

RESOLUTION 2015-59

RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO ADD A NEW RATE RANGE AND MODIFY HOURS AND DAYS OF OPERATION FOR PARKING METERS LOCATED ALONG THE NORTH EMBARCADERO, TUNA HARBOR AND RUOCCO PARK AND THE PURCHASE AND INSTALLATION OF 520 SMART METERS AND SENSORS

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, 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, demand for parking on the North Embarcadero has increased greatly over the past several years due to the opening of the San Diego County Waterfront Park, reductions in parking supply from development in the area and the continued success and popularity of businesses and activities on the waterfront; and

WHEREAS, there are 520 District-owned metered spaces in the North Embarcadero, Tuna Harbor and Ruocco Park area, which are located in parking lots and adjacent thereto; and

WHEREAS, these spaces provide convenient public access to San Diego Bay (Bay) and nearby destinations and amenities; and

WHEREAS, in May 2014, the BPC approved, through the adoption of District Ordinance No. 2761 and Resolution No. 2014-71, a pilot program for the 186 metered spaces in the Tuna Harbor Parking lot, which included a parking meter rate increase (from \$1.25 to \$1.75 per hour), later hours of enforcement (from 8:00 a.m. to 6:00 p.m. to 10:00 a.m. to 8:00 p.m.), and expanded enforcement (from Monday to Saturday to seven days per week including Sunday); and

WHEREAS, the pilot program was adopted to better manage these metered spaces, increase turnover and public access to the Bay, and respond to District tenants and stakeholders regarding a perceived lack of parking; and

WHEREAS, in September 2014, the BPC expanded the Pilot Program through District Ordinance No. 2774 and Resolution No. 2014-164, to include parking meters in the North Embarcadero and Ruocco Park areas; and

WHEREAS, in September 2014, 175 Smart Meters in the North Embarcadero were installed on a trial basis for the purpose of data collection regarding parking demand and patterns, and to evaluate the purchase and installation of Smart Meters in a greater area on a permanent basis; and

WHEREAS, the District proposes a project (Project) that would amend the Unified Port District of San Diego (UPD) Code Sections 8.10 and 8.14 for the 520 meters located at Tuna Harbor, the North Embarcadero and Ruocco Park areas to set a range of rates from \$1.00 to \$2.50 per hour, to establish enforcement hours from 10:00 a.m. to 8:00 p.m., and to establish enforcement of the parking meter program seven days per week to include Sundays; and

WHEREAS, as part of the Project, 516 parking spaces are proposed to have a 3-hour time limit, which will accommodate visitors for excursion tours, dining and museum visits, and four parking spaces adjacent to Broadway Landing (near intersection of West Broadway and North Harbor Drive) are proposed to have 30-minute time limits to allow visitors to purchase tickets at nearby kiosks; and

WHEREAS, the Project also includes purchasing and installing smart meters in all 520 parking meters and based on the data collected from the smart meters, the District's Executive Director would have the authority to adjust metered rates to meet demand with a target utilization rate (the amount of time that vehicles occupy a parking meter space during the allowed hours of operation of the parking meter) of approximately 85%; and

WHEREAS, the adjustment of metered rates would mean that when demand is low (anticipated to be at approximately 70% occupancy or below), the meter rates would be adjusted downward to no less than \$1.00 per hour unless there is a special event occurring, in which case meters will be set at the maximum rate of \$2.50 per hour, and conversely, when demand is high (anticipated to be at approximately 85% occupancy or above), the meter rates would be adjusted upward to a maximum of \$2.50 per hour; and

WHEREAS, adjustments to the metered rates could occur on a daily, weekly or monthly basis depending on demand, but rate adjustments could not exceed a \$1.00 increase or decrease at any one time, and the public and stakeholders would be notified of changes to the maximum hourly rate up to

\$2.50 per hour no less than seven calendar days before the change becomes effective via the District's website, a practice consistent with how comparable cities (such as the City of San Diego) make administrative adjustments to their parking rates; and

WHEREAS, on May 6, 2014, the District issued the attached Categorical Determination for the project and a related project, which is herein incorporated by reference; and

WHEREAS, the adjustment and flexibility in the meter rates, the establishment of time limits, as well as days and hours of enforcement are intended to create turnover during high-demand periods and improve public access to the Bay by prohibiting long-term parking by tenant employees and others in a parking area that is extremely popular with patrons and visitors; and

WHEREAS, turnover generated by the time limits and rates would also allow more coastal visitors to use spaces (as opposed to tenant employees occupying the spaces all day); and

WHEREAS, such longer-term parking (i.e., more than 3 hours) is available at the District-owned parking lots and garages in the area; and

WHEREAS, other similarly situated coastal zone jurisdictions have established similar metered parking programs, as shown below and the District's proposed metered parking program will fall into the mid-range of the comparable jurisdictions:

Location	Hours and Days of Enforcement	Hourly Time Limit	Range of Rates	Holiday Enforcement
Hermosa Beach	10 am -12 a.m. Monday - Sunday	Various	\$1.25	Yes
Oceanside	5 am – 6 pm Monday – Sunday	4 hours	\$1.50 - \$2.00	Yes
Newport Beach (Corona del Mar)	6 am -12 am Monday - Sunday	6 hours	\$1.50 - \$4.00*	Yes
Laguna Beach	8 am – 7 pm Monday - Sunday	3 hours	\$1.25 - \$2.25	Yes
Port of San Diego (Proposed)	10 am – 8 pm Monday – Sunday	30 minutes - 3 hours	\$1.00 - \$2.50	No
City of San Diego	8 am – 6 pm;	9 hours	\$0.50 - \$2.50	No

(Gaslamp)	10 am – 8 pm Monday- Saturday			
Long Beach	9 am – 9 pm Monday - Sunday	2 hours	\$0.75-\$3.00	Yes
Del Mar	9 am – 8 pm Monday - Sunday	4 hours	\$3.00 - \$3.50	Yes
Santa Monica	9 am – 6 pm Monday - Saturday	2 hours	Up to \$6.00	Yes

WHEREAS, metered parking is the norm in the City of San Diego and the District, and the California Coastal Commission (CCC) has recognized that pay parking generally does not violate the public access policies of the Coastal Act, particularly when the fee is used to upkeep District services as is the intent with this Project; and

WHEREAS, the Project, including the changes to the rates, hours, days and time limits, are reasonable when examining other coastal cities and are reasonable for an urban coastal jurisdiction; therefore, it will not have a significant adverse impact on public access and use of the metered parking facilities; and

WHEREAS, the Project ensures there are time limits for the longer stay of recreational users and visitors (3 hours) and therefore, it would not foreclose visitors from visiting the Bay for prolonged periods; and

WHEREAS, the Project does not change the operational characteristics of the District-owned 379 free parking spaces from Spanish Landing/Harbor Island down to Grape Street and of the City-owned 159 free spaces within walking distance to the Embarcadero, but one of the conditions of the proposed Non-Appealable Coastal Development Permit (CDP) proposes that signage be added at District-owned free parking, informing visitors of the nearest Big Bay Shuttle stop location and schedule for the same, as well as posting the information on the District’s website; and

WHEREAS, the District is currently conducting a study of parking in the North Embarcadero, which is anticipated to be finished and presented to the BPC for its feedback; and

WHEREAS, the parking study may result in a parking program for the area, but the proposed Non-Appealable CDP includes conditions which will not foreclose or stifle implementation of a parking program, if adopted; and

WHEREAS, in 2009, the District conducted a North Embarcadero Visionary Plan (NEVP) Parking Management Plan and as detailed in the attached Categorical Determination, the Project would further the goals and measures in that plan; and

WHEREAS, as a condition of the CCC approved NEVP Phase 1 CDP (CDP A-6-PSD-11-006), the District was required to prepare and submit for approval a Parking Management and Transit Opportunity Plan (PMTOP); and

WHEREAS, the CCC approved the PMTOP, dated October 2011, satisfying the condition, and as detailed in the attached Categorical Determination, while the Project is not subject to the PMTOP, it would not conflict with the same; and

WHEREAS, the District is the trustee of said tidelands where the Project will be implemented; and

WHEREAS, the metered parking is located in the Coastal Zone on District parking lots and adjacent thereto; and

WHEREAS, the Project is located in Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan and is designation within the limits of the Project as Commercial Recreation and Park/Plaza; and

WHEREAS, the Project conforms to the certified Port Master Plan because parking, including paid parking, is an allowable use in all Port Master Plan land use designations; and

WHEREAS, the Project complies with all District policies, requirements, regulations, the Port Master Plan and the Coastal Act; and

WHEREAS, the Project constitutes "development" pursuant to Section 30106 of the California Public Resources Code because, among other things, it constitutes although negligible, a change in intensity of use and includes the installation of smart meters; and

WHEREAS, in accordance with the District's CDP Regulations (Regulations), the Project is considered "Non-Appealable" because it does not qualify as an "Excluded," "Appealable," or "Emergency" development; and

WHEREAS, pursuant to Coastal Act Section 30715 and Sections 7d(3) and (4) of the Regulations, parking, parking garages/lots and rates/hours/time limits of operation and enforcement for the same are not listed as appealable developments, requiring an Appealable CDP; and

WHEREAS, while the need for the Project is urgent with the coming of the high-demand summer months, it does not constitute an Emergency development; and

WHEREAS, while a Coastal Act exclusion may have been appropriate for the Project consistent with past approvals for the establishment of other metered parking programs (see Clerk Document Nos. 61680 and 62218, available at the Office of the District Clerk and incorporated herein by reference), the District has determined that a Non-Appealable CDP for the Project should be issued to ensure public access conditions in the permit are implemented; and

WHEREAS, the BPC considered the Non-Appealable CDP at the May 12, 2015 BPC meeting; and

WHEREAS, on May 12, 2015, prior to taking this action and pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000, et seq., and its implementing regulations, 14 California Code of Regulations Section 15000, et seq. (CEQA Guidelines) and the District's CEQA Guidelines, the BPC adopted a Statutory Exemption pursuant to CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges) and a Categorical Exemption pursuant to CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) and Sections 2.h and/or 3.a of the District's Guidelines by Resolution 2015-58; and

WHEREAS, the Project falls within the scope of the CEQA exemption; and

WHEREAS, all materials with regard to the Project were made available to the BPC for its review and consideration of the Project including, but not limited to, the CEQA exemptions, the Categorical Determination, the associated Staff Report and Agenda Sheet and all documents and records filed in this proceeding by the District and all interested parties.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

1. The BPC finds 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 Project, in general, consists of:

a. Amending UPD Code Sections 8.10 and 8.14 for the 520 meters located at Tuna Harbor, the North Embarcadero and Ruocco Park areas to set a range of rates from \$1.00 to \$2.50 per hour, to establish enforcement hours from 10:00 a.m. to 8:00 p.m., to establish enforcement

of the parking meter program seven days per week to include Sundays; and

b. Establishing a 3-hour time limit for 516 metered parking spaces to accommodate visitors for excursion tours, dining and museum visits, and 30-minute time limits at four metered parking spaces adjacent to Broadway Landing (near intersection of West Broadway and North Harbor Drive) to allow visitors to purchase tickets at nearby kiosks; and

c. Purchasing and installing smart meters in all 520 parking meters;

d. Granting the District's Executive Director the authority to adjust metered rates to meet demand based on information obtained by the smart meters; and

e. Adjusting the parking meters to accomplish a target utilization rate (the amount of time that vehicles occupy a parking meter space during the allowed hours of operation of the parking meter) of approximately 85% by adjusting the meter rates downward to no less than \$1.00 per hour when demand is low (approximately 70% occupancy or below), unless there is a special event occurring, in which case meters will be set at the maximum rate of \$2.50 per hour and, conversely, adjusting the meter rates upward to a maximum of \$2.50 per hour when demand is high (anticipated to be at approximately 85% occupancy or above); and

f. Adjusting the metered rates could occur on a daily, weekly or monthly basis depending on demand, but rate adjustments could not exceed a \$1.00 increase or decrease at any one time, and the public and stakeholders would be notified of changes to the maximum hourly rate up to \$2.50 per hour no less than seven calendar days before the change becomes effective via the District's website.

3. Having reviewed and considered all the materials made available to the BPC, the BPC further finds and determines:

a. The applicable provisions of CEQA, the CEQA Guidelines and the District CEQA Guidelines have been duly observed in the considerations of this matter and all of the previous proceedings related thereto; and

b. The Project is statutorily exempted pursuant to CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges) and categorically exempted pursuant to CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) and Sections 2.h and/or 3.a of the District's Guidelines; and

c. The CEQA exemptions were presented to the BPC and the BPC has fully reviewed and considered the information contained therein prior to authorizing the issuance of the Non-Appealable CDP.

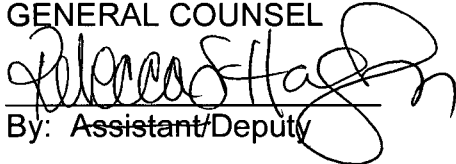
4. The Project is located in Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan and is designation within the limits of the Project as Commercial Recreation and Park/Plaza. The BPC finds that the Project conforms to the to the certified Port Master Plan because parking, including paid parking, is an allowable use in all Port Master Plan land use designations and the Project will enhance public access through the implementation of a range of rates, time limits, and days/hours of enforcement that will encourage parking turnover during high demand period.

5. Pursuant to California Public Resources Code Section 30106, the Project constitutes "development" because, among other things, it constitutes, although negligible, a change in intensity of use and includes the installation of smart meters. In accordance with the District's CDP Regulations, the Project is considered "development" but is "Non-Appealable" because it does not qualify as an "Excluded," "Appealable," or "Emergency" development. The Project is also consistent with California Public Resources Code Sections 30715.5, 30718, 30604(c) and 30210-30224, and the Coastal Act public access and recreation policies referenced therein.

6. The BPC finds that said Categorical Determination contains correct and accurate analysis and statements of fact.

7. Based on the entire record available to the BPC and the findings set forth in this Resolution, the Executive Director or his designated representative is hereby authorized and directed to issue a Non-Appealable CDP for the Project, entitled "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." Said Non-Appealable CDP shall require compliance with all the conditions set forth in the Non-Appealable CDP.

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:

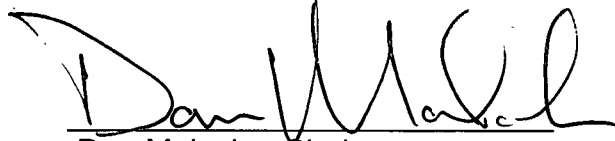
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama.

NAYS: None.

EXCUSED: None.

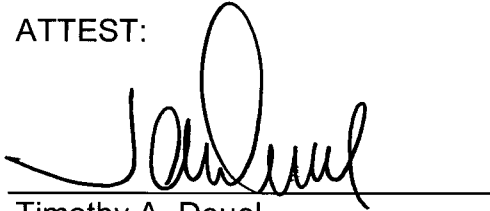
ABSENT: None.

ABSTAIN: None.



Dan Malcolm, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

