



CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: Public Access and Signage Improvements by The Brigantine, Inc. at Portside Pier
Location: 1360 North Harbor Drive, San Diego, CA 92101
Parcel No.: 017-059
Project No.: 2025-090
Applicant: Matt Morton, Director of Development, The Brigantine, Inc., 7889 Ostrow Street, San Diego, CA 92106; (858) 268-1030
Date Approved: 9/16/2025

PROJECT DESCRIPTION

The proposed project would involve signage and facilities improvements by The Brigantine, Inc. (Tenant) to enhance public accessibility of the second-level public viewing deck at Portside Pier in the city of San Diego, California. Work to specifically complete the proposed project would include the following:

- Replacement of the sign cabinet faces of the permanent signage currently mounted on the glass basket facing North Harbor Drive.
- Removal of the existing “Ketch Grill & Taps” wall sign on the second level and replacement with new “Public Viewing Deck – Open to the Public” wall sign.
- Removal of the hostess stand from the public viewing deck.
- Installation of an auxiliary service and beverage station adjacent to the existing Dockside bar on the second level.

Replacement of the permanent signage would be limited to the installation of new permanent sign cabinet faces on the existing sign cabinets. No new lighting or alteration of the size of the sign cabinets are proposed as part of the project. Replacement of the cabinet faces would update the sign annotating upstairs use to read “Public Access – Public Deck on 2nd Level,” appropriately identifying the public use, in addition to new Dockside branding; the sign annotating downstairs use would replace the existing Dockside branding with new Portside Coffee & Gelato branding.

The proposed project would also include a new wall sign on the second level to clearly identify public access of the viewing deck and ensure the space is not perceived as a continuation of the restaurant. The proposed wall sign would be approximately 20’ long by 42” high, painted along the south-facing wall, and would replace the existing “Ketch Grill & Taps” branding with “Public Viewing Deck – Open to the Public.” Additionally, the unpermitted restaurant table services on the second level public viewing deck area would cease in operation.

Installation of the new cabinet sign faces, wall sign, and placement of open seating would clearly identify the public viewing deck to members of the public, and therefore, ensure public accessibility at Portside Pier. The public viewing deck would maintain its existing square footage of approximately 3,711, with tables and benches for up to 108 visitors, as well as the contiguous awning extending over the public viewing deck to provide shade for members of the public.

In addition to the proposed public improvements, the proposed project would include the installation of an auxiliary service and beverage station, adjacent to the existing Dockside bar. The auxiliary station would not create an extension or expansion of the Dockside restaurant or bar, or increase the number of eating establishments/restaurants, as no new seating is proposed, and would only support existing Dockside operations to prevent overcrowding around the bar and enhance customer experience. The auxiliary station would remain entirely within the Tenant leasehold area. Placement of the station would result in no interference to the accessibility of, nor would it extend or infringe upon, the public viewing deck.

Completion of the proposed project would result in the appropriate delineation of four (4) eating establishments (three restaurants and a gelato and coffee shop¹) at Portside Pier, not to exceed the 1,000-seat limitation as allowed in the Portside Pier Development Project Coastal Development Permit (CDP-2017-09).

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 Tenant 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 Exemptions: CEQA Guidelines Section 15301 (Class 1)/District Guidelines for Compliance with CEQA Section 3.a: Existing Facilities; CEQA Guidelines Section 15303 (Class 3)/District Guidelines for Compliance with CEQA Section 3.c: New Construction or Conversion of Small Structures; and CEQA Guidelines Section 15311 (Class 11)/District Guidelines for Compliance with CEQA Section 3.i: Accessory Structures

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

AND/OR

- 3.c. New Construction or Conversion of Small Structures: 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: Includes construction, or placement of minor structures accessory to (appurtenant to) existing facilities, including:
- (3) On-premise signs.

The proposed project is determined to be Categorically Exempt pursuant to the CEQA Guidelines and the Sections of the District's *Guidelines for Compliance with CEQA* as identified above because it would consist of installing accessory signage and minor improvements to existing facilities to enhance public accessibility that 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, and would consist of the installation of small new equipment and facilities in small structures. The District has determined

¹ The resultant eating establishments, which their names may be subject to change in the future, would include the following: Dockside, Miguel's Cocina, Brigantine Seafood & Oyster Bar (Brigantine), and Portside Coffee & Gelato. Establishments on the upper level would be limited to Dockside and TopSail (upper level of the Brigantine), and establishments on the lower level would be limited to Miguel's Cocina, Portside Coffee & Gelato, and Brigantine.

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: 3 - Centre City Embarcadero (Precise Plan Figure 11)

Land Use Designation: Commercial Recreation

The proposed project conforms to the certified Port Master Plan because it would involve installing accessory signage and minor improvements to existing facilities to enhance public accessibility 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

Categorical Exclusions: Section 8.a: Existing Facilities and Section 8.c: New Construction or Conversion of Small Structures

8.a. Existing Facilities: The 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:

(7) New copy on existing on- and off-premise signs.

AND/OR

8.c. New Construction or Conversion of Small Structures: Construction and location of limited numbers of new, small facilities or structures and installation of small, new equipment and facilities, involving negligible or no change of existing use of the property, including but not limited to:

(3) Accessory structures, including, but not limited to, on-premise signs, small parking lots, fences, walkways, swimming pools, miscellaneous work buildings, temporary trailers, small accessory piers, minor mooring facilities, buoys, floats, pilings, or similar structures; and seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar structures.

The proposed project is determined to be Categorically Excluded pursuant to the Sections of the District's *Coastal Development Permit Regulations* as identified above because it would consist of installing accessory signage and minor improvements to existing facilities to enhance public accessibility that would involve no expansion of use beyond that previously existing, and would involve no change of the existing use of the property.

Pursuant to California Coastal Act Section 30717, there is a 10-working-day period to appeal this "Coastal Act Categorical Determination of Exclusion" to the California Coastal Commission.

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
Assistant Planner
Development Services

Signature: _____
Date: _____ 9/16/2025

Assistant/Deputy General Counsel

Signature: _____ Rebecca Harrington
Date: _____ 9/16/2025