

1 [Behested Payment Waiver Embarcadero Plaza and Sue Bierman Park]

2  
3 **Resolution authorizing the General Manager of the Recreation and Park Department,**  
4 **the Director and staff of the Recreation and Park Department’s Partnership Division,**  
5 **the Mayor, and the following staff in the Mayor’s Office: Chief of Staff, Chief of**  
6 **Infrastructure, Assistant Chief of Infrastructure, Chief of Housing and Economic**  
7 **Development, Director of Public Affairs, and Policy Advisor, to solicit donations for the**  
8 **renovation of Embarcadero Plaza and Sue Bierman parks from individuals, nonprofits,**  
9 **private organizations, grantmakers, and foundations for six months from the effective**  
10 **date of this Resolution, notwithstanding the Behested Payment Ordinance.**

11  
12 WHEREAS, The Recreation and Park Department (“RPD”) operates and maintains  
13 certain real property owned by the City that are commonly referred to as Embarcadero Plaza  
14 and Sue Bierman Park (collectively, the “Park”), located on the western side along the  
15 Embarcadero between Washington Street and Market Street, and seeks to activate the public  
16 spaces it manages for the well-being of everyone in San Francisco’s diverse community; and

17 WHEREAS, The Office of Economic and Workforce Development (“OEWD”) strives to  
18 create a thriving and resilient economy, where barriers to economic and workforce  
19 opportunities are removed, and prosperity is shared equitably by all; and

20 WHEREAS, BXP Embarcadero Plaza LP (“BXPE”) is an affiliate of the entities that own  
21 certain commercial office buildings adjacent to the Park, which are commonly known as One  
22 Embarcadero Center, Two Embarcadero Center, Three Embarcadero Center, and Four  
23 Embarcadero Center, consisting of approximately 3.3 million square feet of commercial office  
24 and retail space in the aggregate; and

25

1           WHEREAS, The Downtown Community Benefit District, also known as the Downtown  
2 San Francisco Partnership (“DSFP”), is a nonprofit community benefit district working to  
3 enhance San Francisco’s Downtown Core; and

4           WHEREAS, RPD and OEWD intend to partner with BXPE and DSFP on a project to  
5 renovate the Park that is expected to cost approximately \$32,000,000 (the “Project”), and are  
6 separately seeking authorization from the Board of Supervisors to for RPD to accept cash and  
7 in-kind grants of approximately \$12,500,000 for the Project (approximately \$10 million from  
8 DSFP for construction, \$200,000 from BXPE to cover RPD project management, and an  
9 additional \$2,300,000 from BXPE in the form of professional design services), all pursuant to  
10 the terms of the agreement which is on file with the Clerk of the Board of Supervisors and  
11 which is incorporated herein by reference (Board of Supervisors File No. 241095); and

12           WHEREAS, Among other things, the agreement requires BXPE and DFSP to comply  
13 with disclosure requirements regarding sources of outside funding and donor financial interest  
14 information as set forth in Administrative Code Section 67.29-6, ensuring a high level of  
15 transparency in the funding efforts; and

16           WHEREAS, As part of the agreement DSFP will endeavor to raise approximately  
17 \$10,000,000 in third-party philanthropic donations for the Project, and is likely to require  
18 assistance from RPD and BXPE; and

19           WHEREAS, RPD and the Office of the Mayor partner with numerous individuals  
20 nonprofit organizations, private entities, grantmakers and foundations, often through contracts  
21 or permits; and

22           WHEREAS, The General Manager of RPD, the Director and staff of RPD’s Partnership  
23 Division, the Mayor, and the following staff in the Mayor’s Office: Chief of Staff, Chief of  
24 Infrastructure, Assistant Chief of Infrastructure, Chief of Housing and Economic Development,  
25 Director of Public Affairs, and Policy Advisor seek a waiver of the City's Behested Payment

1 Ordinance (Campaign and Governmental Conduct Code, Section 3.600 et seq.) to the extent  
2 it prohibits solicitations of financial support for the Project from persons or entities who would  
3 qualify as interested parties under the Behested Payments Ordinance; and

4 WHEREAS, The parties receiving this waiver have agreed to report to the Board of  
5 Supervisors donations to the City that were solicited under this waiver; such reports will  
6 identify the donor, the amount of the donation, and the interested relationship the donor has  
7 with the department that solicited the donation; the department or office will submit the reports  
8 to the Board within 60 days of the expiration of the 6-month period authorized by this waiver;  
9 now, therefore, be it

10 RESOLVED, That under Section 3.620(f) of the Campaign and Governmental Conduct  
11 Code, the Board of Supervisors hereby waives application of the Behested Payment  
12 Ordinance as to the General Manager of RPD, the Director and staff of RPD's Partnership  
13 Division, the Mayor, and the following staff in the Mayor's Office: Chief of Staff, Chief of  
14 Infrastructure, Assistant Chief of Infrastructure, Chief of Housing and Economic Development,  
15 Director of Public Affairs, and Policy Advisor, for six months from the effective date of this  
16 Resolution to fundraising from nonprofits, private organizations, grantmakers and foundations  
17 to support the Project; and be it

18 FURTHER RESOLVED, That granting this waiver under Section 3.620(f) serves the  
19 public interest by bringing private funding to a project that is critical to the economic  
20 revitalization of the City; and be it

21 FURTHER RESOLVED, That granting this waiver under Section 3.620(f) does not  
22 create an appearance of impropriety.

23  
24  
25

1 Recommended:

2

3 \_\_\_\_\_ /s/

4 Phil Ginsburg,

5 General Manager, Recreation and Park Department

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25