

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 Tideland Use and Occupancy Permit by the Fish Market for Parking Spaces at the G-Street Mole Parking Lot

Project Applicant: Mike Morton Jr , The Fish Market, 750 N Harbor Dr, San Diego, CA 92101, 858-449-9672

Project Location – Specific One Tuna Lane, San Diego, CA 92101

Project location – City San Diego

Project Location – County San Diego

Description of Nature, Purpose, and Beneficiaries of Project The proposed project is the continuation of a Tidelands Use and Occupancy Permit (TUOP) to the Fish Market (Tenant) for their continued use of approximately twenty-five (25) parking spaces in the G-Street Mole parking lot, located at One Tuna Lane, in the city of San Diego, California. The Fish Market has historically occupied parking in the area through short-term TUOPs. The 31 parking spaces previously occupied by the Fish Market were located in an area designated as Commercial Fishing in the District's certified Port Master Plan (PMP). A group of commercial fishermen approached the District and requested that the Tenant's parking be removed and some or all of the parking spaces be given back to the commercial fishermen. In accordance with the TUOP and previously issued Coastal Development exclusion, the District issued a 30-day termination notice to the Tenant and planned on reestablishing the 31 parking spaces for commercial fishermen. Subsequently, the District, Tenant and San Diego Fishing Working Group, collectively, devised a solution for the parking needs at G Street Mole.

A pilot project was implemented based on the commercial fishermen's anticipated parking needs at Tuna Harbor for the following year, six (6) of the parking spaces in the Commercial Fishing designated area would be shared between the Tenant and commercial fishermen. These parking spaces have historically been occupied by the Tenant. The 6-shared-parking-space-TUOP was terminated in 2020 due to extenuating circumstances related to COVID-19. The remaining 25 parking spaces for the Tenant's operations were provided for on G Street Mole in an area designated as Commercial Recreation in the PMP as outlined in the Categorical Determination and Notice of Approval 2018-017. The 25 parking spaces subject to the TUOP are no longer available to the general public, and the District had anticipated establishing 25 new public parking spaces on N Harbor Drive across from Ruocco Park as a replacement. However, this area was taken out of consideration for these parking spaces due to construction staging needs for an adjacent project outside of the District's jurisdiction and there are no available areas to create new public parking in the vicinity.

On April 13, 2021, a third Amendment to Non-Appealable Coastal Development Permit (CDP) No. CDP-2015-01 (Clerk Doc No. 72735) was approved to correct the total number of metered public parking spaces in the original CDP and previous amendments. The amendment also changed the use of 40 parking spaces from metered public parking to permitted commercial fishing or permitted commercial recreation in North Embarcadero, Tuna Harbor, and Ruocco Park (Embarcadero Parking CDP Area). Of the 40 spaces, 25 spaces were made available to serve the adjacent Fish Market leasehold for employee, delivery, patron, and valet parking.

The TUOPs would continue to include the following terms, among others. Tenant is required to occupy the 25 parking spaces (located in the Commercial Recreation designated area) first before parking any vehicles in the 6 shared parking spaces. If the remaining parking spaces in the Commercial Fishing designated area are full and a commercial fisherman needs a parking space, he/she may park in one of the 6 shared- parking spaces. If the 6

parking spaces are all occupied by the Tenant, the commercial fisherman may approach the Tenant's parking operator and request the vehicle(s) be moved Upon such a request, the parking operator shall relocate the vehicle(s) and may, at its option, use a District issued short-term parking placard at any metered parking space within Tuna Harbor/G Street Mole

The area proposed for use under this TUOP is currently and is proposed to be used only and exclusively for the purpose of reserved twenty-five (25) parking spaces for Tenant's employees, deliveries, patrons, and valet parking for its adjacent leasehold and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance A limited number of employees may use the spaces only if they are not needed by patrons to the restaurant and only during morning or evening hours The Tenant would be responsible for compliance with all laws and regulations associated with the activities on or in connection with the above-described premises, and in all uses thereof, including those regulating stormwater and hazardous materials No new development, construction, or increase in the size of the property is proposed or authorized as part of the TUOP

It is anticipated that the TUOP would have a total term of approximately two (2) years The TUOP may be terminated by the District or Tenant as a matter of right and without cause at any time upon providing thirty (30) days' notice in writing to the other party of such termination

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

- 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 Exemption(s): *New Construction or Conversion of Small Structures (SG § 15303) (Class 3)***
 - 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 Section 15301 (Existing Facilities) and Section 3 a of the District's Guidelines for Compliance with CEQA because it consists of a short-tenancy agreement that 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 Section 3 a of the District's CEQA Guidelines is as follows

- 3 a Existing Facilities (SG § 15301) (Class 1) 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
- (4) New and renewed short-tenancy agreements which do not result in change in 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

Lead Agency Contact Person and Telephone Number Betsy Viramontes, 619-686-6409

Signature Betsy Viramontes **Date** 2/18/26 **Title** Planner I

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR/Clerk



State of California - Department of Fish and Wildlife
2026 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753 5a (Rev 01/01/26) Previously DFG 753 5a

RECEIPT NUMBER 37-02/18/2026-0152
STATE CLEARING HOUSE NUMBER (If applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY SAN DIEGO UNIFIED PORT DISTRICT DEVELOPMENT SERVICES DEPARTMENT	LEAD AGENCY EMAIL	DATE 02/18/2026
COUNTY/STATE AGENCY OF FILING SAN DIEGO	DOCUMENT NUMBER 37-2026-0152	

PROJECT TITLE
 TIDELAND USE AND OCCUPANCY PERMIT BY THE FISH MARKET FOR PARKING SPACES AT THE G-STREET MOLE PARKING LOT

PROJECT APPLICANT NAME MIKE MORTON JR, THE FISH MARKET	PROJECT APPLICANT EMAIL	PHONE NUMBER 858-449-9672
PROJECT APPLICANT ADDRESS 750 N HARBOR DR	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)	\$4,227 50	\$	0 00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)/(ND)	\$3,043 75	\$	0 00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,437 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 <i>X Steve Sangthai</i>	AGENCY OF FILING PRINTED NAME AND TITLE San Diego County Clerk, STEVE SANGTHAI, Deputy
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Payment Reference #: order#/auth# 215975870/025042



**SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET**

FILED
Feb 18, 2026 10:18 AM
JORDAN Z. MARKS
SAN DIEGO COUNTY CLERK
File # 2026-000166
State Receipt # 37021820260152

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

TIDELAND USE AND OCCUPANCY PERMIT BY THE FISH MARKET FOR PARKING SPACES AT THE G-STREET MOLE
PARKING LOT

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)

<p>FILED IN THE OFFICE OF THE SAN DIEGO COUNTY CLERK ON <u>February 18, 2026</u></p> <p>Posted <u>February 18, 2026</u> Removed _____</p> <p>Returned to agency on _____</p> <p>DEPUTY _____</p>

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.



San Diego County



Transaction #: 8890299
 Receipt #: 2026063364

JORDAN Z. MARKS

Assessor/Recorder/County Clerk
 1600 Pacific Highway Suite 260
 P. O. Box 121750, San Diego, CA 92112-1750
 Tel. (619) 237-0502 Fax (619) 557-4155
www.sdarcc.gov

Cashier Date: 02/18/2026
 Cashier Location: SD

Print Date: 02/18/2026 10:19 am

Payment Summary

Total Fees	\$300.00
Total Payments	\$300.00
Balance:	\$0.00

Payment		
VITALCHEK PAYMENT		\$300.00
Total Payments		\$300.00
Filings		
CEQA - NOE	FILE #: 2026-000163 Date: 02/18/2026 10:18AM Pages: 5 State Receipt # 37-02/18/2026-0149	
Fees:	Fish & Wildlife County Administrative Fee	\$50.00
Total Fees Due:		\$50.00
CEQA - NOE	FILE #: 2026-000164 Date: 02/18/2026 10:18AM Pages: 3 State Receipt # 37-02/18/2026-0150	
Fees:	Fish & Wildlife County Administrative Fee	\$50.00
Total Fees Due:		\$50.00
CEQA - NOE	FILE #: 2026-000165 Date: 02/18/2026 10:18AM Pages: 3 State Receipt # 37-02/18/2026-0151	
Fees:	Fish & Wildlife County Administrative Fee	\$50.00
Total Fees Due:		\$50.00
CEQA - NOE	FILE #: 2026-000166 Date: 02/18/2026 10:18AM Pages: 3 State Receipt # 37-02/18/2026-0152	
Fees:	Fish & Wildlife County Administrative Fee	\$50.00
Total Fees Due:		\$50.00

CEQA - NOE	FILE #: 2026-000167	Date: 02/18/2026 10:18AM	Pages: 4
	State Receipt # 37-02/18/2026-0153		
Fees:	Fish & Wildlife County Administrative Fee		\$50.00
Total Fees Due:			\$50.00

CEQA - NOE	FILE #: 2026-000168	Date: 02/18/2026 10:18AM	Pages: 3
	State Receipt # 37-02/18/2026-0154		
Fees:	Fish & Wildlife County Administrative Fee		\$50.00
Total Fees Due:			\$50.00

Grand Total - All Documents:			\$300.00
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