

RESOLUTION 2016-145

RESOLUTION FINDING THE AMENDMENTS TO: (1) UPD CODE SECTION 8.11 TO ADD SECTION 8.11(b) AUTHORIZING EXECUTIVE DIRECTOR TO DESIGNATE TIME-LIMIT PARKING ZONES; (2) UPD CODE SECTION 8.16 TO ADD SECTIONS: 8.16(d) PROHIBITION OF PARKING IN DISABLED PERSONS PARKING ZONES; 8.16(e) SEVENTY-TWO (72) HOUR PARKING RESTRICTIONS; 8.16(f) PROHIBITION OF INOPERABLE VEHICLES AND VEHICLE HABITATION; 8.16(g) VIOLATIONS OF SECTION 8.16 CONSTITUTE AN INFRACTION SUBJECT TO FINES PURSUANT TO SECTION 8.15; (3) UPD CODE SECTION 8.15 TO ADD FINES FOR VIOLATIONS OF SECTIONS 8.16(d)(e)&(f); (4) AND 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 1, (Port Act); and

WHEREAS, consistent with the Public Trust Doctrine, Section 36 of the Port Act specifically gives the 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 Harbor Police Department (HPD) is charged with administering parking regulations for the District in order to allow the public to access tideland areas of interest developed by the District and District tenants; and

WHEREAS, in order to better accomplish these objectives HPD has determined that additions or amendments are necessary to San Diego Unified Port District Code (UPD Code), Article 8, Police Measures/Parking Regulations, in particular amendments to UPD Code Sections 8.11, 8.16 and 8.15, and has proposed said amendments and the issuance of a Non-Appealable CDP (collectively, Project); and

WHEREAS, the proposed Project will (1) grant authority for the Executive Director to determine appropriate time limits for on-street parking, parking lots, and parking areas through an amendment to UPD Section 8.11(b); (2) limit parking in disabled or accessible parking zones to persons with valid disabled parking placards through an amendment to UPD Code Section 8.16(d); (3) limit on-street parking, parking lots, and parking areas to a maximum of seventy-two (72) hours through an amendment to UPD Code Section 8.16(e); (4) prohibit storage of inoperable vehicles, vehicles for sale or vehicles used for habitation on tidelands through an amendment to UPD Code Section 8.16(f); (5) provide that violations of UPD Code Section 8.16 constitute an infraction that shall be punished pursuant to UPD Code Section 8.15 through an amendment to UPD Code Section 8.16(g); and (6) establish monetary fines for violations of UPD Code Sections 8.16(d)(e)&(f) through an amendment to amend UPD Code Section 8.15; and

WHEREAS, the proposed Project, which is more fully described in the staff agenda sheet and the administrative record, incorporated herein by reference, are exempt pursuant to the California Environmental Quality Act (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 (BPC), as follows:

Pursuant to CEQA Guidelines Sections 15273 (Rates, Tolls, Fares and Charges) and 15301 (Existing Facilities) and Section 2.h and/or 3.a. 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 California Environmental Quality Act (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 proposed Project, generally consists of amendments to San Diego Unified Port District Code (UPD Code), Article 8, Police Measures/Parking Regulations, and implementation of said amendments to (1) grant authority for the Executive Director to determine appropriate time limits for on-street parking, parking lots, and parking areas through an amendment to UPD Section 8.11(b); (2) limit parking in disabled or accessible parking

zones to persons with valid disabled parking placards through an amendment to UPD Code Section 8.16(d); (3) limit on-street parking, parking lots, and parking areas to a maximum of seventy-two (72) hours through an amendment to UPD Code Section 8.16(e); (4) prohibit storage of inoperable vehicles, vehicles for sale or vehicles used for habitation on tidelands through an amendment to UPD Code Section 8.16(f); (5) provide that violations of UPD Code Section 8.16 constitute an infraction that shall be punished pursuant to UPD Code Section 8.15 through an amendment to UPD Code Section 8.16(g); and (6) establish monetary fines for violations of UPD Code Sections 8.16(d)(e)&(f) through an amendment to amend UPD Code Section 8.15.

4. Additionally, the proposed Project includes issuance of a Non-Appealable CDP.
5. The proposed Project is more fully described in the Staff Report and the administrative record before the BPC.
6. The proposed Project will provide improved public access to parking on District tidelands and is to meet operational expenses of the District.
7. The proposed Project may increase parking revenue by approximately \$200,000 per year and are to meet financial reserve needs and requirements of the District.
8. The proposed Project is based on demand and market conditions and are not to obtain funds for capital projects for expansion of systems.
9. The proposed Project involves an operational change and will involve no expansion of use beyond that previously existing.

THEREFORE, BE IT FURTHER RESOLVED, that the proposed Project is exempt from CEQA as specified under Sections 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 September 8, 2016.

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 8th day of September 2016, by the following vote:

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

NAYS: None.

EXCUSED: Castellanos.

ABSENT: None.

ABSTAIN: None.



Marshall Merrifield, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

for

(Seal)