and 9% will carpool to the Ferry Terminal. The remaining ferry riders will arrive by bicycle, ride-share, public transit or other modes of transportation that would not require a vehicle parking space. WETA Berkeley Ferry Service Business Plan estimates that only 31% will be driving alone and 15% will be carpooling to the Ferry Terminal.

Kittelson reviewed updated on-board survey data from WETA, which included surveys conducted in 2022. Using the WETA Business Plan methodology, Kittelson estimated the mode share based on the new data. The results estimate that 44% of trips were drive-alone, which is higher than the WETA business plan estimate. The 2022 estimates also estimate lower shares for walking (4%) and biking (11%). Public transit mode share was estimated at 2%, which could be largely attributed to pandemic conditions, as people were avoiding public transportation.

Comparing the three sources of data, Kittelson has recommended a baseline (i.e. pre-TDM implementation) mode-share that reflects the local context and our understanding of the existing travel patterns at Berkeley Waterfront. The baseline mode share, shown in bold in Table 1 below, represents the assumed mode share before implementation of new TDM strategies at the Waterfront. TDM strategies that further reduce the parking demand for Ferry Riders are in development.

Table 1: Mode Share Summary for Ferry Riders

Source	Drive Alone	Carpool	Kiss-and-Ride	Public Transit	Bike	Walk Only	TNC/ Taxi	Other[1]
WETA Business Plan, 2017-2019	31%	15%	15%	5%	16%	8%	8%	2%
Feasibility Study (Baseline)	54%	9%	8%	4%	18%	3%	3%	1%
WETA Updated Survey - 2022	44%	8%	8%	2%	11%	4%	2%	21%
Recommended Baseline (no TDM)	**40%**	**12%**	**8%**	**5%**	**16%**	**4%**	**5%**	**10%**

Source: WETA Business Plan, 2022; WETA On-board Surveys, 2022 and Feasibility Study, 2021
[1]Other includes multiple modes and private shuttle

4.0 Case Study Interviews

Kittelson conducted three case study interviews with agency staff who were either involved in implementing parking and transportation demand management strategies or are familiar with the parking management at the selected locations. The details of the interviews and key takeaways are presented in this section.

4.1 ALAMEDA HARBOR BAY FERRY PAID PARKING APPROACHES

- **Interview date**: August 8th, 2024
- **Participants**: Lisa Foster, Acting Transportation Planning Manager, City of Alameda

In an attempt to prevent spillover parking from the adjacent Harbor Bay Ferry Terminal, three home owners associations (HOAs) in the City of Alameda were given the authority to issue free residential parking permits to residents. The permits went into effect in 2017 with limited public oversight and subsequent turnover of City staff, and there is limited knowledge on the success of the program. As of now, the City of Alameda suspects that the HOAs are no longer issuing new permits for the permitted parking zones. Signs indicating the permit only parking restrictions are still present in the neighborhood, but it is unclear if enforcement is active.

In the meantime, the City moved forward with its own paid parking program to manage demand for parking at the Harbor Bay and Seaplane Lagoon ferry terminals. This plan was approved by the Alameda City Council prior to the pandemic, and was reauthorized in both 2022 and 2023.

The City of Alameda's ferry terminal management strategies offer important lessons for the parking management at the Berkeley Waterfront, including that:

- Paid parking may be most easily implemented at ferry terminals if introduced at the inception of a new service, or if there is regularly high occupancy at terminal parking lots.
    - The City of Alameda intended to introduce paid parking at the opening of the Seaplane Lagoon Ferry Terminal, but delayed due to the pandemic. The City is now in their third year of trying to implement paid parking at that location.
- The City of Alameda is partially reinvesting paid parking revenue to enhance security at parking lots. This serves to ease riders' concerns over theft and vandalism, as well as to ease public acceptance of new parking fees.
- Coordinating public bus or shuttle service can be difficult due to the relative infrequency of both ferry services and of bus routes that serve waterfront areas. AC Transit discontinued a shuttle service to the Seaplane Lagoon Ferry Terminal after low ridership and AC Transit Route 21 receives low ridership to the Harbor Bay Ferry Terminal.

4.2 BERRYESSA BART URBAN VILLAGE PLAN

- **Interview date**: August 16th, 2024
- **Participants**:
  - Jessie O'Malley Solis, Director of Real Estate and Transit Oriented Development, VTA
  - Charla Gomez, Planning Project Manager, City of San Jose
  - Wilson Tam, Transportation Planning Manager, City of San Jose

In 2021, the City of San Jose approved the Berryessa BART Urban Village Plan (UVP), which established guidance for mixed-use development around the newly opened Berryessa BART Station. One of the plan's main objectives is to enable high-density residential and commercial development around the station without overwhelming the project site with parking facilities which would diminish the urban character of the new development. The UVP's main goal is to plan for density around the BART station, and all of its parking recommendations are designed to support that goal.

The UVP's binding recommendations include the formation of a transportation management authority (TMA) to oversee parking and TDM policy in the new developments. The UVP also dovetails with a city-wide parking reform process that eliminated mandatory parking minimums[3] and established TDM incentives for new development.

Key takeaways for the Berkeley Waterfront include:

- The Berryessa BART UVP's progressive parking policy recommendations were supported by ongoing citywide planning initiatives.
  - If the UVP's parking recommendations had been a standalone deviation from San Jose's parking guidelines, they would have been more difficult to adopt.
  - The City of Berkeley should consider how the introduction of mass transit service to the Waterfront interacts with the city's recent and ongoing land use and TDM planning processes, including the city's VMT criteria and thresholds.[4]
- Publicly owned land can provide important opportunities for setting the tone for new development.
  - The UVP was developed for land owned by VTA, which enabled more restrictive criteria for developments than if the land had been privately owned.
  - The City of Berkeley can capitalize on its public property at the Waterfront to ensure that any new development or transportation investments meet rigorous standards for sustainability and equity goals.

[3] Since 1965, the City of San Jose's municipal zone code required new develops to build a minimum number of parking spaces based on size and land use type. With its 2022 parking reform, San Jose became the largest US city to eliminate parking minimums.
[4] City of Berkeley, *VMT Criteria and Thresholds*. 2020.

4.3 EMERY GO-ROUND

- **Interview date**: August 21st, 2024
- **Participants**:
    - Daniel Olver, Executive Director, AlTrans
    - Wendy Silvani, Principal, Silvani Transportation Consulting

The City of Emeryville has been running free public shuttle service since the 1990s to connect the city to MacArthur BART Station in Oakland. At first the service was funded by a few major employers, but eventually transitioned to a property-based improvement district (PBID) funding model, where all Emeryville residents contribute based on their property tax assessments. Today, 80% of Emery Go-Round's funding comes from the PBID, 11% from the City's budget, and the rest from state and federal grants.

Emery Go-Round consists of two routes that provide local service across Emeryville and provide more bus to rail transfers at MacArthur BART than AC Transit does. However, Emery Go-Round ridership is still recovering from the pandemic, when it lost 90% of its ridership in one year. As of May 2024, Emery Go-Round had recovered to just 40% of its 2019 weekday ridership, but was up to 80% of its weekend ridership.

Key takeaways for the Berkeley Waterfront include:

- Successful shuttle services tend to rely on robust private sector financing from major employers or commercial destinations. However, once established, funding for shuttles can be transitioned into public control using mechanisms like PBIDs.
    - Shuttle service to the Berkeley Waterfront would likely need to be subsidized by major private sector institutions in either Berkeley and/or in San Francisco. The current commercial activity at the Waterfront is not likely able to support a shuttle service on its own.
- Shuttle services tend to rely primarily on commute trips, which can be carefully coordinated around timetables at rail stations or ferry terminals, but are easily disrupted by changes to employment markets and commute travel patterns.

5.0 Staff Working Group Sessions

Kittelson met with the City and Waterfront staff on May 23, 2024, to discuss the vehicle parking issues and challenges at the Waterfront. Some of the key themes from this discussion are listed below:

Parking Management

- High tides and holidays affect parking lot usage as high tides attract regular sailors and holidays attract a surge of recreational users. Nature Center and Adventure Playground are closed on City holidays.
- Waterfront Monitors play a key role in managing parking and vehicle circulation during peak times.
- Slipholder lots (e.g., M) require overnight permits, but illegal parking is common during peak times.
- There is a need for wayfinding signage to help users access the lots that are underused. The University Roundabout was identified as a potential site for decision-making and parking.
- There is a need for designated passenger drop-off and pick-up and loading and unloading zones.
- Challenges with managing large groups and bus parking on weekends. Tour buses sometimes park without a permit at the Marina Boulevard lot.

Major Destinations

- Seawall Drive View, Restaurants (Hana Japan and Skates on the Bay), Cal Sailing Club and Cesar Chavez Park are major destinations.
- Adventure Playground is popular for birthday parties and there is a need for nearby parking and loading zones to accommodate pick-ups and drop-offs.
- Cal Sailing Open House introduces many new visitors, in particular UC Berkeley students, to the Berkeley Waterfront and generates a lot of visitors (many hundreds) on event days, which occur about 10 times per year.
- Roaming Bean Coffee primarily serves existing users.
- Fishing pier used to attract large number of visitors before it closed down.

Other Modes of Transportation

- There is a need for more bike parking spaces and enhanced wayfinding signage throughout the Waterfront and especially near recreational activities.
- Inner Harbor Walkway and other areas are used for biking.
- AC Transit Bus Route 51B is popular among the UC Berkeley Students and provides students and other visitors without cars a transportation option to the Waterfront.

Upcoming projects

- Projects include South Cove West Parking Lot, Cesar Chavez Perimeter Path and restroom, restrooms upgrades, replacing D&E dock and Harbor Entrance dredging.
- Identifying a new leaseholder for the former HS Lordship building at 199 Seawall Drive is a high priority.

Potential Solutions Brainstorm

- Charging for parking should be considered though it may not be a popular option for Waterfront visitors or businesses.

- Valet parking should only be considered if it is self-sustaining and does not require ongoing funding.
- Gated parking should be self-regulated, and the exit must be secured.
- Consider shuttle to offsite parking, e.g., at Golden Gate fields and other major destinations (Amtrak and Fourth Street).

Other Considerations

- Car break-ins have been an ongoing issue - the police department's presence has reduced criminal activity at the Waterfront.
- Camera surveillance and lift gates would enhance security.
- Integrate public art and placemaking along Seawall Drive promenade.
- Non-residents contribute significantly to the Waterfront revenue.
- Dry storage at D&E Lot generates revenue, however, there may be other uses that provide greater benefit.
- Install additional electric vehicle charging stalls.

6.0 Review of Parking Counts

The parking demand at the Waterfront is inherently variable and influenced by a range of environmental, seasonal, and human factors. For instance, on sunny days, the area is likely to experience a surge in visitors, including beachgoers, sailors, and recreational users, all of whom contribute to increased parking demand. Conversely, cloudy or rainy days can lead to a significant drop in visitors, reducing the need for parking.

Additionally, peak recreational use is closely linked to natural conditions such as tides, winds, and surfing seasons. For surfers, optimal conditions may not always align with predictable weather patterns or typical peak hours, leading to fluctuating demand that can be difficult to anticipate. Similarly, other water-based activities, like boating or fishing, can see spikes in participation based on favorable weather and tide conditions.

Given these dynamics, conducting a comprehensive parking study that accurately accounts for all these variables is challenging. Normal parking evaluation methodology relies on typical conditions and average usage rates, and will likely not completely capture the complexities introduced by fluctuating weather and seasonal recreational patterns. While this document can provide a baseline understanding, it has its limitation to predict demand with precision due to the highly variable nature of Waterfront use driven by weather and natural conditions.

Kittelson reviewed parking counts from two data sources — Historical Count Data from May 2021 to February 2024 and All-Day Counts collected for five days in 2024.

Historical Count Data: The City of Berkeley Waterfront Monitors have been consistently collecting daily parking counts at the Waterfront since May 2021. The data is collected by counting the number of occupied spaces at each lot at 10 am and 8 pm, with the results recorded on a paper survey form that is later entered into a spreadsheet maintained by Waterfront staff. The data collection methods have been refined over time to better support parking management objectives. Kittelson reviewed data from 2021 to

2024. During data processing, some lots had to be merged for various reasons, such as a lack of physical boundaries between them or combined data reporting for adjacent lots. The lots that were merged are:

- F&G and H&I Lots
- South Cove East and South Cove West Lots

Limitations: The data may not reflect peak utilization which could occur outside of the hours of 10 am and 8 pm. In Spring, 2024, staff began collecting data at additional time points (2 pm and 4 pm), which was not used for this study due to the comparatively limited number of data points,

All-Day Count Data: Kittelson in partnership with Quality Counts (QC) collected hourly parking counts between 5:30 am and 9:30 pm on Saturday, and 8 am to 10 pm on Thursdays on the following dates:

- Saturday, April 6
- Thursday, April 11
- Thursday, August 1
- Thursday, August 22
- Saturday, August 24

The counts were collected using go-pro dash cams while slowly driving through all parking lots once per hour during the count period. Post-processing involves reviewing the GoPro footage and recording each vehicle parked. QC recorded the partial license plate, make, model, and color to demarcate specific individual vehicles and the time a vehicle remained in parking stall.

Limitations: The data was collected on typical Thursdays and Saturdays with pleasant weather, chosen to reflect peak Waterfront activity while avoiding any events that might skew the results.

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 Parking Intercept surveys is presented in the next section.

The following section summarizes key findings from the data analysis.

6.1 PARKING INVENTORY

Based on a field survey conducted in 2024 and validated by City staff, there are 1,566 public free vehicle parking spaces throughout the Waterfront. The survey was necessary due to the presence of unstriped parking lots, making it challenging to accurately determine the number of spaces. **Table 2** presents the parking inventory (number of vehicle spaces) by lot. The inventory does not include the paid parking spaces available at the Boat Launch or Double Tree Hotel. A summary of the parking counts by location is provided in **Appendix A**.

Table 2: Parking Inventory

Lot Location	Number of Spaces	Type	Surface Type
North Facilities			
Marina Blvd	150	Unstriped	Unpaved
Spinnaker Way	127	Striped	Paved
Spinnaker Way Lot	36	Striped	Paved
D & E Lot	129	Striped	Paved
F & G Lot	63	Unstriped	Paved
H & I Lot	52	Striped	Paved
Central Facilities			
J & K Lot	92	Striped	Paved
L Lot	14	Striped	Paved
M Lot	77	Striped	Paved
South Cove East Lot	96	Striped	Paved
South Cove West Lot	86	Unstriped	Unpaved
University Avenue	25	Unstriped	Paved
South Facilities			
Skates/N Lot	137	Striped	Paved
O Lot	72	Striped	Paved
Seawall Drive North	6	Unstriped	Paved
Seawall Drive South	84	Partially Striped	Paved
Seawall Lot	320	Striped	Paved
Total Public Parking Spaces	**1,566**		

Source: Kittelson & Associates, Inc.

6.1.1 Bicycle Parking Inventory

There are 149 short-term bicycle parking spaces located in racks across the site and 10 BikeLink lockers for secure bike storage located near the Bait Shop and Hana Japan. As shown in **Figure 5,** most of the bike parking is located near the major destinations near central and south vehicle parking facilities.

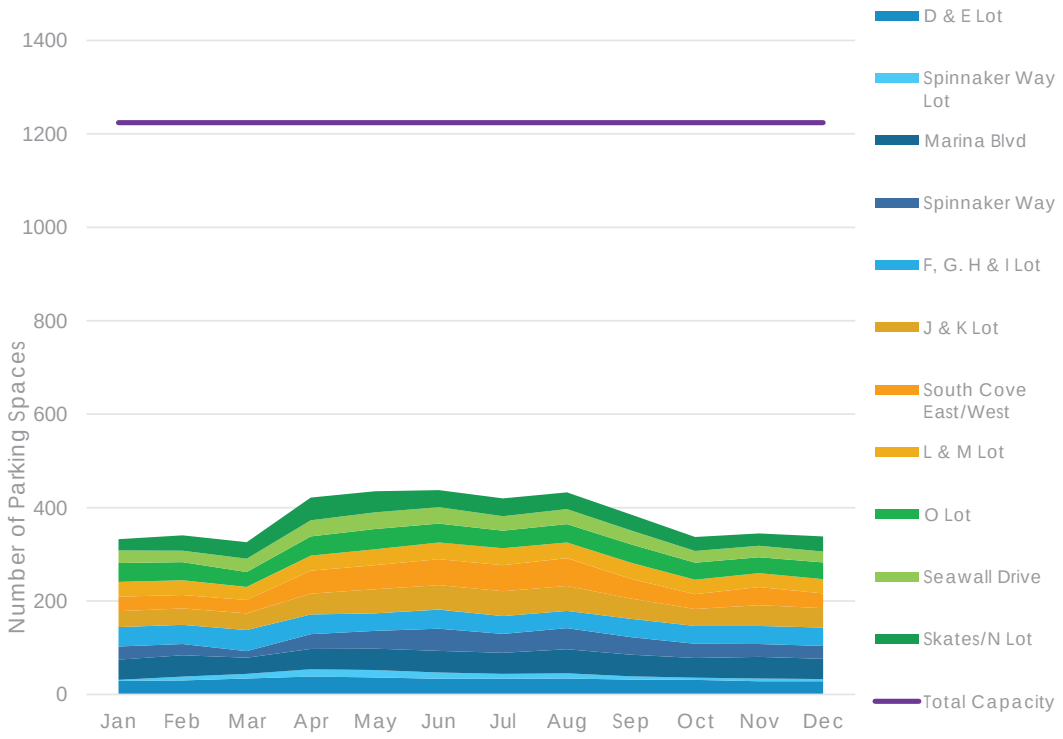

Cesar Chavez Park
North Facilities
Spinnaker Way
10
Spinnaker Way Lot
Breakwater Dr
D&E Lot
10
DoubleTree By Hilton
Marina Blvd
Marina Blvd
McLaughlin Eastshore State Park
F&G Lot
30
Berkeley Yacht Club
14
H&I Lot
University Ave
O Lot
Seawall Dr
10
18
11
J/K Lot
Skates/ N Lot
10
L Lot
M Lot
6
South Cove West Lot
South Cove East Lot
Skates On The Bay
10
Adventure Playground
Cal Sailing Club
6
Proposed Ferry Terminal
Shorebird Park
Central Facilities
Seawall Dr
Seawall Drive
Shorebird Lot
Seawall Drive Lot
South Facilities
LEGEND
Source: Quality Counts, 2024, Source: City of Berkeley, MTC
KITTELSON & ASSOCIATES

6.2 HISTORICAL COUNT DATA

6.2.1 Parking Utilization by Month

Figure 6 shows the average monthly parking utilization at the Waterfront. The highest utilization occurs during the late spring and summer seasons, with the peak occurring in June, where 36% (440) of the total public parking spaces were occupied. Overall, the total occupancy rate fluctuates between 26% (318) and 36% (440) over the two time periods of data collection.

Figure 6: Parking Utilization by Month (2021-2024)



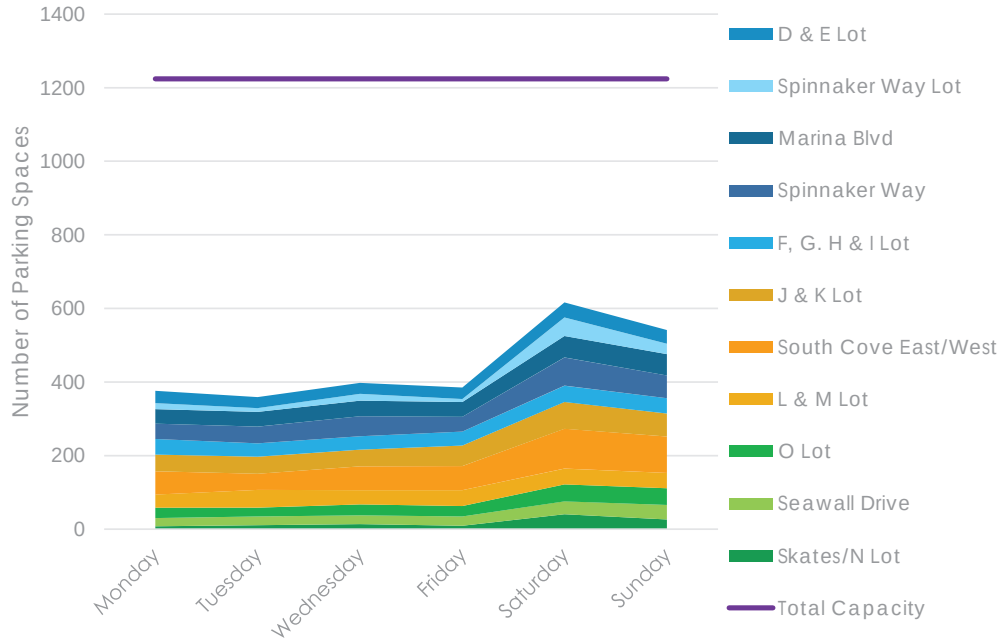
Source: Daily Parking Counts by Waterfront Staff 2021-2024, Data Compiled by Kittelson & Associates, Inc. 2024

Note: Data does not include Seawall Drive Lot and University Avenue (320 + 25 parking spaces) in counts or capacity.

6.2.2 Parking Utilization by Day

Figure 7 depicts daily parking utilization by day at the Waterfront for the peak month of June. Utilization peaks on weekends, with Saturday experiencing up to 50% occupancy across the entire waterfront. Significant increases in weekend usage are observed in the Launch Ramp-Public, J&K Lot, South Cove East and West, O Lot, and Skates/N Lot, likely due to the increase in the number of water-based recreational and restaurant visitors.

Figure 7: Parking Utilization by Day (June)



Source: Parking Counts by Waterfront Staff, Data Compiled by Kittelson & Associates, Inc. 2024

Note: Data does not include Seawall Drive Lot and University Avenue (320 + 25 parking spaces) in counts or capacity.

6.3.3 Parking Availability on Weekdays

Figure 8 shows the average parking occupancy by lots on weekdays. Only J & K Lot is more than 50% occupied during the peak month of June.


Spinnaker Way Lot
D&E Lot
Marina Blvd
DoubleTree By Hilton
North Facilities
F&G Lot
Berkeley Yacht Club
H&I Lot
O Lot
Central Facilities
Hana Japan
J/K Lot
Skates/ N Lot
L Lot
Skates On The Bay
M Lot
South Cove West Lot
South Cove East Lot
South Facilities
Cal Sailing Club
Proposed Ferry Terminal
Seawall Drive
Seawall Drive Lot
LEGEND
B
D
/
10%
10 - 50%
50%
Source: City of Berkeley, MTC
KITTELSON & ASSOCIATES

6.3.4 Parking Availability on Weekends

As seen in **Figure 7**, the parking utilization during weekend is higher than weekdays. **Figure 9** shows the average parking occupancy on weekends during the month of June.

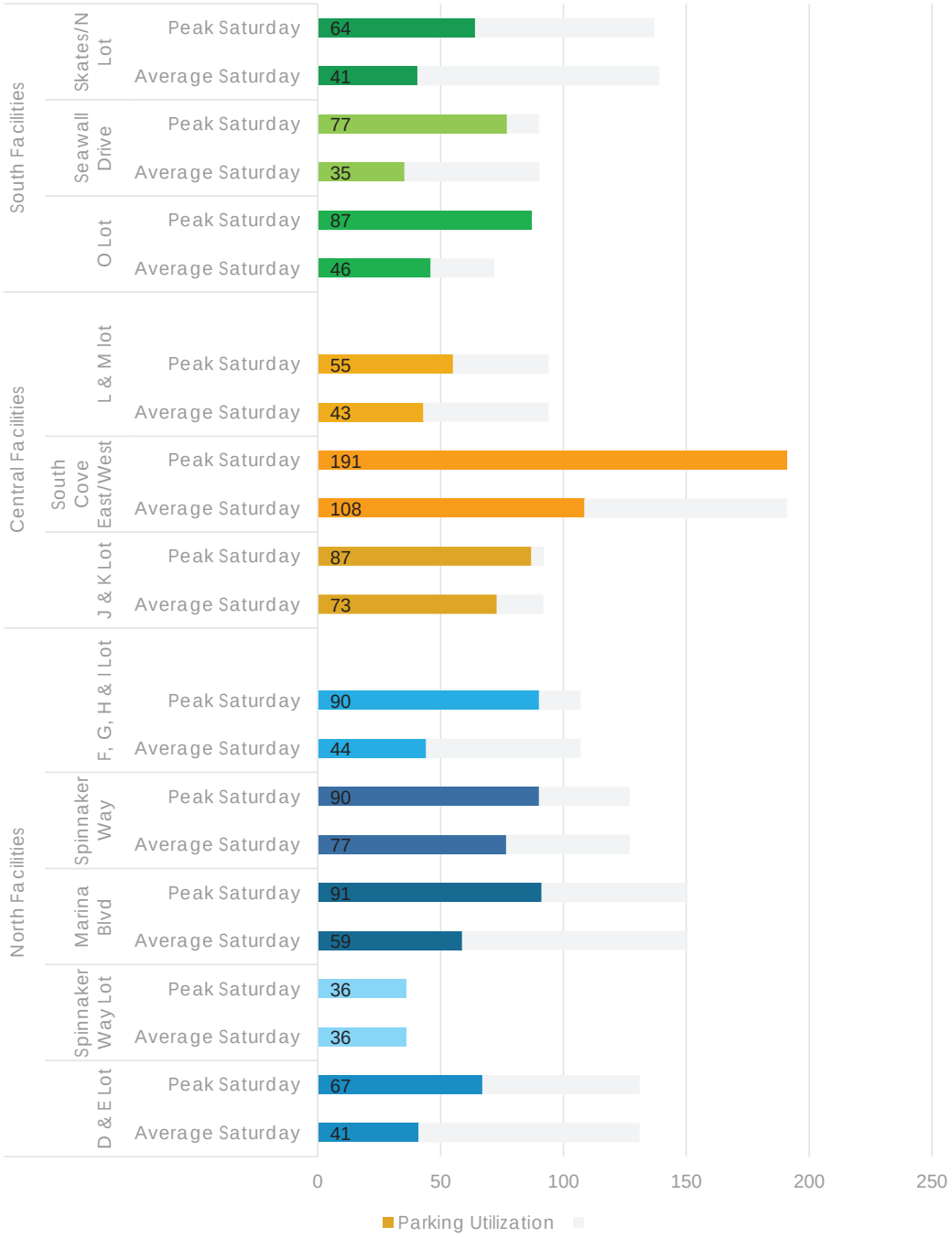
Figure 10 compares parking utilization on an average Saturday with that of the peak Saturday on April 1, 2023. The comparison reveals that certain lots had more than double the occupancy on the peak Saturday compared to an average Saturday. Nevertheless, even on the peak Saturday, overall Waterfront public parking was 75% occupied with 306 spaces remaining. During the peak Saturday, centrally located lots observed 82% occupancy, while South Cove East/West reached full occupancy at 100%.



Source: City of Berkeley, MTC

KITTELSON & ASSOCIATES

Figure 10: Parking Utilization on Weekends (Average Saturday vs Peak Saturday)



Source: Parking Counts by Waterfront Staff, Data Compiled by Kittelson & Associates, Inc. 2024
Note: Data does not include Seawall Drive/ Shorebird Lot.

6.3.5 Parking Utilization at Seawall Drive Lot

The Seawall Drive Lot (also commonly known as the HS Lordship Lot) was analyzed separately as the data collection was conducted on fewer days than other lots due to lot closures for public safety. The Waterfront staff will open the gates to the parking lot only as needed, for example, during peak summer months and during camp drop off times. Based on the available parking counts, the lot was 21% (67 spaces of 318 available) occupied on an average Saturday.

Figure 11: Gates at Seawall Drive Lot



Photo credit: Kittelson

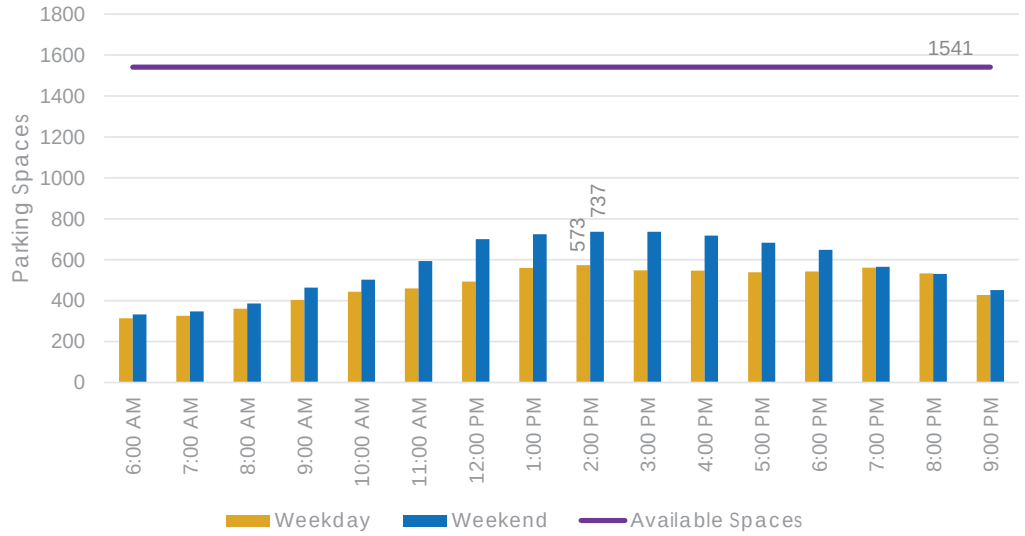
6.4 ALL DAY COUNT DATA

Quality Counts collected hourly parking counts on three weekdays and two weekends as mentioned in the introduction of this section. The hourly counts were collected to understand the parking turnover and duration at each public parking location.

6.4.1 Hourly Parking Demand

Figure 12 displays the number of parking spaces occupied at the Waterfront each day, The parking utilization is higher on weekends compared to weekdays, especially during midday hours (10 am – 2 pm). The peak usage occurred at 2 pm on weekends (48% occupied, 737 spaces) and weekdays (37% occupied, 573 spaces).

Figure 12: Parking Occupancy by Time of Day

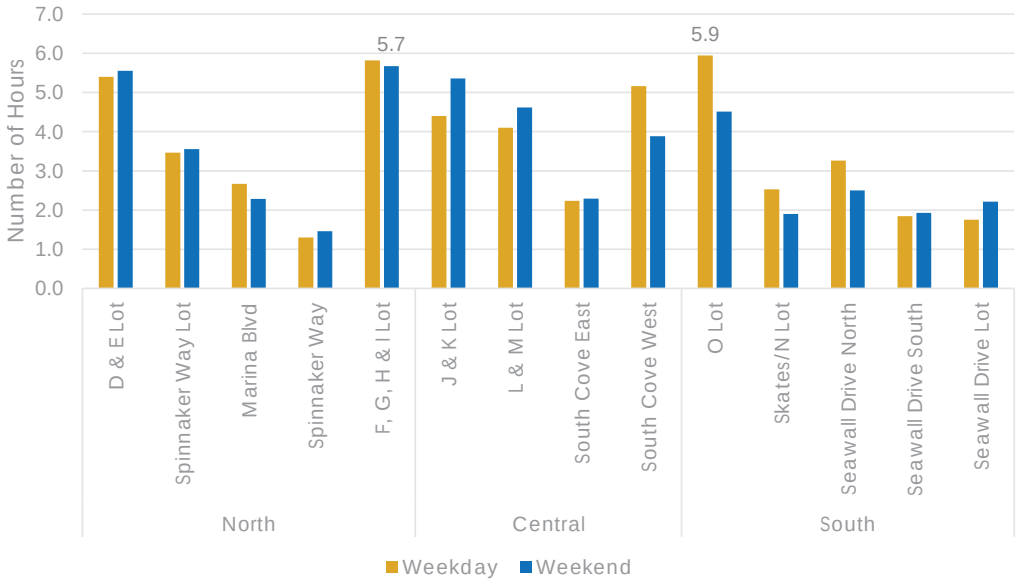


Source: Kittelson & Associates, Inc. 2024

6.4.2 Parking Duration

Parking duration indicates the average time a car remains parked in a space. **Figure 13**, **Figure 14** and **Figure 15** shows the parking duration by lot for both days. On Thursday, the O Lot had the highest average parking duration at approximately 6 hours. Additionally, the D&E Lot, F, G, H & I Lot, J & K Lot and L&M Lot all recorded vehicles being parked for over 4 hours on both days.

Figure 13: Parking Duration by Lot (Weekday vs Weekend)



Source: Kittelson & Associates, Inc. 2024


Cesar Chavez Park
North Facilities
Spinnaker Way
Spinnaker Way Lot
D&E Lot
Breakwater Dr
Marina Blvd
DoubleTree By Hilton
Marina Blvd
McLaughlin Eastshore State Park
F&G Lot
Berkeley Yacht Club
H&I Lot
O Lot
Seawall Dr
University Ave
Hana Japan
J/K Lot
Skates/ N Lot
L Lot
Skates On The Bay
M Lot
University Ave
South Cove West Lot
South Cove East Lot
Adventure Playground
Cal Sailing Club
Proposed Ferry Terminal
Shorebird Park
Central Facilities
Seawall Dr
Seawall Drive
Seawall Drive Lot
South Facilities
LEGEND
B
D
/
Parking Duration (Hours)
0 - 2
3 - 4
5 - 6
Source: City of Berkeley, MTC
KITTELSON & ASSOCIATES



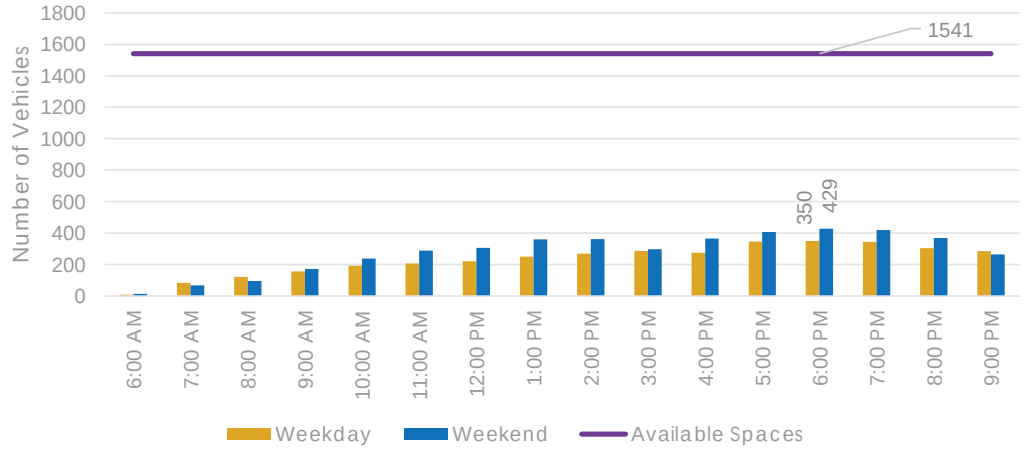
Source: City of Berkeley, MTC

KITTELSON & ASSOCIATES

6.4.3 Parking Turnover

Parking turnover refers to the number of parking spaces that either become occupied or vacated within a given period, reflecting the rate of use of a facility. For example, if two cars leave a parking lot and two new cars park in the same lot, the turnover value for that lot would be 4. **Figure 16** shows the total waterfront public parking turnover by time of day. The turnover is higher on Saturday as compared to Thursday and between 4 pm and 7 pm. On weekends, the highest turnover occurred at 6 pm with 28% (429 turnovers) of the total available spaces.

Figure 16: Parking Turnover by Time of Day



Source: Kittelson & Associates, Inc. 2024

7.0 Intercept Survey

To understand the trip purpose and parking habits of Waterfront visitors, Kittelson, with the help of Waterfront monitors, conducted parking intercept surveys on seven days between April and August 2024. The dates and times of the completed surveys are listed in **Table 3**. The surveys were administered in-person to gather firsthand insights into participants' parking concerns. Respondents were given the option to skip questions if they felt uncomfortable answering them. This section presents summary of the findings from the analysis of 455 responses. The survey questionnaire is included in **Appendix B**.

Table 3: Parking intercept survey dates

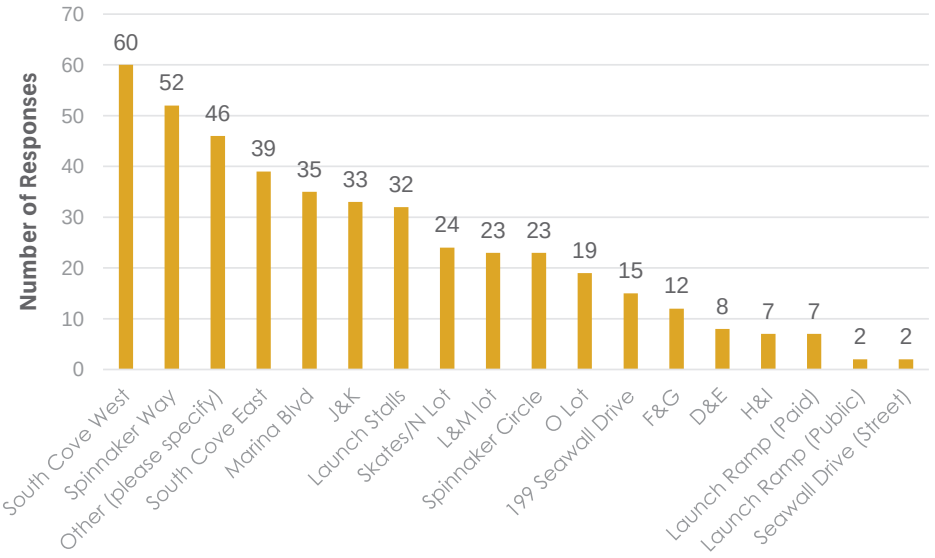
Survey No.	Survey Date	Survey Time
1	Saturday, April 6th	12:00 pm – 4:00 pm
2	Thursday, July 18th	3:30 pm – 7:30 pm
3	Thursday, August 1st	3:30 pm – 7:30 pm
4	Saturday, August 17th	12:00 pm – 4:00 pm
5	Thursday August 22nd	3:30pm – 7:30 pm
6	Saturday, August 22nd	12:00 pm – 4:00 pm
7	Tuesday, August 27th	3:30 pm – 7:30 pm

Source: Kittelson & Associates, Inc. 2024

7.1 SURVEY RESPONSE SUMMARY

Figure 17 shows the number of responses by lot names. The highest number of responses were received from the Northern facilities (41%), followed by Central facilities (35%).

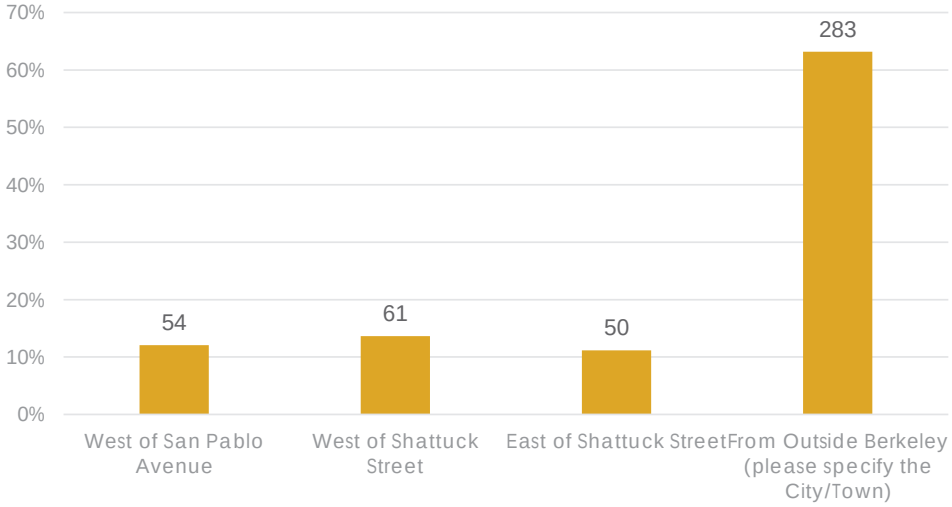
Figure 17: Parking lot location



Number of responses: 437
Source: Kittelson and Associates, Inc. 2024

Figure 18 shows the location of the respondent. Approximately 63% (283) of the respondents came from Outside of Berkeley which included visitors from Oakland, San Francisco, Emeryville and Walnut Creek.

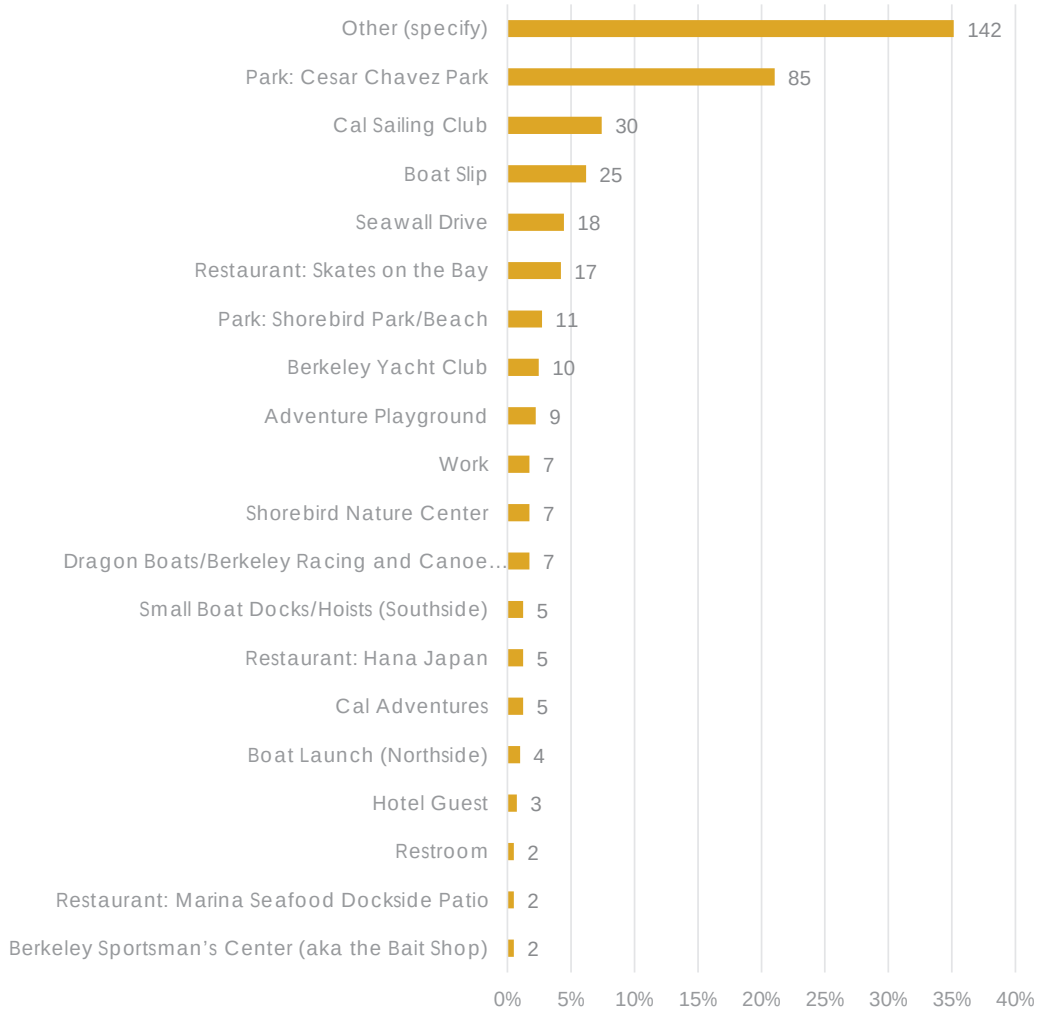
Figure 18: Where do you live?



Number of responses: 448
Source: Kittelson and Associates, Inc. 2024

The parking intercept survey reached a wide range of Berkeley Waterfront visitors, with the most popular visitor destinations including Cesar Chavez Park (21% of respondents), Cal Sailing Club (7%), and boat slips (6%), as shown in **Figure 19**. The rest of responses were scattered across a wide array of destinations, including specific institutions at the Waterfront.

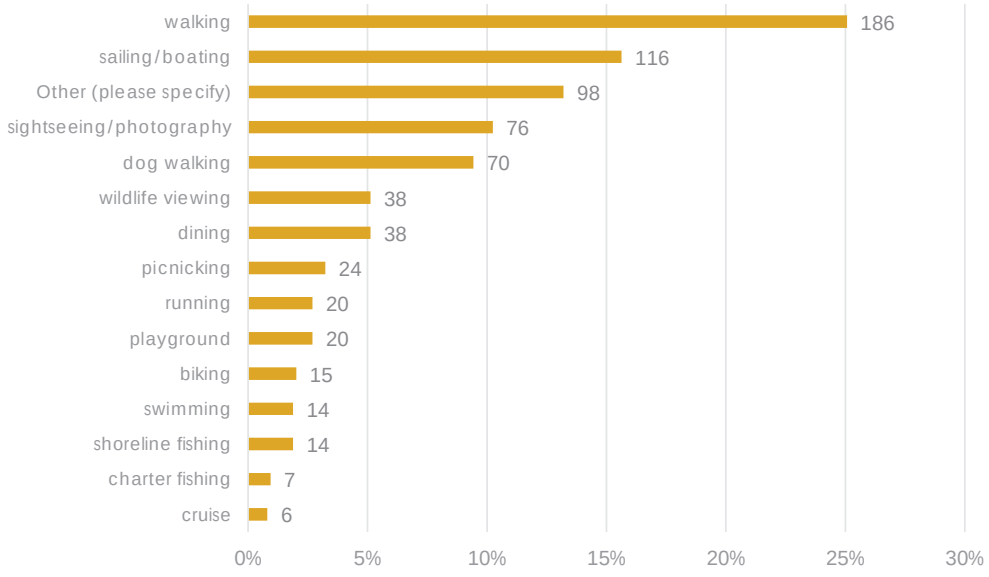
Figure 19: What is the name of the destination that you are visiting today?



Note: *38% of respondents listed a destination not included in the set list of options. Chart only includes destinations listed more than once. "Work" category includes: "deck hand, commercial fishing captain, hotel employee, etc."*
Number of responses: 404
Source: Kittelson and Associates, Inc. 2024

The most common activities were consolidated among outdoor recreation, including walking, sailing/boating, and sightseeing / photography, which together made up around 50% of responses, see **Figure 20**. However, respondents visited the Waterfront for a wide variety of reasons, with almost 100 noting that they made their trip for a reason other than options offered in the survey.

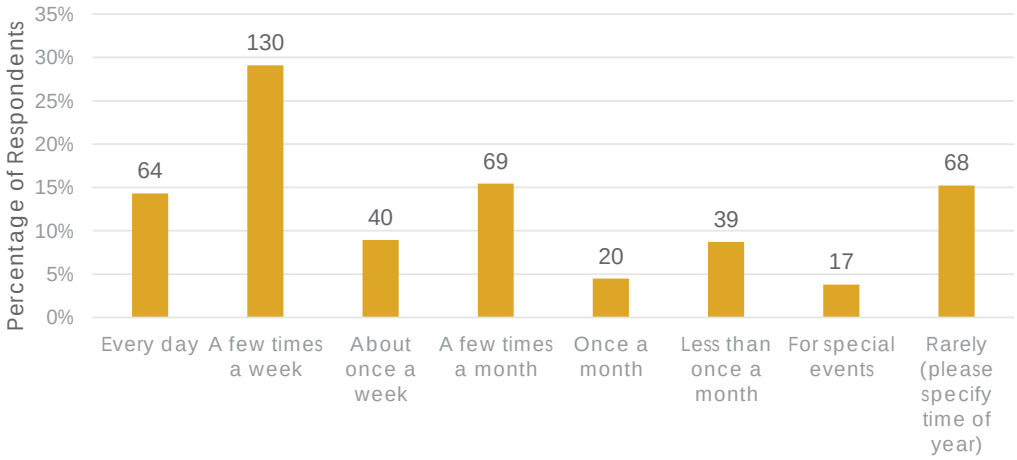
Figure 20: What brings you to the Waterfront?



Number of responses: 742 (Respondents were allowed to select multiple options)
Source: Kittelson and Associates, Inc. 2024

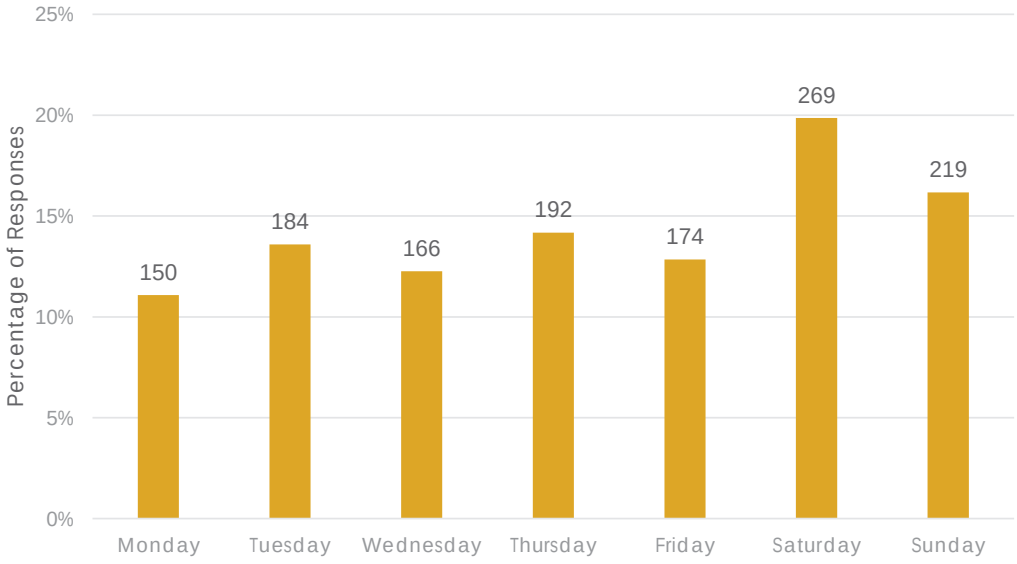
Respondents tended to visit the Waterfront often, with over 50% noting that they visited at least once a week or more (**Figure 21)**, and with Saturday (approximately 20%) being the most visited day by the respondents (**Figure 22**).

Figure 21: How frequently do you visit the Waterfront?



Number of responses: 447
Source: Kittelson and Associates, Inc. 2024

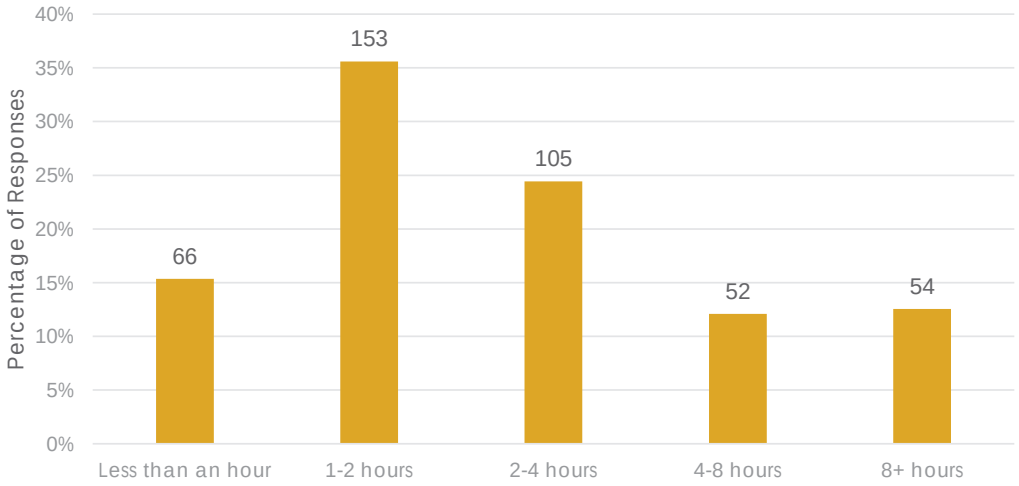
Figure 22: Typical days that you visit the Waterfront? (select all that apply)



Number of responses: 1,354 (Respondents were allowed to select multiple options).
Source: Kittelson and Associates, Inc. 2024

Figure 23 illustrates the duration of time respondents parked for their activities. The largest group (35%) parked for 1-2 hours, with 153 respondents. This is followed by 2-4 hours (24%), reported by 105 respondents.

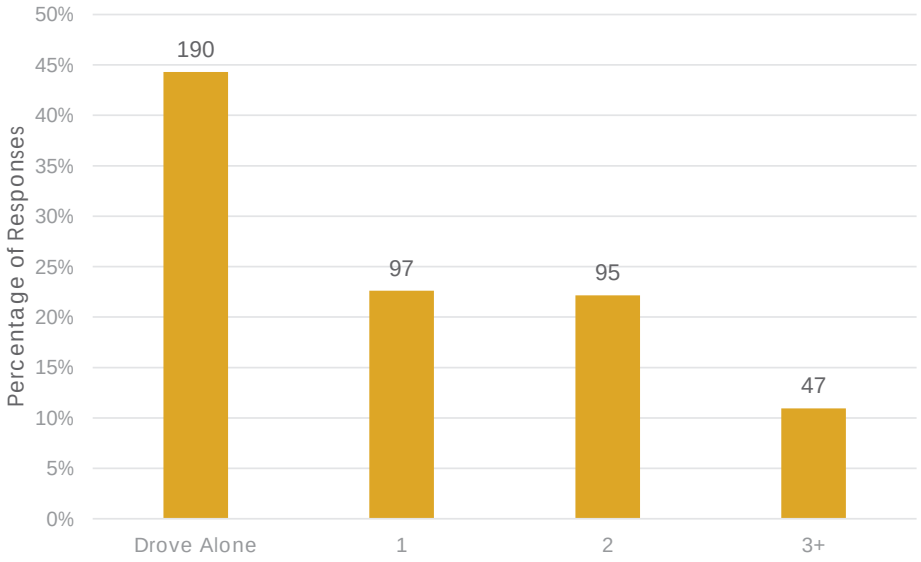
Figure 23: How long did you park for your activity today?



Number of responses: 430
Source: Kittelson and Associates, Inc. 2024

Respondents primarily drove alone to the Waterfront, with 44% stating that they had no other passengers in the vehicle, while 22% stated that they drove with one passenger (**Figure 24**).

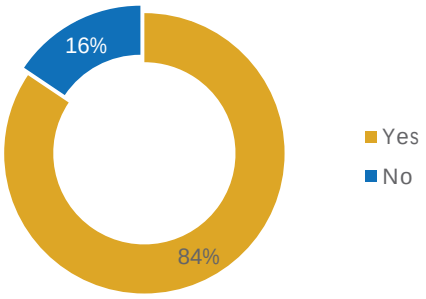
Figure 24: How many passengers other than you were there in your vehicle?



Number of responses: 429
Source: Kittelson and Associates, Inc. 2024

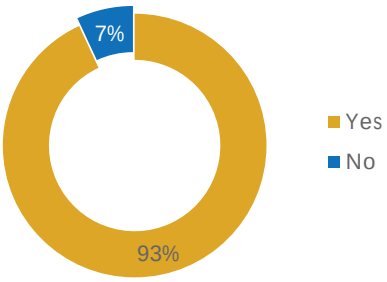
Waterfront visitors indicated that they have predictable and easy parking on their visits. 84% typically park in the same location, 93% said the parking is close to their destination, and 90% mentioned they were able to park quickly near their destination (**Figure 27)**.

Figure 26: Do you normally park at this location?



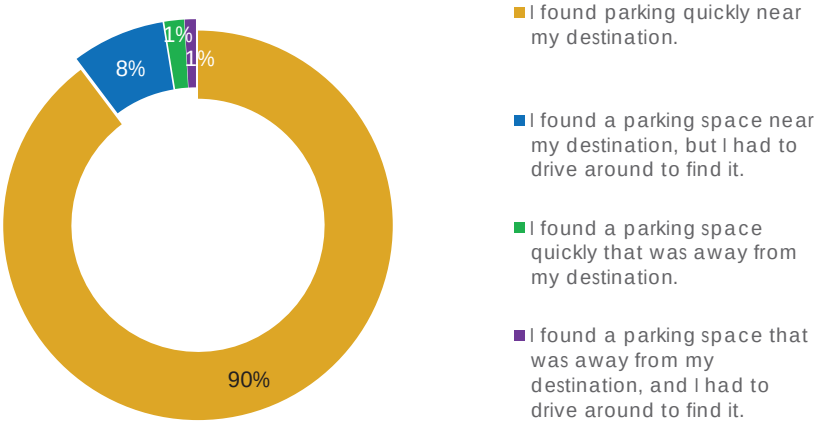
Number of responses: 417
Source: Kittelson and Associates, Inc. 2024

Figure 25: Did you park near your destination?



Number of responses: 419
Source: Kittelson and Associates, Inc. 2024

Figure 27: How was your experience of finding parking today?

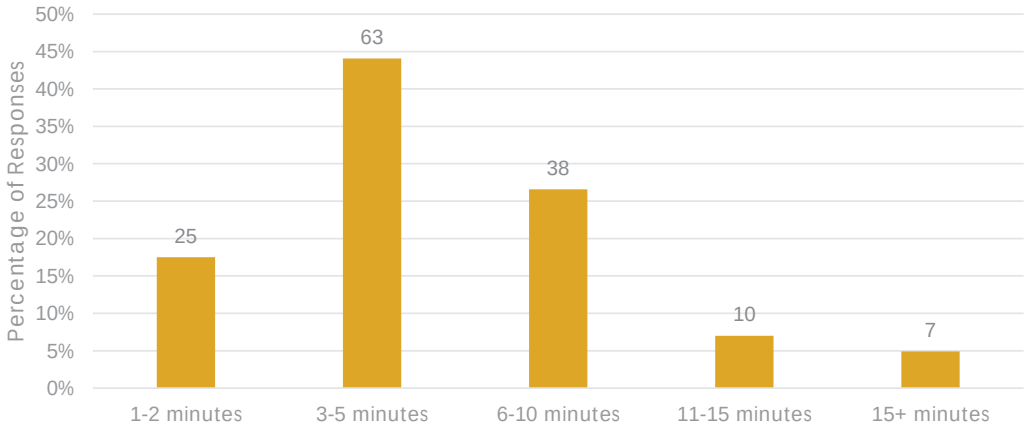


Number of responses: 428

Source: Kittelson and Associates, Inc. 2024

Figure 28 illustrates how far respondents are willing to walk from their parking spot to their destination, based on 143 responses. The majority (44%) are willing to walk 3-5 minutes, followed by 27% who are comfortable with a 6–10-minute walk. The average reported walking time is 7.3 minutes, and the median is 5 minutes.

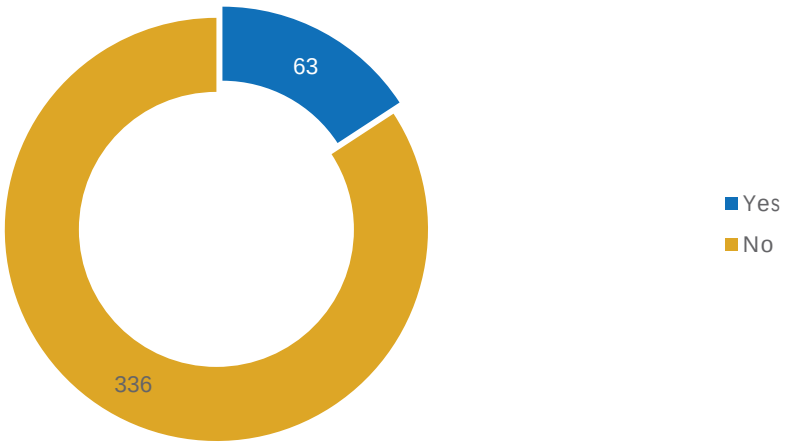
Figure 28: How far are you willing to walk from the parking spot to your destination?



Note: *Mean response = 7.3 minutes, median response = 5 minutes, responses answered in distance were converted to minutes based on an average walking pace of 3mph.*
Number of responses: 143
Source: Kittelson and Associates, Inc. 2024

84% of respondents said that they had never cancelled a trip to the Berkeley Marina out of concern that they would be unable to park (Figure 29).

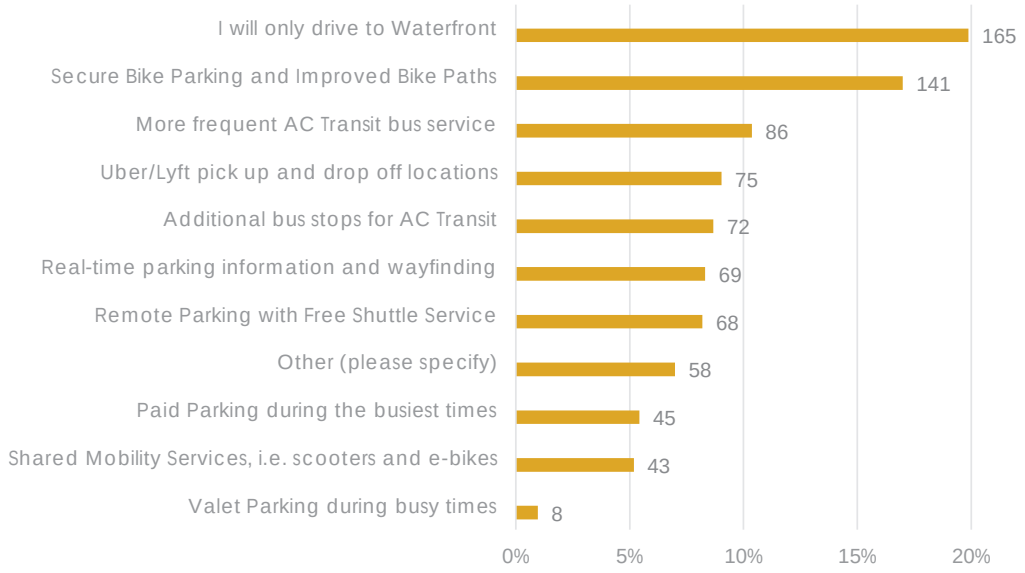
Figure 29: Have you ever cancelled your visit to the Waterfront because you could not park here?



Number of responses: 399
Source: Kittelson and Associates, Inc. 2024

When asked about future methods for accessing the Waterfront, respondents were open to a variety of methods, including secure bike parking and improve bike paths (17%), more frequent AC Transit bus service (10%), and Uber/Lyft pick up and drop off locations (9%). However, a sizeable portion of respondents (20%) indicated that they would only ever drive to the Waterfront (**Figure 30**).

Figure 30: What method would you likely use in the future to reduce cars at the Waterfront? (Select all that apply)



Number of responses: 830, (Respondents were allowed to select multiple options)
Source: Kittelson and Associates, Inc. 2024

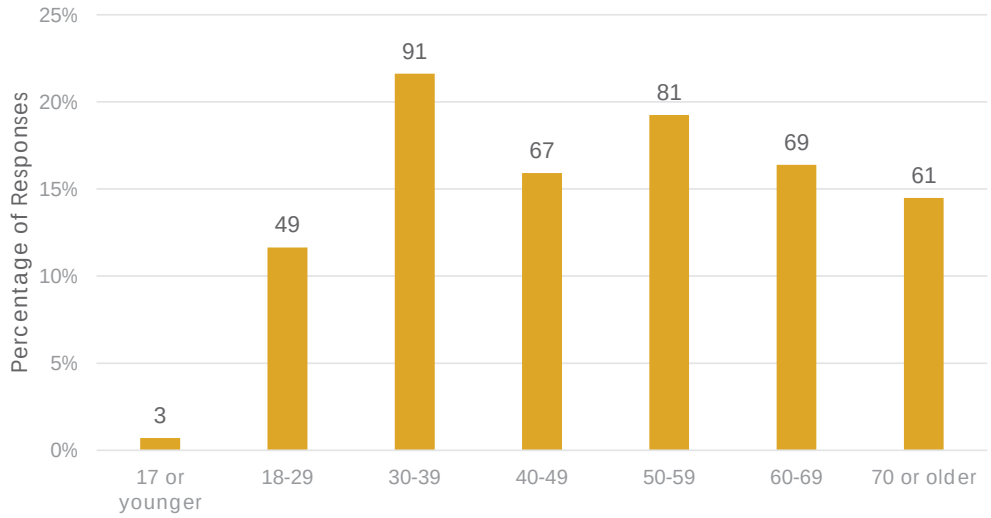
Along with the quantifiable responses to the parking intercept survey questions, respondents provided a plethora of written feedback and engaged in extensive conversation with surveyors about the Waterfront, the Pier Ferry Project, and their own travel patterns. Common responses include, "older people want to be able to drive, parking is usually plentiful," indicating a trepidation over future limitations on accessibility. Many responses also called out the needs of specific waterfront hobbyists who feel they will be impacted by a ferry: "Please keep waterfront available and FREE to the Berkeley Community and open for boating and sailing people." However, survey takers generally held the Berkeley Waterfront in high regard as a place where they could recreate peacefully and escape the bustle of their everyday lives, even if this often manifested in hostile attitudes towards the prospect of the Waterfront changing in any way. Many handwritten comments include frustration with the Pier Ferry Project and antagonism towards paid parking at the Waterfront, but very few cite parking occupancy as a problem. This dynamic is put simply but when respondent: "Parking isn't hard. Paid parking would be a deterrent."

Based on the other results of the parking intercept survey, it appears that high parking occupancy is rarely, if ever a barrier for visitor access to the Waterfront. It seems that the existing parking facilities at the Waterfront are able to accommodate the Marina's current recreational uses, and with tailored TDM strategies, could be minimally impacted by the introduction of ferry service to the Waterfront.

7.1.1 Demographics

Kittelson staff and Waterfront monitors were able to successfully reach a diverse set of respondents with the parking intercept survey. Each age bracket of driving age was represented by between 12% and 22% of respondents (**Figure 31**).

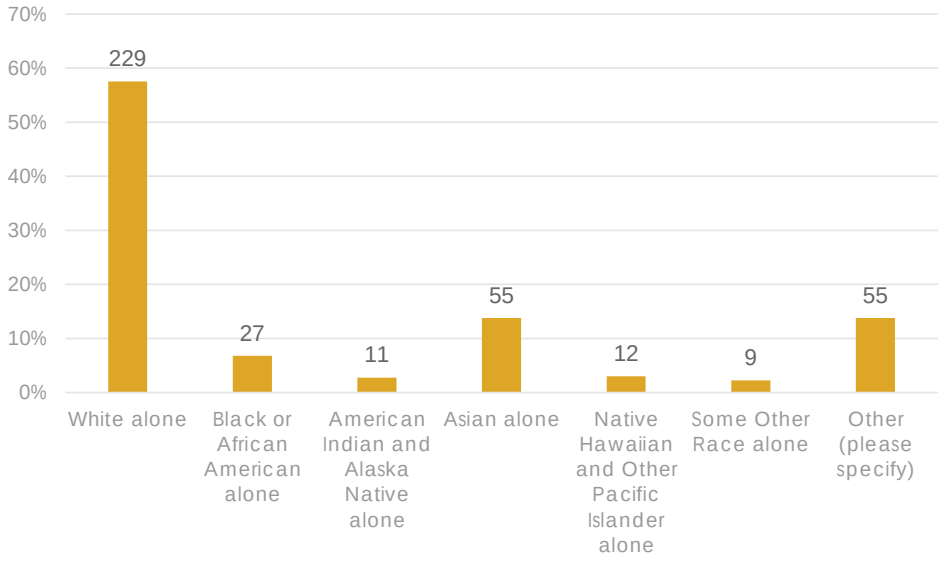
Figure 31: Which category below includes your age?



Number of responses: 421
Source: Kittelson and Associates, Inc. 2024

Figure 32 and **Table 4** show how, though respondents predominantly identified as White alone (58%), the general makeup of respondents roughly reflects that of the City of Berkeley. This is an important reference point, however visitation to the Waterfront does not necessarily reflect the demographics of the rest of the City. As shown in **Figure 18**, 63% of survey respondents noted that they lived outside of the City of Berkeley. Approximately 84% of respondents identified as non-Hispanic or non-Latino (**Figure 33**).

Figure 32: How do you identify your race/ethnicity?



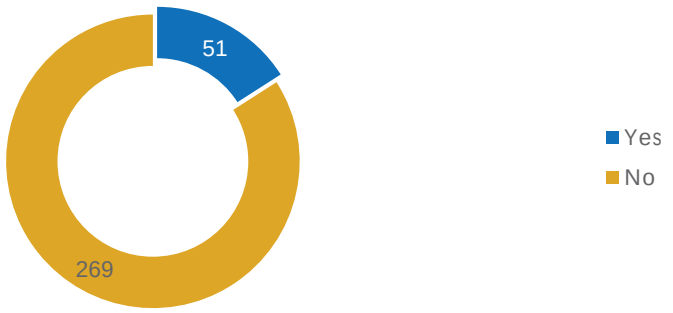
Number of responses: 398
Source: Kittelson and Associates, Inc. 2024

Table 4 Race and ethnicity of survey respondents, compared with City of Berkeley

Race / Ethnicity	Survey Responses	City of Berkeley
White alone	57.5%	55.5%
Black or African American alone	6.8%	7.8%
American Indian and Alaska Native alone	2.8%	0.7%
Asian alone	13.8%	20.8%
Native Hawaiian and Other Pacific Islander alone	3.0%	0.2%
Other (please specify)	16.08%	9.8%
Hispanic or Latino	15.9%	12.1%

Source: Kittelson and Associates, Inc. 2024, 2023 ACS 5-Year Estimates

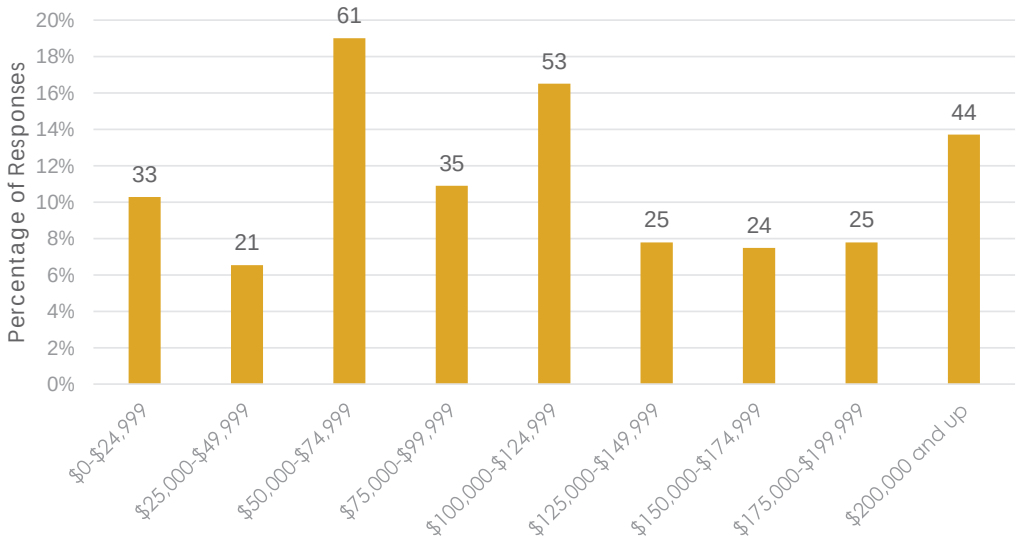
Figure 33: Are you of Hispanic or Latino origin or descent?



Number of responses: 320
Source: Kittelson and Associates, Inc. 2024

Figure 34 illustrates the average household income of the respondent. The largest group indicated that their household earned between $50,000 and $75,000, while the next two highest brackets were $100,000 - $125,000 and $200,000+. These figures compare to a Berkeley median household income of around $95,000 in 2023.[5]

Figure 34: What is your approximate average household income?



Number of responses: 321
Source: Kittelson and Associates, Inc. 2024

[5] 2023 ACS 5-Year Estimate

Appendix A : Waterfront Parking Counts and Rules

Berkeley Waterfront
Existing Parking Count & Rules | August 2024

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.

Created August 12, 2024



Appendix B : Survey Questionnaire

General Questions

1. Date and Time of Parking

☐ Date: _____

☐ Time: _____ ☐ am ☐ pm

2. Parking Lot Location

_____

_____

3. Where do you live? (see map)

☐ West of San Pablo Avenue

☐ West of Shattuck Street

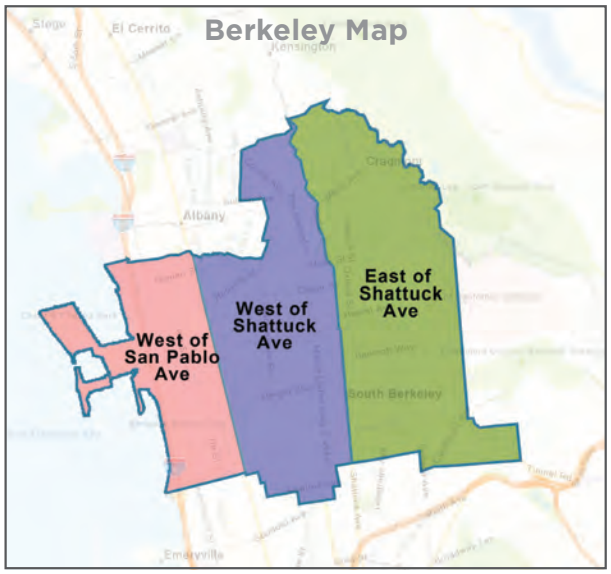
☐ East of Shattuck Street

☐ From Outside Berkeley
(please specify the City/Town)

_____

_____

_____



Destination and Duration

4. What is the name of the destination that you are visiting today?

_____

_____

_____

_____

_____

5. What brings you to the Waterfront? (Select all that apply)

☐ sailing/boating
☐ sightseeing/photography
☐ dog walking
☐ shoreline fishing
☐ picnicking
☐ biking
☐ wildlife viewing
☐ cruise
☐ swimming
☐ dining
☐ charter fishing
☐ running
☐ playground
☐ walking

Other (please specify)

_____

_____

_____

6. How frequently do you visit the Waterfront?

☐ Every day
☐ A few times a week
☐ A few times a month
☐ Less than once a month
☐ About once a week
☐ Once a month
☐ For special events
☐ Rarely (please specify time of year)

_____

_____

_____

7. Typical days that you visit the Waterfront? (Select all that apply).

☐ Monday ☐ Tuesday ☐ Wednesday
☐ Thursday ☐ Friday ☐ Saturday ☐ Sunday

8. How long did you park for your activity today?

☐ Less than an hour
☐ 1-2 hours
☐ 2-4 hours
☐ 4-8 hours
☐ 8+ hours

9. How many passengers other than you were there in your vehicle?

☐ Drove Alone ☐ 1 ☐ 2 ☐ 3+

10. Do you normally park at this location?

☐ Yes ☐ No

11. Did you park near your destination?

☐ Yes ☐ No

Parking Experience and Recommended Strategies

12. How was your experience of finding parking today?

- ☐ I found parking quickly near my destination.
- ☐ I found a parking space near my destination, but I had to drive around to find it.
- ☐ I found a parking space quickly that was away from my destination.
- ☐ found a parking space that was away from my destination, and I had to drive around to find it.

13. How far are you willing to walk from the parking spot to your destination?

14. Have you ever cancelled your visit to the Waterfront because you could not park here?

☐ Yes ☐ No

15. What method would you likely use in the future to reduce cars at the Waterfront? (Select all that apply)

- ☐ Secure Bike Parking and Improved Bike Paths
- ☐ Uber/Lyft pick up and drop off locations
- ☐ Additional bus stops for AC Transit
- ☐ More frequent AC Transit bus service
- ☐ Real-time parking information and wayfinding
- ☐ Remote Parking with Free Shuttle Service
- ☐ Shared Mobility Services, i.e. scooters and e-bikes
- ☐ Paid Parking during the busiest times
- ☐ Valet Parking during busy times
- ☐ I will only drive to Waterfront
- ☐ Other (please specify)

16. Share additional thoughts related to access, parking, and circulation in the Waterfront.

Demographic Information

17. Which category below includes your age?

- ☐ 17 or younger
- ☐ 18-29
- ☐ 30-39
- ☐ 40-49
- ☐ 50-59
- ☐ 60-69
- ☐ 70 or older

18. How do you identify your race/ethnicity?

- ☐ White alone
- ☐ Black or African American alone
- ☐ American Indian and Alaska Native alone
- ☐ Asian alone
- ☐ Native Hawaiian and Other Pacific Islander alone Some Other Race alone
- ☐ Other (please specify)

19. Are you of Hispanic or Latino origin or descent?

☐ Yes ☐ No

20. What is your approximate average household income?

- ☐ $0-$24,999
- ☐ $25,000-$49,999
- ☐ $50,000-$74,999
- ☐ $75,000-$99,999
- ☐ $100,000-$124,999
- ☐ $125,000-$149,999
- ☐ $150,000-$174,999
- ☐ $175,000-$199,999
- ☐ $200,000 and up



Appendix B

TDM Vehicle Trip And Parking Reduction Methodology

KITTELSON & ASSOCIATES
155 Grand Avenue, Suite 505
Oakland, CA 94612
P 510.839.1742

TDM Vehicle Trip and Parking Reduction Methodology

January 6, 2025 Project# 19867.006

To: Liza McNulty, Capital Improvement Program Manager
City of Berkeley
2180 Milvia Street, Berkeley, CA 94704

From: Kittelson & Associates, Inc.

CC: Ali Endress and Roger Miller; City of Berkeley

RE: Berkeley Waterfront – TDM Vehicle Trip and Parking Reduction Methodology - DRAFT

The following are the assumptions and calculations that inform the theoretical parking demand reduction. Three of the strategies were estimated using information gathered from peer case studies and from research papers on transportation demand management. The other strategies were estimated using formulas from the CAPCOA Handbook Chapter 3, Measures to Reduce GHG Emissions: Transportation.[1] This memo includes the CAPCOA formulas used, as well as the specific value inputs gathered from the CAPCOA handbook, from ACS 5-Year Estimates for the City of Berkeley, and from project mode share assumptions.

Shuttle service to the Waterfront and satellite parking facilities

- **Ferry parking demand reduction estimate:** 25-100 spaces

These estimates are based on case study interviews with the City of Alameda and Emery Go-Round (included in Attachment A).

- Limited circulator shuttle service around the Berkeley Waterfront would allow ferry riders to leave their vehicles at low-occupancy lots around the Waterfront (including golden gate fields parking lot) or nearby in the City of Berkeley and take a van or bus shuttle trip to the ferry.
- Low estimates account for a shuttle service run by a 12-seater van, which could run a minimum of two timed services to connect ferry riders to daily ferry departures and arrivals during year one operations.
- High estimates for vehicle trip reduction account for shuttle service to trip origins outside of the Waterfront, including to Downtown Berkeley and / or to satellite parking facilities.
- High estimates for vehicle trip reduction account for the use of 25 foot or equivalent buses to offer increased shuttle capacity.

[1] https://www.caleemod.com/handbook/chapter_3_1transportation.html

- Parking demand reduction could be on the higher end of the provided range if implemented alongside paid parking at the ferry parking lot. Shuttle service would give commuters the option to park for free if paid parking were implemented.

Paid parking program

- **Ferry parking demand reduction estimate:** 42 spaces

This estimate uses CAPCOA strategy T-12: Price workplace parking.

- Results in a 10% reduction in vehicle trips, or demand for 42 fewer parking spaces.
- CAPCOA formula: $\% \ GHG \ Reduction = \frac{B-C}{C} \ x \ E \ x \ D \ x \ F$ where:
  - $\frac{B-C}{C}$ = Rate of change in parking price = .25 (CAPCOA default for introduction of paid parking)
  - E = Elasticity of parking demand with respect to parking price = -.4 (CAPCOA)
  - D = Share of employees paying for parking = 100% (assumption that all ferry riders would be subject to the paid parking program)
  - F = Ratio of vehicle trip reduction to VMT = 1 (CAPCOA)
  - Results in projected 10% reduction in vehicle trips, or demand for 42 fewer parking spaces.

Valet parking

- **Ferry parking demand reduction estimate:** 50-100 spaces

This estimate is based on research on the efficiency of valet parking systems and the relative weekday occupancy of parking lots near the proposed ferry parking facility.

- Research shows that valet parking is able to achieve parking occupancy rates 25% higher than self-parked lots (Banzhaf, et al. 2017).[2]
- Valet parking options for ferry riders could be established within existing parking facilities in the Marina Boulevard Lot or in the Skates / N Lot. Both lots are within walking distance of ferry service and cater to dining or recreational trips that have minimal overlap with ferry parking.
- There were 98 available spaces in the Skates / N Lot and 109 available spaces in the Marina Blvd lot midday on a weekday during data collected in June 2024. If 40-80 of the available spaces in these lots were assigned for valet parking on peak days for ferry ridership, then they could accommodate 50-100 cars that otherwise would be turned away from the ferry parking lot.

Bicycle and pedestrian access

- **Ferry parking demand reduction estimate:** 2 spaces

This estimate uses CAPCOA strategy T-20: Expand bike network.

[2] Banzhaf, Holger & Nienhüser, Dennis & Knoop, Steffen & Zöllner, J.. (2017). The future of parking: A survey on automated valet parking with an outlook on high density parking. 1827-1834. 10.1109/IVS.2017.7995971.

- Results in a 0.4% reduction in vehicle trips, or demand for two fewer parking spaces. This figure would be as high as 40 fewer parking spaces if the calculation accounted for the ongoing implementation of the entire Berkeley Bike Plan.
- Length of bike network expansion set to .38 miles to represent the proposed addition of the "streetscape connector" cycling facility in Figure 2-27 of the September 2023 draft of the Berkeley Waterfront Specific Plan. The streetscape connector would run from along University Ave from the Berkeley Pier to the point where the Bay Trail runs adjacent to the roadway, just west of the traffic circle.
- CAPCOA formula: $\% \, GHG \, Reduction = -1 \, x \, \frac{\left(\frac{C-B}{B} \, x \, D \, x \, F \, X \, H\right)}{E \, x \, G}$ where:
  - $\frac{C-B}{B}$ = Change in bike network miles = .38 (estimated additional bikeway lane miles after implementation of Waterfront Specific Plan Draft "streetway connector" section on University Ave)
  - D = Bicycle mode share in plan/community = 6.2% (2023 ACS 5-Year Estimate)
  - E = Vehicle mode share in plan/community = 40% (project mode share estimate)
  - F = Average one-way bicycle trip length in plan/community = 2.1 miles (CAPCOA)
  - G = Average one-way bicycle trip length in plan/community = 12.4 miles (CAPCOA)
  - H = Elasticity of bike commuters with respect to bikeway miles per 10,000 population = 0.25 (CAPCOA)

Improved bicycle facilities and secure bike parking

- **Ferry parking demand reduction estimate:** 9 - 42 spaces

This estimate uses CAPCOA strategy T-10: Provide end-of-trip bicycle facilities.

- Results in a 2% reduction in vehicle trips with low bike mode adjustment factor and a 10% reduction with high bike mode adjustment factor, for demand for 9 to 42 fewer parking spaces.
- CAPCOA formula: $\% \, GHG \, Reduction = \frac{C \, x \, (E-(B \, x \, E))}{D \, x \, F}$ where:
  - B = Bike adjustment mode factor (1.78 or 4.86, depending on facilities, CAPCOA)
    - Low bike mode share adjustment factor estimates for if only bike parking were provided.
    - High bike moder share adjustment factor estimates for if amenities including showers, lockers, secure bike parking, and bike repair tools were provided.
    - Year-one implementation could exceed the impacts of the low adjustment factor but is unlikely to reach the high adjustment factor. Trip reduction estimates should be somewhere in between.
  - C = Existing bicycle trip length for all trips in region (2.1 miles, CAPCOA)
  - D = Existing vehicle trip length for all vehicles in the region (12.4 miles, CAPCOA)
  - E = Existing bicycle mode share for work trips in region (6.2%, ACS 5-year estimate for Berkeley)
  - F = Existing vehicle mode share for work trips in region (40%, project mode share estimate)

Shared micromobility expansion

- **Ferry parking demand reduction estimate:** 12 spaces

This estimate uses CAPCOA strategy T-22-B: Implement electric bike share program.

- Results in a 3% reduction in vehicle trips, or demand for 12 fewer parking spaces.
- CAPCOA formula: $\% \ GHG \ Reduction = -1 \ x \ \frac{(C-B) \ x \ D \ x \ E \ x \ F}{G \ x \ H}$ where:
  - B = Percent of residents in community with access to system without measure = 0% (introduction of new service area)
  - C = Percent of residents in community with access to system with measure = 60% (Access to Baywheels across Berkeley)
  - D = Daily electric bike share trips per person = .021 (CAPCOA)
  - E = Vehicle to electric bikeshare substitution rate = 35% (CAPCOA)
  - F = Electric bikeshare one-way trip length = 2.1 miles (CAPCOA)
  - G = Daily vehicle trips per person = 2.7 (CAPCOA)
  - H = Regional average one way vehicle trip length = 12.4 miles (CAPCOA)
- Assumes implementation of electric, rather than conventional bike share and does not estimate effects of structuring scooter shared services at the Waterfront.

Pick-up / drop-off zones

- **Ferry parking demand reduction estimate:** 5 spaces

This estimate is based on research that identifies increases in transportation network company (TNC) trip satisfaction among riders when trips utilize designated pick-up and drop-off zones and increases in average traffic speed when TNC companies are provided with discrete pick-up / drop-off zones.

- Results in a 7% increase in TNC or kiss-and-ride trips due to shift from drive alone or carpool trips, or a demand for 5 fewer parking spaces.
- Research shows that dedicated pick-up /drop-off zones increased user satisfaction by as much as 7% to 11% (Shaheen, et al. 2021).[3]
- A traffic simulation experiment showed that, when TNC vehicles were provided with pick-up/drop-off locations on side streets, average traffic speeds increased by as much as 37% during peak periods (Stueger, et al. 2022). [4]
- Establishing dedicated pick-up / drop-off zones will improve the comfort of TNC users and the experience of park-and-ride drivers, encouraging them to avoid drive-along trips in personal vehicles to access the ferry.
- Pick-up / drop-off zones would also improve the experiences of non-TNC users, who may be more comfortable relying on being driven to the Waterfront.

[3] Shaheen, S., Darling, W., Broader, J., & Cohen, A. (2021). Understanding Curb Management and Targeted Incentive Policies to Increase Transportation Network Company Pooling and Public Transit Linkages. *UC Berkeley: Transportation Sustainability Research Center*. Retrieved from https://escholarship.org/uc/item/6gz9w0v9

[4] Stueger, P. N., Fehn, F., & Bogenberger, K. (2023). Minimizing the Effects of Urban Mobility-on-Demand Pick-Up and Drop-Off Stops: A Microscopic Simulation Approach. Transportation Research Record, 2677(1), 814-828. https://doi.org/10.1177/03611981221101894

- If the 7% satisfaction increase indicated by one study resulted in equal mode shift to TNC or kiss-and-ride from drive alone or carpool trips, then there would be a reduction in demand for parking at the ferry lot by 5 spaces.

Transit subsidy for ferry riders

- **Ferry parking demand reduction estimate:** 4 spaces

This estimate uses CAPCOA strategy T-9: Implement subsidized or discounted transit program.

- Results in a 1% reduction in vehicle trips, or demand for 4 fewer parking spaces.
- CAPCOA formula: % $GHG\ Reduction = \frac{C}{B}\ x\ G\ x\ D\ x\ E\ x\ F\ x\ H\ x\ I$, where:
  - C = Subsidy amount = $2.25 (Cost of AC Transit fare)
  - B = Average transit fare without subsidy = $6.95 ($2.25 for AC Transit + $4.70 for ferry)
  - G = Elasticity of transit boardings with respect to transit fare price = -.43 (CAPCOA)
  - D = Percent of riders eligible for discount = 100% (project assumption)
  - E = Percent of project-generated VMT from riders = 100% (project assumption)
  - F = Transit mode share = Transit mode share of work trips = 14.4% (ACS 5-Year Estimate)
  - H = Percent of transit trips that would otherwise be made in a vehicle = 50% (CAPCOA)
  - I = Conversion factor of vehicle trips to VMT = 1 (CAPCOA)

Expanded AC Transit service

- **Ferry parking demand reduction estimate:** 7 spaces

This estimate uses CAPCOA strategy T-26: Increase transit service frequency.

- Results in 2% reduction in vehicle trips, or demand for 7 fewer parking spaces.
- CAPCOA formula: % $GHG\ Reduction = -C\ x\ \frac{B\ x\ E\ x\ D\ x\ G}{F}$, where:
  - B = Percent increase in transit frequency = 100% (doubling of 51B service frequency to the Waterfront from 24 minutes to 12 minutes (matching frequency east of Berkeley Amtrak Station))
  - C = Level of implementation = 8% (represents treatment on one of twelve AC Transit routes with regular service schedules to Downtown Berkeley)
  - D = Elasticity of transit ridership with respect to frequency of service = .5 (CAPCOA)
  - E = Transit mode share in plan or community = 14.4% (ACS 5-Year Estimate)
  - F = Vehicle mode share in plan or community = 40% (project mode share estimate)
  - G = Statewide mode shift factor = 57.8 (CAPCOA)



Appendix C :

Berkeley Waterfront Parking and TDM Toolkit

BERKELEY WATERFRONT PARKING AND TRANSPORTATION DEMAND MANAGEMENT TOOLKIT

This parking and transportation demand management (TDM) toolkit (referred to as the TDM toolkit) is part of an ongoing effort to manage access and circulation to and around the Berkeley Waterfront. TDM is the use of strategies to inform and encourage travelers to maximize the efficiency of our transportation systems leading to improved mobility, reduced congestion, and lower vehicle emissions.[1] TDM aims to provide all people with real transportation options that enable them to travel from their location to a destination in an affordable, efficient, and sustainable way.

This document presents parking and transportation demand management strategies for use at the Berkeley Waterfront, with a focus on managing the influx of commuters driving to the ferry terminal after implementation of new ferry service. The initial list of parking and TDM strategies under consideration for the Waterfront is presented in Table 1 (in no particular order / priority) and strategies are further described in the sections following the table.

Table 1: Parking and TDM Strategies

	Strategy	Effectiveness[1]	Ease of Implementation[2]	Cost[3]
Vehicle Management Strategies				
	Wayfinding	+	✓	$$
	Satellite parking facilities	++	✗	$
	Shuttle service to the Waterfront	++	✗	$$$
	Circulator shuttle service around the Waterfront	+	✓	$$
	Vehicle parking regulations	++	✓	$
	Paid parking	+++	✓	$
	Valet service (free or low cost)	+	✓	$$
	Parking Benefit District	+++	✗	$
	Parking enforcement	+	✓	$
Vehicle Reduction Strategies				
	Bicycle and pedestrian access	++	✓	$$
	Bicycle facilities	++	✓	$$
	Secure bicycle parking	++	✓	$
	Shared micromobility	++	✓	$
	Pick-up/drop-off zones	+	✓	$
	Transit subsidy for ferry riders	++	✓	$$
	Expanded AC Transit service	+++	✗	$$
	Transportation Management Agency	+++	✗	$$$

Notes:
1 Effectiveness: + small effect on mode shift; ++ moderate effect on mode shift; +++ highly effective at mode shift
2 Ease of implementation: ✓easy, short timeline, minimal administrative costs; ✓(medium, longer timeline, requires added administrative duties; ✗difficult, politically or administratively difficult on any timeline
3 Cost: $ low cost, short timeline; $$ medium cost; $$$ high cost

[1] Association for Commuter Transportation. www.actweb.org

In selecting TDM strategies to address circulation and access to and around the Waterfront, it is useful to know how effective measures might be at changing travel behavior, how much they might cost, and how challenging they might be to implement. The empirical evidence on TDM effectiveness, cost, and ease of implementation is sporadic and incomplete. It is also difficult to compare across all measures, as the performance measures and method of evaluation vary from one measure to the next. Studies often lack controls, and external variables, such as the price of gasoline and unemployment rates, affect travel behavior changes. For comparison purposes, Table 1 and the following descriptions present a high-level qualitative rating of these factors (effectiveness, ease of implementation, and cost) based on a review of literature and research and conversations with implementing agencies. These strategies are not presented in any particular order, and have not been prioritized or ranked. The City intends to present these strategies and gather public feedback prior to ranking/prioritizing the various strategies.

VEHICLE MANAGEMENT STRATEGIES

WAYFINDING

Effectiveness: + **Ease of Implementation: ✓** **Cost: $$**

Overview: While the Waterfront has a variety of parking lot locations and types, the total volume of spaces are not well utilized, causing high occupancy at desirable lots when adjacent lots sit mostly empty. Improved wayfinding around the Waterfront can help drivers know where available lots are located and how they can access their destinations from those lots. Improved wayfinding will be an essential tool for managing the influx of new trips to the Waterfront for a new ferry service, and for managing flows of visitors at peak times. Digital parking monitoring tools can also be utilized to help drivers locate open spaces without having to circle multiple locations looking for them. Enhanced wayfinding and monitoring will improve visitors' experiences at the Waterfront and ease the strain on the most desirable parking locations.

For the greatest impact, wayfinding improvements should be paired with pedestrian improvements to ensure comfortable access between parking lots and destinations. Should wayfinding signs direct drivers to lower occupancy lots away further from their destinations, pedestrian improvements should ensure that trips to and from those lots are safe, comfortable, and intuitive.

Implementation: Improving wayfinding is a logistically easy and financially attainable parking management strategy. While technologically advanced parking occupancy counters and directions would increase the difficulty of implementation, basic wayfinding improvements could be made with improved physical signage and online information well in advance of new ferry service.

Internal pedestrian improvements are comparably more expensive and would have to be rolled out on a longer timeline. However, quick-build projects, including enhanced crosswalk paint and temporary pedestrian bulbouts can be used to enhance the effectiveness of wayfinding improvements in the meantime.

Figure 1 Example wayfinding signs



Source: BART, *Station Access Signage & Wayfinding Guidelines*, 2022.

SATELLITE PARKING FACILITIES FOR WATERFRONT VISITORS

Effectiveness: ++ **Ease of Implementation: ✓** **Cost: $**

Overview: The City could establish a satellite parking facility for the Waterfront, which could be used by ferry riders or by general Waterfront visitors. The satellite lot would be a tool for transferring parking demand away from Waterfront lots for those who have the flexibility to then proceed to the Waterfront by shuttle, AC Transit service, or by biking and walking. A satellite parking facility could maximize the space devoted to vehicle parking for recreational uses at the Waterfront without limiting access to the ferry service.

Implementation: Feasibility of establishing satellite lots depends on the location and ownership of lots, as well as the necessary complimentary measures needed to help users access the Waterfront – including, but not limited to, shuttle service and bike and pedestrian improvements. Implementation would be made easier if satellite lots were sited in less-used areas, where parkers could easily access the Waterfront's recreational facilities, but wouldn't take up spaces at in-demand parking locations. This proposition would be more convenient, reliable, and economical to satellite lots that are privately owned, or that are located a significant distance from the Waterfront.

Peer Case Studies: Muir Woods Shuttle

SHUTTLE SERVICE TO THE WATERFRONT

Effectiveness: ++ **Ease of Implementation: ✓** **Cost: $$$**



Figure 2 Temporary free shuttle offered from North Berkeley BART to the Solano Stroll event *(Source: Jonathan Zisk)*

Overview: A shuttle service to the Berkeley Waterfront could replace car trips taken by ferry riders and could be coordinated with the ferry schedule to reduce the time penalties associated with transfers to / from local bus service. Shuttle service would need to link commuter and other visitors' origins across Berkeley to their destinations at the Waterfront. This would require service to locations throughout the City of Berkeley, or to established satellite parking lots located outside the Waterfront.

Ease of access to the Waterfront for recreational and commercial users must be prioritized. Inefficient shuttle services would deter recreational users or restaurant patrons from using the service, while commuters and longer-term parkers are more easily able to schedule trips around shuttle service.

Implementation: Running a shuttle service is a logistically and financially difficult project. Shuttle services need regular operational funding, on top of startup costs. The necessary condition of an effective shuttle service is that its benefits – increased visitation, environment stewardship, equitable site access – must far outweigh its costs. When successful, shuttle services can enable significant cuts to on-site parking and reduction in single occupancy vehicle trips.

Based on our literature review and discussions with Emery Go-Round staff, peer regional shuttles are supported by robust private employers, commercial districts, and property-based improvement districts (PBIDs). While a shuttle service to the Berkeley Waterfront could be effective at shifting trips away from cars, it may not have the necessary private sector backing to support its operations.

Peer case studies: Emery Go-Round, Harbor Bay Business Park Shuttle, West Berkeley Shuttle, Muir Woods Shuttle

CIRCULATOR SHUTTLE SERVICE AROUND THE WATERFRONT

Effectiveness: + **Ease of Implementation:** ✓ **Cost: $$**

Overview: Shuttles could also be used to improve parking utilization around the Waterfront. An internal circulator shuttle service would not replace car trips to the Waterfront but would enable visitors to park in underutilized lots within the Waterfront and then proceed to their destinations via complimentary shuttle service. The shuttle could operate on a fixed-route or provide on-call and demand-responsive service using vans, buses, or golf carts. Vehicles would be sized appropriately, and hours of operation and routes could be adjusted as needed. This kind of shuttle service could be an invaluable tool for distributing peak demand for parking during the summer and popular events. If well utilized, it could also delay the need for paid parking or other parking restrictions.

Implementation: Running a shuttle within the Waterfront would be comparatively easier than initiating and operating shuttle service between the Waterfront and other destinations, but it would still require investment in vehicles, equipment, and ongoing operations.

Peer case studies: Emery Go-Round, Harbor Bay Business Park Shuttle, West Berkeley Shuttle, Muir Woods Shuttle

VEHICLE PARKING REGULATIONS

Effectiveness: ++ **Ease of Implementation:** ✓ **Cost: $**

Overview: This strategy would evaluate existing vehicle parking regulations and restrictions and identify opportunities to optimize use of existing parking lots. In 2019, the City implemented changes to parking permits and established time limits and regulations tailored to each Waterfront parking lot. The goal was to (1) maximize parking availability for recreational users and shorter term visitors, (2) maximize proximity to end-destinations, and (3) push the Waterfront's long-term parkers to less convenient parking lots, including staff serving various Waterfront businesses, charter fishing customers and small-scale ferry commuters who park at the Waterfront for the majority of a day. City staff shared that this was effective when paired with ample outreach prior to implementation, and with enforcement after the outreach effort. Without enforcement during Covid, the regulations became substantially less effective.

This strategy would anticipate the nature and volume of demand of ferry parking and set regulations accordingly. Factors that affect the demand for ferry-related parking spots include regularity and frequency of ferry service, infrastructure for accessing the ferry via alternative modes of transportation, and incentives for carpooling or shifting visitors away from single occupancy vehicle trips to the Waterfront. A key component in setting parking regulations is understanding how the amount and availability of parking shapes parking demand. By appropriately regulating the parking lots at the Waterfront, the City of Berkeley

can ensure that they both enable access to destinations and avoid causing negative effects to the surrounding natural features of the Waterfront and its recreational uses.

Implementation: Implementing modifications to existing vehicle parking regulations would require new signage and may be paired with driver education campaigns and increased enforcement.

Peer Case Studies: Berryessa BART Urban Village Plan



Figure 3 Parking facilities currently occupy 20% of the Waterfront's in-demand space for natural recreation. Right-sizing and regulating parking facilities is a critical step in preserving both natural resources and visitors' access to them. *(Source:* City of Berkeley, *Waterfront Specific Plan (Draft)*, 2023.*)*

DEMAND-BASED / PAID PARKING

Effectiveness: +++ **Ease of Implementation: ✓** **Cost: $**

Overview: Paid parking is an essential tool for managing occupancy in high-demand parking lots. Over the last decades, parking professionals have established that paid parking can increase the availability of parking spaces for those that need them the most, while helping shift other trips away from single occupancy vehicles.[2]

Implementation of a paid parking program was the first recommendation of the Berkeley Marina Area Specific Plan Parking and Mobility Framework. However, public feedback gathered as part of parking intercept surveys collected in Summer 2024 for this Waterfront Parking and Transportation Demand Management Plan effort indicates that many current Waterfront visitors are not willing to pay to park when accessing the Waterfront for recreational uses. Additionally, paid parking was proposed in 2019 at the South Cove parking lots in association with small scale ferry service and commuter charter service that was in operation at the time (the small-scale public ferry service closed during Covid).[3] The public was not in

[2] https://www.sfmta.com/getting-around/drive-park/demand-responsive-pricing/sfpark-evaluation
[3] https://berkeleyca.gov/sites/default/files/documents/2019-04-30%20Item%2026%20New%20Marina%20Fee%20%E2%80%93%20South%20Cove.pdf

support of any paid parking at that time, an alternative was identified, and the City did not proceed with paid parking implementation.

Despite the logistical hurdles involved in the separation of ferry riders from other Waterfront visitors, a paid parking program may be most effective if clearly tailored to meet the unique demands of ferry riders, while leaving other Waterfront users to continue to park for free, especially at off-peak times.

The objective of paid parking is to shift trips to more sustainable modes of transportation without negatively impacting overall access to the Waterfront. Any proposal for paid parking would be clearly tied to measurable benefits for visitors, including ease of access to recreation, restaurants, marina slips, and for the preservation of the Waterfront's natural resources. Paid parking fees at the Waterfront would be directly invested in the beautification, safety, and security projects within the vicinity of parking facilities.

Implementation: Paid parking may be the single most powerful tool for managing parking in a high demand site and would provide revenue that could be reinvested in the Waterfront. However, implementing paid parking presents a logistical and a political challenge.

The logistics of paid parking at the Berkeley Waterfront are eased by the pre-existing paid parking program at the boat launch ramps off Spinnaker Way, as well as by the potential ease of controlling vehicular access to the Waterfront along University Avenue. The political challenges of implementing paid parking are much more complex. To facilitate implementation of a paid parking program, the City could coordinate paid parking with the launch of new ferry service. This would allow paid parking to piggy-back on other changes to the Waterfront and would clarify the relationship between paid parking and expected increases in Waterfront visitation.

Peer case studies: City of Alameda Ferry Terminal Paid Parking Program

The City of Alameda planned to implement paid parking at the 2021 launch of the Seaplane Lagoon Ferry Terminal but opted not to due to decreased ridership resulting from the Covid-19 Pandemic. Alameda plans to launch its paid parking program at both the Seaplane Lagoon and Harbor Bay terminals in the near future.

VALET SERVICE FOR FERRY RIDERS

Effectiveness: + **Ease of Implementation: ✓** **Cost: $$**

Overview: Valet service at the Berkeley Waterfront would maximize finite space in existing lots by allowing valet attendants to tandem park vehicles. Likewise, valet parking can turn underutilized parking lots into an efficient tool for parking management. Valet parking is well-suited for the Waterfront's parking and usage patterns, which are characterized by an overabundance of parking capacity on most days and congestion and high occupancy levels in certain lots during events and peak weather conditions.

Implementation: Valet parking is a relatively infrastructure-light and flexible way of managing parking supply. A valet program could be run only on the highest demand days, while self-parking would be allowed at all other times. In valet parking, traffic management costs are paid through staff expenses, rather than through long-range infrastructure improvements. For this reason, valet parking could be a niche solution for a period with increased visitation at the Waterfront. Likewise, the associated costs of valet service could be borne by the user, the City, the ferry, or the end-user destinations, such as restaurants.

ESTABLISH A PARKING BENEFIT DISTRICT

Effectiveness: +++ **Ease of Implementation: ✓** **Cost: $**

Overview: A parking benefit district (PBD) is an entity that would manage parking revenue and allow for direct policy and financial input from a broader group of stakeholders and oversight from community members. PBDs typically have a broad mandate that includes supporting parking maintenance and operations and investing in other transportation systems and services. Establishing a PBD is an effective strategy for generating stakeholder buy-in and support for paid parking initiatives. Stakeholders' involvement with a PBD would allow them to reinvest parking proceeds directly to improvement projects around the Waterfront, including for facility modernization, parking lot maintenance, and beautification projects.

Implementation: To establish a PBD, the City would need to organize a group of enthusiastic and dedicated stakeholders in the Waterfront, including commercial businesses, clubs, and regular users of the Waterfront. Once the PBD was established, it would theoretically manage most of its own affairs, with some assistance from and collaboration with the City. Balancing the interest of various stakeholders in the Waterfront would be a difficult long-term task, especially when current stakeholders at the Waterfront may have opposing stances on the need for increased visitation and parking management. The waterfront has relatively few of these entities relative to other locations, i.e. downtowns or shopping districts, where this has been successful.

Figure 4 A parking meter in the Old Pasadena parking benefits district reminds parkers that their fees are reinvested directly to the place where they just parked Source: Mike Linksvayer, via Flickr



PARKING ENFORCEMENT

Effectiveness: + **Ease of Implementation: ✓** **Cost: $**

Overview: Enforcement of vehicle parking permits, time limits, and other restrictions would encourage adherence with parking regulations. Increased enforcement of existing restrictions could be a key strategy for delaying or avoiding the need for further restrictions or for paid parking.

Implementation: The Waterfront could shape its parking climate and occupancy without implementing paid parking initiatives by increasing parking enforcement. Key points of enforcement would include enforcing permit / slip holder parking areas, overnight parking, and time-limited parking. The Waterfront's hosting of the city's parking enforcement fleet could serve to ease the demands of increased enforcement.

VEHICLE REDUCTION STRATEGIES

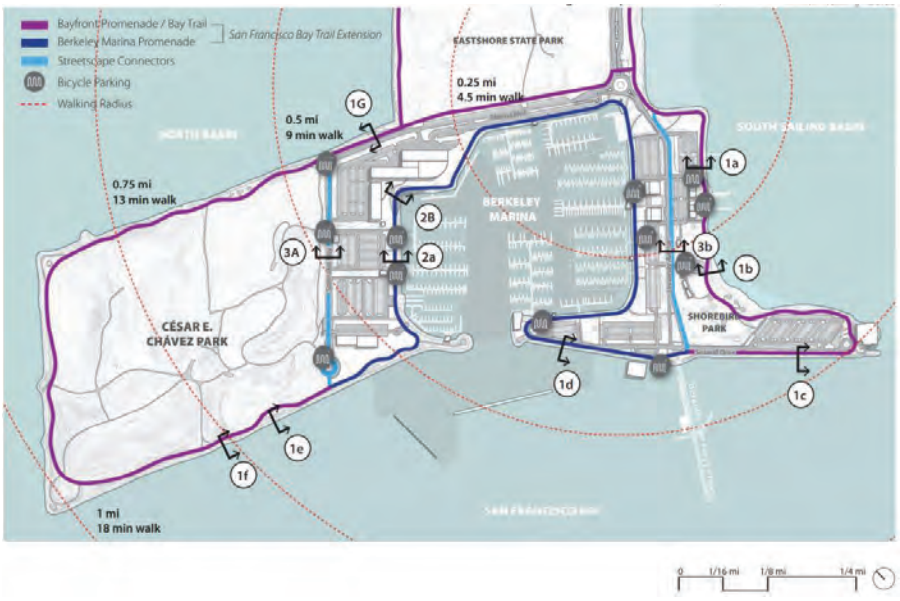
BICYCLE AND PEDESTRIAN ACCESS

Effectiveness: ++ **Ease of Implementation: ✓** **Cost: $$**

Overview: The Berkeley Waterfront's geographic isolation from the rest of the City poses several challenges for bicycle and pedestrian access. While this planning process can recommend improvements for bicycle and pedestrian facilities in the Waterfront, it cannot do the same for facilities in the rest of Berkeley. Nevertheless, connectivity is of critical importance – safe, comfortable facilities at the Waterfront will not shift trips away from cars without compatible infrastructure off-site. This TDM measure considers both what bicycle and pedestrian improvements can be made at the Waterfront, and how those internal improvements can connect to and enhance improvements outside the Waterfront.

Bicycle and pedestrian infrastructure at the Waterfront: The Waterfront already hosts an extensive series of low-stress, class I, cycling trails. Closing the gaps in this network, as proposed by the draft Waterfront Specific Plan, would continue to establish the Waterfront as a safe and inclusive space for recreational walkers and cyclists.[4]

Figure 5 Pedestrian and Bicycle Circulation within Walking Radius (Source: Figure 2-51 from the Waterfront Specific Plan Public Draft)



Bicycle and pedestrian infrastructure to the Waterfront: Under current conditions, bicyclists and pedestrians access the Berkeley Waterfront via the Bay Trail and Pedestrian/Bicycle Bridge over I-580 just south of University Avenue, and a new pedestrian bridge over I-580 at Gilman Street. While these access points provide low stress connections, they are indirect and require bicyclists and pedestrians to travel out of their way to access the Waterfront. University Avenue would be a more direct method of accessing the waterfront

[4] https://berkeleyca.gov/your-government/our-work/capital-projects/waterfront-specific-plan

for cyclists and pedestrians. However, the University Avenue bridge does not currently have any bicycle or pedestrian facilities on it. Likewise, University Avenue is on the Berkeley's High Injury Network for most of its length, from Oxford Street to Frontage Road, all of which lies outside of the direct purview of the Berkeley Waterfront.[5] If implemented, recommendations in the 2020 Berkeley Pedestrian Plan would improve safety and comfort for vulnerable road users along University Avenue, who might be traveling to or from the Waterfront. Coordinating bicycle and pedestrian improvements in the Waterfront with those in the rest of the City will be a key factor in shifting more trips away from cars.

There are ongoing and planned improvements to Berkeley's cycling network that will make it easier for cyclists to access the Waterfront. On Gilman Street, the City is constructing a cycletrack, (class IV bike facility) which allows for two-way bicycle traffic, protected from vehicular traffic by concrete curbs. The complete portions of the cycletrack are already providing a better, safer path for cyclists traveling to and from the Waterfront on the Gilman Side of the overpass. Planned improvements to the City's cycling network in the 2017 City of Berkeley Bicycle Plan include two projects that would significantly enhance access to the Waterfront. One proposal is for the study of a cycletrack on University Avenue to the east of I-580, and another for the extension of a neighborhood bikeway on Addison Street, between the Bay Trail Bridge and Downtown Berkeley.[6]

Implementation: Creating direct, low stress bike and pedestrian connections to the Waterfront would be a long-term goal involving projects both in and outside of the Waterfront. Fortunately, there are ongoing planning processes to pursue both of those types of improvements. Existing recreational trails at the Waterfront can be supplemented with quick-build enhancements to bike and pedestrian access to the Berkeley Pier. Likewise, this planning process can lend its recommendations to the buildout of the 2017 Berkeley Bicycle Plan and 2020 Berkeley Pedestrian plan which, would neatly align with internal bicycle and pedestrian facilities if completed. A more difficult and longer-term project would be to pursue improvements to bike and pedestrian facilities on the elevated portion of University Avenue, between Sixth Street and Frontage Road, and would have to plan interventions around I-580 freeway ramps. Projects in this stretch of road are outside of the Waterfront, but shape the experience of accessing its many destinations.



Figure 6 Two-way protected cycletrack on Fulton St in Downtown Berkeley. Cycletracks (class IV bike facilities), like those recently constructed in Downtown Berkeley, would be key for the Waterfront's long-range reduction in single occupancy vehicle trips. *(Source: Jonathan Zisk)*

[5] https://berkeleyca.gov/your-government/our-work/adopted-plans/pedestrian-plan-2020
[6] https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-bicycle-plan

BICYCLE FACILITIES AT FERRY TERMINAL

Effectiveness: ++ **Ease of Implementation: ✓** **Cost: $$**

Overview: Travel by bicycle, much like commutes by car, can be limited by parking presence and availability at the destination. Providing secure bike parking and amenities, including: bike repair stations, lockers (such as those currently at the Berkeley Waterfront Park Office area), and other supporting facilities can make biking a more feasible option for many. Increasing the share of people who access the ferry by bike can help mitigate the overall demand for vehicle parking and reduce the greenhouse gas emissions.[7]

Implementation: The difficulty of implementation varies widely depending on the type and scale of amenities. Well-positioned bike racks and bike maintenance stations could be readily implemented before or concurrent with the implementation of ferry service. However, more secure bicycle parking and facilities, including changing rooms would be more effective at shifting trips to bike. These amenities would also require more space and would be more expensive to construct and operate.

INCREASED SECURE BICYCLE PARKING THROUGHOUT THE WATERFRONT

Effectiveness: ++ **Ease of Implementation: ✓** **Cost: $**

Overview: There are currently 20 secure BikeLink lockers in the Waterfront, located on University Ave in front of the Berkeley Waterfront Park Office.[8] For a small fee, those lockers allow cyclists to access the Waterfront without worrying about bike theft or damage. As visitation to the Waterfront grows, increasing the availability of similar bike locker services around the Waterfront would encourage regular and occasional visitors to the Waterfront to choose to ride their bikes rather than traveling by other modes. Ensuring that expanded secure bicycle lockers can accommodate e-bikes and cargo bikes will also encourage families and riders of all abilities to ride to the Waterfront.



Figure 7 BikeLink lockers installed at the Santa Clara Caltrain station. Secure bike parking is an essential and attainable strategy for increasing cycling trips. Source: Caltrain

Implementation: Secure bike lockers can be developed via multiple means, either by a third party like BikeLink, which is the main supplier of secure bike parking around the Bay Area, or directly by a public agency. Though the City of Berkeley does not currently provide secure bike parking directly, there is an active movement for the City to develop its own secure bike parking facilities.[9] Provision of secure bike parking is a feasible and cost-effective strategy for encouraging and improving the overall experience of cycling to the Waterfront.

[7] California Air Pollution Control Officers Association, *Handbook for Analyzing Greenhouse Gas Emission and Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity,* pp 95.
[8] https://www.bikelink.org/maps
[9] https://berkeleyca.gov/sites/default/files/documents/2023-03-21%20Item%2025%20Referral%20%20On-Street%20Secure%20Bike%20Storage.pdf.pdf

EXPAND SHARED MICROMOBILITY SERVICES

Effectiveness: + + **Ease of Implementation:** ✓ **Cost:** $



Figure 8 Veo scooters parked at the Waterfront. Source: Amanda Leahy

Overview: There are several different ways that visitors can access the Berkeley Waterfront via shared micromobility, including using Bay Wheels bikes, Veo, and Lyft electric scooters. While these devices can be found parked at bike racks around the Waterfront, there is currently no micromobility-specific infrastructure present at the Waterfront. Designating scooter drop-off sites, areas for bike share, and clearly posted shared-micromobility regulations can increase the overall ease and comfort of shifting trips away from cars.

Implementation: The City of Berkeley would work with operators to implement and administer shared micromobility programs at the Waterfront. Bay Wheels has already expanded their docks as far as Addison Street and Fourth Street and is adding 24 new docks in the East Bay this year.[10] Bay Wheels has also shown a recent commitment to expanding bike share service into recreational areas, with the 2023 expansion of bike docking stations into Golden Gate Park.[11]

ESTABLISH PICK-UP/DROP-OFF ZONES

Effectiveness: + **Ease of Implementation:** ✓ **Cost:** $

Overview: Establish pick-up/drop-off zones near activity centers, such as the new ferry terminal, Cesar Chavez Park, and Adventure Playground. Establishing clearly marked pick-up/drop-off and loading zones can help visitors with diverse needs accessing the Waterfront, including those with mobility impairments, and those utilizing ride share services. Clearly marked loading zones can allow those with picnic supplies or boating equipment to unload near their destinations before parking slightly further away, thereby reducing the demand for parking in the immediate vicinity of key Waterfront destinations.

Implementation: The City can quickly and cheaply identify suitable pick-up/drop-off zones near destinations around the Waterfront. Zones can be marked with new wayfinding and road paint, before eventually being permanently built into roadways. This has already been conducted successfully during special events at the Waterfront.

FREE/REDUCED TRANSIT PASSES OR MICROMOBILITY SERVICE MEMBERSHIPS FOR FERRY RIDERS

Effectiveness: + + **Ease of Implementation:** ✓ **Cost:** $$

Overview: This TDM measures would entail the subsidization of public transit fares and micromobility service memberships to encourage the use of bus or micromobility (e.g., bike share, scooter share).

[10] https://mtc.ca.gov/news/mtc-lyft-kick-bay-wheels-east-bay-expansion
[11] https://www.sf.gov/news/san-francisco-announces-expansion-lyfts-bike-share-program-golden-gate-park

Removing some of the out-of-pocket cost of transit travel would be an effective way of shifting trips to non-auto modes, reducing VMT, and reducing the vehicle parking demand at the Berkeley Waterfront. There has been a recent movement towards integrating fare structures between regional transit operators, including through the pilot Clipper Bay Pass program.[12] The success of that program could be used as inspiration for coordinating fare payments for riders who use AC Transit to access a ferry at the Waterfront.

Implementation: The difficulty of this strategy varies widely, depending on who subsidizes transit fares. If discounts can be applied directly to riders' Clipper cards, then logistical hurdles may be minimal. Micromobility solutions in the City (i.e. VEO scooters) also provide reduced fee programs for those in need. Negotiations with AC Transit, WETA, and any other parties would likely be the major challenge of implementing this strategy. The Parks, Recreation & Waterfront Department would need to work closely with the City's Transportation Department to determine if this is a feasible measure.

EXPANDED AC TRANSIT SERVICE TO THE WATERFRONT

Effectiveness: +++ **Ease of Implementation: ✓** **Cost: $$**

Overview: Currently, as of September 2024, AC Transit's Route 51B runs just one third of its routes to the Berkeley Waterfront, with the rest terminating around one mile to the east on University Avenue, at Berkeley Amtrak station. This alternating schedule results in service to the Waterfront only once every 30 minutes. Increasing the frequency of AC Transit service to the Waterfront could be an important step in shifting trips away from single occupancy vehicles. Frequent transit service is especially important when riders have to transfer between vehicles that each run infrequently, increasing the likelihood of long layovers and discouraging transit ridership.

Implementation: Ferry service at the Berkeley Waterfront may be cause enough for AC Transit to increase its usage of the Berkeley Waterfront as a terminus for Route 51B, especially if facilities at the pier can serve as layover facilities for bus operators. Otherwise, increasing transit frequency to the Waterfront would require significant coordination with AC Transit, and potentially subsidies from the City. Fortunately, there is existing 51B bus route infrastructure at the Waterfront, so the major hurdle would be securing increased operating resources for the expanded service.

ESTABLISH A TRANSPORTATION MANAGEMENT AGENCY

Effectiveness: +++ **Ease of Implementation: ✓** **Cost: $$$**

Overview: A transportation management agency (TMA) would be responsible for reducing single-occupant vehicle trips, reducing congestion and demand for vehicle parking, and improving access and circulation to and around the waterfront by increasing transportation options. A TMA would operate independently from the City and receive funding through various sources, including the City of Berkeley, board member dues, and the private sector.

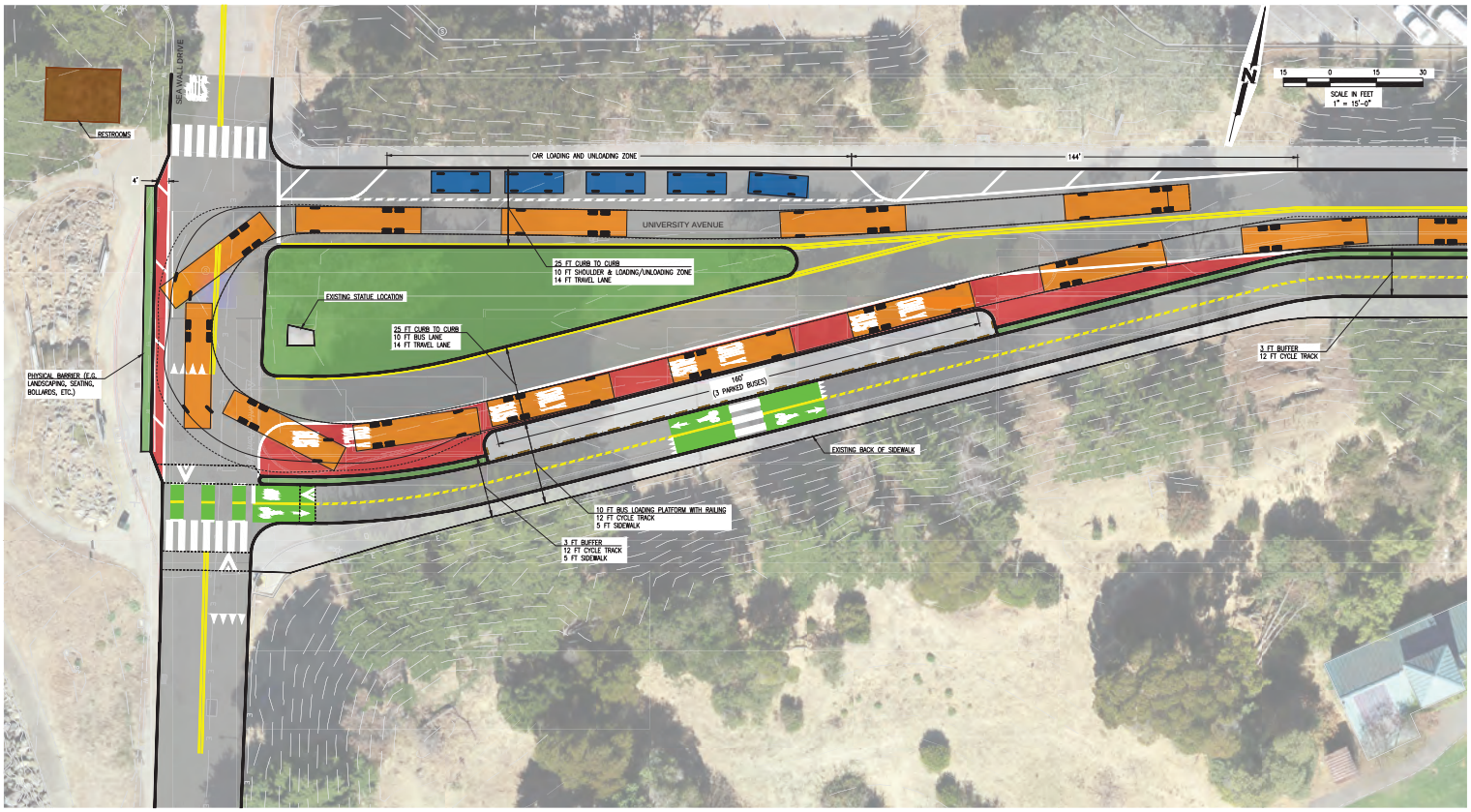
Implementation: The success of establishing a TMA would depend on securing ongoing funding and committed participation of employers, businesses, and other interested parties who face parking and traffic challenges at the waterfront. Finding a balance between TMA activity and City staff would be a significant challenge, given the extensive role that the City of Berkeley already plays in managing the Waterfront.

