




Edwin M. Lee, Mayor
Philip A. Ginsburg, General Manager

Date: December 5, 2013

To: Recreation & Park Commission
Operations Committee

Through: Philip A. Ginsburg
General Manager

From: Dennis Kern 
Director of Operations

Subject: Evening Closure Hours in Designated Parks

Agenda Item: Discussion and possible action to adopt a resolution reaffirming the continued application of evening closure hours at the park sites listed in Commission Resolution Nos. 16117, 16118, 16167, 16208, 16421, 16444, 16463, 16480, 16541, 16542, 16547, 16637, 16638, 16939, 0004-050, 0006-087, 0305-013, 0409-009, in accordance with the newly enacted subsection (b) of Park Code Section 3.21 (Board of Supervisors File No. 130766), that will take effect after adoption of this resolution

Background. On November 19, 2013, the Board of Supervisors passed an amendment to the Park Code (Section 3.21) which establishes park hours of operation for all City parks from 5AM to midnight (Board of Supervisors File No. 130766). See Attachment A for the passed legislation. Subsection (b) of this new Park Code Section 3.21 authorizes the Recreation & Park Commission to set different hours of operation for any park or part thereof, based on operational requirements or neighborhood impacts via Commission Resolution.

Discussion. In 1991-1993 and again in 2000-2003, the Commission passed a series of resolutions establishing park closure hours at selected parks based on park safety and security concerns identified by Department staff and neighborhood stakeholders. (Commission Resolution Nos. 16117, 16118, 16167, 16208, 16421, 16444, 16463, 16480, 16541, 16542, 16547, 16637, 16638, 16939, 0004-050, 0006-087, 0305-013, 0409-009.) With this newly enacted Park Code language, the Commission can reaffirm these previous Commission resolutions and establish them as legally enforceable park operating hours for the respective parks under subsection (b) of Park Code Section 3.21.

These parks and their respective hours of evening closure are set forth in the resolution attached hereto as Attachment B and comprise three park closure timeframes:

- ✚ Parks closed from 10PM to 6AM: The hours of 10PM to 6AM reflect the hours for no sleeping in the parks that were codified in Park Code 3.12 *Sleeping Prohibited During Certain Hours* at the time the previous Commission resolutions were adopted. Please note that in 2008, the Board of Supervisors amended Park Code Section 3.12 to change the hours for no sleeping to 8PM to 8AM.
- ✚ Park closed from 11PM to 6AM: The parks with these hours are our sites with major athletic fields that have high permitted use. These parks close one hour later than the 10PM to 6AM parks so that sports teams have adequate time to complete their games and then safely exit the park before the field lights extinguish.
- ✚ Parks closed from Sunset to Sunrise: The hours for these parks reflect the expressed desire of the neighborhoods within which they are located.

Please note that these hours, as well as the midnight to 5AM hours set forth in the newly enacted by Park Code 3.21, are the park hours for the parkland only – not the recreation buildings / facilities within the park.

Since the Commission had previously passed park closure resolutions supporting the park safety and security concerns expressed by neighborhoods and Department staff, it follows that these Commission resolutions should continue to be honored and Park Code Section 3.21 expressly gives the Commission the authority to do so. Reaffirmation of these previous resolutions does not change any of the park hours contained in the previous resolutions; it reaffirms and re-codifies them into a single resolution and makes them legally enforceable under Park Code Section 3.21.

If approved by the Commission, the park hours proposed for reaffirmation – and the Midnight to 5AM closure hours for all other City parks under Park Code Section 3.21 – will take effect 30 days after the Mayor signs the ordinance.

Recommendation: Approve the resolution attached hereto as Attachment B.

Attachment A: *Ordinance language of Park Code 3.21 passed on second reading by the Board of Supervisors on November 19, 2013*

Attachment B: *Resolution*