[Park Code - Great Highway Extension - Road Closure]

Ordinance amending the Park Code to close the Great Highway Extension, beginning at Sloat Boulevard and extending south for a distance of approximately 3,317 feet, to vehicles to allow for a multi-use trail and to improve shoreline resilience as part of the Ocean Beach Climate Change Adaptation Project; making an associated finding under the California Vehicle Code; making environmental findings, including adopting a statement of overriding considerations 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 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 on the western waterfront. As a result, the San Francisco Public Utilities Commission is planning the Ocean Beach Climate Change Adaptation Project ("OBCCAP" or “Project”), to improve the City's stormwater infrastructure near Ocean Beach and make it resilient to climate change and erosion. The Project includes converting the Great Highway Extension roadway between Sloat Boulevard and Skyline Boulevard to a multi-use trail. The Project will improve shoreline

resilience and protect key stormwater infrastructure with a buried seawall, and will enhance recreational access to the corridor with a multi-use trail bridging a link in the Coastal Trail between Fort Funston and Ocean Beach, new beach access points, and a new parking lot.

(b) To enable the OBCCAP, the Board of Supervisors finds that it is appropriate and in the public interest to permanently restrict vehicles from a portion of the Great Highway Extension, beginning at Sloat Boulevard and ending at the northern boundary of the new Great Highway Extension parking lot, approximately 3,317 feet south of Sloat Boulevard along the Great Highway Extension and approximately 728 feet west of Skyline Boulevard, because, consistent with California Vehicle Code Section 21101, the portion of the street to be closed is no longer needed for vehicular traffic, and also for the reasons set out in the Final Environmental Impact Report for the Project and other documents on file with the Clerk of the Board of Supervisors in File No. 231075.

(c) On September 28, 2023, after a duly noticed public hearing, the Planning Commission, by Motion No. 21398, certified the Final Environmental Impact Report ("Final EIR") for the OBCCAP. The Planning Commission motion finds that the Final EIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate, and objective, contains no significant revisions to the Draft EIR, and the content of the report and the Planning Department procedures through which the Final EIR was prepared, publicized, and reviewed comply with the provisions of the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.), the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code. Copies of the Planning Commission Motion and Final EIR are on file with the Clerk of the Board of Supervisors in File No. 231075 and are incorporated herein by reference. The Board affirms this determination.

(d) The Project evaluated in the Final EIR includes the proposed amendments to the Park Code set forth in this ordinance. The proposed Park Code amendments set forth in this ordinance are within the scope of the Project evaluated in the Final EIR.

(e) On October 10, 2023, the San Francisco Public Utilities Commission, in Resolution No. 23-0190, adopted findings under CEQA regarding the OBCCAP's environmental impacts, the disposition of mitigation measures, and project alternatives, as well as a statement of overriding considerations (CEQA Findings), and adopted a mitigation monitoring reporting program (MMRP). A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 231075, and is incorporated herein by reference.

(f) On September 28, 2023, the Planning Commission, in Resolution No. 21399, adopted findings 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 these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 231075, and is incorporated herein by reference.

(g) The Board of Supervisors has reviewed and considered the Final EIR and the environmental documents on file referred to herein. The Board of Supervisors has reviewed and considered the CEQA Findings, and hereby adopts them as its own and incorporates them by reference as though such findings were fully set forth in this ordinance.

(h) The Board of Supervisors adopts the MMRP as a condition of approving this ordinance, and endorses those mitigation measures that are under the jurisdiction of other City Departments, and recommends for adoption those mitigation measures that are enforceable by agencies other than City agencies, all as set forth in the CEQA Findings and MMRP.

(i) The Board of Supervisors finds that since the certification of the Final EIR no substantial changes have occurred in the proposed Project that would require revisions in the

Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, no substantial changes have occurred with respect to the circumstances under which the proposed Project is to be undertaken that would require major revisions to the Final EIR due to the involvement of new environmental effects or a substantial increase in the severity of effects identified in the Final EIR, and no new information of substantial importance to the proposed Project has become available which indicates that (1) the Project will have significant effects not discussed in the Final EIR, (2) significant environmental effects will be substantially more severe, (3) mitigation measures or alternatives found not feasible that would reduce one or more significant effects have become feasible, or (4) mitigation measures or alternatives that are considerably different from those in the Final EIR would substantially reduce one or more significant effects on the environment.

Section 2. Article 6 of the Park Code is hereby amended by adding Section 6.15, to read as follows:

SEC. 6.15. RESTRICTING VEHICLES ON THE GREAT HIGHWAY EXTENSION.

*(a) **Findings.** Consistent with California Vehicle Code Section 21101, the Board of Supervisors finds that it is appropriate to permanently restrict vehicles from a portion of the Great Highway Extension, beginning at Sloat Boulevard and extending south for a distance of approximately 3,317 feet, because that portion of the street is no longer needed for vehicular traffic.*

*(b) **Restrictions on Vehicles.** The Recreation and Park Department shall restrict vehicles from the Great Highway Extension, beginning at Sloat Boulevard and extending south for a distance of approximately 3,317 feet.*

*(c) **Exempt Vehicles.** The following 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 the closed portion of the Great Highway Extension or any property or facility therein or accessible therefrom.

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

*(d) **Motorized Bicycles, Scooters, or Boards.** The Recreation and Park Department shall have the authority to issue rules related to the use of the closed portion of the street by persons utilizing motorized bicycles, scooters, or boards.*

*(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 6.15 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 6.15, 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 6.15 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 6.15. 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 6.15 or application thereof would be subsequently declared invalid or unconstitutional.*

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/
LILLIAN A. LEVY
Deputy City Attorney
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