

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

10/9/2025
Item No.: 2.1
RS/pcm



**ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE
DIRECTOR TO EXECUTE A SPACE ASSIGNMENT AGREEMENT
WITH PACIFIC CRANE MAINTENANCE COMPANY, LLC FOR
LAND AND OFFICE SPACE AT HOWARD TERMINAL, FOR A
MAXIMUM TERM OF ONE YEAR, THROUGH JULY 12, 2026,
RESULTING IN REVENUE OF APPROXIMATELY \$170,340;
AND FINDING THAT THE PROPOSED ACTION IS EXEMPT
UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.1 dated October 9, 2025, (the "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; and

WHEREAS, Section 706 of the City of Oakland ("City") Charter gives to the Board the complete and exclusive power and duty for and on behalf of the City to make provisions for the needs of commerce, shipping, and navigation of the Port and to promote the development, construction, and operation of all waterfront properties, including piers, wharves, sea walls, docks, and other improvements; and

WHEREAS, the proposed action will provide important services for customers of the Port, and is consistent with the Port's duty to use and manage Port property in trust for the people of the State of California (the "Tidelands Trust"), and the private use of Port property in the form of a lease will not interfere with the Tidelands Trust; and

WHEREAS, the Port and Pacific Crane Maintenance Company, LLC ("PCMC" or "Lessee") were parties to a temporary license agreement, as amended, which had a term through July 12, 2025 at a below tariff monthly rent for container storage; and

WHEREAS, the Port and Lessee have agreed that it is to their mutual benefit to extend the term by entering into a new agreement on the Port's space assignment lease template;

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

Section 1. 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 2. The Board hereby finds and determines as follows:

A. The proposed Space Assignment is exempt from the requirements of the California Environmental Quality Act ("CEQA") because the proposed actions consist of leasing of existing structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use, as further defined in Section 15301 of the CEQA Guidelines.

B. Port staff have negotiated and recommend entering into the Space Assignment with Lessee, which include the following terms:

1. Term: Effective date of July 13, 2025 with a six month initial term with one, six month option to extend subject to approval of both parties (Executive Director authorized to extend for the Port); and
2. Compensation: \$14,194.95 per month, which is approximately 44% below current Tariff rates; and
3. Form of Agreement and Termination: A New Space Assignment Agreement which is subject to termination by either party upon 30-days advance written notice; and
4. Premises: Approximately 66,875 square feet of paved land and 720 square feet of office space in the Howard Terminal area.

Section 3. The Board hereby authorizes the Executive Director or her designee to execute the Space Assignment, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

Section 4. This Ordinance 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. Unless and until a separate written agreement 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 the other contracting party, there shall be no valid or effective agreement.

Section 5. 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.

DRAFT

President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney