1. CALL TO ORDER / ROLL CALL

At 3:07 p.m., Commission President Ann Lazarus called the meeting to order. The following Commissioners were present: Ann Lazarus, Kimberly Brandon, Michael Hardeman and Sue Bierman. Commissioner Hsu was not present.

2. APPROVAL OF MINUTES - April 25, 2006 Meeting

ACTION: Commissioner Brandon moved approval; Commissioner Hardeman seconded the motion. All of the Commissioners were in favor; the minutes of the April 25, 2006 were adopted.

3. EXECUTIVE

A. Executive Director’s Report. Ms. Moyer reported the following:

- Architectural Resources Group awarded the 2006 Firm of the Year by The American Institute of Architects, California Council – Architectural Resources Group, a Port tenant at Pier 9, a tenant in good standing and a 25-year old local firm, has received a most distinguished award – the 2006 Firm of the Year by the California Council Division of the American Institute of Architects. The Port commends them for the award.

- Update on Salmon Fishing Rules. The decision by the federal government to create restrictions on the commercial salmon season has resulted in a virtual shut down of the majority of the Northern California salmon season. Occupancy at the Hyde Street Pier has been reduced to 23% compared to 100% in 2004. In 2005, there were some minor restrictions which impacted occupancy but not to this level. To date, only 14 active sailboats are berthed at the harbor. The Half Moon Bay is experiencing the same lack of occupancy. This is obviously a Northern California phenomenon. Representatives Michael Thompson from St. Helena and Lynn Woolsey of Petaluma with George Miller of Martinez are expected to introduce legislation in the House of Representatives providing $81 million for fishermen and fishery-related businesses along the Pacific Coast. Hopefully, the port associations, the Port of San Francisco and our colleague ports can be supportive of that legislation to the extent that the Port can be supported by next week under the City’s processes for supporting legislation. Staff will continue to monitor this matter and keep the Commission posted but it is not good news for the Port or for our fishermen.
• **Port Environmental Gold Award presented to Celebrity Cruises and Princess Cruises.** The Port was able to, through its program adopted in coordination with CTEAC, the Cruise Terminal Environmental Advisory Committee, to award Environmental Gold Awards to two separate lines: Celebrity Cruises and Princess Cruises. On April 19 and April 20, 2006, the Port presented Dawn Princess and Celebrity Infinity Cruises with the CTEAC’s Prestigious Green Award for Environmental Excellence. This award was already presented to the Crystal Harmony. Staff will be presenting the same award next month to the Regal Princess. There were four award winners for 2005 and the program is being extended for calendar 2006, which is the cruise season. The Port appreciates the industry’s cooperation and for taking our environmental stewardship seriously.

• **Ferry Building Night Market Every Thursday from May to October 2006.** The Ferry Building Night Market has reopened again for the summer program on Thursday evenings. Not only does the market offer great produce but some entertainment as well.

• **Walk of Heron's Head Park sponsored by Bay Nature Magazine.** On May 6, 2006, Bay Nature Magazine, a quarterly publication that features conservation and enjoyment of natural areas in the Bay Area, sponsored a walk at Heron’s Head Park. Approximately a dozen people including toddlers through seniors attended the event. Half were readers of Bay Nature and half were local youth and teachers who have participated in education programs at Heron’s Head. The walk was led by Literacy for Environmental Justice, the Port’s consultant who runs the educational and public participation program.

• **Maiden call of the Zuiderdam (Holland America Line) on May 10, 2006.** Zuiderdam will have its maiden call in San Francisco as one of a number of ships calling in the Port in the month of May. In May, the Port will have 25 cruise calls. The Port had 4 over the last 24 hours. In 1998, the Port had a total of 27 calls. With the help of the cruise lines, staff estimates it would generate $60 million in direct and indirect spending in San Francisco which includes everything from provisions to overnight stays. Unfortunately, the Port will still get the same fixed docking fee but nonetheless it is really enlivening. John Davey reported that every available berth except for Pier 96 is occupied today. It’s a great day for the Port. There’s a NOAA ship at Pier 15, ships at Pier 80, four cruise ships at other piers and the fifth is in drydock. She commended all of the maritime staff, many of the maintenance staff, Sidonie Sansom, the Port’s homeland security director, in their incredible achievement and the real property staff who have had to move 175 parkers off Pier 27 and make sure that Teatro Zinzanni could still exist. She commended everyone on an outstanding effort. Staff looks forward to finishing the month and moving on to more cruises throughout the summer.

• **KFOG Kaboom Event & Fireworks @ Piers 30-32.** On May 13, 2006, the annual KFOG Kaboom fireworks will be held at Pier 30-32. A number of our tenants in the vicinity have celebrations and viewing areas planned. Quickly thereafter on
May 21, 2006 Meals on Wheels will hold their annual fundraising event at Pier 30-32.

- **Launch of the Blue Greenway Waterfront Trail.** On June 24, 2006, the Blue Greenway, which is a division of the Neighborhood Parks Council, will be sponsoring a walk to promote having a continuous walkway along the waterfront that will include and extend beyond Port property.

- **Board of Supervisors Budget Committee Hearings on Port Commission’s FY 2006-07 budget, May 24, 2006 and May 31, 2006 at City Hall.** The Budget committee will hear the Port’s budget twice and in June it will go to the full board. These are holding dates. The Budget Committee indicated that they would hear a number of department budgets including the Port on those dates. The meeting will commence at 11 a.m. She encouraged all who are involved with the Port to attend the hearings and support or argue about the budget.

- **USS Iowa** has been incredibly silent ever since they last appeared before the Port Commission. Despite staff’s attempts, they haven’t returned phone calls. Last Tuesday, staff learned that the Vallejo City Council voted unanimously to accept the application/proposal of the Historic Ships Memorial at Pacific Square to berth the USS Iowa at Mare Island. That would seem to explain they have been silent. Staff still has not received a returned phone call from them to let us know that they’ve changed their mind or what they’re planning to do. She noted that in the press in Vallejo there was some debate about the financial feasibility of their proposal. The council accepted it in its current iteration. The Port wishes them all the best of luck.

- **Last Saturday afternoon, there was a ferryboat accident at Pier 43-½.** The fire department was the first to be notified and quickly notified Port staff. A number of Port staff responded to the incident. The Fire Department reported that there were 139 people on board; 14 were injured; 9 were brought to the hospital with minor injuries and then released. The ferry operator has until Thursday to file an accident report with the U.S. Coast Guard. The details of the accident are still unknown although there is a lot speculation in the press. With respect to the Port’s property, the good news is the fendering system did its job and it kept the ferry off the bearing piles. The fendering system now needs to be repaired. The rest of the pier is able to take the load because the load bearing piles were not impacted and were able to keep it open. Port staff needs to talk to Baylink about getting the fendering system fixed. Unfortunately, at some point during the incident, they decided to tie the ferry to a bench on Pier 43-½ and when the ferry was moved by tug to Pier 41, they forgot to untie it from the bench. Happily, the bench went over the railing rather than through the railing and left behind a little fishing hole. There are a few things that the Port has to contend with but staff is glad that no one was seriously injured.

- **Chamber of Commerce trip to New York.** Commissioner Lazarus thanked the Port for sponsoring her participation on the trip. This is the 9th trip that the Chamber has
sponsored to look at best practices in major metropolitan areas that could be considered comparable to San Francisco. They covered New York from one end to the other which is not easy to do in 3-½ days and they spent a lot of time along various parts of the waterfront, seeing what they have been able to do. She thinks that the two best aspects of the trip were: First, the interaction of all the participants who represent public and private as well as non-profit sectors in San Francisco so that the representatives were able to take a look at what goes into making a city work and brought that perspective back to San Francisco. Secondly, was the oft repeated observation that while many things in New York are functioning at their peak, New York really had to reach the nadir before things started coming back. There was a very strong consensus that we shouldn’t allow that to happen in San Francisco. To the extent that we can translate that into a focus on the Port, it would be to our benefit.

B. Request authorization to award contract for Emergency Operations Plan Consulting Services to URS Corporation in an amount not to exceed $100,001. (Resolution No. 06-35)

ACTION: Commissioner Hardeman moved approval; Commissioner Brandon seconded the motion. All of the Commissioners were in favor; Resolution No. 06-35 was adopted.

4. REAL ESTATE

A. Request approval of 15-Year lease to Java House Café (Maria Papadopoulos-Moustakis) for property located at Pier 40 ½ (the Embarcadero at its intersection with King and Townsend Streets). (Resolution No. 06-36)

Nic Dempsey, Asset Manager, indicated that the Java House Café has been operated on the San Francisco Waterfront since 1912. Since 1987, it is operated under the stewardship of Philip and Sotiria Papadopoulos. In 1987, their lease terms reflected a value of the location at that time i.e. $800 a month and no percentage rent. They now propose a 15-year lease term with a substantial real estate and economic investment. With rent through years 1 to 3 of $2045 per month, a 250% increase, changing in year 4 to $2521; in year 6 to a CPI adjusted rent or 70% of the combination of rents and percentage rents paid for the previous three years and a similar increase through years 11 through 15. They also agreed to pay a percentage on a 7.5% of gross sales. As a condition of the Port’s acceptance of these terms, the tenant is required to install at its sole cost and expense approximately $350,000 in new alteration improvements to include ADA accessible restrooms and removal of other ADA barriers and the repair of the line as required and the installation of fat, oil and grease interceptor to satisfy the conditions of the Health Department. The Papadopoulos family has agreed to all other requirements as typically held on all Port leases. Under the Port’s retail leasing policy, the Port Commission may elect to extend the lease of an existing small business tenant at the Port of San Francisco if they meet four criteria: (1) submit a thorough business plan which is on file with the Commission Secretary; (2) a tenant in good standing; they are and have been; (3) willing to make a substantial investment in the facility and (4)
have a strong record of non-discrimination. All of which have been evidenced by their application and their business plan.

**ACTION:** Commissioner Hardeman moved approval; Commissioner Brandon seconded the motion. All of the Commissioners were in favor; Resolution No. 06-36 was adopted.

B. **Informational presentation regarding Parking Issues pertaining to AT&T Park.**

Mirian Saez, Deputy Director Real Estate, indicated that the Giants operate three parking lots in and around AT&T Park but specifically parking lots east of Third Street, known as Lot A and west of Third Street known as Lots B & C. Lot A is leased directly from the Port consistent with the Giants Lease Agreement L-12515. The other two lots, B & C, are leased by Catellus, the developer of the China Basin project. In November of last year, Impact, the parking lot operator for the Giants, notified the Port that Lot B, the Catellus lot, would be unavailable for all or part of the 2006 baseball season, representing a reduction of about 1500 parking spaces used for home games. Most recently, Impact confirmed that the last day that they have use of Lot B is May 14, 2006. The Port is working diligently and closely with the operator to address the matter and provide the Giants with an additional 800 parking spaces on game day utilizing the area in and around Pier 48. Jack Bair, Senior Vice President and General Counsel of San Francisco Giants, will give the Commission a presentation with more specificity the present and future parking restrictions that the Giants and the Port will confront in the very near future.

Jack Bair, Senior Vice President and General Counsel of the San Francisco Giants, indicated that Alfonso Felder is the Vice President of Administration for the SF Giants and one of many of his responsibilities is transportation planning for the Giants. He is a person with a lot of knowledge about this subject. It is timely that he comes before the Port Commission today because they are going to be experiencing some fairly dramatic changes in the availability of parking for the ballpark in the near future. He thought it is important to meet and explain those changes to the Commission because it is a planning process for the Port and the City and the affected neighborhoods need to go through so that the ballpark continues to operate and function in a very acceptable way which has generally operated for so many years.

Mode of Transportation. Before they moved to the new downtown ballpark, they were at Candlestick Park where approximately 97% of people drove their cars to get to the ballgame. There were 26,000 parking spaces around Candlestick Park that were dedicated for use by patrons to the ballpark. The new ballpark followed an urban model that many other ballparks have recently adopted. The Giants went from 26,000 parking spaces to 5,200 parking spaces, a dramatic reduction and one that required a change of mindset and practice from the fans to that of driving predominantly to considering modes of public transportation. The initial parking plan for the ballpark relied on the fact that a lot of the property immediately south of the ballpark was undeveloped land and for quite some time, it was anticipated before the Mission Bay project got off the ground, that there would be enough property to park cars on a surface basis. That was the strategy. After the ballpark was up and running, after people were educated about
how to get to the ballpark, they could better assess the long-term parking needs in and around the ballpark. The initial plan was to take advantage of the fact that there was some land available immediately adjacent to the ballpark that could be easily developed into the surface parking lot. The graphics shows the product of the surface parking development. In the picture south of the channel, there are approximately 5,200 cars, a condition that is not frequent but with respect to opening days and sell-out games, the lot gets full and this is an example of a game in which that occurred. For the first six years of operation of the ballpark, their lots were essentially divided into two. One lot leased from the Port which is considered Lot A, east of Third Street, consists of 2,200 spaces. Lots that were leased from Catellus consist of 3000 spaces. Mission Bay is starting to take a hold south of the channel. North of the channel, there has been significant construction in an area called Mission Bay North. That area is largely developed and the parcels that are not developed are under construction. The new phase of Mission Bay will start hitting the south. The UCSF campus which has come up the ground and some other buildings as well but the area occupying Parking Lots B and C that the Giants lease from Catellus is going away for development of Mission Bay South. The graphic on the slide indicates how the number of parking spaces that are dedicated to the ballpark will change over the next few years. The first bar graph shows the 5200 spaces they had for the first six years. This year after the next home stand, they will be using a good chunk of Lot B and C. They will be left with 900 parking spaces where 3000 used to exist. They are going to augment those spaces with some spaces in and around Pier 48 as Mirian has mentioned for a total of about 3700 spaces for this year. In 2007, they will lose all of Lot B and they cannot count on Pier 48 so they will be down to 2200 spaces, which is less than half of what they currently have. The graphic shows Third Street, everything to the east is Lot A, which is unaffected. Everything to the west is essentially Lots B and C. The yellow line indicates the entirety of Lots B and C as it currently exists. At the end of the home stand, they will be transferring into new Lots B and C which consist of the area inside the red lines, about 900 parking spaces. In 2007, the area that is inside the yellow line will be gone entirely and they will be left with Parking Lot A. Another graphic depicts the overall demand for use of their parking spaces. Even though they have 5200 spaces, they are not filled all the time. In fact, this graphic shows the average utilization by year of those spaces. Predictably, fans that come from Marin, the East Bay or the downtown areas or the northern areas of San Francisco have found that it is not particularly easy for them to necessarily access the lots that are south of the channel. In fact, the Fourth Street Bridge has been closed since 2001 which only allows them a few lanes of traffic moving from one side of the channel to the other. People who are located in other parts of the city that are north of the channel, the East Bay and Marin have largely found other places to park that are more convenient, might involve longer walks, but have proven to be more reliable for them. They’ve seen some drop in the parking utilization rates of their surface lots in the course of the last couple years. They’ve also had a situation where it’s been closed to a certain degree. At first, there was concern about how much difficulty they would have about parking and then they found it to be easier than expected and so the public does responds to the ease and convenience of parking. Clearly, as they transition down to a lower number of parking spaces, their fans also transition into finding other ways to get to the ballpark besides driving and other resources to use other than the dedicated parking lots. The challenge that lies ahead for the Giants is how they are going to deal with the overall parking demand. It’s not
necessarily the case that the number of total parkers has changed in the last couple of years but the number of parkers choosing their ballpark dedicated lots has changed which means that they have a relatively constant demand for parking spaces. It will change as people find it more convenient to take transit. They are going to initiate efforts to cause that to happen but the overall demand for how many people are driving to a game ranges from 8400 to almost 10,000 per game. Right now, they are meeting half or more of that demand. As they go down to 2200 spaces, they will not be able to meet that level of demand. People will have to walk farther, take modes of public transportation and it needs to be a coordinated effort. At a minimum, he pointed out the dramatic changes that are happening this year they will be able to handle just fine. The number of spaces they will have after Lot B goes away this year will be enough to meet their average crowd. Next year is when it’s going to be difficult and the Port and the Giants will have to work together to make the ballpark function, the neighborhood function well with a minimum of 2200 parking spaces. He reiterated that the purpose of this presentation is to let the Commission know what’s happening and this is a major issue for them and the surrounding community as well that wants to make sure that the relatively smooth operations of the ballpark continue.

Commissioner Hardeman asked if the Giants ever thought of elevated parking lots. Mr. Bair replied that most new ballpark facilities like AT&T Park have been built with parking structures. However, Denver and San Francisco have sufficient surface around the ballpark where they could build surface parking lot which they both did and were put in a position where they could more accurately survey what the needs are. Part of the planning process ahead is how they are going to meet that demand. That process will involve the community, the Port, the City and different departments within the City as they try to address this problem in a way that works. They are not the only urban ballpark, Boston, New York, Chicago; there are many other examples where there is a fairly dense urban environment around the ballpark and limited parking supply. They are going to need to work hard as those cities did to reach resolution. They do have 5200 spaces now, not as much compared to most ballpark. They are going to transition to less parking spaces. They will deal with it responsibly and the fans will obviously learn how best to accommodate themselves and their convenience in getting to the ballpark and the Giants will help educate them of the different options they have.

Commissioner Hardeman indicated that Baltimore started out with a similar number, 5200 spaces. Mr. Bair responded that he’s not sure exactly how many spots they had. Commissioner Hardeman indicated that he went to a couple of sold-out games in 1997-1998 then he went back and they were building a new stadium for the football team. They went down to 3200 or 3000 parking spaces. It was amazing that both games were sold out. He went to a night game and it was remarkable how easy it was to get in and out of the ballpark. It seemed like people had adapted from the 5200 spaces. Mr. Bair indicated that people will adapt but the Giants need to make sure that it isn’t a lack of parking that will result in people driving around and around looking for spaces and clogging up all the arterials and making it difficult to get to local businesses. We need to plan and communicate in such a way that we can meet this challenge. We do have a lot of time to do it, until April 2007, and they are confident that they can do it in a way that makes sense. The average new facility, generally, does have a parking structure built along side it such as San Diego, Arizona and Cleveland. They are going to look at
their options as they move forward about what make sense when they are balancing the needs of the fans, the community and the neighborhoods.

Commissioner Lazarus asked if Mission Bay is putting in parking structures that could then be used by the Giants on off times. Mr. Bair replied that most of the structures that are being built in this location are housing and the City has a transit-first policy and they are not over building parking. They don’t expect there to be a lot of parking resources contained in the new structures. There is some parking farther south with respect to UCSF and other resources with the conclusion of Third Street Light Rail project. There will be easier access to the ballpark from the south. It may be that fans choose a multi-modal approach to the ballpark. There are many people that live and work downtown and parking resources in and around downtown that are largely emptied out for night games and weekend games. Moving forward, their biggest concern would be weekday games.

Commissioner Lazarus asked if the Giants are exploring options such as some sort of a shuttle that might run from a reasonably distant location but allow people fairly access to the ballpark. Mr. Bair replied that one of the observations that he has made is that shuttles only carry a certain number of people at a time. You have to have an awful lot of shuttles to have a large parking resource located in a more remote location. They will look at different approaches that they have. That alone probably will not solve the problem. It is going to require us to work together and make this work and he is confident that we will. They’ve had great partnerships with transit agencies. They have ferry service which almost no other facility can boast. They have Muni, light rail, BART, CalTrain and they serve a considerable amount of their fans through these resources. They obviously want to continue to work with them to maximize public transit ridership because they are going to need a shift in behavior to adjust to the new realities next year.

Jennifer Clary, President of San Francisco Tomorrow, also served on the CWAG and Mission Bay CAC indicated that Pier 48 South is part of that area and this is an issue that they have been aware for quite some time. They are very interested in engaging in whatever process there is. She pointed out that when she looks at Parking Lot A or SWL 337, she does not see a 2200 space parking lot, she sees open space because that’s how it is zoned under the original Mission Bay Plan. If you look at the Waterfront Land Use Plan, at least the design access element envisions that we use a portion of that space for open space and park land for public use. Whatever long term solution we come up with we should remember that the lease for Lot A is just ten years and when we are thinking of a long-term solution, we need to think of the best uses for that particular parking lot.

Ruth Gravanis indicated that she was involved with the steering committee of a couple of campaigns to defeat the two stadiums that were proposed prior to this ballpark. One of the many reasons why many environmentalists supported the proposition that eventually led to the creation of this ballpark is that it was promised to be a transit oriented ballpark. She knows that it is far superior to Candlestick in terms of the percentage of people who do come by transit or walking or bicycle. We need to continue to do more to make sure that we are maximizing the use of BART, CalTrain
and the ferries. The ferry program on San Francisco bay is continually expanding. We need to take into account our ability to bring more people by ferry. We need to remember in our planning that parking spaces are car magnets. If you build a parking space a car will come and fill it. Many times when we talk about parking demand, what we are actually doing is making projections that become self-fulfilling prophecies and we need to be cautious about that. She is very glad to hear that we are going to continue to educate people about transit options but she thinks that they would want to see specifically what the plan is - the plan to increase the viability of transit over the use of cars. There have been reports in the paper not too long ago about confusion about transit to the ballpark. Signage in the BART stations and the Muni Metro stations about how to get to the ballpark has been confusing for a long time. There is confusion in terms of trying to get back on Muni Metro after the game. There are a lot of things that can be straightened out by working more closely with BART and Muni to make it a more desirable option. If parking is reduced, the people who come by car might drive around and around looking for a parking space once but they are not going to do it again and again. They are going to learn very quickly and find other modes. She urged the Commission to look at a long-term planning process as Jennifer Clary said that considers the best use for Port property that is no longer needed for maritime use and to consider that open space might indeed be a much better use than a place to store automobiles. She looked forward to a process that makes this stadium truly a transit first.

Jeff Condit, Neighborhood Parks Council and on the Mission Bay CAC, indicated that this could be an opportunity to promote the construction of necessary infrastructure such as the Bay Trail to encourage fans to use alternative forms of transportation to arrive at the stadium. He looks forward to this process as well to look at how we can extend different infrastructure elements that encourages the use of bicycles or other transportation options.

Mr. Bair addressed one item to give some assurance to the people in the audience. They meet regularly with all the transit agencies. They meet with the Ballpark Transportation Coordinating Committee that consists of representatives from all the transit agencies from the affected neighborhoods. They meet on a regular basis to address issues and concerns that come up. Their experience working with the transit agencies and making the ballpark experience a positive one has been outstanding. They did have some changes this year that were relatively minor and the way they disburse round trip tickets. The tickets can now be purchased out of the Giants ticket windows. They’ve made changes this year that he thinks will actually improve the situation for the public transit agencies. They’ve had some closures and things of that sort that have impacted them. Largely, their relationship has been outstanding and the services have been outstanding to the ballpark. They are very optimistic that they will be able to work effectively with them. It is not a new relationship. It is one that they have had for many years and they have on a continual basis.

Commissioner Lazarus indicated that the Giants might have some sense of what percentage on an average basis of their paid attendance is coming in by cars. Mr. Bair replied that the statistics on that across the board are probably approximately 55% of the fans come by car and 45% don’t. It depends greatly on the game day, whether it’s a
weekday day game, weekday night game, a game on a Saturday and Sunday. People are more likely to drive on the weekends when there is more available parking in and around the ballpark and the downtown area because the businesses are not open. During the weekday game experience, less people drive because there is less parking availability and that tends to be the natural result. They have varying experiences based on the different game days. AT&T Park is probably one of the small handfuls of ballparks that approach 50% of the people coming in modes other than vehicle. Currently, it is probably one of the models for the country in terms of transit-oriented facility. They will continue to have to be the model and improve upon the model that they have already created.

Commissioner Hardeman commented that the Giants have been one of our outstanding tenants. Everything that we and they talked about prior to the approval of the ballpark such as the ferryboats that the naysayers say would never happen. It’s on record that people in opposition say we would never have ferryboats; people will never take the trains, streetcars and busses. All of that now has shown to be not true. People are using public transportation. We are going to have the Third Street corridor. He knows that in the Sunset, they used to drive when the ballpark first opened. They’ve tried taking the N Street car, which is about a mile from his house, park a block away from Judah Street and they love it. People are adapting. We have to take care of one of our best tenants. We have to put great effort forward to make sure that they can maintain attendance, maintain the facility and keep paying the Port the nice checks each year. He hopes that we put great efforts towards taking care of a very good tenant.

Mr. Bair replied that they view this as a problem that we all have common ground on to approach the issues and the challenges. The neighborhood that surrounds the ballpark wants the ballpark to function well because if a patron to the ballpark has a terrible experience time and time again coming to the ballpark, they end up watching the game on television. They want people to get in and out of the facility in a way that makes sense for everybody involved. People come from a variety of different ways, parking on a variety of different locations. That’s very important to the overall success not only to the ballpark but also to the surrounding neighborhood as well.

C. Informational presentation regarding Police Presence in Fisherman’s Wharf.

Mirian Saez, Deputy Director Real Estate, indicated that at the Port’s last Commission meeting of April 25, 2006, Officer Peter McLaughlin, a 25-year veteran of the SF Police Department and four years at Fisherman’s Wharf, presented a quick summary of activities in and around Fisherman’s Wharf area. The public safety theme of his presentation addressed crowd control, street performers, and illegal peddling. The outcome of these if remain unchecked are illegal activities, pedestrian traffic congestion, noise and illegal sales of merchandise. Officer McLaughlin outlined these concerns in the public comment section of the agenda and the Port Commission directed Executive Director Moyer to provide an appropriate forum for discussion. Today, Officer McLaughlin returns to make a formal presentation to the Commission on these issues. After his presentation, there are several individuals in the audience prepared to make comments and she will conclude with the summary of what the Port is currently doing to address these issues. She also introduced Officer Danny Wynne, a
35-year veteran at SFPD, 34 of which at the wharf. He is physically located at the Port’s Harbor Master office, near Scoma’s Restaurant. She also mentioned that there is also police presence in the southern waterfront on a daily basis, Officer John Parenti, who is out on leave. He comes out of the southern station. His office is located at Pier 50, Shed D. When cruise ships are at the Port, he is detailed at Pier 35 along with other required 10B officers. For all these services and more, the Port pays the City’s General Fund approximately $850,000. This is in addition to the $514,000 Real Estate paid a private firm for security services. The Deputy Director of Finance Tina Olson will provide the details regarding those numbers after the presentation.

Officer Pete McLaughlin indicated that the reason he attended the Port Commission originally is to present the list of concerns he had which was enumerated in the letter provided to the Commission. He indicated that Chief Fong also got a copy of it and has since contacted his supervisor, Captain Dudley, and asked him to address the problem. It’s about the lack of police presence at Fisherman’s Wharf. In the winter time, it’s basically quiet down there. The weekends are busy. Most days in the winter time, it’s easy enough for one officer to handle the situation. As summer gets here, it’s very crowded. The weekends are just overwhelming, about 20,000 people. He’s the only officer assigned there. When he goes home for the day, there is no other officer. He feels a great obligation to the merchants there. They are aware of the problem, there are fights breaking out in the afternoons. There is a sense of real lawlessness. Some merchants refer to it as the Wild, Wild West. The people that come there to cause the problems know there are no police after certain hours. There are police in the district; however, there is nobody assigned to Fisherman’s Wharf. There’s a car sector but it also handles Chinatown, Nob Hill and the residential areas. There is no officer dedicated to the wharf. For him being down there by himself when it is so busy, it presents a hazardous situation for him. There are situations that arise in the City; we know there are a lot of people out in the street, a lot of indigents that are hard to handle by himself. It is not only a problem for the merchants and the visitors creating the unwholesome atmosphere but also a safety problem for him. The bigger issue is the police presence or the lack of it is quite obvious.

Commissioner Bierman asked if the Police Chief knows about this problem. Ms. Moyer replied that she contacted the Chief. Officer McLaughlin indicated that he cannot call the Chief of Police and cannot even send her a memorandum. It has to be done through his captain. It’s difficult to communicate one on one, an officer to the chief. The chief is aware of the problem and she sent a memo to his captain regarding this problem.

Ms. Moyer added that she has been in communication with both Chief Fong and Captain Dudley who is Officer McLaughlin’s captain out of the central station. Captain Dudley unfortunately was not able to be here today but did ask her to pass on that if the Commission would like him to come at a future meeting, he would be more than happy to do so. Originally, Officer McLaughlin’s letter asked for the Port to consider hiring 10B officers which is something that we do for our cruise business. It’s her understanding that Boston Properties does it as well for the Embarcadero Center and Union Square does it through their community business district. As she understands from Captain Dudley, most deployment throughout the City, at least particularly from central station, is one-man deployments and they are day-time deployments. Captain
Dudley wanted to remind the Port that they also have a 24/7 car available but it is her understanding, irrespective of a conversation neither with Captain Dudley or Chief Fong, that the way that assignments for policing resources are made are according to the number of citations and problems in any particular area and while Officer McLaughlin’s points are well taken, in terms of that call log, it’s fairly low relative to other hot spots of the city. Traditionally, that’s how the resources have been handed out and we’ve all read in the papers that there is a shortage of staffing in the police department and recruitment is ongoing. In the interim, it does appear that Captain Dudley will be able to assign Officer McLaughlin a partner for the summer and test that out. Ms. Moyer asked Officer McLaughlin about his foot traffic is i.e. what beat he covers and what beat Officer Wynne covers.

Officer McLaughlin indicated that he covers the Fisherman’s Wharf beat from Pier 39 west to Aquatic Park along Jefferson Street and also up on Beach Street and it can extend all the way up to Bay Street. He will respond anywhere he is needed. Generally, the busier area is Jefferson and Beach Streets and the adjoining streets. He added that if the Commission would consider the installation of signs prohibiting certain activities or stressing that certain regulations will be enforced such as blocking the sidewalks. The issue he addressed in his letter about blocking the sidewalks is a severe hazard where the street performers would close down the sidewalk. They take over the sidewalk and force anybody who is a pedestrian out on the tracks. It’s very hazardous and they have no intention of giving up their turf once they have taken it. The only thing that would prevent them from taking over the sidewalk is a police presence, which is a hazardous situation. They know when he is there and they know when he is gone. Something bad is going to happen and it’s inevitable when the sidewalks are closed down and there are thousands of people trying to use the sidewalks, they are forced out onto the street and right into the F Line tracks. Signs should be placed at those locations, Powell and Jefferson, high enough so they won’t be removed, stating that 22A (Blocking the Sidewalks) of the Municipal Police Code would be strictly enforced and also consider 43 of the Municipal Police Code, the requirement for a permit for amplification.

Commissioner Bierman asked if the Port has to request for the signage. Ms. Moyer replied that the Port, through its Maintenance Division, could post the signs as we do in many other locations such as towing signs or as Officer McLaughlin suggested noise ordinance and other things. Since receiving Officer McLaughlin’s memo, staff has been discussing this issue. Officer McLaughlin indicated that it would be a great assistance because they are no guidelines out there. He knows the guidelines but the people on the street do not know them. Unless he can point to something and say, this is the law and he is going to enforce it, it’s difficult to enforce it. Anything to keep their operations going would be appreciated.

Commissioner Bierman asked if that will happen soon. Ms. Moyer replied that as soon as we can. We also post signs with respect to no fishing, no cutting our fences, and no backing into our piers. We have ongoing workloads for posting signs but will definitely make it a high priority. Right now most of our sign work has been related to the cruise calls for this month but we should be able to free up the resources shortly.
Commissioner Lazarus asked about the business improvement district – where are they in their formation and obviously this would be of concern to them and are there steps that they may be taking with their resources to address some of these problems. Officer McLaughlin replied that from his perspective, it would require police enforcement which can be done easily enough on off days. During the busy times, it would be difficult. His focus wouldn’t be on encroachments, etc. but something more pressing. Certainly in the morning hours, that could be easily enforced.

Commissioner Lazarus indicated that she was thinking more about what they, as an entity, are going to do because she believes they are going to have resources. Ms. Moyer indicated that Rodney Fong who is leading up that effort is in the room and it’s probably best to hear from him on what their intentions are.

Rodney Fong indicated that the Community Business District (CBD) is alive and well and it’s been formed only on the city side, i.e. the south side of Jefferson all the way back to Bay Street coming towards the Embarcadero, where Bay meets Embarcadero and towards Ghirardelli Square. It generates $591,000 for that 19-block radius or district. For the first year, they are spending 60% of the money on advertising, marketing, promotion, branding of Fisherman’s Wharf. 40% will be spent on cleaning and safety of the wharf. This year, they are spending the majority on the clean side. While he cannot discount or argue any of the comments, it sometimes is a wild wild west down there and they do need some help. He’s not sure where the resources are going to come from. It doesn’t mean that the CBD money can’t be applied towards security. He’s not sure if that is the right solution or not. It is in the budget this year and it could be in the future.

Officer Daniel Wynne indicated that he is assigned to the Central Police Station. In his 36 years with the department, his first two years were with the SF Harbor Police that was disbanded in 1975 and they were transferred to the SFPD and most of that he spent on the waterfront, especially Fisherman’s Wharf. For 20 years, he walked the beat down there at night, most of the time alone at the wharf. He cannot stress enough what is really needed i.e. beat man at night from 1 p.m. or 2 p.m. to midnight. Officer McLaughlin leaves at 4 p.m. Those guys know what time he goes home. He’s gone at 4, they set up at 4:05 p.m. There is an old adage in the police department i.e. the street is always watching. At the wharf, there are con artists, flim flam man and they are watching. They know their days off and they know when you’re coming in and you’re going. He is an advisor to the Fisherman’s Wharf Merchants Association and has been for the last 9 years. He has the title of Port Liaison officer. He maintains his office at the Harbor Master. He spends a lot of time doing maritime work with the fishing industry. He also attends the FSHWAG meetings. He was also on the EQAC committee. The problems down there are unpermitted musicians and they don’t have to be permitted because of the First Amendment issue. They can perform. When he first went down there, there were no beggars, no musicians, etc. They weren’t allowed to do it. If you begged, you end up at central station booked. Everything has changed. He thinks that the solution to this would be two officers at least one overlapping the other on his day off. Two of them at night, scheduled at either 1400 or 1300 hour. The department is really short handed but he is sure they can find two policemen in the City that can get transferred to this area. It is a high priority area. The area has a very low
crime rate but things are changing. There are more clubs, weekends and nights. There’s a couple of drive-by shooting. There are a lot of activities; new clubs are popping up all the time. We need police presence at night. The guys know when the police are not there. Day time is one thing; you can nip it in the bud but you have to stop it immediately. Once you clean it up, then you just maintain it.

Commissioner Bierman asked if the Port should be requesting more help. Ms. Saez indicated that some time this past fall, Director Moyer asked the Real Estate Department to look into and recommend to her a weekend security scenario. The Real Estate Department did so last month and she’s reviewing that and it has options in it for additional police officers. Additionally, ABC security at present is providing security services to the Port for the entire waterfront. It is a mobile patrol unit for nights, weekends and holiday services. This contract is scheduled to expire this summer. It gives us an opportunity to adjust to the needs that we have today and that should aid us in reducing the illegal vendors and peddlers. Real Estate office was asked to establish a Street Performers Program. We are not going to roll out until the fall but it looks like we might have to jump start it. The program will compliment the City’s efforts which is underway. Permitting specific areas for street performers will give the Police Officers the authority to enforce and thereby reducing pedestrian traffic congestion, reducing noise and the overall improvement of public safety in and around that area. They will take into consideration the signage recommendation that was presented today.

Deputy Director of Finance and Administration Tina Olson indicated that she spent the good part of today trying to understand the Nexus Study. She summarized what we are paying through a work order to the Police Department of $330,000 in FY 05/06 that pays for 40 hours of police officers’ time; it’s an overtime rate. We pay straight over time; we don’t have to pay for fringe benefits or overhead. It’s a pretty good deal for the Port. That money is for Officer Parenti’s time. In addition, we pay, not to the Police Department on a work order, but to the City’s General Fund through this Nexus payment, it’s calculated at a total of $965,529. It covers a myriad of estimated cost to the Port for police services. It’s everything from foot patrol to the cars going around the entire Port property not just Fisherman’s Wharf as well as special assignments and response to specific service requests or complaints or anything that they have to actually respond to an incident. It’s the gambit of what the Police Department has estimated working with our Nexus Study consultants was total time near the Port property and they allocated Port property and the un-leased Port property versus the leased Port property and we pay a certain percent of the un-leased Port property and that came out to $967,575. If she was looking at the foot beats, we are paying 4.5% of the foot beats in District A which encompasses a lot more than Fisherman’s Wharf. We are paying this large amount to the city to pay for police services but it doesn’t go directly to the Police Department in order to manage the resources versus Port property; it goes to the City’s General Fund. She had a conversation this morning with Carmen Chu, our analyst in the Mayor’s budget office, and asked if we could just put this into a work order to the Police Department and therefore there would be a more direct nexus in connection between the money we are spending and the services and the Police Department can prioritize accordingly and she said she thought that was fine but probably couldn’t do it for FY 06/07 because the Mayor’s office is finalizing the budget.
Ms. Moyer added that the nexus payment covers things like when SFPD responded to the incident at Pier 7. It covers things when they responded on the day of the London bombings for several days. They responded and created a buffer zone in front of the ballpark as well as had patrols up and down the waterfront. There are a lot of special incidents in which the department is responding such as marches that are starting across the street at Justin Herman Plaza, etc. We think it is encapsulated into that number. Ms. Olson confirmed that they are encapsulated into this number. Ms. Moyer indicated that we have more work to do and as Mirian Saez pointed out, we also have filled the gaps with private security and we need to relook at that. Ms. Olson indicated that we have in the FY 05/06 budget $514,400 for private security. The Hyde Street Harbor and Pier 45 are the only areas that have been identified for private security services at the Port.

Hubert Ortis, a musician at Fisherman’s Wharf for about 28 years, started as a street artist and in 1990, he decided to be a musician. On the wharf, there are only six professional musicians. There are only three places that have been functioning for the past 20 years. He never had a problem. At the corner of Jefferson and Taylor, there are 4 people playing. He never had a problem; he never developed a crowd. They are entertainers but they don’t give a show so they never attract people the way entertainers or jugglers might attract a huge crowd. When he first started on the wharf, he had communication with Elliott Riley. He met Al Baccari, the Fisherman’s Wharf Merchants Association President. Those people encouraged him because he plays good music and it was an asset to that corner until Officer McLaughlin came along. We need Officer McLaughlin on Fisherman’s Wharf. There are crimes being committed but not by street musicians. They sell their CDs and they have seller’s permit and SF business license and according to the Port they are welcome. They could use the same credentials they have that are required from the street artists to sell their merchandise. Two years ago, that became a crime. He became a criminal according to Officer McLaughlin. He is 56 years old; he has no crime in his past and he will not have any in his future. He has never received so many tickets in his entire life as he has received in the last two years from Officer McLaughlin. We do need Officer McLaughlin and Danny Wynne at the Fisherman’s Wharf area as there are crimes; there are drugs, pocket pickers, con artists, fights, murders. We need some out there but not for the street musicians.

Commissioner Bierman asked if street musicians can get licenses or do they need licenses or can they just play. Officer Wynne indicated that the only people that are licensed in that area are the street artists through the Arts Commission. Performers are not permitted; in other words, they don’t have a permit and they are not required to have one. There are certain rules they have to follow; they can’t block a sidewalk, doorway, etc. but under the First Amendment Rights, they are allowed to express themselves.

Officer McLaughlin added that there is a municipal police code about amplified music and if you bring out music suited for a concert hall and set up across the street from a business that is against the law but they don’t take action unless they have a formal complaint from a business owner. A lot of the business owners are afraid to make a formal complaint because they will be identified and they fear retaliation. The law does
exist but right now they don’t enforce it unless they get a complaint. He gets informal complaints quite frequently about the volume.

Ms. Moyer indicated that it’s her understanding in the Port’s history that we’ve worked a couple of times at issuing licenses and permits to enter, in other words, a property license as opposed to a business license for the right to perform on Port property. In the past, that hasn’t been so popular and moved forward at something that we’ve been working on. We’re still working with the local community i.e. the business owners, the musicians, a large group of different types of performers to refine that policy and that policy will be coming to the Commission. It is staff’s vision that performers would have a permit to perform in a specific location that will raise the issue of how we will enforce that because that license will have a fee associated with it. Obviously, someone who is paying a fee doesn’t want the same privilege to be given to someone else for free. The reason for doing that is there is becoming a density issue and there are legitimate concerns as Officer McLaughlin has pointed out. Our tenants have asked and emphasized that we need to control a little bit better what’s going on in terms of interruptions to their business and they are paying us a pretty decent rent for that right, a quiet enjoyment, which is a covenant in their lease.

Commissioner Bierman indicated that she is a fan of musicians. They liven up a City but not if it gets out of hand or causes trouble. She’s prejudiced of musicians because both her children at different times have played on those streets and turned out to be musicians professionally. There’s a lot of good in it but you have to control it if there’s trouble.

Ms. Moyer indicated that we have a licensed tenant, we have a horse and carriage group and the performances often arise right at their foot path and the noise vis-à-vis speakers are so loud that they’re disruptive to the animals. It’s difficult for them to transact business which they are then paying the Port for. We are looking at this issue because everyone has to be able to co-exist.

Rodney Fong, current president of the Fisherman’s Wharf Merchant Association, indicated that any given summer day, there are hundreds of thousands of people there. Should something happen, they often talk about dividing the line between what’s Port property and City property. If something were to happen at the wharf, it’s not going to matter, they are not going to know where it happened on what side of the street. It is both our responsibilities from the private side as well as the public side of the street to try to enforce and support our guests at the wharf. There is also a proposed plan for curb side and sidewalk encroachments. Whoever is going to police that program, if it is SFPD, we certainly need more help. It will bring more revenue and clear up the streets for better flow of traffic.

5. MARITIME

A. Informational update of Alcatraz Service from Pier 31½.

Peter Dailey, Deputy Director of Maritime, gave a brief overview and update regarding the Alcatraz RFP. The Port is very proud of its excursion and ferry business; about 6
million passengers a year get on either ferryboats or excursion boats at the Port making us one of the leading passenger ports in California. Of that 6 million annual passenger count, 1.3 of those passengers are going out to Alcatraz as they have since 1973. This service has a great upside for the Port in terms of cash flow, revenue streams but also as an impact to City traffic patterns. It helps our tourism in the wharf and it’s an important part of our maritime business portfolio. Clearly, it’s in our best interest that this service continues without disruption. In 2004, the National Park Service (NPS) issued an RFP for proposals to contract for the right to transport visitors to and from Alcatraz through the year 2016. He tried to explain the byzantine process that the federal government goes through but there’s a code of silence that has descended upon the entire process through the 1998 Concessions Improvement Management Act which is very difficult to understand the rationale. Representatives from Hornblower (Joe Wyman), Blue & Gold (Ron Duckhorn) and Ray Shipway could probably give more insight into the process. The RFP went out in July and talked about the service that they wanted to have proposals issued for. The Port was not involved in any of the process which is very unusual. In September 2005, the NPS announced that Hornblower Cruises and Events had the highest point award and was the most responsible, responsive bidder. Currently, Blue & Gold operates that service. In November, Blue & Gold Fleet filed a protest in the U.S. Court of Federal Claims citing NPS and Hornblower as joint defendants and challenged the NPS selection of the Hornblower proposal. In December 2005, the Board of Supervisors unanimously approved a resolution expressing board support for the retention of union jobs aboard Alcatraz service ferries urging the Port Commission to consider the impact of potential loss of Inland Boatmen Union (IBU) and Master Mates and Pilots (MMP) crew in light of NPS’s announced intent to change ferry service operators urging the Port Commission to consider the impact to Fisherman’s Wharf tourism businesses and the effects on traffic due to the location of the Alcatraz ferry service to another location outside of fisherman’s Wharf and directing that a copy of the Board of Supervisors resolution be sent to the SF Congressional delegation and the NPS.

In January 2006, the Department of Labor issued a preliminary determination ruling that the Service Contract Act of 1963 governs the NPS/Alcatraz Concessions contract. However, this only goes through the level of protecting prevailing wages and benefits. It does not enforce continued employment of existing labor. In February of this year, arguments were heard in the federal claims court on the Blue & Gold protest. The court did issue subsequently a ruling allowing NPS and Hornblower to proceed. In March, the IBU and MMP unions moved for an injunction in the US District Court Northern California seeking to stop the NPS from awarding a concessions contract to Hornblower as a violation of the McNamara/O’Hare Service contract. Last week, the US District Court of Northern California issued a court order preliminarily preventing the NPS from awarding any concessions contract that permits any contract or subcontractor under it to pay less than the union’s prevailing wages and benefits. Last week, the SF Board of Supervisors’ City Operations and Neighborhood Services Committee held a special hearing in regular session to discuss whether Hornblower Cruises is permitted to initiate Alcatraz service from their premises at Pier 31-½. By unanimous decision, the committee resolved to: (1) direct the City Attorney to determine what rights and remedies the City has for preventing Hornblower from circumventing the city planning and CEQA process and (2) have the board author a
letter to Senators Boxer, Feinstein and Congresswoman Pelosi protesting the NPS process and seeking their assistance. Last week, NPS issued a letter to Blue & Gold granting them another 90 days to operate the service through September 24, 2006 to operate the Alcatraz service and yesterday, the US Congress released a contract for award and NPS apparently has signed a contract with Hornblower today and the terms and operating conditions of the contract, which we don’t know yet, including traffic studies, passenger demographic consorting data and historic capacity patterns will be revealed to Port staff tomorrow morning at a meeting scheduled at 9:30 a.m.

Ms. Moyer added that Brian O’Neill, Superintendent of NPS and Hornblower have alluded to the fact that the award of the contract lists the blackout period but in their view only with respect to the terms of the contract and not with respect to the RFP. It’s something that Port staff needs to understand better. We’re the only entity that doesn’t know what’s in the RFP and that’s troubling. Secondly, both the NPS and Hornblower were invited to present today but they determined that they wouldn’t know if the blackout period is lifted in time but they are both available to come to a future Commission meeting and talk about what’s envision. Happily we have the summer months to look further on what that means and what the operational time can be.

Captain Ray Shipway, Master Mates and Pilots, indicated that he represents the captains, the engineers, the deckhands, ticket sellers, customer assistance representatives, maintenance, etc. currently employed at the Blue & Gold involved in the Alcatraz ferry system. On behalf of Marina Secchitano of IBU, he was going to bring to the Commission the great joy and victory of their past and recent ruling of the 9th District Court with regard to the application of the Service Contract Act which will require the new contractor to pay prevailing wage. He knows that we have our own prevailing wage laws in San Francisco and they are working diligently that those apply as well. This victory is not hollow but it’s short lived and it doesn’t require that the new concessionaire hire their laid off workers. As of three weeks ago, they have seen little progress in negotiations with the new contractor but they are still working to get to the heart of the matter. He thanked the Commissioners for their help. They are after hiring their workers.

Commissioner Lazarus indicated that since the current contract has been extended through September, she asked if the contract has been signed, sealed and delivered. Mr. Dailey replied that he believes so. The Port received a letter from the NPS and he is not sure if it’s been signed by Blue & Gold. Mr. Duckhorn confirmed that it has been signed.

Commissioner Lazarus indicated that perhaps we will revisit this issue in a couple of weeks or subsequently thereafter to look at the contract and whatever else might be revealed between now and then.

6. PLANNING AND DEVELOPMENT

A. Request authorization to allow the use of portions of the Illinois Street and Cargo Way Rights-of-Way for bicycle lanes and to enter into a Memorandum of Understanding with the Department of Parking & Traffic as a division of the Municipal
Transportation Agency for the installation, use and maintenance of Bicycle Lanes on Illinois Street and Cargo Way. (Resolution No. 06-37)

David Beaupre, Planning & Development, introduced Mike Sallaberry with the Department of Parking and Traffic who has been working on this project with the Port for over three years. He also introduced Leah Cohen from the Mayor’s Office of Greening as a component of the Blue Greenway Task Force who worked on this project for the last six months. The proposal is to use portions of the Illinois Street and Cargo Way Rights-of-Way for bicycle lanes. On Illinois Street, it would be from 16th Street to Cargo Way and the entire portion along Cargo Way. The Port has been working with Supervisor Maxwell, DPT, DPW, Planning, Police and the Association of Bay Area Governments, and Bay Trail regarding the Illinois Street Bike Lanes for over three years. In addition, the Port has been working with DPT, Mayor’s Office and ABAG Bay Trail on the Cargo Way Bike Lanes as part of the Blue Greenway effort for the last 6 months. At the next Commission meeting, he will provide an overview of the Blue Greenway effort. This proposal has been controversial; therefore significant community outreach has been part of the process; including review with the Port’s Central Waterfront Advisory Group (CWAG), Maritime Commerce Advisory Committee, and the Southern Waterfront Advisory Committee, Dog Patch and Potrero Communities, businesses in the area, American Industrial Center owner and tenants, Sheedy and Port tenants.

The goal is to provide safe bicycle access to/from southeast San Francisco and limit the impact on the community including businesses, residents and Port operations. The proposal on Illinois Street is from 16th Street to Cargo Way.

The Illinois Street alignment was selected because:

- It is the Alignment of Bay Trail
- The Connectivity to existing bicycle facilities on TFB, 16th Street
- The Illinois Street Bridge has provisions for bicyclist
- The Connectivity to SE San Francisco
- Most direct route

Some of the concerns raised by the community groups and the businesses are:

- Illinois Street is a truck route. It needs to be recognized that Illinois & Cargo Way are imperative to existing businesses along the route and to Port’s maritime and cargo operations
- Impact on parking
- Conflict with Loading Activities
- Conflict with Freight and Light Rail
- Conflict with Muni turn around loop at 18th /19th Streets

Because of these concerns, the DPT looked at other alternatives including:

- Third St. which has no capacity because the Third Street Light Rail eliminated one lane in each direction
- Tennessee Street, not complete throughway, and it impacts parking and lacks the connectivity that Illinois Street has
• Minnesota - lacks capacity, parking, connectivity
• Indiana Street- lacks connectivity, impacts Industrial Operations such as the Muni yards, it also has the 280 on/off ramps which limit access and a hazard for bicyclists
• Single trail on East Side of Illinois Street – there is inadequate space, sections missing, dangerous design

In order for the Port and DPT to address the concerns, the proposal is that the design will include:
• a requirement to post signage and stencil the streets indicating that Illinois Street is an active truck route where loading and unloading occurs and that the loading activities may obstruct the bicycle lanes;
• post signage that indicates truckers should be aware of bicyclist and the bicyclist should be aware of truckers;
• rather than use the standard solid line for the bicycle lane along the entire alignment, a dashed line that signals possible bicycle - vehicle conflict, will be used in front of all blocks with loading docks;
• parking loss will be mitigated with new or reconfigured parking within a 5-minute walk of where it is eliminated;
• the City Traffic Code will be amended to allow active loading and unloading to block bicycle lanes on Illinois Street throughout the day; and other parts of the city that existing traffic code prohibits any activity from bike lanes but recognizing that the industries and businesses along Illinois Street need to have 24/7 access to their loading. DPT has agreed to amend the traffic code to allow that to occur without providing enforcement;
• the bike coalition and bicycle proponents recognized that bicycle lanes between 18th and 19th Street may need to be removed when Muni constructs the light rail turnaround loop stop/platform; and
• that the bicycle lanes will be initially installed on a trial basis for 18-months. MOU and staff report outline analysis to be completed to determine success or failure of trial period and follow-up steps required.

At the end of the 18-month process, staff will return to the Port Commission for re-approval for the proposal.

It should be noted that even with the above listed compromises, there continues to be a lack of consensus amongst the various interest groups as it relates to bicycle lanes along Illinois Street. The Port’s CWAG was not able to reach consensus in support or in opposition to the project.

For Cargo Way, it was identified because:
• Alignment of Bay Trail and Blue Greenway
• Capacity Currently exist
• Connectivity to Illinois Street and Illinois Street Bridge which will have the facilities for bicyclists

Concerns raised by the community and advisory groups were:
• Truck Route
• Impact on Port’s Rail Yard
• Possible Need for Parking in future

DPT & Port addressed those is that the design will include:
• Design will not impact Rail operations
• Design will provide identified lanes for vehicles and bicyclist
• Project proponents recognize that if parking needs to be returned, it will not be at the cost of Vehicle Capacity
• SF Redevelopment Agency Received Grant to look at the cross section of Cargo Way and to identify whether there might be potential for improvements to possibly eliminate the landscape median to provide parking and a bicycle way or may be to create a multi-use path to look at the entire cross section to see if there is a way to improve Cargo Way to meet the needs of all the different users.

Illinois Street is not entirely located within the Port’s jurisdiction as you move from 16th Street to the south, portions of it fall within both the Port’s jurisdiction and the City’s. The right of way within the Port’s jurisdiction includes the blocks between Mariposa Street and 20th Street, halfway between 22nd and 23rd Street to 25th Street and from Marin Street to Cargo Way.

The Plan is to:
• Stripe 1 - 12’ travel lane in either direction
• Stripe 2 - 5’ bicycle lanes entire length
• Dashed bike lane in front of loading docks
• Appropriate signage

An element of the Illinois Street bicycle lanes that will be new to the City of San Francisco will be the introduction of “back-in” angled parking. This proposal has benefits for both bicyclist and drivers. It will eliminate a condition where vehicle operators blindly back out into oncoming traffic and provides better visibility to vehicle drivers to oncoming bicycle traffic. The last thing that needs to be done as part of the Illinois Street proposal is to legislate the various parking alternatives to include the reverse and angle parking and the parking that needs to be made up because of the elimination. While this will be new to San Francisco, it has proven to be successful in other U.S. and international cities including Portland, Oregon; Ventura, California; Washington, D.C. and Seattle, Washington.

The proposal for the Cargo Way bicycle lanes is to:
• Stripe and maintain 1-12’ & 1-14’ vehicle lane in both the east bound and west bound direction
• Stripe and maintain 1- 7’ bicycle lanes in both the east and west bound directions

The MOU between the Port and DPT outlines responsibilities as it relates to installation, ongoing maintenance and liability related to the planned improvements. Additionally, it outlines the analysis and review process at the end of the 18-month trial period.
Leah Cohen, Mayor’s Office, indicated that the Mayor convened a task force in partnership with the Neighborhood Parks Council called the Blue Greenway in November 2005. The goal was to create a 13-mile corridor along the southern waterfront and part of that would be the completion of the bay trail for San Francisco. Since that time, they have been working closely with the Port and others to develop a short-term six-month implementation strategy and the bike lanes are very crucial component of that. They are very much in support of this proposal. This is a high priority issue for the Mayor.

Andy Thornley, SF Bicycle Coalition, indicated that the coalition supports this proposal very much. They have been working on this proposal for at least 3 years. Illinois Street is not a perfect route for bicycles; it’s not a route that they would choose if they had a blank piece of land to lay out a bicycle route but with all the alternatives that they evaluated through the bike plan update in other public processes, Illinois Street is the least awful of all. This proposal would make it more wonderful for everybody. It’s a very important part of the bay trail but more than that Illinois Street is a critical part of the bike network as a transportation resource for the city. When the Third Street Light Rail project came along, they lost Third Street as a bicycle route. It is a very important route in and out of the southeastern part of town. Now Third Street does not function as a bicycle network element. Just as Muni needs Third Street, the bicycle network needs Illinois Street. They are not happy with the compromises that Illinois Street will see in this proposal especially the compromises to the traffic code about the weakening or equivocating enforcement of blocked bike lanes. This proposal proposes to ask for some softening of bike lane blockage enforcement for the sake of loading and unloading. They are willing to go forward with this proposal and they know that this is an important freight corridor and they understand that is a priority use for that roadway. They also feel that it is possible to share and make both of these uses live together happily. The broken line, dashed line bike lanes stripes that go across the loading areas, likewise are not conventional, not perfect but they are willing to give that a try and see if we can all use this space in a way that is harmonious. The Cargo Way piece of this proposal, they welcome very much and they are interested in helping the City complete the bay trail. At the rate they are going, San Francisco might be the first county to complete its piece of the bay trail. Where the bay trail goes, those are bicycle interest and bringing people to the bay trail in bicycles is a very high and proper use. They support that activity. They’ve talked to many different individuals, committees, officials, citizens and this has been a full conversation. Everyone has made compromises and the proposal today is a compromise that the bicycle and the community can live with and he urged the Commission to go forward with it.

Paul Nixon indicated that he is a member of the CWAG, Blue Greenway Task Force and the Bicycle Coalition. He is speaking as an individual who has a lot of familiarity of this area because he has been on the CWAG since its inception. He also has a lot of experience in bicycle lanes. He worked very hard on Valencia Street bike lanes, San Jose, Alemany and Howard Streets. One thing that is important to realize is that this has been a long process (3 years). DPT and the bicycle coalition and the Port have been working very hard in trying to put this thing through. From his own knowledge, putting a bike lane is always difficult and Illinois is no exception. He thinks that the Port and DPT have a good job of trying to figure out this problem and come up with a design
that will probably work. Bike lanes on Illinois are necessary for the safety of bicyclists. Whatever you say about Illinois Street, it is safer with bicyclists with bike lanes and without bike lanes. He realized that this process has been a difficult one and he hopes that in the trial period that we will all come together to find a very good solution.

Keith Saggers, SF Bicycle Coalition, supports the bike lanes on Illinois Street. He uses bicycles to get to work. The bicycle lanes are a good idea for keeping bicyclists out of the traffic and out of the door zone. When you have bike lanes, drivers and pedestrians know where to expect bicyclists to be. This lessens confusion and accidents and improves safety.

Maureen Gaffney, ABAG/Bay Trail, requested the Commission to support the installation of bike lanes on Illinois Street and Cargo Way and to enter into an MOU with DPT. The Bay Trail Project has been actively working with the Port staff and the Mayor’s Blue Greenway Task Force, DPT, NPC and SF Redevelopment Agency to improve the Bay Trail alignment between the ballpark and the county border to the south. They believe that approving bicycle lanes on Illinois Street and Cargo Way will vastly improve non-literous public access options into and out of the City southern waterfront spaces and neighborhoods. Particularly, Heron’s Head and India Basin Shoreline Parks which are both waterfront treasures which will benefit greatly from the installation of bike lanes in this area. They understand that this is a tricky area to accommodate bike lanes due to the existing and industrial commercial uses; however, they believe that Port staff and others who have worked on this have crafted a workable solution that will be flexible and allow for necessary future changes based on safety operational issues and needs. They would love to see San Francisco be the first to complete their section of Bay Trail. They think that this project will help move that forward.

Jeff Condit, Neighborhood Parks Council and Program Manager for the Blue Greenway Initiative, indicated that for the last six months he has been co-facilitating Mayor Newsom’s Blue Greenway Task Force. This is a collaborative community planning process that is made up of a myriad of stakeholders along the waterfront. There are three tasks that Mayor Newsom gave them: (1) create short-term implementation plan for underground improvements that can be implemented within a six-month time frame; (2) create a long-term vision document, more of a presentation that broad brush strokes that they will take to the community and get feedback and support from the community; (3) funding and implementation strategy for the long-term implementation. The proposed bike lanes along Illinois Street and Cargo Way are a crucial component of the short-term implementation plan. This two-mile stretch is along the official Bay Trail alignment and represents a significant gain to the City and County of San Francisco’s commitment to the State mandated Bay Trail project. They are pleased by the community planning process and they feel acceptable compromises have been reached to satisfy all stakeholders and the NPC appreciates the Port’s support of these improvements to the City’s Alternative Transportation Infrastructure and it’s exciting step forward toward their goal of being the first county to complete the bay trail.

Bob Frank, SF Bicycle Coalition, indicated that he is a union electrician in the city. He does lots of work along the Port. Days like these, the most marvelous thing to do is to
ride the bike along the bay; take it to work. It’s a great way to access the whole Port. There is a ton of work going along the bay and in the southern waterfront, there are a lot of businesses or employees could use the bike lane. For commuting, you could push more people out of their cars and into their bikes especially employees of businesses along these routes. The bike lane would be a great thing for the bay trail. He urged the Commission to approve the proposal.

James Morrison, a commuter bicyclist for 30 years, indicated that most of that time he commuted to his employment south of market, the SF Ice Company. It moved 5 years ago to Bayview which is not an unusual movement for a light industry these days. He now commutes to Bayview and have used parts of this route that is being considered. In view of this relocation of light industry to Bayview/Hunter’s Point/India Basin, that keeping the possibility of bicycles commuting there is important. Three or four years ago, he has worked on some of the earlier versions of this plan when he was a member of the city’s appointed bicycle advisory committee and its chair when this appeared to be an irresolvable log jam. He is pleased that some compromise has been arrived at and he hopes that it will keep commuter cyclists commuting to this sector.

Greg Markoulis, representing the American Industrial Center and its 300 businesses, indicated that AIC is located on Illinois Street between 20th and 23rd Street, the Old American Can building. He has been at this site for over 31 years. There are over 40 loading docks on the back side of the two buildings. There is an average of over 200 trucks a day that pull in and out of the loading docks and across that, they are trying to build the bike lanes on one side of the street. Traffic on the Illinois Street corridor has more than doubled in the last 12-18 months. Prior to that, it doubled as soon as they started construction on Third Street. With the Muni Railway, they saw tremendous amount of truck traffic; it was redirected to Illinois Street. This caused a tremendous amount of problem. They still do have trucks backing into docks; traffic gets blocked very often when they need the entire street to back in. They have the tow trucks speeding; there are cements trucks, the PG&E yard across the street from them on Illinois Street where they dig up dirt, bring up and sift it and take it out again. The trucks go in and out constantly all day long. The big rigs are the big thing. They are all coming down Illinois Street, not on Third Street. A few of those big rigs end up pulling into their building into their docks. He has several hundred petitions filled out by businesses in their building some time ago. He has been to a lot of the meetings. They have tried to compromise but you can’t take and put everything on one street and expect to have safety. If the Muni hadn’t happened, they claimed that the bike lanes would have been on third Street. Right now there is nothing stopping the bicyclists from using Illinois Street and they are still on Third Street. It’s safer and they like it better. He stopped a bicycle messenger the other day pulling up to the building. He asked why he wasn’t using Illinois Street. He responded that Illinois Street is much easier. It’s a straight shot into downtown. The point is bicyclists will go where it is easier for the most part. He gave the Commission a copy of a letter from one of the businesses in the building.

Katherine McNamara spoke in support of the bike lanes. She was a bicycle commuter from the Castro to the artists’ community at Hunter’s Point shipyard for 5 years. She thoroughly researched all the different routes trying to find a safe route and determined
that there was really no safe route from the Castro to Bayview Hunter’s Point Shipyard. The reason bicyclists currently do not use Illinois Street is that it’s not safe with all the trucks and the traffic. Third Street is absolutely unsafe. She nearly lost her life crossing Third Street at one point. She is very pleased that this is coming before the Port Commission and she hopes that the Commission supports it.

Toby Levine spoke personally from experience from that area and not for CWAG because they run out of time in discussing this issue. The group is neither in favor nor against it. She mentioned that if the Port goes forward with this trial period of 18 months, that it moves forward with a fully installed, properly prepared, well educated public in terms of the rules and regulations of the bike lanes. It’s difficult to come out of a parking space when you can’t see what’s going on. It’s going to be an interesting experiment for this particular situation. In Resolution 06-37, in the whereas clause which has to do with the end of the 18-month trial, she’s not quite sure that the method of analysis has been spelled out well enough that they will be able to hold people one way or the other at the end of the 18-month period. Another point under the MOU, she assumes that the MOU is signed right at the beginning of the 18-month trial period but it’s not identified under Item D of the agreement. It does allow that the agreement can be broken at any point but she thinks that the length of the initial period shall be included in the MOU. It’s important that the Port be very clear with DPT regarding Item 4 Maintenance of the bike lanes and Item 6 Responsibility for Damages. She hopes that the Port will be able to go forward with this proposal.

Joe Boss, indicated that normally he is a big cheerleader for the Port and he is still but he has grave concerns about the section of the bike path along Illinois Street going past Pier 70, past American Industrial Center. It would be a bad thing to move forward with this proposal without having other things completed. He read a letter from the Dogpatch Neighborhood Association requesting the Port Commission to table this item. The Potrero Boosters also had presentations and as the recording secretary, Mr. Boss asked the Port Commission not to execute the MOU as currently written. It is very critical that such things as backing and parallel parking, never tried anywhere else before, be addressed and have DPT change the legislation and allow angled parking and backing in. Currently, there’s still a boat at the drydock. It’s virtually impossible to find a parking place when there is a cruise ship being worked on that drydock. The workers are there 24/7 until the job is done. They bring their cars and trucks from everywhere. This is further impacting parking in that area. He is a strong supporter of the Port. He thinks that this is a flawed MOU and requested the Commission to table this item.

Commissioner Lazarus asked about the methodology of the evaluation and what key variables, factors, and incidents they will be tracking in the next 18 months. Mr. Beaupre replied that they are outlined in the staff report and they can be included in the MOU. They are going to look at the actual use of the bicycle lanes, how much they are being used. Adequate tracking and vehicular circulation, whether the bike lanes are prohibiting the adequate circulation. Bicycle safety – are the lanes designed or are they providing bicycle safety for the area. Truck loading and access – how it impacts the truck loading and access to the American Industrial Center Building. Accident data – they can review the number of accidents in the 18-month period versus the accident date for the previous 18-month data. The parking needs, how is the reconfigured
parking working and one of the things that Mike Sallaberry mentioned is that if we move forward with all the legislation that is proposed, there will be a net gain of 100 spaces. We are losing about 45 in the area but as a part of that loss, we know we can recapture it by legislating the parking in the area. In addition to that, there is a gain of another 100 spaces. As part of the review process, DPT and the Port will present and review the analysis and recommendations for the Port Advisory Groups and/or outreach to other community groups including Port tenants, tenants of the American Industrial Center and other tenants up and down the waterfront. As far as safety is concerned from truckers, they have it discussed with Sheedy who operates the largest trucks and oversize cranes on Illinois Street, they are in favor of it. They say that this will help their operation because they know where to look for bicyclists. They’ve shown support for it. They’ve also talked to some of the cement trucks that drive up and down from RMC and Bode. They’ve indicated that it would be an improvement to identify where the parking is. Ms. Levine’s concerns regarding responsibility and how it’s outlined, generally the responsibility lies on the bicycle lane improvement, as it is associated with the Illinois Street Bridge. Basically from Marin Street, south to Cargo Way, the Port will be responsible and liable for any accidents that occur because of the bike lanes as a part of the bridge project and because the Port designed the bridge project. Staff worked with DPT & DPW but ultimately the Port designed the bridge so it is responsible for that. For all of the rest of Illinois Street, whether it’s on Port jurisdiction or not, the City will be responsible and liable for any accidents that occur in that area.

Commissioner Brandon indicated that Mr. Beaupre mentioned that they spoke to the various community advisory groups and organization but did not report on what their responses except for the Central Waterfront Advisory Committee. She asked about the responses from the Southern Waterfront Advisory Committee, Dogpatch and Potrero Boosters. Mr. Beaupre replied that SWAC was generally supportive of the Cargo Way. The Illinois Street bike lanes are out of their area. It was brought up to them but didn’t go into significant review with them. That fell mostly with the Central Waterfront Advisory Group. Bike lanes and pedestrian facilities were not included as part of the Illinois Street Bridge but because of community concerns, bike coalition concerns, BCDC concerns, we were obligated to put bicycle and pedestrian improvements on the bridge and the SWAC was supportive of that. As far as both the Potrero and the Dogpatch, they met with them and heard their concerns about parking. They requested that some of the legislation being proposed not move forward. They also had concerns about safety. They wanted to make sure that if this moved forward that there will be adequate signage and recognize that Illinois Street is continued to be used for industrial way. They did not support it but at the end of the process, this has been going on for over 3 years, Supervisor Maxwell called a meeting of the various representatives – Potrero Hill community, Dogpatch community, American Industrial Center, tenants and owners, DPT, DPW, Planning, SF Police Department, and Association of Bay Area Governments. Not everybody is happy with the results but she thought the compromises that they came up with, the dashed parking lanes, the amendment to the traffic code, the trial period, the mitigated parking throughout the area, she recommended that we move forward. Each of the community group recognizes that it’s not the perfect solution but that some compromises have been made and there really is no ultimate alternative.
Commissioner Brandon indicated that all the organizations that Mr. Beaupre spoke to and gave full presentations to, so far, have not supported this proposal. Mr. Beaupre replied that the CWAG could not come to a consensus one way or another. Both Potrero and the Dogpatch did not come out in support of it but also recognize the compromises that were made towards an improved plan.

Commissioner Hardeman commented that this is probably the worst thing he has ever seen since he’s been on the Commission. He’s sorry that we didn’t put the bay trail somewhere else or deal with that before we got to this point. This is a sad situation. This is a commercial, industrial workplace. This is where people make their living. The truck drivers have enough problems right now. How would like to be in the trucking business that can’t make a living? They will be tied up, trying to back in and out. Their life will be miserable. He thinks that this is a lousy compromise. This isn’t anti-bike. He feels bad that we got into this position. He’s sorry we ever put bike lanes in the Illinois Street Bridge. He does not see anything good about this. It’s destroying one of the most vibrant economic engines of that area of the city. Who knows what it’s going to do in the future for our growth down there. Mr. Beaupre described it accurately that this is a compromise but you can’t compromise junk. When he negotiates contracts, he doesn’t compromise on safety. This is not going to be a healthy situation for the bicyclists. There will be a lot of unhappy people when this 18-month period is over. He thinks that everybody did the best they could, bicyclists and everybody involved in giving their positions. If he could turn the clock back for the bay trail, they would have dealt with that before they did this to the bridge. The train tracks, trucks and bicycles don’t mix. The traffic is going to be worse on Illinois Street Bridge because of the light rail on Third Street. He might vote for this because there is no other choice but it is a terrible package. He feels bad that we’re in this situation.

Commissioner Hardeman asked for Mr. Sallaberry’s opinion about the truck situation with the bicyclists.

Michael Sallaberry, DPT/MTA, indicated that they would not be proposing this project if it did not improve safety. It is their number one concern as a department. They simply would not move ahead with this project. They heard similar concerns. People have concerns about trucks and bikes being in the same area. They had similar concerns on 7th Street. It’s not exactly the same as Illinois Street but there is truck traffic on that street. They notified all the truck companies on that street who traverse it or work on that street. They are aware of the project. Before the project, there were three collisions in a certain time period. In the same time period after the project, there was one collision. When you have a situation where you have traffic mixing such as trucks and bicyclists, often times the best thing to do is to create street areas where everybody is predictably located. There are already cyclists on Illinois Street. They counted in a one-hour period that 10% of the traffic on the street was cyclists. Cyclists and trucks are already there. We need to give everyone their street space so that everyone is predictable and knows where to find each other. They made a number of compromises. This is an 18-month trial period. If they find that safety is compromised, they will remove the bike lanes. They won’t keep a project that creates a more dangerous situation. This is something that can be removed and restored if necessary. As for the tracks, the whole bicycling community, MTA, DPT and the Port are aware of the tracks and yet the advisory community still supports this project. The bike lanes are outside of
the tracks. In areas where they may have to cross, they will put track warning signs. There are tracks all over the city, cable car tracks and Muni tracks. They are not unusual. They will use the 18-month period to ensure that this is done correctly and they will respond to the needs and concerns of the people in the area whether it is an industry or cyclists, etc.

Commissioner Bierman asked if the bicyclists are there now. Mr. Sallaberry responded affirmatively. They counted 30 cyclists in one hour in the peak afternoon hours and that’s without bicycle improvements to the area.

Commissioner Lazarus asked why they opted for the 18-month period and not 6 months or a year. Mr. Sallaberry replied that they didn’t come up with that recommendation but he believes that it is to allow the Illinois Street Bridge to be built out and to allow the traffic to settle into its new patterns. They normally do 12-month trial period which is the standard but in this case, a bridge is involved.

Commissioner Hardeman indicated that there are no trucking interests in the audience. There are lots of trucks that are making a living there and he wondered about their opinions. He knows that the neighborhood groups are against it. He has not heard any bicyclists speak against it. He does not know how the Mayor personally feels about this proposal but whenever he votes against a Mayor in the 20+ years he has been a Commissioner in different Commissions, he has always proved to be right. He does not like the proposal. He hopes he is wrong but when he goes out on a limb and vote against the Mayor, perhaps only half a dozen times, he has not been wrong. He thinks that this proposal is wrong.

Commissioner Bierman indicated that the bicyclists are there, the trucks are there. This is supposed to be something that will help. If it doesn’t help, they will hear about it but it is hard to ignore something that people have worked on to make something work. She thinks that the Commission should support it and the Commission should get a report back regarding this situation.

Commissioner Hardeman asked if there is a possibility of holding off the decision on this item to the next meeting.

Ms. Moyer indicated that not having been at the Port during the early stages of the Illinois Street Bridge project, she assumed that item with respect to bicyclists on Illinois Street was discussed a long time ago. It should have been brought to the Commission as an informational item. It’s not too late to do that today and postpone action at a later date but she does not know when this item is going to DPT.

Commissioner Hardeman asked if we are dealing with an important time frame. Mr. Sallaberry indicated that there is a time crunch. It is going to be heard by the Board of Supervisors fairly soon. There is a grant deadline at the end of June and the Mayor has directed them to implement this by June 24, 2006. A delay here may create a cascade effect that creates a delay where they have to return funds and they don’t meet the Mayor’s stated deadline.
Ms. Moyer asked if DPT has already acted on the item. Mr. Sallaberry replied that DPT staff has reviewed and improved the proposal. It’s been reviewed by ISCOTT which is an interdepartmental staff committee on traffic and transportation. They include DPT, Planning, DPW, Police, Fire and various departments throughout the City. DPT, Muni and others have approved it.

Ms. Moyer asked if the DPT Commission or the MTA board has approved it. Mr. Sallaberry replied that the MTA board has not approved it. It has not gone to that level. Ms. Moyer asked if DPT still has an active Commission. Mr. Sallaberry replied that MTA Board oversees DPT.

Ms. Moyer indicated that it has not gone to a policy making body other than ISCOTT which is seated by staff members of the City. There is no appointed or elected body besides the Port Commission that has heard it. She asked if there is any intention that it will be presented to the MTA Board or is it going straight to the Board of Supervisors. Ms. Sallaberry indicated that Supervisors McGoldrick on behalf of Supervisor Maxwell has submitted it. She instructed them that she would move ahead with this item after her meeting with the various stakeholders.

Ms. Moyer asked if that means that the MTA Board is being skipped in the process and it’s going straight to the Board of Supervisors. Mr. Sallaberry replied that in this case, it is, due to the compress timeline for the grant and the Mayor’s stated goal by getting this in by June 24, 2006.

Commissioner Hardeman recommended a 12-month period from the time the bridge is operational instead of 18-months. Mr. Sallaberry replied that it depends on what he meant by operational – the bridge being operational or the bicycle lane and the parking changes. Commissioner Hardeman explained that he meant the bicycle lane and the parking changes. Mr. Sallaberry indicated that will happen before the bridge is open assuming everything is approved. It depends on what the Commission considers as the starting point.

Mr. Beaupre indicated that the reason they went with 18 months is that they recognize that the bridge won’t be up and operating until the end of this year at the earliest. It may have even slipped into March or April. If we went for 12 months and they were installed in June, we would only have May & June to do adequate analysis with the bridge in operation.

Commissioner Brandon indicated that our main concern is Illinois Street, not necessarily the bridge. The bridge is going to be the bridge. It’s about the co-mingling of trucks and cars and people on Illinois Street. If we do a year’s study with the existing conditions, we can get a pretty good idea of what’s happening in the area.

Mr. Beaupre indicated that it can be done except the bridge provides that connectivity but without the bridge bicyclists are going to use it. They will still go over Third Street and use the existing Third Street Bridge. Staff can scale it back and do a 12-month period.
Commissioner Brandon indicated that the bicycle lane will be in place in June but Mr. Beaupre thinks that no one is going to use it until the bridge is open. Mr. Beaupre agreed that it will probably not be used but the recommendation came from the advisory groups. DPT suggested 12 months; some suggested 2 years; 18 months was the compromise recognizing that the bridge provides that connectivity.

Commissioner Brandon asked when the bridge would be completed. Ms. Moyer replied that the Commission will receive an update of the bridge project soon but the south approach still needs to be bid. Staff does not know for certain but it is slipping into spring of 2007. Mr. Beaupre added that the other thing to recognize is that when the bridge is open, there will be more trucks on Illinois Street because right now trucks have to go to Third Street and travel down to Third Street if they are heading in the north or south direction. When the bridge opens, there will be more trucks on Illinois Street.

Commissioner Brandon indicated that if there are issues within the 12-month period with the existing traffic, not the additional traffic, staff will have a good idea of what the future will hold.

Commissioner Bierman indicated that the Commission should go with the 18-month period but asked staff to give the Commission an update of the project in 9 months or a year.

Commissioner Hardeman asked if the 18 month is tied into the grant. Mr. Beaupre replied that the 18-month trial period came out of a direct recommendation of the CWAG.

Commissioner Bierman suggested that the Commission should approve the recommended 18-month period.

Commissioner Hardeman indicated that he does not want to interfere with the funding because the grants are going to cover the cost. If this item is tabled, the Commission will possibly interfere with the grant funding and it might kill the project which is not something the Commission would like to do.

Ms. Moyer indicated that she is not aware that it’s going to be heard by the Board of Supervisors before May 23, 2006. She asked Mr. Sallaberry to go over the schedule.

Mr. Sallaberry indicated that he needs to get confirmation from Supervisor Maxwell’s office but the item is either going to the Land Use Committee on May 17 or 24 and it will go to the full board as a committee report.

Ms. Moyer indicated that there’s room for it to go on the May 24 meeting and make that happen and allow it to come back to the Commission on May 23, 2006.

**ACTION:** Commissioner Brandon moved approval; Commissioner Bierman seconded the motion. All of the Commissioners were in favor; Resolution No. 06-37 as adopted.
7. NEW BUSINESS / AGENDA SETTING

Ms. Moyer indicated that there are a lot of items that staff will be presenting to the Commission at its May 23, 2006 meeting. The Memorandum of Understanding with the Entertainment Commission will likely be postponed until June 13, 2006. Staff is planning to bring it to the Commission as an action item because the Port has an existing MOU with the Entertainment Commission and it is pretty similar. If the Commission prefers to hear the item first as an informational presentation and then second as an action item, she would take that direction from the Commission. Otherwise, staff is planning to bring to the Commission in June a number of informational items with respect to the annual rate setting i.e. lease parameters, rents, etc. and for Commission action in July. Staff does not expect that there will be a lot of changes over current rates but as the Commission may recall, the adoption of rent increases, parking rates, etc. are to be done on an annual basis. Not listed on the May 23 calendar is an MOU with the Department of Public Works to install certain pedestrian improvements in front of Pier 48 and Pier 50 and to install temporary art at Agua Vista Park and Third and Cargo Gateway. It will be presented as an action item but given today’s conversation, perhaps staff should bring it forward as an informational item first. She will confer with staff.

At the last Commission meeting, Commissioner Hardeman suggested that the communications section be moved up on the agenda. It now appears before the executive session.

8. PUBLIC COMMENT

9. COMMUNICATIONS

10. EXECUTIVE SESSION

A. Vote on whether to hold closed session to confer with Legal Counsel and Real Property Negotiator.

ACTION: Commissioner Brandon moved approval; Commissioner Hardeman seconded the motion. All of the Commissioners were in favor.

At 5:45 p.m., the Commission convened in executive session to discuss the following:

(1) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8.

This session is closed to any non-City/Port representative.*

a. Property: Piers 30-32 and Pier 36
Person Negotiating: Port: Byron Rhett, Deputy Director, Planning & Development

*San Francisco Cruise Terminal, LLC: Paul Osmundson

b. Property: Piers 35, 27 and 30-32
Person Negotiating: Port: Peter Dailey, Deputy Director, Maritime


*Metropolitan Stevedore Company:  Stefano Pinna

  c.  Property:  601 Cesar Chavez Street
      Person Negotiating:  Port:  Mirian Saez, Deputy Director, Real Estate
*Butler Enterprises Group LLC:  Derf Butler

11.  RECONVENE IN OPEN SESSION

    At 6:48 p.m. the Commission withdrew from executive session and reconvened in open session.

    ACTION: Commissioner Brandon moved approval to adjourn executive session and reconvene in open session; Commissioner Hardeman seconded the motion. All of the Commissioners were in favor.

    ACTION: Commissioner Brandon moved approval to not disclose any information discussed in closed session; Commissioner Hardeman seconded the motion. All of the Commissioners were in favor.

12.  ADJOURNMENT

    ACTION: Commissioner Brandon moved approval to adjourn the meeting; Commissioner Brandon seconded the motion. All of the Commissioners were in favor.

    Commission President Ann Lazarus adjourned the meeting at 6:50 p.m.