

SAN FRANCISCO PORT COMMISSION

Kimberly Brandon, President
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Doreen Woo Ho, Commissioner

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AGENDA SPECIAL PORT COMMISSION MEETING

TUESDAY, FEBRUARY 27, 2018
2:30 PM CLOSED SESSION
3:15 OPEN SESSION

**Pier 1, Port of San Francisco Office, Bayside Conference Rooms
The Embarcadero @ Washington Street, 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 Affairs Manager's Office located at Pier 1 during normal office hours.

1. **CALL TO ORDER / ROLL CALL**
2. **APPROVAL OF MINUTES** – January 30, 2018 and February 13, 2018
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 AND PROPOSED SETTLEMENT (DISCUSSION AND POSSIBLE ACTION).
 - a. Discuss existing litigation pursuant to Section 54956.9(a) of the California Government Code and Section 67.10(d)(1) of the San Francisco Administrative Code.

California State Lands Commission, petitioner and plaintiff, v. City and County of San Francisco, et al., respondents and defendants; San Francisco Superior Court (Consolidated Case Nos.: CPF-14-513503 filed February 14, 2014 and CGC-14-540531 filed July 15, 2014)

- b. Possible approval of a proposed settlement agreement with the California State Lands Commission, subject to Board of Supervisors and State Lands Commission approval. The material terms of the proposed settlement are as follows:

State Lands Commission agrees:

- to dismiss its lawsuit challenging the validity of Proposition B, which was adopted by voter initiative in the June 2014 municipal election
- not to challenge the validity of Proposition B as applied to the Pier 70 and Mission Rock projects
- to partner with the Port to seek funding for the Port's Seawall Earthquake Safety Program
- to work with the Port to facilitate the placement of affordable housing on public trust lands where legally authorized
- not seek further reimbursement for State Lands Commission staff time spent reviewing the Pier 70 and Mission Rock project documents

The City agrees:

- to acknowledge that it is required to comply with the common law public trust doctrine and California Public Resources Code sections 6009 and 6009.1
- for Board of Supervisors legislation and Port Commission resolutions that approve a development project or substantial land use or zoning change on public trust lands, include public trust consistency findings in the legislation or resolutions
- to present to the Board of Supervisors a proposed ordinance amending the Elections Code to require that for voter initiatives that would approve a development project or substantial land use or zoning change on public trust lands, the ballot pamphlet include a statement that the measure involves the San Francisco waterfront, which includes sovereign lands that the State of California has legislatively granted to the City and which are protected by the common law public trust doctrine and held in trust for the People of the State of California

(2) CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED LITIGATION MATTER AND PROPOSED SETTLEMENT (DISCUSSION AND POSSIBLE ACTION).

- a. Discuss anticipated litigation matter pursuant to Section 54956.9(a) of the California Government Code and Section 67.10(d)(2) of the San Francisco Administrative Code: As Plaintiff
- b. Possible approval of a proposed settlement between the Port and Steph Mufson Creations (“Mufson”) for property damage to the Port’s electrical utility building at Pier 54 resulting from a motor vehicle collision. The material terms of the proposed settlement include Mufson’s payment of \$40,000 to the Port, in exchange for the Port’s release of all claims against Mufson relating to damage to the building, including loss of use.

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 Manager of Port Commission Affairs. If you have any question regarding the agenda, please contact the Manager of Port Commission Affairs 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
 - Informational presentation on Advancement and Updates to the Port of San Francisco Strategic Plan, 2017-2022.
- B. Port Commissioners' Report: Without discussion, at this time Commissioners may make announcements regarding various matters of interest to the Commissioner(s).

10. CONSENT

- A. Request authorization to advertise for competitive bids for construction, Contract 2786 Pier 94 Backlands Improvement. (This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to Section 31.04(h) of the San Francisco Administrative Code.) (Resolution No. 18-14)
- B. Request authorization to award Construction Contract No. 2771R Public Restrooms Project in Pier 45 Shed A and Islais Creek Park, to G.Y. Engineering Company, Inc., in the amount of \$673,000, and authorization for a contract contingency fund of 10% of the contract amount (or \$67,300) for unanticipated contingencies, for a total authorization not to exceed \$740,300. (Resolution No. 18-17)
- C. Request approval to execute an amendment to the contract with AECOM Technical Services, Inc., to increase the contract amount by \$770,000 for an amount of \$4,079,396 and extend the contract term for master planning, preliminary design, and final design and construction support for Phase 1 of the Pier 70 Crane Cove Park project. (Resolution No. 18-18)

11. FINANCE & ADMINISTRATION

- A. Request approval of the Port's Fiscal Year (FY) 2018-19 and FY 2019-20 Biennial Operating Budget. (Resolution No. 18-15)
- B. Request approval of the Port's Fiscal Year (FY) 2018-19 and FY 2019-20 Biennial Capital Budget. (Resolution No. 18-16)

12. PLANNING & ENVIRONMENT

- A. Informational presentation on completion and outcomes of the Part 2 Waterfront Land Use Plan Update public process, and initiation of Part 3 of the planning process.

13. REAL ESTATE & DEVELOPMENT

- A. Request adoption of the Final Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Alcatraz Ferry Embarkation Project (2017-000188ENV) located at Piers 31-33 on The Embarcadero at Bay Street (Site) pursuant to the California Environmental Quality Act; and

Request approval of three transaction documents: (1) a General Agreement between the Port and the National Park Service (NPS) for a thirty-year term with two ten-year options for use of the Site primarily as the embarkation to Alcatraz Island including: (2) a form lease with an initial ferry concessioner to be selected by NPS for site improvements and ferry services including from the Site to Alcatraz Island coterminous with the ferry concession contract; and (3) a lease with the Golden Gate National Parks Conservancy for site improvements and to operate visitor amenities including a visitor-contact station and café for a thirty-year term with two ten-year options coterminous with the General Agreement.

(This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).)
(Resolution No. 18-19)

14. NEW BUSINESS

15. ADJOURNMENT

MARCH 13, 2018 AT PIER 1

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation on the Disclosure Responsibilities of the Port Commission under Federal Securities Laws
2	Portwide	Informational	Presentation on Planning & Engineering progress for the San Francisco Seawall Earthquake Safety and Disaster Prevention Program (Seawall Earthquake Safety Program, or SESP) from Port staff and CH2M/Arcadis
3	Piers 68 & 70	Action	Authorization to issue a Request for Proposals for the Lease and Operation of the Shipyard located ta Piers 68 & 70 and Seawall Lot 349 near 20 th Street and Illinois Street, including Dry Dock Eureka and Dry Dock #2 (“the Shipyard”)
4	Portwide	Action	Authorization of Request for Proposals (RFP) for Consultant for Environmental Review of the Waterfront Plan Update Project, consistent with the California Environmental Quality Act
5	Piers 29 to 31½	Action	Authorization to Award Construction Contract for Marine Structural Projects IV (Pier 29 to 31½ Substructure Repair)

MARCH 27, 2018 AT PIER 1

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation on the Southern Waterfront Beautification Policy Fund Review
2	Portwide	Informational	Approval of the Port’s General Obligation Bond Report and recommendation that the Board of Supervisors place a General Obligations Bond program for the Seawall Earthquake Safety Program on the November 2018 ballot
3	Seawall Lot 301	Informational	Presentation regarding the Amendment to Lease No. L-13550 between the Port and Boudin Properties, Inc. for premises located at Seawall Lot 301
4	Pier 29	Action	Authorization to advertise for competitive bids for construction Contract No. 2797, Pier 29 Utility Upgrade & Beltline Building Sewer Re-routing to Street Project.
5	Portwide	Action	Approval to Issue Request for Qualifications to identify qualified developers and operators of electric vehicle charging infrastructure on select sites within Port jurisdiction

APRIL 10, 2018

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation on the Port's Five Year Capital Improvement Program for Fiscal Years (FY) 2018-19 through 2023-24
2	Portwide	Action	Approval of the Port's General Obligation Bond Report seeking support for the Seawall Earthquake Safety Program Bond Measure on the Local Ballot for November 2018

APRIL 24, 2018

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation on the Port's Financial Performance and Outlook
2	Portwide	Informational	Presentation on the Port's Real Estate and Maritime Revenue Opportunities and Challenges

MAY 8, 2018

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Update on the San Francisco Sea Level Rise Action Plan and Port Sea Level Rise Projects

JUNE 12, 2018

	FACILITY/POLICY	ITEM	TITLE
1	South Beach Harbor	Informational	Presentation of Financial and Operational Performance of South Beach Harbor

DATE TO BE DETERMINED

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation regarding the Policy for the Extension of Long Term Leases
2	Pier 27, Piers 30-32, Pier 35	Informational	Presentation of Cruise Strategy regarding Passenger Growth, Revenue Generation and Facility Capital Expenditures
3	Piers 80-96	Informational	Presentation on the implementation of the Piers 80-96 Maritime Eco-Industrial Center Strategy
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	Portwide	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
7	Portwide	Informational	Update on the City's Resiliency Plan
8	Pier 29 Annex	Informational	Presentation regarding a Request for Proposals for a retail space located at Pier 29 Annex (Beltline Building) on the Embarcadero
9	Ferry Terminal	Informational	Progress Report on the Downtown San Francisco Ferry Terminal Expansion Project
10	Pier 22½	Informational	Periodic update on the Fireboat Station 35 Expansion at Pier 22½
11	Pier 43½	Informational	Presentation regarding the proposed term sheet with Golden Gate Scenic Steamship Corporation, located at Piers 43½ in Fisherman's Wharf
12	Seawall Lot 322-1 @ Broadway & Front Streets	Informational	Presentation regarding a proposed Option Agreement and attached Form of Ground Lease with 88 Broadway Family LP for SWL 322-1 ("Site") located at Broadway and Front Streets with a lease term of 57 years with one 18-year extension option to develop and operate affordable housing on the Site
13	Seawall Lot 322-1 @ Broadway & Front Streets	Informational	Presentation regarding a proposed Memorandum of Understanding between the Port and the San Francisco Mayor's Office of Housing and Community Development regarding payment of fair market value and ongoing coordination and cooperation relating to the ground lease of Seawall Lot 322-1 located at Broadway and Front Streets ("Site") for the development and operation of affordable housing at the Site by 88 Broadway Family LP
14	Crane Cove Park	Action	Authorization to award Construction Contract No. 2781R, Crane Cove Park Construction Package 2, Park Improvements

MARCH 2018
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC

DATE	TIME	GROUP	LOCATION
MAR. 13 SPECIAL	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Bayside Conference Room at Pier 1
MAR. 27 SPECIAL	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Bayside Conference Room at Pier 1

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

PIER 1:

The Port's fully-accessible offices are in the west end of Pier 1. There are two public entrances: the main entrance on the west (Embarcadero), and the Port History walk entrance on the south apron. Each of these entrances is provided with an automatically operated door. Both entrances lead to the Bayside Conference Rooms. Accessible public restrooms, drinking fountains, payphone and TTY are on the first floor near the main entrance. The public spaces of the Port's offices are equipped with remote infrared signage (Talking Signs) identifying all primary entrances, paths of travel, meeting rooms and amenities. Accessible seating areas and assistive listening devices will be available in the Bayside Conference Rooms.

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 located as follows:

- A) 3 spaces in the off-street pay parking lot on the west side of the Embarcadero at Washington Street;
- B) 1 space on the south side of Washington Street at the Embarcadero;
- C) Hourly and valet parking in the off-street pay parking lot at Pier 3. 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 St., Folsom St. and Drumm Street.

Accessible Meeting Information:

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, Port Commission Affairs Manager, 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 gratuite / 無料の言語支援 / 무료 언어 지원 / ကာ " ဝ " နှစ် " ဗ " ' န / Libreng 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:

Повестка дня 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.