

FILE NUMBER: 2024-307

DATE: Tuesday, August 13, 2024

SUBJECT: San Diego Gas & Electric Easement at Belt Street

DESCRIPTION: Ordinance (1) Finding the Board Action Exempt Under the California Environmental Quality Act (CEQA), Including Without Limitation CEQA Guidelines Sections 15301, 15302, 15303, and 15304; and (2) Granting a Nine (9) Year and Eleven (11) Month Easement to San Diego Gas & Electric for the Installation, Operation, and Maintenance of Underground and Aboveground Electrical Facilities to Service Bae Systems San Diego Ship Repair, in the City of San Diego, California

EXECUTIVE SUMMARY:

District staff and San Diego Gas & Electric (SDG&E) have negotiated a new easement (see Attachment A - Easement) for a term of nine (9) years and eleven (11) months for the installation, operation and maintenance of underground and aboveground electrical facilities (collectively, "Electrical Facilities") located on Belt Street in the City of San Diego (see Attachment B - Location Map). The Electrical Facilities will serve the adjacent District tenant BAE Systems San Diego Ship Repair (BAE).

Staff recommends the Board of Port Commissioners (Board) grant SDG&E a nine (9) year and eleven (11) month Easement for the operation and maintenance of Electrical Facilities for approximately 1,102 square feet of land located on Belt Street in San Diego.

RECOMMENDATION:

Adopt an Ordinance (1) finding the Board action exempt under the California Environmental Quality Act (CEQA), including but not limited to, CEQA Guidelines Sections 15301, 15302, 15303, 15304 and (2) granting a nine (9) year and eleven (11) month easement to San Diego Gas & Electric for the installation, operation, and maintenance of underground and aboveground electrical facilities located on Belt Street in the City of San Diego, California.

FISCAL IMPACT:

This Board action has no fiscal impact.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A thriving and modern maritime seaport.

DISCUSSION:

District staff and SDG&E have negotiated a new Easement of 1,102 square feet of land for the installation, operation, and maintenance of Electrical Facilities located on Belt Street in the City of San Diego. The Electrical Facilities contemplated in this Easement are intended to serve the adjacent leasehold of BAE, with BAE's lease for the premises running through August 31, 2034. This Easement will be co-terminus with BAE's lease and no rent is associated with the Easement as it primarily serves a District tenant and promotes the strategic goals of the District.

Staff recommends the Board grant SDG&E a nine (9) year and eleven (11) month Easement for the installation, operation, and maintenance of Electrical Facilities for approximately 1,102 square feet of land located on Belt Street in the City of San Diego.

General Counsel's Comments:

The General Counsel's Office has reviewed this agenda and attachments, as presented to it, and approves the same as to form and legality.

Environmental Review:

The proposed Board action, including without limitation, adopting an ordinance granting a nine (9) year and eleven (11) month easement to San Diego Gas & Electric for the operation and maintenance of underground and aboveground electrical facilities to service BAE Systems San Diego Ship Repair, in the city of San Diego, California, is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), 15303 (New Construction or Conversion of Small Structure), and 15304 (Minor Alterations to Land) and Sections 3.a. (7), 3.b., 3.c. (3), and 3.d. (7) of the District's Guidelines for Compliance with CEQA because the project would consist of the modification of existing electrical facilities, installation of small new electrical structures, and an easement 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, would consist of the reconstruction of an existing structure, would be located on the same site as the structure replaced, and would have substantially the same purpose and capacity, and would consist of installation of small new equipment and facilities in small structures, and would result in no permanent effects on the environment or the removal of mature, scenic trees. The District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 153002.). No further action under CEQA is required.

The proposed Board action complies with Sections 21, 35 and 87 of the Port Act, which allow the Board to pass resolution and to do all acts necessary and convenient for the exercise of its powers, and which authorizes the use of tidelands 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 action is consistent with the Public Trust Doctrine.

The proposed Board action is considered "excluded development" pursuant to Sections 8.a. (2) (Existing Facilities), 8.b. (Replacement or Reconstruction), 8.c. (2) (New Construction or Conversion of Small Structures), and 8.d. (6) (Minor Alterations to Land) of the District's Coastal Development Permit Regulations because the project would consist of a nine (9) year and eleven (11) month easement to San Diego Gas & Electric for the installation, operation, and maintenance of underground and aboveground electrical facilities that would involve negligible or no expansion of use beyond that previously existing, would be located essentially on the same site as the structure replaced and would have substantially the same purpose and capacity as the structure replaced, would involve negligible or no change of existing use of the property, and would not involve the removal of mature, scenic trees. No further action under the Coastal Act is required.

Diversity, Equity, and Inclusion Program:

This agenda sheet has no direct DEI impact on District workforce or contract reporting at this time.

PREPARED BY:

Cameron McLeod
Asset Manager, Real Estate

Attachment(s):

Attachment A: Easement for Utility Purposes

Attachment B: Location Map