

File No. 110709

Committee Item No. 5

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: June 29, 2011

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

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|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget & Legislative Analyst Report          |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ethics Form 126                              |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |

#### OTHER

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Completed by: Victor Young

Date: June 24, 2011

Completed by: Victor Young

Date: \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Public Works - Temporary Street Occupancy Fees]

2  
3 **Ordinance amending the San Francisco Public Works Code Section 724.1 to modify**  
4 **monthly fees for temporary street occupancy for construction and daily fees for**  
5 **temporary street occupancy unrelated to construction; and making environmental**  
6 **findings.**

7 NOTE: Additions are single-underline italics Times New Roman;  
8 deletions are ~~strike through italics Times New Roman~~.  
9 Board amendment additions are double-underlined;  
Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. The Planning Department has determined that the actions contemplated in  
12 this Ordinance are in compliance with the California Environmental Quality Act (California  
13 Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk  
14 of the Board of Supervisors in File No. 110709 and is incorporated herein by reference.

15 Section 2. The San Francisco Public Works Code is hereby amended by amending  
16 Section 724.1 to read as follows:

17 **SEC. 724.1. TEMPORARY OCCUPANCY OF STREET-FEES TO BE PAID.**

18 (a) No permit shall be issued to a private or public entity for the temporary  
19 occupancy of the street for building construction operations unless a fee and public right-of-  
20 way occupancy assessment are paid. The fee shall be ~~\$14.26~~15.42, per month, per 20 linear  
21 feet, or fraction thereof, occupied as measured parallel with the face of curb. In addition to the  
22 fee, the permit applicant shall pay a public right-of-way occupancy assessment of  
23 ~~\$72.74~~100.00, per month, per 20 linear feet, or fraction thereof, occupied as measured parallel  
24 with the face of curb. For purposes of calculating fees and assessment costs, the Department  
25

1 shall use one-month increments even though the permittee may occupy for less than a one-  
2 month term.

3 (b) For temporary street space occupancy for any purpose other than a building  
4 construction operation, the fee shall be ~~\$53,2856.76~~ 57.62 per day with no assessment cost.  
5 Unless specified otherwise, such occupation is subject to all provisions of Sections 724 et  
6 seq.

7 (c) Nonprofit organizations with tax exempt status under the Internal Revenue Code  
8 shall be exempt from payment of the fee where the street occupancy is necessary for the  
9 development of low and moderate income housing as defined by the United States  
10 Department of Housing and Urban Development.

11 (d) Refund. If a permittee elects to relinquish all or a portion of the occupied street  
12 space prior to termination of the permit, the permittee may seek a refund of fees and  
13 occupancy assessment from the Department. There shall be no fee charged for a refund  
14 request. Refunds shall be issued based only on one-month increments.

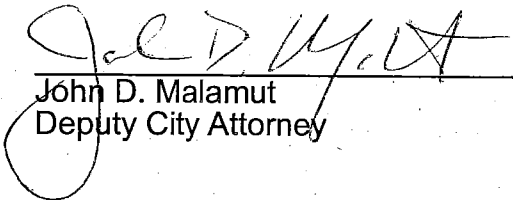
15 (e) Fee and Assessment Review. Beginning with fiscal year ~~2008-2009~~2012-2013,  
16 the permit fee and street occupancy assessment set forth in this Section may be adjusted  
17 each year, without further action by the Board of Supervisors, to reflect changes in the  
18 relevant Consumer Price Index, as determined by the Controller. No later than April 15th of  
19 each year, the Director shall submit its current fee and occupancy assessment schedule to  
20 the Controller, who shall apply the price index adjustment to produce a new fee schedule and  
21 occupancy assessment for the following year. No later than May 15th of each year, the  
22 Controller shall file a report with the Board of Supervisors reporting the new fee schedule and  
23 occupancy assessment and certifying that: (a) the permit fees produce sufficient revenue to  
24 support the costs of providing the services for which the permit fee is assessed, and (b) the  
25 permit fees do not produce revenue which is significantly more than the costs of providing the

1 services for which each permit fee is assessed. Notwithstanding the above, the Board of  
2 Supervisors, in its discretion, may modify the street occupancy assessment at any time.

3 (f) Additional Fees. In instances where administration of this permit program or  
4 inspection of a street space occupancy is or will be unusually costly to the Department, the  
5 Director, in his or her discretion, may require an applicant or permittee to pay any sum in  
6 excess of the amounts charged above. This additional sum shall be sufficient to recover  
7 actual costs incurred by the Department and shall be charged on a time and materials basis.  
8 The Director also may charge for any time and materials costs incurred by other agencies,  
9 boards, commissions, or departments of the City in connection with the administration or  
10 inspection of the street space occupancy. Whenever additional fees are charged, the Director,  
11 upon request of the applicant or permittee, shall provide in writing the basis for the additional  
12 fees and an estimate of the additional fees.

13  
14  
15  
16 APPROVED AS TO FORM:  
17 DENNIS J. HERRERA, City Attorney

18 By:

  
19 John D. Malamut  
20 Deputy City Attorney

FILE NO.

## LEGISLATIVE DIGEST

[Public Works Code Temporary Street Occupancy Fees]

**Ordinance amending Public Works Code Section 724.1 to modify monthly fees for temporary street occupancy for construction and daily fees for temporary street occupancy unrelated to construction; and making environmental findings.**

### Existing Law

Public Works Code Sections 724 et seq. establish the regulatory permit process for temporary street space occupancy for construction or activities unrelated to construction. The current fees associated with these permits for construction purposes are: \$15.42 per month per 20 linear feet for permit processing and \$76.73 per month per 20 linear for public right-of-way occupancy. The current fee for non-construction related permits is \$57.62 daily. These fees represent the legislatively adopted fees plus permissible escalation since the last legislative amendments to this Code section.

### Amendments to Current Law

This legislation would increase the public right-of-way occupancy fee related to temporary street space occupancy for construction from its current fiscal year 2010-2011 fee to \$100 per month per 20 linear feet. The Ordinance would amend the processing fees for construction related permits and for daily non-construction permits to reflect the fee amount charged in fiscal year 2010-2011. The legislation also would amend the permit fee escalation provisions so that the fees are recalculated beginning in fiscal year 2012-2013. The Ordinance would adopt environmental findings.





Edwin M. Lee, Mayor  
Edward D. Reiskin, Director

San Francisco Department of Public Works  
Office of the Deputy Director for Financial Management and Administration  
Division of Finance, Budget and Performance  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 348  
San Francisco, CA 94102  
(415) 554-4806 ■ www.sfdpw.org



Douglas Legg, Manager

June 7, 2011

Angela Calvillo  
Clerk of the Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Attn: Victor Young

Re: File No. 110709

Dear Ms. Calvillo:

The proposed ordinance (File No. 110709) will increase the public right-of-way occupancy assessment fee, and the permit fees for temporary street occupancy. The the public right-of-way occupancy assessment, essentially rent, is not a cost recovering fee. We have done a survey of parking costs throughout San Francisco and found that the proposed \$100 per parking space per month is well below the cost to for a reserved parking space in private or city-owned off-street parking facilities, as well as below the cost of parking at a meter.

The increase in the permit fees for temporary street occupancy codify the FY 2011-12 adjustment based on the Consumer Price Index provided for in Section 724.1(e) of the San Francisco Public Works Code. Attached are copies of the FY 2011-12 Fee Cost Recovery Form (Budget Form 2c) that we submitted to the Mayor's Office in February. Similar forms are submitted every year to ensure our fees do not recover more than the cost of the services we provide.

Please let me know if there is any other information you require.

Sincerely,

A handwritten signature in black ink that reads "Douglas Legg".

Douglas Legg  
Manager, Finance, Budget & Performance



Budget Form 2c

Fee Cost Recovery Form (New or Continuing Fee)

Fee Description : Street Space

Department Providing Service : DEPARTMENT OF PUBLIC WORKS

Index Code of Proposed Revenue : DPW051920

Fee Administrator :

SubObject of Proposed Revenue : 60637

Code Authorization/Proposed Fee Ordinance/File No. : SFPWC, Article 15, Section 724

Fee Status :  New  
 Continuing

Proposed Fee (FY 2011-12) : \$ 15.42 per 20 linear feet per month  
 Current Fee (FY 2010-11) : \$ 15.19

(PROPOSED FEE EQUALS 1.52% INFLATION FACTOR)

Detailed Service Description :

Street Space permits issued to contractors who need street and/or sidewalk space reserved during construction projects.

FY 2011-12 Fee (Proposed) :	\$	15.42	Proposed Fee Increase/Decrease :	\$	0.23
FY 2010-11 Fee (Current) :	\$	15.19	% Proposed Fee Change from Current Fee :		1.52%

Fee Prior to Current :	NA	Fiscal Year of Prior Fee Change :	FY
Current Fee Increase/Decrease from Prior Fee :	NA	% Current Fee Change from Prior Fee :	NA

PROCESSING FEE

FY 2011-12 Estimated Revenue Derived From Service		FY 2011-12 Estimated Costs To Provide Service			
<b>A</b> Quantity Estimated		<b>D</b> Direct Costs	FY 2011-12 Cost Estimated	% of Total	
(# of Units of Service Provided)	<u>6,050</u>	Productive Labor & Benefits	\$ 425,876	48.37%	
average units of 20 linear foot	2.25	Leave & Non-Productive Time	\$ 92,972	10.56%	
average number of months	3.05	Space Rental Equivalent		0.00%	
<b>B</b> Fee per Unit (Proposed)	\$ <u>15</u>	Non-Labor	\$ 54,810	6.23%	
<b>C</b> FY 2011-12 Revenue Budgeted (A*B)	\$ <u>640,246</u>	<b>E</b> Indirect Costs	<b>Rate</b>		
		Departmental Overhead *	77.73%	\$ 234,938	26.69%
		Central Services Overhead *	23.76%	\$ 71,815	8.16%
		<b>F</b> FY 2011-12 Direct & Indirect Costs	\$ 880,411	100.00%	
		<b>G</b> FY 2011-12 Revenue Recovery Rate (C/F)		72.72%	
		<b>H</b> Required Fee For 100% Cost Recovery (F/A)	\$ 21.21		
		<b>I</b> Over (+) or Under (-) 100% Cost Recovery (B-H)	\$ (5.78)		

FY 2011-12 Estimated Revenue [ (1) * A ] :	\$	640,246.36
FY 2010-11 Estimated Revenue [ (2) * A ] :	\$	630,660.32
FY 2011-12 Estimated Revenue Increase/Decrease Based on Proposed Fee :	\$	9,586.04

\* For Departmental & Central Services Overhead Rates - Refer to Master Fee Schedule FY 2011-12 or consult Controller at 554-5268



Budget Form 2c

Fee Cost Recovery Form (New or Continuing Fee)

Fee Description : Street Space

Department Providing Service : DEPARTMENT OF PUBLIC WORKS

Index Code of Proposed Revenue : DPW051920

Fee Administrator : \_\_\_\_\_

SubObject of Proposed Revenue : 60637

Code Authorization/Proposed Fee Ordinance/File No. : SFPWC, Article 15, Section 724

Fee Status :   
 New    
 Continuing

Proposed Fee (FY 2011-12) :  per 20 linear feet per month   
 Current Fee (FY 2010-11) :

(PROPOSED FEE EQUALS 1.52% INFLATION FACTOR)

Detailed Service Description :

Street Space permits issued to contractors who need street and/or sidewalk space reserved during construction projects.

FY 2011-12 Fee (Proposed) :	\$ 57.62	Proposed Fee Increase/Decrease :	\$ 0.86
FY 2010-11 Fee (Current) :	\$ 56.76	% Proposed Fee Change from Current Fee :	1.52%
Fee Prior to Current :	NA	Fiscal Year of Prior Fee Change :	FY
Current Fee Increase/Decrease from Prior Fee :	NA	% Current Fee Change from Prior Fee :	NA

PROCESSING FEE

FY 2011-12 Estimated Revenue Derived From Service

FY 2011-12 Estimated Costs To Provide Service

A. Quantity Estimated		D. Direct Costs		FY 2011-12 Cost	
				Estimated	% of Total
(# of Units of Service Provided)	<input type="text" value="1,500"/>	Productive Labor & Benefits	\$	37,301	43.42%
average units of 20 linear foot	1.00	Leave & Non-Productive Time	\$	8,143	9.48%
average number of months	1.00	Space Rental Equivalent			0.00%
		Non-Labor	\$	13,589	15.82%
B. Fee per Unit (Proposed)	<input type="text" value="\$ 58"/>	E. Indirect Costs			
		Departmental Overhead *	Rate		
			77.73%	\$ 20,577	23.95%
		Central Services Overhead *	23.76%	\$ 6,290	7.32%
C. FY 2011-12 Revenue Budgeted (A*B)	\$ 86,434	F. FY 2011-12 Direct & Indirect Costs	\$	85,900	100.00%
		G. FY 2011-12 Revenue Recovery Rate (C/F)		100.62%	
		H. Required Fee For 100% Cost Recovery (F/A)	\$	57.27	
		I. Over (+) or Under (-) 100% Cost Recovery (B-H)	\$	0.36	

FY 2011-12 Estimated Revenue [ (1) * A ] :	\$ 86,434.13
FY 2010-11 Estimated Revenue [ (2) * A ] :	\$ 85,140.00
FY 2011-12 Estimated Revenue Increase/Decrease Based on Proposed Fee :	\$ 1,294.13

\* For Departmental & Central Services Overhead Rates - Refer to Master Fee Schedule FY 2011-12 or consult Controller at 554-5268

BOARD of SUPERVISORS



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

# MEMORANDUM

TO: Planning Department  
Environmental Review Officer

FROM: Angela Calvillo, Clerk of the Board *ly vj*

DATE: June 9, 2011

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Budget and Finance Committee

The Board of Supervisors Budget and Finance Committee has received the following, which is being referred to the Planning Department for determination as to whether the proposed fee increase will impact the environment.

**Please provide your findings within 10 days from the date of referral.**

**File: 110709 Ordinance amending the Public Works Code, Article 15, by amending Section 724.1 to modify monthly fees for temporary street occupancy for construction and daily fees for temporary street occupancy unrelated to construction; and making environmental findings..**

Please return this cover sheet with the Commission's response to Victor Young, Clerk, Budget and Finance Committee.

c: Nannie Turrell, Major Environmental Analysis  
Brett Bollinger, Major Environmental Analysis

\*\*\*\*\*

RESPONSE FROM PLANNING DEPARTMENT - Date: 06/09/11

No Comment  
 Recommendation Attached

*Exempt under CEQA Guidelines  
Statutory Exemption Section 15273-  
Rate, Tolls, Fees, charge.*

*Brett Bollinger*  
for Bill Wycko, Environmental Review Officer  
2011.0615E