

## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

### RESOLUTION APPROVING BUILDING PERMIT REQUESTED BY DHL.

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.5 - the Summary Sheet for Permit Application (Port Permit No. 5166) dated November 30, 2017 - 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.** In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant for a building permit to perform certain work at the Premises, 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 approves the building permit for the following work:

A. Applicant: DHL

B. Premises: 7201 Earhart Road, L-812, Oakland, California

C. Estimated Cost: \$200,000

D. Work: Remodel of tenant space to upgrade package-sorting equipment and remove the annex portion of the building, which will only be used for landside access. The work includes installation of a new roll-up door on the landside, construction of a ramp to the new door, demolition of the annex (finger) portion of the building and ramp repair as necessary, installation of new conveyor and sort equipment, and related utility and finish work.

**SECTION 2.** The Board hereby finds and determines that the work to be performed under this building permit is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines under Section 15301, Class 1(a), which exempts projects involving interior alterations to existing facilities involving negligible or no expansion of use.

**SECTION 3.** (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.

**SECTION 4.** This resolution shall be effective immediately upon adoption by the Board.