



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

Project: Amendment to Point Loma Marina Master Special Events Permit Renewal
Location: 4890 North Harbor Drive, San Diego, CA 92106
Parcel No.: 003-059
Project No.: 2019-204a
Applicant: John Grimstad, Point Loma Marina, LLC, 4980 North Harbor Drive, San Diego, CA 92106; (619) 718-6260
Date Approved: 12/18/2024

PROJECT DESCRIPTION

The proposed project would consist of the renewal of a Master Special Events Permit (MSEP) for the existing park adjacent to the Point Loma Marina (PLM) leasehold on 4980 N. Harbor Drive in the city of San Diego, California. A Coastal Act Categorical Determination of Exclusion was previously issued for a renewal of the original permit (Project No. 2019-204) on November 21, 2019, and this amendment would update the following project description to clarify existing language and reflect the most current logistics of the permit.

The project allows PLM 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, classes, etc. (Temporary Special Events); for carts selling snacks, beverages, souvenirs and similar type items; and for no other purposes whatsoever. PLM shall maintain reasonable public access through the Event Premises to San Diego Bay at all times, including during Temporary Special Events. The Event Premises shall, at a minimum, be 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 PLM is directed in writing by District's Executive Director, in their sole and absolute discretion, to maintain a different schedule. All walking and driving paths through the park will remain open and available for use by the general public and access to the 4-foot-wide waterside promenade will never be fenced, screened or blocked in any manner during the hours that the park is open and available for public use. Parking will be available at the public parking facilities located on North Harbor Drive and in the public parking lot adjacent to the PLM leasehold.

The proposed project also includes, but is not limited to, the following features:

1. The Event Premises shall be 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 PLM is directed in writing by the District's Executive Director or their designee, in their sole and absolute discretion, to maintain a different schedule.
2. For the purpose of the permit, an "event" shall be defined as a booking by a single group. So, if a group books the Event Premises for a day and intends to have multiple activities in the Event Premises 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.
3. In general, events shall not last more than 48 hours excluding set-up and break-down.
4. No more than five (5) events a year may last up to six (6) days excluding set-up and break-down. Regardless of an event's length, no more than five (5) events a month shall be allowed and at least four (4) days in between events shall occur where the park remains unoccupied by an event. Excepting from the maximum number of events detailed in Section 4 of the MSEP are short term events such as fitness and exercise classes, so long as the fitness and exercise class events are in compliance with all other conditions of the Permit and this Exhibit B, and the recurrence of the fitness and exercise classes is conducted in a reasonable manner and frequency so as to minimize any potential impacts to the public's access and use of the park.

5. PLM shall comply with the provisions of the MSEP and all applicable laws, rules, codes, regulations and requirements of the District and other governmental entities having jurisdiction.
6. PLM will coordinate all Temporary Special Events with the District's Parks & Recreation Department (unless notified in writing by District that another District department will be the District's coordinator) by electronic mail or letter. A minimum of thirty (30) days prior to each Temporary Special Event, PLM 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) scheduled or proposed dates of the event; (v) the equipment that will 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 will be heard at the event (e.g., emcee, speeches, music, etc.); (viii) the name of the PLM event organizer responsible for the event; and (ix) the name of a contact person or persons at PLM, or a designated representative, which District Staff may reach twenty-four (24) hours a day, seven (7) days a week regarding complaints about the event. PLM will also coordinate Temporary Special Events with other tenants or businesses in the area, if their operations may be impacted by a Temporary Special Event.
7. Notwithstanding Section 6 of the MSEP, in the event that PLM has a Temporary Special Event planned within any six (6) month period, on or before the fifth (5th) day of each and every month during term of the PLM Master Special Events Permit, PLM shall provide to 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 scheduled or 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.).
8. For events that do not meet conditions 2 or 3, above, the District reserves the right to require a special event permit issued by the District's Parks & Recreation Department (unless notified in writing by District that another District department will be the District's coordinator).
9. For events that require a special event permit from the District per Section 8 above, PLM shall submit a permit application a minimum of sixty (60) days in advance of the event date and all required documentation for the permit must be submitted a minimum of thirty (30) days in advance of the first event date (inclusive of set-up dates). Once the permit is approved and issued, the District, at its sole discretion, reserves the right to deny change requests.
10. Except during Temporary Special Events, all walking paths through the Event Premises shall remain open and be available for use by the general public and access on said walking paths through the Event Premises to the 4-foot-wide public pedestrian access easement shall never be fenced, screened or blocked in any manner during the hours that the Event Premises are open and available for public use.
11. The event space in the Event Premises shall not be cordoned off during events except for during weddings, or when alcohol is being served (as required by the California State Department of Alcoholic Beverage Control). 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.
12. Verbal and music presentations may be amplified through a sound system, but the sound levels cannot exceed the City of San Diego noise standards.
13. PLM 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. PLM

shall maintain the Premises to a park standard that, as a minimum, equals the District's standard of maintenance at the nearby Shelter Island Shoreline Park.

14. PLM shall make arrangements for adequate restroom facilities, including drinking water, for persons attending Temporary Special Events in the Event Premises.
15. PLM shall provide an adequate number of trash receptacles throughout the Premises for use by the general public and shall promptly dispose of trash.
16. PLM 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.
17. PLM will provide to District at least thirty (30) days in advance, a traffic management and parking plan for major Temporary Special Events that will create above normal traffic impacts at and near the Premises.
18. PLM will provide the District (and updates as changes are made), with the names and telephone numbers (including cellular telephone numbers) of PLM personnel that coordinate Temporary Special Events at the Premises.
19. PLM shall provide or ensure that a sufficient number of adequately trained personnel are available at Temporary Special Events to handle security, fire and emergency aid.
20. In considering applications to hold Temporary Special Events, PLM agrees, at all times, to fully comply with all laws now existing or hereinafter enacted, prohibiting discrimination against any person or class of persons by reason of race, color, religion, sex, national origin, ancestry, physical or mental disability, veteran status, medical condition, marital status, sexual orientation and age.
21. Sub-permits to organizations and groups holding Temporary Special Events shall require adequate commercial general liability insurance that names PLM and the San Diego Unified Port District as additional insured entities. The insurance coverage may be carried through PLM's insurance policies, or at PLM's option, under policies maintained by the sub-permittees.
22. Sub-permits to organizations and groups holding Temporary Special Events shall require said organizations and groups as sub-permittees to defend, indemnify and hold harmless PLM and the District and its officers, employees, and agents to the fullest extent permitted by law, for any and all liability, claims, judgments, damages, proceedings, orders, directives, costs, including reasonable attorneys' fees, or demands arising directly or indirectly out of the obligations undertaken in connection with the sub-permit or sub-permittee's occupancy, possession or use of the Premises, except claims or litigation arising through the sole negligence or willful misconduct of PLM and/or District. This indemnity obligation must apply for the entire time that any third party can make a claim against or sue PLM and/or District for liabilities arising out of the sub-permittee's occupancy, possession or use of the Premises.

PLM will 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 best management practices (BMPs) will be implemented at each event, pursuant to Article 10 of the San Diego Unified Port District Code:

- Trash dumpsters, portable toilets, or generators shall have secondary containment, be placed under overhead cover, and/or be located away from open stormdrain 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.
- The special event area is to be kept free of all spills and debris; however, a spill kit is to be accessible to the event coordinator or person in charge of spill response in case a spill occurs.

- Catch basins and storm drain inlets within the special event area are to be protected with temporary screens or filters prior to the event.
- Fencing is to be placed around the waterside perimeter of the event to prevent any windblown trash or debris from reaching the Bay. Where fencing is not feasible, regular and frequent trash and debris removal is to be conducted by event organizers.
- Adequate trash and recycling receptacles are to be provided, kept at acceptable levels (not overflowing), and covered with lids when not in use. Frequent trash and litter removal is to be conducted throughout the duration of the event and secondary containment is to be used when transporting waste.
- Vehicles and equipment are to be maintained, and the special event area is to be kept free of leaks and spills. All wash water is to be captured, contained, and disposed of properly.
- Street sweeping of parking lots, streets and roads associated with the event shall be conducted as needed.
- All hazardous waste, such as cooking oil and grease, are to be captured, contained, and disposed of properly.
- Storage areas are to be minimized throughout the duration of the event and the special event site is to be kept clear of indoor pollutants being tracked outdoors.
- Employee training is to be conducted prior to the event to ensure that BMPs are properly implemented and maintained and that employees are aware of the discharge prohibitions.

Direction related to permitted special event activities can be found in the District Jurisdictional Runoff Management Document (JRMP). The JRMP is available on the District website: (<https://www.portofsandiego.org/environment/environmental-protection/stormwater>) or by contacting the Environmental Protection Department at (619) 686-6254.

The proposed project would renew the permit for a term of approximately five (5) years. The project may be terminated by the Executive Director of the District or their duly authorized representative or PLM 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 project submittal and all project information known to the District as of the date of this determination.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemptions: CEQA Guidelines Section 15301 (Class 1)/District Guidelines for Compliance with CEQA Section 3.a: Existing Facilities and CEQA Guidelines Section 15323 (Class 23): Normal Operations of Facilities for Public Gatherings

- 3.a. Existing Facilities: 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: 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 proposed project is determined to be Categorical Exempt pursuant to the CEQA Guidelines and the Sections of the District's *Guidelines for Compliance with CEQA* as identified above because it would consist of the renewal of a master special events permit for PLM to coordinate special events permitting of the existing park adjacent to PLM. Typically, permitting special events in parks is the responsibility of the District, however, the project would allow PLM to be responsible for the permitting of that park. The proposed project 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 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.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN CONSISTENCY

Planning District: 1 - Shelter Island/La Playa (Precise Plan Figure 4)

Land Use Designation: Park/Plaza and Promenade

The proposed project conforms to the certified Port Master Plan because it would involve the renewal of an existing master special events permit for PLM consistent with the existing certified Land Use designations. The proposed project would not change the use of the site nor would it interrupt or expand the existing conforming uses of the site.

CATEGORICAL DETERMINATION

Categorical Exclusion: Section 8.a: Existing Facilities

- 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.

The proposed project is determined to be Categorical Excluded pursuant to the Section of the District's *Coastal Development Permit Regulations* as identified above because it would consist of the renewal of a master special events permit for PLM for an existing park what would involve 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.

RANDA CONIGLIO
Acting President/CEO

Determination by:
Davin Cox
Assistant Planner
Development Services

Assistant/Deputy General Counsel

Signature: 
Date: 12/18/2024

Signature: Rebecca Harrington
Date: 12/18/2024