

SAN FRANCISCO PORT COMMISSION

Willie Adams, President
Kimberly Brandon, Vice President
John Burton, Commissioner
Gail Gilman, Commissioner

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

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Office: 415-274-0406

AGENDA **PORT COMMISSION MEETING**

TUESDAY, JULY 12, 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: 2491-324-2009#</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 – June 14, 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) PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Discussion Item)

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

(2) 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

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
- Economic Recovery
 - Equity
 - Key Project Updates

10. CONSENT

- A. Request approval of a resolution adopting findings under 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 22-33)
- B. Request approval of a Settlement Agreement for Aclima, Inc. (Aclima) under Leases No. L-16516 (Pier 19), L-16573 (Roundhouse 2, 3rd Floor), L-16608 (Sandhouse), and L-15928 (98 Lombard – terminated) under which: (i) Port and Tenant will agree to a 14-month payment plan of past due rent exceeding \$1.8 million, less late fees and interest, holdover rent and a 20% reduction on past due base rent; (ii) Tenant will execute a stipulated judgement requiring Tenant to pay outstanding rent without foregoing deductions if Tenant fails to comply with the Settlement Agreement; and (ii) Port's waiver of late fees and interest, holdover rent, attorneys' fees, and 20% of past due base rent if Tenant successfully completes the payment plan. (Resolution 22-34)

- C. Subject to approvals by the Board of Supervisors and the California State Lands Commission (“State Lands”), as required: request approval of a Final Settlement Agreement and related transaction documents to resolve disputed title claims as to a portion of Former Custer Avenue with the 2006 Murray G. And Doris M. Cole Revocable Trust (“Cole Trust”) including: (1) approval of a form Purchase and Sale Agreement (“Sale Agreement”) by the City to the Cole Trust, free of the Trust of a portion of Former Custer Avenue within 1650 Davidson Street San Francisco, California; (2) approval of a form Public Trust Exchange and Title Settlement Agreement For 1620-1650-1680 Davidson Avenue (“Exchange Agreement”) among the Port, the Cole Trust and State Lands by which the City and State Lands will quitclaim their interests in the property claimed by the Cole Trust and the Cole Trust will grant a new Public Trust Easement to the State and make a deposit into the Kapiloff Land Bank Fund; (3) authority to seek State Legislation and accept title to the new Public Trust Easement lands; (4) approval of an extension of the January 14, 2023 standstill date in the current settlement agreement between Port and the Cole Trust and delegation of authority for additional extensions to the Executive Director. (Resolution 22-35)

11. REAL ESTATE & DEVELOPMENT

- A. Request Endorsement of the Proposed Term Sheet with Pacific Waterfront Partners III, LLC for the proposed Piers 38 & 40 project located along The Embarcadero. (Resolution 22-36)
- B. Request approval of (1) a resolution rescinding Resolution 07-29 which prohibits Port from paying brokers’ commissions; (2) a resolution adopting a new interim broker-policy that permits payment of brokers’ commissions and fees subject to the limitations set in the proposed policy (the interim “Broker Policy”); and (3) a resolution authorizing the pursuit of a proposed multi-site offering using a broker-assisted, competitive solicitation process to lease the Ferry Plaza East Building behind the Ferry Building and a restaurant space in Pier 33 ½ Building. (Resolutions 22-37 and 22-38)
- C. Informational presentation on proposed Fiscal Year 2022-23 Monthly Rental Rate Schedule, Monthly Parking Stall Rates, and Special Events (Parameter Rates).

12. MARITIME

- A. Informational presentation and update on the Port’s Maritime portfolio.

13. FINANCE & ADMINISTRATION

- A. Discussion and possible action on Port Executive Director salary pursuant to Charter Section B3.581(h). (Resolution 22-39)

14. NEW BUSINESS

15. ADJOURNMENT

**PROPOSED AGENDA
SUBJECT TO CHANGE**

AUGUST 9, 2022

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Consent	Request to advertise as-needed hazardous material abatement contract
2	SWL 337 Mission Rock	Action	Request authorization to execute Recycled Water Services Agreement with Mission Rock Utilities
3	Pier 9	Informational	Presentation on renewal of a lease with existing tenant, Autodesk, at Pier 9
4	Piers 39-43.5	Informational	PG&E Pier 39-43.5 Offshore Remediation Project
5	Shipyard Uplands at Pier 70	Informational	Presentation on a new lease with the Heirloom Carbon
6	Portwide	Informational	Presentation on proposed Revisions to the Draft Waterfront Plan for Public Review and Comment
7	Portwide	Action	Approve Fiscal Year 2022-23 Monthly Rental Rate Schedule, Monthly Parking Stall Rates, and Special Events (Parameter Rates)
8	SWL 344	Action	Approve Memorandum of Understanding with Department of Environment for use of SWL 344

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
4	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
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	Pier 43.5	Action	Approve lease amendment with Golden Gate Scenic Steamship (Red & White Fleet)

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

DATE	TIME	GROUP	LOCATION
AUG. 9	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room (Ferry Building) and Virtual
SEPT. 11	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: July 8, 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	July 5, 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 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 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.

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.