

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE (1) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A LICENSE AGREEMENT WITH THE NON-PROFIT TRYBE, INC. FOR THE STORAGE OF EMERGENCY FOOD AND SUPPLIES AND FOR COMPATIBLE COMMUNITY SERVICES ON CITY-OWNED PROPERTY AT 615 HIGH STREET FOR A LICENSE FEE OF \$0 FOR A TERM OF TWO YEARS WITH THREE ONE-YEAR OPTIONS TO EXTEND; (2) MAKING FINDINGS THAT THE BELOW MARKET LICENSE FEE IS IN THE CITY'S BEST INTEREST; AND (3) MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, Trybe, Inc. (Trybe) is a community-based, non-profit organization rooted in East Oakland and dedicated to serving young people and their families; and

WHEREAS, the City of Oakland (City) entered into a lease (Airspace Lease) with the State of California's Department of Transportation (Caltrans) dated October 1, 2021 for use of airspace underneath Interstate 880 between Madison, Jackson, 5th and 6th Streets in the Oakland (Prior Premises); and

WHEREAS, Trybe entered into a corresponding license agreement with the City dated October 25, 2021 for use of the Prior Premises for a community feeding program including placement of multiple storage containers to be used for storage of program-related property and non-perishable food, parking of program-related forklifts, pallet jacks, and program related transport truck and staff/volunteer vehicle parking (Trybe Program); and

WHEREAS, Caltrans has informed the City and Trybe that it will need to terminate the Airspace Lease to commence the I-880 Oakland-Alameda Access Project, which proposes to improve connectivity between I-880, I-980 and the cities of Oakland and Alameda; and

WHEREAS, the City owns the real property located at 615 High Street in the City of Oakland (Property); and

WHEREAS, the City entered into a non-exclusive license agreement (Container License) with Oakland Container Services, LLC dated May 24, 2024 for the parking and storage of trucks and trailers on the Property, and the City provided notice to said tenant on June 6, 2025 of its intent to terminate the Container License effective July 6, 2025; and

WHEREAS, the City desires to enter into a non-exclusive license for use of the Property to Trybe so that Trybe may relocate and operate the Trybe Program and compatible community-serving programs on the Property for a term of two years, with three one-year extension options at a monthly license fee of \$0; and

WHEREAS, Oakland Municipal Code (OMC) section 2.42.110 authorizes the City to enter into a lease or license of real property for consideration less than the property's fair market value if the City Council makes a finding and determination that the lease of the property for less than its fair market value is in the best interest of the City; and

WHEREAS, OMC 2.42.110 provides that the City Council may consider the value of in-kind services to the City or the community at large in making the required finding and determination; and

WHEREAS, the use of the Property for the Trybe Program will provide much needed services to the community as well as security and maintenance of the Property; and

WHEREAS, the proposed license agreement will not result in a significant impact under the California Environmental Quality Act pursuant to CEQA guidelines sections 15061(b)(3) and 15301 since it provides for ongoing use of an existing vacant land within the City; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

SECTION 2. Pursuant to OMC 2.42.110 and based on the value of the in-kind services to the community and the value of security and maintenance of the Property, as described in the Agenda Report accompanying this Ordinance, the City Council finds and determines that it is in the City's best interest to enter into the license with Trybe, Inc. at the below market license fee of Zero Dollars (\$0.00) per month.

SECTION 3. The City Council hereby authorizes the City Administrator to enter into a license agreement with Trybe, Inc. for use of the Property for an initial term of two years, with three one-year extension options.

SECTION 4. The license agreement is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), the "common sense exemption," which provides that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The license agreement is also exempt

pursuant to CEQA Guidelines, section 15301, which exempts from further environmental review the ongoing operation of existing public structures and facilities.

SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 6. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

NOTICE AND DIGEST

ORDINANCE (1) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A LICENSE AGREEMENT WITH THE NON-PROFIT TRYBE, INC. FOR THE STORAGE OF EMERGENCY FOOD AND SUPPLIES AND FOR COMPATIBLE COMMUNITY SERVICES ON CITY-OWNED PROPERTY AT 615 HIGH STREET FOR A LICENSE FEE OF \$0 FOR A TERM OF TWO YEARS WITH THREE ONE-YEAR OPTIONS TO EXTEND; (2) MAKING FINDINGS THAT THE BELOW MARKET LICENSE FEE IS IN THE CITY'S BEST INTEREST; AND (3) MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

This Ordinance would authorize a license agreement with the non-profit organization Trybe, Inc. on City-owned property located at 615 High Street at the below-market rate of \$0 per month, for a term of two years, with three one-year extension options, in return for in-kind services, and makes California Environmental Quality Act findings.