[12] https://mtc.ca.gov/operations/traveler-services/clipperr/clipperr-baypass



Appendix D :

University Avenue Bicycle and Bus Stop Improvements



SIMULATION SOFTWARE – AUTODESK VEHICLE TRACKING 2022

SIMULATION DETAILS
- AASHTO BUS-40
- SPEED – 5MPH
- NO STEERING LIMIT
- LIMIT FORWARD TURN RATE
- LIMIT TURNING FOR DYNAMIC EFFECTS AASHTO TABLE 3-13B (US)

NCE
1003 W. Cutting Blvd., Suite 110
Richmond, CA 94804
(510) 215-3620

CITY OF BERKELEY
BERKELEY WATER TRANSPORTATION PIER FERRY PROJECT
UNIVERSITY AVENUE AND SEAWALL DRIVE BUS STOP

FIGURE 1

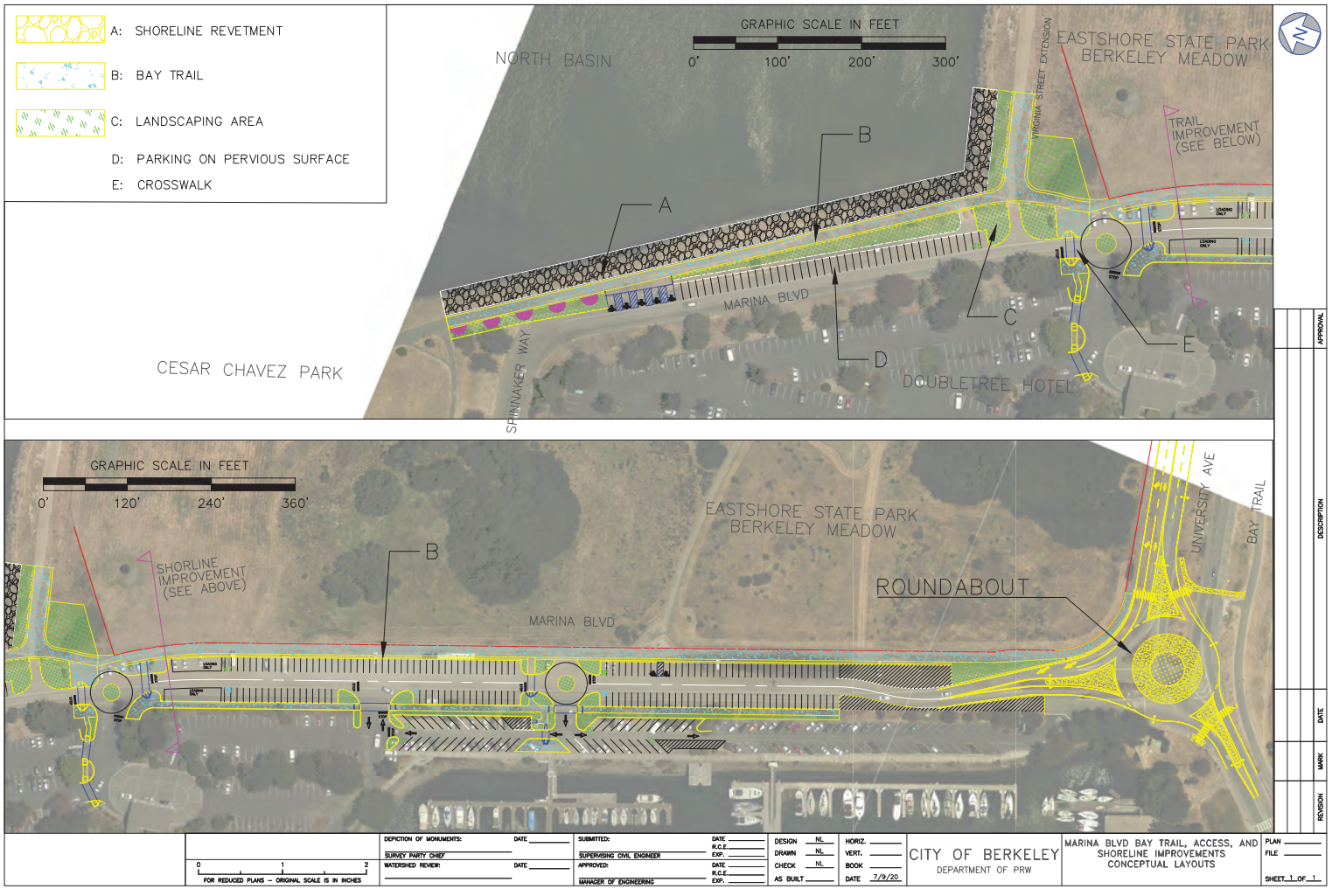
DRAWN	JOB NUMBER	APPROVED	DATE	REVISED DATE
SD	1421.01.55	FH/JRS	11/14/2024	



Appendix E :

Marina Boulevard Redevelopment

Conceptual Plan


A: SHORELINE REVETMENT
B: BAY TRAIL
C: LANDSCAPING AREA
D: PARKING ON PERVIOUS SURFACE
E: CROSSWALK
GRAPHIC SCALE IN FEET
0' 100' 200' 300'
NORTH BASIN
EASTSHORE STATE PARK
BERKELEY MEADOW
VIRGINIA STREET EXTENSION
TRAIL IMPROVEMENT (SEE BELOW)
MARINA BLVD
SPINNAKER WAY
CESAR CHAVEZ PARK
DOUBLETREE HOTEL
GRAPHIC SCALE IN FEET
0' 120' 240' 360'
SHORLINE IMPROVEMENT (SEE ABOVE)
EASTSHORE STATE PARK
BERKELEY MEADOW
UNIVERSITY AVE
BAY TRAIL
ROUNDABOUT
MARINA BLVD
CITY OF BERKELEY
DEPARTMENT OF PRW
MARINA BLVD BAY TRAIL, ACCESS, AND SHORELINE IMPROVEMENTS CONCEPTUAL LAYOUTS

May 7, 2025

WATER TRANSPORTATION PIER-FERRY PROJECT PARKING AND TDM PLAN

REVISED DRAFT Addendum

Introduction

This addendum supplements the parking analysis presented in the Berkeley Waterfront Transportation Pier-Ferry Project Parking and Transportation Demand Management (TDM) Plan (published March 7, 2025) by incorporating data recently collected by Waterfront Monitors and presenting additional analysis in response to public comments on the Plan.

The Final Draft Parking and TDM Plan (March 7, 2025) presented the analysis of hourly parking counts collected by Quality Counts between 5:30 am and 9:30 pm on the following dates:

- Saturday, April 6, 2024
- Thursday, April 11, 2024
- Thursday, August 1, 2024
- Thursday, August 22, 2024
- Saturday, August 24, 2024

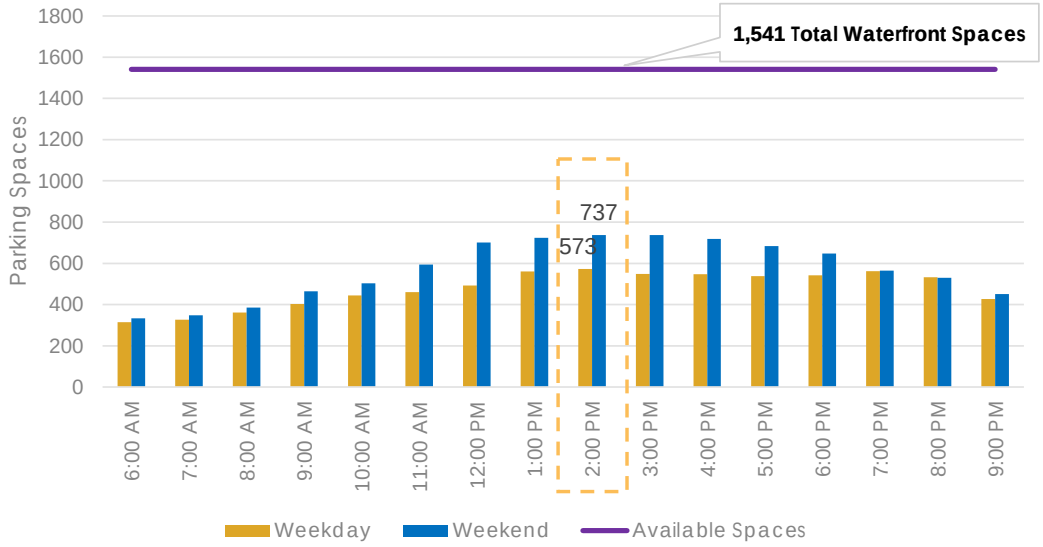
Additionally, Waterfront Monitors collected parking counts on 554 days over the course of three years (May 28, 2021- February 12, 2024). The data was collected by counting the number of occupied spaces at each lot at 10 am and 8 pm, with limited counts also collected at 2 pm and 4 pm. The results were recorded on a paper survey form that was later entered into a spreadsheet maintained by Waterfront staff. The data collection methods have been refined over time and continued through Spring 2024, including parking counts at 2 pm and 4 pm.

At the Parks, Recreation and Waterfront Commission meeting on March 12, 2025, some members of the public and some commissioners inquired about the number of midday (i.e. 2 pm or 4 pm) counts included in the data that is presented in the analysis. The purpose of this addendum is to provide additional information about the hourly and historical parking counts included in the Final Draft Report and supplement the analysis with the data collected from April 2024 to August 2024 that included additional counts collected at 2 pm. This addendum also re-evaluates the availability of parking in the proposed ferry rider overflow lots at Marina Blvd and Skates/N Lot given the additional mid-day data. As discussed in the Parking and TDM Plan, City staff will use TDM and parking management strategies such as time restrictions and paid parking to ensure that ferry riders do not significantly impact current and future recreational activities.

WHEN IS THE PEAK DEMAND?

As shown in Figure 1, using hourly counts collected by Quality Counts, the Parking and TDM Plan concluded that 2 pm is the time of day when peak parking occupancy occurs throughout the Waterfront.

Figure 1: Parking Utilization by Time of Day



Source: Parking and TDM Plan, Figure 4, Kittelson & Associates, Inc. 2024
Note: Total available spaces include 320 parking spaces in Seawall Lot, bringing the total to 1,541.

Table 1 and Table 2 present weekday and weekend parking occupancy by time of day for each public lot. Darker red shades indicate higher parking utilization relative to capacity. As expected, peak parking demand varies by lot depending on the location and types of activities it serves. For instance, the Skates/N Lot located near the Skates by the Bay restaurant experiences higher demand around 7 pm (dinner time). The South Cove West Lot reaches peak occupancy between 1 and 3 pm on both weekdays and weekends, reflecting the concentration of recreation activities that are typically busier during that time frame.

The City and WETA have conceptually planned for 250 vehicle parking spaces in the Seawall Drive Lot (formerly known as HS Lordship lot) to be utilized by weekday ferry riders (i.e. commuters). The Parking and TDM Plan recommends using Marina Blvd and/or Skates/N Lot as designated overflow parking areas for the ferry riders because these lots were shown to be underutilized during the weekdays when commuter ferry riders would want to park. As shown in Table 1, on weekdays, in addition to the 250 dedicated spaces on the Seawall Drive Lot, ferry riders can access 83 (capacity (150) minus peak occupancy (67)) unutilized spaces on Marina Blvd and at least 66 (137 minus 71) spaces in the Skates/N Lot. This value is quite conservative, since the peak occupancy in the Skates/N Lot occurs at 8 pm, long after most ferry riders would have departed. If only considering peak occupancy between 8 am – 6 pm, up to 84 spaces would be available for ferry rider parking in the Skates/N Lot. On weekends, as shown in Table 2, based on the QualityCounts data ferry riders have access to 80 (150 minus 70) unoccupied spaces

on Marina Blvd and 35 (137 - 103) spaces in the Skates/N Lot (increasing to 75 spaces if only 8 am – 6 pm is considered).

Table 1: Weekday Parking Occupancy by Time of Day

Parking Lot	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	Capacity
D & E Lot	30	30	29	27	27	28	28	29	29	27	28	25	29	28	28	27	129
F, G, H & I Lot	52	53	50	50	48	40	41	45	44	45	45	45	46	47	49	49	115
J & K Lot	37	38	42	43	44	48	58	58	61	53	58	68	65	65	70	50	92
L & M Lot	36	39	37	37	45	46	45	47	44	44	40	41	49	55	32	32	91
Marina Blvd	48	47	47	52	56	54	51	49	58	67	64	45	47	53	54	43	150
O Lot	42	41	37	36	36	39	42	44	42	37	37	36	38	58	60	56	72
Seawall Drive Lot	0	3	3	5	6	4	1	3	2	3	5	3	4	5	4	1	320
Seawall Drive	28	26	24	32	26	27	26	33	36	41	39	38	37	41	49	45	90
Skates/N Lot	0	0	0	1	5	10	27	55	57	36	32	39	53	68	71	47	137
South Cove East	0	0	2	11	27	34	36	47	54	56	61	74	65	54	40	28	96
South Cove West	20	25	50	62	69	73	74	80	79	78	71	57	37	24	17	12	86
Spinnaker Way	18	19	30	33	38	41	47	51	48	45	53	61	62	59	57	35	127
Spinnaker Way Lot	3	4	4	4	5	5	6	7	5	5	5	4	3	4	3	3	36
Grand Total	**314**	**325**	**356**	**394**	**433**	**450**	**482**	**548**	**560**	**536**	**538**	**534**	**537**	**562**	**533**	**427**	**1541**

Source: Quality Counts data from 2024 compiled by Kittelson & Associates, Inc. 2025
Note: Darker red cells represent the higher parking occupancy number relative to capacity.

Table 2: Weekend Parking Occupancy by Time of Day

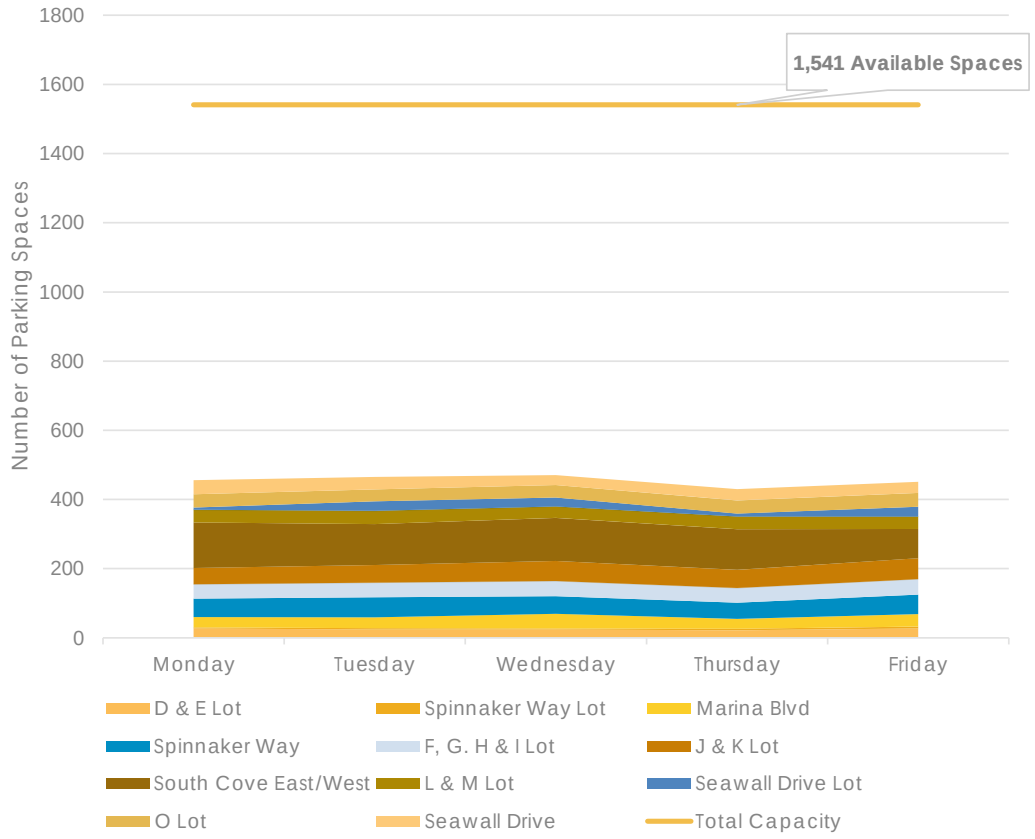
Parking Lot	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	Capacity
D & E Lot	33	32	30	28	29	31	32	31	31	35	34	30	31	29	28	28	129
F, G, H & I Lot	35	34	35	34	34	31	34	30	33	35	35	34	31	33	32	34	115
J & K Lot	65	71	71	74	81	80	85	91	93	93	93	87	92	89	82	75	92
L & M Lot	34	36	34	36	32	35	44	47	51	47	49	44	41	36	32	34	91
Marina Blvd	48	48	49	45	48	54	57	54	49	45	46	52	58	66	70	66	150
O Lot	44	45	45	46	55	64	58	56	59	62	63	68	65	41	42	39	72
Seawall Drive Lot	0	0	0	0	1	4	8	18	25	25	21	17	17	12	8	2	320
Seawall Drive	27	24	25	28	27	28	35	45	49	50	46	54	60	51	45	45	90
Skates/N Lot	3	0	5	38	25	20	44	57	60	57	54	62	53	66	103	85	137
South Cove East	0	1	8	26	42	73	92	87	81	82	79	65	52	44	26	9	96
South Cove West	33	34	34	38	44	72	84	88	85	86	79	53	33	25	10	5	86
Spinnaker Way	7	17	28	44	56	69	91	81	87	88	90	97	98	70	54	31	127
Spinnaker Way Lot	5	8	10	13	17	24	23	21	17	17	13	15	12	5	1	1	36
Grand Total	**333**	**347**	**372**	**448**	**489**	**583**	**685**	**705**	**717**	**718**	**700**	**676**	**640**	**563**	**530**	**451**	**1541**

Source: Quality Counts data from 2024 compiled by Kittelson & Associates, Inc. 2025
Note: Darker Red lighted cells represent the higher parking occupancy number relative to capacity.

WEEKDAY MIDDAY PARKING OCCUPANCY, SPRING-SUMMER 2024

The following analysis is based on the parking counts collected by Waterfront Monitors over 29 days from April 2024 to August 2024 for the midday period (2 pm or 4 pm). As noted previously, this data was not included in the Final Draft Study because it was collected after that work had been initiated. Figure 2 illustrates the average mid-day occupancy during each weekday by lot. The overall highest parking demand is observed on Wednesdays with 31% (470) spaces occupied.

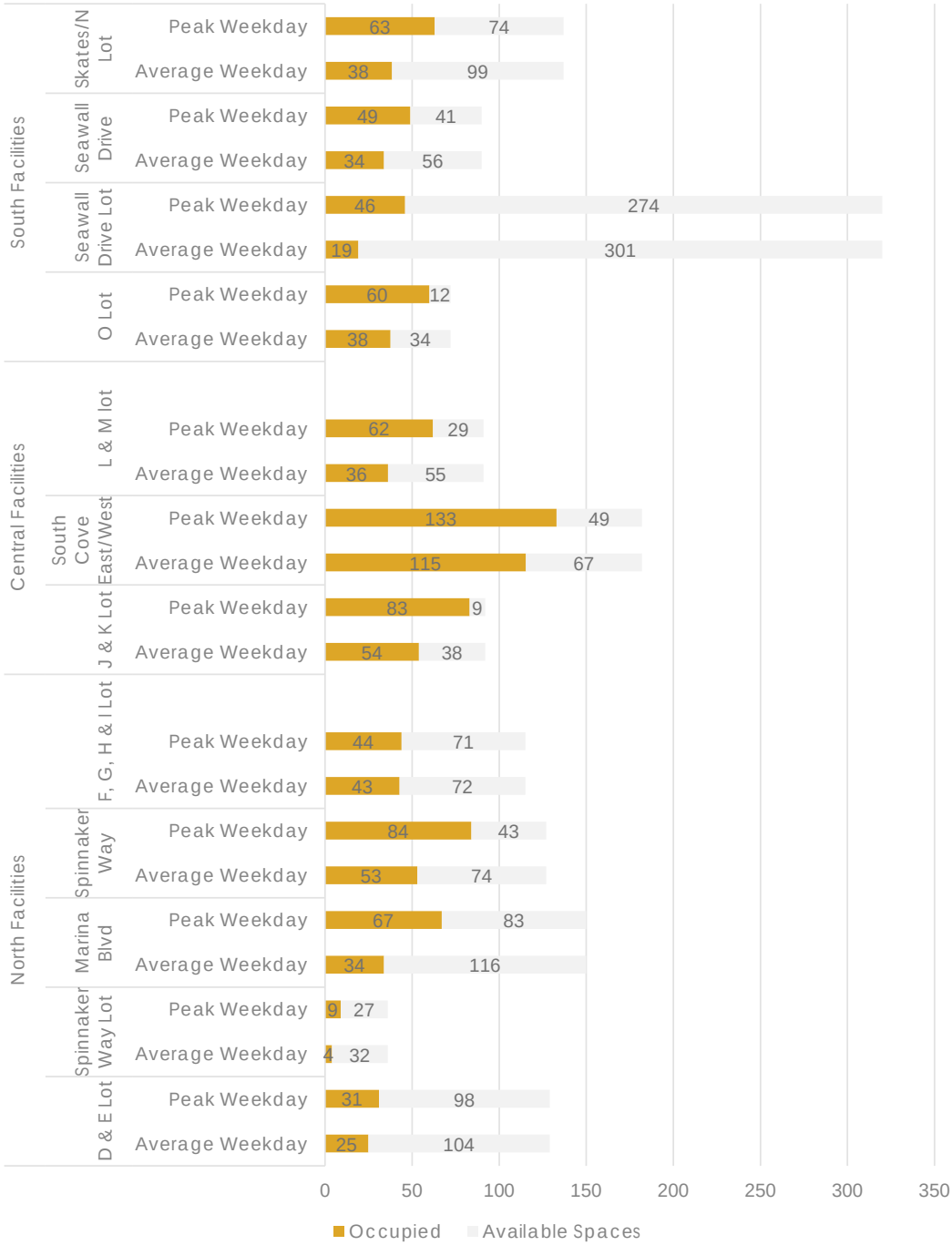
Figure 2: Weekday Midday Parking Occupancy



Source: Data Collected by Waterfront Monitors between April 2024 and August 2024, compiled by Kittelson & Associates, Inc. 2025

Figure 3 compares weekday peak parking counts with average parking counts for this midday April-August data set. The data shows that during the peak mid-day weekday demand, approximately 83 parking spaces are available at Marina Blvd. and 74 parking spaces are available at Skates/N Lot. This is very similar to the findings from the hourly Quality Counts data regarding the available capacity at these specific parking lots.

Figure 3: Peak Weekday vs Average Weekday Midday Parking Counts

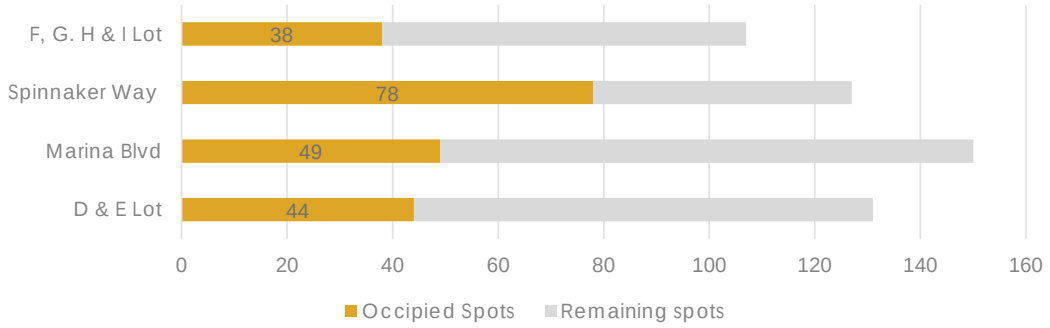


Source: City of Berkeley, Data Collected by Waterfront Monitors between April 2024 and August 2024
Compiled by Kittelson & Associates, Inc., 2025

WEEKEND MIDDAY PARKING OCCUPANCY

The dataset analyzed in the Final Draft Study included mid-day car counts on 26 weekend days. In April – August, 2024, the focus was on weekday data collection, and only one additional weekend midday parking count was collected (on May 25, 2024). Figure 4 presents the May 25, 2024, weekend midday parking count.

Figure 4: Weekend Midday Parking Data

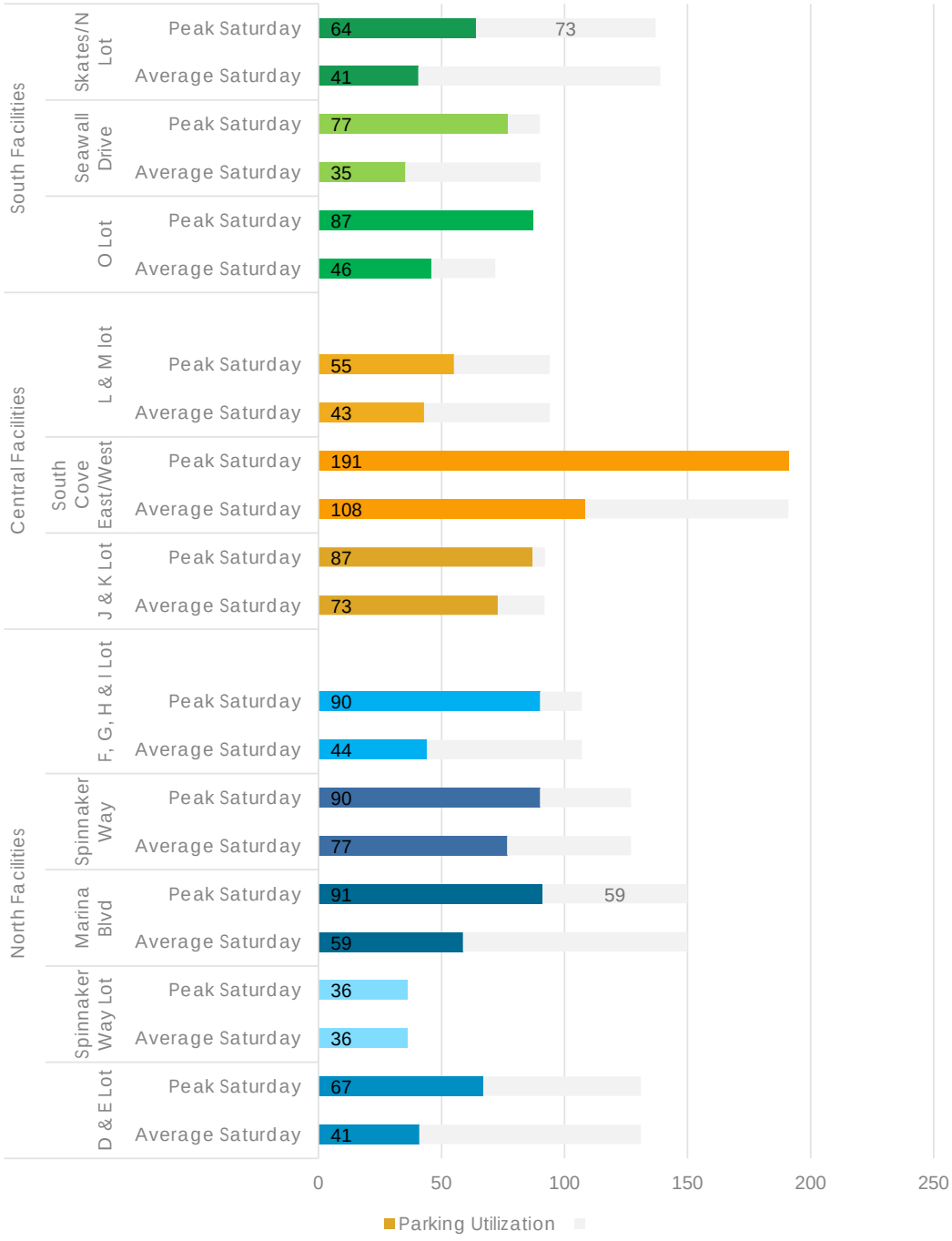


Source: City of Berkeley, Data Collected by Waterfront Monitors on May 25, 2024.
Compiled by Kittelson & Associates, Inc., 2025

The Final Draft Study identified April 1, 2023 as the peak Saturday of the data analyzed. Figure 5 (which was included in the Final Draft Study) shows the average parking utilization on weekends (Saturday) in comparison with the peak Saturday on April 1, 2023. As shown in Figure 5, certain lots had more than double the occupancy on the peak Saturday compared to an average Saturday. Nevertheless, even on the peak Saturday, overall Waterfront public parking was 75% occupied with 306 spaces remaining. During the peak Saturday, centrally located lots observed 82% occupancy, and South Cove East/West reached full occupancy at 100%.

Comparing Figure 4, which reflects data collected on May 25, 2024 and Figure 5, which reflects data collected from 2021 to 2024 that was presented in the Parking and TDM Plan, Marina Blvd. has a similar occupancy level of about 33% with between 91 and 101 spaces available on average weekends.

Figure 5: Parking Utilization on Weekends (Average Saturday vs Peak Saturday)



Source: Parking Counts collected by Waterfront Staff from 2021 to 2024, data compiled by Kittelson & Associates, Inc. 2024

Note: Data does not include Seawall Drive/ Shorebird Lot.

Conclusion

The parking occupancy data by time-of-day (i.e. Quality Counts data) indicates that while peak demand varies based on the parking lot, the overall peak demand for parking at the Waterfront occurs around 2 pm on both weekdays and weekends. Based on the Quality Counts data set, during the weekday peak period, approximately 83 parking spaces are available at Marina Blvd. and 74 parking spaces are available at Skates/N Lot. On weekends, 59 spaces remain available at Marina Blvd. and 73 spaces are available at Skates/N Lot. This midday analysis confirms that although the mid-day data gathered in April-August 2024 varies somewhat from the Quality Counts Data previously presented, the recommended overflow lots—Marina Blvd. and Skates/N Lot— offer sufficient capacity to accommodate overflow demand for parking from ferry riders on both weekdays and weekends.

The parking occupancy data collected from April to August 2024 aligns well with the earlier data collected between May 2021 and February 2024 that informed the Parking and TDM Plan. That plan estimated a weekday parking demand of 421 spaces for ferry users (171 more than the 250 spaces currently available at Seawall Drive) without TDM measures. With TDM strategies in place, demand is projected to drop by 65 spaces to 356. Additional parking management tools, such as expanding capacity at the Seawall Drive and/or Skates/N lots and adding wayfinding signage, could further help to manage parking. Combined, the Seawall parking lot, together with overflow parking at the Marina Blvd. and Skates/N Lot, offer sufficient parking stalls to accommodate ferry riders in currently unoccupied parking stalls without any impact to parking availability in other parking lots.

Pier-Ferry Preliminary Parking Management Plan

Ferry Parking Demand

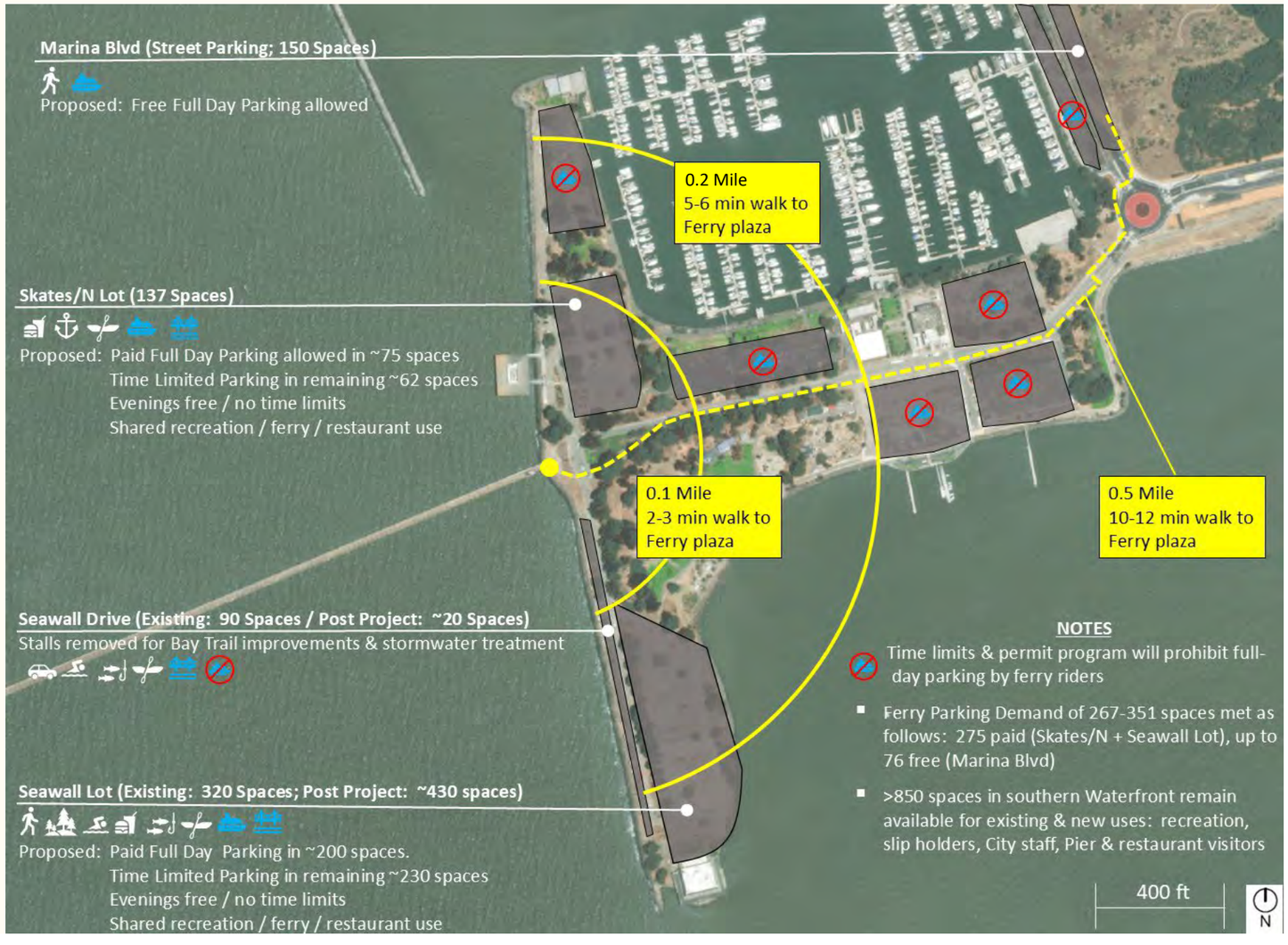
Weekday: 318 – 351 spaces
Weekend: 267 – 300 spaces

Project Transportation Demand Management (TDM) Measures

- University Ave. CycleTrack
- Secure Bike Parking
- Paid Parking
- Rideshare loading zones
- Shared Micromobility Stations

Future TDM Measures

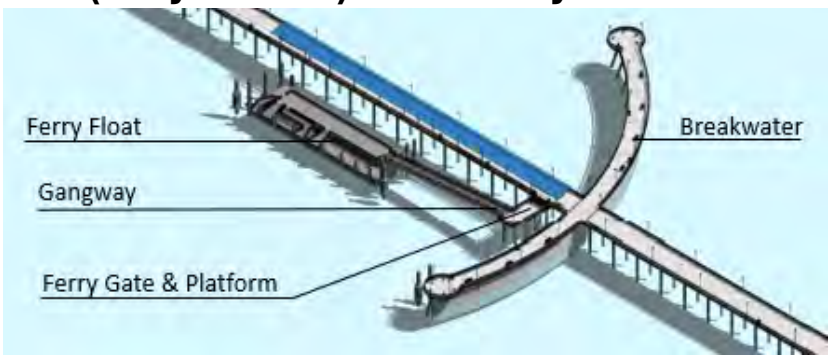
- Increased AC Transit
- Shuttle Services
- Valet Parking
- Marina Blvd. Improvements
- Additional Bike Parking
- Expanded Micromobility Stations



Zoning Adjustments Board Staff Report

APP # ZP2026-0014 Use Permit to Establish Transportation Use (ferry service) at Berkeley Pier

February 26, 2026



Project Facts	Project Description:
Applicant: City of Berkeley Department of Parks, Recreation, and Waterfront **Property Owner:** City of Berkeley **Project Address:** 201 University Avenue **GP Land Use:** Waterfront / Marina (W) **Zoning:** Unclassified District (U) **Council Authority:** ZAB decision is not effective until after action by the City Council (BMC Section 23.208.020(C)) **CEQA:** NOP Published May 2025, Draft EIR to be published on February 27, 2026. **Project Planner:** Singeh Saliki **Prepared by:** Liza McNulty, Parks, Recreation, and Waterfront Department	The applicant is seeking approval to establish transportation via public ferry service as an allowable use at the Berkeley Pier. Constructed elements associated with the new use include a universal charging float (5,700 square feet), ferry gate and landing (750 square feet), gangway (1,200 square feet) and breakwater (4,300 square feet). **Zoning Permits Requested:** A Use Permit Public Hearing is required for the following permits: 1. **New Use. "Unclassified District Allowed Uses"** BMC Section 23.208.020(B), to establish transportation use at the Berkeley Pier. **Staff Recommendation:** Staff recommends that ZAB approve ZP2026-0014 pursuant to BMC Section 23.406.040 (E) "**Findings for Approval**" and subject to the attached Findings and Conditions of Approval. Because an approval by ZAB is not effective until Council action pursuant to BMC Section 23.208.020(C) "Unclassified District Use Permit Procedures", ZAB is not required to make a CEQA determination at this time. Rather, Council will make a CEQA determination before or concurrent with final action on this permit pursuant to BMC Section 23.208.020(C).

ZONING MAP

Figure 1: Vicinity and Zoning Districts Map



Comparison of Adjacent Properties			
Vicinity	**GP Land Use**	**Zoning**	**Current Use**
North	Waterfront / Marina	Unclassified	San Francisco Bay
South			Pier / San Francisco Bay
East			Pier / Restaurant / Park
West			Pier / San Francisco Bay

AERIAL



STREET VIEW





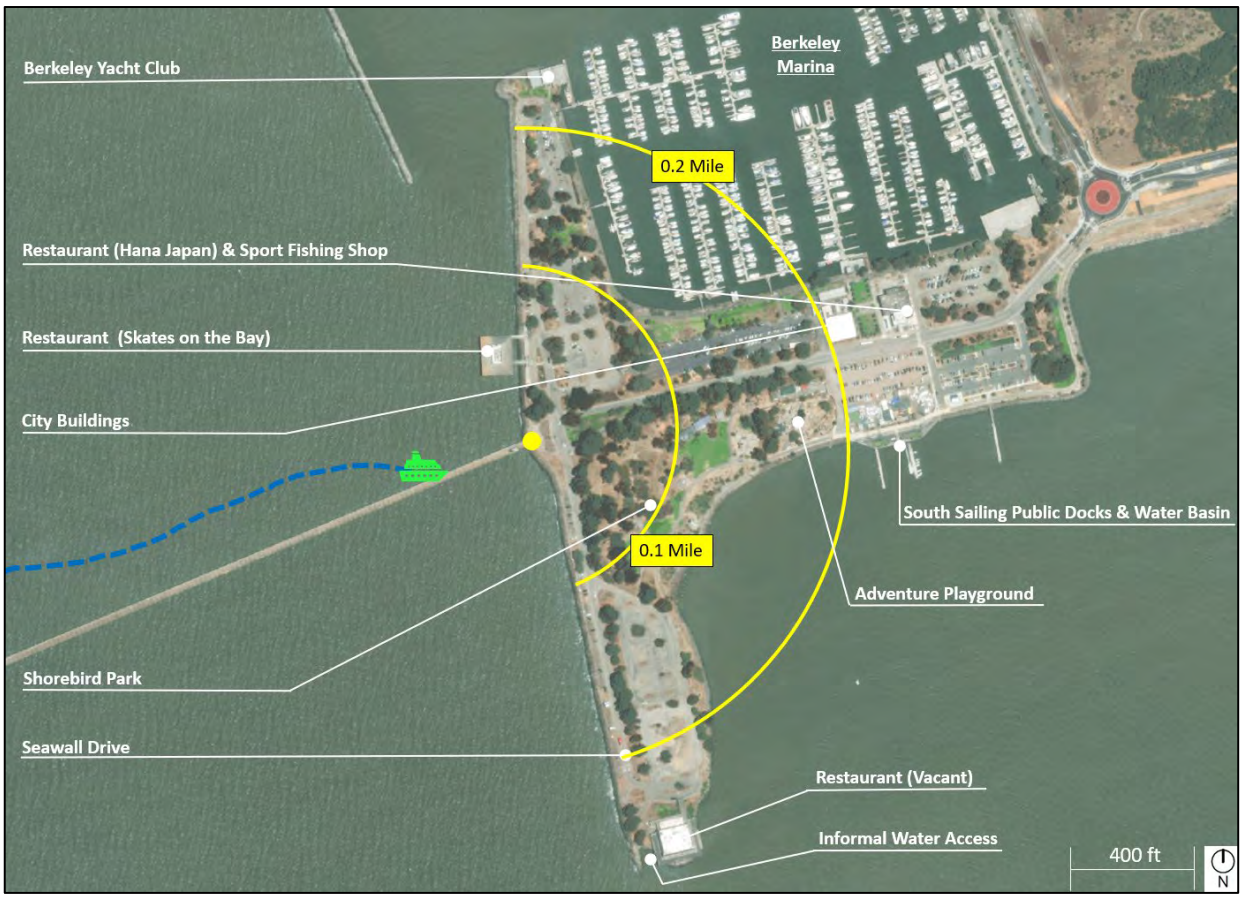
BACKGROUND

Subject Site

The subject site is located on the Berkeley Pier, approximately 650-feet west of the Berkeley shoreline in the San Francisco Bay. The Berkeley Waterfront is a single parcel (APN 06-2545-1) all of which is zoned as an Unclassified (U) zoning district. Berkeley Municipal Code (BMC) Section 23.208.020, Unclassified District, states that a Use Permit is required to establish any use in a U zoning district and establishes the procedures for a Use Permit application.

The Project is not within or adjacent to a residential zoning district. The nearest residential zone is over one mile east of the subject site. The nearest neighbors of the site (within 0.1 mile) are a restaurant, park and public parking lot. Within 0.2 miles of the site are additional public amenities (parklands, paths, playground), portions of the Berkeley Marina and additional public and mixed-use parking lots. Beyond 0.2 miles from the site, the Berkeley Waterfront includes additional parks, parking lots, restaurants and office buildings, a hotel, and various boating and recreational facilities. The Berkeley Marina has a total of 1,000 boat slips, of which up to 100 are permitted for live-aboard occupancy. Thirteen floating homes are berthed approximately 0.4 miles from the proposed use.

The Project site is served by an AC Transit bus line (Route 51B) which stops at the University Ave / Seawall intersection approximately every 25-minutes (weekdays).



Site History

The Berkeley Pier was constructed in 1926 by the Golden Gate Ferry Company to provide 24-hour ferry service between Berkeley and San Francisco. The pier was constructed as a two-way causeway, allowing vehicles to drive onto the pier and a ferry boat for transit between Berkeley and San Francisco. In 1937, eleven months after the Bay Bridge opened to auto traffic, the ferry line shut down, and the Pier was transferred to City ownership. Berkeley re-opened the pier for pedestrian and vehicle recreational use in 1938. By the 1950s, much of the pier had been abandoned, leaving 3,000 feet maintained for pedestrian access only. In 2015, the Pier was closed to the public due to observed structural deterioration.

In 2018, the City was approached by the Water Emergency Transportation Authority (WETA) regarding the possibility of a new public ferry service at the Berkeley Waterfront. In 2019, WETA and the Berkeley City Council authorized a Memorandum of Understanding (MOU) Agreement to jointly fund a planning study on the feasibility of rebuilding the Berkeley Pier to provide both ferry service and recreational access. The Feasibility Study concluded in 2023 with the recommendation of preferred layouts for pier, breakwater, ferry terminal, and landside improvements. In 2024, the City obtained grant funding for the detailed design, environmental analysis, and permitting of the Pier-Ferry Project.

Community Meeting

Prior to submitting this application, the City installed a pre-application poster on site in January 2026. The City has conducted extensive public outreach related to the Pier-Ferry Project.

Feasibility Phase
Focus Group Meeting #1, January 5, 2021
Focus Group Meeting #2, January 6, 2021
Focus Group Meeting #3, January 7, 2021
Community Workshop #1, January 21, 2021
City Council Work Session #1, February 16, 2021
Public Survey / Questionnaire (online), March 2021
Community Workshop #2, August 10, 2021
Community Workshop #3, October 27, 2021
City Council Work Session #2, December 7, 2021

Design Phase
Parks, Recreation & Waterfront Commission, March 13, 2024
Waterfront Intercept Survey (Parking), April 6, July 18, August 1, 17, 22, 24, 27, 2024
Focus Group, Berkeley Chamber of Commerce, January 15, 2025
Focus Group, Healthy Black Families, January 16, 2025
Focus Group, Bike East Bay & Walk/Bike Berkeley, January 29, 2025
Focus Group, Berkeley Business District Network, February 6, 2025
Focus Group, Gilman Coordination Committee, February 7, 2025
Focus Group, Berkeley Neighborhood Council, February 8, 2025
Focus Group, Berkeley Design Advocates, February 12, 2025

Agency Presentation, Water Emergency Transportation Agency (WETA), February 13, 2025
Community Event, Community Partner Resource Night Meet & Greet, February 20, 2025
Community Event, Black History Month Celebration at Washington Elementary, February 27, 2025
Focus Group, Berkeley Democratic Club, March 3, 2025
Focus Group, West Berkeley Shuttle Board, March 5, 2025
Focus Group, Telegraph for the People, March 10, 2025
Berkeley Youth Commission, March 10, 2025
Parks, Recreation & Waterfront Commission, March 12, 2025
Focus Group, Berkeley Black Ecumenical Ministers Alliance, March 17, 2025
Parks, Recreation & Waterfront Commission, March 12, 2025
Focus Group, Save the Bay, March 18, 2025
Focus Group, Golden Gate Bird Alliance / East Bay Conservation Committee, March 18, 2025
Focus Group, UC Berkeley Urban Studies Students Association, April 2, 2025
Focus Group, Friends of Ohlone Park, April 2, 2025
Community Event, Egg Hunt Extravaganza at Berkeley Waterfront, April 19, 2025
Focus Group, Seawall Peninsula Water Access Improvements, April 30, 2025
Community Meeting, EIR Scoping, May 5, 2025
Focus Group, Berkeley Breakfast Club, May 9, 2025
Agency Presentation, BCDC Design Review Commission, May 12, 2025
Parks, Recreation & Waterfront Commission, May 14, 2025
Focus Group, Seawall Peninsula Water Access Improvements (Swimmers), June 12, 2025
Focus Group, Berkeley Rotary Club, July 30, 2025
Agency Presentation, BCDC Design Review Commission, November 3, 2025
Focus Group, Seawall Peninsula Water Access Improvements, December 2025
Parks, Recreation & Waterfront Commission, January 12, 2025
Transportation & Infrastructure Commission, January 15, 2025

The location of the ferry landing on the north side of the pier was selected based on public feedback during the feasibility phase that this configuration reduced the potential for conflict between in-water recreation and ferry vessels.

Some existing waterfront users consistently express concern that the operation of a public ferry would negatively impact the ability of recreation visitors to find parking at the Berkeley Waterfront. The City and its consultants collected parking utilization data on 588 days between May 2021 and August 2024. Data was collected at various times throughout the days including five separate days of full-day continuous data collection over five months. This data was analyzed by transportation engineering and planning consultants to determine existing parking patterns, including peak use and occupancy, turn-over and other factors. Additional analyses were conducted based on public feedback on the Draft document and included in an addendum. The analysis (**Attachment 6**) concludes that even during peak visitation periods and hours, multiple parking lots at the Berkeley Waterfront are currently under-utilized and there are sufficient parking stalls to accommodate ferry riders within these under-used parking lots without impacting recreation parking access.

The City has developed a Preliminary Parking Management Plan (**Attachment 7**) that would limit full-day parking by ferry riders to only those lots identified as having capacity available and would prohibit full-day parking by ferry riders at those lots that do not have excess capacity. The project is subject to permitting from the San Francisco Bay Conservation District (BCDC), among other state, local and federal agencies. To issue a permit, BCDC must determine that the proposed project is consistent with the McAteer-Petris Act and Bay Plan Policies, which include a requirement that "Facilities provided for park and marina patrons, such as parking, should not be usurped by ferry patrons." As such, the final parking management plan would be submitted to BCDC for review and approval as part of the project BCDC permit application.

CITY COUNCIL REVIEW

The ZAB decision on this Use Permit is not effective until after action by the City Council (BMC 23.208.020) pursuant to BMC Section 23.208.020 (C):

C. *Use Permit Procedures*. The City shall review and act on Use Permit applications in the U district as follows:

1. Each application shall be first submitted to the Planning Commission with the Planning Commission making a report to the ZAB. If the Planning Commission fails to take an action on the report within 30 days after a Use Permit application is deemed complete, the ZAB will consider the application without a Planning Commission report.

2. After Planning Commission review, the ZAB shall take an action to approve, conditionally approve, or deny the application. The ZAB's decision is not effective until after action by the City Council. ZAB decisions may not be appealed.

3. The ZAB will send a report of its decision, including findings and any conditions, together with the Planning Commission report, to the City Clerk within 14 days of final action.

4. The City Council will review and act on the application within 30 days of the ZAB decision.

5. The Council may affirm, reverse, or modify the ZAB decision.

Parks, Recreation, and Waterfront Department and Planning Department staff have mutually agreed to extend the timeline outlined in BMC Section 23.208.020(C)(4) for Council action after the ZAB decision.

ANALYSIS

Project Scope

The permit would establish transportation, specifically public zero-emission electric ferry service, as an allowable use at the Berkeley Pier. New structures necessary to accommodate the use include:

- Universal charging and boarding floats (~5,700 square feet), which provide the infrastructure for the ferry vessel to dock and charge while passengers on and off board;
- Ferry gate and landing (~750 square feet), including signage and ticket kiosks, connecting the recreational pier to the gangway;
- Gangway connecting the Ferry landing to the float (~1,200 square feet); and
- Breakwater, providing protection for the ferry terminal elements described above (~4,300 square feet). The breakwater also enhances public access for pedestrian recreation and fishing.

These structures would be designed to essential facility standards to allow the ferry to serve as a disaster response and recovery resource following a significant seismic event.

The Use Permit application is limited to the establishment of a new use (public transportation) and the construction required specifically to implement this new use. The repair and replacement of existing infrastructure to serve existing uses, including the replacement of the existing Berkeley Pier, does not require a Use Permit.

Ferry service would be operated by WETA. Prior to initiation of ferry service, the City Council would execute an MOU or similar formal agreement with WETA to authorize the use of the Berkeley Pier for the ferry service. A summary of the proposed Berkeley Ferry Service included in the WETA Berkeley Ferry Service Business Plan (V1.0)[1] includes:

- WETA envisions operating two vessels on the weekday route and a single vessel during weekend service. Weekday ridership is projected to be 955 riders in the first year of service, increasing to 1,018 riders in the 10th year of service. Weekend ridership is projected to be 684 riders in the first year of service and 729 riders in the 10th year of service.
- Weekday service every 35-minutes between Berkeley and San Francisco. The one-way travel time is about 25-minutes. Service would run from 6:30 am to 11:15 am in the morning and 4 pm to 7:40 pm in the evenings.
- Weekend service every 70-90 minutes. Weekend service could include a Berkeley - Larkspur route; with one-way travel time of 35-minutes. Service would run from 8:30 am to 5 pm weekends.
- The fare for Berkeley – San Francsico service is estimated to be $5.17 - $5.41 per trip, and fare for Berkeley – Larkspur service estimated to be $10.78 - $12.72 per trip (in 2026; fares are projected to increase 3% annually).
- Special event service may operate between Berkeley and San Francsico or Mission Bay for example, for events at the Chase Center, Oracle Park or Berkeley Marina. Special event service fare pricing would be set to cover WETA costs.

[1] https://d262kwcyxl71on.cloudfront.net/wp-content/uploads/20240926061356/Item-8A-Berkeley-Ferry-Service-Business-Plan.pdf

The WETA Berkeley Ferry Service Business Plan is a living document and future updates prior to service initiation are expected.

Findings

Draft findings for approval can be found in Attachment 2 to the staff report.

Environmental Review

The City published a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Pier-Ferry Project in May 2025. A Draft EIR for the Project is expected to be published for public review in late February 2026. ZAB is not required to make a CEQA determination concurrent with this permit approval because the permit is not effective until Council action pursuant to BMC Section 23.208.020 (C) "Unclassified District Use Permit Procedures". Council, as the decision maker, will make a CEQA determination before or concurrent with final action on this permit pursuant to BMC Section 23.208.020.

The Berkeley City Council must certify a Final EIR for the Project before it can obtain permits from the City, including this Use Permit, or from other regional or state agencies with jurisdiction over the Project. Federal environmental review pursuant to the National Environmental Policy Act will be conducted by the lead federal agency prior to issuance of any federal permit.

Establishing transportation as an allowable use is fundamental to the overall Project schedule and progress. In addition to a Use Permit, the Project must obtain permits from multiple agencies with jurisdiction over the Project, including but not limited to BCDC, Army Corps of Engineers, and California Regional Water Quality Control Board. These permits have lengthy application review and processing periods, and the City will begin preparing these applications immediately after completing public review of the Draft EIR. For the Project to proceed with these applications and remain on schedule to be shovel-ready by 2027, the City is prioritizing ZAB review and action on the Use Permit application prior to publication of the Draft EIR.

ADVISORY BODY REVIEW

Design Review

The constructed elements related to establishing the new use are limited to in-water infrastructure to allow ferry docking and boarding to occur (vessel charging float, gangway, boarding platform and breakwater). Due to the limited and technical nature of the constructed elements associated with the new use, staff has determined that pursuant to BMC Section 23.406.070(D), design review will occur by Planning staff. A preliminary staff-level design review has been completed, and staff did not have any comments on the structures necessary to accommodate the new use (boarding/charging float, gangway, ferry gate/landing platform and breakwater). Ongoing staff-level design review will occur concurrent with project permitting.

Planning Commission Review

Pursuant to BMC Section 23.208.020 (C), "Unclassified District Use Permit Procedures," the Planning Commission considered the proposed Use Permit at its January 21, 2026 meeting. The Planning Commission passed a resolution recommending that the Zoning Adjustments Board and City Council approve the use permit for the Berkeley Ferry project (**Attachment 8**).

POLICY CONSISTENCY

General Plan Consistency

The 2002 General Plan contains several policies applicable to the project, including the following:

1. **Policy T-2: Public Transportation Improvements**. Encourage regional and local efforts to maintain and enhance public transportation services and seek additional regional funding for public and alternative transportation improvements.

   Staff Analysis: The project establishes a new, zero-emission public transportation service connecting the City of Berkeley to San Francisco.

2. **Policy T-9 Ferry Service**. Continue to evaluate the possibility of working with the City of Albany, the racetrack owners, regional transportation agencies, and AC Transit to establish a ferry terminal and regular San Francisco ferry service from Berkeley at the foot of Gilman Street or at the foot of University Avenue as an alternative to the Bay Bridge and as an essential recovery element following a significant seismic event.

   Action A. Ensure transit, shuttle, and bicycle connections are in place before beginning ferry service to minimize parking demand and traffic caused by people driving to the ferry service.

   Action B. Prioritize transit, pedestrian, and bicycle public expenditures over expenditures of public funds for ferry service, and ensure that new ferry service will not result in a reduction in public subsidies for existing transit services.

   Action C. Ensure that ferry services are less environmentally detrimental than the automobile. Advocate for low-emission, environmentally sensitive ferries.

   Staff Analysis: The project proposes to establish a ferry terminal and regular San Francisco ferry service from Berkeley at the foot of University (i.e. the Berkeley Pier) as an alternative to the Bay Bridge. The facilities would be designed to essential facility standards and the ferry would serve as a disaster response and recovery resource following a significant seismic event. The larger Pier-Ferry Project includes improvements to existing transit and bicycle connections, and the proposed use is for a zero-emission electric ferry. Ferry service would be operated by WETA. Funding for

project construction has not been secured.

3. **Policy S-12 Utility and Transportation Systems**. Improve the disaster-resistance of utility and transportation systems to increase public safety and to minimize damage and service disruption following a disaster.

   Staff Analysis: The ferry terminal facilities would be designed to essential facility standards and the ferry would serve as a disaster response and recovery resource following a significant seismic event.

Berkeley Marina Master Plan Consistency

The Berkeley Marina Master Plan provides a long-term vision for enhancing one of the City's most valued Waterfront assets. A key objective of the plan is to maintain and improve recreational, environmental, and boating facilities while preserving the Marina's open space and natural habitat. The Berkeley Marina Master Plan was adopted in 2003 and did not contemplate the closure of the Berkeley Pier nor the operation of public ferry service. The project is consistent with the guiding principles and policies in the Master Plan, including to maintain and upgrade infrastructure, providing for appropriate recreational and commercial/non-profit development that both encourages use and protects and enhances the natural resources of the Marina lands and enhance access and use of the Marina.

Berkeley Local Hazard Mitigation Plan Consistency

The City's Local Hazard Mitigation Plan (2019) identifies developing a ferry service as a High Priority Action that would play an important role in the City's emergency response and recovery after a major disaster.

Berkeley Climate Action Plan Consistency

The City's Climate Action Plan identifies public transit as a more sustainable form of transportation (Chapter 3) and sets a goal to establish ferry service at the Berkeley Marina that would connect to San Francisco and other locations.

Regional Transportation Plan Consistency

Ferry service connecting Berkeley to San Francsico is included in multiple regional transportation planning documents, including the Metropolitan Transportation Commission adopted Plan Bay Area 2050, Draft Plan Bay Area 2050+ and the WETA 2050 Service Vision.

RECOMMENDATION

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board **APPROVE** ZP2026-0014 pursuant to BMC Section 23.406.040 (E) "**Findings for Approval**" and subject to the attached Findings and Conditions (see Attachments 2 and 3).

Attachments

1. Table 1: Special Characteristics
2. Draft Findings
3. Draft Conditions of Approval
4. Project Plans, received January 13, 2026
5. Notice of Public Hearing
6. Transportation Demand Management Study & Addendum Final Draft
7. Preliminary Parking Management Plan Exhibit
8. Planning Commission Resolution No. 2026-01

Attachment 1

Table 1: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	These fees apply to net newly constructed nonresidential gross floor area over 7,500 square feet. The project includes less than 7,500 square feet of net new commercial space. Therefore, the project is not subject to this fee.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	No	The project is not a housing development project, as defined in BMC 23.328.020[a].
Alcohol Sales/Service	No	The project is not proposing any alcohol sales or service with this permit.
Bird Safe Buildings (BMC Section 23.304.150)	No	The project does not include any buildings.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There no Coast Live Oak (*Quercus agrifolia*) trees on the project site.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the project site.
Density Bonus	No	The project does not include any buildings.
Hard Hats (BMC Chapter 13.107)	No	The applicant is the City of Berkeley, not a private entity, and not a "Covered Project" as defined in this section.
Historic Resources	No	The project does not include demolition of any buildings. Reconstruction of the existing Pier is not a new use, and not subject to this Use Permit.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	No	The project does not include housing.
Housing Crisis Act of 2019 (SB 330)	No	The project does not include housing.
Opportunity Sites	No	The subject site is in the San Francisco Bay and not an opportunity site.
Rent Controlled Units	No	The project does not include existing or new housing.
Residential Preferred Parking (RPP)	No	The project does not include housing.

Characteristic	Applicability	Explanation
Seismic Hazards (SHMA)	Yes	The project site is in San Francisco is not mapped by the State Seismic Hazard Zones map. [c] Based on nearby geologic mapping and project specific geotechnical analyses and reporting it is expected that the project site has "very high" liquefaction risks and is not susceptible to landslide. Project would be designed as an essential facility to withstand maximum credible earthquake scenario. Environmental impact related to this topic will be analyzed in the project EIR.
Soil/Groundwater Contamination	No	There are no Cortese Listed [d] sites within or adjacent to the project site. The project site is located within the City's Environmental Management Area. Environmental impact related to this topic will be analyzed in the project EIR.
Transit	Yes	The project site is currently served by an AC Transit bus line, and would establish new public transit via zero emission electric ferry service to San Francisco.

Notes:

a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.

b. Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing. Government Code Section 65905.5(b)(3)(C) "Housing development project" includes a proposal to construct a single dwelling unit. This subparagraph shall not affect the interpretation of the scope of paragraph (2) of subdivision (h) of Section 65589.5.

c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologichazards/

d. Cortese List is an annually updated list of hazardous materials sites complied pursuant Government Code Section 65962.5.

Zoning Adjustments Board Findings

App #ZP2026-0014 Use Permit to Establish Transportation Use (ferry service) at Berkeley Pier

February 26, 2026

Project Facts	Project Description:
Applicant: City of Berkeley Department of Parks, Recreation, and Waterfront **Property Owner**: City of Berkeley **Project Address:** 201 University Avenue **GP Land Use:** Waterfront / Marina (W) **Zoning:** Unclassified District (U) **Council Authority:** ZAB decision is not effective until after action by the City Council (BMC Section 23.208.020(C)) **CEQA:** NOP Published May 2025. Draft EIR to be published on February 27, 2026. **Project Planner:** Singeh Saliki **Prepared by:** Liza McNulty, Parks, Recreation and Waterfront Department	The applicant is seeking approval to establish transportation via public ferry service as an allowable use at the Berkeley Pier. Constructed elements associated with the new use include a universal charging float (5,700 square feet), ferry gate and landing (750 square feet), gangway (1,200 square feet) and breakwater (4,300 square feet).
	Zoning Permits Requested:
	1. **New Use.** Use Permit under BMC Section 23.208.020(B), **"Unclassified District Allowed Uses"** to establish transportation use at the Berkeley Pier.
	Staff Recommendation
	Staff recommends that ZAB approve ZP2026-0014 pursuant to BMC Section 23.406.040 (E) "**Findings for Approval**" and subject to the attached Findings and Conditions of Approval. Because an approval by ZAB is not effective until Council action pursuant to BMC Section 23.208.020(C) "Unclassified District Use Permit Procedures", ZAB is not required to make a CEQA determination at this time. Rather, Council will make a CEQA determination before or concurrent with final action on this permit pursuant to BMC Section 23.208.020(C).

CEQA

The City published a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Pier-Ferry Project in May 2025. A Draft EIR for the Project is expected to be published for public review in late February 2026. ZAB is not required to make a CEQA determination concurrent with this permit approval because the permit is not effective until Council action pursuant to BMC Section 23.208.020 (C) "Unclassified District Use Permit Procedures". Council, as the decision maker, will make a CEQA determination before or concurrent with final action on this permit pursuant to BMC Section 23.208.020.

FINDINGS FOR APPROVAL

As required by BMC Section 23.406.040 (E) (1-4) "Findings for Approval," the following findings shall be made:

1. To approve a Use Permit, the ZAB shall find that the proposed project or use:
   (a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use; and

   Evidence: The project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or visiting in the area because the proposed use will establish a new transportation option for commuting, recreational or personal travel to San Francsico, which is a benefit to persons working, residing or visiting the area. The project will not be detrimental to the general welfare of persons who use the Berkeley Waterfront because the City has conducted an analysis of parking that demonstrates that there is sufficient parking available to accommodate this use.

   (b) Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

   Evidence: The project will not be detrimental or injurious to property and improvements of the adjacent properties because the Berkeley Waterfront is a single property, owned and managed by the City of Berkeley and because the use of a public ferry is a water-related use consistent with the Public Trust Doctrine governing Berkeley waterfront land use. The project will not be detrimental to the general welfare of the City because establishing ferry service in Berkeley has been identified as a goal in multiple City and regional planning documents to improve the general welfare of the City by reducing greenhouse gases, improving transportation access and providing emergency response and disaster recovery. In addition, the findings for required discretionary permits are satisfied per the Evidence in 2 and 3 below.

2. To approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project.

   Evidence: N/A

3. When taking action on a Use Permit, the ZAB shall consider in its findings:

   (a) The proposed land use; and

   Evidence: The project is consistent with the proposed land use because all uses not prohibited by law are permitted in the U District pursuant to BMC Section 23.208.020 (B) "Allowed Uses" and because the project is consistent with the general plan policies and designated Waterfront / Marina land use which includes water transit facilities.

   (b) The structure or addition that accommodates the use.

   Evidence: The structure that accommodates the use is in-water ferry infrastructure, including a breakwater, gate and landing/boarding platform, gangway and float. This infrastructure is consistent with the allowable uses governing the site.

4. Required findings shall be made based on the circumstances existing at the time a decision is made on the application.

   Evidence: The required findings are satisfied because the project has been determined to be fully compliant with all applicable regulations based on the project plans submitted on January 13, 2026 and evaluated based on the existing conditions of the subject site and surrounding neighborhood at the time of decision.

5. The Zoning Officer shall deny an AUP application if unable to make any of the required findings.

   Evidence: N/A

LAND USE PLANNING

STANDARD CONDITIONS OF APPROVAL
APPLICABILITY

Use Permits approved through the City of Berkeley are subject to Standard Conditions of Approval (Standard COAs). The City of Berkeley has established Standard COAs that identify requirements for the construction and operation of the approved project or use. This includes general administrative conditions, permitting requirements, project construction and the regulation of on-going, on-site uses. Compliance requirements with the Berkeley Municipal Code, building permit review and issuance process, construction, final inspection requirements, certificate of occupancy, and on-going operations of the approved use are included in this document.

The Standard COAs may vary based on site size, location, environmental settings, topography, historic alteration or approved uses. Variations in the application of the Standard COAs may occur based on the project scope and site-specific characteristics including but not limited to parcel size, location, topography, and use.

Conditions which have specified thresholds due to size, uses, and other characteristics are identified.

Part I. Administrative Conditions
- A. General Project Conditions
- B. Project Specific Conditions

Part II. Prior to Issuance of Demolition Permit

Part III. At the Time of Building Permit Submittal

Part IV. Prior to Issuance of Building Permit
- A. Toxics

Part V. During Demolition/Construction
- A. Building & Safety
- B. Land Use Planning
- C. Public Works

Part VI. Fees

LAND USE PLANNING

CONDITIONS OF APPROVAL

Site Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	**Project Approval.** This Project approval is for Berkeley Pier-Ferry (201 University Avenue), as substantially shown and described on the Project plans dated January 13, 2026, except as required to be modified by Conditions of Approval herein and plans as presented to the Zoning Adjustments Board on February 26, 2026 ("Approval Date"). For any Condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the Project applicant shall submit final plan(s) in substantial conformance with the conceptual plan and incorporate any required modifications.	City of Berkeley	On-Going	Land Use Planning
2.	**Approval Limited to Proposed Project and Replacement of Existing Uses.** This Use Permit authorizes only the Proposed Project described in the application. This project approval does not authorize other uses, structures or activities not included in the Project Description. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use. (BMC Sections 23.404.060.B.1 and 2)	City of Berkeley BMC Sections 23.404.060	On-Going	Land Use Planning
3.	**Compliance Required.** All land uses and structures in the City of Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations.	City of Berkeley BMC Section 23.102.050(B)	On-Going	Land Use Planning
4.	**Other Regulations.** Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.	City of Berkeley BMC Section 23.102.050 (E)		

LAND USE PLANNING

CONDITIONS OF APPROVAL

Site Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
5.	**Conformance with Approved Plans.** All work performed under an approved Use Permit shall follow the approved plans as presented to ZAB on Month, date, year and any Conditions of Approval.	City of Berkeley BMC Section 23.404.060 (B)(4)	On-Going	Land Use Planning
6.	**Permit Modifications.** No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Adjustments Board. The Zoning Officer may approve changes to plans approved by the Board which reduce the size of the Project, consistent with the Board's policy adopted on May 24, 1978.	City of Berkeley BMC Section 23.404.070	On-Going	Land Use Planning
7.	**Permit Revocation.** The City may revoke or modify a discretionary permit for completed projects due to: 1) Violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. No lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board, or City Council referral.	City of Berkeley BMC Section 23.404.080	On-Going	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Site Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
8.	**Permit Remains Effective for Vacant Property.** Once a permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard COA #5 above.	City of Berkeley BMC Section 23.404.060	On-Going	Land Use Planning
9.	**Exercise and Expiration of Permits** A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun. C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the Zoning Adjustments Board in accordance with Chapter 23.410 (Appeals and Certification).	City of Berkeley BMC Section 23.404.060 (C)	On-Going	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Site Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
	D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.			
10.	**Compliance with Conditions of Approval and Environmental Mitigations**. The Building Permit application is subject to verification of compliance of these Conditions of Approval and any applicable Mitigation Measures. The applicant shall be responsible for demonstrating compliance with all Conditions of Approval per the timeline set forth by this Permit.	City of Berkeley	On-Going	Land Use Planning
11.	**Demolition.** Demolition of the existing structures cannot commence until a complete building permit application is submitted for the project. All plans presented to the City to obtain a building permit to allow the demolition are subject to these Conditions of Approval.	City of Berkeley	On-Going	Building & Safety/ Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

I. Administrative Conditions B. Project Specific Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	Pursuant to BMC 23.404.050(H), the Zoning Adjustments Board attaches the following additional Conditions of Approval to this Permit: A. City Council approval pursuant to BMC Section 23.208.020. B. City shall acquire permits from all other jurisdictions with authority over the project, including but not limited to the San Francisco Bay Conservation and Development Commission, prior to start of construction of the project. C. Implementation of mitigation measures contained within a City Council Adopted Mitigation Monitoring and Reporting Program (MMRP) shall be considered Conditions of Approval.	City of Berkeley BMC Section 23.040.050	N/A	N/A

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

II. Prior to Issuance of Demolition Permit		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Conditions of Approval Included in Building Permit Plan Submittal** **A. Use Permit.** The Conditions of Approval for this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Use Permit Conditions.' *Additional sheets may also be used if the second sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; (8-1/2" by 11" sheets are not acceptable)*	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning
2.	**Project Liaison.** The applicant shall include in all building permit plans and post onsite the name, e-mail address, and telephone number of an individual empowered to manage construction-related complaints generated from the Project. The individual's name, telephone number, and responsibility for the Project shall be posted at the project site for the duration of the Project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:** ☐ **Project Liaison** Liza McNulty (Name) 510-543-4131 (Phone #)	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

	II. Prior to Issuance of Demolition Permit	Regulation Source	Timing/Implementation	Enforcement/Monitoring
3.	**Construction Noise Management - Public Notice Required**. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following: (1) Project Description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name, e-mail, and phone number of the Project Liaison for the Project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.	City of Berkeley	Prior to Demolition Permit Issuance (At least Two Weeks Prior to Construction Commencement)	Building & Safety Division
4.	**Construction Phases**. The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or their designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these Conditions of Approval. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

II. Prior to Issuance of Demolition Permit		Regulation Source	Timing/Implementation	Enforcement/Monitoring
5.	**Construction and Demolition Diversion.** The applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 "Berkeley Green Code" including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.	City of Berkeley BMC Chapter 19.37	Prior to Demolition Permit Issuance	Building & Safety/Public Works

III. At the Time of Building Permit Submittal		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Public Works ADA.** Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.	City of Berkeley	At Building Permit Submittal	Public Works

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

IV. Prior to Issuance of Building Permit: A. Toxics		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	**Demolitions & Renovations – Building Materials Survey.** A hazardous materials survey shall be prepared by qualified professionals and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit. The survey shall identify building materials, plans for hazardous materials, hazardous waste removal and disposal, the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.	City of Berkeley	Prior to Issuance of Building Permit	Toxics Management Division

V. During Demolition/Construction A. Building & Safety		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1	**Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal holiday.	City of Berkeley BMC 13.40.070 (B) (7)	During Demolition/Construction	Building & Safety

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction A. Building & Safety		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
2.	**Construction Hours Exceptions**. Prior to initiating any activity that might require a longer period, the applicant shall notify the Zoning Officer in writing and request an exception for a specific period of time. If an exception is approved, then the applicant shall notify businesses and residents within 500 feet of the Project site describing the expanded construction hours two weeks prior to the expanded schedule start.	City of Berkeley	During Demolition/Construction	Environmental Health & Land Use Planning
3.	**Project Construction Website.** The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant: • Contact information (i.e. "hotline" phone number, and email address) for the Project construction manager • Calendar and schedule of daily/weekly/monthly construction activities • The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.	City of Berkeley	During Demolition/Construction	Building & Safety
4.	**Construction / No Parking Permits**. If "Construction/No Parking Permits" are required, the applicant shall contact the Permit Service Center for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). The Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health or safety of the surrounding neighborhood.	City of Berkeley	During Demolition/Construction	Building & Safety

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	**Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the Project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act and the California Fish & Game Code, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.	Federal Government State of California	During Demolition/Construction	Land Use Planning
2.	**Unanticipated Discovery of Paleontological Resources.** In the event of an unanticipated	City of Berkeley	During Demolition/Construction	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
	discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified archeologist (per Secretary of Professional Qualification Standards National Park Service 1983). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The archeologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the archeologist shall prepare an excavation plan for mitigating the effect of the Project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.			
3.	**Unanticipated Discovery of Tribal Cultural Resources.** In the event that Tribal Cultural Resources are identified during construction, all work within 50 feet of the discovery shall be redirected. The Project applicant and Project construction contractor shall notify the Land Use Planning Division within 24 hours. The City will contact any tribes who have requested consultation under AB 52 (if applicable), as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a Tribal Cultural Resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.	City of Berkeley	During Demolition/Construction	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
4.	**Unanticipated Discovery of Archeological Resources.** Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique paleontological resources accidentally discovered during construction" should be instituted. Therefore: **A**. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within a minimum of 50 feet of the resources shall be halted and the Project applicant and/or lead agency shall consult with a Registered Professional Archeologist or paleontologist, and the culturally-affiliated California Native American Tribe ("Tribe") to assess the significance of the find. **B.** If any find is determined to be significant, representatives of the Project proponent and/or the lead agency and the Tribe shall meet to determine the appropriate avoidance measures or other appropriate measures to mitigate impacts to the Tribal Cultural Resource., **C.** In considering any suggested measure proposed by the Registered Professional Archeologist, the Tribe and the lead agency shall confer and such consultation will be considered concluded when either of the following occurs: (1) the parties agree to mitigation measures to mitigate or avoid a significant effect, if a significant effect exists, on a Tribal Cultural Resource or (2) A party, acting in good faith after reasonable effort, concludes that mutual agreement cannot be reached. **D.** If avoidance is unnecessary or infeasible, other appropriate measures such as removal and reburial of the Tribal Cultural Resource in an alternate location with tribal cultural monitor such as removal and reburial of the Tribal Cultural Resource in an alternate location with tribal cultural monitors may be instituted. Work may proceed on other parts of the Project site while	City of Berkeley	During Demolition/Construction	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
	mitigation measures for cultural resources is carried out. **E.** If significant materials are recovered, the Registered Professional Archeologist shall prepare a report on the findings for submittal to the Northwest Information Center.			
5.	**Discovery of Human Remains.** In the event that human skeletal remains are uncovered at the Project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment. A. The descendants' preferences for treatment may include the following: i. The nondestructive removal and analysis of human remains and items associated with Native American human remains. ii. Preservation of Native American human remains and associated items in place.	City of Berkeley	During Demolition/Construction	Land Use Planning

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction: B. Land Use Planning	Regulation Source	Timing/ Implementation	Enforcement/Monitoring
iii. Relinquishment of Native American human remains and associated items to the descendants for treatment. iv. Other culturally appropriate treatment. B. The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section, are located in the Project area providing a basis for additional treatment measures. C. For the purposes of this section, "conferral" or "discuss and confer" means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties' cultural values, and where feasible, seeking agreement. Each party shall recognize the other's needs and concerns for confidentiality of information provided to the other. i. Human remains of a Native American may be an inhumation or cremation, and in any state of decomposition or skeletal completeness. ii. Any items associated with human remains that are placed or buried with Native American human remains are to be treated in the same manner as the remains, but do not by themselves constitute human remains. D. Whenever the commission is unable to identify a descendant, or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Public Resources Code Section 5097.94. if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items			

LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
	associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. To protect these sites, that landowner shall do one or more of the following: i. Record the site with the commission or the appropriate Information Center. ii. Utilize an open-space or conservation zoning designation or easement. ii. Record a document with the county in which the property is located. F. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to subdivision (e). G. Per State law, any action taken to implement an agreement developed pursuant to this Condition of Approval shall be exempt from the CEQA.			

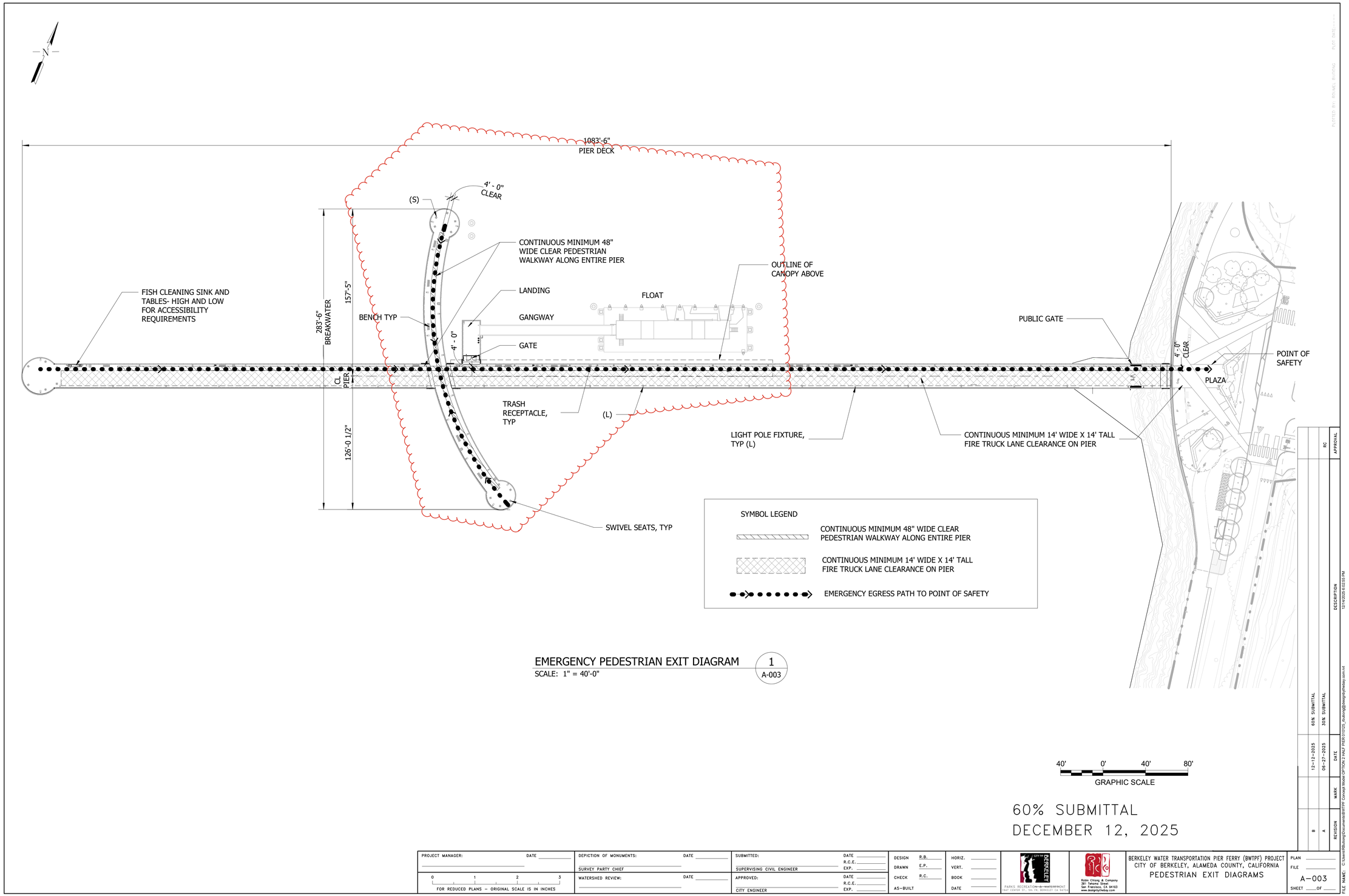
LAND USE PLANNING

CONDITIONS OF APPROVAL

Property Address: Berkeley Pier-Ferry (201 University Ave)
Application Number: ZP#2026-0014

V. During Demolition/Construction: C. Public Works		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	**Underground Utilities.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.	City of Berkeley	During Construction	Public Works

VI. Fees		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	**Percent for Public Art.** Pursuant to BMC 6.13, the City shall set aside a portion of its estimated capital improvement project budget as defined in BMC 6.13.020 to be paid into the Public Art Fund.	City of Berkeley BMC Section 6.13	Prior to Certificate of Occupancy	Office of Economic Development



EMERGENCY PEDESTRIAN EXIT DIAGRAM (1 / A-003)
SCALE: 1" = 40'-0"

40' 0' 40' 80'
GRAPHIC SCALE

60% SUBMITTAL
DECEMBER 12, 2025

REVISION	MARK	DATE	DESCRIPTION
B		12-12-2025	60% SUBMITTAL
A		06-27-2025	30% SUBMITTAL

PLOTTED BY: BRIAN BUTKO PLOT DATE: 12/14/2025 6:02:55 PM

PROJECT MANAGER: DATE
DEPICTION OF MONUMENTS: DATE — SURVEY PARTY CHIEF
SUBMITTED: DATE — SUPERVISING CIVIL ENGINEER
APPROVED: DATE — CITY ENGINEER
WATERSHED REVIEW: DATE
DESIGN R.B. R.C.E. EXP.
DRAWN E.P.
CHECK R.C.
AS-BUILT
HORIZ. VERT. BOOK DATE
0 1 2 3 FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

CITY OF BERKELEY — PARKS RECREATION & WATERFRONT, 1947 CENTER ST., 3RD FL. BERKELEY, CA 94704

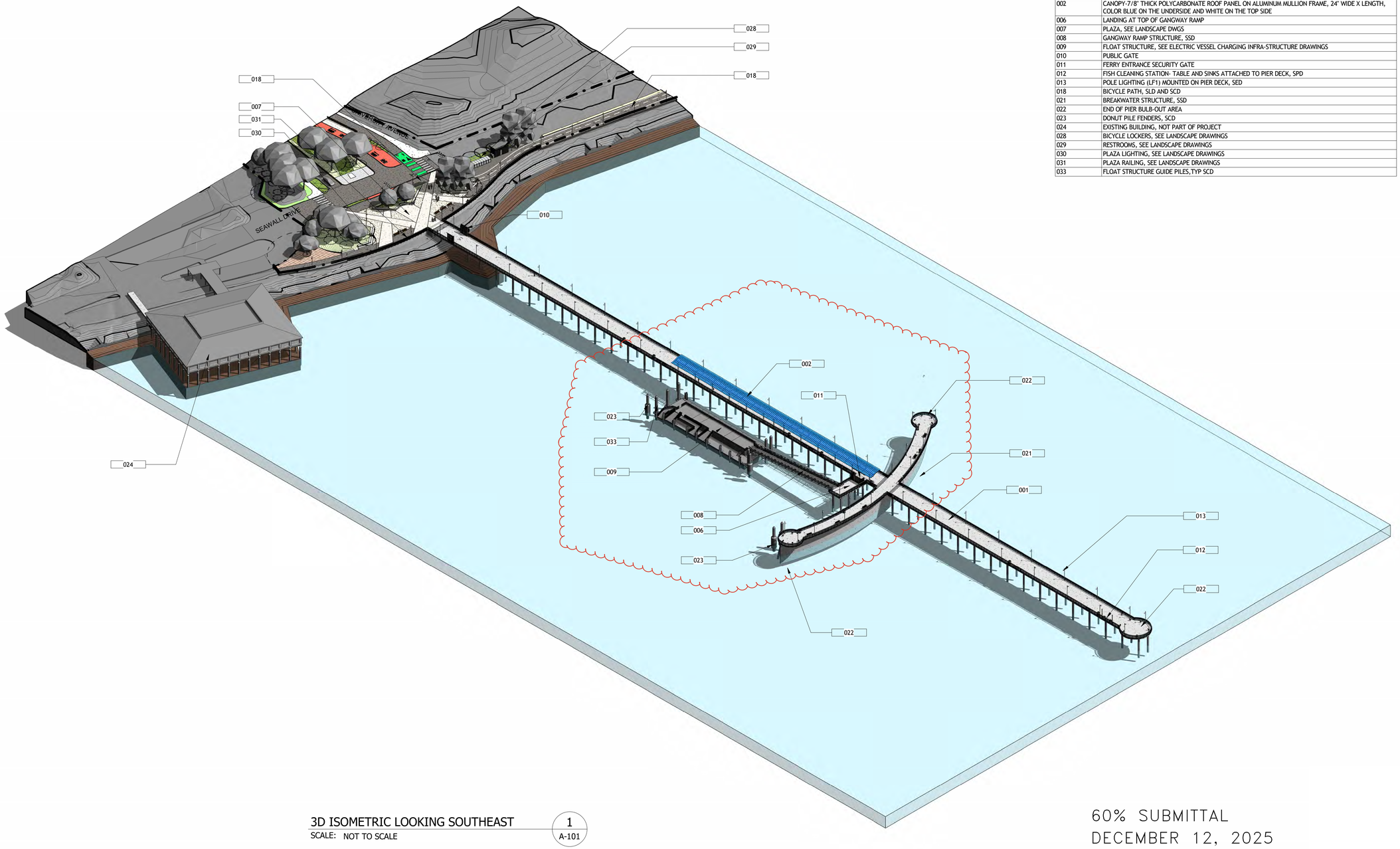
Robin Chiang & Company
381 Tehama Street
San Francisco, CA 94103
www.designbythebay.com

BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
PEDESTRIAN EXIT DIAGRAMS

PLAN
FILE
A-003
SHEET ___ OF ___

FILE NAME: C:\Users\RBuitrago\Documents\BWTPF Concept Model (OPTION 2 HALF PIER)\10125_rbuitrago@designbythebay.com.rvt

Keynote Legend	
Key Value	Keynote Text
001	CONCRETE PIER DECK, SED
002	CANOPY-7/8" THICK POLYCARBONATE ROOF PANEL ON ALUMINUM MULLION FRAME, 24" WIDE X LENGTH, COLOR BLUE ON THE UNDERSIDE AND WHITE ON THE TOP SIDE
006	LANDING AT TOP OF GANGWAY RAMP
007	PLAZA, SEE LANDSCAPE DWGS
008	GANGWAY RAMP STRUCTURE, SSD
009	FLOAT STRUCTURE, SEE ELECTRIC VESSEL CHARGING INFRA-STRUCTURE DRAWINGS
010	PUBLIC GATE
011	FERRY ENTRANCE SECURITY GATE
012	FISH CLEANING STATION- TABLE AND SINKS ATTACHED TO PIER DECK, SPD
013	POLE LIGHTING (LF1) MOUNTED ON PIER DECK, SED
018	BICYCLE PATH, SLD AND SCD
021	BREAKWATER STRUCTURE, SSD
022	END OF PIER BULB-OUT AREA
023	DONUT PILE FENDERS, SCD
024	EXISTING BUILDING, NOT PART OF PROJECT
028	BICYCLE LOCKERS, SEE LANDSCAPE DRAWINGS
029	RESTROOMS, SEE LANDSCAPE DRAWINGS
030	PLAZA LIGHTING, SEE LANDSCAPE DRAWINGS
031	PLAZA RAILING, SEE LANDSCAPE DRAWINGS
033	FLOAT STRUCTURE GUIDE PILES,TYP SCD



3D ISOMETRIC LOOKING SOUTHEAST — 1 / A-101
SCALE: NOT TO SCALE

60% SUBMITTAL
DECEMBER 12, 2025

REVISION	MARK	DATE	DESCRIPTION
A		05-27-2025	30% SUBMITTAL
B		12-12-2025	60% SUBMITTAL

RC APPROVAL

PLOTTED BY: RONAEL BAYONA PLOT DATE:

FILE NAME: C:\Users\RBalong\Documents\BWTPF Concept Model\OPTION 2 HALF PIER\101525_rbalong@designbythebay.com.rvt

PROJECT MANAGER: _____ DATE _____
DEPICTION OF MONUMENTS: _____ DATE _____ SURVEY PARTY CHIEF
WATERSHED REVIEW: _____ DATE _____
SUBMITTED: _____ DATE _____ R.C.E. _____ EXP. _____ SUPERVISING CIVIL ENGINEER
APPROVED: _____ DATE _____ R.C.E. _____ EXP. _____ CITY ENGINEER
DESIGN R.B. DRAWN E.P. CHECK R.C. AS-BUILT
HORIZ. _____ VERT. _____ BOOK _____ DATE _____
0 1 2 3 FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

PARKS RECREATION & WATERFRONT
1947 CENTER ST., 5th FR, BERKELEY CA 94704

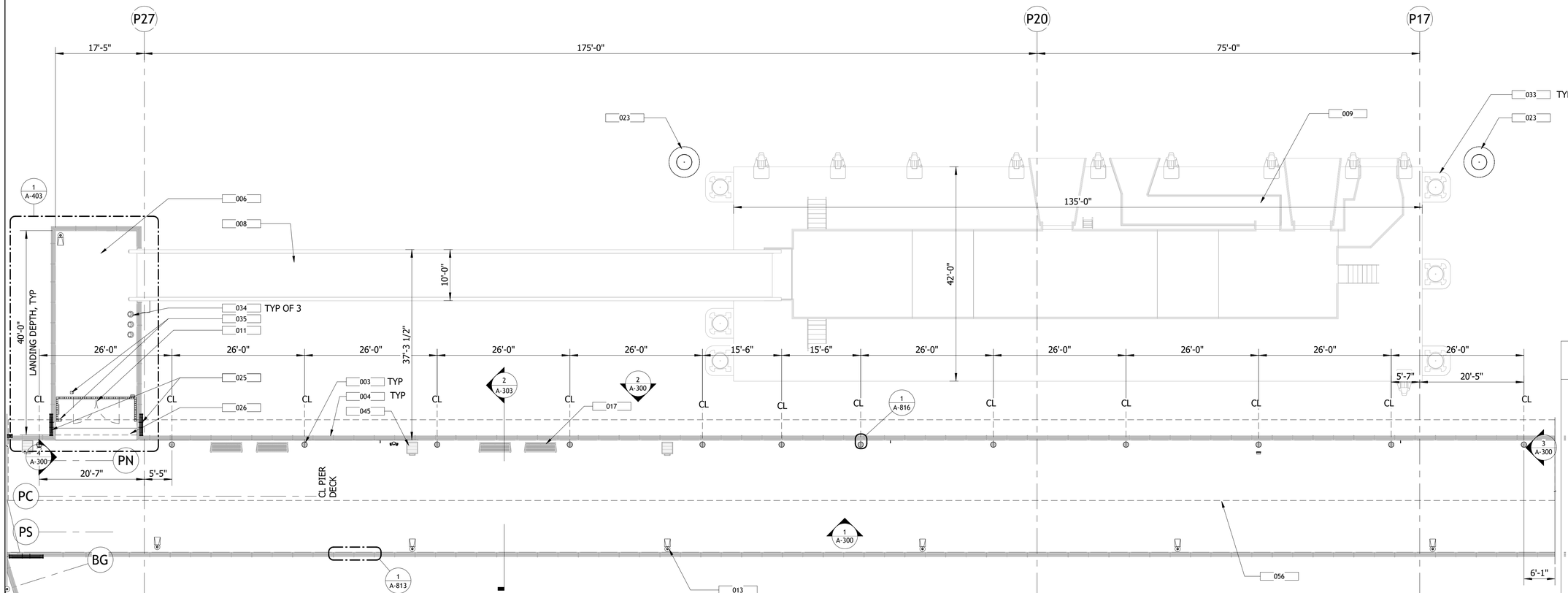
Robin Chiang & Company
1 Sansome St. Suite 3500
San Francisco, CA 94103
www.designbythebay.com

BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
ISOMETRIC VIEW SOUTHEAST

PLAN _____
FILE _____
A-101
SHEET ____ OF ____

Keynote Legend	
Key Value	Keynote Text
003	CANOPY COLUMNS ATTACHED TO CONCRETE PIER DECK
004	48" TALL STEEL GUARDRAIL ASSEMBLY, GALVANIZE FINISH MOUNTED TO EDGE OF PIER DECK
006	LANDING AT TOP OF GANGWAY RAMP
008	GANGWAY RAMP STRUCTURE, SSD
009	FLOAT STRUCTURE, SEE ELECTRIC VESSEL CHARGING INFRA-STRUCTURE DRAWINGS
011	FERRY ENTRANCE SECURITY GATE
013	POLE LIGHTING (LF1) MOUNTED ON PIER DECK, SED

Keynote Legend	
Key Value	Keynote Text
017	BENCH BOLTED TO PIER DECK
023	DONUT PILE FENDERS, SCD
025	MODIFIED GUARDRAIL SECTION AND SLACK CABLE GUARDRAIL ASSEMBLY TO ACCOMODATE SEISMIC MOVEMENT REQUIREMENTS, MAX GAP 4"
026	1" THICK FLOOR STEEL TRANSITION COVER PLATE OVER EXPANSION JOINT AT PIER DECK, SSD
033	FLOAT STRUCTURE GUIDE PILES,TYP SCD
034	CLIPPER CARD READER POST MOUNTED ON PIER DECK,TYP SED
035	ADA GATE OPENER ON BOLLARD POST ATTACHED TO PIER DECK,TYP SED
045	TRASH RECEPTACLE BOLTED TO CONCRETE PIER DECK, TYP
056	OUTLINE OF CANOPY ABOVE



PIER DECK PLAN AT FERRY ENTRANCE GATES

SCALE: 1" = 10'-0"

1 A-130 A-122

10' 0' 10' 20'

GRAPHIC SCALE

60% SUBMITTAL
DECEMBER 12, 2025

REVISION	MARK	DATE	DESCRIPTION
A		08-27-2025	30% SUBMITTAL
B		12-12-2025	60% SUBMITTAL

PLOTTED BY: RONAEL BAYONG PLOT DATE: 12/10/2025 2:55:28 PM

FILE NAME: C:\Users\RBayong\Documents\BWTPF Concept Model (OPTION 2 HALF PIER)101025_rbayong@designlightlyteday.com.rvt

PROJECT MANAGER: DATE

DEPICTION OF MONUMENTS: DATE
SURVEY PARTY CHIEF

WATERSHED REVIEW: DATE

SUBMITTED: DATE
SUPERVISING CIVIL ENGINEER R.C.E. EXP.

APPROVED: DATE
CITY ENGINEER R.C.E. EXP.

DESIGN R.B.
DRAWN E.P.
CHECK R.C.
AS-BUILT

HORIZ.
VERT.
BOOK
DATE

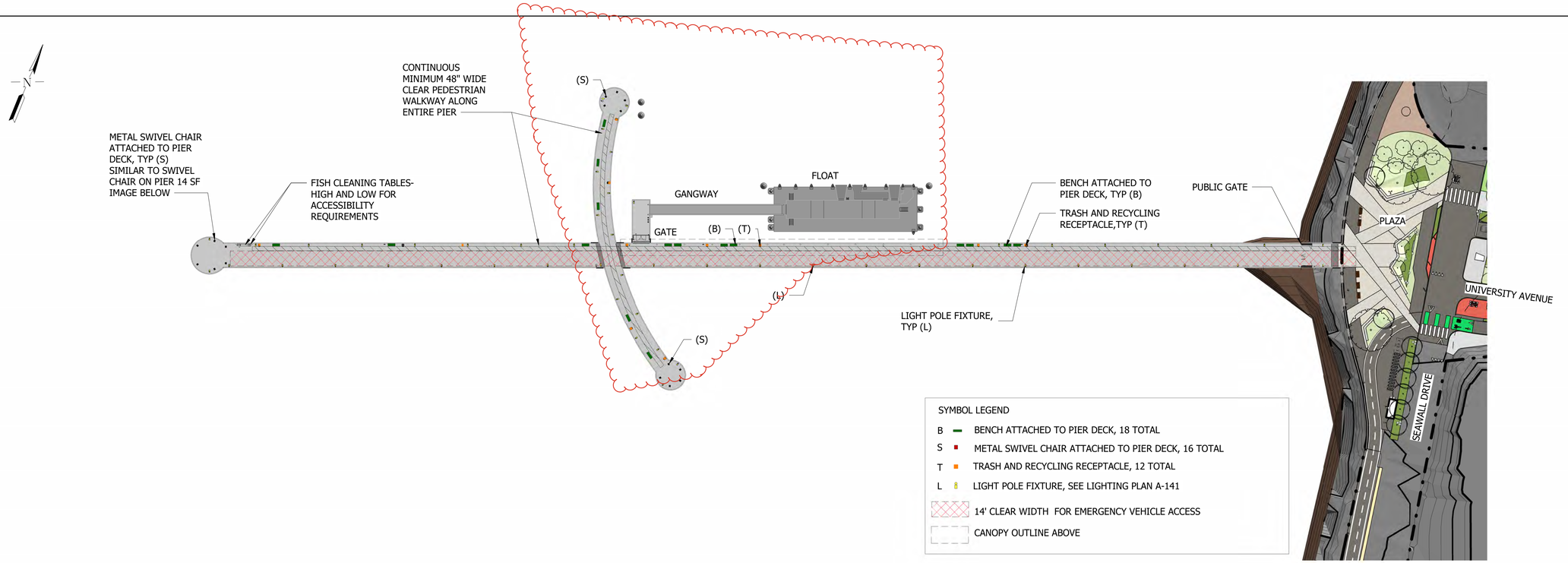
0 1 2 3
FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

CITY OF BERKELEY
PARKS RECREATION & WATERFRONT
1947 CENTER ST., 5th FL. BERKELEY CA 94704

Robin Chiang & Company
381 Tehama Street
San Francisco, CA 94103
www.designlightlyteday.com

BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
ENLARGE PLAN AT FERRY GATE AND LANDING

PLAN
FILE
A–130
SHEET ___ OF ___



50' 0' 50' 100'
GRAPHIC SCALE

PIER DECK AMENITYPLAN BCDC
SCALE: 1" = 50'-0"

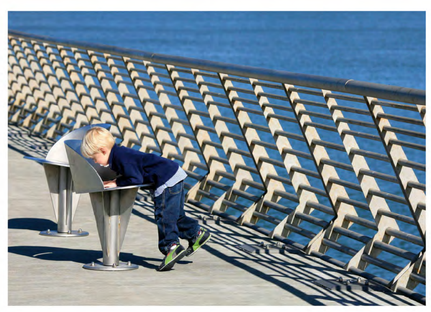
2
A-140

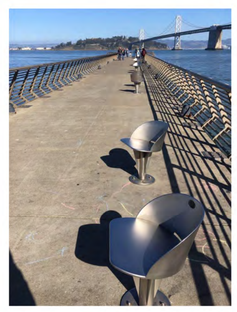


FORMS AND SURFACES RATIO BENCH 6' LONG (PERFORATED METAL)



BIG BELLY ELEMENT 47 GALLONS





OPTION 1: CUSTOM MADE 316 STAINLESS STEEL SWIVEL SEAT BOLTED TO PIER DECK SIMILAR TO SEAT AT PIER 14 IN SF



OPTION 2: PARCO SWIVEL CHAIR OR ARMCHAIR LOUNGE; JACOBA WOOD AND POWDER COATED STEEL OR GALVANIZE FINISH, BASE PLATE SURFACE MOUNTED; https://nola.se/en/products/parco-2/

BENCH SEATING (B)

TRASH BIN RECEPTACLE (T)

SWIVEL SEAT (S) OPTIONS

PIER DECK AMENITIES OPTIONS

- BENCH SEATING
- SWIVEL CHAIR SEAT
- TRASH BIN RECEPTACLE
- PIER DECK AND CANOPY LIGHTING

60% SUBMITTAL
DECEMBER 12, 2025

PROJECT MANAGER: DATE
DEPICTION OF MONUMENTS: DATE
SURVEY PARTY CHIEF
WATERSHED REVIEW: DATE
SUBMITTED: DATE
SUPERVISING CIVIL ENGINEER
APPROVED: DATE
CITY ENGINEER
R.C.E. EXP.
0 1 2 3
FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

DESIGN R.B.
DRAWN E.P.
CHECK R.C.
AS-BUILT
HORIZ. VERT. BOOK DATE

PARKS RECREATION 1947 CENTER ST., 5th FR, BERKELEY CA 94704

Rabin Cheng & Company 1 Sansome St. #2100 San Francisco, CA 94103 www.designbythebay.com

BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
PIER DECK AMENITIES PLAN

PLAN
FILE
A-140
SHEET ___ OF ___

REVISION	MARK	DATE	DESCRIPTION
B		12-12-2025	60% SUBMITTAL
A		06-27-2025	30% SUBMITTAL

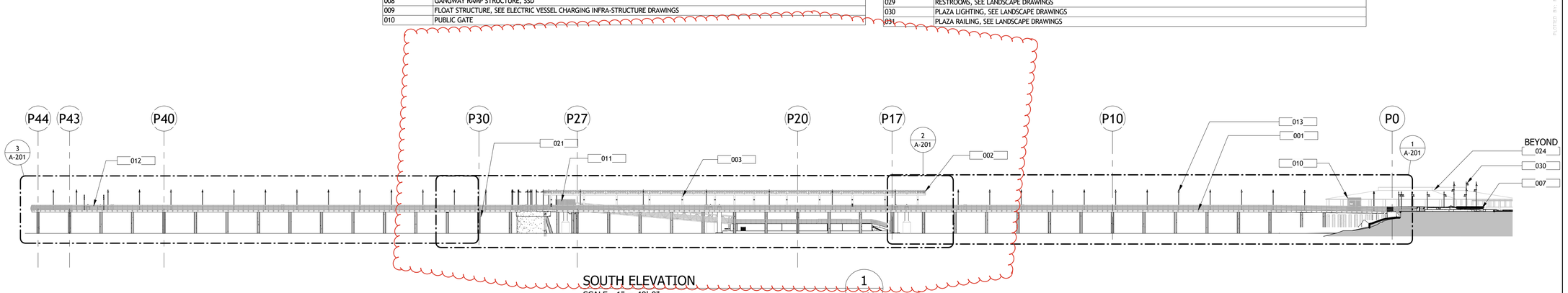
RC APPROVAL

12/10/2025 2:06:49 PM

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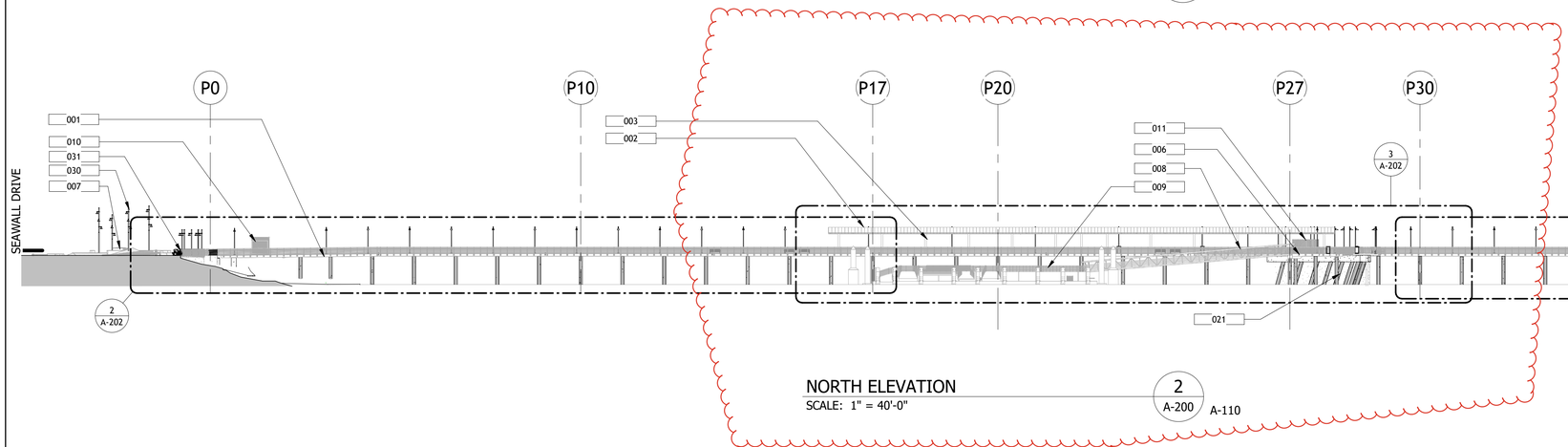
Keynote Legend	
Key Value	Keynote Text
001	CONCRETE PIER DECK, SED
002	CANOPY-7/8" THICK POLYCARBONATE ROOF PANEL ON ALUMINUM MULLION FRAME, 24" WIDE X LENGTH, COLOR BLUE ON THE UNDERSIDE AND WHITE ON THE TOP SIDE
003	CANOPY COLUMNS ATTACHED TO CONCRETE PIER DECK
006	LANDING AT TOP OF GANGWAY RAMP
007	PLAZA, SEE LANDSCAPE DWGS
008	GANGWAY RAMP STRUCTURE, SSD
009	FLOAT STRUCTURE, SEE ELECTRIC VESSEL CHARGING INFRA-STRUCTURE DRAWINGS
010	PUBLIC GATE

Keynote Legend	
Key Value	Keynote Text
011	FERRY ENTRANCE SECURITY GATE
012	FISH CLEANING STATION- TABLE AND SINKS ATTACHED TO PIER DECK, SPD
013	POLE LIGHTING (LF1) MOUNTED ON PIER DECK, SED
021	BREAKWATER STRUCTURE, SSD
024	EXISTING BUILDING, NOT PART OF PROJECT
028	BICYCLE LOCKERS, SEE LANDSCAPE DRAWINGS
029	RESTROOMS, SEE LANDSCAPE DRAWINGS
030	PLAZA LIGHTING, SEE LANDSCAPE DRAWINGS
031	PLAZA RAILING, SEE LANDSCAPE DRAWINGS



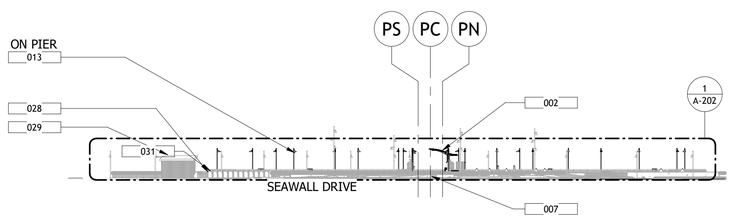
SOUTH ELEVATION
SCALE: 1" = 40'-0"

1 A-200 A-110



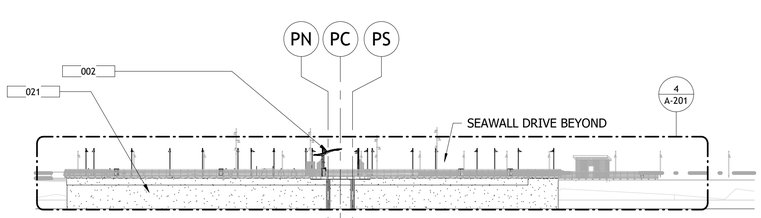
NORTH ELEVATION
SCALE: 1" = 40'-0"

2 A-200 A-110



EAST ELEVATION
SCALE: 1" = 40'-0"

3 A-200



WEST ELEVATION
SCALE: 1" = 40'-0"

4 A-200 A-110

40' 0' 40' 80'
GRAPHIC SCALE

60% SUBMITTAL
DECEMBER 12, 2025

PROJECT MANAGER:	DATE	DEPICTION OF MONUMENTS:	DATE	SUBMITTED:	DATE	DESIGN R.B.	HORIZ.	BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA PIER OVERALL ELEVATION	PLAN
		SURVEY PARTY CHIEF		SUPERVISING CIVIL ENGINEER	R.C.E. EXP.	DRAWN E.P.	VERT.		FILE
0 1 2 3 FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES		WATERSHED REVIEW:	DATE	APPROVED:	DATE R.C.E. EXP.	CHECK R.C.	BOOK		A–200
				CITY ENGINEER		AS–BUILT	DATE		SHEET ___ OF ___

PARKS RECREATION ~~& WATERFRONT~~
1947 CENTER ST., 5th FL. BERKELEY, CA 94704

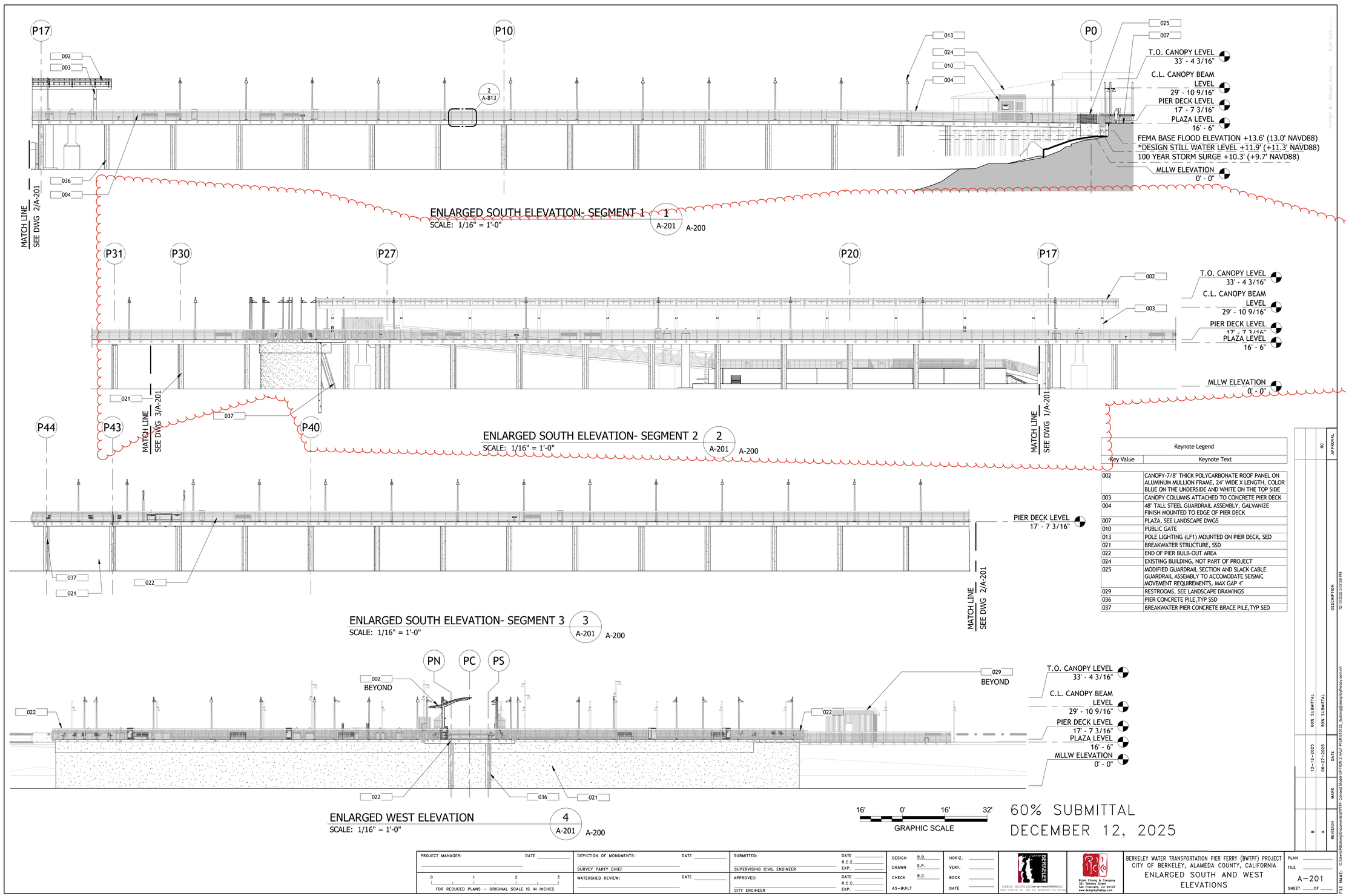
Robin Chiang & Company
301 Sansome Street
San Francisco, CA 94103
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REVISION	MARK	DATE	DESCRIPTION
B	60% SUBMITTAL	12-12-2025	12/12/2025 2:07:38 PM
A	30% SUBMITTAL	06-27-2025	

RC APPROVAL

PLOTTED BY: RANAEL BAYONG PLOT DATE:----

FILE NAME: C:\Users\RBayong\Documents\BWTPF Concept Model OPTION 2 HALF PIER\010125_rbayong@designbythebay.com.rvt



Keynote Legend

Key Value	Keynote Text
002	CANOPY-7/8" THICK POLYCARBONATE ROOF PANEL ON ALUMINUM MULLION FRAME, 24" WIDE X LENGTH, COLOR BLUE ON THE UNDERSIDE AND WHITE ON THE TOP SIDE
003	CANOPY COLUMNS ATTACHED TO CONCRETE PIER DECK
004	48" TALL STEEL GUARDRAIL ASSEMBLY, GALVANIZE FINISH MOUNTED TO EDGE OF PIER DECK
007	PLAZA, SEE LANDSCAPE DWGS
010	PUBLIC GATE
013	POLE LIGHTING (LF1) MOUNTED ON PIER DECK, SED
021	BREAKWATER STRUCTURE, SSD
022	END OF PIER BULB-OUT AREA
024	EXISTING BUILDING, NOT PART OF PROJECT
025	MODIFIED GUARDRAIL SECTION AND SLACK CABLE GUARDRAIL ASSEMBLY TO ACCOMODATE SEISMIC MOVEMENT REQUIREMENTS, MAX GAP 4"
029	RESTROOMS, SEE LANDSCAPE DRAWINGS
036	PIER CONCRETE PILE,TYP SSD
037	BREAKWATER PIER CONCRETE BRACE PILE,TYP SED

60% SUBMITTAL
DECEMBER 12, 2025

REVISION	MARK	DATE	DESCRIPTION
B		12-12-2025	60% SUBMITTAL
A		08-27-2025	30% SUBMITTAL

RC APPROVAL

PLOTTED BY: RONAEL BAYONG PLOT DATE:

PROJECT MANAGER: DATE
DEPICTION OF MONUMENTS: DATE
SURVEY PARTY CHIEF
WATERSHED REVIEW: DATE
SUBMITTED: DATE
SUPERVISING CIVIL ENGINEER R.C.E. EXP.
APPROVED: DATE
CITY ENGINEER R.C.E. EXP.
DESIGN R.B. DRAWN E.P. CHECK R.C. AS-BUILT
HORIZ. VERT. BOOK DATE

0 1 2 3
FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

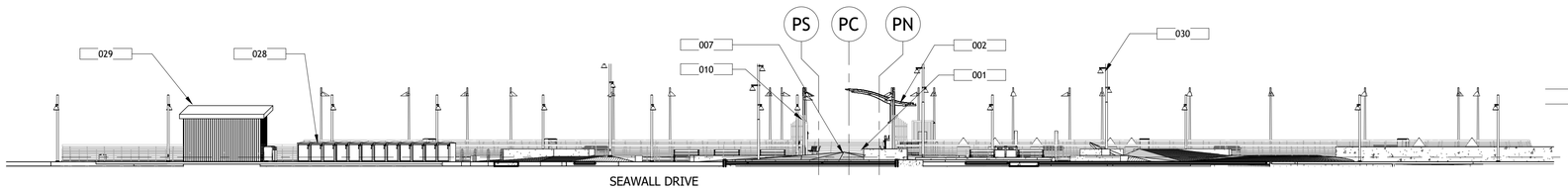
PARKS RECREATION & WATERFRONT 1947 CENTER ST., 5th FL. BERKELEY, CA 94704

Robin Chiang & Company 301 Sutter Street San Francisco, CA 94103 www.designbythebay.com

BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
ENLARGED SOUTH AND WEST ELEVATIONS

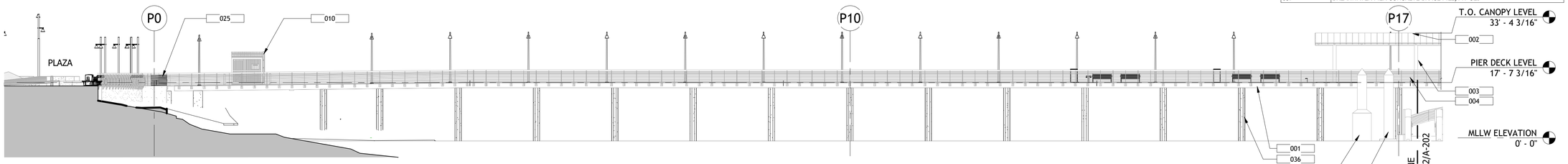
PLAN
FILE
A–201
SHEET ___ OF ___

FILE NAME: C:\Users\RBchiang\Documents\BWTPF Concept Model OPTION 2 HALF PIER\010125_rbuilding@designbythebay.com.rvt

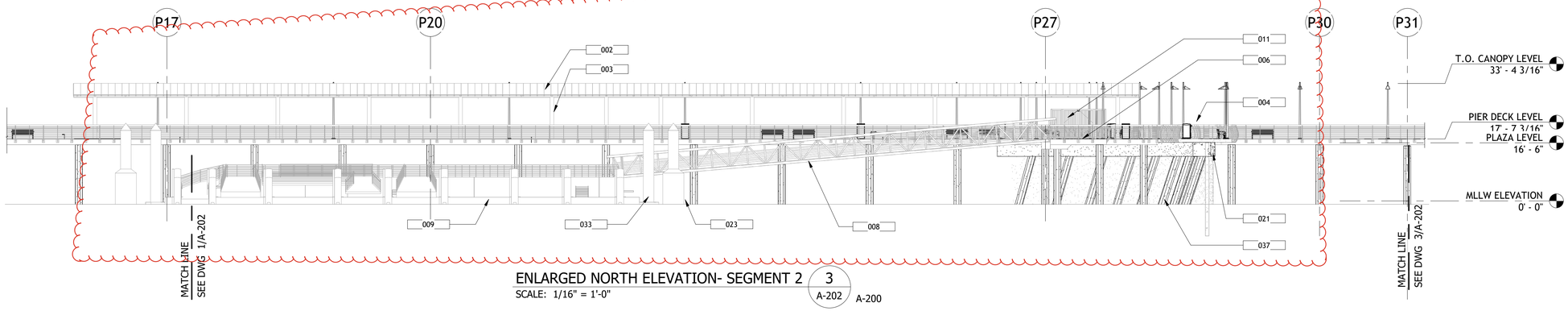


ENLARGED EAST ELEVATION — 1 / A-202 — A-200
SCALE: 1/16" = 1'-0"

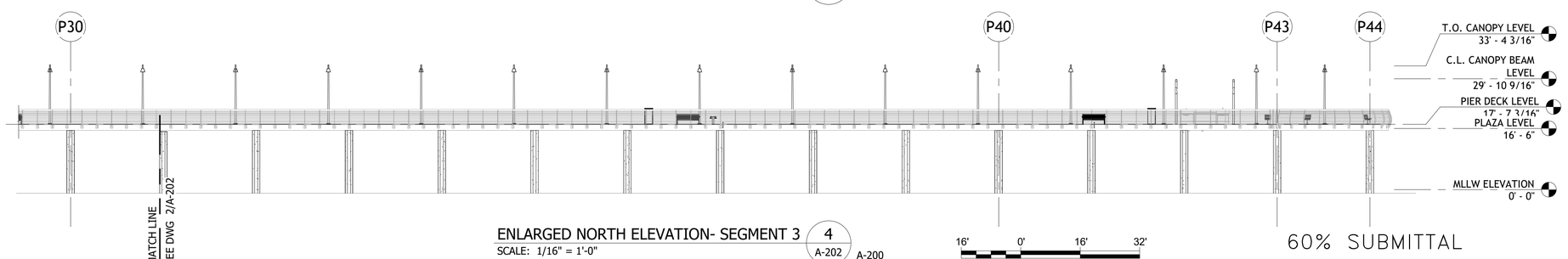
Keynote Legend	
Key Value	Keynote Text
001	CONCRETE PIER DECK, SED
002	CANOPY-7/8" THICK POLYCARBONATE ROOF PANEL ON ALUMINUM MULLION FRAME, 24" WIDE X LENGTH, COLOR BLUE ON THE UNDERSIDE AND WHITE ON THE TOP SIDE
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006	LANDING AT TOP OF GANGWAY RAMP
007	PLAZA, SEE LANDSCAPE DWGS
008	GANGWAY RAMP STRUCTURE, SSD
009	FLOAT STRUCTURE, SEE ELECTRIC VESSEL CHARGING INFRA-STRUCTURE DRAWINGS
010	PUBLIC GATE
011	FERRY ENTRANCE SECURITY GATE
021	BREAKWATER STRUCTURE, SSD
023	DONUT PILE FENDERS, SCD
025	MODIFIED GUARDRAIL SECTION AND SLACK CABLE GUARDRAIL ASSEMBLY TO ACCOMODATE SEISMIC MOVEMENT REQUIREMENTS, MAX GAP 4"
028	BICYCLE LOCKERS, SEE LANDSCAPE DRAWINGS
029	RESTROOMS, SEE LANDSCAPE DRAWINGS
030	PLAZA LIGHTING, SEE LANDSCAPE DRAWINGS
033	FLOAT STRUCTURE GUIDE PILES,TYP SCD
036	PIER CONCRETE PILE,TYP SSD
037	BREAKWATER PIER CONCRETE BRACE PILE,TYP SED



ENLARGED NORTH ELEVATION- SEGMENT 1 — 2 / A-202 — A-200
SCALE: 1/16" = 1'-0"



ENLARGED NORTH ELEVATION- SEGMENT 2 — 3 / A-202 — A-200
SCALE: 1/16" = 1'-0"



ENLARGED NORTH ELEVATION- SEGMENT 3 — 4 / A-202 — A-200
SCALE: 1/16" = 1'-0"

16' 0' 16' 32'
GRAPHIC SCALE

60% SUBMITTAL
DECEMBER 12, 2025

REVISION	MARK	DATE	DESCRIPTION
B		12-12-2025	85% SUBMITTAL
A		08-27-2025	30% SUBMITTAL

RC APPROVAL

PROJECT MANAGER: DATE
DEPICTION OF MONUMENTS: DATE
SURVEY PARTY CHIEF
SUBMITTED: DATE
SUPERVISING CIVIL ENGINEER R.C.E. EXP.
APPROVED: DATE
CITY ENGINEER R.C.E. EXP.
WATERSHED REVIEW: DATE
0 1 2 3
FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES
DESIGN R.B.
DRAWN E.P.
CHECK R.B.
AS-BUILT
HORIZ.
VERT.
BOOK
DATE

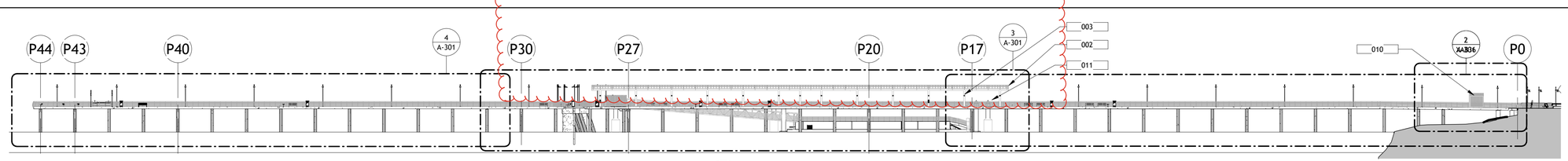
CITY OF BERKELEY
PARKS RECREATION & WATERFRONT DEPARTMENT
1947 CENTER ST., 5th FL. BERKELEY, CA 94704

Robin Chiang & Company
381 Tehama Street
San Francisco, CA 94103
www.designbyhalsey.com

BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
ENLARGED NORTH AND EAST ELEVATIONS

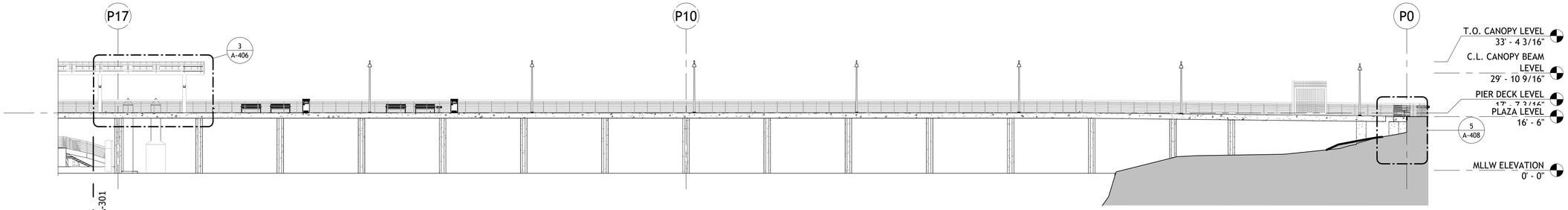
PLAN
FILE
A–202
SHEET ___ OF ___

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12/10/2025 2:05:20 PM



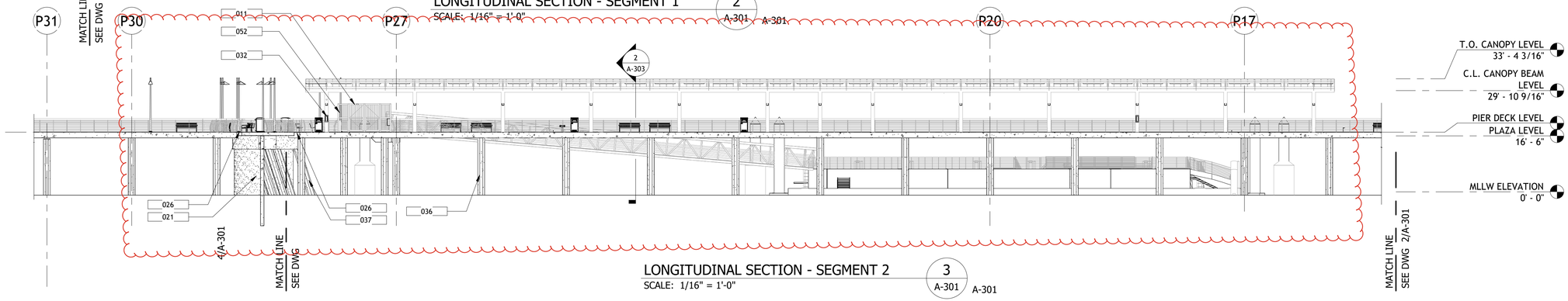
OVERALL LONGITUDINAL SECTION
SCALE: 1" = 40'-0"
1 A-301 A-818

40' 0' 40' 80'
GRAPHIC SCALE



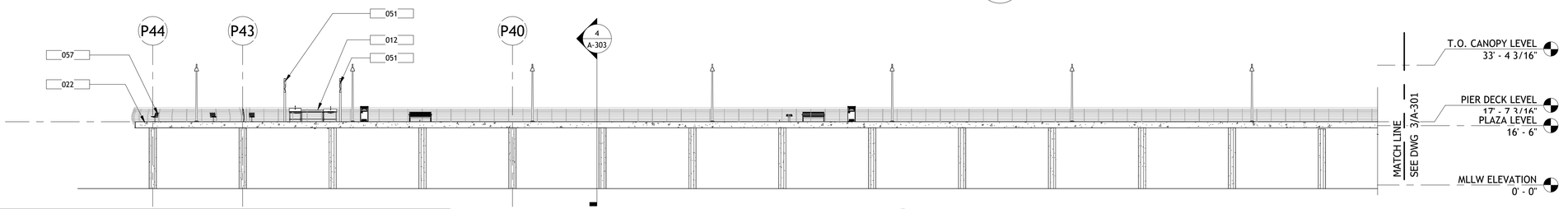
LONGITUDINAL SECTION - SEGMENT 1
SCALE: 1/16" = 1'-0"
2 A-301 A-301

MATCH LINE
SEE DWG 3/A-301



4/A-301
MATCH LINE
SEE DWG
MATCH LINE
SEE DWG 2/A-301

LONGITUDINAL SECTION - SEGMENT 2
SCALE: 1/16" = 1'-0"
3 A-301 A-301



MATCH LINE
SEE DWG 3/A-301

LONGITUDINAL SECTION - SEGMENT 3
SCALE: 1/16" = 1'-0"
4 A-301 A-301

Keynote Legend	
Key Value	Keynote Text
002	CANOPY-7/8" THICK POLYCARBONATE ROOF PANEL ON ALUMINUM MULLION FRAME, 24" WIDE X LENGTH, COLOR BLUE ON THE UNDERSIDE AND WHITE ON THE TOP SIDE
003	CANOPY COLUMNS ATTACHED TO CONCRETE PIER DECK
010	PUBLIC GATE
011	FERRY ENTRANCE SECURITY GATE
012	FISH CLEANING STATION- TABLE AND SINKS ATTACHED TO PIER DECK, SPD
021	BREAKWATER STRUCTURE, SSD
022	END OF PIER BULB-OUT AREA
026	1" THICK FLOOR STEEL TRANSITION COVER PLATE OVER EXPANSION JOINT AT PIER DECK, SSD
032	FIRE EXTINGUISHER CABINET SURFACE MOUNTED, TYP
036	PIER CONCRETE PILE,TYP SSD
037	BREAKWATER PIER CONCRETE BRACE PILE,TYP SED
051	POLE LIGHTING AT FISH CLEANING STATION (LF5), SED
052	MAP CASE SURFACE MOUNTED , TYP
057	METAL SWIVEL CHAIR BOLTED TO PIER DECK, TYP

16' 0' 16' 32'
GRAPHIC SCALE

60% SUBMITTAL
DECEMBER 12, 2025

PROJECT MANAGER: DATE
DEPICTION OF MONUMENTS: DATE
SURVEY PARTY CHIEF
WATERSHED REVIEW: DATE
0 1 2 3
FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES
SUBMITTED: DATE
SUPERVISING CIVIL ENGINEER R.C.E. EXP.
APPROVED: DATE
CITY ENGINEER R.C.E. EXP.
DESIGN R.B. DRAWN E.P. CHECK R.C. AS-BUILT
HORIZ. VERT. BOOK DATE

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BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
PIER LONGITUDINAL SECTIONS

PLAN
FILE
A–301
SHEET ___ OF ___

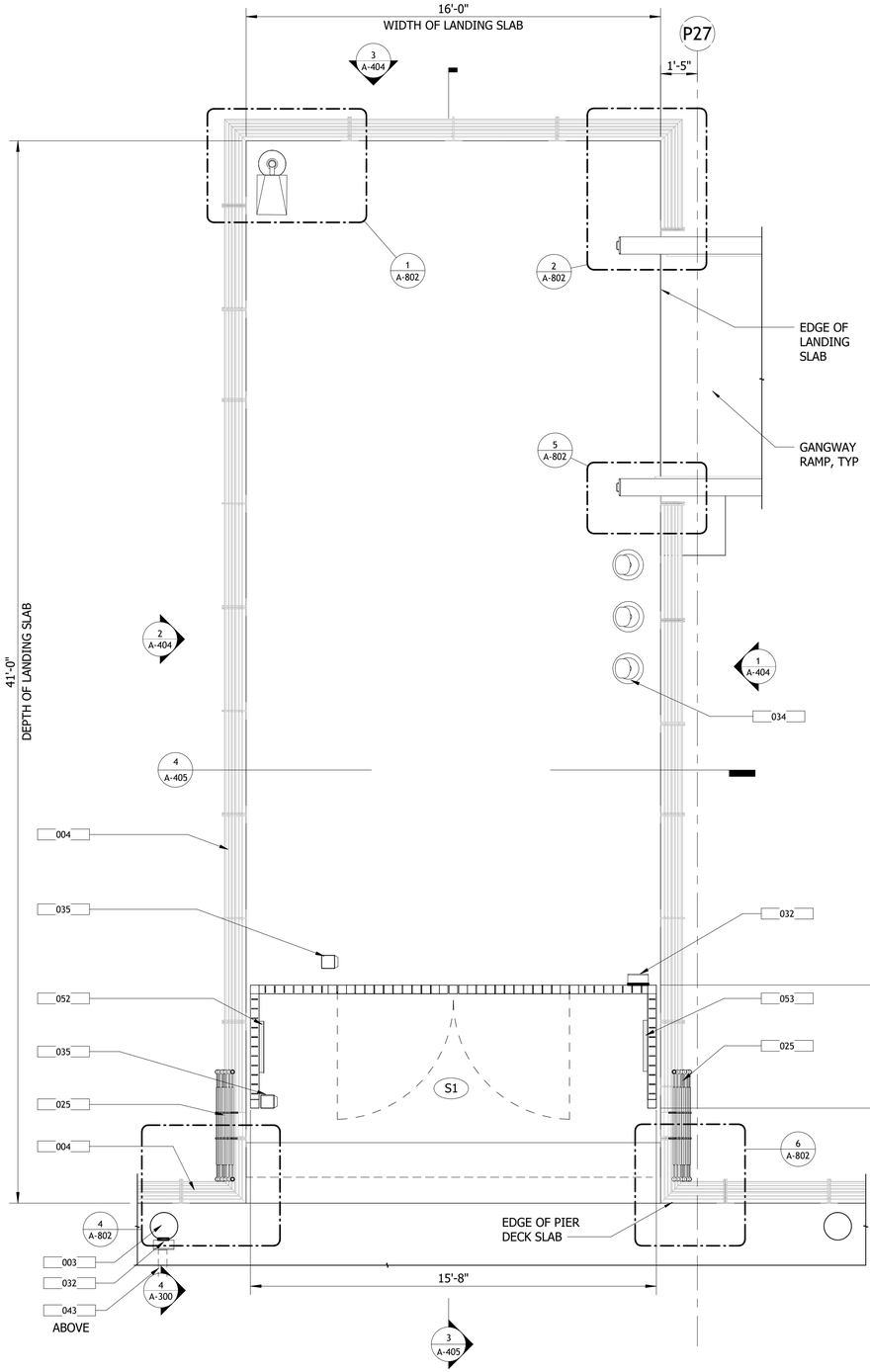
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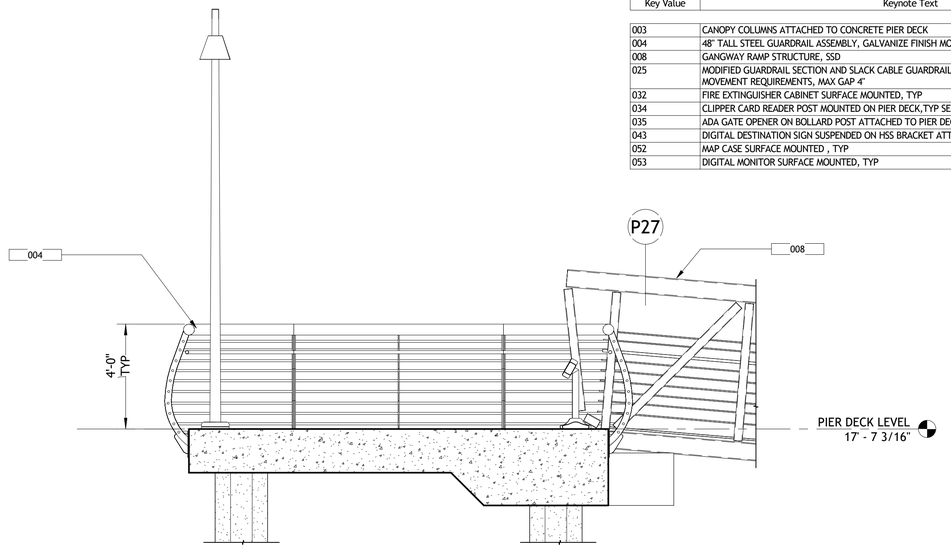
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SECTION LANDING THROUGH GANGWAY
SCALE: 3/8" = 1'-0"



SECTION LANDING
SCALE: 3/8" = 1'-0"

Keynote Legend	
Key Value	Keynote Text
003	CANOPY COLUMNS ATTACHED TO CONCRETE PIER DECK
004	48" TALL STEEL GUARDRAIL ASSEMBLY, GALVANIZE FINISH MOUNTED TO EDGE OF PIER DECK
008	GANGWAY RAMP STRUCTURE, SSD
025	MODIFIED GUARDRAIL SECTION AND SLACK CABLE GUARDRAIL ASSEMBLY TO ACCOMODATE SEISMIC MOVEMENT REQUIREMENTS, MAX GAP 4"
032	FIRE EXTINGUISHER CABINET SURFACE MOUNTED, TYP
034	CLIPPER CARD READER POST MOUNTED ON PIER DECK,TYP SED
035	ADA GATE OPENER ON BOLLARD POST ATTACHED TO PIER DECK,TYP SED
043	DIGITAL DESTINATION SIGN SUSPENDED ON HSS BRACKET ATTACHED TO COLUMN, TYP
052	MAP CASE SURFACE MOUNTED , TYP
053	DIGITAL MONITOR SURFACE MOUNTED, TYP

3' 2' 1' 0 3' 6'
(3/8" = 1'-0")
BAR SCALE

60% SUBMITTAL
DECEMBER 12, 2025

SECURITY GATE LANDING PLAN
SCALE: 3/8" = 1'-0"

PROJECT MANAGER: DATE	DEPICTION OF MONUMENTS: DATE	SUBMITTED: DATE	DESIGN R.B.	HORIZ.	BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT	PLAN
	SURVEY PARTY CHIEF	SUPERVISING CIVIL ENGINEER R.C.E. EXP.	DRAWN E.P.	VERT.	CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA	FILE
0 1 2 3 FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES	WATERSHED REVIEW: DATE	APPROVED: DATE	CHECK R.C.	BOOK	FERRY ENTRANCE AND LANDING ENLARGED PLAN AND SECTIONS	A–403
		CITY ENGINEER R.C.E. EXP.	AS–BUILT	DATE		SHEET ___ OF ___

1 A-403 A-130

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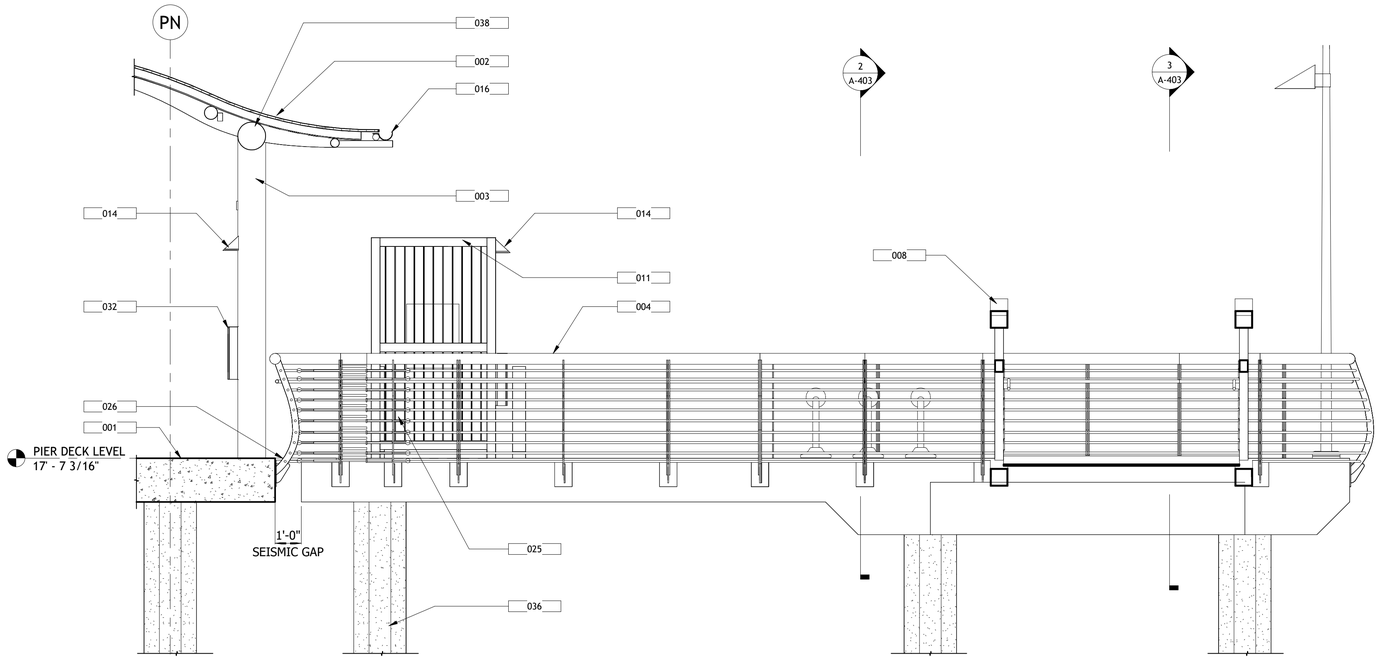
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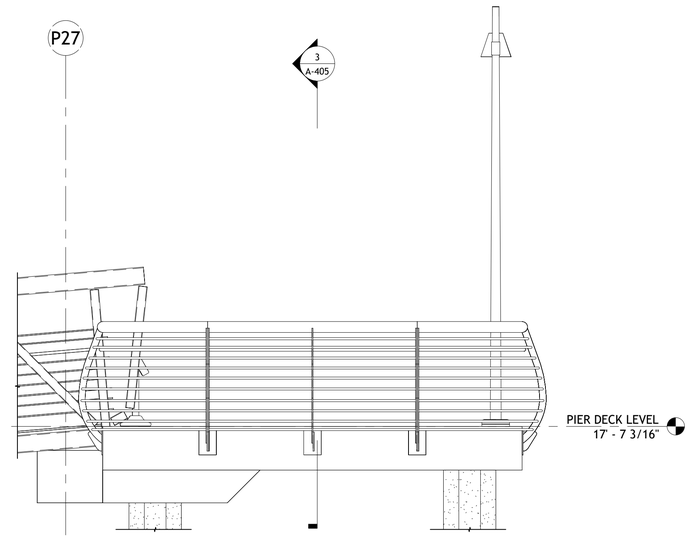
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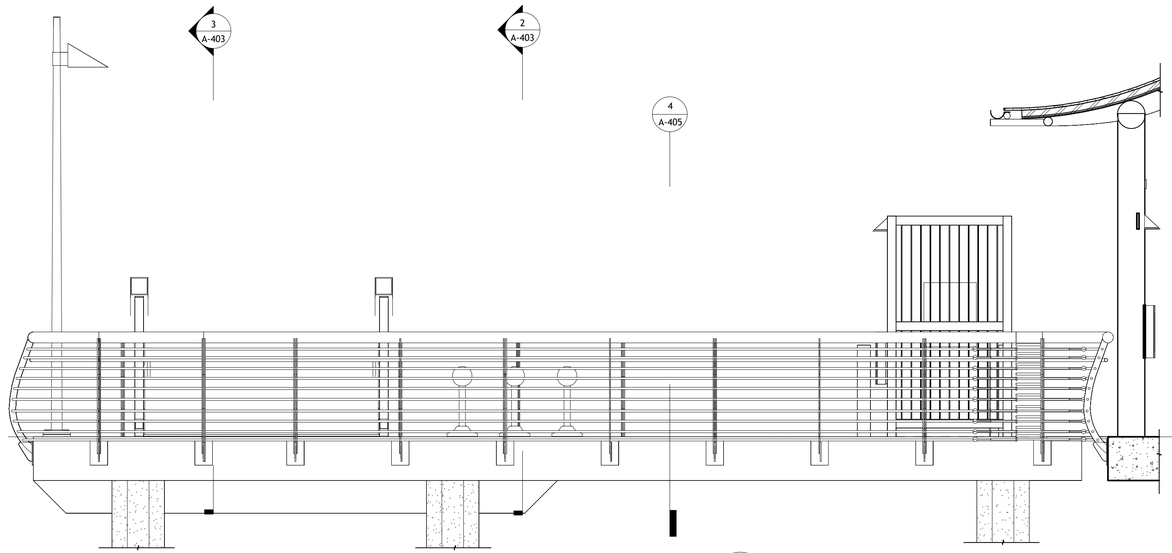


LANDING NORTH ELEVATION
SCALE: 3/8" = 1'-0"
3 A-404 A-403

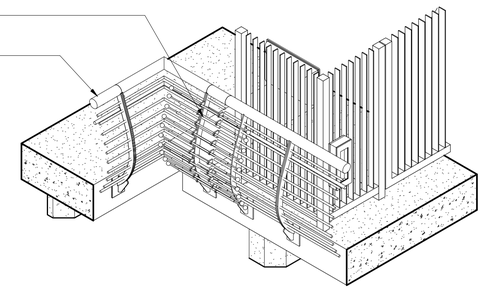


LANDING EAST ELEVATION
SCALE: 3/8" = 1'-0"
1 A-404 A-403

Keynote Legend	
Key Value	Keynote Text
001	CONCRETE PIER DECK, SED
002	CANOPY-7/8" THICK POLYCARBONATE ROOF PANEL ON ALUMINUM MULLION FRAME, 24" WIDE X LENGTH, COLOR BLUE ON THE UNDERSIDE AND WHITE ON THE TOP SIDE
003	CANOPY COLUMNS ATTACHED TO CONCRETE PIER DECK
004	48" TALL STEEL GUARDRAIL ASSEMBLY, GALVANIZE FINISH MOUNTED TO EDGE OF PIER DECK
008	GANGWAY RAMP STRUCTURE, SSD
011	FERRY ENTRANCE SECURITY GATE
014	DOWNLIGHT AT CANOPY COLUMN (LF-4), SED
016	METAL ROOF GUTTER ABOVE FERRY LANDING SECURITY GATE ONLY, 1 TOTAL
025	MODIFIED GUARDRAIL SECTION AND SLACK CABLE GUARDRAIL ASSEMBLY TO ACCOMODATE SEISMIC MOVEMENT REQUIREMENTS, MAX GAP 4"
026	1" THICK FLOOR STEEL TRANSITION COVER PLATE OVER EXPANSION JOINT AT PIER DECK, SSD
032	FIRE EXTINGUISHER CABINET SURFACE MOUNTED, TYP
036	PIER CONCRETE PILE,TYP SSD
038	CANOPY STEEL BEAM, TYP



LANDING WEST ELEVATION
SCALE: 3/8" = 1'-0"
2 A-404 A-133



3D SEISMIC JOINT AT LANDING 1
SCALE: NOT TO SCALE
4 A-404

3' 2' 1' 0 3' 6'
(3/8" = 1'-0")
BAR SCALE

60% SUBMITTAL
DECEMBER 12, 2025

REVISION	MARK	DATE	DESCRIPTION
B		12-12-2025	60% SUBMITTAL
A		08-27-2025	30% SUBMITTAL
			RC APPROVAL

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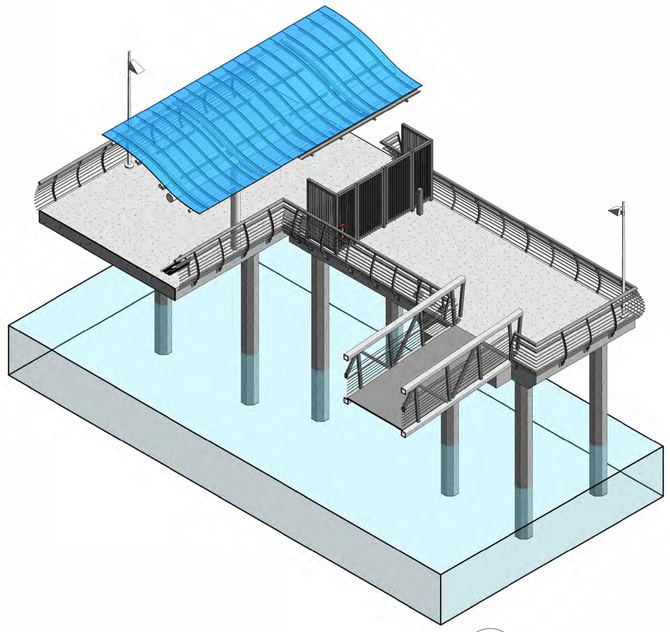
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DRAWN	Author	VERT.
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AS-BUILT		DATE

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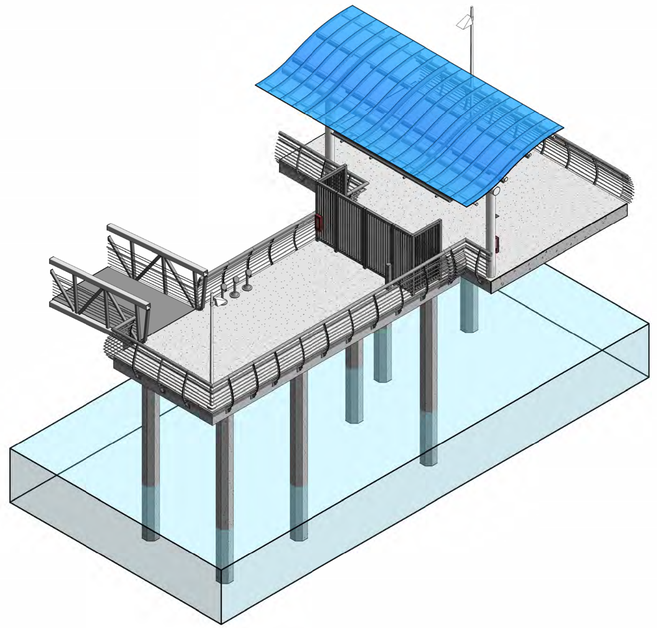
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CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
FERRY SECURITY LANDING
ELEVATIONS

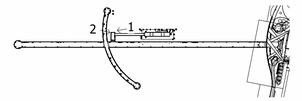
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ISOMETRIC AT FERRY GATE LANDING 2 — 1 / A-405
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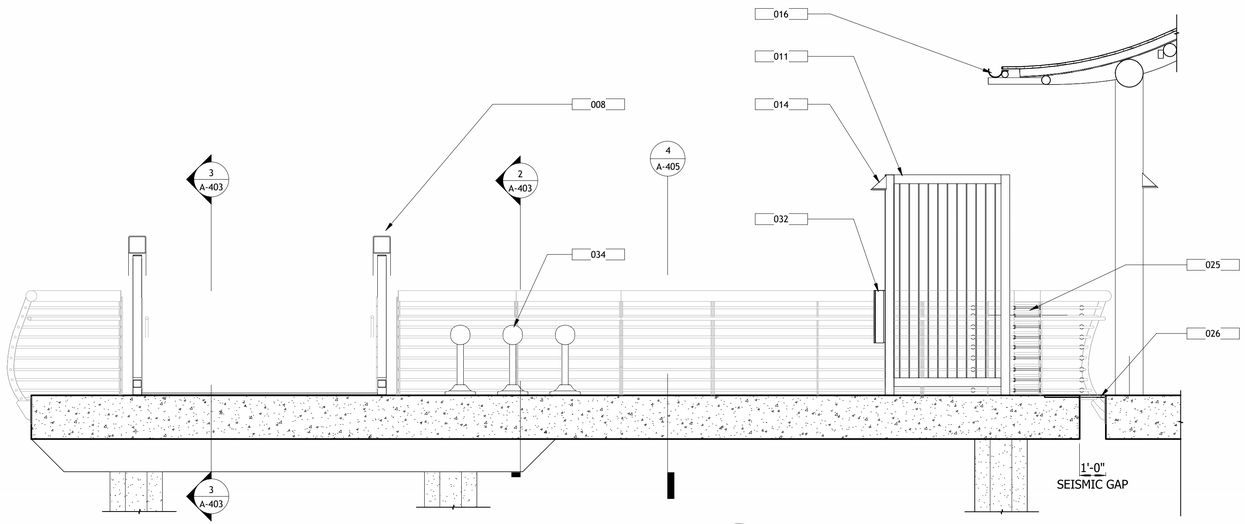


ISONOMETRIC AT FERRY GATE LANDING 1 — 2 / A-405
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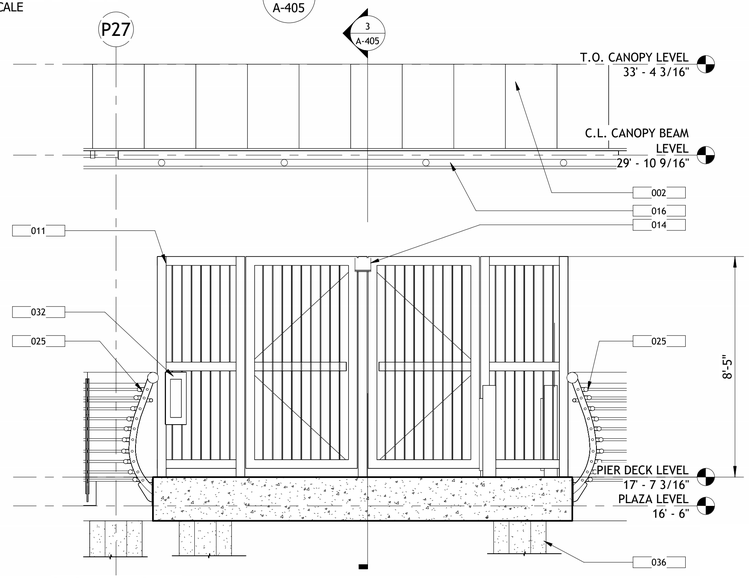


KEY PLAN

Keynote Legend	
Key Value	Keynote Text
002	CANOPY-7/8" THICK POLYCARBONATE ROOF PANEL ON ALUMINUM MULLION FRAME, 24" WIDE X LENGTH, COLOR BLUE ON THE UNDERSIDE AND WHITE ON THE TOP SIDE
008	GANGWAY RAMP STRUCTURE, SSD
011	FERRY ENTRANCE SECURITY GATE
014	DOWNLIGHT AT CANOPY COLUMN (LF-4), SED
016	METAL ROOF GUTTER ABOVE FERRY LANDING SECURITY GATE ONLY, 1 TOTAL
025	MODIFIED GUARDRAIL SECTION AND SLACK CABLE GUARDRAIL ASSEMBLY TO ACCOMODATE SEISMIC MOVEMENT REQUIREMENTS, MAX GAP 4"
026	1" THICK FLOOR STEEL TRANSITION COVER PLATE OVER EXPANSION JOINT AT PIER DECK, SSD
032	FIRE EXTINGUISHER CABINET SURFACE MOUNTED, TYP
034	CLIPPER CARD READER POST MOUNTED ON PIER DECK,TYP SED
036	PIER CONCRETE PILE,TYP SSD



SECURITY GATE LANDING SECTION — 3 / A-405 / A-403
SCALE: 3/8" = 1'-0"



SECURITY GATE
NORTH ELEVATION — 4 / A-405 / A-403
SCALE: 3/8" = 1'-0"

60% SUBMITTAL
DECEMBER 12, 2025

3' 2' 1' 0 3' 6'
(3/8" = 1'-0")
BAR SCALE

PROJECT MANAGER: DATE	DEPICTION OF MONUMENTS: DATE SURVEY PARTY CHIEF	SUBMITTED: DATE SUPERVISING CIVIL ENGINEER R.C.E. EXP.	DESIGN Designer — HORIZ.
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BERKELEY WATER TRANSPORTATION PIER FERRY (BWTPF) PROJECT
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
FERRY LANDING AT GATE ELEVATIONS & ISOMETRIC VIEW

PLAN
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A–405
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A	60% SUBMITTAL	12-12-2025	12/10/2025 3:09:39 PM

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ZONING ADJUSTMENTS BOARD

NOTICE OF PUBLIC HEARING - REVISED

Berkeley Pier-Ferry (201 University Ave)

Use Permit #ZP2026-0014 to establish transportation via public ferry service as an allowable use at the Berkeley Pier. Constructed elements to support the new use include a universal charging float (5,700 square feet), ferry gate and landing (750 square feet), gangway (1,200 square feet) and breakwater (4,300 square feet).

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance, Section 23.404.050 (Public Hearings and Decisions)

When: Thursday, February 26, 2026, 7:00 pm
Where: Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

Please visit: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board and click on the hearing date to access the most up-to-date meeting information, or call the Land Use Planning division (510) 981-7410.

PUBLIC ADVISORY*: *THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.

For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons that need to distance for personal health reasons.

Land Use Planning Division
1947 Center Street, Second Floor, Berkeley, CA 94704 Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420
E-mail: zab@berkeleyca.gov

A. Land Use Designations:

- General Plan: Waterfront / Marina (W)
- Zoning: Unclassified District (U)

B. Zoning Permits Required:

- **New Use.** Use Permit under BMC Section 23.208.020(B) "Unclassified District, Allowed Uses" to establish transportation use (ferry service) at the Berkeley Pier.

C. CEQA Recommendation: A Draft Environmental Impact Report (EIR) is being prepared to evaluate the potentially significant environmental impacts of the proposed project, pursuant to the California Environmental Quality Act (CEQA). The City published a Notice of Preparation (NOP) for an EIR for the Pier-Ferry Project in May 2025. The Draft EIR for the Project is expected to be published for public review on February 27, 2026. City Council would need to certify the Final EIR before or concurrent with final action on the use permit pursuant to BMC Section 23.208.020(C) "Unclassified District, Use Permit Procedures".

D. Project Recommendation: Approve Use Permit #ZP2026-0014, pursuant to BMC Section 23.406.040(E) "Findings for Approval"

E. Parties Involved:

- Applicant City of Berkeley, Parks, Recreation & Waterfront Department
- Property Owner City of Berkeley

Further Information:
All application materials are available online at:
https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board.

Questions about the project should be directed to the project planner, Liza McNulty, lmcnulty@berkeleyca.gov, (510) 542-4131, or Singeh Saliki, ssaliki@berkeleyca.gov, (510) 981-7412.

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@berkeleyca.gov.

Communication Disclaimer:
Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Written Comments, Communications, and Reports:
Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@berkeleyca.gov. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

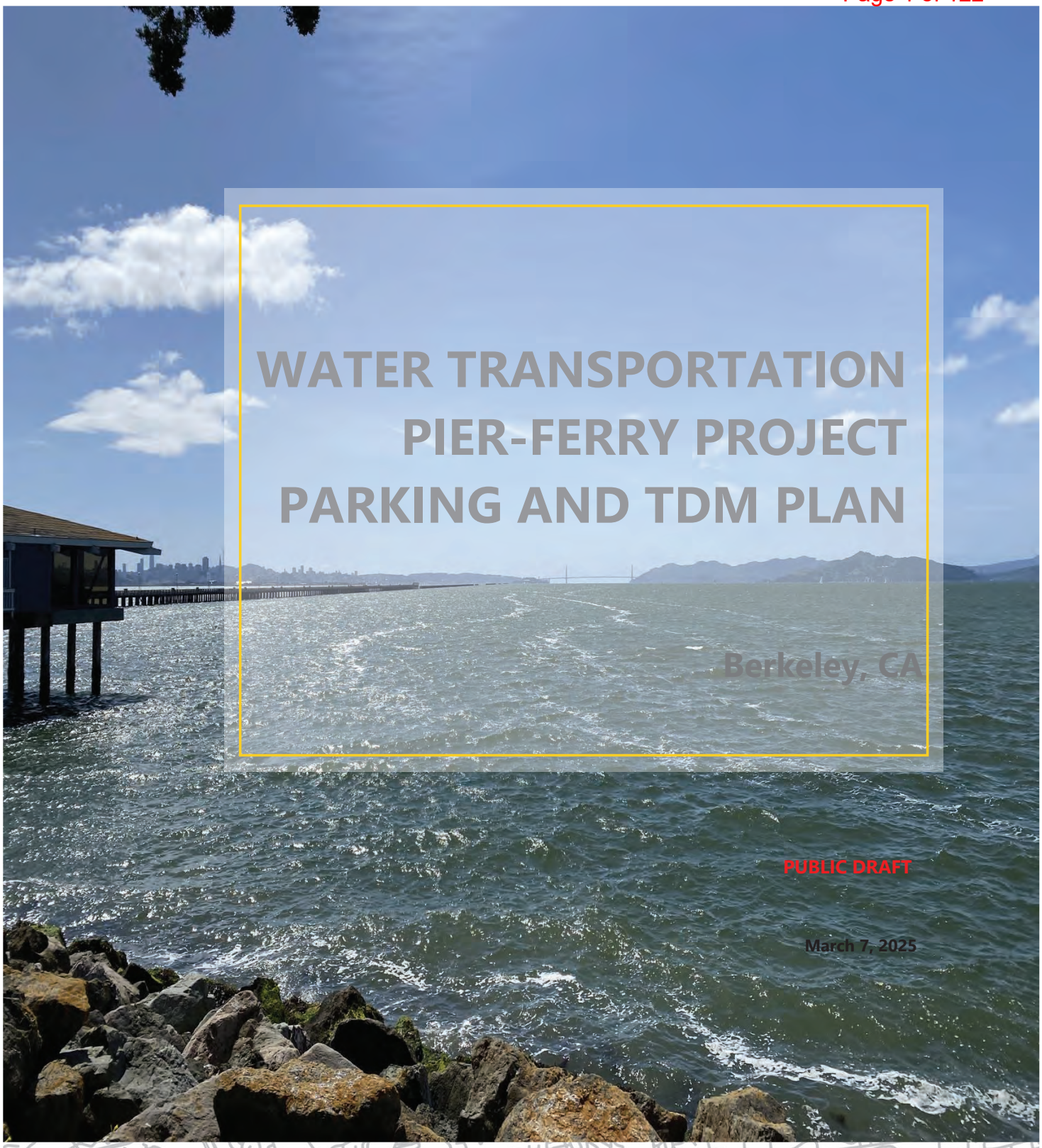
- **Correspondence received by 5:00 PM, two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** this public hearing will be saved in the project administrative record.

Accessibility Information / ADA Disclaimer:
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

SB 343 Disclaimer:
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

Notice Concerning Your Legal Rights:
If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within 14 days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than 90 days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that 90-day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
    a. That this belief is a basis of your appeal.
    b. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
    c. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.



WATER TRANSPORTATION PIER-FERRY PROJECT PARKING AND TDM PLAN

Berkeley, CA

PUBLIC DRAFT

March 7, 2025



Inside front cover

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Water Transportation Pier-Ferry Project Parking and TDM Plan

Berkeley, CA

Prepared for:
City of Berkeley Parks, Recreation & Waterfront Department
2180 Milvia Street, 3rd Floor
Berkeley, CA94704

Prepared by:
Kittelson & Associates, Inc.
155 Grand Avenue, Suite 505
Oakland, CA 94612
510.839.1742

Project Manager:
Amanda Leahy

Project Team:
Phill Worth
Dhawal Kataria
Jonathan Zisk
Tarang Shah
Alek Pochowski

March 7, 2025

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CONTENTS

1. Executive Summary 2
2. Introduction 5
2.1. Purpose of the Report 5
2.2. Study Area 5
2.3. MTC TOC Parking Management Policy 8
3. Existing Conditions 10
3.1. Existing Parking Management 10
3.2. Existing Parking Utilization 12
3.3. Time of Day Utilization 14
4. Year 1 Ferry Conditions 16
4.1. Year-One Ferry Conditions 16
4.1.1. Ridership Projections 16
4.1.2. Mode Share Estimates 17
4.1.3. Transportation Demand Management Estimates 18
4.1.4. Year-One Parking Management Strategies 19
4.1.5. Implementation & Enforcement of Time Limited Parking 24
5. Future Conditions 27
5.1. Future Ferry Conditions 27
5.1.1. Ridership and Mode Share 27
5.1.2. Transportation Demand Management Strategies 27
5.1.3. Parking Management Strategies 28
5.2. Cumulative Conditions 29

LIST OF FIGURES

Figure 1: Study Area 6
Figure 2: Existing Businesses and Destinations 7
Figure 3: Average and Peak Utilization by Lot 13
Figure 4: Parking Utilization by Time of Day 14
Figure 5: Study Area with Year One Parking Management Strategies 21
Figure 6: Parking Wayfinding Example 23
Figure 7: Dynamic Wayfinding Signage Example 24
Figure 8: WSP Redevelopment Location - High Development Scenario 30
Figure 9: Weekday Parking Demand for Existing and Future Uses 34
Figure 10: Weekend Parking Demand for Existing and Future Uses 35

LIST OF TABLES

Table 1: Existing and Potential Parking Regulations 11
Table 2: June Parking Utilization at the Berkeley Marina, 2021-2023 12
Table 3: Ferry Ridership Estimates (Total Boardings) 16
Table 4: Mode Share Summary for Ferry Riders (no TDM) 17
Table 5: Estimated Year 1 Weekday Ferry Ridership by Mode and Parking Demand (no TDM) 17
Table 6: Estimated Effectiveness of Parking and TDM Strategies 18
Table 7: Future 2040 Ferry Mode Share and Parking Demand (no TDM) 27
Table 8: Estimated Effectiveness of Parking and TDM Strategies 28
Table 9: Potential Maximum Waterfront Redevelopment Land Use Details 31
Table 10: Reconfiguration of Existing Parking Lots 32
Table 11: Weekday and Weekend Parking Demand 33

APPENDICES

APPENDIX A - Baseline Parking Conditions
APPENDIX B - Berkeley Waterfront Parking and TDM Toolkit
APPENDIX C - TDM Vehicle Trip And Parking Reduction Methodology
APPENDIX D - University Avenue Bicycle and Bus Stop Improvements
APPENDIX E - Marina Boulevard Redevelopment Conceptual Plan

Section 1
Executive Summary

1. EXECUTIVE SUMMARY

The City of Berkeley completed a feasibility study for a ferry facility at the Berkeley Municipal Pier in December 2021 and is now progressing with detailed engineering and environmental studies for the Water Transportation Pier-Ferry (WTPF) Project. To support the proposed ferry service and potential future waterfront development, this Parking and Transportation Demand Management (TDM) Plan evaluates existing parking conditions and proposes strategies to address current and potential parking needs and current stakeholder concerns.

The Waterfront staff currently uses several parking and circulation management strategies, including a slipholder permit program, time-limited parking, gate controls, and paid parking. An analysis of parking counts conducted between May 2021 and February 2024 shows that peak weekday parking utilization Waterfront-wide was 50%, while peak Saturday utilization reached 72%. Certain lots, such as South Cove East/West, J&K lot, and Spinnaker Way lot, experienced near 100% utilization during specific times. However, even though this high utilization was occurring more than 300 parking spaces remained available across various other lots. The primary concern among some stakeholders during these peak periods is not finding a parking space at all, but finding one near the desired destination.

The Feasibility Study estimated 250 parking spaces at the 199 Seawall Drive lot (Hs Lordship) would be utilized by weekday ferry riders. The Water Emergency Transportation Authority (WETA) projects that 915 average weekday passengers per day will use the Berkeley ferry terminal initially, increasing to 1,055 by 2040. Based on WETA's onboard survey data and business plan methodology, Kittelson estimates that in the absence of TDM measures, 40% of ferry riders will drive alone, and 12% will carpool to the terminal. This results in a peak weekday parking demand of 421 spaces, 171 more than the baseline 250 spaces, without TDM measures.

TDM strategies, such as well-designed and convenient loading zones for family drop-off and rideshare vehicles, enhanced bicycle and pedestrian access, improved secure bike parking, expanded shared micromobility options (e.g., scooters, e-bikes, etc.), paid and time-limited parking could reduce parking demand by 65 spaces. Additionally, parking management strategies, including increased capacity at the 199 Seawall Drive lot, overflow parking, and wayfinding signage could provide the City with additional tools to manage potential increased demand for parking at the Waterfront.

The Plan also considers future waterfront development outlined in the Waterfront Specific Plan (WSP) that projects future parking demands. Recommendations include valet parking services, satellite parking lots, demand-based paid parking, and shuttle services. With full implementation of the development considered in the WSP the existing surface parking lots would be redeveloped for proposed developments which could reduce public parking capacity by 81 spaces. However, efficient lot redesign, and developer agreements could recover and potentially enhance the parking at the Waterfront.

The Plan concludes that the Waterfront will have sufficient parking spaces to accommodate the parking demand from future uses in the WSP. However, while the overall parking demand for the area can be met, there will be instances where individuals might not park near their desired destinations during peak times on peak days. This could be frustrating for Waterfront visitors, and this occurs on occasion in the current

environment at the Waterfront. Implementing dynamic wayfinding and clear messaging strategies could help enhance the overall parking experience of visitors.



Section 2
Introduction

2. INTRODUCTION

The City of Berkeley (City) completed the feasibility study for the ferry facility at Berkeley Municipal Pier (Feasibility Study) in December 2021 and is now beginning detailed engineering and environmental studies for the Water Transportation Pier-Ferry (WTPF) Project. This Parking and Transportation Demand Management Plan (Parking and TDM Plan) evaluates the existing parking conditions and parking demand for the proposed ferry service and future development at the Berkeley Waterfront.

2.1. Purpose of the Report

The Parking and TDM Plan aims to address stakeholder concerns related to parking. It provides the City with a comprehensive review of current parking conditions, as well as for Ferry and Cumulative Conditions. This document will serve as an actionable guide for the City, and provides strategies to address future parking needs with the implementation and phasing of a range of TDM measures at different phases of future development.

2.2. Study Area

The study area (Berkeley Waterfront or Waterfront) is the area west of the McLaughlin Eastshore State Park, bordered by Spinnaker Way to the north and South Sailing Basin to the south, see Figure 1. University Avenue provides vehicle connection between the Waterfront, Downtown Berkeley and Highway 80.

AC Transit Bus Route 51B connects the Waterfront and Rockridge BART via College Avenue, Downtown Berkeley BART, and University Avenue. Only one out of every three scheduled bus trips between 7 am and 9 pm serves the Waterfront; all other trips terminate at the Berkeley Amtrak station, resulting in a frequency of two (2) buses every hour to the Waterfront.

The San Francisco Bay Trail Extension provides bicycle and pedestrian access to the Waterfront from the intersection of University Avenue and Frontage Road. The bicycle and pedestrian bridge across I-80 connects the Waterfront with the City of Berkeley. Additionally, the Virginia Street Right-of-Way (a dirt pathway) offers another bike and pedestrian connection.

The Study Area is located entirely on public tidelands held in trust by the City. There are over 100 acres of uplands and 5 miles of pedestrian trails within the Waterfront. Centered within this landscape is the Berkeley Marina, the largest public marina in the San Francisco Bay with 1,000 boat slips. The Berkeley Waterfront also includes three public access docks, a boat launch ramp, nine public parking lots, five on-street parking facilities, slipholder permit lots and privately leased parking lots.

In addition to various recreation opportunities, current businesses and attractions include 1 hotel, 4 restaurants, 1 boatyard, a yacht club, two non-profit sailing clubs, a nature center, a two-story office building (commercially leased), and 9 restroom buildings (including both public and slip-holder only facilities), as shown in Figure 2.


Cesar Chavez Park
North Facilities
Spinnaker Way
Spinnaker Way Lot
D&E Lot
Breakwater Dr
Marina Blvd
DoubleTree By Hilton
Virginia Street
McLaughlin Eastshore State Park
F&G Lot
Berkeley Yacht Club
Berkeley Marina
H&I Lot
University Ave
I-80
Seawall Dr
O Lot
Hana Japan
J/K Lot
Skates/ N Lot
L Lot
Skates On The Bay
M Lot
South Cove West Lot
South Cove East Lot
Adventure Playground
Cal Sailing Club
Proposed Ferry Terminal
Shorebird Park
Central Facilities
South Sailing Basin
Seawall Drive
Seawall Drive Lot
South Facilities
LEGEND
Source: City of Berkeley, MTC

Figure 2: Existing Businesses and Destinations



Source: Draft Waterfront Specific Plan, 2023

The proposed ferry terminal at the Waterfront will be located at Berkeley Pier, ~1.100-feet of which will be reconstructed to provide a dual-purpose pier for both ferry and recreation access. The study focuses on the following nine (9) public parking lots and five (5) on-street parking facilities. Private, paid and slipholder only parking lots (Boat Launch Stalls – Paid, Doubletree Stalls – Private/Paid, and Berkeley Marine Center) were not included in the analysis, as it is assumed that neither ferry riders nor the general public will have utilize these locations for parking.

Public parking lots

1. Spinnaker Way Lot
2. J & K Lot
3. L Lot
4. M Lot
5. South Cove East Lot
6. South Cove West Lot
7. Seawall Drive Lot
8. Skates/N Lot
9. O Lot

On-street parking facilities

1. Spinnaker Way
2. Marina Blvd
3. University Ave Shoulder (at West Frontage Rd)
4. Seawall Drive North
5. Seawall Drive South

Slipholder Permit Lots

1. D&E Lot
2. F&G Lot
3. H&I Lot
4. Dry Boat Storage Lot

Limited Parking Area (Not included in the analysis)

1. Launch Ramp Paid (Public Lot)
2. Berkeley City Vehicle Parking
3. Berkeley PD Leased Lot
4. Doubletree Leased Lot
5. Marine Center Leased Lot

Potential future redevelopment is limited to the existing developed land at the Waterfront comprised of leased land and surface parking lots. Future redevelopment at the Waterfront over the next several decades may bring in more visitors and hence, an increase in the need for parking and TDM.

2.3. MTC TOC Parking Management Policy

The MTC Transit-Oriented Communities (TOC) parking management policy is designed to reduce automobile trips and prioritize the limited land near transit for shared and active transportation modes. Parking management complements increased residential and commercial density, supporting higher transit ridership on the region's existing and planned fixed-guideway transit systems.[1]

To comply with the TOC Policy, MTC mandates adherence to parking standards based on the level of transit service. Ferry terminals, such as the Berkeley Ferry Terminal, qualify as Tier 4, requiring parking maximums of 4 spaces per 1,000 square feet or fewer for commercial developments and 1.5 spaces per unit or fewer for residential developments. Additionally, AB 2097 prohibits public agencies from imposing or enforcing parking minimums on residential, commercial, or other developments within ½ mile of a major transit stop.[2]

The design standards outlined in the Waterfront Specific Plan, combined with recommendations from this Parking and TDM Plan, ensure compliance with the MTC TOC parking management policy by meeting both residential and commercial parking maximum requirements.

[1] Metropolitan Transportation Commission. (2022). *Resolution No. 4530*. Retrieved from https://mtc.ca.gov/sites/default/files/documents/2022-10/MTC_Resolution_4530.pdf

[2] California State Legislature. (2022). *AB-2097 Housing development: parking requirements*. Retrieved from https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2097



Section 3
Existing Conditions

3. EXISTING CONDITIONS

3.1. Existing Parking Management

Existing parking facilities at the Berkeley Waterfront are managed using a variety of parking regulations. Currently, 8 out of 14 parking lots have no parking restrictions beyond overnight parking restrictions and 72-hour limits set in the Berkeley Municipal Code. The remaining lots are restricted either using manual gate openings at peak periods or via permits for berth holders. Table 1 catalogues existing parking regulations at Waterfront parking facilities and proposes new time-limited regulations to reduce the impact of ferry users on other parking lots. While parking facilities on the North side of the Waterfront are unlikely to experience direct impacts from ferry vehicle trips, facilities in the Waterfront's South and Central facilities are within easy walking distance of the ferry terminal site and have regular visitation throughout the week that could be impacted by overflow ferry parking.

Table 1 should be considered preliminary, and public feedback from waterfront visitors will help the City develop parking restrictions that would best balance the needs of different users while ensuring that commuters cannot leave vehicles in those locations for the 8+ hour duration between morning and evening ferry commute trips.

Separate from ferry parking demand management, the City can evaluate the process for issuing parking permits to non-recreational or commercial visitors to the Waterfront, including boaters with a permit to live aboard their recreational vessel and employees at Waterfront businesses. One common piece of feedback from the parking intercept survey was that the permit parking procedures in the M Lot were opaque to frequent paddlers who were not slip holders. Clarifying and enforcing existing and/or changed permit parking restrictions and procedures would improve the overall parking experience for both frequent and occasional visitors (see Appendix A).

The City has the opportunity at the Berkeley Waterfront to regularly review and revise its parking restrictions and policies. In addition to revisions specifically related to the WTPF, parking regulations should be regularly updated to reflect parking practices among current Waterfront users, as determined from parking data collection, intercept surveys and public outreach and feedback. Generally, parking time restrictions are a powerful tool that should be implemented more broadly throughout the Waterfront, coordinated with the destinations and activities that are served by specific parking lots. Parking facilities optimal uses should be encouraged with parking regulations, such as time-limited parking.

Table 1: Existing and Potential Parking Regulations

#	Parking Lot / Street Parking	Waterfront Area	Existing Regulations[1]	Potential Regulations[2]	Key Stakeholder Group
1	D&E Lot	North	Berther Permit Parking Only	No Change	Slip holders
2	Spinnaker Way Lot	North	No Additional Restrictions	No Change	General Recreation
3	Marina Blvd	North	No Additional Restrictions	No Change	General recreation
4	Spinnaker Way	North	No Additional Restrictions	No Change	General recreation
5	F & G Lot	North	Berther Permit Parking Only	No Change	Slip holders
6	H, & I Lot	North	Berther Permit Parking Only	No Change	Slip holders
7	J & K Lot	Central	No Additional Restrictions	No Change	Boaters / Diners
8	South Cove West Lot	Central	No Additional Restrictions	5-Hour Parking	Charters / Boaters / Adventure Playground / Shorebird Park
9	South Cove East Lot	Central	Limited access hours via manual gate operations	5-Hour Parking	Boaters / Adventure Playground / Shorebird Park
10	L[3] Lot	Central	Berther Permit Parking on weekends and between 8 pm and 10 am on weekdays	5-Hour Parking	Boaters / Nature Center
11	M Lot	Central	Berther Permit Parking on weekends and between 8 pm and 10 am on weekdays	5-Hour Parking	Boaters / Nature Center
12	O Lot	South	No Additional Restrictions	Slip Holder / Permit Parking	Slip holders, Yacht Club Visitors
13	Seawall Drive	South	No Additional Restrictions	3-Hour Parking	General Recreation / In-Car Bay Viewing
14	Skates/N Lot	South	No Additional Restrictions	3-Hour Parking	Diners / General Recreation
15	Seawall Lot	South	Open only during high use periods via manual gate operation	No Regulation	Diners / Pier & Ferry Access / Shorebird Park / General Recreation

Source: Kittelson & Associates, Inc. 2024
[1]Excluding overnight parking restrictions, which vary by lot / location. All public parking has a maximum of 72-hour parking without a permit per Berkeley Municipal Code.
[2] Possible parking regulations. Final recommendations should account for measured parking turnover rates and stakeholder outreach. Paid parking is not included in this table, but should be considered by the City, in particular for full-day parking.
[3] Does not include the Berkeley Police Department lot (gated)

3.2. Existing Parking Utilization

The City of Berkeley Waterfront Monitors have been consistently collecting daily parking counts at the Waterfront since May 2021. The data is collected by counting the number of occupied spaces at each lot at 10 am and 8 pm, with the results recorded on a paper survey form that is later entered into a spreadsheet maintained by Waterfront staff. The data collection methods have been refined over time to better support parking management objectives. Kittelson reviewed data from May 2021 to February 2024. During data processing, some lots had to be merged for various reasons, such as a lack of physical boundaries between them or combined data reporting for adjacent lots.

Limitations: The data may not reflect peak utilization which could occur at times other than 10 am and 8 pm. In Spring, 2024, staff began collecting data at additional time points (2 pm and 4 pm), which was not used for this study due to the comparatively limited number of data points,

Table 2 measures parking utilization by lot for average and peak weekdays and Saturdays. Across all lots, parking utilization averaged around 31% on weekdays and 49% on Saturdays. Peak weekday parking was 50% utilized, while peak Saturday parking was 79%. This Waterfront-wide peak period occupancy estimate is a conservative aggregation of each lot's individual peak utilization. It is therefore likely that, even during peak periods, the Waterfront has more than 300 available spaces, spread across various lots.

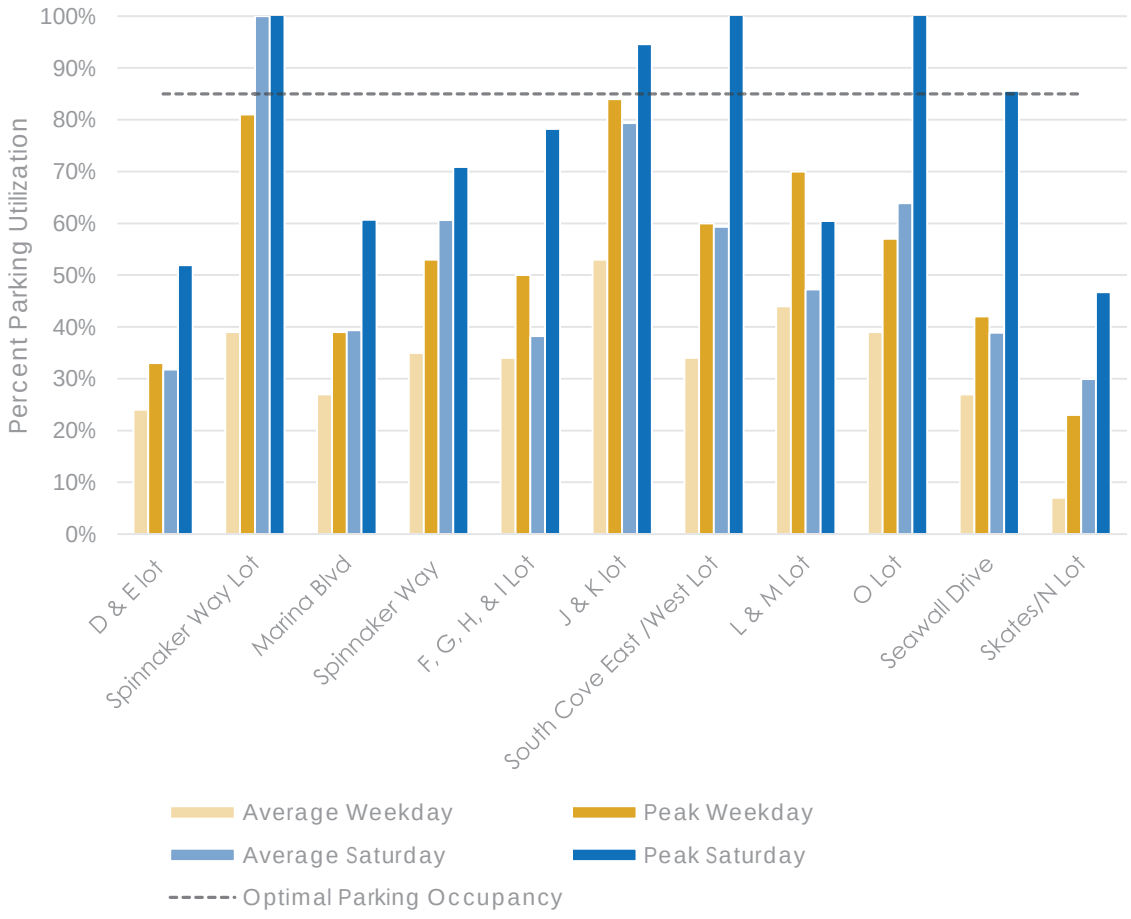
Table 2: June Parking Utilization at the Berkeley Marina, 2021-2023

Parking Lot	Existing Capacity	Utilization (taken spaces, % of spaces occupied)							
		Average Weekday		Peak Weekday		Average Saturday		Peak Saturday	
D&E lot	129	31	24%	42	33%	41	32%	67	52%
Spinnaker Way Lot	36	14	39%	29	81%	36	100%	71	197%
Marina Blvd	150	41	27%	59	39%	59	39%	91	61%
Spinnaker Way	127	45	35%	67	53%	77	61%	90	71%
F, G, H, & I Lot	115	39	34%	57	50%	44	38%	90	78%
J&K lot	92	49	53%	77	84%	73	79%	87	95%
South Cove East /West Lot	182	62	34%	110	60%	108	59%	191	105%
L&M[3] Lot	91	40	44%	64	70%	43	47%	55	60%
O Lot	72	28	39%	41	57%	46	64%	87	121%
Seawall Drive	90	24	27%	38	42%	35	39%	77	86%
Skates/N Lot	137	10	7%	31	23%	41	30%	64	47%
Totals	1,221	383	31%	615	50%	603	49%	970	79%

Source: Kittelson & Associates, Inc. 2024
Note: The peak Saturday utilization for Spinnaker Way Lot exceeded the capacity due to data collection error in which some of the Launch Ramp Paid parking was counted as the adjacent Spinnaker Way Lot.

Figure 3 visualizes the same data, along with a dotted line marker at 85% parking utilization. As a rule of thumb, when parking occupancy is over 85%, drivers have to spend more time looking for parking, increasing congestion, and negatively impacting the experience of visiting a destination. Only the Spinnaker Way lot saw average June occupancies meet or exceed this optimal parking level. In addition, several other locations, including the J&K lot, South Cove East / West, O lot, and Seawall Drive saw individual, peak observation periods exceed this same threshold. This indicates that, while parking at the Waterfront is generally well below optimal utilization, there are periods when parking spaces are difficult to find in individual lots.

Figure 3: Average and Peak Utilization by Lot



Source: Kittelson & Associates, Inc. 2024

Note: The peak Saturday utilization for Spinnaker Way lot exceeded the capacity due to data collection error in which some of the Launch Ramp Paid parking was counted as the adjacent Spinnaker Way Lot.

When all of the Waterfront's parking resources are considered together, peak parking utilization would reach just 72% of available spaces, with around 340 spaces unoccupied. Effective parking management strategies, including wayfinding, time restrictions, and permit holder restrictions could help to better distribute the demand for parking around the Waterfront. This would allow more visitors to park closer to their destination on a more predictable basis.

3.3. Time of Day Utilization

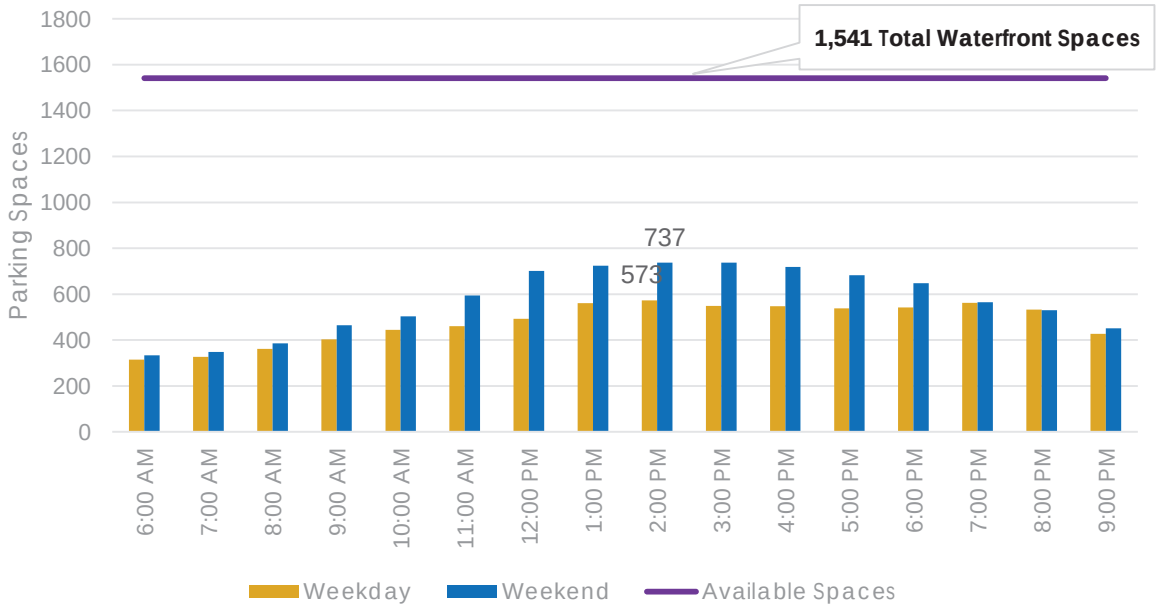
Kittelson retained Quality Counts (QC) to collect hourly parking counts between 5:30 am and 9:30 pm on Saturday, and 8 am to 10 pm on Thursdays on the following dates in 2024:

- Saturday, April 6
- Thursday, April 11
- Thursday, August 1
- Thursday, August 22
- Saturday, August 24

The counts were collected using go-pro dash cams while slowly driving through all parking lots once per hour during the count period. Post-processing involved the analysis of GoPro footage, the partial license plate, make, model, and color to demarcate specific individual vehicles and the time a vehicle remained in parking stall.

Figure 4 displays the number of parking spaces occupied at the Waterfront each day. As expected, the parking utilization was higher on weekends compared to weekdays, especially during midday hours (10 am – 2 pm). The peak usage occurred at 2 pm on weekends (48% occupied, 737 spaces) and weekdays (37% occupied, 573 spaces).

Figure 4: Parking Utilization by Time of Day



Source: Kittelson & Associates, Inc. 2024

Note: The total available spaces include 320 parking spaces on Seawall Lot, bringing the total to 1,541.



Section 4

Year 1 Parking Management and TDM Strategies

4. YEAR 1 FERRY CONDITIONS

3.4. Year-One Ferry Conditions

In this scenario, it is assumed that the Waterfront will continue to operate under typical baseline conditions, with the addition of the Project. The recommended parking and TDM strategies are specifically tailored to address the needs of the Project but are designed to provide benefits to the other uses at the Waterfront.

3.4.1. RIDERSHIP PROJECTIONS

The proposed ferry terminal at the Waterfront would be located at the Berkeley Pier, a portion of which would be reconstructed to provide both ferry and recreation access. WETA estimates a total of 1,830 average weekday boardings. Conservatively, this would result in 915 riders boarding at the Berkeley Terminal, assuming all riders are round-trip traveling between Berkeley and San Francisco and originating in Berkeley. WETA projects that the average weekday boardings could reach 2,110 by 2040, as shown in Table 3.

The Feasibility Study and WETA Business Service Plan separately estimated the travel mode share of future ferry riders, as shown in Table 4. The Feasibility Study estimated that 54% of the ferry riders would drive alone and 9% would carpool to the ferry terminal. The remaining ferry riders would arrive by bicycle, ride-share, public transit or other modes of transportation that would not require a vehicle parking space. The WETA Business Service Plan estimated that only 31% would be driving alone and 15% would be carpooling to the ferry terminal.

Kittelson reviewed updated on-board survey data from WETA, which included surveys conducted in 2022. Using the WETA Business Plan methodology and updated data, Kittelson estimated that approximately 44% of trips would be drive-alone, which is 13 percentage points higher than the WETA Business Service Plan estimate. Using the 2022 data, the results for the lower mode shares for walking (4%) and biking (11%), as well as public transit 2%), are very low, likely due to pandemic conditions, as people were avoiding public transportation.

The Kittelson recommended baseline mode share, shown in bold in Table 4, references the three sources and reflects the local context and our understanding of the existing travel patterns at the Waterfront. These baseline values represent the estimated mode share prior to the implementation of TDM strategies.

Table 3: Ferry Ridership Estimates (Total Boardings)

Year	San Francisco Only		San Francisco + Mission Bay	
	Weekday	Weekend	Weekday	Weekend
2020[1]	1,830	1,310	2,020	1,440
2026	1,910	1,367	2,106	1,503
2035	2,036	1,457	2,241	1,602
2040[2]	2,110	1,510	2,320	1,660

Source: WETA Business Service Plan, 2022

[1]2020 ridership estimates for San Francisco connection is used for year 1 travel assumptions.

[2]2040 ridership projections for San Francisco + Mission Bay is used for future conditions.

Table 4: Mode Share Summary for Ferry Riders (no TDM)

Source	Drive Alone	Carpool	Kiss-and-Ride[1]	Public Transit	Bike	Walk Only	TNC[2]/ Taxi	Other[3]
WETA Business Plan, 2017-19	31%	15%	15%	5%	16%	8%	8%	2%
Feasibility Study (Baseline)	54%	9%	8%	4%	18%	3%	3%	1%
WETA Updated Survey - 2022	44%	8%	8%	2%	11%	4%	2%	21%
Baseline (no TDM)	40%	12%	8%	5%	16%	4%	5%	10%

Source: WETA Business Service Plan, 2022; WETA On-board Surveys, 2022 and Feasibility Study, 2021

1Kiss-and-ride is drop off in personal vehicle; 2TNC is transportation network or "rideshare" company, e.g., Uber/Lyft; 3Other includes multiple modes and private shuttle. Note: Autonomous Vehicles (AV) have not been included.

3.4.2.MODE SHARE ESTIMATES

Using WETA's projected ridership figures and the latest baseline mode share, it is estimated that without implementation of any TDM strategies there will be a weekday peak demand for 421 parking spaces after the implementation of ferry service (Table 5).The City and WETA have conceptually planned for 250 vehicle parking spaces in the Seawall Drive Lot (formerly known as HS Lordship lot) to be utilized by weekday ferry riders (i.e. commuters). The estimated demand for vehicle parking spaces, without implementation of any TDM measures, exceeds this number by 171 parking spaces. The following sections of this memorandum identify strategies to (1) reduce the number of vehicle trips and parking demand and (2) effectively manage and distribute the resulting parking demand.

Table 5: Estimated Year 1 Weekday Ferry Ridership by Mode and Parking Demand (no TDM)

Mode	Mode Share	PersonTrips[1]	Base Parking Demand for Ferry Riders[1]
Drive Alone	40%	366	366
Carpool	12%	110	55
Kiss-and-Ride	8%	73	0
Transit	5%	46	0
Bike	16%	146	0
Walk	4%	37	0
Taxi / TNC	5%	46	0
Other	10%	92	0
Total	100%	915	421

Source: Kittelson & Associates, Inc. 2024
Note: [1]A person trip is a trip taken by a ferry rider using any mode of transportation. Rounded to the nearest integer.

3.4.3. TRANSPORTATION DEMAND MANAGEMENT ESTIMATES

Based on the estimated ferry ridership and mode share, there will be a peak weekday demand for 421 vehicle parking spaces. With the implementation of TDM measures identified in the Berkeley Waterfront Parking and TDM Toolkit (see Appendix B), demand for parking in the ferry terminal lot could be reduced by between 8% and 15%, resulting in a demand for between 356 and 389 parking spaces each day.

The effectiveness of potential TDM strategies was estimated using formulas from the California Air Pollution Control Officer's Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (CAPCOA Handbook), informed by case studies from peer projects and our understanding of the Waterfront. However, estimating the reduction in parking demand through TDM measures is challenging due to limited comparable studies, and none of the available studies are specific to the Waterfront context. Table 6 provides the methodology used for each strategy, and key assumptions are included in the Appendix C of this report. A conceptual design showing bicycle, pedestrian and bus stop improvements at University Avenue and Seawall Drive is included in Appendix D.

The calculated reductions in vehicle trips and parking demand associated with implementation of these TDM strategies is presented in Table 6. Based on these calculations, parking demand from ferry users could be reduced by 32 to 65 spaces. This analysis utilizes the higher range of this expected reduction to reflect the large-scale changes to travel patterns that the City expects as a result of improving bicycle network connections to the WTPF. This reduction would result in a weekday demand for 356 parking spaces at the ferry terminal parking lot, 106 more than the 250 spaces planned for in the Feasibility Study.

Table 6: Estimated Effectiveness of Parking and TDM Strategies

Strategy	Weekday Ferry Parking Lot Demand Reduction (spaces)	Calculation Source
Bicycle and pedestrian access	2	CAPCOA T-20
Improved bicycle facilities and secure bike parking	9–42	CAPCOA T-10
Shared micromobility expansion	12	CAPCOA T-22-B
Pick-up/drop-off zones	5	TNC user satisfaction and efficiency research
Transit subsidy for ferry riders	4	CAPCOA T-9
Reductions with Full TDM Implementation	32 – 65 parking spaces (8% - 15%)	

Source: Kittelson & Associates, Inc. 2024

CAPCOA Handbook- California Air Pollution Control Officer's Association Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity; TNC - Transportation Network Companies

Appendix D includes bicycle and pedestrian improvements at University Avenue and Seawall Drive.

In addition to the strategies mentioned above, demand-based paid parking has proven to be highly effective in reducing vehicle trips and parking demand. The implementation of a paid parking program was the primary recommendation of the Berkeley Marina Area Specific Plan Parking and Mobility Framework. However, public feedback from parking intercept surveys conducted in Summer 2024 as part of this Plan indicates that many current Waterfront visitors are reluctant to pay for parking when visiting for recreational purposes. While this strategy is not included in the Plan, it has the potential to reduce parking demand by an additional 42 vehicles. Further details on paid parking and other TDM strategies can be found in Appendix C.

3.4.4. YEAR-ONE PARKING MANAGEMENT STRATEGIES

After the implementation of TDM strategies, the Waterfront will need to accommodate ferry rider demand for approximately 106 more parking spaces than are planned to be made available in the 199 Seawall Drive lot. The city can meet this excess demand by implementing three strategies for year-one of ferry operations, including 1) maximizing the number of spaces made available in the renovation of the 199 Seawall Drive lot, 2) by directing drivers to designated low-occupancy lots in other locations around the Waterfront to be used as overflow parking when 199 Seawall Drive reaches capacity, and 3) by establishing a wayfinding program that can help drivers locate parking that is best suited for their trip purpose, such as clarifying where all-day parking is and is not allowed.

It should be noted that it is very unlikely that the WETA projected Ferry ridership will actually be achieved within the first year of service. As ridership increases and all-day parking becomes less desirable for ferry riders, they are more likely to switch to alternative modes of transportation including bike, AC transit and ride shares. The approach to TDM planning should allow for a dynamic approach to implementation of TDM strategies based on actual mode shares and parking demand patterns over time. While not evaluated in this study, it should also be noted that the growth of Autonomous Vehicles in urbanized areas is anticipated to growth significantly in the next five to ten years, which is likely to reduce the need for all-day ferry parking at the Berkeley Waterfront.

1. Maximize Parking Capacity at 199 Seawall Drive Lot

The City of Berkeley will consider design strategies to maximize the number of parking spaces available in the 199 Seawall Drive lot, marked by #1 in Figure 5. By accommodating full-day parking in this area, the City can reduce the number of drivers who need to seek parking elsewhere in the Waterfront or who will have to adjust their travel habits to travel to the ferry earlier, when parking is available, or who will have to access the ferry terminal by other modes.

2. Provide Overflow Parking

The City of Berkeley can designate formal overflow lots to provide full-day parking spaces when the 199 Seawall Drive Lot becomes full. Overflow parking can be established in locations that have low existing parking utilization on weekdays and that are within walking distance of the Berkeley Pier, including possible sites at the Marina Boulevard lot or at the Skates/N Lot.

The public street parking on Marina Boulevard could serve as an ideal location for overflow parking (see #2 in Figure 5). On weekdays, the average parking utilization is below 40%, and even at peak occupancy of 53% (as shown in Table 2), it could provide up to 90 additional all day parking spaces. Current observations

indicate that much of the existing utilization is from employees and visitors of the Doubletree Hotel, which has existing parking within their leased premises. With additional management of those vehicles, Marina Boulevard will conservatively accommodate over 100 full-day parkers. However, the walking distance from this lot ranges from approximately 0.4 miles to 0.75 miles away from the Berkeley Pier, for walks of between 10 and 17 minutes respectively, according to Google Maps.

The Skates / N Lot has a similarly low weekday utilization of just 7% and a peak utilization of 22% and is located adjacent to the Berkeley Pier. At its peak 10:00 AM weekday occupancy, the Skates / N Lot can accommodate 108 additional vehicles. However, the Skates / N Lot serves the Skates on the Bay restaurant and is close enough to serve as an informal overflow lot for higher occupancy lots including the O Lot, L&M Lots, and South Cove Lots. Though it has a slightly higher weekday utilization rate, the Marina Boulevard lot may be better suited for use as a formally designated overflow area.

Using these two TDM strategies, the combined overflow capacity at both the Marina Boulevard Lot and Skates / N Lot can easily accommodate the unmet demand for 106 parking spaces from the 199 Seawall Drive Lot.

3. Implement Wayfinding Program

To successfully shift vehicles to overflow lots, the City can implement a Waterfront-wide wayfinding program to clarify parking options for full-day parkers who arrive later in the day, or for whom walking from an overflow lot is not a physical constraint. Key locations for year-one wayfinding are indicated by the circles marked with #3 in Figure 5. Instead of circling the 199 Seawall Drive lot looking for spaces on busy days, these riders would know that they could immediately park at a formally-designated overflow location. Wayfinding can also be used to improve current parking conditions by leading visitors to the lots closest to their destinations or to areas with existing capacity that are a short walk from more popular lots.

Wayfinding measures are split up into two categories, static and dynamic wayfinding. Static wayfinding consists of signage to direct drivers to lots that best suit their needs and most effectively distribute demand across the Waterfront. Static wayfinding is critical as well as cost-effective for managing parking at the Waterfront and should be implemented before or concurrent with the launch of the ferry service. Dynamic wayfinding would use parking occupancy sensors and message boards at key access points around the Waterfront to provide drivers of information regarding the relative occupancy levels of parking lots and direct them to lots with more availability. Dynamic wayfinding would be an addendum to static wayfinding and is not critical for year-one ferry operations. It would also involve installation, operations and maintenance costs that would need to be planned by the City.

Wayfinding improvements would allow the City to effectively distribute parking demand around the ample occupancy in Waterfront lots. A wayfinding plan for the Waterfront would allow the City to strategically direct drivers to available parking that they were not aware of. This strategy can reduce the locations where shorter duration recreational and commercial visitors compete with full-day parkers, and will also more effectively manage weekend and special event parking loads outside of peak commuting hours.



LEGEND

- Study Boundary
- Road
- Dock
- Path/Trail
- Slipholder Permit Parking
- Public Parking

Year One Parking Management Strategies

1. Maximize parking at 199 Seawall Drive
2. Provide overflow parking
3. Implement wayfinding program

KITTELSON & ASSOCIATES

Static Wayfinding

Improving wayfinding is a critical strategy for leveraging the existing resources of the Waterfront. The future ferry terminal site is immediately surrounded by low utilization parking lots. However, drivers pass some of the higher occupancy lots in the Marina on the way to the ferry terminal, including the J&K Lot and South Cove Lots. Improved wayfinding would help drivers find the parking facility that best suits their needs without infringing on the access of other visitors. To successfully implement a static wayfinding plan, the city must:

1. Update parking regulations based on best uses for each parking lot at the Waterfront (Table 1)
2. Identify key wayfinding locations
3. Install critical wayfinding signage as part of the WTPF project scope.

1. **Coordinate parking regulations**. Static wayfinding can direct drivers to specific lots, but the city must first determine the desired use for each lot at the Waterfront. For example, if the main desired usage of the South Cove lots is for access to watersports and Adventure Playground, then picknickers traveling toward Shorebird Park could be directed towards the M Lot or to spaces along Seawall Drive. Appropriate parking regulations should be aligned with the preferred uses at each parking lot. This step can be completed as part of the parking regulation review recommended in this report. See also Section 4.1.5 regarding types of implementation and enforcement for time-limited parking regulations.

2. **Identify key wayfinding locations**. Following the classification of parking lot purpose and regulation, the city should identify key wayfinding decision points around the Waterfront where drivers make parking lot usage choices. Key location might include: the University Ave roundabout, lot entrances to Central Facilities along University Ave, and at the intersection of University Ave and Seawall Dr, show in Figure 5. These locations should be selected to ensure that all drivers who arrive at the Waterfront are presented with a series of options that can help them park in a location that is most convenient for them without inconveniencing other Waterfront visitors.
3. **Implement a wayfinding program**. The City should implement a new wayfinding program before or concurrent with the launch of ferry service. This means that the capital investment in the program should be scaled to match the ferry service project timeline. More ambitious wayfinding could include new branding and features that would emphasize the difference between parking at the Waterfront and parking in the rest of the City. See a mockup of a wayfinding program in Estes Park, Colorado in Figure 6. In this wayfinding program, signs offer drivers a variety of parking options to suit their needs, including directions to specific destinations, directions to free parking with shuttle service, and paid parking closest to key destinations.

Figure 6: Parking Wayfinding Example



Source: e.holdings inc.

Note: This example is from the City of Estes Park, Colorado for implementation of a paid parking program. Notice signs to emphasize free parking, paid parking, and shuttle services.

Dynamic Wayfinding

Dynamic wayfinding techniques could serve as an additional tool to distribute parking effectively around the Marina and avoid excessive circling for spaces and illegal parking practices, especially during peak demand hours. Dynamic wayfinding could be implemented in select parking facilities as demand warrants and is not essential for year-one ferry operations.

Dynamic wayfinding systems use sensors to track parking occupancy across a parking facility. The number of available spaces can then be displayed at a remote wayfinding board before drivers make the decision to enter a facility.

Dynamic wayfinding at the Waterfront could be utilized to monitor the occupancy of spaces available for all day use by ferry riders. A dynamic wayfinding board could be installed in coordination with the provision of alternative parking locations of ferry riders, either to direct them to less occupied lots near the ferry, or to a satellite parking facility with shuttle service to the ferry terminal.

See Figure 7 for an example of dynamic wayfinding in Redwood City, California. In 2022, Redwood City completed a dynamic wayfinding project that monitors over 4,000 parking spaces throughout their downtown area. The occupancy of those spaces is then communicated to drivers at key locations as they approach the downtown area, including in the underpass under Caltrain tracks, as shown in Figure 7.[3] These boards provide information that can improve the visitor experience of parking in Redwood City and more effectively utilize existing parking facilities and helps the City to avoid the need for costly expansion or restructuring of parking.

Figure 7: Dynamic Wayfinding Signage Example



Source: Google Streetview

Note: This example is from Redwood City, CA.

3.4.5. IMPLEMENTATION & ENFORCEMENT OF TIME LIMITED PARKING

Section 4.1.4 provides parking management strategies to manage the projected demand for parking through the use of over-flow full-day parking options. As described in Table 1, while some parking lots have hours of no parking (via either use of permits or gates), no parking lots have enforced time limited parking. In order to ensure that full-day parking for ferry riders only occurs at locations where such use has been planned for, the City will need to create and enforce a means of limiting parking access or duration in those areas where full-day parking by ferry riders is not intended.

[3]Redwood City Pulse. (2022). *Redwood City installs digital parking signs downtown*. Retrieved from https://www.rwcpulse.com/express-newsletter-content/2022/05/17/redwood-city-installs-digital-parking-signs-downtown/

Table 1 provides an example of what those time limits could be at various parking lots; actual durations for time-limited parking should be determined, and adjusted if needed, based on feedback from the public and Waterfront Visitors.

There are a variety of ways to implement time-limited or access-limited parking.

- Free Time Limited Parking. Many areas in Berkeley have 2-hour time limits for on-street parking unless a residential parking permit for that zone is displayed. A similar type of restriction and enforcement could be used in specific Waterfront parking lots. This approach has the advantage of not requiring infrastructure beyond signage, but enforcement is costlier since it requires multiple passes by parking enforcement staff. Berther parking that exceeds the time limit could be accommodated via permits.
- Paid Parking. Similar to many locations in the City, the use of paid parking with maximum time limits allows for enforcement via the issuance of parking passes. This approach would require installation and maintenance of kiosks/meters at parking lots where implemented and enforcement.
- Gated Lots. Use of manual gates to limit the period of access instead of time-limited parking spaces is currently used at the South Cove East Lot. The gate is not opened until after the early-morning boaters depart, ensuring that those primarily full-day parkers use Marina Blvd and South Cove West lot. This system could be refined and expanded in various ways. The use of gates requires staff time, which is costly due to frequent maintenance needs, and can be occasionally variable due to limited staff resources.



Section 5

Future Conditions

5. FUTURE CONDITIONS

5.1. Future Ferry Conditions

In this scenario, it is assumed that the Waterfront will continue to operate under typical baseline conditions with no new development but with an increase in ferry ridership. As outlined in Section 2.3.1, WETA anticipates that average weekday ridership will increase to 1,160 by 2040 under full service which includes connecting service between the San Francisco Ferry Terminal and Mission Bay, reflecting a growth of approximately 15%. These ridership projections are based on pre-COVID assumptions but have been adjusted to account for a "pandemic recovery" fare structure, as well as shifting commuter travel patterns and demand for services. Changes in costs, services, or overall economic conditions may impact these assumptions, so WETA will update the projections as new information becomes available. The City of Berkeley staff should also implement parking and TDM strategies based on the needs of ferry riders and Waterfront visitors. This section is intended for planning purposes, and the recommended strategies will be revisited in the future to assess how ferry ridership aligns with the projections.

5.1.1. RIDERSHIP AND MODE SHARE

This analysis conservatively assumes that the mode share will remain unchanged under future conditions. This would result in a parking demand of 534 spaces without implementing any TDM measures.

Table 7: Future 2040 Ferry Mode Share and Parking Demand (no TDM)

Mode	Mode Share	Person Trips[1]	Base Parking Demand for Ferry Riders[1]
Drive Alone	40%	464	464
Carpool	12%	139	70
Kiss-and-Ride	8%	93	0
Transit	5%	58	0
Bike	16%	186	0
Walk	4%	46	0
Taxi / TNC	5%	58	0
Other	10%	116	0
Total	100%	1,160	534

Source: Kittelson & Associates, Inc. 2024

Note: [1]A person trip is a trip taken by a ferry rider using any mode of transportation. Rounded to the nearest integer.

5.1.2. TRANSPORTATION DEMAND MANAGEMENT STRATEGIES

Applying the same TDM strategies from the Year 1 scenario, parking demand from ferry users could be reduced by 67 to 108 spaces, as shown in Table 8. The higher reduction is attributed to increased ridership, as more individuals would opt for more sustainable modes of accessing the ferry terminal instead of driving, thereby enhancing the effectiveness of the TDM strategies. This reduction would result in a weekday

demand for 467 parking spaces at the ferry terminal parking lot, 217 more than planned (250) for within the 199 Seawall Drive parking lot in the Feasibility Study.

Table 8: Estimated Effectiveness of Parking and TDM Strategies

Strategy	Weekday Ferry Parking Lot Demand Reduction (spaces)	Calculation Source
Bicycle and pedestrian access	3	CAPCOA T-20
Improved bicycle facilities and secure bike parking	14–55	CAPCOA T-10
Shared micromobility expansion	20	CAPCOA T-22-B
Pick-up/drop-off zones	14	TNC user satisfaction and efficiency research
Transit subsidy for ferry riders	16	CAPCOA T-9
Reductions with Full TDM Implementation	67 – 108 parking spaces (14% - 22%)	

Source: Kittelson & Associates, Inc. 2024

CAPCOA Handbook- California Air Pollution Control Officer's Association Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity; TNC - Transportation Network Companies

5.1.3.PARKING MANAGEMENT STRATEGIES

Similar to the TDM strategies, the parking management strategies outlined in Section 4.1.4 for Year 1 Ferry Conditions will help address the additional peak parking demand of 217 spaces from ferry riders. To be conservative, it is assumed that these strategies will be as effective as they were under the Year 1 Ferry Conditions, which would reduce the need by 106 spaces. This means that under Future Ferry Conditions, additional parking management strategies will be necessary to accommodate the remaining demand of approximately 111 spaces.

Based on the Parking and TDM Toolkit presented in Appendix B, the following strategies in combination would be effective in addressing the remaining demand of 111 spaces.

5.1.4. Valet Service

Valet Service would maximize finite space in existing lots by allowing valet attendants to tandem park vehicles. Likewise, valet parking can turn underutilized parking lots into an efficient tool for parking management. Valet parking is well-suited for the Waterfront's parking and usage patterns, which are characterized by an overabundance of parking capacity on most days and congestion and high occupancy levels in certain lots during events and peak periods of good weather and boating conditions. Additional details on the implementation of this strategy are provided in Appendix B.

5.1.5. Satellite Parking Facilities

The City could establish a satellite parking facility at Golden Gate Fields or other public parking lots that could be used by ferry riders or other visitors during special events. The satellite lot would be a tool for transferring parking demand away from Waterfront lots for those who have the flexibility to then proceed

to the Waterfront by shuttle, AC Transit service, or by biking and walking. A satellite parking facility could maximize the space devoted to vehicle parking for recreational uses at the Waterfront without limiting access to the ferry service. Additional details on the implementation of this strategy are provided in Appendix B.

5.1.6. Demand Based Paid Parking

Paid parking can be an effective tool for managing parking demand from ferry users. Its implementation should be carefully designed to accommodate the needs of ferry riders while ensuring sufficient availability for a wide range of Waterfront visitors. A well-executed paid parking program is anticipated to reduce the demand by approximately 53 parking spaces. Additional details on the implementation of this strategy are provided in Appendix B.

5.1.7. Shuttle Service to the Waterfront

A shuttle service to the Berkeley Waterfront that is aligned with the ferry schedule could serve as an alternative to car trips for ferry riders. This shuttle would need to connect commuters and visitors from various origins throughout Berkeley to the Waterfront. Currently, UC Berkeley operates a shuttle bus under the Bear Transit program that loops between the campus and the Downtown Berkeley BART Station.[4] Another West Berkeley Shuttle, funded by Bayer HealthCare and Wareham provides a last-mile connection between Ashby BART Station and businesses in the West Berkeley Area.[5]

The City could consider extending this service to the Ferry Terminal, facilitating a seamless transfer for users. A shuttle service is anticipated to reduce the demand by approximately 53 parking spaces. Additional details on the implementation of this strategy are provided in Appendix B.

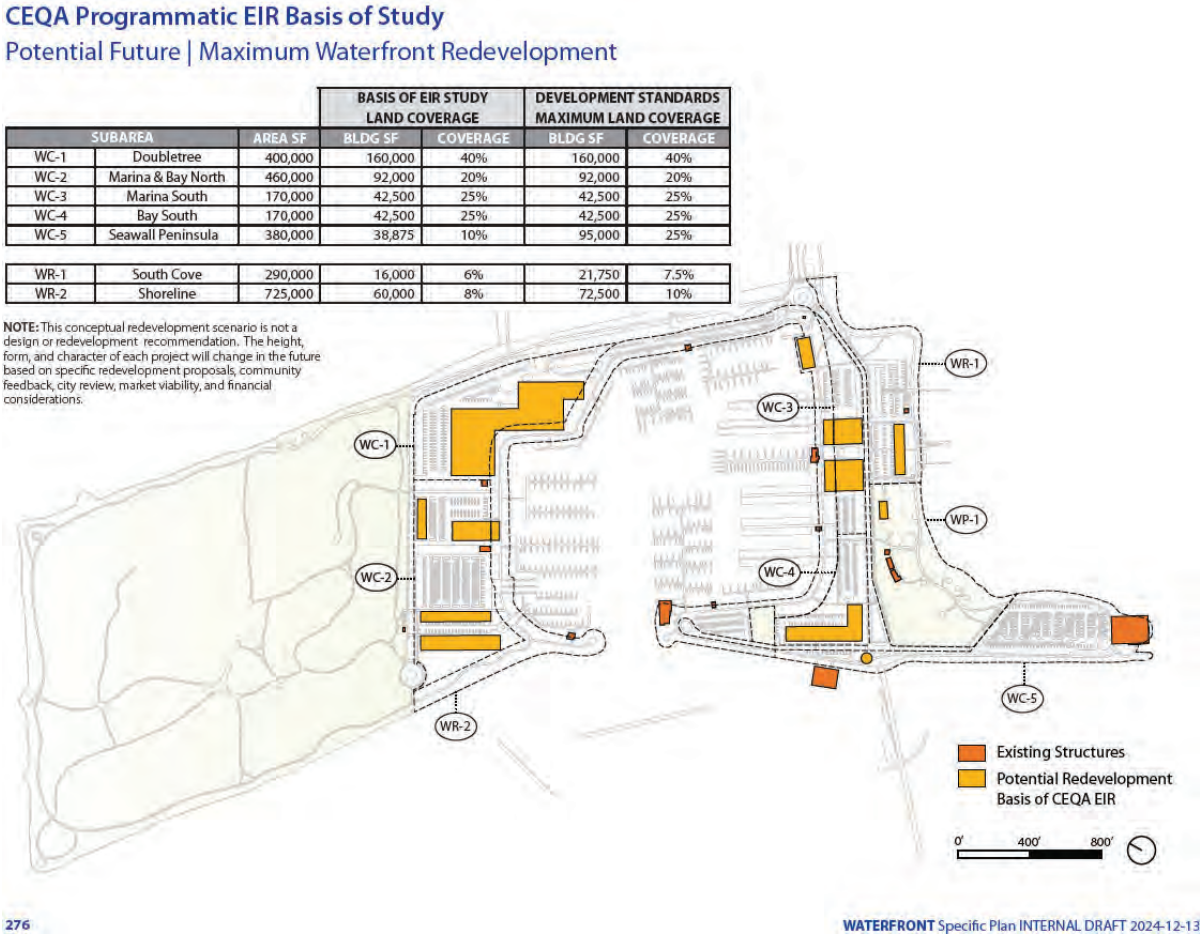
These two strategies would be sufficient to meet the future ferry ridership parking demand and transportation needs. However, the City could explore more strategies in the future based on the updated projections and changes to mode share splits that are not currently foreseeable.

5.2. Cumulative Conditions

This scenario considers the potential maximum development informed by the Draft Waterfront Specific Plan (WSP) combined with projected future ferry ridership. The Draft WSP is currently being developed by City staff in collaboration with Hargreaves Jones. As a part of this effort, the City desires to understand the potential impact of the development considered in the WSP on future Waterfront parking and transportation demands. Kittelson received land use data from City staff to evaluate the High Redevelopment Scenario, which anticipates 1.2 million square feet of development, including the existing 404,150 square feet of structures. The potential redevelopment locations and subareas are illustrated in Figure 8.

[4] UC Berkeley. *Parking and Transportation*. Retrieved from https://pt.berkeley.edu/BearTransit
[5] West Berkeley Shuttle. Retrieved from https://www.westberkeleyshuttle.net/

Figure 8: WSP Redevelopment Location - High Development Scenario



			BASIS OF EIR STUDY LAND COVERAGE		DEVELOPMENT STANDARDS MAXIMUM LAND COVERAGE	
SUBAREA		AREA SF	BLDG SF	COVERAGE	BLDG SF	COVERAGE
WC-1	Doubletree	400,000	160,000	40%	160,000	40%
WC-2	Marina & Bay North	460,000	92,000	20%	92,000	20%
WC-3	Marina South	170,000	42,500	25%	42,500	25%
WC-4	Bay South	170,000	42,500	25%	42,500	25%
WC-5	Seawall Peninsula	380,000	38,875	10%	95,000	25%
WR-1	South Cove	290,000	16,000	6%	21,750	7.5%
WR-2	Shoreline	725,000	60,000	8%	72,500	10%

Source: Hargreaves Jones, for the Waterfront Specific Plan, 2024

Table 9 includes a hypothetical configuration of descriptions and type of use that could potentially be developed at the Waterfront with an estimated size of development. It should be noted that any new development proposed in the WSP would be required to conduct a project-specific parking analysis based on the specific project details at the time of application.

Table 9: Potential Maximum Waterfront Redevelopment Land Use Details

SUBAREA		DESCRIPTION	HEIGHT	USE	EXISTING GSF	POTENTIAL FUTURE GSF	CHANGE
WC-1	N1	DoubleTree Hotel	4-6 story	Hotel & Food Establishment	256,900	450,000	193,100
WC-2	N2	Berkeley Marine Center	3 story	Maritime Visitor Services	24,500	80,000	55,500
	N3	B&C Restroom	1 story	Maritime Visitor Services	1,550	1,550	-
	N4	D&E Restroom	1 story	Maritime Visitor Services	600	600	-
	X1	Bay North Hotel	6 story	Hotel & Food Establishment	0	180,000	180,000
	X2	Recreation/F&B Complex	3-4 Story	Food Service Establishment & Commercial Recreation	0	55,000	55,000
	X3	F&B Café	1 story	Food Service Establishment	0	6,000	6,000
WR-2	N5	Berkeley Marine Center Fuel	1 story	Boat Fuel Station	1,350	1,350	-
WC-3	S1	Hana Japan & Sportsman's Center	3-4 story	Food Service Establishment & Commercial Recreation	22,000	50,000	28,000
	S2	125-127 University Ave	3-4 story	Office	19,000	60,000	41,000
WC-4	X4	Bay South Hotel	6 story	Hotel & Food Establishment	0	213,000	213,000
WC-5	S3	Skates	1 story	Food Service Establishment	13,700	13,700	-
	S4	Hs Lordship	1-2 story	Food Service Establishment	37,000	37,000	-
	X5	Ferry Terminal Kiosk	1 story			5,000	5,000
WR-1	S5	Aquatic Center / F&B Cal Adventure & Cal Sailing	1 story	Recreational Boating & Water Use	8,200	24,000	15,800
	S6	South Cove Restroom	1 story	Maritime Visitor Services	500	500	-
WR-2	S7	Waterfront Office	1-2 story	Maritime Office	2,700	2,700	-
	S8	F&G Restroom	1 story	Maritime Visitor Services	950	950	-
	S9	L&K Restroom	1 story	Maritime Visitor Services	650	650	-
	S10	N Restroom	1 story	Maritime Visitor Services	650	650	-
	S11	Berkeley Yacht Club	1-2 story	Club / Lodge	9,000	9,000	-
	X6	Old Ferry Dock F&B	1 Story	Food Service Establishment	0	16,000	16,000
WP-1	S12	Shorebird Park Nature Center	1 story	Museum / Cultural Center	3,800	3,800	-
	S13	Shorebird Park Maintenance Shed	1 story	Maintenance Facilities	1,100	3,000	1,900
TOTAL					**404,150**	**1,214,450**	**810,300**

Source: Hargreaves Jones, for the Waterfront Specific Plan, 2024
Note: Represents a hypothetical configuration of uses that could potentially be developed at the Waterfront with an estimated size of development.
F&B = food and beverage

The potential development would necessitate the redevelopment of the existing surface parking lots, leading to the reconfiguration of current parking spaces. Table 10 outlines the number of parking spaces affected by the future redevelopment as envisioned in the WSP. It is estimated that the Waterfront would experience a loss of four (4) public spaces, with an overall gain of 40 parking spaces due to the parking lots reconfiguration. Additionally, private parking is projected to increase by 150 spaces, whereas permit parking will decrease by 106 spaces.

However, efficient lot redesign, and developer agreements could recover and potentially enhance the parking at the Waterfront.

Table 10: Reconfiguration of Existing Parking Lots

	Existing			Future			Change
Lot Location	**Public**	**Permit**	**Private**	**Public**	**Permit**	**Private**	
North Facilities							
Marina Blvd	150			204			54
Spinnaker Way	127			127			0
Spinnaker Way Lot	36			36			0
D&E Lot		129			70		-59
F&G Lot		63			63		0
H & Lot		52			52		0
Doubletree Lot			408			408	0
Bay North Hotel	n/a	n/a	n/a			90	90
Launch Ramp Paid	76			76			0
Central Facilities							
J & K Lot	92			92			0
L Lot	14	47		47			-14
M Lot	77			77			0
South Cove East Lot	96			96			0
South Cove West Lot	86			80			-6
University Avenue	25			25			0
South Facilities							
Skates / N Lot	137			52		60	-25
O Lot	72			72			0
Seawall Drive North	6			6			0
Seawall Drive South	84			84			0
Seawall Lot	320			320			0
TOTAL	1,398	291	408	1,394	185	558	40
	2,097			2,137			

Source: Hargreaves Jones, for the Waterfront Specific Plan, 2024

Note: Estimate of change in parking spaces based on the conceptual Maximum Waterfront Redevelopment scenario shown in Figure 8; Includes Marina Boulevard Trail, Access and Shoreline Improvements, dated 7-9-2020.

The City of Berkeley has developed conceptual plans to realign and develop Marina Boulevard, increasing the total parking capacity from 150 to 204 spaces. Details of the conceptual plan can be found in Appendix E.

A parking demand analysis has been prepared to estimate the future parking needs associated with the proposed developments in the WSP, helping to evaluate the requirements for future parking facilities and management strategies. Only certain developments are expected to influence parking demand, while others, such as restrooms and cafés, are considered auxiliary uses that will not generate additional trips to the Waterfront. The developments anticipated to have an effect on parking demand include:

- X1 Bay North Hotel
- X2 Recreation/F&B Complex
- X4 Bay South Hotel
- S1 Hana Japan & Sportsman's Center expansion
- S4 199 Seawall (i.e. Hs Lordship)
- S5 Aquatic Center / F&B/ Cal Adventure & Cal Sailing
- X6 Old Ferry Dock F&B
- Among these developments, the two hotels (Bay North and Bay South) would be required to provide off-street parking at a rate of 0.5 spaces per room, as specified in the development standards section of the WSP. The other five recreational and food establishment uses would not be required to provide off-street parking and would rely on the public parking spaces currently available at the Waterfront. Kittelson conservatively estimated the peak parking demand for these uses using the ITE Parking Generation, 6th Edition. It is estimated during the weekday peak hour the demand would be 461 spaces and during the weekend peak hour demand would be 450 spaces. Different land-uses have varying parking demand across the day. Kittelson utilized the Urban Land Institute (ULI) Shared Parking model, 3rd edition, to estimate the time-of-day rates for each future use. Table 11 presents weekday and weekend parking demand calculations for uses that will rely on public parking spaces.

Table 11: Weekday and Weekend Parking Demand

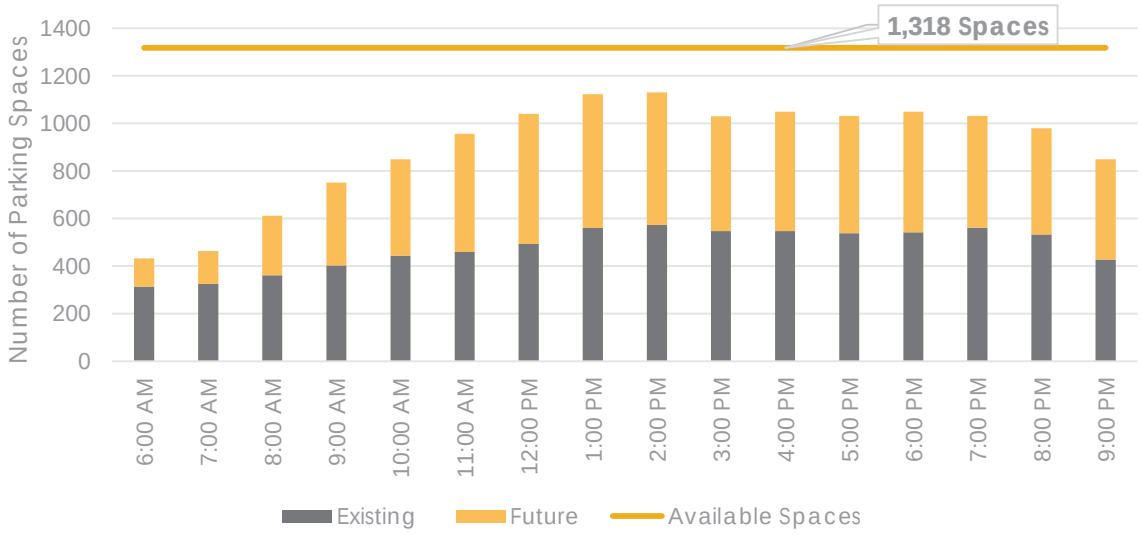
Location	Description	ITE Land Use Code	Weekday Average Rate	Weekend Average Rate	Weekday Peak Parking Demand	Weekend Peak Parking Demand
X2	Recreation/F&B Complex[1]	Food Hall (928) & Recreational Community Center (495)	3.96	2.72	87	60
S1	Hana Japan & Sportsman's Center	Food Hall (928)	3.96	2.72	44	30
S4	Hs Lordship	Fine Dining Restaurant (931)	16.18	18.23	239	270
S5	Aquatic Center / F&B Cal Adventure & Cal Sailing[1]	Food Hall (928) & Recreational Community Center (495)	3.96	2.72	25	17
X6	Old Ferry Dock F&B	Fine Dining Restaurant (931)	16.18	18.23	65	73
Total					461	450

Source: ITE Parking Generation Manual, 6th Edition
Note: [1]It assumes that only 40% of the GFA will be allocated for Food Hall (928) and the remaining 60% will be used for recreational purposes. F&B = food and beverage

The ULI Shared Parking model considers that while each land use generates demand for a certain number of parking spaces, these parking demands fluctuate hour-by-hour and day-by-day and shared parking between land uses can minimize the amount of space and resources devoted to parking.

Figure 9 shows the average weekday parking demand for existing in addition to the future uses by time of day. The "future uses" included in this figure include both ferry riders and the WSP High Redevelopment scenario. The peak demand is expected to be around 2 PM, with 1,131 parking spaces occupied (86% utilization), which remains below the 1,318 publicly available future parking spaces, excluding 76 Launch Ramp Paid parking spaces.

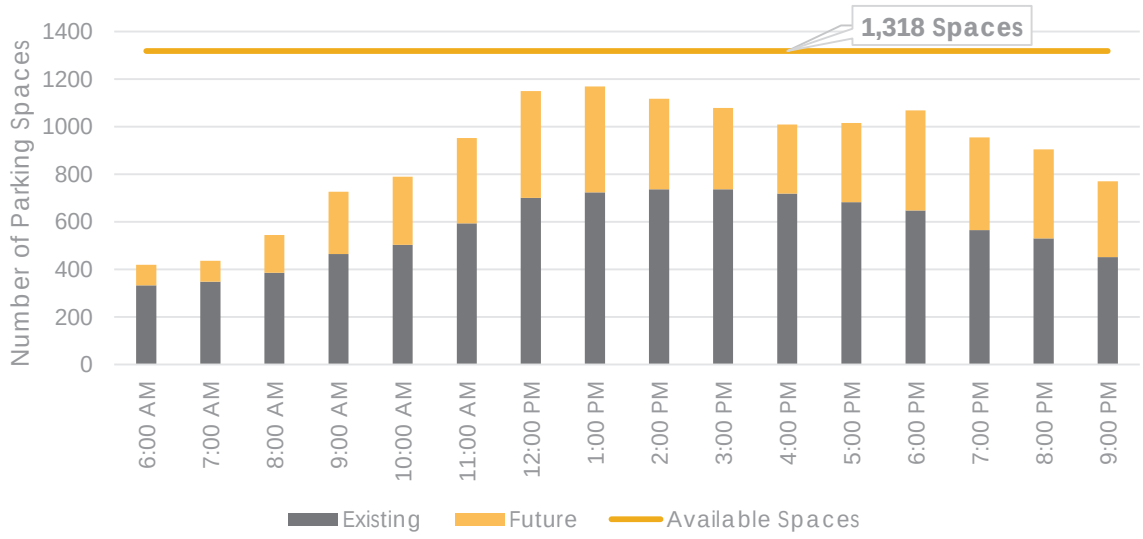
Figure 9: Weekday Parking Demand for Existing and Future Uses



Source: Kittelson & Associates, Inc. 2024

Figure 10 illustrates the average weekend parking demand for existing and future uses at the Waterfront, compared to the available parking spaces by time-of-day. The peak demand occurs around 1 PM, with 1,169 spaces utilized (89% utilization), which remains slightly below the total available spaces.

Figure 10: Weekend Parking Demand for Existing and Future Uses



Source: Kittelson & Associates, Inc. 2024

Based on the parking demand analysis, it can be concluded that the Waterfront will generally have sufficient parking spaces to accommodate the parking demand from future uses in the WSP. However, while the overall parking demand for the area can be met, there will be instances where individuals cannot park near their desired destinations, mainly during peak days and times. This could negatively impact the parking experience and cause frustration for some visitors. Implementing dynamic wayfinding and clear messaging strategies could help enhance the overall parking experience for visitors to the Berkeley Waterfront.

As noted earlier, AB 2097 prohibits public agencies from enforcing parking minimums for developments within ½ mile of a ferry terminal. However, the City can still require developers to implement Transportation Demand Management (TDM) strategies, such as providing bicycle parking, transit subsidies, or contributing to shuttle service programs. Developers must also submit a project-specific TDM plan that aligns with the City's monitoring and reporting requirements.[6]

[6] Berkeley Municipal Code § 23.334.040. (n.d.). *Zoning regulations. Transportation Demand Management*. Retrieved January 2, 2025, from https://berkeley.municipal.codes/BMC/23.334.040



Appendix A :

Baseline Parking Conditions

KITTELSON & ASSOCIATES
155 Grand Avenue, Suite 505
Oakland, CA 94612
P 510.839.1742

TECHNICAL MEMORANDUM

February 28, 2025 Project# 19867.006

To: Liza McNulty, PE, Capital Improvement Program Manager
City of Berkeley Parks, Recreation & Waterfront (PRW) Department
2180 Milvia Street, 3rd Floor.
Berkeley, CA 94704

From: Kittelson & Associates, Inc.

CC: Ali Endress and Roger Miller

RE: Berkeley WTPF Baseline Parking Conditions

1.0 Background

The City of Berkeley (City) completed the feasibility study for the ferry facility at Berkeley Municipal Pier (Feasibility Study) in December 2021 and is now beginning detailed engineering and environmental studies for the Water Transportation Pier-Ferry (WTPF) Project. Kittelson & Associates, Inc. (Kittelson) is working with the City to develop a Parking and Transportation Demand Management (TDM) Plan that will support the proposed ferry service and future development at the Waterfront ("Parking and TDM Plan").

The purpose of this technical memorandum is to establish a baseline condition for the Parking and TDM Plan. The memorandum is organized into the following sections:

- Study Area
- Review of Existing Documents
  - Parking Issues and Needs
  - Past and Current Parking Management Solutions
  - Historic Parking Utilization
  - Ridership and Mode Share Estimates
- Case Study Interviews
- Staff Working Group Sessions
- Review of Parking Counts
  - Parking Inventory
  - Historical Count Data
  - All Day Count Data
- Intercept Survey
  - Survey Response Summary

2.0 Study Area

The study area (Berkeley Waterfront or Waterfront) is the area west of the McLaughlin Eastshore State Park, bordered by Spinnaker Way to the north and South Sailing Basin to the south, see **Figure 1**. University Avenue provides vehicle connection between the Waterfront, Downtown Berkeley and Highway 80.

AC Transit Bus Route 51B connects the Waterfront and Rockridge BART via College Avenue, Downtown Berkeley BART, and University Avenue. Only one out of every three scheduled bus trips between 7 am and 9 pm serves the Marina; all other trips terminate at the Berkeley Amtrak station, resulting in a frequency of two (2) buses every hour.

The San Francisco Bay Trail Extension provides bicycle and pedestrian access to the Waterfront from the intersection of University Avenue and Frontage Road. The bicycle and pedestrian bridge across I-80 connects the Waterfront with the City of Berkeley. Additionally, the Virginia Street Right-of-Way (a dirt pathway) offers another bike and pedestrian connection.

The Study Area is entirely public tidelands held in trust by the City. There are over 100 acres of uplands and 5 miles of pedestrian trails within the Waterfront. Centered within this landscape is the Berkeley Marina, the largest public marina in the San Francisco Bay with 1,000 boat slips. The Berkeley Waterfront also includes three public access docks, a boat launch ramp, and 11 parking lots.

Current businesses and attractions include 1 hotel, 4 restaurants, 1 boatyard, a yacht club, two non-profit sailing clubs, a nature center, a two-story office building (commercially leased), and 9 restroom buildings, as shown in **Figure 2**.



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Source: City of Berkeley, MTC

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Figure 2: Existing Businesses and Landmarks



Source: Draft Waterfront Specific Plan, 2023

The proposed ferry terminal at the Waterfront will be located at the Berkeley Pier, which will be reconstructed to provide dual ferry and recreation access. The study focuses on the following nine (9) public parking lots and three (3) on-street parking facilities. Private, paid and slipholder only parking lots (Boat Launch Stalls – Paid, Doubletree Stalls – Private/Paid, and Berkeley Marine Center) were not included in the analysis, as it is assumed that ferry riders will not use these locations for parking.

- **Public parking lots**
  - Spinnaker Way Lot
  - J&K Lot
  - L&M Lot
  - South Cove East/West Lot
  - Seawall Drive Lot
  - Skates/N Lot
  - O Lot

- **On-street parking facilities**
  - Spinnaker Way
  - Marina Blvd
  - University Ave Shoulder (at West Frontage Rd)
  - Seawall Drive North/South

- **Slipholder Permit Lots**
  - D&E Lot
  - F&G Lot
  - H&I Lot

Potential future redevelopment is limited to the existing developed land at the Waterfront comprised of leased land and surface parking lots Future redevelopment at the Waterfront over the next several decades may bring in more visitors and hence, an increase in the need for parking and TDM.

3.0 Review of Existing Documents

The following relevant documents and programs were reviewed for this task:

- Berkeley Marina Ferry Parking & Transportation Demand Management Strategy (Appendix D), Nelson Nygaard, October 2021
    - Appendix A: Revised Short-Term Recommendations for Parking Management, December 2018
- WETA Berkeley Ferry Service, Business Plan Version 1.0, March 2022
    - The Business Plan is intended to be a "living" document that will be updated as needed to respond to new information, new data, and emerging ideas.
- Parking and Mobility Framework, Draft, Berkeley Marina Area Specific Plan, January 2022
- Draft Waterfront Specific Plan, November 2, 2023
- Traffic Assessment of University Avenue Concept Study, December 2017

The following relevant topics were summarized for each document.

- Parking issues and needs
- Past and current parking management solutions
- Historic parking utilization
- Ridership and mode share estimates

3.1 PARKING ISSUES AND NEEDS

The 2021 Berkeley Marina Ferry Parking & TDM Strategy was developed as part of the Feasibility Study to support the needs of future ferry riders travelling to and from the Waterfront. The study analyzed existing conditions and transportation facilities near the proposed ferry terminal location, and was based largely on the 2018 Short-Term Recommendations for Waterfront Parking Management (Appendix of the Feasibility Study). The following parking issues were highlighted in the 2018 Report:

- **Small Scale Ferry Service:** Small scale ferry service was initiated in 2017 by two independent providers (Tideline and Prop SF). Small scale ferry service increased the demand for all-day parking at the Waterfront, particularly surrounding K-Dock, where ferries depart. It should be noted that both of these services were suspended in 2020 during the COVID pandemic.

- **Overcrowding at South Cove lots due to mixed uses/user groups.** The South Cove lots have multiple users that come to the Waterfront at similar or overlapping times, resulting in peak periods in which the lots are full. Users of South Cove include public access for water activities, Cal Sailing and Cal Adventures, Adventure Playground patrons, small scale ferry passengers, charter boat customers, Hana Japan and Bait Shop customers, and employees who work on the Waterfront.

- **All-day visitors (charter and ferry customers) occupy parking spaces for relatively long periods of time.** Ferry and charter boat customers tend to arrive early and utilize the highest demand spots closest to K-Dock. Their vehicles remain in the prime spots in excess of eight hours per day and leave no room for turnover. This creates an issue for those making shorter trips to the South Cove for sailing and boating (Cal Sailing/Cal Adventures), Adventure Playground, Nature Center, Summer Camp drop off, and customers of the marina office, Berkeley Sportsman's Center, and the 125-127 University Avenue office buildings. Many small-scale ferry and charter boat customers show a preference for the newly paved South Cove East Lot over the unpaved South Cove West Lot, in addition to J&K and M Lots. Ferry customers have not heeded recent [2018] City signage (placed on South Cove, J&K, and M Lots) to park on Marina Boulevard instead.

- **Locations needed for watersports community to park.** Many recreational watersports activities (such as windsurfing and winger watersports) require the use of the new green turf area on the northern edge of the South Cove East lot to prepare and rig their large equipment, the adjacent parking stalls (for convenient loading and unloading), and the adjacent wide path of travel (to access the launching docks in the South Sailing Basin). The parking spaces adjacent to the turf are also desirable for small scale ferry and charter customers because of their proximity to K-Dock and attractive appearance. Over the summer, some windsurfers reported that they were unable to find parking next to the turf on weekday afternoons. Several complaints by windsurfers seeking safe and convenient access to the rigging area from their vehicles were filed with PRW Staff in the months of June, July, and August of 2018. A-Frame signs placed in August 2018, were moderately effective at reserving the parking stalls adjacent to the turf for watersports users.

- **Importance of maintaining adequate slipholder parking close to docks.** Every dock at the Marina has a nearby shared parking lot. Some shared lots fill with the vehicles of other park users, limiting access for slipholders at peak times.

- **Importance of maintaining parking for Hana Japan customers in lot.** Hana Japan is only open for dinner when other Waterfront users tend to be leaving. However, in the summer, parking for Hana Japan customers often overflows to the unlit South Cove lots across University Avenue.

This 2024 Parking and TDM Plan will be reviewing and updating this information based on the changes that occurred during the past few years, in particular changes to parking management activities by the City and post COVID cuts to small scale ferry service.

3.2 PAST AND CURRENT PARKING MANAGEMENT SOLUTIONS

Since at least 2016, parking management at the Waterfront has been an evolving and dynamic effort, with the City implementing various lot-specific parking management strategies. This includes various pilot programs, some of which have been abandoned and others expanded based on their efficacy and public feedback. This section describes the parking management strategies that have previously been implemented or are currently in effect.

Slipholder Permit Program: This program became effective on June 4, 2018, for the three northern slipholder lots (D&E, F&G, H&I Lots).[1] The Program prohibits unpermitted overnight parking (12 am – 10 am). For slipholders at those locations, hangtag overnight permits are distributed by Marina staff, and guest permits are granted upon request. Waterfront staff have issued citations to vehicles parked overnight without a permit, or without payment in the Boat Launch Ramp lot. This Program was subsequently expanded to J&K lot and Skates/N Lot. A similar version of this program was implemented in L&M and O Lots, as a mix of public parking/slipholder only parking depending on time of day and day of week. Since the implementation of this permit program, vehicle counts in north facilities have indicated[2]:

- a 60% reduction of unpermitted parked vehicles.
- a reduction of total cars parked by up to 20%.

Time Limited Parking: In 2018, the City introduced time limited (i.e. maximum allowable parking duration) parking in J&K lot for 5 hours between 8 am and 8 pm. This was to ensure that the visitors to Hana Japan have spaces available and are not affected by all day parkers. This system was subsequently replaced with the Slipholder Permit Program described above. Throughout the Waterfront, virtually all public parking areas (streets and lots) have a maximum 72-hour parking limit (per Berkeley Municipal Code).

Gate Control: The Waterfront staff manage the opening and closing of gates at South Cove East and Seawall Drive as necessary, especially during peak summer months to prevent overnight parking.

Paid parking: There is a gate controlled paid parking at the Boat Launch ramp lot on the northern side of the Waterfront, charging $15 per entry for 76 paid stalls. On the northern side of this lot, referred to as the Spinnaker Way lot, there are 36 free public stalls used primarily by visitors to Cesar Chavez Park. DoubleTree Hotel provides parking for $8/hour or $40/day for its 408 spots.

A summary of the existing parking rules currently enforced at the Waterfront is provided in **Appendix A**.

3.3 HISTORIC PARKING UTILIZATION

The parking utilization summary below and in Figure 3 is based on analysis conducted during the Feasibility Study, which used aerial parking utilization counts taken on several days between 2014 and 2018. **Figure 3** shows the specific days on which car counts were conducted for this analysis. The lots were divided into three subareas based on the geographic location of each facility.

- **Central Facilities** consist of L&M lot, J&K lot, South Cove West, South Cove East, and the "Small Boat Launch". The 10 parking spaces in the small boat launch ramp area were permanently removed in 2020 to make way for improvements to the Bay Trail Extension and access road. During the peak parking demand periods, the J&K Lot and L&M Lot, experienced as much as 89% and 93%

[1] *The Parking Permit Program does not apply to the paid launch ramp lot.*

[2] *Nelson\Nygaard. Revised Short-Term Recommendations for Waterfront Parking Management, 2018*

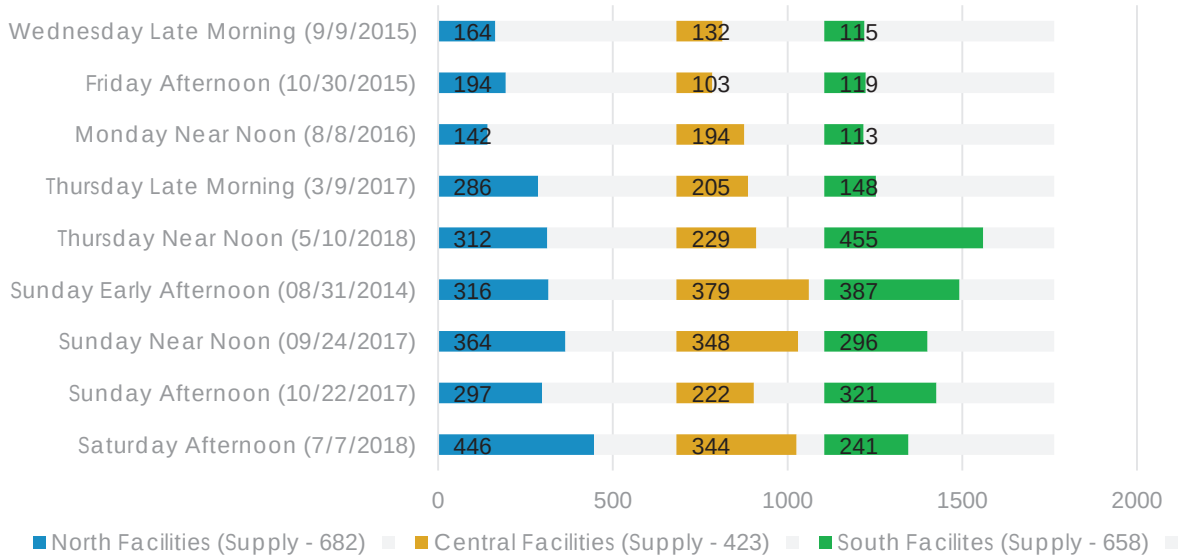
occupancy, respectively. Overall, the Central Facilities experienced 81% occupancy on Saturday afternoon and 90% occupancy on Sunday afternoon during the peak July-August parking periods.

- **South Facilities** consists of Skates/N Lot, O Lot, 199 Seawall Drive Lot, and Seawall Drive. The peak parking period for south facilities was Thursday afternoon with 69% occupancy.

- **North Facilities** consists of D&E Lot, F&G Lot, H&I Lot, Marina Blvd, the Boat Launch Ramp, Spinnaker Circle, and Spinnaker Way. Spinnaker Way had 97% occupancy during the Saturday afternoon surveyed. In aggregate, the parking lot facilities in the north observed the highest demand during Saturday afternoon with 65% occupancy.

Figure 3 shows parking utilization by facilities and time of day.

Figure 3: Parking Utilization by Facilities by Time of Day (2015 – 2018)

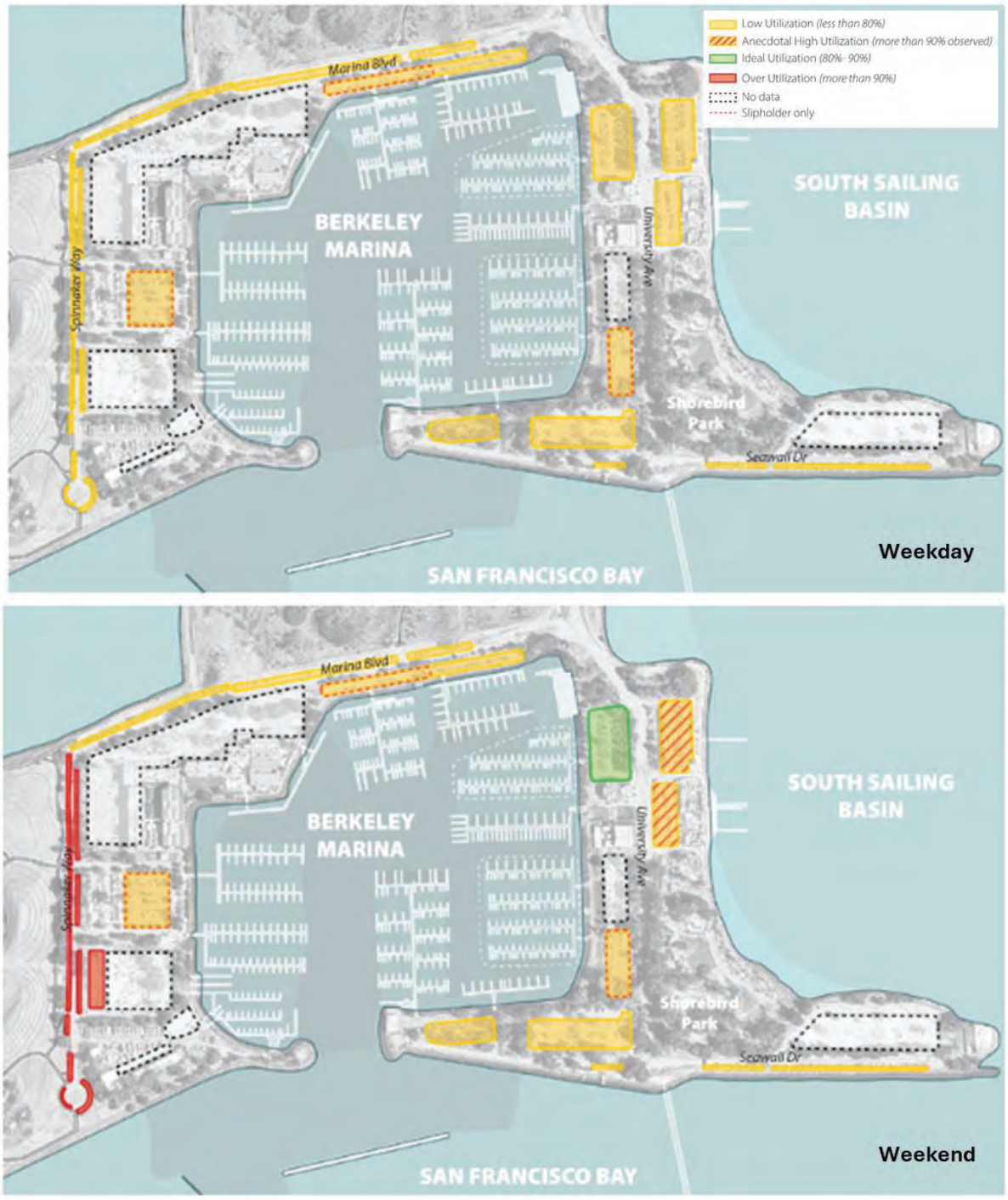


Source: Nelson\Nygaard. 2018. Berkeley Waterfront Parking Study. Appendix A

The data includes private lots such as the Marine Center Leased Lot, DoubleTree Leased Lot, Berkeley Police Department Leased Lot, and Berkeley City Vehicle Parking Lot, which results in the parking supply being 1,763 spaces higher than the public lots (1,566) analyzed in this report.

Figure 4 shows average weekday and weekend parking utilization based on the data collected for the Draft Waterfront Specific Plan in 2022-2023. During the weekend, the parking utilization was higher in the northern facilities – Spinnaker Way on-street parking and Spinnaker Way Lot. The figure also shows high utilization at South Cove lots during the weekend based on anecdotal information, including feedback provided from City staff and community members.

Figure 4: Average Weekday and Weekend Parking Demand (Draft Waterfront Specific Plan)



Source: Draft Waterfront Specific Plan, October 2023

3.4 RIDERSHIP AND MODE SHARE ESTIMATES

The proposed ferry terminal at the Waterfront will be located at the Berkeley Pier, which will be reconstructed to provide dual ferry and recreation access WETA estimates a total of 1,830 average weekday boardings. Conservatively, this would result in 915 riders boarding at the Berkeley Terminal, assuming all riders are round-trip traveling between Berkeley and San Francisco and originating in Berkeley. It is projected that the average weekday boardings would reach 2,110 by 2040.

The Feasibility Study and WETA Business Service Plan separately estimated the travel mode share of future ferry riders, as shown in **Table 1**. The Feasibility Study estimated that 54% of the ferry riders will drive alone and 9% will carpool to the Ferry Terminal. The remaining ferry riders will arrive by bicycle, ride-share, public transit or other modes of transportation that would not require a vehicle parking space. WETA Berkeley Ferry Service Business Plan estimates that only 31% will be driving alone and 15% will be carpooling to the Ferry Terminal.

Kittelson reviewed updated on-board survey data from WETA, which included surveys conducted in 2022. Using the WETA Business Plan methodology, Kittelson estimated the mode share based on the new data. The results estimate that 44% of trips were drive-alone, which is higher than the WETA business plan estimate. The 2022 estimates also estimate lower shares for walking (4%) and biking (11%). Public transit mode share was estimated at 2%, which could be largely attributed to pandemic conditions, as people were avoiding public transportation.

Comparing the three sources of data, Kittelson has recommended a baseline (i.e. pre-TDM implementation) mode-share that reflects the local context and our understanding of the existing travel patterns at Berkeley Waterfront. The baseline mode share, shown in bold in Table 1 below, represents the assumed mode share before implementation of new TDM strategies at the Waterfront. TDM strategies that further reduce the parking demand for Ferry Riders are in development.

Table 1: Mode Share Summary for Ferry Riders

Source	Drive Alone	Carpool	Kiss-and-Ride	Public Transit	Bike	Walk Only	TNC/ Taxi	Other[1]
WETA Business Plan, 2017-2019	31%	15%	15%	5%	16%	8%	8%	2%
Feasibility Study (Baseline)	54%	9%	8%	4%	18%	3%	3%	1%
WETA Updated Survey - 2022	44%	8%	8%	2%	11%	4%	2%	21%
Recommended Baseline (no TDM)	**40%**	**12%**	**8%**	**5%**	**16%**	**4%**	**5%**	**10%**

Source: WETA Business Plan, 2022; WETA On-board Surveys, 2022 and Feasibility Study, 2021
[1]Other includes multiple modes and private shuttle

4.0 Case Study Interviews

Kittelson conducted three case study interviews with agency staff who were either involved in implementing parking and transportation demand management strategies or are familiar with the parking management at the selected locations. The details of the interviews and key takeaways are presented in this section.

4.1 ALAMEDA HARBOR BAY FERRY PAID PARKING APPROACHES

- **Interview date**: August 8th, 2024
- **Participants**: Lisa Foster, Acting Transportation Planning Manager, City of Alameda

In an attempt to prevent spillover parking from the adjacent Harbor Bay Ferry Terminal, three home owners associations (HOAs) in the City of Alameda were given the authority to issue free residential parking permits to residents. The permits went into effect in 2017 with limited public oversight and subsequent turnover of City staff, and there is limited knowledge on the success of the program. As of now, the City of Alameda suspects that the HOAs are no longer issuing new permits for the permitted parking zones. Signs indicating the permit only parking restrictions are still present in the neighborhood, but it is unclear if enforcement is active.

In the meantime, the City moved forward with its own paid parking program to manage demand for parking at the Harbor Bay and Seaplane Lagoon ferry terminals. This plan was approved by the Alameda City Council prior to the pandemic, and was reauthorized in both 2022 and 2023.

The City of Alameda's ferry terminal management strategies offer important lessons for the parking management at the Berkeley Waterfront, including that:

- Paid parking may be most easily implemented at ferry terminals if introduced at the inception of a new service, or if there is regularly high occupancy at terminal parking lots.
    - The City of Alameda intended to introduce paid parking at the opening of the Seaplane Lagoon Ferry Terminal, but delayed due to the pandemic. The City is now in their third year of trying to implement paid parking at that location.
- The City of Alameda is partially reinvesting paid parking revenue to enhance security at parking lots. This serves to ease riders' concerns over theft and vandalism, as well as to ease public acceptance of new parking fees.
- Coordinating public bus or shuttle service can be difficult due to the relative infrequency of both ferry services and of bus routes that serve waterfront areas. AC Transit discontinued a shuttle service to the Seaplane Lagoon Ferry Terminal after low ridership and AC Transit Route 21 receives low ridership to the Harbor Bay Ferry Terminal.

4.2 BERRYESSA BART URBAN VILLAGE PLAN

- **Interview date**: August 16th, 2024
- **Participants**:
    - Jessie O'Malley Solis, Director of Real Estate and Transit Oriented Development, VTA
    - Charla Gomez, Planning Project Manager, City of San Jose
    - Wilson Tam, Transportation Planning Manager, City of San Jose

In 2021, the City of San Jose approved the Berryessa BART Urban Village Plan (UVP), which established guidance for mixed-use development around the newly opened Berryessa BART Station. One of the plan's main objectives is to enable high-density residential and commercial development around the station without overwhelming the project site with parking facilities which would diminish the urban character of the new development. The UVP's main goal is to plan for density around the BART station, and all of its parking recommendations are designed to support that goal.

The UVP's binding recommendations include the formation of a transportation management authority (TMA) to oversee parking and TDM policy in the new developments. The UVP also dovetails with a city-wide parking reform process that eliminated mandatory parking minimums[3] and established TDM incentives for new development.

Key takeaways for the Berkeley Waterfront include:

- The Berryessa BART UVP's progressive parking policy recommendations were supported by ongoing citywide planning initiatives.
    - If the UVP's parking recommendations had been a standalone deviation from San Jose's parking guidelines, they would have been more difficult to adopt.
    - The City of Berkeley should consider how the introduction of mass transit service to the Waterfront interacts with the city's recent and ongoing land use and TDM planning processes, including the city's VMT criteria and thresholds.[4]
- Publicly owned land can provide important opportunities for setting the tone for new development.
    - The UVP was developed for land owned by VTA, which enabled more restrictive criteria for developments than if the land had been privately owned.
    - The City of Berkeley can capitalize on its public property at the Waterfront to ensure that any new development or transportation investments meet rigorous standards for sustainability and equity goals.

[3] Since 1965, the City of San Jose's municipal zone code required new develops to build a minimum number of parking spaces based on size and land use type. With its 2022 parking reform, San Jose became the largest US city to eliminate parking minimums.
[4] City of Berkeley, *VMT Criteria and Thresholds*. 2020.

4.3 EMERY GO-ROUND

- **Interview date**: August 21st, 2024
- **Participants**:
    - Daniel Olver, Executive Director, AlTrans
    - Wendy Silvani, Principal, Silvani Transportation Consulting

The City of Emeryville has been running free public shuttle service since the 1990s to connect the city to MacArthur BART Station in Oakland. At first the service was funded by a few major employers, but eventually transitioned to a property-based improvement district (PBID) funding model, where all Emeryville residents contribute based on their property tax assessments. Today, 80% of Emery Go-Round's funding comes from the PBID, 11% from the City's budget, and the rest from state and federal grants.

Emery Go-Round consists of two routes that provide local service across Emeryville and provide more bus to rail transfers at MacArthur BART than AC Transit does. However, Emery Go-Round ridership is still recovering from the pandemic, when it lost 90% of its ridership in one year. As of May 2024, Emery Go-Round had recovered to just 40% of its 2019 weekday ridership, but was up to 80% of its weekend ridership.

Key takeaways for the Berkeley Waterfront include:

- Successful shuttle services tend to rely on robust private sector financing from major employers or commercial destinations. However, once established, funding for shuttles can be transitioned into public control using mechanisms like PBIDs.
    - Shuttle service to the Berkeley Waterfront would likely need to be subsidized by major private sector institutions in either Berkeley and/or in San Francisco. The current commercial activity at the Waterfront is not likely able to support a shuttle service on its own.
- Shuttle services tend to rely primarily on commute trips, which can be carefully coordinated around timetables at rail stations or ferry terminals, but are easily disrupted by changes to employment markets and commute travel patterns.

5.0 Staff Working Group Sessions

Kittelson met with the City and Waterfront staff on May 23, 2024, to discuss the vehicle parking issues and challenges at the Waterfront. Some of the key themes from this discussion are listed below:

Parking Management

- High tides and holidays affect parking lot usage as high tides attract regular sailors and holidays attract a surge of recreational users. Nature Center and Adventure Playground are closed on City holidays.
- Waterfront Monitors play a key role in managing parking and vehicle circulation during peak times.
- Slipholder lots (e.g., M) require overnight permits, but illegal parking is common during peak times.
- There is a need for wayfinding signage to help users access the lots that are underused. The University Roundabout was identified as a potential site for decision-making and parking.
- There is a need for designated passenger drop-off and pick-up and loading and unloading zones.
- Challenges with managing large groups and bus parking on weekends. Tour buses sometimes park without a permit at the Marina Boulevard lot.

Major Destinations

- Seawall Drive View, Restaurants (Hana Japan and Skates on the Bay), Cal Sailing Club and Cesar Chavez Park are major destinations.
- Adventure Playground is popular for birthday parties and there is a need for nearby parking and loading zones to accommodate pick-ups and drop-offs.
- Cal Sailing Open House introduces many new visitors, in particular UC Berkeley students, to the Berkeley Waterfront and generates a lot of visitors (many hundreds) on event days, which occur about 10 times per year.
- Roaming Bean Coffee primarily serves existing users.
- Fishing pier used to attract large number of visitors before it closed down.

Other Modes of Transportation

- There is a need for more bike parking spaces and enhanced wayfinding signage throughout the Waterfront and especially near recreational activities.
- Inner Harbor Walkway and other areas are used for biking.
- AC Transit Bus Route 51B is popular among the UC Berkeley Students and provides students and other visitors without cars a transportation option to the Waterfront.

Upcoming projects

- Projects include South Cove West Parking Lot, Cesar Chavez Perimeter Path and restroom, restrooms upgrades, replacing D&E dock and Harbor Entrance dredging.
- Identifying a new leaseholder for the former HS Lordship building at 199 Seawall Drive is a high priority.

Potential Solutions Brainstorm

- Charging for parking should be considered though it may not be a popular option for Waterfront visitors or businesses.

- Valet parking should only be considered if it is self-sustaining and does not require ongoing funding.
- Gated parking should be self-regulated, and the exit must be secured.
- Consider shuttle to offsite parking, e.g., at Golden Gate fields and other major destinations (Amtrak and Fourth Street).

Other Considerations

- Car break-ins have been an ongoing issue - the police department's presence has reduced criminal activity at the Waterfront.
- Camera surveillance and lift gates would enhance security.
- Integrate public art and placemaking along Seawall Drive promenade.
- Non-residents contribute significantly to the Waterfront revenue.
- Dry storage at D&E Lot generates revenue, however, there may be other uses that provide greater benefit.
- Install additional electric vehicle charging stalls.

6.0 Review of Parking Counts

The parking demand at the Waterfront is inherently variable and influenced by a range of environmental, seasonal, and human factors. For instance, on sunny days, the area is likely to experience a surge in visitors, including beachgoers, sailors, and recreational users, all of whom contribute to increased parking demand. Conversely, cloudy or rainy days can lead to a significant drop in visitors, reducing the need for parking.

Additionally, peak recreational use is closely linked to natural conditions such as tides, winds, and surfing seasons. For surfers, optimal conditions may not always align with predictable weather patterns or typical peak hours, leading to fluctuating demand that can be difficult to anticipate. Similarly, other water-based activities, like boating or fishing, can see spikes in participation based on favorable weather and tide conditions.

Given these dynamics, conducting a comprehensive parking study that accurately accounts for all these variables is challenging. Normal parking evaluation methodology relies on typical conditions and average usage rates, and will likely not completely capture the complexities introduced by fluctuating weather and seasonal recreational patterns. While this document can provide a baseline understanding, it has its limitation to predict demand with precision due to the highly variable nature of Waterfront use driven by weather and natural conditions.

Kittelson reviewed parking counts from two data sources — Historical Count Data from May 2021 to February 2024 and All-Day Counts collected for five days in 2024.

Historical Count Data: The City of Berkeley Waterfront Monitors have been consistently collecting daily parking counts at the Waterfront since May 2021. The data is collected by counting the number of occupied spaces at each lot at 10 am and 8 pm, with the results recorded on a paper survey form that is later entered into a spreadsheet maintained by Waterfront staff. The data collection methods have been refined over time to better support parking management objectives. Kittelson reviewed data from 2021 to

2024. During data processing, some lots had to be merged for various reasons, such as a lack of physical boundaries between them or combined data reporting for adjacent lots. The lots that were merged are:

- F&G and H&I Lots
- South Cove East and South Cove West Lots

Limitations: The data may not reflect peak utilization which could occur outside of the hours of 10 am and 8 pm. In Spring, 2024, staff began collecting data at additional time points (2 pm and 4 pm), which was not used for this study due to the comparatively limited number of data points,

All-Day Count Data: Kittelson in partnership with Quality Counts (QC) collected hourly parking counts between 5:30 am and 9:30 pm on Saturday, and 8 am to 10 pm on Thursdays on the following dates:

- Saturday, April 6
- Thursday, April 11
- Thursday, August 1
- Thursday, August 22
- Saturday, August 24

The counts were collected using go-pro dash cams while slowly driving through all parking lots once per hour during the count period. Post-processing involves reviewing the GoPro footage and recording each vehicle parked. QC recorded the partial license plate, make, model, and color to demarcate specific individual vehicles and the time a vehicle remained in parking stall.

Limitations: The data was collected on typical Thursdays and Saturdays with pleasant weather, chosen to reflect peak Waterfront activity while avoiding any events that might skew the results.

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 Parking Intercept surveys is presented in the next section.

The following section summarizes key findings from the data analysis.

6.1 PARKING INVENTORY

Based on a field survey conducted in 2024 and validated by City staff, there are 1,566 public free vehicle parking spaces throughout the Waterfront. The survey was necessary due to the presence of unstriped parking lots, making it challenging to accurately determine the number of spaces. **Table 2** presents the parking inventory (number of vehicle spaces) by lot. The inventory does not include the paid parking spaces available at the Boat Launch or Double Tree Hotel. A summary of the parking counts by location is provided in **Appendix A**.

Table 2: Parking Inventory

Lot Location	Number of Spaces	Type	Surface Type
North Facilities			
Marina Blvd	150	Unstriped	Unpaved
Spinnaker Way	127	Striped	Paved
Spinnaker Way Lot	36	Striped	Paved
D & E Lot	129	Striped	Paved
F & G Lot	63	Unstriped	Paved
H & I Lot	52	Striped	Paved
Central Facilities			
J & K Lot	92	Striped	Paved
L Lot	14	Striped	Paved
M Lot	77	Striped	Paved
South Cove East Lot	96	Striped	Paved
South Cove West Lot	86	Unstriped	Unpaved
University Avenue	25	Unstriped	Paved
South Facilities			
Skates/N Lot	137	Striped	Paved
O Lot	72	Striped	Paved
Seawall Drive North	6	Unstriped	Paved
Seawall Drive South	84	Partially Striped	Paved
Seawall Lot	320	Striped	Paved
Total Public Parking Spaces	**1,566**		

Source: Kittelson & Associates, Inc.

6.1.1 Bicycle Parking Inventory

There are 149 short-term bicycle parking spaces located in racks across the site and 10 BikeLink lockers for secure bike storage located near the Bait Shop and Hana Japan. As shown in **Figure 5,** most of the bike parking is located near the major destinations near central and south vehicle parking facilities.



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Source: Quality Counts, 2024, Source: City of Berkeley, MTC

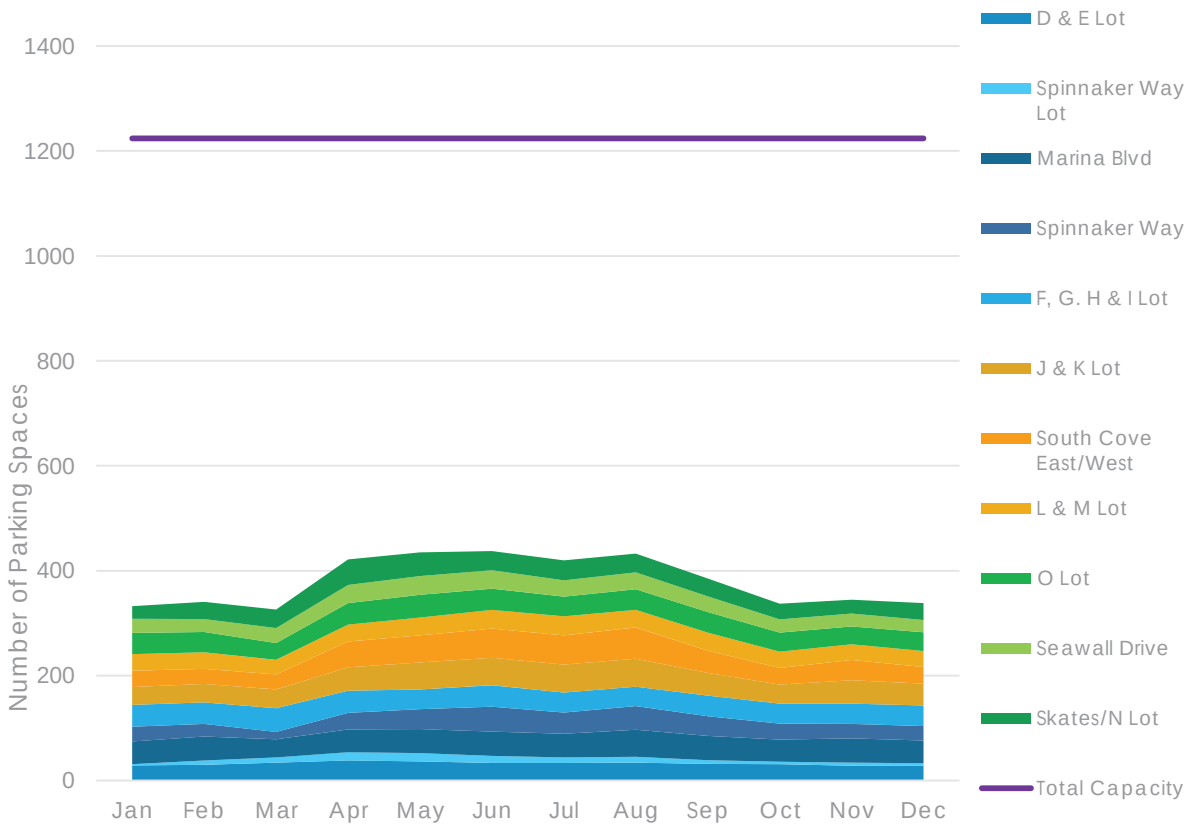
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6.2 HISTORICAL COUNT DATA

6.2.1 Parking Utilization by Month

Figure 6 shows the average monthly parking utilization at the Waterfront. The highest utilization occurs during the late spring and summer seasons, with the peak occurring in June, where 36% (440) of the total public parking spaces were occupied. Overall, the total occupancy rate fluctuates between 26% (318) and 36% (440) over the two time periods of data collection.

Figure 6: Parking Utilization by Month (2021-2024)



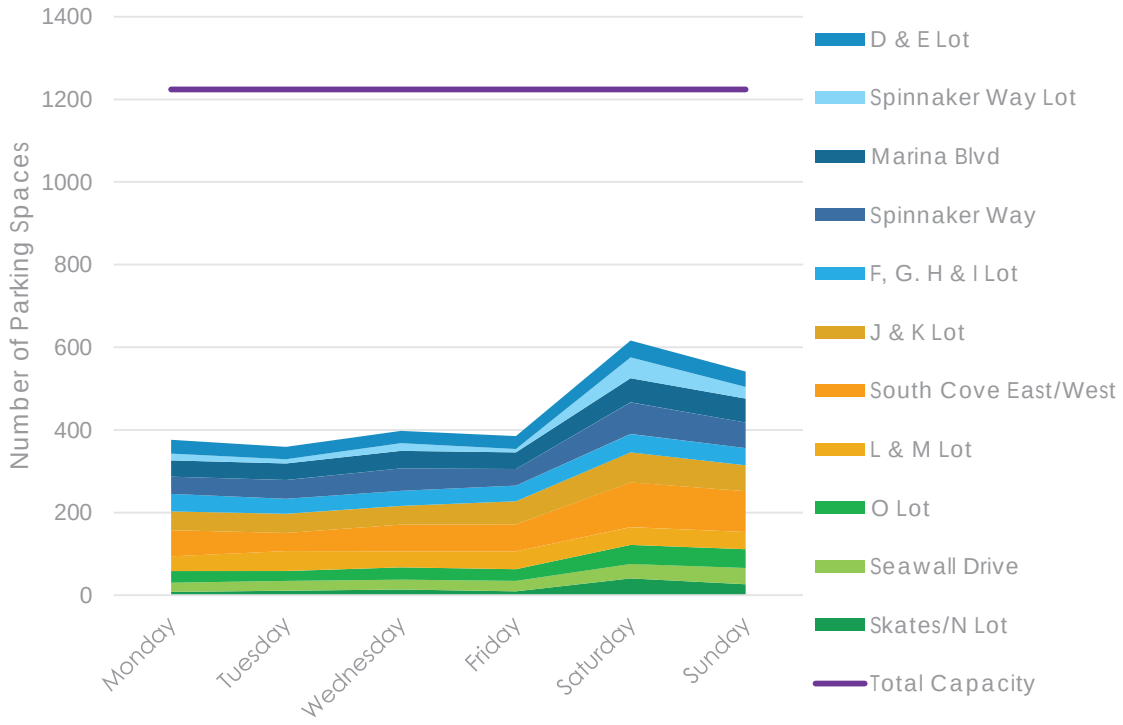
Source: Daily Parking Counts by Waterfront Staff 2021-2024, Data Compiled by Kittelson & Associates, Inc. 2024

Note: Data does not include Seawall Drive Lot and University Avenue (320 + 25 parking spaces) in counts or capacity.

6.2.2 Parking Utilization by Day

Figure 7 depicts daily parking utilization by day at the Waterfront for the peak month of June. Utilization peaks on weekends, with Saturday experiencing up to 50% occupancy across the entire waterfront. Significant increases in weekend usage are observed in the Launch Ramp-Public, J&K Lot, South Cove East and West, O Lot, and Skates/N Lot, likely due to the increase in the number of water-based recreational and restaurant visitors.

Figure 7: Parking Utilization by Day (June)



Source: Parking Counts by Waterfront Staff, Data Compiled by Kittelson & Associates, Inc. 2024

Note: Data does not include Seawall Drive Lot and University Avenue (320 + 25 parking spaces) in counts or capacity.

6.3.3 Parking Availability on Weekdays

Figure 8 shows the average parking occupancy by lots on weekdays. Only J & K Lot is more than 50% occupied during the peak month of June.



Source: City of Berkeley, MTC

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6.3.4 Parking Availability on Weekends

As seen in **Figure 7**, the parking utilization during weekend is higher than weekdays. **Figure 9** shows the average parking occupancy on weekends during the month of June.

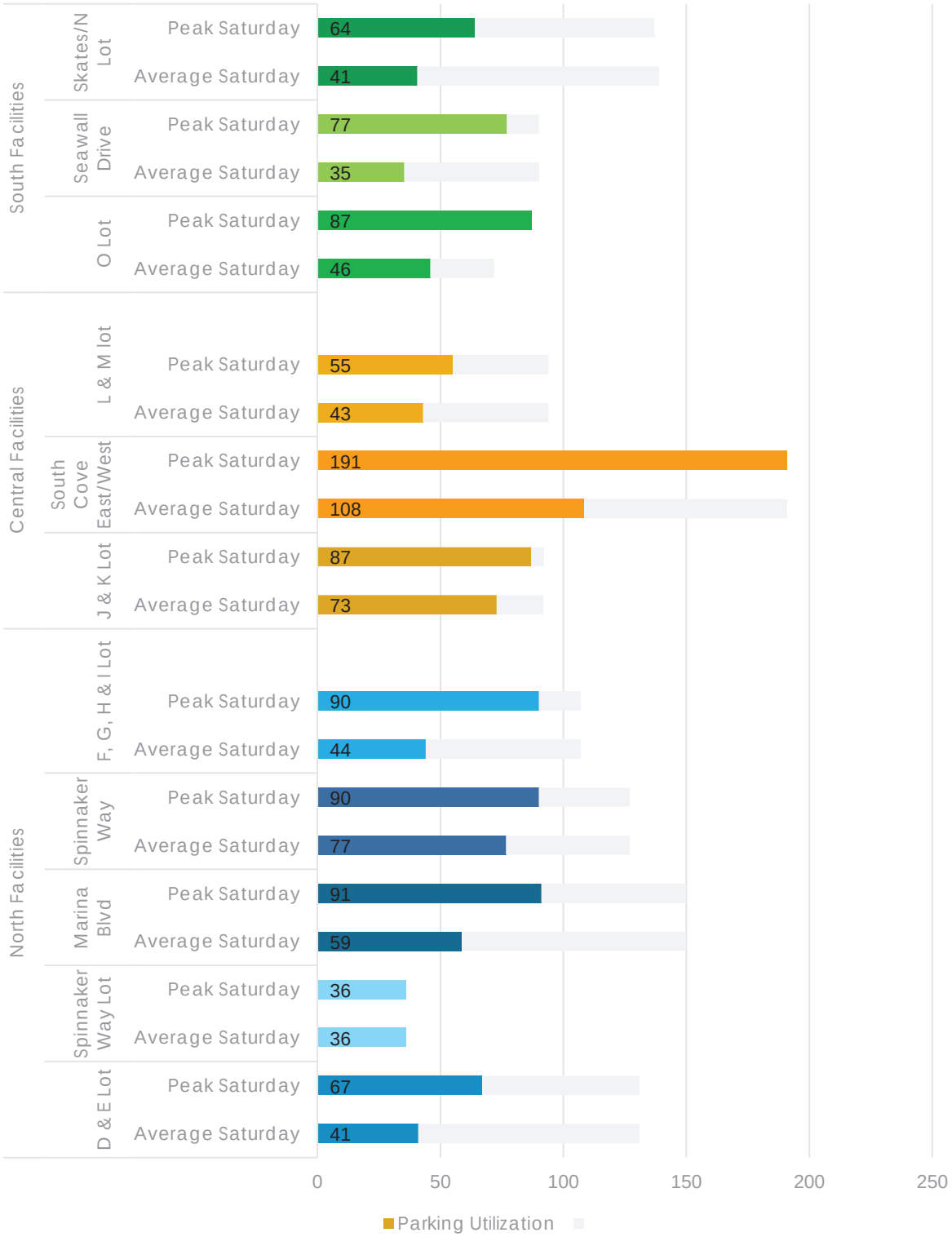
Figure 10 compares parking utilization on an average Saturday with that of the peak Saturday on April 1, 2023. The comparison reveals that certain lots had more than double the occupancy on the peak Saturday compared to an average Saturday. Nevertheless, even on the peak Saturday, overall Waterfront public parking was 75% occupied with 306 spaces remaining. During the peak Saturday, centrally located lots observed 82% occupancy, while South Cove East/West reached full occupancy at 100%.



Source: City of Berkeley, MTC

KITTELSON & ASSOCIATES

Figure 10: Parking Utilization on Weekends (Average Saturday vs Peak Saturday)



Source: Parking Counts by Waterfront Staff, Data Compiled by Kittelson & Associates, Inc. 2024
Note: Data does not include Seawall Drive/ Shorebird Lot.

6.3.5 Parking Utilization at Seawall Drive Lot

The Seawall Drive Lot (also commonly known as the HS Lordship Lot) was analyzed separately as the data collection was conducted on fewer days than other lots due to lot closures for public safety. The Waterfront staff will open the gates to the parking lot only as needed, for example, during peak summer months and during camp drop off times. Based on the available parking counts, the lot was 21% (67 spaces of 318 available) occupied on an average Saturday.

Figure 11: Gates at Seawall Drive Lot



Photo credit: Kittelson

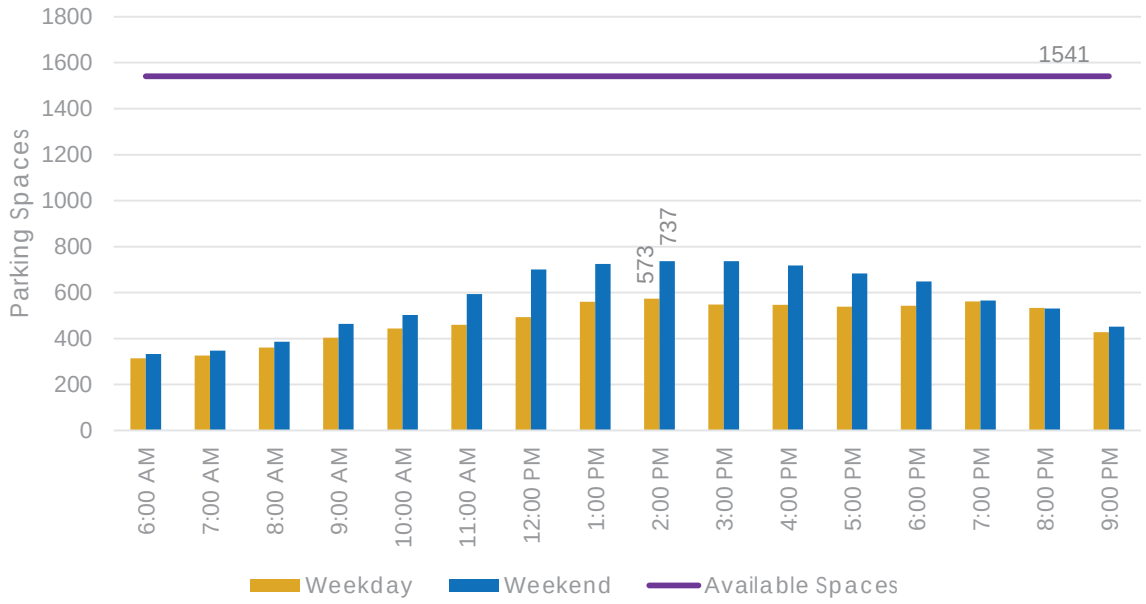
6.4 ALL DAY COUNT DATA

Quality Counts collected hourly parking counts on three weekdays and two weekends as mentioned in the introduction of this section. The hourly counts were collected to understand the parking turnover and duration at each public parking location.

6.4.1 Hourly Parking Demand

Figure 12 displays the number of parking spaces occupied at the Waterfront each day, The parking utilization is higher on weekends compared to weekdays, especially during midday hours (10 am – 2 pm). The peak usage occurred at 2 pm on weekends (48% occupied, 737 spaces) and weekdays (37% occupied, 573 spaces).

Figure 12: Parking Occupancy by Time of Day

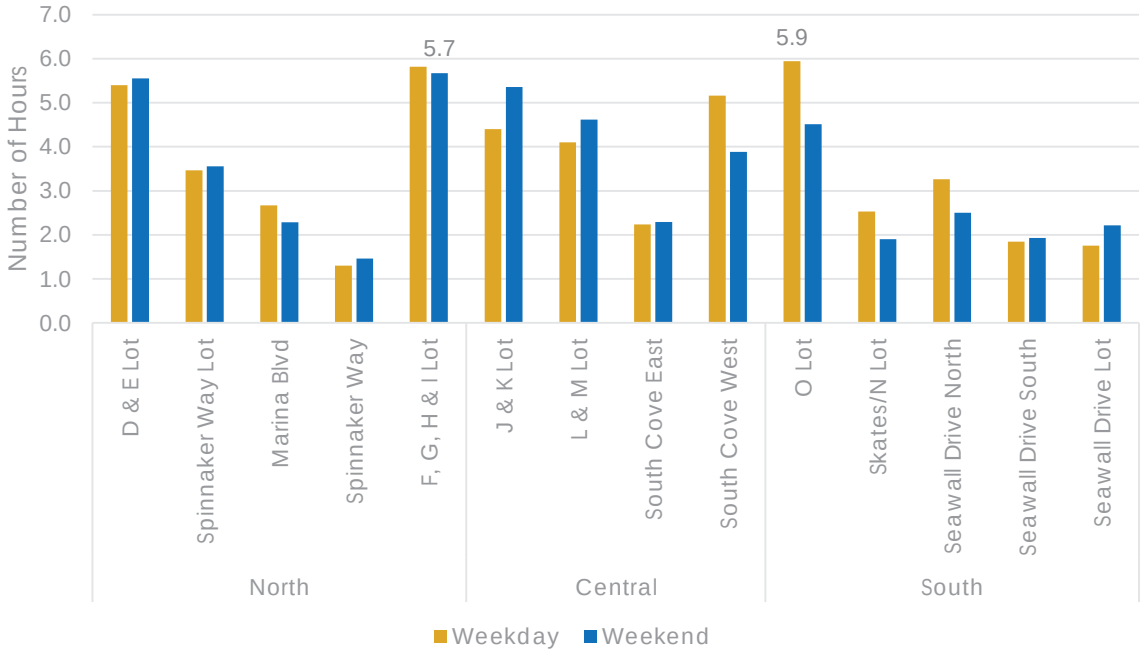


Source: Kittelson & Associates, Inc. 2024

6.4.2 Parking Duration

Parking duration indicates the average time a car remains parked in a space. **Figure 13**, **Figure 14** and **Figure 15** shows the parking duration by lot for both days. On Thursday, the O Lot had the highest average parking duration at approximately 6 hours. Additionally, the D&E Lot, F, G, H & I Lot, J & K Lot and L&M Lot all recorded vehicles being parked for over 4 hours on both days.

Figure 13: Parking Duration by Lot (Weekday vs Weekend)



Source: Kittelson & Associates, Inc. 2024



LEGEND

B

D

/

Parking Duration (Hours)

0 - 2

3 - 4

5 - 6

Source: City of Berkeley, MTC

KITTELSON & ASSOCIATES



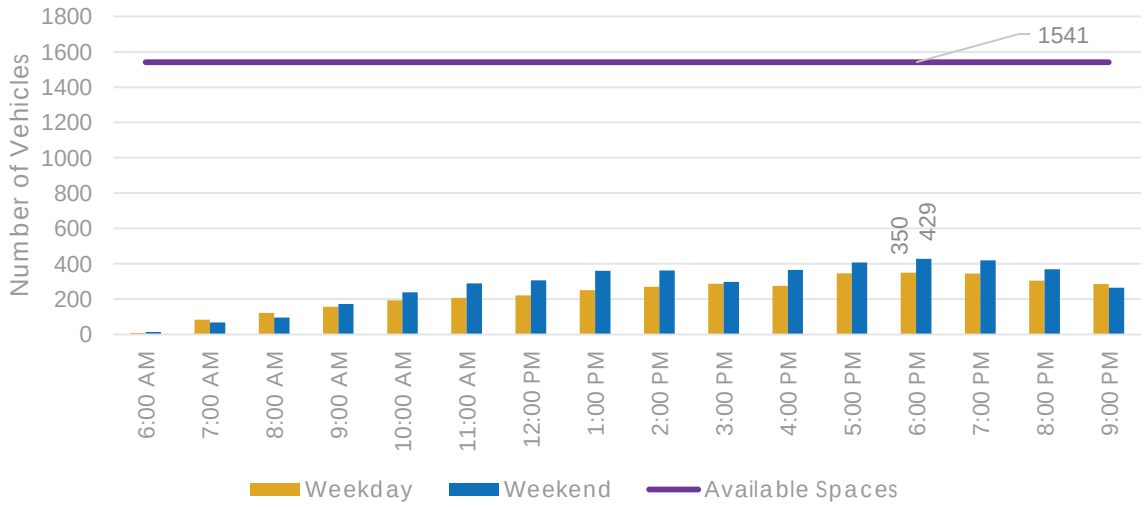
Source: City of Berkeley, MTC

KITTELSON & ASSOCIATES

6.4.3 Parking Turnover

Parking turnover refers to the number of parking spaces that either become occupied or vacated within a given period, reflecting the rate of use of a facility. For example, if two cars leave a parking lot and two new cars park in the same lot, the turnover value for that lot would be 4. **Figure 16** shows the total waterfront public parking turnover by time of day. The turnover is higher on Saturday as compared to Thursday and between 4 pm and 7 pm. On weekends, the highest turnover occurred at 6 pm with 28% (429 turnovers) of the total available spaces.

Figure 16: Parking Turnover by Time of Day



Source: Kittelson & Associates, Inc. 2024

7.0 Intercept Survey

To understand the trip purpose and parking habits of Waterfront visitors, Kittelson, with the help of Waterfront monitors, conducted parking intercept surveys on seven days between April and August 2024. The dates and times of the completed surveys are listed in **Table 3**. The surveys were administered in-person to gather firsthand insights into participants' parking concerns. Respondents were given the option to skip questions if they felt uncomfortable answering them. This section presents summary of the findings from the analysis of 455 responses. The survey questionnaire is included in **Appendix B**.

Table 3: Parking intercept survey dates

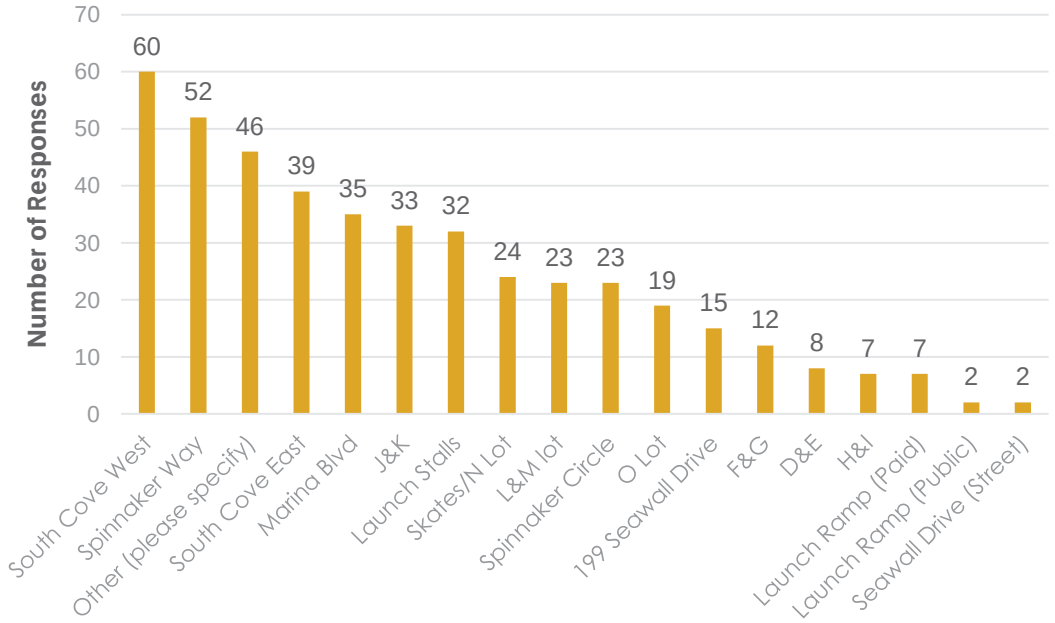
Survey No.	Survey Date	Survey Time
1	Saturday, April 6th	12:00 pm – 4:00 pm
2	Thursday, July 18th	3:30 pm – 7:30 pm
3	Thursday, August 1st	3:30 pm – 7:30 pm
4	Saturday, August 17th	12:00 pm – 4:00 pm
5	Thursday August 22nd	3:30pm – 7:30 pm
6	Saturday, August 22nd	12:00 pm – 4:00 pm
7	Tuesday, August 27th	3:30 pm – 7:30 pm

Source: Kittelson & Associates, Inc. 2024

7.1 SURVEY RESPONSE SUMMARY

Figure 17 shows the number of responses by lot names. The highest number of responses were received from the Northern facilities (41%), followed by Central facilities (35%).

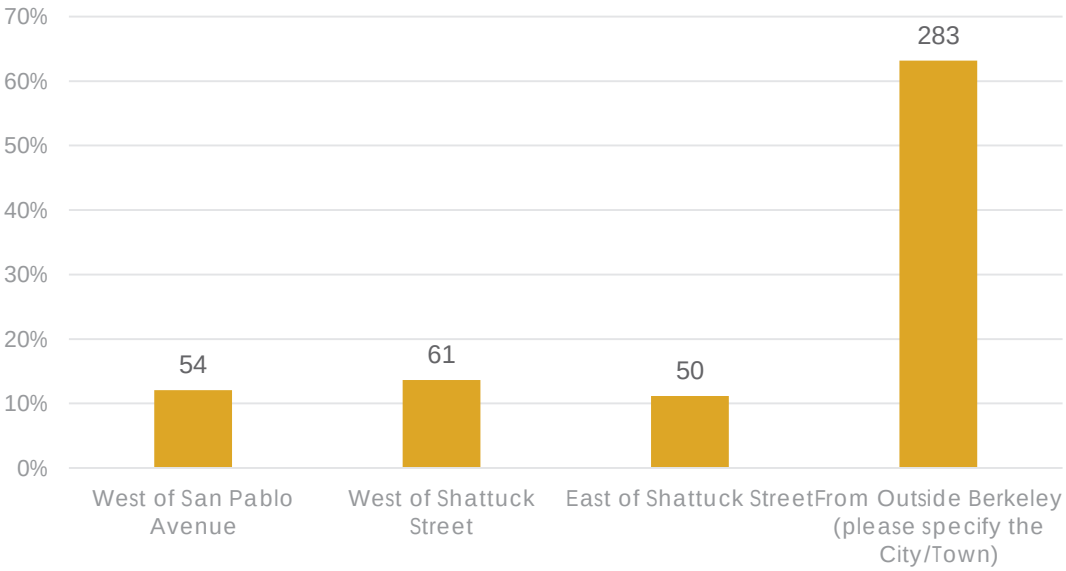
Figure 17: Parking lot location



Number of responses: 437
Source: Kittelson and Associates, Inc. 2024

Figure 18 shows the location of the respondent. Approximately 63% (283) of the respondents came from Outside of Berkeley which included visitors from Oakland, San Francisco, Emeryville and Walnut Creek.

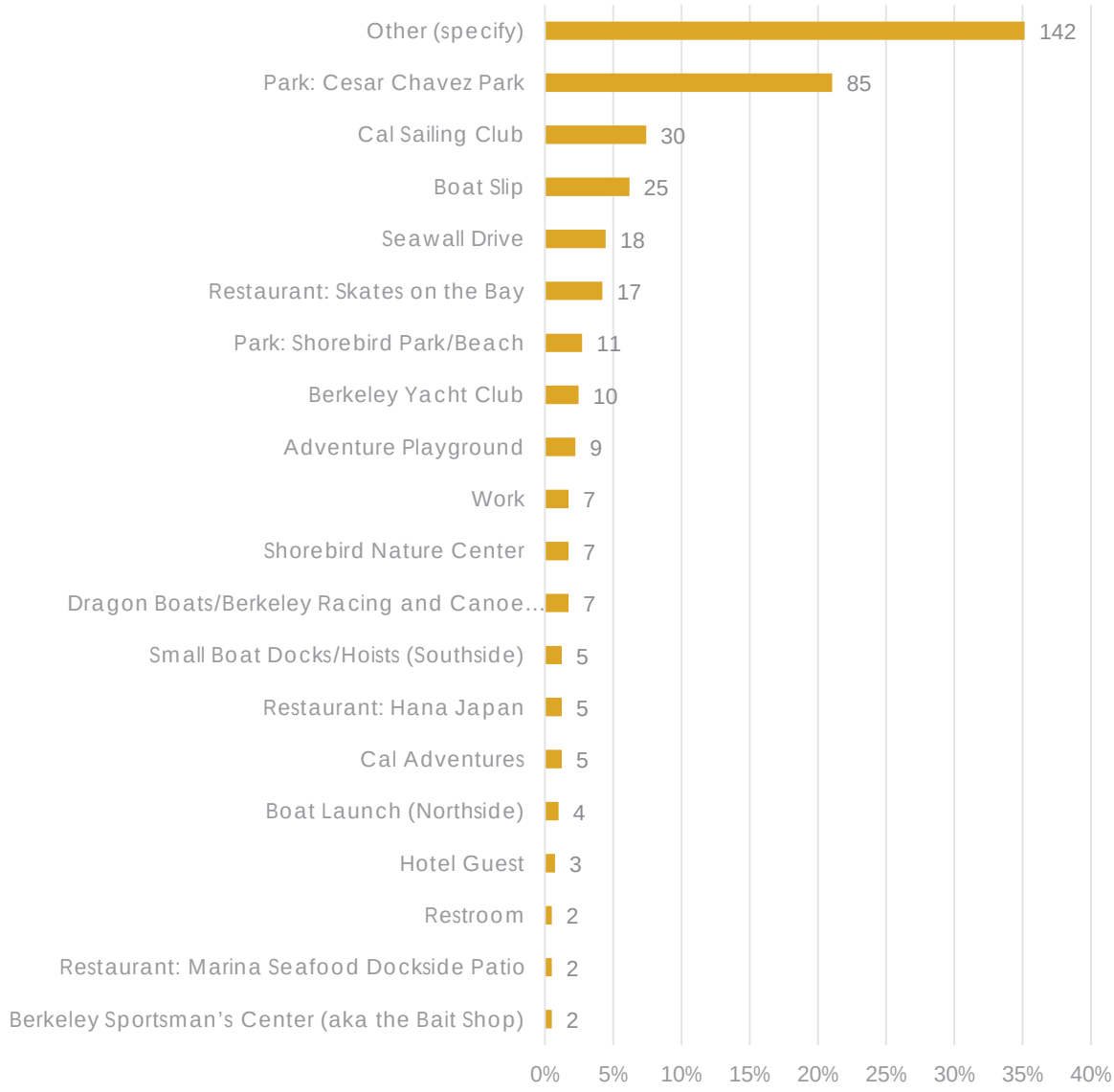
Figure 18: Where do you live?



Number of responses: 448
Source: Kittelson and Associates, Inc. 2024

The parking intercept survey reached a wide range of Berkeley Waterfront visitors, with the most popular visitor destinations including Cesar Chavez Park (21% of respondents), Cal Sailing Club (7%), and boat slips (6%), as shown in **Figure 19**. The rest of responses were scattered across a wide array of destinations, including specific institutions at the Waterfront.

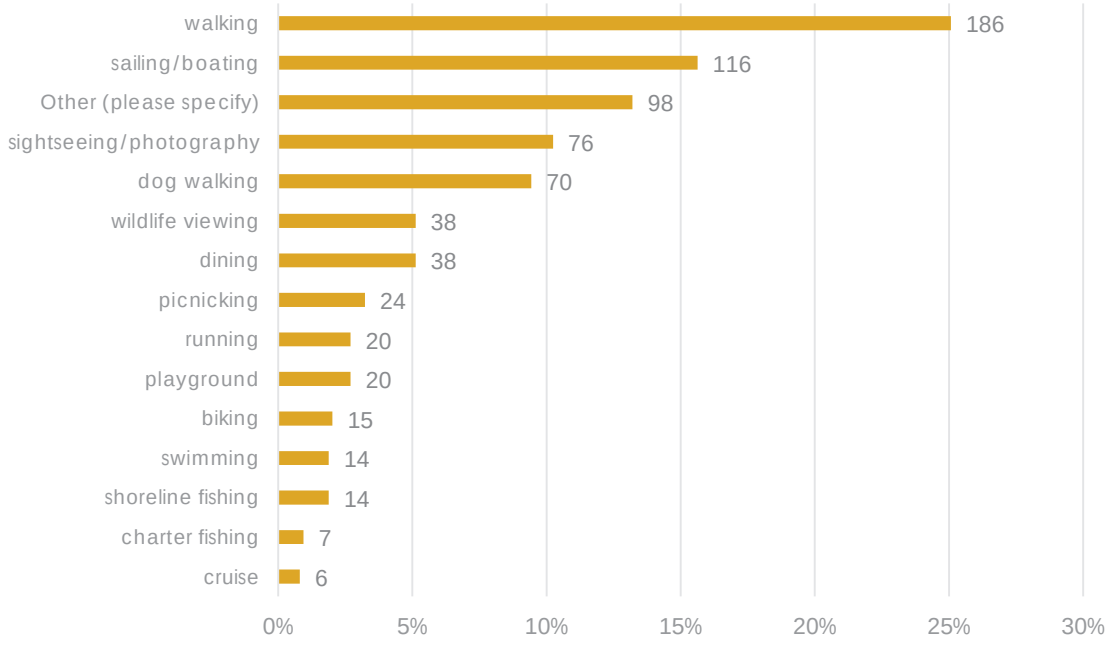
Figure 19: What is the name of the destination that you are visiting today?



Note: *38% of respondents listed a destination not included in the set list of options. Chart only includes destinations listed more than once. "Work" category includes: "deck hand, commercial fishing captain, hotel employee, etc."*
Number of responses: 404
Source: Kittelson and Associates, Inc. 2024

The most common activities were consolidated among outdoor recreation, including walking, sailing/boating, and sightseeing / photography, which together made up around 50% of responses, see **Figure 20**. However, respondents visited the Waterfront for a wide variety of reasons, with almost 100 noting that they made their trip for a reason other than options offered in the survey.

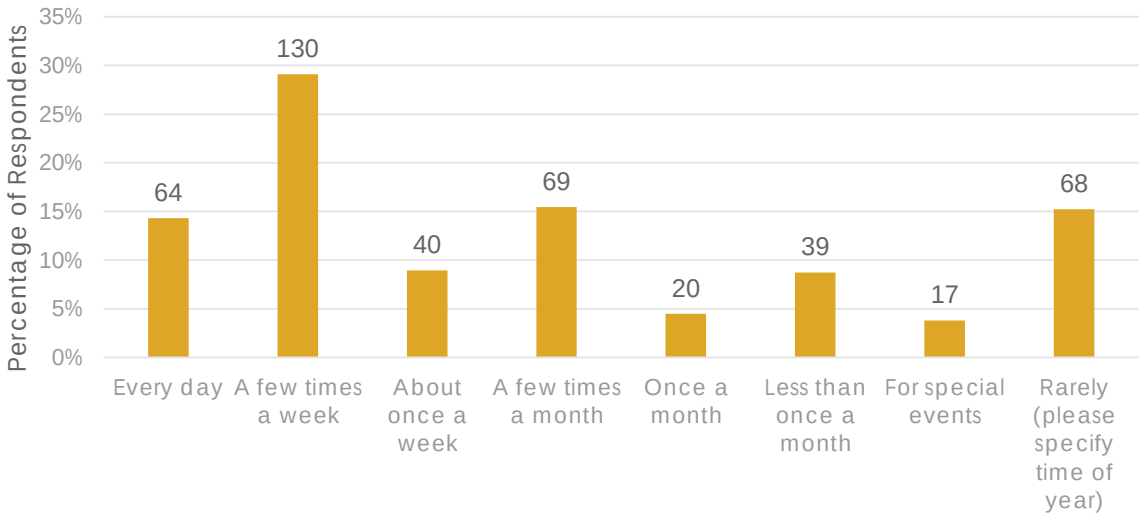
Figure 20: What brings you to the Waterfront?



Number of responses: 742 (Respondents were allowed to select multiple options)
Source: Kittelson and Associates, Inc. 2024

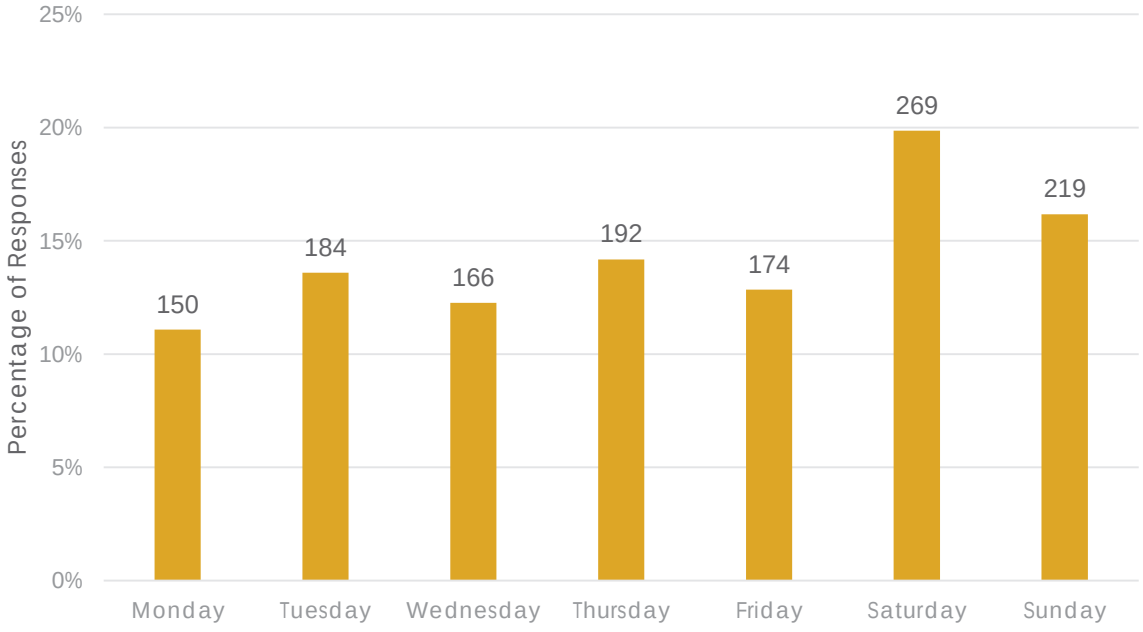
Respondents tended to visit the Waterfront often, with over 50% noting that they visited at least once a week or more (**Figure 21)**, and with Saturday (approximately 20%) being the most visited day by the respondents (**Figure 22**).

Figure 21: How frequently do you visit the Waterfront?



Number of responses: 447
Source: Kittelson and Associates, Inc. 2024

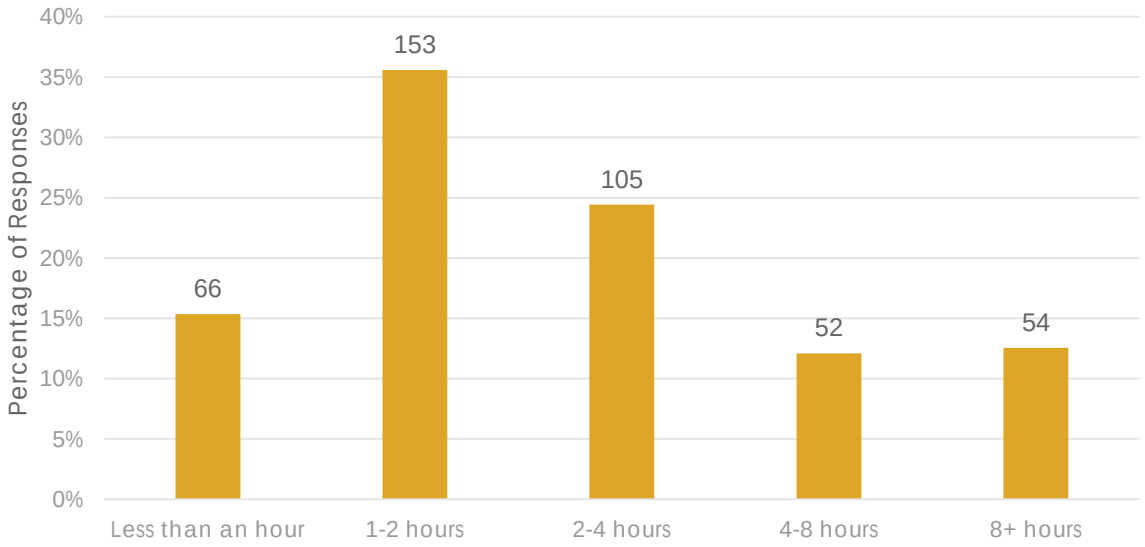
Figure 22: Typical days that you visit the Waterfront? (select all that apply)



Number of responses: 1,354 (Respondents were allowed to select multiple options).
Source: Kittelson and Associates, Inc. 2024

Figure 23 illustrates the duration of time respondents parked for their activities. The largest group (35%) parked for 1-2 hours, with 153 respondents. This is followed by 2-4 hours (24%), reported by 105 respondents.

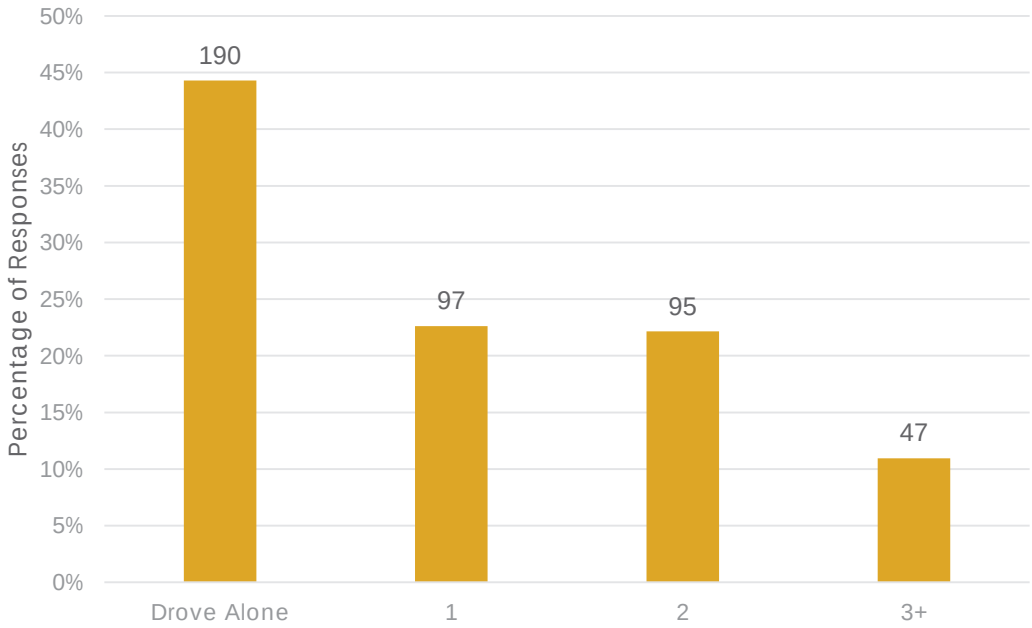
Figure 23: How long did you park for your activity today?



Number of responses: 430
Source: Kittelson and Associates, Inc. 2024

Respondents primarily drove alone to the Waterfront, with 44% stating that they had no other passengers in the vehicle, while 22% stated that they drove with one passenger (**Figure 24**).

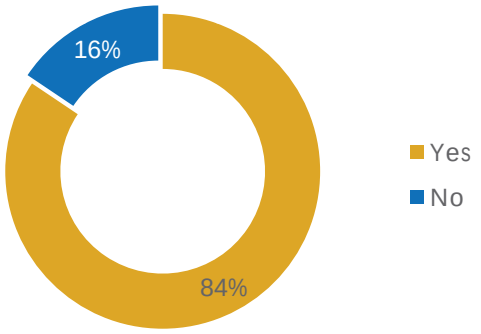
Figure 24: How many passengers other than you were there in your vehicle?



Number of responses: 429
Source: Kittelson and Associates, Inc. 2024

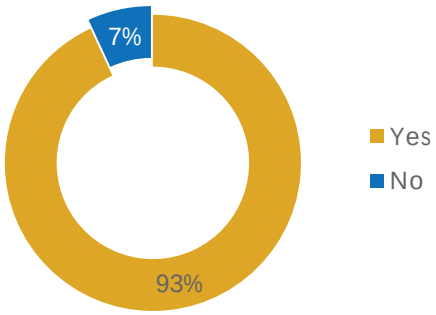
Waterfront visitors indicated that they have predictable and easy parking on their visits. 84% typically park in the same location, 93% said the parking is close to their destination, and 90% mentioned they were able to park quickly near their destination (**Figure 27)**.

Figure 26: Do you normally park at this location?



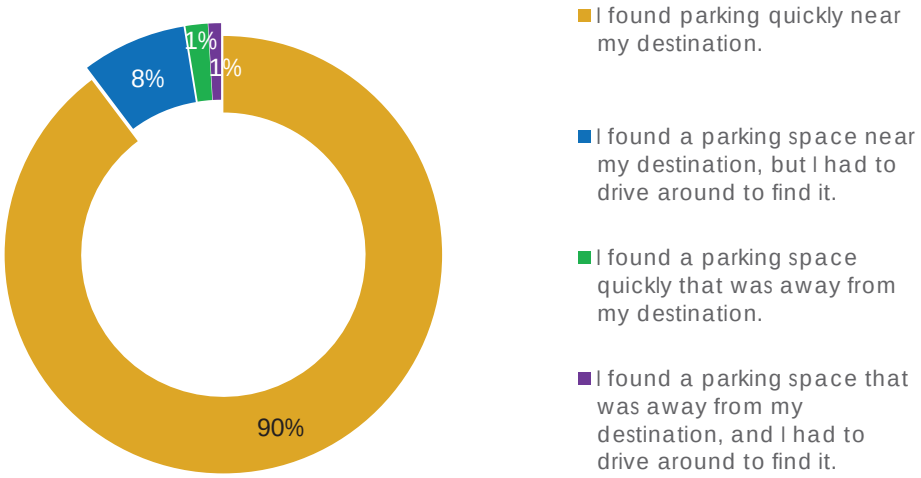
Number of responses: 417
Source: Kittelson and Associates, Inc. 2024

Figure 25: Did you park near your destination?



Number of responses: 419
Source: Kittelson and Associates, Inc. 2024

Figure 27: How was your experience of finding parking today?

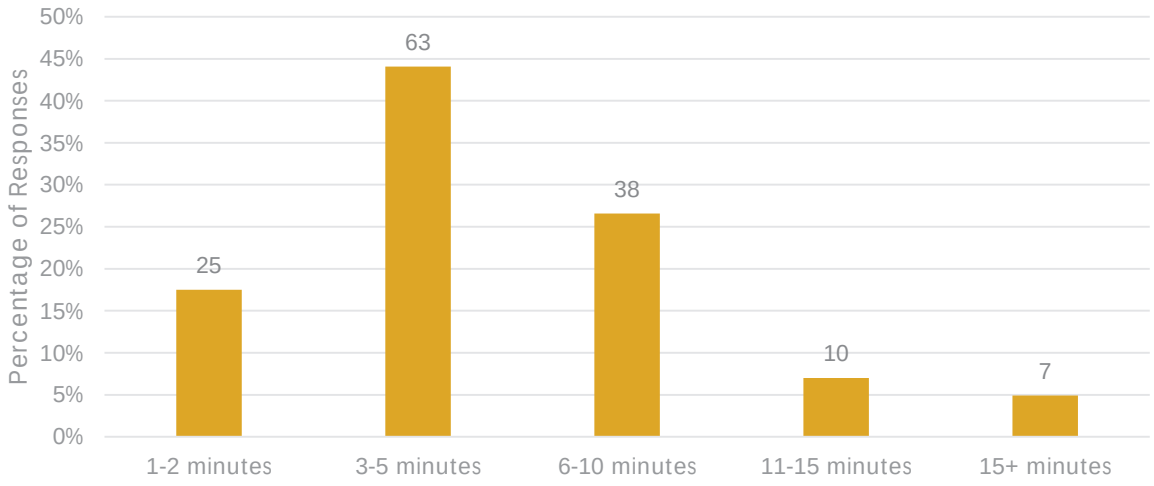


Number of responses: 428

Source: Kittelson and Associates, Inc. 2024

Figure 28 illustrates how far respondents are willing to walk from their parking spot to their destination, based on 143 responses. The majority (44%) are willing to walk 3-5 minutes, followed by 27% who are comfortable with a 6–10-minute walk. The average reported walking time is 7.3 minutes, and the median is 5 minutes.

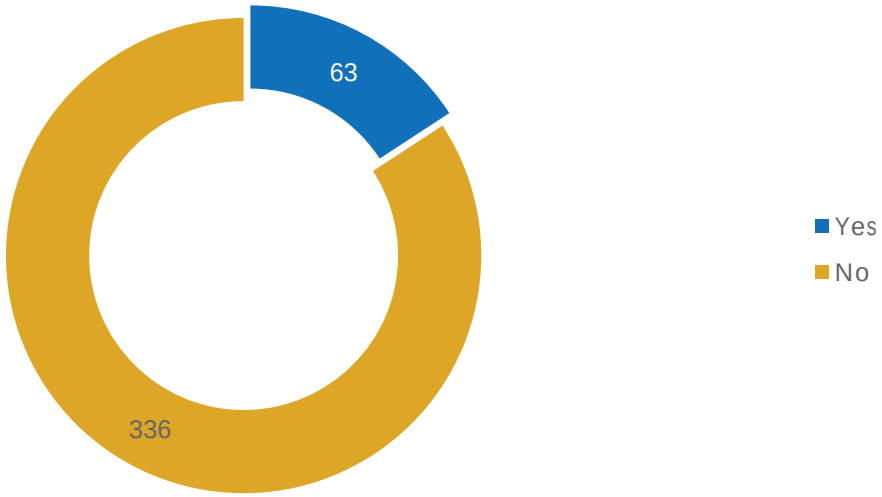
Figure 28: How far are you willing to walk from the parking spot to your destination?



Note: *Mean response = 7.3 minutes, median response = 5 minutes, responses answered in distance were converted to minutes based on an average walking pace of 3mph.*
Number of responses: 143
Source: Kittelson and Associates, Inc. 2024

84% of respondents said that they had never cancelled a trip to the Berkeley Marina out of concern that they would be unable to park (Figure 29).

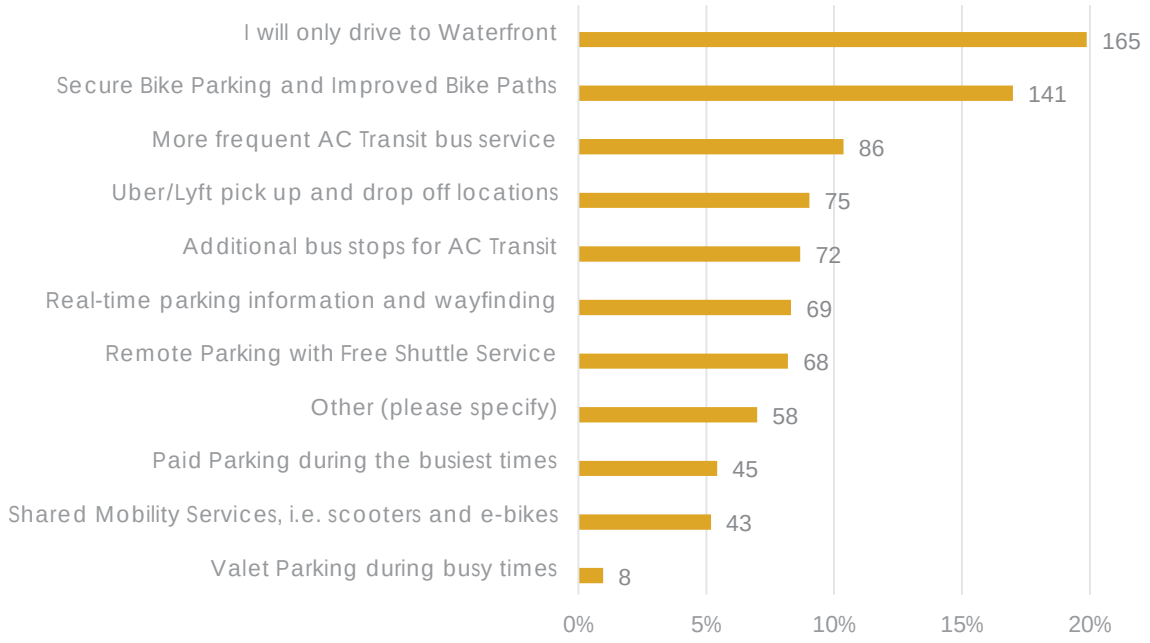
Figure 29: Have you ever cancelled your visit to the Waterfront because you could not park here?



Number of responses: 399
Source: Kittelson and Associates, Inc. 2024

When asked about future methods for accessing the Waterfront, respondents were open to a variety of methods, including secure bike parking and improve bike paths (17%), more frequent AC Transit bus service (10%), and Uber/Lyft pick up and drop off locations (9%). However, a sizeable portion of respondents (20%) indicated that they would only ever drive to the Waterfront (**Figure 30**).

Figure 30: What method would you likely use in the future to reduce cars at the Waterfront? (Select all that apply)



Number of responses: 830, (Respondents were allowed to select multiple options)
Source: Kittelson and Associates, Inc. 2024

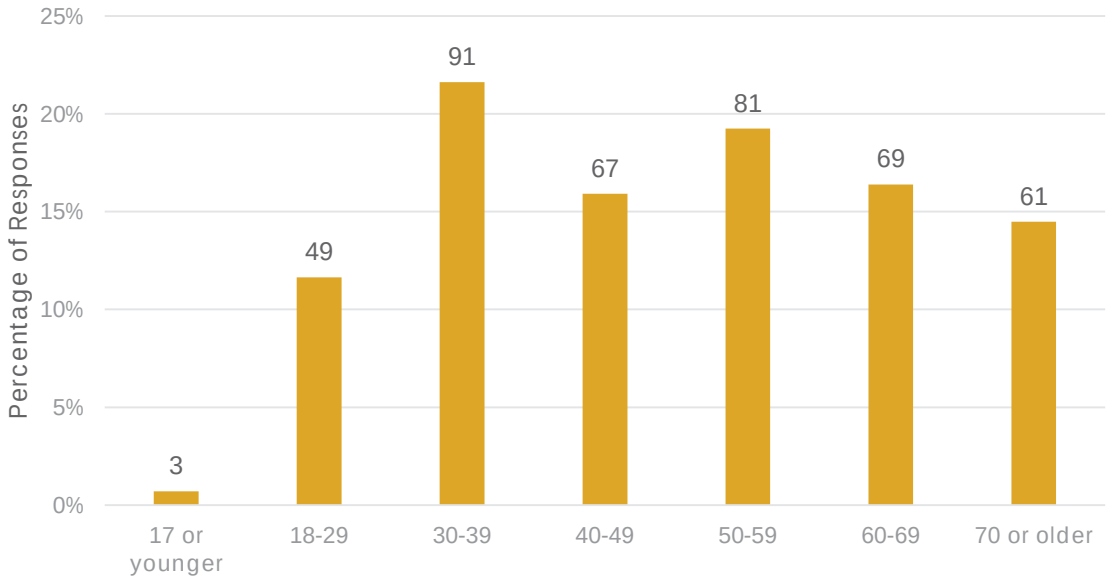
Along with the quantifiable responses to the parking intercept survey questions, respondents provided a plethora of written feedback and engaged in extensive conversation with surveyors about the Waterfront, the Pier Ferry Project, and their own travel patterns. Common responses include, "older people want to be able to drive, parking is usually plentiful," indicating a trepidation over future limitations on accessibility. Many responses also called out the needs of specific waterfront hobbyists who feel they will be impacted by a ferry: "Please keep waterfront available and FREE to the Berkeley Community and open for boating and sailing people." However, survey takers generally held the Berkeley Waterfront in high regard as a place where they could recreate peacefully and escape the bustle of their everyday lives, even if this often manifested in hostile attitudes towards the prospect of the Waterfront changing in any way. Many handwritten comments include frustration with the Pier Ferry Project and antagonism towards paid parking at the Waterfront, but very few cite parking occupancy as a problem. This dynamic is put simply but when respondent: "Parking isn't hard. Paid parking would be a deterrent."

Based on the other results of the parking intercept survey, it appears that high parking occupancy is rarely, if ever a barrier for visitor access to the Waterfront. It seems that the existing parking facilities at the Waterfront are able to accommodate the Marina's current recreational uses, and with tailored TDM strategies, could be minimally impacted by the introduction of ferry service to the Waterfront.

7.1.1 Demographics

Kittelson staff and Waterfront monitors were able to successfully reach a diverse set of respondents with the parking intercept survey. Each age bracket of driving age was represented by between 12% and 22% of respondents (**Figure 31**).

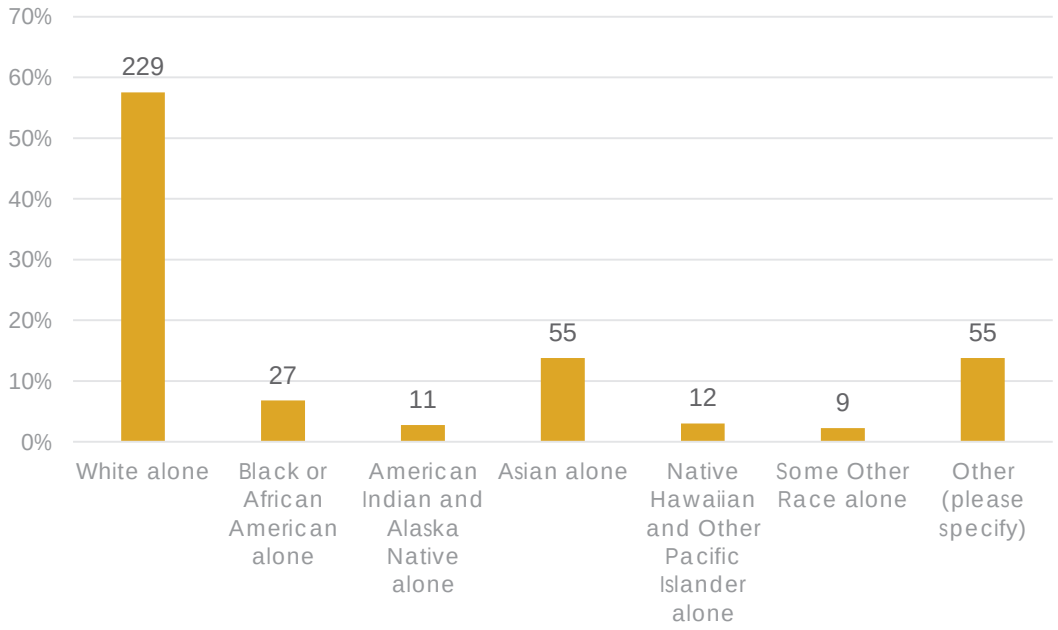
Figure 31: Which category below includes your age?



Number of responses: 421
Source: Kittelson and Associates, Inc. 2024

Figure 32 and **Table 4** show how, though respondents predominantly identified as White alone (58%), the general makeup of respondents roughly reflects that of the City of Berkeley. This is an important reference point, however visitation to the Waterfront does not necessarily reflect the demographics of the rest of the City. As shown in **Figure 18**, 63% of survey respondents noted that they lived outside of the City of Berkeley. Approximately 84% of respondents identified as non-Hispanic or non-Latino (**Figure 33**).

Figure 32: How do you identify your race/ethnicity?



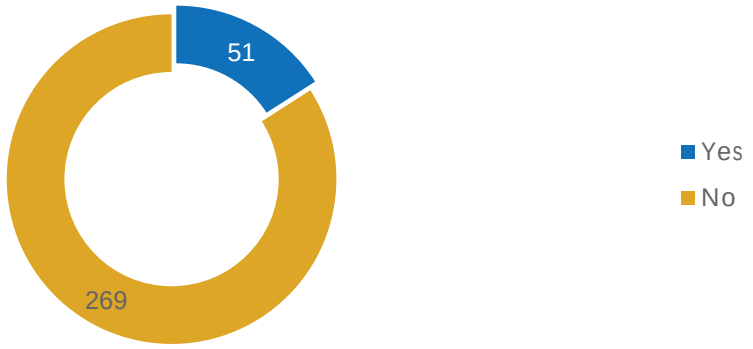
Number of responses: 398
Source: Kittelson and Associates, Inc. 2024

Table 4 Race and ethnicity of survey respondents, compared with City of Berkeley

Race / Ethnicity	Survey Responses	City of Berkeley
White alone	57.5%	55.5%
Black or African American alone	6.8%	7.8%
American Indian and Alaska Native alone	2.8%	0.7%
Asian alone	13.8%	20.8%
Native Hawaiian and Other Pacific Islander alone	3.0%	0.2%
Other (please specify)	16.08%	9.8%
Hispanic or Latino	15.9%	12.1%

Source: Kittelson and Associates, Inc. 2024, 2023 ACS 5-Year Estimates

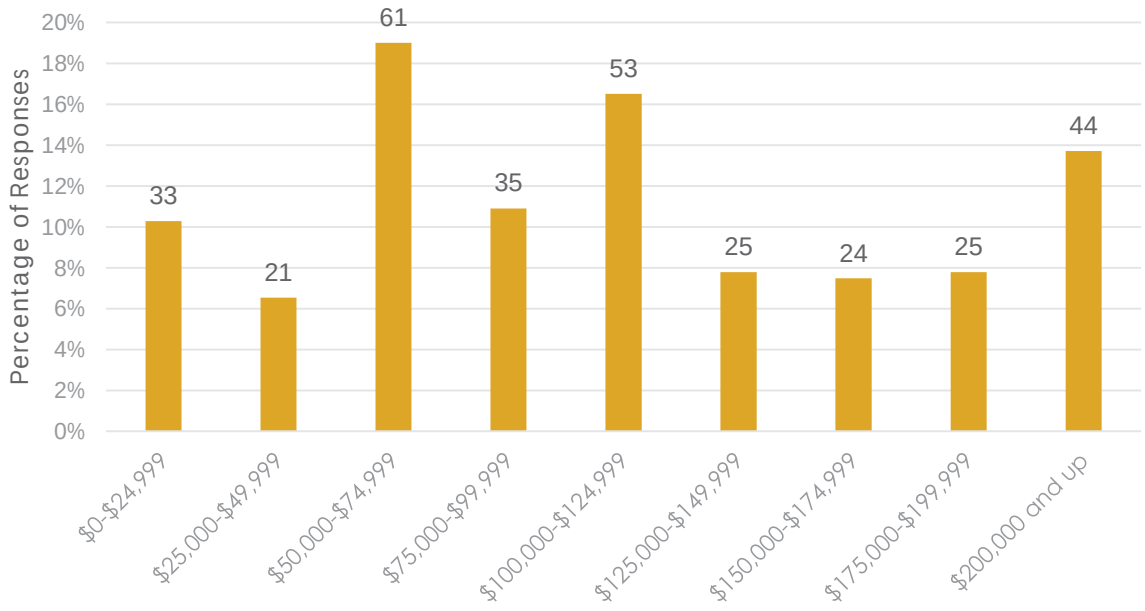
Figure 33: Are you of Hispanic or Latino origin or descent?



Number of responses: 320
Source: Kittelson and Associates, Inc. 2024

Figure 34 illustrates the average household income of the respondent. The largest group indicated that their household earned between $50,000 and $75,000, while the next two highest brackets were $100,000 - $125,000 and $200,000+. These figures compare to a Berkeley median household income of around $95,000 in 2023.[5]

Figure 34: What is your approximate average household income?



Number of responses: 321
Source: Kittelson and Associates, Inc. 2024

[5] 2023 ACS 5-Year Estimate

Appendix A : Waterfront Parking Counts and Rules

Berkeley Waterfront
Existing Parking Count & Rules | August 2024

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.

Created August 12, 2024



Appendix B : Survey Questionnaire

General Questions

1. Date and Time of Parking

☐ Date: _____

☐ Time: _____ ☐ am ☐ pm

2. Parking Lot Location

_____

_____

3. Where do you live? (see map)

☐ West of San Pablo Avenue

☐ West of Shattuck Street

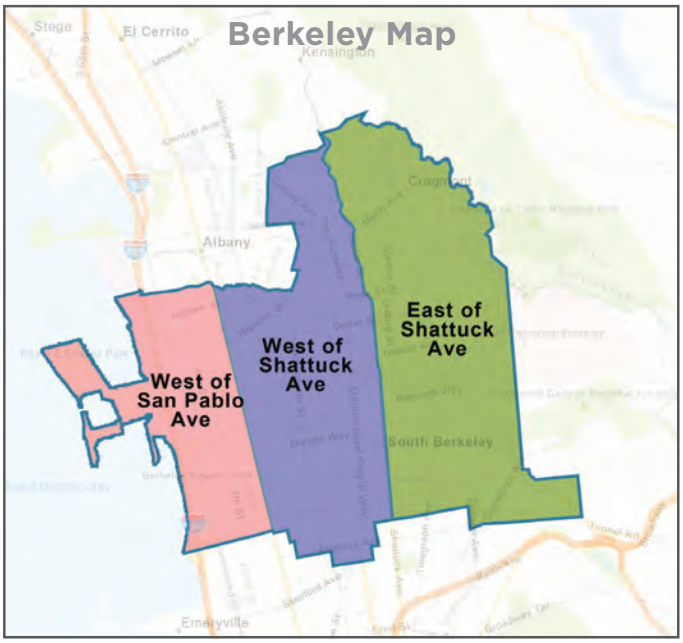
☐ East of Shattuck Street

☐ From Outside Berkeley
(please specify the City/Town)

_____

_____

_____



Destination and Duration

4. What is the name of the destination that you are visiting today?

_____

_____

_____

_____

_____

5. What brings you to the Waterfront? (Select all that apply)

☐ sailing/boating
☐ sightseeing/photography
☐ dog walking
☐ shoreline fishing
☐ picnicking
☐ biking
☐ wildlife viewing
☐ cruise
☐ swimming
☐ dining
☐ charter fishing
☐ running
☐ playground
☐ walking

Other (please specify)

_____

_____

_____

6. How frequently do you visit the Waterfront?

☐ Every day
☐ A few times a week
☐ A few times a month
☐ Less than once a month
☐ Rarely (please specify time of year)
☐ About once a week
☐ Once a month
☐ For special events

_____

_____

_____

7. Typical days that you visit the Waterfront? (Select all that apply).

☐ Monday ☐ Tuesday ☐ Wednesday
☐ Thursday ☐ Friday ☐ Saturday ☐ Sunday

8. How long did you park for your activity today?

☐ Less than an hour
☐ 1-2 hours
☐ 2-4 hours
☐ 4-8 hours
☐ 8+ hours

9. How many passengers other than you were there in your vehicle?

☐ Drove Alone ☐ 1 ☐ 2 ☐ 3+

10. Do you normally park at this location?

☐ Yes ☐ No

11. Did you park near your destination?

☐ Yes ☐ No

Parking Experience and Recommended Strategies

12. How was your experience of finding parking today?

- ☐ I found parking quickly near my destination.
- ☐ I found a parking space near my destination, but I had to drive around to find it.
- ☐ I found a parking space quickly that was away from my destination.
- ☐ found a parking space that was away from my destination, and I had to drive around to find it.

13. How far are you willing to walk from the parking spot to your destination?

14. Have you ever cancelled your visit to the Waterfront because you could not park here?

☐ Yes ☐ No

15. What method would you likely use in the future to reduce cars at the Waterfront? (Select all that apply)

- ☐ Secure Bike Parking and Improved Bike Paths
- ☐ Uber/Lyft pick up and drop off locations
- ☐ Additional bus stops for AC Transit
- ☐ More frequent AC Transit bus service
- ☐ Real-time parking information and wayfinding
- ☐ Remote Parking with Free Shuttle Service
- ☐ Shared Mobility Services, i.e. scooters and e-bikes
- ☐ Paid Parking during the busiest times
- ☐ Valet Parking during busy times
- ☐ I will only drive to Waterfront
- ☐ Other (please specify)

16. Share additional thoughts related to access, parking, and circulation in the Waterfront.

Demographic Information

17. Which category below includes your age?

- ☐ 17 or younger
- ☐ 18-29
- ☐ 30-39
- ☐ 40-49
- ☐ 50-59
- ☐ 60-69
- ☐ 70 or older

18. How do you identify your race/ethnicity?

- ☐ White alone
- ☐ Black or African American alone
- ☐ American Indian and Alaska Native alone
- ☐ Asian alone
- ☐ Native Hawaiian and Other Pacific Islander alone
  Some Other Race alone
- ☐ Other (please specify)

19. Are you of Hispanic or Latino origin or descent?

☐ Yes ☐ No

20. What is your approximate average household income?

- ☐ $0-$24,999
- ☐ $25,000-$49,999
- ☐ $50,000-$74,999
- ☐ $75,000-$99,999
- ☐ $100,000-$124,999
- ☐ $125,000-$149,999
- ☐ $150,000-$174,999
- ☐ $175,000-$199,999
- ☐ $200,000 and up



Appendix B

TDM Vehicle Trip And Parking Reduction Methodology

KITTELSON & ASSOCIATES
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TDM Vehicle Trip and Parking Reduction Methodology

January 6, 2025 Project# 19867.006

To: Liza McNulty, Capital Improvement Program Manager
City of Berkeley
2180 Milvia Street, Berkeley, CA 94704

From: Kittelson & Associates, Inc.

CC: Ali Endress and Roger Miller; City of Berkeley

RE: Berkeley Waterfront – TDM Vehicle Trip and Parking Reduction Methodology - DRAFT

The following are the assumptions and calculations that inform the theoretical parking demand reduction. Three of the strategies were estimated using information gathered from peer case studies and from research papers on transportation demand management. The other strategies were estimated using formulas from the CAPCOA Handbook Chapter 3, Measures to Reduce GHG Emissions: Transportation.[1] This memo includes the CAPCOA formulas used, as well as the specific value inputs gathered from the CAPCOA handbook, from ACS 5-Year Estimates for the City of Berkeley, and from project mode share assumptions.

Shuttle service to the Waterfront and satellite parking facilities

- **Ferry parking demand reduction estimate:** 25-100 spaces

These estimates are based on case study interviews with the City of Alameda and Emery Go-Round (included in Attachment A).

- Limited circulator shuttle service around the Berkeley Waterfront would allow ferry riders to leave their vehicles at low-occupancy lots around the Waterfront (including golden gate fields parking lot) or nearby in the City of Berkeley and take a van or bus shuttle trip to the ferry.
- Low estimates account for a shuttle service run by a 12-seater van, which could run a minimum of two timed services to connect ferry riders to daily ferry departures and arrivals during year one operations.
- High estimates for vehicle trip reduction account for shuttle service to trip origins outside of the Waterfront, including to Downtown Berkeley and / or to satellite parking facilities.
- High estimates for vehicle trip reduction account for the use of 25 foot or equivalent buses to offer increased shuttle capacity.

[1] https://www.caleemod.com/handbook/chapter_3_1transportation.html

- Parking demand reduction could be on the higher end of the provided range if implemented alongside paid parking at the ferry parking lot. Shuttle service would give commuters the option to park for free if paid parking were implemented.

Paid parking program

- **Ferry parking demand reduction estimate:** 42 spaces

This estimate uses CAPCOA strategy T-12: Price workplace parking.

- Results in a 10% reduction in vehicle trips, or demand for 42 fewer parking spaces.
- CAPCOA formula: $\% \ GHG \ Reduction = \frac{B-C}{C} \ x \ E \ x \ D \ x \ F$ where:
  - $\frac{B-C}{C}$ = Rate of change in parking price = .25 (CAPCOA default for introduction of paid parking)
  - E = Elasticity of parking demand with respect to parking price = -.4 (CAPCOA)
  - D = Share of employees paying for parking = 100% (assumption that all ferry riders would be subject to the paid parking program)
  - F = Ratio of vehicle trip reduction to VMT = 1 (CAPCOA)
  - Results in projected 10% reduction in vehicle trips, or demand for 42 fewer parking spaces.

Valet parking

- **Ferry parking demand reduction estimate:** 50-100 spaces

This estimate is based on research on the efficiency of valet parking systems and the relative weekday occupancy of parking lots near the proposed ferry parking facility.

- Research shows that valet parking is able to achieve parking occupancy rates 25% higher than self-parked lots (Banzhaf, et al. 2017).[2]
- Valet parking options for ferry riders could be established within existing parking facilities in the Marina Boulevard Lot or in the Skates / N Lot. Both lots are within walking distance of ferry service and cater to dining or recreational trips that have minimal overlap with ferry parking.
- There were 98 available spaces in the Skates / N Lot and 109 available spaces in the Marina Blvd lot midday on a weekday during data collected in June 2024. If 40-80 of the available spaces in these lots were assigned for valet parking on peak days for ferry ridership, then they could accommodate 50-100 cars that otherwise would be turned away from the ferry parking lot.

Bicycle and pedestrian access

- **Ferry parking demand reduction estimate:** 2 spaces

This estimate uses CAPCOA strategy T-20: Expand bike network.

[2] Banzhaf, Holger & Nienhüser, Dennis & Knoop, Steffen & Zöllner, J.. (2017). The future of parking: A survey on automated valet parking with an outlook on high density parking. 1827-1834. 10.1109/IVS.2017.7995971.

- Results in a 0.4% reduction in vehicle trips, or demand for two fewer parking spaces. This figure would be as high as 40 fewer parking spaces if the calculation accounted for the ongoing implementation of the entire Berkeley Bike Plan.
- Length of bike network expansion set to .38 miles to represent the proposed addition of the "streetscape connector" cycling facility in Figure 2-27 of the September 2023 draft of the Berkeley Waterfront Specific Plan. The streetscape connector would run from along University Ave from the Berkeley Pier to the point where the Bay Trail runs adjacent to the roadway, just west of the traffic circle.
- CAPCOA formula: $\%\ GHG\ Reduction = -1\ x\ \frac{\left(\frac{C-B}{B}\ x\ D\ x\ F\ X\ H\right)}{E\ x\ G}$ where:
  - $\frac{C-B}{B}$ = Change in bike network miles = .38 (estimated additional bikeway lane miles after implementation of Waterfront Specific Plan Draft "streetway connector" section on University Ave)
  - D = Bicycle mode share in plan/community = 6.2% (2023 ACS 5-Year Estimate)
  - E = Vehicle mode share in plan/community = 40% (project mode share estimate)
  - F = Average one-way bicycle trip length in plan/community = 2.1 miles (CAPCOA)
  - G = Average one-way bicycle trip length in plan/community = 12.4 miles (CAPCOA)
  - H = Elasticity of bike commuters with respect to bikeway miles per 10,000 population = 0.25 (CAPCOA)

Improved bicycle facilities and secure bike parking

- **Ferry parking demand reduction estimate:** 9 - 42 spaces

This estimate uses CAPCOA strategy T-10: Provide end-of-trip bicycle facilities.

- Results in a 2% reduction in vehicle trips with low bike mode adjustment factor and a 10% reduction with high bike mode adjustment factor, for demand for 9 to 42 fewer parking spaces.
- CAPCOA formula: $\%\ GHG\ Reduction = \frac{C\ x\ (E-(B\ x\ E))}{D\ x\ F}$ where:
  - B = Bike adjustment mode factor (1.78 or 4.86, depending on facilities, CAPCOA)
    - Low bike mode share adjustment factor estimates for if only bike parking were provided.
    - High bike moder share adjustment factor estimates for if amenities including showers, lockers, secure bike parking, and bike repair tools were provided.
    - Year-one implementation could exceed the impacts of the low adjustment factor but is unlikely to reach the high adjustment factor. Trip reduction estimates should be somewhere in between.
  - C = Existing bicycle trip length for all trips in region (2.1 miles, CAPCOA)
  - D = Existing vehicle trip length for all vehicles in the region (12.4 miles, CAPCOA)
  - E = Existing bicycle mode share for work trips in region (6.2%, ACS 5-year estimate for Berkeley)
  - F = Existing vehicle mode share for work trips in region (40%, project mode share estimate)

Shared micromobility expansion

- **Ferry parking demand reduction estimate:** 12 spaces

This estimate uses CAPCOA strategy T-22-B: Implement electric bike share program.

- Results in a 3% reduction in vehicle trips, or demand for 12 fewer parking spaces.
- CAPCOA formula: $\% \ GHG \ Reduction = -1 \ x \ \frac{(C-B) \ x \ D \ x \ E \ x \ F}{G \ x \ H}$ where:
  - B = Percent of residents in community with access to system without measure = 0% (introduction of new service area)
  - C = Percent of residents in community with access to system with measure = 60% (Access to Baywheels across Berkeley)
  - D = Daily electric bike share trips per person = .021 (CAPCOA)
  - E = Vehicle to electric bikeshare substitution rate = 35% (CAPCOA)
  - F = Electric bikeshare one-way trip length = 2.1 miles (CAPCOA)
  - G = Daily vehicle trips per person = 2.7 (CAPCOA)
  - H = Regional average one way vehicle trip length = 12.4 miles (CAPCOA)
- Assumes implementation of electric, rather than conventional bike share and does not estimate effects of structuring scooter shared services at the Waterfront.

Pick-up / drop-off zones

- **Ferry parking demand reduction estimate:** 5 spaces

This estimate is based on research that identifies increases in transportation network company (TNC) trip satisfaction among riders when trips utilize designated pick-up and drop-off zones and increases in average traffic speed when TNC companies are provided with discrete pick-up / drop-off zones.

- Results in a 7% increase in TNC or kiss-and-ride trips due to shift from drive alone or carpool trips, or a demand for 5 fewer parking spaces.
- Research shows that dedicated pick-up /drop-off zones increased user satisfaction by as much as 7% to 11% (Shaheen, et al. 2021).[3]
- A traffic simulation experiment showed that, when TNC vehicles were provided with pick-up/drop-off locations on side streets, average traffic speeds increased by as much as 37% during peak periods (Stueger, et al. 2022). [4]
- Establishing dedicated pick-up / drop-off zones will improve the comfort of TNC users and the experience of park-and-ride drivers, encouraging them to avoid drive-along trips in personal vehicles to access the ferry.
- Pick-up / drop-off zones would also improve the experiences of non-TNC users, who may be more comfortable relying on being driven to the Waterfront.

[3] Shaheen, S., Darling, W., Broader, J., & Cohen, A. (2021). Understanding Curb Management and Targeted Incentive Policies to Increase Transportation Network Company Pooling and Public Transit Linkages. *UC Berkeley: Transportation Sustainability Research Center*. Retrieved from https://escholarship.org/uc/item/6gz9w0v9

[4] Stueger, P. N., Fehn, F., & Bogenberger, K. (2023). Minimizing the Effects of Urban Mobility-on-Demand Pick-Up and Drop-Off Stops: A Microscopic Simulation Approach. Transportation Research Record, 2677(1), 814-828. https://doi.org/10.1177/03611981221101894

- If the 7% satisfaction increase indicated by one study resulted in equal mode shift to TNC or kiss-and-ride from drive alone or carpool trips, then there would be a reduction in demand for parking at the ferry lot by 5 spaces.

Transit subsidy for ferry riders

- **Ferry parking demand reduction estimate:** 4 spaces

This estimate uses CAPCOA strategy T-9: Implement subsidized or discounted transit program.

- Results in a 1% reduction in vehicle trips, or demand for 4 fewer parking spaces.
- CAPCOA formula: % $GHG\ Reduction = \frac{C}{B}\ x\ G\ x\ D\ x\ E\ x\ F\ x\ H\ x\ I$, where:
  - C = Subsidy amount = $2.25 (Cost of AC Transit fare)
  - B = Average transit fare without subsidy = $6.95 ($2.25 for AC Transit + $4.70 for ferry)
  - G = Elasticity of transit boardings with respect to transit fare price = -.43 (CAPCOA)
  - D = Percent of riders eligible for discount = 100% (project assumption)
  - E = Percent of project-generated VMT from riders = 100% (project assumption)
  - F = Transit mode share = Transit mode share of work trips = 14.4% (ACS 5-Year Estimate)
  - H = Percent of transit trips that would otherwise be made in a vehicle = 50% (CAPCOA)
  - I = Conversion factor of vehicle trips to VMT = 1 (CAPCOA)

Expanded AC Transit service

- **Ferry parking demand reduction estimate:** 7 spaces

This estimate uses CAPCOA strategy T-26: Increase transit service frequency.

- Results in 2% reduction in vehicle trips, or demand for 7 fewer parking spaces.
- CAPCOA formula: % $GHG\ Reduction = -C\ x\ \frac{B\ x\ E\ x\ D\ x\ G}{F}$, where:
  - B = Percent increase in transit frequency = 100% (doubling of 51B service frequency to the Waterfront from 24 minutes to 12 minutes (matching frequency east of Berkeley Amtrak Station))
  - C = Level of implementation = 8% (represents treatment on one of twelve AC Transit routes with regular service schedules to Downtown Berkeley)
  - D = Elasticity of transit ridership with respect to frequency of service = .5 (CAPCOA)
  - E = Transit mode share in plan or community = 14.4% (ACS 5-Year Estimate)
  - F = Vehicle mode share in plan or community = 40% (project mode share estimate)
  - G = Statewide mode shift factor = 57.8 (CAPCOA)



Appendix C :

Berkeley Waterfront Parking and TDM Toolkit

BERKELEY WATERFRONT PARKING AND TRANSPORTATION DEMAND MANAGEMENT TOOLKIT

This parking and transportation demand management (TDM) toolkit (referred to as the TDM toolkit) is part of an ongoing effort to manage access and circulation to and around the Berkeley Waterfront. TDM is the use of strategies to inform and encourage travelers to maximize the efficiency of our transportation systems leading to improved mobility, reduced congestion, and lower vehicle emissions.[1] TDM aims to provide all people with real transportation options that enable them to travel from their location to a destination in an affordable, efficient, and sustainable way.

This document presents parking and transportation demand management strategies for use at the Berkeley Waterfront, with a focus on managing the influx of commuters driving to the ferry terminal after implementation of new ferry service. The initial list of parking and TDM strategies under consideration for the Waterfront is presented in Table 1 (in no particular order / priority) and strategies are further described in the sections following the table.

Table 1: Parking and TDM Strategies

	Strategy	Effectiveness[1]	Ease of Implementation[2]	Cost[3]
Vehicle Management Strategies				
	Wayfinding	+	✓	$$
	Satellite parking facilities	++	✓	$
	Shuttle service to the Waterfront	++	✓	$$$
	Circulator shuttle service around the Waterfront	+	✓	$$
	Vehicle parking regulations	++	✓	$
	Paid parking	+++	✓	$
	Valet service (free or low cost)	+	✓	$$
	Parking Benefit District	+++	✓	$
	Parking enforcement	+	✓	$
Vehicle Reduction Strategies				
	Bicycle and pedestrian access	++	✓	$$
	Bicycle facilities	++	✓	$$
	Secure bicycle parking	++	✓	$
	Shared micromobility	++	✓	$
	Pick-up/drop-off zones	+	✓	$
	Transit subsidy for ferry riders	++	✓	$$
	Expanded AC Transit service	+++	✓	$$
	Transportation Management Agency	+++	✓	$$$

Notes:
1 Effectiveness: + small effect on mode shift; ++ moderate effect on mode shift; +++ highly effective at mode shift
2 Ease of implementation: ✓easy, short timeline, minimal administrative costs; ✓(medium, longer timeline, requires added administrative duties; ✓difficult, politically or administratively difficult on any timeline
3 Cost: $ low cost, short timeline; $$ medium cost; $$$ high cost

[1] Association for Commuter Transportation. www.actweb.org

In selecting TDM strategies to address circulation and access to and around the Waterfront, it is useful to know how effective measures might be at changing travel behavior, how much they might cost, and how challenging they might be to implement. The empirical evidence on TDM effectiveness, cost, and ease of implementation is sporadic and incomplete. It is also difficult to compare across all measures, as the performance measures and method of evaluation vary from one measure to the next. Studies often lack controls, and external variables, such as the price of gasoline and unemployment rates, affect travel behavior changes. For comparison purposes, Table 1 and the following descriptions present a high-level qualitative rating of these factors (effectiveness, ease of implementation, and cost) based on a review of literature and research and conversations with implementing agencies. These strategies are not presented in any particular order, and have not been prioritized or ranked. The City intends to present these strategies and gather public feedback prior to ranking/prioritizing the various strategies.

VEHICLE MANAGEMENT STRATEGIES

WAYFINDING

Effectiveness: + **Ease of Implementation: ✓** **Cost: $$**

Overview: While the Waterfront has a variety of parking lot locations and types, the total volume of spaces are not well utilized, causing high occupancy at desirable lots when adjacent lots sit mostly empty. Improved wayfinding around the Waterfront can help drivers know where available lots are located and how they can access their destinations from those lots. Improved wayfinding will be an essential tool for managing the influx of new trips to the Waterfront for a new ferry service, and for managing flows of visitors at peak times. Digital parking monitoring tools can also be utilized to help drivers locate open spaces without having to circle multiple locations looking for them. Enhanced wayfinding and monitoring will improve visitors' experiences at the Waterfront and ease the strain on the most desirable parking locations.

For the greatest impact, wayfinding improvements should be paired with pedestrian improvements to ensure comfortable access between parking lots and destinations. Should wayfinding signs direct drivers to lower occupancy lots away further from their destinations, pedestrian improvements should ensure that trips to and from those lots are safe, comfortable, and intuitive.

Implementation: Improving wayfinding is a logistically easy and financially attainable parking management strategy. While technologically advanced parking occupancy counters and directions would increase the difficulty of implementation, basic wayfinding improvements could be made with improved physical signage and online information well in advance of new ferry service.

Internal pedestrian improvements are comparably more expensive and would have to be rolled out on a longer timeline. However, quick-build projects, including enhanced crosswalk paint and temporary pedestrian bulbouts can be used to enhance the effectiveness of wayfinding improvements in the meantime.

Figure 1 Example wayfinding signs



Source: BART, *Station Access Signage & Wayfinding Guidelines*, 2022.

SATELLITE PARKING FACILITIES FOR WATERFRONT VISITORS

Effectiveness: ++ **Ease of Implementation:** ✓ **Cost:** $

Overview: The City could establish a satellite parking facility for the Waterfront, which could be used by ferry riders or by general Waterfront visitors. The satellite lot would be a tool for transferring parking demand away from Waterfront lots for those who have the flexibility to then proceed to the Waterfront by shuttle, AC Transit service, or by biking and walking. A satellite parking facility could maximize the space devoted to vehicle parking for recreational uses at the Waterfront without limiting access to the ferry service.

Implementation: Feasibility of establishing satellite lots depends on the location and ownership of lots, as well as the necessary complimentary measures needed to help users access the Waterfront – including, but not limited to, shuttle service and bike and pedestrian improvements. Implementation would be made easier if satellite lots were sited in less-used areas, where parkers could easily access the Waterfront's recreational facilities, but wouldn't take up spaces at in-demand parking locations. This proposition would be more convenient, reliable, and economical to satellite lots that are privately owned, or that are located a significant distance from the Waterfront.

Peer Case Studies: Muir Woods Shuttle

SHUTTLE SERVICE TO THE WATERFRONT

Effectiveness: ++ **Ease of Implementation:** ✓ **Cost:** $$$



Figure 2 Temporary free shuttle offered from North Berkeley BART to the Solano Stroll event *(Source: Jonathan Zisk)*

Overview: A shuttle service to the Berkeley Waterfront could replace car trips taken by ferry riders and could be coordinated with the ferry schedule to reduce the time penalties associated with transfers to / from local bus service. Shuttle service would need to link commuter and other visitors' origins across Berkeley to their destinations at the Waterfront. This would require service to locations throughout the City of Berkeley, or to established satellite parking lots located outside the Waterfront.

Ease of access to the Waterfront for recreational and commercial users must be prioritized. Inefficient shuttle services would deter recreational users or restaurant patrons from using the service, while commuters and longer-term parkers are more easily able to schedule trips around shuttle service.

Implementation: Running a shuttle service is a logistically and financially difficult project. Shuttle services need regular operational funding, on top of startup costs. The necessary condition of an effective shuttle service is that its benefits – increased visitation, environment stewardship, equitable site access – must far outweigh its costs. When successful, shuttle services can enable significant cuts to on-site parking and reduction in single occupancy vehicle trips.

Based on our literature review and discussions with Emery Go-Round staff, peer regional shuttles are supported by robust private employers, commercial districts, and property-based improvement districts (PBIDs). While a shuttle service to the Berkeley Waterfront could be effective at shifting trips away from cars, it may not have the necessary private sector backing to support its operations.

Peer case studies: Emery Go-Round, Harbor Bay Business Park Shuttle, West Berkeley Shuttle, Muir Woods Shuttle

CIRCULATOR SHUTTLE SERVICE AROUND THE WATERFRONT

Effectiveness: + **Ease of Implementation:** ✓ **Cost: $$**

Overview: Shuttles could also be used to improve parking utilization around the Waterfront. An internal circulator shuttle service would not replace car trips to the Waterfront but would enable visitors to park in underutilized lots within the Waterfront and then proceed to their destinations via complimentary shuttle service. The shuttle could operate on a fixed-route or provide on-call and demand-responsive service using vans, buses, or golf carts. Vehicles would be sized appropriately, and hours of operation and routes could be adjusted as needed. This kind of shuttle service could be an invaluable tool for distributing peak demand for parking during the summer and popular events. If well utilized, it could also delay the need for paid parking or other parking restrictions.

Implementation: Running a shuttle within the Waterfront would be comparatively easier than initiating and operating shuttle service between the Waterfront and other destinations, but it would still require investment in vehicles, equipment, and ongoing operations.

Peer case studies: Emery Go-Round, Harbor Bay Business Park Shuttle, West Berkeley Shuttle, Muir Woods Shuttle

VEHICLE PARKING REGULATIONS

Effectiveness: ++ **Ease of Implementation:** ✓ **Cost: $**

Overview: This strategy would evaluate existing vehicle parking regulations and restrictions and identify opportunities to optimize use of existing parking lots. In 2019, the City implemented changes to parking permits and established time limits and regulations tailored to each Waterfront parking lot. The goal was to (1) maximize parking availability for recreational users and shorter term visitors, (2) maximize proximity to end-destinations, and (3) push the Waterfront's long-term parkers to less convenient parking lots, including staff serving various Waterfront businesses, charter fishing customers and small-scale ferry commuters who park at the Waterfront for the majority of a day. City staff shared that this was effective when paired with ample outreach prior to implementation, and with enforcement after the outreach effort. Without enforcement during Covid, the regulations became substantially less effective.

This strategy would anticipate the nature and volume of demand of ferry parking and set regulations accordingly. Factors that affect the demand for ferry-related parking spots include regularity and frequency of ferry service, infrastructure for accessing the ferry via alternative modes of transportation, and incentives for carpooling or shifting visitors away from single occupancy vehicle trips to the Waterfront. A key component in setting parking regulations is understanding how the amount and availability of parking shapes parking demand. By appropriately regulating the parking lots at the Waterfront, the City of Berkeley

can ensure that they both enable access to destinations and avoid causing negative effects to the surrounding natural features of the Waterfront and its recreational uses.

Implementation: Implementing modifications to existing vehicle parking regulations would require new signage and may be paired with driver education campaigns and increased enforcement.

Peer Case Studies: Berryessa BART Urban Village Plan



Figure 3 Parking facilities currently occupy 20% of the Waterfront's in-demand space for natural recreation. Right-sizing and regulating parking facilities is a critical step in preserving both natural resources and visitors' access to them. *(Source:* City of Berkeley, *Waterfront Specific Plan (Draft)*, 2023.*)*

DEMAND-BASED / PAID PARKING

Effectiveness: +++ **Ease of Implementation: ✓** **Cost: $**

Overview: Paid parking is an essential tool for managing occupancy in high-demand parking lots. Over the last decades, parking professionals have established that paid parking can increase the availability of parking spaces for those that need them the most, while helping shift other trips away from single occupancy vehicles.[2]

Implementation of a paid parking program was the first recommendation of the Berkeley Marina Area Specific Plan Parking and Mobility Framework. However, public feedback gathered as part of parking intercept surveys collected in Summer 2024 for this Waterfront Parking and Transportation Demand Management Plan effort indicates that many current Waterfront visitors are not willing to pay to park when accessing the Waterfront for recreational uses. Additionally, paid parking was proposed in 2019 at the South Cove parking lots in association with small scale ferry service and commuter charter service that was in operation at the time (the small-scale public ferry service closed during Covid).[3] The public was not in

[2] https://www.sfmta.com/getting-around/drive-park/demand-responsive-pricing/sfpark-evaluation
[3] https://berkeleyca.gov/sites/default/files/documents/2019-04-30%20Item%2026%20New%20Marina%20Fee%20%E2%80%93%20South%20Cove.pdf

support of any paid parking at that time, an alternative was identified, and the City did not proceed with paid parking implementation.

Despite the logistical hurdles involved in the separation of ferry riders from other Waterfront visitors, a paid parking program may be most effective if clearly tailored to meet the unique demands of ferry riders, while leaving other Waterfront users to continue to park for free, especially at off-peak times.

The objective of paid parking is to shift trips to more sustainable modes of transportation without negatively impacting overall access to the Waterfront. Any proposal for paid parking would be clearly tied to measurable benefits for visitors, including ease of access to recreation, restaurants, marina slips, and for the preservation of the Waterfront's natural resources. Paid parking fees at the Waterfront would be directly invested in the beautification, safety, and security projects within the vicinity of parking facilities.

Implementation: Paid parking may be the single most powerful tool for managing parking in a high demand site and would provide revenue that could be reinvested in the Waterfront. However, implementing paid parking presents a logistical and a political challenge.

The logistics of paid parking at the Berkeley Waterfront are eased by the pre-existing paid parking program at the boat launch ramps off Spinnaker Way, as well as by the potential ease of controlling vehicular access to the Waterfront along University Avenue. The political challenges of implementing paid parking are much more complex. To facilitate implementation of a paid parking program, the City could coordinate paid parking with the launch of new ferry service. This would allow paid parking to piggy-back on other changes to the Waterfront and would clarify the relationship between paid parking and expected increases in Waterfront visitation.

Peer case studies: City of Alameda Ferry Terminal Paid Parking Program

The City of Alameda planned to implement paid parking at the 2021 launch of the Seaplane Lagoon Ferry Terminal but opted not to due to decreased ridership resulting from the Covid-19 Pandemic. Alameda plans to launch its paid parking program at both the Seaplane Lagoon and Harbor Bay terminals in the near future.

VALET SERVICE FOR FERRY RIDERS

Effectiveness: + **Ease of Implementation: ✓** **Cost: $$**

Overview: Valet service at the Berkeley Waterfront would maximize finite space in existing lots by allowing valet attendants to tandem park vehicles. Likewise, valet parking can turn underutilized parking lots into an efficient tool for parking management. Valet parking is well-suited for the Waterfront's parking and usage patterns, which are characterized by an overabundance of parking capacity on most days and congestion and high occupancy levels in certain lots during events and peak weather conditions.

Implementation: Valet parking is a relatively infrastructure-light and flexible way of managing parking supply. A valet program could be run only on the highest demand days, while self-parking would be allowed at all other times. In valet parking, traffic management costs are paid through staff expenses, rather than through long-range infrastructure improvements. For this reason, valet parking could be a niche solution for a period with increased visitation at the Waterfront. Likewise, the associated costs of valet service could be borne by the user, the City, the ferry, or the end-user destinations, such as restaurants.

ESTABLISH A PARKING BENEFIT DISTRICT

Effectiveness: +++ **Ease of Implementation: ✓** **Cost: $**

Overview: A parking benefit district (PBD) is an entity that would manage parking revenue and allow for direct policy and financial input from a broader group of stakeholders and oversight from community members. PBDs typically have a broad mandate that includes supporting parking maintenance and operations and investing in other transportation systems and services. Establishing a PBD is an effective strategy for generating stakeholder buy-in and support for paid parking initiatives. Stakeholders' involvement with a PBD would allow them to reinvest parking proceeds directly to improvement projects around the Waterfront, including for facility modernization, parking lot maintenance, and beautification projects.

Implementation: To establish a PBD, the City would need to organize a group of enthusiastic and dedicated stakeholders in the Waterfront, including commercial businesses, clubs, and regular users of the Waterfront. Once the PBD was established, it would theoretically manage most of its own affairs, with some assistance from and collaboration with the City. Balancing the interest of various stakeholders in the Waterfront would be a difficult long-term task, especially when current stakeholders at the Waterfront may have opposing stances on the need for increased visitation and parking management. The waterfront has relatively few of these entities relative to other locations, i.e. downtowns or shopping districts, where this has been successful.

Figure 4 A parking meter in the Old Pasadena parking benefits district reminds parkers that their fees are reinvested directly to the place where they just parked Source: Mike Linksvayer, via Flickr



PARKING ENFORCEMENT

Effectiveness: + **Ease of Implementation: ✓** **Cost: $**

Overview: Enforcement of vehicle parking permits, time limits, and other restrictions would encourage adherence with parking regulations. Increased enforcement of existing restrictions could be a key strategy for delaying or avoiding the need for further restrictions or for paid parking.

Implementation: The Waterfront could shape its parking climate and occupancy without implementing paid parking initiatives by increasing parking enforcement. Key points of enforcement would include enforcing permit / slip holder parking areas, overnight parking, and time-limited parking. The Waterfront's hosting of the city's parking enforcement fleet could serve to ease the demands of increased enforcement.

VEHICLE REDUCTION STRATEGIES

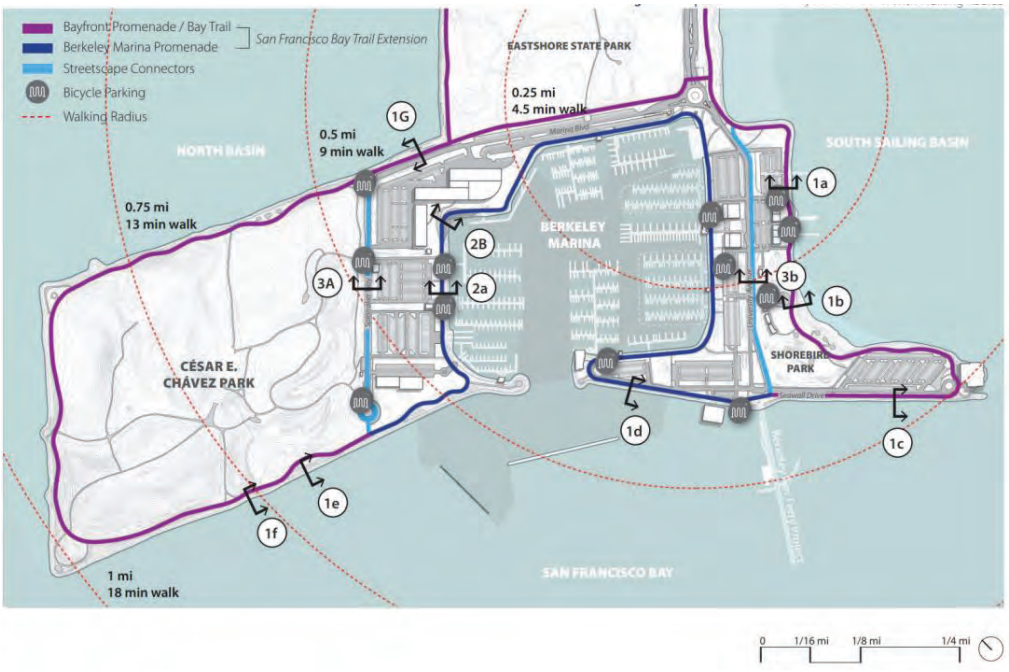
BICYCLE AND PEDESTRIAN ACCESS

Effectiveness: ++ **Ease of Implementation: ✓** **Cost: $$**

Overview: The Berkeley Waterfront's geographic isolation from the rest of the City poses several challenges for bicycle and pedestrian access. While this planning process can recommend improvements for bicycle and pedestrian facilities in the Waterfront, it cannot do the same for facilities in the rest of Berkeley. Nevertheless, connectivity is of critical importance – safe, comfortable facilities at the Waterfront will not shift trips away from cars without compatible infrastructure off-site. This TDM measure considers both what bicycle and pedestrian improvements can be made at the Waterfront, and how those internal improvements can connect to and enhance improvements outside the Waterfront.

Bicycle and pedestrian infrastructure at the Waterfront: The Waterfront already hosts an extensive series of low-stress, class I, cycling trails. Closing the gaps in this network, as proposed by the draft Waterfront Specific Plan, would continue to establish the Waterfront as a safe and inclusive space for recreational walkers and cyclists.[4]

Figure 5 Pedestrian and Bicycle Circulation within Walking Radius (Source: Figure 2-51 from the Waterfront Specific Plan Public Draft)



Bicycle and pedestrian infrastructure to the Waterfront: Under current conditions, bicyclists and pedestrians access the Berkeley Waterfront via the Bay Trail and Pedestrian/Bicycle Bridge over I-580 just south of University Avenue, and a new pedestrian bridge over I-580 at Gilman Street. While these access points provide low stress connections, they are indirect and require bicyclists and pedestrians to travel out of their way to access the Waterfront. University Avenue would be a more direct method of accessing the waterfront

[4] https://berkeleyca.gov/your-government/our-work/capital-projects/waterfront-specific-plan

for cyclists and pedestrians. However, the University Avenue bridge does not currently have any bicycle or pedestrian facilities on it. Likewise, University Avenue is on the Berkeley's High Injury Network for most of its length, from Oxford Street to Frontage Road, all of which lies outside of the direct purview of the Berkeley Waterfront.[5] If implemented, recommendations in the 2020 Berkeley Pedestrian Plan would improve safety and comfort for vulnerable road users along University Avenue, who might be traveling to or from the Waterfront. Coordinating bicycle and pedestrian improvements in the Waterfront with those in the rest of the City will be a key factor in shifting more trips away from cars.

There are ongoing and planned improvements to Berkeley's cycling network that will make it easier for cyclists to access the Waterfront. On Gilman Street, the City is constructing a cycletrack, (class IV bike facility) which allows for two-way bicycle traffic, protected from vehicular traffic by concrete curbs. The complete portions of the cycletrack are already providing a better, safer path for cyclists traveling to and from the Waterfront on the Gilman Side of the overpass. Planned improvements to the City's cycling network in the 2017 City of Berkeley Bicycle Plan include two projects that would significantly enhance access to the Waterfront. One proposal is for the study of a cycletrack on University Avenue to the east of I-580, and another for the extension of a neighborhood bikeway on Addison Street, between the Bay Trail Bridge and Downtown Berkeley.[6]

Implementation: Creating direct, low stress bike and pedestrian connections to the Waterfront would be a long-term goal involving projects both in and outside of the Waterfront. Fortunately, there are ongoing planning processes to pursue both of those types of improvements. Existing recreational trails at the Waterfront can be supplemented with quick-build enhancements to bike and pedestrian access to the Berkeley Pier. Likewise, this planning process can lend its recommendations to the buildout of the 2017 Berkeley Bicycle Plan and 2020 Berkeley Pedestrian plan which, would neatly align with internal bicycle and pedestrian facilities if completed. A more difficult and longer-term project would be to pursue improvements to bike and pedestrian facilities on the elevated portion of University Avenue, between Sixth Street and Frontage Road, and would have to plan interventions around I-580 freeway ramps. Projects in this stretch of road are outside of the Waterfront, but shape the experience of accessing its many destinations.



Figure 6 Two-way protected cycletrack on Fulton St in Downtown Berkeley. Cycletracks (class IV bike facilities), like those recently constructed in Downtown Berkeley, would be key for the Waterfront's long-range reduction in single occupancy vehicle trips. *(Source: Jonathan Zisk)*

[5] https://berkeleyca.gov/your-government/our-work/adopted-plans/pedestrian-plan-2020
[6] https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-bicycle-plan

BICYCLE FACILITIES AT FERRY TERMINAL

Effectiveness: ++ **Ease of Implementation: ✓** **Cost: $$**

Overview: Travel by bicycle, much like commutes by car, can be limited by parking presence and availability at the destination. Providing secure bike parking and amenities, including: bike repair stations, lockers (such as those currently at the Berkeley Waterfront Park Office area), and other supporting facilities can make biking a more feasible option for many. Increasing the share of people who access the ferry by bike can help mitigate the overall demand for vehicle parking and reduce the greenhouse gas emissions.[7]

Implementation: The difficulty of implementation varies widely depending on the type and scale of amenities. Well-positioned bike racks and bike maintenance stations could be readily implemented before or concurrent with the implementation of ferry service. However, more secure bicycle parking and facilities, including changing rooms would be more effective at shifting trips to bike. These amenities would also require more space and would be more expensive to construct and operate.

INCREASED SECURE BICYCLE PARKING THROUGHOUT THE WATERFRONT

Effectiveness: ++ **Ease of Implementation: ✓** **Cost: $**

Overview: There are currently 20 secure BikeLink lockers in the Waterfront, located on University Ave in front of the Berkeley Waterfront Park Office.[8] For a small fee, those lockers allow cyclists to access the Waterfront without worrying about bike theft or damage. As visitation to the Waterfront grows, increasing the availability of similar bike locker services around the Waterfront would encourage regular and occasional visitors to the Waterfront to choose to ride their bikes rather than traveling by other modes. Ensuring that expanded secure bicycle lockers can accommodate e-bikes and cargo bikes will also encourage families and riders of all abilities to ride to the Waterfront.



Figure 7 BikeLink lockers installed at the Santa Clara Caltrain station. Secure bike parking is an essential and attainable strategy for increasing cycling trips. Source: Caltrain

Implementation: Secure bike lockers can be developed via multiple means, either by a third party like BikeLink, which is the main supplier of secure bike parking around the Bay Area, or directly by a public agency. Though the City of Berkeley does not currently provide secure bike parking directly, there is an active movement for the City to develop its own secure bike parking facilities.[9] Provision of secure bike parking is a feasible and cost-effective strategy for encouraging and improving the overall experience of cycling to the Waterfront.

[7] California Air Pollution Control Officers Association, *Handbook for Analyzing Greenhouse Gas Emission and Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity,* pp 95.
[8] https://www.bikelink.org/maps
[9] https://berkeleyca.gov/sites/default/files/documents/2023-03-21%20Item%2025%20Referral%20%20On-Street%20Secure%20Bike%20Storage.pdf.pdf

EXPAND SHARED MICROMOBILITY SERVICES

Effectiveness: ++ **Ease of Implementation: ✓** **Cost: $**



Figure 8 Veo scooters parked at the Waterfront. Source: Amanda Leahy

Overview: There are several different ways that visitors can access the Berkeley Waterfront via shared micromobility, including using Bay Wheels bikes, Veo, and Lyft electric scooters. While these devices can be found parked at bike racks around the Waterfront, there is currently no micromobility-specific infrastructure present at the Waterfront. Designating scooter drop-off sites, areas for bike share, and clearly posted shared-micromobility regulations can increase the overall ease and comfort of shifting trips away from cars.

Implementation: The City of Berkeley would work with operators to implement and administer shared micromobility programs at the Waterfront. Bay Wheels has already expanded their docks as far as Addison Street and Fourth Street and is adding 24 new docks in the East Bay this year.[10] Bay Wheels has also shown a recent commitment to expanding bike share service into recreational areas, with the 2023 expansion of bike docking stations into Golden Gate Park.[11]

ESTABLISH PICK-UP/DROP-OFF ZONES

Effectiveness: + **Ease of Implementation: ✓** **Cost: $**

Overview: Establish pick-up/drop-off zones near activity centers, such as the new ferry terminal, Cesar Chavez Park, and Adventure Playground. Establishing clearly marked pick-up/drop-off and loading zones can help visitors with diverse needs accessing the Waterfront, including those with mobility impairments, and those utilizing ride share services. Clearly marked loading zones can allow those with picnic supplies or boating equipment to unload near their destinations before parking slightly further away, thereby reducing the demand for parking in the immediate vicinity of key Waterfront destinations.

Implementation: The City can quickly and cheaply identify suitable pick-up/drop-off zones near destinations around the Waterfront. Zones can be marked with new wayfinding and road paint, before eventually being permanently built into roadways. This has already been conducted successfully during special events at the Waterfront.

FREE/REDUCED TRANSIT PASSES OR MICROMOBILITY SERVICE MEMBERSHIPS FOR FERRY RIDERS

Effectiveness: ++ **Ease of Implementation: ✓** **Cost: $$**

Overview: This TDM measures would entail the subsidization of public transit fares and micromobility service memberships to encourage the use of bus or micromobility (e.g., bike share, scooter share).

[10] https://mtc.ca.gov/news/mtc-lyft-kick-bay-wheels-east-bay-expansion
[11] https://www.sf.gov/news/san-francisco-announces-expansion-lyfts-bike-share-program-golden-gate-park

Removing some of the out-of-pocket cost of transit travel would be an effective way of shifting trips to non-auto modes, reducing VMT, and reducing the vehicle parking demand at the Berkeley Waterfront. There has been a recent movement towards integrating fare structures between regional transit operators, including through the pilot Clipper Bay Pass program.[12] The success of that program could be used as inspiration for coordinating fare payments for riders who use AC Transit to access a ferry at the Waterfront.

Implementation: The difficulty of this strategy varies widely, depending on who subsidizes transit fares. If discounts can be applied directly to riders' Clipper cards, then logistical hurdles may be minimal. Micromobility solutions in the City (i.e. VEO scooters) also provide reduced fee programs for those in need. Negotiations with AC Transit, WETA, and any other parties would likely be the major challenge of implementing this strategy. The Parks, Recreation & Waterfront Department would need to work closely with the City's Transportation Department to determine if this is a feasible measure.

EXPANDED AC TRANSIT SERVICE TO THE WATERFRONT

Effectiveness: +++ **Ease of Implementation: ✓** **Cost: $$**

Overview: Currently, as of September 2024, AC Transit's Route 51B runs just one third of its routes to the Berkeley Waterfront, with the rest terminating around one mile to the east on University Avenue, at Berkeley Amtrak station. This alternating schedule results in service to the Waterfront only once every 30 minutes. Increasing the frequency of AC Transit service to the Waterfront could be an important step in shifting trips away from single occupancy vehicles. Frequent transit service is especially important when riders have to transfer between vehicles that each run infrequently, increasing the likelihood of long layovers and discouraging transit ridership.

Implementation: Ferry service at the Berkeley Waterfront may be cause enough for AC Transit to increase its usage of the Berkeley Waterfront as a terminus for Route 51B, especially if facilities at the pier can serve as layover facilities for bus operators. Otherwise, increasing transit frequency to the Waterfront would require significant coordination with AC Transit, and potentially subsidies from the City. Fortunately, there is existing 51B bus route infrastructure at the Waterfront, so the major hurdle would be securing increased operating resources for the expanded service.

ESTABLISH A TRANSPORTATION MANAGEMENT AGENCY

Effectiveness: +++ **Ease of Implementation: ✓** **Cost: $$$**

Overview: A transportation management agency (TMA) would be responsible for reducing single-occupant vehicle trips, reducing congestion and demand for vehicle parking, and improving access and circulation to and around the waterfront by increasing transportation options. A TMA would operate independently from the City and receive funding through various sources, including the City of Berkeley, board member dues, and the private sector.

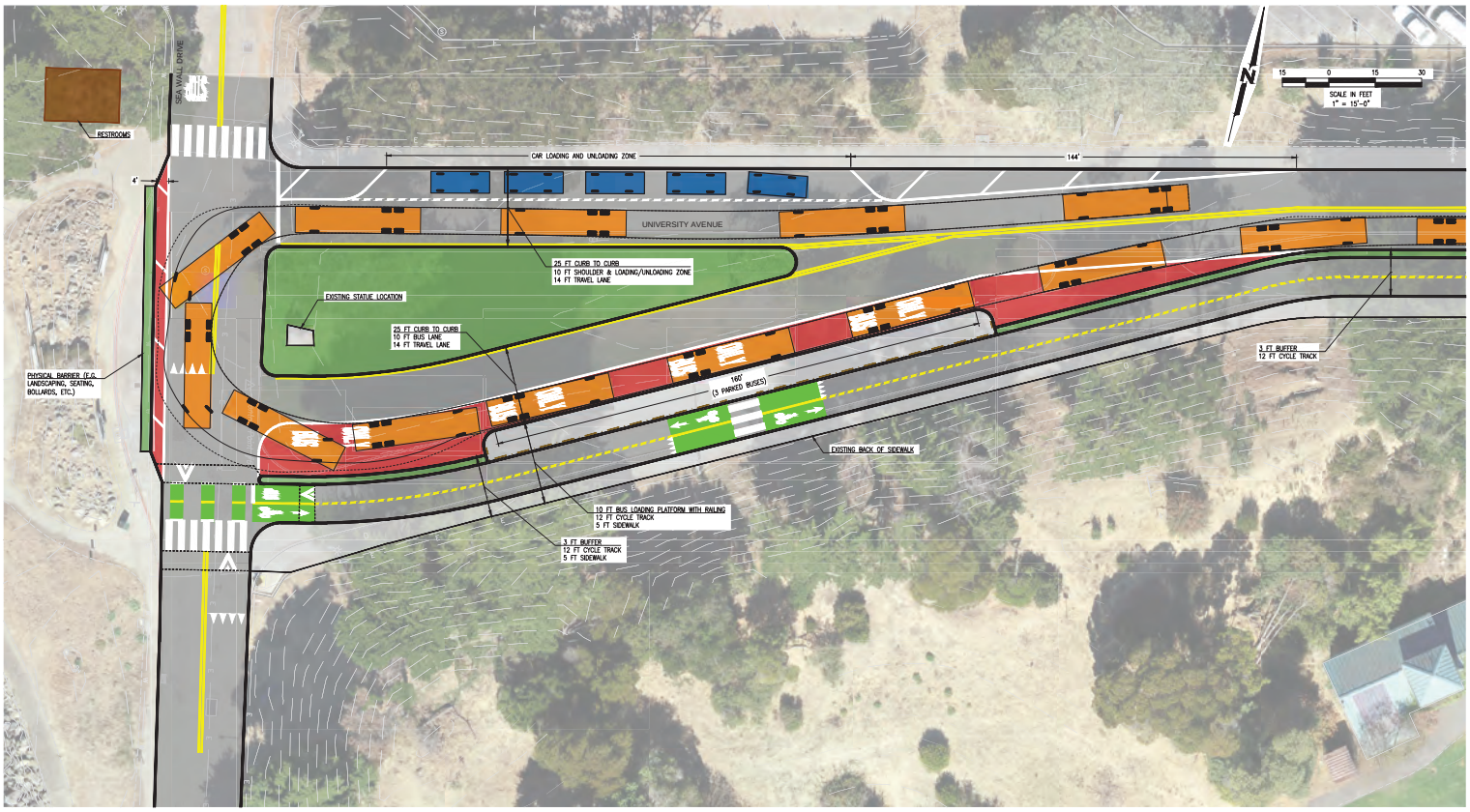
Implementation: The success of establishing a TMA would depend on securing ongoing funding and committed participation of employers, businesses, and other interested parties who face parking and traffic challenges at the waterfront. Finding a balance between TMA activity and City staff would be a significant challenge, given the extensive role that the City of Berkeley already plays in managing the Waterfront.

[12] https://mtc.ca.gov/operations/traveler-services/clipperr/clipperr-baypass



Appendix D :

University Avenue Bicycle and Bus Stop Improvements



SIMULATION SOFTWARE – AUTODESK VEHICLE TRACKING 2022

SIMULATION DETAILS
- AASHTO BUS-40
- SPEED – 5MPH
- NO STEERING LIMIT
- LIMIT FORWARD TURN RATE
- LIMIT TURNING FOR DYNAMIC EFFECTS AASHTO TABLE 3-13B (US)

NCE
1003 W. Cutting Blvd., Suite 110
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CITY OF BERKELEY
BERKELEY WATER TRANSPORTATION PIER FERRY PROJECT
UNIVERSITY AVENUE AND SEAWALL DRIVE BUS STOP

FIGURE 1

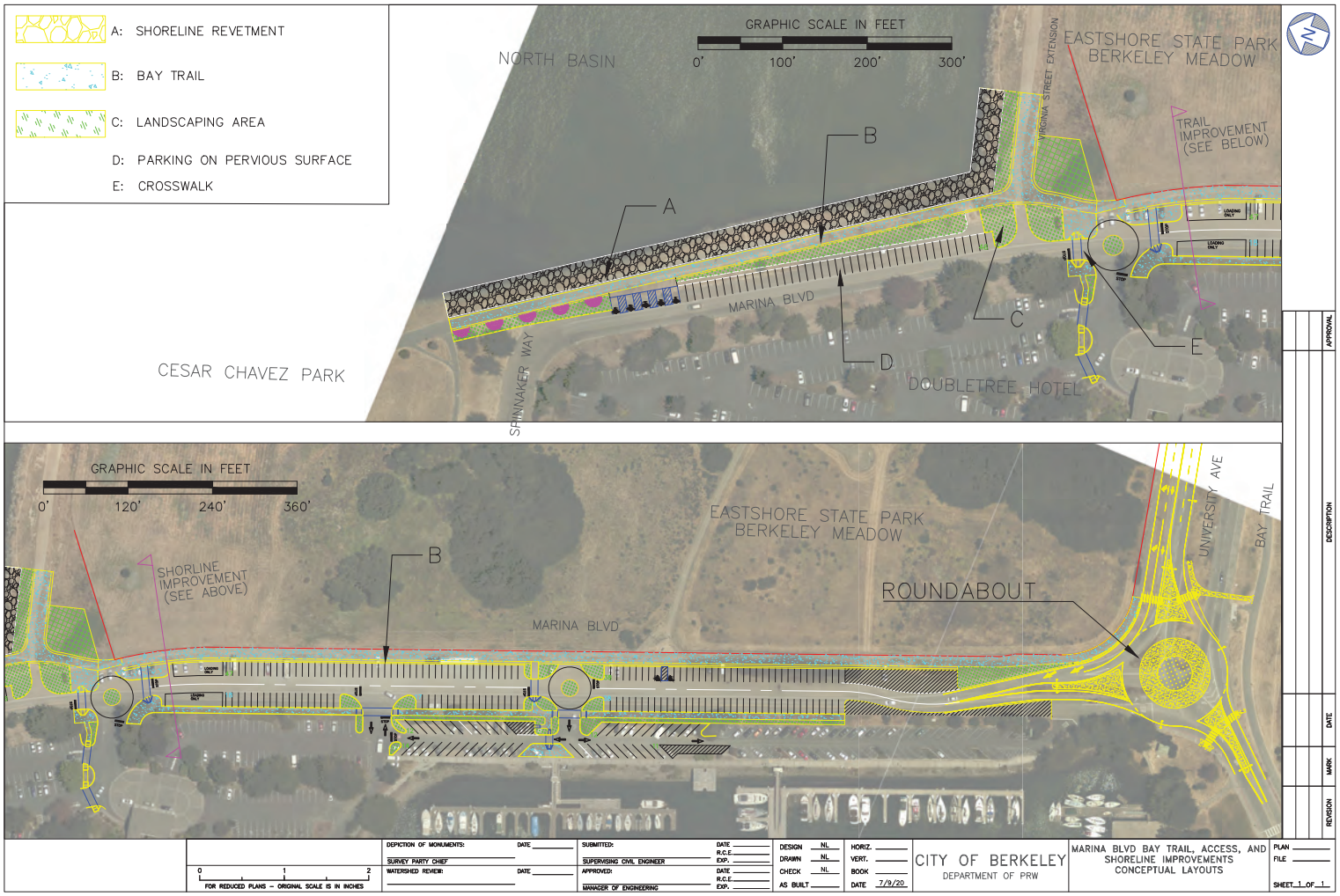
DRAWN	JOB NUMBER	APPROVED	DATE	REVISED DATE
SD	1421.01.55	FH/JRS	11/14/2024	



Appendix E :

Marina Boulevard Redevelopment

Conceptual Plan


A: SHORELINE REVETMENT
B: BAY TRAIL
C: LANDSCAPING AREA
D: PARKING ON PERVIOUS SURFACE
E: CROSSWALK
GRAPHIC SCALE IN FEET
0' 100' 200' 300'
NORTH BASIN
EASTSHORE STATE PARK
BERKELEY MEADOW
VIRGINIA STREET EXTENSION
TRAIL IMPROVEMENT (SEE BELOW)
MARINA BLVD
SHINNAKER WAY
CESAR CHAVEZ PARK
DOUBLETREE HOTEL
GRAPHIC SCALE IN FEET
0' 120' 240' 360'
SHORLINE IMPROVEMENT (SEE ABOVE)
EASTSHORE STATE PARK
BERKELEY MEADOW
UNIVERSITY AVE
BAY TRAIL
ROUNDABOUT
MARINA BLVD
CITY OF BERKELEY
DEPARTMENT OF PRW
MARINA BLVD BAY TRAIL, ACCESS, AND SHORELINE IMPROVEMENTS CONCEPTUAL LAYOUTS

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155 Grand Avenue, Suite 505
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May 7, 2025

WATER TRANSPORTATION PIER-FERRY PROJECT PARKING AND TDM PLAN

REVISED DRAFT Addendum

Introduction

This addendum supplements the parking analysis presented in the Berkeley Waterfront Transportation Pier-Ferry Project Parking and Transportation Demand Management (TDM) Plan (published March 7, 2025) by incorporating data recently collected by Waterfront Monitors and presenting additional analysis in response to public comments on the Plan.

The Final Draft Parking and TDM Plan (March 7, 2025) presented the analysis of hourly parking counts collected by Quality Counts between 5:30 am and 9:30 pm on the following dates:

- Saturday, April 6, 2024
- Thursday, April 11, 2024
- Thursday, August 1, 2024
- Thursday, August 22, 2024
- Saturday, August 24, 2024

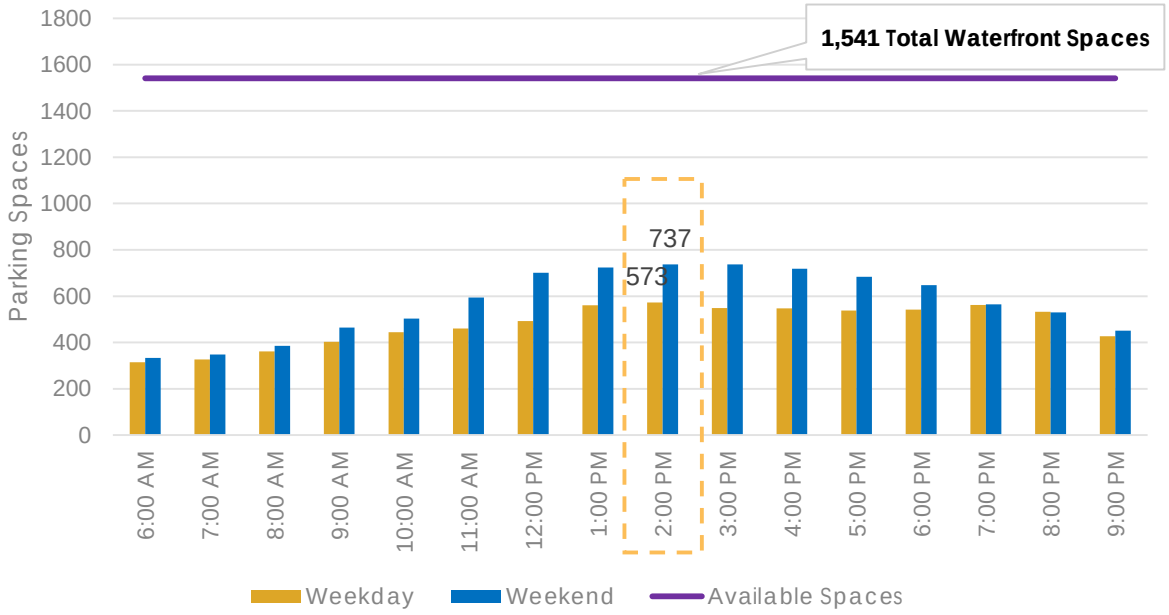
Additionally, Waterfront Monitors collected parking counts on 554 days over the course of three years (May 28, 2021- February 12, 2024). The data was collected by counting the number of occupied spaces at each lot at 10 am and 8 pm, with limited counts also collected at 2 pm and 4 pm. The results were recorded on a paper survey form that was later entered into a spreadsheet maintained by Waterfront staff. The data collection methods have been refined over time and continued through Spring 2024, including parking counts at 2 pm and 4 pm.

At the Parks, Recreation and Waterfront Commission meeting on March 12, 2025, some members of the public and some commissioners inquired about the number of midday (i.e. 2 pm or 4 pm) counts included in the data that is presented in the analysis. The purpose of this addendum is to provide additional information about the hourly and historical parking counts included in the Final Draft Report and supplement the analysis with the data collected from April 2024 to August 2024 that included additional counts collected at 2 pm. This addendum also re-evaluates the availability of parking in the proposed ferry rider overflow lots at Marina Blvd and Skates/N Lot given the additional mid-day data. As discussed in the Parking and TDM Plan, City staff will use TDM and parking management strategies such as time restrictions and paid parking to ensure that ferry riders do not significantly impact current and future recreational activities.

WHEN IS THE PEAK DEMAND?

As shown in Figure 1, using hourly counts collected by Quality Counts, the Parking and TDM Plan concluded that 2 pm is the time of day when peak parking occupancy occurs throughout the Waterfront.

Figure 1: Parking Utilization by Time of Day



Source: Parking and TDM Plan, Figure 4, Kittelson & Associates, Inc. 2024
Note: Total available spaces include 320 parking spaces in Seawall Lot, bringing the total to 1,541.

Table 1 and Table 2 present weekday and weekend parking occupancy by time of day for each public lot. Darker red shades indicate higher parking utilization relative to capacity. As expected, peak parking demand varies by lot depending on the location and types of activities it serves. For instance, the Skates/N Lot located near the Skates by the Bay restaurant experiences higher demand around 7 pm (dinner time). The South Cove West Lot reaches peak occupancy between 1 and 3 pm on both weekdays and weekends, reflecting the concentration of recreation activities that are typically busier during that time frame.

The City and WETA have conceptually planned for 250 vehicle parking spaces in the Seawall Drive Lot (formerly known as HS Lordship lot) to be utilized by weekday ferry riders (i.e. commuters). The Parking and TDM Plan recommends using Marina Blvd and/or Skates/N Lot as designated overflow parking areas for the ferry riders because these lots were shown to be underutilized during the weekdays when commuter ferry riders would want to park. As shown in Table 1, on weekdays, in addition to the 250 dedicated spaces on the Seawall Drive Lot, ferry riders can access 83 (capacity (150) minus peak occupancy (67)) unutilized spaces on Marina Blvd and at least 66 (137 minus 71) spaces in the Skates/N Lot. This value is quite conservative, since the peak occupancy in the Skates/N Lot occurs at 8 pm, long after most ferry riders would have departed. If only considering peak occupancy between 8 am – 6 pm, up to 84 spaces would be available for ferry rider parking in the Skates/N Lot. On weekends, as shown in Table 2, based on the QualityCounts data ferry riders have access to 80 (150 minus 70) unoccupied spaces

on Marina Blvd and 35 (137 - 103) spaces in the Skates/N Lot (increasing to 75 spaces if only 8 am – 6 pm is considered).

Table 1: Weekday Parking Occupancy by Time of Day

Parking Lot	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	Capacity
D & E Lot	30	30	29	27	27	28	28	29	29	27	28	25	29	28	28	27	129
F, G, H & I Lot	52	53	50	50	48	40	41	45	44	45	45	45	46	47	49	49	115
J & K Lot	37	38	42	43	44	48	58	58	61	53	58	68	65	65	70	50	92
L & M Lot	36	39	37	37	45	46	45	47	44	44	40	41	49	55	32	32	91
Marina Blvd	48	47	47	52	56	54	51	49	58	67	64	45	47	53	54	43	150
O Lot	42	41	37	36	36	39	42	44	42	37	37	36	38	58	60	56	72
Seawall Drive Lot	0	3	3	5	6	4	1	3	2	3	5	3	4	5	4	1	320
Seawall Drive	28	26	24	32	26	27	26	33	36	41	39	38	37	41	49	45	90
Skates/N Lot	0	0	0	1	5	10	27	55	57	36	32	39	53	68	71	47	137
South Cove East	0	0	2	11	27	34	36	47	54	56	61	74	65	54	40	28	96
South Cove West	20	25	50	62	69	73	74	80	79	78	71	57	37	24	17	12	86
Spinnaker Way	18	19	30	33	38	41	47	51	48	45	53	61	62	59	57	35	127
Spinnaker Way Lot	3	4	4	4	5	5	6	7	5	5	5	4	3	4	3	3	36
Grand Total	**314**	**325**	**356**	**394**	**433**	**450**	**482**	**548**	**560**	**536**	**538**	**534**	**537**	**562**	**533**	**427**	**1541**

Source: Quality Counts data from 2024 compiled by Kittelson & Associates, Inc. 2025

Note: Darker red cells represent the higher parking occupancy number relative to capacity.

Table 2: Weekend Parking Occupancy by Time of Day

Parking Lot	6 AM	7 AM	8 AM	9 AM	10 AM	11 AM	12 PM	1 PM	2 PM	3 PM	4 PM	5 PM	6 PM	7 PM	8 PM	9 PM	Capacity
D & E Lot	33	32	30	28	29	31	32	31	31	35	34	30	31	29	28	28	129
F, G, H & I Lot	35	34	35	34	34	31	34	30	33	35	35	34	31	33	32	34	115
J & K Lot	65	71	71	74	81	80	85	91	93	93	93	87	92	89	82	75	92
L & M Lot	34	36	34	36	32	35	44	47	51	47	49	44	41	36	32	34	91
Marina Blvd	48	48	49	45	48	54	57	54	49	45	46	52	58	66	70	66	150
O Lot	44	45	45	46	55	64	58	56	59	62	63	68	65	41	42	39	72
Seawall Drive Lot	0	0	0	0	1	4	8	18	25	25	21	17	17	12	8	2	320
Seawall Drive	27	24	25	28	27	28	35	45	49	50	46	54	60	51	45	45	90
Skates/N Lot	3	0	5	38	25	20	44	57	60	57	54	62	53	66	103	85	137
South Cove East	0	1	8	26	42	73	92	87	81	82	79	65	52	44	26	9	96
South Cove West	33	34	34	38	44	72	84	88	85	86	79	53	33	25	10	5	86
Spinnaker Way	7	17	28	44	56	69	91	81	87	88	90	97	98	70	54	31	127
Spinnaker Way Lot	5	8	10	13	17	24	23	21	17	17	13	15	12	5	1	1	36
Grand Total	**333**	**347**	**372**	**448**	**489**	**583**	**685**	**705**	**717**	**718**	**700**	**676**	**640**	**563**	**530**	**451**	**1541**

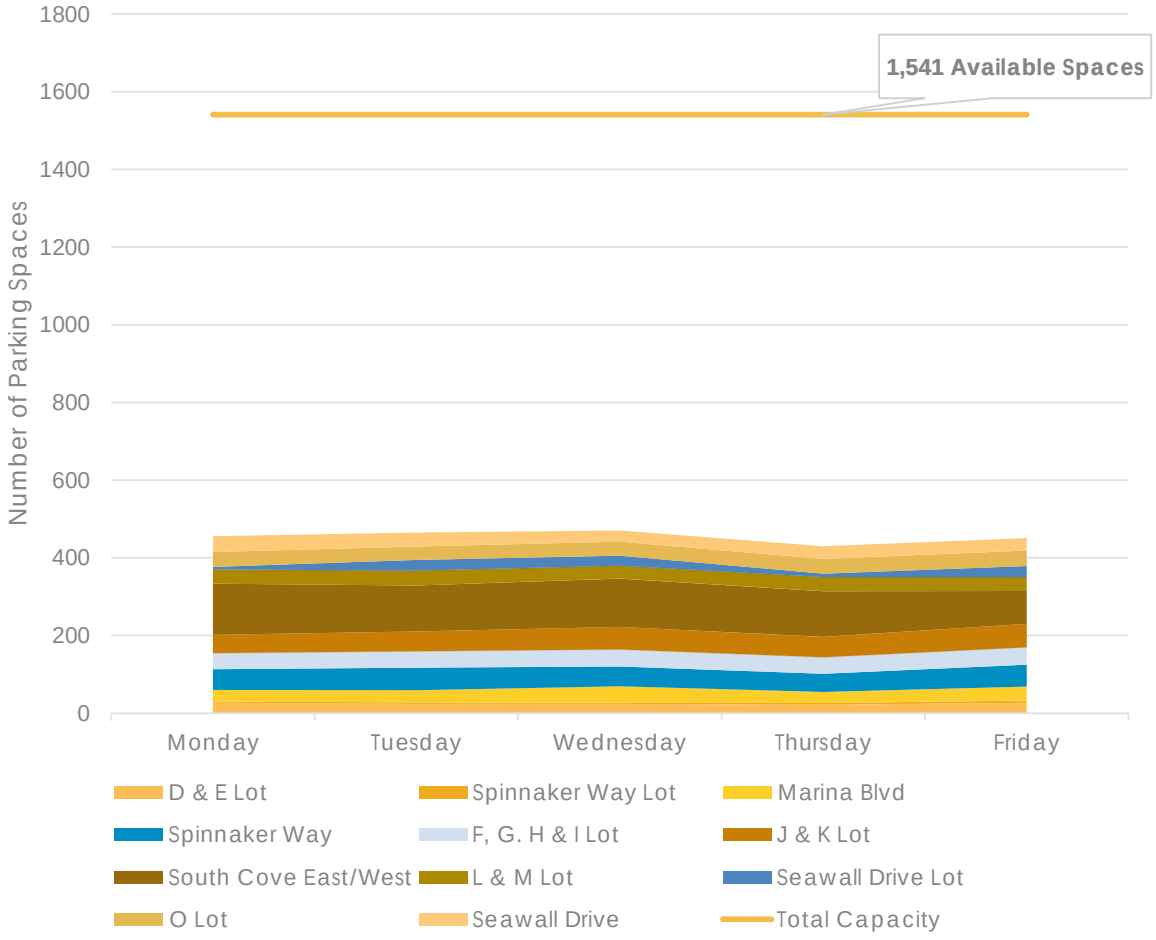
Source: Quality Counts data from 2024 compiled by Kittelson & Associates, Inc. 2025

Note: Darker Red lighted cells represent the higher parking occupancy number relative to capacity.

WEEKDAY MIDDAY PARKING OCCUPANCY, SPRING-SUMMER 2024

The following analysis is based on the parking counts collected by Waterfront Monitors over 29 days from April 2024 to August 2024 for the midday period (2 pm or 4 pm). As noted previously, this data was not included in the Final Draft Study because it was collected after that work had been initiated. Figure 2 illustrates the average mid-day occupancy during each weekday by lot. The overall highest parking demand is observed on Wednesdays with 31% (470) spaces occupied.

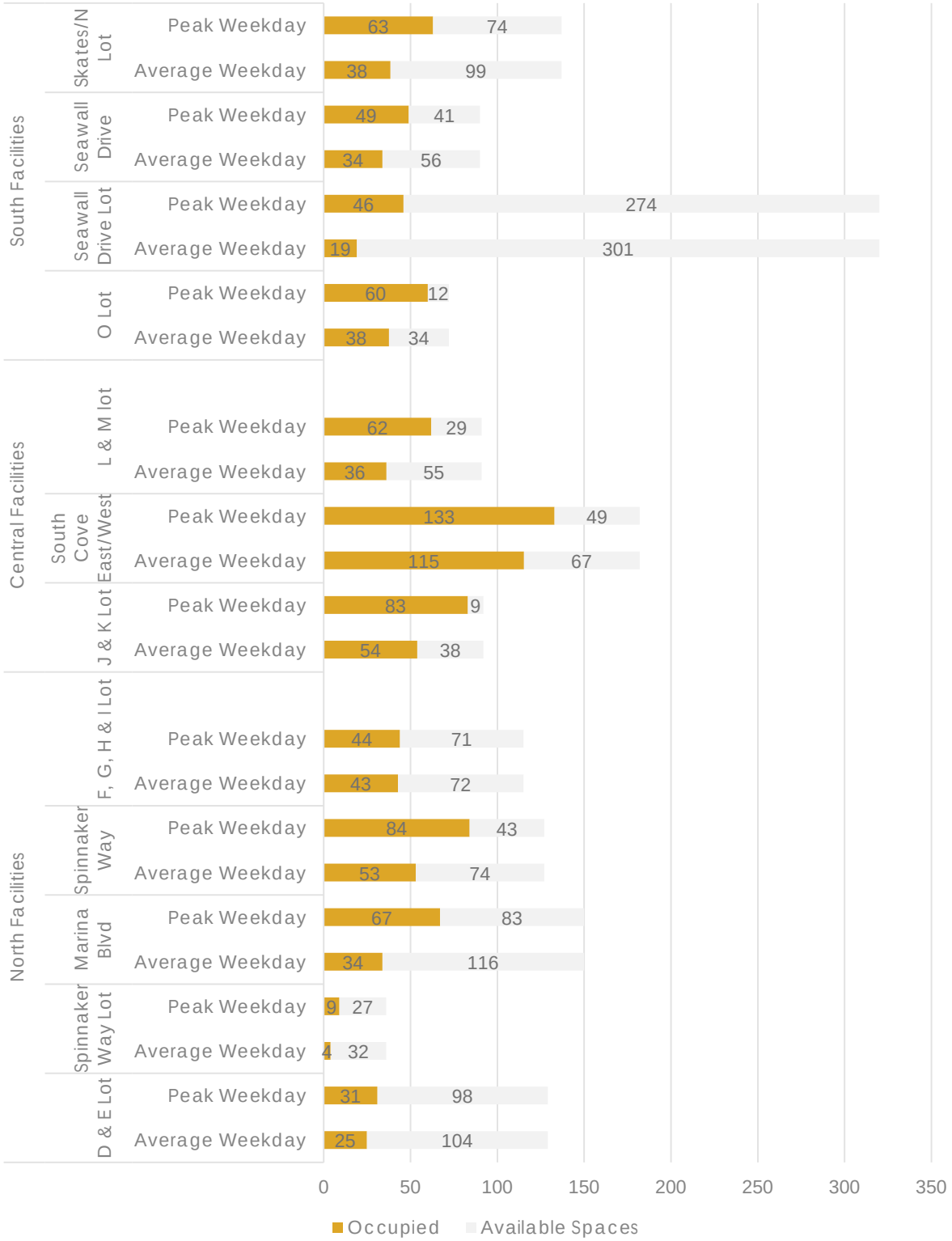
Figure 2: Weekday Midday Parking Occupancy



Source: Data Collected by Waterfront Monitors between April 2024 and August 2024, compiled by Kittelson & Associates, Inc. 2025

Figure 3 compares weekday peak parking counts with average parking counts for this midday April-August data set. The data shows that during the peak mid-day weekday demand, approximately 83 parking spaces are available at Marina Blvd. and 74 parking spaces are available at Skates/N Lot. This is very similar to the findings from the hourly Quality Counts data regarding the available capacity at these specific parking lots.

Figure 3: Peak Weekday vs Average Weekday Midday Parking Counts

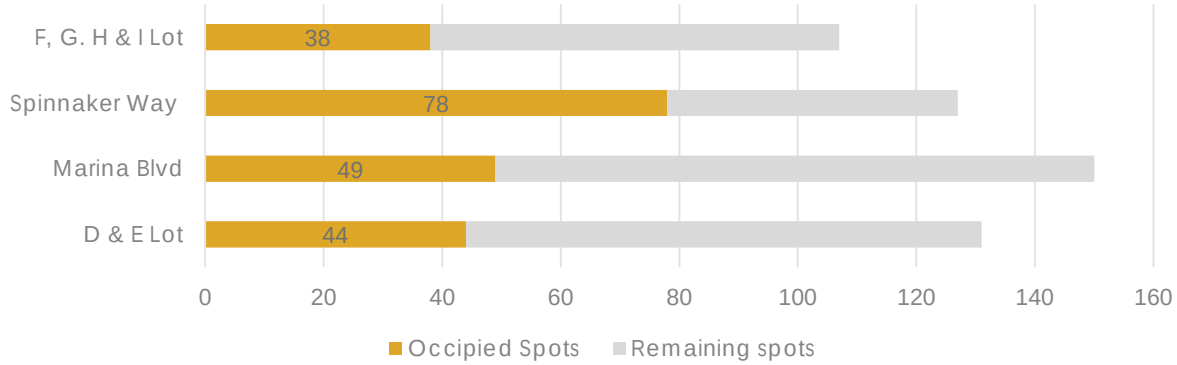


Source: City of Berkeley, Data Collected by Waterfront Monitors between April 2024 and August 2024
Compiled by Kittelson & Associates, Inc., 2025

WEEKEND MIDDAY PARKING OCCUPANCY

The dataset analyzed in the Final Draft Study included mid-day car counts on 26 weekend days. In April – August, 2024, the focus was on weekday data collection, and only one additional weekend midday parking count was collected (on May 25, 2024). Figure 4 presents the May 25, 2024, weekend midday parking count.

Figure 4: Weekend Midday Parking Data

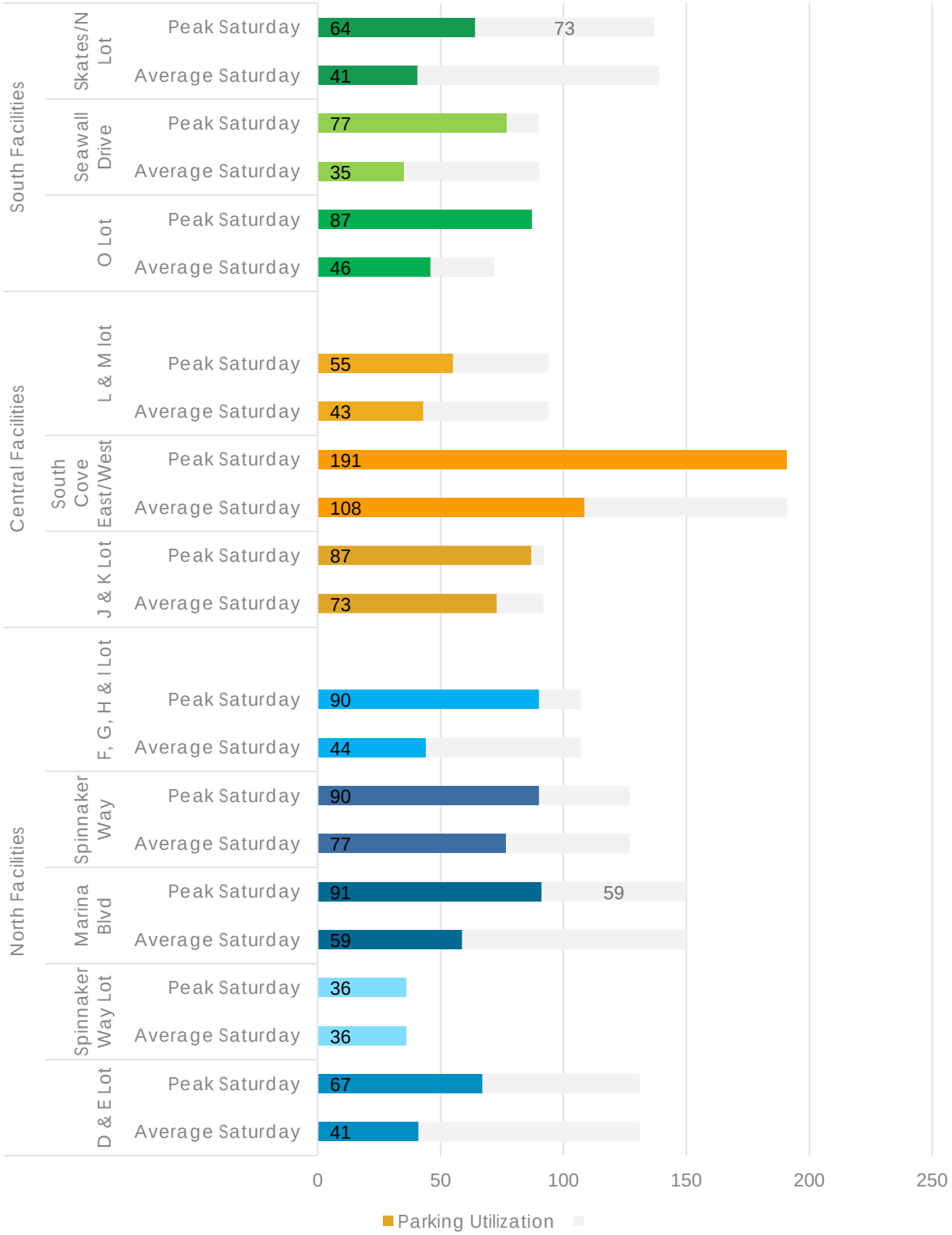


Source: City of Berkeley, Data Collected by Waterfront Monitors on May 25, 2024.
Compiled by Kittelson & Associates, Inc., 2025

The Final Draft Study identified April 1, 2023 as the peak Saturday of the data analyzed. Figure 5 (which was included in the Final Draft Study) shows the average parking utilization on weekends (Saturday) in comparison with the peak Saturday on April 1, 2023. As shown in Figure 5, certain lots had more than double the occupancy on the peak Saturday compared to an average Saturday. Nevertheless, even on the peak Saturday, overall Waterfront public parking was 75% occupied with 306 spaces remaining. During the peak Saturday, centrally located lots observed 82% occupancy, and South Cove East/West reached full occupancy at 100%.

Comparing Figure 4, which reflects data collected on May 25, 2024 and Figure 5, which reflects data collected from 2021 to 2024 that was presented in the Parking and TDM Plan, Marina Blvd. has a similar occupancy level of about 33% with between 91 and 101 spaces available on average weekends.

Figure 5: Parking Utilization on Weekends (Average Saturday vs Peak Saturday)



Source: Parking Counts collected by Waterfront Staff from 2021 to 2024, data compiled by Kittelson & Associates, Inc. 2024

Note: Data does not include Seawall Drive/ Shorebird Lot.

Conclusion

The parking occupancy data by time-of-day (i.e. Quality Counts data) indicates that while peak demand varies based on the parking lot, the overall peak demand for parking at the Waterfront occurs around 2 pm on both weekdays and weekends. Based on the Quality Counts data set, during the weekday peak period, approximately 83 parking spaces are available at Marina Blvd. and 74 parking spaces are available at Skates/N Lot. On weekends, 59 spaces remain available at Marina Blvd. and 73 spaces are available at Skates/N Lot. This midday analysis confirms that although the mid-day data gathered in April-August 2024 varies somewhat from the Quality Counts Data previously presented, the recommended overflow lots—Marina Blvd. and Skates/N Lot— offer sufficient capacity to accommodate overflow demand for parking from ferry riders on both weekdays and weekends.

The parking occupancy data collected from April to August 2024 aligns well with the earlier data collected between May 2021 and February 2024 that informed the Parking and TDM Plan. That plan estimated a weekday parking demand of 421 spaces for ferry users (171 more than the 250 spaces currently available at Seawall Drive) without TDM measures. With TDM strategies in place, demand is projected to drop by 65 spaces to 356. Additional parking management tools, such as expanding capacity at the Seawall Drive and/or Skates/N lots and adding wayfinding signage, could further help to manage parking. Combined, the Seawall parking lot, together with overflow parking at the Marina Blvd. and Skates/N Lot, offer sufficient parking stalls to accommodate ferry riders in currently unoccupied parking stalls without any impact to parking availability in other parking lots.

Pier-Ferry Preliminary Parking Management Plan

Ferry Parking Demand

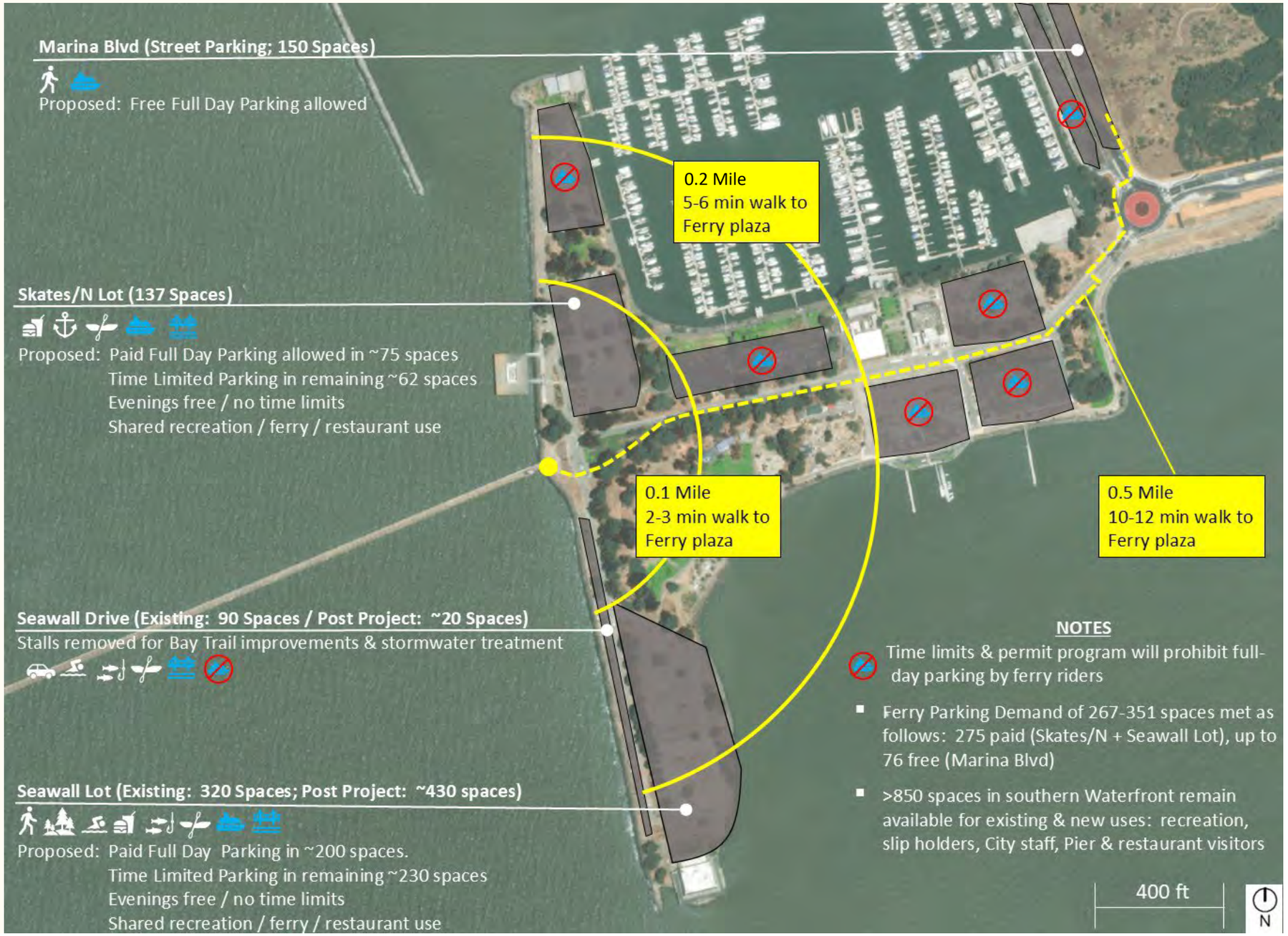
Weekday: 318 – 351 spaces
Weekend: 267 – 300 spaces

Project Transportation Demand Management (TDM) Measures

- University Ave. CycleTrack
- Secure Bike Parking
- Paid Parking
- Rideshare loading zones
- Shared Micromobility Stations

Future TDM Measures

- Increased AC Transit
- Shuttle Services
- Valet Parking
- Marina Blvd. Improvements
- Additional Bike Parking
- Expanded Micromobility Stations



ATTACHMENT 1

PLANNING COMMISSION
RESOLUTION NO. 2026-01

A RESOLUTION OF THE CITY OF BERKELEY PLANNING COMMISSION RECOMMENDING THE ZONING ADJUSTMENTS BOARD AND CITY COUNCIL APPROVE THE USE PERMIT FOR THE BERKELEY PIER-FERRY PROJECT

WHEREAS, the Berkeley Waterfront is a single parcel with an Unclassified zoning district; and

WHEREAS, the City of Berkeley proposes establishing a new transportation use at the Berkeley Pier for public ferry service; and

WHEREAS, establishing Berkeley ferry service is identified as a high priority action in the City of Berkeley Local Hazard Mitigation Plan; and

WHEREAS, establishing Berkeley ferry service is identified as a goal in the City of Berkeley Climate Action Plan; and

WHEREAS, a public ferry is consistent with the allowable water-dependent uses of public tidelands that are subject to the Public Trust Doctrine; and

WHEREAS, establishing transportation as an allowable use at the Berkeley Pier is critical to overall schedule and progress of the Berkeley Pier-Ferry Project; and

WHEREAS, on January 21, 2026, the Planning Commission held a duly-noticed meeting and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

WHEREAS all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California.

WHEREAS, the Use Permit is not effective until after action by Berkeley City Council, who may affirm, reverse or modify the Zoning Adjustment Board decision; and

WHEREAS, the Berkeley City Council would need to certify a Final Environmental Impact Report for the Project prior to the Project receiving permits from the City, including the Use Permit;

NOW, THEREFORE, IT BE RESOLVED that the Planning Commission does hereby recommend the Zoning Adjustments Board and the City Council of the City of Berkeley approve the Use Permit for the Berkeley Pier-Ferry Project

Pursuant to Berkeley Municipal Code Section 23.208.020(E), the Planning Commission makes the following findings to support its recommendation for the Use Permit:

(a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or neighborhood, of the proposed use; and

Rationale: There are no permanent residences within 0.5 miles of the project. Persons working in the area or residing on live-aboard boats or floating homes in the Marina would gain an additional transportation option for commuting or personal travel to San Francisco. The City has conducted an analysis of parking and transportation demand management measures that have been incorporated into the project to ensure that the project will not be detrimental to the general welfare of persons who use the Berkeley Waterfront.

(b) Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

Rationale: Establishing a ferry service in Berkeley has been identified as a goal in multiple City and regional planning documents to improve the general welfare of the City by reducing greenhouse gases, improving transportation access and providing emergency response and disaster recovery. The use of a public ferry is a water-related use consistent with the Public Trust Doctrine governing Berkeley waterfront land use. The project is subject to the City's standard conditions of approval regarding noise and air quality, waste diversion, toxics and stormwater requirements, thereby ensuring the project will not be detrimental.

I HEREBY CERTIFY the foregoing resolution was passed and adopted by the Planning Commission of the City of Berkeley, at a regular meeting thereof, held on the 21st day of January 2026, by the following vote:

AYES: Marthinsen, Vincent, Oatfield, Twu, Hauser, Wang

NOES: None

ABSENT: Owens, Kahn, Merker

ABSTAIN: None

JUSTIN HORNER,
SECRETARY TO THE PLANNING COMMISSION

Attachment 6: Public Hearing Notice

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

BERKELEY WATER TRANSPORTATION PIER-FERRY PROJECT ENVIRONMENTAL IMPACT REPORT, PROJECT APPROVAL AND USE PERMIT

The public may participate in this hearing by remote video or in-person.

The Department of Parks, Recreation & Waterfront is proposing that the City Council:

(1) Adopt a Resolution certifying the Berkeley Water Transportation Pier Ferry Project Environmental Impact Report (EIR) (SCH #2025040995) and adopt related California Environmental Quality Act (CEQA) findings, a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program, and
(2) Adopt a Resolution Approving the Berkeley Water Transportation Pier-Ferry Project and affirming, as modified to incorporate the CEQA findings and mitigation measures, the decision of the Zoning Adjustments Board to approve Use Permit #ZP2026-0014 to establish transportation via public ferry service as an allowable use at the Berkeley Pier.

The hearing will be held on, November 17, 2026 at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of November 5, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Scott Ferris, Director of Parks, Recreation & Waterfront at (510)-981-6700.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

Mailed by: November 3, 2026
Noticed pursuant to Berkeley Municipal Code Section 23.404.040

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Office of the City Manager

PUBLIC HEARING
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Ashby BART West Lot Transit Oriented Development Objective Design Standards

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt a Resolution approving the Ashby West Lot Transit Oriented Development Objective Design Standards.

SUMMARY

The proposed Objective Design Standards (ODS) for the Ashby BART West Lot (Attachment 1) establish requirements for land use, ground-floor activation, the public realm, and building design. They implement adopted City and BART policies and agreements while balancing housing and affordable housing objectives, urban design priorities, and the site's physical and infrastructure constraints.

The ODS were informed by prior public planning processes, technical and economic feasibility analyses, community and Planning Commission input, and coordination with BART and the West Lot developer. The Planning Commission recommended adoption of the "Revised ODS" on September 16, 2026; those standards are included with the Resolution proposed for adoption with this staff report. On October 7, 2026, the Planning Commission forwarded supplemental public realm and open space recommendations to Council (Attachment 2). and requested staff review for objectivity and consistency with the City–BART Exchange Agreement. As of the drafting of this report, staff are reviewing the October 7 recommendations and considering associated amendments to the ODS. This analysis and any revisions will be published as supplemental materials in advance of the November 17, 2026, City Council meeting.

The Exchange Agreement establishes process and minimum development capacity requirements and a November 27, 2026 adoption deadline. Provided the applicable requirements are met, BART, as property owner, will require compliance with specified ODS through its real estate agreements.

FISCAL IMPACTS OF RECOMMENDATION

Adopting Objective Design Standards for the West Lot will not result in direct fiscal impacts. There are a variety of potential future fiscal impacts to the City related to Ashby

BART TOD that will require additional Council action, including the allocation of City Housing Trust Fund for affordable housing, capital expenditures related to the Adeline Street roadway reconfiguration, and potential establishment of financing districts

CURRENT SITUATION AND ITS EFFECTS

Adopting the Ashby BART West Lot Transit Oriented Development Objective Design Standards advances the Strategic Plan goal to create affordable housing and housing support services for our most vulnerable community members.

Pursuant to the City and BART Exchange Agreement for Ashby BART Transit Oriented Development (TOD), staff recommend that the City Council adopt the Ashby BART West Lot ODS (Attachment 1, Exhibit A). On September 16, 2026, the Planning Commission recommended that the Council adopt the ODS presented by staff. On October 7, 2026, the Commission voted to forward supplemental recommendations addressing the public realm and open space for Council consideration. The proposed ODS, supplemental recommendations, and applicable Exchange Agreement requirements are summarized below.

A. City and BART Exchange Agreement Requirements for Ashby BART West Lot Objective Design Standards[1]

The City and BART Exchange Agreement for Ashby BART TOD establishes requirements for the timeline, process, development capacity requirements and compliance and enforcement provisions for ODS for the Ashby BART West Lot (bounded by Ashby Avenue, Adeline Street and Martin Luther King Jr. Way):

- **Timeline.** The Exchange Agreement requires the City to adopt Final ODS for the West Lot "no later than 9 months after execution of the Exclusive Negotiating Agreement" (ENA) between BART and the selected developer team. Based on the February 27, 2026 ENA effective date, the ODS adoption deadline is November 27, 2026.[2]

- **Process.** The Exchange Agreement states that the City "shall consider the input of the public, BART, and the West Lot Developer in the preparation of Final ODS to be considered for adoption by the Planning Commission and City Council and shall make a good faith effort to address any objections raised by BART and the West Lot Developer relating to the impact of ODS on project feasibility or design."

[1] Article 9, Schedule 9.2.1 and Schedule 9.2.2 – City and BART Exchange Agreement for Ashby BART TOD (December 2024).

[2] BART selected Adeline Alliance Partners (AAP) and Resources for Community Development ("AAP team") following a competitive Request for Proposals (RFP) in July 2025 and entered into an ENA with the AAP team with an effective date of February 27, 2026.

- **Development Capacity.** The Exchange Agreement stipulates that the ODS must accommodate a development capacity of at least 600,000 gross residential square feet (sf) within buildings that have a height no greater than eight stories; and at least 750,000 sf within buildings that have a height of over 85 feet but within the maximum height allowed by the ODS (see Exchange Agreement, Schedule 9.2.1 ODS Requirements and Schedule 9.2.2 Capacity Study).

- **Compliance and Enforcement.** Future development at the Ashby BART West Lot will likely qualify for ministerial approval under applicable State laws (e.g., AB 2923, SB 35, AB 2011), meaning staff will review the project for conformance with objective standards without discretionary review by City boards or commissions.[3] Projects may also use the State Density Bonus Law to obtain concessions or waivers of local development standards when needed for feasibility and/or potentially other State laws, such as SB 79, to modify development standards. The City of Berkeley will review all entitlement applications for development at the Ashby BART West Lot for compliance with the ODS, in accordance with State law.

  Provided the Final ODS adopted by City Council meet the Exchange Agreement's capacity, process and schedule requirements, the Exchange agreement identifies the categories of ODS that will bind the developer, BART in its role as property owner, to require compliance through its real estate agreements. The Exchange Agreement establishes that developers may still request State Density Bonus waivers, but only for zoning standards not set by the ODS, ODS requirements pertaining to minimum square footage of active or non-residential ground-floor uses, or other ODS requirements that do not pertain to height limits, setbacks/step-backs, open space, or massing breaks.

B. Proposed ODS for Council Adoption

The ODS document is organized in two parts. Part I provides the site context and policy framework for the ODS for the Ashby BART station site. Part II contains the objective standards addressing Land Use, Public Realm and Building Design. Certain standards reflect the development requirements established through the City and BART Exchange Agreement and anticipate potential use of applicable State Density Bonus provisions to modify otherwise applicable Residential-BART Mixed Use (R-BMU) zoning standards. A brief overview is provided below; the complete standards, including applicable dimensions and other requirements, are provided in Attachment 1, Exhibit A.

- **Land Use.** The ODS establish requirements for ground-floor uses and frontages, including locations where active and publicly accessible non-residential uses are

[3] For comparison, the North Berkeley BART TOD project application was submitted and approved under AB 2011 (PLN # 2024-0010, December 11, 2024).

required; standards for the design of those spaces; and maximum building heights within Development Areas A, B, and C.

- **Public Realm.** The ODS establish standards for streetscape design and the relationship between buildings and required access along perimeter streets, the Station Entrance Plaza and internal access drives and areas adjacent to the BART Traction Power Substation. These standards address pedestrian circulation, landscaping, building frontages.

- **Building Design.** The ODS establish standards for building massing and facade design, including building and facade-plane lengths, building and major breaks, corner-building treatments, facade articulation, and selected architectural elements such as windows, materials, public art, and utility locations.

This organization has remained consistent through the Preliminary, Revised, and Final Draft ODS. The design standards themselves have evolved over time, in response to feedback, as described below.

1. Preliminary ODS

The City released Preliminary ODS in December 2024 concurrently with BART's Request for Proposals (RFP) for Developers for the Ashby BART West Lot.[4] As described in Part I: Policy Framework of the ODS, the Preliminary ODS were informed by City and BART adopted policies and agreements, and detailed technical analysis. This included the City and BART Joint Vision and Priorities for Transit Oriented Development at the Ashby and North Berkeley BART Station Areas (2022), the City and BART Ashby BART Station Transit-Oriented Development Exchange Agreement (2024) and related technical studies, such as the Ashby BART West Lot Circulation Framework (2024) and the Adeline Connection Memo (2024)[5]. Releasing the Preliminary ODS with the RFP gave prospective developers a more complete understanding of the applicable development requirements and site constraints to address in their proposals.

2. Revised ODS

Based on input from the public, Planning Commission, as well as BART and the Adeline Alliance Partners (AAP) team, staff presented Revised ODS at the September 16, 2026 Planning Commission meeting. Most standards remained unchanged from the Preliminary ODS. Revisions to Part II focused on three topics:

- **Ground-floor activation, uses and design**. Revisions focused on required active uses at key corners, broadened the range of publicly accessible non-residential uses allowed along Adeline Street that would also support ground-

[4] Ashby BART West Lot Transit Oriented Development Preliminary Objective Design Standards (December 2024; https://berkeleyca.gov/sites/default/files/documents/24_1209_AshbyTODPrelimODS3-22PM.pdf).
[5] These are included as attachments to the Ashby BART West Lot RFP and NOFA, December 2024 (https://www.bart.gov/sites/default/files/2024-12/24-1203%20Ashby%20RFP%20FINAL%20reduced.pdf).

floor activation, and refined design requirements to support viable commercial and community-serving uses.

- **Public realm**. Revisions updated the Martin Luther King Jr. Way street and sidewalk configuration to accommodate an on-street protected cycle track and provided flexibility in internal access-drive widths based on their intended use. More specific tree, landscaping and frontage requirements strengthen the pedestrian character of these internal connections, with alternatives where tree planting is infeasible.
- **Building massing and articulation**. Revisions clarified definitions and adjusted building-length, facade-plane and building-break requirements to provide flexibility on the constrained site while retaining standards that break up large building masses and long facades. Separate vertical articulation standards for buildings over 85 feet account for taller buildings' structural and floor-layout constraints while maintaining the urban design objectives.

The September 16, 2026 Planning Commission staff report provides a more detailed description of the revisions.[6] The Commission recommended that the City Council adopt that version, referred to as the "Revised ODS," which is presented without further changes as the proposed ODS in Attachment 1, Exhibit A.

3. Supplemental Planning Commission Recommendations

On September 16, 2026, the Planning Commission established a subcommittee to develop potential supplemental ODS recommendations for the full Commission's consideration. On October 7, 2026, the Commission voted to forward the subcommittee's supplemental recommendations to the City Council as recommendations of the full Commission (Attachment 2). The Commission also requested that staff review the recommendations in consultation with the City Attorney's Office and relevant City departments for objectivity and consistency with the City–BART Exchange Agreement. The recommendations address:

- Street Trees and Planting Area/Amenity Zone (Section 2.1.2);
- Station Entrance Plaza Design (Section 2.2);
- Internal Access Drives and Emergency Vehicle Access Design (Section 2.3);
- TPSS Access and Staging Area Design (Section 2.4); and
- Design Elements (Section 3.3).

Staff's review of the Planning Commission's supplemental recommendations is still underway as of the drafting of this report. The resulting analysis, and any proposed

[6] Staff report regarding Ashby BART West Lot Objective Design Standards (Planning Commission, September 16, 2026: https://berkeleyca.gov/sites/default/files/2026-09-16_PC_Item%2010A_Ashby%20WL%20ODS.pdf).

revisions to the ODS, will be published as supplemental materials in advance of the November 17, 2026 City Council meeting.

BACKGROUND

The development of ODS for the Ashby BART West Lot is part of a multi-year process to transform the existing surface parking lots into a vibrant neighborhood center with high-density mixed-use development, ground floor commercial and civic uses, and new public space that was envisioned in the Adeline Corridor Specific Plan.[7] Passage of Assembly Bill 2923 in 2018 provided further impetus for close collaboration between the City and BART to advance transit-oriented development at the station. A summary of the adopted plans, policies and technical analysis that shaped the ODS is provided in Attachment 3. A summary of the Ashby West Lot ODS process is provided below.

A. Site Conditions and Technical Constraints

The West Lot is a complex site that includes a partially underground station and substantial infrastructure serving active BART operations. The Circulation Framework, developed jointly by the City and BART, identifies requirements for emergency access and egress, public access to the station, BART operations and maintenance, BART's Traction Power Substation (TPSS), circulation, and grading. These requirements limit where development can occur and how buildings, open space, and circulation can be configured.

Additional engineering analysis evaluated the feasibility of connecting new TOD buildings to Adeline Street, considering the structural integrity of the BART station box, existing infrastructure and utilities, and varying conditions at connections to existing sidewalks and plazas. These connections must also accommodate uninterrupted station operations and customer access during construction.

The Preliminary ODS were informed by these studies, and by site capacity and massing analyses.[8]

B. ODS Development and Public Review

The Preliminary ODS have been publicly available since December 2024, with multiple opportunities since their release for input from the community, Planning Commission, BART and Adeline Alliance Partners (AAP) team. The City hosted a public open house on February 10, 2025 to introduce the Preliminary ODS and solicit feedback.

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[7] The Adeline Corridor Specific Plan planning process began in 2015 and culminated with City Council adoption in December 2020: https://berkeleyca.gov/sites/default/files/2022-03/Adeline-Corridor-Specific-Plan.pdf

[8] See attachments to the Dec. 2024 Ashby BART West Lot RFP and NOFA: https://www.bart.gov/sites/default/files/2024-12/24-1203%20Ashby%20RFP%20FINAL%20reduced.pdf

At the July 1, 2026 Planning Commission meeting, staff provided an overview of the Ashby BART West Lot Transit-Oriented Development Preliminary ODS and summarized key background information, including the role of the ODS, the planning process to date, and the policy and technical framework that informed the Preliminary ODS.[9]

Following selection of the AAP team and initiation of project design, the City, BART, and the AAP team co-hosted another in-person public open house on July 16, 2026, and online office hours on July 22, 2026. The July open house covered the Preliminary ODS, the AAP team's proposed project for the Ashby BART West Lot, and related planning efforts, including the City's work to redesign Adeline Street to improve safety and increase public open space at Ashby BART and along Adeline Street between Ashby Avenue and the Berkeley-Oakland border. City staff also participated with the AAP team in smaller meetings hosted by community organizations to share information and hear feedback regarding the Preliminary ODS and project design. Together, these meetings provided opportunities to consider the ODS both independently and in the context of the AAP team’s emerging project design concept.

At the September 16, 2026 Planning Commission meeting, staff presented Revised Draft ODS which reflected staff's review of input received, in continued coordination with BART and the AAP team. At this meeting, the Planning Commission made a recommendation to Council to adopt the Revised ODS as presented by staff, and also to create a subcommittee to further consider potential supplemental standards to address the public realm.

At the October 7, 2026 Planning Commission meeting, the Commission voted to forward the subcommittee letter to the City Council as recommendations of the full Commission, and requested that staff, in consultation with the City Attorney’s Office and relevant City departments, review these supplemental recommendations and make any necessary revisions to ensure they qualify as objective design standards, are written in objective terms, and are consistent with the City–BART Exchange Agreement.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Creating equitable, transit-oriented mixed-use development that includes affordable housing and housing support services for Berkeley’s most vulnerable community members is a City Strategic Plan goal, which also helps advance the goals of being a global leader in addressing climate change, advancing environmental justice and protecting the environment.

Environmental Review

[9] Planning Commission meeting materials for the July 1, 2026 meeting are available at: https://berkeleyca.gov/your-government/boards-commissions/planning-commission

The proposed objective design standards were evaluated in (1) the Ashby and North Berkeley BART Stations Transit-Oriented Development (TOD) Zoning Project Environmental Impact Report (SCH #: 2020110320), which was certified by the City Council on June 2, 2022; and (2) the "Ashby BART TOD Contractual Agreement" Addendum, which amended that Report and the Adeline Corridor Specific Plan Environmental Impact Report (SCH # 2018072009), and which was approved by the City Council on December 3, 2024, such that no further environmental review is required.

RATIONALE FOR RECOMMENDATION

The proposed ODS (Attachment 1, Exhibit A) build upon and further implement the adopted Residential-BART Mixed Use (R-BMU) zoning, the City and BART Joint Vision and Priorities (JVP), the Ashby BART Transit-Oriented Development Exchange Agreement, and related adopted policies and regulations. They were informed by a thorough analysis of site conditions, City and BART requirements for station operations, access and safety, and development capacity and economic feasibility studies. They also reflect community and Planning Commission input and coordination with BART and the developer team regarding architectural and design feasibility.

The proposed ODS balance the housing and design objectives in adopted City and BART policy and agreements, including the JVP guidance for future development about housing density and affordability, connection to Adeline Street and Ashby Avenue, responsiveness to neighborhood scale and character, creating smaller blocks and regular breaks in building forms, and providing architectural variety. They also reflect the JVP's direction to concentrate larger building forms and height toward Adeline Street and Ashby Avenue and encourage outward-facing entrances.

Staff recommend adoption because the proposed ODS establish clear, site-specific requirements for buildings, active ground-floor uses, and a high-quality public realm while accommodating the Exchange Agreement's affordable housing and development capacity requirements. They retain flexibility for feasible building types and design approaches within the site's physical and infrastructure constraints, described in the Background section above.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered requests for additional requirements, changes to the proposed standards, and changes to the adoption process. The principal alternatives and staff's reasons for not recommending them are summarized below.

- Transportation, parking and station access. Comments included requests and concerns regarding neighborhood and resident parking, loading and drop-off, bicycle and pedestrian connections, intersection improvements, and other station-access and circulation issues. Some of these topics fall outside the scope of the ODS or are being addressed through BART's West Lot Station Access

Plan and the City's Adeline Transportation and Open Space Improvements Project.

- Additional public open space requirements. Staff considered requests during development of the Preliminary and Revised ODS for substantially more public open space, large contiguous open spaces, and additional requirements for permeable or landscaped areas. Staff recommend retaining the proposed open-space requirements to balance publicly accessible space and its design with housing capacity, station operations, and other site constraints. The Adeline Open Space Improvements Project, including the Adeline Main Plaza at Ashby BART, will also advance the Specific Plan's vision for new public space throughout the Plan Area.
- More prescriptive use and design requirements. Staff considered requirements for particular community-serving uses, building configurations, architectural features, materials, and amenities. The proposed ODS address many of these topics while allowing flexibility for feasible project design. Staff do not recommend additional requirements where they would exceed the scope of the ODS or unnecessarily constrain development, given the site's physical and technical constraints.
- Modifications to circulation and building-design requirements. Staff considered developer requests to allow private vehicle and service access on the narrower internal access drive option and reduce certain building-design requirements. Staff recommend retaining the proposed standards to preserve the pedestrian character of internal connections and the architectural depth and articulation of building facades, while providing flexibility elsewhere in the ODS.
- Additional affordable housing and housing program requirements. Comments included requests for greater amounts or different levels of affordable housing than established through the City and BART Exchange Agreement, as well as housing preferences or right-to-return programs, and measures addressing vacancies or rents for market-rate units. Affordable housing requirements and housing program or operational requirements are established through the Exchange Agreement, applicable law, and other applicable citywide regulations. The requested additions or changes are outside the scope of objective design standards, and staff therefore do not recommend incorporating them into the ODS.
- Changes to the adoption process and timing. Staff considered requests for additional public meetings and more time before adoption. The Exchange Agreement, adopted by the City Council and BART Board, establishes process and timeline requirements that must be met for BART to require the West Lot developer to comply with specified ODS through its real estate agreements. Staff therefore recommend proceeding within that timeline, following the public engagement and review described above. Additional opportunities for community engagement will occur through the West Lot developer's project-design process and the City's planning and design of public space along southern Adeline Street, including the new Main Plaza adjacent to Ashby BART station.

CONTACT PERSON
Alisa Shen, Principal Planner, Planning and Development Department (510) 981-7409.

Attachments:
1: Resolution
Exhibit A: Ashby BART West Lot Objective Design Standards

2: Planning Commission Supplemental Recommendations for the Ashby BART West Lot Objective Design Standards, October 7, 2026

3: Summary of Policy Framework, Technical Analyses and Public Engagement that Informed Ashby BART West Lot Objective Design Standards

4: Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

A RESOLUTION OF THE CITY COUNCIL TO ADOPT THE ASHBY BART WEST LOT TRANSIT ORIENTED DEVELOPMENT OBJECTIVE DESIGN STANDARDS

WHEREAS, the City of Berkeley and the San Francisco Bay Area Rapid Transit District (BART) have been collaborating since the 2018 passage of Assembly Bill 2923 to effectuate transit-oriented development at the North Berkeley BART and Ashby BART station areas; and

WHEREAS, in 2020, the Parties entered into a memorandum of understanding ("MOU") to identify their shared vision and priorities for transit-oriented development at the North Berkeley and Ashby BART Stations, to provide clarity on the process and timelines for pursuing development, and to begin to identify the roles and responsibilities of the City and BART in that process. Among other things, the MOU called on the City to establish a Community Advisory Group, reserve funding to support affordable housing development at the sites, and adopt zoning for the sites consistent with Assembly Bill 2923 (California Public Utilities Code sections 29010.1 et seq.) ("AB 2923"); and

WHEREAS, on April 27, 2021, the Berkeley City Council unanimously adopted Resolution 69,833-N.S. which, in part, provisionally reserved $53 million of City-controlled funds as the subsidy needed to achieve at least 35% affordable housing at each of the Ashby and North Berkeley BART sites, and allowed for a portion of the funding to be allocated to predevelopment uses; and

WHEREAS, on June 2, 2022, the Berkeley City Council approved the Joint Vision & Priorities ("JVP") in Resolution 70,402-N.S., and on June 9, 2022, the BART Board approved the JVP. The JVP expresses the City and BART's shared, high-level expectations for future development of both the Ashby and North Berkeley BART stations. The JVP was incorporated into BART's Request for Qualifications ("RFQ") for development of the North Berkeley BART Station site and the Request for Proposals ("RFP") for development of the Ashby BART West Lot; and

WHEREAS, on June 28, 2022, the Berkeley City Council adopted Chapter 23.202.150 in its Zoning Ordinance, as part of the City of Berkeley Municipal Code, adding a "Residential - BART Mixed Use (R-BMU)" zoning district, as well as additional conforming amendments to the General Plan and other sections of the Municipal Code in order to ensure that the provisions are comprehensively and consistently incorporated into its Zoning Ordinance, to govern development at the North Berkeley and Ashby BART Stations consistent with AB 2923; and

WHEREAS, on June 30, 2022, the City and BART entered into a Memorandum of Agreement ("MOA") amending and expanding upon the MOU; and

WHEREAS, on November 29, 2022, the Berkeley City Council adopted Resolution No. 70,622-N.S. approving a conceptual design for a street reconfiguration and new plaza along Adeline Street between Ashby Avenue and Martin Luther King, Jr., Way, in order to increase safety for pedestrians and bicyclists and to enhance access to the Ashby BART Station; and

WHEREAS, on December 3, 2024, the City of Berkeley Council adopted Ordinance No. 7,939-N.S. approving the Ashby BART Station Transit-Oriented Development Exchange Agreement ("Exchange Agreement"), which provided for the relinquishment of the City's option to purchase air rights over the West Lot in exchange for the City's fee simple ownership of the East Lot, and established certain minimum community benefits and project requirements for development of the West Lot and East Lot; and

WHEREAS, the City and BART subsequently executed the Exchange Agreement, effective on December 20, 2024; and

WHEREAS, Article 9 and Schedules 5.2 and 9.2.1 of the Exchange Agreement established the process, timeline, and parameters for the City's adoption of Objective Design Standards for the Ashby BART West Lot, bounded by Adeline Street, Ashby Avenue, and Martin Luther King Jr. Way, and identified as Assessor Parcel Number 053-1597-039-04, including a requirement in Schedule 5.2 that the City adopt the Final ODS within nine months after BART enters into an Exclusive Negotiating Agreement with a developer for the West Lot; and

WHEREAS, the City released Preliminary Objective Design Standards on December 6, 2024, concurrent with BART's RFP process for the Ashby BART West Lot; and

WHEREAS, following release of the Preliminary ODS, the City received and considered input from community members, the Planning Commission, BART, the selected developer team, City departments, and other stakeholders through community-wide meetings held on February 10, 2025 and July 16, 2026, smaller meetings hosted by community organizations, written comments, the July 1, 2026 Planning Commission meeting, and ongoing coordination with BART and the selected developer team; and

WHEREAS, the ODS are based on analysis of the applicable policy framework and site-specific technical constraints at the Ashby BART West Lot, including emergency responder access, station access, and BART infrastructure requirements, as further described in the Ashby BART West Lot Circulation Framework and Connections Memo included as an attachment to BART's Ashby BART West Lot RFP; and

WHEREAS, the proposed ODS are consistent with the process, timeline, parameters, and requirements for the Final ODS established by Article 9, Schedule 5.2 and Schedule 9.2.1 of the Exchange Agreement; and

WHEREAS, the ODS were developed within the framework of the R-BMU zoning (BMC Section 23.202.150), the City and BART Exchange Agreement, and applicable State law; and

WHEREAS, the ODS reflect the City and BART Joint Vision and Priorities for the North Berkeley and Ashby BART station areas, site-specific technical constraints and project requirements, and input from the community, Planning Commission, City, BART, and the selected developer team; and

WHEREAS, the City's ODS for the West Lot shall be binding on BART and the West Lot Developer without respect to any waivers, incentives or other exceptions that may otherwise be available under the Density Bonus Law or other provision of law, and BART shall require the West Lot Developer to comply with the Final ODS utilizing its real estate agreements, provided that the ODS meet requirements outlined in Exchange Agreement Schedule 9.2.1; and

WHEREAS, notice of the Planning Commission's September 16, 2026 public hearing on the Ashby BART West Lot Objective Design Standards was published in the Berkeley Voice and posted in three public places on September 4, 2026, pursuant to California Government Code Section 65090; and

WHEREAS, on September 16, 2026, the Planning Commission held a public hearing on the Ashby BART West Lot Objective Design Standards and considered all public comments received, the City staff presentation, the staff report, and other pertinent documents; and

WHEREAS, on September 16, 2026, the Planning Commission recommended that the City Council adopt the Revised Ashby BART West Lot Objective Design Standards as presented by staff and established a subcommittee to develop potential supplemental recommendations; and

WHEREAS, on October 7, 2026, the Planning Commission voted to forward the subcommittee letter to the City Council as recommendations of the full Commission and requested that staff, in consultation with the City Attorney's Office and relevant City departments, review the recommendations and make any necessary revisions to ensure they qualify as objective design standards, are written in objective terms, and are consistent with the City–BART Exchange Agreement; and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California; and

WHEREAS, the proposed objective design standards were evaluated in (1) the Ashby and North Berkeley BART Stations Transit-Oriented Development (TOD) Zoning Project Environmental Impact Report (SCH #: 2020110320) which was certified by the City

Council on June 2, 2022; and (2) the “Ashby BART TOD Contractual Agreement” Addendum, which amended that Report and the Adeline Corridor Specific Plan Environmental Impact Report (SCH # 2018072009) and which was approved by the City Council on December 3, 2024, such that no further environmental review is required.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council adopts the Ashby BART West Lot Objective Design Standards attached hereto as Exhibit A.

Exhibit
A: Ashby BART West Lot Objective Design Standards

Ashby BART West Lot TOD Objective Design Standards (ODS)

Contents

Part I: Introduction and Policy Framework 2
Introduction 2
Site Context 2
Policy Framework 4
Part II: Objective Design Standards 7
1 Land Use 7
1.1 Ground Floor Frontages 7
1.2 Building Height 10
2 Public Realm 11
2.1 Streetscape Design 11
2.2 Station Entrance Plaza Design 13
2.3 Internal Access Drives and Emergency Vehicle Access (EVA) Design 14
2.4 TPSS Access and Staging Area Design 15
3 Building Design 16
3.1 Building Massing 16
3.2 Facade Design 16
3.3 Design Elements 19

Part I: Introduction and Policy Framework

Introduction

The Objective Design Standards (ODS) for the Ashby BART West Lot establish detailed design standards for future transit-oriented development (TOD). Part I of this document provides the site context and applicable policy framework for ODS for the Ashby BART station site, followed by Part II: the Objective Design Standards for the West Lot (Figure 1). The ODS reflect the policy framework, site constraints and input from the public, BART and the West Lot Developer.

Figure 1. Ashby BART Site Context



Site Context

The Ashby BART station site consists of two areas, the East Lot and the West Lot.

The East Lot currently serves as parking for BART riders and sits behind the Ed Roberts Campus, a prior phase of TOD consisting of an 80,000 square foot universally-designed campus offering disability-related programs and services. In addition to the Ed Roberts Campus to the west, the East Lot is bounded by Tremont Street on the east, Woolsey Street on the south, and private properties to the north.

The West Lot is a triangular site that provides the primary access to the Ashby BART station for BART riders, including those driving and parking, getting dropped off, walking/rolling, and bicycling. It is bounded by Ashby Street to the north, Adeline Street to the east, and Martin Luther King (MLK) Jr. Way to the west. An existing Traction Power Substation (TPSS), as well as the footprint of a future TPSS replacement and its required maintenance and staging area, are located adjacent to Adeline, north of the station entrance area. There is a significant change in elevation across the site

with the corner of Ashby and Adeline at 124 feet, the corner of MLK Jr. Way and Adeline at 115 feet, and the corner of Ashby and MLK Jr. Way at 114 feet. The main station entrance faces the surface parking lot, and the entrance is located at 105 feet, approximately 15 feet below Adeline Street and 10 feet below MLK Jr. Way.

Future development on the West Lot and changes to Adeline Street will dramatically transform the way BART riders and community members navigate the area by limiting car access and creating walking and biking paths throughout the site. These changes, including areas for new plazas, potential development areas and circulation needs are illustrated in the diagram below (Figure 2) and described in greater detail in the *Ashby Station West Lot TOD Circulation Framework. Note that Figure 2 and similar diagrams in this document are illustrative only, and dimensions are flexible as long as all performance metrics are met.*

Figure 2. Ashby West Lot - Future Plazas and Potential Development Areas



Policy Framework

The City and BART have been closely collaborating over the past several years to advance TOD at the Ashby BART station. The City's and BART's adopted agreements, policies, and regulations form the framework for the Objective Design Standards (ODS) for the Ashby BART West Lot. In addition to the adopted agreements, policies and regulations highlighted below, development on the West Lot will also be guided by the *Ashby Station West Lot TOD Circulation Framework (*Circulation Framework*).* The *Circulation Framework* outlines requirements for fire and life safety, public access to the station, BART maintenance, TPSS, and other constraints that limit the location of development. The ODS reflect consideration of these documents, as well as State law, site planning and financial feasibility studies, and the extensive community engagement undertaken as part of the planning process to build transit-oriented development at the Ashby and North Berkeley BART sites.

Key guidance is provided by:

City and BART Ashby BART Station Transit-Oriented Development Exchange Agreement

On December 3, 2024, the City Council authorized the City Manager to execute an Exchange Agreement (Agreement) with BART to effectuate TOD at Ashby BART. Pursuant to the Agreement, the City will relinquish its air rights over the West Lot and any public rights in an adjacent area, in return for fee simple ownership of the East Lot and specified community benefits. The Agreement also defines the manner in which the City and BART will work together on developer solicitations, conditions for the City's affordable housing funding, requirements and responsibilities for public infrastructure, minimum standards and process requirements to develop City Objective Design Standards, and schedule milestones.

Regarding the West Lot, the Agreement sets forth minimum requirements for the future development project and the development capacity that the ODS will need to accommodate, as well as the process by which the ODS will be developed, approved and enforced (summarized below).

a. West Lot Development Program – Minimum Requirements. The Agreement requires that the program of the actual development must include:
   - Affordable housing meeting specified requirements,
   - A commercial component that includes a minimum of 5,000 net rentable square feet, based on BOMA ANSI[1] 2017 standards, of ground floor interior space for community-based organizations, non-profits, and/or small and minority-owned businesses, including the Berkeley Flea Market.

b. West Lot ODS – Process to Develop and Approve. The Agreement sets forth a process to develop ODS for the West Lot in phases:
   - The City has developed a set of Preliminary ODS (Part II of this document) based on the R-BMU zoning, the Joint Vision and Priorities for Transit-Oriented Development for Ashby and North Berkeley BART Stations, the Circulation Framework and other analyses of site constraints (described further below).
   - Following developer selection, the Preliminary ODS will be refined based on input from the community, the selected developer(s), BART and the City.
   - City staff will bring the revised ODS to the City Planning Commission for review and recommendation to the City Council, and the Council will consider the ODS for adoption no later than 9 months from execution of the Exclusive Negotiating Agreement between BART and the selected Developer.

c. West Lot ODS – Development Capacity and Enforcement.
   - The City's Final ODS (approved by City Council) will be binding on the selected developer(s) provided that the ODS meet the requirements outlined within Schedule

[1] BOMA ANSI: Building Owners and Managers Association American National Standards Institute.

9.2.1 of the Exchange Agreement, in which case BART will require the selected developer(s) to comply with the Final ODS for the West Lot through its real estate agreements.

- The West Lot developer(s) may invoke waivers, incentives or other exceptions, to the extent permitted by the state density bonus law (Government Code section 65915 *et seq*.) or other law, but only with respect to (i) zoning requirements other than those set forth in, or modified by, the ODS, (ii) ODS requirements pertaining to minimum square footage of active or non-residential ground floor uses, but only to the extent such requirements exceed 15,000 square feet, inclusive of the 5,000 sf minimum of ground-floor commercial space noted above, and (iii) other ODS requirements that do not pertain to height limits, setbacks/step-backs, open space or massing breaks.

City of Berkeley Zoning

In June 2022, the City Council adopted a new zoning district for the North Berkeley and Ashby BART station areas – BMC Section 23.202.150 Residential – BART Mixed Use Zoning District (R-BMU) – and related amendments to the Berkeley Municipal Code.[2] The zoning includes development standards, open space requirements, parking requirements (for the mixed-use development), and permitted uses, as well as some limited requirements relating to shaping the volume and massing of future development. Greater detail related to building form was not included because it would be addressed during the subsequent process to prepare ODS for each station area. The R-BMU zoning district includes development standards that address the following:

- Street-Facing Ground Floor Frontages
- Open Space
- Setbacks and Step-Backs
- Frontage Improvements
- Ground Floor Residential and Non-Residential Frontage
- On-Site Pedestrian Access
- Transparency
- Building Entrances
- Parking Design and Access

To satisfy requirements set forth in the City and BART-approved Exchange Agreement, the ODS account for the possibility of waivers and incentives under the state density bonus law, which a developer may use to avoid some zoning standards in the R-BMU zoning.

City and BART Joint Vision and Priorities for Transit-Oriented Development for the Ashby and North Berkeley BART Stations[3]

In June 2022, the City and BART adopted the Joint Vision and Priorities for Transit-Oriented Development for Ashby and North Berkeley Stations (JVP). The JVP expresses the City and BART's shared, high-level expectations for future development. The JVP provides important guidance on the following topics: Affordable Housing, Public and Civic Space, Land Use, Building Form, and Station Access and Parking. The JVP includes aspirational statements as well as minimum requirements. Each topic includes an overall vision statement, followed by shared priorities for both station areas and additional priorities specific to each station, where applicable.

Adeline Street Transportation Improvements Project (City of Berkeley)

As part of a larger City-led project, two of the existing four traffic lanes of Adeline Street adjacent to the West Lot will be repurposed to create a new public pedestrian plaza (Adeline Main Plaza). The Adeline Main Plaza is intended to provide a permanent home for the Berkeley Flea Market (which

[2] https://berkeley.municipal.codes/BMC/23.202.150.
[3] https://berkeleyca.gov/sites/default/files/documents/JVP%20-%20final%20adopted.pdf.

currently uses the Ashby BART parking lot on weekends) as well as open space and space for community events like Juneteenth and other programming. The project scope of work also includes redesigning the intersections of Adeline/Ashby, Adeline/Woolsey and Adeline/MLK Jr. Way adjacent to Ashby BART. The scope of the full project will include protected bikeways, upgraded traffic signal infrastructure, enhanced public transit operations, and intersection realignment to create new opportunities for public space on Adeline Street from Ashby Ave to the Berkeley/Oakland border at Adeline St./Stanford Ave./62nd St./MLK Jr. Way intersection. The goals of the project are to improve safety and access for all modes of transportation and all ages and abilities, while also meeting the needs of public transit and emergency vehicles. In addition to the public plaza at the Ashby BART Station, the Adeline Street/MLK Jr. Way and Adeline Street/Stanford Avenue/MLK Jr. Way intersections have been identified through the Adeline Corridor Specific Plan as opportunities for future public space or development.

2020 Pedestrian Plan, 2017 Berkeley Bicycle Plan

The City's 2020 Pedestrian Plan and 2017 Bicycle Plan set policy for streetscape design and character including preferred sidewalk widths.[4, 5]

[4] https://berkeleyca.gov/your-government/our-work/adopted-plans/pedestrian-plan-2020.
[5] https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-bicycle-plan.

Part II: Objective Design Standards

1 Land Use

1.1 Ground Floor Frontages

Commercial Location Requirements

The R-BMU zoning sets requirements for permitted street-facing ground floor uses in BMC 23.202.150(F)(2), Table 23.202-22. The ODS modifies the R-BMU requirements as outlined in sections 1.1.1 and 1.1.2 below.

These standards anticipate that the project will utilize a waiver under the state density bonus law of R-BMU zoning standards in Table 23.202-20 for minimum active ground floor commercial frontage requirements, consistent with the minimum ground-floor use requirements established by the City and BART Ashby BART TOD Exchange Agreement.

Pursuant to the Exchange Agreement: a minimum floor area of 15,000 square feet of active or non-residential ground-floor uses shall be provided on the site.[6] These uses are generally permitted anywhere on the site except as specified below.

1.1.1 Ground Floor Active and Other Publicly Accessible Non-Residential Uses

1. "Active Uses", as defined in BMC Section 23.202.150(F)(2) Table 23.202-20, Note 1) , consist of commercial uses in the following categories: Retail, Personal and Household Services, Food and Alcohol Service and Entertainment. Active Uses shall also include Bar/Cocktail Lounge/Tavern/Tap Room/Wine Tasting as defined in BMC Chapter 23.502.
2. Other Publicly Accessible Non-Residential Uses. For purposes of these standards, "Other Publicly-Accessible Non-Residential Uses" include the following uses as defined in BMC Chapter 23.502, Glossary:

    a. Group Instruction
    b. Health and Fitness Center
    c. Child Care Center
    d. Community Care Facility
    e. Community Center
    f. Library
3. Active Uses, as defined above and shown in **Figure 3**, are required at the following three locations:
    a. **Ashby Avenue and Adeline Street (Development Area A)** with a minimum floor area of 1,200 square feet. If the proposed project does not have an at-grade connection to the Ashby/Adeline Corner Plaza, this requirement does not apply.
    b. **Ashby Avenue and Martin Luther King Jr. Way (Development Area A)** with a minimum floor area of 1,200 square feet.
    c. **Martin Luther King Jr. Way and Station Entrance Plaza** (**Development Area B**) with a minimum of two spaces with at least 1,200 square feet of floor area each, or one space with a minimum floor area of 2,400 square feet.
    d. **Restaurant-Ready Design.** The Active Use spaces required at the three locations above shall be designed as "restaurant-ready" spaces, with installed equipment or space

[6] City and BART Ashby BART TOD Exchange Agreement (December 2024).

designed to allow tenant spaces to be retrofitted to restaurant-use standards, including required enhancements for HVAC exhaust shaft to the roof and stub-outs for plumbing and grease traps.

4. **Adeline Street Frontage.**
    a. In Development Area B, between the TPSS and Station Entrance Plaza, where a building provides an at-grade connection to the Adeline Main Plaza, a minimum of 60% of continuous ground-floor building frontage shall be occupied by Active Uses and/or Other Publicly-Accessible Non-Residential Uses, as defined above.
    b. In Development Area C, between the Station Entrance Plaza and the south BART exhaust vent, a minimum of 40 percent of the ground-floor building frontage shall be occupied by Active Uses and/or Other Publicly-Accessible Non-Residential Uses, as defined above.
5. **Design Standards for Active Uses and Other Publicly Accessible Non-Residential Uses.** All ground floor spaces occupied by an Active Use or Other Publicly-Accessible Non-Residential Use, wherever located on the site, shall comply with the following standards:
    a. **Minimum Depth.** Spaces shall have a minimum depth of 30 feet, except in Development Area C, where spaces shall have a minimum average depth of 30 feet and total minimum depth of 25 feet.
    b. **Flexible Subdivision.** Spaces shall be able to be subdivided into leasable commercial area widths between 15 and 20 feet and have potential for individual entries.
    c. **Warm Shell/White Box Ready.** Spaces shall be constructed to warm shell standards with necessary infrastructure to be leased. Cold shells are prohibited.
    d. **Storefront Transparency.** Spaces shall be 50% transparent between 3 feet and 7 feet from sidewalk grade.

1.1.2 Ground Floor Residential Uses

1. Ground floor Residential Uses are permitted where Active Uses or Other Publicly-Accessible Non-Residential Uses are required pursuant to Section 1.1.1.

Figure 3. Ground-Floor Requirements: Active Uses and Other Publicly Accessible Non-Residential Uses



1.2 Building Height

The R-BMU development standards provide for a maximum building height of 80 feet and 7 stories. See BMC Section 23.202.150 (Table 23.202-21). However, future development on the West Lot may be eligible to utilize provisions of the State Density Bonus law for increases in density and/or a certain number of concessions and/or waivers of development standards (such as height) which would otherwise physically preclude the construction of the development. In the event that a building or buildings taller than 80 feet and 7 stories (pursuant to BMC Section 23.202.150(F)(1)) are permitted by State Density Bonus law, the standards described below shall apply.

The goal of the height distribution is to locate the tallest buildings along Adeline Street, step down to MLK Jr. Way, and to limit height along Ashby Avenue to reduce shadow impacts on the neighborhood to the north.[7] See Figure 4.

1. Buildings fronting MLK Jr. Way north of the Station Entrance Plaza shall not exceed 85 feet in height, as measured from average sidewalk grade, for the first 60 feet of building depth along MLK Jr. Way.
2. Buildings fronting MLK Jr. Way south of the Station Area shall not exceed 85 feet in height, as measured from average sidewalk grade, for the first 60 feet of building depth as measured perpendicular to Adeline Street and then parallel to Adeline Street until it meets MLK Jr. Way.
3. Buildings located in area A shall not exceed 120 feet in height.
4. Buildings located in area B shall not exceed 200 feet in height.
5. Buildings located in area C shall not exceed 160 feet in height.

Figure 4. Maximum Height (State Density Bonus Eligible Project)



[7] The 85-foot height limit along portions of Martin Luther King Jr. Way may be modified to a 95-foot height limit for projects that meet eligibility requirements of SB 79.

2 Public Realm

2.1 Streetscape Design

2.1.1 Sidewalk Design

The Circulation Framework for the Ashby BART West Lot TOD established the City and BART's high-level requirements related to fire and life safety, station access, BART maintenance and operations, the Traction Power Substation, sidewalk design and pedestrian, bicycle, and vehicle circulation.

Figures 5 and 6 below establish the applicable sidewalk sections along Ashby Avenue and Martin Luther King Jr. Way. The sidewalk section shown for Martin Luther King Jr. Way north of the Station Entrance Plaza also applies south of the Station Entrance Plaza and supersedes the sidewalk-level cycle track configuration shown in the Circulation Framework. Exceptions may be made in locations where existing trees outside of the existing ROW are maintained.

It is not anticipated that the existing curb line to median dimension will change along Martin Luther King Jr. Way (MLK Jr. Way). North of the Station Entrance Plaza, MLK Jr. Way will include a parking/loading lane and two travel lanes. South of the Station Entrance Plaza, MLK Jr. Way will include a two-way on-street protected cycle track and two lanes of traffic.

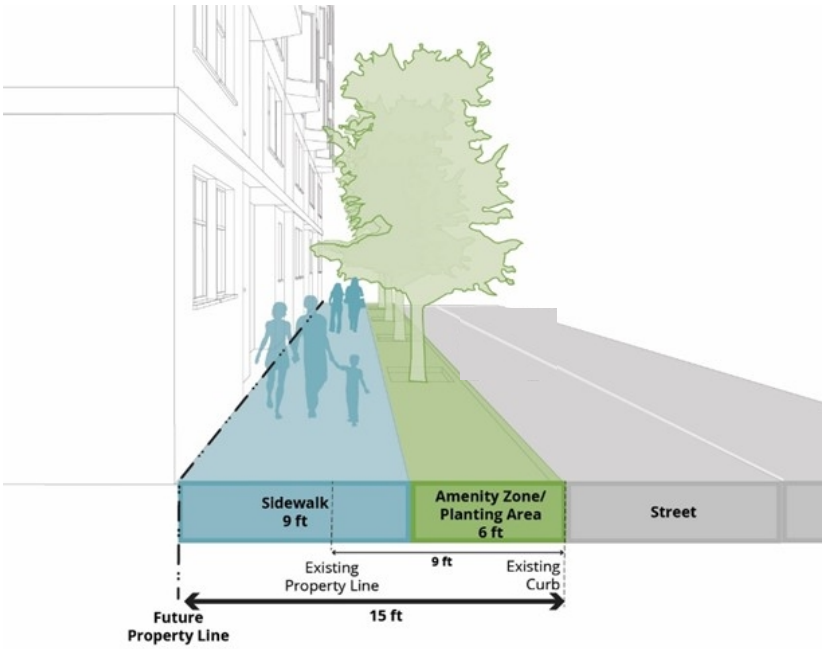
As the West Lot TOD project and Station Access Plan advance through more detailed design, modifications to the street and sidewalk dimensions shown below may be approved by the City, in coordination with BART where site circulComation affects the public right-of-way, provided that the modified design continues to meet applicable requirements for pedestrian circulation and accessibility, bicycle connectivity, station access, emergency response, BART operations, and other City circulation functions.[8]

[8] All changes to the public right-of-way as part of the Ashby BART West Lot TOD project will receive final design review by and be subject to approval of City of Berkeley Public Works staff pursuant to the established City development review process. Street frontage improvements, including signing and striping, shall be included with the building permit submittal, designed and constructed as directed by the Public Works Engineering, Public Works Transportation, and Fire Departments in their approval of the building permit sets, and constructed by the building permit holder prior to certificate of occupancy.

Figure 5. Diagram of Ashby Avenue



Figure 6. Diagram of MLK Jr. Way



2.1.2 Street Trees + Planting Area/Amenity Zone

The following standards apply to Ashby Avenue and MLK Jr. Way.

1. Pattern. Trees shall be planted with a minimum of one tree per 25 linear feet of sidewalk length. Exceptions may be made in locations where existing infrastructure, utilities, or BART tunnel prohibit planting of trees. Existing trees should be maintained where possible.

2. Location. Trees shall be evenly spaced between the curb and sidewalk or evenly spaced within the width of a planting strip. Trees shall be planted so that at maturity the trunk is at least three feet from the face of curb where loading occurs.

3. Ground Plane. Trees shall be provided in planters a minimum of three feet wide and a minimum of six feet long located 18 inches from the face of curb. Exceptions may be made in locations where existing infrastructure, utilities, or BART tunnel prohibit planting of trees.

4. Subsurface design for new trees.

    a) A minimum of 120 cubic feet of well aerated soil per inch of trunk diameter at maturity shall be located within six feet of each tree.

    b) Continuous structure soil with a minimum width of four feet shall connect all consecutive street trees.

2.1.3 Frontage Character and Building Setbacks

The R-BMU zoning regulates building setbacks, residential ground floor character, and location/frequency of building entrances.

Martin Luther King Jr. Way

1. Where ground floor residential units front MLK Jr. Way, the first two floors or first floor with a minimum 15 feet clear height from sidewalk grade shall be set back a minimum of 5 feet to provide space for stoops, landscaping, and improve privacy for ground floor units.

2. Where a building is directly fronting a bikeway or multi-use path, rather than a sidewalk, the ground floor shall be set back a minimum of 3 feet to create a buffer to the cycle track.

    a. The buffer shall have a dimensional depth to include all door swings, utility areas, or other staging areas so that at no point shall the bikeways be impacted with building access.

    b. Where building lobby entrances are located, doorways shall be set back a minimum of 8 feet and include a minimum 64 square foot area between the doorway and bikeway.

    c. Planters located in the setback area shall not exceed 18 inches in height.

2.2 Station Entrance Plaza Design

The *Circulation Framework* identifies the functional requirements of the Station Entrance Plaza including a bicycle and pedestrian ramp that will line the Development Area C frontage of the Station Entrance Plaza. The ODS sets requirements for buildings facing the Station Entrance Plaza.

2.2.1 Frontage Character

1. See also Section 1.1.1(3)(c) for ground-floor requirements.

2. Where blank walls, maintenance, and utility areas are located, a minimum 2 feet wide planter shall be provided to create a landscaped buffer between pedestrian areas and the building facade. Bicycle facilities, such as bicycle parking, may be located within the buffer area and may be paved rather than landscaped.

3. Door swings on building frontages shall not encroach on identified paths of travel.

4. Blank walls greater than 6 feet in height shall not exceed 30 feet in length or shall include public art.

2.3 Internal Access Drives and Emergency Vehicle Access (EVA) Design

The *Circulation Framework* identifies the functional requirements for access drives to the Traction Power Substation (TPSS) staging area and an EVA connection from the TPSS access drive to the Station Entrance Plaza. The access drive will also be used for private vehicle access to parking structures located within the TOD buildings. The following standards add design guidance for these circulation and emergency access requirements. Please refer to the *Circulation Framework* for dimensional requirements.

2.3.1 Access Drive Design

1. Access drives (see Figure 7)

    a) Access drives with public vehicle access shall have a minimum building-to-building width of 56 feet.

    b) Access drives used solely for emergency vehicle access shall have a minimum average building-to-building width of 48 feet and an absolute minimum building-to-building width of 40 feet.

2. Emergency Vehicle Access shall be designed to the minimum width allowed by Berkeley Fire Department to reduce hardscape and increase tree canopy coverage.

    a) The access drive shall have a minimum 26-foot width where fire units may need to lay fire water supply hose or set up an aerial fire apparatus. If there are areas where this does not apply, then a 20-foot width may be acceptable upon review and approval by the Berkeley Fire Department. The secondary EVA may include building bridges over the access drive.

3. If a building bridge is located over the EVA, the overhead bridges shall have a minimum 20 feet clear height from grade to create inviting space and gateway. In addition, the following fire department requirements shall be met:

    a) Where the EVA passes under any overhead bridges, other than a momentary overhead obstruction, an Alternative Materials and Methods Request (AMMR) will be required by the Fire Department. Building bridges shall have a minimum 13.5-foot height clearance and shall not be deeper than 30 feet.

    b) The access drive shall have a minimum 26-foot width where fire units may need to lay fire water supply hose or set up an aerial fire apparatus. If there are areas where this does not apply, then a 20-foot width may be acceptable upon review and approval by the Berkeley Fire Department.

4. Where private vehicle access is not required, the required EVA width shall be designed primarily for pedestrian use as pedestrian pathways. See Figure 7. Dimensions for EVA may vary and are subject to Berkeley Fire Department Review.

5. Trees shall be located on either side of the access drive to make the access drive look and feel like a street or pedestrian pathway. Where trees are not provided on both sides of the access

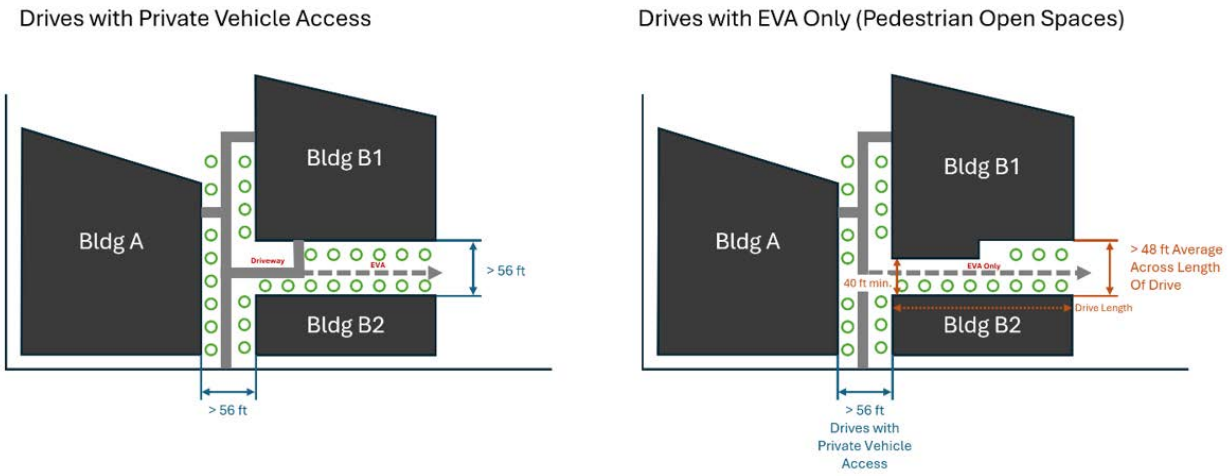
drive, additional planting, art, or other elements shall be provided to enhance the pedestrian experience and buffer parking and utility area frontages.

6. Planting in above grade courtyards and parking podiums shall have a minimum soil depth of 12 inches for ground cover, 20 inches for shrubs, and 36 inches for trees. Trees planted shall have minimum of 120 cubic feet of well aerated soil per inch of trunk diameter at maturity.

2.3.2 Frontage Character fronting Internal Access Drives

1. **Building Setbacks.** Ground floor residential units shall be set back a minimum of 5 feet from a publicly accessible sidewalk or pedestrian pathway. Building setbacks shall have a minimum 60% landscaped area.

Figure 7. Diagram of Access Drive Required Dimensions through Development Areas A and B (Illustrative Concept)



2.4 TPSS Access and Staging Area Design

The *Circulation Framework* provides design guidance for TPSS staging area and access to the TPSS and BART station facilities. The following standards address the buildings fronting these areas and areas outside of required staging and access areas.

2.4.1 TPSS Access and Staging Area

1. A planting area shall be located between the TPSS access and staging area and TOD buildings.
2. The planting area shall be designed to include trees. The planting area may be adjacent to the building facade or offset to provide pedestrian pathways.
3. Trees planted shall have minimum of 120 cubic feet of well aerated soil per inch of trunk diameter at maturity.

2.4.2 Frontage Character

1. Where blank walls, maintenance, and utility areas are located, a minimum 2 feet wide planter shall be provided to create a landscaped buffer between pedestrian areas and the building

facade. Bicycle facilities, such as bicycle parking, may be located within the buffer area and may be paved rather than landscaped.

2. Door swings on building frontages shall not encroach on identified paths of travel.

3. Blank walls greater than 6 feet in height shall not exceed 30 feet in length or shall include public art.

3 Building Design

3.1 Building Massing

3.1.1 Maximum Building Length and Facade Lengths

Ashby Avenue Frontages

1. Buildings fronting Ashby Avenue shall not exceed 275 feet in length unless there a Building Break meeting the requirements below is provided.
2. A Building Break is a substantial break in the overall building massing that extends from the ground through the roof plane of the building. Building Breaks shall have a minimum width and depth of 25 feet and shall extend to a circulation or common space with visual access through to the other side of the building. Glazing used to provide visual access shall meet bird safe design requirements.
   (Note: *Existing continuous block from Martin Luther King Jr. Way to Adeline Street is approximately 370 feet in length).*

All Frontages

3. A Facade Plane is the portion of a building facade located between building corners, Building Break or Major Break. Facade Planes shall not exceed 180 feet in length.
4. A Major Break shall have a minimum width of 5 feet, minimum depth of 3 feet and a minimum horizontal area of 36 square feet.

3.1.2 Corner Buildings and Vertical Height

Buildings located on Ashby Avenue at the corner of MLK Jr. Way and Adeline Street shall have a distinct corner building form. The distinct corner form shall be a minimum 25 feet in length along each facade and include one or more of the following:

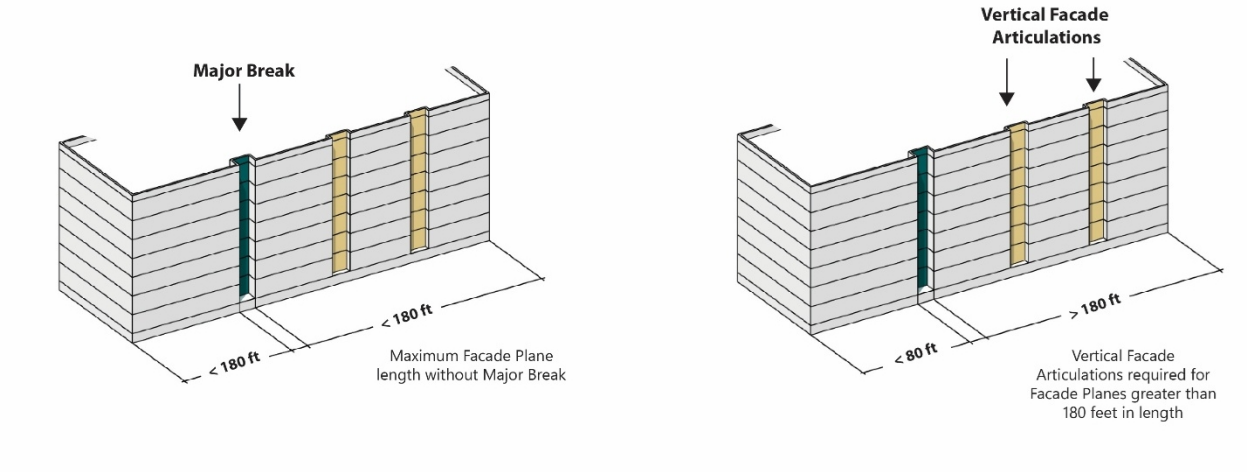
1. A change in roof form from the other portions of the building.
2. A change of building facade height greater than 8 feet from other portions of the building. Change in height can be higher or lower than the adjacent other portion of the building.

3.2 Facade Design

3.2.1 Vertical Rhythm and Pattern

Building facades facing publicly accessible places shall express a vertical rhythm and pattern that reflects the size and scale of a residential unit and/or individual rooms or shall be designed with custom details to create an ornamental facade. Facade planes fronting a public street or publicly accessible space exceeding 80 feet in length shall meet the following standards for either Vertical Facade Articulations or Ornamental Facades (see Figure 7). Facade planes are measured from corner of building to corner of building or Major Break as defined in 3.1.1.

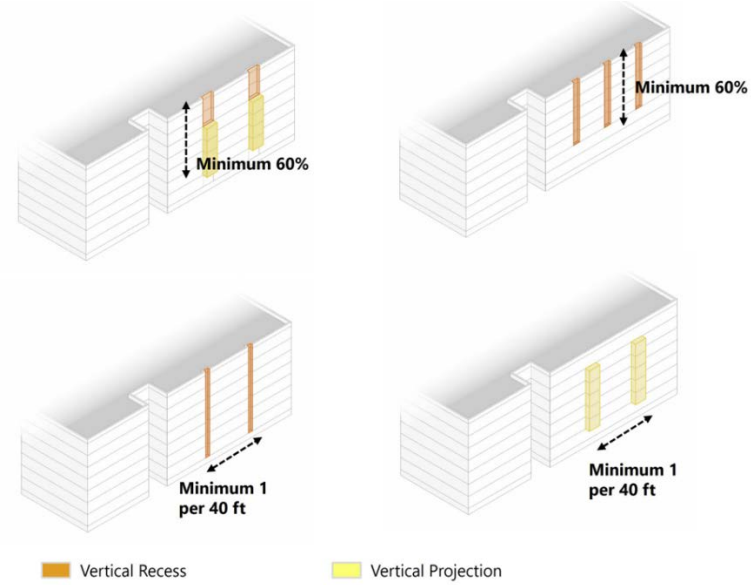
Figure 8. Diagram of Major Breaks and Vertical Façade Articulations



3.2.1.1 Vertical Facade Articulations:

1. A vertical recess, projection, or change in the facade plane of the building massing shall meet the following spacing requirements:
    a. For buildings less than or equal to 85 feet in height: A vertical recess, projection, or change in the facade plane of the building massing occur at an average minimum of one per 40 feet of linear facade length with no facade length greater than 50 feet in width without a vertical recess, projection, or change in the facade plane that meets the standards below.
    b. For buildings greater than 85 feet in height: A vertical recess, projection, or change in the facade plane of the building massing shall occur at an average minimum of one per 80 feet of linear facade length, with no facade length greater than 110 feet in width without a vertical recess, projection, or change in the facade plane that meets the standards below.
2. The vertical recess, projection, or change in the facade plane of the building massing shall have a minimum depth of 2 feet.
3. The vertical recess, projection, or change in the facade plane shall occur for a minimum 60% of the facade height measured from the average ground plane to the top of structure for the specific facade plane of the minor break/modulation.
4. The minimum width of a recess or change in the facade plane shall be 2 feet and maximum width shall not exceed 40 feet. Recesses and changes in the facade plane shall extend through the roof plane.
5. The minimum width of a projection shall be 4 feet, and maximum width shall not exceed 15 feet.

Figure 9. Diagram of Vertical Façade Articulation Types



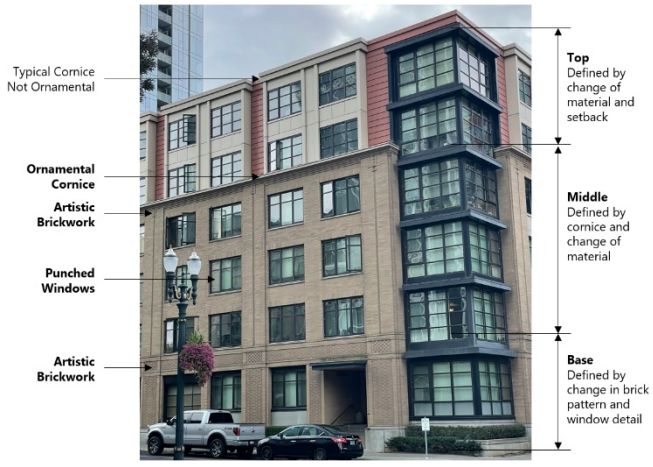
3.2.1.2 Ornamental Facade.

1. Ornamental facades shall include a distinct building base, middle, and top defined by a cornice with a minimum height of 8 inches and minimum projection depth of 6 inches. Cornices defining a building top shall have a minimum of two depth levels.

2. Ornamental facades shall exceed 5% of the facade area. Ornament shall include features such as cornices, sculptures, artistic inlays or reliefs, decorative tile, decorative molding around windows, or other artistic add-ons to the facade. Ornamentation must deviate in color or material from the wall material behind it or be of high- quality material such as brick, stone, ceramics, metal, wood, tile, or fiber-cement board. Ornament shall not include built-up stucco trim or molding (also known as “plant-ons”).

3. Windows shall be punched with a minimum recess of 4 inches from the facade.

Figure 10. Example of Ornamental Façade



3.2.2 Building Projections

1. Stoops, porches, decks, landings, and stairs less than 6 feet in height may project into required setback areas (less than 8 feet in height along Ashby Ave).
2. Building features including eaves, cornices, canopies, awnings, and other weather protection features like sun-shades may project a maximum of 3 feet into required setback areas. Weather protection over stoops, porches, and building lobbies may project to the property line.
3. Building projections including balconies and bay windows features may project a maximum of 3 feet into required setback areas or public right-of-way. Projections over the right-of-way require a Minor Encroachment Permit from the Department of Public Works.
    a. Building projections shall not exceed 25% of the facade length of the building wall to which it is attached.
    b. Building projections shall have a minimum 12 feet clear height from sidewalk grade.
4. Building projections are not allowed over interior lot lines. Required vertical rhythm and pattern articulation for building facades shall occur within the interior parcel lines.

3.2.3 Additional Facade Standards

1. **Ground Floor Residential Entries** All ground floor residential units fronting a public street, an interior access drive or EVA shall provide entries to a publicly access pathway in the form of stoops or other exterior entries, or balcony or patio without entrance to the pathway or sidewalk, with a minimum area of 20 square feet. Senior units or other deed-restricted units for special needs populations are exempt.
2. **Required Openings**. Ground-level exterior walls facing and within 20 feet of a front lot line or publicly accessible pathway or Public Open Space shall run in a continuous plane for no more than 30 feet without a window, door, or other similar building opening.
3. **Light Screening.** Parking garages shall be designed such that interior lighting is fully shielded, and automobile headlamps are not visible from adjacent buildings, parcels, streets, public parks, publicly accessible outdoor space or designated open space area.

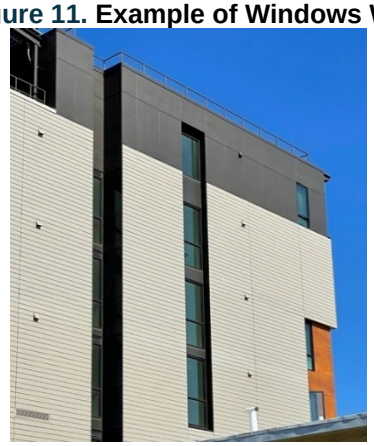
3.3 Design Elements

3.3.1 Fenestration

Windows shall meet one of the following requirements:

1. Windows shall be punched with a minimum recess of 2 inches from the facade or shall be framed with a minimum projection of 4 inches from the facade. Built-up stucco trim or molding (also known as “plant-ons”) are prohibited.
2. Windows that are flat or flush with the facade are prohibited unless applied to a recessed portion of the building facade with a minimum of four inches in depth. Vertical window edges shall be directly adjacent to recess.

Figure 11. Example of Windows Within a Recess and Framed Windows





3.3.2 Materials

No single material shall cover more than 80% of the cumulative facade area (excluding windows, doors, garage doors, and building trim) of a building except for high-quality materials such as brick, stone, ceramics, metals, fiber-cement panels, or other composite panel systems.

3.3.3 Public Art

Public art shall be distributed sitewide.

Attachment 2

Planning Commission Supplemental Recommendations for the Ashby BART West Lot Objective Design Standards

Background:

On September 16, 2026, the Planning Commission recommended that the City Council adopt the Revised Ashby BART West Lot Objective Design Standards (ODS) as presented by staff and established a subcommittee to develop potential supplemental public-realm recommendations.

On October 7, 2026, the subcommittee shared their recommendation to the full Commission. The Commission voted to forward the subcommittee's letter to the City Council as recommendations of the full Commission. It also requested that staff, in consultation with the City Attorney's Office and relevant City departments, review the recommendations and make any necessary revisions to ensure they qualify as objective design standards, are written in objective terms, and are consistent with the City–BART Exchange Agreement.

The subcommittee letter follows.

Planning Commission Subcommittee Report
Ashby BART Objective Design Standards (ODS)
October 5, 2026

Dear Planning Commissioners:

Planning Commissioners Alfred Twu, Angela Wang and Blaine Merker met as a subcommittee to further study the Ashby BART objective design standards proposed by staff at the 9/16/26 Planning Commission Meeting. The Planning Commission voted to recommend that the standards as proposed by staff be forwarded to the City Council as-is, with the provision that this subcommittee would study and develop additional improvements or additions to be included as a letter to Council. This report includes the additional recommendations from this subcommittee.

During the 9/16/26 meeting, some public commenters expressed concern that the ODS didn't adequately address provisions for community open space, ecological features and public gathering in the neighborhood and within the project. Many of the issues raised were complex and cannot be addressed within the framework of ODS. Some are being addressed in separate projects, are larger scale city issues, have significant technical constraints on this site, or would impact the target capacity for housing already settled through years of public process and set forth in the Joint Vision and Priorities document and BMU zoning.

Without weighing in on all of the comments expressed at the public hearing, this subcommittee feels that there are some improvements to be made to the ODS that will allow for a more vibrant, high quality and human scale public realm that serves both the many future residents on this site and the general public who will use the BART station. We have focused our recommendations only on factors that can be addressed through ODS and that we understand are practical and feasible to implement, without impacting the housing goals of the project.

The Ashby BART project will be home to hundreds of future residents of all ages and household types, living in denser and more urban conditions than are typical of the neighborhood today. Therefore it is critical that the public spaces of the project be of a quality and robustness that invites the fullest level of vibrancy possible, accommodates both moving and staying, and supports users of all ages. We believe the additions detailed below can meet these goals in accordance with the Exchange Agreement and expressed community needs without delaying the project.

Additions and Modifications to the ODS for Consideration
Rationale discussed by the subcommittee is shown in italics

2.1 Streets and Sidewalks
The current ODS provides tree spacing requirements on MLK and Ashby but does not ensure their installation size, mature size, or establishment requirements.

2.1.2 Street Trees + Planting Area/Amenity Zone

- Street trees shall be selected from city approved list that, at mature size, provide at least 40' crown diameter. Trees shall be planted as a minimum 24" box and provided irrigation and no less than three years' establishment warranty.

2.2 Station Entrance Plaza Design
The current ODS has little to say about the station entrance plaza (144 of the 4280 words in the ODS), though it is one of the most central public features of the project and will be used by large numbers of people. It is arguably the living room and heart of the project. These recommendations address elements that the ODS was silent on but would provide for the structural conditions of successful public spaces: 1) comfort and protection, 2) access to nature, 3) places to gather, 4) places to sit or stay, 5) provisions for different aged users.

- Trees shall be planted in the plaza to provide not less than 25% canopy coverage at maturity, as a portion of the total plaza area. Trees shall be planted as a minimum 24" box and provided irrigation and no less than three years' establishment warranty.
- Seating shall be provided within the plaza to accommodate at least ⅓ of the number of users in an active period. Because the exact plaza size is not fixed and "active" is open to interpretation, we recommend calculating this number based on the following formula:
    - Size in square feet x 0.005 x 33% (based on 50 users per 10,000 square feet as a target for active use – typical of other plazas in the region when active). Example: 24,000 square foot plaza x 0.005 x 33% = 40 seats
    - This provision may be satisfied with site furnishings or integral site elements such as seatwalls, provided the geometry is equivalent to a typical seat.
    - Not less than 50% of the seating shall be shaded by tree canopy coverage at its mature size.
- The plaza shall provide not less than one drinking fountain.
- A children's play feature shall be provided within the Station Entrance Plaza. This requirement can be satisfied with formal or informal play features.

2.3 Internal Access Drives and Emergency Vehicle Access (EVA) Design
The internal EVA drives can function as public spaces and extensions of the station entrance plaza, providing additional capacity and options for residents. We assume at least the B1/B2 street will be provided as the EVA-only option, which effectively makes it a resident woonerf-

style public space. Current ODS does not specify tree spacing, which makes the requirement for either trees or public art ineffective since there's no way to measure fulfillment.

2.3.1 Access Drive Design

- Internal access drives shall provide pedestrian amenities along both sides, including but not limited to seating, at the rate provided in the plaza requirements in Section 2.2.
- Emergency Vehicle Access drives within the Station Entrance Plaza and the internal north-south street between buildings B1 and B2 shall be curbless.
- Trees shall be provided on both sides of the street to the specifications listed for MLK and Ashby in Section 2.1.2, but if a tree is not feasible within 10' of a specified location, substitutions with "other elements" that "enhance the pedestrian experience and buffer parking and utility area frontages" as specified in Section 2.3.1 (5) shall be of similar height to the mature clear trunk of the street trees or 20% of the width of their mature crown. *(This ensures any tree substitute that is not public art is not simply a trash can, but would need to be of a scale that reads as a continuation of the tree pattern.)*

2.4 TPSS Access and Staging Area

The current ODS does not specify the amount/coverage of trees, their size at maturity or planting, or provide the elements for long-term health and establishment. We understand the TPSS Staging Area can be used as an ad-hoc public space when not in use by BART for staging. However, the ODS does not provide for "eyes on the space" safety principles or physical access that would be advisable for this use, given the staging area's isolated configuration on the site.

2.4.1 TPSS Access and Staging Area

- The TPSS Staging Area shall be designed to be accessible to residents when not in use for staging, with paving quality and exterior landscape finishes at least as high quality as the sidewalks of internal streets and the station entrance plaza.
- The TPSS Staging Area shall be lit similarly to other public spaces in the project and provide for sightlines that allow for substantial visibility both into and out of the staging area. At least two pedestrian exit points shall be provided.
- The public access point to the TPSS Staging Area shall be clear and visible from other public areas. Residential buildings may access the TPSS Staging Area directly from their ground floors and shall not be prohibited from access when TPSS Staging is not in use by BART.
- Trees shall be provided at a coverage of no less than 50% of the provided buffer planter area, measured by the mature crown width. Trees shall be provided with the same box size, irrigation and establishment warranty as those listed in the street tree section, Section 2.1.2. *(This allows for trees to be narrow if needed for TPSS staging requirements.)*

3.3 Design Elements

The conditions around the station entrance plaza and the future plaza along Adeline are significantly different given the cultural tradition of live music and public gathering that the project expects to continue. Given this outdoor condition of intermittent noise, buildings should be designed to minimize future conflicts between indoor and outdoor users.

3.3.4 Events and Noise

- Window glazing - Building design should assume there will be live music in the Station Entrance Plaza and Adeline Street Main Plaza

Attachment 3

Summary of Policy Framework, Technical Analyses and Public Engagement that Informed Ashby BART West Lot Objective Design Standards

This document summarizes adopted City policies, and City–BART agreements and policies and key technical analyses that shaped the ODS, along with the public engagement that informed their development.

A. Adopted Policies, Agreements and Regulations

Date(s)	Document(s)/Action(s)	Relationship to Ashby West Lot ODS
Sep. 2018	Assembly Bill 2923	AB 2923 required BART to establish transit-oriented development (TOD) zoning standards for eligible BART-owned properties within one-half mile of a BART station in Alameda, Contra Costa, and San Francisco counties. These standards address building height, residential density, floor area ratio, and parking. Local jurisdictions had until July 1, 2022, to adopt zoning that met or exceeded the applicable standards; otherwise, BART's standards would apply. The legislation prompted development of BART's TOD zoning standards, which informed the City's Residential-BART Mixed Use (R-BMU) zoning for the Ashby and North Berkeley station areas. That zoning forms part of the policy framework for the Ashby West Lot ODS.
Mar. 2020	City and BART Memorandum of Understanding	The 2020 City and BART MOU established a framework for development at the Ashby and North Berkeley BART stations. It called for a Community Advisory Group and other community engagement, reservation of City funding to support at least 35% affordable housing at both sites, and adoption of zoning consistent with AB 2923. These commitments helped establish the policy framework for the Ashby BART West Lot ODS.
Dec. 2020	Adeline Corridor Specific Plan, Zoning and General Plan Amendments and EIR[1]	The Adeline Corridor Specific Plan establishes a long-term vision and policies for housing, economic opportunity, transportation, and public space in South Berkeley, including mixed-use development at Ashby BART. Its adopted policies and related zoning helped inform the City–BART Joint Vision and Priorities and subsequent planning for the West Lot ODS.
Apr. 2021	City Council Affordable Housing Funding Reservation for the N. Berkeley BART and Ashby BART Station Areas[2]	Based on an economic feasibility analysis, Council provisionally reserved $53 million for both station areas to support at least 35% affordable housing at each station, fulfilling a funding milestone in the 2020 City–BART MOU. This reservation supported the affordable housing commitments subsequently reflected in the 2024 Ashby Exchange Agreement, which established development parameters for the West Lot ODS.

[1] Resolution No. 69,642–N.S. – Adoption of the Adeline Corridor Specific Plan and related General Plan text and map amendments; certified the EIR and made related CEQA findings (adopted December 8, 2020); Ordinance No. 7,744–N.S. Established the Commercial–Adeline Corridor zoning district, added BMC Chapter 23E.70, and adopted related zoning text and map changes. (adopted December 15, 2020)
[2] Resolution No. 69,833–N.S. – Approval of Funding Reservations for the Ashby and North Berkeley BART Stations and Approval of One or More Notices of Funding Availability to Support Affordable Housing Projects (adopted April 27, 2021).

Attachment 3

Date(s)	Document(s)/Action(s)	Relationship to Ashby West Lot ODS
Jun. 2022	City and BART Memorandum of Agreement (MOA)[3]	The 2022 MOA expands on the 2020 MOU and establishes City and BART commitments to cooperatively pursue TOD at both stations. For Ashby, it identifies steps and timelines to address the City's option to purchase West Lot air rights, development of ODS, developer solicitation, and a future location for the Berkeley Flea Market. These commitments helped establish the process and policy framework for the West Lot ODS.
	City and BART Joint Vision and Priorities for Ashby and North Berkeley BART Transit Oriented Development (JVP)	Approved by the City Council and BART Board, the JVP expresses shared expectations for development at both stations. It establishes shared and station-specific priorities across five topics: Affordable Housing, Public and Civic Space, Land Use, Building Form, and Station Access, including a priority of 500–1,200 homes at each station. Its development parameters and design guidance informed the West Lot ODS.
	City - Residential – BART Mixed Use Zoning District	To comply with AB 2923, the City Council adopted BMC Chapter 23.202.150, establishing the Residential-BART Mixed Use (R-BMU) zoning district for the North Berkeley and Ashby BART station areas. The zoning establishes development parameters and selected design standards, with more detailed, site-specific requirements anticipated through subsequent technical studies and ODS development. The R-BMU zoning provides the regulatory framework upon which the West Lot ODS build.
Nov. 2022	City – Adeline at Ashby Roadway Redesign Concept[4]	The City Council approved a conceptual design for a street reconfiguration and new plaza along Adeline Street between Ashby Avenue and Martin Luther King, Jr., Way, in order to create space for new plaza and increase safety for pedestrians and bicyclists and to enhance access to the Ashby BART Station. This conceptual design superseded the design in the Adeline Corridor Specific Plan for this section of Adeline Street and informed the development of the West Lot ODS.
Feb. 2023	BART's Berkeley-El Cerrito Corridor Access Plan (BECCAP)	The Berkeley–El Cerrito Corridor Access Plan (BECCAP) analyzes how residents who currently drive and park at BART stations could access the corridor's stations after TOD replaces the parking lots. It informed the BART Board's adoption of patron parking maximums for North Berkeley and Ashby. These maximums were used in the Exchange Agreement's West Lot ODS Capacity Study, informing the development capacity analysis that shaped the ODS.
Sep. 2024; Dec. 2024	City and BART Term Sheet for Ashby BART TOD; City and BART	The September 2024 nonbinding Term Sheet established the principal terms for exchanging the City's West Lot air-rights purchase option for ownership of the East Lot and for minimum community benefits and development requirements. The

[3] Resolution No. 70, 669-N.S. – Ashby and North Berkeley BART General Plan Amendments (adopted June 2, 2022) and Ordinance No. 7,815-N.S. – R-BMU Zoning District and Associated Zoning Amendments (adopted June 28, 2022)

[4] Resolution No. 70,622-N.S. – Adeline at Ashby Roadway Redesign Concept (adopted November 29, 2022)

Date(s)	Document(s)/Action(s)	Relationship to Ashby West Lot ODS
	Exchange Agreement for Ashby BART TOD[5]	December 2024 Exchange Agreement established binding commitments and superseded the MOU, MOA, and Term Sheet as they relate to Ashby TOD. Building on the JVP and prior City–BART planning, the Exchange Agreement establishes requirements that directly shaped the West Lot ODS, including the preparation process, adoption timeline, minimum development capacity, and provisions for BART enforcement of specified standards.

B. Technical Reports/Studies

Date(s)	Document(s)	Findings or Requirements that Informed the ODS
Apr. 2021	Estimating the Need for Housing Subsidy for the Ashby and North Berkeley BART Stations	The 2021 analysis estimated the City subsidy needed to achieve different affordable housing levels and development scales at both stations. It informed the City's $53 million funding reservation to support at least 35% affordable housing at each site and subsequent Exchange Agreement negotiations. These were planning estimates, rather than a limit on achievable affordability; actual affordability levels and subsidy needs depend on project-specific funding sources, costs, and development conditions. The Exchange Agreement subsequently established housing and development capacity requirements that informed the West Lot ODS.[6]
Feb. 2023	BART's Berkeley-El Cerrito Corridor Access Plan (BECCAP)	The Berkeley–El Cerrito Corridor Access Plan (BECCAP) analyzes how residents who currently drive and park at BART stations could access the corridor's stations after TOD replaces the parking lots. It informed the BART Board's adoption of patron parking maximums for North Berkeley and Ashby. These maximums were used in the Exchange Agreement's West Lot ODS Capacity Study, informing the development capacity analysis that shaped the ODS.
Dec. 2024	Ashby West Lot Circulation Framework[7]	Developed jointly by City and BART staff, the Circulation Framework identifies fire and life safety, station access, maintenance, and Traction Power Substation requirements that constrain future development locations, while identifying opportunities for design flexibility. It assumes a new public plaza along the BART property's Adeline Street frontage. These requirements informed the Exchange Agreement and West Lot ODS.
	Ashby West Lot Adeline Street Connections	The Adeline Street Connections memo examines the engineering and construction challenges of connecting TOD buildings to Adeline Street and the new Main Plaza while accommodating existing BART infrastructure. It identifies

[5] Resolution No. 71,514-N.S. – Approving nonbinding Term Sheet (adopted September 16, 2024); Ordinance 7,939-N.S – Authorizing Exchange of Real Property for Development of Ashby BART station property (adopted December 3, 2024)

[6] Attachment 2, Item 31 - City Affordable Housing Funds: Ashby and North Berkeley BART Station Areas and Future Housing Funding Notices of Funding Availability (NOFA), April 27, 2021.

[7] The Ashby West Lot Circulation Framework, Ashby West Lot Adeline Connections Memo and the City and BART Exchange Agreement are included as attachments in BART's Ashby BART West Lot Request for Proposals (December 2024).

Date(s)	Document(s)	Findings or Requirements that Informed the ODS
		technical requirements and design opportunities that informed the ODS for building frontages and connections at Adeline Street level.
	Schedule 9.2.2 Capacity Study — City and BART Exchange Agreement	The Capacity Study identifies the West Lot's Net Developable Area, excluding surface areas used for public circulation and BART infrastructure, and analyzes residential development capacity within that area. It provides the basis for evaluating whether the ODS accommodate the minimum gross residential floor area required by Schedule 9.2.1 of the Exchange Agreement.

C. Public Engagement

1. Adeline Corridor Specific Plan (2015 – 2020)

The Adeline Corridor Specific Plan was developed through a multi-year public process from 2015 to 2020 that included community forums and workshops, drop-in "IDEA Centers," open-house exhibits, surveys, walking and bicycle tours, community learning sessions on affordable housing, zoning and planning, and complete streets, stakeholder and focus-group meetings, and review by a Planning Commission subcommittee, the full Commission, and City Council. Engagement addressed affordable housing, economic opportunity, transportation, public space, and the future of the Ashby BART station area. The subsequent City–BART planning process built on this work, drawing on the Plan's adopted vision and policies and the Commercial–Adeline Corridor (C-AC) zoning district to inform the City and BART Joint Vision and Priorities and the City's Residential-BART Mixed Use (R-BMU) zoning district. Pages 10–12 of the Plan provide a detailed description of the extensive engagement activities.

2. City and BART Planning and Public Review for North Berkeley BART and Ashby BART Station Areas (2020 – 2022)

The City and BART conducted a coordinated public process to develop the Joint Vision and Priorities (JVP), zoning and associated General Plan amendments for the Ashby and North Berkeley BART station areas. Engagement included a Community Advisory Group, public office hours, community workshops, educational materials, and Commission and City Council review. This process informed the JVP and R-BMU zoning adopted in 2022, establishing housing, land-use, building-form, public-space, and station-access priorities and requirements that shaped the Ashby West Lot ODS.

a. Community Advisory Group (CAG)

Pursuant to the City and BART 2020 Memorandum of Understanding (MOU), the City Council established a 15-member Community Advisory Group (CAG). Membership included representatives from the Planning Commission, Housing Advisory Commission, Transportation Commission, and Commission on Disability, together with

11 community members representing homeowners, renters, neighborhoods affected by station development, the Berkeley Flea Market, and faith-based communities. Members brought expertise in planning, architecture, transit, and environmental sustainability, as well as diverse life experiences.

The CAG provided input on zoning consistent with AB 2923 and the City–BART JVP, and helped connect the Planning Commission's work with neighborhood groups and the broader community.

Between June 2020 and December 2021, the CAG held eight numbered meetings, including a two-session third meeting. All meetings were open to the public. The City also held 11 public office-hour sessions, during which City, BART, and consultant staff answered follow-up questions about meeting topics.

Table 2a: Community Advisory Group Meetings

Mtg.	Date	Topic(s)
1	June 8, 2020	Introductions, Project Overview, CAG process, Review of Existing Conditions and Relevant Adopted Laws, Plans, Policies and Development Parameters[8]
2	August 3, 2020	Process Overview, Introduction to AB 2923 and Zoning, Preliminary Site Concepts[9]
3a	October 14, 2020	Financial Feasibility, Affordable Housing, and Building Form[10]
3b	October 21, 2020	Introduction to City-BART Joint Vision and Priorities (JVP)
4	December 14, 2020	Zoning and Development Parameters, Building Form, and Land Uses[11]
5	March 22, 2021	Draft City-BART JVP on Affordable Housing, Public and Civic Space, Land Use and Building Form and Draft Zoning[12]
6	April 29, 2021	Draft City-BART JVP on BART Station Access and Draft Zoning and Introduction to BECCAP[13][14]
7	June 21, 2021	Review of Revised Draft Joint Vision and Priorities and Zoning[15]
8	December 6, 2021	Process Wrap-Up and Next Steps in the Ashby and North Berkeley Transit-Oriented Development Planning Process

[8] Community Advisory Group (CAG) Meeting #1 Summary
[9] Community Advisory Group (CAG) Meeting #2 Summary
[10] Community Advisory Group (CAG) Meetings #3A and #3B Summary
[11] Community Advisory Group (CAG) Meeting #4 Summary
[12] Community Advisory Group (CAG) Meeting #5 Summary
[13] Community Advisory Group (CAG) Meeting #6 Summary
[14] https://www.bart.gov/about/planning/station-access/berkeley-elcerrito-corridor-plan/faq
[15] Community Advisory Group (CAG) Meeting #7 Summary

Four informational videos were prepared for the CAG and the general public to support the discussion of project economics and design:

- Market Rate Housing[16]
- Affordable Housing[17]
- Public Value Recapture[18]
- Building Form and Density[19]

b. Community Workshops/Meetings

Three community workshops were held to introduce the overall planning process for the Ashby and North Berkeley BART station areas, as well as to solicit feedback on the draft zoning and the City-BART Joint Vision and Priorities document. Summaries of the community workshops, including copies of all written comments received were provided to CAG members to inform their work.

Table 2b: Community Workshops

Date	Topic(s)
August 31, 2020	Planning Overview, Project Goals/Parameters and Preliminary Concepts[20]
February 8, 2021	Draft City-BART Joint Vision and Priorities (JVP)[21]
June 26, 2021	Review of JVP and Zoning[22]

c. Commission and City Council Review

Public meetings of various Boards and Commissions and the City Council addressed the proposed zoning, General Plan amendments, environmental review, affordable housing funding, and City and BART agreements.

Table 2c: Boards/Commissions and City Council Review

Date	Body	Topic
Dec. 2, 2020	Planning Commission	Scoping Session on the Draft Environmental Impact Report (DEIR) on Zoning and General Plan

[16] https://cityofberkeley.box.com/s/mby2din90o2fn6pha9xohj3bez8mdnda
[17] https://cityofberkeley.box.com/s/askxmxccp2t5jxq35i1paceym3ra6ns6
[18] https://cityofberkeley.box.com/s/9g3kfyt0gyq7xd62bzk8inix3y3upmhe
[19] https://www.dropbox.com/s/qhgu0gmdnonl1rt/20201204_Building%20Form%20and%20Density_Slides-credits.mp4?dl=0
[20] Community Meeting #1 Summary
[21] Community Meeting #2 Summary
[22] Community Meeting #3 Summary

		Amendments for the Ashby and North Berkeley BART Station Areas
Feb. 1, 2020 and March 1, 2021	Measure O Bond Oversight Committee	Reserving City Affordable Housing Funds for the Ashby and North Berkeley BART Station Areas
Feb. 10, 2020 and March 4, 2021	Housing Advisory Commission	Reserving City Affordable Housing Funds for the Ashby and North Berkeley BART Station Areas
April 27, 2021	City Council	Reserving City Affordable Housing Funds for the Ashby and North Berkeley BART Station Areas
Sep. 1, 2021	Planning Commission	Informational Meeting on the Proposed Zoning and General Plan Amendments and City-BART Joint Vision and Priorities for TOD at the Ashby and North Berkeley BART Station Areas
Nov. 3, 2021	Planning Commission	Public Hearing on the Draft Environmental Impact Report (EIR)
April 6, 2022	Planning Commission	Recommendation to City Council – Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents
June 2, 2022 and June 28, 2022	City Council	Consideration of approval of Ashby and North Berkeley BART Station Areas: Proposed Zoning and General Plan Amendments, City and BART Joint Vision and Priorities, Associated Environmental Review Documents and City and BART Memorandum of Agreement

3. Adeline Street at Ashby BART Conceptual Design (2022)

The City, in coordination with BART, conducted extensive public and stakeholder engagement to develop a conceptual redesign of Adeline Street at Ashby BART. The process included the Berkeley Flea Market Board and vendors, AC Transit staff, Ed Roberts Campus management and tenant organizations, and the broader community. Input informed the concept recommended by the Transportation and Infrastructure Commission and approved by the City Council in October and November 2022, respectively, which provided a framework for street reconfiguration and new public plaza space assumptions that informed the West Lot ODS.

Table 3a: Public and Stakeholder Engagement

Date	**Topic(s)**
January–August 2022	Meetings with the Berkeley Flea Market Board to discuss the project and obtain input
Multiple weekends during 2022	Site visits to engage Flea Market vendors

September 17, 2022	Flea Market information table and vendor survey
September 28, 2022	In-person meeting with Flea Market Vendors to receive input on the proposed concept
October 3, 2022	Community meeting to review two options for conceptual design

Table 3b: Commission and Council Review

Date	Body	Topic
October 20, 2022	Transportation and Infrastructure Commission	Review of conceptual design options
November 29, 2022	City Council	Adoption of a preferred design concept for Adeline Street at Ashby BART

4. BART-Led Berkeley–El Cerrito Corridor Access Plan, 2021–2023

As noted in above, BART led development of the Berkeley–El Cerrito Corridor Access Plan (BECCAP) to evaluate how residents who currently drive and park at BART's Richmond line stations could access BART after transit-oriented development replaces station parking lots. BART's Summary of Reference Material and Public Outreach and the individual milestone and survey reports provide further detail on the engagement process and public input.[23]

Table 4: Public Engagement

Date	Topic(s)
April – August 2021	Outreach Milestone Report #1; first online open house and survey, July 2–August 20, 2021
September 2021–May 2022	Outreach Milestone Report #2; second online open house and survey, April 20–May 18, 2022
June 2022–February 2023	Outreach Milestone Report #3; third online open house and survey, December 16, 2022–January 8, 2023

5. Equitable Black Berkeley and Healthy Black Families Engagement, 2022–2024

The Mayor's Office, under Mayor Jesse Arreguín, partnered with Healthy Black Families on the Equitable Black Berkeley (EBB) initiative to explore funding approaches and policies supporting equity, opportunity, and the well-being of Berkeley's Black community. The initiative addressed historical harms associated with redlining and

[23] BECCAP Summary of Reference Material and Public Outreach.

construction of the Ashby BART station, with a focus on affordable housing, displacement, right to return, and community benefits.[24]

Healthy Black Families conducted engagement through People's Assemblies, surveys, and participation in BART community and Board meetings to identify and communicate community priorities. As noted in the September 2024 Term Sheet staff report, EBB input, alongside the Adeline Corridor Specific Plan, MOA, and JVP, informed the framework for community benefits and other project requirements.

6. City and BART Ashby BART Term Sheet and Exchange Agreement

The Term Sheet and Exchange Agreement built on years of public engagement and planning, including the Adeline Corridor Specific Plan, City–BART Joint Vision and Priorities (JVP), and R-BMU zoning described above. Negotiations between the City and BART, led by then-Mayor Jesse Arreguín and BART Board Director Lateefah Simon, also drew on technical studies of site constraints and development feasibility. City and BART real estate consultants, Century | Urban and Economic & Planning Systems, respectively, evaluated the agencies' property interests and financial positions, including the value of the City's West Lot air-rights purchase option. These analyses informed the proposed property exchange and community benefits.

The negotiations culminated in the 2024 Term Sheet and binding Exchange Agreement. The Agreement established community benefits and development requirements, including the process, timeline, minimum development capacity, and enforcement provisions that shaped the West Lot ODS. Public meetings and Council consideration during this phase are summarized below.

Table 6: Community Meetings and Council Review

Date	Topic(s)
April 20, 2023	BART hosted Community Meeting – Ashby Transit Oriented Development – BART Operations and Adeline Street Connection
November 8, 2023	BART hosted Community Meeting – BART Traction Power Substation (TPSS) Update
September 12, 2024	Ashby BART Community Meeting and Open House: Planning process update, technical constraints and design opportunities on the site and along Adeline Street[25]
September 16, 2024	City Council – Approval of the Nonbinding Term Sheet for Ashby BART Transit Oriented Development

[24] City Council staff report, November 29, 2022, Item 8, "Grant Approval: San Francisco Foundation to Support the Equitable Black Berkeley Initiative."
[25] September 13, 2023, Ashby BART Community meeting: Presentation; Video Presentation; Open House Station Boards

November 19 and December 3, 2024	City Council – Approval of the City and BART Exchange Agreement for Ashby BART Transit Oriented Development (First and second reading)

7. Ashby West Lot ODS Development and Public Review (2024–2026)

The Preliminary ODS was published in December 2024 concurrently with BART's Request for Proposals for the Ashby BART West Lot. The City provided opportunities for community input through public open houses, community-hosted meetings, and Planning Commission review, alongside coordination with BART and the selected developer team, Adeline Alliance Partners (AAP). These activities informed the Revised ODS presented in September 2026 and subsequent consideration of supplemental recommendations.

a. Public and Community-Hosted Engagement
   The table below summarizes completed City-hosted or co-hosted engagement and community-hosted meetings at which City staff presented the ODS and solicited feedback. The public engagement provided opportunities to comment on the ODS both independently and in the context of the emerging West Lot project design and related Adeline Street transportation and open space improvements. Additional engagement is anticipated before Council consideration, including a November 5, 2026 meeting co-hosted by the City, BART, and the West Lot Developer.

Table 7a: Public Engagement

Date	Topic(s)
February 10, 2025	City-hosted open house introducing the Preliminary ODS and soliciting feedback and online feedback form
May 12, 2026	City staff and the West Lot Developer presented and solicited feedback about the Preliminary ODS and West Lot Project Design, hosted by Healthy Black Families at the Maudelle Miller Shirek Community Room
May 26, 2026	City staff and the West Lot Developer presented and solicited feedback about the Preliminary ODS and West Lot Project Design, hosted by Healthy Black Families at Harriet Tubman Terrace
June 20, 2026	City staff/consultant and the West Lot Developer presented and solicited feedback about the Preliminary ODS, the City's Adeline Main Plaza design planning process and West Lot Project Design, hosted by South Berkeley NOW and the Lorin Business Association
July 16, 2026 and July 22, 2026	Community Open house and subsequent (virtual) Office Hours co-hosted by the City, BART, and AAP covering the Preliminary ODS, a draft design concept from the West Lot Developer, and related City projects about Adeline Street transportation and open space improvements

b. Planning Commission Review

The Planning Commission reviewed the Preliminary and Revised ODS and subsequently considered supplemental recommendations developed by its subcommittee.

Table 7b: Planning Commission Review

Date	Topic(s)
July 1, 2026	Staff introduced the Preliminary ODS and explained their role, the planning process, and the policy and technical framework informing the standards
September 16, 2026	Staff presented Revised ODS reflecting public and Commission input and continued coordination with BART and AAP. The Commission recommended Council adoption of the Revised ODS and established a subcommittee to explore supplemental recommendations.
October 7, 2026	The Commission voted to forward supplemental recommendations to Council for consideration; the recommendations are included as an attachment to the November 17, 2026 Council item on the Ashby BART West Lot ODS.

Attachment 4

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
ADOPTION OF ASHBY BART WEST LOT TRANSIT ORIENTED DEVELOPMENT OBJECTIVE DESIGN STANDARDS

The public may participate in this hearing by remote video or in-person.

The Department of Planning and Development is proposing Objective Design Standards (ODS) for future transit-oriented development at the Ashby BART West Lot, bounded by Ashby Street to the north, Adeline Street to the east, and Martin Luther King (MLK) Jr. Way to the west and has the Assessor's Parcel Number: 053-1597-039-04. The proposed ODS build upon, and further implement the adopted zoning (BMC Chapter 23.202.150 Residential-BART Mixed Use Zoning District), the goals and priorities identified in the City and BART Joint Vision and Priorities for Transit-Oriented Development at the Ashby and North Berkeley BART Station, the City and BART Ashby BART Station Transit Oriented Development Exchange Agreement (adopted by the Berkeley City Council on December 3, 2024 pursuant to Ordinance No. 7,939-N.S.), as well as other related adopted policies and regulations. More information about the overall planning effort to plan for transit-oriented development at the North Berkeley and Ashby BART stations is available at www.berkeleyca.gov/bartplanning.

The proposed objective design standards were evaluated in (1) the Ashby and North Berkeley BART Stations Transit-Oriented Development (TOD) Zoning Project Environmental Impact Report (SCH #: 2020110320) which was certified by the City Council on June 2, 2022; and (2) the "Ashby BART TOD Contractual Agreement" Addendum, which amended that Report and the Adeline Corridor Specific Plan Environmental Impact Report (SCH # 2018072009) and which was approved by the City Council on December 3, 2024. No further environmental review is required.

The hearing will be held on November 17, 2026 at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of November 5, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Alisa Shen, Principal Planner at (510) 981-7409. Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become**

Attachment 4

part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

Published: November 6, 2026
Pursuant to Berkeley Municipal Code Section 22.04.020

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on November 5, 2026.

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Mark Numainville, City Clerk
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28

Office of the City Manager

ACTION CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jennifer Louis, Chief of Police

Subject: Pursuant to Chapter 2.99 of the Berkeley Municipal Code - Annual Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Parking Enforcement Officer Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers

RECOMMENDATION

Pursuant to Chapter 2.99 of the Berkeley Municipal Code, adopt a Resolution accepting the Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers.

FISCAL IMPACTS OF RECOMMENDATION

These technologies have existing budget approval and there are no new fiscal impacts associated with adopting the attached resolution.

CURRENT SITUATION AND ITS EFFECTS

On March 27, 2018, the City Council adopted Ordinance 7,592-N.S., adding Chapter 2.99 to the Berkeley Municipal Code, which is also known as the Surveillance Technology Use and Community Safety Ordinance (referred to here as the Ordinance). Section 2.99.070 of the Ordinance requires that the City Manager must submit to the City Council a Surveillance Technology Report as defined by Section 2.99.020(2) of the Ordinance annually, at the first regular City Council meeting in November. On September 29, 2026, Council adopted an amended ordinance wherein the next reporting period after this report shall be March of 2028, covering the 15 month period from October 1, 2026 to December 31, 2027. Subsequent reporting periods will cover the preceding calendar year.

The purpose of the Ordinance is to provide transparency surrounding the use of surveillance technology, as defined by Section 2.99.020 in the Ordinance, and to ensure that decisions surrounding the acquisition and use of surveillance technology consider the impacts that such technology may have on civil rights and civil liberties. Further, the

Ordinance requires that the City evaluate all costs associated with the acquisition of surveillance technology and regularly report on their use.

The staff report and attached resolution satisfy the annual reporting requirement as outlined in Section 2.99.070. For each of the seven approved technologies, Annual Surveillance Technology Report and accompanying audits (where required by Council-approved BPD policy) are attached to this report. These reports fulfill all section-by-section reporting requirements of the Ordinance.

Complaints

One reporting category is whether the Department has received community complaints about these technologies. Community members may submit complaints in writing, by email, in person, or by telephone, either directly to the Internal Affairs Bureau (IAB) or to any member of the Department, who forwards them through the chain of command. If a community member initiates a complaint and the investigation finds that the subject employee misused a technology in violation of policy, the Chief of Police initiates an additional complaint. Community members may also file complaints directly with the Office of the Director of Police Accountability (ODPA). The Director of Police Accountability notifies the Chief of Police when the ODPA opens an investigation, which prompts a parallel IAB investigation.

During this reporting period, as part disciplinary reviews, the ODPA raised procedural concerns about body worn camera activation. The Department reviewed these concerns and found while there were cases where officers failed to activate or explain muting of their BWC there were no instances of intentional non-activation during the reporting period. These incidents have highlighted the need for the department to update policy and clarify training and expectations around BWC.

The Department received no complaints regarding its ALPR system during this reporting period. The Department acknowledges, however, the news coverage and concerns raised by advocacy groups about ALPR technology generally, as well as reported misuse in specific cases in other jurisdictions. When such reports surface, the Department reviews its own policies, system configuration, and practices to identify and address any similar vulnerabilities.

No other complaints related to the remaining technologies were received during this reporting period.

Audits

All audits required by policy, including of parking enforcement ALPRs, fixed cameras, and fixed ALPRs, were completed during this reporting period and are included with the individual technology reports attached to this report. BPD recognizes the public safety value of its surveillance technologies and the responsibility that comes with them to use

each system carefully and audit it rigorously. The audits follow consistent methodologies from year to year, testing compliance with the applicable Department policies, so that the PAB and Council can compare results across reporting periods.

Separately, during this reporting period the Department became aware of federal access by Western States Information Network (WSIN) analysts of San Francisco PD ALPR data through the Northern California Regional Intelligence Center (NCRIC). These searches did not occur in Berkeley due to the department's sharing settings. The Department turned off Flock's statewide lookup setting in July 2025 and limited sharing to Bay Area agencies. The reported NCRIC and WSIN incident occurred after that change. The reports of this access were published after BPD's audit of the corresponding time period (July-Dec 2025) but upon hearing of the issue the Department retroactively confirmed that no WSIN searches appeared on Berkeley's network and advised Council and PAB of the findings.

The Department has offered to work with the PAB on continuing to strengthen its audit protocols across all surveillance technologies.

Technology Updates

The fixed ALPR network of 52 Council-approved cameras completed its first full year of operation following the end of its introductory phase in January 2025. During this reporting period, the Department documented at least 101 cases supported by the system, including 59 arrests that likely would not have occurred without it. The system also generated 71 felony vehicle alerts, 610 stolen vehicle alerts, and 759 alerts from the Department's own hotlists.

The Department is also pursuing a more comprehensive update to the City's public safety technology. In July 2026, the City issued a Request for Proposals (Specification No. 26-11794-C) covering six areas: automated license plate recognition, fixed video cameras, drone as first responder, field-deployed drones, voluntary community video stream integration, and investigative software. The RFP made data security, privacy, and compliance the most heavily weighted scoring criterion, and required proposers to address restrictive-by-default data sharing, City ownership of all data, alignment with the City's sanctuary ordinances and SB 34, granular auditing, a prohibition on facial recognition, and financial penalties for unauthorized disclosure. The RFP process has concluded, and the Department looks forward to bringing the results to Council in the near future. Any new or expanded technology will continue to be subject to the review and approval requirements of BMC 2.99 and BMC 2.100.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the content of this report.

RATIONALE FOR RECOMMENDATION

City Council is being requested to adopt the attached resolution for the City to be in compliance with the Ordinance.

CONTACT PERSON

Jen Louis, Chief of Police, (510) 981-5700

ATTACHMENTS

1. Resolution
2. Surveillance Technology Report: Body Worn Cameras
3. Surveillance Technology Report: Global Positioning System (GPS) Tracking Devices
4. Surveillance Technology Report: Fixed Surveillance Video Cameras
5. Surveillance Technology Report: Parking Enforcement Automated License Plate Readers
6. Surveillance Technology Report: Street Level Imagery Project
7. Surveillance Technology Report: Unmanned Aerial Systems (UAS)
8. Surveillance Technology Report: Fixed Automated License Plate

RESOLUTION NO. XX,XXX-N.S.

ACCEPTING THE SURVEILLANCE TECHNOLOGY REPORT FOR BODY WORN CAMERAS, GPS TRACKERS, FIXED SURVEILLANCE VIDEO CAMERAS, AUTOMATED LICENSE PLATE READERS, THE STREET LEVEL IMAGERY PROJECT, UNMANNED AERIAL SYSTEMS, AND FIXED AUTOMATED LICENSE PLATE READERS

WHEREAS, on March 27, 2018, the City Council adopted Ordinance 7,592-N.S., which is known as the Surveillance Technology Use and Community Safety Ordinance ("Ordinance"); and

WHEREAS, Section 2.99.070 of the Ordinance requires that the City Manager must submit to the City Council a Surveillance Technology Report as defined by Section 2.99.020(2) of the Ordinance at the first regular City Council meeting in November; and

WHEREAS, the Surveillance Technology Reports satisfy the requirements of the Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council hereby accepts the Surveillance Technology Reports for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automated License Plate Readers, the Street Level Imagery Project, and Unmanned Aerial Systems, and Fixed Automated License Plate Readers.

Surveillance Technology Report: Body Worn Cameras

October 1, 2025 – Sept. 30, 2026

Description	A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing. Body Worn Cameras are used to capture video recordings of contacts between department personnel and the public, to provide an objective record of these events. These recording are used in support of criminal prosecutions, to limit civil liability, increase transparency and enhance professionalism and accountability in the delivery of police services to the community. Body Worn Camera (BWC) files are shared with the Alameda County District Attorney's office in support of prosecution for crime and may be shared with other law enforcement agencies to support criminal investigations. **Policy regarding activation of the Body Worn Camera BPD Policy 425.7** Members shall activate the BWC as required by this policy in (a)-(f) below and may activate the BWC at any time the member believes it would be appropriate or valuable to record an incident within the limits of privacy described herein. The BWC shall be activated in any of the following situations: (a) All in-person enforcement and investigative contacts including pedestrian stops and field interview (FI) situations. (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops. (c) Self-initiated field contacts in which a member would normally notify the Communications Center. (d) Any search activity, including the service of search or arrest warrants; probation, parole, or consent searches where the member is seeking evidence of an offense, or conducting a safety sweep or community caretaking sweep of the premises. Once a location has been secured and the member is not interacting with detainees or arrestees, the member may mute their BWC when conducting a search for evidence. (e) Any other contact that the member determines has become adversarial after the initial contact in a situation where the member would not otherwise activate BWC recording. (f) Transporting any detained or arrested person and where a member facilitates entry into or out of a vehicle, or any time the member expects to have physical contact with that person. **What data is captured by this technology:** BWC use is limited to enforcement and investigative activities involving members of the public. The BWC recordings will capture video and audio evidence for use in criminal investigations, administrative reviews, training, civil litigation, and other proceedings protected by confidentiality laws and department policy. Improper use or release of BWC recordings may compromise ongoing criminal and administrative investigations or violate the privacy rights of those recorded and is prohibited.

How the data is stored:

BWC videos are stored on a secure server. All BWC data will be uploaded and stored on Axon Cloud Services, Evidence.com. Axon complies with the EU-U.S. Privacy Shield Framework and the Swiss-U.S. Privacy Shield Framework as set forth by the U.S. Department of Commerce regarding the collection, use, and retention of personal information transferred from the European Union and Switzerland to the United States (collectively, "Privacy Shield"). Axon has certified to the U.S. Department of Commerce that it adheres to the Privacy Shield Principles.

Retention duration of digital data:

All BWC videos and digital evidence are assigned a category. The categories are used to organize data. Each category also defines the retention duration. The category definitions and retention durations are as follows:

Category	Retention Duration
Uncategorized	Until manually deleted
187 / Felony Sex Assault	Until manually deleted
Civil / City / Non-Evidence	1 year
Collision	2 years
Consent / Aid	108 weeks
Detention / Warrant Only	108 weeks
Felony Evidence	5 years
Litigation	Until manually deleted
Misdemeanor Evidence	2 years
Officer Injury	Until manually deleted
OIS / Critical Incident	Until manually deleted
Pending Review	Until manually deleted
Personnel / VSA	3 years
Personnel Complaint	Until manually deleted
Traffic Stop	108 weeks
Training	60 days
Use of Force	108 weeks

Summary of Body Worn Camera Videos Uploaded Oct. 1, 2025 to Sept. 30, 2026:

Metric	Value
Number of BWC Videos	50,044
Hours of Videos	11,982
GB of Videos	20,876

Summary of all other active digital evidence uploaded, Oct. 1, 2025 to Sept. 30, 2026:

Type	File Count
Audio	1,434
Document	4,365

	<table><tr><td>Image</td><td>67,862</td></tr><tr><td>Other</td><td>988</td></tr><tr><td>Other Video*</td><td>10,540</td></tr><tr><td>Total</td><td>85,189</td></tr></table> * Includes all uploaded non-BWC videos and other videos booked into the evidence management system. Other videos include iPhone videos, security camera video, and copies of BWC videos (for redaction, etc.).
Geographic Deployment	Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically. Body Worn Cameras are worn by all BPD uniformed officers city-wide at all times; BWC's are not deployed based on geographic considerations.
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology. During this reporting period, as part disciplinary reviews, the ODPA raised procedural concerns about body worn camera activation. The Department reviewed these concerns and found while there were cases where officers failed to activate or explain muting of their BWC there were no instances of intentional non-activation during the reporting period. These incidents have highlighted the need for the department to update policy and clarify training and expectations around BWC.
Audits and Violations	The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response. File meta-data are routinely reviewed by our BWC manager, to ensure required metadata fields are completed. There have been no complaints with regards to violations of the Surveillance Use Policy.
Data Breaches	Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response. There have been no known data breaches or other unauthorized access to BWC data.
Effectiveness	Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes. Body Worn Cameras have proven effective in supporting criminal prosecutions, as video footage is available for all criminal prosecutions. Body Worn Cameras have been effective for training purposes, as footage can be reviewed in incident de-briefs. Body Worn Cameras have been extremely effective in support of Internal Affairs investigations and Use of Force Review.
Costs	Total annual costs for the Surveillance Technology, including personnel and other ongoing costs. The annual cost for the Body Worn Cameras, including cameras, replacement cameras, software, and Axon's secure digital evidence management system is $222,442 per year over a five-year, $1,112,213 contract. The contracted started in 2022 and will expire in August, 2027. There is one full-time employee assigned to the BWC program, an Applications Programmer Analyst II, at a cost of $168,940 per year, including benefits.

Surveillance Technology Report: Global Positioning System Tracking Devices

October 1, 2025 – Sept. 30, 2026

Description	A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing. Global Positioning System Trackers are used to track the movements of vehicles, bicycles, other items, and/or individuals. **What data is captured by this technology:** A GPS Tracker data record consists of date, time, latitude, longitude, map address, and tracker identification label. The data does not contain any images, names of subjects, vehicle information or other identifying information on individuals. **How the data is stored:** The data from the GPS tracker is encrypted by the vendor. The data is only accessible through a secure website to BPD personnel who have been granted security access. **Retention period of data:** Tracker data received from the vendor shall be kept in accordance with applicable laws, BPD policies that do not conflict with applicable law or court order, and/or as specified in a search warrant. The Global Positioning System "Electronic Stake Out" (ESO) devices were not deployed during this reporting period. COVERTTRACK Stealth V GPS devices were used in two separate investigations during this reporting period: • An investigation of a shooting. The suspect was arrested for PC 187 among numerous other violations. • An investigation of a robbery. The suspect was arrested for PC 211, PC 459 and PC 10851. Data may be shared with the District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence; other law enforcement personnel as a part of an active criminal investigation; and other third parties, pursuant to a court order.
Geographic Deployment	Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically. COVERTTRACK Stealth V GPS devices are deployed with judicial pre-approval, based on suspect location, rather than geographical consideration.
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology. There were no complaints made regarding GPS Trackers.
Audits and Violations	The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response. There were no known violations relating to GPS Trackers.

Data Breaches	Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response. There were no known data breaches relating to GPS Trackers.
Effectiveness	Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes. The GPS ESO trackers were not used during this time period. The program was suspended in mid-March 2020 due to the COVID-19 pandemic and has not been reimplemented. Our subscription was renewed and we upgraded our equipment, however, we have not used the trackers during this reporting period. COVERTTRACK Stealth V GPS trackers are effective in that they provide invaluable information on suspect vehicle locations. During complex investigations, many suspects are moving throughout the Bay area and beyond. These devices assist investigators with developing information regarding suspect locations that may never have been discovered without GPS assistance. GPS trackers greatly reduce costs associated with surveillance operations. Surveillance operations generally involve three or more officers for the entire duration of an operation. A moving surveillance is extremely resource-intensive, requiring multiple officers in multiple vehicles for extended periods of time. Evidence can be fleeting, and GPS trackers allow officers to investigate in a timely manner. GPS trackers have assisted officers with recovering evidence that may have been removed or discarded if officers were unable to quickly develop a location for a suspect.
Costs	Total annual costs for the Surveillance Technology, including personnel and other ongoing costs. The annual cost for the COVERTTRACK Stealth V GPS data service is $1,834.53. There was no cost for the GPS “Electronic Stake Out” (ESO) this year. In April of 2022, the police department paid $2,364.88 to upgrade the devices and for three years of tracking service. There are staff time costs associated with preparing and placing COVERTTRACK GPS trackers. The investigator must prepare a search warrant and obtain a judge’s approval, and a small number of officers must place the tracker on the suspect’s car. The total number of hours is a fraction of the time it would take to do a full surveillance operation involving numerous officers. There are staff time costs associated with preparing ESO trackers and placing ESO tracker-equipped bikes for bait bike operations. The time associated to prepare an ESO GPS equipped surveillance is approximately two-four hours. The total number of hours is extremely small, given the large number of operations, and resulting arrests from prior cases.

Surveillance Technology Report: External Fixed Surveillance Video Cameras

October 1, 2025 – Sept. 30, 2026

Description	A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing. External fixed surveillance cameras record video (without audio) to support investigations. Officers can view live feeds and access recordings stored for up to 180 days. These cameras provide situational awareness during active incidents and supply evidence that strengthens investigations and helps the District Attorney make charging decisions. **What data is captured by this technology:** The external fixed surveillance cameras record and capture non-audio activity (data) for the following purposes: i. To address identified areas of criminal activity. ii. To respond to critical incidents. iii. To assist in identifying, apprehending and prosecuting offenders. iv. To document officer and offender conduct during interactions to safeguard the rights of the public and officers. v. To monitor pedestrian and vehicle traffic activity in order to assist with traffic related investigations. vi. To document employee, employer, and/or customer conduct during interactions to safeguard the employee, employer, and customer from misconduct. **How the data is stored:** The data on the external fixed video surveillance cameras is stored in secure servers that are managed by the City of Berkeley Radio Shop. Each camera system (San Pablo Park, Berkeley Marina, University Avenue and Sixth Street) has its own respective server for data storage. **Retention period of data:** Video surveillance recordings are not government records pursuant to California Government Code 34090 in and of themselves. Except as otherwise permitted in this section, video surveillance recordings shall be purged within one hundred and eighty (180) days of recording. The external fixed video surveillance cameras at University Avenue and Sixth Street were accessed 9 times during this reporting period for investigations of robbery, traffic, and assault with a deadly weapon cases. The external fixed video surveillance cameras at San Pablo Park were accessed 2 times during this reporting period for investigations of shooting and robbery cases.

	The external fixed video surveillance cameras at the Berkeley Marina were accessed 21 times during this reporting period for investigations of auto burglary, traffic, theft, and robbery cases. Data may be shared with the District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence; other law enforcement personnel as a part of an active criminal investigation; and other third parties, pursuant to a court order.
Geographic Deployment	Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically. The external fixed video surveillance cameras are geographically deployed at San Pablo Park, the Berkeley Marina, and at the intersection of University Avenue and Sixth Street.
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology. There were no known complaints associated with the external fixed video surveillance cameras.
Audits and Violations	The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response. The required audits were completed and are attached below.
Data Breaches	Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response. There were no known data breaches related to the external fixed video surveillance cameras.
Effectiveness	Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes. External fixed video surveillance cameras monitor pedestrian and vehicle activity and can assist investigators with criminal and traffic related investigations. The cameras are also meant to prevent and deter criminal activity and augment police resources in a cost-effective manner. A 2019 meta-analysis by Piza et al., covering 40 years of research, found that cameras are associated with a significant but modest decrease in crime. Vehicle crime and property crime fell significantly, but there was no significant effect on violent crime or disorder. The authors recommend targeting cameras at vehicle and property crime and not using them as a stand-alone measure.
Costs	Total annual costs for the Surveillance Technology, including personnel and other ongoing costs. The initial cost of the San Pablo Park Cameras was $64,829.46 The initial cost of the Marina cameras was $106,620.14 The annual cost for maintenance and other ongoing costs, including compliance and other reporting and oversight requirements is $13,443.20.

Berkeley Police Department Memorandum

To: Chief Louis

From: Arlo Malmberg, Strategic Planning and Accountability Manager

RE: Avigilon Surveillance Camera Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of the Avigilon camera system to assess compliance with Policy 1304, Surveillance Use Policy – External Fixed Video Surveillance Cameras. The audit scope included access records for the Avigilon camera system between July 1, 2025 and December 31, 2025 at the following locations: Marina, San Pablo Park, and the intersection of 6th Street and University Avenue. The audit methodology involved analyzing these access records for unauthorized access, data breaches, and prohibited uses.

The audit found full compliance with Policy 1304, with no instances of unauthorized access, data breaches, data errors, or prohibited uses detected. All system access was made by authorized personnel as stipulated in the policy.

BACKGROUND

Policy 1304 requires that surveillance camera data may only be accessed by trained and authorized BPD members for legitimate law enforcement purposes. Prohibited uses include discriminatory targeting, unauthorized dissemination of video footage, or surveillance inconsistent with civil liberties protections

SCOPE AND METHODOLOGY

The scope of this audit included all access records for the Avigilon camera system between July 1, 2025 and December 31, 2025.

The audit methodology involved:

1. Retrieving Avigilon camera system access records for the specified timeframe from the Avigilon platform.
2. Analyzing the records for any instances of unauthorized access, data breaches, or prohibited uses.
3. Verifying that all system access was made by authorized personnel as stipulated in Policy 1304.

FINDINGS

Objective 1: Authorized access

Criteria:

Berkeley Police Department Memorandum

1304.4 DATA ACCESS: “Access to video surveillance cameras data shall be limited to BPD personnel utilizing the camera database for uses described above and pursuant to Use Policy 351”

Inspection Procedure:

- Review all access records for the Avigilon camera system during the audit period.
- Verify that all access was made by authorized personnel.

Findings:

- All access by BPD staff to the Avigilon camera system was made by authorized personnel.
- System maintenance access by other City of Berkeley staff was also noted.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 2: No prohibited uses

Criteria:

1304.11 AUDITING AND OVERSIGHT: " BPD will enforce against prohibited uses of this policy pursuant to Policy 1010, Personnel Complaints or other applicable law or policy. The City Manager shall enforce against any prohibited use of the cameras and/or access to data by other City of Berkeley personnel.”

Inspection Procedure:

- Review access records for any indication of prohibited uses of the camera system or data.

Findings:

- No prohibited uses of the camera system or associated data were detected during the audit period.
    - Marina- 16 accesses for property crimes and robbery investigations, and for administrative purposes.
    - San Pablo Park- 9 accesses for shooting, domestic violence and traffic investigations, and for administrative purposes.
    - 6th Street & University- 11 accesses for brandishing, disturbance, robbery, stolen vehicle and traffic investigations, and for administrative purposes.

Recommendations:

- None. The 100% compliance rate meets department standards.

Berkeley Police Department Memorandum

To: Chief Louis

From: Arlo Malmberg, Strategic Planning and Accountability Manager

RE: Avigilon Surveillance Camera Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of the Avigilon camera system to assess compliance with Policy 1304, Surveillance Use Policy – External Fixed Video Surveillance Cameras. The audit scope included access records for the Avigilon camera system between January 1, 2026 and June 30, 2026 at the following locations: Marina, San Pablo Park, and the intersection of 6th Street and University Avenue. The audit methodology involved analyzing these access records for unauthorized access, data breaches, and prohibited uses.

The audit found full compliance with Policy 1304, with no instances of unauthorized access, data breaches, data errors, or prohibited uses detected. All system access was made by authorized personnel as stipulated in the policy.

BACKGROUND

Policy 1304 requires that surveillance camera data may only be accessed by trained and authorized BPD members for legitimate law enforcement purposes. Prohibited uses include discriminatory targeting, unauthorized dissemination of video footage, or surveillance inconsistent with civil liberties protections

SCOPE AND METHODOLOGY

The scope of this audit included all access records for the Avigilon camera system between January 1, 2026 and June 30, 2026.

The audit methodology involved:

1. Retrieving Avigilon camera system access records for the specified timeframe from the Avigilon platform.
2. Analyzing the records for any instances of unauthorized access, data breaches, or prohibited uses.
3. Verifying that all system access was made by authorized personnel as stipulated in Policy 1304.

FINDINGS

Objective 1: Authorized access

Criteria:

1304.4 DATA ACCESS: “Access to video surveillance cameras data shall be limited to BPD personnel utilizing the camera database for uses described above and pursuant to Use Policy 351”

Inspection Procedure:

- Review all access records for the Avigilon camera system during the audit period.
- Verify that all access was made by authorized personnel.

Findings:

- All access by BPD staff to the Avigilon camera system was made by authorized personnel.
- System maintenance access by other City of Berkeley staff was also noted.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 2: No prohibited uses

Criteria:

1304.11 AUDITING AND OVERSIGHT: " BPD will enforce against prohibited uses of this policy pursuant to Policy 1010, Personnel Complaints or other applicable law or policy. The City Manager shall enforce against any prohibited use of the cameras and/or access to data by other City of Berkeley personnel.”

Inspection Procedure:

- Review access records for any indication of prohibited uses of the camera system or data.

Findings:

- No prohibited uses of the camera system or associated data were detected during the audit period.
    - Marina- 15 accesses for property crimes and robbery investigations.
    - San Pablo Park- 1 access for a robbery investigation.
    - 6th Street & University- 3 accesses for collision investigations and for the investigation of a sexual assault of a minor.

Recommendations:

- None. The 100% compliance rate meets department standards.

Surveillance Technology Report: PEO Automated License Plate Readers

October 1, 2025 – Sept. 30, 2026

Description	A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing. Automated License Plate Readers (ALPRs) are used by Parking Enforcement Officers (PEOs) for time zone parking. The City's Transportation Division uses anonymized information for purposes of supporting the City's Go Berkeley parking management program. PEO ALPR use replaced the practice of physically "chalking" tires, which a more effective means of identifying violators. **What data is captured by this technology:** ALPR technology functions by automatically capturing an image of a vehicle's license plate, transforming that image into alphanumeric characters using optical character recognition software, and storing that information, along with relevant metadata (e.g. geo-location and temporal information, as well as data about the PEO ALPR). **How the data is stored:** The data is stored on a secure server by the vendor. **Retention period of data:** During this reporting period collected images and metadata of hits were stored no more than 365 days. Reads and metadata of reads were not stored more than 14 days in accordance with policy 1302. Current use policy adopted September 13, 2022 sets retention periods that are now in effect. **Summary of PEO ALPR Time Zone Enforcement Data** Genetec is the vendor for the PEO ALPR Time Zone enforcement system. A "read" indicates the PEO ALPR system successfully read a license plate. The information that is generated when a plate is viewed by the PEO ALPR camera is the license plate number, state and geographical (GPS) location it was viewed. A "hit" indicates the PEO ALPR system detected a possible violation, which prompts the Parking Enforcement Officer to further assess the vehicle. At hit is when the read information is recognized as a license plate that matches, or does not match an entry in a list such as permit list or the stolen vehicle "hot list". In many cases, hits are "rejected" or "not enforced", meaning no enforcement action is taken, because the Parking Enforcement Officer determines the vehicle has an appropriate placard or permit, or there is other information or assignment which precludes citation. The following are key statistics for this reporting period: • 2,791,090 reads • 115,395 hits • 39,525 enforced hits resulted in citation issuance. • 2,221 not-enforced hits due to either, 1) PEO ALPR experiencing technical issues and PEO unable to validate the hit in the system, which only gives option to not enforce, or 2) PEO error in accepting the hit initially.

	• 73,649 hits were not acted upon for a variety of reasons including but not limited to: o Customer comes out to move a vehicle. PEO's are directed not to issue that citation. o PEO gets to the dashboard and sees a permit not visible from a previous location. o PEO does a vehicle evaluation and confirms that the vehicle moved from the hit location (e.g. across the street within GPS range). o Stolen car. o Similar plates. o GIG cars or Revel scooters. o PEOs mistakenly leave their PEO ALPR on collecting data, but leave the area being enforced to drive to another location on another assignment, such as a traffic post at a collision scene. All BPD PEO ALPR data may only be shared with other law enforcement or prosecutorial agencies for official law enforcement purposes, or as otherwise permitted by department policy and law. All PEO ALPR data is subject to the provisions of BPD Policy 415 - Immigration Law, and therefore may not be shared with federal immigration enforcement officials. During this reporting period there were no law enforcement investigative vehicle inquiries.
Geographic Deployment	Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically. Only Parking Enforcement Vehicles are equipped with PEO ALPRs. PEO ALPRs are deployed based on areas where there are parking time restrictions. PEO ALPRs are not deployed based on geographic considerations not related to parking enforcement.
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology. There have been no complaints about the deployment and use of Automated License Plate Readers.
Audits and Violations	The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response. The required audits were completed and are attached below.
Data Breaches	Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response. There have been no known data breaches or other unauthorized access to Automated License Plate Reader data.
Effectiveness	Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes. PEO ALPRs have proven effective in parking enforcement for time zone enforcement. The PEO ALPRs' ability to read and check license plates while being driven greatly increases efficiency, allowing an operator to cover larger areas more quickly without having to stop except to confirm a hit.

	An additional benefit of the Parking Enforcement PEO ALPR system is that sometimes hits indicate a possible stolen vehicle. These hits allow for the timelier recovery of stolen vehicles in the City of Berkeley.
Costs	Total annual costs for the Surveillance Technology, including personnel and other ongoing costs. The annual system maintenance cost for Genetec is $51,720. This cost is borne by the Transportation Division, which covers warranties, support, and cellular connection costs. Genetec PEO ALPR units are installed on 22 Parking Enforcement vehicles. Parking Enforcement personnel perform a variety of parking enforcement activities and are not limited solely to time zone enforcement. Therefore, personnel costs specifically attributable to time zone enforcement are not tracked.

Berkeley Police Department Memorandum

To: Chief Louis

From: Arlo Malmberg, Strategic Planning and Accountability Manager

RE: Genetec Automated License Plate Reader Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of the Genetec ALPR system to assess compliance with Policy 1302, Surveillance Use Policy- Automated License Plate Reader (ALPR). The audit scope included access records for the Genetec ALPR system between July 1, 2025 and December 31, 2025. The audit methodology involved analyzing these access records for unauthorized access, data breaches, and prohibited uses.

The audit found full compliance with Policy 1302, with no instances of unauthorized access, data breaches, data errors, or prohibited uses detected. All system access was made by authorized personnel as stipulated in the policy.

BACKGROUND

Policy 1302 outlines the requirements for use and access to the Genetec ALPR systems by Parking Enforcement Officers. The policy mandates biannual audits of the ALPR system to ensure compliance and detect any unauthorized access or data breaches.

PRIOR AUDITS

The last audit was conducted in July 2025. No findings were recorded. The next audit will be conducted in July 2026.

SCOPE AND METHODOLOGY

The scope of this audit included all access records for the Genetec ALPR system between July 1, 2025 and December 31, 2025.

The audit methodology involved:

1. Retrieving Genetec ALPR system access records for the specified timeframe from the Parking Enforcement Manager.
2. Analyzing the records for any instances of unauthorized access, data breaches, or prohibited uses.
3. Verifying that all system access was made by authorized personnel as stipulated in Policy 1302.

FINDINGS

Objective 1: Authorized access to ALPR system

Criteria:

1302.5 DATA ACCESS (a): "Only properly trained Parking Enforcement Officers, Sworn Officers as selected by the Investigation's Division Captain, and Information Technology personnel are allowed access to the Genetec ALPR system or to collect ALPR information."

Inspection Procedure:

- Review all access records for the Genetec ALPR system during the audit period.
- Verify that all access was made by authorized personnel.

Findings:

- All access to the Genetec ALPR system was made by authorized personnel
- System maintenance access by Genetec personnel and City of Berkeley IT was also noted and deemed appropriate.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 2: No data breaches

Criteria:

1302.11 AUDITING AND OVERSIGHT (1): "Any unauthorized access or data breach shall be reported immediately to the City Manager..."

Inspection Procedure:

- Analyze access records for any signs of data breaches.
- Confirm with the Parking Enforcement Manager that no data breaches were reported during the audit period.

Findings:

- No data breaches were detected or reported during the audit period.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 3: No prohibited uses

Criteria:

1302.11 AUDITING AND OVERSIGHT (1): "...BPD will enforce against prohibited uses of the Genetec ALPR system, associated ALPR Read and Hit metadata, and lists and databases pursuant to Policy P-26, or other applicable law or policy."

Berkeley Police Department Memorandum

Inspection Procedure:

- Review access records for any indication of prohibited uses of the ALPR system or data.

Findings:

- No prohibited uses of the ALPR system or associated data were detected during the audit period.
- The majority of system accesses were by Genetec personnel for IT support and user management. The remaining accesses were primarily by the Parking Enforcement Manager and Parking Enforcement Officer Supervisors for reviewing system configurations and usage.

Recommendations:

- None. The 100% compliance rate meets department standards.

Berkeley Police Department Memorandum

To: Chief Louis

From: Arlo Malmberg, Strategic Planning and Accountability Manager

RE: Genetec Automated License Plate Reader Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of the Genetec ALPR system to assess compliance with Policy 1302, Surveillance Use Policy- Automated License Plate Reader (ALPR). The audit scope included access records for the Genetec ALPR system between January 1, 2026 and June 30, 2026. The audit methodology involved analyzing these access records for unauthorized access, data breaches, and prohibited uses.

The audit found full compliance with Policy 1302, with no instances of unauthorized access, data breaches, data errors, or prohibited uses detected. All system access was made by authorized personnel as stipulated in the policy.

BACKGROUND

Policy 1302 outlines the requirements for use and access to the Genetec ALPR systems by Parking Enforcement Officers. The policy mandates biannual audits of the ALPR system to ensure compliance and detect any unauthorized access or data breaches.

SCOPE AND METHODOLOGY

The scope of this audit included all access records for the Genetec ALPR system between January 1, 2026 and June 30, 2026.

The audit methodology involved:

1. Retrieving Genetec ALPR system access records for the specified timeframe from the Parking Enforcement Manager.
2. Analyzing the records for any instances of unauthorized access, data breaches, or prohibited uses.
3. Verifying that all system access was made by authorized personnel as stipulated in Policy 1302.

FINDINGS

Objective 1: Authorized access to ALPR system

Criteria:

1302.5 DATA ACCESS (a): "Only properly trained Parking Enforcement Officers, Sworn Officers as selected by the Investigation's Division Captain, and Information Technology personnel are allowed access to the Genetec ALPR system or to collect ALPR information."

Inspection Procedure:

- Review all access records for the Genetec ALPR system during the audit period.
- Verify that all access was made by authorized personnel.

Findings:

- All access to the Genetec ALPR system was made by authorized personnel
- System maintenance access by Genetec personnel and City of Berkeley IT was also noted and deemed appropriate.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 2: No data breaches

Criteria:

1302.11 AUDITING AND OVERSIGHT (1): "Any unauthorized access or data breach shall be reported immediately to the City Manager..."

Inspection Procedure:

- Analyze access records for any signs of data breaches.
- Confirm with the Parking Enforcement Manager that no data breaches were reported during the audit period.

Findings:

- No data breaches were detected or reported during the audit period.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 3: No prohibited uses

Criteria:

1302.11 AUDITING AND OVERSIGHT (1): "...BPD will enforce against prohibited uses of the Genetec ALPR system, associated ALPR Read and Hit metadata, and lists and databases pursuant to Policy P-26, or other applicable law or policy."

Inspection Procedure:

- Review access records for any indication of prohibited uses of the ALPR system or data.

Findings:

- No prohibited uses of the ALPR system or associated data were detected during the audit period.
- The majority of system accesses were by Genetec personnel for IT support and user management. The remaining accesses were primarily by the Parking Enforcement Manager and Parking Enforcement Officer Supervisors for reviewing system configurations and usage.

Recommendations:

- None. The 100% compliance rate meets department standards.

Surveillance Technology Report: Street Level Imagery Project

October 1, 2025 – Sept. 30, 2026

Description	A description of all non-privileged and non-confidential information about the use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report will include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing. Street level imagery is utilized exclusively by authorized City staff for infrastructure asset management and planning activities. The street level imagery of City infrastructure assets in the Public Right of Way that is provided to the City will not consist of information that is capable of being associated with any individual or group.
Geographic Deployment	Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically. Street level imagery was collected by driving through the entire community over a three week period in December of 2020. It is accessible to the City through a proprietary third-party application, Street Smart TM.
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology. There have been no complaints about the use of Street Smart TM.
Audits and Violations	The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response. There have been no complaints with regards to the Street Level Imagery Project.
Data Breaches	Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response. There have been no known data breaches or other unauthorized access to Cyclomedia Street Level Imagery data.
Effectiveness	Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes. Staff considered hiring contractors to use GPS in the field to create and update the infrastructure asset GIS data. This method is costly and time consuming. Cyclomedia's unique and patented processing techniques allow positionally-accurate GIS data to be collected in a cost-effective way and over a shorter period of time than a "boots on the ground" GPS field survey. The Imagery extracted the following Citywide Infrastructure assets to create accurate and current Geographic Information Systems (GIS) data inventories: • Bus pads / stops • Maintenance Access Holes • Pavement Striping • Curb paint color • Parking meters • Pedestrian Signal • Pavement marking • Storm drains • Signs • Street trees • Traffic lights The street level imagery captured was used to: Create a street sign GIS layer with condition assessment to support compliance with the Manual on Uniform Traffic Control Devices Code and provide an accurate inventory of

City signs. The prior sign inventory is contained in a spreadsheet that does not have accurate location data.

Created a curb color layer with condition assessment to indicate where there are red, yellow, blue, white and green colors. This is critical to support Public Safety.

Created pavement striping and paint symbol layers to support Transportation Planning and Vision Zero.

Benefits:

The data from the street level imagery was integrated into the City's work order and asset management system for planning activities and to document repair and maintenance.

Planners can use the street level imagery provided to the City to take measurements remotely, such as sidewalk width and public right of way impacts at proposed development locations.

The data provides a comprehensive snapshot of the City that would be helpful for cost recovery in the event of a major disaster.

City staff can use the street level imagery to plan the location of road markings for pedestrian crossings, bike lanes or other striping.

City staff can remotely take accurate measurements of infrastructure assets to adequately plan for repair and replacement.

City staff can use street level imagery to enhance community engagement. The street level imagery can be used to identify and depict the impact of development such as an intersection restriping plan in order to article before and after conditions.

Costs

Total annual costs for the Surveillance Technology, including personnel and other ongoing costs.

The total cost of the system is $230,277 and is itemized below.

Year No.	Description	Cost	Notes
1	Licenses	$48,000	Resolution No: 69,482-N.S. 30JUN20
1	Professional Services for asset extraction	$122,337	Resolution No: 69,482-N.S. 30JUN20
2	Licenses and Support – One-Time	$43,500	Resolution No: 70,487-N.S. 26JUL22
3	License and Support – Ongoing Annual Costs	$4,110	Resolution No: 70,487-N.S. 26JUL22
4	License and Support – Ongoing Annual Costs	$4,110	Resolution No: 70,487-N.S. 26JUL22
5	License and Support – Ongoing Annual Costs	$4,110	Resolution No: 70,487-N.S. 26JUL22
6	License and Support –	$4,110	Resolution No: 70,487-N.S.

		Ongoing Annual Costs		26JUL22

Surveillance Technology Report: Unmanned Aerial Systems

October 1, 2025 – Sept. 30, 2026

Description	A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing. Unmanned Aerial Systems (UAS) also commonly referred to as a drone are requested pursuant to our Mutual Assistance protocols. If a situation arises wherein the safety to the community, officers, or the offender can be increased through the means of de-escalation (adding time and distance to the situation) a supervisor can make the request. During this reporting period, the Police Department sought mutual assistance for drones on 5 occasions. **What data is captured by this technology:** Unmanned Aerial Systems are owned and operated by the respective agency. While each piece of equipment is unique, generally UAS can both record video and audio, while transmitting the data to the operator, thereby qualifying as a piece of Surveillance Technology pursuant to BMC 2.99.020. **How the data is stored:** During this reporting period Alameda County Sherriff's Office (ACSO) assisted the Berkeley Police Department by providing drones. Per their policy, ACSO retains images captured during a UAS mission if there is reasonable suspicion of criminal activity. BPD personnel would request that evidence from those agencies if it was needed in support of criminal activity. During this reporting period no data was stored by BPD. **Retention period of data:** Policy 1303.7: If available, any data collected by the use of a UAS should be purged by BPD within 60 days if it doesn't contain any data of evidentiary value. If the data has evidentiary value, it should be uploaded into BPD's evidence database and kept pursuant to the established retention guidelines set forth in policy 804-Records Maintenance and Release. **Summary of Uses of UAS** • Training (11/7/25): BPD hosted a demonstration of Drone as First Responder technology. • Training (1/7/26): BPD hosted a demonstration of Drone as First Responder technology. • Case 25-00011468 (3/12/26): ACSO drone deployed in Berkeley during a warrant service for homicide suspects. Use aligned with policy provisions for service of high-risk warrants and arrest of armed and/or dangerous persons. • Case 26-00032972 (07/29/2026): ACSO drone deployed as SRT served a high-risk warrant for an attempted murder suspect in San Leandro. Use aligned with policy provisions for service of high-risk warrants and arrest of armed and/or dangerous persons. • Training (9/22/26): BPD hosted a demonstration of Drone as First Responder technology.

Geographic Deployment	Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically. A UAS was used 5 times during this reporting period; 4 times in Berkeley, once in San Leandro.
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology. During this reporting period the City received no complaints about the deployment of UAS.
Audits and Violations	The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response. There were no known violations relating to the UAS Surveillance Use Policy.
Data Breaches	Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response. There have been no known data breaches or other unauthorized access to any of the data from UAS.
Effectiveness	Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes. UAS are often used to search properties before officers. This allows officers to see video from the UAS and confirm a suspect is not waiting inside with a weapon. By sending the UAS in before officers, the risk of a confrontation that could result in death or serious injury to the suspect, others inside the house and officers, is significantly reduced. This was a lower-use year, though longer-term trends show regular use. The drop partly reflects the time it takes to get a drone from an outside agency, which makes requesting one less practical. In one instance, personnel on scene waited over an hour and a half for a UAS to arrive. Having equipment in the city can reduce that delay and increase safety. Adding enough officers to match aerial coverage is not feasible given hiring and training challenges, and ground-based units lack the elevated perspective needed for efficient searches and for maintaining the additional time and distance for de-escalation that UAS provide.
Costs	Total annual costs for the Surveillance Technology, including personnel and other ongoing costs. The annual cost for UAS is zero as the uses were covered by the responding agencies under the Mutual Assistance agreement. The only costs associated is staff time at each respective incident, however no costs for the use of the technology were incurred. It should be noted that some agencies have indicated an intent to charge for personnel costs associated with providing a drone.

Berkeley Police Department Memorandum

To: Chief Louis

From: Arlo Malmberg, Strategic Planning and Accountability Manager

RE: Unmanned Aerial Systems Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of Unmanned Aerial System (UAS) use to assess compliance with Policy 1303, Surveillance Use Policy – Unmanned Aerial System, and Policy 611, Unmanned Aerial System Operations. The audit scope covered all UAS requests and deployments between July 1, 2025 and December 31, 2025.

The audit reviewed two UAS deployments. The uses complied with the mutual assistance requirements outlined in the policies. No unauthorized deployments, prohibited uses, or data handling violations were identified.

BACKGROUND

Policies 1303 and 611 limit UAS use to specific circumstances, including hazardous incidents, rescues, high-risk warrant services, and other situations where remote aerial support enhances safety. BPD personnel may not operate drones directly; instead, UAS are deployed through mutual aid agreements with outside agencies.

The policies also require that data collection, storage, and sharing be restricted to legitimate law enforcement purposes. UAS data must be purged within 60 days unless it holds evidentiary value, in which case it is retained under Policy 804 (Records Maintenance and Release).

SCOPE AND METHODOLOGY

The scope of this audit included all UAS deployments between January 1, 2025 and June 30, 2025.

The audit methodology involved:

1. Reviewing case reports and deployment records for all UAS uses during the audit period.
2. Confirming that each deployment met the authorized use criteria in Policies 1303 and 611.

Berkeley Police Department Memorandum

SUMMARY OF FINDINGS

Objective #	Audit Objectives	% Meeting Standards
1	Authorized deployments	100%
2	No prohibited uses	100%

DETAILED FINDINGS

Objective 1: Authorized deployments

Criteria:

611.5 AUTHORIZED USE: "The use of the UAS shall only occur as the result of a mutual assistance request, and no BPD personnel will be allowed to operate a UAS. UAS may only be requested for the purposes of remote surveillance and monitoring in the following specified situations: … arrest of armed and/or dangerous persons; service of high risk search and arrest warrants involving armed and/or dangerous persons; other unforeseen exigent circumstances"

Inspection Procedure:

- Reviewed each deployment for compliance with authorized categories.

Findings:

Case 25-00027771 (9/3/25, San Francisco):

San Francisco PD drone deployed during a high-risk homicide warrant service. Two suspects were taken into custody, and firearms were recovered. Use aligned with policy provisions for high-risk warrant service.

Training (11/7/25)

BPD hosted a demonstration of Drone as First Responder technology.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 2: No prohibited uses

Criteria:

611.4 PROHIBITED USE: "The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized"

Inspection Procedure:

- Reviewed deployment records and summaries for any evidence of prohibited activity.

Findings:

- Reviewed deployment records and summaries for any evidence of prohibited activity.

Recommendations:

- None. The 100% compliance rate meets department standards.

Berkeley Police Department Memorandum

To: Chief Louis

From: Arlo Malmberg, Strategic Planning and Accountability Manager

RE: Unmanned Aerial Systems Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of Unmanned Aerial System (UAS) use to assess compliance with Policy 1303, Surveillance Use Policy – Unmanned Aerial System, and Policy 611, Unmanned Aerial System Operations. The audit scope covered all UAS requests and deployments between January 1, 2026 and June 30, 2026.

The audit reviewed three UAS deployments. Each use complied with the mutual assistance requirements outlined in the policies. No unauthorized deployments, prohibited uses, or data handling violations were identified.

BACKGROUND

Policies 1303 and 611 limit UAS use to specific circumstances, including hazardous incidents, rescues, high-risk warrant services, and other situations where remote aerial support enhances safety. BPD personnel may not operate drones directly; instead, UAS are deployed through mutual aid agreements with outside agencies.

The policies also require that data collection, storage, and sharing be restricted to legitimate law enforcement purposes. UAS data must be purged within 60 days unless it holds evidentiary value, in which case it is retained under Policy 804 (Records Maintenance and Release).

SCOPE AND METHODOLOGY

The scope of this audit included all UAS deployments between January 1, 2025 and June 30, 2025.

The audit methodology involved:

1. Reviewing case reports and deployment records for all UAS uses during the audit period.
2. Confirming that each deployment met the authorized use criteria in Policies 1303 and 611.

Berkeley Police Department Memorandum

SUMMARY OF FINDINGS

Objective #	Audit Objectives	% Meeting Standards
1	Authorized deployments	100%
2	No prohibited uses	100%

DETAILED FINDINGS

Objective 1: Authorized deployments

Criteria:

611.5 AUTHORIZED USE: "The use of the UAS shall only occur as the result of a mutual assistance request, and no BPD personnel will be allowed to operate a UAS. UAS may only be requested for the purposes of remote surveillance and monitoring in the following specified situations: … arrest of armed and/or dangerous persons; service of high risk search and arrest warrants involving armed and/or dangerous persons; other unforeseen exigent circumstances"

Inspection Procedure:

- Reviewed each deployment for compliance with authorized categories.

Findings:

Training (1/7/26):

BPD hosted a demonstration of Drone as First Responder technology.

Case 25-00011468 (3/12/26):

Alameda County SO drone deployed during a warrant service for homicide suspects. Suspects were taken into custody. Use aligned with policy provisions for service of high-risk warrants and arrest of armed and/or dangerous persons.

Recommendations:

- None. The 100% compliance rate meets department standards.

Objective 2: No prohibited uses

Criteria:

611.4 PROHIBITED USE: "The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized"

Inspection Procedure:

- Reviewed deployment records and summaries for any evidence of prohibited activity.

Findings:

- Reviewed deployment records and summaries for any evidence of prohibited activity.

Recommendations:

- None. The 100% compliance rate meets department standards.

Surveillance Technology Report: Fixed Automated License Plate Readers

October 1, 2025 – September 30, 2026

Description	A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing. Fixed Automated License Plate Readers (ALPRs) capture images of license plates and convert them to alphanumeric characters. Each detection includes time, GPS location, plate state, and camera ID. The system flags plates against hotlists or BOLOs set by BPD for law-enforcement purposes. No facial recognition is used. **What data is captured by this technology:** • Plate image and cropped plate image • Parsed plate number and state • Date/time and GPS location • Camera identifier and system metadata **How the data is stored:** Flock hosts the data in its secure cloud environment. **Retention period of data:** Retention follows BPD's ALPR policy for fixed systems. Plate detections ("reads") are retained 30 days. Images and metadata associated with investigative "hits" are retained 30 days unless preserved by case hold. **Summary of Fixed ALPR Data** The alert figures below represent the number of times the system flagged license plates during the reporting period. The first three categories—felony vehicle, stolen vehicle, and stolen license plate alerts—were generated through the California SVS (Stolen Vehicle System). The "hotlist alerts" reflect license plates tied to ongoing BPD investigations into specific crimes. o 71 felony vehicle alerts o 610 stolen vehicle alerts o 64,675 stolen license plate alerts o 759 hotlist alerts BPD shares ALPR data only with California law-enforcement agencies for official law-enforcement purposes, not for federal immigration enforcement. During this period, access was limited to California agencies that signed a letter agreeing to follow state law with respect to ALPR usage.
Geographic Deployment	Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically. The 52 cameras are fixed at locations across Berkeley. Positioning focuses on city ingress/egress points and high-traffic corridors that support crime-prevention and investigative leads.
Complaints	A summary of each complaint, if any, received by the City about the Surveillance Technology.

	There have been no submitted complaints about the deployment and use of Automated License Plate Readers. During this reporting period the Department became aware of federal access by Western States Information Network (WSIN) analysts of San Francisco PD ALPR data through the Northern California Regional Intelligence Center (NCRIC). These searches did not occur in Berkeley due to the department's sharing settings. The Department turned off Flock's statewide lookup setting in July 2025 and limited sharing to Bay Area agencies. The reported NCRIC and WSIN incident occurred after that change. The reports of this access were published after BPD's audit of the corresponding time period (July-Dec 2025) but upon hearing of the issue the Department retroactively confirmed that no WSIN searches appeared on Berkeley's network and advised Council and PAB of the findings.
Audits and Violations	The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response. The required audit was completed and is attached below. During this reporting period, the PAB expressed interest in the department's audit practices and in response the Department has offered to work with the PAB on continuing to strengthen its audit protocols across all surveillance technologies.
Data Breaches	Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response. There have been no known data breaches or other unauthorized access to Fixed Automated License Plate Reader data.
Effectiveness	Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes. Effectiveness in public safety is a multifaceted concept that cannot be captured by a single metric. While statistical data is a critical component, the Department evaluates the utility of these tools through a variety of lenses to ensure a holistic assessment of their value to the community. The identified outcomes for fixed ALPRs are to aid criminal investigations and recover stolen property. During the reporting period, the technology was effective in meeting these outcomes: the system was instrumental in at least 59 arrests, assisted in at least 101 investigations, including those for homicides, robberies and commercial burglaries, and led to the recovery of at least 18 stolen vehicles. Additionally, robbery closure rates jumped 10 percentage points in the nine months after ALPR implementation compared to the previous nine month period. The strongest evidence on effectiveness comes from a 2026 study by University of South Carolina criminologists Scott Mourtgos and Ian Adams. It is the first large-scale causal evaluation of fixed ALPR networks. The study tracked 216 agencies as they deployed fixed ALPRs at different times, using official FBI crime data. It found that motor vehicle theft fell 11 percent after deployment, and arrest clearance rates for motor vehicle theft rose by 16 percent. Motor vehicle theft is historically one of the hardest crimes to clear by arrest, and Mourtgos said the results suggest a real public safety benefit for jurisdictions that adopt the technology. Local experience is consistent with this. When Richmond turned its cameras off, its police chief reported that auto thefts rose 33 percent and there was a slowdown in arrests and vehicle recoveries.

Costs	Total annual costs for the Surveillance Technology, including personnel and other ongoing costs. $179,500 for year one, and $165,000 in year two and any subsequent years.

Berkeley Police Department Memorandum

To: Chief Louis
From: Arlo Malmberg, Strategic Planning and Accountability Manager
RE: Flock Automated License Plate Reader Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of the Flock ALPR system to assess compliance with Policy 1305, Surveillance Use Policy- Fixed Automated License Plate Reader (ALPR). The audit scope included access records for the Flock ALPR system between July 1, 2025 and December 31, 2025. The audit methodology involved analyzing these access records for unauthorized access, data breaches, and prohibited uses.

BACKGROUND

Policy 1305 outlines the requirements for use and access to the Flock ALPR systems by BPD staff. The policy mandates biannual audits of the ALPR system to ensure compliance and detect any unauthorized access or data breaches.

SCOPE AND METHODOLOGY

The scope of this audit included all access records for the Flock ALPR system between July 1, 2025 and December 31, 2025.

The audit methodology involved:

1. Reviewing system access records for the specified timeframe from the Flock platform.
2. Analyzing the records for any instances of unauthorized access, data breaches, or prohibited uses as stipulated in Policy 1305.

FINDINGS

Objective 1: BPD - Authorized Access

Criteria:

1305.3 AUTHORIZED AND PROHIBITED USES (j): " Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited."

Inspection Procedure:

- Review all access records for the Flock ALPR system during the audit period.
- Verify user roles.

Findings:

- All access to the Flock ALPR system was made by authorized personnel.

Berkeley Police Department Memorandum

Objective 2: BPD - Permitted Uses

Criteria:

1305.3 AUTHORIZED AND PROHIBITED USES (k): "Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the Berkeley Police Department. Department personnel may only access and use the ALPR system for official and legitimate California law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:

1. Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, is a violation of this Policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).
2. Harassment or Intimidation: It is a violation of this Policy to use the ALPR system to harass and/or intimidate any individual or group.
3. Use Based on a Protected Characteristic. It is a violation of this policy to use the LPR system or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
4. Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.
5. First Amendment Rights. It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights."

Inspection Procedure:

- Query access records for terms associated with impermissible use.
- Confirm that each search recorded a case/incident number and/or reason.
- Randomly select 100 searches and verify alignment between investigation and search.

Findings:

- No impermissible uses detected across officer activity. Reasons documented in line with Policy 1305's requirement to capture case/incident number and/or reason.
- All randomly selected searches were verified to align with the documented case/incident.

Berkeley Police Department Memorandum

Objective 3: External - Authorized Access

Criteria:

1305.10 THIRD PARTY DATA-SHARING: "The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law....The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP)."

Inspection Procedure:

- Query access records for Federal and out-of-state agencies.

Findings:

- No Federal or out-of-state agencies searched across BPD's ALPR network.

Objective 4: External – Permitted Uses

Criteria:

1305.10 THIRD PARTY DATA-SHARING: "The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law....The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP)."

Inspection Procedure:

- Query access records for terms associated with impermissible use.

Findings:

- 0 searches referenced "ICE" or "CBP"
- In the period following the departmental actions taken after the previous audit, one agency made a series of searches with the search reason "HSI." During a routine review of search records, BPD discovered the searches, promptly revoked the agency's sharing access and notified the City Council via the City Manager as well as the Director of Police Accountability and the Police Accountability Board. BPD leadership contacted the agency directly and upon further investigation, the searches were found to be for a local violence suppression investigation and not connected to federal immigration agencies or investigations. After confirming that the search reason was within 1305.10 permissible sharing, the agency's access was restored.

Berkeley Police Department Memorandum

To: Chief Louis
From: Arlo Malmberg, Strategic Planning and Accountability Manager
RE: Flock Automated License Plate Reader Audit

OVERVIEW

The Berkeley Police Department's Strategic Planning and Accountability Manager conducted an audit of the Flock ALPR system to assess compliance with Policy 1305, Surveillance Use Policy- Fixed Automated License Plate Reader (ALPR). The audit scope included access records for the Flock ALPR system between January 1, 2026 and June 30, 2026.

BACKGROUND

Policy 1305 outlines the requirements for use and access to the Flock ALPR systems by BPD staff. The policy mandates biannual audits of the ALPR system to ensure compliance and detect any unauthorized access or data breaches.

SCOPE AND METHODOLOGY

The scope of this audit included all access records for the Flock ALPR system between January 1, 2026 and June 30, 2026.

The audit methodology involved:

1. Reviewing system access records for the specified timeframe from the Flock platform.
2. Analyzing the records for any instances of unauthorized access, data breaches, or prohibited uses as stipulated in Policy 1305.
3. For each search pattern flagged by Flock's audit assistance tools, reviewing the associated incident documentation to verify that the queried license plate was connected to the underlying incident.

FINDINGS

Objective 1: BPD - Authorized Access

Criteria:

1305.3 AUTHORIZED AND PROHIBITED USES (j): " Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited."

Inspection Procedure:

- Review all access records for the Flock ALPR system during the audit period.
- Verify user roles.

Berkeley Police Department Memorandum

Findings:

- All access to the Flock ALPR system was made by authorized personnel.

Objective 2: BPD - Permitted Uses

Criteria:

1305.3 AUTHORIZED AND PROHIBITED USES (k): "Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the Berkeley Police Department. Department personnel may only access and use the ALPR system for official and legitimate California law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:

1. Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, is a violation of this Policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).
2. Harassment or Intimidation: It is a violation of this Policy to use the ALPR system to harass and/or intimidate any individual or group.
3. Use Based on a Protected Characteristic. It is a violation of this policy to use the LPR system or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.
4. Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.
5. First Amendment Rights. It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights."

Inspection Procedure:

- Query access records for terms associated with impermissible use.
- Confirm that each search recorded a case/incident number and/or reason.
- Randomly select 100 searches and verify alignment between investigation and search.
- Review all search patterns flagged by Flock's audit assistance tools during the audit period.

Findings:

- No impermissible uses detected across officer activity. Reasons documented in line with Policy 1305's requirement to capture case/incident number and/or reason.
- All randomly selected searches were verified to align with the documented case/incident.

Berkeley Police Department Memorandum

- Flock's audit assistance tools flagged 35 search patterns during the audit period. For each, the associated incident documentation was reviewed and the queried plate was verified as connected to the incident. No pattern lacked a corresponding incident connection.

Objective 3: External - Authorized Access

Criteria:

1305.10 THIRD PARTY DATA-SHARING: "The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law....The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP)."

Inspection Procedure:

- Query access records for Federal and out-of-state agencies.

Findings:

- No Federal or out-of-state agencies searched across BPD's ALPR network.

Objective 4: External – Permitted Uses

Criteria:

1305.10 THIRD PARTY DATA-SHARING: "The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law....The Berkeley Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CBP)."

Inspection Procedure:

- Query access records for terms associated with impermissible use.

Findings:

- 0 searches referenced "ICE" or "CBP"

29

Office of the City Manager

INFORMATION CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David White, Deputy City Manager

Subject: Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring Audit Status Report

INTRODUCTION

On July 11, 2023, the City Auditor submitted a *Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring* audit report[1] to the City Council with recommendations that the City establish retention goals, conduct an analysis of staff needed for city services and consider staff capacity around new legislation. It was also recommended that the City take steps to address employee satisfaction and improve the recruiting and hiring process. Further, the audit recommended that the City expand the telework policy to align with best practices and regularly collect data on employee satisfaction and on diversity, equity, inclusion, and accessibility.

The purpose of this information item is to update City Council on the status of implementation of the audit report's recommendations. This is the fourth status report regarding this audit.

CURRENT SITUATION AND ITS EFFECTS

The audit included 25 recommendations. As detailed in Attachment 1, 21 of the audit's 25 recommendations (84%) have been implemented, an increase of six since the previous status update. As of the writing of this report, one (1) of those recommendations have not been started, three (3) have been partially implemented and twenty one (21) have been implemented. The City has maintained progress on implementation and demonstrated commitment to addressing audit findings despite fiscal constraints and staffing reductions that resulted from the adoption of the FY 27 – FY 28 Biennial Budget that impacted both the City Manager's Office and Human Resources Department. The progress made by staff is a testament to the organization's focus not only on addressing audit findings but strengthening the workforce.

[1] Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring (https://berkeleyca.gov/sites/default/files/documents/Staff%20Shortages%20--%20City%20Services%20Constrained%20by%20Staff%20Retention%20Challenges%20and%20Delayed%20Hiring_0.pdf)

The Human Resources Department continues to prioritize training, recruitment, and retention initiatives. Efforts include expanded organizational training opportunities to enhance employee development opportunities and career advancement, outreach strategies, and strengthened candidate pipelines. Technology and dashboards are leveraged to track vacancies, hiring timelines, and training completion data, providing visibility into workforce trends and allowing departments to target resources where they are most needed. These tools, paired with annual reporting requirements pursuant to state law, enhanced recruitment campaigns and consistent onboarding improvements, support the City's commitment to transparency and maintaining a skilled and engaged workforce despite fiscal and staffing challenges.

In addition, the City Manager's Office has expanded communication efforts through new platforms, regular engagement opportunities, and leadership convenings. These initiatives are being integrated into ongoing plans to strengthen transparency, employee engagement, and organizational culture.

Finally, of the items that are partially implemented, two of them are contingent on action to be taken by the Mayor and City Council. For Recommendation 2.2, the Mayor and City Council can determine whether additional guidance is needed regarding staff capacity when introducing new legislation. Also, for Recommendation 5.5, the City Auditor's Office indicated that the Mayor and City Council need to determine the best department to perform employee satisfaction surveys. Given staffing reductions, it would make sense for the Human Resources Department to lead this work, as resources allow.

Please see Attachment 1 for a detailed table of audit report recommendations, corrective action plans, and implementation progress. The next status report to Council is expected to be presented in Fall 2027.

BACKGROUND

The findings of the audit and implementing its recommendations have been valuable in strengthening the workforce and organization. While many of the recommendations require notable time and resources, progress has been made. Despite resource constraints, focus remains on enhancing employee satisfaction, retaining valuable staff members, refining hiring processes, and expanding training opportunities. A dedicated and motivated workforce is crucial to the successful functioning of the organization and the delivery of quality services to the Berkeley community.

The organization continues to focus on being an employer of choice, providing an environment that fosters growth, recognition, and professional development for employees. By creating a workplace that promotes job satisfaction and overall well-being, the organization can better prevent the challenges of the staffing crisis.

Staff will continue to keep the City Council informed of progress, sharing updates on the implementation of initiatives, and improvements made in staffing strategies.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

ALTERNATIVE ACTIONS CONSIDERED
None at this time.

CONTACT PERSON
David White, Deputy City Manager, City Manager's Office, (510) 981-7014

Attachments:
1. Audit Findings, Recommendations, and Status Updates

Audit Title: Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring

Issue Date: June 22, 2023

Table: Audit Recommendation Statuses

Finding	Recommendation	Department	Previous Status Update	Current Status Update
Staff shortages constrained city services.	**1.1** Establish citywide retention goals and report to City Council on progress towards those goals biennially.	City Manager	Partly Implemented	**Implemented.** Human Resources presents on the status of vacancies and recruitment and retention efforts at a public hearing before City Council once per fiscal year. Their last report to City Council noted above a 90% retention rate. Human Resources will continue to incorporate retention rates into the annual report and strive for at least a 90% retention rate.
Staff shortages constrained city services.	**1.2** Conduct a staffing analysis based on critical needs to identify the number and type of full-time equivalent positions needed for successful city operations and services. The City may consider conducting this analysis one department at a time based on available resources.	City Manager	Partly Implemented	**Implemented.** Various departments and divisions have performed staffing analyses to inform operations, including the Police department, Fire department, and Neighborhood Services division. Given the City's fiscal constraints, where possible, additional staffing analyses will be performed over time. Staffing levels will be aligned with available resources.
Some current city employees reported dissatisfaction and many have contemplated leaving.	**2.1** Review the highest priority city job descriptions to ensure they accurately reflect job duties.	City Manager	Implemented	**Implemented.** Human Resources identified the highest priority job descriptions for revisions and continues to revise job classification specifications and salaries in order to meet the City’s priority hiring needs on an ongoing basis. Recent examples include the modification of the Public Safety Dispatcher I and II specifications to create a career track for call takers.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
Some current city employees reported dissatisfaction and many have contemplated leaving.	**2.2** Consider staff capacity when introducing new legislation, and limit or prioritize new legislation during periods of short staffing.	Mayor and Council	Started	**Partly Implemented.** Staff communicate staff capacity and resource needs to inform legislative initiatives proposed by City Council. Through the budget process, City Council allocates the resources that are needed to advance referrals adopted by the City Council.
Some current city employees reported dissatisfaction and many have contemplated leaving.	**2.3** Report on the status of approved projects to City Council, including information about delays caused by staff vacancies.	City Manager	Implemented	**Implemented.** City departments provide updates to Council on the status of approved projects and the impacts of staff vacancies through information reports, presentations, off-agenda memos, and updates posted to the City's website.
Some current city employees reported dissatisfaction and many have contemplated leaving.	**2.4** Improve pathways for promotion in the City through a citywide succession plan, which may include cross-training for positions.	City Manager	Partly Implemented	**Partly Implemented.** In 2025, the City launched the Supervisory Leadership Program (SLP) with 44 participants. In January 2026, the City hired a Training Officer whose primary focus is strengthening pathways for promotion and advancing citywide succession planning through leadership development. The Training Officer is developing a new in-person Supervisory Training Program for the 200–300 classifications designated as supervisor-of-record. In addition, he has completed a citywide needs assessment and will present the findings and next steps for a comprehensive Citywide Training Program to SET in late fall 2026.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
Some current city employees reported dissatisfaction and many have contemplated leaving.	**2.5** Direct departments to ensure that all employees receive an annual performance evaluation.	City Manager	Started	**Implemented.** Departments have been directed to ensure that all employees should receive an annual performance evaluation. Performance Evaluations have been incorporated as a training topic in the Supervisor Learning Program. The Human Resources Department continues to work with the Information Technology Department on a plan to use the Tyler ERMA module to track performance evaluations. Until the Tyler ERMA module is in place, completed digital performance evaluations will continue to be submitted to the Human Resources Department for placement in employees' personnel files.
Some current city employees reported dissatisfaction and many have contemplated leaving.	**2.6** Implement a comprehensive training program that ensures staff at all levels receive the training they need to fulfill their job duties and develop their job skills as needed. Consider increasing the training budget and redesigning the training curriculum to best address the needs of a post-pandemic workforce, improving training for supervisors and managers, ensuring that experts conduct trainings, and allowing employees to request specific trainings.	Human Resources	Implemented	**Implemented.** Human Resources launched NEOGOV Learn as a training portal for all employees. As part of its NEOGOV launch, Human Resources piloted the City's Supervisor Learning Plan, a hybrid learning experience that combines self-paced online learning and engaging classroom discussions. Designed with a competency-based approach, the program focuses on the essential knowledge, skills, and behaviors needed for effective frontline leadership in the City of Berkeley.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
Some current city employees reported dissatisfaction and many have contemplated leaving.	**2.7** Ensure that all city employees complete mandatory trainings in accordance with the state law. Report data on mandated trainings to Council annually.	Human Resources	Implemented	**Implemented.** City Council receives weekly updates from Human Resources, which have included updates regarding the launch of NEOGOV Learn in January 2025, and the percentage of biannual mandatory trainings completed by city staff.
Some current city employees reported dissatisfaction and many have contemplated leaving.	**2.8** Update City Council on the recruitment status of hard-to-fill positions during the biennial budget process, as well as steps taken to fill these positions.	City Manager	Implemented	**Implemented.** The reporting of hard-to-fill positions has been rolled into the annual public hearing mandated under AB 2561, in which Human Resources presents on the status of vacancies and recruitment and retention efforts at a public hearing before City Council once per fiscal year, most recently on June 3, 2025.
Some current city employees reported dissatisfaction and many have contemplated leaving.	**2.9** Identify positions that are hard-to-recruit and retain and consider reassessing pay for those positions.	City Manager	Implemented	**Implemented.** Human Resources has identified hard-to- recruit and retain positions based on vacancies and reporting data. As consideration for reassessing pay for those positions the Human Resources department is in the process of completing classification and compensation studies for hard-to-fill and other agreed-upon classifications, which were agreed to during labor negotiations.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
Some current city employees reported dissatisfaction and many have contemplated leaving.	**2.10** Assess employees' needs regarding communication from the City Manager's Office and design a communication strategy that addresses those needs.	City Manager	Implemented	**Implemented**. The City Manager's Office continues to incorporate new communication models. Over the past year, the City Manager has 1) conducted two online town halls with more scheduled for the future; 2) instituted the weekly wrap up, a summary of new and exciting work happening across all City departments; 3) conducted one annual managers meeting bringing together 80 of the top leadership team members in the City to discuss how to improve City services and employee engagement; 4) ensured that our open house rotation continues as planned. In alignment with the goals of the Employer of Choice initiative, these efforts are being integrated into annual plans to ensure continuation of effort.
Instability in Human Resources delayed hiring and impacted internal services.	**3.1** Assess the level of staff and resources needed to meet the City's recruitment and hiring needs. Prioritize filling these positions when vacancies in this area fall below a level that would jeopardize the City's ability to hire quickly.	City Manager	Implemented	**Implemented.** This recommendation has been fully implemented with the hiring of three additional employees: one Associate HR Analyst dedicated to recruitment; one Associate HR Analyst assigned to exams; and one Assistant HR Analyst supporting Benefits. HR's recruitment team additionally has standing meetings with departments during which they identify and prioritize hiring needs.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
Instability in Human Resources delayed hiring and impacted internal services.	**3.2** Assess the approval process for hiring new employees and identify opportunities to reduce inefficiencies.	City Manager	Implemented	**Implemented.** This recommendation has been fully implemented with the development of exam plans at the outset of every hiring process. Human Resources (HR) has also changed the order by which hiring approvals are processed in NEOGOV, the City's hiring platform. HR has implemented additional steps to reduce inefficiencies including e-offers and e-reference checks through the NEOGOV hiring system. HR has also obtained LiveScan certifications for some staff members and will be moving the fingerprinting process in-house as soon as they receive final approval.
Instability in Human Resources delayed hiring and impacted internal services.	**3.3** Develop and execute a plan to modernize recruitment and hiring using social media and community engagement.	Human Resources	Implemented	**Implemented.** Human Resources has completed the engagement with marketing agency, Sensis, which resulted in the creation of a career website (https://www.berkeley.careers), increased social media presence across different platforms, creative advertisements, algorithm tools for candidate outreach, and direct marketing campaigns. Human Resources will maintain these tools with individual consultants and continue to employ digital recruiting strategies.
Instability in Human Resources delayed hiring and impacted internal services.	**3.4** Communicate standard procedures and trainings for NEOGOV and the City's hiring process to all department heads and hiring managers.	Human Resources	Implemented	**Implemented.** Human Resources hosted training sessions with each department's hiring managers and distributed step-by-step instructions on the hiring process and how to utilize NEOGOV's Online Hiring Center (OHC).

Finding	Recommendation	Department	Previous Status Update	Current Status Update
Instability in Human Resources delayed hiring and impacted internal services.	**3.5** Improve the employee onboarding process so employees have the tools and information they need to do their jobs.	Human Resources	Implemented	**Implemented.** The corrective action has been fully implemented with the automation of Onboarding through NEOGOV and the launch of the new, in-person "Welcome to Berkeley" orientation program.
Telework can benefit the City but the current policy is limited.	**4.1** Identify ways of reducing unused space in city buildings to save on overhead costs. This initiative may require additional resources beyond city staff.	City Manager	Started	**Implemented.** The City's approach to remote work has changed since the audit's release with more employee onsite days**.** Departments routinely evaluate space needs and prioritize the use of available city space. For example, the Fire Department completed a Facility Master Plan to provide City leaders with a ten-year strategic approach for addressing the City's aging, undersized, and outdated fire and emergency services facilities. Space that is not used by the City, where possible, will be made available for lease.
Telework can benefit the City but the current policy is limited.	**4.2** Expand the citywide telework policy to include elements that align with best practices. This can include eligibility, employee accountability, equipment requests, telework training, and justifications for denying employee requests to telework.	City Manager	Partly Implemented	**Implemented.** The City revised and approved Administrative Regulation 2.23 for Telework. This policy aligns with best practices including eligibility, accountability, and justifications for denying employee requests to telework through an appeal process.
The City lacked reliable data to address staff shortages.	**5.1** Clean up personnel data in ERMA to ensure all employee data is accurate.	Human Resources	Implemented	**Implemented.** Human Resources hired a consultant to standardize abbreviations and other information within ERMA, which ensures data integrity and accuracy.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
The City lacked reliable data to address staff shortages.	**5.2** Develop standardized procedures for entering and managing personnel data in ERMA.	Human Resources	Partly Implemented	**Partly Implemented.** No change from previous update. Human Resources has created Standardized Operating Procedures (SOPs) for entering and managing personnel data in ERMA, which are undergoing final review.
The City lacked reliable data to address staff shortages.	**5.3** Produce reports that can be used to inform retention and hiring efforts, which may include data on vacancies, recruitments, turnover, or other useful data. Human Resources should also report to City Council on staff vacancies by department and how long those positions have been vacant.	Human Resources	Implemented	**Implemented.** Human Resources has created dashboards in PowerBI which track vacancies, time to hire, and attrition rates on a monthly basis. On an annual basis, under AB 2561, Human Resources presents on the status of vacancies and recruitment and retention efforts at a public hearing before City Council once per fiscal year.
The City lacked reliable data to address staff shortages.	**5.4** Consistently conduct exit surveys or interviews and share results with departments.	Human Resources	Started	**Implemented.** Human Resources developed an Exit Process Checklist that outlines all shared steps triggered when an employee leaves the City, including steps for sending an exit survey to the departing employee and sharing the compiled results with the department.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
The City lacked reliable data to address staff shortages.	**5.5** Determine the appropriate city department or other body to regularly collect data on employee satisfaction. Data collection should include employees' perceptions about diversity, equity, inclusion, and accessibility in the workplace. The department should consider publishing the data and comparing it to previous years to help inform retention efforts.	Mayor and Council	Not Started	**Not Started.** The original Corrective Action Plan for this recommendation stated that "The Special Projects team working on the Employer of Choice initiative will collaborate with the to-be-hired DEI officer to implement a methodology to collect and report back on employees' perceptions about diversity, equity, inclusion, and accessibility in the workplace." Since the Audit was finalized, the City has implemented reductions in programs and services to address a $30 million deficit in the General Fund. In the City Manager's Office, this resulted in the elimination of the Office of Diversity, Equity and Inclusion and a 66% staffing reduction in the Special Projects Division. While the City remains committed to being an Employer of Choice, implementing the corrective action plan is not feasible at this time.
The City lacked reliable data to address staff shortages.	**5.6** Resume data collection and production of Year End Workforce Reports on demographic workforce trends at least annually. Consider expanding Human Resources' performance measure reported in the budget book to capture diversity at all levels of city employment.	City Manager	Implemented	**Implemented.** Human Resources has created dashboards in PowerBI which tracks demographics in applicant and hiring efforts. Reports are regularly shared with the Personnel Board.

Office of the City Manager

INFORMATION CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: City Contracts Audit Status Report

INTRODUCTION

On March 10, 2026, the City Auditor submitted a City Contracts audit report[1] to the City Council with recommendations to improve transparency, efficiency, and accountability in how the City solicits and awards contracts. The purpose of this information item is to update the City Council on the status of implementation of the audit report's recommendations. This is the first status report regarding this audit.

CURRENT SITUATION AND ITS EFFECTS

The audit included thirteen recommendations. As of this report, two of those recommendations have been implemented, two have been partially implemented, seven have been started, and two have not been started. Since the audit's release, the Finance Department prioritized filling critical vacancies in its General Services Division, which is now fully staffed. Additionally, the Finance Department took immediate action following the audit's release to align guidance and protocols for non-competitive procurement to increase transparency and competition. Finally, the General Services Division has launched a comprehensive review of the City's Purchasing Manual to improve transparency and efficiency in all procurement and contracting processes.

Please see Attachment 1 for a detailed table of audit report recommendations, corrective action plans, implementation program. The next status report to Council is expected to be presented in Fall 2027.

BACKGROUND

The City uses contracts for most services that are not done by city staff, like public artwork and towing, and to procure specialized goods, like fire trucks. The City typically uses simpler purchase orders rather than contracts to buy goods, like office furniture and equipment for parks maintenance. The General Services Division in the Finance Department reviews and processes all purchases of goods and services for the entire

[1] Audit: City_Contracts:_Outdated_Process_Led_to_Non-Competitive_Contracts

City, but staff in each department are responsible for initiating purchasing goods and services for their department.

Competition among contractors helps ensure that the City is accountable for public funds spent on contracts and can get the best value for Berkeley residents. However, competition is not always possible or appropriate, so City policies allow for non-competitive contracts in specific circumstances, such as when emergency maintenance is needed. This primarily occurs through either Council authorization or a waiver of competition approved by the City Manager.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects associated with the subject of this report.

POSSIBLE FUTURE ACTION

The Finance Department will continue to work with all City Departments to ensure adherence to the Purchasing Manual to improve transparency, efficiency, and accountability in how the City solicits and awards contracts.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

None at this time.

CONTACT PERSON

Henry Oyekanmi, Director, Finance, 510-981-7326

Attachments:
1: Audit Findings, Recommendations, and Status Updates

Attachment 1

Audit Title: City Contracts: Outdated Process Led to Non-Competitive Contracts

Issue Date: February 19, 2026

Table: Audit Recommendation Statuses

Finding	Recommendation	Department	Previous Status Update	Current Status Update
Berkeley spent millions of dollars on noncompetitive contracts when competition was likely possible.	**1.1** To ensure Berkeley is getting the best value for recycling services, we recommend that Public Works pursue open competition on the City's recycling contracts.	Public Works	Not Started	**Started.** The Ecology Center and Community Conservation Center (CCC) contracts were extended for two years through June 30, 2028, instead of five years. According to Public Works, the extension maintains uninterrupted zero-waste services while the Public Works Department Zero Waste staff prepare competitive Requests for Proposals, consistent with the audit recommendation. Staff anticipate releasing the RFP in Spring 2027, to leave sufficient time for contract award well in advance of the June 30, 2028 expiration of the current contract.
Berkeley spent millions of dollars on noncompetitive contracts when competition was likely possible.	**1.2** To ensure large contracts have adequate competition, we recommend City Council work with City management and the City Attorney to propose updates to the Berkeley Municipal Code Chapter 7.18 to require competition for service contracts that City Council approves.	City Manager	Not Started	**Partly Implemented.** Mayor Ishii and Councilmember Kesarwani submitted an item that proposes amendments to Chapter 7.18 of the Berkeley Municipal Code to explicitly require competitive procurement for services. The item was discussed at the Budget and Finance Policy Committee on September 24, 2026 and on October 5, 2026.
Berkeley spent millions of dollars on noncompetitive contracts when competition was likely possible.	**1.3** To ensure clear standards for waiving competition, we recommend that the Finance Department update the waiver of competitive solicitation form to be consistent with the Purchasing Manual.	Finance	Not Started	**Implemented.** The Finance Department has updated the waiver of competitive solicitation form to be consistent with the Purchasing Manual.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
Berkeley spent millions of dollars on noncompetitive contracts when competition was likely possible.	**1.4** To ensure transparency, we recommend that City management work with the Finance Department, Human Resources, and the City Attorney's office to strengthen the City's existing ethical standards, including guidance for City officials, staff, and contractors regarding disclosing personal, professional, and business relationships.	City Manager	Not Started	**Not Started.** An interdepartmental team will be convened to implement this recommendation.
Berkeley spent millions of dollars on noncompetitive contracts when competition was likely possible.	**1.5** To ensure City staff have guidance on how to appropriately use amendments, we recommend that the Finance Department develop and distribute written policies and procedures on contract amendments, including when contracts are required to go back out for competition.	Finance	Not Started	**Started.** Finance added the requirement for most contracts to be re-bid every five to seven years to the Purchasing Manual. The new General Services Manager, who was hired in August 2026, has also begun a review of the Purchasing Manual. An updated version is being drafted and is expected to include detailed protocols around contract amendments, piggybacking, and clear expectations for competition.
Berkeley spent millions of dollars on noncompetitive contracts when competition was likely possible.	**1.6** To increase transparency of spending on legal services contracts, we recommend that the City Attorney's Office regularly report legal services contracts and amendments to City Council.	City Attorney	Not Started	**Started.** On October 5, 2026, the Budget and Finance Committee voted to send amendments to BMC Chapter 7.18 to Council with a qualified positive recommendation. This recommendation includes annual reporting from the City Attorney's Office related to legal services contracts and amendments. The City Attorney's Office will work to establish regulations that meet the intent of the required annual reporting.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
Paper contracts, unclear guidance, and short staffing led to delays and overuse of noncompetitive contracts.	**2.1** To increase efficiency and accountability in the contract process, we recommend that City management work with the Finance Department to adopt a comprehensive and integrated electronic contract management system, as funds are available.	City Manager	Not Started	**Started.** While a full enterprise Contract Lifecycle Management (CLM) system remains unfunded due to budget and staffing constraints, IT and Finance have completed extensive discovery and vendor evaluations alongside key stakeholders. In the interim, Finance and IT are actively revising and refining DocuSign/AdobeSign routing workflows to digitize core contract execution and approvals. However, automated records retention, central repository tracking, and end-to-end contract governance will still require a dedicated enterprise CLM platform once dedicated funding and resources are secured.
Paper contracts, unclear guidance, and short staffing led to delays and overuse of noncompetitive contracts.	**2.2** To more easily assess the use of non-competitive contracts, we recommend that the Finance Department track what type of competition is used for each contract and maintain documentation in an accessible format as part of the new contract management system.	Finance	Not Started	**Partly Implemented.** The GS Contract Log now includes a column which identifies which type of competition is used (RFP, piggyback, non-competitive waiver). However, the information is just starting to be tracked as of August 2026 and has not been entered consistently.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
Paper contracts, unclear guidance, and short staffing led to delays and overuse of noncompetitive contracts.	**2.3** To ensure consistent application of standards, we recommend the Finance Department update the Purchasing Manual and any additional guidance documents for staff to include complete sections on key topics such as amendments, piggybacking, ethics, and suspension or debarment of contractors who engage in misconduct.	Finance	Not Started	**Started.** The new General Services Manager, who was hired in August 2026, has begun a review of the Purchasing Manual. An updated version is being drafted and is expected to include detailed protocols and expectations around contract amendments, piggybacking, ethics, and suspension or debarment of contractors who engage in misconduct.
Paper contracts, unclear guidance, and short staffing led to delays and overuse of noncompetitive contracts.	**2.4** To ensure clarity in the primary guidance on purchasing for all City staff and consistent application of standards, we recommend the Finance Department work with the City Attorney and City management to update the Purchasing Manual with a table of contents, clear definitions, and consistent language and standards across the Purchasing Manual and related forms, boilerplates, templates, and other additional guidance documents.	Finance	Not Started	**Started.** The new General Services Manager has begun a review of the Purchasing Manual. An updated version is being drafted.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
Paper contracts, unclear guidance, and short staffing led to delays and overuse of noncompetitive contracts.	**2.5** To ensure that City staff know how to use the contracting process correctly and efficiently, we recommend that the Finance Department offer and publicize a regular procurement training program for staff from other departments.	Finance	Not Started	**Started.** Several contracts trainings occurred in 2025. However, due to the General Services Manager vacancy, trainings have not been offered since then. According to Finance, a new training is currently planned for November 2026.
Paper contracts, unclear guidance, and short staffing led to delays and overuse of noncompetitive contracts.	**2.6** To ensure adequate resource support for City contracts, we recommend that City management assess Finance Department staff positions needed to provide oversight and prioritize filling these positions when possible.	City Manager	Not Started	**Implemented.** Both the General Services Manager and all the Buyer positions have been filled. HR will continue prioritizing these important positions if they become vacant.
Paper contracts, unclear guidance, and short staffing led to delays and overuse of noncompetitive contracts.	**2.7** To ensure the City makes progress towards promoting fairness in contracts, we recommend that City management formally assign responsibility for managing the demographic data from potential contractors to facilitate data analytics and implementing prior recommendations related to contractor outreach and the contracting process.	City Manager	Not Started	**Not Started.** This work would have been assigned to staff in the Office of Diversity, Equity and Inclusion. However, as part of the FY 27- FY 28 budget, in order to address a $30 million deficit, staff assigned to the Office of DEI were eliminated (all vacant positions at the time that the budget was adopted). This work has yet to be reassigned.

31

Office of the City Manager

INFORMATION CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Expiration of Temporary Cannabis Business Tax Exemption

INTRODUCTION

On June 27, 2023, the City Council adopted Ordinance No. 7,880-N.S., which temporarily exempted cannabis related businesses from business license taxes at their ordinary rates and instead imposed the rates applicable to non-cannabis related businesses. The exemption period lasted until July 1, 2025, at which time those businesses were again subject to the original rates established for cannabis-related businesses.

When the exemption was passed, the Council made a referral to the now defunct Cannabis Commission to re-examine the Cannabis tax rate structure and make a recommendation to the Council. Since no Commission re-evaluation took place, the Finance Department researched the rates of other nearby cities and found that the City's pre-exemption rates would be competitive if reinstated. The City will now send a courtesy notice to existing businesses notifying them that the exemption has expired, and rates have reverted to their pre-exemption level per Ordinance No. 7,880-N.S. The City will begin to collect business license taxes for Cannabis-related businesses at the rates established in BMC 9.04.240 effective January 1, 2027.

CURRENT SITUATION AND ITS EFFECTS

In 2023, with the passage of Ordinance 7,880-N.S., a temporary exemption was granted to cannabis businesses, and they were only required to pay the standard business license tax rates (e.g., retail tax rate for cannabis retail businesses).

Concurrent with the adoption of Ordinance 7,880-N.S., the City Council made a referral to City Staff to analyze and develop an ordinance to adjust rates if warranted.

An evaluation of surrounding cities found that most cities that allowed cannabis businesses to operate charged a tax rate between 3% and 7% for retail sales, although

Oakland uses a tiered rate structure with rates ranging from 0.12% on the smallest businesses up to 5% for larger businesses. Dublin, Fremont, Livermore, Newark, Piedmont and Pleasanton prohibit commercial cannabis sales, thereby generating no tax revenue. The table below shows existing assessed cannabis tax rates for cities in Alameda County plus two nearby cities in Contra Costa County that permit cannabis sales.

City	Currently Assessed Rate	Authorized Maximum Rate
Alameda	0%	0%
Albany	2.5% + $25/sq ft[a]	2.5%
Emeryville	3%	6%
Oakland	5%[b]	5%
Hayward	7%	15%
Richmond	5%	5%
San Pablo	5%	7%
San Leandro	5%	10%
Union City	4%	6%
Average Rate	**4.1%**	**6.3%**
Berkeley Exemption Rate	**0.12%**	**0.12%**
Berkeley Standard Rate[c]	**5.0% (AU) / 2.5% (M)**	**5.0% (AU) / 2.5% (M)**

[a]Albany uses a hybrid structure that assesses based on gross receipts and building square footage

[b]Oakland uses a tiered/threshold rate structure up to 5%

[c]No other cities have reduced rates for medicinal use cannabis businesses. AU represents Adult Use and M represents Medicinal

Prior to the 2023 exemption, medical cannabis businesses paid $25 per $1,000 (2.5%) of gross receipts and adult use cannabis businesses paid $50 per $1,000 (5.0%) of gross receipts, which resulted in up to $1.8M in annual revenue. With the expiration of the

exemption, the City projects annual revenues to be approximately $1.2M annually, up from the $25,251 collected in FY 2026.

BACKGROUND

In 2018, the State established the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), a regulatory framework for the medicinal and adult use cannabis industry. Among other things, this law allowed local jurisdictions to set business license requirements for cannabis businesses. Berkeley ultimately set business license tax rates of $25 per $1,000 of gross receipts for medical cannabis businesses and $50 per $1,000 of gross receipts for adult use cannabis businesses (the current rates seen in BMC 9.04.240). In 2023, City Council passed a temporary tax exemption for all cannabis businesses, reducing their tax rate to the standard business tax rate (e.g., retail cannabis businesses pay the same tax rate as all other retail businesses). This temporary tax exemption expired in June 2025, by which point the City's Cannabis Commission was to have re-evaluated the rates going forward. Since no Commission re-evaluation took place, Finance reviewed rates being assessed in surrounding municipalities and determined that the existing rate collected before the exemption was appropriate.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No effects found.

POSSIBLE FUTURE ACTION

The City Council could choose to change the applicable business tax rates to a rate that differs from surrounding municipalities.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Lower rates would deprive the City of revenues that are comparable to nearby cities.

CONTACT PERSON

Henry Oyekanmi, Director, Finance, 510-981-7326

Office of the City Manager

INFORMATION CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Landmark Preservation Ordinance Notice of Decision: 2845 Woolsey Street (Norton Family House) / #LMSAP2026-0003

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that "a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting."

CURRENT SITUATION AND ITS EFFECTS

The Landmarks Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject Landmark property. This action is subject to a 14-day appeal period, which began after the notice was mailed on November 3, 2026.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to appeal any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. For Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 14 days of the mailing of the Notice of Decision, or by November 17, 2026.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the SAP within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

Landmark designation and discretionary alteration reviews by staff and LPC provide opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this action.

CONTACT PERSON

Marytonae Sanchez, Assistant Planner, Planning and Development Department, 510-981-7419

Attachments:
1: Notice of Decision – #LMSAP2026-0003 / 2845 Woolsey Street

ATTACHMENT 1, part 1

LANDMARKS PRESERVATION COMMISSION

Notice of Decision

DATE OF BOARD DECISION: October 1, 2026
DATE NOTICE MAILED: November 3, 2026
APPEAL PERIOD EXPIRATION: November 17, 2026
EFFECTIVE DATE (Barring Appeal or Certification): November 18, 2026

2845 Woolsey Street – Norton Family House

Structural Alteration Permit #LMSAP2026-0003 to replace non-original vinyl windows; add corbels/modillions to the first floor west elevation; add new windows and doors to the north and east elevations; and deconstruct the non-original porch and restore the entry porch, second-story balcony, and original door and sidelights.

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following Structural Alteration Permit request:

- **Applicant** Jeremy Butler-Pinkham
  1612 Julia Street
  Berkeley, CA 94703
- **Property Owner** Michael Pearson and Annette Blum
  2169 Folsom Street, Apt M301
  San Francisco, CA 94110

ZONING DISTRICT: Residential Multi-Unit 2 District (R-2)

ENVIRONMENTAL REVIEW STATUS: The project is categorically exempt from further environment review in accordance with CEQA Guidelines Section 15331 for *Historical Resource Restoration/Rehabilitation*.

The application materials for this project is available online at:
https://berkeleyca.gov/construction-development/land-use-development/zoning-projects or

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2026-0003
2845 Woolsey Street
Mailed: November 3, 2026
Page 2 of 5

https://permits.cityofberkeley.info/CitizenAccess/Default.aspx

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2026-0003
2845 Woolsey Street
Mailed: November 3, 2026
Page 3 of 5

FINDINGS AND CONDITIONS OF APPROVAL AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 7-0-0-1

YES: ANDERSON, CRANDALL, FINACOM, GORDON, GREENE, MONTGOMERY, SCHWARTZ

NO: NONE

ABSTAIN:

ABSENT: SCHNIETZ (recused as she lives within 500 feet)

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
   a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least 200 residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
   a. The basic fee for persons other than the applicant is $3,000. This fee may be reduced to $1,000 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.
   b. The fee for all appeals by Applicants is $6,000.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the Structural Alteration Permit will be final on the first business day following expiration of the appeal period.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2026-0003
2845 Woolsey Street
Mailed: November 3, 2026
Page 4 of 5

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:

   A. That this belief is a basis of your appeal.

   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.

   C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

   If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2026-0003
2845 Woolsey Street
Mailed: November 3, 2026

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Marytonae Sanchez, at (510) 981-7419 or msanchez@berkleyca.gov. All project application materials may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3rd Fl., during regular business hours.

ATTACHMENTS:

1. Findings and Conditions
2. SB 1214 Site Plan

ATTEST:
Allison Riemer, Secretary
Landmarks Preservation Commission

cc: City Clerk
Jeremy Butler-Pinkham, 1612 Julia Street, Berkeley, CA 94703
Michael Pearson and Annette Blum, 2169 Folsom Street, APT M301, San Francisco, CA 94110

ATTACHMENT 1, part 2

Landmarks Preservation Commission Findings

App #: LMSAP2026-0003

October 1, 2026

Structural Alteration Permit for 2845 Woolsey Street

Quick Facts	Project Description:
Applicant: Jeremy Butler-Pinkham **Property Owner**: Mike Pearson and Annette Blum **Project Address:** 2845 Woolsey Street **GP Land Use**: Medium Density Residential **Zoning:** Residential Multi-Unit 2 District (R-2) **Historic District:** N/A **CEQA**: Categorically exempt pursuant to CEQA Guidelines Section 15331 for *Historical Resource Restoration/Rehabilitation*. **Submittal Date**: February 11, 2026 **Date Deemed Complete**: March 13, 2026 **Project Planner:** Marytonae Sanchez	The applicant is seeking approval to replace non-original vinyl windows; add corbels/modillions to the first floor west elevation; add new windows and doors to the north and east elevations; and deconstruct the non-original porch and restore the entry porch, second-story balcony, and original door and sidelights.
	Zoning Permits Requested:
	Structural Alteration Permit pursuant to 3.24.200.
	Staff Recommendation:
	Staff recommends that LPC approve LMSAP2026-0003 pursuant to BMC Section 3.24.260 "**Permit application–Review standards and criteria**" and subject to the attached Findings and Conditions of Approval.

CEQA

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15331 of the CEQA Guidelines ("Historic Resource Restoration/Rehabilitation" because the project proposes to repair and replace character defining features, and remove non-original materials and features in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

FINDINGS RELATED TO THE SECRETARY OF THE INTERIOR'S STANDARDS

Regarding the Secretary of the Interior's Standards (SOI) for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

   Evidence: The proposed project does not require a change of use. The property will remain a single-family residential dwelling.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

   Evidence: The historic character of the Norton Family House will be retained and preserved with the proposed repairs and replacement of distinctive First Bay Tradition features, such as the cast stone (concrete) retaining wall, the wooden planter boxes and wooden shingled siding. Therefore, the proposal is consistent with SOI Standard 2.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

   Evidence: This property will continue to be recognized as a physical record of its time, place, and use as a result of the approved project. The proposed alterations to the windows and entry porch are to restore the property to its original construction and will not use materials or architectural elements from other buildings. Proposed landscaping and hardscaping will have a contemporary design and will be distinguished from the historic components of the house. Therefore, the proposal is consistent with SOI Standard 3.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

   Evidence: Evidence provided displays a timeline of changes to the exterior of the main building during the time of conversion from a residential dwelling to a pre-school, and ultimately back into a residential dwelling, including the alterations to the north elevation and the front entry on the east elevation. No changes to this property that have acquired historical significance in their own right have been identified or are of concern for this project. Therefore, the proposal is consistent with SOI Standard 4.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

   Evidence: The project proposes repair and replacement of significant features including the cast stone retaining wall, and the wooden planter boxes. Significant features that will not be altered include the location of the property at the northwest corner of the site and large northeast setback from Claremont Avenue; the building's two-story height; and the hip roof with flared, overhanging eaves. Therefore, the proposal is consistent with SOI Standard 5.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

   Evidence: The proposed scope of work includes deconstruction of the entry porch to enclose the existing footprint and create a second-floor balcony to match documentation of the original construction. Materials including the decorative beams and rafters will be salvaged and reused. Two leaded-glass windows located on the walls of a closet of the first floor will be removed and reused for the new front door entry of the porch. Therefore, the proposal is consistent with SOI Standard 6.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

   Evidence: Chemical treatments are not anticipated; however, if they are appropriate, they will be undertaken using the gentlest means possible. Standard conditions of approval would require any chemical or physical treatment to be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

   Evidence: The project will not affect any archaeological resources as it does not require any excavation. Standard conditions of approval include preserving and protecting unexpected discoveries during project construction.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

    Evidence: New windows and doors on all elevations are compatible in scale, proportion, and placement with the existing windows. New windows will be constructed with a wooden exterior trim to match existing window designs and are proposed to have the same number of muntins on the upper sashes to restore the design from original construction.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

    Evidence: The enclosure of the porch is considered an addition. The enclosed porch could be removed in the future and the essential form and integrity of property would remain.

FINDINGS REQUIRED UNDER LANDMARKS PRESERVATION ORDINANCE

Pursuant to BMC Section 3.24.260(C)(1), approval of permit applications pursuant to this section may be granted only upon determination that the proposal conforms to the criteria set forth in paragraphs 1.

1. For permit applications for construction, alteration or repair:

    a. For applications relating to landmark sites, the proposed work shall not adversely affect the exterior architectural features of the landmark and, where specified in the designation for a publicly owned landmark, its major interior architectural features; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting.

    Evidence: N/A. The site is a designated City Structure of Merit and not a Landmark property.

    b. For applications relating to property in historic districts, the proposed work shall not adversely affect the exterior architectural features of the subject property or the relationship and congruity between the subject structure or feature and its neighboring structures and surroundings, including facade, setback and height; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the district. The proposed work shall also conform to such further standards as may be embodied in the designation of the historic district.

    Evidence: N/A. The site is designated as a City Structure of Merit and not located within a Historic District.

c. For applications relating to structure of merit sites, the proposed work shall not adversely affect the architectural features if architectural merit is the basis for designation; nor shall the proposed work adversely affect the special cultural, educational or historical interest or value if that is the basis for designation.

Evidence: The proposal includes rehabilitation of the exterior features of the main building, landscaping and hardscaping of the property; and restoration of the property's significant features around the entry porch and windows on the west, east, and south elevations. This would be to conduct repair, and in-kind replacements that match the existing materials and design. Therefore, these changes would not adversely affect the historic exterior features.

Conditions of Approval

October 1, 2026

I. General Administrative Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Project Approval**. This Structural Alteration Permit approval is for 2845 Woolsey Street, as substantially shown and described on the project plans dated September 24, 2026, except as required to be modified by conditions herein and plans as presented to the Landmarks Preservation Commission on October 1, 2026 (“Approval Date.”). For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required bythe conditions herein for approval by the City.	City of Berkeley	On-Going	Land Use Planning
2.	**Approval Limited to Proposed Project.** This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.	City of Berkeley BMC Section 23.404.060	On-Going	Land Use Planning
3.	**Compliance Required.** All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.	City of Berkeley	On-Going	Land Use Planning
4.	**Conformance to Approved Plans.** All work performed under an approved permit shall be in compliance with the approved plans and any Conditions of Approval.	City of Berkeley BMC Section 23.404.060.B.4	On-Going	Land Use Planning
5.	**Permit Revocation.** The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Landmarks Preservation Commission (LPC), or City Council referral.	City of Berkeley BMC Section 23.404.080	On-Going	Land Use Planning

I. General Administrative Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
6.	**Exercise and Expiration of Permits** A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun. C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification). D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.	City of Berkeley BMC Section 23.404.060 (C) "Time Limits"	On-Going	Land Use Planning
7.	**Hold Harmless.** The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection	City of Berkeley	On-Going	Land Use Planning

I. General Administrative Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
	with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.			

II. At Building Permit Submittal		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Conditions of Approval on Building Permit Plan Submittal** **Structural Alteration Permit.** The Conditions of Approval for this Structural Alteration Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Structural Alteration Permit, under the title 'Structural Alteration Permit Conditions.	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning
2.	**Project Liaison.** The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:** ☐ **Project Liaison** _____ Name Phone #	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning

3.	**Construction and Demolition Diversion.** The applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.	City of Berkeley BMC Chapter 19.37	At Building Permit Submittal	Building & Safety Division

III. During Construction A. Building & Safety Division		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1	**Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.	City of Berkeley	During Construction	Building & Safety
2.	**Construction Hours- Exceptions**. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.	City of Berkeley	During Construction	Building & Safety
3.	**Construction / No Parking Permits**. Contact the Permit Service Center (PSC) at 1947 Center Street, Third Floor or (510) 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.	City of Berkeley	During Construction	Building & Safety

IV. During Construction B. Land Use Planning		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Paleontological Resources (Ongoing throughout demolition, grading, and/or construction)**. In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.	City of Berkeley	During Construction	Land Use Planning
2.	**Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction,** all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.	City of Berkeley	During Construction	Land Use Planning
3.	**Archaeological Resources (Ongoing throughout demolition, grading, and/or construction**). Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore:	City of Berkeley	During Construction	Land Use Planning

	A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find. **B.** If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards. **C.** In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations. **D.** If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out. **E.** If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.			

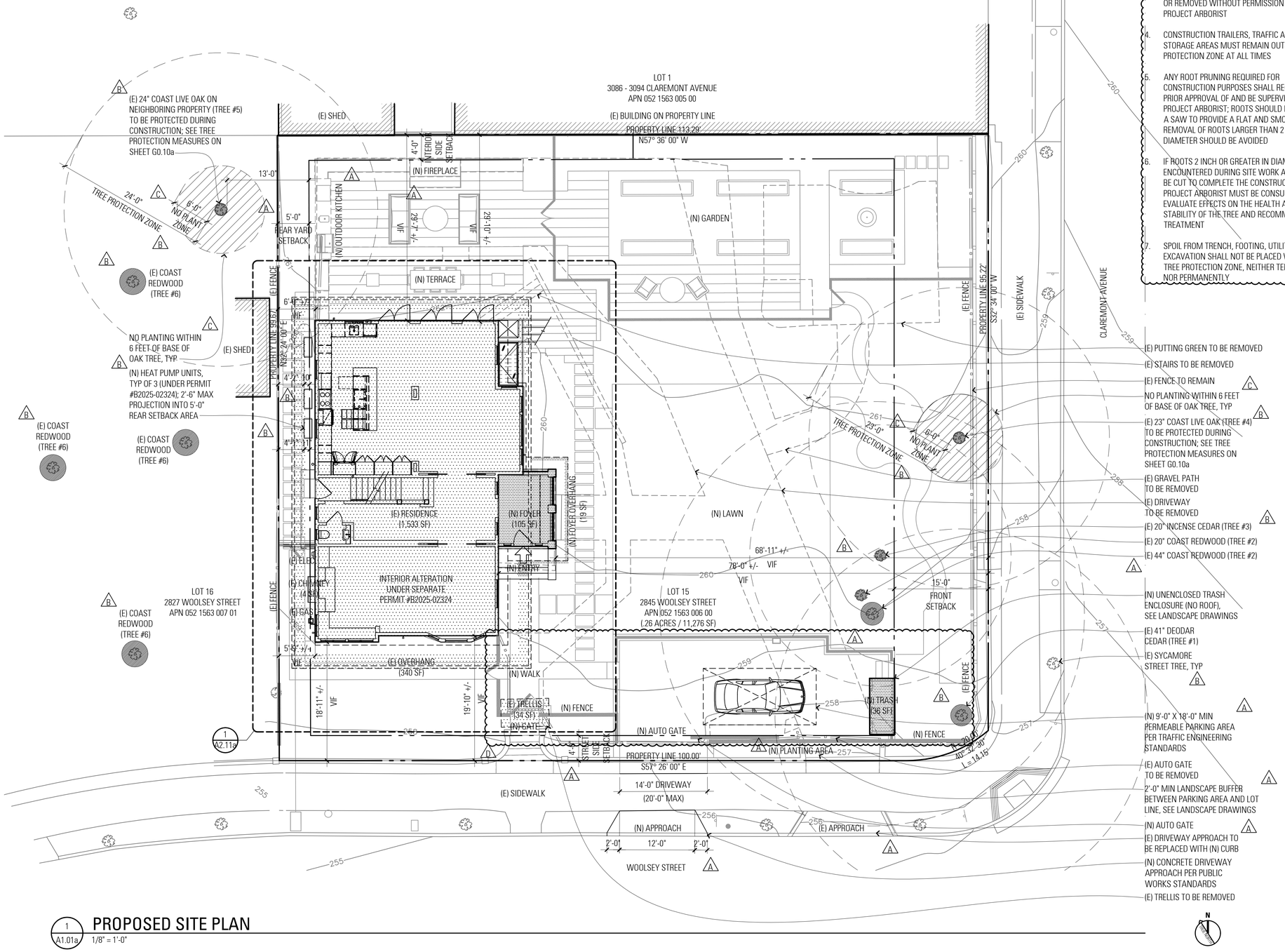
IV. During Construction **C. During Construction: Public Works**		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Site Debris.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.	City of Berkeley	During Construction	Public Works
2.	**Street & Sidewalk Damages.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.	City of Berkeley	During Construction	Public Works

3.	**Underground Utilities.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction	City of Berkeley	During Construction	Public Works
4.	**Hauling of Debris.** Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.	City of Berkeley	During Construction	Public Works

V. Structural Alteration Permit Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Repair and replacement of character-defining features.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.	City of Berkeley	On-Going	Land Use Planning
2.	**Chemical Treatments.** With respect to historic resources located on this site or within the propose project area, any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.	City of Berkeley	On-Going	Land Use Planning
3.	**Equipment.** Any above ground or roof equipment, such as transformer(s), utilities, fire apparatus, air conditioning units, compressors, etc. shall be shown to scale on the architectural drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and SAP may be required.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning
4.	**Glass.** All glass is assumed to be clear glass. Any proposed glass that is not clear glass, shall be indicated on all drawings, and shall be reviewed for approval by staff.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning

5.	**Exterior Lighting.** Exterior lighting shall be downcast and not cause glare on the public right-of-way and abutting parcels.	City of Berkeley	On-Going	Land Use Planning
6.	**Landscaping.** The applicant shall provide irrigation for all landscaped areas. This shall be called out on Landscape building permit drawings.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning
7.	**Other Permits.** The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.	City of Berkeley	On-Going	Land Use Planning
8.	**Coast Live Oak.** The applicant/owner shall implement all recommended actions described in the arborist report prepared by SBCA Tree Consulting, dated June 22, 2026, and the City's Arborist recommendations, dated August 20, 2026. The arborist report and the City arborist's recommendations shall be incorporated into the plan set.	City of Berkeley	At the Time of Building Permit Submittal; On-Going	Land Use Planning

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1 A1.01a PROPOSED SITE PLAN

1/8" = 1'-0"

TREE PROTECTION MEASURES:

1. ANY APPROVED GRADING, CONSTRUCTION, DEMOLITION OR OTHER WORK WITHIN THE TREE PROTECTION ZONE SHOULD BE MONITORED BY THE PROJECT ARBORIST
2. ALL CONTRACTORS SHALL CONDUCT OPERATIONS IN A MANNER THAT WILL PREVENT DAMAGE TO TREES TO BE PRESERVED
3. TREE PROTECTION DEVICES ARE TO REMAIN UNTIL ALL SITE WORK HAS BEEN COMPLETED WITHIN THE WORK AREA; FENCES OR OTHER PROTECTION DEVICES MAY NOT BE RELOCATED OR REMOVED WITHOUT PERMISSION OF THE PROJECT ARBORIST
4. CONSTRUCTION TRAILERS, TRAFFIC AND STORAGE AREAS MUST REMAIN OUTSIDE TREE PROTECTION ZONE AT ALL TIMES
5. ANY ROOT PRUNING REQUIRED FOR CONSTRUCTION PURPOSES SHALL RECEIVE THE PRIOR APPROVAL OF AND BE SUPERVISED BY THE PROJECT ARBORIST; ROOTS SHOULD BE CUT WITH A SAW TO PROVIDE A FLAT AND SMOOTH CUT; REMOVAL OF ROOTS LARGER THAN 2 INCHES IN DIAMETER SHOULD BE AVOIDED
6. IF ROOTS 2 INCH OR GREATER IN DIAMETER ARE ENCOUNTERED DURING SITE WORK AND MUST BE CUT TO COMPLETE THE CONSTRUCTION, THE PROJECT ARBORIST MUST BE CONSULTED TO EVALUATE EFFECTS ON THE HEALTH AND STABILITY OF THE TREE AND RECOMMEND TREATMENT
7. SPOIL FROM TRENCH, FOOTING, UTILITY OR OTHER EXCAVATION SHALL NOT BE PLACED WITHIN THE TREE PROTECTION ZONE, NEITHER TEMPORARILY NOR PERMANENTLY

EXISTING DRAWING NOTES

1. THIS IS A SIMPLE SITE PLAN; SITE DETAILS ARE NOT SHOWN UNLESS OTHERWISE NOTED
2. PROPERTY LINES ARE BASED ON TOPOGRAPHIC SURVEY PREPARED BY MORAN ENGINEERING, INC AND DATED AUGUST 3, 2022
3. THIS SITE PLAN MAY CONTAIN INACCURACIES, INTENTIONAL OR OTHERWISE, AND ALTHOUGH APPROPRIATE FOR FOR USE IN GENERAL PLANNING AND DESIGN, SHOULD NOT BE USED TO ESTABLISH PRECISE MEASUREMENTS OF SPACES OR OBJECTS FOUND HEREIN FOR ANY PURPOSE

SITE PLAN NOTES

1. PROVIDE 2% MIN SLOPE AWAY FROM BUILDING TO CONTROL AND DRAIN SURFACE WATER FLOWS
2. PROVIDE SWALE OR GUTTER PARALLEL TO SIDE PROPERTY LINES TO CONVEY STORM WATER DRAINING FROM ROOFS, PAVED AREAS, YARDS, COURTS, COURTYARDS, VENT SHAFTS, LIGHT WELLS, OR SIMILAR AREAS HAVING RAINWATER AWAY FROM ADJOINING PROPERTIES PER CPC SECTION 1101.2; STORM WATER SHALL BE PERMITTED TO BE DISCHARGED ON FLAT AREAS, SUCH AS STREETS OR LAWNS, SO LONG AS THE STORM WATER SHALL FLOW AWAY FROM THE BUILDING AND AWAY FROM ADJOINING PROPERTY, AND SHALL NOT CREATE A NUISANCE
3. STORM WATER SHALL NOT BE DRAINED INTO SEWERS INTENDED FOR SANITARY DRAINAGE PER CPC SECTION 1101.3
4. AN ENGINEERING PERMIT WILL BE REQUIRED FOR ANY WORK IN THE PUBLIC RIGHT-OF-WAY, INCLUDING BUT NOT LIMITED TO CONSTRUCTION STAGING, RESERVED CONSTRUCTION PARKING, SIDEWALK, DRAINAGE, OR SEWER WORK; APPROVAL OF THIS BUILDING PERMIT DOES NOT AUTHORIZE WORK IN THE PUBLIC RIGHT-OF-WAY
5. PROJECTS WHICH DISTURB LESS THAN ONE ACRE OF SOIL AND ARE NOT PART OF A LARGER COMMON PLAN OF DEVELOPMENT WHICH IN TOTAL DISTURBS ONE ACRE OR MORE, SHALL MANAGE STORM WATER DRAINAGE DURING CONSTRUCTION IN ACCORDANCE WITH THE CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN), CHAPTER 4, DIVISION 4.1.

LOT COVERAGE CALCULATIONS:

(E) AREA COUNTING TOWARDS LOT COVERAGE

LOT AREA: 11,276 SF (PER SURVEY)

MAX LOT COVERAGE: 50% * 11,276 SF = 5,638 SF

(E) LOT COVERAGE: 1,533 SF (RESIDENCE)
4 SF (CHIMNEY)
139 SF (PORCH)
15 SF (PORCH OVERHANG)
34 SF (TRELLIS)
340 SF (OVERHANG)
2,065 SF (TOTAL)

(E) LOT COVERAGE = 2,065 SF / 11,276 SF = 18.3% < 60%

(N) AREA COUNTING TOWARDS LOT COVERAGE

(N) LOT COVERAGE: 1,533 SF (RESIDENCE)
4 SF (CHIMNEY)
105 SF (FOYER)
19 SF (FOYER OVERHANG)
340 SF (OVERHANG)
36 SF (TRASH)
2,037 SF (TOTAL)

(N) LOT COVERAGE = 2,037 SF / 11,276 SF = 18.1% < 60%

USEABLE OPEN SPACE CALCULATIONS:

MIN REQUIRED USABLE OPEN SPACE AREA = 553 SF
(3,686 SF / 1000 = 3.686 * 150 SF = 552.9 SF

(E) OPEN SPACE = 11,276 SF - 2,065 SF = 9,211 SF

(N) OPEN SPACE = 11,276 SF - 2,041 SF = 9,235 SF

JBP ARCHITECTS
1612 Julia Street
Berkeley, CA 94703
T. 510 982 6258
www.jbparch.com

PEARSON-BLUM RESIDENCE
2845 WOOLSEY STREET
BERKELEY, CA 94705

DRAWN BY JBP
CHECKED BY JBP
PROJECT NO

DATE	ISSUE
02.11.26	SAP APPLICATION
04.30.26 / A	SAP RESUBMITTAL
06.22.26 / B	SAP SECOND RESUBMITTAL
08.14.26 / C	SAP THIRD RESUBMITTAL
09.24.26 / D	SAP FOURTH RESUBMITTAL

LICENSED ARCHITECT
GREGORY BUTLER-PINKHAM
No. C-33375
Ren. 11/30/27
STATE OF CALIFORNIA

PROPOSED SITE PLAN

A1.01a

Office of the City Manager

INFORMATION CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Landmark Preservation Ordinance Notice of Decision: Daley's Scenic Park Tract / #LMSAP2026-0006

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that "a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting."

CURRENT SITUATION AND ITS EFFECTS

The Landmarks Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject Landmark property. This action is subject to a 14-day appeal period, which began after the notice was mailed on November 3, 2026.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to appeal any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. For Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 14 days of the mailing of the Notice of Decision, or by November 17, 2026.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the SAP within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

Landmark designation and discretionary alteration reviews by staff and LPC provide opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this action.

CONTACT PERSON

Allison Riemer, Senior Planner, Planning and Development, 510-981-7433

Attachments:

1: Notice of Decision – #LMSAP2026-0006 / Daley's Scenic Park Tract

Attachment 1, Part 1

LANDMARKS PRESERVATION COMMISSION

Notice of Decision

DATE OF BOARD DECISION: October 1, 2026
DATE NOTICE MAILED: November 3, 2026
APPEAL PERIOD EXPIRATION: November 17, 2026
EFFECTIVE DATE (Barring Appeal or Certification): November 18, 2026

Daley's Scenic Park Tract

Structural Alteration Permit #LMSAP2026-0006 to reconstruct/repair segments of retaining walls within the Daley's Scenic Park Tract near 2692 Hilgard Avenue and 1644 La Loma Avenue. Work near Hilgard Avenue was partially completed in 2025 and revisions are proposed to update previously completed work.

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following Structural Alteration Permit request:

- **Applicant** Randy (Wai) Kong, City of Berkeley
  1947 Center Street
  4th Floor
  Berkeley, CA 94704
- **Property Owner** City of Berkeley
  2180 Milvia Street
  Berkeley, CA 94704

ZONING DISTRICT: Residential Multi-Unit 2 District, Hillside Overlay (R-2H)

ENVIRONMENTAL REVIEW STATUS: The project is categorically exempt from further environment review in accordance with CEQA Guidelines Section 15331 for *Historical Resource Restoration/Rehabilitation*.

The application materials for this project are available online at:
https://berkeleyca.gov/construction-development/land-use-development/zoning-projects or
https://permits.cityofberkeley.info/CitizenAccess/Default.aspx

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2026-0006
Daley's Scenic Park Tract
Mailed: November 3, 2026
Page 2 of 4

FINDINGS AND CONDITIONS OF APPROVAL AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 8-0-0-0

YES: ANDERSON, CRANDALL, FINACOM, GORDON, GREENE, MONTGOMERY, SCHNIETZ, SCHWARTZ,

NO: NONE

ABSTAIN: NONE

ABSENT: NONE

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
   a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least 200 residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
   a. The basic fee for persons other than the applicant is $3,000. This fee may be reduced to $1,000 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.
   b. The fee for all appeals by Applicants is $6,000.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the Structural Alteration Permit will be final on the first business day following expiration of the appeal period.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2026-0006
Daley's Scenic Park Tract
Mailed: November 3, 2026
Page 3 of 4

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:

   A. That this belief is a basis of your appeal.

   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.

   C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

   If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2026-0006
Daley's Scenic Park Tract
Mailed: November 3, 2026

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Allison Riemer, at (510) 981-7433 or ariemer@berkleyca.gov. All project application materials may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3rd Fl., during regular business hours.

ATTACHMENTS:

1. Findings
2. Conditions
3. Plans

ATTEST:
Allison Riemer, Secretary
Landmarks Preservation Commission

cc: City Clerk
Randy (Wai) Kong, City of Berkeley, 1947 Center Street, 4th Floor, Berkeley, CA 94704
City of Berkeley, 2180 Milvia Street, 4th Floor, Berkeley, CA 94704

Attachment 1, part 2

Landmarks Preservation Commission Findings

App #: LMSAP2026-0006

October 1, 2026

Structural Alteration Permit for Daley's Scenic Park Tract

Quick Facts	Project Description:
Applicant: City of Berkeley Public Works Engineering Division **Property Owner:** City of Berkeley **Project Address:** Daley's Scenic Park Tract **Site Size:** n/a **GP Land Use:** Medium Density Residential **Zoning:** Residential Multi-Unit 2 District (R-2H) **CEQA:** Exempt pursuant to CEQA Section 15331 **Date Submitted:** April 30, 2026 **Date Deemed Complete:** June 1, 2026 **Project Planner:** JulieAnn Murphy, Rincon Consultants	The applicant is seeking approval to reconstruct/repair segments of retaining walls within the Daley's Scenic Park Tract near 2692 Hilgard Avenue and 1644 La Loma Avenue. Work near Hilgard Avenue was partially completed in 2025 and revisions are proposed to update previously completed work. **Zoning Permits Requested:** Structural Alteration Permit pursuant to 3.24.200 to make repairs/alterations to a City of Berkeley Landmark. **Staff Recommendation:** Staff recommends that LPC approve LMSAP2026-0001 pursuant to BMC Section 3.24.260 "**Permit application–Review standards and criteria**" and subject to the attached Findings and Conditions of Approval.

CEQA

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15331 of the CEQA Guidelines ("Historic Resource Restoration/Rehabilitation" because the project will preserve and restore the existing retaining walls.

FINDINGS RELATED TO THE SECRETARY OF THE INTERIOR'S STANDARDS

Regarding the Secretary of the Interior's Standards (SOI) for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

Standard 1: *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

Evidence. The proposed scope of work will not result in a change of use of the retaining walls or any of other associated features of Daley's Scenic Park Tract. The proposed project is consistent with Standard 1.

Standard 2: *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

Evidence. The proposed scope of work will retain the property's existing historic character. Distinctive materials will be preserved. The proposed design refinement and replacement of retaining walls and pavement will be undertaken in a manner that retains the existing spaces and spatial relationships that characterize the Daley's Scenic Park Tract. Retaining walls will be replaced in kind. The proposed scope of work is consistent with Standard 2.

Standard 3: *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

Evidence. The proposed scope of work will not introduce materials that create a false sense of historical development. Standard 3 is not applicable.

Standard 4: *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

Evidence. Daley's Scenic Park Tract retains its original design. No changes have occurred that have acquired historic significance. Standard 4 is not applicable.

Standard 5: *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

Evidence. The proposed scope of work is limited to replacing damaged materials in kind. Distinctive materials, features, and finishes that characterize Daley's Scenic Park Tract will be preserved. The proposed scope of work is consistent with Standard 5.

Standard 6: *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

Evidence. The proposed scope of work proposes to replace existing deteriorated materials and revise previously completed work to ensure it matches the historic in material, color, profile, and finish. Due to the extent and type of material damage, repair is not suitable or possible. Proposed replacement is limited to segments that are damaged beyond repair. New retaining

wall material will match the existing in design, color, texture, and materials. Replacement is based on existing physical evidence. The proposed scope of work is consistent with Standard 6.

Standard 7: *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

Evidence. No chemical or physical treatments are proposed as part of this scope of work. Standard 7 is not applicable.

Standard 8: *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

Evidence. The proposed project is not expected to encounter archaeological resources. The proposed work is subject to the City's existing guidelines and conditions on the treatment of archaeological resources. The proposed scope of work is consistent with Standard 8.

Standard 9*: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

Evidence. The proposed scope of work is limited to replacing materials that are deteriorated by repair and revising previously completed work to ensure it matches the historic in material, color, and finish. All work will be consistent with the historic design and materials. The proposed scope of work will not destroy historic materials, features, and spatial relationships that characterize the property. No additional alterations or additions are proposed. The proposed project is consistent with Standard 9.

Standard 10: *New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Evidence. The proposed scope of work does not include new additions or new construction. Standard 10 is not applicable.

FINDINGS REQUIRED UNDER THE LANDMARKS PRESERVATION ORDINANCE

Pursuant to BMC Section 3.24.260(C)(1), approval of permit applications pursuant to this section may be granted only upon determination that the proposal conforms to the criteria set forth in paragraphs 1.

1. For permit applications for construction, alteration or repair:

    a. For applications relating to landmark sites, the proposed work shall not adversely affect the exterior architectural features of the landmark and, where specified in the designation for a publicly owned landmark, its major interior architectural features; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting.

    Evidence: The proposed project will restore the historic appearance of a retaining wall at Hilgard Avenue and replace in-kind the existing retaining walls at La Loma Avenue. The proposed scope of work is consistent with the Secretary of the Interior's Standards for Rehabilitation and will retain Daley's Scenic Park Tract's character-defining features. As such, the proposed scope of work will not adversely affect the special character or value of Daley's Scenic Park Tract.

b. For applications relating to property in historic districts, the proposed work shall not adversely affect the exterior architectural features of the subject property or the relationship and congruity between the subject structure or feature and its neighboring structures and surroundings, including facade, setback and height; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the district. The proposed work shall also conform to such further standards as may be embodied in the designation of the historic district.

Evidence: N/A. The site is not in a Historic District.

c. For applications relating to structure of merit sites, the proposed work shall not adversely affect the architectural features if architectural merit is the basis for designation; nor shall the proposed work adversely affect the special cultural, educational or historical interest or value if that is the basis for designation.

Evidence: N/A. The site is a designated City Landmark and not a Structure of Merit.

Conditions of Approval

October 1, 2026

I. General Administrative Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Project Approval**. This Structural Alteration Permit approval is for Daley's Scenic Park Tract, as substantially shown and described on the project plans dated February 27, 2026, except as required to be modified by conditions herein and plans as presented to the Landmarks Preservation Commission on October 1, 2026 ("Approval Date."). For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required bythe conditions herein for approval by the City.	City of Berkeley	On-Going	Land Use Planning
2.	**Approval Limited to Proposed Project.** This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.	City of Berkeley BMC Section 23.404.060	On-Going	Land Use Planning
3.	**Compliance Required.** All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.	City of Berkeley	On-Going	Land Use Planning
4.	**Conformance to Approved Plans.** All work performed under an approved permit shall be in compliance with the approved plans and any Conditions of Approval.	City of Berkeley BMC Section 23.404.060.B.4	On-Going	Land Use Planning
5.	**Permit Revocation.** The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Landmarks Preservation Commission (LPC), or City Council referral.	City of Berkeley BMC Section 23.404.080	On-Going	Land Use Planning

I. General Administrative Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
6.	**Exercise and Expiration of Permits** A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun. C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification). D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.	City of Berkeley BMC Section 23.404.060 (C) "Time Limits"	On-Going	Land Use Planning
7.	**Hold Harmless.** The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection	City of Berkeley	On-Going	Land Use Planning

I. General Administrative Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
	with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.			

II. At Building Permit Submittal		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Conditions of Approval on Building Permit Plan Submittal** **Structural Alteration Permit.** The Conditions of Approval for this Structural Alteration Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Structural Alteration Permit, under the title 'Structural Alteration Permit Conditions.	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning
2.	**Project Liaison.** The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:** ☐ **Project Liaison** _____ Name Phone #	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning

3.	**Construction and Demolition Diversion.** The applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.	City of Berkeley BMC Chapter 19.37	At Building Permit Submittal	Building & Safety Division

III. During Construction A. Building & Safety Division		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1	**Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.	City of Berkeley	During Construction	Building & Safety
2.	**Construction Hours- Exceptions**. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.	City of Berkeley	During Construction	Building & Safety
3.	**Construction / No Parking Permits**. Contact the Permit Service Center (PSC) at 1947 Center Street, Third Floor or (510) 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.	City of Berkeley	During Construction	Building & Safety

IV. During Construction B. Land Use Planning		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Paleontological Resources (Ongoing throughout demolition, grading, and/or construction)**. In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.	City of Berkeley	During Construction	Land Use Planning
2.	**Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction,** all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.	City of Berkeley	During Construction	Land Use Planning
3.	**Archaeological Resources (Ongoing throughout demolition, grading, and/or construction**). Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore:	City of Berkeley	During Construction	Land Use Planning

	A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find. **B.** If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards. **C.** In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations. **D.** If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out. **E.** If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.			

IV. During Construction **C. During Construction: Public Works**		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Site Debris.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.	City of Berkeley	During Construction	Public Works
2.	**Street & Sidewalk Damages.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.	City of Berkeley	During Construction	Public Works

3.	**Underground Utilities.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction	City of Berkeley	During Construction	Public Works
4.	**Hauling of Debris.** Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.	City of Berkeley	During Construction	Public Works

V. Structural Alteration Permit Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Repair and replacement of character-defining features.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.	City of Berkeley	On-Going	Land Use Planning
2.	**Chemical Treatments.** With respect to historic resources located on this site or within the propose project area, any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.	City of Berkeley	On-Going	Land Use Planning

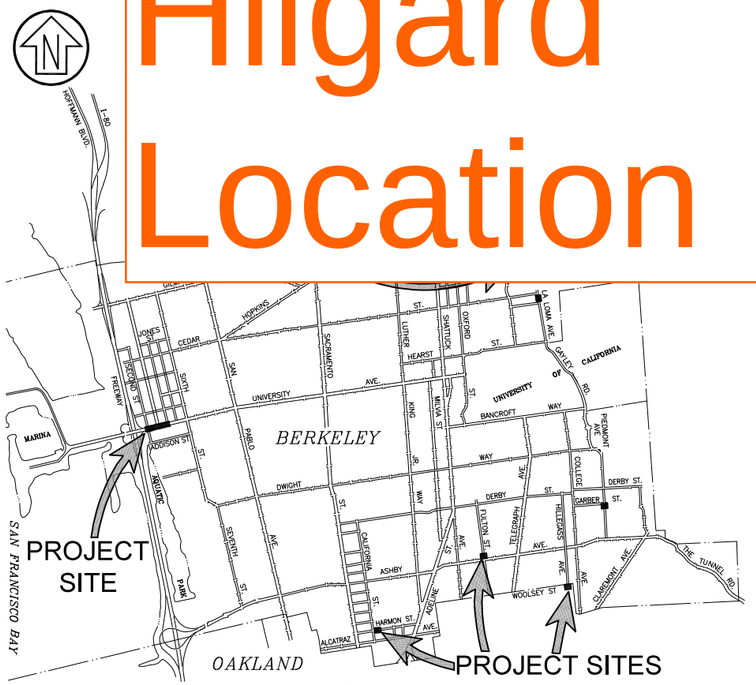
CITY OF BERKELEY

ALAMEDA COUNTY, CALIFORNIA

T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT

SPECIFICATION NO. 25-11717-C

Hilgard Location

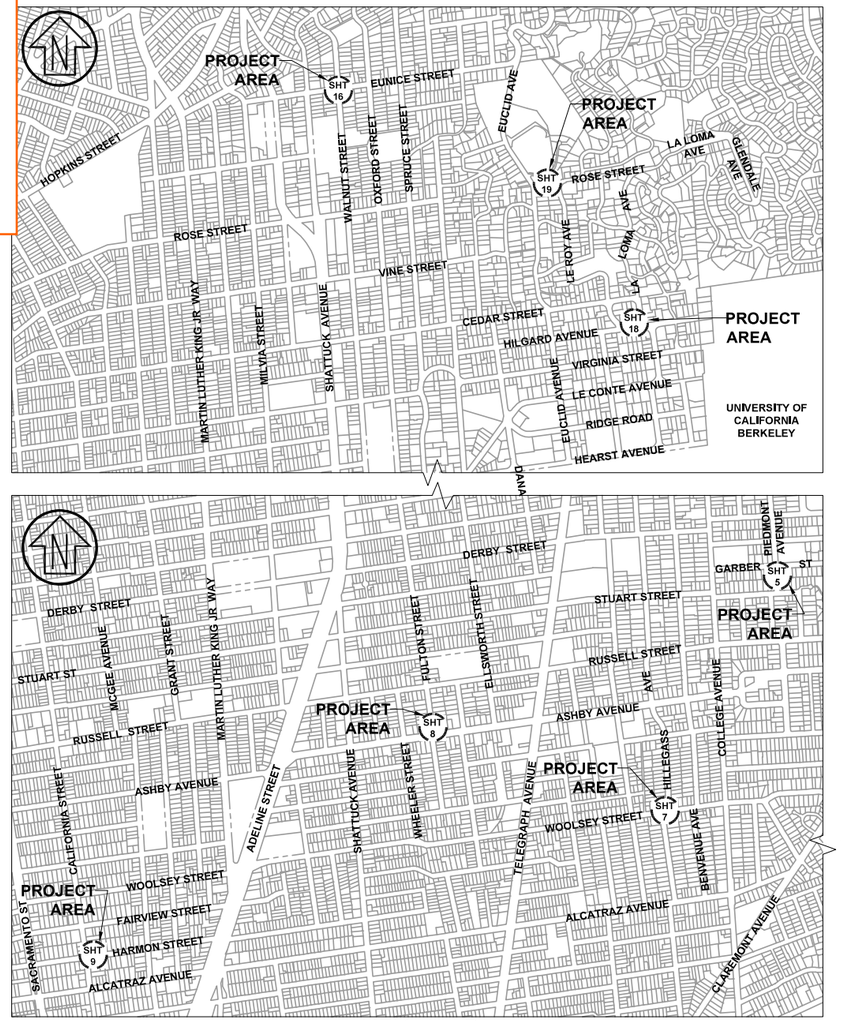


LOCATION MAP

SCALE: N.T.S.

KEY MAP

SCALE: N.T.S.



KEY MAP

SCALE: N.T.S.

SHEET INDEX

1. COVER SHEET
2. ABBREVIATIONS, GENERAL NOTES & LEGEND
3. IMPROVEMENT PLAN – EUNICE STREET AND WALNUT STREET RETAINING WALL
4. IMPROVEMENT PLAN – LA LOMA AVENUE RETAINING WALL
5. IMPROVEMENT PLAN – ROSE WALK RETAINING WALL
6. IMPROVEMENT PLAN – PIEDMONT AVENUE BULB-OUT
7. IMPROVEMENT PLAN – WOOLSEY STREET GREEN INFRASTRUCTURE
8. IMPROVEMENT PLAN – FULTON STREET GREEN INFRASTRUCTURE
9. IMPROVEMENT PLAN – HARMON STREET GREEN INFRASTRUCTURE
10. BID ALTERNATE – IMPROVEMENT PLAN – TUNNEL ROAD SIDEWALK GAP CLOSURE
11. CONSTRUCTION DETAILS
12. CONSTRUCTION DETAILS
13. CONSTRUCTION DETAILS
14. CONSTRUCTION DETAILS
15. UNIVERSITY AVENUE REPAIRS – GENERAL PLAN
16. UNIVERSITY AVENUE REPAIRS – JOINT DETAILS NO. 1
17. UNIVERSITY AVENUE REPAIRS – JOINT DETAILS NO. 2
18. EUNICE ST AND WALNUT ST REPAIRS – STRUCTURAL LAYOUT
19. EUNICE ST AND WALNUT ST REPAIRS – RETAINING WALL DETAILS NO. 1
20. EUNICE ST AND WALNUT ST REPAIRS – RETAINING WALL DETAILS NO. 2
21. LA LOMA AVE RETAINING WALL REPAIRS – RETAINING WALL NO. 2 GENERAL LAYOUT
22. LA LOMA AVE RETAINING WALL REPAIRS – RETAINING WALL DETAILS NO. 3
23. LA LOMA AVE RETAINING WALL REPAIRS – RETAINING WALL DETAILS NO. 4
24. LA LOMA AVE RETAINING WALL REPAIRS – RETAINING WALL DETAILS NO. 5
25. ROSE WALK RETAINING WALL REPAIRS – GENERAL LAYOUT
26. ROSE WALK RETAINING WALL REPAIRS – RETAINING WALL DETAILS NO. 6
27. ROSE WALK RETAINING WALL REPAIRS – RETAINING WALL DETAILS NO. 7
28. EROSION CONTROL PLAN
29. POLLUTION PREVENTION PLAN

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oscar.herrera@ebmud.com

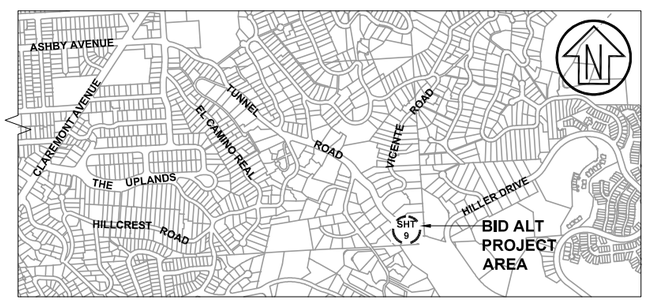
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CITY OF BERKELEY: TERRENCE SALONGA
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tsalonga@cityofberkeley.info



KEY MAP

SCALE: N.T.S.

REVISION	MARK	DATE	APPROVAL
DESCRIPTION			

CSW ST2
ENGINEERING | LANDSCAPE ARCHITECTURE
SURVEYING | URBAN PLANNING
2001 ADDISON STREET 415.883.9850
BERKELEY, CA 94704 WWW.CSWST2.COM
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PROJECT MANAGER: DATE

0 1 2 3

FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

DEPICTION OF MONUMENTS: DATE

SURVEY CHIEF OF PARTY

WATERSHED REVIEW: DATE

SUBMITTED: DATE

SUPERVISING ENGINEER REGISTR. EXP.

APPROVED: DATE

CITY ENGINEER R.C.E. EXP.

DESIGN JD
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DATE 02/27/2026

CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS

T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT

COVER SHEET

PLAN –
FILE –

ABBREVIATIONS

AB	- AGGREGATE BASE
AC	- ASPHALT CONCRETE
AD	- AREA DRAIN
BC	- BEGINNING OF CURVE
B/L	- BASE LINE
BSW	- BACK OF SIDEWALK
CAMUTCD	- CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES
CB	- CATCH BASIN
C&G	- CURB AND GUTTER
CC	- CAST IRON
℄	- CENTERLINE
CP	- CONTROL POINT
DI	- DROP INLET
DEP	- DEPRESSED
DESC	- DESCRIPTION
DWY	- DRIVEWAY
EC	- END OF CURVE
EG	- EXISTING GRADE
EP	- EDGE OF PAVEMENT
EL	- ELEVATION
EX	- EXISTING
FG	- FINISH GRADE
F/L	- FLOWLINE
FS	- FINISH SURFACE
FSP	- FLATTENED STEEL PIPE
GB	- GRADE BREAK
HC	- HANDICAP
HDPE	- HIGH DENSITY POLYETHYLENE PIPE
HP	- HIGH POINT
HSS	- HOLLOW STRUCTURAL SECTION
INV	- INVERT
JB	- JUNCTION BOX
JP	- JOINT POLE
LC	- LEVELING COURSE
LF	- LINEAR FEET
LP	- LOW POINT
LOW	- LIMIT OF WORK
MH	- MAINTENANCE HOLE
MON	- SURVEY MONUMENT
NG	- NATURAL GROUND
NTS	- NOT TO SCALE
PA	- PLANTER AREA
PB	- PULL BOX
PCC	- PORTLAND CEMENT CONCRETE
PC	- POINT OF COMPOUND CURVE
POC	- POINT ON CURVE
PRC	- POINT OF REVERSE CURVE
PVC	- POLY VINYL CHLORIDE PIPE
R&R	- REMOVE AND REPLACE
RCP	- REINFORCED CONCRETE PIPE
RRPM	- RETRO-REFLECTIVE RAISED PAVEMENT MARKER
RW	- RIGHT OF WAY
SS	- SANITARY SEWER
SSD	- SEE STRUCTURAL DRAWINGS
SSMH	- SANITARY SEWER MAINTENANCE HOLE
SD	- STORM DRAIN
SDCO	- STORM DRAIN CLEAN OUT
SDMH	- STORM DRAIN MAINTENANCE HOLE
SF	- SQUARE FEET
SSMH	- STANITARY SEWER MAINTENANCE HOLE
SW	- SIDEWALK
TC	- TOP OF CURB
TS	- TRAFFIC SIGNAL
UNO	- UNLESS NOTED OTHERWISE
VIF	- VERIFY IN FIELD

SYMBOLS LEGEND

EXISTING		PROPOSED	
WM GM	– Ex. Water/Gas Meter	●	– BOLLARD
WV GV	– Ex. Water/Gas Valve		– SIGN
	– Ex. Fire Hydrant		– TREE / TREE TO BE REMOVED (GRIND STUMP TO GRADE, UNO)
UP	– Ex. Utility Pole	SD	– STORM DRAIN MAINTENANCE HOLE
JP	– Ex. Utility Pole w/Light	1 / X	– DETAIL NO. / SHEET NO.
	– Ex. Tree		
Bxxxx	– Ex. Miscellaneous Survey Monument		
Bxxxx	– Ex. Survey Well Monument		
	– Ex. Benchmark		
CPxxxx	– Ex. Control Point		
	– Ex. Misc. Survey Point		
CPxxxx	– Control Point Set		
	– Ex. Light–Post Mounted		
PP	– Ex. Power Pole with Guy		
SSCO	– Ex. Sanitary Sewer Clean Out		
SS	– Ex. Sanitary Sewer Maintenance hole		
SD	– Ex. Storm Drain		
PB	– Ex. Pullbox		
	– Ex. BOLLARD		
	– Ex. SIGN		

LINETYPES

EXISTING		PROPOSED
30	CONTOUR - MAJOR	30
	CONTOUR - MINOR	
x x x x x	FENCE	N/A
G	GAS LINE	N/A
E	ELECTRICAL LINE(S)	N/A
W	WATER LINE	N/A
N/A	LIMITS OF CONSTRUCTION	
	PROPERTY / LOT LINE	N/A
	RETAINING WALL	
SS	SANITARY SEWER	N/A
	STORM DRAIN	
N/A	SUB-DRAIN (PERFORATED)	
	TIES	
	TREE DRIPLINE	N/A

LEGEND

1.0' — SYMBOL DENOTES RETAINED WALL HEIGHT (DECIMAL FEET). WHERE WALL HEIGHT VARIES, MAX HEIGHT IS INDICATED. UNLESS NOTED ON PLAN, ALL TOP OF WALLS (TW) ARE INTENDED TO BE FLAT. FINISHED SURFACE (FS) CALLOUTS INDICATE THE FINISH SURFACE AT THE TOE OF WALL AND DO NOT ACCOUNT FOR THE GRADE DIFFERENCE BETWEEN FINISH SURFACE AND TOP OF FOOTING.

CONSTRUCTION NOTES:

1. SAWCUT EXISTING PAVEMENT AT LIMIT OF WORK, TYPICAL.
2. PROTECT AND PRESERVE ALL SURVEY MONUMENTS. SEE MONUMENT PRESERVATION NOTE.
3. PROTECT ALL DRAINAGE AND SEWAGE STRUCTURES AND PIPES FROM INFILTRATION OF ALL CONSTRUCTION DEBRIS FOR THE DURATION OF THE WORK.
4. CURB RAMPS SHALL BE LOCATED AS SHOWN WITHIN THESE PLANS AND ADJUSTED IN THE FIELD BY THE ENGINEER, IF NECESSARY.

GENERAL NOTES:

1. ALL DRAWINGS AND SPECIFICATIONS ARE CONSIDERED PART OF THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REVIEW AND COORDINATION OF ALL DRAWINGS AND SPECIFICATIONS PRIOR TO START OF CONSTRUCTION. ANY DISCREPANCIES THAT OCCUR SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE START OF CONSTRUCTION SO THAT A CLARIFICATION MAY BE ISSUED. WORK NOT CONFORMING TO THE CONTRACT DOCUMENTS SHALL BE CORRECTED BY THE CONTRACTOR AT NO EXPENSE TO THE CITY.

2. UTILITIES AS SHOWN CONFORM TO AVAILABLE RECORD DATA. THE EXISTENCE, LOCATION AND CHARACTERISTICS OF UNDERGROUND UTILITY INFORMATION SHOWN ON THESE PLANS HAVE BEEN OBTAINED FROM A REVIEW OF AVAILABLE RECORD DATA. NO REPRESENTATION IS MADE AS TO THE ACCURACY OR COMPLETENESS OF SAID UTILITY INFORMATION. IT IS THE CONTRACTOR'S RESPONSIBILITY REFEERENCE ALL SUBSURFACE UTILITIES PRIOR TO COMMENCING WORK AND TO VERIFY LOCATION AND DEPTHS BY POTHOLING OF ALL UTILITIES WITH APPROPRIATE AGENCIES, AND TO TAKE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN AND ANY OTHER LINES NOT OF RECORD OR NOT SHOWN ON THESE PLANS. ANY CONFLICTS SHALL BE REPORTED IMMEDIATELY TO THE ENGINEER.

3. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ADEQUATE DRAINAGE OF THE SITE, DURING INTERIM CONDITIONS OF CONSTRUCTION.

4. CONTRACTOR SHALL PROVIDE ALL MATERIAL, LABOR, EQUIPMENT, FOR INSTALLATION, IMPLEMENTATION, AND MAINTENANCE OF ALL SURFACE WATER POLLUTION PREVENTION MEASURES THROUGHOUT THE FULL EXTENT OF THE PROJECT. SURFACE WATER IS CLASSIFIED AS ANY BODY OF WATER ABOVE GROUND.

5. OVERHEAD UTILITY SERVICE ARE SHOWN APPROXIMATELY ON THE PLANS. THE CONTRACTOR SHALL INVESTIGATE THE SITE AND BE AWARE OF LIMITED OVERHEAD CLEARANCES.

6. ALL MAINTENANCE HOLES, CLEANOUTS AND WATER VALVES SHALL BE ADJUSTED TO GRADE WITHIN 48 HOURS OF PAVING. ALL PAVING SHALL BE COMPLETED WITHIN 24 HOURS OF RAISING THE UTILITY TO GRADE.

7. REVOCABLE ITEM - THE CONTRACTOR SHALL BE RESPONSIBLE FOR SETTING ALL UTILITY BOXES TO THE GRADE OF THE FINISHED SIDEWALK OR GUTTER PRIOR TO THE POUR, INCLUDING COORDINATING WITH ALL UTILITY PROVIDERS AND/OR CLEANING AND CLEARING OF CONCRETE MORTAR FROM ALL UTILITY BOXES IN THE AREA SO THEY ARE FULLY ACCESSIBLE UPON COMPLETION OF THE SIDEWALK INSTALLATION.

8. ALL STRIPING SHALL BE THERMOPLASTIC UNLESS OTHERWISE NOTED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO MEASURE AND MARK EXISTING STRIPING , PAVEMENT MARKINGS, AND RAISED PAVEMENT MARKERS PRIOR TO AND DURING THE STREET WORK. LAYOUT MARKINGS SHALL BE LAID OUT IN ADVANCE OF FINAL STRIPING. ALL LAYOUT MARKINGS SHALL BE APPROVED IN WRITING BY THE CITY ENGINEER. THE CONTRACTOR SHALL PROVIDE A ONE WEEK TIME PERIOD FOR REVIEW OF LAYOUT MARKINGS. STRIPING CHANGES SHALL BE APPROVED BY THE CITY ENGINEER.

9. PAVEMENT MARKINGS DISTURBED, DAMAGED IN ANY FORM, OR TO ANY DEGREE WHILE THE CONTRACTOR HAS CUSTODY OF THE SITE SHALL BE REPLACED IN THEIR ENTIRETY AT CONTRACTOR'S EXPENSE.

10. CONTRACTOR SHALL CONTACT CITY ARBORIST AT LEAST 48 HOURS IN ADVANCE OF PERFORMING WORK UNDER THE DRIP LINE OF EXISTING TREES AND WHEN EXCAVATIONS IS PLANNED WITHIN THE ROOT SYSTEM OF THE TREE. THE CITY ARBORIST WILL REVIEW EACH LOCATION ON A CASE-BY-CASE BASIS TO CONFIRM THE ALLOWABLE EXTENT OF ROOT AND BRANCH PRUNING REQUIRED. CONTRACTOR SHALL ADHERE TO CITY SPECIFICATIONS AND RECOMMENDATIONS FOR TREE PRESERVATION.

11. TREE PROTECTION - PROVIDE FOR WRAPPING TREES, KEEPING EXPOSED ROOTS MOIST, AND USE OF AIR TOOLS FOR EXCAVATING. MEET WITH CITY ARBORIST BEFORE ANY WORK IS DONE.

12. ALL TREE REMOVALS ARE CONTINGENT UPON REVIEW AND RECOMMENDATION BY CITY'S PROJECT ARBORIST.

PRESERVATION OF SURVEY MONUMENTS

ALL CITY OF BERKELEY MONUMENTS LOCATED WITHIN THE PROJECT AREA MUST BE REFERENCED, PRIOR TO WORK COMMENCING, BY A LICENSED LAND SURVEYOR AS REQUIRED BY SECTION 8771 OF THE BUSINESS AND PROFESSIONS CODE. CORNER RECORDS OF THIS WORK MUST BE SUBMITTED FOR FILING TO BOTH THE COUNTY SURVEYOR OF ALAMEDA COUNTY, AND THE CITY OF BERKELEY PUBLIC WORKS DEPARTMENT, ENGINEERING DIVISION, SURVEY SECTION.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PRESERVATION OF EXISTING SURVEY MONUMENTS, BENCHMARKS, REFERENCE MARKS AND STAKES. SHOULD ANY SURVEY MONUMENTS, BENCHMARKS, REFERENCE POINTS, OR STAKES BE DAMAGED OR DESTROYED DURING THE PERFORMANCE OF THIS WORK, THE CONTRACTOR SHALL REPLACE SAID ITEMS PER CITY STANDARDS IN ACCORDANCE WITH THE SPECIAL PROVISIONS AND CONTACT A CITY OF BERKELEY, SURVEY SECTION, CHIEF OF PARTY FOR FINAL INSPECTION AND ACCEPTANCE OF THE WORK.

SURVEY CONTROL POINTS

DESIGNATION	NORTHING	EASTING	ELEVATION	DESCRIPTION
CITY MONMUMENTS				
B2922	2137474.041	6061004.156	519.41	FND MON 2"BDWP
B1302	2137560.329	6060809.517	508.45	FND MON PIN CNC
EXISTING CONTROL USED				
6	2137530.969	6061058.015	525.74	CP FND NLW EBMUD CURB
16	2137492.796	6061059.713	524.33	CP FND MNS
CONTROL SET				
1	2140650.163	6056162.623	292.44	CP MN GTR
2	2140447.024	6056200.641	286.93	CP MN
3	2140543.035	6056211.210	291.78	CP MN SW
4	2137555.249	6061034.446	527.66	CP SPK
5	2137361.432	6061153.608	530.37	CP MN CURB
7	2137546.702	6060836.636	512.22	CP SPK
8	2137518.984	6060899.120	516.48	CP MN
10	2148816.451	6053328.897	514.33	CP MN SW
11	2148795.240	6053300.234	502.24	CP MN TCB
12	2148809.997	6053414.348	523.83	CP MN SW
13	2148815.904	6053470.935	526.27	CP MN SW
14	2148828.718	6053522.058	535.07	CP MN SW
15	2148850.689	6053500.634	523.74	CP SPK
18	2138035.656	6055045.146	207.38	CP MN
19	2138251.726	6055060.446	209.34	CP MN
20	2136495.914	6049049.716	75.26	CP MN SW
21	2136469.880	6048887.132	73.19	CP MN
22	2138860.136	6052536.083	162.91	CP MN CNC
23	2138981.210	6052524.622	163.22	CP MN CNC
24	2147340.877	6054433.955	494.83	CP MN
25	2147332.909	6054395.543	486.22	CP SPK

NOTE:

1. CONTROL POINTS 4, 5, 6, 10, 11, 15, 16, 19 & 23 ARE OUTSIDE OF THE LIMITS SHOWN ON THESE PLANS.

SURVEY NOTES

1. DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. CONTRACTOR SHALL PROTECT IN PLACE ALL CITY MONUMENTS. SEE PRESERVATION OF SURVEY MONUMENT NOTES.
3. HORIZONTAL DATUM IS NORTH AMERICAN DATUM OF 1983 (NAD 83) PER CALIFORNIA REAL TIME NETWORK (CRTN). EPOCH 2017.5
4. VERTICAL DATUM WAS ESTABLISHED BY TRANSLATING TERRESTRIAL SURVEY CONTROL POINTS TO GPS CONTROL POINTS ON CALIFORNIA ZONE 3 STATE PLANES COORDINATE SYSTEM. THEN GIVEN AN ELEVATION BUMP OF -5.89 FEET TO BE PUT ON TO BERKELEY DATUM

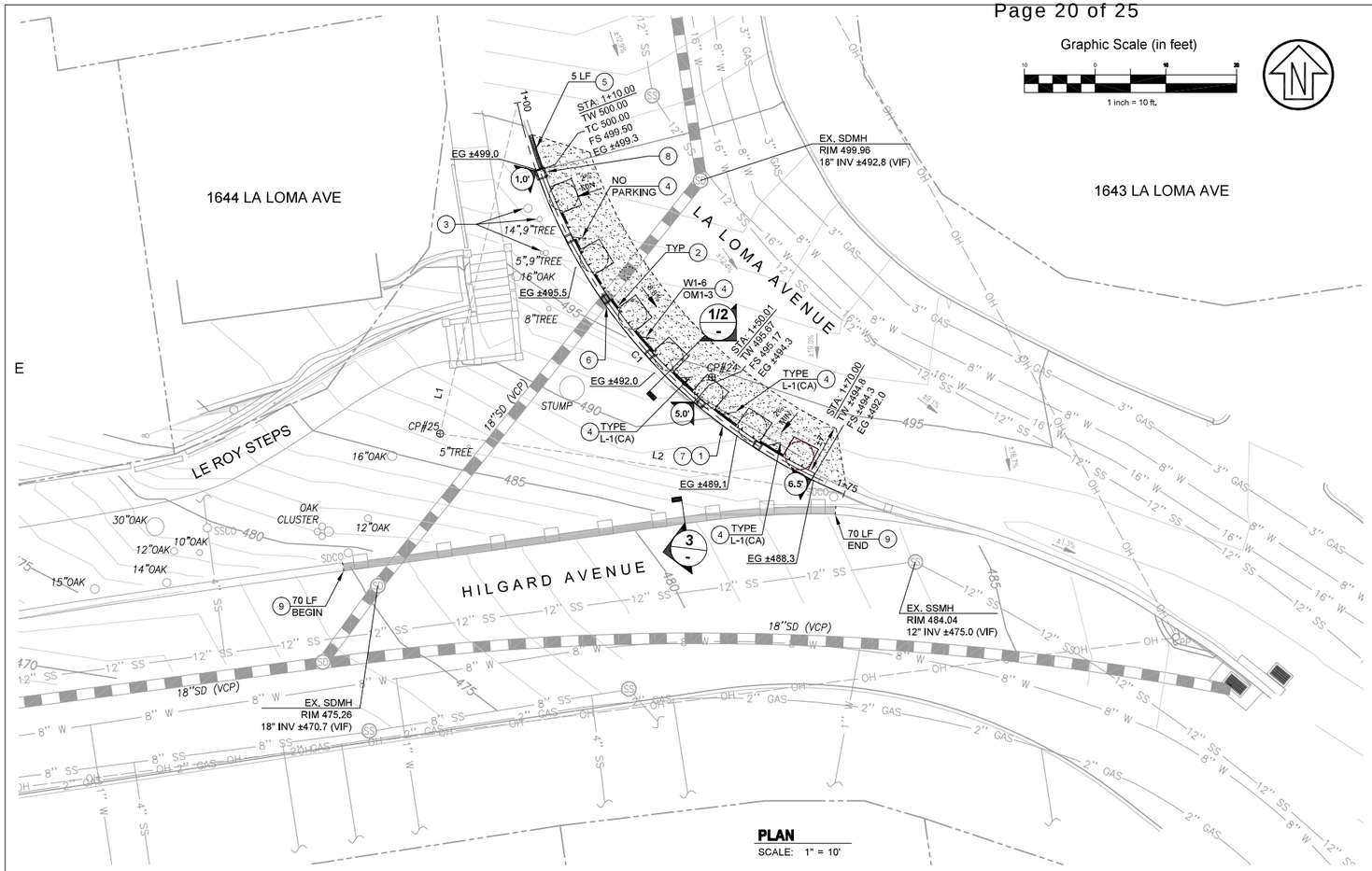
LA LOMA AVENUE SURVEY (ONLY)

1. VERTICAL DATUM IS NORTH AMERICAN DATUM OF 1988 (NAVD88) PER CALIFORNIA REAL TIME NETWORK (CRTN), EPOCH 2017.5
2. MOUNT POINT P224 (SIBLEY VOLC) WAS USED AND SURVEY POINTS WERE ROTATED HORIZONTALLY AND BUMPED VERTICALLY ACCORDINGLY IN ADDITION TO A 5.89' LOWERING IN ELEVATION TO GET ON BERKELEY'S DATUM SYSTEM

MONITORING FOR EVALUATION OF CONSTRUCTION ACTIVITY IMPACT ON ADJACENT PROPERTIES FOR NEW RETAINING WALLS

1. THE CONTRACTOR SHALL HAVE A LICENSED SURVEYOR (LS) REFERENCE ALL EXISTING STRUCTURES/FOUNDATIONS WITHING A 50' READIUS OF THE LIMITS OF WORL. (50'-RADIUS FROM EXTENTS OF CONSTRUCTION AT LA LOMA AVENUE, WALNUT STREET, AND ROSE WALK).
2. LS SHALL INSTALL FIXED AND SECURE MARKERS ON THE EXISTING FOUNDATIONS OF NEIGHBORING PROPERTIES.
3. LS SHALL TAKE DATED AND TIMED PHOTOS OF EXISTING CONDITIONS AT THE FOUNDATIONS OF NEIGHBORING PROPERTIES.
4. LS SHALL PERFORM PRECISION 3D SURVEY OF THE MARKERS PRIOR TO THE START OF CONSTRUCTION.
5. LS SHALL PERFORM PRECISION 3D SURVEY OF THE MARKERS ON A WEEKLY BASIS TO COMPARE WITH EXISTING CONDITIONS.
6. LS SHALL PERFORM PRECISION 3D SURVEY OF THE MARKERS AT THE END OF CONSTRUCTION.
7. LS SHALL PERFORM PRECISION 3D SURVEY OF THE MARKERS ONE MONTH, 3 MONTHS, 6 MONTHS, AND ONE YEAR AFTER END OF CONSTRUCTION.
8. CONTRACTOR SHALL PROVIDE ALL FINDINGS TO THE CITY ENGINEER AT THE END OF EACH 3D SURVEY.

APPROVAL	DESCRIPTION	DATE	MARK	REVISION
			1	



PLAN
SCALE: 1" = 10'

LEGEND

ROADWAY REHABILITATION - REMOVE AND DISPOSE EX. PAVEMENT SECTION (INCLUDING BASE ROCK), SCARIFY AND RE-COMPACT THE UPPER 12" SUBGRADE TO 95% R.C. OR AS DIRECTED BY THE GEOTECHNICAL ENGINEER, PLACE NEW BASE ROCK AND AC TO CONFORM (5" HMA (TYPE A) / 7" MIN. CLASS II AB, VIF)

SAWCUT & CONFORM

KEYNOTES

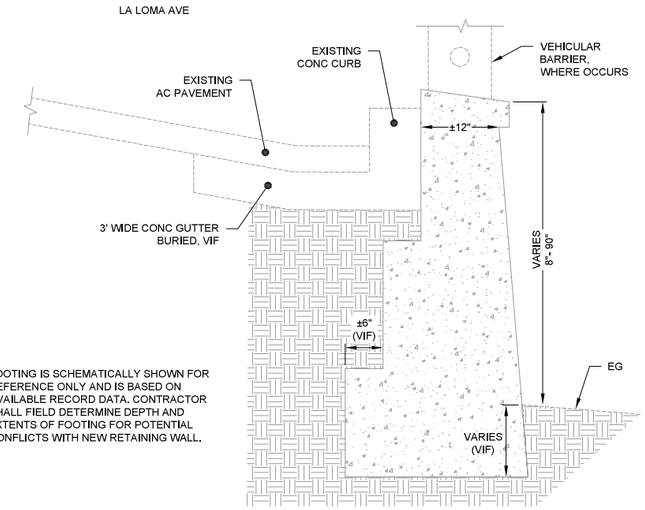
1. NEW RETAINING WALL (SEE DETAILS ON SHEET S6). REMOVE AND DISPOSE EX. RETAINING WALL, EXCAVATE AS REQUIRED FOR NEW WALL FOOTING
2. GEOCOMPOSITE DRAIN WITH WEEP HOLE, S.S.D.
3. TREES MAY BE REMOVED AS DIRECTED BY COB. CITY ARBORIST TO MAKE A DETERMINATION DURING THE COURSE OF THE WORK BASED ON EXTENT OF ROOT PRUNING REQUIRED.
4. REMOVE AND DISPOSE EX. SIGN POST, SALVAGE EX. SIGN(S) AND INSTALL ON NEW POST AND FOUNDATION PER DETAIL 1, SHEET C2.1 (SEE PLAN FOR SIGN DESIGNATION PER CAMUTCD). SIGN HEIGHT SHALL BE SET ABOVE NEW VEHICULAR BARRIER, AS APPROVED BY THE ENGINEER, AND SHALL BE CLEARLY VISIBLE FROM LA LOMA AVENUE
5. REMOVE AND DISPOSE EXISTING CURB, INSTALL STANDARD 6" VERTICAL CURB PER COB STD PLAN 8146, PAINT CURB RED (SEE PLANS FOR LENGTH)
6. PROTECT IN PLACE EX. SD, SEE SHEET S7. CONTRACTOR SHALL POTHOLE AS NEEDED TO VERIFY DEPTH AND LOCATION OF SD. CONTACT ENGINEER IF ANY CONFLICTS.
7. INSTALL DRILL PILES ALONG NEW RETAINING WALL (SEE DETAILS ON SHEET S7)
8. SCRIBE "LA LOMA" & "HILGARD" ONTO PILASTER TO MATCH EX. CONDITION
9. REMOVE AND DISPOSE UPPER 6" OF RETAINING WALL CONCRETE (PROTECT IN PLACE EXISTING REBAR), SEE SHEET S10 FOR NEW TOP OF WALL RETROFIT

LA LOMA AVE WALL ALIGNMENT						
TAG	STATION	NORTHING	EASTING	DELTA / BEARING	DISTANCE	RADIUS
C1	1+00.00	2147379.68	6054406.46	S39° 51' 07"E	75.00	76.50

LINE TABLE		
TAG	BEARING	DISTANCE
L1	N13°08'17"E	48.03'
L2	S81°30'10"E	57.71'

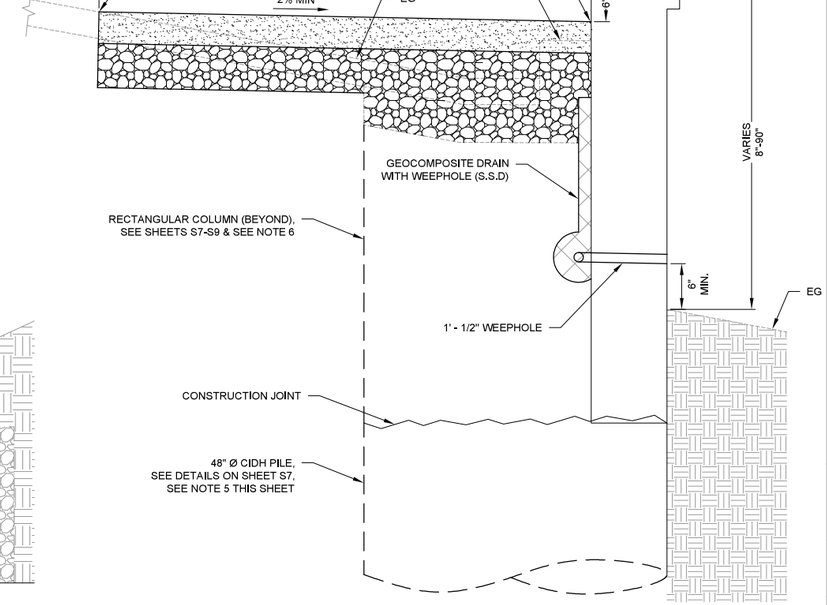
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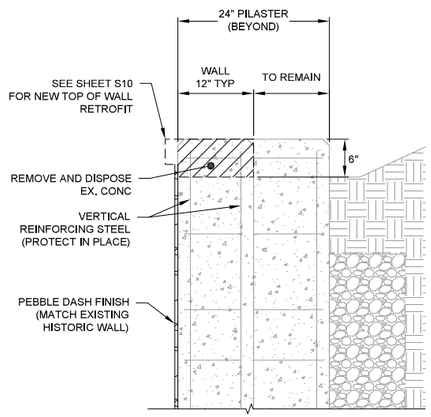
1. CONTRACTOR SHALL MAINTAIN CLEARANCES FOR FIRE APPARATUSES AT ALL TIMES. SHOULD ANY WORK LIMIT FIRE ACCESS, CONTRACTOR SHALL PROVIDE TWO BUSINESS DAYS NOTICE TO BERKELEY FIRE DEPARTMENT (BFD). CONTRACTOR SHALL PROVIDE ALTERNATE ACCESS PLANS TO BFD FOR APPROVAL PRIOR TO LIMITING ACCESS.
2. CONTRACTOR SHALL PROTECT IN PLACE ALL FIRE HYDRANTS AND MAINTAIN FIRE ACCESS AT ALL TIMES. HYDRANT ON EAST SIDE OF LA LOMA AVENUE, SOUTH OF THE RETAINING WALL.
3. CONTRACTOR SHALL CRACK SEAL VOIDS ALONG THE REMAINDER OF THE EXISTING RETAINING WALL, AS APPROVED BY THE ENGINEER.
4. PROTECT IN PLACE ALL EXISTING UTILITIES, UNO (INCLUDING MAINTENANCE HOLES, POWER POLES, OVERHEAD LINES, ETC).
5. DEPTH OF PIER VARIES DEPENDING ON THE DEPTH OF BEDROCK. CONTRACTOR SHALL CONTACT THE GEOTECHNICAL ENGINEER TO OBSERVE EXCAVATION AND VERIFY ADEQUATE DEPTH IN WRITING BEFORE POURING CONCRETE.
6. NEW WALL AND PILASTERS SHALL MATCH EXISTING WALL & PILASTERS IN APPEARANCE, BOTH COLOR AND FINISH, AS APPROVED BY THE ENGINEER.



NOTE:
1. FOOTING IS SCHEMATICALLY SHOWN FOR REFERENCE ONLY AND IS BASED ON AVAILABLE RECORD DATA. CONTRACTOR SHALL FIELD DETERMINE DEPTH AND EXTENTS OF FOOTING FOR POTENTIAL CONFLICTS WITH NEW RETAINING WALL.

1 EXISTING LA LOMA AVENUE WALL SECTION
SCALE: 1" = 1'





3 NEW HILGARD AVENUE WALL SECTION
SCALE: 1" = 1'

2 NEW LA LOMA AVENUE WALL SECTION
SCALE: 1" = 1'

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PROJECT MANAGER: DATE
SURVEY CHIEF OF PARTY
WATERSHED REVIEW: DATE
DEPICTION OF MONUMENTS: DATE
SUBMITTED: DATE
SUPERVISING ENGINEER REGISTR. EXP.
APPROVED: DATE
CITY ENGINEER R.C.E. EXP.
0 1 2 3
FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

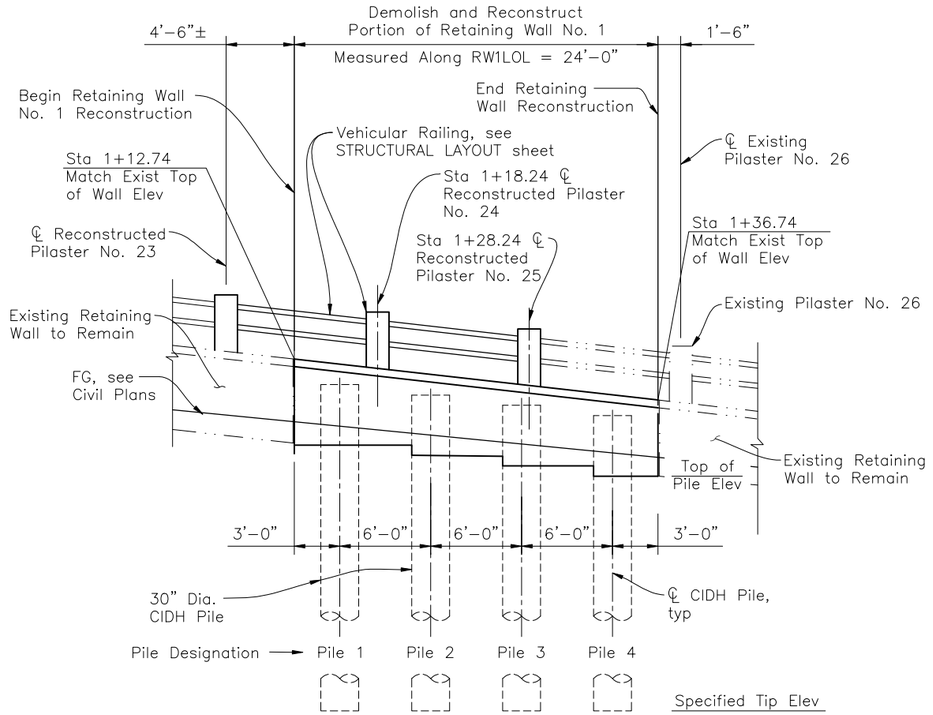
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DATE 02/27/2026

CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS

T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT
IMPROVEMENT PLAN
LA LOMA AVENUE RETAINING WALL

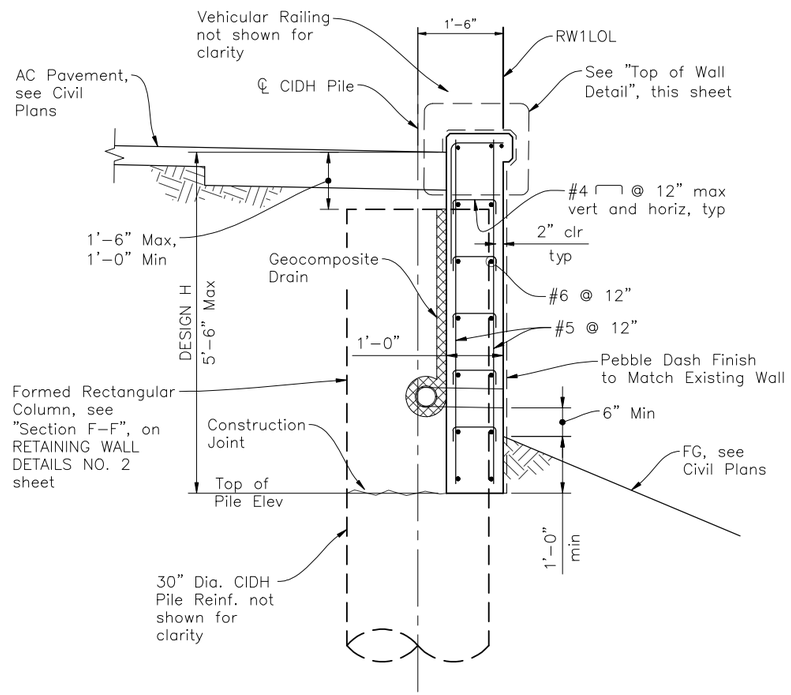
PLAN –
FILE –
SHEET 4 OF 29

REVISION	MARK	DATE	APPROVAL
DESCRIPTION			



PARTIAL ELEVATION

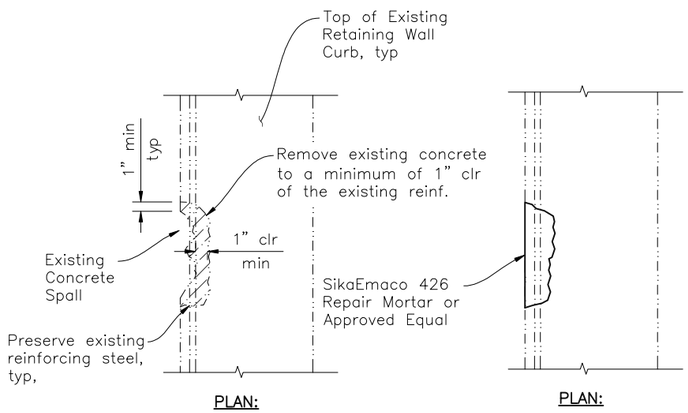
1" = 5'–0"



RETAINING WALL NO. 1 TYPICAL SECTION

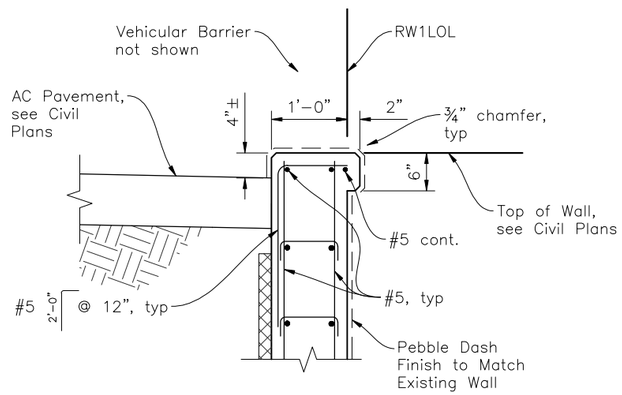
3/4" = 1'–0"

PILE DATA TABLE				
Pile Designation	Pile Type	Top of Column Elev (ft)	Top of Pile Elev (ft)	Specified Tip Elev (ft)
Pile 1	30" dia CIDH Pile	112.72	108.72	76.00
Pile 2	30" dia CIDH Pile	112.03	108.03	75.25
Pile 3	30" dia CIDH Pile	111.35	107.35	74.50
Pile 4	30" dia CIDH Pile	110.68	106.68	73.75



DETAIL E

NO SCALE



TOP OF WALL DETAIL

1" = 1'–0"

NOTE:
The Contractor shall verify all controlling field dimensions before ordering or fabricating any materials.

REVISION	MARK	DATE	DESCRIPTION
1		02/20/2026	100% CONSTRUCTION DOCUMENTS
		09/05/2025	100% CONSTRUCTION DOCUMENTS
		03/17/2025	95% CONSTRUCTION DOCUMENTS

APPROVAL

CORNERSTONE structural engineering group
986 W Alluvial Ave - Suite 201
Fresno, California 93711
559.320.3200
fax 559.320.3201

CSW | ST2
CSW/Stuber-Stroeh Engineering Group, Inc.
121 Park Place
Richmond, CA 94801
tel: 415.883.9850
fax: 415.883.9835

PROJECT MANAGER: DATE
0 1 2 3
FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

DEPICTION OF MONUMENTS: DATE
SURVEY CHIEF OF PARTY

WATERSHED REVIEW: DATE

SUBMITTED: DATE
SUPERVISING ENGINEER
REGISTR. EXP.

APPROVED: DATE
CITY ENGINEER
R.C.E. EXP.

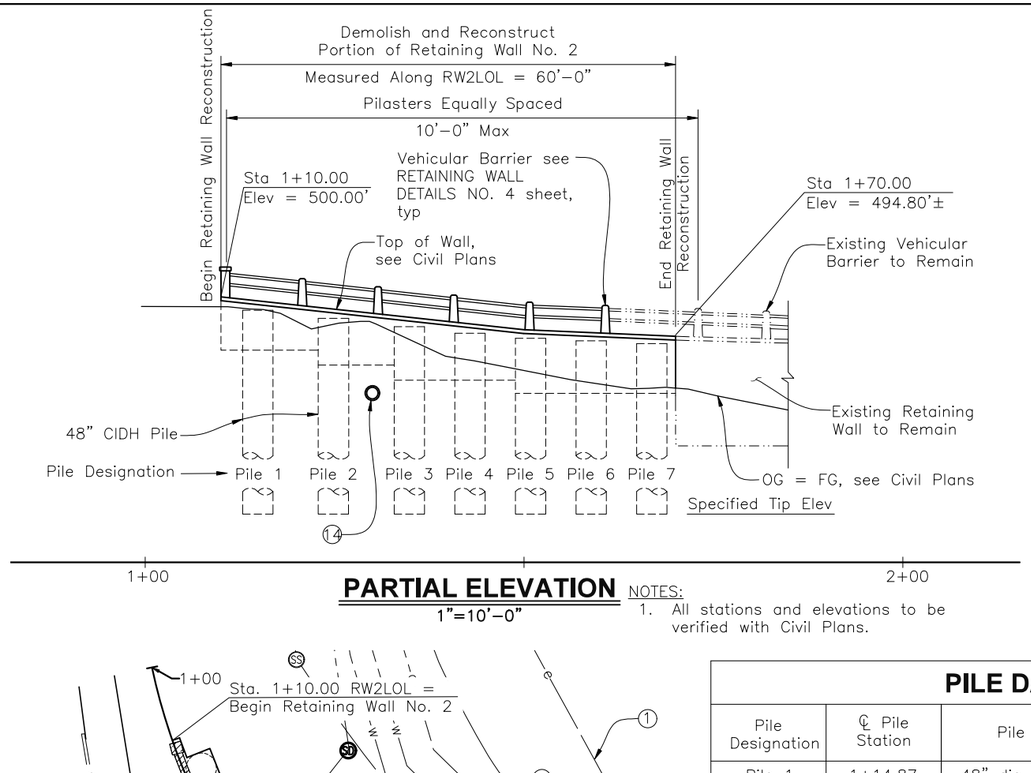
DESIGN NRZ
DRAWN DJF
CHECK JPJ
AS BUILT

HORIZ.
VERT.
BOOK
DATE 02/20/2026

CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS

T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT
EUNICE ST AND WALNUT ST REPAIRS
RETAINING WALL DETAILS NO. 1

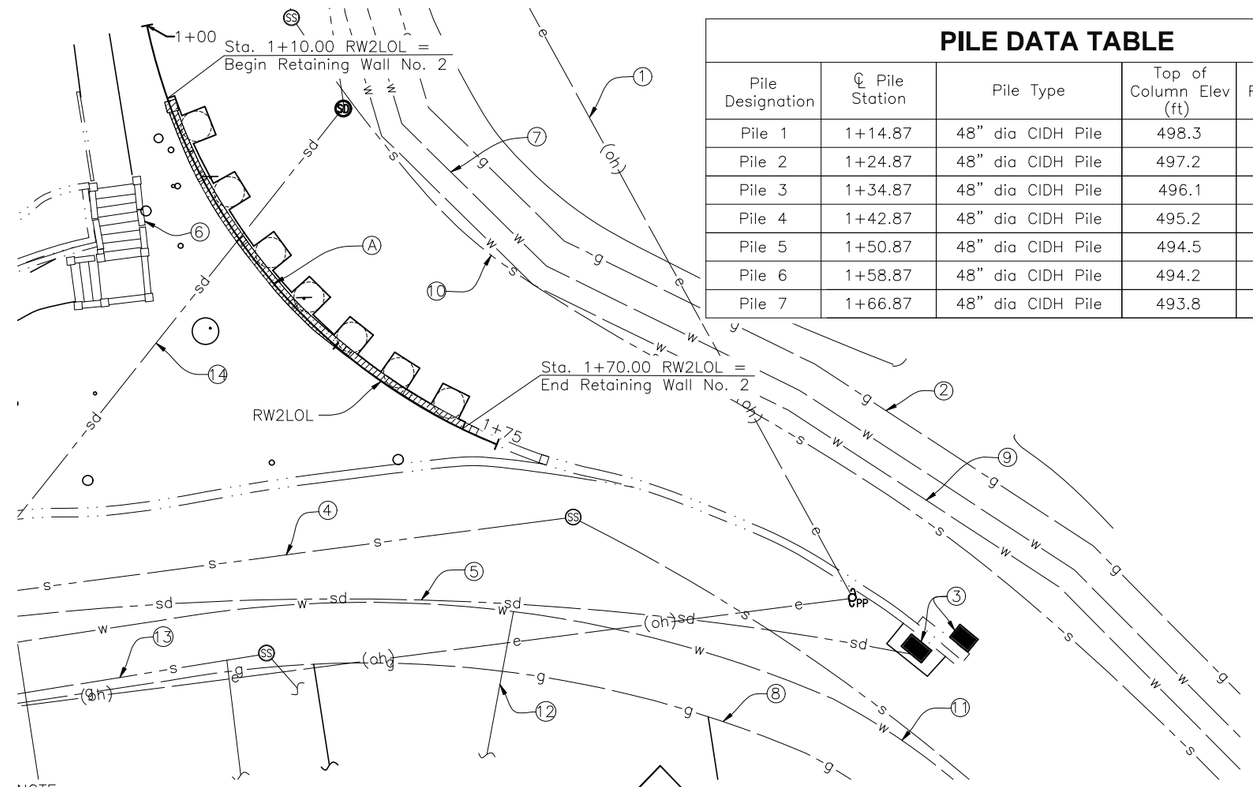
PLAN –
FILE –
SHEET 19 OF 29



PARTIAL ELEVATION

1"=10'-0"

NOTES:
1. All stations and elevations to be verified with Civil Plans.



PLAN

1"=10'-0"

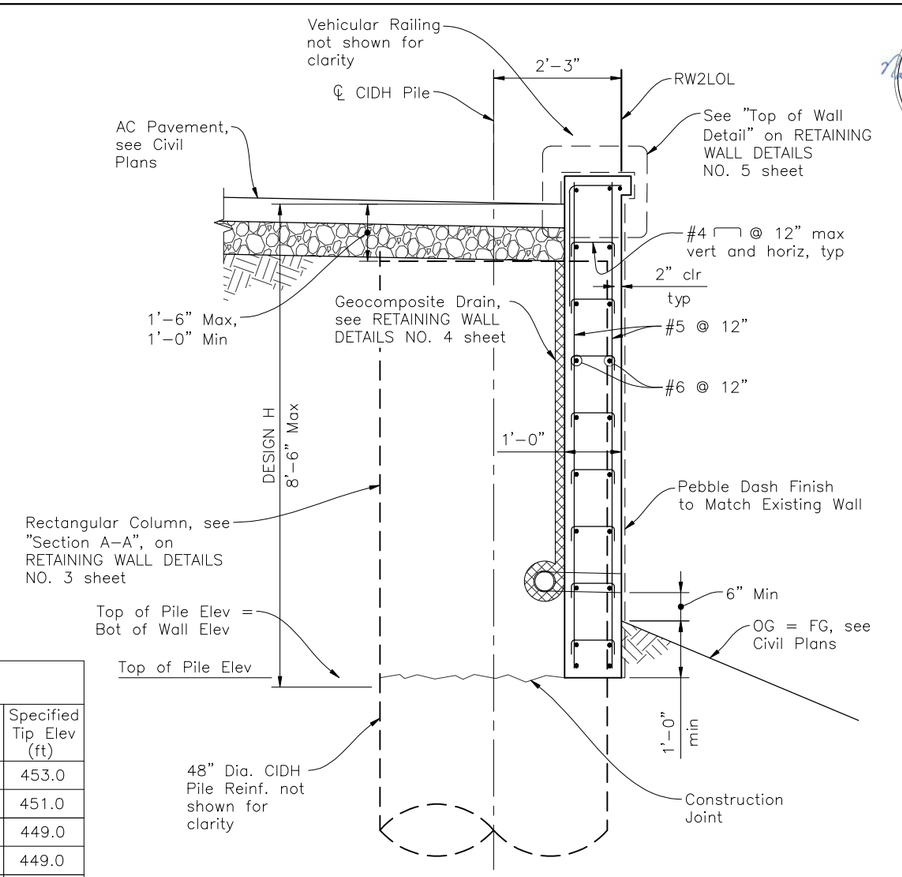
NOTE:
The Contractor shall verify all controlling field dimensions before ordering or fabricating any materials.

PILE DATA TABLE

Pile Designation	℄ Pile Station	Pile Type	Top of Column Elev (ft)	Top of Pile Elev (ft)	Specified Tip Elev (ft)
Pile 1	1+14.87	48" dia CIDH Pile	498.3	493.0	453.0
Pile 2	1+24.87	48" dia CIDH Pile	497.2	491.0	451.0
Pile 3	1+34.87	48" dia CIDH Pile	496.1	489.0	449.0
Pile 4	1+42.87	48" dia CIDH Pile	495.2	489.0	449.0
Pile 5	1+50.87	48" dia CIDH Pile	494.5	487.3	447.3
Pile 6	1+58.87	48" dia CIDH Pile	494.2	487.3	447.3
Pile 7	1+66.87	48" dia CIDH Pile	493.8	487.3	447.3

CURVE DATA

No.	RADIUS	DELTA	LENGTH
Ⓐ	76.50'	56°10'20"	75.00'



RETAINING WALL NO. 2 TYPICAL SECTION

3/4"=1'-0"

Legend

①	Exist Overhead Electric Lines to Remain
②	Exist 3" Gas Line to Remain
③	Exist Storm Drain Inlet to Remain
④	Exist 12" Sanitary Sewer Line to Remain
⑤	Exist 18" Storm Drain to Remain
⑥	Exist Staircase to Remain
⑦	Exist 8" Water Pipe to Remain
⑧	Exist 2" Gas Line to Remain
⑨	Exist 16" Water Pipe to Remain
⑩	Exist 12" Sanitary Sewer Line to Remain
⑪	Exist 8" Water Pipe to Remain
⑫	Exist 1" Water Pipe to Remain
⑬	Exist 8" Sanitary Sewer Line to Remain
⑭	Protect in Place Exist 18" Dia. Storm Drain Line
	Portion of Existing Retaining Wall to be Removed

B0-13 / 13-1 — Indicates Caltrans standard plan sheet no. / Indicates detail no.

INDEX TO LA LOMA AVENUE STRUCTURAL PLANS

SHEET No.	TITLE
S7	RETAINING WALL NO. 2 GENERAL LAYOUT
S8	RETAINING WALL DETAILS NO. 3
S9	RETAINING WALL DETAILS NO. 4
S10	RETAINING WALL DETAILS NO. 5

GENERAL NOTES:
1. These plans are for Retaining Wall No. 2 only. See Civil Plans for additional notes and details.
2. Geotechnical engineer to field verify limits of drilled hole.
3. Contractor is responsible for maintaining roadway and wall stability during all temporary conditions and construction operations.
4. Utility locations shown are schematic. Contractor to verify all utilities with Civil Plans.
5. For traffic control details, see Civil Plans.
6. If an unsheltered individual is encountered within the project site during construction, please contact the City of Berkeley.

REGISTERED PROFESSIONAL ENGINEER — MARCISO R. ZERMENO — No. S6783 — STRUCTURAL — STATE OF CALIFORNIA

APPROVAL	DESCRIPTION	REVISION	MARK	DATE
	100% CONSTRUCTION DOCUMENTS			09/05/2025
	95% CONSTRUCTION DOCUMENTS			03/17/2025
	50% CONSTRUCTION DOCUMENTS			07/05/2024

CORNERSTONE structural engineering group — 986 W Alluvial Ave - Suite 201, Fresno, California 93711, 559.320.3200, fax 559.320.3201

CSW|ST2 — CSW/Stuber-Stroeh Engineering Group, Inc. — 121 Park Place, Richmond, CA 94801 — tel# 415.883.9850, fax: 415.883.9835 — http://www.csw-st2.com

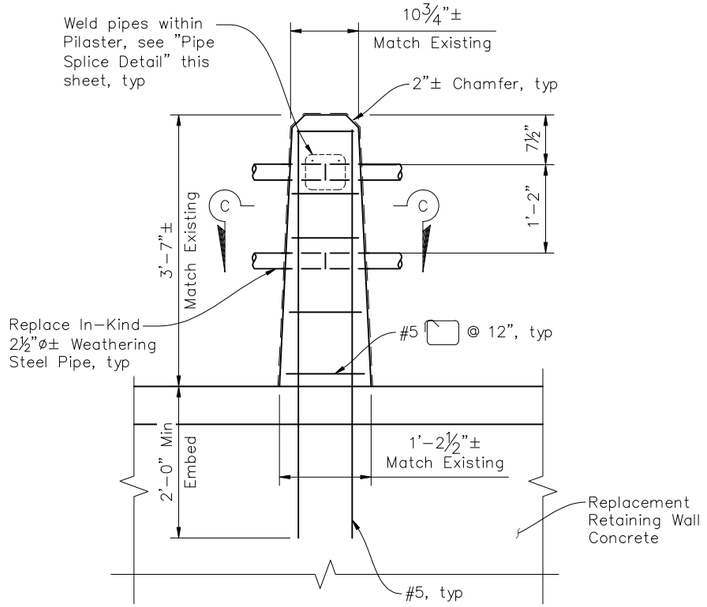
PROJECT MANAGER: DATE
DEPICTION OF MONUMENTS: DATE
SURVEY CHIEF OF PARTY
WATERSHED REVIEW: DATE
SUBMITTED: DATE
SUPERVISING ENGINEER — REGISTR. EXP.
APPROVED: DATE
CITY ENGINEER — R.C.E. EXP.
0 1 2 3 FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

DESIGN NRZ
DRAWN DJF
CHECK JPJ
AS BUILT
DATE 02/20/2026
HORIZ.
VERT.
BOOK

CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS

T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT
LA LOMA AVE RETAINING WALL REPAIRS
RETAINING WALL NO. 2 GENERAL LAYOUT

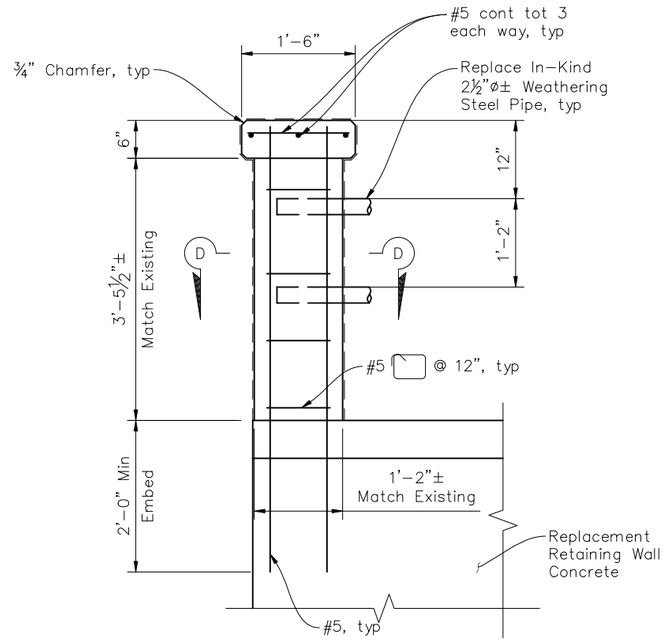
PLAN –
FILE –
SHEET 21 OF 29



INTERIOR PILASTER REPLACEMENT ATOP REPLACEMENT RETAINING WALL



INTERIOR PILASTER REPLACEMENT EXAMPLE



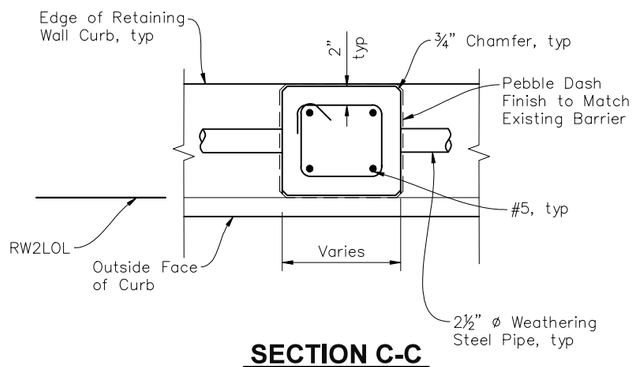
EXTERIOR PILASTER REPLACEMENT ATOP REPLACEMENT RETAINING WALL

INTERIOR PILASTER REPLACEMENT DETAIL

1" = 1'–0"

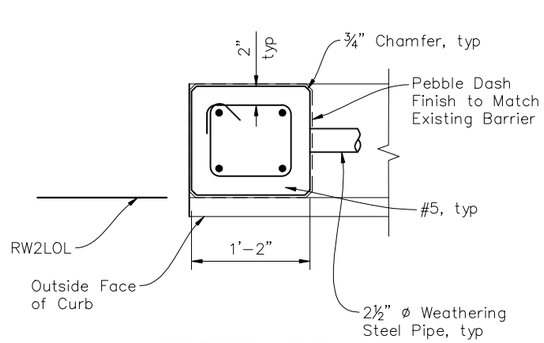
EXTERIOR PILASTER REPLACEMENT DETAIL

1" = 1'–0"



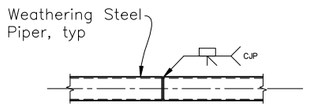
SECTION C-C

1–1/2" = 1'–0"



SECTION D-D

1–1/2" = 1'–0"



PIPE SPLICE DETAIL

1–1/2" = 1'–0"

09/05/2025	100% CONSTRUCTION DOCUMENTS	–	–					APPROVAL
03/17/2025	95% CONSTRUCTION DOCUMENTS	–	–					
07/05/2024	50% CONSTRUCTION DOCUMENTS	–	–					DESCRIPTION
DATE		MARK	REVISION					

CORNERSTONE structural engineering group
986 W Alluvial Ave - Suite 201
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WATERSHED REVIEW: DATE

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SUPERVISING ENGINEER REGISTR. EXP.

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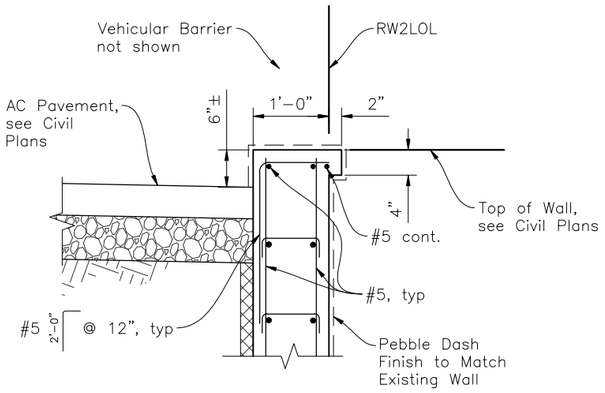
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HORIZ.
VERT.
BOOK
DATE 02/20/2026

CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS

T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT
LA LOMA AVE RETAINING WALL REPAIRS
RETAINING WALL DETAILS NO. 4

PLAN –
FILE –
SHEET 23 OF 29



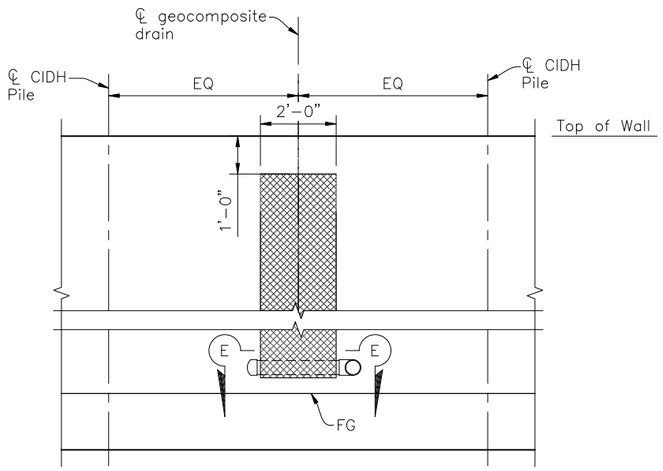
TOP OF LA LOMA WALL DETAIL



TOP OF LA LOMA WALL EXAMPLE = TOP OF HILGARD WALL EXAMPLE

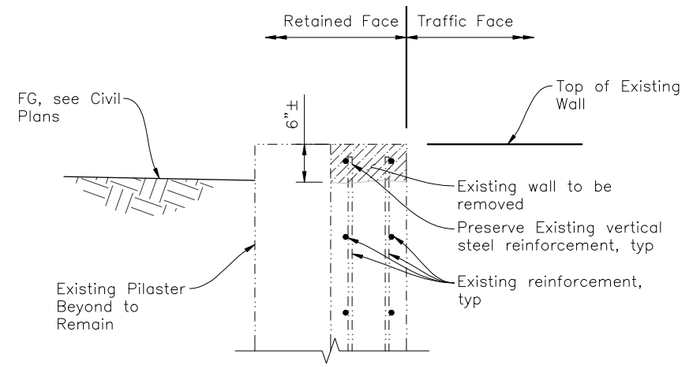
TOP OF LA LOMA WALL DETAIL

1" = 1'–0"

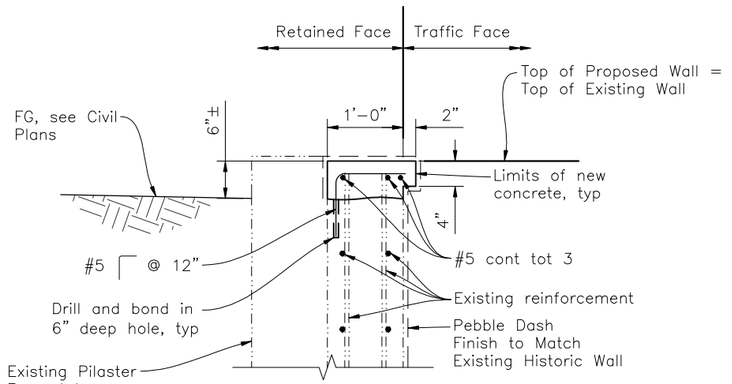


PARTIAL DRAINAGE ELEVATION

NO SCALE



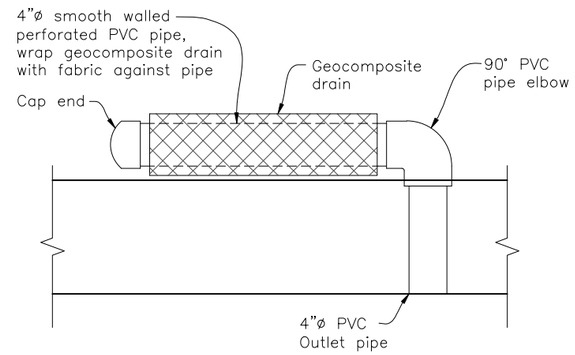
REMOVAL OF TOP OF EXISTING WALL



TOP OF WALL REPLACEMENT

TOP OF HILGARD WALL DETAIL

1" = 1'–0"



SECTION E-E

3/4" = 1'–0"

DESCRIPTION	DATE	MARK	REVISION
100% CONSTRUCTION DOCUMENTS	09/05/2025		
95% CONSTRUCTION DOCUMENTS	03/17/2025		
50% CONSTRUCTION DOCUMENTS	07/05/2024		

APPROVAL

CORNERSTONE structural engineering group
986 W Alluvial Ave - Suite 201, Fresno, California 93711, 559.320.3200, fax 559.320.3201

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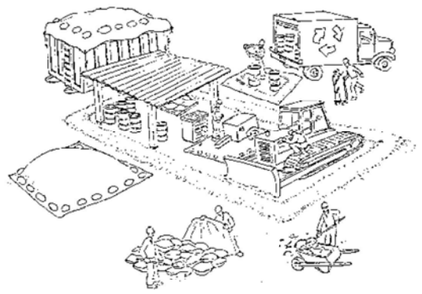
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CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS

T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT
LA LOMA AVE RETAINING WALL REPAIRS
RETAINING WALL DETAILS NO. 5

PLAN –
FILE –
SHEET 24 OF 29

Pollution Prevention — It's Part of the Plan



Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution in San Francisco Bay. Construction activities can directly affect the health of the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines will ensure your compliance with local ordinance requirements.

Materials storage & spill cleanup

Non-hazardous materials management

- ✓ Sand, dirt, and similar materials must be stored at least 10 feet from catch basins, and covered with a tarp during wet weather or when rain is forecast.
- ✓ Use (but don't overuse) reclaimed water for dust control as needed.
- ✓ Sweep streets and other paved areas daily. Do not wash down streets or work areas with water!
- ✓ Recycle all asphalt, concrete, and aggregate base material from demolition activities.
- ✓ Check dumpsters regularly for leaks and to make sure they don't overflow. Repair or replace leaking dumpsters promptly.

Hazardous materials management

- ✓ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, state, and federal regulations.
- ✓ Store hazardous materials and wastes in secondary containment and cover them during wet weather.
- ✓ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- ✓ Be sure to arrange for appropriate disposal of all hazardous wastes.

Spill prevention and control

- ✓ Keep a stockpile of spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
- ✓ When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
- ✓ Report any hazardous materials spills immediately! Dial 911 or your local emergency response number.

Vehicle and equipment maintenance & cleaning



- ✓ Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- ✓ Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- ✓ If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinsewater to run into gutters, streets, storm drains, or creeks.
- ✓ Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.

Earthwork & contaminated soils



- ✓ Keep excavated soil on the site where it is least likely to collect in the street. Transfer to dump trucks should take place on the site, not in the street.
- ✓ Use fiber rolls, silt fences, or other control measures to minimize the flow of silt off the site.
- ✓ Avoid scheduling earth moving activities during the rainy season if possible. If grading activities during wet weather are allowed in your permit, be sure to implement all control measures necessary to prevent erosion.
- ✓ Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- ✓ If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place fiber rolls down-slope until soil is secure.
- ✓ If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call the Regional Water Quality Control Board or local hazardous waste management agency for help in determining what testing should be done, and manage disposal of contaminated soil according to their instructions.

Dewatering operations



- ✓ Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- ✓ Be sure to call your city's storm drain inspector before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- ✓ In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the city inspector to determine what testing to do and to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

Saw cutting

- ✓ Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or sand/gravel bags to keep slurry out of the storm drain system.
- ✓ Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- ✓ If saw cut slurry enters a catch basin, clean it up immediately.

Paving/asphalt work



- ✓ Do not pave during wet weather or when rain is forecast.
- ✓ Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- ✓ Place drip pans or absorbent material under paving equipment when not in use.
- ✓ Protect gutters, ditches, and drainage courses with sand/gravel bags, or earthen berms.
- ✓ Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- ✓ Do not use water to wash down fresh asphalt concrete pavement.

Concrete, grout, and mortar storage & waste disposal

- ✓ Be sure to store concrete, grout, and mortar under cover and away from drainage areas. These materials must never reach a storm drain.
- ✓ Wash out concrete equipment/trucks off-site or designate an on-site area for washing where water will flow onto dirt or into a temporary pit in a dirt area. Let the water seep into the soil and dispose of hardened concrete with trash.
- ✓ Divert water from washing exposed aggregate concrete to a dirt area where it will not run into a gutter, street, or storm drain.
- ✓ If a suitable dirt area is not available, collect the wash water and remove it for appropriate disposal off site.



Painting



- ✓ Never rinse paint brushes or materials in a gutter or street!
- ✓ Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink. If you can't use a sink, direct wash water to a dirt area and spade it in.
- ✓ Paint out excess oil-based paint before cleaning brushes in thinner.
- ✓ Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.

BASMAA Bay Area Stormwater Management Agencies Association (BASMAA)
1-888-BAYWISE

Storm drain polluters may be liable for fines of $10,000 or more per day!

For more detailed information:
Get a copy of the "Field Manual" — (510) 622-2465 or www.abag.ca.gov/bayarea/sfep/reports/construction.html

Office of the City Manager

INFORMATION CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Landmark Preservation Ordinance Notice of Decision: Rose Walk / #LMSAP2026-0005

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that "a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting."

CURRENT SITUATION AND ITS EFFECTS

The Landmarks Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject Landmark property. This action is subject to a 14-day appeal period, which began after the notice was mailed on November 3, 2026.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to appeal any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. For Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 14 days of the mailing of the Notice of Decision, or by November 17, 2026.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the SAP within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS
Landmark designation and discretionary alteration reviews by staff and LPC provide opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION
The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
There are no known fiscal impacts associated with this action.

CONTACT PERSON
Allison Riemer, Senior Planner, Planning and Development, 510-981-7433

Attachments:
1: Notice of Decision – #LMSAP2026-0005 / Rose Walk Pedestrian Walkway

Attachment 1, Part 1

LANDMARKS PRESERVATION COMMISSION

Notice of Decision

DATE OF BOARD DECISION: October 1, 2026
DATE NOTICE MAILED: November 3, 2026
APPEAL PERIOD EXPIRATION: November 17, 2026
EFFECTIVE DATE (Barring Appeal or Certification): November 18, 2026

Rose Walk

Structural Alteration Permit #LMSAP2026-0005 to reconstruct/repair segments of retaining walls and concrete pathway material along Rose Walk between Euclid Avenue and Le Roy Avenue.

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following Structural Alteration Permit request:

- **Applicant** — Randy (Wai) Kong, City of Berkeley
  1947 Center Street
  4th Floor
  Berkeley, CA 94704
- **Property Owner** — City of Berkeley
  2180 Milvia Street
  Berkeley, CA 94704

ZONING DISTRICT: Residential Multi-Unit 1 District, Hillside Overlay (R-1H)

ENVIRONMENTAL REVIEW STATUS: The project is categorically exempt from further environment review in accordance with CEQA Guidelines Section 15331 for *Historical Resource Restoration/Rehabilitation*.

The application materials for this project are available online at:
https://berkeleyca.gov/construction-development/land-use-development/zoning-projects or
https://permits.cityofberkeley.info/CitizenAccess/Default.aspx

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2026-0005
Rose Walk
Mailed: November 3, 2026
Page 2 of 4

FINDINGS AND CONDITIONS OF APPROVAL AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 8-0-0-0

YES: ANDERSON, CRANDALL, FINACOM, GORDON, GREENE, MONTGOMERY, SCHNIETZ, SCHWARTZ,

NO: NONE

ABSTAIN: NONE

ABSENT: NONE

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
   a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least 200 residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
   a. The basic fee for persons other than the applicant is $3,000. This fee may be reduced to $1,000 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.
   b. The fee for all appeals by Applicants is $6,000.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the Structural Alteration Permit will be final on the first business day following expiration of the appeal period.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2026-0005
Rose Walk
Mailed: November 3, 2026
Page 3 of 4

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:

   A. That this belief is a basis of your appeal.

   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.

   C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

   If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2026-0005
Rose Walk
Mailed: November 3, 2026

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Allison Riemer, at (510) 981-7433 or ariemer@berkleyca.gov. All project application materials may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3rd Fl., during regular business hours.

ATTACHMENTS:

1. Findings
2. Conditions
3. Plans

ATTEST:
Allison Riemer, Secretary
Landmarks Preservation Commission

cc: City Clerk
Randy (Wai) Kong, City of Berkeley, 1947 Center Street, 4th Floor, Berkeley, CA 94704
City of Berkeley, 2180 Milvia Street, 4th Floor, Berkeley, CA 94704

Attachment 1, Part 2

Landmarks Preservation Commission Findings

App #: LMSAP2026-0005

October 1, 2026

Structural Alteration Permit for Rose Walk Pedestrian Walkway

Quick Facts	Project Description:
Applicant: City of Berkeley Public Works Engineering Division **Property Owner:** City of Berkeley **Project Address:** Rose Walk near 2555 Rose Street **Site Size:** n/a **GP Land Use:** Institutional, Low Density Residential (LDR) **Zoning:** Residential Multi-Unit 1 District (R-1H) **CEQA:** Exempt pursuant to CEQA Section 15331 for Historical Resource Restoration/Rehabilitation **Date Submitted:** February 27, 2026 **Date Deemed Complete:** June 1, 2026 **Project Planner:** JulieAnn Murphy, Rincon Consultants	The applicant is seeking approval to reconstruct/repair segments of retaining walls and concrete pathway material along Rose Walk between Euclid Avenue and Le Roy Avenue.
	Zoning Permits Requested:
	Structural Alteration Permit pursuant to 3.24.200 to make repairs/alterations to a City of Berkeley Landmark.
	Staff Recommendation:
	Staff recommends that LPC approve LMSAP2026-0005 pursuant to BMC Section 3.24.260 "**Permit application–Review standards and criteria**" and subject to the attached Findings and Conditions of Approval.

CEQA

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15331 of the CEQA Guidelines ("Historic Resource Restoration/Rehabilitation" because the project will preserve and restore the existing retaining walls and walkway.

FINDINGS RELATED TO THE SECRETARY OF THE INTERIOR'S STANDARDS

Regarding the Secretary of the Interior's Standards (SOI) for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

Standard 1: *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

Evidence. The proposed scope of work will allow for the Rose Walk to continue to be used as it was historically, as a pedestrian footpath that extends from Euclid Avenue to Rose Street and Le Roy Avenue. The proposed project is consistent with Standard 1.

Standard 2: *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

Evidence. The proposed scope of work will retain the property's existing historic character. Distinctive materials will be preserved. The proposed replacement of retaining walls and walkway material will be undertaken in a manner that retains the existing spaces and spatial relationships that characterize the Rose Walk. Retaining walls and walkways will be replaced in-kind. The proposed scope of work is consistent with Standard 2.

Standard 3: *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

Evidence. The proposed scope of work will not introduce materials that create a false sense of historical development. Standard 3 is not applicable.

Standard 4: *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

Evidence. The Rose Walk retains its original design. No changes have occurred that have acquired historic significance. Standard 4 is not applicable.

Standard 5: *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

Evidence. The proposed scope of work is limited to replacing damaged materials in-kind. Distinctive materials, features, and finishes that characterize Rose Walk will be preserved. The proposed scope of work is consistent with Standard 5.

Standard 6: *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

Evidence. The proposed scope of work proposes to replace existing deteriorated materials. Due to the extent and type of material damage, repair is not suitable. Proposed replacement is limited to segments that are damaged beyond repair. New retaining walls and walkway material will match the existing in design, color, texture, and materials. Replacement is based on existing

physical evidence. The proposed scope of work is consistent with Standard 6.

Standard 7: *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

Evidence. No chemical or physical treatments are proposed as part of this scope of work. Standard 7 is not applicable.

Standard 8: *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

Evidence. The proposed project is not expected to encounter archaeological resources. The proposed work is subject to the City's existing guidelines and conditions on the treatment of archaeological resources. The proposed scope of work is consistent with Standard 8.

Standard 9*: New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

Evidence. The proposed scope of work is limited to replacing materials that are deteriorated. All work will be consistent with the existing design and materials. The proposed scope of work will not destroy historic materials, features, and spatial relationships that characterize the property. No additional alterations or additions are proposed. The proposed project is consistent with Standard 9.

Standard 10: *New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Evidence. The proposed scope of work does not include new additions or new construction. Standard 10 is not applicable.

FINDINGS REQUIRED UNDER LANDMARKS PRESERVATION ORDINANCE

Pursuant to BMC Section 3.24.260(C)(1), approval of permit applications pursuant to this section may be granted only upon determination that the proposal conforms to the criteria set forth in paragraphs 1.

1. For permit applications for construction, alteration or repair:

   a. For applications relating to landmark sites, the proposed work shall not adversely affect the exterior architectural features of the landmark and, where specified in the designation for a publicly owned landmark, its major interior architectural features; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting.

   Evidence: The project proposes the in-kind replacement of existing retaining walls and concrete walkway material. Proposed replacement is limited to areas where materials are deteriorated beyond repair. The proposed scope of work is consistent with the Secretary of the Interior's Standards for Rehabilitation and will retain the Rose Walk's character-defining features. As such, the proposed scope of work will not adversely affect the special character or value of the Rose Walk.

   b. For applications relating to property in historic districts, the proposed work shall not adversely affect the exterior architectural features of the subject property or the relationship and congruity between the subject structure or feature and its neighboring structures and surroundings, including facade, setback and height; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the district. The proposed work shall also conform to such further standards as may be embodied in the designation of the historic district.

   Evidence: N/A. The site is not in a Historic District.

   c. For applications relating to structure of merit sites, the proposed work shall not adversely affect the architectural features if architectural merit is the basis for designation; nor shall the proposed work adversely affect the special cultural, educational or historical interest or value if that is the basis for designation.

   Evidence: N/A. The site is a designated City Landmark and not a Structure of Merit.

Conditions of Approval

October 1, 2026

I. General Administrative Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Project Approval**. This Structural Alteration Permit approval is for Rose Walk, as substantially shown and described on the project plans dated February 27, 2026, except as required to be modified by conditions herein and plans as presented to the Landmarks Preservation Commission on October 1, 2026 ("Approval Date."). For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required bythe conditions herein for approval by the City.	City of Berkeley	On-Going	Land Use Planning
2.	**Approval Limited to Proposed Project.** This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.	City of Berkeley BMC Section 23.404.060	On-Going	Land Use Planning
3.	**Compliance Required.** All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.	City of Berkeley	On-Going	Land Use Planning
4.	**Conformance to Approved Plans.** All work performed under an approved permit shall be in compliance with the approved plans and any Conditions of Approval.	City of Berkeley BMC Section 23.404.060.B.4	On-Going	Land Use Planning
5.	**Permit Revocation.** The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Landmarks Preservation Commission (LPC), or City Council referral.	City of Berkeley BMC Section 23.404.080	On-Going	Land Use Planning

I. General Administrative Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
6.	**Exercise and Expiration of Permits** A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun. C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification). D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.	City of Berkeley BMC Section 23.404.060 (C) "Time Limits"	On-Going	Land Use Planning
7.	**Hold Harmless.** The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection	City of Berkeley	On-Going	Land Use Planning

I. General Administrative Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
	with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.			

II. At Building Permit Submittal		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Conditions of Approval on Building Permit Plan Submittal** **Structural Alteration Permit.** The Conditions of Approval for this Structural Alteration Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Structural Alteration Permit, under the title 'Structural Alteration Permit Conditions.	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning
2.	**Project Liaison.** The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:** ☐ **Project Liaison** _____ Name Phone #	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning

3.	**Construction and Demolition Diversion.** The applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.	City of Berkeley BMC Chapter 19.37	At Building Permit Submittal	Building & Safety Division

III. During Construction A. Building & Safety Division		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1	**Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.	City of Berkeley	During Construction	Building & Safety
2.	**Construction Hours- Exceptions**. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.	City of Berkeley	During Construction	Building & Safety
3.	**Construction / No Parking Permits**. Contact the Permit Service Center (PSC) at 1947 Center Street, Third Floor or (510) 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.	City of Berkeley	During Construction	Building & Safety

IV. During Construction B. Land Use Planning		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Paleontological Resources (Ongoing throughout demolition, grading, and/or construction)**. In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.	City of Berkeley	During Construction	Land Use Planning
2.	**Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction,** all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.	City of Berkeley	During Construction	Land Use Planning
3.	**Archaeological Resources (Ongoing throughout demolition, grading, and/or construction**). Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore:	City of Berkeley	During Construction	Land Use Planning

	A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find. **B.** If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards. **C.** In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations. **D.** If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out. **E.** If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.			

IV. During Construction **C. During Construction: Public Works**		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Site Debris.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.	City of Berkeley	During Construction	Public Works
2.	**Street & Sidewalk Damages.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.	City of Berkeley	During Construction	Public Works

3.	**Underground Utilities.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction	City of Berkeley	During Construction	Public Works
4.	**Hauling of Debris.** Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.	City of Berkeley	During Construction	Public Works

V. Structural Alteration Permit Conditions		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Repair and replacement of character-defining features.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.	City of Berkeley	On-Going	Land Use Planning
2.	**Chemical Treatments.** With respect to historic resources located on this site or within the propose project area, any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.	City of Berkeley	On-Going	Land Use Planning

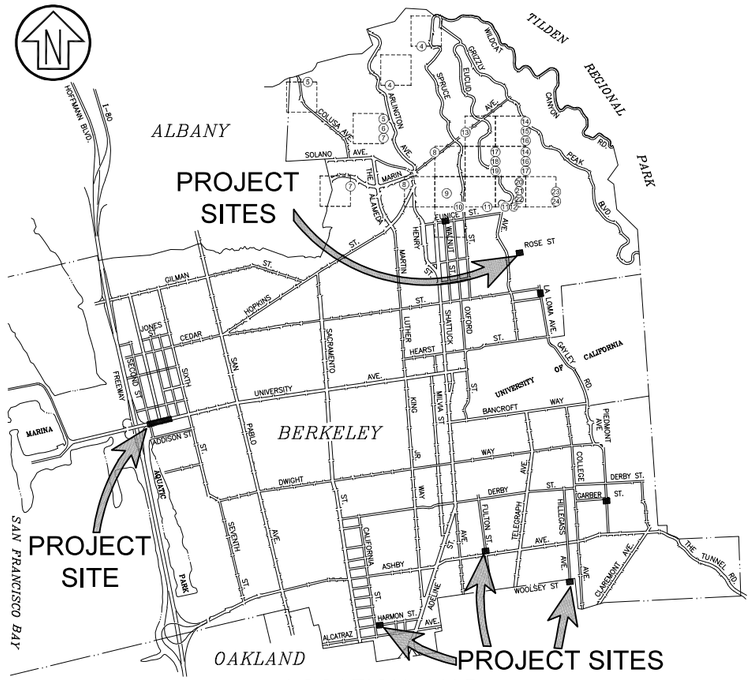
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ALAMEDA COUNTY, CALIFORNIA

T1 PHASE 2 BOLLARD CONVERSION, SID
AND STRUCTURAL REPAIRS

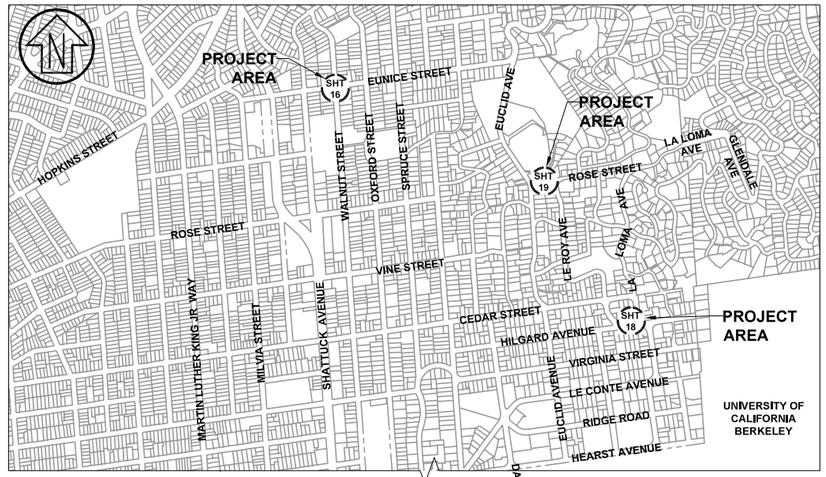
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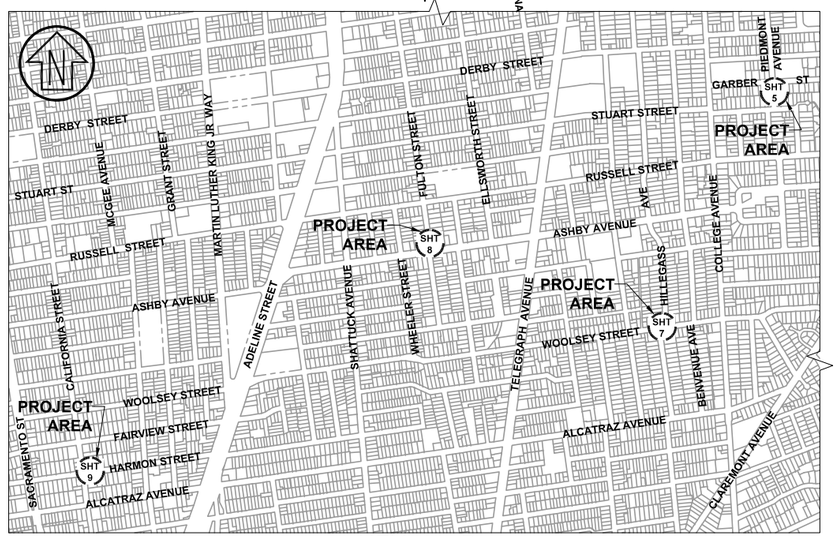
RoseWalk Location



LOCATION MAP

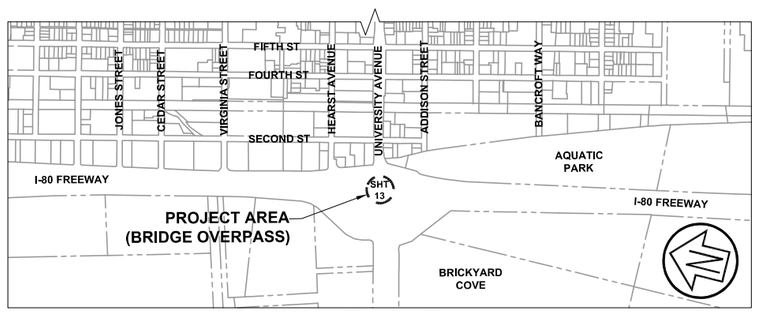
SCALE: N.T.S.





KEY MAP

SCALE: N.T.S.



KEY MAP

SCALE: N.T.S.

SHEET INDEX

1. COVER SHEET
2. ABBREVIATIONS, GENERAL NOTES & LEGEND
3. IMPROVEMENT PLAN – EUNICE STREET AND WALNUT STREET RETAINING WALL
4. IMPROVEMENT PLAN – LA LOMA AVENUE RETAINING WALL
5. IMPROVEMENT PLAN – ROSE WALK RETAINING WALL
6. IMPROVEMENT PLAN – PIEDMONT AVENUE BULB-OUT
7. IMPROVEMENT PLAN – WOOLSEY STREET GREEN INFRASTRUCTURE
8. IMPROVEMENT PLAN – FULTON STREET GREEN INFRASTRUCTURE
9. IMPROVEMENT PLAN – HARMON STREET GREEN INFRASTRUCTURE
10. BID ALTERNATE – IMPROVEMENT PLAN – TUNNEL ROAD SIDEWALK GAP CLOSURE
11. CONSTRUCTION DETAILS
12. CONSTRUCTION DETAILS
13. CONSTRUCTION DETAILS
14. CONSTRUCTION DETAILS
15. UNIVERSITY AVENUE REPAIRS – GENERAL PLAN
16. UNIVERSITY AVENUE REPAIRS – JOINT DETAILS NO. 1
17. UNIVERSITY AVENUE REPAIRS – JOINT DETAILS NO. 2
18. EUNICE ST AND WALNUT ST REPAIRS – STRUCTURAL LAYOUT
19. EUNICE ST AND WALNUT ST REPAIRS – RETAINING WALL DETAILS NO. 1
20. EUNICE ST AND WALNUT ST REPAIRS – RETAINING WALL DETAILS NO. 2
21. LA LOMA AVE RETAINING WALL REPAIRS – RETAINING WALL NO. 2 GENERAL LAYOUT
22. LA LOMA AVE RETAINING WALL REPAIRS – RETAINING WALL DETAILS NO. 3
23. LA LOMA AVE RETAINING WALL REPAIRS – RETAINING WALL DETAILS NO. 4
24. LA LOMA AVE RETAINING WALL REPAIRS – RETAINING WALL DETAILS NO. 5
25. ROSE WALK RETAINING WALL REPAIRS – GENERAL LAYOUT
26. ROSE WALK RETAINING WALL REPAIRS – RETAINING WALL DETAILS NO. 6
27. ROSE WALK RETAINING WALL REPAIRS – RETAINING WALL DETAILS NO. 7
28. EROSION CONTROL PLAN
29. POLLUTION PREVENTION PLAN

CONTACT INFORMATION

EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD): OSCAR HERRERA
510-287-1005
oscar.herrera@ebmud.com

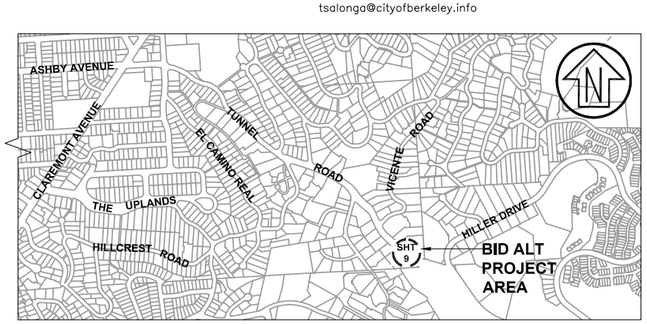
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CITY OF BERKELEY: TERRENCE SALONGA
510-981-6447
tsalonga@cityofberkeley.info



KEY MAP

SCALE: N.T.S.

APPROVAL | DESCRIPTION | DATE | MARK | REVISION

CSW ST2 ENGINEERING | LANDSCAPE ARCHITECTURE
SURVEYING | URBAN PLANNING
2001 ADDISON STREET 415.883.9850
BERKELEY, CA 94704 WWW.CSWST2.COM
©2026

PROJECT MANAGER: DATE

0 1 2 3
FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

DEPICTION OF MONUMENTS: DATE
SURVEY CHIEF OF PARTY
WATERSHED REVIEW: DATE

SUBMITTED: DATE
SUPERVISING ENGINEER REGISTR. EXP.
APPROVED: DATE
CITY ENGINEER R.C.E. EXP.

DESIGN JD
DRAWN DC
CHECK JD
AS BUILT

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VERT.
BOOK
DATE 02/27/2026

CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS

T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT
COVER SHEET

PLAN –
FILE –

ABBREVIATIONS

AB	- AGGREGATE BASE
AC	- ASPHALT CONCRETE
AD	- AREA DRAIN
BC	- BEGINNING OF CURVE
B/L	- BASE LINE
BSW	- BACK OF SIDEWALK
CAMUTCD	- CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES
CB	- CATCH BASIN
C&G	- CURB AND GUTTER
CC	- CAST IRON
℄	- CENTERLINE
CP	- CONTROL POINT
DI	- DROP INLET
DEP	- DEPRESSED
DESC	- DESCRIPTION
DWY	- DRIVEWAY
EC	- END OF CURVE
EG	- EXISTING GRADE
EP	- EDGE OF PAVEMENT
EL	- ELEVATION
EX	- EXISTING
FG	- FINISH GRADE
F/L	- FLOWLINE
FS	- FINISH SURFACE
FSP	- FLATTENED STEEL PIPE
GB	- GRADE BREAK
HC	- HANDICAP
HDPE	- HIGH DENSITY POLYETHYLENE PIPE
HP	- HIGH POINT
HSS	- HOLLOW STRUCTURAL SECTION
INV	- INVERT
JB	- JUNCTION BOX
JP	- JOINT POLE
LC	- LEVELING COURSE
LF	- LINEAR FEET
LP	- LOW POINT
LOW	- LIMIT OF WORK
MH	- MAINTENANCE HOLE
MON	- SURVEY MONUMENT
NG	- NATURAL GROUND
NTS	- NOT TO SCALE
PA	- PLANTER AREA
PB	- PULL BOX
PCC	- PORTLAND CEMENT CONCRETE
PC	- POINT OF COMPOUND CURVE
POC	- POINT ON CURVE
PRC	- POINT OF REVERSE CURVE
PVC	- POLY VINYL CHLORIDE PIPE
R&R	- REMOVE AND REPLACE
RCP	- REINFORCED CONCRETE PIPE
RRPM	- RETRO-REFLECTIVE RAISED PAVEMENT MARKER
RW	- RIGHT OF WAY
SS	- SANITARY SEWER
SSD	- SEE STRUCTURAL DRAWINGS
SSMH	- SANITARY SEWER MAINTENANCE HOLE
SD	- STORM DRAIN
SDCO	- STORM DRAIN CLEAN OUT
SDMH	- STORM DRAIN MAINTENANCE HOLE
SF	- SQUARE FEET
SSMH	- STANITARY SEWER MAINTENANCE HOLE
SW	- SIDEWALK
TC	- TOP OF CURB
TS	- TRAFFIC SIGNAL
UNO	- UNLESS NOTED OTHERWISE
VIF	- VERIFY IN FIELD

SYMBOLS LEGEND

EXISTING		PROPOSED	
WM GM	– Ex. Water/Gas Meter	●	– BOLLARD
WV GV	– Ex. Water/Gas Valve		– SIGN
	– Ex. Fire Hydrant		– TREE / TREE TO BE REMOVED (GRIND STUMP TO GRADE, UNO)
UP	– Ex. Utility Pole	SD	– STORM DRAIN MAINTENANCE HOLE
JP	– Ex. Utility Pole w/Light		
	– Ex. Tree	1 / X	– DETAIL NO. SHEET NO.
Bxxxx	– Ex. Miscellaneous Survey Monument		
Bxxxx	– Ex. Survey Well Monument		
	– Ex. Benchmark		
CPxxxx	– Ex. Control Point		
	– Ex. Misc. Survey Point		
CPxxxx	– Control Point Set		
	– Ex. Light–Post Mounted		
PP	– Ex. Power Pole with Guy		
SSCO	– Ex. Sanitary Sewer Clean Out		
SS	– Ex. Sanitary Sewer Maintenance hole		
SD	– Ex. Storm Drain		
PB	– Ex. Pullbox		
	– Ex. BOLLARD		
	– Ex. SIGN		

LINETYPES

EXISTING		PROPOSED
30	CONTOUR - MAJOR	30
	CONTOUR - MINOR	
	FENCE	N/A
G	GAS LINE	N/A
E	ELECTRICAL LINE(S)	N/A
W	WATER LINE	N/A
N/A	LIMITS OF CONSTRUCTION	
	PROPERTY / LOT LINE	N/A
	RETAINING WALL	
SS	SANITARY SEWER	N/A
	STORM DRAIN	
N/A	SUB-DRAIN (PERFORATED)	
	TIES	
	TREE DRIPLINE	N/A

LEGEND

1.0' – SYMBOL DENOTES RETAINED WALL HEIGHT (DECIMAL FEET), WHERE WALL HEIGHT VARIES, MAX HEIGHT IS INDICATED. UNLESS NOTED ON PLAN, ALL TOP OF WALLS (TW) ARE INTENDED TO BE FLAT. FINISHED SURFACE (FS) CALLOUTS INDICATE THE FINISH SURFACE AT THE TOE OF WALL AND DO NOT ACCOUNT FOR THE GRADE DIFFERENCE BETWEEN FINISH SURFACE AND TOP OF FOOTING.

CONSTRUCTION NOTES:

1. SAWCUT EXISTING PAVEMENT AT LIMIT OF WORK, TYPICAL.
2. PROTECT AND PRESERVE ALL SURVEY MONUMENTS. SEE MONUMENT PRESERVATION NOTE.
3. PROTECT ALL DRAINAGE AND SEWAGE STRUCTURES AND PIPES FROM INFILTRATION OF ALL CONSTRUCTION DEBRIS FOR THE DURATION OF THE WORK.
4. CURB RAMPS SHALL BE LOCATED AS SHOWN WITHIN THESE PLANS AND ADJUSTED IN THE FIELD BY THE ENGINEER, IF NECESSARY.

GENERAL NOTES:

1. ALL DRAWINGS AND SPECIFICATIONS ARE CONSIDERED PART OF THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REVIEW AND COORDINATION OF ALL DRAWINGS AND SPECIFICATIONS PRIOR TO START OF CONSTRUCTION. ANY DISCREPANCIES THAT OCCUR SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE START OF CONSTRUCTION SO THAT A CLARIFICATION MAY BE ISSUED. WORK NOT CONFORMING TO THE CONTRACT DOCUMENTS SHALL BE CORRECTED BY THE CONTRACTOR AT NO EXPENSE TO THE CITY.

2. UTILITIES AS SHOWN CONFORM TO AVAILABLE RECORD DATA. THE EXISTENCE, LOCATION AND CHARACTERISTICS OF UNDERGROUND UTILITY INFORMATION SHOWN ON THESE PLANS HAVE BEEN OBTAINED FROM A REVIEW OF AVAILABLE RECORD DATA. NO REPRESENTATION IS MADE AS TO THE ACCURACY OR COMPLETENESS OF SAID UTILITY INFORMATION. IT IS THE CONTRACTOR'S RESPONSIBILITY REFEERENCE ALL SUBSURFACE UTILITIES PRIOR TO COMMENCING WORK AND TO VERIFY LOCATION AND DEPTHS BY POTHOLING OF ALL UTILITIES WITH APPROPRIATE AGENCIES, AND TO TAKE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN AND ANY OTHER LINES NOT OF RECORD OR NOT SHOWN ON THESE PLANS. ANY CONFLICTS SHALL BE REPORTED IMMEDIATELY TO THE ENGINEER.

3. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ADEQUATE DRAINAGE OF THE SITE, DURING INTERIM CONDITIONS OF CONSTRUCTION.

4. CONTRACTOR SHALL PROVIDE ALL MATERIAL, LABOR, EQUIPMENT, FOR INSTALLATION, IMPLEMENTATION, AND MAINTENANCE OF ALL SURFACE WATER POLLUTION PREVENTION MEASURES THROUGHOUT THE FULL EXTENT OF THE PROJECT. SURFACE WATER IS CLASSIFIED AS ANY BODY OF WATER ABOVE GROUND.

5. OVERHEAD UTILITY SERVICE ARE SHOWN APPROXIMATELY ON THE PLANS. THE CONTRACTOR SHALL INVESTIGATE THE SITE AND BE AWARE OF LIMITED OVERHEAD CLEARANCES.

6. ALL MAINTENANCE HOLES, CLEANOUTS AND WATER VALVES SHALL BE ADJUSTED TO GRADE WITHIN 48 HOURS OF PAVING. ALL PAVING SHALL BE COMPLETED WITHIN 24 HOURS OF RAISING THE UTILITY TO GRADE.

7. REVOCABLE ITEM - THE CONTRACTOR SHALL BE RESPONSIBLE FOR SETTING ALL UTILITY BOXES TO THE GRADE OF THE FINISHED SIDEWALK OR GUTTER PRIOR TO THE POUR, INCLUDING COORDINATING WITH ALL UTILITY PROVIDERS AND/OR CLEANING AND CLEARING OF CONCRETE MORTAR FROM ALL UTILITY BOXES IN THE AREA SO THEY ARE FULLY ACCESSIBLE UPON COMPLETION OF THE SIDEWALK INSTALLATION.

8. ALL STRIPING SHALL BE THERMOPLASTIC UNLESS OTHERWISE NOTED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO MEASURE AND MARK EXISTING STRIPING , PAVEMENT MARKINGS, AND RAISED PAVEMENT MARKERS PRIOR TO AND DURING THE STREET WORK. LAYOUT MARKINGS SHALL BE LAID OUT IN ADVANCE OF FINAL STRIPING. ALL LAYOUT MARKINGS SHALL BE APPROVED IN WRITING BY THE CITY ENGINEER. THE CONTRACTOR SHALL PROVIDE A ONE WEEK TIME PERIOD FOR REVIEW OF LAYOUT MARKINGS. STRIPING CHANGES SHALL BE APPROVED BY THE CITY ENGINEER.

9. PAVEMENT MARKINGS DISTURBED, DAMAGED IN ANY FORM, OR TO ANY DEGREE WHILE THE CONTRACTOR HAS CUSTODY OF THE SITE SHALL BE REPLACED IN THEIR ENTIRETY AT CONTRACTOR'S EXPENSE.

10. CONTRACTOR SHALL CONTACT CITY ARBORIST AT LEAST 48 HOURS IN ADVANCE OF PERFORMING WORK UNDER THE DRIP LINE OF EXISTING TREES AND WHEN EXCAVATIONS IS PLANNED WITHIN THE ROOT SYSTEM OF THE TREE. THE CITY ARBORIST WILL REVIEW EACH LOCATION ON A CASE-BY-CASE BASIS TO CONFIRM THE ALLOWABLE EXTENT OF ROOT AND BRANCH PRUNING REQUIRED. CONTRACTOR SHALL ADHERE TO CITY SPECIFICATIONS AND RECOMMENDATIONS FOR TREE PRESERVATION.

11. TREE PROTECTION - PROVIDE FOR WRAPPING TREES, KEEPING EXPOSED ROOTS MOIST, AND USE OF AIR TOOLS FOR EXCAVATING. MEET WITH CITY ARBORIST BEFORE ANY WORK IS DONE.

12. ALL TREE REMOVALS ARE CONTINGENT UPON REVIEW AND RECOMMENDATION BY CITY'S PROJECT ARBORIST.

PRESERVATION OF SURVEY MONUMENTS

ALL CITY OF BERKELEY MONUMENTS LOCATED WITHIN THE PROJECT AREA MUST BE REFERENCED, PRIOR TO WORK COMMENCING, BY A LICENSED LAND SURVEYOR AS REQUIRED BY SECTION 8771 OF THE BUSINESS AND PROFESSIONS CODE. CORNER RECORDS OF THIS WORK MUST BE SUBMITTED FOR FILING TO BOTH THE COUNTY SURVEYOR OF ALAMEDA COUNTY, AND THE CITY OF BERKELEY PUBLIC WORKS DEPARTMENT, ENGINEERING DIVISION, SURVEY SECTION.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PRESERVATION OF EXISTING SURVEY MONUMENTS, BENCHMARKS, REFERENCE MARKS AND STAKES. SHOULD ANY SURVEY MONUMENTS, BENCHMARKS, REFERENCE POINTS, OR STAKES BE DAMAGED OR DESTROYED DURING THE PERFORMANCE OF THIS WORK, THE CONTRACTOR SHALL REPLACE SAID ITEMS PER CITY STANDARDS IN ACCORDANCE WITH THE SPECIAL PROVISIONS AND CONTACT A CITY OF BERKELEY, SURVEY SECTION, CHIEF OF PARTY FOR FINAL INSPECTION AND ACCEPTANCE OF THE WORK.

SURVEY CONTROL POINTS

DESIGNATION	NORTHING	EASTING	ELEVATION	DESCRIPTION
CITY MONMUMENTS				
B2922	2137474.041	6061004.156	519.41	FND MON 2"BDWP
B1302	2137560.329	6060809.517	508.45	FND MON PIN CNC
EXISTING CONTROL USED				
6	2137530.969	6061058.015	525.74	CP FND NLW EBMUD CURB
16	2137492.796	6061059.713	524.33	CP FND MNS
CONTROL SET				
1	2140650.163	6056162.623	292.44	CP MN GTR
2	2140447.024	6056200.641	286.93	CP MN
3	2140543.035	6056211.210	291.78	CP MN SW
4	2137555.249	6061034.446	527.66	CP SPK
5	2137361.432	6061153.608	530.37	CP MN CURB
7	2137546.702	6060836.636	512.22	CP SPK
8	2137518.984	6060899.120	516.48	CP MN
10	2148816.451	6053328.897	514.33	CP MN SW
11	2148795.240	6053300.234	502.24	CP MN TCB
12	2148809.997	6053414.348	523.83	CP MN SW
13	2148815.904	6053470.935	526.27	CP MN SW
14	2148828.718	6053522.058	535.07	CP MN SW
15	2148850.689	6053500.634	523.74	CP SPK
18	2138035.656	6055045.146	207.38	CP MN
19	2138251.726	6055060.446	209.34	CP MN
20	2136495.914	6049049.716	75.26	CP MN SW
21	2136469.880	6048887.132	73.19	CP MN
22	2138860.136	6052536.083	162.91	CP MN CNC
23	2138981.210	6052524.622	163.22	CP MN CNC
24	2147340.877	6054433.955	494.83	CP MN
25	2147332.909	6054395.543	486.22	CP SPK

NOTE:

1. CONTROL POINTS 4, 5, 6, 10, 11, 15, 16, 19 & 23 ARE OUTSIDE OF THE LIMITS SHOWN ON THESE PLANS.

SURVEY NOTES

1. DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. CONTRACTOR SHALL PROTECT IN PLACE ALL CITY MONUMENTS. SEE PRESERVATION OF SURVEY MONUMENT NOTES.
3. HORIZONTAL DATUM IS NORTH AMERICAN DATUM OF 1983 (NAD 83) PER CALIFORNIA REAL TIME NETWORK (CRTN). EPOCH 2017.5
4. VERTICAL DATUM WAS ESTABLISHED BY TRANSLATING TERRESTRIAL SURVEY CONTROL POINTS TO GPS CONTROL POINTS ON CALIFORNIA ZONE 3 STATE PLANES COORDINATE SYSTEM. THEN GIVEN AN ELEVATION BUMP OF -5.89 FEET TO BE PUT ON TO BERKELEY DATUM

LA LOMA AVENUE SURVEY (ONLY)

1. VERTICAL DATUM IS NORTH AMERICAN DATUM OF 1988 (NAVD88) PER CALIFORNIA REAL TIME NETWORK (CRTN), EPOCH 2017.5
2. MOUNT POINT P224 (SIBLEY VOLC) WAS USED AND SURVEY POINTS WERE ROTATED HORIZONTALLY AND BUMPED VERTICALLY ACCORDINGLY IN ADDITION TO A 5.89' LOWERING IN ELEVATION TO GET ON BERKELEY'S DATUM SYSTEM

MONITORING FOR EVALUATION OF CONSTRUCTION ACTIVITY IMPACT ON ADJACENT PROPERTIES FOR NEW RETAINING WALLS

1. THE CONTRACTOR SHALL HAVE A LICENSED SURVEYOR (LS) REFERENCE ALL EXISTING STRUCTURES/FOUNDATIONS WITHING A 50' READIUS OF THE LIMITS OF WORL. (50'-RADIUS FROM EXTENTS OF CONSTRUCTION AT LA LOMA AVENUE, WALNUT STREET, AND ROSE WALK).
2. LS SHALL INSTALL FIXED AND SECURE MARKERS ON THE EXISTING FOUNDATIONS OF NEIGHBORING PROPERTIES.
3. LS SHALL TAKE DATED AND TIMED PHOTOS OF EXISTING CONDITIONS AT THE FOUNDATIONS OF NEIGHBORING PROPERTIES.
4. LS SHALL PERFORM PRECISION 3D SURVEY OF THE MARKERS PRIOR TO THE START OF CONSTRUCTION.
5. LS SHALL PERFORM PRECISION 3D SURVEY OF THE MARKERS ON A WEEKLY BASIS TO COMPARE WITH EXISTING CONDITIONS.
6. LS SHALL PERFORM PRECISION 3D SURVEY OF THE MARKERS AT THE END OF CONSTRUCTION.
7. LS SHALL PERFORM PRECISION 3D SURVEY OF THE MARKERS ONE MONTH, 3 MONTHS, 6 MONTHS, AND ONE YEAR AFTER END OF CONSTRUCTION.
8. CONTRACTOR SHALL PROVIDE ALL FINDINGS TO THE CITY ENGINEER AT THE END OF EACH 3D SURVEY.

REVISION	MARK	DATE	DESCRIPTION

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BERKELEY, CA 94704 WWW.CSWST2.COM
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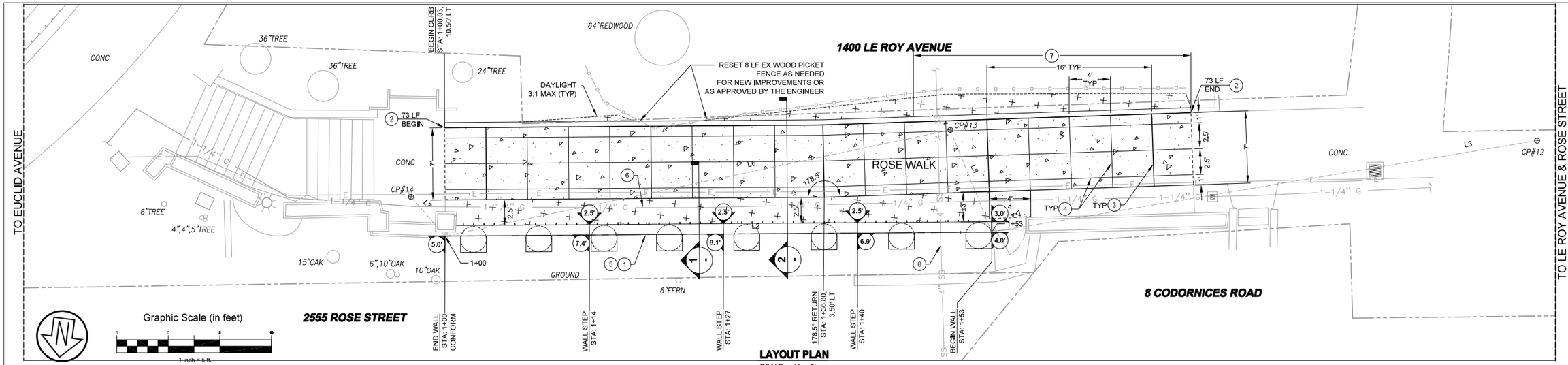
PROJECT MANAGER: DATE
DEPICTION OF MONUMENTS: DATE
SURVEY CHIEF OF PARTY
WATERSHED REVIEW: DATE
SUBMITTED: DATE
SUPERVISING ENGINEER REGISTR. EXP.
APPROVED: DATE
CITY ENGINEER R.C.E. EXP.
0 1 2 3
FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

DESIGN JD
DRAWN DC
CHECK JD
AS BUILT
HORIZ.
VERT.
BOOK
DATE 02/27/2026

CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS

T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT
ABBREVIATIONS, GENERAL NOTES & LEGEND

PLAN –
FILE –
SHEET 2 OF 29



Graphic Scale (in feet)

1 inch = 5 ft

LAYOUT PLAN
SCALE: 1" = 5'

LEGEND

- CLEAR, GRUB, AND DISPOSE
- REMOVE & DISPOSE EX. CONCRETE. INSTALL NEW CONCRETE PAVEMENT (NON-TRAFFIC RATED) PER DETAIL 1, SHEET C2.2 W/ TYPAR BIOBARRIER ROOT CONTROL FABRIC OR APPROVED EQUAL
- SAWCUT & CONFORM

KEYNOTES

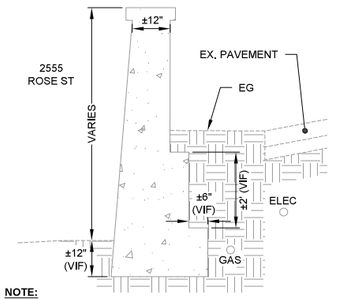
1. RETAINING WALL (SEE DETAILS ON SHEET S8), REMOVE AND DISPOSE EX. WALL, EXCAVATE AS REQUIRED FOR NEW WALL
2. INSTALL STANDARD 8" VERTICAL CURB PER COB STD PLAN 8146
3. EXPANSION JOINT PER DETAIL 2, SHEET C2.2
4. CONTROL JOINT PER DETAIL 3, SHEET C2.2
5. INSTALL DRILL PILES ALONG RETAINING WALL (SEE DETAILS ON SHEET S10)
6. PROTECT IN PLACE EX. PG&E GAS LINE
7. REMOVE EX. CONCRETE CURB (LENGTH PER PLAN)
8. PROTECT IN PLACE EX. SS. CONTRACTOR SHALL POTHOLE AS NEEDED TO VERIFY DEPTH AND LOCATION OF SS

LINE TABLE		
TAG	BEARING	DISTANCE
L3	N73°29'13"E	53.63'
L5	S28°58'54"E	10.67'
L6	N71°08'55"E	50.07'
L7	S48°00'22"E	5.03'

ROSE WALK WALL ALIGNMENT						
TAG	STATION	NORTHING	EASTING	DELTA / BEARING	DISTANCE	RADIUS
L2	1+00.00	2148832.08	6053518.32	S82° 34' 54"W	53.00	

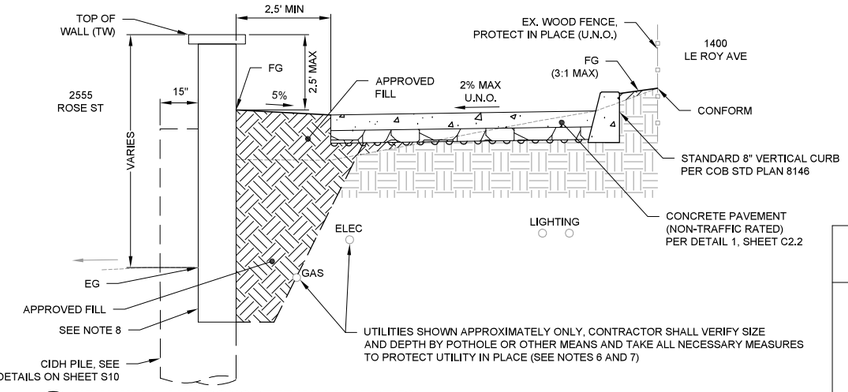
NOTES:

1. PROTECT IN PLACE ALL EX. UTILITIES.
2. PROTECT IN PLACE ALL EX. TREES UNLESS OTHERWISE DIRECTED BY THE CITY.
3. CONTRACTOR SHALL COORDINATE WITH CITY ARBORIST TO INSPECT TREES AND PROVIDE RECOMMENDATIONS PRIOR TO ANY CONSTRUCTION ACTIVITIES.
4. CONTRACTOR SHALL MAINTAIN CLEARANCES FOR FIRE APPARATUSES AT ALL TIME ON ROSE STREET, LE ROY AVENUE, AND EUCLID AVENUE. SHOULD ANY WORK LIMIT FIRE ACCESS, THE CONTRACTOR SHALL PROVIDE TWO BUSINESS DAYS NOTICE TO BERKELEY FIRE DEPARTMENT (BFD).
5. CONTRACTOR SHALL PROTECT IN PLACE ALL FIRE HYDRANTS AND MAINTAIN FIRE ACCESS AT ALL TIMES. ONE HYDRANT IS LOCATED AT LE ROY AVENUE AND ROSE STREET, ACROSS FROM 1400 LE ROY AVENUE. A SECOND HYDRANT IS AT THE NE CORNER OF EUCLID AVENUE AND CODORNICES ROAD.
6. CONTRACTOR SHALL NOTIFY PG&E A MINIMUM 5 BUSINESS DAYS IN ADVANCE OF DEMOLITION.
7. IF EXISTING UTILITIES ARE EXPOSED DURING OVER EXCAVATION FOR NEW WALL, SEE COB STD. PLAN 8136 FOR BACKFILL REQUIREMENTS OR AS DIRECTED BY GEOTECHNICAL ENGINEER.
8. NEW WALL SHALL MATCH EXISTING WALL IN APPEARANCE, BOTH COLOR AND FINISH, AS APPROVED BY THE ENGINEER.

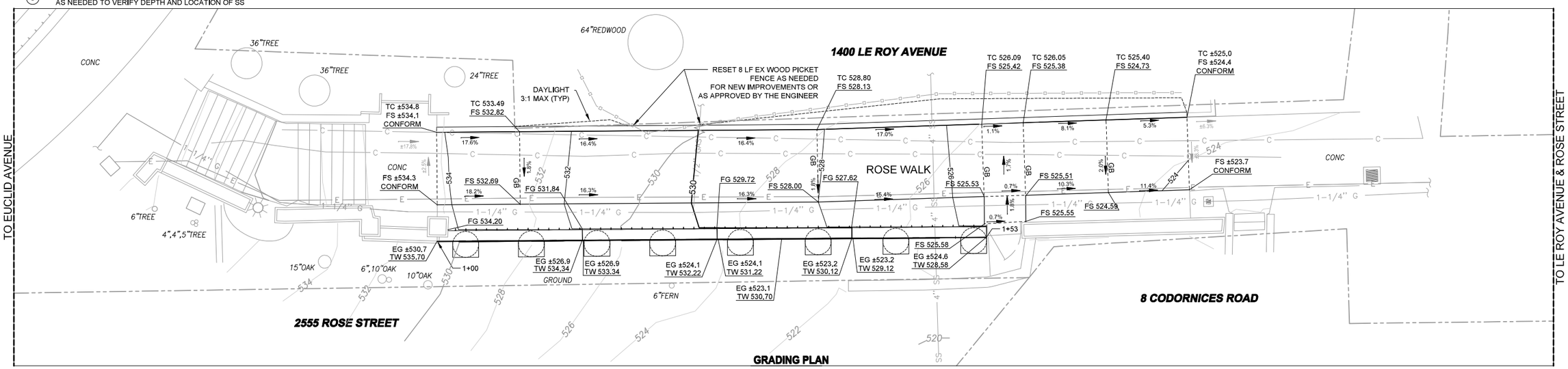


NOTE:
1. FOOTING IS SCHEMATICALLY SHOWN FOR REFERENCE ONLY AND IS BASED ON AVAILABLE RECORD DATA. CONTRACTOR SHALL VERIFY IN FIELD THE DEPTH AND EXTENTS OF FOOTING FOR POTENTIAL CONFLICTS WITH NEW RETAINING WALL.

1 EXISTING WALL SECTION
SCALE: 1" = 2'



2 NEW WALL AND CONCRETE WALK SECTION
SCALE: 1" = 2'



GRADING PLAN
SCALE: 1" = 5'

REVISION	MARK	DATE	DESCRIPTION

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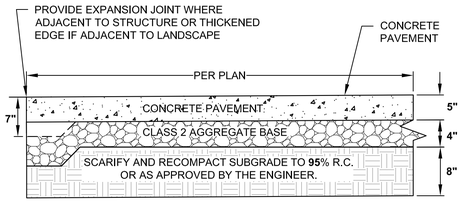
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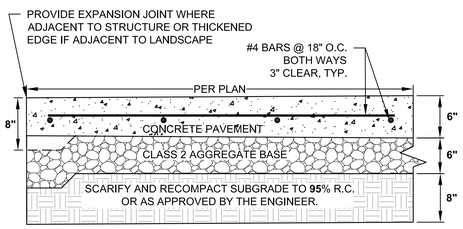
CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS

T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT
IMPROVEMENT PLAN
ROSE WALK RETAINING WALL

PLAN –
FILE –
SHEET S 1.2 OF 29



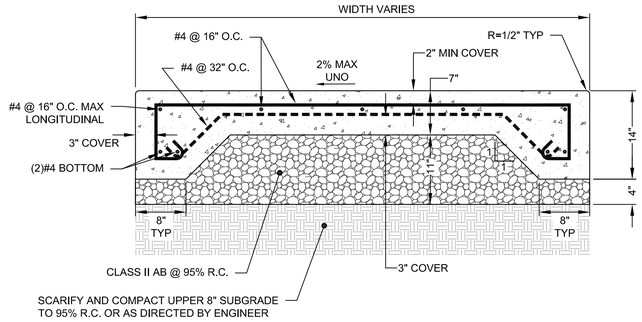
NONTRAFFIC RATED CONCRETE SIDEWALK



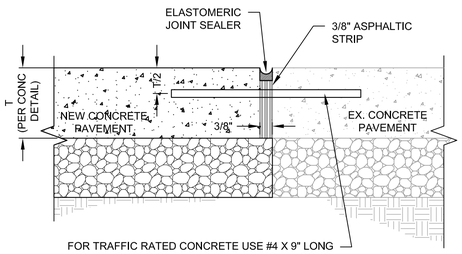
TRAFFIC RATED CONCRETE DRIVEWAY/SIDEWALK

NOTES:
1. ALL TREAD SURFACES SHALL BE SLIP RESISTANT
2. AS APPLICABLE, REUSE OF EXISTING BASEROCK SHALL BE APPROVED BY THE ENGINEER

1 TYPICAL CONCRETE PAVEMENT DETAILS
SCALE: 1" = 1'

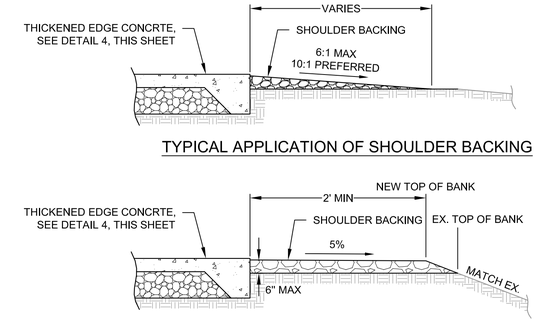


4 THICKENED EDGE CONCRETE
SCALE: 1" = 1'

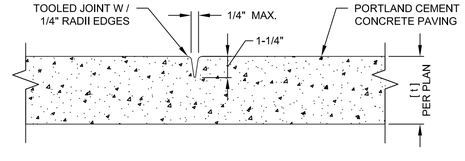


NOTES:
1. EXPANSION JOINTS TO BE INSTALLED AT 16' ON CENTER (U.N.O.).
2. PROVIDE DOWEL CAP IN NEW CONCRETE END TO ALLOW MOVEMENT IN JOINT.

2 EXPANSION JOINT FOR CONCRETE PAVEMENT
SCALE: NTS

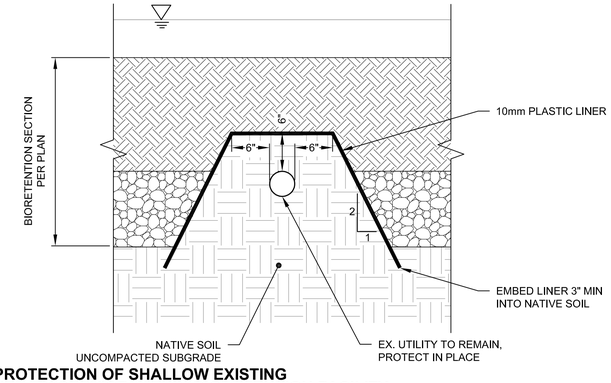


5 SHOULDER BACKING DETAIL
SCALE: N.T.S

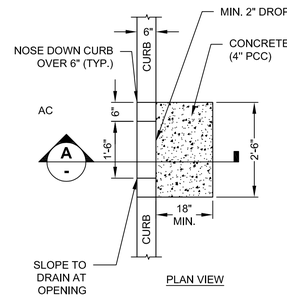


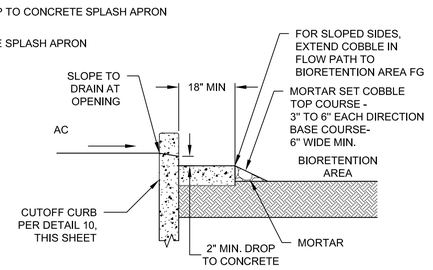
NOTES:
1. CONTROL JOINTS SHALL BE CONSTRUCTED AT 4' ON CENTER (U.N.O.).
2. CONSTRUCT SAWCUT CONTROL JOINTS WITHIN 24 HOURS OF POUR.
3. SEE PLANS FOR LOCATION OF CONTROL JOINTS.

3 CONTROL JOINT FOR CONCRETE PAVEMENT
SCALE: 1" = 1'

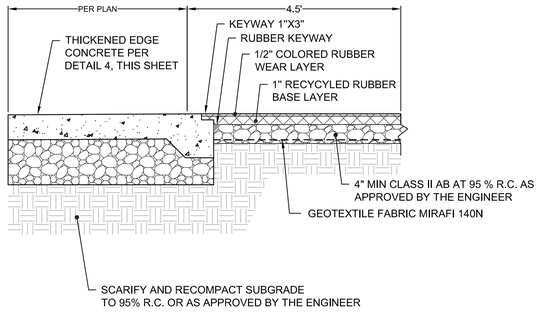


6 PROTECTION OF SHALLOW EXISTING UTILITY SERVICE WITHIN BIORETENTION FACILITY
SCALE: 1" = 1'

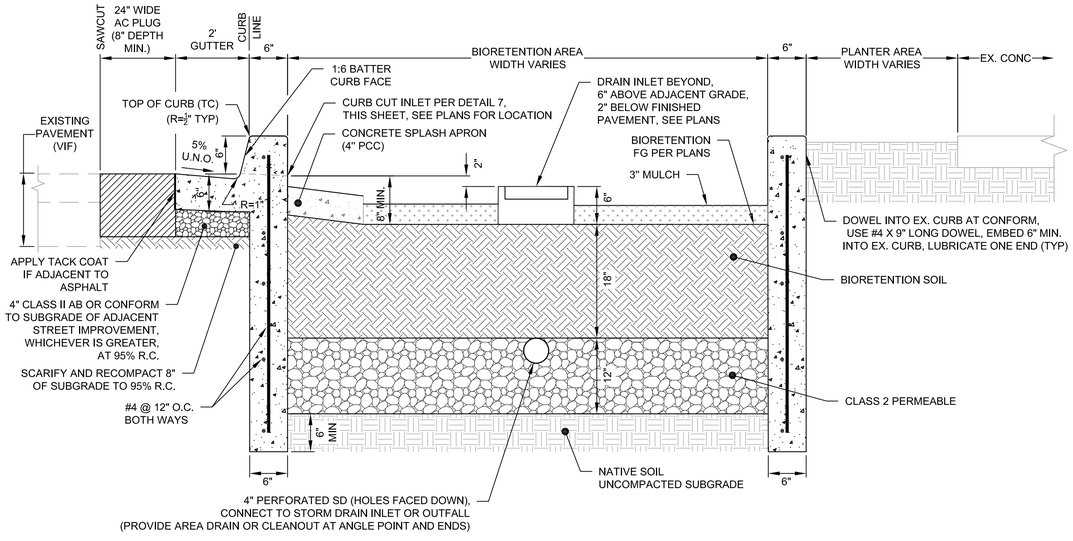




7 CURB CUT INLET WITH CONCRETE SPLASH APRON
SCALE: N.T.S.



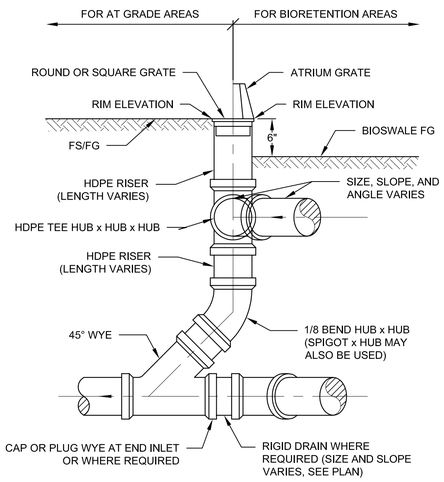
9 CONCRETE TO FLEXIBLE RUBBER PAVEMENT TRANSITION
SCALE: NTS



BIORETENTION AREA CONSTRUCTION NOTES

1. SCARIFY SUBGRADE BEFORE INSTALLING BIORETENTION AREA AGGREGATE AND BIORETNETION SOIL MEDIA.
2. COMPACT EACH 6" LIFT OF BIORETENTION SOIL MEDIA WITH LANDSCAPE ROLLER OR BY LIGHTLY WETTING. IF WETTING, LET DRY OVERNIGHT BEFORE PLANTING.
3. NEVER WORK WITHIN BIORETENTION AREA LIMITS DURING RAIN OR UNDER WET CONDITIONS.
4. KEEP ALL HEAVY MACHINERY OUTSIDE BIORETENTION AREA LIMITS.

10 BIORETENTION AREA W/ CUTOFF CURB
SCALE: 1" = 1'



NOTES:
1. SOLVENT WELD, SLIP CONNECTIONS CAN BE SUBSTITUTED FOR THE HUB CONNECTION AT THE CONTRACTOR'S OPTION.
2. ALL INLETS AT ANGLE POINTS OR END OF LINES

8 TYPICAL AREA DRAIN DETAIL
SCALE: 1" = 1'

CSW ST2
ENGINEERING | LANDSCAPE ARCHITECTURE
SURVEYING | URBAN PLANNING
2001 ADDISON STREET 415.883.9850
BERKELEY, CA 94704 WWW.CSWST2.COM
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PROJECT MANAGER: DATE
DEPICTION OF MONUMENTS: DATE
SURVEY CHIEF OF PARTY
WATERSHED REVIEW: DATE
SUBMITTED: DATE
SUPERVISING ENGINEER REGISTR. EXP.
APPROVED: DATE
CITY ENGINEER R.C.E. EXP.
0 1 2 3
FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

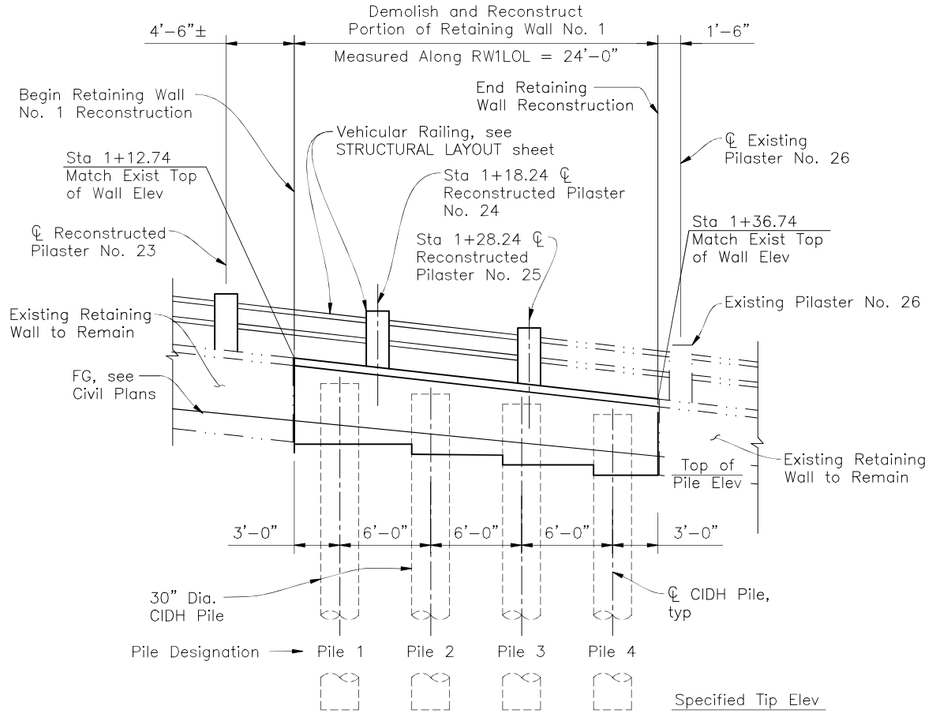
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DRAWN DC
CHECK JD
AS BUILT
HORIZ. AS NOTED
VERT.
BOOK
DATE 02/27/2026

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T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT
CONSTRUCTION DETAILS

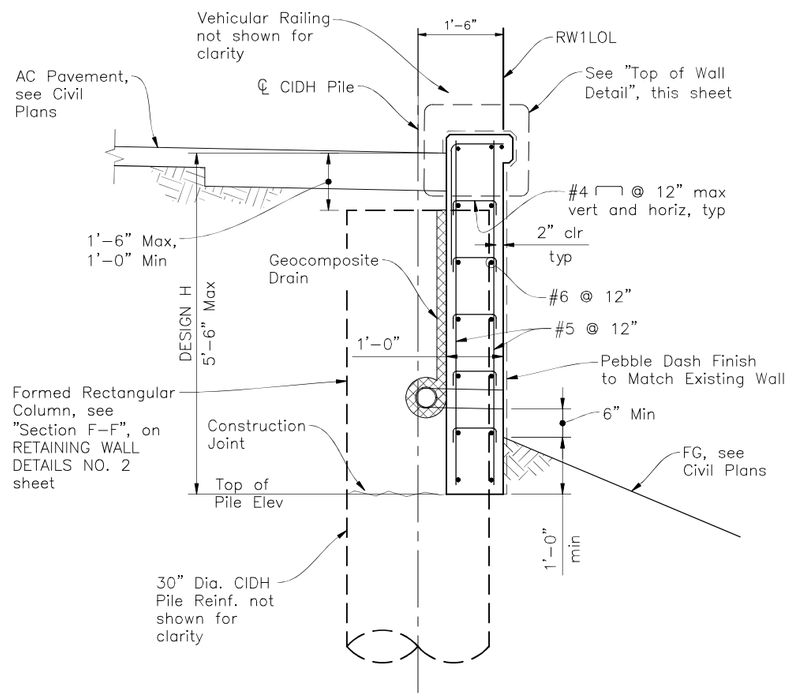
PLAN –
FILE –
C2.2
SHEET 13 OF 29

REVISION	MARK	DATE	DESCRIPTION	APPROVAL



PARTIAL ELEVATION

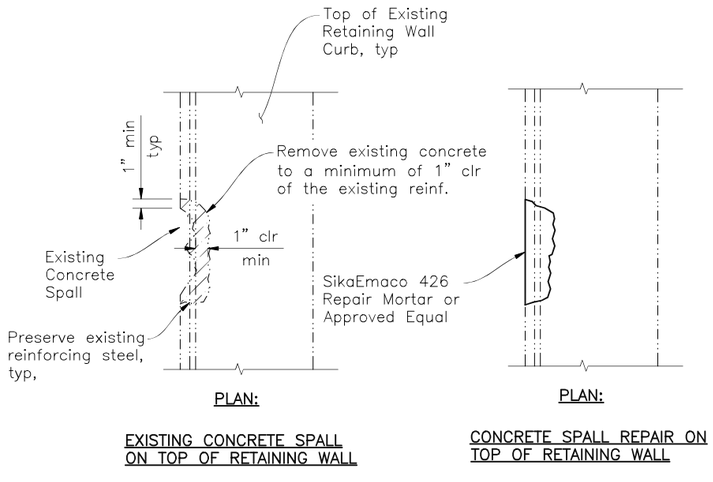
1" = 5'–0"



RETAINING WALL NO. 1 TYPICAL SECTION

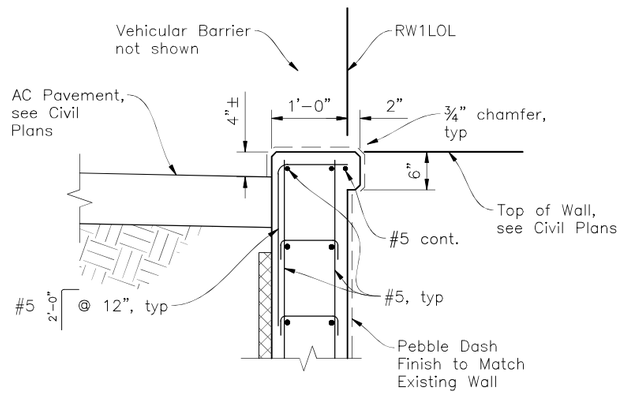
3/4" = 1'–0"

PILE DATA TABLE				
Pile Designation	Pile Type	Top of Column Elev (ft)	Top of Pile Elev (ft)	Specified Tip Elev (ft)
Pile 1	30" dia CIDH Pile	112.72	108.72	76.00
Pile 2	30" dia CIDH Pile	112.03	108.03	75.25
Pile 3	30" dia CIDH Pile	111.35	107.35	74.50
Pile 4	30" dia CIDH Pile	110.68	106.68	73.75



DETAIL E

NO SCALE



TOP OF WALL DETAIL

1" = 1'–0"

NOTE:
The Contractor shall verify all controlling field dimensions before ordering or fabricating any materials.

NO.	DESCRIPTION	DATE	MARK
3	100% CONSTRUCTION DOCUMENTS	02/20/2026	
2	100% CONSTRUCTION DOCUMENTS	09/05/2025	
1	95% CONSTRUCTION DOCUMENTS	03/17/2025	

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121 Park Place, Richmond, CA 94801, tel: 415.883.8850, fax: 415.883.8835

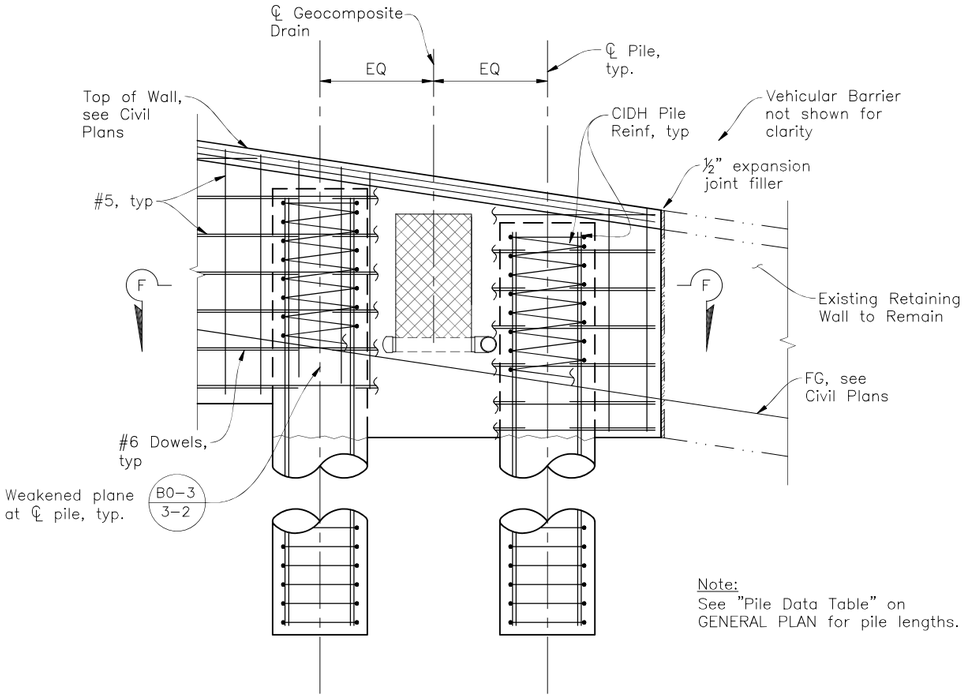
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DEPICTION OF MONUMENTS: DATE
SURVEY CHIEF OF PARTY
WATERSHED REVIEW: DATE
SUBMITTED: DATE
SUPERVISING ENGINEER
APPROVED: DATE
CITY ENGINEER
0 1 2 3 FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

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DRAWN DJF
CHECK JPJ
AS BUILT
HORIZ.
VERT.
BOOK
DATE 02/20/2026

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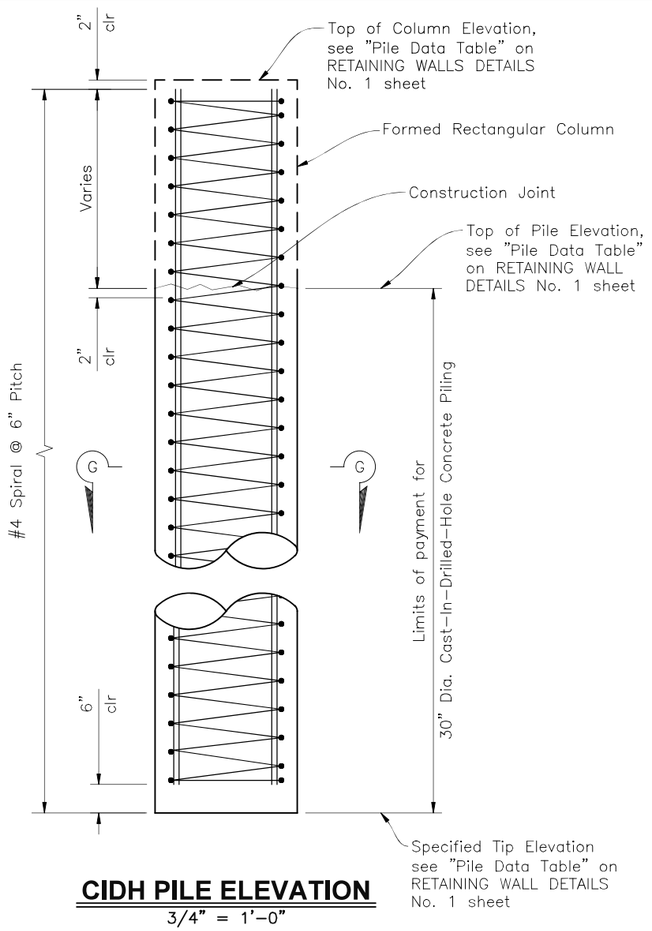
T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT
EUNICE ST AND WALNUT ST REPAIRS
RETAINING WALL DETAILS NO. 1

PLAN –
FILE –
SHEET 19 OF 29



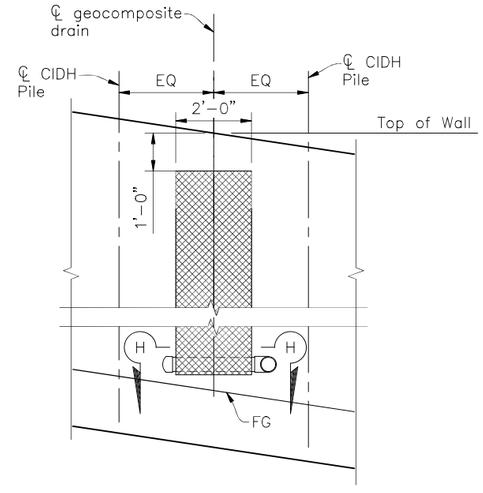
RETAINING WALL NO. 1 PARTIAL ELEVATION

1/2" = 1'–0"



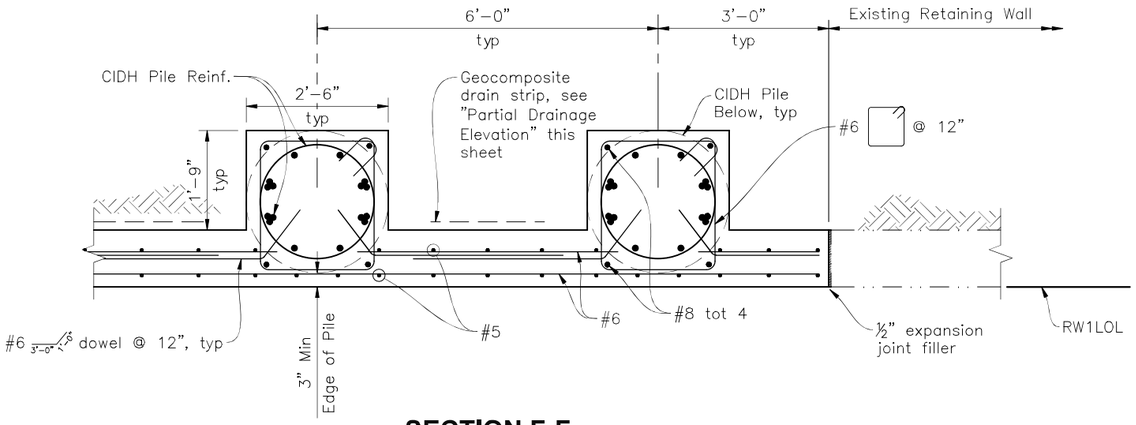
CIDH PILE ELEVATION

3/4" = 1'–0"



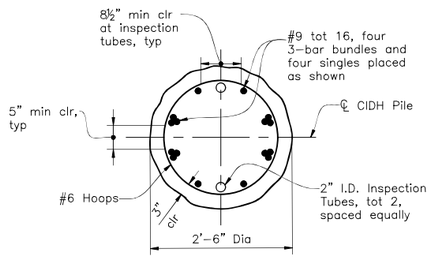
PARTIAL DRAINAGE ELEVATION

NO SCALE



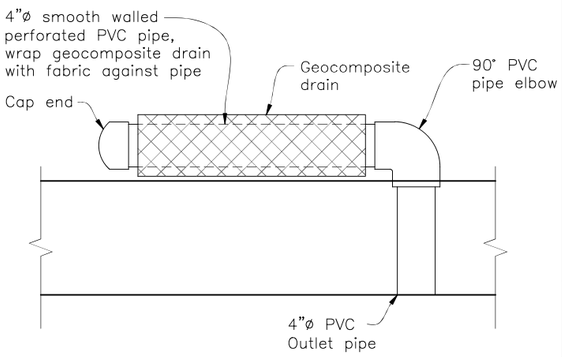
SECTION F-F

3/4" = 1'–0"



SECTION G-G

3/4" = 1'–0"



SECTION H-H

3/4" = 1'–0"

NOTE:
The Contractor shall verify all controlling field dimensions before ordering or fabricating any materials.

REVISION	MARK	DATE	DESCRIPTION
-	1	02/20/2026	100% CONSTRUCTION DOCUMENTS
-	1	09/05/2025	100% CONSTRUCTION DOCUMENTS
-	1	03/17/2025	95% CONSTRUCTION DOCUMENTS

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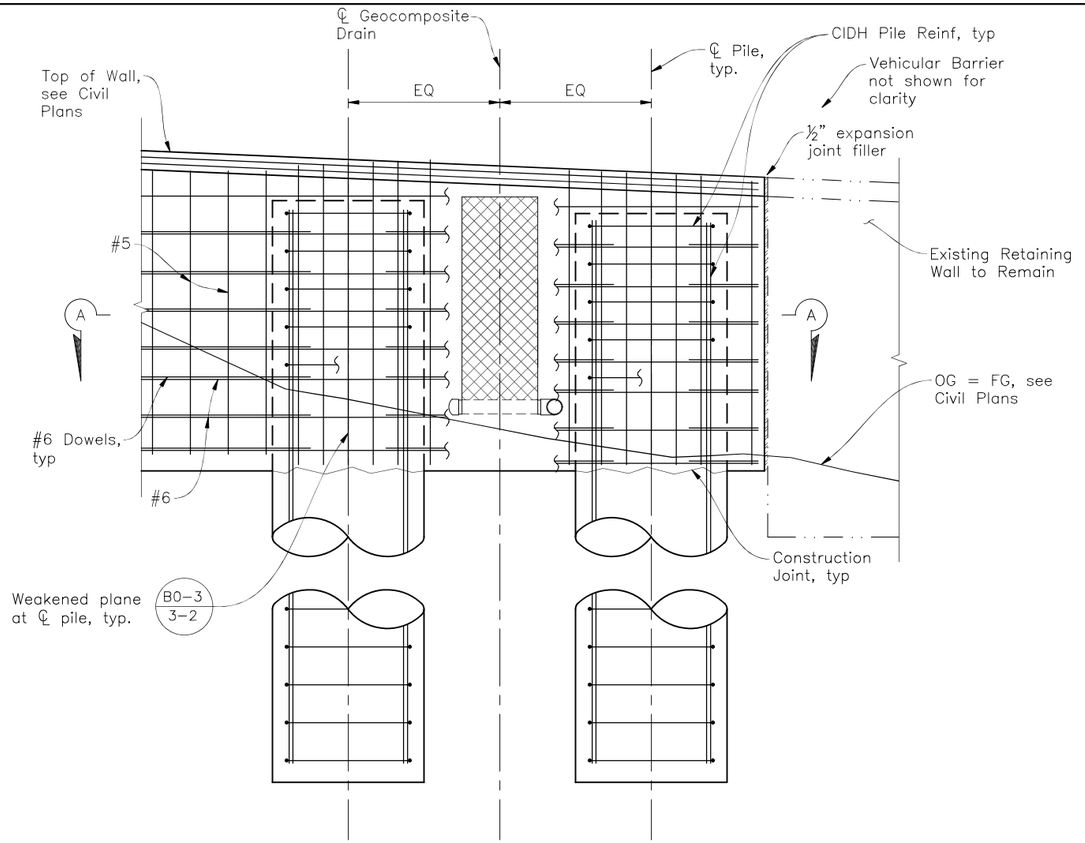
PROJECT MANAGER: DATE
DEPICTION OF MONUMENTS: DATE
SURVEY CHIEF OF PARTY
WATERSHED REVIEW: DATE
SUBMITTED: DATE
SUPERVISING ENGINEER
APPROVED: DATE
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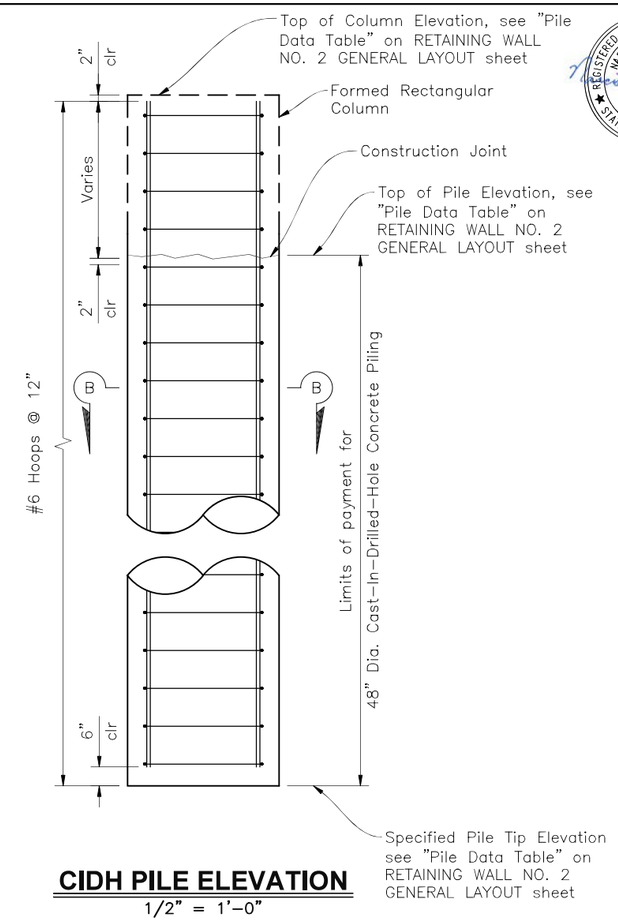
T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT
EUNICE ST AND WALNUT ST REPAIRS
RETAINING WALL DETAILS NO. 2

PLAN –
FILE –
SHEET 20 OF 29



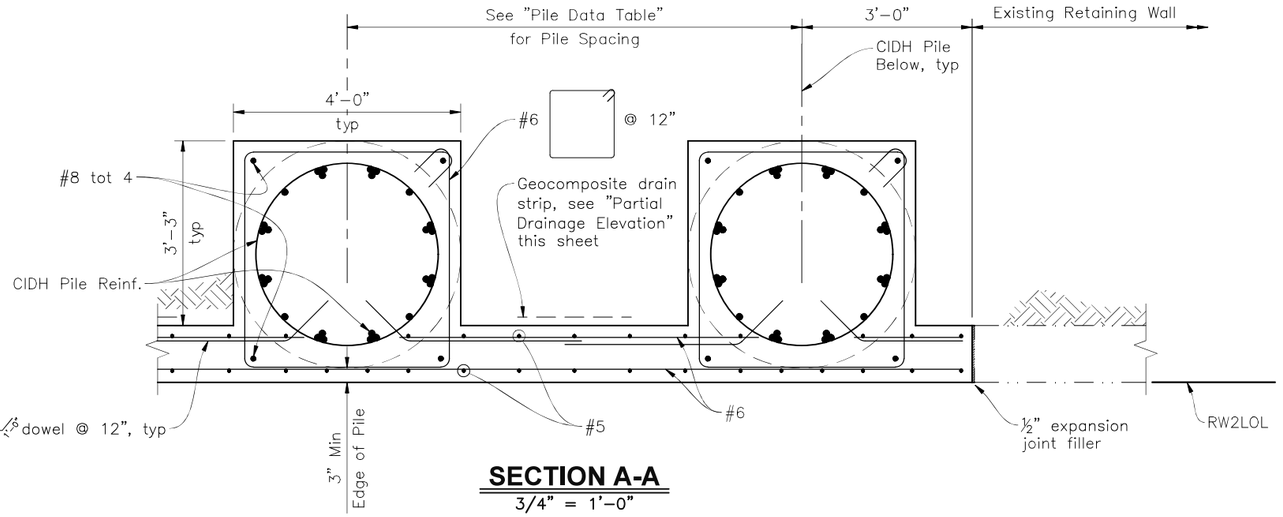
RETAINING WALL PARTIAL ELEVATION

1/2" = 1'–0"



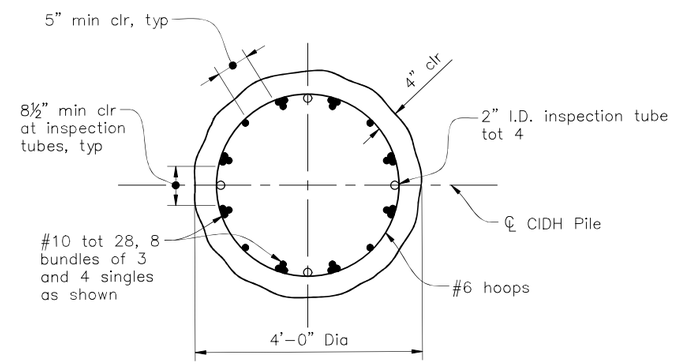
CIDH PILE ELEVATION

1/2" = 1'–0"



SECTION A-A

3/4" = 1'–0"



SECTION B-B

3/4" = 1'–0"

NOTE:
The Contractor shall verify all controlling field dimensions before ordering or fabricating any materials.

DESCRIPTION	DATE	MARK
100% CONSTRUCTION DOCUMENTS	09/05/2025	1
95% CONSTRUCTION DOCUMENTS	03/17/2025	1
50% CONSTRUCTION DOCUMENTS	07/05/2024	1

REVISION

CORNERSTONE structural engineering group
986 W Alluvial Ave - Suite 201, Fresno, California 93711, 559.320.3200, fax 559.320.3201

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PROJECT MANAGER: DATE
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FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

DEPICTION OF MONUMENTS: DATE
SURVEY CHIEF OF PARTY
WATERSHED REVIEW: DATE

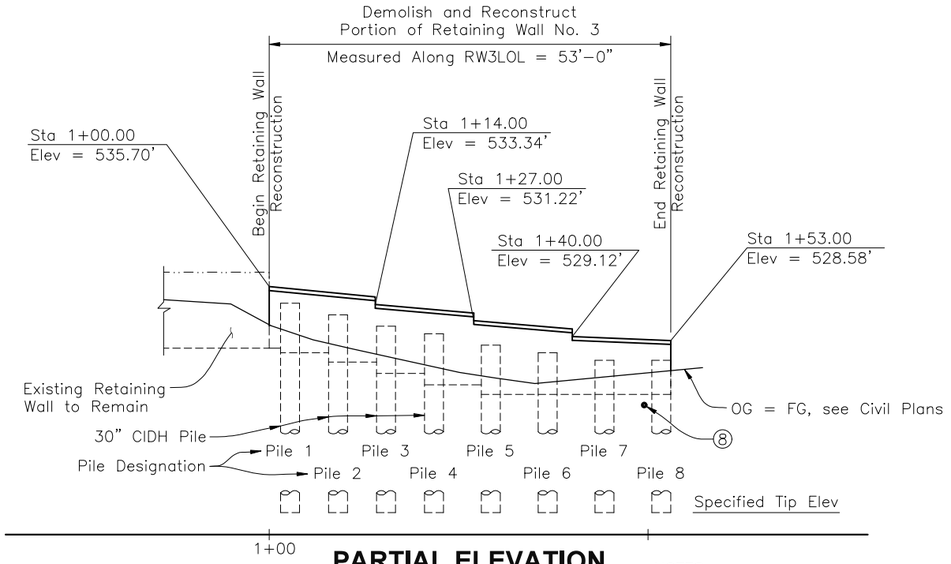
SUBMITTED: DATE
SUPERVISING ENGINEER REGISTR. EXP.
APPROVED: DATE
CITY ENGINEER R.C.E. EXP.

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T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT
LA LOMA AVE RETAINING WALL REPAIRS
RETAINING WALL DETAILS NO. 3

PLAN —
FILE —
SHEET 22 OF 29



PARTIAL ELEVATION

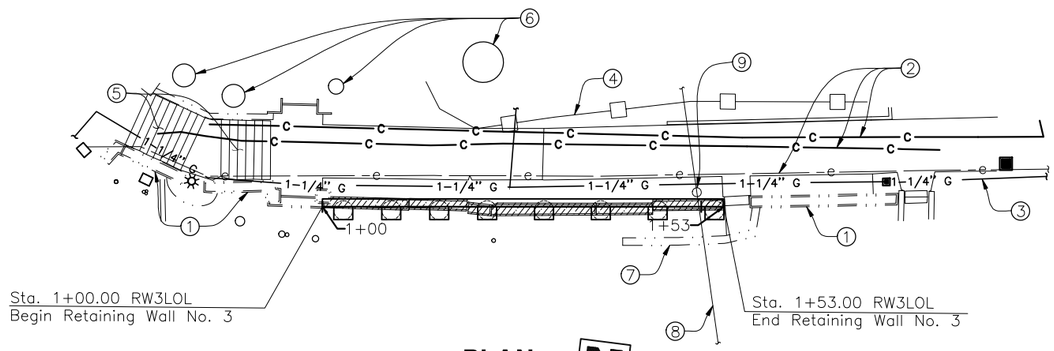
1"=10'-0"

NOTES:

1. All stations and elevations to be verified with Civil Plans.

PILE DATA TABLE

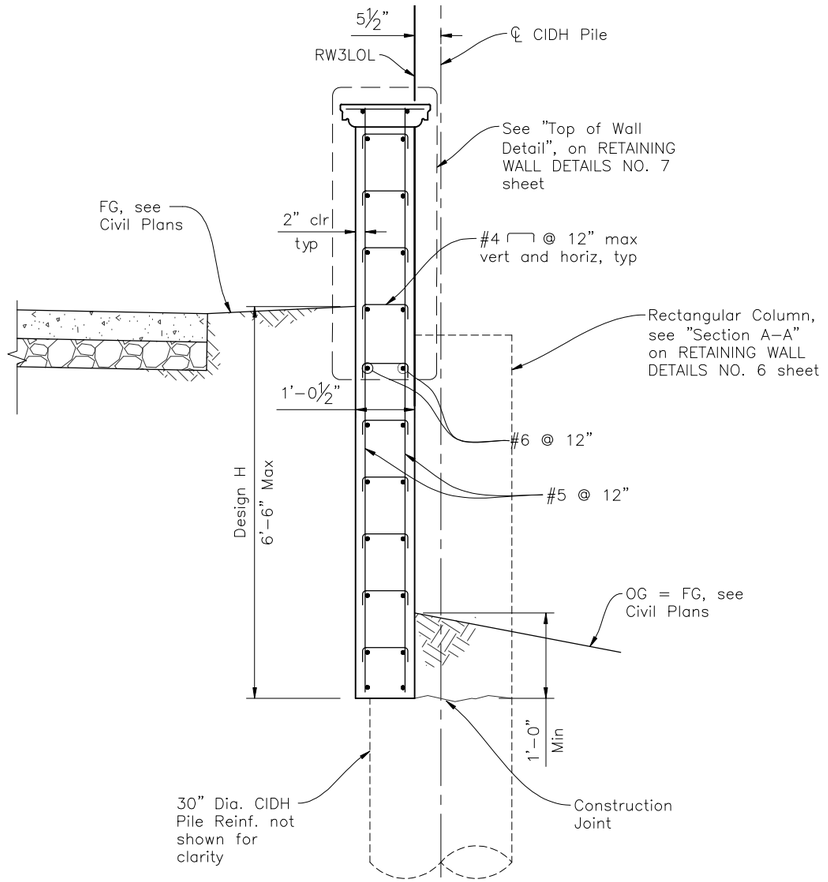
Pile Designation	℄ Pile Station	Pile Type	Top of Column Elev (ft)	Top of Pile Elev (ft)	Specified Tip Elev (ft)
Pile 1	1+02.75	30" dia CIDH Pile	533.5	527.0	498.0
Pile 2	1+09.08	30" dia CIDH Pile	532.0	525.8	496.8
Pile 3	1+15.42	30" dia CIDH Pile	530.5	524.3	495.3
Pile 4	1+21.75	30" dia CIDH Pile	529.5	522.8	493.8
Pile 5	1+29.25	30" dia CIDH Pile	528.0	521.5	492.5
Pile 6	1+36.75	30" dia CIDH Pile	527.0	521.5	492.5
Pile 7	1+44.25	30" dia CIDH Pile	526.0	521.5	492.5
Pile 8	1+51.75	30" dia CIDH Pile	526.0	521.5	492.5



PLAN

1"=10'-0"

NOTE:
The Contractor shall verify all controlling field dimensions before ordering or fabricating any materials.



RETAINING WALL NO. 3 TYPICAL SECTION

3/4"=1'-0"

INDEX TO ROSE WALK STRUCTURES PLANS

SHEET No.	TITLE
S11	RETAINING WALL NO. 3 GENERAL LAYOUT
S12	RETAINING WALL DETAILS NO. 6
S13	RETAINING WALL DETAILS NO. 7

Legend

1. Protect in Place Portions of Exist Retaining Wall to Remain
2. Protect in Place Exist Underground Electric Lines to Remain
3. Protect in Place Exist 1¼" Dia. Underground Gas Line to Remain
4. Protect in Place Exist Wood Fence to Remain
5. Protect in Place Exist Concrete Staircase to Remain
6. Protect in Place Exist Tree to Remain
7. Protect in Place Exist Masonry Wall to Remain
8. Protect in Place 4" Dia. Underground Sanitary Sewer Line to Remain
9. Protect in Place Sanitary Sewer Cleanout

▨ Portion of Existing Retaining Wall to Be Removed

GENERAL NOTES:

1. These plans are for Retaining Wall No. 3 only. See Civil Plans for additional notes and details.
2. Geotechnical Engineer to field verify limits of drilled hole.
3. Contractor is responsible for maintaining roadway and wall stability during all temporary conditions and construction operations.
4. Utility locations shown are schematic. Contractor to verify all utilities with Civil Plans.
5. For pedestrian traffic control details, see Civil Plans.
6. If an unsheltered individual is encountered within the project site during construction, please contact the City of Berkeley.

REGISTERED PROFESSIONAL ENGINEER
NARCISO R. ZERMENO
No. S6783
STRUCTURAL
STATE OF CALIFORNIA

REVISION	MARK	DATE	DESCRIPTION
100% CONSTRUCTION DOCUMENTS	1	02/20/2026	
100% CONSTRUCTION DOCUMENTS	1	09/05/2025	
95% CONSTRUCTION DOCUMENTS	1	03/17/2025	

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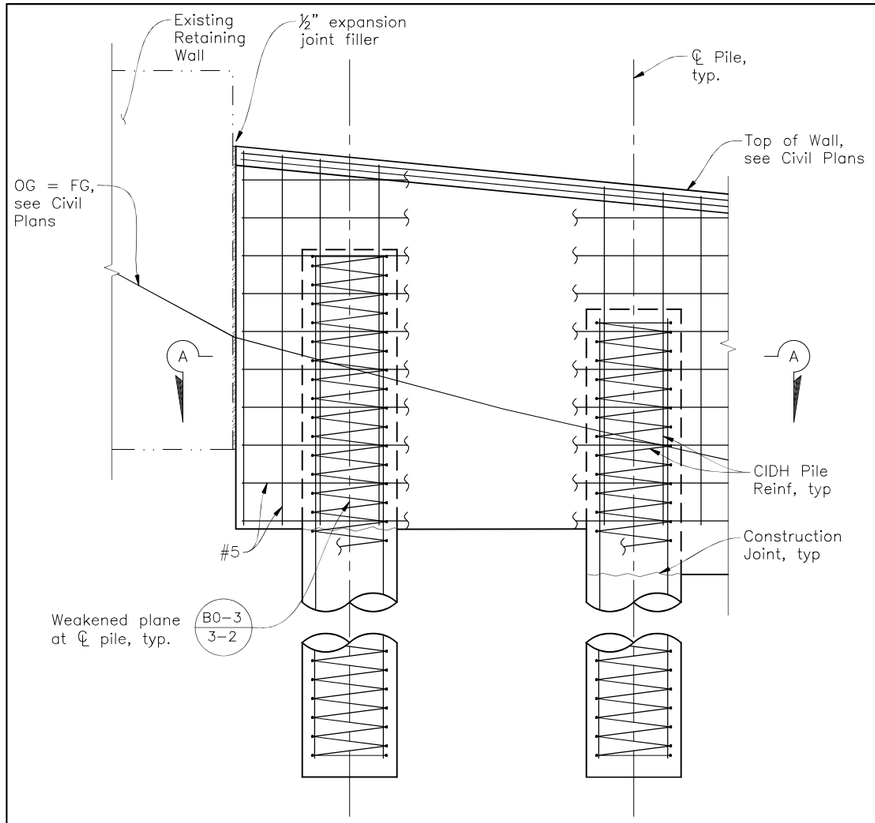
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T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT
ROSE WALK RETAINING WALL REPAIRS
RETAINING WALL NO. 3 GENERAL LAYOUT

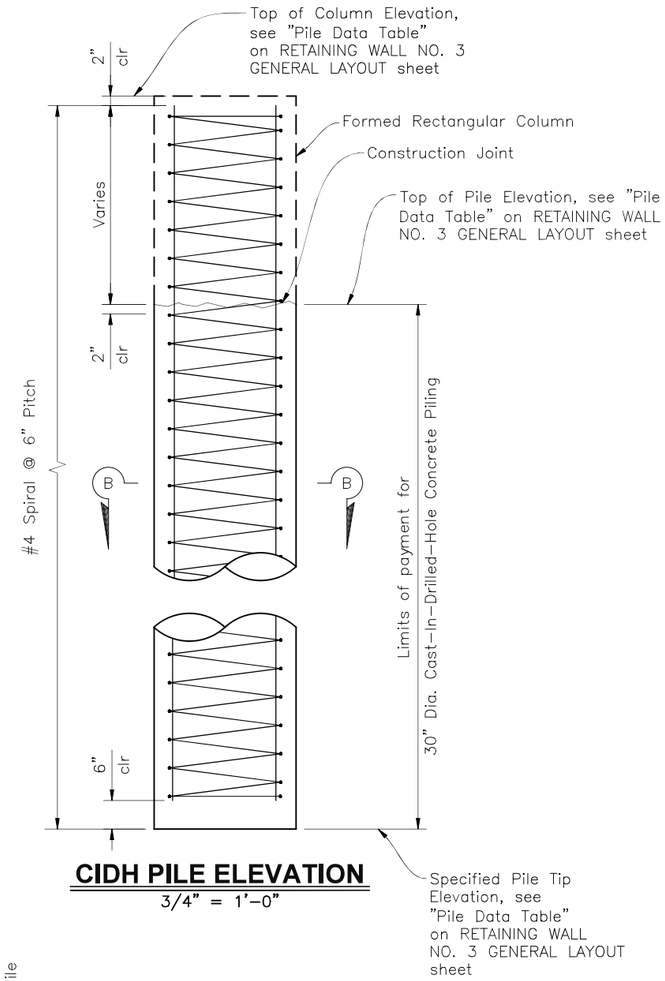
PLAN –
FILE –
SHEET 25 OF 29

Page 25 of 28



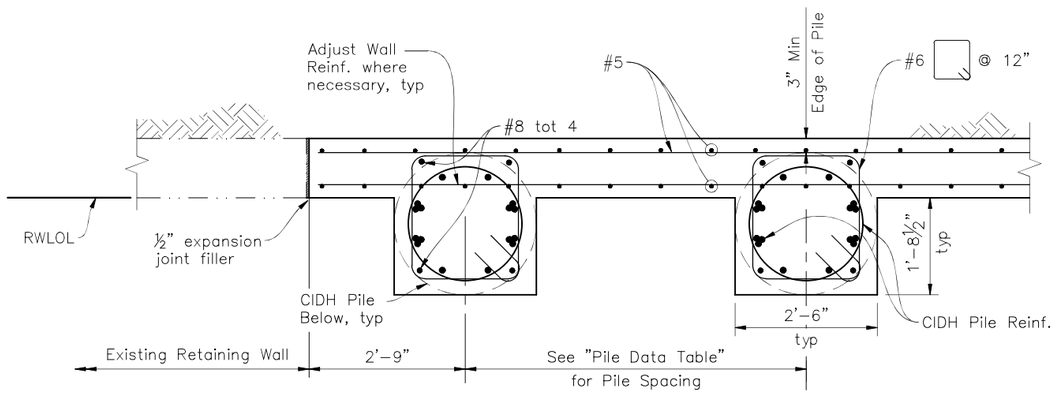
RETAINING WALL PARTIAL ELEVATION

1/2" = 1'–0"



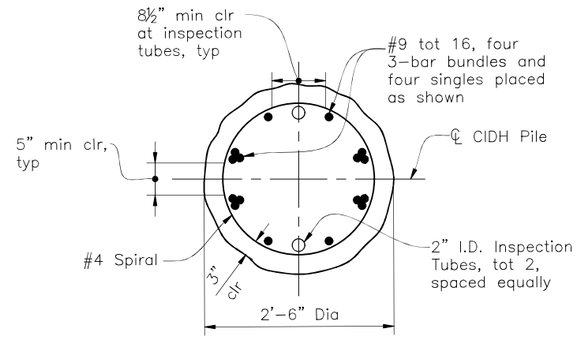
CIDH PILE ELEVATION

3/4" = 1'–0"



SECTION A-A

3/4" = 1'–0"



SECTION B-B

1" = 1'–0"

NOTE:
The Contractor shall verify all controlling field dimensions before ordering or fabricating any materials.

REVISION	MARK	DATE	DESCRIPTION
-	-	02/20/2026	100% CONSTRUCTION DOCUMENTS
-	-	09/05/2025	100% CONSTRUCTION DOCUMENTS
-	-	03/17/2025	95% CONSTRUCTION DOCUMENTS

REGISTERED PROFESSIONAL ENGINEER — NARCISO R. ZERMENO — No. S6783 — STRUCTURAL — STATE OF CALIFORNIA

CORNERSTONE structural engineering group — 986 W Alluvial Ave - Suite 201, Fresno, California 93711, 559.320.3200, fax 559.320.3201

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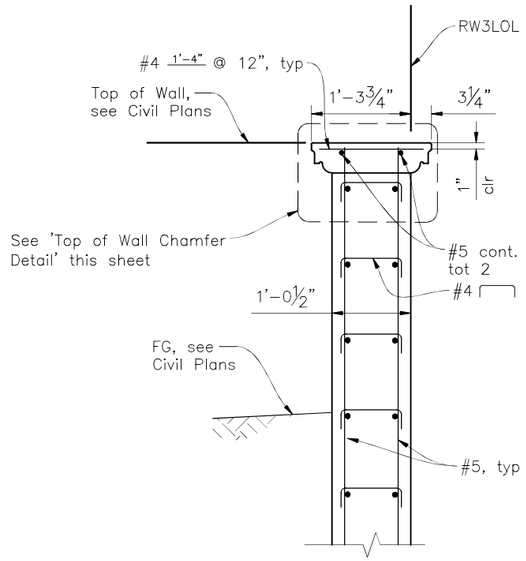
PROJECT MANAGER: DATE
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SURVEY CHIEF OF PARTY
WATERSHED REVIEW: DATE
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SUPERVISING ENGINEER
APPROVED: DATE
CITY ENGINEER
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T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT
ROSE WALK RETAINING WALL REPAIRS
RETAINING WALL DETAILS NO. 3

PLAN –
FILE –
SHEET 26 OF 29



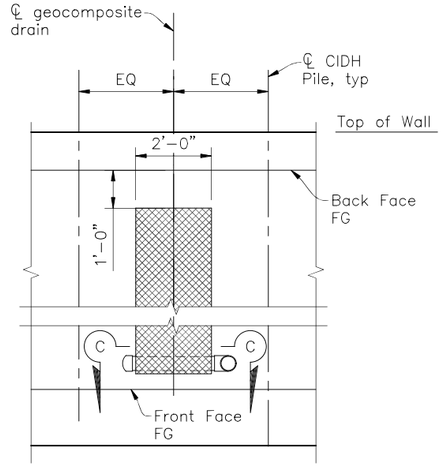
TOP OF ROSE WALK WALL DETAIL



TOP OF ROSE WALK WALL EXAMPLE

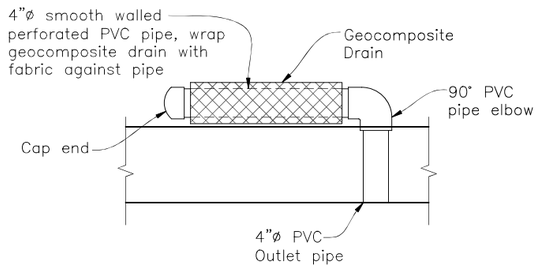
TOP OF ROSE WALK WALL DETAIL

1" = 1'-0"



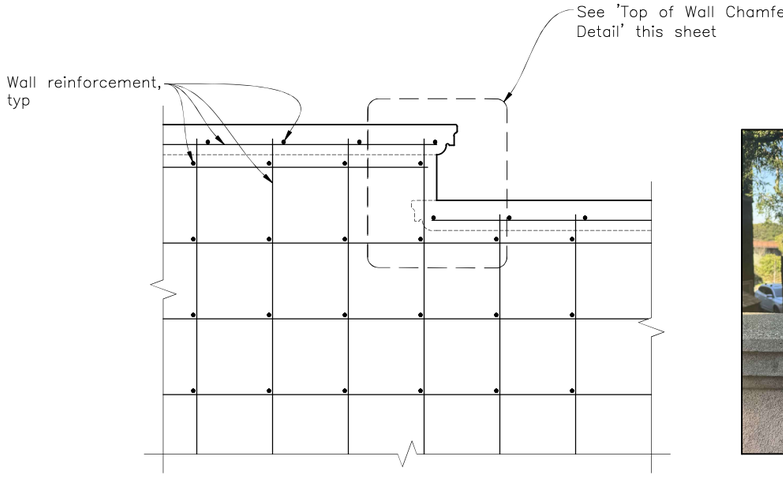
PARTIAL DRAINAGE ELEVATION

NO SCALE



SECTION C-C

1" = 1'-0"



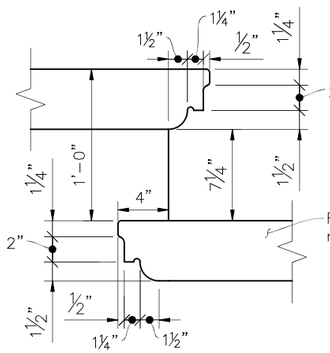
TOP OF ROSE WALK STEPPED WALL DETAIL



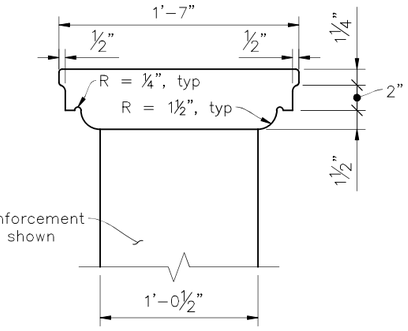
TOP OF ROSE WALK STEPPED WALL EXAMPLE

STEPPED WALL DETAIL

1" = 1'-0"



TOP OF ROSE WALK STEPPED CHAMFER DETAIL



TOP OF ROSE WALK CHAMFER DETAIL

TOP OF WALL CHAMFER DETAIL

2" = 1'-0"

NOTE:
The Contractor shall verify all controlling field dimensions before ordering or fabricating any materials.

REGISTERED PROFESSIONAL ENGINEER
NARCISO R. ZERMENO
No. S6783
STRUCTURAL
STATE OF CALIFORNIA

MARK	DATE	DESCRIPTION
1	02/20/2026	100% CONSTRUCTION DOCUMENTS
1	09/05/2025	100% CONSTRUCTION DOCUMENTS
	03/17/2025	95% CONSTRUCTION DOCUMENTS

REVISION

CORNERSTONE structural engineering group
986 W Alluvial Ave - Suite 201
Fresno, California 93711
559.320.3200
fax 559.320.3201

CSW | ST2
CSW/Stuber-Stroeh Engineering Group, Inc.
121 Park Place
Richmond, CA 94801
tel: 415.883.3850
fax: 415.883.3835

PROJECT MANAGER: DATE
DEPICTION OF MONUMENTS: DATE
SURVEY CHIEF OF PARTY
WATERSHED REVIEW: DATE
SUBMITTED: DATE REGISTR. EXP.
SUPERVISING ENGINEER
APPROVED: DATE R.C.E. EXP.
CITY ENGINEER
0 1 2 3
FOR REDUCED PLANS – ORIGINAL SCALE IS IN INCHES

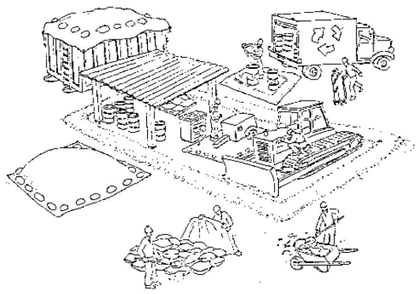
DESIGN NRZ
DRAWN DJF
CHECK JPJ
AS BUILT
HORIZ.
VERT.
BOOK
DATE 02/20/2026

CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS

T1 PHASE 2 BOLLARD CONVERSION, SIDEWALK IMPROVEMENTS, AND STRUCTURAL REPAIRS PROJECT
ROSE WALK RETAINING WALL REPAIRS
RETAINING WALL DETAILS NO. 7

PLAN –
FILE –
SHEET 27 OF 29

Pollution Prevention — It's Part of the Plan



Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution in San Francisco Bay. Construction activities can directly affect the health of the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines will ensure your compliance with local ordinance requirements.

Materials storage & spill cleanup

Non-hazardous materials management

- ✓ Sand, dirt, and similar materials must be stored at least 10 feet from catch basins, and covered with a tarp during wet weather or when rain is forecast.
- ✓ Use (but don't overuse) reclaimed water for dust control as needed.
- ✓ Sweep streets and other paved areas daily. Do not wash down streets or work areas with water!
- ✓ Recycle all asphalt, concrete, and aggregate base material from demolition activities.
- ✓ Check dumpsters regularly for leaks and to make sure they don't overflow. Repair or replace leaking dumpsters promptly.

Hazardous materials management

- ✓ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, state, and federal regulations.
- ✓ Store hazardous materials and wastes in secondary containment and cover them during wet weather.
- ✓ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- ✓ Be sure to arrange for appropriate disposal of all hazardous wastes.

Spill prevention and control

- ✓ Keep a stockpile of spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
- ✓ When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
- ✓ Report any hazardous materials spills immediately! Dial 911 or your local emergency response number.

Vehicle and equipment maintenance & cleaning



- ✓ Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- ✓ Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- ✓ If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinsewater to run into gutters, streets, storm drains, or creeks.
- ✓ Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.

Earthwork & contaminated soils

- ✓ Keep excavated soil on the site where it is least likely to collect in the street. Transfer to dump trucks should take place on the site, not in the street.
- ✓ Use fiber rolls, silt fences, or other control measures to minimize the flow of silt off the site.



- ✓ Avoid scheduling earth moving activities during the rainy season if possible. If grading activities during wet weather are allowed in your permit, be sure to implement all control measures necessary to prevent erosion.
- ✓ Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- ✓ If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place fiber rolls down-slope until soil is secure.
- ✓ If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call the Regional Water Quality Control Board or local hazardous waste management agency for help in determining what testing should be done, and manage disposal of contaminated soil according to their instructions.

Dewatering operations



- ✓ Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- ✓ Be sure to call your city's storm drain inspector before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- ✓ In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the city inspector to determine what testing to do and to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

Saw cutting

- ✓ Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or sand/gravel bags to keep slurry out of the storm drain system.
- ✓ Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- ✓ If saw cut slurry enters a catch basin, clean it up immediately.

Paving/asphalt work



- ✓ Do not pave during wet weather or when rain is forecast.
- ✓ Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- ✓ Place drip pans or absorbent material under paving equipment when not in use.
- ✓ Protect gutters, ditches, and drainage courses with sand/gravel bags, or earthen berms.
- ✓ Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- ✓ Do not use water to wash down fresh asphalt concrete pavement.

Concrete, grout, and mortar storage & waste disposal

- ✓ Be sure to store concrete, grout, and mortar under cover and away from drainage areas. These materials must never reach a storm drain.
- ✓ Wash out concrete equipment/trucks off-site or designate an on-site area for washing where water will flow onto dirt or into a temporary pit in a dirt area. Let the water seep into the soil and dispose of hardened concrete with trash.



- ✓ Divert water from washing exposed aggregate concrete to a dirt area where it will not run into a gutter, street, or storm drain.
- ✓ If a suitable dirt area is not available, collect the wash water and remove it for appropriate disposal off site.

Painting



- ✓ Never rinse paint brushes or materials in a gutter or street!
- ✓ Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink. If you can't use a sink, direct wash water to a dirt area and spade it in.
- ✓ Paint out excess oil-based paint before cleaning brushes in thinner.
- ✓ Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.

BASMAA Bay Area Stormwater Management Agencies Association (BASMAA)
1-888-BAYWISE

Storm drain polluters may be liable for fines of $10,000 or more per day!

For more detailed information:
Get a copy of the "Field Manual" — (510) 622-2465 or www.abag.ca.gov/bayarea/sfep/reports/construction.html

35

Office of the City Manager

INFORMATION CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Audit Status Reports: Fleet Replacement Fund Short Millions

INTRODUCTION

On June 2, 2021, the City Auditor published the Fleet Replacement Fund Short Millions Audit Report[1], reviewing the sufficiency of the fund to replace vehicles and assessing whether Public Works has key information necessary for managing the fleet program.

This is the fifth status report to City Council on the efforts made to implement the Audit Report's recommendations for fleet. Previous reports were issued on November 3, 2022, March 19, 2024, December 10, 2024, and October 28, 2025.

CURRENT SITUATION AND ITS EFFECTS

The Fleet Audit Report provided two findings and twelve recommendations for the Public Works Department to review, implement and report to Council. Seven of the recommendations relate to the underfunding of the Equipment Replacement Fund. Six of these recommendations have been partly implemented, and the seventh recommendation has reverted from partly implemented in the 2025 status report to "started" in the current report.

The remaining five recommendations focused on Public Works having critical information available to inform management and decision making. One of these recommendations has been fully implemented while the other four are partly implemented.

The recommendation that reverted to a started status is to "Conduct an analysis of the City's current fleet and determine the optimal fleet size to provide services efficiently and effectively". This finding was reset to "started" to reflect a change in approach for the data collection process. Public Works originally intended to rely on a fleet analysis survey to determine appropriate fleet size, but lack of survey responses meant that the survey results were not reliable for this purpose. Instead, the Public Works Equipment Management Division will now use the results of fleetwide telematics program to provide

[1] https://berkeleyca.gov/sites/default/files/2022-01/Fleet-Replacement-Fund-Short-Millions.pdf

key insights into vehicle usage and allow for informed decisions about vehicle consolidation and replacement.

Importantly, Public Works filled the Equipment Superintendent position in June 2026 after an almost 18-month vacancy. As the Equipment Superintendent has primary responsibility for implementation of audit findings, filling this vacancy is a critical step to completing all twelve audit findings. The Senior Supervisor acted in a higher capacity during that time but was primarily focused on hiring mechanics, day-to-day operations, and continuing AssetWorks implementation. Now that the department has additional leadership capacity, it is anticipated that the audit findings will be fully implemented within the next year.

The attachment provides a detailed table of audit report recommendations, steps towards corrective action, and implementation progress updates. The next and final status report for the fleet is expected to be presented in Fall 2027.

BACKGROUND

Public Works manages the maintenance, purchase, and replacement of the City's assets such as fleet vehicles, heavy duty trucks and large equipment, including public safety vehicles.

These Audit Status Reports support the Strategic Plan Priority of advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Public Works staff strive to procure electric vehicles or other low-emission, fuel-efficient vehicles and equipment suitable for required tasks. Staff also research the feasibility and availability of fully electric vehicles to support the City's transition away from fossil fuels towards an all-electric fleet.

POSSIBLE FUTURE ACTION

Public Works staff will continue their work to address the remaining partly implemented recommendations in the fleet audit. The draft proposed Administrative Regulation 7.6 Equipment and Vehicle Procurement and Replacement has been submitted to City Leadership for review and approval. Additionally, a contract for a fleetwide telematics program is anticipated to be submitted to City Council for approval by the end of 2026, which will greatly assist the Equipment Management Division with fleet utilization data.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Public Works will continue to work closely with the Budget office to ensure that the rate model accurately reflects the true costs of vehicle ownership for each Department; this will include personnel, fleet electrification charges and capital expenses related to fleet operations.

The Equipment Replacement Fund has been identified as the fund to be utilized for fleet electrification. The current electric charging infrastructure projects are utilizing fund 671 include the following: PWENEN2501 – Animal Shelter and Mental Health Clinic, PWENEN2502 – Corporation Yard, PWENEN2503/5 – Public Safety Building, PWENEN2504 – Marina and Parking Enforcement with $288,946.77 spent to date of $846,308.99 encumbered.

CONTACT PERSON

Jeff Glover, Administrative & Fiscal Services Manager, Public Works, (510) 981-6304
Joy Brown, Interim Deputy Director, Public Works, (510) 981-6629
John Treczynski, Equipment Superintendent, Public Works, (510) 981-6469

Attachment:
1. Fleet Audit Findings, Recommendations, and Status Updates

Audit Title: Fleet Replacement Fund Short Millions

Issue Date: June 2, 2021

Table: Audit Recommendation Statuses

Finding	Recommendation	Department	Previous Status Update	Current Status Update
The Replacement Fund is underfunded by millions of dollars.	**1.1** Calculate the dollar value of the City's replacement needs. Use results from the recent rate study to adjust departments' replacement fees to cover their share of the costs associated with vehicle replacement, including customization and personnel.	Public Works	Partly Implemented	**Partly Implemented.** The total replacement value estimate of all assets is still being developed as the Equipment Management team continues to implement AssetWorks. According to Public Works, it is anticipated to have the total number for all assets that contribute to the replacement fund within the next year.
The Replacement Fund is underfunded by millions of dollars.	**1.2** Conduct an analysis of the City's current fleet and determine the optimal fleet size to provide services efficiently and effectively. This analysis should include fleet units identified as reserve, backup, and "pool" vehicles. The outcome of the analysis should be a plan to achieve and provide funding for the optimal fleet size.	Public Works	Partly Implemented	**Started.** Mercury Associates delivered their 360 fleet assessment survey to City Council in September 2024. The assessment recommended the City conduct a right-sizing and right-typing study of the fleet. Many already replaced vehicles have been removed from service. Public Works decided not to move forward with the fleet size survey efforts noted in past updates. They are now working on telematics for the entire fleet, which will provide real-time data about vehicle usage which will in turn provide the key information to decide when to replace a vehicle. Some vehicles may be able to be kept past their planned retirement date due to low usage. Additionally, some vehicles may be found to not be needed at all and pool vehicle could be used instead. They are coordinating with AssetWorks on pool vehicle reservation system which will bill individual departments.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
The Replacement Fund is underfunded by millions of dollars.	**1.3** Work with the City Manager's Office to adjust the funding model of the Equipment Replacement Fund or adopt a new one to ensure appropriate funding for timely fleet replacement, such as annually transferring money from the General Fund based on an assessment of the City's overall fleet needs and priorities. Expand the current vehicle and equipment replacement policy to ensure transparency of key provisions of the new or updated model.	Public Works	Partly Implemented	**Partly Implemented.** There is no change on the funding model. However, the Budget office is recently engaged on evaluating changes to existing structure and will continue working with Public Works to develop a transparent process and model. Due to changes in Public Works leadership, there has been a delay in the approval process of the Equipment Replacement Policy. The draft policy is now with the Public Works Director for review and includes a process for additional funding requests based on an assessment of the City's overall fleet needs.
The Replacement Fund is underfunded by millions of dollars.	**1.4** Revise the vehicle and equipment replacement policy to include that Public Works should regularly assess the personnel expenditures related to vehicle and equipment replacement and ensure that they are appropriate and proportional to their duties.	Public Works	Partly Implemented	**Partly Implemented.** There is no change on funding model. The Budget office is evaluating changes to existing structure. The Equipment Replacement Policy is drafted and with the Department Director for review and includes reviewing personnel expenditures during the biennial budget process.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
The Replacement Fund is underfunded by millions of dollars.	**1.5** Revise the vehicle and equipment replacement policy to prevent replacing unfunded vehicles by ensuring that contributed funds are available for the purchase.	Public Works	Partly Implemented	**Partly Implemented.** Due to changes in Public Works leadership, there has been a delay in the approval process of the Equipment Replacement Policy. The draft policy is now with the Public Works Director for review. Draft Equipment Replacement Policy includes language that identifies the specific process for how underfunded vehicles should be managed.

The Replacement Fund is underfunded by millions of dollars.	**1.6** Develop an Administrative Regulation that clarifies Public Works' responsibilities to manage the fleet and maintain sufficient fleet replacement funding. Include the following provisions: - Public Works should provide an analysis of the impact on fleet replacement and overall costs when the City considers reallocating replacement funds or stopping payments into the Fund. - The City Manager should provide documented justification when deciding to use the Equipment Replacement Fund for non-replacement needs. The decision must be supported with a documented cost analysis from Public Works showing potential impact of insufficient funds on fleet replacement. - Public Works should report to Council annually on fleet funding needs and Replacement Fund sufficiency. - Public Works has the ultimate authority to make decisions about fleet replacement in consultation with	Public Works	Partly Implemented	**Partly Implemented.** Due to changes in Public Works leadership, there has been a delay in the approval process of the Equipment Replacement Policy. The draft policy is now with the Public Works Director for review.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
	departments and with consideration for departments' fleet needs. Departments can appeal decisions to the City Manager if they disagree with the decision. - The Replacement Fund is an internal service fund. Internal service funds are used to account for goods or services provided by one department or program to another on a cost reimbursement basis. Any funding departments contribute to the Replacement Fund is not dedicated to any specific department, but can be spent on fleet units throughout the City.			
The Replacement Fund is underfunded by millions of dollars.	**1.7** To help secure the funding needed for transitioning to electric vehicles by 2030, work with the City Manager's Office to develop a budgetary plan to purchase electric vehicles. The plan should align with the City's fleet electrification goals and take into consideration the current economic downturn, funding availability, available infrastructure, and electric vehicle availability.	Public Works	Partly Implemented	**Partly Implemented.** Electric vehicle purchases and charging are being funded by the Equipment Replacement Fund with reimbursement through the vehicle accrual charges.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
Public Works lacks information on vehicle and equipment replacement for decision making.	**2.1** Conduct a needs assessment of vehicles overdue for replacement and create a plan that documents a timeline and cost for replacement. Report the findings to City Council.	Public Works	Partly Implemented	**Partly Implemented.** Public Works has decided not to move forward with the survey efforts noted in past updates, but will use telematics instead with expected full operation by July 2027, according to Public Works. Public Works staff say telematics will provide real time data about vehicle usage which will in turn provide the key information to decide when to replace a vehicle. Some vehicles may be able to be kept past their planned retirement date due to low usage. Additionally, some vehicles may be found to not be needed at all and pool vehicle could be used instead. Once telematics has been in place for 6 months, an evaluation of the fleet utilization will be completed and shared with Council.
Public Works lacks information on vehicle and equipment replacement for decision making.	**2.2** Update the vehicle and equipment replacement policy to include criteria for prioritizing fleet replacement. The policy should include a requirement to communicate a delay in replacement of their fleet to affected departments. In Administrative Regulation described in recommendation 1.6, specify that the vehicle and equipment replacement policy should include such criteria.	Public Works	Partly Implemented	**Partly Implemented.** Due to changes in Public Works leadership, there has been a delay in the approval process of the Equipment Replacement Policy. The draft policy is now with the Public Works Director for review. The draft policy includes criteria for adding a unit to the replacement list. Public Works is working on creating a prioritization list based on this same criteria.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
Public Works lacks information on vehicle and equipment replacement for decision making.	**2.3** Work with the vendor of the new fleet management system to configure it to address the data issues identified in this report, including: - Tracking Replacement Funds collected and leftover funds by department; - Zeroing out the balance after a vehicle is replaced; - Adjusting the replacement date and reporting the rationale if a replacement is deferred; and - Displaying any information needed to prioritize replacements based on specified criteria.	Public Works	Partly Implemented	**Partly Implemented.** The new Equipment Superintendent is working closely with AssetWorks staff to utilize the full capacity of the system and implement fixes to the identified data issues. There is ongoing work with the Information Technology Department to implement Power BI Dashboards that would be available to City staff. This will provide financial and operational information on vehicles.
Public Works lacks information on vehicle and equipment replacement for decision making.	**2.4** Clean and update the vehicle and equipment database before migrating it to the new fleet management system to ensure accuracy and data integrity.	Public Works	Implemented	**Implemented.** AssetWorks is the only system used by the Equipment Maintenance Division as of May 2025. There have been continuous updates to the asset records to ensure it reflects the most accurate information.

Finding	Recommendation	Department	Previous Status Update	Current Status Update
Public Works lacks information on vehicle and equipment replacement for decision making.	**2.5** Update the vehicle and equipment replacement policy or develop a separate policy to require staff manage the City's data appropriately to ensure accurate complete information to support management decisions.	Public Works	Partly Implemented	**Partly Implemented.** The requirement to manage data is included in the draft Equipment Replacement Policy. Due to changes in Public Works leadership, there has been a delay in the approval process of the Equipment Replacement Policy. The draft policy is now with the Public Works Director for review.

Housing Advisory Commission

INFORMATION CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Sarah Bell, Chairperson, Housing Advisory Commission

Subject: Housing Advisory Commission Fiscal Year 2026 – 2027 Work Plan

INTRODUCTION

This report transmits the Housing Advisory Commission's (HAC) work plan for Fiscal Year 2026 – 2027 (FY 2026 – 2027), as required by the City Council's July 2016 direction for all commissions to submit annual work plans detailing goals and objectives

CURRENT SITUATION AND ITS EFFECTS

In July 2016, the City Council directed all commissions (with certain exceptions) to submit work plans detailing goals and objectives for the year. Plans should be submitted at the start of each fiscal year.

At its June 2, 2026, meeting, the HAC approved its FY 2026 – 2027 work plan with the following vote:

Action: M/S/C (Twu/Vaughn Scott) to adopt the FY 2026 – 2027 work plan, as amended.

Vote: Ayes: Bell, Haycox, Shere, Simon-Weisberg, Twu, and Vaughn Scott. Noes: None. Abstain: None. Absent: Micael (excused) and Mirvish (excused).

BACKGROUND

The Housing Advisory Commission advises the City Council on housing matters, including affordable housing programs and policies and Community Development Blog Grant and Emergency Solutions Grants programs and their funding allocations. The Commission also recommends HTF allocations, serves as the oversight body for Measure O (the $135 million General Obligation bond for affordable housing development), and reviews items referred by the City Council, HAC members, or other commissions. When necessary, the HAC hears matters regarding abatement of substandard buildings and serves as the appeals board for relocation and correction of code violations pursuant to Chapter 19.40.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The work plan supports environmental sustainability and climate goals by promoting affordable housing development and preservation, which can reduce displacement and associated transportation emissions. Affordable housing projects funded through Housing Trust Fund allocations and CDBG programs often incorporate energy-efficient design and sustainable building practices.

POSSIBLE FUTURE ACTION

The Commission will implement the approved work plan activities throughout FY 2026 – 2027 and report back to City Council as appropriate on policy recommendations, funding allocations, and other matters within the Commission's purview.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no direct fiscal impacts from acceptance of this work plan. Future recommendations from the Commission regarding Housing Trust Fund allocations, Community Development Block Grant funding, and other housing programs will be presented to City Council with fiscal impact analyses as appropriate.

CONTACT PERSON

Snow Zhu, Commission Secretary, HHCS, 510-981-7774

Attachments:
1: Housing Advisory Commission Work Plan (FY 2026 – 2027)

Attachment 1: Housing Advisory Commission Work Plan (FY 2026 – 2027)

Mission Statement:

The Housing Advisory Commission:

- Advises the City Council on housing matters, including affordable housing programs and policies and Community Development Block Grant (CDBG) and Emergency Services Grant (ESG) programs and their funding allocations;
- Recommends to the City Council Housing Trust Fund (HTF) allocations;
- Serves as the oversight body for Measure O, the $135 million General Obligation bond to fund development of affordable housing; and
- Reviews and makes recommendations on items referred by the City Council, HAC members, or other commissions.

In addition, as necessary, the HAC:

- Hears matters regarding abatement of substandard buildings pursuant to Chapter 19.40; and
- Serves as the appeals board for relocation and correction of code violations as provided in Chapter 19.40.

When advising the City Council, the HAC is committed to addressing past and present racial and social inequities in housing and other community-development service delivery, approaching its recommendations through a social justice and tenant-centered lens and seeking to further the four P's of affordable housing: Production, Preservation, Protection, and Partnership.

Goal:

Recommend affordable housing and community development programs and policies that further social justice and address systemic racism, classism, and inequity in the city of Berkeley as outlined in HAC's FY 2026-27 work plan.

FY 2026-27 Work Plan Activities:

- Convene year-round subcommittees to work with staff on proposed HTF allocations and CDBG-funded public facilities improvements and make funding recommendations to the full HAC.
- Continue working with the Civic Arts Commission, via a joint subcommittee, regarding proposed artist housing initiatives and advocate for approval and implementation by City Council.
- Continue to be informed about CDBG-funded agencies and programs.
- Remain informed of and take action on any fiscal or budgetary impacts resulting from federal funding changes to funding streams that are the jurisdiction of the commission.

- Review and make recommendations to City Council regarding various affordable housing policies including updates on passed policy changes such as the Housing Preference Program implementation.

- Seek information via presentations, subcommittee work, etc. about Citywide initiatives that impact affordable housing preservation and development and make recommendations to City Council as appropriate. Initiatives include proposed and passed amendments to the demolition ordinance, the San Pablo Avenue Specific Plan, Middle Housing Ordinance and other policies that have been passed or are being considered by council.
- Continue to study, develop and support the recommendations from the Social Housing Report.
- Get data on unmet need for extremely low-income housing and identify ways to meet it.
- Stay informed on upcoming housing bond initiatives.

Outcomes:

- Social housing recommendations implemented.
- HTF monies pledged to affordable housing projects serving families and housing-insecure households.
- CDBG-funded public facilities in support of non-profits maintained and rehabilitated.
- Proposed initiatives to promote affordable artist housing to retain and build the city's cultural infrastructure passed.
- A more efficient and effective CDBG-funded affordable housing preservation strategy that maximizes services that allow people to stay in their homes and thrive.
- Outcomes that are reflective of the community's actual needs and concerns through increased consideration and inclusion of community voices.
- The city of Berkeley increases its supply of affordable housing and preserves present affordable housing stock.

Communications

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online
https://records.cityofberkeley.info/

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF