



(5)

BPC Policy No. 452

SUBJECT: PERMIT FEES FOR THE USE OF THE DISTRICT'S PUBLIC PARKS
FOR SPECIAL EVENTS

PURPOSE: To establish a policy governing the use of the District's public parks for special events including commercial/corporate events, nonprofit sponsored events, and private citizen events.

POLICY STATEMENT:

1. Requests for the use of the District's public parks will be addressed to the District's Director of Marketing & Communications.
2. The District will process requests for the use of the District's public parks on a first-come, first-served basis. Requests may be made up to eighteen months in advance of the scheduled event. All requests will be considered tentative until such time as the requester has paid the required fees and has received a fully executed permit from the Port's Executive Director or designee.
3. The District will entertain requests for the use of its public parks from commercial/ corporate organizations, nonprofit organizations, and private citizens.
4. Requests for the use of public parks shall be submitted at least 30 days in advance of the need for a permit.
5. Published fees shall apply for obtaining permits for the use of the District's public parks.
6. The District will assess permit fees on a calendar day basis, to include set-up and takedown activities. Parks are available for use from 6:00 a.m. through 10:30 p.m., 7 days per week.
7. The District will assess each request and determine whether the request is for commercial/ corporate, nonprofit, or private use.
8. Private citizen functions include weddings, family reunions and picnics organized by private citizens.

9. Commercial/corporate and private/non-profit events will be assessed a permit fee as set forth in the attached fee schedule.
10. The Executive Director shall consider a reduction in or waiver of permit fees as set forth in the attached fee schedule for a permit applicant when a situation arises in which the applicant's event was or will be adversely impacted by circumstances that are reasonably under the District's control, such as the relocation or change of date of an applicant's event to accommodate a District requirement that arose after the applicant's permit reservation was confirmed. Insurance requirements and other fees including deposits, however, shall not be waived. The Executive Director's authority to reduce or waive the fee for a permit applicant shall be limited to \$2,500.
11. Any commercial or nonprofit organization seeking to use the public parks shall provide public liability coverage in a form and amount acceptable to the District throughout the duration of occupancy. The policy must specifically identify the San Diego Unified Port District as an additional insured.
12. A per day fee per parking space as set forth in the attached fee schedule will be charged if parking spaces are to be closed off from public use.
13. The District intends to maintain a safe, secure, and pleasant environment during special events. For this reason, District staffing fees for law and/or traffic enforcement may be required for events wherein attendance exceeds 100. For event attendance exceeding 100, the District will request input from the event organizer during the application process regarding the need for Community Service Officers (CSOs) and/or Harbor Police Officers (HPOs). Taking into consideration the nature of the event and the event organizer's input, including the event organizer's ability to provide its own staffing for security and traffic direction, the District will decide whether CSO and/or HPO staffing is necessary. The hourly staffing fee structure is set forth in the attached fee schedule.
14. The District may require a damage/security deposit as set forth in the attached fee schedule for any type of event.

15. Applications for a permit shall be accompanied by a completed questionnaire, and the damage/security deposit. The deposit shall be refunded in full if the permit is not issued or if the park is left in a clean and damage-free condition after use. The deposit shall be used to pay any actual expense of any damages or cleaning required as a result of the use of the park. A cancellation fee as set forth in the attached fee schedule will be deducted from the damage/security deposit if a permittee provides less than sixty days written notice to the District for cancellation of a scheduled event.
16. The permittee shall obtain all appropriate regulatory approvals such as from the Alcoholic Beverage Control Board, and obtain other permits, as may be required.
17. The permittee shall comply with all applicable laws.
18. Permit fees may be waived for events that are exclusively sponsored by the District or its member cities; however, all other fees and provisions shall apply.
19. The fee structure under this policy will be reviewed at a minimum every three years.

RESOLUTION NUMBER AND DATE: 2017-059, dated May 16, 2017 (Supersedes BPC Policy 452, 2009-69, dated April 7, 2009; 2007-50, dated March 13, 2007; *Resolution 98-145, dated June 9, 1998*)



Attachment to BPC Policy No. 452

PERMIT FEE SCHEDULE FOR PUBLIC PARK PERMITS FOR SPECIAL EVENTS

1. Private citizen functions include weddings, family reunions and picnics organized by private citizens. The District will assess a \$35 flat permit fee for private citizen events.
2. Commercial/corporate and private/non-profit events will be assessed a permit fee based on event attendance, as follows:

Event Type & Attendance	Charge	Type of Charge
All events, 1-100	\$35	Flat fee
Corporate events, 101-250	\$500	Flat fee
Setup & breakdown days	\$300	Flat fee
Private & non-profit event, 101-250	\$300	Flat fee
Setup & breakdown days	\$200	Flat fee
Corporate events, 251+	\$3.50	Per person
Setup & breakdown days	\$500	Flat fee
Private & non-profit event, 251+	\$2.10	Per person
Setup & breakdown days	\$300	Flat fee
Car shows	\$5	Per car
Runs & walks, passing through park (101+)	\$.75	Per person; total fee not to exceed \$1,000

3. All permittees who are District tenants and are holding an event with attendance of 251 or greater as part of their business operations shall submit an itemized report of the percentage rent to be paid to the District resulting from direct sales made to their event client(s) as a result of the event. The amount of percentage rent paid to the District will be compared to the total park permit fee due. If the permit fee is greater than the percentage rent paid, the permittee will pay the District the difference between the permit fee and the percentage rent to be paid. If the percentage rent to be paid is greater than the total park permit fee, the permittee will pay the District only the percentage rent due and will not pay any fee.

4. Depending on event type and attendance, a damage/security deposit of up to \$15,000 may be assessed. A cancellation fee of \$500 will be deducted from the damage/security deposit if a permittee provides less than sixty days written notice to the District of cancellation of a scheduled event.
5. A per day fee within the rate range of \$12.00 (minimum) up to \$25.00 (maximum) per parking space will be charged if parking spaces are to be closed off from public use at parks and locations regardless of whether the parking space is ordinarily metered or pay station parking or free. The rate will be set based on season and parking demand at the time of approval of the special event permit. Such range and factors was established based on the justifications supporting Port Code Section 8.10.
6. For event attendance exceeding 100, the District will request input from the event organizer during the application process regarding the need for Community Service Officers (CSOs) and/or Harbor Police Officers (HPOs). Taking into consideration the nature of the event and the event organizer's input, including the event organizer's ability to provide its own staffing for security and traffic direction, the District will decide whether CSO and/or HPO staffing is necessary. The hourly staffing fee structure is as follows:

For Harbor Police Officers: The amounts listed in the San Diego Harbor Police current standard labor rate for Harbor Police Officers, Senior Officers, Sergeants and Lieutenants.

For Community Service Officers: The overtime rates listed in the Port's current Salary ordinance for Community Service Officers and Community Service Officer Supervisors in the E-step, plus burden.

(2)

RESOLUTION 2017-059

RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 452 - PERMIT FEES FOR THE USE OF THE DISTRICT'S PUBLIC PARKS FOR SPECIAL EVENTS – AMENDING THE FEES FOR PARKING IN CONJUNCTION WITH PERMITTED SPECIAL EVENTS AND CLARIFYING THE EXECUTIVE DIRECTOR'S AUTHORITY TO GRANT PERMIT FEE REDUCTIONS

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I, (Port Act); and

WHEREAS, BPC Policy 452 was enacted by the Board of Port Commissioners (BPC) in 1998 and was last updated in 2009 with changes to fees for park use, including the fees for the use of parking spaces in conjunction with permitted special events; and

WHEREAS, under the policy, the fee for special event parking in District's parks was last increased in 2007 to its current fee which is limited to \$10 per day per parking space;

WHEREAS, this amount is equal to the lowest end of the current fee range for a day's use (10+ hours, based on park enforced hours) of a District metered parking space as established by Section 8.10 of the District Code, Parking Meter Rates and Pay Station Rates as authorized by Coastal Development Permit (CDP) CDP-2016-07 (Clerk's Document No. 66075); and

WHEREAS, to bring the special event parking rate above the low limit metered rate for a full day use while still encouraging the use of the District's parks for special events, staff recommends that the rate of \$10 per space for special event parking be amended to a rate within the range of \$12.00 (minimum) up to \$25.00 (maximum); and

WHEREAS, the rate will be set based on season and parking demand at the time of approval of the special event permit. Such range and factors was established based on the justifications supporting District Code Section 8.10; and

WHEREAS, BPC Policy 452 also contains language that allows the District's Executive Director to consider a reduction in permit fees for tax-exempt, nonprofit organizations; and

WHEREAS, Staff recommends that this language be amended to allow the Executive Director to reduce or waive permit fees up to \$2,500 for any applicant, nonprofit or otherwise, whose event was or will be adversely impacted by circumstances that are considered to be reasonably under the District's control.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District hereby adopts amendments to Board of Port Commissioners Policy No. 452 - Permit Fees for the Use of The District's Public Parks for Special Events – Amending the fees for parking in conjunction with permitted special events and clarifying the Executive Director's authority to grant permit fee reductions, a copy of which is on file with the Office of the District Clerk.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL



By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 16th day of May, 2017, by the following vote:

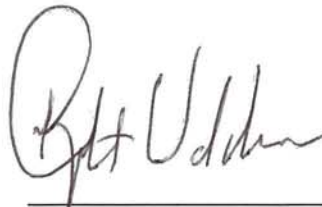
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Nelson

NAYS: None.

EXCUSED: Valderrama

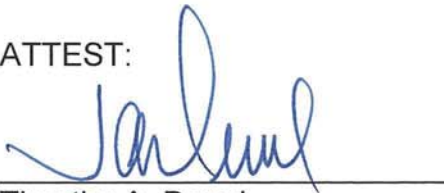
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)

(4)

RESOLUTION 2017-058

**RESOLUTION FINDING THE AMENDMENT TO
BOARD OF PORT COMMISSIONERS (BPC) POLICY
NO. 452 - PERMIT FEES FOR THE USE OF THE
DISTRICT'S PUBLIC PARKS FOR SPECIAL EVENTS
- AMENDING THE FEES FOR PARKING IN
CONJUNCTION WITH PERMITTED SPECIAL
EVENTS AND CLARIFYING THE EXECUTIVE
DIRECTOR'S AUTHORITY TO GRANT PERMIT FEE
REDUCTIONS, AND THE NON-APPEALABLE
COASTAL DEVELOPMENT PERMIT FOR THE SAME,
EXEMPT FROM CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA) AS SPECIFIED IN SECTIONS
15273 AND 15301 OF THE CEQA GUIDELINES**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I, (Port Act); and

WHEREAS, BPC Policy 452 was enacted by the Board of Port Commissioners (BPC) in 1998 and was last updated in 2009 with changes to fees for park use, including the fees for the use of parking spaces in conjunction with permitted special events; and

WHEREAS, under the policy, the fee for special event parking in District's parks was last increased in 2007 to its current fee which is limited to \$10 per day per parking space; and

WHEREAS, this amount is equal to the lowest end of the current fee range for a day's use (10+ hours, based on park enforced hours) of a District metered parking space as established by Section 8.10 of the District Code, Parking Meter Rates and Pay Station Rates as authorized by Coastal Development Permit (CDP) CDP-2016-07 (Clerk's Document No. 66075); and

WHEREAS, to bring the special event parking rate above the low limit metered rate for a full day use while still encouraging the use of the District's parks for special events, staff recommends that the rate of \$10 per space for special event parking be amended to a rate within the range of \$12.00 (minimum) up to \$25.00 (maximum); and

WHEREAS, the rate will be set based on season and parking demand at the time of approval of the special event permit. Such range and factors was established based on the justifications supporting District Code Section 8.10; and

WHEREAS, BPC Policy 452 also contains language that allows the District's Executive Director to consider a reduction in permit fees for tax-exempt, nonprofit organizations; and

WHEREAS, Staff recommends that this language be amended to allow the Executive Director to reduce or waive permit fees up to \$2,500 for any applicant, nonprofit or otherwise, whose event was or will be adversely impacted by circumstances that are considered to be reasonably under the District's control; and

WHEREAS, the proposed project is consistent with the certified Port Master Plan, and as conditioned, staff recommends that a Non-Appealable CDP be issued for the modification to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events and to allow the Executive Director to reduce or waive permit fees for any applicant, nonprofit or otherwise, whose event was or will be adversely impacted by circumstances under the District's control; and

WHEREAS, to enact these amendments, the Board must find that the proposed amendments to BPC 452 and CDP are exempt from the California Environmental Quality Act (CEQA); and

WHEREAS, the proposed Board actions, if approved, will only involve an operational change and will involve no expansion of use beyond that previously existing; and

WHEREAS, the modifications to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events are based on other beach cities and are to meet operational expenses of the District;

WHEREAS, the modifications to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events may increase parking revenue by approximately \$6,700 to \$25,500 per year and are to meet financial reserve needs and requirements of the District; and

WHEREAS, the modifications to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events would be based on demand and market conditions and are not to obtain funds for capital projects for expansion of systems.

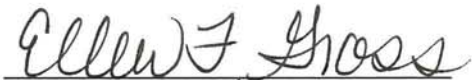
NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District as follows:

- A. that amendment of Board of Port Commissioners Policy No. 452 - Permit Fees for the Use of the District's Public Parks for Special Events – amending

the fees for parking in conjunction with permitted special events and clarifying the Executive Director's authority to grant permit fee reductions, and the Non-Appealable Coastal Development Permit for the same, is exempt from the California Environmental Quality Act (CEQA) as specified in Sections 15273 and 15301 of the CEQA Guidelines;

- B. that the modifications to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events are based on other beach cities and are to meet operational expenses of the District;
- C. that the modifications to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events may increase parking revenue by approximately \$6,700 to \$25,500 per year and are to meet financial reserve needs and requirements of the District; and
- D. that the modifications to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events would be based on demand and market conditions and are not to obtain funds for capital.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

A handwritten signature in cursive script, reading "Ellen F. Gross".

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 16th day of May, 2017, by the following vote:

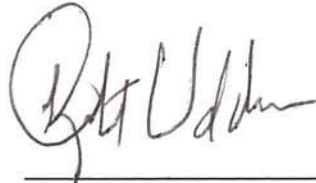
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Nelson

NAYS: None.

EXCUSED: Valderrama

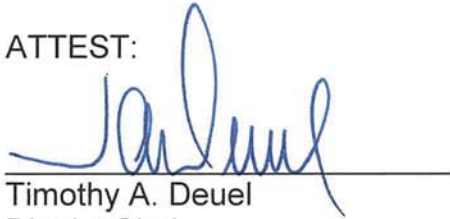
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)



File #:2017-0092

DATE: May 16, 2017

SUBJECT:

AMENDING BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 452 - PERMIT FEES FOR THE USE OF THE DISTRICT'S PUBLIC PARKS FOR SPECIAL EVENTS - AND CLARIFYING THE EXECUTIVE DIRECTOR'S AUTHORITY TO GRANT PERMIT FEE REDUCTIONS

- A) RESOLUTION FINDING THE AMENDMENT TO BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 452 - PERMIT FEES FOR THE USE OF THE DISTRICT'S PUBLIC PARKS FOR SPECIAL EVENTS - AMENDING THE FEES FOR PARKING IN CONJUNCTION WITH PERMITTED SPECIAL EVENTS AND CLARIFYING THE EXECUTIVE DIRECTOR'S AUTHORITY TO GRANT PERMIT FEE REDUCTIONS, AND THE NON-APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE SAME, EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS SPECIFIED IN SECTIONS 15273 AND 15301 OF THE CEQA GUIDELINES**
- B) RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 452 - PERMIT FEES FOR THE USE OF THE DISTRICT'S PUBLIC PARKS FOR SPECIAL EVENTS - AMENDING THE FEES FOR PARKING IN CONJUNCTION WITH PERMITTED SPECIAL EVENTS AND CLARIFYING THE EXECUTIVE DIRECTOR'S AUTHORITY TO GRANT PERMIT FEE REDUCTIONS**
- C) RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT (1) AMENDING THE FEES FOR PARKING IN CONJUNCTION WITH PERMITTED SPECIAL EVENTS AND (2) CLARIFYING THE EXECUTIVE DIRECTOR'S AUTHORITY TO GRANT PERMIT FEE REDUCTIONS**

EXECUTIVE SUMMARY:

BPC Policy 452 was enacted by the Board of Port Commissioners (BPC) in 1998 and was last updated in 2009 with changes to fees for park use, including the fees for the use of parking spaces in conjunction with permitted special events. Under the policy, the fee for special event parking in the San Diego Unified Port District's (District) parks was last increased in 2007 to its current fee which is limited to \$10 per day per parking space. This amount is equal to the lowest end of the current fee range for a day's use (10+ hours, based on park enforced hours) of a District metered parking space as established by Section 8.10 of the District Code, Parking Meter Rates and Pay Station Rates as authorized by Coastal Development Permit (CDP) CDP-2016-07 (Clerks Document No. 66075).

To bring the special event parking rate above the low limit metered rate for a full day use while still encouraging the use of the District's parks for special events, staff recommends that the rate of \$10 per space for special event parking be amended to a rate within the range of \$12.00 (minimum) up to

\$25.00 (maximum). The rate will be set based on season and parking demand at the time of approval of the special event permit. Such range and factors was established based on the justifications supporting District Code Section 8.10.

BPC Policy 452 also contains language that allows the District's Executive Director to consider a reduction in permit fees for tax-exempt, nonprofit organizations. Staff recommends that this language be amended to allow the Executive Director to reduce or waive permit fees up to \$2,500 for any applicant, nonprofit or otherwise, whose event was or will be adversely impacted by circumstances that are considered to be reasonably under the District's control.

The proposed project is consistent with the certified Port Master Plan, and as conditioned, staff recommends that a Non-Appealable CDP be issued for the modification to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events and to allow the Executive Director to reduce or waive permit fees for any applicant, nonprofit or otherwise, whose event was or will be adversely impacted by circumstances under the District's control. To enact these amendments, the Board must find that the proposed amendments to BPC 452 and CDP are exempt from the California Environmental Quality Act (CEQA).

RECOMMENDATION:

Amending Board of Port Commissioners (BPC) Policy No. 452 - Permit Fees for the use of the District's Public Parks for Special Events and Clarifying the Executive Director's Authority to Grant Permit Fee Reductions

- A) Adopt Resolution finding the Amendment to Board of Port Commissioners (BPC) Policy No. 452 - Permit Fees for the Use of the District's Public Parks for Special Events - Amending the fees for parking in conjunction with permitted special events and clarifying the Executive Director's authority to grant permit fee reductions, and the Non-Appealable Coastal Development Permit for the same, exempt from the California Environmental Quality Act (CEQA) as specified in Sections 15273 and 15301 of the CEQA Guidelines
- B) Adopt Resolution Amending Board of Port Commissioners (BPC) Policy No. 452 - Permit Fees for the Use of The District's Public Parks for Special Events - Amending the fees for parking in conjunction with permitted special events and clarifying the Executive Director's authority to grant permit fee reductions
- C) Adopt Resolution authorizing issuance of a Non-Appealable Coastal Development Permit (1) Amending the fees for parking in conjunction with permitted special events and (2) Clarifying the Executive Director's authority to grant permit fee reductions

FISCAL IMPACT:

The proposed change to parking fees for special event permits is anticipated to increase annual parking revenue to the District for parking space use for special events from \$34,000 to an amount between \$40,700 and \$59,500, or by an estimated \$6,700 to \$25,500 in the first year. For Fiscal Year 2016-17 the Board approved \$924,164 in waived fees under the District's Tidelands Activation

Program, of which \$106,245 was for parking in conjunction with District-sponsored special events. These waived fees amount to foregone revenue. If the special event parking space rate is increased, the value of these waivers would increase to an amount between \$127,494 and \$185,929, or by an estimated \$21,249 to \$79,684 in foregone revenue.

COMPASS STRATEGIC GOALS:

Through the increase of special event parking fees to put them on par with its metered parking rates, the District is able to realize enhanced revenues while remaining within its current parking rate structure. The reduction of special event permit fees by the Executive Director on a case-by-case basis allows the District to appropriately accommodate and promote goodwill with permittees whose events were relocated, rescheduled or otherwise negatively impacted by circumstances within the District's control.

This agenda item supports the following Strategic Goal(s).

- A vibrant waterfront destination where residents and visitors converge.
- A financially sustainable Port that drives job creation and regional economic vitality.

DISCUSSION:

Board of Port Commissioners (BPC) Policy 452 governs the use of the San Diego Unified Port District's (District) public parks for special events and sets fees for event use by permittees. The policy was enacted by the Board in 1998 and was last updated in 2009 with changes to fees for park use.

For parking that is reserved in the parks by special event permittees to accommodate their events, the policy set a fee of \$8 per space in 1998. In 2007, that fee was increased to its current rate which is limited to \$10 per space. On September 8, 2016, the Board adopted an amendment to Article 8, Section 8.10 of the District Code to approve the metered parking rate range of \$1.00 to \$2.50 per hour for all tidelands meter and pay station locations. The current per day fee for non-reserved public parking spaces in the District's parks varies from \$0 for those park parking lots with no meters, to between \$1.00 and \$2.50 per hour - or \$10.00 to \$25.00 per day, during the 10 hours of meter enforcement - for those parking lots that contain meters or pay stations. To bring the special event parking rate above the low limit metered rate for a full day use while still encouraging the use of the District's parks for special events, staff recommends that the fee limited to \$10 per day per parking space for temporary special event parking be amended to create a rate within the range of \$12.00 (minimum) up to \$25.00 (maximum). This range is within the District's existing rate structure of up to \$25.00 (maximum) per parking space per day. The rate will be set based on season and parking demand at the time of approval of the special event permit. Such range and factors was established based on the justifications supporting District Code Section 8.10, and as previously authorized under CDP-2016-07 (Clerks Document No. 66075).

BPC Policy 452 also contains language that allows the District's Executive Director to consider a reduction in permit fees for tax-exempt, nonprofit organizations. Staff recommends that this language be amended to allow the Executive Director to reduce or waive permit fees for any applicant,

nonprofit or otherwise, whose event was or will be adversely impacted by circumstances that are reasonably considered to be under the District's control. Such circumstances include but are not limited to the changing of the date or location of an applicant's event to accommodate a District requirement for the site that occurred after the applicant's permit reservation was confirmed; the sprinklers in a park inadvertently activating during a permitted event, or a scheduling error on the District's part. The Executive Director's authority to reduce or waive the fee for a permit applicant shall be limited to \$2,500 and no other fees, including deposits or insurance, will be subject to reduction or waiver.

General Counsel's Comments:

The Office of the General Counsel has reviewed and approved the agenda, amended Policy, and draft CDP as to form and legality.

Environmental Review:

The proposed Board actions are Statutorily Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15273 (Rates, Tolls, Fares, and Charges) and/or Categorically Exempt pursuant to CEQA Guidelines Section 15301 (Class 1 - Existing Facilities) and Sections 2.h and/or 3.a of the District's Guidelines for compliance with CEQA. The existing facilities exemption is proper because the activity in question will only involve an operational change and will involve no expansion of use beyond that previously existing. As part of these actions, and based upon the facts and analysis set forth in this agenda sheet, staff recommends that the Board adopt specific findings pursuant to CEQA Guidelines Section 15273, subsection (c), as follows:

1. The modifications to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events are based on other beach cities and are to meet operational expenses of the District.
2. The modifications to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events may increase parking revenue by approximately \$6,700 to \$25,500 per year and are to meet financial reserve needs and requirements of the District.
3. The modifications to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events would be based on demand and market conditions and are not to obtain funds for capital projects for expansion of systems.

The proposed Board actions comply with Section 87 of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. Parking is an incidental use necessary to implement the codified uses. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board actions are consistent with the Public Trust Doctrine.

The proposed project is located within nine of the District's 10 planning districts. The Port Master Plan land use designations within the limits of the proposed project include, but are not limited to, Commercial Recreation, Harbor Services, Industrial Business Park, Park/Plaza, and Street. The proposed project conforms to the certified Port Master Plan because it includes fees for the use of parking spaces by special event permittees in conjunction with special events and to allow the Executive Director to reduce or waive permit fees for any applicant, nonprofit or otherwise, whose event was or will be adversely impacted by circumstances under the District's control. Furthermore, parking, including paid parking, is an allowable use in all Port Master Plan land use designations. Thus, the project will not change the use of the site nor will it interrupt or expand the existing conforming use of the site.

In addition, the proposed actions constitute a Non-Appealable development under Section 7.d.(3) of the District's Coastal Development Permit Regulations (Regulations): Non-Appealable developments are those not classified in the Regulations in Section 7.d.(1) as "Excluded," in 7.d.(2) as "Emergency," or in 7.d.(4) as "Appealable."

Pursuant to Coastal Act Section 30715 and Sections 7d(3) and (4) of the Regulations, parking, parking lots and rates are not listed as appealable developments, requiring an Appealable CDP. Moreover, while the need for parking program adjustments is urgent, they do not constitute an "Emergency" development. For example, consistent with the Coastal Act and Regulations, on March 8, 1985 and November 4, 2003, Non-Appealable CDPs were issued for the Convention Center serving garage (see Clerk Document Nos. 17936 and 46744, respectively). Moreover, on November 8, 2013, a Coastal Act Exclusion was issued to establish parking rates on the B Street Pier and an amendment to parking rates at the Lane Field parking lot (see Clerk Document No. 61018), as well as on April 16, 2014 and August 18, 2014, for the Tuna Harbor Public Parking Lot Pilot Program (see Clerk Document Nos. 61680 and 62218, respectively). In addition, on July 6, 2015, two Non-Appealable CDPs were issued - one to modify rates, hours and days of operation for parking meters in North Embarcadero, Tuna Harbor, and Ruocco Park and one to implement flexible parking rates, up to the existing maximum parking rate previously-approved by the Board (see Clerk Document Nos. 63900 and 63901, respectively). Additionally, on May 27, 2016, two Non-Appealable CDPs were issued - one to modify rates, hours and days of operation for parking meters in Embarcadero Marina Park South and Embarcadero Marina Park North and one to allow the District's Executive Director to amend the existing market-based parking rates to allow for new flexible rate ranges at a District parking lot and garages (see Clerk Document Nos. 65284 and 65285, respectively). Finally, on October 8, 2016, two Non-Appealable CDPs were issued - one to allow the Executive Director to designate time-limit parking zones, prohibit parking in disabled persons parking zones, establish 72-hour parking restrictions, prohibit inoperable vehicles and vehicle habitation, and increase fines for parking violations and one to modify rates, times, and days of operation for all tidelands public parking meters and pay stations, and for the installation of smart meters and pay stations (Clerk Document Nos. 66076 and 66075, respectively). Therefore, consistent with past approvals for the establishment of other parking programs, the District has determined a Non-Appealable CDP for the project should be issued.

While the proposed actions by themselves would enhance public access to the Bay, the Non-Appealable CDP includes special conditions that would further enhance public access (see Attachment B).

Equal Opportunity Program:

Not applicable.

PREPARED BY:

Jim Hutzelman
Manager, Business Development & Recreation Services

Dana Sclar
Senior Planner, Real Estate Development

Attachment(s):

Attachment A: BPC Policy No. 452, Permit Fees for the Use of the District's Public Parks for
Special Events with Draft Amendments

Attachment B: Draft Coastal Development Permit - Special Event Parking Fee Increase for Use
of District Public Parks



BPC Policy No. 452

SUBJECT: PERMIT FEES FOR THE USE OF THE DISTRICT'S PUBLIC PARKS FOR SPECIAL EVENTS

PURPOSE: To establish a policy governing the use of the District's public parks for special events including commercial/corporate events, nonprofit sponsored events, and private citizen events.

POLICY STATEMENT:

1. Requests for the use of the District's public parks will be addressed to the District's Director of Marketing & Communications~~Communications & Community Services~~. ~~Requests for the use of the Broadway Pier and the B Street Cruise Ship Terminal will be addressed to the District's Director, Maritime Operations & Properties. The use of the B Street Cruise Ship Terminal is subject to the provisions of BPC Policy No. 450.~~
2. The District will process requests for the use of the District's public parks on a first-come, first-served basis. Requests may be made up to eighteen months in advance of the scheduled event. All requests will be considered tentative until such time as the requester has paid the required fees and has received a fully executed permit from the Port's Executive Director or designee.
3. The District will entertain requests for the use of its public parks from commercial/corporate organizations, nonprofit organizations, and private citizens.
4. Requests for the use of public parks shall be submitted at least 30 days in advance of the need for a permit.
5. Published fees shall apply for obtaining permits for the use of the District's public parks.
6. The District will assess permit fees on a calendar day basis, to include set-up and takedown activities. Parks are available for use from 6:~~30-00~~ a.m. through 10:30 p.m., 7 days per week.
7. The District will assess each request and determine whether the request is for commercial/ corporate, nonprofit, or private use.

8. Private citizen functions include weddings, family reunions and picnics organized by private citizens.
9. Commercial/corporate and private/non-profit events will be assessed a permit fee as set forth in the attached fee schedule.
10. The Executive Director shall consider a reduction in or waiver of permit fees as set forth in the attached fee schedule for ~~tax-exempt, nonprofit organizations that can demonstrate to the Executive Director's satisfaction that they are exempt from federal taxes. Organizations shall provide evidence of their tax-exempt status, such as a copy of their Internal Revenue Code Section 501 (c) certification~~ for a permit applicant when a situation arises in which the applicant's event was or will be adversely impacted by circumstances that are reasonably under the District's control, such as the relocation or change of date of an applicant's event to accommodate a District requirement that arose after the applicant's permit reservation was confirmed. Insurance requirements and other fees including deposits, however, shall not be waived. The Executive Director's authority to reduce or waive the fee for a permit applicant shall be limited to \$2,500.
11. Any commercial or nonprofit organization seeking to use the public parks shall provide public liability coverage in a form and amount acceptable to the District throughout the duration of occupancy. The policy must specifically identify the San Diego Unified Port District as an additional insured.
12. A per day fee per parking space as set forth in the attached fee schedule will be charged if parking spaces are to be closed off from public use.
13. The District intends to maintain a safe, secure, and pleasant environment during special events. For this reason, District staffing fees for law and/or traffic enforcement may be required for events wherein attendance exceeds 100. For event attendance exceeding 100, the District will request input from the event organizer during the application process regarding the need for ~~Traffic Enforcement~~ Community Service Officers (CSOs) and/or Harbor Police Officers (HPOs). Taking into consideration the nature of the event and the event organizer's input, including the event organizer's ability to provide its own staffing for security and traffic direction, the District will decide whether ~~TEO-CSO~~ and/or HPO staffing is necessary. The hourly staffing fee structure is set forth in the attached fee schedule.
14. The District may require a damage/security deposit as set forth in the attached fee schedule for any type of event.
15. Applications for a permit shall be accompanied by a completed questionnaire, and the damage/security deposit. The deposit shall be refunded in full if the permit is not issued or if the park is left in a clean and damage-free condition after use. The

deposit shall be used to pay any actual expense of any damages or cleaning required as a result of the use of the park. A cancellation fee as set forth in the attached fee schedule will be deducted from the damage/security deposit if a permittee provides less than sixty days written notice to the District for cancellation of a scheduled event.

16. The permittee shall obtain all appropriate regulatory approvals such as from the Alcoholic Beverage Control Board, and obtain other permits, as may be required.
17. The permittee shall comply with all applicable laws.
18. Permit fees may be waived for events that are exclusively sponsored by the District or its member cities; however, all other fees and provisions shall apply.
19. The fee structure under this policy will be reviewed at a minimum every three years.

Formatted: Left

RESOLUTION NUMBER AND DATE: 2009-69, dated April 7, 2009 (Supersedes BPC Policy 452, 2007-50, dated March 13, 2007; *Resolution 98-145, dated June 9, 1998*)



Attachment to BPC Policy No. 452

PERMIT FEE SCHEDULE FOR PUBLIC PARK PERMITS FOR SPECIAL EVENTS

1. Private citizen functions include weddings, family reunions and picnics organized by private citizens. The District will assess a \$35 flat permit fee for private citizen events.
2. Commercial/corporate and private/non-profit events will be assessed a permit fee based on event attendance, as follows:

Event Type & Attendance	Charge	Type of Charge
All events, 1-100	\$35	Flat fee
Corporate events, 101-250	\$500	Flat fee
Setup & breakdown days	\$300	Flat fee
Private & non-profit event, 101-250	\$300	Flat fee
Setup & breakdown days	\$200	Flat fee
Corporate events, 251+	\$3.50	Per person
Setup & breakdown days	\$500	Flat fee
Private & non-profit event, 251+	\$2.10	Per person
Setup & breakdown days	\$300	Flat fee
Car shows	\$5	Per car
Runs & walks, passing through park (101+)	\$.75	Per person; total fee not to exceed \$1,000

3. All permittees who are District tenants and are holding an event with attendance of 251 or greater as part of their business operations shall submit an itemized report of the percentage rent to be paid to the District resulting from direct sales made to their event client(s) as a result of the event. The amount of percentage rent paid to the District will be compared to the total park permit fee due. If the permit fee is greater than the percentage rent paid, the permittee will pay the District the difference between the permit fee and the percentage rent to be paid. If the percentage rent to be paid is greater than the total park permit fee, the permittee will pay the District only the percentage rent due and will not pay any fee.
4. Depending on event type and attendance, a damage/security deposit of up to \$15,000 may be assessed. A cancellation fee of \$500 will be deducted from the damage/security deposit if a permittee provides less than sixty days written notice to the District of cancellation of a scheduled event.

~~A per day fee of \$1012.00 per parking space will be charged if parking spaces are to be closed off from public use at parks and locations with non-metered free parking.~~

5. A per day fee within the rate range of \$12 (minimum) up to \$25 (maximum) per parking space will be charged if parking spaces are to be closed off from public use at parks and locations regardless of whether the parking space is metered parking, pay station parking or free parking. The rate will be set based on season and parking demand at the time of approval of the special event permit. Range and factors were established by District Code Section 8.10.

Formatted: List Paragraph, Left, No bullets or numbering

Formatted: Indent: Left: 0", Hanging: 0.5", No bullets or numbering

6. For event attendance exceeding 100, the District will request input from the event organizer during the application process regarding the need for ~~Traffic Enforcement~~Community Service Officers (~~TEOs~~CSOs) and/or Harbor Police Officers (HPOs). Taking into consideration the nature of the event and the event organizer's input, including the event organizer's ability to provide its own staffing for security and traffic direction, the District will decide whether ~~TEO-CSO~~ and/or HPO staffing is necessary. The hourly staffing fee structure is as follows:

For Harbor Police Officers: The amounts listed in the San Diego Harbor Police current standard labor rate for Harbor Police Officers, Senior Officers, Sergeants and Lieutenants.

For ~~Traffic Enforcement~~Community Service Officers: The overtime rates listed in the Port's current Salary ordinance for ~~Traffic Enforcement~~Community Service Officers and ~~Traffic Enforcement~~Community Service Officer Supervisors in the E-step, plus burden.

Formatted: Left

Attachment B to Agenda Sheet No. 2017-0092



SAN DIEGO UNIFIED PORT DISTRICT

Real Estate Development Department

Development Services

P.O. BOX 120488

SAN DIEGO, CA 92112-0488

(619) 686-6291

Fax: (619) 686-6297

COASTAL DEVELOPMENT PERMIT

Applicant: Jim Hutzelman, Manager
Marketing & Communications Department
San Diego Unified Port District
3165 Pacific Highway
San Diego, CA 92101

Project: Special Event Parking Fee Increase for Use of District Public Parks

Location: District Public Parks Located in Chula Vista, Coronado, Imperial Beach, National City, and San Diego California

You are hereby granted a Coastal Development Permit. This permit is issued in conformance with the California Coastal Act of 1976 and the Coastal Permit Regulations of the San Diego Unified Port District, as adopted by the Board of Port Commissioners on July 1, 1980, Resolution No. 80-193, and as amended on December 2, 1980, Resolution No. 80-343, and on February 14, 1984, Resolution No. 84-62, in accordance with the provisions for the issuance of a [] Emergency [X] Non-Appealable [] Appealable Coastal Development Permit.

Date of Board Action: May 16, 2017

Board of Port Commissioners Resolution Number: 2017 - xxx

Date of Permit: MONTH, DAY, YEAR

Application Number: 2017-056

Permit Number: CDP-2017-04

The project is located between the sea (as defined in the Coastal Act) and the first inland continuous public road paralleling the sea. The project is fully consistent with Public Resources Code Sections 30604(c), 30210-30224, and the Coastal Act public access and recreation policies referenced therein.

This permit is limited to the development described below and set forth in material on

file with the San Diego Unified Port District (District), and subject to the terms, conditions, and provisions hereinafter stated:

DEVELOPMENT

The proposed project (project) is a modification to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events (see Exhibit 1). The project would further allow the Executive Director to reduce or waive permit fees for any applicant, nonprofit or otherwise, whose special event was or will be adversely impacted by circumstances under the District's control. Specifically, the project involves amendments to the Board of Port Commissioners Policy 452 which governs the use of the District's public parks for special events and establishes fees for event use by special event permittees. Currently, the fee for special event parking in District's parks is limited to \$10 per day per parking space. This amount is equal to the lowest end of the current fee range for a day's use of a District metered parking space as established by Section 8.10 of the District Code, Parking Meter and Pay Station Rates, as authorized by CDP-2016-07 (Clerk Document No. 66075).

The project would amend the current fee of \$10 per day per parking space for special event parking and creates a rate range of \$12.00 (minimum) up to \$25.00 (maximum) within BPC Policy 452. This range is within the District's existing rate structure of up to \$25.00 (maximum) per parking space per day as previously authorized in CDP-2016-07 (Clerk Document No. 66075). The rate will be set based on season and parking demand at the time of approval of the special event permit. The proposed project would amend the existing special event parking rates to better match parking demand while still encouraging the use of the District's parks for special events and thereby increasing public access.

STANDARD PROVISIONS

1. Permittee shall adhere strictly to the rate schedule for the project as approved by the District and the project parameters, described above, for the project.
2. Permittee shall notify the District in writing of any changes in the project and herein described. District approval of the project change may be required prior to implementation of any changes.
3. Permittee and the project shall meet all applicable codes, statutes, ordinances and regulations, and Permittee shall obtain all necessary permits from local, regional, state, and federal agencies.
4. Permittee shall conform to, and this permit is subject to, the permit rules and regulations of the District, including, but not limited to, the District's Coastal Development Permit Regulations.

5. Permittee shall be responsible for compliance with ADA and Title 24 specifications.
6. Permittee shall commence development within two (2) years following the date of the permit issuance by the District.
7. The permit is in no way intended to affect the rights and obligations heretofore existing under private agreements nor to affect the existing regulations of other public bodies.
8. This permit shall not be valid unless two copies have been returned to the Real Estate-Development Services Department of the District, upon which copies the Permittee has signed a statement agreeing that the Permittee will abide by the terms, conditions, limitations, and provisions of the permit.

SPECIAL PROVISIONS

1. Permittee shall comply with the Project Description under the above "DEVELOPMENT" section of this permit, as well as Exhibit 2.
2. Implementation of this permit does not preclude the District from implementing any future parking program authorized either under an amendment to this permit or a new Coastal Development Permit (CDP). In the event that any future authorized parking program conflicts with this permit, the future parking program shall prevail and the inconsistent condition in this permit shall be voided or amended.
3. Parking quantities and locations shall not be changed or affected by this permit.
4. Any agreement or permit to private operators for use of parking for special events that are the subject of this permit shall explicitly incorporate provisions for public use, public access, employee parking, parking rates and management practices consistent with all conditions contained herein and subject to District review and approval.
5. Any special event that exceeds a "limited duration" which is defined as no longer than two weeks in the California Coastal Commission's Guidelines for the Exclusion of Temporary Events, adopted on 5/12/1993, would not be considered a temporary special event and would require issuance of a CDP.

Exhibits:

1. Parking Locations Map
2. BPC Policy No. 452 Text

If you have any questions on this permit, please contact the Real Estate Department-Development Services of the San Diego Unified Port District at (619) 686-6291.

RANDA CONIGLIO
President/Chief Executive Officer

By: _____
WILEEN C. MANAOIS
Principal, Development Services
Real Estate Development Department

I have read and understand the terms, conditions, limitations, and provisions of this permit and agree to abide by them.

Signature of Permittee
Jim Hutzelman, Manager
Marketing & Communications Department
San Diego Unified Port District

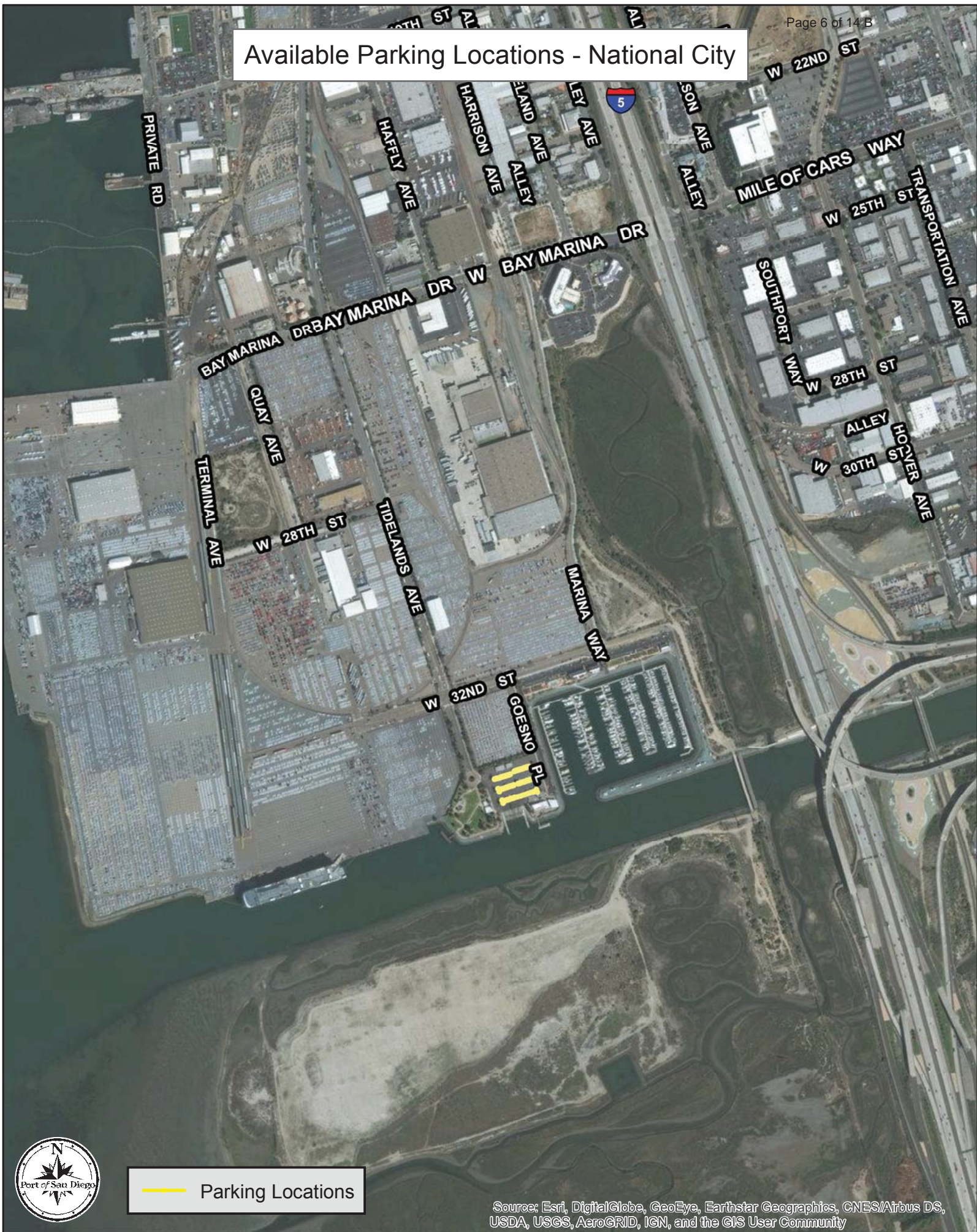
Date

Available Parking Locations - North Bay

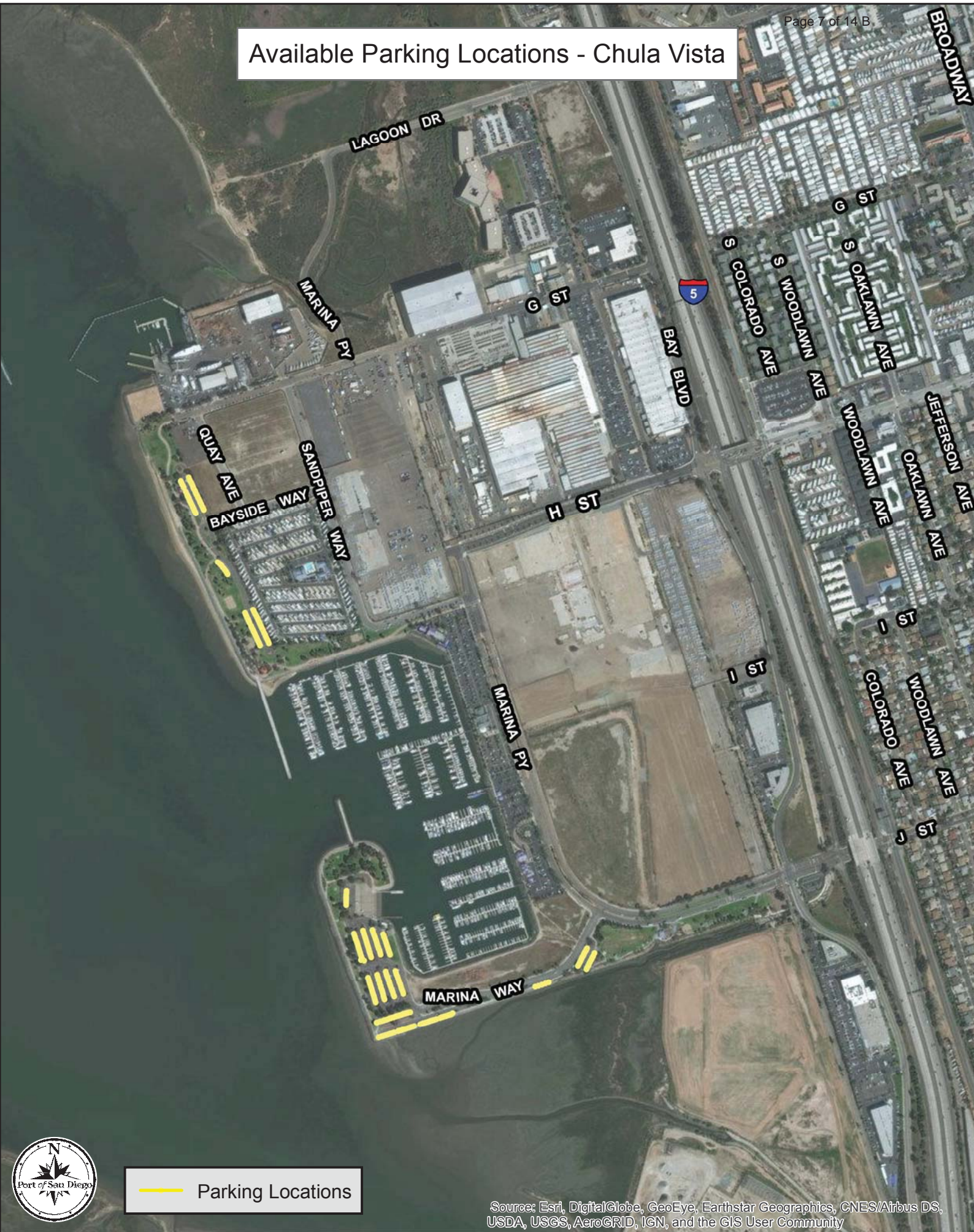


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Available Parking Locations - National City

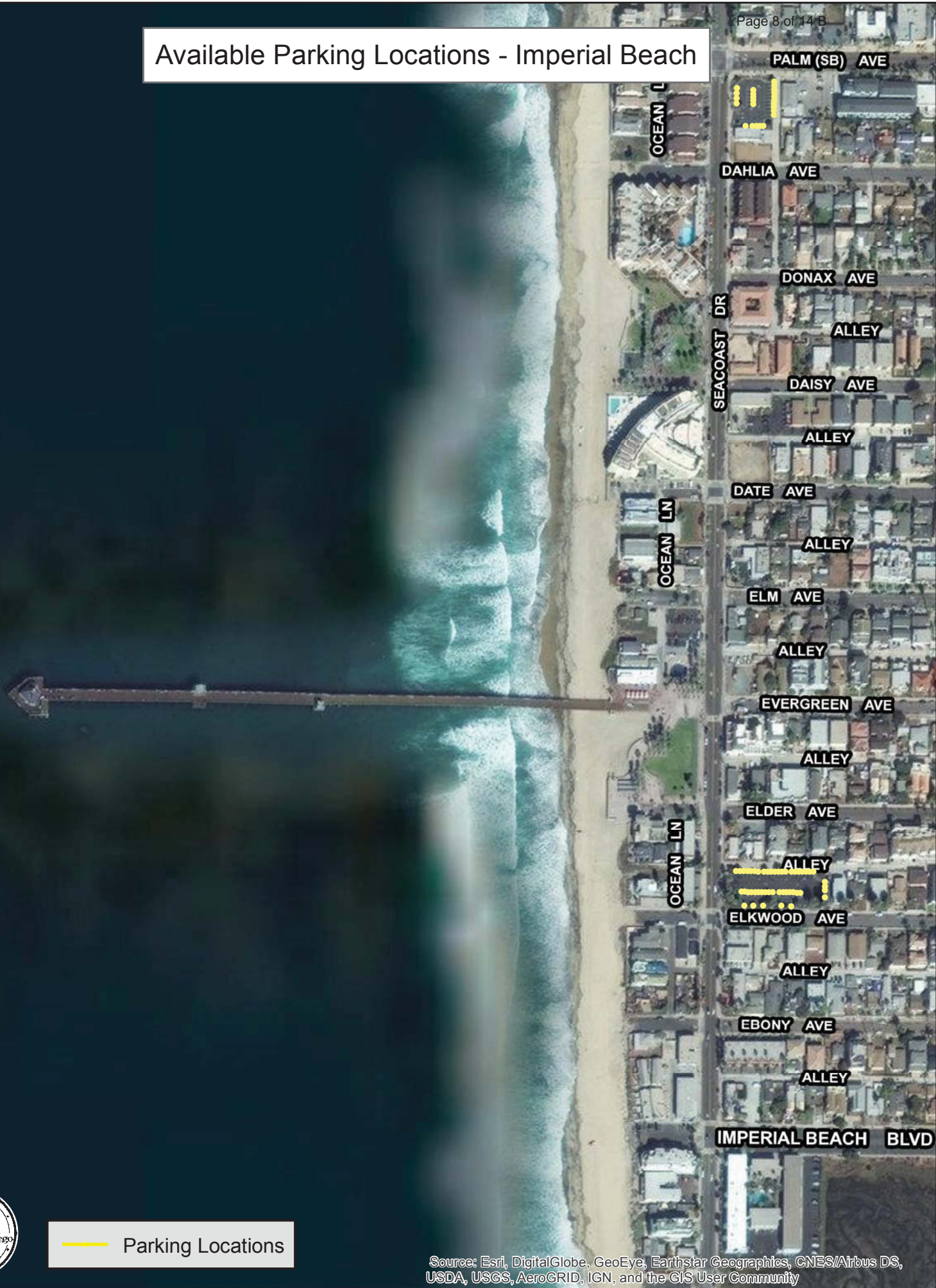


Available Parking Locations - Chula Vista



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Available Parking Locations - Imperial Beach



— Parking Locations

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



BPC Policy No. 452

SUBJECT: PERMIT FEES FOR THE USE OF THE DISTRICT'S PUBLIC PARKS FOR SPECIAL EVENTS

PURPOSE: To establish a policy governing the use of the District's public parks for special events including commercial/corporate events, nonprofit sponsored events, and private citizen events.

