

BOARD of SUPERVISORS



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MEMORANDUM

Date: June 10, 2024
To: Planning Department / Commission
From: Brent Jalipa, Clerk of the Budget and Finance Committee
Subject: Board of Supervisors Legislation Referral - File No. 240189-3 - Park Code - Marina Fees

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan
 - Planning Code, Section 101.1
 - Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Brent Jalipa at Brent.Jalipa@sfgov.org.

1 [Park Code - Marina Fees]

2

3 **Ordinance amending the Park Code to raise the fees for various goods and services at**
4 **the Marina Small Craft Harbor; and affirming the Planning Department’s determination**
5 **under the California Environmental Quality Act.**

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

10

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

12

13 Section 1. Environmental Findings.

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

19

20 Section 2. Article 12 of the Park Code is hereby amended by revising Section 12.11, to
21 read as follows:

22 **SEC. 12.11. MARINA FEES.**

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

25

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:*

Berth Length	Fee Per Foot/Per Month <u>July 1, 2024</u>	Fee Per Foot/Per Month <u>July 1, 2025</u>
20'	\$8.64 \$13.80	\$15.97
25'	8.64 \$13.80	\$15.97
30'	8.76 \$14.00	\$16.20
35'	8.76 \$14.00	\$16.20

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:*

Berth Length	Fee Per Foot/Per Month <u>July 1, 2024</u>	Fee Per Foot/Per Month <u>July 1, 2025</u>
25'	\$11.61 \$18.45	\$21.35
30'	11.77 \$18.72	\$21.66
35'	11.77 \$18.72	\$21.66
40'	14.28 \$22.69	\$26.25
45'	14.28 \$22.69	\$26.25
50'	14.28 \$23.20	\$26.84
60'	14.60 \$23.20	\$26.84
70'	14.91 \$23.68	\$27.40
80'	14.91 \$23.68	\$27.40
90'	14.91 \$23.68	\$27.40
<u>95'</u>	<u>\$23.68</u>	<u>\$27.40</u>

24 (3) There shall be a 15% credit against the berthing license fees if the primary
 25 owner of the vessel is a San Francisco resident.

* * * *

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

	<u>July 1, 2024</u>	<u>July 1, 2025</u>
(1) Berth	One Month's Monthly Berthing License Fee	
(2) Electrical Adapter	\$125.00 <u>\$85</u>	<u>\$677</u>
(3) Hazardous Material or Removal Fee	150.00 <u>\$252</u>	<u>\$292</u>
(4) Key for Visiting Boaters, per key	50.00 <u>\$84</u>	<u>\$98</u>

(d) **Guest Dock.**

(1) Short Term Dock Fee – ~~\$27.50~~ per foot, per day.

(2) Pick Up/Drop Off Fee – ~~\$52.50~~ per foot and ~~\$27~~ per person, per day.

(3) Flexible Pricing – Notwithstanding the fees listed in subsections (d)(1) and (2), the Department General Manager or the General Manager’s designee may impose temporary increases and/or decreases to said fees, based on one or more of the following factors: fluctuations in customer demand at particular times or on particular days or dates or as among different areas of the Marina Small Craft Harbor, rates at comparable facilities, weather conditions, and dock conditions.

(e) **Parking.**

	<u>July 1, 2024</u>	<u>July 1, 2025</u>
* * * *		
(2) Daily Parking, Allows Permit Holder to Park in Marina Spaces if Available:		
Crew, per day	7.50 <u>\$14</u>	<u>\$16</u>
Non-Owner, per day	7.50 <u>\$14</u>	<u>\$16</u>
(3) Special Event Parking, per day	7.50 <u>\$14</u>	<u>\$16</u>
(4) Trailer/Dingy Parking, for Regatta etc., per day	7.50 <u>\$14</u>	<u>\$16</u>

1 (f) **Purchase Fees.**

	<u>July 1, 2024</u>	<u>July 1, 2025</u>
2 Key Purchase (Berth holders, Partners and Families), 3 per key	\$25.00 <u>42</u>	\$49

4
5 (g) **Services.**

	<u>July 1, 2024</u>	<u>July 1, 2025</u>
6 (1) Chain Fee (delinquent fees, unauthorized 7 vessels), per incident	\$50.00 <u>87</u>	\$101
8 (2) Dock Box Cleaning Fee (from Haz Mat deposit)	\$50.00 <u>87</u>	\$101
9 (3) Impound, per incident	\$150.00 <u>260</u>	\$302
10 (4) Harbor Line Installation, per line	\$30.00 <u>51</u>	\$59
11 (5) Labor, per incident	\$50.00 <u>87</u> flat 12 fee or 13 \$13075.00 /hour, 14 whichever is 15 greater. 16 \$16900 /hour for 17 after-hours.	\$101 flat fee 18 or 19 \$151 /hour, 20 whichever is 21 greater. 22 \$196 /hour 23 for after- 24 hours.
25 (6) Late Fees	10% of initial fee	<u>10% of initial fee</u>
(7) Pump-Out		
Water, for first incident	\$75.00 <u>130</u>	\$151
For subsequent incident(s)	\$125.00 <u>218</u>	\$254

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

23 (A) Except as specified in (B), transfers expressly authorized by the Marina
24 Rules shall be subject to a ~~\$8450~~ administrative fee. Effective July 1, 2025, this fee shall be \$98.

(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 as follows: of:

(1) Effective July 1, 2024, a fee of \$253 per linear foot for berths 35 feet and under, \$339 per linear foot for berths 40 and 45 feet, and \$548 per linear foot for berths 50 feet and longer.

(2) Effective July 1, 2025, a fee of \$293 per linear foot for berths 35 feet and under, \$392 per linear foot for berths 40 and 45 feet, and \$635 per linear foot for berths 50 feet and longer.

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

* * * *

(h) Storage.

	<u>July 1, 2024</u>	<u>July 1, 2025</u>
(1) Dock Box		
One	Free	<u>Free</u>
Each addition, per month	\$15.00 <u>24</u>	<u>\$28</u>
(2) Reserved <u>Small boat rack (dingy, kayak, canoe)</u>	<u>\$128</u>	<u>\$149</u>
(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 <u>\$582</u>	<u>\$675</u>
(5) Harbor Line Installation, per line	25.00 <u>\$51</u>	<u>\$59</u>
(6) Storage Lockers, per month	25.00 <u>\$43</u>	<u>\$50</u>

(i) Wait List Fee.

	<u>July 1, 2024</u>	<u>July 1, 2025</u>
Per year	\$75.00 <u>126</u>	<u>\$146</u>

1 (j) **Adjustment of Fees.** Starting on July 1, 2026, ~~t~~The fees set forth herein shall be
2 adjusted in accordance with Section 12.20 of this article, except that the Controller shall each
3 year, without further action by the Board of Supervisors, increase the berthing license fees for
4 the West Harbor set forth in subsection (a)(2) of this Section 12.11 by either ~~three percent~~3% or
5 the annual percentage change in the relevant Consumer Price Index (CPI) as determined by
6 the Controller, whichever is higher. The provisions in the foregoing sentence regarding West
7 Harbor berthing license fees shall terminate by operation of law on September 1, 2043 and be
8 inoperative from that date forward. The Recreation and Park Department shall maintain a list of the
9 current fees and make the list available to the public.

10 * * * *

11
12 Section 3. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor's veto of the ordinance.

16
17 Section 4. Scope of Ordinance.

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

24 (b) The various codified fees presented as existing Code text in Section 2 of this
25 ordinance do not necessarily reflect the fees that are currently applicable. Pursuant to Park

1 Code Section 12.11(j), the Controller adjusts those fees on an annual basis to reflect changes
2 in the Consumer Price Index. This ordinance is not intended to invalidate any adjustments
3 under Section 12.11(j) that the Controller has previously approved.

4 (c) The Recreation and Park Department is considering a potential project for the
5 planning, outreach, design, environmental review, permitting, remediation, and reconstruction
6 of the Marina Small Craft Harbor. Notwithstanding this ordinance, the City retains absolute
7 discretion to require modifications to such future project to mitigate or avoid any direct or
8 indirect significant environmental impacts; select feasible alternatives that avoid significant
9 adverse impacts; require the implementation of specific measures to mitigate the significant
10 adverse environmental impacts; reject all or part of any such project as proposed if the
11 economic and social benefits of the project rejected do not outweigh otherwise unavoidable
12 significant adverse impacts; and/or approve any such project upon a finding that the economic
13 and social benefits of the project approved will outweigh otherwise unavoidable significant
14 adverse environmental impacts.

15 APPROVED AS TO FORM:
16 DAVID CHIU, City Attorney

17 By: /s/
18 MANU PRADHAN
19 Deputy City Attorney
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REVISED LEGISLATIVE DIGEST

(Substituted, 6/4/2024)

[Park Code - Marina Fees]

Ordinance amending the Park Code to raise the fees for various goods and services at the Marina Small Craft Harbor; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

The Recreation and Park Department charges fees for various goods and services at the Marina Small Craft Harbor.

Amendments to Current Law

The proposed ordinance would increase certain Marina fees effective July 1, 2024, with a further increase on July 1, 2025. But there would be a 15% discount on berthing license fees going forward, if the primary owner of the vessel was a San Francisco resident.

Background Information

The fees shown in the proposed ordinance as existing text do not necessarily reflect the fees that currently apply, as the Controller adjusts the fees annually after they are adopted based on changes in the Consumer Price Index. For example, the codified fee for a 20-foot berth at the East Harbor is \$8.64 (Park Code Section 12.11(a)(1)), but the current adjusted fee is \$11.93. The Recreation and Park Department maintains a record of the fees currently in effect. The purpose of the fee increase is to help cover Marina operating costs.

On April 23, 2024, the sponsor introduced a substitute ordinance that changed the amount of some of the fees. This digest reflects subsequent amendments in committee that added a resident discount for berthing license fees.

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