

Memorandum

HONORABLE MAYOR AND

CITY COUNCIL

SUBJECT: 2019-2020 PROPOSED FEES AND

CHARGES REPORT

The 2019-2020 Proposed Fees and Charges Report documents the majority of the fees and charges accruing to the City's General Fund and selected fees within other funds. This report does not, however, include a number of fees assessed by the City's enterprise operations (e.g., Airport and Downtown Parking), as they are brought separately to the City Council for consideration.

The fees proposed in this document are assumed in the revenue estimates contained in the 2019-2020 Proposed Operating Budget. Cumulative departmental fees and charges for 2019-2020 are projected to generate revenue of approximately \$125.1 million, of which \$115.8 million would accrue to the General Fund. This overall collection level is \$5.6 million below the 2018-2019 Adopted Budget estimate level of \$130.7 million.

This net decrease from 2018-2019 primarily reflects lower projected collections in the Housing, Public Works, and Police Departments, partially offset by higher estimated receipts in the Fire; Parks, Recreation and Neighborhood Services; Planning, Building and Code Enforcement; and

FROM: David Sykes City Manager

May 3, 2019 DATE:

Transportation Departments. Adjustments to Development Fee Programs (Building, Fire, Planning, and Public Works) are proposed to better align the ongoing revenues and costs for these programs. Other recommended fee changes to maintain or adjust cost recovery levels, as well as to add or delete a limited number of fees, are described throughout this document.

The cost recovery rate for the proposed fees designated as Category I (should be 100% cost recovery) is 83.5%, which is a decrease from the 86.7% cost recovery level for Category I fees in 2018-2019. The overall cost recovery rate falls below 100% due primarily to lower cost recovery rates for the Parks, Recreation, and Neighborhood Services Department, and for the development-related fees in the Planning, Building and Code Enforcement and Public Works Departments. However, when the use of the development fee program reserves (primarily works-in-progress funding) is factored in as a source of revenue, development-related fees are at the 100% cost recovery level.

The body of this report contains details, by responsible department, of the proposed fees and estimated costs for the services for which the fees are assessed. In developing the 2019-2020 fee structure, staff was guided primarily by the City Council's policy direction to strive for 100% cost recovery for most fee-related programs. During the budget development process, all fee programs were reviewed to ensure that the amounts being assessed would remain competitive in the market, would not be too cost prohibitive, and would at least maintain current levels of cost recovery, with limited exceptions in this report.

Additional City Council direction was also followed, so that where appropriate, fees take into consideration approved exceptions to the City Council's full cost recovery policy, as well as applicable State laws. The departments with an overall cost recovery level below 100% typically administer fee programs that the City Council has previously directed remain at less than cost recovery, generally in order to assure public access to services. Examples include fees for public records and youth recreation programs.

Highlights of the 2019-2020 Proposed Fees and Charges Report are provided on the following pages.

DEVELOPMENT FEE PROGRAMS

Development activity in 2018-2019 has remained robust with construction valuation projected to reach \$1.4 billion, compared to \$1.7 billion in 2017-2018. Although building levels have decreased compared to the extremely high 2017-

2018 levels, activity remains strong, with building permits being issued for several large, mixed use residential/commercial projects, such as The Carlyle and Park View Towers and hotel projects like Home2Suites by Hilton and Element Hotel at Coleman Highline, along with office projects like Platform 16 and the Adobe expansion. In addition, Planning Services is anticipating continued office entitlements and residential entitlements for multi-family projects, while the Accessory Dwelling Unit (ADU) code changes approved by Council in June 2018 have resulted in increases in ADU new construction in 2018-2019.

In December 2016, City Council accepted the City of San José Development Services Cost Recovery Analysis, Process Improvements, Calculation of Unearned Revenues, and Refund Processing Report (Report) and directed the evaluate bring administration to and recommendations through the 2017-2018 and 2018-2019 budget processes and other subsequent Council actions to implement, to the extent possible, the recommendations in the report. While a majority of the fee changes have already been implemented, the 2019-2020 Proposed Fees and Charges Report includes a limited number of additional changes, predominantly in the Public Works Development Fee Program.

