

Case File Number: ZC152397-A01 (ZC152397)

July 20, 2016

Location: 500 Hegenberger Rd. (8400 Edes Ave.) - See map on reverse

Assessor's Parcel Numbers: (042-4323-007-05)

Proposal: Appeal of the Zoning Administrator's issuance of a Zoning Clearance permit for new ownership of an existing Hotel (Transient Habitation) which was approved under Major Conditional Use Permit CM09-221.

Original Applicant/Contact: Oakland Hotels, LLC – Nupen Patel / (510) 212-2714

Appellant/Contact: UNITE HERE Local 2850 – Ty Hudson / (213) 509-9114

Owner: Oakland Alameda Hotels, LLC

Case File Number: ZC152397-A01

Original Case File Number: ZC152397

Planning Permits Required: Zoning Clearance permit for change of ownership of an existing hotel.

General Plan: Regional Commercial

Zoning: CR-1 Regional Commercial Zone

Environmental Determination: Exempt, Section 15270 (projects which are disapproved)

Historic Status: Not a Potential Designated Historic Property; Survey rating: F3

Service Delivery District: 4

City Council District: 7

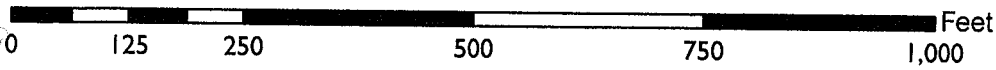
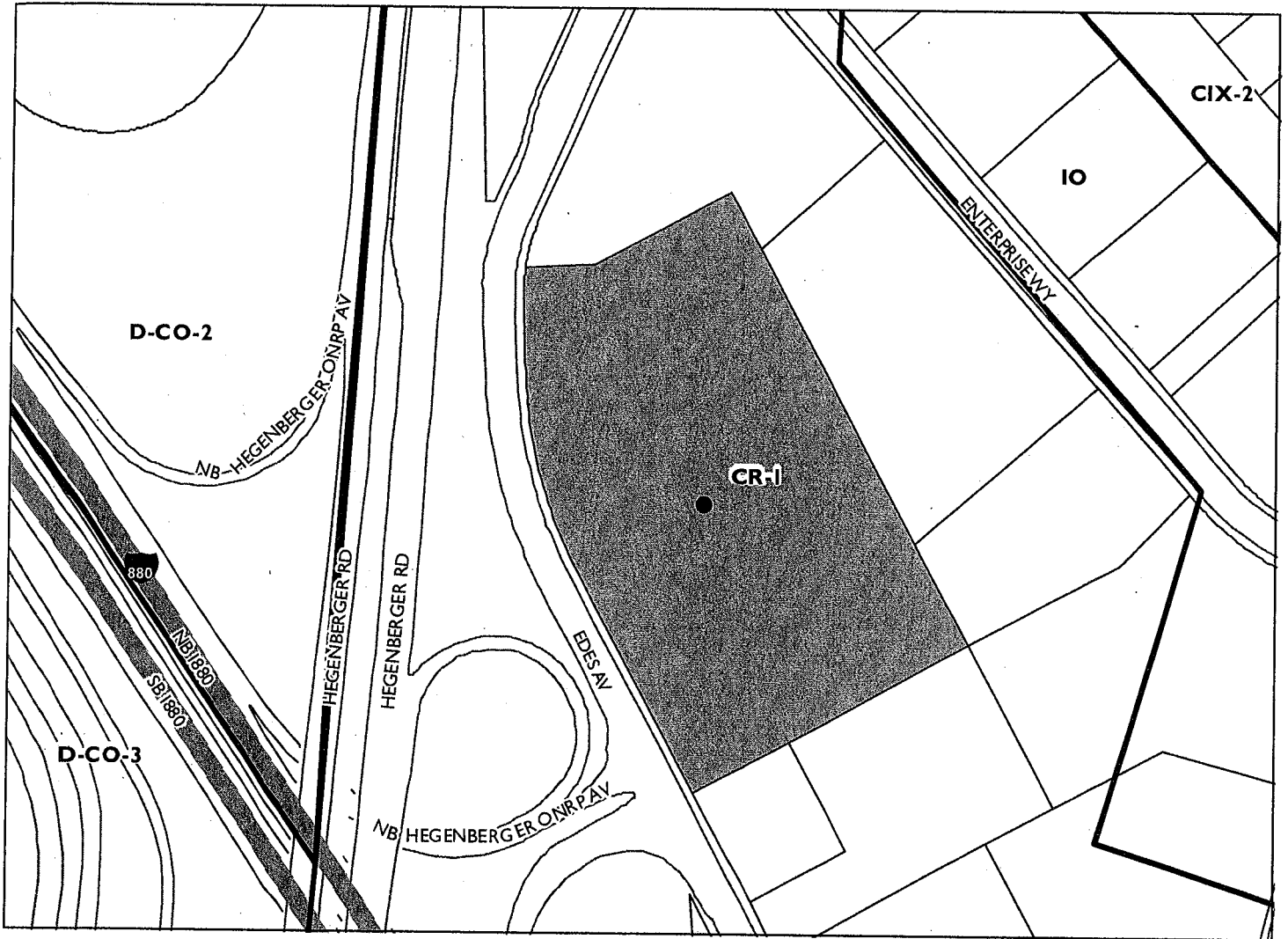
Status: Application approved by Zoning on October 29, 2015; Appealed November 9, 2015.

Staff Recommendation: Deny the Appeal and uphold the Zoning Clearance approval

Finality of Decision: Final (Not administratively Appealable Pursuant to OMC Sec. 17.132.030)

For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or mbradley@oaklandnet.com

CITY OF OAKLAND PLANNING COMMISSION



Case File: ZC152397-A01
Appellant: UNITE HERE Local 2850 - Ty Hudson
Address: 500 Hegenberger Road (8400 Edes Avenue)
Zone: CR-1

SUMMARY

The site includes a large, approximately 128,364 square foot, 293-room hotel that was originally constructed in 1970 and began operating as a hotel thereafter. In 1987, a tower addition was constructed and renovations continued through 2001, culminating with a major \$4 million renovation. Active hotel operations discontinued for several years, and because the hotel was considered to be a legal non-conforming activity, a Conditional Use Permit was required to re-establish the hotel.

On November 18, 2009, the Planning Commission approved a Major Conditional Use Permit (CM09-221) ("CUP") to re-establish a vacant Transient Habitation activity (hotel) at the site, subject to the attached findings and conditions of approval (*Attachment C*). UNITE HERE Local 2850 appealed the decision (case file A09-264) (*Attachment D*), but before the appeal was considered by City Council, the then-owner reached an agreement with UNITE Here regarding union organization at the hotel and UNITE HERE Local 2850 withdrew the appeal. On March 3, 2010, the applicant obtained a Zoning Clearance permit for change of ownership (ZC100521) based on the CUP.

On November 16, 2011 and December 18, 2012, the Zoning Manager granted one year extensions of the CUP (*Attachment E*), extending the expiration date to December 31, 2013. In 2013, prior to the CUP expiration date, the then-owner obtained all necessary building and trade permits from the City of Oakland, including:

- R-1300105, re-roofing permit (issued January 22, 2013);
- B1301665, building permit for renovations to the hotel (application filed May 7, 2013, expired December 3, 2013);
- SL1301850, sewer lateral replacement permit (issued June 13, 2013);
- X1301557, excavation permit associated with the sewer lateral replacement (issued June 13, 2013);
- S1300104, permit for re-facing of two signs (issued June 27, 2013); and
- M1302047, mechanical permit to replace rooftop air conditioning units (issued July 16, 2013 with final inspection on October 2, 2013) (*Attachment F*).

In August 2015, a new owner/operator approached the Bureau of Planning and expressed interest in the hotel. Staff reviewed the prior approvals for the site and the Zoning Manager determined that the CUP approved in 2009 remained valid, and that the new operator could file for a Zoning Clearance permit for change of ownership or operator. Soon after, on October 29, 2015, the new operator obtained Zoning Clearance permit ZC152397 for change of ownership of an existing hotel (*Attachment A*). On November 9, 2015, UNITE HERE Local 2850 filed a timely appeal of the Zoning Clearance issuance, claiming that it was issued based on an incorrect conclusion that the CUP was still in effect (*Attachment B*).

Under Planning Code section 17.132.020, the Administrative Appeal Procedure, the appellant must state where an error or abuse of discretion was made by the Zoning Administrator or where the Zoning Administrator's decision is not supported by evidence in the record. The arguments raised by the appellant fail to assert error, abuse of discretion or lack of evidence, and are summarized below in the *Basis for the Appeal* portion of this report, along with staff's response

to each argument. For the reasons stated in this report and attachments, staff recommends the Planning Commission deny the appeal, thereby upholding the Zoning Administrator's approval.

PROJECT DESCRIPTION

The action being appealed is a Zoning Clearance permit for change of ownership of an existing hotel (Transient Habitation), which was approved pursuant to a valid CUP.

PROPERTY DESCRIPTION

The subject property is an interior parcel of approximately 236,100 square feet (5.42 acres), with frontage on Edes Avenue and adjacent to Interstate 880 highway and Hegenberger Road. The subject property supports a 293 room hotel facility of approximately 128,364 square feet. Currently there is a lobby, conference room, bar and lounge, full service restaurant, and a courtyard with a swimming pool. The property consists of two buildings, which include a six story tower and a two story building. The property was first developed in 1970 (based on Alameda County Assessors Data), and is located approximately 1.3 miles from the Oakland International Airport.

GENERAL PLAN ANALYSIS

The subject property is located within the Regional Commercial General Plan designation. The Regional Commercial land use classification is intended to maintain, support and create areas of the City that serve as region-drawing centers of activity. The re-opening of the existing hotel on a major corridor in close proximity to the 880 Freeway, the Oakland Coliseum and the Oakland Airport will likely revitalize the area and bring economic benefits to the City. A high quality hotel such as this one should strengthen commerce and trade adjacent to a portion of the Port of Oakland industrial area as well. A hotel at the subject location in the Regional Commercial General Plan designation is appropriate and will benefit neighboring businesses as well.

Policy N1.7: Hotels and motels should be encouraged to locate downtown, along the waterfront, near the airport, or along the I-880 corridor. No new hotels or motels should be located elsewhere in the city; however, the development of "bed-and-breakfast" type lodgings should be allowed in the neighborhoods, provided that the use and activities of the establishment do not adversely impact nearby areas, and parking areas are screened.

ZONING ANALYSIS

The subject property is located within the CR-1 Regional Commercial Zone. The CR-1 zone is intended to maintain, support and create areas of the City that serve as region-drawing centers of activities. The proposal to re-establish an existing hotel facility approximately 1.3 miles from the Oakland International Airport and adjacent to the Interstate 880 highway meets applicable CR-1 zoning and City of Oakland general use permit regulations.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines statutorily and categorically exempts specific types of projects from environmental review. CEQA Guidelines section 15270

statutorily exempts projects that are disapproved. Staff's recommendation to deny this appeal falls within this statutory exemption.

BASIS FOR THE APPEAL

Appellant Ty Hudson representing UNITE HERE Local 2850 filed a timely appeal (*Attachment B*) of the Zoning Administrator's approval of the Zoning Clearance permit (ZC152397) on November 9, 2015. The appeal claims that the current Zoning Clearance permit is invalid because the underlying CUP approved in 2009 expired in 2013. The appeal also asserts that a new Major CUP is required and that certain conditions must be reviewed and/or revised.

The following is a list of the specific issues raised in the appeal along with staff's response to each point. The basis for the appeal is shown in **bold** text and the staff response follows each point in regular type. Staff's responses demonstrate that there was neither error nor abuse of discretion by the Zoning Manager and that the decision was supported by the evidence in the record.

Appellant's Issue 1. The appellant claims that the Zoning Manager incorrectly concluded that the CUP was still valid. The appellant asserts that the CUP expired in 2013 because all necessary permits for construction or alteration were not issued before December 31, 2013.

Staff's Response:

The main issue is whether the CUP approved by the Planning Commission in 2009 to re-establish a vacant Transient Habitation activity (hotel) at the site is valid. As explained below, the CUP expiration date was extended to December 31, 2013, and all necessary permits for construction or alteration were issued prior to that date, thus the CUP did not expire and remains valid.

Condition of Approval No. 2 of the CUP provides, "...this Approval shall expire two calendar years from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration.". The original expiration date was extended twice, on November 16, 2011, and December 18, 2012, extending the CUP to December 31, 2013.

In compliance with Condition of Approval No. 2, the City issued all necessary permits for construction or alteration before the December 31, 2013 expiration date. The then-owner obtained multiple trade permits from the City of Oakland prior to December 2013, including:

- R-1300105, a re-roofing permit issued in January 2013;
- SL1301850, a sewer lateral replacement permit issued June 2013;
- X1301557, an excavation permit associated with the sewer lateral replacement issued June 2013;
- S1300104, a permit for re-facing of two existing signs issued June 2013; and
- M1302047, a mechanical permit to replace 14 rooftop air conditioning units issued July 2013 with final inspection in October 2013.

All of the work covered by the above-referenced permits was necessary to reopen the hotel. Notably, the air conditioning units that were replaced provided necessary ventilation for the entire building, and were an essential improvement that would enable the hotel to reopen.

As noted by the appellant, the then-owner also applied for a building permit (B1301665) for renovations to the hotel, including an ADA exterior access ramp, parking, alteration to 17 of 293 suites, and lobby (application filed May 7, 2013 (fees unpaid) and expired due to inactivity on December 3, 2013). Although the application expired and the renovations were not completed, it is important to note that all of the contemplated improvements/renovations covered by the building permit were entirely voluntary – none of the work was required by the Building Code. The building was already (and currently remains) ADA accessible, however, if the lobby had been renovated as described in the building permit application, then the new ADA exterior access ramp would have been required. None of the renovations were necessary or required for the hotel to re-open. As a result, the fact that the improvements were not completed is inconsequential.

The Zoning Administrator properly concluded that all necessary permits for construction or alteration were issued before the CUP expired in December 2013, and that the CUP remained valid. The Zoning Administrator's issuance of a Zoning Clearance permit for change of ownership was proper as it was based on a valid CUP.

Appellant's Issue 2. The appellant believes a new Conditional Use permit should be required for the site that takes into consideration the impact of the hotel's workforce on demand for housing, public transportation, and social services. The applicant states: "The applicant, K & K Hotel Group, appears to own hotels primarily or exclusively in the Houston metropolitan area, where the median hourly wage for 'maids and housekeeping cleaners' is \$8.83 according to the US Bureau of Labor Statistics. The wages and benefit offered at the applicant's existing hotels is unknown, but this issue should be addressed in a CUP application. A 293-room hotel paying housekeeper's the legal minimum wage in Oakland (currently \$12.25) would undoubtedly exacerbate Oakland's current housing crisis and lead to increased pressure on social services such as County health services, Medical, SNAP and TANF."

Staff's Response:

As described in Staff's Response to Appellant's Issue 1, above, the Major Conditional Use Permit that was approved in 2009 remains valid and constitutes an entitlement that runs with the land. All of the required findings were met when the Planning Commission considered and approved the CUP in 2009, and there is no basis to re-open or reconsider either the CUP or the required findings. The CUP does include, and the current owner must comply with, Condition of Approval No. 4, which requires the owner to comply with "all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines...."

In 2009, the Planning Commission considered the impact of employees of the continued operation of a hotel at the location on the demand for housing, public transit and social services. As stated in the November 18, 2009 Planning Commission staff report, "The hotel is located in proximity to several choices of public transit on Hegenberger Road, and in close proximity to

several residential neighborhoods.” Further, the Hotel is located on one of the City’s major corridors, with frequent AC Transit buses including bus lines 50, 805, and 356, running daily. The existing hotel is less than 1.5 miles from the Bay Area Rapid Transit Coliseum station and there are several social services within the area, which include health clinics at Eastmont Town Center located less than 3 miles away. The Oakland Planning Code does not address or set living wages, medical benefits, transportation requirements, or housing costs for employers. Employee minimum wages are established at the City, State and Federal level and are outside of the jurisdiction of the Planning Commission and are not covered in the Planning Code. The current minimum wage in Oakland is \$12.55. To meet City minimum wage standards the applicant must; at minimum, pay this hourly wage.

While the specific wages of the hotel employees was not discussed at the Planning Commission meeting dated November 18, 2009 and is not within their purview, the following additional information provides further basis for satisfaction of this finding regarding potential housing demand from employees of the hotel.

In late 2001, a Commercial Development Linkage Fee Analysis was completed for the Housing Division of CEDA. This study was undertaken to analyze the relationship between non-residential development and the need for housing affordable to low and moderate income groups in support of the establishment of a housing-jobs nexus fee for new construction. The study included analysis of four (4) building types - Office, Warehouse/Distribution, Retail, and Hotel. The resulting housing-jobs nexus fee ordinance approved by the City of Oakland in 2002 (Ordinance No. 12442 C.M.S.) covers only two (2) building types – Office and Warehouse/Distribution. The background analysis and assumptions for Hotel use included in the study can provide information on the anticipated demand for housing by the proposed hotel.

Based on the hotel’s size of approximately 128,000 square feet, the following assumptions are calculated consistent with the study findings: Approximate number of employees at the full utilization of the hotel: 190; Number of employees anticipated to live in Oakland (based on Census and ABAG data): 76; Estimated number of households represented in Oakland: 54; Estimated number of households supported by this hotel’s employment that qualify as a very low, low, or moderate income household (120% of adjusted median income or below): 14, of which an estimated 10 households will be in the very low income category (50% adjusted median income or below).

While overall in Oakland there is a need for more affordable housing for very low and low income households, based on the analysis summarized above, this hotel operation is not anticipated to significantly affect housing in the City of Oakland.

Appellant’s Issue 3. The appellant asserts that the hotel does not meet the Planning Code goal of attracting first-class, luxury hotels in downtown, along the waterfront, near the airport, or along the I-880 freeway. The appellant states: “At the time the expired CUP was issued, one such condition was that the hotel be a ‘full-service hotel’, meaning that it provide a full-service restaurant serving three meals per day and one indoor and one outdoor recreational amenity. This requirement is no long in place, but the entitlements that are claimed to be vested include these conditions.”

Staff's Response:

As stated above, the Major Conditional Use Permit that was approved in 2009 remains valid and constitutes an entitlement that runs with the land. There is no basis to re-open or reconsider either the CUP or the required findings, but even if there were, the project remains consistent with the goals stated in the Planning Code.

The appellant states that the proposal is not consistent with the goal of attracting first-class, luxury hotels in downtown, along the waterfront, near the airport, or along the I-880 freeway which provide: (a) A minimum of one hundred (100) sleeping rooms; (b) A full service restaurant providing three meals per day; and (c) On-site recreational amenities, which may include an exercise room, swimming pool, and/or tennis courts. This language is taken from Finding 3 from the CUP Findings for Hotels and Motels (Planning Code section 17.102.370), which the then-owner satisfied in 2009, when the Planning Commission determined that the proposal met all of the required findings. The current proposal also meets the required finding and is consistent with the goal of a first-class, luxury hotel because: (a) the existing hotel has 293 sleeping rooms (100 rooms are to be opened in the first phase of the proposed operation); (b) the existing hotel has a 6,526 square foot full service restaurant which includes a 4,014 square foot kitchen; and (c) the existing hotel has a courtyard with a swimming pool and a 5,559 square foot conference room.

The new proposed operator that filed for the Zoning Clearance permit (ZC152397) proposes a "first-class, luxury hotel" under the Radisson name with contemporary interiors and modern exterior features. The hotel appears to be in good condition and received a \$4 million investment to upgrade the furniture and fixtures in 2001. Some of the upgrades included new nightstands, lamps, telephones with voicemail, mirrored armoires, 25 inch color televisions, work desks, lamp chairs, wall mounted mirrors, wall-to-wall carpeting, tile bathroom flooring, cast iron tubs with chrome fixtures, individually controlled thermostats, ceiling mounted sprinklers, dressers, microwaves, mini-bars in some rooms, wireless high speed internet, in room gaming and movie systems, and iron stands. The current proposed operator is also seeking to make additional cosmetic upgrades to both the exterior and interior of the existing hotel.

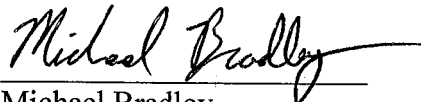
CONCLUSION

The appellant has not demonstrated an error or abuse of discretion by the Zoning Administrator, or where the Zoning Administrator's decision is not supported by evidence in the record. As stated above, the Zoning Manager's ministerial approval of the Zoning Clearance, ZC152397, was properly based on a valid Conditional Use Permit. Staff recommends that the Planning Commission deny the Appeal and uphold the Zoning Administrator's approval.

RECOMMENDATIONS:

1. Uphold staff's environmental determination
2. Deny the appeal and uphold the Zoning Administrator's approval of the Zoning Clearance

Prepared by:



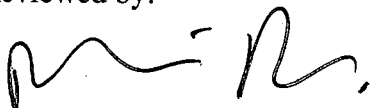
Michael Bradley
Planner II

Reviewed by:



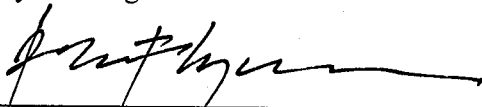
Scott Miller
Zoning Manager

Reviewed by:



Darin Ranelletti, Deputy Director
Bureau of Planning

Approved for forwarding to the
City Planning Commission:



Rachel Flynn, Director
Department of Planning and Building

ATTACHMENTS:

- A. Zoning Clearance Permit ZC152397 and associated documents
- B. UNITE HERE Local 2850 Appeal of ZC152397 and associated documents
- C. Major Conditional Use Permit CM09-221 staff report dated November 18, 2009
- D. UNITE HERE Local 2850 Appeal A09-264 of the Major Conditional Use Permit with Planning Staff's response in City Council report dated March 2, 2010
- E. 2011 and 2012 Project extension of case file CM09-221
- F. All Planning and Building Department Permits pulled on the property from 2013-present

LEGAL NOTICE:

ANY PARTY SEEKING TO CHALLENGE THIS DECISION IN COURT MUST DO SO WITHIN NINETY (90) DAYS OF THE ANNOUNCEMENT OF A FINAL DECISION, PURSUANT TO THE CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 1094.6, UNLESS A SHORTER PERIOD APPLIES.

ATTACHMENT A

Record ID: ZC152397

Menu Reports Help

File Date: 10/29/2015

Application Status: Approved

Application Detail: Detail

Application Type: Zoning Clearance

Address: 500 HEGENBERGER RD

Owner Name: RIVERVIEW DEVELOPMENT IV LLC

Owner Address: 20660 STEVENS CREEK BLVD, 383, CUPERTINO, CA 950142120

Application Name: Oakland Hotels LLC

Parcel No: 042 432300705

Description of Work: Hotel - Transient Habitation Commercial Activity (Pursuant to CM09-221 and under 500 Hegenbe

Contact Info:	Name	Organization Name	Contact Type	Rel
	<u>Nupen Patel</u>		Applicant	
	<u>Oakland Hotels LLC</u>	<u>Oakland Hotels LLC</u>	Proprietor	

Job Value: \$0.00

Total Fee Assessed: \$56.23

Total Fee Invoiced: \$56.23

Balance: \$0.00

Workflow Status:	Task	Assigned To	Status	Status D
	<u>Application Intake</u>		Ready for Pa...	10/29/20
	<u>Closure</u>		Paid and App...	10/29/20

Condition Status:	Name	Short Comments	Status	Ap
	<u>PARCEL COMMENT</u>	3/06/02 - Verified o...	Complied	01/

Custom Fields: APPLICATION QUESTIONS

Proposed Hours	Number of Employees
-	-
Include Manufacturing	New or Modified Sign
<u>No</u>	<u>No</u>

ADDITIONAL QUESTIONS

Year of Construction	Floor Level
-	-
Square Footage	
-	

PROPERTY INFORMATION

Zoning	General Plan Designation
<u>CR-1</u>	<u>Regional Commercial</u>
Council District	

COUNCIL DISTRICT 7

USE INFORMATION

Use Classification Use Type Use Section

Initiated by Product: AV360

Record ID: ZC152397

Menu Save Reset Update View Log Reports Help

Record # ZC152397

Opened Date 10/29/2015

Status Approved

Type Planning/Applications/Counter/Zoning Clearance

Application Name Okaland Hotels LLC

Assigned to Department Current Department Zoning Review

Assigned to Staff Current User Maurice Brenyah-Addow

Description Hotel - Transient Habitation Commercial Activity (Pursuant to CM09-221 and under 500 Hegenberger Raod)

check spelling

Total Invoiced 56.23

Total Paid 56.23

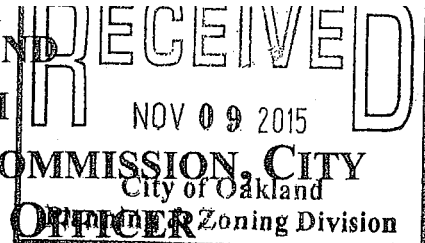
Balance 0.00

System ID 15CAP-00000-34639



ATTACHMENT B

OAKLAND
L FORM



FOR DECISION TO PLANNING COMMISSION, CITY
COUNCIL OR HEARING OFFICER

PROJECT INFORMATION

Case No. of Appealed Project: ZC152397
Project Address of Appealed Project: 500 Hegenberger Road
Assigned Case Planner/City Staff: _____

APPELLANT INFORMATION:

Printed Name: Ty Hudson Phone Number: 213-509-9114
Mailing Address: 1440 Broadway, # 208 Alternate Contact Number: 510-893-3181
City/Zip Code Oakland, CA 94612 Representing: UNITE HERE Local 2850
Email: thudson@unitehere.org

An appeal is hereby submitted on:

AN ADMINISTRATIVE DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)

YOU MUST INDICATE ALL THAT APPLY:

- Approving an application on an Administrative Decision
- Denying an application for an Administrative Decision
- Administrative Determination or Interpretation by the Zoning Administrator
- Other (please specify) _____

Please identify the specific Administrative Decision/Determination Upon Which Your Appeal is Based Pursuant to the Oakland Municipal and Planning Codes listed below:

- Administrative Determination or Interpretation (OPC Sec. 17.132.020)
- Determination of General Plan Conformity (OPC Sec. 17.01.080)
- Design Review (OPC Sec. 17.136.080)
- Small Project Design Review (OPC Sec. 17.136.130)
- Minor Conditional Use Permit (OPC Sec. 17.134.060)
- Minor Variance (OPC Sec. 17.148.060)
- Tentative Parcel Map (OMC Section 16.304.100)
- Certain Environmental Determinations (OPC Sec. 17.158.220)
- Creek Protection Permit (OMC Sec. 13.16.450)
- Creek Determination (OMC Sec. 13.16.460)
- City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)
- Hearing Officer's revocation/impose or amend conditions (OPC Sec. 17.152.150 &/or 17.156.160)
- Other (please specify) _____

(Continued on reverse)

- A DECISION OF THE CITY PLANNING COMMISSION (APPEALABLE TO THE CITY COUNCIL) Granting an application to: OR Denying an application to:

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

- Major Conditional Use Permit (OPC Sec. 17.134.070)
- Major Variance (OPC Sec. 17.148.070)
- Design Review (OPC Sec. 17.136.090)
- Tentative Map (OMC Sec. 16.32.090)
- Planned Unit Development (OPC Sec. 17.140.070)
- Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- Other (please specify) _____

FOR ANY APPEAL: An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision. The appeal must be accompanied by the required fee pursuant to the City's Master Fee Schedule.

You must raise each and every issue you wish to appeal on this Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Appeal Form (or attached additional sheets), and provide supporting documentation along with this Appeal Form, may preclude you from raising such issues during your appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.

The appeal is based on the following: *(Attach additional sheets as needed.)*

This project requires a Major CUP for the reestablishment of a 293-room hotel of approximately 128,000 square feet, which has been closed for over 6 years. The CUP that was issued in November 2009 has since expired. Therefore, the project cannot receive a zoning clearance without first applying for and receiving a new Major CUP. (See attached for a more detailed explanation.)

Supporting Evidence or Documents Attached. *(The appellant must submit all supporting evidence along with this Appeal Form; however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.)*

Tayir Bafudon

Signature of Appellant or Representative of
Appealing Organization

11/7/2015

Date

TO BE COMPLETED BY STAFF BASED ON APPEAL TYPE AND APPLICABLE FEE

APPEAL FEE: \$ _____

Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. All fees are due at submittal of application.

Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below:

APPEAL OF ZONING CLEARANCE ZC152397

November 7, 2015

This project requires a Major CUP for the reestablishment of a 293-room hotel of approximately 128,000 square feet, which has been closed for over 6 years. The CUP that was issued in November, 2009, has since expired. Therefore, the project cannot receive a zoning clearance without first applying for and receiving a new Major CUP.

Major CUP CM09221 was approved by the Planning Commission on November 18, 2009, and subsequently appealed by UNITE HERE Local 2850. The appeal hearing before the City Council was scheduled for March 2, 2010, but the appeal was withdrawn prior to the hearing. The project received zoning clearance ZC100521 on March 3, 2010. The conditions of approval for the CUP state "Unless a different termination date is prescribed, this Approval shall expire two calendar years from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired."

The original expiration date of the CUP would have been no later than March 3, 2012. On November 16, 2011, the permit holder applied for and received an extension to December 31, 2012, pursuant to City Council Resolution 83424 C.M.S. On November 30, 2012, the permit holder applied for and received an extension to December 31, 2013, pursuant to City Council Resolution 83989 C.M.S. Subsequently, the permit holder has not applied for or received any extensions of the CUP. Before this final expiration date, the permit holder received Building Permit B1301665 for "renovation of hotel to include A.D.A. exterior access ramp, parking, alteration to 17 suites, and lobby," which permit has since expired. During 2013, the property owner applied for and received a number of other mechanical, roofing, electrical, and excavation permits. It is unclear whether work was completed on these permits, but in any case the primary permit necessary for the work of renovating the vacant hotel building to reopen it as a hotel (B1301665) is expired, and the CUP extension period is also expired as of December 31, 2013.

One of the permits received by the property owner in 2013 is listed as "final" in the City's online permit database: permit M1302047 for the replacement of rooftop AC units. However, assuming this work was done, it is not enough to vest the property owner's entitlements. New AC units would be needed for any continued use of the building rather than hotel use in particular, and accordingly there is no reason to believe that such AC work was done in reliance on the hotel CUP. Furthermore, such

units likely can be removed easily and rapidly and used elsewhere. A developer cannot vest entitlements just by bringing in equipment that can be readily moved out again.

Therefore, the property is not currently entitled to operate as a hotel, and Zoning Clearance ZC152397 was issued in error and should be revoked. No building permits or other permits reliant on permits ZC152397 or CM09221 should be issued.

Should the property owner wish to reopen the property as a hotel, a new Major CUP should be required. The application for a Major CUP should address the general CUP conditions as well as the special CUP conditions for hotel development, including consideration of the impact of the hotel's workforce on demand for housing, public transportation, and social services. The applicant, K & K Hotel Group, appears to own hotels primarily or exclusively in the Houston metropolitan area, where the median hourly wage for "maids and housekeeping cleaners" is \$8.83 according to the US Bureau of Labor Statistics. The wages and benefits offered at the applicant's existing hotels is unknown, but this issue should be addressed in a CUP application. A 293-room hotel paying housekeeper's the legal minimum wage in Oakland (currently \$12.25) would undoubtedly exacerbate Oakland's current housing crisis and lead to increased pressure on social services such as County health services, MediCal, SNAP and TANF. The scale of such impacts would be greater than simply the number of housekeepers or other low-wage workers at the hotel, because competition from a low-wage competitor of this size would put downward pressure on the wages and benefits of higher-wage workers in the same classifications at hotels such as the Hilton Oakland Airport and the Marriott Oakland City Center.

In addition to workforce considerations, the Planning Code places a number of other conditions on hotel CUP's. At the time the expired CUP was issued, one such condition was that the hotel be a "full-service hotel," meaning that it provide a full-service restaurant serving three meals per day and one indoor and one outdoor recreational amenity. This requirement is no longer in place, but the entitlements that are claimed to be vested include these conditions. The applicant, which is not the same entity that owned the hotel in 2009 and 2010, has not provided information as to whether or not the intended use of the property includes these full-service amenities.

Finally, the current hotel CUP conditions still include the requirement that the proposed operator of the hotel be identified at the time of application. In 2009, the operator of the hotel was identified as GV Hotel Management Group, LLC. Because the property has changed hands at least twice since then, it is unlikely the same operator is being proposed now. This question, among others, should be addressed in a new CUP application.

Location:	500 Hegenberger Road (See map on reverse)
Assessors Parcel Numbers:	(042-4323-007-05)
Proposal:	To re-establish a 293 room hotel (Transient Habitation).
Applicant:	UNI Oakland CO., LLC
Contact Person/ Phone Number:	Michael Cho (323) 734-4000
Owner:	JCRA Investment CO., LLC
Case File Number:	CM09-221
Planning Permits Required:	Major Conditional Use Permit to re-establish a hotel (Transient Habitation).
General Plan:	Regional Commercial
Zoning:	C-36 Gateway Boulevard Service Commercial Zone S-4 Design Review Combining Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing facility; Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general Plan or zoning.
Historic Status:	Not Potential Designated Historic Property; Survey rating: F3
Service Delivery District:	6
City Council District:	7
Date Filed:	10/19/09
Finality of Decision:	Appealable to City Council
For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or mbradley@oaklandnet.com

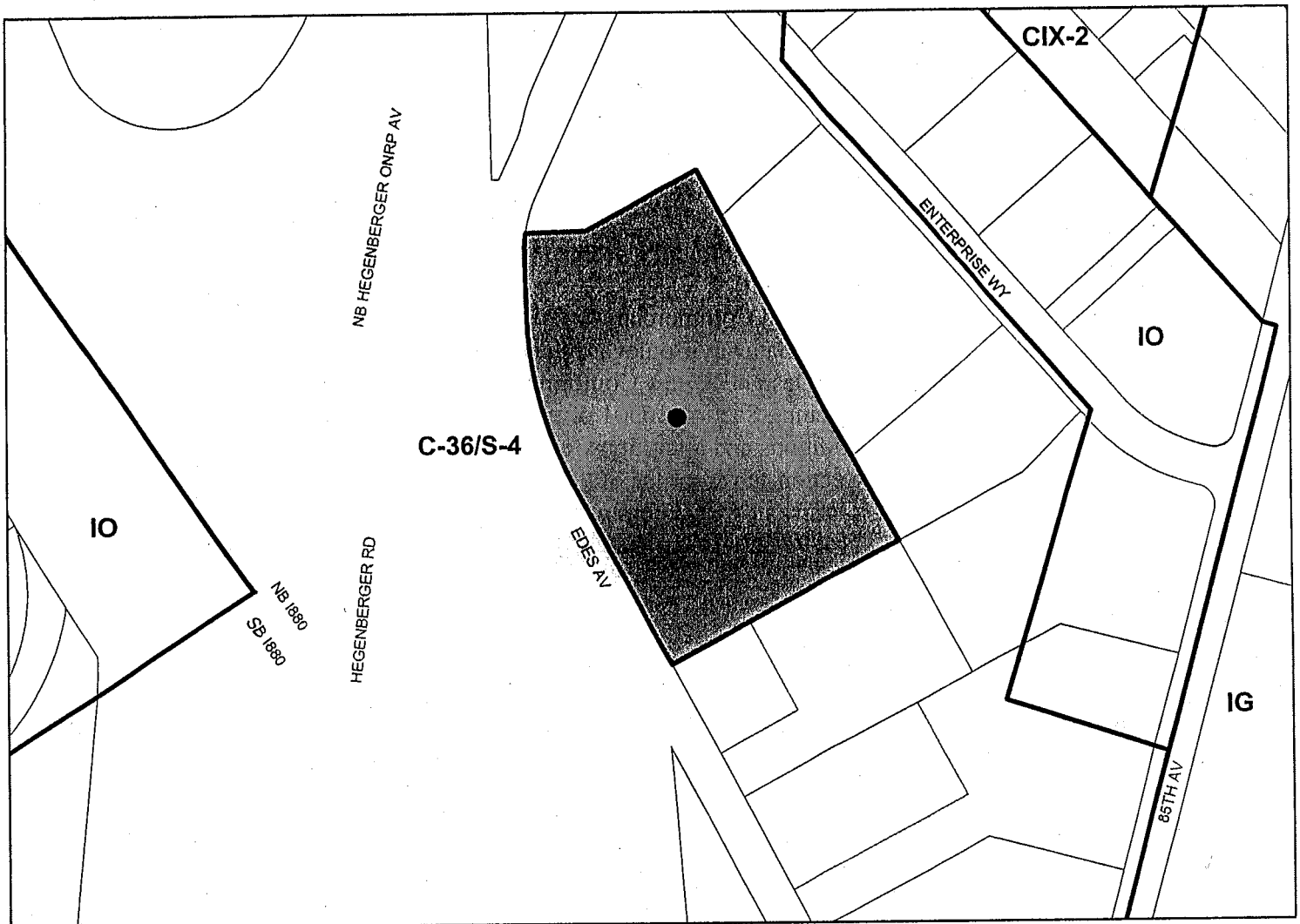
SUMMARY

The following staff report addresses the proposal to re-establish a 293 room hotel which has been closed for greater than one year. The proposal does not involve any exterior alterations to the building. The site is located within a commercial district along Edes Avenue and Hegenberger Road and adjacent to the Interstate 880 Highway. The site is in the C-36 Gateway Boulevard Service Commercial Zone and the S-4 Design Review Combining Zone. The General Plan designation for the site is Regional Commercial.

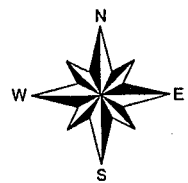
PROJECT DESCRIPTION

The proposal entails the request for a Major Conditional Use Permit to re-establish an existing

CITY OF OAKLAND PLANNING COMMISSION



0 165 330 660 990 1,320 Feet



Case File: CM09-221
Applicant: Michael Cho
Address: 500 Hegenberger Road
Zone: C-36/S-4

hotel which has been closed greater than one year. A hotel, *Transient Habitation* is a conditionally permitted activity in the C-36 Gateway Boulevard Service Commercial Zone and clearly conforms with the Regional Commercial general plan land use designation. The project requires a major conditional use permit to re-establish the Transient Habitation activity that has been closed for greater than one year, pursuant to Code Section 17.114.050. The proposal does not involve any exterior alterations of the existing facilities. The proposed operator of the facility will be GV Hotel Management Group, LLC.

(See Attachment A).

PROPERTY DESCRIPTION

The subject property is an interior parcel of approximately 236,100 square feet (5.42 acres), with frontage on Edes Avenue and adjacent to Interstate 880 highway and Hegenberger Road. The subject property is a 293 room hotel facility of approximately 128,364 square feet. Currently there is a lobby, conference room, bar and lounge, full service restaurant, and a courtyard with a swimming pool. The property consists of two buildings, which include a six story tower and a two story building. The property was first developed in 1970 (based on Alameda County Assessors Data). The property is located approximately 1.3 miles from the Oakland International Airport.

GENERAL PLAN ANALYSIS

The subject property is located within the Regional Commercial General Plan designation. The Regional Commercial land use classification is intended to maintain, support and create areas of the City that serve as region-drawing centers of activity. The proposal to re-establish a hotel facility will not adversely affect or detract from the commercial characteristics of the surrounding area.

Policy N1.7: Hotels and motels should be encouraged to locate downtown, along the waterfront, near the airport, or along the I-880 corridor. No new hotels or motels should be located elsewhere in the city; however, the development of "bed-and-breakfast" type lodgings should be allowed in the neighborhoods, provided that the use and activities of the establishment do not adversely impact nearby areas, and parking areas are screened.

ZONING ANALYSIS

The subject property is located within the C-36 Gateway Boulevard Service Commercial Zone. The C-36 zone is intended to create, preserve, and enhance Areas with a variety of offices, travel accommodations, and related consumer and business service activities needing visually prominent and attractive locations and abundant vehicular access, and is typically appropriate along wide, landscaped major thoroughfares in areas identified as gateway and coliseum showcase districts of the land use and transportation element of the Oakland General Plan. The

proposal to re-establish an existing hotel facility approximately 1.3 miles from the Oakland International Airport and adjacent to the Interstate 880 highway meets applicable C-36 zoning and City of Oakland general use permit regulations. The S-4 zone is intended to create, preserve, and enhance the visual harmony and attractiveness of areas which require special treatment and the consideration of relationships between facilities, and is typically appropriate to areas of special community, historical, or visual significance.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as categorical exemptions from environmental review. The proposed project is categorically exempt from the environmental review requirements pursuant to Section 15301, alterations to existing facilities; Section 15183, projects consistent with a community plan, general plan or zoning.

KEY ISSUES AND IMPACTS

1. Conditional Use Permit

Section 17.52.060 and 17.102.370 of the City of Oakland Planning Code requires a conditional use permit for Transient Habitation (hotel) in the C-36 zone and specific findings. The required findings for a major conditional use permit are listed and included in staff's evaluation as part of this report pages (5-8).

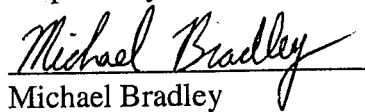
CONCLUSION

City of Oakland planning staff believes that the proposed project meets the established zoning regulations and general plan policies. Staff believes that the findings for approval can be made to support the Conditional Use Permit. The proposal will revive an existing vacant building with a use that was intended when the building was constructed, and that will be a beneficial use along the airport and I-880 corridor.

RECOMMENDATIONS:

1. Affirm staff's environmental determination
2. Approve Conditional Use Permit application CM09-221 subject to the attached findings and conditions of approval.

Prepared by:



Michael Bradley
Planner I

Approved by:



Scott Miller
Zoning Manager

Approved for forwarding to the
City Planning Commission



Eric Angstadt, Deputy Director
Community & Economic Development Agency

ATTACHMENTS:

- A. Property Summary & Photographs

FINDINGS FOR APPROVAL**FINDINGS FOR APPROVAL:**

This proposal meets all the required findings under Section 17.134.050, of the General Use Permit criteria; and all the required findings under Section 17.102.370 of the Conditional Use Permit for hotels and motels criteria; and as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

SECTION 17.134.050 – GENERAL USE PERMIT FINDINGS:

A. That the location, size, design, and operating characteristics of the proposed development will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

The location, size, design and operational characteristics of the proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. Consideration was given to the harmony in scale, bulk, and coverage; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development. There is no proposed change in land use activity, thus there will not be an adverse affect on the operating characteristic or livability of the existing area since the subject property is immediately surrounded by similar size buildings with similar land uses. Furthermore the previous building tenant had the operational characteristics as the proposal. The proposal will maintain existing site conditions such as parking and landscaping.

B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

The location, design and site planning of the proposed development will provide a convenient and functional working and shopping environment, and will attempt to preserve the attractive nature of the use and its location and setting warrant. The proposal will preserve a convenient and functional working and living environment; therefore it will not affect the general quality and character of the neighborhood.

C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

FINDINGS

The proposed development will enhance the successful operation of the surrounding area in its basic community function and travel accommodations and will provide an essential service to the community or region.

D. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.

The proposal conforms with all significant aspects of the design review criteria set forth in Chapter 17.136 of the Oakland Planning Code.

E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The proposal conforms in all significant aspects with the Oakland General Plan and with any other applicable plan or zoning maps adopted by the City of Oakland. The proposed hotel in the Regional Commercial General Plan designation will attract visitors to the City based on the proximity to the international airport and the major sports arenas.

Section 17.102.370 CONDITIONAL USE PERMIT (CUP) FINDINGS FOR HOTELS AND MOTELS:

A. Use Permit Criteria for Hotel and Motel Uses. A conditional use permit for hotel and motel uses may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to all of the following additional use permit criteria:

1. That the proposal is located in downtown, along the waterfront, near the airport, or along the I-880 freeway, and/or in an area with a concentration of amenities for hotel patrons, including restaurant, retail, recreation, open space and exercise facilities, and is well-served by public transit:

The existing hotel is located 1.3 miles from the Oakland International Airport and adjacent to the I-880 freeway.

2. That the proposal considers the impact of the employees of the hotel or motel on the demand in the city for housing, public transit, and social services:

The hotel is located in proximity to several choices of public transit on Hegenberger Road, and in close proximity to several residential neighborhoods.

3. That the proposal is consistent with the goal of attracting first-class, luxury hotels in downtown, along the waterfront, near the airport, or along the I-880 freeway which provide:

a. A minimum of one hundred (100) sleeping rooms:

The existing hotel has 293 sleeping rooms.

b. A full service restaurant providing three meals per day:

The existing hotel has a 2,512 square foot full service restaurant with a 4,014 square foot kitchen.

c. On-site recreational amenities, which may include an exercise room, swimming pool, and/or tennis courts.

The existing hotel has a courtyard with swimming pool and a 5,559 square foot conference room.

4. That the proposed development will be of an architectural and visual quality and character which harmonizes and enhances the surrounding area, and that such design includes:

a. Site planning that insures appropriate access and circulation, locates building entries which face the primary street, provides a consistent development pattern along the primary street, and insures a design that promotes safety for its users:

The proposal involves no exterior alterations or changes to parking areas or landscaping.

b. Landscaping that creates a pleasant visual corridor along the primary streets with a variety of local species and high quality landscape materials;

The proposal will maintain all existing landscaping.

c. Signage that is integrated and consistent with the building design and promotes the building entry, is consistent with the desired character of the area, and does not detract from the overall streetscape:

The proposal does not call for any signage at this time. All proposed future signage must be applied for separately and must meet all applicable Planning and Building Codes.

d. The majority of the parking to the rear of the site and where appropriate is provided within a structured parking facility that is consistent, compatible and integrated into the overall development;

The proposal does not involve any changes to the existing on-site parking.

e. Appropriate design treatment for ventilation of room units as well as structured parking areas; and prominent entry features that may include attractive porte-cocheres:

FINDINGS

The proposal does not involve any exterior changes to the existing building.

f. Building design that enhances the building's quality with strong architectural statements, high quality materials particularly at the pedestrian level and appropriate attention to detail;

The proposal does not involve any exterior changes to the existing building.

g. Lighting standards for hotel buildings, grounds and parking lots shall not be overly bright and shall direct the downward placement of light.

The proposal does not involve any changes to existing on-site lighting.

5. That the proposed development provides adequately buffered loading areas and to the extent possible, are located on secondary streets;

The proposal does not involve any changes to existing on-site loading areas.

6. The proposed operator of the facility shall be identified as part of the project description at the time of application.

The proposed operator of the facility will be GV Hotel Management Group, LLC.

CONDITIONS OF APPROVAL

CM09-221

STANDARD CONDITIONS:

1. Approved Use

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **CMD09-221**, and the plans dated **October 18, 2009** and submitted on **October 19, 2009** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: **The re-establishment of a vacant Transient Habitation activity (hotel) at 500 Hegenberger Road (APN: 042-4323-007-05), under Oakland Municipal Code 17.134 and 17.102.370**

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

3. Scope of This Approval; Major and Minor Changes

Ongoing

The project is approved pursuant to the **Oakland Planning Code** only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. Conformance with other Requirements

Prior to issuance of a demolition, grading, P-job, or other construction related permit

a) The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency.

CONDITIONS OF APPROVAL

- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

5. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these conditions if it is found that there is violation of any of the conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

A copy of the approval letter and conditions shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. Indemnification

- a) ***Ongoing*** The project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul this Approval, or any related approval by the City. The City shall promptly notify the project applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project applicant shall reimburse the City for its reasonable legal costs and attorney's fees.
- b) Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, the project

applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

8. Compliance with Conditions of Approval

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability

Ongoing

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions, and if any one or more of such conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions consistent with achieving the same purpose and intent of such Approval.

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

11. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit

The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review, or construction. The project applicant may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

Project Specific Conditions of Approval:

12. Landscaping Maintenance.

Ongoing.

All landscaping areas and related irrigation shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable

landscaping requirements. All paving or other impervious surfaces shall occur only on approved areas.

13. Commercial Lighting.

Ongoing.

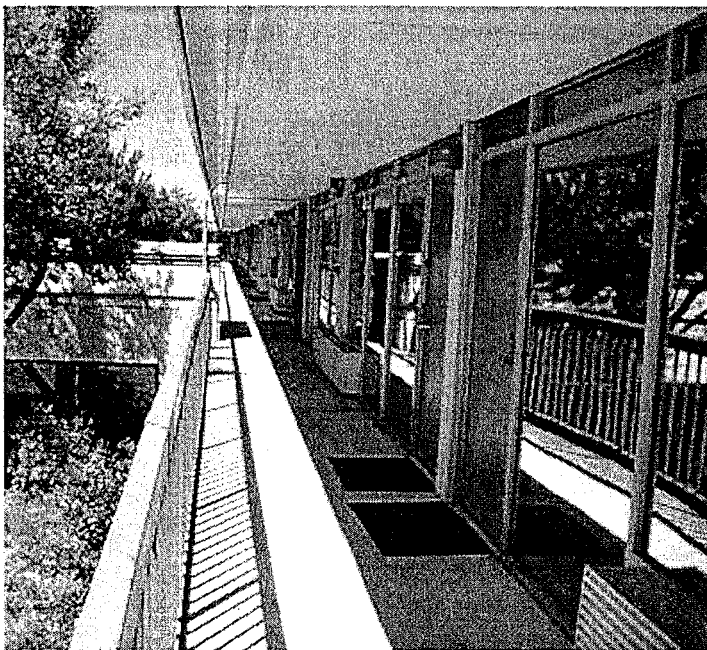
The applicant shall maintain all on-site lighting to meet the State Business and Professions Code Section 25612, providing enough illumination to identify loiterers standing in the immediate vicinity of the project site. Such illumination shall remain on during all hours of darkness when the business is open, but shall be shielded to a point below the light bulb and reflector and not cast unnecessary glare onto adjacent properties.

INVESTMENT SUMMARY

Location: 500 Hegenberger Road
 Oakland, CA 94621
 APN: 42-4323-7-5



Property Summary			
No. of Rooms:	293	No. of Buildings:	2
Building S.F.:	approximately 128,364	No. Stories:	6 Main Tower, 2 surrounding
Parking Spaces:	approximately 300	Pools:	1 in courtyard
Land Acres:	approximately 5.42	Improvements:	\$6.2M Tower Addition in '87
Year Built:	1970 / '87 - '01		\$4M in furniture & infrastructure '01



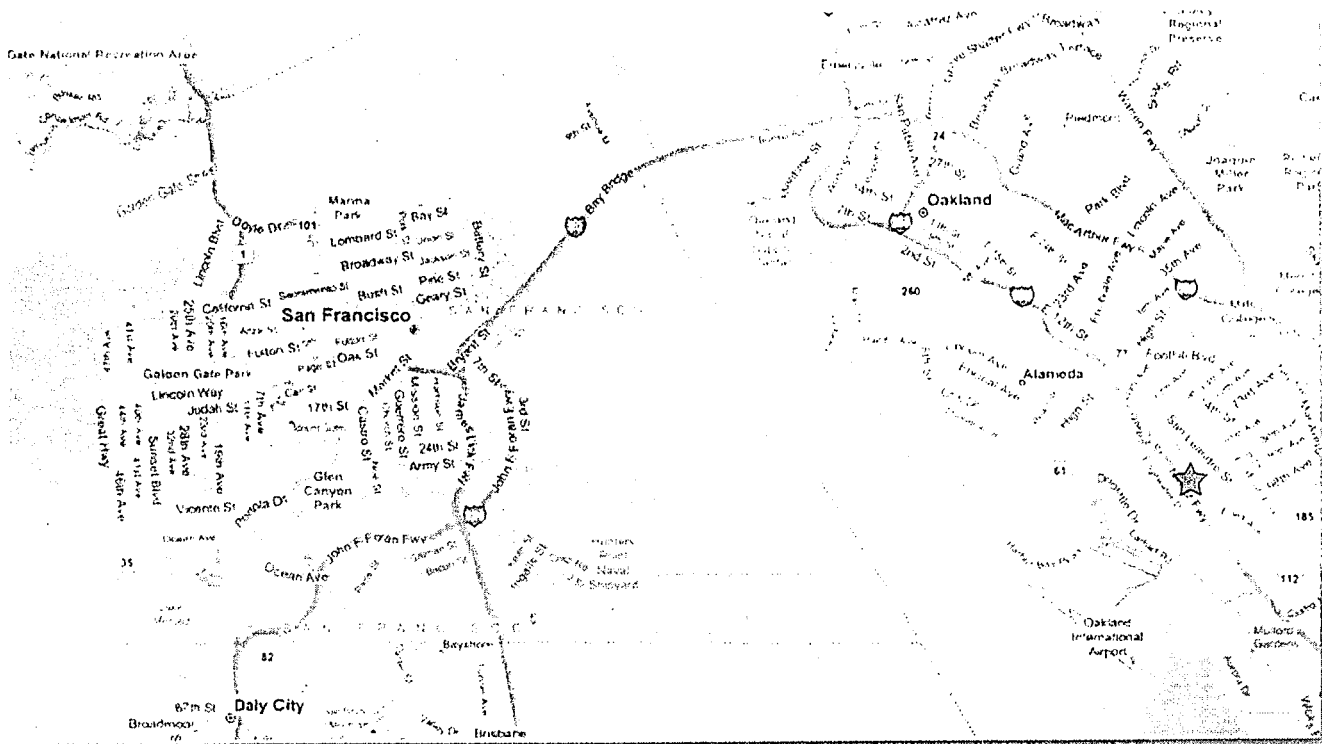
Hotel Features		
Type	Approx. S.F.	#
Elevators	N/A	1
Conference Rm	5,559	8
Bar/Lounge	2,399	1
Full Service Restaurant	2,512	1
Kitchen	4,014	1
Public Bathrooms	687	2
Staff Rooms	787	1
Sales Office	906	1
Laundry/Utility	7,260	1
Pre-Function Break Out	2,956	1
Lobby	3,134	1
Reception/Office	1,521	1

OAKLAND HOTEL

500 HEGENBERGER RD. OAKLAND, CA 94621

ATTACHMENT A

LOCATION SUMMARY



Location Overview

The property is directly visible to over 400,000 daily commuters traveling on the I-880 and the Hegenberger corridor. The Oakland Int'l Airport, located 1.3 miles away, provides for over 1.4 million passengers annually. Among other accolades, Oakland was rated the 8th best Place for Business in the U.S. by Forbes '02 annual survey; the 4th best Retail Market in the U.S. by Marcus and Millichap '07 Retail Index; "The leader among America's top ten technology cities", Newsweek, April 30 '01; "...uniquely positioned as an excellent point for international business," Mickey Kantor, Former U.S. Secretary Commerce.

This 298 room hotel on 5.4 acres is strategically located in the heart of Oakland's travel and commercial district and is consequently a part of a multi-billion dollar redevelopment effort. This is an outstanding location near the interchange of Highway 880 and Hegenberger Rd, near Highways 580 and 238 with easy access to the McAfee Coliseum, Oracle Arena, Oakland Airport and downtown Oakland, Berkeley and San Francisco. The Hotel is also within close proximity to Bay Area Regional Transit (BART), and upscale retail services.



OAKLAND HOTEL

500 HEGENBERGER RD. OAKLAND, CA 94621



LOCATION HIGHLIGHTS



•1.3 miles from Oakland Intl'Aiport

•500 feet from Interstate 880 with direct exit access.

•Minutes away from downtown Oakland, Berkeley and San Francisco

•Less than 1 mile from Oakland's major sporting arenas, home to the Raiders, Athletics, Warriors.

OAKLAND HOTEL

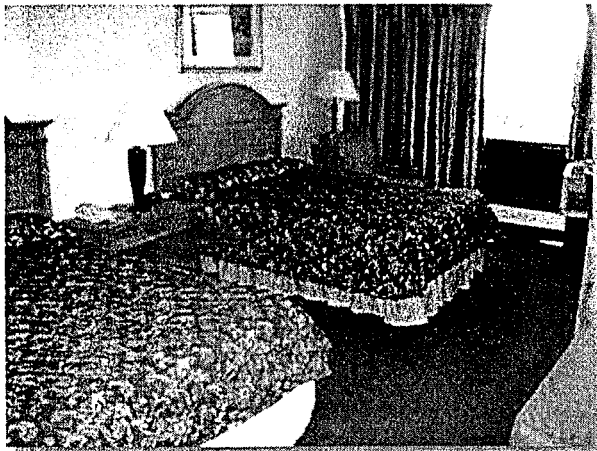
500 HEGENBERGER RD. OAKLAND, CA 94621



INTERIOR ROOM SUMMARY

Room Breakdown

	Location/Bed	Total S.F.	No. of Rooms
Ground Room 1	West Facing: King	2,058	6
Tower Room 2	Courtyard Facing: Large King Room	24,010	70
Tower Room 3	Large King Room with ADA Bathroom	3,430	10
Tower Room 4	Small King Room	2,780	10
Garden Room 1	Single Queen on parking lot	22,800	100
Garden Room 2	King or 2 Double on Court Yard Side	32,300	100
	Double Suite	800	2

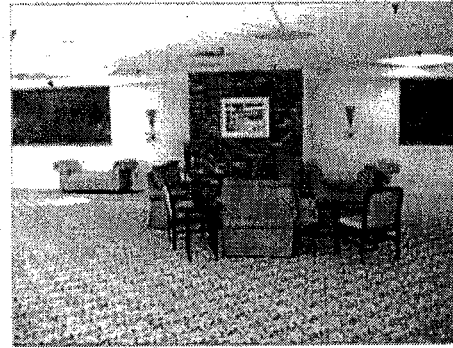
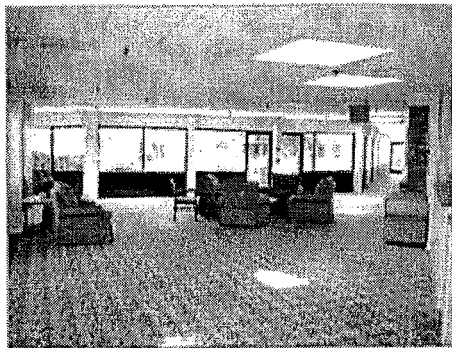
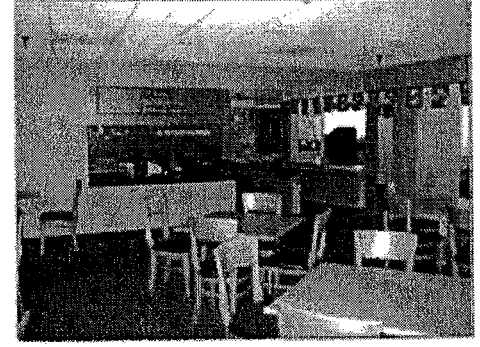
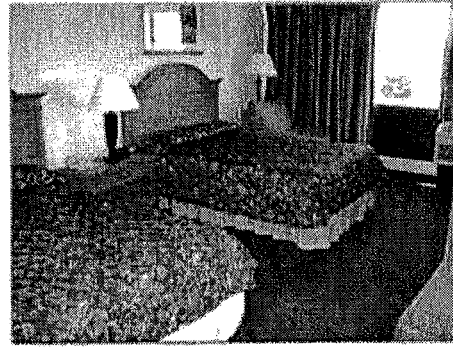
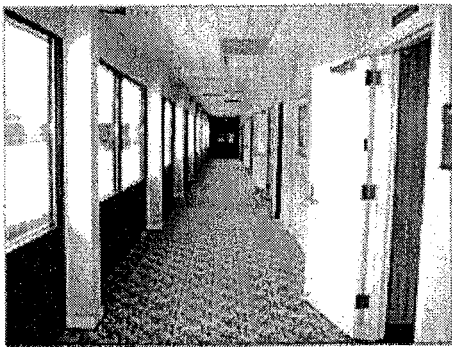
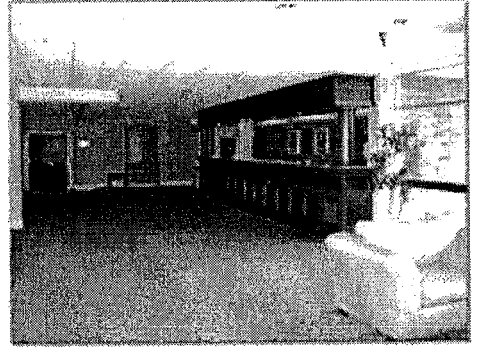
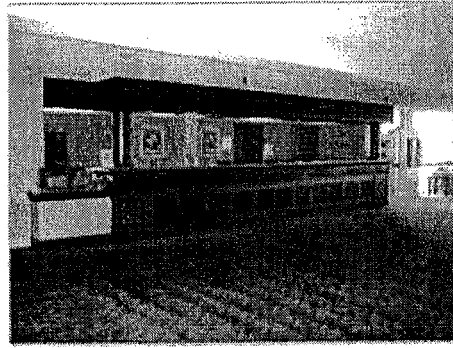
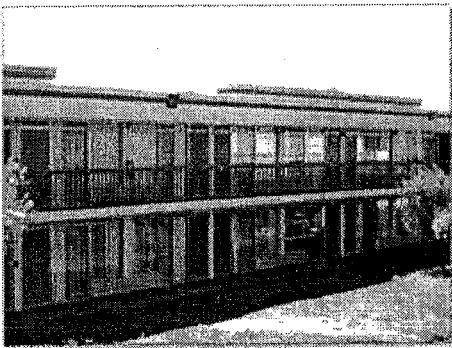


The rooms are currently in "Good" Condition. In 2001, a \$4 million investment to upgrade furniture and fixtures was made.

- ☞ Nightstand, Lamp, Telephone w/ Voicemail
- ☞ Mirrored Armoire
- ☞ 25 in Color Television
- ☞ Work Desks, Lamp Chairs
- ☞ Wall Mounted Mirrors
- ☞ Wall-to-Wall carpeting
- ☞ Tile Bathroom Flooring
- ☞ Cast Iron Tubs w/ Chrome Fixtures
- ☞ Individually Controlled Thermostat
- ☞ Ceiling Mounted Sprinklers
- ☞ Dressers, Microwave
- ☞ Mini-Bar Available in Some Rooms
- ☞ Wireless High Speed Internet
- ☞ In Room Gaming and movie system
- ☞ Iron Stand



PHOTO GALLERY

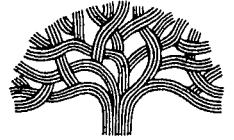


OAKLAND HOTEL

500 HEGENBERGER RD, OAKLAND, CA 94621



CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3911
FAX (510) 238-4730
TDD (510) 839-6451

November 20, 2009

UNI Oakland CO., LLC
Michael Cho
3700 W. Olympic Blvd. #202
Los Angeles, CA 90019

RE: CASE FILE NO. CM09-221; 500 Hegenberger Road. (042-4323-007-05)

Dear Applicant,

Your application as noted above was **approved** at the City Planning Commission meeting on: **November 18, 2009**, subject to the attached conditions of approval

Commission action is indicated below.

(X) Granted with required conditions, as amended. - (Vote: +4, -0)

An Appeal to the City Council of this decision may be submitted within ten (10) calendar days after the date of this letter by 4:00 p.m. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Michael Bradley, Planner I**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment of \$1,181.93 in accordance with the City of Oakland Master Fee Schedule. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you from raising such issues during your appeal and/or in court. If you challenge a Commission decision in court, you may be limited to issues raised at the hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the Appeal hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the City Council must do so within ninety (90) days of the date of the announcement of the Commission's final decision.

Case File No. CM09-421
November 18, 2009

2

If you have any questions please contact the case planner **Michael Bradley** at (510) 238-6935 or by email at mbradley@oaklandnet.com.

Very truly yours,

A handwritten signature in black ink that reads "Scott Miller". The signature is written in a cursive style with a large, sweeping initial "S".

SCOTT MILLER,
Zoning Manager

cc: Unite Here! Local 2850
Nischit Hegde
405-14th Street, Suite 164
Oakland, CA 94612

I certify that on _____, 2009 this decision letter was placed in the U.S. mail system, postage prepaid for first class mail, and sent to

UNI Oakland CO., LLC
Michael Cho
3700 W. Olympic Blvd. #202
Los Angeles, CA 90019

Unite Here! Local 2850
Nischit Hegde
405-14th Street, Suite 164
Oakland, CA 94612

NAME & SIGNATURE OF PERSON PLACING IN MAIL

(DATE)

Conditions of Approval

Condition of Approval No. 14 was added by the Planning Commission at the November 18, 2009 meeting.

STANDARD CONDITIONS:

1. Approved Use

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **CM09-221**, and the plans dated **October 18, 2009** and submitted on **October 19, 2009** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: **The re-establishment of a vacant Transient Habitation activity (hotel) at 500 Hegenberger Road (APN: 042-4323-007-05), under Oakland Municipal Code 17.134 and 17.102.370.**

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

3. Scope of This Approval; Major and Minor Changes

Ongoing

The project is approved pursuant to the **Oakland Planning Code** only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. Conformance with other Requirements

Prior to issuance of a demolition, grading, P-job, or other construction related permit

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

5. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these conditions if it is found that there is violation of any of the conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

A copy of the approval letter and conditions shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. Indemnification

- a) ***Ongoing*** The project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter

collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul this Approval, or any related approval by the City. The City shall promptly notify the project applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project applicant shall reimburse the City for its reasonable legal costs and attorney's fees.

- b) Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

8. Compliance with Conditions of Approval

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability

Ongoing

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions, and if any one or more of such conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions consistent with achieving the same purpose and intent of such Approval.

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

11. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit

The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review, or construction. The project applicant may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions

of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

PROJECT SPECIFIC CONDITONS:

12. Landscaping Maintenance.

Ongoing.

All landscaping areas and related irrigation shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All paving or other impervious surfaces shall occur only on approved areas.

13. Commercial Lighting.

Ongoing.

The applicant shall maintain all on-site lighting to meet the State Business and Professions Code Section 25612, providing enough illumination to identify loiterers standing in the immediate vicinity of the project site. Such illumination shall remain on during all hours of darkness when the business is open, but shall be shielded to a point below the light bulb and reflector and not cast unnecessary glare onto adjacent properties.

14. Compliance Review

6 months after Certificate of Occupancy and Commencement of operation.

Planning and Zoning staff will schedule a noticed Director's Report to the Planning Commission at the next available meeting assessing the hotel's compliance with Conditions of Approval and assess compliance with specific findings made with regard to operating characteristics (17.134.050A) and consistency with the goal of attracting first-class, luxury hotels (17.102.370 A 3).

APPROVED BY:

City Planning Commission: November 18, 2009 (date) 4-0 (vote)
City Council: _____ (date) _____ (vote)

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on **November 18, 2009**. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____ (date)
Signature of Contractor _____ (date)

City of Oakland
Community and Economic Development Agency
Zoning Division
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

NOTICE OF EXEMPTION

TO: Alameda County Clerk
1106 Madison Street
Oakland, CA 94612

Project Title: Case No. CM09-221
Project Applicant: UNI Oakland, CO., LLC
Project Location: 500 Hegenberger Road; APN 042-4323-007-05
Project Description: To re-establish an existing 293 room hotel (Transient Habitation).
Exempt Status: CHECK ALL THAT APPLY

Statutory Exemptions
{Article 18:Section 21080;15260}

Categorical Exemptions
{Article 19:Section 21084;15300}

- | | |
|---|---|
| <input type="checkbox"/> Ministerial {Sec.15268} | <input checked="" type="checkbox"/> Existing Facilities {Sec.15301} |
| <input type="checkbox"/> Feasibility/Planning Study {Sec.15262} | <input type="checkbox"/> Replacement or Reconstruction {Sec.15302} |
| <input type="checkbox"/> Emergency Project {Sec.15269} | <input type="checkbox"/> Small Structures {Sec.15303} |
| <input type="checkbox"/> General Rule {Sec.15061(b)(3)} | <input type="checkbox"/> Minor Alterations {Sec.15304} |
| <input type="checkbox"/> Other: {Sec._____} | <input type="checkbox"/> In-fill Development {Sec. 15332} |

Other {Sec.15183}

Reasons why project is exempt: The re-establishment of an existing 293 room hotel will not have a significant impact on the environment and is exempt from environmental review.

Lead Agency: City of Oakland, Community and Economic Development Agency, Zoning Division, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612

Department/Contact Person: Michael Bradley, Planner I

Phone: (510) 238-6935

Scott Miller

11-20-09

Signature (Scott Miller, Zoning Manager)

Date:

Pursuant to Section 711.4(d)(1) of the Fish and Game Code, statutory and categorical exemptions are also exempt from Department of Fish and Game filing fees.

*ENVIRONMENTAL DECLARATION
(CALIF. FISH AND GAME CODE SEC. 711.4)

: FOR COURT USE ONLY

NAME AND ADDRESS OF APPLICANT OR LEAD AGENCY :

LEAD AGENCY: :

COMMUNITY & ECONOMIC
DEVELOPMENT AGENCY/PLANNING:
250 Frank H. Ogawa Plaza
Room 2114
Oakland, CA 94612

APPLICANT: UNI Oakland CO., LLC

Contact: Michael Cho

: FILING NO.

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

CLERK'S
USE ONLY

- | | | |
|-------------------------------------|--|---------|
| 1. | NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION | PLU 117 |
| <input checked="" type="checkbox"/> | A - STATUTORILY OR CATEGORICALLY EXEMPT
\$50.00 (Fifty Dollars) - CLERK'S FEE | |
| <input type="checkbox"/> | B - DE MINIMUS IMPACT - CERTIFICATE OF FEE EXEMPTION REQUIRED
\$50.00 (Fifty Dollars) - CLERK'S FEE | PLU 117 |
| 2. | NOTICE OF DETERMINATION - FEE REQUIRED | |
| <input type="checkbox"/> | A - NEGATIVE DECLARATION
\$1,993.00 (One Thousand Nine Hundred Ninety Three Dollars)-
STATE FILING FEE
\$50.00 (Fifty Dollars) - CLERK'S FEE | PLU 116 |
| <input type="checkbox"/> | B - ENVIRONMENTAL IMPACT REPORT
\$2,768.25 (Two Thousand Seven Hundred Sixty Eight Dollars and Twenty Five Cents)-
STATE FILING FEE
\$50.00 (Fifty Dollars) - CLERK'S FEE | PLU 115 |
| <input type="checkbox"/> | C -- Certificate of Fee Exemption
& De Minimis Impact Fee
\$50.00 (Fifty Dollars) - CLERK'S FEE | PLU 117 |

*THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

FIVE COPIES OF ALL NECESSARY DOCUMENTATION ARE REQUIRED FOR FILING PURPOSES.

APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING AN ENVIRONMENTAL DOCUMENT WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

MAKE CHECK PAYABLE TO: **ALAMEDA COUNTY CLERK**

December 1, 2009

Attention: Michael Bradley, Planner I
City of Oakland
Community and Economic Development Agency
250 Frank H. Ogawa Plaza, Suite 2114
Oakland CA 94612

RECEIVED

DEC 01 2009

**CITY PLANNING COMMISSION
ZONING DIVISION**

RE: Appeal of Major Conditional Use Permit Approval for Case File No. CM09-221; 500 Hegenberger Road (APN: 042-4323-007-05)

Dear Mr. Bradley:

We write to appeal the Oakland City Planning Commission's decision to approve a Major Conditional Use Permit for the opening of a hotel at 500 Hegenberger Road (Case File No. CM09-221, APN: 042-4323-007-05.) We believe that the City Council needs to hear this item itself so that it can further deliberate the information and issues involved, and potentially overturn the action taken by the Planning Commission. Unite Here Local 2850 is an interested party because we have a number of member who live within a half mile radius of the site. Many more of our members drive on Hegenberger corridor daily to work at the airport or airport area hotels. Finally, because the Conditional Use Permit requirements address employment conditions at the property, we have an interest in protecting our members from losing their jobs due to loss of business to operators who do not provide health insurance or living wage but rather dump those responsibilities onto taxpayers.

The planning code provides that "A conditional use permit for hotel and motel uses may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134, to any and all applicable use permit criteria set forth in the particular individual zone regulations, and to [a set of] additional use permit criteria" specified in code Section 17.102.370.

We believe that the Planning Commission made its decision on this project without having obtained from UNI Oakland Co., LLC (the "Applicant")—and without having adequately reviewed or considered—sufficient evidence that would support the Applicant's request for a hotel and motel conditional use permit, per Planning Code Section 17.102.370. Moreover, we believe that in its application for the permit, UNI Oakland CO LLC failed to meet the disclosure requirements of Section 17.102.370.

The following is a comparison of the requirements for a hotel and motel conditional use permit per Section 17.102.370 and to the responses provided by the Applicant on its application.

- A. *Section 17.102.370, paragraph 2, Use permit criterion: "That the proposal considers the impact of the employees of the hotel or motel on the demand in the city for housing, public transit, and social services."*

In its application, the Applicant failed to address any issues of employment. If the Applicant is allowed to receive a Major Conditional Use Permit without addressing issues of employment, that would totally undermine and render moot the purpose of this section. The application did not mention anything about the projected wages or benefits that workers at the future hotel would expect to receive. The Applicant did not provide any information which would enable the commission or other decision makers to determine whether or not the employees will be compensated at a level which allows them to afford to rent or purchase market-rate housing in Oakland, or needed social or medical services. For that reason, it is not proper that the Planning Commission find that the project adequately considers "the impact of the employees of the hotel or motel on the demand in the city for housing, public transit, and social services." By not providing any data relating to employment, the Applicant leaves open the question of whether or not this hotel will create more poverty jobs, or whether it will provide jobs that previous workers at the hotel could expect, like a living wage, affordable health benefits, etc.

The Applicant failed to address how employees of the hotel would impact local medical services. If the Applicant's operator does not provide affordable medical insurance to the employees of the hotel, it can be expected that those employees would look to local public social and medical services for medical care, particularly for expensive emergency care. And it is worth knowing that hotel workers have a relatively high rate of injuries. According to a study recently publicized in the *New York Times*, 7.9% of hotel housekeepers are injured each year, 50% higher than for all hotel workers and twice the rate for all workers in the United States.¹ Housekeepers have a high injury rate because they do difficult and repetitive tasks such as lifting heavy mattresses. Based on current patterns, in East Bay non-union hotels, they can be expected to clean upwards of 16 rooms a day.

In regards to the impact of the project on transportation for low wage workers, the Applicant simply states that the hotel is near public transit (BART). However, the Applicant fails to address the financial ability for hotel workers to use BART or other public transit. Moreover, there are real issues about the practicalities of employees using BART to get to work at this particular hotel. The nearest BART stop, at the Coliseum, is 1.5 miles from the hotel—and the walk there is hazardous both because of traffic on Hegenberger Road and because of other personal security risks.

Finally, with respect to housing, the Applicant simply states that the hotel is in a residential neighborhood, but makes no mention of the impact of the hotel and its employees on the demand in the City of Oakland for affordable or market rate housing. In the first quarter of 2009, the rent for the average two bedroom one bath unit in Oakland was \$1,352.00/month.² There are non-union housekeepers who work on the Hegenberger corridor that make the California minimum wage -- \$8.00/hour.³ If the Applicant mimics other non-union hotels on the Hegenberger Corridor, a housekeeper that worked 40/hours a week at 500 Hegenberger Road would make approximately \$1280/month before taxes—meaning that she couldn't afford the average rent on a two-bedroom Oakland apartment if all of her income went to rent.

- B. *Section 17.102.370, paragraph 3, Use permit criterion: "That the proposal is consistent with the goal of attracting first-class, luxury hotels in downtown, along the waterfront, near the airport, or along the I-880 freeway which provide:*
- a. *A minimum of one hundred (100) sleeping rooms;*

¹ <http://www.nytimes.com/2009/11/11/business/11injury.html> (retrieved 11/23/09)

² <http://www.docstoc.com/docs/7154891/EAST-BAY-REGION-RENT-SURVEY>

³ Interview with non-union housekeepers on the Hegenberger Corridor.

- b. A full service restaurant providing three meals per day; and*
- c. On-site recreational amenities, which may include an exercise room, swimming pool, and/or tennis courts."*

The proposal to open a hotel at 500 Hegenberger Road as a Clarion is not consistent with the goal of attracting first-class, luxury hotels to Oakland. In its last incarnation, the property at 500 Hegenberger was also a Clarion. Prior to that, it was a Holiday Inn (as the ingrained Holiday Inn signage on the property indicates.) The hotel had been closed since 2005 and the application does not discuss the monetary investment the Applicant is willing to put into the hotel to revamp its furniture and infrastructure to bring it closer to a first class or luxury standard.

Moreover, there is the possibility this hotel will not only add inferior hotel rooms to Oakland, but that it might also detract from existing hotels on the Hegenberger corridor by cannibalizing other properties on the corridor, and therefore not providing much additional hotel tax revenue or real economic growth to the City of Oakland.

- C. Section 17.102.370, paragraph 4, Use permit criterion: "That the proposed development will be of an architectural and visual quality and character which harmonizes and enhances the surrounding area, and that such design includes:*
 - a. Site planning that insures appropriate access and circulation, locates building entries which face the primary street, provides a consistent development pattern along the primary street, and insures a design that promotes safety for its users;*
 - b. Landscaping that creates a pleasant visual corridor along the primary streets with a variety of local species and high quality landscape materials;*
 - c. Signage that is integrated and consistent with the building design and promotes the building entry, is consistent with the desired character of the area, and does not detract from the overall streetscape;*
 - d. The majority of the parking to the rear of the site and where appropriate is provided within a structured parking facility that is consistent, compatible and integrated into the overall development;*
 - e. Appropriate design treatment for ventilation of room units as well as structured parking areas; and prominent entry features that may include attractive porte-cocheres;*
 - f. Building design that enhances the building's quality with strong architectural statements, high quality materials particularly at the pedestrian level and appropriate attention to detail;*
and
 - g. Lighting standards for hotel buildings, grounds and parking lots shall not be overly bright and shall direct the downward placement of light.*

The application falls short on the design requirements described above in several respects. It contains little disclosure regarding building and infrastructure enhancements, signage enhancements (or corrections) or lighting. The Applicant has stated that the landscape will not change from what it is today. Currently there is very little at the site that can account as inviting and pleasant landscaping. There are few if any native species and concrete in areas where other hotels on Edes Avenue have grass and trees.

It behooves the City of Oakland to have an expert visit the site to evaluate the deterioration (if any) and comment on the architectural and visual quality and character.

There are several other problems with the approval process for the conditional use permit which serve as the basis for this appeal. First, Section 17.134.030, which deals with the overall submission requirements for all conditional use applications, states that "The application shall be accompanied by such information including, but not limited to, site and building plans, drawings and elevations, and operational data, as may be required to enable the pertinent criteria to be applied to the proposal." Unfortunately, the operational data required to enable the criteria of this section of the planning code to be applied to the proposal were not provided to, and have not been considered by, the planning commission. Now is the time when the City has an opportunity to look at the property owner and operator's plans and have material input to a business that will affect other businesses, residences and services of the City—not six months from now.

In addition, the way in which the Planning Commission dealt with monitoring the Applicant's compliance with the requirements of Section 17.102.370 is also inadequate. In the conditional use permit approval for the project, the Planning Commission simply required a compliance review six months after commencement of operations at the hotel: Specifically, their approval states:

"14. Compliance Review. 6 months after Certificate of Occupancy and Commencement of operation. Planning and Zoning staff will schedule a noticed Director's Report to the Planning Commission at the next available meeting assessing the hotel's compliance with the Conditions of Approval and assess with specific findings made with regards to operating characteristics (17.134.050A) and consistency with the goal of attracting first-class luxury hotels (17.102.370 A 3)."

The General Conditional Use Permit states that a conditional use permit shall be subject to the plans and other conditions upon the basis of which it was granted. But the requirements in the conditional use permit are so weak that the six-month review will not be terribly meaningful. Given that there is no projected operational data being provided to the City now, and given how there are no goals or targets being set regarding operations, it is not clear how a *meaningful* review of actual operational data can occur six months after commencement of operations. Given the lack of information provided to the Planning Commission in the application, it will be difficult to check whether or not the hotel owner or operator will be complying meaningfully with the criteria established in this section. Issues regarding the property should be addressed now -- while it is still within the City's direct purview.

Finally, there are problems with how the proposal "conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134." Section 17.134.050 of the Planning Code states:

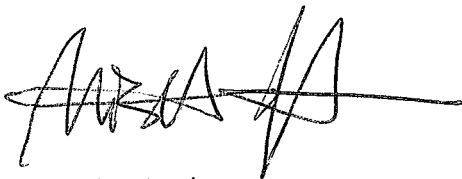
"General use permit criteria. E. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region;"

This is a hotel that existed in the past as a Clarion. If it did not succeed and "enhance the successful operation of the surrounding area" in 2005 when the economy was in much better shape, why then would it succeed today amidst a recession? How is the business plan different than before? Hotel

Occupancy rates are expected to decline at least 2% annually in Oakland until 2011,⁴ so allowing this hotel to be reestablished on the Hegenberger Corridor will add to the stock of hotel rooms and further that occupancy decline. It is possible that when the hotel opens, it would only cannibalize existing consumption of hotel rooms around the Oakland Airport and not add much- if anything- to Oakland's general fund by way of hotel taxes.

In conclusion, the application for a Major Conditional Use Permit to re-establish a hotel at 500 Hegenberger Road does not meet the criteria put forth by the City of Oakland's Planning Code. The issues described above need to be further investigated and until that has been done, we respectfully request that the City reject the request for a Major Conditional Use Permit at 500 Hegenberger Road.

Sincerely,



Nischit Hegde
Unite Here! Local 2850
405 14th Street Suite 164
Oakland CA 94612
510.219.6347

CC: City Clerk

⁴ http://www.hotel-online.com/News/PR2009_1st/Mar09_PKFEconomy.html

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 FEB 18 PM 5:22

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community & Economic Development Agency
DATE: March 2, 2010

RE: **A Public Hearing and Resolution Denying the Appeal and Upholding the Planning Commission Approval of a Major Conditional Use Permit at 500 Hegenberger Road to Re-establish a Hotel (Transient Habitation) That Has Been Closed for Greater Than One Year.**

SUMMARY

On November 18, 2009, the Planning Commission approved (by a vote of 4 to 0) a Major Conditional Use permit at 500 Hegenberger Road, to re-establish a hotel (Transient Habitation) that has been closed for greater than one year (CM09-221).

On December 1, 2009, UniteHere! Local 2850 filed an appeal of the Planning Commission's Approval of the Project to the City Council (*Attachment A*). The Local 2850 appeal essentially maintains that (a) the Conditional Use Permit findings were not met; and (b) the Conditions of Approval imposed by the Planning Commission were inadequate to lessen the impact of the proposed Hotel on the surrounding neighborhood.

The arguments raised by the appellant are summarized below in the Key Issues portion of this report along with staff's response to each argument. The arguments are also addressed in the attached November 18, 2009 Planning Commission Report (*Attachment B*). For the reasons stated in this report, and elsewhere in the record, staff recommends the City Council adopt the attached Resolution denying the appeals, thereby upholding the Planning Commission's approval of the project.

FISCAL IMPACT

The project involves the re-opening of a former business, and does not request or require public funds. If allowed to operate, the project would provide a positive fiscal impact through sales taxes, hotel taxes, property taxes, and business license taxes. As the site is not seeking a further physical expansion it would not require an increase in the level of municipal services that must be provided. Were the appeal to be upheld and the project overturned, it is likely that there would be a diminished amount of potential revenue from sales taxes, and hotel taxes.

Item: _____
City Council
March 2, 2010

BACKGROUND

The following staff report addresses the proposal to re-establish a 293 room hotel which has been closed for greater than one year. The proposal does not involve any exterior alterations to the building. The site is located within a commercial district along Edes Avenue and Hegenberger Road and adjacent to the Interstate 880 Highway. The site is in the C-36 Gateway Boulevard Service Commercial Zone and the S-4 Design Review Combining Zone. The General Plan designation for the site is Regional Commercial.

PROJECT DESCRIPTION

The proposal entails the request for a Major Conditional Use Permit to re-establish an existing hotel which has been closed for more than one year. A hotel, Transient Habitation, is a conditionally permitted activity in the C-36 Gateway Boulevard Service Commercial Zone and clearly conforms with the Regional Commercial general plan land use designation. The project requires a major conditional use permit to re-establish the Transient Habitation activity that has been closed for greater than one year, pursuant to Code Section 17.114.050. The proposal does not involve any exterior alterations of the existing facilities. The proposed operator of the facility will be GV Hotel Management Group, LLC (see *Attachment A*).

Property Description

The subject property is an interior parcel of approximately 236,100 square feet (5.42 acres), with frontage on Edes Avenue and adjacent to Interstate 880 highway and Hegenberger Road. The subject property is a 293 room hotel facility of approximately 128,364 square feet. Currently there is a lobby, conference room, bar and lounge, full service restaurant, and a courtyard with a swimming pool. The property consists of two buildings, which include a six story tower and a two story building. The property was first developed in 1970 (based on Alameda County Assessors Data). The property is located approximately 1.3 miles from the Oakland International Airport.

General Plan Analysis

The subject property is located within the Regional Commercial General Plan designation. The Regional Commercial land use classification is intended to maintain, support and create areas of the City that serve as region-drawing centers of activity. The proposal to re-establish a hotel facility will not adversely affect or detract from the commercial characteristics of the surrounding area.

Policy N1.7: Hotels and motels should be encouraged to locate downtown, along the waterfront, near the airport, or along the I-880 corridor. No new hotels or motels should be located

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March 2, 2010

elsewhere in the city; however, the development of "bed-and-breakfast" type lodgings should be allowed in the neighborhoods, provided that the use and activities of the establishment do not adversely impact nearby areas, and parking areas are screened.

Zoning Analysis

The subject property is located within the C-36 Gateway Boulevard Service Commercial Zone. The C-36 zone is intended to create, preserve, and enhance Areas with a variety of offices, travel accommodations, and related consumer and business service activities needing visually prominent and attractive locations and abundant vehicular access, and is typically appropriate along wide, landscaped major thoroughfares in areas identified as gateway and coliseum showcase districts of the land use and transportation element of the Oakland General Plan. The proposal to re-establish an existing hotel facility approximately 1.3 miles from the Oakland International Airport and adjacent to the Interstate 880 highway meets applicable C-36 zoning and City of Oakland general use permit regulations. The S-4 zone is intended to create, preserve, and enhance the visual harmony and attractiveness of areas which require special treatment and the consideration of relationships between facilities, and is typically appropriate to areas of special community, historical, or visual significance.

Environmental Determination

The California Environmental Quality Act (CEQA) Guidelines list the projects that qualify as categorical exemptions from environmental review. The proposed project is categorically exempt from the environmental review requirements pursuant to Section 15301, alterations to existing facilities; Section 15183, projects consistent with a community plan, general plan or zoning.

KEY ISSUES AND IMPACTS

UniteHere! Local 2850 Appeal

The Local 2850 appeal is included as *Attachment A* (the original November 18, 2009 appeal) and summarized below. The basis for the appeal is shown in bold text and the staff response follows each point in regular type.

- 1. The project does not meet the Conditional Use Permit Findings.**
Section 17.102.370.A.2: That the proposal considers the impact of the employees of the hotel or motel on the demand in the city for housing, public transit, and social services:

Local 2850 states: "If the Applicant is allowed to receive a Major Conditional Use Permit without Addressing issues of employment, that would totally undermine and

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render moot the purpose of this section. The application did not mention anything about the projected wages or benefits that workers at the future hotel would expect to receive. The applicant did not provide any information which would enable the commission or other decision makers to determine whether or not the employees will be compensated at a level which allows them to afford to rent or purchase market-rate housing in Oakland, or need social or medical services.”

Staff Response

The Planning Commission considered the impact of employees of the hotel on the demand for housing, public transit and social services. As stated in the Planning Commission staff report “The hotel is located in proximity to several choices of public transit on Hegenberger Road, and in close proximity to several residential neighborhoods.” Further, the Hotel is located on one of the City’s major corridors, with frequent AC Transit buses including bus lines 50, 805, and 356, running daily. The existing hotel is less than 1.5 miles from the Bay Area Rapid Transit Coliseum station and there are several social services within the area, which include health clinics at Eastmont Town Center located less than 3 miles away. The City of Oakland Planning Code does not address or set living wages, medical benefits, transportation requirements, or housing costs for employers. Employee minimum wages are established at the State and Federal level and are outside of the jurisdiction of the Planning Code.

While the specific wages of the hotel employees was not discussed at the Planning Commission meeting and is not within their purview, the following additional information provides further basis for satisfaction of this finding regarding potential housing demand from employees of the hotel.

In late 2001, a Commercial Development Linkage Fee Analysis was completed for the Housing Division of CEDA. This study was undertaken to analyze the relationship between non-residential development and the need for housing affordable to low and moderate income groups in support of the establishment of a housing-jobs nexus fee for new construction. The study included analysis of four (4) building types - Office, Warehouse/Distribution, Retail, and Hotel. The resulting housing-jobs nexus fee ordinance approved by the City of Oakland in 2002 (Ord.12442) covers only two (2) building types - Office and Warehouse/Distribution. The background analysis and assumptions for Hotel use included in the study can provide information on the anticipated demand for housing by the proposed hotel.

Based on the hotel’s size of approximately 128,000 square feet, the following assumptions are calculated consistent with the study findings: Approximate number of employees at the full utilization of the hotel: 190; Number of employees anticipated to live in Oakland (based on Census and ABAG data): 76; Estimated number of households represented in Oakland: 54; Estimated number of households supported by this hotel’s employment that qualify as a very low, low, or moderate income household (120% of adjusted median income or below): 14, of

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which an estimated 10 households will be in the very low income category (50% adjusted median income or below).

While overall in Oakland there is a need for more affordable housing for very low and low income households, based on the analysis summarized above, this hotel operation is not anticipated to significantly affect housing in the City of Oakland.

2. **The project does not meet the Conditional Use Permit Findings.**
Section 17.102.370.A.3: That the proposal is consistent with the goal of attracting first-class, luxury hotels in downtown, along the waterfront, near the airport, or along the I-880 freeway which provide: (a) A minimum of one hundred (100) sleeping rooms; (b) A full service restaurant providing three meals per day; and (c) On-site recreational amenities, which may include an exercise room, swimming pool, and/or tennis courts.

Local 2850 states: "The proposal to open a hotel at 500 Hegenberger Road as a Clarion is not consistent with the goal of attracting first-class, luxury hotels to Oakland. In its last incarnation, the property at 500 Hegenberger was also a Clarion. Prior to that, it was a Holiday Inn (as the ingrained Holiday Inn signage on the property indicates). The hotel had been closed since 2005 and the application does not discuss the monetary investment the Applicant in (is) willing to put into the hotel to revamp its furniture and infrastructure to bring it closer to a first class or luxury standard."

Staff Response

The project is consistent with the goals stated in the Planning Code.

The Hotel appears to be in good condition and received \$4 million investment to upgrade the furniture and fixtures in 2001. Some of the upgrades made include, nightstands, lamps, telephones with voicemail, mirrored armoires, 25 inch color televisions, work desks, lamp chairs, wall mounted mirrors, wall-to-wall carpeting, tile bathroom flooring, cast iron tubs with chrome fixtures, individually controlled thermostats, ceiling mounted sprinklers, dressers, microwaves, mini-bars in some rooms, wireless high speed internet, in room gaming and movie system, and iron stands.

The required findings are addressed below:

- (a) A minimum of one hundred (100) sleeping rooms:* The existing hotel has 293 sleeping rooms. One-hundred (100) rooms are to be opened in the first phase of the proposed operation.
- (b) A full service restaurant providing three meals per day:* The existing hotel has a 2,512 square foot full service restaurant with a 4,014 square foot kitchen.

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(c) *On-site recreational amenities, which may include an exercise room, swimming pool, and/or tennis courts:* The existing hotel has a courtyard with a swimming pool and a 5,559 square foot conference room.

Based on the proposed project meeting the required findings a, b, and c, by opening a minimum of 100 rooms at the start of operation; providing a full service restaurant; and having an existing swimming pool the existing hotel meets the goal of a first-class, luxury hotel.

3. **The project does not meet the Conditional Use Permit Findings.**
- Section 17.102.370.A.4: 4. That the proposed development will be of an architectural and visual quality and character which harmonizes and enhances the surrounding area, and that such design includes:**
- (a) **Site planning that insures appropriate access and circulation, locates building entries which face the primary street, provides a consistent development pattern along the primary street, and insures a design that promotes safety for its users;**
 - (b) **Landscaping that creates a pleasant visual corridor along the primary streets with a variety of local species and high quality landscape materials;**
 - (c) **Signage that is integrated and consistent with the building design and promotes the building entry, is consistent with the desired character of the area, and does not detract from the overall streetscape;**
 - (d) **The majority of the parking to the rear of the site and where appropriate is provided within a structured parking facility that is consistent, compatible and integrated into the overall development;**
 - (e) **Appropriate design treatment for ventilation of room units as well as structured parking areas; and prominent entry features that may include attractive porte-cocheres;**
 - (f) **Building design that enhances the building's quality with strong architectural statements, high quality materials particularly at the pedestrian level and appropriate attention to detail;**
 - (g) **Lighting standards for hotel buildings, grounds and parking lots shall not be overly bright and shall direct the downward placement of light.**

Local 2850 states: "The application falls short on the design requirements described above in several respects. It contains little disclosure regarding building and infrastructure enhancements, signage enhancements (or corrections) or lighting. The applicant has stated that the landscape will not change from what it is today. Currently there is very little at the site that can account as inviting and pleasant landscaping. There are few if any native species and concrete in areas where other hotels on Edes Avenue have grass and trees.

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Staff Response

The project satisfies the requirements that the project will be of an architectural and visual quality and character which harmonizes and enhances the surrounding area:

- a. *Site planning that insures appropriate access and circulation, locates building entries which face the primary street, provides a consistent development pattern along the primary street, and insures a design that promotes safety for its users:* The proposal involves no exterior alterations or changes to parking areas or landscaping.
- b. *Landscaping that creates a pleasant visual corridor along the primary streets with a variety of local species and high quality landscape materials:* The proposal will maintain all existing landscaping.
- c. *Signage that is integrated and consistent with the building design and promotes the building entry, is consistent with the desired character of the area, and does not detract from the overall streetscape:* The proposal does not call for any signage at this time. All proposed future signage must be applied for separately and must meet all applicable Planning and Building Codes.
- d. *The majority of the parking is to the rear of the site and where appropriate is provided within a structured parking facility that is consistent, compatible and integrated into the overall development:* The proposal does not involve any changes to the existing on-site parking.
- e. *Appropriate design treatment for ventilation of room units as well as structured parking areas; and prominent entry features that may include attractive porte-cocheres:* The proposal does not involve any exterior changes to the existing building.
- f. *Building design that enhances the building's quality with strong architectural statements, high quality materials particularly at the pedestrian level and appropriate attention to detail:* The proposal does not involve any exterior changes to the existing building.
- g. *Lighting standards for hotel buildings, grounds and parking lots shall not be overly bright and shall direct the downward placement of light:* The proposal does not involve any changes to existing on-site lighting.

The proposal is to re-open an existing hotel that has been closed for approximately four years and does not include any exterior alterations. The existing building is in good condition and is proposed to be maintained. The existing on-site landscaping has also been maintained in good growing condition. Further, the findings and conditions of approval require on-site maintenance as well as require an applicant to file for all necessary permits with the Planning and Building Departments for any future work.

4. **The project does not meet the Conditional Use Permit Findings.
Section 17.134.050.C: That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region:**

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March 2, 2010

Local 2850 states: "This is a hotel that existed in the past as a Clarion. If it did not succeed and 'enhance the successful operation of the surrounding area' in 2005 when the economy was in much better shape, why then would it succeed today amidst a recession? How is the business plan different than before? Hotel occupancy rates are expected to decline at least 2% annually in Oakland until 2011 (http://www.hotel-online.com/news/PR2009_1st/Mar09_PKFEconomy.html), so allowing this hotel to be reestablished on the Hegenberger Corridor will add to the stock of hotel rooms and further that occupancy decline. It is possible that when the hotel opens, it would only cannibalize existing consumption of hotel rooms around the Oakland Airport and not add much- if anything- to Oakland's general fund by way of hotel taxes."

Staff Response

The proposed development will enhance the successful operation of the surrounding area in its basic community function and travel accommodations and will provide an essential service to the community or region.

The subject property is located within the Regional Commercial General Plan designation. The Regional Commercial land use classification is intended to maintain, support and create areas of the City that serve as region-drawing centers of activity. The proposal to re-establish a hotel facility will not adversely affect or detract from the commercial characteristics of the surrounding area. The proposal involves the re-opening of an existing hotel facility.

Policy NI.7: Hotels and motels should be encouraged to locate downtown, along the waterfront, near the airport, or along the I-880 corridor. No new hotels or motels should be located elsewhere in the city; however, the development of "bed-and-breakfast" type lodgings should be allowed in the neighborhoods, provided that the use and activities of the establishment do not adversely impact nearby areas, and parking areas are screened.

5. **The conditions of approval are inadequate for dealing with the impact of the hotel. Local 2850 is referring to condition of approval 14:**

14. Compliance Review

6 months after Certificate of Occupancy and Commencement of operation.

Planning and Zoning staff will schedule a noticed Director's Report to the Planning Commission at the next available meeting assessing the hotel's compliance with Conditions of Approval and assess compliance with specific findings made with regard to operating characteristics (17.134.050A) and consistency with the goal of attracting first-class, luxury hotels (17.102.370 A 3).

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Local 2850 states: "The General Conditional Use Permit states that a conditional use permit shall be subject to the plans and other conditions upon the basis of which it was granted. But the requirements in the conditional use permit are so weak that the six-month review will not be terribly meaningful. Given that there is no projected operational data being provided to the City now, and given how there are no goals or targets being set regarding operations, it is not clear how a meaningful review of actual operational data can occur six months after commencement of operations.

Staff Response

Planning and Zoning staff will perform a compliance review of the hotel and present to the Planning Commission. The guidelines for the review will be based on the Conditions of Approval as well as compliance with the specific findings made with regard to operating characteristics (17.134.050A) and consistency with the goal of attracting first-class, luxury hotels (17.102.370 A 3). The compliance review will be in the form of a noticed Director's Report to the Planning Commission. Planning and Zoning staff will review the submitted property summary from the Planning Commission staff report to make a decision as to whether compliance with the findings and conditions of approval have been met for the project.

RECOMMENDATION(S) AND RATIONALE

Staff recommends that the City Council adopt the attached Resolution denying the appeal, thereby upholding the Planning Commission's approval of the project. Staff recommendation is based on the following reasons: 1) The Project and the approval of the Project comply in all significant respects with applicable general plan policies, conditional use permit criteria and review procedures; and 2) the Project complies with CEQA, and 3) there was no error or abuse of discretion on the part of the Planning Commission in approving this Major Conditional Use Permit.

ALTERNATIVE RECOMMENDATION(S)

The City Council has the option of taking one of the following alternative actions instead of the recommended action above:

1. Uphold the UniteHere! Local 2850 appeal and reverse the Planning Commission's decision thereby denying the project. This option would require the City Council to continue the item to a future hearing so that Staff can prepare and the Council has an opportunity to review the proposed findings and resolution for denial.

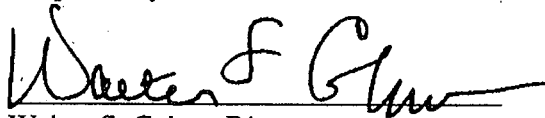
Item: _____
City Council
March 2, 2010

2. Uphold the Planning Commission's decision, but impose additional or revised conditions on the project and/or modify the project.
3. Continue the item to a future hearing for further information or clarification.
4. Refer the matter back to the Planning Commission for further consideration on specific issues/concerns of the City Council. Under this option, the item would be forwarded back to the City Council with a recommendation after review by the Planning Commission.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the Council affirm the Planning Commission's environmental determination that the Project is exempt from CEQA review as detailed in this report, and that the Council adopt the attached Resolution denying the appeals, and thereby upholding the Planning Commission's approval of the Project.

Respectfully submitted,

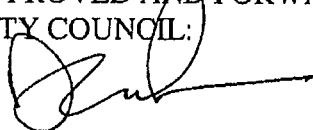


Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Scott Miller, Zoning Manager

Prepared by:
Michael Bradley, Planner I

APPROVED AND FORWARDED TO THE
CITY COUNCIL:



Office of the City Administrator

ATTACHMENTS:

- A. UniteHere! Local 2850 appeal submitted December 1, 2009.
- B. Planning Commission Staff Report of November 18, 2009 with revised, adopted conditions

Item: _____
City Council
March 2, 2010

CITY OF OAK

|||||

DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3911
FAX (510) 238-4730
TDD (510) 238-3254

November 16, 2011

Uni Oakland Co., LLC
c/o James Ahn
3700 W. Olympic Blvd. #202
Los Angeles, CA 90019

RE: Case No. CM09-221; (500 Hegenberger Road, APN: 042-4323-007-05)
Extension of Planning Permit Approval

Dear Uni Oakland Co., LLC:


The above referenced permit currently has an expiration date of November 18, 2011. Pursuant to your recent request, and supported by City Council Resolution No. 83424, the Planning Permit referenced above is hereby extended to December 31, 2012.

In order to maintain the validity of planning permits, projects should receive building permits or a license to operate, as applicable, by December 31, 2012, unless further extensions are available and granted prior to that date. In addition, an extension until December 31, 2012 pursuant to Resolution No. 83424 shall not apply to properties that have been issued an administrative citation under Oakland Municipal Code Chapter 1.12 (Blighted Property). The City may terminate any extension already issued to properties receiving a citation referenced above if said property is not corrected.

Administrative determinations and interpretations made pursuant to Resolution No. 83424 shall be subject to the appeal provisions of Oakland Municipal Code Chapter 17.132 (Administrative Appeal Procedure).

Please do not hesitate to contact case planner **Michael Bradley**, Planner I by email at **mbradley@oaklandnet.com** or by phone at **(510) 238-6935** should you have any questions.

Sincerely,



Scott Miller
Zoning Manager

cc: Case File Extension File



CITY OF OAKLAND

PLANNING & ZONING DIVISION

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031
Phone: 510-238-3911 Fax: 510-238-4730

December 18, 2012

UNIT OAKLAND CO. LLC
Gary Elam, Receiver

201 Lomas Santa Fe, Suite 450
Solana Beach, CA 92075

RE: Case No. CM09-221, 8400 Edes Avenue (500 Hegenberger Road);
APN: 042-4323-007-05 Extension of Planning Permit Approval

Dear Mr. Elam:

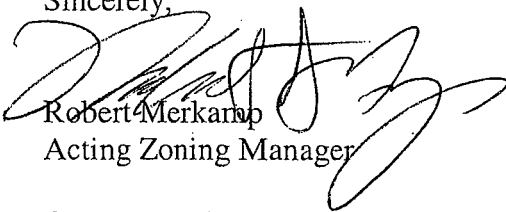
The above referenced permit currently has an expiration date of December 31, 2012. Pursuant to your recent request, and supported by City Council Resolution No. 83989, the Planning Permit referenced above are hereby extended to December 31, 2013.

In order to maintain the validity of planning permits, projects should receive building permits or a license to operate, as applicable, by December 31, 2013, unless further extensions are available and granted prior to that date. In addition, an extension until December 31, 2013 pursuant to Resolution No. 83989 shall not apply to properties that have been issued an administrative citation under Oakland Municipal Code Chapter 1.12 (Blighted Property). The City may terminate any extension already issued to properties receiving a citation referenced above if said property is not corrected.

Administrative determinations and interpretations made pursuant to Resolution No. 83989 shall be subject to the appeal provisions of Oakland Municipal Code Chapter 17.132 (Administrative Appeal Procedure).

Please do not hesitate to contact case planner Michael Bradley by email at mbradley@oaklandnet.com or by phone at (510) 238-6935 should you have any questions.

Sincerely,


Robert Merkamp
Acting Zoning Manager

Cc: Case File
Extension File



Solana Advisors

Debt & Equity Solutions for Commercial Real Estate

November 27, 2012

VIA OVERNIGHT MAIL

Permit Center
CITY OF OAKLAND
250 Frank H. Ogawa Plaza
Suite 2114
Oakland, CA 94612

Re: **Extension of C.U.P. No. CM09-221**
Oakland Airport Hotel
8400 Edes Road (500 Hegenberger Road)
Assessors Parcel No. 042-4323-007-05

To Whom It May Concern:

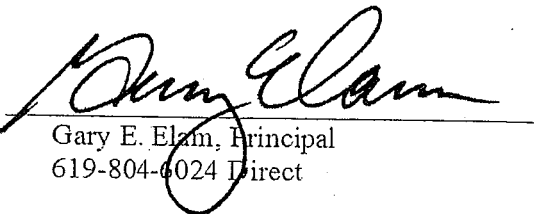
Please process an extension for the Conditional Use Permit shown above. Enclosed is a check in the sum of \$450.97 for this purpose.

Please contact me should there be any problem with this request.

Sincerely,

SOLANA ADVISORS, LLC

By:



Gary E. Elam, Principal
619-804-6024 Direct

Enclosures: As Noted

cc: Michael Bradley, Planner I (w/out encl.; via e-mail only)
Steven Barklis (w/out encl.; via e-mail only)

s:\14_assignments\041_uni oakland_unio\02_diligence\08_permits\121127_unio_cup_extnsn_ltr_1.docx

201 Lomas Santa Fe Drive, Suite 450
Solana Beach, CA 92075
office 858.259.5591
fax 858.259.6591
www.SolanaAdvisors.com

All Planning and Building Department Permits for the Hotel

at 500 Hegenberger Road / 8400 Edes Avenue

(From 2009-Present)

- **CM09221**
- **A09264**
- **ZC100521**
- **R1300105**
- **B1301665**
- **SL1301850**
- **X1301557**
- **S1300104**
- **M1302047**
- **DRX141738**
- **B1401419**
- **R15000998**
- **ZC152397**
- **ZC152397-A01**

Record ID: CM09221

Menu Reports Help

File Date: 10/19/2009

Application Status: Approved-Pending Appeal

Application Detail: Detail

Application Type: Planning/Applications/Zoning/Development Permit

Address: 500 HEGENBERGER RD

Owner Name: JCRA INVESTMENT CO LLC & WANG

Owner Address:

Application Name:

Parcel No: 042 432300705

Description of Work: Proposal to re-establish a Hotel (Transient Habitation). Hotel to maintain 293 rooms, with no exter

Contact Info:	Name	Organization Name	Contact Type	Rel
	<u>MICHAEL CHO</u>		Consultant	
	<u>UNI OAKLAND CO., LLC</u>		Applicant	Ow

Job Value: \$0.00

Total Fee Assessed: \$5,655.55

Total Fee Invoiced: \$5,655.55

Balance: \$0.00

Workflow Status:	Task	Assigned To	Status	Status D
	<u>Application Intake</u>			
	Assignment			
	CEQA Determination			
	Completeness Review			
	Zoning Review			
	Closure			

Condition Status:	Name	Short Comments	Status	Ap
	<u>PARCEL COMMENT</u>	3/06/02 - Verified o...	Complied	01/

Custom Fields: PLN_DEV_PER

FEE CALCULATION INFORMATION

Preliminary CEQA Deposit

-

Federally Funded

New Construction

Shared Access Facility

Public Access Easement

Alcohol Sales With a CUP

Alcohol Sales Without CUPs

SUPPLEMENTAL FORMS

Impervious Surface Area

-
- Tree Preservation Ordinance**
-
- Creek Protection Ordinance**
-
- Hazardous Waste Statement**
-
- Green Building Ordinance**
-

PROPERTY INFORMATION (Copied from PARCEL)

Zoning <u>C-36,S-4</u>	General Plan Designation <u>Regional Commercial</u>	Specific P -
Historic Designated District -	OCHS Rating <u>F3</u>	Heritage F -
Historic Status -	Historic Area of Primary Importance -	Historic A -
Local Register -	Landmark -	
Service District -	Council District -	
S-7 <u>No</u>	S-11 <u>No</u>	S-20 <u>No</u>

ENVIRONMENTAL EXEMPTIONS

CEQA Exemption Primary
15301-Existing Facilities

CEQA Exemption Secondary
-

NEPA Exclusion
-

KEY DATES (Updated by Workflow)

Appeal End Date -	Initial Expiration Date -	Extended Expira -
-----------------------------	-------------------------------------	-----------------------------

SUBMITTAL TYPE

Submittal Type	Level-Duration	Description
<u>Conditional Use</u>	Minor	Proposal to re-establi...

USE INFORMATION

Use Classification Use Type Use Section

SUPPLEMENTAL INFORMATION

Area Calculations Existing (Number) New (Number) Total (Number) Percent Change (N

Total Lot Area 236100

ADDITIONAL CUP FINDINGS

Finding Group Additional CUP Finding

ADDITIONAL DR FINDINGS

Finding Group Additional DR Finding

LEGISLATIVE ACTIONS

Action Action Number Action Date Effective Date Comments

Initiated by Product:

Record ID: A09264

Menu Reports Help

File Date: 12/01/2009

Application Status: Withdrawn

Application Detail: Detail

Application Type: Planning/Applications/Zoning/Appeal

Address: 500 HEGENBERGER RD

Owner Name: JCRA INVESTMENT CO LLC & WANG

Owner Address:

Application Name:

Parcel No: 042 432300705

Description of Work: Proposal to re-establish a Hotel (Transient Habitation). Hotel to maintain 293 rooms, with no exter

Contact Info:	Name	Organization Name	Contact Type	Rel
	<u>NISCHIT HEGDE UNITEHER...</u>		Applicant	Ow

Job Value: \$0.00

Total Fee Assessed: \$1,181.93

Total Fee Invoiced: \$1,181.93

Balance: \$0.00

Workflow Status:	Task	Assigned To	Status	Status D
	Application Intake			
	Appeal Processing			
	Closure			

Condition Status:	Name	Short Comments	Status	Ap
	<u>PARCEL COMMENT</u>	3/06/02 - Verified o...	Complied	01/

Custom Fields: PLN_APL

APPEAL OF

Billboard Amortization	Zoning Administrator Determination
Creek Permit	Planning Commission Decision
Creek Determination	Environmental Determination
Administrative Decision	

LEGISLATIVE ACTIONS

Action Action Number Action Date Effective Date Comments

Initiated by Product:

Record ID: ZC100521

Menu Reports Help

File Date: 03/03/2010

Application Status: Approved

Application Detail: Detail

Application Type: Planning/Applications/Counter/Zoning Clearance

Address: 500 HEGENBERGER RD

Owner Name: JCRA INVESTMENT CO LLC & WANG

Owner Address:

Application Name:

Parcel No: 042 432300705

Description of Work: Zoning clearance to re-establish a 293 room hotel. Open 24 hours. Approved under permit CM09-

Contact Info:	Name	Organization Name	Contact Type	Rel
	<u>UNI OAKLAND CO., LLC</u>		Applicant	Ow
	<u>VICTOR SINGH</u>		Consultant	

Job Value: \$0.00

Total Fee Assessed: \$35.58

Total Fee Invoiced: \$35.58

Balance: \$0.00

Workflow Status:	Task	Assigned To	Status	Status D
	<u>Application Intake</u>			
	Closure			

Condition Status:	Name	Short Comments	Status	Ap
	<u>PARCEL COMMENT</u>	3/06/02 - Verified o...	Complied	01/

Custom Fields: APPLICATION QUESTIONS

Proposed Hours	Number of Employees
-	-
Include Manufacturing	New or Modified Sign

ADDITIONAL QUESTIONS

Year of Construction	Floor Level
-	-
Square Footage	
-	

PROPERTY INFORMATION

General Plan Designation	Service District
-	-
Zoning	
<u>C-36.S-4</u>	

USE INFORMATION

Use Classification Use Type Use Section

Initiated by Product:

Record ID: R1300105

Menu Reports Help

Application Type: Building/Residential/Re-Roofing/NA

Address: 500 HEGENBERGER RD

Parcel No: 042 432300705

Description of Work: RE-ROOF PERMIT

File Date: 01/22/2013

Application Status: Permit Issued

Job Value: \$0.00

Total Fee Assessed: \$22.14

Total Fee Invoiced: \$22.14

Balance: \$0.00

IF THIS IS A PRIORITY LIEN, REFER TO THE LIEN BALANCE BELOW

Owner Name: ASHISH PATEL

Owner Address:

Contact Info:	Name	Organization Name	Contact Type	Relationship
	<u>GRC ROOFING CO</u>		Applicant	Contractor

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business
	Yes	<u>778562</u>	Contractor		GRC R

Workflow Status:	Task	Assigned To	Status	Status D
	<u>Application Intake</u>			
	Permit Issuance			
	Records			

Custom Fields: BLD_R

GENERAL INFORMATION

KEY DATES

Roof System Fire Rating Class

Completion Date

-

-

Description of Roofing System

Permit Expiration Date

-

-

PROPERTY INFORMATION

Zoning

Historical Rating

Very High Fire Hazard Severity

-

-

-

App Spec Info BLD_R (ARCHIVE)

ARCHIVE INFORMATION

Archive Offsite

No

Plan Box Number **Plan Date Requested** **Plan Date Received**
 - - -

Plan Comment
 -

Document Box Number **Document Date Requested** **Document Date Received**
 - - -

Document Comment
 -

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status
-----------------	----------------	-----------	--------

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status
-----------------	-----------------	-----------	--------

Application Comments:

By	Comment	Date
----	---------	------

Condition Status:

Name	Short Comments	Status	Ap
<u>PARCEL COMMENT</u>	3/06/02 - Verified o...	Complied	01/

Initiated by Product:

Record ID: B1301665

Menu Reports Help

Application Type: Building/Non-Residential/Building/Alteration

Address: 8400 EDES AVE

Parcel No: 042 432300705

Description of Work: renovation of hotel to include A.D.A. exterior access ramp, parking, alteration to 17 suites, and lot

File Date: 05/07/2013

Application Status: Expired

Job Value: \$400,000.00

Total Fee Assessed: \$0.00

Total Fee Invoiced: \$0.00

Balance: \$0.00

IF THIS IS A PRIORITY LIEN, REFER TO THE LIEN BALANCE BELOW

Owner Name: RIVERVIEW DEVELOPMENT IV LLC

Owner Address:

Contact Info:	Name	Organization Name	Contact Type	Relationship
	HOSPITALITY INS...		Applicant	Contractor

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business
	Yes	<u>302936</u>	Contractor		HOSPIT

Workflow Status:	Task	Assigned To	Status	Status D
	Application Intake			
	Plan Routing	Wayne Wada		
	Plan Check Review			
	Zoning Review			
	Zoning Inspecti...	Bill Quesada		
	Fire Marshal Re...	Philip Basada		
	Constr.Recyclin...	Patrick Hayes		
	CP Permit Compl...	Bill Quesada		
	Final Check			
	Permit Issuance			
	Inspection			
	Certificate of ...			
	Post Constructi...	Bill Quesada		

Custom Fields: BLD_RBB_ALT

Sets of Plans	Change of Address	Structural Calc
<u>3</u>		-
Energy Calculations (T24)	Tree Removal Involved	Report - Soil/G
-		-

Report - Drainage/Hydrology

Green Code Checklist

Accessibility C

WORK INFORMATION

Retrofit

Change of Occupancy?

Public Art

Housing Certificate of Occupancy Requested Only?

CERTIFICATE OF OCCUPANCY INFORMATION

Certificate of Occupancy Number Certificate of Occupancy Issue Date

BUILDING INFORMATION

EXISTING

PROPOSED

Number of Buildings on Lot

Number of Bui

-

-

Number of Stories

Number of Sto

-

-

Number of Units

Number of Uni

-

-

Number of Bedrooms

No. of Additior

-

-

Floor Area (sq ft)

Additional Floo

-

-

Conditioned Floor Area (sq ft)

Additional Con

-

-

Occupied Floor Area (Non-Res) (sq ft)

Additional Occ

-

-

Fire Sprinklers

Reason for Fire Sprinklers

Assess Fire Fee

Fire Sprinklers
No

-

Construction Type 1

Construction 1
VB Any Materia

-

Occupancy Group 1

Occupancy Gr
R-2

-

Building Use 1

Hotel-TouristBuilding Use 1
Hotel-Tourist

Construction Type 2

Construction 1

-

-

Occupancy Group 2

Occupancy Gr

-

-

Building Use 2

Building Use 2

-

-

Occupancy Group 3

Occupancy Gr

-

-

Building Use 3

Building Use 3

-

-

PREPAID INSPECTIONS

Prepaid Inspections

Additional Prepaid Inspections

Total Prepaid I

-

-

-

Jobsite Visits

-

EBMUD COMPLIANCE CERTIFICATE

EBMUD Certificate Type

EBMUD Compliance Certificate #

-

-

EBMUD Compliance Certificate Expiration Date

EBMUD Compliance Certificate Iss

-

-

PROPERTY INFORMATION

Historical Rating

Very High Fire Hazard Severity Zone

Zoning

-

-

-

KEY DATES

Application Expiration Date

Permit Expiration Date

12/03/2013

-

App Spec Info (BLD_RBB) ARCHIVE

ARCHIVE INFORMATION

Archive Offsite

Plan Box Number

Plan Date Requested

Plan Date Received

-

-

-

Plan Comment

-

Document Box Number

Document Date Requested

Document Date Received

-

-

-

Document Comment

-

BLD_RBB_General Holds

General Holds

Hold Issuance

Hold Final

Hold Foundation

Hold Certificate of Occupancy

Hold First Floor

Post Construction Monitoring Required

Hold Frame

Hold(s) Applied By

-

Reason for Hold(s)

-

SPECIAL INSPECTIONS

Special Inspection	Inspection Stage	Comment	Prescribed
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BOND INFORMATION

Date Received	Bond Type	Form of Security	Issuing Company	Reference Number	Security
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Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status

Application Comments:	By	Comment	Date

Condition Status:	Name	Short Comments	Status	Appl
	<u>PARCEL COMMENT</u>	3/06/02 - Verified o...	Complied	01/

Initiated by Product:

Record ID: SL1301850

Menu Reports Help

Application Type: Building/Private Infrastructure/Sewer Lateral/NA

Address: 500 HEGENBERGER RD

Parcel No: 042 432300705

Description of Work: Repair/replace sewer lateral and EXCAVATE in PUBLIC RIGHT-OF-WAY. Overflow device may be on FLOOR.

File Date: 06/13/2013

Application Status: Permit Issued

Job Value: \$0.00

Total Fee Assessed: \$407.37

Total Fee Invoiced: \$407.37

Balance: \$0.00

IF THIS IS A PRIORITY LIEN, REFER TO THE LIEN BALANCE BELOW

Owner Name: RIVERVIEW DEVELOPMENT IV LLC

Owner Address:

Contact Info:	Name	Organization Name	Contact Type	Relationship
	<u>RHINO ROOTER INC</u>		Applicant	Contractor

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business
	Yes	<u>733056</u>	Contractor		RHINO

Workflow Status:	Task	Assigned To	Status	Status D
	<u>Application Intake</u>			
	Plan Check			
	Final Check			
	Permit Issuance			
	Inspection			

Custom Fields: BLD_SL

GENERAL INFORMATION

Tree Removal Involved

Street Excavation Permit Required

Special Provisions

-

Sewer Type

Repair, Extension or Replacement

KEY DATES

Permit Expiration Date

-

PROPERTY INFORMATION

Zoning Historical Rating Very High Fire Hazard Severity :

App Spec Info BLD_SL (ARCHIVE)

ARCHIVE INFORMATION

Archive Offsite

Plan Box Number Plan Date Requested Plan Date Received

Plan Comment

Document Box Number Document Date Requested Document Date Received

Document Comment

PREPAID INSPECTION

Prepaid Inspections

Additional Prepaid Inspections

Jobsite Visits

GENERAL HOLD(S)

Hold Issuance

Hold Foundation

Hold Certificate of Occupancy

Hold Final

Reason for Hold(s)

Hold(s) Applied By

BOND INFORMATION

Date Received Bond Type Form of Security Issuing Company Reference Number Secu

Scheduled/Pending Inspections:

Inspection Type	Scheduled Date	Inspector	Status
-----------------	----------------	-----------	--------

Resulted Inspections:

Inspection Type	Inspection Date	Inspector	Status
-----------------	-----------------	-----------	--------

Application Comments:

By	Comment	Date
----	---------	------

Condition Status:

Name	Short Comments	Status	Ap
------	----------------	--------	----

<u>PARCEL COMMENT</u>	3/06/02 - Verified o...	Complied	01/
-----------------------	-------------------------	----------	-----

Initiated by Product:

KEY DATES

Application Expiration Date Permit Expiration Date

Approximate Start Date Approximate End Date

PROPERTY INFORMATION

Zoning Historical Rating Very High Fire Hazard Severity

App Spec Info BLD_X (ARCHIVE)

ARCHIVE INFORMATION Archive Offsite

Plan Box Number Plan Date Requested Plan Date Received

Plan Comment

Document Box Number Document Date Requested Document Date Received

Document Comment

GENERAL HOLD(S)

Hold Issuance Hold Foundation

Hold Certificate of Occupancy Hold Final

Reason for Hold(s) Hold(s) Applied By

BOND INFORMATION

Date Received Bond Type Form of Security Issuing Company Reference Number Secu

Scheduled/Pending Inspections: Inspection Type Scheduled Date Inspector Status

Resulted Inspections: Inspection Type Inspection Date Inspector Status

Application Comments: By Comment Date

Condition Status: Name Short Comments Status Ap

PARCEL COMMENT 3/06/02 - Verified o... Complied 01/

Initiated by Product:

Record ID: S1300104

Menu Reports Help

Application Type: Building/Non-Residential/Sign/Alteration

Address: 8400 EDES AVE

Parcel No: 042 432300705

Description of Work: REFACE TWO EXISTING ELEVATED SIGNS

File Date: 06/27/2013

Application Status: Permit Issued

Job Value: \$3,000.00

Total Fee Assessed: \$362.89

Total Fee Invoiced: \$362.89

Balance: \$0.00

IF THIS IS A PRIORITY LIEN, REFER TO THE LIEN BALANCE BELOW

Owner Name: RIVERVIEW DEVELOPMENT IV LLC

Owner Address:

Contact Info:	Name	Organization Name	Contact Type	Relationship
	<u>FLUORESCO LIGHT...</u>		Applicant	Contractor

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business
	Yes	<u>738628</u>	Contractor		FLUOR

Workflow Status:	Task	Assigned To	Status	Status D
	<u>Application Intake</u>			
	Plan Routing	Wayne Wada		
	Plan Check Review			
	Zoning Review			
	Zoning Inspecti...			
	Fire Marshal Re...	Philip Basada		
	Constr.Recyclin...			
	CP Permit Compl...			
	Final Check			
	Permit Issuance			
	Inspection			

Custom Fields: **BLD_S**

GENERAL INFORMATION

Sets of Plans	Structural Calculations
<u>2</u>	-
Report - Drainage / Hydrology	Report - Soil/Geotech
-	-

WORK INFORMATION

BUILDING INFORMATION

Number of Buildings on Lot

Number of Stories

-

-

Construction Type

VB Any Material (0 HR)

Occupancy Group

B Business

Building Use

-

PREPAID INSPECTION

Prepaid Inspections

Additional Prepaid Inspections

Total Prepaid Inspection

-

-

-

Jobsite Visits

-

Old Prepaid Insp Info

Prepaid Inspection

Additional Prepaid Inspection

Total Prepaid Inspection

6

-

6

PROPERTY INFORMATION

Zoning

Historical Rating

Very High Fire Hazard Severity

-

-

-

App Spec Info BLD_S (ARCHIVE)

ARCHIVE INFORMATION

Archive Offsite

Plan Box Number

Plan Date Requested

Plan Date Received

-

-

-

Plan Comment

-

Document Box Number

Document Date Requested

Document Date Received

Document Comment

GENERAL HOLD(S)

Hold Issuance	Hold Found
Hold Certificate of Occupancy	Hold Final
Reason for Hold(s)	Hold(s) App

SPECIAL INSPECTIONS

Special Inspection	Inspection Stage	Comment	Prescrib
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BOND INFORMATION

Date Received	Bond Type	Form of Security	Issuing Company	Reference Number	Secu
---------------	-----------	------------------	-----------------	------------------	------

Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status
Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status
Application Comments:	By	Comment		Date
Condition Status:	Name	Short Comments	Status	Ap
	<u>PARCEL COMMENT</u>	3/06/02 - Verified o...	Complied	01/
Initiated by Product:				

Record ID: M1302047

Menu Reports Help

Application Type: Building/Non-Residential/Mechanical/Alteration

Address: 8400 EDES AVE

Parcel No: 042 432300705

Description of Work: Replace 14 rooftop package A/C units.

File Date: 07/16/2013

Application Status: Final

Job Value: \$0.00

Total Fee Assessed: \$772.27

Total Fee Invoiced: \$772.27

Balance: \$0.00

IF THIS IS A PRIORITY LIEN, REFER TO THE LIEN BALANCE BELOW

Owner Name: RIVERVIEW DEVELOPMENT IV LLC

Owner Address:

Contact Info:	Name	Organization Name	Contact Type	Relationship
	ASSOCIATES COMF...		Applicant	Contractor

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business
	Yes	<u>452274</u>	Contractor		ASSOC

Workflow Status:	Task	Assigned To	Status	Status D
	Application Intake			
	Plan Routing	Wayne Wada		
	Plan Review			
	Final Check			
	Permit Issuance			
	Inspection			
	Post Constructi...	Bill Quesada		

No record(s) updated by expression.

Custom Fields: **BLD_M**

GENERAL INFORMATION

Title 24 Energy Calculations	Calculations	Sets of Plans
-	-	<u>0</u>
Occupancy Group	Building Use	Notes
<u>R-2</u>	-	-

PREPAID INSPECTIONS

Prepaid Inspections	Additional Prepaid Inspections	Total Prepaid Inspectio
---------------------	--------------------------------	-------------------------

Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status
	<u>FINAL MECHANICAL ...</u>	10/02/2013	DAVID C CARRILLO	APPROV

Application Comments:	By	Comment	Date
------------------------------	-----------	----------------	-------------

Condition Status:	Name	Short Comments	Status	Ap
	<u>PARCEL COMMENT</u>	3/06/02 - Verified o...	Complied	01/

Initiated by Product:

Record ID: DRX141738

Menu Reports Help

File Date: 12/05/2014

Application Status: Approved

Application Detail: Detail

Application Type: DR Exemption

Address: 8400 EDES AVE

Owner Name: RIVERVIEW DEVELOPMENT IV LLC

Owner Address: 20660 STEVENS CREEK BLVD, 383, CUPERTINO, CA 950142120

Application Name: 8400 Edes Repair

Parcel No: 042 432300705

Description of Work: Zoning approval replace new glazing in windows and doors. new tower entry door and others as r

Contact Info:	Name	Organization Name	Contact Type	Rel
	<u>Lynette Young</u>		Applicant	

Job Value: \$0.00

Total Fee Assessed: \$57.38

Total Fee Invoiced: \$57.38

Balance: \$0.00

Workflow Status:	Task	Assigned To	Status	Status D
	<u>Application Intake</u>		Approved	12/05/20
	<u>Zoning Review</u>		Approved	12/05/20

Condition Status:	Name	Short Comments	Status	Ap
	<u>PARCEL COMMENT</u>	3/06/02 - Verified o...	Complied	01/

No record(s) updated by expression.

Custom Fields: PLN_DRX

FEE CALCULATION INFORMATION

DR Exemption Type <u>In-kind Replacement</u>	Violation Fee
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SUPPLEMENTAL FORMS

Impervious Surface Area <u>3-None of the Above</u>	Tree Preservation Ordinance <u>1-No Protected Trees on Site</u>
--	---

Creek Protection Ordinance <u>2a-No Creek Per My Review</u>	Hazardous Waste Statement <u>Listed-Statement Completed</u>
---	---

Green Building Ordinance <u>1-Project Type Not Applicable</u>

PROPERTY INFORMATION

Zoning <u>CR-1</u>	General Plan Designation <u>Regional Commercial</u>	Sp -
Historic Designated District -	OCHS Rating <u>F3</u>	He -
Historic Status -	Historic Area of Primary Importance -	Hi -
Local Register -	Landmark -	
Service District <u>6</u>	Council District <u>COUNCIL DISTRICT 7</u>	
S-7 <u>No</u>	S-11 <u>No</u>	S-20 <u>No</u>

SUPPLEMENTAL INFORMATION

Area Calculations Existing (Number) New (Number) Total (Number) Percent Change (Nurr

Initiated by Product: AV360

Record ID: B1401419

Menu Reports Help

Application Type: Non-Residential Building - Alteration

Address: 8400 EDES AVE

Parcel No: 042 432300705

Description of Work: repair vandalism as needed as well as create new equipment screen at roof - DRX141738

File Date: 12/05/2014

Application Status: Withdrawn

Job Value: \$520,000.00

Total Fee Assessed: \$13,357.61

Total Fee Invoiced: \$13,357.61

Balance: \$0.00

IF THIS IS A PRIORITY LIEN, REFER TO THE LIEN BALANCE BELOW

Owner Name: RIVERVIEW DEVELOPMENT IV LLC

Owner Address: 20660 STEVENS CREEK BLVD, 383, CUPERTINO, CA 950142120

Contact Info:	Name	Organization Name	Contact Type	Relationship
	<u>Lynette Young</u>		Applicant	Owner-Agen

Licensed Professionals Info:	Primary	License Number	License Type	Name	Busine:
		<u>27158</u>	Architect	Lynette Young	

Workflow Status:	Task	Assigned To	Status	Status D
	<u>Application Intake</u>		Applicati...	12/18/20
	<u>Plan Routing</u>		Routed	12/18/20
	<u>Plan Check Review</u>	Gary Lim	In Progress	07/30/20
	Zoning Inspecti...			
	Fire Marshal Re...	Hilda Ortiz		
	<u>Constr.Recyclin...</u>	Patrick Hayes	Assigned	12/18/20
	CP Permit Compl...			
	<u>Zoning Review</u>		Completed	12/05/20
	<u>Final Check</u>			
	Permit Issuance			
	Inspection			
	Certificate of ...			
	Post Constructi...	Rafael Campos		

Custom Fields: BLD_RBB_ALT

Sets of Plans 2	Change of Address	Structural Calc 2
Energy Calculations (T24) -	Tree Removal Involved	Report - Soil/G -

Report - Drainage/Hydrology

Green Code Checklist

Accessibility C

WORK INFORMATION

Retrofit Change of Occupancy? Public Art

Housing Certificate of Occupancy Requested Only?

CERTIFICATE OF OCCUPANCY INFORMATION

Certificate of Occupancy Number Certificate of Occupancy Issue Date

BUILDING INFORMATION

EXISTING

PROPOSED

Number of Buildings on Lot

Number of Bui

Number of Stories

Number of Sto

Number of Units

Number of Uni

Number of Bedrooms

No. of Additior

Floor Area (sq ft)

Additional Floo

Conditioned Floor Area (sq ft)

Additional Con

Occupied Floor Area (Non-Res) (sq ft)

Additional Occ

Fire Sprinklers Reason for Fire Sprinklers

Assess Fire Fee

Fire Sprinklers

Construction Type 1

**Construction 1
IIIA - Combustit**

Occupancy Group 1

**Occupancy Gr
R-1 Residential**

Building Use 1

**Building Use 1
Hotel-Tourist**

Construction Type 2

Construction 1

Occupancy Group 2

Occupancy Gr

Building Use 2

Building Use 2

-

-

Occupancy Group 3

Occupancy Gr

-

-

Building Use 3

Building Use 3

-

-

PREPAID INSPECTIONS

Prepaid Inspections

Additional Prepaid Inspections

Total Prepaid I

-

-

NaN

Jobsite Visits

-

EBMUD COMPLIANCE CERTIFICATE

EBMUD Certificate Type

EBMUD Compliance Certificate #

-

-

EBMUD Compliance Certificate Expiration Date

EBMUD Compliance Certificate Iss

-

-

PROPERTY INFORMATION

Historical Rating Very High Fire Hazard Severity Zone

Zoning

-

-

-

KEY DATES

Application Expiration Date

Permit Expiration Date

6/3/2015

-

App Spec Info (BLD_RBB) ARCHIVE

ARCHIVE INFORMATION

Archive Offsite

No

Plan Box Number

Plan Date Requested

Plan Date Received

-

-

-

Plan Comment

-

Document Box Number

Document Date Requested

Document Date Received

-

-

-

Document Comment

-

BLD_RBB_General Holds

General Holds

Hold Issuance

Hold Final

Hold Foundation

Hold Certificate of Occupancy

Hold First Floor

Post Construction Monitoring Required

Hold Frame

Hold(s) Applied By

-

Reason for Hold(s)

-

SPECIAL INSPECTIONS

Special Inspection Inspection Stage Comment Prescrib

BOND INFORMATION

Date Received Bond Type Form of Security Issuing Company Reference Number Secur

Scheduled/Pending Inspections:		Inspection Type	Scheduled Date	Inspector	Status
Resulted Inspections:		Inspection Type	Inspection Date	Inspector	Status
		Field Check	12/16/2014	Dave Velez	Ok to Pla
Application Comments:		By	Comment		Date
		AGPLACIDO	<u>2/23/15: Architects from Architectural Dimensi...</u>		02/
		KPACHECO	<u>C&D intake completed</u>		12/
Condition Status:		Name	Short Comments	Status	Ap
		<u>PARCEL COMMENT</u>	3/06/02 - Verified o...	Complied	01/

Initiated by Product: AV360

Record ID: R1500998

Menu Reports Help

Application Type: Residential Trade - ReRoofing

Address: 500 HEGENBERGER RD

Parcel No: 042 432300705

Description of Work:

File Date: 10/29/2015

Application Status: Certificate Issued

Job Value: \$0.00

Total Fee Assessed: \$34.43

Total Fee Invoiced: \$34.43

Balance: \$0.00

IF THIS IS A PRIORITY LIEN, REFER TO THE LIEN BALANCE BELOW

Owner Name: OAKLAND ALAMEDA HOTELS

Owner Address: 500 HEGENBERGER ROAD, 383, OAKLAND, CA 945612

Contact Info:	Name	Organization Name	Contact Type	Relationship
	<u>NUPEN PATEL</u>		Applicant	Owner-Agen

Licensed Professionals Info:	Primary	License Number	License Type	Name	Business

Workflow Status:	Task	Assigned To	Status	Status D
	<u>Application Intake</u>		Approved OTC	10/29/20
	<u>Permit Issuance</u>		Issued	11/04/20
	<u>Records</u>			

Custom Fields: BLD_R

GENERAL INFORMATION

KEY DATES

Roof System Fire Rating Class

Completion Date

-

-

Description of Roofing System

Permit Expiration Date

-

5/4/2016

PROPERTY INFORMATION

Zoning

Historical Rating

Very High Fire Hazard Severity ;

CR-1

-

-

App Spec Info BLD_R (ARCHIVE)

ARCHIVE INFORMATION

Archive Offsite

No

Plan Box Number	Plan Date Requested	Plan Date Received
-	-	-
Plan Comment		
-		
Document Box Number	Document Date Requested	Document Date Received
-	-	-
Document Comment		
-		

Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector	Status
Resulted Inspections:	Inspection Type	Inspection Date	Inspector	Status
Application Comments:	By	Comment		Date
Condition Status:	Name	Short Comments	Status	Ap
	<u>PARCEL COMMENT</u>	3/06/02 - Verified o...	Complied	01/
Initiated by Product:	AV360			

Record ID: ZC152397

Menu Reports Help

File Date: [10/29/2015](#)

Application Status: [Approved](#)

Application Detail: [Detail](#)

Application Type: [Zoning Clearance](#)

Address: [500 HEGENBERGER RD](#)

Owner Name: [RIVERVIEW DEVELOPMENT IV LLC](#)

Owner Address: [20660 STEVENS CREEK BLVD, 383, CUPERTINO, CA 950142120](#)

Application Name: [Okaland Hotels LLC](#)

Parcel No: [042 432300705](#)

Description of Work: [Hotel - Transient Habitation Commercial Activity \(Pursuant to CM09-221 and under 500 Hegenbe](#)

Contact Info:	Name	Organization Name	Contact Type	Rel
	Nupen Patel		Applicant	
	Oakland Hotels LLC	Oakland Hotels LLC	Proprietor	

Job Value: [\\$0.00](#)

Total Fee Assessed: [\\$56.23](#)

Total Fee Invoiced: [\\$56.23](#)

Balance: [\\$0.00](#)

Workflow Status:	Task	Assigned To	Status	Status D
	Application Intake		Ready for Pa...	10/29/20
	Closure		Paid and App...	10/29/20

Condition Status:	Name	Short Comments	Status	Ap
	PARCEL COMMENT	3/06/02 - Verified o...	Complied	01/

Custom Fields: APPLICATION QUESTIONS

Proposed Hours	Number of Employees
-	-
Include Manufacturing	New or Modified Sign
No	No

ADDITIONAL QUESTIONS

Year of Construction	Floor Level
-	-
Square Footage	
-	

PROPERTY INFORMATION

Zoning	General Plan Designation
CR-1	Regional Commercial
Council District	

COUNCIL DISTRICT 7

USE INFORMATION

Use Classification Use Type Use Section

Initiated by Product: AV360

Record ID: ZC152397-A01

Menu Reports Help

File Date: 11/12/2015**Application Status:** Under Review**Application Detail:** Detail**Application Type:** Appeal**Address:** 500 HEGENBERGER RD**Owner Name:****Owner Address:****Application Name:** Appeal of ZC152397 @ 500 Hegenberger Rd**Parcel No:** 042 432300705**Description of Work:** Appeal of ZC152397 @ 500 Hegenberger Rd submitted 11/9/15 (2 yr expiration on CUP)

Contact Info:	Name	Organization Name	Contact Type	Rel
	<u>TY HUDSON</u>		Appellant	

Job Value: \$0.00**Total Fee Assessed:** \$1,622.57**Total Fee Invoiced:** \$1,622.57**Balance:** \$0.00

Workflow Status:	Task	Assigned To	Status	Status D
	<u>Application Intake</u>		Accepted for...	11/09/20
	<u>Appeal Processing</u>	Michael Bradley		
	Closure			

Condition Status:	Name	Short Comments	Status	Ap
	<u>PARCEL COMMENT</u>	3/06/02 - Verified o...	Complied	01/

Custom Fields: PLN_APL

APPEAL OF

Billboard Amortization Zoning Administrator Determination

Creek Permit Planning Commission Decision

Creek Determination Environmental Determination

Administrative Decision

√

LEGISLATIVE ACTIONS

Action	Action Number	Action Date	Effective Date	Comments
<hr/>				

Initiated by Product: AV360