



PARKS, RECREATION, AND WATERFRONT COMMISSION

Regular Meeting

Wednesday, January 8, 2025, 7:00 P.M.
Frances Albrier Community Center - auditorium
2800 Park Street, Berkeley, CA 94702

Agenda

- The Commissions may discuss any items listed on the agenda, but may take action only on items identified as Action.
 - Public Comment on agenda items shall be heard at each item (2 minutes per speaker).
1. **Call to Order** (Chair).
 2. **Roll Call** (Secretary).
 3. **Land Acknowledgement:** The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.
 4. **Action: Approval of Agenda** (Abshez).
 5. **Action: Approval of Minutes** for Wednesday, November 13, 2024 (Abshez).*
 6. **Public Comment** (2 min each).
 7. **Chair's Report.** (Abshez).
 8. **Discussion/Action:** Elect vice chair (Abshez).
 9. **Discussion/Action:** Adopt commission meeting schedule for 2025 and potential locations for non-regular meetings (Abshez).*
 10. **Director's Report:** Update on special events, community engagement, capital and maintenance projects, forestry, and recreation.
 11. **Discussion:** PRW Commission Workplan 2025 (Abshez).
 12. **Discussion:** Possible dates for PRW Commission Tours of City Parks and dates for visits to Resident Camps (Abshez).
 13. **Information Reports*:** Recent PRW Council Reports.
 14. **Future Agenda Items:** Parks and Recreation Program presentations (monthly); Tree planting goals for 2025; Parks Impact Fee; Recognize Recreation Program participants (monthly); Recognize donations (ongoing); Waterfront Specific Plan; Public Art in Aquatic Park (Lavvorn); Citywide Accessibility Plan; Locations for Dog Parks; Dog subcommittee.
 15. **Communications.*** C Fred, 12-24-2024; J McGrath, 12-19-2024.
 16. **Next PRW Commission meeting:** Thursday, February 13, 2025.
 17. **Adjournment.**

* document is attached to agenda packet and on the commission website.

** document will be provided at the meeting.

ADA Disclaimer: This meeting is being held in a wheelchair accessible location. To request disability-related accommodations to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB343 Disclaimer: Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Parks Recreation & Waterfront Department Office at 2180 Milvia Street, Berkeley, CA.

Communications Disclaimer: Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** All communications to the Commission should be received at least 10 days before the meeting date. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the commission or committee for further information.

Commission Information: The agenda packets for the Parks and Recreation Commission and the Waterfront Commission are available for review at www.cityofberkeley.info/commissions; the Berkeley Main Library and the Parks Recreation & Waterfront Department Office at 2180 Milvia Street –3rd Floor, during their normal business hours. If you have questions, call Commission Secretary, Roger Miller at 981-6704 at 2180 Milvia Street, Berkeley, CA 94704 or by email at rmiller@cityofberkeley.info.

MISSION STATEMENT – PARKS AND WATERFRONT: Reviews and advises the City Council on issues related to all City/public parks, open space, greenery, pools, programs, recreation centers, the Waterfront, and resident camps: their physical conditions, policies, projects, programs, planning efforts, activities, and funding; early childhood education programs; and animal care issues in parks.

COMMISSION MEMBERS

Mayor -	District 3 -	District 6 - Liliana Cardile
District 1 - Reichi Lee	District 4 - Erin Diehm	District 7 - Alyssa Hurtado
District 2 - Claudia Kawczynska	District 5 - Brennan Cox	District 8 - Allan Abshez

Current assignments

Subcomm on dogs and parks (06-12-2024)

Liaison - Civic Center Planning – Erin Diehm
Liaison - Civic Arts in Parks – Brennan Cox

2024 Commission Meeting Dates

Name of Commission: Parks, Recreation, and Waterfront Commission

Commission Secretary: Roger Miller

Location: Frances Albrier Community Center, 2800 Park St

Month	Meeting Day and Date (2 nd Wednesday per month)	Time	Notes
2025			
January	Wednesday, January 8	7:00 p.m.	Regular Mtg
February	Thursday, February 13	7:00 p.m.	Regular Mtg
March	Wednesday, March 12	7:00 p.m.	Regular Mtg
April	Wednesday, April 9	7:00 p.m.	Regular Mtg
May	Wednesday, May 14	7:00 p.m.	Regular Mtg
June	Wednesday, June 11	7:00 p.m.	Regular Mtg
July	Wednesday, July 9	7:00 p.m.	Regular Mtg
August	No meeting		
September	Wednesday, September 10	7:00 p.m.	Regular Mtg
October	Wednesday, October 8	7:00 p.m.	Regular Mtg
November	Wednesday, November 12	7:00 p.m.	Regular Mtg
December	No Meeting		
2026			
January	<i>Wednesday, January 14</i>	<i>7:00 p.m.</i>	<i>Regular Mtg</i>

PARKS, RECREATION AND WATERFRONT COMMISSION
Regular Meeting

Wednesday, November 13, 2024, 7:00 P.M., Frances Abrier Community Center, 2800 Park St

Minutes - Draft

The Commissions may discuss any items listed on the agenda, but may take action only on items identified as Action.

1. **Call to Order** (Chair): 7:15pm
2. **Roll Call** (Secretary): Present: Abshez; Cardile; Cox; Diehm (7:30pm); Hurtado; Kawczynska; Absent: Lee (LOA); Ranuzzi.
3. **Land Acknowledgement**: Read by Diehm.
4. **Action: Approval of Agenda** (Chair). (M/S/C: Cox/Abshez/U): Ayes: Abshez; Cardile; Cox; Diehm; Hurtado; Kawczynska; Noes: None; Absent: Lee; Ranuzzi.
5. **Action: Approval of Minutes** for October 16, 2024 (Chair).* (M/S/C: Hurtado/Abshez/U): Ayes: Abshez; Cardile; Cox; Diehm; Hurtado; Kawczynska; Noes: None; Absent: Lee; Ranuzzi.
6. **Public Comment**. a) Christopher Kroll, Ohlone Greenway; b) Michael Nettles, Ohlone Greenway; c) Carole Bennett Simmons, Ohlone Greenway; d) Katie Treist, Ohlone Greenway; e) Paul Carmon, Ohlone Greenway; f) Dave Drummond, Ohlone Greenway; g) Kelly Hammargren, Native plant garden; h) Susan Schwartz, Tom Bates sports fields and North Basin Strip; i) Ted Steen, Tom Bates Fields improvements and field allocation process.
7. **Chair's Report**. (Kawczynska). My last meeting as chair (Kawczynska), Attended the Aquatic Park Boliver Drive Improvements Ribbon Cutting.
8. **Discussion/Action**: Elect new chair for the next commission meeting (Kawczynska). (M/S/C to elect Commission Abshez: Kawczynska/Diehm/U): Ayes: Cardile; Cox; Diehm; Hurtado; Kawczynska; Noes: None; Abstain: Abshez; Absent: Lee; Ranuzzi.
9. **Director's Report**: Special events, community engagement, capital project update. Update with provided (Ferris).
10. **Presentation/Action**: Receive staff presentation and conduct a public hearing on the City's Notice of Intent for Council to Adopt a Mitigated Negative Declaration for the Tom Bates Regional Sports Complex Restrooms and Community Space Project.* A public hearing was opened by the chair. Public Comment: a) Bill Powning, pickleball; b) Kathy Teraskin, pickleball; c) Kelly Hammargren, pickleball; d) Ted Steen, pickleball and synthetic turf. Public Hearing was closed by the chair.
11. **Presentation/Action**: Provide Comments on the Draft Waterfront Specific Plan (WSP) (Erickson).¹ A presentation was provided (Erickson). Public Comment: a) Gordon Stout; b) Jim McGrath; c) Camille Antinori, Cal Sailing Club.
12. **Discussion/Action**: Appoint a commissioner to speak on the Draft Waterfront Specific Plan at the Council's Special Meeting on Nov 18, 2024. (Kawczynska). M/S/C to send the Handout Memo from the Waterfront Special Plan subcommittee to Council (M/S/C: Hurtado/Kawczynska/U): Ayes: Cardile; Cox; Diehm; Hurtado; Kawczynska; Noes: None; Abstain: Abshez; Absent: Lee; Ranuzzi. M/S/C to appoint Commissioner Abshez to speak at the Council Special Meeting on Nov 18, 2024 (Cox/Diehm/U): Ayes: Cardile; Cox; Diehm; Hurtado; Kawczynska; Noes: None; Abstain: Abshez; Absent: Lee; Ranuzzi.

¹ See link to the **Waterfront Specific Plan Project** webpage. The **Draft WSP** will be shown in the list of documents at the bottom of the page: <https://berkeleyca.gov/your-government/our-work/capital-projects/waterfront-specific-plan>

13. Information Reports*: Recent PRW Council Reports.

14. Future Agenda Items: Waterfront Specific Plan; Public Art in Aquatic Park (Lavorn); PRW Commission Workplan 2024; Citywide Accessibility Plan; Locations for Dog Parks; Dog subcommittee.

15. Communications.* Emilie Strauss, 10-18-2024.

16. Next PRW Commission meeting: Wednesday, January 8, 2025.

17. Adjournment: 9:30pm.

* document is attached to agenda packet and on the commission website.

** document will be provided at the meeting.

- Commissioners in attendance: 6 of 8 appointed.
- Public in attendance: 19
- Public speakers: 16

***Note:** For any handouts distributed at the meeting, please see the Draft Minutes for November 13, 2024 on the Parks, Recreation, and Waterfront Commission webpage at the following link online:

<https://berkeleyca.gov/your-government/boards-commissions/parks-recreation-and-waterfront-commission>

Agenda Item 13. Recent Council Reports

PARKS, RECREATION AND WATERFRONT COMMISSION RECENT COUNCIL REPORTS

The following recent PRW council reports can be accessed from the City Council Website by using the following URL's:

November 12, 2024 (regular)

13.-Budget Referral: Create a City park at Parkside Drive terminus median

URL: <https://berkeleyca.gov/sites/default/files/documents/2024-11-12%20Item%2013%20Budget%20Referral%20Create%20a%20City%20park.pdf>

November 18, 2024 (special)

1.-Update on the Waterfront Specific Plan for the City of Berkeley Public Tidelands Area

URL: <https://berkeleyca.gov/sites/default/files/documents/2024-11-18%20WS%20Item%2001%20Update%20on%20the%20Waterfront%20Specific%20Plan.pdf>

Presentation

URL: <https://berkeleyca.gov/sites/default/files/documents/2024-11-18%20WS%20Item%2001%20Update%20on%20the%20Waterfront%20Specific%20Plan%20-%20Pres.pdf>

November 19, 2024 (regular)

12.-Exclusive Negotiating Agreement with TSA Holdings, LLC, for the Property at 199 Seawall Drive

URL: <https://berkeleyca.gov/sites/default/files/documents/2024-11-19%20Item%2012%20Exclusive%20Negotiating%20Agreement%20with%20TSA.pdf>

Miller, Roger

From: cafred1@juno.com
Sent: Tuesday, December 24, 2024 3:32 PM
To: Miller, Roger
Subject: Letter for Jan 8, 2024 Parks, Recreation & Waterfront Commission Mtg Packet

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.

12-24-2024

Hello Mr, Miller

Please include this letter in the packet for the Parks, Recreation & Waterfront Commission's January 8, 2025 meeting. Please confirm receipt.

Happy holidays!

thank you,

Clifford Fred

12-24-2024

Clifford Fred

Berkeley California

PLEASE NOTE MY OPPOSITION TO THE CITY'S FLAWED OHLONE GREENWAY SAFETY & MODERNIZATION PROJECT

To the Berkeley Parks, Recreation & Waterfront Commission,

The City officials wants to create wide, fast moving bicycle, e-bicycle, & electric scooter lanes along the Ohlone Right of Way from Virginia Street to the Albany line.

The Plan would remove mature trees & shrink Cedar Rose Park; but would not provide any separate pedestrian pathways, including at the Gilman, Hopkins, Rose & Cedar intersections.

Bicyclists & e-scooter riders do not & will not safely share the Ohlone Pathway with pedestrians.

Bicycle-pedestrian collisions & near collisions occur daily.

Pedestrians, including people with disabilities & parents pushing strollers need their own safe pathway, as exists along the nearby West Street Path, and under the BART tracks in Albany.

An ADA compliant pathway should be of an easy to walk or roll on compacted material, not rocks or gravel.

THIS ILL-CONCEIVED PLAN MAKES THINGS WORSE!

Bicycle and e-scooter riders in Berkeley go too fast already. Wider pathways will encourage bicyclists & e-scooter riders to go even faster, putting pedestrians – including people with disabilities – at even greater risk of being banged into, knocked over, & seriously or fatally injured.

The lack of an ADA compliant pedestrian path invites bicycle-pedestrian accidents & exposes the City to lawsuits.

The developmentally disabled students who participate in the after school programs at the Ala-Costa Center in Cedar Rose Park will be especially vulnerable to being hit by bicycles & e-scooters.

The consultants did not even consider including a separate pedestrian pathway. Why not?

A city official said that people can just walk across the grass at Cedar Rose Park. This is not practical. The grassy field is very uneven and can be covered with dog waste. The field is often filled with aggressive unleashed dogs. And the field is fenced off for several months every year during the rainy season.

The Plan violates the Americans With Disabilities Act – ADA. The city’s consultant acknowledged that no consideration was given to the ADA in the development of this plan.

WHY ARE RECKLESS BICYCLISTS AND E-SCOOTER RIDERS TOLERATED?

Bicyclists, e-bicyclists, & e-scooter riders are getting more and more reckless. They routinely run stop signs and stop lights, pass pedestrians on the right, and overtly knock into pedestrians. It’s time to strictly enforce all traffic laws against bicyclists and e-scooter riders.

Electric scooters should NOT be on sidewalks nor in bicycle lanes. Electric scooter riders should be licensed and at least 18. It makes no sense to exempt them from the rules of the road.

For the above reasons, Paris France recently banned all electric scooter rentals.

LITTLE THOUGHT WAS PUT IN TO MAKING THE OHLONE GREENWAY STREET INTERSECTIONS SAFER

Separate, ADA compliant, pedestrian crosswalks are needed at Gilman/Curtis, Gilman/Hopkins, the Rose & Cedar street intersections with Cedar Rose Park and Virginia Street intersection.

These intersections are already very dangerous.

A transportation expert has stated that the Diablo Engineering Consultant’s proposal for the Hopkins – Peralta intersection would be especially dangerous to pedestrians. Much greater thought needs to be given to this intersection since Hopkins Street is a critical City Evacuation Route.

There should be clear & separate pathways for pedestrians, including wheel chair users, versus bicyclists, e-scooter, and e-bicycle users at each of these intersections.

DO NOT REMOVE ANY PARKING ON PERALTA AVENUE

The Plan would remove 12 or more parking spaces on Peralta Avenue & more on Hopkins & Rose streets. The pickle ball players at the Hopkins-Peralta courts will grab the remaining nearby parking spaces. People won’t be able to park in front of their homes again. High speed bicycle lanes with concrete barriers will keep people from safely backing out of their driveways. People without driveways will be forced to park far away from their homes, including after dark.

People on Peralta and nearby streets have healthcare workers who assist them at home. Home healthcare workers depend on easily accessible parking. With no place to park, many home health care workers will quit. People will lose their critical home healthcare.

There would be no place for mail carriers and the other delivery people who bring our food and packages to park.

People with driveways would be forced to back out into high speed bicycle lanes.

People without driveways would be trapped in their homes.

There's no reason to remove our vitally needed parking spaces.

Safe bicycle lanes can & should be designed w/out taking away street parking.

The Diablo Engineering consultants should be told to design a safe alternative that does not remove any street parking.

One way to make Peralta Ave safer for all modes of travel would be to ban trucks from Peralta Ave now. 50 or more large trucks barrel down the 1300 block of Peralta every day, posing a danger to pedestrians, bicyclists, & people backing out of their driveways.

Approval of this Ohlone Plan would codify into city policy that high speed bicylists, e-bicycles and e-scooter riders TRUMP the safety of pedestrians and of neighborhood residents.

And it would codify that it's ok to remove critically needed neighborhood street parking to the sole benefit of high speed bicyclists and high-speed e-bicycles and e-scooters.

Thus, the approval and implementation of the Ohlone Plan would make it much easier for the Council to then approve the Hopkins Corridor Plan.

ALL WORK ON THE OHLONE PLAN SHOULD STOP UNTIL THE FIRE DEPT'S EVACUATION & RESPONSE TIME STUDY IS AVAILABLE AND HAS BEEN REVIEWED

The Berkeley Fire Department has contracted with a consultant to perform an Evacuation and Response Time Study, which is projected to be completed in the spring of 2025.

The Fire Department's Standards of Coverage and Community Risk Assessment Study states that current response times are already too long, and that these problem will worsen s Berkeley's density further increases. The report states that survival decreases by 7-10% for every minute of delay getting a heart attack victim.

By not providing an ADA compliant separate pedestrian pathway for the entire length of the Ohlone Greenway, the Plan will result in more pedestrian – two wheeled vehicle collisions and thus the need for yet more 911 emergency calls to an already overburdened Fire Department.

THE WIDENING OF PATHWAY THROUGH CEDAR ROSE PARK FOR BICYCLES, E-BICYCLES & E-SCOOTERS WOULD VIOLATE MEASURE 'L'

Please see my more elaborate Oct 2, 2024 letter to your Commission concerning how the proposed expansion of the Ohlone Pathway would conflict with Berkeley's 1986 Measure 'L'.

Measure L is a parks and open space Citizens Initiative that was adopted by Berkeley voters in Nov. 1986

It states that no public park or public open space can be converted to any non-recreational use without been first submitted to a vote of the citizens at a general election.

The Bicycle, E-Bicycle and E-Scooter pathway through Cedar Rose Park is clearly for transportation – i.e. getting from one place to another. That's the whole point of the Ohlone Corridor Pathway – transportation.

It is NOT for recreation. Cedar Rose Park is NOT an off road vehicle park.

Widening the pathway through Cedar Rose Park – especially to make more room for 2 wheeled motorized vehicles, would be taking away land in a city park that is designated as recreational open space, and instead making it a transportation route.

Thus a vote of the people of Berkeley is needed before the existing pathway in Cedar Rose Park can be widened.

It is important to keep Measure 'L' in mind as the City pursues large scale development at the waterfront.

DON'T DESTROY THE NATIVE PLANTS LINEAR PARK BETWEEN PERALTA AND GILMAN

The Project Would Destroy the 20 year old plus native plants linear park adjacent to the Ohlone Path, between Peralta Ave. and Gilman Street. Over 500 people have signed a petition urging the City to preserve this native plant linear park. This linear Park is protected by Measure L.

WHERE'S THE PUBLIC REVIEW?

The city is moving ahead with the Plan now, without adequate public review. We need real public review, before any plan is approved. All we got was a short meeting in February with a Diablo Engineering consultant , who would not take notes. We need more public meetings & a City Council public hearing before any plan is approved.

Public Works Dep't says the Plan can be approved and implemented without a City Council vote. This is unacceptable.

TO SUM UP:

The Ohlone Path Plan as currently proposed is deeply flawed.

The City and consultants should start over, with a plan that provides separate ADA pedestrian pathway for the entire length of the Plan, that does NOT remove any street parking, and that makes sure that pedestrians can cross safely and away from bicycles, e-bicycles and e-scooters at each intersection within the Ohlone Greenway.

I therefor respectfully ask the Parks, Recreation & Waterfront Commission to oppose the Ohlone Greenway Project.

Thank you,
Clifford Fred

Jim McGrath
2301 Russell Street
Berkeley, CA 94705
December 19, 2024

Scott Ferris
City of Berkeley
2180 Milvia
Berkeley, CA 94704

Subject: Review of the Draft WSP issued November 10, 2024

Dear Mr. Ferris:

PURPOSE

It is critical that any update to the Marina Waterfront Park start with the design objective of drawing new people to our shoreline and pier to experience the beauty of our Bay. The Waterfront is first and foremost a park, and it has historically offered a unique opportunity for people to venture into the Bay without renting or owning a boat. Berkeley Pier was once the beating heart of the Waterfront, welcoming over 100,000 people per year to walk 3,000 feet over Bay waters.

I write as both an avid user of the Waterfront Park and as the founder of 'Save the Berkeley Pier'. I have also spent over 15 years volunteering in Berkeley to increase the availability and attractiveness of the Waterfront to more *recreational* users. My efforts have usually been joined by other members of Save the Berkeley Pier. Those efforts have resulted in:

- funding repair of University Avenue
- extension of the Bay Trail along frontage road and into the marina
- an accessible restroom in the South Basin serving the many users such as those sponsored by the Berkeley Outdoor Recreational Program (BORP)
- construction of a third dock in the South Basin
- paving and green infrastructure in the South Basin east parking lot
- a staging area for water sports that is heavily used by other recreational visitors.

Our group strongly supports new recreational facilities that would draw new users to the marina and provide additional opportunities such as more affordable food to those already there. But our overwhelming goal is to restore access to the water through restoration of a recreational pier that provides a degree of access to and experience of the Bay unlike anything else in the region. Most of our members would support a ferry operation that met the policy provisions in the Bay Plan, was in keeping with the scale of the marina, and did not require a massive subsidy from Berkeley taxpayers.

Our principle is simple: increase the opportunities for new people to discover the joys of the Waterfront without displacing those who are already there. Our efforts have increased both

the number and the diversity of those who now come to the Waterfront, and we think both an understanding of those users as well as an appreciation for the important role that Bay access plays in their lives are essential cornerstones for preparing a waterfront plan. The current plan does not quantify or prioritize these needs, however, but instead proposes new businesses and commuter parking over the increasingly important role that easy access to nature plays for our urban population.

PAUSE FOR FURTHER PLANNING

I support the pause in the WSP effort to include a conceptual plan for Cesar Chavez Park and complete the necessary parking studies. It will require discussions before the Parks, Recreation, and Waterfront Commission to move the stakeholders towards consensus. But that effort could be futile if the result is a plan that attempts to restrict parking and provides only a short recreational pier.

THE WSP IGNORES ESTABLISHED REGULATORY STANDARDS

The planning effort to date has failed to deal with the Waterfront as filled State tidelands, subject to regulatory standards outside the City of Berkeley. This has wasted much time and effort and has left the plan inadequate to deal with the regulatory standards of other agencies. The current draft lists only Berkeley regulatory standards on page 202, it fails to establish the relevant regulations in the adopted Bay Conservation and Development Commission's (BCDC) Bay Plan. Plan Map 4 in that plan lists all of Berkeley Marina and Cesar Chavez Park as "Waterfront Park, Beach." Plan Map 4, note 15, provides the following relevant description of that designation:

Berkeley Waterfront-Cesar Chavez Park. Preserve marina, beach, small boat launch, windsurfing access, fishing pier, interpretive center and multi-use trails. Possible ferry terminal. Allow if compatible with park and marina use; serve with bus public transit to reduce traffic and parking needs.

The term "compatible with park and marina use" is given specific definition under the Recreation policies in the Bay Plan. Policy 9 establishes a regulatory standard that any proposed ferry terminal allowed under these provisions cannot "...interfere with current or future park and recreational issues..." and specifically notes that ferry parking cannot usurp parking needed for recreation. These policies cannot come as a surprise to the city, they were adopted in 2006, and I reminded city staff of their relevance in my letter of February 15, 2021.

PARKING STUDIES ARE INCOMPLETE AND BIASED

Nearly every document prepared under the WSP and the predecessor BMASP has failed to proceed using the Bay Plan regulatory standards as a basis for the work program. As such, the current effort is wholly inadequate in addressing these policies and contains volumes of unrelated material.

The recreational parking in the marina protected by these policies is not a “parking ecosystem” where a vacant parking place anywhere in the marina means that there is parking for recreational users. The marina is a regional facility, with significant funding from State agencies to provide recreation for people outside Berkeley, and with enforceable policies that protect recreational parking. The recreational parking that might be usurped by ferry patrons is finite, and consists of several lots: the closed lot at 199 Seawall Drive (320 spaces), the two South Basin lots (194 spaces), Skates/N lot (133 spaces), the parking alongside Seawall Drive that is frequently full, and J&K lot (77 spaces). [Note on sources: I have used the estimates of available spaces from the document “Waterfront Parking Data—collected by City staff 7/8/2024-8/23/2024. The documents released as part of the BMA SP/WSP use inconsistent numbers for parking spaces, but this reflects one of the rare occasions of actual inventory.]

The WSP did not scope its parking analysis to evaluate the use of these recreational parking spaces during recreational periods. Indeed, the parking studies provided in many documents including the Technical Memorandum by Kittelson & Associates dated September 27, 2024, do not use the data collected by the city in July and August of 2024 and use only counts taken by city staff between May of 2021 and the beginning of 2024. I obtained the raw data for the counts taken between 2021 and 2024. Those counts use a form intended to detect the presence of RV’s and overnight parking in the marina, and do not collect data during the recreational periods where usurpation of parking would be an issue. Use of that data, and exclusion of the data collected in July and August of 2024 is misleading and improper because it does not provide information about the recreational parking pattern that is necessary to address the standard that such parking is not usurped. That data should be removed, and more comprehensive parking studies are required. Virtually all of the data used in the Kittelson report is unrelated to the regulatory standards. Only 5 daily counts were completed for that study (page 16), and only three of those days were during summer when recreational activity is at its peak. The data from those three days is presented in a way that makes it impossible to evaluate the actual counts at the four lots where parking for recreational users could be usurped. I submitted a PRA for that data, but received information in a form that also makes it impossible to distinguish parking patterns at the four South lots.

The data collected by the city staff in July and August of 2024, although extremely limited in number, provides enough information to conclude that recreational parking might well be usurped by a ferry terminal with limited parking. Peak recreational parking demand in the South part of the marina occurs during the morning when kayak activities are scheduled and charter boats leave, and in the afternoons between 2:00 and 6:00 pm. Contrary to the claims in the Kittelson Study and the WSP, the South lots are nearly full during many weekday recreational periods. Only 11 parking counts were taken during afternoon recreational use, and only at 4:00 pm. However, that data shows the two South Cove lots up to 96% full on weekdays. Contrary to statements in other documents, parking spills over into the J and K lots, where 84% of the spaces were full on July 23 and 24, 2024. Stakeholders have submitted more than 14 photographs taken since the BMA SP process started showing parking lots full or near full. That information was available to the city staff when the Kittelson Memorandum was released and when they included Figure 2.49 (page 175) in the WSP. That conclusion is simply not true and Figure 2.49 is incorrect. This information, elided from the Kittelson report and the WSP draft, provides substantial evidence that parking lots in the South Basin are currently near capacity and would be

vulnerable to usurpation by ferry patrons at current population levels, much less the future recreation needs that are protected by Bay Plan policies.

Other data collected in the South Basin provides further substantial information that indicates a more detailed and specific parking analysis is needed. The information collected by city staff between July 22 and August 23, 2024, includes 19 data points for the South Basin, collected at 10:00 am. At that time, with the South Cove East lot often closed off, use of the lot varied between 28% and 64% of the capacity of both lots. Visitors to the marina parking at that time are primarily customers of charter fishing vessels—a recreational use—and patrons of the Genentech ferry—a non-recreational use that shows how ferry patrons indeed use the recreational parking in the South Cove. The city made no attempt to quantify the two uses in any of the supporting studies. However, ample data is available. The city derives revenue from both uses, which is reported as part of the budget process. That information can readily be correlated with parking levels on the days sampled to determine the magnitude of the two groups, and the mode split. This can be confirmed and augmented by the data for the Genentech ferry, which is part of the Transportation Mitigation Plan for the Oyster Point Commercial development so that mitigation monitoring is required. This pattern of use also confirms several comment letters sent to the city by Gordon Stout showing essentially the same level of use—virtually all of the South Cove West parking lot is full--before most recreational activities have begun.

The approach taken in the WSP to date is simply wrong, and misuses what data is available. Statistical approaches that mix populations of data are not valid, but that is what the city's consultants have done. There are three different kinds of users of parking spaces at the marina currently, and they occur at different times and in different places. There are recreational activities—many of them, and an adequate parking baseline would quantify their use and the location where that use occurs. There are commercial recreational activities—a hotel and several restaurants that generate revenue for the city. Since the Doubletree has a dedicated parking lot for guests, and since employees park in recreational spaces rather than pay to park in that lot; it is essential to quantify that use. Third, there are commuters and the fees paid by the operators of the small ferry operations allow quantification of that use. The city has not prepared a baseline of the three users, even where ample information is currently available. Instead, they have improperly lumped all of the parking information into one bucket, obscuring the value of the limited data they have about the baseline recreational use. Using this flawed approach, the November 18, 2024, "Update on the Waterfront Plan" presented to the City Council incorrectly concludes that "The existing conditions study identified that on all but peak event days, there is parking available in the Waterfront." In fact, the data available to the city but not used, shows that on frequent weekdays the recreational parking supply that might be affected by either a ferry terminal or additional commercial development is already at capacity.

In a technical and connected world where most visitors to the marina carry a cell phone, and consultants use that cell phone data for marketing purposes, it is relatively straightforward to harvest that data. That would establish much denser data about the patterns of use and parking at the marina, including trip origins and duration of parking. Of course, the city could also use the older and more conventional technique of using pneumatic tube counters to manually count cars and perhaps bicycles. The available data, although limited and misused so far, is sufficient to establish that an adequate baseline is essential to address the regulatory standards in the Bay

Plan. Since the city is also considering designating areas for additional commercial use, this information is vital to consideration of both feasibility and the necessary parking standards for such development.

We appreciate the proposed policies in the draft WSP that support equity. But free parking and improvements in good shape are an essential ingredient for maintaining and increasing the diversity of users of the waterfront. When the improvements to the South Basin parking lot and the Bay trail were completed, the diversity and number of users increased immediately. Restoring a recreational pier is critical to increasing the use of that pier by the communities of color that once used it. The city's efforts to restrict recreational parking and establish parking fees would have the immediate effect of reducing the diversity of users, both ethnically and geographically. We frequently see visitors to the marina from other communities who have come here in their cars after providing construction services to Berkeley projects, just chilling after work as they say. While we support efforts to encourage increased bicycle and transit use, we remind the city that this is a regional facility, providing recreation for those outside the city bounds, and far beyond the range of a likely bicycle trip. As noted, that access is protected by the Bay Plan standards.

Finally, none of these parking reports reflect two factors that have and will affect parking: the marina has lost significant users due to the closure of the pier. Once reopened, in any format, the pier will attract large numbers of users and further impact available parking. Secondly, as we have seen with improvements at Albany Beach, upgrading existing shoreline facilities and improving accessibility acts as a magnet for new use. The city is not factoring in the impact that reopening the pier and upgrading basic access will have before proposing new additions to the marina, such as hotels, restaurants or a ferry. As noted earlier, Berkeley marina is a regional facility, located on granted State Lands and funded to a substantial degree by State grants and loans. It must provide access to the region, not just to Berkeley residents.

FEASIBILITY

Feasibility is a nuanced and important term of art under the California Environmental Quality Act, where alternatives must be studied to determine whether they are feasible, and where all feasible mitigation measures for significant impacts are generally required. Feasibility has a somewhat different term under the McAteer-Petris Act, where maximum feasible public access consistent with the project must be included. The studies that preceded the current draft used a different meaning; those studies evaluated whether additional commercial recreational development at the marina was economically feasible, and how much it might contribute to the marina fund. In any event, detailed information about feasibility must be generated to evaluate proposals, and alternatives that might have less impact. Further, the draft ignores any consideration of competing commercial areas in much larger waterfronts in Richmond and Jack London Square where hundreds of thousands of square feet of commercial development sits vacant.

The WSP that was recently issued departs from consideration of feasibility entirely. Instead, three different scenarios of potential new development are presented, with no information about their feasibility. Those levels of development would add between 380,000 square feet and

835,000 square feet of new development. No discussion of the potential market feasibility of such increases, or the physical layout of potential development on the limited space demonstrates that this development is economically or physically feasible. Only limited information about the parking that would be necessary to support such development, or the location of that parking and parking for the proposed ferry terminal is included.

This approach is highly speculative, and a dramatic departure from the studies of feasibility that have been released. The City contracted with Keyser Marston to evaluate the potential for development. Keyser Marston provided the city with an analysis that showed that a 200 room hotel and new food service might eventually be economically feasible, and projected income of up to \$723,000 in lease revenue from a hotel and \$207,000 in lease revenue from increased food service. However, that is not all new revenue, all the areas considered for redevelopment are currently leased and generate about \$340,000 in revenue a year. Keyser Marston was cautious to predict feasibility, as it was clear that the hospitality industry was still contracting, and a new hotel on Center Street had just been completed. That contraction continues; on November 19, 2024, the East Bay Times reported that the Oakland Downtown Hotel had sold for \$10.6 million, 76% less than the \$43.8 million that it had been bought for. The owner of property on Bay Farm Island in Alameda has dropped their plans to build a hotel that had been fully entitled and are pursuing other uses.

The draft WSP provides only limited information about the required parking that would be needed to support any new development. The existing city code, Berkeley Municipal Code Section 23.322.030 establishes standards for hotels at one parking space per guest sleeping room or suite, plus one space per three employees. Parking standards for food establishments are set as one space per 300 square feet. There is a parking requirement for general commercial space of 2 spaces per 1,000 square feet. Language in the WSP suggests that the maximum parking allowed would be 0.5 spaces per room about half the standard for the Doubletree (0.9), and the plan does not include parking standards for food and general commercial space. This is a dramatic departure from the standards in the rest of Berkeley and surrounding cities, and there is nothing that demonstrates that development with these restrictions would be feasible, much less raise appreciable funding to cover the long-ignored infrastructure at the marina. Allowing leases to go forward with no consideration of employee parking would almost certainly result in employees parking all day in spaces that once provided access to recreational users, as employees of the Doubletree now do. The standard now in place for the city, two spaces for each 1,000 square feet of commercial development, would require 1670 parking spaces. A new ferry terminal, with the 2,000 projected departures by WETA, would require about 1200 spaces at current mode splits. It quickly becomes obvious that the small acreage in the marina that could be redeveloped is not remotely large enough to accommodate nearly 3,000 new parking spaces. This is more than an oversight, it is a failure in rational land use planning. At present, the city is considering initiating a detailed EIR on the most intensive of these development scenarios, which would be a waste of money and effort.

THE WSP FAILS TO ESTABLISH THE FEASIBILITY OF A NEW FERRY TERMINAL OR CONSIDER FEASIBLE ALTERNATIVES THAT WOULD NOT USURP RECREATIONAL PARKING

The most recent cost estimate for the project was in 2021 and has not been updated. Under the current MOU between Berkeley and WETA, Berkeley would be required to pay all costs for the short recreational section of pier and all shoreline Improvements. Those costs are generally absorbed by WETA for other terminals now in operation. The 2021 cost estimate for that work was \$29 million. Operational costs are not yet covered by any amendments to the MOU, but the minutes of WETA meetings include multiple comments by Board members and in documents that Berkeley would be expected to pay \$4.5 to \$6 million annual operational subsidy for the Berkeley service, half of the expected annual subsidy. No sources for these costs have been identified. There are obvious questions about the feasibility of the development intensity contemplated in the present draft WSP.

RECREATIONAL NEEDS ARE INCREASING AND HAVE ECONOMIC VALUE

The city has made no effort to either quantify the existing recreational uses, evaluate how those uses are changing and will change even more with the city's efforts to increase housing, and climate change, or to assign an economic value to those uses. Under the standards in the Bay Plan, the city must assess the demand for recreation as climate warms and city population increases. As noted, this is State granted land for regional purposes, and I believe the marina will be essential for recreation and heat relief, serving a population far beyond Berkeley. Estimating and valuing recreation needs is standard in recreational planning efforts, and the recreation at Berkeley marina is protected by existing regulatory standards that the city seems to have overlooked. Many sources establish the value of the recreational economy and have developed techniques to quantify the economic value of a single recreational day. One source that establishes these values can be found on the Headwaterseconomics.org site and is titled "The Outdoor Recreational Economy by State," dated November 27, 2023. That source establishes that the outdoor recreation economy generated \$1.1 trillion in economic output in 2022. Another readily available source is "Recreation Economic Values for Estimating Outdoor Recreation Economic Benefits from the National Forest System," Randall S. Rosenberger et al. In that study, the value of a person day for nonmotorized boating is \$114.12 per day—nearly three times the value of motorized boating—is established. Even picnicking has a substantial value. It may be that recreational uses in Berkeley marina, and throughout Berkeley's parks, have different values. But to ignore quantifying those uses, fairly evaluating the potential impact, and making an attempt to quantify the value of that use undermines the credibility of the existing planning effort and fails to address the regulatory standard in the Bay Plan.

To give one specific example of the need for this evaluation, consider the growth in swimming staged out of the marina. Prior to the pandemic, small groups swam in both organized and individual exercises. But with the closure of pools during the pandemic, swimming events at Berkeley marina began to attract more than a hundred swimmers, filling the South Basin East parking lot on Sunday mornings. Swimming use from Berkeley and from other East Bay parks has continued, and with global warming, is expected to increase even more. The WSP needs to quantify this use, estimate how demand will increase in the future, and evaluate the needs of this important recreational group. Similar concerns exist with respect to fishing and the relatively new sport of winging, where the WSP makes no effort to quantify or value the use, or provide for that use.

Regardless of how quantifiable the value of a recreational visitor is, the critical point is that the value of access to our shoreline has been demonstrated by the sheer volume of people looking for respite and recreation at all of our very limited shoreline parks. Unlike other waterfront parks, however, the Berkeley Waterfront Park and its Pier have historically provided users with an access experience unique to this park. Access to urban parks is critical to the well-being of our communities and particularly vital for under-served communities. Berkeley not only has a civic responsibility to properly repair and maintain this park to ensure continued access, it has regulatory requirements to do so in line with the guidelines that govern the city's right to use this land.

Very truly yours,

Jim McGrath

Copies: City Council, Paul Buddenhagen,. Parks, Recreation and Waterfront Commission, Erik Buehmann, BCDC