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: 37-11/06/2025-0899

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		11/06/2025

COUNTY/STATE AGENCY OF FILING	DOCUMENT NUMBER
SAN DIEGO	37-2025-0899

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

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL		PHONE NUMBER
LARRY HOFREITER, DIRECTOR, PARKS AND RECREATION DEPARTMENT, SAN DIEGO UNIFIED			619-868-6257
PROJECT APPLICANT ADDRESS	**CITY**	**STATE**	**ZIP CODE**
3165 PACIFIC HIGHWAY	SAN DIEGO	CA	92101

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 Silvia Luna	San Diego County Clerk, SILVIA LUNA, Deputy

Payment Reference #: AUTHCODE: 085080/ORDER: 211218927

ORIGINAL - PROJECT APPLICANT COPY - CDFW/ASB COPY - LEAD AGENCY COPY - COUNTY CLERK DFW 753.5A (Rev. 01012025)

SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET

FILED
Nov 06, 2025 11:00 AM
JORDAN Z. MARKS
SAN DIEGO COUNTY CLERK
File # 2025-000989
State Receipt # 37110620250899

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 - 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 6, 2025
Posted November 6, 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: Amendment of San Diego Unified Port District Code Article 8, Section 8.05 – Vending and Expressive Activity
Project Applicant: Larry Hofreiter, Director, Parks and Recreation Department, 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 (SDUPD; District) that would take effect on District Tidelands in the city of San Diego, California. The objectives of the Vending and Expressive Activity Program are 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.

In February 2023, the Board amended SDUPD Code 8.05 to authorize commercial vending in designated areas with issuance of a permit, update its time, manner, and place regulations placed on expressive activity, authorize staff to conduct an opportunity drawing to select commercial venders to operate in designated areas on a first-come, first-served basis, establish outdoor noise limitations for all commercial vending and expressive activity, and clarify the District's penalties and enforcement procedures. In Fall 2023, the Board amended the SDUPD Code 8.05 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, and reduce the number of designated areas and allotted spaces for vending and expressive activity. Most recently in Fall 2024, the Board amended the SDUPD Code 8.05 to change two (2) commercial vending spaces in Designated Area 1 (North Embarcadero) to two (2) expressive spaces, modify the language in the Port Code to define height requirements for items placed in an allotted space, and clarify that commercial vending or expressive activity is not allowed at Sweetwater Park in Chula Vista based on its proximity to wildlife.

The District's Department of Parks and Recreation was advised to routinely return to the Board to evaluate the effectiveness of the program. Staff have been regularly monitoring the vending and expressive activity on District tidelands and have periodically returned to the Board with recommendations to refine and update SDUPD Code 8.05. For the next vending cycle beginning early 2026, staff recommend the following minor modifications to the vending spaces near Ruocco Park and Embarcadero Marina Park North to address public safety and view corridor issues:

- Change one (1) expressive space to a commercial space in Designated Area 6 to provide additional commercial space in this area.
- Change one (1) commercial space to an expressive space in Designated Area 7 to reduce view blockage of San Diego Bay.

- Switch one (1) expressive space and one (1) commercial space in Designated Area 7 and move the commercial space approximately 30 feet to the north to reduce pedestrian congestion on the promenade and improve pedestrian safety near the Kettner Blvd. intersection.

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 following categorical determinations are based on the project submittal and all project information known to the District as of the date of this determination.

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 California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and Section 15304 (Minor Alterations to Land it would involve no expansion of use beyond that previously existing, would not result in a significant cumulative impact due to the continuation of the existing use, would result in no permanent effects on the environment, and would not involve the removal of mature, scenic trees. CEQA Guidelines Sections 15301 and 15304 are as follows:

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

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.

Lead Agency Contact Person and Telephone Number: Kelly Cunningham, (619) 821-1942

Signature: _____ **Date**: 10/6/2025 **Title**: Planner I

- ■ Signed by Lead Agency
- ☐ Signed by Applicant

Date received for filing at OPR/Clerk:

San Diego County

Transaction #: 8725363
Receipt #: 2025432156

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: 11/06/2025
Cashier Location: SD

Print Date: 11/06/2025 11:00 am

Payment Summary

Total Fees:	$50.00
Total Payments:	$50.00
Balance:	$0.00

Payment

VITALCHEK PAYMENT $50.00

Total Payments $50.00

Filing

CEQA - NOE FILE #: 2025-000989 Date: 11/06/2025 11:00AM Pages: 3

State Receipt # 37-11/06/2025-0899

Fees: Fish & Wildlife County Administrative Fee $50.00

Total Fees Due: $50.00

Grand Total - All Documents: $50.00