

Access for All Ordinance

SAN FRANCISCO
FILED

Be it ordained by the People of the City and County of San Francisco: 2022 JUN -6 PM 4:59

DEPARTMENT OF ELECTIONS

Section 1. Title.

This ordinance shall be known as the "Access for All Ordinance."

Section 2. Background.

A. John F. Kennedy ("JFK") Drive provides critical access to the east end of Golden Gate Park (the "Park"), which houses the de Young Museum, California Academy of Sciences, Conservatory of Flowers, Japanese Tea Garden, Botanical Garden, Golden Gate Park Tennis Center, Dahlia Dell and other beloved gardens. It is surrounded by ample bike paths and walkways. Since 1967, several compromises have been made to balance the needs of those who wish to recreate in the Park without vehicles with those who need vehicular access to visit Park destinations.

B. JFK Drive, between Kezar Drive and Transverse, has been closed to cars on Sundays and holidays since 1967. In November 2000, San Francisco voters rejected two ballot propositions, Propositions F and G, which would have extended Sunday and holiday closures of JFK Drive to include Saturdays. In April 2007, Park stakeholders reached a compromise agreement for a Saturday closure of JFK Drive agreeing that JFK Drive would be closed to vehicular traffic west of Hagiwara Tea Garden Drive to Transverse Drive on Saturdays, 6:00 AM - 6:00 PM, from the first Saturday of April through the last Saturday of September each year.

C. The full and permanent closure of JFK Drive places a disproportionate burden on people with disabilities, seniors, families and those who live far from the Park. It is time to return to earlier agreements to allow for all to equitably access and use the Park.

D. The full and permanent closure of Martin Luther King, Jr. (“MLK”) Drive between Lincoln Way and Middle Drive, and of Bernice Rogers Drive, also places a disproportionate burden on people with disabilities, seniors, families and those who live far from the Park, and also must be reopened in order to allow for all to equitably access and use the Park.

E. The Upper Great Highway and Great Highway Extension (hereinafter referred to collectively as “The Great Highway”) comprise a major arterial road in the Sunset District for commuting and accessing regional cities. It is surrounded by ample bike paths and walkways. Before the Covid-19 pandemic, it was used by approximately 20,000 drivers per day -- to commute to and from work, school, doctor’s appointments, soccer practice, the Zoo, shopping, the Veterans Administration, and many other essential places. This high volume of traffic has now been diverted to smaller streets in the surrounding neighborhood, turning these small, neighborhood streets into unsafe, high traffic roads.

F. As we return to pre-pandemic life and normal traffic patterns, car access through the Great Highway is essential. The closure is an unnecessary burden on working people, families and on neighborhoods that are absorbing the diverted traffic.

G. During the Covid-19 pandemic, the City shut down nonessential businesses, schools, parks, restaurants, bars, gyms, theaters, stadiums, and other public venues as a health precaution. The City also shut down a number of streets, stating that, with all public venues shut down, these closed streets would be places for people to exercise, recreate and socially gather in a safe manner. These street closures were intended to be temporary measures.

H. More than two years later, even though gyms and exercise facilities are now reopened, providing the public with places to exercise, and even though parks have been reopened, providing the public with places to recreate, and restaurants, bars, clubs, theaters and stadiums have been reopened, providing places for the public to socially gather, and schools and government buildings have been reopened, many streets remain closed. To the dismay of most San Franciscans, the City has now taken steps to permanently shut down some streets. People with physical disabilities, seniors with limited mobility, families with small children, and many others not capable of riding a bicycle, walking far distances, or walking at all, others who have limited access to public transit, and others who can not afford a bicycle, are being excluded from these permanently closed streets and the public and private places to which they provide access. These permanently closed streets are also key passages for emergency responders.

I. Unsurprisingly, there has been a huge outcry across the City, with everyday San Franciscans demanding that their leaders restore these closed streets to their pre-pandemic conditions. The people of San Francisco have petitioned their leaders, written

thousands of protest letters and emails, attended public hearings, held rallies, and overwhelmingly protested this unfair and bad faith attempt by elected officials to ignore the clear will of the people. Despite the outcry and pleas from San Franciscans concerned over the actions of City officials, the Board of Supervisors voted in April 2022 to permanently close JFK Drive, and continues to consider the permanent closure of the Great Highway.

Section 3. Purposes, Intent and Findings.

A. In enacting this Ordinance, the People of the City and County of San Francisco have the following purposes and intentions:

1. To exercise their legal authority to pass an ordinance to revert back to the previously negotiated compromise on JFK Drive, to reopen MLK Drive and Bernice Rogers Way, and to reopen the Upper Great Highway, to the condition and status as they were before the Covid-19 pandemic, and keep those roads properly maintained and open to vehicles as they were before the closures put in place because of the Covid-19 pandemic, so that all members of the public have access and can enjoy their use. All residents and visitors should be able to access and share all City streets equitably; that is the fair and right thing to do. All residents and visitors must have access to all City streets; no streets should be reserved for the exclusive use of those who have the physical capacity to ride a bicycle or motorized scooter, to those who have the physical capacity and convenience to walk, or to those who can afford a bicycle, while vehicles are banned.

2. To reopen JFK Drive and the Great Highway to the condition and status they were before the Covid-19 pandemic, and keep those roads properly maintained and open to vehicles as they were before the closures put in place because of the Covid-19 pandemic.

3. To define and limit the reasons for any future temporary closures on JFK Drive, MLK Drive, Bernice Rogers Way or the Great Highway to cases of emergency, for construction and maintenance, or for permitted community or special events, and so that such temporary closure continue for no longer than is necessary for the specific activity or task. Temporary closures of these streets for other reasons or under other circumstances can result in disparate impacts on persons with disabilities, seniors, people with limited mobility, families with children, or communities of color.

4. To clarify the wording of City law, specifically the Park Code, which has been misused and misinterpreted to justify closures of JFK Drive and the Upper Great Highway.

5. To transfer authority over the Great Highway from the Recreation and Park Department (“RPD”) to the Department of Public Works, which is already responsible for maintenance of these two roadways.

6. To allow RPD, the San Francisco Municipal Transportation Authority (“SFMTA”) and other City departments to implement those portions of the Golden Gate Park Access and Safety Program (“the Program”) which are consistent, and do not conflict, with reopening JFK Drive and the Upper Great Highway to vehicles as they were before the closures put in place because of the Covid-19 pandemic.

B. In enacting this Ordinance, the People of the City and County of San Francisco find that:

1. The portions of JFK Drive, MLK Drive, Bernice Rogers Way and the Upper Great Highway which are currently closed to vehicles and subject to vehicular restrictions are needed for two-way vehicular access.

2. These current street closures and vehicular restrictions have a negative impact on the surrounding areas.

3. These current street closures and vehicular restrictions, beyond those in effect before the closures put in place because of the Covid-19 pandemic, are not necessary for the safety or protection of residents or visitors.

4. The Great Highway Extension is needed for vehicular access.

5. Despite any statutory language implying otherwise, reopening JFK Drive, MLK Drive and Bernice Rogers Way to vehicles and limiting the temporary closures of these streets, are consistent with City policies relating to the use of Golden Gate Park as set forth in the Charter, the Golden Gate Master Plan, 1998 Proposition J, and other City laws and policies.

6. Despite any statutory language implying otherwise, reopening the Upper Great Highway to vehicles, keeping the Great Highway Extension open to vehicles, limiting the temporary closures of these streets, and placing the Great Highway under the jurisdiction and management of Public Works, are consistent with City laws and policies relating to the use of these streets.

7. Reopening JFK Drive, MLK Drive, Bernice Rogers Way and the Upper Great Highway to vehicles, keeping the Great Highway Extension open to vehicles, and limiting the temporary closures of these streets would restore and enhance equitable access to Golden Gate Park and the Great Highway.

Section 4. New Transportation Code section. Section 1010, titled “Certain Golden Gate Park Roadways and the Great Highway,” is hereby added to Article 1000 of the Transportation Code.

Section 1010. Certain Golden Gate Park Roadways and the Great Highway.

(a) **Definitions.** The following definitions shall apply for the purposes of this section:

1. “Vehicle” shall be defined as provided in section 2.07 of the Park Code.
2. “The Great Highway” shall be defined as including the Upper Great Highway from Lincoln Boulevard to Sloat Boulevard and the Great Highway Extension from Sloat Boulevard to Skyline Boulevard.
3. “On a temporary basis” shall be defined as including only: (1) in cases of emergency; (2) for construction, maintenance and street repairs; or (3) for a permitted parade, celebration, concert, athletic event, community event or similar activity, including long-standing institutional events and programming such as Outside Lands and Bay to Breakers, in accordance with Article 6 of the Transportation Code and Article 7 of the Park Code.

4. “City” shall refer to the government and government officials of the City and County of San Francisco.

(b) Reopening and Keeping Open Streets in Golden Gate Park and the Great Highway.

1. John F. Kennedy (“JFK”) Drive shall be reopened and shall remain open to vehicles, in both directions, from Stanyan Street through Transverse Drive, with the exception of Sunday, holiday and Saturday closures as provided in the Park Code. This street shall be reinstated to the condition and status as it was before the closures put in place because of the Covid-19 pandemic, and shall be kept properly maintained and open to vehicles as it was at that time.

2. Martin Luther King, Jr. (“MLK”) Drive shall be reopened and shall remain open to vehicles, in both directions, from Lincoln Way to Kezar Drive. This street shall be reinstated to the condition and status as it was before the closures put in place because of the Covid-19 pandemic, and shall be kept properly maintained and open to vehicles as it was at that time.

3. Bernice Rogers Way shall be reopened and shall remain open to vehicles, in both directions. This street shall be reinstated to the condition and status as it was before the closures put in place because of the Covid-19 pandemic, and shall be kept properly maintained and open to vehicles as it was at that time.

4. The Upper Great Highway shall be reopened and shall remain open to vehicles, in both directions, from Lincoln Way through Sloat Boulevard. This street shall be reinstated to the condition and status as it was before the closures put in place

because of the Covid-19 pandemic, and shall be kept properly maintained and open to vehicles as it was at that time.

5. The Great Highway Extension shall remain open to vehicles, in both directions, from Sloat Boulevard to Skyline Boulevard.

(c) Limited Reasons for Temporary Vehicle Ban.

1. With the exception of Sunday, holiday and Saturday closures as provided in the Park Code, the City shall not ban vehicles on JFK Drive from Stanyan Street through Transverse Drive, except on a temporary basis.

2. The City shall not ban vehicles on MLK Drive, Bernice Rogers Way or the Great Highway except on a temporary basis.

3. The City shall only approve such temporary bans on vehicles on JFK Drive, MLK Drive, Bernice Rogers Way or the Great Highway: (1) when the closure is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closure; and (2) for the minimum amount of time necessary to respond to the emergency, to conduct the construction, maintenance or street repair, or for the permitted event.

Section 5. New Public Works Code section. New Article 28, titled “Management of the Great Highway,” is hereby added to the Public Works Code.

Section 2800. Management of the Great Highway. The Great Highway, including the Upper Great Highway from Lincoln Boulevard to Sloat Boulevard, and the

Great Highway Extension from Sloat Boulevard to Skyline Boulevard, shall be under the jurisdiction and management of the Department of Public Works.

Section 6. Amendment to Transportation Code. Section 1.3 of the Transportation Code is hereby amended to read as follows. Unchanged statutory text is in plain font. Additions are underlined and deletions are crossed-out. Asterisks indicate the omission of unchanged sections.

Section 1.3. Applicability of Vehicle Code.

(a) The provisions of the San Francisco Transportation Code shall be construed in a manner consistent with the Vehicle Code. Nothing in this Code is intended to narrow or limit any authority granted to the City by the Vehicle Code, except to the extent that City law restricts the ability of the City to ban or restrict vehicles on John F. Kennedy Drive, Martin Luther King, Jr. Drive, Bernice Rogers Way, the Great Highway, or the Great Highway Extension.

* * *

Section 7. Amendments to Park Code.

1. Section 6.12 of the Park Code is hereby amended to read as follows. Unchanged statutory text is in plain font. Additions are underlined and deletions are crossed-out. Asterisks indicate the omission of unchanged sections.

Section SEC. 6.12. GOLDEN GATE PARK ACCESS AND SAFETY
PROGRAM AND ROAD CLOSURES IN GOLDEN GATE PARK.

(a) Findings and Purpose.

(1) Golden Gate Park was created more than 100 years ago to provide a sanctuary from the pressures of urban life. Golden Gate Park remains an irreplaceable resource of open space for visitors to and residents of San Francisco, especially those families for whom it is difficult to travel out of the City for recreation.

(2) For more than 30 years, ~~Sunday and holiday closure to motor vehicles of a portion of John F. Kennedy Drive, approximately 1.5 miles in length, between Kezar Drive and Transverse Drive, and closure of portions of adjacent roads connecting with that portion of John F. Kennedy Drive, has~~ have been one of the most popular attractions in Golden Gate Park, attracting hundreds of thousands of people each year from every neighborhood, racial/ethnic group, age category, and income level been closed to vehicles on Sundays and holidays year round, 6 AM – 6 PM, Pacific Standard Time and Pacific Daylight Time.

(3) Proposition J, the Golden Gate Park Revitalization Act of 1998, adopted by San Francisco voters on June 2, 1998, has as one of its primary purposes to take steps to reduce the impact of automobiles in Golden Gate Park while still providing long-term assurance of safe, reliable, and convenient access for visitors to the Park. This goal remains of paramount importance in ensuring that Golden Gate Park is scenically beautiful, environmentally sensitive, culturally diverse, and accessible to all.

(4) Concerns about ensuring automobile access to the cultural institutions in the Golden Gate Park Concourse area, including the M.H. de Young Memorial Museum and the California Academy of Sciences (“CAS”), have been partially addressed by the construction of an underground parking garage in the Concourse area pursuant to the aforementioned Proposition J.

(5) In November 2000, San Francisco voters rejected two ballot propositions, Propositions F and G, which would have extended Sunday and holiday closures of John F. Kennedy Drive to include Saturdays.

(6) In April 2007, Park stakeholders discussed a compromise agreement for a Saturday closure of John F. Kennedy Drive in Golden Gate Park. Parties agreed that John F. Kennedy Drive would be closed to vehicular traffic west of Hagiwara Tea Garden Drive to Transverse Drive on Saturdays from the first Saturday of April through the last Saturday of September each year, to allow for shared use of the Park. This Saturday road closure would be operative from 6 AM – 6 PM, Pacific Standard Time and Pacific Daylight Time. This compromise was previously enumerated in Section 6.13 of the Park Code; it shall now be enumerated in Section 6.12 of the Park Code.

(7) The People of the City and County of San Francisco hereby affirm that the closure of John F. Kennedy Drive shall be in effect for every Sunday and holiday, and for Saturdays six (6) months of the year, as described in subsections (a)(2) and (a)(6) and in accordance with subsection (b), and amend the Golden Gate Park Access and Safety Program accordingly.

~~(5) In 2007, with the enactment of Ordinance No. 271-07, the City extended this program of Sunday road closures to also cover Saturdays, to provide more opportunities for the public to engage in recreation and due to the need to ensure the safety and protection of persons who would use these roads during the closures.~~

(68) In 2022, following the temporary closure of portions of John F. Kennedy Drive and other connecting streets due to the Covid-19 pandemic, and on recommendation of the Recreation and Park Commission and San Francisco Municipal Transportation Agency Board of Directors, the Board of Supervisors adopted the Golden Gate Park Access and Safety Program, ~~and approved the road closures described herein, finding that it would be appropriate to permanently restrict private vehicles from portions of John F. Kennedy Drive and certain other street segments in Golden Gate Park, due to the need to ensure the safety and protection of persons who are to use those streets, and because those streets are no longer needed for private vehicle traffic, and because the restrictions would leave a sufficient portion of the streets in the surrounding area for other public uses including vehicular, pedestrian, and bicycle traffic.~~

(b) Sunday, Saturday and Holiday Closures of John F. Kennedy Drive.

(1) John F. Kennedy Drive, between Kezar Drive and Transverse Drive, shall be closed to motor vehicles on Sundays and holidays year round, 6 AM – 6 PM Pacific Standard Time and Pacific Daylight Time.

(2) John F. Kennedy Drive shall be closed to vehicular traffic west of Hagiwara Tea Garden Drive to Transverse Drive on Saturdays from the first Saturday of

April through the last Saturday of September each year, from 6 AM – 6 PM Pacific Standard Time and Pacific Daylight Time.

(3) Private vehicle access through John F. Kennedy Drive and to public parking spaces located on this roadway and adjacent roads shall be available during non-closure days and times.

(4) Sunday, Saturday and holiday road closures shall not be in effect on days with inclement weather conditions.

(5) The Recreation and Park Department, with assistance as needed of other City departments, shall arrange for appropriate barriers to be placed within Golden Gate Park so as to effectuate the aforementioned street closures.

(bc) Restrictions on Private Vehicles Bicycle Lanes on Other Golden Gate Park Roads. ~~The Board of Supervisors authorizes the Recreation and Park Department to restrict private vehicles from the following streets in Golden Gate Park: JFK Drive, between Kezar Drive and Transverse Drive; Conservatory Drive East, between Arguello Boulevard and JFK Drive; Pompeii Circle, entire length of street; Conservatory Drive West, between JFK Drive and 500' northeast of JFK Drive; 8th Avenue, between Fulton Street and JFK Drive; Music Concourse Drive, between JFK Drive and Bowl Drive; Hagiwara Tea Garden Drive, between JFK Drive and Bowl Drive; Stow Lake Drive, between JFK Drive and Stow Lake Drive East; Middle Drive West, between Overlook Drive and a gate 200 feet west of Overlook Drive; Middle Drive West, between Metson Road and a gate 675 feet east of Metson Road; Bernice Rodgers Way, between JFK Drive and MLK Drive; and MLK Drive, between Lincoln Way and Chain of Lakes Road.~~

~~The Board of Supervisors also authorizes the Recreation and Park Department to convert MLK Drive from Chain of Lakes Drive to Sunset Boulevard from two-way traffic to one-way traffic in the eastbound direction; and Middle Drive West from Metson Road to MLK Drive from two-way traffic to one-way traffic in the westbound direction. The Board of Supervisors also establishes a A protected two-way bicycle lane (Class IV) is established on the east side of Transverse Drive from JFK Drive to Overlook Drive, and a one-way westbound bicycle lane (Class II) on the north side of MLK Drive between Middle Drive and Sunset Boulevard. A map depicting these ~~street closures and traffic restrictions~~ bicycle lanes is on file with the Clerk of the Board of Supervisors in File No. 220261, the file for the ordinance amending this Section 6.12 in April 2022, and is incorporated herein by reference. ~~The Recreation and Park Department's temporary closure of the streets in Golden Gate Park due to the COVID-19 pandemic is hereby ratified.~~~~

(ed) The Recreation and Park Department shall include on its website a map depicting the streets subject to the street closures and traffic restrictions authorized in subsection (b), and such other information as it may deem appropriate to assist the public; and shall provide advance notice of any changes to these street closures or traffic restrictions to residents and owners of property abutting those streets.

(de) ~~The Board of Supervisors urges the Recreation and Park Department~~ is authorized to pursue the remaining aspects of the Golden Gate Park Access and Safety Program, including but not limited to the associated parking, loading, and traffic modifications, improved shuttle service, paratransit van service, accessible parking spots,

delivery access for the De Young Museum, and bicycle connectivity, except to the extent that they conflict with provisions in the Park Code and Transportation Code relating to reopening and keeping open John F. Kennedy Drive and Martin Luther King, Jr. Drive to vehicles, and authorizes the Recreation and Park Department to implement the Program with adjustments as it deems necessary.

