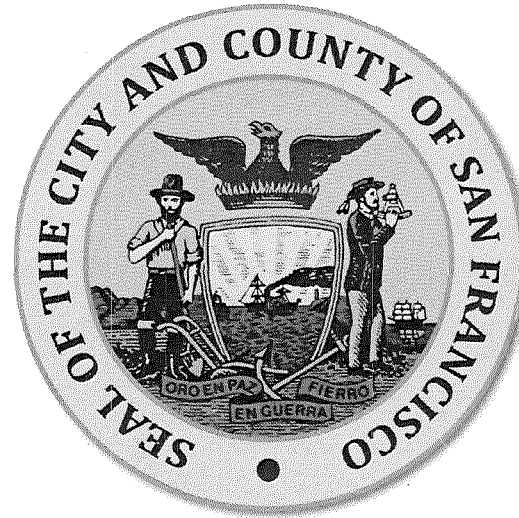


Bill # 190619, 190620  
Received in Committee  
6/12/19  
js



# Board of Appeals

FY20 & FY21 Budget Presentation to  
The Board of Supervisors

JUNE 12, 2019

# Board of Appeals

## Mission

- Provide the public with a final administrative review process for the issuance, denial, suspension, revocation and modification of City permits, licenses and other determinations.
- Provide an efficient, fair and expeditious public hearing and decision-making process before an impartial panel.

**0113 Board Members**  
President Rick Swig  
Commissioner Ann Lazarus  
Commissioner Darryl Honda  
Commissioner Rachael Tanner  
Commissioner (Vacant)

**0961 Department Head**  
Julie Rosenberg (1 FTE)

**8173 Legal Assistant**  
Gary Cantara (1 FTE)

**8106 Legal Process Clerk**  
(3 FTES)  
Xiomara Mejia  
Alec Longaway  
Monika Leng

# Strategic Goals

- Goal #1: Enhance the appeal process for all participants (the public, Board members and staff) through the increased use of technology.
- Goal #2: Foster workforce development: As a small department, cross training is important to ensure coverage and service provision at all times; staff retention is also key to maintaining competencies and institutional knowledge.
- Goal #3: Analyze and amend the Board's Rules of procedure and governing legislation to modernize appeal processing, enhance the public's understanding of appeal rights and the appeal process, and eliminate inconsistencies.

# Performance Measures

- Goal: Support our staff to ensure we are equipped to handle appeals and the public hearing process in an efficient, fair and expeditious manner.
  - Schedule and complete annual performance plans and reviews
    - Staff members will know what is expected of them
    - Provides an opportunity for feedback
    - Staff can be given the tools and resources they need to serve the public
- Goal: Measure the quality of our services and timeliness of decision by tracking appeals.
  - Percentage of cases decided within 75 days of filing
  - Percentage of written decisions released within 15 days of final action

# Revenue Sources

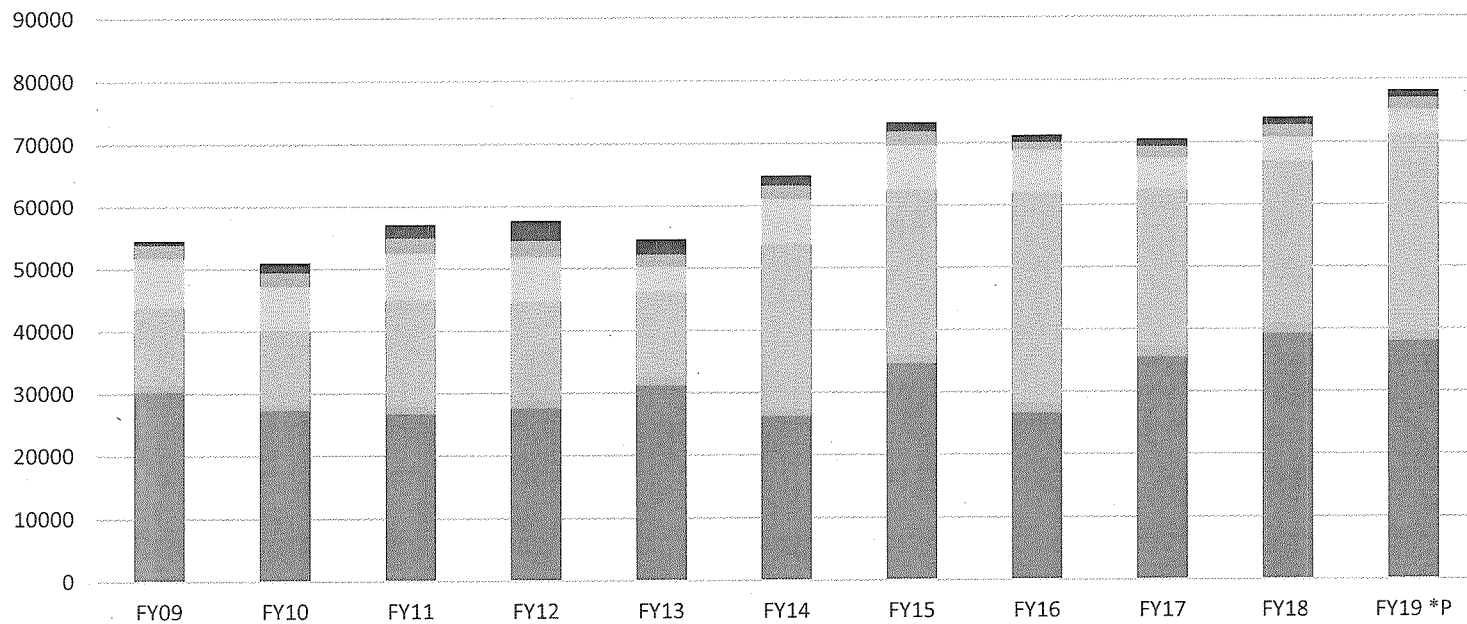
## Permit Surcharges

- Surcharges = 96% of revenue
  - Collected on new and renewed permit applications with the goal of cost recovery
  - Rate proportional to percentage of cases originating from each department
    - Controller performs rate analysis after other departments submit permit data in April
  - Controller may make CPI-based adjustments; rate changes beyond CPI require legislation
  - Legislation may also be warranted to change the permit types upon which surcharges are levied (e.g., permits issued by the Office of Cannabis)

## Appeal Filing Fees

- Filing Fees = 4% of revenue
- Collected by the Board when new appeals are filed

# Permit Volume

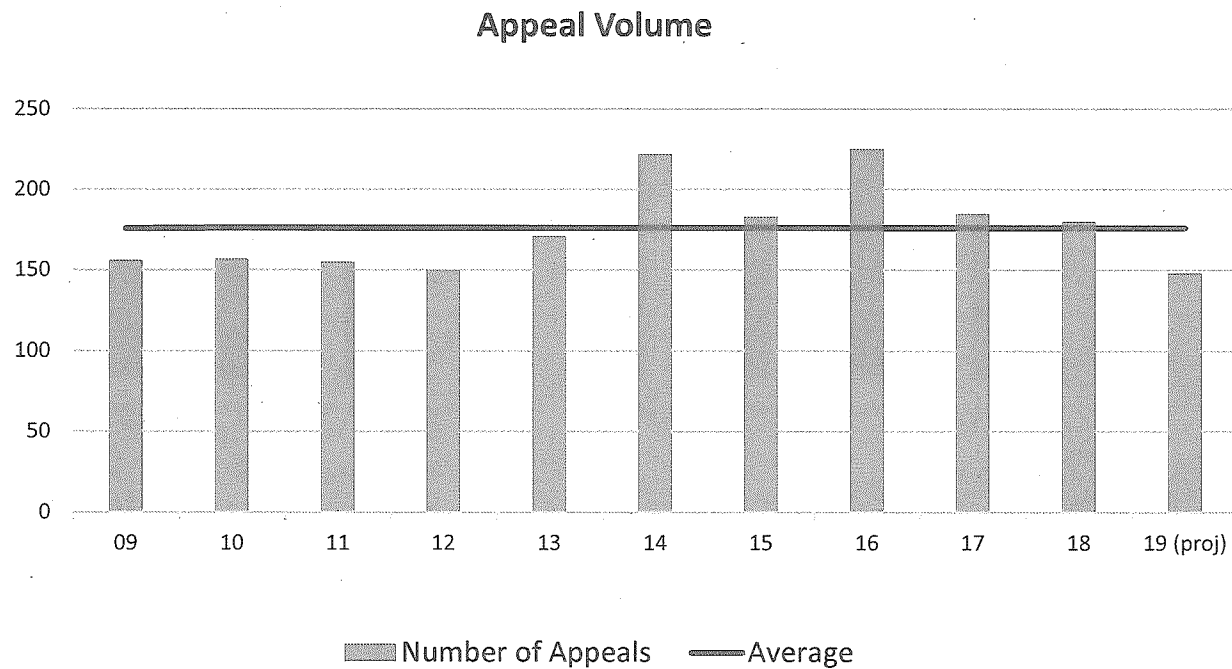


DBI
  City Planning
  DPW
  Taxi
  Entertainment Commission
  DPH Tobacco
  Police
  DPH Environmental

