


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION GRANTING A CONDITIONAL AND REVOCABLE MAJOR ENCROACHMENT PERMIT TO 6500 SAN PABLO LLC, TO ALLOW PORTIONS OF ABOVE GRADE ENCLOSED SPACE TO ENCROACH INTO THE PUBLIC RIGHT OF WAY ALONG 65TH STREET, ADJACENT TO 6500 SAN PABLO AVENUE, MAJOR ENCROACHMENT PERMIT ENMJ21053; AND ADOPTING APPROPRIATE CALIFORNIA ENVIROMENTAL QUALITY ACT FINDINGS.

WHEREAS, 6500 San Pablo LLC (Permittee), is the owner of the real property known as 6500 San Pablo Avenue and described in a Grant Deed recorded May 08, 2018, by the Alameda County Clerk-Recorder and identified by the Alameda County Assessor as APN: 016-1453-013-3 commonly known as 6500 San Pablo Avenue hereto and incorporated herein (Property); and

WHEREAS, Permittee proposes to construct a five-story mixed-use building with ten residential units and 1,106 square feet of commercial space on the Property (Project); and

WHEREAS, the Project is designed such that approximately 545 square feet of the new building will encroach into the public right-of-way controlled by the City on 65th Street, the limits of which encroachment are delineated on *Exhibit A* hereto and incorporated herein (Encroachments); and

WHEREAS, the City Planning Bureau has approved the development of the Project (PLN17067, PLN18055), subject to a condition of approval that Permittee obtain a conditional and revocable major encroachment permit of the Encroachments; and

WHEREAS, Permittee has filed an application with the Department of Transportation for such conditional and revocable major encroachment permit (ENMJ21053) (Permit); and

WHEREAS, staff has determined, in accordance with the Oakland Municipal Code Chapter 12.08 and based on review of the plans and investigation of the Property and the area of the proposed Encroachments, that the Encroachments in the public right-of-way and their location will not, currently understood, interfere with the public use of the roadway, sidewalk, buried utilities, and will not endanger the public welfare and convenience during said public use; and

WHEREAS, each as a separate and independent basis, this action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15332 (In-Fill Development Projects) and 15183 (Projects Consistent with a Community Plan or Zoning); now, therefore, be it

RESOLVED: That the City Council has reviewed all relevant documents relating to its grant of this Permit; and be it

FURTHER RESOLVED: That the City Council finds and determines that the decision made hereby is made in conformance with the requirements of CEQA as described above; and be it

FURTHER RESOLVED: That the City Council hereby grants to the Permittee a conditional revocable Permit to allow the Encroachments, which Permit shall take effect only upon the City and Permittee entering into an Indenture Agreement in the form substantially attached hereto as ***Exhibit B*** (Indenture Agreement), the conditions therein being incorporated into the Permit; and be it

FURTHER RESOLVED: That the City Council, at its sole discretion and at a future date not yet determined, may impose additional and continuing fees for use and occupancy of the public right-of-way; and be it

FURTHER RESOLVED: That the Permit authorized by this Resolution shall take effect when all the conditions and obligations set forth in the Indenture Agreement 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 and obligations set forth in the Indenture Agreement, subject to the notice and cure provisions set forth therein, or upon a termination by resolution of the City Council as being in the City's best interest; and be it

FURTHER RESOLVED: That the City Engineer is hereby directed to file a certified copy of this Resolution for recordation with the Office of the Alameda County Clerk-Recorder as an encumbrance of the title of the property identified above.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Exhibit A: 6500 San Pablo Avenue Encroachments (2 pages)

Exhibit B: Indenture Agreement (14 pages)

EXHIBIT A: 6500 San Pablo Avenue ENCROACHMENTS

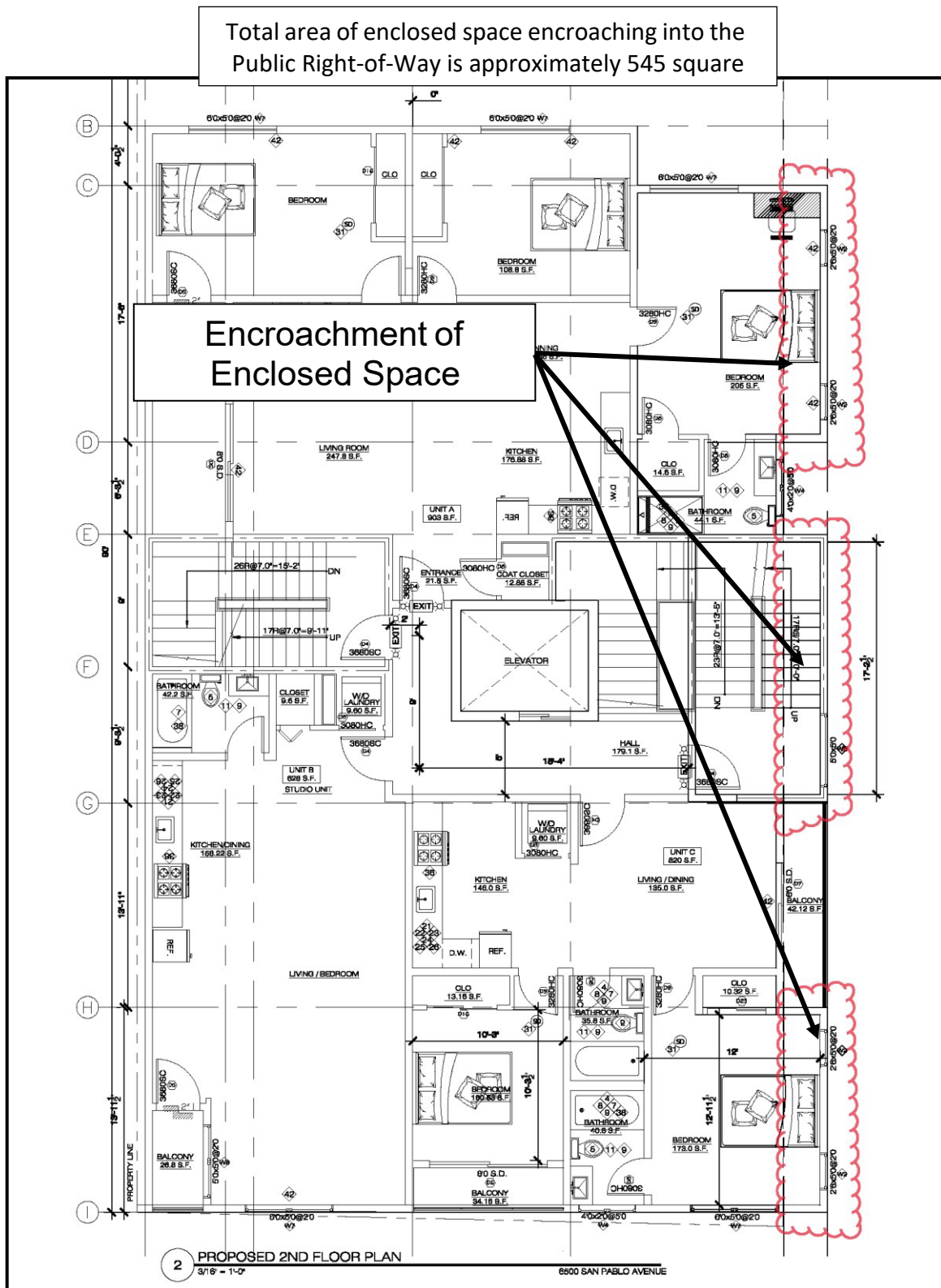


EXHIBIT A (Continued)

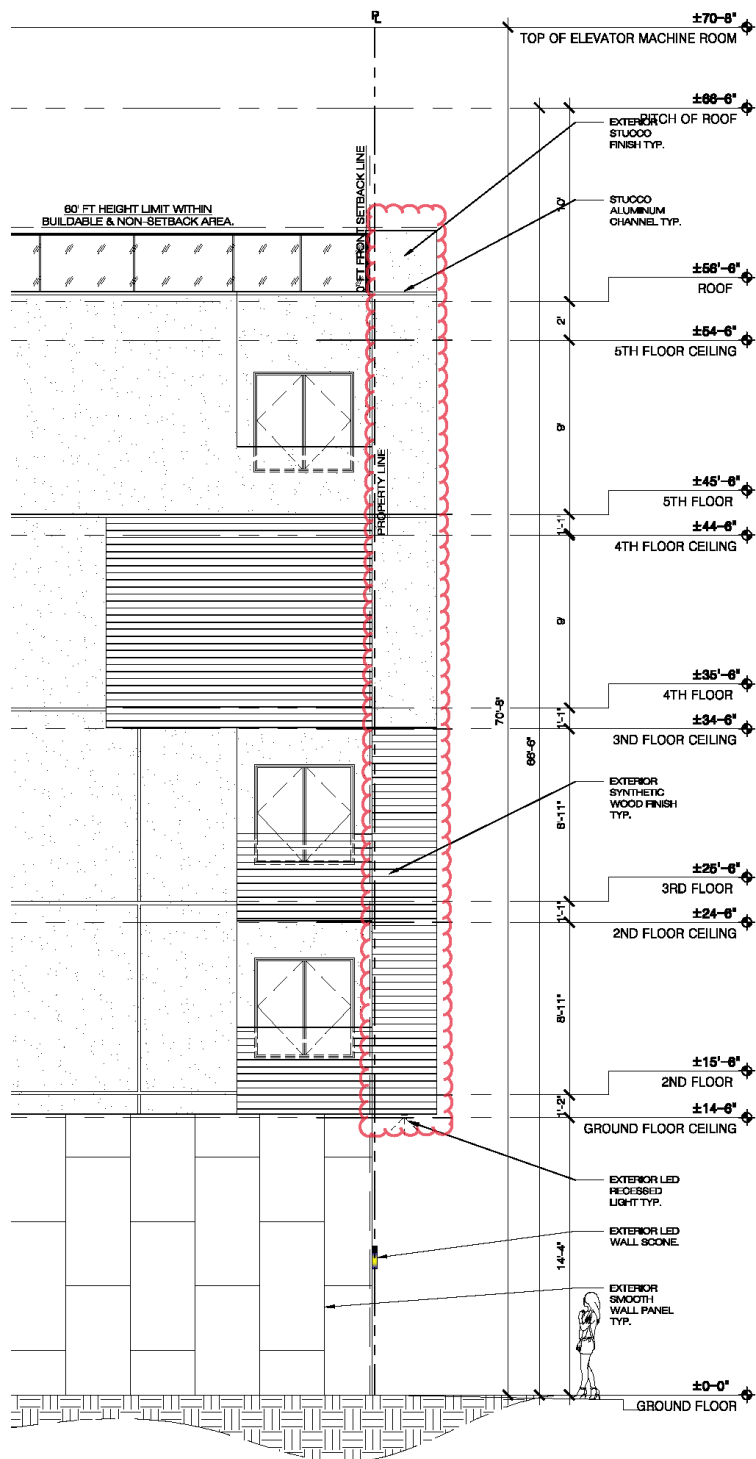


EXHIBIT B: Indenture Agreement
(Attached Separately)