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SAN FRANCISCO PORT COMMISSION

REGULAR MEETING

4:00 P.M., JANUARY 14, 1997
FERRY BUILDING, SUITE 3100
SAN FRANCISCO, CALIFORNIA

DOCUMENTS DEPT.

JAN 09 1997

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A G E N D A

1. ROLL CALL

2. APPROVAL OF MINUTES - December 20, 1996

3. EXECUTIVE

A. Election of Port Commission Officers

B. Executive Director's Report

4. LEGISLATIVE

5. TENANT & MARITIME SERVICES

A. Approval of month-to-month lease with National Maritime Museum Association at Pier 45 for USS Pampanito. (Resolution No. 97-02)

6. FACILITIES & OPERATIONS

A. Authorization to advertise for competitive bids on Construction Contract No. 2622, "Pier 48 Bulkhead Seismic Retrofit," for earthquake damage repairs. (Resolution No. 97-03)

B. Approval to declare a utility underground district along Terry A. Francois Boulevard from 800 feet south of the southerly intersection of Mission Rock and Terry A. Francois Boulevard to north of the southerly intersection of China Basin Street and Terry A. Francois Boulevard. (Resolution No. 97-04)

C. Authorization to issue a Request for Proposals for soil and groundwater characterization and management services. (Resolution No. 97-05)

7. PLANNING & DEVELOPMENT

A. Approval of Amendment to Landing Rights License for Common Carrier Ferry Service Landing Slot(s) to provide rental credits for modifications to ramping system at Pier ½. (Resolution No. 97-06)

8. ADMINISTRATION

9. MARKETING

10. CONSENT CALENDAR

11. NEW BUSINESS / PUBLIC COMMENT

12. EXECUTIVE SESSION

A. PUBLIC EMPLOYEE APPOINTMENT

- 1) Confirmation of Appointment of Director of Tenant Services
- 2) Confirmation of Appointment of Director of Planning & Development

An executive session to discuss this matter is specifically authorized under California Government Code Section 54957.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Berry Street and Second Street (China Basin).
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*San Francisco Giants Representative: Larry Baer, Executive Vice President

Under Negotiation: _____ Price _____ Terms of Payment Both

An executive session has been calendared to discuss real property negotiations between the Port and San Francisco Giants, regarding the proposed ballpark.

This is specifically authorized under California Government Code Section 54956.8.

C. CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED LITIGATION MATTER:

- 1) Discuss significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9 (1 case).

D. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

13. ADJOURNMENT

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. Please fill out a speaker card and hand it to the Commission Secretary.

PORT OF SAN FRANCISCO



Ferry Building
San Francisco, CA 94111
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Writer

MEMORANDUM

January 2, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Frankie G. Lee, Vice President
Hon. Preston Cook
Hon. James R. Herman
Hon. Denise McCarthy

FROM: Douglas F. Wong *DW*
Executive Director

SUBJECT: Approval of a month-to-month lease with National Maritime Museum Association at Pier 45 for USS Pampanito.

DIRECTOR'S RECOMMENDATION: APPROVE LEASE

Background

Since June 15, 1981, the National Maritime Museum Association (the "Association") has leased apron and berthing space adjacent to Shed A at Pier 45 for the display of the USS Pampanito under Port License to Use Space Non-Exclusive No. 10486. Pursuant to this license, the Association has been paying a monthly minimum fee of \$540.00 per month (or \$.05 per square foot of apron space), versus a percentage fee based upon 6% of gross receipts. During Fiscal Year 1995/96, the Association generated sales of \$1,007,661.00 at Pier 45 and paid total fees (minimum plus percentage fees) to the Port of \$60,463.00, or an average of \$5,038.58 per month. Prior to the 1989 earthquake, the Association also leased adjacent storage space in Shed A, but had to vacate the space after the earthquake. As a result, the Association had to close its retail shop on the apron, move some of its support facilities into this retail shop and onto the apron, and remove the remaining support facilities from Pier 45.

THIS PRINT COVERS CALENDAR ITEM NO. 5A

Port staff has now negotiated the following two leases with the Association for Pier 45:

1. Lease No. 12242 is for approximately 2,024 sq. ft. of shed space inside of Shed A at Pier 45 for office, storage, and maintenance uses directly related to the operation of the USS Pampanito, with a monthly base rent of \$.45 per square foot. This use and rent fall within the leasing parameters preapproved by the Port Commission, and this lease therefore does not require specific approval by the Port Commission.
2. Lease No. 12301 is for apron and water space adjacent to Shed A at Pier 45 for berthing the USS Pampanito, with a monthly base rent of \$.15 per square foot, which also falls within the leasing parameters preapproved by the Port Commission. However, the uses allowed under this lease do not directly fall within the leasing parameters and therefore specific approval is required from the Port Commission.

Proposed Lease No. 12301

1. **Premises:** 15,921 sq. ft. of apron space and 8,736 sq. ft. of water space located adjacent to Shed A at Pier 45 for the USS Pampanito, as shown on the attached site plan.
2. **Term:** Month-to-month.
3. **Use:** Non-exclusive use of the apron as access and support facilities for the USS Pampanito, and exclusive use of the berth depicted on the site plan for berthing of the USS Pampanito, but no other vessel. The Association may use a 207 sq. ft. gift shop located on the apron for the sale of gift items related to, and in support of, maritime history, the USS Pampanito, the San Francisco National Maritime Park, and the Association. The Association may use an 84 sq. ft. ticket booth located on the apron for the sale of tickets to board and tour the USS Pampanito. The Association may use the apron to load and unload materials and for maintenance vehicles directly involved in the above referenced permitted uses. Except for such loading and unloading of materials and maintenance, the Association shall not use the apron at any time for parking vehicles. Any other use of the apron shall require the written approval of the Port.

The Association also agrees to allow access to the apron portion of the Premises by the public during normal business hours, as defined in the lease or as altered with prior written approval of the Port, which approval shall not be unreasonably withheld. Moreover, the Association agrees, at the request of the Port, to allow access to both the apron portion of the Premises and the balance of the apron north of the Premises during other than normal business hours.

4. **Base Rent:** \$2,400.00 per month, which equals \$.15 per square foot of the apron space. This monthly rental also approximates the percentage rental during the Association's slowest sales months of the year.
5. **Percentage Rent:** Percentage rent shall be offset by base rent paid and shall be calculated and paid monthly by applying the percentage rates indicated below to the gross receipts of the indicated types of sales:
 - a. Ticket sales - 6%.
 - b. Gift shop sales - 9%.

The Association shall pay percentage rent for any period that the USS Pampanito is not berthed at the premises equivalent to the percentage rent due the Port for the same period during the prior calendar year. The USS Pampanito may leave the Premises for up to two months per year for dry docking or other purposes without prior Port approval. If the USS Pampanito will be gone from the Premises for more than two months, then it shall obtain the Port's prior approval, which will not be unreasonably withheld.

6. **Maintenance:** The Association shall be responsible for all maintenance and repairs to the Premises, except for the pier substructure (consisting of wooden piles and pile caps). The Association shall be responsible for maintenance and repairs to the wooden stringers, decks, fenders and other berthing improvements, and for repairs to the pier substructure resulting from its negligence or intentional acts or omissions.

Prepared by: Kirk W. Bennett, Sr. Property Manager,
Northern Waterfront/Fisherman's Wharf

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

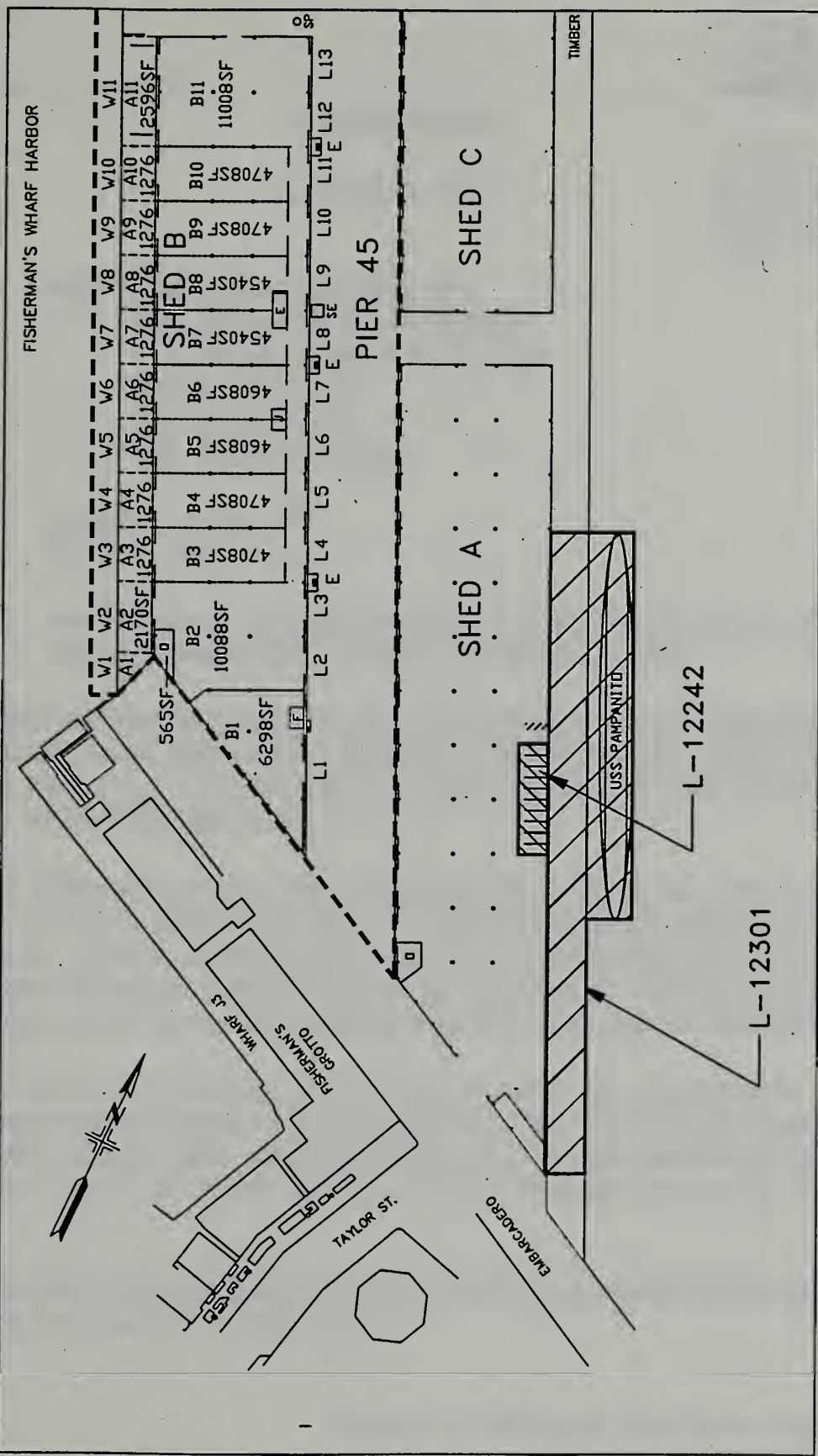
RESOLUTION NO. 97-02

- WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and
- WHEREAS, under Charter Section B3.581(g) leases granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and
- WHEREAS, Port Commission approval is being sought for Lease No. 12301 with the National Maritime Museum Association, the terms of which are set forth in the Memorandum of Agenda Item 5A at the Port Commission meeting on January 14, 1997; now therefore, be it
- RESOLVED, that the Port Commission hereby approves Lease No. 12301, which incorporates the business terms set forth in the Memorandum for Agenda Item 5A of the Port Commission Meeting on January 14, 1997, and that the Executive Director, or his designee, is hereby authorized to execute Lease No. 12301 on behalf of the Port in such final form as is substantially in the form on file with the Secretary of the Port Commission for said Agenda item and in such final form as is approved by the City Attorney.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of January 14, 1997.

Secretary

FISHERMAN'S WHARF HARBOR



LEASE NO.

L-12301
L-12242

SAN FRANCISCO PORT COMMISSION
PORT OF SAN FRANCISCO

TENANT:

NATIONAL MARITIME
MUSEUM ASSOCIATION
PIER 45

DRAWN BY: G. DUDLEY DATE: JAN 2, 1997

CHECKED BY: SCALE:

PLACE CODE NO. SHEET NO.

1450-0-0003

OF SHEETS




MEMORANDUM

January 8, 1997

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
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Fax 415 274 0528
Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Frankie G. Lee, Vice President
Hon. James Herman
Hon. Preston Cook
Hon. Denise McCarthy

FROM: Douglas F. Wong 
Executive Director

SUBJECT: Authorization to advertise for competitive bids for the "Pier 48 Bulkhead Seismic Retrofit Project," Construction Contract No. 2622

DIRECTOR'S RECOMMENDATION: THAT THE COMMISSION AUTHORIZE STAFF TO ADVERTISE FOR COMPETITIVE BIDS FOR THE "PIER 48 BULKHEAD SEISMIC RETROFIT PROJECT," CONSTRUCTION CONTRACT NO. 2622, IN ACCORDANCE WITH THE ATTACHED RESOLUTION

The Pier 48 bulkhead buildings incurred structural damage during the 1989 Loma Prieta Earthquake. On July 19, 1995 per Resolution No. 95-63, the Port Commission authorized GKO Engineering Co. to analyze the damage, determine the most cost effective method of repair, and develop contract documents (specifications) for the seismic repair. GKO has completed the contract documents and Port Staff has assembled the contract package for competitive bid.

The retrofit includes the following work: driving new steel piles to support the concrete bulkhead exterior walls, pouring new concrete grade beams and structural slabs, jacking-up the existing exterior concrete walls, repairing the cracks in the existing exterior concrete walls, installing new steel braced frames and plywood roof diaphragm, and abating hazardous materials.

The estimated cost of the construction project is \$1,550,000. It is anticipated that FEMA/OES will fund the entire cost of the seismic retrofit.

Prepared by Cliff Jarrard, Chief Harbor Engineer

THIS PRINT COVERS CALENDAR ITEM 6A

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

RESOLUTION NO. 97-03

- WHEREAS, Pier 48 bulkhead incurred structural damage during the 1989 Loma Prieta Earthquake; and
- WHEREAS, the Port Commission previously authorized GKO Engineering Co. to analyze the damage, develop the most cost effective method of repair and prepare contract documents for the seismic repair; and
- WHEREAS, GKO has completed the contract documents and the Port has assembled the contract package for competitive bid; and
- WHEREAS, it is anticipated that FEMA/OES will fund the entire cost of the seismic retrofit; now therefore be it
- RESOLVED, that the San Francisco Port Commission hereby authorizes staff to advertise for competitive bids for Construction Contract No. 2622 "Pier 48 Bulkhead Seismic Retrofit Project," at an estimated cost of \$1,550,000.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of January 14, 1997.

Secretary



MEMORANDUM

January 8, 1997

Ferry Building
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Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Frankie G. Lee, Vice President
Hon. James Herman
Hon. Preston Cook
Hon. Denise McCarthy

FROM: Douglas F. Wong *[Signature]*
Executive Director

SUBJECT: Approval to declare a utility underground district along Terry A. Francois Blvd. starting 800 feet south of the southerly intersection of Mission Rock and Terry A. Francois Blvd. and continuing north to the southerly intersection of China Basin Street and Terry A. Francois Blvd.

DIRECTOR'S RECOMMENDATION: AUTHORIZE STAFF TO PROCEED WITH LEGISLATION TO DECLARE A UTILITY UNDERGROUND DISTRICT ALONG TERRY FRANCOIS BOULEVARD AS SPECIFIED

Since the Commission approved the conceptual design of the Pier 52 project on October 22, 1996, the Port consultant - ARCUS Architecture and Planning - has proceeded to develop construction documents for this project. The elements of this project include:

- a double lane boat launch ramp with boarding floats;
- an accessible gangway with guest dock;
- a cafe/bait and tackle shop with an outdoor dining deck;
- public access, landscaping and roadway improvements; and
- a 20 vehicle/trailer parking lot.

The vehicle/trailer parking lot is planned for the west side of Terry A. Francois Blvd where there are existing overhead utility lines. In order to design the proposed parking lot in accordance with Cal Boating requirements, it is necessary to reroute the overhead power lines that currently run along the west side of Terry Francois Blvd.

THIS PRINT COVERS CALENDAR ITEM NO. **6B**

PG&E estimated the cost to reroute the overhead power lines to the back of the proposed parking lot at approximately \$150,000. As an alternative, PG&E estimated the cost to locate these lines underground directly in front of the parking lot at approximately \$375,000. Neither of these alternatives can be accommodated by the current Pier 52 construction budget.

The most economical way to finance the utility relocation is to have the area declared an Underground District. An Underground District is defined as a minimum of 600 feet of overhead electrical line or an entire block length of electrical overhead power lines to be removed and rerouted underground for City and County Public Access/Use Projects. This is the term the Board of Supervisors uses when voting on approving the relocating of overhead power lines underground. Both Board and Commission approval is necessary for PG&E to reroute electrical lines underground at no cost to the Port. Under the City's agreement with PG&E, the Port must provide street lights where the overhead poles are removed, and pay for underground electrical supply to tenants. Staff has worked with PG&E and the San Francisco Department of Public Works ("DPW") to facilitate relocating these utilities underground. With Commission approval, staff will request the San Francisco Board of Supervisors to declare this area an Underground District.

The Port will incur the cost of providing underground power service for those tenants that are currently connected to the overhead power lines. In addition, the Port must provide new overhead street lights at 100 foot intervals to replace the existing lights which are attached to the utility poles. The new services and lights will cost the Port \$35,000 for the poles directly in front of the proposed Pier 52 parking lot. These funds are in the current Pier 52 budget. However, staff recommends that the Underground District be extended to the corner of Terry A. Francois Blvd. and China Basin Street so that when future funds become available, utilities in this additional area can be relocated underground. Please see attached plan. The current estimated cost for the Port to provide private services and street lights in this extended area is an additional \$85,000.

Staff seeks the Commission's approval to declare the portion along Terry A. Francois Blvd. an Underground District in order for the Board of Supervisors to vote for approval.

Prepared by: Cliff Jarrard, Chief Harbor Engineer

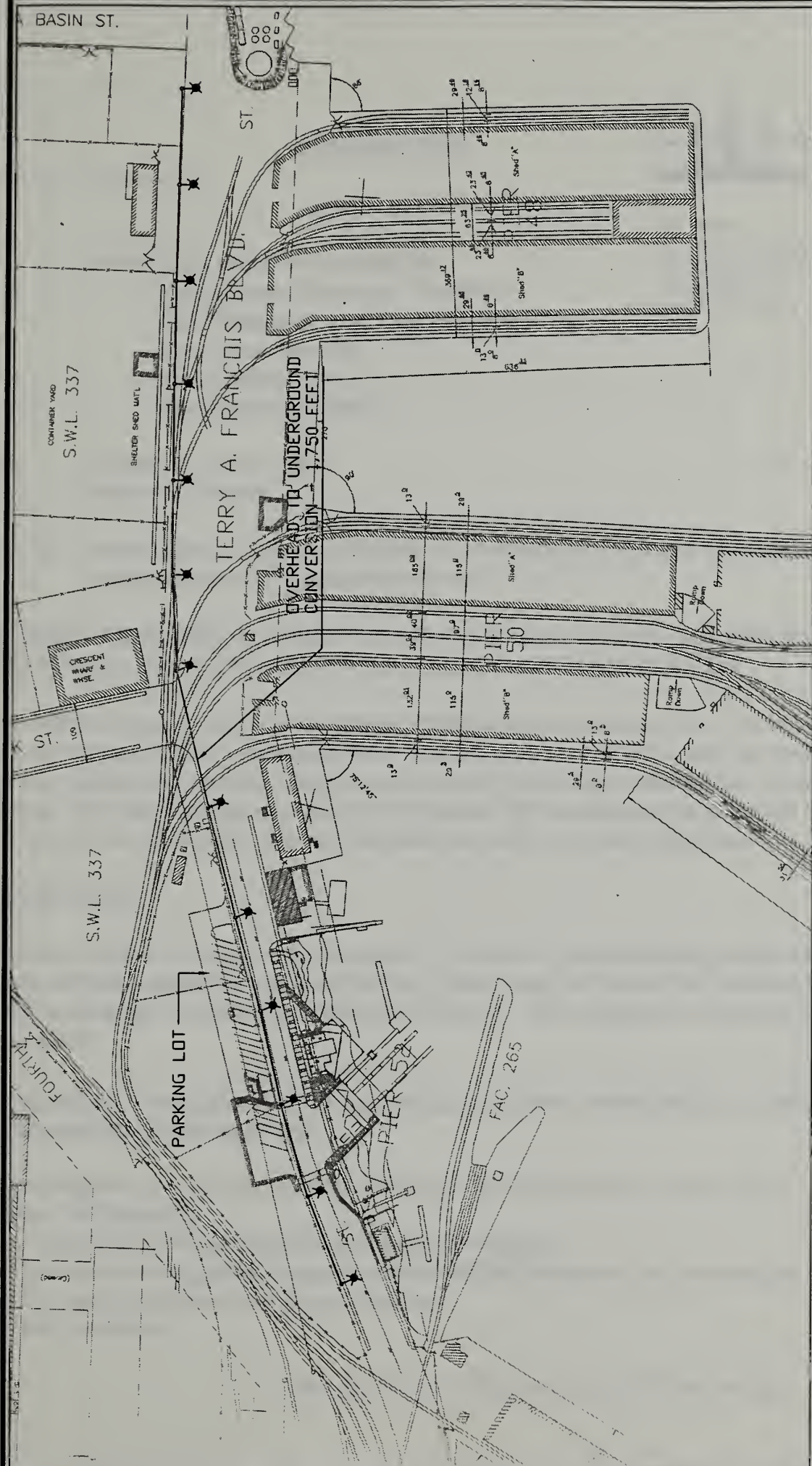
**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 97-04

- WHEREAS, the Commission previously approved the conceptual design of Pier 52 which includes a vehicle/trailer parking lot; and
- WHEREAS, in order to design the proposed parking lot in accordance with Cal Boating requirements, it is necessary to reroute the overhead power lines that currently run along the west side of Terry Francois Boulevard; and
- WHEREAS, by having the San Francisco Board of Supervisors declare this area an Underground District the overhead power lines will be converted to underground service at no cost to the Port; and
- WHEREAS, the Port will however incur the cost of providing underground power service for any tenants that are currently connected to the overhead power lines; and
- WHEREAS, the Port will also have to provide new overhead street lights at 100 foot intervals to replace the existing lights which are attached to utility poles; and
- WHEREAS, the new services and lights will cost the Port \$35,000 for undergrounding directly in front of the proposed Pier 52 parking lot and these funds are currently in the Pier 52 project budget; and
- WHEREAS, staff recommends that the Underground District be extended to the corner of Terry A. Francois Boulevard and China Basin Street so that when future funds become available, this additional area can be undergrounded by a later phase of work; now therefore be it
- RESOLVED, the Port Commission hereby approves the declaration of a utility underground district along Terry A. Francois Blvd. starting 800 feet south of the southerly intersection of Mission Rock and Terry A. Francois Blvd. and continuing north to the southerly intersection of China Basin Street and Terry A. Francois Blvd and further authorizes staff to present this to the San Francisco Board of Supervisors for action..

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of January 14, 1997.

Secretary



DESIGNED BY: M. BHAT
 DRAWN BY: M. BHAT
 CONTRACT NO.
 DRAWING NO.

CHECKED BY: M. BHAT
 DATE: DECEMBER 18, 1996
 SCALE: NO SCALE
 SHEET NO. OF SHEETS

SERVICE FEEDER AND STREET LIGHTING
 PIER 48-52

SAN FRANCISCO PORT COMMISSION
 PORT OF SAN FRANCISCO
 DEPARTMENT OF ENGINEERING

APPROVED BY
 SAN FRANCISCO PORT COMMISSION
 DATE _____
 CHIEF HARBOR ENGINEER

MEMORANDUM

PORT OF SAN FRANCISCO

January 8, 1997



Ferry Building
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Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Frankie G. Lee, Vice President
Hon. James Herman
Hon. Preston Cook
Hon. Denise McCarthy

FROM: Douglas F. Wong *DFW*
Executive Director

SUBJECT: Authorization to issue a Request for Proposals for soil and groundwater characterization and management services

DIRECTOR'S RECOMMENDATION: AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSALS IN ACCORDANCE WITH THE ATTACHED RESOLUTION

The Port seeks to engage an outside consultant to provide expert consulting services for soil and groundwater characterization and management. Soil and groundwater which may have been impacted by leaking underground storage tanks, and other potentially contaminated soil and groundwater which are encountered during Port operations and development projects must be characterized in order to comply with environmental and safety laws and regulations.

SCOPE OF WORK:

Performance of this work requires the contractor to be able to provide drilling equipment, laboratory analysis, and professional certifications. These tasks are beyond the resources of Port staff. Accordingly an outside consultant must be hired. This consultant will perform the following work:

1. Investigation of and remedial action planning to address contamination at former underground fuel storage tank sites.

Site investigation and remedial action planning activities will include, but may not be limited to the following:

- Preparation of site investigation work plans and reports.
- Subsurface investigation using conventional drilling and direct-push technologies.
- Soil and groundwater sampling and analysis.
- Data validation.

THIS PRINT COVERS CALENDAR ITEM NO. 6C

- Human health risk assessment using ASTM and/or other methods.
 - Ecological risk assessment.
 - Remedial action planning and evaluation.
 - Regulatory agency interface.
 - Negotiating UST site closure.
2. Assessment of potential soil and groundwater contamination; and evaluation and implementation of appropriate remedial action or other management measures.

This portion of the work will be requested on an as-needed basis and will include, but may not be limited to:

- Preliminary site assessment, including site history
- Preparing sampling plans, assessment reports, and site mitigation plans in accordance with applicable State and local standards, including the Maher Ordinance.
- Soil and groundwater sampling and analysis.
- Assessing potential risks, and preparing health and safety plans for workers at contaminated sites.
- Developing cost estimates, and evaluating disposal options and/or other alternatives for management of contaminated soil and groundwater.

The selected consultant will work under the supervision of Project Managers from the Port's Environmental Health and Safety or Engineering Sections. Work must be performed by personnel with specific professional registrations (e.g. State Registered Geologist) and specialized training and experience in geology, hydrogeology, and human health and ecological risk assessment. Based upon the consultant's investigations, the Port will be able to determine which former underground storage tank cases can be closed, which may require additional remediation, or how soil and groundwater disturbed by operations or development projects can be managed. Any additional remediation, if required, is outside of the scope of this consultant's work and would require additional services.

The cost of the consultant services is estimated at from \$200,000 to \$250,000 and the funds are budgeted in the Port's Capital Plan.

Prepared by: Cliff Jarrard
Chief Harbor Engineer

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

RESOLUTION NO. 97 - 05

- WHEREAS, potential subsurface contamination must be evaluated in order to comply with Federal, State, and local laws and regulations; and
- WHEREAS, the Port needs assessment of potential soil and groundwater conditions for planning, budgeting, environmental and safety purposes; and
- WHEREAS, the Port does not have the required staff or equipment to complete the work in-house; and
- WHEREAS, to accomplish these needs, the Port must obtain outside services of an environmental consultant to investigate potential contamination and characterize soil and groundwater at former underground storage tank locations and other sites as-needed; and
- WHEREAS, said consultant shall possess demonstrated experience and expertise in the technical and regulatory issues associated with the required work, including specialized training, equipment, and certifications; and
- WHEREAS, the estimated cost is from \$200,000 to \$250,000 and these funds for this work are budgeted in the Capital Program; therefore be it
- RESOLVED, that the Commission hereby authorizes staff to issue a Request for Proposals for expert environmental consulting services for soil and groundwater characterization and management.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of January 14, 1997.

Secretary

MEMORANDUM FOR THE RECORD

DATE: [illegible]

[The following text is extremely faint and illegible. It appears to be a memorandum detailing a meeting or a set of instructions. It contains several paragraphs of text, possibly including names of individuals and specific details of the discussion. The text is too blurry to transcribe accurately.]

[illegible]

[illegible]




MEMORANDUM

January 14, 1997

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TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Frankie G. Lee, Vice President
Hon. James Herman
Hon. Preston Cook
Hon. Denise McCarthy

FROM: Douglas F. Wong 
Executive Director

SUBJECT: Amendment to Landing Rights License For Common Carrier Ferry Service
Landing Slot(s) to provide rental credits for modifications to ramping system at
Pier ½

DIRECTOR'S RECOMMENDATION: APPROVE AMENDMENT

The City of Vallejo is currently constructing a new ferry boat which is scheduled to commence service to the existing Pier ½ float on April 1, 1997. The existing Pier ½ ramping and fendering systems will not accommodate the landing of this new vessel, because of the boat's unusually high freeboard, which measures approximately seven (7) feet. Also, the existing ramping system requires passenger circulation directly on the float deck, which can be hazardous during inclement weather. The ramping and fendering systems need to be modified to correct these conditions. The retrofitted ramp will benefit not only the City of Vallejo's common carrier ferry service, but all common carrier ferry operators and their passengers, by eliminating passenger circulation on the deck of the Pier ½ float.

All common carrier ferry operators that use the Pier ½ float currently pay landing fees under Landing Rights Licenses For Common Carrier Ferry Service Landing Slot(s) ("Landing Agreement") between the Port and the operators, which calls for a fee per landing per day that declines as the number of daily landings increases (please see Exhibit A for the current landing fee schedule). The landing fees are structured to generate enough revenue to the Port to pay for the annual maintenance and operating costs of the Pier ½ float.

Agenda Item 7A
Amendment to Landing Rights License
Page Two

For the past three years, the Port has generated an average of \$114,000 per year in landing fees under the Landing Agreement for Pier ½. (Please refer to Exhibit B for a breakdown of the revenues and expenses at the Pier ½ float for the past three fiscal years).

To expedite the implementation of the new work to meet the April 1, 1997 deadline, the City of Vallejo has expressed their willingness to fund the project and contract for the necessary design and construction services. The cost of designing and constructing the new ramping and fendering systems is estimated to be approximately \$140,000. The other common carrier ferry service operators (Red and White, Harbor Bay Isle and the City of Alameda) would reimburse the City of Vallejo for specific agreed-upon amounts based upon their estimated landing activity.

Under the amended Landing Agreement, the Port would suspend the regular landing fees to be charged each operator for common carrier ferry service until the operators have been reimbursed for their contribution to the project, for a total amount not-to-exceed \$140,000. Based on the landing activity levels of the past several years, this will take approximately 15 months. The regular common carrier ferry service landing fees would resume once the operators have recaptured their costs. During the rent credit period, the Port will pay for the maintenance and operating costs of the Pier ½ float from its operating budget.

Prepared by:
Paul Osmundson, Acting Director,
Planning and Development

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

RESOLUTION NO. 97-06

WHEREAS, The City of Vallejo is currently constructing a new ferry boat which is scheduled to commence service to the existing Pier ½ float on April 1, 1997; and

WHEREAS, The existing Pier ½ ramping and fendering systems will not accommodate the landing of this new vessel, and in their current condition require passenger circulation directly on the float deck, which can be hazardous during inclement weather; and

WHEREAS, The existing ramping and fendering systems need to be modified in order to accommodate the new Vallejo boat and to improve passenger circulation on the float (the "Project"); and

WHEREAS, To expedite the Project, the City of Vallejo has expressed their willingness to fund the Project and contract for the necessary design and construction services, with the other common carrier ferry service operators using Pier ½ (Red and White, Harbor Bay Isle and the City of Alameda) to reimburse Vallejo for a share of the cost of the Project; and

WHEREAS, The cost of designing and constructing the Project is estimated to be approximately \$140,000; and

WHEREAS, The Port desires to reimburse the operators for costs incurred on the project, for a total amount not-to-exceed \$140,000, by applying rent credits to the Pier ½ north float common carrier ferry service landing fees for actual contributions made by each operator to the cost of the Project; now, therefore be it

RESOLVED, that the San Francisco Port Commission hereby authorizes the Executive Director or his designee to execute an amendment to the Landing Rights License For Common Carrier Ferry Service Landing Slot(s) in a form approved by the City Attorney to apply rent credits, in an amount not-to-exceed \$140,000, to the Pier ½ north float common carrier ferry service landing fees, in order to facilitate the construction of the Project.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of January 14, 1997.

Secretary

SAN FRANCISCO PORT COMMISSION

JANUARY 14, 1997
MINUTES OF THE MEETING

MEMBERS, PORT COMMISSION

HON. MICHAEL HARDEMAN, PRESIDENT
HON. DENISE McCARTHY, VICE PRESIDENT
HON. FRANKIE G. LEE
HON. PRESTON COOK
HON. JAMES HERMAN

DOUGLAS F. WONG, EXECUTIVE DIRECTOR

DOCUMENTS DEPT.

OCT 08 1999

SAN FRANCISCO
PUBLIC LIBRARY

CITY & COUNTY OF SAN FRANCISCO PORT COMMISSION

MINUTES OF THE MEETING

JANUARY 14, 1997

1. ROLL CALL

The meeting was called to order by Commission President Michael Hardeman at 4:07 p.m. The following Commissioners were present: Michael Hardeman, Frankie Lee, Preston Cook, James Herman and Denise McCarthy.

2. APPROVAL OF MINUTES - December 20, 1996

ACTION: Commissioner Cook moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the minutes of the meeting were adopted.

3. EXECUTIVE

A. Election of Port Commission Officers

Commissioner Lee made a motion to elect new officers of the Port Commission. Commissioner Cook seconded the motion.

ACTION: Commissioner Herman nominated Commissioner Hardeman as President of the Commission. Commissioner Lee seconded the motion. Commissioner Herman moved approval that the nomination be accepted by acclamation. Commissioner Cook seconded the motion. All of the Commissioners were in favor. Commissioner Hardeman was unanimously elected President of the Commission.

ACTION: Commissioner Lee nominated Commissioner McCarthy as Vice President of the Commission. Commissioner Cook seconded the motion. All of the Commissioners were in favor. Commissioner McCarthy was unanimously elected Vice President of the Commission.

B. Executive Director's Report

- 1) Executive Director Doug Wong reported about the New Year's Eve party. Barring weather conditions, the event was very successful. Bill Graham Presents (BGP) sold 9,250 tickets, an increase from 8,200 last year. Mr. Wong thanked Carolyn Macmillan and her staff for a job well done.
- 2) On Thursday, January 10, the Waterfront EIR was certified. He thanked not only all the different agencies involved but in particular Port staff -- Anne Cook, Diane

Oshima, Kari Kilstrom, Kate Nichol, Dan Hodapp, Floristine Johnson and Noreen Ambrose. Everyone did a fabulous job and he looks forward to continuing the process.

- 3) In December, Jim Augustino, a good friend of the Port, passed away. Supervisors Yaki and Kaufman introduced a resolution to rename Pier 7 in tribute to Mr. Augustino. A resolution will be brought to the Commission for approval sometime in February.

Commissioner Hardeman and the Commission welcomed Mr. Wong to the Port.

4. LEGISLATIVE

5. TENANT & MARITIME SERVICES

- A. Approval of month-to-month lease with National Maritime Museum Association at Pier 45 for USS Pampanito. (Resolution No. 97-02)

Mr. Kirk Bennett, Port's Senior Property Manager, stated that since June 1981 the National Maritime Museum Association has leased apron and berthing space adjacent to Shed A at Pier 45 for the display of the USS Pampanito. The Association pays a monthly minimum fee of \$540.00 (or \$.05 per sq.ft. based of apron space) versus a percentage fee based upon 6% of gross receipts. During the Fiscal Year 1995/1996, the Association generated sales of more than a million dollars and paid total fees to the Port of over \$60,000. Prior to the 1989 earthquake, the Association also leased adjacent storage space in Shed A, but had to vacate the space after the earthquake. As a result, the Association had to close its retail shop on the apron, moved some of its support facilities into this retail shop and onto the apron, and removed the remaining support facilities from Pier 45. Since the repairs have been made to Shed A, Port staff has negotiated two leases with the Association. The first lease is for 2,024 sq.ft. of shed space inside of Shed A for office, storage and maintenance uses directly related to the operation of the USS Pampanito with a monthly base rent of \$.45 per sq. ft. This use and rent fall within the leasing parameters of the Port Commission and do not require specific approval by the Commission. The other lease is a month-to-month lease for the berthing of USS Pampanito, with a monthly base rent of \$.15 per sq. ft., which also falls within the leasing parameters of the Commission. However, the uses under this lease are somewhat unique and therefore approval from the Commission is requested.

The following are the basic parameters of the lease: (1) The premises are 15,921 sq. ft. of apron space and 8,736 sq. ft. of water space located adjacent to Shed A at Pier 45 for the USS Pampanito. (2) The term of the lease is month-to-month. (3) The Association has the nonexclusive use of the apron as access and support facilities for the USS Pampanito. They also have exclusive use of the berth for the berthing of the USS Pampanito. The Association may use a gift shop located on the apron for the sale of gift items related to the USS Pampanito, the National Maritime Park and the Association. The Association may use a ticket booth located on the apron for the sale

of tickets to board and tour the USS Pampanito. The Association also agrees to allow access to the apron portion of the premises by the public during normal business hours. (4) The base rent is \$2400 per month (or \$.15 per sq.ft.). (5) The percentage rent is offset by the base rent they pay. Ticket sales are 6%. Gift shop sales are 9%. (6) The Association will be responsible for all maintenance and repairs to the premises except for the pier substructure.

ACTION: Commissioner Cook moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

6. FACILITIES & OPERATIONS

- A. Authorization to advertise for competitive bids on Construction Contract No. 2622, "Pier 48 Bulkhead Seismic Retrofit," for earthquake damage repairs. (Resolution No. 97-03)

Mr. Cliff Jarrard, Chief Harbor Engineer, stated that in 1989, the Pier 48 bulkhead buildings incurred significant damage. FEMA wrote a damage survey report for \$9,000. After long negotiations with FEMA and OES, staff was able to get significant money and was able to convince the agencies to hire a consultant to analyze the damage and come up with the best method of repair for the facility. The Commission authorized GKO Engineering Company to analyze the damage, determine the most cost effective method of repair and develop contract documents for the seismic repair. GKO has completed the contract document and Port staff has assembled the contract package for competitive bid. The retrofit includes driving new steel piles to support the concrete bulkhead exterior walls, pouring new concrete grade beams and structural slabs, jacking-up the existing exterior concrete walls, repairing the cracks in the existing exterior concrete walls, installing new steel braced frames and plywood roof diaphragm and abating hazardous materials. MBE participation will be 23%; WBE participation will be 12%. It is anticipated that FEMA/OES will fund the entire cost of the seismic retrofit.

Commissioner Lee commented that he reviewed the drawings and found them to be complete. His questions and concerns were addressed by Mr. Jarrard and Mr. Roger. He stated that this is not an easy job but is confident that they will do a good job.

ACTION: Commissioner Lee moved approval; Commissioner Cook seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

- B. Approval to declare a utility underground district along Terry A. Francois Boulevard from 800 feet south of the southerly intersection of Mission Rock and Terry A. Francois Boulevard to north of the southerly intersection of China Basin Street and Terry A. Francois Boulevard. (Resolution No. 97-04)

Mr. Jarrard stated that the Commission approved the conceptual design of Pier 52 on

October 22, 1996. The project involves funding from Cal Boating. In order to design the proposed parking lot in accordance with Cal Boating requirements, it is necessary to reroute the overhead power lines that currently run along the west side of Terry Francois Blvd. The most economical way to finance the utility relocation is to have the area declared an Underground District. Both the Board of Supervisors and the Port Commission approval is necessary for PG&E to reroute electrical lines underground at no cost to the Port. However, under the City's agreement with PG&E, the Port must provide street lights where the overhead poles are removed. The Port will incur the cost of providing underground power service for those tenants that are currently connected to the overhead power lines. The new services and lights will cost the Port \$35,000, which are currently in the Pier 52 budget. Staff also recommends that the Underground District be extended to the corner of Terry A. Francois Blvd. and China Basin so that when future funds become available, utilities in this additional area can be relocated underground. The current estimated cost for the Port to provide private services and street lights in this extended area is an additional \$85,000.

Commissioner Lee inquired who will be paying for the utility relocation. Mr. Jarrard responded that the utility company will be paying for the relocation.

ACTION: Commissioner McCarthy moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

C. Authorization to issue a Request for Proposals for soil and groundwater characterization and management services. (Resolution No. 97-05)

Mr. Jarrard stated that in 1987, the Port removed 14 abandoned underground storage tanks. When the removal took place, the soil around the tanks was not remediated. Since that time, ten storage tank sites have been declared closed but four sites still remain to be closed. Staff seeks to engage an outside consultant to provide expert consulting services for soil and groundwater characterization and management. The following is the scope of the work: (1) Investigation of and remedial action planning to address contamination at former underground fuel storage tank sites and (2) On an as-needed basis, assessment of potential soil and groundwater contamination and evaluation and implementation of appropriate remedial action or other management measures. The Port currently avails itself of these services through the Department of Public Works. Having a consultant on board will allow the Port greater access and is cost effective. The cost of the work is estimated between \$200,000-\$250,000 and the funds are budgeted in the Port's Capital Plan.

In response to Commissioner Herman's inquiry regarding the \$250,000 cost, Mr. Jarrard replied that this is to hire a consultant for performing the tasks. Commissioner Herman inquired about the term of the contract. Mr. Jarrard responded that the consultant will be on board for 18 months to perform tests for soil or water as the need arises.

Commissioner McCarthy inquired how many sites are going to be remediated. Mr. Jarrard responded that the first task deals with the four sites. The other task deals with the entire Port. Staff will direct the consultant to perform the test and will be billed accordingly. The rates are fixed and staff approves segments of work and pay only whatever is needed.

Commissioner Cook stated that the resolution is open-ended. He suggested identifying the four sites and provide information on the specific work to be done. Mr. Jarrard replied that the four sites where the underground tanks were at: (1) Pier 80; (2) Pier 70; (3) 333 Illinois Street and (4) 145 Terry Francois Blvd. Commissioner Cook inquired if the primary work to be done by the consultant is to further identify the amount of contamination and the removal of contamination found. Mr. Jarrard replied that there will be no removal involved; only the identification of what else needs to be done. There will be an additional cost for remediation, since this is beyond the scope of work.

Commissioner Lee clarified that this is a very common type of contract utilized by big corporations and government agencies. This is an as-needed contract. The agency usually has some work in mind. The magnitude of work, however, is not immediately known. Instead of staff requesting approval from the Commission for each project, staff selects a competent consultant and signs a contract for a maximum fee. Staff will identify the task and negotiate with the consultant. The hourly rate for each task is established and pre-approved. On each task order, the staff and the consultant has to delineate how many hours are needed to perform each task. The advantage of this contract is the agency has the upper hand. The better the consultant performs, the better their chances are of being offered more tasks. If the consultant does not perform well, the Port has the option of terminating the existing contract and seeking other consultants. Mr. Jarrard confirmed Commissioner Lee's explanation.

Commissioner Herman stated that the Port is going to spend \$250,000 for the project but did not see anything in the package that the Port has the option of terminating the arrangement if the consultant does not perform accordingly. Commissioner Lee stated that staff will give the task order one at a time as needed. Roberta Jones, Environmental Control Manager, clarified that the fact that it is a \$250,000 contract does not mean that the Port is pledging to give them any minimum amount. If the consultant does a good job on the first task, the Port will continue to use them for the next task. Staff tries to anticipate redevelopment and construction projects. The magnitude of the job is not always immediately known. This type of arrangement is very useful. Staff feels that it will have more control and would be able to save the Port money if it has its own consultant to perform the same functions that DPW consultants have been performing. Staff will negotiate with consultants prior commencement of tasks.

Commissioner Herman inquired if a motion can be made to table this item. Commissioner Hardeman stated that the motion has been moved and seconded. Staff's explanation of saving the Port money and having more control over the project is a reasonable proposal. Commissioner Lee stated that this is a common type of

contract used by government agencies. It gives staff flexibility and control on spending and consultant's performance. He added that this is a great idea and advocates the Port to have more of this type of contract. He concluded that this is good for the Port.

ACTION: Commissioner Cook moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

7. PLANNING & DEVELOPMENT

A. Approval of Amendment to Landing Rights License for Common Carrier Ferry Service Landing Slot(s) to provide rental credits for modifications to ramping system at Pier ½. (Resolution No. 97-06) **THIS ITEM WAS PUT OVER TO THE NEXT MEETING.**

Mr. Paul Osmundson, Acting Director of Planning & Development, stated that this item is to request amendment to a Landing Agreement with ferry operators who use Pier ½. The City of Vallejo is constructing two new ferry vessels scheduled to commence service in April. The existing ramping system needs to be modified to allow passengers to safely disembark. The existing ramping system requires passenger circulation directly on the float deck, which can be hazardous during inclement weather. The ramping and fendering systems need to be modified to correct these conditions. All of the ferry operators that use the Pier ½ float currently pay landing fees under the Landing Rights License between the Port and the operators. The landing fees are structured to generate revenue to the Port to pay for the annual maintenance and operating costs of the Pier ½ float. The cost of designing and constructing the new ramping and fendering systems is estimated to be approximately \$140,000. The other common carrier ferry service operators (Red & White, Harbor Bay Isle and the City of Alameda) would reimburse the City of Vallejo for specific agreed-upon amounts based upon their estimated landing activity at a cost not to exceed \$140,000. Based on the landing activity levels of the past several years, it would take 15 months to recapture their cost. The regular common carrier ferry service landing fees would resume once the operators have recaptured their costs. During the rent credit period, the Port will pay for the maintenance and operating costs of the Pier ½ float from its operating budget.

Commissioner Cook reiterated Mr. Osmundson's comments that the City of Vallejo is building new ferry boats which do not conform with the existing ferry boat design and that the Port will subsidize them. Mr. Osmundson concurred and added that they have a provision in their contract with the boat builder that they have to meet either the existing ramping systems at all bay area landing facilities or the boat builder would have to pay for the modification of the ramps. However, in conversations with other ferry operators, they have expressed frustration and concern about the existing ramping system because only certain boats can land on certain sides for they all have different configurations. This proposal will accommodate Vallejo's new boats and staff feels that it is the Port's responsibility to make the ramping system to meet the

ferry boat operators' needs.

Commissioner Cook inquired if the Port will then be responsible for conforming its facility if Red & White decides to build ferry boats that don't conform. He is concerned about specifically doing something for Vallejo when may be the Port shouldn't even be responsible. He pointed that the City of Vallejo should build a boat that conforms with the existing facility or they should be paying for the changes that the Port is making or there should be a shared expense similar to some of the Port's leases. The Port may assist them and treat it as a tenant improvement but the Port should not pay 100% of it. He suggested that City of Vallejo should contribute 50% of the cost. Mr. Osmundson stated that what this motion would do is authorize the Executive Director or his designee to negotiate the terms of an amendment and in our negotiations, ask Vallejo to pay for a share of this cost as their boat builder will contribute to the cost. He pointed out that, with the exception of the \$140,000, funding for the Downtown Ferry Terminal Project (\$17 million) is provided by the State and federal grants for the improvements to the ferry facilities, public access and relocation of berths. He stated that Veronica Sanchez has been spectacularly successful in getting public funding for this project. In the larger scheme of improvements to the ferry operations on the bay, \$140,000 is a small contribution; however, staff will certainly negotiate with Vallejo for their share of the cost.

Commissioner Cook stated that if the resolution is adopted as is it would not put the Port in a strong negotiation position with the City of Vallejo. The ship builders should perhaps be subsidizing the Port of San Francisco for their change in design of the ferry boat. He suggested putting this item over to the next meeting until staff has had the opportunity to negotiate with the City of Vallejo. He thinks that this resolution puts the Port in a position of subsidizing more than it does. He is concerned about setting precedence.

Commissioner McCarthy commented that she too had the same concerns. She wondered if this expenditure is on the budget since the Port will be subsidizing the operation. Mr. Osmundson replied that the operating cost is budgeted in the expense budget. The revenues are intended to offset the cost and the Port will eventually recoup the cost of this project. Commissioner Hardeman inquired about the design of the boats and wondered if it is a new prototype or is it a universal design and if certain safety features are included in the design. Mr. Osmundson replied that he is not certain if it is a universal design but the general characteristics follow that design concept.

Mr. Wong suggested tabling this item to the next meeting. Staff will call appropriate sources in Vallejo and begin negotiations. Mr. Osmundson reiterated that Port staff will meet with the City of Vallejo officials and discuss their share of the cost of the improvement.

8. ADMINISTRATION

9. MARKETING

10. CONSENT CALENDAR

11. NEW BUSINESS / PUBLIC COMMENT

Kathy Hallinan, representing the Street Artists, inquired about their December 18 correspondence requesting the Commission to place the street artists item back on the Commission agenda. Commissioner Hardeman suggested that Ms. Hallinan meet with staff. Mr. Wong directed Ms. Hallinan to meet with Kirk Bennett and he will, in turn, bring the recommendation to the Commission.

Commissioner Preston Cook commented that he is concerned about the tone of the street artists letters. He stated that the group's accusations of the Commission are false. A year and a half ago, the Commission voted to change the street artists locations. At the December 10, 1996 meeting, the Commission chose not to discuss a location change that the street artists requested. The item has been discussed, the item has been voted on. The group's treatment of the Commission has been less than democratic as evidenced in the tone of their letters. Hearings were held and the group has had their opportunity to speak on the matter. The Commission has made a decision and the Commission has been very fair with the group.

Ms. Hallinan responded that at the last meeting, the group was shocked by the defeat of the item that died without a second. They did not get an opportunity to discuss their case. She will communicate the Commissioner's concern of the tone of their letters to the writer. However, the frustration they are experiencing is that this item was brought to the Commission twice. Port staff recommended approval of this item. Commissioner Hardeman interjected and stated that the Executive Director has directed staff to meet with her group.

Bill Fiore, representative of UFCW Local 101, gave the Commission an update concerning the dispute between the union and the workers of H&N Fish Company. He noted that the Human Rights Commission has been very diligent. Several affidavits have been taken and he hopes that a determination of their findings will be presented to the Commission shortly. He hopes that the National Labor Relations Board will be handing down the decision to the union's favor.

Commissioner Hardeman mentioned that it is a great honor to be President of this Commission and thanked the Commission for their vote of confidence. Commissioner McCarthy stated that she too is honored and thanked the Commission for their support. She was pleased that the vote was unanimous. Commissioner Hardeman then thanked Commissioner Lee for his two years as Vice President of the Commission.

12. EXECUTIVE SESSION

At 5:07 p.m., the Commission Secretary announced that the Commission will withdraw to executive session to discuss the following:

A. PUBLIC EMPLOYEE APPOINTMENT

- 1) Confirmation of Appointment of Director of Tenant Services
- 2) Confirmation of Appointment of Director of Planning & Development

An executive session to discuss this matter is specifically authorized under California Government Code Section 54957.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Berry Street and Second Street (China Basin).
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*San Francisco Giants Representative: Larry Baer, Executive Vice President

Under Negotiation: _____ Price _____ Terms of Payment Both

An executive session has been calendared to discuss real property negotiations between the Port and San Francisco Giants, regarding the proposed ballpark.

This is specifically authorized under California Government Code Section 54956.8.

C. CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED LITIGATION MATTER:

- 1) Discuss significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9 (1 case).
- D. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

Commissioners Hardeman, Lee, Cook, McCarthy and Herman returned from executive session and convened in public session at 6:30 p.m.

ACTION: Commissioner McCarthy moved approval to not disclose any information discussed in the executive session other than Item 12A, Confirmation of Paul Osmundson as Director of Planning & Development and Vivian Fei Tsen as Director of Tenant Services; Commissioner Lee seconded the motion. All of the Commissioners were in favor.

The meeting was adjourned at 6:32 p.m.

SAN FRANCISCO PORT COMMISSION

REGULAR MEETING

4:00 P.M. JANUARY 28, 1997
FERRY BUILDING, SUITE 3100
SAN FRANCISCO, CALIFORNIA

A G E N D A

1. ROLL CALL
2. APPROVAL OF MINUTES - January 14, 1997
3. EXECUTIVE
 - A. Executive Director's Report
4. LEGISLATIVE
5. TENANT & MARITIME SERVICES
 - A. Consent to assignment of retail lease from Don Maskell and Caroline Mary Maskell to Arthur N. Hoppe, resetting percentage rental, encumbrance of leasehold regarding premises at 496 Jefferson Street, and approval of month-to-month retail lease with Arthur N. Hoppe for adjacent premises. (Resolution No. 97-08)
 - B. Approval of percentage rental adjustments for Chez Laura Enterprises, Inc. at 300 Jefferson Street and for St. Francis Marine Center at 835 Terry A. Francois Blvd. (Resolution No. 97-07)
6. FACILITIES & OPERATIONS
7. PLANNING & DEVELOPMENT
8. ADMINISTRATION
9. MARKETING
10. CONSENT CALENDAR
11. NEW BUSINESS / PUBLIC COMMENT

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12. EXECUTIVE SESSION

A. CONFERENCE WITH LEGAL COUNSEL REGARDING PERSONNEL MATTER

- 1) Discuss personnel matter pursuant to California Government Code Section 54957.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Berry Street and Second Street (China Basin).
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*San Francisco Giants Representative: Larry Baer, Executive Vice President

Under Negotiation: _____ Price _____ Terms of Payment Both
An executive session has been calendared to discuss real property negotiations between the Port and San Francisco Giants, regarding the proposed ballpark.

This is specifically authorized under California Government Code Section 54956.8.

C. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTER:

- 1) Discuss existing litigation matter pursuant to subdivision (a) of California Government Code Section 54956.9

a. Petuya v. CCSF; San Francisco Superior Court No. 972-961

- D. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

13. ADJOURNMENT

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. Please fill out a speaker card and hand it to the Commission Secretary.



MEMORANDUM

January 16, 1997

Ferry Building
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Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. Preston Cook
Hon. James R. Herman

FROM: Douglas F. Wong *DW*
Executive Director

SUBJECT: Consent to assignment of retail lease from Don Maskell and Caroline Mary Maskell to Arthur N. Hoppe, resetting percentage rental and encumbrance of leasehold regarding premises located at 496 Jefferson Street, and approval of month-to-month retail lease with Arthur N. Hoppe for adjacent premises.

DIRECTOR'S RECOMMENDATION: CONSENT TO ASSIGNMENT OF LEASE, RESETTING PERCENTAGE RENTAL, AND ENCUMBRANCE OF LEASEHOLD, AND APPROVE MONTH-TO-MONTH LEASE

Maskell Marine Services

Maskell Marine Services, located at 496 Jefferson Street, operates under two tenancy agreements:

1. Port Lease No. L-8992 ("Lease L-8992"), whose 61-year term commenced May 1, 1975 and terminates April 30, 2036; and
2. Port License No. L-8992-A ("License"), which commenced December 1, 1982, and continues on a month-to-month basis. The License covers a portion of the retail building that encroaches on the Hyde Street right-of way.

The basic parameters of these tenancy agreements are as follows:

<u>Parameter</u>	<u>Lease L-8992</u>	<u>License</u>
<u>Tenant</u>	Don Maskell and Caroline Mary Maskell, husband and wife	Don Maskell
<u>Premises</u>	9,890 sq.ft.	532 sq. ft.
<u>Term</u>	61 years	Month-to-month
<u>Use</u>	Retail and wholesale sales outlet for chandlery, clothing and nautical gifts, and marine instrument sales and repairs	Chandlery and souvenir sales
<u>Minimum monthly rent/fee</u>	\$7,717.00	\$0.00
<u>Percentage Rental</u>		
Chandlery sales and instrument repair	7.0%	Not applicable
Clothing, gifts, and all other	10%	10%
Sales exempt from percentage rental	Repair of marine safety equipment, sales made per competitive or formal bids, and sales to commercial users	Not applicable
<u>Assignable</u>	Yes, subject to reasonable consent of Port	No, except by consent by Port

The gross sales generated by Maskell Marine Services on the combined premises during the 1995/1996 Fiscal Year totaled \$1,427,597. Thirty-six percent of these gross sales involved chandlery, and sixty-four percent involved clothing, gifts, and other merchandize. The total (minimum and percentage) rental paid to the Port by Maskell Marine Services during the 1995/1996 Fiscal Year was \$131,528.

Lease L-8992 provides that the percentage rental shall be subject to review not more often than every five years, based upon changes in the rates of percentage rental for like uses in San Francisco in the vicinity of the leased premises. The last time that the percentage rental for Lease L-8992 was adjusted was in May, 1982.

In 1995, the Port retained a consultant to perform a market survey and analysis regarding percentage rentals, including those for retail uses. Based upon the survey and analysis of this consultant, input provided by Port tenants, and Port staff's own consideration and review of the data available to it, Port staff recommended to the Port Commission at its April 9, 1996 meeting that the percentage rental for retail uses under three Port leases be reset at 8.75%. Like Maskell Marine Services, these businesses are responsible for all repairs and maintenance of their premises, but, in that they are not located over the water, they are not responsible for pier substructure maintenance. By Resolution No. 96-34, the Port Commission approved this recommendation.

Proposed Sale and Lease Assignment

The Assignor has entered into an Agreement of Sale to sell the Maskell Marine Services business to Arthur N. Hoppe ("Assignee"). At its March 26, 1996 meeting, by Resolution No. 96-27 the Port Commission approved the assignment of another lease to the Assignee involving premises formerly occupied by the Fish Alley Bar and Grill. The Assignee is now completing the redevelopment of this property into an Italian market place, with the name of *Piazza Del Mare*. This new operation, which is expected to open for business next month, will involve restaurant uses with a seafood and Italian theme, with less than a quarter of the facility being devoted to retail sales of wines and food oriented items. The Assignee also operates five other retail businesses at Fisherman's Wharf, four of them along Jefferson Street (The Bay Company, Bay Stop, Forecast Jeans, and The Forecast), and one at Pier 39 (Beach Bums).

The purchase price for this business is \$467,500, of which \$247,500 is in the form of a five-year promissory note with monthly installment payments of principal and interest. After the sale, Don and Caroline Maskell will continue their involvement with Maskell Marine Services under employment contracts.

The Assignee's vision for the business is indicated in the following excerpt from a letter that he wrote to the Port:

"My vision for the location is very simple -- to improve upon what Don and Caroline have very ably created over the years. I'm very comfortable with the use that exists. The mix of chandlery items, clothing and gifts is the ideal use for the location and for me. It's what I do best.

"The nautical theme is also, obviously, a key to the location. Every item sold in the store should, and will, revolve around a nautical theme. Again, Don and Caroline have done an excellent job creating a nautical atmosphere throughout the store. But I also think I can improve upon what they have built.

“The chandlery is a vital part of the ‘feeling’ of the store. The paddles, the lines, the fenders, the charts -- they all add to the sense that Maskell Marine is a nautical store. I’ll have the basic chandlery items that give the store its image. They won’t sell very well, but they’re important nonetheless.

“Maskell Marine has produced excellent revenue for the Port over the years by increasing the amount of inventory and developing further the nautical merchandize techniques. I believe Maskell Marine can produce much more revenue and continue to be a store that is a strong asset to the Port and the City both financially and visually.”

PROPOSAL

In order to complete this sale, the Assignee needs the Port Commission to approve a Consent Agreement concerning Lease L-8992, and approve a new month-to-month lease (“Lease -12398”) to replace the existing License. Port staff has negotiated a Consent Agreement and the new Lease L-12398, whose fundamental provisions are indicated below.

Proposed Consent Agreement

1. Consent to Assignment: Port will consent to the assignment, subject to the Assignor not being released from the Tenant obligation under Lease L-8992. Any amendment made by Port and Assignee without Assignor’s prior written consent will have no force or effect against Assignor, but Assignor shall not unreasonably withhold or delay such consent. Port agrees to notify Assignor of any default under the Lease, and Assignor shall have the same rights as the Assignee to cure such a default.
2. Agreement to resetting Percentage Rental: The percentage rental will be reset. as of the close of the sale, as follows:

Chandlery sales and instrument repair	8.75%
Clothing, gifts and all Other	8.75%

The following will continue to be excluded from gross receipts in calculating percentage rental: repair of marine safety equipment, sales made per competitive or formal bid, and sales to commercial users. Except for these exclusions, the same percentage rate will be paid for all types of sales. Applying this single percentage rental to the total gross sales during the 1995/96 Fiscal Year would result in almost the same percentage rental being due as with the differing percentage rental rates now in effect.

3. Encumbrance: The Port will consent to a \$247,500 encumbrance of the leasehold by the Assignor.
4. Effective Date: The Consent Agreement will be effective upon the date that escrows closes pursuant to the Agreement of Sale. In the event that this sale does not close, the Consent Agreement shall be null and void.

Proposed Lease -12398

1. Tenant: Arthur N. Hoppe
2. Premises: Approximately 532 sq.ft. retail space which encroaches on Hyde Street Right-of-Way
3. Term: Month-to-Month
4. Use: Retail sales of chandlery, clothing, gifts and souvenir merchandise
5. Base Monthly Rent: \$1,331.00 (\$2.50 per sq. ft.)
6. Percentage Rent: Percentage Rent shall be paid monthly based on 8.75% of gross receipts. The combined percentage rent due under Lease-12398 and Lease-8992 shall be offset by the base/minimum rent paid under both of these leases.

Prepared by: Kirk W. Bennett, Sr. Property Manager
Northern Waterfront/Fisherman's Wharf

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97- 09

- WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and
- WHEREAS, under Charter Section B3.581(g) leases granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and
- WHEREAS, Port Lease L-8992, dated November 26, 1975, as amended ("Lease L-8992") with Don Maskell and Caroline Mary Maskell (successors and interest to J.C. Hendry Company), as tenant (the "Assignor"), provides that assignment of Lease L-8992 requires the consent of the Port, which consent shall not be unreasonably withheld; and
- WHEREAS, Port Commission consent has been requested for the assignment of Lease L-8992 from Assignor to Arthur N. Hoppe ("Assignee") and for the encumbrance of the leasehold by the Assignor; and
- WHEREAS, pursuant to Section 2 (c) of Lease L-8992, the percentage rental due is subject to review and adjustment based upon changes in the rates of percentage rental for like uses in San Francisco in the vicinity of the leased premises; and
- WHEREAS, Port License L-8992-A, which is a small 532 sq.ft. portion of a larger building leased under Lease L-8992 that encroaches on the Hyde Street right-of-way, is not assignable, except with the prior consent of the Port; and
- WHEREAS, Port Commission consent has been requested for the transfer of the leasehold interest in the premises demised in License L-8992-A from Assignor to Assignee; now therefore be it
- RESOLVED, the Port Commission consents to the assignment of Lease L-8992 to Assignee and the encumbrance of the leasehold by the Assignor, subject to the conditions indicated in the memorandum to the Port Commission for Agenda Item No. 5-A for the Port Commission meeting on January 28, 1997, and authorizes the Executive Director, or his designee, to enter into a consent agreement in such form as is substantially in the form on file in the Secretary of the Port Commission for Agenda Item 5-A, and in such final form as approved by the City Attorney; and be it further

RESOLVED, that the Port Commission determines that the percentage rental for like uses in San Francisco in the vicinity of the leased premises have been increased to the rate indicated in the memorandum to the Port Commission for Agenda Item No. 5-A for the Port Commission meeting on January 28, 1997; and be it further

RESOLVED, that the percentage rental rate for Lease L-8992 shall be adjusted as of the effective date of the assignment of the lease to 8.75% of gross receipts for chandlery and instrument repair, and for clothing, gifts, and all other; and be it further

RESOLVED, that the Port Commission hereby approves Lease-12398, which incorporates the business terms set forth in the memorandum for Agenda Item No.5-A for the Port Commission meeting on January 28, 1997, and authorizes the Executive Director, or his designee, to enter into Lease 12398 in such final form as is substantially in the form on file with the Secretary of the Port Commission for Agenda Item No. 5-A and as such final form as approved by the City Attorney.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of January 28, 1997.

Secretary

HYDE STREET PIER

PARKING

LEASE L-8992

SWL 303

LICENSE L-8992A

BUILDING

LEASE 12398

JEFFERSON STREET

HYDE STREET

MASKELL MARINE SERVICES
496 JEFFERSON STREET
SWL 303

PORT OF SAN FRANCISCO



MEMORANDUM

January 16, 1997

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. Preston Cook
Hon. James R. Herman

FROM: Douglas F. Wong *DW*
Executive Director

SUBJECT: Approval of percentage rental adjustments for Chez Laura Enterprises, Incorporated at 300 Jefferson Street and for St. Francis Marine Center at 835 Terry A. Francois Boulevard.

DIRECTOR'S RECOMMENDATION: APPROVE PERCENTAGE RENTAL
ADJUSTMENTS SET FORTH HEREIN

The 30-year lease with Chez Laura Enterprises, Incorporated (Port Lease No. L-9798) and the 20-year lease with St. Francis Marine Center (Port Lease No. L-11211) ("collectively Subject Leases") both provide for the payment of percentage rental to the Port. Both also provide that the percentage rental is subject to review and adjustment on or before the anniversary date every five years during the lease term. If the rates of percentage rental for like uses in San Francisco in the vicinity have increased or decreased as of the adjustment date, then the Port is to adjust the rate of percentage rental for the leases accordingly. If the tenant disagrees on the amount of the adjustment, the tenant has the right to terminate the lease without liability for future rent.

The percentage rentals provided for in Subject Leases vary for different types of uses. The existing uses and rental rates for these leases are indicated below.

THIS PRINT COVERS CALENDAR ITEM NO. 5-B

	Chez Laura Enterprises Incorporated (L-9798)	St. Francis Marine Center (L-11211)
Food	6.0%	6.0%
Alcoholic beverages & all other items sold through the bar	8.0%	8.0%
Boat storage	-----	20.0%
Sublease revenues	-----	10.0%
Commissions received for tickets for sport fishing boats not owned by tenant	10.0%	-----
Sport fishing boats owned by tenant	5.0%	-----
All other uses	7.0%	10.0%

In 1995, the Port retained a market consultant to perform a market survey and analysis of percentage rental, including restaurant and retail uses. Port staff has also recently concluded leases on Port property that confirm the market percentage rentals for boat storage and sublease revenues. Based upon the independent survey and analysis obtained from the Port's consultant, input provided by Port tenants, Port staff's experience in leasing property for similar uses, and Port staff's review of the data available, Port staff recommends percentage rental adjustments for the Subject Leases as indicated in the accompanying resolution No. 97-07.

Prepared by: Kirk W. Bennett, Sr. Property Manager,
 Northern Waterfront/Fisherman's Wharf

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
RESOLUTION NO. 97-07**

- WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and
- WHEREAS, under Charter Section B3.581(g) leases granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and
- WHEREAS, Port Lease No. L-9798 and Lease No. L-11211 ("Subject Leases") provide for adjustments in the percentage rentals based upon the determination that the percentage rentals for like uses in San Francisco in the vicinity of the leased premises have increased or decreased as of the date of the determination; and now therefore be it
- RESOLVED, that the Port Commission determines that the percentage rentals for the uses indicated below in San Francisco in the vicinity of the leased premises are as indicated below and that the percentage rentals for the Subject Leases shall be adjusted as indicated below, effective February 1, 1997, and the Port Commission authorizes the Executive Director, or his designee, to execute proper documentation as needed to implement this resolution.

	<u>Chez Laura Enterprises Incorporated (L-9798)</u>	<u>St. Francis Marine Center (L-11211)</u>
Food	6.75%	6.75%
Alcoholic beverages & all other items sold through the bar	6.75%	6.75%
Boat storage	-----	20.0%
Sublease revenues	-----	50.0%
Commissions received for tickets for sport fishing boats not owned by Tenant	10.0%	-----
Sport fishing boats owned by Tenant	5.0%	-----
All other uses	8.75%	8.75%

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of January 28, 1997.

Secretary

CITY & COUNTY OF SAN FRANCISCO PORT COMMISSION

MINUTES OF THE MEETING

JANUARY 28, 1997

1. ROLL CALL

The meeting was called to order by Commission President Michael Hardeman at 4:08 p.m. The following Commissioners were present: Michael Hardeman, Frankie Lee, Preston Cook and James Herman. Commissioner Denise McCarthy was attending a conference in Palm Beach.

2. APPROVAL OF MINUTES - January 14, 1997

ACTION: Commissioner Cook moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the minutes of the meeting were adopted.

3. EXECUTIVE

A. Executive Director's Report. Mr. Wong reported the following:

- 1) He met with Tom Creedon of Scoma's Restaurant and the Fisherman's Wharf Association. They were delighted that the Port is going ahead with the Fisherman's Wharf Lighting project. The estimated completion date of the contract is June 1997.
- 2) Kari Kilstrom, Port Planner, was designated the coordinator for the ballpark project. Ms. Kilstrom was one of the Port employees instrumental in managing the Waterfront Plan EIR, which was certified by City Planning Commission. Paul Osmundson and other Port employees will be working closely with Ms. Kilstrom regarding the project.
- 3) On January 16, 1997, Will Travis, Executive Director of BCDC, presented to his Commission the concept agreement. A joint hearing with BCDC and the Port Commission was tentatively scheduled on February 20 in Oakland. However, Port staff learned that this meeting will be rescheduled to March 6 and the meeting will be held in San Francisco. He hopes that the Commission will be able to attend this meeting. Port staff anticipates holding a public hearing information presentation regarding the BCDC concept agreement on February 11.

4. LEGISLATIVE

5. TENANT & MARITIME SERVICES

DOCUMENTS DEPT.

OCT 08 1999

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A. Consent to assignment of retail lease from Don Maskell and Caroline Mary Maskell to Arthur N. Hoppe, resetting percentage rental, encumbrance of leasehold regarding premises at 496 Jefferson Street, and approval of month-to-month retail lease with Arthur N. Hoppe for adjacent premises. (Resolution No. 97-08)

Ms. Fei Tsen, Director of Real Estate and Asset Management, stated that she looks forward to working with the Commission and the new Executive Director. She intends to send the Commission a memo regarding her goals for the Division. She also intends to have the property managers, directly working on the properties, present the agenda item information to the Commission, when appropriate.

Mr. Kirk Bennett, Senior Property Manager, stated that since 1982 Don and Caroline Maskell have owned and operated Maskell Marine Services. Mr. and Mrs. Maskell have entered into an Agreement of Sale to sell Maskell Marine Services to Nick Hoppe. Mr. Hoppe has the experience and the financial strength to run the business successfully. The business operates on two parcels: (1) 9,890 sq.ft. of retail and wholesale outlet, which operates under a 61-year lease; (2) 532 sq. ft. of retail space, which operates under a month-to-month license. Port staff recommends that the 61-year lease be assigned. Under this assignment, the Assignor will remain liable under the lease. Port staff recommends that the month-to-month license be replaced with a new month-to-month lease document which provide for a base rent at market rate. The percentage rent will be paid on the combined business from both properties, which will be offset by the base rent.

Two other components require Commission's approval: (1) as part of the Assignment, the Assignee requested that the Port allows him to take back a note for a part of the purchase price, which will be secured by the leasehold of the property; (2) the percentage rent under the long-term lease is now subject to adjustment pursuant to the provisions of the lease.

Currently, the percentage rent for chandlery is different. Port staff recommends setting a single percentage rent at 8.75% for all sales tax on the property. As provided on the lease, sales for marine safety equipment, sales for competitive bid and sales to commercial users would be exempt from paying a percentage rent. This percentage rent is consistent with the percentage rent that was reset last year. The actual percentage rent paid to the Port is essentially the same as what they have paid in the past under the split percentage rent. Setting a single percentage rent will simplify the sales reporting and auditing of the sales.

In response to Commissioner Herman's inquiry regarding the prior percentage rent, Mr. Bennett replied that the lease currently provides 7% for chandlery and 10% for gifts, clothing and other types of merchandise. He reiterated staff's recommendation, based on market studies, that the percentage rent is set at 8.75% for all items. Commissioner Herman stated that the percentage rent is a little exorbitant and inquired if staff has abandoned the standard measurement for rent increases. Mr. Bennett replied to the negative and explained that Commissioner Herman is referring

to the base rent, which, under the provisions of the lease, is automatically adjusted by cost of living increase every five years. Consequently, this particular lease is subject to review and adjustment every five years.

Mr. Don Maskell thanked the Commission for approving the transfer of the lease. He stated that he will be available for the next five years working on the Hyde Street/Jefferson Street area.

ACTION: Commissioner Cook moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

B. Approval of percentage rental adjustments for Chez Laura Enterprises, Inc. at 300 Jefferson Street and for St. Francis Marine Center at 835 Terry A. Francois Blvd. (Resolution No. 97-07)

Mr. Bennett stated that Lease No. 9798 for Chez Laura Enterprises and Lease No. 11211 for St. Francis Marine are subject for review. The existing percentage rent for Chez Laura Enterprises is: food 6%, alcoholic beverages 8%, commissions received for tickets for sport fishing boats not owned by tenant 10%, sport fishing boats owned by tenant 5%, all other uses 7%. The existing percentage rent for St. Francis Marine is: food 6%, alcoholic beverages 8%, boat storage 20%, sublease revenues 10%, all other uses 10%.

Based upon the independent survey and analysis obtained from the Port's consultant, staff recommends the following percentage rental adjustments: food, alcoholic beverages and other items sold through the bar 6.75%, no change for boat storage, the sublease revenues for St. Francis Marine 50% and all other uses 8.75%. The recommended percentage rent adjustments are consistent with the percentage rents set a year ago and the tenants are in agreement with the proposed percentage rental adjustments.

Commissioner Lee inquired about the size of the tenants' premises. Mr. Bennett replied that Chez Laura's area is approximately 2,000 sq. ft. and St. Francis Marine has a sizable boat yard space.

Commissioner Herman inquired about the sublease revenue increase of 50%. Mr. Bennett replied that in the last few years, the Port's standard lease required 100% of the profits from tenants' subleases because the tenants were leasing space to businesses to run other business. In the lease renegotiations, the Port will receive half of the profit that the tenant receives because of entrepreneurial involvement to achieve the subleases.

Commissioner Herman commented that this is a high increase. Mr. Bennett replied that it is indeed a high increase but it reflects the real estate market.

Commissioner Cook pointed out that according to the 1996 leasing summary, Port

staff executed 118 new and existing leases. There were 16 new tenants last year. Approximately 700,000 sq. ft. of space were leased, representing \$1 million new net revenue for the Port. He commended the division for a job well done.

ACTION: Commissioner Lee moved approval; Commissioner Cook seconded the motion. Three of the Commissioners were in favor; Commissioner Herman cast the dissenting vote. The resolution was adopted.

6. FACILITIES & OPERATIONS

7. PLANNING & DEVELOPMENT

8. ADMINISTRATION

9. MARKETING

10. CONSENT CALENDAR

11. NEW BUSINESS / PUBLIC COMMENT

Juan Rivera stated that he is employed at H&N Fish, at their Jerrold Avenue location, for over ten years. Problems recently surfaced at the Pier 45 location. He, however, feels that the company has been good to him and added that the company is his future.

William McKenzie, a 5-month employee of H&N Fish, stated that he has been treated by the company very well and enjoys working for them.

Pablo Mendoza (as translated by Veronica Sanchez), a 4-month employee of H&N Fish, stated that H&N is a good company. They have given him better opportunities than other companies. He considers them a good company, without discriminating any worker and they all work as a family.

Carmen Sanchez (as translated by Veronica Sanchez), an employee of H&N Fish, stated that the company has given her good experience. Her bosses and workers have all been good to her.

Hilda Pelayo (as translated by Veronica Sanchez), an employee of H&N Fish, stated that she has a good job at H&N Fish and enjoys working there. The President and Vice President of the company have treated them well -- there are no discrimination of any kind. The job is good for her and her future.

Rene de Leon, an employee of H&N Fish for 3 months, stated that working at the company provides him better opportunity. He stated that the union is not needed in this company. He is happy with the company. The supervisor is a good person and have not gotten any complaints about his job.

Isidro Linares (as translated by Veronica Sanchez) has been an employee of H&N Fish for

eight years. During the winter months, fishing season is slow but the company gives them other opportunities and looks forward to working at the company for more opportunities. The company is very generous. They are all happy with H&N and the opportunities they have given them.

Victor Najarro (as translated by Veronica Sanchez) an employee of H&N Fish, stated that he is very happy with his bosses and his co-workers.

Antonio Reyes, (as translated by Veronica Sanchez) is an employee of H&N Fish for two years. He resides in Santa Rosa. If he is not happy with H&N Fish, he would not be commuting to work in San Francisco every day. He came to this meeting voluntarily to testify that the company has been very good to him.

Eric de Leon, an ex-employee of H&N Fish, (as translated by Veronica Sanchez) stated that he is in disagreement with the company. His papers, documents, working permits are in order but he was still laid off. He claims that the workers are happy now because recently the company gave them bonuses and benefits because of pressure from the union. He claims that a former manager used to exploit the workers and also has prior history from other companies. He has been a filleter of fish for seven years and does not know why he is paid by the hour. He pointed out that the company is not good.

Commissioner Herman inquired about the base rate of pay for those employed by the company. Mr. Juan Rivera replied that ten years ago, it was \$5.00 an hour. An employee now starts at \$7.00 an hour. If one does a good job, after three months, the rate goes up to either \$8 or \$9 an hour.

Commissioner Herman then inquired if the employees are paid medical benefits, holidays and vacations. Mr. Rivera replied to the affirmative and added that they also get paid for the Chinese New Year holiday. Commissioner Herman inquired if a union election was held. Mr. Rivera replied that the majority voted against the union. Commissioner Lee inquired about the results of the vote. Mr. Rivera replied that only one department participated -- 21 employees voted against it and one for it.

Commissioner Herman stated that in order to get a collective bargaining election, a majority of the workers needs to sign a card indicating their desire to join the union. He is concerned that many employees testified for the company and only one spoke against the company. He would like to review the minutes of the meeting and reserve the right to open the item for discussion and decide what needs to be done.

Commissioner Cook reminded Commissioner Herman that the Commission has heard from the union in the previous meetings. He is delighted that the Commission has now heard from both sides and appreciative of the fact that the workers took the time to voice their opinion on this matter.

Commissioner Herman pointed out that the workers appearing today made no case that they belong to a union. The Commission has been informed about a strong disagreement over many of the tactics used and whether the workers had a fair opportunity to vote for

the union. In addition, the Commission heard that workers were discharged after the vote was tallied. The last time this item was heard, the union representative, delegated by the worker, represented their aspirations for a union.

An employee from H&N Fish interjected and stated none of the workers asked the union to represent them.

Commissioner Hardeman interjected and stated that this item is not open for debate and remarks have to conclude. Legal Counsel John Rakow concurred and opined that this item may be calendared so that testimony from both sides can be presented.

Kathy Hallinan, Street Artist, requested that their item be placed back on the Commission's agenda for discussion. She understood at the last meeting that she is to approach staff about this but she requested the Commission to suggest to staff to place the item back on the calendar.

Commissioner Hardeman stated that the matter has been left in the hands of staff. Director Wong has directed staff; staff will give their recommendation to the Commission

Commissioner Herman pointed out that the Commission has heard this issue on multiple occasions. The Commission has demonstrated how democracy is generously allowed at this forum. The Commission heard arguments from different people. The recommendation by the Commission, hearings by the Commission and the responses by the people who disagree with the Commission has been exhausted. There is no point in allowing the democratic procedure to deteriorate into harassing a Commission and allows for the debate of the judgement. In his judgement, the issue is now close.

Ms. Hallinan stated that the item has not come up for staff's and Commission's perusal. Commissioner Hardeman stated that it was brought to the Commission but it did not receive a second.

12. EXECUTIVE SESSION

At 5:05 p.m., the Commission Secretary announced that the Commission will withdraw to executive session to discuss the following matters:

- A. CONFERENCE WITH LEGAL COUNSEL REGARDING PERSONNEL MATTER
 - 1) Discuss personnel matter pursuant to California Government Code Section 54957.
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**
 - 1) Property: Port property located at Berry Street and Second Street (China Basin).
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*San Francisco Giants Representative: Larry Baer, Executive Vice President

Under Negotiation: _____ Price _____ Terms of Payment Both

An executive session has been calendared to discuss real property negotiations between the Port and San Francisco Giants, regarding the proposed ballpark.

This is specifically authorized under California Government Code Section 54956.8.

C. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTER:

1) Discuss existing litigation matter pursuant to subdivision (a) of California Government Code Section 54956.9

a. Petuya v. CCSF; San Francisco Superior Court No. 972-961

At 5:50 p.m., Commissioners Hardeman, Lee, Cook and Herman returned from executive session and convened in public session.

ACTION: Commissioner Lee moved approval to not disclose any information discussed in the executive session. Commissioner Cook seconded the motion. All of the Commissioners were in favor.

The meeting was adjourned at 5:53 p.m.

SAN FRANCISCO PORT COMMISSION

DOCUMENTS DEPT.

SPECIAL MEETING

2:00 P.M., FEBRUARY 11, 1997

FERRY BUILDING, SUITE 3100
SAN FRANCISCO, CALIFORNIA

FEB 06 1997

SAN FRANCISCO
PUBLIC LIBRARY

AGENDA

55
1
1/11/97

1. ROLL CALL

2. NEW BUSINESS/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. Please fill out a speaker card and hand it to the Commission Secretary.

3. EXECUTIVE SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Pier 80
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*Home Depot Representative: Jim Lyon, Real Estate Manager, Western Region

Under Negotiation: Price Terms of Payment Both

An executive session has been calendared to discuss real property negotiations between the Port and Home Depot, regarding a proposed lease.

This is specifically authorized under California Government Code Section 54956.8.

- B. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

4. ADJOURNMENT

SAN FRANCISCO PORT COMMISSION

REGULAR MEETING

4:00 P.M., FEBRUARY 11, 1997
FERRY BUILDING, SUITE 3100
SAN FRANCISCO, CALIFORNIA

A G E N D A

1. ROLL CALL

2. APPROVAL OF MINUTES - January 28, 1997

3. EXECUTIVE

A. Executive Director's Report

4. LEGISLATIVE

5. TENANT & MARITIME SERVICES

6. FACILITIES & OPERATIONS

7. PLANNING & DEVELOPMENT

A. Approval of Ceremonial Designation of Pier 7 (Broadway and the Embarcadero) as the "James Augustino Fishing Pier," at the request of the City and County of San Francisco Board of Supervisors. (Resolution No. 97-10)

B. Status Report on the Ferry Building Renovation Project.

C. Approval of Amendment to Landing Rights License for Common Carrier Ferry Service Landing Slot(s) to provide rental credits for modifications to ramping system at Pier ½. (Resolution No. 97-06)

D. Guidelines for review and approval of Signs and Murals on Port property. (Resolution No. 97-12)

8. ADMINISTRATION

A. Approval of 1997/1998 Operating Budget. (Resolution No. 97-09)

9. MARKETING

10. CONSENT CALENDAR

- A. Approval of Travel Authorization for Governmental Affairs Manager, Veronica Sanchez, to attend AAPA Spring Legislative Conference in Washington, D.C. on March 17-20, 1997. (Resolution No. 97-11)

11. NEW BUSINESS / PUBLIC COMMENT

- A. Discussion and public comment for the purpose of directing Port staff to develop Port policies for naming Port property, including ceremonial and memorial designations.

12. EXECUTIVE SESSION

A. PUBLIC EMPLOYEE APPOINTMENT

- 1) Confirmation of Appointment of Director of Facilities & Operations

An executive session to discuss this matter is specifically authorized under California Government Code Section 54957.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Berry Street and Second Street (China Basin).
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*San Francisco Giants Representative: Larry Baer, Executive Vice President

Under Negotiation: _____ Price _____ Terms of Payment Both

An executive session has been calendared to discuss real property negotiations between the Port and San Francisco Giants, regarding the proposed ballpark.

This is specifically authorized under California Government Code Section 54956.8.

C. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTER:

- 1) Discuss existing litigation matter pursuant to subdivision (a) of California Government Code Section 54956.9

a. Hal-Mar-Jac v. CCSF; San Francisco Superior Court No. 981389.

- D. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

13. ADJOURNMENT

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. Please fill out a speaker card and hand it to the Commission Secretary.

DISABILITY ACCESS

The Port Commission office is located on the third floor of the Ferry Building, Suite 3100. The Port office is wheelchair accessible. Accessible seating for persons with disabilities (including those using wheelchairs) will be available. The closest accessible BART station is Embarcadero Station located at Market and Steuart Streets. The closest accessible MUNI Metro station is Embarcadero station located at Market and Spear Streets. Accessible MUNI lines serving the Ferry Building are the 9, 31, 32 and 71. For more information about MUNI accessible services, call 923-6142.

There is accessible parking at the Ferry Building and at the public lot in the Embarcadero median in front of the Ferry Building. Assistive listening devices are available for use in the Port Commission Meeting.

The following services are available on request 72 hours prior to the meeting. Please contact Kevin Jensen at (415) 274-0555. Late requests will be honored if possible.

- American Sign Language Interpreters
- A Sound Enhancement System
- Large Print of the Agenda
- The use of a reader during the meeting
- Minutes of the Meeting in Alternative Formats

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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 the Sunshine Ordinance Task Force at 554-4851.



MEMORANDUM

PORT OF SAN FRANCISCO

February 5, 1997

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Honorable Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. Preston Cook
Hon. James R. Herman

FROM: Douglas F. Wong *DW*
Executive Director

SUBJECT: Approval of Ceremonial Designation of Pier 7 as the "James Augustino Fishing Pier," at the request of the City and County of San Francisco Board of Supervisors

On January 31, 1997, the City and County of San Francisco Board of Supervisors approved Resolution 92-97 urging the Mayor to urge the San Francisco Port Commission to designate the Pier 7 Public Access and Fishing Pier (Broadway and the Embarcadero) in honor of Mr. Jim Augustino. The resolution was introduced by Supervisor Yaki and approved without reference to Committee. A copy of the Board Resolution No. 92-97 is attached.

Mr. Augustino, was a former resident of Telegraph Hill and a participant in the Northeast Waterfront Committee in the early seventies. Mr. Augustino was a leading advocate in proposing that dilapidated cargo piers at Pier 5 and 7 be removed and converted into a new public access area that would provide all types of recreational opportunities, including recreational fishing. Mr. Augustino frequently used the area for picnics with family and friends and as a place to teach his sons to fish. Through Mr. Augustino's vision and advocacy, Pier 7 has become one of the Port of San Francisco's most popular waterfront destinations for residents and visitors alike.

The Port Commission has the exclusive authority to name streets and properties under its jurisdiction. In response to the City and County of San Francisco Board of Supervisors' request, staff recommends the ceremonial designation of Pier 7 as the "**James Augustino Fishing Pier**" to be commonly known as "**Augie Pier.**" For purposes of official designation of this facility on maps and documents, Pier 7 will continue to be designated as the Pier 7 Public Access and Fishing Pier. Staff will develop an appropriate type and design of the ceremonial designation for Pier 7 and bring the matter before the Port Commission for its final approval.

Prepared by: Veronica Sanchez, Manager, Governmental Affairs

THIS PRINT COVERS CALENDAR ITEM NO. 7A

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

RESOLUTION NO. 97-10

- WHEREAS, On January 31, 1997, the City and Country of San Francisco Board of Supervisors unanimously approved Resolution 92-97 urging the Mayor to urge the Port Commission to designate the Pier 7 Public Access and Fishing Pier (Broadway and the Embarcadero) in honor of Mr. James Augustino, an advocate of open space and recreational uses for San Francisco's waterfront; and
- WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and
- WHEREAS, The San Francisco Board of Supervisors and the Port Commission recognize Mr. Augustino's contribution for working with the community in implementing a plan for converting dilapidated cargo piers into spectacular piers supporting open space and recreational uses where residents and visitors may enjoy the scenery of the San Francisco Bay and gain a better understanding of marine species and maritime industries; and
- WHEREAS, As envisioned by Mr. Augustino, Pier 7 has become a place where at no cost, children may learn to catch and fillet fish; and families may picnic together; now, therefore, be it
- RESOLVED, That the San Francisco Port Commission approves the ceremonial designation of Pier 7 as the "*James Augustino Fishing Pier*" to be commonly known by San Franciscans as "*Augie Pier*" as a tribute to this outstanding San Franciscan in working with the community in developing the waterfront for public enjoyment and recreation; and be it further
- RESOLVED, That this ceremonial designation shall not change the official name of Pier 7 on City & County maps and documents; and be it further
- RESOLVED, That Port staff is directed to develop the appropriate type and design of the ceremonial designation for Pier 7, and to bring the matter before the Port Commission for its final approval.

I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of February 11, 1997.

Secretary

1 [James Augustino Fishing Pier]
 2 REQUESTING THE PORT COMMISSION TO DESIGNATE PIER 7 PUBLIC ACCESS AND
 3 FISHING PIER AS THE JAMES AUGUSTINO FISHING PIER.

4
 5
 6 WHEREAS, Mr. Jim Augustino, a former resident of Vallejo Street Steps on Telegraph
 7 Hill, made a lasting contribution to enhance San Francisco's waterfront through his work during
 8 the early seventies as a member of the Northeast Waterfront Committee; President of the
 9 Telegraph Hill Dwellers Association; and Executive Director of the Telegraph Hill
 10 Neighborhood Center; and

11 WHEREAS, As an avid sports fisherman, and active supporter of youth programs, Mr.
 12 Augustino pursued a vision of converting dilapidated cargo piers at the foot of Vallejo Street into
 13 one public access and fishing pier; and

14 WHEREAS, As a devoted father, Mr. Augustino understood the need of having a place
 15 along San Francisco's waterfront where at no cost, children could learn to catch and fillet fish;
 16 where families could picnic, enjoy the beauty of San Francisco Bay and learn about ships of all
 17 types; and

18 WHEREAS, Mr. Augustino worked with public agencies and community organizations
 19 to seek a substantial amount of funds to build Pier 7 and to ensure that it was designed as a
 20 special type of recreational facility for future generations of San Franciscans; and

21 WHEREAS, Since its opening in 1989, Pier 7, the longest public access pier on the San
 22 Francisco side of the Bay, has become a jewel along San Francisco's waterfront. Pier 7 has
 23 received numerous national awards and is a model of waterfront revitalization; and

24 WHEREAS, True to Mr. Augustino's vision, Pier 7 has been enjoyed by hundreds of San
 25 Franciscans of all ages for recreational uses and has provided visitors lasting memories of its
 scenic views of the Bay and Telegraph Hill.

WHEREAS, Mr. Augustino's advocacy and passion for more open space and recreational
 space went beyond his community service and transpired into his professional work on the
 Mission Bay Plan; now, therefore, be it

BOARD OF SUPERVISORS

Supervisors Yaki, Kaufman **Birman** **Leal**

1 RESOLVED, That it is fitting that Mr. Augustino be recognized for his outstanding
 2 contribution to San Francisco for implementing a vision for open space and recreational uses
 3 along and adjacent to San Francisco's waterfront by naming Pier 7 in his honor; and
 4 BE IT FURTHER RESOLVED, That the Board of Supervisors requests the San
 5 Francisco Port Commission officially designate the Pier 7 Public Access and Fishing Pier as the
 6 "James Augustino Fishing Pier" to be commonly known by San Franciscans as "Angie Pier" as a
 7 tribute to this outstanding citizen of San Francisco.

BOARD OF SUPERVISORS

Supervisors Yaki, Kaufman



MEMORANDUM

February 11, 1997

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Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. Preston Cook
Hon. James Herman

FROM: Douglas F. Wong *DFW*
Executive Director

SUBJECT: Amendment to Landing Rights License For Common Carrier Ferry Service
Landing Slot(s) to provide rental credits for modifications to ramping system
at Pier ½

DIRECTOR'S RECOMMENDATION: APPROVE AMENDMENT

The existing ramp and fender systems at the Pier ½ ferry float need to be modified in order to address operational problems. In its current configuration, the existing ramping system requires passenger circulation directly on the float deck, which can be hazardous and inconvenient during inclement weather. Also, due to variations in vessel design certain ferry boats can only land on one side of the float using the current ramping and fendering systems. This causes delays and conflicts in scheduling, particularly in the morning and evening peak periods.

In addition, the City of Vallejo is currently constructing two new ferry boats which are scheduled to commence service to the existing Pier ½ float in April, 1997. The existing Pier ½ ramping and fendering systems will not accommodate the landing of these new vessels because of their unusually high freeboard, which measures approximately seven (7) feet. The ramping and fendering systems need to be modified to correct these conditions. The retrofitted ramp will benefit all common carrier ferry operators and their passengers, including the City of Vallejo common carrier ferry service.

THIS PRINT COVERS CALENDAR ITEM 7C

Amendment to Landing Rights License

February 11, 1997

Page Two

All common carrier ferry operators that use the Pier ½ float currently pay landing fees under Landing Rights License For Common Carrier Ferry Service Landing Slot(s) ("Landing Agreement") between the Port and the operators, which calls for a fee per landing per day that declines as the number of daily landings increases (please see Exhibit A for the current landing fee schedule). The landing fees are structured to generate enough revenue to the Port to pay for the annual maintenance and operating costs of the Pier ½ float.

For the past three years, the Port has generated an average of \$114,000 per year in landing fees under the Landing Agreement for Pier ½. (Please refer to Exhibit B for a breakdown of the revenues and expenses at the Pier ½ float for the past three fiscal years).

To expedite the implementation of the new work to meet the April deadline, the City of Vallejo has expressed their willingness to fund the project and contract for the necessary design and construction services. The cost of designing and constructing the new ramping and fendering systems is estimated to be approximately \$140,000. The other common carrier ferry service operators (Red and White, Harbor Bay Isle and the City of Alameda) would then reimburse the City of Vallejo for a portion of the project cost.

An amendment to the Landing Agreement has been negotiated with the City of Vallejo and the other operators wherein the Port would be responsible for 50% of the actual project cost, not to exceed \$70,000. The other 50% of the project cost would be borne by the City of Vallejo. Under the amended agreement, the Port would suspend the regular landing fees to be charged participating operators for common carrier ferry service until the operators have been reimbursed for their contribution to the project, for a total credit amount not-to-exceed \$70,000. The City of Vallejo and the other operators are responsible for any costs in excess of the \$70,000 limit for rent credits.

Based on the landing activity levels of the past several years, this will take approximately 7 months. The regular common carrier ferry service landing fees would resume once the operators have utilized the entire credit. During the rent credit period, the Port will pay for the maintenance and operating costs of the Pier ½ float from its operating budget.

Prepared by: Paul Osmundson
Director, Planning and Development

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

RESOLUTION NO. 97-06

- WHEREAS, Under Section B 3.581 of the City Charter, the San Francisco Port Commission (“the Commission”) has the power and duty to use, conduct, operate, maintain manage, regulate and control the Port area of San Francisco; and
- WHEREAS, In their current condition the existing Pier ½ ramping and fendering systems do not allow all existing and planned ferry vessels to land on either side of the float, and require passenger circulation directly on the float deck, which can be hazardous and inconvenient during inclement weather; and
- WHEREAS, The City of Vallejo is currently constructing two new ferry boats which are scheduled to commence service to the Pier ½ float in April, 1997; and
- WHEREAS, The existing ramping and fendering systems need to be modified in order to allow ferry boats of varying designs to land on either side of the float, to accommodate the new Vallejo boats and to improve passenger circulation on the float (the “Project”); and
- WHEREAS, To expedite the Project, the City of Vallejo has expressed their willingness to fund the Project and contract for the necessary design and construction services, with the other common carrier ferry service operators using Pier ½ (Red and White, Harbor Bay Isle and the City of Alameda) to reimburse Vallejo for a share of the cost of the Project; and
- WHEREAS, The cost of designing and constructing the Project is estimated to be approximately \$140,000; and
- WHEREAS, The Port desires to reimburse the operators for a portion of costs incurred on the project by applying rent credits to the Pier ½ north float common carrier ferry service landing fees for actual contributions made by each operator to the cost of the Project, with the Port responsible for 50% of the actual cost of the project for a total amount not-to-exceed \$70,000; now, therefore be it
- RESOLVED, that the San Francisco Port Commission hereby authorizes the Executive Director or his designee to execute an amendment to the Landing Rights License For Common Carrier Ferry Service Landing Slot(s) in a form approved by the City Attorney to apply rent credits, in an amount not-to-exceed \$70,000, to the Pier ½ north float common carrier ferry service landing fees, in order to facilitate the construction of the Project; and be it further
- RESOLVED, that the City of Vallejo and the other ferry operators are responsible for any costs in excess of the \$70,000 limit for rent credits.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of February 11, 1997.

Secretary

Landing Fee Schedule

Pier 1 / 2

<u>Landing Number</u>	<u>Price (Per Landing Per Day)</u>
1st Landing of the day	\$19.25
2nd "	15.40
3rd "	13.48
4th "	11.55
5th "	9.63
6th "	7.70
7th "	5.78
8th "	3.85
9 or more	1.93

EXHIBIT A

Pier 1/2 North Ferry Terminal
Annual Revenue and Expenses

	93/94 Budget	Actual	94/95 Budget	Actuals	95/96 Budget	Actuals
REVENUE						
Landing Fees	100,643	96,142	106,898	126,510	91,517	118,708
EXPENSES						
Waterside						
Dry Dock	5,751	5,924	5,924	5,924	6,101	6,101
Dive Inspection	3,000	3,000	3,000	3,000	3,000	3,000
Misc Maintenance	6,406	24,023	6,406	41,252	30,000	55,425
Pile Maintenance	26,570		26,670			29,861
Landside						
Utilities	2,100	3,342	2,100	3,622	3,729	3,963
Garbage	5,460	3,228	5,460	3,216	3,312	3,216
Security				4,090	6,264	8,824
Miscellaneous						
Capital Repairs	5,670	5,670	5,840	5,840		
Insurance	10,500	10,500	10,815	10,815	11,139	11,139
Administration	30,627	31,546	31,546	5,760	10,000	10,000
Amortization	4,100	4,100	4,100	4,100	4,100	4,100
	98,444	116,811	100,644	87,876	91,516	135,629

TOTAL REVENUE COLLECTED 341,360
TOTAL EXPENSES 340,316

PORT OF SAN FRANCISCO



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MEMORANDUM

February 11, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. Preston Cook
Hon. James Herman

FROM: Douglas F. Wong *DW*
Executive Director

SUBJECT: Guidelines for Review and Approval of Signs and Murals on Port Property

DIRECTOR'S RECOMMENDATION: Approve Guidelines for Review and Approval of Signs and Murals on Port property.

Background

The Port receives permit applications for signs and murals on Port property. In the past, Port staff has reviewed and approved signs and murals as part of the Port building permit approval process, utilizing an informal set of guidelines. However, the Port Commission had never formally adopted sign guidelines.

Port staff believes that the Port Commission should now formally adopt guidelines for review and approval of signs. The attached Guidelines have been prepared to specifically address the evaluation of the design of signs and murals on Port property. These Guidelines will assist the Port staff in evaluating applications for sign permits as part of the building permit review process. Staff may recommend further design review by outside design advisors if the proposed sign has significant implications for the urban design of the waterfront.

THIS PRINT COVERS CALENDAR ITEM NO. 7D

The Port Commission has approved the preparation of an Urban Design/Public Access Plan that will be incorporated as part of the Waterfront Plan. This work is now underway with the involvement of a Technical Advisory Committee, with representatives from civic, environmental, and professional design groups and regulatory agencies.

The Urban Design/Public Access Plan lays out concepts and principles that address the urban design, public access and historic resources throughout Port property. The Design Plan is the implementing tool to express design goals and define characteristics and parameters for structures and public improvements. The attached guidelines are consistent with the Urban Design Public Access Plan.

Prepared by: Paul Osmundson
Director, Planning and Development



PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
RESOLUTION NO. 97-12

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

WHEREAS, signs and murals on Port property have a high visual impact on the overall quality of the urban design of the waterfront; and

WHEREAS, in the past the Port staff has reviewed and approved signs and murals as part of the Port building permit approval process, utilizing an informal set of guidelines; and

WHEREAS, the Port Commission desires to formally adopt written guidelines for the review and approval of signs and murals (the guidelines are attached to this resolution); and

WHEREAS, the Port is preparing an urban design and public access plan that will address design, public access and historic resource issues throughout Port property and the attached guidelines are consistent with the urban design plan; now therefore be it

RESOLVED, the Port Commission hereby adopts the Guidelines for Signs and Murals on Port property as set forth in the Attachment hereto; and be it further.

RESOLVED, that the Port Commission hereby authorizes the Executive Director or his designee to approve signs and murals located on Port property on behalf of the Port, subject to conformance with the Guidelines for Signs and Murals.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of February 11, 1997.

Secretary

PORT OF SAN FRANCISCO
GUIDELINES FOR REVIEW
AND APPROVAL OF SIGNS & MURALS

I. Application of Guidelines and Exemptions

- A. Port Sign Committee Review and Approval. No person shall place or erect any sign or mural that is subject to these Guidelines on projects within Port jurisdiction without first obtaining review and approval by the Port Sign Committee in accordance with these Guidelines. The Port Sign Committee shall be comprised of Port staff with expertise and experience in architecture, urban design, landscape architecture, planning, commercial property management or other similar backgrounds.
- B. Application. Except as specifically exempted in Section I. C. hereof, these Guidelines shall apply to all permanent and temporary signs installed on property within Port jurisdiction which are visible from public streets, sidewalks, waterways, or from the air including interior signs designed or arranged to be primarily visible from the outside of any building or structures.
- C. Exemptions. These Guidelines shall not apply to the following:
1. Legally required posters, notices or signs.
 2. International, national, state, city, county (or other political subdivision), or maritime house flags.
 3. Port or City signs, or State-installed traffic or directional signs.

II. Permit Submittal and Review Process.

- A. The following procedures shall be applicable for the review of all proposed signs that are subject to these Guidelines:
1. Applications for Port Sign Committee review shall be submitted on Port Building Permit Application Forms and shall include detailed specifications and drawings as follows:
 - a. Building Site Plan, drawn to scale, and showing:
 - (1) Location of proposed sign.
 - (2) Location of existing landscaping.

- (3) Location of existing adjacent signs and other signs in the vicinity of the premises that are to remain in place.
 - b. Exterior elevation drawings, drawn to scale, of the building, structure, or principal open space features, showing location of existing adjacent signs to remain and the proposed sign.
 - c. Details of sign, drawn to scale, which include:
 - (1) Sign dimensions.
 - (2) Plan view.
 - (3) Elevation view.
 - (4) Colors. A sample of each proposed color to be used must be submitted for review and approval.
 - (5) Materials. Material samples may be required.
 - (6) Letter size and type style.
 - (7) Lighting or illumination.
 - (8) Content of sign including exact wording and other design features.
 - (9) Name, address and telephone number of manufacturer as well as manufacturer's specifications.
 - (10) All structural details, which shall comply with the San Francisco Building Code.
 - (11) All electrical details, which shall comply with the San Francisco Electrical Code. Provide UL Labels where applicable.
 - d. Photograph of the building, structure or open space features, marked to show proposed sign location.
 - e. The application fees required shall be as listed in the San Francisco Building Code.
2. After receipt of a completed application, together with all supporting documentation, the Port Sign Committee shall review the application in accordance with the Port's urban design guidelines and public access plan which are currently being developed (and available in draft form), and also in accordance with the following considerations:
 - a. The design of a sign shall be integrated with the architectural design of the building or site.

- b. Adjoining and surrounding improvements shall be equally considered, taking into consideration the architectural character of any adjoining improvements and existing views or view corridors.
 - c. Signs shall be consistent with the character of the Port waterfront setting or neighborhood location.
 - 3. The Port Sign Committee, upon review of an application, may approve, conditionally approve, or deny such application based on consistency of the sign with the criteria set forth in Section II.A.2 hereof.
 - a. In those instances where the Port Sign Committee has denied an Application, the Committee shall inform the applicant, in writing, why the application has been denied based on the criteria set forth in Section II.A.2. The denial shall be issued within fifteen (15) business days of receipt of an application.
 - b. The applicant may resubmit a revised application addressing the deficiencies which led to the denial of the application or may appeal the Port Sign Committee's decision to the Port Executive Director or his/her Designee. The appeal must be in writing and must state the reasons why the application should be approved. The determination of the Director or his/her Designee shall be final and shall be made within fifteen (15) business days of receipt of the written appeal.
 - 4. The Port Sign Committee may recommend review by the Port's Design Review Committee, if it determines that the sign may have significant implications for the urban design of the waterfront setting. The review is coordinated by the Port's Planning and Development Division.

III. Temporary Signs and Banners. In addition to the permanent signage permitted herein, tenants or licensees may be permitted up to two temporary signs as described below. Except as provided in sections C and D below, temporary signs will be permitted for a two-week period, with additional two-week extensions possible to a maximum of 8 weeks. Each extension will require additional approval by the Port Sign Committee.

- A. Signs Noticing Public Events which are removed immediately after the event has taken place.

- B. Signs in Anticipation of Permanent Signs for businesses which are open to the public prior to delivery of a permanent sign.
 - C. Real Estate Signs no larger than 16 square feet in area that are displayed for a limited period of time. The duration of display must be specified in the permit but will be individually determined in accordance with the project's needs. Up to two (2) real estate signs are allowed per leasehold.
 - D. Construction Signs. Construction signs for construction projects stating the names and addresses of those individuals or firms directly connected with the design or construction project and/or the name of the owner, the leasing agent and/or ultimate user. Construction signs are limited to 32 square feet in area and one sign per street frontage.
- IV. Murals. Murals or extensive paint treatments applied or affixed to the exterior of a building or lease premise shall require a Port permit.

The Port Sign Committee may recommend that the design be reviewed by the Port's Design Advisors (See Section II.4.)

- V. Prohibited Signs and Advertising. The following signs and advertising are prohibited on Port property:
- A. Portable signs, such as sandwich boards, except signs for intermittent parking uses, (e.g. valet parking signs).
 - B. Wind signs, revolving signs, reflecting signs, blinking signs, balloon signs and other tethered signs.
 - C. General Advertising Signs. General advertising signs not directly advertising the business or person located at or on the premises on which the sign is proposed shall not be permitted on Port property, unless authorized by the Port Executive Director.

VI. Signage Restrictions.

- A. Sign Area
 - 1. Except as provided otherwise herein, the total area of signs shall be limited to one square foot for each linear foot of street frontage for each street frontage.

B. Sign Height.

1. Signs affixed to buildings. The maximum height of a sign affixed to a building shall be the eaveline of the building to which it is affixed. In a multiple-use building (such as a building with ground level retail and office uses above) the signage shall not extend above or below the level of the signed use.
2. Free-standing signs. Free-standing signs shall be limited in height to ten feet above the grade, measured at the horizontal center line of the sign.

C. Sign Projection from the face of the building.

1. Signs attached to buildings or structures shall project out from the face of the building no more than two inches when the lowest part of the sign is seven feet or less above the grade directly below the sign and no more than six inches when the lowest part of the sign is more than seven feet above the grade directly below the sign.

D. Total Number of Signs.

1. No more than two signs per single-tenant building will be permitted. No more than one sign per tenant in a multiple-use building will be permitted. If a single-tenant building has a frontage on more than one street an additional sign to the two allowed on the main frontage may be permitted on each additional street frontage. In a multi-tenant building, the Port Sign Committee may recommend guidelines for the design and placement of a building directory.

E. Sign Location.

1. Except as provided in VI.E.4. below, all tenant signs shall be placed within the boundaries of the leased or licensed space.
2. When feasible, tenant signs should be affixed to buildings or structures.
3. Signs will not be permitted on or over public sidewalks or any other public passage areas, unless the owner has received a sidewalk encroachment permit or similar agreement from the Port, and such signs are characteristic of the neighborhood or area, as determined by the Port Sign Committee.

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4. Off-site signage may be permitted only in the case of a business that has no street frontage.

F. Illumination.

1. Use of high-intensity, unshielded or undiffused lights shall not be permitted. Lights shall be shielded or diffused so as to eliminate glare and annoyance.
2. No electrical or illuminated sign shall blink or be intermittently lighted.

VII. Maintenance; Removal of Signs.

- A. The owner of any sign shall maintain the sign in a sound and safe condition and so that the sign does not become unsightly. The Port Sign Committee, upon notice, may revoke the permit for any sign which is not so maintained.
- B. A sign which no longer serves the purpose or the establishment for which the sign was originally permitted must be removed by the sign owner and the removal area restored to the original condition prior to the installation of the sign. This must be done within 15 days after the discontinuance or abandonment of the use or premises.

VIII. Abatement of Non-Conforming Signs.

- A. Any sign in Port jurisdiction which does not conform to these Guidelines or which is erected without Port Sign Committee review and a Port Building Permit or is hereafter erected or constructed in violation of the requirements of these Guidelines shall be considered a non-conforming sign.
- B. The Port may declare any non-conforming sign to be a public nuisance and may require the sign owner to remove the sign upon notification by the Port. If not removed as requested, the Port may remove the non-conforming sign at the sign-owner's expense.

IX. Variance Procedure.

- A. Applications for variances from these Guidelines shall be made in writing to the Port Sign Committee. The Applicant shall submit a detailed explanation why the specific guideline challenged should not apply.

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- B. To grant a variance, the Port Sign Committee must make all of the following findings:
1. The proposed sign will be in harmony with the general purpose and intent of these Guidelines; and
 2. That there are exceptional or extraordinary circumstances applying to the sign application involved that do not apply generally to other similar uses or property; and
 3. That owing to exceptional or extraordinary circumstances, the literal enforcement of specific provisions of these Guidelines would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant.
- C. In those instances where the Port Sign Committee has denied a Variance Application, the Committee shall inform the Applicant, in writing, why the Application has been denied, within fifteen (15) business days of receipt of a variance application.
- D. The Applicant may resubmit a revised application addressing deficiencies which lead to the denial of the variance, or may appeal the Port Sign Committee's decision to the Port Executive Director or his/her Designee. The appeal must be in writing and must state the reasons why the variance should be approved. The determination of the Director or his/her Designee shall be final, and shall be made within fifteen (15) business days of receipt of a revised application.

X. Penalties.

- A. No sign shall be placed, erected or constructed without first obtaining a Port Sign Committee approval and a building permit from the Port. Any sign installed at a site or building within Port jurisdiction for which approval and a Permit have not first been obtained shall constitute a violation of the San Francisco Building Code as described in Section 205 therein. Penalties for any such violation shall be as provided in Section 205 as amended from time to time.

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MEMORANDUM

February 11, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. Preston Cook
Hon. James Herman

FROM: Douglas F. Wong *DW*
Executive Director

SUBJECT: FY 1997/98 Operating Budget

The proposed FY 1997/98 Operating Budget is summarized as follows:

	<u>1996/97</u>	<u>1997/98</u>	<u>Increase/ Decrease</u>	<u>Percent</u>
Revenue	\$33,944,921	\$35,100,712	\$1,155,791	3.4%
Expense	<u>33,271,177</u>	<u>34,480,250</u>	<u>1,209,073</u>	<u>3.6%</u>
Surplus	\$ 673,744	\$ 620,462	\$(53,282)	(7.9%)

This reflects recent revisions to the draft budget described in more detail below. The accompanying budget summary and detailed budget books do not reflect these revisions.

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Reorganization

Incorporated into the fiscal 1997/98 budget is a reorganization of departments. The proposed changes are as follows:

- Maritime Division
A separate Maritime Division is included in the FY 97/98 budget. This Division will be responsible for promoting Port cargo facilities and for managing cargo terminal operations and other harbor services. A Division Director will be responsible for managing the Maritime Division.
- Real Estate & Asset Management
The title of this division, formally known as Tenant & Maritime Services, has been changed. As described above, Maritime is now a separate division. Functions transferred to Maritime from this division include harbor service, performed by Port Wharfingers.
- Marketing
Cargo marketing has been transferred from the Marketing Division to the Maritime Division.
- Finance & Administration
The title of this division, formally known as Administration, has been changed. In addition, responsibility for two storekeepers located at the Port's maintenance facility and supporting the maintenance staff, has been transferred from Finance & Administration to Facilities & Operations.

Revenue

The proposed revenue budget of \$35.1 million for FY 97/98 is a \$1.2 million increase (3.4%) over the prior fiscal year. Revenues for FY 97/98 are as follows:

	<u>1996/97</u>	<u>1997/98</u>	<u>Increase/ Decrease</u>	<u>Percent</u>
Cargo	\$1,221,500	\$1,779,000	\$557,500	46%
Harbor Services	630,700	700,000	69,300	11%
Ship Repair	1,540,000	987,000	(553,000)	(36%)
Commercial/Industrial	22,122,000	22,577,000	455,000	2%
Parking	3,555,300	3,424,000	(131,300)	(4%)
Cruise	509,200	725,700	216,500	43%
Fishing	1,211,700	1,251,600	39,900	3%
Other Marine	448,400	549,000	100,600	22%
Power	723,300	719,000	(4,300)	(1%)
Miscellaneous	95,000	50,000	(45,000)	(47%)
Marketing	200,000	625,000	425,000	213%
Facilities & Operations	170,000	170,000	0	0%
Administration	<u>1,517,821</u>	<u>1,543,412</u>	<u>25,591</u>	<u>2%</u>
Total	\$33,944,921	\$35,100,712	\$1,155,791	3%

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all entries are supported by appropriate evidence and are clearly dated.

3. The second part of the document outlines the various methods used to collect and analyze data.

4. These methods include direct observation, interviews, and the use of specialized equipment.

5. The results of these studies have shown that there is a significant correlation between the variables studied.

6. This finding has important implications for the field of research and practice.

7. The data collected over the course of the study are presented in the following tables.

8. Table 1 shows the distribution of responses for each category of the dependent variable.

9. The overall findings of the study suggest that the proposed model is a valid and useful tool for understanding the phenomenon under investigation.

The major changes in the FY 97/98 revenue budget over the prior fiscal year are in cargo, ship repair, commercial and industrial rent, cruise and marketing revenue as follows:

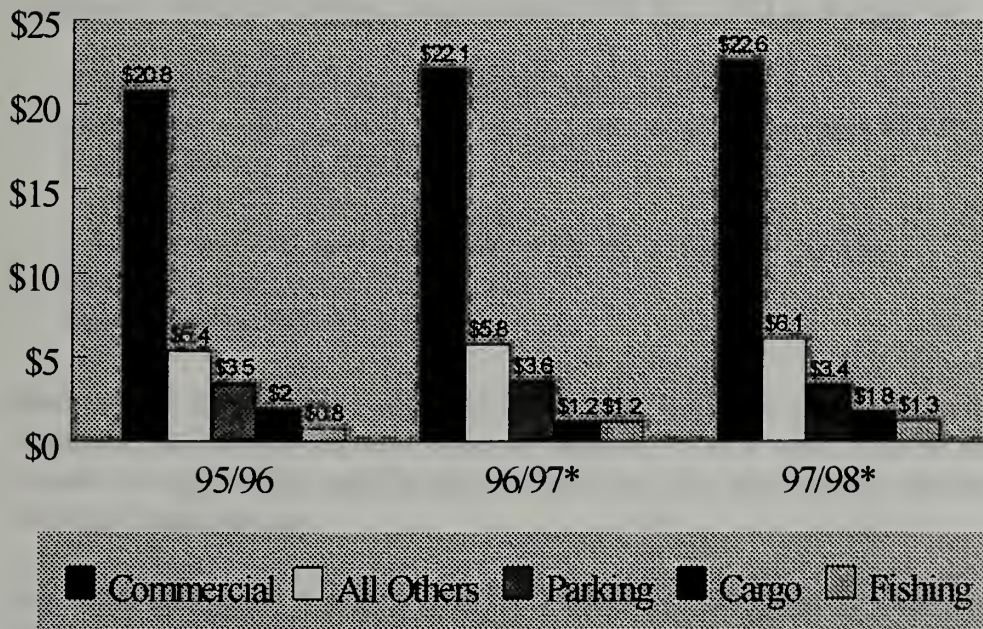
- cargo revenue is projected to increase \$557,500 (46%) due to the recently signed agreements with Serpac and Madrigal Wan Hai;
- ship repair revenue is projected to fall \$553,000 (-36%) primarily due to the closure of the Service Engineering Company shipyard at Pier 50;
- commercial and industrial rent is projected to increase \$455,000 (2%) primarily due to rent from percentage leases that are projected to grow from increased tenant sales;
- cruise revenue is projected to increase 216,500 (43%) primarily due to increased passenger volume associated with larger vessel capacity; and
- marketing revenue is projected to increase \$425,000 (213%) due to increased filming and special event revenue.

Revenue for a three year period is as follows:

Revenue

FY 95/96 - FY 97/98

(In Millions)



* Budget

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support informed decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that data is used responsibly and ethically.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that data management practices remain effective and aligned with the organization's goals.

CONCLUSION

The findings of this study indicate that effective data management is essential for the success of any organization. By implementing robust data management practices, organizations can improve their operational efficiency, enhance decision-making, and ensure compliance with regulatory requirements.

REFERENCES



The information provided in this document is for informational purposes only and should not be used as a substitute for professional advice. The authors assume no responsibility for any errors or omissions in this document.

Expense

The proposed expense budget of \$34.5 million for FY 97/98 is a \$1.2 million increase (3.6%) over the prior fiscal year. Expense for FY 97/98 is as follows:

	<u>1996/97</u>	<u>1997/98</u>	<u>Increase/ Decrease</u>	<u>Percent</u>
Salaries & Fringe	\$14,558,940	\$15,439,413	\$880,473	6%
City Wide Overhead	319,164	500,000	180,836	57%
Other Current Expenses	3,467,791	4,010,767	542,976	16%
Materials & Supplies	1,073,554	1,153,517	79,963	7%
Fixed Charges	258,700	290,115	31,415	12%
Capital Outlay	274,103	205,752	(68,351)	(25%)
Facilities Maintenance	290,700	357,000	66,300	23%
Debt Service	7,873,541	7,411,841	(461,700)	(6%)
Insurance	800,000	600,000	(200,000)	(25%)
City Attorney	923,100	1,076,800	153,700	17%
Fire Protection	1,165,015	1,195,300	30,285	3%
Workers Comp	375,000	325,000	(50,000)	(13%)
Light, Heat & Power	520,000	470,000	(50,000)	(10%)
All Other Depts	1,125,569	1,194,745	69,176	6%
Revenue Transfer - DPT	<u>246,000</u>	<u>250,000</u>	<u>4,000</u>	<u>2%</u>
Total	\$33,271,177	\$34,480,250	\$1,209,073	4%

The major changes in the FY 97/98 expense budget over the prior fiscal year are in personnel, other current expenses, debt service and services of other departments (insurance and City Attorney) as follows:

- personnel costs are projected to increase \$880,473 (6%) as a result of:
 - scheduled salary and step increases (\$181,145);
 - anticipated wage increases not yet negotiated, a 2% increase (\$230,600);
 - 3 new positions (\$148,872);
 - 7 reclassified positions (\$39,600);
 - 2 funded positions that were previously unfunded (\$110,300);
 - temporary salaries (\$145,353); and
 - fringe benefits (\$24,603);
- other current expenses are projected to increase \$542,976 (16%) primarily due to increased professional services expense expected from a new janitorial contract and the transfer of expense for professional auditors that was previously budgeted in Services of Other Departments;
- debt service expense is projected to fall \$461,700 (-6%) based on the current debt repayment schedule;
- services of other departments are projected to change significantly from the previous

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all entries are supported by appropriate documentation, such as receipts and invoices.

3. Regular audits should be conducted to verify the accuracy of the records and to identify any discrepancies.

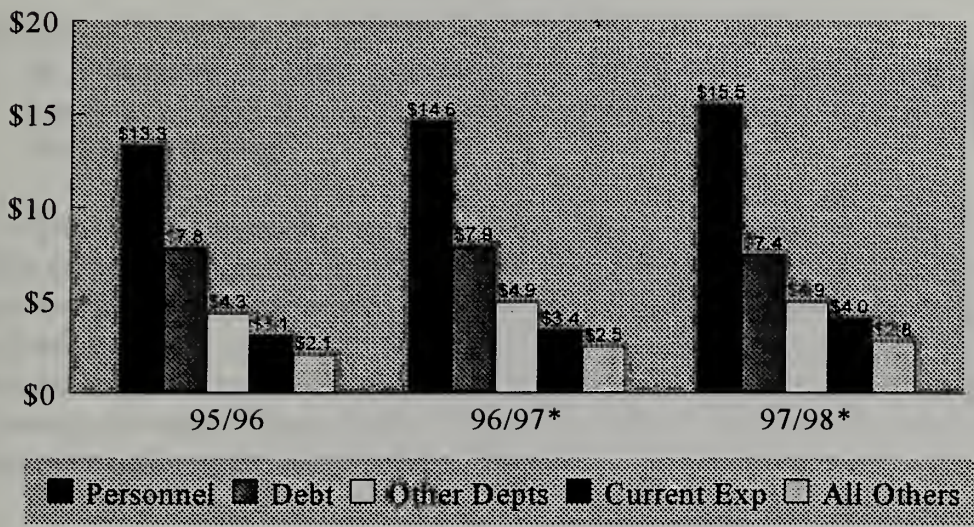
4. The final section of the document provides a summary of the key findings and recommendations.

fiscal year in the following areas:

- insurance expense is projected to fall \$200,000 (-25%) due to the renewal of insurance premiums at lower cost; and
- City Attorney expense is projected to increase \$153,700 (17%) due to the assignment of one additional attorney to the Port.

Expense for a three year period is as follows:

Expense FY 95/96 - FY 97/98 (In Millions)



* Budget

Revisions to Draft Budget

The recommended budget for FY 97/98 includes revisions from the budget as described in the summary and detail budget books, provided to the Commission in December 1996.

These revisions are described below:

	Draft Budget	Revised Budget	Variance
Salaries & Fringe Benefits	\$15,481,475	\$15,439,413	\$(42,062)
Facilities Maintenance	307,000	357,000	50,000
Services of Other Departments	<u>4,925,663</u>	<u>4,861,845</u>	<u>(63,818)</u>
Total Revision	\$20,714,138	\$20,658,258	\$(55,880)

Revisions to the FY 97/98 expense budget include:

- Salaries and Fringe Benefit savings of \$42,062 as a result of:
 - an increase of \$3,166 to upgrade the Maritime Director position from Maritime Manager;
 - a savings of \$33,578 from deleting the new Executive Secretary II position;
 - a savings of \$55,985 from deleting the new Marketing Project Coordinator position;
 - a savings of \$60,865 from deleting the new Sheetmetal Worker position;
 - an increase of \$92,000 from adding a temporary Deputy Zoning Administrator which is offset by a \$110,000 reduction in the City Planning budget;
 - an increase of \$13,200 from adding a temporary summer intern position;
- Facilities Maintenance increase of \$50,000 for the Fisherman's Wharf Environmental Quality Advisory Committee to develop an environmental quality plan and recommendations;
- Services of Other Department savings of \$63,818 as a result of:
 - an increase of \$50,000 for additional City Attorney time assigned to the Port; and
 - a savings of \$113,818 in City Planning offset by the transfer of this expense to temporary salaries.

Staff requests the Commission to authorize the Executive Director to make non-material changes to the annual operating budget as may be necessary. For example, the proposed budget contains anticipated salary increases not yet determined. As labor agreements are negotiated, budgeted salary and fringe benefits estimates will be updated. Similarly, anticipated expenses for Services of Other Departments contained in the budget are preliminary estimates. These estimates may be revised as information is received from the Departments delivering the requested services.

Staff will return to the Commission for approval of any material revisions to the budget that may be necessary subsequent to this approval.

Prepared by: Benjamin A. Kutnick

1. General Information

Name: _____

Address: _____

City: _____

State: _____

Zip: _____

Phone: _____

Occupation: _____

Education: _____

Marital Status: _____

Number of Children: _____

Other Information: _____

Signature: _____

Date: _____

Remarks: _____

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

RESOLUTION NO. 97-09

- WHEREAS, staff has developed an operating budget including organizational changes; and
- WHEREAS, the operating budget includes projected revenues of \$35,100,712; and
- WHEREAS, the operating budget includes projected expenses of \$34,480,250; and
- WHEREAS, the operating budget includes projected surplus of \$620,462; and
- WHEREAS, the operating budget includes a Maritime Division; and
- WHEREAS, the operating budget must also be approved by the Mayor and the Board of Supervisors; therefore, be it
- RESOLVED, that the Port Commission approves the fiscal year 1997/98 operating budget as presented by staff; and be it further
- RESOLVED, that the Port Commission authorizes the Executive Director to make non-materials changes to the annual operating budget as may be necessary.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of February 11, 1997.

Secretary

MEMORANDUM

February 4, 1997

PORT OF SAN FRANCISCO



TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Preston Cook
Hon. Frankie G. Lee
Hon. James R. Herman

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM

DOCUMENTS DEPT.

FEB 06 1997

FROM: Douglas F. Wong, Executive Director, *DW*

SAN FRANCISCO
PUBLIC LIBRARY

SUBJECT: Approval of Travel Authorization for Governmental Affairs Manager, Ms. Veronica Sanchez, to attend AAPA Spring Legislative Conference in Washington, D.C. (March 17-20, 1997)

From March 17-20, 1997, the American Association of Port Authorities will hold its Spring Conference in Washington, D.C. to discuss pending legislative proposals. This Conference is well attended by Port Directors and senior managers.

Ms. Veronica Sanchez, Governmental Affairs Manager, has been asked to attend the conference to attend the meeting of the Legislative Policy Council, comprised of Port Directors from all parts of the country, regarding legislative proposals for changing the Passenger Services Act (PSA). Ms. Sanchez is taking a lead with other ports and tourism organizations in preparing legislation and organizing the support that will lead to creation of new cruise opportunities for the Port of San Francisco. The Legislative Policy Council's review and endorsement of proposed legislation is needed to secure AAPA's support and resources in lobbying for passage of the bill.

Ms. Sanchez will also seize this opportunity to meet with Congressional staff and administration representatives on the proposed PSA legislation and other projects of importance to the Port.

The estimated costs of the trip are:

Airfare to Washington Dulles Airport	\$382.82
Conference Registration	250.00
Hotel (3 nights at of \$170/night, incl taxes)	376.50
Transportation	150.00
Meals	80.00
Telephone/Faxes	50.00
Total	\$1289.32

Funds for this trip are available in the Port's Fiscal Year 96-97 budget.

Prepared by: Veronica Sanchez, Manager, Governmental Affairs

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

FEB 06 1997

SAN FRANCISCO
PUBLIC LIBRARY

RESOLUTION NO. 97-11

- WHEREAS, The Executive Director is requesting authorization for one Port Representative to Attend the Spring Conference of the American Association of Port Authorities, Washington, D.C. (March 17-20, 1997) in accordance with the Fiscal Year 1996-1997 budget for the purpose of representing the Port at discussions before the Legislative Policy Council related to proposed legislation to open up new markets for the Port's cruise business in domestic itineraries; and
- WHEREAS, The cost of this trip has been included in the Port Commission's Fiscal year 1996-1997 budget; now, therefore, be it
- RESOLVED, that the Port Commission hereby approves this travel request.

I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of February 11, 1997.

Secretary

SAN FRANCISCO PORT COMMISSION

FEBRUARY 11, 1997
MINUTES OF THE SPECIAL MEETING

MEMBERS, PORT COMMISSION

HON. MICHAEL HARDEMAN, PRESIDENT
HON. DENISE McCARTHY, VICE PRESIDENT
HON. FRANKIE G. LEE
HON. PRESTON COOK
HON. JAMES HERMAN

DOUGLAS F. WONG, EXECUTIVE DIRECTOR

DOCUMENTS DEPT.

OCT 08 1999

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CITY & COUNTY OF SAN FRANCISCO PORT COMMISSION

MINUTES OF THE SPECIAL MEETING FEBRUARY 11, 1997

1. ROLL CALL

The meeting was called to order by Commission President Michael Hardeman at 2:05 p.m. The following Commissioners were present: Michael Hardeman, Denise McCarthy, Frankie Lee, Preston Cook and James Herman.

2. NEW BUSINESS/PUBLIC COMMENT

Mr. Patrick Kelly, lessee of one of the warehouses in Illinois Street, indicated that he or the Friends of Islais Creek organization have not been informed about the Home Depot situation at Pier 80. He was seeking out information and would like to be included for input in the process. Commissioner Hardeman replied that the Commission will be taking a tour of Pier 80 today and requested the Executive Director to have someone from his staff provide Mr. Kelly information that can be legally shared.

3. EXECUTIVE SESSION

At 2:09 p.m., the Commission Secretary announced that the Commission will withdraw to executive session to discuss the following:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Pier 80
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*Home Depot Representative: Jim Lyon, Real Estate Manager, Western Region

Under Negotiation: _____ Price _____ Terms of Payment ✓ Both
An executive session has been calendared to discuss real property negotiations between the Port and Home Depot, regarding a proposed lease.

This is specifically authorized under California Government Code Section 54956.8.

- B. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

At 4:06 p.m., Commissioners Hardeman, McCarthy, Lee and Cook returned from executive session and convened in public session. Commissioner Hardeman indicated that Commissioner Herman asked to be excused at the conclusion of the executive session.

Commissioner McCarthy stated that the Commission met with the Port representative only regarding the Home Depot real estate negotiations for Pier 80. The Commission also took a site visit and reviewed certain aspects of the negotiations.

ACTION: Commissioner McCarthy moved approval to not disclose any information discussed in the executive session. Commissioner Lee seconded the motion. All of the Commissioners were in favor.

The meeting was adjourned at 4:08 p.m.

SAN FRANCISCO PORT COMMISSION

FEBRUARY 11, 1997
MINUTES OF THE REGULAR MEETING

MEMBERS, PORT COMMISSION

HON. MICHAEL HARDEMAN, PRESIDENT
HON. DENISE McCARTHY, VICE PRESIDENT
HON. FRANKIE G. LEE
HON. PRESTON COOK
HON. JAMES HERMAN

DOUGLAS F. WONG, EXECUTIVE DIRECTOR

CITY & COUNTY OF SAN FRANCISCO PORT COMMISSION

MINUTES OF THE REGULAR MEETING FEBRUARY 11, 1997

1. ROLL CALL

The meeting was called to order by Commission President Michael Hardeman at 4:10 p.m. The following Commissioners were present: Michael Hardeman, Denise McCarthy, Frankie Lee and Preston Cook. Commissioner Herman was excused.

2. APPROVAL OF MINUTES - January 28, 1997

Commissioner Cook requested amending the minutes to reflect the correct number of new Port tenants last year.

ACTION: Commissioner Cook moved approval as amended; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the minutes of the meeting, as amended, were adopted.

3. EXECUTIVE

A. The Executive Director reported the following:

- 1) On Friday, February 7, 1997, an estimated 6,000 to 10,000 people attended the Herb Caen Candlelight Walk. More than 15 Port tenants participated and they had extremely good turn out that evening. Everything went well; there were no reported incidents. Carolyn Macmillan handled the media relations for the Herb Caen Memorial Service and he commended her for a job well done.
- 2) On Thursday, March 6, 1997 at 1:00 p.m., a joint Commission meeting with the BCDC and Port to discuss the Draft Concept Agreement between the Port, BCDC and Save the Bay Association will be held in the Cruise Terminal at Pier 35. Port staff will accompany the BCDC Commission to a tour of Piers 46, 48 and 80 and possibly Pier 94/96 at 11:00 a.m. that same day. He encouraged the Commission to attend the meeting.
- 3) Mr. Wong welcomed back Commissioner McCarthy who attended the Special Seminar for members of the Port Authority Governing Boards and Commissions, sponsored by the American Association of Port Authorities in Palm Beach, Florida. Handouts from the conference were given to the Commissioners for their information.

Commissioner McCarthy stated that she was pleased to attend the conference. The conference was extremely informative and insightful. There were a range of issues presented from legal liabilities of the Port Governing Boards and Commissions to an excellent presentation on International trade and the future of shipping. She encouraged the other Commissioners to take advantage of upcoming meetings.

4. LEGISLATIVE

5. TENANT & MARITIME SERVICES

6. FACILITIES & OPERATIONS

7. PLANNING & DEVELOPMENT

A. Approval of Ceremonial Designation of Pier 7 (Broadway and the Embarcadero) as the "James Augustino Fishing Pier," at the request of the City and County of San Francisco Board of Supervisors. (Resolution No. 97-10)

Veronica Sanchez, Manager of Governmental Affairs, stated that the San Francisco Board of Supervisors approved Resolution 92-97 urging the Mayor to urge the Port Commission to designate the Pier 7 Public Access and Fishing Pier in honor of Mr. Augustino. Mr. Augustino was a former resident of Telegraph Hill. Mr. Augustino was a leading advocate in proposing that dilapidated cargo piers at Piers 5 and 7 be removed and converted into a new public access area that would provide all types of recreational opportunities. Mr. Augustino used the area for picnics with family and friends and as a place to teach his sons to fish. Through Mr. Augustino's vision and advocacy, Pier 7 has become one of the Port's most popular waterfront destinations for residents and visitors alike. Staff recommends the ceremonial designation of Pier 7 as the "James Augustino Fishing Pier" to be commonly known as "Augie Pier." Pier 7 will continue to be designated as the Pier 7 Public Access and Fishing Pier on official maps and documents. Staff will develop an appropriate type and design of the ceremonial designation for Pier 7 and will be brought to the Commission for its final approval.

Dennis Henmi stated that Mr. Augustino contributed a lot to the community and urged the Commission to adopt the resolution. Chris Martin stated that Mr. Augustino was a good friend and was a person who made an impact in the community and believes that it's only appropriate that Pier 7 be named in his honor.

Betty Landis, member of the Open Space Committee, supports the Board of Supervisors resolution of naming the pier in honor of Mr. Augustino. She, however, requested the Commission to have Pier 7 maintained as the lighting fixtures at the pier are rusty.

Theresa Rea spoke on behalf of the resolution as a close friend of Mr. Augustino and as a member of the Mid-Embarcadero Open Space committee. She shared with the

Commission a photograph found in Mr. Augustino's office signed by former Mayor Art Agnos.

Anne Halsted, former Port Commissioner, stated that if there's any question in anybody's mind to name the pier in honor of Mr. Augustino, that it be removed. The idea of restoring Pier 7 was Mr. Augustino's idea. Mr. Augustino is the inspiration behind the project. She shared Ms. Landis' concern of maintaining Pier 7. She, however, commended staff that the water in the pier is running. She requested the Commission to have staff perform regular maintenance on the pier. She urged the Commission to pass this resolution in honor of Mr. Augustino.

ACTION: Commissioner McCarthy moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

B. Status Report on the Ferry Building Renovation Project.

Mr. Paul Osmundson, Director of Planning and Development indicated that staff made an informational presentation on the status of the Ferry Building Renovation project to the Commission on April 23, 1996. At that time, staff summarized the results of a series of technical reports completed in 1995 and early 1996 and laid out the series of steps staff intended to take to further the Port's ability to proceed with the project.

Mr. Osmundson indicated that the Final EIS/EIR for the mid-Embarcadero Roadway Project has been certified by the City Planning Commission and federal approval is forthcoming. A BCDC permit amendment is expected in February. The design of the project should be completed by the end of 1997 and construction is scheduled to begin in early 1998 and expected to be completed by the end of 1999.

A draft initial study for the Downtown Ferry Terminal has been completed, reviewed and tentatively approved by the San Francisco Office of Environmental Review (OER) and is being reviewed by Caltrans and the Federal Highway Administration (FHWA). The design will be completed in April; construction is scheduled to commence in September of this year and should be completed by December 1998.

In September 1996, the Board of Supervisors approved a 340-space underground parking garage on Block 202 as part of the Mid-Embarcadero Roadway project. Block 202 is located across the Embarcadero from the north wing of the Ferry Building. Caltrans and the FHWA have tentatively approved compensating the Port for the value of the parking spaces to be removed from the Embarcadero as part of the Mid-Embarcadero Roadway project.

A draft initial study for the Ferry Building has also been completed and is being reviewed by OER as well as Caltrans and the FHWA which is expected to be completed in September 1997. A draft "finding of effect" report has been prepared. A Memorandum of Understanding between the Port, the FHWA and the State Historic

Preservation office will be negotiated. Completion is expected in September 1997.

The State Lands Commission has tentatively expressed support for a mixed use development at the Ferry Building that includes general office space in the Ferry Building. The project would be treated as part of an overall series of trust oriented projects in the area, including the Mid-Embarcadero Roadway Project and the Downtown Ferry Terminal Project.

The DeYoung Museum Board is currently evaluating numerous sites for the museum including the Ferry Building, Broadway and the Embarcadero, Block 203, the Transbay Terminal, the Presidio and Golden Gate Park. The Port, however, is concerned about the financial structure of a lease with the DeYoung Museum and whether the museum is compatible with the preferred uses identified for the ground floor. Staff will report on this item after the Museum Board completes their evaluation of potential sites.

The San Francisco Public Market Collaborative, along with other groups, have expressed interest in the ground floor of the Ferry Building. This use is compatible with the preferred uses but the major issue is whether the market can pay fair market rent.

Staff expects to report back to the Commission in the next thirty days with a recommendation regarding the developer solicitation process for the Ferry Building Renovation Project and a schedule for appointing an advisory group.

Areas adjacent to the Ferry Building have been assumed to be included in the project area, including the BART platform behind the building and the plaza areas in front of the building. Consideration may be given to including the Agriculture Building and/or Pier 1 in the project. The economic viability of this large area must be evaluated.

The structure of the developer solicitation process is very important to the success of the project. Port staff is evaluating the advantages and disadvantages of various methods of selecting a developer, and has received input from development consultants and from other public agencies involved in public/private joint venture development projects.

Commissioner McCarthy inquired about the time line for the Request for Proposals. Mr. Osmundson replied that the two main steps that need to be accomplished in the Waterfront Plan are: (1) the implementation process for mixed-use development projects, identifying and establishing an advisory group for the Port and (2) structuring and proposing an RFQ process. Staff believes that in the next few months staff would have a detailed report and a recommendation regarding the commencement of the development process.

C. Approval of Amendment to Landing Rights License for Common Carrier Ferry Service Landing Slot(s) to provide rental credits for modifications to ramping system

at Pier ½. (Resolution No. 97-06)

Mr. Paul Osmundson stated that this item was presented to the Commission in January. As reported at that time, the existing ramp and fendering systems at Pier ½ ferry float need to be modified in order to address operational problems, including passenger circulation on the deck and ability to accommodate ferry vessels of different configurations. It was reported at that time that the City of Vallejo is constructing two new vessels scheduled to begin service in April. Currently, the common carriers pay landing fees based on a sliding scale. The estimated cost of designing and constructing the new ramping and fendering systems is approximately \$140,000. An amendment to the Landing Agreement has been negotiated with the City of Vallejo and the other operators wherein the Port would be responsible for 50% of the actual project cost, not to exceed \$70,000. The other 50% of the project cost would be borne by the City of Vallejo. The regular common carrier ferry service landing fees would resume once the operators have utilized the entire credit. During the rent credit period, the Port will pay for the maintenance and operating costs of the Pier ½ float from its operating budget. In his conversations with ferryboat captains and others, they couldn't say for certain if the system would be able to accommodate all current and new vessels. The Commission commended staff for doing a good job in negotiating the terms.

ACTION: Commissioner Cook moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

D. Guidelines for review and approval of Signs and Murals on Port property.
(Resolution No. 97-12)

Mr. Osmundson stated that this item was previously before the Commission for its consideration. At the Commission's request, the City Attorney reviewed this item for constitutional issues. He noted that Commissioner Cook also had some input with the modifications. He indicated that this is a set of guidelines that Port staff would use in reviewing and approving sign permit applications and applications of murals. He noted that the guidelines are consistent with the Urban Design/Public Access Plan. Also at Commissioner Cook's suggestion, these guidelines will be sent to all Port tenants and will be included in all future leasing and licensing agreements.

Commissioner Cook thanked staff for bringing this item to the Commission for adoption because he finds that the Port is inundated with signs along the waterfront and he hopes that this will partially resolve the problem and give the Port more control. He added that this was enacted by staff at a very appropriate time. He thanked staff for a job well done.

ACTION: Commissioner Cook moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

8. ADMINISTRATION

A. Approval of 1997/1998 Operating Budget. (Resolution No. 97-09)

Mr. Ben Kutnick, Director of Administration, enumerated a few significant changes to the budget. Most notably the \$1.2 million increase on revenues to the Port and \$1.2 million increase on the expense budget. The budget is due to the Mayor's office on February 21. The Mayor will send the budget to the Board on June 1st for their approval. The Mayor and the Board have the authority to increase or decrease the budget.

He indicated that organizational changes were also incorporated into the budget. A Maritime Division has been established that will include new responsibilities for the Marketing Department. The division currently called Tenant and Maritime Services will be changed to Real Estate and Asset Management. The title of the Administration Division has been changed to Finance and Administration.

The major changes in the 97/98 revenue budget over the prior fiscal year are in cargo, ship repair, commercial and industrial rent, cruise and marketing revenue as follows:

- cargo revenue is projected to increase \$557,500 due to the recently signed agreements with Serpac & Madrigal Wan Hai Lines
- ship repair revenue is projected to fall \$553,000 due to the closure of the Service Engineering Company shipyard at Pier 50
- commercial and industrial rent is projected to increase \$455,000 due to rent from percentage leases
- cruise revenue is projected to increase \$216,500 due to increased passenger volume associated with larger vessel capacity and
- marketing revenue is projected to increase \$425,000 due to increased filming and special event revenues.

The major changes in the FY 97/98 expense budget are:

- personnel costs - projected to increase \$880,473 due to scheduled salary and step increases
- other current expenses - projected to increase \$542,976 due to increased professional services expense
- debt service expense - projected to fall \$461,700 based on current debt repayment schedule
- services of other departments are projected to change significantly such as insurance expense is projected to fall \$200,000 due to the renewal of insurance premiums at lower cost and City Attorney's expense is projected to increase \$153,700 due to assignment of one additional attorney to the Port.

Staff will return to the Commission with more changes to the budget. With the anticipated relocation of the Maintenance facility, staff is preparing a conventional loan financing and will be presented to the Commission for its approval in March.

Subsequently, staff will return to the Commission in the first meeting in April, to include the debt service to the loan into the budget and add \$1.2 million anticipated ballpark lease and \$1.2 million revenue for parking funds. Staff will return to the Commission for approval of any material revisions to the budget.

Commissioner Cook made an observation that we are spending more than we are budgeted for even though the Port will have a budget surplus this year. He reminded staff that the Port needs to have over \$1 million increased revenue per year. He asked staff to be very diligent in continuing what was done in the last few years. He indicated that this is a very tight and close budget. It is not adequate for the kind of operation the Port has to maintain. This is a revenue producing organization; it's an enterprise organization. It is an organization that needs to increase expenditures and revenue every year. Staff needs to secure more revenue or cut expenses to take care of running the Port. Otherwise, he commended staff for doing a good job on the budget.

Commissioner McCarthy inquired about the Citywide overhead. Mr. Kutnick replied that a cost plan is the basis for the charge which is done every year and it fluctuates every year. It represents the services other City departments provide and charge the Port. The current plan shows a much higher figure than what's actually in the budget but staff believes it can be negotiated.

Commissioner McCarthy inquired if the amount increases depending upon the physical condition of the City. Mr. Kutnick replied to the negative. It is done by studies by actual time spent by the department performing the service.

Commissioner Lee stated that he is happy with the budget and added that it is a bit conservative. He mentioned that Dennis Bouey has done an excellent job in the past, having a surplus three years in a row. He, however, encouraged a bigger budget in training. He believes that staff will benefit in attending training classes, seminars especially with regard to the computer and telecommunications industry. Mr. Kutnick agreed with Commissioner Lee. He indicated that staff is putting together a training comprehensive plan which will be completed soon. He noted that the training monies are now consolidated into the Human Resources budget so they can manage the training program and be proactive in developing programs for staff and managers.

Commissioner Hardeman indicated that he appreciates the briefing Mr. Kutnick provided the Commissioners. He stated that the future of the Port looks bright and he believes that in the next couple of years the Port will not have any financial problems and thanked Mr. Kutnick for a job well done.

ACTION: Commissioner Cook moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

9. MARKETING

10. CONSENT CALENDAR

- A. Approval of Travel Authorization for Governmental Affairs Manager, Veronica Sanchez, to attend AAPA Spring Legislative Conference in Washington, D.C. on March 17-20, 1997. (Resolution No. 97-11)

ACTION: Commissioner Cook moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

11. NEW BUSINESS / PUBLIC COMMENT

For the record, Commissioner Hardeman stated that Mr. Jay Wallace has indicated to him that he is in support of renaming Pier 7 in honor of Mr. Augustino.

- A. Discussion and public comment for the purpose of directing Port staff to develop Port policies for naming Port property, including ceremonial and memorial designations.

Mr. Osmundson, Director of Planning and Development, stated that the Port has not had a policy with respect to naming or designating Port facilities. In discussions with the City Attorney's office, staff believes that there are some guidelines that staff could follow and establish in a policy and asked the Commission for directions and guidelines.

Commissioner Cook stated that Port staff has had numerous and frequent requests of changing street names, naming of a sidewalk and today the designation of Pier 7. He requested that staff and Commission should set a policy for naming streets, memorial designations, placing plaques on Port property, etc. He asked staff to provide its recommendation to the Commission within thirty days. He suggested that staff can perhaps obtain information from the Landmark Advisory Boards. He also suggested that staff should look at different categories such as the waiting period, guidelines on what someone has had participated within the jurisdiction of the Port, etc. He suggested that staff should also look at the impacts of changing the street names.

Commissioner Hardeman stated that Commissioners Cook and Lee will work with staff to establish a policy. Mr. Osmundson reiterated that staff will work with the committee to develop a policy.

Commissioner Hardeman indicated that there will be a Special Meeting on February 25, 1997 at 3 p.m. for a half-hour Giants presentation regarding the proposed ballpark.

Commissioner Hardeman adjourned the meeting in memory of Doctor Goodlett and Mr. Herb Caen. He requested that appropriate notice be sent to the next of kin notifying them that the Commission adjourned the meeting in their memory.

12. EXECUTIVE SESSION

At 5:05 p.m., the Executive Secretary announced that the Commission will withdraw to executive session to discuss the following matters:

A. PUBLIC EMPLOYEE APPOINTMENT

- 1) Confirmation of Appointment of Director of Facilities & Operations

An executive session to discuss this matter is specifically authorized under California Government Code Section 54957.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Berry Street and Second Street (China Basin).
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*San Francisco Giants Representative: Larry Baer, Executive Vice President

Under Negotiation: _____ Price _____ Terms of Payment Both

An executive session has been calendared to discuss real property negotiations between the Port and San Francisco Giants, regarding the proposed ballpark.

This is specifically authorized under California Government Code Section 54956.8.

C. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTER:

- 1) Discuss existing litigation matter pursuant to subdivision (a) of California Government Code Section 54956.9

a. Hal-Mar-Jac v. CCSF; San Francisco Superior Court No. 981389.

At 6:15 p.m., Commissioners Hardeman, McCarthy, Lee, Cook and Herman returned from executive session and convened in public session.

ACTION: Commissioner McCarthy moved approval to not disclose any information discussed in the executive session, except for the appointment of Alexander Lee as Director of Facilities & Operations. Commissioner Cook seconded the motion. All of the Commissioners were in favor.

The meeting was adjourned at 6:17 p.m.

**SAN FRANCISCO
PORT COMMISSION**

SPECIAL MEETING

3:00 P.M., FEBRUARY 25, 1997 ←←←←← Please note the time of the meeting
FERRY BUILDING, SUITE 3100
SAN FRANCISCO, CALIFORNIA

A G E N D A

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1. ROLL CALL

2. NEW BUSINESS/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. Please fill out a speaker card and hand it to the Commission Secretary.

3. SPECIAL ITEM

A. Presentation by the China Basin Ballpark Corporation and public comments on the design and status of ballpark project on Port property located at China Basin between 2nd and 3rd Streets, San Francisco, CA.

4. ADJOURNMENT

SAN FRANCISCO PORT COMMISSION

FEBRUARY 25, 1997
MINUTES OF THE SPECIAL MEETING

MEMBERS, PORT COMMISSION

HON. MICHAEL HARDEMAN, PRESIDENT
HON. DENISE McCARTHY, VICE PRESIDENT
HON. FRANKIE G. LEE
HON. PRESTON COOK
HON. JAMES HERMAN

DOUGLAS F. WONG, EXECUTIVE DIRECTOR

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CITY & COUNTY OF SAN FRANCISCO PORT COMMISSION

MINUTES OF THE SPECIAL MEETING FEBRUARY 25, 1997

1. ROLL CALL

The meeting was called to order by Commission President Michael Hardeman at 3:05 p.m. The following Commissioners were present: Michael Hardeman, Denise McCarthy, Frankie Lee, Preston Cook and James Herman.

2. SPECIAL ITEM

A. Presentation by the China Basin Ballpark Corporation and public comments on the design and status of ballpark project on Port property located at China Basin between 2nd and 3rd Streets, San Francisco, CA.

Mr. Paul Osmundson, Director of Planning and Development indicated that representatives from the China Basin Ballpark Corporation will make an informational presentation concerning the proposed ballpark. He also indicated that for the past year, the Port has been working with the Redevelopment Agency, City Planning and BCDC in reviewing the design of the proposed ballpark. He then introduced Jack Bair.

Mr. Jack Bair gave details of the design of the proposed facility and gave an update of what transpired in the past year. After the election, they secured private financing for the ballpark as they committed to build the ballpark privately. They have secured a \$140 million loan from Chase Securities and will be financing the remainder of the ballpark with the sale of charter seats and sponsorships. There will be component of tax increment financing also involved to fill out the public infrastructure and the public spaces of the ballpark. They also negotiated, with representatives of the Port, Redevelopment Agency and the Mayor's office, a ground lease upon which they would rent the ballpark site. The agreement will come before the Commission for approval in late spring or early summer. The Giants will initially pay \$1.2 million a year in rent and the rent will be escalated over time and the Giants would commit to play a minimum of 23 baseball seasons in the new ballpark. They have also worked with the City in the development of the EIR on the ballpark project. The EIR will extensively analyze all the impacts of the project including traffic and circulation. The EIR is due out next month and will be the subject of a public hearing and public comment and will be before the Commission's consideration. The purpose of this presentation is to go over the design of the ballpark. They also put together a design team and introduced Joe Spear, their principal architect, who is noted as the architect of Camden Yards in Baltimore, Jacobs Fields in Cleveland and Coors Field in Denver.

Mr. Spear introduced the design team. Dennis Henmi of Kwan Henmi Architectural/Planning, provides interior architecture and design services for the ballpark project, including the club facility, lounge restaurant and other restaurants, Giants executive offices and Giants locker facility.

Deborah Nichols, President of Deborah Nichols Design, provides graphic design services for the project, including building graphics and signage, logo design and identity programs as well as ADA and informational graphics.

Satish B. of Ajmani and Pamidi, Inc., specializing in mechanical and electrical engineering, provides food service design services for the project.

Olivia Chen of Olivia Chen Consultants serves as the Civil Engineer for the project and responsible for bringing all the utilities in and out of the ballpark, including water, waste water, storm drainage, telecommunications, gas and electricity.

Richard Neurawski, one the structural engineering team members on the project, joint venture with Faye Bernstein & Associates, provides design of the foundation systems and repair and strengthen existing pier and bulkhead at Pier 46B.

Michael Willis of Michael Willis & Associates provides project management and architecture services for the project.

Pat O'Brien of Patricia O'Brien Landscape Architecture and Cheryl Barton will provide landscape architecture/design services for the project.

Faye Bernstein, a joint venture partner with Rutherford and Chekene, provides structural engineering services for the project.

Mr. Spear acknowledged: (1) Dean Macris who has been an invaluable resource to the team, (2) Thorton-Tomasetti/Engineers, structural engineers from New York; (3) M-E Engineers from Colorado who will provide mechanical and electrical engineering services; (4) Horton Lees, lighting designer, from San Francisco and (5) Janet Nolan.

Mr. Spear showed slides of Camden Yard, Coors Field and Jacobs Field and he gave a descriptive/comparative analysis to the proposed ballpark.

The proposed ballpark has three major seating decks with one level of suite located just beneath the upper deck. The ground keeper's domain has 6,000 sq. ft. of space. There are spaces for 7 semi-trucks; 4 of those trucks will be used for television broadcast; the other 3 will be for food deliveries and souvenirs. There will be stadium personnel office, concessionaire warehouse, Giants club house, ticket office, club lounge, visitors club house, parking spaces, mechanical spaces and retail spaces. The strategy is to link the retail facilities from Third Street along the Port walk and to give a variety of experience along the Port walk.

The next level is the main seating deck which has a continuous concourse that goes around the park. With the exception of the press box, a person strolling around the concourse can see the game. It promotes a lot of social interaction. There is also a second level of retail in the pavilion building. The Pac Bell learning center is also located on this level.

The next level is the club level which has a concourse that has a view of the field and has 13 rows of seats. Access to and from the seats is through the enclosed heated/air conditioned round space. It is designed to be a little upscale. A spectacular brew pub and sports themed restaurant, located in the center field, will allow fans to savor magnificent views of both the playing field and the bay.

The next level is the suite level. There are sixty-five suites on this level and each seat about 12 persons a piece. There is a food service area and a Giants office in the Pavilion building. This is the only concourse level that does not have a view of the playing field.

The Giants and Pat O'Brien came up with a Willie Mays statue in front of the building. The graphic motif for the ballpark will be the "trademark" of the ball hitting the water. They have chosen to reorient the ballpark slightly which creates more space at Lefty O'Doule entrance and allows them to create a building which is in more keeping with the spirit of San Francisco.

The Giants were very keen on maintaining the views they had from the seating bowl to the water. They have kept the seats back away from the view, near the left foul pole and frame a nice view of the marina and the bay. They have combined a central centerpiece for the park that would combine the scoreboard with the restaurant. One of the unique things is the ability to see the scoreboard in the restaurant. It was a very unique response to group all those things together. The scoreboard itself is about 7,000 sq. ft.

Commissioner Hardeman, on behalf of the Commission, thanked Mr. Spear for a great presentation.

Commissioner McCarthy inquired about the location of the portwalk. Mr. Spear replied that the portwalk starts and connects with the Third Street Lefty O'Doule Bridge and goes along the back end of the ballpark to the center field restaurant and connects with the portwalk along the South Beach Marina.

Commissioner Lee thanked Mr. Spear for his presentation. He stated that he is impressed with the group of local consultants; most of them are his dear friends and some are a couple of his competitors. He indicated that he had the opportunity to tour the Coors Field in Denver. He was very impressed with the ballpark; it is very comfortable and intimate. The lighting is great and the concourse which opens up to the playing field is a great feature.

Mr. Spear mentioned that the proposed ballpark main course is 38 feet wide and

3Com is only 21 feet wide.

Commissioner Lee inquired about the major differences between Coors Field and the Pac Bell ballpark. Mr. Spear replied that the Pac Bell ballpark has an incredible opportunity with the close proximity of the bay and the marina. There isn't any place that would be able to compete with that. The Giants are very excited with that but the key is to make the facility fit the City. The Pac Bell ballpark is about 13 acres, including the portwalk and all of the sidewalks shown. Coors Field is 15 acres. Coors Field accommodates 50,000 seats, Pac Bell 42,000 seats.

Commissioner Lee inquired about the difficulties of the site. Mr. Spear replied that this site has a high-water table. In Coors Field and Jacobs Field, they were able to lower the playing field, dig out a bowl that is 20 feet below the street.

Mr. Dean Macris stated that they looked at two other sites: (1) foot of Rincon Hill, South of Folsom Street near the water behind the Hills Bros. property (2) Seventh and Townsend Street. They had difficulties with Rincon Hill. The advantage of Rincon is its close proximity to the downtown area but the site was not large enough and the land cost is considerably higher. At 7th and Townsend they had the same problems. It is a site not configured well for the ballpark because it is more square in dimension and is considerably removed from downtown. The transportation access for the proposed ballpark is unequalled in any other City. Muni Metro, Caltrains and ferry boats will service the ballpark. The Bart officials are also anxious to serve the ballpark.

Commissioner Lee inquired if there is enough restroom for women. Mr. Spear replied that there are 74 restrooms as opposed to 37 at 3Com Park.

Commissioner Hardeman stated that the group did a spectacular job of blending the South of Market with the waterfront.

3. NEW BUSINESS/PUBLIC COMMENT

Jim Firth, resident of Potrero Hill, stated that he is one of the minority of people who voted in opposition of a baseball stadium when it was on the ballot last year. He commended the team for an excellent presentation. Regarding the Port Maintenance facility, he understands that there are arrangements in the lease negotiations for the facility to be relocated at a cost that is going to be offset by the rerouting of parking revenues from the Port to the cost for that relocation of about \$1.2 million per year. He wondered if there is a term of time anticipated for the reallocation to take place and where the money would have gone had it not been going to this.

Mr. Wong suggested that Mr. Paul Osmundson, Director of Planning and Development, will be able to provide him the information. Commissioner Hardeman interjected and stated that the Commission does not get into negotiations during the public session. Mr. Firth inquired if the lease agreement will be made available to the public soon. Mr. Jack Bair replied that in December the term sheet that was negotiated with the City and the

Giants was released to the public. Mayor Brown released a detailed statement about the terms of the lease. It will appear before the Port Commission for approval after the EIR has been certified which will occur sometime in the summer. Mr. Firth inquired if he can expect an explanation about the escalation of the \$1.2 million rent. Mr. Bair stated that is all part of the lease document.

Ms. Jane Morrison stated that it sounds like a great ballpark. She's especially attached to the South Beach Park and the South Beach Harbor and she's surprised to see the sketch so close to the harbor. She wondered if the existing park will be a part of the garage structure. Mr. Bair replied that it is not. The plan is to increase the size of the park and suppress the parking in that area to satisfy the harbor's and ballpark's needs. Ms. Morrison is interested about what the designers have done to protect the residential neighborhood. Mr. Bair stated that part of the EIR is the study on the wind and the impacts of the wind. The report will be out in March.

Jeffrey Leibovitz, South Park, commended the design team. He was concerned about the traffic impact of the ballpark to the neighborhood. He stated that Muni does not work very well now and wondered how the fans will be serviced. The scoreboard will cast a very large shadow on the South Beach Marina. The people in the neighborhood wondered about the effects of the shadows. He pointed out that the citizens comments at the CAAC meeting about the billboard and the shadowing of the park were quite opposite of what Mr. Spear represented.

Mr. Scott Callaway, 4th generation San Francisco Twin Peaks resident, commented about the light stanchions next to the center field board. He is noted that the two light stanchions pointed directly back to the City are going to be disturbing, distracting and unfortunate. He wondered why the center field light stanchions were added and wondered if they can be taken out or have them cleverly disguised. Mr. Bair responded that the lights shine directly on the field. The lights are theatre stage lighting. They light quadrants of the field and will not be visible in the other side of the ballpark. When the data is completed by the City's study, these lights should not pose a problem.

Mr. Norman Pearce, member of the South Beach Yacht Club and owner of the Pier 40 Roast Street Cafe, commended the group for maintaining the integrity of the park and a good design for the park complex. He requested from the Port a liaison between the Port and local community to deal with the outside issues of the park. During the negotiations with the Giants, it is appropriate to establish an independent community away from the Redevelopment Agency to help deal with the external problems. He requested that this be considered in the negotiations.

The meeting was adjourned at 4:20 p.m.

SAN FRANCISCO PORT COMMISSION

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REGULAR MEETING

4:00 P.M., FEBRUARY 25, 1997

FERRY BUILDING, SUITE 3100
SAN FRANCISCO, CALIFORNIA

FEB 20 1997

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AGENDA

1. ROLL CALL
2. APPROVAL OF MINUTES - February 11, 1997 Special Meeting & Regular Meeting
3. EXECUTIVE
 - A. Executive Director's Report
4. LEGISLATIVE
 - A. Resolution authorizing the Executive Director to seek programmatic changes to Proposition 116 Grants (Fiscal Years 91/92 and 92/93) from the California Transportation Commission for the Downtown Ferry Terminal and to seek the final allocation of funds for construction. (Resolution No. 97-16)
5. REAL ESTATE AND ASSET MANAGEMENT
 - A. Approval of percentage rental adjustments for Scoma's Restaurant located on Pier 47 at Fisherman's Wharf. (Resolution No. 97-13)
 - B. Consent to non-charter excursions from Pier 39 marina by vessels not owned by Pier 39. (Resolution No. 97-14)
6. FACILITIES & OPERATIONS
 - A. Approval of Fourth Amendment to authorize additional design and construction review work for Professional Services Contract No. SA 3930045, "Downtown Ferry Terminal Project" with ROMA Design Group. (Resolution No. 97-18)
 - B. Authorization to award Contract 2622, "Pier 48 Bulkhead Seismic Retrofit Project." (Resolution No. 97-19)

7. PLANNING & DEVELOPMENT

- A. Briefing and Public Hearing on the Draft Concept Agreement between the Port of San Francisco, BCDC and Save San Francisco Bay Association regarding public access and urban design improvements and BCDC regulatory amendments to be achieved through implementation of the Waterfront Land Use Plan.

8. MARITIME

9. FINANCE AND ADMINISTRATION

10. MARKETING

11. CONSENT CALENDAR

- A. Authorization for the Executive Director to participate in the Mayor's Goodwill and Friendship Mission to China on March 31-April 12, 1997 (Resolution No. 97-15)
- B. Approval of travel authorization for one Port representative to travel to Oxnard, CA to attend the West Coast Conference on Contaminated Soils and Groundwater on March 10-14, 1997. (Resolution No. 97-17)
- C. Approval of lease with S&C Ford of San Francisco for 66,000 sq. ft. of shed space at Pier 50, Shed "C" (Mission Rock Street at Terry Francois Blvd.) (Resolution No. 97-20)

12. NEW BUSINESS / PUBLIC COMMENT

13. EXECUTIVE SESSION

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Berry Street and Second Street (China Basin).
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*San Francisco Giants Representative: Larry Baer, Executive Vice President

Under Negotiation: ___ Price ___ Terms of Payment Both

An executive session has been calendared to discuss real property negotiations between the Port and San Francisco Giants, regarding the proposed ballpark.

This is specifically authorized under California Government Code Section 54956.8.

- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Pier 80
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*NorCal Representative: Mike Sangiacomo, President and Don Moriel, Executive Vice President

Under Negotiation: _____ Price _____ Terms of Payment Both
An executive session has been calendared to discuss real property negotiations between the Port and San Francisco Giants, regarding the proposed ballpark.

This is specifically authorized under California Government Code Section 54956.8.

C. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTER:

- 1) Neudecker v. Bouey, Superior Court No. 964-862 and Neudecker v. CCSF, 974-043; pursuant to subdivision (a) of California Government Code Section 54956.9

- D. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

14. ADJOURNMENT

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. Please fill out a speaker card and hand it to the Commission Secretary.




Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

MEMORANDUM

February 17, 1997

TO: MEMBERS, PORT COMMISSION
President Michael Hardeman
Hon. Denise McCarthy, Vice President
Hon. Preston Cook
Hon. Frankie G. Lee
Hon. James R. Herman

FROM: Douglas F. Wong, Executive Director 

SUBJECT: Resolution Authorizing the Executive Director to Seek Programmatic Changes to Proposition 116 Grants (Fiscal Years 91/92 and 92/93) from the California Transportation Commission for the Downtown Ferry Terminal; and to Seek the Final Allocation of Funds for Construction.

DIRECTOR'S RECOMMENDATION: Approve the Resolution.

BACKGROUND ON PRIOR CTC GRANTS

In FY 91/92, the California Transportation Commission (CTC) awarded the Port of San Francisco a \$5.8 million grant out of funds from Proposition 116, the Clean Air and Transportation Improvement Act, for various capital improvements to its ferry terminal operations including the seismic retrofit of Pier 1/2, construction of a passenger terminal and disability access improvements.

In FY 92/93, the (CTC) awarded the Port of San Francisco another grant of \$2.7 million grant out of Proposition 116 funds to construct a second passenger waiting area inside the Ferry Building; improve passenger circulation in and around the Ferry Building; connect the new waiting areas with existing terminal; and provide new signage.

On August 5, 1993, The CTC granted the Port an initial allocation of \$977,388 to cover the costs of design and engineering for the capital improvements. Consistent with the applications submitted to the CTC, the initial design work included the development

of a master plan for the Downtown Ferry Terminal. The findings of the conceptual design study, prepared by the ROMA Design Group, recommended the **establishment of two ferry basins adjacent to the Ferry Building to relieve congestion at the terminals and to accommodate the anticipated increase in future routes.** The conceptual study was reviewed by the Port Commission in July 1994 and was also submitted to the CTC, CALTRANS and FHWA.

PROJECT SCOPE

1. Installation of the South Terminal, South Terminal Promenade and South Arcade

When the original CTC grant was developed a second barge was envisioned immediately adjacent to the barge at Pier ½. However, ferry operators requested that the second barge be moved further away from the existing Pier ½ barge and away from the Golden Gate Ferry Terminal.

The second landing facility, immediately South of the Ferry Building, will provide more efficient landing facilities by avoiding operational delays in vessels queuing up to enter the terminals. The North barge which will be moved closer to the north side of the Ferry Building will serve ferries to Marin County and North Bay locations, including Solano County will introduce two new high speed vessels in early 1997. The South Basin, located in the area adjacent to Sinbad's Restaurant, will serve ferries bound for existing destinations in the East and South Bay.

The location of a second barge on the South side of the Ferry Building will also require the construction of new and reinforced concrete deck (South Terminal Promenade) connecting the promenade area adjacent to the South Terminal with connections to the Golden Gate Ferry Terminal (east of the Ferry Building) and the Embarcadero. The new deck will be designed and built as an essential structure able to withstand major earthquakes, consistent with the objective put forward in the first grant to the CTC. The arcade area under the Ferry Building on the south side will be resurfaced.

A series of passenger amenities will be provided to support the new landing facility, such as benches, awnings over the ramps to the barge, railings, lighting and trash cans. A small amount of dredging (14,000) will be done in the South Basin and at the North landing.

2. Installation of a Breakwater

A new sheet pile breakwater needs to be constructed south of the new landing facility for protection of vessels from wave action from southwest storms which cause

operational delays that undermine the confidence of passengers using ferry service as a reliable commute option.

The breakwater will allow the region to accommodate the future growth in ferry service because it provides ample space to accommodate the installation of two new berths for new ferry routes, including hovercraft service to San Francisco International Airport and service to Treasure Island and Hunters Point. The breakwater will protect the landing and vessels from damage caused by wave action.

3. Seismic Retrofit of Pier ½ and Relocation of the Pier ½ Barge North of the Ferry Building and East Promenade

A new reinforced concrete promenade, east of the Ferry Building, will be provided along the Northern facade of the Ferry Building connecting to a relocated (from Pier ½) Northern landing facility. The concrete promenade will be designed as an essential structure, capable of withstanding a major earthquake, and providing access to the landing facility.

4. Passenger Terminals and Amenities

A central hallway through the Ferry Building connecting all landing facilities to other forms of transit along the Embarcadero and Market Street will be established.

Wind breaks and awnings over all ramping and portions of the landing facilities will be installed. A 15 foot metal awning along the Bay side of the Ferry Building will be placed to connect the Northern Landing with the central hallway through the Ferry Building.

Installation of benches, lighting, trash cans and a decorative hand railing throughout the Downtown Terminal Project and along the Bayside connection to the northern landing facility to the Golden Gate Ferry Terminal. An improved, smooth walking surface will be provided to indicate passenger waiting areas and circulation paths. The walking surface will be similar in design to the Embarcadero Promenade which is scheduled for completion in early 1999.

5. Provide a Comprehensive Signage Program from the Embarcadero to all landing facilities.

6. Provide Disability Improvements throughout the Downtown Ferry Terminal.

All proposed improvements will comply with the Port of San Francisco's Design Guidelines for the disabled in a marine environment. The guidelines have been reviewed

and approved by the City's Disability Advisory as being in compliance with ADA.

PROJECT STATUS

Design and Engineering work is nearly complete. An Initial Study/Environmental Assessment (IS/EA) has been completed for this project and has been reviewed by the San Francisco Office of Environmental Review for compliance with CEQA. The project is pending right of way and NEPA certification by CALTRANS and certification is scheduled for completion by April 1, 1997.

To obtain the final allocation of Proposition 116 funds (\$7.5 million) for construction of the Downtown Ferry Terminal Project, the Port Commission must request a programmatic change to its FY 91/92 & FY 92/93 grant applications. The programmatic changes include revisions in the project's scope, costs and the addition of new Federal funding sources. The CTC's application requires the Port Commission's resolution to include specific statements which are included in the attached resolution.

Staff is preparing the application for submission for consideration at the CTC's April 28, 1997 meeting. Pending environmental approvals, the Port will also ask the CTC to approve its request to allocate the balance of Proposition 116 funds.

If the CTC approves the Port's requests for a programmatic change and allocation of Proposition 116 funds, staff proposes to seek the Commission's approval of the bid advertisement at the May 13, 1997 meeting. If the contract is awarded by the Commission at its August 26 meeting, construction could commence by September 1, 1997 and be completed by December 1998.

PROJECT FUNDING

In 1995, the Port successfully attracted new Federal monies to cover the additional costs of installing the breakwater at the South Basin. Staff is currently working with Federal agencies to finalize the documents necessary to have funding in place by the time the project goes back to the Port Commission for approval of bid documents. The Proposition 116 funds will be used to match the new Federal grants.

A summary of project's costs and sources of funding for the Downtown Terminal Project is attached.

Prepared by: Veronica Sanchez
Manager, Governmental Affairs

PROJECT COSTS

1. South Terminal, South Arcade & East Promenade	\$3,907,753.00		
2. Ferry Building Breakthrough & Boiler Removal	1,261,676.00		
3. Signage & Site Furnitures	\$117,100.00		
4. South Breakwater for protection of Southern Landing (excludes public accessibility, arch. finishes, trestle structure Embarcadero terminus & North Breakwater)	\$3,493,833.00		
5. Moving North Barge (incl. dredging costs)	\$2,247,775.00		
6. Metal Canopy Along East Promenade	\$190,904.00		
7. Relocation of Delivery Access for East Promenade Access	\$100,000.00		
8. Ferry Building Asbestos Work	\$142,000.00		
General Cond., Overhead, Profit, Design Conting (5%)	\$1,374,497.54		
Construction Contingencies	\$927,416.46		
TOTAL PROJECT COSTS	\$13,762,955.00		

FUNDING SOURCES

FEDERAL	Federal Funds	Proposition 116 Match	Port Funds
FHWA: Ferry Boat Discretionary Program (ISTEA Sec. 1064) - 20% match	\$2,400,000.00	\$955,642.50	
FHWA/TEA #2 (Ferry Building Concourse) - 11.5%	\$850,000.00	\$97,750.00	
FTA: Title 23 - Interstate Transfer Concept Program (11.5% match)	\$1,487,500.00	\$171,062.50	
FTA Sec. 3 Bus Funds (11.5% match)	\$416,533.21		\$54,125.79
San Francisco Transportation Authority: ISTEA / STP Guarantee Funds (11.5% match)	\$1,000,000.00	\$115,000.00	
	\$6,154,033.21	\$1,339,455.00	\$54,125.79
STATE			
California Transportation Commission Proposition 116 (Funds remaining after expenditure of 1st allocation of funds for design and engineering)	\$7,554,796.00		
LOCAL FUNDS			
Port of San Francisco Matching Funds for FTA Sec. 3 Grant	\$54,125.79		
TOTAL AVAILABLE FUNDING	\$13,762,955.00		



MEMORANDUM

February 13, 1997

Ferry Building
San Francisco, CA 94111
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Fax 415 274 0528
Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. Preston Cook
Hon. James R. Herman

FROM: Douglas F. Wong *D. Wong*
Executive Director

SUBJECT: Approval of percentage rental adjustment for Scoma's Restaurant located on Pier 47 at Fisherman's Wharf.

DIRECTOR'S RECOMMENDATION: APPROVE PERCENTAGE RENTAL
ADJUSTMENTS SET FORTH HEREIN

Scoma's Restaurant, Incorporated ("Scoma's") operates Scoma's Restaurant on Pier 47 pursuant to Port Lease No. L-8996, whose lease term extends until April 30, 2036 ("Lease"). This Lease provides for the payment of percentage rental, which is subject to periodic review and adjustment. If the rates of percentage rental for like uses in San Francisco in the vicinity have increased or decreased as of the adjustment date, then the Port is to adjust the rate of percentage rental for the Lease accordingly. If Scoma's disagrees on the amount of the adjustment, then Scoma's has the right to terminate the Lease without liability for future rent. Per an agreement between Scoma's and the Port, dated April 30, 1987, the next adjustment date for percentage rental under the Lease is May 1, 1997.

The following table shows the three categories of percentage rental set forth in the Lease, and the current percentage rental rates for these uses.

THIS PRINT COVERS CALENDAR ITEM NO. 5A

Food	5.5%
Alcoholic beverages & all other items sold through the bar	7.5%
All other uses	7.5%

In 1995, the Port retained a market consultant to perform a market survey and analysis of percentage rents in the Fisherman's Wharf vicinity. Port staff also held several discussions with tenants at Fisherman's Wharf whose percentage rentals were then subject to adjustment. Based upon the independent survey and analysis obtained from the Port's consultant, the input provided by Port tenants and their consultants, and Port staff's own consideration and review of the data available to it, Port staff concluded that the percentage rental for restaurants providing full table service which are located over the water should be adjusted to the following percentage rental rates:

Food	6.5%
Alcoholic beverages & all other items sold through the bar	6.5%
All other uses	8.5%

Based upon this staff recommendation, the Port Commission in 1996 reset the percentage rentals for ten such restaurants at Fisherman's Wharf to the rates indicated above. Port staff now recommends that the Port Commission reset the percentage rental for Scoma's Restaurant to these same percentage rental rates effective May 1, 1997.

Prepared by: Kirk W. Bennett, Sr. Property Manager,
Northern Waterfront & Fisherman's Wharf

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
RESOLUTION NO. 97-13**

- WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and
- WHEREAS, under Charter Section B3.581(g) leases granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and
- WHEREAS, Port Lease No. L-8996 with Scoma's Restaurant, Incorporated, dated April 1, 1974 ("Lease"), provides for the adjustment in the percentage rental, effective May 1, 1997, based upon the determination that the percentage rentals for like uses in San Francisco in the vicinity of the leased premises have increased or decreased; and now therefore be it
- RESOLVED, that the Port Commission determines that the percentage rentals for the uses indicated below in San Francisco in the vicinity of the leased premises are as indicated below and that the percentage rental for the Lease shall be adjusted as indicated below, effective May 1, 1997, and the Port Commission authorize the Executive Director, or his designee, to execute the proper documentation as needed to implement this resolution.

Food	6.5%
Alcoholic beverages & all other items sold through the bar	6.5%
All other uses	8.5%

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of February 25, 1997.

Secretary



MEMORANDUM

February 13, 1997

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. Preston Cook
Hon. James R. Herman

FROM: Douglas F. Wong
Executive Director *DFW*

SUBJECT: Consent to tour boats operating from the Pier 39 Marina which are not operated by Pier 39 Limited Partnership.

DIRECTOR'S RECOMMENDATION: CONSENT TO TOUR BOATS OPERATING FROM THE PIER 39 MARINA WHICH ARE NOT OPERATED BY PIER 39 LIMITED PARTNERSHIP

Background

The Pier 39 master lease (Port Lease No. L-9707), as amended on October 31, 1979 (the "Lease"), authorizes certain specified uses on the premises demised in the Lease. The Lease provides that any new use or change of use not authorized in the Lease requires consent by the Port, and it further provides that the Port and the Pier 39 Limited Partnership ("Tenant") negotiate the new rent due the Port for the new use or change of use. In the event that Port and Tenant are unable to agree on the rent, the Lease provides for binding arbitration. Pursuant to these provisions, the Port Commission at its September 26, 1995 meeting (by Resolution 95-59) consented to a seaplane use at Pier 39, and the Port Commission at its December 20, 1996 meeting (by Resolution 96-124) consented to wireless telecommunication services at Pier 39.

Among the authorized uses for the premises demised by the Lease are the following uses:

“Marina (including berthing and slip rental for pleasure craft and yachts, party and charter boats, including fishing boats [specifically excluding, however, any tour boat or ferry boat]).”

“Tenant operated tour boats,” which are defined as “any passenger boat, ferry boat, excursion boat or other transportation or excursions for hire service accepting passengers or discharging passengers at Pier 39.”

The Lease does not therefore authorize tour boats not operated by Tenant to operate from the Pier 39 Marina located on the premises, except for party and charter boat operations.

Tenant has been approached by the owners of the Adventure Cat, which is a catamaran sailboat operating from South Beach Harbor primarily on a charter basis, to relocate to the Pier 39 Marina, where it would offer charters, as well as tours, which would involve trips for which tickets are purchased by passengers on an individual basis. It has also been observed by Port staff that a few berth holders at the Pier 39 Marina currently operate such tours, although Tenant has indicated that no revenue is paid to Tenant from these tours above the berth rental.

Pursuant to the Lease, Tenant currently pays rent to the Port equal to 7% of tour boat revenues (as defined in the Lease) for Tenant operated tour boats (with a temporary reduction to 5% of such revenues until certain improvements made by Tenant are amortized). At its October 28, 1992 meeting (by Resolution 92-112), the Port Commission approved a policy for accommodating additional excursion boats at the Port of San Francisco. Based on the research done by Port staff in formulating this policy, the Port Commission resolved that the percentage rent to the Port for excursions covered by the policy should be in the range of 5% to 7% percent of gross receipts. At its September 14, 1995 meeting (by Resolution 95-91), the Port Commission adopted a standard form Landing Rights License for Casual Landings at Pier ½ which provided for a percentage fee to the Port calculated at 7% of gross receipts for excursion casual landings at Pier ½.

Proposed Port Consent

Port staff recommends that the Port Commission consent to tour boat operations not operated by Tenant to operate from the Pier 39 Marina on tours of San Francisco Bay, for which tickets are purchased from the tour boat operator by passengers on an individual basis. Such consent shall be subject to the condition that such use shall be limited to (a) operators of sailboats properly authorized by the U.S. Coast Guard, and (b) operators of power boats properly authorized by the U.S. Coast Guard to carry not more than 48 passengers.

Pursuant to the provisions of the Lease, Port staff and Tenant have agreed that the rent to be paid to the Port for such tour boat operations not operated by Tenant are to be calculated at 7% of all gross receipts generated by the owner or operator of such operations.

Prepared by: Kirk W. Bennett, Sr. Property Manager,
Northern Waterfront/Fisherman's Wharf

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
RESOLUTION NO. 97-14**

- WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and
- WHEREAS, under Charter Section B3.581(g) leases granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and
- WHEREAS, pursuant to Section VI.B of that lease agreement dated October 31, 1979, by and between North Point Center, Inc. (with Pier 39 Limited Partnership as successor in interest), as Tenant, and the City and County of San Francisco acting through its Port Commission, as Landlord, as amended (the "Lease"), Tenant is permitted to change uses authorized by the Lease or to add a facility, operation or use not specifically authorized by the Lease; and
- WHEREAS, the Port has the right of approval and consent to such intended changes of use, not to be unreasonably withheld; and
- WHEREAS, the Port Commission's consent has been requested for use of the premises under the Lease for tour boat operations from the Marina located therein by persons or entities other than Tenant, involving tours of San Francisco Bay for which tickets are purchased from the tour boat operator by passengers on an individual basis, provided such use shall be limited to (a) operators of sailboats properly authorized by the United States Coast Guard, and (b) operators of power boats properly authorized by the United States Coast Guard to carry no more than 48 passengers (collectively, "Non-Tenant Tour Boat Operations"); now therefore, be it
- RESOLVED, that the Port Commission hereby approves the new use consisting of Non-Tenant Tour Boat Operations, subject to satisfaction and compliance with those conditions attached hereto as Exhibit A; and be it further

RESOLVED, that the Port Commission hereby approves the percentage rent for the Non-Tenant Tour Boat Operations use as set forth as Condition 3 of the conditions attached hereto as Exhibit A.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of February 25, 1997.

Secretary

EXHIBIT A

CONDITIONS TO PORT APPROVAL OR NON-TENANT
TOUR BOAT OPERATIONS
(Attachment to Resolution No. 97-14)

1. Compliance with All Applicable Laws. Tenant or its subtenant operating Non-Tenant Tour Boat Operations (collectively, "Subtenant") shall comply with all permits required and issued with respect to the Non-Tenant Tour Boat Operations and with all laws relating to or affecting use of the demised premises applicable to the approved use currently in effect or which may hereafter be in effect at any time during the remainder of the Lease term, whether or not now contemplated by the parties.

2. No Cost or Liability on the Part of the Port. All costs associated with any approvals for or operation of the proposed use shall be borne by Tenant or Subtenant, and Tenant or Subtenant shall be solely responsible for complying with any and all conditions imposed by regulatory agencies and shall pay any and all fines or penalties imposed as a result of the failure of Tenant or Subtenant to comply with the terms and conditions of any regulatory approvals, and, to the fullest extent permitted by law, Tenant and Subtenant agree to defend, indemnify and hold City, Port and their agents harmless from and against any loss, expense, costs, damage, attorney's fees, penalties, claims or liabilities which City or Port may incur as a result of Tenant's or Subtenant's failure to obtain or comply with the terms and conditions of any regulatory approvals or as a result of the operation of the approved use.

3. Payment of Rent. Commencing as of the date of Port approval of Resolution No. 97-14, and for so long as there are Non-Tenant Tour Boat Operations from the premises demised in the Lease, Tenant shall pay or cause to be paid to Port a sum equal to seven percent (7%) of all gross receipts generated by the operator or owner of the Non-Tenant Tour Boat Operations.

4. Acknowledgment. Tenant shall provide Port with an acknowledgment of its agreement to comply with all of the foregoing conditions by signing below.

Acknowledged and Agreed:

"Tenant"

Fritz Arko
President, Pier 39 Limited Partnership



Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

MEMORANDUM

February 18, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. Preston Cook
Hon. James Herman

FROM: Douglas F. Wong *DW*
Executive Director

SUBJECT: Professional Services Contract No. SA 3930045, "DOWNTOWN FERRY TERMINAL," with Roma Design Group, approval of Fourth Amendment to authorize additional design and construction review work.

DIRECTOR'S RECOMMENDATION: APPROVE FOURTH AMENDMENT TO CONTRACT NO. SA 3930045 WITH ROMA DESIGN GROUP FOR \$246,595.

In March, 1994, The Port contracted with Roma Design Group ("Consultant") for \$593,255, to assist Port Staff with the design of the Downtown Ferry Terminal Project. As the project progressed, Port Staff successfully secured additional funding and expanded the scope of the project accordingly. On November 21, 1994, the Commission approved Contract Amendment No. 2 for \$384,763 for additional design work, including a new breakwater and the relocation of the boiler room/utility area, which is currently positioned on the east deck adjacent to the Ferry Building. On August 29, 1995, the Commission approved Contract Amendment No. 3 for \$39,741 to perform additional environmental studies related to the proposed breakwater. (Amendment No. 1 involved a no-cost, incidental change to the contract which did not require Commission approval.) These costs are itemized below:

Original contract amount:	\$593,255
Amendment No. 2	\$384,763
Amendment No. 3	<u>\$39,741</u>
Total to date:	\$1,017,759

THIS PRINT COVERS CALENDAR ITEM NO. 6A

To date, Port Staff, with the assistance of the Consultant, has prepared approximately 90% of the contract documents for the Downtown Ferry Terminal Project. Several issues have recently surfaced requiring revisions and/or additions to the construction contract documents and increases to the scope of construction stage services. These items are itemized below:

- Since its primary inception, the length of the breakwater structure has approximately doubled, and soil borings have revealed soil conditions vastly different from what were initially assumed, requiring additional complex structural analyses. Addressing these matters requires a change order in the work scope. Also, the estimated cost of the breakwater as presently designed is \$7,100,000.00, which exceeds the construction budget. Port Staff needs the Consultant to revise the breakwater contract documents and specifications to ensure that the final design falls within the budget.
- On-site surveys conducted at the Ferry Building during the course of the boiler facility design have revealed different mechanical conditions than those represented by the Port at the start of the project. Addressing these existing condition issues requires a change in the Consultant's work scope.
- To improve passenger circulation the Port proposes to remove three raised planters on the Ferry Plaza, located between the Ferry Building and Gabbiano's Restaurant. BCDC has indicated that replacement seating must be provided, as well as reconfigured and improved lighting. Port staff feels that additional funds to design these improvements are justified.
- Port Staff requests that the Consultant provide additional construction stage services for the project to ensure construction compliance with the contract documents. These additional services include extensive oversight of the promenade deck and breakwater pile driving activities, and new South Terminal float and ramp construction.
- Port staff requests that the Consultant's contract be extended through the duration of the construction project to December 31, 1999.

The estimated construction cost of the complete Downtown Ferry Terminal Project is approximately \$17,000,000. Currently the Port has secured nearly \$14,000,000 from State and Federal funding agencies, and applications for additional governmental funding are pending. The project will be bid using additive bid items to ensure that the final project is fully funded.

To date, the cost of the consulting work, including construction stage services, is \$1,017,759. Staff has met with the Consultant and negotiated a price of \$246,595 to complete the additional tasks as listed above. With the approval of this contract amendment, the total consulting design project cost is \$1,264,354, representing 7.44% of the estimated construction cost. The additional cost will be fully funded by outside sources, including Proposition 116 bond funds and a grant from the Federal Highway Administration's Transportation Enhancement Activities Program. The schedule for the expenditure of outside funds for this project requires that the design be completed by April, 1997.

Prepared by: Cliff Jarrard, Chief Harbor Engineer

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

RESOLUTION NO. 97-18

- WHEREAS, to date, Port staff, with the assistance of Roma Design Group (“Consultant”), has prepared approximately 90% of the contract documents for the Downtown Ferry Terminal Project; and
- WHEREAS, Port Staff requests that the Consultant perform additional Breakwater structural analyses to address the increased length of the breakwater structure and the varying soil conditions; and
- WHEREAS, Port Staff requests that the Consultant address additional boiler facility design issues resulting from recent existing condition discoveries; and
- WHEREAS, Port Staff requests that the Consultant revise the contract documents to include additional Ferry Plaza improvements to enhance passenger circulation; and
- WHEREAS, Port Staff requests that the Consultant increase the scope of construction stage services to more fully ensure construction compliance with the contract documents; and
- WHEREAS, Port Staff requests that the Consultant’s contract be extended through the duration of the construction project to December 31, 1999; and
- WHEREAS, Port Staff has met with the consultant and negotiated a price of \$246,595 to complete the additional tasks; and
- WHEREAS, the schedule for the expenditure of outside funds for this project dictates that design proceed uninterrupted to preserve the funding; then be it
- RESOLVED, that the San Francisco Port Commission hereby authorizes staff to approve the Fourth Amendment to Contract No. SA 3930045 with ROMA Design Group for \$246,595.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of February 25, 1997.

Secretary

PORT OF SAN FRANCISCO



MEMORANDUM

February 19, 1997

Ferry Building
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Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. Preston Cook
Hon. James Herman

FROM: Douglas F. Wong *D. Wong*
Executive Director

SUBJECT: Authorization to award Contract 2622, "Pier 48 Bulkhead Seismic Retrofit Project"

DIRECTOR'S RECOMMENDATION: THAT THE COMMISSION AUTHORIZE STAFF TO AWARD CONTACT 2622, "PIER 48 BULKHEAD SEISMIC RETROFIT PROJECT," IN ACCORDANCE WITH THE ATTACHED RESOLUTION

The Pier 48 bulkhead buildings incurred structural damage during the 1989 Loma Prieta Earthquake. On January 14, 1997, the Port Commission authorized staff to advertise for competitive bids for Contract 2622, "Pier 48 Bulkhead Seismic Retrofit Project." The retrofit contract includes the following work: driving new steel piles to support the concrete bulkhead exterior walls, pouring new concrete grade beams and structural slabs, jacking-up the existing exterior concrete walls, repairing the cracks in the existing exterior concrete walls, installing new steel braced frames and plywood roof diaphragm, and abating hazardous materials.

On February 14, 1997, eight (8) bids were received. A Summary of Bids is attached. The lowest responsive bidder was West Bay Builders, Inc./D. Stewart Thompson, Inc., a Joint Venture, at a low bid of \$1,151,515. D. Stewart Thompson, Inc. is a WBE firm with 51% of the work. Staff has reviewed the bid documents and the Human Rights Commission has reviewed and agreed that the MBE/WBE subcontracting goals have been met. Staff recommends that the Commission authorize the award of Contract 2622 to West Bay Builders, Inc./D. Stewart Thompson, Inc. , a Joint Venture. It is also recommended that the Commission authorize a 10% contingency for possible Type I contract modifications and that the Executive Director be authorized to accept the work after it is complete. It is anticipated that FEMA/OES will fund the entire cost of this contract.

Prepared by Cliff Jarrard, Chief Harbor Engineer

THIS PRINT COVERS CALENDAR ITEM **6B**

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

RESOLUTION NO. 97-19

WHEREAS, Pier 48 bulkhead incurred structural damage during the 1989 Loma Prieta Earthquake; and

WHEREAS, on January 14, 1997, the Port Commission authorized staff to advertise for competitive bids for Contract 2622; and

WHEREAS, on February 14, 1997, eight (8) bids were received; and

WHEREAS, staff has reviewed the bid documents and determined that the lowest responsive bidder is West Bay Builders, Inc./ D. Stewart Thompson, Inc., a Joint Venture; and

WHEREAS, the Human Rights Commission has reviewed the bids and determined that this contractor has met the MBE/WBE subcontracting goals and that the contractor qualifies for the bid preference; and

WHEREAS, it is anticipated that FEMA/OES will fund the entire cost of the seismic retrofit, now therefore be it

RESOLVED, that the San Francisco Port Commission hereby authorizes the award of Contract 2622, "Pier 48 Bulkhead Seismic Retrofit Project," to West Bay Builders, Inc./D. Stewart Thompson, Inc., a Joint Venture at a cost of \$1,151,515, and authorizes a 10% contingency for possible Type 1 contract modifications; and be it further

RESOLVED, that the San Francisco Port Commission authorizes the Executive Director to accept the work after it is complete.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of February 25, 1997.

Secretary

BID SUMMARY
PORT OF SAN FRANCISCO

Project: **Pier 48 Bulkhead Seismic Retrofit**
 Contract No. **2622**
 Project Engineer: **Joe Roger**

Bids Opened: **Feb. 14, 1997 - 10 am**

Bid Item #	Description	Estimated Quantity	Unit /LS	Price	Total	Trico Construction 445C Hampshire St. S.F., CA. 94110 (415) 552-8439	Barnes/LTM, JV 449 10th St. S.F., CA 94103 (415) 552-7070	Pacific Construction 928A Van Ness Ave. S.F., CA 94109 (415) 567-1712	Unit /LS	Price	Total
1	Abatement of asbestos-containing materials, including demolition and disposal of sheetrock partitions in the office areas, and roof patching compounds.	LS		\$12,000.00	\$12,000.00					\$10,000.00	\$10,000.00
2	Abatement of lead-based paints, clean-up of lead contamination, demo of lead-coated arch assemblies and dust control measures by various trades, including clean-up and stabilization of loose and peeling lead-base paints from misc. areas, abatement of lead primer at weld locations, abatement of loose and peeling paints at the clear-story/jack-up and clean-up and disposal of lead contain sand and gravel on the roof, disposal of lead contain soils at new footings, and misc. lead dust control measures to comply w/ Cal/OSHA	LS		\$6,000.00	\$6,000.00					\$19,500.00	\$19,500.00
3	All Pier 48 Bulkhead Seismic Retrofit work, excluding hazardous material abatement work and steel pile work	LS		\$690,000.00	\$690,000.00					\$812,205.00	\$812,205.00
4	Environmental Consulting Work	Allowance									
Unit Price Item No. 1	12" diameter steel piles, per lineal ft.	2800		\$13,915.00	\$13,915.00					\$13,915.00	\$13,915.00
Unit Price Item No. 2	12" diameter steel pile installation, per lineal ft.	2800		\$20.00	\$56,000.00					\$33.00	\$92,400.00
Unit Price Item No. 3	16" diameter steel pile installation, per lineal ft.	4550		\$25.00	\$70,000.00					\$26.00	\$72,800.00
Unit Price Item No. 4	16" diameter steel piles, per lineal ft.	4550		\$30.00	\$136,500.00					\$38.00	\$172,900.00
Unit Price Item No. 5	16" diameter steel pile installation, per lineal ft.	4550		\$30.00	\$136,500.00					\$28.00	\$127,400.00
Unit Price Item No. 6	Built-up Roofing, per square foot	8000		\$2.50	\$20,000.00					\$4.35	\$34,800.00
Additive Unit Price Item No. 1	Cement Plaster Spall Repair, per square foot	500		\$10.00	\$5,000.00					\$30.00	\$15,000.00
	Cut existing Bulkhead Building exterior wall wood piles	28		\$200.00	\$5,600.00					\$450.00	\$12,600.00
Totals (Base Bid Items)					\$1,145,915.00						\$1,188,400.00
Totals (Base Bid Items + Additive Bid Item)					\$1,151,515.00						\$1,208,000.00

See Note 1

Note 1. Bidder's mathematical error corrected

Distribution: A. Lee, C. Jarrard, A. Quesada, E. Byrne, J. Roger, R. Lim, Contract File

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BID SUMMARY
PORT OF SAN FRANCISCO

Prepared By: Ben Segura/RL
Checked By: RL
Date: Feb. 14, 1997
Page 2 of 4

Project: Pier 48 Bulkhead Seismic Retrofit
Contract No. 2622

Project Engineer: Joe Roger

Bids Opened: Feb 14, 1997 - 10 am

Bid Item #	Description	Estimated Quantity	Unit /LS	Price	Total	Valentine Corporation/Coast Geo, JV 5 Thomas Mellon Circle, Ste. 245 S.F., CA 94134 (415) 467-7700	Unit /LS	Price	Total	A. Ruiz Construction Co. & Assoc., Inc. 1615 Cortland Ave. S.F., CA 94110 (415) 647-4010	Unit /LS	Price	Total
1	Abatement of asbestos-containing materials, including demolition and disposal of sheetrock partitions in the office areas, and roof patching compounds.	LS		\$5,000.00	\$5,000.00			\$2,300.00	\$17,000.00			\$9,790.00	\$9,790.00
2	Abatement of lead-based paints, clean-up of lead contamination, demo of lead-coated arch assemblies and dust control measures by various trades, incl clean-up and stabilization of loose and peeling lead-base paints from misc. areas, abatement of lead primer at weld locations, abatement of loose and peeling paints at the clear-story jack-up and disposal of lead contam sand and gravel on the roof, disposal of lead contam soils at new footings, and misc. lead dust control measures to comply w/ Cal/OSHA	LS		\$85,000.00	\$85,000.00			\$28,000.00	\$17,000.00			\$10,890.00	\$10,890.00
3	All Pier 48 Bulkhead Seismic Retrofit work, excluding hazardous material abatement work and steel pile work	LS		\$865,000.00	\$865,000.00			\$632,000.00	\$962,004.00			\$1,300,000.00	\$1,300,000.00
4	Environmental Consulting Work	Allowance											
Unit Price Item No. 1	12" diameter steel piles, per lineal ft	2800		\$13,915.00	\$13,915.00			\$13,915.00	\$13,915.00			\$13,915.00	\$13,915.00
Unit Price Item No. 2	12" diameter steel pile installation, per lineal ft.	2800		\$18.00	\$50,400.00			\$21.00	\$58,800.00			\$37.40	\$104,720.00
Unit Price Item No. 3	16" diameter steel piles, per lineal ft.	4550		\$22.00	\$61,600.00			\$62.00	\$173,600.00			\$27.70	\$77,560.00
Unit Price Item No. 4	16" diameter steel pile installation, per lineal ft.	4550		\$25.00	\$113,750.00			\$30.00	\$136,500.00			\$43.45	\$197,697.50
Unit Price Item No. 5	Built-up Roofing, per square foot	8000		\$35.00	\$159,250.00			\$38.00	\$172,900.00			\$33.00	\$150,150.00
Unit Price Item No. 6	Cement Plaster Spall Repair, per square foot	500		\$7.00	\$56,000.00			\$3.10	\$24,800.00			\$20.90	\$167,200.00
Additive Unit Price Item No. 1	Cut-existing Bulkhead Building exterior wall wood piles	28		\$20.00	\$10,000.00			\$42.00	\$21,000.00			\$20.90	\$10,450.00
				blank				\$500.00	\$14,000.00			\$550.00	\$15,400.00
Totals (Base Bid Items)					\$1,419,915.00	\$1,419,915.00			\$1,510,969.00			\$2,042,372.50	
Totals (Base Bid Items + Additive Bid Item)					\$1,419,915.00	\$1,419,915.00			\$1,533,369.00			\$2,057,772.50	

See Note 2

See Note 1

Note 1 Bidder's mathematical error corrected
Note 2 Bidder did not state price for Additive Unit Price Item No. 1
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**BID SUMMARY
PORT OF SAN FRANCISCO**

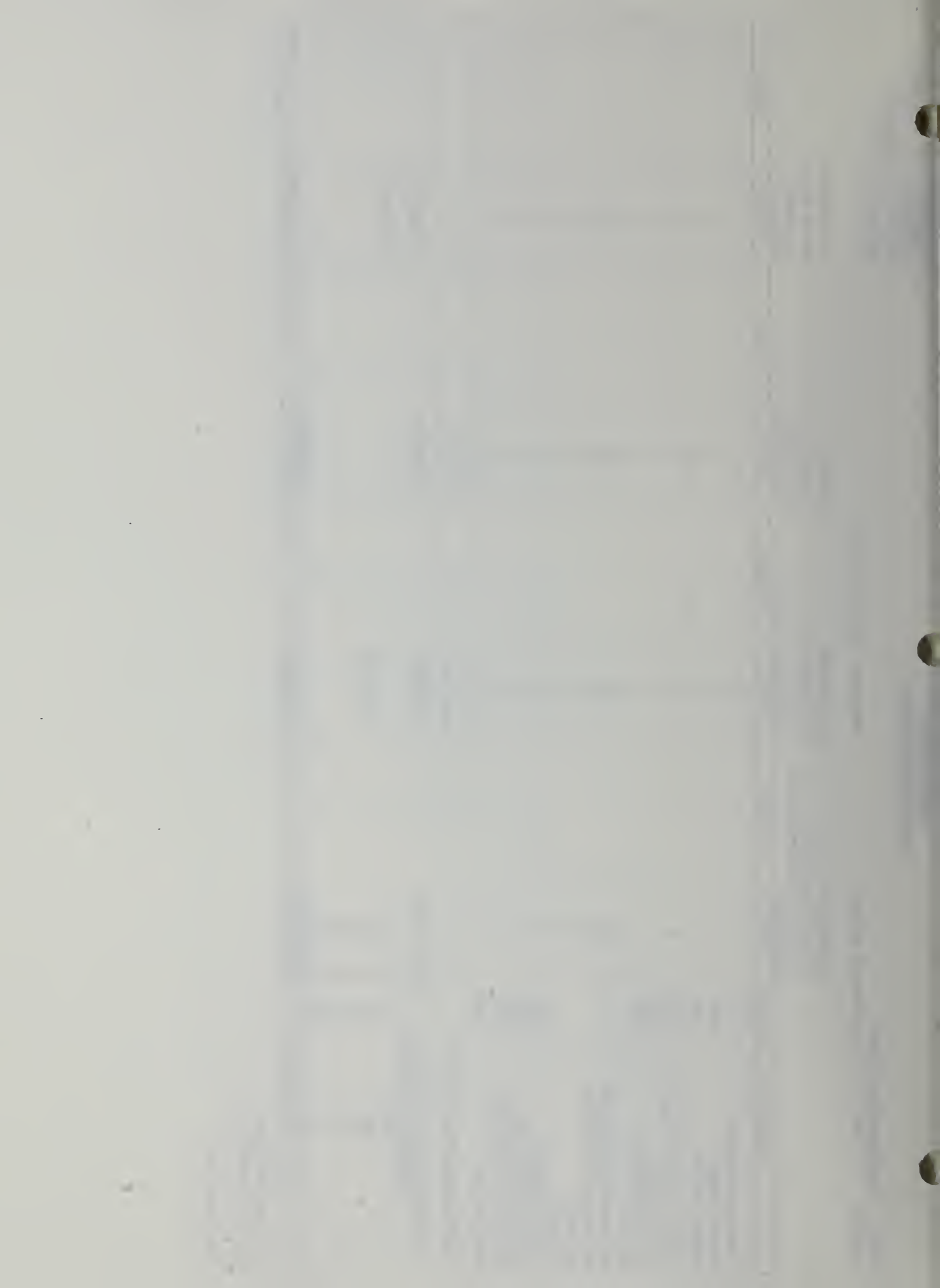
Prepared By: Segura/RL
 Checked By: RL
 Date: Feb. 14, 1997
 Page 3 of 4

Project: Pier 48 Bulkhead Seismic Retrofit
 Contract No. 2622
 Project Engineer: Joe Roger
 Bids Opened: Feb. 14, 1997 - 10 am

Required Forms	Document #	West Bay Builders/ D. Stewart Thompson Inc., JV 615 Lindero St., San Rafael, CA 94123 (415)456-8972		Trico Construction 445C Hampshire St. S.F., CA 94110 (415)552-8439		Barnes/LTM 449 10th St. S.F., CA 94103 (415)552-7070		Pacific Construction 928A Van Ness Ave. S.F., CA 94109 (415)567-1712	
		Yes (Y)	No (N)	Yes (Y)	No (N)	Yes (Y)	No (N)	Yes (Y)	No (N)
Bid	00300	Y		Y		Y		Y	
Addenda Acknowledgement	00302	Y		Y		Y		Y	
Schedule of Bid Prices	00304	Y		Y		Y		Y	
Schedule of Unit Prices	00411	Y		Y		Y		Y	
Bid Bond	00420	Y		Y		Y		Y	
Experience & Financial Qualifications	00430	Y		Y		Y		Y	
List of Subcontractors	00481	Y		Y		Y		Y	
Non-Collusion Certification		Y		Y		Y		Y	
HRC Form 1		Y		Y		Y		Y	
HRC Schedule A (as applic, by 5pm)		NA		NA		NA		NA	
HRC Schedule L (as applic, by 5pm)		NA		NA		NA		NA	
HRC Form 2A		Y		Y		Y		Y	
HRC Form 2B		Y		Y		Y		Y	
Apprenticeship Program	00490	Y		Y		Y		Y	
Business Tax Reg Declaration	00491	Y		Y		Y		Y	
Highest General Prevailing Wage	00492	Y		Y		Y		Y	
Equal Opp Empl & Bus Practices: LD	00493	Y		Y		Y		Y	
MacBride Principles	00494	Y		Y		Y		Y	
Deemed Responsive by Engin & HRC (Y/N) ?		Y		N (See Note 2)		N (See Notes 1 & 2)		Y	

Total Bid (Base + Additive Bid Item)	\$1,151,515.00	\$1,191,265.00	\$1,208,000.00	\$1,383,520.00
PREFERENCES (as applicable):				
MBE 10%	(\$)			
WBE 10%	(\$)			(\$138,352.00)
LBE 5%	(\$)	(\$119,126.50)		
JV 5%	(\$)			
JV 7.5%	(\$)			
JV 10%	(\$115,151.50)		(\$120,800.00)	
Adjusted Bid	\$1,036,363.50	\$1,072,138.50	\$1,087,200.00	\$1,245,168.00

Note 1: Did not meet mbe goal
 Note 2: Did not meet wbe goal



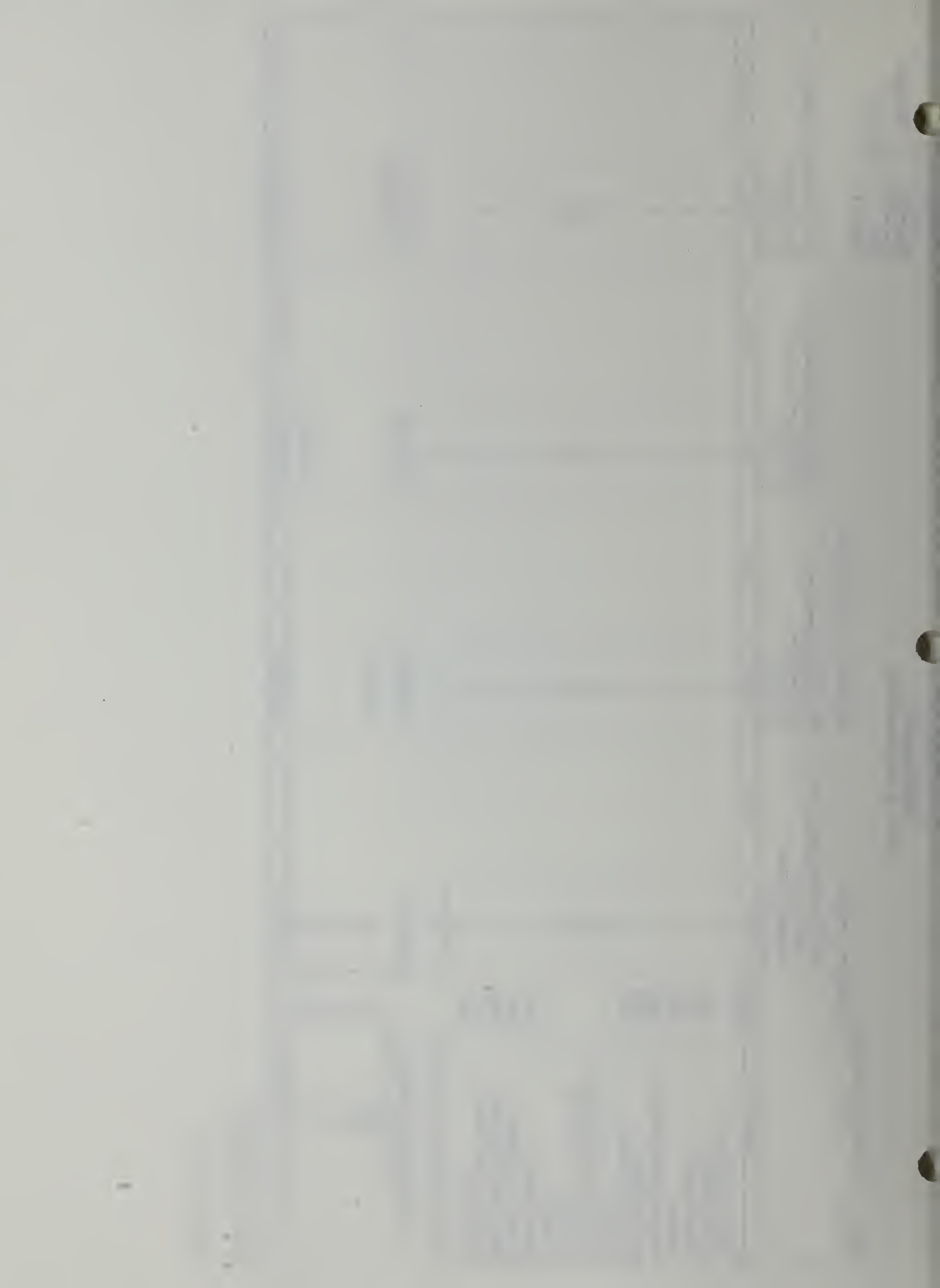
BID SUMMARY PORT OF SAN FRANCISCO

Prepared By: Ben Segura/RL
 Checked By: RL
 Date: Feb. 14, 1997
 Page 4 of 4

Project: Pier 48 Bulkhead Seismic Retrofit
 Contract No. 2622
 Project Engineer: Joe Roger
 Bids Opened: Feb. 14, 1997 - 10 am

Required Forms	Document #	Yes (Y)	No (N)	Yes (Y)	No (N)	Yes (Y)	No (N)	Yes (Y)	No (N)
Bid	00300	Y		Y		Y		Y	
Addenda Acknowledgement	00302	Y		Y		Y		Y	
Schedule of Bid Prices	00304	Y		Y		Y		Y	
Schedule of Unit Prices	00411	Y		Y		Y		Y	
Bid Bond	00420	Y		Y		Y		Y	
Experience & Financial Qualifications	00430	Y		Y		Y		Y	
List of Subcontractors	00481	Y		Y		Y		Y	
Non-Collusion Certification		Y		Y		Y		Y	
HRC Form 1		NA		NA		NA		NA	
HRC Schedule A (as applic. by 5pm)		NA		NA		NA		NA	
HRC Schedule L (as applic. by 5pm)		NA		NA		NA		NA	
HRC Form 2A		Y		Y		Y		Y	
HRC Form 2B		Y		Y		Y		Y	
Apprenticeship Program	00490	Y		Y		Y		Y	
Business Tax Reg Declaration	00491	Y		Y		Y		Y	
Highest General Prevailing Wage	00492	Y		Y		Y		Y	
Equal Opp Empl & Bus Practices: LD	00493	Y		Y		Y		Y	
MacBride Principles	00494	Y		Y		Y		Y	
Deemed Responsive by Engin & HRC (Y/N) ?		N (See Notes 1 & 2)		Y		Y		Y	
Total Bid (Base + Additive Bid Item)		\$1,419,915.00		\$1,477,815.00		\$1,533,369.00		\$2,057,772.50	
PREFERENCES (as applicable):									
MBE	10%								
WBE	10%								
LBE	5%								
JV	5%								
JV	7.5%								
JV	10%								
Adjusted Bid		\$1,419,915.00		\$1,330,033.50		\$1,418,366.33		\$1,851,995.25	

Note 1: Did not meet mbe goal
 Note 2: Did not meet wbe goal



PORT OF SAN FRANCISCO

MEMORANDUM

February 25, 1997



Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. Preston Cook
Hon. James Herman

FROM: Douglas F. Wong *for DW*
Executive Director

SUBJECT: Briefing and Public Hearing on the Draft Concept Agreement between the Port of San Francisco, BCDC and Save San Francisco Bay Association regarding public access and urban design improvements and BCDC regulatory amendments to be achieved through implementation of the Waterfront Land Use Plan.

I. SUMMARY

The Port of San Francisco has been conducting a public planning process to develop the Waterfront Land Use Plan ("Waterfront Plan") for all properties under its jurisdiction. As part of that effort, the Port entered into an Agreement with the Bay Conservation and Development Commission ("BCDC") in 1996 to jointly review the Waterfront Plan in the context of existing BCDC plan policies. The Agreement identified a number of specific issues for discussion, including: 1) reviewing and classifying pier repairs which constitute substantial repair and therefore are considered fill, versus routine maintenance; 2) possible amendments to replacement fill policies to allow further flexibility in reconfiguration of piers; 3) nature and duration of interim uses on piers; approaches to allow rehabilitation of bulkhead buildings for existing or future non-water-oriented uses; streamlining of the permit process, combining to the maximum extent review by the Port, City and BCDC; and developing proposed amendments to BCDC's Special Area Plan. Pursuant to that Agreement, the Port and BCDC staff met to develop proposals to resolve these issues. At the invitation of BCDC, Save San Francisco Bay Association (Save the Bay) joined these discussions.

The three parties jointly developed a Draft Concept Agreement ("Concept Agreement"), which describes in conceptual terms how the issues would be resolved. The Concept Agreement describes commitments that would be made by the Port to 1) develop major new waterfront public access and open space, 2) remove specified piers, 3) create a funding mechanism for public access improvements, 4) provide on-site public access in new

developments, and 5) conduct further historic preservation studies to determine which historic resources will be preserved. Under the Concept Agreement, BCDC would amend the Bay Plan, Special Area Plan and Total Design Plan to incorporate new or revised policies which describe 1) how piers may be reconfigured, and 2) a clear definition of what constitutes substantial repairs versus basic maintenance on piers, based on their physical condition, which allows the Port more flexibility for leasing and use of its facilities; 3) defines "maximum feasible public access" for new development projects on finger piers as 25% of pier area rather than the current approach of determining public access on a case-by-case basis (public access on larger piers would be determined through a joint design review process conducted by the Port, BCDC and the City); 4) does not require public access for leases or uses of existing facilities, except for those leases which generate a substantial increase in the need for public access, in light of the Port's commitment to major new plazas and funding. In addition, the Concept Agreement proposes the creation of a Joint Design Review Committee to streamline the review of waterfront projects by the Port, BCDC and the City.

The Port and BCDC staff will continue to invite public review and comments on the Draft Concept Agreement. The staff also will seek direction from their respective Commissions, at a joint BCDC and Port Commission briefing and public hearing included on the agenda for BCDC's regular meeting on March 6, 1997, to develop further detailed policies and procedures to carry out the Concept Agreement provisions. In addition, the staff will jointly propose that the respective commitments by the Port and BCDC be documented in a binding agreement, prior to the Port Commission's adoption of the final Waterfront Land Use Plan, and BCDC's adoption of the Bay Plan amendments. It is anticipated that the Port Commission will adopt the final Waterfront Plan in April, and later approve the San Francisco Special Area Plan to be incorporated into BCDC's Bay Plan. It is anticipated that BCDC will adopt the Bay Plan (including the Special Area Plan) amendments in July 1997.

II. BACKGROUND

A. The Waterfront Land Use Plan

The Draft Waterfront Plan (Waterfront Plan) sets forth policies define land uses for the waterfront, from Fisherman's Wharf to India Basin. The overall goal of the Waterfront Plan is to reunite the waterfront with the City by providing for the Port's current and long-term maritime needs while also identifying opportunities for open space, public access and activities which attract the public to use and enjoy the waterfront, and generate revenues to support its public trust objectives. The Waterfront Plan is the product of a five year public planning process, recommended by the Waterfront Plan Advisory Board. With few exceptions, the Port Commission approved the Advisory Board's recommended plan for analysis in an Environmental Impact Report, which was certified by the Planning Commission on January 9, 1997.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures that the financial statements are reliable and can be audited without any discrepancies. The text also mentions that regular reconciliation of the accounts is necessary to identify any errors or unauthorized transactions as early as possible.

Furthermore, it is advised to keep all financial documents in a secure and organized manner. This includes receipts, invoices, bank statements, and tax returns. Proper record-keeping not only helps in the preparation of financial statements but also provides a clear audit trail for any future inquiries.

In addition to maintaining accurate records, it is crucial to understand the terms and conditions of all financial agreements. This includes loans, credit cards, and other financial products. Being aware of interest rates, fees, and repayment schedules can help in making informed decisions and avoiding unnecessary financial burdens.

The document also highlights the importance of budgeting and controlling expenses. By creating a realistic budget and sticking to it, individuals can manage their finances more effectively and avoid falling into debt. It is recommended to review the budget regularly and make adjustments as needed to reflect changes in income and expenses.

Finally, the text stresses the importance of seeking professional advice when needed. A qualified accountant or financial advisor can provide valuable insights and help in navigating complex financial situations. They can also assist in identifying tax-saving opportunities and ensuring compliance with all relevant regulations.

In conclusion, effective financial management requires a combination of accurate record-keeping, informed decision-making, budgeting, and seeking professional help when necessary. By following these principles, individuals can achieve their financial goals and maintain a healthy financial future.

B. The Urban Design and Public Access Element

One of the key Port Commission amendments to the Draft Plan called for the development of urban design guidelines to ensure that new development under the Waterfront Plan occurs in a manner which enhances the waterfront. Toward that end, the Port created a Technical Advisory Committee (TAC) to review and advise the development of an Urban Design and Public Access (UDPA) element of the Waterfront Plan. The TAC is made up of members of the design profession, and representatives from the Planning Department, BCDC staff, Waterfront Plan Advisory Board, and Save the Bay. The TAC has met periodically with BCDC's Design Review Board to exchange ideas and comments regarding the development of the design guidelines.

The UDPA element will define a comprehensive urban design vision which identifies locations and types of public access, open space areas and views, historic preservation policies, and architectural standards, which will be realized as waterfront development projects occur. The UDPA will be incorporated into the Waterfront Plan or otherwise adopted such that its implementation occurs, as applicable, as part of new waterfront projects.

C. BCDC/Port/Save the Bay Concept Agreement

In addition to developing the Urban Design and Public Access element, the Port entered into an Agreement with BCDC.¹ Under the Agreement, BCDC and the Port are to jointly review the Waterfront Plan in the context of existing BCDC plan policies, and develop mutually agreeable amendments to the Waterfront Plan, and BCDC's Bay Plan, and San Francisco Special Area and Total Design Plans, consistent with the McAteer-Petris Act. The Port and BCDC agree that resolution of these policy and regulatory issues will enable both agencies to realize their ultimate objectives more effectively than under current policies and regulations. BCDC's stated objectives are to 1) revitalize the San Francisco waterfront; 2) provide maximum feasible public access; and 3) reduce Bay fill. The Port shares those objectives. In addition, the Port seeks to increase developer certainty and streamline BCDC's project review process by establishing clear definitions and requirements for waterfront projects subject to BCDC permitting authority, and establishing a single joint design review process which integrates review by the Port, BCDC and the City.

BCDC and the Port have met intensively to discuss the issues stated in the Agreement, as well as to exchange ideas and develop a consensus about an urban design vision for the San Francisco waterfront. At the request of BCDC, these discussions were joined by Save the Bay. The three parties jointly propose recommendations which address each of these areas, as presented in Attachment A, Draft Concept Agreement Among the Port of San Francisco,

¹ Agreement Between the San Francisco Bay Conservation and Development Commission and the Port of San Francisco to Review Port Plans and Policies Implementing the San Francisco Waterfront Plan as well as Possible Amendments to the San Francisco Bay Plan, Special Area Plan, Total Design Plan, and Other Documents. Port Commission Resolution # 96-02, March 25, 1996.

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the Save San Francisco Bay Association, and the San Francisco Bay Conservation and Development Commission. The goals of the Concept Agreement are as follows:

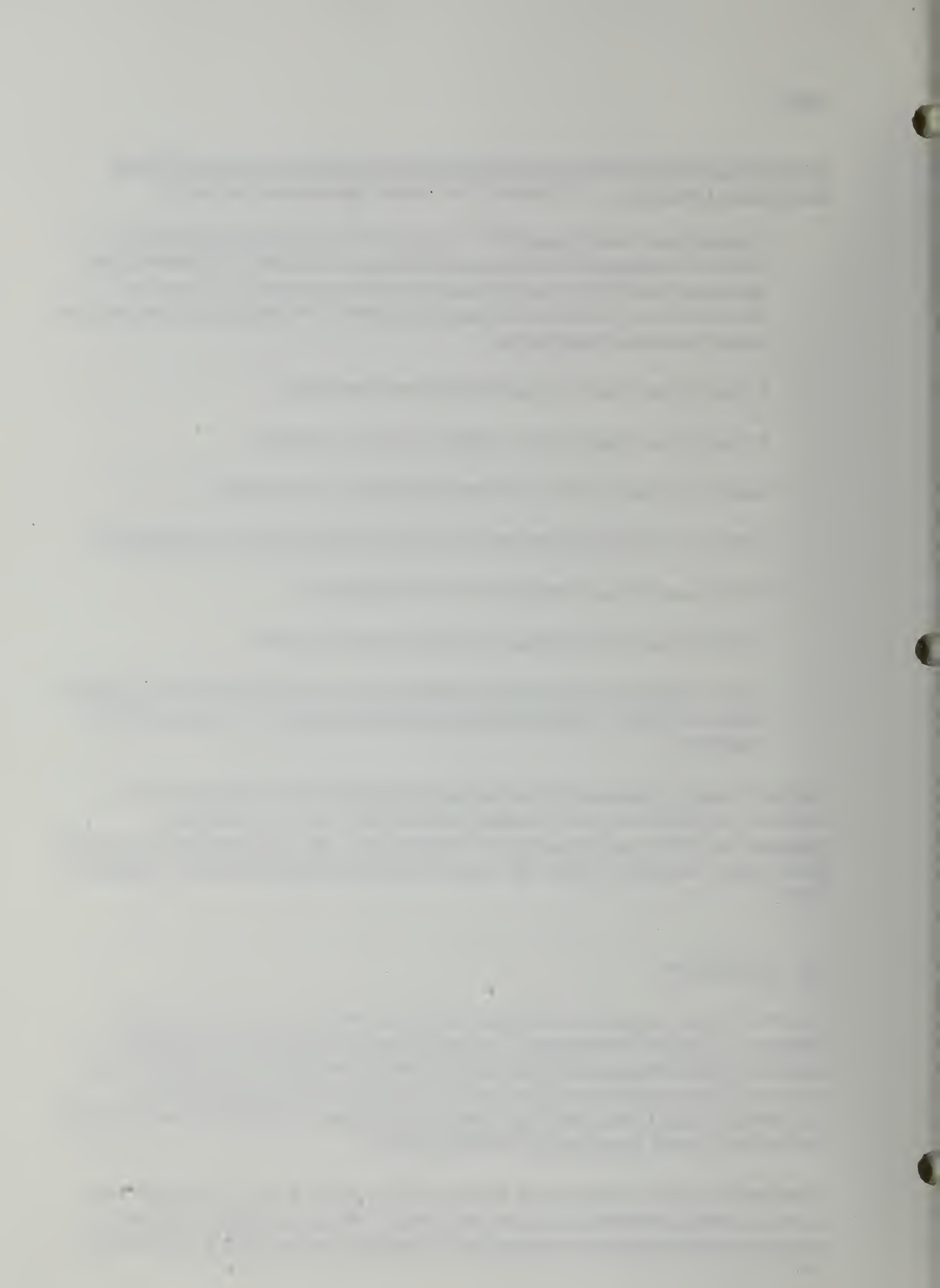
- Complete the Urban Design/Public Access element of the Waterfront Plan (the “UDPA”) consistent with the Concept Agreement. The UDPA will describe urban design guidelines for the waterfront including but not limited to the location of significant views and vistas, location of open water, new public access concepts, new public plazas and overall design.
- Provide for the removal of piers to create more open water.
- Provide for the creation of new public plazas on the waterfront
- Improve the design, location, and amount of public access on piers.
- Develop new rules for replacement fill and pier reconstruction or reconfiguration.
- Develop new rules governing land uses on existing piers.
- Develop means to protect historic resources on the waterfront.
- Improve permit processing including the creation of a Joint Port/BCDC/City Design Review Committee to help streamline permit processing for new projects on the waterfront.

The Draft Concept Agreement recommendations are presented for public review and comment. In addition to public hearings scheduled before the Port and BCDC Commissions, BCDC and Port staff will be meeting with community organizations to solicit public input, to determine whether the Concept Agreement proposals should be modified or refined.

III. NEXT STEPS

The Draft Concept Agreement describes in conceptual terms how to achieve the above objectives. In order to implement the Concept Agreement provisions, as modified in response to public comments, further details and procedures need to be developed. It is anticipated that the detailed provisions will be in the form of revisions to the Port’s Waterfront Plan and Urban Design and Public Access element, and BCDC’s amendments to the Bay Plan, Special Area Plan and Total Design Plan.

Given that the process to approve the Waterfront Plan and BCDC plan amendments must occur in sequence rather than as an integrated package, the Port and BCDC staff jointly recommend that the respective commitments by both agencies described in the Concept



Agreement also be included in a binding agreement, approved by the Port and BCDC Commissions, prior to the adoption of the final Waterfront Plan by the Port Commission. This will provide assurance to the Port Commission that its approval of the public access and other commitments, per the Concept Agreement, will be followed up by BCDC approval of the Bay Plan amendments regarding permitted uses, definitions and other BCDC commitments set forth in the Concept Agreement. It is anticipated that the Port Commission will also approve the San Francisco Special Area Plan which will be incorporated into the BCDC Bay Plan.

In addition to the Port Commission briefing on the Concept Agreement on February 25th, there will be a joint Port and BCDC Commission briefing and public hearing on this subject scheduled on BCDC's regular meeting of March 6, 1997. At that time, the Port and BCDC staff will seek direction from their respective Commissions to proceed with developing the further definitions and procedures to implement the Concept Agreement, including preparation of the binding agreement, and amendments to the Waterfront Plan, Urban Design and Public Access element, Bay Plan, Special Area Plan and Total Design Plan. Together, these policies will define the design standards and regulatory framework for new waterfront development projects; each individual project will be reviewed for compliance with these rules.

It is anticipated that the Port Commission will consider adoption of the final Waterfront Plan in April, and that the Bay Conservation and Development Commission will consider adoption of the Bay Plan amendments (inclusive of the Special Area and Total Design Plans) in July 1997.

Prepared by: Paul Osmundson, Director
Planning and Development Division

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data. The text also mentions that regular audits are necessary to identify any discrepancies or errors in the accounting process.

In addition, the document highlights the role of technology in modern accounting. The use of software can significantly reduce the risk of human error and streamline the workflow. It suggests that businesses should invest in reliable accounting software that can integrate with other systems, such as CRM and ERP. Furthermore, the text notes that staying up-to-date with the latest accounting standards and regulations is crucial for compliance.

Finally, the document concludes by stating that a strong financial foundation is essential for the long-term success of any business. By implementing sound accounting practices, businesses can gain valuable insights into their financial performance and make informed decisions to drive growth and profitability.

Accounting is the backbone of any business, providing the data needed to understand financial health and make strategic decisions. It is a discipline that requires attention to detail and a commitment to accuracy.



MEMORANDUM

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

February 25, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. Preston Cook
Hon. James Herman

FROM: Douglas F. Wong *DW*
Executive Director

SUBJECT: Travel Authorization for the Executive Director to Participate in the Mayor's Goodwill and Friendship Mission to China March 31-April 12, 1997

The Executive Director requests approval to travel to Asia with the Mayor from March 31 through April 12, 1997. Meetings will be held with several shipping lines and terminal operators to pursue business opportunities..

The itinerary as scheduled is as follows:

March 31 - April 4	Shanghai
April 4 - April 6	Beijing
April 6 - April 9	Hong Kong
April 9 - April 12	Taipei

10/15/19

10/15/19

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Estimated costs of the trip are:

Participation Fee	\$ 5,000.00
Airfare	6,099.00
Hotel (included in Airfare)	
Ground Transportation (included in Airfare)	
Meals (included in Airfare)	
Other	<u>100.00</u>
Total	\$11,199.00

Prepared by: Benjamin A. Kutnick

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

RESOLUTION NO. 97-15

- WHEREAS, The Executive Director is requesting authorization to travel to Asia to develop business opportunities; and
- WHEREAS, The estimated cost of this trip is included in the Port Commission budget; and therefore, be it
- RESOLVED, that the Port Commission hereby approves this travel request.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of February 25, 1997.

Secretary

THE UNIVERSITY OF CHICAGO

PHILOSOPHY DEPARTMENT

PHILOSOPHY 101: INTRODUCTION TO PHILOSOPHY

LECTURE 1: THE FOUNDATIONS OF PHILOSOPHY

LECTURE 2: THE PHILOSOPHY OF LANGUAGE

PHILOSOPHY DEPARTMENT, 5500 S. UNIVERSITY AVENUE, CHICAGO, IL 60637

PHILOSOPHY 101

PORT OF SAN FRANCISCO




MEMORANDUM

February 18, 1997

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. Preston Cook
Hon. James Herman

FROM: Douglas Wong 
Executive Director

SUBJECT: Approval of Travel Authorization for One Port Representative to Travel to Oxnard, California to attend the *West Coast Conference on Contaminated Soils and Groundwater*, March 10-14, 1997, in accordance with the Port's Fiscal Year 1996-1997 Budget.

The Port is currently undertaking several major projects involving assessment and remediation of contaminated soil and groundwater. The technical information provided at the *West Coast Conference on Contaminated Soils and Groundwater*, sponsored by the U.S. Navy and the Association for the Environmental Health of Soils, will assist the Port's Project Manager in effectively managing the underground storage tank site investigation, soils and groundwater characterization, and dumpsite closure/groundwater monitoring projects for which she is currently responsible. The conference includes four days of technical presentations, and three evening hands-on workshops dedicated to developing participants' skills in specific contaminant evaluation tasks. The conference offers an exceptionally good discount for government employees.

The estimated cost for the trip is as follows:

Registration	\$ 275
Transportation	\$ 175
Lodging	\$ 534
Per Diem	<u>\$ 152</u>
Total	\$1,136

These funds are available for expenditure in the Port's FY 96-97 budget.

Prepared by: Carol Bach, Project Manager, Environmental Health and Safety Section

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PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-17

WHEREAS, the Executive Director is requesting travel authorization for one Port representative to attend the *West Coast Conference on Contaminated Soils and Groundwater* in Oxnard, California on March 10 through 14, 1997; and

WHEREAS, the costs of this trip have been included in the Port Commission's Fiscal Year 1996-1997 budget, now therefore, be it

RESOLVED, that the Port Commission hereby approved this travel request.

I hereby certify that the forgoing resolution was adopted by the San Francisco Port Commission at its meeting of February 25, 1997.

Secretary

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MEMORANDUM

February 19, 1997

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. Preston Cook
Hon. James R. Herman

FROM: Douglas F. Wong *DFW*
Executive Director

SUBJECT: Approval of Lease No. L-12419 with S&C Ford of San Francisco at Pier 50, Shed C (Terry Francois Boulevard and Mission Rock Street).

DIRECTOR'S RECOMMENDATION: APPROVE LEASE WITH S&C FORD OF SAN FRANCISCO

BACK GROUND

S&C Ford of San Francisco approached the Port with a request to lease 66,000 square feet of shed space in Shed C at Pier 50 to receive, store, prepare, clean and deliver new automobiles, vans, and trucks. The shed space would be modified at the tenant's expense to accommodate the proposed use. A water retention basin would be installed to prevent runoff of wash water into the Bay. Demising would be provided by the tenant.

Shed C at Pier 50 has been vacant since the termination by Western Rim of its lease in 1995. Since then the Shed C facility has been used intermittently for film industry storage, set construction and film shoots. The Shed has been vacant for over four months. S&C Ford will occupy 66,000 square feet of this 90,000 square foot facility. Port staff proposes to lease the balance of the shed to Westar Marine Services, a tug, barge and water taxi operator, Royal Charter Marine a maritime chandlery, and American Airporter, three Port tenants that will be displaced by the Ballpark project.

Proposed Lease

A lease (Port Lease No. L-12419) has been negotiated with S&C Ford by the Port Real Estate and Asset Management staff on the following terms and conditions:

1. Premises: 66,000 square feet of space in Shed C at Pier 50;
2. Term: Four (4) years commencing on April 15, 1997;
3. Rent: \$19,800 per calendar month (\$.30 per square foot)

The Port Commission approved minimum rental rate parameter for open shed space over 10,000 square feet in the Southern Waterfront is \$.30 per square foot. In addition to the shed space, S&C Ford will have access to and control over the fenced yard area immediately adjacent to the Shed C premises;

4. Rent Commencement Date: June 15, 1997. This will allow two months for S&C Ford to complete its tenant improvements build-out prior to rent commencement;
5. Security Deposit: The proposed lease waives the Port's standard security deposit requirement, so long as the tenant is not in default of the payment of rent. Any failure to pay any rents within 15 days of the due date will result in a requirement that the tenant deliver the standard Security Deposit to the Port automatically and without notice. The security deposit would be \$39,600.00;
6. Tenant Improvements: S&C Ford will be responsible for all demising inside the Shed C premises and construction of all improvements required by S&C Ford as a result of its use of the premises. The Port will restore the restrooms to operating condition, deliver the premises in broom clean condition, replace any defective lighting, relocate a fence and gate on the premises exterior and redirect outside lighting.
7. Maintenance: The Port will agree to maintain the roof and exterior walls. All other items of repair and maintenance rest with S&C Ford.

10/10/2010

Dear Sir,

I am writing to you regarding the matter of the

contract for the supply of goods to the

Government of Karnataka.

The contract was awarded to your company on 10/10/2010. I am writing to you to inform you that the contract has been terminated due to the non-compliance of the contract terms.

The contract was awarded to your company on 10/10/2010. I am writing to you to inform you that the contract has been terminated due to the non-compliance of the contract terms.

The contract was awarded to your company on 10/10/2010. I am writing to you to inform you that the contract has been terminated due to the non-compliance of the contract terms.

The contract was awarded to your company on 10/10/2010. I am writing to you to inform you that the contract has been terminated due to the non-compliance of the contract terms.

The contract was awarded to your company on 10/10/2010. I am writing to you to inform you that the contract has been terminated due to the non-compliance of the contract terms.

The contract was awarded to your company on 10/10/2010. I am writing to you to inform you that the contract has been terminated due to the non-compliance of the contract terms.

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

RESOLUTION NO. 97-20

- WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and
- WHEREAS, under Charter Section B3.581 leases granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and
- WHEREAS, S&C Ford of San Francisco proposes to lease 66,000 square feet of shed space at Pier 50 Shed C to operate a new car, van and truck storage and dealer preparation facility; and
- WHEREAS, staff has negotiated all the terms and conditions of a proposed lease with S&C Ford of San Francisco on the terms and conditions outlined in the Memorandum to the Port Commission for Agenda Item 11C for the Port Commission meeting of February 25, 1997; now therefore, be it
- RESOLVED, that the San Francisco Port Commission hereby approves entering into Lease No. L-12419 between the Port and S&C Ford of San Francisco on the terms and conditions outlined in the Memorandum to the Port Commission for Agenda Item 11C for their February 25, 1997 meeting, and authorizes the Executive Director of the Port, or his designee, to execute the same on behalf of the Port, in such form as is approved by the City Attorney.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of February 25, 1997.

Secretary

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

PHYSICAL CHEMISTRY

1. The rate of reaction between hydrogen peroxide and iodide ion in the presence of ceric ion as a catalyst is given by the following equation:

$$-\frac{d[H_2O_2]}{dt} = k_1 [H_2O_2] [I^-] [Ce^{IV}]^2$$

where k_1 is the rate constant. The reaction is first order with respect to $[H_2O_2]$, first order with respect to $[I^-]$, and second order with respect to $[Ce^{IV}]$.

2. The rate of reaction between hydrogen peroxide and iodide ion in the presence of ceric ion as a catalyst is given by the following equation:

$$-\frac{d[H_2O_2]}{dt} = k_1 [H_2O_2] [I^-] [Ce^{IV}]^2$$

3. The rate of reaction between hydrogen peroxide and iodide ion in the presence of ceric ion as a catalyst is given by the following equation:

$$-\frac{d[H_2O_2]}{dt} = k_1 [H_2O_2] [I^-] [Ce^{IV}]^2$$

SAN FRANCISCO PORT COMMISSION

FEBRUARY 25, 1997
MINUTES OF THE REGULAR MEETING

MEMBERS, PORT COMMISSION

HON. MICHAEL HARDEMAN, PRESIDENT
HON. DENISE McCARTHY, VICE PRESIDENT
HON. FRANKIE G. LEE
HON. PRESTON COOK
HON. JAMES HERMAN

DOUGLAS F. WONG, EXECUTIVE DIRECTOR

CITY & COUNTY OF SAN FRANCISCO PORT COMMISSION

MINUTES OF THE REGULAR MEETING FEBRUARY 25, 1997

1. ROLL CALL

The meeting was called to order by Commission President Michael Hardeman at 4:32 p.m. The following Commissioners were present: Michael Hardeman, Denise McCarthy, Frankie Lee, Preston Cook and James Herman.

2. APPROVAL OF MINUTES - February 11, 1997 Special Meeting & Regular Meeting

ACTION: Commissioner Cook moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the minutes of the special meeting were adopted.

ACTION: Commissioner Cook moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the minutes of the regular meeting were adopted.

3. EXECUTIVE

A. The Executive Director requested that Item 7A be heard first, due to time constraint. He then introduced and welcomed Mr. Will Travis, Executive Director of BCDC.

7. PLANNING & DEVELOPMENT

A. Briefing and Public Hearing on the Draft Concept Agreement between the Port of San Francisco, BCDC and Save San Francisco Bay Association regarding public access and urban design improvements and BCDC regulatory amendments to be achieved through implementation of the Waterfront Land Use Plan.

Mr. Will Travis, Executive Director of BCDC, indicated that they are looking forward to having a joint meeting of both Commissions on March 6 at the Pier 35 Cruise Ship Terminal. Staffs from both Commissions look forward to hearing comments from the public and the Commissions.

Mrs. Jane Morrison encouraged the Commission to pursue the concept agreement. She liked the idea that some of the piers will be removed so that there will be more open views of the water. She would like to be sure that this agreement is signed, agreed upon and take effect. She thinks it's a good idea to have a Design Review Committee that would expedite the permit process but wanted to ensure that this is not a reflection of bending or ignoring of rules that protect the public interest of the waterfront. There should be more maritime and water related activities on Port land.

Louise Bea, representing the Dolphin Club, indicated that the Dolphin Club and South end Club represent over 100 years of rich history of bay swimming. Their clubs are open to the public. After reading the memorandum, she noticed that there was no reference to water quality and requested that it be included in the concept agreement.

Ms. Ellen Johnck, Executive Director of Bay Planning Coalition, stated that the process is important. The coalition endorses the agreement. She briefly described the coalition's role in representing the Port's interest as well as the maritime industry. Two years ago, there was a proposal from the Governor's office to erase the budget for BCDC. Save San Francisco Bay approached Bay Planning Coalition and entered into a collaboration about the need to save BCDC to retain its budget. As part of their collaboration, they agreed that BCDC is an important organization for balancing the economic interest and environment in the bay as well as promote orderly development around the shoreline. Save San Francisco Bay and Bay Planning agreed that what was needed was a comprehensive overhaul of BCDC's regulations, particularly with routine maintenance and repair. They agreed to the common goals and worked together to reach an agreement whereby a substantial number of recommendations for reform in this area would go forward. Their report was published and a copy will be provided to the Commission for their review. She suggested that the best way for the Port to achieve its goals would be to work specifically on the Waterfront Plan with BCDC and Save San Francisco Bay. She stated that, on the basis of the agreement, the Port is now ready to go forward with a general permit for repair and maintenance of the piers.

Ms. Nan Roth, member of the Waterfront Advisory Board (WFAB) and a member of the Fisherman's Wharf Citizens Advisory Committee, addressed a couple of issues regarding the proposal. While she thinks that the Port has much to gain from the proposal she questioned some of the "give backs" to the community. She's concerned about the area around Pier 35. She's pleased that the number of ships has increased in the past couple of years. She feels strongly that the future outlook of cruise business in San Francisco is good. However, the proposal does not protect the future of the cruise terminal. She would like to hear how the cruise terminal will be expanded if it needs more space to dock ships. The proposal for a park around Pier 23 would require displacing some maritime tenants. The WFAB's intent is to do everything it could to retain maritime presence and hopes the Commission would do the same. The triangle parking lot at Fisherman's Wharf was originally proposed as part of the Fisherman's Wharf area plan but the plan is different from the Port's proposal. The community should have an opportunity to discuss those differences and the Fisherman's Wharf situation in general.

Ms. Diane Oshima, Port & Development staff, indicated that the main purpose of having a meeting today is to provide an extra opportunity for public comments. She also introduced Marc Holmes, negotiator representing Save the Bay. The positive and constructive relationships formed with BCDC and Save the Bay are instrumental and important to Port staff. The concept agreement is an important milestone.

There are provisions that the Port would have to commit to provide the following

public plaza:

(1) The Fisherman's Wharf Plaza which is on the triangle parking lot site (Seawalls Lot 300 and 301) - approximately 70% of the area will be developed as a plaza and 30% for development such as a market hall or festive commercial type of use compatible with the plaza to generate the revenues necessary to finance the development of the plaza. Staff will work with the Fisherman's Wharf community to develop details about the design and construction phase before the project can move forward.

(2) A plaza in the vicinity of Piers 15,17, 27 and 29, known as Wharf 25. A number of different possibilities have been identified for the creation of a major public plaza which the Port would develop and a removal of a pier to improve views. However, there is no clear recommendation at this point. Staff has identified that larger area as a special planning area which needs to be worked on further with BCDC, City Planning and the community to work out the maritime use priorities for that area and historic preservation issues as well. There are a number of bulkhead buildings and pier shed structures which have been identified as potential landmarks for the National Register. The Port has to complete the planning process before it can pursue any development project. She also noted that the Waterfront Plan itself identifies those "transitional maritime" facilities. It is recognized that they are either cargo or cargo support related and both the advisory board and Port Commission have been very clear to ensure that those maritime needs are met first. Before the Port would be able to redevelop those facilities, there are a set of criteria and findings that would have to be made before it can be redeveloped for something other than an exclusively cargo related facility. There are some protections built into the Waterfront Land Use Plan.

(3) A plaza on the South Beach area, called as the Brannan Street Wharf, which would involve the removal of Pier 34 and 36 and the construction of a plaza over the water to serve the South Beach community. However, the design details have not been worked out. Port staff will work out the details with the South Beach/Rincon Hill community. The funding for the Brannan Street Wharf and the Wharf 25 would be financed through a public access funds set up by the Port into which 25% of proceeds received by the Port for new development projects would be deposited.

In addition, under the concept agreement, the Port would commit to, in addition to removing Piers 34 and 36 for the creation of the Brannan Street Wharf, would be the removal of Pier 24, which is a condemned facility. The last pier identified for removal is Pier 33. There are outstanding historic preservation issues that need to be resolved. One of the other provisions addressed in the concept agreement calls for the Port to conduct further preservation planning to define specifically which resources should be retained, what standards should be maintained and how the public access and public objectives for views can be met as well as balancing the historic preservation objectives. A provision exists for Pier 33 to allow for the reconfiguration of the facilities that parallel the seawall on the marginal wharf to improve the facility for cruise operations.

The concept agreement also sets forth public access requirements for new development on the piers. In addition to the plazas, 25% of public access would be provided on new developments, new piers. The agreement also sets forth provisions for defining the envelope within which piers can be reconfigured that would meet BCDC's approval. In relation to the pier condition issue which Ms. Johnck referred to, staff sees it as a very important accomplishment of this concept agreement. It identifies which piers are in good condition that should be allowed to be maintained and seismically upgraded for the continued use for the remaining life of those facilities.

Regarding the joint design review process, the intent is not to bend rules or get around any requirements. The intent is to bring forth all of the agencies that have a very clear role in defining what should happen along the waterfront and to have the agencies hear each other's concerns and resolved them in a very efficient manner. She noted that after the March 6 hearing, staff will be looking for directions from its Commissions to engage in a more detailed work in order to generate proposed amendments to BCDC documents and to the Waterfront Plan. All of the details will be incorporated into the Urban Design Guidelines and to the Waterfront Land Use Plan in order to have a package that encompasses what the Port intends to do in the waterfront before the Commission adopts the Plan in April or May. The BCDC amendments will be before their Commission in July or August. Prior to those decisions being made, staff is putting together these commitments in a bilateral agreement between the two agencies so that the Port Commission would have a clear understanding and commitment that certain policy changes will be made by BCDC in exchange for the Port Commission adopting the final Waterfront Plan.

She pointed out that in addition to the Joint Public Hearing, there is a waterfront bus tour for BCDC and Port Commissioners at 10:30 a.m.

Commissioner Herman inquired if there is further hearing at the next Commission Meeting. Ms. Oshima replied that the joint hearing will be at BCDC's regularly scheduled meeting on March 6 at 1 p.m. On that calendar, it will be a Special Commission Meeting for the Port Commission as there will be a joint BCDC/Port Commission briefing and public hearing.

Commissioner Herman inquired if all the things embraced by the remarks given are part of the BCDC program. Mr. Travis replied to the affirmative. Commissioner Herman made an observation that the concept agreement is far too ambitious. Priorities have to be set before anything can be done and he has not heard the priorities as yet. BCDC has originally been a traditional champion in the preservation of maritime and now the reinstatement of maritime. He is concerned because we are in the process of struggling at the Port to do what too many people said we couldn't do i.e. recreate a maritime arrangement that takes precedence over almost everything. To include all the items mentioned, there will be no room for maritime, for reinstatement of some kind of primary niche maritime or passenger terminals that are in practical locations. Commissioner Herman inquired if a document is available for review prior to the meeting and requested BCDC's point of view.

Commissioner Hardeman commented that Commissioner Herman has three votes for maritime on any inch of this waterfront. BCDC and Port staff also agree with Commissioner Herman. The Commissioners have no intention to change that as the Mayor expressed that maritime takes precedence. He noted that the Executive Director, together with the Mayor, is planning a trip to Asia to bring some of the cargo ships to call in San Francisco.

Mr. Will Travis stated that he understands and shares Commissioner Herman's points and concerns. He, however, believes that the agreement sets out a structure where, working together, both Commissions can craft a plan for the San Francisco waterfront which provides opportunities for maritime, non-maritime development, reduces the coverage of San Francisco Bay by piers and opens up public access to the waterfront so that the northern waterfront is connected to the fabric of San Francisco. It may be ambitious but it is achievable. A joint hearing is scheduled next week to give the Port Commission an opportunity to communicate with the BCDC Commissioners. Documentation will be provided to the Commission which contains the agreement, their analysis and how they intend to proceed.

Ms. Oshima clarified that the public access and improvements discussed in the concept agreement primarily focus on the area of the waterfront north of China Basin channel because south of the channel, both in the Port Waterfront Land Use Plan and BCDC's Land Use Plan documents, the vast majority of that land is reserved for cargo, ship repair, for Port priority uses. To the degree that there are non-maritime and public access opportunities that are identified for Port properties north of China Basin channel, the Port's Waterfront Land Use Plan promotes that those activities only will be developed in concert with a maritime use.

Commissioner Herman stated that the thought of Piers 19, 23, 29 and 31 as potential places for parks is shocking and upsetting to him. He'd like someone to define what advantages will be exploited by more public access. He thinks that a careful review should be considered to envision what the ultimate result would be of such a broad, elaborate and incredibly costly proposition.

Ms. Oshima stated that they look forward to further comments by the Commission. They have identified broader issues but realized that the details need to come forth.

Commissioner Herman then requested to be excused for a medical appointment. He left the meeting at 5:15 p.m.

Commissioner McCarthy inquired if the documentation which shows how the piers have been classified will be available to the Commission and to the public. Diane Oshima replied that maps will be provided in the meeting.

Commissioner Hardeman commented that it is amazing that all these groups of diverse interest were able to put together a plan seeming to meet the needs of everybody. He noted that Diane Oshima has put tremendous amount of hours and time explaining the thoughts and ideas to each of the commissioners. He thanked her for a job well

done.

4. LEGISLATIVE

- A. Resolution authorizing the Executive Director to seek programmatic changes to Proposition 116 Grants (Fiscal Years 91/92 and 92/93) from the California Transportation Commission (CTC) for the Downtown Ferry Terminal and to seek the final allocation of funds for construction. (Resolution No. 97-16)

Ms. Veronica Sanchez, Manager of Governmental Affairs, indicated that the item before the Commission is a resolution reprogramming funds that were received from CTC a few years ago for the Downtown Ferry Terminal project.

When Port staff originally applied to CTC for this project, the idea was to modernize and upgrade the north basin area, providing improvements for passenger walkways, covered walkways, ADA accessibility and seismic upgrades. In the process, through the Port's design and engineering effort and meetings with ferry operators, if the Port is going to build a project for the future of this region that would accommodate the anticipated growth and ferry service in the bay, concentrating all of the Port's ferry operations north of the Ferry Building is not going to work. Therefore, the design team and the ferry operators recommended a two basin configuration to provide ample space south of the Ferry Building to allow for the future growth of ferry routes coming in from Alameda and Oakland, anticipated ferry routes to Treasure Island, Hunter's Point and other points. With the reconfiguration, it created a change in the scope of the project submitted to CTC. One of the biggest additions that occurred in this two basin configuration is the breakwater. The breakwater needs to be built because the storm conditions in the south basin is intense that it would create a hazard for passenger safety as well as the vessels. When the design team came back with the recommendation to build the breakwater, the price tag was \$6 million. However, Port staff set a way to fund this project out of federal funds. In the process, staff was successful in bringing in additional federal funds. With the change in scope of work and the addition of new federal funds, Port staff has to present to CTC the revised project. At the end of April, staff intends to seek CTC's approval of the programmatic changes and show them that the original intent of the grant and their concern for the seismic safety of the facilities and terminal amenities for the passengers are still being met. A core portion of this project is the breakthrough connecting Market Street through the Ferry Building to the terminals which will enhance the transportation functions of this building and will be a dramatic addition to the whole complex. Staff is in the final stages of approvals with the federal agencies, pending approval of the Environmental Review Documents, being reviewed by Caltrans. If CTC approves the Port's requests for a programmatic change and allocation of Proposition 116 funds, staff will seek Commission's approval of the bid advertisement at the May 13, 1997 meeting. If the contract is awarded by the Commission at its August 26 meeting, construction could commence by September 1, 1997 and be completed by December 1998. The CTC application requires the Port Commission's resolution to include specific statements which are included in the attached resolution.

Commissioner McCarthy inquired if the north basin would be moved over and if it would handle the ferry service to Sausalito and to the north bay and accommodate future ferry needs. Ms. Sanchez replied to the affirmative. Staff will also build one barge but the basin is designed in such a way that if it needs to add a second barge in the future, it has that flexibility. This is a \$13.5 million construction project and the Port contributed a minimal amount.

Commissioner Cook inquired if the breakwater to the south is a public access. Ms. Sanchez replied that originally the breakwater was designed for public access but it will now be an added bid item. The public access costs \$2 to \$3 million extra. The design of the breakwater is such that if there's an opportunity in the future development of this area and should additional funds become available, the public access can be done easily.

Commissioner Cook inquired about the future of the Golden Gate Ferry Terminal. Mr. Osmundson replied that the Golden Gate Bridge Highway Transportation District has 45 years left on the lease. The district has also expressed an interest in retaining that structure. There are currently no plans to modify the building. Commissioner Cook stated that it is unfortunate because the building blocks views and it is cumbersome. Queuing passengers in loading ferries right at the edge of the platform does not allow the public to have a continuous walkway next to the shoreline. The BCDC permit for the construction of that terminal required the installation of the second deck for public access. The Golden Gate Transit has a singular design. The Port has a different configuration wherein the barge on the north and south floats to allow public access along the shoreline.

Commissioner Lee inquired and staff confirmed that the remaining work would be the trestle. The breakwater will be built 300 feet out. The amenities such as lighting, benches will cost \$3.4 million to complete the work. Joe Roger, Engineering Department, stated that the public access adds another \$1.5 million to the project. Commissioner Lee urged staff to find the missing money to complete the public access work.

Commissioner McCarthy inquired if the Golden Gate Transit can be relocated. Mr. Osmundson replied that the first priority with the project is to expand the berthing capacity. Staff will approach the district about potentially redesigning the facility.

ACTION: Commissioner Cook moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

5. REAL ESTATE AND ASSET MANAGEMENT

- A. Approval of percentage rental adjustments for Scoma's Restaurant located on Pier 47 at Fisherman's Wharf. (Resolution No. 97-13)

Mr. Kirk Bennett, Senior Property Manager for the Northern Waterfront and

Fisherman's Wharf, indicated that Scoma's Restaurant, Incorporated operates Scoma's Restaurant on Pier 47, whose lease term extends until April 30, 2036. This lease provides for payment of percentage rental, which is subject to periodic review and adjustment. The rates of percentage rental for like uses in San Francisco in the vicinity have increased or decreased as of the adjustment date, the Port is to adjust the rate of percentage rental for the lease accordingly.

In 1995, the Port retained a market consultant to perform a market survey and analysis of percentage rents in the Fisherman's Wharf vicinity. Based upon the independent study and analysis obtained from the Port's consultant, the input provided by Port tenants and their consultants, and Port staff's own consideration and review of the data, Port staff concluded that the percentage rental for restaurants providing full table service which is located over the water should be adjusted to the following percentage rental rates: food 6.5%; alcoholic beverages & all other items sold through the bar 6.5% and all other uses 8.5%.

In response to Commissioner Cook's inquiry about how much additional rent the Port will receive, Mr. Bennett replied that based on last year's figure, the Port will receive approximately \$77,000 additional rent per year.

Commissioner McCarthy inquired about the other uses at Scoma's. Mr. Bennett replied that the lease has three categories: food, alcoholic beverages and all other items sold through the bar and a "catch-all" all other uses. Scoma's sell souvenirs and coffee cups which is categorized under all other uses. Commissioner McCarthy was concerned that the percentage rental rate for the alcoholic beverage is lower than the all other uses especially when Scoma's does not really have other uses. Mr. Bennett replied that the percentage rent clause is confusing. In the use clause, it does not allow anything except for a restaurant. To the extent that Scoma's sell any incidentals like coffee mugs, it does not have any right in their lease to set up a retail store. During the 1970's when the percentage rents were established, there were two different levels of percentages. At Scoma's there is a lower percentage rent for food than alcoholic beverages. As time passed, the percentage rent for food and alcoholic beverage has gone up.

Commissioner McCarthy pointed out that in some cases it makes sense to raise the percentage rents for all other uses. In this particular case, however, it does not since Scoma's does not have those kinds of uses. Commissioner McCarthy inquired if there is flexibility in all the leases. Mr. Bennett replied that the leases provide for the same three categories, with the exception of two other leases. For consistency, the percentage rents are set the same.

Commissioner Hardeman commented that he would like to vote no on this item because it is unfair to punish one of the Port's best tenants. Seeing the income that the Port derives from their business operation, it seems unfair to give them a raise in their rent.

ACTION: Commissioner Lee moved approval; Commissioner McCarthy seconded

the motion. All of the Commissioners were in favor; the resolution was adopted.

B. Consent to non-charter excursions from Pier 39 marina by vessels not owned by Pier 39. (Resolution No. 97-14)

Mr. Kirk Bennett indicated that the Pier 39 master lease, amended on October 31, 1979, authorizes certain specified uses on its premises. The lease provides that any new use or change of use not authorized in the lease requires consent by the Port and it further provides that the Port and the Pier 39 Limited Partnership negotiate the new rent due the Port for the new use or change of use. The master lease authorizes a broadly defined use of the premises by tour boats operated by Pier 39. It does not authorize tour boats not operated by Pier 39 to operate from the Pier 39 marina, except for party and charter boat operations. Pier 39 recently requested that the Port consent to tour boats not operated by Pier 39 to operate tours from the Pier 39 marina. Pier 39 and Port staff has discussed this request and reached an agreement, upon the following recommendation to the Port Commission: (1) new or change use is to be tour boat operations not operated by Pier 39 involving tourists of San Francisco Bay for which tickets are purchased from tour boat operators by passengers on an individual basis; (2) the consent to such use is limited to operators of sailboats properly authorized by the US Coast Guard and operators of power boats properly authorized by the US Coast Guard to carry not more than 48 passengers; and (3) the rent to be paid the Port for this tour boat operation not operated by Pier 39 will be calculated at 7% of all gross receipts generated by the owner and operator of such operation. The 7% of gross receipts is the same percent which would be paid if this was operated by Pier 39. It is also the same percentage rent paid by other Port tenants for such uses including Red & White, Hornblower and the Ruby. It is the same as those operated at Pier ½, consistent with the Port standard.

Commissioner Cook asked for a clarification on the distinction of “passengers on individual basis.” Mr. Bennett replied that a separate section in the lease talks about tour boats run by Pier 39. Among the authorized uses for the premises demised by the lease are: (1) “Marina (including berthing and slip rental for pleasure craft and yachts, party and charter boats, including fishing boats - specifically, excluding, however any tour boat or ferry boat.)” and (2) “Tenant operated tour boats,” which are defined as “any passenger boat, ferry boat, excursion boat or other transportation or excursions for hire service accepting passengers or discharging passengers at Pier 39.” The lease does not authorize tour boats not operated by tenant to operate from the Pier 39 Marina located on the premises, except for party and charter boat operations.

The tenant has been approached by the owners of the Adventure Cat, which is a catamaran sailboat operating from South Beach Harbor primarily on a charter basis, to relocate to the Pier 39 Marina, where it would offer charters, as well as tours, which would involve trips for which tickets are purchased by passengers on an individual basis.

Commissioner Cook inquired about the amount of revenue to the Port. Mr. Bennett replied that it is within \$10,000 to \$20,000 a year.

Commissioner McCarthy inquired whose responsible for ensuring that an operation is going to be covered under this and if the rent is paid directly from the operator to the Port. She wondered who keeps track of the bookkeeping on the charter tours. Mr. Bennett replied that it's Pier 39's responsibility. They do a quarterly report to the Port that shows how much revenue is generated by the tour operators. Pier 39 is responsible for monitoring the operation. Port staff ensures that there is compliance with the lease.

Commissioner Lee inquired if there is an audit provision. Ms. Van Nostern replied to the affirmative and added that Pier 39 has an obligation under the lease to disclose all of their income. The Port has not had any problems in dealing with Pier 39.

ACTION: Commissioner Cook moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

6. FACILITIES & OPERATIONS

A. Approval of Fourth Amendment to authorize additional design and construction review work for Professional Services Contract No. SA 3930045, "Downtown Ferry Terminal Project" with ROMA Design Group. (Resolution No. 97-18)

Mr. Alex Lee, Director of Facilities and Operations, introduced himself to the Commission and added that he is excited to return back to the Port of San Francisco and looks forward to the challenge. Commissioner Hardeman, on behalf of the Commission, welcomed Mr. Lee and stated that he has heard wonderful things about him from the Port and Muni employees.

Mr. Cliff Jarrard, Chief Harbor Engineer, indicated that in March 1994, the Port contracted with Roma Design Group to assist Port staff with the design of the Downtown Ferry Terminal Project. As the project progressed, Port staff successfully secured additional funding and expanded the scope of the project accordingly. On November 21, 1994, the Commission approved Contract Amendment No. 2 for additional design work, including a new breakwater and the relocation of the boiler room/utility area, which is currently positioned on the east deck adjacent to the Ferry Building. On August 29, 1995, the Commission approved Contract Amendment No. 3 to perform additional environmental studies related to the proposed breakwater. Amendment No. 1 involved a no-cost, incidental change to the contract which did not require Commission approval.

To date, Port staff with the assistance of the Consultant has prepared approximately 90% of the contract documents for the Downtown Ferry Terminal Project. Several issues have recently surfaced requiring revisions and/or additions to the construction contract documents and increases to the scope of construction stage services.

The estimated construction cost of the complete Downtown Ferry Terminal Project is approximately \$17 million. The Port currently has secured nearly \$14 million from State and Federal funding agencies and applications for additional governmental funding are pending. The project will be bid using additive bid items to ensure that the final project is fully funded.

Commissioner Lee thanked Cliff Jarrard and Joe Roger for a very extensive briefing. He is always concerned about big amendments to the original contract. However, Mr. Jarrard and Mr. Roger gave him a very good explanation of why it needs to be done. He asked who's responsible for the project in terms of the engineering and stamping of drawings. Mr. Jarrard replied that ROMA's subconsultants would stamp certain drawings and Port staff would stamp certain drawings. There will be a division of work between the consultant and Port staff.

ACTION: Commissioner Cook moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

- B. Authorization to award Contract 2622, "Pier 48 Bulkhead Seismic Retrofit Project." (Resolution No. 97-19) **THIS ITEM HAS BEEN PUT OVER TO THE NEXT MEETING**

8. MARITIME

9. FINANCE AND ADMINISTRATION

10. MARKETING

11. CONSENT CALENDAR

The Commission Secretary announced that Item 11C will be continued to the next meeting.

- A. Authorization for the Executive Director to participate in the Mayor's Goodwill and Friendship Mission to China on March 31-April 12, 1997 (Resolution No. 97-15)
- B. Approval of travel authorization for one Port representative to travel to Oxnard, CA to attend the West Coast Conference on Contaminated Soils and Groundwater on March 10-14, 1997. (Resolution No. 97-17)
- C. Approval of lease with S&C Ford of San Francisco for 66,000 sq. ft. of shed space at Pier 50, Shed "C" (Mission Rock Street at Terry Francois Blvd.) (Resolution No. 97-20) **THIS ITEM HAS BEEN PUT OVER TO THE NEXT MEETING.**

ACTION: Commissioner Cook moved approval of Items 11A and 11B; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the items on the consent calendar were

adopted.

12. NEW BUSINESS / PUBLIC COMMENT

13. EXECUTIVE SESSION

At 6:08 p.m., the Commission Secretary announced that the Commission will withdraw to executive session to discuss the following:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Berry Street and Second Street (China Basin).
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*San Francisco Giants Representative: Larry Baer, Executive Vice President

Under Negotiation: _____ Price _____ Terms of Payment Both
An executive session has been calendared to discuss real property negotiations between the Port and San Francisco Giants, regarding the proposed ballpark.

This is specifically authorized under California Government Code Section 54956.8.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Pier 80
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*NorCal Representative: Mike Sangiacomo, President and Don Moriel, Executive Vice President

Under Negotiation: _____ Price _____ Terms of Payment Both
An executive session has been calendared to discuss real property negotiations between the Port and NorCal, regarding the property located at Pier 80.

This is specifically authorized under California Government Code Section 54956.8.

C. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTER:

- 1) Neudecker v. Bouey, Superior Court No. 964-862 and Neudecker v. CCSF, 974-043; pursuant to subdivision (a) of California Government Code Section 54956.9

- D. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

At 7:35 p.m., Commissioners Hardeman, McCarthy, Lee and Cook and returned from executive session and convened in public session.

ACTION: Commissioner McCarthy moved approval to not disclose any information discussed in the executive session; Commissioner Cook seconded the motion. All of the Commissioners were in favor.

The meeting was adjourned at 7:37 p.m.

SAN FRANCISCO PORT COMMISSION

SPECIAL MEETING - MARCH 6, 1997

Please note the time and place of the meeting

DOCUMENTS DEPT

FEB 28 1997

SAN FRANCISCO
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10:00 a.m. to Noon ←←←←←
Bus Tour of San Francisco Waterfront
Starting from the Ferry Building ←←←←←
The Embarcadero, San Francisco

1. NEW BUSINESS/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. Please fill out a speaker card and hand it to the Commission Secretary. Each speaker is limited to three minutes.

2. BUS TOUR OF SAN FRANCISCO WATERFRONT

Prior to the March 6, 1997 BCDC Commission meeting, the Port of San Francisco will take BCDC and Port Commissioners, Alternates and members of the public on a bus tour of the San Francisco waterfront. The tour will begin at 10:00 a.m. from the Ferry Building and proceed to Pier 35 to pick up BCDC Commissioners at 10:30 a.m. The bus will return to the Ferry Building at noon. The Port has also invited BCDC and Port Commissioners, Alternates and their staff to a buffet luncheon to be served in the Cruise Ship Terminal on Pier 35 from noon to 1:00 p.m. Any members of the public who wish to go on the tour must contact the Port by 5:00 p.m., Monday, March 3, 1997. To make tour reservations or obtain information regarding this Special Meeting, call the Waterfront Plan Information Line at (415) 274-0354.

DISABILITY ACCESS

The Port Commission office is located on the third floor of the Ferry Building, Suite 3100. The Port office is wheelchair accessible. Accessible seating for persons with disabilities (including those using wheelchairs) will be available. The closest accessible BART station is Embarcadero Station located at Market and Steuart Streets. The closest accessible MUNI Metro station is Embarcadero station located at Market and Spear Streets. Accessible MUNI lines serving the Ferry Building are the 9, 31, 32 and 71. For more information about MUNI accessible services, call 923-6142.

There is accessible parking at the Ferry Building and at the public lot in the Embarcadero median in front of the Ferry Building. Assistive listening devices are available for use in the Port Commission Meeting.

The following services are available on request 72 hours prior to the meeting. Please contact Kevin Jensen at (415) 274-0555. Late requests will be honored if possible.

- American Sign Language Interpreters
- A Sound Enhancement System
- Large Print of the Agenda
- The use of a reader during the meeting
- Minutes of the Meeting in Alternative Formats

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, 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 accommodate these individuals.

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 the Sunshine Ordinance Task Force at 554-4851.

CITY & COUNTY OF SAN FRANCISCO PORT COMMISSION

MINUTES OF THE SPECIAL MEETING MARCH 6, 1997

1. ROLL CALL:

The meeting was called to order by Commission President Michael Hardeman at 10:08 a.m. The following Commissioners were present: Michael Hardeman and Frankie Lee. Commissioners McCarthy, Cook and Herman were not present.

2. NEW BUSINESS/PUBLIC COMMENT

There being no public speakers, Port staff took the BCDC and Port Commissioners, agency staff and interested public on a waterfront bus tour of the area between Fisherman's Wharf and Pier 70.

The tour discussion provided an overview of Waterfront Plan policies, applicable urban design guidelines, and the Draft Concept Agreement provisions.

The tour included sights of each of the public plaza sites and piers proposed for removal in the Concept Agreement.

Many Commissioners expressed appreciation for the tour, for providing a more concrete understanding of the Waterfront Plan and the proposed public access improvements. For many, this was their first experience at the San Francisco waterfront.

3. ADJOURNMENT

Commissioner Lee returned from the tour of the waterfront and adjourned the special meeting at 11:45 a.m. Commissioner Hardeman was excused to attend a meeting with the Mayor.

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SAN FRANCISCO PORT COMMISSION

SPECIAL MEETING - MARCH 6, 1997

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1:00 p.m. - Special Meeting ←←←←←
Port of San Francisco Cruise Ship Terminal ←←←←←
Pier 35, The Embarcadero, San Francisco ←←←←←

AGENDA

1. ROLL CALL

2. SPECIAL ITEM - to coincide with Item No. 8 of BCDC's agenda.

Joint Public Hearing with the San Francisco Port Commission and BCDC on a Concept Agreement regarding the Planning for the San Francisco Waterfront.

Staff will brief the Port and BCDC Commission on the status of the planning for the San Francisco Waterfront Concept Agreement. The purpose of this joint hearing is to receive comments from the public and obtain direction from the Commission to guide staff in further planning for the San Francisco waterfront.

3. NEW BUSINESS/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. Please fill out a speaker card and hand it to the Commission Secretary. Each speaker is limited to three minutes.

4. ADJOURNMENT

DISABILITY ACCESS

The Cruise Terminal is located on the second floor of Pier 35, near the intersection of Bay Street and The Embarcadero. Pier 35 is wheelchair accessible. Accessible seating for persons with disabilities (including those using wheelchairs) will be available. The closest accessible BART station is Embarcadero Station located at Market and Steuart Streets. The closest accessible MUNI Metro station is Embarcadero station located at Market and Spear Streets. Accessible MUNI service to Pier 35 is provided on the 32 line. For more information about MUNI accessible services, call 923-6142.

There is accessible parking at Pier 35. Assistive listening devices are available for use in the Port Commission Meeting.

The following services are available on request 72 hours prior to the meeting. Please contact Kevin Jensen at (415) 274-0555. Late requests will be honored if possible.

- American Sign Language Interpreters
- A Sound Enhancement System
- Large Print of the Agenda
- The use of a reader during the meeting
- Minutes of the Meeting in Alternative Formats

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CITY & COUNTY OF S A N F R A N C I S C O

MINUTES OF THE SPECIAL MEETING JOINT PUBLIC HEARING WITH BCDC & PORT COMMISSION MARCH 6, 1997

1. Call to Order

The meeting was called to order by Chairman Robert Tufts at 1:14 p.m., at the Port of San Francisco Cruise Ship Terminal, Pier 35, the Embarcadero, San Francisco.

Chairman Tufts indicated that because today's meeting would begin with a joint session of BCDC and the San Francisco Port Commission, there would be a slight change in the order of BCDC's agenda. After the roll call, which is Item 2 on the agenda, Item 8 will be taken up, the two Commissions' joint hearing on the Waterfront Planning Agreement. At the conclusion of the presentation, Item 3, the Public Comment Period, would be taken up and it would be a joint Public Comment Period between the Port and BCDC for any items not on the agenda.

Chairman Tufts, on behalf of the Commission, expressed thanks to the Port of San Francisco for arranging this morning's bus tour of the waterfront, for hosting the lunch before the meeting, for providing BCDC with this meeting space and for agreeing to meet jointly with the Commission. The Chair said the joint meeting was providing both agencies with an excellent opportunity to communicate directly with each other. He asked staff to schedule this type of arrangement again so that the Port and BCDC can work together to craft a workable San Francisco Waterfront Special Area Plan that will meet both of their needs.

Chairman Tufts thanked Diane Oshima and Dan Hoddap for conducting the bus trip and for providing the briefing.

2. Roll Call

Present were: Chairman Roger Tufts, Vice Chairman Angelo Siracusa, Commissioners Barna, Barrales, Bierman, Bruzzone, Cale (represented by Alternate Smith), Casey, Chan (represented by Alternate Kelly), Corbin, Cutler, Fong, Goldzband, Hight (represented by Alternate Valentine), Hughan, Johns, Kondylis, McHugh (represented by Alternate Carruthers), Morrison, Ortiz-Cashman, Rippey, Rose, Schwinn, and Uilkema.

Not present were: Department of Finance (Klass), ABAG's appointee (Vacant) and Governor's appointee (Vacant).

The Port Commission Secretary called the roll call for the Port. Commissioners Frankie E. Lee and Preston Cook were present. Commissioners McCarthy was not present. Commissioner Herman arrived at 1:17 p.m. She also noted that Commission President Michael Hardeman and Port Executive Director Douglas Wong had been called into a meeting at the Mayor's office.

8. **Joint Public Hearing with the Bay Conservation and Development Commission on a Concept Agreement among the Staffs of the BCDC, Save San Francisco Bay Association and the Port regarding the Planning for the San Francisco Waterfront.** (heard out of order)

Jennifer Ruffolo, BCDC's Assistant Executive Director for Government Affairs, noted that Diane Oshima from the Port's planning staff and Marc Holmes from Save San Francisco Bay Association were with her to present the agreement. She said they would be describing various aspects of the concept agreement, highlighting the benefits that would help the respective organizations to better achieve their goals.

Ms. Ruffolo explained that she would focus her remarks on BCDC's current law and policies regarding fill and replacement fill on the San Francisco Waterfront, in order to set the context for the public access and fill policy changes that would result from the concept agreement.

Ms. Ruffolo indicated that the most significant elements of this agreement from BCDC staff's perspective pertained to the provision of public access and fill removal to create open water, as well as revised rules concerning pier repair and replacement. She said staff believes, through the policy changes that would arise from implementation of this Plan, BCDC would obtain more and better public access than under the current regulatory regime, would return more of the Bay to open water sooner than would occur under the current regime, and would spend less staff time arguing with Port staff over their interpretation of BCDC policies.

The McAteer-Petris Act authorizes fill in the Bay for water-oriented uses, including public assembly. It also requires the provision of maximum feasible public access for those projects within the Commission's shoreline band jurisdiction. The Act does not expressly address the treatment of piers that predate the establishment of BCDC.

The Bay Plan requires the provision of public access with every project in and along the shoreline of the Bay, including committed fills.

Ms. Ruffolo advised that, prior to 1971, the Bay Plan allowed fill for commercial recreation and public assembly only on privately-owned land. Because public lands could not be used for these revenue-generating purposes, the owners of public lands had limited economic incentive to remove deteriorated piers.

To provide such an incentive, in 1971, the Commission amended the Bay Plan to allow fill for commercial recreation and public assembly purposes on either privately-owned or publicly-owned land. Fill is allowed for these purposes only if certain conditions are met, including that the fill be placed only in connection with the removal of deteriorated or obsolete piers, that the fill cover an area of the Bay smaller in size than is being uncovered by the removal of piers; and that those parts of the replacement fill devoted to uses other than public recreation, open space, and public access will cover no more than 50% of the area being uncovered. Only pile-supported fill may be placed. This is known as the “Fifty Percent Rule.”

Ms. Ruffolo observed the Port and BCDC have a long history of disagreement over how the provisions of the Bay Plan and the McAteer-Petris Act regarding replacement fill, fill for commercial recreation, and public access should be applied to the lands under the Port’s jurisdiction. A series of opinions from the Attorney General’s Office have been written to clarify BCDC’s authority. An informal opinion issued in 1986 and known as the “Eagan Rule” concluded that proposed development that involved complete removal and replacement of either a pier’s decking or its supporting pilings falls within BCDC’s Bay jurisdiction and constitutes further filling of the Bay. Thus the uses supported by the new fill must be water oriented.

It also concluded that some projects on piers, particularly “de-minimus repairs,” can be treated as falling within shoreline band jurisdiction and therefore not subject to the water-oriented-use limitation. Proposed uses falling somewhere between these two extremes may or may not be subject to the water-oriented-use limitation, and the Commission’s level of permit review must be decided on a case-by-case basis. In 1992, another opinion reaffirmed that opinion and its guidance on when the Commission must assert its Bay jurisdiction.

Ms. Ruffolo stated that the last staff analysis of the extent of pier removal and replacement fill, which was prepared in late 1989, indicated that, since 1965, the Commission had authorized the removal of more than 39 acres of pile-supported fill from the San Francisco Waterfront. Slightly more than 14 acres of replacement fill had been authorized; thus, the replacement fill rules appeared to be working to achieve the overall goals of increasing public access to San Francisco Bay and increasing the extent of open water through removal of fill not needed for water-oriented uses.

However, interpretation and application of the fifty percent rule and the Eagan opinion have been troublesome for the Port. The Port’s draft Waterfront Land Use Plan identifies certain problems with BCDC’s authority, which it believes constrains its ability to carry out its mission. Some of the issues include:

- (1) The need to repair existing piers supporting non-water-oriented uses, to allow those uses and possibly new ones to operate for an interim period to continue to

generate revenues for the Port.

- (2) The need to substantially repair piers that support existing commercial recreation uses without having to provide additional public access and to remove piers as now required by the replacement pier policy.
- (3) The desire to rehabilitate bulkhead buildings for non-water-oriented uses.
- (4) The desire to integrate some non-water-oriented uses as part of a rehabilitated or new pier project used primarily for water-oriented uses.

These concerns led to the MOU between the BCDC and the Port, signed in February 1996, in which both organizations agreed to work through these issues and to amend both Commissions' policy documents to reflect consistent treatment of the waterfront within the constraints of the McAteer Act. After more than a year of staff discussions and negotiations over potential policy changes on these issues, the Concept Agreement was signed by the Port, BCDC, and Save the Bay Association.

Ms. Ruffolo explained that the benefits arising from the implementation of the Concept Agreement would be, first, that the Port's commitment to build three new public access plazas and to remove certain piers, in concert with the new BCDC rules for categorical definition of piers in shoreline band jurisdiction, would allow the Port and BCDC to move away from a case-by-case analysis of whether proposed projects were in Bay or shoreline band jurisdictions, whether they would provide maximum feasible public access, and whether they would comply with the provisions of the fifty percent rule.

Second, public access and urban design guidelines would clarify for project developers the expectations for the extent and quality of public access to be provided as part of new projects on existing piers or replacement piers.

Third, the major public access plazas and new open water would satisfy most of the public access requirements for interim uses on existing piers, alleviating the need to extract piecemeal public access provisions from each Port permit. Some interim projects that generated greater demand for public access on the waterfront would be required to provide additional access or to contribute in some way towards the major new plazas and open water.

Fourth, the joint design review body, which would represent BCDC, the Port and the City, would help develop early consensus on design and public access issues.

Ms. Ruffolo said staff believes that the changes outlined in the Concept Agreement would provide a better way to achieve BCDC's goals and would improve the permit review process. She believed it was important to emphasize that all policy changes

that would follow from the Concept Agreement would be consistent with the McAteer Act and with the Attorney General's opinion.

Commissioner James Herman arrived at 1:17 p.m. The Port Commission Secretary announced that the Port Commission now has a quorum.

Commission President Michael Hardeman and Port Executive Director Douglas F. Wong arrived at 1:30 p.m. The Port Commission Secretary acknowledged their presence.

Diane Oshima with the Port's planning staff, advised that a lot of work had gone into this effort. She complimented and recognized Jennifer Ruffolo, Jeff Blanchfield, Will Travis and Marc Holmes in particular for having the stamina to engage in these negotiations, which she thought had resulted in a very significant milestone in the Concept Agreement.

She believed the concept was very significant as something intended to be incorporated into the Port's and BCDC's planning documents. Additionally, the agreement items would be looked at with respect to the City's General Plan policies.

One of the significant aspects, in terms of public access improvements, would involve the creation of three new public plazas to be provided by the Port. One, would be in the Fisherman's Wharf area, called the Triangle, the parking lot across the Embarcadero from the Bay itself. The plaza would be developed over approximately 70% of that site or about 107,000 square feet; and the remaining 30% would be developed for some kind of a market hall or retail commercial development to generate the revenues to finance the development of the plaza and allow parking, which is now on the surface, to be relocated into an underground garage. She said there was still a significant amount of planning to be done with the Fisherman's Wharf community; but hopefully there is general agreement that would be a major public benefit in the area.

The next plaza site specified is part of a special planning study in the area between Piers 15 and 29, where there is agreement there needs to be a major new access area created. Agreement could not be reached as to the specific location of these improvements because of the Port's concern to make sure the maritime operations currently occupying those facilities were secured and protected and to make sure that the historic preservation issues also connected with a number of those structures on those facilities have been adequately addressed. Ms. Oshima noted that special planning area would be subject to a follow-up process jointly coordinated between BCDC, the Port and the Planning Department concerning specific recommendations.

She indicated the third plaza site would be at the South Beach area of the waterfront, south of the Bay Bridge, and would involve removal of Pier 34, which is currently a

condemned pier, and Pier 36, which is in a deteriorated but still leasable condition, with the ultimate creation of a plaza in place of those piers. There would be a net reduction in fill but there would still be some pile-supported platform to support the plaza in that area.

As to pier removals, in addition to Piers 34 and 36, the other piers identified for removal are Pier 24, also a condemned facility; and one pier in the Piers 15 to 29 Special Planning Study area; and Pier 33, subject to further historic preservation review, since that is a historic structure. Ms. Oshima pointed out there was a separate provision in the Concept Agreement to carry out further historic preservation planning, which would affect Pier 33 as well.

To the extent that the Concept Agreement items would be incorporated into the Waterfront Plan, there are some overarching Port priorities of the Plan which should be noted. A Waterfront Plan Advisory Board, chaired by Chairman Tufts, worked over a period of 3 years; and one of that Board's very clear priorities was the need for maritime uses to be addressed first. Towards that end, the Advisory Board spent almost a year of planning time convening roundtable sessions for every single one of the maritime industries located at the Port to find out what their current and future needs were.

Two-thirds of the waterfront is reserved for long-term or current maritime use, mostly in the southern part, with some facilities north of China Basin. To the extent any of the facilities in the Piers 15 to 29 Special Planning Area could be designated for something other than cargo-related uses, which are occupying those facilities now, the Plan sets forth policies that the Port Commission would have to consider, and formally adopt a resolution to allow those facilities to be used for non-maritime purposes before any project other than cargo operations could occupy those sites.

Ms. Oshima said the Plan emphasizes maritime uses in the form of maritime mixed-use developments, where a lot of the implementation of the Concept Agreement would come forward. Despite the fact that most of the northern waterfront is no longer needed for ship repair or cargo operations, there is still a great desire to have modernized cruise terminals, facilities for water taxis, excursion boats, historic boats, ship displays, and recreational boating, providing a mix of public access and commercial revenue uses on the piers; and the Plan would definitely promote that.

In terms of potential benefits for the Port from the implementation of the Concept Agreement, it would provide regulatory relief for the use of existing Port facilities. As pointed out by Ms. Ruffolo, the issue of applying the replacement fill policy to the Port's piers has been problematic; and the Agreement would solve this by specifying the condition of each one of the Port's pile-supported piers.

Ms. Oshima indicated that there were essentially two categories here. The green-

colored piers on the map, which are in Category 1, are in excellent or good condition and therefore have a remaining life of 35 to 50 years. Given the long-remaining life of these piers, she said it would be worth it to conduct whatever repair and maintenance operations, including seismic retrofit, which were necessary to keep them in a safe condition and in operation. This would allow the Port to be able to continue to use the facilities for leasing and for other uses, whether they be water oriented or non-water oriented.

The red-colored piers, called Category 2, are in a more deteriorated state; and therefore, the types of maintenance activities applied there would be more limited. The threshold identified in the Concept Agreement would be to allow these piers to be repaired up to a point where 25% of the supporting piles have been replaced. At the point the Port engaged in repairs which extended beyond that, and it would be monitored cumulatively, the piers would then revert into Bay jurisdiction; and the uses would have to meet the water-oriented requirements of the McAteer-Petris Act.

Ms. Oshima explained that the Concept Agreement also sets forth some conceptual ideas for regulating pier reconfiguration. She said the map on the wall identified the concepts by defining perimeter lines around each pier or groups of piers, which would identify an area within which the Port would be allowed to reshape the piers. There would also be pier area limits, which essentially would establish a maximum for how much pier acreage would be allowed within most pier perimeter designations.

Ms. Oshima emphasized that it was not anticipated that pier configurations would be very common; construction of new pier facilities is extremely expensive, so this would be considered mostly in the context of a major mixed-use maritime project on the pier.

The Port will be carrying out further historic preservation planning for its historic resources.

Ms. Oshima said an initial survey had identified many of the Port's structures to be potentially significant National Register structures. In the interest of trying to balance maritime historic preservation, public access and bay fill issues, the historic preservation planning will be able to have particular resolutions for the Piers 15 to 29 Special Area Studies and the Pier 33 removal.

Marc Holmes, representing Save San Francisco Bay Association, observed that when the draft Waterfront Land Use Plan was released by the Port, the Association had two major concerns. One was that the Plan failed to deal with the provision of public access and the second was the expansion for non-conforming uses.

The Association wrote a letter expressing these concerns in response to the draft report; and subsequently BCDC, who shared these and other related concerns, and the

Port staff, who were re-thinking their approach outlined in this Plan, invited the Association to participate in the ongoing discussions to resolve these problems. The result of these discussions was an expanded public access along San Francisco waterfront and a reconsideration of the need to authorize non-conforming uses on fill in San Francisco Bay.

Mr. Holmes said that most of the details on how this came about were in the Concept Plan, which recognizes further details will be developed to address both of these issues over the coming months. Save San Francisco Bay is very enthusiastic about the outcome of the development of the Concept Plan and is eager to continue working on it and ultimately memorializing it in a Special Area Plan.

The Commission opened the public hearings.

Nan Roth, a member of the Waterfront Planning Advisory Board, who also served on the Fisherman's Wharf Citizens Advisory Committee and has been involved in waterfront issues since Pier 39 first came under consideration in the mid-1970s, said she was not speaking on behalf of those organizations but strictly expressing her own personal opinion.

She commented that the main purpose of the Citizens Advisory Committee was to come up with a Fisherman's Wharf Area Plan, but three things would be negatively impacted by this Concept Agreement.

First, the retention of the flavor of Fisherman's Wharf historic and industrial maritime past was viewed as one of the primary objectives in planning for the future. The tenants of Fish Alley are all maritime-industrial, and this is probably the only area at Fisherman's Wharf where the casual visitor can experience close at hand the working waterfront. Ms. Roth pointed out there was widespread agreement to protect this area as part of the Wharf and to protect its uses as well, yet the Port has been reluctant to incorporate it into the Waterfront Plan.

Ms. Roth believed that of even more concern was the omission of this area from the historic resources database. The Fish Alley area was omitted from the database because people were misinformed about what parts of Fisherman's Wharf should appropriately be included and were told this area was not to be one of them. Because of that fact, Ms. Roth thought the consultants should revisit the Fisherman's Wharf area and get together with some of the people who worked on the Waterfront Plan, which includes a historic resources group.

She said another prominent feature of the Plan is a proposed 3-level, 660 car, underground garage in the area between Taylor, Jefferson and the Embarcadero. It would replace surface parking around the Franciscan Restaurant and lead to opening that are visually to the Bay. While the Port long opposed the garage concept, it is

now offering to construct it as part of the Concept Agreement. However, there are important differences between this proposal and the Fisherman's Wharf Area Plan proposal. The Port's garage would be much smaller and would be financed by revenues from new and expanded commercial development on the site, and the Port's proposal does not contain a commitment to convert the Pier 43-½ area to open space.

Ms. Roth explained that the Piers 33 and 35 concept, while these piers do not technically fall within the Fisherman's Wharf area, were included in the planning process because of the importance of the cruise industry to the economy. The arbitrary removal of Pier 33 would result in costly restraints on expansion of water vessel berthing and adaptability to future use. Moving the cruise terminal to Piers 30 and 32, which are not as large or as flexible as Piers 33 and 35, would result in far less space being dedicated to cruise ships and would leave the issue of multiple berthing unresolved. She believed it would be extremely unwise to permit the removal of Pier 33 without further consultation with industry experts.

The Port may not be able to meet the pier removal and open space commitments, and Ms. Roth wondered if it would be appropriate to base an agreement on so much uncertainty. She did not feel this was a balanced agreement and felt that the needs of the public, who wish to restore the Bay, are not being responded to in equal fashion to the needs of the Port.

David Bahlman, representing San Francisco Heritage, underscored Ms. Roth's interest in the results of the historic resource study done in November 1996. He said the historic finger piers were obviously very important; open space and public access are very important but it should not be at the expense of historic resources and, specifically, not at the expense of Pier 33. Thirty-three piers in the 1976 survey were in the top 2% of the City's architecture.

San Francisco Heritage's rating of Pier 33 is a rating of "A," structures of the highest importance distinguished by outstanding qualities of architectural historic values in relationship to the environment. "A" category buildings are likely candidates for National Register as well as City Landmark status. Mr. Bahlman urged both Commission to take a very good look at those very historic resources of the highest quality.

Jeffrey Heller, Chairman of the SPUR's Waterfront Committee and surveying on the Urban Design Technical Advisory Committee for this effort, believed that the event today was one of the most important that has been seen on the waterfront and congratulated the participants in making this happen. He thought this would be the linchpin in making the Waterfront Plan work.

He commented that, while achieving all of the goals of the Port, BCDC and Save the Bay Association as far as access, open space, and water-oriented uses, it was

extremely important that the uses identified in the Plan, which are attempting to be realistic and appropriate to especially the northeast waterfront area, be respected in the Agreement so there need be no second visit in the approval process. He believed what made all the proposals on the San Francisco waterfront not viable for the last two decades was the double jeopardy of going through the Port and the City and back to BCDC; so the Agreement would be a linchpin and the coming together in consensus on the approval of the basic plan.

As a member of the Technical Advisory Committee, which has been working very hard on the issues of public access, open space and urban design guidelines, Mr. Heller thought this was perhaps the finest waterfront in the world and should not have any billboards on the Bay, floating or otherwise, to take advantage of this marvelous waterfront.

Stewart Morton, Transportation Chair of the (Fisherman's Wharf) Citizens Advisory Committee and currently on the Technical Advisory Committee, believed the draft Concept Agreement is a very fine document which has taken a lot of hours to get this far.

He thought the one problem was the proposed demolition of Pier 33, a very good looking bulkhead and a very important item to retain. The Citizens Advisory Committee was informed that Pier 25 and the removal of a little bit of Pier 27 would provide open space for an area that needs it but the removal of Pier 33 would not achieve that, because there is open space north of Pier 35. He said the historical significance of Pier 33 was very important, and its proposed demolition is a big flaw in this draft Concept Agreement.

Commissioner Hughan asked what criteria were used in judging a building to be in the top 2% of interest. Mr. Morton responded that there were many elements, such as its importance architecturally in showing how maritime business was conducted in the City.

Mr. Bahlman noted that, under the criteria of the National Register evaluative process, it is deemed eligible for the National Register.

Vice Chairman Siracusa asked whether, since this was illustrative of the waterfront, there were any other more unique and valuable piers that could be candidates for demolition. Mr. Bahlman advised that the piers are of equal importance and duplicative in some sense. In this case, the particular configuration of the finger piers is unique; and to destroy any of the finger piers that have that level of historic importance would be a mistake -- once they're gone, they're gone.

Mr. Bahlman then outlined the four criteria under which a resource can be considered for the National Register and said there were eight or nine piers of the same

importance.

Commissioner Bierman emphasized the importance of Mr. Morton and Mr. Bahlman in the historic preservation community of San Francisco and the importance of this pier.

Ellen Johnck, Executive Director of the Bay Planning Coalition, expressed the industry's support and the gratification of the numerous members for the coalition around the Bay, particularly on the culmination of this process. She said the Coalition endorses the Concept Agreement. It is very gratifying because this is really an outgrowth of a process begun when BCDC was in jeopardy of losing its budget in January of 1995, and the Coalition came together with Save San Francisco Bay Association to agree on a program of important reforms and improvements needed to streamline BCDC's procedures. One of the topics discussed was expediting permit application and review, Design Review Board (DRB) and the Engineering Review Board, wetlands restorations, etc., and expediting permit review and approval for projects that were routine repair and maintenance around the Bay. The result of the discussions is the Concept Agreement, which has been completed.

Ms. Johnck advised that the Coalition, since that time, has been part of the administrative structure of the process and is very gratified to see the parties come together. The Coalition believes it is a wonderful model for the future for waterfront planning and for continuing to look at the details of this agreement, particularly for the piers. This is an excellent opportunity to have a blanket permit for the Port of San Francisco and its maintenance, and Ms. Johnck said the Coalition urges staff and the group to get on with this.

Jane Morrison, a member of the Waterfront Land Use Advisory Board, wanted to be sure that this Agreement would guarantee that it is the Port's first priority to maintain increased commercial shipping, fishing and water activities, including freighters, cruise ships, water taxis, docks for visiting boats. She emphasized that the waterfront should be saved for future waterfront needs and kept open for public access and use of the Bay. It should be like a public park where people can enjoy the view and relax, but the most exciting views of the Bay are the cargo ships and other watercraft that can be seen.

She believed there was no need for all the waterfront to be turned into a shopping complex or hotels or any activity that does not need to be on the water. She realized the Port needs income, but they have ample space on some of the piers. Piers 30/32 could be developed and earn money for the Port.

As to the 25% of the revenue from new development that would be applied to public spaces, Ms. Morrison wanted to include revenue from the Ferry Building and the Giants' Stadium.

Commissioner Bruzzone commented that the hard work of Jane Morrison in San Francisco Tomorrow should be acknowledged, as well as the efforts of Supervisor Bierman, in placing the proposition on the ballot to stop waterfront development in San Francisco until the Plan had been carefully discussed and reached this point.

Jennifer Clary, representing San Francisco Tomorrow, thanked the staffs of the Port and BCDC for being extremely helpful, meeting with her group several times and explaining this document. She was not sure what the special area study was going to consist of and assumed it would have something to do with the Historic Resources Report. She agreed with San Francisco Heritage that any action on Pier 33 should be delayed until the Historic Resources Report has been completed.

She asked that the Historic Resources Plan be extended northward to cover Fish Alley.

Ms. Clary referred to the statement on page 3 on public access to piers, which says that at least 25% will be public access and more on larger piers, and said it really needed to be defined more precisely. She said the Technical Advisory Committee is working on it, but they really have not expanded on it or improved on the definition.

As to the evaluation for Categories 1 and 2 piers, Ms. Clary wondered if that was the result of an independent study. She stated she did not know there were that many piers in good condition.

Also, according to the public access requirement on Category 2 piers, there could be as little as zero public access, which does not make sense if there is going to be a public access requirement. She thought that, if it were going to be reduced to 25%, it should apply to interim uses as well as new development, because that would make it more attractive to the Port to do interim uses instead of actually creating new developments.

She asked for a more specific definition of the requirement for new maritime uses providing maximum feasible public access and believed that "feasible" is much too flexible a word, and she would like to see that eliminated, if possible.

Ms. Clary hoped the discussions with the DRB would be public and that there would be public hearings so that, however this comes out, it will not reduce public input on waterfront projects.

Ms. Clary asked that there be a mailing list of interested groups maintained, to include everyone who is part of the waterfront planning process. Also, she pointed out that for somebody who works Monday through Friday, the last 7 months had been difficult, despite having a very nice employer. She wondered if, once in a while, there could be an evening or weekend meeting.

Vice Chairman Siracusa moved, seconded by Commissioner Corbin to close the public hearing. The motion was carried by voice vote.

In answer to Chairman Tufts' question on the Pier 33 matter, Ms. Oshima stated that copies could be provided. She said the Historic Resources Report was done for the Port by Architectural Resources Group, which did the survey based on the National Register criteria and the recommendations of that report were that most of the bulkhead buildings fronting along the Embarcadero and many of the pier sheds connected to those bulkheads and the piers themselves look as if they are potentially eligible for the National Register as a historic district, as opposed to individual resources. Pier 33 is like the other ones, but there are differences in groupings, and there was concern expressed about removing one of those piers that could upset that grouping.

In terms of the Waterfront Land Use Plan, Piers 33 and 35 have been identified as potential sites for cruise operations. If Pier 33 were removed, it could cause some hardship in trying to accommodate a modernized cruise terminal in this location. She pointed out, however, that Piers 27 and 29 also have been identified as potential sites for cruise terminals. She said if the cruise terminal would like to be kept in this particular area, there is another site, which has been specifically identified in the Plan, which might meet many of the objectives.

In terms of whether to remove the pier or not, Ms. Oshima pointed out that this Concept Agreement was based on a presumption that there would be a net reduction of fill in the Bay through pier removals and that the piers that have been identified in the Concept Agreement would total on the order of half a million square feet. If Pier 33 were not to be removed and were left in place, that is about 85,000 square feet; so one would still be looking at a 415,000 square foot reduction.

In answer to Vice Chairman Siracusa's question, Ms. Oshima indicated that Pier 35 is a larger pier than 33 and that the cruise industry feels that, essentially these long, rectangular piers are not very efficient, because modern cruise terminals operate like airports. The baggage loading and services are going on at one level; passenger activities are at another. Right now cruise passengers are intermingling with the forklifts and ship servicing equipment down on the ground floor in the shed, which creates a chaotic situation that would be exacerbated further if there were two ships calling at the Port at the same time.

Commissioner Goldzband inquired whether the 500,000 sq. ft. was a sacrosanct number. He believed that there might be 85,000 sq. ft. somewhere else. Ms. Oshima replied that the Port did not go into the negotiations with some preconceived notion about what fill should be removed, although fill removal was a clear objective.

Mr. Holmes believed it was important to understand what the genesis of this was, and

it was not an arbitrary number decided upon before the discussions began. He said, currently, if the Port wishes to develop uses on piers, it comes to BCDC for a permit, and the Port comes with an application for commercial use, like Pier 39, which is an approved use under the Bay Plan and approved from the State Lands Commission's point of view, but the existing rule is, if you put in something like that, then you have to remove 50% of the amount of fill that you are proposing to build on; and you can put public access on the rest or not. So, essentially, for that type of development, you have a fifty-fifty split.

Mr. Holmes explained that they created a somewhat arbitrary and unpredictable permit situation for the Port. From the Association's point of view, the fact that you could release that and have willy-nilly commercial development on fill was unsatisfactory; and the conclusion was to have a plan that specifies a limited number of square footage to be removed so one gets certainty where the public access is going to come in and from a development point of view, one knows where one can develop and what kind of concessions have to be made from the public access point of view.

Commissioner Goldzband asked why Pier 33 was selected, as opposed to Pier 35. Mr. Holmes told him that was the Port's suggestion, and he did not want to speak for the Port. Particular areas were suggested in order to match the land side and the rhythm of open space, and a lot of this information was developed by the Design Technical Advisory Committee to create a waterfront-wide rhythm of open space that matched the land side.

Ms. Ruffolo reiterated this was a negotiated outcome and that when the more heavy duty series of negotiations began in November, Save the Bay and BCDC originally were asking for removal of Piers 19 and 23 or possibly 15 and 17, feeling that the balance of water and open space necessary to make sense of waterfront access and improving views and elimination of fill by removing piers no longer needed for maritime purposes deserved that level of fill removal. Pier 33 removal was suggested by the Port, but BCDC staff is not particularly wedded to Pier 33 over some other pier.

Ms. Oshima noted that, while she could not recall that it was the Port's suggestion to remove Pier 33, the Port was responding to a stated objective or concern by BCDC and Save the Bay for the regularly-spaced open water areas. Piers 19 and 23 were also suggested by BCDC and Save the Bay as potential open water areas. Concern was also expressed about the lack of open water area from Pier 31 up to Pier 35, so the proposal to remove Pier 33 was in response to their concern; but given the concerns being aired today, it is clearly an area the port will have to take a more careful look at, to see if that is the right place for it.

Ms. Oshima said that, on the map, Pier 33 is hatched because of the historic preservation issue versus the other pier removal sites that the Port feels more

confident about, but more historic preservation planning will be done. If there is another site that can be identified in lieu of Pier 33, another look will definitely be taken.

In answer to Commissioner Hughan's questions, Ms. Oshima stated that various sites were believed suitable for passenger ship terminals but there has been consistent concern expressed to keep the cruise terminal in this area. Piers 30/32 are part of the MUNI Metro extension of light rail.

Commissioner Hughan said, as a resident of San Francisco, he would take his visitors to Pier 33 and 35, which seem more desirable, because you're looking at North Beach and Fisherman's Wharf and Telegraph Hill, as opposed to the other piers. Ms. Oshima noted comments were heard not only from the preservation community but others who enjoy the fact that this is an urban waterfront and unique to the Bay shoreline.

In answer to Vice Chairman Siracusa's question, Mr. Travis commented that policies need not be developed today. The Concept Agreement is a status report of the direction that is being taken, and both the Port and BCDC and Save the Bay will continue in this direction, and the ultimate objective is to come up with a Special Area Plan. The discussion on Pier 33 will be really easy to revisit. The Concept Agreement will not be adopted. It is really an expression of the staff's work and the direction being taken. He said the policies may be far reaching, but they are vague. Staffs have been advised by the Attorney General's office not to adopt this.

Replying to Chairman Siracusa's inquiry, Mr. Travis stated that if one is taking a pier, removing it, and putting in a replacement, then the rule is fifty percent. Mr. Travis explained these are special rules that apply on the San Francisco waterfront, and which were designed specifically to try to encourage the removal of obsolete piers.

Mr. Travis pointed out that, as these negotiations were entered into, there were several fundamental goals: More of the bay should be uncovered than is covered now; more and better public access should be provided; and greater regulatory flexibility should be provided to the Port to, in essence, get BCDC out of the micro management of Port affairs and to give a faster regulatory process and greater certainty. He assured the Commission that staff would keep moving and would come back to the Commission with status reports and public hearings as one moves toward the adoption of the Special Area Plan.

Chairman Tufts believed it was fair to conclude on behalf of everybody that there should be direction to BCDC staff to take another look at Pier 33 to see if a substitute could be made. He asked what the status of the amendment to the Jones Act was on the federal level.

Paul Osmundson, Director of Planning and Development for the Port, said that the Port is working with a coalition of ports and travel industry groups to put together a legislation amending the Passenger Services Act, which is happening right now. If this should pass, the potential of cruise ships visiting San Francisco would dramatically increase, doubling the number of cruise ship calls. He said currently there are 50 ship calls each year.

Chairman Tufts commented that if there were a likelihood that the Passenger Services Act would be amended and that cruise ship visits would be increased dramatically, this should be considered in connection with the Pier 33 controversy.

Commissioner Bierman pointed out that the Citizens Advisory Committee had recommended the retention of Pier 33. She said she was slightly appalled that, after that committee worked as hard as it did and it had many of the same people who were on the tour today, that the historic preservation of Pier 33 was given so little importance. She was glad that the issue would be revisited.

Mr. Holmes explained that when this Concept Plan is fleshed out, it will be incorporated as a public access element in the Waterfront Land Use Plan. He pointed out that the Plan says nothing about land use or public access; so where a cruise terminal goes is entirely determined by the Waterfront Land Use Plan; and there have not been any discussions as to where it should go. The discussions were to address the complete lack of absence of a public access plan in the Waterfront Land Use Plan.

He added that, as pertains to Pier 33 particularly, the request was made to leave the flexibility in the Port's hands to reconfigure Pier 33 for unspecified uses, including a cruise terminal. It was agreed not to remove the facade building, as distinguished from the pier and the pier shed building. The staffs never agreed nor recommend that the bulkhead buildings be removed but agreed to the flexibility to reconfigure Pier 33 and accommodate unspecified uses.

Ms. Ruffolo reiterated that it was never contemplated to remove the bulkhead building, merely the pier itself. BCDC's current regulations allow for the reconfiguration and repair of structures of historic significance that are on pier or bulkhead buildings, such as the Ferry Building and they can be reconfigured and repaired for non-water-oriented uses.

Commissioner Bruzzone remarked that it appeared that give-and-take from Save the Bay, the Port and BCDC need to be made available within the process and augmented to include the collaboration from those who are concerned with historical structures, since it obviously could be damaging to the overall effort. He suggested to bring these people in not as signatories to the agreement but as more active participants.

Chairman Tufts suggested to get maximum input from the San Francisco Heritage and

other societies that have historic concerns. Ms. Oshima told him that those efforts have started. There have been initial meetings, and San Francisco Heritage has agreed to set up a subcommittee of their Issues Committee, to provide guidance and advice in what needs to happen in the historic preservation planning that the Port has committed to under this Concept Agreement.

Commissioner Bruzzone said that he had been present at the time the Agreement was announced at the Waterfront Advisory Committee meeting, and the signator at that time was Dennis Bouey, and he wanted to make sure that the current Port Executive Director, Mr. Wong, concurs with this Agreement.

Port Executive Director Douglas Wong assured everyone that the Port is definitely moving forward with the Agreement and everyone is completely satisfied.

In answer to Commissioner Bruzzone's question, Ms. Ruffolo said she believed the president of San Francisco Tomorrow had misconstrued the policy in the Agreement. The 25% is to be applied to all finger piers, regardless of interim or permanent uses.

As to other piers where an interim use is going to be planned which is currently a container terminal, if that comes before BCDC before any policy changes are made, the current rules would apply and maximum feasible public access consistent with the project would have to be provided. If it should come after the Special Area Plan amendments are made, there would be guidelines in the Urban Design Public Access element in the Plan that would specify the extent of public access that would have to be provided on the larger piers.

Replying to a question from Chairman Tufts, Ms. Oshima pointed out that the 25% on-site pier public access requirement would apply when a finger pier was newly developed with a new maritime commercial recreation type of use. She explained that, for the most part, interim uses are leases of those structures that currently stand on those piers. If there were a shed on a pier and the Port wanted to lease it short term to a warehouse operator, they would be able to lease the space without having to meet a public access requirement, because they essentially would be using the existing facilities.

If there were to be a new development project that involved a major change to the facility, then the 25% or greater, if on a larger-sized pier, public access requirement would apply. She said that recognizes that the Port is providing up-front commitment for the creation of these plazas. The creation of this public access fund would take 25% of development revenues and develop and create the plazas.

As to the ballpark and the Ferry Building projects, the policies, as proposed, will come into effect once they're adopted. As to the ballpark project in particular, there is a lot of detailed regulatory planning already being done for this project, which is on

file. It is probably not going to be subject to this requirement because a lot of public access planning and internal financing and regulatory review is already being addressed.

Ms. Oshima commented that, as to the Ferry Building project, one would have to see when these policies take place to determine whether the Ferry Building would be subject to the 25%, although the expense to restoring the Ferry Building will be so large that the Port does not anticipate that as a revenue project.

The significance of the public access fund is furthered by the fact that the Port has designated developments on the seawall lots to also contribute revenues into that public access fund, which is an area where BCDC does not have jurisdiction; but it is recognized that pier developments having more limited ability to generate potential, given the public access and more time requirements. Ms. Oshima explained that a large part of the public access funds would be coming from the new developments on the seawall lots.

In answer to Vice Chairman Siracusa's question, Ms. Oshima advised that there was nothing sacrosanct about the 500,000 square feet or about Pier 33. She said the Port would be more than happy to negotiate another location for open water if Pier 33 is not suitable. While the figure of 500,000 square feet is not sacrosanct, negotiation is balanced between the need to allow developable pier and the corresponding requirement to create open water and public access.

Commissioner Carruthers observed that he has been in the area since 1950 and believed that the bulkheads along the waterfront have always been notably ugly. He thought the idea of providing views across the Bay was much more important, and the argument for seeing more waterfront activity had his entire sympathy.

The purpose of the bulkheads was to provide a uniform screen for a rather haphazard kind of activity, and Commissioner Carruthers saw no purpose in preserving the bulkheads for their own sake. They do serve the purpose of providing a facade along the Embarcadero to that extent their activities are meaningful and useful, but he couldn't see any purpose in preserving the bulkheads for their own sake. He said the fish processing activities associated with Fisherman's Wharf might be as much of a historical district concept as the bulkheads along the Embarcadero.

Commissioner Carruthers asked what the process would be for the consideration of the comments that had been brought to the Port and the BCDC Commissions at this hearing. Ms. Ruffolo replied that, throughout the discussions and the preparation of the report, BCDC staff had been meeting with San Francisco Tomorrow, and Stewart Morton and others from San Francisco Heritage had attended a number of those meetings, so there has already been a pattern established of working with them to air questions and get their input before moving ahead and working with the Port. She

emphasized that BCDC staff intends to continue working with them that way.

BCDC staff talked with the Port about a joint effort with San Francisco Tomorrow and interested parties on the waterfront, including the Fisherman's Wharf merchants and she said there had been an opportunity for interested groups and parties to respond to various activities. BCDC will move forward and so will the Port, with the Historic Resources Study as well as the Special Area Study of Piers 15 to 27. There's a whole array of ongoing projects which require somewhat specified opportunities for public input, depending on the affected interested group but this process has already been started.

Commissioner Carruthers was very encouraged, because the Commission had set up a committee to promote outreach regarding BCDC programs.

Ms. Oshima emphasized that the whole effort has been community-based, with an already established process at the Port. So to the extent there is interaction and coordination of the issues, the framework is there; and the Advisory Board will be brought together periodically, as well as other various community groups.

She indicated that the Port knew Pier 33 was an issue. In fact, alternate sites were offered to provide the pier removal requirements, which was intended to be a part of the further details that will be dealt with BCDC and Save the Bay.

Commissioner Rose, referring to Nan Roth's comments on the protection of Fish Alley, noted that since the purpose of this meeting was to get a sense of the feelings of the Commission and the Port, she would like to register her comments about the Pier 33 preservation.

She said the structure is quite handsome; there are historic districts in Marin, such as all of downtown Sausalito, which tend to protect those areas. She hoped that Fish Alley would be preserved, enhancing the amenities for the fishing industry both by retaining the existing character, by not allowing other uses to push out maritime activities and by preserving the character.

Ms. Oshima pointed out that the Port has put in major resources for the fishing industry and the preservation of Fish Alley was a big topic in the Waterfront Plan Advisory Board proceedings. Essentially what is happening is there is a grouping of warehouses that have been recognized as reflective of the historic fishing activity that is currently at the Wharf, but they don't always meet the modernized needs of the fish processing and handling facilities. Many of the operators who have long-term leases for some of those facilities were finding they were unable to use the facilities for their fish handling operations, and so it was in the interest of maintaining the ability to keep those structures intact that the notion of the interim adapted uses was allowed, under limited circumstances, in the Fish Alley facilities.

Ms. Oshima advised that the Port of San Francisco had just put in \$14 million worth of improvements to Pier 45 and created a modernized fish handling facility that drew a lot of the fish operations into that pier, which meets current health codes and provides the kind of facilities that are not always found at the Fish Alley operation.

In regard to the Pier 31-33-35 area and the question of the apparent conflict about views and public access and historic resources, the Urban Design guidelines and the Technical Advisory Committee have identified openings within those existing historic structures that could break through to the water. The large roll-up type garage doors, 60 feet wide and 30 feet in height, if one were to open those up, would give a clear view and also satisfy the historic preservation objectives. Those points are spelled out in the Urban Design Guidelines.

Chairman Tufts believed the concept approach was a good one and if one took each project case by case and applied BCDC standards, it would be stifling for a lot of development of the Port. Taking the overall approach and applying BCDC standards would be very worthwhile for the Port, BCDC and the public in general; and that is what this concept intends to do. Secondly, he said one was not trying to micro manage things but as each project came along, it would have to come to BCDC and the Port to get approval. Chairman Tufts urged staff to continue on its course and to take into consideration all of the questions and issues that have been raised, particularly about Pier 33.

Chairman Tufts believed a lot of work had gone into this and that the staffs of both agencies deserve a great deal of praise from everyone. He said he was very excited about this meeting and believed it would set a precedent possibly for BCDC and the Port to work very closely together on each project as it comes along and have joint meetings similar to today's. He thought it not only streamline the process but the work product was so much better when all involved parties hear everyone's concerns.

Port Commission President Michael Hardeman said he had been informed by the Port's counsel that the Port Commission had to conclude its meeting at this point. He thanked BCDC, the Waterfront Planning Committee and everyone on the staffs, agreeing totally with Mr. Travis' comments that this is a conceptual thing and nothing is locked in. Nobody has made any solid commitments to do anything as far as the removal of Pier 33. He emphasized that was not the Port Commission's position but a suggestion by the former Port Director to address certain concerns. It was never approved by the Port Commission nor even considered. The Port Commission has taken no position on this and President Hardeman felt that everyone at the meeting should leave feeling that nobody has any predetermined positions as to what the waterfront is going to look like. The process will be continued. He thought it was amazing that the process had gotten this far.

Port Commission Vice President Frankie Lee said he appreciated this joint effort of

BCDC and the Port which is a historic first. He noted that, before the meeting, he had the pleasure of talking to Chairman Tufts and that they both agreed that this joint hearing should be a model for other bay area agencies that have common interests and concerns and who can work together and come up with terrific concepts.

Mr. Lee emphasized that the Port's clients are the public and that the Port serves the public and this was a great day for the Port and he hoped for BCDC as well.

The meeting was adjourned at 3:15 p.m.

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SAN FRANCISCO PORT COMMISSION

REGULAR MEETING

4:00 P.M., MARCH 11, 1997
FERRY BUILDING, SUITE 3100
SAN FRANCISCO, CALIFORNIA

DOCUMENTS DEPT.

MAR 06 1997

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A G E N D A

- 11/97
1. ROLL CALL
 2. APPROVAL OF MINUTES - February 25, 1997 Special Meeting & Regular Meeting
 3. EXECUTIVE
 - A. Executive Director's Report
 4. MARITIME
 5. REAL ESTATE AND ASSET MANAGEMENT
 6. FACILITIES & OPERATIONS
 - A. Authorization to award Contract 2631, "Fisherman's Wharf Lighting Improvements, Phase 1." (Resolution No. 97-24)
 - B. Authorization to award Contract 2622, "Pier 48 Bulkhead Seismic Retrofit Project." (Resolution No. 97-19)
 7. PLANNING & DEVELOPMENT
 - A. Approval of payment to the State of California, Department of Transportation, for acquisition of the Caltrans property bounded by King, Berry, 2nd and 3rd Streets and described generally as Assessor's Block 3794 for the new ballpark at China Basin and endorsement of the execution of a non-binding agreement between the City and CalTrans. (Resolution No. 97-23)
 8. FINANCE AND ADMINISTRATION
 9. CONSENT CALENDAR
 - A. Approval of Port staff representative to attend the American Industrial Hygiene Conference and Exposition in Dallas, Texas. (Resolution No. 97-21)

- B. Approval for the Director of Finance and Administration to attend an American Association of Port Authorities Port Administration and Information Technology Seminar in Secaucus, New Jersey, on April 23-25, 1997. (Resolution No. 97-22)
- C. Approval of lease with S&C Ford of San Francisco for 66,000 sq. ft. of shed space at Pier 50, Shed "C" (Mission Rock Street at Terry Francois Blvd.) (Resolution No. 97-20)

10. NEW BUSINESS / PUBLIC COMMENT

11. EXECUTIVE SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Berry Street and Second Street (China Basin).
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*San Francisco Giants Representative: Larry Baer, Executive Vice President

Under Negotiation: _____ Price _____ Terms of Payment Both
An executive session has been calendared to discuss real property negotiations between the Port and San Francisco Giants, regarding the proposed ballpark.

This is specifically authorized under California Government Code Section 54956.8.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Pier 80
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*NorCal Representative: Mike Sangiacomo, President and Don Moriel, Executive Vice President

Under Negotiation: _____ Price _____ Terms of Payment Both
An executive session has been calendared to discuss real property negotiations between the Port and NorCal, regarding the property located at Pier 80.

This is specifically authorized under California Government Code Section 54956.8.

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Mission Bay bordered by Illinois Street and Terry Francois Blvd. and Mission Rock Street

Person Negotiating: Port representative: V. Fei Tsen, Director of Real Estate and Asset Management

*Catellus Representative: Doug Stimpson, Vice President and CFO, Bay Area Development

Under Negotiation: _____ Price _____ Terms of Payment Both

An executive session has been calendared to discuss real property negotiations between the Port and Catellus, regarding the property located at Mission Bay.

This is specifically authorized under California Government Code Section 54956.8.

- D. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

12. ADJOURNMENT

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. Please fill out a speaker card and hand it to the Commission Secretary.



March 5, 1997

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Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. Preston Cook
Hon. James Herman

FROM: Douglas F. Wong *DFW*
Executive Director

SUBJECT: Authorization to award Contract 2631, "Fisherman's Wharf Lighting Improvements Phase I"

DIRECTOR'S RECOMMENDATION: THAT THE COMMISSION AUTHORIZE STAFF TO AWARD CONTACT 2631, "FISHERMAN'S WHARF LIGHTING IMPROVEMENTS PHASE I," IN ACCORDANCE WITH THE ATTACHED RESOLUTION

At the October 16, 1996 meeting, the Commission approved the conceptual design of the Fisherman's Wharf Lighting Improvements Phase I and gave staff approval to advertise for competitive bids for the construction of these improvements.

On February 21, 1997, six (6) bids were received. A Summary of Bids is attached. The lowest bidder, K. P. Lam Construction, submitted a request to withdraw its bid of \$218,000 and bid bond. The bidder alleged that one of its subcontractors failed to fully estimate the work. The next adjusted low bidder is Millard Tong Construction at a low bid of \$299,888. This firm is a certified MBE firm.

Staff has reviewed the bid documents and the Human Rights Commission has reviewed and agreed that the MBE/WBE subcontracting goals have been met by Millard Tong Construction. Staff recommends that the Commission approve the withdrawal of the K. P. Lam Construction bid, approve the award of Contract 2631 to Millard Tong Construction, authorize a 10% contingency for possible Type I modifications and authorize the Executive Director to accept the work after it is complete.

Prepared by Cliff Jarrard, Chief Harbor Engineer

THIS PRINT COVERS CALENDAR ITEM 6A

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

RESOLUTION NO. 97-24

WHEREAS, at the October 16, 1996 meeting the Commission gave staff approval to advertise Contract 2631; and

WHEREAS, on February 21, 1997, six (6) bids were received; and

WHEREAS, the lowest bidder, K. P. Lam Construction, submitted a request to withdraw its bid of \$218,000 and bid bond because the bidder alleged that one of its subcontractors failed to fully estimate the work; and

WHEREAS, the next adjusted low bidder was Millard Tong Construction at a low bid of \$299,888; and

WHEREAS, staff has reviewed the bid documents and determined that the bid documents are in order; and

WHEREAS, the Human Rights Commission has reviewed the bids and determined that this contractor has met the MBE/WBE subcontracting goals and that the contractor qualifies for the bid preference; therefore be it

RESOLVED, that the San Francisco Port Commission hereby approves the withdrawal of the bid of K. P. Lam Construction; and be it further

RESOLVED, that the San Francisco Port Commission hereby authorizes the award of Contract 2631, "Fisherman's Wharf Lighting Improvements, Phase I," to Millard Tong Construction, the next adjusted low bidder at a cost of \$299,888, authorizes a 10% contingency for possible Type I contract modifications; and be it further

RESOLVED, that the San Francisco Port Commission authorizes the Executive Director to accept the work after it is complete.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of March 11, 1997.

Secretary

BID SUMMARY

PORT OF SAN FRANCISCO

Prepared By: Ben Segura
 Checked By: M. Bhat
 Date: Feb. 21, 1997

Project: Fisherman's Wharf Lighting Improvements Phase I
 Contract No.: 2631
 Project Engineer: Mabal Bhat

Bids Opened: Feb. 21, 1997 Page 1 of 3

Bid Item #	Description	Estimated Quantity	LS Price	Total	LS Price	Total
1	Furnish, install, and construct lighting and electrical power distribution, all as shown and specified.	LS	\$218,000.00	\$218,000.00	\$299,000.00	\$299,888.00
Totals				\$218,000.00		\$299,888.00

Millard Tong Construction
 3180 San Bruno Ave.
 S.F., CA 94134
 (415) 467-5614

Becl Electric
 432 Santa Clara Ave.
 Oakland, CA 94610
 (510) 839-1415

K.P. Lam Construction
 850 S. Van Ness Ave.
 S.F., CA 94110
 (415) 560-7800

Bid Item #	Description	Estimated Quantity	LS Price	Total	LS Price	Total
1	Furnish, install, and construct lighting and electrical power distribution, all as shown and specified.	LS	\$499,994.00	\$499,994.00	\$519,000.00	\$598,950.00
Totals				\$499,994.00		\$598,950.00

Croscl Electric
 Pier 9 - Suite 111
 S.F., CA 94111
 (415) 421-9118

M.H. Constr. Mngmt.
 1418 Yosemite Ave.
 S.F., CA 94124
 (415) 822-8891

Abbett Electric
 1850 Bryant St.
 S.F., CA 94110
 (415) 864-7500

BID SUMMARY
PORT OF SAN FRANCISCO

Prepared By: Ben Segura
Checked By: M. Bhat
Date: Feb. 21, 1997
Page 2 of 3

Project: Fisherman's Wharf Lighting Improvements Phase I
Contract No.: 2631
Project Engineer: Mabal Bhat
Bids Opened: Feb. 21, 1997

Required Forms	K.P. Lam Construction		Becl Electric		Millard Tong Construction		Cresci Electric		M.H. Constr. Mngmt.		
	Document #	Yes (Y)	No (N)	Yes (Y)	No (N)	Yes (Y)	No (N)	Yes (Y)	No (N)	Yes (Y)	No (N)
Bit		Y		Y		Y		Y		Y	
Addenda Acknowledgement	00300	Y		Y		Y		Y		Y	
Schedule of Bid Prices	00302	Y		Y		Y		Y		Y	
Schedule of Unit Prices	00304	NA		NA		NA		NA		NA	
Bid Bond	00411	Y		Y		Y		Y		Y	
Experience & Financial Qualifications	00420	Y		Y		Y		Y		Y	
List of Subcontractors	00430	Y		Y		Y		Y		Y	
Non-Collusion Certification	00401	Y		Y		Y		Y		Y	
HRC Form 1		Y		Y		Y		Y		Y	
HRC Schedule A (as applic, by 5pm)		NA		NA		NA		NA		NA	
HRC Schedule L (as applic, by 5pm)		NA		NA		NA		NA		NA	
HRC Form 2A		Y		Y		Y		Y		Y	
HRC Form 2B		Y		Y		Y		Y		Y	
Apprenticeship Program	00490	Y		Y		Y		Y		Y	
Business Tax Reg Declaration	00491	Y		Y		Y		Y		Y	
Highest General Prevailing Wage	00492	Y		Y		Y		Y		Y	
Equal Opp Empl & Bus Practices: LD	00493	Y		Y		Y		Y		Y	
MacBride Principles	00494	Y		Y		Y		Y		Y	
Deemed Responsive by Engin & HRC (Y/N) ?		Y		Y		Y		Y		Y	
Total Bid		\$218,000.00		\$299,000.00		\$299,888.00		\$499,994.00		\$519,000.00	
PREFERENCES (as applicable):											
MBE	10%										
WBE	10%	(\$)									
LBE	5%	(\$)									
JV	5%	(\$)									
JV	7.5%	(\$)									
JV	10%	(\$)									
Adjusted Bid		\$196,200.00		\$299,000.00		\$269,899.00		\$449,995.00		\$467,100.00	

**BID SUMMARY
PORT OF SAN FRANCISCO**

Prepared By: Ben Segura
Checked By: M. Bhat
Date: Feb. 21, 1997
Page 3 of 3

Project: Fisherman's Wharf Lighting Improvements Phase I
Contract No.: 2031 Project Engineer: Mahab Hattat Bids Opened: Feb. 21, 1997

Required Forms	Document #	Yes (Y)	No (N)	Yes (Y)	No (N)	Yes (Y)	No (N)	Yes (Y)	No (N)
Bid		Y							
Addenda Acknowledgement	00300	Y							
Schedule of Bid Prices	00302	Y							
Schedule of Unit Prices	00304	NA							
Bid Bond	00411	Y							
Experience & Financial Qualifications	00420	Y							
List of Subcontractors	00430	Y							
Non-Collusion Certification	00481	Y							
HRC Form 1		Y							
HRC Schedule A (as applic. by 5pm)		NA							
HRC Schedule L (as applic. by 5pm)		NA							
HRC Form 2A		Y							
HRC Form 2B		Y							
Apprenticeship Program	00490	Y							
Business Tax Reg Declaration	00491	Y							
Highest General Prevailing Wage	00492	Y							
Equal Opp Empl & Bus Practices: LD	00493	Y							
MacBride Principles	00494	Y							
Deemed Responsive by Engin & HRC (Y/N) ?		Y							
Total Bid		\$598,950.00							
PREFERENCES (as applicable):									
MBE	10%	(\$)							
WBE	10%	(\$)							
LBE	5%	(\$29,947.50)							
JV	5%	(\$)							
JV	7.5%	(\$)							
JV	10%	(\$)							
Adjusted Bid		\$669,002.50							


MEMORANDUM



March 5, 1997

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. Preston Cook
Hon. James Herman

FROM: Douglas F. Wong 
Executive Director

SUBJECT: Authorization to award Contract 2622, "Pier 48 Bulkhead Seismic Retrofit Project"

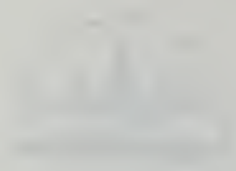
DIRECTOR'S RECOMMENDATION: THAT THE COMMISSION AUTHORIZE STAFF TO AWARD CONTACT 2622, "PIER 48 BULKHEAD SEISMIC RETROFIT PROJECT," IN ACCORDANCE WITH THE ATTACHED RESOLUTION

The Pier 48 bulkhead buildings incurred structural damage during the 1989 Loma Prieta Earthquake. On January 14, 1997, the Port Commission authorized staff to advertise for competitive bids for Contract 2622, "Pier 48 Bulkhead Seismic Retrofit Project." The retrofit contract includes the following work: driving new steel piles to support the concrete bulkhead exterior walls, pouring new concrete grade beams and structural slabs, jacking-up the existing exterior concrete walls, repairing the cracks in the existing exterior concrete walls, installing new steel braced frames and plywood roof diaphragm, and abating hazardous materials.

On February 14, 1997, eight (8) bids were received. A Summary of Bids is attached. The lowest responsive bidder was West Bay Builders, Inc./D. Stewart Thompson, Inc., a Joint Venture, at a low bid of \$1,151,515. D. Stewart Thompson, Inc. is a WBE firm with 51% of the work. Staff has reviewed the bid documents and the Human Rights Commission has reviewed and agreed that the MBE/WBE subcontracting goals have been met. Staff recommends that the Commission authorize the award of Contract 2622 to West Bay Builders, Inc./D. Stewart Thompson, Inc., a Joint Venture. It is also recommended that the Commission authorize a 10% contingency for possible Type I contract modifications and that the Executive Director be authorized to accept the work after it is complete. It is anticipated that FEMA/OES will fund the entire cost of this contract.

Prepared by Cliff Jarrard, Chief Harbor Engineer

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

RESOLUTION NO. 97-19

- WHEREAS, Pier 48 bulkhead incurred structural damage during the 1989 Loma Prieta Earthquake; and
- WHEREAS, on January 14, 1997, the Port Commission authorized staff to advertise for competitive bids for Contract 2622; and
- WHEREAS, on February 14, 1997, eight (8) bids were received; and
- WHEREAS, staff has reviewed the bid documents and determined that the lowest responsive bidder is West Bay Builders, Inc./ D. Stewart Thompson, Inc., a Joint Venture; and
- WHEREAS, the Human Rights Commission has reviewed the bids and determined that this contractor has met the MBE/WBE subcontracting goals and that the contractor qualifies for the bid preference; and
- WHEREAS, it is anticipated that FEMA/OES will fund the entire cost of the seismic retrofit, now therefore be it
- RESOLVED, that the San Francisco Port Commission hereby authorizes the award of Contract 2622, "Pier 48 Bulkhead Seismic Retrofit Project," to West Bay Builders, Inc./D. Stewart Thompson, Inc., a Joint Venture at a cost of \$1,151,515, and authorizes a 10% contingency for possible Type 1 contract modifications; and be it further
- RESOLVED, that the San Francisco Port Commission authorizes the Executive Director to accept the work after it is complete.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of March 11, 1997.

Secretary



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BID SUMMARY
PORT OF SAN FRANCISCO

Prepared By: Ben Segura/RL
Checked By: RL
Date: Feb. 14, 1997
Page 1 of 4

Project: Pier 48 Bulkhead Seismic Retrofit
Contract No. 2622

Project Engineer: Joe Roger
Bids Opened: Feb. 14, 1997 - 10 am

Bid Item #	Description	Estimated Quantity LS	West Bay Builders Inc./ D Stewart Thompson, JV 615 Lindero St, San Rafael, CA 94901 (415)456-8972 Unit /LS Price \$12,000.00	Trico Construction 445C Hampshire St S F, CA 94110 (415) 552-8439 Unit /LS Price \$15,000.00	Barnes/LTM, JV 449 10th St S.F., CA 94103 (415) 552-7070 Unit /LS Price \$25,000.00	Pacific Construction 928A Van Ness Ave S.F., CA 94109 (415) 567-1712 Unit /LS Price \$10,000.00	Total
1	Abatement of asbestos-containing materials including demolition and disposal of sheetrock partitions in the office areas, and roof patching compounds.	LS	\$6,000.00	\$37,000.00	\$10,000.00	\$19,500.00	\$10,000.00
2	Abatement of lead-based paints, clean-up of lead contain, demo of lead-coated arch assemblies and dust control measures by various trades, incl clean-up and stabilization of loose and peeling lead-base paints from misc. areas, abatement of lead primer at weld locations, abatement of loose and peeling paints at the clear-story jack-up, clean-up and disposal of lead contain sand and gravel on the roof, disposal of lead contain soils at new footings, and misc. lead dust control measures to comply w/ Cal/OSHA	LS	\$6,000.00	\$37,000.00	\$10,000.00	\$19,500.00	\$19,500.00
3	All Pier 48 Bulkhead Seismic Retrofit work, excluding hazardous material abatement work and steel pile work	LS	\$690,000.00	\$600,000.00	\$623,285.00	\$812,205.00	\$812,205.00
4	Environmental Consulting Work	Allowance					
Unit Price Item No. 1	12" diameter steel piles, per lineal ft.	2800	\$20.00	\$13,195.00	\$13,915.00	\$13,915.00	\$13,915.00
Unit Price Item No. 2	12" diameter steel pile installation, per lineal ft.	2800	\$25.00	\$70,000.00	\$75,600.00	\$72,800.00	\$92,400.00
Unit Price Item No. 3	16" diameter steel piles, per lineal ft.	4550	\$30.00	\$136,500.00	\$182,000.00	\$38.00	\$72,800.00
Unit Price Item No. 4	16" diameter steel pile installation, per lineal ft.	4550	\$30.00	\$136,500.00	\$182,000.00	\$38.00	\$172,900.00
Unit Price Item No. 5	Built-up Roofing, per square foot	8000	\$2.50	\$20,000.00	\$24.00	\$4.35	\$127,400.00
Unit Price Item No. 6	Cement Plaster Spall Repair, per square foot	500	\$10.00	\$5,000.00	\$90.00	\$30.00	\$34,800.00
Additive Unit Price Item No. 1	Cut existing Bulkhead Building exterior wall wood piles	28	\$200.00	\$5,600.00	\$700.00	\$450.00	\$15,000.00
Totals (Base Bid Items)			\$1,145,915.00	\$1,175,865.00	\$1,188,400.00	\$1,370,920.00	\$1,383,520.00
Totals (Base Bid Items + Additive Bid Item)			\$1,151,515.00	\$1,191,265.00	\$1,208,000.00	\$1,383,520.00	\$1,383,520.00

See Note 1

Note 1. Bidder's mathematical error corrected

Distribution A Lee, C Jarrard, A Quesada, E. Byrne, J. Roger, R. Lim, Contract File

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BID SUMMARY
PORT OF SAN FRANCISCO

Prepared By: Ben Segura/RL
Checked By: RL
Date: Feb. 14, 1997
Page 2 of 4

Project: Pier 48 Bulkhead Seismic Retrofit
Contract No. 2622

Project Engineer: Joe Roger
Bids Opened: Feb. 14, 1997 - 10 am

Bid Item #	Description	Estimated Quantity	Unit /LS	Price	Total	Anderson Pacific Engineering Constr., Inc.		M.H. Construction Management Co.		Valentine Corporation/Coast Geo., JV		A. Ruiz Construction Co. & Assoc., Inc.	
						1390 Norman Ave Santa Clara, CA 95054 (408)970-9900	1418 Yosemite Ave. S.F., CA. 94124 (415) 822-8891	5 Thomas Mellon Circle, Ste 245 S.F., CA 94134 (415) 467-7700	1615 Cortland Ave S.F., CA 94110 (415) 647-4010	Unit /LS	Price	Unit /LS	Price
1	Abatement of asbestos-containing materials, including demolition and disposal of sheetrock partitions in the office areas, and roof patching compounds.	LS		\$5,000.00	\$5,000.00								
2	Abatement of lead-based paints, clean-up of lead contam, demo of lead-coated arch assemblies and dust control measures by various trades, incl clean-up and stabilization of loose and peeling lead-base paints from misc. areas, abatement of lead primer at weld locations, abatement of loose and peeling paints at the clear-story jack-up, clean-up and disposal of lead contam sand and gravel on the roof, disposal of lead contam soils at new footings, and misc. lead dust control measures to comply w/ Cal/OSHA	LS		\$85,000.00	\$85,000.00								
3	All Pier 48 Bulkhead Seismic Retrofit work, excluding hazardous material abatement work and steel pile work	LS		\$865,000.00	\$865,000.00								
4	Environmental Consulting Work	Allowance											
Unit Price Item No 1	12" diameter steel piles, per lineal ft	2800		\$13,915.00	\$13,915.00								
Unit Price Item No 2	12" diameter steel pile installation, per lineal ft.	2800		\$18.00	\$50,400.00								
Unit Price Item No 3	16" diameter steel piles, per lineal ft.	4550		\$22.00	\$61,600.00								
Unit Price Item No 4	16" diameter steel pile installation, per lineal ft.	4550		\$25.00	\$113,750.00								
Unit Price Item No 5	Built-up Roofing, per square foot	8000		\$35.00	\$159,250.00								
Unit Price Item No 6	Cement Plaster Spall Repair, per square foot	500		\$7.00	\$56,000.00								
Additive Unit Price Item No 1	Cut existing Bulkhead Building exterior wall wood piles	28		\$20.00	\$10,000.00								
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					\$1,419,915.00								
					\$1,419,915.00								
					\$1,463,815.00								
					\$1,477,815.00								
					\$832,000.00								
					\$13,195.00								
					\$21.00	\$58,800.00							
					\$62.00	\$173,600.00							
					\$30.00	\$136,500.00							
					\$38.00	\$172,900.00							
					\$25.00	\$113,750.00							
					\$4.00	\$32,000.00							
					\$40.00	\$20,000.00							
					\$500.00	\$14,000.00							
					\$962,004.00	\$962,004.00							
					\$13,915.00	\$13,915.00							
					\$37.40	\$104,720.00							
					\$27.70	\$77,560.00							
					\$43.45	\$197,697.50							
					\$33.00	\$150,150.00							
					\$20.90	\$167,200.00							
					\$20.90	\$10,450.00							
					\$550.00	\$15,400.00							
					\$17,000.00	\$17,000.00							
					\$10,890.00	\$10,890.00							
					\$9,790.00	\$9,790.00							
					\$17,000.00	\$17,000.00							
					\$1,510,969.00	\$1,510,969.00							
					\$1,533,369.00	\$1,533,369.00							

See Note 2

See Note 1

Note 1 Bidder's mathematical error corrected
Note 2 Bidder did not state price for Additive Unit Price Item No 1
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**BID SUMMARY
PORT OF SAN FRANCISCO**

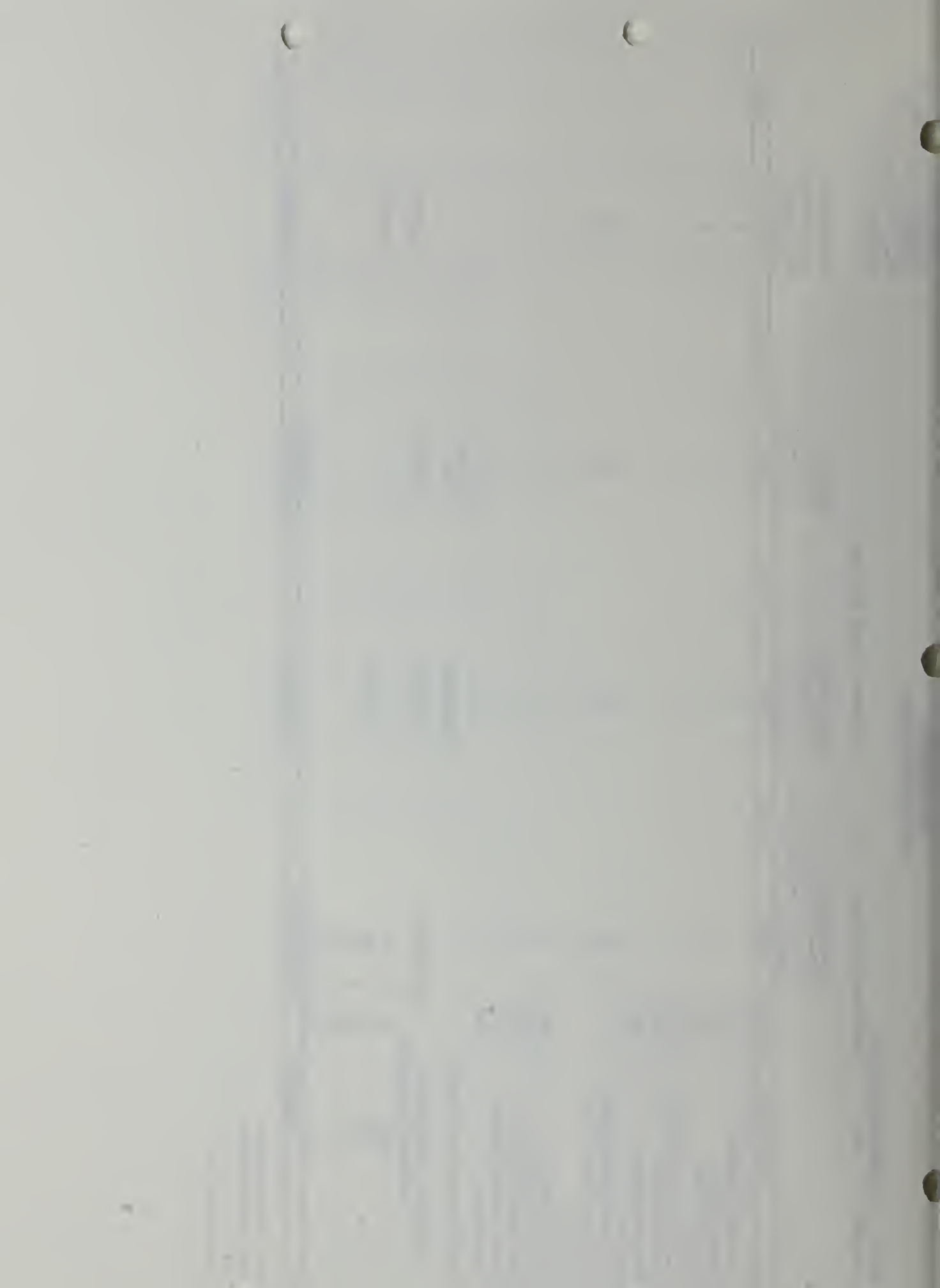
Prepared By: Ben Segura/RL
 Checked By: RL
 Date: Feb. 14, 1997
 Page 3 of 4

Project: Pier 48 Bulkhead Seismic Retrofit
 Contract No. 2622
 Project Engineer: Joe Roger

Bids Opened: Feb. 14, 1997 - 10 am

Required Forms	Document #	West Bay Builders/ D. Stewart Thompson Inc., JV 615 Lindero St., San Rafael, CA 94123 (415)456-8972	Trico Construction 445C Hampshire St. S.F., CA 94110 (415) 552-8439	Bames/LTM 449 10th St. S.F., CA 94103 (415) 552-7070	Pacific Construction 928A Van Ness Ave. S.F., CA 94109 (415) 567-1712
		Yes (Y) No (N)	Yes (Y) No (N)	Yes (Y) No (N)	Yes (Y) No (N)
Bid	00300	Y	Y	Y	Y
Addenda Acknowledgement	00302	Y	Y	Y	Y
Schedule of Bid Prices	00304	Y	Y	Y	Y
Schedule of Unit Prices	00411	Y	Y	Y	Y
Bid Bond	00420	Y	Y	Y	Y
Experience & Financial Qualifications	00430	Y	Y	Y	Y
List of Subcontractors	00481	Y	Y	Y	Y
Non-Collusion Certification		Y	Y	Y	Y
HRC Form 1		Y	Y	Y	Y
HRC Schedule A (as applic. by 5pm)		NA	NA	NA	NA
HRC Schedule L (as applic. by 5pm)		NA	NA	NA	NA
HRC Form 2A		Y	Y	Y	Y
HRC Form 2B		Y	Y	Y	Y
Apprenticeship Program	00490	Y	Y	Y	Y
Business Tax Reg Declaration	00491	Y	Y	Y	Y
Highest General Prevailing Wage	00492	Y	Y	Y	Y
Equal Opp Empl & Bus Practices: LD	00493	Y	Y	Y	Y
MacBride Principles	00494	Y	Y	Y	Y
Deemed Responsive by Engin & HRC (Y/N) ?		Y	N (See Note 2)	N (See Notes 1 & 2)	Y
Total Bid (Base + Additive Bid Item)		\$1,151,515.00	\$1,191,265.00	\$1,208,000.00	\$1,383,520.00
PREFERENCES (as applicable):					
MBE	10%	(\$)			
WBE	10%	(\$)			
LBE	5%	(\$)	(\$119,126.50)		(\$138,352.00)
JV	5%	(\$)			
JV	7.5%	(\$)			
JV	10%	(\$115,151.50)		(\$120,800.00)	
Adjusted Bid		\$1,036,363.50	\$1,072,138.50	\$1,087,200.00	\$1,245,168.00

Note 1: Did not meet mbe goal
 Note 2: Did not meet wbe goal



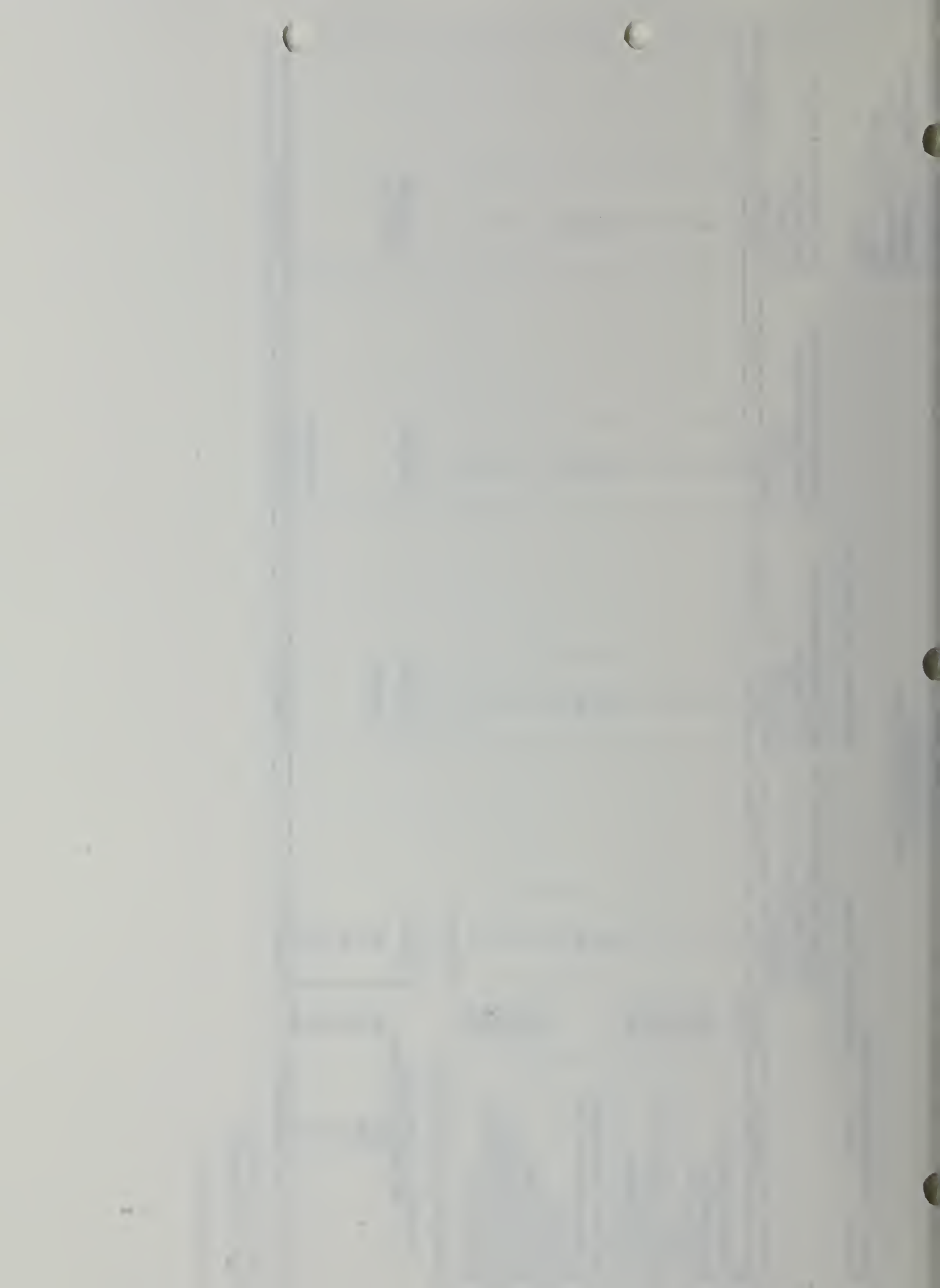
**BID SUMMARY
PORT OF SAN FRANCISCO**

Prepared By: Ben Segura/RL
 Checked By: RL
 Date: Feb 14, 1997
 Page 4 of 4

Project: Pier 48 Bulkhead Seismic Retrofit
 Contract No. 2622
 Project Engineer: Joe Rogier
 Bids Opened: Feb 14, 1997 - 10 am

Required Forms	Document #	Anderson Pacific Engineering Constr., Inc.		M.H. Construction Management Co.		Valentine Corporation/Coast Geo, JV		A. Ruiz Construction Co. & Assoc., Inc.	
		Yes (Y)	No (N)	Yes (Y)	No (N)	Yes (Y)	No (N)	Yes (Y)	No (N)
Bid	00300	Y		Y		Y		Y	
Addenda Acknowledgement		Y		Y		Y		Y	
Schedule of Bid Prices	00302	Y		Y		Y		Y	
Schedule of Unit Prices	00304	Y		Y		Y		Y	
Bid Bond	00411	Y		Y		Y		Y	
Experience & Financial Qualifications	00420	Y		Y		Y		Y	
List of Subcontractors	00430	Y		Y		Y		Y	
Non-Collusion Certification	00481	Y		Y		Y		Y	
HRC Form 1		Y		Y		Y		Y	
HRC Schedule A (as applic, by 5pm)		NA		NA		NA		NA	
HRC Schedule L (as applic, by 5pm)		NA		NA		NA		NA	
HRC Form 2A		Y		Y		Y		Y	
HRC Form 2B		Y		Y		Y		Y	
Apprenticeship Program	00490	Y		Y		Y		Y	
Business Tax Reg Declaration	00491	Y		Y		Y		Y	
Highest General Prevailing Wage	00492	Y		Y		Y		Y	
Equal Opp Empl & Bus Practices: LD	00493	Y		Y		Y		Y	
MacBride Principles	00494	Y		Y		Y		Y	
Deemed Responsive by Engin & HRC (Y/N) ?		N (See Notes 1 & 2)		Y		Y		Y	
Total Bid (Base + Additive Bid Item)		\$1,419,915.00		\$1,477,815.00		\$1,533,369.00		\$2,057,772.50	
PREFERENCES (as applicable):				(\$147,781.50)				(\$205,777.25)	
MBE		10%							
WBE		10%							
LBE		5%							
JV		5%							
JV		7.5%							
JV		10%							
Adjusted Bid		\$1,419,915.00		\$1,330,033.50		\$1,418,366.33		\$1,851,995.25	

Note 1: Did not meet mbe goal
 Note 2: Did not meet wbe goal





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Writer

MEMORANDUM

March 11, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Preston Cook
Hon. James Herman
Hon. Frankie G. Lee

FROM: Douglas F. Wong *DW*
Executive Director

SUBJECT: Port Acquisition of Caltrans Parcel for New Ball Park

DIRECTOR'S RECOMMENDATION: APPROVE RESOLUTION

This proposed transaction would provide for the purchase by the City, through the Port; from the State of California, Department of Transportation ("Caltrans") of a parcel bounded by King, Berry, 2nd and 3rd Streets and described generally as Assessor's Block 3794. The parcel, which adjoins Port property known as Pier 46 and Seawall Lots 335 and 336 and certain City streets, is part of the proposed ballpark site at China Basin. The property consists of approximately 155,279 square feet (about 3.6 acres) of land area, or about 28% of the ballpark project site.

Section 2.6 of Chapter 1333 of the Statutes of 1968 (the "Burton Act"), which was added by Chapter 11, Statutes of 1984 of the California Legislature (AB 84), gives the City, acting by and through its Port, the right to negotiate directly with Caltrans for the purchase of the property. In 1991, the City acquired a portion of the block fronting King Street from the State, at no cost pursuant to a separate piece of State legislation (Streets & Highways Code Section 580.2), for the King Street improvement project.

The proposed purchase by the City remains subject to completion of the environmental impact report for the ballpark project and the approval of the Port Commission, Board of Supervisors and Mayor, in their discretion, based on the information generated by the environmental review. On January 29, 1997 the California

March 5, 1997

Page 2

Transportation Commission ("CTC"), which has authority on dispositions of Caltrans property, approved an agreement in principle on the basic terms of the purchase of Caltrans parcel by the City. The terms of purchase are in accord with the Term Sheet for the ballpark lease presented to the Port Commission and Board of supervisor in December of 1996. The main terms of the proposed purchase and sale, which remain subject to Port Commission and Board of Supervisors approval, are as follows:

- The purchase price for the property will be \$3,600,000. The City would purchase the property with funds obtained through a financing to be arranged by the Port. The terms of that financing would, of course, be subject to Port commission and Board of Supervisors approval. The Port would have jurisdiction over the property. The fair market value rent in the term sheet for the ballpark lease was premised on the Port's purchase of the Caltrans property, with its funds.
- A \$100,000 deposit is required of the City by March 31, 1997. The deposit is nonrefundable unless the transaction does not close due to Caltrans' failure to perform. If the transaction closes, the deposit is applied to the purchase price. The Port will pay the required deposit.
- the close of escrow must occur before December 31, 1997. If the City proposes to close the transaction at a latter date, Caltrans reserves the right to renegotiate the price. It is anticipated that the closing would occur in July, 1997 in order to meet the proposed ballpark schedule.
- Once the transaction has closed, the City will be obligated, subject to certain exceptions, to indemnify Caltrans for any claims arising out of the presence or release of hazardous materials. The hazardous materials indemnity will terminate 20 years after the closing with respect to claims made against Caltrans by third parties. The City will also require the Giants entity which will develop the ballpark, China Basin Ballpark Company ("CBBC"), to provide a similar hazardous materials indemnity to the City under the final ground lease agreement. After carefully considering the results of hazardous materials studies of the site, the City's expert environmental staff believe that the proposed indemnity is commercially reasonable. The purchase price reflects an adjustment for the hazardous materials indemnity Caltrans is requiring as a condition of the sale.
- The City will purchase the property in its "as is" condition. The property is improved with seven warehouse buildings that have significant deferred maintenance and are nearing the end of their economic lives. There is a total of approximately 30 occupants, including subtenants, all under month-to-month leases. The purchase price reflects an adjustment for these conditions.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is essential for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the specific procedures and protocols that must be followed when conducting these activities. It provides a clear framework for how data should be collected, stored, and analyzed.

3. The third part of the document discusses the role of technology in streamlining these processes. It highlights how modern software solutions can help reduce errors and improve the efficiency of data management.

4. The fourth part of the document addresses the importance of training and education for staff members. It stresses that all employees must be well-versed in the organization's data management policies and procedures.

5. The fifth part of the document discusses the need for regular audits and reviews of the data management system. It explains that these checks are necessary to identify any potential issues or discrepancies early on.

6. The sixth part of the document outlines the consequences of non-compliance with the organization's data management policies. It states that any failure to adhere to these standards could result in disciplinary action.

7. The final part of the document provides a summary of the key points discussed and reiterates the organization's commitment to maintaining the highest standards of data management.

- CBBC believes that it may be necessary to begin the process of terminating the leases before the close of escrow in order to meet the construction schedule for the new ballpark. Accordingly, the agreement provides that before the close of escrow Caltrans, at the request of CBBC, will take actions required to terminate private tenancies of the property, but only if CBBC provides an indemnity to Caltrans for any costs arising out of such terminations. The City would not be a party to the indemnity and would not have any liability for the costs of terminating the leases unless and until the City actually purchases the property. CBBC would be responsible for paying any costs of terminating the leases and relocating tenants incurred at any time before escrow for the purchase of the Caltrans parcel closes.
- Upon the close of escrow the City will assume responsibility for terminating the leases of the tenants and providing any relocation assistance and benefits. Once the City acquires title to the property, the City will indemnify Caltrans for any claims for relocation assistance made by the tenants and for other claims by tenants arising out of lease terminations done after the closing by the city or before the closing with the City's consent. By the terms of a separate proposed agreement between the City and CBBC, the City's responsibility for terminating the leases and providing relocation assistance will be limited to a total of \$500,000. Any allowable amount in excess of \$500,000 must be paid by CBBC. The City's obligations for the purchase of the property and the relocation of the tenants will not exceed \$4,100,000, as provided in the term sheet between the City and CBBC, which was presented to the Port Commission and the Board of Supervisors in December of 1996.
- The City Caltrans, and CBBC will enter into a non-binding term sheet containing the essential terms of the purchase and sale outlined in this memorandum. Within 60 days after executing the term sheet, the City and Caltrans will attempt to enter into a Sales Agreement, provided that the City will have no obligation under such agreement to purchase of the property or proceed with the transaction unless and until environmental review required under the CEQA has been completed and the Port commission and Board of Supervisors have approved the acquisition. The final Sales Agreement, and the City's option to acquire the property on the terms summarized in this memorandum, will be brought to the Port Commission and the Board of Supervisors for approval. It is anticipated that the final agreement will be presented for approval, together with the other agreements and actions required for the project, in June or July of this year.

The State's approval of the agreement in principle for the purchase of the Caltrans parcel is a major step toward the attainment of the ballpark project consistent with the proposal outlined in the December 1996 term sheet.

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-23

- WHEREAS, Section B 3.581 of the City Charter empowers the Port Commission of San Francisco (the Commission”) with power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and
- WHEREAS, in March of 1996, the voters of the City and County of San Francisco approved Proposition B which authorized a proposed development on Port property for a new ballpark on approximately 12.5 acres site in China Basin; and
- WHEREAS, Section 2.6 of Chapter 1333 of the Statutes of 1968 (the “Burton Act”), which was added by Chapter 11, Statutes of 1984 of the California Legislature (AB 84), gives the City, acting by and through its Port, the right to negotiate directly with Caltrans for the purchase of the property; and
- WHEREAS, this proposed transaction would provide for the purchase by the City from the State of California, Department of Transportation (“Caltrans”) of a parcel bounded by King, Berry, 2nd and 3rd Streets and described generally as Assessor’s Block 3794. The parcel, which adjoins Port property known as Pier 46 and Seawall Lots 335 and 336 and certain City streets, is part of the proposed ballpark site at China Basin. The property consists of approximately 155,279 square feet (about 3.6 acres) of land area, or about 28% of the ballpark site; and
- WHEREAS, on January 29, 1997, the California Transportation Commission (CTC), which has authority on dispositions of Caltrans property, approved an agreement in principle on the basic terms of the purchase of the Caltrans parcel necessary for the City’s assembly of the site for the ballpark at China Basin; and
- WHEREAS, the City, Caltrans, and CBBC will enter into a non-binding term sheet containing the essential terms of the purchase and sale set forth in the memorandum to the Commission for Agenda Item 7A for their March 11, 1997 meeting; and

- WHEREAS, the purchase price for the property will be \$3,600,000. The City will purchase the property with funds obtained through a financing to be arranged by the Port. The terms of that financing will subject to Commission and Board of Supervisors approval following appropriate environmental review. The Port will have jurisdiction over the property; and
- WHEREAS, a \$100,000 deposit is required by CTC from the City by March 31, 1997. The deposit is nonrefundable unless the transaction does not close due to Caltrans' failure to perform. If the transaction closes, the deposit will be applied to the purchase price. The Port will pay the required deposit; and
- WHEREAS, within 60 days after executing the non-binding agreement the City and Caltrans will attempt to enter into a Sales Agreements, provided that the City will have no obligation under any such agreement to purchase the property or proceed with the transaction unless and until environmental review required under the California Environmental Quality Act (CEQA) has been completed as well as public review and hearings required by law and the Commission and Board of Supervisors have approved the acquisition; now, therefore be it
- RESOLVED, the Commission hereby authorizes and directs the Executive Director to pay the required \$100,000 non-refundable deposit for the acquisition for the Caltrans parcel; and, be it further
- RESOLVED, that the Commission hereby endorses the execution of a non-binding agreement set forth in the Memorandum to the Commission for Agenda Item 7A for their March 11, 1997 meeting, a copy of which is on file with the Secretary of the Commission.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of March 11, 1997.

Secretary

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Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

MEMORANDUM

March 5, 1997

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. Preston Cook
Hon. James Herman

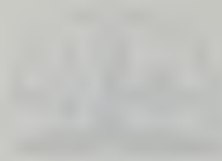
FROM: Douglas F. Wong
Executive Director *[Signature]*

SUBJECT: Approval of Port staff representative to attend the American Industrial Hygiene Conference and Exposition in Dallas, Texas

On May 19-23, 1997, the Annual National Industrial Hygiene conference will take place in Dallas, Texas. The program will address a number of issues important to the environmental, health and safety programs at the Port. The issues include technical and regulatory updates, and enhancement of environmental, safety and health management.

Attendance at this conference by a representative of the Port's Environmental and Safety Section will enhance the quality of our environmental, health and safety programs. Port Commission approval is therefore sought for the Port's Industrial Hygienist to attend to this conference and represent the Port of San Francisco. This request is in accordance with the Port's Fiscal Year 1996/97 budget.

Prepared by: Alex Lee
Director, Facilities & Operations



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

RESOLUTION NO. 97-21

WHEREAS, the Executive Director is requesting authorization for one Port representative to travel to Dallas, Texas, for the American Industrial Hygiene Conference and Exposition to be held on May 19-23, 1997; and

WHEREAS, attendance at this seminar will enhance the environmental, health and safety programs at the Port; and

WHEREAS, the cost of this trip is included in the Port Commission's Fiscal Year 1996-97 budget; now, therefore, be it

RESOLVED, that the Port Commission hereby approves this travel request.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of March 11, 1997.

Secretary

MEMORANDUM FOR THE RECORD

DATE: 10/15/1964

SUBJECT: [Illegible]

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MEMORANDUM

March 11, 1997

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. Preston Cook
Hon. James Herman

FROM: Douglas F. Wong *DW*
Executive Director

SUBJECT: Travel authorization for the Director of Finance and Administration to attend an American Association of Port Authorities Port Administration and Information Technology Seminar on April 23-25, 1997 in Secaucus, New Jersey

The Director of Finance and Administration requests approval to travel to Secaucus, New Jersey to attend an American Association of Port Authorities (AAPA) sponsored Port Administration and Information Technology Seminar, which will be held April 23-25, 1997.

The seminar will cover several topics of interest to the Port of San Francisco, including trends in information technology and office automation, PC based applications for Ports and disaster recovery and business resumption.

The estimate costs of this trip are:

Registration	\$ 395.00
Air Fare	\$ 500.00
Hotel	\$ 450.00
Ground Transportation	\$ 40.00
Meals	\$ 100.00
Other	\$ 50.00
TOTAL	\$1,535.00

Prepared by: Benjamin A. Kutnick
Director of Finance & Administration



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PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-22

WHEREAS, staff is requesting authorization for the Director of Finance and Administration to travel to Secaucus, New Jersey, to attend an American Association of Port Authorities sponsored Port Administration and Information Technology Seminar, which will be held April 23-25, 1997; and

WHEREAS, the estimated cost of this trip is included in the Port Commission budget; and, therefore, be it

RESOLVED, that the Port Commission hereby approves this travel request.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of March 11, 1997.

Secretary

STATE OF CALIFORNIA
COUNTY OF [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

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MEMORANDUM

March 5, 1997

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. Preston Cook
Hon. James R. Herman

FROM: Douglas F. Wong *DW*
Executive Director

SUBJECT: Approval of Lease No. L-12419 with S&C Ford of San Francisco at Pier 50, Shed C (Terry Francois Boulevard and Mission Rock Street).

DIRECTOR'S RECOMMENDATION: APPROVE LEASE WITH S&C FORD OF SAN FRANCISCO

BACK GROUND

S&C Ford of San Francisco approached the Port with a request to lease 66,000 square feet of shed space in Shed C at Pier 50 to receive, store, prepare, clean and deliver new automobiles, vans, and trucks. The shed space would be modified at the tenant's expense to accommodate the proposed use. A water retention basin would be installed to prevent runoff of wash water into the Bay. Demising would be provided by the tenant.

Shed C at Pier 50 has been vacant since the termination by Western Rim of its lease in 1995. Since then the Shed C facility has been used intermittently for film industry storage, set construction and film shoots. The Shed has been vacant for over four months. S&C Ford will occupy 66,000 square feet of this 90,000 square foot facility. Port staff proposes to lease the balance of the shed to Westar Marine Services, a tug, barge and water taxi operator, Royal Charter Marine a maritime chandlery, and American Airporter, three Port tenants that will be displaced by the Ballpark project.

Proposed Lease

A lease (Port Lease No. L-12419) has been negotiated with S&C Ford by the Port Real Estate and Asset Management staff on the following terms and conditions:

1. Premises: 66,000 square feet of space in Shed C at Pier 50;
2. Term: Four (4) years commencing on April 15, 1997;
3. Rent: \$19,800 per calendar month (\$.30 per square foot)

The Port Commission approved minimum rental rate parameter for open shed space over 10,000 square feet in the Southern Waterfront is \$.30 per square foot. In addition to the shed space, S&C Ford will have access to and control over the fenced yard area immediately adjacent to the Shed C premises;

4. Rent Commencement Date: June 15, 1997. This will allow two months for S&C Ford to complete its tenant improvements build-out prior to rent commencement;
5. Security Deposit: The proposed lease waives the Port's standard security deposit requirement, so long as the tenant is not in default of the payment of rent. Any failure to pay any rents within 15 days of the due date will result in a requirement that the tenant deliver the standard Security Deposit to the Port automatically and without notice. The security deposit would be \$39,600.00;
6. Tenant Improvements: S&C Ford will be responsible for all demising inside the Shed C premises and construction of all improvements required by S&C Ford as a result of its use of the premises. The Port will restore the restrooms to operating condition, deliver the premises in broom clean condition, replace any defective lighting, relocate a fence and gate on the premises exterior and redirect outside lighting.
7. Maintenance: The Port will agree to maintain the roof and exterior walls. All other items of repair and maintenance rest with S&C Ford.

MEMORANDUM

TO: [Name] FROM: [Name]

SUBJECT: [Subject]

1. [Text]

2. [Text]

3. [Text]

4. [Text]

5. [Text]

6. [Text]

7. [Text]

8. [Text]

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

RESOLUTION NO. 97-20

- WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and
- WHEREAS, under Charter Section B3.581 leases granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and
- WHEREAS, S&C Ford of San Francisco proposes to lease 66,000 square feet of shed space at Pier 50 Shed C to operate a new car, van and truck storage and dealer preparation facility; and
- WHEREAS, staff has negotiated all the terms and conditions of a proposed lease with S&C Ford of San Francisco on the terms and conditions outlined in the Memorandum to the Port Commission for Agenda Item 9C for the Port Commission meeting of March 11, 1997; now therefore, be it
- RESOLVED, that the San Francisco Port Commission hereby approves entering into Lease No. L-12419 between the Port and S&C Ford of San Francisco on the terms and conditions outlined in the Memorandum to the Port Commission for Agenda Item 9C for their March 11, 1997 meeting, and authorizes the Executive Director of the Port, or his designee, to execute the same on behalf of the Port, in such form as is approved by the City Attorney.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of March 11, 1997.

Secretary

MEMORANDUM FOR THE RECORD
DATE: 10/15/1964
SUBJECT: [Illegible]

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CITY & COUNTY OF SAN FRANCISCO PORT COMMISSION

MINUTES OF THE REGULAR MEETING MARCH 11, 1997

DOCUMENTS DEPT.

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1. ROLL CALL

The meeting was called to order by Commission President Michael Hardeman at 4:00 p.m. The following Commissioners were present: Michael Hardeman, Denise McCarthy, Frankie Lee, Preston Cook and James Herman.

Commissioner Hardeman stated that Port employees requested a special Public Comment period to present the Executive Director a letter of petition and support. For the record, Commissioner Hardeman read the Letter of Petition, signed by 170 Port employees.

Mr. Gene Sheets, Port Electrician, stated that the 170 employees who signed the letter of petition represent 80 percent of the Port's personnel. He stated that staff appreciates the effort and the support the Executive Director has given the maritime industry and the maintenance department. He emphasized that staff is behind him 100 percent.

2. APPROVAL OF MINUTES - February 25, 1997 Special Meeting & Regular Meeting

ACTION: Commissioner Cook moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the minutes of the Special and Regular meetings were adopted.

3. EXECUTIVE

A. Executive Director's Report:

- Mr. Wong indicated that he is overwhelmed with the letter of support presented by staff and thanked them and the Commission for their support.
- He reported that the Port and BCDC see the Concept Agreement as a major milestone toward better relations and clear, coordinated policies and rules for the waterfront projects. Both Commission supported further staff reports to develop more details to produce amendments to be approved in the final Waterfront Plan and Urban Design guidelines and BCDC planning documents.

He has directed staff to work with the historic preservation community, Planning Department staff, and the public to further analyze the pier removal proposal and seek modifications or alternative proposals which would meet the expressed concerns regarding Pier 33. He commended not only Port staff but BCDC's for working together in bringing forth the Concept Agreement.

- The Port will be flying Union Jacks from the Ferry Building, for 100 days, as a tribute to Britain Meets the Bay which will be 100 events from March 23, through June 23, 1997.

4. MARITIME

5. REAL ESTATE AND ASSET MANAGEMENT

6. FACILITIES & OPERATIONS

A. Authorization to award Contract 2631, "Fisherman's Wharf Lighting Improvements, Phase 1." (Resolution No. 97-24)

Mr. Alex Lee, Director of Facilities & Operations, indicated that the Commission approved the conceptual design of this project and gave staff approval to advertise for bids for the construction of these improvements.

Six bids were received on February 21, 1997. The lowest bidder, K.P. Lam Construction, submitted a request to withdraw its bid of \$218,000 and bid bond. The bidder alleged that one of its subcontractors failed to fully estimate the work. The next adjusted low bidder is Millard Tong Construction, a certified MBE firm. Staff reviewed the bid documents and HRC reviewed and agreed that the MBE/WBE subcontracting goals have been met by Millard Tong Construction. Staff recommends that the Commission approve the withdrawal of the K.P. Lam Construction bid, approve the award of Contract 2631 to Millard Tong Construction and authorize a 10% contingency for possible Type I modifications and authorize the Executive Director to accept the work upon completion.

Commissioner Cook inquired about the variance in bid prices among the bidders. Mr. Lee replied that each bidder had a pre-bid conference with Port staff and were provided the same information. Commissioner Cook inquired if staff is confident that the low bidder will be able to produce a good quality work. Commissioner Lee also observed that there is a big difference in the bids between the first three lowest bidders and the last three. He wanted to ensure that the contractor did not make a mistake and realize later that it cannot finish the job because of lack of money. Mr. Cliff Jarrard, Chief Harbor Engineer, stated that the engineer's estimate was closer to the first three lowest bidders. The bids were reviewed by staff and are extremely confident that Millard Tong Construction will do an excellent job.

ACTION: Commissioner Lee moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

B. Authorization to award Contract 2622, "Pier 48 Bulkhead Seismic Retrofit Project." (Resolution No. 97-19)

Mr. Alex Lee, Director of Facilities & Operations, indicated that the Pier 48 bulkhead

buildings incurred structural damage during the 1989 Loma Prieta Earthquake. On January 14, 1997, the Port Commission authorized staff to advertise for bids. The retrofit contract includes the following work: driving new steel piles to support the concrete bulkhead exterior walls, pouring new concrete grade beams and structural slabs, jacking-up the existing exterior concrete walls, repairing the cracks in the existing exterior concrete walls, installing new steel braced frames and plywood roof diaphragm, and abating hazardous materials.

Eight bids were received on February 14, 1997. The lowest responsive bidder was West Bay Builders, Inc./D. Stewart Thompson, Inc., a joint venture, at a bid of \$1,151,515. D. Stewart Thompson, Inc. is a WBE firm with 51% of the work. Staff reviewed the bid documents and HRC reviewed and agreed that the MBE/WBE subcontracting goals have been met. Staff recommends that the Commission authorize the award of Contract 2622 to West Bay Builders, Inc./D. Stewart Thompson, Inc., a joint venture. Staff also recommends that the Commission authorize a 10% contingency for possible Type I contract modifications and that the Executive Director be authorized to accept the work upon completion. It is anticipated that FEMA/OES will fund the entire cost of this contract.

Commissioner Cook inquired if consideration is given to San Francisco firms. Mr. Lee replied that there is a percentage adjustment in the bid for local firms.

ACTION: Commissioner Lee moved approval; Commissioner Cook seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

7. PLANNING & DEVELOPMENT

- A. Approval of payment to the State of California, Department of Transportation, for acquisition of the Caltrans property bounded by King, Berry, 2nd and 3rd Streets and described generally as Assessor's Block 3794 for the new ballpark at China Basin and endorsement of the execution of a non-binding agreement between the City and CalTrans. (Resolution No. 97-23)

Mr. Paul Osmundson, Director of Planning and Development, indicated that this proposed transaction would provide for the purchase by the City, through the Port, from the State of California, Department of Transportation ("Caltrans") of a parcel bounded by King, Berry, 2nd and 3rd Streets and described generally as Assessor's Block 3794. The parcel which adjoins Port property known as Pier 46 and Seawall Lots 335 and 336 and certain City streets, is part of the proposed ballpark site at China Basin. The property consists of approximately 155,279 square feet (about 3.6 acres) of land area, or about 28% of the ballpark project site.

Section 2.6 of Chapter 1333 of the Statutes of 1968 (the "Burton Act") which was added by Chapter 11, Statutes of 1984 of the California Legislature (AB 84), gives the City, acting by and through its Port, the right to negotiate directly with Caltrans for the purchase of the property. In 1991, the City acquired a portion of the block

fronting King Street from the State, at no cost pursuant to a separate piece of State legislation (Streets and Highways Code Section 580.2) for the King Street improvement project.

The proposed purchase by the City remains subject to completion of the environmental impact report for the ballpark project and the approval of the Port Commission, Board of Supervisors and the Mayor, in their discretion, based on the information generated by the environmental review. On January 29, 1997, the California Transportation Commission ("CTC") approved an agreement in principle on the basic terms of the purchase of Caltrans parcel by the City. The terms of purchase are in accord with the Term Sheet for the ballpark lease presented to the Port Commission and Board of Supervisors in December 1996.

The main terms of the proposed purchase and sale, which remain subject to Port Commission and Board of Supervisors approval, are as follows:

- The purchase price for the property will be \$3.6 million. The City would purchase the property with funds obtained through a financing to be arranged by the Port.
- A \$100,000 deposit is required of the City by March 31, 1997. The deposit is nonrefundable unless the transaction does not close due to Caltrans' failure to perform. If the transaction closes, the deposit is applied to the purchase price; the Port will pay the required deposit.
- The close of escrow must occur before December 31, 1997. If the City proposes to close the transaction at a latter date, Caltrans reserves the right to renegotiate the price.
- Once the transaction has closed, the City will be obligated to indemnify Caltrans for any claims arising out of the presence or release of hazardous materials. The hazardous materials indemnity will terminate 20 years after the closing with respect to claims made against Caltrans by third parties.
- The City will purchase the property in its "as is" condition. The property is improved with seven warehouse buildings that have significant deferred maintenance and are nearing the end of their economic lives.
- China Basin Ballpark Company (CBBC) believes that it may be necessary to begin the process of terminating the leases before the close of escrow in order to meet the construction schedule for the new ballpark. Accordingly, the agreement provides that before the close of escrow, Caltrans will take actions required to terminate private tenancies of the property, but only if CBBC provides an indemnity to Caltrans for any costs arising out of such terminations.
- Upon the close of escrow, the City will assume responsibility for terminating the leases of the tenants and providing any relocation assistance and benefits. Once

the City acquires title to the property, the City will indemnify Caltrans for any claims for relocation assistance made by the tenants and for other claims by tenants arising out of lease terminations done after the closing by the City or before the closing with the City's consent.

- The City, Caltrans, and CBBC will enter into a non-binding term sheet containing the essential terms of the purchase and sale outlined in this memorandum. Within 60 days after executing the term sheet, the City and Caltrans will attempt to enter into a Sales Agreement, provided that the City will have no obligation under such agreement to purchase the property or proceed with the transaction unless and until environmental review required under the CEQA has been completed and the Port Commission and Board of Supervisors have approved the acquisition. It is anticipated that the final agreement will be presented for approval, together with the other agreements and actions required for the project, in June or July of this year.

ACTION: Commissioner Cook moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

8. FINANCE AND ADMINISTRATION

9. CONSENT CALENDAR

- Approval of Port staff representative to attend the American Industrial Hygiene Conference and Exposition in Dallas, Texas. (Resolution No. 97-21)
- Approval for the Director of Finance and Administration to attend an American Association of Port Authorities Port Administration and Information Technology Seminar in Secaucus, New Jersey, on April 23-25, 1997. (Resolution No. 97-22)
- Approval of lease with S&C Ford of San Francisco for 66,000 sq. ft. of shed space at Pier 50, Shed "C" (Mission Rock Street at Terry Francois Blvd.) (Resolution No. 97-20)

ACTION: Commissioner Cook moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the items on the consent calendar were adopted.

10. NEW BUSINESS / PUBLIC COMMENT

Ms. Sonia Laracuenta, Local 87 Union Representative, indicated that seven janitors who works in the Ferry Building are in danger of losing their jobs. The union has approached Mayor Brown's aide and Mr. Ed Lee, City Purchaser, regarding this situation. The lowest responsible bidder is GMG. The union has presented evidence that GMG has had National Labor Relations Board (NLRB) charges against them for unfair treatment of workers. They feel that GMG is not a responsible bidder. She requested that the janitors

not be displaced and the Ferry Building continue to use union workers.

Commissioner Herman indicated that this practice is becoming more prevalent. The Purchasing Department has seized control of these duties where for many years it's been within the purview of the Port. The seizure by the Purchasing Department is arbitrary, capricious and has the effect of punishing workers. This situation begs for a resolution that has equity associated with it. This Commission has been and continuous to be berated by a fish company at Pier 45. The workers at Pier 45 elect to implement their rights under the National Labor Relations Act and ask for certification as union workers. We now have a reversed situation. It seems that, without absolute regularity, these contracts expire that this particular department seizes control of all things having to do with the work of the janitors. He completely supports and hopes that the full Commission would support maintenance of pay and negotiated settlements be upward. The same conduct should be extended to the janitors employed at the Port. He suggested that staff and the Commission communicate with the Mayor and his staff and the Purchasing Department to express its displeasure with the way the contract was handled and demand a return to the practice that is otherwise in effect in other departments and that the janitors be treated no less kindly or generously. He made a motion that the Commission go on record at least complaining about the conduct of the Purchasing Department.

Commissioner Hardeman stated that this is a public comment period. At the conclusion of public comment, motions can be discussed at that time.

Theresa Koller, Street Artists, requested the Commission to place the reinstatement of spaces J8 and J9 on the Commission's agenda. Commissioner Hardeman replied that the street artists were directed to work with staff on this item and they should continue to work with staff. If staff does not bring this item back to the Commission, the Commission will not act on it.

Commissioner Hardeman asked staff to brief the Commission regarding the janitorial contract. Julie Van Nostern, Port's Legal Counsel, indicated that the Port has no authority or control over it. Under the City's Charter, the Purchaser has this authority. In the past, there have been circumstances in which the departments, in working with the Purchaser, have been allowed to directly contract as long as the City procedures are followed. In this instance, the person that might have been initially administering the contract did not appreciate that the Port could have done that and turned it over to the Purchaser. It wasn't until it was already well in its way for bid that the Port became aware that it was not going to be the direct contracting party. The Mayor's office has been looking at this in general and it is within their control.

Commissioner Hardeman requested the Executive Director to have a staff person report back to the Commission regarding this matter. As well, he requested staff to include in the report if other departments, besides the Port, are having the same problem. Ms. Fei Tsen, Director of Real Estate and Asset Management, responded that staff will report back to the Commission at the next meeting with a report of what actions the City Purchaser has taken. Commissioner Herman reiterated that we should communicate our displeasure of the City Purchaser's actions and object to the premise that there should be uniformity

among certain groups of workers. The Commission should receive a full and comprehensive review of what has transpired. Mr. Wong replied that staff will put together this information and report back at the next meeting. He added that a representative from the Purchasing Department will be invited to the next meeting to provide the Commission the requested information and answer any questions.

11. EXECUTIVE SESSION

At 4:35 p.m., the Commission Secretary announced that the Commission will withdraw to executive session to discuss the following matters:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Berry Street and Second Street (China Basin).
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*San Francisco Giants Representative: Larry Baer, Executive Vice President

Under Negotiation: ___ Price ___ Terms of Payment Both
An executive session has been calendared to discuss real property negotiations between the Port and San Francisco Giants, regarding the proposed ballpark.

This is specifically authorized under California Government Code Section 54956.8.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Pier 80
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*NorCal Representative: Mike Sangiacomo, President and Don Moriel, Executive Vice President

Under Negotiation: ___ Price ___ Terms of Payment Both
An executive session has been calendared to discuss real property negotiations between the Port and NorCal, regarding the property located at Pier 80.

This is specifically authorized under California Government Code Section 54956.8.

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Mission Bay bordered by Illinois Street and Terry Francois Blvd. and Mission Rock Street

Person Negotiating: Port representative: V. Fei Tsen, Director of Real Estate and Asset Management

*Catellus Representative: Doug Stimpson, Vice President and CFO, Bay Area Development

Under Negotiation: _____ Price _____ Terms of Payment Both

An executive session has been calendared to discuss real property negotiations between the Port and Catellus, regarding the property located at Mission Bay.

This is specifically authorized under California Government Code Section 54956.8.

- D. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

At 5:20 p.m., Commissioners Hardeman, McCarthy, Lee, Cook and Herman returned from executive session and convened in public session.

ACTION: Commissioner McCarthy moved approval not to disclose any information discussed in the executive session; Commissioner Lee seconded the motion.

The meeting was adjourned at 5:22 p.m.

SAN FRANCISCO PORT COMMISSION

REGULAR MEETING

4:00 P.M. MARCH 25, 1997
FERRY BUILDING, SUITE 3100
SAN FRANCISCO, CALIFORNIA

DOCUMENTS DEPT.

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PUBLIC LIBRARY

A G E N D A

5/97 1. ROLL CALL

2. APPROVAL OF MINUTES - March 06, 1997 Special Meeting
- March 11, 1997 Regular Meeting

3. EXECUTIVE

A. Executive Director's Report

4. MARITIME

5. REAL ESTATE AND ASSET MANAGEMENT

A. Approval of Permit to Use Property for the National Park Service at the Hyde Street Pier. (Resolution No. 97-25)

6. FACILITIES & OPERATIONS

A. Approval of legislative actions necessary for the vacation of portions of Berry Street and Second Street. (Resolution No. 97-26)

7. PLANNING & DEVELOPMENT

A. Authorization to issue a Request for Proposals ("RFP") for Planning and Urban Design, Architectural and Real Estate Consulting Services for Mixed Use Opportunity Areas. (Resolution No. 97-27)

8. FINANCE AND ADMINISTRATION

9. CONSENT CALENDAR

10. NEW BUSINESS / PUBLIC COMMENT

11. EXECUTIVE SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Berry Street and Second Street (China Basin).
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*San Francisco Giants Representative: Larry Baer, Executive Vice President

Under Negotiation: ___ Price ___ Terms of Payment Both

An executive session has been calendared to discuss real property negotiations between the Port and San Francisco Giants, regarding the proposed ballpark.

This is specifically authorized under California Government Code Section 54956.8.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Mission Bay bordered by Illinois Street and Terry Francois Blvd. and Mission Rock Street
Person Negotiating: Port representative: V. Fei Tsen, Director of Real Estate and Asset Management
*Catellus Representative: Doug Stimpson, Vice President and CFO, Bay Area Development

Under Negotiation: ___ Price ___ Terms of Payment Both

An executive session has been calendared to discuss real property negotiations between the Port and Catellus, regarding the property located at Mission Bay.

This is specifically authorized under California Government Code Section 54956.8.

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Various sites along the southern waterfront within the Port Commission's jurisdiction
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*Hutchison International Port Holdings Representative: Derek Harrington, Maritime Representative

Under Negotiation: ___ Price ___ Terms of Payment Both

An executive session has been calendared to discuss real property negotiations between the Port and Hutchison Port Holdings, regarding various sites along the southern waterfront within the Port's jurisdiction.

This is specifically authorized under California Government Code Section 54956.8.

D. CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED AND EXISTING LITIGATION MATTERS:

- 1) Discuss existing litigation matters pursuant to subdivision (a) of California Government Code Section 54956.9 (one case)
 - (a) Proano v. CCSF; San Francisco Superior Court No. 979574
- 2) Initiation of litigation pursuant to subdivision (c) of California Government Code Section 54956.9 (one case)
 - (a) Red and White Fleet, Inc. (formerly Harbor Carriers, Inc., a subsidiary of Crowley Corporation) operating at Pier 41.
- 3) Discuss significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9 (one case).

- E. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

12. ADJOURNMENT

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. Please fill out a speaker card and hand it to the Commission Secretary.

Please contact the Commission Secretary at 274-0406 if you have any questions regarding the agenda.

PORT OF SAN FRANCISCO




MEMORANDUM

March 14, 1997

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie Lee
Hon. Preston Cook
Hon. James R. Herman

FROM: Douglas F. Wong 
Executive Director

SUBJECT: Approval of Permit to Use Property for the National Park Service at the Hyde Street Pier.

DIRECTOR'S RECOMMENDATION: APPROVE PERMIT TO USE PROPERTY

BACKGROUND

The San Francisco Maritime National Historical Park ("Maritime Park"), which is an independent unit of the National Park Service ("NPS"), currently occupies the Hyde Street Pier (Port Facility 2500), which contains approximately 26,066 square feet, and the Hyde Street right-of-way north of Jefferson Street (Port Facility 4001), which contains approximately 27,740 square feet. These Port facilities occupied by the Maritime Park include open paved land and open pier space, as well as several buildings used by the Maritime Park for a book store, restrooms, ship maintenance, small craft maintenance, and educational programs. The Maritime Park also uses water area adjacent to the Hyde Street Pier for the berthing and display of historic ships, including the *Alma*, *Balclutha*, *Eppleton Hall*, *Eureka*, *Hercules*, and *C. A. Thayer*, as well as various small craft. This Port property occupied by the Maritime Park (collectively, the "Premises") constitutes only a portion of the Maritime Park area, which also incorporates Aquatic Park, the Aquatic Park Bathhouse/ Maritime Museum, Victorian Park (including the cable car turnaround), and Building E at Fort Mason (including library, archives, and administrative offices). The existing uses of the Maritime Park as they relate to Port property are shown on the attached area plan.

THIS PRINT COVERS CALENDAR ITEM NO. 5A

The history of the Maritime Park began in 1950 with the formation of the San Francisco Maritime Museum Association ("Association") as a private, nonprofit organization to operate a maritime museum and to acquire ships relating to early California history. In 1951, the Association opened the Maritime Museum in the Aquatic Park Bathhouse, and in 1954, it purchased the *Balclutha*. In 1957, a California State Park unit was established to display historic ships at the Hyde Street Pier, and in 1963, the Hyde Street Pier was opened to the public as the San Francisco Maritime State Historical Park. Congress established the Golden Gate National Recreation Area ("GGNRA") in 1972, and in 1977, the State transferred its historic vessels to the GGNRA, and it allowed the GGNRA to assume operation and control over the Premises. In 1978, the Association transferred ownership of the *Balclutha* and other collections to the NPS, and the Association changed its name to the National Maritime Museum Association, becoming one of 66 associations across the nation dedicated to cooperating with specific national park units. Finally, in 1988, the Maritime Park was established as a separate administrative unit of the NPS.

On June 17, 1977, the Port entered into an agreement with the State of California and the NPS, whereby the State agreed and authorized the NPS to assume operation and control of the Premises, and the Port and the NPS agreed to release the State of California of any responsibility concerning the Premises, so long as the NPS continued to occupy the Premises. The only agreement specifying the arrangement between the Port and the NPS is a one page letter agreement dated April 12, 1977, which provided that the NPS could continue berthing historic vessels on a month-to-month basis, and in return would pay the Port \$2,000.00 per month, and "assume responsibility for all day-to-day maintenance and police services in the area assigned to them." Although a more formal agreement was not subsequently entered into between the NPS and the Port, the NPS has continued to pay monthly payments to the Port by means of a purchase order/service requisition, with the payments in 1995 equaling \$2,874.96 per month. The Association maintains its relationship with the Maritime Park pursuant to a Cooperative Agreement, under which the Association conducts education programs, runs the bookstore, and sponsors special events. The proceeds of these activities support the Maritime Park.

In 1992, Port staff and the NPS began negotiations on a formal agreement regarding the Hyde Street Pier, and they have now reached agreement on the Permit to Use Property which is before you today for your approval.

PROPOSED PERMIT TO USE PROPERTY

1. **Permittee:** National Park Service.
2. **Premises:** Space on the Hyde Street right-of-way (Port Facility 4001), containing approximately 27,740 square feet, space on the Hyde Street Pier (Port Facility 2500), which contains approximately 26,066 square feet of pier improvements, and adjacent water area, as delineated on the attached site plan.

3. **Term:** Month-to-month, commencing April 1, 1997. The Permit may be terminated by either party upon 30 days' prior written notice.
4. **Use Fee:** \$3,583.29 per month, which represents \$0.07 per square foot, based upon the pier and land area. This monthly fee is subject to adjustment to reflect any increase in insurance premiums paid by the Port to insure the premises.
5. **Permitted Uses:** The uses permitted under the Permit are explicitly and comprehensively prescribed. The Premises are to be used to berth specified historic vessels for touring by visitors. Small boats and occasional visits by other vessels are permitted, and maintenance and restoration of historic vessels are permitted. Structures on the Premises, which must be used for park purposes, are limited to specified buildings. Contractors performing maintenance on the vessels or pier must provide the Port with evidence of specified liability insurance, naming the Port as additional insured. Other permitted uses include: a small boat shop, a carpentry shop (for vessel maintenance), and a maritime bookstore

The Permit also allows educational programs administered by the Association, pursuant to a Cooperative Agreement with the NPS. The Maritime Education Program, which is conducted during the school year, teaches maritime history and customs, and nautical skills. This program is offered to schools throughout northern California, with free opportunities for intercity schools to participate. The Association may also permit Special Events and Overnight Stays, provided the Association executes an Indemnity Agreement in favor of the Port in a form approved by the City Attorney, and furnishes the Port with proof of compliance by the Association with insurance requirements approved by the City's Risk Manager. These insurance requirements include general liability insurance and automobile liability insurance with limits of not less than \$1,000,000 per occurrence, Workers' Compensation Insurance, Personal Property Insurance, and Protection and Indemnity Insurance (Watercraft Liability) with limits of not less than \$5,000,000 per occurrence. Special events to be held on the Premises shall be limited to private parties, such as weddings, concerts, and public programs, such as sea chanting concerts and the annual Festival of the Sea. Overnight Stays shall be limited to school children involved in the educational programs conducted by the Association. Any third party must sign a sub-permit which also includes an indemnity provision in favor of the Port in a form approved by the City Attorney. Excepting the Overnight Stays indicated above, the Premises shall be open to the general public only during daylight hours.

6. **Special Provisions:** The Permit includes most standard provisions required by the City Attorney for such permits. Special provisions of the Permit which vary from the standard provisions of Port permits are as follows:

- a. Maintenance Responsibilities. Permittee shall be responsible at its sole cost and expense to maintain the Premises in good working order, condition, and repair, including maintenance of piers, piles, and substructure.

- b. Improvements and Alterations. Permittee shall not commence any construction activity, other than routine maintenance and repairs to existing facilities, until such time as the parties have entered into a long-term lease, with the exception of a 3,000 square foot multipurpose building (whose construction has now been completed). No improvements or alterations are to be made to the Premises by Permittee unless it has obtained approvals and permits from all government agencies having jurisdiction, including but not limited to Port building permits.

- c. Indemnity/Insurance Deposits/Claims. A fundamental issue in negotiating the Permit was the inability of the NPS to indemnify the Port or to provide the Port with liability insurance. To do so would literally require a specific act of Congress. To address this issue, the Permit contains the following provisions:
 - (i) The Port will provide the liability insurance on the Premises. The cost of the premium for this coverage was a component in setting the permit fee.

 - (ii) The Permittee is required to provide a \$2,500 Security/Insurance Deposit. In addition to providing security for the faithful performance of the Permit, this deposit is available to cover the \$2,500 deductible amount required under the Port's insurance policy covering the Premises. The Permittee agrees that the Port may apply the Security/Insurance Deposit against obligations that are the Permittee's under the Permit, including the payment of any deductible amount due under the Port's insurance policy covering the Premises as a result of a claim arising from any cause whatsoever occurring on the Premises. If any portion of the Security/Insurance Deposit is so paid, Permittee shall immediately replenish the Security/Insurance Deposit to the original amount.

 - (iii) Permittee agrees to comply with certain requirements and procedures of Port's insurance carrier regarding claims or potential claims involving the Premises.

 - (iv) As indicated above, the Association shall obtain certain insurance involving its activities on the Premises, naming the Port as additionally insured, and shall also indemnify the Port. Similar indemnity agreements shall also be obtained from all other sub-permits of the Permittee.

 - (v) As indicated above, all contractors on the Premises shall have specified insurance, which names the Port as additional insured.

- d. Signs. The Permittee must obtain consent from the Port for all signs, advertisements, awnings, banners, and exterior decorations, except for the following, provided they are not visible from Jefferson Street: Warning signs, visitors' directions, painted names and home ports of ships, and historic descriptions. The Permittee may also fly specified flags from vessels berthed at the Premises, without the Port's prior consent.

- e. South End Rowing Club Access. Subject to certain conditions, the Permittee shall allow the South End Rowing Club access across the Premises between Jefferson Street and the rear fence service entrance to the South End Rowing Club facility, whose location is identified on the attached site plan.

- f. Lease Negotiation. The Port and Permittee agree that they shall cooperate in good faith to commence negotiations on a new lease for the Premises within 30 days of the date this Permit is executed.

Prepared by: Kirk W. Bennett, Sr. Property Manager, Northern Waterfront/Fisherman's Wharf

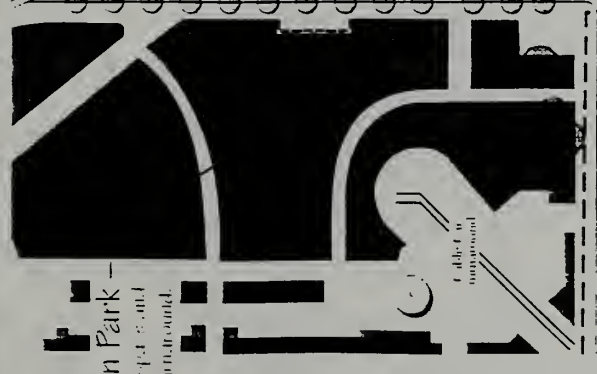
**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
RESOLUTION NO. 97-25**

- WHEREAS, Charter Section B3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and
- WHEREAS, under Charter Section B3.581(g) leases granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission; and
- WHEREAS, Port staff has negotiated all the terms and conditions of a proposed Permit to Use Property with the National Park Service on terms and conditions outlined in Agenda Item 5A for the Port Commission meeting of March 25, 1997, which includes provisions that are either not covered by the Leasing Parameters approved by the Commission, or differ from those of the Port's standard Permit to Use Property agreement; now therefore, be it
- RESOLVED, that the Port Commission hereby approves the Permit to Use Property between the Port and the National Park Services on the terms and conditions outlined in the Memorandum for Agenda Item No. 5A of the Port Commission meeting on March 25, 1997, and the Port Commission authorizes the Executive Director of the Port, or his designee, to execute said Permit to Use Property, in such final form as is substantially in the form on file with the Secretary of the Port Commission for Agenda Item No. 5A and in such final form as approved by the City Attorney.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of March 25, 1997.

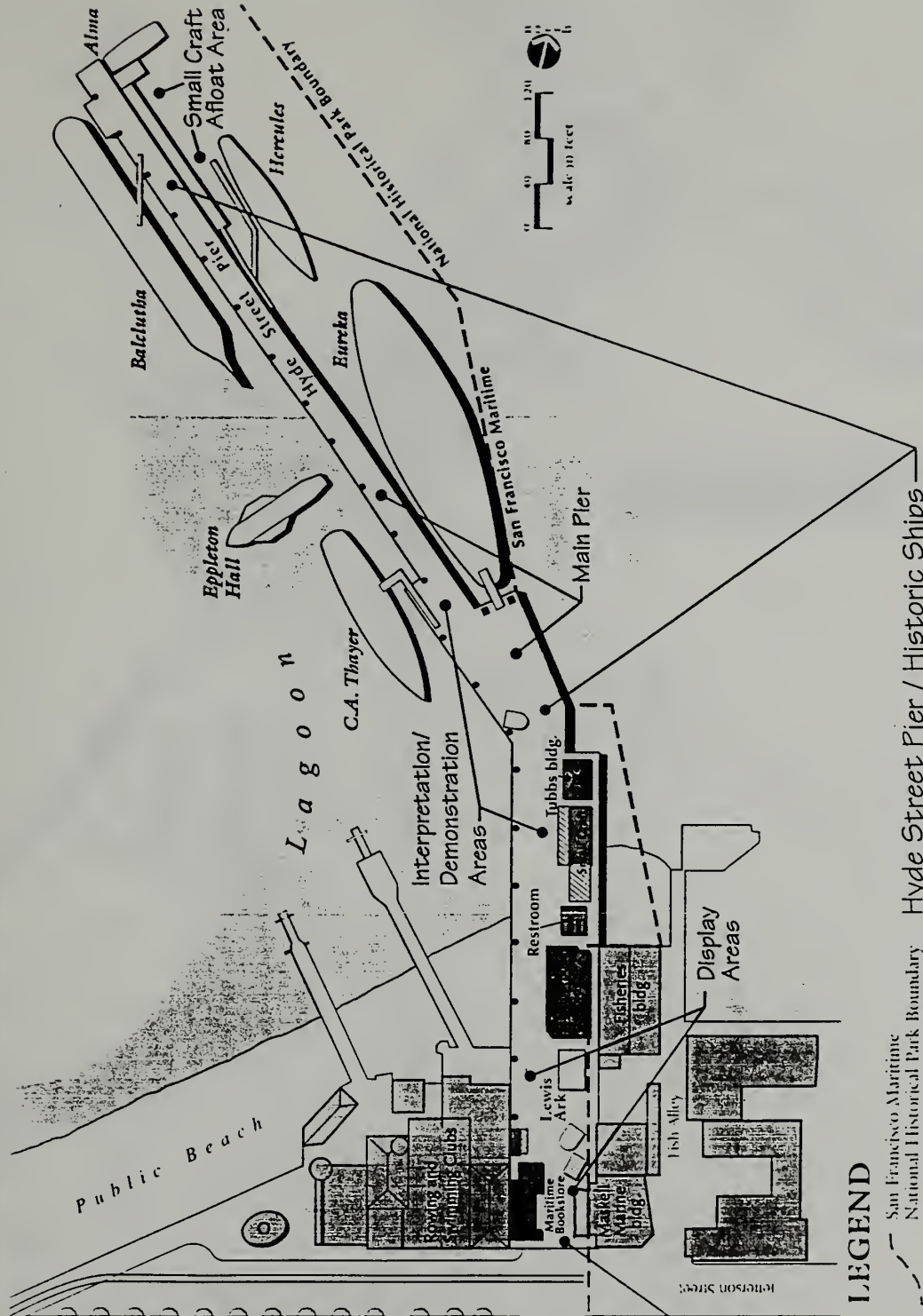
Secretary

Victorian Park
 • Historic Victorian Park
 • Historic Victorian Park



Forepier / Entry

- Entrance walkway, Lewis Ark, and Loop
- Boat launch area, C.A. Thayer area



Hyde Street Pier / Historic Ships

- Berthing/display area for historic ships: Alma, Balclutha, Eppleton Hall, Eureka, Hercules, and C.A. Thayer
- Multipurpose building (ships' maintenance shop, ships' manager, shipwrights, and interpretive rangers)
- Small craft shop
- Tubbs building (Environmental Living Program)

San Francisco Maritime National Historical Park Boundary

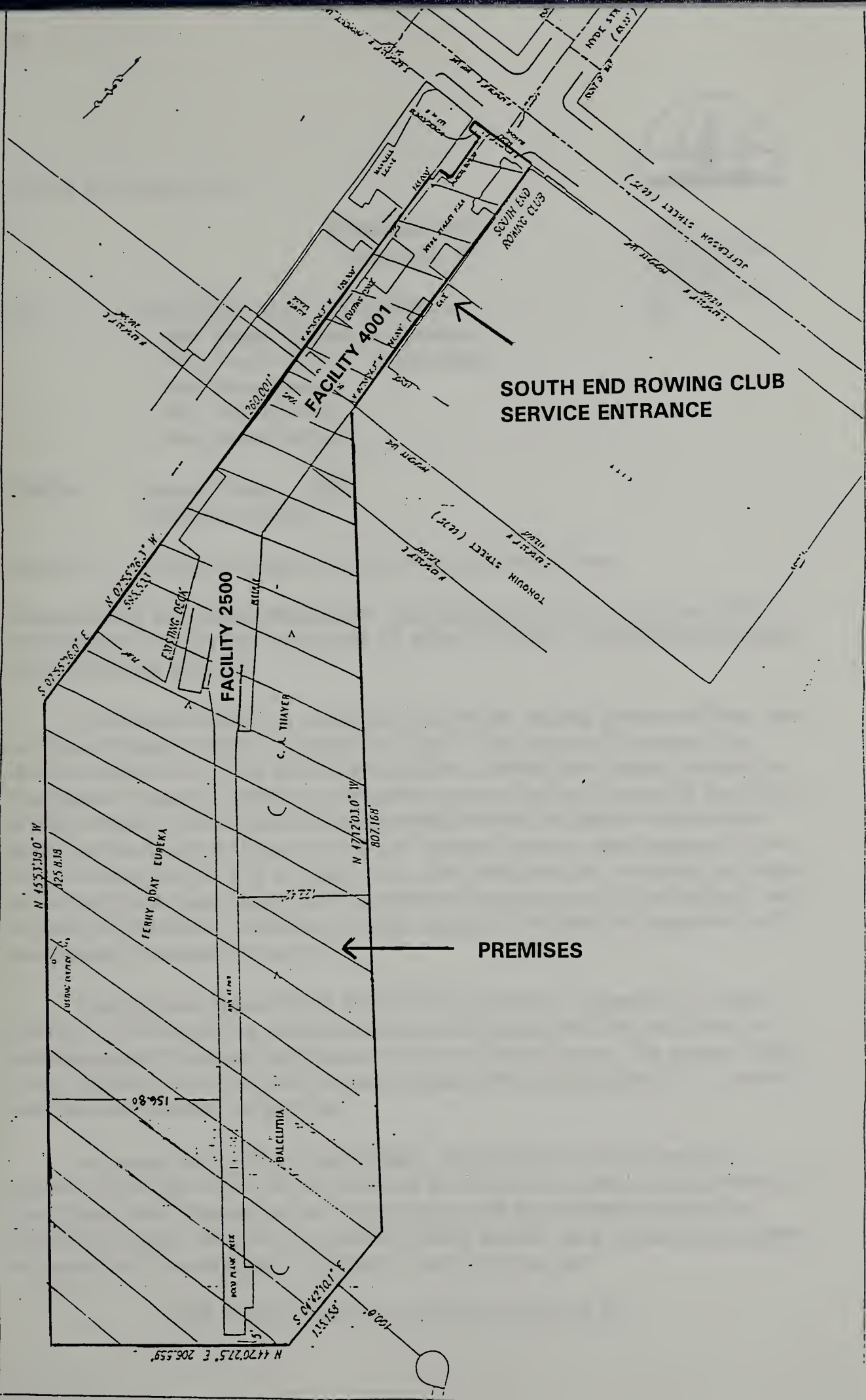
- Theme Lighting
- Existing Tree
- Permanent Park Use Structure
- Accessory Structure

LEGEND

EXISTING CONDITIONS HYDE STREET PIER

San Francisco Maritime National Historical Park
 U.S. Department of the Interior
 National Park Service
 100 Alameda Street, Suite 100
 San Francisco, CA 94133





**SOUTH END ROWING CLUB
SERVICE ENTRANCE**

PREMISES

FACILITY 4001

FACILITY 2500

TERRY BOAT EUREKA

BALCLUTHIA

C. A. THAYER

N 45°33'18.0" W

125.818'

N 171°20'10.0" W

891.708'

156.80'

122.52'

100.0'

N 44°20'27.5" E 206.559'

S 67°42'10.1" E


133.151'



MEMORANDUM
March 25, 1997

Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORTCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Frankie G. Lee, Vice President
Hon. James Herman
Hon. Preston Cook
Hon. Denise McCarthy

FROM: Douglas Wong
Executive Director 

SUBJECT: Vacation of portions of Berry Street and Second Street

DIRECTOR'S RECOMMENDATION: AUTHORIZE STAFF TO INITIATE THE PROCESS OF VACATING PORTIONS OF BERRY STREET AND SECOND STREET AS DESCRIBED BELOW:

The proposed ballpark at China Basin will require vacating portions of Berry Street and Second Street as shown on Exhibits 1, 2, and 3. The process for vacating these streets is set forth in the City's Public Works Code. Initiating this process requires the Commission's consent. With the Commission's consent, staff will work with the Director of Public Works to notify utilities of the proposed vacation and address vehicle access issues, and work with the Department of City Planning to review the consistency of the street vacations with the City's General Plan. Once these steps are completed, and subject to the Port Commission's approval of an agreement to lease the site for the ballpark, staff will ask the Commission to approve the street vacations. The Board of Supervisors will also be asked to approve this action.

The portion of Second Street, between King and Berry, proposed to be vacated (Exhibit 1), will be used for pedestrian access to the ballpark and vehicular access to a parking garage for ballpark employees and the South Beach Marina. The portion of Berry Street, between Second and Third Streets, proposed to be vacated (Exhibit 2), is directly underneath the proposed ballpark site.

In conjunction with the ballpark project, Berry Street, east of Second Street (Exhibit 3), will be used by the San Francisco Redevelopment Agency to build Phase II of South Beach Park. Parking for South Beach Marina will be provided underneath the expanded park area. However, this portion of Berry Street is not a dedicated and accepted city street so it is not necessary to formally vacate that street area.

Agenda Item No. 6A

March 20, 1997

Page 2

Staff recommends that the Port Commission authorize Port staff to initiate the procedures for the vacation of Second and Berry Streets, as described. Final action on the vacation will not occur until environmental review for the ballpark is completed and the Port Commission and the Board of Supervisors approve the ballpark project.

Prepared by: Alex Lee, Director, Facilities and Operations

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 97-26

- WHEREAS, certain streets described herein must be vacated in order to accommodate the proposed ballpark at China Basin, if approved; and
- WHEREAS, Berry Street must be vacated between Second and Third Streets; and
- WHEREAS, Second Street must be vacated between King and Berry Streets; and
- WHEREAS, it is necessary to notify the public of the possible vacation of the noted portions of Second Street and Berry Street prior to consideration and action by the Board of Supervisors; and
- WHEREAS, the Port is responsible for initiating the process for vacation of Port streets so that the Department of Public Works can take various actions, including notifying utilities, prior to consideration of the vacation of any City streets; and
- WHEREAS, final action on the vacation of the noted portions of Second Street and Berry Street shall not occur until environmental review on the ballpark project is complete and the ballpark project is approved by the Port Commission and the Board of Supervisors; now, therefore, be it
- RESOLVED, that the San Francisco Port Commission hereby authorizes staff to initiate the procedures for the vacations of Berry and Second Streets described herein.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of March 25, 1997.

Secretary

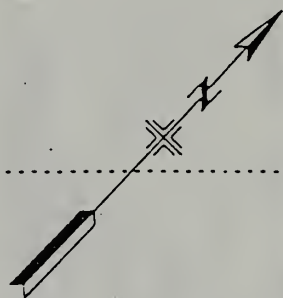
ST.

KING

(157' WIDE)

STREET

(153' WIDE)



BLOCK 3794

LOT 1
STATE

153'

SECOND

82.5'

157'

BLOCK 3801

LOT 1
CITY

S F PORT JURISDICTION

BERRY

47.5'

82.5'

STREET

THE EMBARCADERO

BLOCK 9900

LOT 46C
CITY

BLOCK 3802

LOT 1
CITY

PRELIMINARY

LEGEND



STREET AREA PROPOSED TO BE VACATED

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS

PROPOSED VACATION OF A PORTION OF SECOND
STREET BETWEEN KING AND BERRY STS.

BY DATE

DR. AMN 3/10/97

TR.

CK.

AP EXHIBIT

VED

CITY ENGINEER

SCALE 1" = 80'
SHEET 1
OF 1 SHEETS

FILE SUR 596

CHANGE

EXHIBIT

2

KING STREET

(157' WIDE)

STREET

SECOND ST. 82.5'

BLOCK 3794
LOT 27
STATE

99.50'

LOT 3B
STATE

99.50' (AS)

109.50'

725.583' (AS)

BERRY STREET JURISDICTION STREET

S.F. PORT

825.954' (MRA)

JURISDICTION

STREET

47.5'

82.5'

THIRD STREET 82.5'

BLOCK

9900

BLOCK 3802
LOT 1
CITY

LOT 46C
CITY

LOT 46B

PRELIMINARY

LEGEND

STREET AREA PROPOSED TO BE VACATED

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC WORKS

PROPOSED VACATION OF BERRY STREET
BETWEEN SECOND AND THIRD STREETS.

BY	DATE
DR. AMN	6/10/97
TR.	
CK.	
APP.	
APP.	

APPROVED

DATE

CITY ENGINEER

SCALE 1" = 120'
SHEET 1 OF 1 SHEETS

FILE

SUR 496

CHANGE

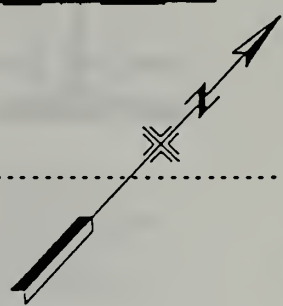
ST.

KING

(157' WIDE)

STREET

(153' WIDE)



BLOCK 3794

LOT 1
STATE

153'

SECOND

82.5'

BLOCK 3801

LOT 1
CITY

157'

252.02'(MRA)
255'(ASSESSOR)

S F PORT JURISDICTION

BERRY

47.5'

STREET

82.5'

49'19"27"
(MRA)
108.78'(MRA)
108.753'(ASSESSOR)
THE EMBARCADERO

BLOCK

9900

LOT

46C

CITY

184.44'(ASSESSOR)
181.12'(MRA)

BLOCK 3802

LOT 1
CITY

LEGEND

 STREET AREA PROPOSED TO BE VACATED

(MRA) DATA: MARTIN M. RON ASSOCIATES
SURVEY FOR SF REDEVELOPMENT AGENCY

(AS) DATA: SF COUNTY ASSESSOR'S MAPS

PRELIMINARY

BY		DATE		CITY AND COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS			
DR.	AMN	3/10/97					
TR.				PROPOSED VACATION OF BERRY STREET BETWEEN SECOND ST. AND THE EMBARCADERO			
CK.							
APP.			APPROVED	SCALE 1" = 80' SHEET 1 OF 1 SHEETS	FILE SUR 696	CHANGE	
APP.			DATE				

EXHIBIT

PORT OF SAN FRANCISCO

MEMORANDUM

March 25, 1997



Ferry Building
San Francisco, CA 94111
Telephone 415 274 0400
Telex 275940 PSF UR
Fax 415 274 0528
Cable SFPORCOMM
Writer

TO: MEMBERS, PORT COMMISSION
Hon. Michael Hardeman, President
Hon. Denise McCarthy, Vice President
Hon. Frankie G. Lee
Hon. Preston Cook
Hon. James Herman

FROM: Douglas F. Wong *[Signature]*
Executive Director

SUBJECT: Authorization to issue a request for proposals for planning and urban design, architectural, and real estate consulting services for mixed use opportunity areas.

DIRECTOR'S RECOMMENDATION: AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSALS IN ACCORDANCE WITH THE ATTACHED RESOLUTION

The Port of San Francisco is ready to embark on the next phase of waterfront planning. Due to the efforts of many individuals resulting in the recent certification of the Waterfront Land Use Plan ("Waterfront Plan") Environmental Impact Report, the upcoming public hearings to adopt the Waterfront Plan, and the Concept Agreement between BCDC, Save San Francisco Bay and the Port, the foundation is laid for the Port's developing what the Waterfront Plan has identified as "Mixed Use Opportunity Areas." These are waterfront properties where commercial development is proposed to be combined with maritime, open space and public access activities. Many of these areas are envisioned to be combinations of seawall lots and piers. Port staff expects significant interest in the opportunities available at these properties. The Port also anticipates being able to generate revenue exceeding the threshold of Administrative Code Section 2.6-1. Accordingly, it is intended these properties be made available through a competitive process.

At this time, Port staff is intending to focus on two mixed use opportunity areas: Broadway at the Embarcadero (Seawall Lots 321, 322-I, 323 and 324, and Pier 9) and Bryant Street at the Embarcadero (Seawall Lots 330 and 328, and Piers 26, 28, 30-32). These sites were selected because of their locational attributes, the relative strength of the localized real estate market conditions and their suitability for development. Although the

Agenda 7 A

Approval To Issue RFP For Consulting Services

Port Commission

Page 2

Port's intention is to focus on the seawall lot development, it will also address the issue of connecting landside development with waterside uses and other criteria identified in the Waterfront Plan and the Urban Design and Public Access Element.

The next step in this process is for staff to prepare Requests For Proposals ("RFP") to identify the best use for these properties, request and evaluate developer proposals, select a developer and negotiate attendant agreements (development agreement, lease, etc.) with the developer. Preparing these developer RFP's requires that the Port conduct some preliminary development planning and feasibility analysis. These actions will be taken pursuant to the implementation process described in the Waterfront Plan (Chapter 5, pages 173-174). The Port's analysis will include the evaluation of alternative development programs for these two areas and will include the establishment of advisory groups to provide public input to the Port on potential development projects that may be pursued.

To properly and expeditiously accomplish these objectives, Port staff requires the assistance of outside consultants to assist with some of the development feasibility analysis and preparation of the developer RFPs. These consultants will provide planning and urban design, architectural, and real estate consulting services necessary to prepare and issue the RFPs and assist the Port in evaluating potential development projects proposed in response.

Scope of Work

The main areas of expertise that the Port is seeking in the consultant or consulting team are: planning and urban design (including expertise in site planning, design and layout of maritime uses such as ferries, excursion boats, marinas and historic ships, community outreach and consensus building), architecture (including historic preservation and maritime design experience), and real estate economic and market research.

The consultant will be expected to assist the Port in addressing the following types of issues within each discipline:

Planning and Urban Design

- Preparing conceptual development plans that consider preferred land uses, market data, parking requirements and compatibility with adjacent properties (including illustrative materials);
- Preparing pre-development studies for possible developments on individual seawall lots and/or piers;
- Obtaining input from key "stakeholders," presenting analyses to community groups and regulatory agencies for public input; and

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Approval To Issue RFP For Consulting Services

Port Commission

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- Reviewing pertinent documents such as the Waterfront Plan, including the Urban Design and Public Access Element, to ensure that proposed developments take into consideration the criteria contained in these documents.

Architecture

- Preparing design studies for possible developments on individual seawall lots and/or piers;
- Performing physical analyses of seawall lots and/or piers and considering such factors as height limits, parcel size and configuration, adjacent uses, views and other relevant information; and
- Performing analysis and review of existing historic or potentially historic buildings in conjunction with possible developments.

Real Estate Consulting

- Performing market research to determine current rental rates, vacancy rates, industry trends and typical lease terms for various land uses;
- Performing feasibility studies for possible developments and land uses, including analyzing the development potential of a site or land use in terms of market demand, revenues and expenses, estimated development costs, community concerns, public objectives, and regulatory and physical parameters;
- Drafting developer solicitations such as request for qualifications or request for proposals; and
- Reviewing the proposed business terms of real estate transactions.

The Port currently has a total of \$100,000 budgeted for these services. The expenditure has been approved as part of the Port's Capital Plan.

Staff requests the Commission authorize staff to prepare and issue a request for proposals for the services described above, pursuant to which the Port could award two consulting contracts, one for each mixed use opportunity area. After evaluating the consultant proposals received, staff will return to the Commission for approval to award the contracts.

Prepared by: Paul Osmundson
Director, Planning and Development

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

RESOLUTION NO. 97-27

- WHEREAS, the Waterfront Land Use Plan (“Waterfront Plan”) identifies Mixed Use Opportunity Areas along the San Francisco waterfront where commercial development is proposed to be combined with maritime, open space and public access activities; and
- WHEREAS, these areas are envisioned in the Waterfront Plan to be combinations of seawall lots and piers; and
- WHEREAS, two of these properties are located at Broadway at the Embarcadero and Bryant Street at the Embarcadero; and
- WHEREAS, the implementation of the Waterfront Plan calls for more detailed feasibility analysis of potential Port development projects, including market analysis, conceptual design, physical assessments and community input; and
- WHEREAS, issuance of requests for proposals for these properties and selection of proposals requires specialized services; and
- WHEREAS, the types of specialized services the Port requires to address these needs include planning and urban design, architectural, historic preservation, maritime design, and real estate market and economic research and analysis; and
- WHEREAS, Port staff does not have the specialized expertise or staff resources to perform these services in-house; and
- WHEREAS, the Port has budgeted \$100,000 for this purpose in the Capital Plan; now, therefore be it
- RESOLVED, that the Commission hereby authorizes staff to issue a Request For Proposals for planning and urban design, architectural, historic preservation and real estate consulting services for mixed use opportunity areas near Broadway at the Embarcadero and Bryant Street and the Embarcadero, as identified in the Waterfront Land Use Plan.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of March 25, 1997.

Secretary

SAN FRANCISCO PORT COMMISSION

MARCH 25, 1997
MINUTES OF THE MEETING

MEMBERS, PORT COMMISSION

HON. MICHAEL HARDEMAN, PRESIDENT
HON. DENISE McCARTHY, VICE PRESIDENT
HON. FRANKIE G. LEE
HON. PRESTON COOK
HON. JAMES HERMAN

DOUGLAS F. WONG, EXECUTIVE DIRECTOR

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CITY & COUNTY OF SAN FRANCISCO PORT COMMISSION

MINUTES OF THE MEETING MARCH 25, 1997

1. ROLL CALL

The meeting was called to order by Commission President Michael Hardeman at 4:03 p.m. The following Commissioners were present: Michael Hardeman, Denise McCarthy, Frankie Lee, Preston Cook, James Herman.

2. APPROVAL OF MINUTES - March 06, 1997 Special Meeting - March 11, 1997 Regular Meeting

ACTION: Commissioner Cook moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the minutes of the meetings were adopted.

At 4:05 p.m., the Commission Secretary announced that the Commission will withdraw to executive session to confer with Legal Counsel to discuss significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9 (one case) (Heard out of order)

At 5:08 p.m., the Commission returned from executive session and convened in public session.

ACTION: Commissioner McCarthy moved approval to not disclose any information discussed in the executive session; Commissioner Lee seconded the motion. All of the Commissioners were in favor.

3. EXECUTIVE

A. Executive Director's Report: Mr. Wong indicated that in our continuing pursuit to revitalize our maritime business, he was pleased to report that San Francisco Drydock, who operates one of the largest drydock facilities on the Pacific Coast successfully completed a multimillion dollar contract with Crystal Symphony. Crystal Symphony will be at the Port starting May 19 through May 29. The vessel will then be berthed at Pier 35, where a thousand passengers will embark for a 12-day round trip to Alaska. It is an itinerary at the Port that will be offered every 12 days during the summer. The ship repair industry will generate millions of dollars of economic benefits to the City and in the ten-day period, it will employ more than 500 employees.

He indicated that Carolyn Macmillan has tendered her letter of resignation, moving onto an organization who has a much larger marketing budget. He wished her the

best and thanked her for her work at the Port.

4. MARITIME

5. REAL ESTATE AND ASSET MANAGEMENT

A. Approval of Permit to Use Property for the National Park Service at the Hyde Street Pier. (Resolution No. 97-25)

Mr. Kirk Bennett, Senior Property Manager, stated that the San Francisco Maritime National Historical Park currently occupies the Hyde Street Pier and the Hyde Street right-of-way north of Jefferson Street. These facilities occupied by the Maritime Park include open paved land and open pier space. The Maritime Park also uses water area adjacent to the Hyde Street Pier for the berthing and display of historic ships. This Port property occupied by the Maritime Park constitutes only a portion of the Maritime Park area, which also incorporates Aquatic Park, the Aquatic Park Bathhouse/Maritime Museum, Victorian Park and Building E at Fort Mason. The history of the Maritime Park began in 1950 with the formation of the San Francisco Maritime Museum Association as a private, nonprofit organization to operate a maritime museum and to acquire ships relating to early California history. In 1951, the Association opened the Maritime Museum in the Aquatic Park bathhouse, and in 1954, it purchased the Balclutha. In 1957, a California State Park unit was established to display historic ships at the Hyde Street Pier. In 1972 and in 1977, the State transferred its historic vessels to the GGNRA and it allowed the GGNRA to assume operation and control over the premises. In 1978, the association transferred ownership of the Balclutha and other collections to the National Park Service (NPS), and the association changed its name to the National Maritime Museum Association. In 1988, the Maritime Park was established as a separate administrative unit of the NPS.

On June 17, 1977, the Port entered into an agreement with the State of California and the NPS, whereby the State agreed and authorized the NPS to assume operation and control of the premises. The only agreement specifying the arrangement between the Port and the NPS is a one page letter agreement, which provided that the NPS could continue berthing historic vessels on a month-to-month basis and in return pay the Port \$2,000 per month and assume responsibility for all day-to-day maintenance and police services in the area assigned to them. Although a more formal agreement was not subsequently entered into between the NPS and the Port, the NPS has continued to pay monthly payments to the Port by means of a purchase order/service requisition, with the payments in 1995 equaling \$2,874.96 per month. The association maintains its relationship with the Maritime Park pursuant to a Cooperative Agreement, under which the association conducts educational programs, runs the bookstore and sponsors special events. The proceeds of these activities support the Maritime Park.

In 1992, Port staff and the NPS began negotiations on a formal agreement regarding the Hyde Street Pier, and they have now reached agreement on the Permit to Use Property. The term of the lease is month-to-month, commencing April 1, 1997. The

fee is \$3,583.29 per month subject to adjustment to reflect any increase in insurance premiums paid by the Port to insure the premises. The premises are to be used to berth specified historic vessels for touring by visitors. Small boats and occasional visits by other vessels are permitted as well as maintenance and restoration of historic vessels. Structures on the premises, which must be used for park purposes, are limited to specified buildings.

The permit also allows educational programs administered by the Association, pursuant to a Cooperative Agreement with the NPS. The Maritime Education Program, which is conducted during the school year, teaches maritime history and customs and nautical skills. This program is offered to schools throughout northern California, with fee opportunities for intercity schools to participate. The Association may also permit Special Events and Overnight Stays, provided the Association executes an Indemnity Agreement in favor of the Port in a form approved by the City Attorney and furnishes the Port with proof of compliance by the Association with insurance requirements approved by the City's Risk Manager. These insurance requirements include general liability insurance and automobile liability insurance with limits of not less than \$1,000,000 per occurrence. Overnight stays shall be limited to school children involved in the educational programs conducted by the Association. Any third party must sign a sub-permit which also includes an indemnity provision in favor of the Port in a form approved by the City Attorney. Excepting the overnight stays, the premises shall be open to the general public only during daylight hours.

Special provisions of the permit which vary from the standard provisions of Port permits are:

- (1) Permittee shall be responsible at its sole cost and expense to maintain the premises in good working order, condition and repair including maintenance of piers, piles and substructure.
- (2) Permittee shall not commence any construction activity other than routine maintenance and repairs to existing facilities. No improvements or alterations are to be made to the premises by permittee unless it has obtained approvals and permits from all government agencies having jurisdiction, including but not limited to Port building permits.
- (3) A fundamental issue in negotiating the permit was the inability of the NPS to indemnify the Port or to provide the Port with liability insurance. The permit contains the following provisions:
 - a. The Port will provide the liability insurance on the premises. The cost of the premium for this coverage was a component in setting the permit fee.
 - b. The permittee is required to provide a \$2,500 security/insurance deposit.
 - c. Permittee agrees to comply with certain requirements and procedures of

Port's insurance carrier regarding claims or potential claims involving the premises.

- d. The association shall obtain certain insurance involving its activities on the premises, naming the Port as additionally insured, and shall also indemnify the Port.
 - e. All contractors on the premises shall have specified insurance, which names the Port as additional insured.
- (4) The permittee must obtain consent from the Port for all signs, advertisements, awnings, banners and exterior decorations, except for the following, provided they are not visible from Jefferson Street: warning signs, visitors directions, painted names and home ports of ships, and historic descriptions.
 - (5) Subject to certain conditions, the permittee shall allow the South End Rowing Club access across the premises between Jefferson Street and the rear fence service entrance to the South End Rowing Club facility.
 - (6) The Port and the permittee agree that they shall cooperate in good faith to commence negotiations on a new lease for the Premises within 30 days of the date this permit is executed.

Commissioner McCarthy inquired if the representation of continued cooperation on the local advisory committee by the people working on the water quality, environmental issues and planning for the area could be encouraged. Mr. Bennett replied that since the National Park Service is a federal agency but is located on Port property, one of the issues discussed was they abide by all regulations, to which they agree.

Commissioner Cook encouraged the Commission to vote affirmatively on this lease as NPS is a great organization. He hopes that NPS has a longer lease as they have maintained the facilities. They have provided and continue to provide a great deal of education and amusement for San Franciscans. He would like to see more of a permissive use of the facility, e.g., he hopes that adults or elderly citizens are included in the programs. He requested that the Port does not bind them strongly so as to inhibit all the good things they do or they plan to do in the future. Mr. William Thomas, of NPS, thanked Port staff, the Director and the Commission for their support of the lease.

ACTION: Commissioner Cook moved approval; Commissioner McCarthy seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

6. FACILITIES & OPERATIONS

A. Approval of legislative actions necessary for the vacation of portions of Berry Street

and Second Street. (Resolution No. 97-26)

Mr. Alex Lee, Director of Facilities and Operations, indicated that the resolution before the Commission authorizes staff to initiate the process of vacating portions of Berry Street and Second Street. Initiating this process requires the Commission's consent. With the Commission's consent, staff will work with the Director of Public Works to address utilities and vehicle access issues as well as work with the Department of City Planning.

The portion of Second Street, between King and Berry, proposed to be vacated, will be used for pedestrian access to the ballpark and vehicular access to a parking garage for ballpark employees and the South Beach Marina. The portion of Berry Street, between Second and Third Streets, proposed to be vacated, is directly underneath the proposed ballpark site.

In conjunction with the ballpark project, Berry Street, east of Second Street, will be used to build Phase II of the South Beach Park. Parking for South Beach Marina will be provided underneath the expanded park area. This portion of Berry Street is not a dedicated and accepted city street so it is not necessary to formally vacate that street area. Final action on the vacation will not occur until environmental review is done, which is scheduled to be completed July of this year. The Port Commission and the Board of Supervisors will have to approve the vacation of the streets.

ACTION: Commissioner McCarthy moved approval; Commissioner Cook seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

7. PLANNING & DEVELOPMENT

A. Authorization to issue a Request for Proposals ("RFP") for Planning and Urban Design, Architectural and Real Estate Consulting Services for Mixed Use Opportunity Areas. (Resolution No. 97-27)

Mr. Paul Osmundson, Director of Planning and Development, indicated that the Waterfront Land Use Plan identifies mixed use opportunity areas, which are areas where seawall lots and piers are combined and envisioned to be developed in the future with maritime, open space, public access and commercial recreation uses. At this time, staff focused on two areas identified in the Waterfront Plan: (1) Broadway at the Embarcadero (including Seawall Lots 321, 322-I, 323 and 324 as well as Pier 9) and (2) Bryant Street at the Embarcadero (which include Seawall Lots 330 and 328 and Piers 26, 28, 30-32).

The next step in this process is for staff to prepare Requests for Proposals to identify the best use for these properties, request and evaluate developer proposals, select a developer and negotiate attendant agreements. Preparing these developer RFP's requires that the Port conduct some preliminary development planning and feasibility analysis as outlined in the Waterfront Plan. The Port's analysis will include the

evaluation of alternative development programs for these two areas and will include the establishment of advisory groups to provide public input to the Port on potential development projects that may be pursued.

The item before the Commission is to request the selection of professional services consultants to assist staff in the preparation of the RFPs. The main areas of expertise that staff will be seeking in the consultant team include planning and urban design, site planning, design and layout, maritime uses such as ferries, excursion boats, marinas and historic ships as well as other planning and urban design services such as community outreach and consensus building, architecture, historic preservation, real estate, economic and market research. The Port has a total of \$100,000 budgeted for these services, which has been approved as part of the Port's Capital Plan.

Staff requested the Commission to authorize staff to prepare and issue a request for proposals for the services described, pursuant to which the Port could award two consulting contracts, one for each mixed use opportunity area. After evaluating the consultant proposals received, staff will return to the Commission for approval to award the contracts.

Commissioner McCarthy inquired how and who decides what will actually go out on an RFP. Mr. Osmundson replied that staff will ask the consultant to provide a recommendation. Staff already has a preliminary recommendation as the initial development RFP on each of the areas. Commissioner McCarthy wondered if this process will limit the Port's options and inquired how staff can obtain the most possible input for great ideas. Mr. Osmundson replied that to some extent, staff will be narrowing the possibilities for development within that area. Staff felt that it was appropriate and necessary to look at a broader area and perform a more refined analysis of the mixed use opportunity area and look at potential alternatives for all those properties prior to making a final decision of pursuing the development on one site. Staff will be narrowing, to the greatest extent possible, the potential uses on the site.

Commissioner McCarthy recommended that this be done in the context of all the other planning processes and programs that are already in place. She added that the appropriate public entities are included in the advisory committee to allow coordination so that we're not doing this only from the Port's point of view. She wanted staff to ensure that everybody is brought to the table. She then commended staff for having an advisory team from the outset to work on this project. Mr. Osmundson indicated that Seawall Lot 330 is immediately adjacent to the South Beach redevelopment project area. Staff will work closely with the citizens advisory committee, the Chinatown Resource Center, Mayor's office, Golden Gateway Tenants, Telegraph Hill and lower Broadway area.

Commissioner Lee indicated that he is unsure of the consultants' role and wondered if they will augment staff's work. Mr. Osmundson replied that staff will hire two consultants - one for the Broadway and Embarcadero and one for Bryant and Embarcadero. In terms of the fee, Commissioner Lee inquired if it is divided into

equal weights. Mr. Wong replied that we have \$100,000 set aside in the capital budget but our goal is not to use all of it. We will be allocating the money accordingly. We have \$100,000 at the outset and staff will keep a very tight rein on the money. Mr. Osmundson added that the main assistance that staff will be seeking from the consultants is in the subarea analysis, to do development site massing and building profiles on the area and the specific expertise in preparing the RFP for the developer for the specified use. Commissioner Lee stated that the most critical part would be the proper way of preparing the RFP. Mr. Osmundson indicated that the Urban Design and Public Access Plan is in the final stages of being completed. Staff intends to get a jump on the whole process.

Commissioner Lee indicated that this is the first time, in a long time, that the Port will be doing a development. The first RFP that goes out is very important because it signifies a way of doing business at the Port in the next few years. He recommended that the Commission work closely with staff and consultant to ensure that they are in tune of what's sent out to the public. He echoed Commissioner McCarthy's opinion of maintaining a certain guideline but at the same time, not having it too restrictive. Mr. Osmundson indicated that the Port, approximately six years ago, did an international cruise ship terminal at Pier 30/32. At that time, some of the limitations on the specifics of the RFP were based on the fact that staff had not done any environmental review of potential development thus, staff was required to keep the RFP very vague and very open-ended. Now that the Waterfront EIR is certified and the mixed commercial land uses analyzed and urban design addressed, staff feels that the professional services procured will appropriately balance the creativity of the development community but also give the public and the Port a defined envelope of development.

ACTION: Commissioner Cook moved approval; Commissioner Lee seconded the motion. All of the Commissioners were in favor; the resolution was adopted.

8. FINANCE AND ADMINISTRATION

9. CONSENT CALENDAR

10. NEW BUSINESS / PUBLIC COMMENT

Richard Leung, from SEIU Local 87, thanked the Commission for their support of its members. He wondered if the Port has any action regarding the janitorial contract and inquired about the status of the contract. Commissioner Hardeman suggested that he contact the City Purchaser's office, who is the awarding department. Mr. Wong indicated that Fei Tsen, Director of Real Estate and Asset Management, will provide Mr. Leung the phone number of the contact person at the City Purchaser's office who can give him the detailed information on this matter. Mr. Leung indicated that the reason for his presence at the meeting was he was informed that the issue was referred back to the Port Commission. He has already met with the City Purchaser's office a few weeks ago. Mr. Wong requested that he contact them now so he can be provided the status of the contract.

Commissioner Hardeman indicated that in the beginning of the year he had a conversation with the Executive Director about changing the meeting dates in November and December. He inquired if the Commission is amenable to having the meeting the third Tuesday of the month. However, in Commissioner McCarthy's quick review of her calendar, she indicated that she has a conflict and would rather keep the meeting dates as previously scheduled. After further discussion, Commissioner Hardeman inquired if the third Thursday of the month would be amenable to the Commission. Mr. Wong indicated that a memo will be circulated to the Commission to get a consensus of the meeting dates.

Commissioner Hardeman indicated that the Commission is very discouraged that the Port is losing Carolyn Macmillan. He requested that appropriate commendation be made to Ms. Macmillan from the Commission. He thanked her for her service at the Port.

11. EXECUTIVE SESSION

At 5:55 p.m., the Commission Secretary announced that the Commission will withdraw to executive session to discuss the following:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Berry Street and Second Street (China Basin).
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*San Francisco Giants Representative: Larry Baer, Executive Vice President

Under Negotiation: ___ Price ___ Terms of Payment Both

An executive session has been calendared to discuss real property negotiations between the Port and San Francisco Giants, regarding the proposed ballpark. This is specifically authorized under California Government Code Section 54956.8.

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Port property located at Mission Bay bordered by Illinois Street and Terry Francois Blvd. and Mission Rock Street
Person Negotiating: Port representative: V. Fei Tsen, Director of Real Estate and Asset Management
*Catellus Representative: Doug Stimpson, Vice President and CFO, Bay Area Development

Under Negotiation: ___ Price ___ Terms of Payment Both

An executive session has been calendared to discuss real property negotiations between the Port and Catellus, regarding the property located at Mission Bay. This is specifically authorized under California Government Code Section 54956.8.

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - *This session is closed to any non-City/Port representative.**

- 1) Property: Various sites along the southern waterfront within the Port Commission's jurisdiction
Person Negotiating: Port representative: Douglas F. Wong, Executive Director
*Hutchison International Port Holdings Representative: Derek Harrington, Maritime Representative

Under Negotiation: _____ Price _____ Terms of Payment Both
An executive session has been calendared to discuss real property negotiations between the Port and Hutchison Port Holdings, regarding various sites along the southern waterfront within the Port's jurisdiction. This is specifically authorized under California Government Code Section 54956.8.

D. CONFERENCE WITH LEGAL COUNSEL REGARDING ANTICIPATED AND EXISTING LITIGATION MATTERS:

- 1) Discuss existing litigation matters pursuant to subdivision (a) of California Government Code Section 54956.9 (one case)
- (a) Proano v. CCSF; San Francisco Superior Court No. 979574
- 2) Initiation of litigation pursuant to subdivision (c) of California Government Code Section 54956.9 (one case)
- (a) Red and White Fleet, Inc. (formerly Harbor Carriers, Inc., a subsidiary of Crowley Corporation) operating at Pier 41.
- 3) Discuss significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9 (one case). (Heard out of order)

- E. Vote in open session on whether to disclose Executive Session discussions (S.F. Admin. Code Sec. 67.14)

At 6:50 p.m., Commissioners Hardeman, McCarthy, Lee, Cook and Herman returned from executive session and convened in public session.

ACTION: Commissioner McCarthy moved approval to not disclose any information discussed in the executive session. Commissioner Lee seconded the motion. All of the Commissioners were in favor.

The meeting was adjourned at 6:52 p.m.

