

1 [Establishing Parking Meter and Permit Parking Areas --Recreation and Park Property.]

2
3 **Ordinance amending the Traffic Code by adding Sec. 201.5 to establish Parking Meter**
4 **Area Number Five; amending Sec. 201 to authorize the General Manager of the**
5 **Recreation and Park Department to establish parking meter zones within Parking Meter**
6 **Area Five subject to approval of the Recreation and Park Commission; amending Sec.**
7 **203.6 to set Parking Meter Rates in Parking Meter Area Number Five and to authorize**
8 **the Recreation and Park Commission to reduce the meter rate not more than 50% lower**
9 **than that set by the Board of Supervisors; amending Sec. 213 to provide that monies**
10 **collected from meters located on park land be credited to an account for use by the**
11 **Recreation and Park Department; adding Park Code Article 14 to establish permit**
12 **parking on Park Property; and amending Park Code Sec. 6.10 to provide for penalties**
13 **for violating Article 14.**

14 Note: Additions are *single-underline italics Times New Roman*;
15 deletions are *strikethrough italics Times New Roman*.
16 Board amendment additions are double underlined.
17 Board amendment deletions are ~~strikethrough normal~~.

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

19 Section 1. The San Francisco Traffic Code is hereby amended by amending Section
20 201 to read as follows:

21 **SEC. 201. AUTHORIZATION TO ESTABLISH PARKING METER ZONES.**

22 (a) The Director of Parking and Traffic of the City and County of San Francisco
23 is hereby authorized to establish parking meter zones, each of which shall be of sufficient size
24 to permit the parking of one vehicle only, on any street for which time limitations have
25 heretofore been, or may hereafter be, provided by ordinance or resolution of the Board of
Supervisors, and to place upon the sidewalk adjacent to said parking zone such device or

1 devices as the said Director shall deem proper which will, upon the deposit of a coin or coins,
2 set the mechanical equipment of said device in motion, or permit the said mechanical
3 equipment to be set in motion, so that the said device will accurately measure, in minutes, the
4 period of time during which said vehicle may park in said parking meter zone. Said parking
5 meter shall be constructed and mechanically equipped so that the same will, upon the
6 expiration of the period of time, commencing with deposit of said coin or coins and ending with
7 the expiration of the period of time that the parking of a vehicle is, by resolution of the Board
8 of Supervisors, permitted in said parking meter zone as a result of said deposit of a coin or
9 coins, display a flag, sign or signal which will indicate that the permitted time for the parking of
10 said vehicle has expired. The Board of Supervisors shall also indicate, by resolution, the
11 period of time vehicles may be parked in the area or areas in which parking meter zones may
12 be established.

13 (b) The General Manager of the Recreation and Park Department (RPD), in
14 consultation with the Director of Parking and Traffic of the City and County of San Francisco, is
15 hereby authorized to establish parking meter zones on property within the jurisdiction of the Recreation
16 and Park Commission for which time limitations have heretofore been, or may hereafter be, provided
17 by resolution of the Recreation and Park Commission, and to place adjacent to said parking zone such
18 device or devices as the General Manager shall deem proper which will, upon the deposit of a coin or
19 coins, set the mechanical equipment of said device in motion, or permit the said mechanical equipment
20 to be set in motion, so that the said device will accurately measure, in minutes, the period of time
21 during which said vehicle may park in said parking meter zone. Said parking meter shall be
22 constructed and mechanically equipped so that the same will, upon the expiration of the period of time,
23 commencing with deposit of said coin or coins and ending with the expiration of the period of time that
24 the parking of a vehicle is, by resolution of the Recreation and Park Commission, permitted in said
25 parking meter zone as a result of said deposit of a coin or coins, display a flag, sign or signal which

1 will indicate that the permitted time for the parking of said vehicle has expired. The Recreation and
2 Park Commission shall also specify by resolution, the period of time vehicles may be parked in the area
3 or areas in which parking meter zones may be established.

4 Section 2. The San Francisco Traffic Code is hereby amended by adding Section
5 201.5, to read as follows:

6 Sec. 201.5. Parking Meter Area Number Five. Parking Meter Area Number Five includes all
7 land, public grounds and streets located within the boundaries of parks or otherwise under the
8 jurisdiction of the Recreation and Parks Commission, and shall not mean the Streets adjacent and
9 exterior to the boundaries of parks. Parking Meter Zones within this Area, including zones for
10 motorcycles, shall be established by the General Manager of the Recreation and Park Department
11 subject to approval by the Recreation and Park Commission.

12 Section 3. The San Francisco Traffic Code is hereby amended by amending Section
13 203, to read as follows:

14 **SEC. 203. BOARD OF SUPERVISORS TO DETERMINE DENOMINATION OF**
15 **COINS AND LENGTH OF PARKING TIME ALLOWED PER COIN; AND THE DIRECTOR**
16 **OF PARKING AND TRAFFIC TO DETERMINE TOTAL LENGTH OF PARKING TIME**
17 **ALLOWED AT METER; RECREATION AND PARK COMMISSION TO DETERMINE**
18 **LENGTH OF PARKING TIME ALLOWED PER COIN, AND TOTAL LENGTH OF PARKING**
19 **TIME ALLOWED IN PARKING METER AREA FIVE.**

20 (a) The denomination of the coin or coins that shall be deposited in the parking
21 meters and the parking time allowed per each deposit of a coin shall be fixed from time to time
22 by ordinance of the Board of Supervisors for the area or areas in which parking meters are
23 now or may hereafter be installed and shall be such as will best promote efficiency and safety
24 in the use of the public street; provided that no deposit shall be required for any period of time
25 on Sundays in any area in which parking meters are now or may hereafter be installed, except

1 in Parking Meter Area Number Five, and that portion of the City and County of San Francisco
2 bounded as follows: Commencing at a point where the westerly line of Hyde Street intersects
3 the San Francisco Bay, thence southerly along the westerly line of Hyde Street to the
4 southerly line of Jefferson Street, thence easterly along the southerly line of Jefferson Street
5 to the westerly line of The Embarcadero, thence southerly along the westerly line of The
6 Embarcadero to the southerly line of Bay Street, thence westerly along the southerly line of
7 Bay Street to the westerly line of Van Ness Avenue, thence northerly along the westerly line of
8 Van Ness Avenue to the San Francisco Bay, thence easterly along the edge of the San
9 Francisco Bay to the point of commencement, and in the area governed by the provisions of
10 Section 220 of the San Francisco Traffic Code.

11 (b) The Director of Parking and Traffic is hereby authorized to establish the
12 maximum amount of parking time allowed following the deposit of coins in a meter adjacent to
13 a metered parking space (provided that such maximum parking time shall be established
14 within a range of from 15 minutes to two hours), and the hours during which the deposit of
15 coins in the meters adjacent to such metered parking spaces is required.

16 (c) The Director shall transmit each decision to establish such time period to the
17 Board of Supervisors within two working days. The Director shall also provide public notice of
18 each decision and of appeal procedures. Each decision shall then be held in abeyance for 30
19 days from the date the Director publishes notice of the decision. Such public notice shall be
20 published in a daily San Francisco newspaper within 10 days of each decision and distributed
21 to a mailing list of interested individuals that the Director shall maintain. During the 30-day
22 period when a decision of the Director is held in abeyance, appeals to the decision may be
23 filed with the Director. The Director shall notify the Board of Supervisors within two working
24 days of any applications filed with the Director by individuals requesting an appeal of the
25 decision, and request the Board of Supervisors to conduct a public hearing to consider the

1 matter. The Board of Supervisors shall consider the approval within 30 days of receipt of
2 notification from the Director that an appeal was filed, and after hearing public comment, shall
3 uphold, modify, or disapprove the decision. If no application to appeal a decision is filed with
4 the Director within 30 days of the published notice, the decision shall become effective on the
5 31st day.

6 The provisions of this Section shall be enforceable on holidays and whenever
7 the term "holiday" or "holidays" appears in any Resolution heretofore or hereafter adopted
8 pursuant to the provisions of this Article, it shall refer specifically and only to Sundays.

9 (d) For all parking meters located within Parking Meter Area Number Five, the
10 Recreation and Park Commission shall determine by resolution: (i) the parking time allowed per each
11 deposit of a coin; and (ii) the maximum length of time allowed per meter. This determination shall be
12 consistent with Section 203.6 of this Code.

13 Section 4. The San Francisco Traffic Code is hereby amended by adding Section
14 203.6, to read as follows:

15 **Sec. 203.6. Parking Meter Rates -- Parking Meter Area Number Five.** The rates for parking
16 meters in Parking Meter Area Number Five shall be the same rate as for meters in Parking Meter Area
17 Number Two, provided however that: (a) the Recreation and Park Commission may reduce the rate to
18 no lower than 50% of the rate for Parking Meter Area 2; (b) the meters in Parking Meter Area Number
19 Five may be operational seven days per week; and (c) the Commission may exempt holders of valid
20 Parking Permits, as set forth in San Francisco Park Code Article 14, from payment of parking meter
21 rates. All amounts collected from parking meters in Area Number Five shall be used for expenses
22 related to traffic regulation and control on property under the jurisdiction of the Recreation and Park
23 Commission.

24 Section 5. The San Francisco Traffic Code is hereby amended by amending Section
25 213 to read as follows:

1 SEC. 213. USE OF PARKING METER AND GARAGE REVENUE —
2 ESTABLISHMENT OF PARKING REVENUE FUND.

3 (a) Establishment and Purpose of Fund. There is hereby established a special
4 fund in the Treasury of the City and County of San Francisco to be known as the Parking
5 Revenue Fund (referred to hereafter as the "Fund"). Subject to the restrictions provided in
6 this Section, the Fund is hereby established for the purpose of financing the San Francisco
7 off-street parking program and other parking-related projects, including without limitation, (i)
8 capital expenditures for acquisition, construction, completion or leasing of public parking lots,
9 storage space, garages, single- or multi-level structures, and other off-street parking facilities
10 on, under, or above the surface of any property, including public parks, squares, lands,
11 easements or rights-of-way acquired or to be acquired by purchase, lease or condemnation,
12 together with buildings, structures, equipment, approach roads, entrances, exits, fencing, off-
13 street parking meters, and other works, property or structures for the accommodation of
14 automotive vehicles, and necessary or convenient for parking facilities to relieve congestion
15 and facilitate, regulate and control traffic within the City and County of San Francisco; (ii) the
16 payment of the costs of engineering and related studies and surveys; (iii) the payment of the
17 costs, operation and maintenance of parking facilities and related structures hereafter
18 acquired or constructed, including the payment of possessory interest taxes required by any
19 agreement authorized by the Board of Supervisors; (iv) the sole pledge for the servicing of
20 past or future indebtedness incurred by the issuance of bonds or other instruments by or on
21 behalf of the City and County of San Francisco for the acquisition, construction and
22 completion of off-street parking facilities; (v) the sole additional pledge augmenting a pledge of
23 revenue from off-street parking facilities for the servicing of past or future indebtedness
24 incurred by the issuance of revenue bonds or other revenue instruments by or on behalf of the
25 City and County of San Francisco for the acquisition, construction and completion of off-street

1 parking facilities; payment of the costs of engineering and construction of on-street parking
2 bays in parking meter districts within neighborhood commercial districts by sidewalk narrowing
3 after adoption of appropriate legislation by the Board of Supervisors; (vi) payment of the
4 administrative and operating expenses of the Department of Parking and Traffic, the Parking
5 and Traffic Commission and the Parking Authority of the City and County of San Francisco;
6 (vii) payment to the General Fund, for traffic regulation and control, of amounts remaining in
7 said special fund after making provision for the requirements under (i) through (vi) above.

8 (b) Deposit of Monies Into the Fund; Segregated Accounts Within Fund. (i)
9 Monies collected by the Department of Parking and Traffic from on-street parking meters
10 (“Parking Meter Revenue”), except for those amounts collected from Parking Meter Area Number
11 Five, shall be deposited into the Treasury of the City and County of San Francisco and
12 credited to the Fund in a segregated account known as the “Parking Meter Revenue Account.”

13 (ii) All net revenue received from the operation of off-street parking facilities owned or leased
14 by the City or the Parking Authority of the City and County of San Francisco, the purchase or
15 construction of which was financed in whole or in part from the Fund or the Off-Street Parking
16 Fund pursuant to this Section, and those net revenues received from the operation of off-
17 street, metered parking facilities owned by the City and County of San Francisco, shall be
18 collected by the Department of Parking and Traffic, deposited into the Treasury of the City and
19 County of San Francisco and credited to the Fund in a segregated account known as the “Off-
20 Street Parking Revenue Account.” To the extent practicable, all net revenues from off-street
21 parking facilities (including surface parking) operated on City-owned property shall be credited
22 to the Off-Street Parking Revenue Account.

23 (c) Use of Monies in Parking Meter Revenue Account. The use of monies
24 deposited into the Parking Meter Revenue Account pursuant to Subsection (b)(i) of this
25 Section, and any and all interest earned thereon, shall be expended; First, for the payment in

1 any fiscal year of all principal, interest, premium and all other payments required pursuant to
2 any documents authorizing any indebtedness or obligations issued or created by, or on behalf
3 of, the City and County of San Francisco or the San Francisco Parking Authority in connection
4 with the financing of the construction, acquisition and/or equipping of any off-street parking
5 facilities; Second, to the General Fund of the Treasury of the City and County of San
6 Francisco the amount of \$1,500,000, to the extent available in any fiscal year from Parking
7 Meter Revenue (except that commencing with fiscal year 1987-88 such amount shall be
8 \$3,000,000, and except that commencing with fiscal year 1988-89 such amount shall be
9 \$6,000,000, and except that commencing with fiscal year 1992-93 such amount shall be
10 \$8,000,000), and except that commencing with fiscal year 1996-97 such amount shall be
11 \$7,600,000); and Third, for the purposes described in Subsection (a) of this Section, if and to
12 the extent available.

13 (d) Use of Monies in Off-Street Parking Revenue Account. The monies
14 deposited into the Off-Street Parking Revenue Account pursuant to Subsection (b)(ii) of this
15 Section, and any and all interest earned thereon, shall be expended for the purposes set forth
16 in Subsection (a) of this Section, in any order of priority.

17 (e) Definitions. When used in this Section, the term "net revenues" shall mean,
18 with respect to each facility, all income, revenue, interest earnings and other money of every
19 nature arising out of or in connection with or derived from the ownership, operation or leasing
20 of such facility in such fiscal year less maintenance and operation costs of such facility. The
21 term "maintenance and operation costs" shall mean, with respect to each facility, the
22 reasonable and necessary costs of operation and maintenance, calculated on sound
23 accounting principles, including (among other things) salaries and wages, fees for services,
24 costs of materials, supplies and fuel, reasonable expenses of management, legal fees,
25 accounting fees, repairs and other expenses necessary to maintain and preserve the facility in

1 good repair and working order, and reasonable amounts for administration, overhead,
2 insurance, taxes (if any), and other similar costs, but excluding in all cases (i) depreciation
3 and obsolescence charges or reserves therefor; (ii) amortization of intangibles premiums,
4 discounts, or other bookkeeping entries of a similar nature, (iii) costs of capital additions,
5 replacements, betterments, extensions or improvements to the facility, which under generally
6 accepted accounting principles are chargeable to a capital account or to a reserve for
7 depreciation; and (iv) amounts paid from sources other than the fund.

8 (f) All monies collected from meters located in Parking Meter Area Number Five, shall
9 be deposited into the Treasury of the City and County of San Francisco and credited to an account in a
10 segregated revenue subobject known as the "Recreation and Park Parking Meter Revenue Subobject"
11 in the Recreation and Park Department's budget.

12 Section 6. The San Francisco Park Code is hereby amended by adding Article 14 to
13 read as follows:

14 **ARTICLE 14 PERMIT PARKING PROGRAM**

15 **SEC. 14.01. LEGISLATIVE PURPOSE.** This section is enacted in response to the conflicting
16 needs of persons utilizing on-street parking on streets located within park boundaries. These conflicts
17 result in a shortage of parking in certain parks, necessitating the further regulation of parking in those
18 areas.

19 **SEC. 14.02. FINDINGS.** The Board of Supervisors finds and declares the following:

20 (a) In order to promote and protect the public health, safety and welfare, and the
21 health, safety and welfare of park patrons in particular, a Parking Permit Program is necessary to
22 regulate the flow of traffic on streets located within boundaries of certain parks.

23 (b) In order to promote and protect recreational use of parks, a Parking Permit
24 Program, as authorized by sections 22507 and 21113 of the California Vehicle Code, is necessary to
25 regulate parking and traffic on Park Property.

1 (c) Establishing a Parking Permit Program limited to streets within park boundaries
2 will not adversely affect parking conditions for residents and merchants in areas affected by the
3 Parking Permit Program.

4 **SEC. 14.03. DEFINITIONS.** For purposes of this Article, the following definitions shall apply
5 to the terms used herein:

6 (a) “Commuters” shall mean persons parking on streets within park boundaries for a
7 purpose other than patronizing park facilities or amenities located within the park.

8 (b) “Contractor Employees” shall mean employees of construction and design
9 companies, including but not limited to laborers, trades persons, engineers, and architects, employed in
10 the design and construction of public facilities located within park property.

11 (c) “Motor Vehicle” shall mean an automobile, truck, motorcycle or other self-
12 propelled form of transportation not in excess of 6,000 pounds gross weight, and shall not include a
13 trailer, trailer coach or a utility trailer or any other type of vehicle as defined in the California Vehicle
14 Code, whether separate from or attached to a motor vehicle.

15 (d) “Institution Employees” shall mean employees and volunteers working for the
16 California Academy of Sciences, the Fine Arts Museums, or the City and County of San Francisco, or
17 other employees and volunteers of academies, museums and other institutions located on Park
18 Property.

19 (e) “Park Property” shall mean the land, Public Grounds and Streets located within the
20 boundaries of parks or otherwise under the jurisdiction of the Recreation and Parks Commission, and
21 shall not mean the Streets adjacent and exterior to the boundaries of parks.

22 (f) “Public Grounds” shall have the meaning provided in Section 21113 of the
23 California Vehicle Code, but shall not include any property that is a Street.

24 (g) “Streets” shall mean streets and highways as defined in section 360 of the
25 California Vehicle Code.

1 **SEC. 14.04. PROGRAM.**

2 (a) The Commission may establish:

3 (i) parking permit areas within Park Property;

4 (ii) permit holder classifications, as provided for in California Vehicle Code
5 section 22507(b);

6 (iii) the days of the week and the hours of day that permits are required;

7 (iv) the number of each class of permits to be issued;

8 (v) other terms and conditions governing parking permits as the Commission
9 may determine in order to effect the purposes of this Article.

10 (b) The rates for such permits shall be:

11 (i) \$30.00 per month for Institution Employees. Individuals who want to
12 purchase such permits will be required to verify their employment at a particular institution.

13 (ii) \$30.00 per month for Contractor Employees. Individuals who want to
14 purchase such permits will be required to verify their employment on a specific construction site.

15 (iii) \$60.00 per month for commuters.

16 (c) All amounts collected from Parking Permits shall be used for expenses related to
17 traffic regulation and control on property under the jurisdiction of the Recreation and Park
18 Commission.

19 (d) The Commission shall establish procedures for the issuance and revocation of
20 Parking Permits.

21 (e) Vehicles parked in areas designated for "Permit Parking Only" shall display the
22 required permit. Failure to display a valid permit will subject the motor vehicle to the enforcement and
23 penalty provisions of Section 6.10 of this Code.

24 Section 7. The San Francisco Park Code is hereby amended by amending Section
25 6.10 to read as follows:

1 SEC. 6.10. PENALTIES.

2 A person who violates Section 6.01(c), (d), (e), (f) or (g), or 14.04 of this Code shall be
3 guilty of an infraction and upon conviction thereof shall be punished for the first offense by a
4 fine not to exceed \$50; for the second offense committed within a one-year period by a fine
5 not to exceed \$100; for a third and each additional offense committed within a one-year's
6 period by a fine not to exceed \$250.

7 This Section shall not be deemed to contradict Section 6.02 of this Code concerning
8 the towing of vehicles in violation of Section 601(d), (f) or (g).

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10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: VIRGINIA DARIO ELIZONDO
13 Deputy City Attorney

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