

1 [Park Code - Accept and Expend - Francisco Park Conservancy - \$25,000,000 Plus \$150,000  
2 Per Year Plus Future Gifts - New Park at Francisco Reservoir Site]

3 **Ordinance authorizing the Recreation and Park Department (RPD) to enter into an**  
4 **agreement with the Francisco Park Conservancy (FPC) regarding the funding and**  
5 **stewardship of a new park on the Francisco Reservoir Site, located between Hyde and**  
6 **Larkin Streets south of Bay Street, and on the 0.96 acre parcel located immediately**  
7 **adjacent to and south of the Francisco Reservoir Site; authorizing RPD to accept and**  
8 **expend an in-kind grant from the FPC of approximately \$25,000,000 in construction**  
9 **services for the new park, and annual cash grants from the FPC anticipated to be**  
10 **approximately \$150,000 each year for future maintenance of the new park; authorizing**  
11 **RPD to accept and expend future grants and gifts from the FPC for additional**  
12 **improvements at the new park; and amending the Park Code to list the new park as a**  
13 **park where no alcoholic beverages may be consumed.**

14 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
15 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
16 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
17 **Board amendment additions** are in double-underlined Arial font.  
18 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
19 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
20 subsections or parts of tables.

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

22 Section 1. Purpose and Findings.

23 (a) The Francisco Reservoir Site is a parcel of approximately 3.29 acres located  
24 between Hyde and Larkin Streets south of Bay Street. In September 2014, the San Francisco  
25 Public Utilities Commission (PUC) transferred possession of and agreed to conditionally

1 transfer jurisdiction over the site to the Recreation and Park Department (RPD) for a public  
2 park in return for the RPD paying the PUC \$9,900,000 plus interest over 12 years.

3 (b) In addition, independent of that transaction, the RPD has jurisdiction over a parcel  
4 of approximately 0.96 acres (the "Adjacent Parcel") that is located immediately adjacent to the  
5 south of the Francisco Reservoir Site. Together, the Francisco Reservoir Site and the  
6 Adjacent Parcel constitute the real property that will become the new park that is the subject  
7 of this ordinance. A map depicting the Francisco Reservoir Site and the Adjacent Parcel is on  
8 file with the Clerk of the Board of Supervisors in File No. 160718.

9 (c) The Francisco Park Project, a working group of neighborhood residents, held a  
10 series of community meetings from 2011 through 2014 to develop a preliminary design plan  
11 for the proposed new park, and developed a financing strategy to construct the new park  
12 based on a preliminary design plan. In 2014, members of the Francisco Park Project formed  
13 the Francisco Park Conservancy (FPC) as a California nonprofit public benefit corporation  
14 with tax-exempt status under section 501(c)(3) of the Internal Revenue Code. The FPC's  
15 purpose is to fund, administer, and oversee the design and construction of the new park, to  
16 fund maintenance of the new park in cooperation with the RPD, and to monitor and support  
17 the ongoing maintenance and operation of the new park.

18 (d) The RPD intends to enter into an agreement with FPC for a duration of up to 50  
19 years regarding the funding and stewardship of the new park, and intends to accept from  
20 FPC, and expend, an in-kind grant of approximately \$25 million in construction services for  
21 the new park, which services shall include all labor, materials, management, and oversight  
22 services necessary for the completion of the design and construction of the new park; annual  
23 cash grants of approximately \$150,000 each year for future maintenance of the new park; and  
24 future gifts and grants for additional improvements at the new park. The terms and conditions  
25 of the agreement and proposed grants are detailed in the agreement between the City and

1 County of San Francisco and the FPC, on file with the Clerk of the Board of Supervisors in  
2 File No. 160718, and incorporated herein by reference. On June 16, 2016, the Recreation  
3 and Park Commission recommended that the Board approve the agreement and the  
4 proposed grants.

5 (e) The FPC and the RPD intend that the new park be listed in Park Code Section 4.10  
6 as a park where alcohol may not be consumed. On June 16, 2016, the Recreation and Park  
7 Commission recommended that the Board amend Park Code section 4.10 to list the new park  
8 as a park where alcohol may not be consumed.

9 (f) The FPC and the RPD intend to achieve high environmental standards by  
10 minimizing the use of potable water for irrigation and by creating a healthy bio-diverse habitat  
11 for desired wildlife at the new park. The creation of the new park, with the provision of  
12 maintenance of this new park into the future, utilizing private funds, is the best and most  
13 beneficial use of the Francisco Reservoir Site and Adjacent Parcel, will further the RPD's goal  
14 to maintain and develop more open space in the City, is in the best interests of the community  
15 and the City, and will serve an important recreational purpose.

16

17 Section 2. Authorizations.

18 (a) The Board of Supervisors hereby authorizes the RPD to enter into the proposed  
19 agreement with the FPC for the funding and stewardship of a new park on the Francisco  
20 Reservoir Site and on the Adjacent Parcel. The agreement is on file with the Clerk of the  
21 Board of Supervisors in File No. 160718, and is incorporated herein by reference. The RPD  
22 General Manager is hereby authorized to sign the agreement on behalf of the City and County  
23 of San Francisco.

24 (b) By authorizing the RPD to enter into the agreement referenced in subsection (a),  
25 the Board of Supervisors is, among other things, authorizing the RPD General Manager to

1 accept from the FPC and expend an in-kind grant of approximately \$25 million in construction  
2 services for the new park, and annual cash grants of approximately \$150,000 each year for up  
3 to 50 years for future maintenance of the new park.

4 (c) Notwithstanding the provisions of Administrative Code Section 10.170-1, the Board  
5 of Supervisors further authorizes the RPD General Manager to accept from the FPC and  
6 expend future gifts and grants for possible additional improvements at the new park, as  
7 generally contemplated in the agreement referenced in subsection (a), except that any future  
8 gifts or grants of \$100,000 or more that result in new costs to the City, including costs for  
9 public outreach, project management, or environmental review, shall require Board of  
10 Supervisors approval by resolution.

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12 Section 3. The Park Code is hereby amended by revising Section 4.10 to read as  
13 follows:

14 **SEC. 4.10. ALCOHOLIC BEVERAGES.**

15 (a) Except as provided in Subsection 4.10(b), no person shall consume alcoholic  
16 beverages of any kind in any building, children's areas, swimming pool, restroom, or any of  
17 the following parks or portions of parks:

18 \* \* \* \*

19 Excelsior Playground;

20 the new park to be located on the Francisco Reservoir Site, located between Hyde and  
21 Larkin Streets south of Bay Street , and on the 0.96 acre parcel located immediately adjacent to and  
22 south of the Francisco Reservoir Site;

23 Franklin Square;

24 \* \* \* \*

1           Section 4. Substitution Of Park Name in Park Code.

2           (a) The park described in the agreement approved by this ordinance has not yet been  
3 designed or officially named. Accordingly, this ordinance, including the amendment to Park  
4 Code Section 4.10(a), refers to the park based on its geographic description in the agreement,  
5 as the new park to be constructed on the Francisco Reservoir Site, located between Hyde and  
6 Larkin Streets south of Bay Street, and on the 0.96 acre parcel located immediately adjacent  
7 to and south of the Francisco Reservoir Site.

8           (b) If the Board of Supervisors or the Recreation and Park Commission provide an  
9 official name for the new park, then the RPD shall notify the City Attorney’s Office in writing of  
10 the official name. Upon receiving such notice, the City Attorney’s Office shall cause that  
11 official name to be inserted into Park Code Section 4.10(a) in correct alphabetical sequence,  
12 in lieu of the geographic description for the park in Section 4.10(a), which geographic  
13 description shall be deleted.

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15           Section 5. Effective Date. This ordinance shall become effective 30 days after  
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
18 of Supervisors overrides the Mayor’s veto of the ordinance.

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5 Section 6. Scope of Ordinance. Except as stated in Section 4(b) of this ordinance, in  
6 enacting this ordinance, the Board of Supervisors intends to amend only those words,  
7 phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts,  
8 diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this  
9 ordinance as additions, deletions, Board amendment additions, and Board amendment  
10 deletions in accordance with the “Note” that appears under the official title of the ordinance.

11  
12 APPROVED AS TO FORM:  
13 DENNIS J. HERRERA, City Attorney

14 By: \_\_\_\_\_  
15 MANU PRADHAN  
16 Deputy City Attorney  
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