WATER EMERGENCY TRANSPORTATION AUTHORITY

WETA

Members of the Board

Charlene Haught Johnson, Chair
Anthony J. Intintoli, Jr., Vice Chair
Gerald Bellows
Beverly Johnson
John O'Rourke

MEETING AGENDA FOR THE WETA BOARD OF DIRECTORS

Thursday, June 5, 2008, 1:00 P.M. to 3:00 P.M.
San Francisco Bay Conservation & Development Commission
McAteer-Petris Room
50 California Street, 26th Floor
San Francisco

A supplemental materials packet is available for download at www.watertransit.org.

AGENDA

This information will be made available in alternative formats upon request. To request an agenda in an alternative format, please contact the Board Secretary at least five (5) working days prior to the meeting to ensure availability.

PUBLIC COMMENT The Water Emergency Transportation Authority welcomes comments from the public. Speakers' cards and a sign-up sheet are available. Please forward completed speaker cards to the Board Secretary.

Non-Agenda Items: A 15 minute period of public comment for non-agenda items will be held at the end of the meeting. Please indicate on your speaker card that you wish to speak on a non-agenda item. No action can be taken on any matter raised during the public comment period. Speakers will be allotted no more than three (3) minutes to speak and will be heard in the order of sign-up.

Agenda Items: Speakers on individual agenda items will be called in order of sign-up after the discussion of each agenda item and will be allotted no more than three (3) minutes to speak. You are encouraged to submit public comments in writing to be distributed to all Directors.

1. CALL TO ORDER – BOARD CHAIR — ***Information***
2. ROLL CALL/PLEDGE OF ALLEGIANCE — ***Information***
3. REPORT OF BOARD CHAIR — ***Information***
4. REPORTS OF DIRECTORS — ***Information***

Water Emergency Transportation Authority
June 5, 2008 Meeting of the Board of Directors

5. REPORTS OF STAFF — ***Information***

6. CONSENT CALENDAR
   a. Minutes of May 15, 2008 — ***Action***

7. DISCUSSION REGARDING LEED CERTIFICATION FOR FERRY TERMINALS — ***Information***

8. AUTHORIZE THE EXECUTIVE DIRECTOR TO FILE APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION AND EXECUTE GRANT CONTRACTS, CERTIFICATIONS AND ASSURANCES — ***Action***

9. ADOPTION OF THE FINAL MITIGATED NEGATIVE DECLARATION FOR THE PIER 9 LAYOVER FERRY BERTHING FACILITY PROJECT AND PROJECT APPROVAL — ***Action***

10. AUTHORIZE RELEASE OF A RFP FOR CONSULTING SERVICES TO PREPARE A SERVICE TRANSITION PLAN — ***Action***

11. OVERVIEW OF SAN FRANCISCO FERRY TERMINAL BERTHING PROJECT — ***Information***

12. RECESS INTO CLOSED SESSION
    a. PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT — ***Action*** / ***To Be Determined***
    Title: Executive Director

13. REPORT OF ACTIVITY IN CLOSED SESSION — ***Action*** / ***To Be Determined***
    Chair will report any action taken in closed session that is subject to reporting at this time. Action may be taken on matters discussed in closed session.

14. OPEN TIME FOR PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

ADJOURNMENT

Water Emergency Transportation Authority (WETA) meetings are wheelchair accessible. Upon request WETA will provide written agenda materials in appropriate alternative formats to individuals with disabilities. Please send a written request to email@watertransit.org or call (415) 291-3377 at least five (5) days before the meeting. Under Cal. Gov't. Code sec. 84308, Directors are reminded that they must disclose on the record of the proceeding any contributions received from any party or participant in the proceeding in the amount of more than $250 within the preceding 12 months. Further, no Director shall make, participate in making, or in any way attempt to influence the decision in the proceeding if the Director has willfully or knowingly received a contribution in an amount of more than $250 within the preceding 12 months from a party or such party's agent, or from any participant or his or her agent, provided, however, that the Director knows or has reason to know that the participant has a financial interest in the decision. For further information, Directors are referred to Gov't. Code sec. 84308 and to applicable regulations.

AGENDA ITEM 6a
MEETING: June 5, 2008

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(May 15, 2008)

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the offices of the San Francisco Bay Conservation & Development Commission, San Francisco, CA.

1. ROLL CALL AND CALL TO ORDER

Chair Charlene Haught Johnson called the meeting to order at 1:11 p.m. Directors present were Chair Johnson, Vice Chair Anthony Intintoli and Directors Beverly Johnson and John O'Rourke. Chair Johnson led the Pledge of Allegiance.

2. REPORT OF BOARD CHAIR

Chair Johnson acknowledged that it was Executive Director Steve Castleberry's last day at WETA. She thanked Mr. Castleberry for his many contributions to the WTA and WETA and noted that Mr. Castleberry would be available to assist during the transition to a new Executive Director if needed.

3. REPORT OF DIRECTORS

None.

4. REPORTS OF STAFF

Mr. Castleberry introduced Peter Friedmann of Lindsay, Hart, Neil & Weigler. Mr. Friedmann presented a Federal Legislative Report and a brief history of his work with WTA and WETA, noting that although the political climate was not favorable for funding the WTA during its initial years, efforts to enlist labor organizations and ferry advocates from Seattle and elsewhere for Bay Area ferry service resulted in $22 million in funding. Although the political situation has changed dramatically since then there is still intense competition for funds. He noted that he continues to work with a coalition of public ferry operators from Washington State, New York/New Jersey, Alaska and North Carolina to develop more support. Several upcoming items of interest include legislation for federal funding for transit security, which the WETA will be eligible for once it is operating vessels, and climate change legislation which will include funding for transit. Mr. Friedmann is working to ensure that ferries will be part of that mix. He noted that federal funding does not go to operating costs and that it is possible that this may change as a part of the climate change legislation due to transit operators' concerns over rising fuel costs. Mr. Friedmann thanked WETA for supporting his efforts and looked forward to continuing success.

Mr. Castleberry introduced Shane Gusman of Broad & Gusman who presented a State Legislative Report. Mr. Gusman noted that due to a $17.2 billion budget deficit it appeared $1 billion in public transit funding would be cut, but that in the event that the Governor's bid to sell the State Lottery fails with voters a state sales taxes may come into play and may help restore some transit dollars. Regarding SB 1093 cleanup legislation, Mr. Gusman said the legislation had been placed on a suspense file until the budget issues are resolved but that it was expected Senator Perata would ensure action would be taken on the bill soon. Mr. Gusman noted that costs related to the cleanup legislation were expected to be approximately $100,000 and that

WETA will likely be able to seek reimbursement from the state. He added that Amalgamated Transit Union has been pushing to include language in SB 1093 specific to feeder buses and that language regarding funding from bridge toll increases was also possible.

Mr. Castleberry added that although the transit funding cuts would have catastrophic effects on public transit, they will not directly affect WETA since WETA is not currently receiving funding from those sources.

Vice Chair Intintoli asked if bridge toll increases could be used to help solve operational funding issues and if there would be language included that would assure passengers that levels of service would be maintained. Mr. Castleberry noted the bill currently exists only in a nebulous form and that over the summer these concerns can be addressed and included in the bill's language.

5. CONSENT CALENDAR (Item 6)

Director Johnson made a motion to approve the minutes from the May 1, 2008 Board of Directors meeting. Vice Chair Intintoli seconded the motion and the item carried unanimously.

6. ACTION ITEM – AUTHORIZE FILING AN APPLICATION WITH MTC FOR $3 MILLION FY 2008/2009 RM2 OPERATING FUNDS

Deputy Director of Finance and Administration Nina Rannells presented this item and noted a correction to "FY 2008/09" in the Recommendation paragraph.

Director Johnson made a motion to approve the item. Director O'Rourke seconded the motion and the item carried unanimously.

7. ACTION ITEM – APPROVAL OF AMENDMENT NUMBER 7 TO ABAG AGREEMENT FOR PROVISION OF SUPPORT SERVICES

Ms. Rannells presented this item regarding support services and noted that ABAG has been providing services to WETA at a much lower cost than would be otherwise possible. Mr. Castleberry added on a related note that GASB audit would summarize the cost of staff benefits. Director Johnson asked if audit results would come back to the Board. Ms. Rannells indicated that they would.

Director Intintoli made a motion to approve the item. Director O'Rourke seconded the motion and the item carried unanimously.

8. ACTION ITEM – APPROVE AMENDMENT NUMBER 9 TO THE AGREEMENT WITH NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP (NGKE) FOR THE PROVISION OF LEGAL SERVICES

Mr. Castleberry presented an amendment to the NGKE agreement for legal counsel, noting that expenses for the prior year had been higher than expected due to the WETA transition and Nichols Brothers bankruptcy, and that this year's anticipated expenses were lower as a result. He also gave a general overview of the contract renewal process and history for Agenda Items 9, 10 and 11.

Director Johnson asked why amendments were used instead of issuing new contracts. Mr. Castleberry replied that it could be done any number of ways but that the amendment process allowed for a simplified method of auditing costs over an extended period since all costs would be tied to a single agreement.

Director Intintoli made a motion to approve the item. Director Johnson seconded the motion and the item carried unanimously.

9. ACTION ITEM – APPROVE AMENDMENT NUMBER 7 TO THE AGREEMENT WITH LINDSAY, HART, NEIL & WEIGLER, LLP FOR THE PROVISION OF FEDERAL LEGISLATIVE REPRESENTATION

Manager of Community Relations Shirley Douglas presented this amendment to the agreement with Lindsay, Hart, Neil and Weigler, LLP.

Director Intintoli made a motion to approve the item. Director O'Rourke seconded the motion and the item carried unanimously.

10. ACTION ITEM – APPROVE AMENDMENT NUMBER 4 TO THE AGREEMENT WITH BROAD & GUSMAN FOR THE PROVISION OF STATE LEGISLATIVE REPRESENTATION

Ms. Douglas presented this amendment to the agreement with Broad & Gusman.

Director O'Rourke made a motion to approve the item. Director Johnson seconded the motion and the item carried unanimously.

11. ACTION ITEM – APPROVAL OF CIRCULATION OF DRAFT DBE PROGRAM

Ms. Douglas presented a draft DBE Plan, reviewed the process of circulating the plan, and noted that the final DBE Plan would be brought back to the Board for approval after the public comment period.

Vice Chair Intintoli asked if the definition of a DBE was a federal definition. Ms. Douglas said that it was. Mr. Castleberry noted that WETA is not a certifying agency. Ms. Douglas added that the certifications used to create the plan were from Caltrans data.

Director O'Rourke made a motion to approve the item. Director Johnson seconded the motion and the item carried unanimously.

12. ACTION ITEM – APPROVAL OF TRAVEL BY DIRECTORS TO INTERFERRY CONFERENCE

Mr. Castleberry presented this item to approve travel of up to two Board members to the Interferry Conference this coming year. Due to WETA Administrative Code, the costs related to Board travel exceeding 100 miles is required to receive Board approval. He noted the unique learning opportunity that the Interferry conference presented.

Director O'Rourke asked about the policy for staff to attend. Mr. Castleberry noted that no approval was needed for staff and that typically one staff member would attend along with Board members. Director Johnson asked that more information and advance time be given to Board members for conferences. Mr. Castleberry responded that details about the conference had only just arrived and would be provided to the Board. Chair Johnson noted that the previous year's conference had been highly informative. Director O'Rourke said that the next Executive Director should attend.

Public Comment:

Gene Rexrode of San Francisco stated that as a planner working for the Golden Gate Bridge District's ferry service 33 years ago he had been a founding member of Interferry, had served on its Board for 12 years, and was currently an honorary member. He encouraged attendance

for both WETA Board members and staff and noted the authenticity and usefulness of the information presented at the conference.

Director Intintoli made a motion to approve the item. Director O'Rourke seconded the motion and the item carried unanimously.

13. ACTION ITEM – POSITION ON SENATE BILL 1093 AND RELATED ACTIONS

Before the item was introduced, Vice Chair Intintoli asked WETA counsel Danielle Gensch if there was any conflict of interest. Ms. Gensch stated that the issue had been considered and that it was not believed that any conflict was present for either Vice Chair Intintoli or Director Johnson specific to this matter. Vice Chair Intintoli and Director Johnson asked that Board members be advised prior to meetings if there were any potential conflict of interest issues. Ms. Gensch agreed that was preferable and added that NGKE represented the WETA Board as a whole and that if individual Board members had specific concerns they should consult their personal or city attorneys. She further added that is in the best interest of all parties to avoid any such conflicts and that NGKE will continue to carefully consider any potential issues.

Ms. Rannells then presented the item regarding WETA's position on SB 1093 and summarized WETA's ongoing work with the cities of Alameda and Vallejo. Vice Chair Intintoli asked if the services were taken over by WETA if potential fare increases would be subject to CPUC approval. Mr. Castleberry replied that WETA would be exempt due to language in SB 976. Ms. Rannells added that as a recipient of federal funding, WETA would be required to establish a process for fare increases and that such a process would be brought back to the Board.

Ms. Rannells further detailed SB 1093 and the related proposed amendments. Mr. Castleberry added that beyond detailing the process of consolidation, this was an opportunity for WETA to lay out its vision. Ms. Rannells added that the second part of the action was regarding RM1 and RM2 funds, which per SB 976 are to be paid directly to WETA. MTC had asked that the WETA Board take action to allow them to directly allocate these funds to the cities of Alameda and Vallejo until such time as SB 1093 is formalized. Director Johnson asked if there was anything in the resolution contrary to the position of City of Alameda staff. Ms. Rannells indicated that she did not believe so, but that two items not yet covered that are of interest to the cities include the clarification of future Board member representation and WETA's public participation process. Director Johnson asked if these issues had been addressed yet in the cleanup legislation. Ms. Rannells indicated that she believed some language had been proposed but it was not yet clear if it would be included.

Public Comment:
Mr. Gary Leach, Vallejo Public Works Director, commented that Vallejo's position was that the cities of Alameda and Vallejo would each present three Board appointment nominees to the Governor from which one Board member representing each city would be selected. He added that this was not final language and was potentially controversial.

Director Johnson suggested that if this language proved controversial that something else be introduced to ensure representation from Alameda and Vallejo. Ms. Rannells replied that this was an issue that should be led by the cities and not by WETA. Mr. Castleberry added that WETA has taken no position on the issue. Director Johnson asked that the Board be advised of any conflicts between WETA and the cities.

Vice Chair Intintoli made a motion to approve the item. Director O'Rourke seconded the motion and the item carried unanimously.

14. ACTION ITEM – APPROVE AMENDMENT NUMBER 3 TO THE AGREEMENT WITH ROMA DESIGN FOR SOUTH SAN FRANCISCO TERMINAL DESIGN SERVICES

Manager of Planning and Development John Sindzinski presented an amendment to the Roma Design contract which included an authorization to request additional RM2 funding for the project from MTC. Director Johnson asked if there was any further information on green building design. Mr. Sindzinski indicated that a report on the South San Francisco terminal and LEED Certification for future projects was being prepared and would be brought back to the Board next month.

Director O'Rourke made a motion to approve the item. Vice Chair Intintoli seconded the motion and the item carried unanimously.

15. ACTION ITEM – AUTHORIZE NEGOTIATION WITH AN EXISTING SAN FRANCISCO BAY AREA PUBLIC FERRY OPERATOR FOR INTERIM USE AND RELEASE OF RFP FOR WARRANTY PERIOD BAREBOAT CHARTER AGREEMENT FOR GEMINI AND PISCES

Manager of Marine Engineering Mary Frances Culnane noted that vessels Gemini and Pisces will be delivered before WETA will be able to use them and that the vessels should be put into operation as soon as possible in order to exploit the benefits of the Warranty Period. She noted that several operators would have suitable routes and would likely want to run the boats. Ms. Culnane added that bareboat charters would be at almost no cost to WETA. Chair Johnson asked why there would be any cost at all if WETA leased the vessels. Ms. Culnane noted that operational costs for the vessels were higher due to cost of urea and other factors. She added that WETA would also add additional terms restricting the use of the boats and to allow WETA to regularly board and inspect.

Director Johnson asked if the interim use would likely be by a public operator. Ms. Culnane indicated that that was likely, but that by including an RFP for bareboat charters to private operators there could be increased bidding. Mr. Castleberry added that Alameda had expressed interest in operating the boats but that other options should be kept open. Ms. Culnane further explained the definition of a bareboat charter at the request of Director Johnson. Director Johnson expressed concern that any operator be chosen carefully. Ms. Culnane stated that any agreement would be brought back to the Board for approval. Director O'Rourke suggested that minimum qualifications for the operators be established. Ms. Culnane answered that US Coast Guard provided regulatory oversight for qualifications. Director O'Rourke suggested that that should be taken as a minimum requirement and that WETA could exceed that. Ms. Culnane acknowledged this and said qualifications would be outlined in any agreement. Mr. Castleberry added that to some degree potential operators had already been vetted by the public agencies running the current ferry services and that an agreement with a public operator was highly preferable. Vice Chair Intintoli asked that any agreement come back to the board before it was entered into. Ms. Culnane indicated that it would be and added that this was only a motion to enter into negotiations.

Public Comment:
Marina Secchitano of IBU appreciated the consideration of current operators and highly trained crews during the transition period and thanked Keith Stahnke for his role in establishing the high levels of service and qualifications for crews in Vallejo and Alameda as well.

Capt. Ray Shipway of Masters Mates & Pilots expressed satisfaction that the new boats would be delivered soon and thanked WETA for its support and encouragement. He acknowledged

Ms. Secchitano and Capt. Nancy Wagner's contributions to the former WTA Board and looks forward to a continued relationship with WETA.

Daniel Reidy, an attorney representing Harbor Bay Maritime and Alameda/Oakland Ferry, spoke in support of moving forward with this item.

Vice Chair Intintoli made a motion to approve the item. Director O'Rourke seconded the motion and the item carried unanimously.

16. PUBLIC COMMENT

Marina Secchitano presented Mr. Castleberry with an acknowledgement of his service to WTA and WETA.

17. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 2:50 p.m. Upon reopening of the meeting at 3:05 p.m. Chair Johnson reported that Nina Rannells had been appointed Interim Executive Director.

18. ADJOURNMENT

All business having concluded, the meeting was adjourned at 3:10 P.M.

Respectfully Submitted,

Board Secretary

AGENDA ITEM 7
MEETING: June 5, 2008

MEMORANDUM

TO: **Board Members**

FROM: **John Sindzinski, Manager, Planning & Development**

SUBJECT: **Discussion Regarding LEED Certification for Ferry Terminals**

Recommendation
No action is requested at this time. This memo is being brought to the Board for discussion purposes.

Background/ Discussion
Recently the Board asked staff to identify what it would take to incorporate LEED certification into the construction of the South San Francisco or other future ferry terminals. This memo provides some background information on the LEED program and how it relates to the Authority's ferry terminals. Much of the information contained in this memo comes from our architects for the South San Francisco (SSF) Ferry terminal, Roma Design Group. They will also be in attendance at the June 5 Board meeting to contribute to the discussion on this matter.

LEED is the Leadership in Energy and Environmental Design program established by the US Green Building Council (USGBC) that has been established to define and measure "green buildings". LEED-NC (LEED for New Construction) is the rating system that is perhaps most common and it is the one that was reviewed in reference to the SSF Ferry Terminal. The USGBC has created other rating systems for LEED to deal with specific building types (e.g. schools, laboratories, retail, healthcare, etc) that have unique characteristics or don't perfectly fit within the general NC rating system.

In general terms, to meet LEED certification requirements a project needs to score a minimum of 26 out of 69 possible points in the LEED rating system. Depending on how many points are gained, a project can be certified at a minimum level or achieve increasingly higher Silver, Gold or Platinum levels. To get a building or buildings certified is an exacting process that requires completion of the checklist with appropriate documentation and special studies, as well as a certain amount of management. The cost of additional consultants to manage the process and complete special studies can be in the range of $50,000 to $100,000 or even higher.

More specifically, with LEED, credits can be accrued according to different categories related to: sustainable sites; water efficiency; energy and atmosphere; materials and resources; indoor environmental quality; and innovation in design. Each category has a number of potential points available – but the two most significant ones are energy and atmosphere and indoor environmental quality, which are perhaps the least obviously applicable here. As it turns out, no matter which rating system is used, a ferry terminal is not well suited for measurement on a LEED-type rating scale due to its inherent geographic location and design features. This is because the LEED rating system is focused on enclosed buildings with normal building systems (in particular, heating and ventilation or HVAC systems) that don't apply to the open ferry terminal design and environment. The SSF Ferry Terminal site adds another level of complexity because the project is not adjacent to an existing community, is almost entirely over water and the portion that touches land is adjacent to a capped landfill. These unique conditions mean that the kinds of solutions that would ordinarily be considered environmentally positive and result in LEED "points" (such as encouraging infiltration of surface waters) would likely be

environmentally unacceptable for this project.

A few important points about the LEED rating system that are relevant to the SSF Ferry Terminal include:

- LEED is a very powerful tool for assessing and encouraging environmental performance in certain types of buildings, but is not well suited to this kind of project.
- LEED is not only based on credits, but also on pre-requisites that must be completed in order to be considered for certification. Two of these include HVAC and Atmosphere categories that the SSF terminal does not meet since there are no indoor ventilation systems in the design. If these cannot be met, the project cannot be certified.
- No points can be accrued without performance. Since the performance rating is based on certain assumptions about HVAC systems, the fact that the SSF Ferry Terminal doesn't have mechanical ventilation systems works against LEED certification.
- Most "green buildings" are not LEED certified and even for buildings that do fit well to the program; the benefits need to be clear in making the decision to pursue LEED certification because it can be costly.

Although LEED certification may not be well suited for ferry terminal projects, this does not mean that ferry terminal projects cannot achieve a high level of environmental benefits. Examples of the positive environmental elements of ferry terminals and goals in terminal design and construction that can be applied are as follows:

1. A ferry terminal by its very nature reduces the potential for vehicular trips that contribute to carbon emissions and climate change.
2. A ferry terminal should be located where there are good transit connections to destinations.
3. A ferry terminal should be, to the greatest degree possible, located in high density, mixed use areas so that there is the opportunity for lots of local trips by bicycle or by foot.
4. A ferry terminal should be located in areas that minimize the need for on-going dredging, which can disturb the water quality in the bay and require large inputs of energy to accomplish.
5. A ferry terminal should be designed with natural ventilation to provide a comfortable environment for patrons, which are shaded from the sun and/or protected from wind, rain and inclement weather.
6. A ferry terminal should be designed to minimize impact on habitat areas and, to the extent possible, contribute to the diversity and quality of aquatic habitats.

Financial Implications
There is not financial impact associated with this informational report.
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Options
This item is for discussion purposes only.

AGENDA ITEM 8
MEETING: June 5, 2008

MEMORANDUM

TO: **Board Members**

FROM: **Nina Rannells, Interim Executive Director**

SUBJECT: **Authorize the Executive Director to File Applications with the Federal Transit Administration and Execute Grant Contracts, Certifications and Assurances**

Recommendation
Authorize, by resolution, the Executive Director to file applications with the Federal Transit Administration and to execute grant contracts and related annual certifications and assurances.

Background/Discussion
Over the past several years, the WTA/WETA secured a number of federal grant earmarks, totaling approximately $16 million, for projects to construct ferry terminals and vessels with which to expand public transit ferry services on the San Francisco Bay. These grant funds have been authorized from various federal programs and are, ultimately, available to the Authority through grant application and contract with the Federal Transit Administration (FTA).

Based upon discussions with FTA staff, in order to transfer WTA grants to WETA and access existing earmarks, as a new legal entity, WETA will need to apply to become an FTA grantee. This application process requires demonstration of legal, financial management, technical and management capacity to appropriately and effectively manage FTA grant funds. Given that WETA's management, financial and legal structures (beyond new authorizing legislation) are largely the same as under WTA, this application process should be relatively simple and straight-forward.

One of the formal requirements for becoming a federal grantee is to authorize, by Board resolution, an agency official to conduct grant-related business with the FTA. The attached resolution authorizes the Executive Director to file applications for federal assistance, execute required annual federal certifications and assurances and execute grant agreements with the FTA.

Financial Implications
Adoption of this resolution will enable the agency to receive FTA and other federal funds earmarked for capital projects and thereby assist the Authority in financing its program.

Options
Approve or reject.

END

AGENDA ITEM 9
MEETING: June 5, 2008

MEMORANDUM

TO: **Board Members**

FROM: **Nina Rannells, Interim Executive Director**
John Sindzinski, Manager, Planning & Development
Keith Stahnke, Manager, Operations

SUBJECT: **Adoption of the Final Mitigated Negative Declaration for the Pier 9 Layover Ferry Berthing Facility Project and Project Approval**

Recommendation
Adopt, by resolution, the CEQA Final Mitigated Negative Declaration for the Pier 9 Layover Ferry Berthing Facility and approve the project.

Background
The FY 2007/08 Budget includes a $2.75 million project to purchase and construct a vessel docking facility adjacent to the Authority offices at Pier 9. This project consist of 2 mooring floats with access gangways and ramps and will be used to house the Authority's first two vessels due for delivery this Fall. In October 2007 The WTA Board of Directors authorized filing an application with the Metropolitan Transportation Commission (MTC) for Regional Measure 2 (RM2) program funds to build the Pier 9 Layover Ferry Berthing Facility. MTC is prepared to take action on this application pending completion of the required environmental document.

Discussion
An Initial Study of the Pier 9 Layover Ferry Berthing Facility was completed by Moffat & Nichol in April 2008 which determined that, with mitigation measures as outlined in ***Attachment A***, the proposed project will not have a significant effect on the environment. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of the California Environmental Quality Act (CEQA) and provided as ***Attachment B***. The mitigated negative declaration was filed with the State Clearinghouse on April 21, 2008, and the review period concluded on May 21, 2008. The only comment staff received during this period was from the Port of San Francisco regarding WETA's role as the Lead Agency. Our Attorney has discussed this with Port staff and will issue a letter confirming WETA's authority to be the Lead Agency for their files. One additional letter was received after the comment period from the Bay Conservation and Development Commission (BCDC) requesting clarification regarding the nature of the project (including public access and pile driving) and required BCDC permits. Staff has prepared an initial response to BCDC and will work with them on permitting requirements as a part of the final design/construction of the project.

This item includes adoption of the required CEQA environmental document and approval of the project. The CEQA process will be complete when staff files a Notice of Determination indicating adoption of the Final Mitigated Negative Declaration and project approval.

Financial Implications
This $2,750,000 project is included in the FY 2007/08 capital budget. Staff anticipates that adoption of the environmental document and implementation of the identified mitigation measures will not impact the overall budget for this project.

Options
Approve or reject.

END

INITIAL STUDY

WETA Pier 9 Layover Berth Facility

1 PROJECT DESCRIPTION

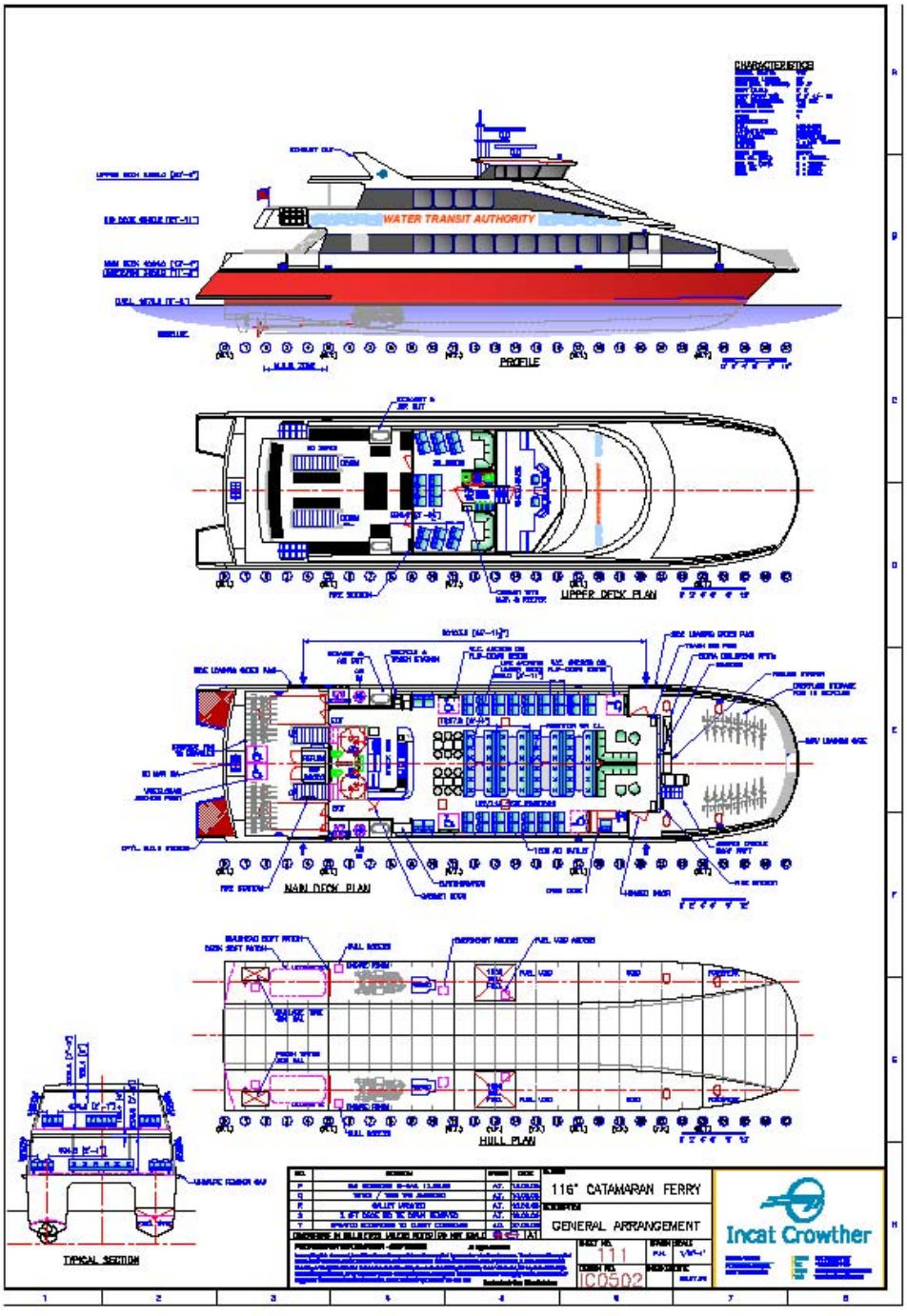
The project, as planned, would construct Layover Berths for two (2) San Francisco Bay Area Water Emergency Transportation Authority (WETA) ferry boats alongside the northern apron of Pier 9 (and adjacent to the WETA Administrative Offices and the San Francisco Bar Pilots Association administrative headquarters. The Layover Berths will be used to hold out-of-service ferries when existing terminal berths in the Bay Area cannot be used due to operating constraints, or to hold the ferries when they are surplus to capacity requirements. The Project Sponsor is the San Francisco Bay Area Water Emergency Transportation Authority (WETA).

Project Location. The Project Site, Pier 9, is owned by the Port of San Francisco (Port). It is located along the San Francisco waterfront, in the northeast quadrant of the City (Figure 1, Project Site Location). Pier 9 is located on The Embarcadero at Vallejo Street and is bounded by The Embarcadero to the west and San Francisco Bay to the east, north and south. Pier 15/17 lies north and Pier 7 is directly south of the Project Area. Regional access to the Project Site is via U.S. 101, Interstate 80, Interstate 280, and ferry via the San Francisco Ferry Terminal, San Francisco Municipal Railway (Muni), CalTrain, and the Bay Area Rapid Transit (BART) systems. The Project Site is within a Light Industrial (M-1) zoning District and the Northern Waterfront Special Use District (SUD) No.1.

Project Features. Two berths are proposed for the WETA's 118' Catamaran Ferry (See Figure 2). The layover berths are not intended to be used for passenger service, or as a base for staging daily operations. While at the layover berths, the ferries may be provided with janitorial and hotel services to include:

- Refilling potable water tanks
- Pumping out wastewater holding tank
- Commissary provisions
- Trash removal
- Shore Power (ship-board generators will not be running)

Figure: 1
Project Location


WATER TRANSIT AUTHORITY
PROFILE
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TYPICAL SECTION
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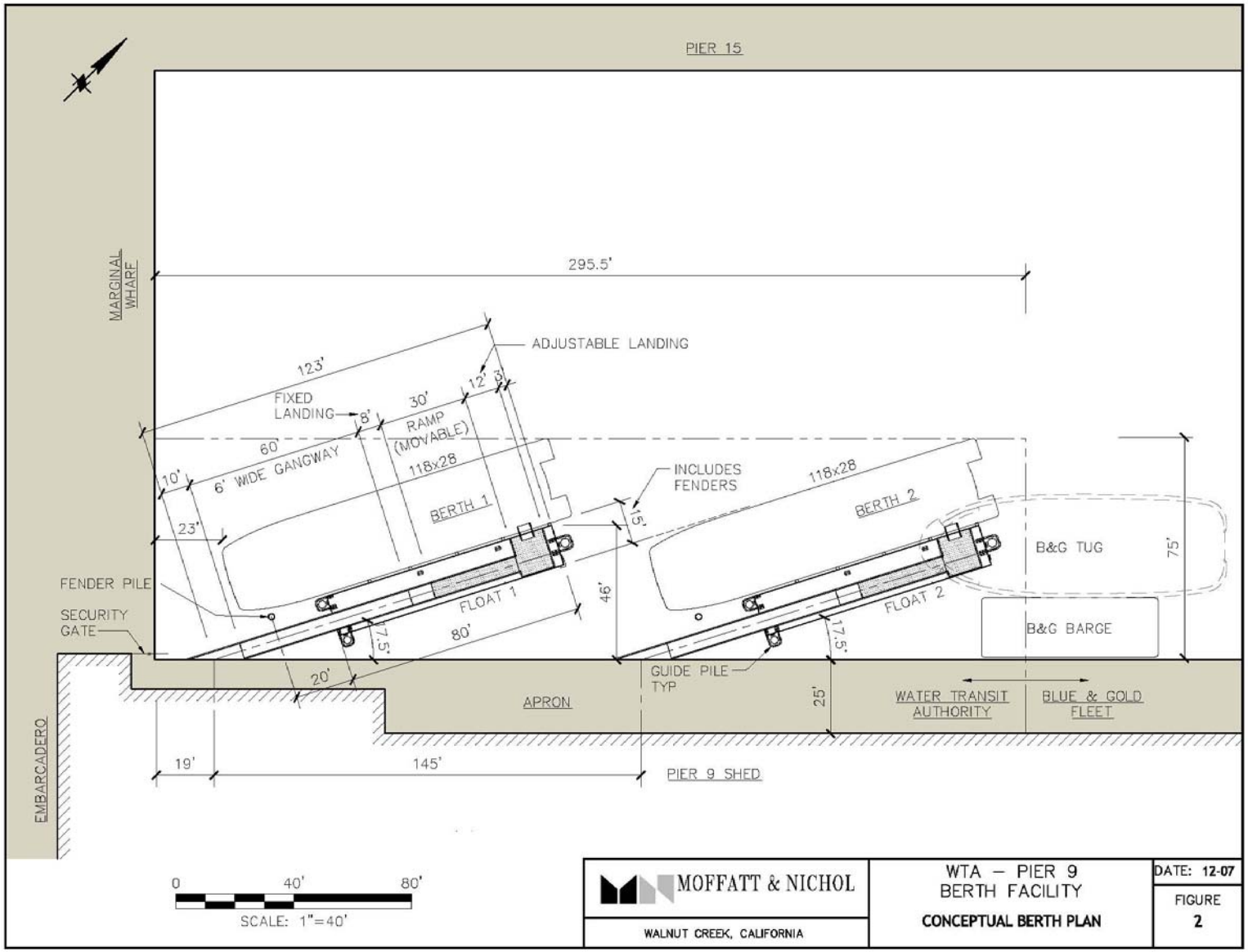
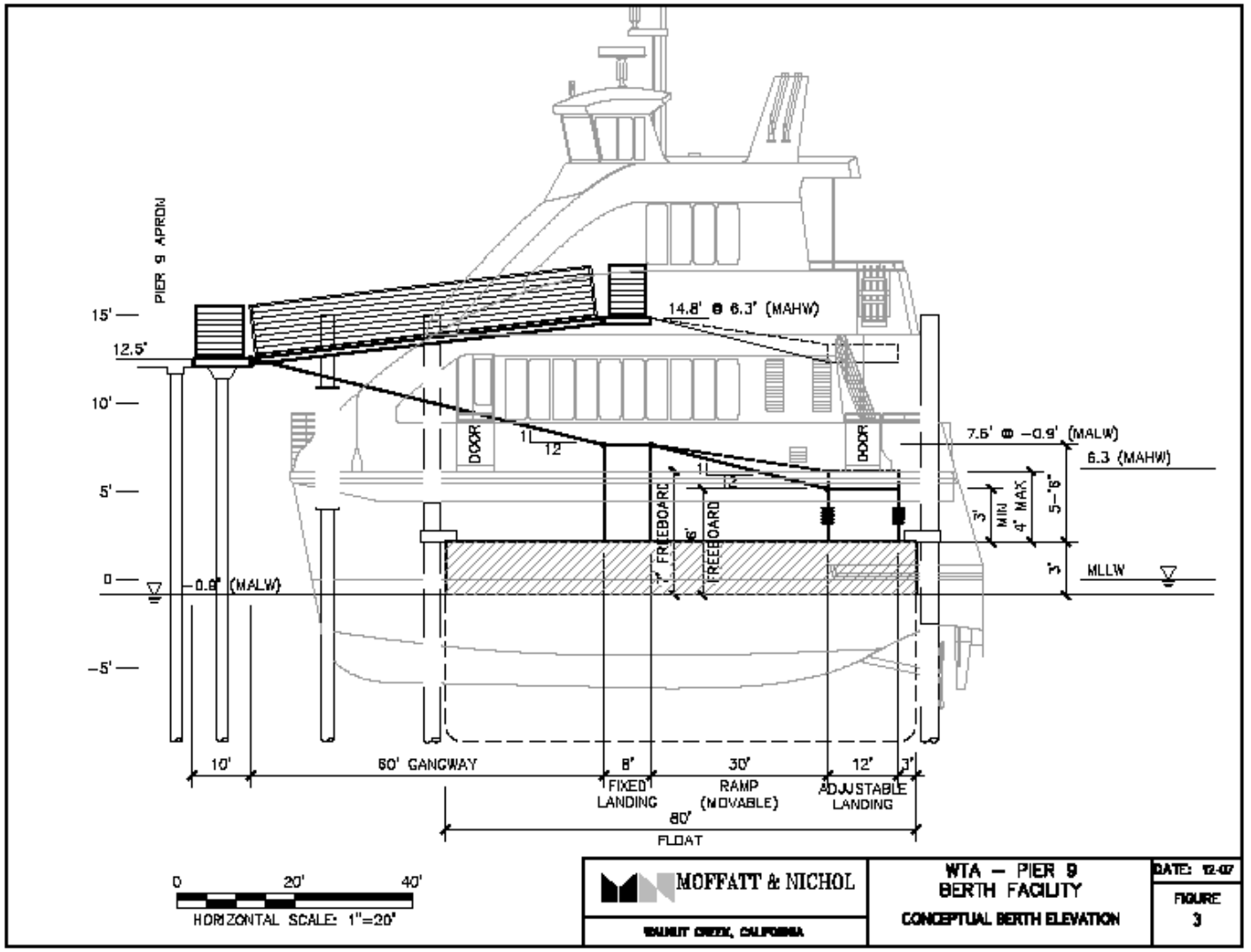

PIER 15
MARGINAL WHARF
295.5'
ADJUSTABLE LANDING
123'
FIXED LANDING
8'
30'
RAMP (MOVABLE)
12'
3'
60'
6' WIDE GANGWAY
10'
23'
118x28
BERTH 1
INCLUDES FENDERS
1.5'
118x28
BERTH 2
B&G TUG
75'
FENDER PILE
SECURITY GATE
FLOAT 1
46'
80'
7.5'
FLOAT 2
17.5'
B&G BARGE
20'
GUIDE PILE TYP
APRON
25'
WATER TRANSIT AUTHORITY
BLUE & GOLD FLEET
EMBARCADERO
19'
145'
PIER 9 SHED
0
40'
80'
SCALE: 1"=40'
MOFFATT & NICHOL
WALNUT CREEK, CALIFORNIA
WTA – PIER 9
BERTH FACILITY
CONCEPTUAL BERTH PLAN
DATE: 12-07
FIGURE
2


PIER 9 APRON
15'
12.5'
10'
5'
0
-5'
14.8' @ 6.3' (MAHW)
DOOR
DOOR
1
12
7.6' @ -0.9' (MALW)
6.3 (MAHW)
3' MIN
4' MAX
5'-6"
3'
MLLW
FREEBOARD
6"
FREEBOARD
-0.9' (MALW)
10'
60' GANGWAY
8'
FIXED LANDING
30'
RAMP (MOVABLE)
12'
ADJUSTABLE LANDING
3'
80'
FLOAT
0
20'
40'
HORIZONTAL SCALE: 1"=20'
MOFFATT & NICHOL
WALNUT CREEK, CALIFORNIA
WTA – PIER 9
BERTH FACILITY
CONCEPTUAL BERTH ELEVATION
DATE: 12-07
FIGURE
3

The site layout for the berths is presented in plan-view on Figure 2 and in section on Figure 3. The layout includes two side-tie berths that utilize berthing floats to minimize the need for line tending during extended layovers. The two berthing floats are identical and each consists of the following components:

1.1 Berthing Float

The proposed berthing float consists of a Compartmented Steel Pontoon (approx.) 80 ft long, 15 ft wide and 6 ft molded depth. The float pontoon will be ballasted to float at a freeboard of about 3 ft. The construction of the pontoon and arrangement of the watertight compartments will be similar to other ferry floats currently in use around the Bay. The float length was determined to be the minimum necessary to access both the forward and aft loading doors required to efficiently service the vessel.

The ferry float will be outfitted with vertical strake fenders and appropriate mooring fittings for safe docking and holding of the vessels. The float will be connected to shore side utilities and outfitted with pedestals and lines for the following ship services:

- **Potable water** – Use is expected to be sporadic with about 500 gal for a single tank refill.
- **Wastewater** – Use is expected to be sporadic with about 500 gal for a single tank pumpout using a ship-board pump.
- **Electrical power** – Receptacle for 3 phase 208/100A service.
- **Lighting** – Lowest practical level for work safety and security to cover access ramps and platform; deck areas for line handling will also be covered.

The ferry float will be outfitted with fire protection and life safety devices as required by the Port of San Francisco Fire Marshall.

1.1.1 Access

The ferry float will be outfitted with a system of ramps and platforms to facilitate access between the gangway and the vessel doors, and allow access to the float deck for line handling and for servicing the vessel. Ramps and platforms will conform to ADA access rules. The aft platform will have a mechanical height adjustment device to accommodate variations in door threshold freeboard.

1.1.2 Mooring

The ferry float will be held in place by approximately 3 steel pipe guide piles (diameter, wall thickness and length to be determined by engineering studies) and pile guides with “UHMW rub blocks” attached to the float similar to other ferry floats currently in use around the Bay.

1.1.3 Gangways

Each gangway connecting the apron of Pier 9 with the ferry float would consist of an aluminum structure 60 ft long by 6 ft wide, with a non-skid walking surface. Low level lighting will be provided for the walking surface. The maximum gangway slope is 1V to 12H at MALW (Mean Accessible Low Water) in order to satisfy ADA rules for gangways.

Each gangway landing on Pier 9 would consist of a pile supported extension of the pier apron totaling approximately 100 square foot. The pile type will be either steel pipe or pre-stressed concrete, and the deck will be cast in place concrete, all to be determined by engineering studies. The landing will support the hinged end of the gangway and a security gate to prevent unauthorized access to the ferry float (in addition to the security system that already limits access to the Pier 9 apron to authorized persons). The landing will be lighted for safety and security purposes.

Each monopile fender would protect the gangway and Pier 9 apron from accidental ferry impact. The fender consists of a single steel pipe pile (diameter, wall thickness and length to be determined by engineering studies) wrapped with HDPE/UHMW material for protection.

1.2 Berth Construction

Soundings of the slip along the northern apron of Pier 9 in the proposed berthing area, as taken by the Port of San Francisco (November 1998), indicated depths of 12 ft MLLW (Mean Lower Low Water) or more. Compared to the nominal ferry draft of 6ft, sufficient under-keel clearance exists and dredging of the proposed ferry berthing basin is not anticipated at this time.

Alterations to Pier 9 (other than the gangway landing described above) would be limited to the utility lines and connections to the water and wastewater mains for the ship's services described above. Alterations to the (Embarcadero) Marginal Wharf are not anticipated.

The construction schedule calls for completion of the berths by December 2008. Most of the construction work would occur off site where the various components, including the ferry float would be assembled. Site work will consist primarily of pile driving operations, placing concrete for the Pier 9 apron landing, and installing/connecting the utility lines for the ship's services and site lighting.

Construction materials and details will be consistent with the marine environment to minimize impacts due to the presence of the structure or the release of harmful products. Best Management Practices will be incorporated in the design and applied during construction

1.3 Project Approvals

The Project would not require any variances or changes to the San Francisco City Planning Code or zoning maps. The Project would require the following approvals.

- Approval and adoption of the CEQA document by the Water Emergency Transportation Authority ("WETA") Board of Directors

- Determination of consistency of the Project with the Waterfront Land Use Plan by the Port Commission
- Buildings permit from the Port of San Francisco
- Permit from the Bay Conservation and Development Commission ("BCDC")
- Permit from the U.S. Army Corps of Engineers ("USACOE")
- Section 401 Water Quality Certification from the Regional Water Quality Control Board ("RWQCB")

2 PROJECT SETTING

Existing Site Conditions. The Project Site is the western side of Pier 9, a finger pier on San Francisco Bay (Figure 4). The site is located within the San Francisco Embarcadero National Register Historic District ("Historic District"), listed in the National Register of Historic Places on May 12, 2006. The pier is home to the WETA Administrative Offices and the San Francisco Bar Pilots Association administrative headquarters, and is occupied by offices of attorneys and architects. Parking for these tenants is provided inside Pier 9. Additional temporary parking is provided along the marginal wharf on the Embarcadero (Figure 5). This area provides access to the pier apron via a locked gate.

Surrounding Uses. Pier 15 is north and Pier 7 is south of the Project Site. The Embarcadero bounds the Project Site to the west, with surface parking lots across The Embarcadero. The surrounding area is urban, containing some landscaping, no sensitive wildlife habitat, and medium-scale development. Development intensity is moderate; wide areas of water separate Pier 9 from neighboring piers.

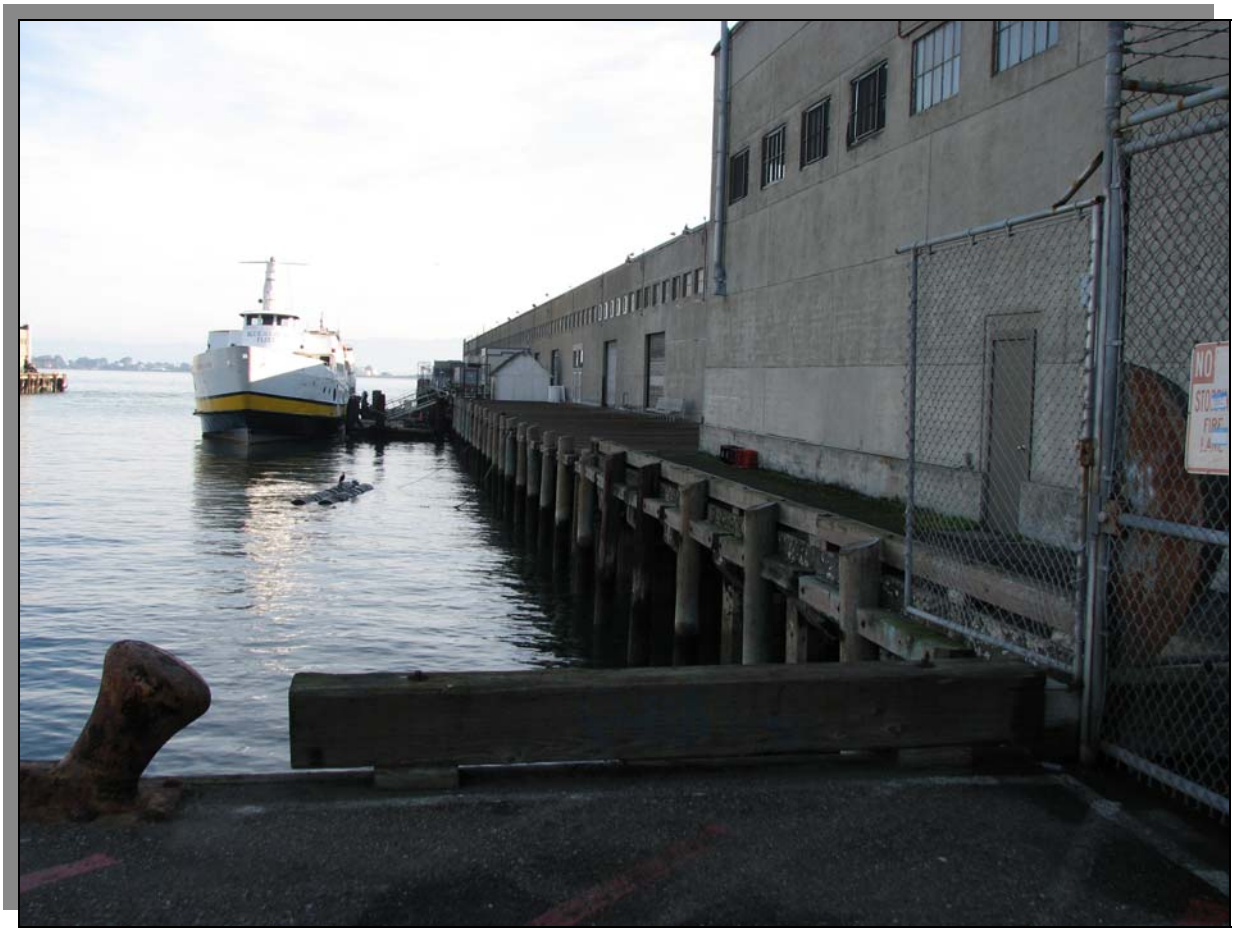


Figure 4
North Side of Pier 9

Figure 5
Parking Area on the Marginal Wharf between Piers 9 and 15

3 COMPATIBILITY WITH EXISTING ZONING AND PLANS

	Applicable	*Not Applicable*
Discuss any variances, special authorizations, or changes proposed to the Planning Code or Zoning Map, if applicable.	☐	☑
Discuss ant conflict with any adopted plans and goals of the City or Region, if applicable.	☐	☑
Discuss any approvals and/or permits from City departments other than the Planning Department or the Department of Building Inspection, or from Regional, State, or Federal Agencies.	☑	☐

The Project would be compatible with plans, policies and regulations applicable to the Project Site. The project would not conflict with the Port's WLUP or BCDC's Special Area Plan as the acceptable land uses within the Northeast Waterfront Area for Pier 9 includes ferry and excursion boats, maritime support services, and berthing. The approvals and/or permits required from City, regional, state, or deferral agencies will be discussed in this Initial Study.

4 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agricultural Resources	☑ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Hazards/Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use/ Planning
☐ Mineral/Energy Resources	☑ Noise	☐ Population/ Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities/Service Systems	☐ Wind and Shadow	☐ Mandatory Findings of Significance

5 EVALUATION OF ENVIRONMENTAL EFFECTS

This Initial Study examines the Project to identify potential effects on the environment. For all items checked "Less-than-Significant Impact" or "No Impact", the Project would not have a significant adverse environmental effect. These issues are discussed below and conclusions regarding effects are based upon field observation, professional experience and expertise on similar projects, and/or available standard reference materials. For issues requiring mitigation to reduce the impact to a less-than-significant level, mitigation measures are specified at the end of this document and are referred to in the environmental analysis. For each checklist item analyzed, the evaluation has considered the impacts of the Project and Expanded Project both individually and cumulatively.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. ***AESTHETICS***. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☑
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☑
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☑
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☐	☑

DISCUSSION

The Project Site is located on The Embarcadero, along the San Francisco Bay waterfront in an industrialized land use area. The San Francisco Bay is directly north, east, and south of the Project Site; distant views of the East Bay can be seen in the background beyond the Bay. The Project Site currently contains a pier shed, with associated apron and marginal wharf. The Pier extends into the Bay approximately 800 feet. There are no trees or vegetation on the Project Site.

Other structures of similar size surround the Project Site on the piers, along the waterfront, to the northwest and southeast. Other visual features include typical urban elements, such as street parking, sidewalks, overhead utility lines, streetlights, and transit facilities along The Embarcadero that is southwest of the Project Site. The buildings west of the site, across The Embarcadero, are modern three to four story commercial structures.

The architectural character of the bulkhead building along the waterfront of Pier 9 and the exiting piers to the northwest are similar. The views of the temporary mooring of WETA ferries at Pier 9 would be consistent in type and scale with these other waterside views of boats and mooring facilities in the area.

For the foregoing reasons, the Project would have no impact to views or scenic resources. Additionally, the project is proposed as a waterside use facility that would not alter the existing character of the site as a waterfront facility used to berth water-going vessels. Therefore, the Project would not contribute to cumulative impacts regarding views and scenic resources.

Visual Character. The Project would not remove or add structures, or result in any historic rehabilitation or alteration of the existing Pier 9 structure, or adversely affect views from public and private areas, or public access areas.

Light & Glare. Street lighting and existing commercial and residential development in the area all contribute to existing nighttime lighting conditions in the Project vicinity. The Project would include new lighted areas on the access ramp and float platform, but these lighting fixtures would be non-glare and the lowest practical level of illumination for worker safety and property security.

Cumulative Effects. The Project would not contribute to cumulative light and glare impacts in the area because Pier 9 is separated from nearby piers by large expanses of water, and no new building structures are proposed for the berthing facility.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. *AGRICULTURAL RESOURCES.* **Would the project:**				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?	☐	☐	☐	☑
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☑
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☑

DISCUSSION

The Project Site is located on a pier that extends into the San Francisco Bay and is surrounded by a fully developed urban area. There are no agricultural resources on the Project Site, or in the Project vicinity, and therefore; the Project would not impact agriculture resources.

Cumulative Effects. As the Project would have no impact on agricultural resources, it would not contribute to cumulative impacts on agricultural resources.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. ***AIR QUALITY***. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☑
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☑	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☑
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☑
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☑	☐

DISCUSSION

Air Quality Plan Consistency. The Project would be consistent with the San Francisco General Plan, which does not project a population increase in excess of that forecast in the Bay Area 2005 Ozone Strategy. Additionally, the Project would not conflict with the San Francisco General Plan, Planning Code or the City Charter that implements various Transportation Control Measures identified in the Bay Area Air Quality Management District's (BAAQMD) 2005 Ozone Strategy. The Project would not interfere with implementation of the 2005 Ozone Strategy or the 2001 Ozone Attainment Plan, which are the applicable regional air quality plans developed to improve air quality towards attaining the state and federal ambient air quality standards.

Project Construction Air Pollutant Emissions. Since construction activities for the Project would occur within the open-water of San Francisco Bay, and on a pier on the San Francisco waterfront, temporary increases in particulate dust and other pollutants that usually result from dredging, grading, and foundation work would not occur in this case. The project proposes no demolition or other temporary dust emission activities.

During the period of construction, diesel emissions would be generated by diesel powered pile-driving equipment. This would result in the temporary release of diesel exhaust, fumes and odors. Diesel exhaust is regulated by the California Air Resources Board as a toxic air contaminant. The Project would include implementation of the following standard measures, to reduce emissions of diesel exhaust during construction.

> ***Mitigation Measure 3-1: The WETA shall require the Project contractor(s) to maintain and operate pile-driving equipment so as to minimize exhaust emissions or particulates and other pollutants. The construction contractor shall, to the extent possible, be required to implement feasible measures to reduce diesel particulate matter in construction equipment and vehicle exhaust, such as use of late model or retrofitted equipment, and/or use of particulate traps on diesel engines. Without limitation, the contractor shall be required to maintain properly tuned equipment and to prohibit idling motors/engines when equipment is not in use.***

With the implementation of Mitigation Measure 3-1, construction related air quality impacts resulting from the Project would be reduced to a less-than-significant level.

Project Operational Air Pollutant Emission. Potential air pollutants related to the operation of the Project would include those emitted by the ferry vessels. Ferry engine idling will be strictly limited to maneuvering, while docking and getting underway (about 5 minutes per event), and warm-up, when putting a ferry into service (about 15 minutes per event). As the berths are not intended for staging daily operations, the number of events would be small and sporadic.

Cumulative Air Quality. The BAAQMD neither recommends quantified analysis of cumulative construction emissions nor provides thresholds of significance that could be used to assess cumulative construction emissions. The construction industry, in general, is an existing source of emissions within the Bay Area. Construction equipment operates at one site on a short-term basis and, when finished, moves on to a new construction site. Because construction activities would be temporary, the contribution to the cumulative context is so small as to be virtually immeasurable, and all of the appropriate and feasible construction-related measures recommended by the BAAQMD would be implemented (see Mitigation Measure 3-1). Accordingly, the contribution of construction emissions associated with the Project would not be cumulatively considerable.

Odors. Objectionable odors are a localized phenomenon and are confined to the vicinity of the emitter of the odor. The Project would not result in a perceptible increase or changes in odors on the Project Site or in the vicinity of the Project, as it would not include uses that typically generate substantial odors. Therefore, objectionable odors would not affect a substantial number of people, and no impact would occur. As discussed above, the temporary operation of diesel generators during pile-driving would result in release of diesel fumes and odors. However, this potential impact would be temporary and would also be reduced by the implementation of Mitigation Measure 3-1. Therefore, odor related impacts would be less-than-significant.

Greenhouse Gas Emissions. Gases that trap heat in the atmosphere are often called “greenhouse gases” (GHGs). GHGs emitted by human activity are implicated in global climate change, commonly referred to as “global warming.” GHGs contribute to an increase in the temperature of the earth’s atmosphere by preventing the escape of heat. The principal GHGs are carbon dioxide, methane, nitrous oxide, and water vapor. (Ozone—not directly emitted, but formed from other gases—in the troposphere, the lowest level of the earth’s atmosphere, also contributes to retention of heat.) Of these gases, carbon dioxide and methane are emitted in the greatest quantities from human activities. Emissions of carbon dioxide are largely byproducts of fossil fuel combustion,

whereas methane results from off-gassing associated with agricultural practices and landfills, and nitrous oxide is emitted primarily from agricultural activities. The Project's incremental increases in GHG emissions associated with ferry vessel layover would contribute to regional and global increases in GHG emissions and associated climate change effects. This potential effect would be offset by the beneficial effect of ferry transportation as an alternative to automobile transportation and automobile's associated increase in GHG emissions resulting from surface vehicular traffic congestion.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. ***BIOLOGICAL RESOURCES***. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☑	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☑
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☑
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☑
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☑
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☑

DISCUSSION

Two wildlife and marine habitat types occur in the Project area: (1) developed, urban landscape of the waterfront and (2) open water of San Francisco Bay. These two habitats are clearly demarcated by the Embarcadero seawall that separates them. When compared to urban waterfront and streetscape, the marine environment of the Bay is the biologically more important habitat. San Francisco Bay is acknowledged as providing habitat for a number of special-status fish and wildlife species, and sensitive marine life of commercial, recreational, and ecological importance.

Terrestrial Biological Resources. The Project Site is currently occupied by one building constructed on Pier 9. There are no trees or ground vegetation on the Project Site. The Project vicinity is an urban environment and experiences high levels of human activities, and only common bird species are likely to nest in the area. Although common and not endangered, Western Gulls (*Larus occidentalis*), commonly nest on the roofs of pier sheds. Nesting birds, their nests, and eggs are fully protected by Fish and Game Code (Sections 3503, 3503.5) and the Migratory Bird Treaty Act of 1918. Destruction of a nest would be a violation of these regulations and is considered a potentially significant impact. Gulls and other birds associated with the waterfront would not be adversely affected by installation of project features, limited pile-driving, and installation of gangways and floating berths.

The Townsend's Big-Eared bat (*Corynorhinus townsendii*) is known to inhabit the structures on piers throughout the San Francisco waterfront. Such species, were they to occur, would not be adversely impacted by the Project as no construction work is proposed for the Pier 9 building structure.

Marine Biological Resources. The existing structures along the apron and the waterside of the marginal wharf provide habitat and physical support for various species of seaweeds and barnacles whose distribution is determined by tidal influenced periods of submersion and exposure. Open water in the vicinity of Pier 9 contains other marine invertebrates that are typical of the entire Bay. These include crustaceans, such as Dungeness crab, bay shrimp, and opossum shrimp, all of which are important prey for fish. Protected areas, such as the shoreline near piers, jetties and boat launches, attract large numbers of Dungeness crab.

Representative fish in the Bay water near Pier 9, as well as elsewhere along the waterfront, include both sport and commercial species. These include striped bass, salmon, white sturgeon, Pacific herring, and northern anchovy. The piers in the area provide winter habitat for the shiner perch and, perhaps, speckled sand dab. Shiner perch is particularly abundant around pilings of wharves and piers along the San Francisco waterfront.

The entire San Francisco waterfront, from Fort Mason to Candlestick Point, is a major intertidal spawning ground for Pacific herring. Although most of the herring spawning occurs in rocky shoreline habitat and along the San Francisco waterfront, floating mats of the common occurring red algae, *Gracilaria*, are also used as a spawning substrate.

In addition to the sport and commercial fish identified above, fish such as Chinook salmon occurs in the waters in the area. The area of the pier is but a small portion of a larger bay-wide, secondary adult Chinook salmon holding and feeding area. Chinook salmon is a special-status fish species.

As indicated earlier in this section, the existing pier and supporting piles, floats, and seawall support a rich littoral and sub-littoral habitat for a specific "pile community" of small invertebrates that occur in the intertidal zone of these maritime structures. The animals most frequent on pier pilings are barnacles, but mussels, shrimp (*Betaeus stosus*), shipworms (*Tireda* spp. and *Bankia setacea*), hydroids (*Obelia*), tunicate, and sea star (*Pisaster*) may be present.

Construction Effects. Vessels, such as the "Blue & Gold" fleet and pilot boats routinely use Pier 9 as mooring. No adverse effect of short-term ferry layover operations is anticipated. The major potential concern of project implementation, however, would be during the pile-driving stage of construction. Installation of piles using a hammer (i.e., pile driving) can generate intense underwater sound pressure waves that can injure or kill fish. At present, available information from the NOAA Fisheries (National Oceanic and Atmospheric Administration) indicate peak underwater sound pressure levels greater than 180 decibels regarding 1 micropascal (pounds per square inch) may physically injure small fish.

The project's potential effect on small fish would be avoided or minimized by limiting the number of piles, scheduling the pile-driving during established regulatory construction "windows" and, if necessary, the incorporation and use of standard impact attenuation devices. The project proposes a limited number of piles: 2 landing piles, 2 fender piles and 6 float guide piles. Environmental work windows ("windows") are one of the management tools promoted by the state and federal fish and wildlife agencies to protect endangered species, enabling necessary marine construction for the purpose of marine transportation and trade. The windows are specified periods of the year when marine construction activities, such as pile driving, are permissible. State and federal fish and wildlife agencies under their respective endangered species laws have determined that adverse impacts to fishery and wildlife species do not likely occur or are below a minimum threshold during these seasonal periods. Such "windows" would be established as a condition of project permit from the U.S. Army Corps of Engineers and San Francisco Bay Conservation and Development Commission. Finally, standard impact attenuation conditions, such as the use of cushioning blocks between hammer and pile, or driving piles during periods of reduced currents could also be established by permit.

Placement of Bay Fill. Estimated Bay fill quantities for the 2 berths are as follows:

Type of Fill	Area or Volume
Shadow Fill	
Pier 9 Landings	203 square feet.
Gangways	396 square feet.
Floating Fill	
Ferry Floats	2,400 square feet.
Solid Fill	
Pilings to Mudline	1,490 cubic feet.

The fill proposed is the minimum amount necessary to achieve the project's purpose. Floats, gangway, and piles are designed to be the minimum size required to safely and efficiently berth and hold a ferry vessel. Movable ramps and angled gangways are proposed to minimize shadow fill.

The emplacement the Pier 9 landing, gangways, and ferry floats would be expected to result in a small, less-than-significant reduction in the availability of light to marine biota, but there is no eelgrass or submerged algae in the area, and distribution and cover of floating algae is sparse.

There would be no significant adverse impact to such marine biota as a result of the small reduction of light over the correspondingly small area proposed for landing, gangways, and float installation.

Pile driving would be expected to displace and disturb subtidal soft bottom benthos in the immediate vicinity of the pile driving activity. Given the localized nature of the impact, however, coupled with the availability of such habitat elsewhere along the waterfront in general, a small loss of soft bottom benthic habitat is not considered to be a significant impact of the project. The proposed new piles are even expected to provide a minor amount of additional intertidal and subtidal substrate for marine biota such as algae and a range of sessile invertebrates. Impacts to other marine fauna, such as fish, would be avoided during pile-driving and other project construction through scheduling such activities during established regulatory construction "windows" established fir the San Francisco Bay Area.

Fill projects must be approved by the Bay Conservation and Development Commission (BCDC) and the U.S. Army Corps of Engineers (USACOE), and Regional Water Quality Control Board (RWQCB). The project's fill is the minimum required to achieve Project purposes. It accommodates water-oriented uses of the WETA Ferry Service and, due to the water-dependent nature of the operation, there is no alternative upland location for the project that would avoid the need for Bay Fill. The project would comply with all applicable permit conditions as specified by the BCDC, USACOE, and RWQCB.

Cumulative Effects. Since the Project would not impact terrestrial or marine biological resources, the Project would not contribute to any potential significant cumulative effects on terrestrial or marine biological resources.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. ***CULTURAL RESOURCES***. Would the project				
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines § 15064.5, including those listed in Article 10 or Article 11 of the San Francisco *Planning Code*?	☐	☐	☐	☑
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☐	☑
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☑
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☑

DISCUSSION

Historic Resources. The Project Site is part of the San Francisco Embarcadero National Register Historic District ("Historic District") listed in the National Register of Historic Places. Pier 9 is a contribution resource to this Historic District. The Project Site is across the street from the Northeast Waterfront Historic District, a local historic district established under Article 10 of the San Francisco Planning Code. No construction, demolition, alteration, or rehabilitation is proposed by the Project for Pier 9 or the pier shed. The Project would not adversely affect an historical resource.

Archaeological Resources. Archaeological resources are known to exist in the vicinity of the Project Site. An examination of the California Shipwreck Database (http://shipwrecks.slc.ca.gov/, accessed 1/11/08) maintained by the California State Lands Commission (SLC) revealed a number of shipwrecks near the project area (Table 5-1), but none have been recorded in the area were proposed pile driving would occur. The pile-driving activity is not expected to result in adverse impacts to submerged cultural resources.

Table 5-1
Representative Shipwrecks in the Vicinity of Pier 9

Ship's Name	Type	Year Built	Year Sunk
Aberdeen	Three-Masted Ship	1847	1852
Alice Garrett	?	?	1888
Carlota	?	?	1850
Chateau Palmer	Ship	?	1856

Table 5-1 Representative Shipwrecks in the Vicinity of Pier 9			
Ship's Name	Type	Year Built	Year Sunk
City of Chester	Steamship	1875	1888
City of New York	Iron Steamer	1875	1893
Columbia	Steamship	1892	1896
Commodore	Steam Screw	?	1868
Crown Princess	?	?	1850
Drumburton	Four Masted Ship	1881	1904
Eureka	Two Masted Schooner	1868	1902
Frank Jones	Three Masted Ship	1874	1877
General Cushing	Ship	1856	1858
Golden Fleece	Clipper	1852	1854
Golden Rule	Schooner	?	1874
Granada	Side-wheel Steamboat	1855	1860
Hartley	Revenue Tender	1874	1941
Isaac Jeanes	Bark	1854	1876
Lafayette	Sloop	?	1857
Pet	Two Masted Schooner	1868	1888
Rescue	Steam Tug	1865	1974
Samoset	Ship	1847	1852
San Carlos	Bark	?	1797
San Francisco	Clipper	1853	1854
Tonquin	Ship	1845	1849
Zenobia	Ship	1838	1858

The Project is confined within and defined by open water aquatic habitat. The landside of the site and immediate surrounding area are composed of bay fill and landfill materials that typically do not preserve paleontological resources. The project does not propose any activities that would involve land disturbance. Implementation of the project would not directly or indirectly destroy a unique paleontological resource or unique geologic feature at the project.

The project is confined within and defined by open water aquatic habitat. As such, there would be no human remains encountered or anticipated.

Cumulative Effects. As described above, the Project would not impact historic resources and potentially impact archaeological resources.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. *GEOLOGY AND SOILS*. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☐	☑
ii) Strong seismic ground shaking?	☐	☐	☐	☑
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☑
iv) Landslides?	☐	☐	☐	☑
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☑
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☑
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☑
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☑

DISCUSSION

The San Francisco General Plan Community Safety Element contains maps that show areas in the City subject to geologic hazards. The Project Site is located in an area subject to moderate ground shaking from earthquakes along the San Andreas and Northern Hayward Faults and other faults in the San Francisco Bay Area. The Project Site is also located in an area of liquefaction susceptibility, as defined by the California Geological Survey. The Project Site is not located in an area susceptible to landslide. As the Project involves the installation of floating structures necessary for ferry vessel berthing and does not involve the construction of load-bearing structures, buildings, or other development on exposed upland soils, there would be no anticipated damage to structures from geologic hazards on the Project Site. As is typical of projects at piers elsewhere on the North San Francisco waterfront, the support and guide piles for

the project would be designed to avoid geologic hazards. In addition, the project would primarily install floating facilities that would be physically unconnected to structures potentially exposed to such geologic hazards.

Earthquakes can cause tsunami (often referred to, incorrectly, as "tidal waves") and seiches (oscillating waves in enclosed water bodies) in the Bay. Because the project site is in San Francisco Bay, and no structures on the land are proposed, such phenomena would not result in the loss or injury or death due to berthing layover operations. The proposed project would not expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving fault rupture, subsidence, uplift, erosion, expansive soils, landslide, ground failure, tsunami, or seiche.

The entire Project Site is submerged; therefore, the bottom sediments within the open water are not subjected to swelling and shrinkage cycles. The proposed Project does not involve the construction of structures on expansive soils. In addition, the Project does not involve construction of structures or septic tanks.

Cumulative Effects. The Project would not have a significant impact on geology or soil resources, nor would the Project contribute to any potential significant cumulative effects on geology or soils.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7.	***HAZARDS/ HAZARDOUS MATERIALS*. Would the project:**				
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☑
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☑
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☑
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☑
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f)	For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☑
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☑
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☑

DISCUSSION

Hazardous conditions resulting from Project construction would be related to potential for an explosion or the release of hazardous substances (including, but not limited to oil or chemicals) in the event of an accident or upset conditions. The accident or upset conditions could be an explosion, a fire, an accident at or adjacent to the project site, or damage from an earthquake.

Some hazardous materials that are associated with pile driving operations may be used. Material common to construction, such as fuels and petroleum products are usually in such small quantities that it would pose no significant hazard or risk to the public or the environment. The use, clean up, and disposal of potentially hazardous material will be managed according to Best Management Practices (BMPs) to protect air quality, water quality, and the environment as per state laws.

There would be no routine transport, use or disposal of hazardous materials during the ferry boat berthing. During layovers routine maintenance and cleaning of the interior of the ferry vessels would involve the likely handling of common types of potentially hazardous materials, such as cleaners and disinfectants. These commercial products are labeled to inform users of potential risks and to instruct them in appropriate handling procedures. Most of these materials are consumed through use, resulting in relatively little waste. Businesses are required by law to ensure employee safety by identifying hazardous materials in the workplace, providing safety information to workers who handle hazardous materials, and adequately training workers. As a result, chemicals used in the Project would not pose a significant hazard to the public.
The project site is proposed for open water. There are no storage tanks of hazardous material or petroleum products, no pools of potentially hazardous liquids, no stained soils or pavement, and no drums containing chemicals or hazardous materials on the project site

The project is outside a ¼ mile radius of the nearest school. There are no existing or proposed schools within one-quarter mile of the project site; therefore, the project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The Project Site is a submerged site and the proposed construction of a floating berth system and access gangway would not be located on a known, listed hazardous materials site. The area is not

located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.

The project is not located within an airport land use area and is located further than two miles from the nearest public or public use airport, and from the nearest private airstrip. San Francisco International Airport is located approximately 12 miles south and Oakland International Airport is approximately 10 miles east of the project site. The Project would not create an aircraft safety hazard for people residing or working in the project area.

Fire Safety; Emergency Response or Evacuation Plans. San Francisco ensures fire safety and emergency accessibility within new and existing developments through provisions of its Building and Fire Codes. The Project proposes no construction, rehabilitation or alterations to the Pier 9 shed but would conform to the fire safety standards already in effect for the structure. Continued conformance with these standards would ensure appropriate life safety protections for the proposed project. Consequently, the Project would not create a substantial fire hazard nor interfere with emergency access plans.

Cumulative Hazardous Materials. The Project would not have a significant impact on hazardous material conditions on the Project Site or vicinity, nor would the Project contribute to any potential significant cumulative effects.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. *HYDROLOGY/ WATER QUALITY*. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☑
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☑
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☑
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	☐	☐	☐	☑
e) Create or contribute runoff water, which would exceed the capacity	☐	☐	☐	☑

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
	of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				
f)	Otherwise substantially degrade water quality?	☐	☐	☐	☑
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☑
h)	Place within 100-year flood hazard area structures, which would impede or redirect flood flows?	☐	☐	☐	☑
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?	☐	☐	☐	☑
j)	Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☑

DISCUSSION

The Project would not increase the amount of impervious surface at the Project Site or significantly alter site drainage. During construction and operation, the Project would be required to comply with all applicable water quality and wastewater discharge requirements. However, since construction on the Project Site involves work on the substructure of the piers, the Project and could have adverse water quality impacts within the San Francisco Bay. During pile-driving activity, increased turbidity in the water would temporarily affect water quality within a confined portion of the Bay; however, substantial turbidity occurs naturally in the Bay, particularly with heavy rains that result in increased runoff from local upland areas and routine boat traffic in the area.

Turbidity also increases on a regular basis in the Bay from daily tidal scour. Tidal scour, currents, and increased turbidity are greatest during the shift from the highest-high to the lowest-low tide when the magnitude and rate of tidal drop is greatest. Turbidity plumes from the project's pile-driving would likely be smaller in magnitude than naturally occurring turbidity events. In addition, any increased turbidity from pile installation would be short-term during the length of the pile-driving construction period.

The pile-driving and general construction of the project's berthing and gangway access structures will be conducted under permits from the Regional Water Quality Control Board (RWQCB), San Francisco Bay Conservation and Development Commission (BCDC), and the U.S. Army Corps of Engineers (USACOE). These permits are required to assure that there would be no violation of existing water quality standards or waste discharge requirements pursuant to the Clean Water Act. The project would be in compliance with these existing standards and requirements.

The Project is not expected to deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of

the local groundwater table level. The project site is an inundated, intertidal aquatic habitat that has no direct influence as a groundwater recharge area. There is no potable use of groundwater in the vicinity of Pier 9. The project does not involve an increase in water demand or water consumption. The Project would not deplete groundwater supplies, interfere with groundwater recharge, or adversely affect local groundwater aquifers. No impacts to groundwater would occur as a result of Project construction or operation.

The project will not change absorption rates, or drainage patterns. The Project is not expected to alter the course of a stream or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite.

The Project Site is not in a 100-year floodplain as mapped on the existing Flood Insurance Rate Maps (FIRMs) for the City. Devastating tsunamis have not occurred in San Francisco during historic times. In addition, the Project Site is not located in an area of potential inundation, as designated by the General Plan 20-foot Tsunami Run-up Map. Therefore, there would be no potential impacts due to inundation from tsunamis.

Cumulative Effects. The Project would not contribute to cumulative hydrology impacts as it would have a less than-significant impact on hydrology.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9.	***LAND USE/ PLANNING*. Would the project:**				
a)	Physically divide an established community?	☐	☐	☐	☑
b)	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☑
c)	Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☑

DISCUSSION

The Project Site is located at Pier 9 on The Embarcadero, along the San Francisco Bay waterfront and surrounded by similar piers to the north and south and the San Francisco Bay to the north, east, and south. It is located just north of the Financial District and east of Telegraph Hill and Levi's Plaza. The Ferry Building is located about 2,000 feet (0.4 miles) south, and Fisherman's Wharf and Pier 39 are located about 4,000 feet (0.75 miles) northwest of the Project Site.

Pier 9 is used for storage, office, parking, ferry boat maintenance for Blue and Gold fleet, the headquarters for the Water Emergency Transportation Authority, and the headquarters for the Bar Pilots maritime operations. Historically, Pier 9 has been used for maritime industrial, light

industrial, and break bulk cargo and general storage. Along The Embarcadero, the former Belt Railroad of San Francisco served the maritime freight operations

The surrounding area is urban. A parking lot, office buildings, and mixed use development are located across The Embarcadero. Other development includes a three-story office building and surface parking lots to the west, across The Embarcadero just north of the Project Site. Development intensity is moderate because wide areas of water separate Pier 9 from neighboring piers. Commercial development across The Embarcadero features buildings three stories in height with landscaped setbacks. The Project Site is accessed by pedestrians and transit via The Embarcadero and is close to MUNI, ferries, and BART.

The Project Site is zoned M-1 (Light Industrial) and is within the Northern Waterfront Special Use District No. 1. The Project Site is currently developed with the Pier 9 shed and bulkhead building and surface parking along the marginal wharf. Boat berthing is already provided along the Pier 9 apron and the Project would not introduce new uses in an areas not designated for such uses. Maritime uses would continue.

The Project would be consistent with local plans, policies, and code requirements as they relate to environmental effects. Environmental plans and policies directly address environmental issues and/or contain targets or standards that must be met in order to preserve or improve characteristics of the City's physical environment. The Project would not obviously or substantially conflict with any such adopted environmental plans or policies.

Cumulative Effects. The Project Site is in a developed urban area. The continued use of the site for maritime activities would not result in cumulative land use impacts.

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
10.	***MINERAL/ENERGY RESOURCES*. Would the project:**				
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☑
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☑
c)	Encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner?	☐	☐	☐	☑

DISCUSSION

According to the San Francisco General Plan, mineral resources are not present in the City to any appreciable extent. No known mineral deposits exist on or near the Project Site. The Project

would not result in the loss of a locally or regionally important mineral resource and therefore, the Project would impact mineral resources.

The Project would be required to meet current State and local codes concerning energy consumption and conservation, including Title 24 of the California Code of Regulation enforced by the Port's Building Department. The Project would use diesel fuel during construction and , ferry boat start up and travel to and from the berth; and electricity during berthing for lighting and heating. The Project would not have a substantial effect on the use, extraction, or depletion of a natural resource.

Cumulative Mineral and Energy Resources. The Project would not impact mineral resources, directly or indirectly, and therefore would not contribute to a cumulative loss of a known mineral or energy resource.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. *NOISE*. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☑	☐
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☐	☑
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☑
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☑	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☑
f) For a project located within the vicinity of a private airstrip, would the project expose peoples residing or working in the project area to excessive noise levels?	☐	☐	☐	☑

DISCUSSION

Sensitive receptors are uses where people may be sleeping or require concentration, such as residences, hospitals, and schools. In the vicinity of the Project Site, sensitive receptors would primarily include residents of nearby residential units, across the Embarcadero. The nearest

residential units with an uninterrupted line-of-sight to the Project Site are at the intersection of Broadway and Davis Streets.

Traffic Noise. Ambient noise and vibration levels in the Project vicinity are typical of neighborhood noise levels in San Francisco, which can include vehicular/transit traffic (trucks, cars, MUNI buses/rail, emergency vehicles), and land use activities. Neighborhood noise sources in the Project vicinity include motor vehicle traffic on The Embarcadero, the MUNI F-Line streetcars, and existing residential and commercial land uses.

The Project would not add significant traffic, other than the sporadic delivery of supplies to the berthed ferries, and would not involve traffic generation land uses. Therefore, the Project-generated traffic would not have the potential to expose people to or generate noise levels in excess of applicable standards, or to cause a significant increase in the ambient noise level in the Project vicinity.

Construction Noise. Pile driving and installation of the gangways would temporarily increase noise in the Project vicinity. During the majority of construction activity, noise, although related to a single-event peak level rather than a sustained average level, would be above existing ambient levels in the Project vicinity. Construction noise would fluctuate depending on the construction phase, equipment type (see Table 10-1, Noise Emission Levels of Construction Equipment), duration of use, distance between noise source and listener, and presence or absence of barriers (including subsurface barriers). The project proposes to install a limited number of piles (2 gangway supports, 2 fender piles and 6 float guide piles) to achieve the project purpose.

Construction noise would be intermittent and limited to daytime hours during the period of construction. Construction noise is regulated by the San Francisco Noise Ordinance. The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools, such as jackhammers and impact wrenches, must have both intake and exhaust muffled to the satisfaction of the Director of the Department of Public Works (DPW). Section 2908 of the Noise Ordinance prohibits construction work between 8:00 pm and 7:00 am, if noise would exceed the ambient noise level by 5 dBA at the Project property line, unless a special permit is authorized by the Director of DPW.

Table 10-1
Noise Emission Levels of Construction Equipment

Equipment	Typical Noise Level (dBA) 50 Feet from Source
Cranes (Movable)	74-90
Diesel-powered barges	85
Dump Trucks	81-87
Small clamshell dredge	80
Sheet pile driver	81-96
Compressors	66-80
Vibrators	68-78
Small boat	55

Sources: Handbook of Noise Control, Cyril M. Harris, 1979; Bolt, Beranek & Newman, Noise Control for Buildings and Manufacturing Plants, 1987; and California Coastal Conservancy, Napa River Salt Marsh Restoration Project, Draft EIR/EIS, April 2003.

Compliance with the Noise Ordinance would prevent construction activities from occurring during designated sleeping hours. At other times, however, pile-driving could be intrusive for the public using The Embarcadero or for people in the offices on Pier 9. To reduce the potential impact, in addition to the restrictions on pile-driving uses during the day, the following mitigation measure would reduce the potential construction noise impact to a less-than-significant level.

> ***Mitigation Measure 11-1: To reduce pile driving noise, "vibratory" pile driving should be used wherever feasible. The vibratory pile driving technique, despite its name, does not generate vibration levels higher than the standard pile driving technique. It does, however, generate lower, less-intrusive noise levels.***

The ferry berthing, consistent with existing maritime activities, has the potential to cause noise impacts. However, maritime noises are commonly a part of the experience of visiting the waterfront and would not likely be a source of disturbance to people visiting the site. Therefore, noise and vibration generated by the Project would result in a less-than-significant noise impact.

Cumulative Effects. Construction activities typically occur on a given Project Site on a temporary basis. Because (1) Project construction activities would be temporary in nature; (2) Project construction-related ambient noise level increases at locations greater than a few hundred feet from the Project Site would be incrementally small; and (3) as stated above, required construction noise reduction measures would be implemented in accordance with standard City practice, the contribution of Project construction noise at any given location, including the Project Site vicinity, would not be considered cumulatively significant.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. *POPULATION/ HOUSING*. Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☑
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑

DISCUSSION

The proposed Project does not involve the construction of housing or residential development and there are no residential uses on Pier 9 or within the area proposed for the layover ferry berthing. The Project would have no growth-inducing effects. The Project does not facilitate development in the area that could not otherwise be developed, result in the displacement of existing housing,

or the displacement of existing City residents requiring the construction of replacement housing elsewhere.

Cumulative Effects. The Project would not induce population growth and would therefore not contribute to the City's overall population growth. Therefore, the Project would not contribute to a cumulative impact to population or housing.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. *PUBLIC SERVICES*				
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	☐	☐	☑	☐
b) Police protection?	☐	☐	☑	☐
c) Schools?	☐	☐	☐	☑
d) Parks?	☐	☐	☐	☑
e) Other public facilities?	☐	☐	☐	☑

DISCUSSION

Fire Protection Services. The Project Site is served by the San Francisco Fire Department (SFFD). The nearest SFFD station to the Project Site is Station 13, at 530 Sansome Street at Washington Street, about eight blocks southwest of the Project Site. The fireboat, located on Port property at Pier 22, also would be utilized in case of fire on the pier. The requirement for fire protection services would remain at the current level for Pier 9 potential demands.

The Project would be required to comply with all applicable building and fire codes, which establish requirements pertaining to fire protection systems, including, but not limited to, the provision of state-mandated smoke alarms, fire alarm and sprinkler systems, fire extinguishers, required number and location of egress with appropriate distance separation, and emergency response notification systems. The ferry float will be outfitted with fire protection and line safety devices as required by the Port of San Francisco Fire Marshall. Since the Project would be required to comply with all applicable building and fire codes, it would not result in the need for new fire protection facilities, and would not result in significant impacts to the physical environment.

Police Protection Services. The Project Site is in the San Francisco Police Department's (SFPD) Metro Division, and is served by the Central Station at Vallejo Street near Stockton Street. The Central Station district comprises the Financial District, Chinatown, North Beach, Fisherman's Wharf, Telegraph Hill, Nob Hill, and Russian Hill.

The Central Station is less than one mile from the Project Site, and provides existing police services to the Project area. The Project proposes no new facilities or operations that would substantially increase service calls that exceed amounts anticipated and currently characteristic of the Project area. Hence, the Project would have a less-than-significant impact on police services.

Schools. The San Francisco Unified School District (SFUSD) provides public primary and secondary education in the City and County of San Francisco. The Project does not include residential uses and would not introduce more students to the SFUSD. As such, the Project would have no impact on schools.

Community Facilities. The Project would not introduce residential uses, and thus would not increase the demand for other City services, such as libraries and community centers. Community facilities would not be significantly affected by the Project.

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	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14.	***RECREATION***				
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☑
b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☑

DISCUSSION

Parks and open space in the Project vicinity include Levi's Plaza, one block northwest of the Project Site across The Embarcadero; Sidney Walton Park, about three blocks southwest of the Project Site; Pioneer Park, about six blocks west of the Project Site at the peak of Telegraph Hill; and Maritime Plaza, about five blocks southwest of the Project Site. The San Francisco Bay Trail runs along The Embarcadero from China Basin to Fisherman's Wharf, including near the Project Site. The Project itself would not adversely affect the uses of these recreation facilities. All proposed construction and installation activities would occur on the water-side of Pier 9 and the Pier 9 apron.

The Project would not impact the landside portion of Pier 9, the marginal wharf, seawall, or The Embarcadero, therefore, use of the Bay Trail would not be adversely affected.

Cumulative Effects. The Project would result in no cumulative impacts on nearby parks, open space, and recreational facilities. The Project vicinity is already a visitor destination. There are many existing parks, open space, and recreational facilities near the Project Site.

ENVIRONMENTAL ISSUES		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15.	***TRANSPORTATION/CIRCULATION*. Would the project:**				
a)	Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☑
b)	Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency on designated roads or highways?	☐	☐	☐	☑
c)	Result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☑
d)	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☑
e)	Result in inadequate emergency access?	☐	☐	☐	☑
f)	Result in inadequate parking capacity?	☐	☐	☐	☑
g)	Conflict with adopted polices, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☑

DISCUSSION

There would be minimal increase in traffic associated with the ferry berthing. Traffic and parking impacts of the ferry crew will be negligible and less-than-significant because the berths are not intended for staging daily operations. Traffic and parking impacts arising from WETA staff that would care for the vessels in layover status, or vendors making occasional deliveries for provisioning will be negligible. Truck deliveries requiring direct access to the ferries would be accommodated through the interior of the Pier 9 shed and the north apron.

The project would have no effect on existing air traffic patterns, air traffic generation or air traffic volumes. The project site is located approximately 12 miles north of San Francisco International Airport (SFO). The project does not propose any changes that would affect the SFO airport or

flight operations and does not propose any structures that would interfere with existing airspace or flight patterns.

The project does not propose new structures that would increase safety hazards due to a design feature that would affect vehicular traffic or circulation. With regard to boating navigation hazards, ferry vessel traffic impacts will be negligible, as the number of vessel movements will be small and sporadic, and typical of the boat mooring currently in operation along the Pier 9 apron.

The Project will occur within the open water areas. The proposed ferry operations will not result in the need for emergency access nor would it result in the interference with any City emergency response plans. In addition, as with any construction project, all project activities will be conducted in accordance with appropriate maritime safety protocols and procedures.

The construction and ferry berthing operations would not require the construction of additional parking. There are WETA parking spaces in the Pier 9 shed with additional, short-term parking available along the marginal wharf, with access to the pier apron through a locked and secure fence gate.

As a short-term, temporary construction and a maritime use that is compatible and similar to existing boat berthing operations, the Project does not propose structures or development that would eliminate or require alternative modes of transportation. The project would be compatible with regional policies to promote alternative modes of transportation by supporting pedestrian-friendly transit.

Cumulative Effects. The Project would result in no cumulative impacts on traffic or circulation, or contribute to the traffic effects of other projects proposed for adjacent piers.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. *UTILITIES/ SERVICE SYSTEMS*. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☑
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☑
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☑
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☑

	ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e)	Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☑
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☑
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☑

DISCUSSION

The Project Site is within an urban area that is served by existing utilities and service systems, including solid waste collection and disposal, wastewater and treatment, and power, water, and communication facilities. While at the layover berths, the ferries would require potable water, wastewater removal, trash removal, and electrical power:

- **Potable water** – Use is expected to be sporadic with about 500 gal for a single tank refill.
- **Wastewater** – Use is expected to be sporadic with about 500 gal for a single tank pumpout using a ship-board pump.
- **Electrical power** – Receptacle for 3 phase 208/100A service.
- **Lighting** – Lowest practical level for work safety and security to cover access ramps and platform; deck areas for line handling will also be covered.

The Project would increase the demand for utilities and service systems on the site, but not in excess of amounts expected in the Project area. Adequate utilities are provided to the Project Site because of the existing land uses at Pier 9. However, the utility connections to existing systems would be required.

Water. Water services are provided by the San Francisco Public Utilities Commission (SFPUC). In December 2005, the SFPUC adopted a resolution finding that the SFPUC's Urban Water Management Plan (UWMP) adequately fulfills the requirements of the water assessment for water quality and wastewater treatment and capacity. The Project Site is within a developed area of San Francisco and is zoned for light industrial uses. The relatively small demand for water would be within UWMP projections. Therefore, the Project would not exceed the UWMP's water supply projections.

There are currently two water connections on Pier 9, one for domestic service and one for fire service. An eight-inch water pipeline exists in The Embarcadero and can provide over 1,000 gpm of flow. Water is supplied to the existing Pier 9 tenants, including the WETA.

The anticipated project water demand would be small and sporadic, requiring only enough water to fill the ferry holding tanks (estimated as 500 gallons/refill). The project would connect to the existing water system on the Pier and no additional water supply infrastructure is required to serve the Project. The existing water system is adequate to supply water to the berthed ferries. It is assumed that the piping on Pier 9 is adequate and that master backflow devices are installed and operable. Prior to final design, a pressure and flow test would be conducted at the pier to verify the available flows and pressures for fire-fighting and management.

Wastewater. Wastewater in the City is collected and treated by the SFPUC. The wastewater system provides the City with wastewater collection, treatment and disposal. The wastewater collection, treatment and disposal system consists of a combined sewer system (which collects both sewer and storm water), three water pollution control plants and effluent outfalls to the San Francisco Bay and Pacific Ocean. The combined sewer system reduces pollution in the San Francisco Bay and Pacific Ocean by treating urban runoff that would otherwise flow to the Bay and Ocean. The collection system consists of approximately 900 miles of underground pipes throughout the City.

The Project Site is already served by utility infrastructure. The Project would sporadically add a relatively small quantity (500 gal for a single tank pump out) of wastewater to the existing wastewater management system. The Project would not be expected to increase the flow of wastewater such that an expansion of existing off-site infrastructure would be required. There is currently a 12-inch sanitary sewer stub through the seawall for the pier that discharges into a 14-foot wide box sewer located in The Embarcadero. The existing 12-inch sanitary sewer connections would be adequate to handle the sporadic ferry pump out flows.

Project-related wastewater would incrementally contribute to the existing Pier 9 flow to the City's combined storm water and sewer system and would be treated to standards contained in the City's NPDES Permit for the Southeast Water Pollution Control Plant prior to discharge into the Bay. The NPDES standards are set and regulated by the RWQCB; therefore, the Project would not conflict with RWQCB requirements in that the Project would not require the expansion of wastewater/storm water treatment facilities or an extension of a sewer trunk line because the site is currently served by existing facilities. Therefore, no new off-site wastewater infrastructure would be required to serve the Project.

Solid Waste. The relatively small volume of trash from the ferries would be collected and disposed of in existing Pier 9 trash receptacles and eventually collected by Sunset Scavenger Company. The trash would then be hauled to the Norcal transfer station near Candlestick Point, and recycled as feasible, with non-recyclables being disposed of at Altamont Landfill, where adequate capacity exists to serve the needs of San Francisco. The Altamont Landfill is required to meet federal, state, and local regulations relevant to solid waste and therefore, no project impacts related to solid waste are anticipated.

Storm water. The Pier 9 apron consists of a paved surface located over the San Francisco Bay. The Project would slightly increase the amount of impervious surfaces by expanding a portion of the pier apron, adding approximately 200 square feet of concrete surface, 400 square feet of gangway, and 2,400 square feet of new floats. Storm water from the Pier 9 shed currently flows into the Bay. The Project Site would continue to discharge storm water flows into the Bay during operation. The Project would comply with State requirements for storm water runoff and would be consistent with the Port's storm water management and design guidelines. The Port has an existing National Pollutant Discharge Elimination System (NPDES) permit allowing the Port to discharge storm water from Pier 9 directly to the Bay. No storm water runoff would be

discharged into the City's combined sewer system as this system does not have the capacity to handle storm water generated on the pier. Therefore, no impacts to the storm water treatment facilities are anticipated.

Cumulative Effects. Since the Project would not adversely impact storm water conditions, the Project would not contribute to cumulative storm water impacts. Furthermore, the Project would not substantially impact water supply. Existing service provision plans address the maritime use of the area and the relatively small, sporadic demands for water supply and wastewater management services would not have a significant cumulative effect on water. The Project would not substantially impact solid waste services in the Project area and would not have a significant cumulative effect on solid waste facilities. Overall, the Project would not contribute cumulatively to utility and service system impacts.

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. *WIND AND SHADOW.* Would the project:				
a) Alter wind in a manner that substantially affects public areas?	☐	☐	☐	☑
b) Create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas?	☐	☐	☐	☑

DISCUSSION

Wind. Wind impacts are generally caused by large buildings or structures extending substantially upward above neighboring buildings, or by orienting a new building such that a large wall catches a prevailing wind, particularly if such a wall includes little or no articulation. The construction and operation of the ferry berthing facility would not involve construction, addition, or modification to Pier 9 that would increase building height. No effect on ground-level winds at the Project Site is anticipated.

Shadows. Section 295 of the *Planning Code* was adopted in response to Proposition K (passed in November 1984) in order to protect certain public open spaces from additional shadowing by new structures. Section 295 restricts new shadow upon public parks and open spaces under the jurisdiction of the Recreation and Park Commission by any new structure exceeding 40 feet in height unless the Planning Commission, in consultation with the General Manager of the Recreation and Park Department and the Recreation and Park Commission, finds the impact to be insignificant. The construction of ferry vessel berthing facilities at Pier 9 would not impact the existing Pier 9 shed structure, would not increase the height of the structure, or modify the existing dimensions of the structure. The Project would not create new shadow structures. Moreover, the Project Site is not adjacent to outdoor public parks or open spaces.

Cumulative Effects. Since the Project would not impact wind levels at or near the Project Site or create new shadowing on public facilities, the Project would not contribute to cumulative wind or shadow impacts. .

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. *MANDATORY FINDINGS OF SIGNIFICANCE*.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☑	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☑
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☑

DISCUSSION

The proposed construction and operation of a berthing facility at Pier 9 would not adversely affect the habitat of fish or wildlife and is not anticipated to degrade the quality of the aquatic environment. The project construction would occur during the established regulatory construction "windows" implemented throughout San Francisco Bay to avoid or minimize impacts to marine and aquatic special-status species. The project would not have an impact on known cultural resources, including submerged shipwrecks or other historical or prehistoric maritime resources.

No significant cumulative impacts are identified as a result of Project construction or operation. The proposed Project is consisted with the existing maritime uses of Pier 9.

The proposed ferry berthing facility is required to augment the expansion of ferry service in the Bay Area. Such expansion is planned to increase regional transit options for the public, to relieve highway traffic congestion and to support alternative transportation opportunities such as bicycles and connection to bicycle routes. In addition, the option of ferry transport provides important safety benefits to the public in the event of a natural or man-made catastrophe that disables roads, other transit facilities, bridges, or tunnels. Given the Bay Area's susceptibility to earthquakes and proximity to water, water transit provides a viable option. The project would not cause substantial adverse effects on human beings.

6 MITIGATION MEASURES

The following mitigation measures are necessary to avoid potential significant effects of the Project and will be adopted by the WETA.

> ***<u>Mitigation Measure 3-1</u>: The WETA shall require the Project contractor(s) to maintain and operate pile-driving equipment so as to minimize exhaust emissions or particulates and other pollutants. The construction contractor shall, to the extent possible, be required to implement feasible measures to reduce diesel particulate matter in construction equipment and vehicle exhaust, such as use of late model or retrofitted equipment, and/or use of particulate traps on diesel engines. Without limitation, the contractor shall be required to maintain properly tuned equipment and to prohibit idling motors/engines when equipment is not in use.***
>
> ***<u>Mitigation Measure 11-1</u>: To reduce pile driving noise, "vibratory" pile driving should be used wherever feasible. The vibratory pile driving technique, despite its name, does not generate vibration levels higher than the standard pile driving technique. It does, however, generate lower, less-intrusive noise levels.***

7 DETERMINATION

On the basis of this Initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☑ I find that although the proposed project COULD have a significant effect on the environment, there WILL NOT be a significant effect in this case because the mitigation measures described in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____	_____
Signature	Date
_____	_____
Printed Name	Title

ATTACHMENT A
MITIGATION MONITORING PROGRAM
PIER 9 LAYOVER FERRY BERTH FACILITY

Potentially Significant Impact	Mitigation Measure	Implementing Action	Timing of Verification	Responsible Department/Agency	Compliance Verification
Construction-Related Air Emissions: During the period of construction diesel emissions would be generated by diesel powered pile-driving equipment. This would result in the temporary release of diesel exhaust, fumes and odors.	**Mitigation Measure 3-1:** The WETA shall require the Project contractor(s) to maintain and operate pile-driving equipment so as to minimize exhaust emissions or particulates and other pollutants. The construction contractor shall, to the extent possible, be required to implement feasible measures to reduce diesel particulate matter in construction equipment and vehicle exhaust, such as use of late model or retrofitted equipment, and/or use of particulate traps on diesel engines. Without limitation, the contractor shall be required to maintain properly tuned equipment and to prohibit idling motors/engines when equipment is not in use.	WETA and Construction Contractor	Prior to Initiating Project Construction at Pier 9	WETA	
Construction Noise: Pile driving and installation of the gangways would temporarily increase noise in the Project vicinity. .	**Mitigation Measure 11-1**: To reduce pile driving noise, "vibratory" pile driving should be used wherever feasible. The vibratory pile driving technique, despite its name, does not generate vibration levels higher than the standard pile driving technique. It does, however, generate lower, less-intrusive noise levels.	WETA and Construction Contractor	Prior to Initiating Project Construction at Pier 9	WETA	

PIER 9
LAYOVER FERRY
BERTH FACILITY

MITIGATED NEGATIVE DECLARATION

INTRODUCTION

This Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA) of 1970 and its applicable Guidelines, as amended. It is an informational document prepared to inform decision-makers and the general public of the potential environmental effects associated with the proposed project located at Pier 9, along the northeast San Francisco, California waterfront.

The San Francisco Bay Area Water Emergency Transportation Authority (WETA) will use this Mitigated Negative Declaration in its decision making process on the proposed project. The conclusion of this Mitigated Negative Declaration is that the proposed project, with mitigation, would not generate any significant direct or primary physical impacts on the environment.

PROJECT DESCRIPTION AND LOCATION

The proposed project is to construct Layover Berths for two (2) San Francisco Bay Area Water Emergency Transportation Authority (WETA) ferry boats alongside the northern apron of Pier 9, adjacent to the WETA Administrative Offices and the San Francisco Bar Pilots Association administrative headquarters. Pier 9 is located on The Embarcadero at Vallejo Street and is bounded by The Embarcadero to the west and San Francisco Bay to the east, north and south.

The Layover Berths will be used to hold out-of-service ferries when existing terminal berths cannot be used due to operating constraints, or to hold the ferries when they are surplus to capacity requirements. Two berths are proposed for the WETA's 118' Catamaran Ferry. The layover berths are not intended to be used for passenger service, or as a base for staging daily operations. While at the layover berths, the ferries may be provided with janitorial and hotel services to include:

- Refilling potable water tanks
- Pumping out wastewater holding tank
- Commissary provisions
- Trash removal
- Shore Power (ship-board generators will not be running)

FINDINGS AND BASIS FOR A MITIGATED NEGATIVE DECLARATION

The San Francisco Bay Area Water Emergency Transportation Authority (WETA) has reviewed the Initial Study for the proposed project and finds the following:

A. **General Findings.** The WETA finds that although the Initial Study identifies two potentially significant effects on the environment, (i) the WETA has agreed to design or mitigate the Project so as to reduce these impacts to a point where clearly no significant effect on the environment would occur, and (ii) there is no substantial evidence in light of the whole record and background reports that the Project, as designed and mitigated, may have a significant effect on the environment.

1. Pursuant to Public Resources Code Section 21082.1(c) (3), the WETA finds that the Mitigated Negative Declaration reflects the WETA's independent judgment and analysis.

2. Pursuant to Public Resources Code Section 21091 (f), the WETA will consider the Mitigated Negative Declaration together with any comments received from the public prior to approval of the proposed project.

3. The custodian of the documents and other materials that constitute the record is John Sindzinski, WETA Manager, Planning & Development, or his designee. Such documents and other materials are located at Pier 9, Suite 111, The Embarcadero, San Francisco, CA 94111.

The following findings set forth the basis for an analysis supporting the WETA's decision to adopt a Mitigated Negative Declaration for the Project.

B. **Findings Regarding Mitigation of Potential Environmental Impacts**. The following findings are made with respect to potential environmental effects analyzed in the Mitigated Negative Declaration. All references to mitigation measures refer to the mitigation measures as set forth in the Project mitigation monitoring program, as incorporated into the Mitigated Negative Declaration.

1. Air Quality

Analysis of Issue. The Mitigated Negative Declaration analyzed and discussed potential impacts to this issue on pages 16 and 17 of the Initial Study.

Mitigation Measure. The Mitigated Negative Declaration determined that Mitigation Measure 3-1 is necessary to reduce potential impacts to air quality to a less than significant level, as identified and discussed on pages 16 and 17 of the Initial Study. With the implementation of this mitigation measure, the Project's impacts related to air quality would be less than significant.

Finding. As designed and mitigated, the Project would not conflict with or obstruct implementation of any applicable air quality plan, conflict with San Francisco General Plan, or violate any air quality standard, including the Bay Area Air Quality Management District's (BAAQMD) 2005 Ozone Strategy, or interfere with implementation of the 2005 Ozone Strategy or the BAAQMD 2001 Ozone Attainment Plan. The Project would not contribute to an existing or projected air quality violation because there would be no new

stationary sources of emissions, would not significantly increase car or truck traffic in the area, would not develop new polluting industries and businesses, and would not contribute to the concentration or quantity of volatile pollutants in the Bay Area relative to the existing waterfront uses onsite. In addition, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment, expose sensitive receptors to a substantial pollutant concentration, or create a permanent source of objectionable odors.

During the period of construction diesel emissions would be generated by diesel powered pile-driving equipment. This would result in the temporary release of diesel exhaust, fumes and odors. This potential impact is substantially similar in scope to short-term air quality effects related to construction and pile-driving for waterfront developments or improvements throughout the San Francisco Waterfront. This impact will be reduced to a less than significant level through the implementation of Mitigation Measure 3-1, as described on page 17 of the Initial Study. As this mitigation measure would implement standard construction emission control procedures, the Project would result in a less-than-significant air quality impact related to diesel exhaust, regulated by the California Air Resources Board as a toxic air contaminant.

Based on all the evidence in the record, the Project, as designed and mitigated, will not conflict with or obstruct implementation of any applicable air quality plan, will not violate any air quality standard or contribute to an existing or projected air quality violation, will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard, will not expose sensitive receptors to substantial pollutant concentrations, and will not create objectionable odors affecting a substantial number of people.

2. <u>Noise</u>

Analysis of Issue. The Mitigated Negative Declaration analyzed and discussed potential impacts related to noise on pages 31 through 33 of the Initial Study.

Mitigation Measure. The Mitigated Negative Declaration determined that Mitigation Measure 11-1 is necessary to reduce potential noise impacts to a less than significant level, as identified and discussed on page 33 of the Initial Study. With the implementation of this mitigation measure, the Project's impacts related to noise would be less than significant.

Finding. Ambient noise and vibration levels in the Project vicinity are typical of neighborhood noise levels in San Francisco, which can include vehicular/transit traffic (trucks, cars, MUNI buses/rail, emergency vehicles), and land use activities. Neighborhood noise sources in the Project vicinity include motor vehicle traffic on The Embarcadero, the MUNI F-Line streetcars, and existing residential and commercial land uses.

The Project would not add significant traffic, other than the sporadic delivery of supplies to the berthed ferries, or would involve traffic-generating land uses. Therefore, the Project-generated traffic would not have the potential to expose people to or generate noise levels in excess of applicable standards, or to cause a significant increase in the ambient noise level in the Project vicinity.

Temporary, short-duration construction involving pile driving and installation of the gangways would temporarily increase noise in the Project vicinity. During the majority of

construction activity, noise, although related to a single-event peak level rather than a sustained average level, would be above existing ambient levels in the Project vicinity. Construction noise would fluctuate depending on the construction phase, equipment type and duration of use, distance between noise source and listener, and presence or absence of barriers (including subsurface barriers). The project proposes a limited number of piles (2 gangway supports, 2 fender piles and 6 float guide piles).

Construction noise would be intermittent and limited to daytime hours during the period of construction. Construction noise is regulated by the San Francisco Noise Ordinance. The ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools, such as jackhammers and impact wrenches, must have both intake and exhaust muffled to the satisfaction of the Director of the Department of Public Works (DPW). Section 2908 of the Noise Ordinance prohibits construction work between 8:00 PM and 7:00 AM if noise would exceed the ambient noise level by 5 dBA at the Project property line, unless a special permit is authorized by the Director of DPW.

Compliance with the San Francisco Noise Ordinance regulating construction noise and implementation of Mitigation Measure 11-1, as described on page 33 of the Initial Study, would reduce impacts related to short-term and temporary construction noise to a less than significant level.

Based on all the evidence in the record, the Project, as designed and mitigated, will not conflict with the San Francisco Noise Ordinance and will not expose sensitive noise receptors to permanent increase in ambient noise levels. The Mitigated Negative Declaration describes standard construction noise control measures that the Project would implement; as such, the Project would result in a less-than-significant construction noise impact.

3. <u>Other Environmental Issues</u>

The WETA has reviewed the Initial Study for the Project and finds the following with respect to other environmental issues:

a) The project will not generate significant adverse effects on water quality.

b) The project will not have any significant adverse impacts on the flora or fauna of the area.

c) The project will not have a significant adverse effect on cultural resources.

d) The project will not significantly degrade the aesthetic quality of the area.

e) The project will not have any significant adverse impacts on traffic, land use, or public services and infrastructure.

f) In addition, the project will not:

- Create impacts that have the potential to significantly degrade the quality of the environment

- Create significant impacts that achieve short-term, to the disadvantage of long-term, environmental goals.

- Create impacts that are individually limited, but cumulatively considerable to a significant degree.

- Create environmental effects that will cause significant adverse effects on human beings, either directly or indirectly.

INITIAL STUDY

A copy of the Initial Study on which the findings for a Mitigated Negative Declaration has been based is attached.

REVIEW PERIOD

The review period is from April 16, 2008 through May 16, 2008. All written comments regarding this Mitigated Negative Declaration must be received by the San Francisco Bay Area Water Emergency Transportation Authority (WETA), Pier 9, Suite 111, The Embarcadero, San Francisco, CA 94111, no later than 5:00 PM, May 16, 2008.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

This Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act and its applicable guidelines, as amended.

CONTACT PERSON:

John Sindzinski,
WETA Manager, Planning & Development
Pier 9, Suite 111, The Embarcadero
San Francisco, CA 94111
(415) 291-3377

_____ _____

John Sindzinski Date

AGENDA ITEM 10
MEETING: June 5, 2008

MEMORANDUM

TO: **Board Members**

FROM: **Nina Rannells, Interim Executive Director**
John Sindzinski, Manager, Planning & Development

SUBJECT: **Authorize Release of a RFP for Consulting Services to Prepare a Service Transition Plan**

Recommendation
Approve by motion the release of a Request for Proposals to engage a consulting firm to prepare a Transition Plan, as required by Senate Bill 976.

Background
As part of Senate Bill 976, which created WETA, the agency is required to prepare a Transition Plan for the assumption of public ferry transit services currently operated by the Cities of Alameda and Vallejo. As detailed in SB 976, and further clarified in Senate Bill 1093, this Transition Plan must be developed prior to the assumption of services by WETA and must be adopted by WETA no later than July 1, 2009.

Discussion
Preparation of the Transition Plan will require a focused effort beyond what can be developed with existing staff resources and, as such, will require consultant resources to develop and coordinate the overall planning document. The consultant chosen to assist in this effort will be selected using the agency's procurement process as outlined in the Administrative Code. This requires a competitive solicitation, review of proposals and a recommendation of an award to the preferred firm that is ultimately made by this Board. The procurement process should take no more than three months and result in a consultant award recommendation for Board action in August or September.

The consultant scope of work will include developing a plan to meet the legislative requirements outlined in SB 976 and SB 1093. This work effort will generally include a survey of the assets and systems required to operate existing ferry services and development of a comprehensive plan to consolidate these systems with planned WETA services under one operating entity. The general plan areas will include:

- Operating Element – This will describe existing services and planned service expansions, including the personnel required to operate such systems, and identify a plan for consolidation of service operations. This will include identification of costs and activities associated with the operation and revenues available and needed to sustain such a system. This will also include a transit coordination element identifying how the existing and expanded water transportation services will provide connections to other transit providers in the bay area region.

- Capital Element – This will define a five-year Capital Improvement Program identifying all assets required to maintain, sustain and expand the system as planned. This work will require development of an asset inventory, including identification of the condition of all assets, identification of replacement rehabilitation and expansion projects and costs and identification of an approach to funding implementation of these projects. In

addition, this plan will identify any assets to be transferred to WETA and any related compensation.

The consultant will be expected to work in close cooperation with staff and representatives of the two cities as well as this Board in preparing this plan. This cooperative effort will be essential to WETA's ability to deliver a final plan that is technically sound and can be implemented by WETA and the affected cities. Prior to final Board adoption, public input will be sought on the plan in accordance with outreach requirements outlined in SB 1093 and a process established by WETA and the affected ferry operators.

Financial Implications

Staff estimates that the cost of this work, including consultant and staff time to develop the plan, required public outreach, and plan production could be up to $300,000, depending upon the availability of existing resource materials and city staff. This expense will be included in the FY 2008/09 budget. Staff is currently working with the Metropolitan Transportation Commission to secure funds to support WETA and participating cities' costs associated with the development of the plan, and will return to the Board with any required actions related to funds to pay for this work in the next few months.

Options

Approve or reject.

END