



State of California - Department of Fish and Wildlife

2024 ENVIRONMENTAL DOCUMENT FILING FEE**CASH RECEIPT**

DFW 753.5a (Rev. 01/01/24) Previously DFG 753.5a

RECEIPT NUMBER:

37-11/14/2024-0928

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 11/14/2024
COUNTY/STATE AGENCY OF FILING SAN DIEGO		DOCUMENT NUMBER 37-2024-0928

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

PROJECT APPLICANT NAME LARRY HOFREITER, DIRECTOR, DEPARTMENT OF PARKS AND RECREATION, SAN DIEGO UNIFIED PORT	PROJECT APPLICANT EMAIL		PHONE NUMBER 619-686-6257
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)	\$4,051.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)/(ND)	\$2,916.75	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,377.25	\$	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

*Maria Gomez***AGENCY OF FILING PRINTED NAME AND TITLE**

San Diego County Clerk, MARIA GOMEZ, Deputy

Payment Reference #:



SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET

FILED
Nov 14, 2024 10:15 AM
JORDAN Z. MARKS
SAN DIEGO COUNTY CLERK
File # 2024-001008
State Receipt # 37111420240928

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 EXPRESSIVE 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 14, 2024
Posted November 14, 2024 **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 Applicant: Larry Hofreiter, Director, Department of Parks and Recreation, San Diego Unified Port District, 3165 Pacific Highway, San Diego, CA 92101; (619) 686-6257

Project Location – Specific: Port Tidelands

Project location – City: 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 purpose of this proposed amendment is to provide increased economic opportunity, activate the District's waterfront by providing a broad range of commercial goods and expressive activities, ensure health and safety standards are maintained, and reduce negative, adverse, secondary impacts associated with unpermitted vending and expressive activity. Port Code Article 8, Section 8.05 was amended in Fall 2023 to establish minimum use and occupancy requirements for commercial vendors, extend the length of the commercial vending permit, reduce the amount of time commercial and expressive vendors can leave their equipment unattended, require commercial vendors to display their Temporary Commercial Use Permit, reduce the number of designated areas and allotted spaces for vending and expressive activity, and clarify the District's penalties and enforcement procedures (Coastal Act Categorical Determination of Exclusion Project No. 2023-127). The District's Department of Parks & Recreation was advised to return to the Board of Port Commissioners to evaluate the effectiveness of the program. The following recommendations would be considered at the October Board of Port Commissioners meeting:

1. Change two (2) commercial vending spaces in Designated Area 1 (North Embarcadero, 1700 block) in San Diego to two (2) expressive spaces.
2. Modify the language in the Port Code Section 8.05 to clarify that:
 - a. Individuals who assist in carrying out unlawful commercial vending and/or expressive activity in non-allotted spaces may be subject to penalties and fines established in the code
 - b. Items placed in an allotted space shall not exceed eight (8) feet in height and umbrellas or sunshades shall not exceed ten (10) feet in height
 - c. Commercial vending or expressive activity is not allowed at Sweet Park in Chula Vista because it was intended as a "passive park", based on its proximity to wildlife habitat.

The total number of designated spaces for vending or expressive activity would be 33 commercial spaces and 34 expressive spaces along the Embarcadero in the city of San Diego. The proposed amendments to the program would better utilize public park spaces based on 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)

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): 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 the 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 that would involve negligible or no expansion of use beyond that previously existing and would result in no permanent effects on the environment. Section 3.a. and 3.d.(6) of the District's CEQA Guidelines are 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.

AND/OR

- 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.

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

Signature: Betsy Viramontes **Date:** 11/14/2024 **Title:** Assistant Planner

- ☒ Signed by Lead Agency
- ☐ Signed by Applicant

Date received for filing at OPR/Clerk:

San Diego County



Transaction #: 8091949
Receipt #: 2024412740

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: 11/14/2024
Cashier Location: SD

Print Date: 11/14/2024 10:25 am

Payment Summary

Total Fees:	\$250.00
Total Payments:	\$250.00
Balance:	\$0.00

Payment

VITALCHEK PAYMENT \$250.00

Total Payments \$250.00

Filings

CEQA - NOE FILE #: 2024-001008 Date: 11/14/2024 10:15AM Pages: 3
State Receipt # 37-11/14/2024-0928
Fees: Fish & Wildlife County Administrative Fee \$50.00
Total Fees Due: \$50.00

CEQA - NOE FILE #: 2024-001009 Date: 11/14/2024 10:15AM Pages: 3
State Receipt # 37-11/14/2024-0929
Fees: Fish & Wildlife County Administrative Fee \$50.00
Total Fees Due: \$50.00

CEQA - NOE FILE #: 2024-001010 Date: 11/14/2024 10:15AM Pages: 3
State Receipt # 37-11/14/2024-0930
Fees: Fish & Wildlife County Administrative Fee \$50.00
Total Fees Due: \$50.00

CEQA - NOE FILE #: 2024-001011 Date: 11/14/2024 10:15AM Pages: 4
State Receipt # 37-11/14/2024-0931
Fees: Fish & Wildlife County Administrative Fee \$50.00
Total Fees Due: \$50.00

San Diego County		Transaction #: 8091949	Receipt #: 2024412740
CEQA - NOE		FILE #: 2024-001012 Date: 11/14/2024 10:15AM	Pages: 3
State Receipt # 37-11/14/2024-0932			
Fees:	Fish & Wildlife County Administrative Fee		\$50.00
Total Fees Due:			\$50.00
Grand Total - All Documents:			\$250.00