

1 [Park, Health Codes - Transbay Rooftop Park]

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3 **Ordinance amending the Park Code to treat the rooftop park located above the**
4 **Transbay Transit Center as a City park for certain purposes; amending the Health Code**
5 **to prohibit smoking on the rooftop park; and affirming the Planning Department's**
6 **determination under the California Environmental Quality Act.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

11

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

13

14 Section 1. Environmental Findings.

15 The Planning Department has determined that the actions contemplated in this
16 ordinance comply with the California Environmental Quality Act (California Public Resources
17 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
18 Supervisors in File No. 180087 and is incorporated herein by reference. The Board affirms
19 this determination.

20

21 Section 2. The Park Code is hereby amended by revising Sections 2.01 and 4.10 to
22 read as follows:

23 **SEC. 2.01. "PARK" DEFINED.**

24 (a) When used in this Code, the word "park" shall mean and include (1) all grounds,
25 roadways, avenues, squares, recreation facilities, and other property placed under the control,

1 management, and direction of the Recreation and Park Commission by the Charter of the City
2 and County of San Francisco; ~~and~~ (2) the open space on the blocks bounded by Market,
3 Folsom, Third, and Fourth Streets, which is under the control, management, and direction of
4 the Redevelopment Agency of the City and County of San Francisco, otherwise known as the
5 "Yerba Buena Gardens;" and (3) the open space generally known as the "Transbay Rooftop Park"
6 which is located on the roof of the facility located on the blocks bounded by Mission, Beale, Howard,
7 and Second Streets, and which is under the ownership, control, management, and direction of the
8 Transbay Joint Powers Authority (TJPA), provided that the TJPA Board of Directors has not rescinded
9 or revoked the TJPA resolution of consent to the enforcement of the Park Code for the Transbay
10 Rooftop Park, which is on file with the Clerk of the Board of Supervisors in File No. 180087. The
11 foregoing definitions of the word "park" shall not apply where such word is otherwise defined
12 within the section in which it appears. In addition, the designation of Yerba Buena Gardens and the
13 Transbay Rooftop Park as "parks" for purposes of this Code does not effect a jurisdictional transfer of
14 either property, does not place either property under the jurisdiction and control of the Recreation and
15 Park Commission, does not render either property "park land" or "park property" as those terms are
16 used in any provision of the Charter, and does not entitle the City and County of San Francisco to
17 receive revenues that may be generated by either property.

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20 **SEC. 4.10. ALCOHOLIC BEVERAGES.**

21 (a) Except as provided in Subsection 4.10(b), no person shall consume alcoholic
22 beverages of any kind in any building, children's areas, swimming pool, restroom, or any of
23 the following parks or portions of parks:

24 * * * *

25 Sunnyside Conservatory;

1 **SEC. 11A.03. ANIMALS PROHIBITED.**

2 No person, other than members of the Police Department when on duty, shall bring any
3 animals, including but not limited to dogs, cats, and horses, into the Transbay Rooftop Park except
4 when acting pursuant to a permit issued by the TJPA Board of Directors or its designee.

5 Notwithstanding the preceding sentence, a person with a disability may enter the Transbay Rooftop
6 Park with a guide or signal dog without a permit.

7
8 **SEC. 11A.04. WHEELED EQUIPMENT PROHIBITED.**

9 No person, other than employees, agents, or contractors of the TJPA when on duty, shall bring
10 any wheeled conveyances, including but not limited to trucks, cars, and skateboards, into the Transbay
11 Rooftop Park except when acting pursuant to a permit issued by the TJPA Board of Directors or its
12 designee. Notwithstanding the preceding sentence, wheelchairs and strollers for preschool children
13 may be brought into the Transbay Rooftop Park without a permit.

14
15 Section 4. The Health Code is hereby amended by revising Section 1009.81 to read as
16 follows:

17 **SEC. 1009.81. PROHIBITING SMOKING IN CITY PARK AND RECREATIONAL**
18 **AREAS.**

19 (a) Smoking is prohibited on any unenclosed area of property in the City and County of
20 San Francisco that is open to the public and under the jurisdiction of the Recreation and Park
21 Commission or any other City department if the property is a park, square, garden, sport or
22 playing field, pier, or other property used for recreational purposes, or a farmers' market. For
23 purposes of this Article 19I, the term "City department" shall include the Transbay Joint Powers
24 Authority (TJPA) with respect to the Transbay Rooftop Park, provided that the TJPA Board of
25 Directors has not rescinded or revoked the TJPA resolution of consent to the enforcement of this

1 Article 19I for the Transbay Rooftop Park, which is on file with the Clerk of the Board of Supervisors in
2 File No. 180087.

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

9
10 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
14 additions, and Board amendment deletions in accordance with the “Note” that appears under
15 the official title of the ordinance.

16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By: _____
19 MANU PRADHAN
20 Deputy City Attorney

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