

# SAN FRANCISCO PORT COMMISSION

**Kimberly Brandon, President**  
**Willie Adams, Vice President**  
**John Burton, Commissioner**  
**Gail Gilman, Commissioner**  
**Doreen Woo Ho, Commissioner**

**Elaine Forbes, Executive Director**  
**Office: 415-274-0400**

**Carl Nicita, Commission Affairs Manager**  
**Office: 415-274-0406**

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## **AGENDA** **PORT COMMISSION MEETING**

**TUESDAY, DECEMBER 14, 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: 2489-126-3506#</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"><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>*

1. CALL TO ORDER / ROLL CALL
2. APPROVAL OF MINUTES – November 9, 2021
3. PUBLIC COMMENT ON EXECUTIVE SESSION
4. EXECUTIVE SESSION

A. Vote on whether to hold a closed session.

(1) CONFERENCE WITH 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: Seawall Piers 38 and 40  
Person Negotiating: Port: Rebecca Benassini, Deputy Director of Real Estate and Development  
Negotiating Parties: Simon Snellgrove, San Francisco Waterfront Partners III, LLC  
Under Negotiation: \_\_\_ Price \_\_\_ Terms of Payment X Both

In this executive session, the Port’s negotiators seek direction from the Port Commission to provide negotiation direction on factors affecting the price and terms of payment, including price structure and financing and other factors affecting the terms of payment of the proposed Piers 38 & 40 Development project. 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 the People of the State of California.

- (b) Property: Alioto’s Restaurant, 2829 Taylor Street (Lease L-7491) and the associated storage lease at Seawall Lot 302, intersection of Jefferson and Leavenworth Streets (Lease L-9171)  
Person Negotiating: Port: Michael Martin, Assistant Port Director  
Negotiating Parties: Mario Alioto, Alioto Fish Company Ltd.  
Under Negotiation: \_\_\_ Price \_\_\_ Terms of Payment X Both

In this executive session, the Port’s negotiators seek 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 potential amendments to the subject leases. 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.

**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
  - Year-end update on Economic Recovery, Equity and Major Projects

**10. CONSENT**

- A. Request approval of a resolution adopting findings under new State urgency legislation to allow remote meetings during the COVID-19 emergency; continuing remote meetings for the next 30 days; and directing the Commission Affairs Manager to agendize a similar resolution at a Commission meeting within 30 days. (Resolution 21-49)
- B. Request authorization to advertise for competitive bids for Construction Contract No. 2843, Pier 70 Shipyard Grading and Abatement. (Resolution 21-50)
- C. Request approval to issue a Request for Proposals for As-Needed Technical Services for Pier 70 and Mission Rock Development Projects. (Resolution 21-51)

- D. Request Approval to Extend Fee Waivers for Licenses for Use of Port Property for Restaurants and Retail Businesses on Private Property Adjoining Port Property in Connection with the Port's Shared Spaces Program for Outdoor Dining and Retail Activities for an additional four months through April 30, 2022. (Resolution 21-52)
- E. Resolution authorizing the Executive Director to Amend the Feasibility Cost Sharing Agreement (FCSA) with the United States Army Corps of Engineers (USACE) for the San Francisco Coastal Flood Study (Study) to Extend the Term by an Additional 50 Months, Increase Port's Share of the Cost of the Study by up to an Additional \$5 Million, and Allow the Port to Provide Accelerated Funds for its Share of the Study Cost. (Resolution 21-53)

**11. MARITIME**

- A. Request approval of a 5-year rate structure and fees for landings by ferry and excursion operators. (Resolution 21-54)

**12. WATERFRONT RESILIENCE PROGRAM**

- A. Informational presentation regarding the Waterfront Resilience Program early projects to address life safety and disaster response.

**13. REAL ESTATE & DEVELOPMENT**

- A. Informational presentation on Mission Rock Project Construction Updates, Public Art Plan Summary, and Street Rooms at Seawall Lot 337, bounded by China Basin Channel, Third Street, Mission Rock Street, and San Francisco Bay.

**14. NEW BUSINESS**

**15. ADJOURNMENT**

**PROPOSED AGENDA  
SUBJECT TO CHANGE**

**JANUARY 11, 2022**

	<b>FACILITY/POLICY</b>	<b>ITEM</b>	<b>TITLE</b>
1	Heron's Head Park	Action	Request authorization to advertise contract for Heron's Head Park Shoreline Resilience project
2	James R. Herman Cruise Terminal	Action	Request authorization to award a sole source contract for the testing and re-commissioning of the shoreside power system at the James R. Herman Cruise Terminal in the amount of \$400,000 and a four-year term
3	Pier 70	Action	Approval of Cost Reimbursement Agreement between the City and County of San Francisco and Pacific Gas & Electric for Management of Residual Petroleum Hydrocarbons on City Property within the shoreline and submerged land along the former Potrero Power Plant and Pier 70 in San Francisco
4	Portwide	Action	Request approval of a resolution adopting findings under new State urgency legislation to allow remote meetings during the COVID-19 emergency; continuing remote meetings for the next 30 days; and directing the Commission Affairs Manager to agendize a similar resolution at a Commission meeting within 30 days
5	Portwide	Informational	Presentation on a proposed Port Micro-LBE Credit Capacity Program
6	Portwide	Informational	Presentation and update on the Port's pilot Mobile Vending Program

**DATE TO BE DETERMINED**

	<b>FACILITY/POLICY</b>	<b>ITEM</b>	<b>TITLE</b>
1	Seawall Lot 354	Action	Request approval of a Memorandum of Understanding (MOU) M-16808 between the Port of San Francisco and the San Francisco Municipal Transportation Agency (SFMTA) for use of a portion of Seawall Lot 354 (also known as 1399 Marin Street) for general office, general warehouse, storage, related parking of SFMTA staff vehicles, maintenance and repair of SFMTA buses including fueling and washing of same, and for incidental, directly-related uses and for no other purpose for a term of seven years and a waiver of the security deposit.

2	Portwide	Informational	Informational update on the Port's Racial Equity Action Plan (REAP) Phase I actions
3	Piers 39-43.5	Informational	PG&E Pier 39-43.5 Offshore Remediation Project and Use of Pier 96 Terminal for Marine Construction Staging and Material Handling Facility
4	Portwide	Informational	Presentation on proposed Guidelines for Recognition or Commemoration at the Port of San Francisco
5	Piers 30-32 & SWL 330	Informational	Presentation on the project status with Strada Trammel Crow Companies Partnership LLC for the Piers 30-32 & SWL 330 the generally located along the Embarcadero between Bryant and Beale Streets
6	Portwide	Informational	Present status of San Francisco County Transportation Authority's Downtown Congestion Pricing Study
7	Pier 80	Informational	Update on PASHA Operations and Local Hire Performance at Pier 80
8	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)
9	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
10	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
11	Portwide	Action	Approval of amendments to Port of San Francisco Tariff No. 5 (Rules, Regulations, Rates, and Charges)
12	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
13	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
14	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 2022  
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC**

<b>DATE</b>	<b>TIME</b>	<b>GROUP</b>	<b>LOCATION</b>
JAN. 11	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Virtual
FEB. 8	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	TBD
FEB. 22	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	TBD

**COMPETITIVE SELECTION PROCESS COMMUNICATIONS  
RESTRICTED COMMUNICATIONS PERIOD REPORT**

**Date of Report: December 10, 2021**

The following competitive solicitations are published and are within or will soon be within the Restricted Communications Period under the forthcoming Port Commission Competitive Selection Process Communications Policy.

<b>DIVISION</b>	<b>TITLE</b>	<b>PUBLICATION DATE</b>	<b>CONTRACT MANAGER</b>
Maritime & Engineering	Maintenance Dredging Program, Construction Contract No. 2842	Upcoming	Ken Chu & Shannon Alford
Engineering	Pier 70 Shipyard Grading and Abatement, Construction Contract No. 2843	Upcoming	Erica Petersen
Engineering	As-Needed Technical Services for Pier 70 and Mission Rock Development Projects	Upcoming	Stephanie Tang

**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 at <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 at (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 at (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 at (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 at (415) 749-2516 or [marc.slutzkin@sfgov.org](mailto:marc.slutzkin@sfgov.org).

### **ACCESSIBLE MEETING INFORMATION POLICY**

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 Carl Nicita at (415) 274-0406 or via email at [carl.nicita@sfport](mailto:carl.nicita@sfport) 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 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 [soft@sfgov.org](mailto:soft@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.