

SAN FRANCISCO PORT COMMISSION

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

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AGENDA PORT COMMISSION MEETING

TUESDAY, SEPTEMBER 17, 2024
1:30 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. 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 1-415-655-0001 United States Toll (San Francisco) Access Code: 2663 158 9897 ##</p> <p>Dial *3 to be added to the public comment queue for the item you would like to speak on.</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/about/port-commission>.

1. **CALL TO ORDER / ROLL CALL**
2. **APPROVAL OF MINUTES – AUGUST 13, 2024**
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.

(2) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION: CITY AND COUNTY OF SAN FRANCISCO VS. CASTAGNOLA, INC. OF SAN FRANCISCO, A CAL. CORP ET AL, Superior Court of San Francisco County, Case No. CUD24674725; and CITY AND COUNTY OF SAN FRANCISCO VS. LOLMAN ENTERPRISES, INC., ET AL, Superior Court of San Francisco County, Case No. CGC23606678

Discussion of pending litigation matters pursuant to California Government Code Section 54956.9(d)(1) and San Francisco Administrative Code §§ 67.8(a)(3) regarding unlawful detainer (UD) and breach of contract actions regarding Castagnola's restaurant.

(3) CONFERENCE WITH LEGAL COUNSEL AND 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: Portions of SWL 300/301 and Pier 45 Sheds A and C

Person Negotiating: Port: Mike Martin, Assistant Port Director, Scott Landsittel, Deputy Director, Real Estate & Development, and Wyatt Donnelly-Landolt, Waterfront Development Manager

Negotiating Parties: Lou Giraudo, Seth Hamalian, and Chris McGarry, Fisherman's Wharf Revitalized, LLC

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, financing, and other factors affecting the terms of payment of the proposed Fisherman's Wharf Development project including portions of

SWL 300/301 and Pier 45 Sheds A and C. 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. RAMAYTUSH OHLONE LAND ACKNOWLEDGEMENT

7. PLEDGE OF ALLEGIANCE

8. 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, dial *3 to be added to the queue. An audio prompt will signal when it is your turn to speak.

9. 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 Port 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))

10. EXECUTIVE

- A. Executive Director's Report
 - Economic Recovery
 - Equity
 - Key Project Updates

11. CONSENT

- A. Request Authorization to Advertise for Competitive Bids for Construction Contract No. 2871, Pier 80 Mooring and Berthing Improvements. (Resolution 24-38)
- B. Request approval of Consent to Transfer Port Leases L-12839 (Pier 92) and L-13002 (Pier 94) from HBMA Holdings, LLC to Martin Marietta Northern California Aggregates, LLC. (Resolution 24-39)
- C. Request approval of a resolution amending the Lease with Exploratorium at Piers 15 and 17 to, among other things, extend date by an additional 10 years to commence rehabilitation of Pier 17. (Resolution 24-40)

12. REAL ESTATE & DEVELOPMENT

- A. Informational presentation to consider and possible action to find that it is impractical to bid retail space at 360 Jefferson Street in Fisherman's Wharf currently leased to Portco, Inc, dba Safe Harbor lease L-14564 and authorize Port staff to enter direct negotiations with Portco, Inc. for a 5-year lease renewal for such space. (Resolution 24-41)

13. WATERFRONT RESILIENCE PROGRAM

- A. Informational presentation on the Draft 2025 Hazards and Climate Resilience Plan.

14. MARITIME

- A. Informational presentation on the Port's Maritime Portfolio FY24.

15. NEW BUSINESS

16. ADJOURNMENT

**PROPOSED FUTURE AGENDA
SUBJECT TO CHANGE**

OCTOBER 8, 2024

	FACILITY/POLICY	ITEM	TITLE
1	Pier 94/96	Action	Request authorization to accept and expend a Seismic Safety Hazard Mitigation Grant from the Federal Emergency Management Agency (FEMA) administered by California Office of Emergency Services (Cal OES) for Pier 94/96.
2	Waterfront Plaza	Information and Possible Action	Informational presentation to consider and possible action to approve a resolution recommending the Board of Supervisors approve a lease with JPPF Waterfront Plaza, L.P. for the Waterfront Plaza Office Complex located on Seawall Lots 315, 316, and 317 at between Chestnut and Bay Streets at The Embarcadero for a term of 57 years.
3	Pier 45 Sheds A and C and a portion of SWL 300/301	Information and Possible Action	Informational presentation on the Fisherman's Wharf Revitalized Development concept, community outreach, and terms with possible action to endorse the Proposed Term Sheet with Fisherman's Wharf Revitalized, LLC for the proposed development project located at Pier 45 Sheds A and C and a portion of SWL 300/301 (the "triangle lot").
4	Crane Cove Park	Action	Request authorization to award Construction Contract No. 2857, Crane Cove Park Playgrounds and Dog Park.
5	Bayfront Park Parcel (P22)	Action	Request Port Commission acceptance of Mission Bay Park improvements for Bayfront Park Parcel (P22) along Terry Francois Boulevard into the Port's Park system.
6	Pier 19	Action	Request approval of proposed Lease No. L-17209 with Steph Mufson Creations, LLC dba The Parade Guys, a California limited liability company for approximately 19,863 square feet of shed space at Pier 19 for a term of one-year with four (4) one-year options to extend.
7	Amador Street	Action	Request authorization to award Construction Contract No. 2852, Amador Street Infrastructure Improvements.

8	498 Jefferson Street, SWL 303	Action	Request approval of a Settlement Agreement with Mama Franceschi's, L.P., operating Capurro's, Lease No. L-8993, for Premises at 498 Jefferson Street, SWL 303 San Francisco, CA 94109.
9	Portwide	Information and Possible Action	Informational presentation to consider and possible action to approve a recommendation to the Board of Supervisors to refund the 2013 Certificates of Participation (COPs) in the aggregate principal amount not to exceed twenty-three million two-hundred forty-five thousand dollars (\$23,245,000) with an interest rate not to exceed six percent (6%) per annum.
10	Portwide	Information and Possible Action	Informational presentation to consider and possible action to approve (1) a Supplemental Appropriation of \$20.0 million to fund the stabilization and possible sale of the dry docks No. 2 and Eureka and (2) the Advertisement of a Request for Qualifications for As-Needed Dry Dock Repair, Monitoring, and Demolition Services.
11	Portwide	Information	Informational presentation regarding recommended next steps to advance the Waterfront Resilience Program including contracts, staffing and funding to support Program development and possible action.
12	Portwide	Action	Authorization to accept and expend a grant in the amount of \$180,000 from the Federal Emergency Management Agency to establish an Engineering with Nature Working Group.

DATE TO BE DETERMINED

	FACILITY/POLICY	ITEM	TITLE
1	Pier 70, Parcel K North Plaza	Information	Presentation of the Schematic Design of the Parcel K North Plaza located at the southeast corner of 20th and Illinois Streets.
2	Portwide	Information	Presentation on competitive solicitation for operation of Port's parking lots, located throughout the waterfront.

3	Pier 70 Historic Core	Action	Request approval for the formation of a new Community Facilities District for the Pier 70 Historic Core with Historic Pier 70, LLC (aka, Orton Development, Inc.) under Port's Lease Disposition and Development Agreement and Master Lease L-15814, each with Historic Pier 70, LLC.
4	Pier 70 Shipyard	Action	Request approval to advertise Pier 70 Shipyard shoreline and sediment remediation.
5	Pier 96	Information and Possible Action	Informational presentation to consider and possible action to approve proposed new lease with Silverado for a term of 5 years for space at Pier 96.
6	Pier 33.5	Action	Request approval of a fifteen (15) year lease with two (2) five-year options with Kuleto's Bayside Bistro LLC at Pier 33.5.
7	Portwide	Information and Possible Action	Informational presentation to consider and possible action to approve Fiscal Year 24/25 Parameter Rents.
8	Islais Landing	Action	Request for approval of a retroactive license for a term of 10 years with Kayaks Unlimited for space at Islais Landing.
9	Mission Rock	Information and Possible Action	Informational presentation to consider and possible action to approve the acceptance of Port-owned infrastructure constructed at Mission Rock, and recommendations that the Board of Supervisors take certain actions to accept City-owned infrastructure constructed at Mission Rock.
10	300 Jefferson Street	Action	Request approval of a ten (10) year lease with two (2) five-year options at 300 Jefferson Street.
11	340 Jefferson Street	Action	Request approval of a ten (10) year lease with two (2) five-year options at 340 Jefferson Street.
12	Piers 38/40	Information	Informational presentation on Piers 38/40 development and ENA status.

**OCTOBER, NOVEMBER, AND DECEMBER 2024
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC**

DATE	TIME	GROUP	LOCATION
OCTOBER 8	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room (Ferry Building)
NOVEMBER 19	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room (Ferry Building)
DECEMBER 10	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room (Ferry Building)

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

Date of Report: September 12, 2024

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
Real Estate & Development	Restaurant Spaces Solicitations - Ferry Plaza East Building	2/3/2023	Ricky Tijani through Real Estate Division
Waterfront Resilience Program	RFP for Three Embarcadero Early Projects	Upcoming	Carlos Colon, Brad Benson, Steven Reel, Alysabeth Alexander-Tut
Planning & Environment	As-Needed Hazardous Waste	Negotiating Contracts	Alysabeth Alexander-Tut and George Bibbins
Real Estate & Development	Restaurant Spaces Solicitations - Piers 33 1/2	Advertised	Sandra Oberle through Real Estate Division
Engineering	Ice Machine Design and Build	Upcoming	Simon Betsalel and Alysabeth Alexander-Tut
Maintenance, Real Estate, Security	Security Cameras, Security Gate, Key Card System	Upcoming	Alvin Sonza, Kyle Thomas, Jennifer Gee, Alysabeth Alexander-Tut, Patricia San Agustin
Engineering	RFI For Buy America Products	Upcoming	Noel Aquino and Alysabeth Alexander Tut
Finance & Administration	RFI: Overhead CAP	Pre-Award	Peter Leung, Alysabeth Alexander-Tut
Executive	As-Needed Equity RFQ	Upcoming	Toni Autry, Tiffany Tatum, Alysabeth Alexander-Tut
Finance & Administration	Coaching	Upcoming Advertisement	Alysabeth Alexander-Tut
Finance & Administration	2024 Grant Writing Pool	Upcoming Advertisement	Alysabeth Alexander-Tut
Engineering	Amador Street Improvements	Upcoming Advertisement	Noel Aquino and Tim Leung
Engineering	Pier 80 Fendering	Upcoming Advertisement	Noel Aquino and Tim Leung
Engineering	Crance Cove Park Playground & Security Fencing	Upcoming Advertisement	Erica Peterson and Tim Leung
Engineering	Heron's Head Physical and Biological Monitoring	Upcoming Advertisement	Erica Peterson and Alysabeth Alexander-Tut
Communications	As-Needed Communications and Public Relations	Upcoming Advertisement	Eric Young and Alysabeth Alexander-Tut
Maritime	RFI For Dredging and Marine Construction	Advertised	Alysabeth Alexander-Tut, Michael Martin, Andre Coleman, David Beaupre, Tiffany Tatum
Real Estate & Development	RFI For Parking Management Services	Upcoming Advertisement	Kimberley Beal, Alysabeth Alexander-Tut, Peter Albert

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/about/port-commission>. 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

The Fisherman's Wharf Advisory Committee (FWAC) has been established and meets the first Wednesday of each odd numbered month from 9:00 a.m. to 11:00 a.m. Contact Ming Yeung at ming.yeung@sfport.com.

The Maritime Commerce Advisory Committee (MCAC) meets every other month, on the third Thursday of the month, between 11:30 a.m. and 1:00 p.m. at Pier 1 and virtually. Contact Dominic Moreno at (415) 850-6819 or dominic.moreno@sfport.com.

The Northern Advisory Committee (NAC) meets on the third Wednesday of odd-numbered months at 5:30 p.m. at Pier 1 and virtually. Contact Patrick Foster at patrick.foster@sfport.com or check our website at <https://sfport.com/community> for more information.

The Southern Advisory Committee (SAC) meets on the fourth Wednesday of every month at 6:00 p.m. at the Southeast Community Center, 1550 Evans Avenue, and virtually. Contact Mark Paez at mark.paez@sfport.com or check our website at <https://sfport.com/community> for more information.

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 Ryan Wassum at ryan.wassum@sfport.com.

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 Melanie Kung, Port's ADA Coordinator at (415) 629-4461 or via email at melanie.kung@sfort.com or Jenica Liu at (415) 274-0406 or via email at jenica.liu@sfort.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, Lucinda Hom at (415) 274-0400 or email her at lucinda.hom@sfort.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 Lucinda Hom al 415-274-0400. 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Lucinda Hom 415-274-0400。
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 Lucinda Hom sa 415-274-0400. 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 Lucinda Hom 415-274-0400. 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.