



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

Project: Tidelands Use and Occupancy Permit to JLK Creative, LLC, dba Art Wheel for Operation of Bike Rental Shop at Portwood Pier Plaza
Location: 10 Evergreen Avenue, Suite D, Imperial Beach, CA 91932
Parcel No.: 061-024
Project No.: 2026-103
Applicant: Jeff Kirkeeng, Owner, JLK Creative, LLC, 133 Elder Venue, Imperial Beach, CA 91932; (619) 920-6864
Date Approved: 7/30/2026

PROJECT DESCRIPTION

The proposed project would involve the issuance of a Tidelands Use and Occupancy Permit (TUOP) to JLK Creative, LLC (Applicant) for the continued operation of a bicycle rental shop in Suite D at Portwood Pier Plaza in the city of Imperial Beach, California. The area under the proposed TUOP was previously used for the operation of a bicycle rental shop, including the sale of bicycle accessories and bike repairs, and a secondary use for the sale of fishing gear, surf boards, beach accessories, T-shirts, hats, and other novelty items (Project No. 2024-065). The proposed TUOP would allow the Applicant to assume ownership and operations from the previous tenant and continue operating the site as a bicycle rental shop and gift shop. As such, no new use, development, or construction is proposed or authorized as part of the proposed TUOP, and the Applicant would be required to submit a separate application for any new use, development, or construction for additional review and approval.

The proposed 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 the TUOP would have a total term of approximately five (5) years. The TUOP area is proposed to be used for the continuing operation of a bicycle rental shop, including the sale of bicycle accessories, and a gift shop. The TUOP may be terminated by the District or Applicant without cause at any time upon the giving of thirty (30) days' notice in writing to the other party of such termination.

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:

- (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.

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Section of the District's *Guidelines for Compliance with CEQA* as identified above because it would consist of 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 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 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.

SCOTT CHADWICK
President/CEO

Determination by:
Davin Cox
Planner I
Development Services

Signature: _____
Date: 7/30/2026

Assistant/Deputy General Counsel

Signature: Shiraz Tangri
Date: 7/30/2026