



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

Project: Brunch on the Bay Festival
Location: 3900 N Harbor Drive, San Diego, CA 92101
Parcel No.: 007-001
Project No.: 2024-060
Applicant: Brandon Mozley, Owner, Blue Stream Entertainment, 1402 E. Madison Avenue, Orange, CA 92867, (626) 474-8405
Date Approved: 08/06/2024

PROJECT DESCRIPTION

The proposed project is for Brunch on 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 be a one-day event sometime in or around August, with a day for set up directly preceding the event, and the dismantle directly following the end of the event. The event would last from 10am to 3pm and has an expected attendance of approximately 1,500. The event would involve concessions and live entertainment from approximately 50 food, retail, and beverage vendors, a mini golf course, and stage. The Spanish Landing Park East parking lot, approximately 125 parking spaces, would be reserved by the Applicant for vendors, but would not obstruct the traffic circle, leaving it accessible to the public during the event. All parking at Spanish Landing Park West would remain open to the public and unaffected by the event.

Ridesharing is encouraged and the applicant would be responsible for installing signage to prohibit rideshare drop-off and pick-up on North Harbor Drive and would additionally station event personnel along the preferred route to direct traffic flow. All ridesharing passengers would enter Spanish Landing Park East at the entrance to the park on N Harbor Drive and continue east to the traffic circle at the end of the parking lot. Passengers would then be dropped off and/or picked up and rideshare vehicles would 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. Fencing on the southern side of the event would run adjacent to Spanish Landing Trail, often used for bike traffic, leaving the trail unobstructed and open for bikers during the event. Additionally, 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 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 Designations: Park/Plaza; and Open Space

The proposed project conforms to the certified Port Master Plan because it would involve 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 designations. 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 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

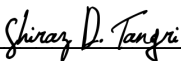
fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses. The Port Act was enacted by the 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:
Davin Cox
Assistant Planner
Development Services

Signature: 
Date: 08/06/2024

Assistant/Deputy General Counsel

Signature: 
Date: 08/06/2024