

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

Changes to the Use of Public and Private Recreational Facilities

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The City operates public recreational facilities, parks, playgrounds, and open spaces throughout the City. The City's Charter requires voter approval before park land maintained by the Recreation and Parks Department may be sold or leased for non-recreational purposes, and before any structure on such park land may be built or used for non-recreational purposes.

A conditional use of a property is a new use that may be approved by the City's Planning Commission if it makes certain findings, including whether the use is necessary or desirable for, and compatible with, the neighborhood or the community.

This measure would require the Planning Commission to provide a conditional use authorization before any change in use, demolition or other removal of a "recreational facility" that is part of a redevelopment of a site for offices, mixed uses, or attached condominiums.

For purposes of this measure, a "recreational facility" would mean a publicly or privately owned facility of at least 10,000 square feet that offers free or fee-based membership to the general public and is used for recreational activities such as ice skating, bowling, swimming, soccer, tennis, racquetball, basketball, softball, baseball, and similar activities. A recreational facility could also include play areas for children and accommodations such as locker rooms and activity rooms.

This measure would prohibit the Planning Commission from granting a conditional use authorization unless the loss of the recreational facility and the associated services to the neighborhood could be met by another recreational facility that:

- **would be open to the public before or on the date that the recreational facility is proposed to be removed;**
- **is located no farther than three quarters of a mile from the recreational facility that is proposed to be removed; and**
- **would provide similar services in facilities of substantially equivalent size and affordability as the recreational facility proposed to be removed.**

DON'T DEMOLISH RECREATION IN SAN FRANCISCO INITIATIVE

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

SECTION 1. Title. This Initiative shall be known and may be cited as the "**Don't Demolish Recreation in San Francisco Initiative**" (referred to hereinafter as the "Initiative").

SECTION 2. Findings & Conclusions. The People of the City and County of San Francisco (the "City") declare their findings and purposes in enacting this Initiative to be as follows:

(a) Protect San Francisco's short supply of recreational facilities from being diminished further by real estate redevelopment. This Initiative establishes policies and modifications to the San Francisco Planning Code that would require Conditional Use Authorization by the Planning Commission for the change in use, demolition or other removal of a public or privately owned Recreational Facility (as defined per SF Planning Code Section 890.81) of at least 10,000 square feet (indoor area or outside space) as part of a redevelopment of a site for office, mixed use, or attached condominium uses. The Conditional Use Authorization (per Section 303 of the Municipal Code) will require:

- (1) Replacing the Recreational Facility. Replacement of the Recreational Facility that was subject to a change in its use, demolition or other removal ("Demolished Facility") requires a facility of substantially equivalent size and similar services ("Replacement").
- (2) Locating the Replacement nearby. The Replacement shall be located as close to the Demolished Facility as possible, so as to serve the same general population as before. This distance shall not exceed the reasonable walking distance of three fourths of a mile.
- (3) No interrupted service. The Replacement should be open at the same time or before the Demolished Facility is closed, so as to provide uninterrupted recreational facilities and services. The Demolished Facility shall remain open until the Replacement has a certificate of occupancy and is fully equipped and open for use.

(b) Recognize the importance of sports and recreation to the quality of life for people in San Francisco. Active recreation:

- (1) Improves physical fitness.
- (2) Reduces the long-term cost of health care.
- (3) Provides important social meeting locations outside of the workplace.
- (4) Gives children and families fun things that they can do together.
- (5) Offers productive, inexpensive activities for teenagers.
- (6) Is supported by the people of San Francisco.
- (7) Is important for citizens as the City's population grows and more high-rise buildings intensify the hardscape of the City. Because apartments are small and yards are rare, open space and recreation have increasing public value in San Francisco.

