

DRAFT**SAN DIEGO UNIFIED PORT DISTRICT****ORDINANCE xxxx**

ORDINANCE FINDING THE BOARD ACTION EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), INCLUDING BUT NOT LIMITED TO, CEQA GUIDELINES SECTIONS 15301, 15303, AND 15304, AND GRANTING A TWENTY (20) YEAR EASEMENT TO SAN DIEGO GAS & ELECTRIC FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF UNDERGROUND AND ABOVEGROUND ELECTRICAL FACILITIES IN CONNECTION WITH THE NATIONAL CITY MARINE TERMINAL SHORE POWER PROJECT IN THE CITY OF NATIONAL CITY, CALIFORNIA

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, Section 87(b) of the Port Act grants authority to the District to lease the tidelands or submerged lands, or parts thereof, for limited periods, not exceeding 66 years, for purposes consistent with the trusts upon which those lands are held, by the State of California; and

WHEREAS, Section 21 of the Port Act requires that all grants, franchises, leases, permits, or privileges for more than five (5) years shall be made by ordinance; and

WHEREAS, District staff and San Diego Gas & Electric (SDG&E) have negotiated a new twenty (20) year Shore Power Easement (Easement) in the form of Attachment A to the Agenda Sheet to which this Ordinance relates for the installation, operation, and maintenance of underground and aboveground electrical facilities (collectively, "Shore Power Infrastructure") on District tidelands located on 32nd Street in National City (see Attachment B – Location Map attached to the Agenda Sheet to which this Ordinance relates); and

WHEREAS, SDG&E requires the Easement for the installation, operation and maintenance of the Shore Power Infrastructure in connection with the Shore Power Installation at National City Marine Terminal Berths 24-10 and 11 (Project); and

XXXX

WHEREAS, the Project aims to support the District's effort to comply with CARB regulations requiring roll-on/roll-off vessels calling on California Ports to plug into a grid-based shore power system or use other emission-mitigating technology to reduce air pollution from vessels while at berth by January 1, 2025; and

WHEREAS, shore power is a system that allows vessels to connect to an electrical power source when docked or anchored at a port thereby allowing the vessel to shut down its onboard diesel generators; and

WHEREAS, in April 2023, the Board of Port Commissioners (Board) approved funding, plans and specifications for the Project (Resolution No. 2023-034); and

WHEREAS, in furtherance of the Project, the District is responsible to install a portion of the Shore Power Infrastructure, and SDG&E requires the Easement to facilitate the installation of the remaining portion of Shore Power Infrastructure to provide utility service for the Project; and

WHEREAS, staff and SDG&E have negotiated the Easement for the installation, operation, and maintenance of Shore Power Infrastructure for the transmission and distribution of electricity and related public utility purposes to be located on 32nd Street in National City; and

WHEREAS, the Easement would support the Project by providing the necessary Shore Power Infrastructure needed for the Project; and

WHEREAS, the Project will help the District improve air quality and reduce diesel particulate matter and greenhouse gas emissions; and

WHEREAS, the Project will help achieve a goal identified in the Maritime Clean Air Strategy, specifically Ocean-Going Vessels At-Berth Objective 2B, which requires the addition of a new shore power system with at least two plugs and/or alternative technology that reduces ocean-going vessel emissions at berth by 2025 at the National City Marine Terminal; and

WHEREAS, the proposed Board action, including without limitation, ordinance granting the Easement for the installation, operation, and maintenance of underground and above ground electrical facilities in connection with the National City Marine Terminal Shore Power Project in the city of National City, California, is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15304 (Minor Alterations to Land); and 3.a.(7), 3.c.(2)(3), and 3.d.(7) of the District's Guidelines for Compliance with CEQA; and

XXXX

WHEREAS, the Easement and associated infrastructure are necessary to implement the approved NCMT Electrification Project (Project No. 2021-077); and

WHEREAS, categorical exemptions under the California Environmental Quality Act were previously approved for the NCMT Electrification Project on July 6, 2021; and

WHEREAS, the proposed Board action is considered excluded development pursuant to Sections 8.a. (Existing Facilities), 8.c. (New Construction or Conversion of Small Structures), and 8.d. (Minor Alterations to Land) of the District's Coastal Development Permit Regulations because the Easement would involve a minor alteration of existing public utility service, consist of the installation of small structures and equipment, and result in minor alterations to land without removal of mature, scenic trees; and

WHEREAS, staff recommends the Board adopt an ordinance finding the Board action exempt under the California Environmental Quality Act (CEQA), including but not limited to, CEQA Guidelines Sections 15301, 15303, and 15304, and granting the Easement to San Diego Gas & Electric for the installation, operation, and maintenance of underground and aboveground electrical facilities in connection with the National City Marine Terminal Shore Power Project in the City of National City, California.

NOW, THEREFORE, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

1. That based on the entire administrative record, the Board finds that the facts recited above are true and further finds that the Board has jurisdiction to consider, approve and adopt the subject of this Ordinance.
2. Based on the entire record available to the Board and the findings set forth in this Ordinance, the Board finds that the action is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15304 (Minor Alterations to Land); and 3.a.(7), 3.c.(2)(3), and 3.d.(7) of the District's Guidelines for Compliance with CEQA.
3. Based on the entire record available to the Board and the findings set forth in this Ordinance, the Executive Director or their designated representative is hereby authorized to execute the Easement to San Diego Gas & Electric for the installation, operation, and maintenance of underground and aboveground electrical facilities in connection with the Project in substantial form of Attachment A to the Agenda Sheet to which this Ordinance relates.
4. This Ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

XXXX

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 14th day of November 2023, by the following vote: