

## Temporary Commercial Promotional Activity Permit Application

### Event Set-up Information and Guidelines

#### Introduction

The Port of San Diego permits the temporary use of certain parks and open spaces in the Port's jurisdiction for temporary commercial activities that attract people to those facilities to recreate. Examples include kayak tours, paddleboard instruction, exercise classes and walking tours.

To conduct an ongoing commercial recreational activity at a Port of San Diego public facility, the provider of the activity will apply for a permit and provide the appropriate insurance and fees in order to be eligible for approval. Please note that free public access to public facilities is a high priority and that the Port of San Diego limits the number of commercial activity providers that are permitted for each facility in order to facilitate public access.

After reading these guidelines, complete the attached form. Read the attached Terms & Conditions page, sign in the block provided and submit the entire application (form and Terms & Conditions page) to the Port of San Diego park permit office (see application for address) with the needed attachment(s).

#### Permit Holder Responsibilities

As the holder of the activity permit, you are responsible for the following:

- o Keeping your approved permit with you on site at your event from setup to departure. It is your only proof of your approval to use the facility for your activity.
- o Collecting and removing from the park all equipment and support items as well as all trash generated by your activity.
- o Ensuring that you and your staff do not drive vehicles on the grass areas at the park.
- o Ensuring that your activity utilizes loading zones when actively loading or unloading.
- o Maintaining a sound level that is considerate of other facility users and surrounding neighborhoods. Any amplified sound must start no earlier than 8 AM and cease no later than 10:00 p.m. in all parks except those in Coronado, where amplified sound must cease at 9:00 p.m.
- o Complying with park hours of operation. Port of San Diego parks are open from 6 a.m. to 10:30 p.m.

#### Certificate of Insurance

Applicant shall, to the fullest extent permitted by law, defend, indemnify, and hold harmless San Diego Unified Port District ("District") and its officers, employees, and agents 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 this Permit, or Applicant's use, occupancy, possession or activities on the Premises, except claims or litigation arising through the sole negligence or willful misconduct of District. It is the intent of this Paragraph that Applicant indemnify and hold harmless District for any actions of Applicant or District, including duties that may be legally delegated by Applicant to third parties, except for those arising out of the sole negligence or willful misconduct of District. This indemnity obligation shall apply for the entire time that any third party can make a claim against or sue District for liabilities arising out of Applicant's use, occupancy, possession, or activities on the Premises, or arising from any defect in any part of the Premises. **Applicant must provide certificate of insurance (COI) coverage naming "San Diego Unified Port District" as an additional insured and also be listed in the certificate holder box.** Insurance coverage must be in force for the duration of the event, including setup through takedown days. The Port of San Diego requires a minimum of \$1,000,000 for personal and bodily injury, one person and one occurrence; and a minimum of \$1,000,000 coverage for property damage. The same organization named as the insured on the certificate of insurance should also be listed in the applicant blank on this permit application.

#### Accessibility

Applicant shall ensure that all elements of the event are accessible to all, including persons with disabilities as required by law. Applicants are encouraged to incorporate the principles of Universal Design, which is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design, when developing the above required site plan. Specific accessibility to address for events shall include but is not limited to:

- o Parking, including information and notification of alternate parking opportunities and locations;
- o Accessible portable restrooms;
- o Accessible shuttles, buses, and other provided transportation elements as part of the event;
- o Placement of activities in areas for maximum accessibility;
- o Communication and training of event staff, including volunteers, regarding accessibility and disability awareness
- o Compliance with the Americans with Disabilities Act and applicable accessibility laws

**Commercial Sales Prohibited**

Your Temporary Commercial Recreational Activity Permit allows you the use of a park or open space area to conduct a permitted recreational activity or to access the bay. The promotions of your business, as well as any commercial sales on site are prohibited.

**On-Site Set-Up**

Banners other than a small (maximum 2' x 3') placard on site are prohibited. Only a single canopy or pop-up (no walls) of 10' x 10' or less is allowed. No structures may be placed on beaches, and any structure must be placed where it will not impede public access.

