

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Caroline Cheung via Clay Holstine, City Manager

DATE: Meeting of July 5, 2011

SUBJECT: Planning Fee Study

PURPOSE: Ensure the City recovers the cost for performing Planning services.

RECOMMENDATION:

Adopt Resolution 2011-38, setting new Planning fees for the City of Brisbane.

BACKGROUND:

The Planning fee study was first presented to the full Council at its June 13, 2011 Special Council Budget Meeting, the night the Planning Department's budget was also to be reviewed. After staff's presentation, Council unanimously adopted Resolution 2011-21, which established new cost recoveries for the Planning Department. The Planning fee study is being presented to the full Council a second time tonight, since the aforementioned June 13th meeting had not been telecast on Ch. 27. The City wants to ensure the community is well-informed of the changes affecting the Planning Department's fee schedule.

In 1992, the City Council approved Ordinance 386 which set cost recovery percentages for services the City provided. The ordinance was reviewed by the City Council in May 2002 as part of the city-wide fee study performed by FCS Group. Council made no changes to the Planning Fee cost recovery percentages at that time, but adjusted fees according to the recommendations made by FCS Group. At this time, Council also adopted Ordinance 468, which specifies that cost recovery percentages may be amended at any time by resolution of the City Council. Since 2002, the fees have only been adjusted for inflation, which, for last year, was approximately 1.2%.

In August of 2010, staff met with the Finance Subcommittee to determine if the cost recovery percentages should be changed. The Subcommittee recommended having most of the permits issued by the Planning Department to be fully covered by the fee charged when the permit is issued. Some considerations for subsidizing the cost of the permit

were made, such as for Accessibility Improvement Permits. An Accessibility Improvement Permit is what is needed to make places of business accessible to handicapped individuals, which improves public access for everyone.

In order to see how much time staff spent processing each permit, and where Planning Fees needed to be raised, or lowered, given the new Subcommittee-directed cost recoveries, staff analyzed the time it took to process each permit and what direct and indirect costs needed to be included for costs to be fully recovered. The findings for each permit's total cost can be seen in the blue column on the spreadsheet (Attachment 1). For a detailed description of how the total cost of each permit was calculated, please see Attachment 3.

DISCUSSION:

Upon completing the fee study, it was shown that the majority of the permits needed to be adjusted in order to be commensurate with the time and resources it takes staff to process them. An example of this can be seen in P1 – P13a, or Use Permits. Many of the various Use Permits, the first category on the Planning Department's fee schedule, were only being recovered 23% - 27%, given the current, 2009 fee.

Areas wherein the Subcommittee chose not to recover 100% of the costs through fees included fence construction in residential zones (P4) and the remodeling of existing residential structures (P18). Staff recommended these permits to have a 75% cost recovery, which the Subcommittee agreed to. Another fee that staff is recommending be recovered 75% is the future Clustered Development Permit. The Planning Commission just recommended amending the R-BA district regulations to provide for this new permit at its June 23, 2011 meeting (the draft ordinance will be going to Council in September). It is being included on the Planning Fee Schedule under P3b, and features the same fee (\$2,307) as that of P3a, Transfer of Development Rights (see Exhibit A within Attachment 4). The two permits take equal amounts of time to have processed by staff.

A second fee that staff is recommending be added to the Planning Department's Fee Schedule is P25b, Height Limits per BMC 17.32.060.C. The City Council adopted Ordinance No. 558 at its April 4, 2011 meeting, establishing an administrative permit procedure for solar energy systems that exceed the height limit. Since the Planning fee study was started before then, this permit was not previously included in this fee study. The Senior Planner is recommending the Setback Exception Modification permits be used as a model for costing this new permit, making the fee for residential properties \$525 (75% costs recovered) and all other properties \$701 (100% costs recovered).

It should be mentioned that two permits have a 25% cost recovery: Accessibility Improvement Permits (P60) and All Other Appeals (P47). The former would aid businesses make their properties handicap-accessible, and the latter would make the cost of an appeal more affordable for residents (\$309 instead of \$1,448). When the Finance Subcommittee last met on May 16, 2011 to discuss the analysis conducted for the

Planning Fee Study, they were in agreement to adjust the Planning Department's fee schedule as recommended by staff (P3b and P25b not included). Therefore, Resolution 2011-21 was prepared for Council for their June 13, 2011 meeting (see Attachment 5).

FISCAL IMPACT/FINANCING ISSUES


Increasing fees would bring in an estimated \$5,080 to the City, or an additional 15% in Planning fee revenue.

MEASURE OF SUCCESS

2011-2012 Permit Fees charged by the Planning Department are commensurate with the staff time associated with processing them.



Administrative Management Analyst



City Manager

ATTACHMENTS:

- Attachment 1 – 2011 Planning Department Fee Study Spreadsheet
- Attachment 2 – Process Flow Chart for Planning Applications
- Attachment 3 – Detailed Breakdown for Figuring the Total Cost of Each Permit
- Attachment 4 – Resolution 2011-38, Exhibit “A” – Planning Fee Schedule
- Attachment 5 – Resolution 2011-21, Exhibit “A” – Cost Recovery Comparison

Detailed Description for Figuring the Total Cost of Each Permit

Before starting to put the number of minutes needed to complete the tasks associated with the various permits the Planning Dept. issues, the department first created Process Flow Charts (see Attachment 2). These showed the steps taken in the permitting process, depending on whether the application was 1.) Able to be reviewed administratively, or 2.) Whether it required a public hearing and needed to be reviewed by the Planning Commission.

Next, the number of minutes each of the planning staff members, Public Works, CSG, Planning Commission, and City Attorney was estimated, based on the type of permit their involvement in the permit being processed. These can be seen in the first few columns of the 2011 Planning Department Fee Study spreadsheet (Attachment 1). Then, the minute rate of each of the aforementioned parties was multiplied by the number of minutes it takes, on average, to complete the tasks associated with the permit. Their salaries, including benefits, were divided by 2,088 – the number of hours a full-time employee works in a calendar year – and again by 60 to get their per minute rate. Also included in this column number are the indirect costs of the total department, divided amongst each Planning Dept. staff member proportionate to their per minute rate.

Planning Fees from other cities were surveyed, and it was seen in other jurisdictions such as Berkeley, Los Gatos, and Emeryville, that a General Plan Maintenance Fee was charged on permits at the time of issuance. The fees were established based on in-house cost analyses, much like Brisbane is doing. Hence, a 10% fee for General Plan Update has been included in each permit's total cost.

The final area where costs were considered in this fee study were based on the Planning Dept.'s budget pages, where cost centers such as Equipment Maintenance, Memberships, and Office Expenses were totaled and divided by the total number of minutes staff spent processing permit applications – 29,671 minutes. This amounted to approximately \$.76/minute, which was multiplied by the total number of staff minutes attributed to each permit.

The column "Total Cost to Issue Permit" in blue is the summation of the middle columns, with the "2009 Permit Fee" column shown next to it. Cost recoveries were then able to be calculated, and lastly, the percentage change between the 2009 permit fees and the proposed fees for 2012-13.

RESOLUTION NO. 2011-38
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BRISBANE ADOPTING A MASTER FEE SCHEDULE FOR THE
PLANNING DEPARTMENT

WHEREAS, Section 3.32.010 of the Brisbane Municipal Code requires the City Council to establish, by resolution, a percentage of cost recovery for user fees and service charges collected by the City which was done by Resolution 2003-23; and

WHEREAS, the City Council finds that:

The proposed user fees and service charges set forth on the Master Fee Schedule do not exceed the actual cost of providing the services to which they relate, as determined by the Planning fee study.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brisbane as follows:

1. The Planning Master Fee Schedule attached hereto as Exhibit "A" is hereby approved and adopted.
2. The Planning Master Fee Schedule adopted by this Resolution shall supersede all prior schedules pertaining to the same subject matter, and all such prior schedules, regardless of the manner in which the same may have been established or adopted, are hereby repealed and declared to be of no further force or effect.
3. This Resolution shall become effective sixty (60) days following the date of its adoption and shall be applicable to all user fees and service charges described therein which are payable to the City from and after such effective date.

Cyril Bologoff, Mayor

I hereby certify that the foregoing Resolution No. 2011-38 was duly and regularly adopted at the regular meeting of the Brisbane City Council on July 5, 2011 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Sheri Marie Spediacci, City Clerk

CITY OF BRISBANE
2011/12
MASTER FEE SCHEDULE

Full Cost Hourly Rates by Staff Position:	2009/2010 Adopted Fee		2011/2012 Proposed Fee		Basis
	2009/2010 Adopted Fee	2011/2012 Proposed Fee	2009/2010 Adopted Fee	2011/2012 Proposed Fee	
Director	\$ 170.00	\$ 170.00	\$ 170.00	\$ 170.00	expressed for 100% cost recovery; applicable cost recovery on a permit for which a fee is charged on an hourly basis
Senior Planner	\$ 148.00	\$ 148.00	\$ 148.00	\$ 148.00	
Associate Planner	\$ 129.00	\$ 129.00	\$ 129.00	\$ 129.00	
Administrative Assistant	\$ 95.00	\$ 95.00	\$ 95.00	\$ 95.00	
Office Specialist	\$ 81.00	\$ 81.00	\$ 81.00	\$ 81.00	
Use Permits:					
P1 Conditional uses listed in District Regulations not listed below	\$ 287.00	\$ 287.00	\$ 866.00	\$ 866.00	
P2 Secondary Dwelling Units	\$ 627.00	\$ 627.00	\$ 573.00	\$ 573.00	
P3a Transfer of development rights within the R- BA district	\$ 671.00	\$ 671.00	\$ 2,145.00	\$ 2,145.00	
P3b Clustered development within the R-BA district			\$ 2,145.00	\$ 2,145.00	
P4 Exceptions to Fence Regulations					
- Residential Uses	\$ 268.00	\$ 268.00	\$ 753.00	\$ 753.00	
- Retaining Walls	\$ 268.00	\$ 268.00	\$ 753.00	\$ 753.00	
- All Other Uses	\$ 1,077.00	\$ 1,077.00	\$ 1,004.00	\$ 1,004.00	
P5 Greenhouses on standard lots	\$ 287.00	\$ 287.00	\$ 866.00	\$ 866.00	
P6 Horses in any district (with exceptions)	\$ 287.00	\$ 287.00	\$ 866.00	\$ 866.00	
P7 Public buildings, schools, parks, churches:					
- New Construction	\$ 2,698.00	\$ 2,698.00	\$ 866.00	\$ 866.00	
- Use Only	\$ 287.00	\$ 287.00	\$ 866.00	\$ 866.00	
P8 Hospitals, etc.	\$ 2,698.00	\$ 2,698.00	\$ 866.00	\$ 866.00	
P9 Philanthropic or charitable institutions					
- New Construction	\$ 2,698.00	\$ 2,698.00	\$ 866.00	\$ 866.00	
- Use Only	\$ 287.00	\$ 287.00	\$ 866.00	\$ 866.00	
P10 Public utilities in all districts	\$ 2,698.00	\$ 2,698.00	\$ 1,155.00	\$ 1,155.00	
P11 Temporary uses of not more than 45 days duration - all districts	\$ 280.00	\$ 280.00	\$ 906.00	\$ 906.00	
P12 Condominiums, cooperatives, new construction and conversion	\$ 2,007.00	\$ 2,007.00	\$ 1,159.00	\$ 1,159.00	
P13 Non conforming parking					
- in R and NCRO districts	\$ 388.00	\$ 388.00	\$ 968.00	\$ 968.00	
- in other districts	\$ 1,554.00	\$ 1,554.00	\$ 1,290.00	\$ 1,290.00	
P13a Use Permit to Expand Nonconforming Residential Uses	\$ 388.00	\$ 388.00	\$ 968.00	\$ 968.00	
Planning Fees					Basis

CITY OF BRISBANE
2011/12
MASTER FEE SCHEDULE

Home Occupation Permits:						
P14	Home occupations in residential districts	\$	107.00	\$	29.00	
Design Permits						
P15a	Design Permit for new construction: residential	\$	2,284.00	\$	1,425.00	
P15b	Design Permit for new construction: non-residential or mixed use	\$	2,850.00	\$	2,380.00	
P16	Design Permit for remodeling existing structures	\$	1,145.00	\$	1,329.00	
P16a	Design Permit Extension	\$	1,372.00	\$	1,097.00	
Variances:						
P17	Variance to code provisions for new construction to all structures	\$	1,373.00	\$	1,074.00	
P18	Variance to code provisions for remodel of existing structures	\$	343.00	\$	805.00	
	- residential structures	\$	1,373.00	\$	1,074.00	
	- other structures	\$		\$		
Sign Permits:						
P19	Sign permits in all districts	\$	100.00	\$	470.00	
	- with Hearing	\$	65.00	\$	199.00	
	- without Hearing	\$	100.00	\$	825.00	
P20	Sign Programs	\$		\$		
Planned Development Permits:						
P21	Planned Development Permit		hourly	hourly	deposit required	
Development Agreements:						
P22	Development Agreement		hourly	hourly	deposit required	
Specific Plans:						
P23	Specific Plan		hourly	hourly	deposit required	
Exceptions to the Code:						
P25a	Height limits per BMC 17.32.060.B	\$	1,145.00	\$	1,070.00	
P25b	Height limits per BMC 17.32.060.C	\$	343.00	\$	163.00	
P60	Accessibility Improvement Permits	\$	343.00	\$	622.00	
P61aPC	Setback Exception Modification - residential properties	\$	343.00	\$	484.00	
P61aZA	Setback Exception Modification - residential properties	\$	1,373.00	\$	829.00	
P61bPC	Setback Exception Modification - all other properties	\$	1,373.00	\$	645.00	
P61bZA	Setback Exception Modification - all other properties	\$		\$		
Minor Modifications:						
P26	Minor modifications per BMC 17.56.090	\$	343.00	\$	426.00	
Grading Permits:						
P27	Grading Permit Review by Planning Commission	\$	1,373.00	\$	1,208.00	
Amendments:						
P28	General Plan Map	\$	2,147.00	\$	1,370.00	
P29	General Plan Text	\$	1,845.00	\$	1,370.00	

CITY OF BRISBANE
2011/12
MASTER FEE SCHEDULE

	2009/2010 Adopted Fee		2011/2012 Proposed Fee		Basis
P30 Zoning Map	\$ 1,731.00	\$ 1,370.00			
P31 Zoning Ordinance Text	\$ 1,731.00	\$ 1,355.00			
Subdivisions:					
P32 Tentative Subdivision Map and Condominium Plans with 5 or more lots/units	\$ 3,021.00	\$ 2,370.00			Plus \$275 per lot
P34 Tentative Parcel Map and Condominium Plans with 4 or less lots/units	\$ 4,153.00	\$ 2,370.00			
P35 Final Parcel Map	See PW 11	See PW 11			
P36 Time Extension for Approved Tentative Map	\$ 1,412.00	\$ 1,137.00			
P37 Amendment to Approved Tentative Map	\$ 1,828.00	\$ 1,071.00			
P38 Correction / Amendment to Final Map	\$ 1,866.00	\$ 322.00			
P40 Modifications to Subdivision Provisions	\$ 1,676.00	\$ 1,180.00			
P41 Vesting Tentative Subdivision Map	\$ 3,021.00	\$ 4,748.00			
P42a Certificate of Compliance per GC 66499.35(a) and (b)	\$ 1,140.00	\$ 826.00			
P42b Certificate of Compliance per GC 66499.35 (c)	\$ 268.00	\$ 297.00			
P43 Lot Line Adjustment	\$ 851.00	\$ 789.00			
P44 Reversions to Acreage	\$ 851.00	\$ 719.00			
P45 Lot Merger	\$ 369.00	\$ 297.00			
Appeals:					
P46 Tie-vote at Planning Commission	\$ -	\$ -			
P47 All other appeals	\$ 1,448.00	\$ 309.00			
Environmental Review:					
P48 Categorical Exemption	\$ -	\$ -			
P49 Initial Study/Negative Declaration (fee includes those cases in which a Determination of HCP Compliance by the Planning Commission is needed, where no other Planning Permit is required.)	\$ 1,550.00	\$ 2,097.00			reimbursement for peer review may be required
Other Services:					
P50 Environmental Impact Reports	consult. cost +10%	consult. cost +10%			deposit required
P51 Mitigation Monitoring-Inspections etc.	hourly	hourly			
Pre-application Review					
P52 - single family dwelling on lot of record	\$ -	\$ -			
- all other applications	hourly	hourly			
P53 Administrative review subsequent documents from Con. of Appr.	\$ 681.00	\$ -			
P54 Parking lot redesign/landscape plan review (per BMC section 15.70.030)	\$ 643.00	\$ 472.00			

CITY OF BRISBANE
 2011/12
 MASTER FEE SCHEDULE

Planning Fees

	2009/2010 Adopted Fee		2011/2012 Proposed Fee		Basis
P55	Research record search				
P56	Technical report review	consult. cost +10%	hourly	consult. cost +10%	
P57	Zoning enforcement penalty	10x orig fee	10x orig fee	10x orig fee	
P59	Archiving of records	20.00	hourly	hourly	
P62a	Concept review (greater 20,000 sq. feet commercial or 10 units or more of residential)	\$ 546.00	hourly	hourly	
P62b	Concept review (less than 20,000 sq. feet or less than 10 residential units)	\$ 218.00	hourly	hourly	
P63	Telecommunications Administrative Permit	\$ 851.00		\$ 867.00	

RESOLUTION 2011-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE ESTABLISHING COST RECOVERY PERCENTAGES FOR THE PLANNING DEPARTMENT.

WHEREAS, Section 3.32.010 of the Brisbane Municipal Code requires the City Council to establish, by resolution, a percentage of cost recovery for user fees and service charges collected by the City; and

WHEREAS, Section 3.32.20 of the Brisbane Municipal Code states that the percentage of cost recovery for any user fee or service charge may be amended at any time by resolution of the City Council; and

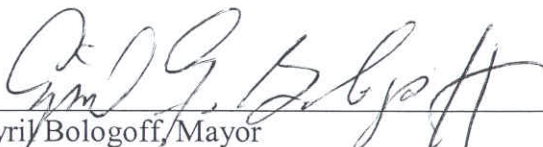
WHEREAS, the City has performed a comprehensive user fee study to determine the cost of providing Planning services for the users of such services, as distinguished from the general municipal services provided to the public at large; and

WHEREAS, the City Council finds that:

- (a) The proposed user fees and service charges set forth on the Planning Master Fee Schedule do not exceed the actual cost of providing the services to which they relate, as determined by the user fee study; and
- (b) The user fees and service charges contained in the proposed Planning Master Fee Schedule are consistent with the corresponding percentages of cost recovery set forth in Exhibit "A",

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brisbane as follows:

The percentages of cost recovery set forth in Exhibit "A" are hereby approved and adopted. Any user fee or service charge which is not specifically listed in Exhibit "A" shall be deemed to have a percentage of cost recovery equal to 100%, unless otherwise established by further resolution of the City Council.


Cyril Bologoff, Mayor

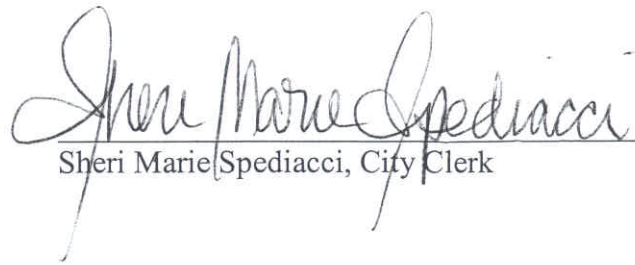
I hereby certify that the foregoing Resolution No. 2011-21 was duly and regularly adopted at the regular meeting of the Brisbane City Council on June 13, 2011 by the following vote:

AYES: Councilmember Lentz, Conway, Richardson, Waldo, and Mayor Bologoff

NOES: None

ABSTAIN: None

ABSENT: None

A handwritten signature in cursive script that reads "Sheri Marie Spediacci". The signature is written in black ink and is positioned above a horizontal line.

Sheri Marie Spediacci, City Clerk

Exhibit "A" - Current vs. Proposed Planning Department Cost Recovery Rates		% Costs Recovered (Current)	% Costs Recovered (Proposed)
P2	Secondary dwelling units	102%	100%
P4	Exceptions to Fence Regulations - All other uses	100%	100%
P10	Public utilities in all districts	217%	100%
P13	Non conforming parking - in other districts	112%	100%
P12	Condominiums, cooperatives, new construction and conversion	162%	100%
P15a	Design permit for new construction: residential	149%	100%
P15b	Design permit for new construction: non-residential or mixed use	111%	100%
P16	Design permit for remodeling existing structures	80%	100%
P16a	Design permit extension	116%	100%
P17	Variance to code provisions for new construction to all structures	119%	100%
P14	Home occupation in residential districts	312%	100%
P18	Variance to code provisions for remodel of existing structures - non-res.	119%	100%
P21	Planned development permit	100%	100%
P22	Development agreement	100%	100%
P23	Specific plan	100%	100%
P25	Height limits per BMC 17.32.060	100%	100%
P61bPC	Setback exception modification - all other properties	153%	100%
P61bZA	Setback exception modification - all other properties	196%	100%
P27	Grading permit review by Planning Commission	106%	100%
P28	General Plan Map	146%	100%
P29	General Plan text	125%	100%
P30	Zoning Map	146%	100%
P31	Zoning Ordinance text	119%	100%
P32	Tentative Subdivision Map and condominium plans w/ 5 or more lots/units	103%	100%
P34	Tentative Parcel Map and condominium plans w/ 4 or less lots/units	141%	100%
P36	Time extension for Approved Tentative Map	116%	100%
P37	Amendment to Approved Tentative Map	159%	100%
P38	Correction/Amendment to Final Map	576%	100%
P40	Modifications to Subdivision Provisions	132%	100%
P41	Vesting Tentative Subdivision Map	60%	100%
P42a	Certificate of Compliance per GC 66499.35 (a) and (b)	129%	100%
P42b	Certificate of Compliance per GC 66499.35 (c)	83%	100%
P43	Lot line adjustment	101%	100%
P44	Reversions to acreage	111%	100%
P45	Lot merger	115%	100%
P49	Initial Study/Negative Declaration	69%	100%
P50	Environmental Impact Reports	100%	100%
P51	Mitigation Monitoring-Inspections etc.	100%	100%
P52	Pre-application review - all other applications	100%	100%
P53	Administrative review subsequent documents from Conditions of Approval	100%	100%
P54	Parking lot redesign/landscape plan review (per BMC section 15.70.030)	100%	100%
P55	Research record search	100%	100%
P56	Technical report review	100%	100%
P57	Zoning enforcement penalty	100%	100%
P59	Archiving of records	100%	100%
P62a	Concept review (greater than 20,000 sq. ft. comm. or 10 units or more res.)	100%	100%
P62b	Concept review (less than 20,000 sq. ft. or 10 residential units)	100%	100%
P63	Telecommunications Administrative Permit	92%	100%
P1	Conditional uses listed in District Regulations not listed below	23%	75%
P3	Transfer of development rights within the R-BA district	22%	75%
P4	Exceptions to Fence Regulations		
	- Residential uses	25%	75%
	- Retaining walls	25%	75%
P5	Greenhouses on substandard lots	23%	75%
P6	Horses in any district	23%	75%
P7	Public buildings, schools, parks, churches:		
	- New construction	217%	75%
	- Use only	23%	75%
P8	Hospitals, etc.	217%	75%
P9	Philanthropic or charitable institutions		
	- New construction	217%	75%
	- Use only	23%	75%
P11	Temporary uses of not more than 45 days duration - all districts	22%	75%
P13	Non conforming parking		
	- In R and NCRO districts	28%	75%
P13a	Use permit to expand nonconforming residential uses	28%	75%
P18	Variance to code provisions for remodel of existing structures		
	- Residential structures	30%	75%
P19	Sign permits in all districts		
	- With hearing	15%	75%
	- Without hearing	22%	75%
P20	Sign programs	8%	75%
P61aPC	Setback exception modification - residential properties	38%	75%
P61aZA	Setback exception modification - residential properties	49%	75%
P26	Minor modifications per BMC 17.56.090	56%	75%
P60	Accessibility improvement permits	49%	25%
P47	All other appeals	108%	25%
P46	Tie-vote at Planning Commission	0%	0%
P48	Categorical exemption	0%	0%
P52	Pre-applications review		
	- single family dwelling on lot of record	0%	0%