

SAN FRANCISCO PORT COMMISSION

Willie Adams, President
Kimberly Brandon, Vice President
Leslie Katz, Commissioner
Eleni Kounalakis, Commissioner
Doreen Woo Ho, Commissioner

Elaine Forbes, Interim Executive Director Amy Quesada, Commission Secretary
Phone: 415-274-0400; Fax 415-274-0412 Phone: 415-274-0406; Fax 415-274-0412

AGENDA TUESDAY, APRIL 12, 2016 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** – March 8, 2016 & March 22, 2016
3. **PUBLIC COMMENT ON EXECUTIVE SESSION**
4. **EXECUTIVE SESSION**
 - A. Vote on whether to hold closed session.
 - (1) CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED LITIGATION MATTER (DISCUSSION AND POSSIBLE ACTION):
 - a. Discuss anticipated litigation matter pursuant to Section 54956.9 of the California Government Code and Section 67.10(d) of the City and County of San Francisco Administrative Code.

 X As Defendant As Plaintiff

The Port is involved in a contract payment dispute concerning the Blue Greenway Signage Project, Contract No. 2761, in which a subcontractor, Corporate Signs Systems, has indicated a claim and/or litigation will be filed unless the dispute can be resolved.

(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 Items)

- a. Property: SWLs 323 and 324 and the two adjacent street stubs (Paper Streets), located at Broadway Street and The Embarcadero
Person Negotiating: Port: Byron Rhett, Deputy Director, Planning and Development
*Negotiating Parties: Developer: TZK Broadway, LLC and Teatro ZinZanni: Darius Anderson

Under Negotiations: ___Price ___ Terms of Payment Both
Pursuant to Resolution 15-31, The Port Commission awarded to the non-Port party an exclusive right to negotiate 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 prior to commencing additional negotiations with the non-Port party. The Port intends to discuss the factors affecting the price and terms of payment for the lease and development of the property. In particular, the executive session discussions will enhance the capacity of the Port Commission during its public deliberations and actions to endorse the term sheet being proposed for addressing 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.

- b. Property: Piers 31–33, located at Francisco and Bay Streets and The Embarcadero
Person Negotiating: Port: Byron Rhett, Deputy Director, Planning and Development
*Negotiating Parties: National Park Service: Christine Lehnertz, Superintendent, Golden Gate National Recreation Area

Under Negotiations: ___Price ___ Terms of Payment Both
The Port and National Park Service are negotiating business terms for use of portions of Piers 31–33 as a long-term ferry embarkation site for passenger service to Alcatraz Island. In this executive session, the Port's negotiator seeks direction from the Port Commission on factors affecting the price and terms of payment, including price structure, financing mechanisms and other factors affecting the form, manner and timing of payment of the consideration for the property interests. The executive session discussions will enhance the capacity of the Port Commission during

its public deliberations and actions to set the price and payment term that are most likely to maximize the benefits to the Port, the City and the People of the State of California.

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
 - Opening of California Dungeness Crab Season – March 26, 2016
 - Southern Waterfront Earth Day events – April 23, 2016 from 9 am to 2 p.m.

- 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 modify Construction Contract No. 2761, Blue Greenway Signage Project, by increasing the Contract Duration. (Resolution No. 16-13)
- B. Request authorization to modify Construction Contract No. 2758, Bayview Gateway Park Project, by increasing the Contract Duration. (Resolution No. 16-14)
- C. Request for authorization to Award Construction Contract No. 2776, Five Year Maintenance Dredging Project, to The Dutra Group, in the amount of \$25,875,000 and authorization for a contract contingency fund of 10% of the contract amount (or \$2,587,500) for unanticipated contingencies, for a total authorization not to exceed \$28,462,500. (Resolution No. 16-15)

11. ENGINEERING

- A. Informational presentation on the Results of the Earthquake Vulnerability Study of the Northern Waterfront Seawall.

12. PLANNING

- A. Informational presentation of the proposed Term Sheet between the Port and TZK Broadway, LLC whose members include Teatro ZinZanni and its financial partner, Kenwood Investments No. 6, LLC, for the lease and development of a hotel with approximately 180-200 rooms, a dinner-theater, a 7,500 square feet of public open space, and ancillary uses at Seawall Lots 323/324 and portions of unimproved Vallejo and Davis Street right-of-ways on the west side of The Embarcadero at Vallejo Street.
- B. Informational presentation regarding Pier 80 Shed A temporary emergency winter shelter for homeless adults during El Nino 2015-16 and a proposed Navigation Center on Port property on 24th Street between Michigan Street and Warm Water Cove Park.

13. NEW BUSINESS

14. ADJOURNMENT

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

APRIL 26, 2016

	FACILITY/POLICY	ITEM	TITLE
1	Pier 70	Informational	Presentation on the Port's Master Lease to Historic Pier 70, LLC for the rehabilitation, restoration and re-use of the 20 th Street Historic Buildings on or near 20 th and Illinois Streets at Pier 70
2	SWL 337	Informational	Briefing on the proposed amendments to SB 815 State Legislation regarding Seawall Lot 337/Pier 48 Development Project
3	Piers 31½, Piers 31 & 33	Informational	Presentation regarding business terms with the National Park Service for a long-term Pier 31½ ferry embarkation site to Alcatraz Island including leased space at Piers 31 and 33
4	Pier 80	Action	Approval of 15-Year Exclusive Management Agreement with Two Five-Year Extension Options with Pasha Automotive Services for Pier 80
5	Pier 29	Action	Approval to award to the highest bidder the Pier 29 Bulkhead Building Retail Leasing Opportunity
6	Jefferson, Hyde & Leavenworth Streets	Action	Approval of Cost Reimbursement Agreement between City and County of San Francisco and ExxonMobil, Inc. for Management of Residual Petroleum Hydrocarbons on City Property within the block bounded by Jefferson, Hyde, and Leavenworth Streets, and San Francisco Bay, subject to Board of Supervisors' approval
7	SWL 323/324	Action	Endorsement of the Term Sheet between the Port and TZK Broadway, LLC whose members include Teatro ZinZanni and its financial partner, Kenwood Investments No. 6, LLC, for the lease and development of and an approximately 170-room hotel, a dinner-theater, a 7,500 square feet open space, and ancillary uses at Seawall Lots 323/324 and portions of the unimproved Vallejo and Davis Street right-of-ways on the west side of The Embarcadero at Vallejo Street
8	Crane Cove Park	Action	Authorization to advertise for competitive bids for Construction Contract No. 2740A, Crane Cove Park Phase 1 Project: Site Preparation, Grading and Surcharge for Portion of Site

MAY 10, 2016

	FACILITY/POLICY	ITEM	TITLE
1	Piers 30-32	Informational	Review of ideas and concerns for future consideration at Piers 30-32, located adjacent to

			The Embarcadero in the South Beach area between Bryant and Brannan Streets
2	Pier 31½	Action	Approval of business terms leading to a Memorandum of Understanding with the National Park Service for a long-term Pier 31½ ferry embarkation site to Alcatraz Island including leased space at Piers 31 and 33
3		Action	Authorization to Advertise a Request for Proposals (RFP) Soliciting Architectural and Engineering Design Services and Related Professional Services, for the Mission Bay Ferry Terminal Project
4		Action	Authorization to Award As-Needed Engineering and Related Professional Services

MAY 24, 2016

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation regarding the Fiscal Year 2016-17 Monthly Rental Rate Schedule, Monthly Parking Stall Rates, and Special Event, Filming and Public Art Waives
2		Action	Authorization to Award As-Needed Real Estate Economics and Related Professional Services

JUNE 14, 2016

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Action	Approval of the Fiscal Year 2016-17 Monthly Rental Rate Schedule, Monthly Parking Stall Rates, and Special Event, Filming and Public Art Fee Waives.
2	Seawall Lots 321, 323/324, 322-1, Piers 19½, 29½ and 33	Action	Approval of a lease for surface parking lots at: (i) Seawall Lot 321, bounded by the Embarcadero, Front Street and Green Street for a five year term; (ii) Seawall Lot 323/324 bounded by the Embarcadero, Broadway Street and Davis Street for a three year term with two Port options to extend for one-year each; and (iii) interim term parking for Seawall Lot 322-1 bounded by Broadway Street, Front Street and Vallejo Street; Pier 19½; Pier 29½; Pier 33 and various expansion sites

AUGUST 9, 2016

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Status report on Advancement of the 2016-2021 Strategic Plan

2	Portwide	Informational	Update on Board of Supervisors' adoption of Port's FY 2016-17 and 2017-18 operating and capital budget
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DATE TO BE DETERMINED

	FACILITY/POLICY	ITEM	TITLE
1	South Beach Harbor	Informational	Update on South Beach Harbor operations
2	Portwide	Informational	Presentation regarding the proposed updates to the Port of San Francisco's Retail Leasing Policy
3	Portwide	Informational	Presentation regarding the Port of San Francisco's proposed policy for the extension of Long Term Leases
4	Portwide	Informational	Update on the ARC™3EV Charging Stations and their success
5	Portwide	Informational	Update on the San Francisco Sea Level Rise Action Plan and Port Sea Level Rise Projects
6	Pier 94 and 96	Action	Authorization to advertise for competitive bids for Construction, Pier 94-96 Storm Drain and Outfall repairs
7	Loading Dock near Tulare Street	Action	Authorization to advertise for competitive bids for Construction, Copra Crane Refurbishment
8	Pier 35	Action	Authorization to advertise for competitive bids for Construction, Pier 35 Substructure Repairs
9	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
10	Portwide	Action	Approval of the new bike share agreement
11	India Basin	Informational	Annual presentation by the San Francisco Recreation and Parks Department on India Basin Open Space Planning

APRIL / MAY 2016
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC

DATE	TIME	GROUP	LOCATION
April 26	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room @ the Ferry Building
May 10	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room @ the Ferry Building
May 24	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room @ 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 Kanya Dorland @ 415-274-0264 or kanya.dorland@sfport.com and/or David Beaupre @ 415-274-0539 or david.beaupre@sfport.com

The Waterfront Design Advisory Committee (WDAC) meets 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 ១ “ង” “ង” “ង” / Librang tulong para sa wikang Tagalog

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 Chris Rustom by mail: 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 sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Rustom or 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.