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OFFICE OF THE CITY CLERK  
OAKLAND  
2014 NOV 20 PM 2:58

Approved as to form and legality

*[Signature]*

Deputy City Attorney

## OAKLAND CITY COUNCIL

ORDINANCE NO. 13285 C.M.S.

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**ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE, WITHOUT RETURNING TO THE CITY COUNCIL, AN AGREEMENT AND RELATED LEASE AND SUBLEASE WITH CCIG OAKLAND GLOBAL, LLC AND/OR CALTRANS, REGARDING CALTRANS': (1) MOVE FROM THE WEST GATEWAY AT THE FORMER OAKLAND ARMY BASE TO CITY-OWNED LAND AT THE BASE COMMONLY KNOWN AS MH-1; AND (2) SUBLEASE FROM THE CITY OF BERTH 9 AT THE PORT OF OAKLAND**

**WHEREAS**, on June 28, 2013, the City and Port of Oakland ("Port") entered into a lease for approximately 3.7-acres of Port-owned property located at Berth 9 (the "Berth 9 Lease"); and

**WHEREAS**, Caltrans has a temporary construction easement for use of the West Gateway Area property on the City-owned portion of the former Oakland Army Base to support the construction of the new eastern span of the Bay Bridge and the deconstruction of the old eastern span, which includes use of the wharf structures at the West Gateway Area property commonly referred to as Berth 7 or Pier 7; and

**WHEREAS**, the City and Caltrans have agreed that it would be beneficial for Caltrans to move from the West Gateway Area to property within the Central Gateway Area of the City-owned land on the former Oakland Army Base commonly referred to as MH-1 to facilitate the development of the West Gateway Area; and

**WHEREAS**, the City is obligated to ground lease, among other properties, MH-1 under a separate Lease Disposition and Development Agreement ("LDDA") with Prologis CCIG Oakland Global, LLC ("Master Developer"); and

**WHEREAS**, by a separately adopted concurrent Ordinance, the City has authorized the City Administrator to negotiate and execute an LDDA amendment with the Master Developer that, among other things, allows the City to ground lease MH-1 to CCIG Oakland Global LLC ("CCIG"); and

**WHEREAS**, the City and CCIG have mutually agreed to allow Caltrans to move to MH-1; and

**WHEREAS**, the deconstruction of the old eastern span of the Bay Bridge requires Caltrans, its contractors and its project have access to a wharf immediately adjacent to the proposed new Caltrans facility within the Central Gateway Area at the MH-1 property; and

**WHEREAS**, Berth 9 is adjacent to the new Caltrans facility to be constructed at MH-1, and City and Caltrans have agreed that use of Berth 9 is acceptable for Caltrans' project requirements; and

**WHEREAS**, the City has authorized by a separately adopted concurrent Ordinance to execute a Berth 9 Lease amendment with the Port to facilitate Caltrans' use of Berth 9; and

**WHEREAS**, the City, Caltrans, and CCIG desire to document Caltrans' move from the West Gateway to MH-1, and Caltrans' sublease of Berth 9; now therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City Administrator is authorized to negotiate and execute, without returning to City Council, an agreement and related lease and sublease with CCIG and/or Caltrans regarding Caltrans': (1) move from the West Gateway at the former Oakland Army Base to City-owned land at the Base commonly known as MH-1; and (2) sublease from the City of Berth 9 at the Port of Oakland.

**Section 2.** The City Council, based upon its own independent review, consideration, and exercise of its independent judgment, hereby finds and determines, on the basis of substantial evidence in the entire record before the City, that none of the circumstances necessitating further CEQA review are present. Thus, prior to approving the agreement and related lease and sublease, the City Council finds and determines that it can continue to rely on the previously adopted 2012 OARB Initial Study/Addendum for the reasons stated in the June 12, 2012, May 28, 2013, and December 2, 2014 City Council Agenda Reports and related attachments/exhibits. The (Final and Corrected) Standard Conditions of Approval/Mitigation Monitoring and Reporting Program, dated October 15, 2012, is also hereby reaffirmed/readopted, including the clarifying corrections discussed at the June 4, 2013 City Council hearing (Mitigation Measure 4.4-3b, West Gateway Rail and Maritime Emissions Reductions Program) and in the Agenda Report for the July 2, 2013 City Council meeting (Mitigation Measure 4.3-10, Parking Demand Study), and the revisions discussed at the July 2, 2013 City Council meeting (Mitigation Measure PO-1, Stakeholder Review of Air Quality and Trucking Plans).

**Section 3.** The City Council finds and determines that this action complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Determination with the appropriate agencies.

**Section 4.** The City Administrator or his or her designee is hereby authorized, without returning to City Council, to take any and all steps necessary to implement and/or effectuate this Ordinance, which are consistent with the basic purpose and intent of this Ordinance; provided, however, any legal agreements shall be subject to the review and approval of the Office of the City Attorney; such steps may include, without limitation, negotiation and execution of such other additions, amendments or other modifications to the MH-1 Lease or the Berth 9 Sublease (including, without limitation, preparation and attachment of, or changes to, any or all of the exhibits) or of other documents that the City Administrator, in consultation with the City Attorney's Office, determines are in the best interests of the City, do not materially increase

the obligations or liabilities of the City, and are necessary or advisable to complete the transactions which the Ordinance contemplates.

DEC 16 2014

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

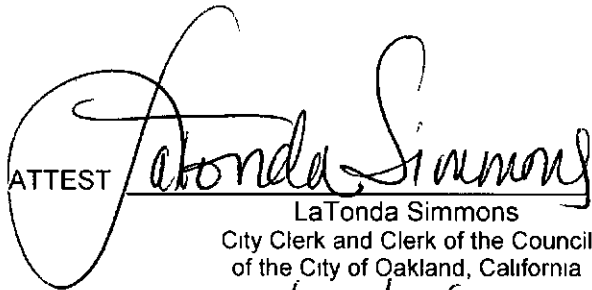
**PASSED BY THE FOLLOWING VOTE:**

AYES- ~~Brooks~~, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN - 7

NOES- 0

ABSENT- 0

ABSTENTION- Brooks - 1

ATTEST   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

Introduction Date  
DEC 09 2014

DATE OF ATTESTATION 12/16/14

## NOTICE AND DIGEST

**ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE, WITHOUT RETURNING TO THE CITY COUNCIL, AN AGREEMENT AND RELATED LEASE AND SUBLEASE WITH CCIG OAKLAND GLOBAL, LLC AND/OR CALTRANS, REGARDING CALTRANS': (1) MOVE FROM THE WEST GATEWAY AT THE FORMER OAKLAND ARMY BASE TO CITY-OWNED LAND AT THE BASE COMMONLY KNOWN AS MH-1; AND (2) SUBLEASE FROM THE CITY OF BERTH 9 AT THE PORT OF OAKLAND**

Caltrans is currently using the West Gateway at the former Oakland Army Base as a base for deconstructing the Bay Bridge. To move Caltrans from the West Gateway, this ordinance authorizes the City Administrator to negotiate and execute an agreement and related lease or sublease with Caltrans and/or California Capital Investment Group ("CCIG) for the City-owned land at the former Oakland Army Base known as MH-1 and for Berth 9 at the Port of Oakland.