

PORT ORDINANCE NO. 4805

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AMENDMENT NO. 1 TO SPACE/USE PERMIT WITH HG OAK F&B CONCESSIONAIRES JV AT OAKLAND AIRPORT FOR AN OPTION TO EXTEND THE PRIMARY TERM FOR ONE ADDITIONAL TWO YEAR TERM WITH AN EXPIRATION NO LATER THAN MARCH 31, 2037, TO DELETE UNIT T1-FB-C1-1, AND TO WAIVE THE \$500 DAILY LIQUIDATED DAMAGES AT UNIT T2-FB-G25 BETWEEN JANUARY 1, 2025 TO DECEMBER 31, 2025 AND AT UNIT T1-FB-C1-1 BETWEEN JANUARY 1, 2025 TO JUNE 30, 2025, AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.1, dated July 24, 2025 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; now, therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby finds that the proposed action is categorically exempt from 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 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 Report and in related agenda materials and in testimony received.

Section 3. The Board hereby approves the terms and conditions set forth in the Agenda Report for the Amendment No. 1 to Space/Use Permit (the "Amendment") with HG OAK F&B Concessionaires JV ("Permittee") (i) to provide Permittee an option to extend the term for two years from April 1, 2035 through March 31, 2037, (ii) to delete Unit T1-FB-C1-1 (Local Taste) effective July 1, 2025, and (iii) to waive the liquidated damages at Unit T2-FB-G25 (Trader Vic's/Plum Market) from January 1, 2025 to December 31, 2025 and at Unit T1-FB-C1-1 (Local Taste) from January 1, 2025 to June 30, 2025, as described in the Agenda Report.

Section 4. The Board hereby authorizes the Executive Director to execute the Amendment with the Permittee and to make such additions, modifications, or corrections as necessary to implement the Amendment or to correct errors, subject to the limitations set forth herein and provided that any such addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

Section 5. This ordinance is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective contract.

Section 6. This ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this ordinance shall be suspended, and all actions authorized by this ordinance shall be null and void.

The Board of Port Commissioners, Oakland, California, July 24, 2025. Passed to print for one day by the following vote: Ayes: Commissioners Dominguez Walton, Leslie, Martinez, Myres and President Colbruno - 5. Excused: Commissioners Muhammad and Wong - 2. Noes: 0.

Daria Edgerly,

Secretary of the Board