



CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL

Project: Bike the Bay
Location: Embarcadero Marina Park South, 200 Marina Park Way, San Diego, CA 92101
Parcel No.: Various
Project No.: 2023-084
Applicant: Andy Hanshaw, Executive Director, San Diego County Bicycle Coalition, 2907 Shelter Island Drive, San Diego, CA 92101, hanshawandy@gmail.com; (619) 977-2989
Date Approved: 08/01/2023

PROJECT DESCRIPTION

The proposed project is Bike the Bay, which consists of a non-competitive 25-mile bike ride along the Bayshore Bikeway in the city of San Diego, California. The bike ride would begin and end at Embarcadero Marina Park South (EMPS) and would follow the Bayshore Bikeway for the entirety of the ride. Event participants would ride north until reaching Broadway Pier, then head south onto the San Diego-Coronado Bridge, turning onto Glorietta Boulevard, following the Bayshore Bikeway south along Silver Strand Boulevard, curving around San Diego Bay, heading back north through Chula Vista Bayfront, and finishing the ride at EMPS. Event participants would follow the rules of the road during the ride, and there would be no temporary road closures or closures to the promenade due to the event. Following the bike ride, event participants would be invited to celebrate at EMPS with vendors, music, a beer garden, and food trucks.

The event would have a duration of one (1) day at the end of the summer, and one (1) additional day is required for set-up/breakdown. There would be an estimated attendance of 4,000 people at the event. There would be approximately 20 parking stalls temporarily unavailable at EMPS for event and vendor staging during setup/breakdown and during the post-event celebration. Parking for event participants would be available at the Convention Center Public Parking Garage (underground at the Convention Center) and the Bayfront Public Parking Garage (adjacent to Hilton Bayfront Hotel). To assist with potential traffic delays, the City of San Diego Police Department and Special Event Traffic Controllers would be present along Harbor Drive and Park Boulevard during the bike ride. Signage about the event would be installed at EMPS and along the Bayshore Bikeway a minimum of 72 hours in advance of the event to notify members of public about the event.

Due to its temporary nature and limited scope, construction of the proposed project would generate a minor amount of vehicle trips and would require limited use of equipment. Therefore, impacts related to air quality, and greenhouse gas emissions 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 the 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 portion of the proposed project within the District's jurisdiction is determined to be Categorical Exempt pursuant to the CEQA Guidelines and the District's *Guidelines for Compliance with the CEQA* as identified above. These are appropriate for the proposed project because it is for 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 Districts: 3 - Centre City Embarcadero (Precise Plan Figure 11); 5 - National City Bayfront (Precise Plan Figure 15); 6 - Coronado Bayfront (Precise Plan Figure 17); 7 - Chula Vista Bayfront (Precise Plan Figure 19); and 8 - Silver Strand South (Precise Plan Figure 21)

Land and Water Use Designations: Streets; Promenade; and Open Bay/Water

The portion of the proposed project located within the Coastal Development Permit (CDP) and Coastal Act exclusion authority of the District conforms to the certified Port Master Plan because it would involve a temporary event consistent with the existing certified Land and Water 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 portion of the proposed project located within the CDP and Coastal Act exclusion authority of the District 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.

For the portion of the proposed project located outside of the District's CDP jurisdiction, additional approvals may be required from other agencies.

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:
Lillian Mattes
Assistant Planner
Development Services

Signature: Lillian Mattes
Date: 08/01/2023

Deputy/Assistant General Counsel

Signature: Shiraz D. Tangri
Date: 08/01/2023