

BOARD of SUPERVISORS



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June 6, 2022

File No. 220687

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

Dear Ms. Gibson:

On June 1, 2022, Mayor Breed submitted the following Ordinance assigned to the Budget and Appropriations Committee:

File No. 220687

Ordinance amending the Park Code to impose a surcharge in addition to the license fees for berthing at the Marina West Harbor, to help fund the cost of dredging activities at the West Harbor; 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 Appropriations Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

1 [Park Code - Marina West Harbor Fees]

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3 **Ordinance amending the Park Code to impose a surcharge in addition to the license**
 4 **fees for berthing at the Marina West Harbor, to help fund the cost of dredging activities**
 5 **at the West Harbor; and affirming the Planning Department's determination under the**
 6 **California Environmental Quality Act.**

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

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

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14 Section 1. Purpose and Findings.

15 (a) The San Francisco Marina is supported by its own operating revenues within a
 16 special revenue Marina Yacht Harbor Fund. Every year, the City assumes various costs to
 17 operate the Marina West Harbor, including the costs to dredge the Entry Channel to the West
 18 Harbor which is necessary to keep the West Harbor operable. But the operating revenue has
 19 been insufficient to cover the full cost of these activities, and the General Fund has had to
 20 provide a subsidy to cover the dredging costs every year for at least the last four fiscal years.
 21 This ordinance would impose a surcharge on the berthing license fees at the West Marina, to
 22 cover the reasonable cost of the dredging activities, which are necessary to maintain service
 23 within the existing service area for those berthholders. The funds would be used solely for
 24 annual West Marina dredging. It is reasonable to require berthholders to pay these operating
 25 costs in exchange for granting them permission to berth their vessels at the Marina.

1 (b) The Planning Department has determined that the actions contemplated in this
2 ordinance comply with the California Environmental Quality Act (California Public Resources
3 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
4 Supervisors in File No. [redacted] and is incorporated herein by reference. The Board affirms this
5 determination.

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7 Section 2. The Park Code is hereby amended by revising Sections, to read as follows:

8 **SEC. 12.11. MARINA FEES.**

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

11 (l) West Harbor Dredging Surcharge. The Recreation and Park Department may impose a
12 surcharge on West Harbor licensees to cover the estimated cost of dredging the West Harbor, not to
13 exceed the following amounts:

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<u>Berth Length</u>	<u>Fee Per Foot/Per Month</u>
<u>25'</u>	<u>\$2.70</u>
<u>30'</u>	<u>2.74</u>
<u>35'</u>	<u>2.74</u>
<u>40'</u>	<u>3.32</u>
<u>45'</u>	<u>3.32</u>
<u>50'</u>	<u>3.39</u>
<u>60'</u>	<u>3.39</u>
<u>70'</u>	<u>3.47</u>
<u>80'</u>	<u>3.47</u>
<u>90'</u>	<u>3.47</u>

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24 Section 3. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

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4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

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11 Section 5. Undertaking for the General Welfare. In enacting and implementing this
12 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
13 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
14 is liable in money damages to any person who claims that such breach proximately caused
15 injury.

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23 Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word
24 of this ordinance, or any application thereof to any person or circumstance, is held to be
25 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision

1 shall not affect the validity of the remaining portions or applications of the ordinance. The
2 Board of Supervisors hereby declares that it would have passed this ordinance and each and
3 every section, subsection, sentence, clause, phrase, and word not declared invalid or
4 unconstitutional without regard to whether any other portion of this ordinance or application
5 thereof would be subsequently declared invalid or unconstitutional.

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7 APPROVED AS TO FORM:
8 DAVID CHIU, City Attorney

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9 By: /s/
10 MANU PRADHAN
11 Deputy City Attorney
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LEGISLATIVE DIGEST

[Park Code - Marina West Harbor Fees]

Ordinance amending the Park Code to impose a surcharge in addition to the license fees for berthing at the Marina West Harbor, to help fund the cost of dredging activities at the West Harbor; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

The City operates a marina at the Marina West Harbor. Members of the public can obtain licenses to berth their vessels there, on payment of a license fee. The fees are meant to cover the Marina's operating costs.

Amendments to Current Law

The ordinance would impose an additional monthly surcharge on licensees at the Marina West Harbor, to help cover the estimated costs of dredging the entry channel to the West Harbor. The surcharges range from \$2.70 to \$3.47 per foot, depending on the length of the berth.

Background Information

The City has needed to dredge the entry channel to the Marina West Harbor annually, in order to keep the West Harbor operable for the berthholders. But operating revenue has not been sufficient to cover the full cost of these activities. The surcharge reflects the estimated cost that each berthholder would need to contribute in order to fund the dredging activities.

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