




MEMORANDUM

December 6, 2024

TO: MEMBERS, PORT COMMISSION
Hon. Kimberly Brandon, President
Hon. Gail Gilman, Vice President
Hon. Willie Adams
Hon. Stephen Engbom
Hon. Steven Lee

FROM: Elaine Forbes
Executive Director 

SUBJECT: Request approval of proposed retroactive no-fee License to Use Property No. 17153 with Kayaks Unlimited, a 501(c)4 nonprofit corporation, for approximately 3,467 square feet of paved land and 8,395 square feet of non-exclusive park open space at Islais Creek Landing for a term of ten (10) years, commencing July 1, 2020, with two (2) five-year options for operation of a public kayak club.

DIRECTOR'S RECOMMENDATION: Approve the Attached Resolution No. 24-60

EXECUTIVE SUMMARY

On July 1, 2015, the Port entered into a License to Use Property No. 15809 with Kayaks Unlimited for approximately 675 square feet of paved land and 12,300 square feet of non-exclusive park open space at Islais Creek Landing (the "Landing Area") to support a kayak club open to the public. The license fee was waived in exchange for Kayaks Unlimited's maintenance and graffiti removal of the non-exclusive Landing Area and other areas within the Park. The license commenced on July 1, 2015, and expired on June 30, 2020. The expiration occurred during the transition to remote work at the peak of the COVID-19 pandemic and an annual review of the license did not occur.

Port and Kayaks Unlimited wish to retroactively enter into License to Use Property No. 17153 (the "License") for a ten (10) year term with two (2) five-year options. The License expands Kayaks Unlimited's use of paved land from 675 square feet to 3,647 and reduces

the non-exclusive park open space footprint at the Landing Area from 12,300 square feet to 8,395.

Port staff is seeking retroactive approval of the License and waiver of the license fee.

STRATEGIC OBJECTIVE

The proposed license supports the Equity, Engagement, and Evolution objectives of the Port's Strategic Plan by partnering with a Black, Indigenous, and People of Color (BIPOC) community-serving organization that activates and maintains the Landing Area and provides outdoor recreation activities for the Potrero Hill and Bayview-Hunters Point neighborhoods.

BACKGROUND

In 1992, an underutilized parcel of land in the Southern Waterfront was converted to what is now known as Islais Creek Landing. The parcel also included a small storage area utilized by the San Francisco Canoe Outrigger Club at no cost in return for regular maintenance of the parcel. Following the Outrigger Club's departure in 2004, the Port conducted community outreach to the local boating community for use of the parcel. In 2007, Port and City Kayak entered into License for Use of Property No. 14477 for kayak and gear storage to support a kayak club open to the public managed by Kayaks Unlimited (Port Resolution 07-84). Under the license, City Kayak and Kayaks Unlimited collectively agreed to maintain the Landing Area in exchange for a waiver of the license fee.

In 2015, the Port entered into License for Use of Property No. 15809 with Kayaks Unlimited. Under that License, which expired on June 30, 2020, Kayaks Unlimited occupied approximately 675 square feet of land and 12,300 square feet of non-exclusive open park space to support a kayak club open to the public. In lieu of paying a license fee, Kayaks Unlimited undertook responsibility for maintenance and graffiti removal of the Landing Area and other areas within the park.

During the unprecedented challenges posed by the COVID-19 pandemic and the subsequent transition to remote work for Port staff, the annual review of this license did not occur. The pandemic required rapid adjustments to our operations, including the implementation of remote work protocols to safeguard the well-being of our employees. Amid these changes, routine administrative tasks, such as the annual license review, were disrupted, leading to oversight in their timely completion. Furthermore, given the longstanding and collaborative partnership between the Port and Kayaks Unlimited, there was a misunderstanding by staff of whether the license included a holdover provision, which compounded the oversight and contributed to the failure to promptly address the expiration of the license.

Kayaks Unlimited has continued to occupy the parcel since the license expired and has also continued to perform its responsibilities of maintenance and graffiti removal in and on the license area since the license's expiration to the present day.

Port and Kayaks Unlimited now wish to enter into License for Use of Property No. 17153 for the use of the two specified parcels at Islais Creek Landing. Under the proposed new License, the license area will be adjusted to 3,467 square feet of paved land and 8,395 square feet of non-exclusive park open space for the launch of kayaks (as further described in Figure 1) and Kayaks Unlimited will assume liability of the license area beginning on the expiration date of the prior license. Waiver of the license fee is contingent upon Kayaks Unlimited's performance of a minimum of eight (8) hours per month of maintenance of and graffiti removal in the Landing Area meeting Port maintenance standards, which include: (1) garbage and debris pick up once a week; (2) lawn cutting as needed, but no less than twice per month during the spring and summer; (3) landscape bed weeding no less than every other month; (4) tree and bush pruning in mid to late winter annually; (5) graffiti, vandalism, or theft reporting; (6) maintenance of existing fence enclosure; (7) graffiti removal on personal belongings such as storage containers within 24 hours of occurrence; and (8) any future services as agreed upon by Port and Kayaks Unlimited ("Services").

Should Kayaks Unlimited fail to meet this obligation, Port has the right to terminate the License. The License also permits the Port to terminate the agreement if the Services are not completed in a manner deemed acceptable by the Port. The Port in its discretion may, at any time, impose a Licensee fee at the then-current parameter rate or terminate the License. The proposed License does not preclude other groups or individuals from the use and enjoyment of the open space and Landing Area or access to Islais Creek.

KAYAKS UNLIMITED

Kayaks Unlimited is a 501(c)4 nonprofit corporation based in San Francisco. Its mission is to provide affordable access to kayaking and other human-powered boating for local youth, residents, and community groups. Kayaks Unlimited is a volunteer-run organization that provides kayak storage, provides water safety and kayak training, and leads "community paddles" to safely experience paddling on the Bay. Some community groups hosted by Kayaks Unlimited are the Asian Americans for Civil Rights and Equality, Common Roots, Outdoor Afro, LYRIC, People Organizing to Demand Environmental and Economic Rights, San Francisco Rising, and Shaping SF.

Kayaks Unlimited also acts as a steward for the park, offering local opportunities to learn about the ecology and history of Islais Creek, maintaining the Landing Area through volunteer cleanup days (a minimum of eight (8) hours per month of landscaping and graffiti-removal services, as required by the License), and reporting issues to Port staff. Throughout the term of Kayaks Unlimited's prior license, the Port partnered with Kayaks Unlimited and provided tools and support for volunteer cleanup, maintenance, and landscaping events. The Port also assisted Kayaks Unlimited in 2023 after a fire destroyed its kayak fleet and storage containers by providing additional security with the installation of bollards and a chain link fence enclosure.

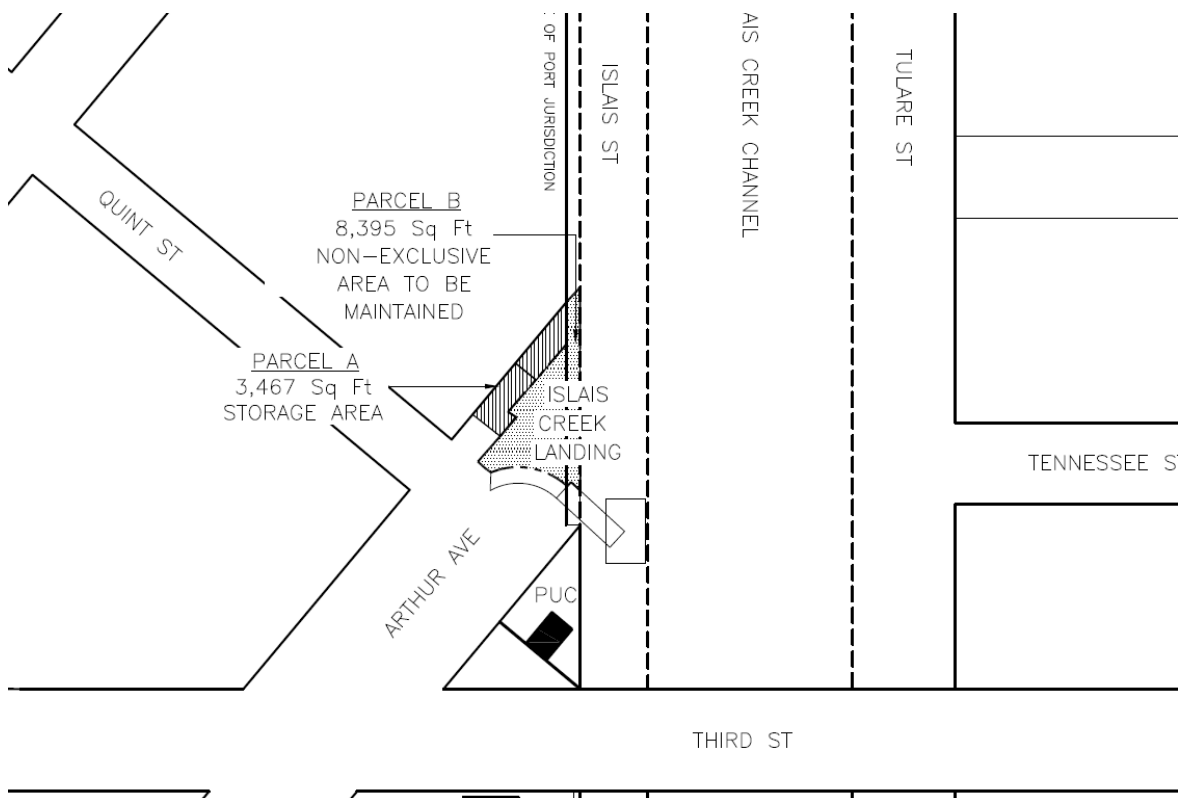
PROPOSED LICENSE TERMS

The proposed License sets forth the following terms:

<i>License Area:</i>	Parcel A: Approx. 3,467 rentable square feet of land Parcel B: Approx. 8,395 square feet of non-exclusive park open space located at Islais Creek Park/Landing.
<i>Length of Term:</i>	Ten (10) years, commencing retroactively on July 1, 2020. The Port may at its discretion revoke or terminate the License at any time.
<i>Commencement Date:</i>	July 1, 2020
<i>Expiration Date:</i>	June 30, 2030
<i>Retroactive Period:</i>	Licensee and Port acknowledge the prior License expired on June 30, 2020, and Licensee has continued to occupy the License Area after the Expiration Date ("Retroactive Period").
<i>Extension Options:</i>	Licensee shall have two (2) consecutive options to extend the Term for a period of five (5) years, mutually agreeable by both parties.
<i>License Fee:</i>	In lieu of cash payment of a License Fee, Licensee shall provide a minimum of eight (8) hours of park maintenance service per month.
<i>Security Deposit:</i>	One Thousand Dollars and Zero Cents (\$1,000.00)
<i>Permitted Activity:</i>	The License Area shall be solely used for the following and for no other purpose: Parcel A – storage of kayaks, other human-powered watercraft, ancillary gear and gardening equipment in shipping containers and outdoor boat rack Parcel B – community clean-up events, training and educational programming In addition, on both Parcels A and B, performance of 8 hours/month of maintenance and graffiti-removal services.
<i>Maintenance and Utilities:</i>	Sole responsibility of Licensee except for the below: On or before the Effective Date of this License, Port shall provide hardscape (asphalt) to the kayak storage area, modifications to the chain link fence enclosure, and the installation of removable bollards as needed. Installation

	<p>and maintenance of these improvements are the responsibility of the Port.</p> <p>Should the Services not be completed in a manner acceptable to Port, Port in its discretion may, at any time, implement a Licensee Fee at the then-current parameter rate or terminate this License.</p>
<p><i>Annual Reporting Requirements:</i></p>	<p>Licensee shall provide an annual written report to Port no later than December 31 of each year during the term, events, and programming throughout the year, including organizations and the number of individuals served.</p>

LICENSE AREA



SOUTHERN WATERFRONT COMMUNITY BENEFITS AND BEAUTIFICATION POLICY

The Port's "Southern Waterfront Community Benefits and Beautification Policy" ("Policy") outlines the framework for funding beautification projects along the Southern Waterfront (from Mariposa Street to India Basin). Typically, 6.5% of lease and license revenues are allocated to support these efforts; however, Port may also require tenants and licensees to contribute to beautification initiatives.

Although the license fees are waived under the proposed license, Kayaks Unlimited's community activation efforts and maintenance of Islais Creek fulfill the Policy's beautification and community benefit requirements. Specifically, Kayaks Unlimited will provide monthly maintenance and beautification of the Landing Area and offer free kayak programming to local businesses and residents in the Potrero Hill and Bayview-Hunters Point neighborhoods.

These efforts align with the Policy by enhancing the Southern Waterfront's physical appearance and engaging the local community.

ENVIRONMENTAL REVIEW

Port staff has determined that the proposed use is consistent with the Port's Waterfront Land Use Plan and draft Waterfront Plan. The proposed use is a continuation of the existing and related use and is in compliance with the California Environmental Quality Act (CEQA), and no further environmental review is required.

RECOMMENDATION

Port staff recommends the Port Commission approve the attached resolution authorizing the Executive Director or her designee to forward the License to the Board of Supervisors for approval and, upon the effectiveness of such approval, execute the License on the terms described in this memorandum and substantially in the form of the License on file with the Commission Secretary.

Prepared by:	Catherine Hickey Parks and Open Space Manager Real Estate and Development
	Jennifer Gee Senior Property Manager Real Estate and Development
Through:	Kimberley Beal Assistant Deputy Director, Real Estate
For:	Scott Landsittel Deputy Director Real Estate and Development

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 24-60

WHEREAS, Charter B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate, and control the Port area of the City and County of San Francisco; and

WHEREAS, Kayaks Unlimited (“Licensee”) entered into a five-year license (License No. L-15809) which commenced on July 1, 2015 and expired on June 30, 2020 for 1,200 rentable square feet of paved land and 11,775 square feet of non-exclusive maintenance area at Islais Creek for the exclusive storage of kayaks and gear and park maintenance; and

WHEREAS, License 15809 expired on June 30, 2020 and Kayaks Unlimited has continued to occupy the site since the license expired while continuing to perform maintenance and graffiti-removal services as required by that license, and providing public kayak programs; and

WHEREAS, Port staff has negotiated the terms of a new ten (10) year License, No. 17153, (the “License”) with two (2) five-year extension options with Kayaks Unlimited for approximately 3,467 square feet of paved land and 8,395 square feet of non-exclusive park open space at Islais Creek with a retroactive commencement date of July 1, 2020 for storage of kayaks and gear, operation of a kayak club and maintenance and graffiti-removal of the License area; and

WHEREAS, Port staff has determined the proposed use is consistent with the Port’s Waterfront Land Use Plan and draft Waterfront Plan and the proposed use is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, Port staff recommends approval of the proposed License with Kayaks Unlimited on the terms described in the Memorandum to the Port Commission dated December 6, 2024, and substantially in the form of the License on file with the Commission Secretary; now, therefore be it

RESOLVED, The Port Commission hereby approves the terms of proposed License No. 17153 with Kayaks Unlimited for a ten (10) year license with two (2) five-year extension options commencing July 1, 2020 for approximately 3,467 square feet of paved land and 8,395 square feet of non-exclusive park open space at Islais Creek for storage of kayaks and gear, operation of a kayak club and maintenance and graffiti-removal services with a retroactive commencement date of July 1, 2020 as described above; and be it further

RESOLVED, That the Port Commission authorizes the Executive Director or her designee, to enter into any additions, amendments, or other modifications to the

License that the Executive Director, in consultation with the City Attorney, determines are in the best interest of the Port, do not materially increase the obligations or liabilities of the Port or materially decrease the public benefits accruing to the Port, and are necessary and advisable to complete the transaction and effectuate the purpose and intent of this Resolution, such determination to be conclusively evidenced by the execution and delivery by the Executive Director of any such documents.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of December 10, 2024.

Secretary