

CITY OF OAKLAND OFFICE OF THE CITY CLERK
Agenda Report

2006 OCT 12 PM 2:12

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: October 24, 2006

RE: **A Report And Resolutions Granting Oakland Cathedral Building LLC Revocable And Conditional Permits For A Building At 1615 Broadway To Allow An Existing Basement And A New Seismic Structural System To Encroach Under The Public Sidewalk Along Broadway and Telegraph Avenue**

SUMMARY

Two resolutions have been prepared granting Oakland Cathedral Building LLC, a California limited liability company (no. 200516710184) and owner of the historic building at 1615 Broadway, separate conditional and revocable permits that will allow:

- the existing building basement to encroach under the public sidewalk along Broadway and Telegraph Avenue, and allow
- a new seismic structural system in the existing basement to encroach under the public sidewalk along Broadway and Telegraph Avenue.

FISCAL IMPACT

Staff costs for processing the proposed encroachment permits will be covered by fees set by the Master Fee Schedule and paid by the developer and will be deposited in the special revenue Development Service Fund (2415), Engineering Services organization (88432), Encroachment Permits account (42314), Engineering and Architectural Plan Approval (PS30). The standard conditions of the encroachment permit require the property owner to maintain liability and property damage insurance and to include the City as a named insured.

PROJECT DESCRIPTION

The thirteen (13) story Cathedral building is located at the triangular intersection of Broadway and Telegraph Avenue (APN 008-0640-017-00) in the downtown historic district (OCHS rating A1+). The Planning Commission approved the conversion of the upper six (6) floors to live/work condominiums on September 16, 2005 (CU05358, TPM8791). The change of occupancy from office (group B) to residential (group R7.1) requires a seismic upgrade of the building. The structural strengthening will reinforce existing steel columns, bracing, and foundations, and add two concrete walls in the basement. The retrofit of the structural frame will extend for the full height of the building and across the full width of the basement, which was originally constructed under the public sidewalk in 1914.

KEY ISSUES AND IMPACTS

Oakland Municipal Code Section 12.08.030 requires that the City Council approve encroachments that intrude beneath the sidewalk (basements, vaults, earth retaining structures, etc.). Building Services requires that property owners obtain encroachment permits retroactively for existing intrusions into the public right-of-way when an application is submitted for a building permit associated with the encroachment. The seismic retrofit in the basement has triggered the requirement for the encroachment permits.

The existing basement extends approximately fifteen (15) feet under the sidewalk along Broadway and ten (10) feet along Telegraph Avenue. The structural reinforcement will not extend beyond the basement perimeter walls or into the sidewalk above. The encroachments of the basement and structural reinforcement will not interfere with the public's use of the right-of-way nor with the maintenance of underground public utilities. The City Council has previously approved similar underground encroachments for other buildings in the downtown area.

SUSTAINABLE OPPORTUNITIES

Economic

The project will provide opportunities for professional services and construction related jobs for the Oakland community.

Environmental

Land use approvals and construction permits for real property improvements and new buildings require that the permittee comply with City ordinances and regional Best Management Practices for reducing nuisance noise, fugitive dust, construction debris disposal, and storm drainage pollutant runoff.

Social Equity

The residential conversion of existing office space will assist the economic revitalization of the uptown commercial district.

DISABILITY AND SENIOR CITIZEN ACCESS

Construction permits for building alterations will conform with State and City requirements for handicapped accessibility.

RECOMMENDATIONS

Staff recommends that the Committee accept this report and forward it to the City Council to adopt the two proposed resolutions approving separate conditional and revocable permits for a below-sidewalk encroachment into Broadway and Telegraph Avenue.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept this report and adopt the two proposed resolutions approving separate conditional and revocable encroachment permits (ENMJ 06256) for Oakland Cathedral Building LLC to allow

- the existing building basement to encroach under the public sidewalk along Broadway and Telegraph Avenue, and allow
- a new seismic structural system in the existing basement to encroach under the public sidewalk along Broadway and Telegraph Avenue.

Respectfully submitted,

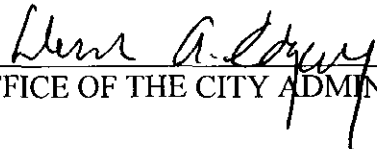


CLAUDIA CAPPIO
Development Director
Community and Economic Development Agency

Prepared by:

Raymond M. Derania
Interim City Engineer
Building Services Division

APPROVED FOR FORWARDING TO
THE PUBLIC WORKS COMMITTEE



OFFICE OF THE CITY ADMINISTRATOR

OFFICE OF THE CITY CLERK
OAKLAND

Introduced by

2006 OCT 12 PM 2:12

Approved for Form and Legality

F. Fair

Councilmember

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

A RESOLUTION GRANTING OAKLAND CATHEDRAL BUILDING LLC A REVOCABLE AND CONDITIONAL PERMIT TO ALLOW AN EXISTING BASEMENT FOR A BUILDING AT 1615 BROADWAY TO ENCROACH UNDER THE PUBLIC SIDEWALK ALONG BROADWAY AND TELEGRAPH AVENUE

