



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

Project: Gator By The Bay
Location: 3900 N Harbor Drive, San Diego, CA 92101
Parcel No.: 007-001
Project No.: 2024-030
Applicant: Catherine Miller, Producer, Gator By The Bay, 2326 India Street, San Diego, CA 92101, (619) 889-4322
Date Approved: 04/22/2024

PROJECT DESCRIPTION

The proposed project is for Gator By The Bay, a food and music festival, which would take place at Spanish Landing Park East in the city of San Diego, California. The event would have an approximate duration of four days, in or around May, with the set up and dismantle days directly preceding and subsequently following the event dates. The event would involve live entertainment such as live music, concession vendors, and educational seminars. The expected attendance varies by day with a high of approximately 4,200 on Saturday and Sunday. Parking would be available at an off-site designated parking garage with a shuttle to and from the event location, and at the Sheraton Hotel dirt lot if available. Ridesharing is encouraged and the applicant would be responsible for installing signage to prohibit rideshare drop-off and pick-off on North Harbor Drive. All ridesharing vehicles would enter Spanish Landing Park East at the entrance to the park on N Harbor Drive, drop off passengers, and loop back out to avoid drop-off and pick-up on N Harbor Drive.

Due to the sale of alcohol, temporary fencing would be installed around the footprint of the event. Spanish Landing Trail, often used for bike traffic, is included in the event footprint, so bikes would be rerouted onto the existing N Harbor Road bikeway during the event. Clear and appropriate signage regarding bike rerouting would be installed at the responsibility of the applicant at various locations. At a minimum, bike rerouting signage would be installed at the following locations:

1. The intersection of Harbor Island Drive and N Harbor Drive
2. The intersection at the entrance to Spanish Landing Park East and N Harbor Drive, directly across from the entrance to Airport Terminal Road
3. The promenade near Cancer Survivor Park

The waterfront promenade would remain unobstructed and open for foot traffic and pedestrian access. Spanish Landing Park West would also remain open during the event.

The District would provide sponsorship in the form of District funding and services for the event.

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 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 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 Section(s) of the District's *Guidelines for Compliance with CEQA* as identified above 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 Designations: Park/Plaza; and Open Space

The proposed project conforms to the certified Port Master Plan because it is 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(s). 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(s) 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 involve minor temporary use of land, would not result in the removal of mature, scenic trees, 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.

RANDA CONIGLIO
Acting President/CEO

Determination by:
Kelly Cunningham
Assistant Planner
Development Services

Signature: 
Date: 04/22/2024

Assistant/Deputy General Counsel

Signature: 
Date: 04/22/2024