

PORT ORDINANCE NO. 4471

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE FOOD STORAGE AND SUPPORT SPACE/USE PERMIT WITH EACH OF THE FIVE FOOD & BEVERAGE CONCESSIONAIRES OPERATING AT SAN FRANCISCO BAY OAKLAND INTERNATIONAL AIRPORT - HFF OAK VENTURE, LLC; RYLO MANAGEMENT; SOARING FOOD GROUP II, LLC; SSP AMERICA OAK, LLC AND NNF GREWAL, INC. - TO INCLUDE A TOTAL OF APPROXIMATELY 6,905 SQUARE FEET OF CONCESSION STORAGE SUPPORT SPACE FOR UP TO \$4,646,573.09 IN TOTAL RENT FROM JANUARY 1, 2022 THROUGH MARCH 31, 2033 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 October 24, 2024 ("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 Food Storage and Support Space/Use Permit (the "SUP") with each of HFF OAK Venture, LLC, Rylo Management, Soaring Food Group II, LLC, SSP America OAK, LLC and NNF Grewal, Inc. ("Permittees") for a term through March 31, 2033, with rent based on the rates and charges ordinance, as described in the Agenda Report.

Section 4. The Board hereby authorizes the Executive Director to execute the SUPs with each of the Permittees and to make such additions, modifications, or corrections as necessary to implement the SUPs 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, October 24, 2024. Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Dominguez Walton, Leslie, Martinez, Myres, and President Colbruno - 6. Noes: 0. Excused: Commissioner Lee - 1.

Daria Edgerly,

Secretary of the Board