

File No. 220723

Committee Item No. 6

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight
Board of Supervisors Meeting:

Date: September 15, 2022

Date: _____

Cmte Board

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Prepared by: Stephanie Cabrera

Date: September 7, 2022

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

1 [Board Response - Civil Grand Jury Report - Safe and Accessible Parks for All]

2 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
3 **and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled**
4 **“Safe and Accessible Parks for All;” and urging the Mayor to cause the implementation**
5 **of accepted findings and recommendations through her department heads and through**
6 **the development of the annual budget.**

7
8 WHEREAS, Under California Penal Code, Section 933 et seq., the Board of
9 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
10 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

11 WHEREAS, In accordance with California Penal Code, Section 933.05(c), if a finding or
12 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
13 county agency or a department headed by an elected officer, the agency or department head
14 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
15 response of the Board of Supervisors shall address only budgetary or personnel matters over
16 which it has some decision making authority; and

17 WHEREAS, Under San Francisco Administrative Code, Section 2.10(a), the Board of
18 Supervisors must conduct a public hearing by a committee to consider a final report of the
19 findings and recommendations submitted, and notify the current foreperson and immediate
20 past foreperson of the Civil Grand Jury when such hearing is scheduled; and

21 WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b),
22 the Controller must report to the Board of Supervisors on the implementation of
23 recommendations that pertain to fiscal matters that were considered at a public hearing held
24 by a Board of Supervisors Committee; and

1 WHEREAS, The 2021-2022 Civil Grand Jury Report, entitled "Safe and Accessible
2 Parks for All" ("Report") is on file with the Clerk of the Board of Supervisors in File No.
3 220722, which is hereby declared to be a part of this Resolution as if set forth fully herein; and

4 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
5 to Finding Nos. F1, F2, and F3, as well as Recommendation Nos. R1.1, R1.2, R1.3, R2, R3.1,
6 and R3.2, contained in the subject Report; and

7 WHEREAS, Finding No. F1 states: "Published *Hardscape* feature scores for the City's
8 parks fail to reflect the true surface conditions of pathways for pedestrian and wheelchair
9 traffic, thus providing misguided information to the RPD for setting maintenance priorities, and
10 to the public about a park's accessibility;" and

11 WHEREAS, Finding No. F2 states: "The RPD doesn't integrate the park scores into
12 each park's description;" and

13 WHEREAS, Finding No. F3 states: "The RPD fails to provide park accessibility
14 information on RPD's website and at all park entrances;" and

15 WHEREAS, Recommendation No. R1.1 states: "The Jury recommends the Controller's
16 Office create a *Pathway Condition* feature from the existing park scoring systems that
17 specifically assesses pathway surface conditions by December 31, 2022;" and

18 WHEREAS, Recommendation No. R1.2 states: "The Jury recommends the RPD set a
19 baseline for the Pathway Condition scores defined in R1.1 by March 31, 2023;" and

20 WHEREAS, Recommendation No. R1.3 states: "If a park's Pathway Condition score
21 falls below the baseline defined in R1.2, the Jury recommends the RPD improve that park's
22 pathway to raise this score to be above the baseline within a reasonable time;" and

23 WHEREAS, Recommendation No. R2 states: "The Jury recommends the RPD
24 incorporate the most recent park feature scores under each park's description on the RPD's
25 website by December 31, 2022;" and

1 WHEREAS, Recommendation No. R3.1 states: "The Jury recommends the RPD
2 include accessibility information on the RPD's website by July 1, 2023;" and

3 WHEREAS, Recommendation No. R3.2 states: "The Jury recommends the RPD post
4 accessibility information at all park entrances by July 1, 2024;" and

5 WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of
6 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
7 Court on Finding Nos. F1, F2, and F3, as well as Recommendation Nos. R1.1, R1.2, R1.3,
8 R2, R3.1, and R3.2 contained in the subject Report; now, therefore, be it

9 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
10 Superior Court that they _____ with Finding No. F1 for reason as follows:

11 _____; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
13 of the Superior Court that they _____ with Finding No. F2 for reason as follows:

14 _____; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors reports to the Presiding Judge
16 of the Superior Court that they _____ with Finding No. F3 for reason as follows:

17 _____; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
19 No. R1.1 _____; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
21 No. R1.2 _____; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
23 No. R1.3 _____; and, be it

24 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
25 No. R2 _____; and, be it

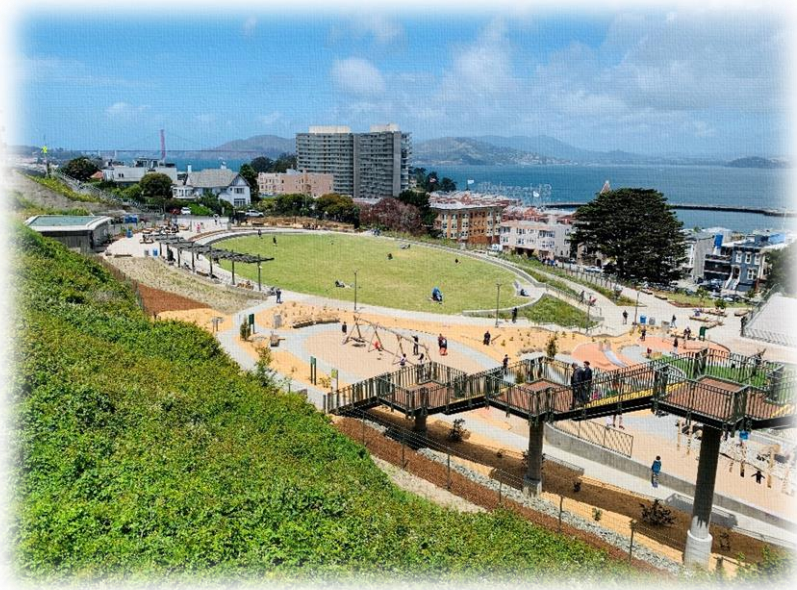
1 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
2 No. R3.1 _____; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors reports that Recommendation
4 No. R3.2 _____; and, be it

5 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
6 implementation of the accepted findings and recommendations through her department heads
7 and through the development of the annual budget.

SAFE AND ACCESSIBLE PARKS FOR ALL

June 24, 2022



City and County of San Francisco
Civil Grand Jury
2021-2022

About the Civil Grand Jury

The Civil Grand Jury is a government oversight panel of volunteers who serve for a period of one year. It makes findings and recommendations based on its investigations. Reports of the Civil Grand Jury do not disclose the identity of individuals interviewed during the investigation, and any such disclosure is prohibited. (California Penal Code, Section 929.)

2021-2022 Jurors

Michael N. Hofman, Foreperson

Will McCaa, Foreperson Pro Tem

Sara Miles, Corresponding Secretary

Charles Lai, Recording Secretary

Mark Seielstad, Parliamentarian

Tony An

Rick Crane

Tony David

Phyllis V. Deets

Jason Golz

Henry C. Gross

Jeanine Jue

Tim Novacic

Cynthia Travis

Joan B. van Rijn

Dylan Walker

Jeffrey D. Weitzel

Summary

The Recreation and Park Department (RPD) of the City and County of San Francisco (City) is responsible for 220 parks in the City. While the RPD maintains most parks to a reasonably high standard, some parks' pathways pose safety hazards for park-goers. Currently, the RPD's website does not identify which parks have accessible pathways, nor do they specify the condition of the pathway surfaces in the park description. This poses a challenge to park-goers who may need this information for their personal safety. When planning a trip to visit a park, park-goers make assumptions about its accessibility, but they are not able to check from the park description before planning a trip. Every year, the City uses significant resources to evaluate its parks and produce reports with parks' feature scores, but these scores are not communicated to the public on the RPD's description for each park. In this report, the San Francisco Civil Grand Jury (Jury) makes recommendations to the RPD about providing clear and comprehensive information to the public regarding disability access and pathway surface conditions in terms of safety for pedestrian traffic. The Jury also makes recommendations to improve the current parks' evaluation system, so the RPD can better identify parks with poor surface conditions. By doing so, the RPD can fix them in a timely manner to ensure everyone is able to safely enjoy a park in the City, regardless of their physical conditions or limitations.

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Background

Ranging from the grand parks such as the iconic Golden Gate Park to tiny neighborhood gems such as the Prentiss Mini Park, the 220 parks in the City are a crucial fixture in San Franciscans' daily lives. In a dense city environment, parks are oases for all residents and should serve them all equally. Any San Franciscan, no matter their age or physical condition, should be able to enjoy a park nearby with the expectation that they are well maintained, fun, and safe.

Even though most parks are well maintained by the RPD, many pathways are in poor condition. The photos in Figure 1 show a few examples of tripping hazards and surface defects on pathways in the City's parks. Poor surface conditions of pathways like these not only potentially cause injuries and falls in the City's parks that might lead to costly litigation, but they also create a potential barrier to equitable access for all residents and visitors.

Figure 1. Defective Pathways in Buena Vista Park, Lincoln Park, and Brooks Park




An elderly individual using a walker or an individual using a wheelchair may want to avoid parks whose pathways are in dangerous conditions like those shown in Figure 1, and more importantly, they want to avoid a park that has no wheelchair access at all. However, it's almost impossible for them to easily find out about these conditions: they will not get such information from the RPD's website,¹ or at the entrance to every park. For example, wheelchair users cannot visit the Hyde and Vallejo Mini Park at all because there is no ramp available beside the concrete stairs, but such information is not available at the RPD's website, as shown in Figure 2.²

¹ SF RPD Explore Our Parks: <https://sfrecpark.org/384/EXPLORE-OUR-PARKS>

² Hyde and Vallejo Mini Park at RPD's website: <https://sfrecpark.org/Facilities/Facility/Details/Hyde-Vallejo-Mini-Park-174>

Figure 2. The Hyde & Vallejo Mini Park's Description at RPD's Website

Hyde & Vallejo Mini Park



Washington-Hyde Mini Park is a postage stamp-size jewel tucked away in the City's Nob Hill neighborhood. The .15-acre park is one of the city's more charming and unique spots, marked by play structures and other features that replicate the streets of an Old World town. Bring the kiddies and a lunch and enjoy one of San Francisco's best-kept secrets.

In 2017 the RPD declared, “San Francisco became the first city in the nation where all residents have access to a park within a 10-minute walk.”³ But for many, particularly for the disabled, the elderly, parents with strollers, or anyone with a walking aid, finding a park to access can be challenging. The RPD’s website does not indicate if and how each park is in compliance with the Americans with Disabilities Act (ADA), nor does it contain information about the park’s surface condition for pedestrian or wheelchair travel.⁴

The RPD routinely assesses its 220 parks, but the results from these evaluations are not incorporated into each park's description on the website. In addition, the RPD’s evaluations do not help create a functional RPD maintenance schedule. This disconnect can cause delays in

³ SF Recreation and Parks - About Us: <https://sfrecpark.org/388/ABOUT-US>

⁴ Parks and Facilities: <https://sfrecpark.org/facilities>

fixing defective pathway surfaces. Furthermore, the RPD does not routinely survey surfaces for ADA accessibility.

Methodology

The Jury interviewed City officials and employees from various departments, reviewed the ADA requirements for public access, studied documents related to computing park maintenance scores, examined Recreation and Park Commission meeting minutes, toured several parks to look at pathways' surface conditions, and researched the scoring system that evaluates parks.

Discussion and Analysis

ADA Access Information

For most parks, the ADA access information is not available at RPD's website or at the park entrances.

Since the ADA became law in 1990, the RPD has had a transition plan to identify issues in the City's parks regarding compliance with the law⁵. The last assessment analyzing all City parks' accessibility according to ADA requirements was completed in 2016, and the results are not readily available to the public because the assessment is not posted on the RPD's website. The RPD's website for Hyde and Vallejo Mini Park, shown in Figure 2, is one of the many examples showing why it is difficult for a park-goer to get information and choose a park wisely, especially if the park is not wheelchair accessible.

The RPD should adopt an accessibility communication standard such as that used on the website of California State Parks,⁶ which has pictorial symbols that clearly indicate the accessible activities in their parks, as shown in Figure 5. The guidelines prepared by the State Parks Department also give exact descriptions and specifications of accessibility.⁷

⁵ Mayor's Office on Disability, ADA Transition Plan, <https://sfgov.org/mod/ada-transition-plan>

⁶ Accessible Parks for All, https://www.parks.ca.gov/?page_id=21944

⁷ California State Parks Accessibility Guidelines: <https://www.parks.ca.gov/pages/21944/files/2015%20california%20state%20parks%20accessibility%20guidelines.pdf>

Safe and Accessible Parks for All

By adding these pictorial symbols to the RPD's website in addition to text descriptions, the RPD will provide easily available information to help park-goers easily choose a park that best suits their needs.

Figure 3. Pictorial Symbols Used by State Park for Accessibility

The screenshot displays the 'Accessible Features in State Parks' search interface. At the top, the title 'Accessible Features in State Parks' is shown next to the California State Parks logo. Below the title, a section titled 'Find accessible features by:' contains three main filters:

- 1. Accessible Activity**: Select an activity to find parks with accessible features. It includes six icons with labels: Camping (wheelchair and tent), Picnic Areas (wheelchair and picnic table), Trails (wheelchair and tree), Beach/Shore Access (wheelchair and waves), Exhibits/Programs (wheelchair and screen), and Fishing (wheelchair and fishing rod).
- 2. Park Name**: Select a park with an ★ to see accessible features. It features a text input field labeled 'Select a park:' and a blue 'GO' button.
- 3. Travel Region**: Select a region to find parks with accessible features. It shows a map of California divided into colored regions with labels: North Coast, San Francisco Bay Area, Central Valley, Central Coast, Los Angeles County, Orange County, San Diego County, Shasta Cascade, Gold Country, High Sierra, Deserts, and Inland Empire.

Before 2020, the previous version of the RPD's website included some accessibility information, but this information is not currently included on the website. Furthermore, there is no process to notify the public if a park which is known to be accessible has a temporary or ongoing accessibility issue. Should someone with mobility issues wish to visit a park, often the only way to get accessibility information is to make multiple phone calls to the RPD staff with direct knowledge of that park. Accessibility information should be readily available, both at every park's entrance and on the RPD's website.

Pathway Surface Condition Information

No one wants to trip and fall while walking in a park. The pathway surface condition in a park is a critical factor to ensure the safety of park-goers. But currently, pathway surface conditions are not available at the RPD's website for each park.

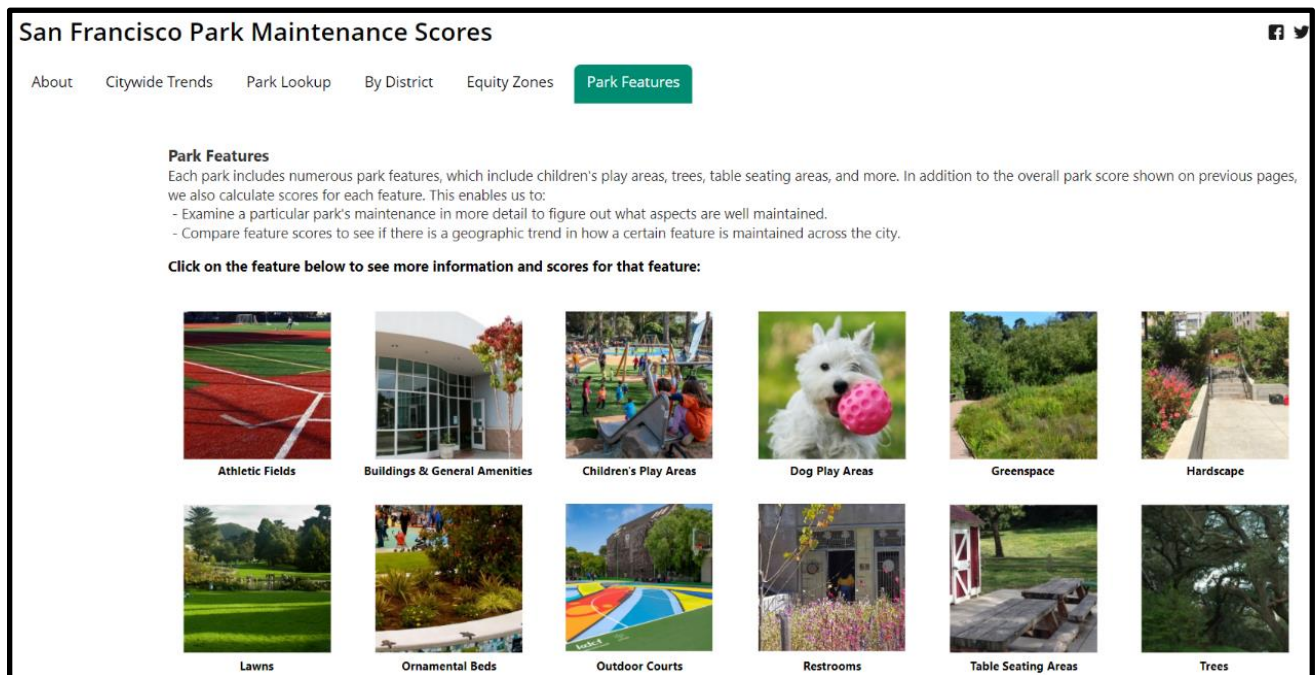
Because some defective pathway surfaces in the City's parks do exist, as shown in Figure 1, it's crucial to identify them so that the RPD secures the necessary funds and prioritizes repairs. After examining the RPD's evaluations of pathway surfaces and reporting, the Jury discovered that the RPD does not have a mechanism to mandate a repair of a defective pathway based on RPD's routine surveys. The main mechanism to report a pathway maintenance issue is through SF311⁸ and on an ad-hoc basis.

Evaluate Park Features with Park Scores

Let's have a look at how currently the City evaluates its parks.

The San Francisco Charter Section F1.102 requires the Controller's Office to conduct an annual performance audit of the City's park maintenance and cleaning operations. To do so, the RPD conducts surveys each quarter for every park. Trained park surveyors fill out report cards for each park in each of the 12 categories, called *features*, as shown in Figure 4.

Figure 4. The 12 Evaluated Park Features



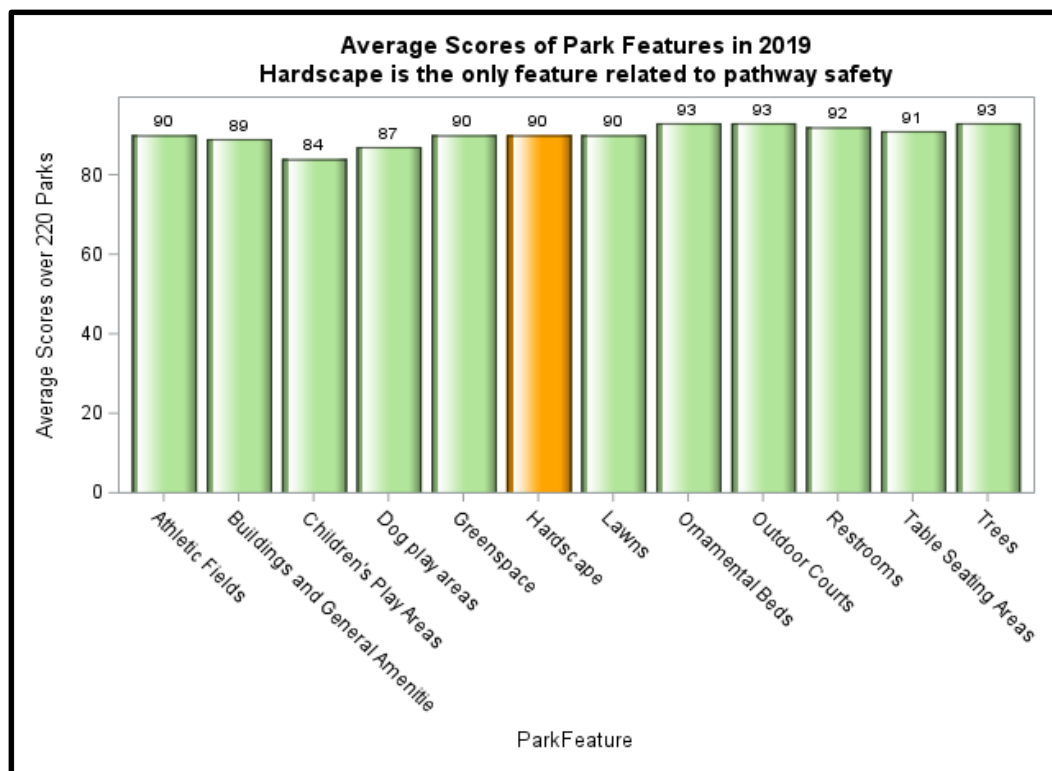
⁸ SF311: <https://sf311.org/>

These survey report cards are stored in a database, and then the Controller’s Office aggregates the data and computes *park maintenance scores*, based on these report cards from four quarters, and publishes an annual report.⁹ Even though these scores do not identify specific defective pathways in a park, an overall low score reflects the poor health of a park. The Controller’s Office has been using the overall park maintenance score as one parameter to gauge the City’s parks, as stated in its latest annual report for Fiscal Year 2018-19:¹⁰

“Since FY15, the citywide average park score has increased steadily, going from 86% in FY15 to 92% in FY19.”

In addition to the overall scores, for each of the 12 features listed in Figure 4, the Controller’s Office computes the feature scores for each park. The latest 2019 average scores are shown in Figure 5.

Figure 5. Average 2019 Scores over 220 Parks for Each Feature



⁹ San Francisco Park Maintenance Scores: <https://sfcontroller.org/park-scores>

¹⁰ Park Maintenance Standards Annual Report (FY 2018-19): <https://openbook.sfgov.org/webreports/details3.aspx?id=2777>

Although the park maintenance scores are available for each year,¹¹ they are not displayed in a park's description at the RPD's website. This disconnect not only fails to communicate with the public about a park's health, but it also undermines the usefulness of the park maintenance scores produced by the Controller's Office.

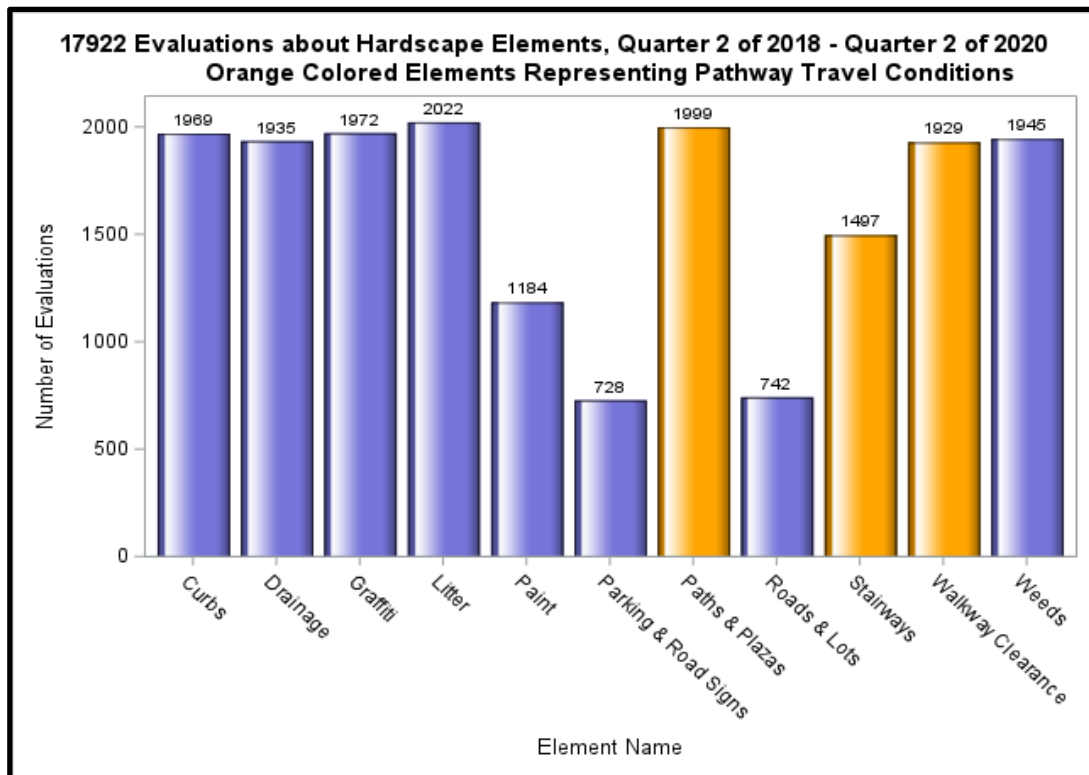
Hardscape – the Feature Matters to the Pathway Surface Condition

Is the RPD evaluating the surface conditions of a park's pathway? Sort of, but not quite.

Among the 12 park features in Figure 4, only one feature, *hardscape*, is related to the surface condition of a pathway for foot and wheelchair traffic, and none for ADA accessibility.

Hardscape refers to hard surfaces such as asphalt, concrete paved paths, or dirt hiking trails. The evaluation of this Hardscape feature includes assessing 11 aspects, called *Elements*, as shown in horizontal axis labels in Figure 6.

Figure 6. Hardscape Evaluations for Various Elements



¹¹ San Francisco Park Maintenance Scores:
<https://sfgov.maps.arcgis.com/apps/MapSeries/index.html?appid=04937b03318a44ae81d90c240de4e3d1>

As shown in Figure 6, in 2019, 17,922 survey report cards are entered for each element of the Hardscape feature, and the figure shows how many report cards are recorded for each element. Among them, only the three orange-colored elements (Paths & Plazas, Stairways, and Walkway Clearance), 30% of them are related to the pathway surface condition.

Hardscape Score Is Inadequate

Is a Hardscape Score adequate to measure the surface condition of a park's pathways? The answer is no.

For a park-goer who is looking for information about the pathway surface condition, this Hardscape score does not accurately give the answer. That's because among the 11 elements used to compute the Hardscape score, only three of them, *Paths & Plazas*, *Stairways*, and *Walkway Clearance*, are directly related to the surface conditions for accessing the park. And the conditions of the remaining eight elements have little impact on walking on the pathways. For example, while graffiti or weeds on a pathway may make the path look unattractive, they don't affect mobility.

Currently, there is no score rating the surface condition of a park's pathways, but just a score for the overall Hardscape. Therefore, the Hardscape score is inadequate for measuring pathways' surface conditions in a park. When a park's Hardscape score is higher or lower than if it were evaluating the pathway surface condition alone, it provides misguided information to the RPD for setting maintenance priorities, and to the public about how safe its pathways are.

Introducing the Pathway Condition Feature As a Remedy

Of course, there are many new and better ways to evaluate parks such as reporting any particular defective section of a pathway in a park. Taking the cost and the implementation into consideration, the Jury recommends computing scores of each park for a newly defined feature, *Pathway Condition*, as a remedy.

Even though there is no feature in the City's evaluation in Figure 4 that directly assesses the pathway conditions related to pedestrian and wheelchair traffic, a simple solution can change that situation. The Jury recommends a new feature, *Pathway Condition*, and the Controller's Office

would compute the Pathway Condition score in their annual audit. This feature would be defined by evaluating only three elements in the evaluations – Paths & Plazas, Walkway Clearance, and Stairways – that are related to pedestrian or wheelchair traffic. This new Pathway Condition feature score should be published along with the other 12 features in Figure 4. This new feature score would better reflect the hard surface conditions for park-goers.

The Jury calculated the proposed Pathway Condition feature score by using the RPD’s report cards for Hardscape. The difference between the Hardscape feature score and the Pathway Condition score for a park can be substantially different. For example, as shown in Table 1, the latest Hardscape score of Brooks Park (shown in Figure 1) published in 2019 is 74.6,¹² Brooks Park’s Pathway Condition score would be 41.7, which better reflects the poor surface conditions of that park. On the other hand, Embarcadero Plaza’s Hardscape score is 68.8 in 2019, but its Pathway Condition score would be 100, which better reflects that Embarcadero Plaza is a perfect place to take a stroll.

Table 1. The Comparison between Hardscape Scores and Proposed Pathway Condition Scores

| Park Name | Hardscape Score | Pathway Condition Score | Difference |
|-------------------|-----------------|-------------------------|------------|
| Brooks Park | 74.6 | 41.7 | -32.9 |
| Buena Vista Park | 81.7 | 75 | -6.7 |
| Lincoln Park | 75 | 65 | -10 |
| Embarcadero Plaza | 68.8 | 100 | +31.2 |

Tie Pathway Condition Feature Score to Maintenance

To connect the pathway surface evaluations with the maintenance operations, the RPD should set a *baseline* for the proposed Pathway Condition feature scores and adjust RPD’s priority to bring all parks’ Pathway Condition feature scores above that threshold.

If any park’s Pathway Condition feature score falls below the set baseline, the RPD should give priority to fixing the surface of that park’s pathway and bring that park’s Pathway Condition feature score above the baseline within a reasonable time, such as two years. This mechanism

¹² San Francisco Park Maintenance Scores:
<https://sfgov.maps.arcgis.com/apps/MapSeries/index.html?appid=04937b03318a44ae81d90c240de4e3d1>

will establish an administrative protocol to systematically identify a park that needs pathway repair.

For example, based on computations performed by the Jury, among the 220 parks, 25% of them (55 parks) have Pathway Condition feature scores below 74.4 in 2019. A realistic baseline may be set at 75 or 80, to ensure that at least 75% of the 220 parks are in a reasonably good condition for pedestrian and wheelchair traffic.

Provide Feature Scores on RPD's Website

A park's evaluation scores may be useful and relevant only if they are displayed at each park's description on the RPD's website.

Every year, the City uses significant resources to evaluate its parks and produce reports with parks' feature scores. Yet, these feature scores are not displayed as part of each park's description at the RPD's website, as shown in the example in Figure 2. That disconnect not only fails to communicate with the public about a park's health, but it also undermines the usefulness of the park feature maintenance scores produced by the Controller's Office. The Jury recommends that the RPD incorporate the latest park feature scores¹³ into the RPD's description of each park on its website, in addition to accessibility information for the disabled. Once the Pathway Condition Feature scores are calculated, those should also be included in each park's description.

Conclusion

To help the RPD provide equitable access to all, the Jury makes recommendations in this report to improve RPD's website by providing informative descriptions about the surface conditions of each parks' pathway and the level of ADA accessibility. The Jury also recommends a structural modification of the existing park evaluation system so that park reports would also reflect pathway surface conditions and make such evaluation information available to the public.

¹³ San Francisco Park Maintenance Scores:
<https://sfgov.maps.arcgis.com/apps/MapSeries/index.html?appid=04937b03318a44ae81d90c240de4e3d1>

Safe and Accessible Parks for All

Furthermore, the Jury makes a recommendation that the RPD link a park's pathway maintenance to its evaluation.

The City's 220 parks are beloved treasures in this beautiful city, and they are invaluable resources for peoples' daily lives. Parks allow residents and visitors to connect with natural wonders and open space. Parks need to be safe and welcoming and bring people together. The Jury hopes the recommendations in this report will improve safety and accessibility for park-goers, by giving the public a better way to find out about pathway conditions and providing better communication about parks' accessibility. These changes will enhance the park experience for users and make the parks more accessible, equitable, and enjoyable for all.

Findings and Recommendations

| | Finding | | Recommendation |
|-----------|---|-------------|--|
| F1 | Published <i>Hardscape</i> feature scores for the City's parks fail to reflect the true surface conditions of pathways for pedestrian and wheelchair traffic, thus providing misguided information to the RPD for setting maintenance priorities, and to the public about a park's accessibility. | R1.1 | The Jury recommends the Controller's Office create a <i>Pathway Condition</i> feature from existing park scoring systems that specifically assesses pathway surface conditions by December 31, 2022. |
| | | R1.2 | The Jury recommends the RPD set a baseline for the Pathway Condition scores defined in R1.1 by March 31, 2023. |
| | | R1.3 | If a park's Pathway Condition score falls below the baseline defined in R1.2, the Jury recommends the RPD improve that park's pathway to raise this score to be above the baseline within a reasonable time. |

Safe and Accessible Parks for All

| | Finding | | Recommendation |
|-----------|---|-------------|--|
| F2 | The RPD doesn't integrate the park scores into each park's description. | R2 | The Jury recommends the RPD incorporate the most recent park feature scores under each park's description on the RPD's website by December 31, 2022. |
| F3 | The RPD fails to provide park accessibility information on RPD's website and at all park entrances. | R3.1 | The Jury recommends the RPD include accessibility information on the RPD's website by July 1, 2023. |
| | | R3.2 | The Jury recommends the RPD post accessibility information at all park entrances by July 1, 2024. |

Required Responses

Pursuant to California Penal Code Section 933 and Section 933.05, the Jury requests the following responses.

- From the Board of Supervisors within 90 days:
Findings: 1, 2, 3
Recommendations: 1.1, 1.2, 1.3, 2, 3.1, 3.2

Invited Responses

The Jury requests the following responses from these city agencies.

- From the Controller's Office within 60 days:
Findings: 1
Recommendations: 1.1
- From the Recreation and Park Department within 60 days:
Findings: 1, 2, 3
Recommendations: 1.1, 1.2, 1.3, 2, 3.1, 3.2
- From the Recreation and Park Commission within 60 days:

Findings: 1, 2, 3

Recommendations: 1.1, 1.2, 1.3, 2, 3.1, 3.2

References

California Penal Code, Section 929.

(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=929&lawCode=PEN)

California Penal Code, Section 933.

(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=933&lawCode=PEN)

California Penal Code, Section 933.05.

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2021-22 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

| Report Title [Publication Date] | F# | Finding | Respondent Assigned by CGJ [Response Due Date] | Finding Response (Agree/ Disagree) | Finding Response Text |
|---|----|--|--|---------------------------------------|--|
| Safe and Accessible Parks for All [June 24, 2022] | F1 | Published Hardscape feature scores for the City's parks fail to reflect the true surface conditions of pathways for pedestrian and wheelchair traffic, thus providing misguided information to the RPD for setting maintenance priorities, and to the public about a park's accessibility. | Director, Recreation and Parks Department [August 23, 2022] | Disagree wholly | The Park Evaluation Program is based on appearance standards – not maintenance or accessibility standards. Trying to derive accessibility information from this database misunderstands the system. To be an ADA accessible pathway, the pathway must meet specific dimensional requirements such as width, slope, cross-slope, and specific limits to changes in level, in addition to providing a pathway surface that is firm, stable, and slip-resistant. None of these attributes is evaluated or contained in the Park Evaluation Program. Additionally, the Park Evaluation Program does not set maintenance priorities. The Department derives maintenance and renewal priorities from our VFA.Facility asset management database. The VFA.Facility database documents the physical condition and useable life cycle of the Department's built infrastructure based on condition assessments performed by a team of engineers, architects, and other technical staff. It calculates and assigns each infrastructure component a Facility Condition Index (FCI) that updates annually to show remaining life cycle and forecasts the capital renewal schedule. The Department's deferred maintenance decisions and priorities are determined from this data. However, VFA.Facility only documents and forecasts renewal of infrastructure for 'replacement-in-kind.' It does not measure, calculate, or determine enhancement, accessibility, or changes for existing infrastructure. |
| Safe and Accessible Parks for All [June 24, 2022] | F2 | The RPD doesn't integrate the park scores into each park's description. | Director, Recreation and Parks Department [August 23, 2022] | Disagree wholly | Park Evaluation scores are available quarterly; however, attempting to update park feature scores for all parks on a quarterly basis is overly time-consuming and costly. The Controller's Office releases composite Park Evaluation scores and park feature scores annually in their Annual Report. Once released, that annual composite information is available on the Department's website. |

2021-22 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

| Report Title [Publication Date] | F# | Finding | Respondent Assigned by CGJ [Response Due Date] | Finding Response (Agree/ Disagree) | Finding Response Text |
|---|----|---|--|---------------------------------------|--|
| Safe and Accessible Parks for All [June 24, 2022] | F3 | The RPD fails to provide park accessibility information on RPD's website and at all park entrances. | Director, Recreation and Parks Department [August 23, 2022] | Agree | The Department could provide park accessibility information in the future on the Department website, once a method for determining pathway accessibility is identified, funded, and implemented. Such accessibility information cannot be determined from the Park Evaluation Program, as that system is based on appearance standards only. The Department's website currently provides a searchable database of all park sites by feature, including accessible sites, accessible children's play areas, accessible parking, accessible picnic areas, and accessible restrooms. This page can be found at https://sfrecpark.org/facilities Additionally, the Department's website has a dedicated page for Accessibility Questions providing information on access to parks, facilities and programs. This page can be found at https://sfrecpark.org/1246/Accessibility-Questions |

