

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING BUILDING PERMIT REQUESTED BY EVERPORT TERMINAL SERVICES, INC. ("ETS").

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Summary Sheet for Permit Application, Item No. 2.2, dated October 8, 2015 ("Agenda Sheet") 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 Sheet and in related agenda materials and in testimony received; therefore be it

RESOLVED, that in reliance upon the representations and certifications set forth upon and submitted with an application by EVERPORT TERMINAL SERVICES, INC. ("ETS") ("tenant") for a building permit to perform certain work at 5190 Seventh Street, Berths 34-38, Oakland, California ("Premises"), the Board of Port Commissioners ("Board") hereby approves same subject to said representations and certifications at an estimated cost of \$2,000,000, said work and applicable conditions of Port approval including the following: upgrades to the gate and yard technology systems, installation of a pre-cast concrete building (approximately 600 s.f.), installation of a new back-up generator and new OCR portals at the gates, installation of new equipment pedestals, and installation of other security cameras and communication equipment to replace existing equipment; and be it

FURTHER RESOLVED, that the Board hereby finds and determines that this project is categorically exempt from the requirements of CEQA under Sections 15301 (which exempts modifications to existing facilities), 15302 (which exempts replacement or reconstruction of existing structures), 15304 (which exempts minor alterations to land), and 15311 (which exempts the addition of accessory structures at an existing facility); and be it

FURTHER RESOLVED, that (a) neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to applicant under any agreement between the Port and the applicant or with respect to any obligation of applicant, or (ii) releases applicant from any obligation with respect to said work or with respect to any agreement between the Port and applicant and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Board.

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