



**CEQA and COASTAL DETERMINATIONS  
and  
NOTICE OF APPROVAL**

Project: Master Special Events Permit to Fifth Avenue Landing at South Embarcadero  
Location: 600 Convention Way, San Diego, CA 92101  
Parcel No.: 019-063  
Project No.: 2019-009a  
Applicant: George Palermo, Fifth Avenue Landing, 1311 First Street, Coronado, CA 92118  
Date Approved:

**PROJECT DESCRIPTION**

This is an amendment to the previous approved Categorical Determination 2019-009. This amendment is issued in conjunction with the renewal of the Fifth Avenue Landing (FAL) LLC (Permittee) Master Special Events Permit (Permit). The below project description and terms have not changed, and this amended Categorical Determination will not be restricted to specific term.

The proposed project is a master special events permit (Permit) for the existing public park/plaza to Fifth Avenue Landing LLC (Permittee) for their use of land area located at 600 Convention Way in the city of San Diego, California. The area proposed for use under this Permit is currently and would be used only and exclusively for the purpose of temporary special events, such as, without limitation, weddings, holiday parties, concerts, conventioner meetings, lectures, etc.; for carts selling snacks, beverages, souvenirs, and similar-type items; and for no other purposes whatsoever. No permanent development shall occur as part of the project. The Permit requires that the Permittee shall maintain reasonable public access through the premises to San Diego Bay at all times, including during temporary special events; and keep the park open and available for public use between the hours of 6:00 a.m. and 10:30 p.m. seven (7) days a week, unless the Permittee is directed in writing by District's Executive Director, in his or her sole and absolute discretion, to maintain a different schedule. The Permit also requires that all walking and driving paths through the park remain open and available for use by the general public and access to the 36-foot-wide public pedestrian access easement never be fenced, screened or blocked in any manner during the hours that the public park/plaza is open and available for public use. The Permit also includes, but is not limited to, the following procedures and guidelines:

1. For the purpose of the permit, an "event" shall be defined as a booking by a single group. For example, if a group books the park for a day and intends to have multiple activities in the park such as lunch and dinner, it shall be considered one event; 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.
2. In general, events shall not last more than 48 hours, excluding set-up and break-down.
3. Excluding a Comic-Con related event, which may last up to 10 days, excluding set-up and break down, no more than three events a year may last up to 6 days, excluding set-up and break-down. Regardless of an events length, no more than 5 events per month shall be allowed and at least 4 days in between events shall occur where the park remains unoccupied by an event. The Comic-Con and maximum 6-day events shall not occupy more than 75 percent of the park.
4. Permittee shall comply with the provisions of the Permit and all applicable laws, rules, codes, regulations and requirements of the District and other governmental entities having jurisdiction.
5. Permittee would 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, Permittee 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 Permittee event arranger responsible for the event; and (ix) the name of a contact person or persons at Permittee which the District's Harbor Police may reach twenty-four (24) hours a day, seven (7) days a week regarding complaints about the event. Permittee would also 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.

6. On or before the fifth (5th) day of each and every month during term of the Permit, Permittee shall provide the District a written report 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 would be heard at the event (e.g., emcee, speeches, music, etc.). The District would post the written report to the District website.
7. For events that do not meet conditions 1 or 3, above, an individual permit from the District shall be obtained.
8. There shall be no cording off of the event space in the park during events except for when alcohol is being served. Otherwise the Premises shall be open and available to the general public for use for public park purposes including, but not limited to, family gatherings, picnics, sunbathing, etc., during all hours that the Premises are open and available for public use. At least 2 signs stating the park is open to the public shall be posted during events.
9. Verbal and music presentations may be amplified through a sound system but the sound levels cannot exceed the City of San Diego noise standards and the City of Coronado's night-time noise standards.
10. Permittee shall keep and maintain the Premises including, but not limited to, landscaping, hardscape, public art and other improvements, in a good, safe, healthy, and sanitary condition at all times. Permittee shall maintain the Premises to a park standard that, as a minimum, equals the District's standard of maintenance at the adjacent Embarcadero Marina Park South.
11. Permittee shall provide adequate public restrooms, including drinking fountains, for the general public using the Premises and shall maintain said public restrooms and drinking fountains in a good, safe, healthy, and sanitary condition at all times. Permittee shall maintain said public restrooms to a park standard that, as a minimum, equals the District's standard of maintenance at the adjacent Embarcadero Marina Park South and that are open during normal business hours as may be amended from time to time by the District.
12. Permittee shall provide an adequate number of trash receptacles throughout the Premises for use by the general public and shall promptly dispose of trash.
13. Permittee shall 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.
14. Permittee would 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.

Permittee would 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. The following specific best management practices (BMPs) would be implemented at each event:

- Trash dumpsters, portable toilets, or generators shall have secondary containment and located away from open storm drain inlets or catch basins and away from the water's edge. Secondary containment for trash dumpsters may be accomplished by placing a berm around the dumpster to contain leaks. Trash dumpsters must have lids and be covered.
- A spill kit is to be accessible to the event coordinator or person in charge of spill response.
- Catch basins and storm drain inlets within the event special area are to be protected with temporary screens or filters prior to the event.
- Regular and frequent trash and debris removal is to be conducted by event organizers.
- Street sweeping of parking lots, streets and roads associated with the event shall be conducted as needed.
- Employee training is to be conducted prior to the event to ensure that BMPs are properly implemented and maintained and so that employees are aware of the discharge prohibitions.
- Documentation of BMP implementation for each special event is to be maintained and be made available for the District's review upon request.

The Permit further grants the Permittee and its authorized agent(s) and contractor(s) the right of ingress and egress to, from, and along said easement area via practical routes across the adjacent District lands. Upon completion of work, the Applicant would repair the site location and return it to the existing condition.

The Permit may be terminated by the District or Permittee as a matter of right and without cause at any time upon providing ninety (90) days' written notice to Grantee 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.

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## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

### ***CATEGORICAL DETERMINATION***

Categorical Exemptions: SG §15301, Class 1/Section 3.a: Existing Facilities and SG § 15323 (Class 23): Normal Operations of Facilities for Public Gatherings

3. a. Existing Facilities (SG § 15301) (Class 1): Includes 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, 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 exception is also inapplicable if the cumulative impact of continuing the existing use or conditions in the same place, over time, is significant.

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, amphitheatres,

planetariums, swimming pools, and amusement parks.

The proposed project is determined to be Categorical Exempt pursuant to the CEQA Guidelines and the Section of the District's *Guidelines for Compliance with CEQA* as identified above. This is appropriate for the proposed project because it is a master special events permit to coordinate special events permitting of an existing public park. Typically, permitting special events in parks is the responsibility of the District. The project, however, would allow the Permittee to be responsible for the permitting of that park. The project would involve no expansion of use beyond that previously existing, would not allow any new development, and would not result in a significant cumulative impact due to the continuation of the existing use. 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.

### **CALIFORNIA COASTAL ACT**

#### ***PORT MASTER PLAN CONSISTENCY***

Planning District: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Land Use Designation: Park/Plaza

The proposed project conforms to the certified Port Master Plan because it would involve a master special events permit for to coordinate special events permitting at the existing public park/plaza located at 600 Convention Way. The proposed project would involve no expansion of use beyond that previously existing and would not result in a significant cumulative impact due to the continuation of the existing use, consistent with the existing certified Land use designation.

#### ***CATEGORICAL DETERMINATION***

Categorical Exclusions: Section 8.a: Existing Facilities and Section 8.d: Minor Alterations to Land

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.

The proposed project is determined to be Categorical Excluded pursuant to the Section of the District's *Coastal Development Permit Regulations* as identified above. This is appropriate for the proposed project because it is a master special events permit for Fifth Avenue Landing LLC to coordinate special events permitting of the existing public park/plaza located at 600 Convention Way that would involve negligible or no expansion of use beyond that previously existing.

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.

### **CALIFORNIA PUBLIC TRUST DOCTRINE**

The proposed project complies with Section 87.(a)(5) 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.

JOE STUYVESANT  
President/CEO

Determination by:  
Abigail Haynam  
Assistant Planner  
Development Services

Signature: Abigail Haynam  
Date: May 26, 2022

Deputy/Assistant General Counsel

Signature: Rebecca Harrington  
Date: May 26, 2022