

PORT ORDINANCE NO. 4834
ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE
DIRECTOR TO EXECUTE A FOURTH SUPPLEMENTAL
AGREEMENT TO THE LEASE WITH PACIFIC LAYBERTHING
SOUTH, LLC, FOR WATER AND LAND AREA AT BERTH 68,
TO EXTEND THE MAXIMUM TERM BY ONE YEAR THROUGH
APRIL 30, 2027, RESULTING IN APPROXIMATELY
\$583,382 OF ADDITIONAL REVENUE; 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 April 23, 2026, (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 Layberthing South, LLC ("Lessee") have agreed that it is to their mutual benefit to extend the term of the lease for the layberthing of the USNS John Glenn vessel, as it has been amended from time to time (hereinafter the "Lease");

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 Lease with Lessee is exempt from the requirements of the California Environmental Quality Act ("CEQA") because the proposed action consists 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 Fourth Supplemental Agreement to the Lease, which includes but is not limited to the following terms:

1. Term Extension: The Lease effective date is March 1, 2021, expiring April 30, 2026, which is extended by a one-year extension effective May 1, 2026, expiring April 30, 2027.
2. Compensation and Performance Deposit: Fixed rent for the first six months of the extended term is unchanged (\$1,575 per day) from monthly rent as of April 30, 2026. Effective October 1, 2026, fixed rent increases approximately 3% to \$1,622 per day for the remaining six months of the extended term. Performance deposit remains equal to two months' rent and will increase to \$97,320 on October 1, 2026.

The other terms of the Lease remain in effect.

Section 3. The Board hereby authorizes the Executive Director or her designee to execute the Lease with Lessee, 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.

The Board of Port Commissioners, Oakland, California, April 23, 2026. Passed to print for one day by the following vote: Ayes: Commissioners Dominguez Walton, Leslie, Martinez, Myres, Wong and President Cluver - 6. Noes: 0. Excused: Commissioner Muhammad - 1.

Daria Edgerly,

Secretary of the Board