

San Francisco Bay Conservation and Development Commission

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May 30, 2025

TO: Design Review Board Members

FROM: Lawrence J. Goldzband, Executive Director (415-352-3653; larry.goldzband@bcdc.ca.gov)
Ashley Tomerlin, Senior Bay Dev. Analyst (415-352-3657; ashley.tomerlin@bcdc.ca.gov)

SUBJECT: Draft Summary of the May 12, 2025, BCDC Design Review Board Meeting

1. **Call to Order and Meeting Procedure Review.** Design Review Board (DRB) Chair Jacinta McCann called the hybrid meeting to order on Zoom, at approximately 5:00 p.m.

- a. **DRB Board Members.** Chair Jacinta McCann, Vice Chair Gary Strang, Bob Battalio, and Kristen Hall were present in person.
- b. **BCDC Staff.** Ashley Tomerlin, Katharine Pan, and Alyssa Plese were present in person.
- c. **Project Proponents.** Liza McNulty (City of Berkeley); Liz Allen (WRA)

2. **Approval of Meeting Summary for March 20, 2025.**

- a. Vice Chair Strang submitted written comments on the Draft Meeting Summary. During the meeting, he reiterated his wariness of developing privately owned residences on sites at risk for sea level rise observing that home ownership is different from commercial and office development in that residential owners do not have adequate mechanisms and means to pay for future adaptation and mitigation. Vice Chair Strang stated that when he joined the DRB, there was a lot more focus on planning, architecture, and urban design and that the DRB is particularly well positioned to comment on those matters. He also requested the summary expand on the conversation during the Channel Park review on the elevation differential between Brooklyn Basin and the adjacent site, noting he didn't feel there was a satisfactory reply from the project team on addressing the transition between the two sites.
- b. In response, Chair McCann observed there is an opportunity for briefing the Commission on the significance of coordinating transitions and discussing whether it is responsible to build housing in vulnerable areas. The critical question is how the DRB as an advisory board, can help raise that concern even though it's a policy area that BCDC has limited authority over.



DRB MEETING SUMMARY
May 12, 2025

3. **Staff Update.** Ashley Tomerlin provided updates on the upcoming 2025 DRB meeting dates with the next DRB Meeting scheduled for Monday, June 9 for a subsequent review of Channel Park, Phase IV of the Brooklyn Basin Redevelopment Project in the City of Oakland.

4. **Public Comment for Items Not on the Agenda.** There was no public comment.

5. **Berkeley Waterfront and Ferry Pier Project (Briefing).** The Design Review Board will hold a pre-application briefing of the Berkeley Waterfront and Ferry Pier project, a proposed electric ferry service located at the Berkeley Marina, in the City of Berkeley, Alameda County. The project proposes demolition of the closed fishing pier and the construction of a new 1,080-foot-long public pier with pedestrian access and a ferry terminal, connected to a 400-foot-long breakwater. The proposal also includes improvements to the surrounding Berkeley Waterfront, including a public plaza, improved site circulation, a Bay Trail extension, parking lot renovations, and new landscaping.

6. **Staff Presentation.** Alyssa Plese provided a staff introduction to the project site and context.

a. **Project Presentation.** Liza McNulty (City of Berkeley) and Liz Allen (WRA) provided an overview of the Berkeley Waterfront and the Ferry Pier project with a slide presentation. The project team presented the existing conditions and uses, recent planning efforts, community outreach, traffic/parking studies, and the timeline for project design and implementation.

b. **Board Clarifying Questions following Presentations.**

- (1) Chair McCann requested clarification from staff on the BCDC jurisdiction.
- (2) Chair McCann asked if the funding sources for the Pier and Ferry project have been confirmed. The project team stated no but they have identified some sources to pursue. They also stated they anticipate that this project may be broken into phases depending on how funding comes through.
- (3) Chair McCann asked if the existing pier will be fully demolished including piles or if it will be limited to replacing the decking. The project team stated that within the footprint of the new pier, everything will be removed and reinstalled. Some areas of the existing pier outside that footprint may be removed for mitigation but other areas may remain.
- (4) Chair McCann asked about the anticipated service/hours/routes for the Ferry. The project team stated that based on WETA's 2022 business plan, they anticipate departures every 30 minutes during high commute hours with hourly runs in off-hours and weekends. They also observed there may be special events service and a possible expansion with a Larkspur route.
- (5) Chair McCann asked for further detail on the anticipated capacity of the ferry. The project team stated it was still to be determined, explaining WETA is currently in contract to design/construct first electric ferry, but likely around 250 passengers per boat.
- (6) Chair McCann asked if the work done by the traffic consultant established where people are coming from. The project team stated they have not established points of origin explaining that the study looks at the ridership projections, including mode split, for how people will arrive on site. They also stated that

these numbers are based on the assumptions from WETA and were analyzed with and without transportation management strategies.

- (7) Board member Hall requested more detail on the Waterfront Specific Plan and the contemplated land uses, expanding that it is her understanding that some of the lots were being contemplated for commercial uses or housing. The project team stated that the most recent draft update was in Fall 2023, and the City has since directed staff to redirect funds to expand the scope to include Cesar Chavez Park. Future scheduling/funding including CEQA analysis is not identified at this time.
- (8) Board member Hall asked if there will be overnight ferry boat docking. The project team stated the Ferry Pier would not be used overnight and ferries were docked offsite.
- (9) Board member Hall requested clarification on dredging and why the team is not planning for future maintenance dredging? The project team stated WETA is moving away from projects that require maintenance dredging. If it was needed in the future, WETA would approach as a separate project.
- (10) Board member Hall asked how the City would separate ferry parking from recreation parking? How would they anticipate controlling or separating those uses. The project team stated they haven't gotten there yet, explaining the parking study has identified where there is capacity for shared use. The City does anticipate needing to update parking regulations for the waterfront to implement management strategies and the next step is to refine and continue to explore the parking regulations, layout, and signage/wayfinding.
- (11) Board member Hall requested further detail on the Waterfront Specific Plan and if there is any other related redevelopment that may happen in the area in the future; knowing if hotel or commercial uses are contemplated, that would be helpful to have in mind when reviewing. The project team stated that within the project area, there are no anticipated redevelopments. The City stated they are working to redevelop the HS Lordship site with a new restaurant, that is the nearest term redevelopment. Maintain and replace in kind the existing infrastructure.
- (12) Board member Battalio asked if the conceptual design is sufficient for environmental review. The project team state that what is presented here is not sufficient, but they will make sure the environmental team has the information they need.
- (13) Board member Battalio asked if alternative locations for the ferry terminal will be considered in the EIR. ANS: The City stated that the conceptual plan shown today is not adequate for the environmental review so the project team is working on getting the environmental review team has the level of detail they need so the 30% design development and the CEQA development are happening concurrently.
- (14) Board member Battalio asked if the project will go to the ECRB, observing he has a lot of questions on the design from the engineering perspective. The project team stated likely yes, it would go to the ECRB.

- (15) Board member Battalio requested further explanation as to how with all the existing public access and recreational use, there are people who don't feel like they were contacted in outreach. Board member Battalio observed that water recreation enthusiasts may be a different group that isn't as organized and is not identified in the outreach materials. He expressed appreciation for the plan to reach out to others. The City stated they have completed extensive public outreach, describing the 2025 efforts as focused on less represented groups and communities who may be less aware of the opportunities at the waterfront, more than the existing site users.
- (16) Board member Battalio asked if the studies have included wake and prop wash projections from the ferries and how they will impact the surrounding features and uses. He observed they do have impacts and need to be looked at carefully. The project team stated the design engineers are currently evaluating the impacts of the ferry on the adjacent facilities.
- (17) Chair McCann asked if public access on the new pier will extend beyond the breakwater. The project team stated that there is an extension beyond the breakwater that is solely for recreation.
- (18) Vice Chair Strang requested a description of the cost sharing and division of project responsibility between WETA and the City. The City stated it is largely to be determined and would develop cost sharing agreements for future as needed. In the current phase, the City was able to identify funding for this planning. Depending on where the construction funding comes from conceptually the City would pay for elements that are purely recreation, WETA for ferry, and the elements that are shared would be worked through. Any details have yet to be determined and really driven by the funding sources.
- (19) Vice Chair Strang asked if there is an estimated total project cost? The project team stated the rough number from the Feasibility Study is about \$86M, but that estimate is being revised based on the updated design. There is approximately \$60M for marine improvements, and \$14M for landside improvements but that doesn't necessarily breakdown the responsible parties.
- (20) Chair McCann observed this is a spectacular site, it's good that it's getting a lot of attention and the City will continue to work on the outreach.

c. Public Comment.

- (1) Jim McGrath, Save the Berkeley Pier. He observed that BCDC has a responsibility to consider design alternatives to protect the bay from unnecessary fill. BCDC has a responsibility to ensure public access to the bay is maintained and it works for the wide range of users. The people visiting the waterfront are there for a variety of activities, only about 20% of the users actually go to the water. He expressed surprise at the confusion on the BCDC jurisdiction because there is a BCDC permit for the fill. The bay was filled to create a permanent recreational area, not a commuter terminal. He observed that the City has made access to the recreation points difficult with parking for certain access areas being closed. He described the different user groups of the east dock and marina and expressed disappointment in the maintenance of these facilities and questioned the commitment to maintaining the facilities with funds from the recent City parks

tax. McGrath observed that the 2019-21 cost estimate is \$121 million including ferries but the cost of ferries has since doubled so the updated estimate is likely higher. He observed the recent proposal to start charging for parking in the Marina could limit the diversity of Berkeley Marina users and disrupt the progress that has been made to broaden the user groups at the waterfront.

- (2) Andrew Sullivan, San Francisco Board Sailing Association. He described the context of the regional access network for East Bay boardsailing and water access sites, observing there are limited sites between Richmond and Oakland that provide usable access to the water, particularly for boardsailing. He observed that about 250 of their members identify the East Dock and the South Basin specifically as their primary launch points. Those users launch 3 to 6 times a week from March through September. They're super users of the bay, and they had used the now-closed dock as their primary launch point.

He described the domino effect when access is pinched in these critical urban areas. He used the recent renovation of the Albany Bulb as a case study to anticipated implications for the Berkeley waterfront and resulting demand on parking. The renovation formalized access to the beach via the Bay Trail extension, upgraded the restrooms to permanent structures, repaved an existing trail, made minor beach extensions, fenced off some of the beach while creating a nicer pop out in one section. He stated EBRPD tracked 187 daily users to the Albany Bulb prior to the renovation and with no new facilities to create new use, they now regularly see 250 people at the beach at the same time throughout the day. The beach improvement effort activated latent demand, observing that not all site users are swimmers and kites running to the beach. Some users just come to the shoreline to hang out with their family and be by the shoreline and that's impacting site availability for recreational users: they can't get to the beach anymore. Swimmers no longer use that beach because of the parking issue. Berkeley needs to look at what happens to the waterfront when they actually open up the docks and pier, and create trails that people can walk on. There will be higher baseline usage if the park is properly maintained.

He observed that the parking use at water access point in the Berkeley waterfront and other nearby sites are frequently near capacity at desirable recreation times that overlap with the workday. He observed that the recreational users already have trouble accessing some sites, stating that is why they're so worried about what's contemplated for the Berkeley waterfront. The impacts don't end at Berkeley, they ripple to other sites when the access is limited or unavailable. Availability of recreational parking near the shoreline is critical.

- (3) He made a final observation related to shoreline use and community outreach. There are many anglers who use the shoreline and they are a difficult group to organize. Anglers are all over the place, but they lack official representation. They've lost some critical sites like the Berkeley Pier, Albany Beach, and the Bay Bridge toll plaza which has subsequently concentrated their use at other sites

used for water sports. The result has been a dramatic increase in the number of board sailors being caught in fishing lines. Recently there was an angler at Hs Lordship's Cove, an unofficial boardsailing site, who wouldn't move limiting access for the boardsailors, noting everyone has a right to be there. The problem is because access is pinched from Albany and the closure of other sites, the anglers are moving into and competing with other recreational users for limited territory. The City needs to understand and appreciate the kinds of tensions that arise when we don't look at the regional impacts of access to our shoreline.

- (4) Madeleine King, San Francisco Board Sailing Association. She stated that as a recreational users, she did not feel she had been given an opportunity to comment on the project. The Berkeley waterfront area is used by so many: swimmers, wingers, windsurfers, fishermen, and more. Her main concerns is the parking situation; people are currently able to park there for free and if that changes to parking fees, people have less access than they did before. She expressed concern with another large vessel moving regularly through the bay.
- (5) Robin Mangini, Queer Selkies for the Bay. The group is comprised of swimmers and floaters. The entry point at HS Lordship is one of two east bay spots that are accessible at all tides and the graphic seems to suggest the only recreational access will be via the pier which doesn't provide direct water access. There is concern that access to the other nearby points will be limited. She expressed that their organization had not been consulted in the outreach efforts, observing there are also the Odyssey Swimming Group and East Bay Open Water Swimmers who should be consulted. She stated the city should commit to protecting and maintaining public amenities.
- (6) Julie Allen, Swimmer. She reiterated the previous comment that the East Bay open water swim groups use the Berkeley launch. She observed swimmers are all over the waterfront including at the Berkeley Marina, and the Hs Lordship's entry is, as previously mentioned, a spot usable regardless of the tide which is not true of the sailing basin that is too shallow to swim at low tide. She expressed disappointment in the engagement process so far and emphasized the importance of a better parking analysis, observing the parking analysis seems to exclude peak hours for swimmers and that parking is very tight at peak times. She observed that there are many lots in the marina but many are not appropriate for all uses, and so attention should be paid to assuring appropriate parking locations and quantities are available for recreational users that that launch at that seawall space.
- (7) Erin Diehm, Berkeley Resident. Expressed sadness at that proposal to bring ferry service to the Berkeley waterfront because it is a place where people go to escape urban busyness and find a quiet place to enjoy nature. He observed the planning process has been challenging with the waterfront specific plan being separated from the pier project, expressing confusion that the city is trying to identify a vision for the waterfront separate from the pier. He expressed

concern for the economics of the area noting many transit organizations are struggling financially and the ferry system is getting around at least a billion dollars of subsidies. He stated he would like to see that kind of monies put into ground transportation to get people out of their cars. He expressed concern about the waterfront's recreation and how the ferry will change the feel of the area. He expressed concern over the suggestion of parking fees, noting the Kittleson parking study found something like 25 to 30% of the visitors at the waterfront are low income. He observed the changes to parking will interfere with the access of the windsurfers and swimmers and the wingers, and the current users who just enjoy access to the water. He expressed concern about the environmental impact of the ferry and impacts to bird species, noise above and below the water, increased turbidity from the ferry, and the light pollution that contributes to loss of insects and aquatic life. He expressed frustration that the EIR only actually looked at listed species while so many of the species that could be impacted are not considered in the environmental review. He observed this is an extremely important location for biodiversity and these kinds of developments can really just contribute to death by a thousand cuts.

- (8) Randahl Hagen. He observed that the current access is great in Berkeley compared to elsewhere. The fake grass, the showers are a great amenity, parking near the launch spots create a great place to gather, and we feel a little more protected from vandalism and crime with our gear and our cars altogether. He observed that many people do walk barefoot across that parking lot to access the water and to that currently closed dock. He reiterated that the dock is only really functional certain tides so users go over to Hs Lordships. He strongly encouraged formalizing an access point with similar amenities, or even better amenities over at Lordships because that is a preferred access point for many. He stated they want to park close because they carry unwieldy gear and it is not easy to carry through parking lots while barefoot. He stated he would like to see priority access to the amenities used for current activities. He would like to ensure deep water access, which would be at Hs Lordships, enhance the amenities that are already there, and protect what the amenities that are there.

The following written public comments are included at the end of this summary:

- (9) Jim McGrath, Save the Berkeley Pier
- (10) Julie Allen, Open Water Swimmer
- (11) Paul Young, Open Water Swimmer
- (12) Robin Mangini, Open Water Swimmer
- (13) Kerrily Kitano, Open Water Swimmer
- (14) David Sheh, Open Water Swimmer
- (15) Lee Huo, MTC Bay Trail

d. **Board Advice.** The Board advised on the key information they would like to see when the project returns to the DRB for a project review.

(1) Project Logistics

- i. Vice Chair Strang requested a phasing plan to the extent that one can be put together to illustrate how each project can be brought to completion as standalone.
- ii. Vice Chair Strang observed that it's easier to find funding to build new construction than for maintenance of existing facilities. He requested that the project team describe those challenges and how they plan to ensure maintenance will continue as needed.
- iii. Chair McCann stated it would be helpful to identify if there are work items that could be covered by the City's operational budget or resolved through maintenance rather than being included in this project's scope of work.
- iv. Board member Hall suggested that if there may be a need for future dredging, the project team should consider that now and do everything to ensure that the system works as planned.

(2) Programming. The Board noted the significance of citizen wellbeing and the demand for access into and near the water and observed that is often not recognized.

- i. Chair McCann emphasized the need to identify existing and contemplated site users, understanding potential conflict points and safety concerns, and identifying maintenance needs. She emphasized putting effort into mapping user groups, conflict points, and tying back to parking. She suggested exploring an exercise like A Day in the Life: engaging with the site users for where and when they're at the waterfront and using parking spaces. She observed that diagramming these things can really illustrate how the site is used. These are important questions to help clarify the access questions.
- ii. Board member Battalio also emphasized the need to clarify access and recreation zones on land and in water to understand the temporal and spatial dynamics of the site. He emphasized the need to consider latent demand for the space. He recognized that CEQA typically examines existing conditions, but added the City could consider this through the public outreach and explore the latent demand for parking and public access.

(3) Circulation. The Board observed access is central to the DRB's charge: access to both the water and shore, relationship between access, parking, transit, other modes.

- i. Chair McCann requested that the Bay Trail and other circulation paths are clearly illustrated. For the Bay Trail, a clear diagram showing the width of the trail as proposed as well as a clear and thoughtful diagram on the Bay Trail improvements.
- ii. Board member Strang observed that overlaying all the different types of means of circulation, recreational bikes, commuter bikes, public transit,

cars, would be informative and possibly help find a means of balancing parking demand with demand for open spaces.

- iii. Board member Hall requested more information on connections to the waterfront, observing ferries and bikes go hand in hand, and emphasized the importance of clearly showing how people are safely getting to and from the waterfront.
- iv. Chair McCann requested information on the wayfinding and orientation strategy around the waterfront including clarification on how people will be oriented to waterfront destinations, and how people will know/find where they're supposed to go.

(4) **Parking.** The Board emphasized the critical need of parking to support the different uses of the site, observing that there is a lot of atypical uses and off-peak times of high use. The Board observed there is opportunity to use design to balance the needs of all users and minimize conflict.

- i. Board member Hall emphasized the importance of tying the parking analysis to the different user groups and their needs. She expanded that understanding the access points and water areas those groups are using may illustrate where conflict is happening, where it's perceived, and where conflict isn't present.
- ii. Board member Hall suggested further description of parking management strategies that could minimize user conflicts. She suggested that introducing paid parking may facilitate organization of transportation behaviors and balance the needs of all users. Vice Chair Strang added that with regard to paid parking, it is worth exploring providing free parking to Berkeley residents.

(5) **Ferry.** The Board noted ferry service is a major transit node that unlocks redevelopment opportunities and more connections to an important waterfront but is likely to have impacts on existing water uses.

- i. Board member Hall stated it would be helpful to illustrate how the ferry relates to the regional circulation context, noting that she was surprised to hear public concerns about environmental impacts but against a zero-emission transit option. In response, she suggested quantifying and identifying the benefits of the ferry.
- ii. Board member Battalio stated a need to analyze the ferry's wake projections, noting that it can become an issue in the public process. The waves generated by the ferry are not just localized but also relates to the routes and operations so there may need to be restrictions necessary to avoid throwing waves in certain areas. He emphasized that this is an important consideration for WETA and the importance of being responsive to conflicts with existing water dependent uses. Board member Battalio requested an analysis on wave reflection and potential impacts to recreation uses related also to the breakwater design.

- iii. Board member Battalio requested further details on the conditions and frequency of ferry operations: how the ferry functions with different environmental factors (tides, wind, waves) and different configurations.
- iv. Board member Battalio recommended further study and information on the anticipated dredging program.

(6) **Community Engagement.** The Board encouraged continued outreach and engagement, particularly to existing users and understanding the broader socio-economic context related to key components of the project.

(7) **Design.** The Board observed there is opportunity to use design to balance the needs of all users and minimize conflict.

- i. Chair McCann observed that plazas become complex points of cross movements and programming, and this site is an extremely windy area. She stated she would like to see how wind will be handled: how open/protected, how functional the plaza can be, how to make it comfortable enough for people to occupy the plaza.
- ii. Chair McCann observed that identifying views are critical, and requested that the project team show the key viewpoints and corridors, and identify any improvements or utilities that may have view impacts (restaurant, signs, electric utilities for ferry service).
- iii. Chair McCann requested information on the approach for planting.

(8) **Other Recommendations, not expected for inclusion in future presentation.**

- i. Board member Hall suggested it may be worthwhile for the City to work with Sacramento to explore opportunities for exemptions from CEQA or State Lands related to critical regional issues (carbon free transit, housing).
- ii. Board member Battalio recommended a more detailed analysis to support the EIR and observed that for the Engineering Criteria Review Board, they would want to see a marine analysis, engineering criteria, a preliminary design level to provide sufficient confidence, analysis of wave reflection, and a comparison of alternatives with analysis of impacts and functions.

e. **Project Proponent Response.** The project team thanked the Board and agreed with many of the recommendations. In response to the comments on future maintenance dredging, the project team acknowledged that it is likely a future maintenance dredging episode would be needed, but, from the regulatory process and permit authorization timelines, the initial dredging should be sufficient for longer than the 10 years (the timeline maintenance dredging authorizations extend).

7. **Meeting Adjournment.** Vice Chair Strang moved to adjourn the meeting. Board member Hall seconded the motion. The meeting concluded at 7:08 p.m.

From: David Sheh <davidsheh@gmail.com>

Sent: Wednesday, May 7, 2025 10:16 PM

To: Lmcnulty@berkeleyca.gov; Tomerlin, Ashley@BCDC <ashley.tomerlin@bcdc.ca.gov>

Subject: BWTPF EIR scoping comments

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Dear Ashley, Liza, and Members of the Design Review Board,

As a recreational user of the Berkeley Marina who swims there several times per week throughout the year, I have been dismayed by the decline in maintenance of recreational assets over the years, including the pier, the access point near the former Hs Lordships restaurants, and one of the docks in the South Basin. These common facilities are utilized by various groups including non-motorized recreational vessels, swimmers, and fishermen, among others.

The proposed improvements outlined in the Berkeley Waterfront and Ferry Pier project have not addressed how existing recreational users will be impacted in terms of water access and parking if the project moves forward. Furthermore existing recreational users have not been consulted nor had a voice in the planning process as stakeholders, despite delegates from these communities attending review meetings.

There has been very little to no effort made to engage with and solicit input from recreational users of the Berkeley Marina throughout the review process, though the proposed project will undoubtedly impact these groups. I encourage the BCDC to require additional due diligence from the project to engage with the communities that will be affected by the proposed improvements.

Best,
David

Jim McGrath
2301 Russell Street
Berkeley, CA 94705
March 18, 2025

Scott Ferris
City of Berkeley
2180 Milvia
Berkeley, CA 94704

Subject: Parking at Berkeley marina, Kittelson Report dated March 7. 2025

Dear Mr. Ferris:

INTRODUCTION AND SUMMARY

In January of 1967, Berkeley received a permit to fill an area of the bay and expand Berkeley marina to "...permanently establish public access and recreational use for a sizable part of the Berkeley shoreline. " (From the minutes for BCDP approval on January 20, 1967, Permit No. 28-66) The Bay Conservation and Development Commission, guardians of the Bay from relentless fill proposals, relied on the assurances of the city that the parking lot: "would be used primarily for patrons of the restaurant, park and beach"

But Berkeley has failed to maintain the facilities that justified the bay fill and now proposes a massive ferry terminal that could sacrifice the promised recreational benefits to a facility that will cost the city at least \$29 million and will generate no revenue. That terminal, if approved, will generate no revenue to help maintain the marina, and the \$94 million in deferred maintenance will remain deferred. Berkeley has not been forthcoming about the other costs that such a terminal might entail.

The Kittelson report is part of an effort to whitewash the potential impacts of a massive ferry terminal on the promised recreational use. It is inadequate, using misleading statistical methods to minimize what little data it has. It substitutes irrelevant data while excluding relevant data, and falsely claims that it is a comprehensive analysis of parking.

In an effort to retain some aspects of their professional reputation, Kittelson tips us off to the problem:

The data may not reflect peak utilization which could occur at times other than 10 am and 8 pm. In Spring, 2024, staff began collecting data at additional time points (2 pm and 4 pm), which was not used for this study due to the comparatively limited number of data points.

Of course 10 am and 8 pm are not characteristic of peak recreational times. But the city has used this irrelevant data, while not including staff counts that showed the recreational parking lots 96% full on some weekdays and spent only a paltry \$22,000 on actually counting parking. The document is fatally flawed, and the city needs to start over again and develop a factual baseline of recreational use and parking behavior—as stakeholders have said for years. I'll provide the details and supporting citations below.

BAY PLAN TESTS

Berkeley was granted State Tidelands and given permits, loans and grants to create a regional recreational facility. Those grants and permits establish policies, such as those found in the BCDC Bay Plan, and in the Water Trail legislation, that gave Berkeley funding, and permits to fill the Bay, in exchange for assurances that Berkeley would provide a regional facility, not one merely for Berkeley residents. That policy guidance has generally been ignored by Berkeley as it tried to push through a commuter terminal that poses an existential threat to the regional recreational facility that currently exists.

Berkeley Marina is designated as a waterfront park priority use area in BCDC's Bay Plan. Further guidance for protection of recreational use is established in Recreational Policy 9:

Ferry terminals may be allowed in waterfront park priority use areas and marinas and near fishing piers and launching lanes, provided the development and operations of the ferry facilities do not interfere with current or future park and recreational uses, and navigational safety can be assured. Terminal configuration and operation should not disrupt continuous shoreline access. Facilities provided for park and marina patrons, such as parking, should not be usurped by ferry patrons. Shared parking arrangements should be provided to minimize the amount of shoreline area needed for parking.

Plan Map 4 in the Bay Plan provides further and specific guidance to “Preserve marina, beach, small boat launch, windsurfing access, fishing pier...

These policies—ignored in nearly every City of Berkeley document—establish a two-part test before a ferry terminal can be considered and additional policies that protect the existing recreational community. First, if land might be needed for future park and recreational use, it cannot be used for a ferry terminal. Current zoning efforts of the city might lead to a doubling of Berkeley's population, and cooler areas like the Bay's waterfront parks are critical for heat relief as the climate warms. Second, parking for recreational users cannot be usurped by ferry patrons. Finally, measures must also be taken to

preserve existing access points, and to mitigate any adverse impacts on existing access opportunities.

THE CITY'S PARKING STUDIES ARE INADEQUATE AND DO NOT ADDRESS BAY PLAN POLICIES TO PREVENT USURPATION OF EXISTING USERS

The city has not established a baseline of existing recreational use, or parking needs. Instead, the city has used irrelevant information which it then claims shows that there is plenty of parking available for recreational users. To demonstrate that parkers for a proposed ferry would not usurp the needs of recreational users protected by the Bay Plan, the city must understand what those needs are. The Kittelson report claims that the document provides ..."a comprehensive review of current parking conditions." On March 12, 2025, City staff went even further, claiming that they were using 18,000 data points to establish what current patterns are. Those claims are not true. In fact, the city has only developed parking counts on two weekdays during the recreational season.

The city had staff collect the number of parked cars, focusing on the presence of RV's, after an RV camp was cleared from the Seawall parking lot. Those counts were taken at 8:00 PM and 10:00 AM, times when few recreational users are in the marina. The forms that were used and the timing of the counts make it clear that the purpose of the counts was to determine whether cars, and particularly RV's, were parked in the marina overnight. The counts had nothing to do with establishing a baseline of recreational use and parking needs. Presentation of that data as a comprehensive review of current parking conditions at best reflects a misunderstanding of the proper use of data. When developing or interpreting a time series, it is standard engineering practice to keep data generated by different populations of behavior separate. Here the data collected by city staff inventories fourteen different parking lots in the marina, at a time when recreational activity is near a minimum. Those counts might reveal something about parking by ferry passengers and fishing boat passengers at South Cove West, or dog walkers and joggers at Cesar Chavez. But they do not provide any information about recreational use at the South Basin, which usually begins after noon on weekdays and continues until about 6:00 PM. Combining data from different populations also destroys whatever statistical value that data may have had. In the current case, including this data in the Kittelson report and representing this as a comprehensive review of current parking conditions misrepresents the number of recreational users during peak recreational season and times.

The city is aware of the potential for ferry riders to usurp recreational parking. Earlier studies by Nelson\Nygard recognized the problem of ferry passengers parking in the south basin. Their memorandum dated September 11, 2018, stated:

Since August 29th, ferry passengers have been directed to park in the Marina Boulevard Lot with signage and communication by PropSF and Tideline to their customers. However, very few users, if any, have heeded this request. Ferry customers continue to park in South Coast East, J&K and L&M Lots due to a lack of enforcement. Since reopening, South Coast East Lot experiences as much as 90% occupancy.

The problem of ferry parkers usurping recreational users was well known to both BCDC enforcement staff and Parks and Recreation management; in a letter dated April 15, 2019, Scott Ferris acknowledged to BCDC that the approval of two small ferry leases—without consideration of the Bay Plan policies or public process—“has had the effect of squeezing out visitors...”

Notwithstanding this history, city staff told the planning Commission on May 10, 2023, that weekday parking utilization on that same lot was 5%. (slide 24, Power Point Presentation titled Waterfront Specific Plan for the City of Berkeley Public Tideland Area.) In fact, data collected by city staff but not used in the Kittelson report shows parking utilization in those two South Basin lots as high as 96% on summer weekdays.

Stakeholders in the marina sent city staff more than a dozen time-dated photographs showing heavy use of the South Basin East and West and J & K lots, the closest overflow lot to the South Basin East and West lots. Those photographs, submitted by Gordon Stout, included aerial photos that showed that riders on the Genentech ferry continue to park in the recreational areas, usurping space for visitors. The city has made no attempt to quantify that use, although it has plenty of data since the lease for the ferry operation requires payment for each passenger boarding.

Stakeholders also commented, in writing, that the work program for Kittelson studies was not collecting sufficient parking information at the times when recreation use was greatest. The city went ahead with their plan to only measure use on five days—at a minimal cost of \$22,000. Only two of those days were during the weekdays when ferry parkers were most likely to usurp parking needed for recreation. The data from those studies has not been released.

I noticed in the draft Kittelson report that city staff had completed additional traffic counts but they had not been used in the study. I submitted a Public Record Act (PRA) request, and received that data in a spread sheet titled “Waterfront Parking Data—collected by City

staff” Most of the data was collected at 8:00 PM and 10:00 AM—times when recreational use is minimal. But the city collected parking counts on 11 days between July 23, 2024, and August 23, 2024. This only represents one month and is not the busiest at the marina—according to the presentation to the Parks Commission on March 12, 2025, June is the busiest month. Data was only collected at 4:00 PM, which does not span the whole peak recreational period of 2:00 PM until 6:00 PM. However, for the two recreational lots closest to the proposed ferry terminal, use on weekdays was often more than 70% full, and as high as 96% (August 1), 92% (July 23), and 91% (July 31). The city has excluded these counts that indicate the parking lots that might be affected by development of a ferry terminal are already full and vulnerable to usurpation, arguing that the data involved—eleven data points—is “comparatively limited.” The city prefers its two days of information and counts that were not taken during recreational periods. This is not an acceptable use of limited data and avoids the obvious solution—collect sufficient data to characterize existing recreational uses. Spend more than \$22,000 on the fundamental issue raised by the proposed ferry terminal.

THE KITTELSON APPROACH OF COMBINING DIFFERENT POPULATIONS OF PARKING INFORMATION AND AVERAGING THE RESULT IS AN IMPROPER USE OF DATA

Earlier I established that proper use of time series data requires that different populations of data be kept separate. There are twelve different parking lots in the marina, and probably as many different recreational activities. Correct use of data, if sufficient relevant data were to be collected, would identify which parking lots are underutilized and when. That would be a valuable tool in determining whether ferry passengers could be accommodated without usurping existing recreational activities. The approach used in the Kittelson study improperly combines both different locations and different times. This destroys the statistical value that the data has and improperly implies that use is less than it actually is. In effect, times of little use are used to improperly dilute the significance of high use times, and the manipulated data is then presented as a comprehensive analysis.

FUTURE RECREATIONAL NEEDS HAVE NOT BEEN CONSIDERED

The cited BCDC policy reserves some waterfront land, including Berkeley Marina, as park priority areas, recognizing that the land might be needed for future recreation as population increases. The city has failed to account for growing recreational activities, like winging, a newer form of windsurfing, kayaking and swimming. As the climate warms, and as Berkeley provides zoning for a large increase in population in their land use plans and zoning, cooler refuges like Berkeley marina become more important. The city has made no

effort to characterize future recreational needs for the region, while it has accepted public funds for a regional recreational facility.

The lack of specific consideration for fishing, given the Bay Plan policies, is of particular concern. At one time, as many as 100,000 anglers fished from the Berkeley pier each year—an average of about 300 a day. Even if only half of them drive, that is a demand for 150 parking spaces—and they formerly parked on Seawall lot, now proposed to be parking for a new ferry terminal. We have seen how improved facilities attract new users at the South Basin East parking lot and at Albany Beach. But no effort has been made to provide either a baseline for such returning and new users, or any accounting for their infrastructure needs. The same concern exists for the reopening of the former H's Lordships restaurant, closed now for many years. A new lease of that building, or any new visitor-serving facility on the filled land, would generate parking use—which has not been considered.

THE PROPOSED FERRY TERMINAL WOULD HAVE CAPACITY FOR UP TO 3200 DEPARTING PASSENGERS

The project described in background documents would involve ferries with a capacity to carry 400 passengers departing from Berkeley, with eight departures a day. The Kittelson study uses a much lower estimate of passengers to evaluate potential impacts, selecting 2,110 ridership and the year 2040 for analysis. This is different from the plans presented in WETA's update of their long-term plan for 2050, dated April 12, 2023. On Page 24, in Table 11, it provides 4 different ridership forecasts for the proposed Berkeley service. The "Steady as it goes" scenario forecasts a ridership of 2,500. The "Throttle Back" scenario forecasts a ridership of 1,800. The "Chart New Course" scenario forecasts a ridership of 4,000. The "Tack to the Wind" scenario forecasts a ridership of 2,600. Instead of these scenarios in the 2023 document, the Kittelson report (page 16) uses an earlier, 2022 WETA business plan and only goes to 2040. They thus have a ridership total of 2,110, well below three of the WETA scenarios, or the actual capacity of the proposed facility. The use of an earlier report and an earlier year suggests a lower ridership—and thus misrepresents the level of passengers WETA is planning for. The more serious issue is that WETA plans for 400 passenger ferries and 8 departures from Berkeley. That is a capacity of 3200 departing passengers in the infrastructure that is being proposed. The city plan, and the Kittelson's parking studies, need to evaluate all the possible scenarios, including the capacity for up to 3200 departing passengers, to create a meaningful basis for evaluating consistency with the Bay Plan policies.

THE REPORT USES OPTIMISTIC ASSUMPTIONS ABOUT MODE SPLIT RATHER THAN DATA FROM BERKELEY'S SMALL FERRIES AND OTHER WETA TERMINALS

The city uses assumptions about mode split rather than readily available data of actual mode split. That approach, especially in combination with the practices of averaging parking, could significantly underestimate the demand for parking by ferry passengers. The Kittelson report significantly lowers the assumptions for those driving from the estimates and assumptions of Nelson\Nygaard in their September 11, 2018, report. Berkeley has experience with three different small ferry operations in the marina since 2018 that could provide real data about mode split, instead of using assumptions. WETA also operates other terminals and has circulated surveys to estimate mode split. Richmond's facility is analogous to the proposed Berkeley facility because it is also located in the waterfront away from residential areas. There, 57% of passengers drive alone, and another 17% may carpool take transit, or be dropped off. That matches the mode split proposed by Nelson\Nygaard much more closely than the new, much lower assumptions used in the Kittelson report. Where there is a regulatory standard, as there is in the Bay Plan, assumptions that are not supported by substantial evidence in existing terminals, should not be used if they increase the risk that ferry parkers will usurp recreational parking. If the 60% drive alone or carpool and park figure recommended by Nelson\Nygaard is used, at least 630 drivers will be looking for a parking place in Berkeley marina—and potentially far more. The nearest parking lots are the high recreational use lots in the South Basin, which total only about 200 spaces. Usurpation of those lots could easily occur and would compromise or end much of the existing recreational use. City efforts to date have not considered the BCDC Bay Plan policy, or successfully controlled parking in the recreational areas; passengers on the Genentech ferry park in the South Basin West lot and the city has made no effort to quantify or control that use of scarce recreational parking.

BERKELEY NEEDS TO VERIFY BICYCLE USE RATHER THAN MAKE ASSUMPTIONS

While the Nelson\Nygaard estimate of 60% driving alone or carpooling has substantial evidence supporting it, the assumption that 18% of passengers will ride bicycles does not. The bike share at Richmond is 11%. It is a bit higher at Harbor Bay, (14%) but there is a substantial residential population close to that terminal. While bicycle advocates favor improving bicycle ways, it is not clear that 18% is a reasonable assumption. The most recent estimate of bicycle commuting in Berkeley was done in 2022 by the American Community Service and reports that only 3.4% of Berkeley commuting is done by bicycle. <https://data.bikeleague.org/new-data-and-competing-narratives-a-look-at-census-and-streetlight-data/> Currently, over 91% of visitors to the marina report that they drive.

I'm often on my bike in the marina and observe the existing patterns. I have seen up to 6 bicycles in the bike lockers next to the bait shop, and a single bicyclist arrive and take the Genentech ferry. It is obvious that 18% of the visitors to the marina, or those using the Genentech ferry, do not ride a bike. The city has placed a ten-space bike locker outside of the bait shop. It requires a cell phone and app to use, and like most such endeavors, that generates total use and locational information. While that information exists, and doesn't need to be generated, the city has not used that data, or other methods, to determine whether such investments are changing mode split. Scott Ferris has told the Berkeley Democratic Club that he hopes that more people will ride a bike. Hope is not part of a program, or substantial evidence that existing efforts are making a difference.

THE KITTELSON REPORT DOES NOT ADDRESS THE BAY PLAN POLICIES TO PRESERVE EXISTING RECREATIONAL ACCESS

Earlier I established the third test in Bay Plan policies, protecting existing recreational amenities like the pier, the beach, and windsurfing. With the current closure of the East Dock of the South Basin, and the damage to the ADA accessible float at the middle dock, the lack of city maintenance of existing recreational facilities—the justification for the fill they now target for a park and ride commuter facility--has come into sharp focus for stakeholders. Other vital recreational facilities—the path on the east side of Seawall Drive lot, the Berkeley fishing pier, the sheet pile seawall in the marina that holds up the fill, maintenance of docks in the marina which pays 67% of the marina revenue, and dredging of the South Basin—have been ignored, allowing the promised recreational amenities to degrade. Despite that, the marina remains a vital—and diverse—community of stakeholders which have not been characterized by the city's planning efforts.

I draw attention to the cove next to the H's Lordships Restaurant, which has been used by windsurfers for access to the Bay for over thirty years and now provides access for swimming. That cove was identified as a critical access point in the 2004 Marina Plan, and the city received a Coastal Conservancy grant and completed a design for improving that access. Yet nothing was built, and the city has closed off the parking lot that provided access for users. The most recent city plan, presented at the March 12, 2025, Parks, Recreation and Waterfront Commission proposes to use virtually all of the bay fill for ferry parking, compromising landscaping, the existing uses and the pathways along the area.

FEASIBILITY

A number of questions by Commissioners at the recent Parks Commission meeting went unanswered, or only partially answered. City staff and documents have insisted that Berkeley will not pay for the subsidies required to operate the ferry system and have not provided a complete inventory of the costs that the city has agreed to pay in the existing MOU. When the initial Feasibility Plan was issued and Berkeley entered into an MOU with WETA, Berkeley agreed to pay the entire cost of the recreational portion of the pier and all shoreside improvements for recreation. At that time (2019), the estimated cost of those facilities was \$29 million. The latest drawings appear to involve much more substantial and expensive improvements.

On the issue of subsidizing operations, I draw your attention to this provision in the 2022 Berkeley Ferry Service Business Plan, prepared by Economic and Planning Systems, Inc.

At the local level, and in partnership with local employers and developers, the City of Berkeley can incorporate funding for ferry operations or shuttle services in future Transportation Demand Management plans. Private funding from local developments through Transportation Demand Management agreements and plans can be negotiated and may generate operating subsidies.

Fairly clearly, WETA is not making plans, and does not have funding, for the necessary operational subsidy and expects Berkeley employers, developers, or taxpayers to contribute.

Even a minimal Transportation Demand Management plan is expected to cost at least \$550,000 a year according to estimates prepared by Nelson\Nygaard in their January 2022 “Parking and Mobility Framework.”

There are other sources which indicate Berkeley is expected to generate operational and subsidy costs. These quotes are from the Berkeley Ferry Service Business Plan 03/17/2022.

Page 39:

Terminal Expenses

Terminal expenses refer to the costs that each service route pays towards maintenance and usage of the terminals at Berkeley, San Francisco, and

Larkspur. These expenses are estimated to be \$135,000 annually. The capital costs of constructing the Berkeley terminal are not incorporated in these estimates but discussed in Chapter 8.

Page 47:

Local Funding

It is not expected that the City of Berkeley will subsidize operations of the ferry services from its General Fund. However, local (City) funding sources may also be established, similar to the funding provided by a local property tax charged in Bay Farm Island or a portion of Contra Costa County sales tax revenue for the Richmond service to provide an operating subsidy. One option could include a Transient Occupancy Tax surcharge on hotel night stays in the Marina that would reinvest revenue in the Berkeley waterfront and support maintenance of the pier and shared parking facilities.

The city has not been forthcoming about the exposure of Berkeley to ongoing costs for the operation of a terminal and parking area, or the impact that may have in leaving the current maintenance needs for recreational uses—the purpose of the marina—unmet.

BERKELEY NEEDS TO TEND TO ITS EXISTING RECREATIONAL FACILITIES FIRST

As I noted in the introduction, Berkeley has failed to fulfill the promises it made to the public and BCDC, not merely on this filled site, but throughout the waterfront. Berkeley created a structural deficit in the marina fund by refusing to use the city-wide parks tax funds for maintenance of the parks in the marina. As noted by the Division of Boating and Waterways, the city has used as much as \$1.5 million a year in boating revenue to maintain those parks, rather than maintaining those boating facilities. Slip holders pay 2/3 of the cost of maintaining the marina, have other marina options, and expect a functional marina. The recent closure of the East Dock in the South Basin and the float which meets Americans with Disabilities Act standards also in the South Basin, has brought these practices into sharp focus. A list of facilities which have not been adequately maintained includes:

- Water intrusion into the old landfill which is now Cesar Chavez Park has resulted in oversight and requirements for correction from the Regional Water Quality Control Board and the Air Pollution Control Board;

- Pathways at Cesar Chavez Park are in poor condition and do not meet the standards of the Americans with Disabilities Act
- The marina entrance channel was not dredged for over twenty years, and the sight of boats stuck in the mud was a frequent occurrence
- The docks and electrical systems at the marina were not maintained, leading to departure of many tenants
- The south basin, home to the Cal Sailing Club and Cal Adventures, has filled with sediment and often can't be used to give lessons
- The seawall that holds the fill approved in 1967 is in danger of failing
- Berkeley pier is closed
- Two of the three docks in the South Basin used for recreation are closed or limited for people with disabilities
- Streets and paving in many of the parking lots in the marina are failing
- H's Lordships restaurant has been closed for many years and needs at least \$6 million in repairs. As a result, the marina fund will not derive any net revenue for at least a decade after it is re-occupied.

While Berkeley adopted an asset management policy in 2022, it has done nothing to implement that policy in the marina, or in the current Waterfront Specific Plan. The total repairs that are needed is at least \$94 million, yet the city is focusing on a ferry project that will not generate any revenue.

The city needs to focus on the basics of getting the waterfront preserved and maintained. Not on poorly conceived and executed parking studies.

Very truly yours,

Jim McGrath

Copies: BCDC, City Council

Jim McGrath
2301 Russell Street
Berkeley, CA 94705
May 1, 2025

San Francisco Bay Conservation & Development Commission
375 Beale Street, Suite 510
San Francisco, CA 94105

Subject: Design Review Board meeting of May 12, 2025, on a proposal to establish a commuter terminal in Berkeley on filled bay land designated as a waterfront park priority use area in BCDC's Bay Plan

Members of the Design Review Board:

THE FILLED BAY SOUTH OF UNIVERSITY AVENUE IN BERKELEY IS NOW RECREATIONAL LAND—COMMONLY KNOWN AS A PARK

In January of 1967, Berkeley received a BCDC permit to fill an area of the bay and expand Berkeley marina to “...**permanently establish public access and recreational use for a sizable part of the Berkeley shoreline.** In issuing that permit, BCDC relied on the statements of city officials and the support of one of my mentors, Sylvia McLaughlin. In supporting this project, Mrs. McLaughlin echoed the comments of the city official that and wrote: “**Berkeley’s portion of the shoreline of San Francisco Bay should be reserved exclusively for public recreation and its related public uses.**” In November of 1986, Berkeley citizens approved a referendum, titled the “Berkeley Public Parks and Open Space Preservation Ordinance”, establishing their commitment to preservation of parks and open space, codified as Ordinance No. 5785-N. S. The definition of parks and open space protected by that ordinance clearly applies to the land. Berkeley has not maintained the commitments in either their BCDC permit or the referendum and now proposes to turn this park priority use area into a giant park-and-ride facility.

BERKELEY HAS MISMANAGED ITS WATERFRONT FOR DECADES

The most recent example of Berkeley’s failure to maintain its recreational facilities is the closure of one of the docks in the South Basin—the area created by the BCDC permit for a regional recreational facility. Despite the language in the referendum that such facilities be “funded at least to allow the maintenance of the present condition and services”, and a city policy to manage facilities as assets, there was no timely inspection and repair of that facility. Similar deterioration has occurred to the shoreline trails, Berkeley pier, and the old H’s Lordships restaurant, all of which are closed or in poor repair, despite the infusion of hundreds of thousands of dollars in grants and increases in the city’s parks tax in 2014 and

2024. A complete list of the deferred maintenance of the recreational assets and the estimated cost to repair those facilities is attached.

This did not occur because Berkeley had no financial resources to maintain the regional recreational resources it promised when it sought a permit to fill the Bay, or grants to build facilities. The city systematically used Berkeley Marina as a cash cow to reduce costs for other parts of the city. The city used revenue generated by boating facilities to staff its marina parks, while elsewhere in the city such facilities were funded by the parks tax. The city charged road maintenance and garbage collection to the marina fund, while elsewhere in the city such services were funded by the general fund and the zero waste fund. Those practices prevented proper management of the assets that had been funded in many cases by grants. Now it proposes a new facility, without telling stakeholders how much that facility will cost to build and maintain, or how those costs will be raised, and without planning to repair the facilities that it has not maintained.

BERKELEY HAS IGNORED BAY PLAN POLICIES IN DEVELOPING THIS PROPOSAL AND IN APPROVING SMALL SCALE FERRY OPERATIONS

In 2006, BCDC adopted recreational policies and maps that protect existing recreational amenities like the bay fill south of University Avenue. Berkeley Marina is designated as a waterfront park priority use area in BCDC's Bay Plan. Further guidance for protection of recreational use is established in Recreational Policy 9:

Ferry terminals may be allowed in waterfront park priority use areas and marinas and near fishing piers and launching lanes, **provided the development and operations of the ferry facilities do not interfere with current or future park and recreational uses**, and navigational safety can be assured. Terminal configuration and operation should not disrupt continuous shoreline access. **Facilities provided for park and marina patrons, such as parking, should not be usurped by ferry patrons.** Shared parking arrangements should be provided to minimize the amount of shoreline area needed for parking.

Plan Map 4 in the Bay Plan provides further and specific guidance to “**Preserve** marina, beach, small boat launch, **windsurfing access, fishing pier...**”

While not improved because the city returned a Coastal Conservancy grant for that purpose, the launch point next to the former H's Lordships is certainly protected by this language. But no design for that launch is included in the City's submission.

In late 2016, Berkeley encouraged Tideline and Prop SF to apply for a “Small Scale Ferry Service Permit.” The city approved those applications without a public process, a parking plan that reflected the BCDC Bay Plan policies, or compliance with CEQA as a six-month pilot project. Yet those operations went on for far longer than six months and no report on

the pilot project was issued. The impact on recreational parking was immediate; ferry patrons usurped much of the parking for recreational users in the filled land in the South Basin. That usurpation was acknowledged in a letter from the city to BCDC dated April 15, 2019. Berkeley has not provided any information about the parking pattern of those facilities. While the original two operations ceased during the pandemic, a new operation, a commute ferry for Genentech employees was initiated, again without consideration of Bay Plan policies or CEQA.

BERKELEY HAS ALTERNATIVES THAT DON'T INVOLVE USING THE RECREATIONAL LAND

The land between University Avenue and the marina basin is approximately 1000 feet by 175 feet, or 4 acres. This fill pre-dated the McAteer-Petris Act and was thus not a portion of the Bay filled under that Act to create a recreational resource. This city has much broader discretion to use this land for other purposes that are consistent with the Public Trust Doctrine. Berkeley's marina basin is much larger than that, and currently provides about 1000 recreational boat slips, plus additional areas for charter boats such as the Genentech ferry and the Hornblower charters. However, Berkeley and WETA have refused to consider other sites that don't raise the issues of usurpation of recreational parking, new bay fill, or new dredging.

THERE ARE PROBLEMS WITH THE RECREATIONAL FACILITIES THAT BERKELEY PROPOSES

I urge the DRB to look carefully at the diagram the city has prepared titled "Seawall Parking Lot Alternative 3: Maximize Parking with Shorebird Park Improvements." You will not see a Bay Trail around the bay edges in that diagram. You will not see the launch point adjacent to the old restaurant which has been used by windsurfers and swimmers for access for decades. You will not see an assessment of current or future parking needs for the present use of anglers, windsurfers, or swimmers. Indeed, Berkeley has reached out to new users that might support their project but has not devoted appreciable outreach to current users or the growing winging and swimming communities. It doesn't look much like the permanent recreational amenity promised in 1967.

Berkeley entered into a memorandum of understanding with the Water Transportation Authority (WETA) on July 19, 2019, to evaluate the feasibility of a ferry terminal in Berkeley. Yet it wasn't until last night, April 30, nearly six years later and two weeks before your meeting that the city staff met with a group of representatives of those who have been using this area for access to the Bay for more than twenty years. In their recently issued notice of preparation, the city included this language about access improvements "the city may choose not to implement ...Recreational access to the Bay, including non-motorized watercrafts." At that meeting city staff presented, for the first time, multiple new design concepts for the area that is currently used. This is hardly a project that is ready for design review of its public access components.

Berkeley has made much of the shorter pier that would be built if a ferry terminal were built. However, the fishing portion of that pier would only be 550 feet long. The pier that has been closed was 3000 feet long and suitable for fishing everywhere, accommodating as many as 100,000 anglers in a year. The landside portion of the pier is unsuitable for fishing; it would have passengers lining up to board, and it would be disturbed by dredging and ferry prop wash. The curved portion of the pier is proposed to provide wave sheltering for the ferry loading area and would be a sheet pile breakwater unsuitable for fishing. A much shorter fishing pier has been proposed, without any efforts to assess its suitability for fishing by seeking input from the fishing community, or determine whether it meets the future needs for fishing access protected by the Bay Plan.

Swimming has become a major form of in-bay recreation, and with warming temperatures is likely to increase even more. Yet nothing in the drawings before you, or the background information, examines the existing swimming activity, or proposes facilities to accommodate that use. Currently swimmers enter the water adjacent to the old H's Lordships restaurant; it is not clear that this use will be improved or even tolerated.

The failure to consider the growing contingent of swimmers has been pointed out repeatedly to the city. A September 18, 2023, letter stated "...there are often more than 100 people swimming from the South Basin and the cove near the former H's Lordships Restaurant...[but] the draft plan is virtually silent on the parking along Seawall Drive." Again, on April 19, 2024, a letter to Scott Ferris points out "Swimming needs far more attention than it has received...The city must establish a baseline of such use and analyze how it may increase in the future as the climate further warms and as Berkeley's population increases..."

PARKING

You have been provided with a copy of my letter that covers parking in detail. It makes it clear that Berkeley made no effort to understand the current users in the marina, develop a baseline of existing recreational users, or comply with the Bay Plan policy that protects recreational parking. Instead, Berkeley has gone out of its way to avoid any consideration of existing users, the users that would return if a meaningful pier were restored and has buried the data that was collected that showed recreational parking in danger.

Very truly yours,

Jim McGrath
Save the Berkeley Pier

EXISTING WATERFRONT FACILITIES THAT BERKELY HAS FAILED TO MAINTAIN

Marina infrastructure including dredging and piling repair \$29.7 million

Cesar Chavez pathways \$3 million

Parking lot repair \$14.7 million

Street repair \$4.4 million

Pier—estimates vary from \$30 to \$55 million

South Cove dredging \$15.2 million

South Cove seawall replacement \$5.78 million

199 Seawall repairs, \$2.1 million immediate needs, \$8-12 million total

Improvements to meet ADA standards \$2.4 million

Repairs to Cesar Chavez methane collection system unknown

Many of these facilities were constructed using grant funds.

Source: Most of these costs come from a memorandum dated March 28, 2025, to the City Council Re: Parks, Recreation and Waterfront Department Capital Improvement Project and Minor Maintenance Program Update

Seawall Parking Lot Alternative 3: Maximize Parking with Shorebird Park Improvements Adds ~110 Stalls

Based on conceptual drawing, does not include water treatment areas (C3). Some stalls will be Accessible or EV Charging.



From: [Julie Allen](#)
To: [Tomerlin, Ashley@BCDC](mailto:Tomerlin.Ashley@BCDC)
Subject: Berkeley ferry/pier project, comments for 5/12 DRC meeting
Date: Tuesday, April 22, 2025 11:43:00 AM

You don't often get email from valepuella@gmail.com. [Learn why this is important](#)

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Dear Ashley,

Katherine Pan recommended that I send you comments in advance of the upcoming BCDC DRC meeting on May 12 to look at the Berkeley ferry/pier project. If I should send the below to anyone else instead/in addition, please let me know and I'll do so.

I'm a 20 year resident of Berkeley and have been a regular Berkeley marina swimmer for over 5 years now. I'm a member of a 500-member group of open water swimmers (EBOWS.org) and we swim all over: Berkeley, Richmond, Albany, Alameda, SF. I've been trying to stay up on the plans to redesign the Berkeley marina to bring ferry service there. It's been tricky to do that, because the city has been very quiet with their plans. I attended the March meeting of the parks, rec, and waterfront commission when the pier project was presented to the public. The meeting, on a school night, began at 7 and the ferry project presentation did not begin until 9:45pm. This is hardly transparency!

Swimmers need a few things: a place to launch, a place to swim, and a place to park. The city has not solicited swimmer feedback (and I have tried! I've sent two emails now to Liza McNulty at the city no replies) and the report did not mention swimmer usage at all.

Swimmers regularly launch near the sea wall by the defunct Hs Lordships restaurant. This is necessary in lower water as the sailing basin is too shallow to swim + launch when the water is under 3 feet, which is probably 50% of the time! We park, along with fishermen, walkers, paddlers and wind-boarders, along the sea wall. Those parking places will be taken by ferry users. Many of us at the March meeting were dismayed at the city's assertion that their parking study showed plenty of parking for all. This is based on cherry-picked data and the false assertion that all parking spaces are equally appropriate for all users:

[P 22 of the report contains](#) parking info that makes clear that parking utilization data was gathered at 10am and 8pm (parking surveys done to detect overnight camping) and that peak usage times (2pm-4pm) were excluded.

The city asserts that all parking spaces in the marina are equivalent -- but this is not so. A shivering wet swimmer should not be expected to shuffle 1/2 mile back to her car parked at the other end of the park.

I am worried that the city's plans to commercialize the marina decrease recreational amenities that are rare, free, and enjoyed by the most diverse group of people I have EVER seen at any Berkeley park. I am concerned that the city's plans are supported by a report with false data and that recreational users and Berkeley residents have not had input into the plans and have

been kept in the dark. I very much hope the BCDC will insist on the city doing more accurate studies and commit to preserving the recreational amenities that we pay for and that we have the right to enjoy (water access is for all).

Thank you for your time in reading this. I would be happy to provide any additional info. I intend to attend the May 12 meeting.

Best wishes,
Julie

From: Kerrily Kitano <kerrilyjoy@gmail.com>
Sent: Thursday, May 8, 2025 11:07 AM
To: Tomerlin, Ashley@BCDC <ashley.tomerlin@bccdc.ca.gov>
Subject: BWTPF EIR scoping

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May 8, 2025

Dear Ashley and Members of the Design Review Board,
I am a recreational open-water swimmer who regularly swims at the Berkeley Marina throughout the year along with a number of others. It is the most joyous thing that I do. I am dismayed to hear that plans for the proposed Ferry Pier project have not invited our voices for our opinions, wisdom and input, given that whatever decisions that are made will directly affect us. I love the Bay and hope to keep the Berkeley Marina, the precious resource that it is, available to those of us who immerse ourselves in it.

Thank you,
Kerrily J. Kitano
open water swimmer
510-387-5066
kerrilyjoy@gmail.com

From: Lee Huo <lhuo@bayareametro.gov>

Sent: Friday, May 9, 2025 9:27 AM

To: Tomerlin, Ashley@BCDC <ashley.tomerlin@bcdc.ca.gov>; Plese, Alyssa@BCDC <alyssa.plese@bcdc.ca.gov>

Cc: Nicola Szibbo <nszibbo@bayareametro.gov>; Lily Brown <lbrown@bayareametro.gov>; Diane Dohm <ddohm@bayareametro.gov>

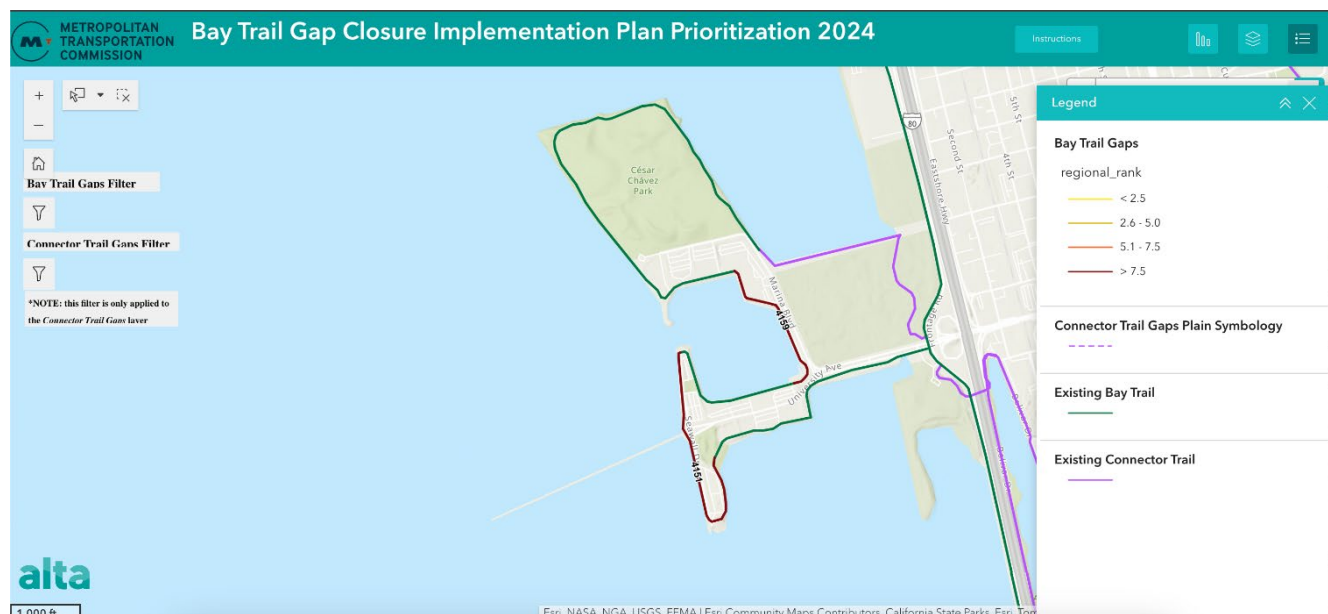
Subject: Comments on the Berkeley Waterfront and Berkeley Pier Ferry Project for BCDC's DRB Meeting

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Alyssa and Ashley,

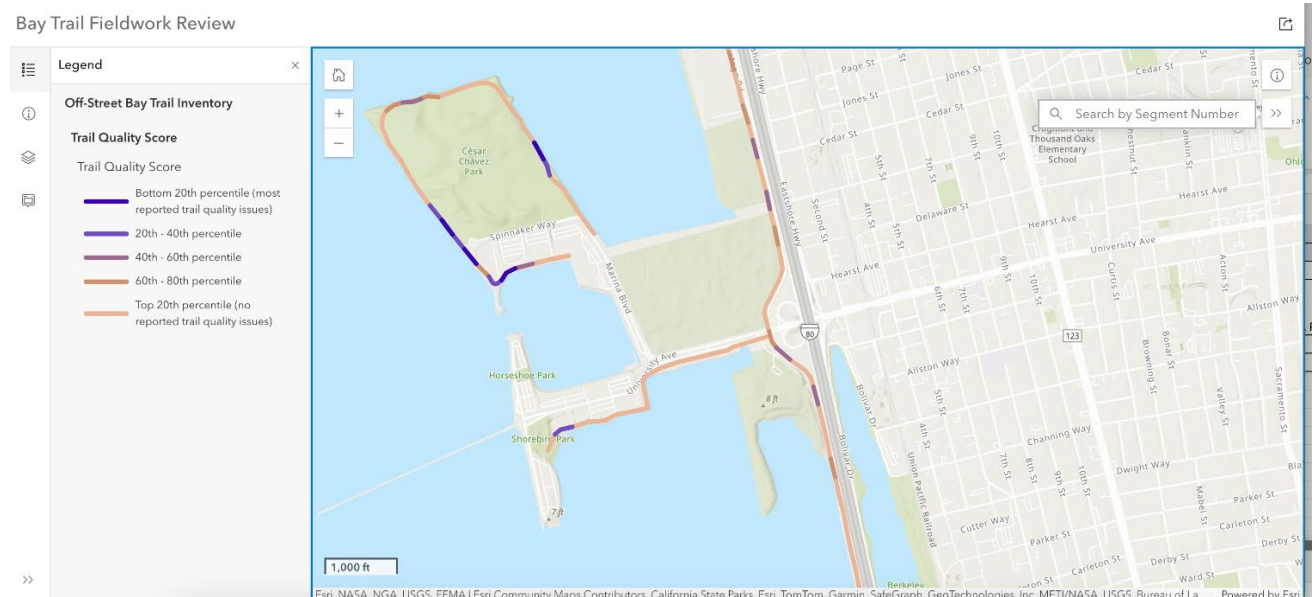
Thank you for the opportunity to provide comments for BCDC's DRB meeting. We are providing the following comments on behalf of the Bay Trail and Active Transportation Team at MTC/ABAG for the DRB review of the proposed Berkeley Waterfront and Berkeley Pier Ferry Project (Berkeley Project) in the City of Berkeley. Please provide copies to the project sponsors and the DRB.

1. **Complete Bay Trail Segment 4151 and Improve Segment 4154:** We request that the project sponsors complete the entire Bay Trail gap at the Berkeley Marina from the South Cove to the Berkeley Marina entrance which is shown as Bay Trail Segment 4151 (please see the map below from the Bay Trail Gap Closure Implementation Plan). This Bay Trail gap is ranked 6th in priority out of 146 remaining Bay Trail gaps. Although this project proposes to complete a portion of Bay Trail Segment 4151, it does not include the entire segment and leaves two Bay Trail gaps as proposed. Please consult the Bay Trail Gap Closure Implementation Plan map for details:
<https://experience.arcgis.com/experience/817c5f3b503848deb44e83d337285fd6/?views=View-7>



Please improve segment 4154.0.7. As part of the Bay Trail Gap Closure Implementation Plan, the consultant team conducted a fieldwork review of all existing Bay Trail segments. Segment 4154.0.7, adjacent to the Shorebird Nature Center, is listed as poor pavement condition and needs to be improved. Please consult the Bay Trail Fieldwork Review map for details:

<https://apd.maps.arcgis.com/apps/instant/sidebar/index.html?appid=28f37bb22bd0430c9d8c2567ee614e3e>



2. **Bay Trail Width/Capacity:** The Berkeley Waterfront along with the proposed pedestrian pier and ferry terminal will be a high use and high demand public shoreline and trail area. As such, we request that the DRB consider the width needed for the proposed Bay Trail considering the level of demand that will be created by the proposed pier and ferry terminal as well as expected future levels of use in the area. We request a 20 to 30-foot-wide Bay Trail corridor with additional trail width to be considered based on the need for greater capacity to accommodate the expected level of use of the Bay Trail in the future. Other ferry terminal locations have similarly wide Bay Trail sections due to the number of people using the Bay Trail, queuing for the ferry, families watching the boats and birds, etc. The new ferry terminal will draw a large number of new users to this shoreline area, and it is necessary to plan for this increase.
3. **Extend Bay Trail to former HS Lordships Site:** The proposed Bay Trail in the project plans shows the Bay Trail cutting East-West through the current Seawall parking lot instead of following the shoreline around the former HS Lordships building at 199 Seawall Drive. We request that the proposed Bay Trail alignment be updated to be consistent with the adopted Bay Trail alignment shown in the below ~~attached~~ map for Segment 4151. Please consult the Bay Trail Gap Closure Implementation Plan map for details: <https://experience.arcgis.com/experience/817c5f3b503848deb44e83d337285fd6/?views=View-7>



4. **Bay Trail Amenities:** There are a variety of trail support facilities that should also be included to enhance this shoreline area and future ferry terminal. Please consider the need for seating areas, receptacles, drinking fountains and water bottle filling stations, bicycle racks and repair stations, public art, elements to support fishing, and others as needed.
5. **Stakeholder Engagement:** Please provide design plans and consult with the Bay Trail and Active Transportation Team at MTC/ABAG to ensure consistency with the Bay Trail goals and design needs.

We appreciate the opportunity to provide comments on this project and look forward to our continued partnership with BCDC, the City of Berkeley, and WETA in improving safe, comfortable access to the future ferry terminal and shoreline via the Bay Trail system. Please let us know if you have any questions regarding our comments.

Lee Huo
Senior Planner
Bay Trail and Active Transportation Team
MTC/ABAG

From: Paul Young <paulwhy.2@gmail.com>
Sent: Thursday, May 8, 2025 8:54 AM
To: Tomerlin, Ashley@BCDC <ashley.tomerlin@bcdc.ca.gov>
Subject: Berkeley Ferry and Pier project, swimmers concerns

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Hello Ashley,

Thanks in part to the BCDC and other government agencies, the water quality in San Francisco Bay is safe for open water swimmers to enjoy this resource. I want to encourage the BCDC to keep the needs of open water swimmers in mind when reviewing Berkeley's plan to bring a Ferry to the Berkeley pier area.

I have been swimming in the bay for over 10 years, and many others for longer than that. I've seen the sport grow in popularity here over the years, and it is a sport that is growing worldwide. The Seine river in Paris recently opened to open water swimming to help meet this demand.

San Francisco Bay is an especially good venue for open water swimming, as it has swimmable weather and water temperatures year round. People use SF bay to train for swimming the English Channel and other challenging swims. And the cove to the right of Hs Lordship's at the Berkeley marina is unique in the east bay as it has sufficient water depth to swim even at the lowest tides. Swimmers value this location and it is sometimes their only option when the tide is too low to swim at Crown Beach, Albany Beach, Keller Beach or the Berkeley Sailing Basin.

Open water swimmers do not need a lot of resources. We need a place to park, a place to safely enter and exit the water, and an area relatively free of fast watercraft. And although not strictly needed, a shower to rinse off after is nice.

Could the BCDC please consider the needs of open water swimmers when reviewing this project?

1) Please ensure we have space to park our cars. We commonly park for 1-2 hours at a time, but we swim in groups for safety. We might use a few to a dozen or so spaces at any one time. Groups go out at different times during the day, some before work at first light, some after work when there is light, some at lunch hour, and some in between. We currently share this parking with fishermen, kayakers, dog walkers, picnickers and people just enjoying the view from their cars. If these spaces are all taken by commuters, it will eliminate this spot as a viable swim location. Could you ensure that there are spaces with an appropriate time limit to accommodate these existing users and preserve this area for swimmers and other recreational users?

2) Please ensure that there is water set aside for swimmers (the bay is huge, we are small). We don't mind sharing with kayakers and small sailboats, but ferries and fast moving craft are a real danger for us.

3) Please ensure we have a safe spot to enter and exit the water. A beach is the best, but a protected gravel path to below the low tide point like at Hs Lordships works. A dock with a ladder also works if it is not crowded with fishermen and their fish hooks.

4) And as long as improvements are being considered, could we get a shower to rinse off?

Thank you,

Paul Young

Paulwhy.2@gmail.com

925-788-2858 phone or text

El Cerrito, CA

From: Robin Mangini <robin.mangini@gmail.com>

Sent: Sunday, May 11, 2025 1:02 PM

To: Tomerlin, Ashley@BCDC <ashley.tomerlin@bcdc.ca.gov>

Subject: Comment regarding Berkeley Marina Development from QT Selkies (open waters swimmers)

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Dear Ashley Tomerlin,

We are frequent swimmers at the Berkeley Marina and members of the QT Selkies Gay for the Bay—a community of nearly 225 individuals who swim throughout the Bay Area, including locations in Berkeley, Oakland, Richmond, Pinole, Albany, Alameda, and San Francisco.

We've been following the city's proposal to redevelop the marina to accommodate ferry service, but it has been challenging due to the lack of accessible public information. I am writing today to express our concerns about this development and lay out how our swimmers currently use the marina.

Swimmers require three essential things: a safe entry point, clean water to swim in, and convenient parking. Our community typically enters the water near the seawall adjacent to the former Hs Lordships restaurant. This location is vital, especially during low tides when the sailing basin becomes too shallow for safe swimming and launching—conditions that occur roughly half the time. And seeing as this location is only one of two in the East Bay that can be accessed regardless of tide we are very attached to its existence. We, along with other waterfront users like anglers, walkers, paddlers, and windsurfers, rely on parking along the seawall. We are concerned that ferry riders will dominate these spaces.

We've been informed by other swimmers who attended the March PRWC meeting that they were troubled by the city's claim that parking would remain sufficient for all users. The data backing this assertion appears selectively chosen. Specifically, [page 22](#) of the report reveals that parking surveys were conducted at 10am and 8pm—times not reflective of peak use (typically 2pm–4pm)—and focused more on overnight vehicle stays than daytime activity.

The assumption that all marina parking is interchangeable overlooks practical realities. After a cold swim, it's unreasonable to expect individuals to walk half a mile or more across the marina to reach distant lots.

We're deeply concerned that increased commercialization of the marina could reduce access to free, low-barrier recreational opportunities that draw an exceptionally diverse group of users. We believe the current planning is being guided by flawed data and that local residents and regular recreational users have not been adequately included in the process.

We urge the BCDC to call on the city to conduct a more thorough and accurate analysis of parking and waterfront access, and to commit to protecting the public amenities that make the Berkeley Marina such a vital recreational space.

Thank you for your commitment to equitable access to the Bay for all.

Sincerely,
Robin Mangini, MPH
Co-Admin of the QT Selkies Gay for the Bay