



PORT OF OAKLAND

Variance Hearing

FOR

**Oakland Airport Business Park
Consideration of a Variance from the Front Setback Requirement
8520 Pardee Drive, Oakland, CA**

10/10/23

Variance Hearing Purpose: This hearing is for consideration of an Application for variance from the minimum front setback requirement of 20 feet pursuant to the Oakland Airport Business Park Land Use and Development Code (LUDC, Port Ordinance No. 3760), Section 3.1. The Applicant proposes to locate a new building 10 feet from the front property line along Pardee Drive. As a corner lot, the front setback applies to both street frontages. Granting of a variance does not constitute approval of the proposed project, and the work may proceed only after the approval of the final Permit by the Executive Director.

Project Applicant: First Industrial, LP - Richard Poolis

Project Location: The proposed project is in the Oakland Airport Business Park in Oakland, California. The proposed project site is located at 8520 Pardee Drive, west of Hegenberger Road. The site is currently vacant and previous improvements have been cleared. The site is L-shaped and approximately 2.7 acres.

Project Description: The Applicant proposed to construct a new building to be used for warehouse/distribution. The proposed building will be approximately 57,000 square feet in size with a 52,000 square-foot footprint. The proposed building will be approximately 42 feet tall with an interior clear height of 32 feet. The proposed building will be a one-story high warehouse with a two-story office space (interior mezzanine) of approximately 10,000 square feet. The proposed building is L-shaped with most of the warehouse on the western portion of the site. The proposed east portion of the building would have the office area. The proposed office portion of the building is setback approximately 182 feet from Hegenberger Road with parking and landscaping in the setback area. The proposed building wraps around the interior corner of the property maintaining the required rear 10-foot setbacks. The applicant proposes a 10-foot front setback from Pardee Drive where 20 feet is required.

Public Hearing: A hearing will be held on Tuesday, October 24, 2023 at 3:00 pm (PST) via Zoom.

Zoom link: <https://portoakland.zoom.us/j/92357867693>

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 proposed project site. Meeting specifics are included in the notice.

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Analysis:

For the purpose of this analysis there are six property line segments defined clockwise as follows:

- A. Front along Hegenberger Road (east) – 30 feet minimum set back
- B. Front along Pardee Drive (south) – 20 feet minimum setback
- C. Rear adjacent to SpringHill Suites Hotel property driveway (west) – 10 feet minimum setback
- D. Rear adjacent to SpringHill Suites Hotel property (north) – 10 feet minimum setback
- E. Rear interior perpendicular to Pardee Drive – 10 feet minimum setback
- F. Rear adjacent to Harley Davidson property (north) – 10 feet minimum setback
(Per definition corner lots have only front or rear property lines)

Section 3.1 of the Oakland Airport Business Park LUDC states:

- A. Setback Requirements: No buildings or structures shall be constructed, erected or placed within stated distances from the respective property lines on the site.

Per Figure 3.1, the minimum setback on Pardee Drive is 20 feet. The Applicant is proposing a 10-foot setback from Pardee Drive.

The proposed building is setback 182 feet from Hegenberger Road to meet the requirement under LUDC 2.2:

Uses permitted in the Business Park Interior will be permitted in the Commercial Corridor where the proposed use is setback a minimum of 200 feet from Hegenberger Road, Oakport Street or Doolittle Drive.

Since Office is an allowed use, the above clause applies only to the Warehouse, Storage and Distribution (WSD) use, which is over 200 feet from Hegenberger Road as proposed. The office portion occupies the front 35 feet of the building so the WSD use would be setback at least 215 feet from the front Hegenberger Road property line and will be in compliance with Section 2.2 of the LUDC. The proposed building would be setback approximately 40 feet from the rear (west) property line and 135 feet from the rear (north) property line. The truck entrance from Pardee Drive must be 40 feet to allow truck access in and out to access the docks on the north side of the proposed building. A total of 135 feet between the dock entries and the north property line is the minimum needed for truck maneuvering.

The proposed building is a “L-shape” to accommodate the L-shaped property. The interior corner building facades are setback 10 feet as required from each adjacent property line (segments E and F described above). The Applicant stated in their Application for Variance that they cannot move the proposed building to the north to meet the 20-foot front setback requirement and maintain the required 10-foot rear setbacks, without cutting space from the building. This would make the project financially infeasible. Port staff has heard from a number of potential tenants and brokers that there is a need for this type of building with wide bays and high ceilings.

The building as designed would meet the needs of a number of potential occupants. The Project includes adequate parking for private vehicles visible from the corner with significant landscape area that will be used to comply with the Port Stormwater Ordinance. The building view from Hegenberger is an office façade, consistent with other properties along Hegenberger Road. The

loading docks are facing away from Hegenberger Road as required by Sec.3.6 Truck Loading. The truck operation area is separated from the private vehicle area improving operational safety for the site

Fire Code: The City of Oakland Fire Marshal, having jurisdiction throughout the City of Oakland, has adopted the 2022 CA Fire Code, Title 24, Part 9 with Jan 2023 Errata. This includes Appendix D, Fire Apparatus Access Roads. Per **D102.1 Access and loading:**

Facilities, building or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds.

A building that is taller than 30 feet must have two fire apparatus access roads. Each must be a minimum 20 feet wide and the full length of one side of the building. Under D105 at least one access road shall be an "aerial fire apparatus access road." Per **D105.3 Proximity to building:**

One or more of the required access routes meeting this condition shall be located not less than 15 feet and not greater than 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

Due to the shape of the property and proposed building, only two sides have unimpeded access to meet the fire apparatus access lane requirements: Pardee Drive frontage and the west side of the building along the proposed driveway. If the proposed building was setback 20 feet from Pardee Drive the entire front setback area would have to be paved for the fire access road requirements. Placing the proposed building 10 feet from Pardee Drive would allow the required access to be from the street. Thus, this would allow the front setback area to be landscaped. As mitigation for the variance the Applicant proposes landscaping in this area that will grow to a minimum height of 6 feet.

Viewed in the entirety, the proposed project design provides a reasonable solution to all the variables and the variance is recommended for approval. The proposed building frontage is approximately 252 feet along the 470 feet total property frontage on Pardee Drive. Nearly half of the view along Pardee Drive will be unobstructed. The project creates a landscaped parking lot between Hegenberger Road and the building facade, which will be designed to reflect the office space within. The space between the proposed building and Pardee Drive will be landscaped to soften this view. Given the unique shape of the site and other findings listed below, staff recommends approval of the variance.

Special Conditions:

1. The Applicant shall install landscaping in the setback area that will grow to a minimum height of 6 feet.
2. The Applicant shall submit a landscape plan for the entire site to be approved by the Port prior to start of construction that includes the front setback area. The landscape plan for the front setback area must be compatible with the overall landscape plan.
3. All landscaping shall be compatible with the approved Stormwater Plan.

Environmental Determination: This action is only a recommendation for approval and does not require a separate environmental determination. A CEQA Analysis has been prepared for the proposed project, which will be considered for approval once a decision on the variance has been made.

Findings:

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

Granting of the variance does not undermine the intent of the LUDC to maintain setbacks. The setback requirements were reduced significantly in the 2015 adoption of the LUDC, understanding that the original vision of large landscaped frontages from the 1960's was an outdated concept and did not recognize current land values or water usage. Granting the variance will allow this property to be developed for economic benefit of the owners and the City. The L-shaped site does not allow the building to be designed to meet the strict application of the setbacks. This warrants consideration as a special condition of this site.

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 Business Park within the same area of land use designation, as shown in Figure 2.1 in the LUDC.*

The Project Applicant agrees to meet the conditions proposed for approval of this variance. This is a unique site given the shape and orientation on a corner, requiring front setbacks along both streets. The granting of a variance for the Pardee Drive frontage allows for expanded setbacks from other property lines so the impact of the building on the streets will be similar to other sites in the Oakland Airport Business Park.

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 proposed use of the site is consistent with other uses along Pardee Drive, which are primarily WSD and Office. The site is within the Commercial Corridor given the Hegenberger Road frontage, and other commercial uses have not been feasible or come to fruition. The main interest in the site has been for WSD or Manufacturing which are only allowed with the 200 feet setback from Hegenberger Road. The proposed use of the property is in compliance with Section 2 of the LUDC.

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 avigation easement for the property, if one does not already exist, in consideration of Oakland International Airport, which is a condition under the Port Development Permit. The use of the site will not be incompatible with the operations of the Oakland International Airport.

5. *The Port has attached such conditions to approval of the variance as it deems reasonable or necessary to achieve the purposes of this Land Use and Development 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 Conditions 1 - 3 are included in addition to the standard Conditions of Approval to assure that the intent and purpose of the LUDC is maintained. The requirement for a 200 foot setback from Hegenberger Road results in open space for a large portion of the site at the corner so the proposed building will not obstruct this important view. Granting the variance to approve a reduced setback for the Pardee Drive façade is reasonable to allow the property to be developed for the financial benefit of the owner, as well as tax rolls of the city, county and state. The Project will not be a detriment to the health, safety, and welfare of anyone in the region, and will provide safe access for fire fighters in case of emergency.

For More Information: Joe Marsh, Permit Coordinator, Port of Oakland, 2nd Floor, 530 Water Street, Oakland, CA 94607. Email: jmarsh@portoakland.com.

ATTACHMENT: Proposed Site Plan