

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

November 5, 2021

File No. 211022

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

Dear Ms. Gibson:

On November 3, 2021, the Budget and Finance Committee amended continued the following legislation:

**File No. 211022**

**Ordinance authorizing the Municipal Transportation Agency (SFMTA) to set parking rates at the Kezar Stadium Parking Lot, and Golden Gate Park Underground Parking Facility in accordance with Park Code provisions that authorize SFMTA rate-setting on park property and subject to Board of Supervisors approval, and making conforming edits to the Park Code; increasing parking rates for berth-holders at the Marina Small Craft Harbor; clarifying that the fines for certain violations of the Transportation Code apply to similar violations occurring on park property; clarifying the authority of Park Patrol to enforce the Park Code and issue parking citations; 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

1 [Park Code - Parking Fees and Fines, Park Patrol Enforcement]

2

3 **Ordinance authorizing the Municipal Transportation Agency (SFMTA) to set parking**  
4 **rates at the Kezar Stadium Parking Lot, and Golden Gate Park Underground Parking**  
5 **Facility, ~~and Marina Small Craft Harbor~~ in accordance with Park Code provisions that**  
6 **authorize SFMTA rate-setting on park property; and subject to Board of Supervisors**  
7 **approval, and making conforming edits to the Park Code; increasing parking rates for**  
8 **berth-holders at the Marina Small Craft Harbor; clarifying that the fines for certain**  
9 **violations of the Transportation Code apply to similar violations occurring on park**  
10 **property; clarifying the authority of Park Patrol to enforce the Park Code and issue**  
11 **parking citations; and affirming the Planning Department’s determination under the**  
12 **California Environmental Quality Act.**

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
14 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
16 **Board amendment additions** are in double-underlined Arial font.  
17 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
18 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
19 subsections or parts of tables.

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

19

20 Section 1. Environmental Findings.

21 The Planning Department has determined that the actions contemplated in this  
22 ordinance comply with the California Environmental Quality Act (California Public Resources  
23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
24 Supervisors in File No. \_\_\_\_ and is incorporated herein by reference. The Board affirms this  
25 determination.

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Section 2. Authority and Role of Municipal Transportation Agency Regarding Paid Parking at the Kezar Stadium Parking Lot, and the Golden Gate Park Underground Parking Facility, ~~and the Marina Small Craft Harbor.~~

(a) Park Code Section 6.14 authorizes the Municipal Transportation Agency to identify locations suitable for the establishment of paid parking areas or zones on property under the jurisdiction of the Recreation and Park Commission, and to set rates for paid parking in such areas that are closely comparable to the rates set for similarly situated paid parking, provided, among other things, that the Board of Supervisors approves the location of the paid parking areas and the parking restrictions.

(b) In accordance with Park Code Section 6.14, the Board of Supervisors tentatively approves the implementation of paid parking with rates set by the Municipal Transportation Agency and subject to approval by the Recreation and Commission at the Kezar Stadium Parking Lot, and the Golden Gate Park Underground Parking Facility, ~~and the Marina Small Craft Harbor.~~ The Kezar Parking Lot is located at 825 Stanyan Street. The Golden Gate Park Underground Parking Facility is located under the Music Concourse area of Golden Gate Park. ~~The Marina Small Craft Harbor is located at 3950 Scott Street and encompasses those certain areas in the vicinity of and including the Marina Green.~~ The current parking rates at these facilities are adjusted for inflation but are otherwise fixed. The rates set by the Municipal Transportation Agency at those sites shall be comparable to the rates set for similarly situated parking, may increase or decrease in response to customer demand at particular times or on particular days or dates, and shall be intended to support recreation by encouraging the use of these facilities by recreational users, and by helping the Recreation and Park Department meet operating expenses, purchase or lease supplies, equipment and materials for the parks, and raise funds for future capital projects necessary to maintain

1 existing levels of service. The Board of Supervisors requests that the Municipal  
2 Transportation Agency and Recreation and Park Department provide further information  
3 regarding how the rates would be set. The rate-setting shall be finally approved and may  
4 commence after the Board of Supervisors has reviewed this information and adopted a  
5 resolution finding that the proposed rates comply with the requirements of Section 6.14.

6 (b) In accordance with Park Code Section 6.14, the Board of Supervisors approves  
7 that the parking restrictions set forth in the Park Code, as amended by this ordinance and as  
8 they may be amended in the future from time to time, shall apply to any such system of paid  
9 parking. Nothing in this ordinance may be deemed to modify or supersede the Lease dated  
10 December 24, 2004, as amended, between the Music Concourse Community Partnership and  
11 the City and County of San Francisco and the Golden Gate Park Concourse Authority, relating  
12 to the Golden Gate Park Underground Parking Facility and the debt secured by the parking  
13 facility.

14  
15 Section 3. The Park Code is hereby amended by revising Sections 6.01, 6.02, 6.10,  
16 10.01, 12.08, 12.11, and 12.35, to read as follows:

17 **SEC. 6.01. OPERATION AND PARKING OF VEHICLES.**

18 \* \* \* \*

19 (i) No person shall, in any park, allow any automobile or other vehicle to remain  
20 parked in any parking *lot space* which is open for public use and for which a fee is charged for  
21 parking, ~~including, but not limited to Kezar Parking Lot,~~ for a period of more than 24 hours after  
22 the expiration of the period for which a fee is charged, unless otherwise allowed by permit.

23 \* \* \* \*

24 (k) No person shall, in any park, allow any automobile or any other vehicle that is  
25 disabled to remain parked in any parking *lot space* which is open for public use and for which a

1 fee is charged for parking, ~~including but not limited to Kezar Parking Lot,~~ unless otherwise  
2 allowed by permit.

3 (l) No person shall, in any park, commit any of the offenses listed in Sections 302 and  
4 303 of Division II of the Transportation Code, as they may be amended from time to time.

5  
6 **SEC. 6.02. TOWING OF VEHICLES.**

7 (a) Whenever any ~~member/officer~~ of the ~~San Francisco~~ Police Department, ~~employee of~~  
8 ~~the San Francisco Municipal Transportation Agency (SFMTA), or~~ employee or lessee authorized  
9 by the Recreation and Park Department or Commission finds any vehicle parked in violation  
10 of Sections 6.01(d), (e), (f), (g), (h), (i), (j), or (k) of this Code, such officer, employee, or  
11 lessee may provide for the removal of such vehicle, so long as signs have been posted to  
12 inform the public that vehicles so parked are subject to removal and, with respect to Section  
13 6.01(i), so long as there is an attendant on duty or other facilities permitting the patron to pay  
14 or remit the parking charges at the time the vehicle is first parked.

15 (b) The procedure for removal and impounding of vehicles shall be as is provided for  
16 in applicable provisions of the ~~San Francisco Transportation Traffic~~ Code and Sections 22850 to  
17 22855 of the California Vehicle Code.

18 (c) ~~Moreover, a~~Any vehicle stopped, parked, or left standing in such a manner as to  
19 violate Sections 6.01(d), (e), (f), (g), (h), (i), (j), or (k) of this Code is an obstruction to the free  
20 use of property and a nuisance within the meaning of Part III of the Civil Code of California  
21 relating to nuisances and the abatement thereof.

22  
23 **SEC. 6.10. PENALTIES.**

24 (a) A person who commits an offense listed in Sections 302 or 303 of Division II of the  
25 Transportation Code shall be required to pay the fines specified in those Sections. Otherwise,

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

6 (b) This Section 6.10 shall not be deemed to contradict Section 6.02 of this Code  
7 concerning the towing of vehicles in violation of Section 601(d), (f), or (g). ~~Nor shall this~~  
8 ~~Section 6.10 contradict or limit the ability of SFMTA to establish and impose fines and~~  
9 ~~penalties pursuant to the Transportation Code for parking violations on park property, subject~~  
10 ~~to the approval of the Recreation and Park Commission.~~

11  
12 **SEC. 10.01. PENALTIES; ENFORCEMENT.**

13 \* \* \* \*

14 (e) The Park Patrol shall have the authority to issue citations and to enforce any  
15 provision of this Code, pursuant to this subdivision (e) and pursuant to California Penal Code  
16 section 836.5.

17  
18 **SEC. 12.08. PARKING FEES ON RECREATION AND PARK PROPERTY.**

19 (a) The following fees shall be charged for parking at the Kezar Parking Lot. The rates for  
20 parking at the Kezar Stadium Parking Lot may be set by the San Francisco Municipal Transportation  
21 Agency (SFMTA) in accordance with Section 6.14. Until such time as the SFMTA has set rates with  
22 approval of the Recreation and Park Commission and the Board of Supervisors, the rates, which are  
23 subject to annual adjustment under Section 12.20, shall continue to apply:

24 (1) Hourly Parking Rates.

25 0—1 hour \$2.50

1	1—2 hours	\$5.00
2	2—3 hours	\$7.00
3	3—4 hours	\$10.00
4	4—5 hours	\$12.00
5	5—6 hours	\$14.00
6	6—7 hours	\$16.00
7	7—24 hours	\$18.00
8	Special Event Parking	\$10.00
9	Validation	\$1.25

10 (2) Monthly Parking Rates.

11	Resident	\$160.00
12	Seniors	\$60.00
13	Commercial (Monday—Friday)	\$185.00

14 (3) Other Rates.

15	Lost Ticket Fee	\$18.00
16	Validated Ticket Books (100 stickers)	\$150.00

17 ~~(b) Candlestick Parking Lots.~~

18 ~~— (1) The daily fee for vehicles and trailers parking in the television compound during~~  
 19 ~~football season and for televised soccer events shall be \$1,000.00 per day.~~

20 ~~— (2) The fee for automobile and tire manufacturer and/or dealer shows shall be \$2,500.00~~  
 21 ~~per day for set-up and breakdown and \$5,000.00 per day for the show.~~

22 ~~— (3) The fee for car clubs shall be \$2,500.00 per day plus an additional \$1,250.00 for use of~~  
 23 ~~the entire lot which includes the RV section.~~

24 ~~— (4) The fee for photography shoots shall be \$2,500.00 per day for use of the parking lot,~~  
 25 ~~and \$4,000.00 per day for use of the stadium.~~

1            ~~(b)(e)~~ Other Recreation and Park Property. The daily fee for parking on other  
 2 Recreation and Park property, except for garages and specifically designated parking lots  
 3 subject to separate fee-setting procedures, shall be from \$0.50 (~~fifty cents~~) to \$1.~~00~~ per hour,  
 4 the amount to be determined by the Recreation and Park Commission after considering the  
 5 costs of parking in the areas adjacent to the park property.

6  
 7            **SEC. 12.11. MARINA FEES.**

8            The following fees shall be charged for goods and services at the ~~San Francisco~~ Marina  
 9 Small Craft Harbor:

10            \* \* \* \*

11            (e) **Parking.**

12 (1) Berth Parking, for Owners and Partners Only:	
13 Two <i>permits (per berthing license) stickers</i>	Free
14 Each additional <i>permits sticker</i> , annually	<del>\$600</del> 20.00
15 <del>(2) Daily Parking, Allows Permit Holder to Park in Marina Spaces if Available:</del>	
16 <del>—Crew, per day</del>	<del>7.50</del>
17 <del>—Non-Owner, per day</del>	<del>7.50</del>
18 <del>(3) Special Event Parking, per day</del>	<del>7.50</del>
19 <del>(4) Trailer/Dingy Parking, for Regatta etc., per day</del>	<del>7.50</del>
20 <del>(2) All Other Rates Set by SFMTA pursuant to Park Code Section 6.14</del>	
21 <del>(2) Daily Parking, Allows Permit Holder to Park in Marina Spaces if Available:</del>	
22 <del>Crew, per day</del>	<del>7.50</del>
23 <del>Non-Owner, per day</del>	<del>7.50</del>
24 <del>(3) Special Event Parking, per day</del>	<del>7.50</del>
25 <del>(4) Trailer/Dingy Parking, for Regatta etc., per day</del>	<del>7.50</del>

26            \* \* \* \*

27            **SEC. 12.35. GOLDEN GATE PARK CONCOURSE UNDERGROUND PARKING**  
 28 **FACILITY.**



(a) The rates to be charged for parking in the Golden Gate Park Underground Parking Facility may be set by the SFMTA in accordance with Section 6.14. Until such time as the SFMTA has set rates with approval of the Recreation and Park Commission and the Board of Supervisors, the rates, which are subject to annual adjustment under Section 12.20, shall continue to apply ~~be as follows:~~

	Each hour	Maximum
Weekdays	\$4.50	\$25.00
Weekends	\$5.00	\$28.00
Flat Rate After 6:00 p.m.		\$15.00
Monthly Rate (daytime)		\$200.00

\* \* \* \*

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

Section 5. Future Updates to Park Code Sections 12.08 and 12.35. Park Code Sections 12.08(a) and 12.35(a) contain rates previously approved by the Board of Supervisors for parking at the Kezar Stadium Parking Lot and Golden Gate Park Concourse Underground Parking Facility. This ordinance approves of the San Francisco Municipal Transportation Agency (SFMTA) setting new parking rates at those facilities with the approval of the Recreation and Park Commission and the Board of Supervisors, but the rate-setting and approvals have not yet occurred, so the existing rates in the Park Code, adjusted in

1 accordance with Park Code Section 12.20, shall continue to apply in the interim. The  
2 Recreation and Park Department is directed to notify the City Attorney’s Office in writing once  
3 SFMTA has commenced setting rates at those facilities with approval of the Recreation and  
4 Park Commission and the Board of Supervisors. Upon receiving such notice, the City  
5 Attorney’s Office shall cause Sections 12.08 and 12.35 to be revised accordingly.  
6

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

13 APPROVED AS TO FORM:  
14 DENNIS J. HERRERA, City Attorney

15  
16 By: /s/  
17 MANU PRADHAN  
18 Deputy City Attorney  
19 n:\legana\as2021\1900120\01560746.docx

**REVISED LEGISLATIVE DIGEST**  
(Amended in Committee, 11/3/2021)

[Park Code - Parking Fees and Fines, Park Patrol Enforcement]

**Ordinance authorizing the Municipal Transportation Agency (SFMTA) to set parking rates at the Kezar Stadium Parking Lot and Golden Gate Park Underground Parking Facility in accordance with Park Code provisions that authorize SFMTA rate-setting on park property and subject to Board of Supervisors approval, and making conforming edits to the Park Code; increasing parking rates for berth-holders at the Marina Small Craft Harbor; clarifying that the fines for certain violations of the Transportation Code apply to similar violations occurring on park property; clarifying the authority of Park Patrol to enforce the Park Code and issue parking citations; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Existing Law

Rates for parking by the general public at the Kezar Parking Lot and Golden Gate Park Underground Parking Facility are set in the Park Code. The Park Code rates are adjusted annually for inflation but are otherwise fixed. Under Park Code Section 6.14, however, the San Francisco Municipal Transportation Agency (SFMTA) may take over setting parking rates at designated locations on park property, subject to certain approvals by the Board of Supervisors and Recreation and Park Commission, and set rates that are closely comparable to the rates for similarly situated paid parking. The Park Code also sets parking rates for persons who hold licenses to berth vessels at the Marina Small Craft Harbor: berthholders get two free parking passes with their berthing licenses, and can purchase additional passes for \$156 each.

Amendments to Current Law

The ordinance would allow SFMTA, with Recreation and Park Commission approval, to set new rates for parking by the general public at the Kezar Parking Lot and Golden Gate Park Underground Parking Facility. The proposal is for SFMTA to be able to set the rates, and for SFMTA to be able to increase or decrease the rates in response to customer demand at particular times or on particular days or dates, provided that the rates must be intended to support recreation and must be closely comparable to the rates set for similarly situated parking. The ordinance would require SFMTA and the Recreation and Park Department (RPD) to provide further information to the Board of Supervisors about the rates that SFMTA would set at those facilities and how they would increase or decrease over time. If the Board then found by resolution that the rates meet the requirements of Section 6.14, the SFMTA rate-setting could go into effect, and the existing Park Code rates for parking at those facilities would cease to apply. Meanwhile, the Park Code rate for Marina berthholders to purchase additional parking passes would increase to \$600.

The ordinance also clarifies existing law, by expressly stating that the penalties for certain violations of the Transportation Code (e.g., parking in a disabled spot) apply equally when those violations occur on park property, and by affirming the authority of the Park Patrol to issue citations for Park Code violations.

### Background

The ordinance was originally introduced in Board File No. 210654. On September 22, 2021, the Budget and Finance Committee made certain amendments as described in the legislative digest (v2), and duplicated the file. On November 3, 2021, the Committee reviewed and amended the ordinance in the duplicated file, to 1) condition the SFMTA's rate-setting at the Kezar Parking Lot and Golden Gate Park Underground Parking Facility on the Board of Supervisors' further review and approval of the rates; 2) clarify that the fines for certain violations of the Transportation Code apply to similar violations occurring on park property; and 3) clarify the authority of Park Patrol to enforce the Park Code and issue parking citations.

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