

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Sustainable Streets

**BRIEF DESCRIPTION:**

Amending Division II of the Transportation Code Section 312 to eliminate the Lost Parking Meter Revenue fee; establish a parking meter use fee of \$5.00 per day per metered space for non-construction related activities that do not require either a Temporary Exclusive Use Parking Permit or a Temporary Use or Occupancy of a Public Street permit; and increase the Temporary Exclusive Use Parking Meter Permit fee for construction-related activities from \$4.00 per 25 linear feet of construction frontage to \$5.00 per 25 linear feet of construction frontage per day.

**SUMMARY:**

- The SFMTA Board of Directors established a Lost Parking Meter Revenue fee for the temporary use of parking meters for construction, special events, or other activities.
- When SFMTA began implementing the Los Parking Meter Revenue fee in FY 2011, concerns and questions were raised by the public and affected parties about the increased fee levels and what new activities they would apply to.
- The SFMTA Board Policy and Governance Committee approved staff recommendation to replace the Lost Parking Meter Use fees with a \$5 per meter space parking meter use fee that will not apply to Temporary Use or Occupancy of a Public Street permits. A \$5.00 per metered space fee will also apply to Temporary Exclusive Use Parking Permits for construction related activities.

**ENCLOSURES:**

1. SFMTAB Resolution
2. Transportation Code II modifications

**APPROVALS:**

**DATE**

DIRECTOR OF DIVISION  
PREPARING ITEM \_\_\_\_\_

FINANCE \_\_\_\_\_

EXECUTIVE DIRECTOR/CEO \_\_\_\_\_

SECRETARY \_\_\_\_\_

ADOPTED RESOLUTION  
BE RETURNED TO: Ricardo Olea

**ASSIGNED SFMTAB CALENDAR DATE:** \_\_\_\_\_

## **PAGE 2.**

### **PURPOSE**

Amending Division II of the Transportation Code to eliminate the Lost Parking Meter Revenue fee, establish a Parking Meter Use Fee for certain non-construction-related activities, and increase the Temporary Exclusive Use Parking Meter Permit fee for construction related activities.

### **GOAL**

Approval of the resolution will support Goal 4 of the SFMTA's Strategic Plan, Financial Capacity: To ensure financial stability and effective resource utilization.

### **DESCRIPTION**

On April 20, 2010, as part of approval of the SFMTA Budget, the SFMTA Board of Directors established a Lost Parking Meter Revenue fee for the temporary use of parking meters for construction, special events, or other activities throughout the City. A for-profit organization fee was set at \$9.00 per day per meter and a non-profit organization fee was set at \$5.00 per day per meter effective July 1, 2010. The for-profit organization fee was scheduled to increase to \$15.00 per day per meter effective July 1, 2011 and \$22.50 per day per meter effective July 1, 2012.

When staff began implementing these fee increases in FY 2011, concerns and questions were raised by the affected parties about increased fee level in the Lost Parking Meter Revenue Fee and what activities they would apply to. The SFMTA Board Policy and Governance Committee, at its February 8, 2011 meeting, discussed this matter and approved staff recommendations to create a lower parking meter use fee of \$5.00 per space and not apply the fee to uses like street fairs, athletic events, and film shoots. To accomplish this, the previous Lost Parking Meter Use fees will be replaced by a \$5 per meter space parking meter use fee that will not apply to Temporary Use or Occupancy of a Public Street permits.

SFMTA performed an analysis of parking meter revenues for FY 2009/10 which indicated the weighted average daily revenue per parking meter in San Francisco is \$4.82, justifying the increase to \$5.00 per metered parking space per day from the present \$4.00 fee.

The proposed amendments to Transportation Code Division II Section 312 will eliminate the current Lost Parking Meter Revenue fee and establish a parking meter use fee of \$5.00 per day per meter for non-construction related activities that do not require either a Temporary Exclusive Use Parking Permit or a Temporary Use or Occupancy of a Public Street permit. This will cover limited instances when the SFMTA charges for the use of a parking meter for non-construction activities. Individual sponsors occasionally request exclusive access to metered parking spaces to accommodate the needs of off-street events. Exclusive use of the metered spaces is requested to accommodate temporary loading zones and receiving areas for activities such as cultural events, grand openings and promotions. Parking meter recovery fees are assessed on a per meter basis for regularly scheduled repeating weekday events that use these spaces. Examples include bus

## **PAGE 3.**

parking associated with San Francisco Symphony performances and temporary zones established for farmers markets and film festivals.

