

**CITY OF OAKLAND
AGENDA REPORT**

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2004 SEP -8 PM 12: 58

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: September 21st, 2004

RE: **RESOLUTION APPROVING FINAL MAP OF TRACT MAP No. 7500, A SEVEN LOT SUBDIVISION LOCATED AT BERNHARDT DRIVE, OAKLAND, ALAMEDA COUNTY, CALIFORNIA.**

SUMMARY

Approval of this resolution will facilitate the recordation of a final map of Tract Map No. 7500 creating seven lots located on Bernhardt Drive south of Saint Elmo Drive. The Planning Department has approved special residential design review permits and minor variance for this project. Building permits and other related permits have been approved and issued for the proposed development. The tentative map was approved by the City Planning Commission on March 17th, 2004 and the final map is substantially the same as that appearing on the tentative map. Per Subdivision Map Act Section 66474.1., "A legislative body shall not deny approval of a final or parcel map if it has previously approved a tentative map for the proposed subdivision and if it finds that the final or parcel map is in substantial compliance with the previously approved tentative map."

Staff recommends that the City Council approve the final map.

FISCAL IMPACT

There is no fiscal impact if the City Council approves the resolution.

BACKGROUND

Tract Map No. 7500 is a seven lot subdivision located on Bernhardt Drive south of Saint Elmo Drive. The subdivision involves the re-establishment of lot lines on a Caltrans surplus parcel to create seven separate lots. The site is approximately 26,486 square foot (0.608 acres). Each lot has frontage on Bernhardt Drive and is approximately 3,700 square foot (0.069 acres) in size. Each lot will have a single family dwelling approximately 2,000 square foot. Building plans have been reviewed by Building Services and Planning/Zoning Division for compliance with the 2001 California Building Code, Oakland Municipal Code, and Planning Code. Building permits and other related permits have been approved and issued for the proposed development. In addition, a Notice of Exemption has been filed certifying that this project to be exempt from CEQA review.

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SUSTAINABLE OPPORTUNITIES

Economic: The project will offer employment opportunities to Oakland residents.

Environmental: Best Management Practices will be required during the construction of the project. Measures to control erosion, contamination of storm water runoff, dust, noise, and heavy equipment emissions will be required. In addition, alternate pipe materials in lieu of PVC pipe will be required for construction of storm drain mains and sanitary sewer mains.

Social Equity: The project will improve the aesthetics of the surrounding area and provide a pedestrian friendly environment.

DISABILITY AND SENIOR CITIZEN ACCESS

The single family dwellings are not required by the 2001 California Building Code and the Americans with Disabilities Act to be made accessible to persons with disabilities. Under the improvement plans for Tentative Tract Map No. 7500, entitled PX0400013 on file in the office of the Building Services Division, the subdividers are required to install accessible curb ramps in the sidewalk area located at the ends of the project site.

RECOMMENDATION AND RATIONALE

Since all necessary fees have been paid, staff recommends that the City Council approve the resolution.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve this resolution approving Final map of Tract Map No. 7500.

Respectfully submitted,



Claudia Cappio, Development Director,
Community and Economic Development Agency

Prepared by: Calvin N. Wong,
Director of Building Services
Community and Economic Development Agency

APPROVED AND FORWARDED TO THE
CITY COUNCIL



OFFICE OF THE CITY ADMINISTRATOR

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OAKLAND CITY COUNCIL

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OAKLAND
City Attorney

RESOLUTION NO. _____

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RESOLUTION APPROVING FINAL MAP OF TRACT MAP No. 7500, A SEVEN LOT SUBDIVISION LOCATED AT BERNHARDT DRIVE, OAKLAND, ALAMEDA COUNTY, CALIFORNIA.

WHEREAS, Kevin Bao Phan and Nu Iris Dinh are the subdividers of Tract Map No. 7500; and

WHEREAS, that certain map entitled "Tract Map No. 7500, Oakland, Alameda County, California", has been presented to the Council for its approval; and

WHEREAS, the City Planning Commission did on the 17th day of March 2004, approve a tentative map of said Tract Map No. 7500; and

WHEREAS, said proposed final map was referred to the Director of Building Services, who has been authorized to perform the functions of the Superintendent of Streets and Ex-officio City Engineer for the purpose of reviewing subdivision maps, and he has certified to this Council that said proposed final map is substantially the same as the tentative map approved by the City Council, and that said proposed final map complies with all of the provisions of the "Subdivision Map Act" and the local ordinances of the City of Oakland applicable thereto, and that said proposed final map is technically correct; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) of 1970, the guidelines as prescribed by the Secretary of Resources and the City's environmental review regulations have been satisfied, in that the project is exempt pursuant to Section 15332 (in-fill development projects) and Section 15315 (minor land divisions) of the California Environmental Quality Act therefore; be it

FURTHER RESOLVED: That said final map be the same as hereby approved: that the City Clerk is hereby authorized, empowered and directed to endorse the approval and acceptance thereof of this Council upon said final map; and be it

FURTHER RESOLVED: That the City Council finds and determines that this action complies with CEQA.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California