(ef) **Disability Access Standards.** The following disability access standards shall apply to the Sunday, Saturday and holiday road closures of John F. Kennedy Drive and related roads as set forth above ~~in subsection (b).~~

(1) Disability access to Golden Gate Park shall comply with the Americans with Disabilities Act and the Golden Gate Park Revitalization Act of 1998.

(2) All vehicular access points to the areas of closure shall contain directional signage that describes all access points and accessible surface parking areas for people with disabilities and provides directions to the underground parking facility in the Music Concourse. Signage also shall include telephone and TTY/TDD contact numbers where callers can obtain information on disability access.

(3) The Department, in consultation with the San Francisco Municipal Transportation Agency, Fine Arts Museums, California Academy of Sciences, Golden Gate Park Concourse Authority, and Mayor's Office on Disability, shall maintain at least the following disability access measures.

(A) A total of at least 118 ~~92~~ accessible parking spaces east of Transverse Drive, of which 20 spaces shall be in the Bandshell parking lot and 26 shall be the

parking spaces on JFK Drive, Pompeii Circle and Stow Lake Drive which existed before the street closures put in place because of the Covid-19 pandemic.

(B) Assigned passenger loading zones for people with disabilities and others, in the Music Concourse in front of the California Academy of Sciences and the de Young Museum.

(C) An authorized intra-park transit shuttle that is accessible and operates frequently on the closed sections of John F. Kennedy Drive, additional accessible parking spaces, and additional signed drop-off zones for people with disabilities outside of the area of closure.

(fg) **Exempt Motor Vehicles.** The following motor vehicles are exempt from the restrictions in this section ~~subsection (b)~~:

(1) Emergency vehicles, including but not limited to police and fire vehicles.

(2) Official City, State, or federal vehicles, or any other authorized vehicle, being used to perform official City, State, or federal business pertaining to Golden Gate Park or any property or facility therein, including but not limited to public transit vehicles, vehicles of the Recreation and Park Department and construction vehicles authorized by the Recreation and Park Department.

(3) Authorized intra-park transit shuttle buses, paratransit vehicles ~~vans~~, or similar authorized vehicles used to transport persons within, or to and from, Golden Gate Park.

(4) Private vehicles accessing assigned passenger loading zones in the Music Concourse in front of the California Academy of Sciences and the De Young Museum through the 8th Avenue entrance to Golden Gate Park on Fulton Street.

(45) Vehicles authorized by the Recreation and Park Department in connection with permitted events.

(56) Vehicle deliveries to the DeYoung Museum loading dock. Such vehicles shall have unimpeded access to the Museum's loading dock from John F. Kennedy Drive through the road closure area. The DeYoung Museum may use the existing closure protocols, and update them as necessary, to provide for unencumbered delivery access to its loading dock and maintain safety of individuals within the road closure area. The Museum and the Recreation and Park Department shall evaluate such protocols and delivery activities on a regular basis to ensure that adequate delivery access and public safety are maintained, and if necessary, shall institute additional or modified methods that ensure adequate delivery access to the Museum and public safety.

(gh) **Emergency Authority.** The General Manager of the Recreation and Park Department shall have the authority to allow traffic on roads that would otherwise be closed in accordance with this Section 6.12 in circumstances which in the General Manager's judgment constitute an emergency such that the benefit to the public from the street closure is outweighed by the traffic burden or public safety hazard created by the emergency circumstances.

~~(h) **Promotion of the General Welfare.** In enacting and implementing this Section 6.12, the City is assuming an undertaking only to promote the general welfare. It~~

~~is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.~~

~~(i) **Severability.** If any section, subsection, sentence, clause, phrase, or word of this Section 6.12 or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of Section 6.12. The Board of Supervisors hereby declares it would have passed this Section 6.12 and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portions of Section 6.12 or application thereof would be subsequently declared invalid or unconstitutional.~~

2. Section 3.03 of the Park Code is hereby amended to read as follows.
Unchanged statutory text is in plain font. Additions are underlined and deletions are crossed-out. Asterisks indicate the omission of unchanged sections.

Section 3.03. PUBLIC MAY BE EXCLUDED.

In case of an emergency, or when in the judgment of the Recreation and Park Commission or the General Manager the public interest demands it, any portion of any park or park building therein may be closed to the public until such park area or building is reopened to the public by the Recreation and Park Commission or the General Manager; provided, however, that nothing in this Section shall authorize the General Manager or the Commission to close any portion of any park or park building because of the content or viewpoint of expressive activities, existing or anticipated, to the extent

such expressive activities are protected by the First Amendment to the United States Constitution. Notwithstanding the above, any temporary or permanent closure of John F. Kennedy Drive, Martin Luther King, Jr. Drive, Bernice Rogers Way, the Great Highway, or the Great Highway Extension must comply with section 1010 of the Transportation Code.

Section 8. Earliest Possible Election.

The People of the City and County of San Francisco hereby expressly request that, if not adopted by the Board of Supervisors, this measure be submitted to the voters at a regular or special election at the earliest time allowable by law.

Section 9. Competing Measures.

This measure is intended to be comprehensive. It is the intent of the People of the City and County of San Francisco that, in the event this measure and one or more measures relating to John F. Kennedy Drive, Martin Luther King, Jr. Drive, Bernice Rogers Way and/or the Great Highway shall appear on the same ballot, the provisions of the other measure or measures shall be deemed in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than any other measure or measures appearing on the same ballot relating to John F. Kennedy Drive, Martin Luther

King, Jr. Drive, Bernice Rogers Way and/or the Great Highway, then this measure shall take effect to the extent not in conflict with said other measure or measures.

Section 10. Amendment and Repeal.

This measure shall not be amended or repealed except by a vote of the People of the City and County of San Francisco, except the Board of Supervisors may amend the relevant Code sections with the approval of two-thirds of the membership concurring under only the following, limited circumstances: (1) the amendment is consistent with, and furthers the purposes of, the measure; or (2) the amendment is required to cure a legal or constitutional infirmity specifically identified in a final adjudication issued by court of competent jurisdiction. Any such amendments by the Board of Supervisors shall be as minimal and specific as possible.

Section 11. Effective Date.

This measure shall be effective at the earliest date allowable by law.

Section 12. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this measure is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this article. The voters of the City and County of San Francisco declare that they would have

independently adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this measure irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this measure is declared invalid or unenforceable.

Section 13. Liberal Construction.

This measure is an exercise of the initiative power of the People of the City and County of San Francisco to keep John F. Kennedy Drive, Martin Luther King, Jr. Drive, Bernice Rogers Way and the Great Highway open to vehicles, restrict the temporary closure of these streets, and place the Great Highway under the authority of the Department of Public Works, and shall be liberally construed to effectuate these purposes and intentions.

Section 14. Legal Defense.

The purpose of this section is to ensure that the People's right of initiative cannot be improperly annulled by politicians who refuse to defend the will of the voters. Therefore, if this measure is approved by the voters of the City and County of San Francisco and thereafter subjected to a legal challenge which attempts to limit the scope or application of this measure in any way, or alleges this measure violates any local, state, or federal law in whole or in part, and the City refuses to defend this measure, the City brings the legal challenge, or the City supports the legal challenge in any way, then the following actions shall be taken:

A. Notwithstanding any provisions to the contrary in state or local law, the City Attorney shall appoint independent counsel to faithfully and vigorously defend this measure on behalf of the City and County of San Francisco.

B. Before appointing or thereafter substituting independent counsel, the City Attorney shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that it will faithfully and vigorously defend this measure. The written affirmation shall be a public document.

C. A continuous appropriation is hereby made from City funds, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this measure on behalf of the People of the City and County of San Francisco.

Selby, Matthew (REG)

From: Howard Chabner <hlchabner@comcast.net>
Sent: Monday, June 6, 2022 4:56 PM
To: Selby, Matthew (REG)
Cc: Howard Chabner
Subject: Submission authorization

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DEPARTMENT OF ELECTIONS

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I Howard Chabner authorize Andrew Cunningham to submit the Access for All Ordinance and Proponent Statement and Notice of Intent to Circulate Petition on my behalf.