

RESOLUTION NUMBER R- 315534

DATE OF FINAL PASSAGE MAY 20 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING CERTAIN FEE ADJUSTMENTS, CERTAIN NEW FEES, AND THE REPEAL OF CERTAIN EXISTING FEES FOR THE DEVELOPMENT SERVICES DEPARTMENT ENTERPRISE FUND, THE LOCAL ENFORCEMENT AGENCY FUND, AND THE CITY PLANNING DEPARTMENT, AND ALSO APPROVING A WAIVER OF A PORTION OF COUNCIL POLICY 100-5.

WHEREAS, the resolution seeks approval of recommended fee adjustments for the Development Services Department (DSD) Enterprise Fund, the Local Enforcement Agency (LEA) Fund, and certain fees for the City Planning Department (CPD); and

WHEREAS, because of increased operating costs and the increased complexity of building regulations administered by DSD, the costs of providing the same level of service in plan check and inspection activities has increased. Adoption of the proposed fees would result in approximately \$15,574,000 (12%) in increased revenues for DSD to be cost recoverable to take effect in the next fiscal year; and

WHEREAS, because of increased operating costs and the increased complexity of environmental regulations administered by the LEA and the desire to continue providing a high level of service in solid waste facility inspections, enforcement, and permitting, the request for increasing the Council approved hourly rate would allow the LEA to achieve cost recovery for services rendered. Adoption of the facility fee would allow for cost recovery in order to enforce regulations at new facility types. The proposed fee changes are intended to increase sufficient revenues to prevent a fund deficit; and

WHEREAS, the CPD proposes changes to the hourly Project Review and Heritage Preservation program fees and these are expected to result in a nominal increase in revenue to the

General Fund of roughly \$200,000 per year. Revenue from this activity is highly variable and is subject to fluctuations in permit and historic designation activity; and

WHEREAS, the departments have studied these fees to ensure that these adjustments reflect the reasonable costs of the City services being provided; and

WHEREAS, the proposed fee changes would include an annual cost inflator at the beginning of each fiscal year for direct cost increases based on the Consumer Price Index (CPI), Council approved changes in staff salary and fringe benefits costs, and on increases or decreases in direct overhead costs being passed on to the departments as determined by the Office of the Comptroller; and

WHEREAS, this resolution also requests a waiver of the portion of Council Policy 100-5 that would require this item to be heard by the Council's Budget and Government Efficiency Committee. This item was heard by the Council's Land Use and Housing Committee and recommend for approval by the full Council with a 3-1 vote; and

WHEREAS, all user fee adjustments adopted by this resolution have been reviewed by the City Attorney's Office for legal compliance with Proposition 26; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that DSD's proposed user fee adjustments to provide full cost recovery for mandatory regulatory review and inspection services to meet service level standards as listed in the Fee Study Updated Master List and User Fee Calculation Workbook-Cannabis and on file with the Office of the City Clerk as

Documents No. RR- 315534-1 and RR- 315534-2 are approved. These fees may be automatically adjusted each July 1st based on the CPI and official job classification salaries and fringe benefits, the composition of the reviewing teams, and applicable overhead rates.

BE IT FURTHER RESOLVED, that the Council approves the solid waste LEA proposed hourly fee adjustment, new facility fee to provide full cost recovery, and clarification of Program/Fees and Fee Titles as listed in the LEA Hourly New Fee and In-Vessel User Fee Calculation Workbook on file with the Office of the City Clerk as Document No. RR- 315534-3. These fees may be automatically adjusted each July 1st based on the CPI and official job classification salaries and fringe benefits, the composition of the reviewing teams, and applicable overhead rates.

BE IT FURTHER RESOLVED, that the Council repeals the existing CPD Senior Planner and Associate Planner hourly project review fees and replaces them with equivalent discipline-based hourly project review fees for the Public Spaces, Community Planning, Biodiverse SD, and Heritage Preservation reviewing disciplines as listed in the City Planning User Fee Calculation Workbook, Project Review Fees Workbook, and Historic Fees Workbook and on file with the Office of the City Clerk as Documents No. RR- 315534-4, RR- 315534-5, and RR- 315534-6. These fees may be automatically adjusted each July 1st based on the CPI and official job classification salaries and fringe benefits, the composition of the reviewing teams, and applicable overhead rates.

BE IT FURTHER RESOLVED, that the Council approves the CPD's proposed fee adjustments for the Historic Resource Designation Nomination Fee, Mills Act Application Fee, Mills Act Monitoring Fee, and Mills Act Enforcement Fee as listed in the City Planning User

Fee Calculation Workbook, Project Review Fees Workbook, and Historic Fees Workbook and on file with the Office of the City Clerk as noted above

BE IT FURTHER RESOLVED, that the Council establishes a CPD Historic Designation Appeal Fee of \$1,000 to recover partial costs associated with applicant appeals of actions by the Historical Resources Board as listed in the City Planning User Fee Calculation Workbook, Project Review Fees Workbook, and Historic Fees Workbook and on file with the Office of the City Clerk as noted above.

BE IT FURTHER RESOLVED, that, where appropriate, the City Clerk is hereby directed to amend the City Clerk's Fee Ratebook to reflect the DSD, LEA, and CPD fees as described above.

BE IT FURTHER RESOLVED, that the Council waives the requirement of Council Policy 100-5 to have this item heard by the Council's Budget and Government Efficiency Committee.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Noah J. Brazier
Deputy City Attorney

NJB:nja
04/17/2024
05/07/2024 Cor. Copy
Or. Dept: DSD
Doc. No. 3626182_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 14 2024.

DIANA J.S. FUENTES
City Clerk

By *Kristelle Medina*
Deputy City Clerk

Approved: 5/17/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

MAY 14 2024

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 20 2024

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristelle Medina, Deputy

Office of the City Clerk, San Diego, California
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