

1 [Acknowledging the Establishment of Yerba Buena Gardens Conservancy]

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

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

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

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

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

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

5 WHEREAS, The Gardens also include several popular cafes and public art works
6 enjoyed by its visitors, and is adjacent to the Museum of African Diaspora and San Francisco
7 Filipino Cultural Center and the busy Metreon Entertainment/Shopping complex; and

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

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

13 WHEREAS, Since its opening in 1992 the Gardens and its many attractions have been
14 shared and enjoyed by City residents and visitors from around the world, with over 5,000,000
15 enjoying its many amenities in 2015 alone; and

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

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

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

1 Maintenance, Operating, and Security costs will continue in effect, now totaling about
2 \$8,900,000 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 \$700,000 per year in payments to OCII;
5 and

6 WHEREAS, These and other revenues provide over \$9,600,000 a 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 a year for the
9 maintenance and operation of the Gardens cultural facilities; and

10 Whereas, additional revenues of about \$1,000,000 per year from temporary rentals of
11 Gardens spaces and facilities supports extensive programming of free public events and
12 activities in the Gardens; and

13 WHEREAS, There is about \$13,000,000 in reserves now held by OCII for future
14 operating expenses, building renovation needs, and long-range capital improvements of the
15 Gardens; and

16 WHEREAS, The ground lease payments from the City's Moscone Convention Center
17 of about \$600,000 per year helped support maintenance and operation of the Gardens parks
18 and public amenities ended in 2015; and

19 WHEREAS, The Gardens is projected to need approximately \$50,000,000 in capital
20 funding over the next 30 years for routine renovation of all its building and facilities subject to
21 validation by the San Francisco Real Estate Division; now, therefore, be it

22 RESOLVED, That it is the Policy of the City and County of San Francisco that it is now
23 time to establish a new public benefit civic nonprofit Yerba Buena Gardens Conservancy to
24 assume long-term operating and management responsibility for Yerba Buena Gardens under
25 a master lease with the City and County of San Francisco; and

1 BE IT FURTHER RESOLVED, That the Yerba Buena Gardens Conservancy will be
2 governed by a 15 member Board of Directors composed of 9 Gardens stakeholders elected
3 by the Conservancy board and 6 civic leaders 3 appointed by the Mayor's and 3 by the Board
4 of Supervisors; and

5 BE IT FURTHER RESOLVED, That Yerba Buena Gardens Conservancy will employ its
6 own administrative staff and continue to contract for Gardens maintenance, operations,
7 security services as now; and

8 BE IT FURTHER RESOLVED, the Yerba Buena Gardens Conservancy will continue to
9 contract for coordinated events and activities programming as now; and

10 BE IT FURTHER RESOLVED, The Yerba Buena Gardens Conservancy will comply
11 with the Ralph M. Brown Act, the City Sunshine Ordinance, Ethics Commission regulations,
12 the City's contract bidding procedures, and comply with all the City's labor and human rights
13 policies; and

14 BE IT FURTHER RESOLVED, City Departments will continue to provide essential legal
15 and technical services to the Yerba Buena Gardens Conservancy as appropriately requested
16 by Yerba Buena Gardens Conservancy, including enforcing the former Redevelopment
17 Agency/OCII's funding agreements for the Gardens Maintenance, Operating, and Security
18 costs; and

19 BE IT FURTHER RESOLVED, the annual funding revenues identified above that now
20 support the maintenance, operations, security, and programming of the Gardens parks, public
21 amenities, and cultural facilities shall continue to be fully dedicated to those purposes by the
22 City after it assumes ownership of the Gardens from OCII; and

23 BE IT FURTHER RESOLVED, that the Museum of African Diaspora, the Mexican
24 Museum and the San Francisco Filipino Cultural Center are important cultural assets for the
25

1 City and County of San Francisco and should be included in the future planning scenarios for
2 the Yerba Buena Gardens Conservancy; and

3 BE IT FURTHER RESOLVED, The loss of annual operating support for the Gardens
4 from ground lease payments by the Moscone Convention Center shall be made up from civic
5 resources available for such purposes; and

6 BE IT FURTHER RESOLVED, The Gardens additional long-range capital improvement
7 funding needs set forth above shall be addressed as a project eligible to be funded by the
8 Community Facilities Funding District now proposed for the City's pending Central SOMA
9 Plan; and, be it

10 FURTHER RESOLVED, The San Francisco Real Estate Division shall draft such a
11 conceptual Community Facilities Funding Program for public review by March 31, 2017; and,
12 be it

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

16 FURTHER RESOLVED, The City Administrator shall identify the civic resources
17 potentially available to replace the annual operating support formerly provided by the
18 Moscone Convention Center by March 31, 2017.



City and County of San Francisco

**Tails
Resolution**

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160756

Date Passed: November 01, 2016

Resolution acknowledging the establishment of 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.

September 01, 2016 Government Audit and Oversight Committee - CONTINUED TO CALL OF THE CHAIR

October 06, 2016 Government Audit and Oversight Committee - CONTINUED

October 20, 2016 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE


October 20, 2016 Government Audit and Oversight Committee - RECOMMENDED

November 01, 2016 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160756

I hereby certify that the foregoing Resolution was ADOPTED on 11/1/2016 by the Board of Supervisors of the City and County of San Francisco.



**Angela Calvillo
Clerk of the Board**

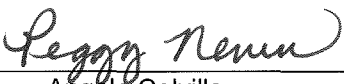
Unsigned

Mayor


11/10/2016

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.



pc Angela Calvillo
Clerk of the Board



Date