

San Diego Unified Port District

CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: San Diego Comic Convention Use of Embarcadero Marina Park South
Location(s): Embarcadero Marina Park South, 200 Marina Park Way, San Diego, CA 92101
Parcel No.(s): 019-062
Project No.: 2018-131
Applicant: Fae Desmond, San Diego Comic Convention, 225 Broadway, Suite 1800, San Diego, California 92101
Date Approved: July 2, 2018

Project Description

The proposed project is the 2018 San Diego Comic Convention (Comic Con) International line queuing and staging area, which would take place at the Embarcadero Marina Park South (EMPS) in San Diego, California. The District would provide a Park Permit for the proposed event, which would occupy a portion of EMPS for Comic Con line queuing, Comic Con shuttle staging, and Comic Con Village, which is a Comic-Con attraction that would be open and available to the public. The event would have an approximate duration of four and a half days, starting from July 18 until July 22, 2018, with event breakdown taking place on July 23, 2018. The event would have an anticipated attendance of approximately 2,000 people for the duration of the event and would not involve a general admission fee for attendees. During the event, the Embarcadero Promenade would remain open and accessible to the public. Furthermore, the general public would be able to access the waterfront via the Pedestrian Bridge near the Convention Center (adjacent to the Hilton) Public Parking Garage, Marina Walk between the Hyatt and Marriott hotels, and Convention Way for pedestrians (sidewalk along the south edge) and vehicles (see attached map of available public access). Additionally, at no times would the event limit public access to the existing public fishing pier, water ferry, Joe's Crab Shack, and/or the deli. Comic Con International will provide appropriate signage along Convention Way to identify and direct pedestrian and vehicular public access to EMPS. Furthermore, the San Diego Convention Center Corporation and Comic Con will post on their website all available public access routes. The event would require reservation of approximately 79 parking spaces for staging associated with the line queueing and approximately 13 parking spaces for staging of the Comic Con attraction. Nevertheless, approximately 31 parking spaces would be open and available for public use, including parking spaces for public fishing pier users. Additional parking for attendees would be available at nearby parking facilities and on surface streets.

The following categorical determinations are based on Comic Con's project submittal and all project information known to the District as of the date of this determination.

CEQA DETERMINATION

Based upon the above description, the proposed project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15304 (Minor Alterations to Land) and/or 15323 (Normal Operations of Facilities for Public Gatherings) and Section 3.d (6) of the District's *Guidelines for Compliance with CEQA* because it is a temporary event that would not involve the removal of mature, scenic trees, would not have any permanent effects on the environment, and would consist of the normal operations of existing facilities for public gatherings. Section 3.d. (6) of the District's CEQA Guidelines and CEQA Guidelines Section 15323 are as follows:

- 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.

AND/OR

Normal Operations of Facilities for Public Gatherings (SG § 15323) (Class 23): Consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. For the purposes of this section, "past history" shall mean that the same or similar kind of activity has been occurring for at least

three years and that there is a reasonable expectation that the future occurrence of the activity would not represent a change in the operation of the facility. Facilities included within this exemption include, but are not limited to, racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools, and amusement parks.

The Categorical Exemptions listed above are appropriate for the proposed project because it is a temporary event that would not involve the removal of mature, scenic trees, would not have any permanent effects on the environment, and would consist of the normal operations of existing facilities for public gatherings. 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 proposed project is located within 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 are Park/Plaza, Promenade, and Street. The proposed project conforms to the certified Port Master Plan because it is a temporary event that would draw the public to the San Diego Bay thereby encouraging recreational opportunities and promoting public access along the waterfront.

CATEGORICAL DETERMINATION

The above project proposes a temporary event that would not involve the removal of mature, scenic trees or have any permanent effects on the environment. This proposed project is consistent with the existing certified land use designations and is Categorically Excluded under Section 8.d (5) of the District's *Coastal Development Permit Regulations*, as follows:


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.

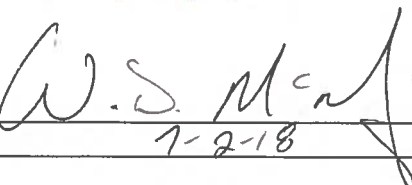
Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

RANDA CONIGLIO
President/CEO

Determination by:
Dana Sclar
Senior Planner
Development Services

Signature: 
Date: 7/2/18

Deputy General Counsel

Signature: 
Date: 7-2-18

Public Access During Comic Con