# Current FY Update

## Year-End Projection – Appeals

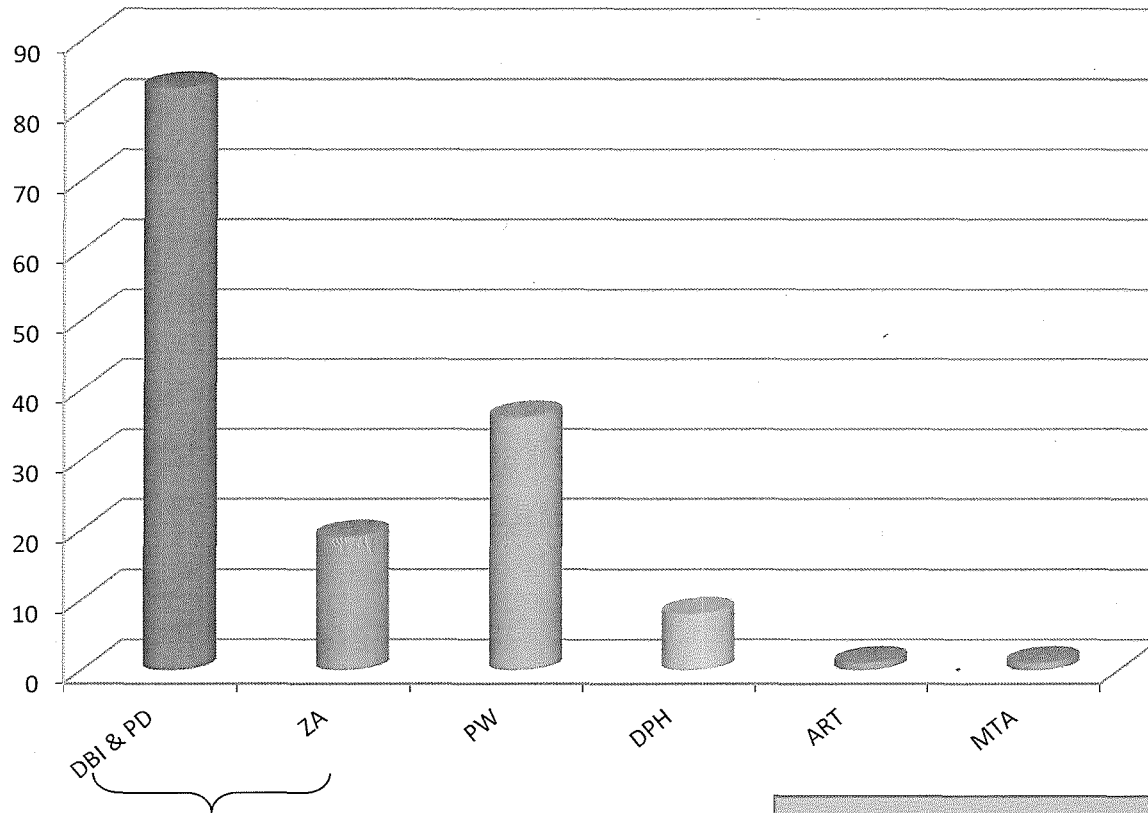
- Projected appeal volume for FY19 (148 appeals) is 16% below the 10-year average of 176 appeals per year.





# Appeal Distribution

(based on projected appeals filed for FY19)



PD = Planning Department

DBI = Department of Building Inspection

ZA = Zoning Administrator

PW = Public Works

DPH = Department of Public Health

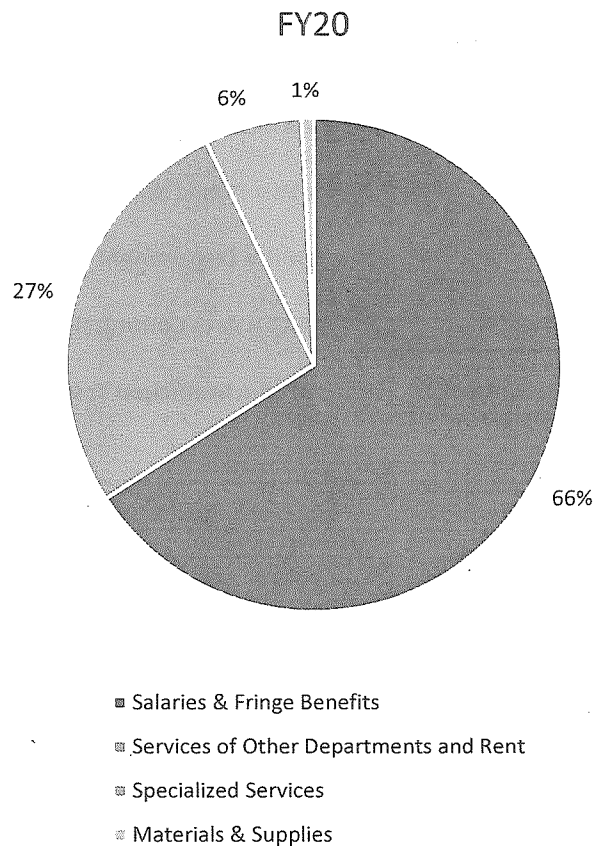
ART = Arts Commission

MTA = Municipal Transportation Agency

Land Use  
Matters n=102

69% percent of the projected appeals filed for FY19 are of land use decisions issued by the Planning Department, Department of Building Inspection, Zoning Administrator and Planning Commission

