Outlook

LETTER FOR BCDC BOARD'S NEXT MEETING

From cafred1@juno.com <cafred1@juno.com>
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To BCDC Public Comment <publiccomment@bcdc.ca.gov>

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Please confirm receipt
thank you,
Clifford Fred
Berkeley California

November 3, 2026
Clifford Fred
Berkeley California

TO THE BCDC BOARD MEMBERS
CITY OF BERKELEY IS VIOLATING BERKELEY'S 1986 MEASURE 'L' –THE BERKELEY PUBLIC PARKS AND OPEN SPACE PRESERVATION ORDINANCE.

BY IGNORING MEASURE 'L', BERKELEY OFFICIALS' PURSUIT OF THE FERRY PROJECT IS VIOLATING ITS CITIZENS' VOTING RIGHTS

MEASURE 'L' REQUIRES THAT ANY CONVERSION OF PARKS OR OPEN SPACE TO OTHER USES REQUIRES VOTER APPROVAL. HOWEVER BERKELEY CITY OFFICIALS CONTINUE TO IGNORE MEASURE 'L'.

Please review this letter I sent the Berkeley City Council for their Nov. 17 meeting on approving the Berkeley Ferry Project EIR and necessary permits.

Measure 'L', the 1986 Parks and Open Space Preservation Ordinance citizens' initiative requires voter approval before parks and open space can be used for other purposes.

Please compel the City of Berkeley to put the Ferry Project on the ballot for voter approval before any further work on the Project can proceed.
Thank you
Clifford Fred

November 3, 2026
Clifford Fred
Berkeley California

To The Berkeley City Council

THE BERKELEY FERRY PROJECT VIOLATES BERKELEY'S 1986 MEASURE 'L' –THE BERKELEY PUBLIC PARKS AND OPEN SPACE PRESERVATION ORDINANCE

BY IGNORING MEASURE 'L', BERKELEY OFFICIALS' PURSUIT OF THE FERRY PROJECT IS VIOLATING ITS CITIZENS' VOTING RIGHTS

Measure 'L', the 1986 Parks and Open Space Preservation Ordinance citizens' initiative requires voter approval before parks and open space can be used for other purposes.

The Berkeley Ferry Project would convert city parks and open space to transportation uses. Yet city officials refuse to put this projects on the ballot for voter approval, as required by Measure 'L', and instead is going full steam ahead with the approval and construction of this project.

By willfully ignoring Measure 'L', Berkeley officials are depriving Berkeley's citizens of their right to vote on whether the Ferry project should be allowed to destroy public park land and open space.

By ignoring Measure 'L', Berkeley city officials are knowingly and deliberately depriving Berkeley citizens of their voting rights.

Measure 'L' - The Berkeley Parks and Open Space Preservation Ordinance, was adopted by Berkeley voters in November 1986 by a vote of 21,946 to 18,854. It is codified in BMC Chapter 6.42.

Measure 'L' states, "Shall an ordinance be adopted to require voter approval of non-recreational uses of parks or open space and require acquisition of open space controlled or leased by the City if acquisition is the only means of
preserving the open space?"

I was one of the signers of the ballot argument in favor of Measure 'L'.

Measure 'L' is still in effect today.

THE FERRY PROJECT IS CLEARLY FOR TRANSPORTATION, NOT RECREATION

The Berkeley Ferry Project would include a breakwater, a 1200 square foot gangway, 750 square foot gates and landings, and a 5700 square foot ferry charging/boarding float.

The project includes the demolition of the Berkeley Pier.

The official description of the Project specifically states that it is for transportation, to take commuters to and from San Francisco.

A recent email I received from the City Department of Parks, Recreation and the Waterfront declared that the Berkeley Ferry Project is an officially deemed Transportation Project.

Thus by the City's own definition, the Ferry Project would convert park and open space to transportation purposes, and should thus be subject to voter approval under Measure 'L'.

The landmarked & iconic Berkeley Pier was for many years used for open space and recreation. The Project would replace it with a much smaller Pier that would not be conducive the recreation.

By pursuing the massive Berkeley Ferry Project, including the demolition of the Berkeley Pier, the City is violating Measure 'L'.

Measure 'L' requires approval by Berkeley's voters before any aspect of the Berkeley Ferry Project can be built.

In 1996, the City of Berkeley wanted to place temporary buildings on Civic Center (Provo) Park for various city bureaucratic functions while the Civic Center building on Milvia Street was seismically upgraded. Because of Measure

'L', the City had to put a measure on the November 1996 ballot - Measure X - to get the public's approval.

The Text of Measure X" states,

"Where as Measure 'L', BMC Chapter 6.42 requires voter approval to use public parks for purposes other than park or open space uses,"

"Shall the MLK Jr. Civic Center Park be used for a period to expire no later than June 30, 2001 for the purpose of temporarily housing City of Berkeley offices in portable buildings, as well as associated site preparation and
maintenance activities in order to allow the abatement of seismic hazards at the site of the MLK Jr. Civic Center Building at 2180 Milvia Street if the Council finds after a public hearing that there is no other feasible alternative to relocate City employees during such seismic work?"

Measure X failed. The City could not install temporary offices in Civic Center Park, and thus leased commercial property around downtown instead.

Thus, Measure 'L' requires voter approval before any park or open space under the city's control can be used for other purposes.

Measure 'L' is still in effect, & covers all City parks & city owned or controlled open space.

Councilmember Terry Taplin has cited Measure 'L' in insisting that the City preserve the open space at the former Lawn Bowling Club site.

Last year, Councilmember Cecilia Lunaparra cited Measure 'L' to insist that the City preserve the public open space at the Dwight - Telegraph triangle.

And former Councilmember Kate Harrison cited Measure 'L' to designate the open space around old City Hall as a city park, so as to give it more protection.

Yet City Officials refuse to acknowledge Measure 'L's applicability to the Ferry Project.

THE FERRY PROJECT IS CLEARLY FOR TRANSPORTATION, NOT RECREATION & THUS SUBJECT TO MEASURE 'L'.

The Ferry Project would include a breakwater, a 1200 square foot gangway, 750 square foot gates and landings, and a 5700 square foot ferry charging/boarding float.

The official description of the Project specifically states that it is for transportation, to take commuters to and from San Francisco.

REMOVING THE EXISTING LANDMARKED PIER WOULD VIOLATE MEASURE 'L'.

The landmarked and iconic Berkeley Pier was for many years used for open space and recreation. The Project would replace it with a much smaller Pier that would not be conducive the recreation.

It's not the public's fault that the Pier has been deemed unsafe to use for the last eleven years. By keeping the Pier closed and refusing to repair it for the last 11 years, the City has been violating Measure 'L'.

Demolishing the existing pier and replacing it with a smaller and more officious pier should first require approval of the voters as per Measure 'L'.

All of the SF Bay that is within Berkeley's City Limits is as much City of Berkeley recreational open space as is the Aquatic Park Lagoon.

Any development on the SF Bay that is within Berkeley's City Limits is no less the destruction of recreational open space for non-recreational uses than would the dredging of the Aquatic Park Lagoon and constructing office buildings
where the Lagoon once was.

The proposed Ferry Complex's gates, and landing, the gangway, and the ferry charging and boarding float would all destroy the incomparable view of the SF Bay looking out toward the Golden Gate that generations of Berkeley residents have long enjoyed.

The San Francisco Bay within Berkeley's City Limits is Berkeley public open space. It has been enjoyed by tens of thousands of Berkeley residents for over 100 years as passive recreation, and by many other people for recreational
boating.

Transportation is not recreation. As the City's own official description of the Ferry Project clearly states, the purpose of the Project is Transportation.

Construction is construction, whether on land or water.

MEASURE 'L' SHOULD NOT BE SEEN AS AN INCONVENIENCE, BUT AS AN OPPORTUNITY TO ALLOW THE PUBLIC TO VOTE ON PROPOSED CHANGES TO EXISTING CITY PARKS & OPEN SPACE.

In 1996, city officials were not dismissive of Measure 'L' even though it slowed down the seismic upgrade

of the Civic Center Building. They put approval of the temporary use of Civic Center Park for city offices on the ballot, because honoring the law & the will of the voters was the right thing to do.

City officials should not be dismissive of Measure 'L' just because its implementation could delay construction of the Berkeley Ferry Project.

If city officials could delay the seismic upgrade of the Civic Center building in 1996 to honor the will of the voters, city officials can certainly delay the construction of the Berkeley Ferry Project, to honor the will of the voters.

If city officials believe that taking away incomparable open space at the Waterfront is acceptable so as, to construct the Ferry Project Complex, they can make that argument in the ballot handbook & in campaign literature.

CITY OFFICIALS SHOULD STOP ALL WORK ON THE FERRY PROJECT, INCLUDING NOT CERTIFYING THE EIR NOR APPROVAL THE NECESSARY PERMITS, PENDING APPROVAL
OF THE VOTERS.

FAILURE TO DO SO WOULD BE A CLEAR VIOLATION OF MEASURE 'L' AND A CLEAR VIOLATION OF THE VOTING RIGHTS OF BERKELEY CITIZENS.

THE EIR SHOULD NOT BE CERTIFIED.

THE PUBLIC WAS NEVER GIVEN AN OPPORTUNITY TO REVIEW THE FINAL EIR, NOR TO SEE AND COMMENTS ON THE RESPONSES TO THEIR CONCERNS ABOUT THE FINDINGS IN THE DRAFT EIR.

Clifford Fred
Berkeley California