



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

**Project:** Lane Field Park Access, Maintenance, and Master Special Events Permit to LFS Development  
**Location:** Lane Field Park at the corner of Harbor Drive and West Broadway, San Diego, CA 92101  
**Parcel No.:** 018-126  
**Project No.:** 2021-010  
**Applicant:** Ambrish Baislwala, LFS Development, LLC, c/o Portman Holdings, LLC 303 Peachtree Center Avenue, Suite 575, Atlanta, GA 30303  
**Date Approved:** Mar 18, 2021

**PROJECT DESCRIPTION**

The proposed project is the renewal and slight modification of an Access, Maintenance, and Master Special Events Permit ("Permit") to LFS Development, LLC, ("LFS; Permittee") for the Lane Field Park ("Park") located at the corner of Harbor Drive and West Broadway and the promenade on the north side of Broadway for their use of the public park/plaza areas which include a building, consisting of both a public comfort station ("Comfort Station"), and Broadway Plaza, consisting of a public access sidewalk and activation area north of Broadway, more particularly described and delineated as Parcels 1 through 3 ("Premises") in the City of San Diego, California. The area is proposed to be used for the purpose of temporary special events (generally less than forty-eight [48] hours each, excluding set-up and break-down times), such as weddings, holiday parties, concerts, conventioner meetings, lectures, etc., in portions of the Premises delineated as Parcel 1, and civic gatherings and celebrations, temporary art displays, farmer's markets, etc. (collectively, "Temporary Special Events"), in the portions of the Premises delineated as Parcel 2, in accordance with the terms of the Permit. In addition, the "C' Street View Corridor" area identified shall be maintained in a manner by LFS that provides for an unobstructed view from above the "Ordinary High Water Mark" to San Diego Bay, other than with respect to food trucks and other service vehicles that may be parked in such area from time to time.

In addition, LFS shall assume throughout the term of the Permit the following obligations for the Premises, including Parcels 1, 2, and 3: (i) responsibility for all operation and maintenance of the Premises including repairs and replacements necessary to keep the Premises in a clean and orderly condition, including but not limited to: full service maintenance for trash, litter, and recyclables removal; maintenance of lawns, landscaping and pruning, trees, signage, irrigation systems, plumbing systems-including back-flow preventer maintenance and annual certification testing, and electrical systems-including all light fixtures, light poles, lenses, housing, in-ground lighting and components; pest and rodent control, replenish and maintain doggy pot stations, drinking fountains, graffiti removal and painting, lpe wood park benches, including inspecting all surface for flush and smooth conditions; power washing, hardscape, concrete paving, unit pavers, and sand replenishment, storm drain inlets and storm drain filters; decomposed granite-racking, watering and compaction, including stabilizer sealer necessary to maintain level of surface and compaction, and consistent with the North Embarcadero Visionary Plan Phase I improvements, located across Harbor Drive, including without limitation, repairs and replacements necessary to maintain Premises in a good, safe, healthy and sanitary condition satisfactory to the District, and in compliance with all applicable laws; (ii) responsibility for maintenance of the Comfort Station located within the Premises including performing visual inspection of roofs and gutters for debris, daily cleanings, and providing all necessary supplies for the operation of the Comfort Station, and the bathrooms in the Comfort Station shall be open and available for public use between the hours of 6:00 a.m. and 10:30 p.m. daily; (iii) responsibility for providing any necessary security for the Premises; and (iv) ingress and egress for the purposes provided above. Additionally, major pedestrian pathways through the Park would be publicly accessible twenty-four (24) hours a day for all days except for those dedicated to civic events or when leased or rented to private parties pursuant to Port policy.

Furthermore, the proposed project includes implementation of "Park and Special Event Procedures and Guidelines" that outline features to which LFS must adhere to as part of the Permit. In accordance with the Lane Field Coastal Development Permit Public Access Plan issued by the California Coastal Commission (CCC) (CDP A-6-PSD-08-004-A1, Clerks Doc No. 61770), LFS shall comply with the following:

- Events on the Premises shall not exceed 3,000 people at one time.
- Major pedestrian pathways within the Premises will be publicly accessible 24 hours a day for all days except for those dedicated to civic events or when leased or rented to private parties pursuant to Port policy.
- In general, except for security and major pathway lighting, all park illumination will be extinguished at 10:30pm daily.
- Restrooms within the park will be available for use from 6:00am to 10:30pm daily.

Furthermore, in accordance with the North Embarcadero Visionary Plan (NEVP) Phase 1 Coastal Development Permit Public Access Program issued by the CCC (CDP A-6-PSD-11-006, Clerks Doc No. 58230), LFS shall comply with the following policies to promote interaction between the public spaces (Esplanade, Broadway Pier, Broadway Plaza, and Lane Field Setback Park) in the NEVP Phase 1 area:

- To the extent feasible, waterside events should be coordinated with all public spaces and the Lane Field Setback Park so as to maximize use of the public spaces on both sides of North Harbor Drive.
- To the extent possible, encourage use of the public spaces on both sides of North Harbor Drive, especially during special events (i.e., festivals, street fairs, farmers markets).
- Encourage use of alternate modes of transportation for special events to decrease automobile use in the area.
- Public spaces should be designed to encourage weekday and weekend use, as well as evening use, with lighting. Certain public spaces may only be accessible during the normal Port park hours of 6:00am to 10:30pm.
- The minimum hours of illumination are from approximately one-half hour before sunset to approximately one-half hour after sunrise.
- On occasion. West Broadway and/or North Harbor Drive may be closed to vehicular through-traffic and become strictly a pedestrian space to provide venues for special events, festivals, and street fairs.

Finally, LFS 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.

It is anticipated that the Permit would have a total term of approximately five (5) years. The Permit may be terminated by the District or Tenant as a matter of right and without cause at any time upon providing ninety (90) days' notice in writing to the other party of such termination, provided that District shall assume and be responsible for all permits for use of the Premises entered into by LFS prior to receiving such notice.

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

### *CATEGORICAL DETERMINATION*

In accordance with the California Environmental Quality Act (CEQA), the work allowed under the Permit was analyzed in the Master Environmental Impact Report (MEIR) for the North Embarcadero Alliance Visionary Plan (NEAVP), adopted by the Board of Port Commissioners (Board) in April 2000, by Resolution No. 2000-82. Pursuant to State CEQA Guidelines Section 15179, the Board adopted

Resolution No. 2006-131 on August 8, 2006, which found that: (1) no substantial changes have occurred with respect to the circumstances under which the NEAVP MEIR was certified; (2) the MEIR is adequate for use in review of subsequent projects; and, (3) the mitigation measures contained in the NEAVP MEIR and Mitigation Monitoring Reporting Program adopted by the Board under Resolution No. 2000-82 remain in effect and are applicable for subsequent projects described in the MEIR. The District subsequently prepared an Addendum to the MEIR for the Lane Field Development project as the environmental review for a Coastal Development Permit (CDP) for development of the Lane Field North and South parcels with a total of 800 hotel rooms and 80,000 square feet of retail space. The District adopted the Addendum and approved the issuance of a CDP on January 8, 2008. The proposed Permit is consistent with the project analyzed in the Addendum.

Pursuant to Section 15378(c) of the State CEQA Guidelines, the term "project" refers to the activity being approved, which may be subject to several discretionary approvals by governmental agencies, and does not mean each separate governmental approval. Accordingly, consent to the abovementioned Permit is a subsequent discretionary approval that would be consistent with a previously approved project. Therefore, no further environmental review is required pursuant to CEQA.

## **CALIFORNIA COASTAL ACT**

### *PORT MASTER PLAN CONSISTENCY*

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

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve an access, maintenance, and master special events permit to LFS for temporary events, consistent with the existing certified Land use designation. The proposed 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 District authorized issuance of a Coastal Development Permit (CDP) for the Lane Field Hotel project. The CDP was subsequently appealed by the California Coastal Commission (CCC). On January 8, 2009, the CCC determined the project complied with CEQA and approved the CDP for the Lane Field Hotel project (A-6-PSD-08-04/A-6-PSD-08-101). Furthermore, on April 13, 2011, the CCC approved the CDP for the NEVP Phase 1 project, with the understanding that an amendment to the Lane Field CDP would be required to include the Setback Park in the redesign of the hotel development. On February 6, 2013, the CCC authorized an amendment to the Lane Field CDP to incorporate the Setback Park as part of the project (A-6-PSD-08-04-A1). In November 2013, the CCC authorized an amendment to the Lane Field CDP to extend the expiration date to January 8, 2015 (A-6-PSD-08-004-E2). On September 22, 2015, the CCC authorized a second amendment to the Lane Field CDP to modify the project description and Public Access Plan concerning the publicly-accessible terrace and restaurant components of the project (A-6-PSD-08-004-A2). On January 11, 2016, the CCC authorized a third amendment to the Lane Field CDP to modify project description to extend the required construction start date by six months from February 6, 2016 to August 6, 2016 (A-6-PSD-08-004-A3). On February 8, 2018, the CCC authorized a fourth amendment to the Lane Field CDP to incorporate a temporary electronic public art installation (CDP No. A-6-PSD-08-004-A4). Finally, on July 10, 2019 the CCC authorized a fifth amendment to the Lane Field CDP to allow an area designated as visitor-serving retail and restaurant on Level 2 of Lane Field North to be used as an event space (A-6-PSD-08-004-A5). The proposed project is consistent with the project description in the CCC-issued CDP, as amended, and was confirmed to be consistent with the CCC-issued CDP by California Coastal Commission staff via email coordination on December 4, 2020. No additional action under the California Coastal Act is required at this time.

**CALIFORNIA PUBLIC TRUST DOCTRINE**

The proposed project complies with Section 87.(a)(2) of the Port Act, which allows for all visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. 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:  
Michael Paul  
Assistant Planner  
Development Services

Signature: Michael Paul  
Date: Mar 18, 2021

Deputy General Counsel

Signature: Chris Burt  
Date: Mar 18, 2021