

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION AUTHORIZING AMENDMENT NO. 1
TO NON-APPEALABLE COASTAL DEVELOPMENT
PERMIT 2016-01 FOR THE “NEW MARKET-BASED
PARKING RATES AT TIDELANDS PUBLIC
PARKING LOT AND GARAGES” TO ESTABLISH
NEW MARKET-BASED PARKING RATE RANGES
AT CONVENTION CENTER PUBLIC PARKING
GARAGE, BAYFRONT PUBLIC PARKING GARAGE
AND B STREET PIER PUBLIC PARKING LOT**

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 35 of the Port Act authorizes the BPC to do all acts necessary and convenient for the exercise of its powers; and

WHEREAS, Section 36 of the Port Act authorizes the BPC by ordinance to fix the rate of wharfage charges and other charges which are appropriate for the use of any of the facilities owned and constructed or services furnished or provided by the District; and

WHEREAS, on May 12, 2015, the BPC authorized issuance of a non-appealable Coastal Development Permit (CDP) to the District for Market-Based Rates Up to Existing Maximum Rates at District Parking Lots and Garages (“Project”) (Resolution No. 2015-60); and

WHEREAS, the CDP was issued on July 6, 2015 (CDP-2015-02; Clerk’s Document No. 63901); and

WHEREAS, in April 2016, the BPC authorized issuance of a non-appealable CDP to the District for New Market-Based Parking Rates at Tidelands Public Parking Lot and Garages (Resolution No. 2016-52) that amended the existing market-based parking rates established by CDP-2015-02 to align with market-based pricing; and

WHEREAS, the CDP was issued on May 27, 2016 (CDP-2016-01; Clerk’s Document No. 65285) as Attachment H to the agenda sheet; and

WHEREAS, the goal of the new rate categories and time limits at the meters

20xx-xxx

was to accomplish a higher turnover enabling more of the public to park on the waterfront, with longer term (i.e., more than 3 hours) parking being provided in the garages or B Street; and

WHEREAS, the BPC requested an updated market parking pricing review in Spring of 2022 and staff recently completed the analysis which included a market review of competitive parking rates in the downtown San Diego area and a market review of convention event parking rates in Southern California; and

WHEREAS, based on the results, the District recommends that the existing parking rate ranges be amended to reflect the findings made by the recently completed market reviews and a CDP amendment would be required to amend the existing parking rate ranges established by CDP-2016-01; and

WHEREAS, the proposed material Amendment No. 1 to CDP-2016-01 includes: (i) amending the existing parking rate ranges at the Convention Center Public Parking Garage (underground at the Convention Center), Bayfront Public Parking Garage (adjacent to the Hilton Bayfront Hotel), and B Street Public Parking Lot as shown in the proposed amendments to SDUPD Code, Article 8, Section 8.21; and (ii) updating the “Standard Provisions” and “Special Provisions” to reflect current permit language; and

WHEREAS, in accordance with Section 14.d. of the District CDP Regulations, the Development Services Director determined that an amendment to CDP-2016-01 is necessary and that the proposed amendment would be a material change due to the nature and extent of the proposed changes; and

WHEREAS, the District’s CDP Regulations require material amendments to be considered by the BPC, along with the consideration of consistency with the Port Master Plan; and

WHEREAS, the proposed project is located within Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan with the land use designation for all of the Project sites as Commercial Recreation; and

WHEREAS, the proposed project conforms to the certified Port Master Plan because it includes amendments to the Port Code to amend existing parking rate ranges to allow for new market-based rate ranges and because parking, including paid parking, is an allowable use in all Port Master Plan land use designations; and

WHEREAS, the proposed project will not change the use of the site, nor will it interrupt or expand the existing conforming use of the site; and

WHEREAS, staff is recommending an amendment to the San Diego Unified

20xx-xxx

Port District (SDUPD) Code Article 8, Section 8.21 – Parking Rates at Tidelands Public Parking Lots and Garages, to update the existing parking rate ranges to new market-based rate ranges at Tidelands public parking garages located at the Convention Center Public Parking Garage (underground at the Convention Center), Bayfront Public Parking Garage (adjacent to the Hilton Bayfront Hotel), B Street Pier Public Parking Lot and Navy Pier Public Parking Lot and a CDP amendment will be required to amend the existing parking rate ranges; and

WHEREAS, a copy of the draft amendment to CDP-2016-01 is provided as Attachment D to the corresponding agenda sheet.

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 proposed material Amendment No. 1 to CDP-2016-01 includes: (i) amending the existing parking rate ranges at the Convention Center Public Parking Garage (underground at the Convention Center), Bayfront Public Parking Garage (adjacent to the Hilton Bayfront Hotel), and B Street Public Parking Lot as shown in the proposed amendments to SDUPD Code, Article 8, Section 8.21; and (ii) updating the “Standard Provisions” and “Special Provisions” to reflect current permit language.

3. The proposed project is located within Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan. The Port Master Plan land use designation within the limits of the proposed project is Commercial Recreation. The proposed project conforms to the certified Port Master Plan because it includes amendments to the Port Code to amend existing parking rate ranges to allow for new market-based rate ranges. Furthermore, parking, including paid parking, is an allowable use in all Port Master Plan land use designations. Thus, the proposed project will not change the use of the site, nor will it interrupt or expand the existing conforming use of the site.

4. Based on the entire record available to the BPC and the findings set forth in this Resolution, the Executive Director or his designated representative is hereby authorized to amend non-appealable CDP-2016-01 to allow for an update to existing parking rate ranges at Tidelands public parking lot and garages to align with market based pricing.

5. A copy of the amendment to CDP-2016-01 is attached hereto as **Exhibit A** and a copy of CDP-2016-01 is on file with the Office of the District Clerk and is Attachment H to the corresponding agenda sheet.

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 9th day of May 2023, by the following vote:

Exhibit A

Amendment 1 to CDP-2016-01
(To be attached.)