**Alcoholic Beverages**

Alcoholic beverages are not approved on property or during permitted activity approved by this permit.

**Electricity**

Electricity and fresh water, except from drinking fountains, are not available for public use in any Port of San Diego park. Permit holders must provide their own electricity and fresh water.

**Damage/Security Deposit**

Depending upon the scope of setup required for the event, the Port may collect from \$1,500 - \$5,000 damage/security deposit. The permit holder will be required to compensate the Port for any incidental costs arising out of failure to meet any of the guidelines above or for damage occurring as a result of a their event.

**Environmental Best Practices**

The District is charged with prohibiting all non-stormwater discharges into the stormwater conveyance systems on District tidelands pursuant to San Diego Regional Water Quality Control Board Order No. R9-2013-0001 (NPDES Permit No. CAS0109266, "Municipal Stormwater Permit"). The District has the authority under State law to make and enforce necessary rules and regulations governing, among other things, stormwater management and discharge control. The District's stormwater regulations are found in Article 10 of the San Diego Unified Port District Code ("District Code").

Special events have been identified by the District as a potential source of non-stormwater discharges to the storm drain system and San Diego Bay. Non-stormwater discharges to the stormdrain system or the Bay are considered a violation of District Code. To prevent unauthorized discharges, the District requires the implementation and maintenance of Best Management Practices (BMPs) at special events. BMPs specific to the activities planned for each special event are to be identified prior to the event time. In addition, the following BMPs must also be implemented as applicable:

- Trash dumpsters, portable toilets, or generators shall have secondary containment and 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.
- A spill kit is to be accessible to the event coordinator or person in charge of spill response.
- Catch basins and stormdrain inlets within the event special 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.
- Street sweeping of parking lots, streets and roads associated with the event shall be conducted as needed.
- Employee training is to be conducted prior to the event to ensure that BMPs are properly implemented and maintained and so that employees are aware of the discharge prohibitions.
- Documentation of BMP implementation for each special event is to be maintained and be made available for the District's review upon request.

Direction related to permitted special event activities can be found in the District Jurisdictional Urban Runoff Management Document (JURMP). The JURMP is available on the District website: (<https://www.portofsandiego.org/environment/clean-water.html>) or by contacting the District Environmental and Land Use Management (ELUM) Department, (619) 686-6254.

**Rules and Regulations and Fee Schedule**

For a temporary commercial Promotional activity permit, a monthly fee shall be paid by the permittee in accordance with the following schedule. One day consists of 12 (twelve) hours of facility use or less. Please note that users of multiple Port of San Diego facilities are required to pay the fee for each facility used.

Event	Fee
<b>Independence Day Fireworks</b>	<b>\$1,000</b>
<b>Parade of Lights</b>	<b>\$1,000</b>
<b>Other Activity</b>	<b>\$1,000</b>



## Temporary Commercial Promotional Activity Permit Application

Port of San Diego Use Only	
Event Date _____	
Received _____	
Issued _____	

Applicant Information	
Name _____	Mailing Address (street #, city, state & zip code) _____
Organization (if applicable) _____	
Main Phone (     ) _____	Email address _____
Mobile Phone (     ) _____	Website _____

Activity Information	
<b>Desired Location(s)/Facility (s):</b> Include space requirements that you will be using (i.e. CV Bayside Park, beach area)	<b>Activity Title:</b> _____  <b>Type:</b> <input type="checkbox"/> Parade of Lights <input type="checkbox"/> Independence Day Fireworks <input type="checkbox"/> Demo <input type="checkbox"/> Other _____

Period Requested	Day of Week	Date and Time	Attendance
<b>Start Date:</b> _____	Sun		
<b>End Date:</b> _____	Mon.		
<b>Note: Certificate of Insurance (COI) is required</b> of all businesses that provide services on site at your event. Naming the "San Diego Unified Port District" as an additional insure.	Tues.		
	Wed.		
	Thurs.		
	Fri.		
	Sat.		

**Activity Description** Describe what item(s) you will be distributing, the number of people who will be working on site, your intended set-up time, and any equipment and support items you propose to use. If appropriate, include a diagram of what your setup will look like. **Note: Alcoholic beverages are prohibited during any activity permitted on this document.**

Items to be Submitted Checklist		
<input type="checkbox"/> Application (Page 3)	<input type="checkbox"/> Certificates of Insurance (COI)	<input type="checkbox"/> Permit Fee
<input type="checkbox"/> Terms and Conditions (Page 4)	<input type="checkbox"/> Business license from the city	<input type="checkbox"/> Refundable Security Deposit
<input type="checkbox"/> Activity Description	<input type="checkbox"/> Site Plan Diagram	<input type="checkbox"/> Any advertising/collateral materials

**-Faxed or e-mailed applications are not accepted-**  
**Submit complete applications to: SDUPD, Attn: Park Permits P.O Box 120488, San Diego, CA 92112-0488**

For SDUPD use only: BP # _____ Tran # _____ DM# _____			
Permit \$\$ _____	Cash	Credit Card	Check# _____
Parking \$\$ _____ Spaces: _____	Cash	Credit Card	Check # _____
Security Deposit \$\$ _____	Cash	Credit Card	Check # _____



## Temporary Commercial Promotional Activity Terms and Conditions for Permit Applicants

Use of a San Diego Unified Port District (District) park is subject to the following terms and conditions:

2. Applicant shall comply with all applicable laws, rules, regulations and requirements of the District and other government entities.
3. All or any portion of the refundable security deposit (if applicable) shall be available unconditionally to the District for the purpose of cleaning or repairing damages to the property post the permitted event. The refund process does not start until 10 days after the event. The refund process may take up to 30 days depending on your form of payment.
4. Either party may cancel this permit by giving twenty-four (24) hours' notice to the other party. In the event of an emergency, such cancellation shall be without liability of any nature. Applicant is subject to a processing fee of \$35.00 if Applicant provides less than sixty days written notice to the District of cancellation of a scheduled event.
5. This permit shall not be transferred or assigned.
6. **Certificate of Insurance** -Applicant shall, to the fullest extent permitted by law, defend, indemnify, and hold harmless San Diego Unified Port District ("District") and its officers, employees, and agents 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 this Permit, or Applicant's use, occupancy, possession or activities on the Premises, except claims or litigation arising through the sole negligence or willful misconduct of District. It is the intent of this Paragraph that Applicant indemnifies and holds harmless District for any actions of Applicant or District, including duties that may be legally delegated by Applicant to third parties, except for those arising out of the sole negligence or willful misconduct of District. This indemnity obligation shall apply for the entire time that any third party can make a claim against or sue District for liabilities arising out of Applicant's use, occupancy, possession, or activities on the Premises, or arising from any defect in any part of the Premises. A certificate of insurance naming the "San Diego Unified Port District" as an additional insured is required if acquiring any outside services.
7. Applicant must provide certificate of insurance coverage naming the "San Diego Unified Port District" as an additional insured with a minimum limit of \$1,000,000 per occurrence for bodily injury and property damage. See the attached Guidelines.
8. The rights and privileges extended by this permit are non-exclusive.
9. Applicant shall not engage in any activity on Port District property other than the activity for which this permit is expressly issued. This permit may be terminated immediately by the Port District for misrepresentation of permit information, violation of the law or activities causing an unreasonable risk to public safety (as determined by any public safety agency).

**I certify that the information contained my permit application is true and correct to the best of my knowledge. I understand and agree to abide by the rules and regulations governing the proposed special event under the San Diego Unified Port District Code.**

**Applicant Name (Print)**

**Applicant Signature**

**Date**

**Submit complete applications to: SDUPD, P.O Box 120488, San Diego, CA 92112-0488**

**Port of San Diego Approval**

**Special Events Associate Signature**

**Date**

**Department Manager Signature**

**Date**