



CEQA and COASTAL DETERMINATIONS

Project: Public Access During Comic-Con International: San Diego (Comic-Con)
Locations: Park Boulevard/Convention Way;
 Embarcadero Marina Park South, 200 Marina Park Way, San Diego, CA 92101;
 Harbor Drive between First Avenue and Park Boulevard;
 Front driveway and sidewalk in front of the San Diego Convention Center, 111 West Harbor Drive, San Diego, CA 92101;
 South Embarcadero Promenade between the entrances to EMPS and EMPN
Parcel No.: Various
Project No.: 2022-028
Applicants: Fae Desmond, San Diego Comic Convention, 225 Broadway, Suite 1800, San Diego, California 92101; and
 Clifford "Rip" Rippetoe, San Diego Convention Center Corporation, 111 West Harbor Drive, San Diego, California 92101
Date: May 3, 2022

PROJECT DESCRIPTION

The proposed project is the temporary activities associated with Comic-Con International: San Diego (Comic-Con), proposed by San Diego Comic Convention, a California Nonprofit Public Benefit Corporation that manages Comic-Con, and the San Diego Convention Center Corporation (collectively, "Applicant"). The proposed project includes public access components, safety and security restrictions, attendee line queueing and use of Embarcadero Marina Park South (EMPS) (collectively, "Project"). The Project would occur in the areas surrounding the San Diego Convention Center (SDCC), including portions of EMPS, EMPS parking, the public promenade around the perimeter of EMPS, portions of the Embarcadero Promenade between the entrances to EMPN and EMPS, Convention Way/Park Boulevard, a segment of Harbor Drive between First Avenue and Park Boulevard, the SDCC front driveway, and a segment of the sidewalk in front of the SDCC (collectively, "Project Site"). The Project does not include areas within San Diego Unified Port District (District) leaseholds (i.e., Fifth Avenue Landing (FAL), Hilton San Diego Bayfront (Hilton), and San Diego Symphony Orchestra Association (SDSOA)); District staff would ensure adequate public access is maintained in those areas. The event would have an approximate duration of four and a half (4.5) event days (Wednesday through Sunday), with two and a half (2.5) additional days for event setup and two for breakdown, for a total duration of nine days.

Safety and Security Restrictions

For safety and security purposes, a partial segment of Harbor Drive, from First Avenue to Park Boulevard, and the SDCC front driveway, would be temporarily restricted to shuttle loading and unloading, prepaid parking pass holders, Americans with Disabilities access, and emergency vehicles (i.e., no general public vehicles). If needed for COVID-19 related vaccine verification, the front driveway may be used for Comic-Con badge holder screening and line queueing. This restriction on Harbor Drive and the front driveway would be temporary, and would occur as follows:

- Harbor Drive
 - Wednesday: 2:00 p.m. to 10:00 p.m. (maximum of 8 hours)
 - Thursday through Saturday: 7:00 a.m. to 10:00 p.m. (maximum of 15 hours each day)
 - Sunday: 7:00 a.m. to 8:00 p.m. (maximum of 13 hours)
- Front Driveway
 - Wednesday: 7:00 a.m. to 10:00 p.m. (maximum of 15 hours)
 - Thursday through Saturday: 7:00 a.m. to 10:00 p.m. (maximum of 15 hours each day)
 - Sunday: 7:00 a.m. to 8:00 p.m. (maximum of 13 hours)

However, Harbor Drive may be re-opened earlier than these stated times when deemed safe by public safety officials. Market Street would be the primary detour for general public vehicles. No later than 30 days prior to the start of the event, SDCC would post the vehicular route detours on their website and include it in all applicable promotional materials (i.e., press releases, FAQs, and information brochures).

In addition, a portion of the sidewalk fronting SDCC would be restricted to Comic-Con attendees only (i.e., no general public). This restriction would be temporary, occurring on Wednesday from 2:00 p.m. to 10:00 p.m. for

a maximum of 8 hours; Thursday through Saturday from 7:00 a.m. to 10:00 p.m. for a maximum of 15 hours each day; and Sunday from 7:00 a.m. to 8:00 p.m. for a maximum of 13 hours. If needed for COVID-19 related vaccine verification, this sidewalk may be used for Comic-Con badge holder screening and line queuing. Similar to the Harbor Drive street segment and front driveway, the sidewalk in front of SDCC may be re-opened earlier than these stated times when deemed safe by public safety officials. During the temporary sidewalk restriction times, general public pedestrians would be redirected to use the MLK Promenade. The SDCC, Plaza Park adjacent to the SDCC, and the sidewalk behind the SDCC between SDCC and Convention Way would be restricted to attendees only.

Line Queueing and Use of EMPS

EMPS: The Project would utilize a portion of EMPS for attendee line queuing, as well as reserve EMPS parking spaces for vendors, equipment storage, portable restrooms, production area, and trash dumpsters.

At minimum, 31 clearly marked parking spaces at EMPS would be available for public use on a first come first served basis, including dedicated spaces for public fishing pier users. At no times would the event prohibit pedestrian public access to the existing public fishing pier, water ferry, two eateries, and the public promenade around the perimeter of EMPS. During the event, vehicular public access to the waterfront, public fishing pier, adjacent businesses, and to the limited public parking (available on a first come first served basis) would be available via Convention Way.

Embarcadero Promenade: As a result of COVID-19, State of California and County of San Diego requirements for indoor “mega-events” may result in the need for the Project Site to be expanded to include the Embarcadero Promenade to provide additional outdoor line queuing space for vaccine verification and/or attendee line queuing. SD Comic Convention shall first use all available surrounding outdoor areas for such queuing, such as the SDCC front driveway and the sidewalk fronting the SDCC, the eastern portion of EMPS, and portions of the public promenade around the perimeter of EMPS.

If these areas are being used for line queuing and additional outdoor queuing space is needed, then SD Comic Convention may utilize a portion of the Embarcadero Promenade between the entrances to EMPS and EMPN (between Marina Walk and Convention Way, and segment adjacent to the Hyatt Hotel and Seaport Village) for additional queuing. At no times would the event prohibit pedestrian public access to the Embarcadero Promenade, and no less than 50% of the Promenade width would always remain open to the general public.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemptions: SG §15304, Class 4/Section 3.d: Minor Alterations to Land; and SG § 15323 (Class 23): Normal Operations of Facilities for Public Gatherings

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 Project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Project because it is a temporary event that would not involve the removal of mature, scenic trees, would not have any effects on the environment, and would consist of the normal operation of existing facilities for public gatherings. The District

has determined none of the six exceptions to the use of a categorical exemption apply to the 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

CATEGORICAL DETERMINATION

The project is an appealable development pursuant to Section 30715 of the Coastal Act as it would temporarily restrict a roadway not principally for internal circulation within the Port’s boundaries. Furthermore, per the California Coastal Commission (CCC) Temporary Event Guidelines, temporary events shall be subject to Coastal Development Permit (CDP) review when unique circumstances exist relative to a particular temporary event that may have the potential for adverse impacts on coastal resources, including precluding the general public from use of a public recreational area for a significant period of time; and the event has historically required a CDP to address and monitor associated impacts to coastal resources. Consequently, the Project requires issuance of an appealable CDP.

A portion of the Project is located between the sea (as defined in the Coastal Act) and the first inland continuous road paralleling the sea, and the Project is fully consistent with Coastal Act Sections 30604(c), 30210-30224, and the Coastal Act public access policies referenced therein. This Project would enhance public access by drawing the public to San Diego bay thereby encouraging recreational opportunities and promoting public access along the waterfront. The Project is fully consistent with Chapters 3 and 8 of the Coastal Act. The Project Site is located in the Convention Way Basin and Marina Zone Subareas of Planning District 3, Centre City Embarcadero, which is delineated on Precise Plan Map Figure 11 of the certified PMP. The land use designations within the limits of the Project Site are Commercial Recreation, Park/Plaza, Street, and Promenade. Public access is an allowed use under the land use designations, while temporary event activities are ancillary to allowed uses. Therefore, the Project would be consistent with the certified land use designations and the certified PMP as activities associated with a temporary event.

CALIFORNIA PUBLIC TRUST DOCTRINE

The 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 Project is consistent with the Public Trust Doctrine.

JOE STUYVESANT
President/CEO

Determination by:
Lillian Mattes
Assistant Planner
Development Services

Signature: Lillian Mattes
Date: May 3, 2022

Deputy/Assistant General Counsel

Signature: Rebecca Harrington
Date: May 3, 2022