

JAN 13 2020

2020010169

BY K. BAKER  
DEPUTY

**Notice of Exemption**

**CEQA Guidelines Appendix E**

<p><b>To:</b></p> <ul style="list-style-type: none"> <li>■ Office of Planning and Research 1400 Tenth Street, Room 121 Sacramento, CA 95814</li> <li>■ San Diego County Recorder/County Clerk 1600 Pacific Highway, Suite 260 San Diego, CA 92101-2480</li> </ul>	<p><b>From:</b> (Public Agency) San Diego Unified Port District Development Services Department 3165 Pacific Highway San Diego, CA 92101</p>
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**Project Title:** *Tidelands Use and Occupancy Permit to Cow-A-Bunga Micro Ice Creamery and Espresso at Imperial Beach Oceanfront*  
**Project Location – Specific:** *10 Evergreen Avenue, Imperial Beach, CA 91932*  
**Project Location – City:** *Imperial Beach*  
**Project Location – County:** *San Diego*

**Description of Nature, Purpose, and Beneficiaries of Project:** *The proposed project is a renewal of a Tidelands Use and Occupancy Permit (TUOP) to The Kika Company, LLC, dba Cow-A-Bunga Micro Ice Creamery and Espresso (Tenant) for their use of approximately 442 square feet of land area in the City of Imperial Beach, California. The area proposed for use under this TUOP is currently and is proposed to be used only for operation of the sale of ice cream, frozen confections, snacks, sandwiches, soups, salads, coffee, desserts, cookies, T-shirts, hats, and other novelty items bearing only the Tenant's business name and/or logo, and for no other purpose whatsoever without the prior written consent of the Executive Director of the District in each instance. 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 up to 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 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)*  
**Name of Person or Agency Carrying Out Project:** *Jennifer Crumley, Owner, 755 Bear Valley Parkway, Escondido, CA 92025; (858) 247-2459*

**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)**
- 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 would consist of renewal of a TUOP for food and novelty retail store that would result in no expansion of use beyond that previously existing or a significant cumulative impact due to the continuation of the existing use and would result in no permanent effects on the environment. 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-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.*

**Lead Agency Contact Person and Telephone Number:** *Michael Paul, (619) 686-8112*

**Signature:**  **Date:** 1-9-20 **Title:** Assistant Planner

- Signed by Lead Agency
- Signed by Applicant

Governor's Office of Planning & Research

**Date received for filing at OPR/Clerk:**

**JAN 13 2020**

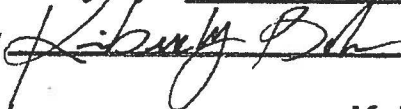
**STATE CLEARINGHOUSE**

**FILED IN THE OFFICE OF THE COUNTY CLERK**

**San Diego County on** JAN 13 2020

**Posted** JAN 13 2020 **Removed** \_\_\_\_\_

**Returned to agency on** \_\_\_\_\_

**Deputy** 

**K. BAKER**



State of California - Department of Fish and Wildlife

# 2020 ENVIRONMENTAL FILING FEE CASH RECEIPT

DFW 753.5a (Rev. 12/10/19) Previously DFG 753.5a

RECEIPT
37-2020- 0024
STATE CLEARINGHOUSE NUMBER (If applicable)
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SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY SAN DIEGO UNIFIED PORT DISTRICT DEVELOPMENT SERVICES DEPARTMENT	LEAD AGENCY EMAIL	DATE 01/13/2020
COUNTY/STATE AGENCY OF FILING San Diego County		DOCUMENT NUMBER *2020-0024*
PROJECT TITLE TIDELANDS USE AND OCCUPANCY PERMIT TO COW-A-BUNGA MICRO ICE CREAMERY AND EXPRESSO AT IMPERIAL BEACH OCEANFRONT		

PROJECT APPLICANT NAME JENNIFER CRUMLEY	PROJECT APPLICANT EMAIL	PHONE NUMBER (858) 247-2459
PROJECT APPLICANT ADDRESS 755 BEAR VALLEY PARKWAY	CITY ESCONDIDO	STATE CA
		ZIP CODE 92025

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency    
 School District    
 Other Special District    
 State Agency    
 Private Entity

**CHECK APPLICABLE FEES:**

- Environmental Impact Report (EIR)     \$3,343.25     \$ \_\_\_\_\_  
 Mitigated/Negative Declaration (MND)(ND)     \$2,406.75     \$ \_\_\_\_\_  
 Certified Regulatory Program document (CRP)     \$1,136.50     \$ \_\_\_\_\_

- 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     \$ \_\_\_\_\_  
 County documentary handling fee     \$ \_\_\_\_\_     \$50.00  
 Other     \$ \_\_\_\_\_

**PAYMENT METHOD:**

- Cash    
 Credit    
 Check    
 Other    
**021192**    
**TOTAL RECEIVED**     \$ \_\_\_\_\_     \$50.00

SIGNATURE <b>X</b> <i>Kimberly Baker</i>	AGENCY OF FILING PRINTED NAME AND TITLE San Diego County     KIMBERLY BAKER     , Deputy
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