

File No. 240693

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Transportation

Date: September 9, 2024

Board of Supervisors Meeting:

Date: _____

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Prepared by: Alisa Somera

Date: September 5, 2024

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

[Park Code - Yerba Buena Gardens]

Ordinance amending the Park Code to allow dogs and certain types of athletic activities in Yerba Buena Gardens; to clarify that existing law prohibits the riding of bicycles and electric scooters in the Gardens; and to make a non-substantive correction regarding the authority of the Real Estate Division.

NOTE: **Unchanged Code text and uncoded text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
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.

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

Section 1. Article 11 of the Park Code is hereby amended by revising Sections 11.01, 11.02, 11.03, and 11.04, to read as follows:

SEC. 11.01. AUTHORITY OF THE REAL ESTATE DIVISION ~~REDEVELOPMENT~~ ~~AGENCY COMMISSION~~.

Notwithstanding any other provision of this Code, and consistent with Resolution No. 162-18, the Director of Property, or the Director's designee, governing body of the Redevelopment Agency of the City and County of San Francisco shall have the exclusive authority to set rules for Yerba Buena Gardens pursuant to Article 3 of this Code, to issue permits for Yerba Buena Gardens pursuant to Article 7 of this Code, and to designate persons who shall perform all other functions for Yerba Buena Gardens which would be performed by the General Manager, Superintendent of Recreation, ~~or~~ and Superintendent of Parks for any other park under this Code.

1
2 **SEC. 11.02. ~~CERTAIN~~ATHLETIC ACTIVITIES ~~PROHIBITED~~.**

3 No person shall participate in any team athletic activity in the Yerba Buena Gardens,
4 including but not limited to volleyball, baseball, soccer, football, or lacrosse, nor shall any
5 person engage in the individual activities of roller skating, roller blading, bicycle riding, kite flying or
6 skateboarding, except when acting pursuant to a permit issued by the Director of Property or
7 the Director's Commission or its designee.

8
9 **SEC. 11.03. ANIMALS ~~PROHIBITED~~.**

10 No person, other than members of the San Francisco Police Department when on
11 duty, shall bring any animals, other than dogs which shall be leashed at all times, including but not
12 limited to dogs, cats and horses, into the Yerba Buena Gardens except when acting pursuant to
13 a permit issued by the Director of Property or the Director's Commission or its designee.
14 ~~Notwithstanding the above provision, a person with a disability may enter the Yerba Buena Gardens~~
15 ~~with a guide or signal dog without a permit.~~

16
17 **SEC. 11.04. WHEELED EQUIPMENT ~~PROHIBITED~~.**

18 No person, other than ~~employees or agents of the Commission or its contractors~~members of
19 the San Francisco Police Department when on duty, shall ~~operate~~bring any wheeled
20 conveyances, including but not limited to trucks, cars, bicycles, electric scooters, and
21 skateboards, ~~into~~ the Yerba Buena Gardens except when acting pursuant to a permit issued
22 by the Director of Property or the Director's Commission or its designee. Notwithstanding the
23 above provision, wheelchairs, strollers, and toys or conveyances appropriate for preschool
24 children, such as wagons and tricycles, may be ~~operated~~brought ~~into~~ Yerba Buena Gardens
25

1 without a permit. Bicycles may be walked through the gardens or locked in designated
2 locations without a permit.

3
4 Section 2. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor’s veto of the ordinance.

8
9 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
13 additions, and Board amendment deletions in accordance with the “Note” that appears under
14 the official title of the ordinance.

15
16 APPROVED AS TO FORM:
17 DAVID CHIU, City Attorney
18 By: /s/
19 MANU PRADHAN
20 Deputy City Attorney
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23
24
25

LEGISLATIVE DIGEST

[Park Code - Yerba Buena Gardens]

Ordinance amending the Park Code to allow dogs and certain athletic activities in Yerba Buena Gardens; to clarify that existing law prohibits the riding of bicycles and electric scooters in the Gardens; and to make a non-substantive correction regarding the authority of the Real Estate Division.

Existing Law

The City's Real Estate Division oversees the Yerba Buena Gardens. Animals are not allowed in the Gardens. Certain athletic activities, and the operation of wheeled equipment, are also not allowed in the Gardens.

Amendments to Current Law

The ordinance would allow people to bring dogs to Yerba Buena Gardens, if the dogs stay leashed. The ordinance would also allow roller skating, roller blading, and kite flying in the Gardens, and would clarify that bicycles and electric scooters are prohibited.

Background Information

The ordinance contains a non-substantive correction, to reflect that Yerba Buena Gardens is no longer under the jurisdiction of the former Redevelopment Agency and instead falls under the authority of the Real Estate Division (Board Resolution No. 162-18).

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June 6, 2024

Honorable Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102

Subject: Ordinance Amending the Park Code To Allow Dogs and Certain Athletic Activities in Yerba Buena Gardens

Dear Board Members:

Attached for your consideration is an Ordinance approving and authorizing amendments to the Park Code to allow dogs and certain athletic activities in yerba Buena gardens; to clarify that existing law prohibits the riding of bicycles and electric scooters in the Gardens; and to make a non-substantive correction regarding the authority of the Real Estate Division.

In or about June 2018, the City and County of San Francisco (City) acquired from the Office of Community Investment and Infrastructure (formerly the Redevelopment Agency) and it was put under the jurisdiction of the Real Estate Division.

On or about June 14, 2019, the City entered into a Master Lease Agreement with the Yerba Buena Gardens Conservancy, a California non-profit public benefit corporation (YBGC) for the Yerba Buena Gardens through 2061. The lease requires YBGC to manage and operate portions of the City-owned urban mixed-use property (the Gardens).

During the last several years, YBGC has been managing the Gardens and noted several issues including: a) All athletic activities are prohibited; b) Dogs are prohibited; and c) Visitors are prohibited from all wheeled equipment including strollers, wagons, etc.

YBGC desires to allow certain athletic activities under permits issued by the Director of Property or the Director's designee; allow leashed dogs; and allow certain wheeled conveyances (strollers, wheelchairs, toys, wagons, etc., and allow bicycles to be walked through the Gardens. This ordinance provides for those changes.

If you have any questions regarding the Ordinance, please contact Claudia Gorham of Real Estate at 415.713.6020 or Claudia.gorham@sfgov.org.

Respectfully,

A handwritten signature in blue ink, appearing to read "Andrico Q. Penick".

Andrico Q. Penick
Director of Property