

BOARD of SUPERVISORS



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MEMORANDUM

TO: Phil Ginsburg, General Manager, Recreation and Parks Department

FROM: Brent Jalipa, Assistant Clerk
Budget and Finance Committee

DATE: January 31, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Budget and Finance Committee has received the following proposed legislation, introduced by Supervisor Connie Chan:

File No. 220089

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 charge discounted admission fees to non-San Francisco residents visiting two or more of the Gardens of Golden Gate Park (i.e., the Japanese Tea Garden, the Conservatory of Flowers, and the San Francisco Botanical Garden); and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: brent.jalipa@sfgov.org.

c: Sarah Madland, Recreation and Parks Department

[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 charge discounted admission fees to non-San Francisco residents visiting two or more of the Gardens of Golden Gate Park (i.e., the Japanese Tea Garden, the Conservatory of Flowers, and the San Francisco Botanical Garden); and affirming the Planning Department’s determination under the California Environmental Quality Act.

NOTE: **Unchanged Code text and uncoded 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 ~~**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. ____ and is incorporated herein by reference. The Board affirms this determination.

Section 2. Background.

(a) 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 Japanese Tea Garden, the Conservatory of Flowers, and the San Francisco Botanical Garden (collectively, “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.

(b) San Francisco residents are already entitled to free admission at the San Francisco Botanical Garden. The Board of Supervisors finds it is in the public interest to extend this policy for residents to the other Gardens, and to authorize the Recreation and Park Department to develop non-resident ticket option that covers admission at two or more of the Gardens.

Section 3. Article 12 of the Park Code is hereby amended by revising Sections 12.05, 12.34, and 12.46, and deleting Section 12.50, to read as follows:

SEC. 12.05. JAPANESE TEA GARDEN.

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

Age/Category	S.F. Residents	Non-Residents
Adult	\$0 5.00	\$7.00
Senior (65+)	\$0 3.00	\$5.00
Youth (12—17 years)	\$0 3.00	\$5.00

Child (5—11 years)	\$0 1.50	\$2.00
Child (4 years and under)	\$0.00	\$0.00
Veterans	\$0.00	\$0.00

~~With respect to the non-resident Adult fees, the~~ The Department General Manager or the General Manager's designee ~~may once per year approve a temporary increase of up to 50%, applicable during the months of March through October only, and/or may approve decreases at any time, may approve discounts for tickets covering admission at two or more of the Gardens of Golden Gate Park (the Japanese Tea Garden, the Conservatory of Flowers, and the San Francisco Botanical Garden),~~ 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, operating costs, and facility conditions.

* * * *

SEC. 12.34. CONSERVATORY OF FLOWERS FEES.

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

Age/Category	S.F.Residents	Non-Residents
Adults	No fee \$5.00	\$7.00
Youth 12-17 and Seniors 65 and over	No fee \$3.00	\$5.00
Children 5-11	No fee \$1.50	\$2.00
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 of up to 50%, applicable on Fridays, Saturdays and Sundays only, and/or may approve decreases at any time~~ may approve discounts for tickets covering admission at two or more of the Gardens of Golden Gate Park (the Japanese Tea Garden, the Conservatory of Flowers, and the San Francisco Botanical Garden), 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, operating costs, and facility conditions.

* * * *

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

~~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 of up to 50%,~~

1 ~~applicable on Saturdays and Sundays only, and/or may approve decreases at any time, may approve~~
2 ~~discounts for tickets covering admission at two or more of the Gardens of Golden Gate Park (the~~
3 ~~Japanese Tea Garden, the Conservatory of Flowers, and the San Francisco Botanical Garden), based~~
4 on one or more of the following factors: fluctuations in customer demand at particular times or
5 on particular days or dates, rates at comparable facilities, adverse weather conditions,
6 operating costs, and facility conditions.

7 * * * *

8
9 **~~SEC. 12.50. SUNSET PROVISIONS.~~**

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

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

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22 **Section 4. Effective Date.**

23 This ordinance shall become effective 30 days after enactment. Enactment occurs
24 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
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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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5 Section 5. Scope of Ordinance.

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

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

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18 APPROVED AS TO FORM:
19 DAVID CHIU, City Attorney

20
21 By: /s/
22 MANU PRADHAN
23 Deputy City Attorney
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25

LEGISLATIVE DIGEST

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 charge discounted admission fees to non-San Francisco residents visiting two or more of the Gardens of Golden Gate Park (i.e., the Japanese Tea Garden, the Conservatory of Flowers, and the San Francisco Botanical Garden); 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 system of flexible pricing. Under this system, RPD could increase non-resident adult admission fees by up to 50%, 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.

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 discounted ticket options for non-residents visiting two or more of the Gardens, based on certain factors. The ordinance would not renew RPD's authority under Ordinance No. 194-19 to increase fees for non-residents by up to 50% based on flexible pricing, so going forward RPD could decrease the non-resident rates as noted above but could not increase them.

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