

# SAN FRANCISCO PORT COMMISSION

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## PLEASE NOTE THE TIME OF THE MEETING

**AGENDA**  
**REGULAR MEETING**  
**TUESDAY, MARCH 13, 2007**  
**2:00 P.M. EXECUTIVE SESSION**  
**3:15 P.M. OPEN SESSION**  
PORT COMMISSION HEARING ROOM, SECOND FLOOR  
FERRY BUILDING, SAN FRANCISCO, CA 94111

*The Port Commission Agenda as well as Staff Reports/Explanatory Documents available to the public and provided to the Commission are posted on the Port's Website at [www.sfport.com](http://www.sfport.com). The agenda packet is also available at the Pier 1 Reception Desk.*

1. CALL TO ORDER / ROLL CALL
2. ANNOUNCEMENT OF PROHIBITION OF SOUND PRODUCING DEVICES DURING THE MEETING
3. APPROVAL OF MINUTES - February 27, 2007
4. PUBLIC COMMENT ON EXECUTIVE SESSION
5. EXECUTIVE SESSION
  - A. Vote on whether to hold closed session to confer with Legal Counsel and Real Property Negotiator.
    - (1) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTER.

- a. Discuss existing litigation matter pursuant to California Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d) (1 case):
  - Macor, Inc., Cornerstone Properties II S, LLC, and Walden Mission Bay I LLC v. City and County of San Francisco, Port of San Francisco, State of California, State Lands Commission, et al.(San Francisco Superior Court, Case No. CGC07-460994)

(2) 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: Pier 70  
Person Negotiating: Port: Peter Dailey, Deputy Director, Maritime  
\*BAE Systems: Ira Maybaum  
  
 Under Negotiation: \_\_\_\_\_ Price \_\_\_\_\_ Terms of Payment X Both  
 An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at Pier 70.

- b. Property: Pier 80  
Person Negotiating: Port: Peter Dailey, Deputy Director, Maritime  
\*The Pasha Group: George Pasha  
  
 Under Negotiation: \_\_\_\_\_ Price \_\_\_\_\_ Terms of Payment X Both  
 An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at Pier 80.

- c. Property: Piers 27-31  
Person Negotiating: Port: Byron Rhett, Deputy Director, Planning & Development  
\*SF Piers LLC: Tom Hart and Rocky Fried  
  
 Under Negotiation: \_\_\_\_\_ Price \_\_\_\_\_ Terms of Payment X Both  
 An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at Piers 27-31.

**6. RECONVENE IN OPEN SESSION**

- A. Possible report on actions taken in closed session pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.
- B. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

## **7. EXECUTIVE**

### **A. Executive Director's Report**

- 2007 Port Security Grant from the Department of Homeland Security
- Wharf J-10 Community Meeting – March 21, 2007 at 5 p.m. at Pier 1
- Dedication of the Fisherman's Wharf Seaman's Memorial Chapel – March 30, 2007 at 12 noon at Pier 45
- Seawall Lot 337 Workshop (Piers 48-50/China Basin Area) – April 18, 2007 at 1 p.m. at Pier 1
- Water Transit Authority's Transportation Emergency Response Planning and Management Presentation and Feasibility Study of the potential renovation of the Agriculture Building, located on The Embarcadero at Mission Street
- Fisherman's Wharf Community Benefit District Planning Proposal

## **8. CONSENT**

- A. Request approval of Second Amendment to Lease No. L-12606 with the California Foundation on the Environment and the Economy (CFEE) to reduce its premises from Pier 35, Suites 200 and 202 to Pier 35, Suite 202, on a month-to-month basis. (Resolution No. 07-19)
- B. Request for ratification and approval of the Port Commission's adoption of Resolution No. 07-14 on February 27, 2007 approving the Fourth Amendment to the Amended and Restated Exclusive Negotiation Agreement with SF Piers LLC for the Piers 27-31 Mixed-Use Recreation Project, extending the term and amending the benchmarks and other provisions of the agreement, and all action by the Port in connection therewith (Site Location: Piers 27-31 on The Embarcadero, between Francisco and Battery Streets) (Resolution No. 07-20)

