

# 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**

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**Office: 415-274-0406**

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

**TUESDAY, FEBRUARY 28, 2023**  
**2:30 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.

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|---|--|
| <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 LISTEN TO THE LIVE MEETING AND MAKE PUBLIC COMMENT REMOTELY:</b></p> <p>Dial 415-655-0001<br/>Participant Code: 2483-350-7728#</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"><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> |
|---|--|

*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 – February 14, 2023**
3. **PUBLIC COMMENT ON EXECUTIVE SESSION**
4. **EXECUTIVE SESSION**

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.

- A. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR –** This is specifically authorized under California Government Code Section 54956.8. (Discussion Item)

Property: 340 Jefferson Street (Lease L-8986)

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

Negotiating Parties: Kevin Westlye, President, High Flying Foods

Under Negotiations:  Price  Terms of Payment  Both

In this executive session, the Port's negotiators seek direction from the Port Commission on factors affecting the price and terms of payment for a termination of lease and settlement of unpaid rent for the abovementioned property. 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
- Economic Recovery
  - Equity
  - Key Project Updates

## **10. CONSENT**

- A. 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. (Resolution 23-09)
- B. Request approval of the FY 2023-24 Supplemental Appropriation to Fund Operations of certain Mission Bay Parks and Approve Proposition J Contracts for Maintenance of Nonstandard Improvements at Mission Rock and Pier 70. (Resolution 23-10)
- C. Request authorization to waive competitive solicitation process and award a sole source grant in the amount of \$100,000 to a Port licensee for quarterly activations of Ferry Terminal Plaza in conjunction with Saturday Farmers' Market. (Resolution 23-11)

**11. FINANCE & ADMINISTRATION**

- A. 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 contract in an amount not to exceed \$2,500,000 and to create a pre-qualified pool. (Resolution 23-12)

**12. REAL ESTATE & DEVELOPMENT**

- A. Informational presentation on proposed lease amendment to L-16997 Lease with Andre-Boudin Bakeries, Inc. for Chowder Hut restaurant to extend the deadline for construction of improvements to patio and revise the scope of development to patio improvements to reduce total patio area enclosed.
- B. Informational presentation on the Stakeholder Engagement Process with Respect to an Unsolicited Proposal for the Leasing and Phased Development of Portions of SWL 300/301 and Pier 45 Sheds A and C in Fisherman's Wharf.

**13. NEW BUSINESS**

**14. ADJOURNMENT**

**PROPOSED FUTURE AGENDA  
SUBJECT TO CHANGE**

**MARCH 14, 2023**

|   | <b>FACILITY/POLICY</b> | <b>ITEM</b>   | <b>TITLE</b>  |
|---|------------------------|---------------|---|
| 1 | 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.  |
| 2 | 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. |
| 3 | Portwide               | Action        | Adoption of CEQA Findings and Mitigation Measure Monitoring Report and the Final Waterfront Plan.   |

**DATE TO BE DETERMINED**

|   | <b>FACILITY/POLICY</b>        | <b>ITEM</b>   | <b>TITLE</b>   |
|---|-------------------------------|---------------|--|
| 1 | 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. |
| 2 | Portwide                      | Informational | Presentation on the Port's Art Program.  |
| 3 | 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.   |
| 4 | Portwide                      | Informational | Presentation on competitive solicitation for operation of Port's parking lots, located throughout the waterfront.  |
| 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 | 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. |
| 7 | Central Waterfront | Informational | Informational Presentation on the Transbay Joint Powers Authority (TJPA) Downtown Rail Extension Project.    |
| 8 | Portwide           | Informational | Information on vending updates with DPH, DPW, SFPD.  |
| 9 | Portwide           | Informational | Hiring updates.  |

**APRIL AND MAY 2023  
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC**

| <b>DATE</b> | <b>TIME</b>                                    | <b>GROUP</b>    | <b>LOCATION</b>                                  |
|-------------|--|-----------------|--|
| APR. 11     | 2:00 PM Closed Session<br>3:15 PM Open Session | Port Commission | Port Commission Hearing Room<br>(Ferry Building) |
| APR. 25     | 2:00 PM Closed Session<br>3:15 PM Open Session | Port Commission | Port Commission Hearing Room<br>(Ferry Building) |
| MAY 9       | 2:00 PM Closed Session<br>3:15 PM Open Session | Port Commission | Port Commission Hearing Room<br>(Ferry Building) |

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

**Date of Report: February 23, 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.

| <b>DIVISION</b>            | <b>TITLE</b>   | <b>PUBLICATION DATE</b> | <b>CONTRACT MANAGER</b>                     |
|----------------------------|--|-------------------------|---|
| 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](mailto: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](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 Jenica Liu at (415) 274-0406 or via email at [jenica.liu@sfport.com](mailto: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 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, Monica Lim at (415) 274-0471 or email her at [monica.lim@sfport.com](mailto: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](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.