San Francisco Transportation Code sections 904 and Table 902(d) authorize the SFMTA to recover a \$4 fee per 25 linear feet (approximately one parking space) for construction-related activities that take a parking metered space out of service. The fee is collected by the Department of Building Inspection (DBI) and the Department of Public Works (DPW) on the SFMTA's behalf as part of street space permitting processes. This SFMTA fee is in addition to other fees the City charges for construction work on public right-of-way. The fees are also assessed when the SFMTA Sustainable Streets Division issues a Special Traffic Permit, which can be issued when a contractor requires more street space than can be granted by DPW.

In addition to the amendments to Section 312 described above, SFMTA recommends amending Division II of the Transportation Code Section 902 Temporary Exclusive Use Parking Meter Permit to increase the fee for construction-related activities from \$4.00 per 25 linear feet of construction frontage to \$5.00 per 25 linear feet of construction frontage per day. The SFMTA Board Policy and Governance Committee, at its February 8, 2011 meeting, agreed with these recommendations. Staff also discussed these changes with the Residential Builders Association of San Francisco.

## **ALTERNATIVES CONSIDERED**

SFMTA reviewed expanding parking meter recovery fee assessment to a range of street use activities that may render meters inaccessible to parking, including:

- Temporary Street Closures for block parties, street fairs and athletic events
- Film and Commercial Shoots
- Utility Construction and Maintenance
- City Project construction

Staff is recommending not to expanding fee assessment for these activities at this time.

## **FUNDING IMPACT**

In the fiscal year ending on June 30, 2010, a total of \$308,412 in Temporary Exclusive Use of Parking Meter fees were collected from 965 separate building sites. At this permit issuance rate, the new rate would generate \$385,515 a year. Projected revenue increase from raising fee from \$4.00 to \$5.00 (25 percent increase) is therefore about \$77,000 a year.

The previously approved Lost Parking Meter Use Fee was to be increased to \$15.00 for for-profit organizations beginning on July 1, 2011. At the present permit issuance rate for construction-related activities, that fee rate would have generated \$925,236 in revenues a year. Projected revenue losses from implementing the \$5.00 fee is about \$539,721 for FY11.

In addition, the Lost Parking Meter Use Fee for for-profit organizations was scheduled to be

**PAGE 4.**

increased to \$22.50 on July 1, 2012. At the present permit issuance rate for construction-related activities, that fee rate would have generated \$1,387,854 a year. Projected revenue loss from implementing the \$5.00 fee is therefore about \$1,002,339 for FY12.

**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

The City Attorney's Office has reviewed the proposed legislative modifications and the calendar item.

**Environmental Clearance**

Increases to fares, fees, rates, fines, and charges are subject to environmental review under the California Environmental Quality Act (CEQA). It is anticipated that City Planning will determine that the changes to the parking meter use fee and Temporary Exclusive Use Parking Meter Permit fee are statutorily exempt from environmental review under California Public Resources Code section 21080(b)(8) and CEQA implementing guidelines, Title 14 of the California Code of Regulations section 15273. Said determination is on file with the Secretary for the SFMTA Board of Directors.

**Public Notice**

Charter Section 16.112 requires published notice and a public hearing before the SFMTA may institute or change any fee, schedule of rates, charge or fare which affects the public. Section 10 of the SFMTA Board's Rules of Order requires that the advertisement run for at least five days and not less than fifteen days prior to the public hearing regarding any increase to any rate, charge, fare, fee, or fine. In compliance with this requirement, an advertisement ran regarding the proposed increase to the parking meter use fee in the San Francisco Chronicle for a five-day period beginning on March 8, 2011.

**RECOMMENDATION**

Staff recommends that the SFMTA Board of Directors approve the proposed amendments to Transportation Code, Division II.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. \_\_\_\_\_

WHEREAS, On April 20, 2010, as part of approval of the SFMTA Budget, the SFMTA Board of Directors established a Lost Parking Meter Revenue fee for temporary use of parking meters for construction, special events, or other activities throughout the City; and,

WHEREAS, A for-profit organization fee was set at \$9.00 per day per meter and a non-profit organization fee was set at \$5.00 per day per meter effective July 1, 2010; and,

WHEREAS, The for-profit organization fee was scheduled to increase to \$15.00 per day per meter effective July 1, 2011 and \$22.50 per day per meter effective July 1, 2012.

WHEREAS, When SFMTA began implementing these fee increases in FY 2011, concerns and questions were raised by the public and affected parties about the increased fee levels and what activities they would apply to; and,

WHEREAS, The SFMTA conducted a revenue analysis for FY2009/10 that indicated that the average parking meter collects an estimated \$4.82 per day in payments; and,

WHEREAS, The SFMTA Board Policy and Governance Committee, at its February 8, 2011 meeting, discussed this matter and approved staff recommendations to replace the Lost Parking Meter Revenue fee with a lower parking meter use fee of \$5.00 per space and not apply the fee to street fairs, athletic events, and film shoots; and,

WHEREAS, The SFMTA Board Policy and Governance Committee, at its February 8, 2011 meeting, approved staff recommendations to increase the construction-related Temporary Exclusive Use of Parking Meters fee to \$5.00 per 25 linear feet per day from the present level of \$4.00; and,

WHEREAS, The Planning Department has determined that changes to the parking meter use fee and the Temporary Exclusive Use Parking Meter Permit fee are statutorily exempt from environmental review under California Public Resources Code section 21080(b)(8) and CEQA implementing guidelines, Title 14 of the California Code of Regulations section 15273; and,

WHEREAS, Said CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by this reference; and,

WHEREAS, San Francisco City Charter Section 16.112 and Section 10 of the SFMTA Rules of Order require that published notice be given and a public hearing be held before any fee or any schedule of rates, charges or fares which affects the public is instituted or changed; and,

WHEREAS, The SFMTA has published notice to inform the public of the increases to Parking Meter Use Fee and Temporary Exclusive Use Parking Meter Permit pursuant to Section

10 of the SFMTA Rules of Order and Charter Section 16.112 for a five-day period beginning on March 8, 2011; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends Division II of the Transportation Code to eliminate the Lost Parking Meter Revenue fee; establish a parking meter use fee of \$5.00 per day per meter for non-construction related activities that do not require either a Temporary Exclusive Use Parking Permit or a Temporary Use or Occupancy of a Public Street permit; and increase the Temporary Exclusive Use Parking Meter Permit fee for construction related activities from \$4.00 per linear feet of construction frontage to \$5.00 per linear feet of construction frontage per day.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of \_\_\_\_\_.

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

FILE NO.

RESOLUTION NO.

[Transportation Code – Parking Meter Use Fees]

**Resolution amending San Francisco Transportation Code, Division II, by amending Sections 312 and 902 to eliminate the Lost Parking Meter Revenue fee applicable to construction, special events or other activities; establish a parking meter use fee for non-construction related activities that do not require either a Temporary Exclusive Use Parking Meter Permit issued pursuant to Section 904 of this Code, or any Temporary Use or Occupancy of Public Streets permit issued pursuant to Article 6 of this Code; and increase the Temporary Exclusive Use Parking Meter Permit fee for construction related activities.**

NOTE: Additions are single-underline Times New Roman;  
deletions are ~~strike-through Times New Roman~~.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Articles 300 and 900 of Division II of the Transportation Code is hereby amended by amending Sections 312 and 904, to read as follows:

**SEC 312. – ~~LOST PARKING METER REVENUE USE FEE.~~**

A fee charged for rendering Parking meters inaccessible to parking due to ~~construction, special events, or other activities that prevent parking at such meters~~ are non-construction related and do not require either a Temporary Exclusive Use Parking Meter Permit issued pursuant to Section 904 of this Code, or a Temporary Use or Occupancy of Public Streets permit issued pursuant to Article 6 of this Code. The ~~for-profit organization fee shall be \$9.00 per day per meter effective July 1, 2010, \$15.00 per day per meter effective July 1, 2011 and \$22.50 per day per meter effective July 1, 2012.~~

~~The non-profit organization fee shall be \$5.00 per day per metered Parking space effective July 1, 2010.~~

**SEC. 902. - GENERAL PERMIT CONDITIONS.**

The following general provisions apply to all permits issued under this Article.

(a) Application and Renewal. Permit applications must be submitted on a form supplied by the SFMTA. All required application fees must be paid and all permit requirements satisfied before a permit may be issued. The SFMTA may require any information of the applicant which it deems necessary to carry out the purposes of this Article. Permits may be renewed annually in compliance with any renewal procedures established by the SFMTA.

(b) Display of Permit. Permittees must maintain the permit at the site of the permitted activity and available for inspection in accordance with any requirements for permit display as may be established by the SFMTA, and shall make all permits available for inspection upon request by an employee of the Police Department or SFMTA.

(c) Prior Payments Required. No permit shall be issued or renewed until the applicant has paid all permit fees that are due to the SFMTA. No permit shall be issued to any applicant who is responsible for payment of one or more delinquent citations for violation of any provision of this Code or the Vehicle Code until all fines and fees associated with the citation are paid in full.

(d) Permit Fees. Fees for permits issued pursuant to this Code are as follows:

Table 902(d): Permit Fee Schedule



FILE NO.

RESOLUTION NO.

Special Traffic Permit (§ 903)	Base Permit Fee: \$175.00	Daily Fee: \$36.00 per day for use of the permit \$200.00 late fee if application received later than two full working days in advance-SFMTA also reserves the right to refuse late applications	Removal/Relocation Fee: \$50.00 for the removal or relocation of each sign \$75.00 for removal or relocation of each pole \$200.00 per Parking Space for the temporary relocation of colored curbs zones, including painting \$350.00 per Parking Space for permanent relocation of colored curb zones, including painting. Any labor and materials costs for pavement striping or signal adjustment
Temporary Exclusive Use of Parking Meters (§ 904)	Base Permit Fee: <del>\$4.00</del> 5.00 per 25 linear feet of construction frontage per day, including weekends and holidays		

FILE NO.

RESOLUTION NO.

Residential Area Parking Permit (§ 905)	Base Permit Fee: Legal Residents and Commercial Property Owners/Lessees: \$98.00 if purchased in the first six months of permit year; \$49.00 if purchased in the last six months of the permit year. Additional Permits: 5th Permit: Twice the annual permit fee 6th Permit: Three times annual permit fee Each permit over six permits: Four times annual permit fee	New Resident/New Resident Vehicle: \$34.00 for a consecutive 2 week period; \$49.00 for a consecutive 4 week period Visitor/Rental Vehicle: \$13.00 per day; \$34.00 for a consecutive two week period; \$49.00 for a consecutive four week period; \$64.00 for a consecutive six week period; \$83.00 for a consecutive eight week period. Health Care Worker/Foreign Consulate/Childcare Provider Permits: \$98.00 if purchased in the first six months of permit year; \$49.00 if purchased in the last six months of permit year. Educational Institution Permits: \$98.00 per permit year regardless of the date of purchase or renewal. Permit Transfer Fee: \$13.00
Contractor Permit (§ 906)	Base Permit Fee: \$825.00 if issued between June 1 and November 31; \$413.00 if issued between December 1 and May 31.	Permit Transfer Fee: \$35.00
Vanpool Permit (§ 907)	Base Permit Fee: \$98.00/year	
Carpool Permit (§ 908)	Base Permit Fee: \$98.00/year	
SFMTA Permit (§ 910)	Base Permit Fee: \$924.00/year	
Farmer's Market Parking Permit (§ 801(c)(18))	Base Permit Fee: \$153.00 for 3 months	
Temporary Street Closures Permits (Division I, Article 9)	Neighborhood Block Party More than 60 days in advance: \$150.00 Fewer than 60 days in advance: \$200.00 Fewer than 30 days in advance: \$400.00 Fewer than 7 days in advance: \$450.00	All Other Events More than 60 days in advance: \$480.00 Fewer than 60 days in advance: \$581.00 Fewer than 30 days in advance: \$682.00 Fewer than 7 days in advance: \$784.00

(e) Indemnification. The permit application for Special Traffic Permits issued pursuant to Section 903, and permits for the Temporary and Exclusive Use of Parking Meters issued pursuant to Section 904, shall require the applicant to acknowledge that the Permittee, by acceptance of the permit, agrees to indemnify and hold the City and County of San Francisco, its departments, commissions, boards, officers, employees and agents ("Indemnitees") harmless from and against any and all claims, demands, actions or causes of action which may be made against the Indemnitees for the recovery of damages for the injury to or death of any person or persons or for the damage to any property resulting directly or indirectly from the activity authorized by the permit regardless of the negligence of the Indemnitees.

(f) Rules and Regulations. Compliance with all applicable rules and regulations and with all permit conditions shall be a material condition for the issuance or renewal of a permit.

(g) Permit Revocation. The Director of Transportation is authorized to revoke the permit of any Permittee found to be in violation of this Article and, upon written notice of revocation, the Permittee shall surrender such permit in accordance with the instructions in the notice of revocation.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
JOHN I. KENNEDY  
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of \_\_\_\_\_.

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency