

File No. 131087

Committee Item No. 1

Board Item No. 23

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date April 7, 2014


Board of Supervisors Meeting Date 4-15-14

### Cmte Board

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|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
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Completed by: Andrea Ausberry Date April 3, 2014  
 Completed by:  Date 4.8.14

1 [Park Code - Rights in Permits]

2  
3 Ordinance amending the Park Code to distinguish rights in permits for areas and  
4 facilities open to the public and rights in permits for events closed to the public; and  
5 making environmental findings.

6 NOTE: Unchanged Code text and uncodified text are in plain Arial font.  
7 Additions to Codes are in single-underline italics Times New Roman font.  
8 Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.  
9 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.

10  
11 Be it ordained by the People of the City and County of San Francisco:

12 Section 1. The Planning Department has determined that the actions contemplated in  
13 this ordinance comply with the California Environmental Quality Act (California Public  
14 Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the  
15 Board of Supervisors in File No. 131087 and is incorporated herein by reference.

16  
17 Section 2. The Park Code is hereby amended by revising Section 7.15, and adding  
18 Section 7.15-1, to read as follows:

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

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

23 (b) ~~It shall be unlawful for any person to refuse to leave an area or facility which has been~~  
24 ~~reserved by a valid permit when asked to do so by the person or party displaying such permit, by a~~  
25 ~~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.  
25

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

8 By:   
9 AILEEN MCGRATH  
10 Deputy City Attorney

11 n:\legana\as2013\1400229\00882943.doc

**LEGISLATIVE DIGEST**

[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.**

Existing Law

The Park Code gives any person with a valid permit to use park property, issued by the Recreation and Park Department, the exclusive right to use that space for the time specified. (Park Code Sec. 7.15.) It is unlawful for a person to refuse to leave space reserved by a permit when asked to do so by the permit holder, a Recreation and Park Department employee, a police officer, or a member of the Park Patrol, or for a person to disturb or interfere with a permit-holder's use of the permitted space.

Amendments to Current Law

The proposal would amend Section 7.15 of the Park Code to distinguish between the rights granted to individuals who have a valid permit issued by the Recreation and Park Department to use park property to conduct a private event, and the rights granted to individuals who have a valid permit issued by the Recreation and Park Department to use park property while the park property is otherwise open to the public.

The proposal would make it unlawful for a person to refuse to leave a public event on park property only when that person is disturbing or interfering with the permit-holder's event or use of the property. The proposal would also clarify that this provision may not be used to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

For private events, the ordinance would make it unlawful for any person to refuse to leave a private event when asked to do so. (See Park Code Sec. 7.15-1.) The proposal would also provide that this provision may not be used to engage in conduct otherwise prohibited by law, including but not limited to anti-discrimination laws.

BOARD of SUPERVISORS



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

November 22, 2013

File No. 131087

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> 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

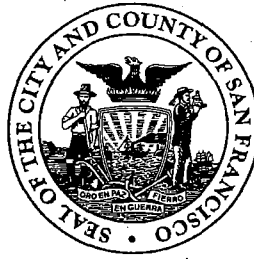
Attachment

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

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

*Nannie Turrell  
November 22, 2013*

BOARD of SUPERVISORS



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Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Phil Ginsburg, General Manager, Recreation and Parks  
Chief Greg Suhr, Police Department  
Sheriff Ross Mirkarimi, Sheriff's Department

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee  
Board of Supervisors

DATE: November 22, 2013

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Wiener on November 5, 2013:

**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 matter is being forwarded to your department for informational purposes. If you would like to submit reports or comments prior to the hearing, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email: [alisa.miller@sfgov.org](mailto:alisa.miller@sfgov.org) and [andrea.ausberry@sfgov.org](mailto:andrea.ausberry@sfgov.org).

c: Sarah Ballard, Recreation and Park Department  
Margaret McArthur, Secretary, Recreation and Park Commission  
Christine Fountain, Police Department  
Katherine Gorwood, Sheriff's Department  
Susan Fahey, Sheriff's Department

**From:** [Miller, Alisa](mailto:Miller, Alisa)  
**To:** [Fountain, Christine](mailto:Fountain, Christine)  
**Cc:** [Ausberry, Andrea](mailto:Ausberry, Andrea)  
**Subject:** RE: Referral: BOS File No. 131087  
**Date:** Monday, December 02, 2013 1:50:24 PM

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Thank you, Christine.

*Alisa Miller*

Assistant Clerk  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
415.554.4447 direct  
415.554.5163 fax

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**From:** [Christine.Fountain@sfgov.org](mailto:Christine.Fountain@sfgov.org) [mailto:[Christine.Fountain@sfgov.org](mailto:Christine.Fountain@sfgov.org)]  
**Sent:** Monday, December 02, 2013 1:49 PM  
**To:** Miller, Alisa  
**Subject:** Re: Referral: BOS File No. 131087

Alisa,

The San Francisco Police Department has no issues/concerns regarding the proposed legislation.

Christine Fountain  
San Francisco Police Department  
Office of the Chief of Police  
850 Bryant Street, Room 525  
San Francisco CA 94103  
Tel: (415) 734-3633  
Fax: (415) 553-1554  
Email: [christine.fountain@sfgov.org](mailto:christine.fountain@sfgov.org)

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-----"Miller, Alisa" <[alisa.miller@sfgov.org](mailto:alisa.miller@sfgov.org)> wrote: -----

To: "Ginsburg, Phil" <[phil.ginsburg@sfgov.org](mailto:phil.ginsburg@sfgov.org)>, "Suhr, Greg" <[greg.suhr@sfgov.org](mailto:greg.suhr@sfgov.org)>, "Mirkarimi, Ross" <[ross.mirkarimi@sfgov.org](mailto:ross.mirkarimi@sfgov.org)>  
From: "Miller, Alisa" <[alisa.miller@sfgov.org](mailto:alisa.miller@sfgov.org)>  
Date: 11/22/2013 10:35AM  
Cc: "Ballard, Sarah" <[sarah.ballard@sfgov.org](mailto:sarah.ballard@sfgov.org)>, "McArthur, Margaret" <[margaret.mcarthur@sfgov.org](mailto:margaret.mcarthur@sfgov.org)>, "Fountain, Christine" <[christine.fountain@sfgov.org](mailto:christine.fountain@sfgov.org)>, "Gorwood, Kathy" <[kathy.gorwood@sfgov.org](mailto:kathy.gorwood@sfgov.org)>, "Fahey, Susan" <[susan.fahey@sfgov.org](mailto:susan.fahey@sfgov.org)>, "Ausberry, Andrea" <[andrea.ausberry@sfgov.org](mailto:andrea.ausberry@sfgov.org)>  
Subject: Referral: BOS File No. 131087



Attached is a referral for BOS File No. 131087 (Park Code, Rights in Permits), which is being sent to your department for informational purposes. If you have any comments or reports to be included with the file, please forward them to me.

Thank you.

*Alisa Miller*

Assistant Clerk

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

415.554.4447 direct

415.554.5163 fax

[attachment "131087 FYI.pdf" removed by Christine Fountain/SFPD/SFGOV]

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

Wiener

**Subject:**

Park Code - Rights in Permits

**The text is listed below or attached:**

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.

Signature of Sponsoring Supervisor: *Scott Wiener*

For Clerk's Use Only: