

LEGISLATIVE DIGEST

[Park, Health Codes - Transbay Rooftop Park]

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

Existing Law

The rooftop park located above the Transbay Transit Center, referred to as the Transbay Rooftop Park, belongs to the Transbay Joint Powers Authority ("TJPA"). The Park Code and the City's ban against smoking on City recreation areas do not apply in the Transbay Rooftop Park.

Amendments to Current Law

The ordinance would define the Transbay Rooftop Park as a "park" for purposes of the Park Code. This would allow City officials to enforce the rules and regulations set forth in Article 3 and Article 4 of the Park Code on the Transbay Rooftop Park as though that park belonged to the City. But the ordinance would not transfer the park to the jurisdiction of the Recreation and Park Commission. The Transbay Rooftop Park would continue to be managed and operated exclusively by the TJPA.

The ordinance would also amend the Health Code to cause the ban on smoking in City recreation areas to become applicable to the Transbay Rooftop Park.

Background Information

Under state law, the TJPA has primary jurisdiction with respect to all matters concerning the financing, design, development, construction, and operation of the new transit center, which includes the Transbay Rooftop Park. On September 14, 2017, the TJPA Board of Directors adopted Resolution No. 17-035, authorizing the TJPA's executive director to proceed with requesting proposed amendments to the Park Code and Health Code to make the Transbay Rooftop Park subject to certain rules and regulations under those codes.