

RESOLUTION 2017-108

RESOLUTION ADOPTING THE REVISED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FINAL MITIGATED NEGATIVE DECLARATION FOR THE PORTSIDE PIER RESTAURANT REDEVELOPMENT PROJECT, AND ADOPTING FINDINGS THAT THE REVISED PARKING MITIGATION MEASURE IS EQUIVALENT OR MORE EFFECTIVE THAN THE PREVIOUS MITIGATION MEASURE

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, on May 20, 2015, the District issued a Request for Proposals (RFP) for the redevelopment of an aging restaurant establishment located at 1360 N. Harbor Drive, in the City of San Diego (Project Site); and

WHEREAS, The Brigantine (Permittee), now the project proponent, was ultimately selected as the development partner for its Portside Pier project and as originally proposed, Portside Pier consisted of demolition of the existing structure and construction of a new two-story, approximately 34,069-square-foot restaurant structure containing three restaurants and a gelato and coffee shop and a dock and dine facility (collectively, Project); and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) statutes and guidelines, the Project was analyzed in the MND entitled "Portside Pier Restaurant Redevelopment Project" (UPD #MND-2016-91, SCH #2016081007, District Document No. 66702) and pursuant to Resolution No. 2016-202, on December 13, 2016, the BPC adopted the MND and a Mitigation, Monitoring, Reporting Program (MMRP) and made certain findings as particularly stated in said Resolution; and

WHEREAS, during the finalization of Mitigation Measure TRA-2 regarding parking, the consultant team incorrectly identified the need for the Permittee to obtain 979 offsite parking spaces, which was identified in the Traffic Impact Analysis, herein incorporated by reference and on record in the Office of the District Clerk, as the total near-term parking deficiency in the North Embarcadero (890 parking spaces) plus the spaces needed for the Project under the shared parking scenario (89 parking spaces); and

WHEREAS, as shown supported by the Traffic Impact Analysis and the Tidelands Parking Guidelines (District Document No. 41489), the Project requires 358 parking spaces without a dedicated water transportation service and 327 parking spaces with a dedicated water transportation service; and

WHEREAS, the following tables summarize the correct parking generation rates and required parking spaces for the Project:

TABLE 1 – PARKING ADJUSTMENTS WITH DEDICATED WTS

Adjustment	Adjustment Reason	Percent	Change (Spaces / KSF)
Parking Rate (Unadjusted) – Restaurant Use (Embarcadero)	Per Table 1 of the Tidelands Parking Guidelines	100%	9.3
Proximity to Transit	The proposed project is located within 0.25 miles of Santa Fe Depot.	-12%	-1.1
Access to Airport	The proposed project does not have access to the airport.	0%	0.0
Shared Parking Potential	The proposed project has only a single restaurant use.	0%	0.0
Proximity to Public Waterfront Amenities for Public Access	The proposed project is located along the waterfront and has direct access to the Embarcadero Promenade.	25%	2.3
Displacement of Existing Parking	The proposed project will not displace any existing parking.	N/A	0.0
Existing Parking Shortfall/Surplus	This will be determined via this parking analysis.	N/A	0.0
Employee Trip Reduction Programs	This project proposed to park all employees off site.	N/A	0.0
Dedicated Airport Shuttle Service	For hotel uses only.	0%	0.0
Dedicated WTS	Anticipated WTC stop	-10%	-0.9
Total Adjusted Rate			9.6

Source: Transportation Analysis, pp. 41-42 (2016)

TABLE 2 – PARKING ADJUSTMENTS WITHOUT DEDICATED WTS

Adjustment	Adjustment Reason	Percent	Change (Spaces / KSF)
Parking Rate (Unadjusted) – Restaurant Use (Embarcadero)	Per Table 1 of the Tidelands Parking Guidelines	100%	9.3
Proximity to Transit	The proposed project is located within 0.25 miles of Santa Fe Depot.	-12%	-1.1
Access to Airport	The proposed project does not have access to the airport.	0%	0.0
Shared Parking Potential	The proposed project has only a single restaurant use.	0%	0.0
Proximity to Public Waterfront Amenities for Public Access	The proposed project is located along the waterfront and has direct access to the Embarcadero Promenade.	25%	2.3
Displacement of Existing Parking	The proposed project will not displace any existing parking.	N/A	0.0
Existing Parking Shortfall/Surplus	This will be determined via this parking analysis.	N/A	0.0
Employee Trip Reduction Programs	This project proposed to park all employees off site.	N/A	0.0
Dedicated Airport Shuttle Service	For hotel uses only.	0%	0.0
Dedicated WTS	Without anticipated WTS stop	0%	0.0
Total Adjusted Rate			10.5

Source: Transportation Analysis, pp. 41-42 (2016); Adjusted by District on April 18, 2017

Table 3 – REQUIRED PARKING SPACES

Assumptions	Building Area (SF)	Parking Rate (KSF)	Parking Spaces
With WTS Adjustment	34,069	9.6	327
Without WTS Adjustment	34,069	10.5	358

Source: District Calculations (April 18, 2017)

NOTES FOR ALL TABLES:

KSF: 1,000 square feet

SF: Square Feet

WTS: Water Transportation Service

WHEREAS, staff recommends that Mitigation Measure TRA-2 and the MMRP be revised to require the correct amount of parking for the Project; and

WHEREAS, staff recommends that Mitigation Measure TRA-2 be revised to state:

- Valet Parking – Secure 358 parking spaces without a dedicated water transportation service (the 358 spaces may be reduced to 327 spaces with a dedicated water transportation service) (Secured Parking) at one or more parking lots and provide a valet service in order to avoid overflow in the immediate surrounding parking areas. Prior to Certificate of Occupancy, the applicant will enter into a contract or agreement with a parking operator or equivalent entity securing the Secured Parking and provide the agreement to the District. The agreement shall be updated on an annual basis with proof of said agreement being submitted to the District on an annual basis. Alternatively, the applicant may submit evidence to District that it has acquired the Secured Parking at an off-site location for the valet parking operation.

WHEREAS, these revisions do not amount to a substantial revision under CEQA (CEQA Guidelines Section 15073.5) because they do not show any new significant environmental impacts or any substantial increase in the severity of environmental impacts; and

WHEREAS, the revised Mitigation Measure TRA-2 would be equivalent or more effective as that stated in the Final MND because the level of impact would be mitigated appropriately to below a level of significant and the revised mitigation measure would not result in significant impacts to the environment; and

WHEREAS, as revised Mitigation Measure TRA-2 and the MMRP, now reflect mitigation that is roughly proportional to the identified parking impact for the Project.

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. Mitigation Measure TRA-2 in the MMRP is hereby revised with the following:

- Valet Parking – Secure 358 parking spaces without a dedicated water transportation service (the 358 spaces may be reduced to 327 spaces with a dedicated water transportation service) (Secured Parking) at one or more parking lots and provide a valet service in order to avoid overflow in the immediate surrounding parking areas. Prior to Certificate of Occupancy, the applicant will enter into a contract or agreement with a parking operator or equivalent entity securing the Secured Parking and provide the agreement to the District. The agreement shall be updated on an annual basis with proof of said agreement being submitted to the District on an annual basis. Alternatively, the applicant may submit evidence to District that it has acquired the Secured Parking at an off-site location for the valet parking operation.

3. As supported by the entire administrative record, the revised Mitigation Measure TRA-2 in the MMRP is appropriate and as effective as the previously approved Mitigation Measure TRA-2 and MMRP as it fully mitigates the parking impacts from the Project to below a level of significant and said mitigation is an amount that is roughly proportional to the impact.

4. As a condition of approval, The Brigantine, Inc. shall indemnify and hold the San Diego Unified Port District (District) harmless against all third-party legal challenges, claims, lawsuits, proceedings and the like, including reimbursement of all attorneys' fees, costs and expenses incurred by the District related to this approval. Said condition is independent of any agreement between the District and The Brigantine, Inc.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: Assistant/Deputy

2017-108

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11th day of July 2017, by the following vote:

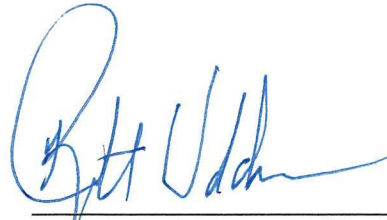
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Valderrama, and Zucchet

NAYS: None.

EXCUSED: None.

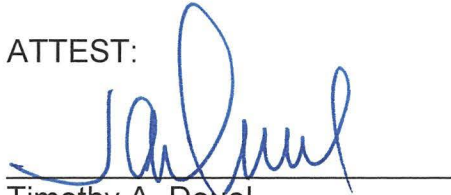
ABSENT: None.

ABSTAIN: None.



Robert Valderrama, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk



(Seal)