File No. 250105 **Committee Item No.** 1
Board Item No. 11

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight **Date:** March 6, 2025
Board of Supervisors Meeting: **Date:** March 18, 2025

Cmte Board

Cmte	Board	
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☐	☒	**Resolution – Version 2**
☐	☐	**Ordinance**
☐	☐	**Legislative Digest**
☐	☐	**Budget and Legislative Analyst Report**
☐	☐	**Youth Commission Report**
☐	☐	**Introduction Form**
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☐	☐	**MOU**
☐	☐	**Grant Information Form**
☐	☐	**Grant Budget**
☐	☐	**Subcontract Budget**
☐	☐	**Contract / DRAFT Mills Act Agreement**
☐	☐	**Form 126 – Ethics Commission**
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OTHER

☒	☒	RPD Memo 012724
☒	☒	MYR Memo 012825
☒	☒	RPD Presentation 022025
☐	☒	RPD Presentation 030625
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Prepared by: Monique Crayton **Date:** March 14, 2025
Prepared by: Monique Crayton **Date:** February 28, 2025
Prepared by: **Date:**

[Behested Payment Waiver Embarcadero Plaza and Sue Bierman Park]

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

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

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

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

WHEREAS, The Downtown Community Benefit District, also known as the Downtown San Francisco Partnership ("DSFP)", is a nonprofit community benefit district working to enhance San Francisco's Downtown Core; and

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

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

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

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

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

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

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

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

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

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

Recommended:

_____/s/_____

Phil Ginsburg,

General Manager, Recreation and Park Department

Daniel Lurie, Mayor

Kat Anderson, Commission President
Philip A. Ginsburg, General Manager

TO: **Angela Calvillo, Clerk of the Board of Supervisors**

FROM: **Philip A. Ginsburg, General Manager**
Recreation and Park Department

DATE: **January 27, 2024**

SUBJECT: **Behested Payment Waiver**

GRANT TITLE: **Embarcadero Plaza and Sue Bierman Park Behested Payment Waiver**

Dear Clerk Calvillo,

The Recreation and Park Department is requesting a Behested Payments Waiver for the public-private partnership project at Embarcadero Plaza. A related resolution on authorizing the four-way partnership between RPD, the Office of Economic and Workforce Development, BXPE, and the Downtown SF Partnership is currently in process with the Board under File Number **241095**.

Attached to this memo please find a copy of the Resolution.

We would like legislation introduced as soon as possible.

Please send the adopted resolution to me via the following contact information:

Name: Lisa Bransten and Beverly Ng Phone: (415) 831-2704

Email Address: lisa.bransten@sfgov.org and Beverly.Ng@sfgov.org

Certified copy required: Yes [ ] No [x]

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient.)

OFFICE OF THE MAYOR
SAN FRANCISCO

DANIEL LURIE
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Adam Thongsavat, Liaison to the Board of Supervisors
RE: Behested Payment Waiver Embarcadero Plaza and Sue Bierman Park
DATE: January 28, 2025

Resolution to authorize the Mayor, officers and employees of the Office of the Mayor, and officers and employees of the Recreation and Park Department and Office of Economic and Workforce Development to solicit donations for the renovation of Embarcadero Plaza and Sue Bierman parks from individuals, nonprofits, private organizations, grantmakers, and foundations for six months from the effective date of this Resolution, notwithstanding the Behested Payment Ordinance.

Should you have any questions, please contact Adam Thongsavat at adam.thongsavat@sfgov.org

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200
SAN FRANCISCO, CALIFORNIA 94102-4681
TELEPHONE: (415) 554-6141

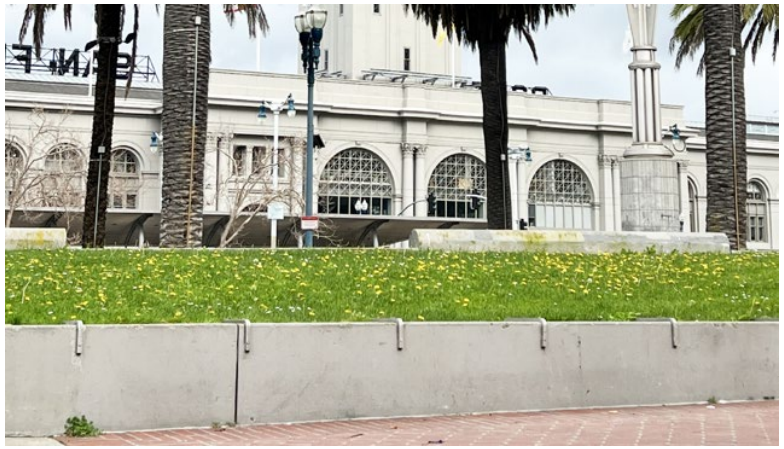
Renovation of Embarcadero Plaza and Sue Bierman Park

SF Board of Supervisors
Government Audit & Oversight Committee
February 20, 2025

SAN FRANCISCO RECREATION & PARKS

Project Background

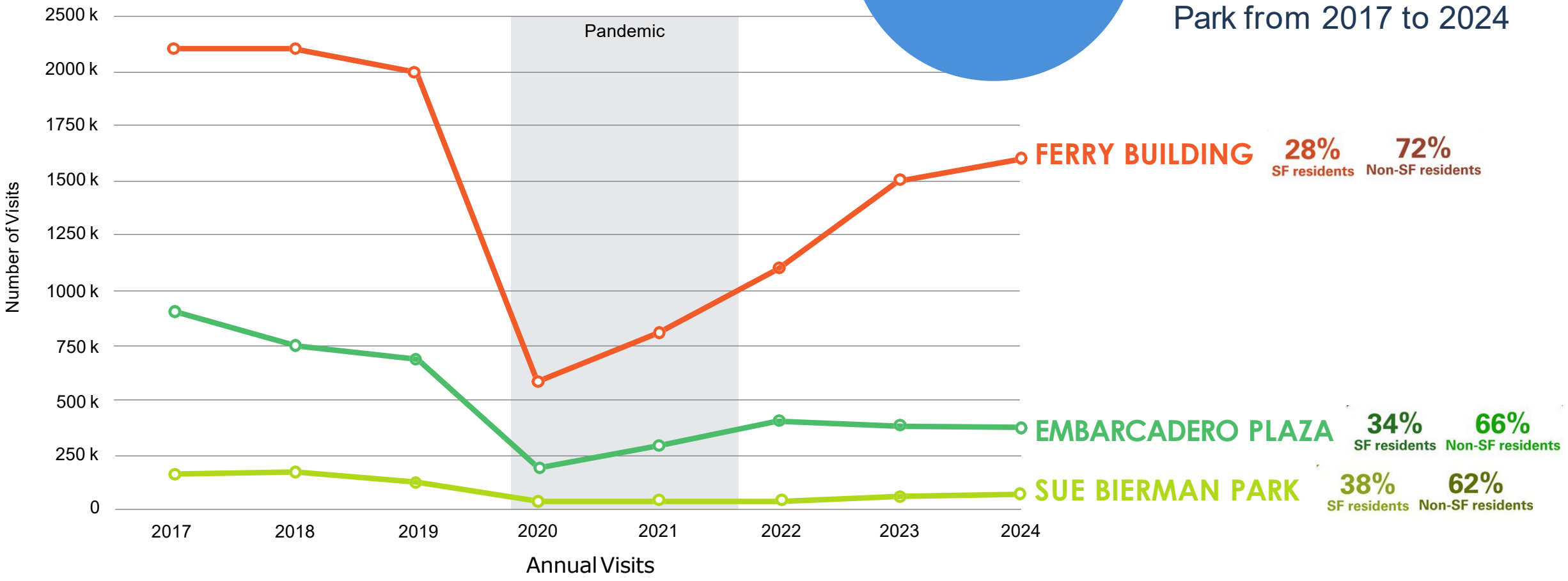
Project Background



USER NUMBERS DOWN

-58%

Decline in number of visits at Embarcadero Plaza and Sue Bierman Park from 2017 to 2024



A New Vision

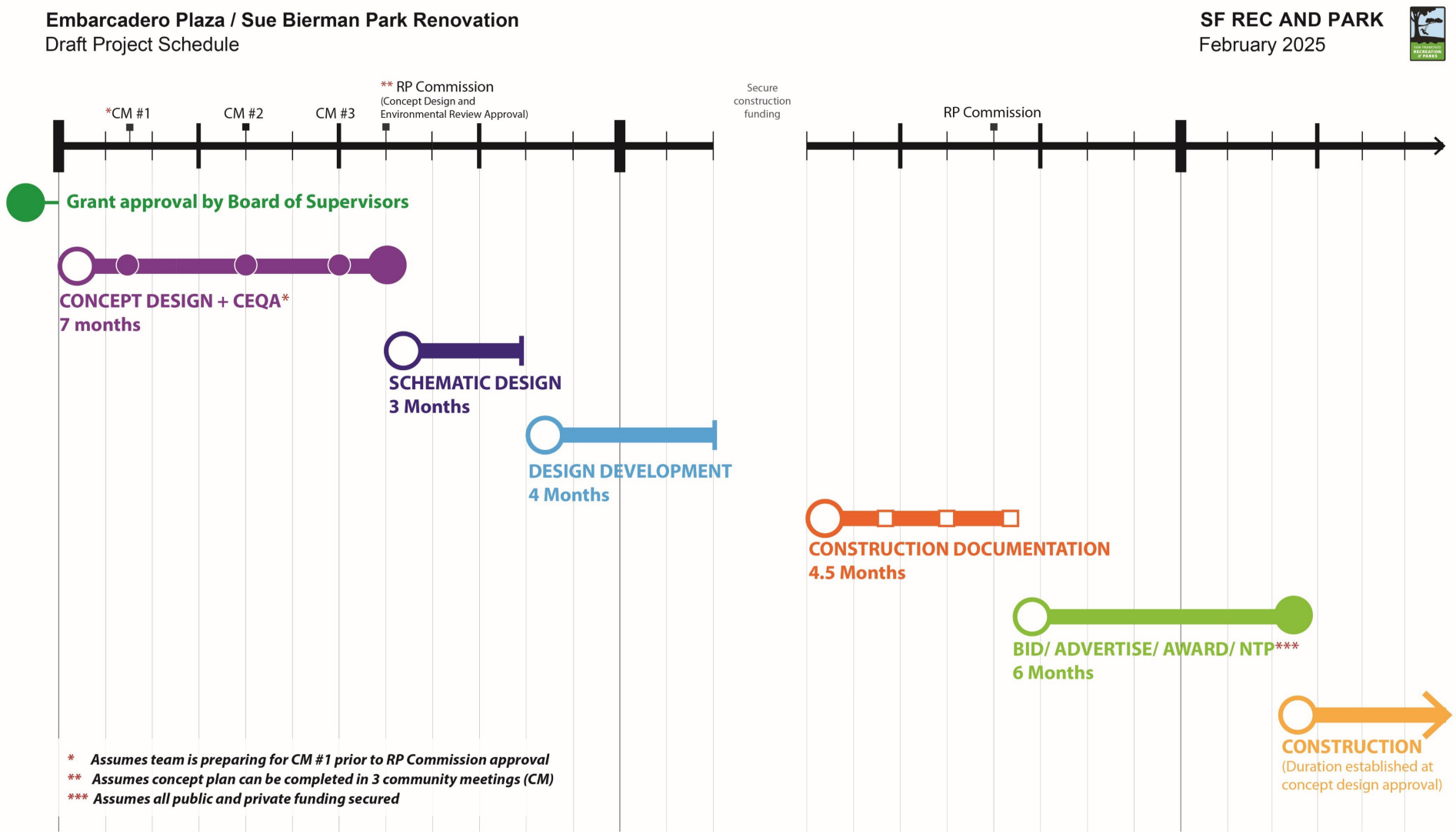
FERRY BUILDING
THE EMBARCADERO
ACTIVE PROMENADE
ACTIVE PROMENADE
EXISTING PLAYGROUND
MULTI-USE LAWN
STAGE
CENTRAL EVENT SPACE
WASHINGTON ST
FITNESS
MULTI-USE LAWN
RETAIL CORRIDOR
RETAIL CORRIDOR
MARKET ST
*LIMIT OF WORK ENDS AT BACK OF CURB
DRUMM ST

Preliminary Project Design Budget

Embarcadero Project Budget		
EXPENSES		
Design Costs		
Landscape, Civil & Survey	$	1,980,000
Soft Cost Contingency	$	275,000
City Project Management	$	200,000
BXPE Project Management	$	45,000
Design Costs Subtotal	**$**	**2,500,000**
Estimated Construction Costs	**$**	**25,000,000**
Project Contingency (15%)	**$**	**3,750,000**
Fundraising and Admin Costs	**$**	**1,250,000**
Total Expenses	**$**	**32,500,000**

SOURCES		
BXPE Cash and In-Kind Design Grants	**$**	**2,500,000**
Public Funds	**$**	**20,000,000**
Private Commitment	**$**	**10,000,000**
Total Sources	**$**	**32,500,000**

Preliminary Project Schedule



Thank you and Questions

SAN FRANCISCO
RECREATION
& PARKS

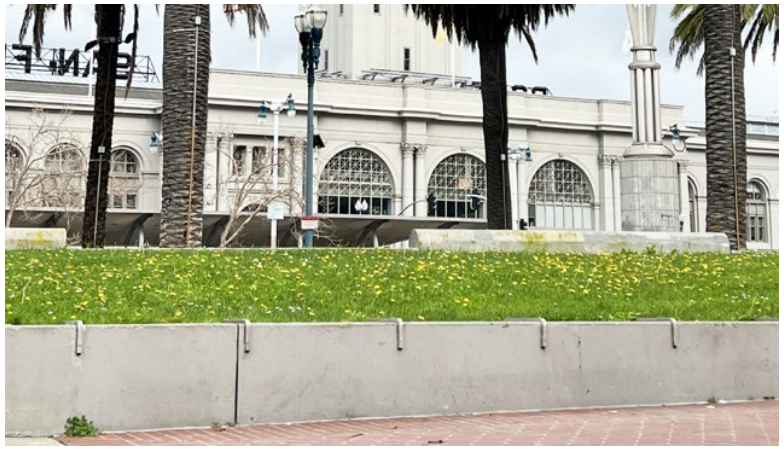
Renovation of Embarcadero Plaza and Sue Bierman Park

SF Board of Supervisors
Government Audit & Oversight Committee
March 6, 2025

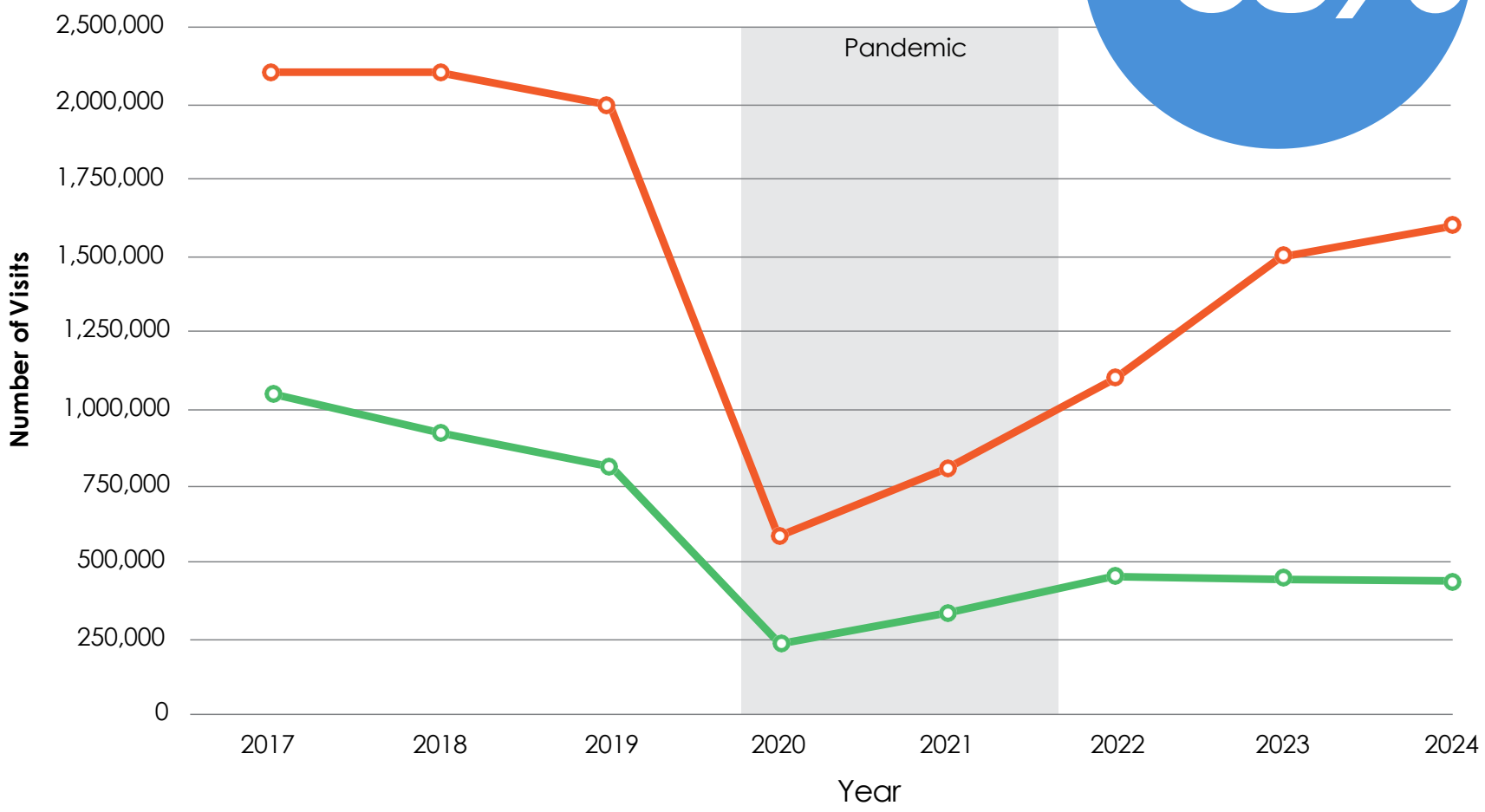
SAN FRANCISCO
RECREATION
& PARKS

Project Background

Project Background



VISITATION TRENDS



-58%

Decline in number of visits at Embarcadero Plaza and Sue Bierman Park from 2017 to 2024

FERRY BUILDING

28% SF residents

72% Non-SF residents

EMBARCADERO PLAZA & SUE BIERMAN PARK

35% SF residents

65% Non-SF residents

A New Vision

FERRY BUILDING
THE EMBARCADERO
ACTIVE PROMENADE
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EXISTING PLAYGROUND
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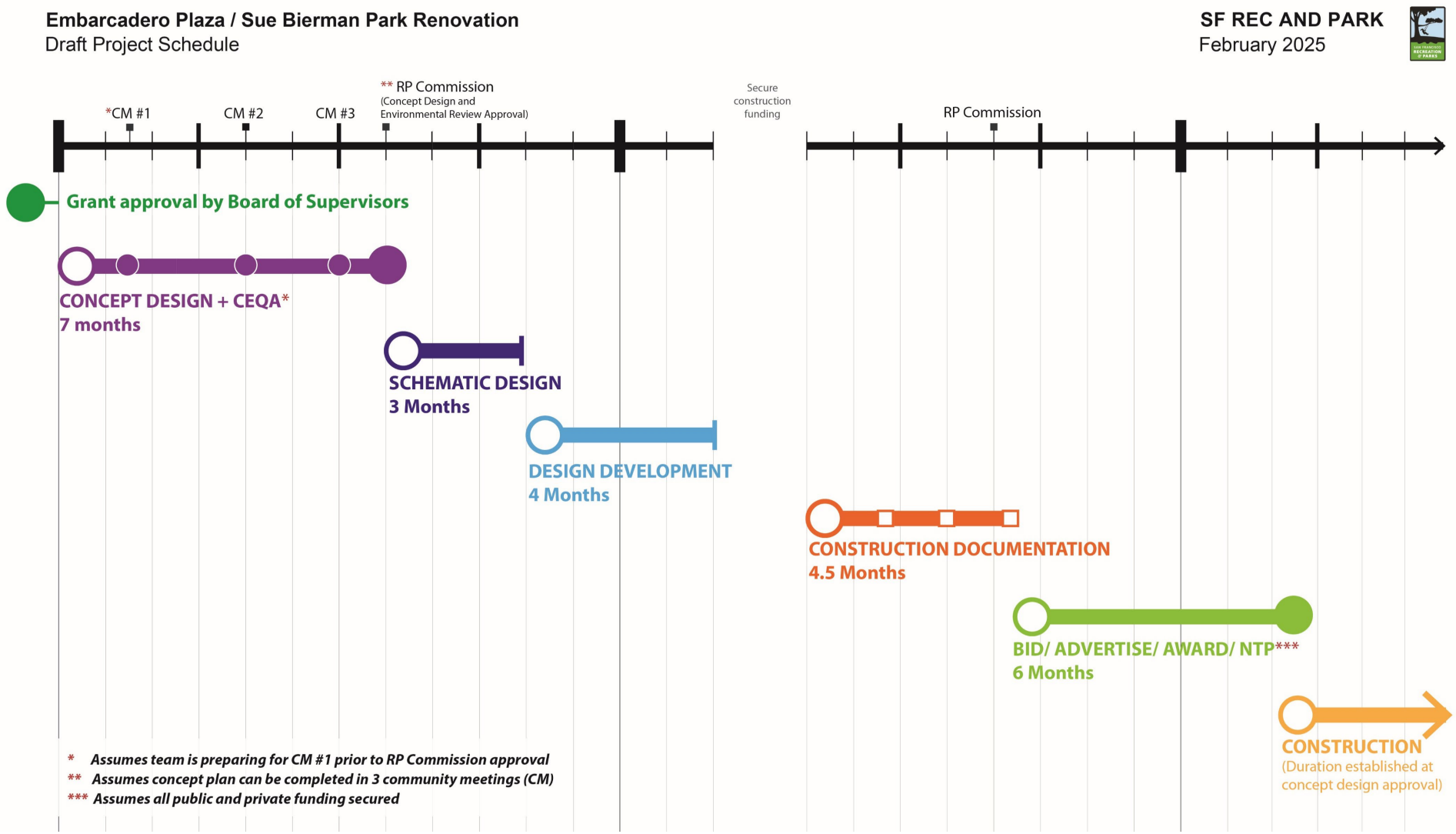
Preliminary Project Budget

Embarcadero Project Budget		
EXPENSES		
Design Costs		
Landscape, Civil & Survey	$	1,980,000
Soft Cost Contingency	$	275,000
City Project Management	$	200,000
BXPE Project Management	$	45,000
Total Estimated Design Costs	**$**	**2,500,000**
Estimated Construction Costs	$	23,000,000
Project Contingency	$	1,000,000
Fundraising and Admin Costs	$	1,000,000
Phase I Total	**$**	**27,500,000**
SOURCES		
BXPE Cash and In-Kind Design Grants	$	2,500,000
Public Funds (Minimum Committment)	$	15,000,000
Private Commitment	$	10,000,000
Total Sources	**$**	**27,500,000**

Preliminary Project Schedule



Thank you and Questions

SAN FRANCISCO
RECREATION
& PARKS