## **9. REAL ESTATE**

- A. Request approval to amend the current policy, including related rental rates, and authorize implementation as of April 1, 2007 of the Airspace Portion of the Port's Sidewalk, Airspace, and Curbspace Encroachment Policy No. 06-48 adopted June 2006. (Resolution No. 07-21)
- B. Request approval of CEQA Findings for Trans Bay Cable, LLC ("TBC") to install an electricity transmission line in San Francisco Bay and 23<sup>rd</sup> Street. (Resolution No. 07-22)
- C. Request approval of resolution approving: (1) Port Commission License No. 14324, a non-exclusive license for the use of property consisting of approximately 9.4 miles of submerged lands, a small portion of shoreline along 23rd Street, and a portion of 23rd Street to install a 400 MW high voltage transmission line, with a term of four years and consideration including license payments to the Port in excess of \$1.26 million and payments to the San Francisco Public Utilities Commission equaling \$3.5 million; and (2) Port Commission License No. 14325, a non-exclusive license for use of the property for operation of the transmission line with a term of twenty-five years with several renewal

options and consideration including license payments to the Port in excess of \$1.2 million dollars annually, public benefit payments to Port and to City in excess of \$25 million between Trans Bay Cable LLC and the City and County of San Francisco acting by and through the San Francisco Port Commission and the Mayor's Office of Economic and Workforce Development. (Resolution No. 07-23)

## **10. ENGINEERING**

A. Informational Presentation on the Port's Facilities Assessment Program.

## **11. NEW BUSINESS / AGENDA SETTING**

- ◆ New Business
- ◆ Agenda Setting (Targeted Commission meeting, subject to change)
  - Informational presentation regarding the City's Emergency Text Message Alerting System (March 27, 2007)
  - Informational presentation on findings of Port Meter Pilot Program (March 27, 2007)
  - Informational Presentation on the Status of Contract 2708, Wharf J10 and Fishery Building Demolition Project (March 27, 2007)
  - Request approval of Lease with the San Francisco Bar Pilots for space located at Pier 9 (March 27, 2007)
  - Request approval of a new fifteen-year, Non-Exclusive Management Agreement with Pasha Automotive Services for management of an automobile terminal at Pier 80 (March 27, 2007)
  - Request approval of the First Amendment to the Non-Exclusive Management Agreement No. 13893 between the Port and Marine Terminals Corporation for management of the cargo terminal at Pier 80 (March 27, 2007)
  - Request authorization to increase the existing Contract Service Order to Creegan & D'Angelo for As-Needed Architectural and Engineering Services for the Piers 52/54 Boat Launch Project (March 27, 2007)
  - Request authorization to advertise for competitive bids for the Pier 33 Roofing and Related Structural Repair Project, Contract No. 2710 (March 27, 2007)
  - Request approval of resolution rescinding the Port's Policy for Payment of Broker's Commissions (April 10, 2007)
  - Informational presentation on Building Occupancy Resumption Program of the Port of San Francisco (April 10, 2007)
  - Request authorization to issue Request for Proposals for Engineering Services for the Pier 35 Substructure Detailed Structural Investigation, Conceptual Repair Design and Cost Estimate (April 10, 2007)
  - Request authorization to award Construction Contract No. 2713, Pier 52/54 Public Boat Launch Project (May 8, 2007)
  - Request authorization to advertise for competitive bids for the Pier 35 Improvements Project, Contract No. 2712 (May 8, 2007)
  - Request approval of resolution authorizing the Executive Director to execute a Memorandum of Understanding with the San Francisco Entertainment Commission to

transfer responsibility for the issuance and administration of Entertainment Related Permits from the Port to the Entertainment Commission (May 8, 2007)

- Informational presentation regarding the Port of San Francisco Monthly Minimum Rental Rate Schedule, Monthly Parking Stall Rental Rate Schedule, and the Schedule for Filming and Special Events for Fiscal Year 2007-08 (May 22, 2007)
- Request approval of Lease No. L-14268 between the Port and High Flying Foods, LLC for Port property located at 360 Jefferson Street (Date to be determined)
- Request Endorsement of Amended and Restated Development Memorandum with SF Piers LLC for the Piers 27-31 Mixed-Use Recreation Project (Site Location: The Embarcadero between Francisco and Battery Streets) (Date to be determined)
- Request approval of First Amendment to Berthing Agreement with California Sealift Terminals, Inc. (Date to be determined)
- Request authorization to increase ferry rates at the Port of San Francisco (Date to be determined)
- Request approval of a Memorandum of Understanding with the City's Recreation and Park Department for use of space at Hyde Street (Date to be determined)
- Request approval of Tri-Party Agreement with Port, the Exploratorium and Baydelta Maritime for lease of space at Pier 17 (Date to be determined)
- Request approval of lease with LB Railco, Inc. for space located at the Intermodal Rail Transfer Facility Pier 94 (Date to be determined)

## **12. PUBLIC COMMENT**

Public comment is permitted on any matter within Port jurisdiction and is not limited to agenda items. Public comment on non-agenda items may be raised during New Business/Public Comment. A member of the public has up to three minutes to make pertinent public comments before action is taken on any agenda item and during the new business/public comment period. It is strongly recommended that public comments be submitted in writing so they can be distributed to the Commissioners for their review. Please fill out a speaker card and hand it to the Commission Secretary. If you have any question regarding the agenda, please contact the Commission Secretary at 274-0406.

## **13. COMMUNICATIONS**

Communications to the Port Commission received from February 23 to March 8, 2007:

- From Dennis Bartels, Exploratorium Executive Director, invitation to the 30<sup>th</sup> Annual Awards Dinner on April 4, 2007
- From Steven Moss, Executive Director of San Francisco Community Power, regarding the proposed Trans Bay Cable Project
- From Bay Planning Coalition, invitation to the 20<sup>th</sup> Annual San Francisco Bay Decisionmakers Conference on April 12, 2007
- From Steven Moss, Executive Director of San Francisco Community Power, regarding the Trans Bay Cable Project

## **14. ADJOURNMENT**

**MARCH/APRIL 2007**  
**CALENDAR OF UPCOMING PORT MEETINGS - OPEN TO THE PUBLIC**

<b>Date</b>	<b>Time</b>	<b>Group</b>	<b>Location</b>
<b>March 27</b>	<b><u>2:00 p.m.</u></b>	<b>Closed Session/Port Commission</b>	<b>Port Commission Room</b>
	<b><u>3:15 p.m.</u></b>	<b>Open Session</b>	<b>@ Ferry Building</b>
<b>April 10</b>	<b><u>2:00 p.m.</u></b>	<b>Closed Session/Port Commission</b>	<b>Port Commission Room</b>
	<b><u>3:15 p.m.</u></b>	<b>Open Session</b>	<b>@ Ferry Building</b>
<b>April 18</b>	<b><u>1:00 p.m.</u></b>	<b>SWL Lot 337 Planning Committee</b>	<b>Bayside Conference Room</b>
		<b>Workshop</b>	<b>@ Pier 1</b>
<b>April 24</b>	<b><u>CANCELLED</u></b>	<b>Closed Session/Port Commission</b>	<b>Port Commission Room</b>
	<b><u>CANCELLED</u></b>	<b>Open Session</b>	<b>@ Ferry Building</b>

**NOTES:**

The San Francisco Port Commission meets regularly on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month at 3:00 p.m., unless otherwise noticed. *The Commission Agenda and staff reports are posted on the Port's Website @ [www.sfport.com](http://www.sfport.com).* Contact Amy Quesada at 274-0406.

The Cruise Terminal Advisory Panel generally meets the second Thursday of the month. Contact John Doll at 274-0639.

The Cruise Terminal Environmental Advisory Committee generally meets the third week of each month. Date and time to be determined. Contact Michael Nerney at 274-0416.

The Environmental Quality Advisory Committee (EQAC) meets regularly on the fourth Thursday of the month at 9:00 a.m. at Scoma's Restaurant, Pier 47 @ Fisherman's Wharf. Contact Jay Ach @ 274-0562.

The Fisherman's Wharf Waterfront Advisory Group meets regularly on the 3<sup>rd</sup> Tuesday of the month. The regular meeting time and place is 9:00 a.m. at Scoma's Restaurant, Pier 47 at Fisherman's Wharf. Contact Michael Nerney @ 274-0416.

The Maritime Commerce Advisory Committee (MCAC) meets on a bi-monthly basis, on the third Thursday of the month, from 11:30 a.m. to 1:30 p.m. @ Pier 1. Contact Jill Rodby @ 274-0519.

The Mission Bay CAC meets regularly on the 2<sup>nd</sup> Thursday of the month, from 5:30 to 7:30 p.m. at the Mission Bay Visitor Center (255 Channel Street). Contact Tom Evans, Redevelopment Agency, at 749-2539 or [tom.evans@sfgov.org](mailto:tom.evans@sfgov.org) for more information.

The Northeast Waterfront Advisory Group meets regularly on the 1<sup>st</sup> Wednesday of the month at 4:00 p.m. in the Bayside Conference Room @ Pier 1. Contact Jennifer Sobol @ 274-0548.

The Central Waterfront Advisory Group meets monthly on an as-needed basis generally on the 3<sup>rd</sup> Wednesday of the month from 5 to 7 p.m. in the Bayside Conference Room at Pier 1. Contact Mark Paez @ 705-8674 or via email @ [Mark\\_Paez@sfport.com](mailto:Mark_Paez@sfport.com).

The Rincon Point-South Beach CAC meets regularly on the 3<sup>rd</sup> Monday of the month, from 5:00-7:00 p.m. at the South Beach Yacht Club (Pier 40 on The Embarcadero). Contact Tom Evans, Redevelopment Agency, at 749-2539 or [tom.evans@sfgov.org](mailto:tom.evans@sfgov.org) for more information.

The Southern Waterfront Advisory Committee (SWAC) meets every last Wednesday of the month from 6:15 to 8:15 p.m. Location to be determined. Contact David Beaupre @ 274-0539 or [david\\_beaupre@sfport.com](mailto:david_beaupre@sfport.com).

The Waterfront Design Advisory Committee meets jointly with BCDC's Design Review Board on the first Monday of the month at BCDC, 50 California Street, Rm. 2600, at 6:30 p.m. or the Committee meets as needed on the 3<sup>rd</sup> Tuesday of the month from 11 a.m. to 1 p.m. in the Bayside Conf. Rm. @ Pier 1. Contact Dan Hodapp @ 274-0625.

The Port Permit Appeals Committee meets regularly on the first Thursday of June and December of the year. For further information contact Ed Byrne at 274-0570 or Dan Hodapp at 274-0625.

## ACCESSIBLE MEETING INFORMATION

### **Ferry Building:**

The Port Commission Hearing Room is located on the second floor of the Ferry Building. The main public entrance is from the west (Embarcadero) side and is served by a bank of elevators adjacent to the historic staircase. Accessible public restrooms are on the first floor at the northeast end of the building as well as on the second floor across the lobby from the Port Commission Hearing Room. The main path of travel to the Port Commission Hearing Room is equipped with remote infrared signage (Talking Signs). The Port Commission Hearing Room is wheelchair accessible. Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART and MUNI Metro station is Embarcadero located at Market & Spear Streets. Accessible MUNI lines serving the Ferry Building area are the F-Line, 9, 31, 32 and 71. For more information about MUNI accessible services, call (415) 923-6142. The nearest accessible parking is provided in the following off-street pay lots:

- A) 3 spaces in the surface lot on the west side of the Embarcadero at Washington St.
- B) 3 spaces in the Pier 1/2 lot, located on the east side of the Embarcadero between the Ferry Building and Pier 1. During business hours this lot is operated by valets.
- C) Hourly and valet parking in the Pier 3 lot. This lot is accessed through the Pier 3 bulkhead building entrance on the east side of the Embarcadero. This lot is located on the pier deck; adjacent to the ferry boat Santa Rosa.

Additional covered accessible off-street pay parking is available in the Golden Gateway Garage, which is bounded by Washington, Clay, Drumm and Battery Streets. Entrance is on Clay St. between Battery and Front Streets. There is no high-top van parking. Metered street parking is available on the Embarcadero, Washington, Folsom & Drumm Streets.

### **Pier 1:**

The Port's fully accessible offices are in the west end of Pier 1. There are two public entrances; the main entrance on the west (Embarcadero), and the Port History walk entrance on the south apron. Each of these entrances is provided with an automatically operated door. Both entrances lead to the Bayside conference rooms. Accessible public restrooms, drinking fountains, payphone and TTY are on the first floor near the main entrance. The public spaces of the Port's offices are equipped with remote infrared signage (Talking Signs) identifying all primary entrances, paths of travel, meeting rooms and amenities. Accessible seating areas and assistive listening devices will be available in the Bayside Conference rooms.

### **Accessible meeting information policy:**

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

A sign language interpreter and alternative format copies of meeting agendas and other materials can be provided upon request made at least 72 hours in advance of any scheduled meeting. Contact Wendy Proctor, Port's ADA Coordinator, at 274-0592, the Port's TTY number is (415) 274-0587.

### **Know Your Rights Under the Sunshine Ordinance:**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Frank Darby by mail: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854 or by email at [sotf@sfgov.org](mailto:sotf@sfgov.org). Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>.

### **NOTICES**

#### **Prohibition of Ringing of Sound Producing Devices:**

The ringing of and use of cell phones, pagers, and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic device.

#### **Lobbyist Registration and Reporting Requirements:**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Government Conduct Code Sections §2.100 – 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness, Suite 3900, San Francisco, CA 94102, phone (415) 581-2300 or fax (415) 581-2317; web site: [www.sfgov.org/ethics](http://www.sfgov.org/ethics).