POLICY STATEMENT:

1. Requests for the use of the District's public parks will be addressed to the District's Director of Marketing & Communications~~Communications & Community Services~~. ~~Requests for the use of the Broadway Pier and the B Street Cruise Ship Terminal will be addressed to the District's Director, Maritime Operations & Properties. The use of the B Street Cruise Ship Terminal is subject to the provisions of BPC Policy No. 450.~~
2. The District will process requests for the use of the District's public parks on a first-come, first-served basis. Requests may be made up to eighteen months in advance of the scheduled event. All requests will be considered tentative until such time as the requester has paid the required fees and has received a fully executed permit from the Port's Executive Director or designee.
3. The District will entertain requests for the use of its public parks from commercial/corporate organizations, nonprofit organizations, and private citizens.
4. Requests for the use of public parks shall be submitted at least 30 days in advance of the need for a permit.
5. Published fees shall apply for obtaining permits for the use of the District's public parks.
6. The District will assess permit fees on a calendar day basis, to include set-up and takedown activities. Parks are available for use from 6:~~30-00~~ a.m. through 10:30 p.m., 7 days per week.
7. The District will assess each request and determine whether the request is for commercial/ corporate, nonprofit, or private use.

8. Private citizen functions include weddings, family reunions and picnics organized by private citizens.
9. Commercial/corporate and private/non-profit events will be assessed a permit fee as set forth in the attached fee schedule.
10. The Executive Director shall consider a reduction in or waiver of permit fees as set forth in the attached fee schedule for ~~tax-exempt, nonprofit organizations that can demonstrate to the Executive Director's satisfaction that they are exempt from federal taxes. Organizations shall provide evidence of their tax-exempt status, such as a copy of their Internal Revenue Code Section 501 (c) certification~~ for a permit applicant when a situation arises in which the applicant's event was or will be adversely impacted by circumstances that are reasonably under the District's control, such as the relocation or change of date of an applicant's event to accommodate a District requirement that arose after the applicant's permit reservation was confirmed. Insurance requirements and other fees including deposits, however, shall not be waived. The Executive Director's authority to reduce or waive the fee for a permit applicant shall be limited to \$2,500.
11. Any commercial or nonprofit organization seeking to use the public parks shall provide public liability coverage in a form and amount acceptable to the District throughout the duration of occupancy. The policy must specifically identify the San Diego Unified Port District as an additional insured.
12. A per day fee per parking space as set forth in the attached fee schedule will be charged if parking spaces are to be closed off from public use.
13. The District intends to maintain a safe, secure, and pleasant environment during special events. For this reason, District staffing fees for law and/or traffic enforcement may be required for events wherein attendance exceeds 100. For event attendance exceeding 100, the District will request input from the event organizer during the application process regarding the need for ~~Traffic Enforcement~~ Community Service Officers (CSOs) and/or Harbor Police Officers (HPOs). Taking into consideration the nature of the event and the event organizer's input, including the event organizer's ability to provide its own staffing for security and traffic direction, the District will decide whether ~~TEO-CSO~~ and/or HPO staffing is necessary. The hourly staffing fee structure is set forth in the attached fee schedule.
14. The District may require a damage/security deposit as set forth in the attached fee schedule for any type of event.
15. Applications for a permit shall be accompanied by a completed questionnaire, and the damage/security deposit. The deposit shall be refunded in full if the permit is not issued or if the park is left in a clean and damage-free condition after use. The

deposit shall be used to pay any actual expense of any damages or cleaning required as a result of the use of the park. A cancellation fee as set forth in the attached fee schedule will be deducted from the damage/security deposit if a permittee provides less than sixty days written notice to the District for cancellation of a scheduled event.

16. The permittee shall obtain all appropriate regulatory approvals such as from the Alcoholic Beverage Control Board, and obtain other permits, as may be required.
17. The permittee shall comply with all applicable laws.
18. Permit fees may be waived for events that are exclusively sponsored by the District or its member cities; however, all other fees and provisions shall apply.
19. The fee structure under this policy will be reviewed at a minimum every three years.

Formatted: Left

RESOLUTION NUMBER AND DATE: 2009-69, dated April 7, 2009 (Supersedes BPC Policy 452, 2007-50, dated March 13, 2007; *Resolution 98-145, dated June 9, 1998*)



Attachment to BPC Policy No. 452

PERMIT FEE SCHEDULE FOR PUBLIC PARK PERMITS FOR SPECIAL EVENTS

1. Private citizen functions include weddings, family reunions and picnics organized by private citizens. The District will assess a \$35 flat permit fee for private citizen events.
2. Commercial/corporate and private/non-profit events will be assessed a permit fee based on event attendance, as follows:

Event Type & Attendance	Charge	Type of Charge
All events, 1-100	\$35	Flat fee
Corporate events, 101-250	\$500	Flat fee
Setup & breakdown days	\$300	Flat fee
Private & non-profit event, 101-250	\$300	Flat fee
Setup & breakdown days	\$200	Flat fee
Corporate events, 251+	\$3.50	Per person
Setup & breakdown days	\$500	Flat fee
Private & non-profit event, 251+	\$2.10	Per person
Setup & breakdown days	\$300	Flat fee
Car shows	\$5	Per car
Runs & walks, passing through park (101+)	\$.75	Per person; total fee not to exceed \$1,000

3. All permittees who are District tenants and are holding an event with attendance of 251 or greater as part of their business operations shall submit an itemized report of the percentage rent to be paid to the District resulting from direct sales made to their event client(s) as a result of the event. The amount of percentage rent paid to the District will be compared to the total park permit fee due. If the permit fee is greater than the percentage rent paid, the permittee will pay the District the difference between the permit fee and the percentage rent to be paid. If the percentage rent to be paid is greater than the total park permit fee, the permittee will pay the District only the percentage rent due and will not pay any fee.
4. Depending on event type and attendance, a damage/security deposit of up to \$15,000 may be assessed. A cancellation fee of \$500 will be deducted from the damage/security deposit if a permittee provides less than sixty days written notice to the District of cancellation of a scheduled event.

~~A per day fee of \$1012.00 per parking space will be charged if parking spaces are to be closed off from public use at parks and locations with non-metered free parking.~~

5. A per day fee within the rate range of \$12 (minimum) up to \$25 (maximum) per parking space will be charged if parking spaces are to be closed off from public use at parks and locations regardless of whether the parking space is metered parking, pay station parking or free parking. The rate will be set based on season and parking demand at the time of approval of the special event permit. Range and factors were established by District Code Section 8.10.

6. For event attendance exceeding 100, the District will request input from the event organizer during the application process regarding the need for ~~Traffic Enforcement~~Community Service Officers (~~TEOs~~CSOs) and/or Harbor Police Officers (HPOs). Taking into consideration the nature of the event and the event organizer's input, including the event organizer's ability to provide its own staffing for security and traffic direction, the District will decide whether ~~TEO-CSO~~ and/or HPO staffing is necessary. The hourly staffing fee structure is as follows:

For Harbor Police Officers: The amounts listed in the San Diego Harbor Police current standard labor rate for Harbor Police Officers, Senior Officers, Sergeants and Lieutenants.

For ~~Traffic Enforcement~~Community Service Officers: The overtime rates listed in the Port's current Salary ordinance for ~~Traffic Enforcement~~Community Service Officers and ~~Traffic Enforcement~~Community Service Officer Supervisors in the E-step, plus burden.

Formatted: List Paragraph, Left, No bullets or numbering

Formatted: Indent: Left: 0", Hanging: 0.5", No bullets or numbering

Formatted: Left

DRAFT**RESOLUTION 20xx-xxx**

**RESOLUTION FINDING THE AMENDMENT TO
BOARD OF PORT COMMISSIONERS (BPC) POLICY
NO. 452 - PERMIT FEES FOR THE USE OF THE
DISTRICT'S PUBLIC PARKS FOR SPECIAL EVENTS
– AMENDING THE FEES FOR PARKING IN
CONJUNCTION WITH PERMITTED SPECIAL
EVENTS AND CLARIFYING THE EXECUTIVE
DIRECTOR'S AUTHORITY TO GRANT PERMIT FEE
REDUCTIONS, AND THE NON-APPEALABLE
COASTAL DEVELOPMENT PERMIT FOR THE SAME,
EXEMPT FROM CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA) AS SPECIFIED IN SECTIONS
15273 AND 15301 OF THE CEQA GUIDELINES**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I, (Port Act); and

WHEREAS, BPC Policy 452 was enacted by the Board of Port Commissioners (BPC) in 1998 and was last updated in 2009 with changes to fees for park use, including the fees for the use of parking spaces in conjunction with permitted special events; and

WHEREAS, under the policy, the fee for special event parking in District's parks was last increased in 2007 to its current fee which is limited to \$10 per day per parking space; and

WHEREAS, this amount is equal to the lowest end of the current fee range for a day's use (10+ hours, based on park enforced hours) of a District metered parking space as established by Section 8.10 of the District Code, Parking Meter Rates and Pay Station Rates as authorized by Coastal Development Permit (CDP) CDP-2016-07 (Clerk's Document No. 66075); and

WHEREAS, to bring the special event parking rate above the low limit metered rate for a full day use while still encouraging the use of the District's parks for special events, staff recommends that the rate of \$10 per space for special event parking be amended to a rate within the range of \$12.00 (minimum) up to \$25.00 (maximum); and

WHEREAS, the rate will be set based on season and parking demand at the time of approval of the special event permit. Such range and factors was established based on the justifications supporting District Code Section 8.10; and

20xx-xxx

WHEREAS, BPC Policy 452 also contains language that allows the District's Executive Director to consider a reduction in permit fees for tax-exempt, nonprofit organizations; and

WHEREAS, Staff recommends that this language be amended to allow the Executive Director to reduce or waive permit fees up to \$2,500 for any applicant, nonprofit or otherwise, whose event was or will be adversely impacted by circumstances that are considered to be reasonably under the District's control; and

WHEREAS, the proposed project is consistent with the certified Port Master Plan, and as conditioned, staff recommends that a Non-Appealable CDP be issued for the modification to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events and to allow the Executive Director to reduce or waive permit fees for any applicant, nonprofit or otherwise, whose event was or will be adversely impacted by circumstances under the District's control; and

WHEREAS, to enact these amendments, the Board must find that the proposed amendments to BPC 452 and CDP are exempt from the California Environmental Quality Act (CEQA); and

WHEREAS, the proposed Board actions, if approved, will only involve an operational change and will involve no expansion of use beyond that previously existing; and

WHEREAS, the modifications to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events are based on other beach cities and are to meet operational expenses of the District;

WHEREAS, the modifications to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events may increase parking revenue by approximately \$6,700 to \$25,500 per year and are to meet financial reserve needs and requirements of the District; and

WHEREAS, the modifications to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events would be based on demand and market conditions and are not to obtain funds for capital projects for expansion of systems.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District as follows:

- A. that amendment of Board of Port Commissioners Policy No. 452 - Permit Fees for the Use of the District's Public Parks for Special Events – amending

- the fees for parking in conjunction with permitted special events and clarifying the Executive Director's authority to grant permit fee reductions, and the Non-Appealable Coastal Development Permit for the same, is exempt from the California Environmental Quality Act (CEQA) as specified in Sections 15273 and 15301 of the CEQA Guidelines;
- B. that the modifications to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events are based on other beach cities and are to meet operational expenses of the District;
 - C. that the modifications to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events may increase parking revenue by approximately \$6,700 to \$25,500 per year and are to meet financial reserve needs and requirements of the District; and
 - D. that the modifications to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events would be based on demand and market conditions and are not to obtain funds for capital.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 16th day of May, 2017, by the following vote:

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION AMENDING BOARD OF PORT COMMISSIONERS (BPC) POLICY NO. 452 - PERMIT FEES FOR THE USE OF THE DISTRICT'S PUBLIC PARKS FOR SPECIAL EVENTS – AMENDING THE FEES FOR PARKING IN CONJUNCTION WITH PERMITTED SPECIAL EVENTS AND CLARIFYING THE EXECUTIVE DIRECTOR'S AUTHORITY TO GRANT PERMIT FEE REDUCTIONS**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I, (Port Act); and

WHEREAS, BPC Policy 452 was enacted by the Board of Port Commissioners (BPC) in 1998 and was last updated in 2009 with changes to fees for park use, including the fees for the use of parking spaces in conjunction with permitted special events; and

WHEREAS, under the policy, the fee for special event parking in District's parks was last increased in 2007 to its current fee which is limited to \$10 per day per parking space;

WHEREAS, this amount is equal to the lowest end of the current fee range for a day's use (10+ hours, based on park enforced hours) of a District metered parking space as established by Section 8.10 of the District Code, Parking Meter Rates and Pay Station Rates as authorized by Coastal Development Permit (CDP) CDP-2016-07 (Clerk's Document No. 66075); and

WHEREAS, to bring the special event parking rate above the low limit metered rate for a full day use while still encouraging the use of the District's parks for special events, staff recommends that the rate of \$10 per space for special event parking be amended to a rate within the range of \$12.00 (minimum) up to \$25.00 (maximum); and

WHEREAS, the rate will be set based on season and parking demand at the time of approval of the special event permit. Such range and factors was established based on the justifications supporting District Code Section 8.10; and

WHEREAS, BPC Policy 452 also contains language that allows the District's Executive Director to consider a reduction in permit fees for tax-exempt, nonprofit organizations; and

WHEREAS, Staff recommends that this language be amended to allow the Executive Director to reduce or waive permit fees up to \$2,500 for any applicant, nonprofit or otherwise, whose event was or will be adversely impacted by circumstances that are considered to be reasonably under the District's control.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District hereby adopts amendments to Board of Port Commissioners Policy No. 452 - Permit Fees for the Use of The District's Public Parks for Special Events – Amending the fees for parking in conjunction with permitted special events and clarifying the Executive Director's authority to grant permit fee reductions, a copy of which is on file with the Office of the District Clerk.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 16th day of May, 2017, by the following vote:

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT (1) AMENDING THE FEES FOR PARKING IN CONJUNCTION WITH PERMITTED SPECIAL EVENTS AND (2) CLARIFYING THE EXECUTIVE DIRECTOR'S AUTHORITY TO GRANT PERMIT FEE REDUCTIONS**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I, (Port Act); and

WHEREAS, BPC Policy 452 was enacted by the Board of Port Commissioners (BPC) in 1998 and was last updated in 2009 with changes to fees for park use, including the fees for the use of parking spaces in conjunction with permitted special events; and

WHEREAS, under the policy, the fee for special event parking in District's parks was last increased in 2007 to its current fee which is limited to \$10 per day per parking space; and

WHEREAS, this amount is equal to the lowest end of the current fee range for a day's use (10+ hours, based on park enforced hours) of a District metered parking space as established by Section 8.10 of the District Code, Parking Meter Rates and Pay Station Rates as authorized by Coastal Development Permit (CDP) CDP-2016-07 (Clerk's Document No. 66075); and

WHEREAS, to bring the special event parking rate above the low limit metered rate for a full day use while still encouraging the use of the District's parks for special events, staff recommends that the rate of \$10 per space for special event parking be amended to a rate within the range of \$12.00 (minimum) up to \$25.00 (maximum); and

WHEREAS, the rate will be set based on season and parking demand at the time of approval of the special event permit. Such range and factors was established based on the justifications supporting District Code Section 8.10; and

WHEREAS, BPC Policy 452 also contains language that allows the District's Executive Director to consider a reduction in permit fees for tax-exempt, nonprofit organizations; and

20xx-xxx

WHEREAS, Staff recommends that this language be amended to allow the Executive Director to reduce or waive permit fees up to \$2,500 for any applicant, nonprofit or otherwise, whose event was or will be adversely impacted by circumstances that are considered to be reasonably under the District's control; and

WHEREAS, the proposed project is consistent with the certified Port Master Plan, and as conditioned, staff recommends that a Non-Appealable CDP be issued for the modification to fees for the temporary use of public parking spaces located in District public parks by special event permittees in conjunction with temporary special events and to allow the Executive Director to reduce or waive permit fees for any applicant, nonprofit or otherwise, whose event was or will be adversely impacted by circumstances under the District's control; and

WHEREAS, the proposed project conforms to the certified Port Master Plan because it includes fees for the use of parking spaces by special event permittees in conjunction with special events and to allow the Executive Director to reduce or waive permit fees for any applicant, nonprofit or otherwise, whose event was or will be adversely impacted by circumstances under the District's control; and

WHEREAS, parking, including paid parking, is an allowable use in all Port Master Plan land use designations.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the San Diego Unified Port District hereby authorizes issuance of a Non-Appealable Coastal Development Permit (1) Amending the fees for parking in conjunction with permitted special events and (2) Clarifying the Executive Director's authority to grant permit fee.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 16th day of May, 2017, by the following vote: