

QUESTIONS RELATED TO PIER 40:

1. Does the roll down garage door on the west window pane work?

Unknown, the restaurant location is being offered in "As Is" condition.

2. How is the patio space outlined? How is the patio space regulated? Is it all public area? Could you ask ABC to give us the ability to serve/sell/drink alcohol?

The outdoor seating area (patio space) is regulated by the Bay Conservation and Development Commission (BCDC). The restaurant is subject to BCDC Permit No. 2-84, which requires that the restaurant operator maintain approximately 600 square feet of non-exclusive outdoor dining area within a dedicated public access area.

The permit describes the use and maintenance of up to approx. 300 square feet of dedicated public access area on the south side of restaurant and approx. 300 square feet of dedicated public access area on the east side of the restaurant, for outdoor dining area made available to restaurant patrons and the general public.

According to the BCDC permit, which governs the use of the site, restaurant table service is not permissible in the outdoor dining area and tables are to be made available to restaurant patrons and the general public. Any proposal that may include private outdoor dining area would require the BCDC permit be amended, and may require Respondent to provide additional public benefits and improvements in exchange for the privatized area. The Port will be a co-permittee to the amendment.

3. What in this space is historic and cannot be changed? The exterior? Awnings? The window panes which match Pier 38?

Pier 38 and Pier 40 are contributing resources within the Port of San Francisco's Embarcadero Historic District which is listed on the National Register of Historic Places. As part of the District's nomination, the Port developed Historic Preservation Review Guidelines ("Guidelines") to define how the Secretary's Standards should be interpreted and applied to the repair, maintenance, and alteration of pier and bulkhead wharf substructures, including aprons to ensure its responsible management and stewardship. The Guidelines define parameters for the repair, maintenance or alterations to Pier 40's pile foundations, substructures, deck, aprons and the bulkhead wharf upon which Pier 40 resides. The Port's Planning staff would determine whether the proposed use and associated alterations are consistent with the Planning Department's environmental review determination, the Port's Waterfront Land Use Plan, Secretary's Standards, Port Historic Preservation Guidelines and applicable design and signage criteria. This historic preservation review will analyze the project's impact(s) on the contributing resource and its character defining features which include but are not limited to the following:

Exterior

- Neo-classical symmetrical design
- Massive voussoir-lined arch with roll-up doors and a wooden flagpole
- Decorative cornice with dentils

- Clean unobstructed parapet and roof lines
- Minimal historic signage
- Recessed punched window and door openings
- Multi-light wood windows

BCDC Permit No. 2-84 grants permission for the restaurant to use and maintain approximately 135 square foot awning without sides over the south entry.

Proposed signage on Bulkhead Buildings will need to be reviewed by the Port for consistency with Secretary Standards and the Port's tenant sign criteria and guidelines. Attached is a copy of the Port's Sign Guidelines.



Sign_Guidelines
12-14-17 V2.pdf

4. What are the options for creating a mezzanine level if it meets building code?

The opportunity may be available however, Respondent will be required to discuss its plans with the Port's Building Permit Department, the Port's Fire Marshall, Historic Waterfront Planner, and apply for all necessary permits.

5. Who has the as built plans?

No known as-built plans exist for Pier 40 restaurant.

6. Does the Port have any CADD drawings on the space or pier [Pier 40]?

Attached, created using 2014 Civil 3D. A link has also been posted online.



P-40
RESTAURANT.dwg

7. What are the options for the second floor space where Carmen's had offices, storage, and restroom?

The second floor, above the restaurant, is not included in the RFP. The spaces may be available, under a separate lease and at the then current market rates. There are no elevators at the restaurant and/or second floor.

8. What work has to be done on the public restrooms and who is responsible for that work? Who is responsible for the upkeep on them (I assume the business)?

The restaurant does not have dedicated restrooms within the premises. Public restrooms are available adjacent to the restaurant, accessible from the restaurant or adjacent outdoor apron. Respondent will be required to remodel the restrooms and bring them up to code as part of the restaurant development and the Port will be responsible for maintenance and janitorial services of the public restrooms thereafter. The Port anticipates that Respondent will supplement janitorial services of the public restrooms.

9. Clarification on the roof repair extent.

The restaurant shares a roof with Pier 38; and therefore the Port will be responsible for the maintenance of the roof, subject to fiscal and budgetary limitations, and in Port's sole discretion.

10. Is there a minimum construction cost for retrofitting the bathrooms?

The Port is not establishing a minimum construction cost for retrofitting the public restrooms however, the improvements should at minimum, be sufficient to address current building code upgrades, ADA requirements, building and regulatory permits.

11. Is there outside dining at Pier 40 available for us to use and how does that pertain to alcohol and beverages?

Please refer to Question #2 above. If respondent is able to secure a private outdoor dining permit through BCDC and with Port's prior consent, it may seek appropriate state ABC permits for outdoor alcohol and beverage service.

12. What times are the public restrooms at Pier 40 open to the public?

The public restrooms are open to the public from 6 a.m. to 6 p.m. daily. Restaurant patrons will have access to the restrooms after hours from inside the restaurant premises.

13. You talked about the site [Pier 40] being a casual restaurant location which lends more towards a limited service along with its small footprint, instead of requiring full service experience, can that be changed to food service experience for the same lengths of time?

At Pier 40, we are requiring the operation of a full service, family-friendly, casual restaurant; open at least six (6) days per week, serving a minimum of lunch and dinner. The restaurant location at Pier 40 may also support breakfast hours.

14. Permitted Use. You stated a casual concept [at Pier 40]. Can the permitted use be changed from only full service to cater better to the area, i.e. ATT Park visitors that may not want a full sit-down restaurant?

Respondents must meet the Permitted Use requirement as defined in the RFP.

15. Will the Port be refreshing the exterior [of Pier 40]? There is damage to the stucco and such.

Yes, subject to budgetary constraints and applicable historic standards, the Port plans to repair the damage to the stucco of the exterior of the building and repaint.

GENERAL QUESTIONS RELATED TO PIER 40 AND 33 ½

16. What does "Local Business" refer to?

Local Business Enterprise or LBE refers to firms certified by the City's Contract Monitoring Division. All LBEs must have their primary place of business in San Francisco for at least six

months prior to becoming certified, and must have annual earnings below certain limits which differ by industry. A list of certified LBEs can be found on the Contract Monitoring Division website: http://mission.sfgov.org/hrc_certification/ For the purposes of the Local Business Utilization Plan referenced in Section E.2 on page 14 of the RFP proposers should identify certified LBE firms. Unlike most construction and professional service solicitations issued by the City and County of San Francisco, LBE prime proposers are not eligible for rating bonuses or bid discounts on this leasing opportunity.

17. Are restaurant sales reports available for public viewing?

Yes, Monthly Sales and Rent Reports from prior and current restaurant operators are available to the public upon request.

18. Is there a minimum rent? Can we propose lower than the minimum rent?

Monthly rent shall be the greater of base rent or a percentage of gross revenue:

- Minimum monthly base rent per square foot shall be quantified by Respondent in the proposal but in no event shall be less than \$3.50 per square foot monthly escalated annually by 3%.
- Minimum percentage rent based on gross revenue shall be quantified by Respondent in the proposal but in no event shall be less than 7%.

Rents proposed below the minimum rent defined in the RFP, will be rejected.

19. Are there restrictions on live entertainment?

Live entertainment will be allowed subject to Port's review and conditions established by Port and subject to permitting by the Entertainment Commission. Night Clubs are not permitted.

20. Why is the minimum percentage rent 7%, why can't it be set lower such as 6% base rent instead?

The Port evaluated the monthly sales and rent reports of its existing tenants including current market rates to establish the minimum percentage rent and base rent.

21. Will there be other opportunities to tour the properties?

There are no further site visits scheduled thus far; however should additional opportunities become available the dates and times will be posted on the Port's website.

22. For the proposal, are short videos allowed?

Proposals must be submitted in writing.

23. Where do I find the LBE firms?

The Contract Monitoring Division maintains a list of certified Local Business Enterprises on their website here: http://mission.sfgov.org/hrc_certification/ For additional information on the Local Business Enterprise Ordinance and program, please visit the Contract Monitoring Division website here: <http://sfgov.org/cmd/>

24. Is it possible to schedule a visit to the Pier 40 site? I'd like to bring our team down to check out the inside of the building if possible.

We currently do not have a date scheduled for a third open house, although there may be an opportunity to schedule one for next week for both Piers 40 and 33.5. If so, we will let you know and post the date online.

25. Is the outdoor patio area available for use (re: RFP for Pier 33.5)?

The outdoor patio area located along the north apron of Pier 33 is not currently part of the premises and the Port does not warrant the space in its present condition meets current health and safety code. Should a prospective tenant wish to activate the area for outdoor dining, the use would be subject to entering into a standard Port form license agreement at the then current parameter rent and subject to percentage rent; a BCDC permit to allow such use; obtaining a building permit from the Port and any other necessary regulatory permits.