

# SAN FRANCISCO PORT COMMISSION

**Kimberly Brandon, President**  
**Willie Adams, Vice President**  
**John Burton, Commissioner**  
**Gail Gilman, Commissioner**  
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## **AGENDA** **PORT COMMISSION MEETING**

**TUESDAY, APRIL 13, 2021**  
**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](http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=92)

<p><b>TO STREAM THE LIVE MEETING:</b></p> <p><a href="https://sfgovtv.org/sfgovtv-live-events">https://sfgovtv.org/sfgovtv-live-events</a></p> <p><b>TO MAKE PUBLIC COMMENT:</b></p> <p>Dial 415-655-0001 Participant Code: 187-571-6057</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. When making public comment, please:</p> <ul style="list-style-type: none"><li>• Ensure you are in a quiet location</li><li>• Turn off any TV's or radios around you</li><li>• Speak Clearly</li></ul>
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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 – March 23, 2021
3. PUBLIC COMMENT ON EXECUTIVE SESSION
4. EXECUTIVE SESSION

A. Vote on whether to hold a closed session and invoke the attorney-client privilege.

(1) CONFERENCE WITH LEGAL COUNSEL AND REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8. \*This session is closed to any non-City/Port representative: (Discussion Item)

(a) Property: Pier 68-70 Shipyard  
Person Negotiating: Port: Brendan O'Meara, Acting Assistant Deputy Director, Maritime; Andre Coleman Deputy Director, Maritime  
Negotiating Parties: Scott Klopf representing Silverado

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

Port staff has been approached with a proposal from Silverado for a new lease of port property at the Pier 68-70 Shipyard. 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.

(b) Property: One Ferry Plaza, adjacent to Ferry Plaza in the vicinity of the Ferry Building  
Persons Negotiating: Port: Michael Martin, Assistant Port Director  
Negotiating Parties: Alfred Tom, Ferry Plaza Limited Partnership

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

The Port and Ferry Plaza Limited Partnership are exploring a potential agreement to terminate the existing lease for the referenced location. 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 and other factors affecting the form, manner and timing of payment of the consideration for the potential new agreement. The executive session discussions will enhance the capacity of the Port Commission during the 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 People of the State of California.

**(2) CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED LITIGATION MATTERS**

Discussion of 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) regarding disputed title to a portion of Custer Avenue in the vicinity of 1650 - 1680 Davidson Avenue. Anticipated litigation:  As defendant  As plaintiff

**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
  - Economic Recovery
  - Equity
  - Key Project Updates

**10. CONSENT**

- A. Request approval of Mutual Termination Agreement for Port Lease No. L-8627 with Ferry Plaza Limited Partnership, located adjacent to Ferry Plaza. (Resolution No. 21-14)

**11. REAL ESTATE & DEVELOPMENT**

- A. Request approval of a revised Mutual Termination Policy. (Resolution 21-15); Request approval of delegation to Port staff to offer additional leasing incentives including discount lease rates and rent abatement for tenant improvements for office, maritime office, and shed space for new leases, and share of subleasing revenues. (Resolution 21-16); and Informational update on tenant relief programs.

**12. MARITIME**

- A. Informational presentation on the state of the U.S. cruise industry and the impact to the Port of San Francisco.

**13. PLANNING & ENVIRONMENT**

- A. Request authorization to accept and expend \$1,667,000 in grant funds from the California State Ocean Protection Council for the Heron's Head Park Shoreline Resilience Project and approve the grant agreement, subject to Board of Supervisors' approval. (Resolution 21-17); and Request authorization to apply for \$1,517,000 in grant funds from the Wildlife Conservation Board Pacific Flyway Conservation Program for the Heron's Head Park Shoreline Resilience Project. (Resolution 21-18)
- B. Informational presentation on a proposed contract amendment to the Transit Shelter Advertising Agreement the Port entered into with the San Francisco Municipal Transportation Agency and Clear Channel Outdoor, Inc. to reduce the minimum annual guarantee payments, and administrative and marketing payments, from May 1, 2020 through June 30, 2022, due to the impacts from the COVID-19 pandemic.

**14. NEW BUSINESS**

**15. ADJOURNMENT**

**PROPOSED AGENDA  
SUBJECT TO CHANGE**

**APRIL 27, 2021**

1	Portwide	Action	Request approval of the Port's Fiscal Year (FY) 2021-22 Operating and Capital Budget Supplemental Appropriation
2	Portwide	Action	Request authorization to Advertise for Competitive Bids for Five Year Maintenance Dredging Construction Contract
3	Portwide	Action	Request approval of a resolution authorizing the Executive Director to execute a First Amendment to the Transit Shelter Advertising Agreement with the San Francisco Municipal Transportation Agency and Clear Channel Outdoor, Inc. to reduce the minimum annual guarantee payments, and administrative and marketing payments, from May 1, 2020 through June 30, 2022, due to the impacts from the COVID-19 pandemic
4	Piers 30-32	Action	Request approval to amend and restate the existing Memorandum of Understanding with the Department of Public Health Services Agency for COVID-19 testing to: (1) extend the term and (2) clarify that rent for use of the site is due for the entire term
5	Pier 27	Action	Request approval for an extension of the Terminal Management Agreement (TMA) between the Port of San Francisco (Port) and Pacific Cruise Ship Terminal LLC(PCST), by one month for each month's duration of pause in cruise operations, for use of the Pier 27 and Pier 35 Cruise Terminals
6	Portwide	Informational	Presentation of proposed Guidelines for Recognition or Commemoration at the Port of San Francisco
7	Portwide	Informational	Presentation on the Port's Contracting Activity and Local Business Enterprise (LBE) Strategic Initiatives for the First and Second Quarters for Fiscal Year 2020-2021 (July 1, 2020 – December 31, 2020)
8	Pier 45	Informational	Presentation of Pier 45 Shed C post-fire interim improvements and a long-term replacement strategy to benefit the fishing industry

**MAY 11, 2021**

1	Portwide	Action	Request approval of proposed Guidelines for Recognition or Commemoration at the Port of San Francisco
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**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 80	Informational	Update on PASHA Operations and Local Hire Performance at Pier 80
3	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)
4	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
5	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
6	Portwide	Action	Approval of amendments to Port of San Francisco Tariff No. 5 (Rules, Regulations, Rates, and Charges)
7	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
8	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
9	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

**APRIL / MAY 2021  
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC**

<b>DATE</b>	<b>TIME</b>	<b>GROUP</b>	<b>LOCATION</b>
APR. 27	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	VIRTUAL MEETING
MAY 11	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	VIRTUAL MEETING
MAY 25	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](mailto: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](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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](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 gratuite / 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@sfport.com](mailto:jenica.liu@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 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 [soff@sfgov.org](mailto:soff@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.