



BY: Joe Marsh, Port Permit Coordinator

DATE: July 23, 2021

**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: 5329
Project Applicant: Jun Ruan, Architstudio Architects
Tenant: Alameda County Food Bank
Property Owner: Alameda County Food Bank
Project Location: 7900 Edgewater Drive, Oakland Airport Business Park
Environ. Assessment: Categorical Exemption
Valuation: \$2,000,000

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 proposed address of the project is 7900 Edgewater Drive, Oakland, CA. The site is west of the Toyota One car dealership and the Circuit Launch Center at 8000 Edgewater Drive. The building located at the site is segmented into “Building A” and “Building B” with Building A closer to the street (south) side. Building B in the rear protrudes about 50 feet toward the east with loading docks on this section facing south. The site has a large parking lot to the east in the rear of 8000 Edgewater, forming an L-shaped site. Refer to Attachment 1 for Project Plans.

The Project Applicant proposes to construct two additions to the existing buildings and a canopy to the east side of the building. A cart storage area is proposed at Building A to extend 8 feet 6 inches from the building face and 47 feet long (400 s.f.). Additional storage is proposed in a 23 foot by 47 foot addition on the Building B east façade. A 10 foot deep awning is proposed between the two additions at the main Building A service entrance, also 47 feet long. The Project Applicant also proposes new dock levelers at Building B and miscellaneous interior improvements to improve efficiency of the food distribution operation.

Surrounding Area

The project site is located within the Oakland Airport Business Park, Commercial Corridor sub-area. This sub-area is largely occupied by retail 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 within the larger site originally developed by Simeon as a retail center with the now vacant Walmart store and other smaller shops and restaurants. The larger site is bounded by 1-880, Hegenberger Road, Edgewater Drive, and Oakport Street. This project will fill in the Edgewater frontage between the two driveways. The property across Edgewater is a retail and office development with banks, gas station, and restaurants.

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 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 proposed use is classified as Warehouse, Storage and Distribution and is a conditionally allowed use under the LUDC for this site. This is an existing permitted use. The Project Applicant does not propose any changes to the activities at the site.

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 with no change of use. The Port finds that this project is categorically exempt pursuant to CEQA Guidelines Section 15301, minor alterations of existing facilities.

SUSTAINABILITY: The Project Applicant will apply sustainability measures as possible for the project, including compliance with the CA Green Building Code and the Oakland Construction Debris Recycling Ordinance. The building is currently served with on-site solar panels. The Project Applicant has identified the following sustainability measures as part of the project:

Increased efficiency of operations.

Older equipment replaced with new equipment meeting higher energy standards.

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 tenant must maintain a City of Oakland Business License as required under the Municipal Code.

4. The Project 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 Project Applicant shall report any conflicts with Port requirements to the Port prior to construction. Any such conflicts must be resolved by the Project Applicant to the satisfaction of the Port and the outside agency involved.
5. The Project 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 Operating Officer 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 Chief Operating Officer'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 Project 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.
- 11. The Project Applicant shall record an avigation easement prior to occupancy of the project.

RECOMMENDED:

Environmental Programs
and Planning:


Colleen Liang (Jul 24, 2021 16:43 PDT)

Date: Jul 24, 2021

Colleen Liang, Port Environmental Supervisor

DECISION:

Port Permit Coordinator: X Approve Deny

Joe Marsh

Date: Jul 26, 2021

Joe Marsh, Port Permit Coordinator

Attachment – Project Plans and Elevations (58 sheets)