

April Foran

From: Matthew Richmond <mattwrichmond-ca@yahoo.com>
Sent: Monday, March 16, 2026 9:52 AM
To: *DL_City_Council
Subject: 3/17/2026 Emeryville City Council public comment – Item 11.1 40th Street project approval

Hello!

From someone who frequently bikes the bay trail from Oakland - this project is just an incredible improvement on the currently worst part of the route. Thank-you for your commitment to making moving around better in Emeryville (your neighbors are appreciative).

Thanks,

Matt

April Foran

From: strangekat <strangekat@yahoo.com>
Sent: Monday, March 16, 2026 9:45 AM
To: *DL_City_Council
Subject: 3/17/2026 Emeryville City Council public comment – Item 11.1 40th Street project approval

Dear Members of the City Council,

I am writing to strongly encourage you to approve the 40th/Shellmound cycle track project.

As an avid yet cautious cyclist, I have ridden in and through Emeryville many times. However, I consistently avoid the stretch of road in question because of the size and complexity of the traffic patterns there. As a result, I often skip stopping at destinations like the Public Market, Trader Joe's, and the many shops at Bay Street and the Target/Home Depot center. Instead of risking a dangerous trip through that corridor, I tend to stick to the quieter bike boulevards, even though that means missing out on many Emeryville businesses.

The proposed concrete-protected bikeway from Adeline to Christie Avenue would make a real difference. It would allow someone like me—a middle-aged shopper who prefers to travel by bike—to access these businesses safely and comfortably. Just as importantly, it would close a long-standing gap in the connection to the Bay Trail, making the area more accessible to both cyclists and pedestrians and increasing the number of people who can easily visit nearby businesses.

I understand that some people worry that repurposing parking to improve access for cyclists and pedestrians could hurt local businesses. However, the experience of other East Bay communities shows the opposite: investments in safe, multi-modal infrastructure consistently increase foot traffic and local commerce.

For these reasons, I strongly encourage you to approve the 40th/Shellmound cycle track project. Thank you for your time and consideration.

Sincerely,

Kristen Contreras

April Foran

From: Marley Jeranko <marleyjeranko@gmail.com>
Sent: Monday, March 16, 2026 9:49 AM
To: *DL_City_Council
Subject: 3/17/2026 Emeryville City Council public comment – Item 11.1 40th Street project approval

Hello,

I'm writing to express my support for the 40th/Shellmound cycletrack and bus lanes project. Thank you for furthering this, it will be an important and enriching addition to the community.

Warmly,
Marley Bronko

April Foran

From: Dan Leaverton <daniel.leaverton@gmail.com>
Sent: Thursday, March 12, 2026 10:26 PM
To: *DL_City_Council
Subject: 3/17/2026 Emeryville City Council public comment – Item 11.1 40th Street project approval

Dear Council,

I fully support the FINAL Emeryville City Council vote approving the 40th/Shellmound cycletrack and bus lanes project. I ride through this area and on this route frequently and look forward to enjoying being on safer roads. I wish my own hometown of Berkeley would keep pace with the wonderful improvements Emeryville has installed.

Thank you, Dan Leaverton,
Berkeley California.

April Foran

From: Corey Busay <busayc@gmail.com>
Sent: Thursday, March 12, 2026 6:38 PM
To: *DL_City_Council
Subject: 3/17/2026 Emeryville City Council public comment – Item 11.1 40th Street project approval

Dear Emeryville City Councilmembers,

My name is Corey Busay and I am vice chair of the board for Bike East Bay, but writing to you today in a purely personal capacity to express my strong support for the final approval of the 40th Street Cycletrack project. As a frequent user of Emeryville's streets and a proponent of safe, multimodal transportation, I believe this project is a critical investment in the city's future.

The 40th Street corridor is a vital regional artery, connecting residents and commuters to the MacArthur BART station, local businesses, and the broader East Bay bicycle network. For too long, this segment has remained a gap in our infrastructure where people biking must navigate high-speed traffic and heavy bus volumes without adequate protection.

Approving this project will deliver several key benefits to the community:

- **Safety for All Users:** By implementing a Class IV protected bikeway, the city will significantly reduce the risk of collisions and improve comfort for riders of all ages and abilities.
- **Transit Integration:** 40th Street is one of the busiest bus corridors in the region. This project's design ensures that transit and cycling infrastructure work in tandem, reducing conflicts between buses and bikes and improving overall corridor efficiency.
- **Climate and Sustainability Goals:** If Emeryville is to meet its ambitious climate goals and reduce vehicle miles traveled (VMT), it must provide truly safe alternatives to driving. This cycletrack is a centerpiece of that effort.
- **Economic Vitality:** Data consistently shows that streets that are safe for people to walk and bike also see increased foot traffic and economic activity for local retailers.

This project has undergone years of public study, community outreach, and technical refinement. It is time to move from planning to construction. I urge the Council to vote in favor of the 40th Street Cycletrack and finalize this essential piece of the regional transportation puzzle.

Thank you for your leadership and your commitment to a safer, more connected Emeryville.

Sincerely,

Corey Busay

April Foran

From: Matt Cohen <mattc2x4@gmail.com>
Sent: Friday, March 13, 2026 1:11 PM
To: *DL_City_Council
Subject: 3/17/2026 Emeryville City Council public comment – Item 11.1 40th Street project approval

As an avid cyclist, I avoid going to emeryville at all costs due to the unsafe nature of 40th street in its current state. If there's a safe protected and pleasant bike lane, that connects Oakland to the bay trail, I would consistently take that route, likely 3+ times a week, and would patronize businesses daily. I know a number of social groups who would also love to go to cafes and restaurants and grocery stores using a safe and pleasant bike lane. Car traffic reduces foot and bicycle traffic due to its dangerous and unpleasant reality. Cars and street parking are a detriment to all other modes of transit and the enjoyment of businesses. Ten bikes can be parked in a single car parking spot, without polluting the air and soundscape. I hope you'll approve the safe and pleasant separated bike lanes so that I can have enjoyable rides through emeryville.

April Foran

From: Phyllis Orrick <poberkeley@gmail.com>
Sent: Friday, March 13, 2026 11:33 AM
To: *DL_City_Council
Cc: Robert Prinz
Subject: 3/17/2026 Public comment item 11.1 40th street project approval

Dear Councilmembers and Mayor,

I am writing you as someone who bikes through Emeryville multiple times a month for pleasure and shopping and have been doing so for decades, but especially since the Bay Bridge path opened.

The concrete-protected bikeway is a key improvement to making the trip safe and accessible to all users who are not able to travel by private vehicle, which includes our seniors and youth. In my case, it will enable a household member who relies on a mobility scooter to get around to explore new territory and shops.

This plan is the result of several years of study and has achieved the best result within the constraints of the existing geography. I urge you to approve it. I'm looking forward to a safe and comfortable biking experience for myself and my household member.

Regards,

Phyllis Orrick

April Foran

From: Patrick Dowd <patdowd88@gmail.com>
Sent: Saturday, March 14, 2026 5:50 PM
To: *DL_City_Council
Subject: Keep the 40th St Bike Track!

Hello!

I'm a frequent shopper in emeryville, diner, runner, and cyclist through emeryville.

I'm writing in support of the cycle track as it would make it far safer and enjoyable to travel to the Bay St shopping area especially as my wife and I are hoping to have a child and these cycle tracks make family bike riding for commercial reasons possible.

Help make the east bay safe for all by implementing the cycle track along 40th and we hope that oakland extends it to Broadway after your start!

- Patrick

April Foran

From: Geoffrey Sylvester <geoffrey.sylvester@gmail.com>
Sent: Saturday, March 14, 2026 6:07 PM
To: *DL_City_Council
Subject: 40th/Shellmound cycletrack and bus lanes project

Dear Council Members,

I regularly ride my bike in and around Emeryville to shop so I support the 40th/Shellmound cycletrack and bus lanes project.

