

File No. 110709

Committee Item No. 5
Board Item No. 17

COMMITTEE/BOARD OF SUPERVISORS AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: June 29, 2011

Board of Supervisors Meeting

Date: July 26, 2011

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 checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input checked="" 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 checked="" 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
Completed by: Victor Young

Date: June 24, 2011
Date: 7-7-11

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

[Public Works - Temporary Street Occupancy Fees]

1
2 Ordinance amending the San Francisco Public Works Code, Section 724.1 to: 1) modify
3 monthly fees for temporary street occupancy for construction and daily fees for
4 temporary street occupancy unrelated to construction; and 2) making environmental
5 findings.

6
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;
10 Board amendment deletions are ~~strikethrough normal~~.

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

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

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

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

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

1 Department shall use one-month increments even though the permittee may occupy for less
2 than a one-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:
DENNIS J. HERRERA, City Attorney

17
18 By:


19 John D. Malamut
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,

Douglas Legg
Manager, Finance, Budget & Performance



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

A <u>Quantity Estimated</u>	<u>6,050</u>
(# of Units of Service Provided)	
average units of 20 linear foot	2.25
average number of months	3.05
B <u>Fee per Unit (Proposed)</u>	\$ <u>15</u>
C <u>FY 2011-12 Revenue Budgeted (A*B)</u>	\$ <u>640,246</u>

FY 2011-12 Estimated Costs To Provide Service

	FY 2011-12 Cost Estimated	% of Total
D <u>Direct Costs</u>		
Productive Labor & Benefits	\$ 425,876	48.37%
Leave & Non-Productive Time	\$ 92,972	10.56%
Space Rental Equivalent		0.00%
Non-Labor	\$ 54,810	6.23%
E <u>Indirect Costs</u>		
Departmental Overhead *	77.73%	\$ 234,938 26.69%
Central Services Overhead *	23.76%	\$ 71,815 8.16%
F <u>FY 2011-12 Direct & Indirect Costs</u>	\$ 880,411	100.00%
G <u>FY 2011-12 Revenue Recovery Rate (C/F)</u>		72.72%
H <u>Required Fee For 100% Cost Recovery (F/A)</u>	\$ 21.21	
I <u>Over (+) or Under (-) 100% Cost Recovery (B-H)</u>	\$ (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	
(# of Units of Service Provided)	<input type="text" value="1500"/>
average units of 20 linear foot	<input type="text" value="1.00"/>
average number of months	<input type="text" value="1.00"/>
B Fee per Unit (Proposed)	<input type="text" value="\$ 58"/>
C FY 2011-12 Revenue Budgeted (A*B)	<input type="text" value="\$ 86,434"/>

D Direct Costs	FY 2011-12 Cost Estimated	% of Total
Productive Labor & Benefits	\$ 37,301	43.42%
Leave & Non-Productive Time	\$ 8,143	9.48%
Space Rental Equivalent		0.00%
Non-Labor	\$ 13,589	15.82%
E Indirect Costs	Rate	
Departmental Overhead *	77.73%	\$ 20,577 23.95%
Central Services Overhead *	23.76%	\$ -6,290 7.32%
F FY 2011-12 Direct & Indirect Costs	\$ 85,900	100.00%

G FY 2011-12 Revenue Recovery Rate (C/F)	<input type="text" value="100.62%"/>
H Required Fee For 100% Cost Recovery (E/A)	<input type="text" value="\$ 57.27"/>
I Over (+) or Under (-) 100% Cost Recovery (B-H)	<input type="text" value="\$ 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 yyy*

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 -
Rates, Tolls, Fees & Charges.*

Brett Bollinger
for Bill Wycko, Environmental Review Officer
2011.0615E