<u>Planning, Building and Code Enforcement Department</u> (Development Fees)

For 2019-2020, the phased implementation of the fee models for the Building and Planning Development Fee Programs has

DEVELOPMENT FEE PROGRAMS

<u>Planning, Building and Code Enforcement Department</u> (Development Fees) (Cont'd)

been completed. Those changes included fee model updates and simplifications like shifting Building residential fees from units to square footage. It is estimated that the 2019-2020 Planning and Building development-related fee programs will collect revenues of \$41.9 million, reflecting a cost recovery rate of approximately 85.1%. To maintain a cost recovery rate of 100%, the use of the Development Fee Program Reserves in the Planning and Building Development Fee Programs is recommended.

The individual Planning and Building Fee Program actions are described in the following sections of this document and summarized below.

Building Development Fee Program – The Building Development Fee Program is projected to be at 83.3% cost recovery in 2019-2020 with a projected revenue estimate of \$33.8 million. The use of \$6.8 million from the Building Development Fee Program Reserve is recommended to balance this fee program (estimated remaining reserve of \$14.7 million is primarily for works-in-progress projects). With these actions, the Building Development Fee Program is expected to remain at 100% cost recovery.

Several budget actions are recommended in the 2019-2020 Proposed Budget, including the Integrated Permitting System (IPS) upgrade, which includes limit-dated positions through June 30, 2020 and non-personal/equipment funding for consultant services, computer upgrades, additional Building Development Fee staff to support development activity and improve service levels, technology support staffing for ongoing Development Services Partners support for existing systems, and staffing reallocations to align funding for positions with the work they will be performing. Additionally, for 2019-2020, the Building Division is proposing to increase each of its three hourly rates by 4% to account for increasing costs.

Planning Development Fee Program – The Planning Development Fee Program administers a variety of fees and charges that are related to the processing of development permit applications. During 2018-2019, Planning has experienced a level of applications and activity in the Permit Center comparable to the high levels in 2014-2015. This activity is anticipated to be sustained in 2019-2020.

The Planning Development Fee Program is projected to be at 93.3% cost recovery in 2019-2020 with a projected revenue estimate of \$8.1 million. The cost of the 2019-2020 budget proposals are covered by revenue from proposed fee increases (\$316,000) and the use of additional reserves (\$577,000). After accounting for these adjustments, a remaining Planning Development Fee Program Reserve of \$508,000 at the beginning of 2019-2020 is estimated, primarily for works-in-progress projects.

DEVELOPMENT FEE PROGRAMS

<u>Planning, Building and Code Enforcement Department</u> (Development Fees) (Cont'd)

The 2019-2020 Proposed Operating Budget includes proposals totaling \$822,000 for IPS staffing, staffing reallocations to align funding for positions with the work they will be performing in the Planning Fee Program, the addition of Planning Development Fee staff to support the anticipated workload, administration support for the department's procurement requirements, technology support staffing for ongoing Development Services Partners support for existing systems, and operating systems license costs. The Planning Division is also proposing to increase fees to the Planning Hourly Rate (from \$280 per hour to \$291 per hour) to account for increasing costs, resulting in a fee increase to all Planning Development Fees of approximately 4%. The recommended fee changes are anticipated to generate additional fee revenue of \$1.3 million in Building and \$316,000 in Planning.

Fire Department (Development Fees)

The Fire Development Fee Program provides fire safety plan reviews and conducts inspections for construction projects submitted to the Planning, Building and Code Enforcement Department. The Development Fee Program activities also include issuance of fire system permits (sprinklers, fixed extinguishing systems, and fire alarm systems).

The 2019-2020 Base Budget revenue estimate assumes a steady level of building activity. The 2018-2019 projected revenues are tracking to meet the \$8.1 million revenue estimate. The projected revenues along with the use of a portion of the Fire Development Fee Program Reserve are sufficient to support the base program costs in 2018-2019. In the 2020-2024 Five-Year Forecast, it was assumed that the use of \$749,000 of the reserve would be necessary to balance this fee program in 2018-2019. In addition, expenditure budget actions totaling \$1.4 million are recommended in the 2019-2020 Proposed Budget, including the net addition of 3.41 positions to continue the implementation of the Integrated Permitting System and to improve operation organization and performance. To offset a portion of the additional cost, an overall rate increase of 4% is recommended and would generate an additional \$310,000. In total \$1.85 million of the Fire Development Fee Program Reserve will be used to balance this fee program and remain 100% cost recovery in 2019-2020. After accounting for these adjustments the 2019-2020 Fire Development Fee Program Reserve is anticipated to total \$5.4 million, which will be primarily needed for works-in progress projects.

