RESOLUTION <u>2015-58</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 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, THE ADOPTION OF ARTICLE 8, SECTION 8.21, AUTHORIZING THE EXECUTIVE DIRECTOR TO ESTABLISH MARKET-BASED PARKING RATES AT ALL TIDELANDS PUBLIC PARKING LOTS, EXCLUDING NAVY PIER, AND GARAGES UP TO THE MAXIMUM BOARD-APPROVED PARKING RATES AT EACH RESPECTIVE LOCATION, AND NON-APPEALABLE COASTAL DEVELOPMENT PERMITS FOR THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS SPECIFIED UNDER SECTION 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 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, consistent with the Public Trust Doctrine, Section 36 of the Port Act specifically gives the Board of Port Commissioners (BPC) the authority to "by ordinance fix the rate[s] . . . or other charges which are appropriate for the use of any of the facilities owned and constructed or services furnished or provided by the [D]istrict" and therefore, it is within the District's authority to set parking rates on tidelands; and

WHEREAS, the District currently operates approximately 975 parking meters in the North Embarcadero, South Embarcadero and Shelter Island areas, and 520 of those parking meters are located in the North Embarcadero, Tuna Harbor and Ruocco Park; and

WHEREAS, at the May 2014 meeting, 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, at the September 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 pilot program with a different range of rates ($1.00 to $1.75) for parking meters located along the North Embarcadero, Tuna Harbor and Ruocco Park only and amend UPD Code, Article 8, Sections 8.10 and 8.14, and 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, accordingly; 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 implement a range of parking rates at the Convention Center public parking garage (underground at the Convention Center), Convention Center (adjacent to Hilton) public parking garage, B Street Pier surface lot, and the Lane Field surface lot up to the maximum BPC-approved parking rates; and

WHEREAS, staff recommends the BPC authorize issuance of the following Non-Appealable Coastal Development Permits to (1) Market-Based Rates Up to Existing Maximum Rates at District Parking Lots and Garages and (2) Parking Meters in North Embarcadero, Tuna Harbor and Ruocco Park – New Rate Range, Modification to Hours and Days of Operations, Purchase and Installation of Smart Meters and Sensors; 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, and Non-Appealable Coastal Development Permits for the same, all of which are more fully described in the staff agenda sheet and the administrative record, incorporated herein by

reference, are exempt pursuant to CEQA Guidelines Sections 15273 and 15301; 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.

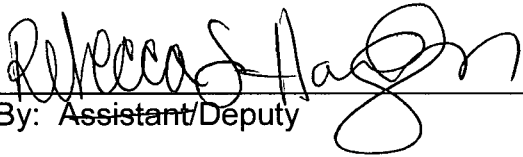**NOW, THEREFORE, BE IT RESOLVED** by the Board of Port Commissioners, as follows:

Pursuant to CEQA Guidelines Sections 15273 (Rates, Tolls, Fares and Charges) and 15301 (Existing Facilities) 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, as detailed herein and in the administrative record before the Board, are based on the parking rates, hours and days of other Coastal Zone cities.

4. The amendment to UPD Code, Article 8, Sections 8.10 and 8.14 and rescission and codification of a new UPD Code, Article 8, Section 8.21, both of which are detailed herein and in the administrative record before the Board, are based on demand and market conditions.

5. The collected rates from the proposed Board actions are to meet operational expenses of the District.

6. The proposed Board actions may increase parking revenue by approximately $1,045,000 per year and are to meet financial reserve needs and requirements of the District.

7. The proposed Board actions 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 parking meters located along the North Embarcadero, Tuna Harbor, and Ruocco Park public parking lots only and rescission and codification of a

new UPD Code, Article 8, Section 8.21, which authorizes the Executive Director to implement a range of parking rates at the Convention Center public parking garage (underground at the Convention Center), Convention Center (adjacent to Hilton) public parking garage, B Street Pier surface lot, and the Lane Field surface lot up to the existing maximum parking rates previously approved by the BPC and Non-Appealable Coastal Development Permits for the same are exempt CEQA as specified under Section 15273 and 15301 of the CEQA Guidelines, as supported by the administrative record, including without limitation, the staff report and the Categorical Determination issued by the District on May 6, 2015.

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 May 2015, by the following vote:
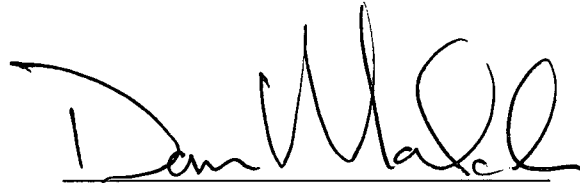
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.
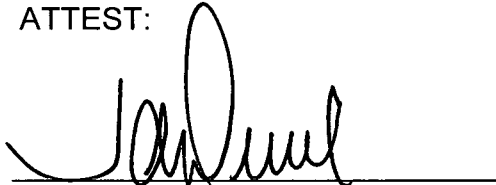NAYS: None.
EXCUSED: None.
ABSENT: None.
ABSTAIN: None.

Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:

Timothy A. Deuel
District Clerk

(Seal)