

1 [Permits for Use of Hallidie Plaza]

2 AMENDING SECTION 2.74 OF ARTICLE VIII OF CHAPTER 2 OF THE SAN FRANCISCO
3 MUNICIPAL CODE (ADMINISTRATIVE CODE) TO GIVE THE RECREATION AND PARK
4 DEPARTMENT OR COMMISSION AUTHORITY TO GRANT PERMITS FOR
5 RECREATIONAL AND FIRST AMENDMENT ACTIVITY IN HALLIDIE PLAZA AND
6 RESERVING TO THE BOARD OF SUPERVISORS THE AUTHORITY TO GRANT PERMITS
7 FOR ANY OTHER ACTIVITY AND TO HEAR APPEALS FROM DENIALS OF PERMITS BY
8 THE RECREATION AND PARK DEPARTMENT OR COMMISSION.

9 Note: Additions are underlined; deletions are in ((double parentheses)).

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

11 Section 1. Part II of the San Francisco Municipal Code (Administrative Code) is hereby
12 amended by amending Section 2.74 of Article VIII of Chapter 2 to read as follows:

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14 **SEC. 2.74. PERMITS FOR USE OF UNITED NATIONS PLAZA AND HALLIDIE**
15 **PLAZA FOR CERTAIN ACTIVITIES TO BE ISSUED BY THE RECREATION AND PARK**
16 **DEPARTMENT OR COMMISSION.** (a) The area of the City and County of San Francisco

17 referred to in this section as the United Nations Plaza is comprised of Fulton Street between
18 Hyde and Market streets and Leavenworth Street between McAllister and Fulton streets,
19 previously closed to vehicular traffic by the Board of Supervisors. The area of the City and
20 County referred to in this section as Hallidie Plaza is comprised of the area bounded by the
21 northwesterly line of Market Street, the southerly line of Eddy Street and the westerly line of
22 Lot 13, Assessor's Block 341.

23 (b) Notwithstanding Section 2.70, permits for the use of United Nations Plaza and
24 Hallidie Plaza shall be issued by the Recreation and Park Department or the Recreation and
25 Park Commission according to the procedures and standards established for the issuance of

1 permits for the use of property under the jurisdiction of the Recreation and Park Commission;
2 provided, however, that the Recreation and Park Department and the Recreation and Park
3 Commission shall only issue permits for activities which are recreational in nature or which
4 are engaged in primarily for the purpose of espousing or advocating causes or ideas which
5 activities are generally recognized as protected by the First Amendment to the U. S.
6 Constitution. Permits to engage in any other type of activity in United Nations or Hallidie Plaza
7 shall be issued by the Board of Supervisors.

8 (c) An appeal from the denial of a permit application by the Recreation and Park
9 Department or the Recreation and Park Commission for the use of United Nations Plaza or
10 Hallidie Plaza shall be made to the Board of Supervisors. An appropriate committee of the
11 Board of Supervisors shall consider the appeal before it goes to the full Board, unless there is
12 insufficient time before the date of the proposed event for committee review. If a quorum of
13 the full Board cannot be convened in time to consider the appeal before the date of the
14 proposed event, the procedure to be followed shall be that established in the Park Code or by
15 Commission resolution for the appeal of the denial of a permit application by the Recreation
16 and Park Department when a quorum of the Recreation and Park Commission cannot be
17 convened in a timely manner to consider the appeal. In the event that neither the Code nor a
18 Commission resolution contains such a procedure, the decision of the Recreation and Park
19 Department shall be final.

20 (d) All procedures and standards, other than procedures for appeal ((of)) from the
21 denial of a permit application, shall be the same for permits issued by the Recreation and
22 Park Department for the use of United Nations Plaza and Hallidie Plaza as they are for
23 permits issued for the use of park property. If a permittee uses United Nations Plaza or
24 Hallidie Plaza and damages it, or fails to clean up after the permitted event, or otherwise
25 leaves the property in a manner that occasions the expenditure of labor or money to restore

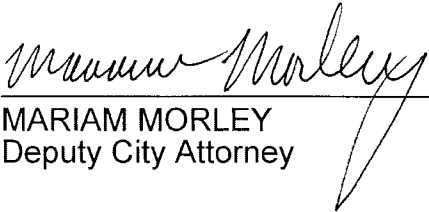
1 the Plaza, the Recreation and Park Department may bill the permittee pursuant to its usual
2 procedures and otherwise seek any remedy normally sought when the property involved is
3 property under the jurisdiction of the Recreation and Park Commission.

4 (e) Nothing in this action shall be construed as evidence of an intent to dedicate the
5 United Nations Plaza or Hallidie Plaza as a park or to place the United Nations Plaza or
6 Hallidie Plaza under the jurisdiction of the Recreation and Park Commission. Nor shall
7 anything in this section be construed as evidence of an intent that any of the provisions of the
8 San Francisco Charter pertaining to park property are to be applicable to the United Nations
9 Plaza or Hallidie Plaza.

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11 APPROVED AS TO FORM:

12 LOUISE H. RENNE, City Attorney

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15 By:


16 MARIAM MORLEY
17 Deputy City Attorney

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SUPERVISOR BROWN
BOARD OF SUPERVISORS

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1/11/99



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 990046

Date Passed:

Ordinance amending Administrative Code Section 2.74 to give the Recreation and Park Department or Commission authority to grant permits for recreational and first amendment activity in Hallidie Plaza and reserving to the Board of Supervisors the authority to grant permits for any other activity and to hear appeals from denials of permits by the Recreation and Park Department or Commission.

January 25, 1999 Board of Supervisors — PASSED ON FIRST READING

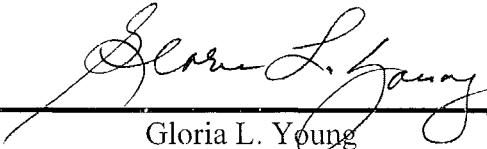
Ayes: 8 - Becerril, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki
Noes: 3 - Bierman, Yee, Ammiano

February 1, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 7 - Becerril, Brown, Katz, Leno, Newsom, Teng, Yaki
Noes: 3 - Bierman, Yee, Ammiano
Absent: 1 - Kaufman

File No. 990046

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on February 1, 1999
by the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

FEB 12 1999

Date Approved



Mayor Willie L. Brown Jr.

File No. 990046 continued...