

**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