

# 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

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## AGENDA PORT COMMISSION MEETING

TUESDAY, MARCH 10, 2020  
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](http://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** – February 25, 2020

**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/non-Port representative: (Discussion Items)

a. Property: Pier 40, Bays 4 through 10; South Beach Harbor Dock Slips 59, 61, 63 S02 and S03

Person Negotiating: Port: Michael Martin, Deputy Director, Real Estate & Development; Jeff Bauer, Senior Leasing Manager; Crezia Tano-Lee, Manager, Business Strategy

\*Negotiating Parties: Kathi Pugh, representing Bay Area Association of Disabled Sailors (BAADS)

Under Negotiations: \_\_\_Price \_\_\_ Terms of Payment X Both

Port staff is seeking to negotiate a new lease for the Bay Area Association of Disabled Sailors for the area generally between Bays 4 through 10 in Pier 40 as well as South Beach Harbor Dock Slips 59, 61, 63, S02 and S03. Port staff are evaluating the proposed terms including the proposed price and terms of payment for such new lease and the executive session discussion will be an opportunity for the Port Commission to provide negotiation direction regarding price and terms of payment and other factors affecting the form, manner and payment of consideration for a possible new lease, 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.

b. Property: The Kneass Building, 671 Illinois Street

Person Negotiating: Port: Michael Martin, Deputy Director, Real Estate and Development; Rebecca Benassini, Assistant Deputy Director for Waterfront Development; and James Hurley, Development Project Manager

\*Negotiating Parties: Katherine Doumani, Friends of Dogpatch Hub

Under Negotiations: \_\_\_Price \_\_\_ Terms of Payment X Both

Port staff are in receipt of a sole source proposal to lease and improve the Kneass Building. Port staff are evaluating the potential terms including the proposed price and terms of payment for such new lease and the executive session discussion will be an opportunity for the Port Commission to provide negotiation direction regarding price and terms of payment, improvements, rent credits and other factors affecting the form, manner and payment of consideration for a possible lease, 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

c. Property: Pier 9

Person Negotiating: Port: Andre Coleman, Deputy Director, Maritime; Mark Lozovoy, Assistant Deputy Director

\*Negotiating Parties: Matt Brasler, representing Bay Area Council

Under Negotiations: \_\_\_Price \_\_\_ Terms of Payment X Both

Port staff has been approached with a proposal from Bay Area Council for a new lease for the Historic Ferryboat KLAMATH at Pier 9. Port staff are evaluating the proposed terms including the proposed price and terms of payment for such new lease 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 new lease, 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.

## **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
  - Port Contract Open House – March 19, 2020 at 8 a.m. @ Pier 1
  - New Downtown San Francisco Ferry Terminal Ribbon Cutting Ceremony – March 20, 2020 at 10 a.m.
  - COVID-19 Update
- B. Informational overview presentation by the San Francisco Ethics Commission Executive Director on recent updates to the City's ethics laws and resources available to support compliance by City officials and employees. (Verbal Report)

## **10. ENGINEERING**

- A. Request authorization to advertise for competitive bids for Construction Contract No. 2830, Mission Bay Ferry Landing Dredging and Site Preparation. (Resolution No. 20-13)

## **11. REAL ESTATE**

- A. Request approval of a Settlement Agreement and Lease No. L-16653 with the Pilara Family Foundation ("PFF") under which: (i) Port's claims for rent due and PFF's claims for rent credits due under current Lease No. L-14414 for the Pier 24 Annex will be resolved; (ii) Port and PFF will enter into a new lease for the Pier 24 Annex for a term of approximately four (4) years; (iii) the new lease will allow storage, curation and display of a photographic collection and require PFF to continue to provide free public access to view the collection and will allow for rent credits of up to \$5.5 million; (iv) the new lease is subject to approval by the Board of Supervisors; (v) the parties will release each other from potential claims in connection with the Settlement Agreement; and (vi) the Settlement Agreement and new lease include other terms and conditions as set forth in the documents on file with the Port Commission secretary. (Resolution No. 20-14)
- B. Request approval of a Settlement Agreement and Lease No. L-16661 with the Dolphin Swimming and Boating Club ("Club") under which: (i) the Club will pay Port \$5,913 in settlement for its past use of Port submerged lands beneath its boat dock at its facility located at 520 Jefferson Street in Aquatic Park which is under lease with the Department of Recreation and Parks and Port will waive any other payments and/or claims related to the Club's failure to obtain a lease to use Port property; (ii) Port and the Club will enter into a market rate lease (L-16661) for the submerged lands beneath the dock for a term co-terminus with the Club's lease with the Department of Recreation and Parks; (iii) the lease will require the Club to continue to provide and promote aquatic activities and allow

for rent credits for up to \$30,000 for dock improvements; (iv) the Club will indemnify Port for claims related to its past use and waive all claims against Port; and (v) the Settlement Agreement and Lease include other terms and conditions as set forth in the documents on file with the Port Commission secretary.  
(Resolution No. 20-15)

**12. NEW BUSINESS**

**13. ADJOURNMENT**

**MARCH 24, 2020**

	<b>FACILITY/POLICY</b>	<b>ITEM</b>	<b>TITLE</b>
1	Mission Bay Ferry Landing	Action	Authorization to enter into a Supplemental Memorandum of Understanding between the Port of San Francisco and the San Francisco Bay Area Water Emergency Transportation Authority (“WETA”) related to WETA requesting a letter of no prejudice from the Metropolitan Transportation Commission and reimbursing Port from Regional Measure 3 Funds (“RM3”) once they are released and allocated for the Mission Bay Ferry Landing Project and setting forth certain business terms for a long-term lease for WETA’s use of the Mission Bay Ferry Landing, generally located at the terminus of 16th Street, near Terry Francois Boulevard, once RM3 funds are released and allocated
2	Mission Bay Ferry Landing	Action	Authorization to advertise contract for third party Construction Management for Mission Bay Ferry Landing Project at 16th Street and Terry Francois Boulevard

**APRIL 14, 2020**

	<b>FACILITY/POLICY</b>	<b>ITEM</b>	<b>TITLE</b>
1	Pier 70	Action	Retroactive authorization to modify Construction Contract No. 2810R Hazardous Building Materials Abatement project at Building 49, and Cranes 14 and 30, Pier 70, to extend the substantial and completion date

**APRIL 28, 2020**

	<b>FACILITY/POLICY</b>	<b>ITEM</b>	<b>TITLE</b>
1	Mission Bay Ferry Landing	Action	Authorization to award Construction Contract No. 2830, Mission Bay Ferry Landing Dredging and Site Preparation

**MAY 12, 2020**

	<b>FACILITY/POLICY</b>	<b>ITEM</b>	<b>TITLE</b>
1	Mission Bay Ferry Landing	Action	Authorization to award contract for third party Construction Management for Mission Bay Ferry Landing

**JULY 14, 2020**

	<b>FACILITY/POLICY</b>	<b>ITEM</b>	<b>TITLE</b>
1	Portwide	Informational	Presentation on the Port’s Economic Impact Policy Program

**AUGUST 11, 2020**

	<b>FACILITY/POLICY</b>	<b>ITEM</b>	<b>TITLE</b>
1	Portwide	Action	Approval of the Port's Economic Impact Policy Program

**DATE TO BE DETERMINED**

	<b>FACILITY/POLICY</b>	<b>ITEM</b>	<b>TITLE</b>
1	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
2	Pier 70 shipyard	Informational	Presentation regarding the Pier 70 shipyard
3	Pier 80	Informational	Update on PASHA Operations and Local Hire Performance at Pier 80
4	Portwide	Informational	Presentation on the Fisherman's Wharf Community Benefit District's local serving uses to Fisherman's Wharf
5	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
6	Portwide	Action	Approval of amendments to Port of San Francisco Tariff No. 5 (Rules, Regulations, Rates, and Charges)
7	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
8	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
9	Mission Bay Ferry Landing	Action	Authorization to award 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
10	Portwide	Action	Approval for Port Commission President Kimberly Brandon's travel to New York City on May 6-7, 2020 to attend the American Association Port Authorities Commissioners Seminar

11	Portwide	Action	Authorization to amend the Federal Cost Sharing Agreement (FCSA) between the U.S. Army Corps of Engineers and the Port for the Waterfront Flood Resiliency Study
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**MARCH / APRIL 2020**  
**CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC**

DATE	TIME	GROUP	LOCATION
MAR. 24	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room Ferry Building
APR. 14	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room Ferry Building
APR. 28	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](http://www.sfport.com). Contact Amy Quesada at 415-274-0406 or [amy.quesada@sfport.com](mailto: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](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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:wendy.proctor@sfport.com) or Leah LaCroix at (415) 274-0632 or via email at [leah.lacroix@sfport.com](mailto: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 / က " " " " " " " " / Libreng tulong para sa wikang Tagalog

To request an interpreter for a specific item during the hearing, please contact Port's Language Access Liaison, Jenica Liu at (415) 274-0471 or email her at [jenica.liu@sfpport.com](mailto:jenica.liu@sfpport.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 Jenica Liu 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Jenica Liu 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 Jenica Liu 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 Jenica Liu 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 [sof@sfgov.org](mailto:sof@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](http://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.

**Prohibited Contributions by Persons with Pending Land Use Matters.** Pursuant to Section 1.127 of the Campaign and Governmental Conduct Code, no person, or the person's Affiliated Entities, with a Financial Interest in a Land Use Matter pending before the Port Commission shall make any Prohibited Contribution at any time from the date of commencement of a Land Use Matter until 12 months have elapsed from the date that the Port Commission renders a final decision or ruling or any appeals to another city agency from that decision or ruling have been finally resolved. All capitalized terms in this provision are as defined in Section 1.127 of the Campaign and Governmental Conduct Code.