# Overview: Expenditure Budget (FY20)



- Two-thirds of the Board's expenditure budget covers salary & fringe benefit expenses: 5 FTEs and 5 Commissioners (66%)
- Services provided by other departments and rent comprise the next largest portion (27%)
- Specialized Services (6%)
  - Neighborhood notification, interpreter & delivery services
- Materials & Supplies (1%)

## FY20 & FY21 Budgets Revenue

- Surcharge rates are designed to generate the revenue needed to cover operating expenses in both FYs.
- FY20: Only three rates will be increased, and this will be done by a CPI adjustment:
  - DBI: From \$18.50 to \$19.00
  - Planning Department: From \$18.50 to \$19.00
  - DPH: From \$43.00 to \$44.50
- FY21: Surcharge rates will be analyzed during next year's budget process.
- No change is projected in filing fee amounts or revenue.

# FY20 & FY21 BUDGET PROPOSALS

	FY19 BUDGET	FY20 PROPOSED	FY19-20 VARIANCE	FY21 PROPOSED	FY20-21 VARIANCE
<b>REVENUE</b>					
Surcharges	\$1,326,263	\$1,127,655	\$(198,608)	\$1,112,496	\$(15,159)
Filing Fees	\$46,037	\$46,037	0	\$46,037	0
<b>Total Revenue</b>	<b>\$1,372,300</b>	<b>\$1,173,692</b>	<b>\$(198,608)</b>	<b>\$1,158,533</b>	<b>\$(15,159)</b>
<b>EXPENSES</b>					
Personnel	\$738,076	\$773,043	\$34,967	\$806,034	\$32,991
Other	\$634,224	\$400,649	\$(233,575)	\$352,499	\$(48,150)
<b>Total Expenses</b>	<b>\$1,372,300</b>	<b>\$1,173,692</b>	<b>\$(198,608)</b>	<b>\$1,158,533</b>	<b>\$(15,159)</b>

Budget Proposals include increases in expenditures in both budget years to cover mandatory increases in salaries/fringe benefits and rent. Additionally, a portion of the move costs will be paid in FY20 and the remainder added to rent and phased in over time.

# Appendix A: Surcharge Rates

PERMIT ISSUING DEPARTMENT	CURRENT SURCHARGE	PROPOSED FY20 SURCHARGE
DBI and Planning	\$18.50	\$19.00
Public Health	\$43.00	\$44.50
Public Works	\$6.50	No change
Entertainment Commission	\$4.00	No change
MTA (Taxi)	\$2.00	No change
Police	\$6.00	No change

Surcharges are calculated by: (1) Determining the number of appeals filed in the prior fiscal year that originated with actions taken by each funding department; (2) applying the percentage of appeals for each department to the Board's budget to determine the dollar amount each funding department should contribute; and (3) dividing this dollar amount by the number of appealable permits issued by each funding department.

# Appendix B - Filing Fees

DETERMINATION TYPE	FILING FEE
ZONING ADMINISTRATOR DETERMINATION	\$600
PLANNING COMMISSION ACTION	\$600
DEPT. OF BUILDING INSPECTION ALTERATION, DEMOLITION OR OTHER PERMIT	\$175
DEPT. OF BUILDING INSPECTION IMPOSITION OF PENALTY	\$300
DEPT. OF BUILDING INSPECTION RESIDENTIAL HOTEL OR APARTMENT CONVERSION PERMIT	\$525
POLICE DEPT. OR ENTERTAINMENT COMMISSION PERMIT TO BUSINESS OWNER	\$375
POLICE DEPT. OR ENTERTAINMENT COMMISSION PERMIT TO EMPLOYEE	\$150
POLICE DEPT. OR ENTERTAINMENT COMMISSION PERMIT REVOCATION OR SUSPENSION	\$375
PUBLIC WORKS TREE REMOVAL PERMIT WHEN ISSUED TO CITY	\$100
OTHER ORDER OR DECISION (FOOD TRUCK, TAXI, TOBACCO, MASSAGE, ETC.)	\$300
REHEARING REQUEST & JURISDICTION REQUEST	\$150