



**PORT OF OAKLAND**

# MEMO

**BY:** Joe Marsh, Port Permit Coordinator  
**DATE:** July 27, 2022  
**SUBJECT: PORT PERMIT COORDINATOR DECISION  
for Work on Private Property**

The Port of Oakland (Port) Permits Section staff and Environmental Programs and Planning staff have reviewed the subject Port Development Permit Application. We find the proposal meets the applicable standards of the "Port of Oakland Land Use and Development Code (LUDC) for the Oakland Airport Business Park". Detailed analysis and findings are set forth below.

Port Permit No: 5344  
Permit Applicant: Indy Chadha  
Tenant: Hyundai Car Dealership  
Property Owner: Ayman Moussa and Chadi Moussa  
Project Location: 7711 Oakport Street, Oakland  
APN: 042-4435-001-12  
Valuation: \$95,000  
Environ. Assessment: Categorically Exempt

## Project Description

The project site is located in the southwestern portion of the City of Oakland (City), in the vicinity of Oakland International Airport and Interstate 880 (I-880). The address of the proposed project is 7711 Oakport Street, Oakland, CA. The site is across I-880 from the Oakland Coliseum Complex and is adjacent to Elmhurst Creek on the north side.

The proposed Project site is located on a developed but currently vacated site of approximately 1.34 acres, fronting onto the west side of Oakport Street. The site is located north of Roland Way and immediately south of the Elmhurst Creek, which drains into San Leandro Bay at Arrowhead Marsh. The site is within the Port of Oakland's land use jurisdiction and within the northerly portion of the Oakland Airport Business Park.

The site was formerly the location of Keysource International (KSI) a plastic fabrication company specializing in keyboards that operated in an approximately 9,200 square-foot light industrial building on the site. That building still stands but is now vacated and will be partially demolished.

The Project proposes construction of a new automobile dealership for Hyundai vehicles to complement the current Lexus dealership to the north and the Toyota dealership to south. Specifically, the Project involves demolition of the former KSI building and replacing it with a new 2-story 23,400 square-foot auto dealership building (20,000 ground floor area), paving most of the remainder of the site for auto parking and circulation, and providing new landscape and

drainage improvements along the Oakport frontage and around the new building. The building would accommodate a vehicle showroom, a customer area, auto parts and receiving, and an auto service area on the ground floor. The second floor of the new building would provide office space, a break room and storage. The Project would be accessed via the existing driveway on Oakport Street.

### **Surrounding Area**

The project site is located within the Oakland Airport Business Park, Commercial Corridor. Oakport Street is a frontage road along I-880 across from the Oakland Coliseum complex. The project site is also within the Coliseum/Hegenberger Planning District of the Coliseum Area Redevelopment Project Area established by the City of Oakland in 1995 and expanded to a total of 6,764 acres in 1997. The site is adjacent to an engineering office to the south and the 11-story Airport Corporate Center office building across Elmhurst Creek to the north. The west (rear) property line is shared with 7700 Edgewater Drive, currently a multi-tenant cannabis business complex.

### **Land Use Analysis (from LUDC Section 2)**

The project site is located within the "Port Area" of the City of Oakland, and within the Commercial Corridor of the Oakland Airport Business Park, originally established by Port Ordinance No.1343 by the Board of Port Commissioners in 1966. Development in the Business Park is currently regulated by the "Port of Oakland Land Use and Development Code (LUDC)", adopted by the Board of Port Commissioners in June 2011, and revised in April 2016. The project is to locate a new car dealer on Oakport Street. Automobile sales, rental, services, or brokerages are listed as conditionally permitted in the Commercial Corridor designation under the LUDC (Section 2.3.B.2) for properties with an Oakport Street frontage, such as the Project site. This section of Oakport has been identified as a desirable location for car dealers having excellent freeway visibility. City economic development staff worked with Bay Area car dealers and specifically with Oakland dealers on Broadway to locate on this section of Oakport Street. Lexus, Acura, and Toyota dealerships are currently located on Oakport between 66<sup>th</sup> Avenue and Edgewater Drive.

### **Findings (from LUDC Section 5.5)**

The Port approves this application for a Development Permit, as submitted, with the following findings:

1. The proposed project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons working, visiting, transiting through the Oakland Airport Business Park or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City. The project will improve security and safety by securing the equipment on the site.
2. The proposed project is consistent with the City of Oakland's General Plan.
3. The proposed project complies with provisions of the LUDC.
4. The proposed project has been adequately evaluated under the California Environmental Quality Act (CEQA), see below for further details.
5. The proposed project has been approved, or has a reasonable chance of being approved, by all outside agencies having jurisdiction over the project, including,

but not limited to: the City of Oakland, Bay Conservation and Development Commission, Federal Aviation Administration, San Francisco Bay Regional Water Quality Control Board, Alameda County Airport Land Use Commission, Alameda County Public Health Department, and the California State Lands Commission.

6. The proposed project will neither interfere with the operations of Oakland International Airport nor enable the establishment of uses that may be incompatible with the potential imposition of noise, light, smoke, air currents, electronic or other emissions, vibrations, discomfort, and/or inconvenience resulting from airport operations at Oakland International Airport.
7. The Port has attached such conditions to issuance of the Development Permit as it deems reasonable or necessary to achieve the purposes of the LUDC, to reduce or to mitigate environmental impacts, and to address the project's anticipated burden on the Business Park and the Port, and which conditions otherwise promote the health, safety, and welfare of the surrounding community.

### **Environmental Findings**

The Port is the Lead Agency under CEQA, having land use jurisdiction over the Oakland Airport Business Park. The project boundaries are located in a developed urban area, and improvements will be made to the site with the demolition of the exiting building and construction of the new automobile dealership facility. The Port finds that this project is categorically exempt pursuant to CEQA Guidelines Section 15332, In-fill Development Projects. The findings summarized below are detailed in Attachment 2.

**Class 32 Categorical Exemption.** Pursuant to Public Resources Code Section 21084 and State CEQA Guidelines Section 15332, a Class 32 Categorical Exemption applies to in-fill development projects that meet the following criteria:

- Are consistent with applicable general plan policies and zoning designations
- Occur within a project site smaller than five acres and are substantially surrounded by urban uses
- Have no value as habitat for endangered, rare, or threatened species
- Would not result in any significant effects relating to traffic, noise, air quality, or water quality
- Are located on a site that can be adequately served by all required utilities and public services

The analysis presented in the attachment provide evidence that the Project qualifies for an exemption under CEQA Guidelines Section 15332 as a Class 32 urban in-fill development and would not result in any new significant effects on the environment. The project site is less than 5 acres in size and is consistent with all applicable General Plan and Zoning designations, policies, and regulations. The project site is adequately served by all utilities and public services. Further, as the project site has no value as habitat for endangered, rare, or threatened species and from the proposed project there would be no significant effects related to traffic, noise, air quality, and water quality. In addition, none of the specific exceptions to CEQA categorical exemptions (CEQA Guidelines Section 15300.2) is applicable to the proposed project. Therefore, no further review or analysis under CEQA is required.

**Permit Conditions**

1. All conditions of approval shall be printed on the final permit set of plans.
2. The project shall conform to Port-stamped approved plans, including the conditions of approval, unless otherwise approved by the Port. The Project Applicant is responsible for including all details agreed upon, or conditions made by the Port, during the approval process. Failure to include any such details will not exempt the Project Applicant from the Port for any changes prior to construction.
3. The use shall be fully described on the plans and is deemed approved by the Port approval stamp. Any modifications or clarifications will be included in the Specific Conditions. Any changes from the approved plans must be approved in writing by the Port.
4. The Project Applicant shall obtain, at the Project Applicant's expense, all City of Oakland building permits required for the Project.
5. The Project Applicant and the Project Applicant's contractor shall construct the Project according to the plans approved under Port and City permits. Modifications made to comply with City of Oakland permit requirements shall be subject to verification of compliance with Port permit conditions prior to the start of construction.
6. The Project Applicant shall maintain the Project site in a clean and orderly condition during the entire term of the Development Permit. If there is a work stoppage at any time after construction has commenced for a period of more than 30 days, the Project Applicant shall secure any completed or uncompleted work and remove or screen any stored materials. The Chief Operating Officer of the Port may provide a 30-day notice and order to the Project Applicant to comply with this condition. If the Project Applicant fails to comply during that time period or fails to present and implement an acceptable plan for compliance, the Port maintains the right at Port's discretion, to complete the necessary work and bill the Project Applicant for all related costs or impose reasonable fines for violation of this condition of approval and/or the Port Chief Operating Officer's order. Any such fine shall be reasonably related to the nature of the violation and/or the cost to correct.
7. The maximum allowable construction noise levels received by commercial or industrial land use is 70 dBA on weekdays from 7:00 AM to 7:00 PM, and 60 dBA on weekends from 9:00 AM to 9:00 PM, the Project will need to limit standard construction activities to the prescribed hours and dBA and will need to implement best practices during construction. Construction activities shall not exceed the maximum allowable dBA. Best practices will include using noise control techniques such as improved mufflers, intake silencers and acoustically-attenuating shields, using hydraulically or electrically powered impact tools wherever possible, and locating stationary construction noise sources as far from adjacent uses as possible.
8. The use of an outdoor speaker/paging system for the project shall be subject to noise limits set per the Noise Element of the Oakland General Plan.
9. To the maximum extent permitted by law, the Project Applicant shall defend, hold harmless, and indemnify the Port and its respective officers, agents and employees (whether the action is on behalf of the Port, or otherwise) (the "Indemnified Parties") against any and all liability, damages, claims, demands, judgments, or other losses (including, without limitation, attorneys fees, expert witness and consultant fees, and

other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the Project. This indemnity includes, without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay, or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the Project, and granting any permit issued in accordance with the Project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs as used herein shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs and other litigation fees, Port Attorney time and overhead costs, and other Port Staff overhead costs and normal day-to-day business expenses incurred by the Port ("Litigation Expenses"). The Indemnified Parties shall have the right to select counsel to represent the Indemnified Parties, at the Project Applicant's expense, in the defense of any action specified in this condition of approval. The Indemnified Parties shall take all reasonable steps to promptly notify the Project Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

- 10. The Project Applicant shall agree to comply with any other conditions added by the Port Permit Coordinator as well as any other conditions listed in the LUDC not otherwise listed here.

**RECOMMENDED:**

Environmental Determination: *Anjana Mepani* Date: Jul 27, 2022  
Anjana Mepani (Jul 27, 2022 13:43 PDT)  
Anjana Mepani, Port Associate Environmental Planner

Environmental Programs and Planning: *Colleen Liang* Date: Jul 27, 2022  
Colleen Liang (Jul 27, 2022 15:32 PDT)  
Colleen Liang, Port Environmental Supervisor

**DECISION:**

Port Permit Coordinator:  Approve  Deny

Signature: *Joe Marsh* Date: Jul 27, 2022  
Joe Marsh, Port Permit Coordinator

Attachments:

- Attachment 1 – Project Design Drawings
- Attachment 2 - Oakport Hyundai CEQA Exemption Letter