

## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

### RESOLUTION APPROVING BUILDING PERMIT REQUESTED BY CENTERPOINT PROPERTIES.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.3 - the Summary Sheet for Permit Application (Port Permit No. 5198) dated June 13, 2018 - 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 hereby approves the building permit for the following work:

- A. Applicant: **CenterPoint Properties**
- B. Premises: 1300 Maritime Street, Oakland, California
- C. Estimated Cost: \$5,000,000.00
- D. Work: Initial site clearing and preparation for the future development project, which will be subject to a separate permit. The work will include abatement and demolition of the two existing buildings (762 and 780), ground surface demolition to remove paving and other miscellaneous improvements, and ground surface improvements to prepare the soil for construction, including distributing the soil stockpile for surcharging.

- E. Sustainability: This project will comply with the City of Oakland Construction and Demolition Debris Ordinance for all debris removed from the site. All paving and soil will be saved on site for reuse. Other sustainability measures are being considered for the next phase of the project.

**SECTION 2.** The Board hereby finds and determines that the work to be performed under this building permit complies with the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines because it is consistent in location, size, scale, and development type with the project analyzed in the 2002 Oakland Army Base Redevelopment Plan Environmental Impact Report, as addended, as well as with the CenterPoint project approved on November 30, 2017 through Port Ordinance No. 4448. The Board finds and determines that the work to be performed under this building permit does not result in any changes to the previously approved project and does not trigger any of the conditions set forth in Section 15162 of the CEQA Guidelines, and therefore no further CEQA review is required. The Board also finds and determines that the work complies with the 2012 Standard Conditions of Approval / Mitigation Monitoring and Reporting Program ("SCA/MMRP") for the Oakland Army Base adopted by the Board on June 21, 2012 through Port Resolution No. 12-76.

**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.