

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION AUTHORIZING ISSUANCE OF A
NON-APPEALABLE COASTAL DEVELOPMENT
PERMIT TO WONDERLUST EVENTS, LLC FOR THE
WONDERFRONT FESTIVAL**

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, Wonderlust Events, LLC, as the project proponent/applicant (“Applicant” or “Permittee”), proposes a three-day music festival on the San Diego Waterfront, referred to as the “2022 Wonderfront Music & Arts Festival” (“Festival”); and

WHEREAS, for 2022, the Festival is planned to have up to six stages featuring live entertainment from 80+ musicians, as well as culinary and immersive experiences; and

WHEREAS, the Festival would include ticketed venues where live music, culinary experiences, and entertainment would occur; as well as a non-ticketed venue (free community stage) open to the general public providing entertainment for the full duration of the three-day festival, which includes free live music performances and activation experiences, as well as food and beverage concessions; and

WHEREAS, the non-ticketed venue (free community stage) would provide the public a comparable entertainment experience as the other stages, featuring national touring artists of diverse genre; and

WHEREAS, the Festival and associated improvements and activities, as well as setup and breakdown (“Project”), would take place over a total of 11 days in November: three (3) consecutive event days on the weekend (Friday, Saturday, and Sunday) preceding Thanksgiving for the Festival, and up to eight (8) days for set up and breakdown; and

WHEREAS, in order to reduce facilitate public access, business impacts to neighboring businesses and allow the festival attendees to move easily between festival activities and venues, the Event Organizer has reduced the footprint for the 2022 Festival in comparison with the 2019 Festival; and

WHEREAS, the proposed footprint for the Project includes the following District public parks and other public spaces, public parking lots, and District tenant

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leasehold areas (subject to the Permittee obtaining agreements with District tenants):

- Port Pavilion and Broadway Pier
- Ruocco Park (including adjacent parking)
- Seaport Village (including parking lots)
- The Headquarters courtyard
- Fifth Avenue Landing (FAL) parking lots
- Embarcadero Marina Park North (EMPN) (including parking lot)

WHEREAS, to facilitate pedestrian flow within the Festival footprint, the Project would include temporary modification at Kettner Boulevard in between the Seaport Village Parking Lots and EMPN; and a temporary pedestrian bridge spanning from the southeastern end of Kettner Boulevard and entrance to EMPN, traversing over and across a portion of the South Embarcadero Promenade near Seaport Village; and

WHEREAS, the ticketed venues would be located Ruocco Park, Seaport Village Main Parking Lot, and EMPN and the non-ticketed venue (free community stage) would be located on Broadway Pier; and

WHEREAS, the Project would also include smaller-scale activations at various activation sites, which may include all or a portion of: the Headquarters Courtyard, Broadway Pier, and Seaport Village; and

WHEREAS, the Project's back of house operations involving long-term parking for trucks and large vehicles would occur at FAL and the Seaport Village South parking lots; and

WHEREAS, as part of the Project, approximately 960 pre-paid parking spaces would be available for Festival patrons at various District parking areas, including but not limited to: Manchester Grand Hyatt Hotel, Marriott Marquis San Diego Marina Hotel, InterContinental San Diego Hotel, Wyndham San Diego Hotel, and at other up-land, non-District tideland parking areas and the Permittee will provide approximately 220 free, limited duration (3 hours) parking spaces to the general public at the parking lot located near Santa Fe Depot (ABM Lot #1023) and/or other similar parking facility in the same vicinity with installed clear signage to notify the public of the temporal parking loss and alternative parking areas; and

WHEREAS, the Permittee, as part of the Project, will also install signage clearly demarcating the public areas within the Project footprint and if such access is open or closed to the general public during the entire duration of the Project (including setup, Festival, and breakdown/load out); and

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WHEREAS, the Project also includes noise monitoring and enforcement, as a project feature, will start at soundcheck and during the entire duration of the Festival music performances and will include stationary continuous noise monitoring on site at the property line at EMPN and Broadway Pier stages to monitor sound level for the entire duration of the Festival, a manned noise monitoring station at a designated location near the Ferry Landing Park in Coronado, and a live hotline available Friday through Sunday, from 12 p.m. – 10 p.m, to record, log, and respond to noise complaints filed by the general public. The hotline will be in operation; and

WHEREAS, after the District met with the California Coastal Commission (CCC) twice in the past year focusing on the free programming for the general public for 2022, the Permittee will provide the community programming with free live music and entertainment at Broadway Pier during all three days of the Festival and will also ensure that the free community stage have the same quality of act/entertainment as the main stages and that it should be promoted extensively to the general public; and

WHEREAS, the non-appealable Coastal Development Permit (CDP) clearly indicates that issuance of the CDP does not guarantee in any manner future District sponsorship of the Project; and

WHEREAS, the proposed CDP is to have a term of three (3) years from its effective date, and shall only permit the 2022 Project and subsequent two (2) years, if the Festival is approved in writing by the District for each subsequent year and the Permittee obtains all other necessary agreements and permits from the District and other regulatory agencies; and

WHEREAS, the Project generally includes: the temporary use of District public parks and other public spaces, public parking lots, and District tenant leasehold areas (subject to agreement with District tenants); the temporary erection of structures (including up to 6 event stages), and equipment to support music and other Festival activities, as more particularly described in the CDP and associated agenda sheet; the operation of the Festival event and setup and break down of the Festival amenities; and restoration of the Project Site to the condition it was in or better prior to the Project's commencement; and

WHEREAS, the Project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) State Guidelines Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), 15311 (Accessory Structures), and/or 15323 (Normal Operations of Facilities for Public Gatherings) and Sections 3.1., 3.d.(6) and/or 3.i. of the District's Guidelines for Compliance with CEQA.; and

WHEREAS, the Project would not involve removal of any mature, scenic trees, or have any permanent effects on the environment, and the District has

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determined none of the six exceptions, as listed under Section 15300.2 of the State CEQA Guidelines, to the use of categorical exemption apply to the Project; and

WHEREAS, the Project is located in the Civic Zone, Tuna Harbor, Marina Zone and Convention Way Basin Subareas of Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan. The land use designations within the limits of the Project site are Commercial Recreation, Marine Terminal, Park/Plaza, Street and Promenade; and

WHEREAS, the PMP land and water use designations within the limits of the Project are Commercial Recreation, Marine Terminal, Park/Plaza, Street, and Promenade and the Project is for a temporary three-day music and arts festival event, an ancillary use permitted under land use designations; and

WHEREAS, the Project is consistent with the applicable special conditions and programming criteria of the existing CDPs for Port Pavilion and Broadway Pier, FAL, The Headquarters, and Ruocco Park and therefore, the Project, as a temporary event, is consistent with the existing entitlements; and

WHEREAS, in accordance with the District's CDP Regulations (Regulations), the Project is considered a non-appealable development under Section 7.d.(3) of the Regulations as it is not an "Excluded" development as defined in 7.d.(1) of the Regulations, not an "Emergency" development as defined in 7.d.(2) of the Regulations, and not an "Appealable" development as defined in 7.d.(4); and

WHEREAS, events and associated temporary improvements/facilities are not listed as appealable development under Section 30715 of the California Coastal Act (Coastal Act); and

WHEREAS, the Project's events and associated temporary improvements and use of public areas are "development" as defined in Section 30106 of the Coastal Act as the Project involves erection of structures and an increase intensity of use; and

WHEREAS, the temporary use of the Project site is fully consistent with applicable land uses identified in the Port Master Plan and Chapters 3 and 8 of the Coastal Act (see Cal. Public Resources Code Section 30700, et seq.); and

WHEREAS, the "non-appealable" category of development is supported by the record, including the plain language of Section 30715, the Port Master Plan (PMP), the District's CDP Regulations and the characteristics of the Project; and

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WHEREAS, accordingly, the Project requires authorization of a non-appealable CDP and an application has been prepared for a non-appealable CDP to implement the Project; and

WHEREAS, the application and attachments thereto contain correct and accurate statements of fact; and

WHEREAS, the Project is located between the sea (as defined in the Coastal Act) and the first inland continuous public road paralleling the sea; and

WHEREAS, special conditions are incorporated into the non-appealable CDP to ensure the Project's conformance with related District requirements and conditions of the draft non-appealable CDP; and

WHEREAS, the BPC considered the non-appealable CDP at the June 14, 2022 Board of Port Commissioners meeting.

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. In general, the Project includes the temporary use of District public parks and other public spaces, public parking lots, and District tenant leasehold areas (subject to agreement with District); the temporary erection of structures (including up to 6 event stages, one of which shall be a free-stage open to the public), and equipment to support music and sports performances and other Festival activities, as more particularly described in the non-appealable CDP and associated agenda sheet; the operation of the Festival event and setup and break down of the Festival amenities; and restoration of the Project Site to the condition it was in or better prior to the Project's commencement;.

3. The Project is located in the Civic Zone, Tuna Harbor, Marina Zone and Convention Way Basin Subareas of Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan. The land use designations within the limits of the Project site are Commercial Recreation, Marine Terminal, Park/Plaza, Street and Promenade. Temporary event uses are ancillary to allowed uses under the land use designations. Further, the event is consistent with the applicable special conditions and programming criteria of the existing CDPs for Port Pavilion and Broadway Pier, FAL, The Headquarters, and Ruocco Park. Therefore, the Project, as a temporary event, would be consistent with the certified land use designations, the certified PMP, and existing entitlements.

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4. The BPC finds that the non-appealable CDP and associated Project complies with Section 87 of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed actions are consistent with the Public Trust Doctrine.

5. The BPC finds the Project is Categorically Exempt pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), 15311 (Accessory Structures), and/or 15323 (Normal Operations of Facilities for Public Gatherings) and Sections 3.a., 3.d. (6), and/or 3.i. of the District's Guidelines for Compliance with CEQA.

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 issue a non-appealable CDP to Wonderlust Events, LLC, as the project proponent, for the "2022 Wonderfront Music and Arts Festival". Said Non-Appealable CDP shall require compliance with all the conditions set forth in the non-appealable CDP; provided, however, as a condition of this approval, Wonderlust Events, LLC 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 District attorneys' fees, costs and other expenses incurred by the District, related to the District's approval of this non-appealable CDP and any development undertaken pursuant to the non-appealable CDP. Said indemnity and hold harmless condition is independent of any agreements by and between Wonderlust Events, LLC and the District.

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 June 2022, by the following vote: