



CITY ATTORNEY'S OFFICE

# OAKLAND CITY COUNCIL

**ORDINANCE NO. \_\_\_\_\_ C.M.S.**

**ORDINANCE 1) AUTHORIZING A THREE-YEAR LICENSE AGREEMENT WITH A THREE-YEAR OPTION TO RENEW WITH OAKLAND PARKS AND RECREATION FOUNDATION FOR USE OF OFFICE SPACE AT THE LAKESIDE PARK MARSHA J. CORPREW MEMORIAL GARDEN CENTER AT THE BELOW MARKET RATE OF \$0.00; 2) MAKING FINDINGS THAT THE LICENSE FOR BELOW FAIR MARKET VALUE IS IN THE BEST INTEREST OF THE CITY; AND 3) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

**WHEREAS**, the City of Oakland owns the Lakeside Park Marsha J. Corprew Memorial Garden Center located at 666 Bellevue Avenue (hereinafter the “Premises”); and

**WHEREAS**, Oakland Parks and Recreation Foundation (OPRF) is a 501(c)(3) dedicated to improving parks and recreational opportunities in Oakland and improving the quality of life for all Oakland residents and others who utilize these facilities; and

**WHEREAS**, City wishes to grant non-exclusive use of the Premises to OPRF for use as office space for a term of three years, commencing July 1, 2022, with one three-year option to renew, at no monthly rent; 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 find 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, including social and cultural benefits to the community in making the required finding and determination; and

**WHEREAS**, OPRF is a nonprofit organization dedicated to providing financial and volunteer resources and advocacy for recreation programs and parks in Oakland and improving the quality of life for all Oakland residents and others who utilize these facilities and is projected to grant up to \$300,000 in the form of scholarships to subsidize participant fees for youth to attend park and recreation programs during FY2022-23 and acts as a fiscal sponsor to over 43 community-based organizations supporting Oakland’s parks system; and

**WHEREAS**, the 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 the ongoing use of an existing facility 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 and the social, cultural, and economic benefits of the license described herein and 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 Oakland Parks and Recreation Foundation at the below market license fee of \$0.00 per month.

**SECTION 3.** The City Council hereby authorizes the City Administrator to enter into a license with Oakland Parks and Recreation Foundation for a term of three years with one three-year option to renew for use of the Premises.

**SECTION 4. California Environmental Quality Act.** 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. Here, the City finds that the License Agreement is exempt from CEQA as it can be seen with certainty that there is no possibility that the activity in question will result in a significant impact as it provides for a licensee to use an existing structure consistent with its use in the past. In addition, no ground-disturbing construction activity will take place under the License Agreement. The License Agreement is also exempt pursuant to CEQA Guidelines, section 15301, the "Class 1" exemption, which exempts from further environmental review the ongoing operation of existing public structures and facilities. The approval of the License Agreement will not result in the significant addition or alteration of existing areas already in use.

**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 – 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

Date of Attestation: \_\_\_\_\_

## NOTICE AND DIGEST

**ORDINANCE 1) AUTHORIZING A THREE-YEAR LICENSE AGREEMENT WITH A THREE-YEAR OPTION TO RENEW OAKLAND PARKS AND RECREATION FOUNDATION FOR USE OF OFFICE SPACE AT THE LAKESIDE PARK MARSHA J. CORPREW MEMORIAL GARDEN AT THE BELOW MARKET RATE OF \$0.00 FOR THE PROGRAMMATIC OPERATION OF THE WEST OAKLAND YOUTH CENTER; 2) MAKING FINDINGS THAT THE LICENSE FOR BELOW FAIR MARKET VALUE IS IN THE BEST INTEREST OF THE CITY; AND 3) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

This Ordinance would authorize a three-year license agreement with a three-year option to renew with Oakland Parks and Recreation Foundation for use of office space at the Lakeside Park Marsha J. Corprew Memorial Garden at no rent, in return for certain in-kind services.