

## **RESOLUTION 2018-019**

### **RESOLUTION TO CERTIFY FINAL ENVIRONMENTAL IMPACT REPORT, ADOPT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPT MITIGATION MONITORING AND REPORTING PROGRAM, AND DIRECT FILING OF NOTICE OF DETERMINATION**

**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**, the District has proposed the Bayside Performance Park Enhancement Project and Port Master Plan Amendment (“Proposed Project”); and

**WHEREAS**, the applicant for the Proposed Project is the San Diego Symphony Orchestra Association (“Symphony”); and

**WHEREAS**, the Proposed Project consists of public amenity enhancements throughout Embarcadero Marina Park South (“EMPS”) and the installation of a permanent performance stage and event venue within a portion of EMPS, as well as an amendment of the text of the Centre City Embarcadero Precise Plan within the Marina Zone subarea of Planning District 3 of the Port Master Plan (“PMP”); and

**WHEREAS**, the property which is subject to the Proposed Project encompasses the 10.8-acre EMPS, which is located at 200 and 206 Marina Park Way in downtown San Diego, bayward of the San Diego Convention Center in the Marina Zone subarea of Planning District 3 (Centre City Embarcadero) of the PMP, and is designated for Park/Plaza uses; and

**WHEREAS**, pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code Section 21000, et seq., and its implementing regulations, 14 California Code of Regulations Section 15000, et seq. (“CEQA Guidelines”), the District prepared a Draft Environmental Impact Report for the Bayside Performance Park Enhancement Project and Port Master Plan Amendment (UPD #EIR-2016-176; SCH #2016121003) for the Proposed Project (“Draft EIR”), which was made available for public review and comment as required by law in June 2017; and

**WHEREAS**, the District received comments letters concerning the Draft EIR from several public agencies and, pursuant to CEQA Guidelines section 15088, the District has prepared written responses to all comments received on

the Draft EIR during the public comment period which raised environmental issues; and

**WHEREAS**, the District has determined that the comments received on the Draft EIR do not contain any significant new information within the meaning of CEQA Guidelines section 15088.5 and therefore recirculation of the Draft EIR is not required; and

**WHEREAS**, the District has prepared a Final Environmental Impact Report ("Final EIR") which contains the information required by CEQA Guidelines section 15132, including the Draft EIR and the revisions and additions thereto, technical appendices, public comments and the District's responses to public comments on the Draft EIR, and which has been filed with the District Clerk; and

**WHEREAS**, pursuant to CEQA Guidelines sections 15091, 15093 and 15097, the District has prepared Findings of Fact and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, which have been filed with the District Clerk; and

**WHEREAS**, the District Clerk has caused notice to be duly given of a public hearing in this matter in accordance with law, as evidenced by the affidavit of publication and affidavit of mailing on file with the District Clerk; and

**WHEREAS**, all materials with regard to the Proposed Project were made available to the Board of Port Commissioners ("Board") for its review and consideration of the Proposed Project including, but not limited to, the following:

1. The Draft EIR and appendices, dated June 2017;
2. The Final EIR and its appendices, dated December 2017;
3. The Staff Report and Agenda Sheet, dated January 2018;
4. The proposed Findings of Fact and Statement of Overriding Considerations, dated January 2018;
5. The proposed Mitigation Monitoring and Reporting Program, dated January 2018; and
6. All documents and records filed in this proceeding by the District and other interested parties; and

**WHEREAS**, a duly noticed public hearing was held on January 9, 2018, before the Board, at which the Board received public testimony, reviewed and considered all testimony and materials made available to the Board regarding the Proposed Project; and

**WHEREAS**, having reviewed and considered all testimony and materials made available to the Board, including but not limited to the Final EIR, the staff reports and all the testimony and evidence in the record of the proceedings with respect to the Proposed Project, the Board took the actions hereinafter set forth.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

1. The Board finds the facts recited above are true and further finds that this Board has jurisdiction to consider, approve and adopt the subject of this Resolution.

2. The Board finds and determines that the applicable provisions of CEQA, its implementing State Guidelines, and District Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto.

3. The Board finds and determines that (a) the Final EIR is complete and adequate in scope and has been completed in compliance with CEQA and the State and District Guidelines for implementation thereof, (b) the Final EIR was presented to the Board, and the Board has fully reviewed and considered the information in Final EIR prior to approving the Proposed Project, (c) the Final EIR reflects the District's independent judgment and analysis, and, therefore, the Final EIR is hereby declared to be certified in relation to the subject of this Resolution.

4. The Board finds and determines that the Proposed Project is approved despite the existence of certain significant environmental effects identified in the Final EIR and, pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the Board hereby makes and adopts the findings with respect to each significant environmental effect as set forth in the Findings of Fact, appended hereto as Exhibit "A" and made a part hereof by this reference, and declares that it considered the evidence described in connection with each such finding.

5. The Board further finds and determines that the Proposed Project is approved despite the existence of certain unavoidable significant environmental effects identified in the Final EIR, and, pursuant to Public Resources Code section 21081(b) and CEQA Guidelines section 15093, the Board hereby makes and adopts the Statement of Overriding Considerations appended hereto as Chapter 7.0 of Exhibit "A" and made part hereof by this reference, and finds that such effects are considered acceptable because the benefits of the Proposed Project outweigh the unavoidable environmental effects.

6. Pursuant to Public Resources Code Section 21081.6 and CEQA

Guidelines Section 15091(d), the Board hereby adopts and approves the Mitigation Monitoring and Reporting Program, which is appended hereto as Exhibit "B" and is made a part hereof by this reference, with respect to the significant environmental effects identified in the Final EIR, and hereby makes and adopts the provisions of the Mitigation Monitoring and Reporting Program as conditions of approval for the Proposed Project.

7. Pursuant to Public Resources Code Section 21152 and CEQA Guidelines Section 15094, the Clerk of the Board shall cause a Notice of Determination to be filed with the Clerk of the County of San Diego and the State Office of Planning and Research. Unless the Proposed Project is declared exempt herein and a Certificate of Filing Fee Exemption is on file, the Proposed Project is not operative, vested or final until the filing fees required pursuant to Fish and Game Code Section 711.4 are paid to the Clerk of the County of San Diego.

8. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), the location and custodian of the documents and other materials which constitute the record of proceedings on which this Resolution is based is the Clerk, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92101.

9. As a condition of this approval, Symphony shall indemnify and hold the 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 the Proposed Project and certification of the Final EIR, and adoption of the Findings of Fact, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program. Said indemnity and hold harmless condition is independent of any agreements by and between Symphony and the District.

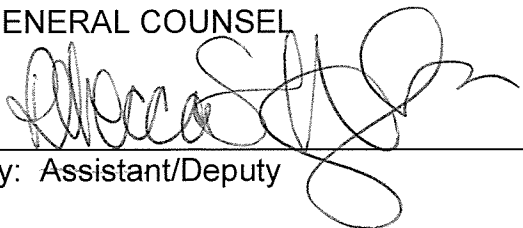
Attachments:

Exhibit A: Findings of Fact and Statement of Overriding Considerations

Exhibit B: Mitigation Monitoring and Reporting Program

APPROVED AS TO FORM AND LEGALITY:

GENERAL COUNSEL



By: Assistant/Deputy



2018-019

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 9<sup>th</sup> day of January 2018, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Valderrama

NAYS: None.

EXCUSED: Zucchet

ABSENT: None.

ABSTAIN: None.



Rafael Castellanos, Chairman  
Board of Port Commissioners

ATTEST:



Donna Morales  
District Clerk



(Seal)

# Exhibit A

**THE BOARD OF PORT COMMISSIONERS  
OF THE  
SAN DIEGO UNIFIED PORT DISTRICT**

**FINDINGS OF FACT  
AND  
STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR**

**BAYSIDE PERFORMANCE PARK  
ENHANCEMENT PROJECT AND  
PORT MASTER PLAN AMENDMENT  
FINAL ENVIRONMENTAL IMPACT REPORT  
(UPD # EIR-2016-176; SCH # 2016121003)**

**January 2018**

## TABLE OF CONTENTS

<b>INTRODUCTION .....</b>	<b>1</b>
<b>1.0 PROJECT DESCRIPTION .....</b>	<b>1</b>
1.1 Project Location .....	1
1.2 Project Components.....	1
1.3 Project Objectives .....	5
<b>2.0 ENVIRONMENTAL PROCEDURES .....</b>	<b>5</b>
2.1 Lead Agency .....	5
2.2 Environmental Impact Report .....	6
2.3 Public Participation.....	6
2.4 Record of Proceedings.....	6
<b>3.0 FINDINGS UNDER CEQA.....</b>	<b>7</b>
3.1 Purpose .....	7
3.2 Terminology .....	8
3.3 Legal Effect.....	9
3.4 Mitigation Monitoring and Reporting Program .....	10
3.5 Certification of the Final EIR .....	10
<b>4.0 FINDINGS REGARDING DIRECT OR INDIRECT SIGNIFICANT OR POTENTIALLY SIGNIFICANT EFFECTS.....</b>	<b>11</b>
4.1 Aesthetics and Visual Resources .....	11
4.2 Biological Resources .....	12
4.3 Geology and Soils.....	14
4.4 Greenhouse Gas Emissions .....	15
4.5 Land Use and Planning.....	17
4.6 Noise and Vibration.....	18
4.7 Recreation.....	20
4.8 Transportation, Circulation and Parking .....	21
<b>5.0 FINDINGS REGARDING CUMULATIVE SIGNIFICANT EFFECTS ..</b>	<b>24</b>
5.1 GHG Emissions .....	25
5.2 Transportation, Circulation, and Parking .....	26
<b>6.0 FINDINGS REGARDING PROJECT ALTERNATIVES .....</b>	<b>29</b>
6.1 Alternative 1: No Project Alternative with Discontinued use of EMPS for Temporary Symphony Performances and Non-Symphony Events .....	31
6.2 Alternative 2: No Project Alternative with Continued use of EMPS for Temporary Symphony Performances and Event Rentals .....	32
6.3 Alternative 3: Reduced Capacity Alternative (8,000 Seats) .....	33
6.4 Alternative 4: Reduced Capacity Alternative (6,000 Seats).....	35
6.5 Alternative 5: Reduced Programming Alternative .....	37
6.6 Alternative 6: Balboa Park Alternative Location .....	38
<b>7.0 STATEMENT OF OVERRIDING CONSIDERATIONS .....</b>	<b>40</b>

## **INTRODUCTION**

The Board of Port Commissioners of the San Diego Unified Port District (District) hereby makes the following Findings and Statement of Overriding Considerations concerning the Final Environmental Impact Report (UPD #EIR-2016-176 and SCH #2016121003) for the Bayside Performance Park Enhancement Project and Port Master Plan Amendment (proposed project or project), pursuant to the California Environmental Quality Act, Public Resources Code §21000, et seq. (CEQA), and its implementing regulations, California Code of Regulations, Title 14, §15000, et seq. (CEQA Guidelines). San Diego Symphony Orchestra Association (Symphony) is the applicant and project proponent for the proposed project.

The Final Environmental Impact Report (Final EIR) prepared for the proposed project consists of an Errata summarizing corrections and revisions made to the Draft EIR, comments received on the Draft EIR and the District's responses to those comments, a Mitigation Monitoring and Reporting Program, and the revised Draft EIR.

### **1.0 PROJECT DESCRIPTION**

#### **1.1 Project Location**

The project site is located at 200 and 206 Marina Park Way, at Embarcadero Marina Park South (EMPS) in the city of San Diego. It is situated bayward of the San Diego Convention Center at the edge of downtown San Diego and encompasses EMPS, including its parking lots, fishing pier, bait shop and deli, basketball courts, picnic areas, and lawn area. The project site's average elevation is approximately 7.73 feet above mean sea level, and is surrounded on three sides by San Diego Bay.

#### **1.2 Project Components**

The project's park enhancements at the 471,379-square-foot (10.8-acre) EMPS include a permanent performance stage and event venue, to be known as the Bayside Performance Park; public recreational amenity enhancements; and public access enhancements throughout EMPS. The following subsections describe each component of the park enhancements.

##### **Bayside Performance Park**

The Bayside Performance Park area would cover approximately 160,583 square feet (3.68 acres) of EMPS, or approximately 34 percent of EMPS, and would include the following amenities:

- Permanent performance stage and acoustic shell (maximum height of 57 feet and maximum width of 119 feet) and performance back-of-house facilities (e.g., storage, dressing rooms, waiting room, and restrooms), two 9-foot-by-14-foot video screens located in the vicinity of the stage, six sound and light supports co-located with ancillary video screens, and a sound control booth; the stage and back-of-house

facilities would have a total footprint of 13,015 square feet (0.29 acre) and would not be open to the general public at any time;

- Sloped synthetic turf (sand-based) lawn to be used as the main seating area and pre-event spaces during event hours; seating would be temporary, used only during events, and no permanent seating would be installed; all lawns would be open to the general public during non-event hours;
- Concrete steps and viewing deck encompassing 5,445 square feet (0.13 acre) at the back of the performance stage (facing northwest); the steps and deck would be open to the general public as a bay viewing deck during non-event hours; the space could also be used for public/private event rentals;
- 85-square-foot Symphony box office which would not be open to the general public at any time;
- Two pavilions for food and/or other event services within a 15,242-square-foot (0.35-acre) area comprised of permeable pavers that would be open to the public outside of events, with the exception of the two 995-square-foot pavilions that would be closed and locked;
- 42-inch-tall perimeter fencing between the Bayside Performance Park and public promenade, with a 1-foot-wide planter area on either side of the perimeter fence and large removable/moveable sections to allow for public access throughout the Bayside Performance Park during non-event hours;
- 8-foot-tall permanent, slatted metal fencing at the northwestern back-of-stage areas with removable/moveable sections to allow for public access to the concrete steps and viewing deck;
- Subgrade restroom with 68 stalls (64 men's and women's stalls and 2 gender-neutral public restrooms located at each end of the facility, totaling 4 gender-neutral restrooms) beneath the sloped lawn; the gender-neutral restrooms would be open to the general public during non-event hours with the remaining 64 stalls to be used by event patrons only during event hours; and
- Visual public art element illuminated with light-emitting diode (LED) lighting on the exterior acoustic shell.

### **EMPS Enhancements**

Public park enhancements to be installed in the remaining portion of EMPS (outside of the Bayside Performance Park) include the following:

- Reconfiguration of the parking lot to add four parking spaces and landscaped medians for a total of 132 parking spaces;
- Replacement of the four existing basketball courts (two full-sized courts that are divided into four half-sized courts) with new basketball court materials and equipment (e.g., court surface, hoops);

- Relocation of the existing fitness equipment with replacement, as necessary, new equipment and relocation to the southeastern portion of EMPS, near the gazebo and basketball courts;
- Refurbishment of the existing public outdoor gazebo with similar materials as existing; and
- Refurbishment of the existing public restrooms with new facilities (number of stalls would be maintained) and new materials that complement the materials of the other facilities.

### **Public Access**

Following project construction, the Bayside Performance Park would be open to the public when events are not being held, with the exception that the stage and back-of-house facilities, box office, and food pavilions would not be open to the public at any time due to security reasons. These inaccessible facilities would have a combined footprint of 15,090 square feet (0.34 acre). Maintaining public access throughout the Bayside Performance Park during non-event hours would be an improvement compared to the approximately 120 consecutive days in which the existing temporary concert venue is closed to the public each year for the Bayside Summer Nights series. The promenade—both around the Bayside Performance Park and throughout the rest of EMPS—and fishing pier would remain open to the public at all times, including during events, providing unlimited public access to the bay. All portions of EMPS outside of the Bayside Performance Park would have no public access restrictions other than the normal park hours (open daily 6:00 a.m. to 10:30 p.m.).

Symphony paid-admission performances and rental events, which would restrict access within the Bayside Performance Park to ticket holders, would be limited to 15 percent of the year (approximately 110 half-day or 55 full-day admission-based events assuming a full day is from 6:00 a.m. to 11:00 p.m.), meaning that public access and recreation within the Bayside Performance Park would be unrestricted for 85 percent of the year. Additionally, the number of events with 8,000 to 10,000 attendees would be restricted to a maximum of six each year. Event day rehearsals would occur within the hours of 9:00 a.m. and 4:00 p.m.

Non-event day rehearsals would occur within the hours of 9:00 a.m. and 4:00 p.m. and be limited to a maximum duration of 3 hours. Evening rehearsals would occur between 7:00 p.m. and 10:00 p.m. and would be limited to no more than 30 times per year. All rehearsals would be free-of-charge to the general public, and public access to the Bayside Performance Park would not be restricted during rehearsals.

While access within the Bayside Performance Park would be exclusive to event patrons during event hours, the entire promenade and other portions of EMPS would remain open to the public. The public viewing deck and steps located to the back of the stage (accessible via the public promenade) would remain open to the public during certain events, depending on the programming and event type. To further increase accessibility of EMPS following project construction, the following public access enhancements would be installed as part of the proposed project:

- Widening and replacement of the existing 8-foot-wide promenade around the perimeter of the Bayside Performance Park area (on the northwestern portion of EMPS) with a 12-foot-wide promenade to remain open to the general public at all times, including during all event and non-event hours;
- Installation of public access wayfinding and public educational signage throughout EMPS;
- Installation of LED lighting to illuminate portions of the promenade and main access point to aid in nighttime wayfinding and create a safe nighttime environment; and

### **Sustainability Features**

The proposed project has incorporated sustainable methods and materials into its design and includes the following design features:

- Modular wetland/storm water treatment and drainage system throughout the Bayside Performance Park and EMPS parking lot;
- Lawn areas composed of commercial-grade sand-based synthetic turf to reduce water consumption, heat transfer, and maintenance requirements;
- Ornamental landscaping with a majority of “very low” water use plant species and some “low” or “moderate” water use species;
- Energy efficient LED lighting that is directed in such a manner to avoid light bleed into surrounding areas and to minimize light pollution;
- Sensored, low-flow water use fixtures consistent with the District’s standards;
- Passive cooling techniques to control the performance stage acoustic shell and enclosed structure temperatures and minimize energy consumption by utilizing natural ventilation and wind patterns through the structures, strategically placing shading, and use of dual glazing, green roofing, light colors, and reflective coatings;
- Use of sustainable interior and exterior building materials that count toward Leadership in Energy & Environmental Design Silver eligibility or equivalent; and
- One electric vehicle charging station that services two “park visitor only” parking stalls located on the eastern portion of the parking lot.

### **PMPA and CDP**

A Port Master Plan Amendment (PMPA), a non-appealable Coastal Development Permit (CDP) and a lease or other real estate agreement are also required to implement the project. The proposed PMPA describes the Bayside Performance Park and park enhancements, the existing temporary use of EMPS as a performance stage and venue for paid admission and rental events and the limitations for use of the permanent performance stage and venue for paid admission and rental events. The non-appealable CDP would allow for the development and include mitigation measures, as well as other items as conditions of the CDP. The lease would allow for the Symphony to have property rights to the project site.



### **1.3 Project Objectives**

#### **Project Objectives**

In accordance with Section 15124(b) of the CEQA Guidelines (14 California Code of Regulations [CCR] 15000, et seq.), the District has identified the following objectives for the proposed project:

- Upgrade and modernize the public amenities and public access features in EMPS to provide enhanced cultural uses, improved public gathering spaces, and diversified park activation opportunities, as well as creating a more enjoyable park setting with additional recreational opportunities.
- Replace a temporary seasonal performance and event venue with an iconic and attractive, world-class and highly innovative permanent outdoor public venue that can facilitate enhanced public park uses and enrich visual and cultural resources in the area.
- Allow the District, in coordination with a non-profit organization to provide cultural events and arts to a broad and diverse audience within the San Diego region.
- Optimize a portion of EMPS land use in a manner that is consistent with the Park/Plaza designation as applied to the Marina Zone Subarea of the Port Master Plan (PMP) Centre City Embarcadero Precise Plan, guiding principles within the District's Integrated Planning Vision, and the California Coastal Act (CCA).
- Provide an acoustically superior outdoor venue that will be sited and placed in a manner that minimizes noise impacts to nearby sensitive receptors.
- Maintain and promote the District's long-standing commitment to public access to the waterfront.
- Create a long-term financially sustainable project that contributes to regional economic vitality while allowing for lower-cost recreational/cultural experiences and promoting public access and the public's enjoyment of San Diego Bay.
- Create a project design that incorporates state-of-the-art sustainability practices and features.

### **2.0 ENVIRONMENTAL PROCEDURES**

#### **2.1 Lead Agency**

Pursuant to CEQA Guidelines §15367, the District is the "lead agency" for the purpose of preparing the environmental review required by CEQA. The environmental review prepared by the District will be used by the Board of Port Commissioners in connection with its decisions to certify the EIR, to approve the proposed project, to issue a Coastal Development Permit (CDP), and to authorize a Real Estate Agreement. The California Coastal Commission, as a CEQA responsible agency, may also use the EIR to certify the PMPA.

## **2.2 Environmental Impact Report**

Pursuant to CEQA Guidelines §15080, et seq., the District prepared an EIR to analyze the potential impacts of the proposed project on the environment. The Final EIR contains all of the information required by CEQA Guidelines §15132, including the Draft EIR and the appendices to the Draft EIR.

## **2.3 Public Participation**

Environmental review of the proposed project began on November 11, 2016, with the publication of a Notice of Preparation (NOP) of the EIR and a minimum 30-day public review period. The District held a Public Scoping meeting on December 19, 2016. The NOP public comment period was originally scheduled to end on January 6, 2017, but was extended to January 11, 2017 in response to a request from the City of San Diego. The Draft EIR was completed and a Notice of Availability for public review was posted on June 13, 2017. A 49-day public review period began on June 13, 2017, and ended on July 31, 2017. Five public agencies submitted written comments on the Draft EIR during the public comment period. No comment letters were received from private organizations or individual persons.

These comments and the District's responses to them are included in the Final EIR as required by CEQA Guidelines §15088 and §15132. The Final EIR was completed and Final EIR, including an Errata and the District's responses to comments were made available for review on December 28, 2017. A public hearing concerning certification of the Final EIR was held by the Board of Port Commissioners of the District on January 9, 2018, at which time interested agencies, organizations and individuals were given an opportunity to comment on the Final EIR, including the Errata, and the proposed project.

## **2.4 Record of Proceedings**

For purposes of CEQA and the findings set forth below, the administrative record of the District's decision concerning certification of the Final EIR for the proposed project shall include the following:

- The Draft EIR (June 2017);
- The Final EIR, including an Errata (January 2018);
- The appendices to the Draft EIR and the Final EIR;
- All documents and other materials listed as references and/or incorporated by reference in the Draft EIR and Final EIR, including but not limited to the materials identified in the Draft EIR, Chapter 9 (References);
- All reports, applications, memoranda, maps, letters, and other documents prepared by the District's staff and consultants for the proposed project, which are before the Board of Port Commissioners and are public records;
- The Mitigation Monitoring and Reporting Program for the project;

- All documents or other materials submitted by interested persons and public agencies in connection with the Draft EIR and the Final EIR;
- The minutes, tape recordings, and verbatim transcripts, if any, of the public hearing held on January 9, 2018, concerning the Final EIR and the proposed project;
- Matters of common knowledge to the Board of Port Commissioners and the District, including but not limited to the Port Master Plan;
- All findings and resolutions adopted by Board of Port Commissioners in connection with the project (including these findings), and all documents cited or referred to therein;
- Any documentary or other evidence submitted to the District at such information sessions, public meetings, and public hearings concerning the Final EIR and the project; and
- Any other materials required to be in the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The custodian of the documents and other materials comprising the administrative record of the District's decision concerning certification of the Final EIR is the District Clerk. The location of the administrative record is the Port District's office at 3165 Pacific Highway, San Diego, California 92101. (Public Resources Code §21081.6(a)(2).)

The Board of Port Commissioners has relied on all of the documents listed above in reaching its decision on the proposed project, even if not every document was formally presented to the Board of Port Commissioners as part of the District files generated in connection with the Project. Without exception, any documents set forth above not found in the project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the District was aware in approving the project. Other documents influenced the expert advice provided to District staff or consultants, who then provided advice to the Board of Port Commissioners. For that reason, such documents form part of the underlying factual basis for the Board of Port Commissioners' decisions relating to the approval of the project.

### **3.0 FINDINGS UNDER CEQA**

#### **3.1 Purpose**

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same section states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 also states that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives

or such mitigation measures, individual projects may be approved in spite of one or more significant effects.”

Public Resources Code section 21002 is implemented, in part, through the requirement that agencies adopt written findings before approving projects. (See Cal. Pub. Resources Code § 21081; CEQA Guidelines § 15091.) Specifically, CEQA requires the District to make written findings of fact for each significant environmental impact identified in the Final EIR (CEQA Guidelines §15091 and §21081).

In accordance with CEQA, the purpose of the findings is to systematically restate the significant effects of the proposed project on the environment and to determine the feasibility of mitigation measures and alternatives identified in the Final EIR which would avoid or substantially lessen the significant effects. Once the District has adopted sufficient measures to avoid or substantially lessen a significant impact, the District is not required to adopt every mitigation measure identified in the Final EIR or otherwise brought to its attention. If significant impacts remain after application of all feasible mitigation measures, the District must review the alternatives identified in the Final EIR and determine if they are feasible. These findings set forth the reasons, and the evidence in support of, the District’s determinations.

### **3.2 Terminology**

A “finding” is a written statement made by the District which explains how it dealt with each significant impact and alternative identified in the Final EIR. Each finding contains an ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion.

For each significant effect identified in the Final EIR, the District is required by CEQA Guidelines §15091(a) to make a written finding reaching one or more of the following conclusions:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effect identified in the EIR;
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or
- (3) Specific legal, economic, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

A mitigation measure or an alternative is considered “feasible” if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (Public Resource Code § 21061.1; CEQA Guidelines §15364; See also *Citizens of Goleta Valley v. Board of Supervisors* (Goleta II) (1990) 52 Cal.3d 553, 565.) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure

promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 410, 417.) “[F]easibility under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 410, 417; see also *Sequoiah Hills Homeowners Assn. v. City of Oakland* [1993] 23 Cal.App.4th 704, 715.)

CEQA also requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that will otherwise occur. The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The District must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” (Pub. Resources Code § 21002.) For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or a feasible alternative, a public agency, after adopting proper findings, may nevertheless approve the project if the agency adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s benefits rendered acceptable its unavoidable adverse environmental effects. (CEQA Guidelines §15093 and §15043 (b); see also Public Resources Code §21081(b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Citizens of Goleta Valley v. Board of Supervisors* [1990] 52 Cal.3d 553, 576.)

A statement of overriding considerations is required for the approved project because, despite implementation of all feasible mitigation measures, the project as approved will have significant impacts on noise and vibration and transportation, circulation and parking which cannot be avoided or reduced to a level less than significant.

### **3.3 Legal Effect**

To the extent these findings conclude mitigation measures identified in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the District hereby binds itself and any other responsible parties, including the Symphony,. As the project proponent/applicant, future project applicants and their respective successors in interest, to

implement those mitigation measures. These findings are not merely informational, but constitute a binding set of obligations upon the District and responsible parties, which will take effect if and when the District adopts a resolution certifying the Final EIR and the District adopts resolution(s) approving the project, the PMPA, a CDP, and Real Estate Agreement.

### **3.4 Mitigation Monitoring and Reporting Program**

In adopting these findings, the District also adopts a mitigation monitoring and reporting program pursuant to Public Resources Code §21081.6 and CEQA Guidelines §15097. This program is designed to ensure the project complies with the feasible mitigation measures identified below during implementation of the approved project. The program is set forth in the “Bayside Performance Park Enhancement Project and Port Master Plan Amendment Mitigation Monitoring and Reporting Program,” which is adopted by the District concurrently with these findings and is incorporated herein by this reference.

### **3.5 Certification of the Final EIR**

Pursuant to CEQA Guidelines Section 15090, the Board of Port Commissioners further finds and certifies that:

- (1) The Final EIR has been completed in compliance with CEQA.
- (2) The Final EIR has been presented to the Board of Port Commissioners, which constitutes the decision-making body of the lead agency, and the Board has reviewed and considered the information contained in the Final EIR prior to approving the Project.
- (3) The Final EIR reflects the Port District’s independent judgment and analysis.

#### 4.0 FINDINGS REGARDING DIRECT OR INDIRECT SIGNIFICANT OR POTENTIALLY SIGNIFICANT EFFECTS

The proposed project will result in direct and indirect significant and potentially significant environmental effects with respect to aesthetics and visual resources, biological resources, geology and soils, greenhouse gas emissions, land use and planning, noise and vibration, recreation, transportation, circulation and parking, and cumulative environmental effects with respect to transportation, circulation, and traffic impacts. These significant environmental effects, and the mitigation measures identified to avoid or substantially lessen them, are discussed in detail in the Draft EIR, Sections 4.1 (Aesthetics and Visual Resources), 4.3 (Biological Resources), 4.4 (Geology and Soils), 4.5 (Greenhouse Gas Emissions), 4.7 (Land Use and Planning), 4.8 (Noise and Vibration), 4.10 (Recreation), 4.11 (Transportation, Circulation and Parking), 5.3.5 (Greenhouse Gas Emissions Cumulative Impact Analysis), and 5.3.11 (Transportation and Circulation Cumulative Impact Analysis). A summary of significant impacts and mitigation measures for the project is set forth in the Executive Summary of the Draft EIR.

Set forth below are the findings regarding the potential direct significant effects of the approved project. The findings incorporate by reference the discussion of potential significant impacts and mitigation measures contained in the Final EIR. The Final EIR, which includes the Draft EIR and appendices, is referred to in the findings below as the "EIR."

##### 4.1 Aesthetics and Visual Resources

###### 4.1.1 Threshold 3 (Visual Character)

**Potentially Significant Impact:** The EIR identifies a potential significant impact to Aesthetics and Visual Resources Threshold 3 (Visual Character) in that the project would remove 116 trees at EMPS, resulting in potentially significant impacts to visual character. Detailed information and analysis regarding this potentially significant impact is provided in Section 4.1 (Aesthetics and Visual Resources) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project which avoid or substantially lessen the significant environmental effect to Aesthetics and Visual Resources Threshold 3 (Visual Character) as identified in the EIR.

**Facts in Support of Finding:** The potential significant impacts of the proposed project on Aesthetics and Visual Resources Threshold 3 (Visual Character) are analyzed in Section 4.1 (Aesthetics and Visual Resources) of the EIR. These impacts would result from the removal of 116 trees at EMPS.

Mitigation for the loss of trees includes mitigation measure (MM) AES-1, which includes the approval of a landscape plan by the District for the project site that details landscaping to be installed immediately following construction of the project and prior to reopening of EMPS. Consistency with the District's Tenant Landscaping Improvements and

Maintenance standards (BPC Policy No. 713) and the District's Landscape Development Manual Guidelines (Attachment A to BPC Policy No. 713) shall be required in the landscape plan. The trees to be removed from EMPS are primarily trees that have been identified by the District as undesirable from a park maintenance standpoint. They are to be replaced by trees that have been identified by the District as desirable for use in parks due to reduced maintenance concerns. With implementation of MM AES-1, impacts to visual character would be less than significant.

## 4.2 Biological Resources

### 4.2.1 Threshold 1 (Special-Status Species)

**Potentially Significant Impact:** The EIR identifies a potential significant impact to Biological Resources Threshold 1 (Special-Status Species) associated with the removal of 116 trees, as well as noise from construction activity, that could result in the destruction and loss of active bird nests that could be present within the project area during the nesting season (February 15 through September 15). The Migratory Bird Treaty Act prohibits take of nearly all native birds. Similar provisions within the California Fish and Game Code protect all native birds of prey (Section 3503.5) and all non-game birds that occur naturally in the state (Section 3800). Furthermore, the increase in number of events and event attendances associated with the project may result in a proportional increase in litter generated at EMPS and ultimately discharged into San Diego Bay, potentially causing harm to sensitive marine and coastal species. Detailed information and analysis regarding these potentially significant impacts are provided in Section 4.3 (Biological Resources) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project which avoid or substantially lessen the significant environmental effect to Biological Resources Threshold 1 (Special-Status Species) as identified in the EIR.

**Facts in Support of Finding:** The potential significant impacts of the proposed project on Biological Resources Threshold 1 (Special-Status Species) are analyzed in Section 4.3 of the EIR. Impacts to Threshold 1 (Special-Status Species) would result from the removal of 116 trees, as well as noise from construction activity, which could result in the destruction and loss of active bird nests that could be present within the project area during the nesting season (February 15 through September 15). The Migratory Bird Treaty Act prohibits take of nearly all native birds. Similar provisions within the California Fish and Game Code protect all native birds of prey (Section 3503.5) and all non-game birds that occur naturally in the state (Section 3800). Furthermore, the increase in number of events and event attendances associated with the project may result in a proportional increase in litter generated at EMPS and ultimately discharged into San Diego Bay, potentially causing harm to sensitive marine and coastal species.

The potential significant impacts to Biological Resources Threshold 1 (Special-Status Species) would be mitigated to a level less than significant by the implementation of MM BIO-1, and MM BIO-2. MM BIO-1 and MM BIO-2 are set forth in full in Table ES-1 of the



Executive Summary of the EIR. MM BIO-1 requires that, if demolition or construction activities are scheduled between February 15 and September 15, a qualified biologist shall conduct a focused nesting survey within one week prior to initiation of tree removal and construction activities and, if the survey confirms an active nest on any of the trees to be removed, tree removal shall not occur until the biologist determines the nest is no longer active or the young have fledged. MM BIO-2 requires that the applicant install wildlife-proof waste and recycling receptacles throughout EMPS, including within the Bayside Performance Park, at strategic locations to deter littering. With implementation of MM BIO-1 and MM BIO-2, impacts to Special-Status Species would be less than significant.

#### 4.2.2 Threshold 3 (Federally Protected Wetlands)

**Potentially Significant Impact:** The EIR identifies a potentially significant indirect impact to Biological Resources Threshold 3 (Federally Protected Wetlands) associated with potential construction-related runoff into San Diego Bay. Detailed information and analysis regarding these potentially significant impacts are provided in Section 4.3 (Biological Resources) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project which avoid or substantially lessen the significant environmental effect to Biological Resources Threshold 3 (Federally Protected Wetlands) as identified in the EIR.

**Facts in Support of Finding:** Impacts to federally protected wetlands would be potentially significant due to potential construction-related runoff into San Diego Bay, and the potential increase in litter generated at EMPS and unintentionally discharged into San Diego Bay. To reduce potential impacts from construction-related runoff to a level less than significant, the project would adhere to the Storm Water Pollution Prevention Plan (SWPPP) and the Stormwater Quality Management Plan (SWQMP), and would include the construction of 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. To reduce potential impacts to wetlands caused by litter to a level less than significant, MM BIO-2 would be required, detailed under Threshold 1. With implementation of MM BIO-2, impacts associated with potential construction-related runoff into San Diego Bay would be less than significant.

#### 4.2.3 Threshold 4 (Wildlife Corridor)

**Potentially Significant Impact:** The EIR identifies a potentially significant indirect impact to Biological Resources Threshold 4 (Wildlife Corridor) associated with the potential for artificial night lighting proposed by the project to cause night-migrating birds using the Pacific Flyway to collide with objects, become confused and drawn off course, and/or circle the light source becoming exhausted. Detailed information and analysis regarding these potentially significant impacts are provided in Section 4.3 (Biological Resources) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project which avoid or substantially lessen the

significant environmental effect to Biological Resources Threshold 4 (Wildlife Corridor) as identified in the EIR.

**Facts in Support of Finding:** Impacts to night-migrating birds using the Pacific Flyway would be potentially significant. The project would result in a significant increase in the number of events held at EMPS each year. To ensure any effects of event and public art lighting do not substantially interfere with the movement of any night-migrating bird species, MM BIO-3 would be required.

The potential significant impacts to Biological Resources Threshold 4 (Wildlife Corridor) would be mitigated to a level less than significant by the implementation of MM BIO-3. MM BIO-3, set forth in full in Table ES-1 of the Executive Summary of the EIR, would place limitations on the design of security, event, non-performance and public art lighting and place restrictions on event and public art lighting during peak periods of avian migration (late March through May and September through early November). With implementation of MM BIO-3, impacts to night-migrating birds using the Pacific Flyway would be less than significant.

### 4.3 Geology and Soils

#### 4.3.1 Threshold 1 (Geologic Hazards)

**Potentially Significant Impact:** The project would not exacerbate the risk for geologic hazards to occur. However, due to the site's proximity to active faults and high potential for liquefaction, the project may result in a potentially significant impact associated with geologic hazards involving rupture of a known earthquake fault, strong seismic shaking, ground failure (liquefaction), and/or landslides. Mitigation requiring a geotechnical investigation and implementation of geotechnical investigation report recommendations in accordance with City of San Diego standards would reduce impacts to less than significant.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project which avoid or substantially lessen the significant environmental effect to Geology and Soils Threshold 1 (Geologic Hazards) as identified in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project with regard to Geology and Soils Threshold 1 (Geologic Hazards) is analyzed in Section 4.4 of the EIR. Impacts to Geology and Soils Threshold 1 (Geologic Hazards) would result because of the project's proximity to active faults and high potential for liquefaction, which could result in a geologic hazard occurring at the project site.

The significant impact to Geology and Soils Threshold 1 (Geologic Hazards) would be mitigated to a level less than significant by the implementation of MM GEO-1. MM GEO-1, set forth in full in Table ES-1 of the Executive Summary of the EIR, would require, prior to obtaining grading and building permits, a qualified geotechnical consultant (e.g., Professional Engineer, Geotechnical Engineer, Professional Geologist, or Certified Engineering Geologist) to conduct a formal geotechnical and fault rupture investigation in

accordance with the City of San Diego's standards for geotechnical reports (City of San Diego Municipal Code Section 145.1803). All recommendations identified in the geotechnical investigation report shall be incorporated into the final project design. Evidence of incorporation of geotechnical recommendations shall be provided to the District prior to commencement of construction. With implementation of MM GEO-1, impacts associated with geologic hazards involving rupture of a known earthquake fault, strong seismic shaking, ground failure (liquefaction), and/or landslides would be less than significant.

#### 4.4 Greenhouse Gas Emissions

##### 4.4.1 Threshold 1 (GHG Emissions Through 2020)

**Potentially Significant Impact:** The project would not achieve the minimum 23 percent greenhouse gas (GHG) emissions reduction in year 2020 required to maintain consistency with the District's Climate Action Plan (CAP); therefore, impacts would be significant in 2020. Detailed information and analysis regarding this potentially significant impact is provided in Section 4.5 (Greenhouse Gas Emissions) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project which avoid or substantially lessen the significant environmental effect to GHG Emissions Threshold 1 (GHG Emissions Through 2020) as identified in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on GHG Emissions Threshold 1 (GHG Emissions Through 2020) is analyzed in Section 4.5 of the EIR. Impacts to GHG Emissions Threshold 1 (GHG Emissions Through 2020) would result because, as shown in EIR Tables 4.5-3 and 4.5-4, maximum and anticipated buildout would achieve an approximate 17 to 18 percent reduction as compared to the business as usual (BAU) scenario. As project emissions would predominately be from mobile sources, the reductions shown are largely driven by state vehicle emissions regulations such as the Advanced Clean Cars Program. Reductions in other source categories are attributable to other regulatory programs such as California Renewables Portfolio Standard (RPS) 2020 requirements, CalGreen, and Assembly Bill (AB) 341. Based on this analysis, the project would not achieve GHG emissions reductions that are consistent with the CAP's GHG emission reduction target. Thus, project GHG emissions may contribute to an emissions increase that conflicts with the District's CAP emissions reduction targets and, therefore, the impact would be significant.

The significant impact to GHG Emissions Threshold 1 (GHG Emissions Through 2020) would be mitigated to a level less than significant by the implementation of MM GHG-1. MM GHG-1, set forth in full in Table ES-1 of the Executive Summary of the EIR, would provide subsidies for local mass transit. MM GHG-1 would reduce mobile source emissions by 20 percent. As shown in Tables 4.5-5 and 4.5-6 of the EIR, both maximum and anticipated buildout would be anticipated to achieve an approximately 33 percent reduction as compared to the BAU scenario with incorporation of MM GHG-1. As the project would be anticipated to achieve greater reductions than the specific CAP GHG emissions reduction

target, the project would be consistent with the CAP and accounted for in District emissions budgets. With incorporation of MM GHG-1, the impact of project GHG emissions in 2020 would be less than significant.

#### 4.4.2 Threshold 2 (GHG Emissions After 2020)

**Potentially Significant Impact:** The project would not achieve the District's GHG emissions reduction target for year 2030 and impacts would be significant in 2030. Detailed information and analysis regarding this potentially significant impact is provided in Section 4.5 (GHG Emissions) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project which avoid or substantially lessen the significant environmental effect from GHG Emissions identified as Impact to Threshold 2 (GHG Emissions After 2020) in the EIR; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on GHG Emissions Threshold 2 (GHG Emissions After 2020) is analyzed in Section 4.5 of the EIR. Impacts to GHG Emissions Threshold 2 (GHG Emissions After 2020) would result because, as shown in Table 4.5-2 of the EIR, the project would not achieve the District's 2030 GHG emissions reduction target of 64 percent reduction from the BAU scenario. Thus, project emissions may contribute to an emissions increase that conflicts with statewide reduction efforts, and therefore the impact would be significant.

The significant impact to GHG Emissions Threshold 2 (GHG Emissions After 2020) will be mitigated by the implementation of MM GHG-2 through MM GHG-9. MM GHG-2 through MM GHG-9, set forth in full in Table ES-1 of the Executive Summary of the EIR, would reduce emissions associated with project energy use, area source emissions, water use, solid waste disposal, and construction activities. Still, with all feasible mitigation incorporated, the project would not achieve the District's 2030 GHG emissions reduction target of a 64 percent reduction from a business as usual scenario. Therefore, despite the incorporation of MM GHG-2 through MM GHG-9, the impact on GHG Emissions Threshold 2 (GHG Emissions After 2020) is considered significant and unavoidable, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

#### 4.4.3 Threshold 3 (GHG Reduction Plan Consistency)

**Potentially Significant Impact:** The project would not conflict with implementation of local plans, policies, or regulations such as those identified in the District CAP. However, project emissions would not demonstrate consistency with the 2030 statewide reduction target, and therefore, impacts would be significant. Detailed information and analysis regarding this potentially significant impact is provided in Section 4.5 (GHG Emissions) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project, which avoid or substantially lessen the significant environmental effect from GHG Emissions identified as Impact to Threshold 2 (GHG Emissions After 2020) in the EIR; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on GHG Emissions Threshold 3 (GHG Reduction Plan Consistency) is analyzed in Section 4.5 of the EIR. Impacts to GHG Emissions Threshold 3 (GHG Reduction Plan Consistency) would result because, as shown in Table 4.5-9 of the EIR, project emissions would not demonstrate consistency with the 2030 statewide reduction target, and therefore the impact would be significant.

The significant impact to GHG Emissions Threshold 3 (GHG Reduction Plan Consistency) would be mitigated by the implementation of MM GHG-1 through MM GHG-9. MM GHG-1 through MM GHG-9, set forth in full in Table ES-1 of the Executive Summary of the EIR, would reduce emissions associated with project energy use, area source emissions, water use, solid waste disposal, and construction activities. MM GHG-1 through MM GHG-9 are necessary to support progress toward the 2030 and 2050 GHG reduction goals of Executive Order (EO) B-30-15 and Senate Bill (SB) 32. Nonetheless, project GHG emissions in 2030 would conflict with the achievement of GHG emissions reduction targets established by SB 32. Therefore, despite the incorporation of MM GHG-1 through MM GHG-9, the impact on GHG Emissions Threshold 3 (GHG Reduction Plan Consistency) is considered significant and unavoidable, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

## 4.5 Land Use and Planning

### 4.5.1 Threshold 2 (Plan and Policy Consistency)

**Potentially Significant Impact:** The project may be inconsistent with portions of the PMP, Integrated Planning Vision<sup>1</sup>, and CCA. Because the stage and ancillary facilities (back-of-house facilities, box office, and food pavilions) of the proposed Bayside Performance Park would be inaccessible to the public and would, therefore, result in a loss of 15,090 square feet of EMPS park space due to their footprint, there would be a conflict with Planning Goal IV of the PMP, which encourages non-exclusory uses on the tidelands; Planning Goal IX, which preserves physical access to the bay; Integrated Planning Vision Framework Report Section B, which identifies a goal of expanding available park space; Section 30221 of the CCA, which protects land suitable for recreational use and development; and Section 30708 of the CCA, which requires all port-related developments to be designed to minimize substantial adverse environmental impacts. Detailed

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<sup>1</sup> Note that the Integrated Planning Vision has been accepted, but has not been adopted by the Board. It is intended to inform the Port Master Plan Update process, but is not a binding document and the project's consistency was analyzed for informational purposes only.

information and analysis regarding this potentially significant impact is provided in Section 4.7 (Land Use and Planning) of the EIR. Table 4.7-2 of the EIR provides a District Plan and Policy Consistency Analysis and Table 4.7-3 of the EIR provides CCA Consistency Analysis.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project which avoid or substantially lessen the significant environmental effect to Land Use and Planning Threshold 2 (Plan and Policy Consistency) as identified in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project on Land Use and Planning Threshold 2 (Plan and Policy Consistency) is analyzed in Section 4.7 of the EIR. An impact to Land Use and Planning Threshold 2 (Plan and Policy Consistency) would result because of a potential conflict with the PMP, Integrated Planning Vision, and CCA related to the loss of 15,090 square feet of EMPS park space and, therefore, the impact would be significant without mitigation.

The significant impact to Land Use and Planning Threshold 2 (Plan and Policy Consistency) would be mitigated by the implementation of MM LUP-1. MM LUP-1, set forth in full in Table ES-1 of the Executive Summary of the EIR, would replace the loss of the permanent use of existing parkland within the EMPS resulting from the project on a 1:1 basis by paying to the District a financial contribution to acquire, create, or improve approximately 15,090 square feet (0.35 acre) of land at or adjacent to Pepper Park in the National City Bayfront for recreational purposes consistent with the Park/Plaza designation in the Port Master Plan. The financial contribution will be in an amount equal to the cost of converting approximately 15,090 square feet (0.35 acre) of unimproved space into improved park/plaza space. With implementation of MM LUP-1, impacts to land use and planning would be less than significant.

## 4.6 Noise and Vibration

### 4.6.1 Threshold 1 (Noise Standards)

**Potentially Significant Impact:** The EIR identifies a potential significant impact to Noise and Vibration Threshold 1 (Noise Standards) because the project would result in maximum operational noise levels that exceed the nighttime noise level limits at several sensitive receptor locations including EMPS, EMPN, Fifth Avenue Landing Park, San Diego Bayfront Park, the Hilton San Diego Bayfront (noise-sensitive at night), the Coronado Island Marriott Resort & Spa (noise-sensitive at night), and single- and multi-family residential uses in Coronado. In addition, the project would result in maximum noise levels that exceed evening noise level limits at single-family residential uses in Coronado and the daytime/evening noise level limit at EMPS, Fifth Avenue Landing Park, and San Diego Bayfront Park. Detailed information and analysis regarding this potentially significant impact is provided in Section 4.8 (Noise) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project which avoid or substantially lessen the significant environmental effect to Noise and Vibration identified as Impact to Threshold 1

(Noise Standards) in the EIR; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project to Noise Threshold 1 (Noise Standards) is analyzed in Section 4.8 of the EIR. An impact to Noise Threshold 1 (Noise Standards) would result because the project would result in maximum operational noise levels that exceed noise level limits at sensitive receptor locations within the cities of San Diego and Coronado and, therefore, the impact would be significant.

The significant impact to Noise Threshold 1 (Noise Standards) will be mitigated by the implementation of MM NOI-1 and MM NOI-2. MM NOI-1, set forth in full in Table ES-1 of the Executive Summary of the EIR, would reduce potentially significant impacts by constructing and maintaining permanent noise monitoring stations at EMPS and along the Coronado Bayshore Bikeway. If measured noise levels indicate a potential violation of the Coronado Noise Abatement and Control Regulations, MM NOI-1 requires immediate action be taken to reduce sound amplification. MM NOI-2 requires the District to maintain a dedicated noise complaint hotline for the proposed venue, through which all noise complaints would be documented. The Symphony would be notified of the complaints and required to take corrective action if necessary prior to the following event.

Implementation of MM NOI-1 and MM NOI-2 would reduce impacts to Noise Threshold 1 (Noise Standards), but not below significance. Therefore, despite the incorporation of MM NOI-1 and MM NOI-2, the impact on Noise Threshold 1 (Noise Standards) is considered significant and unavoidable, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

#### 4.6.2 Threshold 3 (Ambient Noise Levels)

**Potentially Significant Impact:** The EIR identifies a potential significant impact to Noise and Vibration Threshold 3 (Ambient Noise Levels) because of the ambient noise level increases associated with the use of amplified sound equipment. Detailed information and analysis regarding this potentially significant impact is provided in Section 4.8 (Noise) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project which avoid or substantially lessen the significant environmental effect to Noise and Vibration identified as Impact to Threshold 3 (Ambient Noise Levels) in the EIR; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project to Noise Threshold 3 (Ambient Noise Levels) is analyzed in Section 4.8 of the EIR. An impact to Noise Threshold 3 (Ambient Noise Levels) would result because the project would result in ambient noise level increases associated with the use of amplified sound equipment, and

therefore the impact would be significant. On the day of events, the project would result in substantial ambient noise level increases at Fifth Avenue Landing Park, San Diego Bayfront Park, Hilton San Diego Bayfront, and EMPS. On the day of rehearsals, the project would also result in substantial noise level increases at EMPS.

The significant impact to Noise Threshold 3 (Ambient Noise Levels) would be mitigated by the implementation of MM NOI-1, MM NOI-3, and MM NOI-4. As discussed under impacts to Threshold 1 above, MM NOI-1, set forth in full in Table ES-1 of the Executive Summary of the EIR, would reduce potentially significant impacts by constructing and maintaining permanent noise monitoring stations. MM NOI-3 would restrict the duration of sound amplification on event days so that the total use of amplified sound equipment for either events or rehearsals shall be limited to a cumulative total of 9 hours. MM NOI-4 would restrict the duration of sound amplification on non-event days so that evening rehearsals between the hours of 7:00 p.m. and 10:00 p.m. would be limited to 100 minutes or less.

Implementation of MM NOI-1, MM NOI-3, and MM NOI-4 would reduce impacts to Noise Threshold 3 (Ambient Noise Levels), but not below significance. With identified mitigation, noise level increases at Fifth Avenue Landing Park, San Diego Bayfront Park, and Hilton San Diego Bayfront would be reduced to a level that is less than substantial. Noise level increases at EMPS would also be reduced, however, would remain substantial. Therefore, despite the incorporation of MM NOI-1, MM NOI-3, and MM NOI-4, the impact to Noise Threshold 3 (Ambient Noise Levels) is considered significant and unavoidable, and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

## 4.7 Recreation

### 4.7.1 Threshold 1 (Physical Deterioration of Parks)

**Potentially Significant Impact:** The EIR identifies a potential significant impact to Recreation Threshold 1 (Physical Deterioration of Parks) resulting from the potential increase in the use of other parks in the project vicinity during the temporary closure of EMPS for demolition and construction. However, waterfront recreational amenities such as public fishing piers and bayfront picnic areas are generally less available than inland recreational facilities, and closure of EMPS may result in the accelerated deterioration of other waterfront park facilities, including fishing piers, in the project vicinity. Therefore, the closure of EMPS during construction would result in temporary significant impacts. Detailed information and analysis regarding this potentially significant impact is provided in Section 4.10 (Recreation) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project which avoid or substantially lessen the significant environmental effect to Recreation Threshold 1 (Physical Deterioration of Parks) as identified in the EIR.

**Facts in Support of Finding:** The potentially significant impact of the proposed project to Recreation Threshold 1 (Physical Deterioration of Parks) is analyzed in Section 4.10 of the EIR. An impact to Recreation Threshold 1 (Physical Deterioration of Parks) would result



because of the potential temporary increase in the use of other parks in the project vicinity during the temporary closure of EMPS for demolition and construction.

The significant impact to Recreation Threshold 1 (Physical Deterioration of Parks) will be mitigated to a level less than significant by the implementation of MM REC-1. MM REC-1, set forth in full in Table ES-1 of the Executive Summary of the EIR, would require the Embarcadero Marina Park Pier, bait shop and deli, 20 dedicated parking spaces, and a pedestrian pathway from the Embarcadero Promenade to remain open during construction, with the exception of short periods of time when necessary for safety and/or construction purposes. It would also require signage to be posted stating the anticipated dates of construction a minimum of 10 days prior to construction. Although the project would increase the use of EMPS following project construction due to reduced public access restrictions and enhanced public amenities, it would not result in deterioration of EMPS itself. Therefore, with incorporation of MM REC-1, the impact to Recreation Threshold 1 (Physical Deterioration of Parks) would be less than significant.

#### **4.8 Transportation, Circulation and Parking**

##### **4.8.1 Threshold 1 (Circulation Plans and Policies)**

**Potentially Significant Impact:** The EIR identifies a potential significant impact to Transportation, Circulation, and Parking Threshold 1 (Circulation Plans and Policies) as a result of temporary significant traffic impacts to five intersections during event arrival and/or dismissal during a maximum-capacity (e.g., 10,000-seat) event. Detailed information and analysis regarding this potentially significant impact is provided in Section 4.11 (Transportation, Circulation, and Parking) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project, which avoid or substantially lessen the significant environmental effect to Transportation, Circulation, and Parking identified as Impact Threshold 1 (Circulation Plans and Policies) in the EIR; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

**Facts in Support of Finding:** The potential significant impacts of the proposed project on Transportation, Circulation, and Parking Threshold 1 (Circulation Plans and Policies) are analyzed in Section 4.11 of the EIR. An impact to Threshold 1 (Circulation Plans and Policies) would result because, as a result of the proposed project, traffic generated during events would cause the following five intersections to operate at an unacceptable LOS under the worst-case-scenario (e.g. 10,000-attendee) event: Convention Center/Harbor Drive, Fifth Avenue/Broadway, Fifth Avenue/G Street, Fifth Avenue/Harbor Drive, and Park Boulevard/Harbor Drive.

The potential significant impact on Transportation, Circulation, and Parking (Impact TRA-1) would be reduced by implementation of MM TRA-1. MM TRA-1, set forth in full in Table ES-1 of the Executive Summary of the EIR, and would require the Symphony to

prepare and submit to the District annual Traffic Management Plans (TMPs) that describe the traffic to be generated by events and how the applicant intends to manage circulation. The TMPs shall, at a minimum, describe the following for the upcoming year:

- Projected event attendances and event schedule;
- Pedestrian/bicycle circulation within and adjacent to EMPS;
- Vehicular circulation into and within EMPS;
- Intersection traffic control and/or traffic officer requirements at the intersections of Convention Center Court/Harbor Drive, Fifth Avenue/Broadway, Fifth Avenue/G Street, Fifth Avenue/Harbor Drive, and Park Boulevard/Harbor Drive; and
- Event traffic signage and placement.

The Symphony shall implement the approved TMP during all events held at the Bayside Performance Park. All traffic control and signage shall be in place during event arrival and dismissal periods and conducted in accordance with the TMP.

Implementation of MM TRA-1 would improve traffic conditions during event arrival and dismissal periods, thus reducing the delays at the five intersections identified to be significantly impacted. However, it cannot be determined with certainty that the impacts would be reduced to less than significant levels. Impacts may remain significant even following implementation of MM TRA-1. Therefore, despite the incorporation of MM TRA-1, the impact on Transportation, Circulation, and Parking Threshold 1 (Circulation Plans and Policies) is considered significant and unavoidable and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

#### 4.8.2 Threshold 7 (Parking)

**Potentially Significant Impact:** The EIR identifies a significant impact to Transportation, Circulation, and Parking Threshold 7 (Parking) as a result of the project's contribution to the inadequate parking capacity in the surrounding downtown San Diego area. Detailed information and analysis regarding this potentially significant impact is provided in Section 4.11 (Transportation, Circulation, and Parking) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project which avoid or substantially lessen the significant environmental effect to Transportation, Circulation, and Parking identified as Impact Threshold 7 (Parking) in the EIR; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

**Facts in Support of Finding:** The potential significant impacts of the proposed project on Threshold 7 (Parking) are analyzed in Section 4.11 of the EIR. Impact to Threshold 7 (Parking) would result because parking demand may exceed supply during maximum capacity events (10,000 attendees).

The potential significant impact on Transportation, Circulation, and Parking Threshold 7 (Parking) would be reduced by implementation of the measures set forth in MM TRA-2. This mitigation measure is fully set forth in Table ES-1 of the EIR and is briefly described as follows: The annual Traffic Management Plan required by MM TRA-1 would include a Parking Management Plan that details the Symphony's strategy for event parking. The Symphony shall continue to implement the following parking strategies, as detailed in the Parking Plan:

- Coordination – Participate in the monthly Traffic Management Planning Team meetings at the Convention Center 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.
- Traffic Personnel – Locate staff in accordance with the 2016 Traffic Management Plan, to facilitate circulation and direct attendees to available parking locations.
- Wayfinding Signage – Utilize signage to direct patrons to the parking locations. Update signage directions according to forecast parking availability determined at monthly Convention Center Traffic Management Planning Team meetings.
- Public Notification – Notify event patrons of parking availability in advance of events and provide updates on the Symphony website.
- Presale Parking – Provide opportunities to purchase parking passes in advance of events.
- Parking Agreements – Obtain parking agreements to ensure adequate availability of parking spaces prior to events.
- Transit and Ferry Information – Provide transit and ferry schedule information in conjunction with venue schedule and event announcements to encourage arrival via public transit.
- Transit and Ferry Incentives – To promote patron and employee transit use, provide incentives such as concession vouchers with public transit pass labeled with the event date, discounted transit passes on event days, employee transit subsidies, and/or other incentive methods.
- Port of San Diego Shuttle Program – Participate in the District's ongoing shuttle program.
- Employee Off-Site Parking – Provide off-site parking and shuttle accommodations for Symphony employees and event staff.
- Transportation Network Companies – 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.
- Free Ride Everywhere Downtown – Make event patrons aware of the “Free Ride Everywhere Downtown” (FRED) shuttle service, which provides free shuttle service within Downtown San Diego.

- Bike Parking – Ensure bicycle parking is available within or adjacent to the project site to encourage employees/patrons to arrive to the event via bicycle.
- Bike Share Stations – Coordinate with a bike share service, such as DECOBIKE San Diego, to ensure the bike station located Marina Park Way and the Embarcadero pathway has available bikes and docking stations.
- Event Shuttle Service – Off-site shuttle service shall be provided to transport attendees between parking locations and Bayside Performance Park.
- Event Rentals – Require organizations renting the venue to make separate parking arrangements consistent with the size and scale of the respective event and with the Symphony’s Parking Plan.

MM TRA-2 requires that the annual Traffic Management Plan required by MM TRA-1 include a Parking Management Plan (PMP). The PMP would provide the details of the Symphony’s strategy for event parking. The PMP requires the applicant to retain a qualified traffic engineer to prepare a traffic study to analyze the potential parking impacts associated with project operation.

Implementation of the measures in MM TRA-2 would reduce the parking impacts during construction and operation of the Bayside Performance Park, but given the inability of the District to quantify the effectiveness of MM TRA-2 to reduce parking demand, it cannot be determined with certainty that the impacts would be reduced to less than significant levels. Therefore, despite the incorporation of MM TRA-2, the impact on Transportation, Circulation, and Parking Threshold 2 (Parking) is considered significant and unavoidable and a Statement of Overriding Considerations pursuant to CEQA Guidelines §15093 is required.

## **5.0 FINDINGS REGARDING CUMULATIVE SIGNIFICANT EFFECTS**

CEQA requires a lead agency to evaluate the cumulative impacts of a proposed project. (CEQA Guidelines §15130(a).) Cumulative impacts are those which are considered significant when viewed in connection with the impacts of other closely related past, present, and reasonably foreseeable future projects. (CEQA Guidelines §15355.) Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

The EIR analyzes cumulative impacts by compiling a list of past, present, and reasonably anticipated future projects producing related or cumulative impacts, including projects outside the agency’s jurisdiction. (CEQA Guidelines §15130(b)(1)(A).) The list of “past, present and reasonably anticipated future projects” should include related projects which already have been constructed, are presently under construction, are approved but not yet under construction, and are not yet approved but are under environmental review at the time the draft EIR is prepared. (CEQA Guidelines §15130 [Discussion]) The list must include not only projects under review by the lead agency, but also those under review by other relevant public agencies.

The EIR considered 70 past, present, and reasonably foreseeable projects within the vicinity of the project in evaluating potential cumulative impacts. A detailed description of these projects is provided in Table 5-2 and a map depicting the location of these projects in relation to the project site is provided on Figure 5-1 in Chapter 5 (Cumulative Impacts) of the EIR.

The project would contribute to cumulative traffic conditions, resulting in significant impacts at six intersections. Five of these intersections are addressed in MM TRA-1 for project-level impacts. MM CUM-1 would require the Traffic Management Plan to specify traffic control requirements at the remaining intersection. Traffic control during event arrival and dismissal periods would reduce impacts, though it cannot be determined with certainty whether impacts would be reduced to less than significant levels.

As discussed below, the significant cumulative impacts to GHG Emissions, and to Transportation, Circulation, and Parking identified in the EIR cannot be avoided or reduced to a level below significance, despite the incorporation of all feasible mitigation measures and alternatives. The project in conjunction with past, present, and reasonably foreseeable future projects would not result in any other significant cumulative impacts. As described in the Statement of Overriding Considerations below, therefore, the District has determined these unavoidable significant cumulative impacts are acceptable because of specific overriding considerations.

## 5.1 GHG Emissions

### 5.1.1 GHG Emissions Cumulative Impact

**Potentially Significant Impact:** The project would be consistent with GHG emission reduction strategies identified in the District's CAP. However, the project would generate GHG emissions that exceed 2020 significance thresholds developed to demonstrate consistency with the District's CAP and thereby demonstrate consistency with the state GHG emission reduction goal codified by Assembly Bill (AB) 32. Additionally, the project would also generate GHG emissions that exceed 2030 significance thresholds developed to demonstrate consistency with state GHG emission reduction goals codified by Senate Bill (SB) 32. Therefore, the project's contribution to cumulative global climate change impacts would be cumulatively significant. Detailed information and analysis regarding this potential significant impact are provided in Section 5.3.5 (Greenhouse Gas Emissions Cumulative Analysis) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project, which avoid or substantially lessen the significant cumulative environmental effect to GHG Emissions identified in the EIR; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

**Facts in Support of Finding:** As stated in Section 4.5 of the EIR, GHG emissions, by nature, are a global and cumulative issue, and the GHG analysis within the EIR is

inherently a cumulative analysis. There would be potential for a cumulatively considerable GHG-related impact if the project would conflict with the District's CAP reduction targets or would be non-compliant with applicable regulatory programs including: the Climate Change Scoping Plan adopted by the California Air Resources Board (CARB); and California EO S-03-05 and EO B-30-15; SB 32.

Past, present, and reasonably foreseeable future projects throughout the world, including but not limited to the projects listed in Table 5-2, have contributed and will continue to contribute to cumulative impacts on global climate change. Projects within the cumulative study area would be required to comply with federal, state, and local policies and regulations regarding climate change adaptation, such as adapting to sea level rise, and GHG emission reduction goals, such as EO S-3-05, EO B-30-15, AB 32, SB 32, CARB's Climate Change Scoping Plan, SB 375, Pavley I, and the Renewables Portfolio Standard. Even with existing regulation, changes from past, present, and reasonably foreseeable future projects have and will continue to contribute to a cumulatively significant impact on global climate change.

The project would be consistent with GHG emission reduction strategies identified in the District's Climate Action Plan. However, the project would generate GHG emissions that exceed 2020 significance thresholds developed to demonstrate consistency with the District's CAP and thereby demonstrate consistency with state GHG emission reduction goal codified by AB 32. Additionally, the project would also generate GHG emissions that exceed 2030 significance thresholds developed to demonstrate consistency with state GHG emission reduction goal codified by SB 32. Therefore, the project's contribution to cumulative global climate change impacts would be cumulatively significant.

Project-level mitigation proposed in EIR Section 4.5, Greenhouse Gas Emissions, would serve to reduce the project's incremental contribution to cumulative global climate change impacts.

With incorporation of identified mitigation measures, the project GHG emissions would be reduced to a level that does not exceed 2020 significance thresholds developed to demonstrate consistency with the District's CAP and state GHG emission reduction goal codified by AB 32. Therefore, the project would be consistent with the District's CAP and state GHG emission reduction goal codified by AB 32. With incorporation of identified mitigation measures (MM GHG-1 through MM GHG-9), the project GHG emissions would be reduced, however, they would remain at a level that exceeds 2030 significance thresholds developed to demonstrate consistency with the state GHG emission reduction goal mandated by SB 32. The project's incremental contribution to cumulative GHG impacts would remain cumulatively considerable and would remain significant after mitigation.

## **5.2 Transportation, Circulation, and Parking**

### **5.2.1 Transportation and Circulation Cumulative Impact**

**Potentially Significant Impact:** Cumulative impacts on transportation and circulation could result when past, present, and reasonably foreseeable future projects combine to

result in unacceptable roadway, intersection, or freeway ramp operations; or inadequate alternative transportation facilities or service (e.g., pedestrian or bicycle facilities and mass transit capacity and service). A significant impact on roadway segment or intersection operations would occur if the project, in conjunction with other past, present, and reasonably foreseeable projects, would cause a segment or intersection to degrade from a level of service (LOS) E or better to a LOS F or if a cumulative average delay of 2 seconds at intersections would occur. A significant impact on alternative transportation modes would occur if an insufficient pedestrian, bicycling, and mass transit facilities would result from the project in conjunction with other cumulative projects. Detailed information and analysis regarding this potential significant cumulative impact are provided in Section 5.3.11 (Transportation and Circulation Cumulative Impact Analysis) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project, which avoid or substantially lessen the significant cumulative environmental effect to Transportation and Circulation in the EIR; and pursuant to CEQA Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

**Facts in Support of Finding:** The potential significant cumulative impacts of the proposed project on Transportation and Circulation are analyzed in Section 5.3.11 of the EIR. The project would contribute to significant cumulative impacts at several intersections and potentially significant impacts would result. The Traffic Management Plan (TMP) required of the project by MM TRA-1 will also include traffic control and traffic officer requirements at the intersection of First Avenue/Beech Street. As specified in MM TRA-1, the TMP, including traffic control requirements therein, shall be implemented during all events held at the Bayside Performance Park. The project's incremental contribution to cumulative transportation and circulation impacts would be cumulatively considerable. Though MM TRA-1 and MM CUM-1 would reduce the project's contribution to cumulative impacts, the ability of the TMP to avoid significant impacts at all intersections and reduce impacts to less than significant levels cannot be determined with certainty. Therefore, impacts would remain significant and unavoidable.

### 5.2.2 Parking Cumulative Impact

**Potentially Significant Impact:** Cumulative impacts on parking could result when past, present, and reasonably foreseeable future projects combine to result in insufficient parking supply. A significant impact on parking would occur if the project, in conjunction with other cumulative projects, would contribute to a parking demand that would not be met by parking available or planned supply. Detailed information and analysis regarding this potential significant cumulative impact to parking are provided in Section 5.3.12 (Parking Cumulative Impact Analysis) of the EIR.

**Finding:** Pursuant to CEQA Guidelines §15091(a)(1), changes or alterations have been required or incorporated in the approved project which avoid or substantially lessen the significant cumulative environmental effect to parking in the EIR; and pursuant to CEQA

Guidelines §15091(a)(3), specific legal, economic, social, technological, or other considerations make infeasible other mitigation measures or project alternatives identified in the EIR.

**Facts in Support of Finding:** The potential significant cumulative impacts of the proposed project on Parking are analyzed in Section 5.3.12 of the EIR. In early 2016, the District prepared the North Embarcadero Focused Parking Study Final Report to identify the parking needs in this area based on new conditions created by future development and the upcoming removal or modification of parking facilities in the area. Though the study did not include the South Embarcadero area, it projected a parking deficiency of approximately 890 parking spaces resulting from planned projects in the North Embarcadero area. Due to its close proximity, it is likely that parking may also be limited in the South Embarcadero area due to ongoing or future planned development. However, as cited in the North Embarcadero Focused Parking Study Final Report, increased mobility choices such as rideshare services (e.g., Uber and Lyft), and bikeshare (e.g., DECOBIKE), as well as the continued promotion of public transportation options such as the bus and trolley, lessen parking demand. Additionally, several large parking structures are located in the South Embarcadero area, including the Convention Center and Hilton Hotel parking structures. Parking is in high demand in downtown San Diego and is of particular concern for new development projects. The downtown area has experienced and will continue to experience growth, which may result in inadequate parking. Therefore, a cumulatively significant impact on parking exists in the South Embarcadero area.

The project's Transportation Impact Analysis (Appendix M of the EIR) identified the following parking sites that may be utilized at least in part by the Symphony during future proposed events:

- EMPS Parking Lot (56 spaces available to the Symphony during events)
- Hilton Parking Garage (1,900 total spaces)
- Convention Center Parking Garage (1,900 total spaces)
- Local Parking Lots – Gaslamp Area (1,600 estimated spaces)
- Local Parking Lots – Copley Symphony Hall Area (1,900 estimated spaces)
- Remote/Overflow Parking Lot – BAE Systems (200 spaces)

The Transportation Impact Analysis also identified a total of 287 parking spaces within the Fifth Avenue Landing parking lot; however, due to potential development at the Fifth Avenue Landing parking lot site, the spaces at this parking lot may not be available at project buildout. As described in Section 4.10.2 of the Findings (and Section 4.11 of the EIR), MM TRA-2 would ensure that the Symphony appropriately coordinates with parking operators in the area and requires the project to have a Parking Management Plan that describes and implements the Symphony's strategy for event parking, including coordinating with South Embarcadero Parking stakeholders such as the Convention Center and District, providing traffic personnel to direct patrons to parking areas on event days, providing signage and public notices, arrangements with off-site parking operators, encouraging and incentivizing public transit, and other parking demand reduction methods.



The Symphony would also be required to continue to provide a shuttle for event patrons between the off-site parking areas and EMPS.

Though MM TRA-2 would ensure the project secures sufficient parking for events, the use of off-site parking displaces parking available to other cumulative projects and uses in the vicinity. Additional events would also be held at EMPS through a Special Event Permit with the District, parking requirements would be determined on an event-by-event basis. Any parking spaces allowed for special events permitted by the District would be identified in the event's Special Event Permit and would be subject to additional fee. The District would review applications for Special Event Permits with the Bayside Performance Park programming to ensure that large special events are not held at the same time as project-related events and adequate public parking is available for park users at all times.

The parking strategies required by MM TRA-2 would ensure that adequate event parking is secured for event use. However, the use of off-site parking lots that would otherwise be available to other uses and projects displaces the availability of parking spaces in an area where parking is in high demand and is a concern for new projects. Therefore, the project would have a cumulatively considerable contribution to the cumulative impact on parking, and impacts would be significant.

MM TRA-2, which requires implementation of a parking management plan, would serve to reduce impacts associated with the project's contribution to cumulative parking impacts. Though MM TRA-2 would reduce the project's contribution, the project's parking management plan would not reduce cumulative parking impacts to less than significant levels. Therefore, the project's incremental contribution to cumulative parking impacts would be significant.

## **6.0 FINDINGS REGARDING PROJECT ALTERNATIVES**

In preparing and adopting findings, a lead agency need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating the approval of a project with significant environmental impacts. Where the significant impacts can be mitigated to a level of insignificance solely by the adoption of mitigation measures, the lead agency has no obligation in drafting its findings to consider the feasibility of environmentally superior alternatives, even if their impacts would be less severe than those of the project as mitigated. Accordingly, in adopting the findings concerning alternatives for the proposed project, the District considers only those significant environmental impacts that cannot be avoided or substantially lessened through mitigation.

Where a project will result in some unavoidable significant environmental impacts even after application of all feasible mitigation measures identified in an EIR, the lead agency must evaluate the project alternatives identified in the EIR. Under such circumstances, the lead agency must consider the feasibility of alternatives to the project which could avoid or substantially lessen the unavoidable significant environmental impacts. "Feasible" means capable of being accomplished in a successful manner within a reasonable time, taking into

account economic, environmental, legal, social and technological factors. (CEQA Guidelines §15364.)

If there are no feasible project alternatives, the lead agency must adopt a Statement of Overriding Considerations with regard to the project pursuant to CEQA Guidelines §15093. If there is a feasible alternative to the project, the lead agency must decide whether it is environmentally superior to the proposed project. The lead agency must consider in detail only those alternatives which could feasibly attain most of the basic objectives of the project; however, the lead agency must consider alternatives capable of eliminating significant environmental impacts even if these alternatives would impede to some degree the attainment of project objectives. (CEQA Guidelines §15126.6(f))

These findings contrast and compare the alternatives where appropriate in order to demonstrate that the selection of the Preferred Alternative as the approved project has substantial environmental, planning, fiscal and other benefits. In rejecting certain alternatives, the District has examined the project objectives and weighed the ability of the various alternatives to meet the objectives. The objectives considered by the District are set forth in Section 1.3 above and in Section 3.3 (Project Objectives) of the EIR.

The EIR examined a range of reasonable alternatives to determine whether they could meet the project objectives while avoiding or substantially lessening one or more of the proposed project's unavoidable significant impacts. These findings also considered the feasibility of each alternative. In determining the feasibility of alternatives, the District considered whether the alternatives could be accomplished in a successful manner within a reasonable period of time in light of economic, environmental, social and technological factors. (CEQA Guidelines §15126(d)(5)(A) and §15364.)

The EIR concluded that the proposed project will result in unavoidable significant direct impacts on Greenhouse Gas Emissions, Noise and Vibration, and Transportation, Circulation and Parking, and unavoidable significant cumulative impacts on Greenhouse Gas Emissions, and Transportation, Circulation and Parking, because even though these impacts could be reduced by the mitigation measures recommended in the EIR, the District cannot state with certainty that the impacts will be reduced below significance.

Accordingly, the EIR analyzed six alternatives to the proposed project: (1) the No Project Alternative with Discontinued use of EMPS for Temporary Symphony Performances and Non-Symphony Events, (2) No Project Alternative with Continued use of EMPS for Temporary Symphony Performances and Event Rentals, (3) the Reduced Capacity Alternative (8,000 Seats), (4) the Reduced Capacity Alternative (6,000 Seats), (5) the Reduced Programming Alternative, and (6) Balboa Park (Starlight Bowl) Alternative Location. Detailed information and analysis concerning these alternatives are set forth in Chapter 7 (Alternatives) of the EIR.

This section of the findings summarizes these alternatives and their feasibility and effectiveness in avoiding or substantially lessening any of the unavoidable significant impacts associated with the proposed project.

## **6.1 Alternative 1: No Project Alternative with Discontinued use of EMPS for Temporary Symphony Performances and Non-Symphony Events**

The No Project Alternative is an alternative which is required to be evaluated by CEQA. (CEQA Guidelines §15126(d)(2).) The No Project Alternative assumes that the proposed project will not be implemented and that existing land uses on the project site will remain unchanged and in their existing condition. The No Project Alternative serves as the alternative against which to evaluate the effects of the proposed project and other project alternatives.

Under Alternative 1, the proposed enhancements would not be implemented and EMPS would remain as it exists today. EMPS would not be redeveloped and the project components, including the public recreational, cultural, and access amenities, would not be constructed. EMPS use and District-permitted events would continue to occur as described in Section 2.4.4, Temporary Performance Venue, with the exception of the Bayside Summer Nights series. Under Alternative 1, the Symphony's Bayside Summer Nights performances would not continue. Therefore, under this alternative, no temporary concert venue would be set up on site for the June through September season and the Symphony would cancel its Bayside Summer Nights performance series and annual free community event due to lack of other suitable outdoor locations in downtown San Diego. Meanwhile, non-Symphony events held at the EMPS, such as fundraisers, weddings, photo shoots, corporate events, and other types of events, would continue to be permitted by the District through the issuance of Special Event Permits, increasing at a rate of approximately 10 percent each year consistent with the special event use of parks District-wide.

The potential impacts of the No Project/No Build Alternative are discussed in detail in Section 7.5.1, Chapter 7 of the EIR. Because it would entail no physical modification of the project site, Alternative 1 would avoid or substantially lessen the direct significant impact on Greenhouse Gas Emissions, Noise and Vibration, and Transportation, Circulation and Parking, and the cumulative significant impacts on Greenhouse Gas Emissions, and Transportation, Circulation and Parking associated with the proposed project.

However, Alternative 1 would not achieve any of the project objectives and would preclude obtaining the benefits described in Section 7.0 below.

The District finds that all potential significant environmental impacts of the proposed project will be mitigated by the design of the proposed project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the unavoidable significant direct impacts on Greenhouse Gas Emissions, Noise and Vibration, and Transportation, Circulation and Parking, and unavoidable significant cumulative impacts on Greenhouse Gas Emissions, and Transportation, Circulation and Parking. The District further finds that, although Alternative 1 would avoid or substantially lessen the potential significant direct and cumulative impacts on Greenhouse Gas Emissions, Noise and Vibration, and Transportation, Circulation and Parking in the project area, Alternative 1 is infeasible because it would not attain any of the project objectives and would not provide the District and the region with any of the benefits described below in the Statement of Overriding Considerations, and thus would be

undesirable from a policy standpoint. For the potential significant impacts which cannot be avoided or mitigated to a level below significance, therefore, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to CEQA Guidelines §15093.

## **6.2 Alternative 2: No Project Alternative with Continued use of EMPS for Temporary Symphony Performances and Event Rentals**

The No Project Alternative with Continued Use of EMPS for Temporary Symphony Performances and Event Rentals (Alternative 2) would result in a continuation of the existing conditions described in Chapter 2, Environmental Setting and the existing conditions described in each resource analysis of Chapter 4, Environmental Analysis of the EIR. Under this alternative, the proposed enhancements of EMPS would not occur as described above for Alternative 1. However, contrary to Alternative 1, Alternative 2 would allow for the continued operation of the Bayside Summer Nights performance series by the Symphony. EMPS use and District-permitted events would continue to occur as described in Section 2.4.4, Temporary Performance Venue of the EIR. Non-Symphony events held at EMPS would continue to occur through Special Event Permits with the number of events increasing at a rate of approximately 10 percent each year consistent with the special event use of parks District-wide. The District would continue to administer a Tidelands Use and Occupancy Permit (TUOP) to the Symphony for use by the Bayside Summer Nights series as it does currently, and the series would operate under District-issued CDP-2014-01. As such, the Symphony would continue to utilize the temporary concert venue (e.g., consisting of a portable concert stage, stage house, bleachers, fencing, portable toilets, and auxiliary buildings and facilities that are temporarily set up at EMPS), requiring the closure of the northwestern portion of EMPS to the general public from June through September for a consecutive 120 days. While the Symphony would continue to hold one free public event each year as it currently does, it would not expand upon its Education and Public Engagement Program as described in Chapter 3, Project Description of the EIR.

The potential impacts of Alternative 2 are discussed in detail in Section 7.5.2, Chapter 7 of the EIR. Relative to the proposed project, Alternative 2 would have a slightly greater impact to Hydrology and Water Quality due to the lack of an improved drainage and filtration system, but would remain less than significant. Other than for Hydrology and Water Quality, Alternative 2 would result in reduced impacts compared to the proposed project, as it would not involve construction activities, and the Bayside Summer Nights would operate under the status quo. The significance of impacts to all other issue areas under Alternative 2 would be equal to or less than that of the proposed project, and all would be less than significant.

However, Alternative 2 would not meet Project Objectives #1 and #2 because it would not modernize EMPS' public amenities and access features nor would it replace the temporary seasonal concert venue with a permanent performance and event venue. It also would not implement Project Objective #3 to provide cultural events and arts to a broad and diverse audience, as the Symphony would not be able to expand its Education and Public Engagement Program under Alternative 2 as it would under the project. Project Objective

#5 would also not be met, as Alternative 2 would continue the use of the temporary concert venue, which includes a portable metal stage and stage house that does not provide superior acoustics and results in sound bleed that impacts nearby sensitive receptors in Coronado and downtown San Diego.

The District finds that all potential significant environmental impacts of the proposed project will be mitigated by the design of the proposed project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the unavoidable significant direct impacts on Greenhouse Gas Emissions, Noise and Vibration, and Transportation, Circulation and Parking, and unavoidable significant cumulative impacts on Greenhouse Gas Emissions, and Transportation, Circulation and Parking. The District further finds that, although Alternative 2 would avoid or substantially lessen the potential significant direct and cumulative impacts on Greenhouse Gas Emissions, Noise and Vibration, and Transportation, Circulation and Parking in the project area, Alternative 2 is infeasible because it would not attain Project Objectives #1, #2, #3, and #5, and therefore would not provide the District and the region with all of the benefits described below in the Statement of Overriding Considerations, and thus would be undesirable from a policy standpoint. For the potential significant impacts which cannot be avoided or mitigated to a level below significance, therefore, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to CEQA Guidelines §15093.

### **6.3 Alternative 3: Reduced Capacity Alternative (8,000 Seats)**

The Reduced Capacity Alternative – 8,000 Seats (Alternative 3) would be similar to the project, though instead of a 10,000-attendee capacity, it would include an 8,000-attendee capacity. Under the project, the 10,000-seat capacity was proposed to maximize the use of the Bayside Performance Park. All seating would be removable and the majority of events would result in seating and/or table layouts that leave the elevated lawn within the Bayside Performance Park open (whereas a 10,000-seat event would place seats throughout the elevated lawn). Alternative 3 would include the same design as the project and all components, including the EMPS enhancements outside of the Bayside Performance Park, would be constructed. All discretionary actions included with the project, such as the Port Master Plan Amendment (PMPA), would also be included in Alternative 3. Alternative 3 was developed in order to provide a reduced project alternative that would both reduce impacts associated with the event attendees and provide increased programming flexibility and efficient use of space from what a further reduced alternative (e.g., 3,500 seats) would allow.

The Symphony intends the Bayside Performance Park to provide for a 5,000- to 10,000-seat event venue. Alternative 3's 8,000-seat capacity was chosen based on the proposed programming in Table 3-5 of Chapter 3, Project Description of the EIR, as it would allow for the currently projected Symphony performances, partnership performances, and event rentals to occur. Of the projected performances and events through year 2031, the majority of events include average attendances of 6,500 or less by event type. As described in Section 3.4.7.1 of the EIR, Bayside Performance Park Programming, though the majority of

anticipated performances and events would have attendances of 5,000 or less, the project includes a maximum capacity of 10,000 in order to provide the Symphony with flexibility to allow for up to six 10,000-seat events a year. Under Alternative 3, the Bayside Performance Park would allow for an additional 1,000 seats from the current average programming projections should Symphony performance, partnership performance, and event rental demand increase in the future.

The potential impacts of Alternative 3 are discussed in detail in Section 7.5.3, Chapter 7 of the EIR. Relative to the proposed project, Alternative 3 would have the same level of impacts to Greenhouse Gas Emissions due to an inconsistency with the District's CAP. Although impacts would be reduced with implementation of the maximum feasible mitigation, impacts to GHG Emissions would remain significant and unavoidable. Other than for GHG Emissions, Alternative 3 would result in similar or reduced impacts compared to the proposed project. With mitigation, the significance of impacts to all other issue areas under Alternative 3 would be equal to or less than that of the proposed project, and be less than significant.

Alternative 3, like the proposed project, would enhance existing recreational amenities throughout EMPS and construct a permanent performance and event venue that would allow for lower-cost recreational and cultural experiences. Therefore, Alternative 3 would meet the majority of the project objectives. However, reducing the event maximum capacity from 10,000 seats to 8,000 seats would restrict larger gathering consistent with the cultural use of the site. For example, partnership performances, event rentals, and public events or gatherings in the 8,000- to 10,000-attendee range would be restricted. Additionally, as described previously, the 10,000-seat capacity was chosen for the project as the most efficient use of EMPS as a performance and event venue. Therefore, Alternative 3 would also not fully meet Objective #4 which states that the project should optimize a portion of EMPS while maintaining consistency with the PMP and California Coastal Act – though this alternative would be consistent with the PMP and California Coastal Act, it would not include the most efficient use of the space (identified as 10,000 seats).

The District finds that all potential significant environmental impacts of the proposed project will be mitigated by the design of the proposed project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the unavoidable significant direct impacts on Greenhouse Gas Emissions, Noise and Vibration, and Transportation, Circulation and Parking, and unavoidable significant cumulative impacts on Greenhouse Gas Emissions, and Transportation, Circulation and Parking.

According to an Analysis and Strategic Consultation Report prepared by an independent financial consultant on behalf of the District, in response to financial information received by the Symphony following the release of the Draft EIR for public review, the financial feasibility of the project alternatives (i.e., their projected rate of return on investment [ROI]) was scrutinized. Based on the findings of the report, Alternative 3 (8,000-seat capacity) was determined to be financially infeasible. This conclusion is based on the Symphony's negotiated lease terms with the District for an at-market rent structure that

achieves a minimum 5 percent and ramping up to 8 percent of gross ticket sales and concessions based on estimated expenditures and revenues provided by the Symphony, and the stabilized 10-year revenue projected under this alternative. Considering these factors, it is projected that Alternative 3 would result in a return less than the 10 to 12 percent ROI that is demonstrated to be at market, favorable, and a financially feasible ROI for an investment of this type, risk profile and scale.

The District further finds that, although Alternative 3 would avoid or substantially lessen the potential significant direct and cumulative impacts on Noise and Vibration, and Transportation, Circulation and Parking in the project area, Alternative 3 is infeasible because it would not attain Objective #4 and would therefore not provide the District and the region with all of the benefits described below in the Statement of Overriding Considerations, and thus would be undesirable from a policy standpoint. For the potential significant impacts which cannot be avoided or mitigated to a level below significance, therefore, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to CEQA Guidelines §15093.

#### **6.4 Alternative 4: Reduced Capacity Alternative (6,000 Seats)**

The Reduced Capacity Alternative – 6,000 Seats (Alternative 4) would be similar to the project and to Alternative 3, though it would include a 6,000-attendee maximum capacity. Alternative 4 would include the same design as the project and all components, including the EMPS enhancements outside of the Bayside Performance Park, would be constructed. All discretionary actions included with the project, such as the PMPA, would also be included in Alternative 4. Alternative 4 was developed in order to provide a reduced project alternative that would further reduce impacts associated with the event attendees compared to Alternative 3, while providing some of the increased programming flexibility and efficient use of space. As discussed previously, the Symphony intends the Bayside Performance Park to provide for up to six 10,000-seat events each year. Alternative 4's 6,000-seat capacity would allow for the currently projected Symphony performances, partnership performances, and event rentals to occur. However, Alternative 4 would preclude some of the anticipated partnership performances from occurring at the Bayside Performance Park and would not provide the same amount of flexibility as a 10,000-seat venue would provide.

The potential impacts of Alternative 4 are discussed in detail in Section 7.5.4, Chapter 7 of the EIR. Relative to the proposed project, Alternative 4 would have the same level of impacts to Greenhouse Gas Emissions due to an inconsistency with the District's CAP. Although impacts would be reduced with implementation of the maximum feasible mitigation, impacts to GHG Emissions would remain significant and unavoidable. Other than for GHG Emissions, Alternative 4 would result in similar or reduced impacts compared to the proposed project. With mitigation, the significance of impacts to all other issue areas under Alternative 4 would be equal to or less than that of the proposed project, and be less than significant.

Alternative 4, like the proposed project, would enhance existing recreational amenities throughout and construct a permanent performance and event venue that allows for lower-

cost recreational and cultural experiences. Therefore, Alternative 4 would meet the majority of the project objectives. However, reducing the event capacity from 10,000 seats to 6,000 seats would not give the Bayside Performance Park flexibility to host performances and facilitate event rentals between 6,000 and 10,000 consistent with the cultural use of the site. For example, partnership performances, event rentals, and public gatherings or events in this attendance range would be restricted. Alternative 4 would allow for the majority of the currently anticipated performances and events to occur, and would allow the Symphony to increase attendances of Symphony performances should demand increase in the future. Additionally, as described previously, the 10,000-seat capacity was chosen for the project as the most efficient use of EMPS as a performance and event venue. Therefore, Alternative 4 would also not fully meet Objective #4 which states, in part, that the project should optimize a portion of EMPS, and 10,000 seats was identified as the most efficient use of the space.

The District finds that all potential significant environmental impacts of the proposed project will be mitigated by the design of the proposed project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the unavoidable significant direct impacts on Greenhouse Gas Emissions, Noise and Vibration, and Transportation, Circulation and Parking, and unavoidable significant cumulative impacts on Greenhouse Gas Emissions, and Transportation, Circulation and Parking.

According to an Analysis and Strategic Consultation Report prepared by an independent financial consultant on behalf of the District, in response to financial information received by the Symphony following the release of the Draft EIR for public review, the financial feasibility of the project alternatives (i.e., their projected rate of ROI) was scrutinized. Based on the findings of the report, Alternative 4 (6,000-seat capacity) was determined to be financially infeasible. This conclusion is based on the Symphony's negotiated lease terms with the District for an at-market rent structure that achieves a minimum 5 percent and ramping up to 8 percent of gross ticket sales and concessions based on estimated expenditures and revenues provided by the Symphony, and the stabilized 10-year revenue projected under this alternative. Considering these factors, it is projected that Alternative 4 would result in an unsatisfactory ROI of less than 0 percent, which is less than the 10 to 12 percent ROI that is demonstrated to be at market, favorable, and a financially feasible ROI for an investment of this type, risk profile and scale.

The District further finds that, although Alternative 4 would avoid or substantially lessen the potential significant direct and cumulative impacts on Noise and Vibration, and Transportation, Circulation and Parking in the project area, Alternative 4 is infeasible because it would not attain Objective #4 and would therefore not provide the District and the region with all of the benefits described below in the Statement of Overriding Considerations, and thus would be undesirable from a policy standpoint. For the potential significant impacts which cannot be avoided or mitigated to a level below significance, therefore, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to CEQA Guidelines §15093.



## 6.5 Alternative 5: Reduced Programming Alternative

The Reduced Programming Alternative (Alternative 5) would be similar to the project and would include all physical components of the project, including a 10,000-seat capacity. However, Alternative 5 would reduce the annual event limit by approximately 35 percent. Under the project, access to the Bayside Performance Park is restricted during 15 percent of the year (based on the hours of 6:00 a.m. to 11:00 p.m.) so that it may be utilized for paid-admission events. Under Alternative 5, these restrictions would be reduced to approximately 9.8 percent of the year (equivalent to 72 half-day or 36 full-day paid-admission events). This alternative would maintain general public access within the Bayside Performance Park for at least 90 percent of the hours that it is open to the general public each year. This presents a reduction in allowed events compared to the project, which allows 110 half-day or 55 full-day paid-admission events that would maintain general public access within the Bayside Performance Park 85 percent of the year. The project's public amenity and access enhancements throughout EMPS would also be constructed under Alternative 5. This alternative was developed to reduce impacts associated with the increased number of events to be held at EMPS while allowing for the most efficient use of space at the Bayside Performance Park.

The potential impacts of Alternative 5 are discussed in detail in Section 7.5.5, Chapter 7 of the EIR. Relative to the proposed project, Alternative 5 would have the same level of impacts to Greenhouse Gas Emissions due to an inconsistency with the District's CAP, a similar level of impact to Noise and Vibration due to an exceedance of the City of San Diego Noise Ordinance, and a similar level of impact to Transportation and Circulation due to anticipated traffic impacts at five intersections. Although impacts would be reduced with implementation of the maximum feasible mitigation, impacts to GHG Emissions, Noise and Vibration, and Transportation and Circulation would remain significant and unavoidable. Other than for GHG Emissions, Noise and Vibration, and Transportation and Circulation, Alternative 5 would result in similar or reduced impacts compared to the proposed project. With mitigation, the significance of impacts to all other issue areas under Alternative 5 would be equal to or less than that of the proposed project, and be less than significant.

Alternative 5 would still allow a capacity of 10,000 seats; however, the number of annual performances and events allowed at the Bayside Performance Park would be reduced by approximately 35 percent compared to the project. Still, Alternative 5 would be able to meet the majority of the project objectives because, similar to the project, it would provide public amenity and public access enhancements throughout EMPS, including a permanent performance and event venue, and would facilitate the enhanced cultural use of EMPS. As with the project, Alternative 5 would provide cultural events and arts to a broad and diverse audience within the San Diego region as Symphony performances, partnership performances, event rentals, and free public events would be permitted at the Bayside Performance Park.

The Symphony believes Alternatives 3 and 4 are not economically feasible and submitted financial information to the District to support this concern. According to an Analysis and Strategic Consultation Report prepared by an independent financial consultant on behalf of

the District, in response to financial information received by the Symphony following the release of the Draft EIR for public review, the financial feasibility of the project alternatives (i.e., their projected rate of ROI) was scrutinized. Based on the findings of the report, Alternative 3 (8,000-seat capacity) and Alternative 4 (6,000-seat capacity) were determined to be financially infeasible. This conclusion is based on the Symphony's negotiated lease terms with the District for an at-market rent structure that achieves a minimum 5 percent and ramping up to 8 percent of gross ticket sales and concessions based on estimated expenditures and revenues provided by the Symphony, and the stabilized 10-year revenue projected under these alternatives. Given that both 20 percent and 40 percent reductions in venue size were found to be financially infeasible, it is concluded that a 35 percent reduction in programming would also be financially infeasible. This is because two of the key factors in determining potential revenue generation are the number of attendees and the number of events. The reduction in either would result in a corresponding reduction in revenue, which would then reduce the ROI to less than the 10 to 12 percent ROI that is demonstrated to be at market, favorable, and a financially feasible ROI for an investment of this type, risk profile and scale.

The District finds that all potential significant environmental impacts of the proposed project will be mitigated by the design of the proposed project and the adoption of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the unavoidable significant direct impacts on Greenhouse Gas Emissions, Noise and Vibration, and Transportation, Circulation and Parking, and unavoidable significant cumulative impacts on Greenhouse Gas Emissions, and Transportation, Circulation and Parking. The District further finds that Alternative 5 is financially infeasible for the reasons described above and would therefore not provide the District and the region with all of the benefits described below in the Statement of Overriding Considerations, and thus would be undesirable from a policy standpoint. For the potential significant impacts which cannot be avoided or mitigated to a level below significance, therefore, the District adopts the Statement of Overriding Considerations in Section 7.

## **6.6 Alternative 6: Balboa Park Alternative Location**

Balboa Park was chosen as an "upland" alternative location that would reduce significant impacts associated with the violation of a noise ordinance within a public park, which is considered a sensitive receptor by the District, but not by the City of San Diego. An off-site location would also avoid the identified land use impact associated with permanent removal of public parkland. Balboa Park contains several performing arts venues, include the Casa del Prado, Spreckels Organ Pavilion, Starlight Bowl, and The Old Globe Theatre. However, the Casa del Prado is run by the City of San Diego and home to several youth arts organizations and other programs, with limited space for rental opportunities (City of San Diego 2016). Additionally, the Spreckels Organ Pavilion is home to the San Diego Civic Organist who performs free concerts weekly or more; the Starlight Bowl has been closed since 2012 and is in disrepair; and The Old Globe Theatre also boasts full programming schedule, with 15 plays and musicals annually. While the Spreckels Organ Pavilion only seats 2,500, which would not be sufficient for the proposed programming, the unutilized Starlight Bowl has a capacity of 3,500 seats. Though this would be insufficient to support

the proposed partnership performances and major external event rentals, it would be large enough for the majority of Symphony performances. Additionally, the City of San Diego Park and Recreation Department has confirmed that there is no current leasehold on the site. Therefore, the Starlight Bowl was chosen for Alternative 6 as a potential upland location within Balboa Park for the project.

Alternative 6 would not include the public recreational amenity and public access enhancements of the project, would not enhance the cultural use of EMPS, and would not promote the public's enjoyment of San Diego Bay. However, it would redevelop the Starlight Bowl into a permanent performance and event for use by the Symphony and allow for reduced-cost tickets for cultural events and arts to a broad and diverse audience; thus, meeting the majority of the basic project objectives. As the Starlight Bowl's existing capacity is only 3,500 seats, it is anticipated that the entire existing site would be demolished to allow for the construction of a performance and event venue that would meet the project objectives and projected programming. Due to the Starlight Bowl's existing land use as Restricted Park Land and location outside of the California Coastal Zone, it would not require limitation on the number of events that could be held per year to maintain public accessibility. Therefore, the Symphony would have the flexibility to hold more than 110 half-day and 55 full-day paid-admission events annually, though for purposes of this analysis it is assumed that the same paid-admission event limitations as the project would be placed on Alternative 6.

The potential impacts of Alternative 6 are discussed in detail in Section 7.5.6, Chapter 7 of the EIR. Relative to the proposed project, Alternative 6 would be expected to have the same level of impacts to Greenhouse Gas Emissions, and would be subject to the requirements of the City of San Diego's CAP. Alternative 6 also would have the same level of impacts to Transportation and Circulation due to the likelihood of significant traffic impacts resulting during event arrival and dismissal at the Starlight Bowl. Although impacts would be reduced with implementation of the maximum feasible mitigation, impacts to GHG Emissions, and Transportation and Circulation would remain significant and unavoidable. Other than for GHG Emissions, and Transportation and Circulation, Alternative 6 would result in similar or reduced impacts compared to the proposed project. With mitigation, the significance of impacts to all other issue areas under Alternative 6 would be equal to or less than that of the proposed project, and be less than significant.

Alternative 6 would be able to meet the basic project objective of replacing a temporary concern venue with a permanent outdoor performance and event venue. However, it would not meet the project objectives that are specific to EMPS. While Alternative 6 could provide public recreation enhancements to either the Starlight Bowl site or other locations, it is outside of the District's permitting authority and the Symphony would have to acquire access to the Starlight Bowl site. Lastly, as discussed in Section 7.5.6.13 of the EIR, a significant impact to cultural and historic resources could result from Alternative 6, heightening a less than significant impact of the project.

The District finds that all potential significant environmental impacts of the proposed project will be mitigated by the design of the proposed project and the adoption of the

mitigation measures set forth in the Mitigation Monitoring and Reporting Program, except the unavoidable significant direct impacts on Greenhouse Gas Emissions, Noise and Vibration, and Transportation, Circulation and Parking, and unavoidable significant cumulative impacts on Greenhouse Gas Emissions, and Transportation, Circulation and Parking. The District further finds that, although Alternative 6 would avoid or substantially lessen the potential significant direct and cumulative impacts on Noise and Vibration, and Parking in the project area, Alternative 6 is infeasible because it would not attain the Project Objectives that are specific to EMPS and would therefore not provide the District and the region with all of the benefits described below in the Statement of Overriding Considerations, and thus would be undesirable from a policy standpoint. Alternative 6 also would be infeasible because the Symphony does not have any right to use the Starlight Bowl and would incur substantial uncertainty, expense, and delay in attempting to obtain permission to develop the Project on that site. For the potential significant impacts which cannot be avoided or mitigated to a level below significance, therefore, the District adopts the Statement of Overriding Considerations in Section 7.0 below pursuant to CEQA Guidelines §15093.

## **7.0 STATEMENT OF OVERRIDING CONSIDERATIONS**

The proposed project would have significant unavoidable environmental impacts on the following areas, which are described in detail in Chapter 4 (Environmental Impacts) and Chapter 5 (Cumulative Impacts) of the Final EIR:

- Direct impacts on Greenhouse Gas Emissions, Noise and Vibration, and Transportation, Circulation and Parking;
- Cumulative impacts on Greenhouse Gas Emissions, and Transportation, Circulation and Parking.

The District has adopted all feasible mitigation measures with respect to the significant unavoidable environmental impacts. Although in some instances the mitigation measures may substantially lessen these unavoidable environmental impacts, adoption of the mitigation measures will not fully avoid these impacts. In addition, the District has analyzed a reasonable range of alternatives to the proposed project. Based on this analysis, the District has determined that none of these alternatives both meets the objectives of the proposed project and are feasible and environmentally preferable to the proposed project as approved.

Therefore, pursuant to CEQA Guidelines §15043 and §15093, the District must adopt a “Statement of Overriding Considerations” in order to approve the proposed project. A Statement of Overriding Considerations allows a lead agency to determine that specific economic, social or other expected benefits of a project outweigh its potential unavoidable significant environmental risks. Although the District has no obligation under CEQA to adopt a Statement of Overriding Considerations for significant impacts which will be mitigated to a level below significance, the District wishes to make clear its determination that the benefits of the approved Project described below are of such importance to the users of the public trust and the region as to outweigh all significant adverse impacts described in the EIR or suggested by participants in the public review process.

The District has weighed the benefits of the proposed project against its potential significant environmental risks in determining whether to approve the proposed project. Pursuant to CEQA Guidelines §15093, the District hereby finds that the proposed project would have the following benefits and that each of the following benefits is sufficient, on its own, to justify adoption of the project:

- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will upgrade and modernize the public amenities and public access features in Embarcadero Marina Park South (EMPS) to provide enhanced cultural uses, improved public gathering spaces, and diversified park activation opportunities, as well as creating a more enjoyable park setting with additional recreational opportunities.
- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will replace a temporary seasonal performance and event venue with an iconic and attractive, world-class and highly innovative permanent outdoor public venue that can facilitate enhanced public park uses and enrich visual and cultural resources in the area.
- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will allow the District, in coordination with a non-profit organization, to provide cultural events and arts to a broad and diverse audience within the San Diego region.
- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will optimize a portion of EMPS land use in a manner that is consistent with the Park/Plaza designation as applied to the Marina Zone Subarea of the PMP Centre City Embarcadero Precise Plan, guiding principles within the District's Integrated Planning Vision, and the California Coastal Act.
- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will provide an acoustically superior outdoor venue that will be sited and placed in a manner that minimizes noise impacts to nearby sensitive receptors.
- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will maintain and promote the District's long-standing commitment to public access to the waterfront.
- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will create a long-term financially sustainable project that contributes to regional economic vitality while allowing for lower-cost recreational/cultural experiences and promoting public access and the public's enjoyment of San Diego Bay.
- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will create a project design that incorporates state-of-the-art sustainability practices and features.
- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will enhance waterfront public access and recreation opportunities and

will activate District tidelands consistent with the California Coastal Act, the Port Act, and the Port Master Plan.

- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will increase the amount of rent the District may receive as a result of a new real estate agreement and Temporary Use and Occupancy Permits.
- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will advance the goal articulated in the Port's mission statement which provides: "While protecting the Tidelands Trust resources, the District will balance economic benefits, community services, environmental stewardship, and public safety on behalf of the citizens of California."
- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will provide a stimulus to the local economy through the creation of temporary and permanent jobs for the construction and operation of the permanent performance stage, acoustic shell, and associated park enhancements.
- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will result in a capital investment of approximately \$25 million in physical improvements to Embarcadero Marina Park South, replacing a temporary seasonal performance and event venue with an iconic and attractive, world-class and highly innovative permanent outdoor public venue that will facilitate enhanced public park uses and enrich visual and cultural resources, attracting more residents and visitors to the waterfront and activating an underutilized park space.
- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will increase employment opportunities within the region by providing up to 75 temporary jobs during a 10-month construction period and will expand opportunities for approximately 175 existing part-time employees for non-orchestra events and 260 existing part-time employees for orchestra events.
- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will stimulate economic growth for the District, City of San Diego and the overall region and will develop economically feasible land uses in the project area. The project will be economically sustainable, generate revenue, and will encourage private sector participation.
- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will provide a benefit to the community by incorporating energy conservation and sustainability features into its design and construction that will provide energy and water efficiency in excess of standards required by Title 24 of the California Code of Building Regulations.
- The Bayside Performance Park Enhancement Project and Port Master Plan Amendment will incorporate design features and will implement mitigation measures intended to minimize to the extent feasible the potential direct and cumulative impacts to Greenhouse Gas Emissions and Climate Change, Noise and Vibration, and Transportation, Circulation and Parking associated with the proposed project, as set forth in the Mitigation Monitoring and Reporting Program.

## **CONCLUSION**

The District has weighed the benefits of the Bayside Performance Park Enhancement Project and Port Master Plan Amendment against its potential unavoidable significant environmental risks in determining whether to approve the project. After balancing the specific economic, legal, social, technological, and other benefits of the project, the Board of Port Commissioners has determined that the specific benefits identified above outweigh the significant unavoidable environmental impacts of the project. Each of the benefits and the fulfillment of the objectives of the approved project, as stated herein, is determined to be a separate and independent basis for overriding the unavoidable significant environmental impacts identified above. For the foregoing reasons, therefore, the District finds that the project's potential significant unavoidable environmental impacts are outweighed by the benefits described above.

## **ATTACHMENT(S)**

1. Mitigation Monitoring and Reporting Program

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
<b>Aesthetics and Visual Resources</b>									
MM AES-1	<p><u>Landscape Plan:</u> Prior to the removal of any existing trees, the applicant shall prepare and submit to the District for approval a landscape plan for the project site that details landscaping to be installed immediately following construction of the project and prior to reopening of EMPS. The landscape plan shall be consistent with the District's Tenant Landscaping Improvements and Maintenance standards (BPC Policy No. 713) and the District's Landscape Development Manual Guidelines (Attachment A to BPC Policy No. 713) and shall meet the following requirements:</p> <ul style="list-style-type: none"> <li>• Species name, age/size at time of planting, and proposed locations of all landscaping shall be specified in the plan;</li> <li>• All large landscaped areas shall have a minimum of three varieties of ground cover and a minimum of 25 percent of the total planting area shall be in shrubs;</li> <li>• Shrubs planted shall be no smaller than 5-gallon containers at the time of planting, and 25 percent of shrubs planted shall be of flowering variety;</li> </ul>	Port of San Diego	X			Port of San Diego			



**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	<ul style="list-style-type: none"> <li>• Trees shall meet the following minimum requirements:                             <ul style="list-style-type: none"> <li>o A minimum of one medium tree and two large trees shall be planted per every 5,000 square feet within the parking area, and a minimum of one medium tree and one large tree shall be installed for every 5,000 square feet of the remaining area of EMPS;</li> <li>o Medium trees are defined as 30 to 50 feet in height and large trees are defined as 50 feet or taller; and</li> <li>o The minimum tree size for all trees shall be 15 gallons at the time of planting;</li> </ul> </li> <li>• Species shall be chosen from those listed under the Plant Palette section of the District's Landscape Development Manual Guidelines and shall be very low- to moderate-water use species, with the very low-water use species used to the highest extent feasible; and</li> <li>• No species identified on the District's invasive plant species list shall be utilized.</li> </ul>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	The applicant shall receive District approval of the landscape plan prior to installation of landscaping. Landscaping within the Bayside Performance Park shall be maintained by the applicant throughout the duration of the Real Estate Agreement with the District. Landscaping installed outside of the Bayside Performance Park within the remaining area of the Embarcadero Marina Park South shall be initially maintained by the applicant for a period of five years, or until deemed successful by the District. Initial maintenance shall include immediate replacement of any dead or dying trees and shrubs.								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
<b>Biological Resources</b>									
MM BIO-1	<p><u>Nesting Birds (Species Covered by MBTA/CFGC)</u>: If project-related construction activities are initiated or tree removal occurs within the avian nesting season (February 15 to September 15), a qualified biologist shall conduct a pre-construction nesting bird survey within suitable habitat in proximity of the project construction activities. The survey shall be conducted no more than 72 hours prior to commencement of construction or tree removal activities. The survey results will determine any necessary subsequent action, as follows:</p> <ol style="list-style-type: none"> <li>If an active nest is located, a qualified biologist will assign an appropriate no-impact buffer around the active nest. No construction activities shall occur within this buffer. The buffer distance and restrictions will depend on the bird species and site-specific conditions.</li> </ol>	Port of San Diego	X	X		Port of San Diego, Qualified Biologist, Symphony and/or its Construction Contractor			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	<p>a. A qualified biologist shall monitor the nest daily until project activities are no longer occurring adjacent to the identified buffer zone around the nest or until the nest is no longer active. The qualified biologist will monitor bird behavior to verify the buffer is sufficient.</p> <p>b. Observations made by the biologist shall be documented in a nesting bird monitoring report each day that monitoring occurs. The reports shall identify the nest location, bird species, buffer, construction activities conducted in the vicinity of the buffer, and bird behavior observed. Nesting bird monitoring reports shall be submitted to the District on a weekly basis during construction activities adjacent to the identified buffer until the nest is no longer active.</p> <p>c. If the monitoring biologist determines that the buffer implemented is not effective, the biologist will recommend additional measures (e.g.,</p>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	<p>increased buffer width, noise or visual barriers, work intervals, halting construction activities, or allowing only specific work types). Recommendations will depend on the bird species and site-specific conditions and will be documented in the nesting bird monitoring reports.</p> <p>d. The Symphony or its construction contractor shall implement the additional measures recommended by the biologist. The biologist shall confirm the additional measures are appropriately implemented and document compliance in the nesting bird monitoring reports.</p> <p>e. A District biologist shall visit the site periodically, as needed, to ensure nesting bird monitoring is being conducted according to this measure.</p> <p>2. If no active nests are found during the pre-construction nesting bird survey, construction shall be allowed to proceed. The biologist will document the findings in a nesting bird compliance memo to be submitted to the Symphony and the District.</p>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
MM BIO-2	<p><u>Litter Deterrence Strategies:</u> The applicant shall install wildlife-proof waste and recycling receptacles throughout EMPS, including within the Bayside Performance Park, at strategic locations to deter littering. These locations shall include, but are not limited to: key EMPS access points along the public promenade; adjacent to the Embarcadero Marina Park Fishing Pier/ bait shop and deli; gazebo/basketball court area; near the back-of-stage deck; at the sub-grade restrooms within the elevated event lawn; and at key access ways throughout the Bayside Performance Park. The wildlife-proof waste and recycling receptacles would be designed to prevent birds and other animals from removing and dispersing waste. Additionally, “no littering” signage shall be installed at strategic locations throughout EMPS and may be co-located with the waste and recycling receptacles. The locations of waste and recycling receptacles and signage shall be approved by the District prior to installation.</p> <p>All litter shall be removed from the Bayside Performance Park immediately following events. All cleanup activities, including emptying of waste and recycling receptacles for appropriate disposal, must be completed directly following events, on the same</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	day/night of the event, and prior to reopening the Bayside Performance Park for public access.								
MM BIO-3	<p><b>Limitations on Lighting:</b> The project applicant shall design and operate security, event, and public art lighting in accordance with the following limitations:</p> <p><b>Security Lighting</b>                      All security lighting used throughout the project site from 11:00 p.m. to dawn shall be directed downward and/or shielded and of low intensity and shall be compliant with the City of San Diego outdoor lighting ordinance (City of San Diego Ordinance Number 20186).</p> <p><b>Event Lighting</b>                      All event lighting used throughout the project site shall be directed downward and/or shielded and shall be compliant with the City of San Diego outdoor lighting ordinance (City of San Diego Ordinance Number 20186). The use of event lighting shall be limited to the number of Symphony performances and event rentals allowed each year (e.g., maximum of 110 nights annually). During the peak periods of avian migration (late March through May and September through early November), all event lighting must be shut off by 11:00 p.m.</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	<p><b>Non-Performance Lighting</b></p> <p>All non-performance lighting used throughout the project site shall be directed downward and/or shielded and shall be compliant with the City of San Diego outdoor lighting ordinance (City of San Diego Ordinance Number 20186). The use of non-performance lighting shall be at all times between dusk and 11:00 p.m. when no events are being held. Non-performance lighting shall be less intense than event lighting, but more intense than security lighting. During the peak periods of avian migration (late March through May and September through early November), all event lighting other than security lighting must be shut off by 11:00 p.m.</p> <p><b>Public Art Lighting</b></p> <p>Lighting utilized for the LED art installation shall not be projected into surrounding areas and shall be designed to minimize light trespass and sky glow to the highest extent feasible. The public art installation would not be utilized for advertising or signage purposes as it is intended to be a public art display. The District's Office of Arts and Culture shall approve of the public art design prior to its installation and display. The display shall</p>								



MITIGATION MONITORING AND REPORTING PROGRAM									
Bayside Performance Park Enhancement Project and Port Master Plan Amendment									
Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	last only for periods of approximately 5 to 10 minutes at a time, at a minimum interval of every 30 minutes, with multiple displays possible each evening. During the peak periods of avian migration (late March through May and September through early November), the LED art displays must end by 11:00 p.m.								
Geology and Soils									
MM GEO-1	<u>Geotechnical and Fault Rupture Investigation:</u> Prior to obtaining grading and building permits, a qualified geotechnical consultant (e.g., Professional Engineer, Geotechnical Engineer, Professional Geologist, or Certified Engineering Geologist) shall conduct a formal geotechnical and fault rupture investigation in accordance with the City of San Diego's standards for geotechnical reports (City of San Diego Municipal Code Section 145.1803). All recommendations identified in the geotechnical investigation report shall be incorporated into the final project design. Evidence of incorporation of geotechnical recommendations shall be provided to the District prior to commencement of construction.	Port of San Diego	X			Port of San Diego, Qualified Geotechnical Consultant			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
Greenhouse	Gas Emissions								
MM GHG-1	<p><b><i>Subsidized Mass Transit Requirements on Applicant</i></b></p> <p>The applicant shall provide subsidies for local mass transit. Prior to ticket sale for any event or set of events, the applicant shall provide transit rebates for event attendees and event employees, including but not limited to musicians, support staff, and volunteers, that arrive via transit providers with which the applicant has not entered into an agreement. Attendees may be required to present a proof of transit ridership (i.e., transit receipt, ticket, or stub) to receive the transit rebate. The amount of available transit rebate available to each attendee shall be equivalent to the cost of a Day Pass on Metropolitan Transit System busses and trolleys (currently \$5.00).</p> <p>Alternatively, the applicant may enter into an agreement with one or more of the following transit providers to provide transit at reduced or no fee to the event attendees and event employees, including but not limited to musicians, support staff, and volunteers: local bus lines (local bus lines operated by San Diego Metropolitan Transit System [SDMTS]), the ferry (Fifth</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	<p>Avenue Ferry Landing operated by Flagship Cruises and Events), the trolley (Gaslamp Quarter Station is operated by SDMTS), and the COASTER commuter train (COASTER is operated by North County Transit District). Transit subsidies need not be separate vouchers and may be associated with event tickets.</p> <p>The applicant shall disclose the available subsidy to the attendee at the time of ticket purchase and shall inform attendees of the availability of the subsidy through pedestrian traffic management measures such as signs, cordons, announcements, and other measures at each event. The amount of available transit subsidy available to each attendee shall be valued at least \$5.00.</p> <p><b>Enforcement</b></p> <p>Prior to commencement of operations at the project, the applicant shall submit a Transit Subsidy Plan to the District. The Transit Subsidy Plan shall demonstrate to the satisfaction of the District that transit subsidies and rebates will be provided to event attendees and event employees. The Transit Subsidy Plan shall include a copy of any agreements with transit providers, shall identify the procedure by which transit rebates will be distributed, and other relevant materials such as sample</p>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	informational items for disclosing transit subsidies to attendees. The applicant shall submit an annual update to the Transit Subsidy Plan to the District each year prior to January 1. The annual update shall demonstrate to the satisfaction of the District that transit subsidies will be provided for the upcoming year. The District must be notified of all changes to transit subsidies prior to ticket sales, if possible.								
MM GHG-2	<p><b>LED Lighting:</b></p> <p><b>Requirements on Applicant</b></p> <p>Prior to commencement of operations, the project applicant shall install light-emitting diode (LED) light bulbs in all fixtures throughout EMPS.</p> <p><b>Enforcement</b></p> <p>Prior to commencement of operations, the applicant shall demonstrate to the satisfaction of the District that the required light fixtures are equipped with LED light bulbs.</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
MM GHG-3	<p><b>Solar Photovoltaic Panels:</b>  <b>Requirements on Applicant</b>                      Prior to January 1, 2030, the project applicant shall install solar photovoltaic (PV) systems capable of a total generation equivalent to the forecasted electricity demand, 187,691 kWh per year.</p> <p><b>Enforcement</b>                      Prior to January 1, 2030, the applicant shall demonstrate to the satisfaction of the District that the required solar PV panels have been installed and are in operation as required above.</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
MM GHG-4	<p><u>High-Efficiency Water Heater Requirements on Applicant</u></p> <p>Prior to commencement of operations at the project, the project applicant shall install instantaneous (a.k.a. “tankless”) water heater(s) that meet U.S. EPA Energy Star criteria. Tankless water heaters shall meet all water heating demands of the proposed performance and event venue including, but not limited to, the performance back-of-house facilities and subgrade restrooms.</p> <p><b>Enforcement</b></p> <p>Prior to commencement of operations at the project, the applicant shall demonstrate to the satisfaction of the District that the required tankless water heaters have been installed and meet U.S. EPA Energy Star criteria.</p>	Port of San Diego		X		Symphony			
MM GHG-5	<p><u>All-Electric Landscaping Equipment Requirements on Applicant</u></p> <p>The project applicant shall require through contract specifications that all landscaping within the Bayside Performance Park shall be maintained using all-electric equipment.</p> <p><b>Enforcement</b></p> <p>Prior to January 1, 2030, the applicant shall demonstrate to the satisfaction of the District that landscaping maintenance agreements specify the use of all-electric landscaping equipment.</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
MM GHG-6	<p><u>Low Flow Water Fixtures Requirements on Applicant</u></p> <p>Prior to commencement of operations at the project, the project applicant shall install low-flow water fixtures in the project. Low-flow water fixtures shall include toilets that use less than 1.28 gallons per flush, urinals that use less than 0.5 gallon per flush, bathroom sinks that use less than 1.5 gallons per minute, showerheads that use less than 2.0 gallons per minute, kitchen sinks that include pre-rinse spray valves, and irrigation systems that are connected to weather sensors.</p> <p><b>Enforcement</b></p> <p>Prior to commencement of operations at the project, the applicant shall demonstrate to the satisfaction of the District that the low-flow water fixtures required above have been installed.</p>	Port of San Diego		X		Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
MM GHG-7	<p><b>Drought-Tolerant Landscaping Requirements on Applicant</b></p> <p>Prior to the removal of any existing trees, the applicant shall prepare and submit to the District for approval a landscape plan for the project site that details landscaping to be installed immediately following construction of the project and prior to reopening of EMPS. All landscaping shall use very low- to moderate-water use species, with the very low-water use species used to the highest extent feasible. Landscaping shall comply with District's Tenant Landscaping Improvements and Maintenance standards (BPC Policy No. 713) and the District's Landscape Development Manual Guidelines (Appendix A to BPC Policy No. 713) and shall exclude any species on the District's invasive plant species list.</p> <p><b>Enforcement</b></p> <p>Prior to commencement of operations at the project, the applicant shall demonstrate to the satisfaction of the District that all landscaping within the Bayside Performance Park consists of drought-tolerant plants.</p>	Port of San Diego	X			Symphony			



**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
MM GHG-8	<p><b>Increased Recycling Requirements on Applicant</b></p> <p>The project applicant shall implement a solid waste recycling program at every event. The program shall include arrangement of recycling hauling services at regular intervals, recycling collection bins adjacent to all waste collection bins, signs that encourage recycling adjacent to recycling collection bins, and diversion of all green waste generated by landscaping activities. The interval for recycling hauling services shall be weekly or more frequently if necessitated by limited recycling storage. Recycling collection bins shall be emptied by designated staff members when full; staff members shall not wait until after the conclusion of events to empty full recycle collection bins.</p> <p>The solid waste recycling program shall achieve a 50 percent diversion of all solid waste generated on-site. The applicant shall expand the solid waste recycling measures to achieve this goal as necessary. Expansion may include, but is not limited to, selection of saleable items that include recycled materials or increased recycling collection bin signage.</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	<p><b>Enforcement</b></p> <p>Each year of operation, prior to January 31, the applicant shall submit to the District a description of the recycling program and documentation of contracted solid waste disposal and recycling services. The documentation shall include the weight (tons) or volume (cubic yards) of all solid waste collected by disposal and recycling collection services.</p>								
MM GHG-9	<p><u>Tier TV Final CARB-Certified Construction Equipment</u></p> <p><b>Requirements on Applicant</b></p> <p>All heavy-duty diesel-powered demolition, grading, and construction equipment shall be a minimum of Tier IV Final CARB-certified.</p> <p><b>Enforcement</b></p> <p>Prior to issuance of grading permits, the applicant shall demonstrate to the satisfaction of the District that all contracting agreements for construction of the project require the use of Tier IV Final construction equipment.</p>	Port of San Diego	X			Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
<b>Land Use and Planning</b>									
MM LUP-1	<p><u>Off-Site Public Park Space</u>                      The applicant shall replace the loss of the permanent use of existing parkland within the EMPS resulting from the project on a 1:1 basis by paying to the District a financial contribution to acquire, create, or improve approximately 15,090 square feet (0.35 acre) of land at or adjacent to Pepper Park in the National City Bayfront for recreational purposes consistent with the Park/Plaza designation in the Port Master Plan. The financial contribution shall be in an amount equal to the cost of converting approximately 15,090 square feet (0.35 acre) of unimproved space into improved park/plaza space. The applicant shall pay the financial contribution prior to the commencement of grading or construction activities on the project site. Priority of the expenditure of the contribution shall first be toward the acquisition and/or the creation of new park/plaza space adjacent to Pepper Park as part of a future expansion; and second toward improvements at Pepper Park.</p>	Port of San Diego	X			Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
Noise									
MM NOI-1	<p><b>Active Noise Monitoring Requirements Prior to Project Occupancy</b></p> <p>Prior to the use of amplified sound equipment, the applicant shall construct and maintain permanent noise monitoring stations at locations (1) in Embarcadero Marina Park South and (2) along the Coronado Bayshore Bikeway as identified in the project Noise Technical Report. Maintenance of noise monitoring shall include annual calibration of noise meters. Noise monitoring devices shall be oriented toward the proposed venue and have a clear line of sight to the proposed venue. Prior to the first use of amplified sound equipment, the applicant shall demonstrate to the satisfaction of the District that noise monitoring stations have been constructed and are functional.</p> <p><b>Requirements During Events</b></p> <p>Noise monitoring devices shall be active during all events that include use of amplified sound equipment including, but not limited to, Symphony performances, partnership performances, rental events, public events, rehearsals, and sound checks.</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	<p>During rental events the applicant shall either designate a staff member to perform noise monitoring or require through contract stipulations that the rental party satisfy noise monitoring requirements. Noise monitoring devices and associated software shall be capable of data logging and continuous noise level averaging over various time periods. The applicant shall designate staff member(s) to monitor noise monitoring devices during all events. The designated staff member shall possess at least a year of verifiable experience related to noise monitoring and shall be knowledgeable in the fundamentals of noise propagation and operation of noise monitoring equipment. The designated staff member(s) shall observe current noise measurement data from both monitoring stations to identify potential violations.</p> <p>If measured noise levels approach levels that indicate a potential violation of the Coronado Noise Abatement and Control Regulations, the applicant shall take immediate action to reduce amplified noise levels. Immediate actions include, but are not limited to, reduced sound amplification, temporary suspension of sound amplification, transitioning to quieter portions of the performance (e.g., acoustic</p>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	<p>performance), and early termination of events where other actions fail to control noise levels. Measured noise levels at the Coronado monitoring station that would indicate a potential violation of Coronado Noise Abatement and Control Regulations are defined as 50 dB(A) <math>L_{eq}</math> between 7:00 a.m. and 7:00 p.m.; 45 dB(A) <math>L_{eq}</math> between 7:00 p.m. and 10:00 p.m.; and 40 dB(A) <math>L_{eq}</math> between 10:00 p.m. and 7:00 a.m. These measured noise levels would reflect noise level limits at single-family residential units, which are the most stringent noise level limits from the City of Coronado Noise Abatement and Control Regulations.</p> <p>Other noise sources in Coronado and on the San Diego Bay may contribute to measured noise levels at the Coronado monitoring station. Notwithstanding measured noise levels at the Coronado monitoring station, based on noise contours shown in Figure 9 of Appendix M if noise levels at the EMPS monitoring station are below 75 dB(A) <math>L_{eq}</math> between 7:00 a.m. and 7:00 p.m.; 70 dB(A) <math>L_{eq}</math> between 7:00 p.m. and 10:00 p.m.; and 65 dB(A) <math>L_{eq}</math> between 10:00 p.m. and 7:00 a.m. noise levels do not indicate a violation of Coronado Noise Abatement and Control Regulations attributable to the proposed venue.</p>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	<p>The Coronado Noise Abatement and Control Regulations establish an hourly average noise level limit. Regardless, a potential violation may be identified before an hour has elapsed. As discussed in Section 4.8.2.1, decibels are measured on a logarithmic scale. Thus, a doubling of sound energy would result in a 3 dB increase, a 4-fold increase in sound energy would result in a 6 dB increase, a 10-fold increase in sound energy would result in a 10 dB increase, and a 20-fold increase in sound energy would result in a 13 dB increase. Thus, temporary noise levels that indicate a potential violation of the Coronado Noise Abatement and Control Regulations shall include noise levels that are:</p> <p>3 dB(A) above the noise level limit for a period of 30 minutes; or</p> <p>6 dB(A) above the noise level limit for a period of 15 minutes; or</p> <p>10 dB(A) above the noise level limit for a period of 6 minutes; or</p> <p>13 dB(A) above the noise level limit for a period of 3 minutes.</p>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	<p><b>Requirements Following Events</b></p> <p>The applicant shall maintain an active log of noise levels throughout all events that include amplified sound and the log shall be furnished to the District on an annual basis.</p> <p>The applicant shall notify the District within 24 hours of any complaint or if the applicant receives complaints or if noise levels indicate a potential violation of applicable noise level limits. If data from the noise monitoring stations indicate that the source of noise was not the Bayside Performance Park, the applicant shall submit evidence to the District in writing within 7 days. The report shall identify any exceedances of noise level limits; disclose any actions taken to reduce noise levels, and evaluate the results of these actions.</p> <p>If recorded noise levels indicate a potential violation, or if noise levels indicate a potential violation of Coronado Noise Abatement and Control Regulations attributable to a source other than the proposed venue, the applicant shall provide a follow-up detailed letter report assessing</p>								



**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	the recorded noise levels, actions taken to reduce amplified noise levels, and any other information pertinent to impacts and resolution within 30 days of the event. The letter report and follow-up detailed letter report shall be provided to District compliance monitoring staff for determining adequacy actions intended to reduce noise levels and whether additional corrective actions are necessary to prevent repeated violations.								
MM NOI-2	<p><b>Noise Complaint Hotline Requirements</b></p> <p>The District shall maintain a dedicated noise complaint hotline for the proposed venue. All noise complaints shall be documented. The Symphony shall be notified of all noise complaints and required to take corrective action if necessary prior to the following event. The log of noise levels throughout an event that includes amplified sound shall be furnished to any Coronado resident upon request.</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
MM NOI-3	<p><u>Restrict Duration of Sound Amplification on Event Days</u></p> <p>On the day of an event, the total use of amplified sound equipment for either <b>events or rehearsals</b> shall be limited to a cumulative total of 9 hours.</p> <p><b>Requirements Following Events</b></p> <p>The applicant shall limit sound amplification on event days to a cumulative total of 9 hours or less. Sound amplification may occur over multiple distinct intervals, as long as the sum of distinct intervals is 9 hours or less. The applicant shall maintain an active log of all events that include the use of amplified sound equipment, including a description of the interval during which amplified sound equipment was used, and the log shall be furnished to the District on an annual basis. The applicant shall notify the District within 24 hours of any complaint.</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
			MM NOI-4	<p><u>Restrict Duration of Sound Amplification on Non-Event Days</u>                      On non-event days with evening rehearsals between the hours of 7:00 p.m. and 10:00 p.m., <i>rehearsals</i> shall be limited to 100 minutes or less.</p> <p><b>Requirements Following Rehearsals</b>                      On non-event days with evening rehearsals between the hours of 7:00 p.m. and 10:00 p.m., the applicant shall limit the total daily duration of use of amplified sound equipment to 100 minutes or less. The applicant shall maintain an active log of all events that include the use of amplified sound equipment, including a description of the interval during which amplified sound equipment was used, and the log shall be furnished to the District on an annual basis. The applicant shall notify the District within 24 hours of any complaint.</p>	Port of San Diego				

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
<b>Recreation</b>									
MM REC-1	<p><u>Construction – Public Access and Notice</u>                      During construction, the project proponent shall maintain (1) public access to the Embarcadero Marina Park Pier and bait shop and deli (e.g., allowing for temporary closures only when necessary for construction activities or safety reasons); (2) a minimum of 20 dedicated parking spaces for users of the Embarcadero Marina Park Pier; and (3) a pedestrian pathway from the Embarcadero Promenade at EMPS for users arriving via foot or bicycle.</p> <p>A minimum of 10 days prior to the commencement of any demolition, grading or construction activity, the project proponent shall post signage containing the anticipated dates of construction at a visible location at the entrance of EMPS and shall maintain the public notice in a publicly visible location throughout the duration of construction. The notice shall include the web-address to the District's parks webpage, where users may find the locations and details of other waterfront parks within District tidelands that will be available for use during the construction period.</p>	Port of San Diego		X		Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
<b>Transportation, Circulation, and Parking</b>									
MM TRA-1	<p><u>Traffic Management Plan</u>                      The Symphony shall prepare and submit to the District annual TMPs that describe the traffic to be generated by events and how the Symphony intends to manage circulation. The TMPs shall, at a minimum, describe the following for the upcoming year:</p> <ul style="list-style-type: none"> <li>• Projected event attendances and event schedule;</li> <li>• Pedestrian/bicycle circulation within and adjacent to EMPS;</li> <li>• Vehicular circulation into and within EMPS;</li> <li>• Intersection traffic control and/or traffic officer requirements at the intersections of Convention Center Court/Harbor Drive, Fifth Avenue/Broadway, Fifth Avenue/G Street, Fifth Avenue/Harbor Drive, and Park Boulevard/Harbor Drive; and</li> <li>• Event traffic signage and placement.</li> </ul>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
				The Symphony shall implement the approved TMP during all events held at the Bayside Performance Park. All traffic control and signage shall be in place during event arrival and dismissal periods and conducted in accordance with the TMP.					
MM TRA-2	<p><u>Parking Management Plan</u></p> <p>The annual Traffic Management Plan required by MM TRA-1 will include a Parking Management Plan that details the Symphony's strategy for event parking. The Symphony shall continue to implement the following parking strategies, as detailed in the Parking Plan:</p> <ul style="list-style-type: none"> <li>• <i>Coordination</i> – Participate in the monthly Traffic Management Planning Team meetings at the Convention Center 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.</li> </ul>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	<ul style="list-style-type: none"> <li>• <i>Traffic Personnel</i> – Locate staff in accordance with the 2016 Traffic Management Plan, to facilitate circulation and direct attendees to available parking locations.</li> <li>• <i>Wayfinding Signage</i> – Utilize signage to direct patrons to the parking locations. Update signage directions according to forecast parking availability determined at monthly Convention Center Traffic Management Planning Team meetings.</li> <li>• <i>Public Notification</i> – Notify event patrons of parking availability in advance of events and provide updates on the Symphony website.</li> <li>• <i>Presale Parking</i> – Provide opportunities to purchase parking passes in advance of events.</li> <li>• <i>Parking Agreements</i> – Obtain parking agreements to ensure adequate availability of parking spaces prior to events.</li> <li>• <i>Transit and Ferry Information</i> – Provide transit and ferry schedule information in conjunction with venue schedule and event announcements to encourage arrival via public transit.</li> </ul>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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	<ul style="list-style-type: none"> <li>• <i>Transit and Ferry Incentives</i> – To promote patron and employee transit use, provide incentives such as concession vouchers with public transit pass labeled with the event date, discounted transit passes on event days, employee transit subsidies, and/or other incentive methods.</li> <li>• <i>Port of San Diego Shuttle Program</i> – Participate in the District’s on-going shuttle program.</li> <li>• <i>Employee Off-Site Parking</i> – Provide off-site parking and shuttle accommodations for Symphony employees and event staff.</li> <li>• <i>Transportation Network Companies</i> – 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.</li> <li>• <i>Free Ride Everywhere Downtown</i> – Make event patrons aware of the “Free Ride Everywhere Downtown” (FRED) shuttle service, which provides free shuttle service within Downtown San Diego.</li> </ul>								



**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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	<ul style="list-style-type: none"> <li>• <i>Bike Parking</i> – Ensure bicycle parking is available within or adjacent to the project site to encourage employees/patrons to arrive to the event via bicycle.</li> <li>• <i>Bike Share Stations</i> – Coordinate with a bike share service, such as DECOBIKE San Diego, to ensure the bike station located Marina Park Way and the Embarcadero pathway has available bikes and docking stations.</li> <li>• <i>Event Shuttle Service</i> – Off-site shuttle service shall be provided to transport attendees between parking locations and Bayside Performance Park.</li> <li>• <i>Event Rentals</i> – Require organizations renting the venue to make separate parking arrangements consistent with the size and scale of the respective event and with the Symphony’s Parking Plan.</li> </ul>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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Cumulative (Transportation, Circulation, and Traffic)									
MM CUM-1	<u>Traffic Management Plan Addition</u> The Traffic Management Plan (TMP) required of the project by MM TRA-1 will also include traffic control and traffic officer requirements at the intersection of First Avenue/Beech Street. As specified in MM TRA-1, the TMP, including traffic control requirements therein, shall be implemented during all events held at the Bayside Performance Park.	Port of San Diego			X	Symphony			

# Exhibit B

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
<b>Aesthetics and Visual Resources</b>									
MM AES-1	<p><u>Landscape Plan</u>: Prior to the removal of any existing trees, the applicant shall prepare and submit to the District for approval a landscape plan for the project site that details landscaping to be installed immediately following construction of the project and prior to reopening of EMPS. The landscape plan shall be consistent with the District's Tenant Landscaping Improvements and Maintenance standards (BPC Policy No. 713) and the District's Landscape Development Manual Guidelines (Attachment A to BPC Policy No. 713) and shall meet the following requirements:</p> <ul style="list-style-type: none"> <li>• Species name, age/size at time of planting, and proposed locations of all landscaping shall be specified in the plan;</li> <li>• All large landscaped areas shall have a minimum of three varieties of ground cover and a minimum of 25 percent of the total planting area shall be in shrubs;</li> <li>• Shrubs planted shall be no smaller than 5-gallon containers at the time of planting, and 25 percent of shrubs planted shall be of flowering variety;</li> </ul>	Port of San Diego	X			Port of San Diego			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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	<ul style="list-style-type: none"> <li>• Trees shall meet the following minimum requirements:                             <ul style="list-style-type: none"> <li>o A minimum of one medium tree and two large trees shall be planted per every 5,000 square feet within the parking area, and a minimum of one medium tree and one large tree shall be installed for every 5,000 square feet of the remaining area of EMPS;</li> <li>o Medium trees are defined as 30 to 50 feet in height and large trees are defined as 50 feet or taller; and</li> <li>o The minimum tree size for all trees shall be 15 gallons at the time of planting;</li> </ul> </li> <li>• Species shall be chosen from those listed under the Plant Palette section of the District's Landscape Development Manual Guidelines and shall be very low- to moderate-water use species, with the very low-water use species used to the highest extent feasible; and</li> <li>• No species identified on the District's invasive plant species list shall be utilized.</li> </ul>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**Bayside Performance Park Enhancement Project and Port Master Plan Amendment**

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	The applicant shall receive District approval of the landscape plan prior to installation of landscaping. Landscaping within the Bayside Performance Park shall be maintained by the applicant throughout the duration of the Real Estate Agreement with the District. Landscaping installed outside of the Bayside Performance Park within the remaining area of the Embarcadero Marina Park South shall be initially maintained by the applicant for a period of five years, or until deemed successful by the District. Initial maintenance shall include immediate replacement of any dead or dying trees and shrubs.								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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<b>Biological Resources</b>									
MM BIO-1	<p><u>Nesting Birds (Species Covered by MBTA/CFGC)</u>: If project-related construction activities are initiated or tree removal occurs within the avian nesting season (February 15 to September 15), a qualified biologist shall conduct a pre-construction nesting bird survey within suitable habitat in proximity of the project construction activities. The survey shall be conducted no more than 72 hours prior to commencement of construction or tree removal activities. The survey results will determine any necessary subsequent action, as follows:</p> <ol style="list-style-type: none"> <li>1. If an active nest is located, a qualified biologist will assign an appropriate no-impact buffer around the active nest. No construction activities shall occur within this buffer. The buffer distance and restrictions will depend on the bird species and site-specific conditions.</li> </ol>	Port of San Diego	X	X		Port of San Diego, Qualified Biologist, Symphony and/or its Construction Contractor			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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	<p>a. A qualified biologist shall monitor the nest daily until project activities are no longer occurring adjacent to the identified buffer zone around the nest or until the nest is no longer active. The qualified biologist will monitor bird behavior to verify the buffer is sufficient.</p> <p>b. Observations made by the biologist shall be documented in a nesting bird monitoring report each day that monitoring occurs. The reports shall identify the nest location, bird species, buffer, construction activities conducted in the vicinity of the buffer, and bird behavior observed. Nesting bird monitoring reports shall be submitted to the District on a weekly basis during construction activities adjacent to the identified buffer until the nest is no longer active.</p> <p>c. If the monitoring biologist determines that the buffer implemented is not effective, the biologist will recommend additional measures (e.g.,</p>								



**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	<p>increased buffer width, noise or visual barriers, work intervals, halting construction activities, or allowing only specific work types). Recommendations will depend on the bird species and site-specific conditions and will be documented in the nesting bird monitoring reports.</p> <p>d. The Symphony or its construction contractor shall implement the additional measures recommended by the biologist. The biologist shall confirm the additional measures are appropriately implemented and document compliance in the nesting bird monitoring reports.</p> <p>e. A District biologist shall visit the site periodically, as needed, to ensure nesting bird monitoring is being conducted according to this measure.</p> <p>2. If no active nests are found during the pre-construction nesting bird survey, construction shall be allowed to proceed. The biologist will document the findings in a nesting bird compliance memo to be submitted to the Symphony and the District.</p>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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			Pre-Const	During Const	Post-Const		Initials	Date	
			MM BIO-2	<p><u>Litter Deterrence Strategies:</u> The applicant shall install wildlife-proof waste and recycling receptacles throughout EMPS, including within the Bayside Performance Park, at strategic locations to deter littering. These locations shall include, but are not limited to: key EMPS access points along the public promenade; adjacent to the Embarcadero Marina Park Fishing Pier/ bait shop and deli; gazebo/basketball court area; near the back-of-stage deck; at the sub-grade restrooms within the elevated event lawn; and at key access ways throughout the Bayside Performance Park. The wildlife-proof waste and recycling receptacles would be designed to prevent birds and other animals from removing and dispersing waste. Additionally, “no littering” signage shall be installed at strategic locations throughout EMPS and may be co-located with the waste and recycling receptacles. The locations of waste and recycling receptacles and signage shall be approved by the District prior to installation.</p> <p>All litter shall be removed from the Bayside Performance Park immediately following events. All cleanup activities, including emptying of waste and recycling receptacles for appropriate disposal, must be completed directly following events, on the same</p>	Port of San Diego				

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	day/night of the event, and prior to reopening the Bayside Performance Park for public access.								
MM BIO-3	<p><b>Limitations on Lighting:</b> The project applicant shall design and operate security, event, and public art lighting in accordance with the following limitations:</p> <p><b>Security Lighting</b>                      All security lighting used throughout the project site from 11:00 p.m. to dawn shall be directed downward and/or shielded and of low intensity and shall be compliant with the City of San Diego outdoor lighting ordinance (City of San Diego Ordinance Number 20186).</p> <p><b>Event Lighting</b>                      All event lighting used throughout the project site shall be directed downward and/or shielded and shall be compliant with the City of San Diego outdoor lighting ordinance (City of San Diego Ordinance Number 20186). The use of event lighting shall be limited to the number of Symphony performances and event rentals allowed each year (e.g., maximum of 110 nights annually). During the peak periods of avian migration (late March through May and September through early November), all event lighting must be shut off by 11:00 p.m.</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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	<p><b>Non-Performance Lighting</b></p> <p>All non-performance lighting used throughout the project site shall be directed downward and/or shielded and shall be compliant with the City of San Diego outdoor lighting ordinance (City of San Diego Ordinance Number 20186). The use of non-performance lighting shall be at all times between dusk and 11:00 p.m. when no events are being held. Non-performance lighting shall be less intense than event lighting, but more intense than security lighting. During the peak periods of avian migration (late March through May and September through early November), all event lighting other than security lighting must be shut off by 11:00 p.m.</p> <p><b>Public Art Lighting</b></p> <p>Lighting utilized for the LED art installation shall not be projected into surrounding areas and shall be designed to minimize light trespass and sky glow to the highest extent feasible. The public art installation would not be utilized for advertising or signage purposes as it is intended to be a public art display. The District's Office of Arts and Culture shall approve of the public art design prior to its installation and display. The display shall</p>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
				last only for periods of approximately 5 to 10 minutes at a time, at a minimum interval of every 30 minutes, with multiple displays possible each evening. During the peak periods of avian migration (late March through May and September through early November), the LED art displays must end by 11:00 p.m.					
<b>Geology and Soils</b>									
MM GEO-1	<b>Geotechnical and Fault Rupture Investigation:</b> Prior to obtaining grading and building permits, a qualified geotechnical consultant (e.g., Professional Engineer, Geotechnical Engineer, Professional Geologist, or Certified Engineering Geologist) shall conduct a formal geotechnical and fault rupture investigation in accordance with the City of San Diego's standards for geotechnical reports (City of San Diego Municipal Code Section 145.1803). All recommendations identified in the geotechnical investigation report shall be incorporated into the final project design. Evidence of incorporation of geotechnical recommendations shall be provided to the District prior to commencement of construction.	Port of San Diego	X			Port of San Diego, Qualified Geotechnical Consultant			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
Greenhouse Gas Emissions									
MM GHG-1	<p><b><i>Subsidized Mass Transit Requirements on Applicant</i></b></p> <p>The applicant shall provide subsidies for local mass transit. Prior to ticket sale for any event or set of events, the applicant shall provide transit rebates for event attendees and event employees, including but not limited to musicians, support staff, and volunteers, that arrive via transit providers with which the applicant has not entered into an agreement. Attendees may be required to present a proof of transit ridership (i.e., transit receipt, ticket, or stub) to receive the transit rebate. The amount of available transit rebate available to each attendee shall be equivalent to the cost of a Day Pass on Metropolitan Transit System busses and trolleys (currently \$5.00).</p> <p>Alternatively, the applicant may enter into an agreement with one or more of the following transit providers to provide transit at reduced or no fee to the event attendees and event employees, including but not limited to musicians, support staff, and volunteers: local bus lines (local bus lines operated by San Diego Metropolitan Transit System [SDMTS]), the ferry (Fifth</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
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	<p>Avenue Ferry Landing operated by Flagship Cruises and Events), the trolley (Gaslamp Quarter Station is operated by SDMTS), and the COASTER commuter train (COASTER is operated by North County Transit District). Transit subsidies need not be separate vouchers and may be associated with event tickets.</p> <p>The applicant shall disclose the available subsidy to the attendee at the time of ticket purchase and shall inform attendees of the availability of the subsidy through pedestrian traffic management measures such as signs, cordons, announcements, and other measures at each event. The amount of available transit subsidy available to each attendee shall be valued at least \$5.00.</p> <p><b>Enforcement</b></p> <p>Prior to commencement of operations at the project, the applicant shall submit a Transit Subsidy Plan to the District. The Transit Subsidy Plan shall demonstrate to the satisfaction of the District that transit subsidies and rebates will be provided to event attendees and event employees. The Transit Subsidy Plan shall include a copy of any agreements with transit providers, shall identify the procedure by which transit rebates will be distributed, and other relevant materials such as sample</p>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
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	informational items for disclosing transit subsidies to attendees. The applicant shall submit an annual update to the Transit Subsidy Plan to the District each year prior to January 1. The annual update shall demonstrate to the satisfaction of the District that transit subsidies will be provided for the upcoming year. The District must be notified of all changes to transit subsidies prior to ticket sales, if possible.								
MM GHG-2	<p><b>LED Lighting:</b></p> <p><b>Requirements on Applicant</b></p> <p>Prior to commencement of operations, the project applicant shall install light-emitting diode (LED) light bulbs in all fixtures throughout EMPS.</p> <p><b>Enforcement</b></p> <p>Prior to commencement of operations, the applicant shall demonstrate to the satisfaction of the District that the required light fixtures are equipped with LED light bulbs.</p>	Port of San Diego			X	Symphony			



**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
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MM GHG-3	<p><b>Solar Photovoltaic Panels:</b></p> <p><b>Requirements on Applicant</b></p> <p>Prior to January 1, 2030, the project applicant shall install solar photovoltaic (PV) systems capable of a total generation equivalent to the forecasted electricity demand, 187,691 kWh per year.</p> <p><b>Enforcement</b></p> <p>Prior to January 1, 2030, the applicant shall demonstrate to the satisfaction of the District that the required solar PV panels have been installed and are in operation as required above.</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
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MM GHG-4	<p><u>High-Efficiency Water Heater Requirements on Applicant</u></p> <p>Prior to commencement of operations at the project, the project applicant shall install instantaneous (a.k.a. “tankless”) water heater(s) that meet U.S. EPA Energy Star criteria. Tankless water heaters shall meet all water heating demands of the proposed performance and event venue including, but not limited to, the performance back-of-house facilities and subgrade restrooms.</p> <p><b>Enforcement</b></p> <p>Prior to commencement of operations at the project, the applicant shall demonstrate to the satisfaction of the District that the required tankless water heaters have been installed and meet U.S. EPA Energy Star criteria.</p>	Port of San Diego		X		Symphony			
MM GHG-5	<p><u>All-Electric Landscaping Equipment Requirements on Applicant</u></p> <p>The project applicant shall require through contract specifications that all landscaping within the Bayside Performance Park shall be maintained using all-electric equipment.</p> <p><b>Enforcement</b></p> <p>Prior to January 1, 2030, the applicant shall demonstrate to the satisfaction of the District that landscaping maintenance agreements specify the use of all-electric landscaping equipment.</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
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MM GHG-6	<p><u>Low Flow Water Fixtures Requirements on Applicant</u></p> <p>Prior to commencement of operations at the project, the project applicant shall install low-flow water fixtures in the project. Low-flow water fixtures shall include toilets that use less than 1.28 gallons per flush, urinals that use less than 0.5 gallon per flush, bathroom sinks that use less than 1.5 gallons per minute, showerheads that use less than 2.0 gallons per minute, kitchen sinks that include pre-rinse spray valves, and irrigation systems that are connected to weather sensors.</p> <p><b>Enforcement</b></p> <p>Prior to commencement of operations at the project, the applicant shall demonstrate to the satisfaction of the District that the low-flow water fixtures required above have been installed.</p>	Port of San Diego		X		Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
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MM GHG-7	<p><b><u>Drought-Tolerant Landscaping Requirements on Applicant</u></b></p> <p>Prior to the removal of any existing trees, the applicant shall prepare and submit to the District for approval a landscape plan for the project site that details landscaping to be installed immediately following construction of the project and prior to reopening of EMPS. All landscaping shall use very low- to moderate-water use species, with the very low-water use species used to the highest extent feasible. Landscaping shall comply with District's Tenant Landscaping Improvements and Maintenance standards (BPC Policy No. 713) and the District's Landscape Development Manual Guidelines (Appendix A to BPC Policy No. 713) and shall exclude any species on the District's invasive plant species list.</p> <p><b>Enforcement</b></p> <p>Prior to commencement of operations at the project, the applicant shall demonstrate to the satisfaction of the District that all landscaping within the Bayside Performance Park consists of drought-tolerant plants.</p>	Port of San Diego	X			Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
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MM GHG-8	<p><b>Increased Recycling Requirements on Applicant</b></p> <p>The project applicant shall implement a solid waste recycling program at every event. The program shall include arrangement of recycling hauling services at regular intervals, recycling collection bins adjacent to all waste collection bins, signs that encourage recycling adjacent to recycling collection bins, and diversion of all green waste generated by landscaping activities. The interval for recycling hauling services shall be weekly or more frequently if necessitated by limited recycling storage. Recycling collection bins shall be emptied by designated staff members when full; staff members shall not wait until after the conclusion of events to empty full recycle collection bins.</p> <p>The solid waste recycling program shall achieve a 50 percent diversion of all solid waste generated on-site. The applicant shall expand the solid waste recycling measures to achieve this goal as necessary. Expansion may include, but is not limited to, selection of saleable items that include recycled materials or increased recycling collection bin signage.</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
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	<p><b>Enforcement</b></p> <p>Each year of operation, prior to January 31, the applicant shall submit to the District a description of the recycling program and documentation of contracted solid waste disposal and recycling services. The documentation shall include the weight (tons) or volume (cubic yards) of all solid waste collected by disposal and recycling collection services.</p>								
MM GHG-9	<p><u>Tier TV Final CARB-Certified Construction Equipment</u></p> <p><b>Requirements on Applicant</b></p> <p>All heavy-duty diesel-powered demolition, grading, and construction equipment shall be a minimum of Tier IV Final CARB-certified.</p> <p><b>Enforcement</b></p> <p>Prior to issuance of grading permits, the applicant shall demonstrate to the satisfaction of the District that all contracting agreements for construction of the project require the use of Tier IV Final construction equipment.</p>	Port of San Diego	X			Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
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<b>Land Use and Planning</b>									
MM LUP-1	<u>Off-Site Public Park Space</u> The applicant shall replace the loss of the permanent use of existing parkland within the EMPS resulting from the project on a 1:1 basis by paying to the District a financial contribution to acquire, create, or improve approximately 15,090 square feet (0.35 acre) of land at or adjacent to Pepper Park in the National City Bayfront for recreational purposes consistent with the Park/Plaza designation in the Port Master Plan. The financial contribution shall be in an amount equal to the cost of converting approximately 15,090 square feet (0.35 acre) of unimproved space into improved park/plaza space. The applicant shall pay the financial contribution prior to the commencement of grading or construction activities on the project site. Priority of the expenditure of the contribution shall first be toward the acquisition and/or the creation of new park/plaza space adjacent to Pepper Park as part of a future expansion; and second toward improvements at Pepper Park.	Port of San Diego	X			Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
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Noise									
MM NOI-1	<p><b>Active Noise Monitoring Requirements Prior to Project Occupancy</b></p> <p>Prior to the use of amplified sound equipment, the applicant shall construct and maintain permanent noise monitoring stations at locations (1) in Embarcadero Marina Park South and (2) along the Coronado Bayshore Bikeway as identified in the project Noise Technical Report. Maintenance of noise monitoring shall include annual calibration of noise meters. Noise monitoring devices shall be oriented toward the proposed venue and have a clear line of sight to the proposed venue. Prior to the first use of amplified sound equipment, the applicant shall demonstrate to the satisfaction of the District that noise monitoring stations have been constructed and are functional.</p> <p><b>Requirements During Events</b></p> <p>Noise monitoring devices shall be active during all events that include use of amplified sound equipment including, but not limited to, Symphony performances, partnership performances, rental events, public events, rehearsals, and sound checks.</p>	Port of San Diego			X	Symphony			



**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
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	<p>During rental events the applicant shall either designate a staff member to perform noise monitoring or require through contract stipulations that the rental party satisfy noise monitoring requirements. Noise monitoring devices and associated software shall be capable of data logging and continuous noise level averaging over various time periods. The applicant shall designate staff member(s) to monitor noise monitoring devices during all events. The designated staff member shall possess at least a year of verifiable experience related to noise monitoring and shall be knowledgeable in the fundamentals of noise propagation and operation of noise monitoring equipment. The designated staff member(s) shall observe current noise measurement data from both monitoring stations to identify potential violations.</p> <p>If measured noise levels approach levels that indicate a potential violation of the Coronado Noise Abatement and Control Regulations, the applicant shall take immediate action to reduce amplified noise levels. Immediate actions include, but are not limited to, reduced sound amplification, temporary suspension of sound amplification, transitioning to quieter portions of the performance (e.g., acoustic</p>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
			Pre-Const	During Const	Post-Const		Initials	Date	
	<p>performance), and early termination of events where other actions fail to control noise levels. Measured noise levels at the Coronado monitoring station that would indicate a potential violation of Coronado Noise Abatement and Control Regulations are defined as 50 dB(A) <math>L_{eq}</math> between 7:00 a.m. and 7:00 p.m.; 45 dB(A) <math>L_{eq}</math> between 7:00 p.m. and 10:00 p.m.; and 40 dB(A) <math>L_{eq}</math> between 10:00 p.m. and 7:00 a.m. These measured noise levels would reflect noise level limits at single-family residential units, which are the most stringent noise level limits from the City of Coronado Noise Abatement and Control Regulations.</p> <p>Other noise sources in Coronado and on the San Diego Bay may contribute to measured noise levels at the Coronado monitoring station. Notwithstanding measured noise levels at the Coronado monitoring station, based on noise contours shown in Figure 9 of Appendix M if noise levels at the EMPS monitoring station are below 75 dB(A) <math>L_{eq}</math> between 7:00 a.m. and 7:00 p.m.; 70 dB(A) <math>L_{eq}</math> between 7:00 p.m. and 10:00 p.m.; and 65 dB(A) <math>L_{eq}</math> between 10:00 p.m. and 7:00 a.m. noise levels do not indicate a violation of Coronado Noise Abatement and Control Regulations attributable to the proposed venue.</p>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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			Pre-Const	During Const	Post-Const		Initials	Date	
	<p>The Coronado Noise Abatement and Control Regulations establish an hourly average noise level limit. Regardless, a potential violation may be identified before an hour has elapsed. As discussed in Section 4.8.2.1, decibels are measured on a logarithmic scale. Thus, a doubling of sound energy would result in a 3 dB increase, a 4-fold increase in sound energy would result in a 6 dB increase, a 10-fold increase in sound energy would result in a 10 dB increase, and a 20-fold increase in sound energy would result in a 13 dB increase. Thus, temporary noise levels that indicate a potential violation of the Coronado Noise Abatement and Control Regulations shall include noise levels that are:</p> <p>3 dB(A) above the noise level limit for a period of 30 minutes; or</p> <p>6 dB(A) above the noise level limit for a period of 15 minutes; or</p> <p>10 dB(A) above the noise level limit for a period of 6 minutes; or</p> <p>13 dB(A) above the noise level limit for a period of 3 minutes.</p>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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	<p><b>Requirements Following Events</b></p> <p>The applicant shall maintain an active log of noise levels throughout all events that include amplified sound and the log shall be furnished to the District on an annual basis.</p> <p>The applicant shall notify the District within 24 hours of any complaint or if the applicant receives complaints or if noise levels indicate a potential violation of applicable noise level limits. If data from the noise monitoring stations indicate that the source of noise was not the Bayside Performance Park, the applicant shall submit evidence to the District in writing within 7 days. The report shall identify any exceedances of noise level limits; disclose any actions taken to reduce noise levels, and evaluate the results of these actions.</p> <p>If recorded noise levels indicate a potential violation, or if noise levels indicate a potential violation of Coronado Noise Abatement and Control Regulations attributable to a source other than the proposed venue, the applicant shall provide a follow-up detailed letter report assessing</p>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
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	the recorded noise levels, actions taken to reduce amplified noise levels, and any other information pertinent to impacts and resolution within 30 days of the event. The letter report and follow-up detailed letter report shall be provided to District compliance monitoring staff for determining adequacy actions intended to reduce noise levels and whether additional corrective actions are necessary to prevent repeated violations.								
MM NOI-2	<p><b>Noise Complaint Hotline Requirements</b></p> <p>The District shall maintain a dedicated noise complaint hotline for the proposed venue. All noise complaints shall be documented. The Symphony shall be notified of all noise complaints and required to take corrective action if necessary prior to the following event. The log of noise levels throughout an event that includes amplified sound shall be furnished to any Coronado resident upon request.</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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MM NOI-3	<p><u>Restrict Duration of Sound Amplification on Event Days</u></p> <p>On the day of an event, the total use of amplified sound equipment for either <b>events or rehearsals</b> shall be limited to a cumulative total of 9 hours.</p> <p><b>Requirements Following Events</b></p> <p>The applicant shall limit sound amplification on event days to a cumulative total of 9 hours or less. Sound amplification may occur over multiple distinct intervals, as long as the sum of distinct intervals is 9 hours or less. The applicant shall maintain an active log of all events that include the use of amplified sound equipment, including a description of the interval during which amplified sound equipment was used, and the log shall be furnished to the District on an annual basis. The applicant shall notify the District within 24 hours of any complaint.</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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MM NOI-4	<p><u>Restrict Duration of Sound Amplification on Non-Event Days</u></p> <p>On non-event days with evening rehearsals between the hours of 7:00 p.m. and 10:00 p.m., <i>rehearsals</i> shall be limited to 100 minutes or less.</p> <p><b>Requirements Following Rehearsals</b></p> <p>On non-event days with evening rehearsals between the hours of 7:00 p.m. and 10:00 p.m., the applicant shall limit the total daily duration of use of amplified sound equipment to 100 minutes or less. The applicant shall maintain an active log of all events that include the use of amplified sound equipment, including a description of the interval during which amplified sound equipment was used, and the log shall be furnished to the District on an annual basis. The applicant shall notify the District within 24 hours of any complaint.</p>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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<b>Recreation</b>									
MM REC-1	<p><u>Construction – Public Access and Notice</u>                      During construction, the project proponent shall maintain (1) public access to the Embarcadero Marina Park Pier and bait shop and deli (e.g., allowing for temporary closures only when necessary for construction activities or safety reasons); (2) a minimum of 20 dedicated parking spaces for users of the Embarcadero Marina Park Pier; and (3) a pedestrian pathway from the Embarcadero Promenade at EMPS for users arriving via foot or bicycle.</p> <p>A minimum of 10 days prior to the commencement of any demolition, grading or construction activity, the project proponent shall post signage containing the anticipated dates of construction at a visible location at the entrance of EMPS and shall maintain the public notice in a publicly visible location throughout the duration of construction. The notice shall include the web-address to the District's parks webpage, where users may find the locations and details of other waterfront parks within District tidelands that will be available for use during the construction period.</p>	Port of San Diego		X		Symphony			



**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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			Pre-Const	During Const	Post-Const		Initials	Date	
<b>Transportation, Circulation, and Parking</b>									
MM TRA-1	<p><u>Traffic Management Plan</u>                      The Symphony shall prepare and submit to the District annual TMPs that describe the traffic to be generated by events and how the Symphony intends to manage circulation. The TMPs shall, at a minimum, describe the following for the upcoming year:</p> <ul style="list-style-type: none"> <li>• Projected event attendances and event schedule;</li> <li>• Pedestrian/bicycle circulation within and adjacent to EMPS;</li> <li>• Vehicular circulation into and within EMPS;</li> <li>• Intersection traffic control and/or traffic officer requirements at the intersections of Convention Center Court/Harbor Drive, Fifth Avenue/Broadway, Fifth Avenue/G Street, Fifth Avenue/Harbor Drive, and Park Boulevard/Harbor Drive; and</li> <li>• Event traffic signage and placement.</li> </ul>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
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	The Symphony shall implement the approved TMP during all events held at the Bayside Performance Park. All traffic control and signage shall be in place during event arrival and dismissal periods and conducted in accordance with the TMP.								
MM TRA-2	<p><u>Parking Management Plan</u>                      The annual Traffic Management Plan required by MM TRA-1 will include a Parking Management Plan that details the Symphony's strategy for event parking. The Symphony shall continue to implement the following parking strategies, as detailed in the Parking Plan:</p> <ul style="list-style-type: none"> <li><i>Coordination</i> – Participate in the monthly Traffic Management Planning Team meetings at the Convention Center 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.</li> </ul>	Port of San Diego			X	Symphony			

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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	<ul style="list-style-type: none"> <li>• <i>Traffic Personnel</i> – Locate staff in accordance with the 2016 Traffic Management Plan, to facilitate circulation and direct attendees to available parking locations.</li> <li>• <i>Wayfinding Signage</i> – Utilize signage to direct patrons to the parking locations. Update signage directions according to forecast parking availability determined at monthly Convention Center Traffic Management Planning Team meetings.</li> <li>• <i>Public Notification</i> – Notify event patrons of parking availability in advance of events and provide updates on the Symphony website.</li> <li>• <i>Presale Parking</i> – Provide opportunities to purchase parking passes in advance of events.</li> <li>• <i>Parking Agreements</i> – Obtain parking agreements to ensure adequate availability of parking spaces prior to events.</li> <li>• <i>Transit and Ferry Information</i> – Provide transit and ferry schedule information in conjunction with venue schedule and event announcements to encourage arrival via public transit.</li> </ul>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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	<ul style="list-style-type: none"> <li>• <i>Transit and Ferry Incentives</i> – To promote patron and employee transit use, provide incentives such as concession vouchers with public transit pass labeled with the event date, discounted transit passes on event days, employee transit subsidies, and/or other incentive methods.</li> <li>• <i>Port of San Diego Shuttle Program</i> – Participate in the District’s on-going shuttle program.</li> <li>• <i>Employee Off-Site Parking</i> – Provide off-site parking and shuttle accommodations for Symphony employees and event staff.</li> <li>• <i>Transportation Network Companies</i> – 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.</li> <li>• <i>Free Ride Everywhere Downtown</i> – Make event patrons aware of the “Free Ride Everywhere Downtown” (FRED) shuttle service, which provides free shuttle service within Downtown San Diego.</li> </ul>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
 Bayside Performance Park Enhancement Project and Port Master Plan Amendment

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	<ul style="list-style-type: none"> <li>• <i>Bike Parking</i> – Ensure bicycle parking is available within or adjacent to the project site to encourage employees/patrons to arrive to the event via bicycle.</li> <li>• <i>Bike Share Stations</i> – Coordinate with a bike share service, such as DECOBIKE San Diego, to ensure the bike station located Marina Park Way and the Embarcadero pathway has available bikes and docking stations.</li> <li>• <i>Event Shuttle Service</i> – Off-site shuttle service shall be provided to transport attendees between parking locations and Bayside Performance Park.</li> <li>• <i>Event Rentals</i> – Require organizations renting the venue to make separate parking arrangements consistent with the size and scale of the respective event and with the Symphony's Parking Plan.</li> </ul>								

**MITIGATION MONITORING AND REPORTING PROGRAM**  
**Bayside Performance Park Enhancement Project and Port Master Plan Amendment**

Mitigation Measure No.	Measure	Person(s) to Verify	Timing of Verification			Responsible Party	Completed		Comments
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Cumulative (Transportation, Circulation, and Traffic)									
MM CUM-1	<u>Traffic Management Plan Addition</u> The Traffic Management Plan (TMP) required of the project by MM TRA-1 will also include traffic control and traffic officer requirements at the intersection of First Avenue/Beech Street. As specified in MM TRA-1, the TMP, including traffic control requirements therein, shall be implemented during all events held at the Bayside Performance Park.	Port of San Diego			X	Symphony			