

London N. Breed
MAYOR



Miguel Bustos
CHAIR

Mara Rosales
VICE-CHAIR

Bivett Brackett
Efrem Bycer
Dr. Carolyn Ransom-Scott
COMMISSIONERS

Sally Oerth
INTERIM EXECUTIVE DIRECTOR

**MINUTES OF A REGULAR MEETING OF THE
COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE
OF THE CITY AND COUNTY OF SAN FRANCISCO HELD ON THE
1st DAY OF JUNE 2021**

The members of the Commission on Community Investment and Infrastructure of the City and County of San Francisco met in a regular meeting via teleconference at 1:00 p.m. on the 1st day of June 2021. The public was invited to watch the meeting live on SFGOVTV: <https://sfgovtv.org/ccii>

PUBLIC COMMENT CALL-IN: 1-415-655-0001 **ACCESS CODE:** 187 328 3329

In accordance with the numerous preceding local and state proclamations, orders and supplemental directions - directives were issued to slow down and reduce the spread of the COVID-19 virus. Individuals were encouraged to participate in the meetings remotely by calling in during the public comment section of the meeting.

REGULAR MEETING AGENDA

1. Recognition of a Quorum

Meeting was called to order at 1:00 p.m. by Chair Bustos. Roll call was taken.

Commissioner Brackett - present
Commissioner Bycer - present
Commissioner Scott - absent
Vice-Chair Rosales - present
Chair Bustos - present

Commissioner Scott was absent; all other Commissioners were present.

2. Announcements

- a) The next regularly scheduled Commission meeting will be held remotely on Tuesday, June 15, 2021 at 1:00 pm.
- b) Announcement of Time Allotment for Public Comments from participants dialing in: Please be advised a member of the public has up to three minutes to make pertinent public comments on each agenda item unless the Commission adopts a shorter period on any item. Please note that during the public comment period, all dial-in participants from the public will be instructed to call a toll-free number and use their touch-tone phones to register any desire for public comment. Comments will be taken in the order that it was received. Audio prompts will signal to dial-in participants when their audio input has been enabled for commenting.

Secretary Cruz read instructions for the public to call in.

3. Report on actions taken at previous Closed Session meeting - None

4. Matters of Unfinished Business - None

5. Matters of New Business:

CONSENT AGENDA - None

REGULAR AGENDA

- a) Authorizing a Memorandum of Understanding with the Arts Commission for the implementation of the Art Requirement on City Property in Mission Bay South, transferring Art Requirement In-Lieu Fees, which initially total \$1,125,424, to the Arts Commission, and approving the Public Art Project Plan for Mission Creek Park; Mission Bay South Redevelopment Project Area (Discussion and Action) (Resolution No. 19-2021)

Presenters: Sally Oerth, Interim Executive Director; Marc Slutzkin, Project Manager, Mission Bay; Susan Pontious, Director, San Francisco Arts Commission; Jackie von Treskow, San Francisco Arts Commission

PUBLIC COMMENT

Speaker: Francisco Da Costa, Director, Environmental Justice Advocacy

Mr. Da Costa stated that the presentation was not very clear and that the presenter was breaking up. He expressed concern that the 20% set aside for administration of this artwork was too much and that a needs assessment had not been done. Mr. Da Costa informed that the entire Mission Bay (MB) was public trust land that belonged to all of California, none of which had been mentioned during the presentation. He explained that eventually the land was transferred to the San Francisco Redevelopment Agency which was now OCII. Mr. Da Costa stated that they needed a different concept for the money set aside for this artwork and that it should be through community benefits. He stated that he represented the Muwekma Ohlone Tribe and that this land was stolen from them. He added that this area was prone to contamination.

Commissioner Bycer stated that he was excited about this project and about the artwork that would speak to the history of MB and its community as well as to the diversity of the neighborhood.

Commissioner Brackett inquired about the speaker's comment regarding representation of the Native American community and how the artwork would be representing that community; inquired about what specifically there would be to honor either the current or the past native indigenous community in San Francisco, and not so much in the East Bay.

Ms. Pontious responded that their work in the Bayview, especially the SE Community Center and the SE Treatment Plant and other projects there were representative of the type of work they had been doing in the community. She referred to work that Ms. von Treskow had been doing as a project manager working on a project on a PUC property in Sunol, working with an artist and with the native American community there.

Ms. von Treskow responded that the Alameda Creek Watershed Project in Sunol was under the jurisdiction of the San Francisco Public Utilities Commission and was a sacred place for the Muwekma Ohlone tribe. They had developed an art collection process that worked in close partnership with the Muwekma Ohlone tribe by not only representing them on the artist review panel but including them in the selection of the artists to show their history as well as their current presence.

Ms. Pontious responded that their work at Moscone Center related to the early settlements and layered down to native American artifacts found on the Moscone site.

Chair Bustos interjected that there was a major discussion that they had had in the past with the Arts Commission regarding the inclusion of local communities. They were hoping that the Arts Commission would be able to get individuals from the tribe and other indigenous communities to be able to apply for these projects.

Vice-Chair Rosales was very supportive and pleased with the selection of Chair Bustos and Commissioner Bycer as OCII representatives on the panel. She commented that when she worked as General Counsel at the SF International Airport, the Airport Commission had entered into a collaborative effort with the Arts commission, and they had Commissioner representatives on the advisory committee. This situation reminded her of that effort. Ms. Rosales remembered the emphasis on using murals which could have a commanding presence in the process.

Chair Bustos thanked Commissioner Brackett for asking about how local populations would be represented in this project. He reported that he and Commissioner Bycer had had a meeting with the Arts Commission and had stressed the importance of making sure that San Franciscans had an opportunity to be included in this project.

Vice-Chair Rosales motioned to move Item 5(a) and Commissioner Brackett seconded that motion.

Secretary Cruz called for a voice vote on Item 5(a).

Commissioner Brackett - yes
Commissioner Bycer - yes
Commissioner Scott - absent
Vice-Chair Rosales - yes
Chair Bustos - yes

ADOPTION: IT WAS VOTED BY FOUR COMMISSIONERS WITH ONE ABSENCE THAT RESOLUTION NO. 19-2021, AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE ARTS COMMISSION FOR THE IMPLEMENTATION OF THE ART REQUIREMENT ON CITY PROPERTY IN MISSION BAY SOUTH, TRANSFERRING ART REQUIREMENT IN-LIEU FEES, WHICH INITIALLY TOTAL \$1,125,424, TO THE ARTS COMMISSION, AND APPROVING THE PUBLIC ART PROJECT PLAN FOR MISSION CREEK PARK; MISSION BAY SOUTH REDEVELOPMENT PROJECT AREA, BE ADOPTED.

b) Authorizing Interim Uses for the Activation of the Former Transbay Temporary Terminal Site on Transbay Blocks 2, 3, and 4; Approving Activation Designs; Authorizing the Executive Director to Execute a Revocable Permit to Enter with East Cut Landing Partners, a Delaware Statutory Public Benefit limited liability company to Design, Implement and Manage the Authorized Interim Activation Uses; Transbay Redevelopment Project Area (Discussion and Action) (Resolution No. 20-2021)

Presenters: Sally Oerth, Interim Executive Director; Aaron Foxworthy, Interim Real Estate and Development Services Manager; Paige Peltzer, Development Specialist; Kipp Kjeldgaard, Founder, Real Active; Andrew Robinson, Executive Director, The East Cut Community Benefit District (CBD)

PUBLIC COMMENT

Speakers: Francisco Da Costa, Director, Environmental Justice Advocacy; Katina Johnson, President, Board of the East Cut CBD and CAC member

Mr. Da Costa stated that the presenters should do a needs assessment of the youth in District 6 and in the Tenderloin. He also requested that the presenters get data from the Health Department regarding congregating activities for COVID-19. Mr. Da Costa stated that they needed to be very careful when focusing on children and must address quality of life issues. He stated that this project should provide transportation to youth.

Ms. Johnson stated that she was one of the members who abstained from voting due to conflict of interest, but was in support of this project. She explained that she had lived in the area for 11 years and when she moved downtown her expectation was that it would be a very vibrant area with lots of things to do; however, it had not turned out this way. Ms. Johnson stated that she hoped this project would allow the neighborhood to have activities to participate in. She explained that over the past several years, she had been involved in the outreach to the neighborhood and had received a great deal of feedback, which had been taken into consideration, especially concerning activities at night and on the weekends. She reported that things had been dead there for many years and then COVID-19 hit, which made everything more difficult.

Commissioner Bycer was pleased to see this coming forward and especially the velocity with which this space could be activated, which was very important. Mr. Bycer stated that he remembered the youth street soccer program at the Mission Rock facility. He referred to the summer youth program invested in by the Mayor and the City and inquired about what procedures had taken place to make this space part of that programming. Mr. Bycer commented that the fencing plan was difficult to visualize, and stated that it was important that these spaces feel open; however, the fencing made the area seem inaccessible. He inquired about what the plan was to make the space feel open and accessible while still maintaining security; inquired about the materials that would be used for the street soccer field, ground and pavement. Mr. Bycer pointed out that permanent construction was supposed to start in 2023, but the entirety of blocks 2,3, & 4 would not get built at the same time. He inquired about discussion of a phase out instead of the total termination of activities on the site. He stressed concern that until they could put in a permanent park and housing for so many people, they needed to make sure the property was still being used as much as possible.

Mr. Robinson responded that they had already started their outreach because so many families had moved into the neighborhood immediately adjacent to the site and they were working on outreach to find out how many children and youth were living there. He stated that they were aware that the street soccer program would focus on kids and they had been in discussion with other entities to provide workshops using the old Greyhound building to provide programs for kids and wanted to make positive active use of the spaces for youth.

To the fencing question, Mr. Kjeldgaard responded that they had debated about whether to have any fencing at all and then the idea was to have fencing that would be temporary and ultimately be taken down as the space became activated. The fencing would be transparent so you could see through it and at a height that would not prevent anyone from seeing what was going on at the site. At the same time, he reported it would provide some security for those inside in combination with the overnight security for protection. On the ground they would use turf in the fitness area and for street soccer and they were considering resurfacing the pickleball courts to a synthetic court type material.

For the beer garden area they would use design elements, such as hedging, landscaping and art installations. To the phase out question, Mr. Kjeldgaard responded that they were working with the design team and operators to contemplate a phasing in, so if a portion of the site were to undergo development, they could still maintain operations. He responded that they had a robust agenda for programming and were committed to phase operations as needed during development of the property.

Commissioner Brackett inquired about who they had chosen for janitorial and security services and whether they were local SBE businesses. She commented that it was her understanding that Alpha Tech Engineering was based in San Jose and not San Francisco and asked for an explanation. Ms. Brackett was interested to know about food and retail services and whether they were planning on working with Into Action and La Cocina, who were food vendors specifically. She inquired about whether they were planning on outreaching to people outside of those currently there and suggested outreach beyond the East Cut CBD to those who were displaced to provide them with an opportunity to return to the City; inquired about how long the food truck residency would last and requested more detail on other vending and retail opportunities; inquired about whether the beer garden provider would be a local San Francisco beer company or from outside.

Mr. Kjeldgaard responded that they had a business relationship with Alpha Tech with offices in a number of states and cities. He explained that Alpha Tech had come to their attention because they stated they would be able to provide an economical and timely plan. Mr. Kjeldgaard referred to Mr. Robinson for more detail.

Mr. Robinson responded that the plan was to use Block by Block, the East Cut Community Benefits District's vendor with a team of 22 staff to provide services to the neighborhood and that they would be adding to that staff. He reported that this project was critical as a post-Covid economic engine for activating the site but also for connecting with small businesses. Mr. Robinson explained that they had conducted direct outreach on the ground to neighborhood merchants via Zoom and onsite sessions as well and that they would continue to work with OCII staff on this issue in the future. He responded that they had not had any contact with those vendors but would be interested in contacting them.

Mr. Kjeldgaard added that on the food element, for the initial phase they had only five operators at this point; however, they had the ability to phase in more if capacity grew but wanted to launch more conservatively. Out of those five slots, he reported that they had received 6 LOI's, all from East Cut CBD merchants and current operators.

Mr. Robinson responded that COVID hit businesses in that neighborhood very hard because they had been reliant on an office crowd of about 100,000 individuals on a daily basis. He conceded that they had done their direct outreach in the immediate neighborhood but were now moving to doing outreach beyond that.

Mr. Kjeldgaard responded that there would be five food and five retail kiosks along with the beer garden and that they would be operational on a daily basis, as critical to create a destination. Food trucks would help meet capacity if attendance spiked on weekends but also to be able to provide food and beverage in a different area, perhaps on the periphery but not in the core of the site. He responded that the beverage partner would be the beverage company, Monarch, which has operated many outdoor events and purported to have operated the largest outdoor event in Golden Gate Park and within Sales Force Park. Mr. Kjeldgaard reported that Monarch was an LGQBT owned and operated company as well and could handle a project of this size. He reported that Monarch was excited to get started on this project.

Vice-Chair Rosales was very pleased about this project. She inquired about whether the 1,000 responses they had received were primarily from the Transbay (TB) district or the East Cut area or other; inquired about marketing plans outside of the neighborhood; inquired about offering music events.

Mr. Robinson responded that last August they had received over 1,200 responses and had conducted a survey in coordination with Supervisor Heney's office to gather feedback on this site. He reported that the East Cut CBD had been working on a public realm plan and had received over 3,000 comments from the neighborhood at large which was asking for the types of activities that they were currently working on. He reported that about 1000 individuals had responded that they were a five-minute walk from the site, so feedback was very local.

Mr. Kjeldgaard responded that it was kind of like the "if you build it, they will come" concept, but wondered what would happen if people came in droves, especially in this mixed area of business and very dense residential. So, to make sure they did show up, they would engage in a marketing & PR campaign directed mainly to food and entertainment publications and also having a website that updated programming with an intake form for interested operators and keeping the public apprised of the hours and events and using a firm to handle the outreach and PR and keeping the site in the public domain. Mr. Kjeldgaard surmised that at some point the area would become known off the grid and then most people would be checking in to just see what events and activities were taking place. He responded that capacity would most likely vary depending on the local events so that on weekends they might need to bring in other providers to handle additional need. He stated that they planned on this becoming popular very quickly. To the question regarding music venues, Mr. Kjeldgaard responded that they would love to offer music venues but needed to be mindful of neighbors and noise issues.

Mr. Robinson added that they were sensitive to this being a place where one could live and play in the neighborhood, but not be pushed out by noise.

Chair Bustos thanked everyone for their presentation. He expressed concern about who would be able to use this space. Mr. Bustos explained that often in San Francisco when something new happened which was very exciting, the people who had previously been using the space start to not feel welcome anymore, which happened in the Mission playground when the new hipsters moved in. He stated that he brought this up because he wanted to avoid this kind of situation and suggested putting up signage that stated that everyone was welcome, so that everyone could truly feel welcome in this space. He referred to the importance of Commissioner Brackett's comment to make sure that local people and small businesses, especially those that had been there for a long time, were contacted to work in this project.

Vice-Chair Rosales motioned to move Item 5(b) and Commissioner Bycer seconded that motion.

Secretary Cruz called for a voice vote on Item 5(b).

Commissioner Brackett made a statement to clarify her vote: With over 30 breweries in SF, the city has lost a considerable amount of income which had decimated that sector due to health and safety restrictions due to COVID-19. She expressed a deep concern that this deal had been conducted with a beer company out of Illinois and in addition expressed concern over the lack of outreach to La Cocina and Into Action and other local food entrepreneur groups. For that reason, Ms. Brackett stated that she could not in good conscience support this item unless she saw more outreach done outside of the East Cut District. Also, she pointed out that these were the same concerns she herself had expressed back in February when that RFP process was approved, and she had specifically asked what kind of outreach would be done. Ms. Brackett felt that many of those comments then and now were still falling on deaf ears.

Commissioner Brackett - no
Commissioner Bycer - yes
Commissioner Scott - absent
Vice-Chair Rosales - yes
Chair Bustos – yes

Chair Bustos cautioned the project sponsors that Commissioner Brackett had brought up a legitimate concern and wanted to make sure they would provide an update next time on the progress being made on this topic.

ADOPTION: IT WAS VOTED BY THREE COMMISSIONERS WITH ONE ABSENCE AND ONE NO VOTE THAT RESOLUTION NO. 20-2021, AUTHORIZING INTERIM USES FOR THE ACTIVATION OF THE FORMER TRANSBAY TEMPORARY TERMINAL SITE ON TRANSBAY BLOCKS 2, 3, AND 4; APPROVING ACTIVATION DESIGNS; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A REVOCABLE PERMIT TO ENTER WITH EAST CUT LANDING PARTNERS, A DELAWARE STATUTORY PUBLIC BENEFIT LIMITED LIABILITY COMPANY TO DESIGN, IMPLEMENT AND MANAGE THE AUTHORIZED INTERIM ACTIVATION USES; TRANSBAY REDEVELOPMENT PROJECT AREA, BE ADOPTED.

c) Approving a Municipal Finance Disclosure Policies and Procedures for the Office of Community Investment and Infrastructure (Discussion and Action) (Resolution No. 21- 2021)

Presenters: Sally Oerth, Interim Executive Director; Bree Mawhorter, Deputy Director of Finance and Administration; Ericka Curls Bartling, Curls Bartling, P.C.; James Morales, General Counsel and Deputy Director

PUBLIC COMMENT – None

Commissioner Bycer thanked staff for the presentation and the helpful information.

Vice-Chair Rosales inquired about what the internal review process would be for the draft official statement; inquired about how they would handle the information they received in Closed Session because attorney-client information was privileged.

Ms. Mawhorter responded that the internal review process would involve the debt manager working with the financing team to draft the document itself, then reaching out to relevant project managers to review the information. This would include any project manager working on an area that provided revenue that supported the potential bond issuance. They would review the official statement to ensure that all the project information was accurate and then they would sign an acknowledgement that all information contained therein was accurate. Then the DPWG would review and sign off on that draft. The DPWG consist of the General Counsel, herself and John Daigle, the Debt Manager, and they would sign off on that. Then it would go to the Interim Executive Director, Sally Oerth, for her review and sign off. And then it would be put in the Commission agenda packet for review and potential approval. Ms. Mawhorter added that Ms. Bartling would also be in the background for help and review, even though she was not a formal member of the bond team, because once they transitioned from the issuance into the ongoing maintenance, it would become part of her purview.

Mr. Morales responded that information disclosed in a confidential Closed Session must remain confidential. If there was a question about whether information needed to be revealed, they would need to speak to Commissioners and decide whether it was information subject to disclosure. Without specifics, he stated that, in general, they would have to protect the confidentiality of Closed Sessions because the point of Closed Sessions was to protect privacy.

Ms. Bartling added that when the issue of disclosing information from closed session had come up before, the question of whether or not to disclose would be made by General Counsel, not the bond team. In Ms Bartling's experience, counsel kept information within the sphere of counsel and looked for ways to describe the information that was transparent, but respected closed session.

Chair Bustos thanked everyone for this important presentation.

Vice-Chair Rosales motioned to move Item 5(c) and Commissioner Bycer seconded that motion.

Secretary Cruz called for a voice vote on Item 5(c).

Commissioner Brackett - yes
Commissioner Bycer - yes
Commissioner Scott - absent
Vice-Chair Rosales - yes
Chair Bustos – yes

ADOPTION: IT WAS VOTED BY FOUR COMMISSIONERS WITH ONE ABSENCE THAT RESOLUTION NO. 21- 2021, APPROVING A MUNICIPAL FINANCE DISCLOSURE POLICIES AND PROCEDURES FOR THE OFFICE OF COMMUNITY INVESTMENT AND INFRASTRUCTURE, BE ADOPTED.

6. Public Comment on Non-Agenda Items - None

7. Report of the Chair

Chair Bustos stated that he had no report.

8. Report of the Executive Director

- a) Info Memo on the Report on Compliance by the Master Developer on Phase 1 of the Hunters Point Shipyard, with the Community Benefits Programs for January 2020 through December of 2020; Hunters Point Shipyard and Bayview Hunters Point Redevelopment Project Areas (Discussion)
- b) Info Memo on the notice of intent to issue a Request for Proposals for parks maintenance and property management services at Hunters Point Shipyard Phase 1; Hunters Point Shipyard Project Area (Discussion)

Interim Executive Director Oerth announced that staff had reviewed the item a) Report from Lennar and found them to be substantially compliant with requirements. They anticipated that the developer would make a full presentation to OCII on their community benefits program later in the year.

Interim Executive Director Oerth announced an RFP to solicit bids for an entity to provide property management services for parks and open space parcels on the hilltop of the Phase 1 project that would be transferring from Lennar's responsibility to OCII's. She explained that they had previously solicited for these services but had not been able to proceed to a full contract and therefore they would like to issue a new RFP to the public. The funds would come out of the community facilities district for the Shipyard established for maintenance.

Interim Executive Director Oerth announced an update on the COP program: Assemblyman David Chu had proposed an expansion of the residential Certificate of Preference (COP) program to all direct descendants of those displaced by AB 1584, which was approved by the State Assembly on May 20, and which would include consideration by the State Senate this summer and then by the Governor. She reported that they would monitor progress of this pending legislation and come back to the Commission later and if approved, it would go into effect in January 2022.

PUBLIC COMMENT

Speaker: Francisco Da Costa, Director, Environmental Justice Advocacy

Mr. Da Costa stated that he had been following activities at the Shipyard for a long time and they still had the same characters speaking in generalities while the community continued to suffer. He was not sure how they could move forward with some sort of park maintenance and facilities when they did not have a clear idea about the clean-up. OCII was trying to address the current situation but certain project managers were lying and OCII needed to fess up because they would be investigated much like the PUC was. Mr. Da Costa stated that they needed people who were sensitive to families and children and that OCII had the responsibility to address quality of life issues.

Chair Bustos thanked Commissioner Brackett and Vice-Chair Rosales for being on the committee regarding the COP legislation and for their leadership and hard work on this topic because this would be a great thing for the community and for the descendants of those individuals who were displaced.

9. Commissioners' Questions and Matters - None

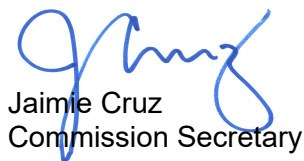
10. Closed Session

11. Adjournment

Commissioner Bycer made a motion to adjourn the meeting and Vice-Chair Rosales seconded that motion.

Chair Bustos adjourned the meeting at 2:58 p.m.

Respectfully submitted,



Jaimie Cruz
Commission Secretary