

Approved as to Form and Legality  
*Susan H. Moore*  
Oakland City Attorney's Office

**OAKLAND CITY COUNCIL**  
**ORDINANCE NO. 13079 C.M.S.**

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**ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A NEW LEASE WITH THE OAKLAND MUSEUM OF CALIFORNIA FOUNDATION FOR BUILDINGS AND IMPROVEMENTS ON CITY PROPERTY LOCATED AT 1000 OAK STREET AND 450 LANCASTER STREET FOR ONE DOLLAR PER YEAR IN RENT AS AUTHORIZED BY ORDINANCE NO. 11722 AND ORDINANCE NO. 11603 FOR A TERM OF THIRTY YEARS.**

**WHEREAS**, Oakland Museum of California Foundation (“Foundation”) is a non-profit entity that now partially utilizes and will fully utilize the Museum buildings and improvements located for the benefit of the citizens of Oakland; and

**WHEREAS**, the City owns the Museum buildings and improvements located on the real property at 1000 Oak Street and 450 Lancaster Street, Oakland California, (“Museum Property”), consisting of the museum buildings, the parking garage, the storage facility; and

**WHEREAS**, Ordinance No. 11603 C.M.S. established a policy that permits rental of City-owned property, and Ordinance No. 11722 established a policy that permits a rental rate that is below fair market value; and

**WHEREAS**, pursuant to Section 401 of the Charter, and the Council’s approval at the June 28, 2011 Council meeting; and,

**WHEREAS**, the monthly rental payment by the Foundation to the City totals one dollar (\$1.00) each year; and

**WHEREAS**, the requirements of the California Environmental Quality Act (“CEQA”) the CEQA guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulation of the City of Oakland have been satisfied; now, therefore

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

**SECTION 1.** The City Administrator, or her designee, is hereby authorized to enter into a thirty year Lease with the Foundation in exchange for payment by the Foundation to City of an annual rental fee of \$1.00.

**SECTION 2.** The City Administrator or his Designee, is hereby authorized and directed to take

all necessary actions to negotiate and complete the Lease and any amendments, modifications and extensions thereto, consistent with the intent of this Ordinance.

**SECTION 3.** The City Council has independently reviewed and considered this environmental determination, and the Council finds and determines that this action complies with CEQA because this action on the part of the City is exempt, each as a separate and independent basis, from CEQA pursuant to Section 15301 (existing facilities), Section 15061(b)3 (no possibility of significant effect on the environment), and/or Section 15183 (projects consistent with General Plan/Zoning) of the CEQA guidelines, and Council directs the City Administrator to file a Notice of Exemption and an Environmental Declaration (CA Fish and Game Code Sec. 711.4) with the County of Alameda.

**SECTION 4.** The Lease shall be approved as to form and legality by the City Attorney's Office and a copy shall be filed with the Office of the City Clerk.

**SECTION 5.** This Ordinance shall become effective immediately on the 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, JUL 19 2011, 2011

**PASSED BY THE FOLLOWING VOTE:**

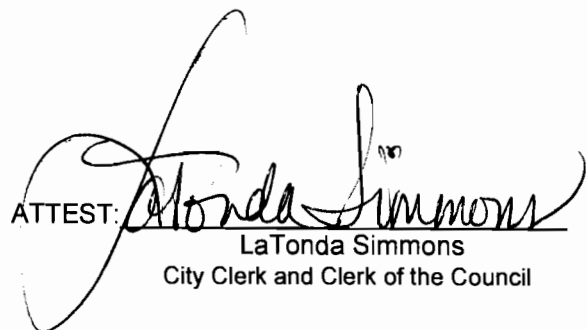
AYES- BROOKS, BRUNNER, KAPLAN, KERNIGHAN, NADEL, SCHAAF, DE LA FUENTE, and PRESIDENT

REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the Council

Introduction Date JUN 28 2011