



PORT OF OAKLAND

MEMO

BY: Joe Marsh, Port Permit Coordinator
DATE: August 28, 2023
**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: 5378
Permit Applicant: Daniel Vater, Rebel
Tenant: Rebel #304
Property Owner: Anabi Real Estate Development
Project Location: 285 Hegenberger Road, Oakland
APN: 22-308-30-1
Valuation: \$200,000
Environ. Assessment: Categorically exempt under the following CEQA Guidelines
Section: 15303 (New Construction or Conversion of Small Structures)

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 285 Hegenberger Road, Oakland, CA, at Leet Drive, north of the San Leandro Channel. 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 is currently occupied by a gas station, mini-market and car wash operated under Shell.

The Proposed Project is to remodel the existing facility to rebrand as Rebel. The work includes a 180 square foot addition to the north side of the building, replacement of the existing roof and exterior finish materials, and remodel of the interior of the mini-market. The existing sloped roof will be removed and replaced by a flat roof. The signage will be replaced and exterior lighting will be upgraded to LED fixtures.

The building side wall will be moved approximately 6’ 4” north (toward the car wash) where the existing roof overhangs the walkway creating additional market building space. The rear CMU wall extends across the existing walkway and will remain as the west exterior wall of the addition. The interior of the market space will be remodeled to move the restroom entry to the interior and reconfigure employee and display areas. The existing siding, primarily board and batten, will be removed and replaced with stucco. A stone veneer will be installed on the front

and sides to a height of 3 feet.

The existing gable roof is approximately 16 feet high at the exterior side walls rising to approximately 22 feet at the ridge. The new flat roof will be approximately 16 feet high with a 4 feet high by 16 feet wide pop-up section in the middle to screen mechanical equipment and to mount the main "Rebel" sign. The new roof will have no overhang.

Surrounding Area

The project site is located within the Oakland Airport Business Park, Commercial Corridor. Hegenberger Road is a commercial street connecting I-880 with the Oakland International Airport (OAK). 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 one of three existing gas station/mini-marts along this section of Hegenberger Road.

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 project is to refresh the existing facility with new materials to reflect the new management. This is an allowed use under the LUDC and is the closest fuel station to OAK and the rental car return lot. The project does not alter or significantly expand the existing use.

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. The project does not change the current operations at the site and removes diesel fuel from this location.
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.

Environmental Findings

The Port is the Lead Agency under CEQA, having land use jurisdiction over the Oakland Airport Business Park. The Project would expand the existing mini-mart building by 182 feet and replace existing exterior building materials and signage. The project will not increase capacity or alter the fueling system. The Port finds that this project is Categorically Exempt per Section 15303, New Construction or Conversion of Small Structures (Class 3): construction and location of limited numbers of new, small structures where only minor modifications are made in the exterior of the structure.

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 and Alameda County health 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 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.
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 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.

7. 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.
8. The use of an outdoor speaker/paging system for the project shall be subject to noise limits set per the Noise Element of the Oakland General Plan.
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 will submit the final signage plan prior to installation to determine compliance with the LUDC.
11. The Project Applicant will submit the final exterior lighting plan to determine compliance with the Port's Exterior Lighting Policy.
12. 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:

Environmental Determination: *A. Mepani* Date: Aug 28, 2023
A. Mepani (Aug 28, 2023 16:21 PDT)
Anjana Mepani, Port Associate Environmental Planner/Scientist

Environmental Programs
and Planning: *Eric Englehart* Date: Aug 29, 2023
Eric Englehart (Aug 29, 2023 08:30 PDT)
Eric Englehart, Port Environmental Supervisor (Acting)

DECISION:

Port Permit Coordinator: X Approve Deny

Signature: *Joe Marsh* Date: Aug 29, 2023
Joe Marsh, Port Permit Coordinator

Attachments: Attachment 1 - Final Permit Drawings