

CITY OF OAKLAND

Agenda Report

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 JUN -5 AM 10:45

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: June 17, 2008

RE: A Report And Resolution Approving A Final Map For Tract No. 7754 To Convert Five Rental Housing Units To Condominium Ownership At 333 Wayne Avenue

SUMMARY

A resolution has been prepared approving a Final Map for Tract No. 7754 to convert five (5) apartments to residential condominium ownership. The property owners, Russell Abel and Barbara Roessler, have obtained conversion rights from rental housing properties at 553 Merritt Avenue, 610 Beacon Street, and 15 Whitmore Place. A renewal Certificate of Occupancy has been issued for the building.

The Planning Commission approved the environmental determination (categorically exempted) and the tentative map for the condominium conversion on May 17, 2006. The City Engineer has determined that the Final Map is in substantial compliance with the approved tentative map. Approval of the Final Map will be a ministerial action by the City Council.

FISCAL IMPACT

Staff costs for processing the Final Map are covered by fees set by the Master Fee Schedule and were paid by the property owner. The revenue has been deposited in the Development Service Fund (2415), Engineering Services organization (88432), Tract Map account (45119), Engineering and Architectural Program (PS30).

PROJECT DESCRIPTION

The two-tenths (0.2) of an acre parcel (APN 022-0308-016-03) is located near the intersection of Hoover Avenue in the secondary impact zone. The building was constructed in 1953 and is located in the R-80 hi-rise apartment residential zone. All five (5) rental housing units in the building will be converted to condominium ownership. The owner has not yet completed retrofitting of the units for sound insulation.

KEY ISSUES AND IMPACTS

Renovations And Renewal Certificate Of Occupancy

Because the Oakland Building Code does not consider a condominium conversion as a change of occupancy, existing building systems are not required to be upgraded (structural, electrical, mechanical, plumbing, energy efficiency, etc.). Oakland Municipal Code (OMC) Section

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16.36.090, however, requires that residential units meet Oakland Building Maintenance Code requirements for habitability (renewal Certificate of Occupancy). OMC Section 16.36.130 also requires that residential units be upgraded before the first condominium is offered for sale to meet Oakland Building Code requirements for interior sound insulation (demising walls, floors, corridors). No public infrastructure improvements are required.

Tenant Displacement And Purchase Assistance

OMC Sections 16.36.050 and 16.36.080 require that tenants be offered both relocation and purchase assistance, and OMC Section 16.36.050 requires lifetime lease option for mature tenants (62 years or older).

Replacement Rental Units

OMC Section 16.36.070 requires owners to obtain "conversion rights" for condominium conversions of more than four (4) units (new construction, existing expansion, major rehabilitation, non-residential conversion, conversion restriction). The property owner has obtained conversion rights for the five (5) units from 553 Merritt Avenue, 610 Beacon Street, and 15 Whitmore Place. Conversion restrictions have been recorded on the parcels.

Final Map

As set forth in California Government Code section 664474.1 (Subdivision Map Act), approval of the Final Map is an administrative, ministerial, and mandatory action by the City Council once the City Engineer has determined that the Final Map conforms substantially with the approved Tentative Map and is technically correct (correct map size and medium, correct metes and bounds, required signatures, required statements, required licensures, etc.). The controlling discretionary action to be taken by the City relating to a subdivision map is at the Tentative Map stage. The purpose of submitting the Final Map to the City Council is to ensure that the Council and the public remain informed about development in the City.

SUSTAINABLE OPPORTUNITIES

Economic

The condominium conversion will provide opportunities for home ownership for the Oakland community.

Environmental

Land use approvals and permits for construction of new and renovation of existing 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 condominium conversion will support the economic vitality of the area and the infusion of businesses and events.

DISABILITY AND SENIOR CITIZEN ACCESS

Interior renovations are required to conform with Oakland Building Code requirements for handicapped accessibility.

RECOMMENDATIONS

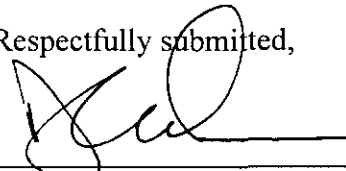
Adoption of the resolution approving the Final Map is a ministerial action of the City Council, which does not require an action by a Committee of the Council.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the Council accept this report for the 333 Wayne Avenue residential condominium conversion, and adopt the proposed resolution, as a ministerial action:

- conditionally approving the Final Map for Tract No. 7754, and
- authorizing the City Engineer and City Clerk to execute the Final Map, and
- directing the City Clerk to file the executed Final Map with Alameda County for recordation.

Respectfully submitted,



DAN LINDHEIM

Director

Community and Economic Development Agency

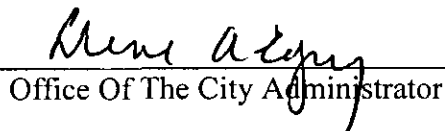
Prepared by:

Raymond M. Derania

Interim City Engineer

Building Services Division

APPROVED FOR FORWARDING
TO THE CITY COUNCIL



Office Of The City Administrator

Introduced by

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved for Form and Legality

Councilmember

2008 JUN -5 AM 10:46

City Attorney

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

**RESOLUTION CONDITIONALLY APPROVING A FINAL MAP FOR TRACT
No. 7754 TO CONVERT FIVE RENTAL HOUSING UNITS TO CONDOMINIUM
OWNERSHIP AT 333 WAYNE AVENUE**

WHEREAS, the owners of five (5) residential apartment units, Russell Abel and Barbara Roessler, is the Subdivider of a parcel identified by the Alameda County Assessor as APN 022-0308-016-03, and by the Alameda County Recorder as Tract No. 7754, and by the City of Oakland as 333 Wayne Avenue; and

WHEREAS, the Subdivider has acquired the fee simple interest in the real property comprising Tract No. 7754 through a Grant Deed, series no. 2002031380, recorded January 23, 2002, by the Alameda County Clerk-Recorder; and

WHEREAS, the Subdivider has previously applied to the City of Oakland to subdivide the platted land into residential condominium ownership comprising Tract No. 7754; and

WHEREAS, the parcel is located within the secondary impact zone as identified in Oakland Municipal Code chapter 16.36; and

WHEREAS, the Planning Commission of the City of Oakland approved the environmental determination (categorically exempted – California Public Resources Code Section 15315) and the Tentative Map for Tract No. 7754 on May 17, 2006, which proposed the subdivision of the parcel into five (5) residential condominiums; and

WHEREAS, the Secretary of the Planning Commission has certified to the Council of the City of Oakland that the Planning Commission approved the Tentative Map for Tract No. 7754, upon which the Final Map for Tract No. 7754 is based; and

WHEREAS, the City must make specific findings before approving a final subdivision to convert residential real property to condominium ownership; and

WHEREAS, the Subdividers have certified that each tenant was given written notice of intent to convert at least 60 days before filing the Tentative Map for Tract No. 7754; as evidence by the affidavit signed by the applicant; and

WHEREAS, the Subdividers have certified each tenant received all applicable notices and rights acquired under Chapter 2 or 3 of the Map Act (Government Code Sections 66425-66472.1), dealing with requirements and procedures; and

WHEREAS, the Subdividers have certified that each tenant received ten (10) days written notice that an application was or will be submitted to the Department of Real Estate for a public report, pursuant to Government Code section 66427.1(a); and

WHEREAS, the Subdivider has certified that each tenant has been or will be given written notice within ten (10) days after approval of the final map, pursuant to Government Code section 66427.1(c); and

WHEREAS, the subdivider has certified that each tenant has been or will be given one-hundred eighty (180) days written notice of the intent to convert before termination of the tenancy owing to the conversion. This provision does not alter any right or obligation under the rental agreement or under Civil Code sections 1941-1941.2; and

WHEREAS, the Subdividers have certified that each tenant has been or will be given notice of an exclusive right to purchase his or her unit on the same or more favorable terms and conditions than the unit will be offered to the general public. This right of first refusal must run for at least ninety (90) days after the date of issuance of the public report by the Department of Real Estate, unless the tenant gives prior written notice of intent not to exercise the right, pursuant to Government Code Section 66427.1(d); and

WHEREAS, the City Engineer of the City of Oakland has determined that

- the Final Map for Tract No. 7754, attached hereto as *Exhibit A*, is substantially the same as the Tentative Map approved by the Planning Commission, and
- the Final Map complies in all manners with the provisions of the California Government Code (Section 66400, et seq. - Subdivision Map Act), and the City of Oakland's local ordinance (Municipal Code Title 16 - Subdivisions); and

WHEREAS, the City Engineer has further determined that the Final Map is technically correct and accurately delineates the metes and bounds of the lot, the limits of which have been established by field survey and can be re-established from the monuments, property corners, radii, bearings, and distances shown on the Final Map for Tract No. 7754; and

WHEREAS, the Subdividers are not required to construct any surface or subsurface public infrastructure improvements within the existing public right-of-way of Wayne Avenue or within existing or proposed public easements on-site; and

WHEREAS, the provisions of Government Code section 66462 and Oakland Municipal Code Section 16.20.100 governing construction of required public infrastructure improvements before the recording of a Final Map are not applicable to Tract No. 7754; and

WHEREAS, pursuant to Oakland Municipal Code Section 16.36.130, the Subdividers are required to install methods and mechanisms to limit the transmission of interior sound between adjoining living units before a unit offered for sale; and

WHEREAS, pursuant to Oakland Municipal Code Sections 16.36.050 and 16.36.060, the Planning Commission has found that the Subdivider complied with the requirements of part one and part two of the Preliminary Tenant Assistance Program (PTAP) to minimize tenant displacement and provide tenant relocation assistance; and

WHEREAS, pursuant to Oakland Municipal Code Section 16.36.080, the Director of City Planning has determined that the Subdividers have complied with the requirements for a Final Tenant Assistance Program (FTAP) to minimize tenant displacement and provide tenant relocation assistance; and

WHEREAS, pursuant to Oakland Municipal Code Sections 16.36.080, no appeal of the FTAP to the City Council from any of the tenants residing at 333 Wayne Avenue was received by the Clerk of the City of Oakland within fifteen (15) days following approval of the Tentative Map for Tract No. 7754 by the Planning Commission of the City of Oakland; and

WHEREAS, pursuant to Oakland Municipal Code Sections 16.36.090 and 16.36.120, the Director of City Planning of the City of Oakland has determined that the Subdividers have provided copies of a structural pest report and a property report prepared by contractors or engineers licensed by the State of California and a building systems report describing utility meters and valves, storage space, and laundry facilities; and

WHEREAS, the Planning Commission has found that the Subdividers have complied with Oakland Municipal Code Sections 16.36.050 and 16.36.060 by obtaining "conversion rights" for five (5) units from 553 Merritt Avenue (APN 023-0419-010-00, 610 Beacon Street (APN 023-0419-004-00), and 15 Whitmore Place (APN 013-1108-002-01) that prohibit the conversion to residential condominium ownership and that the Planning Department has confirmed that the Subdivider has recorded restrictions against these properties documenting that they cannot generate further conversion rights; and

WHEREAS, pursuant to Oakland Municipal Code Section 16.36.110, the Director of City Planning has determined that the Subdividers have provided written notification to the City of Oakland and all tenants in the building with five (5) days of receipt from the State of California indicating that the final subdivision public report described in California Business and Professions Code Section 11018 was issued by the Real Estate Commissioner; and

