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**Title:** CONDUCT A PUBLIC HEARING AND ADOPT A RESOLUTION AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT TO SAN DIEGO COMIC CONVENTION AND THE SAN DIEGO CONVENTION CENTER CORPORATION FOR PUBLIC ACCESS DURING THE 2021 COMIC-CON INTERNATIONAL: SAN DIEGO (COMIC-CON) SPECIAL EDITION

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Date	Ver.	Action By	Action	Result
9/14/2021	1	Board of Port Commissioners	adopted	Pass

**DATE:** September 14, 2021

**SUBJECT:**

**CONDUCT A PUBLIC HEARING AND ADOPT A RESOLUTION AUTHORIZING ISSUANCE OF AN APPEALABLE COASTAL DEVELOPMENT PERMIT TO SAN DIEGO COMIC CONVENTION AND THE SAN DIEGO CONVENTION CENTER CORPORATION FOR PUBLIC ACCESS DURING THE 2021 COMIC-CON INTERNATIONAL: SAN DIEGO (COMIC-CON) SPECIAL EDITION**

**EXECUTIVE SUMMARY:**

San Diego Comic Convention (SD Comic Convention), which manages the Comic-Con International: San Diego convention temporary event (Comic-Con), 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 Comic-Con Special Edition, including operation of Comic-Con Special Edition within the District's jurisdiction, including, but not limited to, use of Embarcadero Marina Park South (EMPS) and Embarcadero Marina Park North (EMPN) and portions of the South Embarcadero Promenade, public access components, safety and security restrictions (i.e., temporary partial street, driveway, and sidewalk segment restrictions), and Comic-Con Special Edition line queuing within the site of the project (collectively, Project). The Project site includes the public areas surrounding the SDCC: Park Boulevard/Convention Way, portions of EMPS and EMPN, Harbor Drive between First Avenue and Park Boulevard, the front driveway and sidewalk in front of SDCC, and the South Embarcadero Promenade between EMPS and EMPN.

The traditional in-person Comic-Con event is typically held annually in July, but due to COVID-19 precautions, was cancelled in 2020 and postponed in 2021; instead, online only events (Comic-

Con@Home) were held. In anticipation that conditions will permit in-person gatherings, the Applicant proposes a significantly smaller, 3 day in-person event, referred to as Comic-Con Special Edition, scheduled to be held November 26 to November 28, 2021, in addition to 4 days of setup and 2 days of breakdown, for a total duration of 9 days. The Project requires a Coastal Development Permit (CDP), and pursuant to the proposed CDP, the Applicant is required to comply with all orders related to COVID-19 and the San Diego Unified Port District (District) has no responsibility if the event is cancelled due to COVID-9.

Following the 2018 Comic-Con event, California Coastal Commission (CCC) staff informed SD Comic Convention and District staff that the Comic-Con event would require a CDP for future year events to adequately assess the potential impacts to public access, including a comprehensive public access plan, to minimize impacts to public access to and along San Diego Bay (Attachment A). District staff, along with SD Comic Convention, SDCCC, and City staff, have been coordinating with CCC staff since the 2018 Comic-Con, to ensure that CCC staff's public access concerns are addressed and memorialized in the subject CDP.

The Project is determined to be Categorically Exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines and the District's Guidelines for Compliance with CEQA. Pursuant to the District's CDP Regulations and the California Coastal Act, the Project requires issuance of an Appealable CDP. The Project is consistent with the certified Port Master Plan (PMP). Staff is recommending the Board authorize issuance of an Appealable CDP (Attachment B, Draft CDP) and the corresponding Public Access Plan (PAP), which the Applicant will be required to implement to ensure that certain areas within the Project site are available to, and accessible by, the general public during Comic-Con Special Edition. Staff intends to return to the Board in the near future with a separate multi-year CDP to cover future traditional in-person Comic-Con events.

### **RECOMMENDATION:**

Conduct a public hearing and adopt a resolution authorizing issuance of an Appealable Coastal Development Permit to San Diego Comic Convention and the San Diego Convention Center Corporation for Public Access during the 2021 Comic-Con International: San Diego (Comic-Con) Special Edition

### **FISCAL IMPACT:**

The Board's authorization of the issuance of the CDP for the Project will have no direct fiscal impact to the District.

### **COMPASS STRATEGIC GOALS:**

The Board's action would authorize issuance of an Appealable CDP for temporary activities associated with Comic-Con Special Edition, an event that would help ensure that San Diego Bay remains a vibrant waterfront destination by continuing to provide opportunities for activation of and access to the waterfront.

This agenda item supports the following Strategic Goals:

- A Port that the public understands and trusts.
- A vibrant waterfront destination where residents and visitors converge.

- A Port that is a safe place to visit, work, and play.

## **DISCUSSION:**

### **Background**

Comic-Con is a popular culture convention held annually in July at the SDCC. Comic-Con began as a small gathering in 1970 at the U.S. Grant Hotel in downtown San Diego. That first version of Comic-Con, which exclusively showcased comic books, drew 100 people. Comic-Con has since burgeoned into a celebration of comics, gaming, television shows, and movies, attracting 135,000 attendees and tens of thousands of others who visit the SDCC area to enjoy the free activations and associated events occurring throughout downtown San Diego and its waterfront. The traditional in-person Comic-Con event typically takes place over 4.5 days (Wednesday through Sunday with Wednesday night being “Preview Night”) and includes 2.5 days for setup and 2 days for breakdown, for a total duration of 9 days.

Comic-Con was cancelled in 2020 and postponed in 2021 due to COVID-19 related public health restrictions, with SD Comic Convention instead opting to hold an online only event in July 2020 and 2021, referred to as Comic-Con@Home. In anticipation that conditions will permit in-person gatherings like Comic-Con, the Applicant proposes an in-person supplemental event this fall, referred to as Comic-Con Special Edition. This would be significantly smaller in scale than the traditional Comic-Con event, with approximately half the number of anticipated attendees. Comic-Con Special Edition would take place over three days during Thanksgiving weekend 2021 (Friday, November 26 to Sunday, November 28) including 4 days for setup and 2 days for breakdown, for a total duration of 9 days (Monday, November 22 to Tuesday, November 30, 2021).

### **Safety and Security Restrictions**

For safety and security purposes, starting with the 2018 Comic-Con event, the SDCCC and City and District staff coordinated the temporary restriction of Harbor Drive to regular vehicle traffic between First Avenue and Park Boulevard, as well as the front driveway in front of the SDCC, allowing only Comic-Con shuttles, prepaid parking pass holders, ADA guests, and emergency vehicles to use this segment of the street and front driveway. Along with substantially reducing vehicle congestion, this restriction protects pedestrians from private vehicle traffic at the First and Fifth Avenue crosswalks on Harbor Drive, creating a more pedestrian-safe environment to and from the SDCC. The agencies also temporarily limited access to the sidewalk in front of the SDCC to Comic-Con badgeholders only (i.e., no general public) in order to reduce crowding of people in front of the doors of the facility. These restrictions were highly effective at enhancing public safety and the visitor experience while ensuring that non-badgeholders (i.e., the general public) were able to enjoy public spaces during Comic-Con. The temporary restrictions were also successfully implemented for Comic-Con 2019, and are proposed to be in place for future Comic-Con events, including Comic-Con Special Edition. If needed for COVID-19 related vaccine verification, it may be used for Comic-Con Special Edition badgeholder screening and line queuing.

### **CCC Staff Coordination on Public Access during Comic-Con**

Following the 2018 Comic-Con event, CCC staff informed SD Comic Convention, SDCCC, and City and District staff that the Comic-Con event no longer qualified as exempt under Coastal Act permitting requirements due to the extent and duration of adverse impacts to public access they observed during the event, such as: closure of a portion of Harbor Drive, a major coastal access route, to general public vehicles; closure of the sidewalk in front of the SDCC to general public pedestrians; inaccessibility to the EMPS promenade by general public pedestrians resulting from

Comic-Con line queuing; and inaccessibility of EMPS parking to the general public. Moreover, in a September 2018 letter to District staff, CCC staff stated that SD Comic Convention needed to obtain a CDP for future Comic-Con events to adequately assess the potential impacts to public access, including a comprehensive public access plan, to minimize impacts to public access to and along San Diego Bay (Attachment A).

After several discussions, District staff, along with SD Comic Convention, SDCCC, and City staff, agreed that a CDP should be issued for public access during Comic-Con beginning in 2020, and have been coordinating with CCC staff since the 2018 Comic-Con, including an onsite meeting with CCC staff during the 2019 Comic-Con, to ensure that CCC staff's public access concerns are addressed and memorialized in the CDP. In April 2020, staff intended to bring to the Board for consideration a multi-year Appealable CDP; however, due to the COVID-19 pandemic, Comic-Con was cancelled in 2020 and postponed in 2021. A much smaller, in person supplemental event to the July 2021 Comic-Con@Home online event, Comic-Con Special Edition, is proposed this fall, and the CDP (Attachment B) will require the Applicant to implement a PAP to ensure that certain areas within the Project site are available to, and accessible by, the general public during Comic-Con Special Edition. Staff intends to return to the Board in the near future with a separate multi-year CDP to cover future traditional in-person Comic-Con events.

#### Project Site

The CDP will allow for the temporary activities associated with Comic-Con Special Edition, including: operation of Comic-Con Special Edition within the District's jurisdiction, including, but not limited to, use of EMPS, public access components, safety and security restrictions, and Comic-Con Special Edition line queuing within the 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, the Embarcadero Promenade between the entrances to EMPS and EMPN, 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 Attachment B, Exhibit 1). The Project site does not include the Comic-Con Special Edition events and activities located inside the SDCC, nor does it include areas within Fifth Avenue Landing, Hilton San Diego Bayfront, and San Diego Symphony Orchestra Association; these lessees may hold activations that would be permitted by their respective leases with the District.

#### Proposed Project

SD Comic Convention, which manages Comic-Con, and the SDCCC, which manages the SDCC, as the Project co-applicants (collectively, Applicant or Permittee), propose temporary activities associated with Comic-Con Special Edition. 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 queuing within the Project site (Project).

#### *Temporary Partial Street, Driveway, and Sidewalk Segment 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, will be temporarily restricted to no general public vehicles and this street segment would only be available for Comic-Con Special Edition shuttle loading and unloading, prepaid parking pass holders, emergency vehicles, and ADA access. If needed for COVID-19 related vaccine verification, it may be used for Comic-Con Special Edition badgeholder screening and queuing.

In addition, a portion of the sidewalk fronting the SDCC will be temporarily restricted to Comic-Con Special Edition badgeholders only (i.e., no general public) (see Attachment B, Exhibit 2, Temporary Partial Street, Driveway, and Sidewalk Segment Restriction). During the temporary restriction times, Market Street will be the primary detour for general public vehicles, while general public pedestrians will be redirected to use the Martin Luther King (MLK) Promenade.

These restrictions on Harbor Drive, the front driveway, and sidewalk fronting the SDCC 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. These temporarily restricted areas may be re-opened earlier than these stated times and durations when deemed safe by public safety officials.

### *Comic-Con Special Edition Line Queuing*

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

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, 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 Seaport Village) for additional Comic-Con Special Edition queuing.

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.

### *Public Access Plan*

The Applicant shall also implement a PAP to ensure that certain areas within the Project site are available to, and accessible by, the general public during Comic-Con Special Edition (Attachment B, 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:

- Prior to the start of the event, SDCCC will post on their website and include in all applicable promotional materials available vehicular and pedestrian public accessways to the waterfront. SD Comic Convention will provide links to this information on their webpage and will provide this information to their on-site event staff.
- During the event, public pedestrian access to the waterfront will be provided via Marina Walk between the Manchester Grand Hyatt San Diego and Marriott Marquis San Diego Marina 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 (see Public Pedestrian Access in Attachment B, Exhibit 3). 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.
- 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.
- SD Comic Convention will post public access signage (at Marina Walk, Canyon Path, the Pedestrian Bridge, and at the entrances to EMPS and EMPN) to direct pedestrians to the waterfront during the event. (see Bay Access Signage locations in Attachment B, Exhibit 3).
- 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) will be available via Convention Way (see Vehicle Public Access in Attachment B, Exhibit 3).
- SD Comic Convention will place ground decals on the promenades used for line queuing (at EMPS, 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. 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 indicating “limited public parking available on a first come first served basis.” The signage will be placed near Comic-Con Special Edition on-site contracted staff and/or security who will be located both at the entrance of Convention Way and the EMPS parking lot (see Parking Signage locations in Attachment B, Exhibit 3).
- 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.
- Within 60 days after the event is complete, SDCCC, on behalf of SD Comic Convention, will submit to the District a PAP Report that demonstrates conformance with the above PAP requirements of the CDP.

### COVID Emergency

While the District is required to issue a CDP for the Project, the District is not responsible for deciding whether the Project moves forward in any particular year. However, the District recognizes the seriousness of COVID-19, COVID-19 orders issued by the State, County of San Diego or City of San Diego (collectively, Orders) and the importance of social distancing and public health and safety. Accordingly, a special condition has been added to the CDP requiring the Project comply with the COVID-19 Orders and the Applicant to obtain any necessary approvals from health officials to conduct the Project. Proof of the approvals from health officials shall also be submitted to the District prior to commencement of the Project.

### Coastal Development Permit

The Project constitutes development pursuant to Public Resources Code (Coastal Act) Section 30106 as it would result in a change in the intensity of use of land and a change in the access to water. The Project has been determined to be an “Appealable” development pursuant to Section 30715 of the Coastal Act and the District’s CDP Regulations because it constitutes a category of development involving roadways not principally for internal circulation within the District’s boundaries (i.e., the temporary partial Harbor Drive street segment restriction). 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 and recreation policies referenced therein. This Project would provide public access and recreational opportunities via the identified public access routes and Convention Way (see Attachment B, Exhibit 3, Public Access During Comic-Con Special Edition)

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.

Furthermore, per the CCC Temporary Event Guidelines, temporary events shall be subject to 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. Furthermore, the Project would temporarily restrict public use of a roadway segment and parking areas. Consequently, the Project requires issuance of a CDP pursuant to the CCC Temporary Event Guidelines.

The subject CDP shall only permit the Project for the 2021 Comic-Con Special Edition, subject to the Applicant obtaining all necessary agreements and permits from the District and other regulatory agencies. The “Development” section of the Draft CDP represents a worst-case scenario, and activities and configuration of Project components may vary, but may not exceed the parameters described in the “Development” section of the CDP, as determined by the District, and in consultation with CCC staff, without a future amendment to the CDP.

A copy of a draft CDP is provided as Attachment B to this Agenda Sheet. Special provisions are incorporated into the draft CDP to ensure conformance with related District requirements. A PAP will be a requirement of the CDP and will ensure that certain areas within the Project Site are available to, and accessible by, the general public during Comic-Con Special Edition. Following the event, the Applicant will be required to submit a PAP Report to the District demonstrating conformance with the PAP requirements of the CDP.

Pursuant to the CDP Regulations, a public hearing is required for all appealable CDPs, including the proposed CDP. In accordance with the CDP Regulations, notices were mailed to certain property owners and occupants surrounding the Project Site, to inform them that a public hearing will be conducted on the CDP issuance for the Project. Board action on the Project may be appealed to the CCC pursuant to Chapter 7 of Division 20 of the Public Resources Code within 10 working days after the CCC receives a notice of the Board’s decision on the CDP. After the CCC receives the notice of the Board’s decision, if a written appeal is not filed within 10 working days, the Executive Director may issue the CDP immediately.

### **General Counsel’s Comments:**

The Office of General Counsel has reviewed this agenda sheet and attachments, as presented to it, and approves them as to form and legality.

### **Environmental Review:**

The proposed Board action, which would authorize issuance of an Appealable CDP for the Project, is Categorically Exempt pursuant to CEQA Guidelines Sections 15304 (Minor Alterations to Land) and/or 15323 (Normal Operations of Facilities for Public Gatherings) and Section 3.d. (Minor Alterations to Land) of the District’s Guidelines for Compliance with CEQA because the Project in question would consist of activities associated with a temporary event that would not involve the removal of mature, scenic trees, would not have any permanent 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).

The proposed Board action complies with Section 87 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 Board action is consistent with the Public Trust Doctrine.



**Diversity, Equity, and Inclusion:**

This agenda item has no direct DEI impact.

**PREPARED BY:**

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**Attachment(s):**

Attachment A: Letter from CCC to Comic-Con International dated September 28, 2018

Attachment B: Draft Coastal Development Permit