



# PORT OF OAKLAND

## Permit Coordinator's Variance Report FOR

### Oakland Airport Business Park Consideration of a Variance from the Sign Standards 8430 Edgewater Drive, Oakland, CA

**Variance Hearing Purpose:** This hearing is for consideration of an Application for variance from the maximum of two hundred (200) square feet allowance for business signs under the Oakland Airport Business Park Land Use and Development Code (LUDC, Port Ordinance No. 3760), Section 4.2. Granting of a variance does not constitute approval of the project, and the work may proceed only after the approval of the sign permit for this mural.

**Project Applicant:** Mia Rondone for Raising Cane's

**Project Location:** The proposed project is in the Oakland Airport Business Park in Oakland, California. The site is located at 8430 Edgewater Drive.

**Project Description:** The Port of Oakland granted Raising Cane's a Port Development Permit (Permit No. 5309) to construct a fast-food, drive-thru restaurant in the parking lot of the site formerly occupied by WalMart, within the Hegenberger Gateway Plaza. The total square footage (sf) of the business sign package presented in the Permit No. 5309 was 196 SF and described further below.

Approved signs as part of Permit No. 5309 are as follows:

Wall Signs (4) 32 sf each	128 sf
Chicken Fingers Neon	4 sf
Monument Sign (2 sides)	64 sf
<b>TOTAL</b>	<b>196 sf</b>

The Project Applicant proposes to install a mural which will be hand-painted on the building by a muralist with the text "Oakland" featured in the mural. The mural contains Raising Cane's logo that is considered a business sign and is approximately 55 square feet. The Project Applicant requests that the Port approve a variance from the total business sign square foot limit. Approval of the mural requires separate action by the Port to allow it to be painted directly on to the building.

**Public Hearing:** A hearing will be held at 1:30 pm Friday, December 17, 2021 on Zoom. A ten-day notice was posted on the Port of Oakland website at <https://www.portofoakland.com/business/bids-rfps/bid-engineering/permits/> and sent to all property owners within 300 feet of the Project site. Meeting specifics are included in the notice.

**Analysis:** Section 4.2.A of the LUDC states that:

*Business Signs are permanent signs used to identify business or businesses on a site.*

The Raising Cane's logo is a prominent feature of the mural and identifies the business therefore is considered a business sign.

Section 4.2.A.5 of the LUDC states that the total area of the business signs shall have "a maximum of two hundred (200) square feet for all signs on the premises". The additional business sign would exceed the allowable total limit of two hundred (200) square feet (sf) for business signs at a property. With the approved signs comprising 196 sf, the total square footage with the additional business sign would be 251 sf.

The LUDC allows 1 square foot (sf) of sign area for one linear foot of street frontage, up to a total of 200 square feet (sf). The site frontage is approximately 300 ft.

The permit approval also requires an affirmative acknowledgement to allow the sign and mural to be painted directly on the building. Per Section 4.2.A.1:

*No sign shall be directly painted on walls and/or roof of a building or a structure without specific approval by the Port. Such approval will only be given if the sign is tastefully designed and applied with durable weather resistant materials.*

The Port will require the muralist to submit specifications and application methods in accordance with Section 4.2.A.1 and as specified further below in the Special Conditions section of this Sign Variance Report. Approval of this variance does not imply approval of the sign installation or to paint the sign and mural directly on the building, which is a separate action. Approval of the variance would allow that action to move forward.

**Special Conditions:**

Applicant to submit for Port review and approval a description of the design, materials, and methods to be used to ensure the application is tastefully designed, durable, and weather resistant for the mural painted directly on the exterior wall.

**Environmental Determination:**

The Port, as Lead Agency under the California Environmental Quality Act (CEQA), certified the 2003 Metroport Final Environmental Impact Report (2003 Metroport EIR) for a 23-acre site located on the northwest corner of Hegenberger Road and Edgewater Drive on February 18, 2003 (Resolution #03044, SCH#2001052001). The Metroport EIR analyzed construction of approximately 1.3 million square feet (SF) including restaurant space.

As noted in Port Permit Coordinator Decision for Permit# 5309, the Port determined the Proposed Project for a fast-food restaurant was adequately analyzed under the 2003 Metroport EIR. Installation of an additional business sign does not constitute a substantial change or create new significant environmental effects from the proposed fast-food restaurant pursuant to CEQA Guidelines Section 15162. No further environmental review is required.

**Findings:**

1. *That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Code will deprive such property of privileges enjoyed by other property in the Oakland Airport Business Park within the same area of land use designation, as shown in Figure 2.1 in the LUDC;*

Strict application of the Oakland Airport Business Park LUDC would deny the Project Applicant the ability to include the Raising Cane logo in its signature mural on the building. A feature that is included at all its other restaurant locations nationwide.

The Port has determined that the Raising Cane logo in the mural is a business sign and has included it in the total square footage.

2. *That granting of the variance will be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the Oakland Airport Business Park within the same area of land use designation, as shown in Figure 2.1 in the LUDC; and,*

The Project Applicant agrees to submit evidence to the Port for review and approval that the application of the mural, which includes the Raising Cane logo, will be tastefully designed, durable, weather-resistant, and prominently feature "Oakland" in the design. Other property owners in the Oakland Airport Business Park may request approval for similar installations in the future and will be given similar consideration.

3. *That granting of the variance will not authorize a use or activity, which is not otherwise allowed within the applicable land use designation of the Oakland Airport Business Park.*

The use as a Fast Food Restaurant was approved under a separate permit (Permit No. 5309) and is allowed at this location. This variance to exceed the maximum total square footage of a building sign does not approve an unpermitted use or activity at the Oakland Airport Business Park.

4. *The proposed variance 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.*

Project Applicant will record an aviation easement in consideration of the Airport, which is a condition under the Port Development Permit.

5. *The Port has attached such conditions to approval of the variance as it deems reasonable or necessary to achieve the purposes of this Code, to reduce or to mitigate environmental impacts, and to address the project's anticipated burden on the Business Park and the Port, and which otherwise promote the health, safety, and welfare of the surrounding community.*

Special Condition #1, (above), added in addition to standard conditions of approval and design considerations to achieve the goals of this Code.

**For More Information:** Joe Marsh, Permit Coordinator, Port of Oakland, 2<sup>nd</sup> Floor, 530 Water Street, Oakland, CA 94607. [jmarsh@portoakland.com](mailto:jmarsh@portoakland.com)