

SAN FRANCISCO PORT COMMISSION

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AGENDA **PORT COMMISSION MEETING**

TUESDAY, JUNE 14, 2022
2:00 P.M. CLOSED SESSION
3:15 P.M. OPEN SESSION

PORT COMMISSION HEARING ROOM
FERRY BUILDING, SECOND FLOOR
SAN FRANCISCO, CA 94111

This meeting will be held in person at the location listed above. As authorized by California Government Code Section 54953(e) and Mayor Breed's 45th Supplement to her February 25, 2020 emergency proclamation, it is possible that some members of Port Commission may attend this meeting remotely. In that event, those members will participate and vote by video. Members of the public may attend the meeting to observe and provide public comment at the physical meeting location listed above or online at <https://sfgovtv.org/sfgovtv-live-events>. Instructions for providing remote public comment are below.

<p>TO STREAM THE LIVE MEETING:</p> <p>https://sfgovtv.org/sfgovtv-live-events</p> <p>TO LISTEN TO THE LIVE MEETING AND MAKE PUBLIC COMMENT REMOTELY:</p> <p>Dial 415-655-0001 Participant Code: 2490-607-0997#</p> <p>When prompted, dial *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 and other Explanatory Documents provided to the Port Commission are available for public inspection at the Pier 1 Reception Desk and posted on the Port's website at <https://sfport.com/meetings>.

1. **CALL TO ORDER / ROLL CALL / RAMAYTUSH OHLONE LAND ACKNOWLEDGEMENT**
2. **APPROVAL OF MINUTES – May 10, 2022**
3. **PUBLIC COMMENT ON EXECUTIVE SESSION**
4. **EXECUTIVE SESSION**

A. Vote on whether to hold a closed session and to invoke the attorney-client privilege regarding the matters listed below as Conference with Legal Counsel.

(1) CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED LITIGATION MATTER (Discussion Item)

Discussion of anticipated litigation matter pursuant to California Government Code Section 54956.9(d)(2) and (d)(4) and San Francisco Administrative Code §§ 67.8(a)(3), 67.8-1(b), 67.10(d)(2) regarding disputed title to a portion of Custer Avenue in the vicinity of 1650 - 1680 Davidson Avenue.

Anticipated litigation: X As defendant X As plaintiff

(2) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTER (Discussion Item)

Closed Session discussion pursuant to California Government Code, Cal. Govt. Code § 54954.5(c); San Francisco Administrative Code §§ 67.8(a)(3), 67.8-1(b), for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following existing three separate litigation actions filed in the Superior Court of California, County of San Francisco, by the Port against Aclima, Inc., entitled *City & Cnty of SF operating by/thr SF Port Comm. v. Aclima Inc.*; the lawsuit is an unlawful detainer action to recover possession of the following three properties and a portion of unpaid rent owed to the Port by Aclima Inc. for each of the three properties:

- a) Pier 19, Bays 8-18 (Case Number CUD-22-668860)
- b) 10 Lombard Street (Roundhouse Two), 3rd Floor (Case Number CUD-22-668861)
- c) 1101 The Embarcadero, Sandhouse Building (Case Number CUD-22-668862)

(3) 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)

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.

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 and similar sound-producing electronic devices are prohibited at this meeting. The Chair may order the removal from the meeting room of any person responsible for the ringing of or use of a cell phone 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 public comments on each agenda item unless the Port Commission adopts a shorter period on any item. Public comment must be in respect to the current agenda item. For in-person public comment, please fill out a speaker card and hand it to the Port Commission Affairs Manager. For remote public comment, instructions are on the first page of this agenda. During public comment, the moderator will instruct you to dial *3 to be added to the queue. An audio prompt will signal when it is your turn to speak.

8. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

Public comment is permitted on any matter within Port jurisdiction that is not an agenda item. No Commission action can be taken on any matter raised 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
 - Update to the Port's 2021-2026 Strategic Plan – Resilience goals, objectives and strategies
 - Key Project Updates

10. CONSENT

- A. Request approval of a resolution adopting findings under new State urgency legislation to allow certain members of this body to attend meetings remotely during the COVID-19 emergency; continuing to allow certain members to attend remotely for the next 30 days; and directing the Commission Affairs Manager to agendize a similar resolution at a Commission meeting within 30 days. (Resolution 22-28)
- B. Request approval of a new lease with Aardvark Storage Unlimited, Inc., a California corporation, dba American Storage Unlimited, Inc. for approximately 274,163 square feet of paved land at Seawall Lot 344 for a term of five years with a one (1) year option to extend. (Resolution 22-29)
- C. Request approval of a resolution authorizing the settlement of a lawsuit filed by Karen Lange and Kevin Lange against the City and County of San Francisco for \$175,000; the lawsuit was filed on December 17, 2020, in San Francisco Superior Court, Case No. CGC-20-588530; entitled Karen Lange and Kevin Lange v. City and County of San Francisco; the lawsuit involves alleged personal injuries on Port property. (Resolution 22-30)
- D. Request approval of Lease No. L-16873 between the Port and Cross Link, Inc., dba Westar Marine Services, for Premises located at Pier 50 for a term of 5 years. (Resolution 22-31)

11. WATERFRONT RESILIENCE PROGRAM

- A. Informational presentation on the process for developing Draft Waterfront Adaptation Strategies

12. ENGINEERING

- A. Request authorization to award Construction Contract No. 2843, Pier 70 Shipyard Grading and Abatement, to Yerba Buena Engineering and Construction Inc., in the amount of \$1,162,090, and authorization for a contract contingency fund of 10% of the contract amount (or \$116,209) for

unanticipated conditions, for a total authorization not to exceed \$1,278,299.
(Resolution 22-32)

13. NEW BUSINESS

14. ADJOURNMENT

**PROPOSED AGENDA
SUBJECT TO CHANGE**

JULY 12, 2022

	FACILITY/POLICY	ITEM	TITLE
1	Pier 43 ½	Consent	Approve amendment to lease with Golden Gate Steamship Company, also known as Red & White Fleet
2	Portwide	Consent	Request to advertise as-needed engineering contracts
3	Piers 38/40	Action	Approve endorsement of a Term Sheet with Pacific Waterfront Partners for Piers 38 & 40 project.
4	Ferry Plaza East Building and Pier 33 ½	Action	Approve of competitive solicitation strategy including the use of commercial brokers to lease two currently vacant spaces - the Ferry Plaza East Building behind the Ferry Building and a restaurant space in Pier 33 ½ Building
5	Portwide	Action	Discussion and possible action on Port Executive Director salary pursuant to Charter Section B3.581(h)
6	Portwide	Informational	Maritime Portfolio update
7	Pier 9	Informational	Presentation on renewal of a lease with existing tenant, Autodesk, at Pier 9
8	Portwide	Informational	Presentation on proposed updates to Port's parameter rental rates, special events rates, and leasing incentives
9	SWL 337 Mission Rock	Action	Request authorization to execute Recycled Water Services Agreement with Mission Rock Utilities

AUGUST 9, 2022

	FACILITY/POLICY	ITEM	TITLE
1	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

2	Piers 39-43.5	Informational	PG&E Pier 39-43.5 Offshore Remediation Project
3	Building 49 at Pier 70	Informational	Presentation on a new lease with the YMCA for operation of a recreational and food and beverage facility at Pier 70 in Building 49.

DATE TO BE DETERMINED

	FACILITY/POLICY	ITEM	TITLE
1	Central Embarcadero	Informational	Presentation by the San Francisco Municipal Transportation Authority of the recent Embarcadero Enhancement Quick-Build Project and proposals to improve safety on the Embarcadero Promenade, located in the Central Embarcadero area between Mission and Broadway Streets
2	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
3	Portwide	Informational	Presentation on competitive solicitation for operation of Port's parking lots, located throughout the waterfront

**JULY / AUGUST 2022
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC**

DATE	TIME	GROUP	LOCATION
JULY 12	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room (Ferry Building) and Virtual
AUG. 9	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room (Ferry Building) and Virtual

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

Date of Report: June 10, 2022

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.

DIVISION	TITLE	PUBLICATION DATE	CONTRACT MANAGER
Engineering	As-Needed Engineering and Related Services	Expected July 1, 2022	Stephanie Tang & Alysabeth Alexander-Tut

Maritime & Engineering	Maintenance Dredging Program, Award Construction Contract No. 2842	Upcoming	Ken Chu & Shannon Alford
Engineering	Pier 70 Shipyard Grading and Abatement, Construction Contract No. 2843	April 5, 2022	Erica Petersen
Real Estate & Development	Restaurant Spaces Solicitations	Upcoming	Ricky Tijani through Real Estate Division

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.

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 at (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 at (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 at (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 at (415) 749-2516 or 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 or Carl Nicita at (415) 274-0406 or via email at 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 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@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. 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.