

**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



By: Assistant/Deputy



2017-058

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

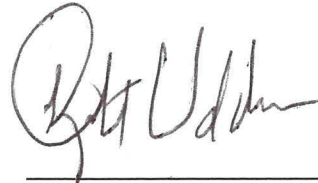
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Nelson

NAYS: None.

EXCUSED: Valderrama

ABSENT: None.

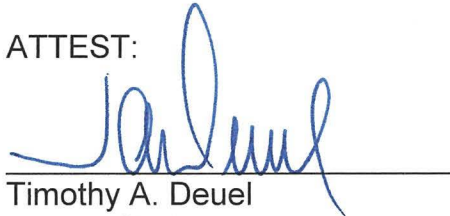
ABSTAIN: None.



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Robert Valderrama, Chair  
Board of Port Commissioners

ATTEST:



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Timothy A. Deuel  
District Clerk

(Seal)