

AGENDA REPORT

Ordinance: Authorize the Executive Director to: 1) Extend a No-Cost Temporary Rental Agreement with the Seafarer's Ministry of the Golden Gate for a 0.2-Acre Parcel of Land located at 4001 7th Street, Oakland, through March 31, 2018; and 2) Enter into a No-Cost Lease with Seafarer's Ministry of the Golden Gate for a Term of Five Years with One, Five-Year Option to Extend, for the Same 0.2-Acre Parcel of Land **(Maritime)**

MEETING DATE: 11/30/2017

AMOUNT: \$0
Revenue

PARTIES INVOLVED: Seafarer's Ministry of the Golden Gate
Nancy Smith, Chairman

SUBMITTED BY: John C. Driscoll, Director of Maritime

APPROVED BY: J. Christopher Lytle, Executive Director

ACTION TYPE: Ordinance

EXECUTIVE SUMMARY

Staff requests the Board's authorization to enter into a lease with the Seafarer's Ministry of the Golden Gate for a term of five years with one, 5-year option to extend subject to mutual agreement, for approximately 0.2 acres of property located in the Port's Maritime Area at 4001 7th Street, Oakland. Staff also requests the Board's authorization to extend the term of the existing Temporary Rental Agreement with the Seafarer's Ministry of the Golden Gate, which authorizes the lessee to continue to occupy the subject property until the new lease agreement is effective. Both the lease and rental agreement are at no cost to Seafarer's Ministry of the Golden Gate.

BACKGROUND

Since the mid-1990's, various faith-based entities have operated the "Seaman Center" (the Center) located in the Port of Oakland's (Port) Maritime Area (Seaport). The Center is a modular building located on approximately 0.2 acres in a designated area within Port View Park (see Exhibit A, Parcel A). The Center provides support services to visiting seafarers and workers in the local maritime industry in the forms of counseling, meals, recreation, and communications (email and telephone access). The staff and volunteers who work at the Center also make periodic visits to vessels calling the Port in order to distribute reading materials as well as offer transportation services for shopping, banking, and urgent

medical/dentistry needs. The Center is funded primarily by grants and charitable donations. The modular building for the Center is owned by the various entities who have operated the Center.

ANALYSIS

To date, five different entities have operated the Center. Thus, over the years, the Port has entered into various lease agreements to reflect the then-current operating entity. In mid-2016, Port staff terminated the lease with the incumbent tenant and, issued a Temporary Rental Agreement (TRA) to the current operator, Seafarer's Ministry of the Golden Gate (SMGG). The Board subsequently authorized an extension to SMGG's TRA through December 31, 2017, which allowed Port staff and SMGG to finalize a longer-term lease.

The terms of the new lease agreement, which are relatively consistent to the terms of SMGG's current TRA and the lease agreements with prior operators, include:

- Approximately 0.2 acres of Port-owned land in a designated area within Port View Park (the Premises) at the Seaport;
- 5-year initial term commencing on or about January 14, 2018, with one 5-year option to extend, subject to mutual agreement between Port and SMGG;
- Either party may terminate the lease with a 90-day written advance notice;
- Compensation is \$0 (includes waiver of security deposit); and
- SMGG is responsible for all utility and maintenance costs.

Staff is also requesting an extension of the existing TRA through March 31, 2018 or the effective date of new lease agreement, whichever occurs first, to ensure no gap in SMGG's occupancy of the Premises.

Based on the nature of services provided by SMGG, Port staff is supportive of this lease agreement.

BUDGET & STAFFING

The requested action does not have a budget or staffing impact.

MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)

The matters included in this Agenda Report do not fall within the scope of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) and the provisions of the MAPLA do not apply.

STRATEGIC PLAN

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Plan (<http://www.portofoakland.com/pdf/about/strategicPlan2011-2015.pdf>)

- Goal A: Objective 4: Pursue strategic partnerships at all levels: local, regional, national and international.

LIVING WAGE

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply to this agreement as the tenancy agreement is not expected to generate greater than \$50,000 in payments to the Port over the term of the tenancy agreement. However, the tenant will be required to certify that should living wage obligations become applicable, the tenant shall comply with the Living Wage Regulations.

ENVIRONMENTAL

CEQA Determination: This action has been determined to be 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.

GENERAL PLAN

This action does not change the use of any existing facility, make alterations to an existing facility, or create a new facility; therefore, a General Plan conformity determination pursuant to Section 727 of the City of Oakland Charter is not required.

OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)

This action is not subject to the Port's Owner Controlled Insurance Program (OCIP) as it is not a capital improvement construction project.

OPTIONS

Staff has identified three options for the Board's consideration:

- 1) Authorize the Executive Director to execute certain agreements as described in this Report. This is the recommended action.
- 2) Direct Staff to modify the terms proposed in this Report, in accordance with direction provided by the Board. These different terms may not be acceptable to SMGG.
- 3) Do not authorize the Executive Director to execute the proposed agreements. Under this option, SMGG will have to vacate the subject property by December 31, 2017.

RECOMMENDATION

Staff recommends that the Board approve and authorize the Executive Director to:

- 1) Extend the Temporary Rental Agreement with the Seafarer's Ministry of the Golden Gate for a 0.2-acre parcel of land located at 4001 7th Street, Oakland through March 31, 2018, as described herein; and,
- 2) Enter into a lease with the Seafarer's Ministry of the Golden Gate for a term of five years with one, 5-year option to extend subject to mutual agreement, for a 0.2-acre parcel of land located at 4001 7th Street, Oakland, as described herein.