WHEREAS, Oakland Cathedral Building LLC ("Permittee"), a California limited liability company (no. 200516710184) and owner of the property described in a Grant Deed, recorded June 20, 2005, Series No. 200552018, by the Alameda County Recorder, and identified by the Alameda County Assessor as APN 008-0640-017-00, and identified by the City of Oakland as 1615 Broadway, and more particularly described in Exhibit A attached hereto, has made an application to the Council of the City of Oakland for a conditional and revocable permit (ENMJ06256) to allow the encroachment of an existing basement under the public sidewalk along Broadway and Telegraph Avenue; and

WHEREAS, the building basement has continuously occupied the area of the encroachment since its construction in 1914; and

WHEREAS, the limits of the encroachment are delineated in Exhibit B attached hereto; and

WHEREAS, the encroachment and its location beyond the property boundaries and construction beneath the public right-of-way will not interfere with the use by the public of the roadway or sidewalk or buried utilities; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA), the Guidelines as prescribed by the Secretary of Resources, and the provisions of the Statement of Objectives, Criteria and Procedures for Implementation of the California Environmental Quality Act: City of Oakland, have been satisfied, and that in accordance with CEQA Guideline Section 15301 (Existing Facilities) this project is categorically exempt from the provisions of the California Environmental Quality Act; now, therefore, be it

RESOLVED: That the City Council finds that the encroachment permit, as conditioned herein, does comply with the California Environmental Quality Act; and be it

FURTHER RESOLVED: That the encroachment, as conditioned herein and delineated in Exhibit B, is hereby granted for a revocable permit to allow an existing basement serving a building at 1615 Broadway to encroach under the public sidewalk along Broadway and Telegraph Avenue; and be it

FURTHER RESOLVED: That the encroachment permit is hereby conditioned by the following special requirements:

1. the Permittee is responsible for the relocation of all existing public utilities including but not limited to fire alarm cable, master signal cable, street lighting and intersection signal cable, as required; and
2. after notice to the Permittee, this permit shall be revocable at the sole discretion of the Council of the City of Oakland, expressed by resolution of said Council; and
3. the Permittee, by the acceptance of this conditional and revocable permit, hereby disclaims any right, title, or interest in or to any portion of the public right-of-way area, underlying the encroachments or the air space above and agrees that said temporary use of the area does not constitute an abandonment on the part of the City of Oakland of any of its rights for street purposes and otherwise; and
4. the Permittee shall maintain in force and effect at all times that the encroachments occupy the public right-of-way, valid and sufficient Commercial General Liability insurance in an amount not less than \$2,000,000.00 for each occurrence with a property damage sub-limit in the amount not less than \$1,000,000.00 for each occurrence, including contractual liability and naming as additional insureds the City of Oakland, its directors, officers, agents, representatives, employees, and volunteers against any and all claims arising out of the existence of said encroachments in said right-of-way area, and that a certificate of such insurance and subsequent notices of the renewal thereof, shall be filed with the City Engineer of the City of Oakland and that such certificate shall state that said insurance coverage shall not be canceled, materially changed, or be permitted to lapse without thirty (30) days' written notice to the City Engineer. The Permittee also agrees that the City of Oakland may review the type and amount of insurance required at any time and may require the Permittee to increase the amount of and/or change the type of insurance coverage required. In addition, the insurance amounts stated above shall be automatically adjusted upwards cumulatively consistent with the Consumer Price Index (CPI) in the Bay Area every five years; and
5. the Permittee, by the acceptance of this conditional permit, agrees and promises to defend, hold harmless, and indemnify the City of Oakland and its officials, officers, employees, agents, representatives, assigns, successors, and volunteers from any and all claims, demands, lawsuits and judgments for damages of any kind and nature whatsoever arising out of or caused by the existence, installation or maintenance of the encroachments into the public right-of-way and regardless of responsibility for negligence. This indemnification shall survive termination of this Permit; and
6. the Permittee shall make no changes to the encroachments hereby allowed either structurally, with regard to dimension, or with respect to use, without the prior written consent of the City Engineer and understands that the City of Oakland may impose reasonable fees and considerations for processing permits required for such proposed changes. The Permittee also understands that the City of Oakland is not obligated to grant any changes requested by the Permittee; and
7. the Permittee, by the acceptance of this conditional permit, shall be solely and fully responsible for the repair or replacement of any portion or all of the improvements in the event that the improvements shall have failed or have been damaged to the extent of creating a menace or of becoming a hazard to the safety of the general public; and that the Permittee shall be solely liable for the expenses connected therewith; and
8. upon the termination of the permission herein granted, the Permittee shall immediately remove the encroachments from the public right-of-way, restore the premises to its original condition, and shall repair any resulting damage to the satisfaction of the City Engineer; and

9. the Permittee shall file with the City of Oakland for recordation, a disclaimer and agreement that Permittee accepts and shall comply with and shall be bound by each and all of the terms, conditions and provisions of this resolution; and that the disclaimer and agreement shall be subject to the approval of the City Attorney and the City Engineer; and

10. the plans and exact location of the encroachments hereby granted are subject to the review and approval of the City Engineer and that the Permittee shall obtain all necessary permits prior to commencing said work; and that the encroachment shall be located as set forth in Exhibit B; and

11. the Permittee acknowledges that the City of Oakland makes no representations or warranties as to the conditions beneath the encroachments; and that by accepting this conditional revocable permit, the Permittee agrees that it will use the encroachment area at its own risk, is responsible for the proper coordination of its activities with all other permittees, underground utilities, contractors, or workmen *operating within the encroachment area and for its own safety and any of its personnel in connection with its entry under this conditional revocable permit*; and

12. the Permittee acknowledges that the City of Oakland is unaware of the existence of any hazardous substances beneath the encroachment areas, and hereby waives and fully releases and forever discharges the City of Oakland and its officers, directors, employees, agents, and volunteers from any and all claims, demands, liabilities, damages, actions, causes of action, penalties, fines, liens, judgments, costs, or expenses whatsoever (*including, without limitation, attorneys' fees and costs*), whether *direct or indirect*, known or unknown, foreseen or unforeseen, that may arise out of or in any way connected with the physical condition, or required remediation of the excavation area or any law or regulation applicable thereto, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Sections 9601 et seq.), the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.), the Clean Water Act (33 U.S.C. Section 466 et seq.), the Safe Drinking Water Act (14 U.S.C. Sections 1401-1450), the Hazardous Materials Transportation Act (49 U.S.C. Section 1801 et seq.), the Toxic Substance Control Act (15 U.S.C. Sections 2601-2629), the California Hazardous Waste Control Law (California Health and Safety Code Sections 25100 et seq.), the Porter-Cologne Water Quality Control Act (California Health and Safety Code Section 13000 et seq.), the Hazardous Substance Account Act (California Health and Safety Code Section 25300 et seq.), and the Safe Drinking Water and Toxic Enforcement Act (California Health and Safety Code Section 25249.5 et seq.); and

13. the Permittee further acknowledges that it understands and agrees that it hereby expressly waives all rights and benefits which it now has or in the future may have, under and by virtue of the terms of California Civil Code Section 1542, which reads as follows: "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR" ; and

14. the Permittee recognizes that by waiving the provisions of Civil Code Section 1542, it will not be able to make any claims for damages that may exist, and to which, if known, would materially affect its decision to execute this encroachment agreement, regardless of whether Permittee's lack of knowledge is the result of ignorance, oversight, error, negligence, or any other cause; and

15. the hereinabove conditions shall be binding upon the Permittee and the successive owners and assigns thereof; and be it

FURTHER RESOLVED: That this resolution shall take effect when all the conditions hereinabove set forth shall have been complied with to the satisfaction of the City Attorney and the City Engineer of the City of Oakland and shall become null and void upon the failure of the Permittee to comply with the conditions hereinabove set forth after notice and failure to cure such conditions in a reasonable manner; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to file a certified copy of this resolution for recordation with the Office of the Alameda County Recorder.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, **2006.**

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

Exhibit A

Lands of Oakland Cathedral Building LLC

Real property in the City of Oakland, County of Alameda, State of California, described as follows:

BEGINNING AT A POINT ON THE WESTERN LINE OF BROADWAY, DISTANT THEREON 188 FEET SOUTHERLY FROM THE POINT OF INTERSECTION THEREOF WITH THE NORTHERN LINE OF 17TH, FORMERLY BIRNIE STREET, SAID POINT OF BEGINNING BEING IN THE CENTER LINE OF BRICK PARTY WALL, AS SAID WALL EXISTED DECEMBER 16, 1876, THE DATE OF THE DEED FROM GEORGE C. POTTER TO MICHAEL J. FINNEGAN, RECORDED DECEMBER 2, 1876, BOOK 112 OF DEEDS, PAGE 378, ALAMEDA COUNTY RECORDS, RUNNING THENCE WESTERLY AT RIGHT ANGLES WITH SAID LINE OF BROADWAY, ALONG AND THROUGH THE CENTER OF SAID WALL, 36 FEET, 9-1/4 INCHES TO THE EASTERN LINE OF TELEGRAPH AVENUE, THENCE SOUTHERLY ALONG SAID LINE OF TELEGRAPH AVENUE, 108 FEET, 10 INCHES, THENCE AT RIGHT ANGLES, EASTERLY 8 FEET 5-3/4 INCHES TO THE WESTERN LINE OF BROADWAY, AND THENCE NORTHERLY ALONG SAID LINE OF BROADWAY, 104 FEET TO THE POINT OF BEGINNING.



Telegraph Avenue

Property line

Basement wall

Face of curb

Broadway

15'-0"

10'-0"

FOR REFERENCE ONLY

1. NO WORK SHOWN ON THIS PLAN IS TO BE DONE
2. SEE DRAWING TO BE COMPLETED BY LICENSEE BEFORE APPROVED BY OFFICE OF

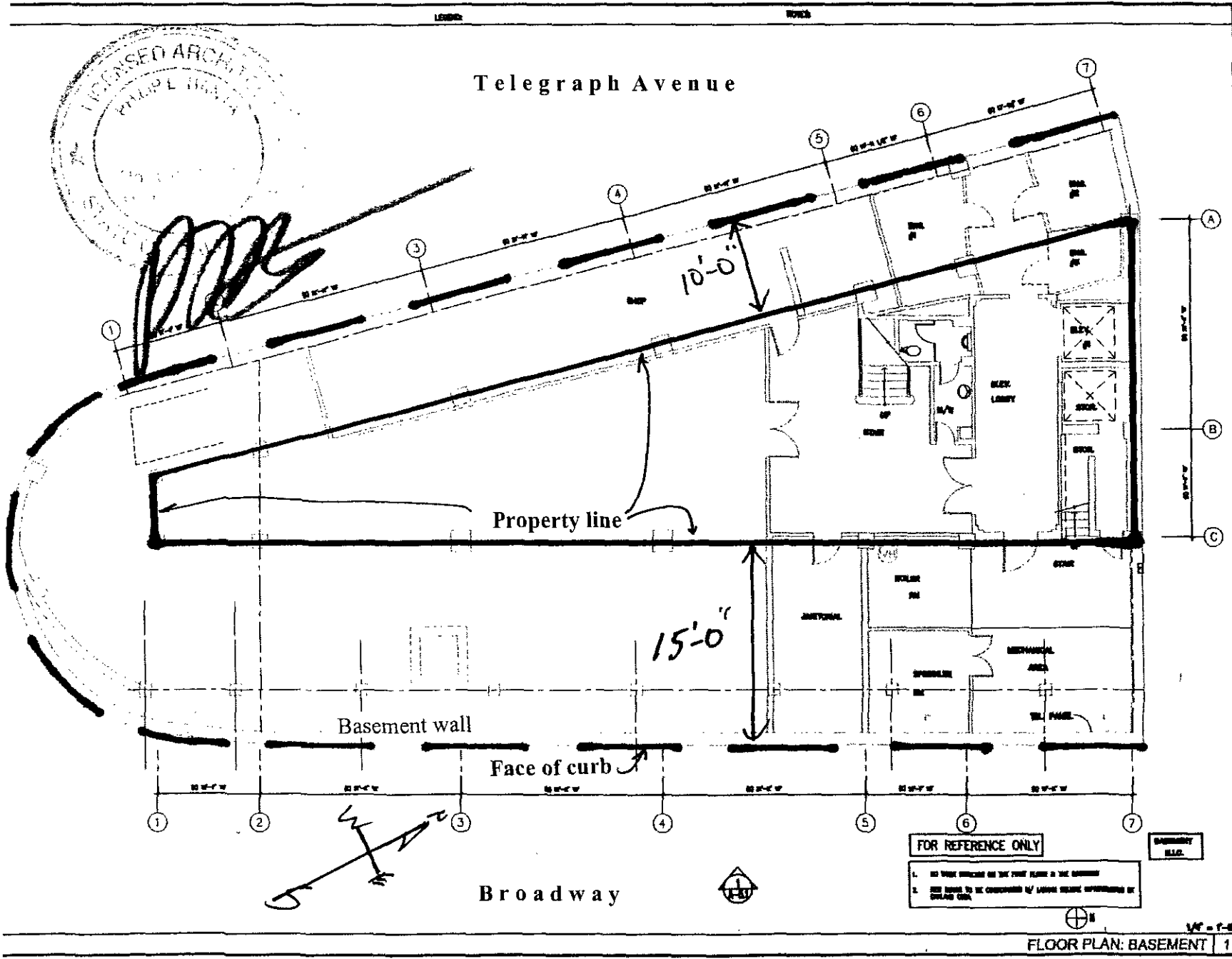
DATE: 11-2-11

1/8" = 1'-0"

FLOOR PLAN: BASEMENT | 1

Plan view

Exhibit B



OFFICE OF THE CITY CLERK
Introduced by

Approved for Form and Legality

2005 OCT 12 PM 2: 12

F. Faiz

Councilmember

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

A RESOLUTION GRANTING OAKLAND CATHEDRAL BUILDING LLC A REVOCABLE AND CONDITIONAL PERMIT TO ALLOW A SEISMIC RETROFIT STRUCTURAL SYSTEM FOR A BUILDING AT 1615 BROADWAY TO ENCROACH UNDER THE PUBLIC SIDEWALK ALONG BROADWAY AND TELEGRAPH AVENUE

WHEREAS, Oakland Cathedral Building LLC ("Permittee"), a California limited liability company (no. 200516710184) and owner of the property described in a Grant Deed, recorded June 20, 2005, Series No. 200552018, by the Alameda County Recorder, and identified by the Alameda County Assessor as APN 008-0640-017-00, and identified by the City of Oakland as 1615 Broadway, and more particularly described in Exhibit A attached hereto, has made an application to the Council of the City of Oakland for a conditional and revocable permit to allow the encroachment of a new seismic retrofit structural system under the public sidewalk along Broadway and Telegraph Avenue; and

WHEREAS, the new structural system will be located within the limits of the building's existing basement, which has occupied the area of the encroachment since its construction in 1914; and

WHEREAS, the limits of the encroachment are delineated in Exhibits B and C attached hereto; and

WHEREAS, the encroachment and its location beyond the property boundaries and construction beneath the public right-of-way will not interfere with the use by the public of the roadway or sidewalk or buried utilities; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA), the Guidelines as prescribed by the Secretary of Resources, and the provisions of the Statement of Objectives, Criteria and Procedures for Implementation of the California Environmental Quality Act: City of Oakland, have been satisfied, and that in accordance with CEQA Guideline Section 15301 (Existing Facilities) this project is categorically exempt from the provisions of the California Environmental Quality Act; now, therefore, be it

RESOLVED: That the City Council finds that the encroachment permit, as conditioned herein, does comply with the California Environmental Quality Act; and be it

FURTHER RESOLVED: That the encroachment, as conditioned herein and delineated in Exhibits B and C, is hereby granted for a revocable permit to allow a retrofit seismic structural system under the public sidewalk along Broadway and Telegraph Avenue for a building at 1615 Broadway; and be it

FURTHER RESOLVED: That the encroachment permit is hereby conditioned by the following special requirements:

1. the Permittee is responsible for the relocation of all existing public utilities including but not limited to fire alarm cable, master signal cable, street lighting and intersection signal cable, as required; and
2. after notice to the Permittee, this permit shall be revocable at the sole discretion of the Council of the City of Oakland, expressed by resolution of said Council; and
3. the Permittee, by the acceptance of this conditional and revocable permit, hereby disclaims any right, title, or interest in or to any portion of the public right-of-way area, underlying the encroachments or the air space above and agrees that said temporary use of the area does not constitute an abandonment on the part of the City of Oakland of any of its rights for street purposes and otherwise; and
4. the Permittee shall maintain in force and effect at all times that the encroachments occupy the public right-of-way, valid and sufficient Commercial General Liability insurance in an amount not less than \$2,000,000.00 for each occurrence with a property damage sub-limit in the amount not less than \$1,000,000.00 for each occurrence, including contractual liability and naming as additional insureds the City of Oakland, its directors, officers, agents, representatives, employees, and volunteers against any and all claims arising out of the existence of said encroachments in said right-of-way area, and that a certificate of such insurance and subsequent notices of the renewal thereof, shall be filed with the City Engineer of the City of Oakland and that such certificate shall state that said insurance coverage shall not be canceled, materially changed, or be permitted to lapse without thirty (30) days' written notice to the City Engineer. The Permittee also agrees that the City of Oakland may review the type and amount of insurance required at any time and may require the Permittee to increase the amount of and/or change the type of insurance coverage required. In addition, the insurance amounts stated above shall be automatically adjusted upwards cumulatively consistent with the Consumer Price Index (CPI) in the Bay Area every five years; and
5. the Permittee, by the acceptance of this conditional permit, agrees and promises to defend, hold harmless, and indemnify the City of Oakland and its officials, officers, employees, agents, representatives, assigns, successors, and volunteers from any and all claims, demands, lawsuits and judgments for damages of any kind and nature whatsoever arising out of or caused by the existence, installation or maintenance of the encroachments into the public right-of-way and regardless of responsibility for negligence. This indemnification shall survive termination of this Permit; and
6. the Permittee shall make no changes to the encroachments hereby allowed either structurally, with regard to dimension, or with respect to use, without the prior written consent of the City Engineer and understands that the City of Oakland may impose reasonable fees and considerations for processing permits required for such proposed changes. The Permittee also understands that the City of Oakland is not obligated to grant any changes requested by the Permittee; and
7. the Permittee, by the acceptance of this conditional permit, shall be solely and fully responsible for the repair or replacement of any portion or all of the improvements in the event that the improvements shall have failed or have been damaged to the extent of creating a menace or of becoming a hazard to the safety of the general public; and that the Permittee shall be solely liable for the expenses connected therewith; and
8. upon the termination of the permission herein granted, the Permittee shall immediately remove the encroachments from the public right-of-way, restore the premises to its original condition, and shall repair any resulting damage to the satisfaction of the City Engineer; and

9. the Permittee shall file with the City of Oakland for recordation, a disclaimer and agreement that Permittee accepts and shall comply with and shall be bound by each and all of the terms, conditions and provisions of this resolution; and that the disclaimer and agreement shall be subject to the approval of the City Attorney and the City Engineer; and

10. the plans and exact location of the encroachments hereby granted are subject to the review and approval of the City Engineer and that the Permittee shall obtain all necessary permits prior to commencing said work; and that the encroachment shall be located as set forth in Exhibits B and C; and

11. the Permittee acknowledges that the City of Oakland makes no representations or warranties as to the conditions beneath the encroachments; and that by accepting this conditional revocable permit, the Permittee agrees that it will use the encroachment area at its own risk, is responsible for the proper coordination of its activities with all other permittees, underground utilities, contractors, or workmen operating within the encroachment area and for its own safety and any of its personnel in connection with its entry under this conditional revocable permit; and

12. the Permittee acknowledges that the City of Oakland is unaware of the existence of any hazardous substances beneath the encroachment areas, and hereby waives and fully releases and forever discharges the City of Oakland and its officers, directors, employees, agents, and volunteers from any and all claims, demands, liabilities, damages, actions, causes of action, penalties, fines, liens, judgments, costs, or expenses whatsoever (including, without limitation, attorneys' fees and costs), whether direct or indirect, known or unknown, foreseen or unforeseen, that may arise out of or in any way connected with the physical condition, or required remediation of the excavation area or any law or regulation applicable thereto, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Sections 9601 et seq.), the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.), the Clean Water Act (33 U.S.C. Section 466 et seq.), the Safe Drinking Water Act (14 U.S.C. Sections 1401-1450), the Hazardous Materials Transportation Act (49 U.S.C. Section 1801 et seq.), the Toxic Substance Control Act (15 U.S.C. Sections 2601-2629), the California Hazardous Waste Control Law (California Health and Safety Code Sections 25100 et seq.), the Porter-Cologne Water Quality Control Act (California Health and Safety Code Section 13000 et seq.), the Hazardous Substance Account Act (California Health and Safety Code Section 25300 et seq.), and the Safe Drinking Water and Toxic Enforcement Act (California Health and Safety Code Section 25249.5 et seq.); and

13. the Permittee further acknowledges that it understands and agrees that it hereby expressly waives all rights and benefits which it now has or in the future may have, under and by virtue of the terms of California Civil Code Section 1542, which reads as follows: "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR" ; and

14. the Permittee recognizes that by waiving the provisions of Civil Code Section 1542, it will not be able to make any claims for damages that may exist, and to which, if known, would materially affect its decision to execute this encroachment agreement, regardless of whether Permittee's lack of knowledge is the result of ignorance, oversight, error, negligence, or any other cause; and

15. the hereinabove conditions shall be binding upon the Permittee and the successive owners and assigns thereof; and be it

FURTHER RESOLVED: That this resolution shall take effect when all the conditions hereinabove set forth shall have been complied with to the satisfaction of the City Attorney and the City Engineer of the City of Oakland and shall become null and void upon the failure of the Permittee to comply with the conditions hereinabove set forth after notice and failure to cure such conditions in a reasonable manner; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to file a certified copy of this resolution for recordation with the Office of the Alameda County Recorder.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006.

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

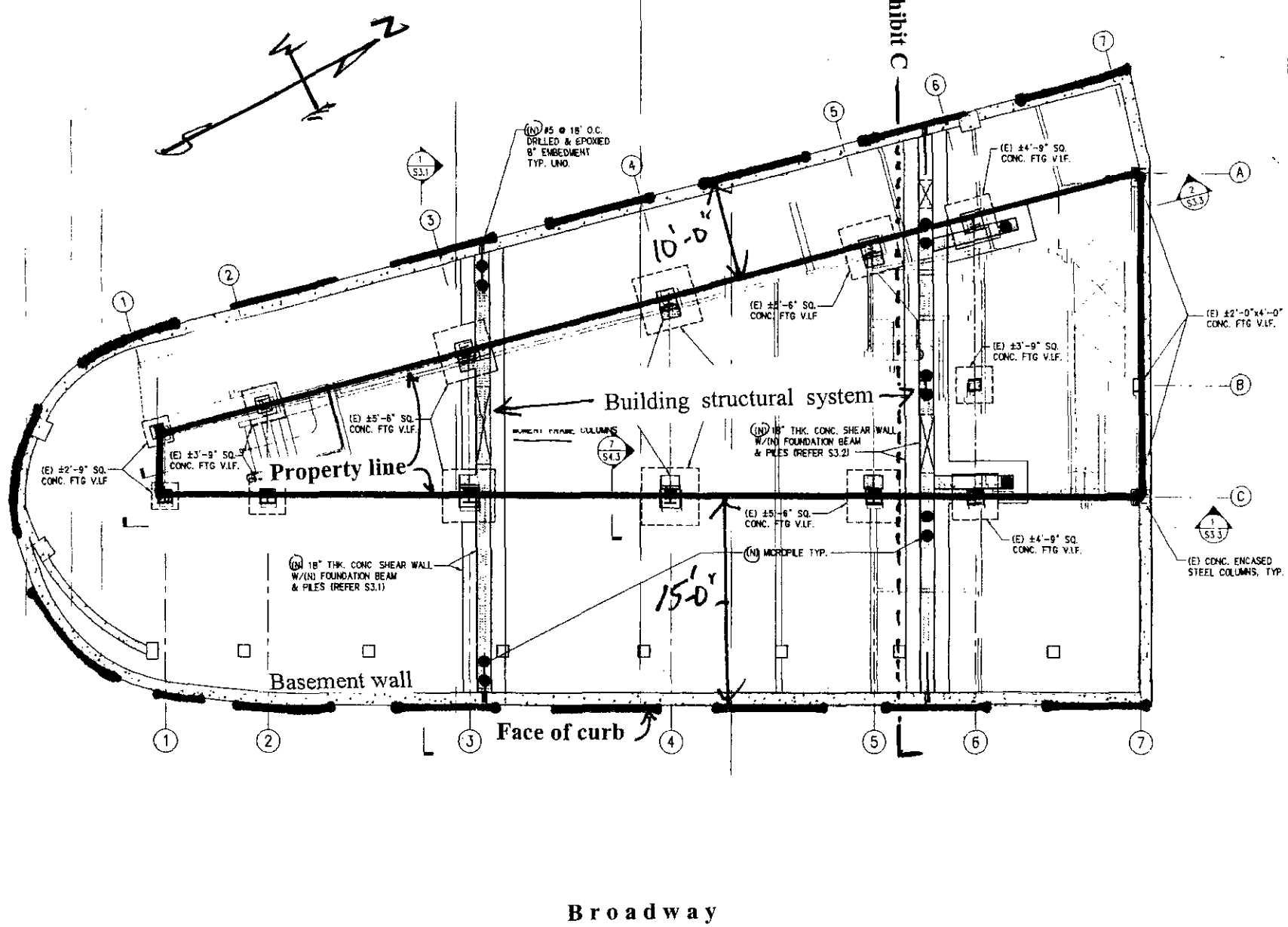
Exhibit A

Lands of Oakland Cathedral Building LLC

Real property in the City of Oakland, County of Alameda, State of California, described as follows:

BEGINNING AT A POINT ON THE WESTERN LINE OF BROADWAY, DISTANT THEREON 188 FEET SOUTHERLY FROM THE POINT OF INTERSECTION THEREOF WITH THE NORTHERN LINE OF 17TH, FORMERLY BIRNIE STREET, SAID POINT OF BEGINNING BEING IN THE CENTER LINE OF BRICK PARTY WALL, AS SAID WALL EXISTED DECEMBER 16, 1876, THE DATE OF THE DEED FROM GEORGE C. POTTER TO MICHAEL J. FINNEGAN, RECORDED DECEMBER 2, 1876, BOOK 112 OF DEEDS, PAGE 378, ALAMEDA COUNTY RECORDS, RUNNING THENCE WESTERLY AT RIGHT ANGLES WITH SAID LINE OF BROADWAY, ALONG AND THROUGH THE CENTER OF SAID WALL, 36 FEET, 9-1/4 INCHES TO THE EASTERN LINE OF TELEGRAPH AVENUE, THENCE SOUTHERLY ALONG SAID LINE OF TELEGRAPH AVENUE, 108 FEET, 10 INCHES, THENCE AT RIGHT ANGLES, EASTERLY 8 FEET 5-3/4 INCHES TO THE WESTERN LINE OF BROADWAY, AND THENCE NORTHERLY ALONG SAID LINE OF BROADWAY, 104 FEET TO THE POINT OF BEGINNING.

Telegraph Avenue



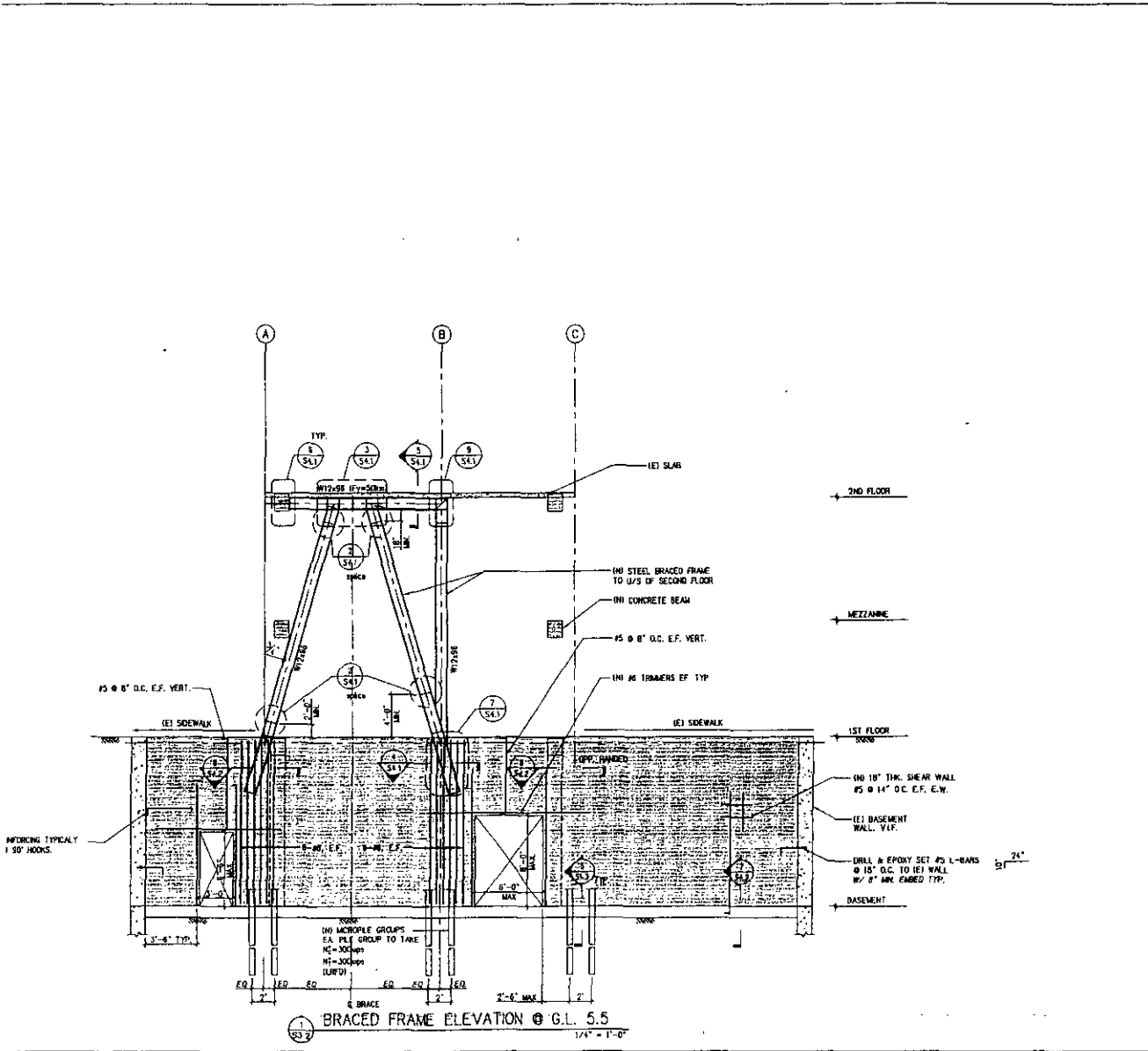
Plan view

Exhibit B

Broadway

Exhibit C

Section view



NO.	DATE	DESCRIPTION
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3		
4		
5		
6		
7		
8		
9		
10		

CATHEDRAL BUILDING
1615 Broadway
Oakland, CA 94612



HolmesCulley
1300 Sutter Street, Suite 402, San Francisco
Ca 94109 (415) 415-1400 Fax: 415-398-1200

ELEVATIONS

JOB NUMBER	070314.10
SCALE	AS NOTED
DATE	08/11/04
DESIGNED BY	SM/AM
CHECKED BY	
DATE	
PROJECT NUMBER	

S3.2