

SAN FRANCISCO PORT COMMISSION

Kimberly Brandon, President
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Gail Gilman, Commissioner
Doreen Woo Ho, Commissioner

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AGENDA **PORT COMMISSION MEETING**

TUESDAY, DECEMBER 8, 2020
2:00 P.M. CLOSED SESSION
3:15 P.M. OPEN SESSION

Port of San Francisco
Pier 1
San Francisco CA 94111

Due to the COVID-19 health emergency and to protect our Port Commissioners, Port Staff, and members of the public, the Port Commission Meeting Room at the Ferry Building is closed. This meeting is being held by teleconference pursuant to the Governor's Executive Order N-29-20 and the Fifth Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency.

Individuals are encouraged to participate in the meetings remotely by calling during the public comment section of the meeting. Visit the SFGovTV website (<https://sfgovtv.org/sfgovtv-live-events>) to stream the live meetings or watch them on demand at http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=92

<p>TO STREAM THE LIVE MEETING:</p> <p>https://sfgovtv.org/sfgovtv-live-events</p> <p>TO MAKE PUBLIC COMMENT:</p> <p>Dial 415-655-0001</p> <p>Participant Code: 146-149-4110#</p> <p>When prompted, press *3 to be added to the public comment queue.</p>	<p>If you are in the public comment queue, an audio prompt will indicate when it is your turn to speak.</p> <p>Public comment is limited to 3:00 minutes and must be in respect to the current agenda item.</p> <p>When making public comment, please:</p> <ul style="list-style-type: none">• Ensure you are in a quiet location• Turn off any TV's or radios around you• Speak Clearly
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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 <https://sfport.com/meetings/15>

1. CALL TO ORDER / ROLL CALL

2. APPROVAL OF MINUTES – November 10, 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 REGARDING ANTICIPATED LITIGATION MATTERS. Discussion and possible action on anticipated litigation matter pursuant to Section 54956.9(d)(4) of the California Government Code and Section 67.10(d)(2) of the San Francisco Administrative Code with City as plaintiff regarding One Ferry Plaza, a portion of Ferry Plaza at Embarcadero and Market Streets, and Ferry Plaza Limited Partnership as tenant.

(2) PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Discussion Item)

Elaine Forbes, Port Executive Director. Discussion of Performance Evaluation pursuant to Section 67.10(b) of the Administrative Code and Section 54957(b) of the California Government Code.

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 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. Please note that during the public comment period, the moderator will instruct dial-in participants to use a touch-tone phone to register their desire for public comment. Audio prompts will signal to dial-in participants when their Audio Input has been enabled for commenting. Please dial in when the item you wish to comment on is announced.

8. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

9. EXECUTIVE

- A. Executive Director's Report
- Port Economic Recovery
 - Equity
 - Other Key Project Updates
 - 88 Broadway
 - Embarcadero Enhancement Project
 - Fireboat Station 35
 - Crabber & LBE Loan Programs
 - Fisherman's Wharf CBD Update

10. CONSENT

- A. Request authorization to accept and expend a \$90,500 grant from the California Department of Parks and Recreation, Division of Boating & Waterways, Surrendered and Abandoned Vessel Exchange Program to allow for removal, storage and disposal of eligible surrendered and abandoned vessels within the Port of San Francisco. (Resolution No. 20-51)
- B. Request retroactive authorization to modify Construction Contract No. 2812, Crane Cove Park Improvements and 19th St. Parking Lot, to extend the substantial and final completion date. (Resolution No. 20-52)

11. FINANCE & ADMINISTRATION

- A. Informational presentation on the Port's equity program and overview of the Port's Racial Equity Action Plan in advance of Phase 1 submission to the Office of Racial Equity on December 31, 2020.

12. ENGINEERING

- A. Request authorization to award Construction Contract No. 2831, The SFPD Marine Unit Dock Replacement to Power Engineering Construction in the amount of \$1,419,896, and authorization for a contract contingency fund of 8.7% of the contract amount (or \$123,420), for a total authorization not to exceed \$1,543,316. (Resolution No. 20-53)
- B. Request authorization to award Construction Contract No. 2795, Heron's Head Park Path and Electrical Improvements, to CF Contracting, Inc. in the amount of \$1,237,800, and authorization for a contract contingency fund of 10% of the contract amount (or \$123,780) for unanticipated conditions, for a total authorization not to exceed \$1,361,580. (Resolution No. 20-54)

13. REAL ESTATE & DEVELOPMENT

- A. Request approval of Civic Impact Rent Forgiveness Program in connection with COVID-19 Tenant Relief Measures. (Resolution 20-55)

Request approval of Tenant Repayment Program in connection with COVID-19 Tenant Relief Measures. (Resolution 20-56)

- B. Request approval of proposed new street names in honor of Maya Angelou and Toni Stone, at Mission Rock located at Seawall Lot 337, bound by China Basin Channel, Third Street, Mission Rock Street, and San Francisco Bay. (Resolution No. 20-57)
- C. Informational presentation on (1) the proposed Declaration of Restrictions between the Port and 64 PKN Owner, LLC for Access Area for emergency pedestrian egress and a Clearance Zone for fire separation for the Developer's proposed mixed-use development on Pier 70 Parcel K North; (2) the termination of the DOR upon Port Commission's dedication of the proposed 20th Street Plaza as a park; (3) the public dedication of the park at acceptance, allowing the park to be deemed a "public way" as defined in Port Building Code Section 202; and (4) providing for each proposed park in Mission Rock and Pier 70 Waterfront Special Use Districts to be publicly dedicated upon acceptance, to similarly serve as a "public way" for Building Code purposes.

14. NEW BUSINESS

15. ADJOURNMENT

**PROPOSED AGENDA
SUBJECT TO CHANGE**

JANUARY 12, 2021

	FACILITY/POLICY	ITEM	TITLE
1	Heron's Head Park	Action	Request Authorization to Execute a Memorandum of Understanding with Hanson Aggregates Mid-Pacific, Inc., a Delaware corporation, Accepting a Donation of Beach Material with an Estimated Value of \$417,000, subject to Board of Supervisors' approval
2	Pier 70	Action	Request approval to amend the Port's Harbor Traffic Code allowing certain parking and curb restrictions on Port streets within Pier 70 Project Area
3	Portwide	Informational	Presentation to review (1) the results to date of the 2019 & 2020 Federal and State Legislative Program and, (2) the Port's Proposed 2021 Federal and State Legislative Program
4	Portwide	Informational	Presentation and update on the San Francisco Municipal Transportation Agency Vision Zero Embarcadero Enhancement safety project, located along the Embarcadero from Townsend Street to Northpoint Street
5	Portwide	Informational	Presentation regarding Waterfront Resilience Program (WRP) Local Business Enterprise (LBE) subcontracting and WRP equity actions
6	Portwide	Informational	Informational presentation regarding the Waterfront Resilience Program Alternatives Development Strategy and Proposed Decision Framework

DATE TO BE DETERMINED

	FACILITY/POLICY	ITEM	TITLE
1	Piers 38-40	Action	Request authorization to enter into Exclusive Negotiation Agreement with Pacific Waterfront Partners III LLC. for the lease and development of a mixed-use project including commercial, retail, maritime and public access uses for Piers 38 & 40 and adjacent water areas
2	Portwide	Informational	Presentation on the suspension of cruise ships and the impact to the Port of San Francisco
3	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

4	Pier 80	Informational	Update on PASHA Operations and Local Hire Performance at Pier 80
5	Pier 70 Historic Core	Informational	Presentation on formation of a Community Facilities District (CFD) over the Pier 70 Historic Core area (including Buildings 14, 101, 102, 104, and 113-116 located at Pier 70)
6	Pier 70, Parcel K North Plaza	Informational	Presentation of the Schematic Design of the Parcel K North plaza located at the southeast corner of 20th and Illinois Streets
7	Pier 70	Action	Approval of resolution directing staff to seek issuance of the first Pier 70 Lease Properties Community Facilities District bond from the Board of Supervisors
8	Portwide	Action	Approval of amendments to Port of San Francisco Tariff No. 5 (Rules, Regulations, Rates, and Charges)
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
10	Mission Bay Ferry Landing	Informational	Presentation on proposed lease with Water Emergency Transportation Authority Transportation to lease and operate the Mission Bay Ferry Landing for ferry service
11	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

JANUARY / FEBRUARY 2021

CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC

DATE	TIME	GROUP	LOCATION
JAN. 12	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	VIRTUAL MEETING
FEB. 9	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	VIRTUAL MEETING
FEB. 23	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	VIRTUAL MEETING

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 @ <https://sfport.com/meetings/15>. Contact Carl Nicita at 415-274-0406 or carl.nicita@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

Due to the COVID-19 pandemic, the Fisherman's Wharf Waterfront Advisory Group (FWWAG) meetings are on hold. Contact Demetri Amaro @ 415-274-0260 or demetri.amaro@sfport.com.

During the COVID-19 pandemic, the Maritime Commerce Advisory Committee (MCAC) meets virtually every other month, on the third Thursday of the month, from 11:30 a.m. to 1:00 p.m. Contact Dominic Moreno @ 415-850-6819 or dominic.moreno@sfport.com.

During the COVID-19 pandemic, the Northern Advisory Committee meets virtually at 5:30 p.m. on the third Wednesday of odd-numbered months. Contact Patrick Foster at patrick.foster@sfport.com or check our website at <https://sfport.com/community> for more information.

During the COVID-19 pandemic, the Southern Advisory Committee meets virtually at 5:30 p.m. on the third Wednesday of even-numbered months. Contact Mark Paez at mark.paez@sfport.com or check our website at <https://sfport.com/community> for more information.

During the COVID-19 pandemic, the Waterfront Design Advisory Committee (WDAC) meets virtually, as needed, jointly with the Design Review Board of the Bay Conservation and Development Commission on the first Monday of the month. The Committee meets virtually as needed on the fourth Monday of the month at 6:30 p.m. Contact Dan Hodapp @ 415-274-0625 or dan.hodapp@sfport.com

During the COVID-19 pandemic, the Mission Bay Citizens Advisory Committee meets virtually on the second Thursday of the month at 5:00 p.m. Contact Marc Slutzkin @ 415-749-2516 or marc.slutzkin@sfgov.org.

ACCESSIBLE MEETING INFORMATION POLICY

ACCESSIBLE MEETING INFORMATION:

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

DISABILITY ACCOMMODATIONS:

To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please contact Wendy Proctor, Port's ADA Coordinator at (415) 274-0592 or via email at wendy.proctor@sfport.com or 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 gratuity / 無料の言語支援 / 무료 언어 지원 / “ ” “ ” “ ” “ ” / 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 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 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.

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.