

1 [Prohibiting the widening of MLK, Jr. Drive and the use of privately-owned automobiles within  
2 the Golden Gate Park Music Concourse bowl, and urging certain considerations be taken in  
3 the formulation of the Concourse Transportation Management Plan.]

4 **Ordinance amending the San Francisco Park Code by amending Section 6.01 to**  
5 **prohibit the widening of Martin Luther King, Jr. Drive and to prohibit the operation of**  
6 **privately-owned automobiles within the Golden Gate Park Music Concourse bowl, with**  
7 **certain exceptions; urging the Department of Parking and Traffic to include pedestrian**  
8 **and bicycle access improvements in its formulation of the Concourse Transportation**  
9 **Management Plan; and, making certain environmental, Proposition J and other**  
10 **findings.**

11 Note: Additions are *single-underline italics Times New Roman*;  
12 deletions are *strikethrough italics Times New Roman*.  
13 Board amendment additions are double underlined.  
14 Board amendment deletions are ~~strikethrough normal~~.

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

16 Section 1. Findings.

17 A. At the June 2, 1998, special election the voters of the City and County of San  
18 Francisco (the "City") approved Proposition J, now codified in Appendix 41 of the City's  
19 Administrative Code ("Proposition J").

20 B. Proposition J is an initiative measure which, among other things, authorized the  
21 creation of the Golden Gate Park Concourse Authority (the "Authority") and the construction,  
22 by or on behalf of the Authority, of an underground parking facility (the "Facility") containing  
23 approximately 800 parking spaces in Golden Gate Park (the "Project").

24 C. The Authority, the Recreation and Park Commission (the "Commission") and the  
25 City's Board of Supervisors (the "Board") each approved the execution of a ground lease,

1 dated February 27, 2004, between the City, acting by and through the Authority and the  
2 Commission, as landlord, and Music Concourse Community Partnership, a California  
3 nonprofit public benefit corporation ("MCCP"), as tenant, along with a work letter agreement  
4 and other documents relating to the construction, operation and maintenance of the Facility by  
5 MCCP on behalf of the Authority. In its Resolution No. 737-03 approving the ground lease  
6 and other Project-related matters, the Board stated that "the traffic circulation plan for the area  
7 of the [Golden Gate Park Music Concourse] shall be subject to the separate review and  
8 approval of the Board prior to its implementation and after all necessary review that may be  
9 required under the California Environmental Quality Act."

10 Section 2. Environmental Findings. The Planning Department has determined that  
11 the actions contemplated in this Ordinance are in compliance with the California  
12 Environmental Quality Act (California Public Resources Code sections 21000 et seq.). Said  
13 determination is on file with the Clerk of the Board of Supervisors in File No. and is  
14 incorporated herein by reference.

15 Section 3. Proposition J Findings. This Board hereby finds that the actions  
16 contemplated in this Ordinance are in compliance with the terms of Proposition J.

17 Section 4. The San Francisco Park Code is hereby amended by amending  
18 Section 6.01, to read as follows:

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20 **SEC. 6.01. OPERATION AND PARKING OF VEHICLES.**

21 (a) No person shall drive or propel any vehicle within any park except upon the  
22 paved roads, driveways, and highways provided or unpaved roads designated by sign or  
23 signal for use by such vehicular traffic;

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1 (b) All persons operating vehicles must drive or propel them in a careful manner, at  
2 a lawful rate of speed, and in accordance with the rules and regulations of the Recreation and  
3 Park Commission, San Francisco Traffic Code and California Vehicle Code;

4 (c) No person shall drive or propel any vehicle on any planted area or on any  
5 access road or unpaved service road or firetrail in any park;

6 (d) No person shall park any vehicle on any lawn, or planted area, or unimproved  
7 area or on any pedestrian or equestrian lane, or on any access road or unpaved service road  
8 or firetrail or in any manner so as to block access to or exit from any service road or access  
9 road or firetrail, or in any other place in the park where the rules and regulations of the  
10 Recreation and Park Commission prohibit vehicular parking, unless allowed otherwise by  
11 permit;

12 (e) No person shall wash, grease, or repair any vehicle in any park except insofar  
13 as repairs may be necessary for the immediate removal of any damaged or disabled vehicle  
14 from the park;

