



CEQA and COASTAL DETERMINATIONS and NOTICE OF APPROVAL

Project: Geotechnical Exploration and Right of Entry License Agreement by Brigantine, Inc. at The Fish Market
Location: 750 North Harbor Drive, San Diego, CA 92101
Parcel No.: 018-040
Project No.: 2026-004
Applicant: Matt Morton, Director of Restaurant, Brigantine, Inc., 7889 Ostrow Street, San Diego, CA 92111
Date Approved: 1/23/2026

PROJECT DESCRIPTION

The proposed project would involve geotechnical borings, cone penetration testing and a geophysical survey program by Brigantine, Inc. dba The Fish Market in the city of San Diego, California. The purpose of the proposed project is to complete a geotechnical exploration program in support of proposed future redevelopment of the existing Fish Market restaurant.

Work to specifically complete the proposed project would involve:

- Drilling two (2) geotechnical borings to a depth of approximately 60 feet below ground surface (bgs). Each boring would be less than 8 inches in diameter.
- Advancing three (3) cone penetration test (CPT) soundings to a depth of approximately 100 feet bgs. Each CPT probe hole would be approximately 2 inches or less in diameter.
- Conducting a non-destructive and non-invasive geophysical survey that would involve temporary placement of wireless geophones at ground surface to collect readings. The survey would generally consist of placing geophones on the ground surface and recording vibrations generated by active sources (e.g., a sledgehammer) and passive sources (e.g., ambient vibrations from traffic or wind). There would be no drilling or disturbance to the ground during the testing.

Construction of the proposed project is anticipated to occur in February 2026 and take approximately four (4) days to complete. Staging for the proposed project would require the temporary use of approximately five (5) on-site parking spaces and limited use of street in front of The Fish Market. Temporary traffic control signage would be placed at the site to redirect traffic. Equipment to complete the proposed project would include a truck-mounted drill rig. The borings and CPT probe holes would be backfilled and patched at ground surface to match existing conditions.

The proposed project would require a Right of Entry License Agreement (ROELA) to Brigantine, Inc. (Licensee) to enter certain properties located in the city of San Diego, California. The area proposed for use under this ROELA would be used by the Licensee and their authorized agent and contractors for the purpose of geotechnical exploration at two (2) boring sites, three (3) CPT sites, and to conduct a geophysical survey, as well as ingress and egress in support of those activities. No new development, construction, or increase in the size of the area is proposed or authorized as part of the ROELA.

It is anticipated that the ROELA would have a total term of approximately two (2) years, or upon completion of the work, whichever occurs earlier. The ROELA may be terminated by the District as a matter of right and without cause at any time upon providing twenty-four (24) hours' notice in writing to the Licensee of such termination.

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 15306 (Class 6)/District Guidelines for Compliance with CEQA Section 3.f: Information Collection

- 3.f. Information Collection: Includes basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for information gathering purposes, or as part of a study leading to an action which has not yet been approved, adopted or funded.

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 is for geotechnical work for the purpose of basic data collection and research which would not result in a serious or major disturbance to an environmental resource. 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: 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 soil borings and geotechnical work for information collection 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 Exclusion: Section 8.e: Information Collection

- 8.e. Information Collection: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major significant disturbance to an environmental resource.

The proposed project is determined to be Categorically Excluded pursuant to the Section of the District's *Coastal Development Permit Regulations* as identified above because it would not result in a serious or major significant disturbance to an environmental resource.

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:
Betsy Viramontes
Planner I
Development Services

Signature: Betsy Viramontes
Date: 1/23/2026

Assistant/Deputy General Counsel

Signature: Shiraz Targi
Date: 1/23/2026