



State of California - Department of Fish and Wildlife
2023 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 01/01/23) Previously DFG 753.5a

RECEIPT NUMBER: 37-11/15/2023-0839
STATE CLEARING HOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY SAN DIEGO UNIFIED PORT DISTRICT	LEAD AGENCY EMAIL	DATE 11/15/2023
COUNTY/STATE AGENCY OF FILING SAN DIEGO	DOCUMENT NUMBER 37-2023-0839	

PROJECT TITLE
 AMENDMENT OF SAN DIEGO UNIFIED PORT DISTRICT CODE ARTICLE 8 SECTION 8.07-REGULATION OF MOTORIZED MOBILITY DEVICES AND PEDICABS ON DISTRICT TIDELANDS BY THE SAN DIEGO UNIFIED PORT DISTRICT

PROJECT APPLICANT NAME SAN DIEGO UNIFIED PORT DISTRICT	PROJECT APPLICANT EMAIL	PHONE NUMBER 619-686-6361
PROJECT APPLICANT ADDRESS 3165 PACIFIC HIGHWAY	CITY SAN DIEGO	STATE CA
		ZIP CODE 92101

PROJECT APPLICANT (Check appropriate box)

Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,839.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)/(ND)	\$2,764.00	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,305.25	\$	0.00

Exempt from fee

Notice of Exemption (attach)

CDFW No Effect Determination (attach)

Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	0.00

PAYMENT METHOD:

Cash Credit Check Other

TOTAL RECEIVED \$ 50.00

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE San Diego County Clerk, CARLOS TERAN, Deputy
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Payment Reference #: AUTH #047736



SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET

FILED

Nov 15, 2023 12:49 PM
JORDAN Z. MARKS
SAN DIEGO COUNTY CLERK
File # 2023-000923
State Receipt # 37111520230839

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk

TYPE OR PRINT CLEARLY

Project Title

AMENDMENT OF SAN DIEGO UNIFIED PORT DISTRICT CODE ARTICLE 8, SECTION 8.07-REGULATION OF
MOTORIZED MOBILITY DEVICES AND PEDICABS ON DISTRICT TIDELANDS BY THE SAN DIEGO UNIFIED PORT
DISTRICT

Check Document being Filed:

- Environmental Impact Report (EIR)
- Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- Notice of Exemption (NOE)
- Other (Please fill in type):

**FILED IN THE OFFICE OF THE SAN DIEGO
COUNTY CLERK ON** November 15, 2023
Posted November 15, 2023 **Removed** _____
Returned to agency on _____
DEPUTY _____

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.

Notice of Exemption

CEQA Guidelines Appendix E

To: ■ San Diego County Recorder/County Clerk
1600 Pacific Highway, Suite 260
San Diego, CA 92101-2480

From: ■ San Diego Unified Port District
Development Services Department
3165 Pacific Highway
San Diego, CA 92101

Project Title: Amendment of San Diego Unified Port District Code Article 8, Section 8.07 – Regulation of Motorized Mobility Devices and Pedicabs on District Tidelands by the San Diego Unified Port District

Project Location – Specific: Port Tidelands

Project location – City: San Diego; Chula Vista; Coronado; Imperial Beach; and, National City

Project Location – County: San Diego

Description of Nature, Purpose, and Beneficiaries of Project: The proposed project would involve amending the San Diego Unified Port District Code (Port Code) Article 8, Section 8.07 – Regulation of Motorized Mobility Devices (MMDs) and Pedicabs on District Tidelands, by the San Diego Unified Port District (District) that would take effect on District Tidelands in the cities of San Diego, National City, Coronado, Chula Vista, and Imperial Beach, California.

The proliferation of electric bicycles, electric scooters, electric skateboards, motorized pedicabs and other MMDs has resulted in these devices being readily available for public and private use within the District's member cities and on Tidelands. Due to the popularity of MMDs and potential conflicts with high density pedestrian areas on Tidelands, MMDs can create significant public safety hazards when used in areas with pedestrian activity.

The purpose of this amendment would be to preserve the safety of pedestrians on Tidelands by prohibiting the use of MMDs and motorized pedicabs on all pedestrian and off-street areas, including, but not limited to, sidewalks, promenades, multi-use pathways, nature trails, plazas, parking garages, parks, and piers. More so, the amendment aims to improve guest experiences by prohibiting the amplification of sound/music and requiring that all pedicab operators post fares on the outside and inside of all pedicabs.

