

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

Project: San Diego Bay Wine and Food Festival
Location: Embarcadero Marina Park North, 400 Kettner Boulevard, San Diego, CA 92101
Parcel No.: 019-062
Project No.: 2023-148
Applicant: Ken Lloyst & Kirsten Martinez, Fast Forward Events, 771 Jamacha Road, #301, El Cajon, CA 92019; (858) 752-1100
Date Approved: 10/24/2023

PROJECT DESCRIPTION

The proposed project is the San Diego Bay Wine and Food Festival, an annual paid admission wine and food festival, which includes trainings and demonstrations throughout San Diego County. A Coastal Act Categorical Determination of Exclusion was previously issued for the event (Project No. 2018-209), and the following project description has been updated to reflect the most current logistics of the event. The District would provide sponsorship in the form of District services and funding for the proposed project. The portion of the proposed project located on District Tidelands is limited to the main event, which would be the Grand Tasting hosted on Saturday at EMPN with an anticipated attendance of approximately 4,200 people. The Grand Tasting would consist of the installation of two (2) small stages at EMPN to allow for speakers during the event and temporary event fencing as required by the Applicant's Alcoholic Beverage Control (ABC) license. The promenade would remain open for public use during the entirety of the proposed project. The Grand Tasting event would have an approximate duration of one-day during the fall, and event set-up and breakdown would require four (4) additional days. It is anticipated that EMPN would be partially closed for three (3) days to allow for event set-up and breakdown. The parking lot at EMPN would be temporarily closed on the day of the main event to allow for staging and employee parking. Signage related to the temporary parking lot and park closures shall be posted a minimum of 72 hours prior to the proposed event. During event set-up/breakdown, it is estimated that approximately 45 parking spaces in the EMPN parking lot would be temporarily used to assist with installation and load out. All event participants are encouraged to use rideshare or public transportation, as alcohol beverages will be served during the event. Parking would be available nearby at parking facilities and on surface streets.

Due to its temporary nature and limited scope, construction of 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 and traffic are not anticipated to occur. Furthermore, the Applicant would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition 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: CEQA Guidelines Section 15304 (Class 4)/District Guidelines for Compliance with the CEQA Section 3.d: Minor Alterations to Land and CEQA Guidelines Section 15323 (Class 23): Normal Operations of Facilities for Public Gatherings

3.d. Minor Alterations to Land: 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

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 result in no permanent effects on the environment and would consist of the normal operations 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: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Land Use Designation: Park/Plaza

The portion of the proposed project located within the Coastal Development Permit (CDP) and Coastal Act exclusion authority of the District conforms to the certified Port Master Plan because it would involve a temporary event 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 portion of the proposed project located within the CDP and Coastal Act exclusion authority of the District 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 is a temporary event that would not involve the removal of mature, scenic trees.

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.

For the portion of the proposed project located outside of the District's CDP jurisdiction, additional approvals may be required from other agencies.

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.

RANDA CONIGLIO
Acting President/CEO

Determination by:
Lillian Mattes
Assistant Planner
Development Services

Signature: Lillian Mattes
Date: 10/24/2023

Deputy/Assistant General Counsel

Signature: Shiraz D. Tangri
Date: 10/24/2023