



PORT OF OAKLAND

MEMO

FROM: Colleen Liang, Port Environmental Supervisor
DATE: May 30, 2019
**SUBJECT: PORT PERMIT COORDINATOR DECISION
for Work on Port Property at 7817 Oakport Street, CA**

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: 5245
Permit Applicant: National Sign Corporation/Robbie's Construction
Property Owner: Tim Chen
Project Location: 7817 Oakport Street, Oakland, CA
Environ. Assessment: Categorical Exemption

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 located at 7817 Oakport Street, Oakland, CA. The applicant proposes to install 2 new illuminated signs on the exterior of the building (Refer to Attachment 1: Port of Oakland Development Permit Application; Date: 04/24/2019.)

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 on June 2011 and April 2016 with revisions.

The current use for the site is administrative and retail sales, which is an allowable use under the LUDC at this location. Installation of the signs will not change the Permit Applicant's 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.
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, 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 proposed project does not pose a hazard to people or animals that may come into contact with electrified elements as represented by the manufacturer.
 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 area, and improvements will be made to an existing facility. The Port finds that this project is categorically exempt pursuant to CEQA Guidelines Section 15303 (e), which exempts construction of accessory (appurtenant) structures.

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.

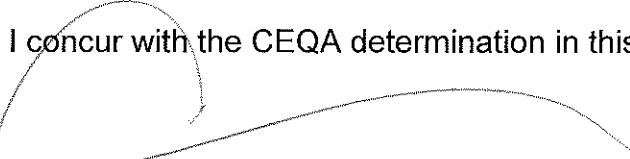
4. The applicant shall meet all conditions and requirements of all outside agencies having jurisdiction over the project, including but not limited to: the City of Oakland, Federal Aviation Administration, San Francisco Bay Regional Water Quality Control Board, Alameda County Airport Land Use Commission, Alameda County Public Health Department, and the California State Lands Commission. The applicant shall report any conflicts with Port requirements to the Port prior to construction. Any such conflicts must be resolved by the applicant to the satisfaction of the Port and the outside agency involved.
5. The applicant shall provide any copies of authorizations or permits from agencies noted above.
6. The applicant shall obtain, at the applicant's expense, all City of Oakland building permits required for the Project.
7. The applicant and the 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 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 applicant shall secure any completed or uncompleted work and remove or screen any stored materials. The Chief Engineer of the Port may provide a 30-day notice and order the applicant to comply with this condition. If the 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 applicant for all related costs, or impose reasonable fines for violation of this condition of approval and/or the Port Chief Engineer'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 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, setaside, 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 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 applicant of any claim, demand, or

legal actions that may create a claim for indemnification under these conditions of approval.

10. 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.

RECOMMENDED:

I concur with the CEQA determination in this Report.

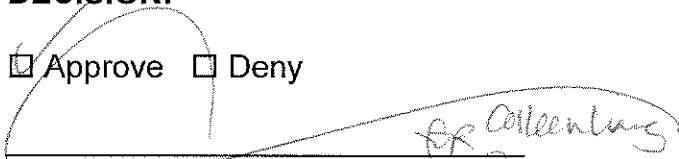


Colleen Liang, Port Environmental Supervisor

Date: 05/30/19

DECISION:

Approve Deny



Joe Marsh, Port Permit Coordinator

Date: 05/30/19

Attachment: Development Permit Application

Matthew Short

4/24/19

Dear Joe,

Thank you for working with my team to complete the necessary forms for the sign permit. I have included your payment and invoice, along with 3 Hard Copies for your review. If they can be forward to the city after you have stamped them that is great. IF not contact me and Robbie to have them delivered to the city. I have our contact information below.

Matthew Short

239-405-9100

matts@nationalSignCorp.com

Robbie

559-493-8907

Robbiesconst@gmail.com

1945

THE
LIBRARY
OF THE
CONGRESS
PHOTODUPLICATION SERVICE
WASHINGTON, D. C. 20540

Port of Oakland Development Permit Application

Permit No: _____

APPLICANT TO COMPLETE ITEMS WITHIN BOX ONLY and SIGN BOTTOM OF 2nd PAGE

Project Address: 7819 Oakport Street (94621) APN: _____

Applicant: National Sign Corporation / Robbie's Construction

Contact: Telephone / E-mail: 239 405 9100 | matts@nationalsigncorp.com

Project Sponsor (Property Owner): Tim Chen

Contact: Telephone / E-mail: 510 332 3568 | Tchen1188@yahoo.com

Tenant Name: Have a Heart Applicant Owner

Describe Use: Dispensary

Type of Project (check all that apply): New Construction Remodel Demolition
 Exterior Interior Site Utilities HazMat

Size of Property (sf): Site: _____ Existing Improvements: _____ Project: Sign install

Proposed Improvements (sf): _____ Parking: existing _____ proposed _____

Project Description: Install (2) illuminated signs to exterior of Building / Existing power / install by Oakland CC
Valuation: \$ 3,500 install

Submittals / Approvals (X indicates required):

- Drawings/Project Description**- Applications must include drawings and a written description of the proposed work.
- Sustainable Opportunities Assessment**- Applications must complete the sustainability form attached.
- Airport (OAK) Projects**- Applications for work at OAK must include the completed form attached.
- Property Owner Verification**-Applicant must submit a "Letter of Agency" signed by the property owner if requested, except for Port of Oakland property, to verify authorization to represent the property owner.
- Initial Study Checklist for California Environmental Quality Act (CEQA) Compliance**- A CEQA determination by Port staff is required for each permit application. If Categorically Exempt (CatEx), no further analysis is required. If not CatEx, an Initial Study Checklist must be prepared, at the applicant's expense, to evaluate potential impacts and to determine the level of CEQA review.
- General Plan Conformity Determination**- A conformity determination may be required if the project proposes a new use. Port staff will perform the required analysis.
- Height Review - FAA 7460**- Height limits in the vicinity of the Oakland International Airport (OAK) are based on FAA flight clearances. The applicant will be required to file a Form 7460 if the proposal includes increased structure height. Port approval will be subject to the findings of the FAA.
- Exterior Lighting Review**- New or replacement exterior lighting must comply with the Port's Exterior Lighting Policy. Lighting details must be submitted to demonstrate compliance.
- Storm Water Permits**- Projects causing ≥1 acre of land disturbance require a State Construction General Permit and shall submit a Waste Discharge ID as proof of coverage. Projects creating/replacing ≥2500 square feet of impervious surface may need to comply with the Port's Municipal Stormwater Permit and develop a Post Construction Stormwater Management Plan.
- Private Sewer Lateral (PSL) Permit**- Projects exceeding \$100,000 valuation are subject to compliance with the EBMUD's PSL ordinance, enforced through the City of Oakland Building Permit. Projects on Port property may be subject to separate approval of repair plans by the Port.
- Maritime and Aviation Project Labor Agreement (MAPLA)**- Projects by Port Maritime and Aviation tenants must comply with MAPLA if they exceed the cost threshold of \$150,000. Sign and submit the attached acknowledgement letter if cost exceeds threshold.
- Utilities**- The Port is the utility provider for some of the property under its land use jurisdiction. Such properties will be subject to additional review relating to utility use and equipment.
- Fees**- Fees will be determined upon evaluation of the Application based on the Engineering Master Fee Schedule.

Port of Oakland Development Permit Application (p2) Permit No: _____

Agreement:

By the signature below, the Applicant agrees to comply with the standard conditions listed on this page, and with any specific conditions delineated at the time of approval. The Applicant certifies that s/he has permission from the property owner to carry out the work described herein. If the Applicant is not the Contractor, the Applicant hereby certifies that the Contractor will be directed to comply with all the conditions set forth in this permit approval. Applicant certifies that the property owner authorizes Applicant on his/her behalf to submit and further agrees to be bound by the material representations herein. These representations are made to induce the Port to approve this application and the Port approval of this application is made in reliance on the foregoing representations.

Standard Conditions of Approval:

1. All conditions of approval shall be printed on the final permit set of plans.
2. The project shall conform to the 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 including them at a later time. The applicant is responsible for obtaining approval 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 Applicant shall comply with the policies and standards for the Land Use and Development Code (LUDC) for the Oakland Airport Business Park (Business Park only).
5. The Applicant shall confirm that an aviation easement in favor of Oakland International Airport in a form approved by the Port Attorney has been recorded on the subject property. If not, the applicant shall grant and record an aviation easement. (Business Park only.)
6. The Applicant shall make improvements for sidewalk(s) as required. Such improvements shall be included in the approved plans, unless otherwise specified in the Specific Conditions. (Business Park only.)
7. The 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, Federal Aviation Administration, Regional Water Quality Control Board, Airport Land Use Commission, Alameda County Health Department, and State Lands Commission. The applicant shall report any conflicts with Port requirements to the Port prior to construction. Any such conflicts must be resolved by the applicant to the satisfaction of the Port and the outside agency involved.
8. The Applicant shall comply with the requirements of all environmental documents prepared under the California Environmental Quality Act applicable to the subject project including mitigation and monitoring requirements approved for the Development Permit.
9. The Applicant shall comply with the current version of the Port of Oakland Exterior Lighting Policy.
10. The Applicant shall comply with applicable storm water quality requirements including Low Impact Development site design.
11. The Applicant shall provide as-built drawings at the conclusion of any project on Port-owned property.
12. The applicant shall defend, indemnify, and hold harmless the Port and its agents, officers, and employees from any claim, action or proceeding against the Port or its agents, officers or employees to attack, set aside, void, annul, or invalidate any Port approval concerning the subject project provided that the Port has promptly notified the Applicant of any such claim, action or proceeding and cooperates in the defense. Counsel retained in such defense shall be subject to the mutual approval of the Applicant and the Port. The Applicant shall reimburse the Port for its reasonable attorney and consultant fees incurred in such defense including amounts attributable to the Port Attorney's legal services.

Applicant Signature:  Date: 4/18/2019

Port Approval:

The signature below certifies that the Port of Oakland has approved the project, and the applicant is free to start work. This page serves as the applicant's approved permit.

Approved: _____ Date: _____ Additional Conditions Attached



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9. To the maximum extent permitted by law, the 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, setaside, 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 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 applicant of any claim, demand, or

legal actions that may create a claim for indemnification under these conditions of approval.

10. 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.

RECOMMENDED:

I concur with the CEQA determination in this Report.

Colleen Liang, Port Environmental Supervisor

Date: _____

DECISION:

Approve Deny

Joe Marsh, Port Permit Coordinator

Date: _____

Attachment: Development Permit Application