

[REDACTED]

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**From:** Alan Louwse [REDACTED]  
**Sent:** Monday, August 9, 2021 3:39 PM  
**To:** pier  
**Subject:** Parking Hypocrisy

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Why is a parking lot at a proven transit system (BART) a bad idea when putting one on waterfront open space for an unproven ferry is a good idea?

I don't expect to get an answer to this relevant question but I will hold out hope.

--  
Alan

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, January 28, 2021 11:08 PM  
**To:** pier  
**Subject:** Mailing List

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January 20, 2021  
Clifford Fred  
Berkeley Calif.

To Nelson Lam  
Project Manager  
Berkeley Municipal Pier Planning Process

Hello Mr. Lam,

Thank you for the opportunity to make these comments concerning renovating the Berkeley Municipal Pier.

**MEASURE L:**

Please note that Measure L - The Parks and Open Space Ordinance, was adopted by Berkeley voters in November 1986 by a vote of 21,946 to 18,854. 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?"

Measure L is codified in the BMC Chapter 6.42.

In 1996, the City wanted to place temporary buildings on Civic Center (Provo) Park for various city bureaucratic functions while the Civic Center building on Milvia Street went through extensive renovations and a seismic upgrade. Because of Measure L, they had to put a measure on the November 1996 ballot - Measure X - to get the public's approval.

The last of the "where as's" at the start of the Full 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 17,476 to 23,151. So the City instead had to lease commercial property around downtown.

In 2020, Berkeley city planners were discussing constructing new buildings in the MLK Civic Center Park. However, when Measure L was brought to their attention, these plans were dropped.

Clearly, the Berkeley Municipal Pier had long been used for recreational purposes (as has the entire Berkeley Marina), prior to the Pier's closing a few years back.

Thus, the City cannot construct any commercial or non-recreation related buildings on a renovated or expanded Berkeley Pier, including temporary structures without voter approval.

**GIVE SERIOUS CONSIDERATION TO LIMITING RENOVATION TO BASIC REPAIRS SO THAT THE PIER CAN RE-OPEN SOONER:**

I would like the City of Berkeley to consider a more modest and basic approach to the Pier. Mr. Kamen – a long time Berkeley Waterfront activist and enthusiast surveyed the underpinnings of the pier from a boat a few year's back. It was his opinion that the Pier could be upgraded and made safe for under \$1 million.

It has been five and one half years since the Pier was closed. On a balmy day like we have had the past few days, it has been a terrible shame that people cannot walk on or enjoy the Pier. I am sure it has been especially rough for those who fished regularly on the Pier. Many people who fished at the Pier depended on their catch for their livelihood.

Berkeley's population has grown by over 10,000 in recent years, with large new apartment buildings being approved and built at a very fast pace. Yet, no new parks or open spaces are being created. We need to have the Pier re-opened as soon as possible, so that new and long-time residents of Berkeley can have a nearby place to get away from the high density of modern living.

The more ambitious the plans for a renovated or new pier, the more controversial it will be, and the longer it will before there is an open Pier that we can all use and enjoy.

**NO CELL TOWERS; NO FIRE PITS:**

The renovated Pier should not have any cell towers nor cell antennas. Cell towers and cell antennas are springing up all over Berkeley (except the Hills). They are unsightly, are hazardous to peoples' health, can radiate food and will heat up the Bay waters. The Berkeley Waterfront should be a refuge from cell towers.

There should be no fire pits on or adjacent to the Pier. Clean sea air is one of the major attractions of the Berkeley Waterfront. Wood smoke is terrible for one's lungs and health, and can trigger asthma attacks. On a cold winter evening, when our neighborhood is full of wood smoke from people burning in the wood stoves and fireplaces, the Berkeley Waterfront is the only nearby place we can go to breathe clean sea air. Don't take that away from us.

**ANY EXPANSION OF THE PIER OR DEVELOPMENT ON THE PIER NEEDS AN EIR:**

Any expansion of the Municipal Pier, and/or development on the Pier, should be subject to an environmental impact report – EIR, under the California Environmental Quality Act - CEQA.

There are issues of traffic congestion, pollution from autos, air and water pollution from boats providing ferry services, impact on fish and sea life, the impact on birds and wildlife of additional people and vehicular traffic, and depletion of open space at the Berkeley Waterfront at a time when the city's population is growing rapidly. These are serious issues that would clearly meet the threshold for requiring the preparation of an EIR.

Please put me on the email notification list for any future meetings concerning the Municipal Pier, and Berkeley Marina Planning in general. Please send me links to any planning documents for the Pier and the Marina as they become available.

Could you please confirm receipt of these comments?

Thank you,  
Clifford Fred  
Berkeley Calif.

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There's a New Vaccine Contender

<http://thirdpartyoffers.juno.com/TGL3141/6013b47890e4e34786b92st04vuc1>

Subway's Tuna Isn't Tuna, Alleges Lawsuit

<http://thirdpartyoffers.juno.com/TGL3141/6013b478b489134786b92st04vuc2>

AOC Won't Work With Cruz: 'You Almost Had Me Murdered'

<http://thirdpartyoffers.juno.com/TGL3141/6013b478d7f1134786b92st04vuc3>

[REDACTED]

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**From:** Dorothy COX [REDACTED]  
**Sent:** Tuesday, August 10, 2021 5:38 PM  
**To:** BMASP  
**Subject:** Berkeley pier comments

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi BMASP--

I was planning to attend the zoom meeting this evening about the pier. I was unable to attend the meeting in January but have tried to read all of the information on your web page. It appears that this meeting will only discuss alternative configurations of the pier that includes a ferry terminal.

I am not interested in having a ferry service in Berkeley or any thing else that might affect the halibut in our waters. I was interested in exploring building a small fishing/recreation pier vs. shortening and renovating the one that exists.

Thanks  
Dorothy Cox

[REDACTED]

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**From:** Dorothy COX [REDACTED]  
**Sent:** Tuesday, August 10, 2021 5:46 PM  
**To:** pier  
**Subject:** berkeley pier comment

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi pier--

Following up on my email to BMASP, I was unable to attend the first public comment session but have read the information on your website, (I may have missed something--there was quite a bit) I do not understand why the option to build a shorter, more modest pier just for fishing and recreation is no longer being presented. Also, it does not look as if an option for renovating just a portion of the existing pier was presented. Maybe there is a dropoff in the water depth under the pier that requires the length it had, but I don't recall that being an issue when I used it last.

I am opposed to establishing ferry service in this sensitive area. It looks as if this public comment session today (8/10) will just discuss ferry positioning alternatives and parking.

Dorothy Cox

[REDACTED]

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**From:** Doris Nassiry <[REDACTED]>  
**Sent:** Monday, August 9, 2021 2:53 PM  
**To:** pier  
**Subject:** Two points that I hope are addressed at the August 10th, 2021 workshop

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello, One main point I propose is to establish a regular schedule for regular Shuttle service that would bring passengers to/fro the Ferry dock. Such a shuttle service would avoid out-of-control parking challenges at the Pier because the passengers would not drive there or back home. If such a service were established, it would ideally service the hills of Berkeley + the other neighborhoods. The stops they'd use would make it accessible to anyone who could get to those stops; hopefully, the schedule would coincide with arriving/departing Ferries.

Hopefully the schedule would accommodate daily commuters + tourists and/or locals who would like to cross the Bay to San Francisco + other parts of the Bay, like Tiburon and Larkspur.

Another question: how are you preparing for sea level rise??? Not just for the pier itself, but also for the land along the Marina, all along our side of the Bay. We must plan ahead; the future is already here.

Thank you for this opportunity. I look forward to taking the Ferry again.  
Doris Nassiry/Berkeley

[REDACTED]

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**From:** Gordon Stout [REDACTED]  
**Sent:** Wednesday, August 11, 2021 10:32 AM  
**To:** BMASP  
**Cc:** Camille Antinori; David Fielder; Jim McGrath  
**Subject:** Gordon Stout comments on August 10, 2021 Pier/Ferry meeting  
**Attachments:** August 10, 2021 Community Meeting on Pier-Ferry.docx

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Please enter the attached into the record of the August 10 meeting--preferably after reading and thinking about it!



August 10, 2021 Community Meeting on Pier-Ferry, Gordon Stout input

Parking: Estimated ridership, FAQ #Q7 shows 1500 passengers by 2035, it is actually 1589 trips--795 unique individual riders, numbers from the WETA/Berkeley MOU and also from <https://weta.sanfranciscobayferry.com/system-expansion-policy> . (The WETA Strategic Plan does not actually have Berkeley ridership numbers.) Parking allocated: FAQ #Q27: "the amount of parking (existing or new) dedicated to the ferry terminal has been capped at approximately 250-300 spaces."

Accommodating 795 riders with 250-300 parking spaces seems very unrealistic to me. WETA/City estimates that 60% of riders will get to the ferry by walking or bicycle, ride-sharing or car-pooling. (60% of 795 is 477 people without cars, leaving 318 cars needing parking spaces.)

The current Hs Lordships lot has a capacity of about 315 spaces. Re-striped to the maximum, it might have close to 400, but only at the cost of limiting access to the Hs Lordships building. It seems very unlikely that claiming 318 parking spaces for the ferry would leave room for a viable restaurant at the Hs Lordships location. The Hs Lordships lot used to provide parking for Shorebird Park picnickers, which would very likely be lost if the lot were taken over by ferry parking.

If all 60% the ferry riders are very virtuous every day and walk, bike, or ride-share/carpool to the ferry every foggy cold morning, there might be just enough parking in the Hs Lordships lot.

But what if they are not all virtuous every morning?

How do you prevent people who bring cars in excess of the 318 number from simply parking in other parking lots that are already often full without a WETA Ferry? When the existing small-scale ferry service was started in 2018, with ridership numbers of only about 70-150 passengers per day, the new water-access parking lots in the southeast corner of the marina were impacted with ferry riders. This was resolved by charging for parking in the early morning hours, but this solution does not work for the passengers on fishing charter boats, who need to park in the early morning. It is not clear that there are good strategies to be found—the ferry has to be both convenient and cost-effective, while at the same time the recreational-use parking on the southern Marina waterfront must not be disturbed.

As far as incentives go, fares for the ferry are subsidized, so unless there are substantial parking charges, there are minimal incentives available to give commuters for not driving their cars.

And what about the people that we are claiming to help by providing a new pier? Will they be able to park near that pier, or will they have to carry in their tackle on the bus or on foot?

All-day commuter parking lots do not bring eyes to the marina except in the morning and evening. They do provide lots of targets for car break-ins, though.

Traffic: at the end of each day, the cars from one or two ferry-boats full of passengers will leave the parking lot in a clump, and soon after will arrive and reassemble into a new clump, at Frontage Road and University. That is already an impacted traffic area, and it will take a long time for these clumps to get through the intersection. This will not be resolved by the traffic roundabouts planned for Gilman.

**Don't do a WETA-scale ferry!** It will set up an expensive, never-ending struggle over parking. Focus on a 100 rider/day ferry like the SSFS, which will take effort but can probably be made to work.

And: Tilden Park should be the model for what the Marina should be, not Pier 39 or Disneyland.

[REDACTED]

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**From:** Jim Ham [REDACTED]  
**Sent:** Tuesday, July 13, 2021 10:07 PM  
**To:** BMASP  
**Subject:** ferry project in the marina

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

I am a member of BASK, the Bay Area Sea Kayakers. I would like to express my support of the white paper <[https://sign.moveon.org/petitions/tell-berkeley-officials-to-not-sell-out-the-marina?source=rawlink&utm\\_source=rawlink&share=b66f9b7e-74b8-4360-97fb-dd02185e6a71](https://sign.moveon.org/petitions/tell-berkeley-officials-to-not-sell-out-the-marina?source=rawlink&utm_source=rawlink&share=b66f9b7e-74b8-4360-97fb-dd02185e6a71)> prepared by Cal Sailing Club, et. al.

I personally use the pier and parking lot to launch and recover my kayak to access San Francisco Bay. We also use the nearby beach for BASK activities. If the ferry project impacts parking, or if the ferry project inhibits my access to the Bay from the launch site it would be a shame. We normally arrive about 9:00AM with a kayak on top of the car.

The existing facilities are wonderful! We can park, use the dock to launch, then return mid-afternoon. Sometimes parking is a problem, but not often. The fresh water rinse is a definite plus on returning.

I hope the planning process for the potential ferry terminal will ensure that my and BASK access to the bay will not be impeded.

Jim Ham

--  
Porcine Associates LLC  
244 O'Connor St.  
Menlo Park, CA 94025  
USA  
+1(650)326-2669 fax +1(650)326-1071

[REDACTED]

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**From:** James McGrath [REDACTED]  
**Sent:** Wednesday, August 11, 2021 1:07 PM  
**To:** BMASP  
**Subject:** Land use designation for a ferry

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

In the FAQ, the city states that the City's General Plan "calls for ferry service at the Berkeley Waterfront..." However, the current specific plan for the marina does not designate any site for a ferry. Is it the city's position that the general plan language meets the requirements of Government Code Section 65302?

That section reads:

**ARTICLE 5. Authority for and Scope of General Plans [65300 - 65303.4]**

*( Article 5 added by Stats. 1965, Ch. 1880. )*

65300.

Each planning agency shall prepare and the legislative body of each county and city shall adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning. Chartered cities shall adopt general plans which contain the mandatory elements specified in Section 65302.

*(Amended by Stats. 1984, Ch. 1009, Sec. 3.)*

65300.2.

(a) For the purposes of this article, a "200-year flood plain" is an area that has a 1 in 200 chance of flooding in any given year, based on hydrological modeling and other engineering criteria accepted by the Department of Water Resources.

(b) For the purposes of this article, a "levee protection zone" is an area that is protected, as determined by the Central Valley Flood Protection Board or the Department of Water Resources, by a levee that is part of the facilities of the State Plan of Flood Control, as defined under Section 5096.805 of the Public Resources Code.

*(Added by Stats. 2007, Ch. 369, Sec. 1. Effective January 1, 2008.)*

65300.5.

In construing the provisions of this article, the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency.

*(Added by Stats. 1975, Ch. 1104.)*

65300.7.

The Legislature finds that the diversity of the state's communities and their residents requires planning agencies and legislative bodies to implement this article in ways that accommodate local conditions and circumstances, while meeting its minimum requirements.

*(Added by Stats. 1980, Ch. 837.)*

65300.9.

The Legislature recognizes that the capacity of California cities and counties to respond to state planning laws varies due to the legal differences between cities and counties, both charter and general law, and to differences among them in physical size and characteristics, population size and density, fiscal and administrative capabilities, land use and development issues, and human needs. It is the intent of the Legislature in enacting this chapter to provide an opportunity for each city and county to coordinate its local budget planning and local planning for federal and state program activities; such as community development, with the local land use planning process, recognizing that each city and county is required to establish its own appropriate balance in the context of the local situation when allocating resources to meet these purposes.

*(Added by Stats. 1984, Ch. 1009, Sec. 3.5.)*

65301.

(a) The general plan shall be so prepared that all or individual elements of it may be adopted by the legislative body, and so that it may be adopted by the legislative body for all or part of the territory of the county or city and any other territory outside its boundaries that in its judgment bears relation to its planning. The general plan may be adopted in any format deemed appropriate or convenient by the legislative body, including the combining of elements. The legislative body may adopt all or part of a plan of another public agency in satisfaction of all or part of the requirements of Section 65302 if the plan of the other public agency is sufficiently detailed and its contents are appropriate, as determined by the legislative body, for the adopting city or county.

(b) The general plan may be adopted as a single document or as a group of documents relating to subjects or geographic segments of the planning area.

(c) The general plan shall address each of the elements specified in Section 65302 to the extent that the subject of the element exists in the planning area. The degree of specificity and level of detail of the discussion of each element shall reflect local conditions and circumstances. However, this section

shall not affect the requirements of subdivision (c) of Section 65302, nor be construed to expand or limit the authority of the Department of Housing and Community Development to review housing elements pursuant to Section 65585 of this code or Section 50459 of the Health and Safety Code.

The requirements of this section shall apply to charter cities.

*(Amended by Stats. 2006, Ch. 890, Sec. 1. Effective January 1, 2007.)*

65301.5.

The adoption of the general plan or any part or element thereof or the adoption of any amendment to such plan or any part or element thereof is a legislative act which shall be reviewable pursuant to Section 1085 of the Code of Civil Procedure.

*(Added by Stats. 1980, Ch. 837.)*

65302.

The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, as defined in Section 816.52 of the Civil Code, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d).

[REDACTED]

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**From:** Murray Bruce [REDACTED]  
**Sent:** Monday, August 9, 2021 12:13 PM  
**To:** BMASP  
**Subject:** Berkeley Marina comments

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Pier-Ferry Planning Study Community Workshop members,  
The Berkeley Marina is one of the city's finest assets. Unfortunately, the city administration has turned its back on it for years now and the entire area is in serious decline. The marina is poorly managed and monies accrued within the marina area have been used elsewhere in the city budget. HS Lordships building is beyond repair for any sane restaurateur.

My thoughts for improving the area are as follows:

1. Use money accrued within the marina to maintain the marina.
2. Hire competent management to run the marina and review their work.
3. Refurbish a portion of the pier and reopen it for recreational purposes.
4. A ferry, though a wonderful idea, won't do much to relieve the transit woes to and from San Francisco. It also seems unlikely that people would ride the ferry from San Francisco to Berkeley as tourists because once to the Berkeley Marina there is little to do other than leave and the connecting transportation to and from the marina is inadequate. The marina should not become a parking lot for people commuting to work.
5. Respect the current users of the marina. CAL Sailing, open water swimmers, kayakers, windsurfers, fishermen and women, bicycle riders, walkers, kite enthusiasts, bird watchers all make great use of the area. Maintain the water access area at the South Basin piers and improve the access at Hs Lordships.
6. Refurbish Hs Lordships and then find a restaurateur to run it and not the other way around.

Thanks for your work.  
Sincerely yours,

Murray Bruce  
1181 Laurel St  
Berkeley  
510.604.1014

[REDACTED]

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**From:** Nick Roosevelt [REDACTED]  
**Sent:** Tuesday, July 6, 2021 2:42 PM  
**To:** BMASP; Lam, Nelson; Miller, Roger; Endress, Alexandra  
**Subject:** Berkeley Ferry Service

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I understand that there is a plan for expanding ferry service between Berkeley and SF that is being considered. Please take this as a vote against that plan. Ferries are very nice and I love to ride them. But they use much more energy and emit much more carbon per passenger mile than other public transportation options. We would be much better served by more bus service. And I have taken the different services. Before the pandemic Buses during rush hour were over capacity and turning away potential passengers waiting at the stops. The ferry that existed, which is much lower capacity than what is proposed, was underutilized as far as I could tell.

Please, at any rate, make it your top priority to minimize the power use and carbon emissions of our transportation system.

Thanks,

Nick Roosevelt

[REDACTED]

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**From:** Peter Kuhn [REDACTED] >  
**Sent:** Tuesday, August 10, 2021 8:35 AM  
**To:** Miller, Roger  
**Cc:** Ferris, Scott; Camille Antinori; Quesada, Christina; BMASP  
**Subject:** Federal Funding for Pier Reconstruction

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Roger,

It looks like Santa Cruz, Santa Monica, and maybe other municipalities have used federal funding in the past for part of their pier renovation costs.

You've said that money isn't currently available, but it would be worth noting that it has been available in the past, because every so often history does repeat itself.

Thanks,

--  
Peter