This amendment would regulate MMDs and motorized pedicabs so that they may only operate on streets and designated bike lanes, where available. The following exceptions would be made:

- Motorized devices defined by the Americans with Disabilities Act (ADA), which are utilized by those with mobility disabilities.
- Motorized devices and vehicles used by Police, Fire Department, and other emergency responders in emergencies and during patrols or enforcement.
- Motorized devices and vehicles utilized by District staff and contractors, tenants, or their contractors for use in security and maintenance of District and tenant properties.
- Segway tour operators, which must have member City Permits.

In addition, the amended Port Code Section 8.07 will require Pedicab Operators, Shared Mobility Device (SMD) Operators, and Segway Tour Operators to have a current Permit or Contract in place with the adjacent member City to operate on Tidelands. All regulations by the adjacent City's Permit or Contract must be followed, and the District will require the Operators/Companies to provide insurance to the District to operate on Tidelands.

More so, the amended Port Code Section 8.07 would consist of the implementation of a Pedicab Operating Program for both motorized and Pedal-Only Pedicabs inclusive of Operating Agreements that are intended to promote responsible behavior of both Pedicab Companies and contracted Pedicab Operators. The Operating Agreements will be renewable on an annual basis assuming a behavioral code of conduct is met. An annual per

pedicab fee will be established to recover some or all of the District's expenses to operate the Pedicab Operating Program. Pedal-Only Pedicabs will be able to operate on designated multi-use pathway routes under an Operating Agreement with the District. All pedicab operators (motorized and Pedal-Only) will be held to specific restrictions for operations including no amplification of sound/music while operating on Tidelands.

Signage would be installed or modified throughout Tidelands along sidewalks, promenades, and other pedestrian walkways to inform the public of the new regulations for MMDs. Pedicab Parking Zones will also be designated for Pedicabs, both motorized and pedal-only, to stage for loading and unloading of passengers in parking lots and along streets and bike lanes. Some of these Pedicab Parking Zones will be shared based on location, and some on the Pedal-Only Pedicab routes will be solely for their use.

Name of Public Agency Approving Project: San Diego Unified Port District (SDUPD)

Name of Person or Agency Carrying Out Project: Ken Wallis, Director, Department of Guest Experiences, San Diego Unified Port District, 3165 Pacific Hwy, San Diego, CA 92101; (619) 686-6361 .

- Exempt Status:** (Check one):
- Ministerial (Sec. 21080(b)(1); 15268);
 - Declared Emergency (Sec. 21080(b)(3); 15269(a));
 - Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
 - Categorical Exemptions: Existing Facilities (SG § 15301) (Class 1) and Accessory Structures (SG § 15311) (Class 11)**
 - Statutory Exemption. State code number:

Reason Why Project is Exempt: The proposed project is determined to be Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and 15311 Accessory Structures and Sections 3.a.(4)(8)(11) and 3.i.(3) of the District's Guidelines for Compliance with CEQA because the proposed Port Code amendment is to preserve the safety of pedestrians on Tidelands which would involve no expansion of use beyond that previously existing and would not result in a significant cumulative impact due to the continuation of the existing use. Sections 3.a.(4)(8)(11) and 3.i.(3) of the District's CEQA Guidelines are as follows:

- 3.a. Existing Facilities: Includes operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:
- (4) New and renewed short-term tenancy agreements which do not result in change in the existing use. This exemption does not apply to any new development associated with the activities of the tenant. This exception is also inapplicable if the cumulative impact of continuing the existing use or conditions in the same place, over time, is significant.
 - (8) Existing highways, streets, sidewalks, bicycle and pedestrian trails, and similar facilities, except where the activity will involve removal of a scenic resource including a stand of trees, a rock outcropping, or an historic building.
 - (11) Existing on and off-premise signs.

AND/OR

- 3.i. Accessory Structures: Includes construction, or placement of minor structures accessory to (appurtenant to) existing facilities, including:
- (3) On-premise signs.

Lead Agency Contact Person and Telephone Number: Lillian Mattes, (619) 686-8200

Signature: *J. Mattes* Date: 11/15/2023 Title: Assistant Planner

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR/Clerk: