SUPERVISOR, KAUFMAN, NEWSOM, BROWN BOARD OF SUPERVISORS

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The Board shall review the report and the recommendations and shall by resolution adjust the rates and charges and/or make other modifications of the lease or management agreement in order to provide an adequate return to the lessee or operator and to protect the public interest.

The Commission and each lessee or operator, through the Commission, shall have the right at all times to apply to the Board for an adjustment of public parking rates and charges or other modifications of the lease or operating agreement for a parking facility. Applications by a lessee or operator shall be by written petition filed with the Parking and Traffic Commission with copies delivered to the Board of Supervisors. The Parking and Traffic Commission shall report thereon to the Board within 30 days of such filing or within such further time as may be allowed by motion of the Board. Parking rates and charges shall at all times be subject to review and revision by the Board, but only after the Parking and Traffic Commission has made a recommendation.

Notwithstanding the above, the Parking and Traffic Commission shall have the authority to establish and implement new public parking rates at parking facilities under the jurisdiction of the Parking and Traffic Commission on an 365-day ((180-day)) trial basis. Upon termination of the 365-day ((180-day)) period, the Commission shall either rescind the interim rates or have obtained approval from the Board of Supervisors for an adjustment of the rates. When the Commission requests Board approval for an adjustment of rates after a trial period, the Commission shall provide a report analyzing the impact on City revenues from the parking rates charged during the trial period. The Executive Director of the Department of Parking and Traffic shall have the authority to establish public parking rates for special events not to exceed fourteen ((five)) consecutive days.

Notwithstanding the foregoing or any prior action of the Board of Supervisors, the Parking and Traffic ((Authority)) Commission may, on account of a special event and in its

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discretion, adjust rates and charges for parking at any public off-street parking facility for which the Board of Supervisors ordinarily fixes rates and charges; provided that:

- (a) The rate adjustment is not in breach of any contractual obligations;
- (b) The rate adjustment is only in effect on the day(s) and at the time(s) of the special event;
- (c) When the special event came to the attention of Parking <u>and Traffic</u> ((Authority)) staff, there was not sufficient time prior to the special event to obtain the rate adjustment from the Board of Supervisors;
- (d) If the primary sponsor or organizer of the special event requested the rate adjustment, then, in the opinion of the Parking and Traffic ((Authority)) Commission, that sponsor or organizer acted reasonably in bringing the request and did not delay in order to avoid seeking such an adjustment from the Board of Supervisors;
- (e) If the adjusted rates and charges are higher than the rates and charges as fixed by the Board of Supervisors, then:
- (1) In light of anticipated demand for parking on the day(s) and at the time(s) of the special event, the Parking and Traffic ((Authority)) Commission does not expect that higher rates will result in a significant reduction in use of the parking facility, and
- (2) The adjusted rates are competitive in light of the rates that are likely to be charged at other parking facilities in the area on the day(s) and at the time(s) of the special event; and
- (f) If the adjusted rates and charges are lower than the rates and charges as fixed by the Board of Supervisors; then:
- (1) The primary sponsor or organizer of the special event is a not-for-profit, eleemosynary organization or association,

- (2) On the day(s) and at the time(s) of the special event the garage would ordinarily be either closed or open but significantly less than full,
- (3) In the opinion of the Parking <u>and Traffic</u> ((Authority)) Commission, lower rates are necessary in order to encourage the public to attend the special event,
- (4) The adjusted rates are sufficient to cover the cost of operating the garage during the special event, and
- (5) The adjusted rates apply only to those users of the garage that present evidence (in a form agreed to between the primary sponsor or organizer of the special event and the Parking and Traffic ((Authority)) Commission) that they are attending the special event.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: <u>Kniar</u> <u>Jewn</u> THOMAS J. OWEN

Deputy City Attorney



City and County of San Francisco Tails

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

Ordinance

File Number:

992044

Date Passed:

Ordinance amending Administrative Code Section 17.1 to correct a statutory reference and amending Section 17.14 regarding trial and special event rates for the use of parking facilities under the jurisdiction of the Parking and Traffic Commission.

December 13, 1999 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 20, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 992044

I hereby certify that the foregoing Ordinance was FINALLY PASSED on December 20, 1999 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young

Clerk of the Board

DEC 3 0 1999

Date Approved

Mayor Willie L. Brown Jr.