WHEREAS, pursuant to Oakland Municipal Code Section 16.36.110, the Director of City Planning has determined that the Subdividers have provided additional written notification to the City of Oakland and all tenants in the building of the restrictions on the remodeling of occupied units and the rights of the tenants to occupy and purchase units; and

WHEREAS, pursuant to Oakland Municipal Code Sections 16.36.090 and 15.08.150 (Oakland Building Maintenance Code), the Subdividers have obtained a renewal Certificate of Occupancy issued by the Building Official of the City of Oakland for the multiple family dwelling (group R, division 2 occupancy); now, therefore, be it

RESOLVED: That the Final Map for Tract No. 7754 is hereby conditionally approved; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Section 16.36.120, the approval of the Final Map for Tract No. 7754 is hereby conditioned upon the performance by the Subdividers of their obligations to provide written notices to all prospective buyers of converted units advising the following:

- the existence of a seventy-two (72) hour period following an agreement to purchase, during which period a prospective buyer may withdraw from the agreement to purchase without penalty or cost, and
- the availability of the property report, structural pest report, and building systems report, and
- the availability of a statement signed by person experienced in the field of acoustical testing and engineering certifying that the converted unit conforms to the noise insulation standards of the 2007 edition of the California Building Code; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Section 16.36.140, the approval of the Final Map for Tract No. 7754 is hereby conditioned upon submittal by the Subdividers and receipt by the Director of City Planning within thirty (30) days following the issuance of the final subdivision public report and annually thereafter an informational report pertaining to tenants displaced since the filing of the Tentative Map for Tract No. 7754 and to buyers of the units being converted; and be it

FURTHER RESOLVED: That the City Engineer is hereby authorized to endorse the Final Map for Tract No. 7754; and be it

FURTHER RESOLVED: That the City Clerk of the City of Oakland is hereby authorized to endorse the Final Map for Tract No. 7754, upon its execution by the City Engineer, and directed to file the fully endorsed Final Map with the Alameda County Recorder for simultaneous recordation; and be it

FURTHER RESOLVED: That this Resolution shall become effective upon the recordation of the Final Map for Tract No. 7754 by the Alameda County Recorder.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2008

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

OWNERS' STATEMENT:

THE UNDERSIGNED HEREBY STATE THAT THEY ARE THE OWNERS OF THE LAND DELINEATED AND EMBELAZED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREIN ENTITLED "TRACT MAP 7754, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA," THAT SAID OWNERS ACQUIRED TITLE TO SAID LAND BY WRIT OF THE COURT DATED JANUARY 23, 2002, UNDER SERIES NO. 02000390 IN THE OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA. THAT THEY CONSENT TO THE PREPARATION AND FILING OF THIS MAP.

THE UNDERSIGNED ALSO STATES THAT:

1) EACH OF THE TENANTS OF THE PROPOSED CONDOMINIUM UNITS HAS RECEIVED, PURSUANT TO SECTION 46424 OF THE SUBDIVISION MAP ACT OF THE GOVERNMENT CODE, WRITTEN NOTIFICATION OF INTENTION TO CONVERT AT LEAST 60 DAYS PRIOR TO THE FILING OF A TENTATIVE MAP PURSUANT TO SECTION 46425 OF SAID SUBDIVISION MAP ACT. EACH OF THE TENANTS OF THE PROPOSED CONDOMINIUM UNITS, AND EACH PERSON APPLICANT FOR THE RENTAL OF A UNIT IN SUCH RESIDENTIAL REAL PROPERTY, HAS, OR WILL HAVE, RECEIVED ALL APPLICABLE NOTICES AND RIGHTS NOW OR HEREAFTER RECEIVED BY CHAPTER 2 OR CHAPTER 3 OF SAID SUBDIVISION MAP ACT.

2) THE DIRECTOR OF THE PLANNING DEPARTMENT OF THE CITY OF OAKLAND AND EACH OF THE TENANTS OF THE PROPOSED CONDOMINIUM UNITS HAS, OR WILL HAVE, RECEIVED ALL APPLICABLE NOTICES NOW OR HEREAFTER REQUIRED BY SECTION 18.36 AND 18.37 OF THE OAKLAND MUNICIPAL CODE. EACH OF THE TENANTS OF THE PROPOSED CONDOMINIUM UNITS HAS, OR WILL HAVE, RECEIVED WRITTEN NOTIFICATION WITHIN 10 DAYS OF APPROVAL OF THIS FINAL MAP.

3) EACH OF THE TENANTS OF THE PROPOSED CONDOMINIUM UNITS HAS BEEN, OR WILL BE, GIVEN (60 DAYS) WRITTEN NOTICE OF THE INTENTION TO CONVERT PRIOR TO TERMINATION OF TENANCY DUE TO THE CONVERSION OR PROPOSED CONVERSION. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT ALTER OR AVOID THE RIGHTS OR OBLIGATIONS OF THE PARTIES IN PERFORMANCE OF THEIR COVENANTS, INCLUDING, BUT NOT LIMITED TO, THE PROVISIONS OF NOTICES, PAYMENTS OF RENT OR THE OBLIGATIONS IMPOSED BY SECTION 1941, 1941.1, AND 1941.2 OF THE CIVIL CODE.

4) EACH OF THE TENANTS OF THE PROPOSED CONDOMINIUM UNITS HAS BEEN, OR WILL BE, GIVEN NOTICE OF AN EXCLUSIVE RIGHT TO CONTRACT FOR THE PURCHASE OF HIS OR HER RESPECTIVE UNIT UPON THE SAME TERMS AND CONDITIONS THAT SUCH UNIT WILL BE ACTUALLY OFFERED TO THE GENERAL PUBLIC FOR TERMS MORE FAVORABLE TO THE TENANT. THE RIGHT SHALL RUN FOR A PERIOD OF NOT LESS THAN 90 DAYS FROM THE DATE OF THE ISSUANCE OF THE SUBDIVISION PUBLIC REPORT PURSUANT TO SECTION 18.11 OF THE BUSINESS AND PROFESSION CODE, UNLESS THE TENANT GIVES PRIOR WRITTEN NOTICE OF HIS OR HER INTENTION NOT TO EXERCISE THE RIGHT.

5) THE DIRECTOR OF THE PLANNING DEPARTMENT OF THE CITY OF OAKLAND HAS, OR WILL HAVE, RECEIVED COPIES OF THE PROPERTY REPORT, STRUCTURAL PEEL REPORT, AND UTILITIES/STORAGE SPACE/LAUNDRY FACILITIES REPORT. ALL MORE FULLY DESCRIBED IN SECTION 18.10 OF THE OAKLAND MUNICIPAL CODE, ALONG WITH THE CURRENT PERMIT FOR A CERTIFICATE OF OCCUPANCY INSPECTION. EACH OF THE PROSPECTIVE BUYERS OF THE CONVERTED UNITS HAS, OR WILL HAVE, RECEIVED SAID REPORTS PLUS A COPY OF A WRITTEN NOTICE, MORE FULLY DESCRIBED IN SECTION 18.10 OF THE OAKLAND MUNICIPAL CODE. THE UNDERSIGNED FURTHER CERTIFY THAT SAID REPORTS AND SAID WRITTEN NOTICE HAVE BEEN, OR WILL BE, FILED WITH CALIFORNIA DEPARTMENT OF REAL ESTATE IN THE OWNERS' APPLICATION FOR A PUBLIC REPORT, AND THE OWNERS HAVE REQUESTED THAT SAID REPORTS AND SAID WRITTEN NOTICE BE INCLUDED IN THE SUBDIVISION PUBLIC REPORT.

