

San Diego Unified Port District
CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project: Master Special Events Permit to One Park Boulevard for Temporary Event Programming at Hilton San Diego Bayfront
Location(s): 1 Park Boulevard, San Diego, CA 92101
Parcel No.(s): 019-044
Project No.: 2017-211
Applicant: David Klein, Sunstone Hotel Investors, 120 Vantis Drive, Suite 350, Aliso Viejo, CA 92656
Date Approved: January 22, 2018

Project Description

The proposed project is the renewal of a Master Special Events Permit (Permit) for the existing park adjacent to the Hilton San Diego Bayfront. The Permit allows One Park Boulevard (OPB) to utilize the park for:

- Temporary special events (generally less than 48 hours each, excluding setup and breakdown times), such as, without limitation, weddings, holiday parties, concerts, conventioner meetings, lectures, etc.;
- Comic-Con related events, which may last up to 10 days, excluding set-up and break down, that shall not occupy more than 75 percent of the park;
- Three special events per year lasting up to six days each, excluding set-up and break down, that shall not occupy more than 75 percent of the park;
- Carts selling snacks, beverages, souvenirs, and similar-type items; and
- No other purposes whatsoever.

A temporary event, for the purposes of the permit, would be defined as a booking by a single group, meaning a single event may include multiple activities in the park such as lunch and dinner, provided, however, in between individual event activities (i.e., breakfast, lunch, dinner or reception), the group shall not occupy the park, but tables, tents, etc. may remain up. No permanent development shall occur as part of the Permit.

The permit would also require that OPB:

- Actively and continuously use and maintain the site for public park purposes;
- Maintain reasonable public access through the park to San Diego Bay at all times, including during temporary special events;
- Keep the park open and available between the hours of 6:00 a.m. and 10:30 p.m. seven days a week to the general public for use for public park purposes including, but not limited to, family gatherings, picnics, sunbathing, etc., unless One Park Boulevard is directed in writing by District's Executive Director, in his or her sole and absolute discretion, to maintain a different schedule;
- Post at least two (2) signs stating the park is open to the public during special events;
- Maintain the 120-foot (ft)-wide Park Boulevard View Corridor in a manner that provides for an unobstructed view from above the "Ordinary High Water Mark";
- Ensure all walking and driving paths through the park remain open and available for use by the general public; and
- Ensure that access to the 35-ft-wide waterside promenade never be fenced, screened or blocked in any manner during the hours that the park is open and available for public use.

- Not cord off of the event space in the park during events except for when alcohol is being served;
- Schedule a maximum of five events per month, with at least four days in between each event where the park remains occupied by an event;
- Coordinate all Temporary Special Events with the District's Waterfront Arts and Activation Department (unless notified in writing by District that another District department would be the District's coordinator) by telephone and/or electronic mail or letter. A minimum of ten (10) days prior to each Temporary Special Event, OPB shall provide in writing to the District, the following information:
 - (i) the name of the event;
 - (ii) the type of event (e.g., corporate, party, wedding, etc.);
 - (iii) the name of the sponsoring organization;
 - (iv) the dates of the event;
 - (v) the facilities that would be installed for the event (e.g., tent, stage, number of tables, number of chairs, etc.);
 - (vi) the estimated number of attendees;
 - (vii) the type of amplified sound, if any, and what would be heard at the event (e.g., emcee, speeches, music, etc.);
 - (viii) the name of the OPB event arranger responsible for the event; and
 - (ix) the name of a contact person or persons at OPB which the District's Harbor Police may reach twenty-four (24) hours a day, seven (7) days a week regarding complaints about the event;
- Coordinate Temporary Special Events with the San Diego Convention Center and/or any hotel constructed on adjacent Convention Way if their operations may be impacted by a Temporary Special Event;
- Provide to the District, on or before the fifth (5th) day of each and every month, a written report (which the District will post to the District website) that lists all of the Temporary Special Events that are scheduled during the next six (6) months including:
 - (i) the name of the event;
 - (ii) the type of event (e.g., corporate, party, wedding, etc.);
 - (iii) the name of the sponsoring organization;
 - (iv) the proposed dates of the event;
 - (v) the estimated number of attendees; and
 - (vi) the type of amplified sound, if any, and what will be heard at the event (e.g., emcee, speeches, music, etc.).
- Apply for an individual permit from the District for special events and Comic-Con related events that would exceed the permitted durations and size;
- Ensure that the sound levels of verbal and music presentations amplified through a sound system do not exceed the City of San Diego noise standards and the City of Coronado's night-time noise standards;
- Keep and maintain the park including, but not limited to, landscaping, hardscape, public art and other improvements, in a good, safe, healthy, and sanitary condition at all times, to a standard that, as a minimum, equals the District's standard of maintenance at the adjacent Embarcadero Marina Park South;
- Provide adequate public restrooms, including drinking fountains, for the general public using the park and shall maintain said public restrooms and drinking fountains in a good, safe, healthy, and sanitary condition at all times. OPB would maintain said public restrooms to a park standard that, as a minimum, would equal the District's standard of maintenance at the adjacent Embarcadero Marina Park South and that would be open during normal business hours as may be amended from time to time by the District;
- Provide an adequate number of trash receptacles throughout the Premises for use by the general public and promptly dispose of trash.

- Install, maintain, repair, replace and provide, as needed, adequate lighting for safety purposes during night-time hours that the Premises are open and available for public use; and
- Provide to District, the San Diego Convention Center, and any hotel located on Convention Way, at least seven (7) days in advance, a traffic management and parking plan for major Temporary Special Events that would create above normal traffic impacts at and near the Premises.

OPD would also be responsible for compliance with all laws and regulations associated with the activities on or in connection with the above-described premises, and in all uses thereof, including, but not limited to, those regulating hazardous substances and stormwater.

Parking would be provided for in the adjacent parking garage, for which 894 parking spaces are allocated to One Park Boulevard for the Hilton San Diego Bayfront Hotel. Per the Tidelands Parking Guidelines, 784 parking spaces are required for the hotel itself, for a net surplus of 110 parking spaces.

The Permit is anticipated to commence on March 1, 2018 and terminate on February 28, 2021, for a total term of three years. The Permit may be terminated by the District's Executive Director or his duly authorized representative, or One Park Boulevard, as a matter of right and without cause at any time upon the giving of ninety (90) days' notice in writing to the other party of such termination.

The following categorical determinations are based on the Permit and all project information known to the District as of the date of this determination.

CEQA DETERMINATION

Based upon the above description, the project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land) and Sections 3.a (4) and 3.d. (6) of the District's Guidelines for Compliance with CEQA because the project is the issuance of a master special events permit for temporary events in an existing park that would involve no expansion of use beyond that previously existing, would not allow any new development, would not result in a significant cumulative impact due to the continuation of the existing use, and would not involve the removal of mature, scenic trees. Sections 3.a. (4) and 3.d. (6) of the District's CEQA Guidelines are as follows:

- 3.a. Existing Facilities (SG § 15301) (Class 1): Includes operation, repair, maintenance, or minor alteration of existing public and private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:
- (4) New and renewed short-term tenancy agreements which do not result in change in the existing use. This exemption does not apply to any new development associated with the activities of the tenant. This exemption is also inapplicable if the cumulative impact of continuing the existing use or conditions in the same place, over time, is significant.

AND/OR

- 3.d. Minor Alterations to Land (SG § 15304) (Class 4): Includes minor alterations in the condition of land, water and/or vegetation not involving removal of mature, scenic trees, including, but not limited to:

- (6) Minor temporary use of land having negligible or no permanent effects on the environment.

The Categorical Exemptions listed above are appropriate for the proposed project because it is the issuance of a master special events permit for temporary events in an existing park that would involve no expansion of use beyond that previously existing, would not allow any new development, would not result in a significant cumulative impact due to the continuation of the existing use, and would not involve the removal of mature, scenic trees. The District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

Pursuant to CEQA Guidelines Section 15062, a 35-day statute of limitations for this CEQA exemption shall apply from the date a Notice of Exemption is posted with the San Diego County Clerk, or a 180-day statute of limitations for this CEQA exemption shall apply if no Notice of Exemption is filed.

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

CALIFORNIA COASTAL ACT

PORT MASTER PLAN

The project site is located in Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified Port Master Plan. The Port Master Plan land use designations within the limits of the proposed project site are Comfort Station, Park/Plaza, and Promenade. The project conforms to the certified Port Master Plan because it is the issuance of a master special events permit for temporary events in an existing park consistent with the existing certified land use designations. The project would not change the use of the site nor would it interrupt or expand the existing conforming use of the site.

CATEGORICAL DETERMINATION

The above project proposes the issuance of a master special events permit for temporary events in an existing park that would involve no expansion of use beyond that previously existing and would not involve the removal of mature, scenic trees. This project is consistent with the existing certified land use designations and is Categorically Excluded under Sections 8.a. and 8.d. (5) of the District's *Coastal Development Permit Regulations*, as follows:

- 8.a. Existing Facilities: The operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing.

AND/OR

- 8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees, including but not limited to:


- (5) Minor temporary uses of land and water having negligible or no permanent effects on the environment, including festivals, boating activities, parades, and running or bicycling events.

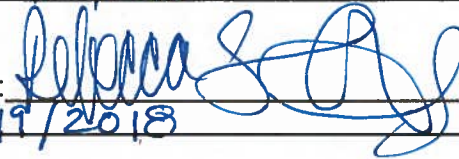
Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

RANDA CONIGLIO
President/CEO

Determination by:
Cameron McLeod
Assistant Planner
Development Services

Deputy General Counsel

Signature: 
Date: 1/22/2018

Signature: 
Date: 1/19/2018