

SAN FRANCISCO PORT COMMISSION

Kimberly Brandon, President
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AGENDA PORT COMMISSION MEETING

TUESDAY, DECEMBER 10, 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 – November 12, 2019

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 AND ANTICIPATED LITIGATION MATTERS (Discussion and Possible Action).

a. Discuss anticipated litigation matter pursuant to California Government Code Section 54956.9(d)(4) and San Francisco Administrative Code Section 67.10(d)(2) with City as plaintiff regarding the lease of a portion of the Pier 94 area to Bay Natives, as tenants.

(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/non-Port representative: (Discussion Item)

a. Anchor Hospitality

Persons Negotiating: Port: Michael Martin, Deputy Director of Real Estate and Development, Jay Edwards, Senior Property Manager

Negotiating Parties: Derek Smith, Anchor Hospitality Group LLC

Under Negotiations: Price Terms of Payment Both

As authorized under Resolution 11-25, the Port issued a Request For Proposal (RFP) for a restaurant lease opportunity at the Pier 33.5 bulkhead. As authorized under Resolution 18-54, the Port and Anchor Hospitality are exclusively negotiating the terms of such lease. In this executive session, the Port's negotiator seeks direction from the Port Commission on the prospective tenant's proposed approach to financing the capital improvements required under the lease. The executive session will enhance the capacity of the Port Commission during the public deliberations and actions to set the terms that are most likely to maximize the benefits to the Port and the People of the State of California, and terms that are consistent with the RFP's objectives.

(3) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING AND ANTICIPATED LITIGATION MATTERS (Discussion and Possible Action).

a. Discuss anticipated litigation matter pursuant to California Government Code Section 54956.9(d)(2) and (d)(4) and San Francisco Administrative Code Section 67.10(d)(2) (Discussion and possible action):

As Defendant As Plaintiff

Discussion of anticipated litigation by and among the San Francisco Regional Water Quality Control Board, Port, Chevron Environmental Management Company, BP Remediation Management, Phillips 66 Company, and Union Pacific Railroad related to contaminated sediments in the vicinity of the Mission Bay Ferry Landing site and Pier 64 and possible action approving a tolling agreement

(4) 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/non-Port representative: (Discussion Item)

- a. Property: Portions of: Mission Street, Beale Street, Fremont Street, Beach Street, Hyde Street and Bay Street

Persons Negotiating: Port: Byron Rhett, Senior Deputy Director and Chief Operating Officer

Negotiating Parties: John Malamut, Deputy City Attorney, and Andrico Penick, Director of Real Property, City and County of San Francisco, and Mark Zabaneh, Transbay Joint Powers Authority, Executive Director

Under Negotiations: Price Terms of Payment Both

The Port, the City and County of San Francisco, Transbay Joint Powers Authority, and the State are negotiating the terms of an exchange and termination from the public trust and Burton Act Trust of certain streets within the jurisdiction of the Port and the impressing of the public trust and Burton Act Trust for certain streets within the City's jurisdiction. In this executive session, the Port's negotiator seeks direction from the Port Commission on factors affecting the price and terms of payment. The executive session discussions will enhance the capacity of the Port Commission during the public deliberations and actions to set the terms that are most likely to maximize the benefits to the Port, the City and 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 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
 - Embarcadero Navigation Center Update
 - Embarcadero Community Meeting #5, December 11, 2019, 5pm at the Exploratorium

10. CONSENT

- A. Request authorization on the proposed street name change of the 200 block of Steuart Street to Steuart Lane. (Resolution No. 19-46)

11. PLANNING & ENVIRONMENT

- A. Informational presentation on public comments, responses, and proposed revisions to Draft Waterfront Plan, and Draft Project Description for the CEQA environmental review process.
- B. Request approval of a fee waiver for a revocable license and encroachment permit that allows the Aquarium of the Bay to install 16 sea lion sculptures in public spaces along the length of the waterfront for up to a 9-month period. (Resolution No. 19-47)

12. MARITIME

- A. Informational presentation on PASHA Operations and Local Hire Performance at Pier 80.

13. REAL ESTATE & DEVELOPMENT

- A. Request authorization to issue a Request for Proposals (“RFP”) for the development, lease and operation of a mixed-use project at Piers 30-32 and/or Seawall Lot (SWL) 330 generally located along the Embarcadero between Bryant and Brannan Streets, consistent with the goals and policies of the Draft Waterfront Plan and the Port’s Resilience Program. (Resolution No. 19-48)

14. ENGINEERING

- A. Authorization to (1) file with the California Building Standards Commission, the Port’s amendments to the 2019 California Building Standards Code and the local findings that support such modifications; (2) repeal the current 2016 Port of San Francisco Building Standards Code (which includes the 2016 Port of San Francisco Building, Existing Building, Mechanical, Electrical, Plumbing, and Green Building Standards Codes), effective midnight, December 31, 2019; and (3) adopt the 2019 Port of San Francisco Building Standards Code (which includes the 2019 Port of San Francisco Building, Existing Building, Mechanical, Electrical, Plumbing, and Green Building Standards Codes) with an effective date of January 1, 2020. (Resolution No. 19-49)

15. NEW BUSINESS

16. ADJOURNMENT

JANUARY 14, 2020

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Action	Election of Port Commission Officers
2	Seawall Lot 349 and Pier 72	Informational	Presentation on the California Barrel Company LLC ("CBC"), mixed-use project located on the former Potrero Power Station site bounded by 23rd, Illinois and 22nd Streets and San Francisco Bay, including Port of San Francisco shoreline and adjacent lands referred to as portions of Seawall Lot 349, Pier 72 and 23rd Street; Port-related transaction documents for the Potrero Power Station project including: (1) consent to Development Agreement between the City and CBC; (2) approval of lease with CBC to use Port lands for public parks and open space, streets and publicly accessible ways; (3) option agreement with CBC to impress a trust easement on privately owned shoreline land and a portion of 23rd Street leading to the shoreline; and (4) delegation of authority to Port's Executive Director to enter into one or more Memoranda of Understandings with various City agencies, including the San Francisco Public Utilities Commission (SFPUC), the San Francisco Public Works Department (SFPW), and the Department of Building Inspections (DBI), relating to the roles and responsibilities
3	Mission Bay Ferry Landing	Action	Authorization to Award for Contract No. 2819, Construction Manager/General Contractor for pre-construction services and early-construction for the Mission Bay Ferry Landing Project at 16th Street and Terry Francois Boulevard
4	Mission Bay Ferry Landing	Action	Authorization to Advertise for Contract No. 2829, 3rd Party Construction Management and Environmental Monitoring for the Mission Bay Ferry Landing Project at 16th Street and Terry Francois Boulevard
5	Pier 70	Action	Approval of Memorandum of Understanding with San Francisco Public Utilities Commission Memorializing Port and SFPUC roles and responsibilities related to the temporary usage of excess power for SFPUC's existing sewer pump station located at Pier 70.
6	Fisherman's Wharf	Informational	Presentation on the Fisherman's Wharf Community Benefit District's local serving uses to Fisherman's Wharf
7	Portwide	Action	Request for Authorization to Advertise: Crane Cove Park 19 th and Georgia St Roadway Improvements contract
8	Mission Rock	Action	Request approval Mission Rock project street names: Proposed new street names, "Spur

			Street” and “Plank Road” and extension of street grid, at Mission Rock located at Seawall Lot 337, bound by China Basin Channel, Third Street, Mission Rock Street, and San Francisco Bay.
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FEBRUARY 11, 2020

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Action	Seek approval of (1) resolution adopting an Port-WETA MOU concerning the use of Regional Measure 3 (RM3) funding allocated to the Mission Bay Ferry Landing project and (2); resolution (as implementing agency) requesting a Letter of No Prejudice (LONP) from the Metropolitan Transportation Commission (MTC) concerning reimbursement of Port capital funding through RM3 funds
2	Seawall Lot 349 and Pier 72	Action	Approval of the proposed Port-related transaction documents in connection with the California Barrel Company LLC (“CBC”), mixed-use project located on the former Potrero Power Station site bounded by 23rd, Illinois and 22nd Streets and San Francisco Bay, including Port of San Francisco shoreline and adjacent lands referred to as portions of Seawall Lot 349, Pier 72 and 23rd Street; Port-related transaction documents for the Potrero Power Station project including: (1) consent to Development Agreement between the City and CBC; (2) approval of lease with CBC to use Port lands for public parks and open space, streets and publicly accessible ways; (3) option agreement with CBC to impress a trust easement on privately owned shoreline land and a portion of 23rd Street leading to the shoreline; and (4) delegation of authority to Port’s Executive Director to enter into one or more Memoranda of Understandings with various City agencies, including the San Francisco Public Utilities Commission (SFPUC), the San Francisco Public Works Department (SFPW), and the Department of Building Inspections (DBI), relating to the roles and responsibilities
3	Portwide	Informational	Presentation to review (1) the results to date of the 2019 Federal and State Legislative Program and, (2) the Port’s Proposed 2020 Federal and State Legislative Program
4	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 by the Executive Director of the San Francisco Ethics Commission regarding the department's education and enforcement role in City and County government.
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	South Beach Harbor	Informational	Presentation of Financial and Operational Performance of South Beach Harbor
4	Pier 70 shipyard	Informational	Presentation regarding the Pier 70 shipyard
6	SWL 323/324	Informational	Presentation on park activation in the open space for the TZK hotel and dinner theater project
7	Portwide	Action	Approval of amendments to Port of San Francisco Tariff No. 5 (Rules, Regulations, Rates, and Charges)
8	Mission Bay Ferry Landing	Action	Authorization to accept and expend \$25 million from WETA and from private contributions for the Mission Bay Ferry Landing, subject to the Board of Supervisors' approval, and authorization to enter into a Memorandum of Understanding with WETA governing expenditure of the \$25 million
9	Piers 19-23 and Piers 29-31	Action	Authorization to issue a Request for Proposals for the rehabilitation and development of Piers 19-23 and Piers 29-31, located near The Embarcadero at Lombard Street

**JANUARY / FEBRUARY 2020
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC**

DATE	TIME	GROUP	LOCATION
JAN. 14	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room Ferry Building
FEB. 11	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room Ferry Building
FEB. 25	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 Demetri Amaro @ 415-274-0260 or demetri.amaro@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.

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 Leah LaCroix at (415) 274-0632 or via email at leah.lacroix@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 / ព័ត៌មាន "សេវា" ឥតគិតថ្លៃ / 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 sotf@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.