

2022 DEC -2 PM 4: 15

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCIL MEMBER LOERN TAYLOR  
OFFICE OF THE CITY CLERK  
OAKLAND

  
CITY ATTORNEY'S OFFICE

**OAKLAND CITY COUNCIL**  
**ORDINANCE NO. 13711 C.M.S.**

**ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT WITH THE ALAMEDA COUNTY DEPUTY SHERIFFS' ACTIVITIES LEAGUE (DSAL), A CALIFORNIA NONPROFIT COPRORATION, FOR A TERM OF THREE YEARS WITH THREE 2-YEAR OPTIONS IN EXCHANGE FOR TENANT IMPROVEMENTS ESTIMATED AT APPROXIMATELY SEVEN HUNDRED THOUSAND DOLLARS (\$700,000) FOR THE LEASING OF APPROXIMATELY 1,600 SQUARE FEET OF SPACE AT THE ARROYO VIEJO RECREATION CENTER LOCATED AT 7701 KRAUSE AVENUE, OAKLAND, FOR FOOD DISTRIBUTION AND RENTABLE COMMERCIAL KITCHEN (FOOD HUB) TO BE OPERATED IN PARTNERSHIP WITH THE BLACK CULTURAL ZONE COMMUNITY DEVELOPMENT CORPORATION (BCZ); AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, the City of Oakland owns the Arroyo Viejo Park, a 16-acre real property located at 7701 Krause Avenue in District 6 in East Oakland, which includes an approximately 1,600 square foot community center and commercial kitchen space, as well as additional cold storage space (Premises), and is more more commonly known as the Arroyo Viejo Recreation Center (Property); and

**WHEREAS**, on October 19, 2021, the City Council adopted Resolution No. 88876 C.M.S. recognizing that a commercial kitchen at the Property is part of a larger ecosystem of food economy that currently exists in Oakland and accepting a gift of commercial kitchen equipment and in-kind services for such equipment valued in an amount not to exceed One Hundred Thousand Dollars (\$100,000) from Google for the Property; and

**WHEREAS**, the Property has two kitchen spaces, one which is currently used for programming for recreation center activities and one that is currently being used as a commercial kitchen, in addition to an adjacent food distribution space; and

**WHEREAS**, Governor Newsom approved the State Budget Act of 2022, which authorizes the California Department of Social Services (CDSS) to allocate Three Million Dollars

(\$3,000,000) for the ALL IN Eats/Food Hub, a portion of which the County of Alameda may utilize to support capital expenses and construction management at the ALL IN Eats Arroyo Viejo Food Hub subject to approval by the Alameda County Board of Supervisor; and

**WHEREAS**, the Alameda County Deputy Sheriff's Activities League (DSAL) is a California nonprofit corporation, that anticipates receiving approximately Seven Hundred Thousand Dollars (\$700,000) from the Alameda County Board of Supervisors for capital expenses and construction management at the Arroyo Viejo Recreation Center to create a food distribution space for food recovery and rentable commercial kitchen space (Food Hub) at the Property; and

**WHEREAS**, DSAL has partnered with the Black Cultural Zone Development Corporation (BCZ), a California nonprofit corporation, which was awarded an approximately Six Hundred Thousand Dollars (\$600,000) grant from the Stupski Foundation around March 2022 to assist with the operation and management of a commercial kitchen space for local food entrepreneurs as part of BCZ's vision of bringing together thriving economic opportunities, entrepreneurship, and healthy local food connections with East Oakland residents; and

**WHEREAS**, DSAL has identified the Premises at the Property that with additional repairs and improvements would serve as a Food Hub in Alameda County; and

**WHEREAS**, operation of a Food Hub with food distribution space for food recovery will further consistency with Chapter 8.28 "Adoption by the City of Oakland of the Alameda County Waste Management Authority (WMA) Organics Reduction and Recycling Ordinance (WMA Ordinance 2021-02)" of the Oakland Municipal Code to further consistency with Senate Bill (SB) 1383 (2021), commonly referred to as the "Short-Lived Climate Pollutants Reduction Act of 2016," to establish methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants; and

**WHEREAS**, the City desires to enter into a lease with DSAL in accordance with these terms; and

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

**SECTION 1.** The City Administrator is hereby authorized to negotiate and execute the lease agreement with the Alameda County Deputy Sheriff's Activities League (DSAL), a California nonprofit corporation, for the leasing of an approximately 1,600 square foot community center and commercial kitchen space, as well as additional cold storage space, at the City-owned real property located at 7701 Krause Avenue in exchange for tenant improvements for a term of three years with three 2-year options to renew.

**SECTION 2.** Staff costs for processing the proposed new lease are covered by the Master Fee Schedule and will be paid by the lessee. The lessee will provide capital expenses and construction management for tenant improvements estimated at approximately Seven Hundred Thousand Dollars (\$700,000) for approximately 1,600 square feet of space to serve as a Food Hub at the Property. Lessee will be responsible for all utilities and related expenses associated with

operating the Food Hub at the Property in partnership with the Black Cultural Zone Development Corporation (BCZ). The City will not incur any out-of-pocket costs from the leasing of the Property.

**SECTION 3.** The City Council hereby authorizes the City Administrator, without returning to City Council, to negotiate and execute (a) such other additions, amendments or other modifications to the foregoing document 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 contemplated by this Ordinance, to be conclusively evidenced by the execution and delivery by the City Administrator of any such amendments; and (b) such other documents as necessary or appropriate, in consultation with the City Attorney's Office, to facilitate and consummate the transactions in accordance with this Ordinance, or to otherwise effectuate the purpose and intent of this Ordinance and its basic purpose.

**SECTION 4.** The lease agreement and any other documents necessary for the leasing of the property 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.** The City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines that this action complies with the California Environmental Quality Act (CEQA) because this action on the part of the City is exempt from CEQA pursuant to Section 15301 (existing facilities).

**SECTION 6.** The recitals contained in this Ordinance are true and correct and are an integral part of the Council's decision.

**SECTION 7. 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 8. 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,

DEC 6 2022

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO ~~AND~~ ~~WILLIAMS~~ ~~WORTMAN~~ ~~WYBARS~~ – 7

NOES – 0  
ABSENT – 0  
ABSTENTION – 0

1 Excused – ~~Bas~~

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

Introduction Date  
NOV 01 2022

Date of Attestation: December 19, 2022

## NOTICE AND DIGEST

**ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT WITH THE ALAMEDA COUNTY DEPUTY SHERIFFS' ACTIVITIES LEAGUE (DSAL), A CALIFORNIA NONPROFIT CORPORATION, FOR A TERM OF THREE YEARS WITH THREE 2-YEAR OPTIONS IN EXCHANGE FOR TENANT IMPROVEMENTS ESTIMATED AT APPROXIMATELY SEVEN HUNDRED THOUSAND DOLLARS (\$700,000) FOR THE LEASING OF APPROXIMATELY 1,600 SQUARE FEET OF SPACE AT THE ARROYO VIEJO RECREATION CENTER LOCATED AT 7701 KRAUSE AVENUE, OAKLAND, FOR FOOD DISTRIBUTION AND RENTABLE COMMERCIAL KITCHEN (FOOD HUB) TO BE OPERATED IN PARTNERSHIP WITH THE BLACK CULTURAL ZONE COMMUNITY DEVELOPMENT CORPORATION (BCZ); AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

An Ordinance authorizing the City Administrator to negotiate and execute the lease agreement with the Alameda County Deputy Sheriff's Activities League (DSAL), a California nonprofit corporation, for the leasing of two rooms at the City-owned real property located at 7701 Krause Avenue in exchange for approximately Seven Hundred Thousand Dollars (\$700,000) in tenant improvements for a term of three years with three 2-year options to renew to operate a Food Hub in partnership with the Black Cultural Zone Development Corporation (BCZ).