The street is very busy and it is often the best route to get around town so these street improvements add to safety in the area. I see it as a necessity.

Please support this transportation improvement in Emeryville.

Thanks

Geoff Sylvester
geoffrey.sylvester@gmail.com

April Foran

From: Jesse Sarfan <jsarfan1@gmail.com>
Sent: Friday, March 13, 2026 7:23 PM
To: *DL_City_Council
Subject: Resident of 94608 Support for Cycletrack

Hello council member,

I think the cycle track will make the neighborhood safer and more community friendly for walking and biking. Right now it feels like there's a highway running through it. I feel less inclined to walk than I would if it felt more designed for people as opposed to cars.

Thank you for your consideration.
Justine Sarfan
Homeowner
5549 Marshall St, Oakland, CA 94608

April Foran

From: Revanth Akella <revanth.akella@gmail.com>
Sent: Saturday, March 14, 2026 9:10 PM
To: *DL_City_Council
Subject: 3/17/2026 Emeryville City Council public comment – Item 11.1 40th Street project approval

Hi Council,

I wanted to comment in favor of the street project. Currently driving over the 25mph turn is uncontrolled and folks seem to speed on that part of the bridge even though there is a speed limit in place. I think it is wise to implement the bikeway and the bus only lane to help deter drivers from speeding. It will make the route significantly better for both cyclists and pedestrian traffic.

After the changes made to the 62nd - 65th sts and shellmound st, cars tend to be a lot more careful in how they drive as there are physical barriers to driving faster than the speed limit. I also see more pedestrians and cyclists use the route compared to before the implementation.

This will have a similar effect there and will also connect to the rest of the berkeley and oakland bike networks.

Thank you,
Revanth Akella
Resident, Emeryville, CA

April Foran

From: Sasha Zurek <sashazurek@proton.me>
Sent: Sunday, March 15, 2026 2:00 PM
To: *DL_City_Council
Subject: 3/17/2026 Emeryville City Council public comment – Item 11.1 40th Street project approval

The proposed 40th street cycletrack and bus lanes would be transformative for the area. 40th street is an essential connector to groceries and other necessary amenities, as well as providing the most direct way to the bay trail. All road users — not just cars — deserve to be accommodated on it. If the cycletrack was around when I lived closer to it I would have been able to cycle more, something I only desisted from due to a lack of safety. The traffic on 40th also slowed down the buses I relied on, which bus lanes would help to fix. Emeryville is better off with complete streets that serve the needs of everyone.

~ Sasha Zurek

April Foran

From: Jean Walsh <jeanwalshie@gmail.com>
Sent: Sunday, March 15, 2026 1:04 PM
To: *DL_City_Council
Subject: 3/17/2026 – Item 11.1 40th Street project approval

Dear honorable councilmembers,

I'm writing in strong support of the 40th St. multimodal project. This project has been in the works for many years and considerable outreach has taken place to ensure access for seniors, people with disabilities, and loading and unloading for businesses.

I look forward to final approval so we can get it in the ground and improve safety for people walking, biking, and taking transit.

Once the Emeryville portion is in place, the project will pave the way for Oakland to continue the improvements along 40th St. all the way to MacArthur BART.

Thank you in advance for leading the way.

Sincerely,
Jean Walsh
AC Transit Director

April Foran

From: Jeff McKnight <mcknight.jeff@gmail.com>
Sent: Tuesday, March 17, 2026 2:04 PM
To: *DL_City_Council; Website DL - Clerk's Office
Subject: 40th Street Multimodal Project

A couple of points about the 40th Street Multimodal Project from a bicyclist's point of view:

* Riding on a busy street like 40th Street is inevitably dangerous and unpleasant, even with a dedicated bike lane. I would much rather have a bike lane on Park Ave between San Pablo Ave and Halleck St.

* I oppose two-way bike lanes, in general. This is a non-standard traffic configuration that is confusing and dangerous for both pedestrians and bicyclists. Pedestrians are not expecting to see bikes coming from both directions when crossing. Bicyclists often ride on the wrong side because they have never been in one before and it doesn't even register in their mind that they are two-way, and that there's a right side and a wrong side.

Thanks for considering!

Jeff McKnight
5637 Ocean View Dr, Oakland, CA 94618

March 17, 2026

VIA E-MAIL

Mayor Sukhdeep Kaur and Members of the
City Council
City of Emeryville
1333 Park Avenue
Emeryville, CA 94608

**Re: 40th Street Transit and Multi-Modal Enhancements Project – Opposition to
Adoption of Final IS/MND
City Council Meeting Tuesday, March 17, 2026 – Item No. 11.1**

Dear Mayor and Councilmembers:

We represent Bon Motif Company and Rug Depot Outlet, long-standing Emeryville businesses that will be significantly and adversely affected by the proposed 40th Street Transit and Multi-Modal Enhancements Project (“Project”). For the reasons outlined below—including substantial evidence in the record demonstrating that the Project may result in significant environmental impacts—we urge the City Council to reject adoption of the Final Initial Study/Mitigated Negative Declaration (“IS/MND”) and instead require preparation of a full Environmental Impact Report (“EIR”) at this evening’s meeting.

At the outset, our client has serious and well-founded concerns regarding the Project’s direct and substantial impact on its operations and continued viability. For example, the proposed closure of Hubbard Street would effectively eliminate critical access to the business, rendering routine deliveries impracticable, if not impossible. Compounding this harm, the extended construction period threatens to severely disrupt operations to the point of economic infeasibility. Rather than meaningfully addressing these impacts, Staff presented a draft revocable license agreement that our client was compelled to reject. The agreement imposes onerous and inequitable indemnity obligations and reflects a fundamental misunderstanding of the businesses’ operational needs, including the logistics of deliveries and access. These significant, unmitigated impacts—among others—must be fully disclosed, analyzed, and addressed in an EIR before the Project is allowed to proceed.

As described by the City, this \$34 million plus Project is not a minor or routine set of improvements. It entails a sweeping reconstruction of approximately 1.4 miles of major roadway corridors, including installation of a two-way separated Class IV bikeway, transit-only lanes, a

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Mayor and Members of the City Council

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new transit hub, extensive pedestrian and intersection redesigns, and significant changes to traffic circulation. The Project would realign travel lanes, remove and replace medians, reconstruct pavement at full depth in multiple locations, excavate roadways below existing grade, install new stormwater infrastructure, upgrade lighting, and rebuild pedestrian facilities throughout the corridor. Critically, it also includes the closure of existing streets and intersections—including Hubbard Street—and other circulation changes that fundamentally alter access patterns for surrounding properties and businesses.

Given the scale and complexity of these improvements, there is at minimum substantial evidence supporting a fair argument that the Project may result in significant environmental impacts, requiring preparation of an EIR. Under CEQA's low 'fair argument' threshold, an EIR is required whenever substantial evidence supports a reasonable possibility of significant impacts—regardless of the agency's contrary conclusions."

1. CEQA Requires Preparation of an EIR Under the Fair Argument Standard.

Under CEQA, if there is substantial evidence supporting a fair argument that a project may result in a significant environmental impact, an EIR is required—even where the lead agency believes mitigation may reduce impacts (See, e.g., *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68).

Here, the administrative record includes more than 55 written comments providing substantial evidence of potential significant impacts, including but not limited to:

- Traffic diversion and circulation changes.
- Truck turning constraints and freight access.
- Emergency access and response times.
- Cumulative impacts, including the new Sutter Hospital.

These comments provide detailed, site-specific evidence demonstrating that the Project may result in significant environmental impacts. Importantly, CEQA is clear that disagreement among experts and commenters triggers the need for an EIR. The record reflects substantial disagreement regarding whether impacts will occur and whether they have been adequately analyzed.

The City's responses frequently characterize these concerns as "policy disagreements" or "design preferences." However, the issues raised—particularly those relating to circulation, safety, and access—cannot be dismissed as mere policy disagreements and must be analyzed as physical environmental impacts under CEQA.

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2. The City Failed to Conduct CEQA Review “As Early As Feasible.”

CEQA Guidelines section 15004(b) requires that environmental review be conducted “as early as feasible in the planning process” so that environmental considerations can meaningfully inform project design. That did not occur here.

As acknowledged in the City’s Staff Report:

- The Project has been in development for nearly a decade .
- It has undergone multiple iterations and Council actions since 2017.
- The Project cost is now approximately \$34.1 million.
- Significant public funds have already been expended on planning and environmental review.
- The Project is now at the construction stage and Staff is seeking authorization to advertise for construction bids.

These facts demonstrate that environmental review is being used to justify a largely pre-determined project, rather than to inform decision-making as CEQA requires. At this stage, the Project design is fixed, funding is in place, and the City is poised to proceed to construction. This is not early-stage environmental review—it is late-stage validation of a pre-determined project.

CEQA is not intended to justify a project after it has effectively been finalized. Rather, it is intended to ensure that environmental impacts are fully understood before irreversible commitments are made.

As the California Supreme Court held in *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, agencies may not take actions that commit them to a definite course of action or foreclose alternatives prior to completing CEQA review. Here, authorizing the advertisement for construction bids is a concrete step toward implementation that signals the City’s commitment to proceed with the Project as designed, thereby limiting the ability to meaningfully consider alternatives or modifications following environmental review. This is precisely the type of premature commitment that *Save Tara* prohibits.

Proceeding in this manner undermines CEQA’s core purpose and exposes the City to significant legal risk.

3. The Record Demonstrates Potentially Significant Impacts That Have Not Been Adequately Analyzed.

A. Truck Access and Permanent Geometric Changes.

Numerous commenters identified serious concerns regarding:

- WB-40 and SU-30 truck turning constraints.
- Raised curbs creating permanent physical limitations.
- Increased conflict points between trucks, vehicles, and cyclists.
- Blocked or constrained delivery access.
- Operational friction not previously present.

The Project includes:

- Raised curb extensions.
- A raised two-way cycle track at Holden Street.
- Closure of Hubbard Street access.
- Modified turning paths for trucks and service vehicles.

These are permanent geometric changes to a commercial corridor—not minor or cosmetic modifications. Despite detailed evidence submitted by multiple commenters, the City has not adequately evaluated real-world freight operations or the practical implications of these design changes.

B. Emergency Access and Safety.

The record contains detailed, technical evidence identifying:

- Fire and ambulance response times.
- Diversion of emergency routes.
- Increased congestion due to lane reconfiguration.
- Reduced maneuverability caused by raised curbs and narrowed lanes.

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The City's responses are largely conclusory, relying on general assertions of code compliance rather than addressing site-specific operational realities. Where credible evidence raises concerns about emergency access and public safety, those issues must be fully evaluated in an EIR.

4. CEQA Requires an EIR Where There Is Conflicting Evidence.

When there is conflicting evidence regarding whether a project may result in significant environmental impacts, CEQA does not permit a lead agency to resolve evidentiary conflicts in favor of a negative declaration. Instead, CEQA requires preparation of an EIR.

An EIR exists precisely for circumstances such as this—where there are serious, credible questions regarding:

- Traffic and circulation impacts.
- Freight and delivery access.
- Emergency response.
- Hazardous materials and site conditions.
- Cumulative impacts on a heavily used corridor.

The administrative record contains substantial evidence supporting a fair argument that the Project may have significant impacts. Under CEQA, that alone requires preparation of an EIR.

5. Conclusion.

For the reasons set forth above, Bon Motif respectfully requests that the City Council:

- Decline to adopt the Final IS/MND, and
- Require preparation of a full Environmental Impact Report prior to any further project approvals or advancement toward construction.

Approving the IS/MND at this stage—particularly in conjunction with authorization to proceed to construction bidding—creates unnecessary legal and practical risk.

A full EIR will ensure that the Project's impacts are properly understood and that informed decisions can be made in a manner consistent with CEQA. Absent preparation of an

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EIR, the City cannot lawfully conclude that the Project's impacts have been adequately disclosed and mitigated.

Thank you for your consideration.

Very truly yours,

FENNEMORE LLP



Patricia E. Curtin

PEC/slk

cc: Clients

City Council / Successor Agency Written Comment Card

Submitted on 17 March 2026, 4:39pm
Receipt number 8
Related form version 0

Name Joyce Cunningham

Phone Number

Email Address

Street Address

City

State

Zip Code

Meeting Date 03/17/2026

Please specify if this comment is for the City Council, Successor Agency, MESA, etc. City Council

I wish to comment about 40th Street Multi Modal Project

My comments

Dear Council:

Were Council Members aware that the Corporate Retailers., Federal Realty and IKEA were Not aware of Multi Modal Project and Elimination of one West bound lane until it was brought to their attention end of November 2025? WHY did City Fail to notify them? City Outreach Radius Map clearly Highlighted and Identified these specific areas. East Bay Bridge Shopping Center is owned by Federal Realty - one of the largest Retail Property owners that owns the 27 acre parcel from San Pablo to down to Target. Retail tenants include Home Depot, Target, Nordstrom, Burlington, Best Buy, Michaels, Total Wine, etc.

In addition: Peets Coffee Corporate office has 200 employees. City failed to Notify Peets and Landlord. Property identified on Outreach Map. Metagenomics has 137 employees. City Failed to Notify Metagenomics and Landlord. Property identified on Outreach Map.

Make no mistake, City has no problem reaching out to these businesses and property owners for code violations, business license fees and property taxes. How is it possible City Ignored these Significant Revenue Sources that bring employment to Emeryville?

These businesses according to Emeryville website provide up to 54% Total Gross Revenue into city coffers annually broken down as follows: 16% Sales Tax Revenue/ 14% Business License Fees/ 12% Property Tax/ and 12% Hotel Tax.

City of Emeryville Strategic Plan as posted in lobby on Large billboard

states: 3rd Bullet Point "Dynamic & Growing Businesses"
Support For Existing Businesses and Attracting New Ones "Proactive
Engagement with Business Community" - City Fails at their own Mission
Statement with Zero communication and Support for existing businesses.

Has Council drilled down into Economic Consequences and Negative
Impacts on these Businesses? Were Financial Models and Analysis ever
provided to Council for consideration OR did Council only review
Transportation Studies? Why is City ignoring the need for Environmental
Impact reports to include Sutter Health and Tokyo Central Increased traffic
count? Existing reports are dated Aug 2024, prior to Sutter Health
acquisition bringing thousands of jobs and increased daily traffic counts with
patients traveling to and from the hospital daily. Updated reports will
definitely support and justify Environmental Impacts to the community.

City needs to be looking forward and Not in the rearview mirror for a project
design from 10 yrs ago (2017) with an Outdated design. This design is the
same design as International Blvd which has been an absolute disaster to
businesses and property owners. Project design has brought Congestion,
Road Rage and Business closures. As we look for the the State to fund MTC
and without necessary funding will close 10 BART Stations! BART station
closures is certainly More Important and Significant to the community, than
Multi Modal. Ridership is down all across the board, only a few folks ride
Emery Go Round or AC Transit bus lines down 40th Street/San Pablo daily.
All you see are empty buses with two people.

Council should take the time to read 55 letters that were submitted to Ryan
O'Connell and think long and hard before spending additional funding with
Engineers increasing their funding budget from \$1.8M to over \$5M to move
forward with Multi Modal design as presented without considering All the
Facts and Financial Implications to the City Emeryville. Environmental Impact
Report is clearly warranted.

Thank you for your consideration to put this project on pause until Council
has all the facts.