

San Francisco Bay Conservation and Development Commission

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November 21, 2014

Application Summary

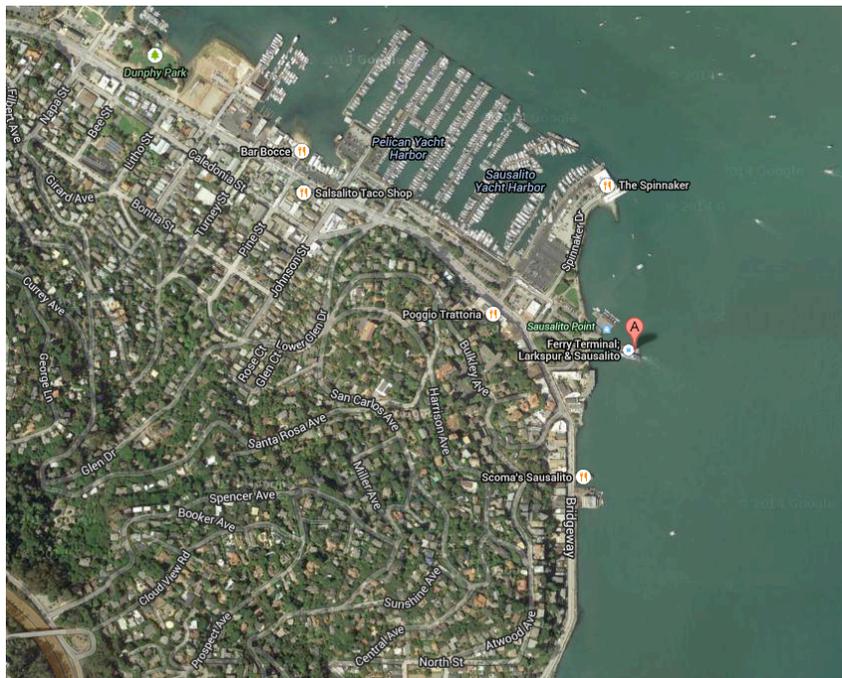
(For Commission consideration on December 4, 2014)

Number: BCDC Permit Application No. 2014.001.00
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Staff Assigned: Erik Buehmann (415/352-3645; erik.buehmann@bcdc.ca.gov)

Summary

Applicant: Golden Gate Bridge Highway and Transportation District (“the District”)

Location: At the Sausalito Ferry Terminal, at the southeastern terminus of Humboldt Avenue, east of the intersection of Bridgeway and El Portal/Anchor Streets, in the City of Sausalito, Marin County.



Project: The existing Sausalito Ferry Terminal is nearly 40 years old, not universally accessible, and nearing the end of its design life. The District proposes to demolish the existing structure and replace it with a new ferry terminal that would provide smoother loading of vessels and passengers and would be able to accept a variety of vessels. As the proposed new terminal would be constructed in the same location as the existing terminal, temporary terminal facilities would be installed for approximately 14 months to provide service during construction. The proposed project includes public access on the pier. Additional public access improvements, developed through a separate community planning process over the next few years, would occur landward of the ferry terminal facilities. The new terminal piers and gangway would be wider and less steep than the existing terminal, providing smoother, safer, and more comfortable boarding and disembarking areas for passengers. The proposed terminal would significantly improve accessibility for persons with disabilities and would also better accommodate pedestrians with bicycles and strollers.

Issues

Raised: The staff believes that the application raises three primary issues: (1) whether the proposed fill for the project is consistent with the McAteer-Petris Act and the Bay Plan policies on fill, including policies on safety of fill, climate change, mitigation, and transportation; (2) whether the proposed public access improvements are consistent with the McAteer-Petris Act, Bay Plan, and Richardson Bay Special Area Plan policies on public access, including policies on sea level rise and appearance, design, and scenic views; and (3) whether the proposed project is consistent with the Bay Plan and Richardson Bay Special Area Plan policies on Natural Resources, including policies on Fish, Other Aquatic Organisms, and Wildlife, and Water Quality.

Background

The site for the existing ferry terminal and proposed new terminal is owned by the City of Sausalito and operated by the District pursuant to a lease. Approximately 21,571 square feet (0.5 acres) of the 51,402-square-foot site is within BCDC's Bay jurisdiction. The existing terminal was authorized by BCDC Permit No. M1994.070.00. This proposed permit would completely

supersede that earlier authorization. The landside public access area called “Ferry Plaza” is owned and maintained by the City of Sausalito (the “City”) subject to BCDC Permit No. M1989.024.03. The temporary terminal, which would be installed while the permanent new facilities are under construction, would be located within an area restricted as public access open space pursuant to a Public Access Guarantee recorded on the property and required by BCDC Permit No. M1989.024.03. The City has issued an encroachment permit for the District to construct and operate the temporary terminal until the new permanent facilities are built.

Although state law exempts the District from the City’s local discretionary review process, the District and the City have worked closely together to provide an opportunity for public review. The District gave presentations at seven City Council meetings to describe the project and update the Council on its progress from June 2008 to September 2014. The District held seven open and public meetings of its own on various aspects of the project for multiple District Committees from February 2011 to February 2014. In addition, the District held a public review and open house in Sausalito regarding the Initial Environmental Study and Negative Declaration for the waterside improvements on October 2, 2012.

Project Description

Project

Details: The applicant, the Golden Gate Bridge Highway and Transportation District, describes the project as follows:

In the Bay:

1. Remove an existing ferry facility consisting of an approximately 4,835-square-foot float, a 402-square-foot gangway, an 820-square-foot pile-supported pier (6,057 square feet total, or 0.14 acres), and 24 pilings.
2. Install, use, and maintain a new ferry terminal consisting of:
 - a. An 8,500-square-foot concrete float supported by five 60-inch-in-diameter steel piles and two 54-inch-in-diameter dolphin piles;
 - b. An 1,800-square-foot light-penetrable gangway (a steel grate); and
 - c. A 2,700-square-foot pier, supported by fifteen 24-inch-in-diameter concrete piles (a total of 13,000 square feet or 0.30 acre, slightly more than twice the size of the existing terminal).
3. Install, use, and maintain, temporary terminal facilities to provide ferry service during construction of the new ferry terminal (approximately 14-months), consisting of a 4,835-square-foot float supported by eight 24-inch diameter steel piles, a 402-square-foot gangway, and a 1,823-square-foot pier, 16 feet in width, supported by eighteen 12-inch steel pilings, totaling approximately 7,060-square-feet (0.16 acre). The temporary terminal and anchor pilings would be fully removed when the new terminal is opened.

- Use and maintain a 1,471-square-foot portion of the existing 1,943-square-foot of the landward-most pier (“landside pier”).

Within the 100-foot shoreline band:

- Install, use, and maintain an electrical system, some of which would be in an approximately 250-square-foot trench, to provide power and utility support to the facility.
- Use and maintain a 472-square-foot portion of the existing 1,943-square-foot of the landside pier.

Bay Fill: The proposed project would place 13,000 square feet of fill for a new ferry terminal, access piers, and gangway. With removal of the existing terminal covering 6,057 square feet of Bay surface area, the project would result in a net increase of 6,943 square feet (.15 acres) of Bay fill. The temporary terminal would total approximately 7,060 square feet of temporary fill and would be completely removed upon completion of the permanent new ferry terminal. An existing 1,943-square-foot landside pier, with approximately 1,471 square feet extending in the Bay, would not be replaced.

Fill Totals (in square feet)				
	Removed	New	Temporary	Total Permanent Net Fill*
Pile-Supported Pier	820	2,700	1,823	1,880
Cantilevered Gangway	402	1,800	402	1,398
Float	4,835	8,500	4,835	3,665
Sub Total	6,057	13,000	7,060	6,943

*Does not include temporary terminal

Public

Access: The project would provide access on the new 2,700-square-foot pier and the existing 1,943-square-foot landside pier. The pier would have two belvederes on the north and south sides. Two benches on each belvedere would be provided. Currently, public access on the ferry facilities is available only on the landside pier. This pier would also be used for ferry loading and disembarking, so it would be often busy.

Type of Public Access	Square Feet
Phase 1	
New	2,700
Existing	1,943
Total	4,643

As the District owns little of the shoreline area and recognizes that the growing number of ferry passengers and tourists have impacted the shoreline areas immediately adjacent to the terminal, the District has worked with the City to improve shoreline access. Toward this goal, the District has passed grant funding to the City of Sausalito to conduct a separate community planning process to improve public access in and around the Ferry Plaza area, including the immediate area landward of the ferry facilities, parking lots and adjoining City streets. The Ferry Plaza currently includes pathways, landscaping, seating, and a tidal stair, though the public access amenities are outdated, public areas are constrained, the landscaping obscures Bay views and direct access to the terminal, and many of the paths are circuitous. This community planning process will include substantial input from the community, but has not yet begun. To assure that the ferry terminal modernization project provides maximum feasible public access consistent with this project, the City of Sausalito will request an amendment to BCDC Permit No. M1989.024.03 which authorizes the construction amenities and facilities of Ferry Plaza. The amendment will require the completion of a planning process for improvements to the landside public access areas, including the Ferry Plaza.

