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

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

DATE: August 8, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Breed on July 25, 2023.

File No. 230853

Ordinance amending the Park Code to restrict private vehicles from a portion of John F. Shelley Drive, between the Upper Reservoir Parking Lot and Mansell Street, in McLaren Park.

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
Beverly Ng, Recreation and Parks Department

[Park Code - John F. Shelley Drive - Road Closure]

Ordinance amending the Park Code to restrict private vehicles from a portion of John F. Shelley Drive, between the Upper Reservoir Parking Lot and Mansell Street, in McLaren Park.

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. Article 6 of the Park Code is hereby amended by adding Section 6.13.1, to read as follows:

SEC. 6.13.1. RESTRICTING MOTOR VEHICLES ON JOHN F. SHELLEY DRIVE.

*(a) **Findings and Purpose.** In 2020, the Recreation and Park Department restricted private vehicles from certain portions of John F. Shelley Drive in McLaren Park due to the COVID-19 pandemic. Based on this experience, the Board of Supervisors finds that it is appropriate to permanently restrict private vehicles from John F. Shelley Drive, between the Upper Reservoir Parking Lot and Mansell Street, because the street is no longer needed for private vehicle traffic; because of the need to ensure the safety and protection of persons who are to use the street; 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 John F. Shelley Drive, between the Upper Reservoir Parking Lot and Mansell*

Street. The temporary closure of John F. Shelley Drive due to the COVID-19 pandemic starting in April 2020 is hereby ratified.

(c) ***Public Notice and Engagement.*** *The Recreation and Park Department shall include on its website a map depicting the street segment subject to the street closure and traffic restriction authorized in subsection (b), and such other information as it may deem appropriate to assist the public.*

(d) ***Exempt Motor Vehicles.*** *The following motor vehicles are exempt from the restriction 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 McLaren Park 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 or similar authorized vehicles used to transport persons along the restricted segment of John F. Shelley Drive.

(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 street segments that would otherwise be closed to vehicles under this Section 6.13.1 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 6.13.1, 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 6.13.1 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 6.13.1. 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 6.13.1 or application thereof would be subsequently declared invalid or unconstitutional.*

Section 2. 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. 230853

LEGISLATIVE DIGEST

[Park Code - John F. Shelley Drive - Road Closure]

Ordinance amending the Park Code to restrict private vehicles from a portion of John F. Shelley Drive, between the Upper Reservoir Parking Lot and Mansell Street, in McLaren Park.

Existing Law

John F. Shelley Drive is a street that runs through McLaren Park. In 2020, due to the COVID-19 emergency, the Recreation and Park Department restricted private vehicles from certain portions of John F. Shelley Drive in McLaren Park.

Amendments to Current Law

This ordinance would approve a permanent closure to private vehicles of John F. Shelley Drive between the Upper Reservoir Parking Lot and Mansell Street, in order to create a promenade for walking, biking, and other non-vehicular access to improve accessibility and mobility.

Background Information

On April 28, 2020, in response to the COVID-19 emergency and the City's Shelter-In-Place orders, the San Francisco Recreation and Park Department (RPD), in partnership with the San Francisco Municipal Transportation Agency (SFMTA), established a car-free roadway within McLaren Park along a portion of John Shelley Drive in the northwest portion of the park.

During the temporary closure, RPD received significant feedback in support of the closure from neighbors and visitors. The community has voiced strong support for permanently closing John F. Shelley Drive between the Upper Reservoir Parking Lot and Mansell Street, in order to create the Shelley Promenade for walking, biking, and other non-vehicular transport and recreation to improve accessibility and enjoyment of John McLaren Park.

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