

SAN FRANCISCO PORT COMMISSION

Kimberly Brandon, President
Willie Adams, Vice President
Gail Gilman, Commissioner
Ed Harrington, Commissioner
Steven Lee, Commissioner

Elaine Forbes, Executive Director
Office: 415-274-0400

Jenica Liu, Commission Affairs Manager
Office: 415-274-0406

AGENDA PORT COMMISSION MEETING

TUESDAY, JANUARY 23, 2024
2:00 P.M. CLOSED SESSION
3:15 P.M. OPEN SESSION

PORT COMMISSION HEARING ROOM
FERRY BUILDING, SECOND FLOOR
SAN FRANCISCO, CA 94111

This meeting will be held in person at the location listed above. Members of the public may attend the meeting to observe and provide public comment at the physical meeting location listed above or online at <https://sfgovtv.org/sfgovtv-live-events>. Instructions for providing remote public comment are below.

<p>TO STREAM THE LIVE MEETING:</p> <p>https://sfgovtv.org/sfgovtv-live-events</p> <p>TO LISTEN TO THE LIVE MEETING AND MAKE PUBLIC COMMENT REMOTELY:</p> <p>Dial 1-415-655-0001 United States Toll (San Francisco) Access Code: 2663 453 8406 ##</p> <p>Dial *3 to be added to the public comment queue for the item you would like to speak on.</p>	<p>If you are in the public comment queue, an audio prompt will indicate when it is your turn to speak.</p> <p>Public comment is limited to 3:00 minutes and must be in respect to the current agenda item.</p> <p>When making public comment, please:</p> <ul style="list-style-type: none">• Ensure you are in a quiet location• Turn off any TV's or radios around you• Speak Clearly
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The Port Commission Agenda as well as Staff Reports and other Explanatory Documents provided to the Port Commission are available for public inspection at the Pier 1 Reception Desk and posted on the Port's website at <https://sfport.com/about/port-commission>.

1. CALL TO ORDER / ROLL CALL / RAMAYTUSH OHLONE LAND ACKNOWLEDGEMENT
2. APPROVAL OF MINUTES – December 12, 2023
3. PUBLIC COMMENT ON EXECUTIVE SESSION
4. EXECUTIVE SESSION

A. Vote on whether to hold a closed session and to invoke the attorney-client privilege regarding the matters listed below as Conference with Legal Counsel.

(1) 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: Pier 94, Pier 92, and Seawall Lot 352
Person Negotiating: Port: Andre Coleman Deputy Director, Maritime; Demetri Amaro, Maritime Business Development
Negotiating Parties: Martin Stratte representing Martin-Marietta
Under Negotiation: ___ Price ___ Terms of Payment X Both

Port staff has been approached with a proposal from Martin-Marietta for a new lease of port property at Pier 94 and Seawall Lot 352(Pier 92). Port staff are evaluating the proposed terms including the proposed price and terms of payment for such new lease and the executive session discussion will be an opportunity for the Port Commission to provide negotiation direction regarding price and terms of payment, improvements, rental rate resets, participation in sale proceeds and other factors affecting the form, manner and payment of consideration for a possible new lease, and which in turn will 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.

- (b) Property: Piers 30/32 and Seawall Lot 330
Person Negotiating: Port: Mike Martin, Assistant Port Director, Josh Keene, Assistant Deputy Director, Development, and Wyatt Donnelly-Landolt, Waterfront Development Manager
Negotiating Parties: Jesse Blout, Strada TCC Partners, LLC
Under Negotiation: ___ Price ___ Terms of Payment X Both

In this executive session, the Port’s negotiators seek direction from the Port Commission on factors affecting the price and terms of payment, including price structure, financing, and other factors

affecting the terms of payment of the proposed Piers 30/32 and SWL 330 Development project. The executive session discussions will enhance the capacity of the Port Commission during the 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 and similar sound-producing electronic devices are prohibited at this meeting. The Chair may order the removal from the meeting room of any person responsible for the ringing of or use of a cell phone 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 public comments on each agenda item unless the Port Commission adopts a shorter period on any item. Public comment must be in respect to the current agenda item. For in-person public comment, please fill out a speaker card and hand it to the Port Commission Affairs Manager. For remote public comment, instructions are on the first page of this agenda. During public comment, dial *3 to be added to the queue. An audio prompt will signal when it is your turn to speak.

8. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

Public comment is permitted on any matter within Port jurisdiction that is not an agenda item. No Port Commission action can be taken on any matter raised 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. Election of Port Commission President and Vice President
- B. Executive Director's Report
 - 2024 Lookahead

10. CONSENT

- A. Request for approval to amend and restate Lease No. L-16997 with the Young Men's Christian Association of San Francisco for Building 49 located within Crane Cove Park. (Resolution 24-01)
- B. Request authorization to accept and expend \$7,800,000 in grant funds from the California Coastal Conservancy for the Southern Embarcadero Resilience and Enhancement Project (between Harrison Street and Townsend Street) and allow the Port's Executive Director to execute the grant agreement, subject to Board of Supervisors' approval. (Resolution 24-02)
- C. (1) Acceptance of certain Phase 1 horizontal improvements, (2) approval of a proposed amendment to the Disposition and Development Agreement between the Port and FC Pier 70, LLC related to maintenance of those improvements, and (3) an update on the overall status of Phase 1 of the Pier 70 28-Acre site project, roughly bounded by 20th Street to the north, San Francisco Bay to the east, 22nd Street to the south, and Michigan Street to the west (the "28-Acre Site"). (Resolution 24-03 and Resolution 24-04)
- D. Request approval of conditional, no-cost transfer of abandoned property (historical artworks) to cultural institution for preservation, study, and public display at no cost to the Port. (Resolution 24-05)
- E. Request authorization to accept and expend a \$200,000 grant from the Metropolitan Transportation Commission (MTC) for the acquisition and installation of multi-space parking pay stations approved by the San Francisco Municipal Transportation Agency (SFMTA) on certain Port-owned motor vehicle parking facilities. (Resolution 24-06)
- F. Request authorization to award Construction Contract No. 2796R, South Beach Marina Repairs to Yerba Buena Engineering & Construction in the amount of \$2,117,010, and authorization for a contract contingency fund of 10% of the contract amount (or \$211,701), for a total authorization not to exceed \$2,328,711. (Resolution 24-07)
- G. Request authorization to award Construction Contract No. 2788R, Hyde Street Harbor Repairs to Yerba Buena Engineering & Construction in the amount of \$1,558,275, and authorization for a contract contingency fund of

10% of the contract amount (or \$155,828), for a total authorization not to exceed \$1,714,103. (Resolution 24-08)

11. FINANCE & ADMINISTRATION

- A. Informational presentation on the Port's economic recovery and possible action to approve the Economic Recovery Project expenditure plan and the release of funds from Budget and Finance Committee reserve. (Resolution 24-09)

12. REAL ESTATE & DEVELOPMENT

- A. Informational presentation and possible action to request (i) Endorsement of the Proposed Term Sheet and (ii) Amend and extend the Exclusive Negotiating Agreement, both with Strada-TCC Partners, LLC, for the proposed Piers 30-32 and Seawall Lot 330 project generally located along the Embarcadero between Bryant and Beale Streets. (Resolution 24-10)

13. NEW BUSINESS

14. ADJOURNMENT

**PROPOSED FUTURE AGENDA
SUBJECT TO CHANGE**

February 6, 2024

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	FY 2024-25 and FY 2025-26 Biennial Operating and Capital Budget Informational Presentation.
2	Seawall Lot 301 – Triangle Parking Lot	Information & Possible Action	Informational Presentation to Consider and Possible Action to Approve a Resolution Recommending the Board of Supervisors waive any Applicable Requirements of the Competitive Bidding Process with Respect to an Eighteen Month Lease for the Skystar Observation Wheel and Approval of the Term Sheet.
3	Portwide	Informational	Informational Presentation on USACE Tentatively Selected Plan.
4	Piers 80-96	Action	Request authorization to accept and expend \$21.8 million CalSTA Grant for the Maritime Eco-Industrial Improvement Project.
5	China Basin Park and other Port-accepted Areas of the Mission Rock Phase 1 Project Site at Seawall Lot 337	Informational	Informational Presentation for Port to Enter into Multiple Land Rights Agreements for China Basin Park and other Port-accepted Areas of the Mission Rock Phase 1 Project Site at Seawall Lot 337, Bound by China Basin Channel, Third Street, Mission Rock Street, and San Francisco Bay.

DATE TO BE DETERMINED

	FACILITY/POLICY	ITEM	TITLE
1	Pier 70, Parcel K North Plaza	Informational	Presentation of the Schematic Design of the Parcel K North Plaza located at the southeast corner of 20th and Illinois Streets.
2	Portwide	Informational	Presentation on competitive solicitation for operation of Port's parking lots, located throughout the waterfront.
3	Pier 70 Historic Core	Action	Request approval for the formation of a new Community Facilities District for the Pier 70 Historic Core with Historic Pier 70, LLC (aka, Orton Development, Inc.) under Port's Lease Disposition and Development Agreement and Master Lease L-15814, each with Historic Pier 70, LLC.

4	Portwide	Action	Approval of FY 2024-25 and FY 2025-26 Biennial Operating and Capital Budget.
5	Pier 70	Informational	Informational Presentation on Proposed Changes to the Pier 70 Form of Vertical Disposition and Development Agreement and Parcel Lease Amendments.
6	Pier 70 Shipyard	Action	Request approval to advertise Pier 70 Shipyard shoreline and sediment remediation.
7	Portwide	Informational	Informational presentation regarding Port Local Business Enterprise (LBE) Subcontracting and Equity Actions.
8	Portwide	Informational	Informational presentation regarding Waterfront Resilience Program (WRP) Local Business Enterprise (LBE) Subcontracting and WRP Equity Actions.
9	Pier 31	Information and Possible Action	Approval of amendment with Conservancy to extend their term and increase proposed rent credits.
10	Cruise Terminal Plaza	Information and Possible Action	Informational presentation and possible action to approve a resolution recommending an artwork proposal by artist Ana Teresa Fernández for installation at Cruise Terminal Plaza, located adjacent to the Pier 27 James R. Herman Cruise Terminal, as recommended by the San Francisco Arts Commission (SFAC) Artist Review Panel funded by the 2012 Parks General Obligation Bond and to authorize the Port's Executive Director to enter into a Memorandum of Understanding with the Arts Commission for the fabrication, installation, maintenance and liability for the selected artwork to be a part of the City's Civic Art Collection.

**FEBRUARY AND MARCH 2024
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC**

DATE	TIME	GROUP	LOCATION
FEBRUARY 6	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room (Ferry Building)
FEBRUARY 27	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room (Ferry Building)
MARCH 12	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room (Ferry Building)

**COMPETITIVE SELECTION PROCESS COMMUNICATIONS
RESTRICTED COMMUNICATIONS PERIOD REPORT**

Date of Report: January 19, 2024

The following competitive solicitations are published and are within or will soon be within the Restricted Communications Period under the forthcoming Port Commission Competitive Selection Process Communications Policy.

DIVISION	TITLE	PUBLICATION DATE	CONTRACT MANAGER
Real Estate & Development	Restaurant Spaces Solicitations - Ferry Plaza East Building	2/3/2023	Ricky Tijani through Real Estate Division
Environmental and Planning	As-Needed Hazardous Waste	Advertise	Alysabeth Alexander-Tut and George Bibbins
Maritime	Dry Dock Sale Listing	Upcoming	Charles Labitan and Alysabeth Alexander-Tut
Real Estate & Development	Micro Set Aside Janitorial	Bids under review	Kimberley Beal and Alysabeth Alexander-Tut
Special Event Administrator	Special Events and Catering Services	Upcoming	Alysabeth Alexander-Tut
Engineering	Request for Proposals for Underground Utility Location and Marking Services	Upcoming	Paul Chasan and Alysabeth Alexander-Tut
Real Estate & Development	Restaurant Spaces Solicitations - Piers 33 1/2	Advertised	Sandra Oberle through Real Estate Division
Engineering	Ice Machine Design and Build	RFI Advertised; RFP Up Coming	Simon Betsalel and Alysabeth Alexander-Tut
Maintenance, Real Estate, Security	Security Cameras, Security Gate, Key Card System	Upcoming	Alvin Sonza, Kyle Thomas, Jennifer Gee, Alysabeth Alexander-Tut, Patricia San Agustin
Engineering	RFI For Buy America Products	Upcoming	Noel Aquino and Alysabeth Alexander-Tut
Maintenance	Crane Barge	RFQ Advertised; RFP Up Coming	Tim Felton, Rod Iwashita, Alysabeth Alexander-Tut
Maritime	Maritime Support Vessel	Advertised	Alysabeth Alexander-Tut, Kyle Thomas, Zachary Adami, Dominic Moreno, Patrick Forrester
Engineering	Hyde St. Harbor Repair	Advertised 9/25/23-10/20/23	Noel Aquino and Tim Leung
Engineering	South Beach Harbor Repair	Advertised 9/25/23-10/20/23	Noel Aquino and Tim Leung
Executive	DEI Pools	Upcoming	Toni Autry, Tiffany Tatum, Alysabeth Alexander-Tut
Maritime	Support Vessell (Used)	Advertised/Upcoming	Kyle Thomas, Alysabeth Alexander-Tut, Dominic Moreno, Zachary Adami

NOTES:

The San Francisco Port Commission meets regularly on the second Tuesday of every month, plus the fourth Tuesday of February and April, at 3:15 p.m. unless otherwise noticed. The Commission Agenda and staff reports are posted on the Port's Website at <https://sfport.com/about/port-commission>. Contact Jenica Liu at (415) 274-0406 or jenica.liu@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 Advisory Committee (FWAC) has been established and meets the first Wednesday of each odd numbered month from 9:00 a.m. to 11:00 a.m. Contact Ming Yeung at ming.yeung@sfport.com.

The Maritime Commerce Advisory Committee (MCAC) meets every other month, on the third Thursday of the month, between 11:30 a.m. and 1:00 p.m. at Pier 1 and virtually. Contact Dominic Moreno at (415) 850-6819 or dominic.moreno@sfport.com.

The Northern Advisory Committee (NAC) meets on the third Wednesday of odd-numbered months at 5:30 p.m. at Pier 1 and virtually. Contact Patrick Foster at patrick.foster@sfport.com or check our website at <https://sfport.com/community> for more information.

The Southern Advisory Committee (SAC) meets on the fourth Wednesday of every month at 6:00 p.m. at the Southeast Community Center, 1550 Evans Avenue, and virtually. Contact Mark Paez at mark.paez@sfport.com or check our website at <https://sfport.com/community> for more information.

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

The Mission Bay Citizens Advisory Committee meets virtually on the second Thursday of the month at 5:00 p.m. Contact Marc Slutzkin at (415) 749-2516 or marc.slutzkin@sfgov.org.

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.

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 Jenica Liu at (415) 274-0406 or via email at jenica.liu@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 / “ ” “ ” “ ” “ ” / Libreng tulong para sa wikang Tagalog

To request an interpreter for a specific item during the hearing, please contact Port's Language Access Liaison, Lucinda Hom at (415) 274-0400 or email her at lucinda.hom@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 Lucinda Hom al 415-274-0400. 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Lucinda Hom 415-274-0400。
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 Lucinda Hom sa 415-274-0400. 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 Lucinda Hom 415-274-0400. 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 soff@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.

Prohibited Contributions by Persons with Pending Land Use Matters:

Pursuant to Section 1.127 of the Campaign and Governmental Conduct Code, no person, or the person's Affiliated Entities, with a Financial Interest in a Land Use Matter pending before the Port Commission shall make any Prohibited Contribution at any time from the date of commencement of a Land Use Matter until 12 months have elapsed from the date that the Port Commission renders a final decision or ruling or any appeals to another city agency from that decision or ruling have been finally resolved. All capitalized terms in this provision are as defined in Section 1.127 of the Campaign and Governmental Conduct Code.