

REVISED STAFF RECOMMENDATION, 9/14/2023

COASTAL CONSERVANCY

Staff Recommendation  
September 14, 2023

**BERKELEY MARINA IMPROVEMENTS**

This staff recommendation is revised as shown in strike-out and underline. All exhibits remain the same. The revisions were made at the Conservancy meeting on September 14, 2023, prior to the Conservancy's adoption of the Resolution and Findings.

Project No. 23-046-01  
Project Manager: Mark Kalnins

**RECOMMENDED ACTION:** Authorization to disburse up to \$8,990,000 to the City of Berkeley to implement Berkeley Marina improvements consisting of 1) maintenance dredging of the Berkeley Marina harbor and entrances; and 2) replacement of two failing dock systems (Docks D and E) in the City of Berkeley, Alameda County.

**LOCATION:** Berkeley Waterfront, City of Berkeley (Alameda County)

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EXHIBITS

- Exhibit 1: [Project Location Map](#)
  - Exhibit 2: [Maintenance Dredging Concept Level Plan](#)
  - Exhibit 3: [Site Photographs](#)
  - Exhibit 4: [Docks D&E Replacement Concept Level Plan](#)
  - Exhibit 5: [Project Letters](#)
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**RESOLUTION AND FINDINGS**

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed eight million nine hundred ninety thousand dollars (\$8,990,000) to the City of Berkeley ("the grantee") to implement Berkeley Marina improvements consisting of 1) maintenance dredging

of the Berkeley Marina harbor and entrances; and 2) replacement of two failing dock systems (Docks D and E) in the City of Berkeley, Alameda County.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding.
4. Evidence that all permits and approvals required to implement the project have been obtained.

4.5. The grantee shall submit a report to the Conservancy by early 2025 regarding the grantee's financial plan for maintaining the restored docks and the marina depths.

Findings:

Based on the accompanying staff recommendation and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 7 of Division 21 of the Public Resources Code, regarding Urban Waterfront Restoration projects.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.

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## STAFF RECOMMENDATION

### PROJECT SUMMARY:

Staff recommends the Conservancy authorize a grant of up to \$8,990,000 to the City of Berkeley ("City") to implement Berkeley Marina improvements consisting of 1) maintenance dredging of the Berkeley Marina harbor and entrances; and 2) replacement of two failing dock systems (Docks D and E), in the City of Berkeley, Alameda County (Exhibit 1).

The impetus for both project elements is to increase and improve recreational boating opportunities and to generate additional revenue for the City's Marina Fund via boat slip rentals, which is used to operate and maintain the Berkeley Marina (Marina) and the Berkeley Waterfront (Waterfront) area. This area is a regional destination for over 300,000 visitors per year, with opportunities for diverse and historically marginalized communities to experience free and low-cost access to the open space and waters of the Bay. The projects will help to ensure the economic viability of the Marina and Waterfront for the next two to three decades. The Conservancy grant will be used for construction.

Maintenance Dredging - The Marina Harbor mouth is protected by two breakwaters (one riprap, one concrete) that create three entrance channels (north, middle, and south) to the Marina (see map in Exhibit 2, and photos in Exhibit 3). Although the southern entrance is part of a federal navigation channel, it does not receive federally appropriated maintenance dredging in addition to what the City periodically provides (see "Site Description" below for

details). Sediment has now accumulated at various locations at the Marina, particularly the northern entrance, making it impossible for deep keel boats to enter or exit the marina harbor during lower tides. The City therefore needs to once again conduct maintenance dredging to restore the original design depth of the harbor and entrances, and also provide capacity to be resilient to additional sedimentation.

Dredging will be accomplished using mechanical dredging methods whereby a clamshell type bucket or heavy-duty excavator will remove sediment from below the water and place sediment onto a barge for further transport to a designated disposal location. Dredging will likely be conducted during the months of June to November to avoid impacts and negative adverse effects to Chinook Salmon, Steelhead, and Pacific Herring. Sediment will either be re-used for wetland habitat restoration, or disposed at an appropriate in-Bay site. Initial sampling and analysis of materials to be dredged has been completed, and the City anticipates that two of the three dredge areas likely meet the standards established by the San Francisco Bay Dredged Material Management Office for re-use, potentially at the Cullinan Ranch Restoration and/or Montezuma Wetlands Restoration Projects. The final choice would depend on tipping fees, budget, and availability of the re-use site.

The Conservancy grant will be used for construction, construction management, and inspection services for one round of maintenance dredging. Grant funds will not be used for design and permitting, which will be funded by others as part of the project. Design and permitting will be completed between October and June 2024. Bidding, contracting, construction implementation, close-out and ribbon-cutting will occur between July 2024 and September 2025. Dredging is anticipated to occur in the species avoidance work window of June to November.

Docks D and E Replacement - The Marina provides 1,000 public boat slips for rent across 14 named dock systems (see Exhibit 4). Boat slips are offered for rent to recreational boaters and liveaboards (residents who live full time on their boats or on houseboats). Day visitors may use slips free of charge for up to 4 hours. Marina slip rental rates are based on duration of slip usage and vary by vessel size, with pro-rated rental rates provided for monthly slip holders. Additional usage fees and permit requirements also apply to the longer-term slipholders. Docks D and E are the last remaining of the original fifteen docks that were installed in the 1970s. Currently only 51% of the slips at Docks D and E are rented (45 out of 78) due to bad deterioration, and the boating community at the Marina has requested their replacement for over two decades.

The Marina Docks D and E replacement will include the following components: convert the failing 32-foot and 36-foot berther slips to new and more marketable 40-foot to 46-foot slips; replace the existing wooden bridge (see photos in Exhibit 3) with an aluminum gangway; replace the wooden docks with a concrete floating dock system; and upgrade the electrical system to include new switchboards, power centers and pedestals built to current building codes.

Design and permitting for the docks replacement project is anticipated to occur between September 2023 and February 2024, and construction is anticipated to be completed by

February 2025. Project work will occur during the in-water work window established by the National Marine Fisheries Service to avoid adverse effects to protected fish.

**Site Description:**

One of the largest marinas in the East Bay, the Berkeley Marina is located at the center of the City's waterfront, amidst a hotel, restaurants, the Marina and related offices, the now-closed Berkeley Municipal Pier, and the trails and open space at Cesar Chavez Park and McLaughlin Eastshore State Park. The Marina harbor is protected from damaging wave action by the north and south moles (breakwaters which separate two bodies of water and prevent water from flowing beneath) that allow a relatively narrow entrance. The offshore breakwaters provide wave sheltering for the entrance and reduce wave penetration into the harbor. Within the protected harbor, berthing for about 1,000 small craft was constructed along with a host of boater support facilities to offer a full-service marina with numerous amenities to the region's water sport recreationists.

The Marina in its current form dates to the late 1960's when it was dredged on tidelands granted to the City by the State of California. Dredged sediment was used to create upland areas around the harbor to support the marina operation and other uses within the Waterfront. The southern half of the harbor basin was originally dredged to -20 ft mean lower low water (MLLW) with the remaining basin and entrance areas dredged to -12 ft MLLW. Since that time the marina harbor and entrances have been maintained to accommodate a variety of vessel types with needed dredge depths ranging from -8 to -12 ft MLLW. For example, the City dredged 5,000 Cubic Yards (CY) in 1973; 73,000 CY from the harbor entrance channel in 1991; <500 CY at Docks H-I to repair revetment in 2005; and 3,653 CY at Docks A-C associated with dock replacement in 2009.

With the exceptions of the Dock H-I dredging in 2005, the disposal site for the dredged sediment was the in-Bay SF-11 open water disposal site located off Alcatraz Island. Emergency dredging was also performed in the southern harbor entrance area after the 1989 Loma Prieta Earthquake to allow for emergency FEMA ferry service, and the resultant dredged sediment was placed along the north side of the Berkeley Pier.

**Grant Applicant Qualifications:** The City's Department of Parks and Recreation maintains and enhances the quality of life in Alameda County by providing parks and recreational opportunities for residents and visitors. The City has an established program for managing the Marina and Waterfront, and has expended considerable funds and grants to study and improve infrastructure. The City has successfully managed grants from the Conservancy and other state agencies in the past.

Working with the public, regulatory, and funding partners over the past 30 years, the City has completed several water-based capital projects using \$36 million in State-funded marina improvement loans, including dock systems and shoreline revetment projects and spot dredging around docks. Similarly, the City has completed several projects at the Marina and Waterfront using Conservancy grants for planning, design, and implementation, including a 0.5-mile Bay Trail extension in 2014, South Cove East Parking Lot renovations in 2018, 600-foot Bay Trail extension to the sailing clubs in 2020, and installation of a new ADA-accessible gangway at

the South Cove Sailing Basin in 2020. The City has a comprehensive financial system and experienced finance and auditing staff to manage the accounting and auditing of all capital projects. The City contracts with an independent auditor to perform an audit of all federally funded capital projects (a single audit) on a yearly basis. Lastly, the City has a plan for the long-term management, maintenance, and monitoring of the project elements.

**CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:**

The proposed project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

**Selection Criteria**

**1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.**

See the "Consistency with Conservancy's Strategic Plan" section below.

**2. Project is a good investment of state resources.**

The proposed project would enhance boating access and the overall user experience at the Marina and Waterfront. Maintaining the availability of this recreational resource is critical to foster a sense of environmental awareness and stewardship of the San Francisco Bay among visitors. Further, the rental revenue generated by the 1,000 boat slips at the Marina provides a significant part of the funding needed to sustain the Marina Fund, which covers all Waterfront operations including the Marina, landscaping, facilities, parks, roads, recreation programs and special events. Specific examples include the daily maintenance of over 1,000 berths, repairs to docks, pilings and buildings, staffing in Shorebird Nature Center and Adventure playground and the daily administration of the many recreational amenities located throughout the Waterfront that are provided to the public at no charge. The project therefore directly benefits disadvantaged communities in the City and throughout the Bay Area through improved berthing and generation of higher revenues to the Marina Fund, and the associated park and facility improvements that are financed by the Marina Fund. With the benefit of higher revenues to the City's Marina Fund through slip rentals, the proposed project will further the State's "Outdoors For All" initiative, which seeks to equitably expand outdoor access to all Californians through focused investments in open space infrastructure, outdoor programming, and improvements to state systems.

**3. Project benefits will be sustainable or resilient over the project lifespan.**

The City will implement a maintenance dredging program that will monitor the depth of the Berkeley Marina every five years and perform any necessary dredging within the 20-year standard guideline contained in the San Francisco Bay Dredged Material Management Office Manual. In addition, the docks replacement project will produce a more durable dock system that requires less maintenance and need to replace dock equipment. These new upgrades will have an expected lifespan of over fifty years and will greatly reduce the need to purchase wood and other materials for maintenance purposes during that time.

**4. Project delivers multiple benefits and significant positive impact.**

The dredging project has been identified as a high priority for more than two decades as the harbor entrance and main basin continues to get silted in and the depth decreases. Further, replacing Docks D and E with state-of-the-art longer slips will be more attractive and safer for the boating community and provide more boat slips for rent that will generate additional revenue for the Marina.

The Marina and Waterfront is a very popular outdoor recreation area that supports a variety of water-based activities including, but not limited to, sailing, kayaks, charter fishing boats, and small-scale ferry service. In addition, the Marina supports a community of floating homes and liveaboards, a successful sailing school, and a boat repair facility. All of these user groups will benefit from increased accessibility in and out of the Marina during all tidal conditions. In addition, beneficial re-use of the dredge sediment could provide critical sediment supply for wetland restoration in the Bay Area.

**5. Project planned with meaningful community engagement and broad community support.**

The City of Berkeley recognizes the value of its waterfront and marina to the general public and City residents, and the project is supported by City Council and elected officials (see Exhibit 5, Project Letters). The City continues to receive enthusiastic support for the project from all visitors at the Marina. City Council has authorized staff to pursue grant funding for the project, most recently on December 13, 2022 (Resolution No. 70,629-N.S.).

**PROJECT FINANCING**

<b>Coastal Conservancy</b>	<b>\$8,990,000</b>
Berkeley Marina Maintenance Dredging - \$7,403,000	
Docks D&E Replacement - \$1,587,000	
<b>City of Berkeley (Other Funding)</b>	<b>\$6,975,922</b>
Berkeley Marina Maintenance Dredging - \$300,000	
Docks D&E Replacement – \$6,675,922	
<b>Project Total</b>	<b>\$15,965,922</b>

The funding source is a Fiscal Year 2022/23 appropriation of \$15 million dollars from the General Fund to the Conservancy specifically for City of Berkeley marina and pier projects. (The Budget Act of 2022, as amended by AB 179, Chapter 249, Statutes of 2022). As the proposed project consists of upgrades to Marina area facilities, it is consistent with this funding source.

The allocation of the overall total project financing towards each project component as shown in the table above is an estimate. The complement of funds for both projects will come from the City of Berkeley.

Unless specifically identified as “Required Match,” the other sources of funding and in-kind contributions described above are estimates. The Conservancy does not typically require matching funds or in-kind services, nor does it require documentation of expenditures from other funders or of in-kind services. Typical grant conditions require grantees to provide any funds needed to complete a project.

**CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

The proposed authorization is consistent with Chapter 7 of Division 21 of the Public Resources Code, Sections 31301 and 31307, regarding Urban Waterfront Restoration projects. All citations in this section are to the Public Resources Code unless otherwise stated.

Consistent with Section 31307, the proposed authorization is to award a grant to a public agency (the City of Berkeley) for restoration of an urban coastal waterfront area (the Berkeley Marina and Harbor). The restoration consists of maintenance dredging to provide safe navigation and continued access to the harbor and its facilities; and replacement of deteriorated docks and slips with state-of-the-art facilities for recreational boating in the Bay Area. The restoration will result in the Berkeley waterfront remaining a vital economic and cultural component of the community, consistent with the intent articulated in Section 31301.

**CONSISTENCY WITH CONSERVANCY’S [2023-2027 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 2, Enjoy the Coast**, the proposed actions constitute a project that both builds recreational facilities and amenities (for recreational boating), and revitalizes a waterfront (as explained above).

**CEQA COMPLIANCE:**

Maintenance Dredging of Berkeley Marina

Actions to maintenance dredge the Marina are categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations (CCR) Section 15304 (Minor Alterations to Land), specifically subpart (g), as the project consists of, “[m]aintenance dredging where spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies”. Consistent with this section, the proposed project would conduct maintenance dredging where the dredged sediment is deposited in a permitted area (e.g., for beneficial re-use or at SF-11 Alcatraz).

Docks D&E Replacement

Actions to replace and upgrade Docks D and E are categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations (CCR) Section 15302 (Replacement or Reconstruction), including replacement or reconstruction of existing structures and facilities on the same site and with substantially the same purpose and capacity. Consistent with this section, the proposed project would reconstruct an existing dock structure and support facilities (e.g., utility hookups and dockage equipment) in the same location and with substantially the same capacity as the existing dock.

Upon approval of the project, Conservancy staff will file a Notice of Exemption.