



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

Project: Dr. Martin Luther King Jr. Parade
Location: North Harbor Drive, San Diego, CA 92101
Parcel No.: Various
Project No.: 2023-167
Applicant: Brian Samuels, Vice President, San Diego Alpha Foundation; (309) 287-0215
Date Approved: 12/26/2023

PROJECT DESCRIPTION

The proposed project is the Dr. Martin Luther King Jr. Parade, which is expected to begin at the corner of West Grape Street and North Harbor Drive. The route will travel south, along North Harbor Drive, then head east onto West Broadway and continue south onto Pacific Highway and disband near Seaport Village. This will be a one (1) day event that would occur in January. A Coastal Act Categorical Determination of Exclusion was previously issued for the event (Project No. 2022-111), and the following project description has been updated to reflect the most current logistics of the event.

In addition to the parade, the proposed project involves a 5K Walk/Run that is expected to begin at the corner of West Grape Street and North Harbor Drive. Like the parade route, the 5K Walk/Run will travel south, along North Harbor Drive, head east onto West Broadway and continue south onto Pacific Highway. The participants will then cross at Harbor Drive, continue south along the Embarcadero promenade until reaching Embarcadero Marina Park South (EMPS), complete a loop of the park, return north along the Embarcadero promenade and finish by disbanding at Ruocco Park.

Both the parade and 5K Walk/Run are expected to conclude by approximately 1:00 pm. At least one lane on Harbor Drive will remain open and managed by Special Events Traffic Control until one hour before the event when the street will be fully closed. The parade is expected to start at approximately 10:00 am, and the 5K Walk/Run is expected to begin at 9:30 am. A rolling reopen will be implemented at this event such that the parade route will reopen to traffic as the parade fully passes each section of the route. All affected streets shall be reopened at approximately 1:00 pm. Following completion of the moving events, the event participants will be invited to celebrate at Ruocco Park with a stage and live music. The celebration is anticipated to conclude at approximately 5:00 pm. Staging for this event will take place along North Harbor Drive from West Grape Street to West Ash Street. Set up will begin at approximately 7:00 am and break down for the celebration will be complete by approximately 6:00 pm.

The District would provide sponsorship in the form of District funding and services for this event. The parade would feature marching, floats, music, and dance by upwards of 100 organizations. It would involve temporary installation of bleacher seating and a raised platform for announcements and entertainment along portions of the parade route on North Harbor Drive. Set up and tear down of all temporary installations would occur on the same day of the parade. The event has an expected attendance of approximately 10,000 people. The event requires the temporary use of two (2) public parking lots at Ruocco Park which would be unavailable for public use from approximately 7:00 am to 5:00 pm. Parking would be available at nearby public parking facilities and on nearby surface lots and streets. Attendees will be encouraged to utilize public transportation, carpools, and ride-sharing services for this 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, 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.

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 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; Streets; and Promenade

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 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 portion of the proposed project located within the CDP and Coastal Act exclusion authority of the District 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 is for a temporary event that would not involve the removal of mature, scenic trees.

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
Associate Planner
Development Services

Signature: Lillian Mattes
Date: 12/26/2023

Deputy/Assistant General Counsel

Signature: Shiraz D. Tangri
Date: 12/22/2023