

**SAN DIEGO UNIFIED PORT DISTRICT**

**ORDINANCE 2776**

**ORDINANCE AMENDING SAN DIEGO  
UNIFIED PORT DISTRICT COST  
RECOVERY USER FEE SCHEDULE  
AND AMENDING ARTICLE 2 OF THE  
SAN DIEGO UNIFIED PORT CODE TO  
ADD SECTION 2.01, COST  
RECOVERY USER FEE SCHEDULE**

**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**, Section 36 of the Port Act provides that the Board of Port Commissioners (BPC) shall by ordinance fix the rate for services furnished or provided by the District; and

**WHEREAS**, the BPC has adopted a Cost Recovery User Fee Policy, BPC Policy No. 106, to provide general guidelines for establishing and maintaining a Cost Recovery User Fee Schedule (Schedule) to ensure that the District adequately recovers costs for the services it provides for the benefit of individuals, businesses, and other entities; and

**WHEREAS**, On May 7, 2013, the Board adopted Article 2, Section 2.00 of the San Diego Unified Port District Code establishing the Cost Recovery User Fee Schedule (Ordinance No. 2720). On June 11, 2013, the Board of Port Commissioners adopted the Cost Recovery User Fee Schedule (Schedule) to Ordinance 2720; and

**WHEREAS**, based on over our year experience with the Cost Recovery Program and feedback from stakeholders, staff recommends amending the fee schedule as well as codifying the fee schedule in the San Diego Unified Port District Code to increase public access to the schedule.

**NOW, THEREFORE**, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. That the San Diego Unified Port District Cost Recovery User Fee is hereby amended as set forth in Section 2, below.

Section 2. That Article 2, Section 2.01, of the San Diego Unified Port District Code is hereby adopted and reads as follows:

SEC. 2.01 – COST RECOVERY USER FEE SCHEDULE FOR DISTRICT SERVICES

In accordance with Section 2.00, the following fees shall apply:

**San Diego Unified Port District  
Cost Recovery User Fee Schedule**

<b>Real Estate</b>	<b>Fee**</b>	<b>Fee Type</b>	<b>50% of Fee Estimate</b>
Rental Agreement & Tidelands Use and Occupancy Permit - simple	\$1,100	Flat Fee	
Tidelands Use and Occupancy Permit - moderate	\$2,900	Flat Fee	
Tidelands Use and Occupancy Permit - complex	actual cost*	Deposit	\$7,000
Easements for Utility Purposes - simple	actual cost*	Deposit	\$2,500
Easements for Utility Purposes - complex	actual cost*	Deposit	\$3,800
Leases - simple, Lease Amendments	\$3,000	Flat Fee	
Leases - moderate, Lease Amendments	actual cost*	Deposit	\$5,500
Leases - complex	actual cost*	Deposit	\$70,000
Option to Lease - simple	actual cost*	Deposit	\$8,500
Option to Lease - moderate	actual cost*	Deposit	\$33,000
Option to Lease - complex	actual cost*	Deposit	\$80,000
Letter Agreements - simple	\$900	Flat Fee	
Letter Agreements - moderate	\$1,800	Flat Fee	
Letter Agreements - complex	actual cost*	Deposit	\$1,350
Memorandum of Understanding - complex	actual cost*	Deposit	\$7,500
Vending Permit	\$800	Flat Fee	
Bait Receiver Permit	\$800	Flat Fee	
Operating Contract - simple	\$800	Flat Fee	
Operating Contract - moderate	\$2,500	Flat Fee	
Operating Contract - complex	actual cost*	Deposit	\$2,300
Transportation Services Permit - simple	\$2,000	Flat Fee	
Transportation Services Permit - complex	actual cost*	Deposit	\$1,500
Estoppel Certificate / Encumbrance	\$2,200	Flat Fee	
Estoppel Certificate / Encumbrance - complex	actual cost*	Deposit	\$2,000
Gasoline Services Station Permit	\$2,000	Flat Fee	
Right of Entry Permit - simple	\$1,000	Flat Fee	

<b>Real Estate</b>	<b>Fee**</b>	<b>Fee Type</b>	<b>50% of Fee Estimate</b>
Right of Entry Permit - moderate	\$3,000	Flat Fee	
Exclusive Negotiating Agreements	actual cost*	Deposit	\$5,500
Project Review and Approval (Concept Design) - simple	\$1,000	Flat Fee	
Project Review and Approval (Concept Design) - moderate	actual cost*	Deposit	\$2,500
Project Review and Approval (Concept Design) - complex	actual cost*	Deposit	\$5,500
Project Review and Approval (Working Drawings) - simple	\$450	Flat Fee	
Project Review and Approval (Working Drawings) - moderate	actual cost*	Deposit	\$2,900
Project Review and Approval (Working Drawings) - complex	actual cost*	Deposit	\$4,000
Consent to Sublease - simple	\$600	Flat Fee	
Consent to Sublease - complex	actual cost*	Deposit	\$2,500
Consent to Assignment of Leasehold Interest or Other Modification/Document for Lessee's Benefit - Simple	\$2,900	Flat Fee	
Consent to Assignment of Leasehold Interest or Other Modification/Document for Lessee's Benefit - Complex	actual cost*	Deposit	\$1,700
Bundled Fee for Routine Review (i.e. Basic Real Estate Agreement and Categorical Determination)	\$500	Flat Fee	

<b>Environmental &amp; Land Use Management</b>	<b>Fee**</b>	<b>Fee Type</b>	<b>50% of Fee Estimate</b>
Non-Appealable Coastal Development Permit	actual cost*	Deposit	\$8,000
Appealable Coastal Development Permit	actual cost*	Deposit	\$16,000
Emergency Development Permit	\$6,253	Flat Fee	
In Water Hull Cleaning (2-year permit)	\$250	Flat Fee	
Categorical Determination of Exemption	\$208	Flat Fee	
Negative Declaration	actual cost*	Deposit	\$34,500
Mitigated Negative Declaration	actual cost*	Deposit	\$40,000
Amendment to Port Master Plan	actual cost*	Deposit	\$70,000
Environmental Impact Report (EIR) Review	actual cost*	Deposit	\$125,000
Environmental Impact Report (EIR) Addendum	actual cost*	Deposit	\$5,500
Appeal of Coastal Development Permit (CDP) to Coastal Commission	actual cost*	Deposit	\$7,500
National Pollution Discharge Elimination System (NPDES) Inspection, Construction	\$377	Flat Fee	
Storm Water Pollution Prevention Plan (SWPPP) - Plan Check <1 acre	\$778	Flat Fee	
Storm Water Pollution Prevention Plan (SWPPP) - Plan Check >1 Acre	\$3,560	Flat Fee	
Water Quality Management Plan (WQMP) (Standard Urban Stormwater Mitigation Plan (SUSMP)) - Review and Approval	\$4,714	Flat Fee	
Water Quality Management Plan (WQMP) - Best Management Practices (BMP) Inspection	\$442	Flat Fee	
Geographic Information System (GIS) - Project Support	\$567	Flat Fee	

\* Fees shown as actual cost will be charged on a time-and-expense basis, using fully burdened hourly rates applied against tracked Port staff time.

Initial deposits will be collected at the time of application submittal and shall be the lower of \$7,500 or 50% of the estimated fee. Additional deposits may be required during the duration of the project. Any waiver of a user fee shall be subject to the provisions of Board of Port Commissioners (BPC) Policy No. 106.

\*\* In addition to the above fees charged to recover Port costs, any external third party consultant fees will be recovered as incurred.

<b>Harbor Police</b>	<b>Fee**</b>	<b>Fee Type</b>	<b>50% of Fee Estimate</b>
Vehicle Release Fee	\$232	Flat Fee	
Vehicle Impound Hearing	\$100	Flat Fee	
Subpoena Witness Testimony	\$275	Flat Fee	
News Rack Permit	\$264	Flat Fee	
News Rack Permit Renewal	\$158	Flat Fee	
News Rack Removal	\$95	Flat Fee	
Cargo Escort - Sergeant hourly	\$142	hourly	
Cargo Escort - Officer hourly	\$107	hourly	

\* Fees shown as actual cost will be charged on a time-and-expense basis, using fully burdened hourly rates applied against tracked Port staff time.

Initial deposits will be collected at the time of application submittal and shall be the lower of \$7,500 or 50% of the estimated fee. Additional deposits may be required during the duration of the project. Any waiver of a user fee shall be subject to the provisions of Board of Port Commissioners (BPC) Policy No. 106.

\*\* In addition to the above fees charged to recover Port costs, any external third party consultant fees will be recovered as incurred.

User fee waivers shall be in accordance with BPC Policy No. 106.

User fee dispute resolution shall be in accordance with BPC Policy No. 106

### **FULL COST RECOVERY**

Significant variances in staff required to provide certain services make application of a fixed user fee impracticable. In these instances, the applicant is charged for services provided on a reimbursement basis, using fully burdened hourly staff rates. These reimbursement user fees are designated in the Cost Recovery User Fee Schedule as "actual cost."

For all full cost recovery user fee items, an initial deposit (the lower of \$7,500 or 50% of the estimated fee) shall be collected to cover the Port's full cost, including overhead, incurred in conjunction with review and processing as requested by applicant. Additional funds may be collected, as required, to cover the Port's actual costs. Should the application be withdrawn at any time, the deposit shall be adjusted to cover the Port's actual costs, including overhead, up to that time. Any funds remaining on deposit at the time of completion or withdrawal of the application shall be returned to the depositor, after accounting for the expenses incurred to date.

Section 3. This Ordinance shall take effect on the 31<sup>st</sup> day from its passage by the Board of Port Commissioners.

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 12th day of August 2014, by the following vote:

AYES: Bonelli, Castellanos, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: Malcolm, Merrifield.

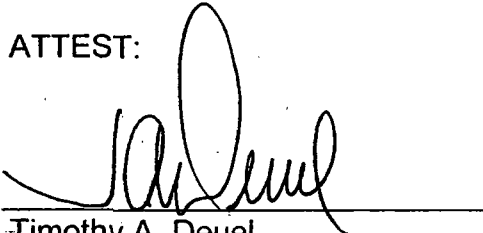
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk

(Seal)