

File No. 110966

Committee Item No. _____

Board Item No. 24

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date 12/13/11

Cmte Board

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Completed by: Renee Craig

Date 12/7/11

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Park Code – Long Term Management Agreement with the National Park Service for Sharp
2 Park]

3 **Ordinance amending the San Francisco Park Code by amending Section 3.20**

4 **1) requiring the Recreation and Park Department to offer a long term management**
5 **agreement to the National Park Service for certain property under the jurisdiction of the**
6 **Recreation and Park Commission located in San Mateo County that is within the**
7 **Golden Gate National Recreation Area’s legislative boundary (“Sharp Park”); and 2)**
8 **making environmental and other findings.**

9 NOTE: Additions are single-underline italics Times New Roman;
10 deletions are ~~strike-through italics Times New Roman~~.
11 Board amendment additions are double-underlined;
12 Board amendment deletions are ~~strikethrough-normal~~.

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

13 Section 1. Environmental Findings.

14 The Environmental Review Officer has determined that this ordinance is not a project
15 under the California Environmental Quality Act (Cal. Pub. Res. Code Sections 21000 et seq.)
16 ("CEQA"), as set forth in his letter dated December 1, 2011. Said determination is on file with
17 the Clerk of the Board of Supervisors in File No. 110966, and is incorporated herein by
18 reference.

19 Section 2. The San Francisco Park Code Section 3.20 is hereby repealed in its
20 entirety.

21 Section 3. The San Francisco Park Code Section 3.20 is hereby replaced, to read as
22 follows:

23 **SEC. 3.20. SHARP PARK LONG TERM MANAGEMENT AGREEMENT.**

24 **(a) Findings.**

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1 (1) Entering into a long-term management agreement with the National Park Service ("NPS")
2 to manage property under the jurisdiction of the Recreation and Park Commission located in San
3 Mateo County that is within the legislative boundary of the Golden Gate National Recreation Area
4 ("Sharp Park") could provide San Francisco with the opportunity to further the public purposes of:
5 providing recreation opportunities consistent with modern recreation demands, preserving and
6 allowing for the restoration of wildlife habitats, preserving historical resources, protecting coastal
7 resources, and preserving land for park purposes.

8 (2) All Bay Area residents deserve safe, well-maintained, and sustainable parks in which to
9 play, engage in nature exploration, relax, and build community.

10 (3) Moreover, San Franciscans deserve parks that supply, insofar as possible, recreation that is
11 consistent with modern recreation demands.

12 (4) The City and County of San Francisco must also ensure the equitable distribution of
13 recreation dollars among our neighborhoods. In the 2011-12 Recreation and Park Department
14 Operating Budget, the Open Space Fund contribution surpassed the General Fund subsidy for the first
15 time, and the General Fund subsidy has declined 25% over the last 5 years. The decrease in public
16 funding for parks puts pressure on the Recreation and Park Department to meet financial obligations
17 by other means.

18 (5) In 2004, the Recreation and Park Department conducted a Recreation Assessment and
19 released a Recreation Assessment Report detailing the recreational preferences of San Francisco
20 residents. The report found that the number one recreation demand in San Francisco is for more
21 walking and biking trails.

22 (6) In 2010, the Neighborhood Parks Council surveyed 1,443 San Francisco residents, asking
23 dozens of questions about San Francisco's parks. In one question, respondents were asked to list three
24 priorities for park funding. Of the nearly 100 different responses, sustainability came in fifth, behind
25 only general park maintenance, better athletic fields, more programming, and improved safety.

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1 (7) Sharp Park is increasingly at risk as the climate warms and the sea level rises. San
2 Francisco can adapt to climate change by protecting viable migratory paths for wetlands, inland and
3 upland from the coast, and by prioritizing the creation and protection of habitat linkages that connect
4 natural areas and parks.

5 (8) San Francisco also has a responsibility to protect sensitive species and their habitats, and
6 encourage their recovery. At Sharp Park, San Francisco has a special opportunity to implement the
7 recovery goals and objectives for the endangered San Francisco garter snake and the threatened
8 California red-legged frog, as established by the United States Fish and Wildlife Service's recovery
9 plans for each species.

10 (9) Experts on coastal wetlands restoration have declared that Sharp Park "represents one of
11 the best opportunities in the Central Coast region to improve and restore impaired lagoon wetland
12 habitats for endangered species." (PWA-ESA 2011). Because of the existence and potential for
13 significant restoration for endangered species, of which the "restoration of garter snake habitat at
14 Sharp Park has been identified as a key recovery goal by the U.S. Fish and Wildlife Service" (USFWS
15 1985), restoration and development of habitat-compatible recreation can attract federal and state
16 endangered species recovery and ecosystem restoration funding."

17 (10) Working in partnership with the NPS, San Francisco has an opportunity to: provide
18 recreational opportunities that are consistent with modern recreational demands, equitably distribute
19 scarce recreation resources in San Francisco, address land management challenges posed by climate
20 change and sea level rise, protect and recover endangered species and create a more sustainable and
21 resilient public park at Sharp Park.

22 (11) Approval of this ordinance is a preliminary step in the process of potentially entering into an
23 agreement with NPS for long-term management of Sharp Park. Approval of such an agreement is
24 contingent upon a number of subsequent steps, including but not limited to NPS agreeing to develop the
25 Agreement, as defined below, the successful development of the Agreement, approval of the Agreement,

1 following the completion of any required environmental analysis by the City and County of San
2 Francisco("City") under CEQA and by NPS under the National Environmental Policy Act ("NEPA").
3 Nothing in this Ordinance implements any approvals of the Agreement, or grants any entitlements to
4 the NPS, nor does adoption of this Ordinance foreclose the possibility of considering alternatives or
5 mitigation measures to the Agreement, including a no action alternative or an alternative that includes
6 retention of all or portions of Sharp Park Golf Course, and while this Ordinance sets forth many of the
7 potential terms of a proposed Agreement , it does not set forth all of the material terms and conditions
8 of a project proposal. A transaction of the type contemplated in this ordinance involves many terms
9 and conditions that have not yet been agreed upon, and it is expressly contemplated by the Board of
10 Supervisors that binding agreements will have to be negotiated, agreed and ultimately approved
11 through applicable public processes, including approval by the Board of Supervisors.

12 (12) Changes to the long-term management of Sharp Park that may occur under a proposed
13 agreement with the NPS shall not proceed unless and until the City and NPS negotiate, execute and
14 deliver mutually acceptable agreements based upon information produced from any required CEQA
15 and NEPA environmental review processes, other public review and hearing processes, and subject to
16 all applicable governmental approvals. The City retains the absolute sole discretion to propose terms,
17 consistent with this ordinance, for inclusion in the Agreement, and as may be necessary to comply with
18 CEQA, if applicable. Approval of this ordinance grants NPS no vested rights, does not authorize or
19 require any construction or other physical alteration of Sharp Park, results in no approved
20 development plan for Sharp Park, and no legal obligations will exist unless and until the City and NPS
21 negotiate, execute and deliver mutually acceptable agreements based upon information produced from
22 applicable environmental review processes, and on other public review and hearing processes, subject
23 to all applicable governmental approvals.

24 (b) In order to provide recreation benefits consistent with the modern recreational needs of all
25 San Franciscans, Bay Area residents, and visitors, no later than March 1, 2012, the General Manager

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1 of the Recreation and Park Department ("General Manager") shall offer to close Sharp Park Golf
2 Course and offer to the NPS the opportunity to create a long-term management agreement
3 ("Agreement") with the City for Sharp Park, which shall include the option of closure of the Sharp
4 Park Golf Course, and in a manner that meets the policy objectives, findings, and goals of the City as
5 set forth in this ordinance and consistent with: (i) the National Park Service's Organic Act, 16 U.S.C.
6 §§ 1 et seq., and Management Policies; (ii) Golden Gate National Recreational Area's ("GGNRA")
7 enabling legislation, Public Law 92-589; and (iii) GGNRA's Mori Point, Sweeney Ridge, and Milagra
8 Ridge management plans. If the NPS is willing to consider the opportunity for long-term management
9 of Sharp Park, then the General Manager shall take all actions necessary to negotiate the Agreement in
10 partnership with the NPS consistent with the policy specified in subsection (c) below. The General
11 Manager is authorized to and shall discuss with the NPS, among other options and terms, the closure of
12 Sharp Park Golf Course. During the period between the NPS informing the General Manager of its
13 willingness to negotiate an agreement with the City and either (i) the approval or denial of the
14 Agreement or (ii) NPS informing the General Manager of its intent to cease negotiations with the City,
15 the City shall not enter into any new leases, contracts, or agreements for the operation of the golf
16 course, but may continue to operate existing golf amenities, so long as the City complies with all
17 applicable federal and state environmental regulations and permitting requirements, including, but not
18 limited to, the Endangered Species Act, 16 U.S.C. §§ 1531 et seq.

19 (c) The General Manager shall consult with the NPS and develop a collaborative plan policy
20 that achieves the following objectives and goals of the City: (i) ensures that Sharp Park remains secure,
21 free of vandalism and incompatible uses, and is properly maintained during the period of negotiations
22 over any Agreement; (ii) identifies actions the Department and NPS will take prior to implementation
23 of an agreement to propose an Agreement with the City for Sharp Park, (iii) creates a schedule
24 and financial strategies road map, to be incorporated into any Agreement, for each party to complete
25 those actions specified in subsection (ii); (iv) discusses terms, which may be incorporated into the

1 Agreement, that ensure that the NPS utilizes existing facilities to provide compatible and public-serving
2 uses such as a community and visitor center with appropriate and feasible recreation; (v) discusses
3 terms, which may be incorporated into the Agreement, that provide for trail-based recreation, support
4 stewardship of park lands, enhance nature-based educational opportunities, and provide other public
5 recreation opportunities where appropriate and feasible; (vi) establishes proposed dates, to be
6 incorporated into the Agreement, to end existing uses inconsistent with the Agreement, and to fully
7 transition land management to the NPS as specified in subsection (b) above; and (vii) discusses terms,
8 which may be incorporated into the Agreement, that ensure that the NPS provides public recreation
9 opportunities consistent with the National Park Service's Organic Act, 16 U.S.C. Sections 1 et seq.,
10 GGNRA's enabling legislation, Public Law 92-589, NPS Management Policies, and GGNRA's Mori
11 Point, Sweeney Ridge, and Milagra Ridge management plans.

12 (d) In the course of exploring an agreement with NPS for the long-term management of Sharp
13 Park, the Board of Supervisors shall consider, in addition to the items listed in subsection (c) above,
14 affording all City of Pacifica residents the right to purchase San Francisco resident golf cards and to
15 play at all of San Francisco's municipal courses at San Francisco resident rates for a minimum of five
16 years in order to reduce recreational impacts that could result from closure of Sharp Park Golf
17 Course should the Board of Supervisors approve an agreement with NPS which provides for the
18 closure of Sharp Park Golf Course.

19 (e) In the event an agreement between the City and NPS for the long-term management of
20 Sharp Park is approved and Sharp Park Golf Course is closed as a result, the City shall offer positions
21 to all City employees employed at Sharp Park Golf Course, consistent with applicable civil service
22 rules and collective bargaining agreements.

23 (f) This ordinance shall not apply to Sharp Park lands currently operated for archery purposes
24 unless a Memorandum of Agreement is entered into between the organizations operating the archery
25 range and NPS.

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1 (g) The General Manager shall provide a written report to the Board of Supervisors on the
2 status of negotiations with NPS regarding a potential agreement for the long-term management of
3 Sharp Park including discussions on the option to close Sharp Park Golf Course, by June 1,
4 2012, and quarterly thereafter until such time as negotiations are complete.

5 (h) Nothing in this ordinance precludes the General Manager from entering into
6 negotiations with other third parties for the lease, contract or agreement for operation of the
7 golf course, subject to the restriction on new leases set forth in subsection (b), above. Any
8 such agreement shall also be subject to the approval of the Board of Supervisors.

9
10 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

11
12 By:


13 VIRGINIA DARIO ELIZONDO
14 Deputy City Attorney

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FILE NO. 110966

LEGISLATIVE DIGEST

[Park Code – Long Term Management Agreement with the National Park Service for Sharp Park]

Ordinance amending the San Francisco Park Code by amending Section 3.20

1) requiring the Recreation and Park Department to offer a long term management agreement to the National Park Service for certain property under the jurisdiction of the Recreation and Park Commission located in San Mateo County that is within the Golden Gate National Recreation Area's legislative boundary ("Sharp Park"); and 2) making environmental and other findings.

Existing Law

In May 2009, the Board enacted legislation requiring the Recreation and Park Department to: develop a plan, schedule, and budget for restoring the habitat for the California red-legged frog and the San Francisco garter snake in Sharp Park, and for transferring Sharp Park to, or developing a joint management agreement with, the Golden Gate National Recreation Area and the City of Pacifica and/or San Mateo County. The plan must comply with all regulatory requirements, including the federal Endangered Species Act, and be in accord with the deed granting Sharp Park to San Francisco, as well as with the San Francisco Administrative Code. The plan must include alternatives that retain or redesign the Sharp Park Golf Course and that eliminate it.

In November 2009, the Recreation and Park Department produced the *Sharp Park Conceptual Restoration Alternatives Report*.

Amendments to Current Law

Park Code section 3.20 is replaced in its entirety to:

- Require the General Manager of the Recreation and Park Department offer to the National Park Service (NPS) to enter into a long term management agreement for Sharp Park, which: 1) provides trail-based recreation, 2) supports stewardship of the park, 3) enhances nature-based educational opportunities, all consistent with the NPS' and the Golden Gate National Recreation Area's enabling legislation and management policies, and 4) includes an option to terminate use of the golf course.
- Prohibit the City from entering into any new leases, contracts or agreements for the operation of the golf course.
- Offer City of Pacifica residents the right to purchase San Francisco resident golf cards and play all of S.F. municipal golf courses at S.F. resident rates for 5 years.
- Require the City to offer positions to all City employees at Sharp Park Golf Course consistent with applicable civil service rules and collective bargaining agreements.

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- Require the RPD GM to provide a report to the Board of Supervisors on the development of the transition plan status of negotiations with the NPS on June 1, 2012, including discussions on the option to close the golf course, and quarterly thereafter until the transition is negotiations are complete.
- Changes to the long-term management of Sharp Park that may occur under a proposed agreement with the NPS shall not proceed unless and until the City and NPS negotiate, execute and deliver mutually acceptable agreements based upon information produced from any required CEQA and NEPA environmental review processes, other public review and hearing processes, and subject to all applicable governmental approvals. The City retains the absolute sole discretion to propose terms, consistent with this ordinance, for inclusion in the Agreement, and as may be necessary to comply with CEQA, if applicable. Approval of this ordinance grants NPS no vested rights, does not authorize or require any construction or other physical alteration of Sharp Park, results in no approved development plan for Sharp Park, and no legal obligations will exist unless and until the City and NPS negotiate, execute and deliver mutually acceptable agreements based upon information produced from applicable environmental review processes, and on other public review and hearing processes, subject to all applicable governmental approvals.
- The General Manager may enter into negotiations with other third parties for the lease, contract or agreement for operation of the golf course, subject to the restriction on new leases set forth above. Any such agreement shall also be subject to the approval of the Board of Supervisors.

Background Information

Sharp Park ("Park") was deeded to the City for public recreation purposes in 1917, is located in the City of Pacifica, San Mateo County, and bisected by Highway 1. The Park is approximately 410 acres, and includes a golf course, archery range, and open space. Areas of the Park are habitat to the California red-legged frog, listed as a threatened species under the federal Endangered Species Act (ESA), and the San Francisco garter snake, listed as an endangered species under ESA.

Sharp Park is also within the legislative boundaries of the Golden Gate National Recreation Area.