



**BY:** Joe Marsh, Port Permit Coordinator

**DATE:** May 7, 2020

**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: 5298

Permit Applicant: Brad Chicoine, E.A.Bonelli, Architects & Engineers

Tenant: Roli Roti, Thomas Odermatt

Property Owner: Roli Roti

Project Location: 7800 Edgewater Drive, Oakland

Environ. Assessment: Categorically Exempt

**Project Description**

The project site is 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 7800 Edgewater Drive, Oakland, CA. The site is developed with a food preparation facility that is considered an essential facility pursuant to the Alameda County Public Health Department Order No. 20-04 issued on March 31, 2020 pertaining to COVID-19 (“March 31 Order”) and revised on April 29, 2020 (Order No. 20-10), and the State of California Executive Order N-33-20 issued on March 19, 2020 (collectively, the “Health Orders”).

The Applicant proposes to construct a cooler building, attached to the southeast corner of the existing building. The building addition will be approximately 102 feet long by 21 feet wide (approximately 2200 square feet). The long axis is parallel to the south property line, approximately 13 feet from the south property line. The north side of the addition will have a loading dock with direct access from the Roland Way entrance gate. The addition is approximately 30 feet high. The interior is divided into cooler and freezer sections, with a vestibule for access from the parking lot and to the main building.

The area of improvement is within the rear fenced yard. The project includes restriping the parking lot over the existing asphalt to provide 30 parking spaces for employees and visitors. The existing trash enclosure will remain just west of the canopy near the south fence line, and will continue to be serviced from Edgewater Drive.

## **Surrounding Area**

The project site is located within the Oakland Airport Business Park, Business Park Interior sub-area. This sub-area is largely occupied by light industrial/manufacturing, warehousing, and office 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. The site is adjacent to an Oikos University building and a large warehouse for the Alameda County Food Bank to the south. On the north side, Roland Way has a number of construction-related businesses and specialty manufacturing.

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

The project site is located within the “Port Area” of the City of Oakland, and within the Business Park Interior area 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 use of the site as a food commissary and food preparation facility is considered as Light or Custom Manufacturing under the LUDC, which is allowable at this location. The addition of a cooler building does not change the existing compliant use.

## **General Plan Conformity**

By approval of this permit, the Port makes a determination that the project conforms to the City of Oakland General Plan, including the Land Use and Transportation Element and the Coliseum Area Specific Plan. The LUDC has been found to be in conformance with these plans. As an existing compliant use, the confirmed conformity determination is not required to be reviewed by the City of Oakland.

## **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), 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.
8. The project is consistent with the purposes, use restrictions and development and design standards established by this Code for the Commercial Corridor area.

### **Environmental Findings**

CEQA: 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, and improvement will be made to an existing facility for similar use. The Port finds that this project is categorically exempt pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures, which exempts construction of small facilities or structures such as a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 SF in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

SUSTAINABILITY: The applicant will apply sustainability measures as possible for the project, including post construction controls for stormwater, compliance with the CA Green Building Code and the Oakland Construction Debris Recycling Ordinance. The Applicant shall evaluate the potential for solar energy generation on site, and may add it to the project if feasible without further Port approval.

### **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 tenant must maintain a City of Oakland Business License as required under the Municipal Code.
4. 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.
5. The applicant shall provide copies of authorizations or permits from agencies noted above, where applicable.
6. The Project Applicant shall obtain, at the Project Applicant's expense, all City of Oakland building permits required for the Project.
7. 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.
8. 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.
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 Applicant shall comply with stormwater quality requirements, including Post Construction Stormwater Control measures and the Port’s Stormwater Ordinance.
- 11. The Applicant shall agree to comply with any other conditions added by the Permit Coordinator as well as any other conditions listed in the LUDC not otherwise listed here.
- 12. The Applicant shall record an avigation easement prior to occupancy of the project.

**RECOMMENDED:**

Environmental Programs and Planning: Colleen Liang  
Colleen Liang (May 8, 2020) Date: 05/08/2020  
 Colleen Liang, Port Environmental Supervisor

**DECISION:**

Port Permit Coordinator:  Approve  Deny  
Joe Marsh  
Joe Marsh (May 8, 2020) Date: 5/8/2020  
 Joe Marsh, Port Permit Coordinator

Attachment – Project Plans and Elevations (4 sheets)