

AGENDA ITEM 8
Treasure Island Development Authority
City and County of San Francisco
Meeting of January 8, 2025

Subject: Consideration of proposed San Francisco Park Code amendment applying the Park Code to the Treasure/Yerba Buena Islands Parks System. (*Action Item*)

Recommendation: Approval With Modification

Contact: Peter Summerville, Treasure Island Development Authority

Phone: (415) 274-0660

Background

The Treasure and Yerba Buena Islands Parks and Open Space System (heretofore referred to collectively as the “TI/YBI Parks System”) includes a series of signature shoreline parks, recreation and sports fields, hiking trails, community agriculture and gardens, public plazas and more. TIDA assumes permanent ownership, operations and maintenance responsibility of the TI/YBI Parks System upon each park’s individual acceptance by the TIDA Board of Directors and the Board of Supervisors. The Parks System ownership acceptance process began in November 2023 with The Rocks Dog Park and will continue on a phased basis through each individual park’s delivery.

To ensure everyone can enjoy the Treasure Island and Yerba Buena Island (TI/YBI) Parks, we need clear rules to guide how people use these spaces. These rules will protect the parks’ natural beauty and resources, including plants, trees, and wildlife. Rules keep the parks safe by preventing dangerous activities and reducing conflicts. Setting clear limits will ensure that everyone has fair access to the parks and can use them without interference from large events or disruptive behavior. The rules can protect park facilities from damage, helping to maintain them for long-term use. By encouraging responsible actions, like proper waste disposal and respecting shared spaces, we can preserve these parks for future generations. Finally, these rules will help staff manage the parks effectively, ensuring a clean, welcoming, and safe environment for all visitors.

Governing TIDA Parks under the Municipal Code

TIDA must govern the TI/YBI Parks System within the scope and constructs of the City and County of San Francisco’s Municipal Code. A staff memo to the TIDA

Board of Directors in November 2023 discussed governance considerations for the TI/YBI Parks System within the Municipal Code structure. Two options presented at that time were establishing a new standalone TI/YBI Park Code (like the Port Code governing Port of San Francisco’s open spaces); or extending the San Francisco Park Code to apply to the TI/YBI Park System (as has been done for Transbay Joint Powers Authority’s Transbay Rooftop Park and the Department of Real Estate’s Yerba Buena Gardens).

At the time, the November 2023 memo focused on a standalone TI/YBI Park Code as a preferred path forward but ultimately concluded that the difference between establishing a new Code and placing TI/YBI within an existing code was not substantive. Upon further examination of the topic by TIDA staff and following subsequent discussions with Recreation and Park Department (RPD) staff and Office of the City Attorney staff have concluded that extending the San Francisco Park Code to the TI/YBI Parks System is the correct long-term strategy for public clarity and efficient government.

The San Francisco Park Code has already established appropriate and reasonable time, place and manner restrictions on conduct and activities on public parks, open spaces and recreational facilities under the Code’s jurisdiction. Applying the San Francisco Park Code assures clarity for the public and assures that rules and enforceability for the TI/YBI Parks System are consistent with those for public parks Citywide.

Applying the Park Code on TI/YBI will allow the regulations applying to TI/YBI Parks to remain current with best practices and solutions to emerging issues or challenges being addressed City wide through amendments to the Park Code. By contrast, the Port Code, originally adopted in 2000, has not captured all issues which have been addressed via Park Code amendments in the intervening years.

Extending San Francisco Park Code to TI/YBI Parks System

RPD staff and the Office of the City Attorney are currently drafting an ordinance amending the San Francisco Park Code to address the application of the code to properties not under the jurisdiction of RPC. As drafted the ordinance would, among other actions, apply the Parks Code to the TI/YBI Parks System.

The amendment will apply all general rules and provisions of the Code to the TI/YBI Parks System. The amendment will not remove ownership or jurisdiction over the TI/YBI Parks System from the Authority, nor does it define the TI/YBI Parks Systems as “Parks” under the jurisdiction or control of the Recreation and Park Commission within the meaning of the San Francisco Charter Section 4.113.

Proposed Ordinance

Summary of Changes in the Amendment to the Park Code:

- 1. Application to Properties Operated by the Recreation and Park Department (RPD):**
 - a. The amendment allows the Park Code to apply to properties that RPD operates under a lease, memorandum of understanding, or similar agreements, even if they are not under the formal jurisdiction of the Recreation and Park Commission.
 - b. Application of the Park Code requires a resolution by the Recreation and Park Commission.

- 2. Inclusion of Specific Locations:**
 - a. The amendment explicitly adds new properties where the Park Code applies, including properties under a lease, Memorandum of understanding or similar written agreement for RDP operations of the parks.

- 3. Clarification of Jurisdiction:**
 - a. Extending the Park Code to these properties does not transfer their jurisdiction to the Recreation and Park Commission.
 - b. These properties remain outside the formal "park" designation within the meaning of the San Francisco Charter.

- 4. Updated Hours of Operation:**
 - a. Specific hours are set for public access (generally 5:00 a.m. to midnight), with flexibility for exceptions based on agreements or operational needs.
 - b. Explicit permissions allow traversal of parks (e.g., walking or biking on paths) outside designated hours for certain areas like Treasure Island and Yerba Buena Island.

This amendment ensures uniform rules across recreational properties managed by RPD while maintaining clear jurisdictional boundaries. It balances operational needs with public access and safety considerations.

Proposed Action: Recommend Approval With Modifications

Staff recommend approval with a minor modification that would allow TIDA staff or our designee to begin enforcement of park rules immediately to newly accepted parks on Treasure Island and Yerba Buena Island.

Basis for Recommendation:

Staff recommends that the TIDA Board recommend approval by the Board of Supervisors of the proposed ordinance to extend the Park Code to newly accepted parks on Treasure Island and Yerba Buena Island. This ordinance ensures consistent rules for public safety, park operations, and recreational use across Treasure Island and Yerba Buena Island parks. It allows TIDA and City Staff to manage these spaces effectively without altering jurisdiction or ownership. The ordinance includes clear safeguards, such as public hearings before applying the Park Code, to address neighborhood concerns and operational needs. Approving this measure with the modification for TIDA staff or our designee to begin immediate enforcement will help protect park users, reduce conflicts, and maintain high-quality public spaces.

CEQA

This draft ordinance has been referred to the Planning Department for review under the California Environmental Quality Act.

Next Steps

The ordinance will be introduced in early 2025 for Board of Supervisors hearing. A copy of the finalized ordinance language will be provided to the TIDA Board upon completion of drafting by the Office of the City Attorney.

Specific to the TI/YBI Parks System, Section 2.01(b) of the Code will be amended to add an additional subsection with language defining the TI/YBI Parks System as a “park” for the purpose of overall Code applicability. If approved, the Park Code will be applicable to the currently open TI/YBI Parks System once the ordinance takes effect in 2025.

Prepared by: Peter Summerville for
Bob Beck, Treasure Island Director

Attached:

Exhibit A: Draft Ordinance for Board of Supervisors

Exhibit B: Draft Resolution for TIDA Board

1 [Park Code - Application of Park Code to Properties Operated and Managed by the
2 Recreation and Park Department]

3 **Ordinance amending the Park Code to authorize the Recreation and Park Commission**
4 **to extend the Park Code to properties leased and/or operated by the Recreation and**
5 **Park Department for recreational purposes.**

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

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

14 Section 1. General Findings and Purpose.

15 From time to time, the Recreation and Park Commission has authorized the Recreation
16 and Park Department (“RPD”) to operate property that is not formally under the Commission’s
17 jurisdiction, to enhance recreational opportunities for the public. For example, the Department
18 operates the Selby Palou Park although it is owned by the US Department of Transportation
19 and is considering assisting with park operations on Treasure Island and Yerba Buena Island.
20 Because properties like this are not formally under Recreation and Park Commission
21 jurisdiction, the Park Code, which sets uniform rules for City parks, does not by its terms apply
22 to those properties. The purpose of this legislation is to extend the Park Code to such parks
23 during the periods while RPD is operating them, to promote recreational uses, to reduce
24 potential conflicts among park users, and to protect the overall public safety of park users and
25 visitors. This legislation does not place those parks under the jurisdiction or control of the
Recreation and Park Commission within the meaning of Charter Section 4.113.

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Section 2. The Park Code is hereby amended by revising Section 2.01, to read as follows:

SEC. 2.01. "PARK" DEFINED.

(a) When used in this Code, the word "park" shall mean and include ~~(1)~~ all grounds, roadways, avenues, squares, recreation facilities, and other property placed under the control, management, and direction of the Recreation and Park Commission by the Charter of the City and County of San Francisco;

(b) When used in this Code, the word "park" shall also mean and include the following:

~~(1)(2)~~ the open space on the blocks bounded by Market, Folsom, Third, and Fourth Streets which is under the control, management, and direction of the ~~Redevelopment Agency of the City and County of San Francisco~~ Real Estate Division, otherwise known as the "Yerba Buena Gardens;" *and*

~~(2)(3)~~ the open space generally known as the "Transbay Rooftop Park" which is located on the roof of the facility located on the blocks bounded by Mission, Beale, Howard, and Second Streets, and which is under the ownership, control, management, and direction of the Transbay Joint Powers Authority (TJPA), provided that the TJPA Board of Directors has not rescinded or revoked the TJPA resolution of consent to the enforcement of the Park Code for the Transbay Rooftop Park, which is on file with the Clerk of the Board of Supervisors in File No. 180087. *The foregoing definitions of the word "park" shall not apply where such word is otherwise defined within the section in which it appears. In addition, the designation of Yerba Buena Gardens and the Transbay Rooftop Park as "parks" for purposes of this Code does not effect a jurisdictional transfer of either property, does not place either property under the jurisdiction and control of the Recreation and Park Commission, does not render either property "park land" or "park*

1 ~~property” as those terms are used in any provision of the Charter, and does not entitle the City and~~
2 ~~County of San Francisco to receive revenues that may be generated by either property.~~

3 ~~(3)(b) for purposes of~~ When used in Articles 3, 4, 5 and 7 of this Code only, the word
4 ~~“park” shall also include~~ the area comprising Fulton Street between Hyde and Market Streets
5 and Leavenworth Street between McAllister and Fulton Streets, which area was closed to
6 vehicular traffic by San Francisco Board of Supervisors Resolution No. 373-73 and is
7 ~~otherwise known~~ defined in Administrative Code Section 1.58 as United Nations Plaza, and the area
8 that is bounded by the northwesterly line of Market Street, the southerly line of Eddy Street
9 and the westerly line of Lot 13, Assessor's Block 341, and is ~~otherwise known~~ defined in
10 Administrative Code Section 1.58 as Hallidie Plaza. ~~The designation of United Nations Plaza and~~
11 ~~Hallidie Plaza as parks for purposes of Articles 3, 4 and 7 of this Code does not effect a jurisdictional~~
12 ~~transfer of these plazas, does not place these plazas under the jurisdiction and control of the Recreation~~
13 ~~and Park Commission and does not render these plazas “park land” or “park property” as those terms~~
14 ~~are used in any provision of the San Francisco Charter.~~

15 ~~_____ (4)(c) When used in this Code, the word “park” also shall include portions of p~~ the
16 property owned by the State of California immediately under and adjacent to the portions of
17 the Central Freeway located between Otis and Stevenson Streets and between Valencia and
18 Stevenson Streets and partially bounded by Duboce Avenue referred to as "SoMa West
19 Skatepark and Dog Park," ~~to the extent such property is (1) leased by the City under leases with the~~
20 ~~State of California, acting by and through its Department of Transportation, as~~ authorized under
21 San Francisco Board of Supervisors Resolution No. 160-13 and Resolution No. 161-13 ~~and~~
22 ~~(2). Specifically, this portion includes the area~~ depicted in ~~such~~ leases with the City as the
23 "skatepark" and the "dog park." ~~The word “park” shall not include, but not~~ the portion of the
24 leased property depicted in such leases as the "parking area." ~~In designating SoMa West~~
25 ~~Skatepark and Dog Park as a “park” for purposes of this Code, the Board of Supervisors does not~~

1 ~~intend to place the leased property under the jurisdiction and control of the Recreation and Park~~
2 ~~Commission within the meaning of Charter Section 4.113, dedicate any of the leased property as "park~~
3 ~~land" or "park property" as those terms are used in any provision of the San Francisco Charter, or~~
4 ~~impose this Code on the State of California or its employees, agents, or contractors while engaging in~~
5 ~~the course and scope of their employment on the leased property. Rather, the intent is to authorize the~~
6 ~~Recreation and Park Department to manage the SoMa West Skatepark and Dog Park for the Real~~
7 ~~Estate Division for recreational use by the public and enforce the provisions of this Code on uses of the~~
8 ~~SoMa West Skatepark and Dog Park by the public, only while the leases referred to herein remain in~~
9 ~~effect.~~

10 (5) any property that the Department operates for recreational purposes under a lease,
11 memorandum of understanding, or similar written agreement, for the duration of said agreement,
12 provided that the Commission first adopts a resolution at a public hearing to approve the agreement
13 and to authorize application of the Park Code to the property for the duration of said agreement, after
14 considering possible neighborhood impacts, the operational needs of the Department with respect to
15 the property, and any other information the Commission may deem relevant. The Commission shall
16 provide at least ten days' public notice of said public hearing.

17 (c) Designation of property as a "park" under subsection (b) does not place such property
18 under the jurisdiction or control of the Recreation and Park Commission within the meaning of Charter
19 Section 4.113; affect or impair any other legal restrictions that may apply to the property; or impose
20 this Code on the State of California or its employees, agents, or contractors while they are engaging in
21 the course and scope of their employment on the property.

22 23 **SEC. 3.21. HOURS OF OPERATION.**

24 (a) Persons may enter and use any park from 5:00 a.m. to midnight daily, provided
25 that the Department may set different hours in a permit, contract or lease. This subsection

1 shall not apply to buildings, such as recreation centers, restrooms and clubhouses, or to
2 athletic fields, which may have different hours of operation, as determined by the General
3 Manager or the Commission, as the case may be.

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

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

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

14 (2) In the case of the Panhandle, persons may walk or ride a bicycle on the bike
15 paths at any time for purposes of ~~trans~~versing the park only; and,

16 (3) In the case of Union Square, Civic Center Plaza, and Justin Herman Plaza,
17 persons may walk on the paved portions of those plazas at any time for purposes of
18 ~~trans~~versing the plaza only.

19 (4) In the case of parks on Treasure Island and Yerba Buena Island, persons may walk
20 on paved paths at any time for purposes of traversing the parks only.

21 * * * *

22
23 Section 3. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10

11 APPROVED AS TO FORM:
12 DAVID CHIU, City Attorney

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14 By: **DRAFT**
PENDING ATTORNEY'S NAME
Deputy City Attorney

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1 [Park Code - Application of Park Code to Properties Operated and Managed by the
2 Recreation and Park Department]

3 **Resolution recommending to the Board of Supervisors approval of a draft**
4 **ordinance amending the San Francisco Park Code to apply the Park Code to**
5 **Properties Operated and Managed by the Recreation and Park Department.**

6 WHEREAS, Former Naval Station Treasure Island (the "Base" or "Treasure Island") is
7 a former military base located in the City and County of San Francisco (the "City") consisting
8 of approximately 550 acres on Treasure Island and Yerba Buena Island; and

9 WHEREAS, The Base was selected for closure and disposition by the Base
10 Realignment and Closure Commission in 1993, acting under Public Law 101-510, and its
11 subsequent amendments, and the Base ceased operations in 1997; and

12 WHEREAS, Under the Treasure Island Conversion Act of 1997 (AB 699), which
13 amended Section 33492.5 of the California Health and Safety Code and added Section 2.1 to
14 Chapter 1333 of the Statutes of 1968, the State Legislature (i) granted to the Board of
15 Supervisors the authority to designate the Treasure Island Development Authority ("TIDA") as
16 a redevelopment agency under California Community Redevelopment Law with authority over
17 the Base; and (ii) with respect to those portions of the Base that are subject to the public trust
18 for commerce, navigation and fisheries (the "Public Trust"), vested in TIDA the authority to
19 administer the Public Trust as to such property; and

20 WHEREAS, On April 21, 2011, the TIDA Board of Directors unanimously made certain
21 environmental findings under the California Environmental Quality Act ("CEQA") and approved
22 a package of legislation in furtherance of the development project (the "Project"), including a
23 disposition and development agreement (the "DDA") with TICD; and

24 WHEREAS, On June 7, 2011, the Board of Supervisors unanimously confirmed
25 certification of the final environmental impact report and made certain environmental findings

1 under CEQA (collectively, the “FEIR”) by Resolution No. 246-11 and approved a package of
2 legislation in furtherance of the Project; and

3 WHEREAS, The DDA included as an exhibit the Parks and Open Space Plan
4 obligating the construction and delivery to TIDA ownership of a world-class series of parks
5 and open spaces across both Islands (heretofore referred to collectively as the “TI/YBI Parks
6 System”); and

7 WHEREAS, To ensure TI/YBI Parks System is used and enjoyed by the broadest
8 possible cross-section of the public, clear rules guiding the use of these spaces is essential to
9 TIDA in ensuring responsible and efficient long-term management of the spaces; and

10 WHEREAS, A rules structure for the TI/YBI Parks System assures facilities and natural
11 resources are protected, spaces are safe and secure, use and access is fair and equitable,
12 and that responsible and considerate behavior by the public is encouraged; and

13 WHEREAS, A rules structure for the TI/YBI Parks System also assures effective
14 management of the spaces by TIDA and City staff in establishing and maintaining a clean,
15 welcoming and safe environment for all visitors and in hosting special events and organized
16 activities in the spaces; and

17 WHEREAS, The TI/YBI Parks System must be governed under the structure of the
18 Municipal Code of the City and County of San Francisco; and

19 WHEREAS, Within the Municipal Code, the San Francisco Park Code establishes
20 appropriate and reasonable time, place and manner restrictions on conduct and activities on
21 public parks, open spaces and recreational facilities under the Code’s jurisdiction; and

22 WHEREAS, In order to meet its responsibilities to assure the TI/YBI Parks System is
23 safe, equitable, welcoming and clean within the larger construct of the San Francisco
24 Municipal Code, TIDA has determined that applying the San Francisco Park Code to the
25 TI/YIB Parks System is the most efficient and consistent course of action; and

1 WHEREAS, The San Francisco Recreation and Park Department intends to introduce
2 an ordinance to the San Francisco Board of Supervisors amending the Park Code to, among
3 other things, allow the Park Code to apply to properties that RPD operates under a lease,
4 memorandum of understanding, or similar agreement, and to add new properties where the
5 Park Code applies, including to potential operations on Treasure and Yerba Buena Islands;
6 and

7 WHEREAS, Extending the Park Code to the TI/YBI Parks System does not transfer the
8 current or future spaces jurisdiction to the Recreation and Park Commission, and these on-
9 Island properties remain outside the formal "park" designation within the meaning of the San
10 Francisco Charter; and

11 WHEREAS, The proposed amendments to the Park Code within the ordinance
12 ensure consistent rules for public safety, park operations, and recreational use across
13 Treasure Island and Yerba Buena Island parks, allows TIDA and City Staff to manage the
14 TI/YBI Park System spaces effectively without altering jurisdiction or ownership, includes clear
15 safeguards to address neighborhood concerns and operational needs; and

16 WHEREAS, The draft ordinance has been reviewed by the Planning Department for
17 review under the California Environmental Quality Act; and has been determined to
18 be _____;

19 NOW THEREFORE BE IT RESOLVED, That the TIDA Board of Directors does hereby
20 recommend approval with modifications the attached draft ordinance amending the San
21 Francisco Park Code so that the Park Code applies to newly accepted parks on Treasure
22 Island and Yerba Buena Island; and be it

23 FURTHER RESOLVED, That the Board of Directors urges the San Francisco Board of
24 Supervisors to consider and approve the draft ordinance broadening the applicability of the
25 Park Code to TIDA's newly accepted parks.

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CERTIFICATE OF SECRETARY

I hereby certify that I am the duly elected Secretary of the Treasure Island Development Authority, a California nonprofit public benefit corporation, and that the above Resolution was duly adopted and approved by the Board of Directors of the Authority at a properly noticed meeting on January 8, 2025.

Jeanette Howard, Secretary