



AGENDA REPORT

PROPOSED ACTION: Ordinance: Approve and Authorize the Executive Director to Execute an Easement with Pacific Gas and Electric Company for the Property Located at Assessor Parcel Number 042-4425-011 for Installation of Electrical Utility Infrastructure, and a Second Amendment to Lease with WattEV CA4, Inc. for Certain Consent and Indemnification Provisions Related to Such Easement, and Find that the Proposed Action is Exempt Under the California Environmental Quality Act. (CRE)	
Submitted By: Dorin Tiutin, Acting Chief Real Estate Officer; Kristi McKenney, Executive Director	
Parties Involved: Pacific Gas and Electric Company, Oakland, CA; WattEV CA4, Inc., Long Beach, CA	Amount: \$0
EXECUTIVE SUMMARY: The Port of Oakland (Port) currently leases premises located at 8407 Edgewater Drive to WattEV CA4, Inc. (WattEV) for installation and operation of battery-electric truck parking and charging. WattEV requested that the Port grant an easement (Easement) to Pacific Gas and Electric Company (PG&E) for Assessor Parcel Number 042-4425-011, which includes WattEV’s premises, to assist with WattEV’s construction and rollout. In exchange for this additional request by WattEV, WattEV would explicitly consent to the Easement burdening its leased premises and also defend and indemnify the Port for activities related to the Easement, unless such consent and indemnification is explicitly and adequately addressed in the Easement.	

BACKGROUND & ANALYSIS

In August 2024, the Port executed a License and Concession Agreement (Lease) with WattEV, for a parcel on 8407 Edgewater Drive, Oakland, that expires on March 31, 2031, with a five-year extension option. WattEV has been performing improvements to the site to prepare to implement their medium- and heavy-duty battery-electric truck charging stations.

On April 4, 2026, WattEV engaged Port Staff with a request that the Port grant an Easement to PG&E for various above-ground and underground electrical utility infrastructure. The Easement is intended to serve as electrical infrastructure to support the two substations on the premises that WattEV has installed.

The location of the proposed Easement is reflected in **Attachment A**. The term of the proposed Easement would be for up to sixty-six (66) years, or as otherwise consistent with the Port’s obligations under the tidelands trust. Such length of term is consistent with applicable law and is reflected in various other easements the Port has executed with other parties, including PG&E itself. The Easement would not be for any additional

monetary consideration but would support WattEV in continuing its Lease payments to the Port.

The current Lease grants WattEV the sole right of access as well as responsibility for installing and operating electrical infrastructure on its premises. The requested Easement would require an amendment to the Lease to include the following provisions:

1. WattEV's explicit consent to the Easement on its leased premises; and
2. WattEV's explicit agreement that the defense, indemnity, and hold harmless provisions of its Lease also cover any actions related to the Easement, including all potential liability related to installation or environmental responsibilities.

Such provisions could also be included in the Easement in lieu of the Lease amendment if agreed to by PG&E.

OTHER FINDINGS AND PROVISIONS

ENVIRONMENTAL REVIEW

The proposed action was analyzed under the California Environmental Quality Act (CEQA) and was found to be:

- Categorically exempt under the following CEQA Guidelines Section:
15332 (In-Fill Development Projects)
- "Common Sense" exemption under CEQA Guidelines Section 15061(b)(3).
- Other/Notes: The Proposed Action is consistent with CEQA analysis conducted for the Watt EV Project development permit (Port Permit No. PDP-44-2024), approved February 13, 2025.

BUDGET

- Administrative (No Impact to Operating, Non-Operating, or Capital Budgets); OR
 - Operating
 - Non-Operating
 - Capital

Analysis: The proposed action is revenue-neutral for the current budget cycle, as the revenues from the lease with WattEV are already accounted for in the FY2026 CRE Revenue Budget.

STAFFING

- No Anticipated Staffing Impact.
- Anticipated Change to Budgeted Headcount.
Reason:
- Other Anticipated Staffing Impact (e.g., Temp Help).
Reason:

MARITIME AND AVIATION PROJECT LABOR AGREEMENT (MAPLA):

Applies? No (Not Aviation or Maritime CIP Project) – proposed action is not covered work on Port’s Capital Improvement Program in Aviation or Maritime areas above the threshold cost.

Additional Notes:

LIVING WAGE (City Charter § 728):

Applies?
 No (CRE) – proposed action entails tenancy outside of the Maritime or Aviation areas and therefore not subject to Living Wage requirements.

Additional Notes:

SUSTAINABLE OPPORTUNITIES:

Applies? **Yes.**

GENERAL PLAN (City Charter § 727):

Conformity Determination:

<p><u>Reason:</u> The Proposed Action supports the installation of electrical infrastructure for operation of battery-electric truck parking and charging.</p>	<p>CRE (LUDC) – proposed action is within Port’s planning jurisdiction and conforms to the General Plan.</p>
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<p><u>STRATEGIC PLAN.</u> The proposed action would help the Port achieve the following goal(s) in the Port’s Strategic Plan:</p> <ul style="list-style-type: none"><input type="checkbox"/> Capture Our Market and Grow the Economic Base<input checked="" type="checkbox"/> Modernize and Upgrade Infrastructure<input checked="" type="checkbox"/> Transition to Zero-Emissions and Build Climate Resilience<input type="checkbox"/> Maximize Land Use Value and Revenues<input type="checkbox"/> Workforce Training and Jobs Development<input type="checkbox"/> Create Opportunities for Local Businesses and Community Economic Development
