

BOARD of SUPERVISORS



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## 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

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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

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

25

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.