



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

Project: Brazilian Day Festival at Ruocco Park
Location: 585 Harbor Lane, San Diego, CA, 92101
Parcel No.: 018-000
Project No.: 2024-084
Applicant: Brady Farmer, President, MC Farmer Inc. DBA Devoted to Youth Foundation, 12229 Juniper Way, Poway, CA, 92064; 310-756-2471
Date Approved: 08/26/2024

PROJECT DESCRIPTION

The proposed project is the Brazilian Day Festival, which would take place at Ruocco Park in the City of San Diego, California in the month of September. The proposed project would consist of a paid admission cultural festival, which would include live performances, food and beverage sales, and additional vendors to fundraise for a local non-profit organization, Devoted to Youth Foundation. The festival would have a duration of one (1) day, with set-up and breakdown occurring on the same day as the event. The festival has an anticipated attendance of approximately 1,000 people. The proposed project would require the temporary use of approximately 20 parking spaces at Ruocco Park along Pacific Highway. Approximately three (3) parking spaces would be used to stage a dumpster for the event, while the remainder of spaces would be used for vendor loading in and out before and after the event, and for ride share drop-off and pick-up during the event. Signage shall be placed adjacent to the Ruocco Park parking lot on Pacific Highway to notify the public a minimum of 72 hours in advance of the event. In addition, clear signage would be installed by the Applicant to identify designated rideshare drop-off and pick-up zones. Parking for the general public and event attendees would be available at the parking lot located south-east of Ruocco Park and at nearby parking facilities and side streets. The event area within Ruocco Park would be temporarily fenced off, but the promenade surrounding the park would remain open and available for public use throughout the duration of the festival. In addition, during event set-up and breakdown, the park would remain open for public use.

Due to its 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 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 (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 Gathering (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 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, amphitheatres, 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: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Land Use Designation: Park/Plaza

The proposed project conforms to the certified Port Master Plan because it would involve a temporary event that would draw the public to the San Diego 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.

RANDA CONIGLIO
Acting President/CEO

Determination by:
Justin Huitema
Assistant Planner
Development Services

Signature: Justin Huitema
Date: 08/26/2024

Assistant/Deputy General Counsel

Signature: Shiraz D. Tangri
Date: 08/26/2024