



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

Project: Barks & Brews
Location: Spanish Landing Park East, 3900 North Harbor Drive, San Diego, CA 92101
Parcel No.: 007-001
Project No.: 2022-063
Applicant: Omid Sabet, Partner, Five Marketing & Management, Inc., 1804 Garnet Avenue, #545, San Diego, CA, 92109
Date Approved: Jul 26, 2022

PROJECT DESCRIPTION

The proposed project is Barks & Brews, a two-day dog and family festival, which would take place at Spanish Landing Park East in the city of San Diego, California, in the month of October. The proposed project would consist of a paid admission festival, which would include dog, food, and beer vendors; a small stage for music; dog contests; and other activations. The festival days would be limited to Saturday and Sunday, and an additional two days are required for staging and breakdown. The festival has an anticipated attendance of approximately 4,000 people each day. On event days, the Spanish Landing Park East parking lot would be temporarily closed to through traffic to accommodate vendor parking and event staging. The Applicant is responsible for providing sufficient parking at nearby parking facilities in addition to the 110 public parking spaces available at the Spanish Landing West parking lot. Clear signage would be installed by the Applicant to identify designated rideshare pick-up and drop-off zones. The event area would be fenced off, but the promenade and Spanish Landing Park West would remain open for public use.

Due to its temporary nature and limited scope, the proposed project would generate a minor amount of vehicle trips and would require limited use of equipment. Therefore, impacts related to air quality, greenhouse gas emissions, and transportation are negligible. Furthermore, the Applicant would be responsible for complying with all applicable federal, state, and local laws regarding debris, hazards and hazardous materials, and stormwater.

The following categorical determinations are based on the project submittal and all project 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 proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Sections of the District's *Guidelines for Compliance with CEQA* as identified above. These are appropriate

for the proposed project because it is 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 this 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

PORT MASTER PLAN CONSISTENCY

Planning District: 2 - Harbor Island/Lindbergh Field (Precise Plan Figure 9)

Land Use Designation: Park/Plaza

The proposed project conforms to the certified Port Master Plan because it is for a temporary event that would draw the public to San Diego bay thereby encouraging recreational opportunities and promoting public access along the waterfront consistent with the existing certified land use designation. The proposed project would not change the use of the site nor would it interrupt or expand the existing conforming uses of the site.

CATEGORICAL DETERMINATION

Categorical Exclusion: Section 8.d: Minor Alterations to Land

8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees, including but not limited to:

- (5) Minor temporary uses of land and water having negligible or no permanent effects on the environment, including festivals, boating activities, parades, and running or bicycling events.

The proposed project is determined to be Categorically Excluded pursuant to the Section of the District's *Coastal Development Permit Regulations* as identified above. This is appropriate for the proposed project because it would involve minor temporary use of land and would have no permanent effect on the environment.

Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

CALIFORNIA PUBLIC TRUST DOCTRINE

The proposed 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 proposed project is consistent with the Public Trust Doctrine.

JOE STUYVESANT
President/CEO

Determination by:
Lillian Mattes
Assistant Planner
Development Services

Signature: Lillian Mattes
Date: Jul 26, 2022

Deputy/Assistant General Counsel

Signature: Rebecca Harrington
Date: Jul 26, 2022