



PORT OF OAKLAND

MEMO

BY: Joe Marsh, Port Permit Coordinator
DATE: June 28, 2023
**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: 5371
Permit Applicant: Indy Chadha
Tenant: Chadi/Ayman Moussa
Property Owner: Port of Oakland
Project Location: 7717 Oakport Street, Oakland
APN: 042-4435-001-13
Valuation: \$1,200,000
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 7717 Oakport Street, Oakland, CA. The site is across I-880 from the Oakland Coliseum Complex and is south of Elmhurst Creek. A car dealership has been approved on the site to the north and will start construction as soon as City permitting is complete.

The Proposed Project site is located on a developed but currently vacated site of approximately 0.5 acre, fronting onto the west side of Oakport Street. The site is a leased portion of a 6+ acre site owned by the Port of Oakland. The site has an existing building, approximately 4,500 square feet, previously used as an electrician’s shop. The site is within the Port of Oakland’s land use jurisdiction and within the northerly portion of the Oakland Airport Business Park.

The Project proposes to remodel the existing building and make site improvements for an electric car rental business. The remodeled space will include offices, lounge area with coffee and pastry service, and a service bay to prepare vehicles for rental. Vehicle service will be limited to oil change, minor repairs and cleaning. A space approximately 600 square feet will be reserved for future use to be determined, subject to separate permit. The Proposed Project would be accessed via the existing driveway on Oakport Street.

Site work will include the installation of new pavement in front of the building for 10 parking spaces. The new parking area will be accessed off the entrance driveway running from Oakport Street along the south side of the building to the rear yard. Two non-protected trees will be

removed from this area and replaced with two new trees in the 20-foot setback area. Other landscaping will be added around the perimeter of the new parking lot. The existing asphalt paving on the south side and rear of the building will be treated with a slurry seal and the parking will be restriped on the side to include one ADA space. Much of the rear paving is concrete and appears to be in good condition. A car wash facility may be added in the rear subject to the applicant obtaining necessary permits from other agencies for such installation.

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 east and a car dealer (under construction) to the west. The south (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 an electric vehicle rental facility 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 and car rentals are an appropriate related use. Other car dealers located on this section of Oakport Street between 66th Avenue and Edgewater Drive include Lexus, Acura, Hyundai and Toyota.

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 is similar and compatible with the surrounding uses. The project will improve security and safety by securing the electric car rental 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 will reuse the existing building and will not increase the area. The Port finds that this project is categorically exempt pursuant to CEQA Guidelines Section 15332, Class 32 Infill exemption. The Project meets all the criteria with no site-specific environmental conditions required. Further details are available in the CEQA Exemption Letter and Plans available as separate documents on the Port's website, [Building and Development Permits | Port and City of Oakland \(portofoakland.com\)](http://Building and Development Permits | Port and City of Oakland (portofoakland.com)).

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.

11. Improvements to create a commercial kitchen within the existing space is subject to separate review and approval by the Port of Oakland, Alameda County Health Department, and the City of Oakland Building Department.

RECOMMENDED:

Environmental Determination: *A. Mepani* Date: Jun 29, 2023
[A. Mepani \(Jun 29, 2023 10:55 PDT\)](#)
Anjana Mepani, Port Associate Environmental Planner/Scientist

Environmental Programs and Planning: *Eric Englehart* Date: Jun 29, 2023
[Eric Englehart \(Jun 29, 2023 11:02 PDT\)](#)
Eric Englehart, Port Environmental Supervisor (Acting)

DECISION:

Port Permit Coordinator: Approve Deny

Signature: *Joe Marsh* Date: Jun 29, 2023
Joe Marsh, Port Permit Coordinator

Attachments: Attachment 1 – Final Permit Drawings
Attachment 2 – CEQA Exemption Letter