RESOLUTION <u>2015-35</u>

RESOLUTION FINDING THE AMENDMENTS TO THE SAN DIEGO UNIFIED PORT DISTRICT (UPD) CODE, ARTICLE 8, SECTIONS 8.10 AND 8.14 TO ADD A NEW RATE RANGE FOR PARKING METERS LOCATED ALONG THE NORTH EMBARCADERO, TUNA HARBOR AND RUOCCO PARK PUBLIC PARKING LOTS ONLY, AND MODIFICATION OF HOURS AND DAYS OF OPERATION FOR TIDELANDS PUBLIC METERS IN THESE AREAS; THE RESCISSION OF THE UPD CODE, ARTICLE 8, SECTION 8.21, PARKING PILOT PROGRAM FOR TUNA HARBOR PUBLIC PARKING LOT, NORTH EMBARCADERO PUBLIC PARKING LOT AND RUCCO PARK PUBLIC PARKING LOT; AND THE ADOPTION OF ARTICLE 8, SECTION 8.21, PARKING RATES AT TIDELANDS PUBLIC PARKING LOTS AND GARAGES, ARE EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) SECTIONS 15273 AND 15301 PURSUANT TO THE CEQA STATE 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 1, (Port Act); and

WHEREAS, Section 21 of the Port Act authorizes the Board of Port Commissioners (BPC) to pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, the District currently operates approximately 975 parking meters in the North Embarcadero, South Embarcadero and Shelter Island areas, and 186 of those parking meters are located at Tuna Harbor; and

WHEREAS, on April 15, 2014, the BPC adopted Ordinance No. 2761, which added Section 8.21 to Article 8 of the San Diego Unified Port District (UPD) Code, Parking Pilot Program for Tuna Harbor Public Parking Lot, and established a parking pilot program for the 186 parking meters located at Tuna Harbor; and

WHEREAS, on August 12, 2014, the BPC adopted Ordinance No. 2774, which amended Article 8, Section 8.21 of the UPD Code to expand the parking

pilot program to include the parking meters located along the North Embarcadero and Ruocco Park areas and retitled the Code section to read Parking Pilot Program for Tuna Harbor Public Parking Lot, North Embarcadero Public Parking Lot and Ruocco Park Public Parking Lot; and

WHEREAS, as a result of the success of the pilot program staff recommends the BPC permanently implement the program and amend UPD Code, Article 8, Sections 8.10 and 8.14 to add a new rate range for parking meters located along the North Embarcadero, Tuna Harbor and Ruocco Park public parking lots only, modify the hours and days of operation for Tidelands public meters in these areas, and accordingly, rescind UPD Code, Article 8, Section 8.21 - Parking Pilot Program for Tuna Harbor Public Parking Lot, North Embarcadero Public Parking Lot and Ruocco Park Public Parking Lot; and

WHEREAS, staff further recommends the BPC adopt a new Article 8, Section 8.21- Parking Rates at Tidelands Public Parking Lots and Garages - which would authorize the Executive Director to establish market-based parking rates at all Tidelands public parking lots and garages up to the maximum BPC-approved parking rates; and

WHEREAS, the proposed amendments to UPD Code, Article 8, Sections 8.10 and 8.14, the rescission of UPD Code, Article 8, Section 8.21 and the adoption of the new UPD Code, Article 8, Section 8.21, all of which are more fully described in the staff agenda sheet and the administrative record, incorporated herein by reference, are statutorily exempt pursuant to CEQA Guidelines Section 15273 (Rates, Tolls, Fares and Charges) and Section 2.h of the District's Guidelines for Compliance with CEQA (District's CEQA Guidelines) and categorically exempt under CEQA Guidelines Section 15301 (Class 1 - Existing Facilities) and 3.a of the District's CEQA Guidelines; and

WHEREAS, having reviewed and considered all testimony and materials made available to the BPC, including, but not limited to, the staff reports and all the testimony and evidence in the record of the proceedings with respect to the item, the BPC took the actions hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners, as follows:

Pursuant to CEQA Guidelines Section 15273 (Rates, Tolls, Fares and Charges) and Section 2.h of the District's Guidelines for Compliance with CEQA, the BPC finds as follows:

1. The facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.
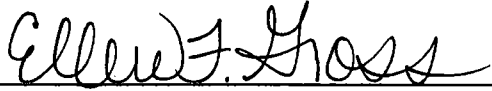
2.   The applicable provisions of CEQA, the State CEQA Guidelines, and the District Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto.

3.   The amendment to UPD Code, Article 8, Sections 8.10 and 8.14, which includes modifications to rates, hours, and days of operation for the North Embarcadero, Tuna Harbor, and Ruocco Park public parking lot meters and rescission and codification of a new UPD Code, Article 8, Section 8.21, which includes the future establishment of parking rates at all Tidelands public parking lots and garages up to the existing maximum parking rates previously approved by the BPC are based on the parking rates, hours and days of other beach cities and the collected rates are to meet operational expenses of the District.

4.   The amendment to UPD Code, Article 8, Sections 8.10 and 8.14, which includes modifications to rates, hours, and days of operation for the North Embarcadero, Tuna Harbor, and Ruocco Park public parking lot meters and rescission and codification of a new UPD Code, Article 8, Section 8.21, which includes the future establishment of parking rates at all Tidelands public parking lots and garages up to the existing maximum parking rates previously approved by the BPC may increase parking revenue by approximately $1,045,000 per year and are to meet financial reserve needs and requirements of the District.

5.   The amendment to UPD Code, Article 8, Sections 8.10 and 8.14, which includes modifications to rates, hours, and days of operation for the North Embarcadero, Tuna Harbor, and Ruocco Park public parking lot meters and rescission and codification of a new UPD Code, Article 8, Section 8.21, which includes the future establishment of parking rates at all Tidelands public parking lots and garages up to the existing maximum parking rates previously approved by the BPC are based on demand and market conditions.

6.   The amendment to UPD Code, Article 8, Sections 8.10 and 8.14, which includes modifications to rates, hours, and days of operation for the North Embarcadero, Tuna Harbor, and Ruocco Park public parking lot meters and rescission and codification of a new UPD Code, Article 8, Section 8.21, which includes the future establishment of parking rates at all Tidelands public parking lots and garages up to the existing maximum parking rates previously approved by the BPC are not being implemented to obtain funds for capital projects for expansion of systems.

Further, the BPC finds that the amendment to UPD Code, Article 8, Sections 8.10 and 8.14, which includes modifications to rates, hours, and days of operation for the North Embarcadero, Tuna Harbor, and Ruocco Park public

parking lot meters and rescission and codification of a new UPD Code, Article 8, Section 8.21, which authorizes the Executive Director to establish parking rates at all Tidelands public parking lots and garages up to the existing maximum parking rates previously approved by the BPC are Categorically Exempt pursuant to CEQA Guidelines Section 15301 (Class 1 - Existing Facilities), and Section 3.a of the District's CEQA Guidelines because it involves only an operational change and minor improvements such as adjustments to the parking meters, and modifications to the parking meter signage and stickers, and will involve no expansion of use beyond that previously existing.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/~~Deputy~~

2015-35

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 14th day of April 2015, by the following vote:
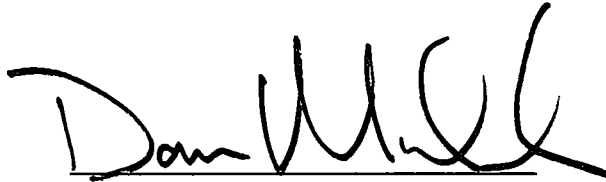
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Nelson, and Valderrama.
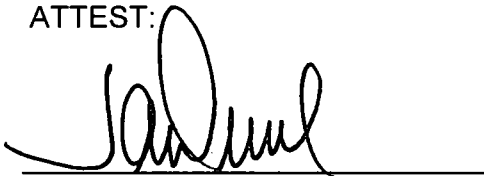NAYS: None.
EXCUSED: Moore.
ABSENT: None.
ABSTAIN: None.

Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:

Timothy A. Deuel
District Clerk

(Seal)