

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



Project: Dr. Martin Luther King Jr. Parade
Location: N. Harbor Drive, San Diego, CA 92101
Parcel No.: Various
Project No.: 2019-005
Applicant: Donald Long, Zeta Sigma Lambda Foundation, PO Box 50026, San Diego, CA 92165
Date Approved: January 9, 2019

PROJECT DESCRIPTION

The proposed project is the Dr. Martin Luther King Jr. Parade, which would take place along N. Harbor Drive in the city of San Diego, California. The District would provide sponsorship in the form of District funding and services for the proposed project. The event would involve marching bands, floats, and live entertainment proceeding down N. Harbor Drive from Grape Street to Pacific Highway. Portions of N. Harbor Drive would be temporarily closed during the day of the event to accommodate the participants. It would involve temporary installation of bleacher seating and a raised platform for announcements and entertainment along portions of the parade route on N. Harbor Drive. The event would have an approximate duration of one day including staging and would take place during winter. The event has an anticipated attendance of approximately 15,000 people. Parking would be available nearby at parking facilities and on surface streets.

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: 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 Categorically 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: 3 - Centre City Embarcadero (Precise Plan Figure 11)
Land Use Designations: Park/Plaza; Promenade; and Streets

The proposed project conforms to the certified Port Master Plan because it is 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 designations.

CATEGORICAL DETERMINATION

Categorical Exclusion: Section 8.d: Minor Alternations 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 Categorically 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.

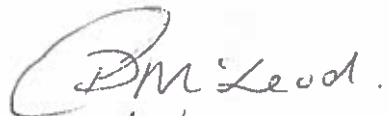
CALIFORNIA PUBLIC TRUST DOCTRINE

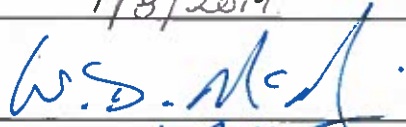
The proposed project complies with Section 87.(a)(5) of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and 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
President/CEO

Determination by:
Cameron McLeod
Assistant Planner
Development Services

Deputy General Counsel

Signature: 
Date: 1/8/2019

Signature: 
Date: 1-7-19