

San Diego Unified Port District

CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: Gator by the Bay
Location(s): Spanish Landing Park, 3900 N. Harbor Dr., San Diego, CA 92101
Parcel No.(s): 006-007
Project No.: 2018-078
Applicant: Catherine Miller, Bon Temps Social Club of San Diego, 2326 India Street, San Diego, CA 92101
Date Approved: April 19, 2018

Project Description

The proposed project is the Gator by the Bay, Zydeco, Blues & Crawfish Festival, which would take place Thursday, May 10 to Sunday, May 13, 2018. The District would provide sponsorship in the form of District services for the event, a paid admission four-day, Louisiana-themed music and food festival in Spanish Landing Park. Gator By The Bay features a free educational experience for school children with music presentations, hands-on workshops, dance lessons, cooking demonstrations, food sampling and a history of the Cajun experience; a seated concert on Thursday evening, an opening event Friday evening, two full festival days on Saturday and Sunday, and a dance on Saturday night at the Sheraton Hotel & Marina. The festival portion consists of two full days of music, dance and food, with seven stages with dance floors. There would also be music workshops, cultural and cooking presentations, dance lessons, supervised kids' activities, and craft and clothing vendors. Expected attendance is approximately 13,200 people. Parking would be available at onsite surface parking lots, the Sheraton Hotel & Marina, San Diego International Airport, and other remote lots from which the event organizer provides shuttles. The event organizer would also provide credit to attendees for ride share services and a bicycle valet service.

The following categorical determinations are based on The Bon Temps Social Club of San Diego's project submittal and all project information known to the District as of the date of this determination.

CEQA DETERMINATION

Based upon the above description, the proposed project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15304 (Minor Alterations to Land) and/or 15323 (Normal Operations of Facilities for Public Gatherings) and Section 3.d (6) of the District's *Guidelines for Compliance with CEQA* 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 operations of existing facilities for public gatherings. Section 3.d. (6) of the District's CEQA Guidelines and CEQA Guidelines Section 15323 are as follows:

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 Categorical Exemptions listed above 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 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.

The proposed project complies with Section 87 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.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN

The project is located in Planning District 2, Lindbergh Field/Harbor Island, which is delineated on Precise Plan Map Figure 9 of the certified Port Master Plan. The Port Master Plan land use designation within the limits of the proposed project is Park/Plaza. The project conforms to the certified Port Master Plan because it is a temporary event that would draw the public to the San Diego Bay thereby encouraging recreational opportunities and promoting public access along the waterfront.

CATEGORICAL DETERMINATION


The above project proposes a temporary event that would not involve the removal of mature, scenic trees or have any permanent effects on the environment. This proposed project is consistent with the existing certified land use designations and is Categorically Excluded under Section 8.d (5) of the District's *Coastal Development Permit Regulations*, as follows:

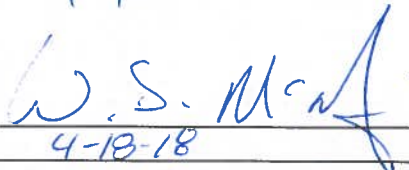
- 8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of mature, scenic trees, including but not limited to:
- (5) Minor temporary uses of land and water having negligible or no permanent effects on the environment, including festivals, boating activities, parades, and running or bicycling events.

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.

RANDA CONIGLIO
President/CEO

Determination by:
Cameron McLeod
Assistant Planner
Development Services

Signature: 
Date: 4/17/18

Signature: 
Date: 4-18-18

Deputy General Counsel