

**DATE: NOVEMBER 2, 2023**

**FROM: CARGO & INDUSTRIAL REAL ESTATE**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - APPROVE FIRST  
AMENDMENT TO REVOCABLE LICENSE NO. 2022-06 WITH TOYOTA  
TSUSHO AMERICA, INC.**

**SUMMARY:**

Staff requests approval of the First Amendment to Revocable License No. 2022-06 (RL 22-06) with Toyota Tsusho America, Inc. (Toyota), to extend the expiration date from December 6, 2023 to February 17, 2025, to continue the demonstration of a zero-emission hybrid top handler and mobile hydrogen fueling system at backland adjacent to Berth 301. Apart from providing an extension of the term, all other material terms of RL 22-06 remain unchanged. There is no charge for this license.

**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Article III, Class 1(14) of the Los Angeles City CEQA Guidelines;
2. Approve the First Amendment to Revocable License No. 2022-06 with Toyota Tsusho America, Inc.;
3. Authorize the Executive Director to execute and the Board Secretary to attest to the First Amendment to the Revocable License; and
4. Adopt Resolution No. \_\_\_\_\_.

**DISCUSSION:**

Background – Under RL 22-06, Toyota has the right to use and occupy City of Los Angeles Harbor Department (Harbor Department) property located on Terminal Island, described as 14,700 square feet of backland area adjacent to Berth 301 (Transmittal 1). Toyota has used and occupied this site since December 7, 2022, and is using the site for the demonstration of one zero-emission hybrid top handler and a mobile hydrogen fueling

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system. This license was originally issued by the Executive Director following the Board’s approval of the Technology Advancement Program (TAP) Grant Agreement with Toyota for a repowered hydrogen refueler project at this location (Transmittal 2).

Toyota requires additional time to complete the demonstration project and requested to extend the term of RL 22-06 so that there is no disruption to demonstration activities. The TAP Grant Agreement with Toyota has a term of three years, expiring December 5, 2025.

Proposed Amendment – Staff requests approval of the First Amendment to RL 22-06 (Transmittal 3) which will extend the expiration of the entitlement from December 6, 2023, to February 17, 2025. The new expiration date aligns with similar license issued to Center for Transportation and the Environment/Fenix Marine Terminal for the same area for a similar demonstration project.

There is no charge associated with RL 22-06 for the following reasons: 1) it provides the space to facilitate completion of a critical demonstration project; 2) the premises granted under the license are non-exclusive and primarily utilized for ingress and egress to the fueling location; and 3) the license is revocable at any time with fifteen (15) days’ prior written notice in the event the site is needed for the Harbor Department’s operations in the future.

Below is a summary of the terms modified by the amendment, which would take effect December 7, 2023:

<u>Provisions</u>	<u>Current Expiration Date</u>	<u>Proposed Expiration Date</u>
Section 3. “Effective and Termination Dates”	December 6, 2023	February 17, 2025

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is the approval of the First Amendment to Revocable Permit No. 2022-06 with Toyota Tsusho America Inc. to continue to use an area of Berth 301 for the demonstration of a zero-emission top handler and hydrogen fueling system, which is an activity involving the amendment to an existing license to use an existing facility involving negligible or no expansion of use. Therefore, the Director of Environmental Management has determined that the proposed action is categorically exempt from the requirements of CEQA in accordance with Article III, Class 1(14) of the Los Angeles City CEQA Guidelines.

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**FINANCIAL IMPACT:**

Approval of the proposed First Amendment will extend the expiration date of Revocable License No. 2022-06 to February 17, 2025, and will allow Toyota to continue its use of the premises for the demonstration of a zero-emission hybrid top-handler, including a mobile hydrogen fueling system on a rent-free basis. As noted previously, consistent with the existing License, there is no charge associated with the Amendment for the following reasons: 1) it provides the space to facilitate completion of a critical demonstration project; 2) the premises granted under the license are non-exclusive and primarily utilized for ingress and egress to the fueling location; and 3) the license is revocable at any time with fifteen days' written notice in the event the site is needed for the Harbor Department's operations in the future.

**CITY ATTORNEY:**

The Office of the City Attorney has reviewed and approved the proposed First Amendment to Revocable License No. 2022-06 as to form and legality.

**TRANSMITTALS:**

1. Project Site Map
2. TAP Board Approval
3. RL 22-06
4. Proposed First Amendment

FIS Approval: MB  
CA Approval: SO

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