



**PORT OF OAKLAND**

# MEMO

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**TO:** Permit Hearing Officer

**FROM:** Joe Marsh, Port Permit Coordinator  
Eric Englehart, Port Associate Environmental Planner/Scientist

**DATE:** February 8, 2024

**SUBJECT: PORT PERMIT DECISION  
for Work on Private Property in the Port Area**

The Port of Oakland (Port) Permit Coordinator and Environmental Programs and Planning Division staff have reviewed the subject Port Development Permit Application. We find the proposal meets the applicable standards of the Port, as set forth in the detailed analysis and findings below.

Port Permit No: 5370  
Permit Applicant: Josh Christiansen  
Property Owner: Radius Recycling (formerly Schnitzer Steel)  
Andy Rohling  
Project Location: 1101 Embarcadero West, Oakland  
Estimated Value: \$ 100,000  
Environ. Assessment: Initial Study/Negative Declaration

## **Background:**

Radius Recycling (Radius or Permit Applicant) operates a metals recycling facility in Oakland at 1101 Embarcadero West. Radius has an ongoing improvement program to reduce its environmental footprint. The Radius environmental improvement program includes installation of a tent structure on the east side of the site to cover a recycling pile to reduce dust and improve air quality (Proposed Project).

The Radius site is largely privately-owned with some property leased from the Port. The Radius site is partially in City of Oakland planning jurisdiction and partially in the Port Area, under Port of Oakland planning jurisdiction. The current application is for a proposed project on private property in the Port Area (planning jurisdiction.)

Radius is working with the Bay Area Air Quality Management District (BAAQMD) for overall site compliance, which includes this Proposed Project.

## **Project Description**

**Project site:** The Proposed Project site is located on the Oakland Estuary, west of the Port of Oakland's Berths 67-68 (i.e., Howard Terminal) in the City of Oakland (City). The Proposed Project site is adjacent to Port-owned maritime facilities on the east and west sides, the waters of the Oakland Estuary on the south side, and Embarcadero West on the north side. Radius has a metal recycling facility with a dock on the Oakland Estuary. The Radius facility is largely on privately-owned property, with some of the facility on property leased from the Port. The Proposed Project is on private property owned by Radius.

**Project Features:** The tent structure will be approximately 84 feet by 148 feet, and approximately 13,800 square feet in size. The roof ridge runs along the long axis and is about 40 feet high. The long sides are curved toward the ridge, like an onion-shape in cross section. The tent structure will be anchored with bolts into the existing concrete slab in accordance with seismic and wind load requirements. The new tent will be placed adjacent to a similar structure that has been in place for more than ten years.

### **Land Use Analysis**

The Proposed Project is located within an existing metals recycling facility and does not change the main use of the site. The Proposed Project land use is consistent with the City of Oakland General Plan, which designates the Radius site as General Industry and Transportation. The Proposed Project is part of Radius' industrial operations. Its primary purpose is to meet BAAQMD regulatory requirements for the continued operation of the Radius facility. This is not a mandated project from BAAQMD. It is a voluntary upgrade by Radius to reduce dust from getting into the air and stormwater that expands the program mandated by BAAQMD. The tent structure would be located on the east side of the Radius facility site near Howard Terminal. Visual access would only be from the Oakland Estuary. The new tent structure will be installed on the Estuary side of the existing structure. This will improve the view of the Proposed Project site by minimizing visibility of the recycling pile and the older structure. Because there is no change to Radius' existing use as a metal recycling facility, no further General Plan conformity analysis is necessary.

### **Findings**

The Port approves this application for a Port Development Permit, as submitted by Radius, with the following findings:

1. The Project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons working, visiting, transiting through the vicinity of the Project site, 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 of Oakland. The project will protect the debris pile from wind and stormwater to reduce off-site impacts, thus improving the health and general welfare of workers and residents.

2. The Project is consistent with the City of Oakland General Plan, which designates the Radius site as General Industry and Transportation. The Project is part of Radius' industrial operations.
3. The Project complies with provisions of the City of Oakland Charter and the regulations adopted by the Port of Oakland to carry out its building permit responsibilities by approving an important improvement to the Radius facility.
4. The primary purpose of the Project is to install a cover over an existing recycling material pile to protect against spreading dust off-site from wind and stormwater. The Project will be monitored by the Bay Area Air Quality Management District for compliance with BAAQMD permit conditions.

### **Environmental Findings**

The Port is the Lead Agency under CEQA, having land use jurisdiction over the Project site. The Port evaluated the impacts of the Project and determined that the Project was subject to CEQA, and prepared an Initial Study / Negative Declaration (IS/ND) analyzing any potential environmental impacts. The IS/ND determined that there was no significant environmental impact, and was available for a 45-day public review period with no substantive comments received. The Final IS/ND is posted on the Port's website at: <https://www.portofoakland.com/business/bids-rfps/bid-engineering/permits/>. A Notice of Determination will be prepared and filed as required on approval of this determination and the development permit.

### **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 Permit 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 Permit Applicant from meeting the Port Development Permit conditions.
3. The Permit 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, Bay Area Air Quality Management District (BAAQMD) and San Francisco Bay Regional Water Quality Control Board. The Permit Applicant shall report to the Port prior to Project construction any conflicts with Port Development Permit or other requirements arising from outside agencies' permit conditions and requirements. Any such conflicts must be resolved by the Permit Applicant to the satisfaction of the Port and the outside agency involved.
4. The Permit Applicant shall provide copies to the Port of authorizations or permits from outside agencies.

5. The Permit Applicant shall obtain, at the Permit Applicant's expense, all City of Oakland building permits required for the Project.
6. The Permit Applicant and the Permit 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 by the Port prior to the start of Project construction.
7. The Permit Applicant must adhere to the Project-Incorporated Best Management Practices and Hazardous Materials Management conditions in the Final IS/ND (January 2024).
8. The Permit 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 Project construction has commenced for a period of more than 30 days, the Permit Applicant shall physically secure any completed or uncompleted work on the Project site and remove or screen any stored materials. The Director of Engineering of the Port may provide a 30-day Notice and Order to the Permit 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 Permit Applicant for all related costs, or impose reasonable fines for violation of this condition of approval and/or for violation of the Director of Engineering's 30-day Notice and Order. Any such fines 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 Permit 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 Permit 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 Permit Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

10. The Permit Applicant shall agree to comply with any other conditions added by the Permit Hearing Officer.

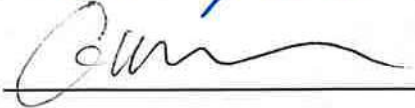
**RECOMMENDED:**

Environmental Programs  
and Planning:



Date: 2/8/2024

Port Permit Coordinator:



Date: 2/8/2024

**DECISION:**

Permit Hearing Officer:

☒ Approve

☐ Deny

Signature



Date: 2/8/2024