



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

**Project:** License Agreement for Operation of District Fuel Facilities by Jankovich Company at Tenth Avenue Marine Terminal  
**Location:** 961 East Harbor Drive, San Diego, CA 92101  
**Parcel No.:** 020-012  
**Project No.:** 2021-003  
**Applicant:** Lisa Rice, Chief Financial Officer, Northstar Energy, 450 Alaskan Way South, Suite 707, Seattle, WA 98104  
**Date Approved:** Feb 2, 2021

**PROJECT DESCRIPTION**

The proposed project includes a License Agreement to the Jankovich Company, LLC (Licensee) to enter certain properties located in the City of San Diego, California. The area proposed for use under this License Agreement would be used by the Licensee and their authorized agent(s) and contractor(s) for the continued operation of the San Diego Unified Port District's (District) petroleum bunkering facilities consisting of five (5) petroleum storage tanks having a working capacity of 215,466 barrels; receiving and delivery pipelines, including valves pumps, loading rack, heating equipment and receiving and delivery hose connection manifolds; safety and control equipment including remote pump controllers, and fixed firefighting equipment and office building space, within approximately 136,180 square feet of land area, 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 License Agreement.

In addition, Licensee will use the facilities, as described above, to receive, store and deliver bunker and other fuels to commercial passenger and cargo-carrying, ocean-going vessels, tugs, fishing vessels, and other customers as may be approved by District; and that the Licensee sublicense a portion of the property for purposes of: (1) receiving turbine fuel by common carrier pipeline or ocean-going vessel, (2) storing and delivering turbine fuel to San Diego International Airport (hereinafter "Airport") by pipeline or truck, (3) installing or modifying the filters, pumps, piping, equipment, and appurtenances necessary for the functioning of its facilities. The uses described above are reflective of existing operations.

It is anticipated that the License Agreement would have a total term of approximately five (5) years. The License Agreement may be terminated by the District as a matter of right and without cause at any time upon providing one hundred twenty (120) days' notice in writing to the Licensee 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.

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**CATEGORICAL DETERMINATION**

Categorical Exemption: SG §15301, Class 1/Section 3.a: Existing Facilities

- 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, 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. This is

appropriate for the proposed project because it consists of renewal of an existing tenancy agreement for operation and management of petroleum storage tanks, receiving and delivery pipelines, safety and control equipment, and fixed firefighting equipment and office building space, 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: 4 - Tenth Avenue Marine Terminal (Precise Plan Figure 13)

Land Use Designation: Marine Related Industrial

The proposed project conforms to the certified Port Master Plan because it would involve renewal of an existing tenancy agreement for operation and management of petroleum storage tanks, receiving and delivery pipelines, safety and control equipment, and fixed firefighting equipment and office building space, 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 use of the site.

### ***CATEGORICAL DETERMINATION***

Categorical Exclusion: Section 8.a: Existing Facilities

- 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.

The proposed project is determined to be Categorically Excluded pursuant to the Section of the District's *Coastal Development Permit Regulations* as identified above. This is appropriate for the proposed project because it consists of renewal of an existing tenancy agreement for operation and management of petroleum storage tanks, receiving and delivery pipelines, safety and control equipment, and fixed firefighting equipment and office building space, and would involve no expansion of use beyond that previously existing.

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)(1) of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and accommodation of commerce and navigation. 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.

JOE STUYVESANT  
President/CEO

Determination by:  
Michael Paul  
Assistant Planner  
Development Services

Signature: Michael Paul  
Date: Feb 2, 2021

Deputy General Counsel

Signature: Chris Burt  
Date: Feb 2, 2021