

[Park Code - Treasure Island, Yerba Buena Island, and Certain Additional Properties]

Ordinance amending the Park Code to apply the Park Code to certain parks on Treasure Island and Yerba Buena Island; to allow application of the Park Code to certain additional properties operated and managed by the Recreation and Park Department, subject to approval of the Recreation and Park Commission; and making clarifying changes.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font. **Additions to Codes** are in *single-underline italics Times New Roman font*. **Deletions to Codes** are in *~~strikethrough italics Times New Roman font~~*. **Board amendment additions** are in double-underlined Arial font. **Board amendment deletions** are in ~~strikethrough Arial font~~. **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. General Findings and Purpose.

(a) From time to time, the Recreation and Park Commission has authorized the Recreation and Park Department (RPD) to operate property that is not formally under the Commission's jurisdiction, to enhance recreational opportunities for the public. Because properties like this are not formally under Recreation and Park Commission jurisdiction, the Park Code, which sets uniform rules for City parks, does not by its terms apply to those properties.

(b) The purpose of this legislation is to authorize the Recreation and Park Commission to apply the Park Code to all parks leased and/or operated by the Recreation and Park Department that are not under the Recreation and Parks Commission jurisdiction, and to open

1 space and parks located on Treasure Island and Yerba Buena Island that are approved by the
2 Treasure Island Development Authority Board for public recreational use. The purpose of
3 applying the Park Code to these various types of parks is to promote recreational use of those
4 parks, reduce potential conflicts among park users, and protect the overall public safety of
5 park users and visitors. This legislation is not intended to place those parks under the
6 jurisdiction or control of the Recreation and Park Commission within the meaning of Charter
7 Section 4.113.

8
9 Section 2. Articles 2 and 3 of the Park Code are hereby amended by revising Sections
10 2.01 and 3.21, to read as follows:

11 **SEC. 2.01. "PARK" DEFINED.**

12 ~~(a)~~ When used in this Code, the word "park" shall mean and include all of the following:

13 (a)(1) ~~a~~ All grounds, roadways, avenues, squares, recreation facilities, and other
14 property placed under the control, management, and direction of the Recreation and Park
15 Commission by the Charter of the City and County of San Francisco;

16 (b) Certain areas as defined below:

17 (1)(2) ~~#~~ The open space on the blocks bounded by Market, Folsom, Third, and
18 Fourth Streets which is under the control, management, and direction of the ~~Redevelopment~~
19 ~~Agency of the City and County of San Francisco~~ Real Estate Division, otherwise known as the
20 "Yerba Buena Gardens"; ~~and~~

21 (2)(3) ~~#~~ The open space generally known as the "Transbay Rooftop Park" which
22 is located on the roof of the facility located on the blocks bounded by Mission, Beale, Howard,
23 and Second Streets, and which is under the ownership, control, management, and direction of
24 the Transbay Joint Powers Authority (TJPA), provided that the TJPA Board of Directors has
25 not rescinded or revoked the TJPA resolution of consent to the enforcement of the Park Code

1 for the Transbay Rooftop Park, which is on file with the Clerk of the Board of Supervisors in
2 File No. 180087;
3 ~~The foregoing definitions of the word "park" shall not apply where such word is~~
4 ~~otherwise defined within the section in which it appears. In addition, the designation of Yerba Buena~~
5 ~~Gardens and the Transbay Rooftop Park as "parks" for purposes of this Code does not effect a~~
6 ~~jurisdictional transfer of either property, does not place either property under the jurisdiction and~~
7 ~~control of the Recreation and Park Commission, does not render either property "park land" or "park~~
8 ~~property" as those terms are used in any provision of the Charter, and does not entitle the City and~~
9 ~~County of San Francisco to receive revenues that may be generated by either property.~~

10 (3)(b) For purposes of ~~When used in~~ Articles 3, 4, 5 and 7 of this Code only, the
11 ~~word "park" shall also include~~ the area comprising Fulton Street between Hyde and Market
12 Streets and Leavenworth Street between McAllister and Fulton Streets, which area was
13 ~~closed to vehicular traffic by San Francisco~~ Board of Supervisors Resolution No. 373-73 and is
14 ~~otherwise known~~ defined in Administrative Code Section 1.58 as United Nations Plaza, and the
15 area that is bounded by the northwesterly line of Market Street, the southerly line of Eddy
16 Street and the westerly line of Lot 13, Assessor's Block 341, and is ~~otherwise known~~ defined in
17 Administrative Code Section 1.58 as Hallidie Plaza;
18 ~~and The designation of United Nations Plaza~~
19 ~~and Hallidie Plaza as parks for purposes of Articles 3, 4 and 7 of this Code does not effect a~~
20 ~~jurisdictional transfer of these plazas, does not place these plazas under the jurisdiction and control of~~
21 ~~the Recreation and Park Commission and does not render these plazas "park land" or "park property"~~
22 ~~as those terms are used in any provision of the San Francisco Charter.~~

23 (4) For purposes of Articles 3, 4, 5 and 6 of this Code only, parks and open space on
24 Treasure Island and Yerba Buena Island designated by the Treasure Island Development Authority
25 Board for public recreational use. Issuance of permits for these parks and open spaces shall be the
responsibility of the Treasure Island Development Authority unless otherwise agreed upon by the

1 Treasure Island Development Authority and the Recreation and Park Department through a
2 memorandum of understanding or similar written agreement.

3 (c) When used in this Code, the word "park" also shall include portions of Property that the
4 Department is operating for recreational purposes under a lease, memorandum of understanding, or
5 similar written agreement, for the duration of said agreement, as follows:

6 (1) The portions of property owned by the State of California immediately under
7 and adjacent to the portions of the Central Freeway located between Otis and Stevenson
8 Streets and between Valencia and Stevenson Streets and partially bounded by Duboce
9 Avenue referred to as "SoMa West Skatepark and Dog Park," ~~to the extent such property is (1)~~
10 ~~leased by the City under leases with the State of California, acting by and through its Department of~~
11 ~~Transportation, as~~ authorized under ~~San Francisco~~ Board of Supervisors Resolution No. 160-13
12 and ~~Resolution No. 161-13 and (2).~~ Specifically, this portion includes the area depicted in ~~such~~
13 leases with the City as the "skatepark" and the "dog park," ~~The word "park" shall not include,~~
14 but not the portion of the leased property depicted in such leases as the "parking area." ~~In~~
15 ~~designating SoMa West Skatepark and Dog Park as a "park" for purposes of this Code, the Board of~~
16 ~~Supervisors does not intend to place the leased property under the jurisdiction and control of the~~
17 ~~Recreation and Park Commission within the meaning of Charter Section 4.113, dedicate any of the~~
18 ~~leased property as "park land" or "park property" as those terms are used in any provision of the San~~
19 ~~Francisco Charter, or impose this Code on the State of California or its employees, agents, or~~
20 ~~contractors while engaging in the course and scope of their employment on the leased property. Rather,~~
21 ~~the intent is to authorize the Recreation and Park Department to manage the SoMa West Skatepark and~~
22 ~~Dog Park for the Real Estate Division for recreational use by the public and enforce the provisions of~~
23 ~~this Code on uses of the SoMa West Skatepark and Dog Park by the public, only while the leases~~
24 ~~referred to herein remain in effect.~~

1 (2) The properties that the Department is managing and operating pursuant to an
2 agreement with the Office of Community Investment and Infrastructure, which properties are part of
3 the Mission Bay Parks and are depicted on the map on file with the Clerk of the Board of Supervisors
4 in File No. 231132 as parcels NP1-NP5, 1-3, 5-6, 16-17, and 26 (exclusive of areas within Port
5 jurisdiction not otherwise subject to the Park Code); and

6 (3) Except as otherwise specified in this Section 2.01, any other property that the
7 Department is operating for recreational purposes under a lease, memorandum of understanding, or
8 similar written agreement, for the duration of and to the extent permitted by said agreement; provided,
9 however, that the Recreation and Park Commission must first adopt a resolution at a public hearing to
10 approve the agreement and to authorize the Park Code to apply. Consistent with Section 4.104 of the
11 Charter, the Commission shall provide at least 10 days' public notice of said hearing.

12 (d) In designating property as a "park" under subsection (b) or (c), the Board of Supervisors
13 does not intend to place such property under the jurisdiction or control of the Recreation and Park
14 Commission within the meaning of Charter Section 4.113; to affect or impair any other legal
15 restrictions that may apply to the property; or to impose this Code on the State of California or its
16 employees, agents, or contractors while they are engaging in the course and scope of their employment
17 on the property.

18 19 **SEC. 3.21. HOURS OF OPERATION.**

20 (a) Persons may enter and use any park from 5:00 a.m. to midnight daily, provided
21 that the Department may set different hours in a permit, contract or lease. This subsection
22 3.21(a) shall not apply to buildings, such as recreation centers, restrooms and clubhouses, or
23 to athletic fields, which may have different hours of operation, as determined by the General
24 Manager or the Commission, as the case may be.

1 (b) Notwithstanding the provisions of subsection (a), the Commission may by
2 resolution and at any time set different hours of operation for any park or part thereof, based
3 on operational requirements or neighborhood impacts.

4 (c) No person shall enter or remain in any park without the permission of the
5 Department outside of the hours open to the public as set in subsection (a) or under
6 subsection (b), except that:

7 (1) In the case of Balboa Park, Golden Gate Park, Lincoln Park, and McLaren
8 Park, persons may use a vehicle (including but not limited to a car, truck, bicycle and
9 motorcycle) on the roadway(s) in those parks or walk on paved sidewalks immediately
10 adjacent to such roadways, at any time for purposes of ~~trans~~versing the park only;

11 (2) In the case of the Panhandle, persons may walk or ride a bicycle on the bike
12 paths at any time for purposes of ~~trans~~versing the park only; and,

13 (3) In the case of Union Square, Civic Center Plaza, and Justin Herman Plaza,
14 persons may walk on the paved portions of those plazas at any time for purposes of
15 ~~trans~~versing the plaza only.

16 (4) In the case of parks on Treasure Island and Yerba Buena Island, persons may walk
17 on paved paths at any time for purposes of traversing the parks only.

18 * * * *

19
20 Section 3. Effective Date. This ordinance shall become effective 30 days after
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
23 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the “Note” that appears under
6 the official title of the ordinance.

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8 APPROVED AS TO FORM:
9 DAVID CHIU, City Attorney

10 By: /s/ Victoria Wong
11 VICTORIA WONG
12 Deputy City Attorney

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