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Th15a

DATE: October 25, 2018

TO: Commissioners and Interested Persons

FROM: Karl Schwing, Deputy Director, San Diego Coast District
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SUBJECT: **Staff Recommendation on San Diego Unified Port District Port Master Plan Amendment No. PMP-6-PSD-18-0001-1 (Bayside Performance Park)** for Commission Meeting of November 8, 2018

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed Port Master Plan Amendment (PMPA) as submitted by the San Diego Unified Port District (Port). The subject amendment is a project-driven PMPA that would update the text, project list, and public access plan of the Centre City Embarcadero Planning District 3 in the Port Master Plan (PMP) to allow for the construction and operation of a permanent performance and event venue, the Bayside Performance Park, at Embarcadero Marina Park South (EMPS) adjacent to the San Diego Bay in downtown San Diego. The standard of review for the subject PMPA is the Chapter 8 policies of the Coastal Act.

EMPS is located on a T-shaped peninsula surrounded by the bay to the west and south, the Marriott Marina to the north, and the San Diego Convention Center and numerous hotels to the east, landward of the site. The urban park is relatively flat with some gentle slopes and is largely comprised of grassy lawn with various ornamental trees throughout the site. The park contains a public promenade, basketball courts, a public fishing pier, bait shop and deli, exercise equipment, a gazebo, picnic tables, restrooms and a parking lot.

Since 2004, the Port has issued a non-appealable coastal development permit (CDP) to the San Diego Symphony Orchestra Association (Symphony) to install and operate a temporary performance venue in the northern 3.68 acres of the 10.8-acre EMPS for 120 consecutive days in summer (from June through September), during which time 37 performances are allowed with a capacity of up to 5,200 attendees.

The subject PMPA would authorize the development of a permanent performance and event venue to be operated and used primarily by the Symphony in the same area of the park occupied by the temporary performance venue. The performance venue would

consist of a 57 ft. high acoustic shell housing a stage, back of house facilities, and rear steps with a public viewing deck; light-emitting diodes (LED) on the interior of the shell that would light the translucent material that comprises the shell; stage lighting; a sloped synthetic turf lawn; a box office; two food pavilions; 42 in. high perimeter fencing between the venue and public promenade and 8 ft. high fencing at the back-of-stage, both with moveable sections to allow for public access during non-event hours; and 68 restroom stalls. The capacity of the venue would also increase from 5,200 to 10,000 persons; however, the majority of events would be limited to 6,500 persons, with 12 events per year with 6,500-8,000 attendees allowed and six events per year of up to 10,000 attendees allowed. The number of events allowed would increase from 37 events to 55 full or 110 half day events, which is equivalent to 15% of the year. Non-Symphony events would also be allowed, but must be included in the 55 full or 110 half day allowable events. Additional improvements to EMPS would include expanding the width of the public promenade from 8 ft. to 12 ft.; installing new benches along the promenade; replacing existing lighting and adding new lighting; reconfiguring the parking lot to add four parking spaces; replacing basketball courts and fitness equipment; refurbishing the gazebo and restrooms; installing 228 10-ft. high solar panels; and landscaping.

The primary impacts associated with the project proposed by the subject PMPA include potential impacts to public access and recreation due to the construction of a permanent performance and event venue in what is now a public park, potential impacts to traffic and parking due to the increased capacity of the venue, potential impacts to migrating birds due to the proposed lighting, and potential impacts to coastal processes if sea level rise adaptation were not addressed.

The PMPA would authorize the permanent closure of 0.35 acres of park space to accommodate the box office, food pavilions, and back of house facilities. To mitigate for this loss, the PMPA includes provisions that require the Symphony to fund the creation of an equal amount of park space elsewhere within the Port District, with priority given to expanding Pepper Park, a public waterfront park located in National City. National City is a disadvantaged community that has limited access to waterfront recreation and open space; therefore, the creation of new park space along the waterfront would significantly improve coastal access in this community.

To ensure that the general public is able to access the proposed performance venue, the PMPA includes provisions requiring the venue to remain open to the public at least 85% of the year, which would be equivalent to 310 days. This provision would be an improvement over historic conditions at the temporary venue that allowed public access to the site 245 days per year, which is 65 days less than what is proposed for the permanent venue. Signage would be installed to notify the public of scheduled performances and ensure that the public is aware that the venue is open to the public outside of the allowable events. The Symphony would also provide various low-cost visitor serving opportunities, including some combination of reduced ticket pricing, free

rehearsals, community events, and public educational programs offered free of charge to the general public.

The Port has demonstrated that there are adequate parking spaces nearby to accommodate parking for Symphony events during periods of time when no events are held at Petco Park. The Symphony will coordinate with Petco Park, the San Diego Convention Center, and other relevant entities regarding the scheduling of events and encourage employees and attendees to take public transit by providing transit subsidies. Should parking availability prove insufficient, the Symphony has the option to utilize additional parking spaces at the San Diego City College and shuttle attendees or employees to the park.

While traffic is anticipated to remain similar to existing conditions during non-event times, the proposed project would result in additional traffic volumes on event days. Several traffic intersections would operate at an unacceptable level of service during event arrival and departure of a maximum capacity event. However, events held by the Symphony typically occur in the evening and impacts are expected to occur during the hours prior to and following events and would not occur for the full duration of events. The Symphony would continue to prepare an annual traffic management plan, reflecting changes in parking availability and circulation. Further, the Symphony would continue to utilize traffic control officers at two nearby intersections, as required in the existing traffic management plan, and deploy additional traffic control officers at an additional intersection, Fifth Avenue and Harbor Drive.

The proposed lighting design has been refined to avoid or minimize potential impacts to migrating birds travelling along the Pacific Flyway and includes LED lighting with a correlated color temperature of 2,700 Kelvins to emit less high frequency blue light, which has been shown to disrupt natural circadian rhythms in humans and wildlife leading to disruption in sleep and wildlife behaviors. Lighting would be directed downward and shielded to eliminate or reduce light trespass, sky glow, and glare.

A remaining concern, however, is the proposed art display lighting, in which the fabric shell would be illuminated by small LED “nodes” placed on the interior of the shell that would be programmed to turn on/off and change colors in a sequence. Because the display is fairly unique in its use of LED lighting on the interior of the shell to produce a light show, little is known of the effects of this type of lighting on avian species. To address Commission staff’s concerns regarding the art display lighting, the project proponent has agreed to limit the art display during migratory periods to short wavelength light. Shorter wavelengths are less impactful to migrating birds, which rely on the Earth’s magnetic field for orientation at night and can become disrupted by longer wavelengths. In addition, the art display would occur less frequently during migratory periods, and only be used for events, holidays, and other special events, for a maximum of 50% of the nights during the migratory period. These provisions have been included in the PMPA.

A sea level rise analysis conducted for the Bayside Performance Park identified that the development may be subject to flooding near the end of its useful life. The proposed PMPA contains language to identify that shoreline protection would not be permitted to protect the Bayside Performance Park in the future. However, if shoreline protection is needed to protect adjacent existing or coastal-dependent development, and such protection would incidentally protect the Bayside Performance Park, such protection may be allowed, if it is otherwise consistent with the PMP. The Port-issued CDP for the project would require the project proponent to waive its rights to future shoreline protection and remove the development, should sea level rise render the site unusable.

Although the Port is the applicant for the subject amendment, the San Diego Symphony is the project proponent. After the proposed PMPA is certified, the Port will process a CDP for the project. The Port-issued CDP will not be appealable to the Commission; however, Port staff have coordinated with Commission staff on the language of the draft CDP to ensure that the special conditions address public access, programming, park mitigation, lighting, and sea level rise adaptation

The appropriate motion and resolution can be found on Page 5. The findings for approval of the amendment as submitted begin on Page 6.

ADDITIONAL INFORMATION

Further information on the subject PMPA may be obtained from Melody Lasiter, Coastal Program Analyst, at (619) 767-2370.

Port Master Plan Amendment Procedure. California Code of Regulations, Title 14, Section 13636 calls for port master plan amendments to be certified in the same manner as provided in Section 30714 of the Coastal Act for certification of port master plans. Section 13628 of the Regulations states that, upon the determination of the Executive Director that the master plan amendment and accompanying materials required by Section 13628(a) are sufficient, the master plan amendment shall be deemed submitted to the Commission for purposes of Section 30714 of the Coastal Act.

The subject amendment was deemed submitted on October 5, 2018. Within 90 days after this date, the Commission, after public hearing, shall certify or reject the amendment, in whole or in part. If the Commission fails to take action on the amendment submittal within the 90-day period, the proposed amendment is deemed certified. The date by which the Commission must take action, absent a waiver by the Port of the 90-day period, is January 3, 2019.

Section 30700 of the Coastal Act states that Chapter 8 shall govern those portions of the San Diego Unified Port District located within the coastal zone, excluding any wetland,

estuary, or existing recreation area indicated in Part IV of the Coastal Plan.[1] The entire water area under the jurisdiction of the Port of San Diego is covered by Chapter 3 policies because San Diego Bay is mapped as an estuary and wetland in Part IV of the Coastal Plan, and on the maps adopted by the Commission pursuant to Section 30710 of the Act. The proposed amendment would modify the text in the Centre City Embarcadero Planning District of the PMP to allow for the construction of a performance venue in a land area mapped as park/plaza. Therefore, the policies of Chapter 8 of the Coastal Act are the standard of review for the proposed amendment.

STAFF RECOMMENDATION:

I. PORT MASTER PLAN SUBMITTAL - RESOLUTION

Following a public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to the resolution.

Resolution to approve certification of San Diego Unified Port District Master Plan Amendment No. PMP-6-PSD-18-0001-1.

MOTION

I move that the Commission certify the Port Master Plan Amendment No. PMP-6-PSD-18-0001-1 as submitted by the San Diego Unified Port District.

Staff Recommendation

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Port Master Plan Amendment and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

RESOLUTION

Certification of Amendment

The Commission hereby certifies San Diego Unified Port District Master Plan Amendment No. PMP-6-PSD-18-0001-1, and finds, for the reasons discussed

[1] "Coastal Plan" means the California Coastal Zone Conservation Plan prepared and adopted by the California Coastal Zone Conservation Commission and submitted to the Governor and the Legislature on December 1, 1975, pursuant to the California Coastal Zone Conservation Act of 1972 (commencing with Section 27000). (§ 30102.)

below, that the amended Port Master Plan conforms with and carries out the policies of Chapter 8 of the Coastal Act. Certification of the amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Port Master Plan amendment.

II. FINDINGS AND DECLARATIONS.

The Commission finds and declares as follows:

A. Previous Commission Action. The Commission certified the San Diego Unified Port District Master Plan on October 14, 1980. The Commission has reviewed 50 amendments since that date. The subject PMPA would be Amendment #51.

B. Contents of Port Master Plan Amendments. California Code of Regulations Title 14, Section 13656 calls for port master plan amendments to be certified in the same manner as port master plans. Section 30711 of the Coastal Act states, in part, that a port master plan shall include all the following:

(1) The proposed uses of land and water areas, where known.

(2) The proposed design and location of port land areas, water areas, berthing, and navigation ways and systems intended to serve commercial traffic within the area of jurisdiction of the port governing body.

(3) An estimate of the effect of development on habitat areas and the marine environment, a review of existing water quality, habitat areas, and quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact.

(4) Proposed projects listed as appealable in Section 30715 in sufficient detail to be able to determine their consistency with the policies of Chapter 3 (commencing with Section 30200) of this division.

(5) Provisions for adequate public hearings and public participation in port planning and development decisions.

The Commission finds that the proposed port master plan amendment conforms with the provisions of Section 30711 of the Coastal Act. An estimate of the effect of development on habitat areas and the marine environment, a review of existing habitat areas, and

quantitative and qualitative biological inventories, and proposals to minimize and mitigate any substantial adverse impact are outlined in sufficient detail in the PMPA submittal for the Commission to make a determination of the proposed amendment's consistency with the Chapter 8 policies of the Coastal Act.

The proposed amendment was the subject of an Environmental Impact Report under the California Environmental Quality Act. The Environmental Impact Report associated with the plan amendment was subject to public review and hearing and was adopted by the Board of Port Commissioners on January 9, 2018 as Resolution No. 2018-019. A public hearing on the proposed master plan amendment was held on January 9, 2018 and the amendment was adopted by the Board of Port Commissioners as Resolution No. 2018-020.

C. Standard of Review. Section 30710 states that Chapter 8 shall govern those portions of the San Diego Unified Port District, excluding any wetland, estuary, or existing recreation area indicated in Part IV of the Coastal Plan. The proposed project would be located entirely on land mapped as park/plaza in the Port Master Plan. Therefore, the policies of Chapter 8 of the Coastal Act are the standard of review for the proposed amendment.

D. Summary of Proposed Plan Amendment/History.

Project Setting/History

The subject Port Master Plan Amendment (PMPA) would apply to Embarcadero Marina Park South (EMPS), a public park located on a peninsula connected to the mainland in the eastern portion of San Diego Bay in the downtown area of the City of San Diego (Exhibit 1). The park was constructed in 1978 as mitigation for a U.S Army Corps of Engineers harbor dredging project that filled bay waters to create the two peninsulas where EMPS and Embarcadero Marina Park North are now located.

EMPS is located on a T-shaped peninsula surrounded by the bay to the west and south, the Marriott Marina to the north, and the San Diego Convention Center and numerous hotels, including the Marriott and Hilton, to the east, landward of the site. The urban park is relatively flat with some gentle slopes and is largely comprised of grassy lawn with various ornamental trees throughout the site. An 8 to 10 ft. waterfront public promenade is located along the perimeter of the park. The park contains basketball courts, a public fishing pier, a concession stand, exercise equipment, a gazebo, picnic tables, restrooms and a parking lot. An access road, Marina Park Way, connects the paved parking lot at the center of EMPS with Harbor Drive through Park Boulevard and Convention Way.

Since 2004, the San Diego Unified Port District (Port) has issued a non-appealable coastal development permit (CDP) and Tidelands Use and Occupancy Permit to the San Diego Symphony Orchestra Association (Symphony) to install and operate a temporary

performance venue in the northern 3.68 acres of the 10.8-acre EMPS for 120 consecutive days in summer (from June through September), during which time 37 performances are allowed with a capacity of up to 5,200 attendees. Public access is restricted at the temporary venue during this time, as well as on the northern portion of the public promenade during performances. Non-Symphony events are also allowed, but must be included in the 37 allowable events.

EMPS is included in the Marina Zone subarea of the Centre City Embarcadero Planning District 3 of the Port Master Plan (PMP). The land use designation for the site is Park/Plaza, which encourages and accommodates public access to and along the interface zone of land and water. As described in the Precise Plan, the Marina Zone is planned to be "intensively developed as a major public and commercial recreational complex." The PMP describes the 22-acre Embarcadero Marina Park, which also includes Embarcadero Marina Park North, as contributing to the transformation of the waterfront area into "an attractive commercial and recreational resource." The Plan further describes this waterfront area as a "lively activity center for residents and visitors alike."

This PMPA is a project-driven amendment that would allow the construction of a permanent event venue, called the Bayside Performance Park, and various improvements to EMPS, described below. The project proponent is the Symphony and the project area is within the Port's jurisdiction. Following approval of the PMPA, a subsequent CDP will need to be issued by the Port for the project. The Port-issued CDP will not be appealable to the Commission.

Project Description

The subject PMPA is project-driven and would authorize the development of a 160,583 sq. ft. (3.68 acres) permanent performance venue to be operated and used primarily by the Symphony in the same area of the park occupied by the temporary performance venue. The performance venue would consist of: a 57 ft. high acoustic shell housing a stage, back of house facilities, and rear steps with a public viewing deck (Exhibit 2); light-emitting diodes (LED) on the interior of the shell that will light the translucent material that comprises the shell; stage lighting; a sloped synthetic turf lawn with temporary seating during events; a box office; two food pavilions; 42 in. high perimeter fencing between the venue and public promenade and 8 ft. high fencing at the back-of-stage, both with moveable sections to allow for public access during non-event hours; and subgrade restrooms beneath the sloped lawn with 68 stalls, four of which would be open to the public at all times (Exhibit 3).

In order to accommodate the box office, food pavilions, and back of house facilities, 15,090 sq.ft. (0.35 acres) of park space would no longer be available to the general public; however, this loss of park space is proposed to be mitigated by funding the creation of an equivalent amount of new park space elsewhere within the Port District. The capacity of the venue would also increase from 5,200 to 10,000 persons; however,

the majority of events would be limited to 6,500 persons, with 12 events per year with 6,500-8,000 attendees allowed and six events per year of up to 10,000 attendees allowed. The number of events allowed would increase from 37 events to 55 full or 110 half day events, which is equivalent to 15% of the year. The venue would remain open to the public during non-event times, or at least 85% of the year (310 full days or 620 half days).

The project proponent also proposes various improvements to EMPS which include expanding the width of the waterfront public promenade from 8 ft. to 12 ft.; installing new benches along the promenade; replacing existing park lighting with shielded, low correlated color temperature (2,700-3,000 Kelvins) LED lighting; reconfiguring the parking lot to add four parking spaces; replacing basketball courts; replacing and relocating fitness equipment; refurbishing the gazebo and restrooms; installing 228 10 ft. high solar panels in the median that divides the two parking aisles; and replacing 55 of 116 trees proposed to be removed to accommodate the Bayside Performance Park and solar panels.

Amendment Description

The proposed PMPA would modify the text of the Marina Zone subarea of the Centre City Embarcadero Planning District, add the proposed project as a non-appealable project to the Centre City Embarcadero Project List (Table 11), and modify the text of the South Embarcadero Public Access Program to allow for the Bayside Performance Park Project (Exhibit 4). The PMP text revisions would include a description of existing conditions at the park in regards to the temporary performance venue; a description of the subject project including project design and programming, on-site parking allowances and transportation demand management strategies; provisions for public access to the park and low-cost visitor opportunities; mitigation for the permanent loss of park space; lighting provisions; and sea level rise adaptation strategies. The public access program would be modified to incorporate public access provisions for the Bayside Performance Park including programming of events (i.e., 15% of the year would be available for private events and 85% of the year would be available to the general public); a description of those portions of the park that must be open to the public at all times (i.e., promenade and fishing pier) and those that may be closed to the public during events (i.e., public viewing deck, steps, and lawn); and a description of additional public improvements to the park.

The Port's original submittal did not include the subject project on the project list. The Port's position, in disagreement with Commission staff, is that Public Resources Code Section 30711(a)(4) does not require that non-appealable projects be listed on the project list. However, after coordinating with Commission staff, the Port agreed to list the subject project as a non-appealable project on the Centre City Embarcadero Project List, and instead address the project listing issue more generally in the upcoming Port Master Plan Update. The Port has also requested that if a future non-appealable project is

consistent with the PMP and is not listed on the project list, then an amendment to the PMP should not be required solely to add it to the project list (Exhibit 5). Again, Commission staff is in disagreement with Port staff, and plans to address and resolve this issue in the upcoming Port Master Plan Update.

E. Conformance with the Coastal Act. The proposed amendment would result in changes to the specific policies contained in Planning District 3. In order for the Commission to certify the proposed master plan amendment, the Commission must determine that the amendment conforms to the following applicable Chapter 8 policies of the Act:

1. **Applicable Policies**

The following Coastal Act policies are relevant and applicable:

Section 30708

> *All port-related developments shall be located, designed, and constructed so as to:*
>
> > *(a) Minimize substantial adverse environmental impacts.* […]
> >
> > *(d) Provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible.* […]

2. **Findings for Consistency with Chapter 8 of the Coastal Act**

Public Access and Recreation

The proposed PMPA would allow for a private entity, the San Diego Symphony Orchestra Association (Symphony), to construct and operate a permanent performance and event venue in an existing waterfront public park. As such, the proposed PMPA has the potential to impact existing public access to the park and the surrounding waterfront. Because the proposed PMPA would authorize an increase in ticketed and private events, opportunities for the general public (i.e., non-ticket holders) to access the park would decrease. The increased capacity of the venue would also increase traffic and parking impacts, which may discourage the public from visiting the shoreline at or near the subject site. In addition, the subject project includes the permanent closure of 0.35 acres of the park to be used exclusively by the Symphony for ticket booths, stage, back of house facilities, equipment storage, and concessions, and the venue's equipment could effectively privatize the venue further, by causing the area to appear off limits to the general public during non-event times. Temporary impacts to public access could also occur during project construction. Finally, the proposed project could impact visual

resources if it blocked existing bay views or its design was inconsistent with the surrounding development.

Park Activation and Programming

The proposed PMPA would limit the number of paid events and private rentals at the park to 15% of the year, or 55 full day or 110 half day events, including setup and takedown for events, which would be an increase over the 37 events allowed at the existing temporary venue. Although the number of events would increase, the proposed permanent venue would remain open to the public during non-event times, or at least 85% of the year (310 full days or 620 half days), which would be an improvement to public access over existing conditions. For example, the existing temporary venue is authorized by a Port-issued CDP to be closed to the public for 120 consecutive days during the summer; however, the permanent venue would be closed to the public for 55 full days or 110 half days spread throughout the course of a year. Therefore, public access to the subject site would be effectively available for 65 more days than what is afforded now. The remainder of the park, which includes the southern portion of the park, 78 parking spaces, promenade and fishing pier, would be open to the public at all times.

The project also includes park improvements and programming that would benefit the general public. The addition of new benches along the expanded promenade and will allow the public to sit and enjoy water views and listen to music at no cost. Both the promenade and the benches along the promenade would be open to the public at all times, including during performances and events. Many of the existing park amenities will be updated or replaced, including the basketball courts, gazebo, benches, workout equipment, and restrooms, which would further encourage public access and recreation at the park. Finally, the Bayside Performance Park would become a cultural amenity that would attract the public to the waterfront during Symphony performances as well as during other events. Specifically, the Symphony has committed to providing various low-cost visitor serving opportunities to promote public access, including some combination of reduced ticket pricing, free rehearsals, community events, and public educational programs offered free of charge to the general public.

Traffic and Parking

The increase in capacity of the events from 5,200 persons to a maximum capacity of 10,000 persons could limit the public's ability to access the waterfront if traffic or parking demand increased. Traffic and parking studies have been conducted that analyzed both impacts based on the worst case scenario of maximum capacity; however, it should be noted that the Symphony anticipates that the average capacity of events at the Bayside Performance Park will be 6,500 persons.

EMPS is accessed by Park Boulevard, which connects to Harbor Drive, a major coastal accessway to and along San Diego Bay. While traffic is anticipated to remain similar to

existing conditions during non-event times, the proposed project would result in additional traffic volumes on event days. The traffic study conducted for the project found that several traffic intersections would operate at an unacceptable level of service during event arrival and dismissal of a maximum capacity event (10,000 persons). However, events held by the Symphony typically occur in the evening and, as such, impacts are expected to occur during the hours prior to and following events (e.g., between 6:00 p.m. and 8:00 p.m. and between 9:00 p.m. and 11:00 p.m.) and would not occur for the full duration of events. As such, no permanent mitigation measures have been proposed for the project. Instead, the Symphony has agreed to continue to prepare an annual traffic management plan, reflecting changes in parking availability and circulation. Further, the Symphony would continue to utilize traffic control officers at two nearby intersections, as required in the existing traffic management plan, and deploy additional traffic control officers at an additional intersection, Fifth Avenue and Harbor Drive. External event organizers for non-Symphony events would also be required to provide traffic management plans to the Port, as well as provide traffic control officers as needed, consistent with event size and time. Therefore, while traffic impacts would occur at some intersections along Harbor Drive, impacts would be temporary and only occur for limited periods typically in the evenings, and the event organizers would be required to prepare and implement a traffic management plan.

While the proposed PMPA would almost double the capacity of the proposed venue, only four additional parking spaces are proposed. The EMPS parking lot consists of 130 parking spaces which would be restriped to increase the number of spaces to 134 following project construction. Of those, the Symphony would be authorized to reserve 56 parking spaces for musicians with large instruments, those with disabilities, and a small reserve for problem parking situations. The remaining 78 spaces would remain open to the general public during Symphony events and private events. To ensure the remaining spaces are not taken up by event patrons, the Symphony has agreed to use a parking attendant starting three hours prior to an event and remaining 30 minutes following an event to direct patrons to alternative parking locations. During rehearsals, the Symphony would not be authorized to reserve parking spaces and musicians and performers would be required to park off-site.

To accommodate parking for patrons, the Symphony would utilize a combination of the following strategies: off-site parking agreements, free shuttles, off-site parking for employees and event staff, wayfinding signage, and staff to facilitate circulation and direct attendees to available parking spaces. These proposed strategies are similar to what is required for the existing temporary venue.

To determine if the existing parking strategies and reservoirs would be adequate for the subject project, a parking study was conducted by the project proponent. The parking study used data from a 2017 survey that included responses from 700 Symphony patrons and indicated 74.6% arrived by vehicle (excluding drop-offs from taxis and ride-sharing services) and of those, over 98% carpooled. Based on the number of occupants that

respondents stated they traveled with, an average occupancy of 2.56 persons per vehicle was calculated. Therefore, for a maximum capacity event of 10,000 persons, 7,460 persons would be expected to arrive in 2,914 vehicles which would require parking.

The parking study identified that there are 5,702 parking spaces within the vicinity of the Bayside Performance Park in parking lots that either have a parking agreement with the Symphony (i.e., 287 parking spaces at the Fifth Avenue Landing Parking Lot and 200 at the Chavez Car Park), or are within convenient walking distance to the park (under 0.6 miles), and 7,039 additional parking spaces in lots within a mile of the park. Finally, parking utilization data was obtained for four facilities within walking distance of the Bayside Performance Park on 16 dates in 2017. The 16 dates were chosen so that each of the four Symphony event days (Thursday, Friday, Saturday and Sunday) had data points which controlled for Symphony events and nearby Petco Park events, when parking utilization was likely highest. While Convention Center events (such as regional and local conferences) are another driver of parking demand in the vicinity, most conventions end prior to 7 p.m. and, as such, would not be expected to contribute to cumulative parking impacts for Symphony events.

The parking study concluded that a 10,000-person event can be adequately parked without burdening the nearby parking supply on any of the Symphony event nights provided there are no overlapping evening events at Petco Park. The project proponent has agreed to implement several measures to ensure that parking is adequate during periods of time when multiple events take place in the surrounding area. First, to ensure coordination between Petco Park, and nearby entities including the San Diego Convention Center, the Symphony would participate in the monthly Traffic Management Planning Team meetings with representatives from the Convention Center, Hilton San Diego Bayfront Hotel, Padres, San Diego Police Department traffic control, and San Diego Unified Port District traffic division. If a Symphony event occurs during the same time as another event, the Symphony would notify event patrons and request that attendees utilize alternative transportation.

Nevertheless, any project that does not include adequate parking needs to take into account the long-term goals of improving public access and circulation in an environment of increasing population in an expanding, high-density metropolitan area. In evaluating the impact the proposed development would have on coastal access, it is important to keep several factors in mind. The Coastal Act supports the construction of new development in existing developed areas to decrease sprawl and impacts to open space. In a dense downtown neighborhood with limited space to reserve for parking lots and with existing transit infrastructure, designing development dependent upon automobile access and dedicating substantial amounts of land area to parking lots is not necessarily the best or most efficient use of waterfront land. It also discourages the use and development of public transit systems. Instead, development in these locations should be designed to take advantage of existing mass-transit opportunities, and to supplement existing facilities with new alternate transit systems.

In this particular case, the subject site is close to an existing trolley stop and Port shuttle stop, and is accessible to pedestrians and bicyclists using the public promenade that runs along the Embarcadero. The proposed PMPA requires the Symphony to enter into an agreement with a transit provider to offer free or reduced tickets to event attendees and employees or provide transit rebates in an amount which is sufficient to cover the typical cost of public transportation to and from the event (currently estimated at $5 based on the cost for a Day Pass on Metropolitan Transit System buses and trolleys). In addition, the Symphony would ensure bicycle parking is available within the park to encourage employees/patrons to travel by bicycle, and coordinate with bike share services to ensure the bike station located Marina Park Way and the Embarcadero Promenade has available bikes and docking stations. Finally, the Symphony would coordinate with rideshare companies, such as Lyft and Uber, to facilitate passenger drop-off and pick-up and to encourage patrons to utilize this option as a means to reduce parking demand.

As a condition of the Port-issued CDP, the Symphony would be required to submit an annual Parking Management Plan that would detail the strategies for event parking. This would allow for parking strategies to be modified should they prove ineffective in the previous year. Finally, if parking does prove to be insufficient, the Symphony has indicated that it has a working relationship with the San Diego Community College District that includes an option to use up to 1,000 parking spaces at City College when there are no conflicts with the college's operations.

Therefore, while only four additional parking spaces are proposed, there are adequate parking spaces nearby to accommodate parking for Symphony events when no events are held at Petco Park. The Symphony would coordinate with Petco Park, the San Diego Convention Center, and other relevant entities to ensure communication regarding the scheduling of events. The Symphony would encourage employees and attendees to take public transit by providing transit subsidies. Finally, should parking availability prove insufficient, the Symphony has the option to utilize additional parking spaces at the San Diego City College.

Park Mitigation

The PMPA would authorize the permanent closure of 15,090 sq. ft. (0.35 acres) of EMPS to be used exclusively by the Symphony for ticket booths, stage, back of house facilities, equipment storage, and concessions. This area would no longer be available to the general public. To mitigate for these impacts, the Symphony would be required to replace the parkland on a 1:1 basis by paying a financial contribution to the Port to acquire or create park land for recreational purposes consistent with the Park/Plaza designation in the Port Master Plan. Typically, mitigation for park space should occur near the impacted area. However, in this case, the proposed mitigation is intended to acquire or create parkland at or adjacent to Pepper Park, a public waterfront park located on Port tidelands in the City of National City.

National City is a disadvantaged community[2] that has limited access to waterfront recreation and open space, as the majority of the waterfront is designated for industrial uses, including maritime uses. Further, National City has only two acres of park per 1,000 residents, considerably less than the national standard[3] for open space in cities at 10 acres of park per 1,000 residents. The 5.5 acre Pepper Park and adjacent Pier 32 Marina provide the only access to the waterfront for the public in National City.

The Port has worked with the community to develop plans to expand Pepper Park by approximately 2.5 acres of open park space where kids can play sports games such as pick-up softball and soccer, an amenity that does not currently exist in Pepper Park. The proposed mitigation would facilitate this expansion of park space in an area that has historically had limited access to waterfront recreation and open space. The PMPA supports this goal by incorporating language that describes the park expansion to consist of mostly green space, with ancillary structures such as benches. Therefore, while 0.35 acres of park space at EMPS would be permanently closed to the public, the mitigation would contribute to the expansion of a waterfront park within the Port District and provide additional access to the bay in a community with limited existing access.

Venue Equipment

The venue's equipment could effectively privatize the venue during non-event times by causing the area to appear off limits to the general public. Specifically, 42 inch tall fencing would surround the venue during events, and chairs and tables would also be set up. However, the 42 inch tall perimeter fencing is required to include removable/ moveable sections that shall be promptly opened after an event and shall remain open during non-event times to allow public access to the Bayside Performance Park. In cases where multiple events are scheduled on consecutive days, the Symphony would be able to leave tables and chairs on the lawn; however, the table and chairs would be open for use by the public and would be removed when consecutive events are not scheduled. These provisions would be included in the Port-issued CDP for the project.

Finally, signage would be installed to ensure that the public is aware that the event venue is open to the public outside of the allowable events. Specifically, the Port-issued CDP would require that the signage: provide adequate public wayfinding through EMPS including the Bayside Performance Park; describe the use of the Bayside Performance Park as a public park consistent with the approved project; describe availability of the public promenade, benches, and other publicly accessible areas in and around the Bayside Performance Park; indicate the availability of the Bayside Performance Park to the general public, including during non-event times, rehearsals, and free programming;

[2] SB 535 Disadvantaged Communities: https://oehha.ca.gov/calenviroscreen/sb535
[3] National Recreation and Park Association: https://www.nrpa.org/publications-research/research-papers/agency-performance-review/park-facilities/

provide ongoing event schedule and times when the Bayside Performance Park would be closed in whole or in part to the general public; and provide general information to the public, including contact information of a representative of the Symphony for any public inquiries regarding use and/or events, and a website for the Bayside Performance Park. The signage provisions have also been included in the revised public access plan, which is incorporated into the PMPA by reference.

Public Access during Construction

Construction of the project is expected to begin in 2019 and take approximately 10 months to complete. Construction would be phased to maintain public access to portions of the park and the re-opening of the site would also be phased as construction moves toward completion. In addition, when portions of EMPS would be closed to the public during construction, the project proponent would be required by the Port-issued CDP to maintain public access to the fishing pier, bait shop, deli, and also maintain a minimum of 20 parking spaces for the public and a pedestrian pathway from the Embarcadero Promenade to EMPS.

Visual Access

The park is within a densely developed area of the San Diego Bayfront and is visible from a number of locations near downtown San Diego and along San Diego Bay, including from watercraft on the San Diego Bay, looking landward; from public waterfront areas on the easternmost side of Coronado Island; from vehicles traveling east on the Coronado Bay Bridge; by pedestrians and bicyclists from the Embarcadero Promenade and Embarcadero Marina Park North; and from the Convention Center. Views of the park are not readily available from Harbor Drive, as views are obstructed by intervening high-rise buildings and other development, including the Convention Center. The park tends to blend into the surrounding development when looking east from Coronado or San Diego Bay due to its flat topography, low elevation, and the high-rise buildings directly to its east.

The certified PMP considers the scenic quality within the District's jurisdiction and establishes policies for preserving and enhancing important public vistas. Vista Areas, defined as points of natural visual beauty, photo vantage points, and other panoramas are identified within the Subarea Plans of the PMP. A total of five Vista Areas are designated within the Marina Zone subarea and are depicted on Figure 11 of the PMP. One of the Vista Areas is located along the Embarcadero Promenade adjacent to the Marriott Marina, looking southwest between Embarcadero Marina Park North and EMPS. The remaining four Vista Areas identified in the Marina Zone Subarea are located within the rooftop park and plaza of the Convention Center, with one of the points looking towards EMPS and the other three straight out to the bay. Three additional Vista Areas that include views of the project site are identified within the Orange Street Avenue Subarea of the Coronado Bayfront Planning District (District 6) and are depicted on Figure 17 of

the PMP. These Vista Areas are located at the waterfront ends of Orange Avenue, C Avenue, and B Avenue, looking east across the bay and towards the City of San Diego.

The proposed Bayside Performance Park would be located in the same location and have a similar footprint as the existing temporary concert venue, however, the subject project would be an improvement visually compared to the existing temporary venue. Specifically, the temporary venue consists of a bulky 62-ft. tall metal stage, box-like black stage house and 8 ft. tall chain link fencing with green mesh (Exhibit 6). The design of the proposed stage instead includes a 56 ft. tall rounded white shell that would be similar in appearance to the material used on the nearby Convention Center. Fencing would consist of 42 inch tall perimeter fencing, and segments of 8 ft. tall fencing along the back-of-stage facilities. The fencing would be slated and not screened to allow for better visibility through the Bayside Performance Park. The perimeter fencing would also be removed when events are not scheduled.

The subject project would include the removal of approximately 116 ornamental trees to allow for grading and construction of the project and for the installation of photovoltaic (PV) solar panels within the parking area. The solar panels would be 10 to 12 ft. high; however, the panels would not obstruct views of the bay due to their location in the parking lot where taller trees currently exist. The majority of the trees to be removed are located in the center of EMPS, and the trees along the perimeter of EMPS would remain. Therefore, the loss in tree canopy would generally not be discernable from scenic vistas.

Views from the Bayside Performance Park would also be improved compared to those available from the temporary event venue. The back wall of the stage shell would be comprised of a clear transparent material that would allow views north to Embarcadero Marina Park North. Steps and a public viewing deck would be located behind the stage and would be open to the public during non-event hours and during some events.

However, the performance stage and ancillary structures would also partially block views of the bay from other areas of EMPS depending on location and the direction one is looking. Specifically, views would be partially obstructed from the public promenade when standing at the entrance to the park looking west; from the Embarcadero Promenade looking west across the Marriot Marina; and when standing directly east of any ancillary structure.

While the proposed Bayside Performance Park is anticipated to be an aesthetic improvement to the existing temporary concert venue, the proposed performance stage and ancillary structures would be permanent, as compared to the temporary concert venue located on-site for approximately four months each year. However, while the project would permanently alter views from Vista Areas and other public views, the project has been designed to be compatible with surrounding development and would not be a significant adverse impact to visual resources.

In conclusion, the proposed PMPA contains adequate provisions to minimize substantial adverse impacts to public access and recreation and to provide for other beneficial uses consistent with the public trust, including mitigation that provides for more space and increased recreation in Pepper Park. Therefore, the Commission finds the Port Master Plan amendment consistent with Chapter 8 of the Coastal Act.

Biological Resources

EMPS is located adjacent to the San Diego Bay, which provides important eelgrass and avian foraging habitat, and along the Pacific Flyway, a major north-south flyway for migratory birds in America. The proposed project lighting has the potential to disrupt migratory birds and the permanent removal of 61 trees could adversely impact nesting activities. In addition, project construction could adversely impact water quality, as well as nearby eelgrass habitat.

Lighting Impacts on Migrating Birds

Light, a form of electromagnetic radiation, travels in waves. Light waves come in a continuous variety of sizes, frequencies and intensities, a continuum known as the electromagnetic spectrum. The size of a wave is measured as its wavelength, which is the distance between any two corresponding points on successive waves, usually peak to peak or trough to trough. The range of the electromagnetic spectrum we can see is called visible light and has a wavelength range from approximately 380 nanometers (nm) to about 740 nm. The frequency of visible light is referred to as color, and is dependent on the number of wavelengths that pass a point in space during any given time. We perceive the amount of intensity, or energy, in a light wave as brightness which is proportionally related to its frequency: high frequency light is more intense; low frequency light is less intense. Of visible light, violet has the most intensity, highest frequency, and shortest wavelength and red has the least intensity, lowest frequency, and longest wavelength.

Adverse impacts from artificial night light can take several forms including light trespass or spill, sky glow, and glare. Light trespass occurs when unwanted artificial light spills onto an adjacent property lighting an area that would otherwise be dark.[4] Illuminance or illumination is the measure used to detect light trespass. Sky glow is the bright halo that appears over urban areas at night, a product of light being scattered by water droplets or particles in the air and from reflectance of lights on objects or the ground. Sky glow and glare are measured as luminance or physical brightness. Sky glow is intensified when there is a low cloud ceiling or foggy conditions, because light refracts off water particles in the air. Glare is created by light that shines horizontally.

Common outdoor artificial lighting sources include high-pressure sodium (HPS) and light emitting diodes (LED). HPS emits an orange-color light and LED lights are typically

4 Chepesiuk, R. 2009. Missing the Dark: Health effects of light pollution. Environmental Health Perspectives. v. 117 (1): A20-A-27

seen as a white light. Because of their reported long life and energy efficiency, LEDs are rapidly coming into widespread use, replacing the existing HPS lighting in many cities. However, LED lighting contains high blue light frequencies that have been shown to disrupt natural circadian rhythms in humans and wildlife, leading to disruption in sleep and wildlife behaviors (e.g., breeding, foraging). Lighting with lower color temperatures has less blue in its spectrum and is referred to as being "warm." As such, environmental studies, dark sky advocates, and the American Medical Association recommend a correlated color temperature (CCT) of 3,000 Kelvins or below, a range that contains less blue light.

Artificial night lights can adversely impact migrating birds including waterfowl, shorebirds, and songbirds traveling at night along the Pacific Flyway and stopping for a time by inland and coastal creeks, wetlands, woods, bays and estuaries[5] on their northward spring and southward fall migrations. Spring migration occurs during the months of late March through May and fall migration occurs during September, October, and the first part of November. Birds migrating along this route are heading to the Canadian Arctic, Canadian plains, and Canadian boreal forest in the spring, and Mexico, South America, and Pacific Islands in the fall. It is important to note that "Pacific Flyway" is a descriptor for a phenomenon that encompasses the entire state of California and beyond and that not all areas of the state are as important as others. However, depending on the types of migrating birds, certain pathways (e.g. bordering the ocean, along valleys, etc.) will be more frequented, and certain habitats (woodlands, riparian areas, wetlands) will be more important stopovers, than others.

Most migratory movement occurs early in the evening so any impacts to migrating birds from artificial lighting are likely to occur during the first two to three hours after sunset.[6] Night-flying migrants are ordinarily active by day and have eyes specialized for color vision and bright light. These birds have poor night vision. However, the majority of their night activity is in the air with little to see so they use magnetic senses that allow them to navigate using the Earth's magnetic field. It appears that these magnetic field-detecting structures are located in the eye and depend on dim blue natural light for function and compass orientation. Red and yellow wavelengths found in most artificial light have been shown to disrupt that magnetic sense.[7]

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[5] See: http://www.borealbirds.org/birdguide/map_losangeles.shtml#anchor. The Boreal Songbird Initiative is a network of conservation and birding groups interested in raising awareness in the U.S. and Canada about the importance of the boreal forest and other locations for migratory birds. They conduct migratory bird research and manage and maintain a migratory bird database.

[6] McCrary, M.D., R.L. McKernan, R.E. Landry, W.D. Wagner & R.W. Schreiber. 1982. Nocturnal Avian Migration Assessment of the San Gorgonio Wind Resource Study Area. Report Prepared for Research and Development, Southern California Edison Company, Rosemead, California through the Los Angeles County Natural History Museum Foundation, Section of Ornithology, Los Angeles, California.

[7] Sheppard, Christine. 2018. San Diego Symphony Light Design: Potential Impact on Local Birds

In addition, during clear weather migrating birds appear to be able to distinguish artificial lighting from light emanating from planets and stars. However, during inclement weather, birds can become confused and drawn to artificial lights. This phenomenon has been observed on numerous occasions at lighted buildings, oil platforms, and athletic fields. Once drawn into an artificial light source a number of negative outcomes including mortality can occur; birds may crash into something, circle the light source becoming exhausted, or become confused and drawn off course.

Because San Diego is an essential link along the Pacific Flyway as a wintering location for waterfowl and an important breeding ground for seabirds (USFWS 1998), Commission staff is most concerned with artificial night lighting impacting migratory birds. While development surrounding the park is brightly lit, the park itself has remained relatively dark in comparison and is surrounded on three sides by bay waters which may offer a refuge for birds flying along the bay between the urban and densely lit areas of downtown San Diego and Coronado.

The proposed PMPA would authorize the replacement of all existing lighting at EMPS and the installation of several new lighting elements as part of the Bayside Performance Park. The lighting design components can be separated into three categories: functional, shell, and production lighting. The functional lighting would provide visibility throughout the park and is adjusted to either event lighting, which operates at 100% output; non-performance lighting, with most fixtures dimmed to medium output or shut off completely; or security lighting, with most fixtures dimmed to a very low output or shut off completely. The shell lighting would include the illumination of the fabric shell by small, low-power LED “nodes” placed on the interior of the shell. The shell lighting would have two settings and include a light “glow” setting in which the brightness would be adjusted based on non-performance and security light settings, and an art display setting, in which the nodes would be programmed to turn on/off and change colors in a sequence to provide a light show. The art display would occur for five to ten minutes at 30 minute intervals from dusk to 10:30 pm nightly. Finally, the production lighting is focused on the stage and would be “on” only during events.

The Port and Symphony have spent a considerable amount of time working with Commission staff and the Commission’s ecologist, Dr. Jonna Engel, on the proposed lighting design. As a result of this coordination, the design has been refined to minimize potential impacts. The design includes LED lighting with a correlated color temperature of 2,700 Kelvins to emit less high frequency blue light. Lighting would be shielded to eliminate or reduce light trespass, sky glow, and glare resulting in a reduction in the total number of lumens leaving the site during the security, event, and non-performance lighting settings over existing conditions. Lighting expert James R. Benya, hired by the Symphony, reviewed the lighting design for consistency with the California Building Standards Code, California Code of Regulations, Title 24 Parts 6 and 11, and found that while the appropriate Lighting Zone for the project site is Lighting Zone 3 (LZ-3) which corresponds to urban areas, the project would comply with California Title 24 Parts 6 and

11 for Lighting Zone 2 (LZ-2), which corresponds to rural areas and is more restrictive and less impactful than LZ-3. Mr. Benya also made recommendations to further reduce the impact of the project's lighting, including replacing the existing 4,000 Kelvin roadway lights on Marina Park Way from the South Embarcadero Promenade, which was not originally included in the project scope, with 2,700 or 3,000 Kelvin lights; limiting all light sources at EMPS to 2,700 Kelvin lights to the extent possible and no lighting over 3,000 Kelvins; adding deep shields to the production lighting and to the existing walkway and roadway luminaires; limiting shell backlighting during non-performance and security conditions to short wavelength light; and adjusting the backlighting of the shell following installation to ensure that the luminance of the shell lighting does not exceed 10 candelas per square meter (cd/m^2) during events and Art Display settings, 3 cd/m^2 during Non-Performance periods, and 0.1 cd/m^2 during Security periods, all of which is well under the recommended luminance for sign brightness used in dark-sky communities of 150 cd/m^2, and would correspond to LZ-2 light levels. These recommendations have been incorporated into the project design and will be memorialized in the Port-issued CDP.

A remaining concern, however, is the proposed art display lighting, in which the fabric shell would be illuminated by small, low-power LED "nodes" placed on the interior of the shell that would be programmed to turn on/off and change colors in a sequence. Because the display is fairly unique in its use of LED lighting on the interior of the shell to produce a light show, little is known of the effects of this type of lighting on avian species. To address Commission staff's concerns regarding the lighting, the project proponent has agreed to limit the art display during migratory periods to short wavelength (580 nanometers or shorter) light which is less impactful to birds, who's reliance on the Earth's magnetic field for orientation at night can become disrupted by the longer red and yellow wavelengths. In addition, the art display would occur less frequently during migratory periods, and only be used for events, holidays, and other special events, for a maximum of 50% of the nights during the migratory period. These operational practices would reduce the potential that lighting would impact migrating birds and are included in the PMPA, as well as the forthcoming CDP for the project.

Loss of Trees

The subject project would include the removal of approximately 116 ornamental trees to allow for grading and construction of the project and for the installation of photovoltaic (PV) solar panels within the parking area; 55 of the trees would be replaced onsite, resulting in a net loss of 61 trees from EMPS. The Port has indicated that many of the trees slated for removal have become overcrowded and the root systems are oversized for their planter beds; others are not healthy, some are dying, and a few have already been lost. These trees, if not removed, would continue to be of concern due to their age, health and maintenance needs. Typically, the Commission requires that trees that are removed are replaced on a 1:1 basis because trees provide important habitat for nesting birds and are aesthetically pleasing.

A biological resources study was conducted in 2017 for the subject project. During the survey conducted for the study, two sensitive avian species, California brown pelican and double-crested cormorant, were observed within the survey area. Neither species is known to nest near the project site. However, additional protected birds have a potential to nest within the project area and may include urban-acclimated species such as Anna's hummingbird, house finch, and northern mockingbird. To ensure that active nests are not disturbed during tree removal, the Port-issued CDP would require the Symphony to retain a qualified biologist to conduct a pre-construction nesting bird survey within suitable habitat in proximity of the project activities within 72 hours of the commencement of construction. If an active nest is discovered, the biologist would assign an appropriate no-impact buffer around the active nest and no construction activities would occur within this buffer.

The Port recently received a donation of 17 trees which were planted at several locations within the Port and there are currently 18 additional trees that are scheduled to be planted at other parks within the Port. An additional 20 trees would also be planted as part of the in-lieu mitigation fee payment to the Port for the loss of permanent park space discussed above in the Public Access and Recreation findings. The Port has indicated that they have examined other locations within the Port to plant additional trees, but have not identified an alternative location for additional trees to be planted. Therefore, while 61 trees would be permanently removed from EPS, 55 trees have been recently planted or will be planted in the near future elsewhere in the Port District.

Water Quality Impacts to Eelgrass

A 2017 survey conducted by the Port identified eelgrass in the waters immediately surrounding the subject site, with eelgrass most densely located along the perimeter of the park, the inlet to the marina, and the area of the park adjacent to the marina. Eelgrass (*Zostera marina*) is an aquatic plant consisting of tough cellulose leaves, which grows in dense beds in shallow, subtidal or intertidal unconsolidated sediments. Eelgrass is considered worthy of protection because it functions as important habitat for a variety of fish and other wildlife, according to the California Eelgrass Mitigation Policy (CEMP) (NMFS 2014) adopted by the National Marine Fisheries Service (NMFS) in coordination with a number of state and federal resource and regulatory agencies, including the Commission. For instance, eelgrass beds provide areas for fish egg laying, juvenile fish rearing, and waterfowl foraging. Sensitive species, such as the California least tern, a federally listed endangered species, utilize eelgrass beds as foraging grounds. In this case, indirect impacts to eelgrass could occur if run-off from the project site during construction or operation impacts water quality. Direct impacts could also occur if members of the public were to anchor their boats near the venue to watch a performance from the water.

EMPS can be divided into three areas for the purposes of hydrology: the northwestern park area, the central parking lot, and the southeastern park area. The northwestern park

area consists of a large, gently sloped lawn surrounded by a pedestrian promenade and the elevation of this portion of EMPS ranges from +16 ft. to +10 ft. NAVD88. The paved basketball court located in the southeastern park area has an approximate elevation of +12 ft. NAVD88. Surface drainage in EMPS consists of urban surface runoff that flows radially from the center of the northwestern park area towards the western and easternmost low points. The existing drainage system at the parking lot is not fitted with backflow devices at the outfalls. Storm water is conveyed through curb inlets, and is ultimately directed to San Diego Bay through two outfall pipes, allowing chemicals and fuels that accidently spill to be washed directly into the bay from the parking lot.

To avoid and minimize these potential impacts to water quality, the Symphony proposes to construct a storm water treatment and drainage system that would collect and filter storm water runoff from the project site prior to discharging into the bay via drainage pipes. Specifically, the permanent water quality treatment system would include several best management practices, including the replacement of existing drainage pipes with one-way pipes with backflow devices that would not allow inlet of water with rising tides; the installation of vegetated swales in the parking lots to drain to media filters before exiting the site; a bio filtration strip along the promenade; and a storage and reuse system under the artificial turf. These best management practices would ensure that run-off is treated effectively prior to being released into the San Diego Bay.

Project construction would involve excavation, material stockpiling, and compaction. The entire 10.8-acre site would be subject to ground disturbance. Grading (cut and fill) would involve a total of 6,000 cubic yards to be balanced on-site. In addition to sediment and turbidity impacts from erosion during the construction of the project, eelgrass habitat could be degraded by any residual pollutants associated with any sediment that is lost. The Port provided a storm water pollution prevention plan (SWPPP), which was prepared in accordance with federal, state, city, and Port requirements to protect water quality during construction. While the majority of the plan contains adequate BMPs, the Commission's water quality specialist, Michael Sandecki, was concerned that the SWPPP did not require a rain event action plan (REAP). Construction, including grading, would occur during the rainy season, and the whole site would be disturbed during the remainder of the year with an estimated 15 tons per acre of sediment loss-risk. Because there could be residual pollutants in any sediment that is lost, surrounding eelgrass habitat could be impacted. As such, the Port agreed to require a REAP as a special condition of the Port-issued CDP. In addition, to ensure that plastic pollution is minimized during construction, a prohibition on plastic netting has been added for erosion control products.

Eelgrass could also be directly impacted if members of the public are allowed to anchor their boats in the eelgrass beds adjacent to the park, which is a common practice at Humphreys, another waterside venue along San Diego Bay. Except for a small sliver of water area designated Boat Navigation Corridor, the area to the west is outside the Port's jurisdiction (west of Pierhead Line) and is in the main ship channel; the area to the south of EMPS is designated Ship Navigation Corridor; and north of the site is the Marriott

Marina. The Boat Navigation Corridor and Ship Navigation Corridor are designations for vessel movement/waterborne circulation and anchoring is not permitted by Section 4.35 of the San Diego Unified Port District Port Code which regulates activities related to anchoring and mooring. The Harbor Police unit patrols the water areas within the Port District, while the U.S. Coast Guard patrols the main ship channel. Anchoring is also not allowed outside of designated slips inside the marina, as the marina has circulation corridors of limited width to provide movement in and out of fixed slips within the marina. The marina dockmaster patrols the water area of the marina to ensure that boats are not anchored outside of the slip area. As such, anchoring would not be permitted to occur in the area around EMPS and therefore direct impacts to eelgrass are not expected to occur as a result of the proposed PMPA.

In conclusion, the proposed PMP contains adequate provisions to minimize substantial adverse impacts to biological resources and to provide for other beneficial uses consistent with the public trust, including wildlife habitat uses. Therefore, the Commission finds the Port Master Plan amendment consistent with Chapter 8 of the Coastal Act.

Coastal Hazards

Section 30708 of the Coastal Act requires that all port-related developments shall be located, designed, and constructed so as to minimize substantial adverse environmental impacts and provide for other beneficial uses consistent with the public trust, including, but not limited to, recreation and wildlife habitat uses, to the extent feasible. As such, new development should be sited and designed to be safe from coastal hazards and to avoid adverse impacts to coastal resources.

The project site is located directly adjacent to San Diego Bay on a peninsula that is surrounded by water on three sides, and is therefore vulnerable to erosion, flooding, wave run-up, and storm hazards. Sea level rise is expected to exacerbate existing coastal hazards by raising mean water levels and extending flood zones inland. As noted in the Commission's 2015 Sea Level Rise Policy Guidance and other studies, increased sea level is expected to cause increased inundation of coastal areas, reduced accretion and increased erosion of shorelines. Historically, the most common societal response to coastal hazards has been to construct shoreline protective devices in order to slow the erosion of shorelines, retain unstable slopes, and prevent flooding.

The Coastal Act discourages shoreline protection devices because they generally cause adverse impacts to coastal resources and can constrain the ability of the shoreline to respond to dynamic coastal processes. Shoreline protection devices are physical structures that take up space and displace or modify prior uses of coastal land (e.g., beach recreation, habitat, etc.); this effect is often referred to as encroachment. Seawalls and, in particular, revetments, may have large horizontal footprints, displacing what would otherwise be sandy beach, habitat or recreational areas, and resulting in a long-term loss of shoreline for public access, recreation and other uses. By substituting hard materials (e.g., rock, concrete) in place of more erodible natural substrates (e.g., sand, soils, terrace

deposits, sedimentary rocks), shoreline protection devices can also affect currents and sediment transport processes, cause scour or winnowing of beach sediments along the shoreline, and increase erosion rates at unarmored locations up- and down-coast of the structure ("end effects"), all of which can cause significant changes in the configuration of the adjacent shoreline. Broader effects of shoreline protection devices include changes to the recreational and beach use experience, impacts to beach and other coastal ecosystems, and impairment of the aesthetic and visual character of the coast.

Because shoreline protection devices, such as seawalls, revetments, and groins, can create adverse impacts on coastal processes, new development should not create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms. However, existing development may be protected by shoreline protective devices subject to certain conditions. This limitation is particularly important when considering new development, such as in this case, because if it is known that a new development may need shoreline protection in the future, it would be unlikely that such development could be found to be consistent the Coastal Act or the public trust. Therefore, the Commission's action on this project must consider the effects of the project on coastal resources, such as public access and recreation, and consider the conditions expected at the site over the project life, including flooding and storm events (with sea-level rise considerations).

The Port provided an analysis of flooding impacts during a 1-year and 100-year storm event with 0.25 meters, 1 meter, and 1.25 meters of sea level rise. The analysis identified that the project site would be vulnerable to annual flooding towards the end of its design life (year 2084) under a mean higher high water tide, one year storm, and 1.25 meters of sea level rise. During a 100-year storm event, the road to the park would become vulnerable to flooding by year 2030 with .25 meters of sea level rise.

EMPS is surrounded by riprap that was placed at the time the peninsula was created in 1976, prior to the construction of the park in 1978. While the existing riprap reduces the risk of flooding to the park, the riprap should not be relied upon to protect new development, including the proposed project. In addition, although the existing riprap provides some protection of the site, it is not guaranteed to be functional into the future. The project proponent must therefore acknowledge that the project, as new development, is not entitled to shoreline protection and it must waive any right to construct a shoreline protective device for the Bayside Performance Park in the future. However, the Port would not be precluded from future consideration and use of shoreline protection to protect coastal-dependent uses or existing development, including the improvements to existing park structures and amenities (i.e., promenade, road, parking lot, southern portion of EMPS, etc.) that are proposed as part of the PMPA and would be considered repair and maintenance.

The issue of sea level rise is not yet covered in the certified Port Master Plan, but the Port is currently preparing a sea level rise adaptation plan and will address this issue during its upcoming Port Master Plan Update. In this case, the Port has included the following language in the PMPA to identify that shoreline protection would not be permitted to protect the Bayside Performance Park (i.e., stage, shell, sloped lawn, box office, concessions, etc.), which is considered new development:

> *Future adaptation strategies employed at EMPS to address current and future coastal hazards should be considered for existing and proposed development of public amenities including public promenades, public areas of EMPS and/or public roads. Such adaptation strategies may include use of living shorelines, elevation of structures, and removal or relocation of development. Shoreline armoring may be allowed to protect existing development, proposed improvements to the public amenities above, and/or coastal-dependent uses, and such shoreline armoring may incidentally protect adjacent new development; however, shoreline armoring to protect the Bayside Performance Park, shall not be permitted. The Bayside Performance Park shall be sited and designed to ensure safety and stability without relying on shoreline armoring.*

The Port-issued CDP for the project would also include a special condition that requires the project proponent to acknowledge and agree that they have no rights to shoreline armoring in the future. Additionally, should flooding occur to the point that renders the structures and/or access to the structures for essential services no longer useable and/or a threat to human life or safety, structures would be removed at the sole cost of the Bayside Performance Park permittee.

In conclusion, the proposed PMP contains adequate provisions to minimize substantial adverse impacts to coastal processes and provide for other beneficial uses consistent with the public trust, including recreation and wildlife habitat uses. Therefore, the Commission finds the Port Master Plan amendment consistent with Chapter 8 of the Coastal Act.

F. Consistency with the California Environmental Quality Act (CEQA).

This is a project-driven amendment and the project was the subject of an Environmental Impact Report (EIR) under CEQA. The EIR was subject to public review and was adopted by the Board of Port Commissioners on January 9, 2018 as Resolution 2018-019. The final EIR (SCH #2016121003) identified that even after adopting all feasible mitigation measures, there would be the following unavoidable significant environmental impacts: direct impacts on greenhouse gas emissions, noise and vibration, and transportation, circulation, and parking; and cumulative impacts on greenhouse gas emissions, and transportation, circulation, and parking.

The Port determined that specific economic, social, and other benefits of the proposed project outweigh the project's unavoidable adverse environmental effects. In making this

determination, the Port adopted a Statement of Overriding Considerations. The Port identified the following overriding considerations: that the project would upgrade and modernize the public amenities at EMPS and provide enhanced cultural uses, improved public gathering spaces, and diversified park activation areas; be visually and acoustically superior to the existing temporary venue; contribute to regional economic vitality while allowing for lower-cost recreational experiences; incorporate state-of-the-art sustainability practices; increase employment opportunities; stimulate economic growth for the Port, the City of San Diego, and the overall region; and provide a benefit to the community by incorporating energy conservation and sustainability features into its design and construction that would provide energy and water efficiency in excess of standards required by Title 24 of the California Code of Building Regulations. Therefore, the Port determined that the benefits of the project outweigh its significant environmental impacts, and therefore, on balance, such impacts are considered acceptable.

As described above, the Commission has reviewed and evaluated the proposed amendment under the Chapter 8 policies of the Coastal Act, finds that all unavoidable impacts have been mitigated, and that as proposed, the amendment does not have the potential to result in significant adverse impacts to the environment of the Coastal Zone. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse effect which the amendment may have on the environment. Therefore, the Commission finds that the PMPA, as submitted, is consistent with the California Environmental Quality Act, as well as the applicable provisions of Chapter 8 of the Coastal Act.