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SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE xxxx

ORDINANCE FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING, BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15301 AND 15311 AND AMENDING SAN DIEGO UNIFIED PORT DISTRICT CODE ARTICLE 8, SECTION 8.09 – OVERSIZED VEHICLE PARKING REGULATIONS ON TIDELANDS AND SECTION 8.11 – VEHICLE PARKING REGULATED

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, 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, Section 56 of the Port Act requires the BPC to make local regulations pertaining to the use of all public services in the District, operated in connection with or for the promotion and accommodation of commerce, navigation, fisheries, and recreation on District Tidelands; and

WHEREAS, the proposed Ordinance will involve amending the current San Diego Unified Port District Code Article 8, Section 8.09 to be – Oversized Vehicle Parking Regulations on Tidelands, from its current Shelter Island specific regulations, to include all parking areas on tidelands in all five (5) member cities, to modify, update and clarify the definition of an Oversized Vehicle and regulate locations they cannot park around San Diego Bay; and

WHEREAS, the amendments to District Code Section 8.11 – Vehicle Parking Regulated will update this section to include regulations that apply to all types of vehicles parking; and

WHEREAS, the goals of these amendments are as follows:

- Improve access to parking areas that are impacted by Oversized Vehicles;
- Improve and maintain health, safety, and environmental conditions;
- Open views to the bay that are impacted by Oversized Vehicles;

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- Protect the landscaping of District parks;
- Increase the number of passenger vehicle spaces;
- Support tidelands tenants through improved turnover and access to parking; and

WHEREAS, staff recommends the Board conduct a public hearing and adopt an Ordinance finding the Board action exempt under the California Environmental Quality Act (CEQA), including, but not limited to, CEQA guideline sections 15301 and 15311 and amending San Diego Unified Port District Code (SDUPD) Article 8, Section 8.09 – Oversized Vehicle Parking Regulations on Tidelands and Section 8.11 – Vehicle Parking Regulated; and

WHEREAS, the proposed Board actions, including without limitation, to conduct a public hearing and adopt an ordinance amending San Diego Unified Port District Code Article 8, Section 8.09 – Oversized Vehicle Parking Regulations on Tidelands and Section 8.11 – Vehicle Parking Regulated, are Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and 15311 (Accessory Structures), and/or Sections 3.a.(8) and 3.i.(3) of the District’s Guidelines for Compliance with CEQA because the project would consist of amending the San Diego Unified Port District Code Article 8 that would involve negligible expansion of use beyond that previously existing, would result in no permanent effects on the environment, and would not involve the removal of mature, scenic trees; and

WHEREAS, the District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2); and

WHEREAS, the proposed Board actions comply with Section 35 of the Port Act, which authorizes the Board to do acts necessary and convenient for the exercise of its power; and

WHEREAS, the Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine and consequently, the proposed Board actions are consistent with the Public Trust Doctrine; and

WHEREAS, the proposed Board actions are considered excluded development pursuant to Section 8.a (Existing Facilities) of the District’s Coastal Development Permit Regulations because the project would consist of amending the San Diego Unified Port District Code Article 8 that would involve negligible expansion of use beyond that previously existing; and

WHEREAS, if the Board approves these actions, District staff would notify California Coastal Commission (CCC) staff in accordance with Coastal Act Section 30717; and the approval would become effective after the 10th working day after

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notification to CCC staff unless an appeal is filed with the CCC within that time frame.

NOW, THEREFORE, the Board of Port Commissioners (BPC) of the San Diego Unified Port District, does ordain as follows:

Section 1. That, based on the entire administrative record, the BPC finds that the BPC action is exempt under the California Environmental Quality Act, including but not limited to, CEQA Guideline Sections 15301, 15304, and 15305.

Section 2. That Section 8.09 to Article 8 of the San Diego Unified Port District Code is hereby amended to read as follows:

SECTION NO. 8.09 – OVERSIZED VEHICLE PARKING REGULATIONS ON TIDELANDS

(a) Purpose

California Vehicle Code Section (CVC) 22507 permits the District to prohibit or restrict the stopping, parking, or standing of vehicles, including but not limited to vehicles that are Six (6) feet or more in height. Further, the San Diego Unified Port District Code (including without limitation, Section 8.11) authorizes the designation of parking spaces on tidelands within its jurisdiction in San Diego, National City, Chula Vista, Coronado and Imperial Beach. The purpose of this Section of the San Diego Unified Port District Code is to define the descriptions of oversized vehicles and regulate accordingly, on all of tidelands where posted.

(b) Definitions

Certain words and phrases used herein are defined as follows:

1. “Boat Trailer” – Trailer used to convey a boat which attaches to a vehicle for transport. And includes, but not limited to boats and/or boat trailers, including jet skis and/or jet ski trailers use to convey a boat or jet ski.
2. “Bus” – As defined in the CVC Section 233, as may be amended from time to time.
3. “Camp Trailer” – As defined in the CVC Section 242, as may be amended from time to time.
4. “Fifth-Wheel Travel Trailer” – As defined in the CVC Section 324, as may be amended from time to time.

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5. "House Car" – As defined in the CVC Section 362, as may be amended from time to time.
6. "Motorhome" – A motor vehicle designed to provide temporary living quarters, built as an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or van and includes a motorhome manufactured by a licensed motorhome manufacturer.
7. "Oversized Vehicle" – a Bus, Camping Trailer, Fifth Wheel Travel Trailer, House Car, Motorhome, Recreational Vehicle, Slide-in trailer. Trailer, Trailer Bus, Van Camper, and/or Vehicle greater than Twenty (20) feet in length, OR Seven (7) feet in width, OR Seven and one-half (7 ½) feet in height. Measurements shall include extensions and/or attachments, with the exemption of side mirrors.
8. "Passenger Vehicle" – As defined in the CVC Section 465, as may be amended from time to time, or a bus, as defined in CVC Section 233, as may be amended from time to time.
9. "Recreational Vehicle" – As defined in the California Health & Safety Code Section 18010, as may be amended from time to time.
10. "Slide-in Camper" – As defined in the California Health & Safety Code Section 18012.4, as may be amended from time to time.
11. "Trailer" – As defined in the CVC Section 630, as may be amended from time to time.
12. "Trailer Bus" – As defined in the CVC Section 636, as may be amended from time to time.
13. "Van Camper" - A complete vehicle purchased from a recognized vehicle manufacturer and converted (usually by the installation of carpet, curtains, additional seating, etc.) for human habitation or camping purposes.

(c) Regulations On Oversized Vehicle Parking

1. Subject to the exceptions in subsections (c)(2) and (3), no person shall park or stand or permit to stand any Oversized Vehicle on tidelands where posted, including, but not limited

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to all streets, parking lots, parking garages and parks, except when spaces are designated specifically for such use.

2. Parking of an Oversized Vehicle is permissible when being actively utilized for a public construction or maintenance project, or private project of a District tenant or permittee on tidelands, including approved special events, provided such vehicle and/or equipment is properly marked with signs and/or barricades and is parked immediately adjoining, adjacent or abutting the leased premise or permitted property, project or special event.
3. This Section 8.09 shall not apply to a commercial truck (as established by a current registration with the State Department of Motor Vehicles) and including, but not limited to, semi-trucks, if one or more of the following apply:
 - a) While such commercial truck is being loaded or unloaded and such additional time is reasonably required for such loading and unloading operations; or
 - b) When such commercial truck is parked in connection with, and in the aid of, the performance of a service to or on a property on tidelands, where such Oversized Vehicle is parked for a period reasonably necessary to complete such service.
4. Additionally, other code sections which apply to Vehicles also apply to Oversized Vehicles.

(d) Administrative Regulations

1. The Executive Director or his or her designee may implement administrative regulations pertaining to the administration of Oversized Vehicle parking spaces.
2. A violation of any provision of this Section is subject to enforcement pursuant to Section 8.16 and/or Section 8.17 of this Code.

Section 3. That Section 8.11 to Article 8 of the San Diego Unified Port District Code is hereby amended to read as follows:

SECTION NO. 8.11 – VEHICLE PARKING REGULATED

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- (a) The Executive Director is hereby instructed to have lines or markings painted or placed upon the curb or upon the street for the purpose of designating parking spaces. Vehicles shall park within the lines or markings so established. It shall be unlawful to park any vehicle across any such line or marking or to park said vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.
- (b) The Executive Director shall place and maintain appropriate signs to designate time-limit parking zones, and when such signs are in proper place giving notice thereof, no operator of any vehicle shall stop, stand, or park such vehicle in excess of the time designated.
- (c) Regulations on Head-In Parking
 - 1. Unless otherwise posted, no Vehicle shall be stopped, left standing or parked where the rear wheels are backed-in to the space.
- (d) Regulations for Vehicles with Boat Trailers Attached
 - 1. The Executive Director or his or her designee shall designate parking spaces for Vehicles with Boat Trailers attached, by signs, pavement stripes or other means of designation at the following Boat Launch parking lots: Shelter Island Boat Launch in San Diego, National City Boat Launch in Pepper Park, and Chula Vista Boat Launch in Chula Vista Bayfront Park. Only Vehicles with Boat Trailers attached may park in the designated spaces and must fit within the spaces, and abide by posted regulations, including, but not limited to park closure times.
- (e) Restrictions for Parking Space Uses
 - 1. No person shall occupy, fill or obstruct a space designated for parking or adjacent driveways and sidewalks, in any tidelands parking lot with any awnings, camping equipment, tent, chair, carpet, mat, appliance, beach gear, equipment, generators or other personal property other than a vehicle appropriate for the size of the parking space, except by special event permit of the Executive Director or his or her designee.

Section 4. This ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

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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 11th day of April 2023, by the following vote: