

File No. 130766

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date October 7, 2013

Board of Supervisors Meeting Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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Completed by: Alisa Miller Date October 4, 2013

Completed by: _____ Date _____

1 [Park Code - Hours of Operation for City Parks]

2
3 **Ordinance amending the Park Code to establish hours of operation for City parks from**
4 **5:00 a.m. to midnight, with certain exceptions; and making environmental findings.**

5 NOTE: Additions are single-underline italics Times New Roman;
6 deletions are ~~strike-through italics Times New Roman~~.
7 Board amendment additions are double-underlined;
8 Board amendment deletions are ~~strikethrough-normal~~.

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

10 Section 1. The Planning Department has determined that the actions contemplated in
11 this ordinance comply with the California Environmental Quality Act (California Public
12 Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the
13 Board of Supervisors in File No. 130766 and is incorporated herein by reference.

14
15 Section 2. The San Francisco Park Code is hereby amended by adding Section 3.21,
16 to read as follows:

17 **SEC. 3.21. HOURS OF OPERATION.**

18 (a) Persons may enter and use any park from 5:00 a.m. to midnight daily, provided that (1) the
19 Department may set different hours in a permit, contract or lease, and (2) whenever a threat to public
20 health or safety exists in any park resulting from any natural cause, explosion, accident or any other
21 cause, or by riot or unlawful assembly or activity, the General Manager may close the park or any part
22 thereof to the public for such duration as he or she deems necessary to ensure the safety and well-being
23 of the public. This subsection shall not apply to buildings, such as recreation centers, restrooms and
24 clubhouses, or to athletic fields, which may have different hours of operation, as determined by the
25 General Manager or the Commission, as the case may be.

1 (b) Notwithstanding the provisions of subsection (a), the Commission may by resolution and at
2 any time set different hours of operation for any park or part thereof, based on operational
3 requirements or neighborhood impacts.

4 (c) No person shall enter or remain in any park without the permission of the Department
5 outside of the hours open to the public as set in subsection (a) or under subsection (b), except that:

6 (1) In the case of Balboa Park, Golden Gate Park, Lincoln Park, and McLaren Park,
7 persons may use a vehicle (including but not limited to a car, truck, bicycle and motorcycle) on the
8 roadway(s) in those parks or walk on paved sidewalks immediately adjacent to such roadways, at any
9 time for purposes of transversing the park only;

10 (2) In the case of the Panhandle, persons may walk or ride a bicycle on the bike paths
11 at any time for purposes of transversing the park only; and,

12 (3) In the case of Union Square, Civic Center Plaza, and Justin Herman Plaza, persons
13 may walk on the paved portions of those plazas at any time for purposes of transversing the plaza only.

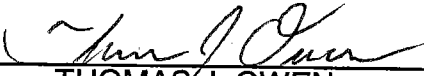
14 (d) A violation of subsection (c) shall be subject to the penalties set forth in Park Code
15 Article 10.

16 (e) The Department shall post the hours for each park (1) at the park in a location designed to
17 provide notice to members of the public, and (2) on the Department's website.

18
19 Section 3. Effective Date. This ordinance shall become effective 30 days after
20 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
21 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
22 of Supervisors overrides the Mayor's veto of the ordinance.

23
24 / / /
25 / / /

1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

3
4 By: 
5 THOMAS J. OWEN
6 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(10/1/2013, Substituted)

[Park Code - Hours of Operation for City Parks]

Ordinance amending the Park Code to establish hours of operation for City parks from 5:00 a.m. to midnight, with certain exceptions; and making environmental findings.

Existing Law

The Recreation and Park Commission sets by resolution the hours that parks are open to the public.

Amendments to Current Law

The proposal is an ordinance that would amend the Park Code to provide that City parks would be open to the public from 5:00 a.m. to midnight daily, and prohibit any person from being in a City park outside of those hours. The Recreation and Park Commission could also set different hours of operation for any park by resolution based on operational needs or neighborhood impacts.

The proposal would not apply to buildings on park property, such as recreation centers and clubhouses, or to athletic fields. The Department would continue to set the hours of operations for those facilities. The proposal also would not apply in the following situations:

- Where someone is using a roadway or adjacent sidewalk to cross Balboa Park, Golden Gate Park, Lincoln Park, or McLaren Park;
- Where someone is using a bike path to cross the Panhandle;
- Where someone is using the paved areas to cross Union Square, Civic Center Plaza, or Justin Herman Plaza;
- Where the Department has set different hours in a permit, contract, or lease; or,
- Where the General Manager has temporarily closed a park to protect the safety and well-being of the public.

Violations of the proposal could be punished as a misdemeanor or an infraction.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

July 30, 2013

File No. 130766

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On July 23, 2013, Supervisor Wiener introduced the following proposed legislation:

File No. 130766

Ordinance amending the Park Code to establish hours of operation for City parks from 5:00 a.m. to midnight, with certain exceptions; and making environmental findings.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

Non-Physical Exemption
CEQA Section 15060 (c)(2)

J. Navarrete Aug. 9, 2013
JOY NAVARRETE

2013.1101E



BUENA VISTA NEIGHBORHOOD ASSOCIATION

555 Buena Vista West #601
San Francisco CA 94117-4143

Phone/Voicemail 415/431-2359

Email Info@BVNASF.com

www.BVNASF.com

BVNA is a *San Francisco Parks Alliance* Park Partner

October 4, 2013

San Francisco Board of Supervisors
Land Use and Economic Development Committee
Supervisors Wiener, Kim, Chiu
City Hall – 1 Dr. Carleton B. Goodlett Place, Room 244
San Francisco CA 94102-4689

Re: Hearing Scheduled for October 7, 2013
File No. 130766 – Park Code-Hours of Operation for City Parks

Honorable Supervisors,

The Buena Vista Neighborhood Association (BVNA) strongly SUPPORTS the above-referenced legislation proposed by Supervisors Wiener and Farrell, to clarify the operating hours of all City parks.

Currently-legislated Park hours are inconsistent and unclear in many instances, confusing the public and hampering enforcement. To effectively combat vandalism (including costly metal theft, graffiti, illegal dumping, etc.), we need clear and consistent Citywide park operating hours. That provides needed support for SFPD and SFRPD Park Patrol efforts to help keep our parks safe and healthy.

We ask the Board Clerk's Office to please assure that this letter is brought to the attention of all Board Members and their staff when the matter is being considered by them, and that it be included in the matter's permanent file.

BVNA has about 400 current, dues-paying Members and serves about 4,500 households in neighborhoods around Buena Vista Park, from Oak Street/Panhandle on the north; Divisadero/Castro on the east; up to (but not including) 17th Street on the south; and Ashbury Street on the west.

Thank you for considering our comments.

Respectfully,

/s/ Richard Magary

Richard Magary, BVNA Steering Committee Chair

email cc: Full Board of Supervisors via Office of the Clerk
Staff for Supervisor Scott Wiener
SFPD Park Station Captain Gregory Corrales
Sarah Ballard, Alex Randolph - SFRPD

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July 30, 2013

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Sarah Jones
Environmental Review Officer
Planning Department
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San Francisco, CA 94103

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Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



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MEMORANDUM

TO: Phil Ginsburg, General Manager, Recreation and Park Department

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: July 30, 2013

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Wiener on July 23, 2013:

File No. 130766

Ordinance amending the Park Code to establish hours of operation for City parks from 5:00 a.m. to midnight, with certain exceptions; and making environmental findings.

This matter is being forwarded to your department for informational purposes. If you have any 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.

c: Sarah Ballard, Recreation and Park Department

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

THOMAS J. OWEN
Deputy City Attorney

Direct Dial: (415) 554-4679
Email: thomas.owen@sfgov.org

MEMORANDUM

TO: Hon. Scott Wiener
Member, Board of Supervisors

FROM: Thomas J. Owen
Deputy City Attorney *TJO*

DATE: October 1, 2013

RE: Hours of Operation for City Parks
Substitute Ordinance, dated 10/1/2013
(Board File No. 130766; Our File No. 1300343)

Here are a signed original and copies of the substitute ordinance, dated October 1, 2013, as well as a legislative digest.

I will also send electronic copies to your office this morning.

Encl.

cc (by e-mail): Jeff Cretan
Sarah Ballard
Jon Givner
Francesca Gessner

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [130766]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Wiener

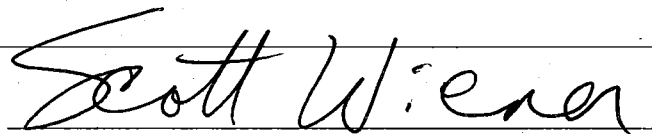
Subject:

Park Code - Hours of Operation for City Parks

The text is listed below or attached:

Ordinance amending the Park Code to establish hours of operation for City parks from 5:00 a.m. to midnight, with certain exceptions; and making environmental findings.

Signature of Sponsoring Supervisor:



For Clerk's Use Only:

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

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Sponsor(s):

Supervisor Wiener, Farrell

Subject:

Park Code – Hours of Operation for City Parks

The text is listed below or attached:

Ordinance amending the Park Code to establish hours of operation for City parks from 5:00 a.m. to midnight, with certain exceptions; and making environmental findings.

Signature of Sponsoring Supervisor:

For Clerk's Use Only:

130766