

**RESOLUTION 2016-149**

**ADOPT RESOLUTION AUTHORIZING ISSUANCE OF A NON-APPEALABLE COASTAL DEVELOPMENT PERMIT TO (1) 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 MODIFY DAYS OF OPERATION FOR TIDELANDS' PUBLIC PARKING METERS AND PAYSTATIONS 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; AND (2) THE PURCHASE, INSTALLATION, AND OPERATION OF 54 SMART METERS AND 4 PAYSTATIONS**

**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 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 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 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**, along with inclusion within the rate range for meters and the days of enforcement the Crescent area, staff is recommending to have set hours of 10:00 AM to 8:00 PM to match the hours enforced at the nearby North Embarcadero with a four (4) hour time limit per stay along with inclusion within the rate range for meters and the days of enforcement; and

**WHEREAS**, in the Crescent area, the 54 public parking spaces are heavily used by the adjacent San Diego Mooring subtenants in the A-3 Anchorage; and

**WHEREAS**, Spanish Landing parking is recommended to have set hours of 6:00 AM to 10:30 PM with four (4) pay stations within the parking lots to match the current enforced hours of this park area; and

**WHEREAS**, on Shelter Island, the 264 traditional metered parking spaces have not had a rate change from \$1.00 per hour in over 22 years; and

**WHEREAS**, staff is recommending including Shelter Island within the current SDUPD Code Section 8.10 rate range of \$1.00 - \$2.50 per hour so that as demand changes the rates can be flexible; and

**WHEREAS**, staff recommends the rates for Shelter Island match the City's rate of \$1.25 per hour initially, until an increase or decrease is warranted based on demand for parking in this area; and

**WHEREAS**, the recommendation is to include Shelter Island for enforcement seven (7) days per week since this area is the only metered area on tidelands not currently enforced on Sundays, and Sundays tend to be one of the higher demand days of the week; and the hours of enforcement at Shelter Island will remain the same at 8:00 AM to 6:00 PM; and

**WHEREAS**, in order to manage the parking at the Crescent and Spanish Landing, staff recommends the purchase and installation of 54 new Smart Meters and four (4) pay stations at these two locations that currently do not have parking management equipment in place; and

**WHEREAS**, the installation of the 54 meters and four (4) pay stations at Crescent and Spanish Landing will allow the District to effectively manage the parking in these areas and create better turnover and access to the San Diego Bay; and

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

**WHEREAS**, the proposed development is located in three of the District's 10 planning districts, as follows: Planning District 1, Shelter Island/La Playa, which is delineated on Precise Plan Map Figure 4 of the certified Port Master Plan; Planning District 2, Lindbergh Field/Harbor Island, which is delineated on Precise Plan Map Figure 9 of the certified Port Master Plan; and, Planning District 3, Centre City Embarcadero, which are delineated on Precise Plan Map Figure 11 of the certified Port Master Plan; and

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

**WHEREAS**, the development 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 Development 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**, consistent with past approvals for the establishment of other parking programs and based on previous issuances of Non-Appealable CDPs for the Convention Center serving garage (see Clerk Document Nos. 17936 and 46744, respectively), for parking meters in North Embarcadero, Tuna Harbor, and Ruocco Park and to implement flexible parking rates, up to the existing maximum parking rate previously-approved by the Board (see Clerk Document Nos. 63900 and 63901, respectively), and for parking meters in Embarcadero Marina Park North and South and to allow the District's Executive Director to

amend the existing market-based parking rates to allow for new flexible rate ranges at a District parking lot and garages (see Clerk Document Nos. 65284 and 65285, respectively), the District has determined that a Non-Appealable CDP for the proposed development be issued to ensure public access; and

**WHEREAS**, the BPC considered the Non-Appealable CDP at the September 8, 2016 BPC meeting, which includes conditions, incorporated by reference herein, that ensures the proposed development's consistency with the California Coastal Act and the certified Port Master Plan; and

**WHEREAS**, on September 8, 2016, 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 for compliance with CEQA; and

**WHEREAS**, the proposed development falls within the scope of the CEQA exemption; and

**WHEREAS**, all materials with regard to the proposed development were made available to the BPC for its review and consideration of the proposed development 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 (BPC) 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 development, in general, consists of amending current UPD Code Sections 8.10 and 8.14 and implementation of the same 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 of 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; and, (2) the purchase, installation, and operation of 54 smart meters and 4 pay stations.

3. The proposed development is located in Planning District 1, Shelter Island/La Playa, which is delineated on Precise Plan Map Figure 4 of the certified Port Master Plan; Planning District 2, Lindbergh Field/Harbor Island, which is delineated on Precise Plan Map Figure 9 of the certified Port Master Plan; and, Planning District 3, Centre City Embarcadero, which are delineated on Precise Plan Map Figure 11 of the certified Port Master Plan. The Port Master Plan land use designations within the limits of the proposed development are Commercial Recreation, Marine Sales/Service, and Park/Plaza. The BPC finds that the development conforms to the certified Port Master Plan because parking is an allowable use in all Port Master Plan land use designations and thus, the development will not change the use of the site nor will it interrupt or expand the existing conforming use of the site. Additionally, it is an amendment for police measures, parking regulations, and enforcement to provide improved public access to parking on District tidelands that would involve no expansion of use beyond that previously existing consistent with the existing certified land use designations.

4. The proposed development, as conditioned in the Non-Appealable CDP, is 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.

5. Based on the entire record available to the BPC and the findings set forth in this Resolution, the Executive Director or her designated representative is hereby authorized and directed to issue a Non-Appealable CDP for the proposed development, entitled "Modification to Rates, Times, and Days of Operation for All Tidelands Public Parking Meters and Pay Stations and Installation of Smart Meters and Pay Stations." 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 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.

  
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Marshall Merrifield, Chairman  
Board of Port Commissioners

ATTEST:

  
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Timothy A. Deuel  
District Clerk

(Seal)