

SAN FRANCISCO PORT COMMISSION

Kimberly Brandon, President
Willie Adams, Vice President
Gail Gilman, Commissioner
Steven Lee, Commissioner

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

Jenica Liu, Acting Commission Affairs Manager
Office: 415-274-0406

AGENDA **PORT COMMISSION MEETING**

TUESDAY, FEBRUARY 14, 2023
2:00 P.M. CLOSED SESSION
2:45 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: 2491-183-6079#</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
---	--

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 – January 24, 2023**

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 REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8. (Discussion Item)

Property: Pier 31 (Lease L-16274)

Person Negotiating: Port: Rebecca Benassini, Deputy Director of Real Estate and Development

Negotiating Parties: Claire Mooney, Vice President, Golden Gate National Parks Conservancy (Conservancy)

Under Negotiations: Price Terms of Payment Both

The Port and Conservancy are negotiating a potential amendment to the subject lease to address rent obligations of the Conservancy. 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 the potential amendment. 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 REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8. (Discussion Item)

Property: AB 8719, Lot 002, also known as Seawall Lot 337, AB 9900, Lot 62, also known as China Basin Park, and AB 9900, Lot 048 and AB 9900, Lot 048H, also known as Pier 48 (all bounded generally by China Basin, the San Francisco Bay, Mission Rock Street, and Third Street)

Person Negotiating: Port: Rebecca Benassini, Deputy Director, Real Estate & Development

*Negotiating Parties: SWL 337 Associates, LLC: Jack Bair & Carl Shannon

Under Negotiations: ____ Price ____ Terms of Payment Both

Pursuant to Resolutions No. 18-03 through 18-10, the Port Commission authorized the Executive Director to enter transaction documents including a Development & Disposition Agreement with the Port for the lease and development of the property. In this executive session, the Port's negotiator seeks direction from the Port Commission on the price to be paid which includes the form, manner and timing of payment of rent to be paid by the Developer to the Port for the lease and development of the property. The executive session will enable the Port Commission to develop a negotiating strategy tailored to maximize the City's return based on these factors. In particular, the executive session discussions 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 and more effectively negotiate with the non-Port party on price and payment terms.

- (3) Discussion and possible action on pending litigation pursuant to California Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d)(2). (Discussion and Possible Action)

Pending litigation: As defendant ____ As plaintiff

Proposed settlement of litigation between defendants the City and County of San Francisco ("the City"), Universal Protection Service, LP dba Allied Universal Security Services, Treeline Security, and plaintiffs Robert Burchell, F/V Rose Marie, Inc., Erik Anfinson, John Barnett, Sarah Bates, F/V AL-W, Ken Burns, Chris Cameron, MJ Fisheries, Inc., Mike Costello, Andrew Evanow Jr., Andrew Evanow Sr., Michael Fontes, Chris Fox, Mike Harvie, Sean Hodges, David Kemp, Nick Krieger, WAC Fisheries, Inc., Philip Lafata, Daniel Lazzari, Patrick Lazzari, Brand Little, Benedetto Lo Grande, Chuck Louie, Bob Maharry, John Mellor, Savior Papetti, Mark Schwarz, Shane Wehr, Andrew Cresalia, Oceanic Logistics LLC, Tomas Walsh, and Sean Cross, in connection with a complaint filed against the City on December 28, 2020 for damages arising from a May 23, 2020 fire at Pier 45, entitled Burchell et al., v. City and County of San Francisco, San Francisco Superior Court Case No. CGC-20-588665.

The material terms of the proposed settlement include payment of \$6,200,000, including possible payment by the Port of up to \$100,000, which represents the Port's insurance deductible, to the plaintiffs in exchange for plaintiffs' release of all claims against City, its insurer and

affiliated entities for property damage and lost profits. The City and the security defendants will exchange mutual releases.

In accordance with San Francisco Administrative Code § 67.12(b)(3), staff is keeping the terms of the settlement confidential until the pending lawsuit entitled Robert Scott Reynolds v. City and County of San Francisco, San Francisco Superior Court Case No. CGC-21-590462, which also arises from the May 23, 2020 fire at Pier 45, is resolved.

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 23-06)
- B. Resolution recommending the Board of Supervisors resolve and settle Burchell et al., v. City and County of San Francisco, San Francisco Superior Court Case No. CGC-20-588665 in the amount of \$6,200,000. (Resolution 23-07)

11. REAL ESTATE & DEVELOPMENT

- A. Authorization to offer tenant improvement allowances and request that the Board of Supervisors waive Administrative Code Chapter 6 for certain Port leases to facilitate Port's use of up to \$20 million on tenant improvements to spur economic recovery and revenue generation. (Resolution 23-08)

12. FINANCE & ADMINISTRATION

- A. Informational presentation on the Proposed FY 2023-24 Supplemental Appropriation to Fund Operations of certain Mission Bay Parks and Approve a Proposition J Contract for Maintenance of Nonstandard Improvements at Mission Rock and Pier 70.

13. NEW BUSINESS

14. ADJOURNMENT

**PROPOSED FUTURE AGENDA
SUBJECT TO CHANGE**

FEBRUARY 28, 2023

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Action	Request adoption of an updated Policy for allocation of Abandoned Personal Property Portwide.
2	Crane Cove Park Building 49	Action	Request approval of proposed development and multi-use lease of Building 49 located within Crane Cove Park by the YMCA of San Francisco for an initial term of 10 years plus options to extend for a total term of up to 34 years.
3	Portwide	Action	Request approval to streamline use of stimulus funds for tenant improvements by waiving certain contracting provisions in cases where Port negotiates for higher rents in exchange for commitment of such funds by December 31, 2025.
4	2890 Jefferson Street	Informational	Consider approval of a lease amendment to extend the deadline for delivery of a required tenant improvement project at the Chowder Hut restaurant.
5	Portwide	Action	Request approval of the Operations Agreement with APS West Coast, Inc., dba Amports, ("APS") granting APS authority to operate its Benicia and Antioch California locations as a Foreign Trade Zone No. 3 Subzone for a term of 5 years, with one option to extend for four years and outlining conditions for the operation of the subzone site.
6	Roundhouse 2	Action	Request authorization to award Construction Contract No. 2848, Roundhouse 2 Roof, Solarium, and Windows, to XX, in the amount of \$X, and authorization for a contract contingency fund of 10% of the contract amount (or \$X) for unanticipated conditions, for a total authorization not to exceed \$X.
7	Portwide	Action	Request authorization to award three contracts to (1) AEW Engineering (2) SCA Environmental and (3) CDIM Engineering for As-needed Environmental and Planning Services, each contact in an amount not to exceed \$2,500,000 and to create a pre-qualified pool.

DATE TO BE DETERMINED

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation on the Port's Art Program.
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	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.
5	SWL 344	Action	Request approval of a proposed new Memorandum of Understanding with the San Francisco Department of the Environment for approximately 27,502 square feet of paved land, approximately 5,766 square feet of unpaved land, and approximately 3,615 square feet of shed space at Seawall Lot 344 for a term of five years.
6	Central Waterfront	Informational	Informational Presentation on the Transbay Joint Powers Authority (TJPA) Downtown Rail Extension Project.
7	Portwide	Informational	Information on vending updates with DPH, DPW, SFPD.
8	Portwide	Informational	Hiring updates.

**FEBRUARY AND MARCH 2023
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC**

DATE	TIME	GROUP	LOCATION
FEB. 28	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room (Ferry Building) and Virtual
MAR. 14	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room (Ferry Building) and Virtual
APR. 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: February 9, 2023

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
Environmental and Planning	As-Needed Planning and Environmental Services	October 5, 2022	Stephanie Tang & Alysabeth Alexander-Tut
Maritime & Engineering	Maintenance Dredging Program, Award Construction Contract No. 2842	September 22, 2022	Ken Chu & Shannon Alford
Real Estate & Development	Restaurant Spaces Solicitations - Ferry Plaza East Building	Upcoming	Ricky Tijani through Real Estate Division
Real Estate & Development	Restaurant Spaces Solicitations - Piers 33 1/2	Upcoming	Sandra Oberle through Real Estate Division
Engineering	Roundhouse 2 Roof, Solarium, and Windows Construction Contract	Upcoming	Erica Petersen through Engineering Division
Environmental and Planning	RFP Marsh Revegetation and Transitional Age Work Training Program	1/31/2023	Alysabeth Alexander-Tut
	Coaching and Organizational Development Pool	Upcoming	Alysabeth Alexander-Tut
Finance	RFQ Special Funds Administrator	Upcoming	Karolina Bufka and Alysabeth Alexander-Tut

NOTES:

The San Francisco Port Commission meets regularly on the second Tuesday of every month, plus the fourth Tuesday of February and April, 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 Jenica Liu at (415) 274-0406 or jenica.liu@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 Jenica Liu at (415) 274-0406 or via email at jenica.liu@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 / “ᄃᆞᆯ” “ᄃᆞᆯ” “ᄃᆞᆯ” / Libreng tulong para sa wikang Tagalog

To request an interpreter for a specific item during the hearing, please contact Port's Language Access Liaison, Monica Lim at (415) 274-0471 or email her at monica.lim@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 Monica Lim 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Monica Lim 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 Monica Lim 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 Monica Lim 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.