Public Works Department (Development Fees)

The Public Works Department has two fee programs, the Development Fee Program and Utility Fee Program. The Development Fee Program is responsible for the collection of

DEVELOPMENT FEE PROGRAMS

Public Works Department (Development Fees) (Cont'd)

various fees associated with private development-related activities, such as planning application review, plan review and inspection of public improvements, review of subdivision maps, grading permits, and revocable encroachment permits. The Utility Fee Program issues utility excavation permits and encroachment permits to utility companies and other agencies.

Public Works development activity has recently been declining. As a result, Public Works Development fees are expected to generate \$7.6 million in 2019-2020, which is \$1.3 million below the 2018-2019 estimate. The 2019-2020 projected revenues, along with the use of a portion of the Public Works Fee Program Reserve (\$2.4 million) are sufficient to support the Development Fee Program, which operates on a 100% cost recovery basis.

The Utility Fee Program, which also operates on a 100% cost recovery basis, is expected to generate \$4.4 million in 2019-2020, which is \$400,000 above the original 2018-2019 estimated collection level of \$4.0 million. The 2019-2020 projected revenues, are sufficient to support the Utility Fee Program.

The addition of 2.0 positions is recommended to the Small Cell Program to support the delivery of the small cell permitting work. This cost is fully offset by increased revenue in 2019-2020.

Transportation Department (Development Fees)

Development fees administered by the Transportation Department are expected to generate approximately \$827,000 in 2019-2020. The Transportation Department is responsible for the collection of fees for various development-related activities such as: Development Review and Traffic Analysis, General Plan Amendment (GPA) Model Analysis, Tree Planting and Young Tree Trimming, New Subdivision Traffic Control Signs and Pavement Markings, Sale of Street Name Signs, and Signal Design/Review.

Fee adjustments for Development Plan reviews, Traffic Analysis Workscope reviews, and Improvement Plan reviews reflect increases to staff time required to deliver these services. The scope of review required has expanded to ensure conformity with the City's transportation policies including the Vehicle Miles Traveled traffic mitigation requirements that became effective in March 2018. Increases to development fees largely align with updated compensation, indirect and other costs, including supplies, materials, and equipment. Additionally, the 2019-2020 Proposed Operating Budget includes development fee proposals to make permanent a 0.5 Engineer II position to review new development proposals for traffic safety impacts and to add an Engineer II position, limit-dated to June 30, 2020, to review transportation infrastructure associated with development proposals.

City Clerk

The Office of the City Clerk is responsible for making all official City Council records and documents accessible to the public and conducting elections for the Mayor, City Council, and ballot measures. The Office also conducts special research and provides other services to the public, including notary, duplication, sale of publications and document copying, and Lobbyist Registration.

In 2019-2020, several fee changes are proposed to align fees with projected costs. These include upward and downward revisions based on an analysis of the amount of time necessary to provide the service, and updated costs. In this report, the Clerk's Office has an estimated \$25,000 in fees for 2019-2020, reflecting a 100% cost recovery rate.

Office of Economic Development

The Office of Economic Development (OED) is responsible for administering the City's Foreign Trade Alternative Site Framework (ASF) Zone, including processing applications, boundary modifications, and contract negotiations and extensions. OED is also responsible for the collection of fees related to Office of Cultural Affairs (OCA) activities, including wayfinding banners and various event and use permit fees to spur Downtown vibrancy and cultural development.

On June 19, 2018, the City Council approved an additional extension to the fee suspension of the Gated Event on Public Property Fee through June 30, 2020. The Gated Event on Public Property Fee was originally suspended by City Council on April 6, 2010 as a strategy to reduce charges to outdoor special event producers and promote outdoor special events that generate economic impact and cultural vibrancy for the City. The 5% gate fee revenue traditionally augments the Transient Occupancy Tax (TOT) based grant funds awarded through the Festival, Parade and Celebration (FPC) Grant Program administered by the OCA. The extension of this suspension will continue to reduce the amount of available funds in the FPC Grant Program. However, as a result of the suspension, signature San José events such as the San Jose Jazz Summer Fest, San Jose Juneteenth in the Park Festival, San Jose Pride, and Fountain Blues Festival were able to increase their revenue generation, which was critical to the continued success of these events.

Environmental Services Department

The Environmental Services Department administers two fee programs as part of the Integrated Waste Management Program: Source Reduction and Recycling Fees and Franchise Application Fees.

The exclusive franchise with Republic Services replaced the non-exclusive franchise system for most types of commercial garbage hauling, effective July 1, 2012. This fee is recommended to remain \$2.7 million in 2019-2020. Republic

Environmental Services Department (Cont'd.)

Services will retain \$300,000 for waste processing costs per the franchise agreement. The fee is included in the commercial service rates, the report for which is anticipated to be heard by the City Council on May 21, 2019.

The Waste Diversion Compliance Review Fee reflects the time and resources required to process the program's applications, and is recommended to remain \$110 per hour of review, to recover the costs associated with the personnel review service. The Franchise Application Fee is recommended to increase to from \$571 to \$611 per application for 2019-2020, to recover the costs associated with the personnel application review and processing services.

On December 11, 2018, the City Council adopted the Energy and Water Building Performance Ordinance. A fee intended to recoup costs associated with processing report submissions associated with this ordinance is proposed for 2019-2020, and will be established at \$150.00. This Report Submission Fee will be collected by the Finance Department and will be adjusted on an annual basis dependent upon the costs of the program.

Finance Department

The Finance Department is responsible for collecting, accounting, and monitoring the license and permit fees for

Christmas tree and pumpkin patch lots, circuses, carnivals, parades, and a number of miscellaneous fees. The Department is also responsible for collecting late charges related to the Integrated Waste Management (IWM).

For 2019-2020, adjustments to various fees are recommended based on projected activity levels and estimated staffing costs to deliver the fee-supported activities. These cost-recovery fees are projected to generate approximately \$170,000 in the General Fund.

Integrated Waste Management Late charges are projected to generate approximately \$477,000 in the Integrated Waste Management Fund. Estimated revenue from Solid Waste Delinquency fees, primarily associated with multi-family customers, decreased from the 2018-2019 Adopted Fees and Charges estimate of \$842,000 due to a combination of lower estimated late payment fees and lower administrative fee activity.

Additionally, the Neglected Vacant House (NVH) Lien Fee, which was first authorized in 2015-2016 but subsequently removed due to inactivity, is recommended to be reinstated. NVH lien fees have not been assessed since inception; however, the Planning, Building, and Code Enforcement department approved the future processing the Neglected Vacant House lien program in late 2018-2019.

Fire Department (Non-Development Fees)

In 2019-2020 Fire Department's Non-Development Fee Program base revenue estimate of \$5.3 million assumes a 1% increase from the 2018-2019 activity levels and are in line with the 2019-2020 base costs of \$5.3 million. Additional resources are recommended in this program in 2019-2020 to improve permitted occupancies re-inspection cycle times performance and the realignment of resources supporting this program. Additional revenue from a proposed 6.5% rate increase is also recommended to partially offset the additional costs bringing the program to 95.4% cost recovery.

Housing Department

The Housing Department administers the Rent Stabilization Program, and is responsible for the collection of Inclusionary Fees, Affordable Housing Impact Fee Program, Homebuyer Subordination Fees, and Multi-Family Fees.

The Rent Stabilization Program experienced many changes in 2016-2017 and 2017-2018 expanding the rights, protections, and services for the City's residents. The program includes the Apartment Rent Ordinance, Tenant Protection Ordinance, the Mobilehome Ordinance, and the Ellis Act. The recommended changes increase the 2019-2020 fee level for rent controlled apartments from of \$77.30 per unit to \$85.04 per unit in 2018-2019. The recommended fee adjustments for non-rent controlled apartment units will increase the fee from \$6.20 to

\$8.76 to maintain cost recovery. The mobilehome unit fees are recommended to decrease from \$25.70 to \$24.24 as a result of reallocating resources to support the other Rent Stabilization Programs.

The Affordable Housing Impact Fee, was established at \$17 per square foot for rental-market developments. This fee has incrementally increased in accordance with the methodology outlined in the Inclusionary Ordinance. The fee is proposed to increase from \$17.83 to \$18.26 per square foot in 2019-2020.

The Inclusionary Housing Ordinance requires the City to establish an in lieu fee on an annual basis. In accordance with the methodology outlined in the Ordinance, the Housing Department has calculated the proposed in-lieu fee for 2019-2020 at \$192,946 per each for-sale Inclusionary Housing unit. Also, Council approved in December 19, 2017 a transition for for-rent developments 20 units or over from the Affordable Impact Fee Program to the Inclusionary Housing Ordinance. For 2019-2020, staff recommends maintaining the assessment for the for-rent developments at \$125,000 per unit. Further discussion on this can be found in the Housing Department's schedule of fees and charges.

Recommended changes to existing fees pertaining to the management of the City's Multi-Family Affordable Housing Loan Portfolio will align the fees with the cost of delivering the services.

Library Department

The Library Department levies fines for overdue, lost, and damaged materials, and collects fees for various services such as community room rentals and providing materials through other library systems.

As directed in the Mayor's June Budget Message for Fiscal Year 2018-2019 and approved by the City Council, the 2018-2019 budget eliminated late fines on youth materials on a onetime basis. The 2019-2020 Proposed Budget recommends continuing the fee elimination for an additional year (through June 30, 2020). As a result of the fee elimination, the library late fines revenue is anticipated to decrease from \$518,000 to \$250,000. The community Room Rental fee is recommended to increase from \$37 to \$40 per use up to four hours and from \$70 to \$80 per use over four hours in order to remain 100% cost recovery. With ongoing programs to reduce barriers to access, fine revenues have dropped significantly since 2016-2017 when fines were revised and Volunteer Away Your Fines (VAYF) and Read Away Your Fines (RAYF) programs were implemented. The department will continue to assess the ongoing impact of programs to reduce barriers to access.

Parks, Recreation and Neighborhood Services Department

The Parks, Recreation and Neighborhood Services Department (PRNS) collects a variety of fees and charges related to sports, sports fields and facilities, recreational lessons and facilities, and admission charges for Happy Hollow Park & Zoo (HHPZ).

The Pricing and Revenue Policy that was first approved and implemented in 2009-2010 allows the City Manager, or his or her designee, to set PRNS user fees and pricing strategies in accordance with annual City Council-approved cost recovery percentage goals; thereby increasing PRNS' ability to achieve cost recovery goals, ensure affordable access, and preserve existing services by decreasing PRNS' dependence on the General Fund.

As part of the 2019-2020 Proposed Operating Budget, every revenue category was thoroughly examined and adjusted based on anticipated fee increases or proposed service augmentations, as necessary. As a result, the General Fund revenue estimate for 2019-2020 (\$23.0 million) reflects a 63.9% cost recovery rate and is 4.3 percentage points lower than the 2018-2019 rate of 68.2%. The lower cost recovery rate is due primarily to the partial year activation of Arcadia Ballpark. As this facility ramps up, the cost recovery rate is expected to improve. For 2019-2020, PRNS continues to balance cost recovery goals, the need to ensure access for residents, and sustainment of competitive pricing. The PRNS Department's continued concerted efforts to market programs are contributing to the overall increased activity levels.

<u>Planning, Building and Code Enforcement Department</u> (Non-Development Fees)

The Code Enforcement Division of the Planning, Building and Code Enforcement Department collects fees for multiple housing permits, solid waste enforcement, neglected/vacant building registration, landfill closure and post closure activities, auto body repair shop permits, auto dismantler permits, abandoned shopping cart program, and off-sale alcohol enforcement. The Code Enforcement Fee Category I Fees are projected to be 99.1% cost recovery in 2019-2020 with a revenue estimate of \$9.8 million. In 2019-2020 fee increases are recommended in the Code Enforcement Fee Program to maintain full cost recovery per City Council policy.

Police Department

In this fee program, fees are collected from the public and from other police agencies for services such as fingerprinting, computer searches, copying of public records, and releasing impounded vehicles. Certain businesses and activities are subject to regulation, and fees are charged to offset the costs for processing permits and licenses that accompany the regulatory process and to partially offset costs for related investigative work.

The 2019-2020 fees and charges revenue totals \$5.9 million, or 92.3% cost recovery rate. This fee level is down from 2018-

2019 fee revenue of \$6.9 million, and a 93.2% cost recovery rate. The drop in revenue primarily reflects lower receipts for Vehicle Impound Fees that were adjusted downwards as part of the 2018-2019 Mid-Year Budget Review based on a reevaluation of the time to process these permits as well as lower Cardroom Fee revenues based on updated cost information.

Upward and downward fee adjustments are recommended to align the fee revenues with the costs. The 2019-2020 Proposed Fees and Charges also includes the addition of a Massage Business Permit Renew Fee for \$896.00 per renewal. The new fee will recover the cost associated with accepting, completing, and investigating the information provided in the application; for conducting a thorough criminal background investigation of the business, owners, managers, and employees; a business premise inspection; and the issuance of the Massage Business Permit. Also included is the addition of the Massage Business Reinspection Fee for \$271.00 per reinspection. The Fee will recover the cost associated for the preparation and filing of in-office inspection paperwork, and the re-inspection of a massage business premise when the business has failed its initial site inspection.

Public Works Department (Non-Development Fees)

The Public Works Department is responsible for the collection of City Hall Use Fees, which include the Rotunda and mezzanine, outdoor plaza, and committee meeting rooms. In 2019-2020 City Hall Use Fees are anticipated to generate \$253,000, which represents a cost recovery rate of 32.3%.

<u>Public Works Department (Non-Development Fees)</u> (Cont'd.)

In addition, the Department collects Animal Care and Service (ACS) fees related to animal permits, licenses, adoptions, and other animal shelter services. Category I ACS Fees include Animal Event Permit Fees, Animal Permit Fees, Inspection Fees, and Permit Application Fees. In 2019-2020 the Category I fees are anticipated to generate \$61,904, which represents an 95.8% cost recovery rate. Category II ACS Fees, which include Adoption Fees, Board and Impound Fees, Disposal/Euthanasia Fees, License Fees, Other Charges, Owner Surrender Fees, Quarantine Fees, and Spray/Neuter Clinic Fees, are estimated at \$2.3 million in 2019-2020, which reflects a cost recovery rate of 24.3%.

Transportation Department (Non-Development Fees)

The non-development fees administered by the Transportation Department are expected to generate approximately \$1.8 million in 2019-2020. Proposed increases to non-development fees align with updated compensation, indirect and other costs, including supplies, materials, and equipment. Non-development, Category I fees are largely expected to keep pace with projected costs, maintaining full cost recovery. Category II fees - Parking Citation Administration Fee, Sidewalk Repair Program fees, Tree Service Administrative Fee, and the Clean Air Vehicle Permit Fee - are expected to generate \$437,000, representing a projected recovery rate of

49.0%. More detail on these fees is provided in the Transportation Department section of this document.

OTHER FEE REVISIONS

As mentioned earlier, there are a number of fees that are not included in this document as they are brought forward separately to the City Council.

As described in the 2019-2020 Proposed Operating Budget, a 5% increase to Recycle Plus rates is programmed for both single-family and multi-family dwellings. The Proposed Budget assumes a 6.7% revenue increase to the Water Utility Fund to offset increased costs.

The Sewer Service and Use Charge rate is also programmed to increase 3.0% to allow for the continued rehabilitation and replacement of critical infrastructure and equipment at the Water Pollution Control Plant (Plant) and the sanitary sewer collection system. No increases to the Storm Sewer Service Charge rates are scheduled for 2019-2020; however, rates will be reassessed annually and any necessary increases will be brought forward for City Council consideration as part of the annual budget process.

SUMMARY

Proposed fees and fee revisions are presented in the following summaries and detailed in the departmental sections that form the body of this Report. The revenues that will result from the proposed fee adjustments are reflected in the 2019-2020 Proposed Operating Budget.

Notification to the public and interested parties of the proposed fee program changes was provided through various means, including meetings with interested stakeholders, and through distribution of this document to the City Clerk's Office. Specific notification efforts are described in each of the Departmental Impact Analysis Reports contained in this document.

The Proposed Fees and Charges Report was released on May 3, 2019, allowing for a minimum of 10 days for public review. Public input on fee proposals will be heard by the City Council at public hearings held on Tuesday, May 14, 2019, at 1:30 p.m. and Monday, June 10, 2019, at 6:00 p.m. in the Council Chambers.

David Sykes City Manager