

[Permanent Protection of Public Space and Cultural/Recreational Facilities at Yerba Buena Gardens]

Motion ordering submitted to the voters and ordinance authorizing an amendment to the Park Code and the Planning Code at an election to be held on _____, 2015.

MOVED, That the Board of Supervisors hereby submits the following ordinance to the voters of the City and County of San Francisco, at an election to be held on _____, 2015.

Ordinance amending the San Francisco Park Code and the San Francisco Planning Code to establish a long-term protections of public space and cultural/recreational facilities at Yerba Buena Gardens.

YERBA BUENA GARDENS INTEGRITY INITIATIVE

Section 1. Title.

This measure shall be known and may be cited as the “Yerba Buena Gardens Integrity Initiative” (referred to hereinafter as the “Initiative”).

Section 2. Findings and Purposes.

(a) The People of the City and County of San Francisco declare their findings and purposes in enacting this Initiative to be as follows:

1. This Initiative will establish permanent protections for public space and cultural/recreational facilities at Yerba Buena Gardens, prohibiting any commercial development or expansion of the City’s George R. Moscone Convention Center in the future, after completion of the currently pending Moscone Center Expansion Project, that would reduce the size of, limit access to, or negatively impact the public space or cultural/recreational facilities of Yerba Buena Gardens.

2. Currently, Yerba Buena Gardens includes the following public space and cultural/recreational facilities: Yerba Buena Lane and adjacent retail spaces, Jessie Square, the Esplanade Garden and Martin Luther King Fountain, the Upper Terrace/Sister City Garden and adjacent cafes, the Center for the Arts, the Children’s Creativity Museum, the Children’s Garden and Carousel, the

Yerba Buena Child Development Center, the East Garden, and the Yerba Buena Ice Skating and Bowling Center and adjacent café. These public spaces and cultural/recreational facilities were owned or operated by the San Francisco Redevelopment Agency, and are currently owned or operated by the City and County's Office of Community Investment and Infrastructure.

3. The City and County is currently considering the Moscone Center Expansion Project (Planning Department Case No. 2013.0154E), as described in the project's Final Environmental Impact Report published on _____ ("FEIR"). The Moscone Center Expansion Project would involve changes to several portions of the public space and cultural/recreational facilities at Yerba Buena Gardens. This Initiative does not prohibit the Moscone Center Expansion Project as described in the FEIR, but ensures that any additional expansions or reconfigurations of convention center facilities do not further impact Yerba Buena Gardens public space and cultural/recreational facilities.

4. This Initiative establishes a Special Use District at Yerba Buena Gardens, and prohibits the City of San Francisco from engaging in or permitting development activities that would reduce the amount of or negatively impact public space or cultural/recreational facilities within the Special Use District.

5. This Initiative requires establishment of a new civic oversight body that will manage and maintain Yerba Buena Gardens public space and cultural/recreational facilities, that will be subject to the full public procedures of the City Sunshine Ordinance and State of California Brown Act, and that will have a structure similar to that of the current operational management of Yerba Buena Gardens by the City's Office of Community Investment and Infrastructure.

6. This Initiative requires that all revenue generated by lease of Yerba Buena Gardens public space and cultural/recreational facilities, including through existing contractual agreements with third parties, continues to be dedicated solely to operation, upkeep, maintenance, and improvement of such space and facilities, and the programs of the nonprofit cultural and community service organizations that utilize them pursuant to approved agreements. Expenditure of all such revenue shall be subject to the financial procedures of the City Charter, and directed through a management structure similar to the current financial management of Yerba Buena Gardens by the City's Office of Community Investment and Infrastructure.

Section 3. Creation of Yerba Buena Gardens Public Space District.

The San Francisco Planning Code is hereby amended to add a new subsection 249.[XX], to create the Yerba Buena Gardens Public Space District, as follows:

(a) Creation and Purpose.

1. There is hereby created a special use district known as the Yerba Buena Gardens Public Space District, as designated on Sectional Map SU01 of the Zoning Maps of the City and County of San Francisco, consisting of Assessor's Blocks 3706, 3723, and 3734 (collectively, the "District"). The purpose of this District is to protect the Public Space and Cultural/Recreational Facilities (as defined below) in a manner consistent with the purposes and intent of the Yerba Buena Gardens Integrity Initiative, approved by the voters, and the requirements of this District.

2. Definition of Public Space and Cultural/Recreational Facilities.

a. For purposes of the subsection 249.[XX] and any other laws or regulations referencing this subsection, "Public Space and Cultural/Recreational Facilities" means all properties and physical facilities within the District at or above street level and owned or operated by the City and County's Office of Community Investment and Infrastructure as of January 31, 2012, including any requisite subsurface utility and mechanical systems, service accesses, and any future additions to and expansion of these facilities. Public Space and Cultural/Recreational Facilities specifically includes: Yerba Buena Lane and adjacent retail spaces, Jessie Square, the Esplanade Garden and Martin Luther King Fountain, the Upper Terrace/Sister City Garden and adjacent cafes, the Center for the Arts, the Children's Creativity Museum, the Children's Garden and Carousel, the Yerba Buena Child Development Center, the East Garden, and the Ice Rink/Bowling recreation complex and adjacent facility currently operated as a café, each as described or depicted in the FEIR.

b. Public Space and Cultural/Recreational Facilities does not include the buildings of the George R. Moscone Convention Center owned or operated by the City and County of San Francisco as of June 30, 2015, including their requisite fire exits and service accesses. Public Space and Cultural/Recreational Facilities also does not include the Metreon, the Marriott Hotel, the Marriott Hotel Ballroom, the Jessie Square Garage, the Jewish Museum, and the Mexican Museum/706 Mission Condominiums.

(b) Controls. The mandatory land use controls established in (b)(1) through (b)(X) of this Section 249.[XX] shall govern land uses affecting the Public Space and Cultural/Recreational Facilities, notwithstanding any other provision of this Code.

1. Protection of Public Space and Cultural/Recreational Facilities.

a. The Public Space and Cultural/Recreational Facilities shall be used only for activities accessible to the public, with the exception of short-

term use of portions of Public Space and Cultural/Recreational Facilities for private events of less than _____ days' duration. The City and County shall permit such private events at the Public Space on no more than _____ days per year.

b. There shall be no construction or development permitted that would reduce the amount of Public Space and Cultural/Recreational Facilities.

c. There shall be no expansion of convention facilities within the District, beyond that described in the Moscone Center Expansion Project as described in the FEIR. Changes to other elements of the Public Space and Cultural/Recreational Facilities as specifically described in the FEIR are permitted.

Section 4. Amendments to Planning Code.

Part II, Chapter II of the San Francisco Municipal Code (Planning Code) is hereby amended by amending the Zoning Map to add the Yerba Buena Gardens Public Space District to Sectional Map SU01 of the Zoning Maps of the City and County of San Francisco, as follows:

Description of Property

Assessor's Blocks 3076, 3723, and 3734.

Special Use District Hereby Approved

Yerba Buena Gardens Public Space District

Section 5. Amendments to Park Code.

The San Francisco Park Code is hereby amended by adding Sections 11.05 and 11.06 to Article 11, to read as follows:

11.05 Establishment of Oversight Body. *The City shall establish by implementing ordinance a new civic oversight body ("Oversight Body") with powers and duties of management and maintenance of Yerba Buena Gardens Public Space and Cultural/Recreational Facilities (as such term is defined in Planning Code section 249.XX).. The Oversight Body shall ensure first class management standards for Public Space and Cultural/Recreational Facilities, and shall be similar in its purview, powers, and structure to the current operational management and oversight of Public Space and Cultural/Recreational Facilities by the Commission of the City's Office of Community Investment and Infrastructure, including its operating budget, operating agreements, and contracts for services. The Oversight Body shall be subject to the full public procedures of the City's Sunshine Ordinance and State of California's Ralph M. Brown Act. The members of the Oversight Body shall be*

in such number and appointed as specified in the implementing ordinance, and shall include:

- a. a resident of the Yerba Buena neighborhood;*
- b. a representative of the Yerba Buena business community;*
- c. a representative of the Yerba Buena cultural community;*
- d. a representative of a Yerba Buena neighborhood organization;*
- e. a representative of the Yerba Buena Community Benefit District;*
- f. two residents of San Francisco who are frequent users of Yerba Buena Gardens, including at least one parent whose child(ren) use its Public Space and Cultural/Recreational Facilities.*

11.06 Dedication of Yerba Buena Gardens Revenue. *Revenue obtained by the City and County of San Francisco from operations of Public Space and Cultural/Recreational Facilities (as such term is defined in Planning Code section 249.XX), other than revenue from operations of the George R. Moscone Convention Center, shall be maintained and expended by the City and County of San Francisco through management and control of the Oversight Body described in section 11.05. Such revenue shall be expended solely for maintenance, upkeep, and operation of the Public Space and Cultural/Recreational Facilities, and the programs of the nonprofit cultural and community service organizations that utilize them pursuant to approved agreements. All expenditures shall be within the parameters set forth in Planning Code section 249.XX, and under direction of the Oversight Body.*