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BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING BUILDING PERMIT REQUESTED BY HIGH FLYING FOODS.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.5 - the Summary Sheet for Permit Application (Port Permit No. 5281) dated February 11, 2020 - 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 (defined below) for a building permit to perform certain 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: High Flying Foods.
- B. Concept: Farley's.
- C. Premises: 1 Airport Drive, T2-FB-G22, Oakland, California.
- D. Estimated Cost: \$700,000.00.
- E. Work: Improvements to leased space in Terminal 2 at Gate 22 under the Food and Beverage Program at the Oakland International Airport. Work will include new partition walls, finishes, and utilities.

F. Sustainability: Airport Food and Beverage Concession projects will follow current Green Building and Energy Codes as enforced by the City of Oakland, as well as the construction debris recycling requirements. All materials removed from the site will be reused or recycled to the extent feasible. Applicant is required to meet the contract standards for using reusable utensils, compost food scraps, and use local and sustainable food sources when possible. A Sustainable Opportunities Assessment form is on file for the 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 CEQA Guidelines under Section 15301, Class 1(a), which exempts projects involving interior or exterior alterations to existing facilities involving negligible or no expansion of an existing 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 Port.

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