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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY U.S. CUSTOMS AND BORDER
PROTECTION FOR WORK AT 5190 7TH STREET,
BERTHS 34-38, OAKLAND.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.5 - the Summary Approval for Permit Application (Port Permit No. 5352) dated May 10, 2022, - and related agenda materials ("Agenda Sheet"), 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;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board hereby finds and determines that the Work (defined below) to be performed under this building permit is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") under Section 15301 of the CEQA Guidelines because the proposed action consists of activities that involve negligible or no expansion of an existing use.

Section 2. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant (defined below) for a building permit to perform the Work at the Premises (defined below), and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby approves the building permit for the following Work:

A. Applicant: **U.S. Customs and Border Protection.**

B. Premises: 5190 7th Street, Berths 34-38, Oakland, California (currently occupied by Everport Terminal Services).

C. Estimated Cost: \$800,000.00.

D. Work: Upgrades to scanning devices (RPMs) at the main marine terminal entrance to allow remote monitoring, including installation of new camera and light poles, monitoring equipment, and electrical and data connections.

E. Sustainability: The Work will allow monitoring from a remote location for multiple terminal entrances and thereby increase efficiency and reduce travel to sites. The Work will also comply with the California Green Building Code for new materials, and all debris will be handled according to the California Construction and Demolition Debris Recycling regulation.

Section 3. Neither this resolution nor the Board's approval of the 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 the Work or with respect to any agreement between the Port and Applicant.

Section 4. 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 Port.

Section 5. This resolution shall be effective immediately upon adoption by the Board.