

BOARD of SUPERVISORS



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MEMORANDUM

TO: Tom Paulino, Liaison to the Board of Supervisors, Mayor's Office
Anne Pearson, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
LeeAnn Pelham, Executive Director, Ethics Commission
Phil Ginsburg, General Manger, Recreation and Parks

FROM: Victor Young, Assistant Clerk, Rules Committee *Victor Young*
Board of Supervisors

DATE: July 1, 2022

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 8, 2022 Election

The Board of Supervisors' Rules Committee has received following Charter Amendment for the November 8, 2022, Election. This matter is being **referred** to you in accordance with Rules of Order 2.22.4.

File No. 20749 (ver1)

Hearing to consider the proposed Initiative Ordinance submitted by the Mayor to the voters for the November 8, 2022, Election, entitled "Ordinance amending the Golden Gate Park Revitalization Act of 1998 ("Proposition J") to state that the City may use public funds to acquire, operate, or subsidize public parking in the Golden Gate Park Concourse Underground Parking Facility ("Parking Facility"); directing the Golden Gate Park Concourse Authority ("Concourse Authority") to commence dissolution proceedings; and, upon said dissolution, transferring jurisdiction of the Parking Facility and certain other property from the Concourse Authority to the Recreation and Park Department, repealing Proposition J in its entirety, and deleting references to the Concourse Authority from the Municipal Code."

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Andres Power, Mayor's Office
Patrick Ford, Ethics Commission
Michael Canning, Ethics Commission
Sarah Madland, Recreation and Parks
Ashley Summers, Recreation and Parks



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 220749 **File Type:** Hearing **Status:** Pending Committee Action

Enacted: _____ **Effective:** _____

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

File Name: Hearing - Initiative Ordinance - Golden Gate Park Underground Parking Facility; Golden Gate Park Concourse Authority **Date Introduced:** 06/28/2022

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

Comment:	Title: Hearing to consider the proposed Initiative Ordinance submitted by the Mayor to the voters for the November 8, 2022, Election, entitled "Ordinance amending the Golden Gate Park Revitalization Act of 1998 ("Proposition J") to state that the City may use public funds to acquire, operate, or subsidize public parking in the Golden Gate Park Concourse Underground Parking Facility ("Parking Facility"); directing the Golden Gate Park Concourse Authority ("Concourse Authority") to commence dissolution proceedings; and, upon said dissolution, transferring jurisdiction of the Parking Facility and certain other property from the Concourse Authority to the Recreation and Park Department, repealing Proposition J in its entirety, and deleting references to the Concourse Authority from the Municipal Code."
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Sponsor: Mayor

History of Legislative File 220749

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	Clerk of the Board	06/21/2022	RECEIVED			
1	President	06/28/2022	RECEIVED AND ASSIGNED	Rules Committee		

SAN FRANCISCO
FILED
2022 JUN 21 PM 4:14
DEPARTMENT OF ELECTIONS

**Submittal Form
For Proposed Initiative Measure(s)
Prior to Submittal to the 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 8, 2022** Election.

Sponsor: Mayor London N. Breed

Subject: Golden Gate Park Underground Parking Facility; Golden Gate Park Concourse Authority

The text is listed below or attached:

(See attached.)



Mayor: London N. Breed

(Clerk of the Board's Time Stamp)

RECEIVED
CASSI E. HARRIS
SAN FRANCISCO
JUN 21 PM 4:57

SAN FRANCISCO
FILED

2022 JUN 21 PM 4:14

**PROPOSED INITIATIVE ORDINANCE TO BE SUBMITTED BY THE
MAYOR TO THE VOTERS AT THE NOVEMBER 8, 2022 ELECTION.**

[Under Charter Sections 3.100(16) and 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 deadline for submission of such initiatives to the Department of Elections set in Municipal Elections Code Section 300(b).]

[Initiative Ordinance - Golden Gate Park Underground Parking Facility; Golden Gate Park Concourse Authority]

Ordinance amending the Golden Gate Park Revitalization Act of 1998 (“Proposition J”) to state that the City may use public funds to acquire, operate, or subsidize public parking in the Golden Gate Park Concourse Underground Parking Facility (“Parking Facility”); directing the Golden Gate Park Concourse Authority (“Concourse Authority”) to commence dissolution proceedings; and, upon said dissolution, transferring jurisdiction of the Parking Facility and certain other property from the Concourse Authority to the Recreation and Park Department, repealing Proposition J in its entirety, and deleting references to the Concourse Authority from the Municipal Code.

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.

(a) On June 2, 1998, San Francisco voters adopted Proposition J, the Golden Gate Park Revitalization Act of 1998. Proposition J authorized the creation of the Golden Gate Park Concourse Authority (the "Authority"), a non-profit public benefit corporation, that would have the power to (1) construct a parking facility (the "Garage") under the Music Concourse (the "Concourse") at Golden Gate Park using only private funds, and then to operate the Garage, (2) improve the Concourse surface area, and (3) study and recommend traffic and transit infrastructure plans for Golden Gate Park. In addition, Proposition J authorized the Board of Supervisors to set aside property in or near the Concourse for the Garage and to place such property under the jurisdiction of the Authority, provided that upon dissolution of the Authority, jurisdiction would revert to the Recreation and Park Commission.

(b) On September 4, 1998, the City adopted Resolution No. 715-98, which set aside certain property in Golden Gate Park for the Garage and placed it under the Authority's jurisdiction. On November 21, 2003, the City adopted Resolution No. 737-03, which placed additional property under the Authority's jurisdiction and approved a 35-year ground lease (the "Lease") between the Music Concourse Community Partnership ("MCCP"), as tenant, and the City, acting through the Authority and the Recreation and Park Department, as landlord. The Lease authorized MCCP to construct the Garage on the property at its own expense, and subject to certain budgetary approvals of the City, to use Garage revenues to pay off the debt it incurred to construct the Garage and ongoing operating costs. The MCCP continues to operate the Garage under the Lease, and the Recreation and Park Department has been performing the duties of the Authority as landlord.

(c) On May 7, 2022, following multiple hearings and extensive public comment, the City enacted Ordinance No. 74-22, which approved the Golden Gate Park Access and Safety Program ("the Program"). The Program builds on traffic and infrastructure recommendations

of the Authority in furtherance of Proposition J, and comprises a series of proposals intended to improve traffic safety and expand public access to the Park. Recognizing the key role of the Garage in these efforts, the Board of Supervisors in Ordinance No. 74-22 urged the Recreation and Park Department to work with the MCCP, as well as with the San Francisco Municipal Transportation Agency, the Mayor's Office on Disability, the Fine Arts Museums, and other stakeholders, to increase usage of the Garage, which has been underutilized in recent years.

(d) As an interim step towards these efforts, it is appropriate to amend Section 7 of Proposition J, to clarify that the prohibition against using public funds to construct the Garage does not restrict the City from using public funds on the Garage now that the Garage is fully constructed, notwithstanding the Lease and MCCP's outstanding construction debt. The purpose of this amendment is to allow the City to consider measures such as acquiring the Garage from MCCP; assisting further with Garage operations; and/or subsidizing public parking at the Garage. But in clarifying the ability of the City to use public funds for such purposes, this measure does not approve any specific action by the City at this time. Any future approvals shall be subject to all applicable laws, including without limitation the California Environmental Quality Act and the City's Charter.

(e) Separate and distinct from allowing the use of City funds on the Garage, it is also appropriate for the Authority to commence dissolution proceedings. The Authority no longer holds regular meetings, and Section 3 of Proposition J contemplated the eventual dissolution of the Authority, and the key purposes of Proposition J have been fully achieved: the Garage was constructed in 2006, the original surface improvements to the Concourse have been completed, and the Authority has issued traffic and transit infrastructure plans for Golden Gate Park. Dissolving the Authority will allow the Garage and real property previously set aside for the Authority to return to the jurisdiction of the Recreation and Park Commission,

so that the Recreation and Park Department may assume a greater role in managing the Garage in order to promote safety, accessibility, and mobility in the Park.

(f) Upon dissolution of the Authority, Proposition J and the various references to the Authority that appear in the Municipal Code would be repealed. Nevertheless, this ordinance does not diminish the core principles of Proposition J. Rather, the People of the City and County of San Francisco reaffirm their commitment to those principles, namely, that (1) Golden Gate Park should be safe and accessible for all, scenically beautiful, environmentally sensitive, and culturally diverse; (2) the City should reduce the impact of automobiles in Golden Gate Park while still providing long-term assurance of safe, reliable, and convenient access for visitors to the Park, including visitors to its cultural institutions; (3) net Garage revenues in excess of what is needed for the Garage should be used for the operation, maintenance, improvement, or enhancement of Golden Gate Park; and (4) the City should not grant any free parking, discounts, or other preferences for parking in the Garage to any officials, commissioners, directors, or employees of the City or any of the institutions located in Golden Gate Park unless such preference is made available on the same terms to members of the public.

Section 2. The Golden Gate Park Revitalization Act of 1998, the link to which appears at the Appendix at the end of the Administrative Code, is hereby amended by revising Section 7, to read as follows:

Section 7. [Construction and Operation of the Underground Parking Facility; Concourse Surface Improvements]

The Authority shall construct or cause the Underground Parking Facility to be constructed with private funds. It is intended that such funds be received by the Authority, on behalf of the City, as one or more philanthropic gifts. No public funds shall be used in the

construction of the Underground Parking Facility, except as follows. The Authority may enter into agreements with the de Young Museum, Academy of Sciences, and/or the City and County, to coordinate the construction of the Underground Parking Facility with the construction projects relating to the facilities for those cultural institutions that may involve City funds, on such terms and conditions as the Authority and such affected parties may agree, if such coordination would result in cost savings to the City and County associated with such other projects. In addition, the prohibition against the use of public funds to construct the Underground Parking Facility shall not be construed to prohibit the City from using public funds to acquire, operate, or subsidize public parking in the Underground Parking Facility.

* * * *

Section 3. Dissolution of Golden Gate Park Concourse Authority; Jurisdictional Transfer to Recreation and Park Commission.

(a) The People of the City and County of San Francisco hereby direct the Golden Gate Park Concourse Authority Board of Directors to take all actions necessary to dissolve the Authority pursuant to state law. The General Manager of the Recreation and Park Department (the "General Manager"), or the General Manager's designee, may assist with the dissolution process as the Authority and the General Manager deem appropriate.

(b) Consistent with Section 3 of Proposition J, upon dissolution of the Authority, jurisdiction of the Garage and the real property previously set aside for the Authority in Resolution Nos. 715-98 and 737-03 shall transfer to the Recreation and Park Commission; and the Recreation and Park Department shall succeed to the role of the Authority as landlord under the Lease with the MCCP. The General Manager may enter into any modifications or amendments to the Lease, including to any of its exhibits, that the General Manager determines, in consultation with the City Attorney, are necessary or advisable to memorialize

the dissolution and jurisdictional transfer, and are in the best interests of the City, do not materially increase the obligations or liabilities of the City, and are in compliance with all applicable laws, including the City's Charter. The Recreation and Park Department is also authorized to accept and expend all assets of the Authority that may remain after the Authority has paid or adequately provided for all of its debts, obligations, and liabilities pursuant to the dissolution process.

(c) Upon dissolution of the Authority, the General Manager shall notify the Clerk of the Board of Supervisors and the City Attorney of the dissolution, in writing. The City Attorney shall then ensure that the Municipal Code incorporates the amendments specified in Sections 5, 6, and 7 of this ordinance.

Section 4. Repeal of The Golden Gate Park Revitalization Act of 1998. Upon dissolution of the Golden Gate Park Concourse Authority pursuant to Section 3, the Golden Gate Park Revitalization Act of 1998 ("Proposition J") shall be repealed in its entirety, by operation of this Section 4.

Section 5. Upon dissolution of the Golden Gate Park Concourse Authority pursuant to Section 3, Chapter 16, Article XV, of the Administrative Code shall be amended by revising Section 16.700, by operation of this Section 5, to read as follows:

SEC. 16.700. PARTICIPATION.

The following shall be eligible to participate in the Health Service System:

* * * *

(c) All members of the following boards and commissions during their time in service to the City and County of San Francisco:

~~(7)~~ Access Appeals Commission

- ~~(2)~~ Airport Commission
- ~~(3)~~ Art Commission
- ~~(4)~~ Asian Art Commission
- ~~(5)~~ Board of Education
- ~~(6)~~ Board of Appeals
- ~~(7)~~ Building Inspection Commission
- ~~(8)~~ Civil Service Commission
- ~~(9)~~ Commission on the Aging
- ~~(10)~~ Commission on the Environment
- ~~(11)~~ Commission on the Status of Women
- ~~(12)~~ Community College District Governing Board
- ~~(13)~~ *Concourse Authority*
- ~~(14)~~ Elections Commission
- ~~(15)~~ Entertainment Commission
- ~~(16)~~ Ethics Commission
- ~~(17)~~ Fine Arts Museums Board of Trustees
- ~~(18)~~ Fire Commission
- ~~(19)~~ Film and Video Arts Commission
- ~~(20)~~ First Five Commission
- ~~(21)~~ Health Commission
- ~~(22)~~ Health Service Board
- ~~(23)~~ Human Rights Commission
- ~~(24)~~ Human Services Commission
- ~~(25)~~ Juvenile Probation Commission
- ~~(26)~~ Law Library Board of Trustees

- ~~(27)~~ Library Commission
- ~~(28)~~ Municipal Transportation Authority
- ~~(29)~~ Planning Commission
- ~~(30)~~ Police Commission
- ~~(31)~~ Port Commission
- ~~(32)~~ Public Utilities Commission
- ~~(33)~~ Recreation and Parks Commission
- ~~(34)~~ Public Works Commission
- ~~(35)~~ Residential Rent Stabilization and Arbitration Board
- ~~(36)~~ Retiree Health Care Trust Fund Board
- ~~(37)~~ Retirement Board
- ~~(38)~~ Sanitation and Streets Commission
- ~~(39)~~ Sheriff's Department Oversight Board
- ~~(40)~~ Small Business Commission
- ~~(41)~~ Sunshine Ordinance Task Force
- ~~(42)~~ War Memorial and Performing Arts Center Board
- ~~(43)~~ Youth Commission

* * * *

Section 6. Upon dissolution of the Golden Gate Park Concourse Authority pursuant to Section 3, Article III, Chapter 1, of the Campaign and Government Conduct Code shall be amended by revising Section 3.1-103 and deleting 3.1-255, by operation of this Section 6, to read as follows:

SEC. 3.1-103. FILING OFFICERS.

Persons holding designated positions shall file the specified statements, declarations, and certificates with the filing officers designated in this Section.

(a) MEMBERS OF BOARDS AND COMMISSIONS.

(1) Members of the following boards and commissions shall file their Form 700 Statements of Economic Interests, Sunshine Ordinance Declarations, and Certificates of Ethics Training with the Ethics Commission:

* * * *

~~—Golden Gate Park Concourse Authority Board of Directors~~

* * * *

(b) DEPARTMENT HEADS.

(1) The following department heads of City agencies shall file their Form 700 Statements of Economic Interests, Sunshine Ordinance Declarations, and Certificates of Ethics Training with the Ethics Commission:

* * * *

~~—Golden Gate Park Concourse Authority, Chief Executive Officer~~

* * * *

~~SEC. 3.1 255. GOLDEN GATE PARK CONCOURSE AUTHORITY.~~

<i>Designated Positions</i>	<i>Disclosure Categories</i>
Directors	1
Chief Executive Officer	1

Section 7. Upon dissolution of the Golden Gate Park Concourse Authority pursuant to Section 3, the Park Code shall be amended by revising Sections 6.12 and 12.35, by operation of this Section 7, to read as follows:

SEC. 6.12. GOLDEN GATE PARK ACCESS AND SAFETY PROGRAM.

* * * *

(e) **Disability Access Standards.** The following disability access standards shall apply to the closures of John F. Kennedy Drive and related roads as set forth in subsection (b).

(1) Disability access to Golden Gate Park shall comply with the Americans with Disabilities Act ~~and the Golden Gate Park Revitalization Act of 1998.~~

* * * *

(3) The Department, in consultation with the San Francisco Municipal Transportation Agency, Fine Arts Museums, California Academy of Sciences, ~~Golden Gate Park Concourse Authority,~~ and Mayor's Office on Disability, shall maintain at least the following disability access measures:

* * * *

SEC. 12.35. GOLDEN GATE PARK CONCOURSE UNDERGROUND PARKING FACILITY.

~~(a)~~ The rates to be charged for parking in the Golden Gate Park Underground Parking Facility may be set by the SFMTA in accordance with Section 6.14. Until such time as the SFMTA has set rates with approval of the Recreation and Park Commission and the Board of Supervisors, the rates, which are subject to annual adjustment under Section 12.20, shall continue to apply:

	Each hour	Maximum
Weekdays	\$4.50	\$25.00
Weekends	\$5.00	\$28.00
Flat Rate After 6:00 p.m.		\$15.00

Monthly Rate (daytime)		\$200.00
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~~(b) The deposit and expenditure of all amounts collected from this facility are subject to the provisions of the "Golden Gate Park Revitalization Act of 1998," Appendix 41 of the Administrative Code.~~

Section 8. Effective and Operative Dates.

(a) In accordance with Section 380 of the Municipal Election Code, the effective date of this ordinance shall be 10 days after the date the official vote count is declared by the Board of Supervisors.

(b) Sections 1, 2, and 3(a) of this ordinance shall be operative on the effective date of the ordinance.

(c) Sections 3(b), 3(c), 4, 5, 6, and 7 of this ordinance shall become operative upon dissolution of the Golden Gate Park Concourse Authority.

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Section 9. 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.

* * *

SUBMITTED.



Date: 6/21/22

LONDON BREED
Mayor, City and County of San
Francisco

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From: [Paulino, Tom \(MYR\)](#)
To: [Doe, Publications \(REG\)](#); [BOS Legislation, \(BOS\)](#)
Subject: Golden Gate Park Underground Parking Facility; Golden Gate Park Concourse Authority | e-version
Date: Tuesday, June 21, 2022 4:26:50 PM
Attachments: [01609227.DOCX](#)

Hello,

Please see the attached initiative ordinance submitted by the Mayor to the Dept. of Elections today at 4:14PM.

Please advise if there are any additional resources needed.

Cheers,

Tom Paulino

He/Him

Liaison to the Board of Supervisors

Office of the Mayor

City and County of San Francisco