

COASTAL CONSERVANCY

Staff Recommendation
June 01, 2023

BERKELEY PIER PLANNING PROJECT

Project No. 23-022-01
Project Manager: Mark Kalnins

RECOMMENDED ACTION: 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.

LOCATION: Berkeley Waterfront, City of Berkeley, Alameda County

EXHIBITS

- Exhibit 1: [Project Location Map](#)
 - Exhibit 2: [Project Location Context](#)
 - Exhibit 3: [Site Photographs](#)
 - Exhibit 4: [MOU between City of Berkeley and WETA](#)
 - Exhibit 5: [Berkeley Pier Preferred Waterside Concept](#)
 - Exhibit 6: [Berkeley Pier Preferred Landside Concept](#)
 - Exhibit 7: [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 two million nine hundred sixty thousand, nine hundred dollars (\$2,960,900) to the City of Berkeley (“the grantee”) 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.

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.

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 4.5 of Division 21 of the Public Resources Code, regarding goals of the San Francisco Bay Area Conservancy Program.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize a grant of up to \$2,960,900 to the City of Berkeley (City) to conduct technical studies, prepare preliminary engineering, and prepare a draft environmental review document for the Berkeley Pier and Water Transportation Project, which involves reconstructing the Berkeley Pier for ferry service and public recreation, in Berkeley, Alameda County (Exhibits 1 and 2).

Ferries have been used to reach Berkeley from Bay waters ever since the mid-1800's. The Berkeley Pier (Pier) was originally constructed by the Golden Gate Ferry Company in 1926 as an elevated automobile causeway across the Bay to a ferry landing just north of Treasure Island for trips to San Francisco. In 1937, ferry service was discontinued, and the City operated a portion of the Pier for recreation until 2015, when it was closed to the public due to significant structural deterioration and safety issues (shown in site photographs provided in Exhibit 3). Since its closure in 2015 there has been significant public interest in restoring the Pier for public access and recreation. In addition, the Water Emergency Transportation Authority's (WETA, a regional public transit agency) 2016 Strategic Plan identified Berkeley as a priority location for new public ferry service on the San Francisco Bay. Public ferry service at this location will provide multiple public benefits, including increased ferry ridership and a reduction in single-use vehicles, improved emergency response, and expanded public transit linkages to more locations throughout the Bay Area.

The City and WETA have worked together since 2019 to investigate the feasibility of a dual-purpose pier that will provide public recreation and public water transportation (ferry). The first step was developing a conceptual plan, for which the City and WETA entered into a Memorandum of Understanding (MOU) and jointly funded (Exhibit 4). The conceptual plan included engineering feasibility studies, and a community process to develop a preferred concept for a dual-use pier and accompanying landside improvements. Primary waterside elements of the preferred concept include the ferry terminal and berthing areas, a breakwater, and a pier extension (Exhibit 5); main landside elements include a non-motorized watercraft

access point, San Francisco Bay Trail improvements, a restroom and entrance facility, and improvements to streets, transit, and parking (Exhibit 6).

Input from the community was incorporated into these project elements. On the water side, keeping with the location of the current pier was chosen because it minimizes impacts to existing water-based recreation users (i.e., windsurfers, kayakers, and swimmers to the south; sailboats using the main harbor channel to the north), and also eliminates the need for additional Bay fill that would be necessary to construct a second structure (e.g., a new pier) adjacent to the existing pier. A new north-south breakwater was incorporated to create a safe harbor from the predominant southwesterly wind and waves for ferry boarding on the north side of the new pier (400 ft long); surface decking was incorporated into the breakwater design to allow more public access for recreation; and the pier was extended westward into the Bay for additional recreation use (500 ft long). On the land side, the concept includes clustered parking for approximately 250 parking spaces in the 199 Seawall Drive lot; an improved area along the southwestern side of University Avenue for public buses, shuttles, and a drop-off zone for rideshare and family vehicles; renovated pedestrian pathways, safety lighting, a new restroom, fish cleaning area, and other park amenities (e.g., drinking fountain and area for potential food trucks); shifting of the Seawall Drive vista parking zone from the west side to the east side of the road; and a new water access point at the small peninsula at the southwest corner of Seawall Drive. The resulting community-informed preferred concept was presented to the WETA Board in November 2021, and to the City Council in December 2021, where the project received wide support.

The recommended grant is for the City's next three planning tasks, which are to conduct technical studies, prepare preliminary engineering, and prepare a draft environmental review document of the proposed project elements under both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The environmental document will be completed to at least to the public review draft stage. After the City completes these three tasks it will need to prepare detailed engineering and design and complete a final environmental document, for which it is currently seeking funds from the Alameda County Transportation Commission. During completion of the three planning tasks for which the Conservancy grant is recommended, the City will continue a robust and transparent public engagement process and address seismic and regulatory requirements. The City anticipates completing environmental review at least to the public review draft stage and preliminary engineering by December 2025. Following completion of all planning tasks, the City will need to amend its MOU with WETA to continue the project.

If the environmental analysis finds that the project is feasible, the City and WETA will seek funds for the construction and operations phases of the project, and anticipate entering into new agreements for the long-term management and maintenance of the dual-purpose pier. A potential source of funds is the Regional Measure Three (RM3) toll bridge increase, approved by Bay Area voters in 2018 to finance \$4.5 billion in highway and transit projects, and which will provide \$60 million each year to operate new bus and ferry services in congested bridge corridors. WETA is expected to receive up to \$300 million from RM3 for one-time capital construction projects and up to \$35 million per year to operate an expanded region-wide ferry system.

Site Description: The Berkeley Pier is located at the Berkeley Waterfront. The eastern entrance to the Pier starts at the western terminus of University Ave (at Seawall Drive), and extends westward into the waters of the San Francisco Bay for 3,000 feet. The project area, shown in Exhibits 1 and 2, encompasses the western-most extent of the Berkeley Waterfront, which is also comprised of the Berkeley Marina, Cesar Chavez Park, adjoining trail systems, and associated improvements and infrastructure, including non-profit sailing clubs, and commercial developments that ring the marina. The Berkeley Waterfront is close to three public open spaces: Adventure Playground; Shorebird Park; and McLaughlin Eastshore State Park; and is within 0.8 mile of local Berkeley parks (Aquatic Park, James Kenney Park, and the Tom Bates Regional Sports Fields). The Berkeley Waterfront sees up to 300,000 person visits per year. This area provides impressive scenic coastal views and recreational activities and is considered one of the best shoreline access points in the San Francisco Bay Area.

The grantee owns the site(s) where the project will occur, including the tidelands and submerged lands, through a 1913 grant of state tidelands. The state tidelands grant limits development to water-related uses (e.g., navigation, fishing, and recreation) that benefit all people of the state.

Grant Applicant Qualifications: The City of Berkeley's Department of Parks, Recreation and Waterfront 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 Berkeley 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. Similarly, the City has completed several projects at the Berkeley 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 of Berkeley 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.

With access to the voter-approved RM3 transportation funds in June 2018, the concept of a dual-purpose public pier at the Berkeley Marina is currently the most effective way to bring back the public recreation opportunities of the beloved Berkeley Pier, as well as provide alternative public transportation in the form of new ferry service to an already overburdened Bay Area transportation system. In addition, the potential ferry service could bring more visitors to Berkeley, which could help the financial viability of the Berkeley Waterfront.

This is a good investment for the region because ferry trips across Bay waters are not affected by roadway congestion, and the capital costs for ferry vessels and landings are orders of magnitude lower than for Bay Area Regional Transit and standard roadway transportation facilities (e.g., roads, bridges, tracks, and tunnels).

Finally, the City’s Local Hazard Mitigation Plan of 2019 has identified developing a partnership with ferry service as a high priority action that would play an important role in the City’s emergency response and recovery after a major disaster.

3. Project includes a serious effort to engage tribes. Examples of tribal engagement include good faith, documented efforts to work with tribes traditionally and culturally affiliated to the project area.

The City has reached out to Tribal groups known to have an interest in the area, and will continue an effort for meaningful engagement as it embarks upon a robust public engagement process as part of CEQA environmental review and preliminary engineering. The City has an ongoing relationship with Tribes and Tribal groups, working in tandem with these groups on several park and open space projects within the City of Berkeley.

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

The preferred concept has the capacity to provide a dual-use public pier at the Berkeley Waterfront that will restore public recreation on a public pier, enhance transportation opportunities for Berkeley residents and businesses, and help improve the economic vitality of the Berkeley Waterfront.

Chapter 3 of the City’s 2009 Climate Action Plan identifies public transit as a more sustainable form of transportation, and sets a goal to expand under-used modes of transportation, such as ferry service at the Berkeley Marina that would connect to San Francisco and other locations. The Climate Action Plan also calls for an expansion of a network of short-route shuttles and on-demand vehicles. A new ferry service will create opportunities for this expansion at the Berkeley Waterfront, which would then benefit a much larger visitor base that can reach up to 300,000 person visits per year in total. Furthermore, a new public ferry service at the Berkeley Waterfront will make the City of Berkeley more resilient in terms of natural disasters (earthquakes, fires, floods) in the event that roadways become un-usable. This is a stated goal in the City’s 2019 Local Hazard Mitigation Plan.

A renovated dual-use pier will accommodate energy-efficient, hybrid ferries as much as possible. In addition, electric vehicle charging stations can be added to the improved parking

area(s). The rapid growth of e-bikes and rideshare transportation in the foreseeable future also can help reduce the use of private vehicles at the Marina that could impact current recreation users, which helps alleviate traffic congestion, parking overload, vehicle miles traveled and associated air pollution, and overall carbon footprint of the project.

WETA also provides an attractive potential option for recreational travel, such as for ballgames and other weekend excursions. This can help reduce the use of private vehicles, which helps alleviate the congestion, parking, and vehicle miles traveled issues at variety of special events throughout the region (e.g., fireworks, parades, festivals, sports, Blue Angels, etc.).

The preferred concept will also restore and enhance public recreation over the life of the project. Specific improvements and benefits for uses including swimming, kayaking, windsurfing, and accessing and enjoying the San Francisco Bay Trail are detailed in the Project Summary, above.

5. Project delivers multiple benefits and significant positive impact.

The project will provide multiple benefits in terms of expanded shoreline recreational opportunities both in water and on land, public ferry service, and economic vitality as follows: a) the replacement of the pier alone will restore community access to the sightseeing, sunset walks, Bay views, and fishing activities that have been enjoyed by up to 100,000 visitors per year historically; b) new ferry service will provide new access for Berkeley residents to travel on the Bay to both workplace and recreational destinations, especially for residents in the transit-poor and historically marginalized neighborhoods in West Berkeley; and new businesses and shopping in West Berkeley will attract visitors from throughout the Bay Area; and c) increased foot traffic to the project area will help improve the economic and recreational vitality of the Berkeley Waterfront in the form of more spending at local restaurants, shops, hotel, etc., and public safety will be improved in the form of much needed “natural surveillance” (e.g., more eyes at the Waterfront). Further, ferry service is likely to spark additional improvements at the Berkeley Waterfront for shuttles and bicycles that could benefit a wide range of Berkeley residents, visitors, and employees to and from the Waterfront.

On the landside of the project, several project elements will greatly enhance recreational benefits and shoreline access at the Waterfront: a) the existing deteriorated pedestrian trail along the Bay will be upgraded to Bay Trail standards, b) the existing parking lot just south of the Pier will be renovated for improved safety, circulation, and special events, c) street improvements along the western segment of University Ave to Seawall Drive will include a new bus-transit layover area, a new rideshare dropoff area, new bicycle lanes and lockers, a new public restroom, new shoreline amenities (benches, drinking fountains, etc.), and a new non-motorized watercraft launch access point on the southern end of the peninsula.

6. Project planned with meaningful community engagement and broad community support.

In 2021, the City concluded a two-year concept phase that involved preliminary technical analyses and a robust community process. Numerous public discussions, including at several City commissions (Parks, Recreation, and Waterfront; Public Works; and Transportation) and the Berkeley City Council, identified a preferred location and configuration for a dual-use pier structure for recreation and ferry service. Several small focus group and large community

meetings were held to receive feedback on the project from a wide range of stakeholders including residents, sailing clubs, sailors, windsurfers and other boaters, passengers on the existing small-scale ferry, and park users (Cesar Chavez Park, Shorebird Park, Eastshore State Park).

The project team also collected community feedback regarding ferry service through an on-line questionnaire in March 2021, as part of development of the City’s new Waterfront Specific Plan (formerly, “Berkeley Marina Area Specific Plan”), a broader plan that will provide a path for achieving a financially self-sustainable, publicly owned marina that preserves and enhances infrastructure to support current and future community needs. The pier is within the geographic study area of the Waterfront Specific Plan, and the planning process for each are being coordinated in parallel.

The conceptual planning phase assessed waterside project elements such as fixing the existing pier or building a new pier, wind and wave analysis and new breakwaters, dredging, sea level rise analyses, and ferry electrification analyses; and landside project elements such as potential renovations to existing parking lots, public access paths, and public amenities (e.g., restrooms), as well as alternative transportation modes to reach the ferry. Public feedback centered on mitigating potential impacts related to parking and traffic, environmental impacts, and preserving the existing beauty and recreational activities at the marina, and was incorporated into the final concept plan as described in the Project Summary above.

At a public meeting on May 31, 2022, the Berkeley City Council unanimously authorized staff to apply for Alameda County Transportation Commission funding to complete the environmental review (CEQA/NEPA) and the design phases of the dual-purpose project using the preferred concept (Resolution 70,399-N.S.). Subsequently, at a public meeting on December 13, 2022, the Berkeley City Council unanimously authorized the use of \$2.96M in state funds via the Conservancy to complete environmental review of the preferred concept (Resolution 70,629-N.S.).

The next phase of CEQA and NEPA will involve multiple opportunities for community feedback.

PROJECT FINANCING

Coastal Conservancy	\$2,960,900
Project Total	\$2,960,900

The anticipated 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 technical studies, environmental review, and preliminary engineering to facilitate upgrades to Berkeley marina area facilities, it is consistent with this funding source.

The scope of this project includes completing the draft environmental document and circulating it for public review. The City will obtain additional funds to respond to comments and finalize the document. 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:

Pursuant to Chapter 3, Section 31111 of the Public Resources Code, the Conservancy may fund and undertake plans and feasibility studies and may award grants to public agencies for these purposes. The recommended authorization is consistent with this section because it will grant funds to the City of Berkeley, a public agency, to undertake planning for the Berkeley Pier and Water Transportation Project.

The proposed project is consistent with the following provisions of Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31162 et seq. regarding the San Francisco Bay Area Program, which states the Conservancy may undertake projects and award grants in the nine-county San Francisco Bay Area that will help achieve the following goals of the San Francisco Bay Area Conservancy Program:

Section 31162(a) states that the Conservancy may undertake projects that improve public access to, within, and around the bay, coast, ridgetops, and urban open spaces, consistent with the rights of private property owners, and without having a significant adverse impact on agricultural operations and environmentally sensitive areas and wildlife. Consistent with this section, the proposed project will enable the City of Berkeley to plan for development and implementation of the Berkeley pier and ferry project to improve access to, within, and around the bay, including other access elements such as the San Francisco Bay Trail, the San Francisco Bay Area Water Trail, and shoreline trail connectors within the Berkeley Waterfront.

Consistent with Section 31163(c):

1. The proposed project is supported by adopted local or regional plans, including: (1) Bay Plan Policy 15, Plan Map 4 (Central Bay North) of the San Francisco Bay Conservation and Development Commission Bay Plan of 1969 (as amended 2006) concerning designation of a possible ferry terminal at the Berkeley Waterfront; (2) San Francisco Bay Plan Bay Area 2050 Implementation Plan concerning designation of Berkeley Marina and portions of the Waterfront as 2050 Growth Geographies and Transit Priority Area (transit rich areas); (3) WETA Strategic Plan of 2016 and its prioritization of large-scale ferry service at the Berkeley Waterfront; and (4) promotion of Berkeley ferry service as a viable transportation alternative in the Alameda County Community-based Transportation Plan of 2020, Eastshore State Park General Plan, West Berkeley Plan – Transportation Element of 1993, the City's General Plan Transportation Element of 2001, and 2009 Climate Action Plan. The proposed project will also be coordinated with the new Waterfront Specific Plan that is being developed concurrently.
2. The proposed project serves a regional constituency by providing expanded recreation uses within the waterfront and a waterborne transportation alternative to crowded bridges, train cars, and buses.

3. The proposed project can be implemented in a timely manner.
4. The proposed project provides benefits that could be lost if the project is not quickly implemented, as there is current momentum built from the work already undertaken by the City and WETA, and local partners.

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

Consistent with **Goal 2.6 Piers and Waterfronts**, the recommended grant will contribute to planning a project to revitalize a pier and waterfront.

CEQA COMPLIANCE:

Authorizing the recommended grant is exempt from review under the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines at California Code of Regulations, Title 14, Sections 15262, which exempts feasibility and planning studies for possible future actions from the requirement to prepare an Environmental Impact Report or negative declaration, and 15306, which exempts from CEQA basic data collection, research, and resource evaluation activities that will not disturb environmental resources. The three planning tasks to be funded are planning activities, preparation of designs, and review of environmental effects, none of which will impact any environmental resources and all of which will be undertaken for possible future actions that the Conservancy has not yet approved, adopted, or funded. Staff will file a Notice of Exemption upon approval of this project.