

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2794

**ORDINANCE AMENDING SAN DIEGO UNIFIED
PORT DISTRICT CODE SECTION 2.01, COST
RECOVERY USER FEE SCHEDULE:**

- (A) REPLACE CERTAIN VARIABLE USER FEES WITH
FLAT FEES**
- (B) REPLACE CERTAIN VARIABLE ENVIRONMENTAL
REVIEW USER FEES WITH A PERCENTAGE
BASED ADMINISTRATIVE FEE**
- (C) REMOVE USER FEES FOR MANY OF THE
SERVICES PROVIDED IN THE DISTRICT'S
CAPACITY AS LANDLORD, AND CONSIDER
RECOVERY OF COSTS AS PART OF
NEGOTIATING OPTION CONSIDERATION AND
LEASE RATES**

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, on June 11, 2013, the BPC adopted the Cost Recovery User Fee Schedule to Ordinance 2720; and

WHEREAS, in April 2014 by Ordinance No. 2762 and August 2014 by Ordinance No. 2776, the Cost Recovery User Fee Schedule was amended and codified as San Diego Unified Port District Code Section 2.01; and

WHEREAS, as part of the ongoing review of the cost recovery User Fee Schedule, staff worked with the Cost Recovery Ad Hoc Committee and stakeholders and recommends adopting the following changes:

- 1) Set as many of the fees for real estate and environmental and planning services as is practical to flat fees, for greater efficiency in administration of the program and more certainty for tenants and customers; and

- 2) Set other fees associated with environmental review documents that are more “scalable” to a fixed percentage of third party consultant contract, such as a contract with an EIR consultant (for contract administration); and
- 3) Remove certain fees for real estate services from the User Fee Schedule all together, and instead, to consider those internal costs when negotiating consideration for certain real estate agreements; and

WHEREAS, on December 9, 2014, the BPC held a public hearing on the proposed amendment to the Cost Recovery User Fee Schedule.

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

Section 1. San Diego Unified Port District Code Section 2.01, Cost Recovery User Fee Schedule, is amended to read 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**

Real Estate	Fee⁽¹⁾	Fee Type
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	\$14,000	Flat Fee
Easements for Utility Purposes – simple	\$1,000	Flat Fee
Easements for Utility Purposes – complex	\$3,200	Flat Fee
Lease Amendments – simple	\$3,000	Flat Fee
Lease Amendments – moderate	\$8,000	Flat Fee
Option to Lease - Amendment – simple	\$3,000	Flat Fee
Option to Lease - Amendment – moderate	\$8,000	Flat Fee
Letter Agreements – simple	\$900	Flat Fee
Letter Agreements – moderate	\$1,800	Flat Fee
Letter Agreements – complex	\$2,700	Flat Fee
Vending Permit	\$800	Flat Fee
Bait Receiver Permit	\$800	Flat Fee
Transportation Services Permit – simple	\$1,100	Flat Fee
Transportation Services Permit – complex	\$2,900	Flat Fee

Real Estate, continued	Fee⁽¹⁾	Fee Type
Estoppel Certificate / Encumbrance	\$2,200	Flat Fee
Estoppel Certificate / Encumbrance – complex	\$4,000	Flat Fee
Gasoline Services Station Permit	\$2,000	Flat Fee
Right of Entry Permit – simple	\$1,000	Flat Fee
Right of Entry Permit – moderate	\$3,000	Flat Fee
Project Review and Approval (Concept Design) – simple	\$1,000	Flat Fee
Project Review and Approval (Concept Design) – moderate	\$1,800	Flat Fee
Project Review and Approval (Concept Design) – complex	\$5,150	Flat Fee
Project Review and Approval (Working Drawings) – simple	\$450	Flat Fee
Project Review and Approval (Working Drawings) - moderate	\$1,800	Flat Fee
Project Review and Approval (Working Drawings) - complex	\$5,150	Flat Fee
Consent to Sublease – simple	\$600	Flat Fee
Consent to Sublease – complex	\$3,400	Flat Fee
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	\$3,400	Flat Fee
Bundled Fee for Routine Review (i.e. Basic Real Estate Agreement and Categorical Determination)	\$500	Flat Fee

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

Any waiver of a user fee shall be subject to the provisions of Board of Port Commissioners (BPC) Policy No. 106.

Environmental & Land Use Management	Fee⁽¹⁾	Fee Type	50% of Fee Estimate
Non-Appealable Coastal Development Permit	\$16,000	Flat Fee	
	Actual		
Appealable Coastal Development Permit	Cost (2)	Deposit	\$16,000
Emergency Development Permit	\$6,253	Flat Fee	
In Water Hull Cleaning (2-year permit)	\$250	Flat Fee	
Categorical Determination of Exemption/Coastal Exclusion	\$208	Flat Fee	
Negative Declaration	30% (3)	Admin Fee	
Mitigated Negative Declaration	30% (3)	Admin Fee	
	Actual		
Amendment to Port Master Plan	Cost (2)	Deposit	\$70,000
		Admin	
Environmental Impact Report (EIR) Review	30% (3)	Fee	
		Admin	
Environmental Impact Report (EIR) Addendum	30% (3)	Fee	

**Environmental & Land Use Management,
continued**

	Fee⁽¹⁾	Fee Type	50% of Fee Estimate
Appeal of CDP to Coastal Commission	Actual Cost (2)	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	

(1) In addition to the above fees charged to recover Port costs, any external third party consultant fees will be recovered as incurred. In the event a third party consultant is hired as a project manager, any associated and additional staff costs shall be charged as actual cost.

(2) 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.

(3) Certain environmental review fees are assessed a percentage based administrative fee that is 30% of the environmental consultant contract to recover staff costs.

Any waiver of a user fee shall be subject to the provisions of Board of Port Commissioners (BPC) Policy No. 106.

Harbor Police	Fee⁽¹⁾	Fee Type
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

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

Any waiver of a user fee shall be subject to the provisions of Board of Port Commissioners (BPC) Policy No. 106.

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 or, in some instances, a percentage based administrative fee based on outside consultant costs. These reimbursement user fees are designated in the Cost Recovery User Fee Schedule as "actual cost."

For all actual cost 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 2. This Ordinance shall take effect on the 31st 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 9th day of December 2014, by the following vote:

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

NAYS: None.

EXCUSED: None.

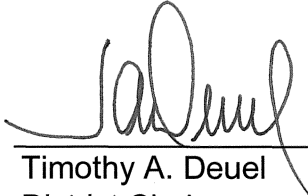
ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

