

**PORT ORDINANCE NO. 4848**  
**ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE**  
**DIRECTOR TO EXECUTE THE THIRD AMENDMENT TO**  
**SPACE/USE PERMIT WITH CLEAN ENERGY FUELS**  
**CORPORATION OPERATING IN THE NORTH FIELD OF**  
**OAKLAND SAN FRANCISCO BAY AIRPORT FOR AN**  
**ADDITIONAL FIVE-YEAR TERM FROM JUNE 22, 2026 TO**  
**JUNE 21, 2031, AND FINDING THAT THE PROPOSED**  
**ACTION IS EXEMPT UNDER THE CALIFORNIA**  
**ENVIRONMENTAL QUALITY ACT.**

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**WHEREAS**, the Port of Oakland ("Port") entered into a Space/Use Permit ("SUP") with **Clean Energy Fuels Corporation ("Clean Energy")** for the operation of a compressed natural gas fueling station at North Field of Oakland San Francisco Bay Airport, with an initial term commencing June 22, 2001, and expiring June 21, 2016; and

**WHEREAS**, on May 26, 2016, the Board of Port Commissioners of the City of Oakland ("Board") adopted Ordinance No. 4736, approving the execution of the First Amendment to SUP with **Clean Energy**, and extending the term of the SUP for an additional five-year period, with two consecutive five-year options to extend the SUP upon the same terms and conditions, except for the base rent being reset to a fair market rental rate at the commencement of each extended term; and

**WHEREAS**, on June 10, 2021, the Board adopted Ordinance No. 4602 approving the execution of the Second Amendment to SUP with **Clean Energy**, extending the term of the SUP for an additional five year period through June 21, 2026; and

**WHEREAS**, the Board has reviewed and evaluated the Agenda Report for Agenda Item 6.1, dated May 28, 2026 (the "Agenda Report") and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; now, therefore,

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The Board hereby finds and determines that the proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15301 of the CEQA Guidelines because the proposed action consists of activities that involve negligible or no expansion of an existing use.

**Section 2.** In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received.

**Section 3.** The Board hereby approves the terms and conditions set forth in the Agenda Report for the Third Amendment to SUP with **Clean Energy** to establish the base rent at \$5,370.55 per month at the commencement of the extended term (June 22, 2026), with annual consumer price index increases.

**Section 4.** The Board hereby authorizes the Executive Director of the Port to execute the Third Amendment to SUP with **Clean Energy**, and any other documents necessary to effect the proposed modifications, and to make such additions, modifications, or corrections as necessary to implement the Third Amendment to SUP or to correct errors, subject to the limitations set forth herein and provided that any such addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

**Section 5.** This Ordinance is not evidence of and does not create or constitute (a) a contract(s), or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this Ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective contract.

**Section 6.** This Ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

The Board of Port Commissioners, Oakland, California, May 28, 2026.  
Passed to print for one day by the following vote: Ayes: Commissioners Dominguez Walton, Leslie, Martinez, Myres, Wong, and President Cluver - 6. Noes: 0. Excused: Commissioner Muhammad - 1.

Daria Edgerly,

Secretary of the Board