

SAN FRANCISCO PORT COMMISSION

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AGENDA

TUESDAY, FEBRUARY 28, 2017

2:00 P.M. CLOSED SESSION

3:15 P.M. OPEN SESSION

PORT COMMISSION HEARING ROOM, SECOND FLOOR

FERRY BUILDING, SAN FRANCISCO CA 94111

The Port Commission Agenda as well as Staff Reports/Explanatory Documents available to the public and provided to the Port Commission are posted on the Port's Website at www.sfport.com. The agenda packet is also available at the Pier 1 Reception Desk. If any materials related to an item on this agenda have been distributed to the Port Commission after distribution of the agenda packet, those materials are available for public inspection at the Port Commission Secretary's Office located at Pier 1 during normal office hours.

- 1. CALL TO ORDER / ROLL CALL**
- 2. APPROVAL OF MINUTES** – February 14, 2017
- 3. PUBLIC COMMENT ON EXECUTIVE SESSION**
- 4. EXECUTIVE SESSION**

A. Vote on whether to hold a closed session and invoke the attorney-client privilege.

(1) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTER (DISCUSSION AND POSSIBLE ACTION):

- a. Discuss existing litigation pursuant to Section 54956.9(d)(1) of the California Government Code and Section 67.10(d)(1) of the San Francisco Administrative Code.

Puglia Engineering, Inc. v. BAE Systems Ship Repair, BAE Systems San Francisco Ship Repair, Inc., City and County of San Francisco, and

Does 1-20; San Francisco Superior Court (Case No. CGC-17-557087 filed February 15, 2017)

Discussion of pending litigation and possible approval of a tolling and interim operating agreement between the Port and Puglia Engineering, Inc., under which the Pier 70 shipyard would remain in operation for a period of time, the Port would reserve all of its rights pending resolution of the above-referenced lawsuit and any other litigation related to the transfer of the shipyard, and the Port would defer or modify certain obligations of Lease No. L- 15875.

(2) CONFERENCE WITH LEGAL COUNSEL AND REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8. *This session is closed to any non-City/Port representative: (Discussion Item)

- a. Property: AB 4110, lot 1; AB 4052; 4111, lots 3 and 4; also known as the Pier 70 Waterfront Site, a 28 acre site generally bounded by Illinois Street to the west, 20th Street to the north, the Bay to the east and private property to the south (AB 4175), located near the intersection of 22nd Street and Illinois. Also including a City option to purchase privately-owned property comprised of AB 4110, lot 8A and AB 4120, lot 2, an approximately 3 acre parcel bounded by Illinois Street to the west, 22nd Street to the south, and Port property to the north (AB 4110, lot 1) and east (AB 4052).

Person Negotiating: Port: Byron Rhett, Deputy Director, Planning and Development

*Negotiating Parties: Forest City Development CA: Kevin Ratner

Under Negotiations: ___ Price ___ Terms of Payment Both Pursuant to Resolution No. 11-49, the Port Commission awarded to the non-Port party an exclusive negotiation agreement with the Port for the lease and development of the property. In this executive session, the Port's negotiator seeks direction from the Port Commission on base rent structure, financing mechanisms, and other factors affecting the form, manner, and timing of the developer's payment in negotiations with the non-Port party for the lease and development of the property. The executive session will enable the Port Commission to develop a negotiating strategy tailored to maximize the City's return based on these factors. In particular, the executive session discussions will enhance the capacity of the Port Commission during its public deliberations and actions to set the price and payment terms that are most likely to maximize the benefits to the Port, the City and the People of the State of California and to more effectively negotiate with the non-Port party on price and payment terms.

5. RECONVENE IN OPEN SESSION

- A. Possible report on actions taken in closed session pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.
- B. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

6. PLEDGE OF ALLEGIANCE

7. ANNOUNCEMENTS

- A. Announcement of Prohibition of Sound Producing Electronic Devices during the Meeting: Please be advised that the ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing of or use of a cell phone, pager, or other similar sound-producing electronic device.
- B. Announcement of Time Allotment for Public Comments: Please be advised that a member of the public has up to three minutes to make pertinent public comments on each agenda item unless the Port Commission adopts a shorter period on any item.

8. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

Public comment is permitted on any matter within Port jurisdiction and is not limited to agenda items. Public comment on non-agenda items may be raised during Public Comment Period. A member of the public has up to three minutes to make pertinent public comments. Please fill out a speaker card and hand it to the Commission Secretary. If you have any question regarding the agenda, please contact the Commission Secretary at 415-274-0406. No Commission action can be taken on any matter raised during the public comment period for items not listed on the agenda other than to schedule the matter for a future agenda, refer the matter to staff for investigation or respond briefly to statements made or questions posed by members of the public. (Government Code Section 54954.2(a))

9. EXECUTIVE

- A. Executive Director's Report
 - Contracts Opportunities Open House – March 1, 2017 from 8-10 a.m. at Pier 1
- B. Port Commissioners' Report: Without discussion, at this time Commissioners may make announcements regarding various matters of interest to the Commissioner(s).

10. CONSENT

All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Port Commission, and may be acted upon by a single roll call vote of the Commission. There will be no separate discussion of these items unless a member of the Commission, the public, or staff so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item at this or at a future hearing.

- A. Request approval of travel for a San Francisco Port Commissioner to travel with Port Staff to Fort Lauderdale, Florida for the Seatrade Cruise Global Conference on March 14-17, 2017. (Resolution No. 17-09)
- B. Request approval to issue a Request for Qualifications Soliciting As-Needed Public Relations, Communications, Media Services and Related Professional Services. (Resolution No. 17-10)

11. REAL ESTATE

- A. Informational presentation regarding the proposed lease renewal with Golden Gate Scenic Steamship Corporation, located at Piers 43½ in Fisherman's Wharf.

12. ENGINEERING

- A. Request authorization to award Construction Contract No. 2784, Pier 23 Roof Repair Project, to Pioneer Contractors, Inc. in the amount of \$2,269,800, and authorization for a contract contingency fund of 10% of the contract amount (or \$226,980) for unanticipated contingencies, for a total authorization not to exceed \$2,496,780. (Resolution No. 17-11)
- B. Request for authorization to modify Construction Contract No. 2762R, Pier 31 Roof & Structural Repair Project, to increase the contract amount and extend the substantial completion date. (Resolution No. 17-12)

13. NEW BUSINESS

14. ADJOURNMENT

**FORWARD CALENDAR
(TARGETED COMMISSION MEETING, SUBJECT TO CHANGE)**

MARCH 14, 2017

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation on the Port's Report on Contracting Activity for the First and Second Quarters of Fiscal Year 2016-17
2	Southern Bayfront	Informational	Presentation by the City of San Francisco's Office of Economic and Workforce Development (OEWD) on the Southern Bayfront (Mission Bay, Central Waterfront, Bayview Hunters Point, Candlestick areas) interagency coordination to guide community and citywide investment.
3	Portwide	Informational	Presentation regarding a potential transaction between the City, the Port, and Pacific, Gas and Electric Co. (PG&E)
4	Pier 33 North	Informational	Presentation regarding a Request for Proposals for a retail space located at Pier 33 North (33½) on the Embarcadero
5	Pier 70	Informational	Presentation on financial structure and transaction documents for the Forest City Pier 70 Waterfront Site, bordered generally by 20th Street, Michigan Street, 22nd Street, and the San Francisco Bay
6	Pier 80-96	Informational	Presentation on the implementation of the Piers 80-96 Maritime Eco-Industrial Center Strategy
7	Pier 94 and 96	Action	Authorization to advertise for competitive bids for Construction, Pier 94-96 Storm Drain and Outfall repairs
8	Portwide	Action	Authorization to issue a Request for Proposals (RFP) to solicit professional project management services for the Seawall Resiliency Project

MARCH 28, 2017

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation by City Planning Director regarding update on urban design, affordable housing, economic diversity and sea level rise impacts on projects
2	Pier 40	Action	Approval of an Exemption from the Port of San Francisco Competitive Bidding Requirement and Approval of Two Five-Year Leases with Two Existing Pier 40 Retail Tenants, Ted Choi, a Sole Proprietorship Doing Business as City Kayak, Lease Number L-16028; and the Bike Hut Foundation, a California 501(c) (3) Non-Profit Organization Lease Number L-16019

3	Portwide	Action	Approval of amendments to the Port Green Building Standards Code for alignment with revisions to the Environment Code, Chapter 7
4	Downtown Ferry Terminal	Action	Approval of a (1) a 66-year lease for portions of the South Basin and (2) a companion non-exclusive license for landside areas adjacent to the South Basin, both with the Water Emergency Transportation, at the Downtown San Francisco Ferry Terminal, located between the Ferry Building and Pier 14
5	Portwide	Action	Approval of resolution approving the Port's Federal Cost Sharing Agreement with the United States Army Corps of Engineers, committing the Port to a \$1.5 million match, or 50% of the total project cost, for study of a federal project to construct flood control improvements to the seawall under the Continuing Authorities Program Section 103

MAY 23, 2017

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation of the Fiscal Year 2017-18 Monthly Rental Rate Schedule, Monthly Parking Stall Rates, and Special Event and Filming Rates

JUNE 13, 2017

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Action	Approval of the Fiscal Year 2017-18 Monthly Rental Rate Schedule, Monthly Parking Stall Rates, and Special Event and Filming Rates

DATE TO BE DETERMINED

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation regarding the proposed updates to the Port of San Francisco's Retail Leasing Policy
2	Portwide	Informational	Update on the San Francisco Sea Level Rise Action Plan and Port Sea Level Rise Projects
3	India Basin	Informational	Annual presentation by the San Francisco Recreation and Parks Department on India Basin Open Space Planning
4	Portwide	Informational	Annual Update by the Mayor's Office of Housing and Community Development
5	Portwide	Informational	Presentation from the San Francisco Municipal Transportation Agency regarding transportation issues on the waterfront and Embarcadero

6	Pier 22½	Informational	Periodic Update on the Pier 22½ Fireboat Station 35
7	Portwide	Informational	Annual Update on the Port Strategic Plan
8	South Beach Harbor	Informational	Presentation of Financial and Operational Performance of South Beach Harbor
9	Portwide	Informational	Update on the City's Resiliency Plan
10	Portwide	Informational	Update on the Port Seawall Resiliency Project
11	Portwide	Informational	Quarterly Update on Proposed State and Federal Legislative Priorities
12	Portwide	Informational	Presentation regarding the Policy for the Extension of Long Term Leases
13	Pier 29 Annex	Informational	Presentation regarding a Request for Proposals for a retail space located at Pier 29 Annex (Beltline Building) on the Embarcadero
14	Pier 84	Action	Authorization to advertise for competitive bids for Construction, Copra Crane Refurbishment
15	Pier 35	Action	Authorization to advertise for competitive bids for Construction, Pier 35 Substructure Repairs
16	Portwide	Action	Approval of San Francisco Public Works vendors proposals for Public Toilets and advertising Kiosks, support for selection of vendor, affecting several locations on Port property
17	Portwide	Action	Authorization to award Construction Contract No. 2771, Port Modular Restrooms Project
18	Pier 26	Action	Approval of Lease No. L-16159 with IDEO, LP for Office Space at Pier 26 Annex for a Sixty-Month Term and a Right of First Offer
19	Pier 29 Beltline Building	Action	Authorization to Issue a Request for Proposals for a Retail Lease for the Beltline Building located at Chestnut Street and the Embarcadero
20	Pier 43½	Action	Approval of a proposed lease renewal for Golden Gate Scenic Steamship Corporation, located at Piers 43½ in Fisherman's Wharf

MARCH/APRIL 2017
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC

DATE	TIME	GROUP	LOCATION
MAR. 14	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room at the Ferry Building
MAR. 28	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room at the Ferry Building
APR. 11	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room at the Ferry Building
APR. 25	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room at the Ferry Building

NOTES:

The San Francisco Port Commission meets regularly on the second and fourth Tuesday of the month at 3:15 p.m., unless otherwise noticed. The Commission Agenda and staff reports are posted on the Port's Website @ www.sfport.com. Contact Amy Quesada at 415-274-0406 or amy.quesada@sfport.com

Full Commission meetings are replayed on San Francisco cable via SFGovTV2 and streamed on the Internet. Broadband service is recommended for access. The Port Commission is generally broadcast on SFGovTV2, cable channel 78 on the 2nd & 4th Thursday of the month at 9 p.m. SFGovTV archives include a recording of each meeting, an agenda with links to the specific portion of the meeting, a file containing all closed captions for the deaf from the meeting and an MP3 recording of the meeting. The Port Commission meetings can be viewed online at http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=92

The Fisherman's Wharf Waterfront Advisory Group (FWWAG) meets regularly on a bi-monthly basis, on the third Tuesday of the month. The regular meeting time and place is 9:00 a.m. at Scoma's Restaurant, Pier 47 at Fisherman's Wharf. Contact Rip Malloy @ 415-274-0267 or rip.malloy@sfport.com

The Maritime Commerce Advisory Committee (MCAC) meets every other month, on the third Thursday of the month, from 11:30 a.m. to 1:00 p.m. @ Pier 1. Contact Michael Nerney @ 415-274-0416 or michael.nerney@sfport.com

The Mission Bay Citizens Advisory Committee meets on the second Thursday of the month at 5:00 p.m. in the Creek Room at Mission Creek Senior Building located at 225 Berry Street in San Francisco (along the Promenade just beyond the library.) Contact Hilde Myall @ 415-749-2468 or hilde.myall@sfgov.org. For matters related to the proposed Golden State Warriors Event Center, the main contact is Adam Van de Water at MOED Adam.VandeWater@sfgov.org

The Northeast Waterfront Advisory Group (NEWAG) meets regularly on a bi-monthly basis on the first Wednesday of the month from 5:00 p.m. to 7:00 p.m. in the Bayside Conference Room @ Pier 1. Contact Diane Oshima @ 415-274-0545 or diane.oshima@sfport.com

The Central Waterfront Advisory Group (CWAG) meets monthly on an as-needed basis, generally on the third Wednesday of the month from 5 to 7 p.m. in the Bayside Conference Room at Pier 1. Contact Mark Paez @ 415-705-8674 or mark.paez@sfport.com

The Southern Waterfront Advisory Committee (SWAC) meets at the last Wednesday of the month as needed from 6:00 to 8:00 p.m. Location to be determined. Contact David Beaupre @ 415-274-0539 or david.beaupre@sfport.com

The Waterfront Design Advisory Committee (WDAC) meets, as needed, jointly with the Design Review Board of the Bay Conservation and Development Commission on the first Monday of the month at BCDC, 50 California Street, Rm. 2600, at 6:30 p.m. The Committee meets as needed on the fourth Monday of the month at 6:30 p.m. in the Bayside Conf. Rm. @ Pier 1. Contact Dan Hodapp @ 415-274-0625 or dan.hodapp@sfport.com

ACCESSIBLE MEETING INFORMATION POLICY

FERRY BUILDING:

The Port Commission Hearing Room is located on the second floor of the Ferry Building. The main public entrance is from the west (Embarcadero) side and is served by a bank of elevators adjacent to the historic staircase. Accessible public restrooms are on the first floor at the northeast end of the building as well as on the second floor across the lobby from the Port Commission Hearing Room. The main path of travel to the Port Commission Hearing Room is equipped with remote infrared signage (Talking Signs). The Port Commission Hearing Room is wheelchair accessible. Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART and MUNI Metro station is Embarcadero located at Market & Spear Streets. Accessible MUNI lines serving the Ferry Building area are the F-Line, 9, 31, 32 and 71. For more information about MUNI accessible services, call (415) 923-6142. The nearest accessible parking is provided in the following off-street pay lots: 3 spaces in the surface lot on the west side of the Embarcadero at Washington Street.

Hourly and valet parking is available in the Pier 3 lot. This lot is accessed through the Pier 3 bulkhead building entrance on the east side of the Embarcadero. This lot is located on the pier deck; adjacent to the ferry boat Santa Rosa. Additional covered accessible off-street pay parking is available in the Golden Gateway Garage, which is bounded by Washington, Clay, Drumm and Battery Streets. Entrance is on Clay St. between Battery and Front Streets. There is no high-top van parking. Metered street parking is available on the Embarcadero, Washington, Folsom & Drumm Streets.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Disability Accommodations:

To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please contact Wendy Proctor, Port's ADA Coordinator at (415) 274-0592 or via email at wendy.proctor@sfport.com or Amy Quesada, Commission Secretary, at (415) 274-0405 or via email at amy.quesada@sfport.com at least 72 hours in advance of the hearing. The Port's TTY number is (415) 274-0587.

Language Assistance

311 Free language assistance / 免費語言協助 / Ayuda gratuita con el idioma / Бесплатная помощь переводчиков / Trợ giúp Thông dịch Miễn phí / Assistance linguistique gratuit / 無料の言語支援 / 무료 언어 지원 / ភ្នំ ៗ “ង” “ម” ‘ ្រ / Librang tulong para sa wikang Tagalog

To request an interpreter for a specific item during the hearing, please contact Port's Language Access Liaison, Matthias Giezendanner at (415) 274-0471 or email him at matthias.giezendanner@sfport.com at least 48 hours in advance of the hearing.

SPANISH:

Agenda para la Comisión de Planificación. Si desea asistir a la audiencia, y quisiera obtener información en Español o solicitar un aparato para asistencia auditiva, llame Matthias Giezendanner al 415-274-0471. Por favor llame por lo menos 48 horas de anticipación a la audiencia.

CHINESE:

規劃委員會議程。聽證會上如需要語言協助或要求輔助設備，請致電Matthias Giezendanner 415-274-0471。請在聽證會舉行之前的至少48個小時提出要求。

TAGALOG:

Adyenda ng Komisyon ng Pagpapalano. Para sa tulong sa lengguwahe o para humiling ng Pantulong na Kagamitan para sa Pagdinig (headset), mangyari lamang na tumawag kay Matthias Giezendanner sa 415-274-0471. Mangyaring tumawag nang maaga (kung maaari ay 48 oras) bago sa araw ng Pagdinig.

RUSSIAN:

П о в е с т к а д н я Комиссии по планированию. За помощью переводчика или за вспомогательным слуховым устройством на время слушаний обращайтесь по номеру Matthias Giezendanner 415-274-0471. Запросы должны делаться минимум за 48 часов до начала слушания.

NOTICES

Know Your Rights Under the Sunshine Ordinance:

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Sections 67.1 et seq. of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854 or by email at soft@sfgov.org. Citizens can obtain a free copy of the Sunshine Ordinance by printing Sections 67.1 et seq. of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>.

Prohibition of Ringing of Sound Producing Devices:

The ringing of and use of cell phones, pagers, and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic device.

Lobbyist Registration and Reporting Requirements:

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Government Conduct Code Sections §2.100 – 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness, Suite 3900, San Francisco, CA 94102, phone (415) 581-2300 or fax (415) 581-2317; web site: www.sfgov.org/ethics.

CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code:

If the Commission approves an action identified by an exemption or negative declaration as the Approval Action (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA decision prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. Typically, an appeal must be filed within 30 calendar days of the Approval Action. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at <http://sf-planning.org/index.aspx?page=3447>. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.