



BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE ALAMEDA COUNTY TRANSPORTATION COMMISSION AND THE CITY OF OAKLAND TO DEFINE ROLES, RESPONSIBILITIES AND AUTHORITIES ASSOCIATED WITH THE 7TH STREET GRADE SEPARATION EAST PROJECT AS PART OF THE GOPORT PROGRAM.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 3.1 dated November 21, 2019 ("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, the Port, the Alameda County Transportation Commission ("Alameda CTC"), and the City of Oakland ("City") have been working together to develop and implement a suite of freight transportation projects known as the GoPort Program ("GoPort Program"). The GoPort Program consists of three distinct projects: The Freight Intelligent Transportation System project ("FITS Project"); the 7th Street Grade Separation Project West; and the 7th Street Grade Separation East Project ("7th Street East Project"); and

WHEREAS, the Port, Alameda CTC and the City have negotiated the terms of and wish to enter into a Memorandum of Understanding to define the roles, responsibilities and authorities of the parties for the 7th Street East Project ("MOU"); 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;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that the proposed actions were reviewed in accordance with the

requirements of the California Environmental Quality Act ("CEQA"). The 2002 Oakland Army Base Area ("OAB") Redevelopment Plan Environmental Impact Report ("2002 Redevelopment EIR") evaluated the potential impacts of redevelopment of the 1,800-acre redevelopment area, which included the Port locations for the FITS Project components. The EIR was certified by the lead agency, the City of Oakland, in June 2002. On September 17, 2002, the Board of Port Commissioners, acting on behalf of the Port of Oakland as a responsible agency under CEQA, adopted findings and the mitigation program in the City's EIR (Resolution No. 02317). In 2012, the City of Oakland, in consultation with the Port, issued an Initial Study/Addendum to the Redevelopment EIR to evaluate proposed changes to the redevelopment plan. The Board of Port Commissioners approved the revised redevelopment plan and adopted the revised mitigation program on June 21, 2012 (Resolution No. 12-76). The **7th Street East Project** was included in the 2002 Redevelopment EIR and the 2012 Addendum. No supplemental review is required under Section 15162 of the CEQA Guidelines. The Port prepared an Addendum per Section 15164 of the CEQA Guidelines to document minor changes as described in the 2002 Redevelopment Plan as addended.

SECTION 2. The Board hereby authorizes the Executive Director of the Port ("Executive Director") to enter into a **MOU** with Alameda CTC and the City defining roles, responsibilities and authorities for the **7th Street East Project** as provided in the Agenda Report.

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 a contract in accordance with the terms of this resolution. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective contract.