

PORT ORDINANCE NO. 4707

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SPACE/USE PERMIT WITH SP PLUS OAK RCC JOINT VENTURE FOR USE OF 51,770 SQUARE FEET OF PARTIALLY PAVED LAND TO SUPPORT RENTAL CAR SHUTTLE BUS STORAGE AND OPERATIONS AT OAKLAND INTERNATIONAL AIRPORT FOR A TERM EXPIRING ON DECEMBER 31, 2027, 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 6.2, dated May 11, 2023 (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.** The Board hereby finds and determines 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 Space/Use Permit ("SUP") with **SP Plus OAK RCC Joint Venture** ("SP Plus") for storage and operation of the common use transportation system rental car shuttle busses at Oakland International Airport ("Airport") for a term expiring on December 31, 2027, for fixed monthly rent of \$21,190.30, subject to annual CPI adjustments.

**Section 4.** The Board hereby authorizes the Executive Director of the Port to execute the SUP with SP Plus, subject to approval as to form and legality by the Port Attorney, and make any additions, modifications, or corrections as necessary to implement the SUP, 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, May 11, 2023.  
Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Lee, Martinez, Story, and President Leslie - 7.

Daria Edgerly,

Secretary of the Board