

SAN FRANCISCO PORT COMMISSION

Kimberly Brandon, President
Willie Adams, Vice President
Gail Gilman, Commissioner
Victor Makras, Commissioner
Doreen Woo Ho, Commissioner

Elaine Forbes, Executive Director
Office: 415-274-0400

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Office: 415-274-0406

AGENDA PORT COMMISSION MEETING

TUESDAY, JANUARY 8, 2019
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 Affairs Manager's Office located at Pier 1 during normal office hours.

1. CALL TO ORDER / ROLL CALL

2. APPROVAL OF MINUTES – December 11, 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 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: Java House LLC, located at Pier 40½, under Lease L-14100
Person Negotiating: Port: Michael Martin, Deputy Director, Real Estate and Development

*Negotiating Parties: Paul Osmundson, Frankie’s Java House, LLC; Michael Heffernan, Frankie’s Java House, LLC; and Sophia Papadopoulos, Java House, LLC

Under Negotiations: ___ Price ___ Terms of Payment X Both.
Port staff has been approached with a proposal to extend Lease No. L-14100 with Java House, LLC in connection with a potential sale transaction. Port staff are evaluating the proposed terms including the proposed price and terms of payment for such an extension and the executive session discussion will be an opportunity for the Port Commission to provide negotiation direction regarding price and terms of payment, improvements, rental rate resets, participation in sale proceeds and other factors affecting the form, manner and payment of consideration for a possible extension, and which in turn 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.

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

- a. Discuss anticipated litigation matter and possible settlement pursuant to Section 54956.9(d)(4) of the California Government Code and Section 67.10(d)(2) of the City and County of San Francisco Administrative Code. _____ As Defendant X As Plaintiff

Proposed Settlement Agreement with South End Rowing Club (“SERC”) under which: (i) SERC will pay Port back rent due under Lease No. L-11843 (“Lease”) in an amount of \$11,105 (after a rent credit of \$30,000 representing one-half of the cost of dock construction work); (ii) Port will waive all remaining back rent and late charges; (iii) Port will enter into a Memorandum of Understanding (“MOU”) with the Department of Recreation and Park (“RPD”) for the dock and the Lease will terminate and SERC will become a subtenant of RPD on the commencement date of the MOU; and (iv) the parties will mutual release claims against the other. The Settlement Agreement includes other terms as set forth in the Settlement Agreement on file with the Port Commission Secretary.

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. Election of Port Commission Officers
- B. Executive Director's Report
 - Commendation for Renée Dunn Martin, Port's Director of Communications, on her retirement
 - San Francisco Giants Reclaim the Green Glove Award
 - In Memoriam - Mike Denman, Founder of the Ramp Restaurant
 - In Memoriam – Floristine Johnson, Retired Port Executive Secretary
- C. Informational presentation on proposed changes to the Port's 5-year Strategic Plan.
- D. 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 (1) apply for, accept, and expend up to \$300,000 in Proposition K Sales Tax funds for Downtown Ferry Terminal – Pedestrian Circulation Improvements from the San Francisco County Transportation Authority; (2) enter into one or more Standard Grant Agreements with the San Francisco County Transportation Authority for the Downtown Ferry Terminal – Pedestrian Circulation Improvements; and (3) enter into a Memorandum of Understanding between the Port of San Francisco and the San Francisco Bay Area Water Emergency Transportation Authority for delivery of the Downtown Ferry Terminal – Passenger Circulation Improvements. (Resolution No. 19-01)
- B. Request approval to issue a Request for Proposals to solicit youth employment services organizations for a maximum of two contracts to administer the Port's Youth Employment Program, each contract with a term of four years. (Resolution No. 19-02)

11. MARITIME

- A. Update on the retail fish sales from boats at Fisherman's Wharf.

12. REAL ESTATE & DEVELOPMENT

- A. Project Update for the Pier 70 Historic Core Pursuant to Port's Lease Disposition and Development Agreement and Master Lease L-15814 with Historic Pier 70, LLC (aka, Orton Development, Inc.).

13. FINANCE & ADMINISTRATION

- A. Informational presentation on the Port's Five-Year Financial Plan for Fiscal Year 2019-20 to 2023-24.
- B. Informational presentation on the Port's 10-Year Capital Plan for FY 2019-20 to FY 2028-29.

14. ENGINEERING

- A. Request adoption of Protest and Appeal Process for Personal Wireless Service Facilities Site Permits. (Resolution No. 19-03)

15. NEW BUSINESS

16. ADJOURNMENT

FEBRUARY 12, 2019

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation regarding the Port's Proposed Public Benefits Policy
2	Southern Waterfront	Informational	Presentation on the Southern Waterfront Beautification Policy Fund
3	Portwide	Informational	Presentation regarding the Policy for the Extension of Long-Term Leases at Fisherman's Wharf
4	Pier 22½	Informational	Presentation on a Memorandum of Understanding between the Port and the San Francisco Fire Department for use of Port property located at Pier 22½.
5	Portwide	Informational	Update on the San Francisco Seawall Earthquake Safety and Disaster Prevention Program (Seawall Program)
6	Jefferson Street	Action	Approval of Memorandum of Understanding with the San Francisco Recreation and Park Department for use of Port property consisting of a portion of the Hyde Street Pier and a portion of the launching dock at 500 Jefferson Street
7	Portwide	Action	Approval of the Port's 10-year Capital Plan for FY 2019-20 to FY 2028-29
8	Portwide	Action	Approval of the Port's Five-Year Financial Plan for Fiscal Year 2019-20 to 2023-24
9	Pier 40½	Action	Approval of lease extension with Java House LLC, located at Pier 40½
10	Pier 33	Action	Authorization to advertise for competitive bids for Construction Contract No. 2817, Pier 33 New Fire Sprinkler System. (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)

FEBRUARY 26, 2019

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation on the Water Emergency Transportation Agency's (WETA) Small Vessel Operations Study, including facilities along the San Francisco's waterfront
2	Portwide	Informational	Presentation on the RFP strategy and criteria for the Embarcadero Historic District Pier Facilities
3	Piers 30-32	Informational	Presentation on strategy options for Piers 30-32
4	Pier 22½	Action	Approval of Memorandum of Understanding with San Francisco Fire Department for use of Port property located at Pier 22½

MARCH 12, 2019

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation on PG&E Sediment Remedial Investigation and Remedial Action Planning from Pier 39 to Pier 43½
2	Portwide	Informational	Update on the Port's Report on Contracting Activity for the First and Second Quarters of Fiscal Year 2018-19 (July 1, 2018 through December 31, 2018)

MARCH 26, 2019

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation on the City of San Francisco Biodiversity Resolution
2	Pier 70 shipyard	Informational	Presentation regarding the Pier 70 shipyard

DATE TO BE DETERMINED

	FACILITY/POLICY	ITEM	TITLE
1	Piers 80-96	Informational	Presentation on the implementation of the Piers 80-96 Maritime Eco-Industrial Center Strategy
2	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
3	Crane Cove Park	Informational	Update on the Construction Contract 2812, Crane Cove Park: Park Improvements and 19th St Parking Lot Presentation regarding the Crane Cove Park Project
4	Portwide	Informational	Update on WETA's Strategic plan with a focus on the increase in passengers
5	Portwide	Informational	Presentation on the business plan and options for establishing additional water taxi berths at the Port
6	Mission Bay	Informational	Update on the Mission Bay Ferry Landing Project
7	South Beach Harbor	Informational	Presentation of Financial and Operational Performance of South Beach Harbor
8	Fisherman's Wharf	Informational	Presentation on the Fisherman's Wharf Community Benefit District's local serving uses to Fisherman's Wharf
9	Seawall Lot 330	Informational	Presentation on potential options for Seawall Lot 330

10	Portwide	Informational	Presentation on the proposal to increase Port building permit application fees to match the Department of Building Inspection's fee schedule
11	Crane Cove Park	Informational	Update on the Crane Cove Park Project
12	Pier 43½	Informational	Presentation on the 30-year lease with Golden Gate Scenic Steamship Corporation located at Pier 43½ in Fisherman's Wharf
13	Portwide	Action	Authorization to award As-Needed Professional Services for Disposal of Hazardous Waste and Abandoned Marine Vessels
14	Portwide	Action	Approval of amendments to Port of San Francisco Tariff No. 5 (Rules, Regulations, Rates, and Charges)

FEBRUARY 2019
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC

DATE	TIME	GROUP	LOCATION
FEB. 12	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room Ferry Building
FEB. 26	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room 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.

Accessible Meeting Information:

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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 gratuit / 無料の言語支援 / 무료 언어 지원 / ၂၁၁ “၂၁၁” ၎် / 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.