



**PORT OF OAKLAND**

# MEMO

**TO:** Joe Marsh, Port Permit Coordinator  
**FROM:** Colleen Liang, Port Associate Environmental Scientist  
**DATE:** January 23, 2015  
**SUBJECT: PORT PERMIT COORDINATOR DECISION  
for Work on Private Property**

## **Executive Summary**

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: 5056  
Permit Applicant: Ben Tarcher  
Property Owner: Dennise and Tim Chung  
Project Location: 7817 Oakport Street, Oakland  
Environ. Assessment: Categorical Exemption  
Valuation: \$1,500,000.00

## **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 7817 Oakport Street, Oakland, within Oakland Airport Business Park.

The applicant proposes to improve the existing building by adding approximately 6,558 square feet to the front of the building. The new portion of the building will be used as a coffee shop, a small rock museum/retail store, offices, and meeting rooms. The new total square footage of the building will be approximately 30,352 square feet.

## **Surrounding Area**

The project site is located within the Oakland Airport Business Park, Commercial Corridor. Oakport Street is parallel to Interstate 880 and intersects with Edgewater Drive going south and 66<sup>th</sup> Avenue going north. Adjacent properties of the proposed project location include vocational training schools, automotive services, and other related commercial uses. 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.

### **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 on June 2011. The project is currently used for medical service, which is an allowable use under the LUDC at this location. The additional use after project is complete will be for administrative and retail sales.

### **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.
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). Refer to Environmental Findings below.
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 area with buildings of similar

use. San Leandro Creek is approximately 1800 feet west and 1500 feet north from the proposed project location. Therefore there are no impacts to sensitive biological environment. The Port finds that this project is categorically exempt pursuant to CEQA Guidelines Section 15301, Existing Facilities, which exempts additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if (a) the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and (b) the area in which the project is located is not environmentally sensitive.

**Permit Conditions**

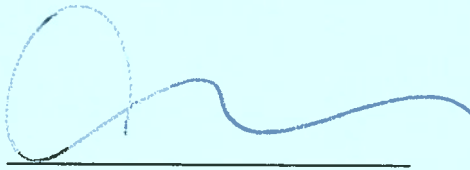
1. All conditions of approval shall be printed on the final permit set of plans.
2. The project shall conform to Port-stamped approved plans, including the conditions of approval, unless otherwise approved by the Port. The applicant is responsible for including all details agreed upon, or conditions made by the Port, during the approval process. Failure to include any such details will not exempt the 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 changes from the approved plans or the descriptions in this approval must be approved in writing by the Port.
4. The applicant shall provide adequate vehicle parking spaces in compliance with the LUDC requirements. The applicant shall provide justification for the final parking count, and include any new spaces on the final plan.
5. The applicant shall make improvements for sidewalk(s) as required. Such improvements shall be included in the approved plans.
6. The applicant shall meet all conditions and requirements of all outside agencies having jurisdiction over the project, including but not limited to: the City of Oakland, San Francisco Bay Conservation and Development Commission (BCDC), 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. The applicant shall report any conflicts with Port requirements to the Port prior to construction. Any such conflicts must be resolved by the applicant to the satisfaction of the Port and the outside agency involved.
7. The applicant shall provide copies of authorizations or permits from agencies noted above.
8. The applicant shall confirm that an aviation easement in favor of Oakland International Airport in a form approved by the Port Attorney has been recorded on the subject property. If not, the applicant shall grant and record an aviation easement.
9. The Project Applicant shall obtain, at the Project Applicant's expense, all City of Oakland building permits required for the Project.
10. 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.
11. 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 Engineer 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 Engineer's order. Any such fine shall be reasonably related to the nature of the violation and/or the cost to correct.

12. 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.
13. The Applicant shall comply with applicable stormwater quality requirements including Low Impact Development site design. The final plans shall reflect such design, and will be subject to final review and approval by the Port.
14. The applicant shall agree to comply with any other conditions added by the Permit Hearing Officer as well as any other conditions listed in the LUDC not otherwise listed here and consents to the enforcement procedures set forth in section 5.8 of the LUDC.

**RECOMMENDED:**

Environmental Programs  
and Planning:



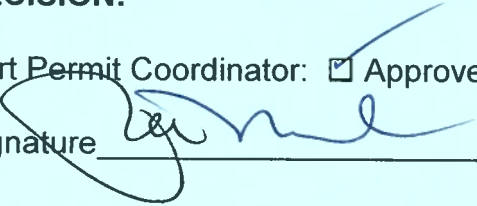
Date: 1/23/15

**DECISION:**

Port Permit Coordinator: ☒ Approve

☐ Deny

Signature



Date:

1/23/15

Attachments:

Attachment 1 – Project Design Drawings