

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Director of Public Works/City Engineer via City Manager

DATE: Council Meeting of July 27, 2009

SUBJECT: National Pollutant Discharge Elimination System (NPDES) – Stormwater Program Fees

City Council Goals:

To provide for effective and efficient delivery of City Services (1)

To maintain and improve infrastructure (3)

To develop management and fiscal systems to maximize effectiveness of City services and accountability to Brisbane taxpayers and citizens (11)

Purpose:

To provide a public hearing and consider imposition of annual tax roll charges that fund Brisbane's local stormwater program, which minimizes discharge of pollutants to San Francisco Bay in accordance with federally mandated permit requirements.

Recommendation:

1. Open the Public Hearing and take public comment. Close the Public Hearing, and if appropriate, overrule any objections to the imposition of fees related to the NPDES Program.
2. Adopt Resolution No. 2009-40, "A Resolution of the City Council of the City of Brisbane Imposing Charges for Funding the Local Brisbane Stormwater Program, Authorizing Placement of Said Charges on the 2009-2010 County Tax Roll, and Authorizing the County Tax Collector to Collect Such Charges."

Background:

The Environmental Protection Agency, under amendments to the 1987 Clean Water Act, imposed regulations that mandate local government to control and reduce the amount of stormwater pollution runoff into receiving waters of the United States. Under the authority of the Porter-Cologne Water Quality Act, the State Water Resources Control Board has delegated authority to its regional boards

to invoke permitting requirements. The permitting programs have been developed to deal with Industrial, Construction, and Municipal Stormwater requirements.

In July 1991, the San Francisco Bay Regional Water Quality Control Board (RWQCB) notified San Mateo County and all its incorporated cities of the requirement to submit a Municipal NPDES Stormwater Permit application and to implement a Stormwater Management Plan (SWMP). Failure to implement such a plan poses significant penalties that can be levied against a jurisdiction by the Regional Board. Under the Water Code, the Regional Board may impose an administrative fine of up to \$10,000 for each day a violation occurs. In addition, the Regional Board may request that the Attorney General seek judgment in superior court to impose civil liability not to exceed \$25,000 for each day a violation occurs.

Under the direction of the City/County Association of Governments (C/CAG), the San Mateo Countywide Stormwater Management Plan 2004-2010 was submitted to the RWQCB as part of the permit reapplication package in January 2004. The current NPDES permit expired in July 2004, at which time the RWQCB administratively extended the existing permit until such time as a new one can be issued. RWQCB staff is currently developing a Municipal Regional Permit that would cover all Bay Area municipalities, and plans to bring a draft to the RWQCB for consideration in fall 2009.

Discussion:

There are two overall programs that fund stormwater management locally; the San Mateo Countywide Stormwater General Program (which assesses Basic Fees and Additional Fees), and the City of Brisbane Local Stormwater Program.

The proposed Resolution imposes charges for the City of Brisbane Local Stormwater Program, and authorizes the County Tax Collector to place such charges on the property tax rolls.

City Council Resolution 2005-29 authorized the San Mateo County Flood Control District to collect the Basic Fees of the Countywide Stormwater General Program directly from landowners in Brisbane. These charges are also placed on the property tax roles.

The City Council elected to pay the Additional Fees of the Countywide Stormwater General Program from the city's General Fund when these fees were first imposed. (Since its inception, the fee has been increased only by CPI; this year's amount is \$7,334_[mt(1)].)

For detail information on both of these overall programs, including the calculation of charges, please see Attachment A.

Fiscal Impact:

The proposed resolution authorizes the collection of \$53,973 from local property owners for the Brisbane Local Stormwater Program.

Previous decisions by Council authorize the collection of \$8,754 from local property owners by the San Mateo County Flood Control District for the Basic Fees of the Countywide Stormwater General

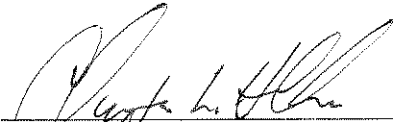
Program, and authorize payment of \$7,334 from the city's general fund for the Additional Fees of the Countywide Stormwater General Program

Attachments:

- A. Detail information on the Countywide Stormwater General Program and the City of Brisbane Local Stormwater Program
- B. Resolution No. 2009-40
- C. 2009 Engineer's Report for Stormwater Management Fees



Director of Public Works/City Engineer



City Manager

ATTACHMENT A

The Countywide Stormwater General Program and Cost:

The General Program encompasses those efforts undertaken for the benefit of all 21 agency co-permittees involved with implementation of the Stormwater Management Plan and adherence to the conditions set forth under the Countywide NPDES Waste Discharge Permit.

In previous years, an NPDES Task Force determined additional funding would be required to meet future permit and agency needs. For example, the San Francisco Bay Regional Water Quality Control Board imposed additional testing requirements on the NPDES General Program beyond those required in the current Renewed NPDES Permit. Each agency in the county will be required to pay their proportionate share of the additional fees to fund the augmentation of the program. Additional fees to Brisbane are approximately \$7,334. The City of Brisbane supports the concept of the expanded countywide scope of work, but has opted to pay this amount out of General Fund reserves, rather than pass the fee increase on to constituents. City staff reconfirmed this position with General Program staff in June 2009. The fees below represent the standard fees for the Countywide General Program and do not include the additional fees.

For FY 2009-2010, a Countywide NPDES fee will be levied against all properties to fund the General Program costs. In FY 2009-2010, per parcel fees for the General Program are based on categories of land uses and will be collected on the County Tax Roll as follows:

Basic Annual Charges

Single Family Residence: \$3.44

Miscellaneous, Agriculture, Vacant and Condominium: \$1.72

All Other Land Uses: \$3.44 for the first 11,000 square feet plus \$ 0.32 per 1,000 additional square feet of parcel area.

Additional Annual Charge (Adjusted Annually by C.P.I.)

Single Family Resident: \$2.88

Miscellaneous, Agriculture, Vacant and Condominium: \$1.44

All Other Land Uses: \$2.88 for the first 11,000 square feet plus \$0.26 per 1,000 additional square feet of parcel area.

The work tasks to be undertaken in FY 2009-2010 are identified under the six General Program components described in the attached 2009 Engineer's Report for Storm Water Management Fees. The FY 2009-2010 General Program Budget approved by C/CAG in June 2009 is \$1,251,815.

The General Program's FY 2009-2010 funding mechanism uses parcel area information currently available and creates land use categories for purposes of financing General Program activities. The size of a parcel clearly impacts the amount of stormwater runoff that flows through the storm drainage system and into the waterways. The financing mechanism recommended by the General Program utilizes the single-family residence as the base rate, and establishes a common rate assessed uniformly among all land use classes. This calculation examines the total land area within the County and establishes a uniform rate of \$0.3127 per 1,000 square feet in excess of 11,000 square feet. Utilizing the total area of the parcels within differing land uses divided by the average

single family parcel size provides an equivalent dwelling unit (EDU). The impact of the countywide fee is a single base rate for all single-family residences of \$3.44 per APN (Assessor's Parcel Number). As a matter of equity, all other land uses are charged at the minimum of the base rate, and their proportionate share of cost increases with the corresponding size of the parcel as calculated by its EDU. Condominiums, miscellaneous, vacant and agricultural land uses are charged at one half the single-family per-parcel rate.

The Local Brisbane Stormwater Program and Costs:

On July 26, 1993, the City Council adopted Resolution No. 93-28, which approved the Stormwater Management Plan (SWMP) mandated by State and Federal requirements. The objectives and tasks described in the Plan are numerous and necessitate coordination between the City and San Mateo County. The County acts as the umbrella agency for administrative coordination of the SWMP for all municipalities in San Mateo County and for the County itself. The County, with input from the municipalities, also developed a public information program, which produces materials to be used by each City in San Mateo County and public participation programs to be implemented by each City.

On July 11, 1994, the City Council enacted Ordinance No. 392 to enable the City to carry out and enforce the objectives and tasks described in the SWMP, including the imposition of charges to fund the federally mandated local Brisbane Program. Ordinance No. 392 is based on the model ordinance developed by the NPDES Technical Advisory Committee. Also, on July 11, 1994, the City Council adopted Resolution No. 94-39, which authorized the imposition of fees to fund the local Brisbane Program.

The recommended NPDES program budget for 2009-2010 is \$67,602. The fee calculations in the 2009 Engineer's Report for Stormwater Management Fees indicate program income will be approximately \$53,973. Consistent with the last several years, an additional \$7,334 for General Program Additional Fees is proposed to be paid out of the General Fund, through incorporation of sufficient funds in the proposed NPDES budget. Fees are based on average parcel sizes for land use categories assigned by broadly drawn land use areas.

The FY 2009-2010 fee breakdown that follows incorporates parcel-specific adjustments, actual parcel size calculations, and available information regarding changes in APN status. The fees represent the sum of an administrative fee charged on an equal basis to each parcel and an assessment fee calculated on the basis of land use category, average lot size and potential for pollutant generation:

Category	Charge 2009-2010	Charge 2008-2009	Charge 2007-2008
Single Family (R-1&2)	\$9.48/APN	\$9.48/APN	\$9.48/APN
Multi Family (R-3)	\$21.64/APN	\$21.64/APN	\$21.64/APN
Commercial/Industrial (1)	\$19.94/APN	\$19.94/APN	\$19.94/APN
Commercial/Industrial (2)	\$254.20/APN	\$254.20/APN	\$254.20/APN
Vacant Land (3)*	\$18.34/APN	\$18.34/APN	\$18.34/APN
Vacant Land (4)*	\$55.16/APN	\$55.16/APN	\$55.16/APN
Vacant Land (5)*	\$212.18/APN	\$212.18/APN	\$212.18/APN
Vacant Land (6)*	\$927.80/APN	\$927.80/APN	\$927.80/APN

- (1) Land use designation generally within Central Brisbane and Southwest Bayshore.
- (2) Land use designation generally within all other areas except areas included in (1).
- (3) Vacant land with an area less than 1 acre.
- (4) Vacant land with an area greater than 1 acre but less than 5 acres.
- (5) Vacant land with an area greater than 5 acres but less than 20 acres.
- (6) Vacant land with an area greater than 20 acres.

* Additional vacant land designations were added to equally distribute charges based upon land area and runoff generated. The vacant land areas were divided into groups so that the average parcel size more closely reflected the parcel area and distribution within that designation. This was done by creating new limits as identified in notes 3 through 6 inclusive so that a parcel in the "Acres" was not charged the same as a parcel in the Baylands or in Northwest Bayshore sub-areas.

Some annual charges are rounded by \$0.01 because the County Assessor requires fees that can be divided evenly between the two yearly tax bills received by property owners.

The Countywide General Stormwater Program charges (Basic Fees only) and the above-listed local Brisbane Stormwater Program charges will appear as two separate line items on each property tax bill. A detailed explanation of the methodology utilized in developing the local Brisbane Program charges is set forth in the attached 2009 Engineer's Report for Stormwater Management Fees.

RESOLUTION NO. 2009-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE IMPOSING CHARGES FOR FUNDING THE LOCAL BRISBANE STORMWATER PROGRAM, AUTHORIZING PLACEMENT OF SAID CHARGES ON THE 2009-2010 COUNTY TAX ROLL, AND AUTHORIZING THE COUNTY TAX COLLECTOR TO COLLECT SUCH CHARGES

WHEREAS, the Environmental Protection Agency, under the 1987 amendments to the Federal Clean Water Act, imposed regulations that mandate local governments to control and reduce the amount of storm water pollutant runoff into receiving waters; and

WHEREAS, under the authority of the California Porter-Cologne Water Quality Control Act, the State Water Resources Control Board has delegated authority to its Regional Water Quality Control Boards to invoke permitting requirements upon counties and cities; and

WHEREAS, in July 1991, the San Francisco Bay Regional Water Quality Control Board notified San Mateo County and all incorporated cities within San Mateo County of the requirement to submit a National Pollutant Discharge Elimination System (NPDES) Permit application by November 30, 1992; and

WHEREAS, in furtherance of the NPDES Permit process, San Mateo County, in conjunction with all incorporated cities in San Mateo County, has prepared a Storm Water Management Plan which has a General Program as a fundamental component of the Management Plan; and

WHEREAS, the Storm Water Management Plan has been submitted to the San Francisco Bay Regional Water Quality Control Board and that Management Plan has been approved by the Board and made part of NPDES Waste Discharge Permit CA 0029921, issued in 1998 and remaining in effect through 2003; and

WHEREAS, in accordance with the requirements of NPDES Permit CA 0029921, an updated Storm Water Management Plan for 2004-2010 has been submitted with a NPDES permit renewal application to the San Francisco Bay Regional Water Quality Control Board in January 2004.

WHEREAS, the efforts for the control of storm water pollution require a Local Brisbane Stormwater Program; and

WHEREAS, Section 5471 of the California Health and Safety Code and Section 13.06.060 of the City's Storm Water Ordinance authorize imposition of charges for a Local Brisbane Stormwater Program; and

WHEREAS, said Local Brisbane Stormwater Program has been submitted to the City Council pursuant to the 2009 Engineer's Report for Stormwater Management Fees, which includes mandated tasks and associated costs; and

WHEREAS, the City held a public hearing to consider imposition of annual tax roll charges that fund the Local Brisbane Stormwater Program; and

WHEREAS, the San Mateo County Tax Collector has agreed to place such charges on the 2009-2010 County Tax Roll.

NOW, THEREFORE, BE IT RESOLVED THAT

1. The City Council of the City of Brisbane hereby adopts the 2009 Engineer's Report for Stormwater Management Fees as filed with the City Clerk, and overrules any objections or protests to the Engineer's estimates of costs and user fee structure, or to the implementation of the stormwater management program described therein.
2. The County Controller is hereby authorized to place the City of Brisbane Local Stormwater Management Fees on the fiscal year 2009-2010 County Tax Roll, and that the County Tax Collector be and hereby is authorized to collect such charges in the same manner, by the same person, and at the same time as, together with and not separately from, the general taxes applicable to real property in the City of Brisbane, as follows:

Single Family (R-1&2)	\$9.48
Multi Family (R-3)	\$21.64
Commercial/Industrial (1)	\$19.94
Commercial/Industrial (2)	\$254.20
Vacant Land (3)	\$18.34
Vacant Land (4)	\$55.16
Vacant Land (5)	\$212.18
Vacant Land (6)	\$927.80

- (1) Land use designation generally within Central Brisbane and Southwest Bayshore.
- (2) Land use designation generally within all other areas except areas included in (1).
- (3) Vacant land with an area less than 1 acre.
- (4) Vacant land with an area greater than 1 acre but less than 5 acres.
- (5) Vacant land with an area greater than 5 acres but less than 20 acres.
- (6) Vacant land with an area greater than 20 acres.

3. The cost for such service, \$0.30 per parcel, is hereby authorized to be retained by the County from such collections, the balance of which is to be remitted to the City of Brisbane.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to forward a copy of this Resolution to the San Mateo County Board of Supervisors.

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Regularly passed and adopted this 27th day of July, 2009.

A. Sepi Richardson
Mayor

I hereby certify that the foregoing Resolution No. 2009-40 was duly and regularly adopted at a regular meeting of the Brisbane City Council on July 27, 2009, by the following vote:

AYES:
NOES:
ABSENT:

Sheri Marie Spediacci
City Clerk

2009 ENGINEER'S REPORT for STORMWATER MANAGEMENT FEES

Purpose

The purpose of this report is to define the City of Brisbane stormwater management program and the methodology utilized in determining the user fee structure to be applied by Assessor's Parcel Number (APN) and appear on the County Tax Roll for FY 2009-2010.

History

The Environmental Protection Agency, under the 1987 amendments to Section 402(p) of the Clean Water Act, imposed regulations mandating local governments manage stormwater discharges as a means of reducing pollution in public bodies of water. The California State Water Resources Control Board delegated enforcement authority to the Regional Water Quality Control Boards (RWQCB) to ensure compliance with the Clean Water Act. The San Francisco Bay RWQCB, under Section 13370 *et seq* of the California Water Code, requires the City of Brisbane and all other municipal stormwater dischargers in San Mateo County to control significant sources of stormwater pollution as co-permittees under National Pollutant Discharge Elimination System (NPDES) Permit No. CA 0029921.

As a condition of the NPDES Countywide Permit, the City of Brisbane and other municipal stormwater dischargers were required to develop and implement a Stormwater Management Plan. The San Mateo Countywide Stormwater Management Plan (1998-2003) was prepared and approved by all co-permittees and adopted by the RWQCB in February 1998 as part of the five-year NPDES Municipal Stormwater Discharge Permit. The plan was updated as part of the NPDES permit reapplication package and submitted to the RWQCB in January 2004. The plan has two program components: the General Program and the City-specific Local Programs. Administration of the General Program (also known as the San Mateo Countywide Water Pollution Prevention Program, or "SMCWPPP"), is handled by the City/County Association of Governments of San Mateo County (C/CAG). Administration of Brisbane's local program is handled by the City's Public Works Department.

STORMWATER MANAGEMENT PROGRAM

Background Information

The process of urbanization increases rainwater runoff. As trees and grass are cleared, pervious ground cover is frequently replaced by impervious concrete, asphalt, or brick. Rainwater can no longer seep into the ground. If this stormwater is not properly managed, flooding may result. Often, municipal drainage systems are designed for flows resulting from pre-development runoff, and become undersized when impervious area is increased by building structures, driveways, and parking lots. Further, increased stormwater runoff makes areas not covered by impervious

materials more susceptible to erosion, and as a result, sediment may discharge to the storm drain system.

Stormwater runoff flowing over man-made surfaces such as roads and parking lots can also contribute to water quality degradation. The natural purification that occurs when water flows through the subsurface is lost. As rainwater flows over impervious surfaces, it can pick up pollutants such as engine oils, pesticides, fertilizers, and trace metals like lead, copper, or zinc. These contaminants are frequently toxic to humans and aquatic life.

Stormwater pollution can come from point and non-point sources. Point sources are attributable to a distinct point of discharge, such as a pipe into a water body. Point source pollution can include illegal storm drain connections at industrial facilities or cross connections between sanitary and storm sewer systems. Non-point source pollution, such as overland flow or sheet runoff, is not attributable to a distinct point of discharge, and is a major contributor to water quality degradation in California. Problems that magnify non-point source pollution include channel erosion, sedimentation due to construction and land development, hydrologic modification, physical habitat alteration, excessive or poorly timed application of pesticides and fertilizers, natural or engineered agricultural subsurface drainage, septic systems, livestock grazing, and urban runoff. Oil and grease from parking lots and driveways, nutrients, littering, animal waste, accidental spills, soil erosion and air pollution all contribute to non-point source discharges in urban areas. Urban runoff is the focus of stormwater pollution prevention regulations in Brisbane.

Program Structure

The San Mateo Countywide Stormwater Management Plan (2004-2010) General Program and City-specific Local Programs have six (6) program elements, the central goals of which are summarized as follows:

1. Public Information/Participation - Inform and educate the public about the origins and transport of stormwater pollution and its effects on receiving waters, and encourage active public involvement in reducing the amount of pollutants entering the storm drain system.
2. Municipal Government Maintenance Activities - Ensure public works functions are performed in a manner that focuses on prevention of pollution of stormwater runoff to the maximum extent practicable.
3. New Development and Construction Controls - Establish and implement procedures to address and control stormwater pollution emanating from construction sites, new developments, and redevelopments.
4. Industrial and Illicit Discharge Controls

- A. Control of Commercial/Industrial Pollutants - Inspect businesses and provide them with information and assistance regarding reduction of pollutants in stormwater.
 - B. Illicit Discharge Identification and Elimination - Identify non-stormwater discharges by inspecting storm drain outfalls and tracking illicit discharges to their sources for elimination.
5. Watershed Monitoring - Identify and describe essential program activities which can be most effectively and economically conducted in cooperation with other agencies or organizations.
 6. Implement Program and Collect Fees – Establish parameters and methodologies to impose County and Citywide charges for stormwater fees.

GENERAL PROGRAM

The General Program centrally manages the efforts that provide overall benefits to the County and all Cities in the County involved with implementation of the Stormwater Management Plan. The six General Program components described above delineate work tasks to be undertaken and completed during the 2008-09 fiscal year.

The 2009-10 NPDES General Program Budget adopted by C/CAG is \$1,251,815. The City of Brisbane is required to contribute proportionate funding to the General Program. This funding is divided into two categories, the Basic and the Additional Fees. The Basic Fee was established to fund the original General Program activities when the NPDES permit was first adopted. The Additional Fees were established to fund additional General Program activities required by the Regional Board subsequent to establishment of the Basic Fees.

The Basic and Additional Fees are calculated as follows:

Basic Annual Charges:

- Single Family Residence: \$3.44/parcel
- Miscellaneous, Agriculture, Vacant and Condominium: \$1.72/parcel
- All Other Land Uses: \$3.44/parcel for the first 11,000 square feet plus \$ 0.3127 per 1,000 additional square feet of parcel area

Additional Annual Charge (Adjusted Annually by Consumer Price Index):

- Single Family Resident: \$2.88/parcel
- Miscellaneous, Agriculture, Vacant and Condominium: \$1.44/parcel
- All Other Land Uses: \$2.88/parcel for the first 11,000 square feet plus \$0.26 per 1,000 additional square feet of parcel area

The City of Brisbane's 2009-10 Basic and Additional Fees are estimated at approximately \$8,754 and \$7,334, respectively. The City of Brisbane has historically authorized the San Mateo County Assessor to collect the Basic Fees through property tax assessments, whereas the Additional Fees

are paid to C/CAG out of the General Fund. This approach prevents the Additional Fees from being billed to property owners.

CITY OF BRISBANE LOCAL PROGRAM

City Facilities

The City of Brisbane is responsible for all public drainage facilities within its jurisdiction that collect stormwater and convey it to San Francisco Bay. Brisbane's facilities include the City's streets, curbs and gutters, catch basins, pipelines, culverts, and open channels.

Stormwater is collected from private property and public streets in two open channels, the Guadalupe Valley Municipal Improvement District (GVMID) Basin Channel and the Bayshore Storm Drain Basin Channel. This stormwater is generally conveyed through these channels to underground box culverts which ultimately outfall to the Bay. The GVMID Basin Channel outfall delivers stormwater via the Lagoon box culvert. This outfall receives water from most of Central Brisbane as well as the Guadalupe Valley and discharges this water into the Lagoon. Stormwater that enters the Lagoon eventually flows to the Bay through two box culverts under US 101. The Bayshore Storm Drain Basin Channel receives stormwater mainly from the undeveloped land in northern Brisbane as well as portions of Daly City and discharges this water to the Bay through a single box culvert under US 101. Stormwater from Sierra Point generally outfalls to the Bay through a series of culverts located along the perimeter of the Sierra Point Peninsula.

During normal rainfall, flooding potential in Brisbane is low. During heavy rains, however, localized flooding can and has occurred in some areas. Some trunk lines, drain pipes, catch basins and other structures are undersized, and additional catch basins are needed. The City's recently-completed Storm Drain Master Plan proposes Capital Improvement Projects to address these issues.

Local Program Elements

The following is a description of general program elements included in the City-specific Local Program, followed by a summary of proposed costs to be funded by the City of Brisbane's Local Stormwater Management Program. The local program elements mirror those of the General Program.

1. Public Information/Participation

This program is intended to inform the public about sources of stormwater pollution, how it reaches local waterways, types of common activities that contribute to stormwater pollution, its effects on receiving waters, and to encourage public involvement in reducing the amount of pollutants entering the City's storm drain system. The public information component of this program overlaps with other program elements described below. The 2009-10 budget will provide for the City's participation in General Program activities, dissemination of educational materials, including the preparation of periodic

notices to be placed in the local media, and the planning and implementation of local community volunteer activities.

2. **Municipal Government Maintenance Activities**

This program is intended to prevent pollution of stormwater runoff through improvements in municipal government maintenance activities and associated programs. Specific focus is on monitoring and modifying practices regarding maintenance and repair of storm drain facilities, litter control, street sweeping, catch basin cleaning, collection and recycling of materials, and reviewing and modifying practices at maintenance facilities. Within this program is the in-house labor for mapping, record keeping and reporting requirements, participation in General Program activities, preventive maintenance, minor system repair, and emergency response. Tasks include inspecting and repairing stoppages in storm drains, clearing street gutters and performing necessary maintenance of the City's canals, ditches, and storm drain gutters, and responding to all storm drain customer assistance requests. The program provides for a minimum level of service, data collection, and reporting consistent with NPDES permit requirements.

3. **New Development and Construction Controls**

This program focuses on controlling stormwater pollution from construction sites, new developments, and redevelopment areas. Tasks include developing and implementing planning, inspection, and enforcement procedures, developing and implementing requirements for post-construction controls, and providing education and training to construction site operators. This program also addresses revised "C.3" provisions in the County-wide NPDES permit (adopted in February 2003), requiring additional management activities for new and re-development projects.

4. **Industrial and Illicit Discharge**

A. Control of Industrial Pollutants

This element of the program is designed to control pollutants discharged to municipal storm drains from commercial and industrial facilities. Specific focus is placed upon facility inspection and providing information and assistance to facility managers about reducing pollutants in stormwater from these facilities. This program provides funds for limited staff participation in General Program activities and compliance with the requirement to develop and implement a limited information/inspection program, in coordination with existing City and County commercial/industrial inspection programs.

B. Illicit Discharge Identification and Elimination

This program element is to identify and eliminate illicit discharges to the storm drain system by identifying major outfalls, conducting inspections of the storm drain system, identifying and eliminating illicit connections, inspecting for evidence of illegal dumping

and tracking illicit discharges to their sources, and providing information to the public about proper disposal alternatives. This program provides funds for limited staff participation in General Program activities, City staff monitoring of illicit discharges in coordination with the County's Hazardous Waste Inspectors, and compliance with inspection procedures and enforcement activities.

5. **Watershed Monitoring**

This element of the program on the City level is to support General Program staff in identifying watershed monitoring issues and collecting data with respect to those issues. This program element includes periodic monitoring of General Program activities and providing data generated from the City's required monitoring activities.

6. **Establish Program and Collect Fees**

Implementation of the program requires the Finance Department to manage the NPDES Fund and the County to collect the City's Local Program fee in the same manner as the County is collecting the General Program fee. This program includes the Additional Annual fee collected by C/CAG and funded from the City's General Fund.

Recommended Budget Summary of Local Program

1. Services and Supplies (including \$7,334 for Additional Fees)	\$38,661
2. Indirect Costs	\$27,941
3. Overtime	\$1,000
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TOTAL REQUIRED BUDGET	\$67,602

USER FEE FORMULA

Methodology

The City of Brisbane developed a formula for calculating stormwater fees that remains unchanged since it was first utilized after stormwater fees were authorized by the Council in July 1994. The user fee formula is based on two distinct concepts: (1) an administrative fee should be shared equally by all parcels to cover program administration costs; and (2) an assessment fee should be charged in proportion to the storm drainage service utilized and the amount of pollutants or sediment generated by each type of parcel. Average parcel square footage and assumptions explained below regarding the types of land uses for each zone were used to develop an equitable assessment fee structure.

Generally speaking, residential properties contribute equal amounts of water to the storm drain system. For this reason, the formula charges single-family residential properties a uniform user fee based on estimated runoff from an average single-family property. This practice is common in other cities and is equitable because these properties benefit equally from City-wide services such as public streets, sidewalks and parking.

On average, 50% impervious cover per parcel is generally accepted as the typical impervious area for a single-family residential dwelling. Using an average single-family parcel area of 5,224 square feet and 50% impervious cover, a standard impervious area of 2,612 square feet was defined as an Equivalent Single-family Unit (ESU). In determining the assessment portion of the stormwater user fee for the various parcels in the City, the following formula is used:

$$\text{User Fee} = \text{Single Family Fee} \times (\text{Number of ESUs})$$

The impervious area for non-residential properties and vacant land was devised by use of runoff area and general land characteristics and use. As shown on Exhibit A, entitled "Storm Drain Program Rate Analysis," small commercial and industrial land uses are estimated to have approximately 100% runoff area, large commercial and industrial land uses are estimated to have approximately 80% runoff area, and vacant land is estimated to have 20-50% runoff area, as opposed to single family residential properties, which are estimated to have approximately 50% impervious area. These estimates, along with the other land use runoff area estimates on the attachment, are all consistent with the general runoff coefficients used in standard engineering practices.

For the storm drain user fee formula, current land use classifications are generally consolidated into the following four categories and further broken down to group commercial/industrial and vacant land by average lot size:

1. Single-Family Residential (R-1 and R-2) - This classification is based upon 50% impervious area which equate to a runoff coefficient of 0.5.

2. Multi-Family High Density (R-3) - All the remaining residential classifications are based upon the assumption that the higher density properties, which generally consist of the apartments along San Bruno and Visitacion Avenues and the trailer park, have approximately 100% impervious surface area, as opposed to 50% for single-family properties. This 100% impervious surface area equates to a runoff coefficient of 1.0.

3. Commercial/Industrial (1) & (2) - These classifications are based upon the assumption that most small commercial/industrial land uses in Brisbane (Commercial (1)) have a 100% impervious surface area and larger commercial/industrial land uses, (Commercial (2)) have an 80% impervious surface area, as opposed to 50% for single-family properties. These impervious surface areas equate to runoff coefficients of 1.0 for Commercial (1) and 0.8 for Commercial (2).

4. Vacant Land (3), (4), (5) & (6) - Vacant Land (3) accounts for smaller lots with an area less than 1 acre and with increased runoff coefficients. Vacant Land (4) accounts for mid-sized lots with an area greater than 1 acre but less than 5 acres. Vacant Land (5) accounts for larger lots with an area greater than 5 acres but less than 20 acres. Vacant Land (6) accounts for larger lots with an area greater than 20 acres. These classifications are based upon the assumptions that the smaller parcels have higher runoff coefficients based upon their size and proximity and the larger parcels have little or no impervious surfaces and a typical runoff coefficient of 0.2 to 0.5, as opposed to 0.5 for single-family properties.

In developing the total ESUs, the following uses were designated exempt from fee collection: City Government Activities, Federal and State Government Activities, and Unclassified.

As previously indicated, the City's user fee formula remains unchanged from inception. The charges per parcel include an administrative fee of \$4.50 and the additional fee per ESU of \$4.98. The following table details the total annual charges per parcel based on land use type, which remain unchanged from 2008-2009:

	<u>ESU</u>	<u>Annual Charge Per Parcel**</u>
Single Family Residential	1.00	\$9.48
Multi-Family High Density Residential	3.44	\$21.64
Commercial/Industrial (1)	3.10	\$19.94
Commercial/Industrial (2)	50.14	\$254.20
Vacant Land (3)*	2.78	\$18.34
Vacant Land (4)*	10.17	\$55.16
Vacant Land (5)*	41.70	\$212.18
Vacant Land (6)*	185.40	\$927.80

(1) Land use designation generally within Central Brisbane and Southwest Bayshore

(2) Land use designation generally within all other areas except areas included in (1)

(3) Vacant land with an area less than 1 acre.

(4) Vacant land with an area greater than 1 acre but less than 5 acres.

(5) Vacant land with an area greater than 5 acres but less than 20 acres.

(6) Vacant land with an area greater than 20 acres.

- * Additional vacant land designations were added to equally distribute charges based upon land area and runoff generated. The vacant land areas were divided into groups so that the average parcel size more closely reflected the parcel area and distribution within that designation. This was done by creating new limits as identified in notes 3 through 6 inclusive so that a parcel in the "Acres" was not charged the same as a parcel in the Baylands or in Northwest Bayshore sub-areas.
- ** Annual charge includes an administrative fee of \$4.50 per parcel.

Please note annual charges have been rounded by \$0.01 in some cases to allow fees to be evenly divided into semi-annual tax bills received by property owners.

Fee Summary

Exhibit B, entitled "User Classification Fee Summary," presents the anticipated fees to be collected for fiscal year 2009-10 (actual amounts collected will not be known until late-July when the County tax rolls are finalized). As shown, the anticipated income from special assessments is approximately \$53,973 to support the adopted NPDES budget of \$67,602, with the shortfall to come from the General Fund.

EXHIBIT A
STORM DRAIN PROGRAM RATE ANALYSIS

EXHIBIT A to 2009 ENGINEER'S REPORT FOR STORMWATER MANAGEMENT FEES
STORM DRAIN PROGRAM RATE ANALYSIS

CATEGORY	# OF PARCELS	TOT. AREA (ACRES)	AVG. AREA (SF)	RUNOFF COEFF.	RUNOFF AREA (SF)	ESU PER CATEGORY
SINGLE FAMILY RESIDENTIAL (R-1)	1435	172.09	5,224	0.5	2,611.96	1.00
MULTI-FAMILY RESIDENTIAL (R-3)	31	6.40	8,994	1.0	8,994.40	3.44
COMMERCIAL/ INDUSTRIAL (1)	173	32.14	8,092	1.0	8,091.99	3.10
COMMERCIAL/ INDUSTRIAL (2)	74	278.10	163,702	0.8	130,961.31	50.14
VACANT LAND (3)	140	46.71	14,533	0.5	7,266.65	2.78
VACANT LAND (4)	36	54.89	66,421	0.4	26,568.44	10.17
VACANT LAND (5)	17	141.69	363,066	0.3	108,919.65	41.70
VACANT LAND (6)	10	555.85	2,421,289	0.2	484,257.89	185.40
TOTALS	1,916	1,287.87				

(1) LAND USE DESIGNATION GENERALLY WITHIN CENTRAL BRISBANE, AND SOUTHWEST BAYSHORE

(2) LAND USE DESIGNATION GENERALLY WITHIN ALL OTHER AREAS EXCEPT AREAS INCLUDED IN (1)

(3) VACANT LAND WITH AN AREA LESS THAN 1 ACRE

(4) VACANT LAND WITH AN AREA GREATER THAN 1 ACRE BUT LESS THAN 5 ACRES

(5) VACANT LAND WITH AN AREA GREATER THAN 5 ACRES BUT LESS THAN 20 ACRES

(6) VACANT LAND WITH AN AREA GREATER THAN 20 ACRES

EXHIBIT B

USER CLASSIFICATION FEE STUDY

EXHIBIT B to 2009 ENGINEER'S REPORT FOR STORMWATER MANAGEMENT FEES
USER CLASSIFICATION FEE SUMMARY - CITY OF BRISBANE LOCAL PROGRAM

CATEGORY	# OF PARCELS	ADMIN. FEE	ESU	TOTAL ESUs	ASSMT./ PARCEL	ROUNDED ASSMT/PAR	ASSMT. FEE TOT.	TOT.	
								PARCEL	TOTAL FEES
SINGLE FAMILY RESIDENTIAL (R-1)	1435	\$6,457.50	1.00	1435.00	\$4.98	\$4.98	\$7,146.30	\$9.48	\$13,603.80
MULTI-FAMILY RESIDENTIAL (R-3)	31	\$139.50	3.44	106.75	\$17.15	\$17.14	\$531.34	\$21.64	\$670.84
COMMERCIAL/ INDUSTRIAL (1)	173	\$778.50	3.10	535.96	\$15.43	\$15.44	\$2,671.12	\$19.94	\$3,449.62
COMMERCIAL/ INDUSTRIAL (2)	74	\$333.00	50.14	3710.29	\$249.69	\$249.70	\$18,477.80	\$254.20	\$18,810.80
VACANT LAND (3)	140	\$630.00	2.78	389.49	\$13.85	\$13.84	\$1,937.60	\$18.34	\$2,567.60
VACANT LAND (4)	36	\$162.00	10.17	366.19	\$50.66	\$50.66	\$1,823.76	\$55.16	\$1,985.76
VACANT LAND (5)	17	\$76.50	41.70	708.91	\$207.67	\$207.68	\$3,530.56	\$212.18	\$3,607.06
VACANT LAND (6)	10	\$45.00	185.40	1854.00	\$923.29	\$923.30	\$9,233.00	\$927.80	\$9,278.00
TOTALS	1916	\$8,622.00					\$45,351.48		\$53,973.48

TOTAL FEES = \$53,973.48 (ADMIN. FEE + ASSMT. FEE TOT.)
 CARRY OVER (estimated) = \$0.00
 TOTAL BUDGET AMOUNT = \$53,973.48

ADMIN. FEE / PARCEL = \$4.50
 ASSMT. FEE / ESU = \$4.98