

APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**A RESOLUTION AMENDING RESOLUTION NO. 89442 C.M.S., WHICH AUTHORIZED THE EXTENSION OF A LEASE AMENDMENT BETWEEN THE CITY AND GAME CHANGER (MARINE) LLC FOR 2201 AND 2601 WOOD STREET, OAKLAND, UNTIL JUNE 30, 2024, WITH THREE 1-YEAR EXTENSIONS, TO INCREASE RENT FROM \$35,000 PER YEAR TO AN AMOUNT NOT TO EXCEED \$80,000 PER YEAR EFFECTIVE JANUARY 1, 2022**

**WHEREAS**, on October 18, 2022, the City Council adopted Resolution No. 89442 C.M.S. to (1) accept, appropriate, and authorize an agreement for receipt of additional funding to be awarded by the State of California through the Encampment Resolution Fund (ERF) in the estimated amount of three million six hundred thousand dollars (\$3,600,000) for the purpose of funding interim housing construction, operations, and services to be provided at the City-leased property at 2601 Wood Street through June 30, 2024; and (2) authorizes the City Administrator to negotiate and execute a lease amendment between the City, as tenant, and Game Changer (Marine) LLC, as landlord, for approximately 4 acres of real property located at 2201 and 2601 Wood Street, Oakland, to extend the term until June 30, 2024 with three 1-year extensions in an amount not to exceed \$35,000 per fiscal year, to operate an interim recreational vehicle (RV) safe parking program and community cabin program with possible liquidated damages, subject to further Council authorization and appropriation, and funds for the three 1-year lease options subject to further Council appropriation; and

**WHEREAS**, earlier this year, the State of California awarded \$4,731,300.01 through the Encampment Resolution Fund ("ERF") to the City for the purpose of housing residents residing in encampments in safe and stable shelter; and

**WHEREAS**, on July 26, 2022, the City Council passed Resolution No. 89378 C.M.S. accepting, appropriating, and authorizing an agreement for the receipt of the \$4,731,300.01 ERF grant from the State of California to fund interim housing construction, operations, and services at 2601 Wood Street through June 30, 2024; and

**WHEREAS**, the State of California has informed the Human Services Department of an additional award amount of approximately \$3,600,000 through the ERF to the City for the purpose of housing residents residing in encampments in safe and stable shelter; and

**WHEREAS**, evidence has demonstrated that providing safe and interim housing combined with essential support services are the two primary components of a successful transition out of homelessness; and

**WHEREAS**, the Wood Street cabin project will serve a minimum of 50 homeless individuals from the Wood Street encampment and surrounding neighborhood with shelter, housing navigation, and supportive services; and

**WHEREAS**, on November 16, 2020, the City, as tenant, entered into a lease agreement with Game Changer (San Francisco), LLC, a Delaware limited liability company registered to do business in California as Game Changer (Marine) LLC, as landlord (Game Changer), for approximately 4 acres of Game Changer's real property located at 2201 and 2601 Wood Street, Oakland (Property), to operate a RV Safe Parking Program pursuant to Ordinance No. 13537 C.M.S. for an initial term of two (2) years with three (3) 6-month extensions in an amount not to exceed \$35,000 per year, pursuant to Section 2.41.050 of the Oakland Municipal Code, which authorizes the City Administrator to enter into leases of private property when the total consideration does not exceed \$100,000 for the lease term; and

**WHEREAS**, use of the City-leased 2201 and 2601 Wood Street as an interim emergency shelter site until June 30, 2024, with three 1-year options to extend up to June 30, 2027, in exchange for an increased rent from the previously authorized \$35,000 per year to an amount not to exceed \$80,000 per year, effective January 1, 2022, would still be less than the fair market rental value for the approximately 4 acres of real property; and

**WHEREAS**, funds for the three 1-year lease options from July 1, 2024 to June 30, 2027 are subject to further Council acceptance and appropriation of possible state grant funds for additional lease payments; and

**WHEREAS**, that in addition to \$35,000 funds previously authorized pursuant to Resolution No. 89442 C.M.S., the additional amount of up to \$45,000 to fund the amended lease payments for the 2201 and 2601 Wood Street property for the lease term beginning January 1, 2022, until December 31, 2022, will be expended from previously appropriated funding dedicated to homelessness; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator to negotiate and execute a lease amendment between the City, as tenant, and Game Changer (Marine) LLC, as landlord, for approximately 4 acres of real property located at 2201 and 2601 Wood Street, Oakland, to extend the term until June 30, 2024 with three 1-year extensions in an amount not to exceed \$80,000 per fiscal year, effective January 1, 2022, to operate an interim recreational vehicle (RV) safe parking program and community cabin program, and funds for the three 1-year lease options subject to further Council appropriation; and be it

**FURTHER RESOLVED:** That the remaining necessary funds for lease payments for the lease amendment until June 30, 2024, are available in the State of California Other Fund (2159), Community Housing Service Organization (78411), Encampment Resolution Funds Project (1006324), and in Program Homeless Services and Support (NB41); and be it

**FURTHER RESOLVED:** That all agreements executed pursuant to the Resolution shall be approved as to form and legality by the Office of the City Attorney and copies shall be placed on file in the City Administrator's Office.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California