President Martin called the 854th Regular meeting of the Recreation and Park Commission to order on September 4, 2008 at 2:04 p.m.

ROLL CALL
Present
Larry Martin
Jim Lazarus
Gloria Bonilla
Tom Harrison
David Lee
Meagan Levitan
Michael Sullivan

PRESIDENT’S REPORT
Commissioner Martin: It's important, we've had some real nice things out at the park, three days of nice events out there and all the people have attended it. I was given some of the pictures of some of the people that are doing all the work out there, see all these nice people doing all the work. These are guards and all the stuff they're doing out there, they gave us pictures of what they're doing. They've been out there taking care of everything and all that great stuff and we want to thank them for the fantastic work they're doing. Commissioner Lee was out there with them.

Commissioner Lee: Yes, I was at the Outside Lands Festival last weekend and I just wanted to share with you the fine work that the Department did out there and Commissioner Martin is holding pictures of the park patrol and they were out in force. They had a mobile vehicle that one of the park rangers owned and allowed the use of as a command station. They also had some volunteer mounted park rangers that helped with crowd control and they did a fine job keeping the festival orderly and moving along. We'd like to recognize them for their work.

Commissioner Bonilla: Yes, I would like to ditto that to Yomi, Dennis, Margot. I think they did a fabulous job. I'm an avid concert goer and it was one of the best that I've been to, so you're to be applauded for doing such a great job. And the money is good too.

Commissioner Sullivan: Mr. President, a related question. While this is fresh in our mind I wonder if we could expect a report on the Outside Lands event. Is that going to happen today or at some time in the near future while it's all fresh in our mind?

Yomi Agunbiade: So you have a number of things. I just passed out to you a packet or articles both pre and post the event for you to look at and review. You have in your packet some emails that we received. We have continued to stay in contact with our 311 System. The emails that we're getting, board members, and so the answer to that is yes and what we're doing now is sort of a post-mortem and I can briefly have Margot tell you what's going on now and our next step, if you'd like to take that right now.

Commissioner Sullivan: That would be great. I'd also be interested to know when we were considering the Outside Lands Proposal we were given the range, the minimum and then the potential maximum and I've came of read in the paper where we came out. If you could report on that as well it would be great.
Margot Shaub: Margot Shaub, Director of Partnerships and Resource Development. Briefly, to recap, as you know the Outside Lands occurred on August 22, 23, and 24. The estimated attendance was about 130,000. So with that we had a guarantee amount, a permit fee, and then we hit our percentage for ticket sales with an additional $265,000. After the concert myself, Denny and his team walked through the entire area and took notes of what needed to be repaired and took a look at things that we thought needed attention. We then went out with the producers and walked through and now Denny and his team are preparing an invoice for different things. There was no traumatic experience out there. There are a couple of sprinkler heads, they are going to do some more seeding and some fertilizer but the turf looks good and I'm going to quote one of our gardener. Turf Manager Rodgers said after they left it was the cleanest they'd ever seen the Polo Fields. We're still in touch with DPT, MUNI, and the police trying to get all the reports for the weekend. We had initial reports that we updated you during the weekend which were the different calls that we received, some of them were repeats, but basically if you'd like me to give to you, the Friday night we had 56 calls on the community hotline that the producers set up, 87 calls to 311 which varied in what they were asking for or reporting. One car was towed on Friday night. The police reported no incidents and Park Patrol had six calls, mostly about noise. That evening one of the glitches was that the Muni busses were not lined up to help get folks out quickly enough and that was in part due to the Giants game. By Saturday when Tom Petty was done they had the park cleared by 11:30. On Saturday night we had 22 calls to the hotline, 44 calls to 311, one arrest but no other police incidents and the headliner was off before the designated time. On Sunday we had 11 calls to the hotline, 31 calls to 311, and the headliner ended at the specified time and the park was cleared. Next steps for us, we are going to do an internal meeting next week with all the staff that were involved to understand everything that went on, what went well and what are things we need to improve on to do it next time. In addition we are working with a music planning consultant and we're starting to work with his to discuss an RFP that we'll put out hopefully in November to do another multiple day music festival. So if you have any questions I'm happy to answer them.

Commissioner Levitan: Just building on what you reported, it was an amazing event and I know I saw Commissioner Lee and I saw Yomi and I saw Margot and it was really terrific, so well-done to the entire Department on that. And our thanks obviously to the people who were disturbed in any way. I'm wondering if it would make sense to do for next meeting or a future meeting but not so far in the future, to do maybe a discussion only item to flesh out some of these items that you've raised, what worked, what didn't work, maybe some of the findings of the consultant so we make sure if we're going to move forward we're going to do this with all the information still fresh in our minds.

Yomi Agunbiade: We're happy to do that and we can agendize so that everybody knows that it's on for the next meeting as a discussion only item if that's okay with the Commission President.

Commissioner Lee: I have the sentiments of the other Commissioners. I was there for all three days and I too would be anxious to take a look at the ultimate report and see what financially we pulled in and what the breakdown was so we move forward with the new RFP we'll have all that information and make a more informed RFP for the next process.

Commissioner Lazarus: The expenditure of the revenue that we're going to get--obviously we got more than the minimum. How much money?

Margot Shaub: In total, more than $800,000 in total. Part of that is the permit fee too.

Commissioner Lazarus: And what did we budget?

Yomi Agunbiade: Well, the minimum--there's a permit fee of $150,000 the minimum that we were going to get was $400,000 and on top of that we now have received $265,007.

Commissioner Lazarus: Did we budget--how much is in the July 1 budget? This is general fund money, there's no special fund.

Yomi Agunbiade: That's the $150,000 is the revenue.
Katie Petruccione: The budget includes $150,000 in permit fees, we also knew that we were going to get at least $400,000 as a gift from the producers of the concert and that $400,000 is appropriated in a gift fund for Golden Gate Park. We are also receiving $265,000 additional dollars because the concert did so well. That $265,000 is not appropriated. I believe that if we wish to spend those funds we will need to take a supplemental appropriation in order to do so.

Commissioner Lazarus: So those are also going in the city's gift account for a specific purpose but it hasn't been appropriated.

Yomi Agunbiade: For Golden Gate Park, correct.

Commissioner Lazarus: You have mentioned, some of the uses of the original $400,000. Are you going to now budget a $665,000 program and come to us with how you expect to spend that as well as going to get the $265,000 authorized in the fiscal year?

Yomi Agunbiade: Part of the conversation that's happening is this is Golden Gate Park so as we all know there's probably hundreds of millions of dollars of work that we could do in Golden Gate Park so this is approximately $265,000 worth. I've actually walked the site as well with staff. There's a number of things on a list that folks are putting together. Denny is going to be working with his staff to try to narrow that down to something we can deliver for those amounts and our next process is to come and to inform you of what those things are so we can start that discussion on the 18th.

Commissioner Lazarus: I think it's critical to show that this type of event is good for the Department, good for the park, and that immediate neighbors will have some inconvenience if this type of activity is replicated in the future but that there's something positive to show for it.

Yomi Agunbiade: Absolutely. The staff know the way the lease and the contract were set up and the permit was set up and so they've been a part of the conversation about where best does the $600,000 be used. In the context of the fact that we know we have a hundred million dollars of need in Golden Gate Park there's some things that help the day to day maintenance and improvement that we can use the $600,000 and we'll be coming to you to talk about that.

Commissioner Martin: What the Commission said was real important as a community, it's so important that the community hear something positive about that whole situation as well because they have a different concern that everyone else. So if somebody is sitting on your porch and walking up in front of your house they have a different idea than someone that's standing where I stand, I don't have that problem. So we've got to come up with a good concept that we deal with that too.

Commissioner Sullivan: Just a point of view. I see the point of directing dollars from a successful event like this to the local park. The local neighbors are the ones that suffer and that are enduring noise at 9:00 o'clock at night on a Sunday. But if this is going to be an ongoing event and if we're going to be doing other events like this then I guess I question the wisdom of having all the dollars from these events directed to Golden Gate Park. We have lots of needs in the park system. We have neighborhood parks that could use dollars, we have urban forestry needs, we have gardeners that aren't being replaced. So as we look to the future of these types of events I think we ought to think about the needs system wide.

Commissioner Lazarus: I share your concern. However the last two bond issues have been directly limited by and large to neighborhood parks with the exception of perhaps the tree portion of the last bond issue. We haven't had a Golden Gate Park bond issue for 16 years. So the extent that we can have capital funding out of a stream like this for Golden Gate Park I think it's probably overdue.

Kathy Howard: I thought this would come under general but since you talked about Outside Lands Festival I'd like to talk about it a little bit. My name is Katherine Howard, I'm with the Golden Gate Park Preservation Alliance and as with any large event held in our parks there are always effects on the park infrastructure and we sent an email outlining some of the damage we saw to the director of operations and I've talked to him today and he's going to get back to me on it but we wanted you to know some of the
things that could happen. The good thing is that the perimeter fencing was very good and there was high
security and I think a lot of the park was protected and this I haven't seen before. I've seen other festivals
where everything is trampled so I think that was done very well but there's also some bad news, one is that
when the chain link fencing was taken down which was miles and miles of it the supports were just clipped
and the metal was left on the ground and I brought--this is what I picked up Thursday morning. I'm
surprised they let me in with this stuff. There's more at home but I didn't want to spend the time in
detention so I left it there.

Commissioner Lazarus: We have a recycling center at Kezar.

Kathy Howard: So this stuff will rust. There were people jogging, there were dogs. The guys just went
clip, clip, I'm done and this was four days after the concert. So I know Denny is aware of this and I hope in
the future that not only do they come pick it up but if they do this they pay a lot for doing this because if a
machine went over this somebody could get very seriously hurt. Cars were for the most part in the street,
some were parked illegally on lawns and up against trees. I'm a tree nut and that causes soil compaction so
I'd like to see those cars ticketed or towed. They all had staff cars on them, there was no reason for them to
be parked there. What we observed is that the lawns were severely compacted. Denny says they are
recovering but we would like to know what's going to be done. There is the sort of temporary recover and
as a landscape architect I know with the lawn you really have a base that gets compacted and sometimes
you need to take that up. So I think the funding for that kind of thing should also be included. We love
Golden Gate Park, it suffers all the time as it is so we'd like to see it taken care of. We have a list of
questions which I have in this memo for you to look at and a lot of you people have kindly already covered
them. We appreciate it very much, thank you.

Commissioner Martin: You know, this is exactly what I was saying. We have all these beautiful
things going on but the if the community has some concerns when they go over and it's so important, so
thank you for letting us know so we can review those things so we can then look at the whole picture when
we get ready to do it again, so thank you Yomi.

Commissioner Harrison: Madame, I have a question, were those the ties for the fencing that went
around?

Kathy Howard: Yes, there's a picture in here if you want to give them to the Commissioners and what
they do is they drive the posts into the ground and where I looked this was across from the buffalo paddock,
we walked about a quarter of a mile from the little rhododendron island down to the end of the buffalo
paddock and I don't think we got everything. What they did was they drove in the posts and there's a
picture of the fence in place, and then they attached the chain link fence to the post with a wire. So when
they take it down, although I didn't see them do it, what I assume is they take their wire clippers and they
just clip. The chain link probably rolls up really fast, they take the posts out and they're gone. Picking up
the pieces is a little step they left out.

Commissioner Harrison: I had a similar situation when I had my house painted. I'm still picking up wire,
things in my backyard. So I'm wondering and maybe staff can look into this, that maybe those plastic zip
ties might be an alternative thought.

GENERAL MANAGER'S REPORT
Yomi Agunbiade: We've talked at length about one of the things I wanted to talk about. But one of the
things I do want to point out to you is there's a memo in your packet discussing some ongoing work that
we've been doing with the MTA regarding their issuance of advertising for an RFP that has to do with
trying to get additional revenue from city parking lots through advertising actually. And so I just wanted to
inform you that. We have a number of parking garages of ours that is part of that RFP and that process is
going on right now. This is an informational item for you as we continue to talk about new opportunities
for revenue. And I think maybe Rhoda might mention this later but so she can underscore it again, this
weekend we're going to be opening the upper Noe Rec Center so you should have all received an invitation
to that event on the 6th from I believe 11:00 a.m. to 2:00 p.m. If we can have Rhoda come up and give us
the capital report and we can move along.
Rhoda Parhams: Just a very brief overview of where we are. The only thing I really want to announce since everything I said over the last two weeks kind of turned into a food fight, I just want to mention as the general manager did say that we are posting our openings that are pending. The next openings that we have are J.P. Murphy will be opening September the 27th and we're excited about that and then we're looking at J. Serra opening in mid-August---October, my apology. We do have Crocker Amazon opening on the 21st, so we're excited about that. For the most part we have Upper Noe opening on the September the 6th, that's very exciting for us because it's been a long-fought battle to make sure that facility is done, we've walked in a couple times recently and it is complete. We are completing a bit of plumbing work in some of the outside planters but it is complete. All of our concerns have been addressed and corrected and so we're excited about that. We're inviting everyone to attend that opening as well as Crocker Amazon. The ones that we have coming up now, J.P. Murphy scheduled for September the 27th and then Junipero Serra in October. The other ones that we have on list, we have about four more pending, but we're not quite at a point when we can announce when they'll be open so we trust that you will join us in those openings.

Yomi Agunbiade: Thank you. That's my general manager's report for today.

PUBLIC COMMENT

Barkley Bates: Good afternoon. First I would like to thank Commissioner Sullivan and Commissioner Martin for acknowledging that people in the community have a lot of concerns about this Outlands Festival and about the possibility of it being repeated. I am here to protest that festival in the strongest possible terms. The San Francisco Chronicle quoted your spokesman a Mr. Elton Pon to the effect that the Department didn't get many complaints about it. Well, if that statement is true I can tell you why, nobody was answering the phone at Recreation and Park on the day after the festival. I waited about 80 seconds before I got a recorded message telling me to leave my name and number. I did so and then I called the office of the Commission, same story, 80 second wait, recorded message. Eventually I was called back but my point would be here that 9 out of 10 callers would hang up before 90 seconds elapsed. You should know what people thought about this so-called festival and I refer you to comments posted by several hundred people who read five separate articles in the San Francisco Chronicle over that weekend. These comments are easily available if you care to look at them online from the papers archives. They ran about three to one against the festival focusing chiefly on the bad behavior of the crowd as it left and of course on the atrocious noise. Interestingly those who had actually attended the festival about half of them felt they had been ripped off. They complained about high prices, faulty sound equipment, the inability to see the bands and the great scarcity of toilets. More than a few said that they were afraid they were going to be trampled in sudden crowd movements. The worst of it though as I can tell you as a Richmond District resident was the noise. I ask each of you to imagine how you would feel if I showed up in front of your house, camped on the sidewalk and played a boombox off and on for three consecutive days and nights. That was the festival experience for 40,000 people who live in the Sunset and Richmond Districts.

