

File No. 160756 Committee Item No. 5
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date September 1, 2016

Board of Supervisors Meeting Date _____
Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution |
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| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Referral FYI - 07/06/2016 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>RESIDENTIAL ACTION MENU - 07/14/2016</u> |
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Completed by: Erica Major Date August 26, 2016
Completed by: _____ Date _____

1 [Establish Yerba Buena Gardens Conservancy - Yerba Buena Gardens Operations and
2 Management]

3 **Resolution establishing a new public benefit civic nonprofit entitled the Yerba Buena**
4 **Gardens Conservancy to assume long-term operating and management responsibility**
5 **for Yerba Buena Gardens under a master lease with the City of San Francisco.**

6
7 WHEREAS, In 1976 Mayor George Moscone embraced a civic vision to combine the
8 construction of a new Convention Center for the City's vital Visitor Industry with the creation
9 of a "public gardens" for the everyday enjoyment of all the residents and communities of San
10 Francisco; and

11 WHEREAS, Four decades later, thanks to the determination of the San Francisco
12 Redevelopment Agency, community advocates, committed builders, old and new arts
13 institutions, and many civic stakeholders - and after overcoming obstacles and challenges -
14 the realization of that Vision, Yerba Buena Gardens, is now nearing full completion; and

15 WHEREAS, The three Blocks of Yerba Buena Gardens are a civic treasure of public
16 parks, community institutions, and urban amenities cherished by the people of San Francisco;
17 and

18 WHEREAS, Block One of the Gardens bounded by Market, Mission, Third, and Fourth
19 Streets includes St. Patrick's Church, Jessie Square, the Jewish Museum, the Mexican
20 Museum, and Yerba Buena Lane; and

21 WHEREAS, Block Two of the Gardens bounded by Mission, Howard, Third, and Fourth
22 Streets includes the Esplanade Commons, the Market Luther King Memorial Fountain, the
23 East Garden, the Yerba Buena Center for the Arts Gallery and Theater, and the Sister City
24 Gardens; and

1 WHEREAS, Block Three of the Gardens bounded by Howard, Folsom, Third, and
2 Fourth Streets includes the Playland at the Beach Carousel, the Children's Playground, the
3 Children's Creativity Center, the Skating/Bowling Center, and the SoMa Childcare Center; and

4 WHEREAS, The Gardens also include several popular cafes and public art works
5 enjoyed by its visitors, and is adjacent to the busy Metreon Entertainment/Shopping complex;
6 and

7 WHEREAS, The Gardens host an exceptional range of annual public free events and
8 celebrations, including the Yerba Buena Gardens Festival performances, the Martin Luther
9 King Holiday Civic Celebration, and the annual Pistahan Festival; and

10 WHEREAS, The Gardens also host a number of well-coordinated Moscone Convention
11 Center events each year for the engagement of convention attendees; and

12 WHEREAS, Since its opening in 1992 the Gardens and its many attractions have been
13 shared and enjoyed by City residents and visitors from around the world, with over 4,000,000
14 enjoying its many amenities in 2015 alone; and,

15 WHEREAS, The finishing touches of Yerba Buena Gardens are now under
16 construction, including a new Tot Lot, a new Howard Street Pedestrian Bridge, and additional
17 improvements that are part of the Moscone Center Expansion Project that will be completed in
18 2018; and

19 WHEREAS, As required by State Law, the City will assume ownership of all the
20 Gardens properties and buildings in 2017, and will assume responsibility for the management
21 and maintenance of the Gardens from the San Francisco Office of Community Improvement
22 and Infrastructure that point forward; and

23 WHEREAS, The former Redevelopment Agency's agreements with the Marriot Hotel,
24 the Metreon, the St. Regis Hotel, and Millennium Partners to fund the Gardens annual
25

1 Maintenance, Operating, and Security costs will continue in effect, now totaling about
2 \$8,800,000 per year; and

3 WHEREAS, The rental income from the Skating/ Bowling Center, B Restaurant, and
4 Samovar Tea Lounge also will continue, adding about \$600,000 per year in operating support;
5 and

6 WHEREAS, These and other revenues provide over \$7,000,000 per year for the
7 maintenance and operation of the Gardens parks and public amenities; and

8 WHEREAS, These revenues also provide about \$4,000,000 per year for the
9 maintenance and operation of the Gardens cultural facilities; and

10 WHEREAS, There is about \$13,000,000 in reserves on hand for future operating and
11 building renovation needs of the Gardens; and

12 WHEREAS, The annual operating support from the City's Moscone Convention Center
13 of about \$600,000 per year ended in 2015 and needs to be replaced; and

14 WHEREAS, The Gardens is projected to need about \$30,000,000 in capital funding
15 over the next 30 years for routine renovation of all its building and facilities; now, therefore, be
16 it

17 RESOLVED, That it is the policy of the City and County of San Francisco that it is now
18 time to establish a new public benefit civic nonprofit entitled the Yerba Buena Gardens
19 Conservancy to assume long-term operating and management responsibility for Yerba Buena
20 Gardens under a master lease with the City and County of San Francisco; and, be it

21 FURTHER RESOLVED, That the Yerba Buena Gardens Conservancy will be governed
22 by a Board of Directors made up of Gardens stakeholders along with community and civic
23 leaders, up to half of which will be appointed by the City; and, be it

24 FURTHER RESOLVED, That Yerba Buena Gardens Conservancy will employ its own
25 small administrative staff and continue to contract for Gardens maintenance, operations,

1 security services, and public event programming as now, subject to annual audit by the City;
2 and, be it

3 FURTHER RESOLVED, The Yerba Buena Gardens Conservancy will comply with the
4 Ralph M. Brown Act, the City Sunshine Ordinance, Ethics Commission regulations, the City's
5 contract bidding procedures, and comply with all the City's labor and human rights policies;
6 and, be it

7 FURTHER RESOLVED, City Departments will continue to provide essential legal and
8 technical services to the Yerba Buena Gardens Conservancy as needed, including enforcing
9 the former Redevelopment Agency's funding agreements for the Gardens annual
10 Maintenance, Operating, and Security costs; and, be it

11 FURTHER RESOLVED, The Gardens long-range capital improvement funding needs
12 set forth above shall be addressed as part of the intended Community Facilities Funding
13 Program of the City's pending Central SoMa Plan, which Plan Area includes Yerba Buena
14 Gardens; and, be it

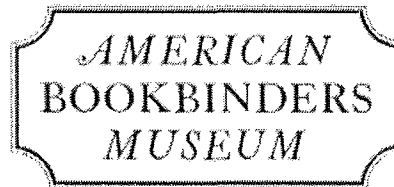
15 FURTHER RESOLVED, The Office of Economic and Workforce Development shall
16 draft such a conceptual Community Facilities Funding Program for public review by
17 December 31, 2016; and, be it

18 FURTHER RESOLVED, The loss of annual operating support from the Moscone
19 Convention Center shall be made up from civic resources available for such purposes; and,
20 be it

21 FURTHER RESOLVED, The City Administrator shall identify the civic resources
22 potentially available to replace the annual operating support formerly provided by the
23 Moscone Convention Center by December 31, 2016.

File 100750

GAO, copies
Members, Clerk



4 August, 2016

Supervisor Jane Kim
Supervisor John Avalos
Supervisor David Campos
Clerk Erica Major
The Public Safety and Neighborhood Services Committee
City Hall, Room 250
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 AUG - 8 PM 1:03
BY [Signature]

Dear Supervisors:

I urge you to support the resolution to create the Yerba Buena Gardens Conservancy, to oversee and manage Yerba Buena Gardens. Thanks to the dedication of the San Francisco Redevelopment Agency, community advocates, committed builders, old and new arts organizations, and many civic stakeholders, the vision embraced by Mayor George Moscone in 1976 is a resounding success.

