

Notice of Exemption

Form D

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: California Energy Commission
715 P Street
Sacramento, CA 95814

Project Title: California ZEV Manufacturing Project: Scaling In-State Battery Production to Drive Mobile ZEV Charging

Project Applicant: Moxion Power Co.

Project Location - Specific: 1411 Harbour Way South, Richmond, CA 94804

Project Location - City: Richmond **Project Location - County:** Contra Costa

Description of Nature, Purpose and Beneficiaries of Project:

This project is to support the establishment of new manufacturing equipment towards manufacturing of battery packs and battery-powered mobile electric vehicle supply equipment (EVSE) used to support Zero-Emissions Transportation. The project site is located in a to-be constructed new manufacturing facility located in Richmond, CA. The purpose of the project is for Moxion Power Co. (Moxion) to increase manufacturing capacity of their mobile EVSE products across the State of California and abroad. The State of California and its consumers will benefit from these products that support the transition to electric vehicles. California workers will also benefit from the increase in high-quality manufacturing jobs in the clean technology manufacturing sector once this project is fully implemented.

Name of Public Agency Approving Project: California Energy Commission

Name of Person or Agency Carrying Out Project: Moxion Power Co.

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Cal. Code Regs., tit. 14, § 15183
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Agreement will not cause direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because:

This project is sited within the jurisdiction of the City of Richmond (City). The City as lead agency made the determination that this project is exempt from CEQA under Cal. Code Regs., tit. 14, § 15183 and the CEC is adopting those findings.

Specifically, on December 14, 2022, a public hearing was held by the City of Richmond Design Review Board, which considered approval of the project. The City of Richmond Design Review Board reviewed the Portside Commerce Center CEQA Guidelines Section 15183 Checklist, which includes environmental analysis and considered the applicable provisions of CEQA and State CEQA Guidelines. This included Section 15183, which "mandates that projects that are consistent with the development established by existing zoning, community plan, or General Plan policies for which an Environmental Impact Report was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its Site."

Staff then considered the City of Richmond General Plan Update (Plan), which was adopted along with a certified Environmental Impact Report by the City of Richmond Development Services Department in August 2011 (since updated). Staff concluded that this project is consistent with the goals and policies of the Plan. The policies supported by the proposed battery assembly facility supports key goals from the Plan such as: EC5.1 which promotes Green Businesses and Jobs; LU3.J which support heavy industry's on-going efforts to modernize and upgrade their plants to reduce energy use, increase efficiency and reduce emissions; and LU4.A which support on-going efforts to plan and redevelop key shoreline areas to fully transform them from blighted areas into resources and amenities for the community.

The project is consistent with the site's existing map code zoning designation of "Industrial, Water-Related (IW) District."

Ultimately, the City of Richmond Design Review Board conditionally approved the project. The findings of the Hearing Officer included that the project was to be categorically exempt from the requirements for preparation of environmental documents pursuant to Cal. Code Regs., tit. 14, § 15183. Since the project was found to be consistent with the goals and policies of the City of Richmond's General Plan Update and does not present any unusual circumstances, CEC is adopting the CEQA findings of the lead agency.

Responsible Agency

Contact Person: Jonathan Bobadilla

Area Code/Telephone/Extension: 916-477-1589

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Jonathan Bobadilla Date: 06/18/2023 Title: Energy Commission Specialist I

Signed by Responsible Agency

Signed by Lead Agency

Date received for filing at OPR: _____

Signed by Applicant