



## Legislation Details (With Text)

**File #:** 2018-0323    **Version:** 1    **Name:**  
**Type:** Action Item    **Status:** Passed  
**File created:** 7/2/2018    **In control:** Board of Port Commissioners  
**On agenda:** 8/14/2018    **Final action:** 8/14/2018  
**Title:** RESOLUTION CONSENTING TO A TEN-YEAR LICENSE AGREEMENT BETWEEN PASHA AUTOMOTIVE SERVICES AND SAN DIEGO GAS AND ELECTRIC FOR ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AT NATIONAL CITY MARINE TERMINAL

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 6. 2018-0323 Attachment A, 2. 6. 2018-0323 Attachment B, 3. 6. 2018-0323 Draft Resolution

Date	Ver.	Action By	Action	Result
8/14/2018	1	Board of Port Commissioners	adopted	

**DATE:** August 14, 2018

**SUBJECT:**

**RESOLUTION CONSENTING TO A TEN-YEAR LICENSE AGREEMENT BETWEEN PASHA AUTOMOTIVE SERVICES AND SAN DIEGO GAS AND ELECTRIC FOR ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AT NATIONAL CITY MARINE TERMINAL**

**EXECUTIVE SUMMARY:**

Pasha Automotive Services (Pasha) operates the District's National City Marine Terminal (NCMT) under a Terminal Operator Agreement<sup>1</sup> (TOA) for Pasha's vehicle and cargo transportation operations. Pasha has enrolled in Power Your Drive, a San Diego Gas and Electric (SDG&E) program that installs electric vehicle (EV) charging stations at apartments, condominiums and businesses in San Diego County. Power Your Drive will supply and install ten (10) EV charging stations for Pasha's use at NCMT. The terms of Power Your Drive require that a ten-year license agreement be executed between SDG&E and the customer (Pasha). Pursuant to Board of Port Commissioners Policy No. 355 (BPC 355), Board consent is required for agreements of five years or more. Staff has reviewed the license agreement and finds it to be consistent with the TOA and BPC 355, and staff recommends the Board grant its consent.

**RECOMMENDATION:**

Adopt a Resolution Consenting to a Ten-Year License Agreement Between Pasha Automotive Services and San Diego Gas and Electric for Electric Vehicle Charging Infrastructure at National City Marine Terminal.

**FISCAL IMPACT:**

This agenda item has no fiscal impact. Pasha will be responsible for all fees related to the installation, maintenance, and operation of the electric vehicle charging infrastructure, including ongoing utility fees and bills.

This item is subject to Board Policy No. 106 - Cost Recovery User Fee Policy.

### **COMPASS STRATEGIC GOALS:**

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

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

### **DISCUSSION:**

Pasha operates the District's National City Marine Terminal under a TOA for Pasha's vehicle and cargo transportation operations (Attachment A - Location Map). The initial term of the TOA is 10 years from January 1, 2011 to December 31, 2020, with four, five-year options that would extend the term to December 31, 2040, if fully exercised.

Power Your Drive is an EV charging station program administered by SDG&E.

The purpose of the program is to install 3,500 EV charging stations at apartments, condominiums and businesses in San Diego County. Power Your Drive intends to supply and install ten (10) EV charging stations at NCMT adjacent to Warehouse 24-A. The EV charging infrastructure will be used for new finished vehicles (i.e. imports processed by Pasha at NCMT) and future Pasha fleet vehicles for operational use around NCMT. Pasha will be responsible for all applicable fees related to the installation, maintenance, and operation of the EV charging infrastructure, including ongoing utility fees and bills. The terms of Power Your Drive require that a ten-year license agreement be executed between SDG&E and Pasha (Attachment B - License Agreement). Per BPC 355, Board consent is required for agreements of five years or more.

In the United States, EV sales have grown an average of 32% annually from 2012 to 2016 and 45% in 2017. The EV infrastructure will allow Pasha to respond to the growing EV market and help secure new and increased EV business from its customers. Additionally, the EV infrastructure will provide the necessary equipment to allow Pasha to deploy electric fleet vehicles for terminal operations, thereby replacing gas-powered fleet vehicles. Installation of EV charging infrastructure supports the District's Climate Action Plan (CAP) by supporting the use of alternate fueled, electric or hybrid vehicles on District tidelands.

Staff has reviewed the license agreement and finds it to be consistent with the TOA and BPC 355, and staff recommends the Board grant its consent

### **General Counsel's Comments:**

The Office of the General Counsel has reviewed the license agreement and approves as to form and legality.

### **Environmental Review:**

The proposed Board direction or action, including without limitation, a resolution consenting to a license agreement for electric vehicle charging infrastructure 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 Structures), and/or 15304 (Minor Alterations to Land) and Sections 3.a (6) and (7), 3.b., 3.c., and/or 3.d. (7) of the District's Guidelines for Compliance with CEQA because the project in question would involve negligible expansion of use beyond that previously existing, would not involve the removal of structures of historical, archaeological, or architectural significance, would have substantially the same purpose as the facilities being replaced or reconstructed, would not involve the removal of mature, scenic trees, 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).

The proposed Board direction or action complies with Section 87 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 Board direction or action is consistent with the Public Trust Doctrine.

Finally, the proposed Board direction or action is considered "excluded development" pursuant to Section 8.a. (2) and (9) (Existing Facilities), 8.b. (Replacement or Reconstruction), 8.c. (New Construction or Conversion of Small Structures), 8.d. (6) (Minor Alterations to Land), and/or 8.f. (Inspection) of the District's Coastal Development Permit Regulations because the project in question would involve negligible expansion of use beyond that previously existing, would be located essentially on the same site and would have substantially the same purpose and capacity as the structure being replaced, would involve no change of the existing use of the property, and would not involve the removal of mature, scenic trees. Issuance of a Coastal Development Permit is not required for the proposed Board direction or action.

### **Equal Opportunity Program:**

Not applicable.

### **PREPARED BY:**

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### **Attachment(s):**

Attachment A:      Location Map  
Attachment B:      License Agreement