[Urging the National Park Service to provide an explanation of Fort Funston Closures]

Resolution requesting the City Attorney contact the National Park Service reminding the National Park Service of its obligation to submit its construction plans to the City for review, seeking an explanation of how the past and proposed closures serve a recreation or park purpose and inquiring how the National Park Service will provide disability access in light of its removal of a paved path.

WHEREAS, in 1975, the City and County of San Francisco transferred Fort Funston and other City-owned park lands to the federal government to be included in the Golden Gate National Recreation Area (GGNRA), to be administered by the National Park Service (NPS); and

WHEREAS, The statute creating the GGNRA (16 U.S.C. Section 460bb) specifically states that the GGNRA was established to provide for the maintenance of needed recreational open space necessary to the urban environment and planning and requires that the Secretary of the Interior "utilize the resources in a manner which will provide for recreation and educational opportunities consistent with sound principles of land use planning and management;" and

WHEREAS, Former Charter section 7.403-1(a), as approved by the voters, required that the deed transferring any City-owned park lands to the NPS include the restriction that said lands were to be reserved by the Park Service "in perpetuity for recreation or park purposes with a right of reversion upon breach of said restriction;" and

WHEREAS, The deed transferring these City-owned park lands to the NPS contains the following restriction: "to hold only for so long as said real property is reserved and used for recreation and park purposes; and

Leland Y. Yee, Ph.D.
BOARD OF SUPERVISORS
WHEREAS, A contemporaneous agreement ("Agreement") concerning the rights and duties of the parties requires the NPS, among other things, to submit its plans for construction on the park lands or changes in the natural environment of these properties to the City’s Planning Department for review and comment in order to ensure that the Department of City Planning will be informed and involved during all stages of the planning process and in particular during the conceptual planning stage where potential conflicts can be resolved prior to the development of specific plans; and

WHEREAS, The City Attorney has concluded that the City and County of San Francisco has a right to bring legal action against the NPS in the event the NPS breaches the deed restriction and agreement; and

WHEREAS, Since 1991, the NPS has closed heavily-used portions of Fort Funston for the avowed purpose of habitat protection and native plant restoration, thereby precluding any recreational use, without notifying the City and County of San Francisco; and

WHEREAS, The NPS now proposes permanent closure of an additional twelve acres of prime recreation space at Fort Funston, without notifying the City and County of San Francisco; now, therefore, be it

RESOLVED, That Board of Supervisors of the City and County of San Francisco requests that the City Attorney write to the NPS reminding the NPS of its duty to submit to the San Francisco Planning Department for review, comment, and approval plans for construction at Fort Funston, including plans to install or maintain fencing at Fort Funston which precludes recreational use by park visitors; and, be it

FURTHER RESOLVED, That the Board of Supervisors requests the City Attorney to write to the NPS to ask them to provide access to people with disabilities and to explain their plans for resurfacing the previously paved Sunset Trail; and, be it

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FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby requests the City Attorney write a letter to the NPS requesting the NPS to explain how the closures that have been effected at Fort Funston since 1991, including the proposed twelve-acre closure, comply with the deed restriction requiring that Fort Funston be used only for recreation or park purposes.
Resolution requesting the City Attorney to contact the National Park Service reminding the National Park Service of its obligation to submit its construction plans to the City for review, seeking an explanation of how the past and proposed closures serve a recreation or park purpose and inquiring how the National Park Service will provide disability access in light of its removal of a paved path.

November 6, 2000 Board of Supervisors — ADOPTED

Absent: 2 - Yaki, Yee
I hereby certify that the foregoing Resolution was ADOPTED on November 6, 2000 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young  
Clerk of the Board

Date Approved

Mayor Willie L. Brown Jr.