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BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO TAKE ALL ACTIONS NECESSARY TO INCREASE THE PORT'S COST SHARE IN AN AMOUNT NOT TO EXCEED \$1,930,000 AND INCREASE THE PORT'S ADDITIONAL CONTINGENCY AMOUNT IN AN AMOUNT NOT TO EXCEED \$400,000 FOR THE TEMPORARY LICENSE AGREEMENT WITH HLT CA HILTON, LLC, FOR PREMISES CONSISTING OF APPROXIMATELY 10 ACRES LOCATED AT 1 HEGENBERGER ROAD, OAKLAND, FOR DEMOLITION OF CERTAIN IMPROVEMENTS; INCREASE THE PORT'S FISCAL YEAR 2026 NON-OPERATING EXPENSE BUDGET BY \$2,130,000 TO ACCOMMODATE THE INCREASE IN UNBUDGETED DEMOLITION COSTS; 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 No. 6.6, dated November 20, 2025, and related agenda materials ("Agenda Report"), 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 Report and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board finds and determines that the proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15332 of the CEQA Guidelines because the proposed action: (a) is consistent with applicable general plan and zoning designation and policies; (b) occurs within city limits, the site of proposed activity is no more than five acres, and is substantially surrounded by urban uses; (c) the site has no value as habitat for endangered, rare, or threatened species; (d) approval of the proposed action would not result in any significant effects relating to traffic,

noise, air quality, or water quality; and (e) the site can be adequately served by all required utilities and public services.

Section 2. The Board hereby does all of the following:

A. Approves and authorizes the Executive Director to take all actions necessary to increase the Port's cost share in an amount not to exceed \$1,930,000 and increase the Port's additional contingency amount in an amount not to exceed \$400,000 for the Temporary License Agreement with **HLT CA Hilton, LLC** for premises consisting of approximately 10 acres located at 1 Hegenberger Road, Oakland, for demolition of certain improvements, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

B. Increases the Port's Fiscal Year 2026 Non-Operating Expense Budget by \$2,130,000 to accommodate the increase in unbudgeted demolition costs.

C. Approves and authorizes the Executive Director to enter into any agreements or make any additions, modifications, or corrections necessary to implement the proposed action or to correct errors, subject to the limitations set forth herein, provided that any addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, and are approved as to form and legality by the Port Attorney.

Section 3. This resolution is not evidence of and does not create or constitute: (a) a contract, 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. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this resolution, 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 4. This resolution shall be effective immediately upon adoption by the Board.