Schedule

and Cost: The project will cost an estimated \$12 million and is expected to be completed in 14 months.

Staff Analysis

- A. **Issues Raised:** The staff believes that the application raises three primary issues: (1) whether the proposed fill for the project is consistent with the McAteer-Petris Act and the Bay Plan policies on fill, including policies on safety of fill, climate change, mitigation, and transportation; (2) whether the proposed public access improvements are consistent with the San Francisco Bay Plan and Richardson Bay Special Area Plan policies on public access, including policies on sea level rise and appearance, design, and scenic views; and (3) whether the proposed project is consistent with the San Francisco Bay Plan and Richardson Bay Special Area Plan policies on Natural Resources, including policies on Fish, Other Aquatic Organisms, and Wildlife, and Water Quality.
1. **Fill.** The Commission may allow fill only when it meets the requirements identified in Section 66605 of the McAteer-Petris Act, which states, in part, that:
 - (a) fill “should be limited to water-oriented uses (such as water-oriented recreation or public assembly) or “minor fill for improving shoreline appearance and public access”;
 - (b) fill in the Bay should be approved only when “no alternative upland location” is available;
 - (c) fill should be “the minimum amount necessary to achieve the purpose of the fill”;
 - (d) “the nature, location, and extent of any fill should be such that it will minimize harmful effects to the Bay area, such as, the reduction or impairment of the volume, surface area or circulation of water, water quality, fertility of marshes or fish or wildlife resources, or other conditions impacting the environment...”;
 - (e) “fill should

be authorized when the applicant has such valid title to the properties in question that he or she may fill them in the manner and for the uses to be approved.”

- a. **Water-Oriented Use.** The proposed project would involve replacing the out-dated existing ferry terminal with a new ferry facility, a water-oriented use. The new terminal would involve slightly more than twice the amount of fill of the existing terminal. The applicant states that the primary purpose of the project is to rehabilitate the aged facilities, provide improved passenger access, including providing improved access for the disabled, increase operational efficiencies, and upgrade emergency preparedness. The existing terminal is at the end of its design life and does not meet current ADA-accessibility standards. The new proposed terminal would provide smoother and more direct boarding for pedestrians and would be accessible to people with disabilities. The proposed berthing facility would be compatible with different ferry designs and would be standardized with other District facilities around the Bay. The project would also ease boarding of bicyclists onto ferries, though accommodating bicyclists is not the primary purpose of the project.
- b. **Alternative Upland Location.** Because the ferry terminal must be located over the Bay to serve its function, there is no alternative upland location for the uses for which this fill would be placed. The public access belvederes on the pier were designed to provide public access over the water even during boarding times, when a queue would be present. Approximately half of the pier would be open to the public at all times, providing attractive views of Richardson Bay, the Central Bay, as well as the Cities of Sausalito and San Francisco and a unique opportunity to sit on a pier over the Bay. The pier would therefore increase access to and appreciation of the Bay for the public.
- c. **Minimum Amount Necessary.** The proposed project would result in a net total of 6,943 square feet of new fill in the Bay, a little more than twice the amount of fill of the existing terminal. The design of the terminal facilities was determined based on the project goals to rehabilitate the new facilities, improve passenger access, and increase operational efficiency and emergency preparedness. The District designed the facilities to meet these goals while minimizing water coverage and environmental impacts. A slope of 1:12 throughout the facilities was required to provide access to persons with disabilities and to provide access to ferries at all tides. The District designed the width of the facilities to accommodate loading and unloading based on its requirement to maintain the ferry schedule, to provide a level of service consisting of moderately congested space but without including the effects of heavy bicycle traffic, and to provide for increased passenger growth rates over time. The berthing float also will increase from the existing 4,835 square feet to a proposed 8,500 square feet, primarily to make the berth

better able to accommodate the loading requirements of a variety of vessels and to improved access to people with disabilities. The District estimates a four percent increase in passengers per year to 2029, or approximately an additional 408 passengers arriving by ferry and 512 boarding during peak service. The District conducted a passenger flow analysis, which was incorporated into the design.

The two public access belvederes will cover approximately 130 square feet of Bay surface area each, and were designed to provide a seating and viewing area separated from the main boarding and queuing area in the center of the pier, improving access for ferry patrons and the general public.

- d. **Effects on Bay Resources.** The project site would not require dredging. The gangway would be light-penetrable and the overall size of the facilities have been minimized as much as possible to meet the project purpose. The Regional Water Quality Control Board determined that the project would permanently impact only approximately 131 square feet of mud/sandflat habitat and issued a water quality certification to the District on September 12, 2014 (the direct impact of driving new pilings).
- e. **Valid Title.** The project site is owned by the City of Sausalito and leased to the District. The District has obtained an encroachment permit to install and operate the temporary terminal on the City's property in an area subject to a BCDC-required public access open space guarantee.
- f. **Safety of Fills / Sea Level Rise.** The McAteer-Petris act requires "[t]hat public safety, and welfare require that fill be constructed in accordance with sound safety standards." The Bay Plan policies on Safety of Fill state, in part, that "[a]dequate measures should be provided to prevent damage from sea level rise and storm activity that may occur on fill or near the shoreline over the expected life of a project.... New projects on fill or near the shoreline should...be built so the bottom floor level of structures will be above a 100-year flood elevation that takes future sea level rise into account for the expected life of the project." Bay Plan Climate Change Policy 3 states: "[w]hen planning shoreline areas or designing larger shoreline projects a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise...." Policy 7 identifies specific types of projects that are deemed to have regional benefits, advance regional goals, and that should be encouraged, if their regional benefits and their advancement of regional goals outweigh the risk from flooding. Policy 7 identifies one of those projects as a "transportation facility or other critical infrastructure that is necessary...to serve planned development." Bay Plan Climate Change Policy 6 identifies several regional goals including, "[a]dvanc[ing] regional public safety and economic prosperity by protecting...infrastructure that is crucial to public health or the region's economy...."

Moffatt & Nichol Engineers conducted a “Coastal Engineering Assessment” of the project for the District. The assessment concluded that, based on a total water level analysis, the pier and gangway would have adequate clearance above the 100-year storm level today. However, at the mid-century sea level rise projection of 12 inches, which represents the best available science provided by the National Research Council, the pier and gangway could be subject to periodic flooding during a 100-year storm event including wind waves (Exhibit 11). The project is designed for only a 40-50 year lifespan. In an event of flooding during a 100-year storm event at the mid-century projected sea level elevations, the District would not operate the ferry facility. The ferry facility would not be inundated permanently, has been designed to be resilient to occasional flooding, and would be functional after the storm event subsides. Since the project is not designed to operate beyond a mid-century timeline, the project is not required by the Bay Plan to be adaptable to sea level rise projections beyond that period.

Furthermore, the proposed terminal constitutes a transportation facility that is critical for transit between Marin County and the City of San Francisco. The enhanced accessibility, boarding and unboarding of the facility, and standardization with other ferry operators (valuable particularly in the event of an emergency), constitute a regional benefit of the design. The Commission should determine if the regional goals and benefits outweigh the risk from flooding in a 100-year flood event at mid-century and if the new terminal is consistent with the Commission’s other policies regarding Bay fill.

2. Public Access

- a. **Maximum Feasible Public Access.** Section 66602 of the McAteer-Petris Act states, in part, that “...existing public access to the shoreline and waters of the...[Bay] is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided.” In addition, the Bay Plan policies on public access state, in part, that “a proposed fill project should increase public access to the Bay to the maximum extent feasible....” Furthermore the Public Access, Views, and Vistas Policies in the Richardson Bay Special Area Plan state that “[a] continuous unified public access system should be provided around the entire periphery of Richardson Bay...” and “maximum feasible public access to and along the Richardson Bay shoreline should be provided as part of each shoreline or water area development consistent with the project.”

Currently, public access on the pier is blocked by gates that prevent access except to passengers during ferry boarding and unboarding. Only the land-side pier is available for access at all times. The proposed facility would allow access on 4,643 square feet of the new pier, including two 130-square-foot belvederes with a total of four benches. The pier would always be open to public access. The original project proposal did not include the belvederes and benches, which were encouraged by BCDC staff in order to provide

immediate public access benefits. This new public access would provide valuable views to Richardson Bay, the Central Bay, and the Cities of San Francisco and Sausalito and a unique opportunity to sit and enjoy these views over the water. The pier would connect to the existing access along the waterfront at Ferry Plaza and adjacent public access areas. These access areas would be redesigned in a planning process led by the City of Sausalito, as described below, but improving access to the ferry terminal and the public spaces on the terminal are certain to be a primary objective of that planning process.

At this site, the District's authority and ability to provide public access is limited to areas within its lease with the City. As a result, it can only provide access on the pier and cannot construct additional public access amenities alone. The District recognizes that success of the terminal would only be enhanced with improved access to and around the new ferry terminal. To further this goal, the District has entered into a pass-through agreement with the City to forward a \$2.5 million federal grant to fund a City-led planning process for improvements to Ferry Plaza along the shoreline adjacent to the site, and other public access areas in the vicinity of the ferry terminal, hereafter collectively called the landside public access improvements. Ferry Plaza currently includes pathways, landscaping, seating, and a tidal stair. The public access amenities are outdated, awkwardly placed, and not appropriately designed and scaled for the growing number of pedestrians and bicyclists that use the plaza. The community planning process has not yet begun, and was delayed by the 2013 federal budget sequester, but the City anticipates it would be completed within a few years. The City estimates that approximately \$500,000 of the \$2.5 million would be used for planning and the balance of the funding would be used for physical improvements once the planning process is completed. The process would incorporate community involvement, including public meetings, and engagement from citizens of Sausalito. While the District and the City prefer to allow the planning process dictate specific improvements to the landside public access areas, the District and the City have identified three general features, and associated potential improvements, that could serve as goals and guidelines for redesigning landside public access areas (Exhibit 10). These include:

(1) Existing Ferry Plaza Public Access and Views Improvements:

- Improve views to bay from surface streets and the parking lot by removing landscaping that blocks views; replace with native coastal landscaping.
- Improve pedestrian circulation patterns.
- Relocate ticket vending machines.
- Explore relocating news racks.

- Improve area where passengers access Plaza/Downtown from ferries (currently passengers exit into a parking lot).
- Improve way-finding signs at exit from Ferry pier.

(2) Improve Bicycle Staging Areas:

- Improve, expand, and relocate bicycle staging areas and bicycle parking.
- Relocate and improve bicycle ferry reservation and information kiosk.
- Improve circulation patterns and separation where needed for bicycles and pedestrians.
- Improve way-finding signs associated with bicycle staging and loading.

(3) Improve Circulation between Plaza and Parking Lots, Bus Staging Areas, and Surrounding Retail for Pedestrians, Bicycles and Vehicles:

- Improve sidewalk connections between Plaza and Parking Lots 1, 2 and 3, bus staging areas, nearby retail, public restrooms, and nearby parks.
- Minimize and/or eliminate pedestrian/vehicular conflicts.
- Provide safe pick up and drop off areas that are ADA-compliant.
- Improve way-finding signs to assist in above.

Bicycle use, parking, and access along the Sausalito waterfront is a controversial issue in the City. The District has been criticized for the design of the ferry terminal because the widened facilities proposed for the project would ease boarding for bicyclists. This is incidental benefit of proposed facility design, but it is not the primary purpose of the project as explained above. The District and the City are committed to relieving the bicycle congestion in the landside public access areas, and this would be a goal of the future planning process. The Bay Plan Policies on Public Access emphasize that “[public access] improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline....” Diverse activities encouraged by the Commission in the design of public access spaces include use of bicycles to access and move along the shoreline.

The public access proposed for this project is similar in some respects to public access required by similar BCDC permits. The City’s study and implementation of ferry plaza public access improvements funded by a pass-through grant from the District, a likely requirement of any Commission authorization, is unique. For the San Francisco Bay Water Emergency Transit Authority and San Mateo County Harbor District’s permit for the South San Francisco Ferry Terminal, the authorized terminal involved approximately 13,980-square-feet of solid, floating, and pile-supported fill, similar in size to

the Sausalito Ferry Terminal project. The South San Francisco Ferry Terminal project included a 3,000-square-foot public access viewing terrace on land along the shoreline and a 2,300-square-foot area on the ferry pier over the Bay for public access during business hours. The Sausalito Ferry Terminal proposes 4,071-square-feet of access, existing and proposed, but is constrained by the District's limited lease area. The Sausalito Ferry Terminal would provide a 4,693-square-foot public access area on the ferry pier (1,934 square feet on the landside pier that would be retained and 2,700 square feet on the new, widened pier), an area similar to that provided by the South San Francisco Ferry Terminal, but access would not be limited to business hours.

- b. **Appearance, Design, and Scenic Views.** The Bay Plan policies on Appearance, Design, and Scenic Views (Policy 2) state, in part: “[a]ll Bayfront development should be designed to enhance the pleasure of the user or viewer of the Bay. Maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore.” The proposed public access area on the ferry pier would provide new views of Richardson Bay, the Central Bay, and the Cities of Sausalito and San Francisco.

The Commission should determine whether the proposed project is consistent with the Bay Plan and Richardson Bay Special Area Plan policies regarding public access and appearance, design and scenic views.

3. Natural Resources Policies

- a. **Fish, Other Aquatic Organisms and Wildlife.** The Bay Plan policies on fish, other aquatic organisms and wildlife state, in part, that “the Commission should consult with the California Department of Fish and [Wildlife] and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service whenever a proposed project may adversely affect an endangered or threatened plant, fish, other aquatic organism or wildlife species...and give appropriate consideration of (their) recommendations in order to avoid possible adverse impacts of a proposed project on fish, other aquatic organisms and wildlife habitat.” The Richardson Bay Special Area Plan Policies on Aquatic and Wildlife Resources identify the area near the project as potentially hosting eelgrass.

The Regional Water Quality Control Board determined that eelgrass was not likely to occur at the location of the project, but required an eelgrass survey prior to construction from May through September. The California Department of Fish and Wildlife suggested pre-construction eelgrass surveys and limited construction windows from June 1 to November 30 to limit impacts to fish and wildlife, including Pacific Herring which are known to spawn in the vicinity of the terminal. The National Marine Fisheries Service (NMFS) found no likely impact from the project on salmonids, green sturgeon, and found

that the project included mitigation measures to avoid impacts to other species. The U.S. Fish and Wildlife Service concurred that there would be no likely adverse impact to California least tern and delta smelt.

The Commission should determine whether the project is consistent with its laws and policies regarding natural resources and water quality.

B. Review Boards

1. **Engineering Criteria Review Board.** The BCDC staff engineer determined that the project raised no serious seismic safety issues for the Commission's Engineering Criteria Review Board (ECRB).
2. **Design Review Board.** The Design Review Board reviewed the project on October 6, 2014. The Board agreed that improvements to landside public access areas are critical. The Board focused on the Ferry Plaza area, including the adjacent streets and parking lots. The Board supported a community planning process for the area. There was a variety of opinions among the Board regarding whether the public access pier was the appropriate size, including whether the design represented the minimum width and whether the benches were necessary, with both support and questions of the value of the improvements for public access. In addition, there was a variety of opinions regarding the design of the proposed Ferry Terminal facilities.

- C. **Environmental Review.** On December 18, 2012, the Golden Gate Bridge, Highway and Transportation District certified its mitigated negative declaration for the project pursuant to CEQA. On February 13, 2014, the Federal Transit Administration of the U.S. Department of Transportation made a determination that the project qualified for a categorical exclusion under the National Environmental Policy Act because it constituted a "facility modernization through construction or replacement of existing components."

D. Relevant Portions of the McAteer-Petris Act

1. Section 66602
2. Section 66605
3. Section 66632

E. Relevant Portions of the San Francisco Bay Plan

1. *San Francisco Bay Plan* Policies on Fish, Other Aquatic Organisms, and Wildlife
2. *San Francisco Bay Plan* Policies on Safety of Fill
3. *San Francisco Bay Plan* Policies on Public Access
4. *San Francisco Bay Plan* Policies on Appearance, Design and Scenic Views

Exhibits

1. Regional Vicinity Map
2. Local Vicinity Map
3. Site Plan
4. Existing – Area of Fill in Bay and Public Access
5. Proposed – Area of Fill in Bay and Public Access
6. Proposed – 3-Dimensional Image
7. Proposed – View of Terminal from Sausalito Yacht Club
8. Proposed – View from Terminal from Plaza
9. Proposed – Public Access Pier and Gate Rendering
10. Landside Project – Potential Improvements Study
11. Pier Elevation and Section for Wave Run-up