

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4548

ORDINANCE APPROVING A SPACE/USE PERMIT WITH
GITIBIN & ASSOCIATES, INC., DOING BUSINESS AS GO
RENTALS, WITH ANTICIPATED ANNUAL REVENUES OF
\$12,000 OPERATING AT THE NORTH FIELD OF OAKLAND
INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.2, dated January 23, 2020 (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; 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 approves the terms and conditions set forth in the Agenda Report for the Space/Use Permit ("SUP") with Gitibin & Associates, Inc., doing business as Go Rentals, for a term commencing January 1, 2020 and expiring June 30, 2023, with a minimum annual guarantee of \$12,000 or 9% of gross revenues, whichever is greater, as described in the Agenda Report.

Section 3. The Board hereby authorizes the Executive Director to execute the SUP with Gitibin & Associates, Inc., and to make such additions, modifications, or corrections as necessary to implement the SUP 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 4. The Board hereby finds and determines that this action is categorically exempt from requirements of the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time

of the lead agency's determination. No changes to the premises or use are proposed.

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 Board. 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.

The Board of Port Commissioners, Oakland, California, January 23, 2020. Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Colbruno, Lee, Leslie, Martinez, Story and President Butner - 7. Noes: 0.

Daria Edgerly


Secretary of the Board

Adopted at a Regular Meeting held February 13, 2020
by the following vote:

Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and
President Butner - 6

Excused: Commissioner Colbruno - 1

Noes: 0



President.

Attest: 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4549

**ORDINANCE AUTHORIZING AND APPROVING A
FIRST AMENDMENT TO THE LEASE WITH
SEAFARER'S MINISTRY OF THE GOLDEN GATE.**

WHEREAS, the Board of Port Commissioners ("Board") reviewed and evaluated the Agenda Report Item No. 2.4 dated January 23, 2020 ("Agenda Report") and related agenda materials, received the expert testimony of Port of Oakland ("Port") staff, and provided opportunities for and taken public comment; and

WHEREAS, Seafarer's Ministry of the Golden Gate ("SMGG") currently leases approximately 0.2 acres of office space, including a modular building in a designated area in Port View Park located at 700 Maritime Street; and

WHEREAS, on or about February 5, 2018, the Board authorized the Executive Director to enter into a lease with SMGG ("Lease"), which expires on December 31, 2022, and provides one option to extend through December 31, 2027; and

WHEREAS, in March 2019, SMGG contacted the Port with a request to install, on its lawn within its Premises, a Memorial Sculpture ("Memorial Sculpture") to honor the memory of mariners lost at sea, and recognize all the mariners who serve aboard the ships bringing goods and products to the Bay Area; and

WHEREAS, the Port approved SMGG's development permit for the installation of the Memorial Sculpture on May 23, 2019 (Port Permit No. 5231), which will be owned by SMGG for the term of the Lease; and

WHEREAS, the Lease does not include terms for maintenance and removal of the Memorial Sculpture, so Staff recommends amending the Lease to include such terms; now, therefore

BE IT ORDAINED by the Board of Port Commissioners ("Board") 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:

The proposed amendment to the Lease is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 of the CEQA Guidelines, which exempts leasing of existing

facilities involving negligible or no expansion of use beyond that previously existing.

Section 3. The Board hereby approves and authorizes the Executive Director or his designee to execute for and on behalf of the Board a first amendment to the Lease to include terms for maintenance and removal of the Memorial Sculpture on terms as more fully described in the Agenda Report.

Section 4. The amendment to the Lease shall contain such other terms and conditions as are customary in the Port leases and as the Executive Director and the Port Attorney may deem appropriate or advisable consistent with the intent of this ordinance.

Section 5. 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 Board. This ordinance approves and authorizes the execution of a lease in accordance with the terms of this ordinance. Unless and until a separate written lease is duly executed on behalf of the Board as authorized by this ordinance, is signed and 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 lease.

The Board of Port Commissioners, Oakland, California, January 23, 2020. Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Colbruno, Lee, Leslie, Martinez, Story and President Butner - 7. Noes: 0.

Daria Edgerly

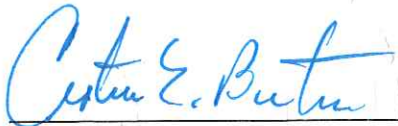
Secretary of the Board

Adopted at a Regular Meeting held February 13, 2020
by the following vote:

Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and
President Butner - 6

Excused: Commissioner Colbruno - 1

Noes: 0



President.

Attest: 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4550

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A LICENSE AND CONCESSION AGREEMENT WITH PASSAGE NAUTICAL ENTERPRISES, INC. FOR A THIRTY-EIGHT (38) MONTH TERM FOR THE PREMISES LOCATED AT 544 WATER STREET, OAKLAND, WITH AN INITIAL MONTHLY RENT OF \$1,538.00 AND 4% ANNUAL INCREASES THEREAFTER.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.5, dated January 23, 2020 (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 service for members of the public who use the waterfront, 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 pursuant to the proposed agreement will not interfere with the Tidelands Trust; 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 Port-owned property at 544 Water Street, Oakland (the "Premises") consists of approximately 696 square feet ("sf") of office space at the northwest corner of the ground floor of the building at 530 Water Street, Oakland. The Premises are currently leased to Deborah Reynolds, doing business as Tradewind Yacht Sales under a Temporary Rental Agreement that expires on March 31, 2020.

B. Passage Nautical Enterprises, Inc. ("Passage Nautical") is based in Richmond, California and has been in business for the past 35 years to sell, broker, service, and charter boats, as well as provide sail and power boat lessons. Passage Nautical wishes to enter into a rental agreement for the Premises.

C. Port staff have negotiated and recommend entering into a License and Concession Agreement with Passage Nautical for the Premises under the following terms, as further described in the Agenda Report:

- a. Licensee: Passage Nautical Enterprises, Inc.
- b. Premises: 544 Water Street, Oakland, consisting of approximately 696 sf of ground floor office space.
- c. Term: April 1, 2020, through May 31, 2023.
- d. Use: Administrative office functions supporting boat charters.
- e. Monthly Rent: \$1,538.00 starting in the third month and increasing by 4% on April 1st of each year.
- f. Common Area Expense Reimbursement: \$710.00 per month beginning at the commencement of the Term and increasing by 4% on January 1st of each year.
- g. Tenant Improvement Rent Credit: The Port will waive two months' of Monthly Rent in exchange for Licensee installing new flooring in the Premises within six months of the commencement of the Term.

D. The Board further finds and determines that the proposed approval is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and the proposed approval will not have such significant effect and therefore is not a project under CEQA.

Section 3. The Board hereby authorizes the Executive Director or his designee to execute the proposed License and Concession Agreement, and any other documents necessary to consummate the proposed transaction, with **Passage Nautical Enterprises, Inc.** for the Premises for a thirty-eight (38) month term, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney. Furthermore, if the proposed agreement and any consummating documents are not fully executed within thirty (30) days after the effective date of the Board's approval, the approval shall be null and void unless extended at the sole and absolute discretion of the Executive Director or his designee.

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 Board. 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.

The Board of Port Commissioners, Oakland, California, January 23, 2020. Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Colbruno, Lee, Leslie, Martinez, Story and President Butner - 7. Noes: 0.

Daria Edgerly

Secretary of the Board


Adopted at a Regular Meeting held February 13, 2020
by the following vote:

Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and
President Butner - 6
Excused: Commissioner Colbruno - 1
Noes: 0



President.

Attest:



Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4551

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AMENDMENT TO LEASE WITH GSC LOGISTICS, INC. TO EXPAND ITS PREMISES LOCATED AT 530 WATER STREET, 5TH FLOOR, BY AN ADDITIONAL APPROXIMATELY 3,487 SQUARE FEET FOR AN ADDITIONAL FIXED MONTHLY RENT OF \$12,952.53 AND AN ADDITIONAL MONTHLY BUILDING OPERATING / COMMON AREA EXPENSE REIMBURSEMENT OF \$230.84, AND TERMINATE ITS LICENSE AND CONCESSION AGREEMENT FOR GROUND FLOOR OFFICE SPACE AT 516 WATER STREET.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.6, dated January 23, 2020 (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 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 pursuant to the proposed agreement will not interfere with the Tidelands Trust; 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. GSC Logistics, Inc. ("GSC") is an existing Lessee to a lease ("Lease"), which commenced in February 2006, for approximately 7,777 square feet of space on the 5th floor of 530 Water Street, Oakland. GSC is also party to an Antenna Site License Agreement dated January 1, 2017 for a

rooftop antenna on 530 Water Street and is a Licensee under a License and Concession Agreement dated April 15, 2018 for approximately 1,918 square feet of office space located at 516 Water Street. The Lease, Antenna Site License Agreement, and License and Concession Agreement will expire on June 30, 2023.

B. GSC wishes to expand their premises on the 5th floor of 530 Water Street to include space recently vacated by the National Railroad Passenger Corporation ("Amtrak") and had duly exercised its right of first offer to lease such vacated space.

C. Port staff have negotiated and recommend entering into an amendment to the Lease and to terminate the License and Concession Agreement for the 516 Water Street office space under the following terms, as further described in the Agenda Report:

- a. Expansion Premises: Approximately 3,487 square feet on the 5th floor, 530 Water Street.
- b. Effective Dates: Expansion Premises (April 1, 2020) and Increased Rent (April 23, 2020) ("Increased Rent Effective Date"), as such dates may be extended proportionally by up to 60 days by the Executive Director or his designee.
- c. Total Fixed Monthly Rent for 5th Floor Premises: \$28,836.91 from April 1-23, 2020 and \$41,789.44 from April 23 through May 2020, as further increased as described in the Agenda Report.
- d. Common Area Maintenance and Operating Expenses Reimbursement ("CAM"): An additional \$230.84 beginning on the Increased Rent Effective Date, with total CAM increasing by 5% on January 1, 2021 and every year thereafter.
- e. Lessee's Work: GSC to install new flooring and paint the Expansion Premises prior to occupying such premises.
- f. 516 Water Street License and Concession Agreement: Will terminate on the later of: (a) the Increased Rent Effective Date; or (b) the date GSC moves out of the 516 Water Street premises.

D. The Board further finds and determines that the proposed approval is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15301 of the CEQA Guidelines, which exempts the execution of leases or agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

Section 3. The Board hereby approves, and authorizes the Executive Director or his designee to execute all documents necessary to consummate, the proposed transactions with **GSC Logistics, Inc.** for the premises located on the 5th Floor of 530 Water Street and at 516 Water Street, as further described in the Agenda Report, subject to approval as to form and legality

by the Port Attorney. Furthermore, if the consummating documents are not fully executed within thirty (30) days after the effective date of the Board's approval, the approval shall be null and void unless extended at the sole and absolute discretion of the Executive Director of his designee.

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 Board. 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.

The Board of Port Commissioners, Oakland, California, January 23, 2020. Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Colbruno, Lee, Leslie, Martinez, Story and President Butner - 7. Noes: 0.

Daria Edgerly

Secretary of the Board

Adopted at a Regular Meeting held February 13, 2020
by the following vote:

Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and
President Butner - 6
Excused: Commissioner Colbruno - 1
Noes: 0



President.

Attest: 

Secretary.

Approved as to form and legality:



Port Attorney