Linda D’Avirro: Thank you Commissioners. I'd like to let you know about an issue at Crocker Amazon Park right now that's being remediated I hope. That issue involved dumping of turf and soil from another park. Excelsior Playground is fortunate enough to be redoing their baseball fields yet sometime Monday evening or noon that debris was carted over to Crocker Amazon Park and deposited right at the dog off-leash area within steps of the children's playground and nearby the community garden. It was one of our neighbors who observed the park people spraying the turf which is now dead with something that they believe was Round Up and until I contracted JT who is our NSA in 7 no one was aware of it and the reason I'm bringing this up is JT has gotten back to me by email and he wants to take--he hasn't mentioned the turf which is my bigger concern, but he is suggesting that we'll take that dirt, and there's piles of it, and just throw it on top of the dog play area which happens to be grass. And I wrote him back and said that's absolutely unacceptable but my point in bringing this up is this is not the first time this had happened and I'd like to know what the park's policy is for moving debris from one project and feeling it necessary to just find another park to throw it in, in this case Crocker Amazon which in this area is fully populated with people day and night. And we have an area designated off of Mancel and why this didn't happen I have yet to get an answer and I think you should be aware of the policy of moving this debris is not being followed and apparently some oversight and management of this kind of process is continuing to occur. Kelly Watts: Kelly Watts, I'm speaking on the synthetic fields. I've looked into almost every generation of artificial surface as they've come and gone since the 70s and I think the task force that was assembled for these fields
was a great idea. I attended every session that they had. I have read the report and I have noticed a couple things about it that I'd like to address. First of all very little of it includes comments of the actual task force members. The majority of it is relegated to comments and promises made by the RPD staff correcting the problems that were shown exist. Of the dozens of reports that were submitted by the public not a single one of them that I have seen about the health hazards and the negative environmental impact of removing the grass and filling them with thousands of tons of finally ground up tire waste has been included, it all seems to have been left out. The last point I'd like to make is that the task force was made almost exclusively made up of proponents of this program. There is so little public outreach that of only the 11 people who applied for public seats 7 of them only heard about it tangentially through someone who attended this Commission, no other outreach was made. In fact, one of the public seats was taken up by a PROSAC member who already had a seat there. Examples of the five people I know were excluded one of them in their application had support of five neighborhood associations, one of them was the president of her neighborhood association and one had the support of two park Commissioners and yet they still were excluded. What they all had in common was that they had all spoken to this group here about their issues of dissent about these parks. What I'd like to do is see the previous things that I've mentioned corrected before this report is submitted. Another thing about the exclusions, in the report it says that David Lee is the only one that picked the people from this task force and in fact officers of this committee and management of RPD handpicked this task force so I'd like to that corrected, thanks.

Meredith Thomas:  Meredith Thomas with the Neighborhood Parks Council. Isabel Wade asked me to pass along a little feedback to you today about the progress with the Golf Task Force. I wanted to let you know that the task force report has been issued as you know by a consultant Leon Younger and there's scheduled to be another Golf Task Force meeting on the 17th of September. As an aside we're very much hoping that the date can be changed because that's NPC annual gala and it's really important to us that we can attend the last scheduled Golf Task Force meeting. In any case what I wanted to pass along to you today was the notion was that now that we have this report from Leon this begins in our mind the work of the task force, there need to be several conversations that happen as we examine the report and have time to read it and review it, that the task force until now has been getting us all sort of on the same page but it's time now that we have the report to continue our conversations and not to end them so I very much hope that we'll be able to extend the lifespan of this task force and continue the conversations. In the absence of the report there haven't been many substantive conversations quite frankly at the task force. I'm very much hoping that we can move the meeting so that everyone can attend and that we can continue these conversations, thanks.

Lucretia Rauh:  I represent Friends of Fay Park and I'm a member of the Fay Park Citizen's Advisory Committee. I was shocked and dismayed when I saw that there is a proposal on your agenda today under new business to discuss and possibly and I quote inactivate the Fay Park CAC until resources are available to implement the house guidelines, unquote. Presumably the intention is to deactivate the committee. The citizens advisory committee was never informed that such a proposal was to be considered. It seems that some explanation of what is meant by until resources are available to implement the guidelines should be given to the committee. I'm very curious about who made this proposal. The Fay Park mission statement is as follows: Guide the transition from private home and garden to public park with a sustainable plan for long-term use and maintenance to provide public access and recreation per city charter requirements. The guidelines state that the advisory committee should meet in the house on an ongoing basis supervised by Department staff. Commissioners, it is absolutely necessary to keep the committee active in order to carry out the mission statement. The citizens advisory committee has been very active in trying to get a response from the Department on various proposals for use of the house, but to no avail. I could give you several examples but in the interest of time I would like to read you my most recent email to the Department on behalf of the committee. This was sent on July 20th. Dear Mr. Kern, I would like to invite you to the Fay Park CAC meeting on Tuesday, August 12 at 5:45 at the Fay House, 2366 Leavenworth Street, Corner of Chestnut. The citizens advisory committee has not had a meeting since April when Linda Woo of Recreation and Park who was facilitating the meetings retired. Her replacement Elizabeth Gee evidently did not realize that it was her job to call these meetings. When I heard that she had been replaced by Steven Cismowski I tried to contact him but the email address I tried didn't work. In order for these meetings to meet the--

Commissioner Lazarus:  We're not supposed to have dialogue on public comment but a correction to make sure that we understand somewhere I guess at a Department level on our list of possible future action items, not at this meeting, but at possible agenda setting in the future the suggestion is the September 18
Gerry Crowley: I'm Gerry Crowley and I'm a member of the Fay Park Citizens Advisory Committee. Like Lucretia I'm having a problem with the issue to deactivate us. I'm wondering what it says about deactivating until resources are available to implement Fay House. What resources? Does that mean a representative from Recreation and Park to attend committee meetings and send official notification of those meetings or are we talking about funding for the rehabilitation of the house? The house and garden are the perfect project for a public private partnership and that's what we thought we had entered into with the Recreation and Park Department 10 years ago. We know that more exploration needs to take place for funding and securing grants and foundation money. Non-profits have expressed an interest in occupying and rehabilitating the house. This is where the committee comes in as an advisory committee through the Department to the Commission. So I would hope that on September 18 this should be on agenda that you will rethink this and remember that 10 years ago the secondary beneficiary of this request was the SPCA and their argument was that they should have it because the city and county of San Francisco couldn't manage the house and the park and we would hate to have them find out that the city and county can't manage Fay park. Very quickly, on Pioneer Park I just received a phone call before I came here saying that the Telegraph Hill Dwellers request for a neighborhood picnic at Pioneer Park on September 28 is cancelled because of the interest in the condition of the lawn for the 75th Anniversary Celebration on October 18. Has the Department forgotten that it was Telegraph Hill Dwellers who raised $2.2 million to rehabilitate and restore Pioneer Park? This was when the Department was going to put a chain link fence around the park. So we have new pathways, we have new lawn, you know. But not all of you have been around long enough to know the history but I would hope that someone will call me. I'm in the phone book under Geraldine Crowly, and tell me that we can have our simple neighborhood picnic on September 28 we already have the street closure and I would tell you that it took me three weeks to get someone to send me an application for a permit. Thank you.

CONSENT CALENDAR

On motion by Commissioner Lazarus and duly seconded the following resolution was unanimously adopted:

RES. NO. 0809-001

RESOLVED, That this Commission does approve the minutes from the July 17, 2008 meeting.

MOSCONCE RECREATION CENTER

Denny Kern: This item is discussion and possible action to approve the naming of the San Francisco Recreation and Park Moscone Recreation Center Moscone #3 ball field which is located in the southwest corner of Moscone Recreation Center in honor of Arthur A. Groza. The Department has received a request and a petition for the renaming of this ball field in honor of Arthur Groza. This past summer was the tenth anniversary of Mr. Groza’s death. If you're not familiar with him he was a long-standing and recognized member of the San Francisco community, a graduate of George Washington's high school class of 1960 where he was a star pitcher and subsequent to that he went on to become a member of the Kansas City Athletics where he earned a AA record for consecutive strikeouts in a game, 11 in a row. Following his successful baseball career he returned to the city and spent many years as a dedicated lawyer helping local residents on a variety of local social issues oftentimes not taking fees for his work. His love of athletics along with his well-known kindhearted nature allowed him to lead San Francisco by example and is the main thrust for the movement to have this field renamed in his honor. In your package you have letters from Mayor Gavin Newsom, the Honorable Nancy Pelosi, Honorable Quentin Kopp, and a petition with 111 signatures all in support of the naming of this field and also in your packet you have an overhead of Moscone Rec Center so you can see the field which is under consideration, #3 which is the field directly in front of the recently renovated Recreation Center. There is a plaque which is being contemplated for this however the Mayor's office is still in discussions with the family on the proposed wording of a plaque and its location, so the action before you today is the actual naming of the field. The Department's recommendation on this is approval.

Commissioner Lazarus: A comment before the motion, I'd also like to make the motion. As a deputy city attorney I played softball with Art Groza. Art was not in the City Attorney's office but he was an attorney and our team needed a ringer and as you could tell from his professional baseball career Art was a
ringer and a great guy and we had a championship team in those years. Thirty-three years after I started playing softball I went back a month or so ago because the Chamber of Commerce has a softball team and we played on Moscone 3. I was no championship player but I played all right. The difference is 33 years later when running to first base I tore the quads in both my legs proving that you can't do at 59 what you did at 26. Times have moved on but I have a lot of fond memories of playing softball on that field with Art and other fields around the city.

Commissioner Levitan: I didn't play baseball with Art but I also knew him and he was a wonderful person and a real San Francisco character and I think this is a fitting tribute to him. So I think the motion has already been seconded but if I could third it I would.

On motion by Commissioner Lazarus and duly seconded the following resolution was unanimously adopted: RES. NO. 0809-002
RESOLVED, That this Commission does: 1) name the “Moscone 3” ball field (located at the southwest corner Moscone Recreation Center) the Arthur A. Groza Ball Field, 2) approve the placement of a plaque and 3) authorizes the general manager to approve the wording on the plaque naming the diamond in honor of Art Groza.

CLEAN AND SAFE NEIGHBORHOOD PARKS BOND
Karen Mauney-Brodek presented this item. A quick monthly update on the Clean and Safe Neighborhood Parks Bond. Karen Mauney-Brodek from the Planning Division of the Recreation and Park Department. I just wanted to update you on the last update since my last presentation last month, the last overview presentation I gave. So a couple things I'm going to go over, the bond sale update, many opportunities on task force update, and upcoming presentations that you should expect. Really good news, the bonds were sold on August 14 and it was a competitive process, there were multiple firms competing which is good and it allowed us to get a good price. The bond sale closed on August 28 of last week and so those funds are going to go through in whatever city processes they have to before they hit our bank account. In terms of the Community Opportunity Fund steps I just wanted to point our, we're now under the second step. We finished the second step which is that the Commission has approved the composition of seats and on the deadline for submitting task force statements of interest was August 29 and we received a good number of applications so over the next several weeks we'll be working with the Commissioners you designate to work with us to cull through those applications and find a good group. So that's good news and that's moving forward. We are currently with our Forestry Program in the planning process and then there's a couple other upcoming meeting through the month of October so that's all I have to talk about today. Any questions?

Commissioner Lazarus: Where are we with the actual park projects that are delineated and known? We have a schedule obviously for dealing with the specific parks that were laid out in the bond issue.

Karen Mauney-Brodek: Yes, if Rhoda Pharhams was here I'd ask her to respond but I think she stepped out. But yes, we're in the process of the first phase of projects. Essentially we're having a series of internal meetings, reviewing the common data, reviewing the problems at the sites. So that's in progress and I think over the fall we'll start public meetings on the first set of sites. That's where I understand those projects are right now.

Lois Scott: Good afternoon, Lois Scott, President of IFPTE Local 21. Local 21 has a long tradition of advocacy of in-house work and for the professional skills and the productivity of our members. Our members in San Francisco include over 750 engineers, architects, and landscape architects and other professions related to the bond program. We urge the Commission to honor the charter and the 2006 MOU provisions requiring coordination of capital work between Recreation and Park and the Department of Public Works. In addition, Local 21 2006-2010 agreement with the city contains capital project provision to keep as much work as feasible in-house. We believe you should not compromise quality and cost and reduce accountability with unneeded outsourcing. We're glad that there's some pending discussions with the general manager to implement these agreements. Thank you. Bill Wilson: I'm speaking as PROSAC Chair and we were concerned when we say the program because it seemed that PROSAC was missing from this list. I've been told that it's because this was being presented to the Commission.
**Commissioner Lazarus:** I don't know what list you're showing us.

**Bill Wilson:** Community opportunity page four. It seems to me that between four and five there should be a step that these guidelines go back to PROSAC, that may be understood or that may be anticipated but that's what the task force is going to do. We just wanted to advise you that we are willing to advise you on these guidelines as well as the other issues that we advise you on. **Dr. Jindal:** Dr. Jindal, I am President of Local 21. And as we have explained that, we tried to work with the city with various Departments to see what kind of work can be done in-house. Recently there has been some adverse news in the Examiner with the names Department of Public Works and our Recreation and Park which was not in a good way. DPW had done a lot of projects with the Recreation and Park, more than 35. I have been with the city for more than 25 years. I have worked myself on different park projects and some of those park projects which the city designed. So the reason that we are trying to get these things, the MOU between DPW and the Recreation and Park should be implemented in the right spirit and we should not try to blame each other, it doesn't help anybody else and we should try to get as much work as we can in-house and try to work together. It's not going to help us if we are trying to save the tax payers money if it's being wasted by one Department or others because if you bring those things as such you'll see that you know these things can be blamed on something else you know. So it's not a good way to do these things so we are Local 21 is going to schedule a meeting with the executive director of Recreation and Park also on this and try to work it out. We ask the Commission to please look into this because this item will be there also sometime next month or September 18 and we have to work together and see what is there because otherwise the number of jobs of landscape architect will be on the line and they may be laid off in these tight economics condition. Thanks very much.

**Commissioner Lee:** Can I ask the general manager to tell us what this is about.

**Yomi Agunbiade:** We discussed this at our last meeting and it's an agenda item for September 18. We are proposing to move forward with putting together a set of as-needed consultants. We actually do have a MOU with the Department of Public Works and I think as the Commission knows the Department was able to contract for work. We have an MOU with the Department of public works which assumes that we go to the Department of Public Works to request their services for work but also assumes that on some instances under some circumstances whether it's because of their lack of staff, lack of specific expertise for that type of project, that we would then use consultants. We have to go through a RFP process to establish the list of consultants that we would go to under those circumstances. That's the goal here and I think for all of us for everybody to understand that I did reach out to the union when I heard that there was some level of concern about that process. A number of our projects that were managed by DPW in the past were done by as-needed consultants that are under the DPW contract. So as-needed consultants I don't think is the issue, there's a process in place by which we're allowed to use as-needed consultants and reminding my fellow Local 21 members although I'm the general manager of the Recreation and Park Department today I'm a Local 21 member as a mechanical engineer so understanding that there are good people at DPW who do good work but at the same time they're also doing work for the entire city and this is the first time where the first bond that has some very specific criteria, time-frames, budgets and things that we have to meet as part of the process and this is all about trying to meet what we've committed to the public as a whole and the way we're going to deliver their projects. And so this continues to provide the flexibility that we need, it's not about changing the MOU it's about making sure that we can complete projects in the time-frames that we committed.

**Commissioner Lazarus:** I could follow up. I think my concern is regardless of who does the work, what's the accountability and obviously the first within our system of governance. DPW is first in line if they're capable, have the staff and the expertise for a particular project, that's the system. However, if mistakes happen and the mistakes were caused by third party contractors we have more recourse than we do if they are caused by error of city staff and I'd like to have some future discussion on what the recourse is, what's the accountability. DPW doesn't come cheap and there's overhead there, it costs us and a large part of all our bond money goes not only to our own Department's overhead but it goes to the overhead of those Departments providing services to those bonds as well and if there are errors where is DPW's little insurance money to pay us back the time and delay. I know it doesn't happen, it's got to come elsewhere.
out of Recreation and Park where in fact we might have a cause of action against an outside contractor who made the same mistake.

**Yomi Agunbiade**: That's a fact of the system which we work. The MOU that we have clearly doesn't have a recourse because there isn't a known recourse. I've worked with the former controller on the MOU and trying to understand the possible recourse and how to do that so that one has not been identified to me but the MOU that we put together was in a way to try to make sure that what we all are here and trying to achieve is get quality work from everybody. And you're right, we do have a different level of recourse when we use consultants. I'd like to say because as well that we continue to monitor even when I was with DPW myself monitor the overhead issue and based on all the numbers that I've seen and that we've looked at when you look at a full service architectural engineering firm the overhead really isn't that much of a difference. I think we end up in a place where we're talking about the work itself.

**Commissioner Lazarus**: That overhead includes insurance.

**Yomi Agunbiade**: That overhead does include insurance, you're right about that. I think the goal here is to be able to deliver the projects as we promised. This bond has the highest amount of oversight, the highest amount of requirement on it and we're all tied to a process. So I think for me as I've said to the union reps that I've spoken to that all of our focus should be about delivering the very best projects to the citizens of San Francisco and understand that Recreation and Park will work with DPW to try to take work through DPW as well since we have to keep ourselves in a place where we can keep projects moving along if the DPW services are not available.

This item was informational only.

**CROCKER AMAZON**

**Tom Hart**: I came to you some months ago with this new project. Very seldom are we able to ask for a creation of a new concession which we did at Crocker Amazon. We have not had a permanent food and beverage concession at that park near the soccer fields prior to now before the soccer fields were renovated many years ago I know that we did food cart vending and we did an RFP for that and then we moved from that to individually permitting vendors through the soccer leagues to provide food for the various games there. With the opening of the field it was determined that it was much more satisfactory for us to establish a permanent concession and issue an RFP. So this is kind of new territory for us in two way, number one we're starting a new concession and number two we went forward into an outreach program with the Mayor's Office of Community Development and a number of neighborhood economic development organizations to try to reach out and find new vendors we did not limit people to bid on this that were startup business. In fact a number of people showed initial interest but we did get a proposal from Monte Bell and Louisa Ochoa who for a number of years have been providing food for one of the Latin soccer leagues and they're partnering with LaCocina Community Kitchen in the Mission to be able to move forward. LaCocina has a very strict program which the Ochoas are part of. In fact I included a signed copy of the contract that they have with LaCocina and the lease that we're asking for approval today mandates that the Ochoas stay in this program until they're completed. In addition to the operational program that they have with LaConcina to get their business established they will be receiving a lot of business advice from the SPDC as far as marketing and accounting and various other things like that. So the goal is two-fold for us to be able to offer some of our concessions to smaller startup businesses but at the same time to be able to really make sure that they thrive and are successful. Standard lease terms apply. We're asking for a security deposit, all insurance and indemnification will be applicable here. We are starting with a lower rent primarily because we do not have any track record for this particular concession, it's brand new. So we don't want them to sink before they're able to get started and we know that the fields are going to be successful and we feel that the business will increase as the use of the fields increases so we've tried to ramp up what we're expecting from them in that manner. One of the important parts of the RFP if you might remember is that we're requiring the winning bid to work towards [unintelligible]. We feel that once that fields are completely used that there will be a wide ethnic background of everyone using the fields and so we're expecting the food and beverage offerings to reflect that. Any questions?
Steve Currier: Steve Currier, President of the Outer Mission Merchants and Residents Association and past chair of Friends of Crocker Amazon Park. I'm taken aback a little bit, there have never been roving vendors in Crocker Amazon Park. If there have been they were illegal, they were not permitted. And on a temporary basis in the past few years because people were bringing food in illegally they were permitted to sell food there at the soccer field but Mondays horrific for not only the people that used the park in the mornings like I do with my dogs with the Tai Chi people or the walkers, the parks were just unbelievably dirty and I'm going to say this and it may sound racist but it was rice and it was refried beans and tacos and it was just disgusting. I have been pushing for a concession at Crocker Amazon way before the soccer field was ever agreed to or asked to come into Crocker. I think this is great. My only issue here is I've asked Recreation and Park and City Fields to let our association be part of the RFP and bidding process because not only will this concession serve the soccer people, we also have baseball, we have football, we have people who come to the park to throw frisbees so we're not only dealing with the soccer leagues but we're also dealing with other people that use the park including the rec center. So I'm a little angry that this concessionaire or this person was picked without letting us in the room because we are the caretakers, we are the park sitters in that neighborhood and we truly care about what goes on there and I assure you that if on Monday morning there's trash all over the place I'll be on them like dog meat. It's not right. We're getting a multi-million dollar soccer field and I think with that in mind and with the baseball and football and softball I think that whoever comes in be respectful to the neighborhood and all park users. 

Linda D'Avirro: Linda D'Avirro from Crocker Amazon park advisory. I too agree that this is a fabulous addition to our beautiful soccer fields that we're hoping will make a lot of money and maybe some of that will trickle back to the Crocker Amazon Park someday. I'm not clear either what bidding process took place because we were not given that information. Dr. Schwartz was kind enough to come to our meeting two months and said because it was a private RFP we weren't allowed to discuss any of the details. So I have questions such as the accountability of RPD with this group. They're going to be there at night, the park closes at 10:30, lights out, and I'm not sure what their hours of business are because we the community aren't aware of what those details are because it hasn't been made public. I'm concerned about their safety, I'm concerned about the trash and what is the role of the on site management that has to close up at night because I have been informed by that staff that they don't even have keys to unlock or lock this area because this is only given to the owners because that's the way the contract is written and that's a first for me because usually your park people are the ones that run that park so what happens after 10:30 if they get mugged or if someone tries to rob them if they're still there, how late are they allowed to stay there. What are the details including the safety issues that are rampant potentially at that time of night in an unsupervised park with lights out. I also want to reflect what Steve said which is the trash issue. You may not be aware of it but on Mondays and Tuesdays there are no custodians, they all have the day off so after a weekend of a lot of soccer activity there's going to be trash everywhere and it's going to sit there until Wednesday unless there's some rescheduling that takes place at the staff and even though we've asked for that for years that hasn't taken place so it's going to be a trash dump. There are no gates to after hours again or when the people get their food they can walk right over to those beautiful soccer fields and hopefully this has all been addressed but we don't have any information in the public and as Steve said we're probably going to be the ones calling and complaining and we would like to know more details about this before you approve it.

Commissioner Sullivan: My question is I think not addressed to the lease but rather to the comment which just came up. Is it accurate that the folks whose job it is to pick up the garbage in the parks have the day off on Monday and Tuesday and if so is there some reason why we couldn't adjust that so their days off are later in the week if the garbage tends to accumulate during the weekend?

Commissioner Lazarus: Before you answer that, how could we have a park that big with huge weekend activity with no cleanup on Monday?

Tom Hart: I'm unaware of the custodian schedule at Crocker Amazon. Monday is notoriously the worst day system-wide for parks after weekends. I know that we are currently readjusting all the custodian shift schedules right now and ideally if this is the case it's going to be readjusted but I'm not aware that Monday and Tuesday there are no custodians.

Commissioner Lazarus: How many custodians do we have assigned to that park?
Tom Hart: I don't have that information.

Yomi Agunbiade: If you gave me a computer I could get online and tell you.

Commissioner Lazarus: The public is telling us that there are two and they both have Monday and Tuesday off, how can that be?

Yomi Agunbiade: Can we bring you the information?

Commissioner Martin: Please do.

Commissioner Levitan: Denny, this is a bit tangential but reinforcing the need to have us talk about custodial schedules. I remember the same issue came up with Mountain Lake Park, that there's nobody at these parks that high volume activities on the weekends that just makes no sense.

Denny Kern: If we have custodians on Sunday ideally they're doing the pickup so that Monday they're starting with a clean slate. Let me verify the actual schedules and see where we are.

Commissioner Lazarus: It opens at 4:00 and the place is active until 10:00 at night.

Commissioner Martin: Bring us a schedule so we can see it please because we have to answer people.

Commissioner Bonilla: Yomi, could you please elaborate a little bit more on the RFP practice and what happened. I want to get a sense that we did an open RFP process here.

Tom Hart: We met with the Mayor's Office of Community Development and when we put the RFP out we did our standard advertising in the newspaper, city websites, the library and various other places. We had a number of people that asked for RFPs that were established businesses. We don't have a process where we go back and ask everybody that didn't turn in a proposal that took an RFP as to why they didn't. A number of people expressed to me that they felt they didn't want to participate in this RFP process because it was not an established concession and they did not want to put the time and effort into it and not feel that they were going to the ground running. At the time we started this some time ago and the fields were delayed. Now the fields are ready but the building will not be completed probably until October and so that was probably another reason. I did make an extra effort to contact the neighborhood associations again after the RFP went out to remind them that they had the RFP. I sent them the RFP electronically, asked them to call me if they had any questions. A lot of that however as Margot and I discovered when we first met with them is that that's only going to as successful as if they have clients that this particular concession would fit with. LaCocina was a good fit and they became involved with the Ochoas.

Yomi Agunbiade: I just also wanted to add that what we're bringing to you here is that we put out an RFP and there was one respondent, so it's not like there was a backroom decision and we decided to pick this one over four others. There was one respondent. One of the reasons that Tom was highlighted here as to why we think it's good to go with this respondent is one for their experience in the area and two for the fact that they have agreed to work with a known organization that helps small businesses succeed in San Francisco and elsewhere. And so they agreed to that, we've partnered them up in order to make sure that they succeed. So this is again, it's one RFP response that we've received and we're bringing it to you because we believe that they have the support to make sure that they can be successful there. The other thing too is it's really more of amenity and also to have eyes out there when these events happen than a revenue driver. So it's okay.

Tom Hart: As far as the hours are concerned also it's not going to be beneficial for them from a business standpoint to be open when the fields are not going to be used. We're anticipating that at the beginning that they may only be operational during the weekends during the soccer. As things pick up they probably will be able to staff it more. There probably will be some community interest in buying food and beverage from
the concession stand but I don't look at it as being an all-night kind of operation, especially they won't want to work there if the lights are out and it's unsafe.

Commissioner Bonilla: From what I understand if we do grant this lease that there would be this concession available and it would be an option but I would imagine that you would still have the situation bringing their own food to the park not for sale but they would still have that option.

Tom Hart: I made it very clear in this agreement that the Ochoas would be totally responsible for litter and cleanup around the concession area. They'll be responsible for trash taken away from their concession. I've not made them responsible for cleaning up the entire soccer fields. If somebody brings their own personal litter and throws it around the field I have not made them responsible for that in this lease.

Commissioner Bonilla: So we still have to be on top of that.

Tom Hart: We have to be on top of the litter situation right. They're not going to be there every day but assuming this is approved we're going to have meetings with the recreational and gardening staff of this area with the Ochoas and LaCocina to make sure we're all on the same page to understand when people are going to be there, what their responsibilities are so they can live up to their agreement.

Commissioner Lazarus: I support this and this. The Department was open and creative in working with a start up minority business an opportunity. These fields are going to be successful and the opportunity to make a living at that site is a very positive thing but we have to help these people succeed by making sure we do our part that we're looking at those hours, that's an open question in this lease based on use. We don't want a facility there at 11:00 o'clock at night after our staff has gone and the lights are turned off trying to operate a business there. If that park closes at 10:30 at night this concession should be closed at 10 or whatever it takes them to clean up and close before the park is shut down. That will have to be managed by staff. I would like at our next meeting a report on this assigned of custodial staff throughout the Department. I'm flabbergasted that we have two custodians assigned to a park and they all have the same day off schedule. Unless there's something in the labor contract that's got to be corrected. If that's replicated around the city it's no wonder the parks are dirty. To be honest with you that large park in my mind Monday shouldn't be a day off for anyone assigned to that park because the neighbors are going to be rightfully complaining. Probably the vast majority of trash out there will come from individuals bringing their own food or it's going to come from overflowing trash cans or raccoons. Some of it will be because there's an added food service in the park. We've got to coordinate our staffing with the activities we have in the park.

Commissioner Sullivan: I agree with everything Commissioner Lazarus just said. This sounds like an experiment that has a great opportunity to succeed. My question is with respect to the term and this is a new concession and I wondered how we got to the five-year length of time and whether there were other time options considered.

Tom Hart: The program with LaCocina is three years in order to get through this program with them. I list them as a partner/mentor in this process because they are required to be part of this program. We felt that at the end of the three years they are going to be strong enough from a business standpoint that they can not only survive but succeed which will give an additional two years to do that. This is a new concession and may take a while to be fully realized. I don't expect the soccer fields to be hit 100 percent capacity within the first year. It's the kind of thing that people shied away from using those fields a lot because of the quality of the fields and it will take a while for the word to get out. When we go out with a new RFP assuming it is as successful as we hope we'll have a track record.

On motion by Commissioner Lazarus and duly seconded, the following resolution was unanimously adopted:

RESOLVED, That this Commission does approve a five-year lease between the City and Pupuseria El Golazo for the operation and management of the new food and beverage concession at Crocker Amazon Soccer Fields.
LINCOLN PARK PLAYGROUND

Megan Tiernan: I'm here to discuss the agenda item for discussion and possible action to approve the conceptual improvement plan for Lincoln Park Playground. The current playground is approximately 8,000 square feet and is located in the southeast corner of Lincoln Park at 33rd and Clement. The existing play area consists of outdated wood play structures and swings dating to the 1970s and they're nestled into the hillside with no ADA path of travel. The main project scope is to replace the outdated equipment and improve the ADA path of travel. The proposed improvement plan provides for new play equipment, ADA surface surfacing, tables and benches, low retaining walls and plantings to surround the playground and an ADA pathway to the play areas. The plan relocates the play area a little further from the golf maintenance sheds and provides a planting buffer in between. A level lawn area adjacent to the play area may be incorporated if the budget allows and the total budget for this project is $1,592,722 just over $1 million comes from the 2000 Neighborhood Parks Bond and an additional $500,000 from the Conditions of Approval from the neighboring Albertsons. We've had numerous discussions with the community and a community meeting that was held on June 17. At that meeting the community was generally happy with the shape of the concept plan. We proposed three different alternative play equipment schemes, none was selected at that meeting but the plans were posted on the website, got some feedback from the community and the play equipment most preferred is the multi play scheme, it has a high slide, kind of a transparent structure with different play things on it. We are ready to proceed with the design development plans if the Recreation and Park approves the conceptual plan and we recommend approval.

Yomi Agunbiade: Do you have some drawings you can put up.

Commissioner Lazarus: Is this out of the 2000 Park Bond?

Yomi Agunbiade: Yes and we finally received the money from the old Albertsons.

Commissioner Bonilla: That's not there anymore, is it?

Yomi Agunbiade: There was a change of use at that site and through the use of that property it was required they pay us a half million which we just received the remainder of. There is the point of sand in play areas. One of the things not in here is a sand play area. As we have continued to do all these playgrounds with the bond we've continued to install sand in a number of different places and what we have found because of the new requirements for fall zones and rubber materials and sand is becoming a major maintenance issue on a number of fronts. It's very abrasive and the life span of the rubber material is reduced. Also the sand ends up everywhere including water fountains. So we're looking at now building these playgrounds without sand boxes. This is one of the first ones we're proposing to the community. We'll be coming back to you with other maintenance concerns for projects that are designed to make our life easier for maintenance on an ongoing basis. I just wanted to point that out as a possible point of contention with the community. People love sand.

Commissioner Lee: Do you have plans for better signage for the playground? Right now it's kind of tucked away behind the clubhouse. Are you going to let people know its there? It's hidden away.

Megan Tiernan: We will have the Recreation and Park standard signage as part of this including the playground welcome sign and we could locate that closer to the street if we wanted to give the signal that a playground was there closer to the street than farther to the park.

Commissioner Lee: That would be helpful.

Commissioner Levitan: Given that this is next to a golf course and issues that we've had with stray balls I just want to make sure where this is positioned is safe.

Megan Tiernan: The clubhouse building is right about here so this is a service road. This is in the very southeast corner of the park a long way from the course.
Commissioner Lazarus: It would be helpful at these presentations where there is a site issue you can print out a Google picture of the locations which would answer questions about the locations of fairways and so on. I think it would be helpful in future presentations to include these pictures.

Commissioner Harrison: I worked at Lincoln Golf Course so I know a little bit about the configuration out there. On the other side of that road they display most of those are where the tees are. On the building on the other side is where the barn is. The only remote possibility would be off the 18th green and that is probably just a short thing so nobody would be using a driver and I never remember finding any golf balls.

Commissioner Levitan: And we've never had any problems.

Yomi Agunbiade: And it's moving further southeast.

Megan Tiernan: A little bit.

Commissioner Lee: There's no restroom at this site, correct?

Megan Tiernan: Not adjacent to the play area, no.

Commissioner Lee: But there is a restroom at the clubhouse and when I was there I guess a week ago the men's restroom window was completely removed. So somebody should look into that because it's completely exposed and I asked the manager about that and he said there had been some vandalism that happened a couple weekends before but right now there's no windows just an open space. He claims he secures it at night but I didn't find any wood.

Meredith Thomas: Meredith Thomas with the Neighborhood Parks Council. Albert and I talked about it and he wanted me to speak first. First of all I wanted you to know that the Neighborhood Parks Council is delighted that the Lincoln Park Playground is receiving a renovation. This is one of the playgrounds that received an F on the 2008 playground assessment because of rotting wood structures, old metal elements, things of that nature. Working with the Friends of Lincoln Park Playground and also the Recreation and Park Department we were able to paint the play structure this year and add sand just to remediate the immediate safety concerns with arsenic leaching into the sand and replacing some swing chains of the slide that's currently there because it's rotting. So I've very hopeful that we'll pass this conceptual design and this will be a supported project. I do want to raise the issue of sand. I want to let you know that we have a lot of concerned parents and strong evidence that interactive items like sand in playgrounds are really important for kids to have and I don't feel like the idea of canceling sand play areas in all future playgrounds is a matter that should be done without a great deal of public consideration and dialogue. What's happened now is we have a couple other playground projects in the works and we're being told that the sand has to be pulled from those designs. I think a lot of the problems we have with sand have to do with a failure of design and in this particular city the way that the parks are used, absolutely the sand rubs on the rubber surfacing, absolutely it becomes dirty and can be dangerous. However, with innovated playground design and advances in understanding and a relationship with volunteers we can really abate some of those concerns with sand. I want to let you know this is an issue I want to let you know that the parents are very unhappy that the possibility of sand in all future playgrounds being removed is coming up and they feel without any sort of discussion. So while we are supportive of this project we are concerned we didn't have more time to talk about sand in this playground and whether or not a sand play area away from the play structure itself would be appropriate if there would be mechanisms available to use to have the sand be better contained. There are other options for interactive play materials that haven't been discussed that we haven't talked about. So before we keep going about the policy of all future playgrounds and the use of sand I think it is important that we have a discussion. I recognize the challenges that we face with it and they're serious but to discontinue it because we haven't been able to design it well isn't a good solution. Albert DiPadova: I'm the community organizer of Friends of Lincoln Park. You can check out our website friendsoflincolnpark or you can get a Google earth map if you wanted to check it out. My daughter was four when this all started she was about---But also about a hundred other families just in our close few blocks from Seal Rock over to Sea Cliff people come to this park. We've organized with the help of Recreation and Park thank you for you support. We've got some great painting done and we put some..
new sand in and I really appreciate that. I just want to show you a quick picture. We've got a lot of folks coming in here volunteering and I think that part of the issue with the sand is that it gets really dirty and people are concerned about it but there's some much community involvement in our little neighborhood that we would love to do a monthly get-together cleanup and would be more than happy to organize around doing something like that. Also I know some sand is gritty and can deteriorate some of the rubber surfaces but there's other larger sand you've seen it at Alta Vista Park maybe, it's still a lot of fun and it doesn't seem to get in their clothes as much or the hair. I would really appreciate it if they even considered even a little tiny sandbox by the toddler area. You can see the big play area, the blue part, is for the larger play structure and the toddler area is down there and even if there could be a small sandbox underneath that that would be great because most of the older kids don't want to play, it's the two year-olds, three year-olds love to dig around. So I would love to see that considered in this plan but I've brought some letters from the community, I sent out an email to over a hundred people in the Richmond and we got a bunch of letters back, I won't bore you reading them all but I'll leave them here for you to check out. The only one that's really important is from Camille She, she's the liaison from the P and R and she says that most school classes that go to the Legion of Honor for field trips use Lincoln Park Playground for lunch and play almost every day and the Lafayette Elementary School K and 1 field trips go there and there's on any given day 10, 20 kids playing there. The slides are rusted and I've seen kids cut themselves on the slides. The monkey bars are falling apart. It's been two years we've been begging to get this going and I know things take time but I would just really appreciate it if you guys approve this proposal so we can move forward and get our new park. Thank you very much.

Commissioner Harrison: I could certainly support this and will but I would like to ask the general manager if he can meet the folks and discuss maybe an alternative or some means of getting a sandbox over there, it's obvious that they would like it so if that could happen I certainly would vote for this.

On motion by Commissioner Sullivan and duly seconded the following resolution was unanimously adopted: RES. NO. 0809-004

RESOLVED, That this Commission does approve the conceptual improvement plan for the Lincoln Park Playground Renovation Project.

Commissioner Martin reminded the general manager to follow up on Commissioner Harrison’s request.

BROOKS PARK

Marvin Yee: Brooks Parks is located in the OMI District which is known as Oceanview, Merced Heights, and Ingleside districts. In early 2008 the Recreation and Park Department staff prepared a list of potential capital improvements for Brooks Park. None of these improvements are funded through the capital program of the Recreation and Park Department. However, the Recreation and Park Commission at its discretion does have the ability the allocate funds from the Open Space program, specifically it's contingency reserves. One of the projects that was identified on that list is improvements to the Arch Street Entry into Brooks Park. As you can see on the overhead there are three entrances to Brooks Park, one at Shields, one at Arch Street, and a third one on Vernon Street. Two of the three entrances are improved for public access but the third at Arch Street is not improved. This is a photograph of that Arch Street entrance. As you can see it is undeveloped, it's essentially a natural hillside but there is a dirt trail that goes through the site and into Brooks Park. Also, on the day that I took this photo although it does look clean if you look behind those bushes you can see evidence of dumping at this location. The potential improvements to the site include basically improving pedestrian access onto the site and demarcating it as an entry into Brooks Park. Conceptually the thought would be to create a trellis at this location which would be similar to the trellis down the street and also to provide a firm surface for public access and connection to the public sidewalk. The estimated cost for these improvements at a conceptual level is estimated at $98,800. Again, this improvement is currently funded through the capital program of the Recreation and Park Department however the Commission at its discretion can allocate funds through the Open Space Funds contingency reserves.

On motion by Commissioner Harrison and duly seconded the following item was unanimously adopted: RES. NO. 0809-005
RESOLVED. That this Commission does appropriate funds from the Open Space Fund Undesignated Contingency Reserve for Arch Street improvements at Brooks Park.

SAN FRANCISCO MARINA YACHT HARBOR.

Mary Hobson: The item that you have before you is the first of three items regarding the upcoming renovation to the Marina Yacht Harbor west harbor. This item is specifically related to the Department's plan to accommodate small vessels in the post renovated marina facility. Historically, back in 2002 we commissioned a feasibility study for the renovated of the Marina Yacht Harbor. One recommendation that came out of that feasibility study was a slip mix which greatly reduced the number of small slips in favor of mid-sized slips. This was based on a market analysis and financial feasibility study prepared by a consultant. This plan was presented to the Commission and adopted and became the basis for our environmental review process of the proposed project. During the environmental review process the question came up as to whether the loss of small boats was in the best interest of the City of San Francisco as well as the current boaters in the Marina Yacht Harbor. It was determined that this issue was not an environmental one for consideration under CEQA but the Department took the concerns of the constituents seriously and during the review process agreed to do two things, the first was to come up with a policy for ensuring that small boats can return to the renovated Marina and the second was to investigate the feasibility of providing dry boat storage on the Marina site. What you have before you today is a policy that was drafted by staff that would determine how small boats would return to the renovated facility. I'm going to go quickly over the parameters of this policy. This policy is intended to be applied to boats that have been designed as small vessels and those that are 25' in length or longer. We have set up some criteria for which this policy would be implemented in the future and basically those policies are in addition to the length of the boat that the vessel is an existing vessel in the Marina and that it maintains a long-term lease agreement. This policy won't apply to transient or month to month lease holders because they have been informed prior to taking leases in the Marina that they were not guaranteed a replacement slip in the Marina. We're also requiring that the vessel be in seaworthy condition and that the berth holder has maintained all his accounts in current and good standing. We've set up some parameters for how these boats will be assigned slips, we foresee that it is likely many of these boats will be assigned slips greater in length than their optimal design, for example a 25' boat may be assigned to a 30 or 35 maybe even 40' slip. In order to minimize financial implications to these small boat owners because the reality or the perception is that these boats are for boaters of lesser means and we want to make sure that boating opportunities for these people become affordable, that we are proposing an alternative fee structure for these boats that are based on the length of the boat as opposed to the size of the slip in which they are placed. The policy as written and presented to you today has a prorated fee adjustment sunset of five years after a boat is placed in the slip. This is an operational issue and not a financial one. The financial feasibility of this project factored in the realization that these boats would be paying a lower rate than was the potential revenue of the slip in which it was housed. However, operationally we feel that five years is a fair amount of time for this fee adjustment to be in place. I believe that the tenants would request that this sunset clause be reviewed by the Commission and we will be happy to modify that at your recommendation. Also in your packet I provided background information on the decision making process that led us to the reduction of small slips in the Marina. We did do a lot of research on this issue during the environmental review process, particularly during the Board of Supervisors review. If you have any questions I'd be happy to go over this. Also included is our draft feasibility study for providing dry boat storage at the Marina Yacht Harbor. This would be a subsequent project to be implemented should this Commission feel that it's something they want to move forward with and it would provide on-land storage for vessels 25' and under somewhere on the Marina site. If you have any questions I'd be happy to answer them.

Commissioner Lazarus: I don't have a question regarding the actual proposal regarding the alternate fee schedule but I was curious to look at the dry storage study that was done, where are we going with it.

Mary Hobson: The draft study was submitted to the Board of Supervisors back in February of 2008, the proposal that was made through Supervisor Alioto-Pier's office was that once they received the draft report that a hearing would be held at the request of her and she had not called a hearing on it yet. The final report we had requested that we not be required to submit the final report until the final Marina design has been basically completed just so that we do not realize any conflicts in the recommendation after the renovation
design is done. Once we have a concrete renovation design we'll finalize the report at which point we'll bring it to the Commission and if you would like to pursue it we would be happy to do so.

**Commissioner Harrison:** When I walk down there occasionally and I notice there are several boats that look as though they're abandoned. Has any attempt been made to contact the owners of those boats and what are we going to do with them?

**Mary Hobson:** Larry White the Acting Harbor Master is here and he can report on his progress on the removal of derelict boats in the marina.

**Larry White:** Larry White Acting Harbor Master, I started about 10, 11 months ago. In the last three months I have actually cancelled the berth agreements on three vessels of some vessels that have been in pretty poor shape. It did involve a lot of effort on our part, it's a very lengthy process sometimes to establish a lien and in fact two of these boaters I had to have SFPD marine unit come in and assist us in the removal of the owners off their boats and then we impounded their boat. One of the owners did remove his boat, the two other boats are still in the harbor and I'm going through the lien process. I am actively going through as I can to work on this problem, I just can't take them all at the same time.

**Commissioner Levitan:** I know we've had presentations on this over the last many years and so I've probably asked this a few times and I don't think it's a secret that I'm not a big fan of this renovation project but when we talk about the trend away from smaller boats and we keep referring to this study remind me, is this a statewide trend, is this a local trend, why do we believe we need to get rid of the small slips?

**Mary Hobson:** In 2006 I believe a study was commissioned by the Coastal Commission because we're seeing the disappearing of small slips across the state and they were concerned about that. The study found that there is indeed a statewide trend away from small vessels in wet slips, not that small vessels are disappearing but the basis that they reported is that new technology in the boating industry has created a fleet of small boats that can be trailered which allows dry storage which is much more economical for the boat owner and also that technologies are creating bigger boats at less costs so you are seeing that moderate income people are affording larger boats where it used to be much more expensive to get larger vessels. That was the finding. I do hear from people in the boating community that they think that San Francisco doesn't fit the mold that we have a lot more small boats here. I don't know what to believe myself. We did some analysis about the wait list that we currently have at the Marina, we currently have a zero wait list for boats in the 20' range and I think three non-active wait listers in the 25' range but we have an enormous, estimated at 34 year wait list, in the 40' range so we do know that a lot of people in the mid-size boat range would love to come into the marina and it doesn't mean that there aren't small boats but we are trying to plan a facility for the future and this policy is out attempt to address the people who want to use the Marina today but not impose restrictions on us for a facility that we hope to keep for 50 years or more.

**Commissioner Levitan:** If there's anybody planning on public comment anywhere near this topic if they could enlighten me about how they feel about that concept.

**Mary Hobson:** I did want to mention I had Jennifer distribute a couple correspondence that I received today from stakeholders for this project who could not attend and I volunteered to forward their memos to you.

**Dick Robinson:** Dick Robinson, I'm here to represent the St. Francis Yacht Club. I'm a slip holder in the marina for 25 and I'm a homeowner in the Marina as well. Items 11-13 are all tied together so rather than come up three times I'd like to make three points here. First of all on the small boat proposal I think this is a fair attempt at satisfying where there are many different special interests. It results in those that fit the proper slip subsidizing those who don't and I think it's a fair compromise. It's not going to be perfect but it's a good attempt to get this project moving and I hope you would support it. With regard to the last point that we just talked about I think it's a national trend for larger boats. In the Bay in particular this is a tough area to sail and you'll find that smaller boats in general have a more difficult time out in the Bay. Bigger boats are safer and they do fit the racing patterns that you do see out there. If you're not actively out on the Bay it's hard to understand why a bigger boat is more in demand. It is true that the 40' slips have a very
Yomi Agunbiade: Mr. Robinson has talked about all three items. I want to give them three minutes every time and I think it's important to go over the fee piece when public comments come up on that so if you could just indulge us you'll get your three minutes, next person please.

Bruce Stone: Bruce Stone, President of the San Francisco Marina Harbor Association, also President of a brand new foundation, San Francisco Marina Foundation which was recently started specifically for the small boat issue because we believe it should be implemented. We're willing to implement it with charitable contributions to build out the facility. Instead of building it on the land we're proposing to build it on the unused portion of the west harbor between the head dock and the volleyball courts, we've come up with a design that we've submitted to Recreation and Park. It's currently not included in their proposal because it was just developed with marine architects. We believe there's a huge demand for small boats and it's in the 8' to 20' range and this project is to accommodate that interest. We don't have a new generation of sailors coming up. We believe we need sailing programs in the city, in the schools and for the general public and the yacht clubs have an outreach program and would like to use a facility like this to implement an outreach program. There is no room to store small dingys or skiffs and that is normally done on racks. There is an unused area at the end of the harbor and we think we can build it out and do it with private resources. I'd like to submit this as part of the Recreation and Park plan. They've done a couple versions of other plans which are going to have a lot of opposition because they take out 70 parking spaces. We believe it should be closer to the water and easier for water access. We have handouts which we can submit to you. Bruce Monroe: Bruce Monroe, I'm a long-time tenant of the harbor, over 30 years, and a long-time San Francisco resident. I've been active in this project for a long time. I'm speaking now only of item 11. I'm aware that over all these years the trend has been to larger boats particularly for what we call wet slips in the water which is what our harbor is about. Boats on trailer, boats that can be moved or put in dry storage is a different story and the smaller boats have moved from the we to the dry category which is why Bruce Stones proposal for some dry boat storage is right on point. I can tell you this phenomenon is not limited to our area. I happen to know that in Long Beach the Alameda's Bay Marina which is similar to ours and is being renovated, they are doing the same thing by eliminating the smallest of slips in favor of where the market is. As Mary Hobson described the waiting list for 30, 40, 50' boats is long. The waiting list for small list is non-existent. It only makes sense that we design our harbor to meet the market and not some fanciful idea that's not realistic. I hope you approve this project. Howard Strassnner: Howard Strassnner for the Sierra Club. When this harbor renovation came up for certification of the EIR the Sierra Club spoke out that this was an access issue, eliminating all these small boats, and that was an environmental issue. You change the access of small boats, 20, 25 footers to get to the bay. I've been sailing this boat for almost 40 years and the years haven't gotten lighter and we maintain the boat and we sail it and a number of people have. So the supervisors heard that. Obviously I didn't want to stop the renovation, the Sierra Club didn't want to stop the renovation, so they pass this resolution saying that you should study the concept of dry boat storage around the Marina and Mary Hobson started the job. They went out there and they counted parking places and they studied about four different areas, a couple of which I thought about and a couple I didn't. But they did not include the costs of these renovations and changes and improvements. So that's only the beginning of a feasibility study. You have to know costs.
You have to know whether you can afford to build the hoist and put the fences and do all the things you have to do to safeguard the small boats being stored there. So I would remind you to make that happen. The supervisors have been very gentle about this issue. Maybe I've been too gentle about this issue. Mary sent me a copy of this partial study, it's nowhere near completed. Bruce Stone is doing a great job with the dinghys. A dinghy you can step the mast and do that. With a 20, 25' boat you don't want to step the mast every day, it takes all day. And the supervisors appreciated that and that's why they asked you to do this. To say that we're there for parking cars and not boats—in this century and all the greenhouse gas concerns we can get there. This fits in so nicely, you give away the parking so you never know if you have enough. If you charge for parking of course you find out what you really needed and to take 40, 50 places for small boats seems very feasible. Now, what I did was a I did a census of all the small boats that were in there. It changes from time to time. I counted about 40, 50 boats. These are prospective people. Even more than that if there was dry storage available this is a very desirable site. Whatever number you pick I think you're going to be able to rent them. If you have a threshold number and it pays for the hoist you can decide there's a big demand we can add a few spots later and all that. Bruce Stone shows some small boat storage, I don't know if its enough. **Liz Dias:** I'm Liz Dias, I'm responding to your request. I own a 23' wooden sailboat built in 1951. I'm a member of the South Beach Yacht Club, I keep my boat in the harbor at South Beach and prior at Pier 39 for 23 years. I paid $500 for the boat, my slip fees are almost $300 a month. I race in the Master Mariners. I'm a member of the Master Mariners for over 10 years. I love wooden boat sailing in San Francisco Bay and we know we're crazy. You come back thrashed and you get another year older next year. I'm also in the marine industry. I have a company called North Beach marine canvas. I started out with a canvas shop, making canvas for the boats. I'm out of that now, I just do the interiors. There are less and less sailboats and more and more powerboats. You can buy a powerboat, have a slip in Sausalito and it costs you less than having a condo in North Beach. The demographic is getting older. My son just purchased a used 13' sailboat that he keeps in dry storage at South Beach. He's an up and coming lover of sailing in San Francisco Bay. I want to confirm what the first gentleman said is correct about the nature of the sailing industry in San Francisco Bay we can go out for an hour and half and come back in and dry off and get a shower. The group of boats that I'm in which is 25 and under, I have a 30 foot slip, is reducing constantly because of the cost of having a boat. You could be in South City, you could be somewhere else for a lot less money or have your boat in your backyard or something like that. From the nature of my business the stuff we make for the boats lasts a lot longer. If I can answer any questions about my relationship to the waterfront--but the smaller boats are getting less and the bigger boats are getting more. The cost of a bigger boat is in the one hand getting less or getting more but they're not reducing, they still float. I kind of agree with what's going on at the San Francisco Marina. It's awful.

**Commissioner Levitan:** My husband is a sailor of a wooden boat so I'm familiar with those people and have a lot of respect for them. My feeling is having grown up in San Francisco I feel like we're really missing the opportunity to breed the next generation of sailors. We live in one of the world's best places for yachting and sailor. I appreciate that we need to do something and I don't want to be the reason that this is held up and I'd like to work with the staff and community, I want to look at your plan for the smaller boats, I feel very strongly about that, and I just want to make sure that we're not pricing people out because I think there's a perception, real or not, that some people cannot afford to sail. As long as we have this facility that we have in San Francisco and this natural resource I want to make sure we're staying affordable. What I'm saying is I accept staff's recommendation but we need to work on a few things.

On motion by **Commissioner Lazarus** and duly seconded, the following resolution was unanimously adopted

**RES. NO.0809-006**

RESOLVED, That this Commission does: 1) approve a post-renovation slip assignment and fee policy allowing certain returning boat owners with boats up to 25 feet to pay fees based on the length of the boat and directs to come back in January for further refinement and discussion of the dry boat storage issue.

**SAN FRANCISCO MARINA YACHT HARBOR.**

**Katie Petrucione:** The next item that you are going to have before you is a request to approve the acceptance for a loan from the state of California in the amount of $25.65 million. The item that I am here to present on is to request a fee increase to the berthing and mooring fees in the west harbor in an amount of 37 state we have to prove to them that we can afford to pay the loan back and that is the purpose of this fee
increase. The fee increase, the proposed 37 percent increase meeting two primary goals. The first is an increase in that amount will ensure that the Department meets that mandated debt coverage ratio for the loan. In fact, with a 37 percent fee increase we exceed the 1.25 percent debt coverage ratio which ensures that we can comfortably repay the loan to the state. This loan will have debt service in an amount of over $1.5 million on an annual basis. The second goal that this 37 percent increase meets is that it will allow the dept to accrue a reserve of we believe approximately $4.6 over 20 years. That reserve would be used for capital repairs to the west harbor. The idea here is that with that reserve we will prevent the harbor from falling into the same state of disrepair that we are currently facing and forcing us to take a $25 million loan out from the state. The idea is that we will accrue funding that will allow us to do capital projects in the harbor over time. I want to note that the reserve would be for capital projects. Maintenance and dredging are already accounted for in the annual estimates of operating expenses for the harbor. The Department clearly distinguishes between maintenance and capital and this reserve would be for capital projects. Prior to making the recommendation for a 37 percent increase I also analyzed potential fee increases in the amounts of 33 and 35 percent. A 30 percent fee increase does not meet the debt coverage ratio so that's completely ruled out. The 30 and 35 percent increased do meet the ratio but they have multiple years of negative cash flow, years where the Department's expenses exceed our revenue and where we have to draw upon previously accumulated reserves in order to pay all our bills and to meet the debt coverage ration. In addition obviously then they lead to smaller reserves. If the Commission approves this fee increase the next step will be for the Department to take legislation to the Board of Supervisors. I know that there is some sentiment among the boaters in the marina that we bring a fee increase up to 37 percent, however any legislation that take to the board will have to specify an amount that we will be increasing fees. I would note that if the project came in substantially less than $25 million if at the end of the day we ended up spending $20 million or $22 million and we were able to give money back to the state for the west harbor we would absolutely be willing to go to the Board of Supervisors to change the fee that would go into effect at the time of completion of construction. Also, I'd like to note that all of the financial analysis that we have submitted to the state supporting our load application does assume a 37 percent increase. So with that I'm happy to take any questions.

Commissioner Lee: Are you saying that in all the loan documents they're expecting a 37 percent increase in fees?

Katie Petrucione: All the financial analysis that we've submitted to the state to show them that we can indeed pay back the loan makes a set of assumptions and one is that the fee increase that we implement at completion of construction is 37 percent.

Commissioner Lee: What if we don't approve that fee increase what does that do to our loan?

Katie Petrucione: Whatever fee increase that is approved has to at a minimum meet the debt coverage ration.

Yomi Agunbiade: There's a little bit of consistency here as well. Since we've been working on this project and trying to figure out how we're going to pay this back. I think we've said on multiple occasions that we believe that the right number is 37 percent. There has been analysis done. As we were starting to finish the discussions with the state in bringing a recommendation that's when we went back and said okay let's look at numbers below 37 so that we can demonstrate that we've looked at those numbers and see if it was prudent to bring something lower than 37 percent and after looking at the 30, the 33, the 35, and the 37 and looking at the fact that there is this reserve--and I wanted to underscore one thing, this reserve of $4.6 million in fiscal year 2030 isn't today's dollars. So it might sound like a lot of money today, 30 years from now it's not going to be $4 million, it's not going to buy $4 million of anything. So that's an important thing. We're here today because of the fact that we have the opportunity to set something up and fixing the Marina on an ongoing basis and these capital needs came up and so we didn't want to spend all this money, do all this debt service, paid for by our tenants and then let just let it start to deteriorate again five years after we finish the construction.

Commissioner Lazarus: We've had some increases in fees in recent years but if you look back over a 10-year period have we been keeping up with inflation?
Katie Petrucione: Absolutely not.

Commissioner Lazarus: Do you have something at your fingertips?

Katie Petrucione: No Commissioner I don't. The Commission approved a series of increases at the board and then implemented in 2005 and those increases were designed to get the Marina at least in the neighborhood of market rate because it had been many years up to that point since it had happened.

Commissioner Lazarus: This proposal tops out at a 37 percent increase--starts or tops out during the course of construction.

Terry Petrucione: No, it would be at completion of construction there would be a 37 percent increase. Right now, it's not structured in a way that it is phased.

Commissioner Lazarus: So we're not increasing anything this year, next year.

Katie Petrucione: CPI.

Yomi Agunbiade: Standard CPI.

Commissioner Lazarus: So the real payments come when the real project is available and ready.

Yomi Agunbiade: Exactly, and there is a benefit to the boat owners.

Commissioner Harrison: Earlier there was mentioned a cap on the reserve funds. Can you explain that?

Katie Petrucione: I'm not actually sure what that would look like to be honest with you. Dick Robinson who is the person who actually made that suggestion at the time said that the Department didn't know exactly what an appropriate reserve level was. I think that's actually pretty valid but having said that I don't know it makes sense to cap what the reserve would be. $4.6 million as Yomi said would be in 2009-2030 dollars doesn't strike me as being a particularly fat reserve.

Bruce Stone: Bruce Stone, San Francisco Marina Harbor Association. First of all the reserve numbers assume a starting cash balance. There is a surplus in the harbor fund right now. We have a disagreement on how much that surplus is. There were three years in which we were charged direct and indirect charges for utilities and garbage collection, we insisted there be an audit to track the details down and put that back into the harbor fund. The audit has been completed and the money has not been put back into the harbor fund. We have ongoing dialogue with the Department and the city attorney about that. We believe the starting reserve should be $627,000 higher than it is right now and that affects the calcs on debt coverage. Second point, it makes not sense to have a 37 percent increase now and go three percent per year over 40 years because the people that are going to be using the harbor 10, 20, 30 years from now may be different from the people that are using it today. What you should have is an 8 percent increase, part of which is for inflation, part of which is--That way you tax the people over time. And we don't believe that the city should be sitting on $4 or $5 million in today's dollars earning a low interest rate when as Yomi said or Katie said it's a small amount of money 25 years from now. What you should do is charge the right interest, inflationary increase each year, and then build up the reserve over time so that the users over the next 25 years are portioned their share of it on 1/25th per year, and then it grows in a compound fashion and equals more later on. That's the proper way to do it if you did any proper cash flow analysis. And it's fair because we have a lot of older users who are in their 70s, why should they pay a huge increase today when they're not going to be around 25 years ago. There's a lot of interest in our association for a leveled out plan. We all believe the harbor should be done, we believe the loan should be approved, we just don't believe a 37 percent increase right now is the way to go. Also, the guideline is 1.25 to 1, it's not 2 to 1 which this plan is providing, so it's providing excessive reserves beyond what the state is requiring, and that's a guesstimate by the Department and they're entitled to do this, but we believe it should be built up in a more uniform way over time. Bruce Monroe: Bruce Monroe, harbor tenant and Vice President of the
Dick Robinson: Dick Robinson, I'd like to add to that. First of all, I realize and appreciate the hard work that is going into this by Recreation and Park and Katie and Mary and Yomi and everybody involved. The point I'm up here to talk about is not to poke a hole in any of the good work they're doing because I appreciate it and I hope it happens this time. My point was there are going to be some steps between now and completion of the harbor where the ultimate cost may be significantly different. We're going to have an opportunity to weigh in on slip placement, on configuration of the harbor, the St. Francis Yacht Club in fact did pay, pre-pay part of its lease in a lump sum for some ADA work in particular and they are going to be opportunities to incorporate that into this design hopefully, so there may be some value engineering involved here where this might come in less than anticipated. My point is unless the loan document requires a hard number which frankly I haven't read the loan document, but if there's some discretion where we're not hard-wired into a situation where in fact we don't need the money at the end of the day for reserves that was my point, that we just have the flexibility to do the right thing when the numbers are finally in. Howard Strassner: I've almost never come to speak to this Commission when you're proposing fee increases. I've been there about 40 years since you've opened and have had the same berth. And the reason because at first it was below market and then as it approaches and who knows if it's getting there and now you're projecting perhaps beyond market but who knows. The thing is that you're talking about the completion of the west harbor. I'm in the east harbor and I've paid fee increases before so that this whole thing looks good to the state and then we're going to pay an even larger fee increase so it continues to look good and it will be many, many years before you do anything in the east harbor. And more than that this brings me back to the dry storage, you really weren't going to do anything for small boats anyway. So the other thing that happens when you really get to the dry storage you get some additional revenue from this unknown number of spaces that you just agreed before to give a little lower price to and that's going to help overall. And the other thing is you're talking about the inability of small boat owners to afford to sail on the bay and that's the other beauty of dry storage as we mentioned before. Over in Berkeley they have dry storage and it typically runs about 50 percent of the cost of the wet storage for the same boat length and all that kind of stuff, and there are other advantages even that accrue to dry storage holders. So really get on with this. I hope that we get a good estimate in January, that we know what we want to do and we find the places and you'll be taking care of small boats and when you do it look for expansion because when people find out they can sail in San Francisco bay for a modest cost they'll really love it. The case I made to the supervisors had to do, sure, I can move down to South Bay and then if I wanted to sail out under the gate which now and then I do it would take me all day and I wouldn't have any time. A few months ago we went out there, we had a gorgeous day, it was blowing seven to 10 outside, it doesn't get better than that, so we're sailing in 30 knots of wind, so we reef down and we get a little wet and we come in and we see everybody in bikinis and say are we crazy? Maybe we are but we love it, thank you very much. Grace Knight: Grace Knight, Secretary of the Harbor Tenants Association and I also have a boat in the west harbor and I really want to address the 37 percent assessment. I think that
it is quite high and we don't know exactly when those figures are going to come. I would rather have an assessment rather than a jump 37 percent, that would be more fair to me. I don't want to pay for a 25 year-old to come on something that we really don't know what that cost is going to be. So as others have said before I'm going to pay for the future people which we do in society but not such a high jump I think. Also, someone talked about are we going to price ourselves out of the market. Yes, it is a desirable, pretty place but it's also a very cold foggy place so we have that to appreciate and a lot of people would rather go to Sausalito or Alameda and if we are prices higher than they are some of the people will more. So I think that has to be taken under consideration. So I think that Katie referred to that we have to have a reserve fund so that the harbor will not fall into the deteriorated state it is now. I think only part of that is true, I think that over the many years that I've been in the harbor it wasn't just that we couldn't afford it, it was that we couldn't get the repairs made. And we kept saying could you replace a plank here or a plank there, and it just never got fixed, so it's gradually deteriorated. So I don't think all of it was that we didn't have a fund to go to, it was just lack of getting it. So I'm against the 37 percent jump.

**Yomi Agunbiade:** Commissioner Lazarus, this is probably going to bring a question that I'll have to answer.

**Commissioner Lazarus:** I think the comments made about the forecasting of the need of a 37 percent increase and whether or not we could sent to the Board of Supervisors a fee proposal or up to 37 percent subject to Commission approval of the actual fee increase and not to exceed that amount at the time the harbor renovation is completed.

**Katie Petrucione:** Virginia actually just pointed out something to us that I didn't realize which is based on the financial analysis that I've been sharing with the state the loan documents now have taken the 37 percent increase and mandate that the city raise fees to what the weighted average is of that 37 percent increase in the loan documents.

**Commissioner Lazarus:** So the loan document requires us to have weighted average 37 percent fee increase at the time the harbor renovations are complete.

**Yomi Agunbiade:** I just want to add something else to this. If you look at the analysis that was done, we looked at other lower fee increases and in conversations with Katie we stated 37 because that's what we said. In a perfect world I wouldn't want to see any negative cash flow in what I'm bringing to the Commission and if you still see here there's still negative cash flow. So on one side of it from a prudence financial standpoint you'd be looking at a higher increase in order to clear out any of these negative cash flows but we're sticking with the 37 because that's what we've said we would do and it wasn't that bad and there's still some surplus to help us deal with that negative cash flow. So planning on a negative cash flow for more than a couple of years is not a smart way to do business.

**Commissioner Lazarus:** My other point was the issue about the audit and what the reserves should be currently in the harbor fund and I don't want to get into the details of that, I just suggest to staff knowing this all goes to the Board of Supervisors if I were you I'd work this stuff out sooner rather than later.

**Katie Petrucione:** We have had lengthy conversations with Mr. Stone and it's an issue that goes to overhead and how it's distributed to the Marina. I'm meeting with him on Monday to talk about this and other issues.

On motion by **Commissioner Lazarus** and duly seconded, the following resolution was unanimously adopted:  
**RES. NO.0809-007**  
**RESOLVED,** That this Commission does approve a Berthing Fee Increase for Marina Yacht Harbor.
going through the planning process for the Marina Yacht Harbor the financial staff worked closely with the
Mayor's office of public finance to investigate possible funding mechanisms for this project and they
determined that the most economical funding mechanism would be the loan program that's administered by
the State Department of Boating and Waterways that provides loans to public and private marinas for
waterways improvements. The way that the loan program works is that agencies apply for funds and then
their Commission approves a budget and then begins setting aside funds over a series of phases from their
annual budget. This takes several years to accomplish that is why this has been going on since 2002. We
received three or four installments and have reached a total cash account for this project of $17 million.
There's an error on your staff report that says $11.2 but we have actually accumulated a cash reserve of $17
million which we believe is a fair enough reserve or amount available for use to begin work on this project.
The Commission has approved a loan up to $25.65 million. There will be additional installments towards
this loan at which point the loan documents would be amended to represent the full amount of the loan. We
don't know at this point how much the installments would be, they are budgeted each year annually and as
you know the state hasn't passed their budget so we haven't been told how much our installment will be this
year. We're hoping the final nine percent in two installments over the next two years so that we have all the
money in place and ready for construction. I'm going to go over quickly the terms of the loan. The loan
will be paid for entirely and the debt service will be paid for entirely with revenues generated by the
marina, they will not require any outside funding. And the collateral for the loan will be a lease back to the
marina facility to the Department of Boating and Waterways. The term of the loan is 30 years with an
annual debt service of 4.5 percent. Interest payments will be made immediately upon first disbursement of
the loan, we can apply for disbursements of the loan as soon as we have permits in place for the project and
then interest and principal will begin payment when the final disbursement is made which will be when the
project is complete. The Department of Boating and Waterways loan comes with three accountability
measures that I wanted to touch on. The first thing that they require is that we prepare and present to them
on an annual basis an operations report. This report will document budgets, plans, and expenditures for
operating costs. The purpose for this is to ensure that the marina is operated using best practices once it is
renovated. The second is that the Department will be required to maintain and present on an annual basis a
maintenance budget. This will include of course scheduling for maintenance work across the harbor as
well as actual expenditures and how much revenue is held in the account for the purpose of maintenance.
This is to ensure that routine maintenance is done annually and that we don't have a marina that falls into
disrepair. And then the third item which Katie touched on is we need to maintain a capital outlay reserve
account. This is an account that's required by the loan, they have a minimal amount requirement of two
percent be placed in that account, two percent of the annual revenue generated by the marina gets placed by
that account, that's not very much for capital outlay but the purpose of that is to address large costs outlays,
things like large dredging, replacements of docks in case of damage. So those are the accountability
measures. Katie touched on the debt service amounts. In addition to debt service and maintenance of these
reserve accounts we will be required to maintain third party insurance on this facility for the term of the
loan to ensure that in case there's any disaster or whatnot that we have adequate coverage to ensure that the
loan will be repaid either through the insurance policy or by rebuilding the marina so that the cash revenue
can continue to be banked for the repayment of the loan. So with that I will open this up for questions
about it, it's very complicated. One thing I wanted to mention that in your packet you did received the 90
percent draft of the loan documents, we did not receive the final version from the state in time to make it
into your packet even though at that time we had agreed to all the terms. Virginia has copies of the final
loan and she is going to be fielding any of your technical questions about the legal terms of this contract
and any changes that might have happened between the version you received and the final version.

Bruce Monroe: Bruce Monroe speaking as strongly as I can in favor of this loan because we need it
desperately. We've waited for this a long time and it's overdue and so I hope that you will approve it.
However, I have to say a couple of things about this. First of all, there was discussion about reserve
accounts, do we have enough money? I have here the last six years of financial records from our harbor
fund which is maintained by Katie Petrucione’s office. We have always had a reserve in the fund of
approximately $2 million, sometimes more, sometimes less, but on average $2 million. That is with
existing rent structure. This has obviously been a very busy time and an important time for our harbor yet
we have been without a harbor master now for a year. Brad Gross resigned as harbor master one year ago
and we still do not have a replacement. I don't understand it. Larry White has been acting, he would like to
apply for that job, but it's not open and I do not understand why we do not have an active harbormaster on
the job to spearhead this proposal. The other thing that sticks in my craw and these financial documents bear it out, the harbor fund was double-charged for utilities for three years. The harbor fund, the Recreation and Park changed their method of charging overhead from a direct charge to an indirect charge based on the number of budgeted employees in each Department. That was done Department-wide but for the three years in question the harbor fund was erroneously charged both charges, the direct charge for utilities and the indirect per person charge. We have been trying to get that reversed. We have been unsuccessful to date. The audit verified the position and in fact the Department has acknowledged that they have made these double charges but they've done nothing to correct the situation. We're going to meet with Katie on Monday and try to resolve this but I do want the Commissioners to know that this is a very serious issue with us particularly when we're talking about rent increases and harbor fund balances, the amount of the overcharge which we can document here is $627,000, we want that money restored to the harbor fund.

Betty Foote: I know we've been talking about fees and money so I don't know if this is the appropriate venue to bring up an interesting perspective that I have in observing the processes of politics and the actual happenings of the harbor. Last night was a meeting of the Harbor Association and it was quite different from what's happening here. Everything is moving forward and I do approve of the loan and happy we're getting it and a new marina. But last night pretty much the Recreation and Park officials were intimidated by the association for having end-runs for doing this and that. There's fear in the trenches. You sit up there and I'm not sure you feel that. I feel that because I've been a 30 plus year berth holder, I'm an older woman, I'm single and I have a boat to maintain and I'm scared to death I'm going to lose my position in this whole thing and it bothers me because there are a group of older people who are in the same position and I'm not sure you're aware of the philosophy or the idea that you have been entrusted by a state charter for a recreational marina, it's for the young and the old, and Mr. Stone has addressed this new foundation they formed, the San Francisco Marina Foundation, for the youth, but where do we fit in as seniors? We've been asked to pay for a 37 percent increase for the future. Okay, we get a new marina. It's hard but we'll somehow do it. But if I can have permission to use a little bit over my three minutes because I would have liked to said these things previously I would liked to have done that. But if you have to cut me off. This is philosophy and theory so I'll go as far as I can. There is the association which is representative of 300 plus members of berth holders. There are an additional 400 people in the marina. They're a bit afraid to come here because of harassment and intimidation in the safety of their boats. I'm saying that straight out. You may not know that, but it's the case. There's an entire boating community--I'm going to say a bad word about liveaboards--I think liveaboards do have a place in a marina. We can talk and I can bring up many examples of marinas that have liveaboards that add to the security of a marina. I'm just asking that when it comes to the operational policies of the marina that this be considered. I'm also going to say another bad which is seniors. The other thing is I'm saying that I believe that sometimes you cannot see the forest for the trees. I believe that there are many businessmen here, lawyers, all kinds of wonderful businessmen who can speak very clearly but frankly I think that I see something that smacks of privatization and I have heard bad things said in meetings about the Recreation and Park officials saying that you're all not qualified to handle a marina and turn it over to private enterprise. Bright Winn: I've been a member of the Marina Harbor Association, I've been in the east harbor for 30 years. Presently I cannot leave my berth because of silting two hours before until two hours after low tide, twice a day I cannot sail, that's one third of the sailing time in a 24 hour period I can't use my boat. I am not going to charge Recreation and Park to give me back 30 percent of my berth fee because I can't use my boat. I'm going to implore this Commission to please pass this 13 and get this show on the road. We waited for years. I've traveled to Mexico, Vancouver, East Bay, every one has good marinas, we have a slur. This is San Francisco, we must do this, please I implore your pass this today. Jack Kaus: I'm a member of the Marina Harbor Association and I have been involved in this harbor on and off from about 1989. There was an original proposal to redo that harbor at that time. From my recollection the budget at that point was $13 million which included the west harbor and the east harbor. Since then it's been almost 20 years and we're looking at renovation of doing just the west harbor and the bill has been based on the estimate on the budget from 2002 until 2007 was $16 million, it's now up to $25 million plus. What I would like to see happen today is to get this project approved because if we don't it's going to wind up being $30 million and that 37 percent that we've been bantering around is going to be even more because the debt service is going to go up. Please pass this today so we can get on with it. Bruce Stone: The Harbor Association is also completely in favor of this. You've heard several of our officers just address that. Yes, we've got specific nits about the numbers and we think they need a lot more work but overall we do believe you should approve this budget. There is one thing that we had some conflicting information in the last week about, if something happens and it actually
comes in under budget what happens to the money? A week ago we heard that it was going to start being reallocated to the east harbor and then last night at the meeting we heard it was all going to be kept in west harbor. This is a west harbor funding and it's on the backs of a big rent increase for west harbor so we believe each of them be carried separately from a fiscal standpoint and I want to be sure the loan documents are clear on that.

**Commissioner Levitan**: I wonder if at the next meeting either Katie or Yomi could report to us about this meeting that's going to occur concerning the double charging amounts that Mr. Monroe mentioned. The other thing is--and it's not customary for Commissioners to comment on items that are raised in public comment--but there is one thing I did want to address that you've raised. My point in bringing up the accessibility for young people and new programs is actually the opposite I think as how you perceived it. My interest in this yacht harbor is making sure it's accessible and affordable and available to people I think are being potentially pushed out by this new plan. So when I see an increase in 90' slips and a decrease in smaller boats to me that says there are a lot of people that are being pushed out. Seniors, young, people who might not be able to afford it. So I'm just as interested in you are in making sure that everybody is served. I move approval of staff's recommendation.

On motion by **Commissioner Levitan** and duly seconded the following was unanimously adopted:

**RES. NO. 0809-008**

RESOLVED, That this Commission does accept a loan from the California Department of Boating and Waterways for the renovation of the Marina Yacht Harbor, West Harbor.

**JUSTIN HERMAN PLAZA/EMBARCADERO PLAZA SUNLIGHT ORDINANCE**

**Daniel LaForte**: Daniel LaForte requested a five minute recess as there was some confusion regarding the agenda wording and the project sponsor would like five minutes to clarify the language.

The Commission continued to item 15 while staff resolved the issue.

**MISSION DOLORES PARK**

**Denny Kern**: This item is discussion and possible action to approve a request from Mountain Sports International to produce the Red Bull Soap Box event at Mission Dolores Park on October 18 of this year and request to sell food, beverages, alcohol, and merchandise and to allow amplified sound from 11:00 a.m. until 4:00 p.m. at that day. This event is actually a soap box event, not in the classic sense of a kid's soap box derby. I don't know exactly what kind of mental image to describe to you here but the actual event is to occur on Dolores Street itself on [unintelligible] street closures which has been obtained, you can see the attached site plan. The application for Mission Dolores Park is actually to provide ancillary or support functions of the event. The spectator area, bleaches, food court, all the beverage sales, other types of event activities will be going on in between or during the series of soap box races. The event is from 10:00 a.m. until 5:00 p.m., they are requesting amplified sound from 11:00 until 4:00. The fees are as per the attached worksheet. Of note, this is the first permit application coming under the new and revised special event permit fees in Park Code Section 12.22 which were adopted by the Board of Supervisors with the FY 09-08. Performance bonds $5,000. It is supported in particular by Supervisor Dufty and the staff recommendation is approval.

On motion by **Commissioner Lazarus** and duly seconded, the following resolution was unanimously adopted:

**RES. NO. 0809-010**

RESOLVED, That this Commission does approve a request from Mountain Sports International to: 1) produce the Red Bull Soapbox event at Mission Dolores on October 18, 2008 from 10:00 a.m. to 5:00 p.m., 2) sell food, beverages, alcohol and merchandise and, 3) modify the amplified sound policy and allow amplified sound from 11:00 a.m. to 4:00 p.m.

**GOLDEN GATE PARK MUSIC CONCOURSE**

**Denny Kern**: This item is discussion and possible action to approve a request from Conservation Value Institute and the Meadowlands Entertainment to produce the band shell music summit at the music concourse in Golden Gate Park on Saturday, October 18 of this year, and permit sales of alcohol and the request for amplified sound from 11:00a.m. until 6:00 p.m. that day. The event is a one-day event with
music, art, and culture type activities centered around non-profit organizations dedicated to sustainable living. It's largely focused on music and there are a series of performers which are currently being booked and calendared from the jazz, hip-hop world music genres, probably the most famous performer which has been booked is Maws of Death who will be performing with a 20-piece orchestra. You can see the attached description in your package for more information on what actually is planned for the day and the sight plan for the layout. They're anticipating about 2,500 people. There will be one setup day on Friday the 17th starting at nine. The event is all day on Saturday the 18th ending at 6:00 p.m. and cleanup will be completed by Sunday morning at 6:00 a.m. The applicant will hire private security, the park rangers and police from Richmond SFPD station, the fees are per the attached worksheet and the recommendation from the staff is approval.

**Commissioner Lazarus:** Is this a gated event where there is a charge to enter?

**Denny Kern:** It's not a gated event. When you look at the write-up I believe that admission is through filling out a questionnaire. However, the applicant Allister Monroe is here, he can answer that question.

**Allister Monroe:** If I may I'd like to read this thoroughly so if you have any questions regarding the event. The Band Shell Music Summit is a one-day celebration of music centered around a non-profit organization dedicated to the awareness of sustainable living and business while solving environmental problems and improve our economy and quality of life. While engaging and educating the diverse communities of San Francisco's art and culture we can assist in the awareness of sustainable programs including the awareness of the reopening of the California Academy of Sciences. The development of the de Young Museum while respecting the Department of Recreation and Park staff and properties. Our purpose for the creating of this event is driving more by our appreciation for and promotion of San Francisco's arts and culture in a public forum. Our group which includes music industry veterans, a conservation scientist who's dedication is leveraging the power of music to advance art and cultural programs. We will also provide the public with pertinent information of the museums and their outstanding developments. As a group we believe that we can best advance our missions and connect festival patrons with an incredible opportunity by keeping the event free provided they have completed the event survey which will include encouragement for fans to visit the museums and potentially become new members. We would also welcome the museum's attendees day of show with proper membership identification and stamped ticket receipts from the museums ensuring the capacity limit. At this time we open in dialogue of course with the Department of California's academy and the information has been given and provided to the de Young Museum. Although at this time the Academy's priorities are strictly towards the opening celebrations but they have provided verbal support of the event as well as the Mayor's office of environmental development.

**Commissioner Lee:** Is the construction work at the Band Shell completed?

**Yomi Agunbiade:** By then I don't believe it will be done. We are actually stopping the work for the opening of the Academy and we are coordinating all that work with them so I don't believe there is a conflict between the work and the use of that facility. The thing that's there provides safety. There's no conflict between the work that's going on at the band shell at this point and this event.

**Commissioner Sullivan:** I have a question about parking. This will be the first band shell event after the Academy opens. I don't know whether this Saturday is part of the year where parking is allowed nearby or not but have you thought about whether there will be parking problems with 2500 people?

**Denny Kern:** It's a Saturday event and the Saturday JFK closure ends on the Academy weekend opening on the 27th is the last Saturday for street closure so all of JFK will be open but the only parking is street parking in and around the park.

**Commissioner Lazarus:** If you can get into the garage those weekends after the Academy opens.

**Allister Monroe:** We are encouraging people to take MUNI in our campaign in all of our production of marketing materials.
**Commissioner Levitan:** So there's food and beverage, right? I've been to some events in the concourse but there aren't a lot so how are you doing the setup for that and I see here that on the worksheet that if there's alcohol there's a cordoned off area, is that right?

**Allister Monroe:** Correct. I believe in your itinerary it’s viewed in red. This is an overview outline. Basically in the cemented areas coming into the park there are areas that will be specific beer gardens so you can only enter if you are over 21. But the majority, 75 to 80 percent of the park is open to the public.

**Commissioner Levitan:** Can you hold that up and show me?

**Allister Monroe:** In this pathway coming into the actual fountains, those would be dedicated beer and beverage gardens and then fenced off but you can free roam around them so its accessible.

**Commissioner Levitan:** The whole concourse is accessible?

**Allister Monroe:** Yes madam.

**Commissioner Levitan:** Have we done other events in the format?

**Allister Monroe:** We did a tented event for the Parks Trust a couple of years ago. And we did have the Google event back in May. It went to the evening and then they had the whole concourse which was actually gated because that was a private event.

**Commissioner Lazarus:** I want to talk to the staff about this. I'm a little uncomfortable maybe because I don't know the history of the proponents, the sponsors of the event, I'm wondering whether or not this makes sense what will continue to be crowded late summer, early fall weekends with the academy opening. Is this real? I see an application that says and by the way we invited President Clinton. It gives me doubt about the legitimacy of the event when the application includes what I consider invited guest throwaway lines like that.

**Allister Monroe:** I went to school with Jimmy Peneta, his son, since the sixth grade and he is also a very big component of the marine life in the Monterey Bay area as well as he was invited to the Academy of Sciences opening. I sent him a letter inviting him to come and actually bless this event, so that's a very real fact. I'm also the founder of the North Beach Jazz Festival and worked with the Recreation and Park for 15 years and everything in writing is very legit and the funding is extremely legit from conservation value institute as well as the conversations that we've shared with Denny we've been working on this event since February. We've been closer to the event, saw that there were other major events in the Golden Gate Park area.

**Commissioner Lazarus:** Staff is comfortable with this event at this time with this organization?

**Denny Kern:** The original proposal, they wanted to go into the evening and we trimmed them back from that. We're not going to be permitting any more at-night events until we finish our sound consultant work who is going to be doing ambient sound measurements for us around Golden Gate Park perimeter. We were accountable to the extent that we have a lot of activity going on in the music concourse normally and we limited the applicant to no later than 6:00 p.m. which is fairly consistent with ---We're trying it out.

On motion by **Commissioner Levitan** and duly seconded, the following resolution was unanimously adopted:

**RES. NO. 0809-011**

**RESOLVED,** That this Commission does: 1) approve a request from Conservation Value Institute and The Meadowlands Entertainment Group to produce The Bandshell Music Summit at Music Concourse in Golden Gate Park on Saturday, October 18, 2008 from 11:00 a.m. to 6:00 p.m. 2) modify the amplified sound policy and allow amplified sound from 11:00 a.m. to 6:00 p.m. and 3) allow the sale of alcohol.

The Commission returned to item 14 – Justin Herman Plaza/Embarcadero Plaza – Sunlight Ordinance.
Daniel LaForte: We did have a brief discussion with the project sponsors outside and it is our interpretation that because the shadow and shadowing is the subject of the sentence that located refers to the shadow or shadowing and therefore it is grammatically correct. The location refers to where the shadow falls and not to the actual project location. The project location is the title of the project itself, 110 Embarcadero.

Commissioner Lazarus: If you look at the same language in the staff report is says 110 Embarcadero Street project located at the northeast corner of California and Davis which of course is not.

Daniel LaForte: There's a couple errors in the staff report that I intend to clarify and correct through the presentation.

Virginia dario Elizondo: Because we've had disagreements before between the staff report and the agenda, what controls is the agenda language and Mr. Burke educated me that California and Market is where the shadow falls and in fact this is about a shadow falling on Justin Herman Plaza so it is reasonable notice, it's not the best phrase. It appears confusing but the fact of the matter is the notice on the agenda is-the shadow at Justin Herman Plaza. So if people were concerned about buildings shadowing Justin Herman Plaza I think they would consider this notice.

Daniel LaForte: The item before you is discussion and possible action to recommend to the Planning Commission that the shadow or shadowing from the proposed 110 Embarcadero Street project would not be significant or adverse on Justin Herman Plaza. The project involves the demolition of an existing and construction of a new 123' height mixed use retail commercial building 123' as measured by the Planning Code. The project would add about 38,000 new shadow square foot hours, 4.007 percent of the total potential sunlight on Justin Herman Plaza. The shadow would fall primarily in the morning about 8:15 to 8:45 a.m. and it would hit in the center of the plaza just west of the fountain about 75' west of the fountain. According to Prop K the recommendation in Prop K states that for Justin Herman Plaza midday shadows should be avoided as well as winter shadows but these shadows would occur primarily in the morning. There is a correction I'd like to make in the report and the report discusses that the shadow would occur from mid-November through late January. So about three and a half or four months through the calendar year. The project sponsor has agreed to implement some improvement measures, about $9,000 worth of improvements measures to Justin Herman Plaza and staff has identified some areas of need for the park. I'll answer any questions and if there are none move to recommendation.

Ernestine Weiss: I'm very happy to be here to enthusiastically support the 110 Embarcadero project. Heinz is a world renowned and award winning real estate company working with a world-renowned and award winning architect on this special building. The project design is really different with a living wall of greenery and color where hummingbirds and butterflies will live. I think the building--I call it a jewel box--will really improve the Embarcadero and look great on this prominent city block. As the proud creator of the nearby spectacular Ferry Park as open space the best part of the building to me is the exciting rooftop open space. You can't get views in the city and the bay like this anywhere. I can't wait to go there when it's done and enjoy it. So hurry up. Projects like this with great architecture and great public benefits are what San Francisco needs to continue to be a world class city. I therefore urge your prompt approval of this beautiful addition to the waterfront.

On motion by Commissioner Lazarus and duly seconded, the following resolution was unanimously adopted: RES. NO. 0809-009
RESOLVED, That this Commission does recommend to the Planning Commission that the shading or shadowing from the proposed 110 Embarcadero Project located at the California and Market Street will not be significant or adverse on Justin Herman Plaza/Embarcadero Plaza - as required by Planning Code Section 295 (The Sunlight Ordinance).

PUBLIC COMMENT
Andrea O'Leary: Park advocates have been talking quite a bit lately about how to get some satisfaction for otherwise non-responsive management here at Recreation and Park. So come up with something. How
about we request that this Commission assign a liaison to the public, an ombudsman, so that when we come to you with concerns there will be somebody who can take us seriously, who will investigate, who will help us get to the bottom of issues and find solutions. Otherwise we come, we complain, and that's about where things languish in nowhereland. And why? Because the current management has a staff that's abiding a set of rules and procedures known only to themselves and meant to keep them all in very well controlled pecking order and with marching orders to not go outside very limited descriptions of capabilities. They function within a bubble surrounded by union rules and internal memorandums and they are isolated. The first rule is to keep the public's at arm's length so that pinpointing responsibility and accountability is unclear. This rigidity is intentional and it's meant to drive anyone away who gets too close to figuring it out. This Department's managerial style is dictatorial. Miss the prerequisite steps or deviate from the pecking order, kiss cooperation goodbye. Don't agree with them, sabotage is in order, you get blacklisted. I'm on that list. Case in point, Sunnyside community was given two grills you all know about and the NSA manager Marianne Bertuccelli took them away, that's not unusual for her. But now the director of operations backs this in solidarity with his favorite soldier and declares to this Commission that if we the community want to use them we need a permit. We have to buy a permit to use our own grills. If they're already overcharging the public by $25 to use a picnic table them what are we expected to dish out to use our own grills. This is unacceptable. The storage space where they are would be stored, and you have a picture in the report, is empty. We want our stuff back. They say now no chemicals have to go into this room. Well no, I think if any of you took the NERT training you will know that the worst thing you can do to set something on fire is to put chemicals together, have a little shaker, and that causes a fire. Wienies on a grill will not. We want them back in our park and we want them useable to us, not in park patrol custody. From time to time this Commission is asked for some explanation about things like grills and sometimes you get the explanations. But what do you do about it? Not very much because you have little recourse for what staff is doing. So what do stakeholders do? Not much. Jeffrey Leibowitz: Jeffrey Leibowitz, Co-Chair of the South Park Improvement Association. I hope everybody has had an opportunity to enjoy the hot weather, it's like summer again, and I want to report to you that our trees and our lawns are once again becoming green because our irrigation system is now functioning after all these weeks. With that said I also would like this Commission to direct the director to direct their staff to meet with us. I'm here tonight at the Planning Commission to support a project of a willing private developer who wants to do a public private partnership with us to help improve the park. They're willing to do a fence and landscaping very similar to the project we did on the small tot lot on the western end. We worked with Recreation and Park staff. The reason I'm bringing this to your attention is I've sent three emails to rec staff and I've yet to get a response. Now, unless the Department has money willing to spend and more public dollars that they want to put into this, we're happy to take it. But under these circumstances these are private dollars and this is a time is of the essence thing. I need to have you tell the director to get the staff on the ball so we can set up a meeting, we can set up a meeting with the proper people in this Department and we can set up a meeting with the developer, a willing partner who is going to have their project approved today and is willing to fund these improvements. So I'm here to ask that you direct the staff to do that on our behalf and behalf of the public of San Francisco.

Commissioner Levitan: What is the improvement that he is proposing?

Jeffrey Leibowitz: The improvement that we're proposing--if you've been to South Park you saw that we improved the small tot lot with a fence and some additional landscape. There was also some drainage added to that. We're asking to do essentially the same thing.

Commissioner Levitan: So would you fence something in?

Jeffrey Leibowitz: There's two tot lots there, we would replicate what we did with the small tot lot to the adolescent tot lot, if you will. We walked the project with park staff, we think this is doable without triggering ADA like we did with the other project. We know what the budget is, we've explained that to the developer. They're willing and understand what the constraints are. The developer is the Martin Building Company, they're familiar partners to you folks.

Commissioner Levitan: And who is the staff that you've called three times?
Jeffrey Leibowitz: Megan, Steve Cizmowski-I haven't called, I've sent emails--and so--

Commissioner Levitan: So Megan and Steve?

Jeffrey Leibowitz: Those are the two people right now that we need to talk with, right, and that's essentially it. We need to have a meeting with them so we can get the ball rolling with this.

Commissioner Martin: Megan and Steve?

Yomi Agunbiade: I thought you said you had already met with staff about the project, or did I mishear you?

Jeffrey Leibowitz: We have not met yet. I did a primary walk with them and explained to them what we'd like to do, we looked at the site and they indicated to me that this is a doable project.

Bill Wilson: Yeah, I just wanted to take a second or two to mention a very successful event on Sunday that Recreation and Park was noticeable in it's not sponsoring and I've asked around and told that the sponsorship came with a fee or expectation of in-kind service that I understand might not have been available in the time constraints that were proposed. But I wanted to tell you that there was an incredible positive community spirit built from that event which was the Sunday closing. I started in Portsmouth Square and walked with the Mayor as far as the Ferry Building when he and Jennifer took off jogging. Fortunately, the T line was free, so we ended up in Bayview. There was a fantastic and is a fantastic rec center there. I was amazed that it's a beautiful Sunday and there's nobody at the rec center because I've been told that on Sundays it was closed. We discovered that it really wasn't closed because the Mayor said I want to show Jennifer this great facility, so we're walking towards the facility with a Chronicle reporter and this little kid comes up to him and says are you really the Mayor? And the Mayor says yeah, I'm really the Mayor, can you show me your rec center? He's like yeah. So the Mayor and this little kid are playing pickup basketball for 10 minutes, we're inside this building and there's nobody around, literally. The Mayor, after he's finished playing and talking to the Chronicle reporter says to the little kid let's show Jennifer the other parts of the building. They walked up this staircase that ended up being the front of the door, as we're coming out the door and I'm taking pictures with the Mayor and the building in the background that somebody came out of the building. I have no idea whether they were Recreation and Park staff or they were somebody that was supposed to be there or whether they were just somebody heard there was something going on in the courtyard. I think it's missed opportunity and it's something that I hope in the future I hope Recreation and Park will seriously consider because it's going to happen more often, perhaps a longer period of time, and I just think it was such a fantastic event because it even got me to walking. I probably got more exercise that day than I have in the pervious 30 days and I'm still feeling the tight muscles.

Commissioner Martin: So you're saying there was no staff recognized at the place?

Bill Wilson: From what I understand there wasn't supposed to be staff.

Commissioner Lazarus: If the building was open--

Bill Wilson: That's what I'm saying, that might have just been a coincidence.

Commissioner Martin: The Mayor opened it up?

Bill Wilson: The Mayor thought he had to ask for a key.

Commissioner Martin: How'd it get open then?

Bill Wilson: He turned and asked for Yomi and then people said Yomi's not there so he asked…..
**Commissioner Levitan:** Whoa, this is full dialogue which we don't have. Let's just ask staff, what was the deal with the rec center that day?

**Yomi Agunbiade:** The Recreation and Park Department worked with the Mayor's office to make sure that there were activities both at Joe Lee Rec Center with basketball clinics and we had staff working there from 8:00 a.m. to 2:00 p.m. and we also had staff at Portsmouth Square, all part and parcel of what was supposed to be the activities of what was supposed to happen for Sunday streets. We actually had other ideas of some other things to do but that's where they wanted us to focus and we focused there. And so had I think two of our rec directors, 3487, 3484, we part of the committee that planned the entire Sunday and the entire closure.

**Commissioner Martin:** But they say they didn't see them?

**Commissioner Levitan:** Somebody had to open it, somebody was there.

**Bill Wilson:** There clearly was there, I don't mean to start that. What I'm specifically talking about Yomi—and I apologize because I know that there is another story to this—on the thing that they gave out they specifically said sponsors and it was the Department of Youth, it was the Department of the Environment, Recreation and Park was not listed anywhere as a sponsor, that's the only thing I'm saying and if that came with the money because I know that there were events that were happening through the Recreation and Park Department but again I just think it's something—there was no visibility that I am aware of the Recreation and Park staff at the Bayview point. At Portsmouth there was.

**Commissioner Martin:** Thank you.

**COMMISSIONERS’ MATTERS**

**Commissioner Lazarus:** I have one quick matter. There was memo from Isabel Wade regarding the Golf Task Force Yomi and I think some legitimate concern for two reasons, one regarding the date. Apparently the task force is set to the meet in the evening of September 17 which is both the Neighborhood Parks Council annual event at one of our parks and it is also, you just passed out invitations to us all, from the Academy of Sciences at the same time for the Corporate Foundation and Community Partners Celebration of the academy opening. So I don't know if that September 17 Golf Task Force date is in stone or can be adjusted.

**Yomi Agunbiade:** I was actually surprised to hear the public comment earlier from Meredith since the facilitator has already been in communications with task force members to do two meetings and not to have one on the 17th.

**Commissioner Lazarus:** Thank you.

**Commissioner Levitan:** So is the meeting going to be changed or there's going to be two meetings?

**Yomi Agunbiade:** There's going to be two meetings to discuss the Golf Task Force report and it's not going to be on the 17th. Neither will be on the 17th.

**Commissioner Lazarus:** The other issue that I want to raise and I don't know, I'm speaking to the public as well as the staff because we hear the same complaints, the same concerns about the availability of staff, the responsiveness of staff. Sometimes the squeaky wheel gets the grease and sometimes the squeaky wheel is so squeaky no one listens anymore. I don't know where the middle ground is in solving these problems because whether it's a member of the public telling us about not throwing frisbees in Ferry Park or somebody else talking about where the barbecues are, these things need to get resolved and I think it's a two-way street here. I think most of the Commissioners here if not all of us have talked to staff consistently about what I believe and we all believe is a staff obligation to be open and above-board with the public, to be responsive whether its by phone, email or by person, these matters needs to get resolved but it has to be resolved in both parties. And whether it's the issue of how the barbecues can be accessed or whether it's the issue of responding in a timely way to a citizen who has the opportunity to bring us some
private sector money for a small improvement in south park we've got to get on top of these issues and get them resolved and I don't want to hear about them anymore. Speaking for this one Commissioner under Commissioner matters.

**Commissioner Martin:** I'm hearing the same things as you but the problem we're suffering from is just what you said, email, everybody is going email now and it's got to go personal. That's what the big complaint is, nobody ever sees anybody personal anymore. You have to go back to the old ways, personal, forget the email. We've all got emails but for this situation we can't email it, we've got to do it.

**Commissioner Lee:** I have two issues. Margot did a great job of putting together a spreadsheet of our RFPs and vendors and I haven't seen an update of that in a while. I was wondering when the next one would come up and if we could see that in the packet. This was the grid that showed all the leases.

**Yomi Agunbiade:** I think we thought we'd put it in there twice a year. Since our leases are multi-year leases that spreadsheet doesn't change that much, it only changes with new RFPs or leases that are coming out. We can put it in there every month if you want but it's not going to change much.

**Commissioner Lee:** The second was with the marina discussion and I was just wondering what the status of the search for a director is. I know we have an acting marina harbor master but how is the search going?

**Yomi Agunbiade:** That's one of those wonderful things. How do I answer that. Of course, we absolutely want to fill that position on a permanent basis but we're not the only ones in the decision making process. As Katie is going to be making a bunch of phone calls downstairs to the Mayor's office, even positions that are tied to special funds whether it's the Marina or capital projects, that requisitions have not been approved. We can't move forward with hiring.

**Commissioner Lazarus:** Is the issue you don't have a requisition out there to allow you to go through HR to notice the job?

**Yomi Agunbiade:** That's one issue. The other issue also has to do with the number of analysts that we have within the Department to hire staff. So we have two analysts within the Department for a department of a 1,000 people that have maybe 30, 40, or 50 people that we're trying to fill at the same time and it's a matter of just getting through it. So again last year we wanted to hire an analyst last year in the budget. We're looking at ways to hire more analysts. We actually had this conversation at an all-staff meeting because of their concerns that they was us to hire more line staff and to walk through the backlog with this is we have to have more analysts in order to be able to move through this stuff quicker. It's a combination of requisition and analyst time. We have two analysts right for this Department of a thousand people. It's a priority issue but we always try to focus on our operations line staff first.

**NEW BUSINESS/AGENDA SETTING**

**Leah Grant:** I'm one of those citizens that attended a lot of the field turf meetings and they put together a report and it's going to be submitted to you. I just wanted to bring it to you attention that everybody worked really hard on this but there were some really significant holes. For example, the ecology was not addressed at all, part three, zippo, nothing. I'm sure you'll redo it when you get to the report. Another item is that yesterday the California Attorney General and an environmental group has announced that they are filing lawsuits against several artificial turf companies in California and they've been joined with the City Attorney of Los Angeles and the District Attorney of Solano County against field turf which is the product that's in all the fields already, they're demanding that all the lead is taken out and disposed of. I know that the synthetic play field task force recommended non lead. Unfortunately, the manufacturers haven't been telling the truth about all that. Also, the rest of the material is plastic on fiberglass. Plastic has PAH and that's the baby bottle stuff that President Bush just said no too. And then the other bit is kind of
uncomfortable is the fact that there is a city ordinance, the city's construction and demolition ordinance # 2706 that has no landfill. So it's going to be possible that all those play fields are going to have to be removed and because we don't have any landfill we're going to have to cart them to a place where they can be dumped. So I just wanted to let you know that you might want to look into this further while you're getting the information from the task force because I can see this blowing up into a big financial problem. I know it was all good intentions but it doesn't look very good. If you want I'll submit the newspaper article about the lawsuit. One other point, I'm part of a lot of people that enjoy Potrero Hill and I came home from work--I walk on Potrero Hill every day. I live across the street from the children's park on Arkansas Street and some friends told me that there had been a meeting, Steve Cizmowski called a meeting and there was no posting. There's no posting on the website. There was no physical posting. He was evidentially talking about an ADA accessibility on the recreation center. There already is ADA parking in front of the recreation center and all along the southern part and it also has the blue and white city parking for ADA there. They're talking about making the northern green strip into ADA parking but its not necessary, then they were going to do another children's park which is not necessary because you guys already finished an extremely popular one.

ADJOURNMENT

The Regular meeting of the Recreation and Park Commission was adjourned at 5:52 p.m. in recognition of Commissioner Martin’s granddaughter Tierra’s 21st birthday.

Respectfully submitted,  
Margaret A. McArthur  
Commission Liaison