

File No. 211295

Committee Item No. 2

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

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Completed by: Brent Jalipa Date February 4, 2022

Completed by: Brent Jalipa Date \_\_\_\_\_

[Park Code - Admission Fees at the Gardens of Golden Gate Park]

1  
2  
3 **Ordinance amending the Park Code to waive fees for admission by San Francisco**  
4 **residents to the Japanese Tea Garden and the Conservatory of Flowers; to authorize**  
5 **the Recreation and Park Department to waive or discount other admission fees at these**  
6 **facilities as well as at the San Francisco Botanical Garden (all three collectively, “the**  
7 **Gardens”); to require the Recreation and Park Department to begin waiving admission**  
8 **fees for Veterans at the Gardens; to fund these changes by reauthorizing the**  
9 **Recreation and Park Department to set admission fees for non-resident adults at the**  
10 **Gardens through flexible pricing, based on certain factors and to ensure consistency**  
11 **among all three Gardens; and affirming the Planning Department’s determination under**  
12 **the California Environmental Quality Act.**

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
14 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
16 **Board amendment additions** are in double-underlined Arial font.  
17 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
18 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
19 subsections or parts of tables.

20 Be it ordained by the People of the City and County of San Francisco:

21 Section 1. Environmental Findings.

22 The Planning Department has determined that the actions contemplated in this  
23 ordinance comply with the California Environmental Quality Act (California Public Resources  
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
25 Supervisors in File No. 211295 and is incorporated herein by reference. The Board affirms  
this determination.

1 Section 2. Background.

2 (a) In 2019, the City enacted Ordinance No. 194-19, which, among other things,  
3 authorized the Recreation and Park Department (“RPD”) to set non-resident adult admission  
4 fees for the Japanese Tea Garden, the Conservatory of Flowers, and the San Francisco  
5 Botanical Garden (collectively, “the Gardens”) through a defined system of flexible pricing.  
6 Under this system, RPD could increase non-resident adult admission fees once per year by  
7 up to 50% (at certain times only), and could authorize decreases of any amount, based on  
8 factors such as public demand, facility conditions, and rates at comparable facilities. This  
9 system was to remain in place until at least June 30, 2021. In 2021, the City extended flexible  
10 pricing at the Gardens by enacting Ordinance No. 131-21, which provided that flexible pricing  
11 could continue until December 7, 2021, “unless extended by ordinance.”

12 (b) San Francisco residents are already entitled to free admission at the Botanical  
13 Garden. The Board of Supervisors finds it is in the public interest to extend this policy to the  
14 other Gardens, and to authorize the Recreation and Park Department to develop further  
15 waivers and discounts in order to allow for coordination among the Gardens with respect to  
16 special conditions and exhibits. Likewise, the Board of Supervisors also finds it is reasonable  
17 to re-authorize flexible pricing for non-resident adults at the Gardens, to help offset the costs  
18 of the waivers and discounts, and to help pay for general operating expenses, purchase or  
19 lease supplies, equipment, and materials for the facilities, and to raise funds for future capital  
20 projects necessary to maintain existing levels of service.

21  
22 //

23 //

24 //

1           Section 3. Article 2 of the Park Code is hereby amended by revising Section 2.10, as  
2 follows:

3           **SEC. 2.10. "VETERAN " DEFINED.**

4           (a) When used in this Code, the word "Veteran" shall mean a person who is currently  
5 serving in the active military, naval, air, or space service, or who has completed such service  
6 and was discharged or released therefrom under conditions other than dishonorable  
7 consistent with Section 101(2) of Title 38 of the United States Code, as it may be amended  
8 from time to time; and provided further, that for purposes of Sections 12.01, 12.02, 12.07,  
9 12.40, and 12.41 of this Code only, the term "Veteran" shall only apply to such persons who  
10 are residents of the City and County of San Francisco.

11           (b) The proviso in subsection (a) ~~that excludes non-San Francisco residents from the~~  
12 ~~definition of "Veteran"~~ certain discounts that the City has approved for Veterans shall expire  
13 by operation of law if and when the Controller certifies, in writing, to the Recreation and Park  
14 Department General Manager, that the City has enacted an ordinance appropriating monies  
15 necessary to fund discounts for one year for non-San Francisco residents who otherwise meet  
16 the definition of "Veteran." Following said certification, the City Attorney shall cause this  
17 subsection (b), and the proviso in subsection (a), to be removed from the Code.

18  
19           Section 3. ~~4.~~ Article 12 of the Park Code is hereby amended by revising Sections  
20 12.05, 12.34, and 12.46, and deleting Section 12.50, as follows:

21           **SEC. 12.05. JAPANESE TEA GARDEN.**

22           (a) The following fees shall be charged for admission to the Japanese Tea Garden:

<b>Age/Category</b>	<b>S.F. Residents</b>	<b>Non-Residents</b>
Adult	\$ <del>0.00</del> <u>5.00</u>	\$7.00

1	Senior (65+)	<del>\$0.00</del> <del>3.00</del>	\$5.00
2	Youth (12—17 years)	<del>\$0.00</del> <del>3.00</del>	\$5.00
3	Child (5—11 years)	<del>\$0.00</del> <del>1.50</del>	\$2.00
4	Child (4 years and under)	\$0.00	\$0.00
5	Veterans	\$0.00	\$0.00

6 *With respect to the non-resident Adult fees,* ~~†~~The Department General Manager or the  
7 General Manager's designee may ~~once per year~~ approve a temporary increases of up to 50% to  
8 the non-resident Adult fees upon not less than 30 days' notice, applicable during the months of March  
9 through October only, and/or may approve decreases to any category of fees at any time, based  
10 on one or more of the following factors: fluctuations in customer demand at particular times or  
11 on particular days or dates, rates at comparable facilities, adverse weather conditions, ~~and~~  
12 facility conditions, operating costs, and for tickets covering multiple garden admissions.

13 \* \* \* \*

14  
15 **SEC. 12.34. CONSERVATORY OF FLOWERS FEES.**

16 (a) **Admission Fees.** The following fees shall be charged for admission to the  
17 Conservatory of Flowers:

18 <b>Age/Category</b>	<b>S.F.Residents</b>	<b>Non-Residents</b>
19 Adults	<del>No fee</del> <del>\$5.00</del>	\$7.00
20 Youth 12-17 and Seniors 65 and over	<del>No fee</del> <del>\$3.00</del>	\$5.00
21 Children 5-11	<del>No fee</del> <del>\$1.50</del>	\$2.00
22 Children 4 and under	No fee	No fee
23 San Francisco school groups K-12 24 with prior scheduling	No fee	No fee
25 Veterans	No fee	No fee

1 ~~With respect to the non-resident Adult fees, t~~The Department General Manager or the  
 2 General Manager's designee may ~~once a year~~ approve ~~a~~ temporary increases of up to 50% ~~to~~  
 3 ~~the non-resident Adult fees upon not less than 30 days' notice, applicable on Fridays, Saturdays and~~  
 4 ~~Sundays only,~~ and/or may approve decreases to any category of fees at any time, based on one  
 5 or more of the following factors: fluctuations in customer demand at particular times or on  
 6 particular days or dates, rates at comparable facilities, adverse weather conditions, ~~and~~ facility  
 7 conditions, operating costs, and for tickets covering multiple garden admissions.

8 \* \* \* \*

9  
 10 **SEC. 12.46. COUNTY FAIR BUILDING AND BOTANICAL GARDEN FEES.**

11 \* \* \* \*

12 (d) The Department shall charge the following fees for entrance to the Botanical  
 13 Garden:

<b>Age/Category</b>	<b>Non-San Francisco Residents</b>
Adults	\$7.00
Youth 12-17 and Seniors 65 and over	\$5.00
Children 5-11	\$2.00
Children 4 and under	No charge
Veterans	No charge
Families (2 adults and all children 17 years and under residing in the same household)	\$15.00

22 ~~With respect to the non-resident Adult fees, t~~The Department General Manager or the  
 23 General Manager's designee may ~~once a year~~ approve ~~a~~ temporary increases of up to 50% ~~to~~  
 24 ~~the non-resident Adult fees upon not less than 30 days' notice, applicable on Saturdays and Sundays~~  
 25

1 ~~only,~~ and/or may approve decreases to any category of fees at any time, based on one or more  
2 of the following factors: fluctuations in customer demand at particular times or on particular  
3 days or dates, rates at comparable facilities, adverse weather conditions, ~~and~~ facility  
4 conditions, operating costs, and for tickets covering multiple garden admissions.

5 \* \* \* \*

6  
7 **~~SEC. 12.50. SUNSET PROVISIONS.~~**

8 ~~—(a) Consistent with Ordinance No. 194-19, the paragraph in Section 12.06(a) that authorizes~~  
9 ~~temporary increases and decreases of non-resident Adult fees at the Coit Tower Elevator, and any such~~  
10 ~~increases or decreases that the Department General Manager may have approved pursuant to that~~  
11 ~~paragraph, shall be deemed to have expired by operation of law on June 30, 2021.~~

12 ~~—(b) Unless extended by ordinance, the paragraphs in Sections 12.05(a), 12.34(a), and~~  
13 ~~12.46(a) that authorize temporary increases and decreases of non-resident Adult fees at certain~~  
14 ~~specialty attractions, adopted via Ordinance No. 194-19, and any such increases or decreases that the~~  
15 ~~Department General Manager may have approved pursuant to those paragraphs, shall expire by~~  
16 ~~operation of law on December 7, 2021. Upon expiration of those paragraphs, the City Attorney shall~~  
17 ~~cause those paragraphs, the above-referenced paragraph of Section 12.06(a), and this Section 12.50 to~~  
18 ~~be removed from the Park Code.~~

19  
20 Section 4. 5. Effective Date.

21 This ordinance shall become effective 30 days after enactment. Enactment occurs  
22 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not  
23 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the  
24 Mayor’s veto of the ordinance.

1           Section ~~5.~~6. Scope of Ordinance.

2           (a)     In enacting this ordinance, the Board of Supervisors intends to amend only  
3 those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation  
4 marks, charts, diagrams, or any other constituent parts of the Municipal Code that are  
5 explicitly shown in this ordinance as additions, deletions, Board amendment additions, and  
6 Board amendment deletions in accordance with the “Note” that appears under the official title  
7 of the ordinance.

8           (b)     The various codified fees presented as existing Code text in Section ~~3~~4 of this  
9 ordinance do not necessarily reflect the fees that are currently applicable. Pursuant to Park  
10 Code Section 12.20, the Controller adjusts those fees on an annual basis to reflect changes in  
11 the Consumer Price Index. This ordinance is not intended to invalidate any adjustments under  
12 Section 12.20 that the Controller has previously approved.

13  
14 APPROVED AS TO FORM:  
15 DAVID CHIU, City Attorney

16  
17 By:    /s/ \_\_\_\_\_  
18        MANU PRADHAN  
19        Deputy City Attorney  
20        n:\legana\as2021\1900583\01578144.docx



**REVISED LEGISLATIVE DIGEST**  
Amended in Committee, 2/2/2022

[Park Code - Admission Fees at the Gardens of Golden Gate Park]

**Ordinance amending the Park Code to waive fees for admission by San Francisco residents to the Japanese Tea Garden and the Conservatory of Flowers; to authorize the Recreation and Park Department to waive or discount other admission fees at these facilities as well as at the San Francisco Botanical Garden (all three collectively, “the Gardens”); to require the Recreation and Park Department to begin waiving admission fees for Veterans at the Gardens; to fund these changes by reauthorizing the Recreation and Park Department to set admission fees for non-resident adults at the Gardens through flexible pricing, based on certain factors and to ensure consistency among all three Gardens; and affirming the Planning Department’s determination under the California Environmental Quality Act.**

Existing Law

The Park Code sets different rates for children, adults and seniors to be admitted to the Japanese Tea Garden, the Conservatory of Flowers, and San Francisco Botanical Garden. San Francisco residents receive discounts at the Japanese Tea Garden and Conservatory of Flowers, and do not pay any fees at the Botanical Garden.

In 2019, the City enacted Ordinance No. 194-19, which, among other things, authorized the Recreation and Park Department (“RPD”) to set non-resident adult admission fees for the Gardens through a defined system of flexible pricing. Under this system, RPD could increase non-resident adult admission fees once per year by up to 50% (at certain times only), and could authorize decreases of any amount, based on factors such as public demand, facility conditions, and rates at comparable facilities. This system was to remain in place until at least June 30, 2021. In 2021, the City extended flexible pricing at the Gardens by enacting Ordinance No. 131-21, which provided that flexible pricing could continue until December 7, 2021, unless extended by ordinance.

In 2022, the City enacted Ordinance No. 238-21, which waived or discounted certain Park Code fees (including admission fees at the Gardens) for veterans who are City residents. Discounts and waivers for non-resident veterans will go into effect after the City appropriates funds to pay for the waivers and discounts for one full year.

Amendments to Current Law

The ordinance would waive all admission fees for San Francisco residents at the Japanese Tea Garden and Conservatory of Flowers, to make the fees at those facilities consistent with the Botanical Garden. The ordinance would also authorize RPD to develop further waivers and discounts in order to allow for coordination among the Gardens with respect to special

conditions and exhibits. Also, the ordinance would require the fee waivers for non-resident veterans visiting the Gardens to go into effect immediately (but the waivers and discounts in Ordinance No. 238-21 that are not related to the Gardens would continue to be subject to a future appropriation). To help offset the costs of the waivers and discounts at the Gardens and to cover general expenses, the ordinance would also re-authorize flexible pricing for non-resident adults at the Gardens, at any time following notice to the public.

### Background

This digest corresponds to amendments made at Budget and Finance Committee, to add a new Section 2 to the legislation to require that the waivers for non-resident veterans at the Gardens under Ordinance No. 238-21 shall go into effect immediately rather than upon appropriation of funds. In addition, Section 3 of this ordinance has been updated to reflect that Ordinance No. 238-21 amended the tables at Park Code Sections 12.05(a), 12.34(a), and 12.46(d) to include rates for “veterans.” Those updates to the tables appear in the amended ordinance as existing text.

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<p><b>Items 1 &amp; 2</b>  <b>Files 21-1305 &amp; 21-1295</b>  <i>(Continued from 2/2 meeting)</i></p>	<p><b>Department:</b>                  Recreation &amp; Parks</p>
<p><b>EXECUTIVE SUMMARY</b></p>	
<p style="text-align: center;"><b>Legislative Objectives</b></p> <ul style="list-style-type: none"> <li>• <b>File 21-1305:</b> The proposed resolution would approve an amendment to the lease and management agreement with the San Francisco Botanical Garden Society to also include the Japanese Tea Garden and the Conservatory of Flowers as part of the leased premises.</li> <li>• <b>File 21-1295:</b> The proposed ordinance would amend the Park Code to waive admission fees for San Francisco residents to the Japanese Tea Garden and the Conservatory of Flowers and reauthorize the Recreation and Park Department to set admission fees for non-resident adults at the Japanese Tea Garden, the Conservatory of Flowers, and the Botanical Garden through flexible pricing. Fees for non-resident veterans would also be waived.</li> </ul> <p style="text-align: center;"><b>Key Points</b></p> <ul style="list-style-type: none"> <li>• The Botanical Garden Society (SFBGS) is responsible for admissions collections and other services for the Botanical Garden. The Conservatory of Flowers is currently managed by the Parks Alliance, and the Department is typically responsible for managing admissions at the Japanese Tea Garden in addition to garden maintenance. Under the proposed amendment, SFBGS would provide these same services to the Japanese Tea Garden and the Conservatory of Flowers. Non-profit costs are covered by admission revenues.</li> </ul> <p style="text-align: center;"><b>Fiscal Impact</b></p> <ul style="list-style-type: none"> <li>• The Department estimates savings of \$383,484 from joint management of the gardens due to consolidation of admission staffing and resulting in lower admissions costs than historical spending for the three gardens. The proposed spending plan includes an annual deposit of \$514,105 to the City’s Garden Improvement Fund for maintenance and improvement of the gardens.</li> <li>• We estimate the annual revenue loss from the elimination of residential admission fees (\$271,385) and non-resident veteran admission fees (\$300,000) could be offset by an increase of \$1.00 in non-resident admission fees. Any net revenue would be assigned to the City’s Garden Improvement Fund.</li> </ul> <p style="text-align: center;"><b>Policy Consideration</b></p> <ul style="list-style-type: none"> <li>• The original lease and management agreement with the Botanical Garden Society approved by the Board of Supervisors was not competitively procured and may be extended through May 2043. Because management of the three gardens has never been competitively procured, we do not know if costs are reasonable or if there are other providers that would bid on a competitive solicitation.</li> </ul> <p style="text-align: center;"><b>Recommendations</b></p> <ul style="list-style-type: none"> <li>• Approval of Files 21-1305 and 21-1295 are policy matters for the Board of Supervisors.</li> </ul>	

**MANDATE STATEMENT**

City Charter Section 9.118(c) states that any lease, modification, amendment, or termination of a lease that had an initial term of ten years or more, including options to extend, or that had anticipated revenues of \$1 million or more is subject to Board of Supervisors approval.

City Charter Section 2.105 states that all legislative acts shall be by ordinance, approved by a majority of the members of the Board of Supervisors.

**BACKGROUND**

**Current Lease and Management Agreement**

Under an existing lease and management agreement between the Recreation and Parks Department and the nonprofit organization, San Francisco Botanical Garden Society, the San Francisco Botanical Garden Society is responsible for visitor services, admissions collections, educational programming, marketing, and other services to support operations of the Botanical Garden in Golden Gate Park. The existing agreement was effective beginning in December 2013 and expires December 2023 and includes two options to extend for ten years each.

**Proposed Gardens of Golden Gate Park**

The Recreation and Parks Commission seeks to bring the Botanical Garden, Japanese Tea Garden, and the Conservatory of Flowers under joint management. The three gardens would be referred to collectively as “the Gardens of Golden Gate Park.”

Currently, all three gardens are separately managed. As mentioned above, the Botanical Garden is managed under a lease and management agreement with the San Francisco Botanical Garden Society. The Conservatory of Flowers is currently managed under a license with the San Francisco Parks Alliance. The license has been in holdover status since it expired in 2012. The Recreation and Parks Department is primarily responsible for managing admissions at the Japanese Tea Garden in addition to garden maintenance.<sup>1</sup> However, the San Francisco Botanical Garden Society has managed admissions collections for the Japanese Tea Garden during the COVID-19 pandemic according to a supplemental agreement to the existing lease and management agreement.

**Admission Fees**

The Park Code establishes admission fees for the San Francisco Botanical Garden, the Japanese Tea Garden, and the Conservatory of Flowers. There are different rates for children, adults, and seniors. Currently, San Francisco residents do not pay any fees at the Botanical Garden and receive discounts at the Japanese Tea Garden and Conservatory of Flowers.

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<sup>1</sup> According to Recreation and Parks Department staff, the Department receives support from the Friends of the Japanese Tea Garden and a concessionaire operates the historic Tea House and Gift Shop.

In 2019, the Board of Supervisors authorized the Recreation and Park Department to set non-resident adult admission fees for the three gardens through “flexible pricing” (File 19-0629). This allowed the Department to temporarily increase or decrease the fees based on factors such as public demand, facility conditions, and rates at comparable facilities. The Department could only increase prices once per year by up to 50% and was only permitted to increase prices during certain times of the year depending on the facility. The existing law permits price increases for non-resident adults as follows:

- **Botanical Garden:** Increases only on Saturdays and Sundays
- **Conservatory of Flowers:** Increases only on Fridays, Saturdays, and Sundays
- **Japanese Tea Garden:** Increases only March through October

The flexible pricing system was scheduled to sunset on June 30, 2021, but the Board of Supervisors authorized the extension of flexible pricing at the gardens until December 7, 2021 (File 21-0653). The 2019 flexible pricing legislation also allowed the General Manager to adjust non-resident admission fees for Coit Tower, however that authority was never implemented and expired in June 2021.

## DETAILS OF PROPOSED LEGISLATION

### File 21-1305

The proposed resolution would approve an amendment to the lease and management agreement with the San Francisco Botanical Garden Society to also include the Japanese Tea Garden and the Conservatory of Flowers as part of the leased premises. The term of the agreement with the Botanical Garden Society remains unchanged.

### File 21-1295

The proposed ordinance would amend the Park Code to:

- Waive admission fees for San Francisco residents to the Japanese Tea Garden and the Conservatory of Flowers;
- Waive admission fees for non-resident veterans for all three gardens<sup>2</sup>
- Authorize the Recreation and Park Department to waive or discount other admission fees at the Japanese Tea Garden, the Conservatory of Flowers, and the Botanical Garden;
- Re-authorize the Recreation and Park Department to set admission fees for non-resident adults at the three gardens through flexible pricing; and
- Affirm the Planning Department’s determination that all associated actions comply with the California Environmental Quality Act.

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<sup>2</sup> File 21-1095, approved in December 2021, waived admission fees to certain Recreation & Park facilities, including the Japanese Tea Garden and Conservatory of Flowers, for resident veterans. Under that ordinance, fees for non-resident veterans would be automatically waived if the Controller certifies that sufficient funding has been appropriated for one-year.

### **Selection of San Francisco Botanical Garden Society**

Chapter 23.33 of the Administrative Code requires that leases be competitively bid unless competitive bidding procedures are impractical or impossible. The Department determined that holding a competitive bid for the lease and management of the Conservatory of Flowers and the Japanese Tea Garden would not be practical or feasible given the San Francisco Botanical Garden Society's specialized knowledge and experience pertaining to specialty gardens, its existing agreement for the Botanical Garden, and the assumed benefits from bringing the three gardens under joint management. Therefore, the Department is proposing to amend the existing lease and management agreement to include the two other gardens. The Board of Supervisors authorized the waiver of the requirement under Chapter 23.33 of the Administrative Code that the existing lease and management agreement be competitively bid, given the San Francisco Botanical Garden Society's specialized knowledge and experience in 2013 (File 13-0537). At that time, the Department estimated that the value of the services provided by the lease was \$2.1 million annually, which exceeded the fair market value of the annual rent of \$384,062, as estimated by an appraiser. The Department has not conducted a new appraisal of the Botanical Garden nor of the Japanese Tea Garden or the Conservatory of Flowers.

### **Services Provided**

Under the existing agreement, the San Francisco Botanical Garden Society is responsible for managing the following aspects of the Botanical Garden operations: visitor services, admissions collection, educational programming, marketing, volunteer program coordination, special events, and community relations. The Department is responsible for garden maintenance and oversight, including strategic and master site planning, plant collections development and documentation, signage, as well as improvements, renovations, and maintenance of the Botanical Garden. As described below in the Fiscal Impact Section, costs for these services are covered by admission fees and the Botanical Garden Society pays the City a base rent of \$100 per year.

Under the proposed amendment to the lease and management agreement, the San Francisco Botanical Garden Society would provide the same services that it currently provides at the Botanical Garden to the Japanese Tea Garden and the Conservatory of Flowers. Similarly, the Department would continue to be responsible for garden maintenance, facility maintenance, and oversight at all three gardens.

### **Admissions Receipts**

According to Exhibit E of the proposed amendment to the lease and management agreement, fees paid for admission to the three gardens may only be used for the benefit of the three gardens. The San Francisco Botanical Garden Society (SFBGS) would collect admission fees and remit them in full to the Department. The Department would allocate monies collected monthly in the following order:

- a) SFBGS expenses associated with collection of admission fees, such as personnel costs, office supplies, and rent or related fees for equipment;

- b) Department expenses associated with maintenance and oversight of the gardens of \$4.4 million per fiscal year;
- c) SFBGS education and community outreach expenditures of \$650,000 per fiscal year;
- d) The balance of admission receipts would be paid into the “Gardens of Golden Gate Park Improvement Fund,” which would be maintained by the City.<sup>3</sup>

This reflects the allocation model in the existing agreement for the Botanical Garden. According to the Department, admission receipts from the Japanese Tea Garden historically accrued to the Department’s general fund and were used for costs associated with managing admissions and maintenance of all of the gardens. According to Department staff, admission receipts from the Conservatory of Flowers have not been paid directly to the Department. According to a November 2021 Budget and Legislative Analyst Report, *Relations between Recreation and Parks Department and San Francisco Parks Alliance*, there is no provision for a minimum guaranteed amount of admissions receipts to be allocated to the Department in the 2003 agreement with the San Francisco Parks Alliance.

### **Admission Fee Changes (File 21-1295)**

The proposed ordinance would waive admission fees for residents and re-authorize and standardize flexible pricing for adult non-residents. The proposed ordinance would allow the Department to increase prices for non-resident adults only by up to 50% of the Park Code set fee upon 30 days’ notice to the public rather than just once per year and does not constrain price increases to certain months or days unlike the existing law. The Department could also decrease fees at any time. In addition, the proposed ordinance would also remove the sunset date for flexible pricing, allowing the Recreation and Park Department to continue using flexible pricing at the three gardens indefinitely. Fee changes must be due to changes in demand at particular days and times, adverse weather, facility conditions, operating costs, or tickets covering multiple gardens.

#### *Flexible Pricing Use at the Gardens*

The Recreation and Parks Department provided an update on flexible pricing at the three gardens to the Board of Supervisors in May 2021. The regular non-resident adult admission fee was \$9 at all three gardens until FY 2020-21 when it was increased to \$10 at the Japanese Tea Garden and the Conservatory of Flowers and in FY 2021-22 when it increased to \$10 at the Botanical Garden due to allowable CPI increases. According to that report, flexible pricing for non-resident adults was applied as follows:

- Botanical Garden: Applied on the weekends starting in November 2019 with a \$3 increase.
- Conservatory of Flowers: Applied on the weekends starting in October 2019 with a \$2 increase.

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<sup>3</sup> According to the proposed amendment, expenditures from the Gardens of Golden Gate Park Improvement Fund may only be used for expenses associated with maintenance, renovation, and improvement of the gardens, unless the Recreation and Park Commission and the San Francisco Botanical Garden Society otherwise agree in writing.

- Japanese Tea Garden: Applied starting in March 2020 through September 2020 with a \$2 increase. In October 2020, the price was adjusted back to \$10, and the \$2 increase was restored starting in March 2021.

#### *Other City Departments Use of Flexible Pricing*

At the request of a Supervisor, we completed a short survey of City entities that charge for use of City property.

Our survey found that the Recreation and Parks Department uses a flexible pricing structure for golf fees, which allows the General Manager to adjust resident and tournament rates based on demand, prices at other golf courses, and course conditions.<sup>4</sup> The Academy of Sciences uses dynamic admissions pricing, which varies by day and time. However, the Fine Arts Museums, which include the De Young and Legion of Honor Museums, does not use dynamic pricing for admissions, though the museums charge higher fees for special exhibits.

Additionally, we found that the San Francisco Municipal Transportation Agency (SFMTA) uses dynamic pricing (referred to as transportation demand management) for garage and parking meter fees, both of which are generally based on demand. According to SFMTA staff, since the implementation of dynamic pricing in 2011, garage fees have generally increased and parking meter fees have fluctuated between \$0.50 and \$10 per hour based on demand for curbside space. Garage and parking meter fees are adjusted by SFMTA staff.

#### **Performance of Botanical Garden Society**

The existing lease and management agreement does not have performance metrics. Data provided by the Recreation and Parks Department show that admissions increased from 240,000 in FY 2011-12 to 424,000 in FY 2018-19 (the last full year before COVID-19), an increase of 76.7%.

### **FISCAL IMPACT**

The Recreation and Parks Department developed the Gardens of Golden Gate Park budget based on actual spending from FY 2018-19 due to the impact of COVID-19 on subsequent years. Exhibit 1 below summarizes the sources and uses of the proposed amended lease and management agreement.

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<sup>4</sup> Park Code Section 12.12(d), which relates to municipal golf courses, states that the General Manager may discount resident rates by 50% and increase them by 25%; tournament rates may be increased by 50%.



**Exhibit 1: Sources and Uses of Proposed Gardens of Golden Gate Park**

<b>Sources</b>	<b>Botanical Garden</b>	<b>Conservatory of Flowers</b>	<b>Japanese Tea Garden</b>	<b>Total</b>
Admissions Receipts	\$1,393,527	\$1,047,127	\$4,280,000	\$6,720,654
<b>Total Sources</b>	<b>\$1,393,527</b>	<b>\$1,047,127</b>	<b>\$4,280,000</b>	<b>\$6,720,654</b>
<b>Uses</b>				
SFBGS Admissions Cost	536,998	323,202	306,203	1,166,403
Rec & Park Operating Expenses	287,573	250,000	3,865,000	4,402,573
SFBGS Education and Community Engagement Expenses	287,573	250,000	100,000	637,573
Garden Improvement Fund	281,383	223,925	8,797	514,105
<b>Total Uses</b>	<b>\$1,393,527</b>	<b>\$1,047,127</b>	<b>\$4,280,000</b>	<b>\$6,720,654</b>

Source: Recreation and Parks Department

Note: Admission receipts are based on FY 2018-19 fees. At that time, flexible pricing was not in use for adult non-residents, and adult residents paid discounted fees at the Conservatory of Flowers and the Japanese Tea Garden and no admission fee at the Botanical Garden.

As shown above, the proposed budget includes \$4.4 million in operating expenses for the Recreation and Parks Department for maintenance and oversight of the three gardens. According to Department staff, the estimates are based on three years of spending and include costs associated with 27.15 FTE positions (including 14.25 FTE Gardeners, 4.0 Nursery Specialists, 2.25 Custodians, and other maintenance positions), deferred maintenance, and materials and supplies. City costs are expected to increase from \$3.9 million in FY 2018-19 to \$4.4 million in the first year of the proposed agreement due to increases in City salary and benefits costs and costs associated with maintenance of the Conservatory of Flowers, which was previously paid for by the San Francisco Parks' Alliance out of admissions revenue. Attachment 1 compares the proposed budget to FY 2018-19 actual expenses for the three gardens.

The Department estimates savings of \$383,484 from joint management of the gardens compared to FY 2018-19 expenses, due to consolidation of admission staffing and resulting in lower admissions costs than historical spending for the three gardens. The proposed budget assumes annual admission levels are the same as FY 2018-19 levels.

The savings would support an increase of \$150,000 in education and community engagement programming for the San Francisco Botanical Garden Society to cover the additional facilities as well as increases in the Recreation and Parks Department budget described above. The proposed amended lease and management agreement would result in an estimated annual deposit of \$514,105 to the Gardens of Golden Gate Park Improvement Fund. This reflects an increase from prior year deposits to the Garden Improvement Fund because admission receipts from the Conservatory of Flowers and the Japanese Tea Garden were not previously deposited to a dedicated improvement fund.

**Admission Fee Changes (File 21-1295)**

As noted above, under the proposed ordinance, fees for resident admissions are waived at the Conservatory of Flowers and the Japanese Tea Garden to align with current practices at the Botanical Garden, and the Department could raise fees for non-residents by a maximum of \$5, up to \$15 at all three gardens. Exhibit 2 below shows the number of visitors and total admissions revenue for the three gardens for FY 2018-19. Admissions were lower in subsequent years due to the impacts of COVID-19. In FY 2018-19 non-resident adult admission fee collections across the three gardens accounted for approximately three-quarters of total admissions revenue.

**Exhibit 2: Total Visitors and Admissions Revenue, FY 2018-19**

<b>Facility</b>	<b>Resident</b>	<b>Non-Resident Adult</b>	<b>Non-Resident Other <sup>a</sup></b>	<b>Other Free <sup>b</sup></b>	<b>Total Visitors</b>
Botanical Garden	211,719	107,056	54,339	63,618	436,732
Conservatory of Flowers	20,338	74,383	49,064	25,042	168,827
Japanese Tea Garden	29,400	380,145	100,364	246,270	756,179
<b>Total Visitors</b>	<b>261,457</b>	<b>561,584</b>	<b>203,767</b>	<b>334,930</b>	<b>1,361,738</b>
<b>Admissions Revenue</b>	<b>\$271,385</b>	<b>\$5,054,301</b>	<b>\$1,221,695</b>	<b>\$0</b>	<b>\$6,547,381</b>
Percent of Total Revenue	4.1%	77.2%	18.7%	0.0%	100.0%

Source: Recreation and Parks Department

<sup>a</sup> Non-Resident other includes discounted admissions for children and senior non-residents.

<sup>b</sup> Other Free includes free admissions for low-income residents and non-residents, free admissions hours at the gardens, and other free admissions.

Note: FY 2018-19 revenues for the Botanical Garden was \$1.2 million, \$1.0 million for the Conservatory of Flowers, and \$4.3 million for the Japanese Tea Garden.

Recreation and Parks Department staff estimate that waiving resident fees at the Conservatory of Flowers and the Japanese Tea Garden would result in \$271,385 in annual lost revenue based on admission fee collections for residents in FY 2018-19, as shown above. In December 2021, the Board of Supervisors approved an ordinance waiving fees for resident veterans and, once the Controller certifies sufficient funding is available, for non-resident veterans. The proposed fee ordinance, which allows for flexible pricing for non-resident garden admissions, waives for admissions fees non-resident veterans. Based on a Department of Defense data, approximately 6% of the statewide population are veterans or actively serving in the armed forces. Therefore, waiving non-resident veteran admissions fees may cost approximately \$300,000 (6% of \$5 million non-resident adult admission fees).

We estimate the annual revenue loss from the elimination of residential admission fees (\$271,385) and non-resident veteran admission fees (\$300,000) could be offset by an increase of

\$1.00 in non-resident admission fees.<sup>5</sup> Under the proposed lease and management agreement, any surplus revenue would be assigned to the City's Gardens of Golden Gate Park Improvement Fund for expenses associated with maintenance, renovation, and improvement of the gardens.

## **POLICY CONSIDERATION**

### **Agreement Amendment**

The proposed lease and management agreement amendment (File 21-1305) allows the Botanical Garden Society, which operates the Botanical Garden, to operate the Japanese Tea Garden, typically operated by City staff, and the Conservatory of Flowers, currently operated by the San Francisco Parks Alliance. According to Recreation and Parks Department staff, the Botanical Garden Society temporarily took over admission operations at the Japanese Tea Garden during the pandemic and City staff have been re-assigned to recreation centers.

Net revenues from the Conservatory of Flowers, which previously went to the San Francisco Parks Alliance, together with revenues from the Japanese Tea Garden and Botanical Garden, will all be provided to the Recreation and Parks Department account to cover Department staffing costs and facility maintenance costs. Overall, City costs are expected to increase from \$3.9 million in FY 2018-19 to \$4.4 million in the first year of the proposed agreement due to increases in City salary and benefits costs and costs associated with maintenance of the Conservatory of Flowers, which was previously paid for by the San Francisco Parks' Alliance out of admissions revenue. Beyond that, the proposed agreement does not expand the scope of City services related to the gardens.

The original lease and management agreement with the Botanical Garden Society approved by the Board of Supervisors was not competitively procured and may be extended through May 2043. Aside from expanding operations to include the Japanese Tea Garden and Conservatory of Flowers, the proposed lease and management agreement amendment is generally consistent with the original agreement approved by the Board of Supervisors. Lease and management of each of the three gardens has never been competitively procured. The Botanical Garden Society has been operating the Botanical Garden since 1955. The Japanese Tea Garden has been operated by the City, and the Conservatory of Flowers has been operated by the San Francisco Parks' Alliance since it reopened in 2003. The Department believes that the Botanical Garden Society is uniquely suited to operate garden admissions, given the organization's \$20 million endowment and fundraising capacity that may be used to fund garden improvements, strong community ties, and network of volunteers.

Because management of the three gardens has never been competitively procured, we do not know if costs are reasonable or if there are other providers that would bid on a competitive

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<sup>5</sup> In FY 2018-19, the three gardens had 561,584 visitors. Therefore, a \$1.00 increase in admissions fees with the same number of visitors would provide \$561,584, or roughly equivalent to the combined \$571,385 revenue loss from the elimination of residential admission fees (\$271,385) and non-resident veteran admission fees (\$300,000).

solicitation. We therefore consider approval of the proposed resolution (File 21-1305) to be a policy matter for the Board of Supervisors.

### **Fee Ordinance**

As noted above, the proposed ordinance (File 21-1295) would eliminate residential admission fees for the Conservatory of Flowers and the Japanese Tea Garden and continue to allow dynamic pricing for non-resident adult admission fees. It would also waive non-resident admission fees for veterans. As noted above, the annual revenue loss from the elimination of residential admission fees and non-resident veterans could be offset by an increase of \$1.00 in non-resident admission fees. If the proposed ordinance modifying the garden admission fees is not approved, the admission fees for the gardens are expected to cover the operating expenses of both the Botanical Garden Society and the City for all three gardens. If the non-resident fees are increased beyond that point, all additional net revenue would accrue to an improvement fund dedicated to garden improvements.

We consider approval of the proposed ordinance (File 21-1295) to be a policy matter for the Board of Supervisors.

## **RECOMMENDATIONS**

1. Approval of File 21-1305 is a policy matter for the Board of Supervisors.
2. Approval of File 21-1295 is a policy matter for the Board of Supervisors.

## Attachment 1

**Exhibit 3: Proposed Gardens of Golden Gate Park Budget Compared to FY 2018-19 Actuals (All Gardens)**

<b>Sources</b>	<b>FY 2018-19 Actuals</b>	<b>Proposed Budget</b>	<b>Difference</b>	<b>Percent Difference</b>
Admissions Receipts	\$6,568,309	\$6,720,654	\$152,345	2.3%
<b>Total Sources</b>	<b>\$6,568,309</b>	<b>\$6,720,654</b>	<b>\$152,345</b>	<b>2.3%</b>
<b>Uses</b>				
SFBGS Admissions Cost	1,549,857	1,166,403	(383,454)	-24.7%
Rec & Park Operating Expenses	3,914,343	4,402,573	488,230	12.5%
<i>Botanical Garden</i>	287,573	287,573	0	0.0%
<i>Conservatory of Flowers</i>	0	250,000	250,000	
<i>Japanese Tea Garden</i>	3,626,770	3,865,000	238,230	6.6%
SFBGS Education and Community Engagement Expenses	487,573	637,573	150,000	30.8%
Garden Improvement Fund	209,409	514,105	304,696	145.5%
<b>Total Uses</b>	<b>\$6,161,182</b>	<b>\$6,720,654</b>	<b>\$559,472</b>	<b>9.1%</b>

Source: Recreation and Parks Department

Note: FY 2018-19 actuals do not include Rec & Park operating costs for the Conservatory of Flowers. Garden Improvement Fund amounts for FY 2018-19 are less than the difference between sources and SFBGS and City uses because, under the existing license agreement with the San Francisco Parks Alliance, net revenues from the Conservatory of Flowers are provided to the City.

<b>Items 4 &amp; 5</b> <b>Files 21-1305 &amp; 21-1295</b> <i>(Continued from 1/26/22 meeting)</i>	<b>Department:</b> Recreation & Parks
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## EXECUTIVE SUMMARY

### Legislative Objectives

- **File 21-1305:** The proposed resolution would approve an amendment to the lease and management agreement with the San Francisco Botanical Garden Society to also include the Japanese Tea Garden and the Conservatory of Flowers as part of the leased premises.
- **File 21-1295:** The proposed ordinance would amend the Park Code to waive admission fees for San Francisco residents to the Japanese Tea Garden and the Conservatory of Flowers and reauthorize the Recreation and Park Department to set admission fees for non-resident adults at the Japanese Tea Garden, the Conservatory of Flowers, and the Botanical Garden through flexible pricing.

### Key Points

- The Botanical Garden Society (SFBGS) is responsible for admissions collections and other services for the Botanical Garden. The Conservatory of Flowers is currently managed by the Parks Alliance, and the Department is typically responsible for managing admissions at the Japanese Tea Garden in addition to garden maintenance. Under the proposed amendment, SFBGS would provide these same services to the Japanese Tea Garden and the Conservatory of Flowers. Non-profit costs are covered by admission revenues.

### Fiscal Impact

- The Department estimates savings of \$383,484 from joint management of the gardens due to consolidation of admission staffing and resulting in lower admissions costs than historical spending for the three gardens. The proposed budget includes an annual deposit of \$514,105 to the City's Garden Improvement Fund for maintenance and improvement of the gardens.
- The Department estimates that waiving resident fees at the gardens would result in \$271,385 in annual lost revenue, but that this would be off-set by higher non-resident adult admission fees. Any net revenue would be assigned to the City's Garden Improvement Fund.

### Policy Consideration

- The original lease and management agreement with the Botanical Garden Society approved by the Board of Supervisors was not competitively procured and may be extended through May 2043. Because management of the three gardens has never been competitively procured, we do not know if costs are reasonable or if there are other providers that would bid on a competitive solicitation.

### Recommendations

- Approval of Files 21-1305 and 21-1295 are policy matters for the Board of Supervisors.

## MANDATE STATEMENT

City Charter Section 9.118(c) states that any lease, modification, amendment, or termination of a lease that had an initial term of ten years or more, including options to extend, or that had anticipated revenues of \$1 million or more is subject to Board of Supervisors approval.

City Charter Section 2.105 states that all legislative acts shall be by ordinance, approved by a majority of the members of the Board of Supervisors.

## BACKGROUND

### Current Lease and Management Agreement

Under an existing lease and management agreement between the Recreation and Parks Department and the nonprofit organization, San Francisco Botanical Garden Society, the San Francisco Botanical Garden Society is responsible for visitor services, admissions collections, educational programming, marketing, and other services to support operations of the Botanical Garden in Golden Gate Park. The existing agreement was effective beginning in December 2013 and expires December 2023 and includes two options to extend for ten years each.

### Proposed Gardens of Golden Gate Park

The Recreation and Parks Commission seeks to bring the Botanical Garden, Japanese Tea Garden, and the Conservatory of Flowers under joint management. The three gardens would be referred to collectively as “the Gardens of Golden Gate Park.”

Currently, all three gardens are separately managed. As mentioned above, the Botanical Garden is managed under a lease and management agreement with the San Francisco Botanical Garden Society. The Conservatory of Flowers is currently managed under a license with the San Francisco Parks Alliance. The license has been in holdover status since it expired in 2012. The Recreation and Parks Department is primarily responsible for managing admissions at the Japanese Tea Garden in addition to garden maintenance.<sup>1</sup> However, the San Francisco Botanical Garden Society has managed admissions collections for the Japanese Tea Garden during the COVID-19 pandemic according to a supplemental agreement to the existing lease and management agreement.

### Admission Fees

The Park Code establishes admission fees for the San Francisco Botanical Garden, the Japanese Tea Garden, and the Conservatory of Flowers. There are different rates for children, adults, and seniors. San Francisco residents do not pay any fees at the Botanical Garden and receive discounts at the Japanese Tea Garden and Conservatory of Flowers.

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<sup>1</sup> According to Recreation and Parks Department staff, the Department receives support from the Friends of the Japanese Tea Garden and a concessionaire operates the historic Tea House and Gift Shop.

In 2019, the Board of Supervisors authorized the Recreation and Park Department to set non-resident adult admission fees for the three gardens through “flexible pricing” (File 19-0629). This allowed the Department to temporarily increase or decrease the fees based on factors such as public demand, facility conditions, and rates at comparable facilities. The Department could only increase prices once per year by up to 50% and was only permitted to increase prices during certain times of the year depending on the facility. The existing law permits price increases for non-resident adults as follows:

- **Botanical Garden:** Increases only on Saturdays and Sundays
- **Conservatory of Flowers:** Increases only on Fridays, Saturdays, and Sundays
- **Japanese Tea Garden:** Increases only March through October

The flexible pricing system was scheduled to sunset on June 30, 2021, but the Board of Supervisors authorized the extension of flexible pricing at the gardens until December 7, 2021 (File 21-0653). The 2019 flexible pricing legislation also allowed the General Manager to adjust non-resident admission fees for Coit Tower, however that authority was never implemented and expired in June 2021.

## DETAILS OF PROPOSED LEGISLATION

### File 21-1305

The proposed resolution would approve an amendment to the lease and management agreement with the San Francisco Botanical Garden Society to also include the Japanese Tea Garden and the Conservatory of Flowers as part of the leased premises. The term of the agreement with the Botanical Garden Society remains unchanged.

### File 21-1295

The proposed ordinance would amend the Park Code to:

- Waive admission fees for San Francisco residents to the Japanese Tea Garden and the Conservatory of Flowers;
- Authorize the Recreation and Park Department to waive or discount other admission fees at the Japanese Tea Garden, the Conservatory of Flowers, and the Botanical Garden;
- Re-authorize the Recreation and Park Department to set admission fees for non-resident adults at the three gardens through flexible pricing; and
- Affirm the Planning Department’s determination that all associated actions comply with the California Environmental Quality Act.

### **Selection of San Francisco Botanical Garden Society**

Chapter 23.33 of the Administrative Code requires that leases be competitively bid unless competitive bidding procedures are impractical or impossible. The Department determined that holding a competitive bid for the lease and management of the Conservatory of Flowers and the Japanese Tea Garden would not be practical or feasible given the San Francisco Botanical Garden Society’s specialized knowledge and experience pertaining to specialty gardens, its existing



agreement for the Botanical Garden, and the assumed benefits from bringing the three gardens under joint management. Therefore, the Department is proposing to amend the existing lease and management agreement to include the two other gardens. The Board of Supervisors authorized the waiver of the requirement under Chapter 23.33 of the Administrative Code that the existing lease and management agreement be competitively bid, given the San Francisco Botanical Garden Society's specialized knowledge and experience in 2013 (File 13-0537). At that time, the Department estimated that the value of the services provided by the lease was \$2.1 million annually, which exceeded the fair market value of the annual rent of \$384,062, as estimated by an appraiser. The Department has not conducted a new appraisal of the Botanical Garden nor of the Japanese Tea Garden or the Conservatory of Flowers.

### **Services Provided**

Under the existing agreement, the San Francisco Botanical Garden Society is responsible for managing the following aspects of the Botanical Garden operations: visitor services, admissions collection, educational programming, marketing, volunteer program coordination, special events, and community relations. The Department is responsible for garden maintenance and oversight, including strategic and master site planning, plant collections development and documentation, signage, as well as improvements, renovations, and maintenance of the Botanical Garden. As described below in the Fiscal Impact Section, costs for these services are covered by admission fees and the Botanical Garden Society pays the City a base rent of \$100 per year.

Under the proposed amendment to the lease and management agreement, the San Francisco Botanical Garden Society would provide the same services that it currently provides at the Botanical Garden to the Japanese Tea Garden and the Conservatory of Flowers. Similarly, the Department would continue to be responsible for garden maintenance, facility maintenance, and oversight at all three gardens.

### **Admissions Receipts**

According to Exhibit E of the proposed amendment to the lease and management agreement, fees paid for admission to the three gardens may only be used for the benefit of the three gardens. The San Francisco Botanical Garden Society (SFBGS) would collect admission fees and remit them in full to the Department. The Department would allocate monies collected monthly in the following order:

- a) SFBGS expenses associated with collection of admission fees, such as personnel costs, office supplies, and rent or related fees for equipment;
- b) Department expenses associated with maintenance and oversight of the gardens of \$4.4 million per fiscal year;
- c) SFBGS education and community outreach expenditures of \$650,000 per fiscal year;

- d) The balance of admission receipts would be paid into the “Gardens of Golden Gate Park Improvement Fund,” which would be maintained by the City.<sup>2</sup>

This reflects the allocation model in the existing agreement for the Botanical Garden. According to the Department, admission receipts from the Japanese Tea Garden historically accrued to the Department’s general fund and were used for costs associated with managing admissions and maintenance of all of the gardens. According to Department staff, admission receipts from the Conservatory of Flowers have not been paid directly to the Department. According to a November 2021 Budget and Legislative Analyst Report, *Relations between Recreation and Parks Department and San Francisco Parks Alliance*, there is no provision for a minimum guaranteed amount of admissions receipts to be allocated to the Department in the 2003 agreement with the San Francisco Parks Alliance.

### **Admission Fee Changes (File 21-1295)**

The proposed ordinance would waive admission fees for residents and re-authorize and standardize flexible pricing for adult non-residents. The proposed ordinance would allow the Department to increase prices for non-resident adults only by up to 50% of the Park Code set fee upon 30 days’ notice to the public rather than just once per year and does not constrain price increases to certain months or days unlike the existing law. The Department could also decrease fees at any time. In addition, the proposed ordinance would also remove the sunset date for flexible pricing, allowing the Recreation and Park Department to continue using flexible pricing at the three gardens indefinitely. Fee changes must be due to changes in demand at particular days and times, adverse weather, or facility conditions.

#### *Flexible Pricing Use at the Gardens*

The Recreation and Parks Department provided an update on flexible pricing at the three gardens to the Board of Supervisors in May 2021. The regular non-resident adult admission fee was \$9 at all three gardens until FY 2020-21 when it was increased to \$10 at the Japanese Tea Garden and the Conservatory of Flowers and in FY 2021-22 when it increased to \$10 at the Botanical Garden due to allowable CPI increases. According to that report, flexible pricing for non-resident adults was applied as follows:

- Botanical Garden: Applied on the weekends starting in November 2019 with a \$3 increase.
- Conservatory of Flowers: Applied on the weekends starting in October 2019 with a \$2 increase.
- Japanese Tea Garden: Applied starting in March 2020 through September 2020 with a \$2 increase. In October 2020, the price was adjusted back to \$10, and the \$2 increase was restored starting in March 2021.

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<sup>2</sup> According to the proposed amendment, expenditures from the Gardens of Golden Gate Park Improvement Fund may only be used for expenses associated with maintenance, renovation, and improvement of the gardens, unless the Recreation and Park Commission and the San Francisco Botanical Garden Society otherwise agree in writing.

*Other City Departments Use of Flexible Pricing*

At the request of a Supervisor, we completed a short survey of City entities that charge for use of City property.

Our survey found that the Recreation and Parks Department uses a flexible pricing structure for golf fees, which allows the General Manager to adjust resident and tournament rates based on demand, prices at other golf courses, and course conditions.<sup>3</sup> The Academy of Sciences uses dynamic admissions pricing, which varies by day and time. However, the Fine Arts Museums, which include the De Young and Legion of Honor Museums, does not use dynamic pricing for admissions, though the museums charge higher fees for special exhibits.

Additionally, we found that the San Francisco Municipal Transportation Agency (SFMTA) uses dynamic pricing (referred to as transportation demand management) for garage and parking meter fees, both of which are generally based on demand. According to SFMTA staff, since the implementation of dynamic pricing in 2011, garage fees have generally increased and parking meter fees have fluctuated between \$0.50 and \$10 per hour based on demand for curb space. Garage and parking meter fees are adjusted by SFMTA staff.

**Performance of Botanical Garden Society**

The existing lease and management agreement does not have performance metrics. Data provided by the Recreation and Parks Department show that admissions increased from 240,000 in FY 2011-12 to 424,000 in FY 2018-19 (the last full year before COVID-19), an increase of 76.7%.

**FISCAL IMPACT**

The Recreation and Parks Department developed the Gardens of Golden Gate Park budget based on actual spending from FY 2018-19 due to the impact of COVID-19 on subsequent years. Exhibit 1 below summarizes the sources and uses of the proposed amended lease and management agreement.

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<sup>3</sup> Park Code Section 12.12(d), which relates to municipal golf courses, states that the General Manager may discount resident rates by 50% and increase them by 25%; tournament rates may be increased by 50%.

**Exhibit 1: Sources and Uses of Proposed Gardens of Golden Gate Park**

<b>Sources</b>	<b>Botanical Garden</b>	<b>Conservatory of Flowers</b>	<b>Japanese Tea Garden</b>	<b>Total</b>
Admissions Receipts	\$1,393,527	\$1,047,127	\$4,280,000	\$6,720,654
<b>Total Sources</b>	<b>\$1,393,527</b>	<b>\$1,047,127</b>	<b>\$4,280,000</b>	<b>\$6,720,654</b>
<b>Uses</b>				
SFBGS Admissions Cost	536,998	323,202	306,203	1,166,403
Rec & Park Operating Expenses	287,573	250,000	3,865,000	4,402,573
SFBGS Education and Community Engagement Expenses	287,573	250,000	100,000	637,573
Garden Improvement Fund	281,383	223,925	8,797	514,105
<b>Total Uses</b>	<b>\$1,393,527</b>	<b>\$1,047,127</b>	<b>\$4,280,000</b>	<b>\$6,720,654</b>

Source: Recreation and Parks Department

Note: Admission receipts are based on FY 2018-19 fees. At that time, flexible pricing was not in use for adult non-residents, and adult residents paid discounted fees at the Conservatory of Flowers and the Japanese Tea Garden and no admission fee at the Botanical Garden.

As shown above, the proposed budget includes \$4.4 million in operating expenses for the Recreation and Parks Department for maintenance and oversight of the three gardens. According to Department staff, the estimates are based on three years of spending and include costs associated with 27.15 FTE positions (including 14.25 FTE Gardeners, 4.0 Nursery Specialists, 2.25 Custodians, and other maintenance positions), deferred maintenance, and materials and supplies. City costs are expected to increase from \$3.9 million in FY 2018-19 to \$4.4 million in the first year of the proposed agreement due to increases in City salary and benefits costs and costs associated with maintenance of the Conservatory of Flowers, which was previously paid for by the San Francisco Parks' Alliance out of admissions revenue. Attachment 1 compares the proposed budget to FY 2018-19 actual expenses for the three gardens.

The Department estimates savings of \$383,484 from joint management of the gardens compared to FY 2018-19 expenses, due to consolidation of admission staffing and resulting in lower admissions costs than historical spending for the three gardens. The proposed budget assumes annual admission levels are the same as FY 2018-19 levels.

The savings would support an increase of \$150,000 in education and community engagement programming for the San Francisco Botanical Garden Society to cover the additional facilities as well as increases in the Recreation and Parks Department budget described above. The proposed amended lease and management agreement would result in an estimated annual deposit of \$514,105 to the Gardens of Golden Gate Park Improvement Fund. This reflects an increase from prior year deposits to the Garden Improvement Fund because admission receipts from the Conservatory of Flowers and the Japanese Tea Garden were not previously deposited to a dedicated improvement fund.

**Admission Fee Changes (File 21-1295)**

As noted above, under the proposed ordinance, fees for resident admissions are waived at the Conservatory of Flowers and the Japanese Tea Garden to align with current practices at the Botanical Garden, and the Department could raise fees for non-residents by a maximum of \$5, up to \$15 at all three gardens. Exhibit 2 below shows the number of visitors and total admissions revenue for the three gardens for FY 2018-19. Admissions were lower in subsequent years due to the impacts of COVID-19. In FY 2018-19 non-resident adult admission fee collections across the three gardens accounted for approximately three-quarters of total admissions revenue.

**Exhibit 2: Total Visitors and Admissions Revenue, FY 2018-19**

<b>Facility</b>	<b>Resident</b>	<b>Non-Resident Adult</b>	<b>Non-Resident Other <sup>a</sup></b>	<b>Other Free <sup>b</sup></b>	<b>Total Visitors</b>
Botanical Garden	211,719	107,056	54,339	63,618	436,732
Conservatory of Flowers	20,338	74,383	49,064	25,042	168,827
Japanese Tea Garden	29,400	380,145	100,364	246,270	756,179
<b>Total Visitors</b>	<b>261,457</b>	<b>561,584</b>	<b>203,767</b>	<b>334,930</b>	<b>1,361,738</b>
<b>Admissions Revenue</b>	<b>\$271,385</b>	<b>\$5,054,301</b>	<b>\$1,221,695</b>	<b>\$0</b>	<b>\$6,547,381</b>
Percent of Total Revenue	4.1%	77.2%	18.7%	0.0%	100.0%

Source: Recreation and Parks Department

<sup>a</sup> Non-Resident other includes discounted admissions for children and senior non-residents.

<sup>b</sup> Other Free includes free admissions for low-income residents and non-residents, free admissions hours at the gardens, and other free admissions.

Note: FY 2018-19 revenues for the Botanical Garden was \$1.2 million, \$1.0 million for the Conservatory of Flowers, and \$4.3 million for the Japanese Tea Garden.

Recreation and Parks Department staff estimate that waiving resident fees at the Conservatory of Flowers and the Japanese Tea Garden would result in \$271,385 in annual lost revenue based on admission fee collections for residents in FY 2018-19, as shown above. The Department estimates this lost revenue would be more than off-set by increased revenue from reauthorizing flexible pricing for non-resident adult admission fees. Non-resident admission fees are currently \$10 at each of the three gardens. If the Department increased admission fees for non-residents by \$2 up to \$12 for the entire year, admission receipts would increase by approximately \$1.1 million based on FY 2018-19 admissions data from the Department. If non-resident adult admissions decrease because of the \$2 price increase, the increased revenue would be lower than \$1.1 million but would likely still cover the \$271,385 in lost revenue from waiving admission fees for residents. Under the proposed lease and management agreement, any surplus revenue would be assigned to the City's Gardens of Golden Gate Park Improvement Fund for expenses associated with maintenance, renovation, and improvement of the gardens.

**POLICY CONSIDERATION****Agreement Amendment**

The proposed lease and management agreement amendment (File 21-1305) allows the Botanical Garden Society, which operates the Botanical Garden, to operate the Japanese Tea Garden, typically operated by City staff, and the Conservatory of Flowers, currently operated by the San Francisco Parks Alliance. According to Recreation and Parks Department staff, the Botanical Garden Society temporarily took over admission operations at the Japanese Tea Garden during the pandemic and City staff have been re-assigned to recreation centers.

Net revenues from the Conservatory of Flowers, which previously went to the San Francisco Parks Alliance, together with revenues from the Japanese Tea Garden and Botanical Garden, will all be provided to the Recreation and Parks Department account to cover Department staffing costs and facility maintenance costs. Overall, City costs are expected to increase from \$3.9 million in FY 2018-19 to \$4.4 million in the first year of the proposed agreement due to increases in City salary and benefits costs and costs associated with maintenance of the Conservatory of Flowers, which was previously paid for by the San Francisco Parks' Alliance out of admissions revenue. Beyond that, the proposed agreement does not expand the scope of City services related to the gardens.

The original lease and management agreement with the Botanical Garden Society approved by the Board of Supervisors was not competitively procured and may be extended through May 2043. Aside from expanding operations to include the Japanese Tea Garden and Conservatory of Flowers, the proposed lease and management agreement amendment is generally consistent with the original agreement approved by the Board of Supervisors. Lease and management of each of the three gardens has never been competitively procured. The Botanical Garden Society has been operating the Botanical Garden since 1955. The Japanese Tea Garden has been operated by the City, and the Conservatory of Flowers has been operated by the San Francisco Parks' Alliance since it reopened in 2003. The Department believes that the Botanical Garden Society is uniquely suited to operate garden admissions, given the organization's \$20 million endowment and fundraising capacity that may be used to fund garden improvements, strong community ties, and network of volunteers.

Because management of the three gardens has never been competitively procured, we do not know if costs are reasonable or if there are other providers that would bid on a competitive solicitation. We therefore consider approval of the proposed resolution (File 21-1305) to be a policy matter for the Board of Supervisors.

**Fee Ordinance**

As noted above, the proposed ordinance (File 21-1295) would eliminate residential admission fees for the three gardens and continue to allow dynamic pricing for non-resident adult admission fees. The \$271,385 annual revenue loss from the elimination of residential admission fees could

be offset by an increase of \$0.50 in non-resident admission fees.<sup>4</sup> If the proposed ordinance modifying the garden admission fees is not approved, the admission fees for the gardens are expected to cover the operating expenses of both the Botanical Garden Society and the City for all three gardens. If the non-resident fees are increased beyond that breakdown point, all additional net revenue would accrue to an improvement fund dedicated to garden improvements.

We consider approval of the proposed ordinance (File 21-1295) to be a policy matter for the Board of Supervisors.

## RECOMMENDATIONS

1. Approval of File 21-1305 is a policy matter for the Board of Supervisors.
2. Approval of File 21-1295 is a policy matter for the Board of Supervisors.

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<sup>4</sup> In FY 2018-19, the three gardens had 561,584 visitors. Therefore, a \$0.50 increase in admissions fees with the same number of visitors would equate to \$280,792 in new revenues.

## Attachment 1

**Exhibit 3: Proposed Gardens of Golden Gate Park Budget Compared to FY 2018-19 Actuals (All Gardens)**

<b>Sources</b>	<b>FY 2018-19 Actuals</b>	<b>Proposed Budget</b>	<b>Difference</b>	<b>Percent Difference</b>
Admissions Receipts	\$6,568,309	\$6,720,654	\$152,345	2.3%
<b>Total Sources</b>	<b>\$6,568,309</b>	<b>\$6,720,654</b>	<b>\$152,345</b>	<b>2.3%</b>
<b>Uses</b>				
SFBGS Admissions Cost	1,549,857	1,166,403	(383,454)	-24.7%
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<i>Botanical Garden</i>	287,573	287,573	0	0.0%
<i>Conservatory of Flowers</i>	0	250,000	250,000	
<i>Japanese Tea Garden</i>	3,626,770	3,865,000	238,230	6.6%
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Garden Improvement Fund	209,409	514,105	304,696	145.5%
<b>Total Uses</b>	<b>\$6,161,182</b>	<b>\$6,720,654</b>	<b>\$559,472</b>	<b>9.1%</b>

Source: Recreation and Parks Department

Note: FY 2018-19 actuals do not include Rec & Park operating costs for the Conservatory of Flowers. Garden Improvement Fund amounts for FY 2018-19 are less than the difference between sources and SFBGS and City uses because, under the existing license agreement with the San Francisco Parks Alliance, net revenues from the Conservatory of Flowers are provided to the City.



<p><b>Items 7 &amp; 8</b> <b>Files 21-1305 &amp; 21-1295</b></p>	<p><b>Department:</b> Recreation &amp; Parks</p>
<p><b>EXECUTIVE SUMMARY</b></p>	
<p style="text-align: center;"><b>Legislative Objectives</b></p> <ul style="list-style-type: none"> <li>• <b>File 21-1305:</b> The proposed resolution would approve an amendment to the lease and management agreement with the San Francisco Botanical Garden Society to also include the Japanese Tea Garden and the Conservatory of Flowers as part of the leased premises.</li> <li>• <b>File 21-1295:</b> The proposed ordinance would amend the Park Code to waive admission fees for San Francisco residents to the Japanese Tea Garden and the Conservatory of Flowers and reauthorize the Recreation and Park Department to set admission fees for non-resident adults at the Japanese Tea Garden, the Conservatory of Flowers, and the Botanical Garden through flexible pricing.</li> </ul> <p style="text-align: center;"><b>Key Points</b></p> <ul style="list-style-type: none"> <li>• The Botanical Garden Society (SFBGS) is responsible for admissions collections and other services for the Botanical Garden. The Conservatory of Flowers is currently managed by the Parks Alliance, and the Department is typically responsible for managing admissions at the Japanese Tea Garden in addition to garden maintenance. Under the proposed amendment, SFBGS would provide these same services to the Japanese Tea Garden and the Conservatory of Flowers. Non-profit costs are covered by admission revenues.</li> </ul> <p style="text-align: center;"><b>Fiscal Impact</b></p> <ul style="list-style-type: none"> <li>• The Department estimates savings of \$383,484 from joint management of the gardens due to consolidation of admission staffing and resulting in lower admissions costs than historical spending for the three gardens. The proposed budget includes an annual deposit of \$514,105 to the City’s Garden Improvement Fund for maintenance and improvement of the gardens.</li> <li>• The Department estimates that waiving resident fees at the gardens would result in \$271,385 in annual lost revenue, but that this would be off-set by higher non-resident adult admission fees. Any net revenue would be assigned to the City’s Garden Improvement Fund.</li> </ul> <p style="text-align: center;"><b>Policy Consideration</b></p> <ul style="list-style-type: none"> <li>• The original lease and management agreement with the Botanical Garden Society approved by the Board of Supervisors was not competitively procured and may be extended through May 2043. Because management of the three gardens has never been competitively procured, we do not know if costs are reasonable or if there are other providers that would bid on a competitive solicitation.</li> </ul> <p style="text-align: center;"><b>Recommendations</b></p> <ul style="list-style-type: none"> <li>• Approval of Files 21-1305 and 21-1295 are policy matters for the Board of Supervisors.</li> </ul>	

## MANDATE STATEMENT

City Charter Section 9.118(c) states that any lease, modification, amendment, or termination of a lease that had an initial term of ten years or more, including options to extend, or that had anticipated revenues of \$1 million or more is subject to Board of Supervisors approval.

City Charter Section 2.105 states that all legislative acts shall be by ordinance, approved by a majority of the members of the Board of Supervisors.

## BACKGROUND

### Current Lease and Management Agreement

Under an existing lease and management agreement between the Recreation and Parks Department and the nonprofit organization, San Francisco Botanical Garden Society, the San Francisco Botanical Garden Society is responsible for visitor services, admissions collections, educational programming, marketing, and other services to support operations of the Botanical Garden in Golden Gate Park. The existing agreement was effective beginning in December 2013 and expires December 2023 and includes two options to extend for ten years each.

### Proposed Gardens of Golden Gate Park

The Recreation and Parks Commission seeks to bring the Botanical Garden, Japanese Tea Garden, and the Conservatory of Flowers under joint management. The three gardens would be referred to collectively as “the Gardens of Golden Gate Park.”

Currently, all three gardens are separately managed. As mentioned above, the Botanical Garden is managed under a lease and management agreement with the San Francisco Botanical Garden Society. The Conservatory of Flowers is currently managed under a license with the San Francisco Parks Alliance. The license has been in holdover status since it expired in 2012. The Recreation and Parks Department is primarily responsible for managing admissions at the Japanese Tea Garden in addition to garden maintenance.<sup>1</sup> However, the San Francisco Botanical Garden Society has managed admissions collections for the Japanese Tea Garden during the COVID-19 pandemic according to a supplemental agreement to the existing lease and management agreement.

### Admission Fees

The Park Code establishes admission fees for the San Francisco Botanical Garden, the Japanese Tea Garden, and the Conservatory of Flowers. There are different rates for children, adults, and seniors. San Francisco residents do not pay any fees at the Botanical Garden and receive discounts at the Japanese Tea Garden and Conservatory of Flowers.

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<sup>1</sup> According to Recreation and Parks Department staff, the Department receives support from the Friends of the Japanese Tea Garden and a concessionaire operates the historic Tea House and Gift Shop.

In 2019, the Board of Supervisors authorized the Recreation and Park Department to set non-resident adult admission fees for the three gardens through “flexible pricing” (File 19-0629). This allowed the Department to temporarily increase or decrease the fees based on factors such as public demand, facility conditions, and rates at comparable facilities. The Department could only increase prices once per year by up to 50% and was only permitted to increase prices during certain times of the year depending on the facility. The existing law permits price increases for non-resident adults as follows:

- **Botanical Garden:** Increases only on Saturdays and Sundays
- **Conservatory of Flowers:** Increases only on Fridays, Saturdays, and Sundays
- **Japanese Tea Garden:** Increases only March through October

The flexible pricing system was scheduled to sunset on June 30, 2021, but the Board of Supervisors authorized the extension of flexible pricing at the gardens until December 7, 2021 (File 21-0653). The 2019 flexible pricing legislation also allowed the General Manager to adjust non-resident admission fees for Coit Tower, however that authority was never implemented and expired in June 2021.

## DETAILS OF PROPOSED LEGISLATION

### File 21-1305

The proposed resolution would approve an amendment to the lease and management agreement with the San Francisco Botanical Garden Society to also include the Japanese Tea Garden and the Conservatory of Flowers as part of the leased premises. The term of the agreement with the Botanical Garden Society remains unchanged.

### File 21-1295

The proposed ordinance would amend the Park Code to:

- Waive admission fees for San Francisco residents to the Japanese Tea Garden and the Conservatory of Flowers;
- Authorize the Recreation and Park Department to waive or discount other admission fees at the Japanese Tea Garden, the Conservatory of Flowers, and the Botanical Garden;
- Re-authorize the Recreation and Park Department to set admission fees for non-resident adults at the three gardens through flexible pricing; and
- Affirm the Planning Department’s determination that all associated actions comply with the California Environmental Quality Act.

### **Selection of San Francisco Botanical Garden Society**

Chapter 23.33 of the Administrative Code requires that leases be competitively bid unless competitive bidding procedures are impractical or impossible. The Department determined that holding a competitive bid for the lease and management of the Conservatory of Flowers and the Japanese Tea Garden would not be practical or feasible given the San Francisco Botanical Garden Society’s specialized knowledge and experience pertaining to specialty gardens, its existing

agreement for the Botanical Garden, and the assumed benefits from bringing the three gardens under joint management. Therefore, the Department is proposing to amend the existing lease and management agreement to include the two other gardens. The Board of Supervisors authorized the waiver of the requirement under Chapter 23.33 of the Administrative Code that the existing lease and management agreement be competitively bid, given the San Francisco Botanical Garden Society's specialized knowledge and experience in 2013 (File 13-0537). At that time, the Department estimated that the value of the services provided by the lease was \$2.1 million annually, which exceeded the fair market value of the annual rent of \$384,062, as estimated by an appraiser. The Department has not conducted a new appraisal of the Botanical Garden nor of the Japanese Tea Garden or the Conservatory of Flowers.

### **Services Provided**

Under the existing agreement, the San Francisco Botanical Garden Society is responsible for managing the following aspects of the Botanical Garden operations: visitor services, admissions collection, educational programming, marketing, volunteer program coordination, special events, and community relations. The Department is responsible for garden maintenance and oversight, including strategic and master site planning, plant collections development and documentation, signage, as well as improvements, renovations, and maintenance of the Botanical Garden. As described below in the Fiscal Impact Section, costs for these services are covered by admission fees and the Botanical Garden Society pays the City a base rent of \$100 per year.

Under the proposed amendment to the lease and management agreement, the San Francisco Botanical Garden Society would provide the same services that it currently provides at the Botanical Garden to the Japanese Tea Garden and the Conservatory of Flowers. Similarly, the Department would continue to be responsible for garden maintenance, facility maintenance, and oversight at all three gardens.

### **Admissions Receipts**

According to Exhibit E of the proposed amendment to the lease and management agreement, fees paid for admission to the three gardens may only be used for the benefit of the three gardens. The San Francisco Botanical Garden Society (SFBGS) would collect admission fees and remit them in full to the Department. The Department would allocate monies collected monthly in the following order:

- a) SFBGS expenses associated with collection of admission fees, such as personnel costs, office supplies, and rent or related fees for equipment;
- b) Department expenses associated with maintenance and oversight of the gardens of \$4.4 million per fiscal year;
- c) SFBGS education and community outreach expenditures of \$650,000 per fiscal year;

- d) The balance of admission receipts would be paid into the “Gardens of Golden Gate Park Improvement Fund,” which would be maintained by the City.<sup>2</sup>

This reflects the allocation model in the existing agreement for the Botanical Garden. According to the Department, admission receipts from the Japanese Tea Garden historically accrued to the Department’s general fund and were used for costs associated with managing admissions and maintenance of all of the gardens. According to Department staff, admission receipts from the Conservatory of Flowers have not been paid directly to the Department. According to a November 2021 Budget and Legislative Analyst Report, *Relations between Recreation and Parks Department and San Francisco Parks Alliance*, there is no provision for a minimum guaranteed amount of admissions receipts to be allocated to the Department in the 2003 agreement with the San Francisco Parks Alliance.

### **Admission Fee Changes (File 21-1295)**

The proposed ordinance would waive admission fees for residents and re-authorize and standardize flexible pricing for adult non-residents. The proposed ordinance would allow the Department to increase prices for non-resident adults only by up to 50% of the Park Code set fee upon 30 days’ notice to the public rather than just once per year and does not constrain price increases to certain months or days unlike the existing law. The Department could also decrease fees at any time. In addition, the proposed ordinance would also remove the sunset date for flexible pricing, allowing the Recreation and Park Department to continue using flexible pricing at the three gardens indefinitely. Fee changes must be due to changes in demand at particular days and times, adverse weather, or facility conditions.

#### *Flexible Pricing Use at the Gardens*

The Recreation and Parks Department provided an update on flexible pricing at the three gardens to the Board of Supervisors in May 2021. The regular non-resident adult admission fee was \$9 at all three gardens until FY 2020-21 when it was increased to \$10 at the Japanese Tea Garden and the Conservatory of Flowers and in FY 2021-22 when it increased to \$10 at the Botanical Garden due to allowable CPI increases. According to that report, flexible pricing for non-resident adults was applied as follows:

- Botanical Garden: Applied on the weekends starting in November 2019 with a \$3 increase.
- Conservatory of Flowers: Applied on the weekends starting in October 2019 with a \$2 increase.
- Japanese Tea Garden: Applied starting in March 2020 through September 2020 with a \$2 increase. In October 2020, the price was adjusted back to \$10, and the \$2 increase was restored starting in March 2021.

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<sup>2</sup> According to the proposed amendment, expenditures from the Gardens of Golden Gate Park Improvement Fund may only be used for expenses associated with maintenance, renovation, and improvement of the gardens, unless the Recreation and Park Commission and the San Francisco Botanical Garden Society otherwise agree in writing.

*Other City Departments Use of Flexible Pricing*

At the request of a Supervisor, we completed a short survey of City entities that charge for use of City property.

Our survey found that the Recreation and Parks Department uses a flexible pricing structure for golf fees, which allows the General Manager to adjust resident and tournament rates based on demand, prices at other golf courses, and course conditions.<sup>3</sup> The Academy of Sciences uses dynamic admissions pricing, which varies by day and time. However, the Fine Arts Museums, which include the De Young and Legion of Honor Museums, does not use dynamic pricing for admissions, though the museums charge higher fees for special exhibits.

Additionally, we found that the San Francisco Municipal Transportation Agency (SFMTA) uses dynamic pricing (referred to as transportation demand management) for garage and parking meter fees, both of which are generally based on demand. According to SFMTA staff, since the implementation of dynamic pricing in 2011, garage fees have generally increased and parking meter fees have fluctuated between \$0.50 and \$10 per hour based on demand for curb space. Garage and parking meter fees are adjusted by SFMTA staff.

**Performance of Botanical Garden Society**

The existing lease and management agreement does not have performance metrics. Data provided by the Recreation and Parks Department show that admissions increased from 240,000 in FY 2011-12 to 424,000 in FY 2018-19 (the last full year before COVID-19), an increase of 76.7%.

**FISCAL IMPACT**

The Recreation and Parks Department developed the Gardens of Golden Gate Park budget based on actual spending from FY 2018-19 due to the impact of COVID-19 on subsequent years. Exhibit 1 below summarizes the sources and uses of the proposed amended lease and management agreement.

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<sup>3</sup> Park Code Section 12.12(d), which relates to municipal golf courses, states that the General Manager may discount resident rates by 50% and increase them by 25%; tournament rates may be increased by 50%.

**Exhibit 1: Sources and Uses of Proposed Gardens of Golden Gate Park**

<b>Sources</b>	<b>Botanical Garden</b>	<b>Conservatory of Flowers</b>	<b>Japanese Tea Garden</b>	<b>Total</b>
Admissions Receipts	\$1,393,527	\$1,047,127	\$4,280,000	\$6,720,654
<b>Total Sources</b>	<b>\$1,393,527</b>	<b>\$1,047,127</b>	<b>\$4,280,000</b>	<b>\$6,720,654</b>
<b>Uses</b>				
SFBGS Admissions Cost	536,998	323,202	306,203	1,166,403
Rec & Park Operating Expenses	287,573	250,000	3,865,000	4,402,573
SFBGS Education and Community Engagement Expenses	287,573	250,000	100,000	637,573
Garden Improvement Fund	281,383	223,925	8,797	514,105
<b>Total Uses</b>	<b>\$1,393,527</b>	<b>\$1,047,127</b>	<b>\$4,280,000</b>	<b>\$6,720,654</b>

Source: Recreation and Parks Department

Note: Admission receipts are based on FY 2018-19 fees. At that time, flexible pricing was not in use for adult non-residents, and adult residents paid discounted fees at the Conservatory of Flowers and the Japanese Tea Garden and no admission fee at the Botanical Garden.

As shown above, the proposed budget includes \$4.4 million in operating expenses for the Recreation and Parks Department for maintenance and oversight of the three gardens. According to Department staff, the estimates are based on three years of spending and include costs associated with 27.15 FTE positions (including 14.25 FTE Gardeners, 4.0 Nursery Specialists, 2.25 Custodians, and other maintenance positions), deferred maintenance, and materials and supplies. City costs are expected to increase from \$3.9 million in FY 2018-19 to \$4.4 million in the first year of the proposed agreement due to increases in City salary and benefits costs and costs associated with maintenance of the Conservatory of Flowers, which was previously paid for by the San Francisco Parks' Alliance out of admissions revenue. Attachment 1 compares the proposed budget to FY 2018-19 actual expenses for the three gardens.

The Department estimates savings of \$383,484 from joint management of the gardens compared to FY 2018-19 expenses, due to consolidation of admission staffing and resulting in lower admissions costs than historical spending for the three gardens. The proposed budget assumes annual admission levels are the same as FY 2018-19 levels.

The savings would support an increase of \$150,000 in education and community engagement programming for the San Francisco Botanical Garden Society to cover the additional facilities as well as increases in the Recreation and Parks Department budget described above. The proposed amended lease and management agreement would result in an estimated annual deposit of \$514,105 to the Gardens of Golden Gate Park Improvement Fund. This reflects an increase from prior year deposits to the Garden Improvement Fund because admission receipts from the Conservatory of Flowers and the Japanese Tea Garden were not previously deposited to a dedicated improvement fund.

**Admission Fee Changes (File 21-1295)**

As noted above, under the proposed ordinance, fees for resident admissions are waived at the Conservatory of Flowers and the Japanese Tea Garden to align with current practices at the Botanical Garden, and the Department could raise fees for non-residents by a maximum of \$5, up to \$15 at all three gardens. Exhibit 2 below shows the number of visitors and total admissions revenue for the three gardens for FY 2018-19. Admissions were lower in subsequent years due to the impacts of COVID-19. In FY 2018-19 non-resident adult admission fee collections across the three gardens accounted for approximately three-quarters of total admissions revenue.

**Exhibit 2: Total Visitors and Admissions Revenue, FY 2018-19**

<b>Facility</b>	<b>Resident</b>	<b>Non-Resident Adult</b>	<b>Non-Resident Other <sup>a</sup></b>	<b>Other Free <sup>b</sup></b>	<b>Total Visitors</b>
Botanical Garden	211,719	107,056	54,339	63,618	436,732
Conservatory of Flowers	20,338	74,383	49,064	25,042	168,827
Japanese Tea Garden	29,400	380,145	100,364	246,270	756,179
<b>Total Visitors</b>	<b>261,457</b>	<b>561,584</b>	<b>203,767</b>	<b>334,930</b>	<b>1,361,738</b>
<b>Admissions Revenue</b>	<b>\$271,385</b>	<b>\$5,054,301</b>	<b>\$1,221,695</b>	<b>\$0</b>	<b>\$6,547,381</b>
Percent of Total Revenue	4.1%	77.2%	18.7%	0.0%	100.0%

Source: Recreation and Parks Department

<sup>a</sup> Non-Resident other includes discounted admissions for children and senior non-residents.

<sup>b</sup> Other Free includes free admissions for low-income residents and non-residents, free admissions hours at the gardens, and other free admissions.

Note: FY 2018-19 revenues for the Botanical Garden was \$1.2 million, \$1.0 million for the Conservatory of Flowers, and \$4.3 million for the Japanese Tea Garden.

Recreation and Parks Department staff estimate that waiving resident fees at the Conservatory of Flowers and the Japanese Tea Garden would result in \$271,385 in annual lost revenue based on admission fee collections for residents in FY 2018-19, as shown above. The Department estimates this lost revenue would be more than off-set by increased revenue from reauthorizing flexible pricing for non-resident adult admission fees. Non-resident admission fees are currently \$10 at each of the three gardens. If the Department increased admission fees for non-residents by \$2 up to \$12 for the entire year, admission receipts would increase by approximately \$1.1 million based on FY 2018-19 admissions data from the Department. If non-resident adult admissions decrease because of the \$2 price increase, the increased revenue would be lower than \$1.1 million but would likely still cover the \$271,385 in lost revenue from waiving admission fees for residents. Under the proposed lease and management agreement, any surplus revenue would be assigned to the City's Gardens of Golden Gate Park Improvement Fund for expenses associated with maintenance, renovation, and improvement of the gardens.



**POLICY CONSIDERATION****Agreement Amendment**

The proposed lease and management agreement amendment (File 21-1305) allows the Botanical Garden Society, which operates the Botanical Garden, to operate the Japanese Tea Garden, typically operated by City staff, and the Conservatory of Flowers, currently operated by the San Francisco Parks Alliance. According to Recreation and Parks Department staff, the Botanical Garden Society temporarily took over admission operations at the Japanese Tea Garden during the pandemic and City staff have been re-assigned to recreation centers.

Net revenues from the Conservatory of Flowers, which previously went to the San Francisco Parks Alliance, together with revenues from the Japanese Tea Garden and Botanical Garden, will all be provided to the Recreation and Parks Department account to cover Department staffing costs and facility maintenance costs. Overall, City costs are expected to increase from \$3.9 million in FY 2018-19 to \$4.4 million in the first year of the proposed agreement due to increases in City salary and benefits costs and costs associated with maintenance of the Conservatory of Flowers, which was previously paid for by the San Francisco Parks' Alliance out of admissions revenue. Beyond that, the proposed agreement does not expand the scope of City services related to the gardens.

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be offset by an increase of \$0.50 in non-resident admission fees.<sup>4</sup> If the proposed ordinance modifying the garden admission fees is not approved, the admission fees for the gardens are expected to cover the operating expenses of both the Botanical Garden Society and the City for all three gardens. If the non-resident fees are increased beyond that breakdown point, all additional net revenue would accrue to an improvement fund dedicated to garden improvements.

We consider approval of the proposed ordinance (File 21-1295) to be a policy matter for the Board of Supervisors.

## RECOMMENDATIONS

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2. Approval of File 21-1295 is a policy matter for the Board of Supervisors.

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<sup>4</sup> In FY 2018-19, the three gardens had 561,584 visitors. Therefore, a \$0.50 increase in admissions fees with the same number of visitors would equate to \$280,792 in new revenues.

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**Exhibit 3: Proposed Gardens of Golden Gate Park Budget Compared to FY 2018-19 Actuals (All Gardens)**

<b>Sources</b>	<b>FY 2018-19 Actuals</b>	<b>Proposed Budget</b>	<b>Difference</b>	<b>Percent Difference</b>
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Source: Recreation and Parks Department

Note: FY 2018-19 actuals do not include Rec & Park operating costs for the Conservatory of Flowers. Garden Improvement Fund amounts for FY 2018-19 are less than the difference between sources and SFBGS and City uses because, under the existing license agreement with the San Francisco Parks Alliance, net revenues from the Conservatory of Flowers are provided to the City.

BOARD of SUPERVISORS



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January 3, 2022

File No. 211295

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On December 14, 2021, Mayor London Breed introduced the following legislation:

**File No. 211295**

Ordinance amending the Park Code to waive fees for admission by San Francisco residents to the Japanese Tea Garden and the Conservatory of Flowers; to authorize the Recreation and Park Department to waive or discount other admission fees at these facilities as well as at the San Francisco Botanical Garden (all three collectively, "the Gardens"); to fund these changes by reauthorizing the Recreation and Park Department to set admission fees for non-resident adults at the Gardens through flexible pricing, based on certain factors and to ensure consistency among all three Gardens; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

*Brent Jalipa*

By: Brent Jalipa, Assistant Clerk  
Budget and Finance Committee

Attachment

c: Devyani Jain, Environmental Planning  
Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

1/19/2022

*Joy Navarrete*

**From:** [Alyse](#)  
**To:** [Walton, Shamann \(BOS\)](#)  
**Cc:** [ChanStaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)  
**Subject:** File 21-1305, Japanese Tea Garden and the Conservatory of Flowers  
**Date:** Wednesday, February 2, 2022 11:50:31 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Walton,

I write to you in your capacity as President of the Board of Supervisors concerning legislation that is coming before you next week that would relinquish control of the Japanese Tea Garden and the Conservatory of Flowers in Golden Gate Park to the Botanical Society, who currently have control over the Strybing Arboretum (now called the Botanical Gardens). I am strongly opposed to this for the following reasons.

When I was a child, everything in Golden Gate Park was free, including the Conservatory of Flowers, the Japanese Tea Garden, and the Strybing Arboretum. That was the only way my working-class father was able to take his wife and four children to all of these places. There are now fees for the Conservatory and the Tea Garden, and Arboretum is free to only those who live in San Francisco (which is patently unfair).

The Botanical Society has indicated that they plan on raising fees on the above-mentioned attractions once they assume control. What are now prohibitive fees for some will become prohibitive for many more. An increase in fees will discourage people from visiting these attractions, and those who live out of the city (like our next door neighbors in Daly City) are not likely to come to the park at all.

I strongly support an elimination of all fees to each of these attractions, and this would include everyone, no matter where they live. Please do not allow the complete opposite of this to happen - an increase fees - by giving control to the Botanical Society.

Additionally, there has to be community outreach on these issues before anything can be decided. I only learned about all of this today from a friend. The city should have disseminated this information widely so everyone could weigh in on this matter. I suspect many would feel as I do and support an elimination of all fees. Please allow the people most affected to have a voice.

Sincerely,  
Alyse Ceirante  
District Four

**From:** [Nancy Rasmussen](#)  
**To:** [Jalipa, Brent \(BOS\)](#)  
**Subject:** Budget & Finance Committee Meeting Feb 2 -- Public Comment  
**Date:** Tuesday, February 1, 2022 8:41:57 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Jalipa

My name is Nancy Rasmussen and I live in the Sunset/Parkside Neighborhood. I support the proposed lease and management agreement amendment (File 21-1305) that allows the Botanical Garden Society, which operates the Botanical Garden, to operate the Japanese Tea Garden and the Conservatory of Flowers, in partnership with Recreation & Parks. I also support the Mayor's proposed ordinance (File 21-1295) that would eliminate residential admission fees for the Japanese Tea Garden and the Conservatory of Flowers and continue to allow dynamic pricing for non-resident adult admission fees.

These special places are living museums containing historic and iconic structures, as well as extraordinary plant collections with significant conservation and educational value – they need investment. Additionally, these gardens need more resources, not less, to support critical infrastructure like pathways, irrigation, plantings, repairs, and upgrades.

Thank you,

Nancy C. Rasmussen

**From:** [Natasha Hopkinson](#)  
**To:** [Jalipa Brent \(BOS\)](#); [ChanStaff \(BOS\)](#)  
**Cc:** [NATASHA Hopkinson](#); [Vanessa Fajardo](#); [SFBG](#)  
**Subject:** (File 21-1305) & (File 21-1295)  
**Date:** Tuesday, February 1, 2022 9:47:39 PM  
**Attachments:** [PastedGraphic-2.tiff](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors and the Budget and Finance Committee:

My name is Natasha Hopkinson and I live in the Richmond Neighborhood. I am writing to express my support for the proposed lease and management agreement amendment (File 21-1305) that allows the Botanical Garden Society, which operates the Botanical Garden, to operate the Japanese Tea Garden and the Conservatory of Flowers I also support the Mayor's proposed ordinance (File 21-1295) that would eliminate residential admission fees for the Japanese Tea Garden and the Conservatory of Flowers and continue to allow dynamic pricing for non-resident adult admission fees.

The Golden Gate Park has meant so much to my son and grandson as well as to me. We want it to thrive as it gives so much to people in search of a connection with nature here in our city.

Thank you,



NATASHA HOPKINSON  
542 29TH AVE  
SAN FRANCISCO, CA 94121  
917-407-1731  
[NATASHAHOPKINSON@POST.HARVARD.EDU](mailto:NATASHAHOPKINSON@POST.HARVARD.EDU)

**From:** [Ann Tubbs](#)  
**To:** [Jalipa Brent \(BOS\)](#)  
**Subject:** Proposal for Botanical Garden  
**Date:** Tuesday, February 1, 2022 8:32:47 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

The proposal to combine the Japanese Tea Garden and the Conservatory with our wonderful Botanical Garden is a no-brainer! It makes sense in so many ways.....elimination of duplication, and creation of a VERY impressive attraction for tourists and garden lovers from all over. Gardens of Golden Gate Park....doesn't that sound impressive?! Wouldn't you want to go if you were visiting from London or Amsterdam....or Seattle....

Since I live in San Francisco (SOMA), naturally I support making entrance to the Tea Garden and Conservatory free for residents. I almost always take our out-of-town visitors to the Botanical Garden and am happy to treat them, since I get in free by virtue of living here.

At the same time, it is obviously crucial that the gardens receive the funding they need. Please support this proposal and help it move forward.

Thanks!  
Ann Tubbs



**From:** [Steve Pairman](#)  
**To:** [Jalipa, Brent \(BOS\)](#)  
**Subject:** Non Resident Pricing at the Gardens  
**Date:** Tuesday, February 1, 2022 8:15:55 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Brent Jalipa of the Budget and Finance Committee,

My name is Steve Pairman and I live in the Richmond Neighborhood nearby to Golden Gate Park. I am writing to express my support for proposed lease and management agreement amendment (File 21-1305) that allows the Botanical Garden Society, which operates the Botanical Garden, to operate the Japanese Tea Garden and the Conservatory of Flowers. I also support the Mayor's proposed ordinance (File 21-1295) that would eliminate residential admission fees for the Japanese Tea Garden and the Conservatory of Flowers and continue to allow dynamic pricing for non-resident adult admission fees.

The reason I support dynamic pricing for non-resident adult admission fees is because

- These gardens need more resources, not less, to support critical infrastructure like pathways, irrigation, plantings, repairs, and upgrades.
- The Gardens are special places and living museums containing historic and iconic structures, as well as extraordinary plant collections with significant conservation and educational value – they need investment.
- The current non-resident admission pricing is low compared to botanical gardens across the country, and does not provide the stable revenue the gardens require.

Thank you,

Steve Pairman  
Local Resident  
Firefighter Paramedic

**From:** [Matthew Dzadoovsky](#)  
**To:** [Jalipa, Brent \(BOS\)](#)  
**Subject:** 2/2/22 Budget and Finance Committee - San Francisco Botanical Garden  
**Date:** Tuesday, February 1, 2022 7:10:33 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Brent Jalipa of Budget and Finance Committee,

My name is Matt Dzadoovsky and I live in the Outer Sunset Neighborhood nearby to Golden Gate Park. I am writing to express my support for proposed lease and management agreement amendment (File 21-1305) that allows the Botanical Garden Society, which operates the Botanical Garden, to operate the Japanese Tea Garden and the Conservatory of Flowers. I also support the Mayor's proposed ordinance (File 21-1295) that would eliminate residential admission fees for the Japanese Tea Garden and the Conservatory of Flowers and continue to allow dynamic pricing for non-resident adult admission fees.

The reason I support dynamic pricing for non-resident adult admission fees is because these gardens need more resources, not less, to support critical infrastructure like pathways, irrigation, plantings, repairs, and upgrades. The Gardens are special places and living museums containing historic and iconic structures, as well as extraordinary plant collections with significant conservation and educational value – they need investment. The current non-resident admission pricing is low compared to botanical gardens across the country, and does not provide the stable revenue the gardens require.

Thank you,

Matt Dzadoovsky  
SF Resident

From: [Harry S. Pariser](#)  
To: [Harry S. Pariser](#)  
Subject: Tea Garden privatization and Conservatory control transfer  
Date: Tuesday, February 1, 2022 12:11:02 PM  
Importance: High

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Note to Iltres Jalpa: Please post this letter in both File 21-1305 and File 21-1295. Also, please include the attached image, if possible.

Thank you.

Dear Board of Supervisors:

As someone who is a direct neighbor of the San Francisco Botanical Garden Society for more than three decades, I am well qualified to comment on the egregious proposed privatization of the Tea Garden and transfer (originally proposed to be instituted with a million-dollar payment to Parks Alliance, the current private business operator to cover a "deficit") to this "Society," an organization that has been a horrific steward of Strybing Arboretum.

I strongly oppose agreement amendment (File 21-1305) that allows the Botanical Garden Society, which, through an anti-democratic process, has been gifted the 55 acres of Strybing Arboretum, to operate the Japanese Tea Garden and the Conservatory of Flowers. I also support the Mayor's proposed ordinance (File 21-1295) that would maintain discriminatory admission fees for the Japanese Tea Garden and the Conservatory of Flowers.

Particularly egregious are the plans to fleece working people for additional sums on weekends and special occasions. "Working people" also includes those of us who will go to these three formerly public spaces with our guests. Either we pay or they pay. Meanwhile, members of the San Francisco Botanical Garden Society enter for free with their guest. Many of these people do not live in San Francisco, so they would ordinarily be paying.

All entrance taxes need to be abolished! The San Francisco Botanical Garden Society has more than \$20 million in assets, and San Francisco has a budget of more than \$12 billion.

Charging makes neither economic nor social sense!

- Entry taxes give a bad impression to visitors, and visitors already have a bad impression thanks to corporate media and bad government policies.

- It is not fair for us to pay for guests, have to prove residency, stand in a line (which, otherwise, would not exist) so that the San Francisco Botanical Garden Society, an institution controlled by wealthy individuals, many of whom do not even reside here, let alone live in the Sunset, Haight or Richmond.

Despite their pretensions and fabricated statistics, the entry taxes actually generate negative income after expenses. The collection itself is expensive: millions of taxpayer dollars have been spent on ticket booths, staff time, advertising, a \$1.1 million-dollar fence and destroying lovely gardens to create corporate event spaces and a new "nursery," a gated complex built on the ruins of classic gardens.

- The San Francisco Botanical Garden Society has operated secretly without community input. A meeting complex with new nursery, strongly opposed by the Sierra Club, was never built. The taxpayer-funded sign rotted on the hill before being trashed. Instead, the "nursery" project was downsized and moved to an area where gardens had to be destroyed in order to build the new complex. This was all done without any public input.

- The San Francisco Botanical Garden Society pays a mere \$100 per year for rent! Under this agreement, they will pay nothing for events. They have used this privilege to hold \$50 evening piano concerts and similar functions geared towards wealthy people. The intent of privatizing the Tea Garden and transferring total control of the Conservatory to the San Francisco Botanical Garden Society is to use them as staging areas for events that will profit the Society.

Economies have nothing to do with it!

- Offering free entry to veterans does not make these three public spaces a "safe space" for veterans as callers to the Budget and Rules Committee claimed. I personally have heard from the late Alexander Sileratz, a disabled USMC veteran and Salvadoran immigrant who was raised in the Inner Sunset, about how the San Francisco Botanical Garden Society called the cops on him to persecute him on numerous occasions.

Watch the videos here:

<https://www.art-protection.com/v1/uf7>  
[https://www.youtube.com/watch?v=3DPL8LumQ7k1aZjgq\\_HwRdygvg9W3sdjpaqg-Y1YxZWRN2MjZTMSNjNNA--4b-NTMjNjM2MmIzZWY5Y2ZWE2YUUN2I2OWFY2ZM2I2DE2NY2YjMTc3ODN8YmF0NDU4YjA3NTAxOTY3Nw==4p-YXAoOnNuZHQyOml0b2p0YWN0bnYyYjY2MDEYjYjMTgZk3YWNWY2U4ZjZ2MjpwOk4=](https://www.youtube.com/watch?v=3DPL8LumQ7k1aZjgq_HwRdygvg9W3sdjpaqg-Y1YxZWRN2MjZTMSNjNNA--4b-NTMjNjM2MmIzZWY5Y2ZWE2YUUN2I2OWFY2ZM2I2DE2NY2YjMTc3ODN8YmF0NDU4YjA3NTAxOTY3Nw==4p-YXAoOnNuZHQyOml0b2p0YWN0bnYyYjY2MDEYjYjMTgZk3YWNWY2U4ZjZ2MjpwOk4=)

The only way to make these formerly public areas safe and accessible to everyone is to make entry free and expand entry hours from April to November.

ALSO: We need an audit by Harvey Rose to show exactly what the flaws in this pricing system and contractual language show. It is completely unfair to taxpayers to hand over these two public spaces to private interests without such a study.

As far as these two ordinances go, if you are not willing to reject this amendment and ordinance, please consider the following changes if you wish to support social equity. All of these should be incorporated in the Lease Agreement:

We need:

- Regular community meetings (Inner Sunset residents and other concerned citizens can attend). • Trustee Notes to be available on their website. • Either free entrance to all or no "surge pricing," and increased free entry days on weekends and after 4 PM (when people can come).

Regarding the new lease agreement: RECTALS 8, Section 6.7 This should be amended to have the San Francisco Botanical Garden Society pay all revenues from the entry tolls, after collection expenses. These should not include advertising (which it does currently).

There is no reason why the San Francisco Botanical Garden Society should not pay the same rates as anyone else for using public space. This is completely unfair and needs to be amended!

If they keep the admission revenues to use for their own purposes , then why they should even bother calculating them?

10. Section 6.11 Clause (b) (iii), which maintains that the San Francisco Botanical Garden Society does not need to reimburse the City for the entry of its members needs to either be deleted or amended so that the City receives 40% of membership fees. Otherwise, this is socially inequitable.

Clause (c) should be amended to read the Strybing Arboretum (and the other gardens) will be open without charge every day after 4 PM, April through October; every Federal and City Official Holiday and every Saturday or Sunday, e.g. once a week on 27. Transition Agreement. No money should be paid from the San Francisco Botanical Garden Society to Parks Alliance that would otherwise go to the General Fund or RFD.

Those are all of my suggestions.

When streets and roads were closed to provide recreation during Covid, the San Francisco Botanical Garden Society remained gated for months. The likely reason? They could not figure out a way to safely open and collect money. Opening it up for free would have set a bad precedent.

People might have gotten used to it. Because, in San Francisco, the "temporary" often becomes permanent. And we can't have the government providing services "for free." People might get used to it.

Thank you for your attention.

Sincerely,  
Harry S. Pariser  
Inner Sunset



**From:** [Eva Monroe](#)  
**To:** [Jalipa, Brent \(BOS\)](#)  
**Cc:** [melgarstaff@sfgov.org](mailto:melgarstaff@sfgov.org)  
**Subject:** public comment/SFBG MOA amendment 2/2/22  
**Date:** Tuesday, February 1, 2022 5:07:34 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Brent Jalipa and Supervisor Myrna Melgar,

My name is Eva Monroe. I am a 40 year active resident of Forest Hill, SF and I am a long time resident of this wonderful city - 55 years, not including college at USF. I have served the Botanical Garden as a Children's Docent, SFBG Board of Director and SFBGS Board of Directors Chairperson. Know and love this Garden, the Japanese Tea garden and COF.

I am writing in support of tomorrow's 2 important agenda items for the Budget and Finance Committee - The SFBG Memorandum of Agreement amendment for the SFBG Lease to add The Japanese Tea Garden and the Conservatory of Flowers, and to make these two gardens free for all SF residents, codifying flex pricing to offset lost revenue, allow a multi garden value ticket and generate more revenue for the critical Garden improvement fund. Please vote to approve these two agenda items!

This is win-win situation for SF and its citizens and all potential visitors to these world class garden attractions in Golden Gate Park.

These gardens/living museums - deserve more resources, not less to support critical infrastructures like safe pathways, careful irrigation, plantings, repairs and upgrades for the benefit of our visitors.

I want to keep our gardens accessible, safe and beautiful for my grandchildren and for generations to come!

Thank you for helping to move these initiatives forward!

Sincerely,

Eva Monroe.

**From:** [Patrick Collins](#)  
**To:** [Jalipa, Brent \(BOS\)](#)  
**Subject:** Amendment to Lease Agreement for Botanical Garden  
**Date:** Tuesday, February 1, 2022 8:31:14 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Clerk Jalipa,

I am a longtime homeowner in Bernal Heights, a donor to the SF Botanical Gardens and a longtime supporter of our city parks. I am writing to express my support for the proposed lease and management agreement amendment (File 21-1305) that allows the Botanical Garden Society, which operates the Botanical Garden, to operate the Japanese Tea Garden and the Conservatory of Flowers, in partnership with Recreation & Parks.

I also support the Mayor's proposed ordinance (File 21-1295) that would eliminate residential admission fees for the Japanese Tea Garden and the Conservatory of Flowers and continue to allow dynamic pricing for non-resident adult admission fees.

I will add that I recently went to the Tucson Botanical Garden and discovered that Tucson Garden's fees for non-residents are much higher despite their garden being less than a tenth of the size of the SF Garden.

Best Regards,

Patrick Collins

132 Elsie St, San Francisco, CA 94110

**From:** [Monica Martin](#)  
**To:** [Jalipa, Brent \(BOS\)](#)  
**Subject:** SF Botanical Garden Society's proposed lease and management agreement amendment  
**Date:** Tuesday, February 1, 2022 4:25:14 PM

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Dear Clerk Jalipa,

My name is Monica Martin and I live in the Castro neighborhood. I am writing to express my support for proposed lease and management agreement amendment (File 21-1305) that allows the Botanical Garden Society, which operates the Botanical Garden, to operate the Japanese Tea Garden and the Conservatory of Flowers, in partnership with Recreation & Parks. I also support the Mayor's proposed ordinance (File 21-1295) that would eliminate residential admission fees for the Japanese Tea Garden and the Conservatory of Flowers and continue to allow dynamic pricing for non-resident adult admission fees.

These special places are living museums containing historic and iconic structures, as well as extraordinary plant collections with significant conservation and educational value and they need investment.

Thank you,

Monica Martin  
236 Collingwood St  
San Francisco 94114

**From:** [Sarah Ryan](#)  
**To:** [Jalipa Brent \(BOS\)](#)  
**Subject:** In support of Gardens of Golden Gate Park Merger  
**Date:** Tuesday, February 1, 2022 2:23:05 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Brent,

I have been a volunteer and a member of the San Francisco Botanical Garden for six years. I am writing in full support of the Mayor's proposed ordinance (File 21-1295) to merge the SF Botanical Garden, Japanese Tea Garden and Conservatory of Flowers into the Gardens of Golden Gate Park. I support free resident admission at all three sites if the flex pricing ordinance allows the gardens to generate much needed revenue for the Garden Improvement Fund to keep all three gardens beautiful and safe.

I plan to participate in the public comment portion of tomorrow's committee meeting.

Thank you,

Sarah Ryan  
(415) 254-3369



**From:** [janesmalley1@juno.com](mailto:janesmalley1@juno.com)  
**To:** [Jalipa, Brent \(BOS\)](#)  
**Cc:** [Board of Supervisors \(BOS\)](#); [ChanStaff \(BOS\)](#)  
**Subject:** Botanical Garden File 21 and File 1295  
**Date:** Tuesday, February 1, 2022 1:55:46 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please post this letter in both File 21-1305 and File 21-1295

I strongly oppose agreement amendment (File 21-1305) that allows the Botanical Garden Society, which, through an anti-democratic process, has been gifted the 55 acres of Strybing Arboretum, to operate the Japanese Tea Garden and the Conservatory of Flowers. I also support the Mayor's proposed ordinance (File 21-1295) that would maintain discriminatory admission fees for the Japanese Tea Garden and the Conservatory of Flowers.  
Jane Smalley

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**From:** [Ruth Wilcox](#)  
**To:** [Jalipa Brent \(BOS\)](#)  
**Subject:** Resolution regarding the merging of SFBG, COF, and JTG/Free admission for SF residents and all vets and active military/Continuation of Dynamic pricing  
**Date:** Tuesday, February 1, 2022 1:33:37 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Brent,

I am a resident of San Francisco, living close to Golden Gate Park. I am also a Children's Walk Guide and Docent at the San Francisco Botanical Garden, and a member for 5 years of the Board of Directors at SFBG.

My family members and I are frequent visitors to Golden Gate Park. We enthusiastically support the resolution that would merge the operations of the Conservatory of Flowers, The Japanese Tea Garden, and the Conservatory of Flowers. We also support the Mayor's resolution that would make the JTG- and the COF free to San Francisco residents and for all veterans and active military. I also endorse the continuation of the flex pricing that has helped support critical garden maintenance and improvement. Living museums need updating, care, and are affected by weather, and wear-and-tear from visitors. The continuation of flex pricing will help compensate for the loss of garden improvement revenue due to the expansion of free admission. Our admission prices at all 3 gardens are in the middle range or lower than other public gardens across the country.

Thank you and the Supervisors for your consideration of these proposals.

Sincerely,  
Ruth Wilcox

**From:** [Denis Mosgofian](#)  
**To:** [Jalipa, Brent \(BOS\)](#)  
**Cc:** [ChanStaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [MelgarStaff \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Stefani, Catherine \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)  
**Subject:** public comment on File 21-1305 & 21-1295  
**Date:** Tuesday, February 1, 2022 1:12:59 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Note to Brent Jalipa:** Please post this letter in both File 21-1305 and File 21-1295.

I strongly oppose agreement amendment (File 21-1305) that allows the Botanical Garden Society, which has been wrongly gifted the 55 acres of Strybing Arboretum, to operate the Japanese Tea Garden and the Conservatory of Flowers. This expands the privatization of parts of Golden Gate Park, or as Rec Park Commissioner Buell prefers and promotes, the “the site specific revenue generation” from our public spaces. Private uber public.

Moreover, this consolidation in private hands is most likely to result in expanding RPD Ginsburg’s institutionalized low wage non-benefitted workforce (kept below 20 hours/week) such as exists in the Strybing Arboretum & Botanical Garden and in post-2010 recreational programming.

I support the Mayor’s proposed ordinance (File 21-1295) that would maintain no admission fees for San Francisco residents at the Japanese Tea Garden and the Conservatory of Flowers.

All fee revenue over and above the cost of care and maintenance of the various gardens and staff should go directly into the RPD maintenance funds or to the City’s General Fund.

Consider also that no City workforce should be restricted and manipulated to working less than 20 hours a week so the City will not have to pay for benefits.

Thank you,

Denis Mosgofian  
94122

**From:** [Debbie Zambetti](#)  
**To:** [Jalipa, Brent \(BOS\)](#); [RonenStaff \(BOS\)](#)  
**Subject:** Gardens of Golden Gate Park  
**Date:** Tuesday, February 1, 2022 1:05:46 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Jalipa and Supervisor Ronen,

My name is Debra Zambetti and I live in the Bernal Heights Neighborhood. I am writing to express my support for the proposed lease and management agreement amendment (File 21-1305) that allows the Botanical Garden Society, which operates the Botanical Garden, to operate the Japanese Tea Garden and the Conservatory of Flowers, in partnership with Recreation & Parks. I also support the Mayor's proposed ordinance (File 21-1295) that would eliminate residential admission fees for the Japanese Tea Garden and the Conservatory of Flowers and continue to allow dynamic pricing for non-resident adult admission fees.

Thank you,

Debra Zambetti

**From:** [Susan Hunter](#)  
**To:** [Jalapa, Brent \(BOS\)](#)  
**Subject:** Support for gardens of golden gate park  
**Date:** Tuesday, February 1, 2022 12:49:30 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr Jalapa,

I live in Noe Valley (94114) and I am writing to express my support for proposed lease and management agreement amendment (File 21-1305) that allows the Botanical Garden Society, which operates the Botanical Garden, to operate the Japanese Tea Garden and the Conservatory of Flowers. I also support the Mayor's proposed ordinance (File 21-1295) that would eliminate residential admission fees for the Japanese Tea Garden and the Conservatory of Flowers and continue to allow dynamic pricing for non-resident adult admission fees.

Thank you,  
Susan Hunter

**From:** [Jessa Barzelay](#)  
**To:** [Jalipa Brent \(BOS\)](#)  
**Subject:** Fwd: Support for proposed Lease and Management agreement amendment - SF Botanical Garden + dynamic pricing  
**Date:** Monday, January 31, 2022 10:18:56 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr Jalipa,

My name is Jessa Barzelay and I was born and raised in SF and have been an Outer Sunset homeowner and voter for the last 12 years. I was also the Director of Learning and Engagement at SF Botanical Garden for six years. While there, my two young children were the beneficiaries of all the Garden, the Japanese Tea Garden, and the Conservatory of Flowers had to offer. Indeed, my children, like most of our City's residents, have always linked the three magical plant places in their hearts and minds.

I am writing to express my support for the proposed lease and management agreement amendment (File 21-1305) that allows the Botanical Garden Society, which operates the Botanical Garden, to operate the Japanese Tea Garden and the Conservatory of Flowers, in partnership with Recreation & Parks. I also support the Mayor's proposed ordinance (File 21-1295) that would eliminate residential admission fees for the Japanese Tea Garden and the Conservatory of Flowers and continue to allow dynamic pricing for non-resident adult admission fees. Having been a long-time senior staff member of the nonprofit running SFBG, I know EXACTLY how critical admission funds were to support the beautiful collections cherished by hundreds of thousands of visitors a year. This trifecta of centers that mean so much to SF residents for their tranquility, biodiversity, and cultural richness deserve to be united, free, and supported through dynamic pricing.

Thank you,

Jessa Barzelay  
2158 35th Avenue  
415-272-8630

**From:** [Sullivan, Mike](#)  
**To:** [Jalipa, Brent \(BOS\)](#)  
**Subject:** Japanese Tea Garden and the Conservatory of Flowers  
**Date:** Monday, January 31, 2022 4:47:00 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Clerk of the Board of Supervisors:

My name is Mike Sullivan, and I live in the Cole Valley neighborhood. I am writing to express my support for proposed lease and management agreement amendment (File 21-1305) that allows the Botanical Garden Society, which operates the Botanical Garden, to operate the Japanese Tea Garden and the Conservatory of Flowers. I also support the Mayor's proposed ordinance (File 21-1295) that would eliminate residential admission fees for the Japanese Tea Garden and the Conservatory of Flowers.

Thank you.

Mike Sullivan

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**From:** [Betsy Johnsen](#)  
**To:** [Jalipa, Brent \(BOS\)](#); [Mar, Gordon \(BOS\)](#)  
**Subject:** Support for Botanical Garden Merger  
**Date:** Monday, January 31, 2022 4:43:55 PM

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Dear Supervisor Mar,

My husband and I are longtime residents of the Outer Sunset. We are also longtime supporters and members of the SF Botanical Garden, and I do volunteer work there every week. I talk to the thousands of people who go there. They are from around the world and across the country. And lots of them are city residents who treasure the garden in their daily lives.

We support the Mayor's resolution to merge the management of the Conservatory of Flowers, Japanese Tea Garden, and San Francisco Botanical Garden (File 21-1305).

We also support the Mayor's proposed ordinance (File 21-1295) that would eliminate residential admission fees for the Japanese Tea Garden and the Conservatory of Flowers and continue to allow dynamic pricing for non-resident adult admission fees.

This will streamline the management and save money better used on necessary infrastructure, and open up the experience to many more.

Thank you,

**Betsy Johnsen**  
Law Offices of Betsy Johnsen  
Family Law & Mediation  
Email: [BetsyJohnsen@gmail.com](mailto:BetsyJohnsen@gmail.com)



**From:** [Susan Salenger](#)  
**To:** [Jalipa, Brent \(BOS\)](#)  
**Subject:** San Francisco Botanical Garden  
**Date:** Monday, January 31, 2022 2:45:03 PM

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Dear Mr. Jalipa,

My name is Susan Salenger and I am a former SF city resident who loves the Botanical Garden and who still visits all the time. I would like to go on record to express my support for the proposed lease and management agreement amendment (File 21-1305) that allows the Botanical Garden Society, which operates the Botanical Garden, to operate the Japanese Tea Garden and the Conservatory of Flowers.

I also support the Mayor's proposed ordinance (File 21-1295) that would eliminate residential admission fees for the Japanese Tea Garden and the Conservatory of Flowers and continue to allow dynamic pricing for non-resident adult admission fees.

Thank You,  
Sue Salenger

Susan Salenger, Author  
*Sidelined: How Women Manage & Mismanage Their Health*  
<http://www.susansalenger.com>

**BOARD of SUPERVISORS**



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**San Francisco 94102-4689**  
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**TDD/TTY No. (415) 554-5227**

January 3, 2022

**File No. 211295**

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On December 14, 2021, Mayor London Breed introduced the following legislation:

**File No. 211295**

Ordinance amending the Park Code to waive fees for admission by San Francisco residents to the Japanese Tea Garden and the Conservatory of Flowers; to authorize the Recreation and Park Department to waive or discount other admission fees at these facilities as well as at the San Francisco Botanical Garden (all three collectively, "the Gardens"); to fund these changes by reauthorizing the Recreation and Park Department to set admission fees for non-resident adults at the Gardens through flexible pricing, based on certain factors and to ensure consistency among all three Gardens; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

*Brent Jalipa*

By: Brent Jalipa, Assistant Clerk  
Budget and Finance Committee

Attachment

c: Devyani Jain, Environmental Planning  
Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning