

## Final Environmental Impact Report

# Gateway Park

## Volume I: Comments and Responses



June 2018

Prepared by ICF for the  
Bay Area Toll Authority





# **GATEWAY PARK FINAL ENVIRONMENTAL IMPACT REPORT**

## **VOLUME 1: COMMENTS AND RESPONSES**

**STATE CLEARINGHOUSE No: 2013112003**

**PREPARED FOR:**

Bay Area Toll Authority  
375 Beale Street, Suite 800  
San Francisco, CA 94105  
Contact: Peter Lee, Project Manager  
(415)-778-6716

**PREPARED BY:**

ICF  
201 Mission Street, Suite 1500  
San Francisco, CA 94105  
Contact: Heidi Mekkelson  
(415) 677-7116

**June 2018**





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## Acronyms and Abbreviations

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µg/m <sup>3</sup>	micrograms per cubic meter
AADT	annual average daily traffic
AB	Assembly Bill
AB 939	California Integrated Waste Management Act of 1989
ABAG	Association of Bay Area Governments
ACHP	Advisory Council on Historic Preservation
ACM	asbestos-containing materials
ADA	Americans with Disabilities Act
Alameda CTC	Alameda County Transportation Commission
AOC	area of concern
ARB	Air Resources Board
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
Basin Plan	San Francisco Bay Basin (Region 2) Water Quality Control Plan
BATA	Bay Area Toll Authority
Bay Bridge	San Francisco–Oakland Bay Bridge
Bay Bridge Trail	bicycle/pedestrian path on the east span of the Bay Bridge
Bay Trail	San Francisco Bay Trail
BCDC	Bay Conservation and Development Commission
BMP	best management practice
BRAC	Base Realignment and Closure
Btu	British thermal unit
C&D Recycling Ordinance	Construction and Demolition Debris Reduction and Recycling Ordinance
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
Cal Fire	California Department of Forestry and Fire Protection
Cal OSHA	California Division of Occupational Safety and Health
CalEEMod	California Emissions Estimator Model
California CAA	California Clean Air Act of 1988
Cal-IPC	California Invasive Plant Council
Caltrans	California Department of Transportation
CBIA v. BAAQMD	<i>California Building Industry Association vs. Bay Area Air Quality Management District</i>
CCR	California Code of Regulations
CDFA	California Department of Food and Agriculture
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act

CESA	California Endangered Species Act
CFGC	California Fish and Game Code
CFR	Code of Federal Regulations
CH <sub>4</sub>	Methane
CHRIS	California Historical Resources Information System
CNDDDB	California Natural Diversity Database
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
CO <sub>2</sub> e	carbon dioxide equivalent
CRHR	California Register of Historical Resources
CTC	California Transportation Commission
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
cy	cubic yards
dB	decibel
DDT	dichlorodiphenyltrichloroethane
DTSC	Department of Toxic Substances Control
East Span Project	San Francisco Bay Bridge East Span Seismic Safety Project
EBMUD	East Bay Municipal Utility District
EBRPD	East Bay Regional Park District
EFH	essential fish habitat
EIR	environmental impact report
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Maps
FR	<i>Federal Register</i>
g/m <sup>3</sup>	grams per cubic meter
GHG	greenhouse gas
HFC	hydroflouorocarbon
HI	hazard index
I-580	Interstate 580
I-80	Interstate 80
I-880	Interstate 880
I-980	Interstate 980
IER	Interurban Electric Railway
IERBYS	Interurban Electric Railway Bridge Yard Shop
IPCC	Intergovernmental Panel on Climate Change
LBP	lead-based paint

Leq	equivalent sound level
Lmax	maximum sound level
Lmin	minimum sound level
LOS	level of service
MBTA	Migratory Bird Treaty Act
mg/L	milligrams per liter
MLLW	mean lower low water
MMPA	Marine Mammal Protection Act
MOA	Memorandum of Agreement
MS4	municipal separate storm sewer systems
MT	metric ton
MT/yr	metric tons per year
MTS	metropolitan transportation system
N <sub>2</sub> O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NO <sub>2</sub>	nitrogen dioxide
NOP	Notice of Preparation
NO <sub>x</sub>	nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NTU	nephelometric turbidity unit
NWIC	Northwest Information Center
OFD	Oakland Fire Department
OPD	Oakland Police Department
PAH	polynuclear aromatic hydrocarbon
PCB	Polychlorinated biphenyls
PFC	perfluorocarbon
PG&E	Pacific Gas & Electric
Phase I ISA	Phase I Initial Site Assessment
PM <sub>10</sub>	particulate matter less than 10 microns in diameter
PM <sub>2.5</sub>	particulate matter less than 2.5 microns in diameter
ppb	parts per billion
ppm	parts per million
PRC	Public Resources Code
PRG	preliminary remedial goal
project proponent	Gateway Park Working Group

RAP/RMP	remedial action plan/resource management plan
RCRA	Resources Conservation Recovery Act
REC	recognized environmental condition
ROG	reactive organic gas
RTP	regional transportation plan
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SEL	sound exposure
SFBAAB	San Francisco Bay Area Air Basin
SHPO	State Historic Preservation Officer
SO <sub>2</sub>	sulfur dioxide
SR 24	State Route 24
State Water Board	State Water Resources Control Board
SVOC	semivolatile organic compounds
SVP	Society for Vertebrate Paleontology
SWPPP	stormwater pollution prevention plan
TAC	toxic air contaminant
TMDL	total maximum daily limit
TSCA	Toxic Substances Control Act
USACE	U.S. Army Corps of Engineers
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
V/C	volume-to-capacity ratio
VAU	visual assessment unit
VOC	volatile organic compound
WDR	waste discharge requirement

# Chapter 1

## Introduction

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This document contains comments submitted by agencies, organizations and individuals concerning the January 2018 Draft Environmental Impact Report (DEIR) for the proposed project (project or Gateway Park), along with responses to each comment received and appropriate revisions to the DEIR. The Bay Area Toll Authority (BATA) is the CEQA lead agency for this project.

The DEIR was made available to the public and regulatory agencies for review and comment during a 45-day comment period between January 29, 2018 and March 14, 2018.

The Guidelines implementing the California Environmental Quality Act (CEQA) require that written responses be prepared for all written comments received on a DEIR during the public review period. CEQA Guidelines Section 15132 specifically states:

The Final EIR shall consist of:

1. The Draft EIR or a revision of that draft.
2. Comments and recommendations received on the Draft EIR either verbatim or in a summary.
3. A list of persons, organizations, and public agencies commenting on the Draft EIR.
4. The response of the Lead Agency to significant environmental points raised in the review and consultation process.
5. Any other information added by the Lead Agency.

This Final EIR has been prepared in compliance with these Guidelines and includes the following:

Volume I: Comments and Responses (this document)

- Chapter 1. Introduction
- Chapter 2. Comments Received on the Draft EIR
- Chapter 3. Responses to Comments

Volume II: Draft Environmental Impact Report, January 2018 (Bound Separately, Revised/Reprinted. Revisions shown in ~~strikeout~~ and underline).

- Executive Summary
- Chapter 1. Introduction
- Chapter 2. Project Description
- Chapter 3. Environmental Setting, Impacts, and Mitigation Measures
- Chapter 4. Other CEQA-Considerations
- Chapter 5. Alternatives
- Chapter 6. List of Preparers
- Chapter 7. References

- 1        Volume III: Draft EIR Appendices, January 2018 (on CD)
- 2        • Appendix A: Notice of Preparation and Scoping Comments
- 3        • Appendix B: Sea Level Rise Adaptation Technical Report
- 4        • Appendix C: Visual Impact Assessment
- 5        • Appendix D: Air Quality Analysis Technical Memo
- 6        • Appendix E: Construction and Operations Assumptions
- 7        • Appendix F: Natural Environment Study
- 8        • Appendix G: Noise Analysis Technical Memo
- 9        • Appendix H: Transportation Impact Analysis
- 10       • Appendix I: Shoreline Treatments Assessment

11       Information provided in the responses to comments and in the revisions to the Draft EIR clarifies  
12       and amplifies the analysis presented in the Draft EIR. No significant new information, as defined by  
13       CEQA (CEQA Guidelines Section 15088.5), was added that would trigger recirculation of the Draft  
14       EIR. Specifically, there are no new significant environmental impacts, or a substantial increase in the  
15       severity of any significant impact, identified in the comments or responses that were not already  
16       identified in the Draft EIR.

## Comments Received on the DEIR

This chapter includes a list of the agencies, organizations, and individuals who commented on the Draft EIR (Table 2-1); the letter of receipt from the State Clearinghouse; and the actual comment letters submitted on the Draft EIR. The comment letters have been numbered as shown in Table 2-1 and include both letters and emails. The individual comments within each letter have been numbered in the right margins. There is a response for each comment in Chapter 3, Responses to Comments. Each individual response in Chapter 3 is numbered to correspond with the comment to which it responds.

**Table 2-1. List of Commenters**

Letter #	Commenter
<b>Local Agencies</b>	
1	City of Oakland (City)
2	East Bay Regional Park District (EBRPD)
3	Port of Oakland
<b>Organizations</b>	
4	Rio Vista Windsurfing Association
5	San Francisco Bay Conservation and Development District (BCDC)
6	San Francisco Boardsailing Association
<b>Individuals</b>	
7	Peter Aschwanden
8	Tom Bates
9	Jay Brockman
10	Kevin Chang
11	Diana Cheng
12	Leo Chen
13	Patty Chen
14	Brian Colety
15	Steve De Alba
16	Jeffrey Finn
17	David Gordon
18	David Hermele
19	Francois Jeanneau
20	Lyle Johnson
21	Gregory Lasserre
22	Litewave Dave
23	Paul Miller
24	Qiu Xie (Mandy)
25	Weston Settlemier
26	Victor Soskin

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<b>Letter #</b>	<b>Commenter</b>
27	Andrew Sullivan
28	Clint Suson
29	Jerry Tanaka
30	Kirk van Moon
31	Brynne Weeks
32	John & Whit Woolard

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1

# Letter 0



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

March 13, 2018

Peter Lee  
Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Subject: Gateway Park  
SCH#: 2013112003

Dear Peter Lee:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on March 12, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in black ink that reads "Scott Morgan".

Scott Morgan  
Director, State Clearinghouse

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2013112003  
**Project Title** Gateway Park  
**Lead Agency** Bay Area Toll Authority

**Type** EIR Draft EIR

**Description** The creation of a new park is proposed at the east touchdown of the San Francisco-Oakland Bay Bridge (Bay Bridge) in Oakland. The new park would provide bicycle/pedestrian connection to the new East Span of the Bay Bridge and to other trails. The new park would provide access to the Bay. The new park would include recreation opportunities and features to showcase the natural, maritime, industrial, and transportation history of the East Bay. The project would provide safe access to the bicycle/pedestrian path on the east span of the Bay Bridge as well as access to existing and planned segments of the regional SF Bay Trail. The project would also provide safe, multimodal access to the shoreline and could be a unique waterfront amenity. Furthermore, it would be designed to meet mitigation commitments for the SF Bay Bridge East Span Seismic Safety Project, reuse of the Oakland Army Base, and demolition and reconstruction of I-880. Outside the park boundaries, the project could also include installing landscaping near I-880.

**Lead Agency Contact**

**Name** Peter Lee  
**Agency** Bay Area Toll Authority  
**Phone** 415-778-6716 **Fax**  
**email**  
**Address** 375 Beale St, Suite 800  
**City** San Francisco **State** CA **Zip** 94105

**Project Location**

**County** Alameda  
**City** Oakland  
**Region**  
**Lat / Long** 37° 49' 39.5" N / 122° 17' 37.7" W  
**Cross Streets** I-880 and I-80 at eastern touchdown on Bay Bridge  
**Parcel No.** 18-350-1, -335-4  
**Township** **Range** **Section** **Base**

**Proximity to:**

**Highways** I-80, I-880, I-580, -980  
**Airports**  
**Railways** uprr  
**Waterways** San Francisco Bay, Lake Merritt  
**Schools** Vincent Academy, etc.  
**Land Use** m-40, IG, D-GI, S-19, CIX-1C, CIX-1D, CIX-1, CR-1

**Project Issues** Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Landuse; Cumulative Effects; Aesthetic/Visual; Growth Inducing; Population/Housing Balance; Schools/Universities; Septic System

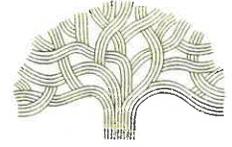
**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Air Resources Board, Transportation Projects; Native American Heritage Commission; Public Utilities Commission

**Date Received** 01/26/2018 **Start of Review** 01/26/2018 **End of Review** 03/12/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

# Letter 1

## CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Planning and Building Department  
Office of the Director

(510) 238-3941  
FAX (510) 238-6538  
TDD (510) 238-3254

### VIA E-MAIL AND U.S. MAIL

March 13, 2018

Bay Area Toll Authority  
375 Beale Street, Suite 800  
San Francisco, CA 94105  
Attn: Peter Lee, Assistant Director

**RE: City of Oakland Comments on Draft Environmental Impact Report for the Gateway Park**  
(dated January, 2018)

Dear Mr. Lee,

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Gateway Park Project (Project) for which the Bay Area Toll Authority is the lead agency, and for which the City of Oakland (City) is a responsible agency. As such, the City of Oakland respectfully submits the following comments on the content of the DEIR.

1-1

#### **Project Objectives**

The City agrees with the "Project Objectives" on page ES-8 which state that "The primary purpose of the Project is to provide a distinctive entryway park to the East Bay that connects to the bicycle/pedestrian path on the east span of the Bay Bridge. The Project purpose is also to provide safe, multimodal access to the shoreline and both active and passive recreation opportunities."

The City agrees with the "Transportation and Shoreline Access Objectives" on page ES-8 including "Facilitating multimodal connections to the shoreline and regional park (bicycle, pedestrian, transit, auto and watercraft)."

1-2

And the City agrees with the "Regional Park and Recreation Objectives" on page ES-9 including "Provide opportunities for the interpretation of San Francisco Bay natural resources, transportation history, and the history of the Port of Oakland." **We recommend that this objective be broadened to include "and history of the former Oakland Army Base."**

1-3

#### **Project Description**

The City agrees with the description of parking in Section 2.5.5.4, Table 2-3 on page 2-27, which states that the "West Gateway Public Access Project is located outside of the Gateway Park and will be implemented under separate project scopes and by others." **The City offers the clarification that the**

1-4

**West Gateway Public Access Project as described on page 2-2 and in Table 2-3 (page 2-27) is not funded by the City of Oakland.**

1-4  
cont.

**Phasing of Implementation of the Mitigation Measures**

The Project is described as being built over a period of 15-years by a variety of Project Implementers. Based on this, the City finds that the DEIR is unclear regarding which mitigation measures are correlated with each phase of the park. We recommend that the document clarify which mitigation measures apply to the development of each phase or component of the park so that it is clear when mitigation measures will be implemented.

1-5

**Transportation Mitigation Measures**

- A. Mitigation measures MM-TRA 2, MM-TRA-4, MM-TRA-5 and MM-TRA-7 state that the City of Oakland is responsible for implementation of these mitigation measures (pages 3.12-24, -29 and 4-25). **The City requests that the wording of these four mitigation measures be changed to specify that the Project Implementer, not the City of Oakland, is responsible for implementation of these mitigation measures.**

1-6

These mitigation measures (MM-TRA 2, MM-TRA-4, MM-TRA-5 and MM-TRA-7) all relate to roadway intersections which are located outside of the Project boundaries and to a way-finding plan for cars, pedestrians and bikes at various decision points along public access routes. **The City requests that the EIR clarify the following:**

1-7

(a) identify the regulatory agency which will have approval authority over the implementation of the mitigation measure for each of these intersections (e.g. Caltrans or City of Oakland);

(b) specify that the Project Implementer will be responsible for seeking and obtaining approval from the regulatory agency and for the implementation these mitigation measures; and

1-8

(c) clarify that the approval authority for implementation of these mitigation measures, which are for intersections located outside of the Project boundary, may exist outside the authority of the Project Implementer and as such might not be approved or implemented.

1-9

If these intersections are in the jurisdiction of the City of Oakland, the Project Implementer must apply to and obtain approval from the City. The City will work cooperatively with the Project Implementer during implement of these mitigation measures.

1-10

- B. Mitigation Measure MM-TRA-6 requires an emergency evacuation plan and additional emergency access to the Gateway Park. **The City requests that this mitigation measure be changed to specify that the responsibility for implementation of this mitigation measure is with the Project Implementer, not the City of Oakland. We request that the wording of MM-TR-6 on p. 3.12-30 state that “The Project Implementer shall provide a second emergency vehicle access to the Gateway Park...”. The City of Oakland will work cooperatively with the Project Implementer during implementation of the mitigation measure but the implementation**

1-11

responsibility lies with the Project Implementer.

1-11  
cont.

- C. There are two locations where we believe a typing error states the wrong number of the mitigation measure. On pages ES-21 and 3.7-19, we believe that **MM-TRA-7 should be corrected to MM-TRA-6.**

1-12

#### Land Use and Planning

The DEIR identifies that while the Project is generally consistent overall with the Oakland General Plan Land Use and Transportation Element (1998) and with the Final Reuse Plan for the Oakland Army Base (2002) the Project will nonetheless require a General Plan amendment and rezoning to allow recreational uses in portions of the project area where such uses are incompatible with land use designations and zoning.

Mitigation Measure MM-LU-1, page 3.9-22 states that “The Project Implementer shall initiate and complete the General Plan amendment and rezoning.” **The City of Oakland does not believe this is an adequate mitigation measure** because our legislative bodies must retain their discretionary authority over amendments to the General Plan and rezoning. Therefore, we recommend that a **Statement of Overriding Conditions be included and adopted.**

1-13

Thank you for the opportunity to comment on this Draft EIR. If you have any questions, please contact Patricia McGowan at (510)238-3588 or [pmcgowan@oaklandnet.com](mailto:pmcgowan@oaklandnet.com).

Sincerely,



Darin Ranelletti, Deputy Director  
Environmental Review Officer

cc: File  
William Gilchrist  
Betsy Lake  
Bijal Patel  
John Monetta  
Patricia McGowan  
Iris Starr  
Richard Sinkoff, Port of Oakland

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March 14, 2018

Peter Lee, Assistant Director  
Bay Area Toll Authority  
375 Beale Street, Suite 800  
San Francisco, CA 94105

**RE: Gateway Park Draft Environmental Impact Report (EIR)**

Dear Mr. Lee:

The East Bay Regional Park District (“District”) appreciates the opportunity to provide comments on the Gateway Park draft Environmental Impact Report (“EIR”). The District has had a long-standing commitment to establishing a new regional shoreline park on the former Oakland Army Base at the foot of the Bay Bridge.

The District manages over 121,000 acres of open space and over 1,250 miles of trails within 73 parks. Gateway Park was identified as a potential future regional park in the District’s 2013 Master Plan, with its potential to be a tourist attraction that focuses on maximizing views and enjoyment of the San Francisco Bay, and its ability to create a sense of openness in a highly urbanized area among an active transportation and port commerce hub.

Like many of the District’s 73 parks, Gateway Park began as a vision for a publicly accessible shoreline that will be developed in collaboration with multiple State, regional and local partnerships. The District is excited to be part of this collaborative effort and is looking forward to managing this iconic new regional park.

The vision for Gateway Park started in November of 1967 when former East Bay Regional Park District Director John Sutter stated in a letter to the Association of Bay Area Governments that:

*“While the area just south of the Bay Bridge is held by the Army, its possible eventual release and public use for recreation should be contemplated. With good views and good access to the water it could be usefully developed and provide an attractive gateway to Oakland.”*

*– Citizens for Regional Recreation and Parks president John H. Sutter, November 24, 1967*

Following the closure of the Oakland Army Base in 1999, the East Bay Regional Park District submitted an application for a Public Benefit Conveyance for approximately 15 acres through the National Park Service Federal Lands to Parks program. In August 2011, the National Park Service approved the Public Benefit Conveyance request and submitted a request for assignment of surplus lands to the East Bay Regional Park District.

The District entered into a Lease in Furtherance of Conveyance with the U.S. Army in 2003 for the area of the property referred to as Parcel I. Since that time, the District has continued to work closely with the U.S. Army, the California Department of Toxic Substances Control, and other agencies to advance remediation of the former military property and complete a Finding of Suitability for Transfer. The District has continued to work closely as well with the other owners of property within the future regional park

Board of Directors

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Ward 7

Robert E. Doyle  
General Manager

2-1

boundaries including the California Department of Transportation (Caltrans), the Port of Oakland, and the East Bay Municipal Utility District.

The District is a member of the nine agency Gateway Park Working Group formed to develop a vision for the future regional park and identify implementation strategies. The Gateway Park Working Group has led the development of the Gateway Park Concept Report and the draft Environmental Impact Report (DEIR). The Concept Report and DEIR provide a long-range vision for the future park that incorporates habitat restoration, sea level rise resiliency, environmental education, and passive and active recreational facilities. The report identifies the District as the future operator of this regional park.

Since the base's closure, significant progress has been made to transform the area from a historical transportation hub and former military facility into a world-class regional park, as seen in the renovation of the Bridge Yard building, the development and opening of the Alex Zuckerman Bay Bridge Trail, and the recent approval by the Toll Bridge Program Oversight Committee to reuse pilings of the former Bay Bridge as part of an observation deck that will provide future park visitors access to the San Francisco Bay. The District believes that these types of amenities that further connect park visitors to the San Francisco Bay and provide a more passive, open feeling, will create the relaxing atmosphere that park users seek in a regional shoreline park located right next to the San Francisco Bay.

The District anticipates that Gateway Park will become a major waterfront destination that draws in park users and tourists wanting an unparalleled, visual experience of the San Francisco Bay and access to the Alex Zuckermann Bay Bridge Trail. As the future operator and manager of the park, the District also looks forward to providing the East Bay community with park improvements that activate the urban space and connect the shoreline to surrounding communities, while still maintaining the sense of open-ness and passive atmosphere that focuses on enjoyment of the views.

Realization of the vision provided in the Concept Report and DEIR will require an enduring commitment on the part of all of the Gateway Park Working Group partners to implement the improvements envisioned and to provide for the long-term management of the regional park. The District looks forward to working with the working group partners to continue to refine the park plans, ensure park development meets the project objectives while minimizing the operational and maintenance burden of the site, and identify funding for capital improvements and long-term management of the area while preserving a sense of openness and the expansive views of the San Francisco Bay.

Thank you for the opportunity to provide these comments for the Gateway Park Draft EIR. Please provide any future project materials to my attention. I can be reached at (510) 544-2623 or bholt@ebparks.org should you have any questions.

Respectfully,



Brian W. Holt  
Chief of Planning/GIS

Cc: EBRPD Board of Directors  
Robert Doyle, General Manager  
Gateway Park Working Group

2-1  
Cont.

# Letter 3



March 14, 2018

Peter Lee  
Assistant Director, Operations  
Bay Area Toll Authority  
375 Beale Street, Suite 800  
San Francisco, CA 94105

Subject: Gateway Park Draft Environmental Impact Report, January 2018 – Port of Oakland Comments

Dear Mr. Lee,

The Port of Oakland (Port) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Gateway Park Project (Project). The Port, as a Responsible Agency under CEQA, submits the following specific comments for your consideration.

1. The DEIR describes Radio Beach as being owned by the City of Oakland. This is incorrect; the Port owns Radio Beach. Please correct text and figures throughout the document accordingly, including Sections 2.2.1 and 3.9.1.3. The DEIR should provide a more detailed description of the existing setting, including current recreational uses, of Radio Beach and confirm that analysis of impacts and potential conflicts is adequate and that proposed mitigation measures will be effective. Please note that any changes in operations of, improvements/enhancements to, or development on Radio Beach will require a development permit from the Port. Mitigation that proposes locked gates for Radio Beach must maintain access for the Port and any and all tenants with rights on the property, including the lessees of the radio towers. 3-1  
3-2  
3-3
2. The Port remains deeply concerned about the proposed location of the kayak launch. The launching area is directly adjacent to the main ship channel, which could provide an extremely unsafe situation for kayakers due to vessel and tugboat interactions. The Port believes the proposed mitigation, Mitigation Measure LU-2 to “[i]nstall warning signage at the Port Playground kayak launch and include warnings on Gateway Park website about potential conflicts between recreational kayak use and Port of Oakland uses” is not sufficient to reduce the potential conflict to a less than significant level. 3-4
3. Section 4.1 of the DEIR describes cumulative impacts of the Project. Table 4-2 lists recent, ongoing, and foreseeable projects within 0.5 mile of the Project Area. It includes 1,500,000 gross industrial square feet for the Oakland Army Base Redevelopment Project; however, this is only the development within the City’s portion of the former Oakland Army Base. See, for example, Table 1-1, Variant A from the 2012 Oakland Army Base Project Initial Study/Addendum. Given the proximity of the Project to the Port, we recommend that the cumulative analysis include development activities at the Port, including the 880,000 square feet of warehouse/distribution facilities in the former Oakland Army Base and additional transloading facilities at the Joint Intermodal Terminal. 3-5

Thank you for the opportunity to comment and we hope that these comments are helpful to BATA in preparing the Final EIR. Please contact me if you have questions about any of the Port's comments. My contact information is:

Andrea Gardner  
Port Associate Environmental Planner/Scientist  
Port of Oakland  
530 Water Street  
Oakland, CA 94607  
510-627-1181  
[agardner@portoakland.com](mailto:agardner@portoakland.com)

Port of Oakland staff look forward to working collaboratively with you throughout the environmental review and entitlement process for the Gateway Park Project.

Sincerely,



Andrea Gardner  
Port Associate Environmental Planner/Scientist  
Port of Oakland

# Letter 4

**From:** Ross, Don/BAO  
**To:** [Peter Lee](#); [Peter Lee](#)  
**Cc:** [president@sfba.org](mailto:president@sfba.org); [don ross](#)  
**Subject:** Draft EIR for Gateway Park  
**Date:** Monday, March 12, 2018 1:23:59 AM  
**Attachments:** [IMG00707-20120522-0847.jpg](#)

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Mr. Peter Lee  
Assistant Director, Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Dear Mr. Lee:

I am a Kiteboarder & Windsurfer who has used Radio Beach for recreational water access for the past 30 years (Ever since I started working on the Bay Bridge). Please note that although the draft EIR refers to this kiteboarding site as Radio Beach, it is known to the kiteboarding community as Royce's Beach. I use this site approximately 8 times last season . When I sail there, I try to park adjacent to road, and I have seen as many as 6 other sailors at the site during these times.

Among my concerns, the draft EIR designates this site for only passive recreation, and I cannot think of anything more active than kite boarding. Consistent with this designation, it appears there are plans for only a handful of parking spaces (five), and infrastructure such as fencing adjacent to the kiteboarding rigging and launch area, which would make the beach unsafe and therefore unusable for this existing water contact recreational use.

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity.

Thank you very much,

*Don Ross*

Don Ross

President  
Rio Vista Windsurfing Association  
Sherman Island Kiting Organization

Cc: San Francisco Board Sailing Association

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## Letter 5

# San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

March 14, 2018

Peter Lee  
Bay Area Toll Authority  
375 Beale Street, Suite 800  
San Francisco, California 94105

**SUBJECT:** Gateway Park Draft Environmental Impact Report Comments (SCH#2013112003)

Dear Mr. Lee:

Thank you for the opportunity to comment on the Gateway Park Draft Environmental Impact Report. We appreciate that you have incorporated many of the suggestions provided by Tinya Hoang on the Administrative Draft Environmental Impact Report.

Building off of BCDC's previous comments provided on the Administrative Draft Environmental Impact Report and our assessment of the Draft Environmental Impact Report (DEIR), please consider the following BCDC staff comments based on the McAteer-Petris Act and the San Francisco Bay Plan as you develop the Final EIR:

1. **Existing BCDC Permit Requirements.** The DEIR cites the special conditions of BCDC Permit No. 2001.008.41 that would be the minimum requirements for the park. It also cites the BCDC permit as 2001.008.37 in Section 5.3.1 (page 5-10, line 3). Please note that the latest amended version of the BCDC permit is 2001.008.42.
2. **Additional Applicable Policies.** Other BCDC policies will apply to portions of the project beyond those called out in the DEIR. For example, the Bay Plan policies on Water Quality would apply as part of the regulatory setting for Hydrology and Water Quality (Section 3.8), and the Bay Plan policies on Fish, Other Aquatic Organisms, and Wildlife would apply as part of the regulatory setting for Biological Resources (Section 3.3). Consistency with these policies, among others, would need to be evaluated as part of the BCDC permit process.
3. **Bay Fill.** The Commission's laws and policies require, in part, that fill in the Bay be the minimum necessary to achieve the purpose of the fill and that no alternative upland location is available. While the purpose of the EIR is to disclose a range of potential environmental impacts, please note that BCDC will need additional information to determine whether the proposed fill is the minimum necessary as part of the permitting process, beyond that provided in the 1/22/18 response to BCDC comments. As part of this, we will need to understand the upland alternatives considered for the pile-supported boardwalk to Radio Beach in greater detail. Boardwalk siting constraints could be incorporated within the EIR, including potentially within Section 5.2. The EIR should also highlight information related to sea level rise as it pertains to the boardwalk and shoreline trails.

4. **Appearance, Design, and Scenic Views.** Thank you for providing additional information on views as part of the DEIR's discussion of Aesthetics. The Bay Plan Appearance, Design, and Scenic Views policies state, in part, that "All bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore." The DEIR includes a six-to-eight-foot-high fence to protect wildlife in the Radio Beach area. As mentioned in our previous letter, there are other fencing designs for keeping people and pets out of sensitive areas that could be used and that have lower visual impact. If possible, fence height and materials should be considered as part of MM-AES-1. Within the project boundaries, minimization of view impacts from the EBMUD outfall fence should also be discussed. 5-4
5. **Contamination and Beach Access.** Thank you for updating Figure 2-9 to show the kayak launch ramp extending to the water at the Port Playground. However, BCDC staff continue to have concerns about restrictions to the beach and water for water-oriented recreation. Ideally, this project would include a scenario in which remediation of contaminated sediment allows for more water-oriented recreation at the Port Playground, including activities that require direct contact with the water. Please incorporate any available updated information on cleanup of this site into the Final EIR. 5-5
6. **Sea Level Rise.** The National Research Council 2012 report has sea level rise projections that range from 5 to 24 inches for 2050 and 17 to 66 inches for 2100. These ranges are acknowledged in Appendix B: Sea Level Rise Adaptation, but are not currently reflected in the EIR (e.g. Page 3.8-18). It appears that significant portions of the shoreline public access could be inundated with sea level rise. Based on the sea level rise diagrams provided in Appendix E, it appears that sea level rise adaptation measures are proposed along some, but not all, portions of the shoreline. It would be helpful to include a summary of the proposed adaptation measures for the different areas of Gateway Park, including any areas where features will be set back or raised above the sea level rise projections for 2050 or 2100. Please indicate if any of the proposed near-term adaptation measures would involve additional Bay fill. Based on the project's 50-year lifespan, Gateway Park is anticipated to be in use at least until 2070. The Bay Plan Climate Change policies state, in part, that "...within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects...should be designed to be resilient to a mid-century sea level rise projection. If it is likely the project will remain in place longer than mid-century, an adaptive management plan should be developed to address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for sea level rise at the end of the century." While a levee is 5-6

identified as potentially too expensive and impractical for flood protection past 2050, other potential long-term adaptation measures should be identified in the EIR. Additionally, the discussion of adaptation measures in the DEIR focuses on hard structure solutions. If other nonstructural adaptation measures have been identified, please include them.

5-6  
cont

7. **Shoreline Protection.** The Bay Plan Shoreline Protection policies state, in part, “Whenever feasible and appropriate, shoreline protection projects should include provisions for nonstructural methods such as marsh vegetation and integrate shoreline protection and Bay ecosystem enhancement, using adaptive management. Along shorelines that support marsh vegetation, or where marsh establishment has a reasonable chance of success, the Commission should require that the design of authorized protection projects include provisions for establishing marsh and transitional upland vegetation as part of the protective structure, wherever feasible.” While this project includes a combination of vegetation and riprap in the shoreline protection on the south side of the project, we advise exploring nonstructural, “soft” shoreline protection further within the project design, including potentially along the north shore and at the location of the proposed pier, and minimizing hard structures as shoreline protection to the extent possible. The shoreline protection will need to be consistent with the McAteer-Petris Act requirements for fill and with the Bay Plan Shoreline Protection policies. We will continue to work with you on the shoreline protection details through the design and BCDC permitting processes, including as the shoreline protection relates to sea level rise.

5-7

Thank you for considering our input on the Gateway Park DEIR. These comments are not comprehensive feedback on the project, and we look forward to continuing to work with you as part of the Gateway Park Working Group. If you have any questions, please do not hesitate to contact me at 415-352-3634 or [rebecca.coates-maldoon@bcdc.ca.gov](mailto:rebecca.coates-maldoon@bcdc.ca.gov).

Sincerely,



REBECCA COATES-MALDOON  
Coastal Program Analyst

RCM/cj

cc:

State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812

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# Letter 6

Tomer Petel  
San Francisco Boardsailing Association

Peter Lee  
Assistant Director, Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Subject: Draft EIR for Gateway Park

Dear Mr. Lee:

I represent San Francisco Boardsailing Association, an organization dedicated to preserving and expanding access to the waters of the State, and particularly to San Francisco Bay. We have concerns about the manner in which the subject EIR has been prepared. While there is encouraging language in the document, specifically, the statement on page ES-3 that “Radio Beach would remain accessible to the public as under current conditions”, there are a number of other sections in the document that raise concerns and might actually undermine this promise.

## KITE BOARDING AT RADIO BEACH SHOULD BE RECOGNIZED IN THE ENVIRONMENTAL SETTING

Section 15125 of the CEQA guidelines (14CCR Section 15125) provides:

(a) An EIR **must include a description of the physical environmental conditions in the vicinity of the project, 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. 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 an understanding of the significant effects of the proposed project and its alternatives....

(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. (emphasis added)

SFBA members have been using Radio Beach, which we refer to as Royce Beach, for over a decade. Royce Beach is a launching point for windsurfing and kiting on San Francisco Bay. It is particularly valuable for those new to kiteboarding because it has a sandy beach, and the water offshore is shallow for several hundred yards. This makes it possible for those who are learning to be able to re-launch their kite after falling, or wade to shore safely. There are only a handful of sites around San Francisco Bay with these characteristics.

Royce Beach is used throughout the sailing season. Sailors park near the access road and spread their lines along the beach. Up to 20 sailors have been known to use the beach at the busiest times. So access to both the sandy beach and parking are essential for “Radio Beach to remain accessible to the public as under current conditions.”

6-1  
cont.

There are two fundamental reasons that the use of Royce/Radio beach by kiteboarders should be acknowledged and discussed in the EIR. First, recognizing an established use means that mitigation is not required under CEQA for that use to continue. There are a number of interest groups who reflexively oppose recreational use such as boardsailing, kayaking, beach combing, and even fishing. They have characterized such activities as project impacts, rather than as part of the existing setting, and have insisted that such activities must be banned or restricted. The facts do not support this world view. Our members have used Radio beach for windsurfing, at least occasionally, for over twenty years. During the past 8 years since the Gateway Plan was first proposed but bridge construction was underway, our members discovered this site as a premier kite boarding launch and have used it throughout the sailing season. There were no improvements made by either the East Bay Regional Park District who leases the site, or the Port of Oakland, who owns the site, that were necessary to encourage this use. The use was open and notorious, and relied on our members understanding of the Constitutional provision in California that encourages access to the water. As such, this use is an established part of the environmental setting.

6-2

The other reason that kite boarding needs to be recognized in the environmental setting is that established in Subsection (c) --so that the impact of the project on the existing recreational use can be assessed. There are a number of different provisions in the EIR where the failure to recognize existing uses leads to inadequate analysis. First, also at ES-3, is this sentence: “Radio Beach, an existing area on the north side of I-80, would be for limited, passive recreation.” We can think of few activities more active than kite boarding, and we are concerned that this language will be used here, as it has in other places, to argue for restricting kite boarding access. Second, the EIR calls for provision of only 5 parking spaces at Radio Beach (p. 2-27). There is no comparison of that proposal to existing uses by kiteboarders, people fishing, and people strolling on the beach to be able to conclude whether that is sufficient to protect the existing uses under current conditions. Next, the EIR calls for fencing of portions of the backland at Radio beach with a 6 to 8 foot fence. Depending on its location, that fence could damage kites being launched, and thus interfere with existing uses. Finally, the EIR contemplates using portions of the site as mitigation for other transportation projects. While no specific concepts are included that delineate specific mitigation projects that might interfere with recreation, the EIR also lacks analysis to identify areas where such uses would be inconsistent with recreation, and thus would trigger the projections of Section 4(f) of the Transportation Act.

6-3

6-4

6-5

6-6

We believe that none of these projects can be cleared under an EIR that failed to establish existing levels of recreational use and determine whether those projects would have significant adverse impacts on that use.

6-7

THE EIR GIVES ONLY CURSORY ANALYSIS TO RECREATIONAL POLICIES, PARTICULARLY THOSE IN THE BAY PLAN

The Draft EIR virtually ignores the scoping comments submitted by BCDC. To be sure, BCDC is responsible for protecting and enhancing public access to the water under the MacAteer-Petris Act and the Water Trail legislation. In discussion such as that found in Section 66602 of the Act, the Legislature declares uses like water-oriented recreation “essential to the public welfare.” That section further notes that “existing public access to the Bay is inadequate and additional access should be provided. Bay plan maps call for the development of Gateway Shoreline Park to include non-motorized small boat launching. BCDC’s scoping comments reinforced this with the following language: that “...sites within designated waterfront parks that provide optimal conditions for water-oriented recreational uses should, where appropriate, be enhanced for those uses... [and at a minimum] Sandy beaches should be preserved ... for recreational use...”

6-8

While the EIR discussed, somewhat briefly, access for kayaks it made no mention of access for kite boarding. The site proposed in the EIR for launching kayaks may well be suitable for such purpose, but is completely unsuitable for kite boarding. That sport relies on sufficient area to stretch out lines in preparation for launching a kite, and water with sufficient depth and wind to sail. Neither is available at the proposed pier.

6-9

The lack of recognition of kite boarding use in the existing environmental setting, and the cursory analysis given the BCDC scoping comments means that the EIR fails completely to recognize the one location at the park site that provides optimum conditions for kite boarding, and thus should be preserved if not enhanced.

6-10

With much Thanks  
Tomer Petel  
President, SFBA  
[www.sfba.org](http://www.sfba.org)

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# Letter 7

**From:** Peter Aschwanden  
**To:** [Peter Lee](#)  
**Cc:** [sfbaboard@gmail.com](mailto:sfbaboard@gmail.com)  
**Subject:** DRAFT EIR FOR GATEWAY PARK  
**Date:** Wednesday, February 21, 2018 4:18:47 PM

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From:  
Peter Aschwanden  
635 Central Ave. Unit A  
Alameda, CA

Wed. Feb. 21, 2018

Mr. Peter Lee  
Assistant Director, Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Subject: Draft EIR for Gateway Park

Dear Mr. Lee:

I am a kiteboarder who has used Radio Beach for recreational water access for the past 7 years. Please note that although the draft EIR refers to this kiteboarding site as Radio Beach, it is known to the kiteboarding community as Royce's Beach. I use this site approximately 5-10 times per month during the windy season. When I sail there, I try to park adjacent to the Toll Plaza fence and I have seen as many as 20 other sailors at the site during these times. Over the years we kitesurfer have organized beach cleanup parties and removed lots of trash from this beach.

Among my concerns, the draft EIR designates this site for only passive recreation, and I cannot think of anything more active than kite boarding. Consistent with this designation, it appears there are plans for only a handful of parking spaces (five), and infrastructure such as fencing adjacent to the kiteboarding rigging and launch area, which would make the beach unsafe and therefore unusable for this existing water contact recreational use.

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity.

Thank you very much,

Peter Aschwanden

Cc: San Francisco Boardsailing Association

Sent from my iPad

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# Tom Bates

Peter Lee

Assistant Director,

Bay Area Toll Authority

375 Beale St, Suite 800

San Francisco, CA 94105

Subject: Draft EIR for Gateway Park

Dear Mr. Lee:

Turning my time in the legislature, I was the author of legislation that created the East Shore State Park. I also negotiated the eventual lease of the Radio Beach parcel with Charles Roberts while he was Executive Director of the Port of Oakland. The Port still owns the land, but at my request has leased that land to the East Bay Regional Park District as part of the Park.

As someone who helped bring this park into existence, I support the continued use of Radio Beach for the ongoing, low key recreational activities that occur at the site. Those uses include kite boarding, fishing, bird watching and simply strolling on the beach.

Very truly yours,



Tom Bates

8-1

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# Letter 9

**From:** J B  
**To:** [Peter Lee; sfbaboard@gmail.com](mailto:Peter.Lee:sfbaboard@gmail.com)  
**Subject:** Draft EIR for Gateway Park  
**Date:** Monday, March 12, 2018 9:51:55 AM

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Jay Brockman

473 41<sup>st</sup> St Apt A

Oakland, CA 94609

3/12/18

Mr. Peter Lee

Assistant Director, Bay Area Toll Authority

375 Beale St, Suite 800

San Francisco, CA 94105

Subject: Draft EIR for Gateway Park

Dear Mr. Lee:

I am an advanced kiteboarder who has used Radio Beach for recreational water access for the past 2 years. Please note that although the draft EIR refers to this kiteboarding site as Radio Beach, it is known to the kiteboarding community as Royce's Beach or Toll Plaza. I use this site approximately 16 -25 times per month during windy season. When I sail there, I try to park adjacent to launch directly near the beach or along the fence nearest the highway. I have seen as many as 12-15 other sailors at the site during these times.

Among my concerns, the draft EIR designates this site for only passive recreation, and I cannot think of anything more active than kite boarding. Consistent with this designation, it appears there are plans for only a handful of parking spaces (five), and infrastructure such as fencing adjacent to the kiteboarding rigging and launch area, which would make the beach unsafe and therefore unusable for this existing water contact recreational use. This is my local riding spot. Because it is one of the few sandy beaches which is optimal for beginners and advanced riders to progress, restriction or obstructions downwind of this area is not favorable to this wonderful resource. I pick up garbage here, and do my best to keep the beach clean and safe. The handful of parking spaces suggested could easily be filled by dog walkers as I see them here frequently and especially if the area becomes cleaner and popular. Could you also look into some dog courtesy in regards to beach activity here. There is constant dog feces in this area from negligent dog owners who let their dogs roam off leash.

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity. | 9-1  
cont

Thank you very much,

*Jay Brockman*

# Letter 10

**From:** kcello31@gmail.com  
**To:** [Peter Lee](#)  
**Subject:** Issues with the Draft EIR for Gateway Park  
**Date:** Saturday, March 10, 2018 2:03:08 PM

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Dear Mr. Lee:

My name is Kevin Chang and I am a kiteboarder who has used Radio Beach aka Royce Beach for over 5 years. During the kiteboarding season, I will visit Royce Beach up to three times a week. This beach is where I first learned this quickly growing sport. Radio Beach is one of the safest places in the bay for learning this sport because of its open sandy beach, small crowds, ideal wind speed/direction and shallow sandy sea bottom.

I have become concerned about the future plans for Royce Beach after seeing the draft EIR which does not appear to take into consideration the needs of the kiteboarding community, which is the largest user group of the beach on windy days. It appears that the plan would hurt access for kiteboarding adding unsafe obstacles and only designating a few parking spots. On good windy days, especially in the spring and summer, I have seen over 20 kiteboarders come out to Radio Beach throughout the day. On these days, finding a place to park is especially difficult.

10-1

I am in support of projects that help improve park lands but not at the expense of reducing access and safety. Please understand the uses and needs of kiteboarders and incorporate into the final EIR.

Thank you,  
Kevin Chang

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# Letter 11

**From:** Diana Cheng  
**To:** [Peter Lee; sfbaboard@gmail.com](mailto:sfbaboard@gmail.com)  
**Subject:** EIR draft affecting Kiteboarders  
**Date:** Tuesday, February 27, 2018 3:29:08 PM

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Dear Mr. Lee:

I am a kiteboarder who has used Radio Beach for recreational water access for the past 3 years. Please note that although the draft EIR refers to this kiteboarding site as Radio Beach, it is known to the kiteboarding community as Royce's Beach. I use this site approximately 15 times per month (or year). This was one of the few safe places I learned to kiteboard.

Among my concerns, the draft EIR designates this site for only passive recreation, and I cannot think of anything more active than kite boarding. Consistent with this designation, it appears there are plans for only a handful of parking spaces (five), and infrastructure such as fencing adjacent to the kiteboarding rigging and launch area, which would make the beach unsafe and therefore unusable for this existing water contact recreational use.

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity.

Thank you very much,  
Diana Cheng

11-1

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# Letter 12

**From:** Leo Chen  
**To:** [Peter Lee](#)  
**Subject:** Gateway Park  
**Date:** Thursday, February 22, 2018 2:46:54 PM

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Dear Mr. Lee:

I am a kiteboarder who has used Radio Beach for recreational water access for the past 7 years. Please note that although the draft EIR refers to this kiteboarding site as Radio Beach, it is known to the kiteboarding community as Royce's Beach. I use this site approximately 3 times per month, during the kiting season. When I sail there, I try to park adjacent to the beach and I have seen as many as 15 other sailors at the site during these times. It is an area that sees frequent usage from patrons of our sport.

Among my concerns, the draft EIR designates this site for only passive recreation, and I cannot think of anything more active than kite boarding. Consistent with this designation, it appears there are plans for only a handful of parking spaces (five), and infrastructure such as fencing adjacent to the kiteboarding rigging and launch area, which would make the beach unsafe and therefore unusable for this existing water contact recreational use.

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity.

Thank you very much for your time,

Leo Chen

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Leo Chen | X, a Moonshot Factory | [leofchen@google.com](mailto:leofchen@google.com) | [\(650\)253-8977](tel:(650)253-8977)

12-1

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## Letter 13

Patty Chen . 1265 San Juan Ave, San Jose, CA, 95110

03/ 07/2018

Mr. Peter Lee  
Assistant director, Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Subject: Draft EIR For Gateway Park

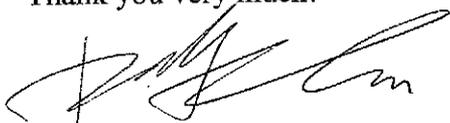
Dear Mr. Lee:

I am a kiteboarder who has used Radio beach for recreational water access for the past 3 years. Please note that although the Draft EIR refers to this kiteboarding site as Radio Beach, it is known to the kiteboarding community as Royce's Beach. I use this site approximately 5 times per month, when I sail there, I try to park adjacent to the Radio Beach, and I have seen many kiteboarders there during wind season.

Among my concerns, the Draf EIR designates this site for only passive recreation, and I cannot think of anything more active than kiteboarding. Consistent with this designation, it appears there are plans for only a handful of parking space(five) and infrastructure such as fencing adjacent to the kiteboarding rigging and launch area, which would make the beach unsafe and therefore unusable for this existing water contact recreational use.

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity

Thank you very much!



Patty Chen  
CC: San Francisco Board Sailing Association

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# Letter 14

**From:** Brian Colety  
**To:** [Peter Lee](#)  
**Subject:** sfbaboard@gmail.com  
**Date:** Tuesday, March 13, 2018 8:59:00 AM

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Mr. Lee,

I am an avid kiteboarder who has recently come to the sport in the last three years. While the Bay Area has a wide variety of kiteboarding spots, a wide variety of spots are only accessible for intermediate or advanced kiteboarding. Radio Beach in Oakland is one of the exceptions to this and needs to be preserved as a viable kiteboarding spot.

Radio Beach is a great beginner friendly location for the following reasons:

1. Centrally located in the East Bay.
2. Wind blows across the bay from the SF Golden Gate bridge, so wind is almost always "cross-onshore" or onshore. That is a safety bonus, as any issues with a kite, the wind will push you back to the shore instead of out to the middle of the bay.
3. Beach is shallow even 50-100 yards out. This means beginners can kite and put their feet down to "reset" become more comfortable in the water flying the kite.
4. Long and wide sandy beach. Allows for people to spread out and safely setup their kites. Much longer than the kite beaches at "RaceTrack" or Marina Bay.

14-1

I've been kiting at Radio Beach for the last 3 years and it has become my go to beach in the bay area for when I can get out to kiteboard. There are a group of 15-20 locals who use the beach religiously every spring and summer when the wind emerges from the winter. I have seen as many as 40 kites there on a few days when the wind was just right and it was the best place to grab the wind. 5 parking spots is definitely not enough. Currently there are spots for at least 20-30 cars, and while that is the exception rather than the rule, I would think at 15 car parking lot would be more appropriate.

As the redesign of Radio Beach/Gateway Park goes forward, please protect legacy kiteboarding access to Radio Beach!!

Thank you,  
Brian Colety  
bcolety@yahoo.com  
415-271-0986

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# Letter 15

From: Steve De Alba

25 Feb 18

4818 Morwood Dr.

Richmond, Ca 94803

Mr. Peter Lee  
Assistant Director, Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Subject: Draft EIR for Gateway Park

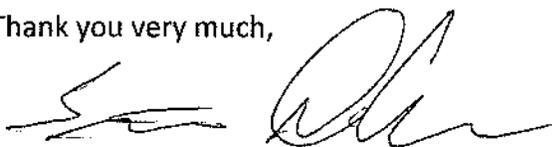
Dear Mr. Lee:

I am a kite boarder who has used Radio Beach for recreational water access for the past 9 years. Please note that although the draft EIR refers to this kiteboarding site as Radio Beach, it is known to the kiteboarding community as Royce's Beach. I use this site approximately 10 times per month during the summer months. When I kite there, I try to park adjacent to the fence line along I-80 or along the beach. I have seen as many as 15 other kites at the site during these times on weekends or on windy days.

Among my concerns, the draft EIR designates this site for only passive recreation, and I cannot think of anything more active than kite boarding. Consistent with this designation, it appears there are plans for only a handful of parking spaces (five), and infrastructure such as fencing adjacent to the kiteboarding rigging and launch area, which would make the beach unsafe and therefore unusable for this existing water contact recreational use.

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity.

Thank you very much,



STEVE DE ALBA

Cc: San Francisco Boardsailing Association

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# Letter 16

**Vurlumis, Caroline**

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**From:** Jeffrey Finn <1956madworld@gmail.com>  
**Sent:** Wednesday, February 21, 2018 2:39 PM  
**To:** Peter Lee  
**Subject:** Gateway Park EIR Public comment

Jeffrey Finn

375 Catalina Blvd Apt 102

San Rafael Ca. 94901

2/21/2018

Mr. Peter Lee

Assistant Director, Bay Area Toll Authority

375 Beale St, Suite 800

San Francisco, CA 94105

Subject: Draft EIR for Gateway Park

Dear Mr. Lee:

I am a kiteboarder who has used Radio Beach for recreational water access for the past 10 years. Please note that although the draft EIR refers to this kiteboarding site as Radio Beach, it is known to the kiteboarding community as Royce's Beach. I use this site approximately 20 times each year. When I sail there, I try to park as close as possible and I have seen as many as 20 other sailors at the site during these times.

Among my concerns, the draft EIR designates this site for only passive recreation, and I cannot think of anything more active than kite boarding. Consistent with this designation, it appears there are plans for only a handful of parking spaces (five), and infrastructure such as fencing adjacent to the kiteboarding rigging and launch area, which would make the beach unsafe and therefore unusable for this existing water contact recreational use.

16-1

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity.

16-1  
cont

Thank you very much,

Jeffrey Finn

# Letter 17

**From:** David Gordon  
**To:** [Peter Lee](#)  
**Subject:** Toll plaza beach  
**Date:** Wednesday, February 21, 2018 8:57:57 PM

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I have been Kiteboarding Toll Plaza (Radio Beach) for approximately 7 years, both as a beginner and now an advanced rider. The beach access has always been great for parking, solid wind and great comradery. Just looking at the piles of debris and filth on the roads leading to the beach vs the clean organized area at the beach and it is obvious how much care and pride kites who use this beach take in their launch area. I can not think of a better group of motivated people to show what our natural bay resources can be used for in a positive, non polluting way.

Sincerely,

David Gordon  
San Rafael Ca, 94901

17-1

Sent from my iPad

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# Letter 18

**From:** David  
**To:** [Peter Lee](#)  
**Subject:** Draft EIR for Gateway Park  
**Date:** Monday, February 26, 2018 8:42:03 AM  
**Attachments:** [PastedGraphic-1.tiff](#)

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David Hermele  
2308 Prince Street  
Berkeley, California  
February 26, 2018

Mr. Peter Lee  
Assistant Director, Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Subject: Draft EIR for Gateway Park

Dear Mr. Lee:

I am a kiteboarder who has used Radio Beach for recreational water access for the past 1 year. I am new to kiteboarding and this location is the closest to my home. It is a valuable resource for me to be able to use and enjoy. Please note that although the draft EIR refers to this kiteboarding site as Radio Beach, it is known to the kiteboarding community as Royce's Beach. I use this site approximately 20 times per year. When I sail there, I try to travel there on motorcycle and not take up too much space. I have seen as many as 6 other sailors at the site during these times.

Among my concerns, the draft EIR designates this site for only passive recreation, and I cannot think of anything more active than kite boarding. Consistent with this designation, it appears there are plans for only a handful of parking spaces (five), and infrastructure such as fencing adjacent to the kiteboarding rigging and launch area, which would make the beach unsafe and therefore unusable for this existing water contact recreational use.

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity.

18-1  
cont

Thank you very much,



*David Hermele*

# Letter 19

**From:** F. Jea.  
**To:** [Peter Lee](#)  
**Subject:** Preserve Water Access for Kiteboarding at "Radio" (a.k.a. "Royce") Beach in Emeryville  
**Date:** Wednesday, March 7, 2018 4:27:01 PM

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Francois Jeanneau  
1403 Scenic Ave  
Berkeley CA 94708  
cel: 510 928 5617

Date: March 7, 2018

Mr. Peter Lee  
Assistant Director, Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Subject: Draft EIR for Gateway Park

Dear Mr. Lee:

I am a kiteboarder who has used Radio Beach for recreational water access for the past 10 years. Please note that although the draft EIR refers to this kiteboarding site as Radio Beach, it is known to the kiteboarding community as Royce's Beach or Toll Plaza. I use this site approximately 4 to 10 times per month. When I sail there, I try to park adjacent to the road, and I have seen as many as 15 other sailors at the site during these times.

Among my concerns, the draft EIR designates this site for only passive recreation, and I cannot think of anything more active than kite boarding. Consistent with this designation, it appears there are plans for only a handful of parking spaces (five), and infrastructure such as fencing adjacent to the kiteboarding rigging and launch area, which would make the beach unsafe and therefore unusable for this existing water contact recreational use.

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity.

Thank you very much,

*Francois Jeanneau*

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# Letter 20

**From:** Lyle Johnson  
**To:** [Peter Lee](#)  
**Cc:** [sfbaboard@gmail.com](mailto:sfbaboard@gmail.com)  
**Subject:** Draft EIR for Gateway Park  
**Date:** Thursday, March 8, 2018 4:06:25 PM  
**Attachments:** [Brett kite practice 070617 2.jpg](#)

---

Mr. Peter Lee  
Assistant Director, Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Dear Mr. Lee:

I am a kitesurfer who has used Toll Plaza (Royce/Radio) Beach for the past 6+ years for kiteboarding, walking my dog, flying kites with kids and teaching my kids to kitesurf. I live in Piedmont and work in Oakland so Royce Beach is very convenient for me and my family. I typically kitesurf at this beach 2-4 times per week from March through September and then a few times through the winter. I take my kids and/or dog there at least 3 times per month during the summer to fly kites, hang out and teach them to kitesurf – in fact I am attaching a picture of one of my sons flying a kite at Royce Beach last summer. Royce Beach is one of three safe places to kitesurf in the East bay and one of only TWO places that are safe and shallow enough to teach kitesurfing. Whenever I am there to kitesurf I typically see between two to eight other kitesurfers using this site and parking along both sides of the main beach in addition to one to two windsurfers. Sometimes I see windsurfers land on the beach and hang out after riding all the way from Berkeley marinal have used both the small beach and the main beach to launch and land depending upon time of year and wind direction. Also, I typically see one to two cars there with fisherman parking lower by the gate and paved pathway and another one to two cars of beach goers or kayakers.

I am very concerned with the draft EIR designating this site for only passive recreation when I and so many others have used this beach for years for active recreation like kitesurfing, windsurfing and kayaking. I feel that any new fencing put up would negatively impact all of these sports by adding dangerous barriers for kites and other equipment to become entangled on and or reducing the actively used area of the beach and near the parking. Kitesurfers, windsurfers and kayakers all use the area near the parking area (railroad ties) and dirt parking area for staging our equipment before and or after a ride. We require a space near our cars to unload equipment and pump up kites and break down kites after riding just like the windsurfers who have even more equipment that is even bulkier. This staging area is also used as a social area for meeting others participating in this activity before and after we go out.

I understand the EIR is also planning to reduce the number of parking spaces to five which is a ridiculously low number! I believe in all of my years kitesurfing this beach that when its windy there are rarely less than five cars parked here and sometimes upwards of twelve. On rare big wind days I have even seen over 20 cars parked near Royce Beach. A couple times per year my kids and I organize a beach cleanup day which brings in more than 5 cars of adults & kids just for that activity

alone. I hope that all development plans will not restrict parking any further than it is now and especially will not add any fencing or high barricades that could endanger people and equipment.

I hope that you are able to relay this information and help ensure that Royce Beach continues to be a great place for active water sports like kitesurfing for many years to come. Thank you for your efforts to improve Royce Beach for all current and future users.

Best,

Lyle Johnson  
54 Sotelo Ave.  
Piedmont, CA 94611  
C 510.384.0461  
[lyle@ljwealthmgt.com](mailto:lyle@ljwealthmgt.com)

20-1  
cont

# Letter 21

**From:** Gregory Lasserre  
**To:** [Peter Lee](#)  
**Cc:** [sfbaboard@gmail.com](mailto:sfbaboard@gmail.com)  
**Subject:** Draft EIR for Gateway Park  
**Date:** Saturday, February 24, 2018 11:21:07 PM

---

Attn. Mr. Peter Lee

Assistant Director, Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Subject: Draft EIR for Gateway Park

Dear Mr. Lee:

I am a kiteboarder who has used Radio Beach for recreational water access for the past 5 years. Please note that although the draft EIR refers to this kiteboarding site as Radio Beach, it is known to the kiteboarding community as Royce's Beach. I use this site approximately 8 times per year. When I sail there, I try to park adjacent to the beach, and I have seen as many as 10 other sailors at the site during these times.

Among my concerns, the draft EIR designates this site for only passive recreation, and I cannot think of anything more active than kite boarding. Consistent with this designation, it appears there are plans for only a handful of parking spaces (five), and infrastructure such as fencing adjacent to the kiteboarding rigging and launch area, which would make the beach unsafe and therefore unusable for this existing water contact recreational use.

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity.

Thank you very much,

Gregory LASSERRE

814 intrepid ln, 94065 Redwood city, CA

+1 (415) 509-6147

21-1

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# Letter 22

**From:** Litewave Dave  
**To:** [Peter Lee](#)  
**Subject:** Toll Plaza Beach  
**Date:** Tuesday, March 6, 2018 1:24:00 PM  
**Attachments:** [image001.jpg](#)

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Please keep this access open to kiteboarding. Myself and many people use this beginner kiteboarding spot for recreation. It is the best spot in the bay for beginners because of it's great wind and shallow waters.

22-1

I would appreciate access.

-Litewave Dave

[www.litewavekiteboards.com](http://www.litewavekiteboards.com)

[info@litewavedesigns.com](mailto:info@litewavedesigns.com)

+1 (916) 872-4887

[www.facebook.com/litewavedaveturner](https://www.facebook.com/litewavedaveturner)

kick\_top\_02



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## Letter 23

Paul Miller  
1678 16th St  
Oakland, CA, 94607

February 22, 2018

Mr. Peter Lee  
Assistant Director, Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Subject: Draft EIR for Gateway Park

Dear Mr. Lee:

I am a kiteboarder who has used Radio Beach for recreational water access since I moved to California in mid-2016. Please note that although the draft EIR refers to this kiteboarding site as Radio Beach, it is known to the kiteboarding community as Royce's Beach or Toll Plaza. Between April and October, I use this site approximately four times per month. This is my main sailing spot, and I rarely sail anywhere else. This is a valuable site for kiteboarders as it is relatively safe compared to other launching sites, and is appropriate for beginner sailors.

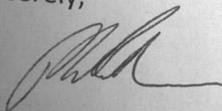
When I sail there, I try to park adjacent to the south end of the beach, either along the fence that separates the I-80 or on the north side of the track by the beach. I have seen as many as 15 other sailors and 10 cars at the site during these times.

Among my concerns, the draft EIR designates this site for only passive recreation, and I am unsure where kiteboarding fits in this designation. Consistent with this designation, it appears there are plans for only a handful of parking spaces (five), and infrastructure such as fencing adjacent to the kiteboarding rigging and launch area, which would make the beach unsafe and therefore unusable for this existing water contact recreational use.

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity.

Thank you very much.

Sincerely,



Paul Miller

Cc: San Francisco Boardsailing Association

23-1

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# Letter 24

**From:** Mandy Xie  
**To:** [Peter Lee](#)  
**Cc:** [sfbaboard@gmail.com](mailto:sfbaboard@gmail.com)  
**Subject:** Draft EIR for Gateway Park  
**Date:** Thursday, February 22, 2018 2:49:53 PM

---

Qiu Xie (Mandy)  
457 Greenbrier Ct.  
Benicia, CA 94510  
2/22/18

Mr. Peter Lee  
Assistant Director, Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Dear Mr. Lee:

I am a kiteboarder who has used Radio Beach for recreational water access for the past 4 years. Please note that although the draft EIR refers to this kiteboarding site as Radio Beach, it is known to the kiteboarding community as Royce's Beach. I use this site approximately 15 times per month during kiteboarding season. When I kite there, I try to park adjacent to the beach, and I have seen as many as 20 other kites at the site during these times.

Among my concerns, the draft EIR designates this site for only passive recreation, and I cannot think of anything more active than kiteboarding. Consistent with this designation, it appears there are plans for only a handful of parking spaces (five), and infrastructure such as fencing adjacent to the kiteboarding rigging and launch area, which would make the beach unsafe and therefore unusable for this existing water contact recreational use.

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity.

Thank you very much.

Yours sincerely,  
Qiu Xie (Mandy)

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# Letter 25

**From:** Weston Settlemer  
**To:** [Peter Lee](#)  
**Cc:** [sfbaboard@gmail.com](mailto:sfbaboard@gmail.com)  
**Subject:** Draft EIR for Gateway Park  
**Date:** Thursday, March 8, 2018 5:48:19 PM  
**Attachments:** [image001.png](#)

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Mr. Peter Lee  
Assistant Director, Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Dear Mr. Lee:

I am a kitesurfer who has used Toll Plaza (Royce/Radio) Beach for the past 5 years for kiteboarding, flying kites and teaching my kids to kitesurf. I live in Piedmont and work in San Leandro, so Royce Beach is very convenient for me and my family. I typically kitesurf at this beach 2-4 times per week from March through September and then a few times through the winter.

Royce Beach is one of three safe places to kitesurf in the East bay and one of only TWO places that are safe and shallow enough to teach kitesurfing. Whenever I am there to kitesurf I typically see between two to eight other kitesurfers using this site and parking along both sides of the main beach in addition to one to two windsurfers. Sometimes I see windsurfers land on the beach and hang out after riding all the way from Berkeley marina. I have used both the small beach and the main beach to launch and land depending upon time of year and wind direction. Also, I typically see one to two cars there with fisherman parking lower by the gate and paved pathway and another one to two cars of beach goers or kayakers.

I am very concerned with the draft EIR designating this site for only passive recreation when I and so many others have used this beach for years for active recreation like kitesurfing, windsurfing and kayaking. I feel that any new fencing put up would negatively impact all of these sports by adding dangerous barriers for kites and other equipment to become entangled on and or reducing the actively used area of the beach and near the parking. Kitesurfers, windsurfers and kayakers all use the area near the parking area (railroad ties) and dirt parking area for staging our equipment before and or after a ride. We require a space near our cars to unload equipment and pump up kites and break down kites after riding just like the windsurfers who have even more equipment that is even bulkier. This staging area is also used as a social area for meeting others participating in this activity before and after we go out.

I understand the EIR is also planning to reduce the number of parking spaces to five which is a ridiculously low number! I believe in all of my years kitesurfing this beach that when it's windy there are rarely less than five cars parked here and sometimes upwards of twelve. On rare big wind days, I have even seen over 20 cars parked near Royce Beach. I hope that all development plans will not restrict parking any further than it is now and especially will not add any fencing or high barricades that could endanger people and equipment.

I hope that you are able to relay this information and help ensure that Royce Beach continues to be a great place for active water sports like kitesurfing for many years to come. Thank you for your efforts to improve Royce Beach for all current and future users.

25-1  
cont



**WESTON J. SETTLEMIER**

President & CEO  
Bigge Crane and Rigging Co.

Email: [wsettlemier@bigge.com](mailto:wsettlemier@bigge.com)

Office: [510.638.8100](tel:510.638.8100)

Direct: [510.639.4049](tel:510.639.4049)

Cell: [510.918.4602](tel:510.918.4602)

10700 Bigge Avenue  
San Leandro, CA 94577

# Letter 26

**From:** Victor Soskin  
**To:** [Peter Lee](#)  
**Subject:** Draft EIR for Gateway Park  
**Date:** Friday, February 23, 2018 9:53:29 AM

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To: Mr. Peter Lee  
Assistant Director, Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Hello Mr. Lee,

I'm SF Bay Area kiteboarder and I've used available bay, delta and coast beaches for recreational water access for the last 7 years.

I have concerns that draft EIR would make Royce Beach (specified as Radio beach in EIR) unsafe and unusable for existing recreational use.

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity.

Thank you

--

Victor Soskin  
6 Holcomb ct,  
Walnut Creek, CA

26-1

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## Letter 27

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**From:** andrew sullivan <a\_e\_sullivan@yahoo.com>  
**Sent:** Tuesday, March 06, 2018 2:59 PM  
**To:** Peter Lee  
**Subject:** Design improvements to Gateway Park aka 'Royce' or 'Toll Plaza'

Mr. Lee, I recently learned that BATA is considering changes to the location generally known by kiteboarders as 'Royce' or 'Toll Plaza'. I have been kiting at this location for over 5 years and this site has, for a variety of reasons, become one of the more popular launch sites in the East Bay. On a number of occasions I've counted over 20 kilters on the water and that number has been consistently growing over the years. Given the increasing popularity of the sport and this site's ideal location for both East Bay and SF kilters, we can only expect it's popularity to increase.

I work with a number of individuals that, through the Bay Area's most active Facebook groups, represent kilters throughout the Bay and Northern California. I recently worked directly with the East Bay Parks, The Bay Trail and the City of Albany to ensure that designs for Albany Beach (by the GGF Racetrack) accommodate the existing use of kilters. Balancing the various needs of different user groups is challenging, but it can be done and it requires direct involvement from the locals that actually use the site. While groups such as the SFBA and others do commendable to advocate for water access, they are not the actual users of this site. Not only do I use this site multiple times per week during the season, but I am directly connected to most of the regular users that kite there. Finally, I am working with other kilters who are considered 'regulars' at major launch sites to improve safety and outreach in our community.

27-1

While the existing Gateway Park site has some challenges, particularly during high tide, it does manage to elegantly accommodate 15+ cars. The lack of any obstacles on the beach (something critical for safe launch and landing) also makes this location both an excellent location for beginners as well as an ideal launch point for those venturing deeper into the Bay. Any reduction in parking or the addition of any structure near the beach area would both significantly decrease access and increase the risk of incidents while launching and landing kites.

I encourage you to actively engage our community as improvements are considered in order to avoid unintentional consequences in design. As a regular user, it is clear that kilters are by far the primary daytime users of this beach from March-September. Our presence has made this beach safer for others to attend (when I first started kiting here, the parking lot and beach were pretty sketchy) and while we support multiple users of the beach, we do want to make sure that design changes do not result in changes that significantly compromise our ability to use this unique site.

I can be reached at this email address or by phone at 415.740.8913.

Sincerely,

Andrew Sullivan

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# Letter 28

**From:** Clint Suson  
**To:** [Peter Lee](#)  
**Subject:** Draft EIR for Gateway Park  
**Date:** Thursday, February 22, 2018 4:13:22 PM

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I am a kiteboarder who has used Radio Beach for recreational water access for the past 3 years. Please note that although the draft EIR refers to this kiteboarding site as Radio Beach, it is known to the kiteboarding community as Royce's Beach. I use this site approximately 3 times per week. When I sail there, I try to park adjacent to beach, and I have seen as many as 10 other sailors at the site during these times.

Among my concerns, the draft EIR designates this site for only passive recreation, and I cannot think of anything more active than kite boarding. Consistent with this designation, it appears there are plans for only a handful of parking spaces (five), and infrastructure such as fencing adjacent to the kiteboarding rigging and launch area, which would make the beach unsafe and therefore unusable for this existing water contact recreational use.

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity.

Thank you very much,

Clint Suson

28-1

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# Letter 29

**From:** Jerry Tanaka  
**To:** [Peter Lee](#)  
**Cc:** [sfbaboard@gmail.com](mailto:sfbaboard@gmail.com)  
**Subject:** Draft EIR for Gateway Park - Concerns, Issues and Opportunities  
**Date:** Friday, March 9, 2018 11:30:16 AM

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Mr. Peter Lee  
Assistant Director, Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Dear Mr. Lee:

First I love to Kitesurf and have been for years now. My family and friends have surfed the past few years at Toll Plaza and also used it for flying kites and teaching my family and friends to kitesurf. I live in Alameda and work in Oakland, so Royce Beach is very convenient for me and my family.

Royce Beach is one of three safe places to kitesurf in the East bay and one of only two places that are safe and shallow enough to teach kitesurfing. Whenever I am there to kitesurf I typically see between two to eight other kitesurfers using this site and parking along both sides of the main beach in addition to one to two windsurfers. Sometimes I see windsurfers land on the beach and hang out after riding all the way from Berkeley marina. There is also typically a few cars there with fisherman parking lower by the gate and paved pathway and another one to two cars of beach goers or kayakers.

Many of my friends, family and colleagues are very concerned with the draft EIR designating this site for only passive recreation when I and so many others have used this beach for years for active recreation like kitesurfing, windsurfing and kayaking. I feel that any new fencing put up would negatively impact all of these sports by adding dangerous barriers for kites and other equipment to become entangled on and or reducing the actively used area of the beach and near the parking. Kitesurfers, windsurfers and kayakers all use the area near the parking area (railroad ties) and dirt parking area for staging our equipment before and or after a ride. We require a space near our cars to unload equipment and pump up kites and break down kites after riding just like the windsurfers who have even more equipment that is even bulkier. This staging area is also used as a social area for meeting others participating in this activity before and after we go out.

There is an understanding that the EIR is also planning to reduce the number of parking spaces to five which is a ridiculously low number! We hope that all development plans will not restrict parking any further than it is now and especially will not add any fencing or high barricades that could endanger people and equipment.

I hope that you are able to relay this information and help ensure that Royce Beach continues to be a great place for active water sports like kitesurfing for many years to come.

Thank you for your efforts to improve Royce Beach for all current and future users.

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# Letter 30

**From:** kirk@vanmoon.com  
**To:** [Peter Lee](#)  
**Cc:** [Yanick Dusseault](#); [Douglas Seiler](#); [F. Jea.](#); [Lyle Johnson](#); [ludolater@yahoo.com](#); [Xavier Mayali](#); [John Woolard](#); [Wes Settlemier](#); [Sander Caldwell](#); [Joseph A. Hearst](#); [Kevin Chang](#); [Chris Beech](#); [Erin Loscocco](#); [Andrew Sullivan](#); [John Weaver](#)  
**Subject:** Preserve Water Access for Kiteboarding at "Radio" (a.k.a. "Royce") Beach in Emeryville  
**Date:** Wednesday, March 7, 2018 9:51:06 AM

---

Peter Lee, Assistant Director, Bay Area Toll Authority  
375 Beale St, Suite 800  
San Francisco, CA 94105

Dear Mr. Lee,

My name is Kirk van Moon and I live in Oakland, CA. I am an avid kiteboarder (the sport is also referred to as "kite surfing"). Over the course of 10 years of practicing this exciting endeavor, I have come to enjoy the launch area known as "Radio Beach" in Emeryville, adjacent to the Bay Bridge Toll Plaza. To the kiteboarding community, this area is referred to as "Royce Beach", in memory of a kitesurfing instructor who put the spot on the map and was later murdered in Oakland in an unrelated incident.

With this email, I am making an official request that the Bay Area Toll Authority, East Bay Regional Parks and any other municipality or organization involved in planning for this site, work together with the kiteboarding community to keep this important East Bay launch site open and safe for watersports access, including windsurfing, kiteboarding, kayaking, stand-up paddling, etc., etc.

The San Francisco Boardsailing Association (SFBA) and other community members are (and will continue to be) available for consultation in regards to site planning, safe access, launch area materials/groundcover and overview of possible objects (i.e. fences, benches, lighting, etc.), which could pose a risk to safe launching and landing of kitesurfing equipment.

I also officially request to be kept informed as to the plans for this site as they progress. My contact information is below.

Many thanks.

Kirk out

Kirk van Moon -----> [kirk@lansharks.net](mailto:kirk@lansharks.net)  
LANsharks Consulting -----> <http://www.lansharks.net>  
510-601-KIRK -----> (510-601-5475)

\*\*\*I see more hard drive failures than I'd care to think about. Have you backed up your machine today?\*\*\*

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# Letter 31

**From:** Brynne Weeks  
**To:** [Peter Lee](#)  
**Subject:** Draft EIR for Gateway Park  
**Date:** Tuesday, March 13, 2018 5:11:02 PM

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Dear Mr. Lee,

I am a kiteboarder who has used Radio Beach for recreational water access for the past 3 years. I have also used Radio beach for dog walking.

I access the beach for kiteboarding 20 times per year, and for dog walking 10 times per year, for a total of 30 times per year. I have visited the beach in both winter and summer months.

I park adjacent to the beach, or just east of the beach when it is crowded with cars. I have seen as many as 20 cars at the beach at one time.

The visitors I have seen at the beach include walkers, fishers, and kiteboarders. I have only seen up to a handful walkers and fishers; however, on windy days, it is the kiteboarders who account for the critical mass of bodies and cars at the beach (~20 cars; ~30 people).

Among my concerns, the draft EIR designates this site for only passive recreation, and I cannot think of anything more active than kiteboarding. Consistent with this designation, it appears there are plans for only a handful of parking spaces (five) and infrastructure such as fencing adjacent to the kiteboarding rigging and launch area, which would make the beach unsafe and therefore unusable for this existing water contact recreational use.

Please ensure that all policies and findings in the final EIR fully support this existing water contact recreational activity. Information provided by the San Francisco Boardsailing Association (SFBA) should direct and guide your understanding of how to ensure the site remains accessible and safe for kiteboarding use.

Thank you very much,

Brynne Weeks

**Brynne Weeks**  
MS Candidate  
Environmental Engineering  
University of California - Berkeley

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# Letter 32

**From:** John Woolard  
**To:** [Peter Lee](#)  
**Cc:** [sfbaboard@gmail.com](mailto:sfbaboard@gmail.com)  
**Subject:** Toll Plaza Kiteboarding  
**Date:** Thursday, March 8, 2018 4:40:34 PM

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Mr. Peter Lee  
Assistant Director, Bay Area Toll Authority  
[375 Beale St, Suite 800](#)  
[San Francisco, CA 94105](#)

Dear Mr. Lee:

I am one of many kitesurfers who regularly use the Toll Plaza (Royce/Radio) Beach kiteboarding site. I live and work in Oakland, and use Toll Plaza 2-3 times per week during the main kiteboarding season- generally March through October. My 14 year old son and I were just kiteboarding out there in February, and it is one of the only safe kiteboarding areas for beginners/intermediates in the Bay Area. He can only kite at Toll Plaza and Alameda, but the wind blows much more regularly at Toll Plaza - in fact it is a much better site with strong winds 2-3 times as often as other spots.

I have always seen other kiteboarders at Toll plaza, and would estimate that there are likely 30-50 core riders who go there frequently, with many others using the spot occasionally. There are generally 4-10 cars there on an average day, with as many as 15-20 kites/cars on a crowded day. In addition, there are others who use the beach, such as fishermen and dog walkers, but not as many as kiteboard. This beach is mainly used as a kiteboarding beach.

We are all very concerned with the draft EIR designating this site for only passive recreation, as the fencing would be dangerous for kiteboarding, and we would need enough parking (15-20 spots) to accommodate the busy days. At least 10 parking spots and a staging area for the less busy days. Along with other kiteboarders, we have done beach cleanup days, cleared staging areas of brush and debris, and kept the site fairly well maintained on a purely volunteer basis. This is an excellent and unique kiteboarding spot, my son, dogs, and I go frequently, and we would hope that the most dedicated and consistent users of this area would be considered in the EIR.

I hope that you are able to help us ensure that Royce Beach continues to be a great place for active water sports like kitesurfing for many years to come. Thank you for your efforts to improve Royce Beach for all current and future users.

Best,

John and Whit Woolard

PS- I have personally introduced over 10 people to Royce Beach as a kiteboarding spot, and they all love it!

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This chapter includes responses for each of the numbered comments identified in the comment letters in Chapter 2, *Comments Received on the Draft EIR*. Each response begins with a brief summary of the comment, responds to the comment, and then identifies if revisions to the DEIR are required. Revisions to the DEIR are included in Volume II, *Revised Draft EIR*.

In responding to comments, CEQA does not require a Lead Agency to conduct every test or perform all research, study or experimentation recommended or demanded by commenters. Rather, a Lead Agency need only respond to significant environmental issues and does not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines secs. 15088, 15204).

## 3.1 Master Responses

### 1. Kiteboarding and Recreation at Radio Beach

Twenty-six individuals (Comment Letters 7 through 32) and two organizations (the Rio Vista Windsurfing Association and the San Francisco Boardsailing Association - SFBA) expressed concerns about continued use of Radio Beach for kiteboarding (also called kitesurfing). Specific concerns include the lack of description in the DEIR of current kiteboarding activity at Radio Beach, the possibility that Gateway Park may not allow kiteboarding at Radio Beach if the area was designated for “passive recreation,” the potential that new fencing proposed to protect wetlands in and adjacent to Radio Beach may interfere with kiteboarding launching and landing, and parking. Responses to each of these concerns are provided below.

The DEIR describes the existing use of the project site in Section 3.9, *Land Use*. This section did not describe the existing kiteboarding use at Radio Beach. Based on the information provided by the individual commenters and the SFBA, the Radio Beach site is frequently used by kiteboarders for launching and landing. The site is accessed by individual vehicles. Parking occurs at informal dirt areas in the vicinity and along the access road. The level of use varies, with often up to 15 to 20 kiteboarders using the site on favorable wind days and sometimes more. Up to 15 to 20 cars access the site on busy days. In addition, the site is used for bird-watching, fishing and other beach uses (walking, sitting, etc.). This information has been added to Section 3.9, *Land Use*, of the DEIR, to recognize this existing recreational use.

The DEIR’s description of passive recreational use as the proposed use for Radio Beach was not intended to preclude kiteboarding. Instead, the term “passive” was intended to indicate that no motorized recreational use, such as motorized recreational vehicles or boats, and no active recreational facilities (such as ball courts, climbing walls, etc.) would be allowed at Radio Beach, including the beach, wetland, and water areas. Overnight camping will not be allowed. Access to the beach from the parking area will be by foot only. All other forms of non-motorized recreation including walking, bird watching, fishing, kiteboarding, windsurfing, and kayak launching will continue to be allowed at Radio Beach. This clarification of the term “passive” as it relates to Radio Beach has been added to Chapter 2, *Project Description*, and to Section 3.9, *Land Use*, of the DEIR.

1 There is an extensive wetland area east of Radio Beach which provides habitat for common,  
2 threatened, and endangered wildlife species. At present, these wetlands are not protected from  
3 inadvertent encroachment by beach users or along the access road. In Chapter 2, *Project Description*,  
4 the DEIR describes that the project could also include installation of a permanent fence to protect  
5 the environmentally sensitive existing tidal marsh area. It also describes that the fence would be  
6 approximately 1,670 feet long, likely 6 to 8 feet high and that the fence type has not been  
7 determined but could be chain link, decorative metal, or some other material.

8 Commenters and the SFBA expressed concern that a high fence could interfere with kiteboarding  
9 activities when launching and landing at Radio Beach. Separately, SFBCDC also expressed concern  
10 about the aesthetics of fencing at the park. An analysis of the potential aesthetic impacts of the fence  
11 is provided in Section 3.1, *Aesthetics*, of the DEIR. The analysis concludes that impacts would be less  
12 than significant with implementation of Mitigation Measure MM-AES-1, which requires that new  
13 fencing be designed to blend with the surrounding built and natural environment so that the new  
14 features compliment the visual landscape. Notwithstanding, taking into account the concerns  
15 expressed by commenters, the proposed fencing has been modified in Chapter 2, *Project Description*,  
16 and in Mitigation Measure MM-AES-1, to limit fencing to no more than 4 feet high at Radio Beach,  
17 and to prohibit use of chain or mesh style fencing in order to reduce the potential for any  
18 interference with kiteboarding activities. The style for the fence has not been determined, but could  
19 be a wooden beam and post style fence similar to what is commonly used by EBRPD at many of their  
20 park units. The intent of the fencing will be to delineate the environmentally sensitive area clearly  
21 (with signage) and make it clear that entry is prohibited in the fenced area. The project sponsor will  
22 coordinate with current site users, including kiteboarders and SFBCDC, during fencing design to  
23 take site user input into consideration during final design. This commitment has been added to  
24 Chapter 2, *Project Description*, and Mitigation Measure MM-AES-1. Mitigation Measures BIO-1 and  
25 BIO-4 have also been revised to address the concerns expressed by commenters about fencing.

26 In Chapter 2, *Project Description*, the DEIR described that perhaps up to 5 paved parking spaces  
27 would be added to Radio Beach. The intent of these spaces is to provide formal access for mobility-  
28 limited individuals to the site, which is not provided at present. However, no decision has been  
29 made to eliminate informal parking access for other users. Chapter 2, *Project Description*, described  
30 that the informal area could be improved with oyster shell. The description in Chapter 2, *Project*  
31 *Description*, of the DEIR has been modified to describe that overall parking areas will not be limited  
32 below existing conditions and that informal parking will continue to be allowed as at present.

33 With the clarifications and revisions above, the proposed project will not change existing informal  
34 kiteboarding activity and access at Radio Beach and no significant incompatibility with existing  
35 recreational use would occur. Thus, impacts to existing land uses and recreation at Radio Beach  
36 would be less than significant. No recirculation of the DEIR is necessary because the modifications to  
37 the DEIR do not result in the identification of new significant impacts or substantially more severe  
38 impacts.

## 1 **3.2 Individual Responses**

### 2 **Response to Comment Letter 1 (City of Oakland [City])**

#### 3 **Comment 1-1**

4 The comment expresses agreement with “Project Objectives” regarding the primary purpose of the  
5 Project on page 2-8.

6 Comment noted. No revisions to the DEIR are necessary.

#### 7 **Comment 1-2**

8 The comment expresses agreement with “Transportation and Shoreline Objectives” regarding  
9 multimodal connections to the shoreline and regional park on page 2-8.

10 Comment noted. No revisions to the DEIR are necessary.

#### 11 **Comment 1-3**

12 The comment expresses agreement with “Regional Park and Recreation Objectives” on page ES-9,  
13 and recommends that this objective be broadened to include “and history of the former Oakland  
14 Army Base.”

15 The commenter is referring to “Regional Park and Recreation Objectives” which includes: “Provide  
16 opportunities for the interpretation of San Francisco Bay natural resources, transportation history,  
17 and the history of the Port of Oakland.” Page 2-9 of the DEIR has been revised to include the history  
18 of the Port of Oakland, and the history of the former Oakland Army Base.

#### 19 **Comment 1-4**

20 The comment notes that the DEIR is correct in stating that the “West Gateway Public Access Project  
21 is located outside of the Gateway Park and will be implemented under separate project scopes and  
22 by others” and requests that the DEIR clarify that the West Gateway Public Access Project as  
23 described on page 2-2 and in Table 2-3 (page 2-27) is not funded by the City of Oakland.

24 As described on page 2-2 of Chapter 2, *Project Description*, the project area includes the public  
25 access portion of the proposed West Gateway project, a separate project approved by the City of  
26 Oakland which would provide public access features including a parking lot, pedestrian path, and  
27 public plaza. Table 2-3, Potential Parking, lists the City of Oakland as one of the “other agencies that  
28 would implement these parking areas” but does not indicate the City as a funding source. The text on  
29 page 2-2 has been revised to clarify that the City of Oakland is not funding this project. No changes  
30 are necessary to Table 2-3.

#### 31 **Comment 1-5**

32 The comment asserts that the DEIR is unclear regarding which mitigation measure is correlated  
33 with which phase of the project and recommends that the document clarify which mitigation  
34 measures apply to the development of each phase or component of the park in order to further  
35 clarify when they will be implemented.

1 A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared which provides the text of  
2 the mitigation measure and indicates the action(s) to be taken, the implementing party responsible,  
3 the party responsible for monitoring the implementation, and the timing of the action. The timing  
4 column gives information as to when the action should take place relative to the phase of the project.  
5 The MMRP is part of the public record and is available for review at BATA's office located at 375  
6 Beale Street in the City of San Francisco and online at [https://mtc.ca.gov/our-work/plans-  
7 projects/recreation-open-space/gateway-park](https://mtc.ca.gov/our-work/plans-projects/recreation-open-space/gateway-park).

## 8 **Comment 1-6**

9 The City requests that the wording of Mitigation Measures MM-TRA-2, MM-TRA-4, MM-TRA-5, and  
10 MM-TRA-7 be changed to specify that Project Implementer, not the City of Oakland, is responsible  
11 for these MMs.

12 Comment noted. Textual changes have been made to MMs-TRA-2, 4, 5, and 7 replacing "City of  
13 Oakland" with "project implementer."

## 14 **Comment 1-7**

15 The comment requests that the EIR identify which agency will have approval authority over the  
16 implementation of Mitigation Measures MM-TRA-2, MM-TRA-4, MM-TRA-5, and MM-TRA-7.

17 The City of Oakland, Port of Oakland, and/or Caltrans would have approval authority over these  
18 mitigation measures, depending on the component and location. The project implementer will be  
19 responsible for coordinating with these agencies, as applicable, and securing the necessary  
20 approvals. The mitigation measures have been revised to include the relevant agencies. See also  
21 Response to Comment 1-5 regarding the MMRP for the project.

## 22 **Comment 1-8**

23 The comment requests that the EIR specify that the project implementer will be responsible for  
24 seeking and obtaining approval from the regulatory agency and for the implementation of mitigation  
25 measures.

26 See Response to Comment 1-7.

## 27 **Comment 1-9**

28 The comment expresses concern that the approval authority for implementation of mitigation  
29 measures on intersections outside the Project boundary may exist outside the authority of the  
30 project implementer and as such might not be approved or implemented.

31 See Response to Comment 1-7. The mitigation measures are reasonable and affordable measures to  
32 manage project impacts, and it is reasonable to assume that the transportation measures can be  
33 approved by the agencies with authority over the mitigation locations, after review of the measures  
34 and coordination with the project proponent. The measures require the project proponent to work  
35 with the approving agency or agencies to advance the mitigation proposed. Any alterations in the  
36 mitigation must adequately address the subject transportation impact addressed by the current  
37 mitigation. Because approval authority over these measures is outside BATA's jurisdiction, BATA  
38 will make the appropriate finding under CEQA Guidelines section 15091(a)(2) that these measures

1 are within the responsibility and jurisdiction of another public agency and can and should be  
2 adopted by such other agency.

### 3 **Comment 1-10**

4 The comment states that mitigation measures applied to intersections within the City of Oakland  
5 will require the project implementer to apply for and obtain approval from the City. The commenter  
6 notes that the City will work cooperatively with the Project Implementer during implementation.

7 Comment noted. The City of Oakland is among the various federal, state, and regional/local agencies  
8 listed in Table 2-8, *Actions, Permits, and Approvals Needed*, on page 2-36 of Chapter 2, *Project*  
9 *Description*. This table contains the anticipated permits and approvals required for construction of  
10 the proposed project. No change is required.

### 11 **Comment 1-11**

12 This comment requests that Mitigation Measure MM-TRA-6 be reworded to indicate that the project  
13 implementer, not the City of Oakland, will be the responsible party for providing a second  
14 emergency vehicle access to Gateway Park.

15 This text has been revised to clarify that the project implementer shall provide a second emergency  
16 vehicle access to Gateway Park.

### 17 **Comment 1-12**

18 This comment notes two typographical errors showing MM-TRA-7 where MM-TRA-6 should be  
19 shown on page ES-21 and page 3.7-19.

20 The text on pages ES-21 and 3.7-19 have been revised to correct the typographical errors. Text  
21 changes have also been applied to pages 4-18, and 5-15.

### 22 **Comment 1-13**

23 The comment asserts that the Project will require a General Plan amendment and rezoning to allow  
24 recreational uses in portions of the project area where such uses are incompatible with current land  
25 use designations and zoning. The comment refers to Mitigation Measure MM-LU-1, on page 3.9-22,  
26 which states that “The Project Implementer shall initiate and complete the General Plan amendment  
27 and rezoning” and asserts that this is not an adequate mitigation measure because legislative bodies  
28 must retain their discretionary authority over amendments to the General Plan and rezoning. The  
29 commenter recommends a Statement of Overriding Conditions be included and adopted.

30 As discussed in the analysis of Impact LU-1 in the DEIR, the proposed recreational uses within the  
31 Port Playground, Bridge Yard, and Key Point are inconsistent with the City of Oakland’s underlying  
32 land use and zoning designations in those areas (General Industrial/Transportation and Industrial  
33 General/Gateway Industrial District/Heavy Industrial, respectively). In the event that the project  
34 implementer seeks to develop the proposed recreational uses at the Port Playground, Bridge Yard,  
35 and Key Point, the City of Oakland maintains the discretionary authority to adopt a General Plan  
36 amendment and zone change to bring the underlying land use and zoning designations into  
37 conformance with the new on-site uses. The City of Oakland is a member of the Gateway Park  
38 Working Group and has been a long-standing supporter of Gateway Park. Thus, it is reasonably  
39 foreseeable to assume that the City of Oakland will approve a General Plan Amendment and

1 rezoning to allow for Gateway Park development. However, should the City elect not to adopt a  
2 General Plan amendment and/or zone change, the proposed uses could not be implemented on  
3 lands subject to City of Oakland land use jurisdiction. If a smaller version of the project is ultimately  
4 implemented on areas not subject to City of Oakland jurisdiction (e.g., Radio Beach), where there is  
5 no land use conflict, environmental impacts would be less than the levels disclosed in this EIR. No  
6 further analysis under CEQA would be required.

7 As stated on page 3.9-15 of the DEIR, the threshold of significance for determining the project's  
8 impacts with regard to land use consistency is whether the project will conflict with an applicable  
9 land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not  
10 limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the  
11 purpose of avoiding or mitigating an environmental effect. An inconsistency with a land use plan or  
12 zoning is not inherently a physical impact on the environment itself; it is only an impact under CEQA  
13 if it is associated with a physical impact on the environment. This EIR has disclosed all of the  
14 potentially significant environmental impacts of the proposed project related to the proposed  
15 recreational use. No significant unavoidable impacts have been identified in the EIR related to the  
16 compatibility of the park with adjacent industrial uses, after mitigation. The only potential  
17 significant impact associated with land use inconsistency concerns kayak use in an active shipping  
18 channel, which is a common activity in other parts of the Oakland estuary. As discussed in Section  
19 3.9, *Land Use and Planning*, with implementation of Mitigation Measure **MM-LU-2** (Warning signage  
20 re: kayak and Port of Oakland shipping), this inconsistency would result in less than significant  
21 impacts.

22 Accordingly, in response to the comment, the DEIR has been revised to indicate that Impact LU-1  
23 would be significant prior to mitigation due to the potential kayak issue described above, but less  
24 than significant with Mitigation Measure **MM-LU-2**. The original Mitigation Measure **MM-LU-1** in  
25 the DEIR has been deleted because it is not needed to resolve an unmitigated significant land use  
26 impact. A Statement of Overriding Conditions is not required with respect to this topic because there  
27 would be no significant impact.

## 28 **Response to Comment Letter 2 (East Bay Regional Park District** 29 **[EBRPD])**

### 30 **Comment 2-1**

31 The comment expresses support for the Gateway Park project and provides a history of the project's  
32 development. The commenter expressed enthusiasm for refining and improving the parks plans and  
33 providing long-term management of the Park.

34 Comment noted. No revisions to the DEIR are necessary.

## 35 **Response to Comment Letter 3 (Port of Oakland)**

### 36 **Comment 3-1**

37 The comment requests the DEIR be changed from stating the City of Oakland owns Radio Beach to  
38 correctly stating that the Port owns it.

1 Comment Noted. Pages 2.2, 3.1-2, 3.3-10, 3.4-7, 3.5-3 3.9-2, 3.6-4, 3.8-6, 3.9-2, 3.10-1, 3.11-1, 3.12-1,  
2 and 3.13-1 of the DEIR have been revised to state that the Port of Oakland owns Radio Beach.

### 3 **Comment 3-2**

4 This comment requests that the DEIR provide a more detailed description of the existing setting,  
5 including current recreational uses of Radio Beach, and also confirm that the analysis of impacts and  
6 potential conflicts are adequate and that the mitigation measures will be effective.

7 The DEIR has been revised to include a more complete discussion of existing uses at Radio Beach  
8 and mitigation measures have been revised. Please see **Master Response No. 1** and associated  
9 revisions to the DEIR regarding passive recreation, fencing, kiteboarding, and parking at Radio  
10 Beach.

### 11 **Comment 3-3**

12 This comment states that any changes in operations of, improvements/enhancements to, or  
13 development on Radio Beach will require a development permit from the Port of Oakland. The  
14 commenter adds that any locked gates at Radio Beach must maintain access for the Port of Oakland  
15 and any and all tenants with rights on the property, including the lessees of the radio towers.

16 Comment noted. The Port of Oakland is among the various federal, state, and regional/local agencies  
17 listed in Table 2-8, *Actions, Permits, and Approval Needed* on page 2-36 of Chapter 2, *Project*  
18 *Description*. This table contains the anticipated permits and approvals required for construction of  
19 the proposed project. No change is required.

20 The commenter is referring to the Mitigation Measure MM-BIO-15 in Section 3.3, *Biological*  
21 *Resources*, on page 3.3-58, which would require the project implementer to install a locked gate east  
22 of Radio Beach and east of the access road to the radio tower, closing the beach to the public at night.  
23 The project implementer will coordinate with the Port of Oakland along with the lessees of the radio  
24 towers to ensure that access is provided. The MM-BIO-15 text on page 3.3-58 has been revised to  
25 clarify that the implementer will coordinate to ensure access to these parties.

### 26 **Comment 3-4**

27 This comment expresses concern about the proposed location of the kayak launch due to its  
28 proximity to the main ship channel. The commenter asserts this location could provide for an unsafe  
29 situation for kayakers due to vessel and tugboat interactions and therefore Mitigation Measure LU-2  
30 is not sufficient to reduce the potential impacts to a less than significant level.

31 The commenter is referring to the Mitigation Measure **MM-LU-2** in Section 3.9, *Land Use* on page  
32 3.9-26, which would require the project implementer to install warning signage at the Port  
33 Playground kayak launch and on a publically accessible website indicating the potential dangers of  
34 recreational kayaking in the area.

35 San Francisco Bay is a complex boating environment which includes both recreational and  
36 commercial boating activities. Container ships, tankers, oil barges, ferries, and fishing vessels share  
37 space with sailboats and a variety of small personal watercraft, including non-motorized boats such  
38 as kayaks. Of the 588 boating accidents occurring in the State of California in 2016 (the most recent  
39 data available) as reported by the California Division of Boating and Waterways (DBW), canoes and  
40 kayaks accounted for only 24, approximately 4 percent of the total. The majority of these accidents

1 were classified as capsizing (50 percent) or falls overboard (38 percent), with a smaller portion of  
2 these accidents (17 percent) resulting from collision with another vessel (DBW 2018a). While the  
3 collision with other vessels accounted for 35 percent of boating accidents in San Francisco Bay in  
4 2016, the majority of these accidents (42 percent) involved auxiliary sailboats while personal  
5 watercraft accounted for 0 percent (DBW 2018b). The Middle Harbor Shoreline Park, approximately  
6 1 mile south of the proposed Port Playground kayak launch, is a popular launch site for kayaks and  
7 is also located in close proximity to a major shipping channel. Kayaks are also launched at Jack  
8 London Square and transit in the main shipping channel there. Other portions of the SF Bay Area  
9 Water Trail, including Pier 52, Islais Creek, Port of Redwood City, Marina Bay Yacht Harbor, and  
10 Ferry Point are in close proximity to nearby maritime operations but have not experienced  
11 problems with interference between kayakers and other marine vessels. Considering the relative  
12 rarity of kayak collisions with other vessels, and the rarity of kayak collisions in San Francisco Bay,  
13 MM-LU-2 is sufficient to reduce potential impacts to a less than significant level; however, language  
14 encouraging the project implementer to work with the Port of Oakland on developing safety tips and  
15 a public education plan regarding kayak safety has been added to the measure to provide for  
16 additional public safety awareness. No further change is required.

### 17 **Comment 3-5**

18 This comment states that Table 4-2, *Recent, Ongoing, and Foreseeable Projects within 0.5 Mile of*  
19 *Project Area*, includes only the development associated with the Oakland Army Base Redevelopment  
20 Project that occurs within the City of Oakland's portion of the Oakland Army Base and asserts that,  
21 due to the proximity of the Project to the Port, the cumulative analysis should include development  
22 activities at the Port-owned portion as well, including warehouse/distribution facilities and  
23 additional transloading facilities at the Joint Intermodal Terminal.

24 The commenter is referring to Chapter 4, *Other CEQA Considerations*, which analyzes the proposed  
25 project's potential contributions to cumulative impacts. Table 4-2 lists reasonably foreseeable  
26 projects within 0.5 mile of the project area. The commenter is correct in noting that projects  
27 occurring on the Port-owned portion of the Oakland Army Base Redevelopment Project occur within  
28 0.5 miles of the project. Table 4-2 on page 4-3 of the DEIR has been revised to include these projects.

29 While the inclusion of these projects adds industrial square footage to the overall cumulative total, it  
30 does not significantly alter the cumulative analysis in the DEIR. As noted on page 7 of the  
31 *Transportation Impact Analysis* (TIA) in Appendix H of the DEIR, cumulative traffic volumes were  
32 developed through a combination of the forecasts included in the 2012 Oakland Army Base Project  
33 environmental assessment and the West Oakland Specific Plan EIR. The 2012 Oakland Army Base  
34 Project environmental assessment accounted for the build-out of the full Oakland Army Base  
35 Redevelopment Project, including the project components on Port property that have been added to  
36 Table 4-2 in response to this comment. As such, the DEIR's cumulative traffic analysis already  
37 accounts for the full Oakland Army Base Redevelopment Project.

38 With regard to Geology, Hazards, Hydrology, and Utilities cumulative impacts, regulations—which  
39 would apply to all new projects—would bring these impacts to a less than significant level. Further,  
40 with regard to Hazards, the addition of the two Port projects would not affect the project's  
41 contribution to emergency response because Measures MM-TRA-1 and MM-TRA-6 would fully  
42 mitigate the project's impacts and cumulative contribution. With regard to Utilities, water planning  
43 in the East Bay Municipal Utilities District (EBMUD) relied on adopted general plans of the cities and  
44 counties in EBMUD's service area and on a series of meetings with local planning agencies regarding

1 the timing and direction of future development in their respective communities. EBMUD has  
2 projected adequate water supply for projects approved under the existing general plan.

3 With regard to Air Quality cumulative impacts, as BAAQMD's thresholds apply to both project-level  
4 and cumulative impacts (i.e., a project would have a less-than-significant contribution to a  
5 cumulative impact if the project-level impact is less than significant), the addition of new related  
6 projects would not change cumulative impacts since Mitigation Measures MM-AQ-1 through MM-  
7 AQ-6 fully mitigate the project's impacts and cumulative contributions.

8 With regard to Biological Resources cumulative impacts, the mitigation measures included in the  
9 environmental documents for the two additional projects would reduce impacts on protected  
10 biological resources to a less than significant level, with one exception (Redevelopment could result  
11 in a substantial increase in the risk of establishment of invasive species in the San Francisco Bay)  
12 which is a significant and unavoidable impact. The Gateway Park Project also avoids and minimizes  
13 the potential to impact protected biological resources and does not include any introduction of  
14 exotic ballast water; therefore, the Gateway Park Project is not expected to significantly contribute  
15 to the overall cumulative impact on protected biological resources.

16 With regard to Greenhouse Gas Emissions cumulative impacts and Noise cumulative impacts, the  
17 project's contribution to cumulative greenhouse gas emissions and noise impacts would already be  
18 significant and unavoidable, and the addition of the two Port projects does not change this  
19 conclusion.

20 With regard to Aesthetics cumulative impacts, because the project would have a beneficial impact on  
21 the aesthetics of the area, the project would not contribute to a negative cumulative aesthetic  
22 impact.

23 With regard to Cultural Resources cumulative impacts, the addition of the two projects to the  
24 cumulative projects list does not increase the project's potential to affect archaeological and  
25 historical resources, which are site-specific resources.

26 With regard to Land Use, the addition of the two projects to the cumulative projects list does not  
27 change the project's potential to divide a community. Further, these two projects do not change the  
28 project's relationship with applicable planning documents.

29 With regard to Public Services cumulative impacts, if construction of either or both of the two  
30 additional cumulative projects were to occur simultaneously with the project, there could be  
31 significant cumulative traffic and emergency access impacts, if the same roads are used to access the  
32 construction sites. However, as with other cumulative projects, construction activities for the project  
33 would be coordinated with emergency access providers, and any construction delays would be  
34 temporary, not lasting more than a few days. With respect to project operation, the project would  
35 not substantially increase demand for fire protection services, schools, or libraries. Further, the two  
36 additional cumulative projects would not increase demand for East Bay Regional Parks Police  
37 Department police.

38 Therefore, the addition of the two related projects on the Port-owned portion of the Oakland Army  
39 Base Redevelopment Project would not change the results of the cumulative analysis. No further  
40 revisions to the DEIR are necessary.

## 1 **Response to Comment Letter 4 (Rio Vista Windsurfing** 2 **Association)**

### 3 **Comment 4-1**

4 This comment expresses concern that the DEIR designates the project site for passive recreation  
5 when it is actively used for kite boarding. In addition, there is concern surrounding the limited  
6 parking spaces provided and the potential of the proposed fence impacting kite surfing activities.

7 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
8 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 9 **Response to Comment Letter 5 (San Francisco Bay Conservation** 10 **and Development District [BCDC])**

### 11 **Comment 5-1**

12 The comment asserts that the latest amended version of the BCDC permit is 2001.008.42 and should  
13 be corrected in the DEIR.

14 The text has been changed on pages ES-13, 2-9, 2-37, 5-4, and 5-10 of the DEIR to reflect the correct  
15 permit number. No further revisions are necessary.

### 16 **Comment 5-2**

17 The comment references additional policies from the *San Francisco Bay Plan* that would be  
18 applicable to the project.

19 These policies have been added to Section 3.8, *Hydrology and Water Quality*, and Section 3.3,  
20 *Biological Resources*.

### 21 **Comment 5-3**

22 This comment asserts that additional information on Bay fill will be required to determine if  
23 proposed fill is the minimum necessary as part of the BCDC permitting process. The comment  
24 suggests that the EIR should describe upland alternatives considered for the boardwalk trail to  
25 Radio Beach and that Boardwalk siting constraints could be incorporated into the EIR, including  
26 potentially in Section 5.2, *Alternatives Considered*. In addition, the comment suggests adding  
27 information about trails and sea level rise.

28 The EIR provides information on the amount of Bay fill in Section 5.3, *Biological Resources*, based on  
29 the preliminary design of the park as it relates to those elements that might encroach into the Bay.  
30 For the southern shoreline protection, there will be no fill below the mean high tide line and thus no  
31 fill in the Bay. There will be some fill for the protection of the EBRPD outfall, but this feature must of  
32 necessity be in the Bay, and due to location, cannot be feasibly protected without fill. The DEIR  
33 disclosed potential fill for a new pier at Key Point which was limited to foundational piles, but  
34 subsequently BATA has determined that the East Span project will leave existing Bay Bridge piers  
35 near Key Point and thus new fill in the Bay will not be necessary (overwater fill for the pier itself  
36 would be necessary). Section 2.5.2, *Key Point*, of the DEIR has been revised to reflect this change.

1 For the Boardwalk to Radio Beach, the project team did examine various options for the trail. Just  
2 north of Key Point, there is no remaining land under the Bay Bridge and there would be security  
3 concerns about a public trail providing direct access to the bridge foundations. To avoid this security  
4 issue, the trail would have to be in the water as it crosses under the bridge. Heading east on the  
5 north side of I-80, the project team first considered a trail that was aligned north of the existing  
6 riprap on a boardwalk or on fill, but this alternative was rejected due to the amount of fill that would  
7 be required in subtidal habitat. The existing riprap is on a steep slope and is limited in width. In  
8 addition, the trail needs to be at a modest grade to meet Americans with Disabilities Act (ADA)  
9 requirements for trail users of all abilities. With limited width and the inability to rise up alongside  
10 the slope, the only feasible trail alignment uses a portion of the riprap near the water's edge and is  
11 partially over the water. The project team believes this is the only feasible trail alignment to access  
12 Radio Beach from Key Point and thus that it also represents a minimum fill option. No alternative  
13 alignment that would have less fill has been identified in scoping comments, by the project team, or  
14 by DEIR comments, and thus there is no additional alternative that needs to be analyzed in Section  
15 5.2, *Alternatives Considered*. The DEIR does, however, consider an alternative that would have no  
16 trail to Radio Beach and thus no fill in this area.

17 The project is only at a preliminary design level. Further design is not necessary at this time to  
18 adequately disclose the range of impacts. When BCDC permitting takes place, further design work  
19 will be done to provide additional detail on fill and its justification to support the permitting. Table  
20 2-8, *Actions, Permits, and Approvals Needed*, on page 2-36 in Chapter 2, *Project Description*, of the  
21 DEIR lists the permits and approvals from BCDC that would be required to implement the project.

22 Regarding sea level rise, the project is being designed for a 50-year design life taking into account  
23 predicted sea-level rise; the Radio Beach trail will be designed at that level as well. As to trails on the  
24 south side of the park, the site is proposed to be raised with fill for protection up to the 50-year  
25 design scenario including sea level rise (see Section 2.5.5.6, *Shoreline Protection*, on pages 2-29  
26 through 2-30 in Chapter 2, *Project Description*, of the DEIR, and Appendix B, *Sea Level Rise*  
27 *Adaptation Technical Report*).

28 This comment raises no issues that require modification to the DEIR.

## 29 **Comment 5-4**

30 The comment notes that the DEIR includes a 6- to 8-foot fence to protect wildlife in the Radio Beach  
31 area. The comment asserts that there are other fencing designs that could be used for keeping  
32 people and pets out of sensitive areas that have lower visual impact. The comment suggests, if  
33 possible, fence height and materials should be considered as part of MM-AES-1. Finally, the  
34 comment suggests minimization of view impacts from the EBMUD fence should also be discussed.

35 In response to this comment and comments from kiteboarders concerned about potential  
36 interference of a high fence with kiteboarding activity, the design for the fencing on the east side of  
37 Radio Beach has been altered in Chapter 2, *Project Description*, in the FEIR (see Master Response No.  
38 1). The fence height will now be limited to 4 feet and chain-link or mesh fencing will not be used.  
39 The fencing has not been designed yet but it is possible that a wooden beam and post design could  
40 be used to protect the environmentally sensitive wetlands to the east while also having a positive  
41 aesthetic character and minimizing impacts on aesthetic views. As described in revisions in Chapter  
42 2, *Project Description*, of the DEIR, the project proponent will work with BCDC during final fence  
43 design to take into account visual aesthetic concerns for the fence at Radio Beach.

1 As discussed in **Master Response No. 1**, fence height and material considerations have been added  
2 to MM-AES-1.

3 There is no fence proposed at the EBMUD outfall. Instead, as described in Chapter 2, *Project*  
4 *Description*, of the DEIR, a riprap seawall and a retaining wall are proposed. The retaining wall has  
5 not been designed yet. The existing site at Key Point is not visually significant as it is not part of a  
6 vivid landscape, there are no on-site public views, and off-site views are dominated by the existing  
7 substation buildings and the Bay Bridge itself, which will not be substantially altered by a new  
8 retaining wall. Thus, the visual aesthetic impact of retaining wall is less than significant under CEQA  
9 (see pages 3.1-16 through 3.1-21 of Section 3.1, *Aesthetics*, of the DEIR). As the retaining wall will be  
10 adjacent to the Bay, it comes within the BCDC permit jurisdiction and the project proponent will  
11 work with BCDC during permitting to address any aesthetic concerns regarding the retaining wall.

12 As noted above, revisions to the Radio Beach fencing requirements have been added to the FEIR.

### 13 **Comment 5-5**

14 This comment suggests that there should be a scenario in which remediation of contaminated  
15 sediment allows for more water-oriented recreation at the Port Playground, including activities that  
16 involve direct contact with the water. The comment suggests that the FEIR incorporate any  
17 available updated information on cleanup of this site.

18 .

19 There is no new information about the cleanup of the contaminated sediments after release of the  
20 DEIR so there is nothing to add in response to the comment.

21 If, at some point in the future, a plan and a commitment for cleanup is made, then a subsequent  
22 CEQA evaluation of potentially significant impacts could be done by the project proponent at that  
23 time to evaluate the environmental impacts of water-oriented activities that could be allowed in  
24 such a scenario.

25 No issues are raised in this comment that require revisions of the DEIR.

### 26 **Comment 5-6**

27 The comment suggests that it would be helpful to include a summary of the proposed adaptation  
28 measures for the different areas of Gateway Park, including any areas where features will be set  
29 back or raised above the sea level rise projections. The comment also asks if any of the proposed  
30 near-term adaptation measures would involve additional Bay fill. The comment also asks how the  
31 project proposed is to protect the site after 2050. The comment asks what nonstructural adaptation  
32 measures have been identified.

33 Per the *Ballona Wetlands* and *CBIA vs. BAAQMD* court rulings, there is no requirement under CEQA to  
34 analyze the impacts of sea level rise on a project. This EIR has provided substantial detail in regards  
35 to shoreline protection and sea level rise voluntarily to inform the public and agencies, but this is  
36 beyond the mandatory requirements under CEQA. Any requirements necessary for SFBCDC  
37 permitting are separate from CEQA requirements and will be addressed during the BCDC permitting  
38 process.

1 Cross-sections that show the flood levels for the 50-year life of the project are included in Appendix I  
2 in the DEIR. The Sea Level Rise Adaptation assessment is provided in Appendix B to the DEIR. The  
3 NRC projections were used as the best available data at the time of the assessment. During the  
4 design phase, if updated SLR projections are available, they will be used to determine shoreline  
5 protection and upland fill for flood protection.

6 Flood protection for the southern part of the park south of I-80 will be provided out to 50 years (to  
7 2070), taking into account sea level rise. This will be accomplished by raising the entire site 2 to 10  
8 feet south of I-80 with fill and tapering the upper end of shoreline protection to match the design  
9 height (see page 2-30 in Chapter 2, *Project Description*, of the DEIR). No fill in the Bay is proposed for  
10 flood protection; only for the structural protection of the EBMUD outfall from erosion and wave  
11 action. The southern part of the park is limited in extent. As a result, the southern shoreline  
12 protection is placed at the existing water's edge (without encroachment below the mean high tide  
13 line) and then tapered to the raised southern area of the park in order to protect the maximum  
14 usable park area, while avoiding encroachment into the Bay itself. Setting back the park southern  
15 edge is not proposed for these reasons. Regarding other non-structural adaptation measures, as  
16 described in Appendix I, the preliminary shoreline protection along the south shoreline has  
17 incorporated marsh and transitional vegetation into the design for erosion protection. The southern  
18 shoreline is relatively protected from wave action as it does not face the open Bay and thus is less  
19 subject to wave attack. Creation of wetlands to reduce wave energy along the southern shoreline  
20 would either require fill of existing mudflats in the Bay (BCDC comments encourage avoiding Bay  
21 fill) or dedication of additional park area to create wetlands for this purpose (which would reduce  
22 usable park space). Furthermore, while wetlands can help to reduce wave energy, this would not  
23 avoid the need to elevate the site as wetlands do not reduce tide levels, only wave levels.

24 On the north side of the park, as noted in a prior comment, the boardwalk to Radio Beach would be  
25 elevated at the same design height for the 50-year design life of the project to protect from flooding  
26 including sea level rise. There is no proposal for adaptation measures for Radio Beach as elevating  
27 the site would require elimination of the sandy dunes and wetland areas present. Creating wetlands  
28 in order to reduce wave energy would require filling mudflats offshore and the sandy beach to a  
29 higher tidal marsh elevation which would result in a loss of the mudflat and sandy beach habitat  
30 value as well as the beach's recreation value. Eventually Radio Beach will be inundated to a point  
31 that it will no longer be usable; thus, in this area, the project does not include any proposed  
32 adaptation measures to allow for preservation of habitat and recreational value in the remaining  
33 years until the site returns to the Bay.

34 Regarding shoreline protection and fill, the design was altered in most locations to avoid placement  
35 of fill or structure below the high water line for all of the southern shoreline except near the EBMUD  
36 outfall. The shoreline protection is being done to protect against erosion of the park land above the  
37 high tide line; the park is narrow and without shoreline protection substantial parts of the park  
38 would be lost to erosion over time. At the outfall, structural protection is necessary to provide safety  
39 for the outfall itself from erosion and wave action. The outfall location is deeper than the southern  
40 shoreline and thus a sloped vegetated bench is not an option as it is in other areas.

41 Regarding adaptation levels beyond the 50-year lifespan, the cross-sections in Appendix I show  
42 flood elevations with sea level rise. The project has a 50-year lifespan and the preliminary design for  
43 flood protection is based on projected sea level rise between 2050 and 2100. The Sea Level Rise  
44 Adaptation assessment provided in Appendix B explains that a design protective out to high  
45 projections for 2100 is not proposed at this time. A levee to provide flooding protection to the site in

1 a 3-foot sea level rise scenario would be cost prohibitive and impractical because it would require a  
2 top elevation of approximately 15 feet mean lower low water, it would pose visual obstruction, and  
3 it would restrict public access.

4 For protection beyond 50 years, additional effort will be required beyond the preliminary design.  
5 This could include additional raising of the elevation of the site and additional shoreline protection  
6 measures similar to those included in Appendix I, but likely further inland depending on future  
7 flooding projections. As this is not proposed at this time, it is not analyzed in the DEIR.

8 No revisions to the DEIR are necessary in relation to this comment.

## 9 **Comment 5-7**

10 The comment suggests that although the project includes a combination of vegetation and riprap in  
11 the shoreline protection on the south side of the project, nonstructural, “soft” shoreline protection  
12 could be explored further during project design.

13 As noted in the response to Comment 5-6, and as described in Appendix I, the preliminary shoreline  
14 protection along the south shoreline has incorporated marsh and transitional vegetation into the  
15 design for erosion protection (see page 2-29 in Chapter 2, *Project Description*, of the DEIR). The  
16 southern shoreline is relatively protected from wave action as it does not face the open Bay and thus  
17 is less subject to wave attack. Creation of wetlands to reduce wave energy along the southern  
18 shoreline would either require fill of existing mudflats in the Bay (BCDC comments encourage  
19 avoiding Bay fill) or dedication of additional park area to creation of wetlands for this purpose  
20 (which would reduce usable park space). Furthermore, while wetlands can help to reduce wave  
21 energy, this would not avoid the need to elevate the site as wetlands do not reduce tide levels, only  
22 wave levels.

23 On the north side of the park, as noted in prior response to Comment 5-6, the boardwalk to Radio  
24 Beach would be elevated at the same design height for the 50-year design life of the project to  
25 protect from flooding including sea level rise. There is no proposal for adaptation measures for  
26 Radio Beach as elevating the site would require elimination of the sandy dunes and wetland areas  
27 present. Creating wetlands in order to reduce wave energy would either require filling of mudflats  
28 offshore and/or the sandy beach to a higher tidal marsh elevation which would result in a loss of the  
29 mudflat and sandy beach habitat value as well as the beach’s recreation value. Eventually Radio  
30 Beach will be inundated to a point that it will no longer be usable; thus, in this area, the project does  
31 not include any proposed adaptation measures to allow for preservation of habitat and recreational  
32 value in the remaining years until the site returns to the Bay.

33 The comment does not provide any specific suggestions as to “soft” approaches other than marsh  
34 establishment. The responses above discuss the infeasibility of shoreline setback/retreat (limited  
35 park space) and wetland creation (loss of subtidal/sandy beach habitat and/or limited park space).  
36 Since no other options were suggested, no further response is necessary.

37 The project sponsor will continue to work with BCDC, particularly during the permitting phase, on  
38 the shoreline and sea level rise adaptation elements of the project.

## 1 **Response to Comment Letter 6 (San Francisco Boardsailing** 2 **Association)**

### 3 **Comment 6-1**

4 The commenter is concerned that kiteboarding has not been acknowledged and discussed in the EIR  
5 and asserts that kite boarding at Radio Beach should be recognized in the environmental setting for  
6 the EIR analysis to be adequate.

7 Please see Master Response No. 1 and associated revisions to the DEIR regarding kiteboarding.

### 8 **Comment 6-2**

9 The commenter asserts that kiteboarding should be acknowledged and discussed as established use  
10 which means that mitigation is not required under CEQA for that use to continue. The commenter  
11 states that the site has been used for kiteboarding for the past 8 years, and therefore is an  
12 established part of environmental setting.

13 Please see Master Response No. 1 and associated revisions to the DEIR regarding kiteboarding.

### 14 **Comment 6-3**

15 The comment asserts that not recognizing kiteboarding as an established use could threaten the  
16 continuance of the activity if it were not considered included in “passive recreation”. The  
17 commenter feels that this could be used to limit kiteboarding access.

18 Please see Master Response No. 1 and associated revisions to the DEIR regarding passive recreation  
19 and kiteboarding,

### 20 **Comment 6-4**

21 The commenter asserts that the proposed 5 parking spaces at Radio Beach are insufficient.

22 Please see Master Response No. 1 and associated revisions to the DEIR regarding parking.

### 23 **Comment 6-5**

24 This comment expresses concern about the proposed 6 to 8-foot fence at Radio Beach and asserts  
25 that, depending on the location of the fence, it could damage kites being launched and interfere with  
26 existing uses.

27 This comment refers to the fencing discussed in Chapter 2, *Project Description* on page 2-25 and  
28 elsewhere. The proposed permanent fence would be designed to protect wildlife and  
29 environmentally sensitive existing tidal marsh areas. The DEIR has been revised to reduce the fence  
30 height to 4 feet, which would further promote compatibility with kiteboarding activities at Radio  
31 Beach. Please see **Master Response No. 1** and associated revisions to the DEIR regarding fencing.

### 32 **Comment 6-6**

33 The comment states that “the EIR contemplates using portions of the site as mitigation for other  
34 transportation projects” and asserts that the EIR lacks analysis to identify areas where these future

1 mitigation uses would be inconsistent with current recreational uses which would be protected  
2 under the Section 4(f) of the Transportation Act.

3 The comment implies that the project site could be the location for future mitigation for other  
4 transportation projects. This is incorrect. As discussed on page ES-7 of the *Executive Summary* and  
5 on page 2-9 of Chapter 2, *Project Description*, the proposed project has been designed to meet pre-  
6 existing mitigation commitments for specific transportation projects including the East Span of the  
7 Bay Bridge project and the Cypress Structure rebuild project. The mitigation requirements only  
8 apply to a 4-acre portion of the park on the south side of I-80 and do not apply to Radio Beach.

9 In addition, the park is also called for in the Oakland Base Reuse Authority Final Reuse Plan, the  
10 BCDC Bay Plan, ABAG planning efforts related to the regional Bay Trail, and the Bay Bridge Section  
11 106 Memorandum of Agreement. Each of these commitments calls for the creation of a park at the  
12 project area. The proposed project is designed to fulfill these existing requirements, not to provide  
13 an opportunity site for mitigation of future transportation projects. No revisions are required.

14 As a point of information, Section 4(f) of the Transportation Act of 1966 does not apply to the  
15 proposed project actions at Radio Beach. As noted above, the implementation of transportation  
16 project mitigation is limited to a small area on the south side of I-80. The improvements at or  
17 leading to Radio Beach are recreationally oriented and not related to a federal transportation  
18 project, and as such Section 4(f), which only applies to federal transportation projects, does not  
19 apply.

## 20 **Comment 6-7**

21 The comment asserts that the EIR failed to establish existing levels of recreational use and therefore  
22 does not adequately analyze potential significant impacts to those uses.

23 The DEIR has been revised to include a more complete discussion of existing uses at Radio Beach. In  
24 addition, changes have been made to mitigation measures in order to be more effective in  
25 accommodating and protecting these existing uses. Please see **Master Response No. 1** and  
26 associated revisions to the DEIR regarding passive recreation, fencing, kiteboarding, and parking at  
27 Radio Beach.

## 28 **Comment 6-8**

29 The comment asserts that the DEIR “virtually ignores” the scoping comments submitted by BCDC,  
30 which state that “...sites within designated waterfront parks that provide optimal conditions for  
31 water-oriented [re]creation uses should, where appropriate, be enhanc[ed] for those uses”  
32 consistent with the MacAteer-Petris Act and the Water Trail legislation.

33 The DEIR includes many examples of how the proposed Gateway Park project enhances the use of  
34 water-oriented recreation. Section 2.3, *Project Objectives*, lists the project objectives which include  
35 providing “staging and access to the planned San Francisco Bay Area Water Trail” and “active and  
36 passive recreation opportunities, including walking, nature appreciation ... fishing, and  
37 nonmotorized boating.” The project would enhance water-oriented recreation uses in the area by  
38 providing a kayak launch and increasing public access overall to the waterfront. Also see **Master**  
39 **Response No. 1** which describes that there will be no change to the current informal kiteboarding  
40 use at Radio Beach and future changes in use would require further review.

1 BATA worked closely with all Gateway Park Working Group members to ensure that their respective  
2 concerns and interests were represented in the DEIR. The commenter is referred to the comment  
3 letter submitted by BCDC on the DEIR which notes that the DEIR “incorporated many of the  
4 suggestions provided by [BCDC staffer] Tinya Hoang on the Administrative Draft Environmental  
5 Impact Report.”

6 No revisions to the DEIR are necessary.

## 7 **Comment 6-9**

8 This comment asserts that the EIR makes mention of access for kayaks while making no mention of  
9 access for kite boarding. The commenter asserts that the kayak launch is unsuitable for kite  
10 boarding.

11 The DEIR discussion of existing uses has been expanded to encompass kiteboarding activities. The  
12 kayak launch is not intended for kiteboard launching. Please see **Master Response No. 1** and  
13 associated revisions to the DEIR regarding passive recreation, fencing, kiteboarding, and parking at  
14 Radio Beach.

## 15 **Comment 6-10**

16 The comment asserts that the EIR fails to recognize kiteboarding in the environmental setting, gives  
17 “ cursory analysis” to BCDC’s scoping comments, and fails to recognize the one location in the  
18 proposed project that provides optimum conditions for kite boarding.

19 The DEIR discussion of existing uses has been expanded to encompass kiteboarding activities.  
20 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
21 recreation, fencing, kiteboarding, and parking at Radio Beach. See also Response to Comment 6-8.

## 22 **Response to Comment Letter 7 (Peter Aschwanden)**

### 23 **Comment 7-1**

24 This comment expresses concern that the DEIR designates the project site for passive recreation  
25 when it is actively used for kite boarding. In addition, the comment expresses concern about the  
26 limited parking spaces provided and the fence having a potential impact on kite surfing.

27 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
28 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 29 **Response to Comment Letter 8 (Tom Bates)**

### 30 **Comment 8-1**

31 This comment supports the continued use of Radio Beach for recreational activities such as kite  
32 boarding, fishing, bird watching, and walking.

33 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
34 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 1 **Response to Comment Letter 9 (Jay Brockman)**

### 2 **Comment 9-1**

3 This comment expresses concern over the proposed project only offering 5 parking spaces and the  
4 proposed fence which “would make the beach unsafe and therefore unusable” for recreational use.  
5 The commenter asks whether “dog courtesy” signage could be added to the beach area and also asks  
6 to ensure all policies and findings in the final EIR fully support the existing water contact  
7 recreational activity.

8 The DEIR contains Mitigation Measure MM-BIO-16, which would prohibit dogs from using the entire  
9 Radio Beach area. Section 3.9, *Land Use*, of the DEIR has been expanded to discuss existing  
10 kiteboarding activities. For concerns regarding parking, please see **Master Response No. 1** and  
11 associated revisions to the DEIR regarding parking at Radio Beach.

## 12 **Response to Comment Letter 10 (Kevin Chang)**

### 13 **Comment 10-1**

14 This comment expresses concern that the DEIR has not taken into consideration the needs of the  
15 kiteboarding community, as well as concern that the proposed project will impact access, adding  
16 “unsafe obstacles” and limiting parking by “only designating a few parking spots.”

17 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
18 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 19 **Response to Comment Letter 11 (Diana Cheng)**

### 20 **Comment 11-1**

21 This comment expresses concern that the DEIR excludes existing kite boarding uses by designating  
22 the area for “passive recreation”. The comment further notes the problem of designating only a  
23 handful of parking spaces and asserts the fencing infrastructure adjacent to the kiteboarding rigging  
24 and launch area would “make the beach unsafe and therefore unusable for this existing water  
25 contact recreational use.” The commenter asks to ensure all policies and findings in the final EIR  
26 fully support the existing water contact recreational activity.

27 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
28 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 29 **Response to Comment Letter 12 (Leo Chen)**

### 30 **Comment 12-1**

31 This comment expresses concern that the DEIR has not properly acknowledged how active the kite  
32 boarding community is by designating the site for only “passive recreation.” The comment asserts  
33 the proposed project designates too few parking spaces, and asserts the fencing infrastructure  
34 adjacent to the kiteboarding rigging and launch area would “make the beach unsafe and therefore

1 unusable for this existing water contact recreational use.” The commenter asks to ensure all policies  
2 and findings in the final EIR fully support the existing water contact recreational activity.

3 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
4 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 5 **Response to Comment Letter 13 (Patty Chen)**

### 6 **Comment 13-1**

7 This comment expresses concern that the DEIR excludes existing kite boarding uses by designating  
8 the area for “passive recreation”. The comment asserts the proposed project designates too few  
9 parking spaces, and asserts the fencing infrastructure adjacent to the kiteboarding rigging and  
10 launch area would “make the beach unsafe and therefore unusable for this existing water contact  
11 recreational use.” The commenter asks to ensure all policies and findings in the final EIR fully  
12 support the existing water contact recreational activity.

13 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
14 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 15 **Response to Comment Letter 14 (Brian Colety)**

### 16 **Comment 14-1**

17 This comment asserts that Radio Beach needs to be preserved as a viable kiteboarding spot and that  
18 it is especially valued for being beginner-friendly because a “wide variety of spots [in the Bay Area]  
19 are only accessible for intermediate or advanced kiteboarding.” Furthermore, the comment  
20 expresses concern that there are only 5 proposed parking spots and suggests 15 parking spots  
21 would be more appropriate.

22 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
23 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 24 **Response to Comment Letter 15 (Steve De Alba)**

### 25 **Comment 15-1**

26 This comment expresses concern that the DEIR excludes existing kite boarding uses by designating  
27 the area for “passive recreation.” The comment asserts the proposed project designates too few  
28 parking spaces and asserts the fencing infrastructure adjacent to the kiteboarding rigging and  
29 launch area would “make the beach unsafe and therefore unusable for this existing water contact  
30 recreational use.” The commenter asks to ensure all policies and findings in the final EIR fully  
31 support the existing water contact recreational activity.

32 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
33 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 1 **Response to Comment Letter 16 (Jeffrey Finn)**

### 2 **Comment 16-1**

3 This comment expresses concern that the DEIR excludes existing kite boarding uses by designating  
4 the area for “passive recreation”. The comment asserts the proposed project designates too few  
5 parking spaces and asserts the fencing infrastructure adjacent to the kiteboarding rigging and  
6 launch area would “make the beach unsafe and therefore unusable for this existing water contact  
7 recreational use.” The commenter asks to ensure all policies and findings in the final EIR fully  
8 support the existing water contact recreational activity.

9 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
10 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 11 **Response to Comment Letter 17 (David Gordon)**

### 12 **Comment 17-1**

13 This commenter asserts that the kiteboarding community is a very motivated group that takes good  
14 care of the beach and the launch area and uses the natural bay resources in a “positive, non polluting  
15 way.”

16 Comment noted. This comment does not concern the adequacy of the DEIR or the CEQA process. No  
17 revisions to the DEIR are necessary.

## 18 **Response to Comment Letter 18 (David Hermele)**

### 19 **Comment 18-1**

20 This comment expresses concern that the DEIR excludes existing kite boarding uses by designating  
21 the area for “passive recreation.” The comment asserts the proposed project designates too few  
22 parking spaces and asserts the fencing infrastructure adjacent to the kiteboarding rigging and  
23 launch area would “make the beach unsafe and therefore unusable for this existing water contact  
24 recreational use.” The commenter asks to ensure all policies and findings in the final EIR fully  
25 support the existing water contact recreational activity.

26 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
27 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 28 **Response to Comment Letter 19 (Francois Jeanneau)**

### 29 **Comment 19-1**

30 This comment expresses concern that the DEIR excludes existing kite boarding uses by designating  
31 the area for “passive recreation.” The comment asserts the proposed project designates too few  
32 parking spaces and asserts the fencing infrastructure adjacent to the kiteboarding rigging and  
33 launch area would “make the beach unsafe and therefore unusable for this existing water contact  
34 recreational use.” The commenter asks to ensure all policies and findings in the final EIR fully  
35 support the existing water contact recreational activity.

1 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
2 recreation, fencing, kiteboarding, and parking at Radio Beach.

### 3 **Response to Comment Letter 20 (Lyle Johnson)**

#### 4 **Comment 20-1**

5 This comment emphasizes that Radio Beach, known as Royce Beach and Toll Plaza to kitesurfers, is  
6 “one of only TWO places that are safe and shallow enough to teach kitesurfing.” The comment also  
7 notes the beach is used by windsurfers, fishermen, beach goers and kayakers. The commenter is  
8 concerned that the active kitesurfing community is not being fully acknowledged in the DEIR, and  
9 the fencing and limited parking proposed would have a direct negative impact on kitesurfers,  
10 windsurfers, and kayakers.

11 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
12 recreation, fencing, kiteboarding, and parking at Radio Beach.

### 13 **Response to Comment Letter 21 (Gregory Lasserre)**

#### 14 **Comment 21-1**

15 This comment expresses concern that the DEIR excludes existing kite boarding uses by designating  
16 the area for “passive recreation.” The comment asserts the proposed project designates too few  
17 parking spaces and asserts the fencing infrastructure adjacent to the kiteboarding rigging and  
18 launch area would “make the beach unsafe and therefore unusable for this existing water contact  
19 recreational use.” The commenter asks to ensure all policies and findings in the final EIR fully  
20 support the existing water contact recreational activity.

21 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
22 recreation, fencing, kiteboarding, and parking at Radio Beach.

### 23 **Response to Comment Letter 22 (Litewave Dave)**

#### 24 **Comment 22-1**

25 This comment requests that the proposed project keep access open to kiteboarding and asserts that  
26 the beach is the “best spot in the bay for beginners.”

27 This comment expresses concern that the DEIR excludes existing kite boarding uses by designating  
28 the area for “passive recreation.” The comment asserts the proposed project designates too few  
29 parking spaces and asserts the fencing infrastructure adjacent to the kiteboarding rigging and  
30 launch area would “make the beach unsafe and therefore unusable for this existing water contact  
31 recreational use.” The commenter asks to ensure all policies and findings in the final EIR fully  
32 support the existing water contact recreational activity.

33 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
34 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 1 **Response to Comment Letter 23 (Paul Miller)**

### 2 **Comment 23-1**

3 This comment asserts that Radio Beach, known to the kiteboarding community as Royce’s Beach or  
4 Toll Plaza, is a valuable site and “is relatively safe compared to other launching sites, and is  
5 appropriate for beginner sailors.” This comment expresses concern that the DEIR has not properly  
6 acknowledged how active the kite boarding community is by designating the site for only “passive  
7 recreation.” The comment further notes the problem of designating only a handful of parking spaces,  
8 and asserts the fencing infrastructure adjacent to the kiteboarding rigging and launch area would  
9 “make the beach unsafe and therefore unusable for this existing water contact recreational use.” The  
10 commenter asks to ensure all policies and findings in the final EIR fully support the existing water  
11 contact recreational activity.

12 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
13 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 14 **Response to Comment Letter 24 (Qiu Xie (Mandy))**

### 15 **Comment 24-1**

16 This comment expresses concern that the DEIR excludes existing kite boarding uses by designating  
17 the area for “passive recreation.” The comment asserts the proposed project designates too few  
18 parking spaces and asserts the fencing infrastructure adjacent to the kiteboarding rigging and  
19 launch area would “make the beach unsafe and therefore unusable for this existing water contact  
20 recreational use.” The commenter asks to ensure all policies and findings in the final EIR fully  
21 support the existing water contact recreational activity.

22 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
23 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 24 **Response to Comment Letter 25 (Weston Settlemier)**

### 25 **Comment 25-1**

26 This comment emphasizes that Radio Beach, known as Royce Beach and Toll Plaza to kitesurfers, is  
27 “one of only TWO places that are safe and shallow enough to teach kitesurfing.” The comment also  
28 notes the beach is used by windsurfers, fishermen, beach goers and kayakers. The commenter is  
29 concerned that the active kitesurfing community is not being fully acknowledged in the DEIR, and  
30 asserts the fencing and limited parking proposed would have a direct negative impact on kitesurfers,  
31 windsurfers, and kayakers.

32 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
33 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 1 **Response to Comment Letter 26 (Victor Soskin)**

### 2 **Comment 26-1**

3 This comment expresses concern that proposed changes to Radio Beach (known as Royce Beach by  
4 the community) would make the beach “unsafe and unusable” for recreational use. The commenter  
5 asks to ensure all policies and findings in the final EIR fully support the existing water contact  
6 recreational activity.

7 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
8 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 9 **Response to Comment Letter 27 (Andrew Sullivan)**

### 10 **Comment 27-1**

11 This comment asserts that Radio Beach, known as ‘Royce’ or ‘Toll Plaza’ by kiteboarders, is one of  
12 the most popular launch sites in the East Bay with a consistently growing kitesurfing population.  
13 The commenter is concerned with the amount of parking and with the addition of structures near  
14 the beach area that could pose a safety risk to kitesurfers. Furthermore, the commenter emphasizes  
15 the positive influence kitesurfers have had on the beach in making it safer and wants to ensure that  
16 the site continues to be accessible.

17 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
18 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 19 **Response to Comment Letter 28 (Clint Suson)**

### 20 **Comment 28-1**

21 This comment expresses concern that the DEIR excludes existing kite boarding uses by designating  
22 the area for “passive recreation.” The comment asserts the proposed project designates too few  
23 parking spaces and asserts the fencing infrastructure adjacent to the kiteboarding rigging and  
24 launch area would “make the beach unsafe and therefore unusable for this existing water contact  
25 recreational use.” The commenter asks to ensure all policies and findings in the final EIR fully  
26 support the existing water contact recreational activity.

27 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
28 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 29 **Response to Comment Letter 29 (Jerry Tanaka)**

### 30 **Comment 29-1**

31 This comment expresses concern that the DEIR excludes existing kite boarding uses by designating  
32 the area for “passive recreation.” The comment expresses concern regarding the limited parking  
33 spaces proposed and asserts the fencing infrastructure adjacent to the kiteboarding rigging and  
34 launch area would negatively impact water sports.

1 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
2 recreation, fencing, kiteboarding, and parking at Radio Beach.

### 3 **Response to Comment Letter 30 (Kirk van Moon)**

#### 4 **Comment 30-1**

5 This comment asserts the significance of Radio Beach as an important East Bay launch site for  
6 kiteboarding, and other watersports. The commenter requests consultation with the San Francisco  
7 Boardsailing Association and other community members during planning and requests that he be  
8 informed about plans for the site as they progress.

9 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
10 recreation, fencing, kiteboarding, and parking at Radio Beach.

### 11 **Response to Comment Letter 31 (Brynne Weeks)**

#### 12 **Comment 31-1**

13 This comment expresses concern that the DEIR excludes existing kite boarding uses by designating  
14 the area for “passive recreation.” The comment asserts the proposed project designates too few  
15 parking spaces and asserts the fencing infrastructure adjacent to the kiteboarding rigging and  
16 launch area would “make the beach unsafe and therefore unusable for this existing water contact  
17 recreational use.” The commenter asks to ensure all policies and findings in the final EIR fully  
18 support the existing water contact recreational activity and states that the San Francisco  
19 Boardsailing Association should direct and guide understanding to keep the site safe and accessible  
20 for kiteboarding use.

21 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
22 recreation, fencing, kiteboarding, and parking at Radio Beach.

### 23 **Response to Comment Letter 32 (John & Whit Woolard)**

#### 24 **Comment 32-1**

25 This comment discusses the existing use of Toll Plaza, also known as Royce Beach or Radio Beach, as  
26 a kiteboarding site. The commenter expresses concern over the very limited proposed parking and  
27 the potential dangers fencing would pose to kiteboarders.

28 Please see **Master Response No. 1** and associated revisions to the DEIR regarding passive  
29 recreation, fencing, kiteboarding, and parking at Radio Beach.

## 30 **3.3 References Cited in Response to Comments**

31 California Division of Boating and Waterways (DBW). 2018a. 2016 California Recreational Boating  
32 Accident Statistics (Statewide). Accessed: April 3, 2018. Available here:  
33 [http://www.dbw.ca.gov/?page\\_id=28733](http://www.dbw.ca.gov/?page_id=28733)

1 California Division of Boating and Waterways (DBW). 2018b. 2016 California Recreational Boating  
2 Accident Statistics (Northern California). Accessed: April 3, 2018. Available here:  
3 [http://www.dbw.ca.gov/?page\\_id=28733](http://www.dbw.ca.gov/?page_id=28733)

4

