

## RESOLUTION 2016-50

**RESOLUTION FINDING THE AMENDMENTS TO SAN DIEGO UNIFIED PORT DISTRICT (UPD) CODE, ARTICLE 8, SECTIONS 8.10 AND 8.14 TO ADD A NEW RATE RANGE (\$1.00 - \$2.50) FOR PARKING METERS LOCATED AT EMBARCADERO MARINA PARK NORTH AND EMBARCADERO MARINA PARK SOUTH AND MODIFICATION OF HOURS AND DAYS OF OPERATION FOR TIDELANDS PUBLIC METERS IN THESE AREAS, AND AMENDMENT TO ARTICLE 8, SECTION 8.21 – NEW MARKET-BASED PARKING RATE RANGES AT TIDELANDS PUBLIC PARKING LOT AND GARAGES AND NON-APPEALABLE COASTAL DEVELOPMENT PERMITS 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**, 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 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**, in 2014 and 2015 respectively, Tuna Harbor Public Parking Meter Pilot Program (Pilot Program) and the Embarcadero Smart Meter Trial Program (Trial Program) for 520 parking meters along the Embarcadero was instituted and a success in improving public access to parking along the Bay; and

**WHEREAS**, in February 2016, the BPC authorized the purchase of an additional 180 Smart Meters to update the current meters in Embarcadero Marina Park North (EMPN) and Embarcadero Marina Park South (EMPS); and

**WHEREAS**, District staff recommended that the BPC amend San Diego Port District (UPD) Code, Article 8, Port Code Sections 8.10 and 8.14 to establish a range of rates between \$1.00 - \$2.50 per hour, hours of enforcement (10:00 a.m. to 8:00 p.m.) and enforcement on Sundays for the EMPN and EMPS public parking areas; and

**WHEREAS**, District staff also recommended that the BPC authorize amendments to UPD Code, Article 8, Section 8.21 to establish market-based parking rates consisting of flexible rate ranges at the tidelands public parking lot at B Street Pier Public Parking Lot and the garages located at the Convention Center Public Parking Garage (underground at the Convention Center) and Convention Center (adjacent to the Hilton) Public Parking Garage (collectively, Garages) to set market-based and reasonable parking rate ranges; and

**WHEREAS**, the Director of the District will continue to have the ability to change rates up to the BPC-approved maximum rate at each respective location as approved by the BPC in May 2015 and as specified in Article 8, Code Section 8.21; and

**WHEREAS**, the rates and time limits at the meters would accomplish a higher turnover enabling more of the public to park on the waterfront, but longer term (i.e., more than 3 hours) parking would be provided in the garages or B Street at flexible rates that are closer to market rates in the area; and

**WHEREAS**, the new rate ranges for the Garages, would enable the District to adjust rates to allow for affordable parking on tidelands at or slightly below the market rates of nearby downtown lots and garages and additionally, like the meters, during periods of high demand or special events, rates in the Garages could be adjusted upward to encourage parking turnover and better public access to the Bay; and

**WHEREAS**, the proposed items would also allow District tenants and members of the public to contract directly with parking operators for remote parking opportunities, subject to District approval, which would shift some demand from the North Embarcadero, Tuna Harbor and Ruocco Park meters and Barrio Logan street parking to Garages that have less occupancy; and

**WHEREAS**, the intent of the changes to the parking program is to increase public access to the Bay by establishing a symbiotic relationship between the Garages and the meters; and

**WHEREAS**, staff recommends the BPC authorize issuance of the following Non-Appealable Coastal Development Permits to (1) Add a New Rate Range and Modify the Hours and Days of Operation for Parking Meters located at Embarcadero Marina Park and Embarcadero Marina Park North and (2) Authorize the Amendment to Market-Based Parking Rate Ranges at Tidelands Public Parking Lot and Garages; and

**WHEREAS**, the proposed amendments to UPD Code, Article 8, Sections 8.10, 8.14 and 8.21 and the 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:

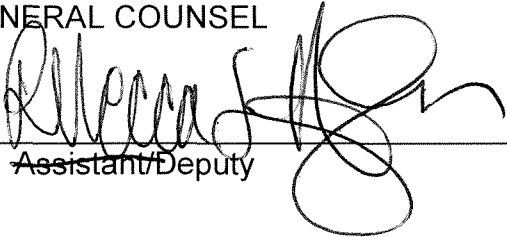
1. The facts recited above are true and further finds that this BPC has jurisdiction to consider, approve and adopt the subject of this Resolution.
2. The applicable provisions of CEQA, the State CEQA Guidelines, and the District Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto.
3. The amendments to UPD Code, Article 8, Sections 8.10 and 8.14, as detailed herein and in the administrative record before the BPC, 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, 8.14 and 8.21, detailed herein and in the administrative record before the BPC, are based on demand and market conditions.
5. The collected rates from the proposed BPC actions are to meet operational expenses of the District.
6. The proposed BPC actions may increase parking revenue by approximately \$2,000,000 per year and are to meet financial reserve

needs and requirements of the District.

7. The proposed BPC 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 in Embarcadero Marina Park North and Embarcadero Marina Park South and amendment UPD Code, Article 8, Section 8.21, which established flexible market-rates for the B Street Pier Public Parking Lot and the garages located at the Convention Center Public Parking Garage (underground at the Convention Center) and Convention Center (adjacent to the Hilton) Public Parking Garage 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 April 7, 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 14th day of April 2016, by the following vote:

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

NAYS: None.

EXCUSED: Castellanos.

ABSENT: None.

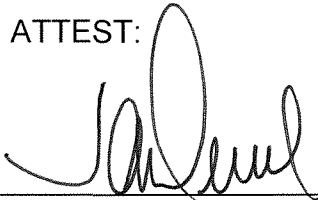
ABSTAIN: None.



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Marshall Merrifield, Chairman  
Board of Port Commissioners

ATTEST:



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Timothy A. Deuel  
District Clerk

(Seal)