

LEGISLATIVE DIGEST

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

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

Existing Law

Park Code Section 2.01 defines a "park" for purposes of the Park Code to include properties under the jurisdiction of the Recreation and Park Commission, as well as Yerba Buena Gardens, United Nations Plaza and Hallidie Plaza.

Park Code Section 2.09 defines "park patrol" to mean employees of the Recreation and Park Commission hired to patrol areas under the jurisdiction of the Recreation and Park Commission.

Amendments to Current Law

The ordinance would amend Section 2.01 of the Park Code to designate portions of the property (Lots 071 and 074, Block 3513) leased by the City from the State of California immediately under and adjacent to the portions of the Central Freeway located between Otis and Stevenson Streets and between Valencia and Stevenson Streets and partially bounded by Duboce Avenue and referred to as "SoMa West Skatepark and Dog Park," as a "park" within the meaning of the Park Code to allow the Recreation and Park Department ("RPD") to manage the SoMa West Skatepark and Dog Park and enforce Park Code provisions thereon while the leases are in effect.

The ordinance also would amend Section 2.09 of the Park Code to authorize RPD Park Patrol to patrol the "SoMa West Skatepark and Dog Park," as well as any other areas that RPD is managing for recreational purposes.

Background Information

The Board of Supervisors is considering two proposed resolutions to authorize the City to enter into two leases with twenty-year terms with the State of California, acting by and through its Department of Transportation, for the development and operation of a skatepark and a dog park referred to in the leases as the "SoMa West Skatepark and Dog Park," and for the operation of a parking area. This ordinance would become operative only upon approval by the Board of Supervisors of the two proposed lease resolutions. The City plans to operate and maintain the leased property through an interdepartmental Memorandum of Understanding ("MOU") by and among the Real Estate Division of the General Services Agency, the Department of Public Works, RPD, and the Office of Economic and Workforce Development. Pursuant to the MOU, RPD will operate and maintain the SoMa West Skatepark and Dog Park only while the leases are in effect.

This ordinance makes clear that in designating SoMa West Skatepark and Dog Park as a "park" for purposes of the Park Code, the Board of Supervisors does not intend to place the leased property under the jurisdiction and control of the Recreation and Park Commission within the meaning of Charter Section 4.113, dedicate any of the leased property as "park land" or "park property" as those terms are used in any provision of the San Francisco Charter, or impose the Park Code on the State of California or its employees, agents, or contractors while engaging in the course and scope of their employment on the leased property. The purpose of the ordinance is to allow RPD to manage the SoMa West Skatepark and Dog Park and authorize Park Patrol to patrol the property, only while the leases are in effect.