

# SAN FRANCISCO PORT COMMISSION

Leslie Katz, President  
Willie Adams, Vice President  
Kimberly Brandon, Commissioner  
Mel Murphy, Commissioner  
Doreen Woo Ho, Commissioner

Monique Moyer, Executive Director      Amy Quesada, Commission Secretary  
Phone: 415-274-0400; Fax 415-274-0412      Phone: 415-274-0406; Fax 415-274-0412

---

## MEETING AGENDA

**TUESDAY, APRIL 14, 2015**  
**1:30 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](http://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 Secretary's Office located at Pier 1 during normal office hours.*

- 1. CALL TO ORDER / ROLL CALL**
- 2. APPROVAL OF MINUTES** – March 24, 2015
- 3. PUBLIC COMMENT ON EXECUTIVE SESSION**
- 4. EXECUTIVE SESSION**
  - A. Vote on whether to hold closed session.
    - (1) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTERS (DISCUSSION ITEMS)
      - Discuss existing litigation matters pursuant to California Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d):
        - a. Sinbad's Pier 2 Inc. v. City and County of San Francisco; San Francisco Port Commission; and Does 1-50; Superior Court of

California, County of San Francisco (Case No. CGC-15-544849), filed March 20, 2015.

- b. Neighbors to Preserve the Waterfront; Friends of Golden Gateway; and San Franciscans for Reasonable Growth v. City and County of San Francisco; Planning Department of the City and County of San Francisco; Port Commission of the City and County of San Francisco; Board of Supervisors of the City and County of San Francisco, et al.; Superior Court of California, County of San Francisco (Case No. CPF 12-512356), filed July 23, 2012.

Ferry Building Investors, LLC and Ferry Building Associates, LLC v. San Francisco Port Commission; City and County of San Francisco; Board of Supervisors of the City and County of San Francisco, et al.; Superior Court of California, County of San Francisco (Case No. CPF 12-512355), filed July 20, 2012.

Defend Our Waterfront v. California State Lands Commission; City and County of San Francisco; Port Commission of the City and County of San Francisco, et al. (Case No. CGC-12-512509; Appeal No. A141696), filed September 25, 2012.

- (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:

- a. Property: Block 4111, Lots 3 and 4; Block 4110, Lot 1; Block 4046, Lots 1 and 2; also known as Pier 70 20th Street Historic Buildings, located near the intersection of 20th Street and Illinois Street  
Person Negotiating: Port: Byron Rhett, Deputy Director, Planning and Development

\*Negotiating Parties: Developer: Orton Development, Inc.: J.R. "Eddie" Orton III, President

Under Negotiations: \_\_\_ Price \_\_\_ Terms of Payment  Both  
Pursuant to Resolution No. 12-18, the Port Commission awarded Orton Development, Inc. an exclusive negotiation agreement for the potential lease, disposition, and development of the Property. In this executive session, the Port's negotiator seeks direction from the Port Commission on factors affecting the price and terms of payment, including rent structure, financing mechanisms and other factors affecting the form, manner and timing of payment of the consideration for the property interests. The executive session discussions 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: Pier 38, located at Delancey Street and The Embarcadero  
Person Negotiating: Port: Byron Rhett, Deputy Director, Planning and Development; Elaine Forbes, Deputy Director, Finance & Administration; John Doll, Project Manager  
\*Negotiating Parties: TMG Pier 38 Partners, LLC: Michael Covarrubias

Under Negotiations: \_\_\_ Price \_\_\_ Terms of Payment  Both  
The Port and TMG Pier 38 Partners, LLC (“TMG”) are negotiating a lease for the Pier 38 Bulkhead Building Rehabilitation Project. In this executive session, the Port's negotiator seeks direction from the Port Commission on factors affecting the price and terms of payment, including price structure, financing mechanisms and other factors affecting the form, manner and timing of payment of the consideration for the property interests. The executive session discussions 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.

## 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 Commission Secretary. If you have any question regarding the agenda, please contact the Commission Secretary at 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**

- James R. Herman Memorial Tribute at Pier 27 – March 26, 2015
- San Francisco Business Times 2014 Real Estate Deals of the Year for Best Infrastructure: James R. Herman Cruise Terminal at Pier 27 - March 26, 2015
- Bode Concrete 100 Year Anniversary – March 2015
- San Francisco Heritage Soiree – April 18, 2015 at 6 p.m. at Mark Hopkins Hotel
- In Memoriam – Paul Nixon, Central Waterfront Advisory Group Member

### **B. Port Commissioners' Report - Without discussion, at this time Commissioners may make announcements regarding various matters of interest to the Commissioner(s).**

## **10. CONSENT**

- ### **A. Request authorization to (1) accept and expend \$1,440,337 in 2014 Infrastructure Protection Program Port Security Grant Program funds from the U.S. Department of Homeland Security for security improvements at the Port of San Francisco and (2) advertise for competitive bids for the Pier 50 Security Measures project. (Resolution No. 15-13)**

## **11. FINANCE & ADMINISTRATION**

- ### **A. Informational presentation on the Port's Report on Contracting Activity for the First and Second Quarters of Fiscal Year 2014-15 (July 1, 2014 through December 31, 2014).**

## **12. PLANNING & DEVELOPMENT**

- ### **A. Informational Presentation on Port Staff Proposal to Update the Port's Waterfront Land Use.**

**13. REAL ESTATE**

- A. Informational presentation for authorization to issue a Request for Proposal for a three year lease with two one year options to renew for three surface parking lots at: (i) Seawall Lot 321, bounded by the Embarcadero, Front Street and Green Street; (ii) Seawall Lot 322-1 bounded by Broadway Street, Front Street and Vallejo Street; and (iii) Seawall Lot 323/324 bounded by the Embarcadero, Broadway Street and Davis Street.

**14. NEW BUSINESS**

**15. ADJOURNMENT**

**FORWARD CALENDAR  
(TARGETED COMMISSION MEETING, SUBJECT TO CHANGE)**

**APRIL 28, 2015**

	<b>FACILITY/POLICY</b>	<b>ITEM</b>	<b>TITLE</b>
1	Portwide	Informational	Presentation by Bevan Dufty, Director of the Mayor's Office of HOPE, on the City's homelessness issues
2	Portwide	Informational	Presentation on revisions to the Port Building Code regarding all fences requiring Port building permits
3	Pier 49	Action	Authorization to award Construction Contract No. 2772, Wharf J-1 (Pier 49) Under-Pier Sewer Replacement Project
4	Pier 38	Action	Approval of Lease No. L-15892 between the Port of San Francisco and TMG Pier 38 Partners, a California Limited Liability company for premise located at Pier 38 in the Central Waterfront on The Embarcadero at Delancey Street with an initial term of 25 years plus two (2) five (5) year extension options granted at the sole discretion of the Port
5	Portwide	Action	Approval of a Memorandum of Understanding with the Water Emergency Transportation Authority (WETA) regarding development of the Downtown Ferry Terminal Expansion Project and future operation and maintenance of WETA facilities along the San Francisco Waterfront
6	Portwide	Action	Authorization to award professional services contracts for implementation of the Port's Youth Employment Program to the San Francisco Conservation Corps in an amount not to exceed \$795,000 and to the Hunters Point Family in an amount not to exceed \$265,000, each with terms of two (2) years with an option to extend for two (2) years and a total combined amount not to exceed \$1,060,000
7	Pier 70	Action	Approval of the Second Amendment to the Exclusive Negotiation Agreement ("ENA") between the Port and Forest City Development California, Inc. ("Forest City") for the Pier 70 Waterfront Site, bordered generally by 20th Street, Michigan Street, 22nd Street, and the San Francisco Bay

**MAY 12, 2015**

	<b>FACILITY/POLICY</b>	<b>ITEM</b>	<b>TITLE</b>
1	Portwide	Action	Approval of revisions to the Port Building Code regarding all fences requiring Port building permits
2	Pier 31	Action	Authorization to advertise for competitive bids for Construction Contract No. 2762, Pier 31 Building and Roof Repairs
3	Seawall Lots 321, 322-1 and 323/324	Action	Authorization to issue a Request for Proposal for a three year lease with two one year options to renew for three surface parking lots at: (i) Seawall Lot 321, bounded by the Embarcadero, Front Street and Green Street; (ii) Seawall Lot 322-1 bounded by Broadway Street, Front Street and Vallejo Street; and (iii) Seawall Lot 323/324 bounded by the Embarcadero, Broadway Street and Davis Street

**MAY 26, 2015**

	<b>FACILITY/POLICY</b>	<b>ITEM</b>	<b>TITLE</b>
1	Pier 27	Informational	Update on the James R. Herman Cruise Terminal Activity
2	Portwide	Informational	Presentation on the Fiscal Year 2015-16 Monthly Rental Rate Schedule, Monthly Parking Stall Rates, and Special Event and Filming Rates
3	Bayview Gateway	Informational	Presentation on the Bayview Gateway art project, and a proposed MOU between the Port and San Francisco Arts Commission for the use of Port property for the Bayview Gateway Art installation

**JUNE 9, 2015**

	<b>FACILITY/POLICY</b>	<b>ITEM</b>	<b>TITLE</b>
1	Pier 31	Action	Authorization to award Construction Contract No. 2762, Pier 31 Building and Roof Repairs
2	Portwide	Action	Approval of the Fiscal Year 2015-16 Monthly Rental Rate Schedule, Monthly Parking Stall Rates, and Special Event and Filming Rates

**DATE TO BE DETERMINED**

	<b>FACILITY/POLICY</b>	<b>ITEM</b>	<b>TITLE</b>
1	Piers 30-32	Informational	Presentation on Piers 30-32 regulatory context, site considerations and Public Trust consistent improvements
2	Portwide	Informational	Presentation on quality of Port's office space portfolio & required improvements
3	Pier 29	Informational	Presentation on Request for Proposals (RFP) for a Retail Leasing Opportunity at the Pier 29 Bulkhead Building, located at Chestnut Street and The Embarcadero
4	Pier 70	Action	Authorization to advertise for competitive bids for Construction, Crane Cove Park Project Phase 1
5	Pier 94 and 96	Action	Authorization to advertise for competitive bids for Construction, Pier 94-96 Storm Drain and Outfall repairs
6	Loading Dock near Tulare Street	Action	Authorization to advertise for competitive bids for Construction, Copra Crane Refurbishment
7	3rd Street & Cargo Way Triangle and Cargo Way	Action	Authorization to advertise for competitive bids for Construction, Quint Street Lead Improvement Project
8	Pier 35	Action	Authorization to advertise for competitive bids for Construction, Pier 35 Substructure Repairs
9	SWL 322-I	Action	Authorize Mayor's Office of Housing and Community Development to issue an RFP for a development of SWL 322-1



**APRIL / MAY 2015**  
**CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC**

DATE	TIME	GROUP	LOCATION
April 28	2:00 PM Closed Session	Port Commission	Port Commission Hearing Room / Ferry Building
	3:15 PM Open Session	Port Commission	Port Commission Hearing Room / Ferry Building
May 12	2:00 PM Closed Session	Port Commission	Port Commission Hearing Room / Ferry Building
	3:15 PM Open Session	Port Commission	Port Commission Hearing Room / Ferry Building
May 26	2:00 PM Closed Session	Port Commission	Port Commission Hearing Room / Ferry Building
	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](http://www.sfport.com). The Port Commission meetings can be viewed online at [http://sanfrancisco.granicus.com/ViewPublisher.php?view\\_id=92](http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=92). The Port Commission meetings are also broadcasted on the 2nd & 4th Thursday of the month at 9 p.m. on Comcast Cable Channel 26 or Astound Cable Channel 78 (formerly RCN Cable). Contact Amy Quesada at 274-0406 or [amy.quesada@sfport.com](mailto:amy.quesada@sfport.com)

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 @ 274-0267 or [rip.malloy@sfport.com](mailto: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 Jim Maloney @ 274-0519 or [jim.maloney@sfport.com](mailto:jim.maloney@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 Catherine Reilly at the former Redevelopment Agency @ 749-2516 or [catherine.reilly@sfgov.org](mailto:catherine.reilly@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 Jonathan Stern @ 274-0545 or [jonathan.stern@sfport.com](mailto:jonathan.stern@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 @ 705-8674 or [mark.paez@sfport.com](mailto: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 Kanya Dorland @ 274-0264 or [kanya.dorland@sfport.com](mailto:kanya.dorland@sfport.com) and/or David Beaupre @ 274-0539 or [david.beaupre@sfport.com](mailto:david.beaupre@sfport.com)

The Waterfront Design Advisory Committee (WDAC) meets 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 @ 274-0625 or [dan.hodapp@sfport.com](mailto: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.

### **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](mailto:wendy.proctor@sfport.com) or Amy Quesada, Commission Secretary, at (415) 274-0405 or via email at [amy.quesada@sfport.com](mailto: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 gratuity / 無料の言語支援 / 무료 언어 지원 / ភ្នំ “ ១ ” “ ង ” “ ម ” “ ៣ ” / Libreng tulong para sa wikang Tagalog

## **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 Chris Rustom 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 [soft@sfgov.org](mailto:soft@sfgov.org). Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Rustom or 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](http://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.