

1 [Park Code - Marina Small Craft Harbor Fees and Licenses]

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3 **Ordinance amending the San Francisco Park Code Section 12.11 to: 1) reflect the fees**
4 **for FY2011-2012 for berthing licenses in the San Francisco Marina Small Craft Harbor;**
5 **2) establish a flat daily rate for short-term dock fees; 3) delete fees for obsolete**
6 **services; 4) add new transfer fee provisions; and 5) authorize annual renewals of**
7 **berthing licenses pursuant to the Recreation and Park Commission's Marina Rules;**
8 **and making environmental findings and findings of consistency with the General Plan.**

9 NOTE: Additions are *single-underline italics Times New Roman*;
10 deletions are ~~*strike-through italics Times New Roman*~~.
11 Board amendment additions are double-underlined;
12 Board amendment deletions are ~~strike through normal~~.

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

14 Section 1. The Planning Department has determined that the actions contemplated in
15 this ordinance comply with the California Environmental Quality Act (California Public
16 Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the
17 Board of Supervisors in File No. 120435 and is incorporated herein by reference.

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19 Section 2. The San Francisco Park Code is hereby amended by amending Section
20 12.11, to read as follows:

21 **SEC. 12.11. MARINA FEES AND LICENSES.**

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

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1 (a) **Berthing Rental License Fees.** The *following monthly* charges shall be based on the
 2 *overall length of the entire vessel or the length of the berth, which ever is greater.*

3 (1) **West Harbor for Fiscal Year ~~2005-2006~~2011-2012:**

Berth Length	Fee Per Foot/ <u>Per Month</u>
0' - 25' <u>25'</u>	\$5.92 <u>8.32</u>
26' - 35' <u>30'</u>	6.00 <u>8.44</u>
36' - 45' <u>35'</u>	7.28 <u>8.44</u>
46' - 60' <u>40'</u>	7.44 <u>10.24</u>
61' - 90' <u>45'</u>	7.60 <u>10.24</u>
<u>50'</u>	<u>10.47</u>
<u>60'</u>	<u>10.47</u>
<u>70'</u>	<u>10.68</u>
<u>80'</u>	<u>10.68</u>
<u>90'</u>	<u>10.68</u>

15 (2) **East Harbor for Fiscal Year ~~2005-2006~~2011-2012:**

Berth Length	Fee Per Foot/ <u>Per Month</u>
0' - 25' <u>20'</u>	\$5.77 <u>\$8.45</u>
26' - 35' <u>25'</u>	5.86 <u>8.75</u>
36' - 45' <u>30'</u>	7.10 <u>8.88</u>
46' - 60' <u>35'</u>	7.26 <u>8.88</u>
61' - 90'	<u>7.42</u>

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

Berth Length	Fee Per Foot/ <u>Per Month</u>
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1	0'—20'	N/A
2	21'—25'	\$11.61
3	26'—30'	11.77
4	31'—35'	11.77
5	36'—40'	14.28
6	41'—45'	14.28
7	46'—50'	14.60
8	51'—60'	14.60
9	61'—70'	14.91
10	71'—80'	14.91
11	81'—90'	14.91

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

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

16	(1) Berth	One Month Rent
17	(2) Electrical Adapter	\$125.00
18	(3) Hazardous Material or Removal Fee	150.00
19	(4) Key for Visiting Boaters, per key	50.00

20 (d) **Guest Dock.**

21 (1) *Recreational **Short Term Dock Fees** -- \$1.50 per foot, per day.*

22	<i>Length</i>	<i>Fee Per Foot</i>
23	0'—40'	\$0.50
24	41'—59'	0.75

1	60'—100'	1.00
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2 (2) ~~Commercial Dock~~ **Pick Up/Drop Off Fee** – \$2.50 per foot and \$1.00 per
3 person, *per day*.

4 (e) **Parking.**

5	(1) Berth Parking for Owners and Partners Only:	
6	Two Stickers	Free
7	Each additional sticker, annually	\$120.00
8	(2) Daily Parking, Allows Permit Holder to Park in Marina Spaces if Available:	
9	Crew, per day	7.50
10	Non-Owner, per day	7.50
11	(3) Special Event Parking, per day	7.50
12	(4) Trailer/Dingy Parking, for Regatta etc.,	7.50
13	per day	

14 (f) **Purchase Fees.**

15	Key Purchase (Berth holders, Partners and	25.00
16	Families), per key	

17 (g) **Services.**

18	(1) Chain Fee (delinquent fees,	\$50.00
19	unauthorized vessels), per incident	
20	(2) Citation Courtesy Notices	50% of cite fee
21	(3) Daily Impound, per day	\$30.00
22	(24) Dock Box Cleaning Fee (from Haz Mat	\$50.00
23	deposit)	
24	(5) Hydro Hoist Surcharge	40% of monthly Berth fee
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1	(36) Impound, per incident	\$150.00
2	(47) Harbor Line Installation, per line	\$30.00
3	(58) Labor, per incident	\$50.00 <i>flat fee</i> Or \$75.00/hour, whichever is greater. <i>\$100/hour for after-hours.</i>
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5	(69) Late Fees	10% of initial fee
6	(74) Pump-Out	
7	<i>Sewage, per incident</i>	<i>\$5.00</i>
8	Water, for first incident	\$75.00
9	For subsequent incident(s)	\$125.00
10	(81) Slip Transfer Fees, Determined by Size of Berth or Vessel, whichever is greater	
11	<u>Berthing licenses may not be transferred, sold or assigned, except to the extent and on the terms and</u>	
12	<u>conditions specifically provided in the Rules and Regulations of the San Francisco Marina Small</u>	
13	<u>Craft Harbor ("Marina Rules") as adopted by the Commission.</u>	
14	<u>(A) Except as specified in (B), transfers expressly authorized by the Marina Rules shall be</u>	
15	<u>subject to a \$50 administrative fee.</u>	
16	<u>(B) The one-time transfer opportunity authorized by the Marina Rules, as adopted by the</u>	
17	<u>Commission on April 19, 2012, to effect a transfer of a berthing license and berth with the sale of a</u>	
18	<u>vessel within the berth to a new owner from the wait list shall be subject to a transfer fee of: (1)</u>	
19	<u>\$150 per linear foot of the berth for berths 35 feet and under, (2) \$200 per linear foot of the berth</u>	
20	<u>for berths 40 and 45 feet, and (3) \$325 per linear foot of the berth for berths 50 feet and longer.</u>	
21	<u>(C) Nothing in this subsection (g)(8) or in the Marina Rules shall be construed to (i) convey a</u>	
22	<u>vested right to transfer a berthing license or berth, or (ii) prevent the Commission from amending or</u>	
23	<u>abolishing the transfer opportunities recognized in this subsection g(8).</u>	
24	(A) For Fiscal Year 2005-2006:	
25	<i>Length</i>	<i>Fee Per Foot</i>

1	20'—34'	\$30.00
2	35'—45'	\$35.00
3	46' and up	\$50.00
4	—(B) For Fiscal Year 2006-2007:	
5	<i>Length</i>	<i>Fee Per Foot</i>
6	20'—34'	\$35.00
7	35'—45'	\$45.00
8	46' and up	\$65.00
9	—(C) For Fiscal Year 2007-2008:	
10	<i>Length</i>	<i>Fee Per Foot</i>
11	20'—34'	\$40.00
12	35'—45'	\$55.00
13	46' and up	\$75.00
14	—(D) For Fiscal Year 2008-2009:	
15	<i>Length</i>	<i>Fee Per Foot</i>
16	20'—34'	\$45.00
17	35'—45'	\$65.00
18	46' and up	\$85.00
19	—(E) For Fiscal Year 2009-2010:	
20	<i>Length</i>	<i>Fee Per Foot</i>
21	20'—34'	\$50.00
22	35'—45'	\$75.00
23	46' and up	\$100.00
24	(12) Towing	\$75.00
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1	(13) Towing (harbor to harbor)	\$100.00
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2 (h) **Storage.**

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

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

14	Per year	\$75.00
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15 (j) **Adjustment of Fees.** ~~The berth rental and guest dock fees for the West Harbor shall be~~
 16 ~~increased, without further action of the Board of Supervisors, for Fiscal Year 2006 2007 by twenty (20)~~
 17 ~~percent, and for Fiscal Years 2007 2008, 2008 2009, 2009 2010, by four (4) percent per year.~~
 18 ~~Thereafter the berth rental and guest dock fees shall be adjusted in accordance with Section 12.20 of~~
 19 ~~this article.~~

20 ~~The berth rental and guest dock fees for the East Harbor shall be increased, without further~~
 21 ~~action of the Board of Supervisors, for Fiscal Years 2006 2007, 2007 2008, 2008 2009 by twelve (12)~~
 22 ~~percent. Thereafter ~~t~~The berth rental and guest dock fees set forth herein shall be adjusted in~~
 23 accordance with Section 12.20 of this article.

24 **(k) Berthing Licenses.**

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

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

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

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13 Section 3. Effective Date. This ordinance shall become effective 30 days from the
14 date of passage.

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16 Section 4. In enacting this Ordinance, the Board intends to amend only those words,
17 phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams,
18 or any other constituent part of the San Francisco Park Code that are explicitly shown in this
19 legislation as additions, deletions, Board amendment additions, and Board amendment
20 deletions in accordance with the "Note" that appears under the official title of the legislation.

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22 Section 5. Severability. If any section, subsection, sentence, clause, or phrase of this
23 ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of
24 competent jurisdiction, such decision shall not affect the validity of the remaining portions of
25 the ordinance. The Board of Supervisors hereby declares that it would have passed this

1 ordinance and each and every section, subsection, sentence, clause, or phrase not declared
2 invalid or unconstitutional without regard to whether any portion of this ordinance would be
3 subsequently declared invalid or unconstitutional.

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

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By: _____
FRANCESCA GESSNER
Deputy City Attorney

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