



London N. Breed, Mayor
Philip A. Ginsburg, General Manager

March 15, 2021

Dear Chair Peskin, Supervisor Chan and Mandelman,

Today you will hear a proposed resolution, file [21023](#), which asserts that Charter section 4.113 applies to the temporary installation of an observation wheel in Golden Gate Parks and attempts to modify the term of an agreement between the Recreation and Park Department and Skystar Wheel LLC which has been legally approved and authorized by the Recreation and Park Commission and the Historic Preservation Commission. As the Committee has taken the unusual step of not asking the affected Department to speak at the hearing, please accept this letter as a summary of our position.

Charter Section 4.113 Does Not Apply to Temporary Installations

We have regularly consulted with the City Attorney's Office and believe that Board of Supervisors approval is not required under Charter Section 4.113 for a temporary installation in the park. This consultation has been ongoing, from the outset of the Ferris Wheel's temporary placement in Golden Gate Park, through the discussion about a permit extension, and during the Recreation and Park Commission and Historic Preservation Commission approval process.

The purpose of 4.113 was to provide an extra layer of approval on permanent changes to Golden Gate Park and Union Square. In the time since Charter section 4.113 was adopted, the section has never been required or applied to temporary installations. A review of the legislative history shows that the Board approval has only been required for large and permanent structures under 4.113 including: the new Academy of Sciences Building (2003), an extension to the Academy of Sciences Building (2013), the new tennis clubhouse at the Goldman Tennis Center (2018), a Skate Park (2007), and large buildings and infrastructure associated with the PUC's recycled water project (2014 and 2016).

The proposed applicability of Section 4.113 to a temporary installation is precedent setting and will have a chilling impact on events and activations in the park, big and small. The Department issues over 30,000 permits per year for temporary installations including: bouncy houses, water stations, stages over 115 feet tall, multi-story tents, event and construction fencing, canopies, finish lines, bleachers, viewing areas, scaffolding for camera and sound equipment, video boards, art installations, and trailers.

The proposed application of this charter section to temporary installations endangers beloved events and adds time, expense and cost to an already rigorous process.

Further, while the Board of Supervisors may accept or reject certain types of agreements negotiated by operating departments, we question whether the Board of Supervisors is vested with the power to unilaterally impose its own term of agreement on behalf of the City. In this case, a term of agreement is being proposed by members of the Board of Supervisors with no involvement by either party responsible for negotiating, implementing and honoring any agreement between the City and Skystar. The term of the approvals associated with this resolution have not been negotiated by the parties themselves.



The Wheel is Temporary – HPC and RPC Approvals Contingent on Temporary Nature

The Wheel is a temporary, mobile installation. It is not built to be permanent and was located in three different cities before coming to San Francisco. It belongs to the operator and will be taken back once this is over. The CEQA document, Historic Preservation Commission and Recreation and Parks Commission all reviewed and approved a temporary project. The historical analysis specifically relied on the temporary nature of the installation to comply with the Secretary of the Interior's Standards. The [transcript](#) of the March 3, 2021 Historic Preservation Commission unanimous approval discuss the temporary aspect of the wheel in detail.

The Wheel Brings People from all of the City and Region to San Francisco, Supports Economic Recovery

The wheel has been a welcome attraction in the park and a distraction from the dark days of COVID. About half of the tickets purchased have been from within San Francisco and about half from the region stretching from Santa Cruz to Sonoma. While the majority of the San Franciscan's purchasing tickets have been from the Richmond, a significant number of purchases have been made from all neighborhoods in the City including the Bayview and the Portola.

Originally installed as part of the GGP 150 Anniversary Celebration, the wheel also supports a program to bring kids from all over San Francisco to Golden Gate Park to Ride the Wheel. Students that are a part of programs at Jamestown, APRI, Collective Impact, Youth First, United Playaz, the Boys and Girls Club and Mo Magic have all received free tickets to enjoy the wheel. In addition, it will provide funding to allowing small local musicians to perform at free concerts in the park.

We remain perplexed at the amount of attention a joyous temporary attraction has received. We believe the observation wheel and other temporary installations in the park are an important part of the social, economic and cultural fabric of our City and should be supported.

Respectfully,

Phil Ginsburg
General Manager

CC: Angela Calvillo, Clerk of the Board
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