

March 9, 2023



Chadi Moussa  
Moussa Group  
via email at: [chadi@moussagroup.com](mailto:chadi@moussagroup.com)

**Re: 7717 Oakport Car Rental Office CEQA Exemption**

Mr. Moussa,

I understand that the Moussa Group has applied to the Port of Oakland for a development permit to redevelop the property at 7717 Oakport Street within the Oakland Airport Business Park for an auto rental office. The Port's environmental review staff is considering the potential for this project to qualify for one or more CEQA exemptions, but requires documentation from a CEQA consultant to support such an exemption. Lamphier-Gregory has experience preparing such documents, and we have prepared the following documentation for the 7717 Oakport Street project for the Port's consideration.

**Project Description**

The proposed Project site is located on an approximately 15,960 square-foot (0.36-acre) portion of a larger 1.68-acre publicly owned parcel within APN #42-4435-1-13. The Project site has an approximately 50-foot frontage along Oakport Street, and is located north of Roland Way and approximately 415 feet south of Elmhurst Creek. The site is within the northerly portion of the Oakland Airport Business Park and under the Port of Oakland's land use jurisdiction. The site was formerly the location of an electrician shop that operated in the approximately 4,560 square-foot light industrial building on the site. That building still stands but is now vacant. The front and northerly side yards of the site, (approximately 4,270 square feet) are currently landscaped, and the rear portion of the site (the remaining approximately 7,130 square feet) is paved with AC pavement.

The Project applicant proposes to lease the existing building on this site and remodel that building for use as an automobile rental office, adjacent to the recently approved Hyundai automobile dealership and complementing their nearby Lexus dealership and Toyota dealership. Specifically, the Project proposes to pave approximately 3,270 square feet of the front and northerly side yard, including a new 10-space parking lot. Six existing trees on the site are to be removed. A 20-foot front yard setback will remain in landscape, with a large tree at the Oakport frontage to remain. Paving at the rear yard will remain (see **Figure 1**). The Project involves interior demolition and remodeling of the former electrician's shop to accommodate a car rental office, which includes a reception area, a waiting room/cafe/tergia, two offices, and an auto detailing area, storage, a commercial kitchen and restrooms.

Exterior work to the building will be limited to a new front façade and signage, and adding new windows and roll-up garage doors to the sides (see **Figure 2**).<sup>1</sup>

### **CEQA Categorical Exemptions**

CEQA Guidelines Section 15300 to Section 15333 includes a list of classes of projects that have been determined to not have a significant effect on the environment and therefore exempt from review under CEQA. The following classes of CEQA's categorical exemptions may, individually or collectively apply to the Project such that the Project may be declared categorically exempt from the requirement for the preparation of further environmental documents.

- Class 1 (Section 15301) categorical exemptions consists of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of existing or former use.
- Class 3 (Section 15303) categorical exemptions consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
- Class 32 (Section 15332) categorical exemptions consist of those projects that are specifically identified as infill development. Class 32 Infill Development projects consist of those projects characterized as infill development when meeting certain conditions.

#### Class 32 Infill Development Criteria

The conditions that qualify a project for a Class 32 (or 15332) Infill Development exemption, and the Project's consistency with these conditions, are addressed below.

- ***Is the project is consistent with the applicable general plan designation and all applicable general plan policies, as well as with applicable zoning designation and regulations?***

The City of Oakland General Plan Land Use Map designates the Project site with a Regional Commercial land use classification. The Regional Commercial classification is intended to maintain, support and create areas of the City that serve as region-drawing centers of activity, and include a mix of commercial, office, entertainment, arts, recreation, sports and visitor serving activities, residential, mixed-use development and other uses of similar character or supportive of regional drawing power. The maximum FAR for this classification is 4.0. Automobile sales, rentals and services fall within the allowed uses in the Regional Commercial land use category.

The Project site is within the northerly portion of the Oakland Airport Business Park and the Port of Oakland's land use jurisdiction. The Port's Land Use and Development Code (LUDC) for the Oakland Airport Business Park provides the applicable zoning regulations for the Project site. The LUDC designates the Project site as Commercial Corridor. Whereas automobile sales, rental, services or brokerages are generally listed as conditionally permitted in the Commercial Corridor designation, the

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<sup>1</sup> Project application materials at Sheets A9 and A10 (dated 4/25/22) indicate a proposed car wash facility at the rear of the site. The Project applicants have indicated that the car wash is no longer a part of the current Project.

LUDC (Section 2.3 b2) provides that no restrictions on these types of uses apply to properties with an Oakport Street frontage, such as the Project site.

The Project's proposed land use as an automobile rental office is consistent with Regional Commercial land use classification of the Oakland General Plan and the Commercial Corridor designation of the site under the Port's LUDC. The Project site meets the jurisdictional criteria and planning policy criteria for an Infill Development exemption.

- ***Does the proposed development occur within city limits, on a project site of no more than five acres, substantially surrounded by urban uses?***

The Project site is located within the City of Oakland. The site is approximately 15,960 square-feet in size (only about 0.36 acres), representing a portion of a larger approximately 1.68-acre parcel within APN #42-4435-1-13. The Project site is surrounded by urban uses within the Oakland Airport Business Park to the north, west and south, and fronts onto Oakport Street to the east, which is a frontage road adjacent to I-880. The Project site meets the site criteria for an Infill Development exemption.

- ***Does the project site have any value as habitat for endangered, rare or threatened species?***

In May of 2022, an evaluation of the immediately adjacent property at 7711 Oakport Street was conducted to determine whether that site provided habitat for any special status species. That evaluation was conducted and documented by a credentialed biologist at Kleinfelder.<sup>2</sup> That evaluation found the adjacent site to have ornamental vegetation along its margins and a tidal slough (Elmhurst Creek) that connects to the San Francisco Bay to the immediate north. Downstream (southwest) of the slough and the 7711 Oakport Street property is the Arrowhead Marsh. The marsh does have California Natural Diversity Date Base (CNDDDB) records for three listed species including the California Ridgway's rail, California black rail and salt marsh harvest mouse. The marsh area is located approximately one-half mile southwest of the adjacent property. The evaluation concluded that both the rail species could potentially venture up the tidal slough, but that the previously investigated site is isolated from the slough and no work was proposed or planned that would impact this habitat. That prior evaluation concluded that the adjacent site at 7711 Oakport Street site does not provide habitat for any special status species other than potentially nesting birds. That prior report recommended that a pre-construction nesting bird survey be conducted prior to any demolition or vegetation removal.

The current Project site at 7717 Oakport Street has similar ornamental vegetation along its margins, with the remainder of the site as either building space or asphalt paving. The current Project site is further separated from the tidal slough that connects to the San Francisco Bay by the formerly investigated site at 7711 Oakport Street. Similar to the conclusions of the May 2022 investigation, the current Project does not propose any work that would adversely affect the habitat along the slough or at Arrowhead Marsh, and the current Project site does not provide habitat for any special status species other than potentially nesting birds. Similar to the conclusions of that prior report, preconstruction nesting bird surveys should be conducted prior to any vegetation (tree) removal at the Project site. The Project site does not have an exception to an Infill Development exemption related to habitat for endangered, rare or threatened species.

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<sup>2</sup> Kleinfelder, memorandum to Inderjit Chadha regarding 7711 Oakport Street, May 5, 2002

- ***Would Project approval result in any significant effects relating to transportation, noise, air quality or water quality?***

As detailed below, the Project would not result in any significant effects relating to transportation, noise, air quality or water quality.

#### Traffic/Transportation

As of July 2020, CEQA Guidelines were changed to eliminate auto delay, level of service (LOS) and similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts under CEQA, replaced by vehicle miles traveled (VMT) as the appropriate measure of transportation impacts. The Port of Oakland has not adopted its own CEQA thresholds for assessing VMT, so relies on CEQA thresholds consistent with the California Office of Planning and Research (OPR) guidance and City of Oakland. Generally, a project would generate substantial additional VMT and result in a significant VMT impact if it were to exceed the existing regional VMT per employee ratio, minus 15 percent. VMT impacts can be screened from further detailed review for small projects that generate fewer than 100 vehicle trips per day, for projects located near transit stations or a major transit corridor, or for projects that meet map-based screening criteria as being located in an area that exhibits below-threshold VMT. A project needs to meet only one of these three screening criteria to be presumed to have a less than significant impact related to VMT.

The Alameda County Transportation Commission's countywide travel demand model identifies individual neighborhoods within the county as Transportation Analysis Zones (or TAZs). Calculations of vehicle miles of travel (VMT) by TAZ have been prepared, providing estimated VMT per capita and VMT per employee for each TAZ. VMT per employee is calculated as the sum of home-based work trip VMT to the employment site. Based on the Alameda CTC Countywide Model, the regional average daily VMT per worker within the nine-county Bay Area is 18.1 under year 2020 conditions, and 18.2 under year 2040 conditions. A low-VMT area meeting the screening criteria is defined as a TAZ that is estimated to generate employee-based VMT that is 15 percent below the regional average, or approximately 15.4 VMT per employee at year 2020 and 15.5 VMT per employee at year 2040.

Based on the Alameda CTC Countywide Model, the Project is located in TAZ #444, which includes all of those portions of the Oakland Airport Business Park located between I-880 and San Leandro Bay/San Leandro Creek, and from Elmhurst Creek to Hegenberger Road. TAZ #444 is shown as having a rate of 11.87 VMT per employee in year 2020, and 12.58 VMT per employee at year 2040. Both the estimated year 2020 and year 2040 average daily VMT per worker in TAZ #444 is less than the regional averages, minus 15 percent. Therefore, the Project is presumed to have a less than significant transportation effect by virtue of being located in a low VMT area.

#### Noise

*Construction Noise:* Construction of the Project is expected to include relatively minor outdoor construction, site preparation and grading, paving and landscaping. No extreme construction noise or vibration activities such as pile driving would occur. Construction activities would generate temporary and intermittent noise at and near the Project site, and actual noise levels would fluctuate depending on the particular type, number and duration of use of various pieces of construction equipment. The noise-sensitive residential land uses located nearest to the Project site are over 3,700 feet away. Based on conservative noise attenuation rates, this distance of separation would result in full attenuation of construction noise levels at the nearest noise-sensitive land uses, particularly given intervening buildings and roadways. Nearby commercial and industrial uses in the vicinity would be subjected to minor

construction-period noise. Building permits issued for the Project will be subject to the Oakland Municipal Code's noise performance standards, in particular those regulations pertaining to construction noise (OMC Section 17.120.050(G): Temporary Construction and Demolition Noise). Per these City regulations, 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. To meet these construction noise standards, the Project will likely need to limit standard construction activities to prescribed hours and to implement best practices during construction. Best practices may 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). With implementation of these requirements, the impacts of typical construction noise would be reduced to a less than significant level.

*Operational Noise:* The Project does not involve any significant sources of stationary noise at the site. The only on-going stationary noise source attributable to the Project is mechanical equipment such as the heating, ventilation and air conditioning (HVAC) systems, and traffic associated with customers. Noise generated by the HVAC systems would be required to comply with the City of Oakland's standards for operational noise as identified in the City of Oakland Noise Ordinance (Oakland Municipal Code Section 17.120.050). Traffic noise generated by the Project would not be discernable above the traffic noise associated with adjacent I-880. Therefore, noise impacts of the Project during operations would be less than significant.

#### Air Quality

The Bay Area Air Quality Management District (BAAQMD) has developed screening criteria to provide lead agencies and project applicants with a conservative indication of whether a proposed project could result in potentially significant air quality impacts. If a project meets all of the screening criteria, then the lead agency or applicant would not need to perform a detailed air quality assessment of their project's air pollutant emissions. If a project meets the screening criteria, the project would not result in the generation of criteria air pollutants and/or precursors that exceed the threshold levels and the project is presumed to result in a less than significant cumulative impact to air quality from criteria air pollutant and precursor emissions. These screening levels are generally representative of new development on green-field sites without any form of mitigation measures taken into consideration.

*Construction Emissions:* The BAAQMD's preliminary screening criteria provide a conservative indication of whether the Project would result in the generation of significant construction-related criteria air pollutants and/or precursors. The BAAQMD provides construction-related screening sizes for a wide variety of land use types, but none that are specific to a car rental office. There is nothing peculiar about the construction of a car rental office as compared to a general office building and/or a general light industrial building, and so screening criteria for these types of uses can provide a reasonable estimate of the screening size applicable to the Project. The construction-related screening size for a general office building is 277,000 square feet, and the construction-related screening size for a general light industrial building is 259,000 square feet. At only 4,560 square feet, the existing light industrial building on the Project site to be remodeled is less than 2% of the lower of these applicable screening sizes, and the Project is primarily a remodel of the existing building rather than new construction. Accordingly, the Project would not result in the generation of significant construction-related criteria air pollutants and/or precursors. Nevertheless, it is the Port's standard practice for development projects within its jurisdiction to require implementation of all Basic Construction Measures (as listed below), whether or not construction-related emissions exceed the applicable thresholds. Therefore, as a condition of Project

approvals, the Port will likely require the Project to implement the following Basic Construction Measures Recommended for All Projects:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Implementation of these Basic construction measures would further reduce the Project's less than significant construction-period emission of criteria pollutants.

*Operational Emissions:* The BAAQMD's preliminary screening criteria also provide a conservative indication of whether a project would result in the generation of significant operational-related criteria air pollutants and/or precursors. The operational-related screening size for a general office building is 346,000 square feet, and the operational-related screening size for a general light industrial building is 541,000 square feet. At only 4,560 square feet, the remodeled car rental office is far below these screening sizes. However, a car rental office may generate different vehicle trip characteristics than a standard office or light industrial building.

In 2022, a separate operational air quality emissions analysis was prepared for a new 26,880 square-foot auto dealership on the adjacent parcel at 7711 Oakport Street site, using the CalEEMod emissions calculator. That prior operational air quality emissions analysis relied on ITE trip generation rates for an auto dealership, which is also the ITE category most closely corresponding to a car rental office. That prior analysis conservatively assumed approximately 28 daily trips per 1,000 square feet of building space, resulting in approximately 753 assumed daily trips. That separate analysis concluded that daily emissions during operation of that larger project would be 1.8 pounds per day of ROG, 1.4 pounds per day of NOX and 0.5 pounds per day of PM2.5, as compared to a threshold of 54 pounds per day. It also found emissions of 1.6 pounds per day of PM10 as compared to a threshold of 82 pounds per day – all well below threshold levels. The currently proposed Project at 7717 Oakport Street (at 4,560 sf) is substantially smaller than the adjacent dealership (at 26,880 sf), would likely generate vehicle trips at a similar rate per square foot as that adjacent dealership, and would result in operational emissions that

are substantially less than the adjacent dealership, which was previously found to be less than significant. Accordingly, the Project would not result in the generation of significant operational-related criteria air pollutants and/or precursors.

### Water Quality

*During Construction:* The Project would involve a small amount of site preparation and surface grading, including removal of existing vegetative cover in order to pave approximately 3,270 square feet of the front and northerly side yard for a new 10-space parking lot. These construction activities have the potential to result in runoff that contains sediment and other pollutants that could degrade water quality if not properly controlled. With only 3,270 square feet of disturbed surface area, the Project is not required to obtain a Construction General Permit issued by the State Water Resources Control Board (SWRCB), or to prepare and implement a Stormwater Pollution Prevention Plan, which are required for projects that disturb one acre or more of surface area. However, the Project will be required to implement an Erosion and Sedimentation Control Plan, including BMPs to reduce erosion, sedimentation, and water quality impacts during grading to the maximum extent practicable. At a minimum, the Project applicant shall provide filter materials at nearby catch basins to prevent debris and dirt from flowing into the City's storm drain system and creeks.

*During Operations:* Post construction, the Project would add 3,270 square feet of additional impervious surface that could increase the volume of pollutants that are typically associated with urban runoff into the stormwater. Additional pollutants from Project operations may include sediments, petroleum hydrocarbons, pesticides, fertilizers, heavy metals and contaminants from the Project's auto detailing area. Precipitation will wash away most of these pollutants resulting in higher pollutant concentrations in the initial wet weather runoff into the storm drain system, and other pollutants may enter directly into the storm drain system through internal drains within the building. These constituents could result in water quality impacts to on-site and off-site drainage flows and to surrounding area waterways. Pursuant to the Port's adopted Ordinance No. 4311 (known as the Stormwater Ordinance), the Port controls discharges to the storm drainage system to protect and enhance the water quality of water bodies of San Francisco Bay and its tributaries by reducing pollutants in stormwater discharges to the maximum extent practicable, and eliminating unauthorized non-stormwater discharges to the Port storm drains. The Stormwater Ordinance and the Regional Board's Phase II Permit specify two types of projects that must implement post-construction stormwater measures, to varying degrees. The Project qualifies as a "Small Project" that will create and/or replace at least 2,500, but less than 5,000 square feet of impervious surface. The Port of Oakland Post-Construction Stormwater Design Manual provides guidance for planning, implementing and maintaining effective control measures with the intention of improving water quality and mitigating potential water quality impacts from stormwater and non-stormwater discharges from land use development in the Port Area. All projects subject to this Manual (which includes the Project as a Small Project) must apply site design measures to reduce stormwater runoff from the project site. For Small Projects, a Port area developer is required to implement at least one site design measure, which can include tree planting and preservation; rooftop and impervious area disconnection; green roofs; vegetated swales; porous pavement; rain barrels and cisterns; stream setbacks and San Francisco Bay buffers; and/or soil quality improvement and maintenance. The Port's Post-Construction Stormwater Design Manual also requires that source control measures be implemented to the extent technically feasible to mitigate pollutant mobilization in stormwater and non-stormwater runoff. These provisions apply to the Project's parking area; landscape/outdoor pesticide use; refuse areas; vehicle and equipment cleaning, repair and maintenance areas; and for all accidental spills and leaks; and from its kitchen/food service operations and any unauthorized non-

stormwater discharges. These required site design measures and source control measures will effectively reduce operational water quality impacts to a level of less than significant.

*Car Wash:* As noted in the Project Description, the original Project application materials included a car wash at the rear portion of the Project site. This car wash has since been removed from the current Project. If the Project applicant reconsiders the removal of the car wash, or decides to add the car wash facility later, that facility will/would be subject to the EBMUD Wastewater Control Ordinance and its permit terms and conditions pertaining to the discharge of wastewater to the community sewer system. These permit requirements would:

- prohibit the discharge of any hazardous waste to the sanitary sewer, including any toxic solvents containing chlorinated compounds
- require use an oil and grease separator or an equivalent system for any discharge greater than 1,000 gallons per day
- require pollution prevention and water conservation measures to reduce or eliminate wastes released from the facility (i.e., wash water reuse and recycling)
- provide EBMUD with access to records or manifest of off-hauled facility sludge, oily waste or hazardous wastes, and provide EBMUD with access to technical specifications and engineering guidelines on the operation and maintenance of any oil and grease separator or equivalent system, and
- require notification to EBMUD immediately upon discovering any spill or sludge discharge to the sanitary sewer

With implementation of these permit terms, water quality impacts related specifically to a car wash facility (if added back to the Project or added at a later date) would reduce water quality impacts from such a facility to a less than significant level.

#### **Potential Exceptions to a CEQA Exemption**

Pursuant to CEQA Guidelines Section 15300, a CEQA exemption would not apply to the Project if the Project would trigger any of the exceptions to categorical exemptions based on site-specific environmental criteria. According to these CEQA Guidelines, a categorical exemption shall not be used for a project under the following circumstances:

- ***Would the cumulative impact of successive projects of the same type in the same place, over time be significant?***

Cumulative impacts resulting from development and redevelopment of properties throughout the Oakland Airport Business Park were fully evaluated in the City of Oakland's Coliseum Area Specific Plan EIR. The Project is not an unusual development type, nor are there so many other similar projects as to generate cumulative impacts that were not previously evaluated and disclosed in that prior Program EIR.

- ***Is there a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances?***

The Project site is typical of smaller sites throughout the Oakland Airport Business Park, developed with older office and light industrial buildings connected by established roadways and utility infrastructure. There are no unusual circumstances about the Project site that would cause its redevelopment to have a significant effect on the environment. Similarly, there is nothing unusual about a car rental office being



within the Oakland Airport Business Park with frontage along Oakport Street. There are numerous auto dealership, auto repair shops, and equipment rental offices in the surrounding area.

- ***Might the project result in damage to scenic resources including but not limited to trees, historic buildings, rock outcroppings or similar resources within a highway officially designated as a state scenic highway?***

The Project site is not identified under any applicable plans or policies as a scenic resource. It is part of the urbanized and developed Oakland Airport Business Park, which consists primarily of light industrial and logistics-oriented businesses. I-880 adjacent to the Project site is not an officially designated state scenic highway.

- ***Is the project is located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code?***

Hazardous materials sites compiled pursuant to Government Code Section 65962.5 are known as the Cortese list. The Cortese List is comprised of identified sites with suspected and/or confirmed releases of hazardous materials to the sub-surface soil and/or groundwater that may create a significant hazard to the public or the environment, and is a compilation of data from the following sources:

- a. the California Department of Toxic Substances Control (DTSC) portion of the Hazardous Waste and Substances Sites List, available on the DTSC EnviroStor database;
- b. the California State Water Resources Control Board (SWRCB)/or San Francisco Regional Water Quality Control Board (RWQCB) list of leaking underground storage tanks (LUSTs), underground storage tanks (UST), and Spills, Leaks, Investigations and Cleanup (SLIC) sites as listed on the SWRCB GeoTracker database;
- c. solid waste disposal sites identified by SWRCB with waste constituents above hazardous waste levels outside the waste management unit;
- d. "Active" Cease and Desist Order (CDO) and Cleanup and Abatement Order (CAO) sites from the SWRCB, and
- e. hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, as identified by DTSC and listed on the EnviroStor database

Based on a review of the DTSC EnviroStor database website, the Project site is not on the list of Hazardous Waste and Substances Sites, nor is it a hazardous waste facility subject to corrective action.<sup>3</sup> Based on a review of the SWRCB GeoTracker database website, the Project site does not have an active Cease and Desist Order (CDO) or Cleanup and Abatement Order and is not a solid waste disposal site. The Project site is not an "active" or "open case" on the SWRCB list of leaking underground storage tanks, underground storage tanks, or Spills, Leaks, Investigations and Cleanup sites. The larger 6.14-acre parcel (at address of 7727 Oakport Street) is listed as having a former leaking underground storage tank (LUST) site, but remediation of that former leaking underground storage tank has been completed, and

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<sup>3</sup> DTSC Envirostor, accessed 3/8/23 at:  
<https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=7717+Oakport+Street%2C+Oakland>

that case was closed in August of 1994.<sup>4</sup> Accordingly, the Project site does not pose an exception to the Class 32 exemption, as it is not currently listed under the criteria of Section 65962.5 of the Government Code.

- ***Would the project cause a substantial adverse change in the significance of a historical resource?***

The Project site and its surrounding area is part of the City of Oakland's Coliseum Area Specific Plan (CASP), and historic resources throughout the CASP planning area were identified and assessed pursuant to the City's 2014 CASP Draft EIR. That prior EIR found that portions of the CASP planning area contain many older buildings and other structures including commercial or light industrial buildings, bridges and channelized creeks or sloughs over 45 years old, including several mid-twentieth century buildings along Roland Way near the Project site. These buildings were further assessed, resulting in the identification of only three buildings of potential historic interest at the time (the Warehouse Union Local 6 building at 99 Hegenberger Road, the Fire Station Engine No. 27 at 8501 Pardee Drive, and the UPS building at 8400 Pardee Drive). That prior EIR also noted that new information or new contexts might be discovered, altered properties may be found to have been restored and other properties that may not have been 50 years old may become potentially eligible for listing in the California Register or the Local Register by the time buildout of the CASP is completed. Such properties may be considered historic resources in the future, even though not considered historical resources at the time of preparation of that EIR.

The existing building at 7717 Oakport Street was constructed in 1972, making it now over 50 years of age and eligible (under building age criteria, only) for consideration as an historic resource. However, this building is a typical 1-story office building that does not exhibit any features that would qualify it for inclusion on the California Register of Historical Resources or the local register of historical resources. It is evident that the 1972 office building is of a standard industrial-office building type, of typical design and construction, and does not appear to have historical potential. Accordingly, the Project would not cause a substantial adverse change in the significance of a historical resource.



Image courtesy of <https://www.loopnet.com/Listing/7717-Oakport-St-Oakland-CA/18719678/>

Based on the above analysis, the Project appears to qualify, individually or collectively, for one or more categorical exemptions under CEQA (i.e., Class 1, Class 2 and/or Class 32 exemptions). The Project specifically meets all criteria for a Class 32 Infill exemption. There are no site-specific environmental

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<sup>4</sup> SWRCB GeoTracker database website, accessed 3/8/23 at:  
[https://geotracker.waterboards.ca.gov/profile\\_report.asp?global\\_id=T0600100656](https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0600100656)

criteria that present an exception to, or otherwise preclude the applicable categorical exemptions for this Project or its site.

Respectfully,

*Scott Gregory*

Scott Gregory, President  
Lamphier-Gregory

encl: Figure 1 and Figure 2