



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: 37-11/15/2023-0840
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 37-2023-0840	

PROJECT TITLE
 AMENDMENT OF SAN DIEGO UNIFIED PORT DISTRICT CODE ARTICLE 8 SECTION 8.05-REGULATION OF VENDING AND EXPRESSING ACTIVITY

PROJECT APPLICANT NAME SAN DIEGO UNIFIED PORT DISTRICT	PROJECT APPLICANT EMAIL	PHONE NUMBER 619-686-7208
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 12:58 PM
JORDAN Z. MARKS
SAN DIEGO COUNTY CLERK
File # 2023-000924
State Receipt # 37111520230840

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 8.05-REGULATION OF VENDING AND EXPRESSING ACTIVITY

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 8.05 – Regulation of Vending and Expressive Activity

Project Location – Specific: Port Tidelands

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

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 8.05 – Regulation of Vending and Expressive Activity, 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 following recommendations were considered and approved at the November Board of Port Commissioners meeting:

1. Adjust the Allotted Spaces for vending and expressive activity as follows:
 - a. Decrease the total number of Allotted Spaces from 77 to 67 along the Embarcadero.
 - b. Reduce the number of Allotted Spaces in Designated Areas 7 and 8 (behind Seaport Village) from 31 to 15.
 - c. Increase the number of Allotted Spaces in Designated Area 4 (on wooden deck near Midway Museum) from 12 to 17, additional two (2) additional commercial spaces and (3) additional expressive spaces.
 - d. Modify Designated Area 3 (between Portside Pier restaurant and the B Street Cruise Ship Terminal) to include eight (8) commercial spaces and four (4) expressive spaces, formerly six (6) commercial spaces and six (6) expressive spaces.
 - e. Reduce the size of spaces in Designated Area 1 (near the Grape Street Pier) from 10ft x 10 ft to 6 ft x 8 ft and modify them to allow four (4) expressive spaces and two (2) commercial spaces, formerly three (3) commercial spaces and three (3) expressive spaces.
2. Extend the Temporary Commercial Use Permits from November 30, 2023 end date to December 31, 2023 end date for the first commercial permit cycle.
3. Introduce a one (1) year term for the Commercial Use Permits beginning January 2024.
4. Reduce the time commercial and expressive vendors can leave their equipment unattended from three (3) hours to two (2) hours.
5. Add language giving the District's Executive Director and/or their designee the authority to revoke a Commercial Use Permit if the vendor does not meet the minimum use obligations outlined in the terms and conditions of the permit.
6. Require commercial vendors to prominently display their District issued permit at all times while vending.
7. Non-substantive edits to align the ordinance with current administrative practices or requirements.

The proposed project would result in a 12% reduction to the total number of Allotted Spaces on Tidelands to improve sight lines to San Diego Bay and the general public's experience along the waterfront. The proposed amendments to the program would better utilize public park space based of occupancy and survey data that was collected for both commercial and expressive vending.

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

Name of Person or Agency Carrying Out Project: Larry Hofreiter, Director, Department of Parks & Recreation, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101, (619) 686-6257

- 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 Minor Alterations to Land (SG § 15304) (Class 4)**
 - 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 15304 (Minor Alterations to Land) and Sections 3.a. and 3.d.(6) of the District's Guidelines for Compliance with CEQA because it would consist of amendments to the Port Code to improve the commercial vending and expressive activity program along the waterfront involving no expansion of use beyond that previously existing. Sections 3.a. and 3.d.(6) 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.

AND/OR

- 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.

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

Signature:  **Date:** 11/15/2023 **Title:** Assistant Planner

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR/Clerk: