

File No. 140642

Committee Item No. 14  
Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Committee

Date June 19, 2014

Board of Supervisors Meeting

Date June 20, 2014

### Cmte Board

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Completed by: Linda Wong Date June 13, 2014

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

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[Park Code - Annual Increase of West Harbor Berthing License Fees]

**Ordinance amending the Park Code to require the Controller to increase the berthing license fees for the West Harbor of the San Francisco Marina Small Craft Harbor each year by 3% or the annual increase in the Consumer Price Index, whichever is higher, until September 1, 2043; and making environmental findings.**

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
**Additions to Codes** are in *single-underline italics Times New Roman font*.  
**Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
**Board amendment additions** are in double-underlined Arial font.  
**Board amendment deletions** are in ~~strikethrough Arial font~~.  
**Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1.

The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. <sup>140642</sup> \_\_\_ and is incorporated herein by reference.

Section 2. The Park Code is hereby amended by revising Section 12.11, to read as follows:

**SEC. 12.11. MARINA FEES.**

The following fees shall be charged for goods and services at the San Francisco Marina Small Craft Harbor:

1           **(a) Berthing License Fees.** The following monthly charges shall be based on the  
2 length of the berth.

3           (1) East Harbor for Fiscal Year 2013-2014:

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<i>Berth Length</i>	<i>Fee Per Foot/Per Month</i>
20'	\$8.64
25'	8.64
30'	8.76
35'	8.76

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10           (2) West Harbor for Fiscal Year 2012-2013, or upon completion of the West Harbor  
11 renovation as certified in writing by the General Manager, whichever occurs later:

12

<i>Berth Length</i>	<i>Fee Per Foot/Per Month</i>
25'	\$11.61
30'	11.77
35'	11.77
40'	14.28
45'	14.28
50'	14.60
60'	14.60
70'	14.91
80'	14.91
90'	14.91

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1           **(b) Surcharge for Electricity.** The Recreation and Park Department may meter the  
2 use of electricity and may charge the berth holder the utility provider's standard rates for  
3 usage over 264KW per month.

4  
5           **(c) Deposits, refundable if there is no loss, damage or need to clean the item.**

7           (1) Berth	One Month's Monthly Berthing License Fee
8           (2) Electrical Adapter	\$125.00
9           (3) Hazardous Material or Removal Fee	150.00
10          (4) Key for Visiting Boaters, per key	50.00

11  
12           **(d) Guest Dock.**

13           (1) Short Term Dock Fee – \$1.50 per foot, per day.

14           (2) Pick Up/Drop Off Fee – \$2.50 per foot and \$1.00 per person, per day.

15  
16           **(e) Parking.**

18           (1) Berth Parking, for Owners and Partners Only:	
Two stickers	Free
Each additional sticker, annually	\$120.00
19           (2) Daily Parking, Allows Permit Holder to Park in Marina Spaces if Available:	
Crew, per day	7.50
Non-Owner, per day	7.50
20           (3) Special Event Parking, per day	7.50
21           (4) Trailer/Dingy Parking, for Regatta etc., per day	7.50

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25           **(f) Purchase Fees.**

Key Purchase (Berth holders, Partners and Families), per key	\$25.00
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**(g) Services.**

(1) Chain Fee (delinquent fees, unauthorized vessels), per incident	\$50.00
(2) Dock Box Cleaning Fee (from Haz Mat deposit)	\$50.00
(3) Impound, per incident	\$150.00
(4) Harbor Line Installation, per line	\$30.00
(5) Labor, per incident	\$50.00 flat fee or \$75.00/hour, whichever is greater. \$100/hour for after-hours.
(6) Late Fees	10% of initial fee
(7) Pump-Out	
Water, for first incident	\$75.00
For subsequent incident(s)	\$125.00

(8) Transfer Fees. Berthing licenses may not be transferred, sold or assigned, except to the extent and on the terms and conditions specifically provided in the Rules and Regulations of the San Francisco Marina Small Craft Harbor ("Marina Rules") as adopted by the Commission.

(A) Except as specified in (B), transfers expressly authorized by the Marina Rules shall be subject to a \$50 administrative fee.

(B) The one-time transfer opportunity authorized by the Marina Rules, as adopted by the Commission on April 19, 2012, to effect a transfer of a berthing license and berth with the sale of vessel within the berth to a new owner from the wait list shall be subject to a transfer fee of:

- (1) \$150 per linear foot of the berth for berths 35 feet and under
- (2) \$200 per linear foot of the berth for berths 40 and 45 feet, and

1 (3) \$325 per linear foot of the berth for berths 50 feet and longer.

2 (C) Nothing in this subsection (g)(8) or in the Marina Rules shall be construed to

3 (1) convey a vested right to transfer a berthing license or berth, or

4 (2) prevent the Commission from amending or abolishing the transfer

5 opportunities recognized in this subsection (g)(8).

6 **(h) Storage.**

7

(1) Dock Box	
One	Free
Each additional, per month	\$15.00
(2) Reserved	
(3) Multihull Surcharge – Additional 40% of monthly Berth Fee	
(4) Skiff, less than 20 feet and no power or dock box, per month	100.00
(5) Small Boat Rack (Dingy, kayak, or canoe), per month	25.00
(6) Storage Lockers, per month	25.00

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15 **(i) Wait List Fee.**

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Per year	\$75.00
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19 **(j) Adjustment of Fees.** The fees set forth herein shall be adjusted in accordance with

20 Section 12.20 of this article, except that the Controller shall each year, without further action by the

21 Board of Supervisors, increase the berthing license fees for the West Harbor set forth in subsection

22 (a)(2) of this Section 12.11 by either three percent or the annual percentage change in the relevant

23 Consumer Price Index (CPI) as determined by the Controller, whichever is higher. The provisions in

24 the foregoing sentence regarding West Harbor berthing license fees shall terminate by operation of law

25 on September 1, 2043 and be inoperative from that date forward.

1           (k) **Berthing Licenses.**

2           (1) A person may not berth a vessel in the Marina without having secured a berthing  
3 license from the Harbormaster. Berthing licenses are subject to the Rules and Regulations of  
4 the San Francisco Marina Small Craft Harbor ("Marina Rules") as adopted by the  
5 Commission, and any subsequent amendments thereto. All berthing licenses, regardless of  
6 when granted, constitute a privilege and are not the property of the berthholder. This provision  
7 is declaratory of existing law.

8           (2) The Harbormaster may renew berthing licenses annually in accordance with the  
9 procedures set forth in the Marina Rules. There shall be no limit to the number of times that  
10 the Harbormaster may renew a berthing license.

11           (3) The Commission may decide at any time to amend, suspend or terminate the  
12 berthing license program for the San Francisco Marina Small Craft Harbor, and the privileges  
13 berthholders derive from the program.

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15           Section 3. Effective Date. This ordinance shall become effective 30 days after  
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
18 of Supervisors overrides the Mayor's veto of the ordinance.

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20           Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
24  
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1 additions, and Board amendment deletions in accordance with the "Note" that appears under  
2 the official title of the ordinance.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By: Francesca Gessner  
7 FRANCESCA GESSNER  
8 Deputy City Attorney

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## LEGISLATIVE DIGEST

[Park Code - Annual Increase of West Harbor Berthing License Fees]

**Ordinance amending the Park Code to require the Controller to increase the berthing license fees for the West Harbor of the San Francisco Marina Small Craft Harbor each year by 3% or the annual increase in the Consumer Price Index, whichever is higher, until September 1, 2043; and making environmental findings.**

### Existing Law

Section 12.11 of the Park Code provides that the berthing fees for the San Francisco Marina Small Craft Harbor shall be adjusted annually in accordance with Section 12.20 of the Park Code, which authorizes annual fee adjustments to reflect changes in the relevant Consumer Price Index (CPI), as determined by the Controller.

### Amendments to Current Law

The proposed ordinance would amend Section 12.11 of the Park Code to require that the berthing license fees for the West Harbor of the San Francisco Marina Small Craft Harbor be increased annually by 3% or the annual increase in the Consumer Price Index (CPI), whichever is higher. This provision would terminate by operation of law on September 1, 2043, which is the end of the repayment period on the City's loan from the State of California for the renovation of the West Harbor.

### Background Information

In 2008, the Board of Supervisors by Resolution No. 491-08 accepted a \$17 million loan from the California Department of Boating and Waterways to renovate the West Harbor of the San Francisco Marina Small Craft Harbor. Among other things, the loan agreement with the State requires the City to increase the berthing fees for the West Harbor annually by at least 3% during the loan repayment period. The Park Code currently allows for berthing fees to be increased based on the Consumer Price Index (CPI) only, which in some years may be less than 3%. The proposed ordinance would therefore authorize the Controller to increase the West Harbor berthing fees annually by 3% or the annual increase in the CPI, whichever is higher, in order to comply with the requirement of the State loan agreement through the end of the loan term, which is September 1, 2043.

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

June 6, 2014

File No. 140642

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On June 3, 2014, Mayor Lee introduced the following legislation:

**File No. 140642**

**Ordinance amending the Park Code to require the Controller to increase the berthing license fees for the West Harbor of the San Francisco Marina Small Craft Harbor each year by 3% or the annual increase in the Consumer Price Index, whichever is higher, until September 1, 2043; and making environmental findings.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Angela Calvillo".

By: Linda Wong, Assistant Clerk  
Budget and Finance Committee

Attachment

c: Joy Navarette, Environmental Planning  
Jeanie Poling, Environmental Planning

*Statutory Exemption  
CEQA Section 15273  
rates, tolls, fares and charges*

*J. Navarette 6/11/14  
JOY NAVARETTE*

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Linda Wong  
S.F. BD OF SUPERVISORS (OFFICIAL NOTICES)  
1 DR CARLTON B GOODLETT PL #244  
SAN FRANCISCO, CA 94102

### COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE  
Ad Description LW - 140642 Park Fee

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO CHRONICLE. Please read this notice carefully and call us with any corrections. The Proof of Publication will be filed with the Clerk of the Board. Publication date(s) for this notice is (are):

06/08/2014 , 06/15/2014

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**NOTICE OF PUBLIC HEARING  
BUDGET AND FINANCE COMMITTEE  
SAN FRANCISCO BOARD OF SUPERVISORS JUNE 19, 2014 -  
10:00 a.m. Legislative Chamber,  
Room 250 located at City Hall, 1 Dr.  
Carlton B. Goodlett Place,  
San Francisco, CA**

NOTICE IS HEREBY GIVEN THAT the Budget and Finance Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard. File No. 140642. Ordinance amending the Park Code to require the Controller to increase the berthing license fees for the West Harbor of the San Francisco Marina Small Craft Harbor each year by 3% or the annual increase in the Consumer Price Index, whichever is higher, until September 1, 2043; and making environmental findings. If the Ordinance passes, the fee set forth in Park Code Section 12.11 shall be adjusted in accordance with Park Code Section 12.20 of Article 12, except that the Controller shall each year, without further action by the Board of Supervisors, increase the berthing license fees for the West Harbor set forth in subsection (a)(2) of Section 12.11 by either three percent or the annual percentage change in the relevant Consumer Price Index as determined by the Controller, whichever is higher. The provisions in the foregoing sentence regarding West Harbor berthing license fees shall terminate by operation of law on September 1, 2043, and be inoperative from that date forward. In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record in this matter, and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco, 94102. Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on June 13, 2014. Angela Calvillo, Clerk of the Board



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BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### BUDGET AND FINANCE COMMITTEE

### SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN THAT the Budget and Finance Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Thursday, June 19, 2014

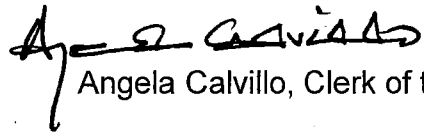
**Time:** 10:00 a.m.

**Location:** Legislative Chamber, Room 250 located at City Hall,  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Subject:** File No. 140642 Ordinance amending the Park Code to require the Controller to increase the berthing license fees for the West Harbor of the San Francisco Marina Small Craft Harbor each year by 3% or the annual increase in the Consumer Price Index, whichever is higher, until September 1, 2043; and making environmental findings.

If the Ordinance passes, the fee set forth in Park Code Section 12.11 shall be adjusted in accordance with Park Code Section 12.20 of Article 12, except that the Controller shall each year, without further action by the Board of Supervisors, increase the berthing license fees for the West Harbor set forth in subsection (a)(2) of Section 12.11 by either three percent or the annual percentage change in the relevant Consumer Price Index as determined by the Controller, whichever is higher. The provisions in the foregoing sentence regarding West Harbor berthing license fees shall terminate by operation of law on September 1, 2043, and be inoperative from that date forward.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record in this matter, and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco, 94102. Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on June 13, 2014.

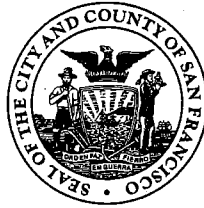
Handwritten signature of Angela Calvillo in black ink.

Angela Calvillo, Clerk of the Board

DATED: June 6, 2014

PUBLISHED: June 8, 2014, and June 15, 2014

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: *AK* Mayor Edwin M. Lee *AK*  
RE: Park Code - Annual Increase of West Harbor Berthing License Fees  
DATE: June 3, 2014

---

Attached for introduction to the Board of Supervisors is the ordinance amending the Park Code to require the Controller to increase the berthing license fees for the West Harbor of the San Francisco Marina Small Craft Harbor each year by 3% or the annual increase in the Consumer Price Index, whichever is higher, until September 1, 2043; and making environmental findings.

I request that this item be calendared in Budget and Finance Committee.

Should you have any questions, please contact Jason Elliott (415) 554-5105.

RECEIVED  
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