

San Diego Unified Port District

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

Project: Imperial Beach Fireworks Show
Location(s): 2 Elder Avenue, Imperial Beach, CA 91932
Parcel No.(s): 061-022
Project No.: 2018-087
Applicant: Andy Hall, City Manager, City of Imperial Beach, 825 Imperial Beach Boulevard, Imperial Beach, CA 91932
Date Approved: May 15, 2018

Project Description

The proposed project is the Imperial Beach Fireworks Show, which will take place at the Imperial Beach Municipal Fishing Pier (Pier) in the city of Imperial Beach. The District would provide sponsorship in the form of District funding for the event, a free public fireworks show held on July 4. The event does not require construction of any temporary or permanent on-land support facilities, and no admission fee will be charged; however, the Pier will be closed annually for preparation of the show starting on approximately July 3 at 8:00 p.m. and approximately ending on the morning of July 5. The event has an anticipated viewing attendance of approximately 100,000 people. Parking would be available at the parking lots on Elkwood Avenue and Seacoast Drive, as well as on nearby surface streets.

A Right of Entry Permit (ROE) would be issued to the City of Imperial Beach (City) for staging and production of the show as well as ingress and egress in support of those activities, and is anticipated to have a term of up to five (5) years. Work under the ROE would commence annually at approximately 8:00 p.m. on July 3 and terminate at approximately 8:00 a.m. on July 5 or upon completion of above-mentioned staging and production, whichever occurs earlier. The ROE may be terminated by the District as a matter of right and without cause at any time upon providing twenty-four (24) hours' notice in writing to the Applicant of such termination.

Furthermore, the Applicant would be responsible for complying with all applicable federal, state, and local laws regulating construction demolition debris, noise, and stormwater, including, without limitation, the applicable conditions of approval for fireworks displays contained in San Diego Unified Port District – Port Code, Article 14 Section 14.07 (Permits – Conditions of Approval) of the District Ordinance No. 2892 titled “San Diego Unified Port District Fireworks Display Event Ordinance.”

The following categorical determinations are based on the City's project submittal and the ROE and all project information known to the District as of the date of this determination.

CEQA DETERMINATION

In accordance with the California Environmental Quality Act (CEQA) statute the Imperial Beach City Council adopted an Environmental Determination for the Imperial Beach 4th of July Fireworks Show. The Environmental Determination identified that the project is determined to be Categorically Exempt pursuant to CEQA Guidelines Sections 15304 (Class 4 – Minor Alterations to Land) and/or 15323 (Class 23 – Normal Operations of Facilities for Public Gatherings) because it is temporary event that would not involve the removal of mature, scenic trees or have any permanent effects on the environment. Pursuant to CEQA Guidelines Section 15381, the District is a Responsible Agency because the project is being carried out by the City on District Tidelands. The District has considered the Environmental Determination and finds that it is sufficient for the project. In addition, the project appears eligible for a categorical

exemption pursuant to CEQA Guidelines section 15311, subdivision (c) in that the placement of fireworks-launching equipment on the pier for the annual fireworks display constitutes "seasonal or temporary use items... in generally the same locations from time to time in publicly owned parks... or other facilities designed for public use."

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 10, Imperial Beach Oceanfront, which is delineated on Precise Plan Map Figure 25 of the certified Port Master Plan. The Port Master Plan land and water use designations within the limits of the proposed project are Commercial Recreation, Public Fishing Pier, Vista Area, Public Services, Comfort Station, Sport Fishing Berthing, and Open Ocean. The project conforms to the certified Port Master Plan because it is a temporary event and will draw the public to the Imperial Beach oceanfront 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 project is consistent with the existing certified land and water use designations and is Categorical 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: Cameron McLeod
Date: 5/11/18

Deputy General Counsel

Signature: W.S. McNeil
Date: 5-11-18