

**BOARD of SUPERVISORS**



**City Hall**  
**Dr. Carlton B. Goodlett Place, Room 244**  
**San Francisco 94102-4689**  
**Tel. No. (415) 554-5184**  
**Fax No. (415) 554-5163**  
**TDD/TTY No. (415) 554-5227**

February 17, 2022

**File No. 211295-3**

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On February 16, 2022, following legislation was amended at the Budget and Finance Committee:

**File No. 211295-3**

Ordinance amending the Park Code to waive fees for admission by San Francisco residents to the Japanese Tea Garden and the Conservatory of Flowers; to authorize the Recreation and Park Department to waive or discount other admission fees at these facilities as well as at the San Francisco Botanical Garden (all three collectively, "the Gardens"); to require the Recreation and Park Department to begin waiving admission fees for Veterans at the Gardens; to fund these changes by reauthorizing the Recreation and Park Department to set admission fees for non-resident adults at the Gardens through flexible pricing, based on certain factors and to ensure consistency among all three Gardens; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

*Brent Jalipa*

By: Brent Jalipa, Assistant Clerk  
Budget and Finance Committee

Attachment

c: Devyani Jain, Environmental Planning  
Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning

[Park Code - Admission Fees at the Gardens of Golden Gate Park]

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**Ordinance amending the Park Code to waive fees for admission by San Francisco residents to the Japanese Tea Garden and the Conservatory of Flowers; to authorize the Recreation and Park Department to waive or discount other admission fees at these facilities as well as at the San Francisco Botanical Garden (all three collectively, “the Gardens”); to require the Recreation and Park Department to begin waiving admission fees for Veterans at the Gardens; to fund these changes by reauthorizing the Recreation and Park Department to set admission fees for non-resident adults at the Gardens through flexible pricing, based on certain factors and to ensure consistency among all three Gardens; and affirming the Planning Department’s determination under the California Environmental Quality Act.**

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. Environmental Findings.

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. 211295 and is incorporated herein by reference. The Board affirms this determination.

1 Section 2. Background.

2 (a) In 2019, the City enacted Ordinance No. 194-19, which, among other things,  
3 authorized the Recreation and Park Department (“RPD”) to set non-resident adult admission  
4 fees for the Japanese Tea Garden, the Conservatory of Flowers, and the San Francisco  
5 Botanical Garden (collectively, “the Gardens”) through a defined system of flexible pricing.  
6 Under this system, RPD could increase non-resident adult admission fees once per year by  
7 up to 50% (at certain times only), and could authorize decreases of any amount, based on  
8 factors such as public demand, facility conditions, and rates at comparable facilities. This  
9 system was to remain in place until at least June 30, 2021. In 2021, the City extended flexible  
10 pricing at the Gardens by enacting Ordinance No. 131-21, which provided that flexible pricing  
11 could continue until December 7, 2021, “unless extended by ordinance.”

12 (b) San Francisco residents are already entitled to free admission at the Botanical  
13 Garden. The Board of Supervisors finds it is in the public interest to extend this policy to the  
14 other Gardens, to waive admission fees for veterans, and to authorize the Recreation and  
15 Park Department to develop further waivers and discounts in order to allow for coordination  
16 among the Gardens with respect to special conditions and exhibits. Likewise, the Board of  
17 Supervisors also finds it is reasonable to re-authorize flexible pricing for non-resident adults at  
18 the Gardens, with a modification that increases not be based on percentage and instead be  
19 limited to no more than \$7 per ticket, to help offset the costs of the waivers and discounts, and  
20 to help pay for general operating expenses, purchase or lease supplies, equipment, and  
21 materials for the facilities, and to raise funds for future capital projects necessary to maintain  
22 existing levels of service.

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2 Section 3. Article 2 of the Park Code is hereby amended by revising Section 2.10, as  
3 follows:

4 **SEC. 2.10. "VETERAN " DEFINED.**

5 (a) When used in this Code, the word "Veteran" shall mean a person who is currently  
6 serving in the active military, naval, air, or space service, or who has completed such service  
7 and was discharged or released therefrom under conditions other than dishonorable  
8 consistent with Section 101(2) of Title 38 of the United States Code, as it may be amended  
9 from time to time; and provided further, that for purposes of Sections 12.01, 12.02, 12.07,  
10 12.40, and 12.41 of this Code only, the term "Veteran" shall only apply to such persons who  
11 are residents of the City and County of San Francisco.

12 (b) The proviso in subsection (a) ~~that excludes non-San Francisco residents from the~~  
13 ~~definition of "Veteran"~~ certain discounts that the City has approved for Veterans shall expire  
14 by operation of law if and when the Controller certifies, in writing, to the Recreation and Park  
15 Department General Manager, that the City has enacted an ordinance appropriating monies  
16 necessary to fund discounts for one year for non-San Francisco residents who otherwise meet  
17 the definition of "Veteran." Following said certification, the City Attorney shall cause this  
18 subsection (b), and the proviso in subsection (a), to be removed from the Code.

19  
20 Section ~~3.~~ 4. Article 12 of the Park Code is hereby amended by revising Sections  
21 12.05, 12.34, and 12.46, and deleting Section 12.50, as follows:

22 **SEC. 12.05. JAPANESE TEA GARDEN.**

23 (a) The following fees shall be charged for admission to the Japanese Tea Garden:

Age/Category	S.F. Residents	Non-Residents
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1	Adult	<del>\$0.00</del> <del>5.00</del>	\$7.00
2	Senior (65+)	<del>\$0.00</del> <del>3.00</del>	\$5.00
3	Youth (12—17 years)	<del>\$0.00</del> <del>3.00</del>	\$5.00
4	Child (5—11 years)	<del>\$0.00</del> <del>1.50</del>	\$2.00
5	Child (4 years and under)	\$0.00	\$0.00
6	Veterans	\$0.00	\$0.00

7 ~~With respect to the non-resident Adult fees,~~ The Department General Manager or the  
8 General Manager's designee may ~~once per year~~ approve a temporary increase~~s~~ of up to \$7  
9 ~~50% to the non-resident Adult fees upon not less than 30 days' notice, applicable during the months of~~  
10 ~~March through October only,~~ and/or may approve decreases to any category of fees at any time,  
11 based on one or more of the following factors: fluctuations in customer demand at particular  
12 times or on particular days or dates, rates at comparable facilities, adverse weather  
13 conditions, ~~and~~ facility conditions, operating costs, and for tickets covering multiple garden  
14 admissions.

15 \* \* \* \*

17 **SEC. 12.34. CONSERVATORY OF FLOWERS FEES.**

18 (a) **Admission Fees.** The following fees shall be charged for admission to the  
19 Conservatory of Flowers:

20 <b>Age/Category</b>	<b>S.F.Residents</b>	<b>Non-Residents</b>
21 Adults	<del>No fee</del> <del>\$5.00</del>	\$7.00
22 Youth 12-17 and Seniors 65 and over	<del>No fee</del> <del>\$3.00</del>	\$5.00
23 Children 5-11	<del>No fee</del> <del>\$1.50</del>	\$2.00
24 Children 4 and under	No fee	No fee

San Francisco school groups K-12 with prior scheduling	No fee	No fee
Veterans	No fee	No fee

~~With respect to the non-resident Adult fees, the~~ Department General Manager or the General Manager's designee may ~~once a year~~ approve a temporary increase~~s~~ of up to ~~\$7.50%~~ to the non-resident Adult fees upon not less than 30 days' notice, applicable on Fridays, Saturdays and Sundays only, and/or may approve decreases to any category of fees at any time, based on one or more of the following factors: fluctuations in customer demand at particular times or on particular days or dates, rates at comparable facilities, adverse weather conditions, ~~and~~ facility conditions, operating costs, and for tickets covering multiple garden admissions.

\* \* \* \*

**SEC. 12.46. COUNTY FAIR BUILDING AND BOTANICAL GARDEN FEES.**

\* \* \* \*

(d) The Department shall charge the following fees for entrance to the Botanical Garden:

<i>Age/Category</i>	<i>Non-San Francisco Residents</i>
Adults	\$7.00
Youth 12-17 and Seniors 65 and over	\$5.00
Children 5-11	\$2.00
Children 4 and under	No charge
Veterans	No charge
Families (2 adults and all children 17 years and under residing in the same household)	\$15.00

1           ~~With respect to the non-resident Adult fees, t~~The Department General Manager or the  
2 General Manager's designee may ~~once a year~~ approve ~~a~~ temporary increase~~s~~ of up to \$7.50%  
3 to the non-resident Adult fees upon not less than 30 days' notice, applicable on Saturdays and Sundays  
4 ~~only~~, and/or may approve decreases to any category of fees at any time, based on one or more  
5 of the following factors: fluctuations in customer demand at particular times or on particular  
6 days or dates, rates at comparable facilities, adverse weather conditions, ~~and~~ facility  
7 conditions, operating costs, and for tickets covering multiple garden admissions.

8           \* \* \* \*

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10       ~~**SEC. 12.50. SUNSET PROVISIONS.**~~

11       ~~—(a) Consistent with Ordinance No. 194 19, the paragraph in Section 12.06(a) that authorizes~~  
12 ~~temporary increases and decreases of non-resident Adult fees at the Coit Tower Elevator, and any such~~  
13 ~~increases or decreases that the Department General Manager may have approved pursuant to that~~  
14 ~~paragraph, shall be deemed to have expired by operation of law on June 30, 2021.~~

15       ~~—(b) Unless extended by ordinance, the paragraphs in Sections 12.05(a), 12.34(a), and~~  
16 ~~12.46(a) that authorize temporary increases and decreases of non-resident Adult fees at certain~~  
17 ~~specialty attractions, adopted via Ordinance No. 194 19, and any such increases or decreases that the~~  
18 ~~Department General Manager may have approved pursuant to those paragraphs, shall expire by~~  
19 ~~operation of law on December 7, 2021. Upon expiration of those paragraphs, the City Attorney shall~~  
20 ~~cause those paragraphs, the above-referenced paragraph of Section 12.06(a), and this Section 12.50 to~~  
21 ~~be removed from the Park Code.~~

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23       Section 4. 5. Effective Date.

24       This ordinance shall become effective 30 days after enactment. Enactment occurs  
25 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not

1 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the  
2 Mayor’s veto of the ordinance.

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4 Section ~~5.~~6. Scope of Ordinance.

5 (a) In enacting this ordinance, the Board of Supervisors intends to amend only  
6 those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation  
7 marks, charts, diagrams, or any other constituent parts of the Municipal Code that are  
8 explicitly shown in this ordinance as additions, deletions, Board amendment additions, and  
9 Board amendment deletions in accordance with the “Note” that appears under the official title  
10 of the ordinance.

11 (b) The various codified fees presented as existing Code text in Section ~~3.~~4. of this  
12 ordinance do not necessarily reflect the fees that are currently applicable. Pursuant to Park  
13 Code Section 12.20, the Controller adjusts those fees on an annual basis to reflect changes in  
14 the Consumer Price Index. This ordinance is not intended to invalidate any adjustments under  
15 Section 12.20 that the Controller has previously approved.

16  
17 APPROVED AS TO FORM:  
18 DAVID CHIU, City Attorney

19  
20 By: /s/  
21 MANU PRADHAN  
22 Deputy City Attorney  
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**REVISED LEGISLATIVE DIGEST**  
(Amended in Committee, 2/16/2022)

[Park Code - Admission Fees at the Gardens of Golden Gate Park]

**Ordinance amending the Park Code to waive fees for admission by San Francisco residents to the Japanese Tea Garden and the Conservatory of Flowers; to authorize the Recreation and Park Department to waive or discount other admission fees at these facilities as well as at the San Francisco Botanical Garden (all three collectively, “the Gardens”); to require the Recreation and Park Department to begin waiving admission fees for Veterans at the Gardens; to fund these changes by reauthorizing the Recreation and Park Department to set admission fees for non-resident adults at the Gardens through flexible pricing, based on certain factors and to ensure consistency among all three Gardens; and affirming the Planning Department’s determination under the California Environmental Quality Act.**

Existing Law

The Park Code sets different rates for children, adults and seniors to be admitted to the Japanese Tea Garden, the Conservatory of Flowers, and San Francisco Botanical Garden. San Francisco residents receive discounts at the Japanese Tea Garden and Conservatory of Flowers, and do not pay any fees at the Botanical Garden.

In 2019, the City enacted Ordinance No. 194-19, which, among other things, authorized the Recreation and Park Department (“RPD”) to set non-resident adult admission fees for the Gardens through a defined system of flexible pricing. Under this system, RPD could increase non-resident adult admission fees once per year by up to 50% (at certain times only), and could authorize decreases of any amount, based on factors such as public demand, facility conditions, and rates at comparable facilities. This system was to remain in place until at least June 30, 2021. In 2021, the City extended flexible pricing at the Gardens by enacting Ordinance No. 131-21, which provided that flexible pricing could continue until December 7, 2021, unless extended by ordinance.

In 2022, the City enacted Ordinance No. 238-21, which waived or discounted certain Park Code fees (including admission fees at the Gardens) for veterans who are City residents. Discounts and waivers for non-resident veterans will go into effect after the City appropriates funds to pay for the waivers and discounts for one full year.

Amendments to Current Law

The ordinance would waive all admission fees for San Francisco residents at the Japanese Tea Garden and Conservatory of Flowers, to make the fees at those facilities consistent with the Botanical Garden. The ordinance would also authorize RPD to develop further waivers and discounts in order to allow for coordination among the Gardens with respect to special

conditions and exhibits. Also, the ordinance would require the fee waivers for non-resident veterans visiting the Gardens to go into effect immediately (but the waivers and discounts in Ordinance No. 238-21 that are not related to the Gardens would continue to be subject to a future appropriation). To help offset the costs of the waivers and discounts at the Gardens and to cover general expenses, the ordinance would also re-authorize flexible pricing for non-resident adults at the Gardens, at any time following notice to the public. The flexible pricing would differ from Ordinance No. 194-19 in that any increases would be capped at \$7, rather than being based on a percentage of the base ticket price.

### Background

On February 2, 2022, the ordinance was amended at Budget and Finance Committee to add a new Section 2 to the legislation to require that the waivers for non-resident veterans at the Gardens under Ordinance No. 238-21 shall go into effect immediately rather than upon appropriation of funds. In addition, Section 3 of this ordinance was been updated to reflect that Ordinance No. 238-21 amended the tables at Park Code Sections 12.05(a), 12.34(a), and 12.46(d) to include rates for “veterans.” Those updates to the tables appear in the amended ordinance as existing text.

On February 16, 2022, the ordinance was further amended at Budget and Finance Committee to modify the flexible pricing standard to provide that any increases will not be based on a percentage of the base ticket price and instead that increases shall not exceed \$7.

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