

1 [Park Code - South of Market West Skatepark and Dog Park]

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3 **Ordinance amending the Park Code to designate portions of the property (Assessor's**
4 **Block No. 3513, Lot Nos. 071 and 074) leased by the City and County of San Francisco**
5 **from the State of California, immediately under and adjacent to the portions of the**
6 **Central Freeway located between Otis and Stevenson Streets and between Valencia**
7 **and Stevenson Streets and partially bounded by Duboce Avenue and referred to as**
8 **"South of Market (SoMa) West Skatepark and Dog Park," as a "park" within the**
9 **meaning of the Park Code and to authorize the Recreation and Park Department's Park**
10 **Patrol to patrol those portions of the leased property; and making environmental**
11 **findings, and findings of consistency with the General Plan.**

12 NOTE: Additions are *single-underline italics Times New Roman*;
13 deletions are ~~*strike-through italics Times New Roman*~~.
14 Board amendment additions are double-underlined;
15 Board amendment deletions are ~~strike-through normal~~.

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

17 Section 1. The Planning Department has determined that the actions contemplated in
18 this ordinance are exempt from the California Environmental Quality Act (California Public
19 Resources Code Section 21000 et seq.) under CEQA Guidelines Section 15303 in Planning
20 Department Case No. 2011.0645E. Said determination is on file with the Clerk of the Board of
21 Supervisors in File No. 130226 and is incorporated herein by reference. The Board of
22 Supervisors hereby adopts as its own this exemption determination and finds that the
23 amendments set forth herein are within the scope of the exemption.

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1 Section 2. The Planning Department in a letter dated March 6, 2013, found that the
2 actions contemplated in this ordinance are, on balance, consistent with the City's General
3 Plan and with Planning Code Section 101.1(b). The Board finds that the actions described
4 herein are consistent with the City's General Plan and with Planning Code Section 101.1(b)
5 for the reasons set forth in said letter. A copy of said letter is on file with the Clerk of the
6 Board of Supervisors in File No. 130226 and is incorporated herein by reference.

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8 Section 3. The Board of Supervisors is considering two proposed resolutions to
9 authorize the City to enter into two leases with the State of California, acting by and through
10 its Department of Transportation, for the development and operation of a skatepark and a dog
11 park referred to in the leases as the "SoMa West Skatepark and Dog Park," and for the
12 operation of a parking area. A copy of the proposed resolutions and the leases are on file
13 with the Clerk of the Board of Supervisors in File No. 130384 and File No. 130385.

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15 Section 4. The San Francisco Park Code is hereby amended by amending Section
16 2.01 to read as follows:

17 **SEC. 2.01. "PARK" DEFINED.**

18 (a) When used in this Code, the word "park" shall mean and include all grounds,
19 roadways, avenues, squares, recreation facilities, and other property placed under the control,
20 management and direction of the Recreation and Park Commission by the Charter of the City
21 and County of San Francisco, and the open space on the blocks bounded by Market, Folsom,
22 Third and Fourth Streets which is under the control, management and direction of the
23 Redevelopment Agency of the City and County of San Francisco, otherwise known as the
24 "Yerba Buena Gardens," unless such word is otherwise defined within the section in which it
25 appears.

1 **(b)** When used in Articles 3, 4 and 7 of this Code, the word “park” shall also include the
2 area comprising Fulton Street between Hyde and Market Streets and Leavenworth Street
3 between McAllister and Fulton Streets, which area was closed to vehicular traffic by San
4 Francisco Board of Supervisors Resolution No. 373-73 and is otherwise known as United
5 Nations Plaza, and the area that is bounded by the northwesterly line of Market Street, the
6 southerly line of Eddy Street and the westerly line of Lot 13, Assessor’s Block 341, and is
7 otherwise known as Hallidie Plaza. The designation of United Nations Plaza and Hallidie
8 Plaza as parks for purposes of Articles 3, 4 and 7 of this Code does not effect a jurisdictional
9 transfer of these plazas, does not place these plazas under the jurisdiction and control of the
10 Recreation and Park Commission and does not render these plazas “park land” or “park
11 property” as those terms are used in any provision of the San Francisco Charter.

12 **(c)** *When used in this Code, the word “park” also shall include portions of property owned by*
13 *the State of California immediately under and adjacent to the portions of the Central Freeway located*
14 *between Otis and Stevenson Streets and between Valencia and Stevenson Streets and partially bounded*
15 *by Duboce Avenue referred to as “SoMa West Skatepark and Dog Park,” to the extent such property is*
16 *(1) leased by the City under leases with the State of California, acting by and through its Department of*
17 *Transportation, authorized under San Francisco Board of Supervisors Resolution No. _____ and*
18 *Resolution No. _____, and (2) depicted in such leases as the “skatepark” and the “dog park.”*
19 *The word “park” shall not include the portion of the leased property depicted in such leases as the*
20 *“parking area.” In designating SoMa West Skatepark and Dog Park as a “park” for purposes of this*
21 *Code, the Board of Supervisors does not intend to place the leased property under the jurisdiction and*
22 *control of the Recreation and Park Commission within the meaning of Charter Section 4.113, dedicate*
23 *any of the leased property as “park land” or “park property” as those terms are used in any provision*
24 *of the San Francisco Charter, or impose this Code on the State of California or its employees, agents,*
25 *or contractors while engaging in the course and scope of their employment on the leased property.*

1 Rather, the intent is to authorize the Recreation and Park Department to manage the SoMa West
2 Skatepark and Dog Park for the Real Estate Division for recreational use by the public and enforce the
3 provisions of this Code on uses of the SoMa West Skatepark and Dog Park by the public, only while the
4 leases referred to herein remain in effect.

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6 Section 5. The San Francisco Park Code is hereby amended by amending Section
7 2.09, to read as follows:

8 **SEC. 2.09. "PARK PATROL" DEFINED.**

9 When used in this Code, the words "Park Patrol" refer to persons hired as employees
10 of the Recreation and Park Department to patrol the areas under the jurisdiction of the
11 Commission or any other areas that the Recreation and Park Department is managing for
12 recreational purposes.

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14 Section 6. Effective Date and Operative Date.

15 (a) This Ordinance shall become effective 30 days from the date of passage.

16 (b) This Ordinance shall become operative only upon approval by the Board of
17 Supervisors of the resolutions referenced in Section 2 3 of this Ordinance on file with the
18 Clerk of the Board of Supervisors in File No. 130384 and File No. 130385.

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20 Section 7. This section is uncodified. In enacting this Ordinance, the Board intends to
21 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
22 punctuation, charts, diagrams, or any other constituent part of the Park Code that are explicitly
23 shown in this legislation as additions, deletions, Board amendment additions, and Board
24 amendment deletions in accordance with the "Note" that appears under the official title of the
25 legislation.

1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

3 By: _____
4 FRANCESCA GESSNER
5 Deputy City Attorney
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