

**RESOLUTION 2016-147**

**RESOLUTION FINDING (1) THE AMENDMENTS TO SAN DIEGO UNIFIED PORT DISTRICT (SDUPD) CODE ARTICLE 8, SECTIONS 8.10 AND 8.14 TO INCLUDE ALL PARKING METERS AND PAY STATIONS ON TIDELANDS (INCLUDING SHELTER ISLAND, SPANISH LANDING, AND THE CRESCENT AREA ON HARBOR DRIVE) WITHIN THE ALREADY ESTABLISHED RATE RANGE OF \$1.00 - \$2.50 PER HOUR AND TO MODIFY DAYS OF OPERATION FOR TIDELANDS' PUBLIC PARKING METERS AND PAY STATIONS TO THE ALREADY ESTABLISHED DAYS OF MONDAY - SUNDAY (TO INCLUDE SHELTER ISLAND, SPANISH LANDING AND THE CRESCENT AREA ON HARBOR DRIVE), AND SET TIMES OF ENFORCEMENT FOR THE VARIOUS AREAS BASED ON DEMAND; (2) THE PURCHASE, INSTALLATION, AND OPERATION OF 54 SMART METERS AND 4 PAYSTATIONS; AND THE NON-APPEALABLE COASTAL DEVELOPMENT PERMIT FOR THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS SPECIFIED UNDER 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**, demand for parking along the waterfront from the South Embarcadero to Shelter Island has increased greatly over the past several years due to development in the areas including Broadway Landing, the Headquarters, the new Lane Field hotel and park, Hornblower's operations off Grape Street Pier, Bali Hai and Kona Kai redevelopment on Shelter Island and the San Diego County Waterfront Park as well as expansion of the nearby San Diego Airport; and

**WHEREAS**, there are currently 736 District-owned Smart Meters from the South Embarcadero up to Grape Street along the North Embarcadero and 264 traditional meters on Shelter Island; and

**WHEREAS**, these metered spaces provide convenient public access to San Diego Bay, nearby tenants, attractions and amenities; and

**WHEREAS**, to better manage these public spaces, increase turnover, and respond to District tenants and stakeholders regarding a perceived lack of parking, staff is recommending amending San Diego Unified Port District (SDUPD) Code Sections 8.10 and 8.14 to include the Crescent area, just north of Grape Street along North Harbor Drive, Spanish Landing and Shelter Island meters in the set range of rates from \$1.00 to \$2.50 per hour, seven (7) days per week to include Sundays and enforcement hours for each location based on demand; and

**WHEREAS**, the proposed Project consists of (1) the installation of 54 new Smart Meters along the Crescent and four (4) pay stations within the parking lots at Spanish Landing and (2) the adoption of the rate range of \$1.00 - \$2.50 per hour and enforcement on Sundays at all three locations noted above (the Crescent, Spanish Landing and Shelter Island) to match the current Smart Meters along the Embarcadero via amendment to (SDUPD) Code, Article 8, Sections 8.10 and 8.14, by including all tidelands locations with meters and pay stations under these Code Sections noted; and, (3) establishing the times of enforcement that are most effective for the demand in its respective area: the Crescent meters – 10:00 AM to 8:00 PM (matching the Embarcadero), Spanish Landing pay stations - 6:00 AM to 10:30 PM and Shelter Island traditional meters – 8:00 AM to 6:00 PM; 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 (1) amending SDUPD Article 8, Code Sections 8.10 and 8.14 related to parking meters to implement the changes to parking meter and pay station enforcement consistent with the Smart Meters on the North Embarcadero, Tuna Harbor, Ruocco Park, Embarcadero Marina Park South and Embarcadero Marina Park North areas, to include the Crescent area, Spanish Landing and Shelter Island, to be further referenced as "all tidelands meters and pay stations"; (2) issuing a Non-Appealable CDP to modify rates, times, and days of operation for all tidelands public parking meters and pay stations and installation of Smart Meters and Pay Stations; and, (3) authorizing the amendment to the FY16/17 budget and the purchase of 54 Smart Meters and 4 pay stations from IPS Group, Inc. and a 3-year contract with IPS Group, Inc. for services for the Smart Meters and pay stations.
4. The proposed Project is more fully described in the Staff Report and the administrative record before the BPC.
5. The modifications to rates, hours, and days of operation for all tidelands public parking meters and pay stations and the installation and operation smart meters and pay stations are based on other California beach cities and are to meet operational expenses of the District.
6. The modifications to rates, hours, and days of operation for all tidelands public parking meters and pay stations and the installation and operation smart meters and pay stations may increase parking revenue by approximately \$230,000 per year and are to meet financial reserve needs and requirements of the District.
7. The modifications to rates, hours, and days of operation for all tidelands public parking meters and pay stations and the installation and operation smart meters and pay stations would be based on demand and market conditions and are not to obtain funds for capital projects for expansion of systems.
8. 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 8<sup>th</sup> 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)