State of California - Department of Fish and Wildlife

2025 ENVIRONMENTAL DOCUMENT FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 01/01/25) Previously DFG 753.5a

RECEIPT NUMBER: 37-06/12/2025-0451

STATE CLEARING HOUSE NUMBER (*If applicable*)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE
SAN DIEGO UNIFIED PORT DISTRICT DEVELOPMENT SERVICES DEPARTMENT		06/12/2025

COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER
SAN DIEGO	37-2025-0451

PROJECT TITLE
TIDELANDS USE AND OCCUPANCY PERMIT FOR PUBLIC ACCESS IMPROVEMENTS AT NICHOLS STREET PIER

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL		PHONE NUMBER
JIM WHALEN, PRESIDENT, THE PECKMAN HOUSE LLC			619-683-5544
PROJECT APPLICANT ADDRESS	**CITY**	**STATE**	**ZIP CODE**
2851 CAMINO DEL RIO SOUTH #200A	SAN DIEGO	CA	92108

PROJECT APPLICANT (*Check appropriate box*)

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

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)	$4,123.50	$	0.00
☐ Mitigated/Negative Declaration (MND)/(ND)	$2,968.75	$	0.00
☐ Certified Regulatory Program (CRP) document - payment due directly to CDFW	$1,401.75	$	0.00

☒ Exempt from fee

- ☒ Notice of Exemption (attach)
- ☐ CDFW No Effect Determination (attach)

☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)	$850.00	$	0.00
☒ County documentary handling fee		$	50.00
☐ Other		$	0.00

PAYMENT METHOD:

☐ Cash ☒ Credit ☐ Check ☐ Other **TOTAL RECEIVED** $ 50.00

SIGNATURE	AGENCY OF FILING PRINTED NAME AND TITLE
X T. Hood	San Diego County Clerk, TIFFANI HOOD, Deputy

Payment Reference #: ORDER # 203590081 AND AUTH # 061740

FILED
Jun 12, 2025 10:39 AM
JORDAN Z. MARKS
SAN DIEGO COUNTY CLERK
File # 2025-000496
State Receipt # 37061220250451

SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET

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

TIDELANDS USE AND OCCUPANCY PERMIT FOR PUBLIC ACCESS IMPROVEMENTS AT NICHOLS STREET PIER

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 June 12, 2025
Posted June 12, 2025 **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: Tidelands Use and Occupancy Permit for Public Access Improvements at Nichols Street Pier
Project Applicant: Jim Whalen, President, The Peckman House, LLC, (619) 683-5544, 2851 Camino del Rio South #200A San Diego, CA 92108
Project Location – Specific: Nichols Street Pier, San Diego, CA 92106
Project location – City: San Diego
Project Location – County: San Diego

Description of Nature, Purpose, and Beneficiaries of Project: The proposed project involves improvements to Nichols Street Pier in the city of San Diego, California. The existing pier, gangway, and private dock are in need of minor repairs. Work to specifically complete the proposed project would involve the installation of air tubs to level the existing private dock, four (4) pile caps, seal deterrent around perimeter of dock, new public access signage on pier, aluminum gates with a manual lock, and new lighting compliant with Title 24 requirements from the California Building Code, with ongoing inspections, maintenance, repairs, and replacement as-needed. The existing piles, pier and private dock would remain in place, and there would be no increase in fill or shading as a result of the proposed project. The proposed improvements to the pier/dock are minor, would be conducted above the waterline, and done from the pier or with divers. The existing lighting would also be replaced, and additional lighting would be installed to safely illuminate the walking area on the pier. All lighting would not exceed 2700 Kelvins and would not overspill into San Diego Bay.

The project has no adverse impacts to water quality or sensitive habitat within San Diego Bay. As part of the project, construction BMPs to be implemented include visual water quality monitoring and inspections and an organized construction site. If stockpiling materials or staging are necessary for the project, it will occur on the landside, on the Tenant's private property and not on Tidelands. If necessary, a tarp and/or scaffolding catch-system may be set up to ensure construction materials do not fall into the water below. Construction of the proposed project is anticipated to be complete in Summer 2025 and would take approximately one month to complete, with ongoing maintenance as needed.

In addition to repair work, the proposed project would include issuance of a Tidelands Use and Occupancy Permit (TUOP) to The Peckham House, LLC (Tenant) for their use of approximately 3,810 square feet (sq ft) located in the city of San Diego, California. The TUOP would support long-term efforts to allow public access onto the pier. The project site/Premises consists of a gate that can be locked, ramp, float, and pier. All portions of the project site/Premises east of the gate shall be used only and exclusively for the purpose of a gate, ramp and float and the berthing of recreational boats and such other non-exclusive uses as may be approved from time to time by the Executive Director of the District or his/her designee and for no other purpose whatsoever without the prior written consent of the Executive Director of the District or his/her designee in each instance. Boats to be berthed at the pier would be owned by the Tenant as evidenced by proof of documentation and restricted to the boundaries of the permitted Premises; the Executive Director of District or his/her designee may approve, in writing, the berthing of other recreational boats owned by guests or invitees of the Tenant. All portions west of the gate, including the pier, are for the: (i) Tenant to access the gate, ramp and float, and (ii) general use by the public. The Tenant would have the authority to lock the gate as long as public access is maintained to the pier. All portions of the pier to the west of the gate shall be subject to rules and regulations which may be established from time to time by the District.

As part of the proposed project, the following shall apply prior to use of the existing pier, gangway, and private dock:

- Pursuant to Coastal Development Permit (CDP) No. PRJ-1097375 dated April 22, 2024, Tenant shall be required to complete the construction of a new public access stairway to an existing private wooden pier at the unimproved intersection of Nichols Street and San Antonio Avenue ("Access Stairs") needed for the general public to access the pier. Tenant acknowledges and agrees that the Access Stairs will primarily be constructed on property owned by the City of San Diego, and the Access Stairs must be completed prior to Tenant accessing the gate, ramp and float.
- The District shall have the right to make a final inspection of the Premises to verify proposed improvements detailed above have been satisfactorily completed (such inspection and associated approval not to be unreasonably withheld or delayed). Both (i) written verification of the Engineer that the repairs have been completed and (ii) District's approval of such repairs following a final inspection (should the District elect to make a final inspection) shall be required prior to Tenant being able to utilize the gate, ramp and float.

Once the Access Stairs are completed, the following shall apply, as part of the project:

- Tenant shall not interfere with the general use and enjoyment by the public of the pier and all areas west of the gate.
- Tenant shall at all times post legible and visible signs stating that the pier is open to the public from one hour before sunrise to one hour after sunset (according to the National Weather Service) and would be consistent with the public access signage on other La Playa piers.
- If at any time the Access Stairs are inaccessible to members of the public for any reason, District may deny Tenant use of the gate, ramp and float until public access to the Access Stairs is restored.
- Tenant shall have the right to temporarily close off and restrict access of the public to the pier and the Access Stairs during any District approved repair work provided that temporary closures are for the minimum time necessary to achieve the repair work.

It is anticipated that the TUOP would have a total term of approximately five (5) years. The TUOP may be terminated by the District or Tenant as a matter of right and without cause at any time upon providing (180) days' notice in writing to the other party of such termination; provided that, in the event that the use set forth in Section 3 of the TUOP is at any time disapproved by the California Coastal Commission, District may terminate this TUOP as a matter of right due to such disapproval upon thirty (30) days' advance written notice. The TUOP is subject to the Port Master Plan, as the same may be updated, the Public Trust Doctrine, and any conditions set forth by the California Coastal Commission and the State Lands Commission. If the TUOP is determined at any time by the California Coastal Commission or the State Lands Commission to be in conflict with a state mandate, doctrine, law, policy, etc., the District may terminate the TUOP with no cost or liability to District, under the provisions of Section 11 of the TUOP. 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.

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), New Construction or Conversion of Small Structures (SG § 15303) (Class 3), 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), 15303 (New Construction or Conversion of Small Structures), and 15311 (Accessory Structures) and Sections 3.a.(1)(4), 3.c.(2), and 3.i.(1)(3) of the District's Guidelines for Compliance with CEQA because it would consist of a TUOP

and public access improvements that would involve negligible expansion of use beyond that previously existing, would not result in a significant cumulative impact due to the continuation of the existing use, would consist of the installation of small new equipment, and would include the placement of minor structures accessory to existing facilities. Sections 3.a.(1)(4), 3.c.(2), and 3.i.(1)(3) 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, including, but not limited to:

(1) Repair, maintenance or minor alteration of existing mooring facilities, floats, piers, piles, wharves, bulkhead, revetment, buoys, or similar structures; marine terminal facilities; airport facilities; and commercial industrial, or recreational facilities.

(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.

AND/OR

3.c. New Construction or Conversion of Small Structures (SG § 15303) (Class 3): Includes construction of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and conversion of existing small structures from one use to another with minor modifications to the exterior of the structure. Examples of this exemption include:

(2) Accessory (appurtenant) structures and mechanical equipment including, but not limited to, garages, sheds, railway spur tracks, pilings, temporary trailers, industrial equipment enclosures, fences, parking, on-site roadways, walkways and health and safety devices.

AND/OR

3.i. Accessory Structures (SG § 15311) (Class 11): Includes construction, or placement of minor structures accessory to (appurtenant to) existing facilities, including:

(1) Construction or placement of minor mooring facilities, floats, buoys or similar structures accessory to (appurtenant to) existing commercial, industrial or institutional facilities.

(3) On-premise signs.

Lead Agency Contact Person and Telephone Number: Kelly Cunningham, (619) 686-8200

Signature: _____ **Date**: 6/12/25 **Title**: Assistant Planner

■ Signed by Lead Agency
□ Signed by Applicant

Date received for filing at OPR/Clerk:

San Diego County

Transaction #: 8424453
Receipt #: 2025221973

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: 06/12/2025
Cashier Location: SD

Print Date: 06/12/2025 10:51 am

Payment Summary

Total Fees:	$500.00
Total Payments:	$500.00
Balance:	$0.00

Payment

VITALCHEK PAYMENT	$500.00
Total Payments	$500.00

Filings

CEQA - NOE FILE #: 2025-000488 Date: 06/12/2025 10:39AM Pages: 4

State Receipt # 37-06/12/2025-0443

Fees:	Fish & Wildlife County Administrative Fee	$50.00
Total Fees Due:		$50.00

CEQA - NOE FILE #: 2025-000489 Date: 06/12/2025 10:39AM Pages: 2

State Receipt # 37-06/12/2025-0444

Fees:	Fish & Wildlife County Administrative Fee	$50.00
Total Fees Due:		$50.00

CEQA - NOE FILE #: 2025-000490 Date: 06/12/2025 10:39AM Pages: 3

State Receipt # 37-06/12/2025-0445

Fees:	Fish & Wildlife County Administrative Fee	$50.00
Total Fees Due:		$50.00

CEQA - NOE FILE #: 2025-000491 Date: 06/12/2025 10:39AM Pages: 3

State Receipt # 37-06/12/2025-0446

Fees:	Fish & Wildlife County Administrative Fee	$50.00
Total Fees Due:		$50.00

San Diego County Transaction #: 8424453 Receipt #: 2025221973

CEQA - NOE FILE #: 2025-000492 Date: 06/12/2025 10:39AM Pages: 3

State Receipt # 37-06/12/2025-0447

Fees:	Fish & Wildlife County Administrative Fee	$50.00
Total Fees Due:		$50.00

CEQA - NOE FILE #: 2025-000493 Date: 06/12/2025 10:39AM Pages: 3

State Receipt # 37-06/12/2025-0448

Fees:	Fish & Wildlife County Administrative Fee	$50.00
Total Fees Due:		$50.00

CEQA - NOE FILE #: 2025-000494 Date: 06/12/2025 10:39AM Pages: 4

State Receipt # 37-06/12/2025-0449

Fees:	Fish & Wildlife County Administrative Fee	$50.00
Total Fees Due:		$50.00

CEQA - NOE FILE #: 2025-000495 Date: 06/12/2025 10:39AM Pages: 3

State Receipt # 37-06/12/2025-0450

Fees:	Fish & Wildlife County Administrative Fee	$50.00
Total Fees Due:		$50.00

CEQA - NOE FILE #: 2025-000496 Date: 06/12/2025 10:39AM Pages: 4

State Receipt # 37-06/12/2025-0451

Fees:	Fish & Wildlife County Administrative Fee	$50.00
Total Fees Due:		$50.00

CEQA - NOE FILE #: 2025-000497 Date: 06/12/2025 10:39AM Pages: 3

State Receipt # 37-06/12/2025-0452

Fees:	Fish & Wildlife County Administrative Fee	$50.00
Total Fees Due:		$50.00

Grand Total - All Documents: $500.00