



December 6, 2021

Jeffrey Neustadt
8400 Edgewater, LLC
1840 San Miguel Drive #206
Walnut Creek, CA 94596

SUBJECT: Oakland Airport Business Park
Use Determination for Warehouse, Storage and Distribution, Light
Manufacturing, and Research and Development
8400 Edgewater Drive, Oakland CA

Via E-mail: jeff@rubiconpg.com

Dear Mr. Neustadt,

I have reviewed your request for a use consistency determination (use consistency application with proposed site plan completed as of 8/27/21) under Section 5.4 of the Oakland Airport Business Land Use and Development Code (LUDC). Specifically, you are requesting a use consistency determination for “warehousing, distribution, light manufacturing and research and development” uses at 8400 Edgewater Drive, Oakland, CA.

Background

Appendix A of the LUDC defines these uses as:

Warehousing, Storage, and Distribution: This includes five (5) subclassifications as described below:

- A. *General Warehousing, Storage and Distribution:* The warehousing and storage, primarily within enclosed buildings, of commercial goods (other than primary storage of hazardous materials), and the associated distribution activities that occur on-site prior to delivery of goods to wholesale and retail outlets or direct shipment to customers. These activities may also include ancillary truck parking and dispatching; and accessory outdoor storage areas where outdoor storage, not including parking and loading areas, does not occupy more than thirty percent (30%) of the total site area, and meets the design and location criteria under Section 4.4.
(Parts B-E do not apply to this request.)

Research and Development: *Scientific research for the design, development, engineering, and testing of high technology electronic, industrial or scientific products in advance of full-scale manufacturing of final products, other than medical testing and analysis and routine product testing, which is offered as a service or which is conducted by and for a private profit-oriented firm, other than a public utility firm. The only manufacturing uses in this classification consist of the creation of prototype products, plans, or designs for the primary purpose of research, development, or evaluation, rather than sale. This classification excludes manufacturing uses, wholesale and storage uses, repair and retail sales; this classification also excludes the on-site production of products for sale and biotechnology laboratories approved for National Institute of Health experiments using Risk Group 4 or Restricted Agents (commonly known as "bio-safety level 4"). This classification includes, but is not limited to biotechnology firms, "clean-tech"/energy, environmental, electronic research firms, or pharmaceutical research laboratories.*

Light Manufacturing: *The manufacturing, compounding, processing, assembling, packaging, or treatment of components or products, primarily from previously prepared materials, and typically within enclosed buildings. Light Manufacturing Activities do not produce noise, vibration, air pollution, fire hazard or noxious emission that will disturb or endanger neighboring properties.*

Analysis

The LUDC Table 2.1 shows Warehousing, Storage, and Distribution and Research and Development defined above are allowed for the Business Park Interior and not permitted in the Commercial Corridor. Light (or Custom) Manufacturing uses are allowed in the Business Park Interior and only on sites in the Commercial Corridor with an Oakport Street frontage. Your site is classified as Commercial Corridor and has an Oakport Street frontage. Per Section 2.2 of the LUDC:

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

You are proposing to replace the existing building, which previously housed Walmart, to better meet the needs of a new tenant. (See: Rubicon Property Conceptual Site Plan Scheme 2.0, attached.) The new building would be sited 202 feet from Oakport Street and over 500 feet from Hegenberger Road and Doolittle Drive at its closest point. This layout would meet the criteria of Section 2.2 by maintaining a minimum 200-foot setback from both Oakport Street and Hegenberger Road. Under the revised building footprint, and with an Oakport Street frontage, the uses proposed would be allowed.

Findings

The Port determines that your uses are consistent with the LUDC based on the following findings:

1. The proposed uses are consistent with the purposes, restrictions, and regulations of this Code as it applies to the land use area of the Business Park where such use is proposed. Section 2.2 specifies that the uses are allowed for the Commercial Corridor that are allowed for the Business Park Interior for projects set back at least 200 feet from Hegenberger Road, Oakport Street, or Doolittle Drive. Warehousing, Storage and Distribution, as well as Research and Development are allowed for the Business Park Interior. Future site improvements will be reviewed for consistency with this finding and other requirements of the LUDC.
2. The proposed uses will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons working in 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.
3. The proposed uses 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.

Use Approval

Based on the findings noted above and pursuant to Section 2.2, Table 2.1. and Appendix A of the LUDC, the three uses requested are permitted for the proposed site plan. We assume that the final proposal for a new building and occupant will fit primarily under one of the three uses. It is allowable to conduct multiple uses on the site, though we would require you to show they are compatible with each other in your final development plan.

This approval does apply to any other required approvals not subject to this use determination, including an approval of a building permit to build a replacement structure. Such construction will require a Development Permit from the Port and review of the plan for compliance with the rest of the LUDC, including design criteria under Section 3. Any alterations at the site that require a Development Permit are subject to a separate permit process. (See LUDC Section 5 for permit procedures and a list of exempted work.) Any work at the site must comply with the standards of the LUDC. This is a multi-tenant site and any development must consider the operational needs of the other tenants.

Appeal of Permit Coordinator's Determination

Pursuant to LUDC Section 5.7, this decision is subject to the administrative appeals process. This use consistency determination will be posted on the Port's website (<http://www.portoakland.com/business/bids-rfps/bid-engineering/permits/>) for fourteen (14) calendar days after the issuance of this determination. Absent an administrative appeal, the Permit Coordinator's decision becomes final on the fifteenth (15th) day after the issuance of this determination. The administrative appeal would be heard by the Permit Hearing Officer, currently the Port's Executive Director.

The LUDC can be found on the Port's web site:

<http://www.portoakland.com/files/PDF/LUDC%20April%202016.pdf>

Please let me know if you have any further questions at (510) 627-1480 or jmarsh@portoakland.com.

Sincerely,



Joe Marsh
Port Permit Coordinator

ATTACHMENT – Proposed Site Plan, 7/22/21