



AGENDA REPORT

TO: Steven Falk
Interim City Administrator

FROM: Fred Kelley
Director, Oakland
Department of
Transportation

SUBJECT: Master Site License Agreement for
Installation of Electric Vehicle Fast
Charging Infrastructure

DATE: May 15, 2023

City Administrator Approval

Date: Jun 1, 2023

RECOMMENDATION

Staff Recommends That The City Council Adopt An Ordinance:

(1) Authorizing The City Administrator To Negotiate And Execute With East Bay Community Energy (EBCE), A Not-For-Profit Joint Powers Authority (JPA), A Master Site License Agreement To Install And Operate Electric Vehicle Fast Charging Infrastructure For A Commercial Operation Term Of Fifteen (15) Years Each Not To Exceed July 30, 2040, At A Rate Of Zero Dollars (\$0.00) Per Year And Subject To Potential Early Termination Damages For The Following Municipal Facilities:

- A. Piedmont Lot Located At 4050 Howe Street;**
- B. Diamond Lot Located At 3400 Dimond Avenue; And**
- C. Grand Avenue Lot Located At 3270 Grand Avenue;**

(2) Authorizing The City Administrator To Negotiate And Execute With EBCE A Site License Agreement For The City Center West Garage Located At 1250 Martin Luther King Junior Way Pursuant To Resolution No. 88855 C.M.S.;

(3) Making Findings That The Licenses For A Below Fair Market Value Are In The Best Interest Of The City;

(4) Declaring Such Municipal Facilities As Exempt Surplus Land Under The State Surplus Land Act; And

(5) Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

EXECUTIVE SUMMARY

Vehicle electrification is an important strategy and priority action in Oakland's 2030 Equitable Climate Action Plan (ECAP) and Zero Emission Vehicle Action Plan (ZEV) to improve air quality. In Oakland, cars and trucks burning gasoline and diesel create most local greenhouse gas (GHG) emissions and criteria air pollutants such as methane and nitrous oxide, which disproportionately harm frontline communities. To encourage consumer adoption of plug-in electric vehicles (EV) in Oakland, EV charging infrastructure must be strategically deployed to ensure all residents, including renters, have equitable access to the benefits of EVs in the near term.

East Bay Community Energy (EBCE) is a nonprofit public agency that supplies electricity to residential, business and municipal accounts for the County of Alameda all cities therein, including Oakland. As a founding member of EBCE's Joint Powers Authority (JPA), the City of Oakland is eligible to participate in a variety of Local Development Programs provided by EBCE that help agencies achieve GHG reduction goals faster. EBCE has invited its JPA member cities to partner in a program to install EV Direct Current Fast Charging (or Level 3) infrastructure (EV Fast Chargers/Charging) on municipal properties.

The EV Fast Charging infrastructure will be available to the public, and capable of recharging an EV in 45 minutes or less. Users will pay for the electricity but will not be charged for the first hour of their parking session. EBCE will pay for the equipment, installation, operation, maintenance, and electricity costs associated with the EV Fast Charging infrastructure. The agreement allows EBCE to operate the chargers and associated electrical equipment on City property for 15 years, or no later than July 30, 2040. For the City to participate in the program, EBCE requires the City Council to adopt a resolution indicating intent to pursue installation of EV Fast Charging infrastructure. The resolution would authorize the City Administrator to execute a Master Site License Agreement with EBCE that governs the installation and operation of future EV Fast Charging infrastructure.

EBCE will cover the cost to install new electrical service capacity at project sites and coordinate project logistics with the utility grid operator, Pacific Gas and Electric (PG&E). EBCE will also cover the cost of design and construction of the EV Fast Charging infrastructure and will operate and maintain this infrastructure for a term of fifteen (15) years.

Staff recommends that the City Council authorize and direct the City Administrator or designee to enter into a fifteen-year Master Site License Agreement which will enable the City and EBCE to collaborate on evaluating the feasibility of EV Fast Charging projects at municipal facilities and identify viable sites. The facilities to be evaluated under the agreement include:

- Piedmont Lot at 4050 Howe Street
- Diamond Lot at 3400 Dimond Avenue
- Grand Avenue Lot at 3270 Grand Avenue

Approval of this Master Site License Agreement will grant EBCE property rights that guarantee access to the EV Fast Charging infrastructure for fifteen years. This may preclude development of all or portions of the properties during that time period.

EBCE will also assess the feasibility of project development at sites that are not municipally owned facilities but are managed by or connected to the City of Oakland. These sites include:

- AC Transit owned lot at 1434 35th Avenue (Lot is managed by the City)
- AC Transit owned lot at 1407 Auseon Avenue (Lot is managed by the City)
- Eastmont Town Center at 7200 Bancroft Avenue (Property is owned by Tidewater Capital)

If any of these potential project sites that are not municipally owned facilities are determined to be feasible, EBCE will execute separate site license agreements with the appropriate property owners. As such, these three sites are not included in nor subject to the Master Site License Agreement between EBCE and the City.

BACKGROUND / LEGISLATIVE HISTORY

Vehicle electrification and development of associated charging infrastructure are the subject of state, regional, and local climate action and air quality improvement goals. In 2020, Governor Newsom signed Executive Order N-79-20 which mandates 100 percent of new in-state light duty passenger vehicle sales to be zero-emission by 2035.¹ Preceding N-79-20, Executive Order B-48-18 established a target of 5 million ZEVs statewide by 2030 and directed California to install 250,000 EV chargers, including 10,000 fast chargers, to support 1.5 million EVs statewide by 2025.² In April 2022 the state achieved this goal two years ahead of schedule.³ These regulations were affirmed through the California Air Resources Board's Advanced Clean Cars II regulation,⁴ which established a new goal of 8 million ZEVs statewide by 2030, requiring approximately 1.2 million chargers.⁵

In 2018, the Oakland City Council adopted Resolution No. 87183 C.M.S., establishing a new GHG emissions reduction target of 56 percent by 2030, based on extensive analysis that identified vehicle electrification as one of five major strategies required for the City to reach both the 2030 and 2050 Council-adopted GHG reduction targets. In 2020, the City Council adopted the 2030 ECAP (Resolution No. 88627 C.M.S.) which established actions that the City and its partners will take to equitably reduce Oakland's climate emissions and adapt to a changing climate. The ECAP aims to increase the adoption of EVs by low-income and vulnerable populations and expand access to the benefits of electrification (e.g., reductions in air pollution and lower lifetime vehicle ownership costs). A measurement of success in the *Transportation +*

¹ Governor Gavin Newsom. [Executive Order N-79-20](#). Issued September 23, 2020.

² Governor Edmund G. Brown, Jr. [Executive Order B-48-18](#). Issued January 26, 2018.

³ Governor Gavin Newsom. [Press Release: California Surpasses 1.5 Million ZEVs Goal Two Years Ahead of Schedule](#). Issued April 21, 2023.

⁴ California Air Resources Board. [Advanced Clean Cars](#). November 30, 2022.

⁵ California Energy Commission. [AB2127 EV Charging Infrastructure Assessment](#). July 14, 2021

Land Use section of the ECAP is the installation of public EV charging infrastructure.⁶ The ECAP also called for the development of a ZEV Action Plan. In January 2023, the City Council adopted the City's first ZEV Action Plan⁷ (Resolution 13706 C.M.S.) which establishes the City's roadmap to (1) reduce GHG emissions from the transportation sector sufficiently to support the ECAP target of a 60 percent reduction by 2030;(2) support a transition to 100 percent of vehicles within Oakland being zero-emission by 2045, consistent with the City Council-adopted Carbon Neutrality target of 2045 (Resolution No. 88268 C.M.S); and (3) ensure that the benefits of the ZEV transition flow first and foremost to the communities most adversely impacted by climate change and air pollution. EBCE was a key partner to the City of Oakland on development of the ZEV Action Plan.

Finally, EV charging is identified as a top priority action in Oakland's CURB Report, published in March 2018.⁸ CURB is a climate action planning tool developed by the World Bank, C40, Bloomberg Philanthropies, and the Global Covenant of Mayors to assist cities in evaluating the most cost-effective methods to reduce GHG emissions. The CURB analysis identified the five most cost-effective and impactful areas of focus for reducing GHG emissions in Oakland. One of the five focus areas, "accelerate electrification of vehicles" is listed as critical to reducing GHG and achieving the City's climate targets.

The City of Oakland is a member of EBCE, a Joint Powers Authority (JPA) formed in 2016 pursuant to California Government Code Section 6500 et. seq, to be the default Load Serving Entity (or public power provider) in Alameda County. EBCE currently serves the County of Alameda, and each of the following cities incorporated therein: Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Tracy (San Joaquin County), and Union City. In total, EBCE meets the electricity needs of over 60,000 commercial and industrial accounts and serves all residential accounts, representing 1.7 million people. In 2022 the City of Stockton (San Joaquin County) also joined EBCE's JPA (service beginning 2025).

In addition to serving as the public power provider, EBCE is tasked with development and management of energy-related climate change programs that help local government JPA members, like the City of Oakland, achieve their greenhouse gas reduction goals faster. Through its Local Development Business Plan, EBCE is strategically developing distributed energy resource solutions, including deploying a network of EV Fast Charging infrastructure, that will provide net benefits to EBCE's customers and local government JPA member agencies.

In October 2022, EBCE and City staff scoped an EV Fast Charging project at the City Center West Parking Garage, located at 1250 Martin Luther King Jr. Way, and executed a Site License Agreement. This project is in an area with a dense concentration of multifamily housing (MFH) properties. Within one mile of the City Center West Parking Garage there are 526 MFH properties (with 5 or more units) and 18,474 total MFH units, of which over 4,658 are affordable.

⁶ [City of Oakland ECAP](#)

⁷ [City of Oakland ZEV Action Plan](#)

⁸ [Pathways to Deep GHG Reductions in Oakland: Final Report](#)

EBCE is covering all associated costs for this project and is currently coordinating with PG&E's Service Planning team to install new electrical capacity at the site. EBCE will operate and maintain the EV Fast Charging infrastructure at the City Center West Parking Garage for a term of fifteen (15) years and once energized in 2024 it will become a resource for nearby residents and visitors, and the largest charging hub in Oakland.

ANALYSIS AND POLICY ALTERNATIVES

Cars and trucks burning gasoline and diesel create most of Oakland's local GHG emissions, as well as other criteria air pollutants that disproportionately harm frontline communities. To reduce the pollution impacts of vehicles, Oakland's 2030 ECAP and ZEV Action Plan prioritize active transportation (walking and biking) and public transportation, encourage as many Oaklanders as possible to move around without cars. For those who must use vehicles, electrification is key to reducing emissions. In addition, EVs reduce lifetime utilization expenses for drivers, contributing to increased financial security, and are an important component in boosting local energy independence. The proposed EV charging infrastructure will tap into EBCE's clean electricity, leveraging carbon free renewable energy as a transportation fuel, resulting in improved public health outcomes.

There are more than 1.1 million light-duty passenger cars and trucks registered to drivers in Alameda County. According to information provided on the California Energy Commission (CEC) website, plug-in electric vehicles account for just 6.5 percent of this total vehicle registration portfolio (approximately 72,550 EVs).⁹ To achieve the state's zero-emission vehicle adoption goals, this figure will need to increase to approximately 360,000 light-duty EVs by 2030. While most existing EV drivers currently charge at their single-family homes, public fast charging is essential for drivers who lack access to charging where they live or work. In Alameda County this is critically important as 47 percent of residents, or nearly half the population, are renters living in MFH properties. In turn, EBCE is prioritizing the development of EV Fast Charging "hubs" throughout its service area to ensure all residents can equitably access the benefits of EVs.

To ensure sustained growth in the EV market, the California Energy Commission estimates up to 1,740 publicly available fast charging ports are needed in Alameda County to enable driver confidence in convenient charging infrastructure. Today there are under 400 EV Fast Charging ports. To assist in meeting state and local targets, EBCE is making strategic transportation electrification investments including development of an EV Fast Charging network throughout its service area. However, EBCE recognizes it cannot accelerate transportation electrification alone and is therefore partnering with its JPA members. This provides an opportunity for EBCE and the City of Oakland to collaborate on EV Fast Charging infrastructure deployment, resulting in more affordable project development that delivers the biggest benefit possible to the local community.

⁹ California Energy Commission. [Dashboard](#): Light-Duty Vehicle Population in California. April 2023

EBCE is leading the procurement of distributed energy resources infrastructure projects at municipal facilities using its public funds. This is a benefit to JPA members like Oakland that do not have available funding for projects like public EV Fast Charging infrastructure. As a public agency, EBCE's advertising and competitive bidding process aligns with the City of Oakland's requirements. EBCE has conducted a solicitation for vendor services to assist with the financing, construction, operation and maintenance of the EV Fast Charging infrastructure. EBCE's procurement and management of this infrastructure eliminates the need for the City to manage multiple competitive solicitations and contracts across industry vendors, reducing complexity for City staff.

Each municipal facility will be evaluated to determine if installing a minimum of 10, or up to 20, dual port fast chargers is feasible. The projects will deploy 150-kilowatt (or higher) direct current fast chargers. If a facility is unable to install 10-dual port chargers due to space constraints and/or capacity limitations on PG&E's transmission and distribution grid, EBCE and the City will consider installing the maximum number of chargers that can be sustained at the site. All projects that advance to development will mandate Americans with Disabilities Act (ADA) compliance per state requirements. Staff recommend locating EBCE EV Fast Charging infrastructure at municipal facilities based on the following:

- Extremely low EV adoption by renters in MFH properties based on Department of Motor Vehicle registration data.
- Ninety (90) percent of Alameda County's MFH building stock is 50+ years old, meaning it is unlikely these properties have the electrical capacity to accommodate lower-level EV charging (Level 1 or 2) onsite for tenants without investments in electrical upgrades.
- There are dense concentrations of MFH properties (5 or more units) with no convenient access at all (e.g., charging deserts) to EV charging infrastructure.
- Increasing the number of chargers at a single site achieves significant cost efficiencies.
- All projects that advance to development will be adjacent to amenities such as restaurants and cafes, pharmacies, retail shopping, banks, and/or parks.

EBCE's EV Fast Chargers will be placed on new, independent meters that EBCE will use to monitor charging station electrical usage. Drivers will be charged a fee for electric service (powered by EBCE's Renewable 100 electricity product) at the EV Fast Charging stations at a commercial electric rate set by EBCE. EBCE's rates associated with EV charging help ensure that the cost to EV owners to refuel with electricity remains less than the cost of refueling with gasoline or diesel. As a nonprofit public agency with no shareholders, EBCE reinvests all funds generated from the sale of electricity and Low Carbon Fuel Standard credits back into the community to accelerate transportation electrification throughout its service area.

Drivers who access municipal parking lots, right of way parking stalls and/or parking garages for the purpose of EV Fast Charging will not be charged for the first 60 minutes, typically enough time to fully recharge an EV. Drivers must be connected to the chargers and actively charging to avoid a citation for non-payment during those 60 minutes. Staff and EBCE will collaborate on this and other details throughout the project construction phase. EBCE will encourage turnover of the chargers through pricing mechanisms to ensure users do not stay in EV-only charging

spaces for extended periods and each charging port is highly utilized. The City intends to make each EV Fast Charging Hub accessible 24 hours a day, 7 days a week.

Transitioning municipal parking assets to EBCE EV Fast Charging hubs will provide a new resource for the community, enable EV adoption by nearby residents, including renters, and help the City move closer to achieving the ECAP goals. EBCE's EV Fast Charging hubs will also serve commuters traveling through Oakland, leading to improved air quality.

Investment in Equitable EV Infrastructure

EVs reduce pollution associated with private automobile use and reduce lifetime driving expenses due to lower fueling and maintenance costs¹⁰. To improve access of low- and moderate-income drivers to purchase an EV the State of California and federal government offer income-based incentives and tax credits. In addition, the "secondary market" of used EVs is growing rapidly. When paired with the new "Used Clean Vehicle" federal tax credit of up to \$4,000 for used EVs that went into effect January 1, 2023, this may make EV purchases even more affordable to lower-income residents. However, unless those residents are confident that they can reliably charge their vehicles, many will choose not to purchase an EV.

As discussed above, public charging amenities are needed in Oakland, particularly in underserved communities that tend to have a larger proportion of older housing and/or MFH, for which home charger installation is significantly more challenging. To date, investment in publicly available EV Fast Chargers in areas with a larger concentration of MFH properties has been limited.

Installing EBCE's EV Fast Charging infrastructure in the communities served by the potential sites listed in **Table 1** will facilitate the adoption of EVs (lease or ownership) and use among those who would benefit the most from lower operating costs and cleaner air. Each of the seven sites are located in a different Council District. Within a 1-mile radius of each potential project site there are a significant number of MFH properties and units which house lower-income residents.

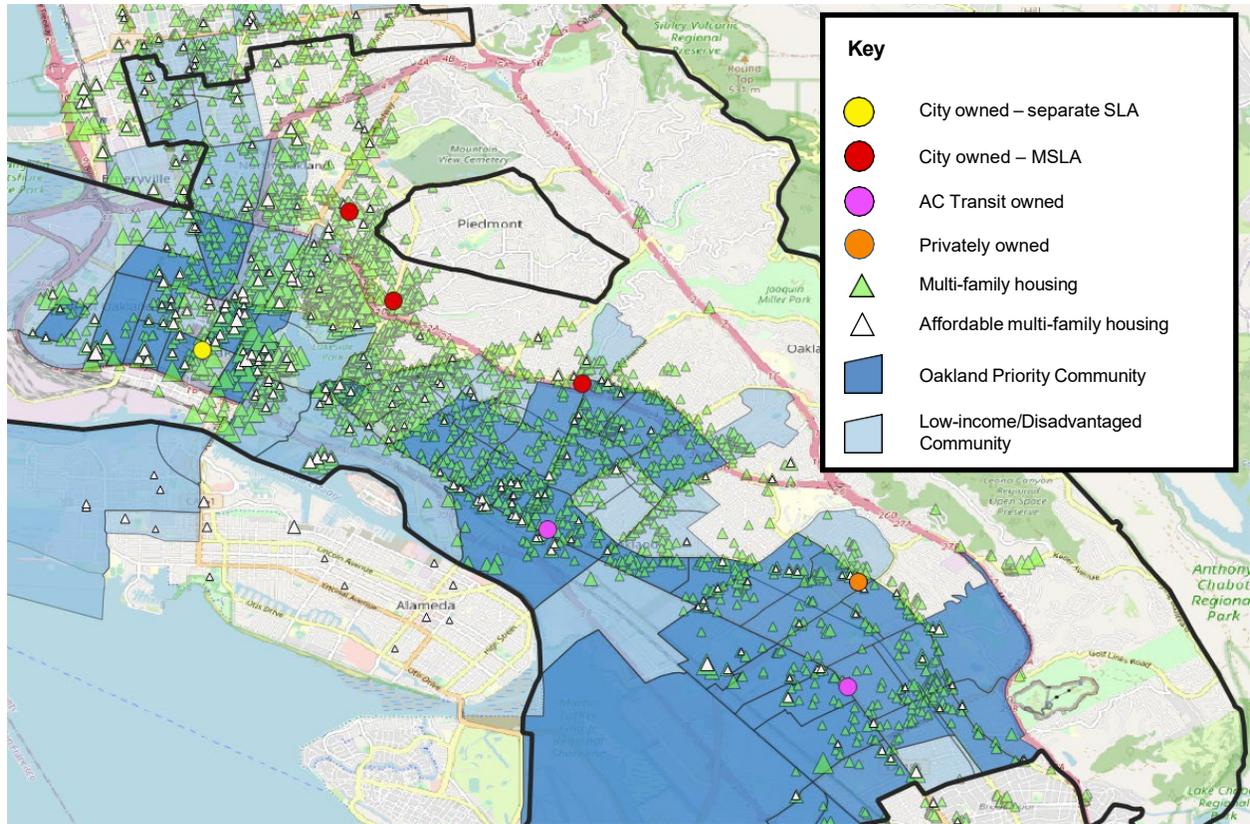
The Oakland Department of Transportation (OakDOT) Geographic Equity Toolbox was created as a way for the City to prioritize neighborhoods to receive various services, projects, or other activities, based on concentrations of different demographic groups which have experienced historic and ongoing disparities. Of the seven sites proposed for EV fast chargers, two are located in the "Highest" priority areas, one in a "High" priority area, two in the "Low" priority area, and one in a "Lowest" priority area (see **Map 1**).

¹⁰ US Department of Energy. [Consumer Guide to Electric Vehicles Fact Sheet](#). December, 2023.

Table 1: Number of multifamily housing properties and units (market rate and affordable)

Site	Address	# Total MFH Properties (5+ units)	# Total Units	# Affordable Units	City Council District	OakDOT Equity priority
City Owned: City Center West Parking Garage	1250 Martin Luther King Jr Way	526	18,474	4,658+	3	Low
City Owned: Parking Lot	4050 Howe Street	1,002	13,671	871+	1	Medium
City Owned: Parking Lot	3270 Grand Avenue	1,334	17,159	671+	2	Lowest
City Owned: Parking Lot	3400 Dimond Avenue	904	5,822	536+	4	Low
AC Transit Owned Parking Lot	1434 35 th Avenue	615	5,727	871+	5	High
AC Transit Owned Parking Lot	1407 Auseon Avenue	591	3,749	642+	7	Highest
Tidewater Capital Owned Parking Lot	7200 Bancroft Avenue	525	3,516	484+	6	Highest

Map 1: Geographic distribution of potential site, multifamily housing properties



Staff recommends that the City Council authorize and direct the City Administrator to enter into a fifteen-year Master Site License Agreement to enable the City and EBCE to collaborate on evaluating the feasibility of additional EV Fast Charging projects at City-owned municipal facilities and develop those determined to be viable. The facilities to be evaluated under the agreement include the Piedmont Lot at 4050 Howe Street, Diamond Lot at 3400 Dimond Avenue, Grand Avenue Lot at 3270 Grand Avenue, 35th Avenue Lot at 1435 35th Avenue, and the Auseon Lot at 1407 Auseon Avenue.

Approval of the proposed Master Site License Agreement will grant EBCE property rights that guarantee access to the chargers for fifteen years and pass on to the new owner if the property is sold. This may preclude development of all or portions of the properties during that time.

FISCAL IMPACT

Through these projects, EBCE will fund the installation and ongoing operation and maintenance of EV Fast Charging infrastructure. There will be no upfront City costs, and the City will provide EBCE access to its municipal parking assets to deploy EV fast charging hubs at no cost for a term of fifteen years.

PUBLIC OUTREACH / INTEREST

EBCE has committed to attending up to three existing community meetings per site, as applicable, to share information about the proposed projects and receive feedback from residents and stakeholders. These would include meetings of the local business improvement districts and Neighborhood Services Councils. Staff from OakDOT will also attend the community meetings.

Once installed, at a minimum, the City will advertise the availability of the EV Fast Charging hubs through numerous online channels including the Sustainable Oakland webpage, the Sustainable Oakland Facebook page, the City Administrator's Weekly Report, among others. EBCE will also inform the community through its communication channels including direct emails to its electricity customers (e.g., multifamily property owners and managers, MFH residents, single family home residents, and nearby employers). Together, the City and EBCE will collaborate with community-based organizations to help inform the public about the availability of these resources. EBCE will also coordinate with the Bay Area Air Quality Management District's *Clean Cars for All* program, which provides grants to income-eligible residents to help them purchase a new or used EV.

COORDINATION

Project planning was coordinated with the Sustainability & Resilience Division of the City Administrator's Office and OakDOT's Parking and Mobility Divisions. The Terms and Conditions of EBCE's Master Site License Agreement have been reviewed and approved by the City Attorney's Office.

SUSTAINABLE OPPORTUNITIES

Economic: The EV Fast Chargers project is expected to provide local economic benefits including local jobs operating and maintaining the EV Fast Charging infrastructure. Additionally, residents will realize the economic benefits from transitioning to EVs due to the lower costs of operating their vehicles. Finally, local businesses near municipal facilities deemed feasible for project development will benefit from drivers taking advantage of their services and amenities while charging their EV.

Environmental: Enabling construction of EBCE's EV Fast Chargers directly aligns with the City's commitment to develop EV infrastructure as outlined in the 2030 ECAP. The availability of EV Fast Chargers increases the likelihood that nearby residents and drivers accessing the City's municipal facilities will use EVs. Environmental benefits are derived from reduced GHG emissions associated with driving EVs, as each EV displaces approximately 2.6 tons per year of GHG emissions if powered by conventional electricity. As the public power provider, EBCE's Fast Charging hubs will leverage its Renewable 100 electricity product which is certified by the California Air Resources Board as releasing no carbon into the atmosphere. As a result, EVs refueling at EBCE's EV Fast Charging Hubs will achieve a 100 percent reduction in emissions from internal combustion engine vehicles utilizing the City's municipal parking assets. EVs will also reduce local impacts of criteria air pollutants such as ozone and fine particulates.

Race and Equity: Lack of convenient fast charging infrastructure is a primary barrier for many who would otherwise drive an EV. While most "early adopter" EV drivers charge their cars at home, home charging is generally not an option for those living in MFH or older homes. Installing charging equipment in public locations, especially those conveniently located in lower-income and disadvantaged communities, gives confidence to residents of those communities that they will be able to access EV charging when needed –allowing them to consider purchasing or leasing an EV. Enabling all Oaklanders, regardless of income or housing status, to have reliable access to EV infrastructure may help to accelerate adoption of EVs. EVs also reduce air pollution and are generally more cost effective over the lifetime of the vehicle as compared to conventional vehicles. Expanding access to EVs in lower-income and disadvantaged communities can reduce the negative health impacts related to air pollution disproportionately experienced by vulnerable populations.

EBCE's EV Fast Charging Hubs will help achieve the goals of community-led plans like the City's ZEV Action Plan to residents' quality-of-life by eliminating legacy disparities in exposure to air pollution. Providing 60 minutes of EV charging at no cost may also improve economic equity by enabling residents who cannot charge an EV at their home to reliably refuel for free or a reduced amount.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA) and the CEQA Guidelines exempt specific types of projects from environmental review. The following CEQA exemptions apply to this Project under CEQA: 15183 (projects consistent with a Community Plan, General Plan, or Zoning), and 15061(b)(3) (no significant effect on the environment), 15301 (existing facilities), 15307 (protection of natural resources) and 15308 (protection of the environment). The City Administrator or designee is hereby directed to file a Notice of Exemption with the appropriate agencies.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt An Ordinance:

(1) Authorizing The City Administrator To Negotiate And Execute With East Bay Community Energy (EBCE), A Not-For-Profit Joint Powers Authority (JPA), A Master Site License Agreement To Install And Operate Electric Vehicle Fast Charging Infrastructure For A Commercial Operation Term Of Fifteen (15) Years Each Not To Exceed July 30, 2040, At A Rate Of Zero Dollars (\$0.00) Per Year And Subject To Potential Early Termination Damages For The Following Municipal Facilities:

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(5) Making Appropriate California Environmental Quality Act Findings.

For questions regarding this report, please contact Michael Ford, Parking and Mobility Division, at (510) 238-7670.

Respectfully submitted,

Fred Kelley

Fred Kelley (Jun 1, 2023 11:00 PDT)

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