

BOARD of SUPERVISORS



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November 22, 2013

File No. 131087

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On November 5, 2013, Supervisor Wiener introduced the following legislation:

File No. 131087

Ordinance amending the Park Code to distinguish rights in permits for areas and facilities open to the public and rights in permits for events closed to the public; and making environmental findings.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

Handwritten signature of Alisa Miller in cursive.

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Nannie Turrell, Environmental Planning

*Not a project per CEQA
Guidelines Section
15060(c)(2).*

*Nannie Turrell
November 22, 2013*

[Park Code - Rights in Permits]

Ordinance amending the Park Code to distinguish rights in permits for areas and facilities open to the public and rights in permits for events closed to the public; and making environmental findings.

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. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. ___ and is incorporated herein by reference.

Section 2. The Park Code is hereby amended by revising Section 7.15, and adding Section 7.15-1, to read as follows:

SEC. 7.15. PERMITS—~~RIGHTS GRANTED~~ EVENTS OPEN TO THE PUBLIC.

(a) Any person possessing a valid permit, which states that an area or facility has been reserved for such person's use other than for an event covered by Section 7.15-1, has the ~~exclusive~~ right to use the area or facility ~~specified-designated~~ in the permit for the time specified.

(b) ~~It shall be unlawful for any person to refuse to leave an area or facility which has been reserved by a valid permit when asked to do so by the person or party displaying such permit, by a Recreation and Park Department employee, by a police officer, or by a member of the Park Patrol, and~~

1 No person shall in any manner disturb or interfere with any person or party occupying the
2 area or facility under a permit described in subsection (a), nor with the belongings of such
3 person or party.

4 (c) It shall be unlawful for a person who violates subsection (b) to refuse to leave an area or
5 facility that has been reserved by a valid permit when asked to do so by the person or party displaying
6 such a permit, by a Recreation and Park Department employee, by a police officer, or by a member of
7 the Park Patrol.

8 (d) This Section shall not be used to impinge upon the lawful exercise of constitutionally
9 protected rights of freedom of speech or assembly.

10 **SEC. 7.15-1. PERMITS – EVENTS CLOSED TO THE PUBLIC.**

11 (a) Any person possessing a valid permit, which states that an area or facility has been
12 reserved for such person's use to conduct an event that is not open to the general public, such as a
13 ticketed or guest-list event or an event limited to the members of an organization and their invitees, has
14 the exclusive right to use the area or facility designated in the permit for the time specified.


15 (b) It shall be unlawful for any person to refuse to leave an area or facility under a permit as
16 described in subsection (a) when asked to do so by the person or party displaying such a permit, by a
17 Recreation and Park Department employee, by a police officer, or by a member of the Park Patrol.

18 (c) This Section shall not be used to engage in conduct otherwise prohibited by law, including
19 but not limited to anti-discrimination laws.

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

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

6
7 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

8
9 By: 
AILEEN MCGRATH
Deputy City Attorney

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