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**File #:**2023-0286

**DATE:** December 5, 2023

**SUBJECT:**

**ADOPT AN ORDINANCE FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING BUT NOT LIMITED TO, CEQA GUIDELINES SECTION 15301 AND GRANTING A SEVENTEEN (17) YEAR EASEMENT TO SAN DIEGO GAS & ELECTRIC FOR THE OPERATION AND MAINTENANCE OF UNDERGROUND AND ABOVEGROUND ELECTRICAL FACILITIES LOCATED ON SOUTH QUAY AVENUE AND WEST 32<sup>ND</sup> STREET IN THE CITY OF NATIONAL CITY**

**EXECUTIVE SUMMARY:**

District staff and San Diego Gas & Electric (SDG&E) have negotiated a new easement (see Attachment A - Easement) for a term of seventeen (17) years for the operation and maintenance of underground and aboveground electrical facilities (collectively, "Electrical Facilities") on District tidelands located on South Quay Avenue and West 32<sup>nd</sup> Street in the City of National City (see Attachment B - Location Map). This Easement is a renewal of an expired easement with SDG&E and is for the operation and maintenance of existing Electrical Facilities, which will serve District tenants in National City.

Staff recommends the Board of Port Commissioners (Board) grant SDG&E a seventeen (17) year Easement for the operation and maintenance of Electrical Facilities for approximately 7,340 square feet of land located on South Quay Avenue and West 32<sup>nd</sup> Street in National City.

**RECOMMENDATION:**

Adopt an Ordinance finding the Board action exempt under the California Environmental Quality Act (CEQA), including but not limited to, CEQA Guidelines Section 15301 and granting a seventeen (17) year easement to San Diego Gas & Electric for the operation and maintenance of underground and aboveground electrical facilities located on South Quay Avenue and West 32<sup>nd</sup> Street in the City of National City, California.

**FISCAL IMPACT:**

This Board action has no fiscal impact.

**COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goals:

- A thriving and modern maritime seaport; and
- A Port with a healthy and sustainable bay and its environment.

**DISCUSSION:**

District staff and SDG&E have negotiated a new Easement for the operation and maintenance of existing Electrical Facilities located on South Quay Avenue and West 32<sup>nd</sup> Street in the City of National City. This Easement is a renewal of a previously expired easement between the District and SDG&E. This Easement covers approximately 7,340 square feet of land and is for the operation and maintenance of Electrical Facilities for the transmission and distribution of electricity and related public utility purposes.

The Electrical Facilities contemplated in this Easement are intended to serve Pasha Automotive Services (Pasha) and their terminal operations carried out under their Terminal Operator Agreement (TOA) with the District, which expires December 31, 2040. This Easement term is co-terminus with Pasha's TOA and no rent is associated with the Easement as it primarily serves District tenants and promotes the strategic goals of the District.

District staff recommends the Board grant SDG&E a seventeen (17) year Easement for the operation and maintenance of Electrical Facilities for approximately 7,340 square feet of land located on South Quay Avenue and West 32<sup>nd</sup> Street in National City.

**General Counsel's Comments:**

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

**Environmental Review:**

The proposed Board action, including without limitation, granting a seventeen (17) year easement to San Diego Gas & Electric for the operation and maintenance of Electrical Facilities for approximately 7,340 square feet of land located on South Quay Avenue and West 32<sup>nd</sup> Street in the City of National City, is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and 3.a.(4) of the District's Guidelines for Compliance with CEQA because the project would consist of a new easement agreement for existing electrical facilities located at National City Marine Terminal. There would be no expansion of use beyond previously existing, would not result in a significant cumulative impact due to the continuation of the existing use, and no new development is authorized as part of the new easement agreement. 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).

The proposed Board action complies with Section 87 of the Port Act, which allows for the construction, reconstruction, repair, and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or

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convenient for the promotion and accommodation of any of the uses set forth in this section. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

The proposed Board action would renew an existing real estate agreement and does not allow for 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 an exclusion finding is not 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:**

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Attachment(s):  
Attachment A: Easement for Utility Purposes  
Attachment B: Location Map