(c) Understand that sports and recreation face increasing economic pressure to be replaced by real estate development. This comes about because:

- (1) Limited available land exists for development.
- (2) The City has approximately 60,000 new residents since 2010.
- (3) Approximately 11,000 net new housing units have been built since 2010.
- (4) According to a 2015 report by the *San Francisco Business Times*, there were approximately 20 million square feet of office space under construction, approved or being planned for San Francisco. By comparison, this square footage is roughly the combined area of the San Francisco Zoo, Ft. Mason, and the following City parks: Palace of Fine Arts, Candlestick, Stern Grove, Alamo, Mission Dolores, Lafayette, Balboa, Park Presidio, Buena Vista, Mountain Lake, Alta, Bernal Heights, Mt. Davidson and Ocean View.
- (5) San Francisco is consistently ranked the first or second most expensive real estate market in the country.
- (6) San Francisco is the second most densely populated city in the country (after New York City).
- (7) Real estate investors see recreational facilities as lower density uses that can be profitably redeveloped as higher density new Class A offices or condominiums.

(d) Realize that recreational opportunities are already inadequate and shrinking in San Francisco, both in number and relative to its increasing population.

- (1) The budget for the Recreation and Park Department was 2.1% of the City budget in the year 2000. In comparison, the 2016 budget for the Recreation and Park Department is only 1.2 % of the total budget. The City can barely maintain existing facilities and cannot afford to add more total facilities without raising taxes or taking on more debt paid through property tax increases.
- (2) The 21 tennis courts in Golden Gate Park have been in need of major renovation for several years. The City does not have funds to take care of them. They represent 1 out of every 7.5 courts in the City's inventory of tennis courts.
- (3) The City has 9 public swimming pools, but Balboa has been closed since December 2015 until sometime in 2017 due to needed renovation and lack of budget. National Recreation and Parks Association 2015 standards would expect twice as many swimming pools based on San Francisco's population.
- (4) The Mission Bay Golf Center closed and was replaced by offices and condominiums as part of the Mission Bay Development.
- (5) The children's playground at Laguna and Oak Streets was replaced by apartments.
- (6) Kezar Stadium is used for children's soccer leagues which are now competing with professional soccer for time slots. The Yerba Buena indoor ice skating rink is so over-used that hockey teams practice after midnight on weeknights.
- (7) The swimming pool and tennis courts at Washington and Drumm Streets have been targeted several times for demolition by condominium developers.
- (8) The City has 27 youth baseball diamonds. According to the National Recreation and Parks Association 2016 standards, there should be 20% more.

SECTION 3. Purposes. In light of the findings set forth in Section 2 above, and consistent with preserving and increasing recreation and open space as set forth in the Objectives of the Recreation & Open Space Element of the San Francisco General Plan adopted in April 2014, the purpose of this Initiative is to express the voters' intent that the City and other applicable agencies make it a priority to protect and preserve recreation in the City in the course of the development approval process. As a first step, the voters wish to approve adjustments to the current Planning Code to require no net loss to the City's inventory of recreational facilities in the course of approving the demolition of such facilities for redevelopment purposes.

SECTION 4. Planning Code Amendment. (a) Planning Code Text Amendment. Article 11.5 is hereby added to the Planning Code ("Code") as follows:

"ARTICLE 11.5: PRESERVATION OF RECREATIONAL FACILITIES.

Sec. 1150. Findings and Purposes.

(a) We find that access to recreational facilities in San Francisco is important to the health and well-being of the people of San Francisco.

(b) It is therefore declared that maintaining the inventory of recreational facilities, while allowing for appropriate real estate development, is necessary to promote the health, prosperity and welfare of the people of San Francisco. Accordingly, the purpose of this Article is to prevent a net loss in the City's inventory of recreational facilities in the course of approving the change in use, demolition, alteration or other removal of recreational facilities for redevelopment purposes.

Sec. 1151. Definitions.

The term "recreational facility" is defined in Section 890.81 of this Code.

The term "similar services" is defined as providing either a similar recreational use or the substantially same number (or greater) of recreational equipment or sporting fields, courts or surfaces as the demolished facility, along with replicating existing complimentary uses such as locker rooms, public meeting rooms, administrative offices and food or beverage services.

The term "substantially equivalent size" is defined as the same square footage or greater as the demolished facility.

Sec. 1152. Conditional Use Authorization.

Notwithstanding any other provisions of law, including Section 823(c)(8) of the Planning Code, any change in use, demolition or other removal of a recreational facility which is part of a redevelopment of a site for office, mixed use, or attached condominium uses shall require conditional use authorization from the Planning Commission, pursuant to Section 303 of this Code. In granting such conditional use authorization, the Planning Commission must also find that the loss of the recreational facility and the associated services to the neighborhood or to the population of existing users can be met by another recreational facility that:

- a. will be open to the public before or on the date that the recreational facility is proposed to be removed;
- b. is located no further than three quarters of a mile from the recreational facility that is proposed to be removed; and
- c. will provide similar services in facilities of substantially equivalent size and affordability as the recreational facility proposed to be removed.

Sec. 1153. Coordination with Recreation and Park Commission.

With respect to public recreational facilities under the jurisdiction of the Recreation and Park Commission, this Article shall be interpreted and implemented in a manner consistent with Charter Section 4.113, which requires that the Recreation and Park Department promote and foster a program providing for organized public recreation of the highest standard, and prohibits the sale or lease of park land for non-recreational purposes or the construction, maintenance or use of any structure on park property for non-recreational purposes.

Sec. 1154 Real Property Transactions Involving City Property. To the extent any real property transaction under Chapter 23 of the Administrative Code involves a recreation facility, said transaction shall comply with this Article 11.5.

Sec. 1155. Conformity with Other City Permit Processes.

Nothing in this Article shall be construed as relieving any person from other applicable permit requirements.

SECTION 5. Interpretation. This Initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. It is the intent of the voters that the provisions of this Initiative be construed liberally and implemented in a manner that facilitates the purposes set forth in this Initiative. The title of this Initiative and the captions preceding the sections of this Initiative are for convenience of reference only. Such title and Captions shall not define or limit the scope or purpose of any provision of this Initiative. The use of the terms "including", "such as" or words of similar import when following any general term, statement or matter shall not be construed to limit such term, statement or matter to the specific items or matters, whether or not language of non-limitation is used. Rather, such terms shall be deemed to refer to all items or matters that could reasonably fall within the broadest possible scope of such statement, term or matter.

SECTION 6. Severability If any provision of this Initiative, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Initiative are severable. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-section, sentence, clause, phrase, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not effect any application of this Initiative that can be given effect without the invalid application. If for any reason the Planning Code amendments approved in Section 4 hereof are held to be invalid or unconstitutional in a final, judicial decision, then this Initiative shall be deemed advisory by nature.

SECTION 7. Effective Date. In accordance with the provisions of Municipal Elections Code Section 380 and California Elections Code Section 9217, if a majority of the voters vote in favor of the Initiative, the Initiative shall go into effect ten days after the official vote count is declared by the Board of Supervisors.

SECTION 8. Amendment. Pursuant to Municipal Elections Code Section 390 and California Elections Code Section 9217, the provisions of this Initiative may only be amended by the voters of the City and County of San Francisco.

NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the person whose name appears hereon of their intention to circulate the petition within the City and County of San Francisco for the purpose to express the voters' intent that the City and other applicable agencies make it a priority to **protect and preserve recreation** in the City in the course of the development approval process. TRICIA E. WEAVER, Proponent. May 11, 2016

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DECLARATION OF CIRCULATOR

(To be completed after above signatures have been obtained. Dates of circulation, printed names, and residence address must be in circulator's own handwriting.)

I _____, am at least 18 years or older.
Print first, middle and last name of circulator

My residence is: _____
Street, address, city, state, zip

I circulated this petition section and witnessed each of the appended signature being written. Each signature on this petition is, to the best of my information and belief, the genuine signature of the person whose name is purports to be. All signatures on this document were obtained between the dates of _____ and _____.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Executed on _____, _____ at _____
month and day year place of signing Circulator's Signature

To be entered by Department of Elections, after validation:

Date:	# Valid in this section:	By Deputy: