

1 [Park Code - Annual Increase of West Harbor Berthing License Fees]

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3 **Ordinance amending the Park Code to require the Controller to increase the berthing**
4 **license fees for the West Harbor of the San Francisco Marina Small Craft Harbor each**
5 **year by 3% or the annual increase in the Consumer Price Index, whichever is higher,**
6 **until September 1, 2043; and making environmental findings.**

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 ~~*italics Times New Roman font*~~.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

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

15 Section 1.

16 The Planning Department has determined that the actions contemplated in this
17 ordinance comply with the California Environmental Quality Act (California Public Resources
18 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
19 Supervisors in File No. 140642 and is incorporated herein by reference.

20 Section 2. The Park Code is hereby amended by revising Section 12.11, to read as
21 follows:

22 **SEC. 12.11. MARINA FEES.**

23 The following fees shall be charged for goods and services at the San Francisco
24 Marina Small Craft Harbor:

1 **(a) Berthing License Fees.** The following monthly charges shall be based on the
2 length of the berth.

3 (1) East Harbor for Fiscal Year 2013-2014:

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| Berth Length | Fee Per Foot/Per Month |
|---------------------|-------------------------------|
| 20' | \$8.64 |
| 25' | 8.64 |
| 30' | 8.76 |
| 35' | 8.76 |

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10 (2) West Harbor for Fiscal Year 2012-2013, or upon completion of the West Harbor
11 renovation as certified in writing by the General Manager, whichever occurs later:

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| Berth Length | Fee Per Foot/Per Month |
|---------------------|-------------------------------|
| 25' | \$11.61 |
| 30' | 11.77 |
| 35' | 11.77 |
| 40' | 14.28 |
| 45' | 14.28 |
| 50' | 14.60 |
| 60' | 14.60 |
| 70' | 14.91 |
| 80' | 14.91 |
| 90' | 14.91 |

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1 **(b) Surcharge for Electricity.** The Recreation and Park Department may meter the
 2 use of electricity and may charge the berth holder the utility provider's standard rates for
 3 usage over 264KW per month.

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 5 **(c) Deposits, refundable if there is no loss, damage or need to clean the item.**

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|---|--|
| 7 (1) Berth | One Month's Monthly Berthing License Fee |
| 8 (2) Electrical Adapter | \$125.00 |
| 9 (3) Hazardous Material or Removal Fee | 150.00 |
| 10 (4) Key for Visiting Boaters, per key | 50.00 |

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 12 **(d) Guest Dock.**

- 13 (1) Short Term Dock Fee – \$1.50 per foot, per day.
 14 (2) Pick Up/Drop Off Fee – \$2.50 per foot and \$1.00 per person, per day.

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 16 **(e) Parking.**

| | |
|---|----------|
| 18 (1) Berth Parking, for Owners and Partners Only: | |
| 19 Two stickers | Free |
| 20 Each additional sticker, annually | \$120.00 |
| 21 (2) Daily Parking, Allows Permit Holder to Park in Marina Spaces if Available: | |
| 22 Crew, per day | 7.50 |
| 23 Non-Owner, per day | 7.50 |
| 24 (3) Special Event Parking, per day | 7.50 |
| 25 (4) Trailer/Dingy Parking, for Regatta etc., per day | 7.50 |

26 **(f) Purchase Fees.**

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| Key Purchase (Berth holders, Partners and Families), per key | \$25.00 |
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(g) Services.

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| (1) Chain Fee (delinquent fees, unauthorized vessels), per incident | \$50.00 |
| (2) Dock Box Cleaning Fee (from Haz Mat deposit) | \$50.00 |
| (3) Impound, per incident | \$150.00 |
| (4) Harbor Line Installation, per line | \$30.00 |
| (5) Labor, per incident | \$50.00 flat fee or \$75.00/hour, whichever is greater. \$100/hour for after-hours. |
| (6) Late Fees | 10% of initial fee |
| (7) Pump-Out | |
| Water, for first incident | \$75.00 |
| For subsequent incident(s) | \$125.00 |

(8) Transfer Fees. Berthing licenses may not be transferred, sold or assigned, except to the extent and on the terms and conditions specifically provided in the Rules and Regulations of the San Francisco Marina Small Craft Harbor ("Marina Rules") as adopted by the Commission.

(A) Except as specified in (B), transfers expressly authorized by the Marina Rules shall be subject to a \$50 administrative fee.

(B) The one-time transfer opportunity authorized by the Marina Rules, as adopted by the Commission on April 19, 2012, to effect a transfer of a berthing license and berth with the sale of vessel within the berth to a new owner from the wait list shall be subject to a transfer fee of:

(1) \$150 per linear foot of the berth for berths 35 feet and under

(2) \$200 per linear foot of the berth for berths 40 and 45 feet, and

(3) \$325 per linear foot of the berth for berths 50 feet and longer.

(C) Nothing in this subsection (g)(8) or in the Marina Rules shall be construed to

(1) convey a vested right to transfer a berthing license or berth, or

(2) prevent the Commission from amending or abolishing the transfer

opportunities recognized in this subsection (g)(8).

(h) Storage.

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| (1) Dock Box | |
| One | Free |
| Each additional, per month | \$15.00 |
| (2) Reserved | |
| (3) Multihull Surcharge – Additional 40% of monthly Berth Fee | |
| (4) Skiff, less than 20 feet and no power or dock box, per month | 100.00 |
| (5) Small Boat Rack (Dingy, kayak, or canoe), per month | 25.00 |
| (6) Storage Lockers, per month | 25.00 |

(i) Wait List Fee.

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| Per year | \$75.00 |
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(j) **Adjustment of Fees.** The fees set forth herein shall be adjusted in accordance with Section 12.20 of this article, *except that the Controller shall each year, without further action by the Board of Supervisors, increase the berthing license fees for the West Harbor set forth in subsection (a)(2) of this Section 12.11 by either three percent or the annual percentage change in the relevant Consumer Price Index (CPI) as determined by the Controller, whichever is higher. The provisions in the foregoing sentence regarding West Harbor berthing license fees shall terminate by operation of law on September 1, 2043 and be inoperative from that date forward.*

1 (k) **Berthing Licenses.**

2 (1) A person may not berth a vessel in the Marina without having secured a berthing
3 license from the Harbormaster. Berthing licenses are subject to the Rules and Regulations of
4 the San Francisco Marina Small Craft Harbor ("Marina Rules") as adopted by the
5 Commission, and any subsequent amendments thereto. All berthing licenses, regardless of
6 when granted, constitute a privilege and are not the property of the berthholder. This provision
7 is declaratory of existing law.

8 (2) The Harbormaster may renew berthing licenses annually in accordance with the
9 procedures set forth in the Marina Rules. There shall be no limit to the number of times that
10 the Harbormaster may renew a berthing license.

11 (3) The Commission may decide at any time to amend, suspend or terminate the
12 berthing license program for the San Francisco Marina Small Craft Harbor, and the privileges
13 berthholders derive from the program.

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15 Section 3. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor's veto of the ordinance.

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

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

By: *Francesca Gessner*
FRANCESCA GESSNER
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 140642

Date Passed: July 22, 2014

Ordinance amending the Park Code to require the Controller to increase the berthing license fees for the West Harbor of the San Francisco Marina Small Craft Harbor each year by 3% or the annual increase in the Consumer Price Index, whichever is higher, until September 1, 2043; and making environmental findings.

June 19, 2014 Budget and Finance Committee - CONTINUED

June 20, 2014 Budget and Finance Committee - RECOMMENDED

July 08, 2014 Board of Supervisors - CONTINUED ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

July 15, 2014 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

July 22, 2014 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee
Excused: 1 - Avalos

File No. 140642

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/22/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor
Date Approved