

COASTAL CONSERVANCY

Staff Recommendation
April 6, 2023

BERKELEY WATERFRONT IMPROVEMENTS

Project No. 23-006-01
Project Manager: Mark Kalnins

RECOMMENDED ACTION: Authorization to disburse up to \$3,049,000 to the City of Berkeley to design, obtain permits for, and construct Berkeley Waterfront improvements in Alameda County consisting of 1) renovating the existing South Cove West parking lot, and 2) repairing the existing Cesar Chavez Park perimeter trail; and adoption of findings pursuant to the California Environmental Quality Act.

LOCATION: Berkeley Waterfront, City of Berkeley (Alameda County)

EXHIBITS

- Exhibit 1: [Project Location Map](#)
 - Exhibit 2: [Project Location and Context](#)
 - Exhibit 3: [South Cove West Parking Lot, Concept Level Plan](#)
 - Exhibit 4: [Cesar Chavez Park Pathway Improvements, Concept Level Plan](#)
 - Exhibit 5: [Site Photographs](#)
 - Exhibit 6: [Project Letters](#)
 - Exhibit 7: [Berkeley Marina South Cove Parking Lot Renovation and New Restroom Project – Mitigated Negative Declaration/Initial Study – August 2015](#)
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RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed three million forty-nine thousand dollars (\$3,049,000) to the City of Berkeley (“the grantee”) to design, obtain permits for, and construct Berkeley Waterfront improvements in Alameda

County, consisting of 1) renovating the existing South Cove West parking lot, and 2) upgrading the existing Cesar Chavez Park perimeter trail.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding.
4. Evidence that all permits and approvals required to implement the project have been obtained.

Findings:

Based on the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding goals of the San Francisco Bay Area Conservancy Program.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.
3. The Conservancy has independently reviewed and considered the “Berkeley Marina South Cove Parking Lot Renovation and New Restroom Project – Mitigated Negative Declaration/Initial Study – August 2015 (“IS/MND”), adopted by the City of Berkeley on December 15, 2015, pursuant to the California Environmental Quality Act (“CEQA”) and attached to the accompanying staff recommendation as Exhibit 7. The Conservancy finds that the proposed South Cove West Parking Lot renovation as designed and mitigated avoids, reduces, or mitigates the potentially significant environmental effects to a less-than-significant level, and that there is no substantial evidence based on the record as a whole that the project may have a significant effect on the environment, as defined in 14 Cal. Code Regulations Section 15382.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize a grant of up to \$3,049,000 to the City of Berkeley (“City”) to design, obtain permits for, and construct improvements to the Berkeley Waterfront consisting of 1) renovating the existing South Cove West parking lot, and 2) upgrading the existing Cesar Chavez Park perimeter trail, in the City of Berkeley, Alameda County (Exhibits 1 and 2).

Infrastructure at both the parking area and the trail is aging and needs to be repaired and improved. The parking lot and trail pavement is cracked and crumbling, which has led to edge failure and uneven surfaces in many areas. Ponding of water for prolonged periods makes year-round access difficult, and the uneven walking surfaces create hazardous conditions for

trail users. Lastly, the broken asphalt, gravel and dirt parking lot creates airborne dust and poor local air quality, and contributes to sediment-laden stormwater runoff during rainstorms.

South Cove West Parking Lot Renovation - The South Cove West Parking Lot is a key staging area for the general public and provides access to the shoreline of San Francisco Bay waters, with an estimated 35,000 person visits per year. The lot was originally constructed when the current Berkeley Waterfront layout was developed in the early 1970's. The asphalt surfacing has since deteriorated, and the lot is currently badly rutted and uneven, consisting of gravel and soil with no ADA accessible features. The lot also lacks formal stormwater drainage infrastructure that meets current stormwater treatment requirements, and thus the lot contributes unmanaged stormwater runoff to receiving waters during rainstorms. Similarly, the gravel and dirt parking lot contributes to poor local air quality due to blowing dust in spring, summer and fall months. The City completed renovations to the eastern portion of this lot in 2019, but renovations to the western portion of the lot remain badly needed. Project implementation would reduce indirect environmental impacts, and provide enhanced equitable access to the Bay shoreline.

The South Cove West Parking Lot renovation will include the following improvements: a) a durable new asphalt surfacing to cover the existing gravel and dirt surfacing, b) a new stormwater treatment system, and c) new safety elements to vastly improve vehicle and pedestrian circulation and safety with new traffic islands, wheel stops, safety striping, and safety signage.

Cesar Chavez Park Pathway Improvements - Located to the north of the South Cove West Parking Lot and marina, the 90-acre Cesar Chavez Park includes walking pathways, play areas, and related amenities that provide free equitable access to the Bay shoreline and regional trail connectors. Cesar Chavez Park trails include a 1.45-mile perimeter trail that follows the park's shoreline and Spinnaker Way on the park's southern edge.

The trail is comprised of eight feet-width of asphalt and a two feet-wide unpaved shoulder on either side. This trail is an extremely popular fully wheelchair-accessible pedestrian nature trail that can see up to 130,000 person visits per year. Originally constructed in 1991, it has not been resurfaced in over 31 years. As a result, the asphalt surfacing has experienced moderate to severe failures throughout the entire trail. While the surface grade and cross-slopes of the existing trail were constructed to meet ADA accessibility requirements at the time of original construction, the perimeter trail likely does not meet current ADA requirements due to rutting, edge failure, and ponding. The Cesar Chavez Park Pathway improvements will therefore replace the aged asphalt surfacing to create a fully ADA-accessible pedestrian trail and entrances around the perimeter of Cesar Chavez Park.

The South Cove West Parking Lot component of the project consists primarily of construction. The Cesar Chavez Park Pathway component consists of design, permitting, and construction. For both components, bidding and construction is planned to occur between January 2025 and September 2025.

Site Descriptions:

The project area, shown in Exhibits 1 and 2, encompasses key elements of the Berkeley Waterfront, comprised of the Berkeley Marina, Cesar Chavez Park, adjoining trail systems, and associated improvements and infrastructure, including non-profit sailing clubs, and commercial developments that ring the marina. The Berkeley Waterfront is close to three public open spaces: Adventure Playground; Shorebird Park; and McLaughlin Eastshore State Park; and is within 0.8 miles of local Berkeley parks (Aquatic Park, James Kenney Park, and the Tom Bates Regional Sports Fields). The Berkeley Waterfront sees up to 300,000 person visits per year. This area provides impressive scenic coastal views and recreational activities and is considered one of the best shoreline access points in the San Francisco Bay Area.

The South Cove Parking Lot is a City-owned lot on state tidelands located on the south side of University Avenue at the Berkeley Waterfront. The gravel lot provides approximately 80 parking spaces for passenger vehicles and supports two adjacent non-profit sailing clubs and the general public who visit the Berkeley Waterfront to access the Bay for sailing, windsurfing, kayaking, swimming, fishing, sight-seeing, visiting restaurants, and general outdoor recreation. The parking lot is one of 10 public lots that accommodate the visiting public.

The Cesar Chavez Park is owned by City of Berkeley and comprises the northernmost 90-acre open-space parcel of land on the north side of the Berkeley Waterfront. The tranquil park setting offers a wide range of recreational opportunities in a marina setting with views of the three bay bridges, Alcatraz, and Angel Island. Park amenities include an unleashed dog park, large lawn and open space, off-street parking, picnic areas, vistas/overlooks, walking/biking trails, open air art displays, and a popular native plant garden. The City of Berkeley formerly operated a landfill from the 1950's through the 1980's in this location, which was previously San Francisco Bay waters (i.e., former submerged tidelands). Following closure of the landfill in the early 1980's, the area underwent a multi-year city planning process to become North Waterfront Park, which was subsequently formally dedicated and opened to the public as Cesar Chavez Park in 1991. The park's existing 1.45-mile perimeter trail was constructed in 1991. The trail is a popular walking and biking trail with year-round usage. There are three existing entrances to the perimeter trail along Spinnaker Way. There is free public parking along the existing Spinnaker Way and Launch Ramp Parking Lot for over 150 spaces, and the park entrance is just under 0.4 miles away from the AC Transit public bus 51A stop at University Ave at Marina Blvd.

Grant Applicant Qualifications: The City of Berkeley's Department of Parks and Recreation maintains and enhances the quality of life in Alameda County by providing parks and recreational opportunities for residents and visitors. The City has an established program for managing the Berkeley Waterfront, and has expended considerable funds and grants to study and improve infrastructure. The City has successfully managed grants from the Conservancy and other state agencies in the past.

Working with the public, regulatory, and funding partners over the past 30 years, the City has completed several water-based capital projects using \$36 million in State-funded marina improvement loans, including dock systems and shoreline revetment projects. Similarly, the City has completed several projects at the Berkeley Waterfront using Conservancy grants for

planning, design, and implementation, including a 0.5-mile Bay Trail extension in 2014, South Cove East Parking Lot renovations in 2018, 600-foot Bay Trail extension to the sailing clubs in 2020, and installation of a new ADA-accessible gangway at the South Cove Sailing Basin in 2020. The City has a comprehensive financial system and experienced finance and auditing staff to manage the accounting and auditing of all capital projects. The City contracts with an independent auditor to perform an audit of all federally funded capital projects (a single audit) on a yearly basis. Lastly, the City of Berkeley has a plan for the long-term management, maintenance, and monitoring of the project elements.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:

The proposed project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.

See the "Consistency with Conservancy's Strategic Plan" section below.

2. Project is a good investment of state resources.

The proposed project would enhance access to and the overall user experience at the Berkeley Waterfront, especially the regionally important Cesar Chavez Park. Visited by approximately 130,000 people per year, this extremely popular park serves both local users and large groups that use the park during special events throughout the year (e.g., the Berkeley Kite Festival, Fourth of July celebrations, and other community-sponsored gatherings).

Access and experience will be improved by providing parking—not only for park users but also those wishing to connect to the nearby regional San Francisco Bay Trail, or to access the South Cove Sailing Basin or the Berkeley Marina itself—and by improving ADA-accessibility.

The proposed project will therefore also further the State's "Outdoors For All" initiative, which seeks to equitably expand outdoor access to all Californians through focused investments in open space infrastructure, outdoor programming, and improvements to state systems.

3. Project benefits will be sustainable or resilient over the project lifespan.

The renovations for both the parking lot and perimeter trail will include use of sustainable techniques and materials, which will reduce the need for frequent asphalt replacement. In addition, the renovated parking lot will contain several sustainability features: reduced greenhouse gases during construction by using the full-depth reclamation construction methods, large reduction in polluted waters to the Bay by treated stormwater, and large reduction in localized air pollution caused by dust clouds from the existing gravel lot. Lastly, the proposed project will be managed by the City of Berkeley Parks, Recreation, and Waterfront Department, which oversees the upkeep, maintenance, and capital repair of City assets, including parks and pathways, playgrounds, gardens, landscaping, bio-swales, irrigation systems, parks buildings, and parking lots.

4. Project delivers multiple benefits and significant positive impact.

The one-acre parking lot renovation will provide the following improvements and associated benefits: a) it will cap the existing gravel surface with new asphalt, thereby preventing the dustbowl phenomena that occurs throughout the spring, summer, and fall of each year, b) the stormwater that enters the storm drain from the one-acre parking lot will be treated via appropriate on-site green infrastructure(s) such as bioswale/rain garden, and/or permeable pavement in compliance with the latest Alameda County C.3 post-construction stormwater requirements, c) the parking lot will be fully ADA accessible, d) the parking lot will be 100% up-to-code with the latest building and traffic code standards for safety and circulation, e) the new circulation design will make the parking lot “self-operating” so that vehicles can park and depart safely and quickly with a minimum of confusion, which increases the number of parking spaces and greatly elevates the level of safety for all users, and reduces the amount of idling. Similarly, by renovating the parking lot, the project will greatly extend the life of adjacent University Avenue and South Cove East Parking Lot by eliminating tracking of loose gravel, which exacerbates degradation of asphalt surfaces. Lastly, the project will explore the viability of using a porous pavement system to further reduce the following environmental impacts: the volume of stormwater from sheet-flowing to the Bay, the ponding during storms that causes traffic delays and vehicle idling, and the run off of toxic striping paint into the Bay.

Trail improvements within Cesar Chavez Park would greatly promote the park’s use and expand equitable ADA-compliant access to the Bay shoreline. These improvements would thereby make the perimeter trail more accessible during all weather conditions, and potentially increase the public’s use of the park.

5. Project planned with meaningful community engagement and broad community support.

The City of Berkeley recognizes the value of its waterfront and marina to the general public and City residents, and the project is supported by City Council and elected officials (see Exhibit 6, Project Letters). The South Cove West Parking Lot is a key staging area at the Berkeley Waterfront that is used by the general public who visit nearby outdoor recreational amenities such as Adventure Playground, Shorebird Park and Nature Center, the K-Dock public restroom, the San Francisco Bay Trail, two non-profit sailing clubs, charter fishing recreational boats, and small-scale ferry boats. The renovation of the parking lots at the South Cove has been on the City’s list of capital repair projects for over two decades. These projects have been discussed numerous times at the City’s Parks and Waterfront Commission meetings, and the City Council has authorized staff during numerous public meetings to pursue grant funding for these projects over the past 20 years, most recently on December 13, 2022. The City has received excellent feedback from the public when the South Cove East Parking Lot was renovated in 2019, and continues to hear feedback that the public is anticipating the completion of the West Parking Lot in the near future with great enthusiasm. In addition, the City has received excellent feedback from the public when the first three segments of the Bay Trail Extension along University Avenue were implemented from 2014 to 2019, and continues to hear feedback that the public is anticipating the completion of the Cesar Chavez Park perimeter trail improvements.

Furthermore, the City’s community engagement regarding the future of the project area is ongoing. As part of the Berkeley Marina Area Specific Plan Project, the City has embarked on a

three year planning effort to provide a path for achieving a financially self-sustainable, publicly-owned marina that preserves and enhances infrastructure to support current and future community needs in the marina area, including Cesar Chavez Park. Planning includes extensive community engagement and participation, and will provide several opportunities for public review and comment on the City’s proposed improvements, and programming and prioritization of new projects.

PROJECT FINANCING

Coastal Conservancy	\$3,049,000
South Cove West Parking Lot - \$936,000	
Cesar Chavez Park Pathway - \$2,113,000	
City of Berkeley (South Cove West Parking Lot)	\$89,900
Project Total	\$3,138,900

The funding source is a Fiscal Year 2022/23 appropriation of \$15 million dollars from the General Fund to the Conservancy specifically for City of Berkeley marina and pier projects. (The Budget Act of 2022, as amended by AB 179, Chapter 249, Statutes of 2022). As the proposed project consists of upgrades to Berkeley marina area facilities, it is consistent with this funding source.

The allocation of the overall total project financing towards each project component as shown in the table above is an estimate.

Matching funds for the South Cove West Parking Lot will come from the City of Berkeley.

Unless specifically identified as “Required Match,” the other sources of funding and in-kind contributions described above are estimates. The Conservancy does not typically require matching funds or in-kind services, nor does it require documentation of expenditures from other funders or of in-kind services. Typical grant conditions require grantees to provide any funds needed to complete a project.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165 regarding San Francisco Bay Area projects.

The proposed authorization is consistent with Section 31162(a) because the proposed project is located within the nine-county Bay Area, and it will help achieve the San Francisco Bay Area Conservancy Program goal of improving public access to and around the Bay through completion of a local trail (i.e., Cesar Chavez Park perimeter trail) that connects to population centers and public facilities, which are part of a regional trail system (i.e., the San Francisco Bay Trail). The proposed authorization will also provide accessible parking and a safe, secure staging area for Bay Trail users.

Consistent with 31162(d), the proposed authorization will promote, assist, and enhance projects that provide open space and natural areas (i.e., Cesar Chavez Park) that are accessible to urban populations for recreational and educational purposes.

The proposed project is consistent with Section 31163(c), for the following reasons:

1. The proposed project will promote renovation of a trail system that provides safe and equitable recreation, pedestrian and bicycle facilities, and recreational resources consistent with adopted local and regional plans, including the City of Berkeley 2002 General Plan, and the San Francisco Bay Conservation and Development Commission's San Francisco Bay Plan, wherein the entire Berkeley Waterfront has been designated as a key public access area to the Bay.
2. The proposed project will facilitate continued public access amenities to a diverse public who reside in the City of Berkeley and communities abutting the waterfront area, as well as historically marginalized communities from throughout the Bay Area, especially seniors.
3. The proposed project can be implemented in a timely manner, with completion of the proposed improvements planned for Fall 2025.
4. The proposed project provides benefits that could be lost if the project is not quickly implemented, as there is current momentum built from the planning and conceptual design work already undertaken by the City of Berkeley.
5. The City will provide matching funds for the proposed project.

CONSISTENCY WITH CONSERVANCY'S [2023-2027 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 2, Objectives 2.4, Build Trails, and 2.5, Recreation Facilities and Amenities**, the proposed project will renovate an existing gravel parking lot, and an existing perimeter trail within Cesar Chavez Park to improve equitable access to the Bay shoreline.

CEQA COMPLIANCE:

Cesar Chavez Park Pathway Improvements

Actions to upgrade the Cesar Chavez Park perimeter trail are categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations (CCR) Section 15301 (Existing Facilities) because they consist of repair and maintenance of an existing public structure (a public pedestrian trail) and do not involve expansion of the current use. The trail improvements are also exempt from CEQA review pursuant to section 14 CCR section 15302, which exempts replacement or reconstruction of structures at the same site, with substantially the same purpose and capacity. Consistent with this section, the proposed project would replace existing trail without expansion of capacity or change in purpose.

South Cove West Parking Lot

On December 15, 2015, the City of Berkeley adopted the Berkeley Marina South Cove Parking Lot Renovation and New Restroom Project – Mitigated Negative Declaration/Initial Study –

August 2015 (IS/MND). The IS/MND addresses the environmental impacts of both the South Cove West Parking Lot renovation project component, as well as a second parking lot renovation and stormwater improvement project located immediately adjacent to the South Cove West Parking Lot on its eastern side. This second parking lot improvement project was completed in 2019. Pursuant to Section 15085 of the CEQA Guidelines, the City of Berkeley submitted a Notice of Completion (NOC) for the proposed IS/MND to the California State Clearinghouse (SCH) on September 23, 2015. Also, pursuant to Section 15072 of the CEQA Guidelines the City posted a Notice of Intent to Adopt (NOI) the proposed IS/MND. In accordance with Section 15105(b) CEQA Guidelines, the public review and comment period began on September 23, 2015, and ended on October 23, 2015. In response to the publication of the Draft IS/MND for public review, agency, organizational, and public comments were received and made available for public review at 2180 Milvia St., 3rd Floor, PRW Dept., Berkeley, CA 94704, or by email. The City of Berkeley subsequently adopted the IS/MND with no minor revisions nor modifications on September 1, 2016, and approved the project.

The IS/MND included a Mitigation Monitoring Reporting Program (Appendix A to MND in Exhibit 7) which addresses the potential impacts of the proposed parking lot improvements. The IS/MND identified potential impacts in biological resources, geological resources, hazards and hazardous materials, and hydrology and water quality. Mitigation measures were adopted to assure that these potential impacts are avoided or reduced to less-than-significant levels, as summarized below:

Biological Resources: Adequate measures shall be taken to avoid inadvertent take of bird nests protected under the federal Migratory Bird Treaty Act and State Fish and Game Code when in active use. This shall be accomplished by taking the following steps:

- If construction is proposed during the nesting season (March to August), a focused survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within seven days prior to the onset of construction to identify any active nests in the surrounding area within 100 feet of the proposed construction. The site shall be resurveyed to confirm that no new nests have been established if construction has been delayed or curtailed for more than seven days during the nesting season.
- If no active nests are identified during the construction survey period, or development is initiated during the non-breeding season (September to February), construction may proceed with no restrictions.
- If bird nests are found, an adequate setback shall be established around the nest location and vegetation removal and construction activities shall not occur within this no-disturbance zone until the qualified biologist has confirmed that any young birds have been fledged and are able to function outside the nest location. Required setback distances for the no-disturbance zone shall be based on input received from the California Department of Fish and Wildlife and may vary depending on species and sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the site.

- A report of findings shall be prepared by the qualified biologist and submitted to the City for review and approval prior to initiation of construction during the nesting season (March to August). The report shall either confirm the absence of any active nests or should confirm that any young are located within a designated no-disturbance zone and construction can proceed. No report of findings is required if construction is initiated during the non-nesting season (September to February) and continues uninterrupted according to the above criteria.

Geological Resources: The City shall implement the design recommendations included in the *Geotechnical Investigation South Cove Public Dock and Parking Lot Renovation Project Berkeley Marina, Berkeley, California* prepared by A3GEO.

Hazards and Hazardous Materials: The City shall hire an environmental engineering consultant to monitor excavations at the location of the sanitary sewer and utility lines. If constituents of potential concern (COPCs) are discovered, the environmental engineering consultant, in cooperation with the City, shall determine the appropriate disposal methods for the COPCs.

Hydrology and Water Quality: The City shall obtain a Rainfall Erosivity Waiver and implement an Erosion Control Plan for construction activities. The Erosion Control Plan shall be designed to mitigate potential runoff issues as required by the National Pollutant Discharge Elimination System permit program.

Staff has independently evaluated the “Berkeley Marina South Cove Parking Lot Renovation and New Restroom Project – Mitigated Negative Declaration/Initial Study – August 2015,” and Mitigation Monitoring and Reporting Program (MMRP) adopted by the City of Berkeley on September 1, 2016, and concurs that there is no substantial evidence that the proposed project will have a significant effect on the environment. Staff therefore recommends that the Conservancy find that the project as mitigated avoids, reduces or mitigates the possible significant environmental effects to a level of less-than-significant and that there is no substantial evidence that the project will have a significant effect on the environment as that term is defined by 14 Cal. Code Regs. §15382.

Upon approval of the project, Conservancy staff will file a Notice of Determination for the South Cove West Parking Lot Renovations and a Notice of Exemption for the Cesar Chavez Park Pathway Improvements.