

SAVE THE BERKELEY PIER  
2301 Russell Street  
Berkeley, CA 94705  
May 21, 2023

Coastal Conservancy Board  
1515 Clay Street, 10th Floor  
Oakland, CA 94612-1401  
Via e-mail

SUBJECT: June 1, 2023, Board meeting, **item 4**. Consideration and possible authorization to disburse up to \$2,960,900 to the City of Berkeley to conduct technical studies, prepare preliminary engineering, and prepare a draft environmental review document for the Berkeley Pier and Water Transportation Project in Alameda County.

Dear Members of the Coastal Conservancy Board,

We write as members of an ad hoc group, Save the Berkeley Pier. Our mission is to restore access to the water via the Berkeley pier, which has now been closed nearly eight years. We write in opposition to this current grant proposal because we believe it is premature, if not wasteful, to provide \$10 million in public funding for a project that is of questionable feasibility. There is no current Berkeley plan which designates any site in Berkeley marina for a ferry terminal. While Berkeley has begun a planning process that might eventually designate a site, that planning process has not yet addressed the Bay Plan policies of your sister agency, the Bay Conservation and Development Commission, which may make it impossible to construct the project for which you are being asked to fund the design. We ask that this matter be postponed until you can have definitive answers to the feasibility questions we raise below.

#### REGULATORY FEASIBILITY

Members of Save the Berkeley Pier have long been involved in efforts to increase and protect public access. We were part of the planning effort by BCDC which updated their recreational policies. The key policy which we bring to your attention is Recreation Policy 9, which provides:

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

Berkeley marina has been designated a “waterfront park priority use area” in the Bay Plan, so this policy applies. Two tests are established here. First, to be allowed, a ferry terminal cannot “interfere with current or future park and recreational use”, and second, facilities such as parking “should not be usurped by ferry patrons.” It is unlikely that either of these standards can be met.

It is important to recognize that the area where the city now proposes to locate the ferry terminal was filled under a BCDC permit, BCDC permit No. 28-66, expressly for the purpose of providing recreation. That permit provided the fill for some of the parks and water access points in the marina, as well as the parking to support those uses.

For the last ten years, people have been swimming in Berkeley marina, and organizations like Odyssey swim have regular events bringing dozens of new users to the marina. With the pandemic, even more people discovered swimming in the bay, and that activity now occurs at Albany Beach, Berkeley marina, Ashby Beach, and Crissy Field. Non-motorized boating, an activity supported by the Conservancy under their water trail plan and grants, has new users and a new sport, winging. With the ongoing shoaling of the South Basin of Berkeley marina, both wingers and swimmers have begun to stage their activities out of the small cove next to the vacant restaurant once known as H’s Lordships. The South Basin is also home to the Cal Sailing Club and Cal Adventures, two leaseholds that provide low-cost recreation and instruction in sailing and other on-water recreation. Their activities are also restricted at low tides. The current planning effort by the City of Berkeley has not recognized these activities, or accounted for them in a way for the Conservancy to find that developing a commuter terminal on an area now designated for recreation will not interfere with existing and future recreational uses. Nor has the city amended Permit No. 28-66 to allow commuter parking instead of recreational use on this filled land.

It would be even more difficult for the City and WETA to meet the second test of not usurping parking. The WETA business plan for a Berkeley terminal from 2022 projects 955 unduplicated passengers leaving Berkeley for San Francisco. Traffic studies looking at the mode split for access to ferry terminals, predicted that 54% of the passengers would drive alone, and 9% would carpool. That means that about 60% of the departing passengers would drive to the marina while only 250 spaces are proposed for the 573 people looking for parking spaces. That would consume every recreational space south of University Avenue—and leave more than 50 people still looking for a space. Consultants for the city speculated that it might be possible to reduce drive alone ferry passengers to 40%, and increase carpooling, but that has not occurred at any of the existing terminals. Even if demand management reduced parking demand to 45% of the 955 passengers, only 250 spaces would be proposed for the 430 people looking for a space. Again, all the recreational parking would be usurped.

WETA has now surfaced plans for even more passengers in Berkeley. In a report dated April 12, 2023, WETA staff presented the initial stages of planning for the future, with

Table 11 a series of forecasts for 2050 ridership. That table has four possible ridership numbers for Berkeley: 1800, 2500, 2600, and 4000. So at least one scenario under consideration contemplates 2000 departing passengers—while even the most optimistic application of demand management scenarios shows that 955 departing passengers cannot be accommodated without usurping recreational parking.

To be sure, establishing a new terminal in the bay rather than in a sheltered harbor raises other regulatory issues. To secure permits for dredging and fill associated with a new ferry terminal, the Clean Water Act requires detailed consideration of alternatives. BCDC’s Bay plan echoes these policies, allowing dredging of a new channel only when this policy is met: “...the siting and design of the project will result in the minimum dredging volume necessary for the project...” We believe that a terminal located within the marina would more readily meet the established regulatory requirements, yet no such alternative has been considered. Final design of a terminal that would require new dredging, without consideration of alternatives, has the very real possibility of being wasted money.

## FISCAL FEASIBILITY

No detailed budgets for the proposed Berkeley ferry terminal have been made widely available. The document “Feasibility Study, Ferry Facility at Berkeley Municipal Pier”, November 12, 2021, identified a construction cost of over \$115 million, including the ferries, but did not identify the source of funding. The 2016 Business Plan by WETA reserved only \$30 million in Regional Measure 3 funding for the Berkeley terminal—well short of the required funding. No update of that plan which establishes funding for the terminal has been adopted, but comments by WETA board members indicate that they expect the City of Berkeley to pay more. The current agreement between WETA and Berkeley would have Berkeley pay approximately \$29 million to pay for the recreational features. Berkeley has no capital budget for either that \$29 million, or whatever additional costs they might incur.

WETA’s current operational subsidies are \$38 million. Last year, the operational cost for the existing routes was \$62 million, with only \$12 million in fare revenue. Even with the operating subsidies, that leaves a \$12 million shortfall—without a Berkeley route. Table 14 from the April WETA board packet lists the *additional* subsidy needed to support a Berkeley route at \$12 million. That is currently not available from Regional Measure 3, and WETA board discussion has indicated that they expect Berkeley to pay as much as half of that amount. Berkeley marina generates only about \$6 million a year in revenue and has a structural deficit of about \$1.4 million each year. The marina needs more than \$100 million in infrastructure repairs just to sustain existing uses. The background studies for updating the marina plan admit that a ferry terminal would not generate any direct revenue and is only expected to result in a slight increase in dining revenue. Any increase in restaurant revenue would not be sufficient to cover parking management costs.

## CONSERVANCY GUIDELINES FOR FUNDING

We believe that this grant proposal falls well short of some of the adopted Conservancy project selection criteria for grants. Specifically, we don't see evidence that the

- Project is feasible.
- Budget is reasonable.
- Applicant has consulted with relevant State and Federal agencies on regulatory constraints.

## CONCLUSION

There are major feasibility issues that indicate that funding a final design of a speculative ferry terminal is likely to end up wasting some or nearly all of that money. We ask that you direct the funds made available by the legislature to some of the pressing needs of the marina.

Very truly yours

Carla Woodworth, Andrew Sullivan, Kelly Hammargren, David Fielder, Paul Kamen,  
Gordon Stout, Brad Smith, Doug Yamamoto, Jim McGrath

Attachments