

**SAN DIEGO UNIFIED PORT DISTRICT  
DEVELOPMENT SERVICES DEPARTMENT**

P.O. BOX 120488  
SAN DIEGO, CA 92112-0488  
(619) 686-6419

**COASTAL DEVELOPMENT PERMIT**

**Applicants:** Fae Desmond, San Diego Comic Convention, 225 Broadway, Suite 1800, San Diego, CA 92101

Clifford "Rip" Rippetoe, San Diego Convention Center Corporation, 111 West Harbor Drive, San Diego, CA 92101

**Project:** Public Access during the 2021 Comic-Con International: San Diego (Comic-Con) Special Edition

**Location:** Various locations in the South Embarcadero bayfront within District jurisdiction in downtown San Diego, CA 92101, listed below and as shown on Exhibit 1, Project Site:

- Park Boulevard/Convention Way
- Embarcadero Marina Park South (EMPS)
- Harbor Drive between First Avenue and Park Boulevard
- Front driveway and sidewalk in front of the San Diego Convention Center (SDCC), 111 West Harbor Drive, San Diego, CA 92101
- South Embarcadero Promenade between the entrances to EMPS and EMPN (between Marina Walk and Convention Way, and segment adjacent to Seaport Village)
- Embarcadero Marina Park North (EMPN)

You are hereby granted a Coastal Development Permit. This Permit is issued in conformance with the California Coastal Act of 1976 and the Coastal Permit Regulations of the San Diego Unified Port District, as adopted by the Board of Port Commissioners on July 1, 1980, Resolution No. 80-193, and as amended on December 2, 1980, Resolution No. 80-343, and on February 14, 1984, Resolution No. 84-62, in accordance with the provisions for the issuance of an ☐ Emergency ☐ Non-Appealable ☒ Appealable Coastal Development Permit.

**Date of Board Action:** September 14, 2021

**Board of Port Commissioners Resolution Number:** 2021-xxx

**Date of Permit:** TBD

**Application Number:** 2021-xxx

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**Permit Number:** CDP-2021-xx

The Project, as defined below, is located within the jurisdiction of the San Diego Unified Port District (District) and in the California Coastal Zone. The Project constitutes development pursuant to Coastal Act Section 30106 as it would result in a temporary change in the intensity of use of land. Pursuant to the California Coastal Act, the proposed development is considered “appealable.” Chapter 8 of the Coastal Act regulates port development within the California Coastal Zone. Section 30715 of Chapter 8 specifies the sole categories of development that may be appealed to the Coastal Commission. Development relating to roads or highways which are not principally for internal circulation within the Port boundaries is listed as appealable in Section 30715. The Project is also 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 Public Resources Code Sections 30604(c), 30210-30224, and the Coastal Act public access and recreation policies referenced therein.

The Project will protect public access and public recreation opportunities by ensuring public access routes from uplands to San Diego Bay are maintained and available during Comic-Con Special Edition. The Project conforms to the land use designations of “Commercial Recreation,” “Park/Plaza,” “Promenade,” and “Street,” Precise Plan text in the Centre City Embarcadero Planning District, and Project list (Table 11) of the certified Port Master Plan (PMP). The Project is fully consistent with Chapter 8 of the Coastal Act and the District’s certified Port Master Plan (PMP).

This Permit is limited to the development described below and set forth in material on file with the District and subject to the terms, conditions, and provisions hereinafter stated:

## **DEVELOPMENT**

San Diego Comic Convention, a California Nonprofit Public Benefit Corporation (SD Comic Convention), which manages the Comic-Con International: San Diego convention (Comic-Con) temporary event, and the San Diego Convention Center Corporation (SDCCC), which manages the San Diego Convention Center (SDCC), as the Project co-applicants (collectively, Applicant or Permittee), propose temporary activities associated with the Comic-Con Special Edition event, herein referred to as the “Project.” Comic-Con Special Edition will be a smaller, in-person supplemental event to the July 2021 Comic-Con@Home online event, and will be held November 26 to 28, 2021. Such temporary activities include operation of Comic-Con Special Edition within the District’s jurisdiction, including, but not limited to, use of EMPS and EMPN and the Embarcadero Promenade, public access components, safety and security restrictions, and Comic-Con Special Edition line queueing, within the Project Site as shown on Exhibit 1, as more fully described below and shown on Exhibits 2 and 3.

This Permit shall permit the Project for the 2021 Comic-Con Special Edition, subject to the Permittee obtaining all necessary agreements and permits from the District and other regulatory agencies. The “Development” section of this Permit represents a worst-case

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scenario, and activities and configuration of Project components may vary, but may not exceed the parameters described in this “Development” section, as determined by the District (and in consultation with California Coastal Commission (CCC) staff), without a future amendment to this Permit.

### Project Site

The Project site includes the areas surrounding the SDCC, including portions of EMPS and EMPN, EMPS and EMPN parking, the public promenades around the perimeters of EMPS and EMPN, portions of the Embarcadero Promenade, a segment of Harbor Drive between First Avenue and Park Boulevard, Park Boulevard/Convention Way, and the front driveway and sidewalk in front of the SDCC (see Exhibit 1). The Project does not include the Comic-Con Special Edition events and activities located inside the SDCC, as a CDP is not required for such activities. The Project also 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) (FAL, Hilton and SDSOA are collectively referred to as “District lessees”); District staff will work with the District lessees to ensure adequate public access is maintained in those areas.

### Operations

Comic-Con Special Edition will be a smaller, in-person supplemental event to the July 2021 Comic-Con@Home online event, that will be held Friday, November 26 to Sunday, November 28, 2021 at the SDCC. Comic-Con Special Edition will have an approximate duration of 3 event days (Friday, November 26 to Sunday, November 28), with 4 additional days for event setup (Monday, November 22 to Thursday, November 25) and 2 days for breakdown (Monday, November 29 to Tuesday, November 30), for a total duration of 9 days (Monday, November 22 to Tuesday, November 30). During setup and breakdown, public access will be available. The Project includes Comic-Con Special Edition operations within the District’s jurisdiction within the Project site (see Exhibit 1).

### Safety and Security Restrictions

For safety and security purposes, a partial segment of Harbor Drive, from First Avenue to Park Boulevard, and the front driveway in front of the SDCC (Exhibit 2), will be temporarily restricted to no general public vehicles and only available for Comic-Con Special Edition shuttle loading and unloading, prepaid parking pass holders, emergency vehicles, and Americans with Disabilities Act access. If needed for COVID-19 related vaccine verification, it may be used for Comic-Con Special Edition badgeholder screening and line queuing. This restriction on Harbor Drive and the front driveway will be temporary and will occur on Friday and 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. However, Harbor Drive and the front driveway may be re-opened earlier than these stated times and durations when deemed safe by public safety officials. Market Street will be the primary detour for general public vehicles. No later than 30 days prior to the start of the event, SDCCC will post the vehicular route detours on their website and include it in all applicable promotional materials (i.e., press releases, FAQs, and information brochures).

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In addition, a portion of the sidewalk fronting the SDCC will be temporarily restricted to Comic-Con badge-holders only (i.e., no general public) on Friday and 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. Similar to the Harbor Drive street segment and the front driveway, the sidewalk in front of the SDCC may be re-opened earlier than these stated times and durations when deemed safe by public safety officials. During the temporary sidewalk restriction times, general public pedestrians will be redirected to use the Martin Luther King (MLK) Promenade (See Exhibit 3). The SDCC, Plaza Park adjacent to the SDCC, and the sidewalk behind the SDCC between SDCC and Convention Way will be restricted to Comic-Con Special Edition badge-holders only (see Comic-Con Special Edition Badge Holders Only in Exhibit 3).

Comic-Con Special Edition Line Queuing

EMPS

SD Comic Convention will utilize a portion of EMPS for Comic-Con Special Edition line queuing and reserve EMPS parking spaces for event vendors, equipment storage, portable restrooms, production area, and trash dumpsters (see Exhibit 3). The District will issue a Park Permit for SD Comic Convention's use of EMPS and reservation of Comic-Con Special Edition parking spaces at EMPS. Portions of the public promenade around the perimeter of EMPS (along the entry roadway to EMPS and promenade surrounding SDSOA's The Rady Shell) may be partially used for line queuing, on a temporary basis, but a portion will always remain open to the general public, as well as necessary line breaks to allow for access to District tenant leaseholds, including, but not limited to District lessees. SD Comic Convention will continue to seek ways to reduce line queuing on the public promenades.

At minimum, 31 clearly marked parking spaces at EMPS will be available for public use on a first come first served basis, including dedicated spaces for public fishing pier users. At no times will 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) will be available via Convention Way (see Exhibit 3).

Harbor Drive Segment

As discussed above, if needed for COVID-19 related vaccine verification, a portion of the Harbor Drive segment may be used for Comic-Con Special Edition badgeholder screening and line queuing.

Embarcadero Promenade and EMPN

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 footprint to be expanded to include the Embarcadero Promenade and EMPN to provide additional outdoor line queuing space for vaccine verification and/or attendee line queuing. SD Comic Convention shall first use all available indoor SDCC and surrounding outdoor areas used

for traditional Comic-Con events for such queuing; indoor areas include: Hall G, Sails Pavilion, and other available convention space, and outdoor areas include: the restricted Harbor Drive segment, the SDCC front driveway, Plaza Park, the eastern portion of EMPS (see “Line Queuing Area” in Exhibit 3), and portions of the public promenade around the perimeter of EMPS (along the entry roadway to EMPS and promenade surrounding SDSOA’s The Rady Shell).

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 Seaport Village) for additional Comic-Con Special Edition queuing. Portions of the Embarcadero Promenade may be partially used for line queuing, on a temporary basis, but no less than 50% of the Promenade width) will always remain open to the general public, as well as necessary line breaks to allow for access to District tenant leaseholds, including, but not limited to District lessees. At no times will the event prohibit pedestrian public access to the Embarcadero Promenade. SD Comic Convention will continue to seek ways to reduce line queuing on the public promenades.

If all of the above areas are being used for line queuing and additional outdoor queuing space is still needed, then SD Comic Convention may utilize the EMPN promenade for additional Comic-Con Special Edition queuing. If the EMPN promenade is used, SD Comic Convention will reserve some EMPN parking spaces for portable restrooms and dumpsters. The District will issue a Park Permit for SD Comic Convention’s use of EMPN and reservation of Comic-Con Special Edition spaces at EMPN. Portions of the public promenade around the perimeter of EMPN may be partially used for line queuing, on a temporary basis, but a portion will always remain open to the general public, as well as necessary line breaks to allow for access to District tenant leaseholds, including, but not limited to District lessees. At no times will the event prohibit pedestrian public access to the public promenade around the perimeter of EMPN. SD Comic Convention will continue to seek ways to reduce line queuing on the public promenades.

#### Public Access Plan

The Permittee shall implement a Public Access Plan (PAP) to ensure that certain areas within the Project site are available to, and accessible by, the general public during Comic-Con Special Edition (see Exhibit 3, Public Access During Comic-Con Special Edition). To ensure public access to the waterfront is maintained and available during Comic-Con Special Edition, the Project includes the following public access requirements:

- No later than 30 days prior to the start of the event, SDCCC will post on their website and include in all applicable promotional materials (i.e., press releases, FAQs, and information brochures) available vehicular and pedestrian public accessways to the waterfront, and shall promptly notify District staff when this has been completed, and provide evidence of such completion. SD Comic Convention will provide links to this information on their webpage and will provide this information to their on-site event staff, and shall promptly notify District staff when this has been completed, and provide evidence of such completion.



- During the event, public pedestrian access to the waterfront will be provided via Marina Walk between the Manchester Grand Hyatt San Diego (Hyatt) and Marriott Marquis San Diego Marina (Marriott) hotels, Canyon Path between the Marriott hotel and SDCC, the public Pedestrian Bridge along Park Boulevard, and the sidewalk along the south side of Convention Way next to the Hilton hotel. Although not part of the project area, public pedestrian access will also be available via the MLK Promenade on the east side of Harbor Drive (see Exhibit 3).
- At no times will the event prohibit pedestrian public access to the existing public fishing pier, water ferry, two eateries, the Embarcadero Promenade, and the public promenades around the perimeters of EMPS and EMPN.(see Exhibit 3)
- SD Comic Convention will post public access signage (approximately 3 feet by 7 feet) indicating “bay access” to direct pedestrians to the waterfront during the event. The public access signage will be located at Marina Walk between the Marriott and Hyatt hotels (1 sign), at Canyon Path between the Marriott hotel and SDCC (2 signs), at the Pedestrian Bridge (2 signs), and at the entrances to EMPS and EMPN (see Bay Access Signage locations in Exhibit 3).
- During the event, vehicular public access to the waterfront, public fishing pier, adjacent businesses, and to limited public parking at EMPS (available on a first come first served basis) will be available via Convention Way (see Vehicle Public Access in Exhibit 3). SD Comic Convention will provide their on-site event staff (SD Comic Convention staff and/or contracted staff and/or security) with this information.
- If used for line queuing, SD Comic Convention will place ground decals on the northern segment of the public promenade along the entry roadway to EMPS, the public promenades around the perimeters of EMPS (around The Rady Shell) and EMPN, and the Embarcadero Promenade, to distinguish the public access routes from the temporary line queueing, and to ensure public access is available.
- SD Comic Convention will continue to provide on-site line management to monitor the lines during the event to ensure public access is available on portions of the public promenades around the perimeters of EMPS and EMPN and the Embarcadero Promenade, if used for line queuing. No less than 50% of the Embarcadero Promenade width will always remain open to the general public.
- A minimum of 31 clearly marked parking spaces at EMPS shall be available and clearly labeled for public use on a first come first served basis, including dedicated spaces for public fishing pier users. During the event, SD Comic Convention on-site contracted staff and/or security will be located at the entrance of Convention Way and the EMPS parking lot to communicate, with each other and to the public, the availability of public parking spaces, and accessibility to the public fishing pier and adjacent businesses. SD Comic Convention will provide their on-site event

staff with this information. Furthermore, SD Comic Convention will post signage (approximately 4 feet by 4 feet) indicating “limited public parking available on a first come first served basis.” (see Parking Signage locations in Exhibit 3) The signage will be placed near SD Comic Convention on-site contracted staff and/or security who will be located both at the entrance of Convention Way and the EMPS parking lot.

- During the event there will be no rideshare zones designated within EMPS.
- During the event, SD Comic Convention, SDCCC, District staff, and, if requested by CCC staff, CCC staff, shall meet on site. After walking the site, SD Comic Convention, SDCCC, District staff, and CCC staff (if applicable) may agree to additional or revised public access components that will be memorialized in a final PAP Report for implementation in subsequent years.

#### PAP Report

Within 60 days after the event is complete, SDCCC, on behalf of SD Comic Convention, will submit to the District, in a form acceptable by the District, a PAP Report that demonstrates conformance with the PAP requirements of this Permit. The PAP Report shall, at a minimum, contain the following:

- Evidence that no later than 30 days prior to the start of the event, SDCCC posted on their website and included in all applicable promotional materials (i.e., press releases, FAQs, and information brochures) available vehicular and pedestrian public accessways to the waterfront, and that SD Comic Convention provided links to this information on their webpage and provided this information to their event staff.
- Evidence (such as video clips or photographs) that clearly indicates the following:
  - Portions of the Embarcadero Promenade, the promenades around the perimeters of EMPS and ENPN, Convention Way, public parking at EMPS, the public fishing pier, water ferry, and two eateries were accessible to the public (pedestrians and vehicles, as appropriate) during the event.
  - Placement of ground decals to distinguish the public access routes from the temporary line queuing on the promenade (at the EMPS and ENPN promenades and the Embarcadero Promenade).
  - Availability of a minimum of 31 clearly marked parking spaces at EMPS for public use on a first come, first served basis including dedicated spaces for public fishing pier users.
  - SD Comic Convention contracted staff and/or security were located at the entrance of Convention Way and the EMPS parking lot to communicate, with

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each other and to the public, the availability of public parking spaces, and accessibility to the public fishing pier and adjacent businesses.

- No rideshare zones were designated within EMPS.
- Photographic evidence of adequate placement of “bay access” public access signage (approximately 3 feet by 7 feet) at the following locations (see also Bay Access Signage locations in Exhibit 3):
  - Marina Walk between the Marriott and Hyatt hotels (1 sign)
  - Canyon Path between the Marriott hotel and SDCC (2 signs)
  - The Pedestrian Bridge (2 signs)
  - The entrances to EMPS and EMPN
- Photographic evidence of adequate placement of signage (approximately 4 feet by 4 feet) indicating “limited public parking available on a first come first served basis” and placed near SD Comic Convention on-site contracted staff and/or security located both at the entrance of Convention Way and the EMPS parking lot (see also Parking Signage locations in Exhibit 3).
- Results of SD Comic Convention, SDCCC, District staff, and CCC staff (if applicable) onsite meeting during the event, and description of any additional or revised public access components for the Project required for subsequent year events (to be covered by a separate Permit).
- A summary of Permittee lessons learned and any proposed revisions to the public access requirements for the Project that shall be incorporated into the event for implementation in subsequent years.
- If the District imposes additional or revised public access components for the Project as part of the PAP (in consultation with CCC staff), the Permittee shall incorporate these into a Final PAP Report for implementation in subsequent years and submit it to the District.

### COVID Emergency

While the District is the issuing agency of a CDP for the Project, the District is not responsible for deciding whether the Project moves forward considering COVID-19. However, the District recognizes the seriousness of COVID-19, COVID-19 orders, issued by the State, County of San Diego and the City of San Diego (collectively, Orders) and the importance of social distancing and public health and safety. Accordingly, the Project shall comply with all COVID-19 orders, and the Permittee shall obtain any necessary approvals from health officials to conduct the Project. Prior to commencement of the Project, Permittee shall provide, in a form acceptable to the District, proof of the necessary approvals from health officials to conduct the Project. Permittee acknowledges and agrees that the District has no liability, whether in law or equity, related to COVID-19 and the Project.



**STANDARD PROVISIONS**

1. Permittee shall adhere to the current plans for the Project as approved by the District and the project features, described above in the “DEVELOPMENT” section of this Permit, for the Project.
2. Permittee shall notify the District of any changes in the Project and herein described in the “DEVELOPMENT” section of this Permit. Notification shall be in writing and be delivered promptly to the District. District approval of the Project change may be required prior to implementation of any changes.
3. Permittee and the Project shall meet all applicable codes, statutes, ordinances and regulations, and Permittee shall obtain all necessary permits from local, regional, state, and federal agencies.
4. Permittee shall conform to, and this Permit is subject to, the Permit rules and regulations of the District, including, but not limited to, the District’s Coastal Development Permit Regulations.
5. Permittee shall be responsible for compliance with ADA and Title 24 specifications.
6. Permittee shall commence development within two (2) years following the date of Permit issuance by the District. Construction shall be pursued in a diligent manner and completed within a reasonable period of time.
7. The Permit is in no way intended to affect the rights and obligations heretofore existing under private agreements nor to affect the existing regulations of other public bodies.
8. This Permit shall not be valid unless two copies have been returned to the Development Services Department of the District, upon which copies the Permittee has signed a statement agreeing that the Permittee will abide by the terms, conditions, limitations, and provisions of the permit.
9. The Permittee and contractor shall perform all best management practices (BMPs) during construction and maintenance operations. This includes no pollutants in the discharges to storm drains or to Pacific Ocean, to the maximum extent practicable.
10. All District tidelands are regulated under Regional Water Quality Control Board Order No. R9-2013-0001, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS0109226, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds Within the San Diego Region (Municipal Permit). The Municipal Permit prohibits any activities that could degrade stormwater quality.

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The Permittee shall ensure that post-construction / operational use of the Project Site complies with the Municipal Permit and District direction related to permitted activities including the requirements found in the District's Jurisdictional Runoff Management Program (JRMP). The JRMP is available on the District website: <https://www.portofsandiego.org/environment/clean-water> or by contacting the Stormwater Department, (619) 686-6254.

11. The Project may be subject to the District post-construction BMP requirements. If so, approval of the Project by the District is necessarily conditioned upon submission by the Permittee of a specific Stormwater Quality Management Plan (SWQMP) for the Project that meets District requirements and is compliant with the District BMP Design Manual (JRMP Appendix D). The Permittee shall implement all post-construction structural and non-structural BMPs throughout the life of the Project.

The implementation and maintenance of the post-construction BMPs constitute regulatory obligations for the Permittee, and failure to comply with the Municipal Permit, the JRMP, or the District approved SWQMP, including the specific BMPs contained therein, may be considered a violation of the permit and a violation of District Code.

12. In the discretion of the District, prior to commencement of construction, Permittee may be required to require that their contractor(s) furnish security, naming the District as a dual obligee, in the form of a performance bond and a payment bond, each in an amount deemed appropriate by the District to guarantee payment of the subcontractors, completion of the approved work under this Permit, and compliance with the conditions and limitations upon which such Permit is granted. Prior to commencement of construction, Permittee may also be required by the District to furnish security in the form of a payment bond in an amount deemed appropriate by the District to guarantee payment to the contractor(s) for work performed under this Permit.
13. By accepting this Permit, Permittee acknowledges and agrees (a) that the Project site may be subject to environmental and other conditions and hazards; (b) to assume the risks to the Permittee of injury and damage to Permittee, contractors, subcontracts, sponsors, vendors, patrons, the District, its Board of Port Commissioners, officers, agents and employees ("District" for purposes of this condition), attendees, and the public attending the event or on the Project Site during the event (including setup and breakdown) (collectively, "Potential Claimant"), from such conditions and/or conditions created by Permittee in connection with the implementation or operations of the Project; (c) to unconditionally waive any claim of damage or liability against the District for injury or damage to Potential Claimants from such conditions and/or from the conditions created by the Permittee in performing the or operating the Development and/or Project for which this Permit is issued; (d) to defend, indemnify and hold harmless, and require that Permittee's contractor(s) engaged to perform the development on the Project defend, indemnify and hold harmless, the District from any claim, demand, liability, loss, action, administrative agency appeal, damage, cost, expense (including all attorneys' fees and consultant/expert fees), award, fine, penalty or judgment (collectively, "Claims")

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arising out of, resulting from, or in any way related to the performance of the development by Permittee or Permittee's contractor(s) for which this Permit is issued, with the exception of any claim, action, damages, liability or costs arising or resulting from the Project caused by the gross negligence or willful misconduct of the District; (e) to defend, indemnify and hold harmless the District from any Claims arising out of, resulting from, or in any way related to the Project and/or Permittee's operation of the Project Site with the exception of any claim, action, damages, liability or costs arising or resulting from the Project caused by the gross negligence or willful misconduct of the District; (f) to defend, indemnify and hold harmless the District from any Claims arising out of, resulting from, or in any way related to the District's approval of the Project, the granting of this Permit, and the District's adoption and approval of any environmental analysis under the California Environmental Quality Act; and (g) that Permittee shall have sufficient insurance for development and operation of the Project and name the District as an additional insured on all policies of insurance, now in existence or to be obtained by Permittee for the Project and that Permittee will require Permittee's contractors to name the District as an additional insured on all policies of insurance, now in existence or to be obtained by them, for the work conducted pursuant to this Permit.

14. Permittee acknowledges and agrees that: (a) it is the sole and exclusive responsibility of Permittee, and not the District, to ensure that all persons and/or entities who provide any labor, services and/or equipment in connection with the Project, shall comply with the requirements of California's prevailing wage laws (the "PWL"), to the extent such laws are applicable; and (b) it is the sole and exclusive responsibility of Permittee, and not the District, to determine whether the Project is subject to the PWL by obtaining a determination by means that do not involve the District. If the Project is determined to be subject to the PWL, Permittee shall comply with all applicable provisions of the PWL, and shall take reasonable steps to ensure that all persons and/or entities who provide any labor, services, equipment and/or materials in connection with the Project shall likewise comply with all applicable provisions of the PWL.

Permittee further acknowledges and agrees that Permittee's failure to comply with all applicable provisions of the PWL, and/or their failure to take reasonable steps to ensure that all persons and/or entities who provide any labor, services, equipment and/or materials in connection with the Project comply with all applicable provisions of the PWL, shall render Permittee, and not the District, liable for all remedies (inclusive of all applicable fines and penalties), afforded by law as a consequence of such non-compliance. Permittee expressly agrees to defend, indemnify and hold harmless the District, from any claim, demand, liability, loss, action, damage, cost, expense (including all attorneys' fees and consultant/expert fees), award, fine, penalty or judgment arising out of, resulting from, or in any way related to the PWL (collectively "PWL Claim") made against or incurred by the District in any capacity (including, without limitation, as a real party in interest), except for any PWL Claim arising out of the sole negligence or willful misconduct of the District.

15. The conditions of this Permit are independent of, and in addition to, the obligations of the Permittee under any existing lease(s), Tidelands Use and Occupancy Permit(s), or other contractual agreement(s) with the District, and are binding upon Permittee and its agents, representatives, successors and permitted assigns.

**INSTALLATION AND PREPARATION MEASURES**

1. To minimize noise during construction, the Permittee will require the construction contractor to (a) restrict normal construction activities from 7:00 am to 7:00 pm; (b) keep construction equipment as far as possible from sensitive receptors; and (c) provide acoustical shielding around equipment operating at night, from 10:00 pm to 7:00 am.
2. To minimize nuisance effects from lights or glare during installation and preparation, the Permittee will require the construction contractor to shield and direct night lighting away from adjacent areas.
3. All construction equipment shall be maintained in peak condition to reduce operational emissions.
4. Diesel equipment shall use low-sulfur diesel fuel.
5. Electric equipment shall be used to the maximum extent feasible during construction.
6. The Permittee shall require the construction contractor to provide construction employees with transit and ride share information.
7. The Permittee shall ensure that any site contamination is identified and a site restoration plan, acceptable to the appropriate regulatory agencies, is prepared and implemented to reduce any existing contamination to a level that has no potential to threaten employee or human health as defined under existing regulations. If any potential exists for impacts to employee health from exposure to hazardous materials, workers shall be provided with adequate protective gear.
8. The Permittee shall require all employees that are exposed to noise levels in excess of Occupational Safety and Health Administration hearing protection thresholds, during construction or operation, to wear noise protection devices (ear plugs and covers) that are protective of individual hearing.

**SPECIAL PROVISIONS**

1. Permittee shall comply with the Project Description under the above "DEVELOPMENT" section of this Permit.
2. This Permit shall only permit the temporary activities described in the "DEVELOPMENT" section of this Permit. This condition shall not be interpreted or construed as an admission or guarantee of District sponsorship or funding of the Project or event.

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Operation of the Project and development of the Project as specified in the “DEVELOPMENT” section of this Permit is expressly conditioned on Permittee obtaining all applicable agreements and permits from the District and other relevant local, regional, State or federal agencies (collectively, “Approvals”), and said Approvals, if discretionary, from the District may be withheld by the District in its sole and absolute discretion. Permittee assumes the risk that Approvals may not be granted and if any Approvals are not granted, the Applicant shall waive all Claims it may have against the District in law and in equity.

3. Within 30 days prior to the start of the Project described under the “DEVELOPMENT” section of this Permit, Permittee must apply for and obtain all other Approvals from the District as applicable, from the Real Estate Department, Waterfront Arts and Activation Department, and other relevant local, regional, State or federal agencies.
4. Permittee shall comply with the Public Access Plan (PAP) described in the above “DEVELOPMENT” section of this Permit (see also Exhibit 3, Public Access During Comic-Con Special Edition). Within 60 days of completion of the event, Permittee shall submit a PAP Report, in a form acceptable by the District, demonstrating conformance with the PAP requirements of this Permit. The PAP Report shall contain, at a minimum, the components described in the above “PAP Report” subsection of the “DEVELOPMENT” section of this Permit.
5. At no times will the event prohibit pedestrian public access to the existing public fishing pier, water ferry, two eateries at EMPS, the Embarcadero Promenade, and the public promenades around the perimeters of EMPS and EMPN.
6. A portion of the Embarcadero Promenade (no less than 50% of the Promenade width) shall remain open at all times during the event to the general public to facilitate public access to the bayfront.
7. During the event, vehicular public access to the waterfront, public fishing pier, adjacent businesses, and to limited public parking (available on a first come first served basis) at EMPS will be available via Convention Way.
8. During the event, SD Comic Convention, SDCCC, District staff, and, if requested by CCC staff, CCC staff, shall meet on site. After walking the site, SD Comic Convention, SDCCC, District staff, and CCC staff (if applicable) may agree to additional or revised public access components that will be memorialized in a final PAP Report for implementation in subsequent years.
9. No street segment temporary restrictions other than at Harbor Drive, from First Avenue to Park Boulevard, described under the “DEVELOPMENT” section above, shall be permitted without an amendment to this Permit.



COASTAL DEVELOPMENT PERMIT NO. CDP-2021-XX  
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10. Due to the unique nature of the Project, Standard Provision 12 above does not apply to the Project.
11. Permittee shall have insurance as required by, and consistent with, a District-issued Park Permit, which shall satisfy Standard Provision 13(g) above.
12. The Project shall comply with the COVID-19 Orders, and Permittee shall obtain any necessary approvals from health officials to conduct the Project. Prior to commencement of the Project, Permittee shall provide, in a form acceptable to the District, proof of the necessary approvals from health officials to conduct the Project.

Exhibits:

1. Project Site
2. Temporary Partial Street, Driveway, and Sidewalk Segment Restrictions
3. Public Access During Comic-Con Special Edition

If you have any questions on this permit, please contact the Development Services Department of the San Diego Unified Port District at (619) 686-6419.

JOSEPH STUYVESANT  
President/Chief Executive Officer

By: \_\_\_\_\_  
Wileen C. Manaois  
Director, Development Services

I have read and understand the terms, conditions, limitations, and provisions of this Permit and agree to abide by them.

\_\_\_\_\_  
**Signature of Permittee**  
*Fae Desmond, Executive Director*  
*San Diego Comic Convention*

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Permittee**  
*Clifford "Rip" Rippetoe*  
*San Diego Convention Center Corporation*

\_\_\_\_\_  
**Date**

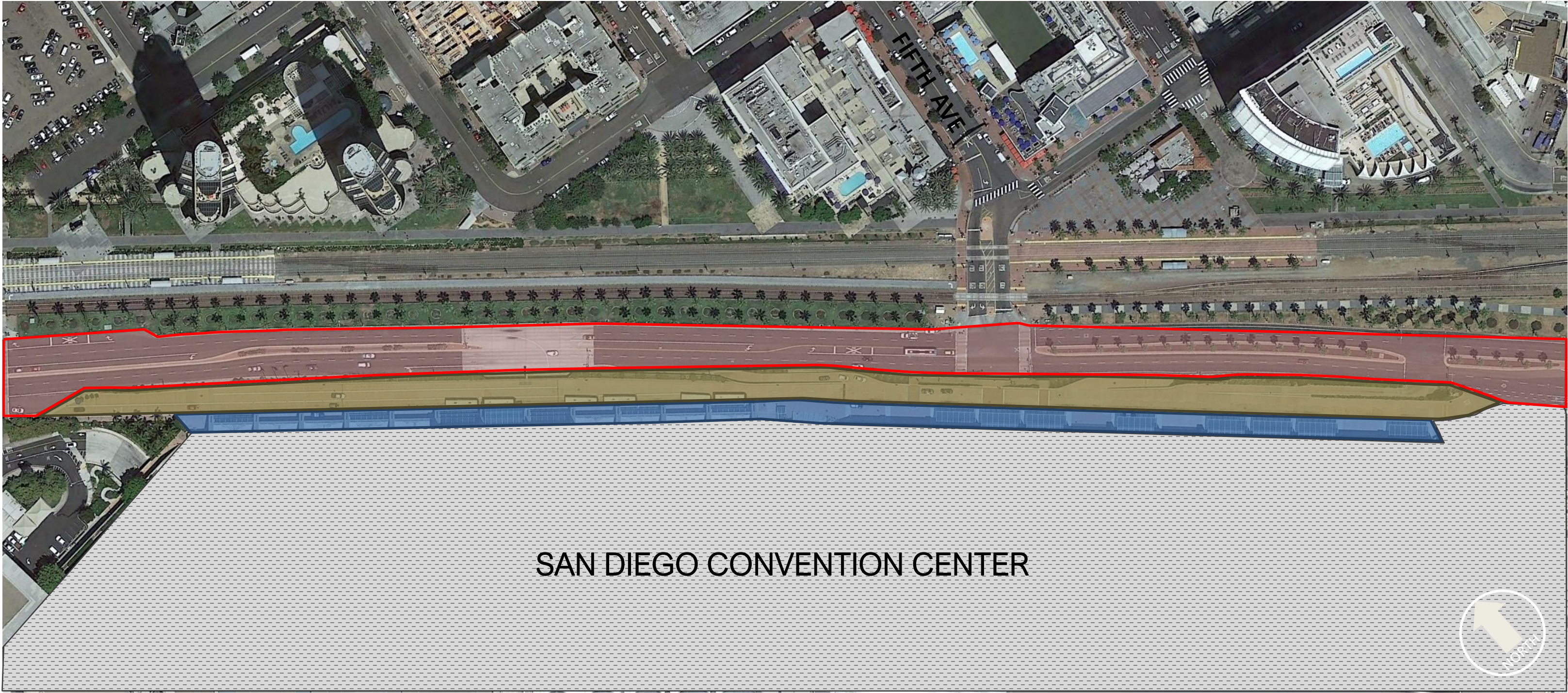




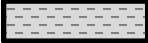





TEMPORARY PARTIAL STREET, DRIVEWAY, AND  
SIDEWALK SEGMENT RESTRICTION

(for Comic-Con and ADA shuttles, emergency vehicles, pre-paid parking pass  
holders, and attendee screening and associated queuing)



LEGEND

-  Comic-Con Badge Holders Only
-  Harbor Drive
-  Convention Center Driveway
-  Convention Center Sidewalk



