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To: McNulty, Liza
Cc: Parks Division
Subject: Comments on the NOP and EIR Scope
Attachments: Comments on the Pier-Ferry EIR Scope.docx

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Please see attached document, my submission of comments pertaining to the Pier-Ferry EIR scope and NOP.

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“Pier-Ferry” project.
Comments on the Scope of the EIR

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No “moving target:” The ferry terminal and service details must be established prior to the EIR process. Specifically, the parking plan. This will have a very large effect on the impacts to recreational access. The most likely parking plan needs to be determined in detail before the EIR will have any meaning.

No incremental approval: The EIR must consider the impacts of “full build-out.” WETA is on record as planning a service that will eventually grow to include 8 departures of 400-passenger boats every weekday morning. Assuming 50% passenger load, that’s 1600 one-way passengers every morning, and at the usual 0.6 cars per passenger, that’s 960 cars. Yet the current parking analysis assumes only 389 parking spaces are needed. This must be reconciled before the EIR can proceed. It should not be necessary to point out that 389 is a much smaller number than 960. WETA needs to show a binding commitment to limit the level of service to that which is considered for the EIR. If the service proves to be popular and ridership and parking demands increase, WETA needs to commit to using the known market elasticity (ferry fare pricing) to limit parking demand to the level considered by the EIR.

Distance to parking: No half-mile walks without some reasonable accommodations (shuttle bus, free e-bikes, etc.) The parking plan assumes Marina Blvd parking area will provide overflow. The nearest Marina Blvd parking spaces (at the south end) are 2400 feet from the pier entrance,

most of the spaces in that parking area are more than a half mile from the pier.

Parking fees: The Marina is seriously considering a \$1/hour fee for ALL marina parking. This would increase cost to the passenger by approximately 50% per round trip (assuming about \$10 ferry fare each way). Is the ferry still feasible at \$1/hour parking fee?

Parking management: The parking pattern for a guest on a sailboat is almost exactly the same as the parking pattern for a ferry passenger: Early departure, all-day parking, return early evening. How can parking management strategies allow recreational boating for guests and crew, but discourage ferry passengers? Remember that berth revenues are about 2/3 of marina fund revenues. It's important not to institute policies that render the Berkeley Marina less desirable for boat owners.

Latent Demand: The parking analysis, for EIR purposes, must take into account unmeasured parking demand created by a new recreational pier, the reopening of Hs. Lordships as a new restaurant, and the reopening of the East Dock in the South Cover. These additional parking demands should be part of the baseline used to assess new impacts of the ferry service.

Alternatives: Substantive alternatives need to be considered in the EIR process. Public input to date was only allowed to consider one location, one ferry operating authority, and one level of service. The only choices available were the shape and configuration of the breakwater (see "deck chairs on the Titanic") – and the configuration chosen was based only on prevailing west-southwest wind and waves with no consideration for southerly storms or northerly gales. The breakwater design needs to be vetted by a coastal engineer willing to put their engineering license stamp on the calculations. Costs will go up. Alternatives need to include alternate locations, e.g. inside the Berkeley Marina (using part of the current Hornblower docks), foot of Gilman street, the now-closed racetrack in Berkeley and Albany, Emeryville Marina, etc. Also alternative levels of service. Could the ferry be viable with only four departures every weekday morning, at, say, 150 passengers per departure? (as currently on order) Does the pricing have to be so highly subsidized, as per the current 22% farebox recovery? Perhaps a "boutique" ferry that requires much less

subsidy and serves fewer passengers would be a better fit for the Berkeley waterfront.

BCDC constraints: The landfill intended for ferry parking was done under a BCDC license that dedicates the fill for recreational purpose, and a project that usurps spaces intended for recreational activities is not allowed under the permit. City staff seem to believe that Hs. Lordships restaurant, not strictly a recreational facility, shows that this is not a strict requirement. However the land is also subject to the California Land Trust restrictions of 1913 (as amended in 1962) and these documents specifically call out restaurants, golf courses and even airports (I landed at the marina in a helicopter from SFO '73) as allowable uses. The land grant trust does NOT include parking for a transit hub or a ferry terminal.

Measure L: Berkeley's measure L creates a statutory requirement that any significant development on the waterfront is subject to a city-wide referendum. If a marina-wide parking fee is a necessary part of the ferry project, this needs to be clear in the wording of the ballot measure.

Economic feasibility: The Marina Fund is underwater. The City is facing a large budget deficit, as is the State. Federal help seems unlikely in the current climate. WETA does not have the funds to run the Berkeley service, as proposed, without additional outside funding. The source and amount need to be identified in the EIR to determine feasibility. If the project collapses due to financial infeasibility, then the benefits that might possibly justify some level of environmental, social and economic impacts will disappear. A binding update to the MOU between WETA and the City, stipulating up-front and ongoing costs to the City, is necessary for the EIR to assess viability.

Compliance with existing plan: The Waterfront Specific Plan (WSP) revision is incomplete. The current plan does not provide for a ferry terminal. The plan needs to be updated before the EIR can assess compliance.

Equity? From the meeting packet for the May WETA Board meeting, WETA transports 2,595,100 one-way passengers per year. Operating costs are budgeted at \$74,748,838 per year. "Repair and replacement" (not including capitalization for new routes and additions to the fleet) add another \$26,057,363 per year. Do the math. The PUBLIC cost of each

one-way ferry ride is \$38.84. For a round trip commute, assuming the fare is \$10 each way, this is like giving each commuter a check for \$57.68 every day. Surveys suggest that about 90% of ferry commuters earn above median East Bay income. This is not equity. If we have that kind of money to throw at transportation, let's give more buss passes to high school students (for example).