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Design Review Board Members
BCDC
375 Beale Street, Suite 510
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Submitted via email

Subject: May 11, 2026, DRB meeting on Berkeley Water Transportation Pier Ferry Project

Dear Board Members:

As founder of Save the Berkeley Pier who has followed the proposals for a ferry terminal closely for more than a decade, I have the following comments that should be considered at the DRB meeting on May 11, 2026.

PROTECTION OF RECREATIONAL USERS

The staff report, on page 10, includes this statement:

The parking lot reconfiguration has been designed to maintain parking access for all existing waterfront user groups, including those accessing the Bay Trail and informal water access point, and the future ferry terminal. The parking layout, including designation of short-term and long-term spaces, will be consistent with the Draft Parking Management Plan for the Berkeley Waterfront, which is currently under development.

It is not clear whether this represents a commitment by the City of Berkeley, or a conclusion by BCDC staff. Would that it were true. Without an accurate and **quantitative** baseline of existing users, and a detailed, affordable, and enforceable parking plan it is impossible to reach such a conclusion. The paragraph concludes with a statement that a parking management plan is “under development.” We are more than five years into a planning process to consider placing a commuter terminal in a waterfront park, and a parking plan is still under development.

While the staff report includes many of BCDC’s policies that guide review of this project, including Recreational Policy 9 which requires protection for parking facilities needed by park and marina protection from usurpation by ferry patrons and consider future recreational needs, it does not include all enforceable policies.

First, Recreational Policy 3(b)(4) protects the existing viewing areas where drivers watch the bay and sunsets;

Marinas should include public amenities, such as **viewing areas ...** [and] public parking (emphasis added)

Recreation Policy 3(a)(6) and 3(a)(7) are directly on point:

(6) Sites, features or facilities within designated waterfront parks that provide optimal conditions for specific water-oriented recreational **uses should be preserved and, where appropriate, enhanced for those uses**, consistent with natural and cultural resource preservation. (emphasis added)

(7) Access to marinas, launch ramps, beaches, fishing piers, and other recreational facilities should be clearly posted with signs and **easily available from parking reserved for the public** or from public streets or trails. (emphasis added)

The importance of parking to non-motorized small boats is specifically recognized in Recreation Policy 3(e)(3):

Sufficient, convenient parking that accommodates expected use should be provided at sites improved for launching non-motorized small boats. (emphasis added)

These policies, not included in the staff report, need to be considered as the DRB reviews this matter.

I believe that these policies require a quantitative analysis of the existing recreational uses, and the associated parking, as well as consideration of future recreational uses if the old restaurant re-opens, a new fishing pier attracts some of the former and shoreline anglers, and swimming demand increases as the climate continues to warm. Despite multiple comments by the public, by BCDC staff and by your Board, Berkeley has collected no quantitative analysis of the existing recreational users, and only limited and non-representative data on parking uses.

At the first DRB meeting on May 12, 2025, DRB members stated that the city should spend time mapping recreational users. The city's response was limited to two drawings, Exhibits 4 and 5, published as part of the agenda packet for the November 3, 2025, DRB meeting. Although those drawings include a very general mapping of recreational uses, there is nothing quantitative provided. Despite the availability of quantitative data on use and location from cell phone data through Placer AI, the city has not completed any additional analysis or parking counts. We have submitted detailed comments about the March 2025 TDM plan and the May 2025 Addendum, pointing out that almost no data was collected

during summer weekdays, that the raw data was not included and only averaged data was used that misrepresented recreational use. Further, no information was collected at times of peak recreational use. Berkeley has not responded to those criticisms or included an updated analysis in their draft EIR. Details of the manner of collection and the unprocessed data remain unavailable.

BCDC's scoping comments directed the city to document recreational uses. This language was included in the scoping letter: "The EIR should **document the recreational uses of the Bay and the shoreline in and around the Project site**, identify the service area and service population for the recreational facilities serving those uses..." The recent comments by BCDC staff on the draft EIR support this need. Specifically, those comments state "Please provide additional details regarding existing demand for recreational facilities and **estimating the volume of users of different types of facilities.**" I believe this comment stems directly from the two previous DRB meetings and BCDC's scoping comments—yet the city has ignored those comments.

Recreational Policy 9 also protects waterfront parks for future uses, with language that requires that a ferry terminal "must not interfere with future recreational needs." Nothing in the draft EIR or the material presented by the city for this meeting addresses future recreational needs. I would note here the comments by BCDC staff about the need to consider future recreational uses.

PUBLIC PARKING ALONG SEAWALL DRIVE

The agenda information provided by the city includes a new map of the existing parking areas proposed to be regraded and restriped for ferry patron parking. At the scale of the drawing, it is impossible to know how many of the public parking spaces would remain. There is a small area at the southern end of Seawall Drive shown that appears to have public spaces, and slide 5 in the city's attachments for the November DRB meeting indicated that about twenty spaces facing the Bay would remain public. The rest of the lot would be devoted to parking for ferry patrons and for a new tenant at the old restaurant, leaving only a limited number of spots for present and future recreational users. Nothing in the city's presentation demonstrates consistency with the claim that parking access will remain for existing user groups.

This area is heavily used by people viewing the Bay, anglers, wingers and swimmers, with a pattern of use dating back decades. I obtained the raw parking utilization counts that were collected for this area only by submitting a public records act request. Counts were only taken from July 8, 2024, through August 23, 2024. There are a total of 34 data points. None of that data was collected at noon or 2:00 pm when recreational use is greatest. Only 5 data points were collected during recreational times—at 4:00 pm, after peak use. Even then, those counts showed as many as 63% of the spaces along Seawall Drive were occupied. Various estimates of the number of spaces along Seawall Drive have been presented, from 83 spaces to 150 spaces. The Kittelson draft addendum includes this

statement "... ferry riders can access 83 (capacity (150) minus **peak occupancy (67)** unutilized spaces on Marina Blvd."

Thus, even with limited (and confusing) data on parking by existing users, the Kittelson Addendum admits to an existing demand for 67 spaces along Seawall Drive for recreational users. To reach any conclusion about meeting the Bay Plan policies, a quantitative analysis of supply and demand for existing users must be completed. Even the city's own incomplete reports provide substantial evidence that at least 67 public spaces are required to meet existing recreational users.

I'll turn here to use by swimmers, a growing use. I first drew the city's attention to the growing use by swimmers in September of 2023. In previous meetings, you have received communications to your board from participants testifying to groups swims with over 100, and perhaps over 150 participants, staged out of the cove next to the old restaurant. Because swimmers enter the Bay, leaving their clothing and valuables behind, they are not easily diverted to public transit or bicycle access. Yet it was not until April 20, 2025, about two weeks before the first DRB meeting that the city organized a focus group to consider the needs of swimmers. Even then, the city has not allowed discussion of the parking patterns and needs of swimmers in their outreach and has even claimed in the EIR that the swimming that occurs violates the city's marina ordinance. While I see the city's claim to holding two scoping sessions—finally—with swimmers and others that use the launch near the old restaurant, I know of no such meetings with anglers who fish from shore or used the now-closed pier. There is no discussion in the material before you or the draft EIR of the utility of such a short fishing pier much closer to shore and disturbed by nearby dredging, wave reflection, and frequent ferry calls. This effort—part of the city's claim of over 50 public meetings-- can hardly be described as respectful for the expertise or input of current users.

CAREFULLY CONTROLLED PUBLIC MEETINGS

In earlier meetings, DRB members were surprised at the level of controversy over this project and concerns expressed by numerous existing user groups. In response, the city claims that they have held 51 public outreach meetings. That list includes 22 meetings with groups that are not existing stakeholders. The stakeholders experience has been unsatisfactory. A typical "outreach" meeting consists of Berkeley staff talking for 40 minutes and using a power point presentation that wasn't available before or at the meeting. Members of the public then get 1 to 2 minutes to express their concerns, or try to correct factual errors in the presentation. I have attended most of those meetings, and I will give an account of three to illustrate the problem.

Planning Commission Meeting June 7, 2023.

At this meeting, two parks staff members presented information about the draft Waterfront Specific Plan. In that presentation, they described parking use at the two South Basin

Parking lots as only 5% occupied. At that time, they had a report from their traffic consultant Nelson\Nygaard in a report dated September 11, 2018. That report, taken when two small ferry operations were occurring, stated: "Ferry customers continue to park in South Coast East ...due to a lack of enforcement. Since re-opening, South Cove East Lot experiences as much as 90% occupancy." Scott Ferris, director of Parks, acknowledged the problems in a 2019 letter to Brad McRae which is in your records. Other data collected by the city, obtained only through a public records act request, shows that those lots are as much as 96% filled on summer weekdays.

Rotary Club July 30, 2025.

I attended this meeting in the South Campus area where Roger Miller made a presentation on the pier ferry project. After his presentation, one of those in attendance asked whether it might be possible to repair or rebuild the fishing pier without a ferry. Roger responded that the updated costs for pier reconstruction would mean that rebuilding the existing pier at 3000 feet would cost \$76 million. That is not true. At that time, Berkeley had updated cost estimates for the project developed for the 30% stage of design. Those cost estimates, dated July 11, 2025, estimated the cost for pier piles at \$1,324,710; for pier construction (presumably the decking) at \$10,002,960; and the cost of demolition at \$2,989,693 for a total cost of \$14.32 million for 1080 feet of new pier. That would be under \$40 million for a brand new 3000-foot recreational pier.

Presentation to PRW Commission on parking March 2025

Despite many efforts by stakeholders in the marina submitting photographs of full parking lots, city staff refused to consider that information, describing it as "anecdotal." They have repeatedly claimed to have a robust inventory of recreational parking use at the marina, claiming that counts taken at 8 pm and 10 am represented data showing recreational use. At the March 2025, meeting of the Parks, Recreation and Waterfront Commission the city staff claimed to have 18,000 data points. That includes this irrelevant data. The city's contract for parking studies only included \$22,000 for counting existing use. What little data collected was combined and averaged, combining counts at different areas and times in a manner that obscured the actual recreational pattern. In their presentation to the DRB in November 2025, the city continued to include those evening and morning counts as representative of recreational patterns; they clearly are not.

ZERO EMISSIONS

While energy efficiency and air quality are not central to the DRB's role, I want to correct some misconceptions. These stem from exaggerated claims by the City of Berkeley that they are undertaking a zero-emission project. The draft EIR ignored scoping projects and CEQA guidance and failed to analyze energy use and efficiency. Efficiency information is available in the final EIR for ferry route expansion completed by WTA in 2003. That document reported that ferry travel on the system requires about 90 times the energy,

measured as BTU per passenger, as a BART trip. There are no sources of electricity for this project that are free of carbon generation sources. Thus, the active marketing attempts of WETA to divert BART passengers to a less crowded ferry system actually increase carbon emissions per passenger.

CONCLUSION

There is certainly some underutilized parking capacity in the 199 Seawall lot. But the city has made almost no effort to quantify the existing recreational uses and associated parking, despite the guidance in the Bay Plan that such uses are protected. It has continued to manipulate what little data it has to in effect reverse engineer the data to claim that there is plenty of parking. This practice, along with exaggerated claims about mode share based on assumptions rather than substantial evidence, has simply fueled controversy and mistrust. The willingness of local governments to ignore the value of waterfronts for recreation is the very reason that BCDC was created. I trust the DRB will take these comments and the rather dubious claims of Berkeley into consideration as you review this project.

Very truly yours,

Jim McGrath