The Conservancy model provides a range of benefits that would sustain Yerba Buena Gardens as a model for how to create, improve, and manage an inclusive urban public space. These benefits include:

- A proven community-based management structure aligned with public-benefit goals: The governing body is a Board of Directors composed of a cross-section of the Gardens' stakeholders, community members, and civic leaders, with the City appointing up to half its members.
- Additional oversight by the City as landlord, auditor, and technical advisor.
- Cost efficiencies and elimination of the need for City services, as is the current situation, by contracting for maintenance, operations, and security services, and by having a small administrative staff to manage operations.
- New revenue streams adding financial stability; a non-profit allows for private donations, government subsidies, foundation grants, and other sources. These funds would be in addition to existing income generated by RDA agreements from sources such as Metreon, Marriott, Millennium Partners, and others, and from tenant revenue.

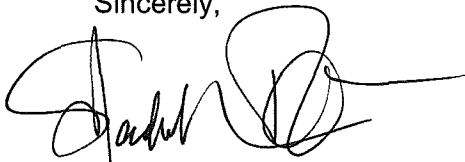
Today, Yerba Buena Gardens provides substantial public benefit that should be managed via a community-based model. More than four million visit the Gardens annually. It serves as a major

economic engine for the City. It is an active, safe, and, and popular community resource with an exceptional range of free public events and celebrations, cafes, and public art. A new family play area, new Howard Street Pedestrian Bridge, and other improvements resulting from the Moscone Expansion Project, along with the construction of the Mexican Museum, will only enhance the Gardens as a community resource.

On a personal note: when my family relocated to San Francisco 13 years ago, Yerba Buena Gardens became a welcome play and activity space for us. My daughters played in the children's area; skated at the Yerba Buena rink; and one later became a teen "City-Guide" at the Children's Creativity Museum.

I am convinced that the Conservancy plan has the best chance of ensuring the Yerba Buena Gardens' long-term success as an urban oasis, visitor draw, and economic engine. I urge you to support the resolution to create the Yerba Buena Gardens Conservancy.

Sincerely,

A handwritten signature in black ink, appearing to read "Madeleine Robins", with a long horizontal flourish extending to the right.

Madeleine Robins
Operations Manager
The American Bookbinders Museum

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the Controller
Todd Rufo, Director, Office of Economic and Workforce Development
LeeAnn Pelham, Executive Director, Ethics Commission

FROM: Erica Major, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: July 6, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Kim on June 28, 2016:

File No. 160756

Resolution establishing a new public benefit civic nonprofit entitled the Yerba Buena Gardens Conservancy to assume long-term operating and management responsibility for Yerba Buena Gardens under a master lease with the City of San Francisco.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:
Todd Rydstrom, Office of the Controller
Ken Rich, Office of Economic and Workforce Development
Lisa Pagan, Office of Economic and Workforce Development
Shaista Shaikh, Ethics Commission

BOS-11, O&B, Leg Dep.
Dep. CA, PSNS, GAO
Mayor's office

President, District 5
BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244
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Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227

London Breed

PRESIDENTIAL ACTION

Date: 7/14/2016

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____
(Primary Sponsor)

Title. _____

Transferring (Board Rule No. 3.3)

File No. 160756 Kim
(Primary Sponsor)

Title. Establish Yerba Buena Gardens Conservancy

From: Public Safety & Neighborhood Services Committee

To: Government Audit & Oversight Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

2015 JUL 14 PM 2:23
BOARD OF SUPERVISORS
SAN FRANCISCO

London Breed, President
Board of Supervisors

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date _____

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda *Without Reference to Committee.* *to PSNS please.*
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

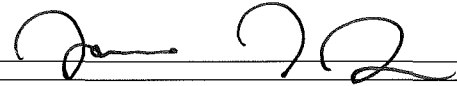
Supervisor Kim

Subject:

Resolution establishing a new public benefit civic nonprofit Yerba Buena Gardens Conservancy to assume long-term operating and management responsibility for Yerba Buena Gardens under a master lease with the City of San Francisco.

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: