

RESOLUTION 2018-020

**RESOLUTION TO ADOPT AMENDMENT OF PORT
MASTER PLAN FOR THE BAYSIDE
PERFORMANCE PARK ENHANCEMENT PROJECT
AND DIRECT FILING WITH THE CALIFORNIA
COASTAL COMMISSION FOR CERTIFICATION**

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 an adopted Port Master Plan which has been certified by the California Coastal Commission; and

WHEREAS, said Port Master Plan was prepared, adopted and certified pursuant to the Port District Act, the California Coastal Act and other applicable laws; and

WHEREAS, a proposed Port Master Plan Amendment for the Bayside Performance Park Enhancement Project in the City of San Diego has been prepared and processed; and

WHEREAS, the Bayside Performance Park Enhancement Project is referred to as the "Proposed Project"; and

WHEREAS, the applicant for the Proposed Project is the San Diego Symphony Orchestra Association ("Symphony" or "Applicant"); and

WHEREAS, a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA), State CEQA Guidelines, and District procedures relative to said Port Master Plan Amendment has been prepared and certified and its contents considered.

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

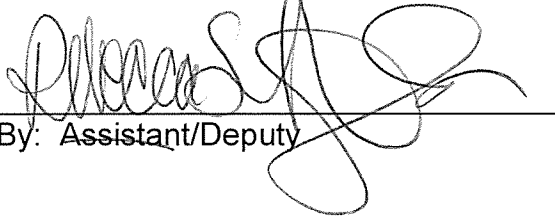
That the Port Master Plan Amendment, on file in the office of the District Clerk as Document No. 67700, pertaining to said Bayside Performance Park Enhancement Project is approved; that the Executive Director or his/her designated representative is hereby authorized and directed to transmit said Port Master Plan Amendment, together with all relevant factual information, the Environmental Impact Report (EIR) for the Bayside Performance Park Enhancement Project and Port Master Plan Amendment (UPD #EIR-2016-176; SCH #2016121003), adopted CEQA Findings of Fact for the EIR and the

Coastal Act consistency analysis to the California Coastal Commission for its review, approval and certification pursuant to Public Resources Code Section 30714; and that the Executive Director or his/her designated representative is hereby authorized to amend the Port Master Plan Amendment application prior to the California Coastal Commission's certification, if necessary; provided, however, that the Port Master Plan Amendment, as certified by the California Coastal Commission, shall be presented to the Board for its final approval at a subsequent date.

BE IT FURTHER RESOLVED, that as a condition of the Port Master Plan Amendment's 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/or Port Master Plan Amendment. Said indemnity and hold harmless condition is independent of any agreements by and between Symphony and the District.

BE IT FURTHER RESOLVED, that consistent with Public Resources Code Sections 30714 and 30716, and California Code of Regulations Title 14, Section 13632(e), the Port Master Plan Amendment shall not be effective until: (a) the California Coastal Commission certifies the Port Master Plan Amendment; (b) the Board adopts the Port Master Plan Amendment as certified by the California Coastal Commission; and (c) the California Coastal Commission has received notice of such Board action and accepts the same as consistent with its certification.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL


By: Assistant/Deputy

2018-020

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 9th 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)