

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION: (1) AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO EXECUTE A LETTER COMMITTING THE PORT OF OAKLAND TO SUPPORT THE PORT OF LONG BEACH'S APPLICATION FOR CALIFORNIA AIR RESOURCES BOARD ("CARB") ZERO-AND NEAR-ZERO EMISSIONS FREIGHT FACILITY ("ZANZEFF") GRANT BY (a) INSTALLING CHARGING INFRASTRUCTURE TO SERVE UP TO 10 BATTERY-ELECTRIC, ZERO EMISSIONS TRUCKS AT THE PORT OF OAKLAND SEAPORT, AND (b) PROVIDING A MINIMUM GRANT MATCH CONTRIBUTION OF \$1.25 MILLION UPON EXECUTION OF A MEMORANDUM OF UNDERSTANDING ("MOU") WITH THE PORT OF LONG BEACH, WHICH WILL BE SUBJECT TO FUTURE BOARD APPROVAL; AND (2) FINDING THAT NO FURTHER REVIEW UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT IS REQUIRED.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.1 dated June 14, 2018 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report, and in related agenda materials and in testimony received; and

WHEREAS, the California Air Resources Board ("CARB") released a solicitation for the Zero-and Near-Zero Emissions Freight Facilities ("ZANZEFF") grant opportunity, which will fund between four and six transformative projects that provide greenhouse gas ("GHG"), criteria air pollutant, and toxic air contaminant emission reduction benefits to disadvantaged communities, with an aggregate funding amount of \$150 million; and

WHEREAS, the Port of Long Beach ("Long Beach") is working on a ZANZEFF grant application related to its Sustainable Terminals Advancing Regional Transformation ("START") Project Phase 1 and is coordinating with the Port, the Port of Stockton, SSA Marine, and Shippers Transport Express, Inc. ("STE") among other parties to present an approximate \$90

million project to CARB for approximately \$45 million in grant funding; and

WHEREAS, Long Beach is seeking a letter of commitment ("LOC") from the Port that it would include in its ZANZEFF grant application for the START Project Phase 1. The LOC would provide, among other matters, that the Port is committed to installing charging infrastructure to support up to 10 battery-electric, zero-emissions trucks on Port property currently occupied by STE (the "Site") upon execution of a Memorandum of Understanding between the Port and Long Beach which would be subject to future Board approval; and

WHEREAS, Port staff's preliminary estimate for the charging infrastructure at the Site is \$2,000,000 including design, construction, Port staff, Port labor overhead, and contingency; however, the actual cost to design and construct the charging infrastructure could be higher or lower than the \$2,000,000 estimate; and

WHEREAS, notwithstanding the \$2,000,000 estimate, the proposed LOC provides for a minimum grant match by the Port of \$1,250,000; and

WHEREAS, the proposed START Project would cover not only up to 10 battery-electric, zero-emissions trucks and the proposed charging infrastructure at the Site, but also the deployment of up to five zero-electric yard trucks and possibly one top handler at the Matson Terminal at the Port;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Based upon the information contained in the Agenda Report, and testimony received, the Board approves and authorizes the Port's Executive Director to execute the LOC as described herein and in the Agenda Report.

SECTION 2. The Board hereby finds and determines that:

A. The proposed action of the Port's Executive Director execution of the LOC was reviewed in accordance with the California Environmental Quality Act ("CEQA") and CEQA Guidelines.

B. Potential project activities at the former Oakland Army Base ("OAB") are covered in the OAB Redevelopment Project Environmental Impact Report ("EIR") (State Clearinghouse Number 2001082058), which was certified and adopted by the City of Oakland ("City") and Oakland Base Reuse Authority on July 29, 2002. An Addendum was prepared by the City in May 2012. The Certified EIR as addended (collectively known as "Redevelopment EIR") included consideration of utility improvements and relocations such as those under consideration as part of the proposed project at the Site described in the LOC.

C. The 2012 Initial Study/Addendum to the Certified EIR concluded that construction activities associated with new or expanded

energy facilities and utility improvements are located within areas already subject to widespread ground disturbance; therefore, the removal, installation, and replacement of energy facilities and utility improvements would not cause significant environmental effects beyond those analyzed in the 2002 Certified EIR (which concluded less-than-significant environmental effects).

D. Since publication of the 2002 Certified EIR, the City adopted Standard Conditions of Approval ("SCA") that are applicable to all development projects within the City (including the Site). The measures are included in the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for the 2012 Addendum. Electrical infrastructure at the Site would implement the relevant prescribed measures, resulting in similar impacts related to new energy facilities and utilities improvements as those described in the Redevelopment EIR. No further CEQA review per Section 15162 of the CEQA Guidelines is required.

E. Potential project activities at other areas of the Port, such as the proposed electrical improvements at the Matson Terminal, which Port staff expect to involve aboveground connections from an existing substation to new charging equipment, are categorically exempt from requirements of the CEQA Guidelines pursuant to Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

SECTION 3. This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement(s).