



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

Project: South Bay Earth Day  
Location: 980 Marina Way, Chula Vista, CA 91910  
Parcel No.: Various  
Project No.: 2023-023  
Applicant: Karen Schulman, Communications & Special Events Coordinator, City of Chula Vista,  
 276 Fourth Avenue, Chula Vista, CA 91910  
Date Approved: Feb 27, 2023

**PROJECT DESCRIPTION**

The proposed project is the South Bay Earth Day, a one (1) day eco-friendly festival which would take place at Chula Vista Bayfront Park in the city of Chula Vista, California. The event and related set-up and breakdown would have an approximate duration of two (2) days (one day for set-up and one day for the event and breakdown) and is anticipated to take place in the month of April. This is a zero-waste event and is free to the public. The event would involve green vendors, live entertainment, a showcase of eco-conscious products, and hands-on activities geared toward education, conservation, recycling, and sustainability.

The event would have an estimated attendance of 3,000 people. The Applicant is responsible for providing sufficient parking for event attendees. Attendees will be encouraged to utilize ride shares, biking, and public transportation for this event. Approximately ten (10) parking spaces will be used by staff to set up this event and approximately forty (40) spaces will be used by City staff, vendors, and volunteers on the event day. The boat launch will remain open for the entire duration of this event.

Alcoholic beverages may be sold and/or served by the applicant at the event site during the event date(s) on the condition that the California Department of Alcohol Beverage Control (ABC) has issued the required permit. The applicant must adhere to all conditions of the ABC Permit.

Due to its temporary nature and limited scope, the proposed event 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.

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

***CATEGORICAL DETERMINATION***

Categorical Exemptions: SG §15304, Class 4/Section 3.d: Minor Alterations to Land and SG § 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 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 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 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: 7 - Chula Vista Bayfront (Precise Plan Figure 19)

Land Use Designation: Park/Plaza

The proposed project conforms to the certified Port Master Plan because it is a temporary event that would draw the public to Chula Vista 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.

JOE STUYVESANT  
President/CEO

Determination by:  
Abigail Haynam  
Assistant Planner  
Development Services

Assistant/Deputy General Counsel

Signature: Abigail Haynam  
Date: Feb 27, 2023

Signature: Rebecca Harrington  
Date: Feb 27, 2023