15 (f) No vehicle shall be parked on any road, place or highway in any park except on  
16 the extreme right side of said road, place or highway and immediately adjacent to any curb or  
17 any planted portion of the park; provided, however, that the Recreation and Park Commission  
18 shall have full power and authority to set aside suitable space for the parking of any vehicle off  
19 any road, place or highway. The extreme right side of said road, place or highway shall be  
20 deemed to be the righthand side of any road, place or highway as measured or applied in the  
21 direction in which any vehicle is traveling. Nothing in this Section shall be deemed to prohibit  
22 parking on the extreme left side of any one-way road or highway, provided such parking is  
23 otherwise permitted, which side shall be deemed to be the left-hand side of any road or  
24 highway as measured or applied in the direction in which any vehicle is traveling.

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1 (g) No person shall park any automobile or any other vehicle, including a house  
2 trailer, whether attended or unattended, in any park, other than the Marina Green, between  
3 the hours of 10:00 p.m. and 6:00 a.m., except (1) when attending an event or function  
4 authorized by the Recreation and Park Department, and then only when the person parks the  
5 vehicle in an area specifically designated for such parking in connection with said event or  
6 function; (2) when such parking is necessary because of an emergency, such as a flat tire or  
7 other mechanical failure, in which case the vehicle shall not be parked any longer than  
8 necessary; or (3) when a sign is posted or notice is otherwise provided that parking is  
9 permitted in a designated area between 10:00 p.m. and 6:00 a.m., or some portion of those  
10 hours.

11 (h) No person shall park any automobile or any other vehicle, including a house  
12 trailer, whether attended or unattended, at the Marina Green between the hours of 10:00 p.m.  
13 and 6:00 a.m., unless (1) such person has watercraft moored at Yacht Harbor and has  
14 displayed on the vehicle an official permit authorizing such parking from the Recreation and  
15 Park Department or (2) such parking is necessary because of an emergency, such as a flat  
16 tire or other mechanical failure, in which case the vehicle shall not be parked any longer than  
17 necessary.

18 (i) No person shall, in any park, allow any automobile or other vehicle to remain  
19 parked in any parking lot which is open for public use and for which a fee is charged for  
20 parking, including, but not limited to Kezar Parking Lot, for a period of more than 24 hours  
21 after the expiration of the period for which a fee is charged, unless otherwise allowed by  
22 permit.

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1 (j) No person shall park any "oversized vehicle," defined herein as any vehicle  
2 longer than 19 feet and/or wider than seven feet, eight inches, whether attended or  
3 unattended in Kezar Parking Lot, unless allowed otherwise by permit.

4 (k) No person shall, in any park, allow any automobile or any other vehicle that is  
5 disabled to remain parked in any parking lot which is open for public use and for which a fee is  
6 charged for parking, including but not limited to Kezar Parking Lot, unless otherwise allowed  
7 by permit.

8 (l) No work may be authorized by any City board, department or commission which would  
9 result in the widening of that portion of the street in Golden Gate Park now known as Martin Luther  
10 King, Jr. Drive, that lies between its intersection at Ninth Avenue and its intersection with the southern  
11 entrance/exit of the Golden Gate Park Music Concourse Underground Parking Facility.

12 (m) No person shall drive, propel or park any privately-owned automobile on the streets  
13 encircling the Golden Gate Park Music Concourse adjacent to the M.H. DeYoung Museum on the  
14 northwest side and the California Academy of Sciences complex on the southeast side, which are now  
15 known as Concourse Drive and Tea Garden Drive. Such prohibition is not intended to apply to  
16 vehicles carrying disabled persons who seek access to the cultural institutions in the area in situations  
17 where such access is required by law. The Recreation and Park Commission is directed to amend the  
18 Golden Gate Park Master Plan to conform to this prohibition.

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1           Section 6.    The Board urges the Department of Parking and Traffic to include  
2 pedestrian and bicycle access improvements and encourage the use of public transportation  
3 to reduce the impact of the automobile on the Park in its formulation of the Concourse  
4 Transportation Management Plan.

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

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10 By: \_\_\_\_\_  
11       MICHAEL MARTIN  
12       Deputy City Attorney

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