



PORT OF OAKLAND

MEMO

BY: Joe Marsh, Port Permit Coordinator
DATE: November 21, 2023
**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: 5355
Permit Applicant: HPA, Inc.
Tenant: TBD
Property Owner: First Industrial, Richard Poolis
Project Location: 8520 Pardee Drive, Oakland
APN: 042-4420-004
Valuation: \$15,000,000
Environ. Assessment: Categorically Exempt

Project Description

The project site is located 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 8520 Pardee Drive, Oakland, CA. The site is at the corner of Hegenberger Road and Pardee Drive on an undeveloped lot. Previous improvements at the site were demolished by a previous property owner.

The proposed Project site is located on a previously developed but currently undeveloped site of approximately 2.7 acres. The site has frontages on Hegenberger Road and Pardee Drive, with an existing curb cut for access on Pardee Drive. The site is within the Port of Oakland’s land use jurisdiction and within the northerly portion of the Oakland Airport Business Park.

The site was formerly the location of Francesco’s Restaurant. The building was demolished in preparation for a new mixed-use development that was approved by the Port in 2017. The applicant for that project sold the property and did not build the approved project.

The Project proposes construction of a new warehouse building, approximately 57,000 square feet, with a footprint of approximately 52,000 square feet. The building will have a two-story office space, approximately 10,000 square feet total, on the east side of the building facing Hegenberger Road. The west side of the building will be warehouse space with 10 dock doors facing the interior

of the site toward the north. The building will be approximately 45 feet tall at the highest point with an interior clear height of 32 feet in the warehouse space. The development will include approximately 300 square feet of usable outdoor space, 57 automobile parking spaces, and 6 bicycle parking spaces.

The building will be set back approximately 182 feet from Hegenberger Road with parking and landscaping in this space, including facilities to meet stormwater requirements for filtration of run-off. The useable outdoor space will also be in this area. Two driveways from Pardee Drive will access the site, one east of the building to serve the automobile parking area, the other west of the building. The west curb cut leads to driveway along the west side of the building to access the truck loading area in the rear. Landscaping will be installed along the interior property lines to buffer the adjacent uses.

Surrounding Area

The project site is located within the Oakland Airport Business Park, Commercial Corridor. The site is adjacent to the Harley Davidson dealer, Spring Hill Hotel, and Comcast Business Center. It is across the street from a union hall and the Holiday Inn hotel.

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 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 Proposed project is to construct a new speculative warehouse and office building on Pardee Drive. Warehouse, Storage, and Distribution is not allowed in the Commercial Corridor unless it is set back at least 200 feet from Hegenberger. Office use is allowed. The warehouse portion of the building will be set back approximately 210 feet from Hegenberger Road behind the office portion of the building. The building façade facing Hegenberger will be an office design with glass corners and steel and glass construction.

The Applicant requested a variance from the front setback requirement along Pardee Drive to reduce the front yard setback from 20 feet to 10 feet. The Port analyzed the request and held a public hearing to consider the request. The Hearing Officer approved the variance request. The decision and analysis are posted on the Port website. The decision was partly based on the code interpretation that the approved design allows the fire access to be from the street and the 10-foot setback area may be landscaped. (See Condition of Approval #6)

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 all applicable provisions of the LUDC.
4. The Variance Application for reduced front setback along Pardee Drive was approved by the Hearing Officer October 24, 2023 in accordance with the LUDC.
5. The proposed project has been adequately evaluated under the California Environmental Quality Act (CEQA), see below for further details.
6. 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.
7. 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.
8. 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

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 urban area, and improvements will be made to the undeveloped site with the construction of a new warehouse building with office space. The Port finds that this project is categorically exempt pursuant to CEQA Guidelines Section 15332, In-fill Development Projects. The findings summarized below are detailed in Attachment 2.

Class 32 Categorical Exemption. Pursuant to Public Resources Code Section 21084 and State CEQA Guidelines Section 15332, a Class 32 Categorical Exemption applies to in-fill development projects that meet the following criteria:

- Are consistent with applicable general plan policies and zoning designations
- Occur within a project site smaller than five acres and are substantially surrounded by urban uses
- Have no value as habitat for endangered, rare, or threatened species
- Would not result in any significant effects relating to traffic, noise, air quality, or water quality
- Are located on a site that can be adequately served by all required utilities and public services


The analysis presented in the attachment provide evidence that the Project qualifies for an exemption under CEQA Guidelines Section 15332 as a Class 32 urban in-fill development and would not result in any new significant effects on the environment. The project site is less than 5 acres in size and is consistent with all applicable General Plan and Zoning designations, policies, and regulations. The project site is adequately served by all utilities and public services. Further, as the project site has no value as habitat for endangered, rare, or threatened species and from the proposed project there would be no significant effects related to traffic, noise, air quality, and water quality. In addition, none of the specific exceptions to CEQA categorical exemptions (CEQA Guidelines Section 15300.2) is applicable to the proposed project. Therefore, no further review or analysis under CEQA is required.


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 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 City of Oakland building permits required for the Project.
5. The Project shall comply with the Port's stormwater requirements.
6. The Project shall include landscaping along the Pardee Drive frontage that will grow to a minimum height of 6 feet tall in the first year after planting. The Applicant will submit a final landscaping plan for the site to verify this condition and show how this element integrates with the rest of the site landscaping. (Variance condition)
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 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 Operating Officer's order. Any such fine shall be reasonably related to the nature of the violation and/or the cost to correct.

9. The maximum allowable construction noise levels received by commercial or industrial land use is 70 dBA on weekdays from 7:00 AM to 7:00 PM, and 60 dBA on weekends from 9:00 AM to 9:00 PM, the Project will need to limit standard construction activities to the prescribed hours and dBA and will need to implement best practices during construction. Construction activities shall not exceed the maximum allowable dBA. Best practices will include using noise control techniques such as improved mufflers, intake silencers and acoustically-attenuating shields, using hydraulically or electrically powered impact tools wherever possible, and locating stationary construction noise sources as far from adjacent uses as possible.
10. 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.
11. The Project Applicant shall agree to comply with any other conditions added by the Port Permit Coordinator as well as any other conditions listed in the LUDC not otherwise listed here.

RECOMMENDED:


Port Permit Coordinator:  Date: Nov 21, 2023
Joe Marsh, Port Permit Coordinator

Environmental Determination: 
[Anjana Mepani \(Nov 21, 2023 11:36 PST\)](#) Date: Nov 21, 2023
Anjana Mepani, Port Associate Environmental Planner/Scientist

Environmental Programs
and Planning:  Date: Nov 27, 2023
Colleen Liang, Acting EPP Director

DECISION:

Port Executive Director: Approve Deny

Signature: 
[Kristi McKenney \(Dec 8, 2023 16:18 PST\)](#) Date: Dec 8, 2023
Danny Wan, Port Executive Director

Attachments:

Attachment 1 – Project Design Drawings

Attachment 2 – CEQA Analysis