



PORT OF OAKLAND

MEMO

BY: Joe Marsh, Port Permit Coordinator
DATE: June 15, 2021
**SUBJECT: PORT PERMIT COORDINATOR DECISION
for Work in Oakland Airport Business Park**

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: 5323
Permit Applicant: Toby Perry
Tenant: East Bay Regional Parks District (EBRPD)
Property Owner: Port of Oakland
Project Location: 7250 Doolittle Drive, Oakland
Valuation: \$4,259,000
Environ. Assessment: Initial Study/Mitigated Negative Declaration

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 7250 Doolittle Drive, Oakland, CA. The site is adjacent to the San Leandro Bay.

The project applicant proposes to make improvements to the pedestrian/bike path along the Doolittle Drive frontage between the roadway and the water. The work will focus on the segment of the path between Swan Way and Langley Street. The work will include paving improvements to the pathway and parking lot, striping, and replacement of the boat launch ramp. The intent is to provide a safe pathway for bikes and pedestrians along the park area.

Surrounding Area

The project site is located within the Oakland Airport Business Park, Park and Open Space. Doolittle Drive forms the south boarder of the Martin Luther King Shoreline Park (“Park”). The project is within the Park. The Park land is owned by the Port of Oakland and leased to the East Bay Regional Parks District for operation and maintenance.

Doolittle Drive is a state highway (Route 61) that connects Alameda with San Leandro through Oakland.

Land Use Analysis (from LUDC Section 2)

The project site is located within the “Port Area” of the City of Oakland, and within the Park and Open Space designation 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 enhance public access along the south edge of the park, improving the pedestrian and bike path adjacent to Doolittle Drive.

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 will receive approval or obtain appropriate regulatory permits 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, United States Army Corps of Engineers, 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

EBRPD, as the Lead Agency under the California Environmental Quality Act (CEQA), released an Initial Study/Mitigated Negative Declaration (IS/MND) for public review on April 13, 2020, to analyze the potential impacts from the proposed project. The public comment period ended on May 12, 2020. EBRPD responded to the comments received and adopted the Final IS/MND on May 19, 2020. A Notice of Determination (NOD) was filed with the Alameda County Clerk Office on June 18, 2020.

The Port, as the Responsible Agency under CEQA, received the Notice of Availability and Notice of Intent to adopt the IS/MND on April 13, 2020. With the implementation of the mitigation measures described in the IS/MND, the Port has determined that the IS/MND is appropriate and no further environmental review is required. The Port will file an NOD with the Alameda County Clerk Office once the proposed project is approved.

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 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 other agency 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 other agency permits. Modifications made to comply with other agency 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 Operations 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 Operations Officer's order. Any such fine shall be reasonably related to the nature of the violation and/or the cost to correct.

7. 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.
8. 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.
9. The Mitigation Measures adopted under the Negative Declaration are adopted as additional conditions of approval.

RECOMMENDED:

Environmental Programs and Planning Supervisor: *Colleen Liang*
Colleen Liang (Jun 15, 2021 16:45 PDT) Date: Jun 15, 2021
Colleen Liang

DECISION:

Port Permit Coordinator: Approve Deny

Signature: *Joe Marsh*
Joe Marsh (Jun 16, 2021 16:20 PDT) Date: Jun 16, 2021
Joe Marsh, Port Permit Coordinator

Attachments:

- Attachment 1 – Project Design Drawings
- Attachment 2 – Initial Study/Mitigated Negative Declaration
- Attachment 3 – EBRPD's Notice of Determination