



AGENDA REPORT

PROPOSED ACTION:

Ordinance: Adoption of an Ordinance to Approve and Authorize the Executive Director to Execute a *Third Amendment* to Extend the *Space/Use Permit* with Civil Air Patrol Operating at Oakland International Airport for one (1) year to June 30, 2023, with annual consideration of \$1. **(Aviation)**

Submitted By: Bryant L Francis C.M., Director of Aviation; Danny Wan, Executive Director

Parties Involved: Civil Air Patrol
Jordan Hayes, Commander

Amount: \$1 (FY 2023) Revenue

EXECUTIVE SUMMARY:

The existing *Space/Use Permit* (“SUP”) with Civil Air Patrol (“CAP”) will expire on June 30, 2022. CAP is a squadron of the U.S. Air Force Auxiliary operating in the North Field at Oakland International Airport (“OAK”). Aviation Staff has reviewed the future use of Port Building L-105 (“L-105”) and CAP’s current operations at OAK and determined that it is in the best interest of the Port to extend the Term of CAP’s SUP. Staff is proposing to approve this Term extension of the current SUP with CAP through June 30, 2023.

BACKGROUND & ANALYSIS

CAP was formed during the earliest days of World War II as an organization of citizen aviators founded to mobilize the nation's civilian aviation resources for national defense service. CAP has evolved into a premier public service organization that still carries out emergency service missions when needed, in the air and on the ground. As an Auxiliary of the U.S. Air Force, CAP is there to search for and find the lost, provide comfort in times of disaster, and work to keep the homeland safe.

CAP has been a fixture at OAK (in various locations) since 1955. In July 2019, the Port executed the *SUP* with CAP that allows CAP to occupy Port Building L-105 (“L-105”) located at 9636 Earhart Road (blue outline), and the surrounding parking lot (red outline) as shown in Figure 1. In July 2021, the Port executed a *Second Amendment* to the *SUP* extending the termination date to June 30, 2022. CAP uses L-105 as its headquarters at OAK for its operations.

Figure 1
Lease Premises



If the Board approves the *Third Amendment*, the *SUP* will have a total term of four years, originally commencing July 1, 2019 and now terminating on June 30, 2023, still terminable by either party upon 30-day written notice, and with no Options to Extend. The Premises consists of approximately 26,313 square feet ("SF") of office space, paved land, and parking space. Consistent with the existing *SUP*, the annual rent will be continued at \$1 for the entire term of the *SUP*, as amended, with no adjustments. The specific terms and conditions of the *SUP* are shown in detail on Exhibit A.

Consistent with the Department of Transportation, Federal Aviation Administration's Policy and Procedures Concerning the Use of Airport Revenues, February 16, 1999 (Section VII, Paragraph E) and in acknowledgement of CAP's tangible and intangible benefits to the Airport and the community, CAP currently pays \$1 per year in rent and will continue through the proposed one-year extension term in the *Third Amendment*.

Tangible Benefits:

1. Monitoring and securing of spurious emergency locator transmitter signals on any Airport aircraft or hangar locations;
2. On-Airport emergency preparedness and disaster relief practice exercises or actual crises support; and,
3. Aerial surveillance as requested by the Port upon mutually agreeable terms and conditions.

Intangible Benefits:

4. Safety vigilance to Airport tenants as well as aircraft operators;
5. Coordination with Alameda County Office of Emergency Services as well as Oakland Fire Department's CORE (Citizens of Oakland Respond to Emergencies) e.g. coastal and tsunami alerts;
6. Department of Homeland Security support as directed by State of California and Alameda County;
7. EMS aid as directed by the Oakland Chapter of American Red Cross; and,
8. Emergency VHF radio communication access in blackout events

OTHER FINDINGS AND PROVISIONS

ENVIRONMENTAL REVIEW

The proposed action was analyzed under the California Environmental Quality Act (CEQA) and was found to be:

- ☒ Categorically exempt under the following CEQA Guidelines Section:
15301 (Existing Facilities)
- ☐ Exempt from CEQA because it is not a "Project" under CEQA Guidelines Section 15061(b)(3).
- ☒ Other/Notes: Amending the existing Space Use Permit with CAP involves negligible or no expansion of existing for former use. CEQA Guidelines Section 15301 applies.

BUDGET

- ☐ Administrative (No Impact to Operating, Non-Operating, or Capital Budgets); OR
 - ☒ Operating
 - ☐ Non-Operating
 - ☐ Capital

Analysis: There is no budget impact as revenues for the GA tenants are included in the proposed FY 2023 Operating Budget.

STAFFING

- ☒ No Anticipated Staffing Impact.
- ☐ Anticipated Change to Budgeted Headcount.
Reason:
- ☐ Other Anticipated Staffing Impact (e.g., Temp Help).
Reason:

**MARITIME AND AVIATION PROJECT
LABOR AGREEMENT (MAPLA):**

LIVING WAGE (City Charter § 728):
Applies?

<p><u>Applies?</u> No (Not Aviation or Maritime CIP Project) – proposed action is not covered work on Port's Capital Improvement Program in Aviation or Maritime areas above the threshold cost.</p> <p><input type="checkbox"/> <u>Additional Notes:</u></p>	<p>No (Not Covered Entity) – proposed action involves entity not covered by Living Wage requirements because it is not a covered service provider or tenant, does not employ at least 21 employees, or receive from or pay to Port at least \$50,000.</p> <p><input type="checkbox"/> <u>Additional Notes:</u></p>								
<p><u>SUSTAINABLE OPPORTUNITIES:</u></p> <p><u>Applies?</u> No.</p> <p><u>Reason:</u> The tenant has not proposed any development for the leased area. If the tenant decides to develop the site in the future, the tenant must comply with the 2000 Sustainability Policy and complete the Sustainability Opportunities Assessment Form.</p>	<p><u>GENERAL PLAN</u> (City Charter § 727):</p> <p><u>Conformity Determination:</u></p> <p>No Project – conformity determination not required because proposed action does not change use of or make alterations to an existing facility, or create a new facility.</p>								
<p><u>STRATEGIC PLAN.</u> The proposed action would help the Port achieve the following goal(s) and objective(s) in the Port's Strategic Business Plan:</p> <table border="0"> <tr> <td><input type="checkbox"/> Grow Net Revenues</td> <td><input type="checkbox"/> Modernize and Maintain Infrastructure</td> </tr> <tr> <td><input checked="" type="checkbox"/> Improve Customer Service</td> <td><input type="checkbox"/> Pursue Employee Excellence</td> </tr> <tr> <td><input type="checkbox"/> Strengthen Safety and Security</td> <td><input checked="" type="checkbox"/> Serve Our Community</td> </tr> <tr> <td><input type="checkbox"/> Care for Our Environment</td> <td></td> </tr> </table>		<input type="checkbox"/> Grow Net Revenues	<input type="checkbox"/> Modernize and Maintain Infrastructure	<input checked="" type="checkbox"/> Improve Customer Service	<input type="checkbox"/> Pursue Employee Excellence	<input type="checkbox"/> Strengthen Safety and Security	<input checked="" type="checkbox"/> Serve Our Community	<input type="checkbox"/> Care for Our Environment	
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Exhibit A

Terms and Conditions of Amended SUP with Civil Air Patrol

<u>TERMS</u>	
Tenant:	Civil Air Patrol
Lease Premises: ¹ As noted on the drawing below.	<u>Parcel L-105</u> Office – 8,313 sf (blue outline) Paved Land – 3,000 sf (red outline) Parking – 15,000 sf (red outline)
Condition of Premises:	Permittee previously agreed to take possession of the Premises in its “as-is” condition. Port shall have no maintenance or repair responsibilities.
Permitted Use:	The Premises shall be used as squadron headquarters, at the request of the Federal Aviation Administration for search and rescue for missing or crashed aircraft and/or pilots and passengers, assistance in county disaster preparedness exercise and response, flight academy for aviation-oriented youth and cadet program.
Initial Term: Extended Term:	1-Year via <i>SUP</i> 1 Year by <i>First Amendment</i> , 1 Year by <i>Second Amendment</i> , and 1 Year by <i>Third Amendment</i>
Commencement Date:	July 1, 2019 through <i>SUP</i>
Expiration Date:	June 30, 2023 if <i>Third Amendment</i> is approved
Termination:	Either party may terminate upon 30 days' written notice
Annual Rent:	\$1, with no Rent adjustments
Performance Deposit:	\$0

