

DRAFT**RESOLUTION 20xx-xxx**

**RESOLUTION GRANTING CONCEPT APPROVAL
TO THE SAN DIEGO SYMPHONY ORCHESTRA
ASSOCIATION FOR THE BAYSIDE
PERFORMANCE PARK ENHANCEMENT PROJECT
AT EMBARCADERO MARINA PARK SOUTH
CONDITIONED ON SATISFACTION OF THE
CALIFORNIA COASTAL COMMISSION'S
ACCEPTANCE OF THE DISTRICT'S ADOPTION OF
THE PORT MASTER PLAN AMENDMENT, AS
CERTIFIED BY THE CALIFORNIA COASTAL
COMMISSION, AND APPROVAL AND EXECUTION
OF A LEASE BETWEEN THE DISTRICT AND THE
SAN DIEGO SYMPHONY ORCHESTRA
ASSOCIATION**

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 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

WHEREAS, pursuant to Board of Port Commissioners (BPC) Policy No. 357 preliminary plans for proposed new tenant development or alterations to existing facilities shall be presented to the BPC for approval if the project is estimated to cost more than \$500,000, makes a significant change in silhouette or appearance of the area or District staff determines review by the BPC should be conducted; and

WHEREAS, the San Diego Symphony Orchestra Association (Symphony) proposes a \$45 million Bayside Performance Park Enhancement Project to replace its temporary performance and event venue located on the northern 3.68 acres of the 10.8-acre Embarcadero Marina Park South (EMPS) with a permanent performance and event venue as well as several enhancements to other areas of EMPS outside of the proposed venue location (Project); and

WHEREAS, the Project involves a 57-foot tall acoustic shell housing a stage, stage lighting, a sloped synthetic turf lawn, box office, two food pavilions, fencing, 68 restroom stalls, expansion of the width of the public promenade, replacing existing park lighting, reconfiguring the parking lot, replacing basketball

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courts and fitness equipment, refurbishing the gazebo and restrooms, landscaping and the installation of 228 10-foot high solar panels; and

WHEREAS, the maximum capacity of the venue would be increased from 5,200 (temporary venue programming limitation) to 10,000 attendees, with the majority of events anticipated to involve less than 6,500 persons and no more than six events annually will be allowed for 8,000 to 10,000 attendees; and

WHEREAS, the number of events allowed would increase from 37 events (temporary venue programming limitation) to 55 full-day events or 110 half-day events which is equivalent to 15% of the year and the venue would remain open to the general public for the remainder of the year, which is 310 full days or 620 half days; and

WHEREAS, District would be entitled to reserve up to five full-day (or 10 half-day) events per year as District or District-sponsored events; and

WHEREAS, a minimum of four public events made free of charge to the general public would be provided each year; and

WHEREAS, general public access/circulation would remain open at all times on the public promenade surrounding the site, including during all events; and

WHEREAS, all perimeter fencing would include large removable/moveable sections to provide sufficient public access into the site during non-event hours and said fencing would be promptly opened after an event and would remain open when no events are scheduled.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners (BPC) of the San Diego Unified Port District (District) does hereby grant concept approval to San Diego Symphony Orchestra Association for the proposed Bayside Performance Park Enhancement Project; provided, however, the effectiveness of the BPC approval of the concept approval is expressly conditioned on the occurrence of (1) the California Coastal Commission acceptance of the District's adoption of the Port Master Plan Amendment, as certified by the California Coastal Commission, (2) the BPC's approval of a lease for the Bayside Performance Park Enhancement Project (Lease) and (3) the execution of the Lease between the District and the San Diego Symphony Orchestra Association.

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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 December, 2018, by the following vote: