

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: June 24, 2024
To: Planning Department / Commission
From: Victor Young, Clerk of the Rules Committee *Victor Young*
Subject: Board of Supervisors Legislation Referral - File No. 240706
Hearing - Initiative Ordinance - Park Code - Parkway at Upper Great Highway

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan Planning Code, Section 101.1 Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Victor Young at Victor.Young@sfgov.org.



City and County of San Francisco

Master Report

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San Francisco, CA 94102-4689

File Number: 240706 **File Type:** Hearing **Status:** Pending Committee Action

Enacted: _____ **Effective:** _____

Version: 1 **In Control:** Rules Committee

File Name: Hearing - Initiative Ordinance - Park Code - Parkway at Upper Great Highway **Date Introduced:** 06/18/2024

Requester: _____ **Cost:** _____ **Final Action:** _____

Comment: _____ **Title:** Hearing to consider the proposed Initiative Ordinance submitted by four or more Supervisors to the voters for the November 5, 2024, Election, entitled "Ordinance amending the Park Code to establish new recreation and open space by restricting private vehicles at all times on the Upper Great Highway between Lincoln Way and Sloat Boulevard, subject to the City obtaining certain required approvals; making associated findings under the California Vehicle Code; and reaffirming the existing restriction of private vehicles on the Great Highway Extension."

Sponsors: Engardio; Melgar, Preston, Mandelman and Dorsey

History of Legislative File 240706

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	Clerk of the Board	06/18/2024	RECEIVED			
1	President	06/18/2024	RECEIVED AND ASSIGNED	Rules Committee		

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BY



Submittal Form
For Proposed Initiative Measure(s)
Prior to Submittal to the Department of Elections

DEPARTMENT OF ELECTIONS

by 4 or more Supervisors or the Mayor

I, hereby submit the following proposed initiative measure(s) for hearing before the Board of Supervisors' Rules Committee prior to the submittal of the proposed initiative measure to the Department of Elections (per Proposition C, November 2007).

This matter is for the **November 5, 2024** Election.

Sponsor(s): Supervisors Joel Engardio, Myrna Melgar, Dean Preston, Rafael Mandelman, Matt Dorsey.

Subject: Initiative Ordinance - Park Code - Parkway at Upper Great Highway

The text is listed below or attached:

(See attached.)

Supervisor Joel Engardio:



Supervisor Myrna Melgar:



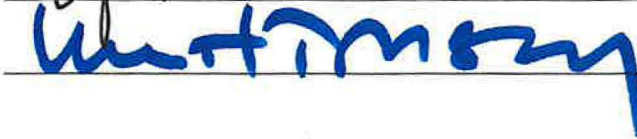
Supervisor Dean Preston:



Supervisor Rafael Mandelman:



Supervisor Matt Dorsey:



(Clerk of the Board's Time Stamp)

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PROPOSED INITIATIVE ORDINANCE TO BE SUBMITTED BY FOUR OR MORE SUPERVISORS TO THE VOTERS AT THE NOVEMBER 5, 2024 ELECTIONS

[Under Charter Section 2.113(b), this measure must be submitted to the Board of Supervisors and filed with the Department of Elections no less than *45 days prior* to the deadline for submission of such initiatives to the Department of Elections set in Municipal Elections Code Section 300(b).]

[Initiative Ordinance - Park Code - Parkway at Upper Great Highway]

Ordinance amending the Park Code to establish new recreation and open space by restricting private vehicles at all times on the Upper Great Highway between Lincoln Way and Sloat Boulevard, subject to the City obtaining certain required approvals; making associated findings under the California Vehicle Code; and reaffirming the existing restriction of private vehicles on the Great Highway Extension.

NOTE: **Unchanged Code text and uncodified text** are in plain font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman 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. Background and Findings.

(a) In response to the unprecedented COVID-19 pandemic, and in order to provide safe open space for people to recreate, in April 2020, the City temporarily limited private vehicle traffic on the Upper Great Highway between Lincoln Way and Sloat Boulevard (“Upper Great Highway”). On August 15, 2021, with reduced pandemic restrictions and people resuming in-person work, school, and other activities, the City modified the vehicular restrictions to apply only between Fridays at noon and Mondays at 6 a.m., and on holidays. In

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2022, the Board of Supervisors (“Board”), on recommendation of the Recreation and Park Commission and the Municipal Transportation Authority Board of Directors, adopted Ordinance No. 258-22, which ratified the pandemic-related restrictions and limited private vehicles from the Upper Great Highway on a pilot basis, on Friday afternoons, weekends and holidays until December 31, 2025.

(b) The restrictions on private vehicles have enabled people of all ages and all walks of life to safely recreate by the coast next to Ocean Beach by using the Upper Great Highway as a promenade for walking, jogging, biking, scooting, and rolling. This use of the Upper Great Highway greatly expanded access and enjoyment of the coast in ways not possible on sand, including for those reliant on wheelchairs, rollators, and other mobility aids. From April 2020 until May 2022, there were an estimated two million visits or more to the Upper Great Highway when it functioned as a full-time, and then part-time, recreational open space. During the current weekend-only promenade, an average of 4,000 visitors per day come to the Upper Great Highway, making it the third most visited park in the Recreation and Park system. Special events and programming have at times drawn over 10,000 people on a weekend day. The New York Times highlighted the promenade on a global list of “52 places for a changed world” in 2022, writing that the “Great Highway has become a unique destination – in a city full of them – to take in San Francisco’s wild Pacific Ocean coastline by foot, bike, skates or scooter, sample food trucks and explore local cafes, restaurants, record stores, bookstores and more.”

(c) In response to climate change and sea level rise, the San Francisco Public Utilities Commission is implementing the Ocean Beach Climate Change Adaptation Project in order to protect vulnerable water and sewer infrastructure on the west side of the City. In April 2024, by Ordinance No. 102-24, the Board restricted private vehicles from a portion of the Great Highway Extension between Sloat Boulevard and Skyline Boulevard, to allow for managed

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retreat, restore coastal dunes, protect wastewater treatment infrastructure, and transform the former roadway into a future multi-use pathway. These collective adaptive responses will ensure resilience to climate change, protect the western coastline, and enhance public access, recreation, habitat protection, and scenic quality. Restricting private vehicles from the Upper Great Highway will further reduce automobile pollution in a sensitive coastal habitat, including runoff pollution, which is one of the primary contributors to oceanic pollution.

(d) Restricting full-time vehicular use of the Upper Great Highway expands coastal recreational access by extending walking and biking space north for an additional two miles, creating a connected and continuous 2.75-mile open space along the shoreline. This new public space would allow people walking, biking, rolling, and strolling to enjoy San Francisco's Pacific Coast, from Lincoln Way to Skyline Boulevard.

(e) The Great Highway serves as a physical connection between Golden Gate Park and Lake Merced, to create over 2,000 contiguous acres of recreational parkland for residents and visitors to enjoy. Providing a seamless link between these two existing open spaces enables more residents and visitors to safely access the coast, and better connects Fort Funston, Ocean Beach, Lands End, and the Presidio.

(f) The Upper Great Highway and the Great Highway Extension are frequently closed in one or both directions due to sand accumulation on the roadway that makes it impossible for private vehicles to pass. Since 2020, the roadway has been closed up to 65 times per year, often for multiple days. In addition, during closures of the Upper Great Highway, private vehicles have adequately navigated the area using nearby roadways that run parallel to the Upper Great Highway, and weekday traffic volumes are generally lower than before the pandemic due to changes in commuting patterns.

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(g) Establishing new recreation and open space and protecting the coast in the face of climate change by limiting private vehicles on the Upper Great Highway is consistent with the following policies:

(1) Section 4.113 of the Charter, which states that park land, which includes the Upper Great Highway, shall be used for recreational purposes.

(2) The Recreation and Park Department Strategic Plan, which calls for developing more open space and improving access to existing facilities to address population growth in high-need and emerging neighborhoods; and strengthening the City's climate resiliency by protecting and enhancing San Francisco's precious natural resources through conservation, education, and sustainable land and facility management practices.

(3) The Transit First Policy, in Section 8A.115 of the Charter, which encourages the use of the public right-of-way by pedestrians, bicyclists, and public transit, and strives to reduce private vehicular traffic and improve public health and safety; calls for enhanced pedestrian areas, to improve the safety and comfort of pedestrians and to encourage travel by foot; and promotes bicycling by encouraging safe streets for riding, convenient access to transit, bicycle lanes, and secure bicycle parking.

(4) San Francisco's Climate Action Plan, which details actionable steps to sequester carbon from the atmosphere and store it in plants, trees, and soil. Stewardship of the City's natural resources helps restore biodiversity and provides a healthy environment that benefits all San Franciscans. Globally, nature-based climate solutions can provide 37% of the mitigation needed by 2030 to limit temperature rise. Nature-based solutions offer important pathways for sequestering carbon while protecting and restoring healthy, biodiverse ecosystems, natural areas, and urban forests. Shifting the Upper Great Highway away from a roadway for private vehicles allows the City to respond to climate change and sea-level rise with adaptive, resilient measures that ensure the health and future of our coastal environment.

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(5) In 2022, the Controller estimated that it would cost the City \$80 million over the next 20 years to preserve the Great Highway Extension from Sloat Boulevard to Skyline Boulevard as a roadway for private vehicles, due to sea level rise and coastal erosion impacts. Maintaining the roadway for private vehicles in place from Lincoln Way to Sloat Boulevard will also create additional costs for the City as sea level rise continues. Further, due to increasing sand accumulation, the Department of Public Works estimates that it will cost the City \$1.7 million each year to clear sand from the Upper Great Highway to ensure safe use of the roadway by private vehicles.

(6) The California Coastal Act of 1976 (Public Resources Code Sections 30000-30900) ("Coastal Act") requires public access and public recreational access opportunities in the coastal zone to be protected and maximized. On May 9, 2024, the California Coastal Commission ("Commission") approved a coastal development permit for the City's Great Highway pilot project and found that pilot project to enhance public recreational access to and along the Great Highway, while appropriately protecting other coastal resources.

Section 2. Article 6 of the Park Code is hereby amended by revising Section 6.13, to read as follows:

SEC. 6.13. RESTRICTING MOTOR VEHICLES ON THE UPPER GREAT HIGHWAY.

(a) **Findings and Purpose.** In 2022, following the temporary closure of the Great Highway between Lincoln Way and Sloat Boulevard (hereafter, the "Upper Great Highway") due to the COVID-19 pandemic, and on recommendation of the Recreation and Park Commission and San Francisco Municipal Transportation Agency ("SFMTA") Board of Directors, the Board of Supervisors found that it would be appropriate to restrict private vehicles from the four-lane limited-access Upper Great Highway at certain times, *as described herein*, due to the need to ensure the safety and protection of persons who are to use those

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streets; and because the restrictions would leave a sufficient portion of the streets in the surrounding area for other public uses including vehicular, pedestrian, and bicycle traffic.

Consistent with the foregoing, the People of the City and County of San Francisco hereby affirm and readopt these findings that the Upper Great Highway is not needed for vehicular traffic, and further find that, for the same reasons, it would be appropriate to restrict private vehicles from the four-lane limited-access Upper Great Highway at all times, as described herein. The additional restrictions would still leave a sufficient portion of the streets in the surrounding area for other public uses including vehicular, pedestrian, and bicycle traffic.

(b) **Restrictions on Private Vehicles.** The Recreation and Park Department shall restrict private vehicles from the Upper Great Highway *from Fridays at 12:00 p.m. until Monday mornings at 6:00 a.m., and on holidays, as set forth herein. These closures shall remain in effect until December 31, 2025, unless extended by ordinance. The temporary closure of the Upper Great Highway due to the COVID-19 pandemic from April 2020 until the commencement of the pilot project is hereby ratified.*

(c) **Public Notice and Engagement.**

—(1) The Recreation and Park Department shall include on its website a map depicting the street segments subject to the street closures and traffic restrictions authorized in subsection (b), and such other information as it may deem appropriate to assist the public; and shall provide advance notice of any changes to these street closures or traffic restrictions to residents and owners of property abutting those streets.

—(2) *The Recreation and Park Department and SFMTA shall collect and publicly report data on pedestrian and cyclist usage and vehicular traffic on the Upper Great Highway and surrounding streets at regular intervals throughout the duration of the pilot program established in this Section 6.13.*

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~~—(3) SFMTA shall develop and release draft recommendations for traffic management no later than July 31, 2023. The draft recommendations shall build upon past traffic management measures and past traffic studies, and shall be updated during the pilot program based on data monitoring, traffic conditions, and community outreach. SFMTA shall also develop final recommendations which may propose traffic management measures for after the pilot period, with a description of potential improvements to the surrounding circulation system, cost estimates, and an implementation schedule for accommodating any future vehicular traffic restrictions that may be in the public interest.~~

~~—(4) The Recreation and Park Department, in coordination with SFMTA, shall engage in community outreach during the pilot period to gain public input on the effectiveness of the pilot program and inform the development of the Westside Traffic Management Plan.~~

~~—(5) Public Works or its successor agency shall develop an Upper Great Highway Sand Management Plan by no later than March 1, 2023. This plan shall detail how Public Works will manage and maintain an Upper Great Highway free of sand incursions, along with any resource or policy changes needed to accomplish this.~~

(d) **Exempt Motor Vehicles.** The following motor vehicles are exempt from the restrictions in subsection (b):

(1) Emergency vehicles, including but not limited to police and fire vehicles.

(2) Official City, State, or federal vehicles, or any other authorized vehicle, being used to perform official City, State, or federal business pertaining to the Upper Great Highway or any property or facility therein, including but not limited to public transit vehicles, vehicles of the Recreation and Park Department, and construction vehicles authorized by the Recreation and Park Department.

(3) Authorized intra-park transit shuttle buses, paratransit vans, or similar authorized vehicles used to transport persons along the Upper Great Highway.

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(4) Vehicles authorized by the Recreation and Park Department in connection with permitted events and activities.

(e) **Emergency Authority.** The General Manager of the Recreation and Park Department shall have the authority to allow vehicular traffic on segments of the Upper Great Highway that would otherwise be closed to vehicles in accordance with this Section 6.13 in circumstances which in the General Manager's judgment constitute an emergency such that the benefit to the public from the vehicular street closure is outweighed by the traffic burden or public safety hazard created by the emergency circumstances.

(f) **Promotion of the General Welfare.** In enacting and implementing this Section 6.13, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(g) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section 6.13 or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of Section 6.13. The Board of Supervisors hereby declares it would have passed this Section and each and every subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portions of Section 6.13 or application thereof would be subsequently declared invalid or unconstitutional.

~~(h) **Sunset Clause.** This Section 6.13, and the temporary closures of the Upper Great Highway authorized herein, shall expire by operation of law on December 31, 2025, unless extended by ordinance. If not extended by ordinance, upon expiration the City Attorney is authorized to remove this Section 6.13 from the Code.~~

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Section 3. Article 6 of the Park Code is hereby amended by revising Section 6.15, to read as follows:

SEC. 6.15. RESTRICTING VEHICLES ON THE GREAT HIGHWAY EXTENSION.

(a) **Findings.** *Consistent with California Vehicle Code Section 21101, the Board of Supervisors finds that it is appropriate to permanently restrict vehicles from a portion of the Great Highway Extension, beginning at Sloat Boulevard and extending south for a distance of approximately 3,317 feet, because that portion of the street is no longer needed for vehicular traffic. Consistent with California Vehicle Code Section 21101, the People of the City and County of San Francisco find that it is appropriate to permanently restrict vehicles from a portion of the Great Highway Extension, beginning at Sloat Boulevard and extending south for a distance of approximately 3,317 feet, because that portion of the street is no longer needed for vehicular traffic.*

(b) **Restrictions on Vehicles.** *The Recreation and Park Department shall restrict vehicles from the Great Highway Extension, beginning at Sloat Boulevard and extending south for a distance of approximately 3,340 feet. The Recreation and Park Department shall restrict vehicles from the Great Highway Extension, beginning at Sloat Boulevard and extending south for a distance of approximately 3,340 feet.*

* * * *

Section 4. Scope of Ordinance. In enacting this ordinance, the People of the City and County of San Francisco intend to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions or deletions, in accordance with the "Note" that appears under the official title of the ordinance.

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Section 5. Additional Approvals. Within 180 days of voter approval of this initiative ordinance, the City shall seek all approvals it deems necessary or appropriate to enable the permanent closure of the Upper Great Highway, including amendment of the City's General Plan and any approval or certification required under the Coastal Act. The Planning Department and Recreation and Park Department shall, in consultation with the City Attorney, notify the Clerk of the Board of Supervisors in writing once the City has obtained these approvals.

Section 6. Effective and Operative Dates. This Ordinance shall be effective upon approval by the voters. All sections of this Ordinance other than Section 2 shall be operative immediately upon approval by the voters. Section 2 of this Ordinance shall become operative upon the transmission of the written notification from the Planning Department and Recreation and Park Department to the Clerk of the Board of Supervisors as set forth in Section 5 of this Ordinance.

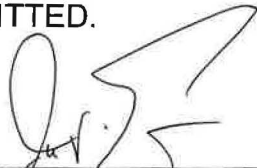
Section 7. Severability. If any subsection, sentence, clause, phrase, or word of this Ordinance or any application thereof to any person or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Ordinance. The People of the City and County of San Francisco hereby declare they would have passed this Ordinance and each and every subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portions of this Ordinance or application thereof would be subsequently declared invalid or unconstitutional.

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Section 8. Conflicting Measures. This ordinance is intended to be comprehensive. It is the intent of the people of the City and County of San Francisco that in the event that this measure and one or more measures regarding the Upper Great Highway between Lincoln Way and Sloat Boulevard shall appear on the same ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than any other measure appearing on the same ballot regarding the Upper Great Highway between Lincoln Way and Sloat Boulevard, this measure shall take effect to the extent not in conflict with said other measure or measures.

* * *

SUBMITTED.



Joel Engardio
Member, Board of Supervisors

Date:

6-18-24



Myrna Melgar
Member, Board of Supervisors

Date:

6-18-24



Dean Preston
Member, Board of Supervisors

Date:

6-18-24



Rafael Mandelman
Member, Board of Supervisors

Date:

6-18-24

Matt Dorsey

Matt Dorsey
Member, Board of Supervisors

Date:

6/18/24

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ACKNOWLEDGEMENT OF RECEIPT

Submission of Measures: Ordinance or Declaration of Policy by E-140

(circle one)

Initiative Ordinance – Park Code – Parkway at Upper Great Highway
(Unofficial Title of Measure)

Proposed measure submitted to Clerk of the Board: Date Submitted: ___ / ___ / ___

Copy to Department of Elections: Date Submitted: 6 / 18 / 2024

1) BOARD OF SUPERVISORS: The following four and/or more members of the Board are submitting: (check boxes)

- ENGARDIO, Joel
- MELGAR, Myrna
- PRESTON, Dean
- MANDELMAN, Rafael
- DORSEY, Matt

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[Signature]

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3) ELECTRONIC COPY OF TEXT

EMAIL- publications@sfgov.org

Turn over and complete

4) Contact Person: Jonathan Goldberg
Address: 1 Dr. Carlton B. Goodlett Pl.
Room 244, City Hall
Phone: San Francisco, CA 94124
(415) 554-7400
Date: 01/18/24
Submitted By: Jonathan Goldberg (print)
Jonathan Goldberg (sign)

5) COPIES

- John Arntz- Director of Elections, in consultation with the City Attorney, shall forward the measure (within two working days after receipt of the petition) to departments that are effected by the measure.
- Publications
- Public- copy
- Office- original