



**CEQA and COASTAL DETERMINATIONS
and
NOTICE OF APPROVAL**

Project: Tidelands Use and Occupancy Permit to IB Rents, LLC for Operation of a Bike Rental Shop at Portwood Pier Plaza
Location: 10 Evergreen Avenue, Suite D, Imperial Beach, CA, 91932
Parcel No.: 061-024
Project No.: 2024-065
Applicant: Caden Eatherton, Owner, IB Rents LLC, 1390 5th Street, Imperial Beach, CA, 91932; 619-227-7734
Date Approved: 06/13/2024

PROJECT DESCRIPTION

The proposed project would involve a Tidelands Use and Occupancy Permit (TUOP) to IB Rents, LLC (Applicant) for the operation of a bicycle rental shop in Suite D at Portwood Pier Plaza in the city of Imperial Beach, California. The TUOP would allow for use of an approximately 371 square foot interior building area and an approximately 646 square foot joint-use area, and it is anticipated that the TUOP would have a total term of approximately five (5) years. The area proposed for use under this TUOP is proposed to be used only and exclusively for the operation of a bicycle rental shop, including the sale of bicycle accessories and bike repairs. Secondary use would include sale of fishing gear, surf boards, beach accessories, T-shirts, hats, and other novelty items bearing only the Applicant's business name and/or logo and for no other purpose whatsoever without the prior written consent of the Executive Director of District in each instance. The TUOP may be terminated by Executive Director of District or their duly authorized representative, or Applicant, as a matter of right and without cause at any time upon the giving of thirty (30) days' notice in writing to the other party of such termination.

The proposed project would also involve minor renovations at Suite D. Work to specifically complete the proposed project would involve the following interior improvements: removal of existing non-load bearing walls; replacement of existing plumbing, electrical, HVAC ducting, tile, counters, and sinks; repainting; repair of existing sliding doors; and relocation of existing HVAC thermostat. The only exterior improvement would be limited to the in-kind replacement of signage to match the adjacent C and E units.

Construction of the proposed project is anticipated to occur in Summer 2024 and would take approximately one (1) month to complete.

Due to its nature and limited scope, construction of the proposed project would generate a minor amount of vehicle trips and would require limited use of equipment. Therefore, impacts related to air quality, greenhouse gas emissions, and transportation and traffic are not anticipated to occur. Furthermore, the Applicant would be responsible for complying with all applicable federal, state, and local laws regarding construction demolition debris, hazards and hazardous materials, and stormwater.

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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CATEGORICAL DETERMINATION

Categorical Exemption: CEQA Guidelines Section 15301 (Class 1)/District Guidelines for Compliance with CEQA Section 3.a: Existing Facilities

- 3.a. Existing Facilities: 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:
- (3) Interior and exterior remodeling or alterations, involving negligible or no expansion of use beyond that previously existing, including, but not limited to, marine terminal facilities, and marine-oriented commercial, industrial, and public and commercial recreational facilities,

including buildings, piers, wharves, marine ways; railroads; airport facilities, runways, taxiways, aprons, and ancillary structures to those facilities; or mechanical systems and equipment.

- (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.

- (11) Existing on and off-premise signs.

The proposed project is determined to be Categorical Exempt pursuant to the CEQA Guidelines and the Section of the District's *Guidelines for Compliance with CEQA* as identified above because it would involve minor renovations and a new short-term tenancy agreement which 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. The District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

Pursuant to CEQA Guidelines Section 15062, a 35-day statute of limitations for this CEQA exemption shall apply from the date a Notice of Exemption is posted with the San Diego County Clerk, or a 180-day statute of limitations for this CEQA exemption shall apply if no Notice of Exemption is filed.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN CONSISTENCY

Planning District: Imperial Beach Oceanfront (Precise Plan Figure 25)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve minor renovations and a new short-term tenancy agreement consistent with the existing certified Land Use designation. The proposed project would not change the use of the site nor would it interrupt or expand the existing conforming uses of the site.

CATEGORICAL DETERMINATION

The proposed project does not constitute development as defined in Section 30106 of the California Coastal Act, or new development pursuant to Section 1.a. of the District's Coastal Development Permit Regulations. Therefore, issuance of a Coastal Development Permit or categorical exclusion is not required.

CALIFORNIA PUBLIC TRUST DOCTRINE

The proposed project complies with Section 87.(a)(2) of the Port Act, which allows for all visitor-serving commercial and industrial uses and purposes, and the construction, reconstruction, repair, and maintenance of commercial and industrial buildings, plants, and facilities. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

RANDA CONIGLIO
Acting President/CEO

Determination by:
Justin Huitema
Assistant Planner
Development Services

Signature: Justin Huitema
Date: 06/13/2024

Assistant/Deputy General Counsel

Signature: Shiraz D. Tanzi
Date: 06/13/2024