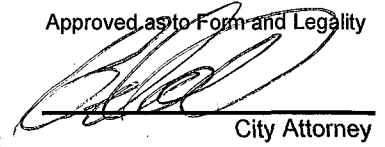


OAKLAND CITY COUNCIL

Approved as to Form and Legality



City Attorney

RESOLUTION No. 87372 C.M.S.

Introduced by Councilmember _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 NOV -7 PM 3:03

RESOLUTION GRANTING A CONDITIONAL AND REVOCABLE MAJOR ENCROACHMENT PERMIT TO SUTTER BAY HOSPITALS, A CALIFORNIA NONPROFIT BENEFIT CORPORATION DBA ALTA BATES SUMMIT MEDICAL CENTER, TO ALLOW A NEW EMERGENCY DROP OFF CANOPY STRUCTURE ABOVE GRADE AT 350 HAWTHORNE AVENUE TO ENCROACH INTO THE PUBLIC RIGHT-OF-WAY ON 34TH STREET, MAJOR ENCROACHMENT PERMIT ENMJ18058.

WHEREAS, Sutter Bay Hospitals, A California Nonprofit Benefit Corporation dba Alta Bates Summit Medical Center ("Permittee"), the owner of the real property known as 350 Hawthorne Avenue and described in a Grant Deed Recorded March 30, 2018 by the Alameda County Clerk-Recorder and identified by the Alameda County Assessor as APN: 009-0746-039 and commonly known as 350 Hawthorne Avenue hereto and incorporated herein (the "Property"); and

WHEREAS, Permittee proposes to construct a new patient drop-off area and canopy at the 34th Street entrance to the Emergency Department (the "Project"); and

WHEREAS, the Project includes a canopy structure, above grade fronting 34th Street, that encroaches onto the public right-of-way controlled by the City, the limits of which encroachment are delineated on *Exhibit A* hereto and incorporated herein (the "Encroachments"); and

WHEREAS, the City has approved the development of the Project (DS170114), subject to a condition of approval that Permittee obtain a conditional and revocable major encroachment permit for the Encroachments; and

WHEREAS, Permittee has filed an application with Department of Transportation for such conditional and revocable Major Encroachment Permit (ENMJ18058) (hereinafter referred to as the "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 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (no significant effect on the environment); 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; 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** (the "Indenture Agreement"), the conditions therein being incorporated into the Permit; and be it

FURTHER RESOLVED: That the Permit shall commence and continue in effect so long as Permittee satisfies, and continues to satisfy, all conditions and obligations set forth in the Indenture Agreement; 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, OCT 16 2018

PASSED BY THE FOLLOWING VOTE:

AYES - ~~7~~ CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN and PRESIDENT REID - 7

NOES - 0

ABSENT - 0

ABSTENTION 0

Excused - Brooks - 1

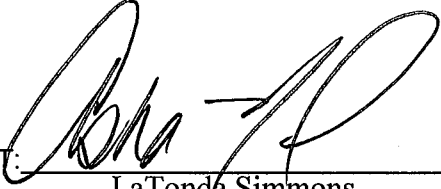
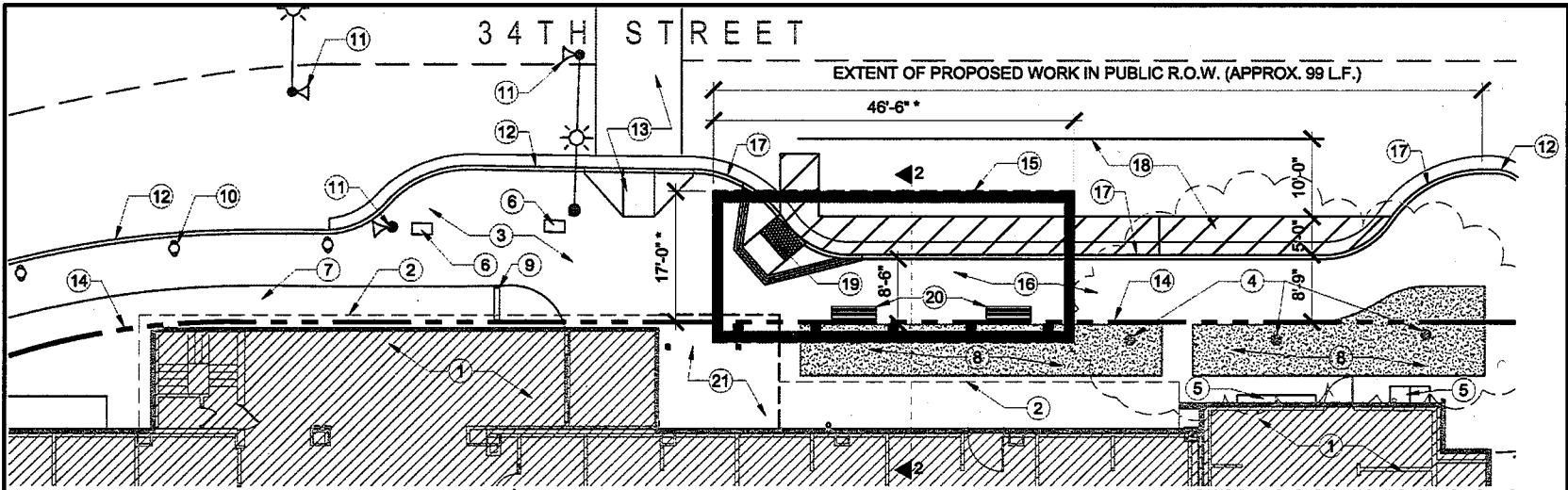
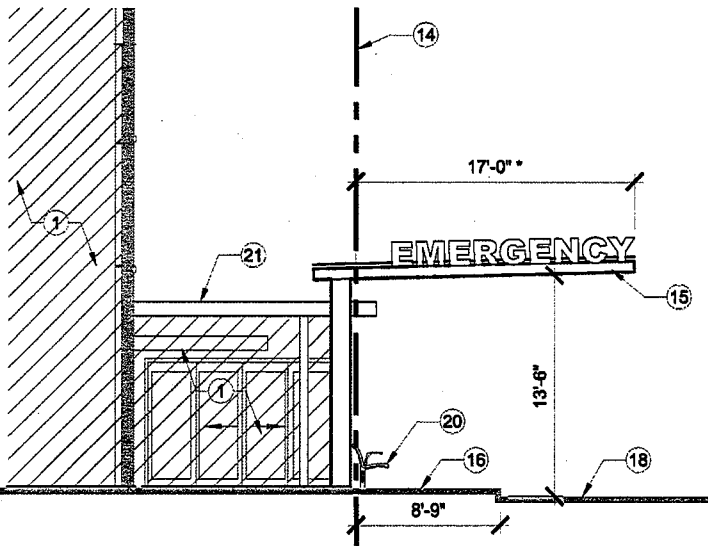
ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Exhibit A: 350 Hawthorne Avenue Encroachments (1 page)
Exhibit B: Indenture Agreement (8 pages)



1 SITE PLAN
SCALE: 1/16" = 1'-0"



2 SECTION
SCALE: 1/8" = 1'-0"

KEYED NOTES

- 1 EXISTING BUILDING
- 2 EXISTING ROOF OVERHANG
- 3 EXISTING CONCRETE SIDEWALK
- 4 EXISTING TREES
- 5 EXISTING BENCHES
- 6 EXISTING UTILITY VAULT
- 7 EXISTING PLANTER
- 8 EXISTING PLANTER, MODIFIED
- 9 EXISTING MONUMENT SIGN
- 10 EXISTING PARKING METER, TYPICAL
- 11 EXISTING TRAFFIC LIGHT
- 12 EXISTING CONCRETE CURB & GUTTER
- 13 EXISTING CURB RAMP AND CROSSWALK
- 14 PROPERTY LINE
- 15 NEW CANOPY STRUCTURE
- 16 NEW CONCRETE SIDEWALK
- 17 NEW CONCRETE CURB & GUTTER - SEE PX PERMIT APPLICATION #PX1800010
- 18 NEW STRIPING AND ASPHALT PAVING - SEE PX PERMIT APPLICATION #PX1800010
- 19 NEW CURB RAMP - SEE PX PERMIT APPLICATION #PX1800010
- 20 NEW BENCH
- 21 NEW ROOF EXTENSION AT HOSPITAL ENTRY

EXHIBIT B: INDENTURE AGREEMENT

(Attached Separately)