

SAN FRANCISCO PORT COMMISSION

Kimberly Brandon, President
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AGENDA PORT COMMISSION MEETING

TUESDAY, MAY 22, 2018
2:00 P.M. CLOSED 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 Port Commission are posted on the Port's Website at www.sfport.com. The agenda packet is also available at the Pier 1 Reception Desk. If any materials related to an item on this agenda have been distributed to the Port Commission after distribution of the agenda packet, those materials are available for public inspection at the Port Commission Affairs Manager's Office located at Pier 1 during normal office hours.

1. **CALL TO ORDER / ROLL CALL**
2. **APPROVAL OF MINUTES** – April 10, 2018 and May 8, 2018
3. **PUBLIC COMMENT ON EXECUTIVE SESSION**
4. **EXECUTIVE SESSION**
 - A. Vote on whether to hold a closed session and invoke the attorney-client privilege.
 - (1) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTER AND POSSIBLE SETTLEMENT (DISCUSSION AND POSSIBLE ACTION)

Discuss existing litigation pursuant to Section 54956.9(a) of the California Government Code and Section 67.10(d)(1) of the City and County of San Francisco Administrative Code.

City and County Of San Francisco by and through its Port Commission, Plaintiff, vs. Affordable Self Storage, Inc., Defendant. (San Francisco Superior Court Case Nos. CUD-18-661315 and CUD-18-661318) (Filed March 12, 2018)

Proposed Action: Approve the negotiated Settlement Agreement with Affordable Self Storage, Inc. ("Affordable Self Storage"), under which Affordable Self Storage will: (i) pay all amounts due in delinquent rent; (ii) surrender the premises by August 15, 2018; (iii) until that date, comply with all terms and conditions of the Leases and the Settlement Agreement; and (iv) indemnify, release and hold Port harmless for defaults of the Settlement Agreement and claims by Affordable Self Storage or any of its customers. In exchange, Port will: (i) forgive June rent; (ii) pay Affordable Self Storage \$250,000; (iii) provide an additional incentive payment of \$174,374.86 if Affordable Self Storage surrenders before the deadline; and (iv) not pursue the unlawful detainer actions. The Settlement Agreement includes other terms as set forth in the Settlement Agreement on file with the Port Commission Secretary.

(2) CONFERENCE WITH LEGAL COUNSEL AND REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8. *This session is closed to any non-City/Port representative: (Discussion Item)

a. Property: Railyard an approximately 455,416 square feet of land which comprises the Port's Intermodal Container Transfer Facility (ICTF) including approximately 2,500 square feet of land for an office trailer, bounded by Cargo Way and Amador Street.

Person Negotiating: Port: Peter Dailey, Deputy Director, Maritime, Brendan O'Meara, Maritime Marketing Manager; Byron Rhett, Chief Operating Officer.

**Negotiating Parties: David Gavrich, President of San Francisco Bay Railroad, Michael Caprio, Area President, West Republic Services, Richard Normand Jr., Area Director Business Development, West, Republic Services.

Under Negotiations: ___ Price ___ Terms of Payment X Both.
An executive session has been calendared to give direction to staff regarding real estate negotiations for a proposed lease amendment to Lease No L-14397 and transfer for Port property located at the Port's Intermodal Container Transfer Facility bounded by Cargo Way and Amador Street. In this Executive Session, the Port's negotiators will seek direction from the Port Commission regarding price and terms of payment, rent structure, improvements, rent credits and other factors affecting the form, manner and timing of payment of the consideration for the lease amendment in order to enhance the capacity of the Port

Commission during its public deliberations and actions to set the price and payment terms that are most likely to maximize the benefits to the Port, the City and the People of the State of California.

5. RECONVENE IN OPEN SESSION

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

6. PLEDGE OF ALLEGIANCE

7. ANNOUNCEMENTS

- A. Announcement of Prohibition of Sound Producing Electronic Devices during the Meeting: Please be advised that the ringing of and use of cell phones, 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 of or use of a cell phone, pager, or other similar sound-producing electronic device.
- B. Announcement of Time Allotment for Public Comments: Please be advised that a member of the public has up to three minutes to make pertinent public comments on each agenda item unless the Port Commission adopts a shorter period on any item.

8. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

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 Public Comment Period. A member of the public has up to three minutes to make pertinent public comments. Please fill out a speaker card and hand it to the Manager of Port Commission Affairs. If you have any question regarding the agenda, please contact the Manager of Port Commission Affairs at 415-274-0406. No Commission action can be taken on any matter raised during the public comment period for items not listed on the agenda other than to schedule the matter for a future agenda, refer the matter to staff for investigation or respond briefly to statements made or questions posed by members of the public. (Government Code Section 54954.2(a))

9. EXECUTIVE

- A. Executive Director's Report
 - Commendation for Port Commissioner Leslie Katz
 - Bayview Gateway Community Art Celebration – May 25, 2018 at 11:30 a.m. at Islais Creek

- Celebration of San Francisco-Haifa Sister City Sculpture Installation – May 31, 2018 at 11 a.m. at Pier 27
- B. Port Commissioners' Report: Without discussion, at this time Commissioners may make announcements regarding various matters of interest to the Commissioner(s).

10. PLANNING & ENVIRONMENT

- A. Request approval of the Schematic Design for the parks in Phase 1 of Pier 70 Mixed-Use project at the 28-Acre Site (the southeast portion of SWL 349) as consistent with the requirements of the Disposition and Development Agreement with FC Pier 70, LLC, and the Pier 70 SUD Design for Development. (Resolution No. 18-32)

11. ENGINEERING

- A. Request authorization to execute a modification to Construction Contract No. 2740, Crane Cove Park Surcharge and Site Preparation Project, to increase the contract scope and amount by the sum of \$272,277 and to extend the substantial completion date. (Resolution No. 18-33)

12. REAL ESTATE & DEVELOPMENT

- A. Request approval of First Amendment to Lease L-13550 with Boudin Properties, Inc., located at 160 Jefferson Street, to provide for two (2) extension options of ten (10) years each, for an aggregate term until June 30, 2065, subject to Board of Supervisors' approval. (Resolution No. 18-34)

13. FINANCE & ADMINISTRATION

- A. Informational Presentation on Fiscal Year (FY) 2018-19 through FY 2022-23 Capital Improvement Program.
- B. Informational Presentation on Trends and Implications of the Port's Audited Financial Statements and Future Financial Projections.

14. NEW BUSINESS

15. ADJOURNMENT

JUNE 12, 2018

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Port Commission review and discussion of Waterfront Plan Working Group Transportation Recommendations
2	Ferry Terminal and Mission Bay Ferry Landing	Informational	Presentation on the status of the Downtown Ferry Terminal and Mission Bay Ferry Landing projects and the Port and WETA's water transportation planning
3	Portwide	Informational	Presentation on the Fiscal Year 2018-19 Monthly Rental Rate Schedule, Monthly Parking Stall Rates and Special Events
4	Islaisk Creek	Informational	Presentation on the Bay Area Resilient by Design Vision Concepts for Islais Creek
5	Portwide	Action	Approval to increase building permit application fees to match the fee scheduled at the Department of Building Inspection
6	Pier 31	Action	Authorization to advertise for competitive bids for Construction Contract 2806, Pier 31 Shed Window and Wall Repairs
7	100 Cargo Way	Action	Approval of three agreements relating to rail operations in connection with a sale of San Francisco Bay Railroad, Inc. ("SFBR"): (1) an amendment to Amended and Restated Lease No. L-14397 ("Lease") between the Port of San Francisco and SFBR of the Intermodal Container Transfer Facility located at 100 Cargo Way to extend the term; (2) an equipment lease No. L-16372 of two locomotives to SFBR (including the Port's new grant-funded locomotive) to replace the original locomotives lease No. 14502; and (3) an amendment to Rail Agreement No. L-14503 with SFBR to extend the term; all agreements to expire on December 31, 2033
8	Piers 31-33	Action	Adoption of the Final Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Alcatraz Ferry Embarkation Project (2017-000188ENV) located at Piers 31-33 on The Embarcadero at Bay Street (Site) pursuant to the California Environmental Quality Act; and Approval of three transaction documents: (1) a General Agreement between the Port and the National Park Service (NPS) for a thirty-year term with two ten-year options for use of the Site primarily as the embarkation to Alcatraz Island including: (2) a form lease with an initial ferry concessioner to be selected by NPS for site improvements and ferry services including from

			<p>the Site to Alcatraz Island coterminous with the ferry concession contract; and (3) a lease with the Golden Gate National Parks Conservancy for site improvements and to operate visitor amenities including a visitor-contact station and café for a thirty-year term with two ten-year options coterminous with the General Agreement.</p> <p>(This action constitutes the Approval Action for the project for the purposes of CEQA, pursuant to San Francisco Administrative Code Section 31.04(h).)</p>
9	Pier 94 Backlands	Action	<p>Authorization to award Construction Contract No. 2786, Pier 94 Backlands Improvement Project to Hoseley Corporation in the amount of \$6,969,003 and authorize a contract contingency fund of 10% for a total authorization of \$7,665,903</p>

JULY 10, 2018

	FACILITY/POLICY	ITEM	TITLE
1	Warm Water Cove Park, 24 th & Illinois Streets	Informational	Presentation on the San Francisco Planning Department's Dogpatch Central Waterfront Public Realm Plan, including recommendations for Port property including Warm Water Cove Park, 24th and Illinois Streets
2	Portwide	Informational	Update on the Seawall Earthquake Safety and Disaster Prevention Program and review of Portwide Resilience Strategy
3	Southern Waterfront	Informational	Presentation on the Southern Waterfront Beautification Policy Fund Review
4	Portwide	Informational	Update on the San Francisco Sea Level Rise Action Plan and Port Sea Level Rise Projects
5	Crane Cove Park	Action	Authorization to award Construction Contract No. 2781R, Crane Cove Park Construction Package 2, Park Improvements
6	Pier 29	Action	Authorization to award construction Contract No. 2797, Pier 29 Utility Upgrade and Beltline Building Sewer Re-routing Project
7	Portwide	Action	Approval of the Fiscal Year 2018-19 Monthly Rental Rate Schedule, Monthly Parking Stall Rates and Special Events

AUGUST 14, 2018

	FACILITY/POLICY	ITEM	TITLE
1	South Beach Harbor	Informational	Presentation of Financial and Operational Performance of South Beach Harbor

DATE TO BE DETERMINED

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation regarding the Policy for the Extension of Long Term Leases
2	Pier 27, Piers 30-32, Pier 35	Informational	Presentation of Cruise Strategy regarding Passenger Growth, Revenue Generation and Facility Capital Expenditures
3	Piers 80-96	Informational	Presentation on the implementation of the Piers 80-96 Maritime Eco-Industrial Center Strategy
4	Portwide	Informational	Annual Update by the Mayor's Office of Housing and Community Development
5	Portwide	Informational	Presentation from the San Francisco Municipal Transportation Agency regarding transportation issues on the waterfront and Embarcadero
6	Portwide	Informational	Presentation by the City of San Francisco's Office of Economic and Workforce Development (OEWD) on the Southern Bayfront (Mission Bay, Central Waterfront, Bayview Hunters Point, Candlestick areas) interagency coordination to guide community and citywide investment
7	Portwide	Informational	Update on the City's Resiliency Plan
8	Pier 29 Annex	Informational	Presentation regarding a Request for Proposals for a retail space located at Pier 29 Annex (Beltline Building) on the Embarcadero
9	Pier 22½	Informational	Periodic update on the Fireboat Station 35 Expansion at Pier 22½
10	Pier 43½	Informational	Presentation regarding the proposed term sheet with Golden Gate Scenic Steamship Corporation, located at Piers 43½ in Fisherman's Wharf
11	Seawall Lot 322-1 @ Broadway & Front Streets	Informational	<p>Presentation regarding a proposed Option Agreement and attached Form of Ground Lease with 88 Broadway Family LP for SWL 322-1 ("Site") located at Broadway and Front Streets with a lease term of 57 years with one 18-year extension option to develop and operate affordable housing on the Site</p> <p>Presentation regarding a proposed Memorandum of Understanding between the Port and the San Francisco Mayor's Office of Housing and Community Development regarding payment of fair market value and ongoing coordination and cooperation relating to the ground lease of</p>

			Seawall Lot 322-1 located at Broadway and Front Streets ("Site") for the development and operation of affordable housing at the Site by 88 Broadway Family LP
12	Portwide	Informational	Presentation from Harlan Kelly, Public Utilities Manager General Manager, on the PUC's public benefits policy
13	Portwide	Action	Approval to issue a Request for Proposals Soliciting As-Needed Hazardous Waste Transportation and Disposal Services

JUNE / JULY 2018
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC

DATE	TIME	GROUP	LOCATION
JUNE 12	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room Ferry Building
JULY 10	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room Ferry Building

NOTES:

The San Francisco Port Commission meets regularly on the second and fourth Tuesday of the month at 3:15 p.m., unless otherwise noticed. The Commission Agenda and staff reports are posted on the Port's Website @ www.sfport.com. Contact Amy Quesada at 415-274-0406 or amy.quesada@sfport.com

Full Commission meetings are replayed on San Francisco cable via SFGovTV2 and streamed on the Internet. Broadband service is recommended for access. The Port Commission is generally broadcast on SFGovTV2, cable channel 78 on the 2nd & 4th Thursday of the month at 9 p.m. SFGovTV archives include a recording of each meeting, an agenda with links to the specific portion of the meeting, a file containing all closed captions for the deaf from the meeting and an MP3 recording of the meeting. The Port Commission meetings can be viewed online at http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=92

The Fisherman's Wharf Waterfront Advisory Group (FWWAG) meets regularly on a bi-monthly basis, on the third 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 Rip Malloy @ 415-274-0267 or rip.malloy@sfport.com

The Maritime Commerce Advisory Committee (MCAC) meets every other month, on the third Thursday of the month, from 11:30 a.m. to 1:00 p.m. @ Pier 1. Contact Michael Nerney @ 415-274-0416 or michael.nerney@sfport.com

The Mission Bay Citizens Advisory Committee meets on the second Thursday of the month at 5:00 p.m. in the Creek Room at Mission Creek Senior Building located at 225 Berry Street in San Francisco (along the Promenade just beyond the library.) Contact Hilde Myall @ 415-749-2468 or hilde.myall@sfgov.org. For matters related to the proposed Golden State Warriors Event Center, the main contact is Adam Van de Water at MOED Adam.VandeWater@sfgov.org

The Northeast Waterfront Advisory Group (NEWAG) meets regularly on a bi-monthly basis on the first Wednesday of the month from 5:00 p.m. to 7:00 p.m. in the Bayside Conference Room @ Pier 1. Contact Diane Oshima @ 415-274-0545 or diane.oshima@sfport.com

The Central Waterfront Advisory Group (CWAG) meets monthly on an as-needed basis, generally on the third Wednesday of the month from 5 to 7 p.m. in the Bayside Conference Room at Pier 1. Contact Mark Paez @ 415-705-8674 or mark.paez@sfport.com

The Southern Waterfront Advisory Committee (SWAC) meets at the last Wednesday of the month as needed from 6:00 to 8:00 p.m. Location to be determined. Contact David Beaupre @ 415-274-0539 or david.beaupre@sfport.com

The Waterfront Design Advisory Committee (WDAC) meets, as needed, jointly with the Design Review Board of the Bay Conservation and Development Commission on the first Monday of the month at BCDC, 50 California Street, Rm. 2600, at 6:30 p.m. The Committee meets as needed on the fourth Monday of the month at 6:30 p.m. in the Bayside Conf. Rm. @ Pier 1. Contact Dan Hodapp @ 415-274-0625 or dan.hodapp@sfport.com

ACCESSIBLE MEETING INFORMATION POLICY

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: 3 spaces in the surface lot on the west side of the Embarcadero at Washington Street.

Hourly and valet parking is available 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.

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.

Accessible Meeting Information:

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Disability Accommodations:

To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please contact Wendy Proctor, Port's ADA Coordinator at (415) 274-0592 or via email at wendy.proctor@sfport.com or Amy Quesada, Port Commission Affairs Manager, at (415) 274-0405 or via email at amy.quesada@sfport.com at least 72 hours in advance of the hearing. The Port's TTY number is (415) 274-0587.

Language Assistance

311 Free language assistance / 免費語言協助

/ Ayuda gratuita con el idioma / Бесплатная помощь переводчиков / Trợ giúp Thông dịch Miễn phí / Assistance linguistique gratuite / 無料の言語支援 / 무료 언어 지원 / ကာ " ဝ " နာ " ဗ " ' န / Libreng tulong para sa wikang Tagalog

To request an interpreter for a specific item during the hearing, please contact Port's Language Access Liaison, Matthias Giezendanner at (415) 274-0471 or email him at matthias.giezendanner@sfport.com at least 48 hours in advance of the hearing.

SPANISH:

Agenda para la Comisión de Planificación. Si desea asistir a la audiencia, y quisiera obtener información en Español o solicitar un aparato para asistencia auditiva, llame Matthias Giezendanner al 415-274-0471. Por favor llame por lo menos 48 horas de anticipación a la audiencia.

CHINESE:

規劃委員會議程。聽證會上如需要語言協助或要求輔助設備，請致電Matthias Giezendanner 415-274-0471。
請在聽證會舉行之前的至少48個小時提出要求。

TAGALOG:

Adyenda ng Komisyon ng Pagpapalano. Para sa tulong sa lengguwahe o para humiling ng Pantulong na Kagamitan para sa Pagdinig (headset), mangyari lamang na tumawag kay Matthias Giezendanner sa 415-274-0471. Mangyaring tumawag nang maaga (kung maaari ay 48 oras) bago sa araw ng Pagdinig.

RUSSIAN:

Повестка дня Комиссии по планированию. За помощью переводчика или за вспомогательным слуховым устройством на время слушаний обращайтесь по номеру Matthias Giezendanner 415-274-0471. Запросы должны делаться минимум за 48 часов до начала слушания.

NOTICES

Know Your Rights Under the Sunshine Ordinance:

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Sections 67.1 et seq. of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854 or by email at soft@sfgov.org. Citizens can obtain a free copy of the Sunshine Ordinance by printing Sections 67.1 et seq. of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>.

Prohibition of Ringing of Sound Producing Devices:

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

Lobbyist Registration and Reporting Requirements:

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

CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code:

If the Commission approves an action identified by an exemption or negative declaration as the Approval Action (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA decision prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. Typically, an appeal must be filed within 30 calendar days of the Approval Action. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at <http://sf-planning.org/index.aspx?page=3447>. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.