2021-22 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

| Report Title [Publication Date] | R# [for F#] | Recommendation | Respondent Assigned by CGJ [Response Due Date] | Recommendation Response (Implementation) | Recommendation Response Text |
|---|------------------|--|--|--|---|
| Safe and Accessible Parks for All [June 24, 2022] | R1.1 [for F1] | The Jury recommends the Controller's Office create a Pathway Condition feature from existing park scoring systems that specifically assesses pathway surface conditions by December 31, 2022. | Director, Recreation and Parks Department [August 23, 2022] | Will not be implemented because it is not warranted or is not reasonable | The Park Evaluation Program is based solely on appearance standards. A "Pathway Condition" feature that assesses pathway surface conditions for accessibility cannot be extracted or derived from appearance standards. Accessibility determinations require specific tools, metrics, and training which are not part of the Park Evaluation Program. See rationale provided for disagreement with Finding 1 above. |
| Safe and Accessible Parks for All [June 24, 2022] | R1.2 [for F1] | The Jury recommends the RPD set a baseline for the Pathway Condition scores defined in R1.1 by March 31, 2023. | Director, Recreation and Parks Department [August 23, 2022] | Will not be implemented because it is not warranted or is not reasonable | See rationale for non-implementation of Recommendation 1.1 above. Since a Pathway Condition feature for accessibility cannot be derived from the appearance standards that comprise the Park Evaluation Program, no baseline can be defined via that process. |
| Safe and Accessible Parks for All [June 24, 2022] | R1.3 [for F1] | If a park's Pathway Condition score falls below the baseline defined in R1.2, the Jury recommends the RPD improve that park's pathway to raise this score to be above the baseline within a reasonable time. | Director, Recreation and Parks Department [August 23, 2022] | Will not be implemented because it is not warranted or is not reasonable | See rationale for non-implementation of Recommendations 1.1 and 1.2 above. |
| Safe and Accessible Parks for All [June 24, 2022] | R2 [for F2] | The Jury recommends the RPD incorporate the most recent park feature scores under each park's description on the RPD's website by December 31, 2022. | Director, Recreation and Parks Department [August 23, 2022] | Will not be implemented because it is not warranted or is not reasonable | See rationale for disagreement with Finding 2 above. |
| Safe and Accessible Parks for All [June 24, 2022] | R3.1 [for F3] | The Jury recommends the RPD include accessibility information on the RPD's website by July 1, 2023. | Director, Recreation and Parks Department [August 23, 2022] | Requires further analysis | See rationale for partial agreement with Finding 3 above. |

2021-22 CIVIL GRAND JURY FINDINGS, RECOMMENDATIONS, AND RESPONSES TO FINDINGS AND RECOMMENDATIONS

| Report Title [Publication Date] | R# [for F#] | Recommendation | Respondent Assigned by CGJ [Response Due Date] | Recommendation Response (Implementation) | Recommendation Response Text |
|---|------------------|---|--|--|--|
| Safe and Accessible Parks for All [June 24, 2022] | R3.2 [for F3] | The Jury recommends the RPD post accessibility information at all park entrances by July 1, 2024. | Director, Recreation and Parks Department [August 23, 2022] | Will not be implemented because it is not warranted or is not reasonable | Park accessibility information is currently available, but not in the manner suggested. The Department's website provides a searchable database of all park sites by feature which contains accessibility information. Park users can make an informed decision on which park to visit prior to going, rather than searching for accessibility signage once there. Additional accessibility information could be available on the Department's website in the future per the rationale provided above to support partial agreement with Finding 3. |



DEAN PRESTON

DATE: September 8, 2022

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Preston
Chairperson

RE: Government Audit and Oversight Committee
COMMITTEE REPORTS

Pursuant to Board Rule 4.20, as Chair of the Government Audit and Oversight Committee I have deemed the following matters to be of an urgent nature and request each be considered by the full Board on Tuesday, September 20, as Committee Reports:

Regular Agenda:

File No. 220506 Board Response - Civil Grand Jury Report - Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "Shovel Ready: Best Practices and Collaboration to Improve San Francisco's Capital Construction Program;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget.

File No. 220721 Board Response - Civil Grand Jury Report - Buried Problems and a Buried Process: The Hunters Point Naval Shipyard in a Time of Climate Change

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "Buried Problems and a Buried Process: The Hunters Point Naval Shipyard in a Time of Climate Change;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget.

File No. 220723 Board Response - Civil Grand Jury Report - Safe and Accessible Parks for All

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "Safe and Accessible Parks for All;" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget.



DEAN PRESTON

Litigation Agenda:

**File No. [220798](#) Tolling Agreement - PK Domestic Property LLC - Hotel Adagio –
Real Property Transfer Tax Dispute**

Resolution approving a Tolling Agreement to extend the statute of limitations for PK Domestic Property LLC for Hotel Adagio to bring potential litigation against the City and County of San Francisco for a refund of real property transfer tax to allow for possible resolution of the matter without litigation.

**File No. [220799](#) Tolling Agreement - Park Intermediate Holdings LLC - Hyatt
Centric Hotel - Real Property Transfer Tax Dispute**

Resolution approving a Tolling Agreement to extend the statute of limitations for Park Intermediate Holdings LLC for the Hyatt Centric Hotel to bring potential litigation against the City and County of San Francisco for a refund of real property transfer tax to allow for possible resolution of the matter without litigation.

**File No. [220800](#) Tolling Agreement - PK Domestic Property LLC - Le Meridien
Hotel - Real Property Transfer Tax Dispute**

Resolution approving a Tolling Agreement to extend the statute of limitations for PK Domestic Property LLC for the Le Meridien Hotel to bring potential litigation against the City and County of San Francisco for a refund of real property transfer tax to allow for possible resolution of the matter without litigation.

These matters will be heard in the Government Audit and Oversight Committee during a regular meeting on Thursday, September 15, 2022, at 10:00 a.m.

A handwritten signature in blue ink, appearing to read "Dean Preston".

Dean Preston

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):

- ☒ 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
- ☐ Planning Commission ☐ Building Inspection Commission

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

Sponsor(s):

Clerk of the Board

Subject:

Board Response - Civil Grand Jury Report - "Safe and Accessible Parks for All"

The text is listed:

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2021-2022 Civil Grand Jury Report, entitled "Safe and Accessible Parks for All" and urging the Mayor to cause the implementation of accepted findings and recommendations through her department heads and through the development of the annual budget.

Signature of Sponsoring Supervisor:



For Clerk's Use Only