



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

Project: Rare and Wild Beer Fest at Embarcadero Marina Park North  
Location: 1 Embarcadero Marina North, San Diego, CA 92101  
Parcel No.: 019-062  
Project No.: 2024-082  
Applicant: Dan Silberstein, Owner, Drink:Eat:Play, 5744 Celedon Creek, Los Angeles, CA, 90094; 310-902-6955  
Date Approved: 08/26/2024

**PROJECT DESCRIPTION**

The proposed project is the Rare and Wild Beer Fest, a beer festival, which would take place at Embarcadero Marina Park North (EMPN) in the City of San Diego, California in the month of September. The proposed project would consist of a paid admission beer festival, which would include live music, and food and beverage vending. The event and related set-up and breakdown would have an approximate duration of two (2) days (one day for set-up, one day for the event with breakdown at the end of day). The event would have an estimated attendance of 2,500 people. The event area is limited to a portion of EMPN and would be temporarily fenced off, but the promenade facing the San Diego Bay would remain open and available for public use throughout the duration of the festival. During event set-up and breakdown, EMPN would remain open and available for public use. The proposed project would require the temporary use of approximately 82 parking spaces at EMPN for vendor space, vendor parking, and dumpsters, with the exception of two (2) handicap spots on the north end of the parking lot which would remain open. Signage shall be placed near the entrance of the EMPN parking lot to notify members of the public a minimum of 72 hours in advance of the event. In addition, clear signage would be installed by the Applicant to identify designated rideshare pick-up and drop-off zones. Parking for the general public and event attendees would be available at nearby parking facilities and side streets.

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 (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 Gathering (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

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 Categorical Exempt pursuant to the CEQA Guidelines and the Sections of the District's *Guidelines for Compliance with CEQA* as identified. 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: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Land Use Designation: Park/Plaza

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 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 Categorical 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.

RANDA CONIGLIO  
Acting President/CEO

Determination by:  
Justin Huitema  
Assistant Planner  
Development Services

Assistant/Deputy General Counsel

Signature: Justin Huitema  
Date: 08/26/2024

Signature: Shiraz D. Tangri  
Date: 08/26/2024