

**PORT ORDINANCE NO. 4796**  
**ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE**  
**DIRECTOR TO EXECUTE A TWENTY YEAR GROUND LEASE WITH**  
**THE FEDERAL AVIATION ADMINISTRATION TO OPERATE THE**  
**AIR TRAFFIC CONTROL TOWER FROM OCTOBER 1, 2024**  
**THROUGH SEPTEMBER 30, 2044, TO INCLUDE A TOTAL OF**  
**APPROXIMATELY 11.47 ACRES AT NO RENT AT OAKLAND**  
**AIRPORT AND FINDING THAT THE PROPOSED ACTION IS**  
**EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY**  
**ACT.**

---

**WHEREAS**, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.2, dated May 22, 2025, ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

**WHEREAS**, 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; 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.** The Board hereby approves and authorizes the Executive Director to:

A. Execute the proposed Ground Lease with the Federal Aviation Administration ("FAA") for approximately 11.47 acres to operate the Air Traffic Control Tower at Oakland Airport for a term commencing October 1, 2024 through September 30, 2044 for no monetary consideration, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

B. Make any additions, modifications, or corrections as necessary to implement the Ground Lease, 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 3.** This Ordinance is not evidence of and does not create or constitute (a) a contract, 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 agreement 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 the other contracting party, there shall be no valid or effective agreement.

**Section 4.** 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 22, 2025.  
Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Dominguez Walton, Leslie, Martinez, Myres and President Colbruno - 6. Excused: Commissioner Lee - 1. Noes: 0.

Daria Edgerly,

Secretary of the Board