BOARD of SUPERVISORS

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M E M O R A N D U M

TO: Phil Ginsburg, General Manager, Recreation and Parks Department
Ashley Summers, Commission Liaison, Recreation and Parks Commission
Jeffrey Tumlin, Executive Director, San Francisco Municipal Transportation Agency
Dennis Herrera, General Manager, Public Utilities Commission
Carla Short, Interim Director, Public Works
Jonas Ionin, Director of Commission Affairs, Planning Commission
Rich Hillis, Director, Planning Department

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: September 1, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Mar on July 26, 2022:

File No. 220875

Ordinance amending the Park Code to restrict private vehicles on the Upper Great Highway between Lincoln Way and Sloat Boulevard, on a pilot basis, on weekends and holidays until December 31, 2025; making associated findings under the California Vehicle Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

cc: Sarah Madland, Recreation and Parks Department
Kate Breen, San Francisco Municipal Transportation Agency
Janet Martinsen, San Francisco Municipal Transportation Agency
Joel Ramos, San Francisco Municipal Transportation Agency
Ricardo Olea, San Francisco Municipal Transportation Agency
Masood Ordikhani, Public Utilities Commission
John Scarpulla, Public Utilities Commission
Jeremy Spitz, Public Utilities Commission
David Steinberg, Public Works
Ian Schneider, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Dan Sider, Planning Department
Aaron Starr, Planning Department
AnMarie Rodgers, Planning Department
Tina Tam, Planning Department
Corey Teague, Planning Department
Lisa Gibson, Environmental Review Officer
Devyani Jain, Planning Department
Joy Navarrete, Planning Department
Laura Lynch, Planning Department

[Park Code - Upper Great Highway - Pilot Weekend and Holiday Vehicle Restrictions]

Ordinance amending the Park Code to restrict private vehicles on the Upper Great Highway between Lincoln Way and Sloat Boulevard, on a pilot basis, on weekends and holidays until December 31, 2025; making associated findings under the California Vehicle Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: **Unchanged Code text and uncodified 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. Background and Findings.

(a) In April 2020, the City temporarily closed the four-lane limited access Upper Great Highway between Lincoln Way and Sloat Boulevard (hereafter, "the Upper Great Highway") to private motor vehicles, in response to the unprecedented COVID-19 pandemic, to ensure the safety and protection of persons using the Upper Great Highway to safely recreate. On August 15, 2021, with reduced pandemic restrictions and people resuming in-person work and school, the City modified the vehicular restrictions to apply only between Fridays at noon and Mondays at 6 a.m., and on holidays.

(b) The restrictions on private motor vehicles have enabled people of all ages and all walks of life to safely use the Upper Great Highway as a recreational promenade for

walking, jogging, biking, scooting, and rolling. From April 2020 until May 2022, there were an estimated two million visits or more to the Upper Great Highway, with a total of 3,700 average daily visits during the period when the Upper Great Highway was closed to private vehicles and the recreational promenade was open at all times. There have been an estimated 3,300 average daily weekend visits since August 2021 when the weekend and Friday afternoon promenade was instituted. The New York Times listed the promenade as one of 52 places to go in the world in 2022, writing that a "Great Highway has become a unique destination – in a city full of them – to take in San Francisco's wild Pacific Ocean coastline by foot, bike, skates or scooter, sample food trucks and explore local cafes, restaurants, record stores, bookstores and more."

(c) In 2012, the Ocean Beach Master Plan was released, calling for six key infrastructure improvements for the City to implement for a sustainable "managed retreat" on the length of Ocean Beach needed as a result of the anticipated impacts of climate change to the western waterfront. As a result, the San Francisco Public Utilities Commission is planning the Ocean Beach Climate Change Adaptation Project ("OBCCAP"), to improve the City's stormwater infrastructure near Ocean Beach and make it resilient to climate change and erosion. This project includes converting the Great Highway Extension roadway between Sloat Boulevard and Skyline Boulevard to a multi-use pathway. The project will protect key stormwater infrastructure with a buried seawall, and will enhance recreational access to the corridor with a multi-use path bridging a link in the Coastal Trail between Fort Funston and Ocean Beach, new beach access points, and a new parking lot.

(d) Under this ordinance, the weekend and holiday vehicle restrictions on the Upper Great Highway that were instituted on August 15, 2021 would be extended for a pilot period expiring December 31, 2025. These proposed restrictions are consistent with the following policies:

(1) Section 4.113 of the Charter, which states that park land, which includes the Upper Great Highway, shall be used for recreational purposes.

(2) The Recreation and Park Department Strategic Plan, which calls for developing more open space and improving access to existing facilities to address population growth in high-need and emerging neighborhoods; and strengthening the City's climate resiliency by protecting and enhancing San Francisco's precious natural resources through conservation, education, and sustainable land and facility management practices.

(3) The Transit First Policy, codified at Section 8A.115 of the Charter, which encourages the use of public right-of-way by pedestrians, bicyclists, and public transit, and strives to reduce traffic and improve public health and safety; calls for enhanced pedestrian areas, to improve the safety and comfort of pedestrians and to encourage travel by foot; and promotes bicycling by encouraging safe streets for riding, convenient access to transit, bicycle lanes, and secure bicycle parking.

(4) San Francisco's General Plan Transportation Element, which classifies the Great Highway as a recreational street under Objective 18 with the major function to provide for slow pleasure drives and cyclist and pedestrian use; more highly valued for recreational use than for traffic movement. According to Objective 18, the order of priority for these streets should be to accommodate: 1) pedestrians, hiking trails, or wilderness routes, as appropriate; 2) cyclists; 3) equestrians; 4) automobile scenic driving. The General Plan specifies that the design capacity of the Great Highway should be reduced substantially to correspond with its recreational function; emphasis to be on slow pleasure traffic, bicycles, and safe pedestrian crossings.

(5) The 2021 Climate Action Plan, which calls for creating a complete and connected active transportation network that shifts trips from automobiles to walking and biking; and restoring and enhancing parks, natural lands, and large open spaces.

(e) On June 10, 2021, the Recreation and Park Commission and the San Francisco Municipal Transportation Agency Board of Directors held a joint meeting regarding the weekend and holiday restrictions on private vehicles using the Upper Great Highway. After considering staff presentations and public comment, each body recommended that staff pursue a pilot closure of the Upper Great Highway. Based on the foregoing and on the further information presented to the Board of Supervisors, the Board finds that the closures set forth herein are consistent with California Vehicle Code Section 21101, and that:.

(1) The pilot project leaves a sufficient portion of the streets in the surrounding area for other public uses, including vehicular, pedestrian, and bicycle traffic.

(2) The pilot project is necessary for the safety and protection of persons who are to use those parts of the streets during the closure or traffic restriction.

(3) Staff have done outreach and engagement for abutting residents and property owners, including facilities located along the Upper Great Highway and surrounding neighbors of the project.

(4) The City maintains a publicly available website with information about the pilot program that identifies the streets being considered for closure and provides instructions for participating in the public engagement process.

(5) Prior to implementing the pilot project, the Recreation and Park Department shall provide advance notice of the pilot project to residents and owners of property abutting those streets and shall clearly designate the closures and restrictions with appropriate signage consistent with the California Manual on Uniform Traffic Control Devices.

(f) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

Supervisors in File No. ___ and is incorporated herein by reference. The Board affirms this determination.

(g) On _____, the Planning Department determined that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts this determination as its own. A copy of said determination is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

(h) Upon enactment of this ordinance, the Recreation and Park Department intends to apply to the Planning Department for a permit to ensure compliance with any applicable coastal development requirements. The Planning Commission will review the application at a public hearing to determine whether the permit will be issued, as required by law.

(i) In conjunction with the restrictions on private vehicular traffic imposed by this ordinance, the Recreation and Park Department and the Municipal Transportation Agency shall study transportation and recreational impacts of weekend and holiday vehicle restrictions, including multi-modal transportation usage, open-space usage, and traffic impacts to adjacent intersections. City staff shall engage in public outreach and collect data, to inform a final decision by the Board of Supervisors at or near the end of the pilot program established by this ordinance.

Section 2. Article 6 of the Park Code is hereby amended by adding Section 6.13, to read as follows:

SEC. 6.13. RESTRICTING MOTOR VEHICLES ON THE UPPER GREAT HIGHWAY.

(a) ***Findings and Purpose.*** *In 2022, following the temporary closure of the Great Highway between Lincoln Way and Sloat Boulevard (hereafter, the "Upper Great Highway") due to the COVID-*

19 pandemic, and on recommendation of the Recreation and Park Commission and San Francisco Municipal Transportation Agency ("SFMTA") Board of Directors, the Board of Supervisors found that it would be appropriate to restrict private vehicles from the four-lane limited-access Upper Great Highway at certain times, as described herein, due to the need to ensure the safety and protection of persons who are to use those streets; and because the restrictions would leave a sufficient portion of the streets in the surrounding area for other public uses including vehicular, pedestrian, and bicycle traffic.

*(b) **Restrictions on Private Vehicles.** The Recreation and Park Department shall restrict private vehicles from the Upper Great Highway from Friday afternoons until Monday mornings at 6:00 a.m., and on holidays, as set forth herein. These closures shall remain in effect until December 31, 2025, unless extended by ordinance. The temporary closure of the Upper Great Highway due to the COVID-19 pandemic from April 2020 until the commencement of the pilot project is hereby ratified.*

*(c) **Public Notice and Engagement.***

(1) The Recreation and Park Department shall include on its website a map depicting the street segments subject to the street closures and traffic restrictions authorized in subsection (b), and such other information as it may deem appropriate to assist the public; and shall provide advance notice of any changes to these street closures or traffic restrictions to residents and owners of property abutting those streets.

(2) The Recreation and Park Department and SFMTA shall collect and publicly report data on pedestrian and cyclist usage and vehicular traffic on the Upper Great Highway and surrounding streets at regular intervals throughout the duration of the pilot program established in this Section 6.13.

(3) SFMTA shall develop and release draft recommendations for traffic management no later than July 31, 2023. The draft recommendations shall build upon past traffic management measures and past traffic studies, and shall be updated during the pilot program based on data

monitoring, traffic conditions, and community outreach. SFMTA shall also develop final recommendations which may propose traffic management measures for after the pilot period, with a description of potential improvements to the surrounding circulation system, cost estimates, and an implementation schedule for accommodating any future vehicular traffic restrictions that may be in the public interest.

(4) The Recreation and Park Department, in coordination with SFMTA, shall engage in community outreach during the pilot period to gain public input on the effectiveness of the pilot program and inform the development of the Westside Traffic Management Plan.

(5) Public Works or its successor agency shall develop an Upper Great Highway Sand Management Plan by no later than January 1, 2023. This plan shall detail how Public Works will manage and maintain an Upper Great Highway free of sand incursions, along with any resource or policy changes needed to accomplish this.

(d) ***Exempt Motor Vehicles.*** *The following motor vehicles are exempt from the restrictions in subsection (b):*

(1) Emergency vehicles, including but not limited to police and fire vehicles.

(2) Official City, State, or federal vehicles, or any other authorized vehicle, being used to perform official City, State, or federal business pertaining to the Upper Great Highway or any property or facility therein, including but not limited to public transit vehicles, vehicles of the Recreation and Park Department, and construction vehicles authorized by the Recreation and Park Department.

(3) Authorized intra-park transit shuttle buses, paratransit vans, or similar authorized vehicles used to transport persons along the Upper Great Highway.

(4) Vehicles authorized by the Recreation and Park Department in connection with permitted events and activities.

(e) ***Emergency Authority.*** *The General Manager of the Recreation and Park Department shall have the authority to allow vehicular traffic on segments of the Upper Great Highway that would otherwise be closed to vehicles in accordance with this Section 6.13 in circumstances which in the General Manager's judgment constitute an emergency such that the benefit to the public from the vehicular street closure is outweighed by the traffic burden or public safety hazard created by the emergency circumstances.*

(f) ***Promotion of the General Welfare.*** *In enacting and implementing this Section 6.13, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.*

(g) ***Severability.*** *If any subsection, sentence, clause, phrase, or word of this Section 6.13 or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of Section 6.13. The Board of Supervisors hereby declares it would have passed this Section and each and every subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portions of Section 6.13 or application thereof would be subsequently declared invalid or unconstitutional.*

(h) ***Sunset Clause.*** *This Section 6.13, and the temporary closures of the Upper Great Highway authorized herein, shall expire by operation of law on December 31, 2025, unless extended by ordinance. If not extended by ordinance, upon expiration the City Attorney is authorized to remove this Section 6.13 from the Code.*

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
MANU PRADHAN
Deputy City Attorney
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FILE NO. 220875

LEGISLATIVE DIGEST

[Park Code - Upper Great Highway - Pilot Weekend and Holiday Vehicle Restrictions]

Ordinance amending the Park Code to restrict private vehicles on the Upper Great Highway between Lincoln Way and Sloat Boulevard, on a pilot basis, on weekends and holidays until December 31, 2025; making associated findings under the California Vehicle Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The Upper Great Highway is under the jurisdiction of the Recreation and Park Department, and before 2020 was used for private vehicle traffic. In April 2020, due to the COVID-19 emergency, the Recreation and Park Department temporarily restricted private vehicles from the Upper Great Highway between Sloat Boulevard and Lincoln Way, seven days a week. The Recreation and Park Department later modified the closures to be in effect only on holidays and on weekends (Fridays at 12:00 p.m. until Mondays at 6:00 a.m.).

Amendments to Current Law

The ordinance would approve a pilot program for closing the Upper Great Highway between Sloat Boulevard and Lincoln Way. The closures would be in effect from Friday afternoons until Mondays at 6:00 a.m. and on holidays. During this pilot program, the Recreation and Park Department and Municipal Transportation Agency would study the transportational and recreational impacts of the closures, and provide recommendations to inform possible future decisions by the Board of Supervisors. The pilot program would end on December 31, 2025, unless extended by a subsequent ordinance.

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Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- [x] 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- [ ] 2. Request for next printed agenda Without Reference to Committee.
- [ ] 3. Request for hearing on a subject matter at Committee.
- [ ] 4. Request for letter beginning :"Supervisor _____ inquiries"
- [ ] 5. City Attorney Request.
- [ ] 6. Call File No. _____ from Committee.
- [ ] 7. Budget Analyst request (attached written motion).
- [ ] 8. Substitute Legislation File No. _____
- [ ] 9. Reactivate File No. _____
- [ ] 10. Topic submitted for Mayoral Appearance before the BOS on _____

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- [ ] Small Business Commission
- [ ] Youth Commission
- [ ] Ethics Commission
- [x] Planning Commission
- [ ] Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Mar; Melgar

Subject:

Park Code - Upper Great Highway - Pilot Weekend and Holiday Vehicle Restrictions

The text is listed:

Ordinance amending the Park Code to restrict private vehicles on the Upper Great Highway between Lincoln Way and Sloat Boulevard, on a pilot basis, on weekends and holidays until December 31, 2025; making associated findings under the California Vehicle Code; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

Signature of Sponsoring Supervisor: /s/ Gordon Mar

For Clerk's Use Only