

File No. 100469

Committee Item No. \_\_\_\_\_

Board Item No. 21

### COMMITTEE/BOARD OF SUPERVISORS

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Date \_\_\_\_\_

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Completed by: Renee Craig

Date 5/27/10

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Recreation and Park Department – Botanical Garden Non-Resident Fees.]

2  
3 **Ordinance amending the San Francisco Park Code, Article 12, by amending**  
4 **Section 12.46, to establish admission fees to the Botanical Garden for non-San**  
5 **Francisco residents, and making environmental findings.**

6 NOTE: Additions are single-underline italics Times New Roman;  
7 deletions are ~~strike-through italics Times New Roman~~.  
8 Board amendment additions are double-underlined;  
9 Board amendment deletions are ~~strikethrough-normal~~.

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

10 Section 1. Findings.

11 (a) The Planning Department has determined that the actions contemplated in this  
12 Ordinance are in compliance with the California Environmental Quality Act (California Public  
13 Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the  
14 Board of Supervisors in File No. 100469 and is incorporated herein by reference.

15 (b) For fiscal year 2010-11, the Recreation and Park Department has had to reduce its  
16 general fund support by 30%.

17  
18 Section 2. The San Francisco Park Code is hereby amended by amending Section  
19 12.46, to read as follows:

20 **SEC. 12.46. COUNTY FAIR BUILDING AND BOTANICAL GARDEN ~~FACILITY RENTAL~~**  
21 **FEES.**

22 (a) **Definitions.**

23 1. "Corporate Event" means any rental by, on behalf of, or in connection with any  
24 corporate entity, except for Garden Clubs or Nonprofit Organizations as defined below.  
25

1           2. "Garden Club" means any garden club or flower society engaged in horticultural  
 2 activities in which there are no monetary transactions (admission charge, donation, ticket  
 3 sales, or product sales) during or in connection with the activity.

4           3. "Individual or Nonprofit Organization" means (a) any person renting the County Fair  
 5 Building or Botanical Garden in his or her individual capacity for private use, or (b) any entity  
 6 qualifying for tax-exempt status under 26 U.S.C. § 501(c)(3), engaged in community or social  
 7 activities in which there are no monetary transactions (admission charge, donation, ticket sales, or  
 8 product sales) during or in connection with the activity, or (c) any garden club or flower society  
 9 using the County Fair Building or Botanical Garden for fundraising activities.

10           **(b) County Fair Building Facility Rental Fees.** All spaces must be rented for a  
 11 minimum of two hours.

| Rental Area                          | Reservation Fee | Hourly Rate |
|--------------------------------------|-----------------|-------------|
| Garden Club Room                     |                 |             |
| Garden Club                          | \$10.00         | \$5.00      |
| Individual or Nonprofit Organization | \$25.00         | \$10.00     |
| Corporate Event                      | \$100.00        | \$30.00     |
| Recreation Room                      |                 |             |
| Garden Club                          | \$10.00         | \$10.00     |
| Individual or Nonprofit Organization | \$25.00         | \$20.00     |
| Corporate Event                      | \$100.00        | \$60.00     |
| Auditorium                           |                 |             |
| Garden Club                          | \$25.00         | \$20.00     |
| Individual or Nonprofit Organization | \$50.00         | \$40.00     |
| Corporate Event                      | \$150.00        | \$90.00     |
| Gallery                              |                 |             |

|    |                                      |          |          |
|----|--------------------------------------|----------|----------|
| 1  | Garden Club                          | \$25.00  | \$30.00  |
| 2  | Individual or Nonprofit Organization | \$50.00  | \$75.00  |
| 3  | Corporate Event                      | \$150.00 | \$180.00 |
| 4  | Entire Facility                      |          |          |
| 5  | Garden Club                          | \$35.00  | \$60.00  |
| 6  | Individual or Nonprofit Organization | \$75.00  | \$140.00 |
| 7  | Corporate Event                      | \$150.00 | \$390.00 |
| 8  | Commercial Kitchen*                  |          |          |
| 9  | Garden Club                          | None     | \$5.00   |
| 10 | Individual or Nonprofit Organization | None     | \$10.00  |
| 11 | Corporate Event                      | None     | \$30.00  |
| 12 | Patio*                               |          |          |
| 13 | Garden Club                          | None     | \$5.00   |
| 14 | Individual or Nonprofit Organization | None     | \$15.00  |
| 15 | Corporate Event                      | None     | \$30.00  |
| 16 | Courtyard*                           |          |          |
| 17 | Garden Club                          | None     | \$10.00  |
| 18 | Individual or Nonprofit Organization | None     | \$30.00  |
| 19 | Corporate Event                      | None     | \$90.00  |

\* May only be rented in conjunction with other space in the building.

(c) Botanical Garden Facility Rental Fees. All spaces must be rented for a minimum of two hours.

| Rental Area          | Reservation Fee | Hourly Rate |
|----------------------|-----------------|-------------|
| Demonstration Garden |                 |             |

|    |                                      |            |            |
|----|--------------------------------------|------------|------------|
| 1  | Individual or Nonprofit Organization | \$250.00   | \$375.00   |
| 2  | Corporate Event                      | \$500.00   | \$750.00   |
| 3  | Fragrance Garden                     |            |            |
| 4  | Individual or Nonprofit Organization | \$250.00   | \$375.00   |
| 5  | Corporate Event                      | \$500.00   | \$750.00   |
| 6  | Redwood Grove                        |            |            |
| 7  | Individual or Nonprofit Organization | \$250.00   | \$375.00   |
| 8  | Corporate Event                      | \$500.00   | \$750.00   |
| 9  | Rhododendron Garden                  |            |            |
| 10 | Individual or Nonprofit Organization | \$250.00   | \$375.00   |
| 11 | Corporate Event                      | \$500.00   | \$750.00   |
| 12 | Fountain Plaza                       |            |            |
| 13 | Individual or Nonprofit Organization | \$750.00   | \$875.00   |
| 14 | Corporate Event                      | \$1,500.00 | \$1,750.00 |
| 15 | Great Meadow                         |            |            |
| 16 | Individual or Nonprofit Organization | \$750.00   | \$875.00   |
| 17 | Corporate Event                      | \$1,500.00 | \$1,750.00 |
| 18 | Zellerbach Garden                    |            |            |
| 19 | Individual or Nonprofit Organization | \$750.00   | \$875.00   |
| 20 | Corporate Event                      | \$1,500.00 | \$1,750.00 |

(d) *The Department shall charge the following fees for entrance to the Botanical Garden:*

| <u>Age/Category</u> | <u>Non-San Francisco Residents</u> |
|---------------------|------------------------------------|
| <u>Adults</u>       | <u>\$7.00</u>                      |

|   |   |                  |
|---|---|------------------|
| 1 | <u>Youth 12-17 and Seniors 65 and over</u>          | <u>\$5.00</u>    |
| 2 | <u>Children 5-11</u>                                | <u>\$2.00</u>    |
| 3 | <u>Children 4 and under</u>                         | <u>No charge</u> |
| 4 | <u>Families (2 adults and all children under 17</u> |                  |
| 5 | <u>years residing in the same household)</u>        | <u>\$15.00</u>   |
| 6 |   |                  |

7 If the Department receives revenue from a new tax that can be used for operating and  
8 maintenance costs at the Botanical Gardens, authority to collect the non-resident fee for  
9 entrance to the Gardens shall expire by operation of the law within 90 days after the effective  
10 date of the new tax.

11  
12 The Department shall provide biannual reports to the Budget and Finance Committee on its  
13 collection of the non-resident fee for entrance to the Botanical Gardens, such reports shall  
14 include the following information: 1. Attendance figures for San Francisco residents,  
15 Members of San Francisco Botanical Garden Society, and Non-San Francisco residents; 2.  
16 Capital improvements and operating costs of the Botanical Gardens; 3. Capital improvements  
17 and operating costs associated with the collection of the non-resident fee, including a new  
18 resident fee; 4. The numbers of San Francisco Botanical Garden Society members; and 5.  
19 Gifts and donations received by the Department for the Botanical Garden.

20  
21 The non-resident fee for the Botanical Gardens shall sunset at the end of Fiscal Year 2010-  
22 11.

1 APPROVED AS TO FORM:  
2 DENNIS J. HERRERA, City Attorney

3 By:   
4 VIRGINIA DARIO ELIZONDO  
5 Deputy City Attorney  
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**LEGISLATIVE DIGEST**

[Recreation and Park Department – Botanical Garden Non-Resident Fees.]

**Ordinance amending the San Francisco Park Code, Article 12, by amending Section 12.46, to establish admission fees to the Botanical Garden for non-San Francisco residents, and making environmental findings.**

Existing Law

Currently, there are no admission fees for entrance to the Arboretum.

Amendments to Current Law

Non-San Francisco residents will be charged the following fees for entrance to the Arboretum:

| <b>Age/Category</b>  | <b>Non S.F. Residents</b> |
|--|---------------------------|
| Adults   | \$7.00                    |
| Youth 12--17 and Seniors 65 and over   | \$5.00                    |
| Children 5—11  | \$2.00                    |
| Children 4 and under   | No charge                 |
| Families (2 adults and all children under 17 years residing in the same household) | \$15.00                   |

If the Department receives revenue from a new tax that can be used for operating and maintenance costs at the Botanical Gardens, authority to collect the non-resident fee for entrance to the Gardens shall expire by operation of the law within 90 days after the effective date of the new tax.

The Department shall provide biannual reports to the Budget and Finance Committee on its collection of the non-resident fee for entrance to the Botanical Gardens, such reports shall include the following information: 1. Attendance figures for San Francisco residents, Members of San Francisco Botanical Garden Society, and Non-San Francisco residents; 2. Capital improvements and operating costs of the Botanical Gardens; 3. Capital improvements and operating costs associated with the collection of the non-resident fee, including a new resident fee; 4. The numbers of San Francisco Botanical Garden Society members; and 5. Gifts and donations received by the Department for the Botanical Garden.

The non-resident fee for the Botanical Gardens shall sunset at the end of Fiscal Year 2010-11.