

**MEMORANDUM**

December 9, 2016

**TO:** MEMBERS, PORT COMMISSION  
Hon. Willie Adams, President  
Hon. Kimberly Brandon, Vice President  
Hon. Leslie Katz  
Hon. Eleni Kounalakis  
Hon. Doreen Woo Ho

**FROM:** Elaine Forbes  
Executive Director

**SUBJECT:** Request authorization for the Port's Executive Director to enter into a Memorandum of Understanding with the San Francisco Bay Area Water Emergency Transit Authority (WETA) for the planning and project delivery of the Mission Bay Ferry Landing in the general vicinity of the eastern terminus of 16<sup>th</sup> Street.

**DIRECTOR'S RECOMMENDATION:** Approve the Attached Resolution

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**EXECUTIVE SUMMARY**

The Port and Water Emergency Transit Agency ("WETA") are pursuing development of the Mission Bay Ferry Landing to create a southern hub for ferry service into San Francisco that will address regional transportation demand for current and future development around Mission Bay and the Central Waterfront. A draft of the MOU was presented to the Port Commission at the November 15, 2016 Port Commission meeting. Attachment A, includes a draft of the MOU, including track changes to edits since November 15, 2016.

The Port and WETA propose to enter into a Memorandum of Understanding (MOU) that outlines each agency's role in the planning, design, entitlement and pursuit of capital funding to construct the facility. Once the facility is constructed, the Port and WETA would enter a subsequent agreement for the operation and management of the facility.

The Port Commission has approved and budgeted \$7.0 million (\$3.47 million Port and \$3.5 million City) that will be funded through the FY 2016-17 and FY 2017-18 Capital Budget for the planning, design and entitlement of the facility. It is anticipated that the Port and WETA will need to secure an additional \$35 million for the construction of the facility.

**THIS PRINT COVERS CALENDAR ITEM NO. 10B**

The Port Commission at the November 15, 2016 meeting approved a contract with COWI Joint Venture for architectural and engineering services for the Mission Bay Ferry Landing Project for \$3,981,369.

### **PORT'S STRATEGIC PLAN OBJECTIVE**

This project supports the goals of the Port's Strategic Plan as follows:

#### **Engagement:**

Enhance strategic partnerships with citizen advisory committees and government agencies.

#### **Livability:**

*Work with transportation agency partners to ensure an integrated transportation plan that includes programs to ease traffic congestion along the waterfront and expand public transit, including water taxis and ferries- as well as pedestrian and bicycle access.*

#### **Economic Vitality:**

*Expand the system of active water berths for visiting commercial, transportation and recreational vessels.*

### **INTERAGENCY COORDINATION AND ROLES**

The following outlines each agency's roles and responsibilities under the terms of the proposed MOU.

#### **Planning:**

Port will lead with assistance from WETA to embark on a coordinated and mutually supportive planning process that will include technical analyses, public outreach and participation, environmental analysis and preparation of appropriate documents under the California Environmental Quality Act (CEQA), National Environmental Protection Act (NEPA), and other studies and supporting documents needed to permit construction (i.e. for U.S. Army Corps of Engineers, Regional Water Quality Control Board, interagency Dredged Materials Management Office). All environmental review relating to the Mission Bay Ferry Landing Project will be based on common sources of technical analyses performed as part of the CEQA and NEPA review processes to the maximum extent legally feasible.

#### **Contracting:**

The Port will contract for professional planning services, conceptual and final architectural / engineering design services, architectural / engineering services during construction phase and environmental review for the Project.

#### **Public Outreach:**

The Port will manage, with assistance and coordination with WETA, all interaction with the public as part of CEQA and NEPA review and other outreach such as to community advisory groups. This coordination includes public notices, scoping meetings, public

review hearings, public comment periods and attendance of neighborhood and advisory meetings.

**Construction Funding:**

Federal, state, regional or local funding for transit capital and operations may become available during the term of this MOU. WETA commits to collaborating and coordinating with the Port to pursue capital for the Mission Bay Ferry Landing. The Parties agree to work collaboratively to support one another in seeking and securing ferry grant funds (e.g. TIGER, regional transportation measures, etc.) to support delivery of the Mission Bay Ferry Landing Project. Such support may include, but will not be limited to: application support letters, provision of ridership data, operating or capital cost information or other technical information that funders require and WETA Board or Port Commission resolutions in support of one another's funding applications.

**Cost:**

The Port will pay 100% of planning, design and environmental review cost for the Mission Bay Ferry Landing Project components.

**PRELIMINARY MANAGEMENT AND SERVICE PLAN**

The project concept is that a ferry landing will be constructed on Port property as soon as possible, given completion of necessary permits and regulatory approvals together with securing full capital funding. Once the landing is completed, it is anticipated that the Port will lease the facility, land and water areas to WETA for facility operations and maintenance.

WETA anticipates that it will initially serve the Mission Bay Landing as indirect service from the North Bay and East Bay during commute times and as ridership grows, it may serve it through direct service from its other facilities. WETA anticipates providing direct service for special events at the Golden State Warriors Arena or other nearby special events.

Non-WETA vessel operators will be permitted to call on the Mission Bay Ferry Landing provided they do not interfere with regularly scheduled WETA service and sign WETA's standard landing rights agreement, which includes payment of a fee for use of the facility

In the event of a natural disaster or disruptive regional event, WETA ferries may be called upon by the California Office of Emergency Services (Cal OES) to provide service from the Mission Bay Ferry Landing for both emergency response and recovery after the event. While it will be a state and regional decision as to how this asset will be used, the Mission Bay Ferry Landing will be an asset in the WETA emergency network.

**Community Outreach**

Port staff presented a preliminary site location analysis to all of its Advisory Groups in the summer and fall of 2016, the project was well received by each of the advisory groups. Advisory Group recommendations moving forward included: a) entering into an MOU with WETA to define roles in moving the project forward b) coordinating with the

Metropolitan Transportation Commission, San Francisco County Transportation Agency and the San Francisco Municipal Transportation Agency for project planning and pursuit of capital funding and to seek funds from nearby major employers or destination uses for capital funding.

**NEXT STEPS**

If the Port Commission authorizes approval of the MOU, the WETA Board will consider approval of the MOU at its January 5, 2017 meeting.

Prepared by: David Beaupre, Senior Waterfront Planner  
Planning and Development

For: Byron Rhett, Deputy Director  
Planning and Development

**PORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**RESOLUTION NO. 16-46**

WHEREAS, the Port and the San Francisco Bay Area Water Emergency Transit Agency (“WETA”) are pursuing development of the Mission Bay Ferry Landing (the “Facility”) to create a southern hub for ferry service into San Francisco that will address regional transportation demand for current and future development around Mission Bay and the Central Waterfront in the vicinity of the eastern terminus of 16<sup>th</sup> Street; and

WHEREAS, the Port and WETA propose to enter into a Memorandum of Understanding (“MOU”) that outlines each agency’s role in the planning, design, entitlement and pursuit of capital funding to construct the Facility; and

WHEREAS, Port staff presented to the Port Commission on November 15, 2016 an informational presentation on the terms of the draft MOU, which terms have not been materially changed since such presentation; and

WHEREAS, once the Facility is constructed, the Port and WETA will enter into a lease for WETA’s operation and management of the Facility; and

WHEREAS, the Port Commission approved and budgeted \$7.0 million (\$3.47 million Port and \$3.5 million City) for the planning, design and entitlement of the Facility, which amount will be funded through the FY 2016-17 and FY 2017-18 Capital Budget; and it is anticipated that the Port and WETA will need to secure an additional \$35 million for the construction of the Facility; and

WHEREAS, the Port Commission at the November 15, 2016 meeting approved a \$3,981,369 contract with COWI Joint Venture for architectural and engineering services for the design and development of the facility; and

WHEREAS, the development of the Facility supports the goals of the Port’s Strategic Plan in the area of engagement, livability, and economic vitality; and

WHEREAS, Port staff presented a preliminary site location analysis to all of its Advisory Groups in the summer and fall of 2016, and the project was well received by each of the advisory groups; now there for be it

RESOLVED, that the San Francisco Port Commission hereby authorizes the Port's Executive Director to enter into a Memorandum of Understanding with WETA, consistent with the terms as described in the Memorandum accompanying this Resolution, for the planning and project delivery of the Mission Bay Ferry Landing; and be it further

RESOLVED, that the Port Commission authorizes the Executive Director to enter into any additions, amendments or other modifications to the MOU that the Executive Director, in consultation with the City Attorney, determines are in the best interests of the City, do not materially decrease the benefits or otherwise materially increase the obligations or liabilities of the City or Port, and are necessary or advisable to complete the transactions that the MOU contemplate and effectuate the purpose and intent of this resolution, such determination to be conclusively evidenced by the execution and delivery by the Executive Director of such additions, amendments or other modifications to the MOU.

***I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of December 13, 2016.***

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Secretary