6) THE DIRECTOR OF THE PLANNING DEPARTMENT OF THE CITY OF OAKLAND AND EACH OF THE TENANTS OF THE PROPOSED CONDOMINIUM UNITS HAS, OR WILL HAVE, RECEIVED ALL APPLICABLE NOTICES NOW OR HEREAFTER REQUIRED BY SECTION 18.36 AND 18.37 OF THE OAKLAND MUNICIPAL CODE. EACH OF THE TENANTS OF THE PROPOSED CONDOMINIUM UNITS HAS, OR WILL HAVE, RECEIVED WRITTEN NOTIFICATION WITHIN 10 DAYS OF APPROVAL OF THIS FINAL MAP.

7) THE DIRECTOR OF THE PLANNING DEPARTMENT OF THE CITY OF OAKLAND AND EACH TENANT OF THE PROPOSED CONDOMINIUM APARTMENT HOUSE PROJECT WILL RECEIVE THE NOTICE OF THE SUBDIVISION PUBLIC REPORT MORE FULLY DESCRIBED IN SECTION 18.36.11 OF THE OAKLAND MUNICIPAL CODE.

8) WITHIN 30 DAYS OF THE DATE OF ISSUANCE OF THE FINAL SUBDIVISION PUBLIC REPORT, THE OWNERS WILL BEGAIN SUBMITTING TO BE THE PERSONS WHOSE NAMES ARE SUBMITTED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS OR THE ENTITIES UPON WHOM SAID MAP IS TECHNICALLY CORRECT.

9) NO UNIT IN CONVERSION SHALL BE OFFERED FOR SALE UNTIL THE UNIT CONFORMS TO THE RULES AND REGULATIONS PROHIBITED IN TITLE 25 OF THE CALIFORNIA ADMINISTRATIVE CODE, SECTION 18.1 OF ITS REGULATION.

RUSSELL L. AMEL

BARBARA ROSSER

OWNER'S ACKNOWLEDGEMENT:

STATE OF CALIFORNIA)

COUNTY OF _____

ON _____ BEFORE ME

A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED RUSSELL L. AMEL AND BARBARA ROSSER KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE), TO BE THE PERSONS WHOSE NAMES ARE SUBMITTED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS OR THE ENTITIES UPON WHOM SAID MAP IS TECHNICALLY CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

NAME:

MY COMMISSION EXPIRES: _____

COMMISSION NUMBER: _____

MUNICIPAL COUNTY OF BUSINESS: _____

TRUSTEE'S STATEMENT:

THE UNDERSIGNED AS TRUSTEE, UNDER THE DEED OF TRUST RECORDED ON JANUARY 8, 2004, UNDER RECORDER SERIES NO. 2004-13078, IN THE OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND ALL DEEDING AND DEDICATIONS THEREON.

IN WITNESS WHEREOF, THE UNDERSIGNED, CALIFORNIA RESIDENCE CO., HAS EXECUTED THIS STATEMENT THIS _____ DAY OF _____, 2007.

BY: _____

BY: _____

TITLE: _____

TITLE: _____

TRUSTEE'S ACKNOWLEDGEMENT

STATE OF CALIFORNIA)

COUNTY OF _____

ON _____

BEFORE ME

A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED _____

PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE), TO BE THE PERSON WHOSE NAME IS SUBMITTED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME IN HIS/HER AUTHORIZED CAPACITY AND THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSON OR THE ENTITY UPON WHOM SAID MAP IS TECHNICALLY CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY PUBLIC

NAME:

MY COMMISSION EXPIRES: _____

COMMISSION NUMBER: _____

MUNICIPAL COUNTY OF BUSINESS: _____

CITY ENGINEER'S STATEMENT:

I, LAYTONA WILSON, INTERIM CITY ENGINEER, HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY ENGINEER OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, FOR THE PURPOSE OF REVIEWING SUBDIVISION MAPS, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE HEREIN SUBMITTED TRACT MAP 7754, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, THAT THE SUBDIVISION IS IN ACCORDANCE WITH THE SUBDIVISION MAP ACT AND THAT APPEARING ON THE TENTATIVE TRACT MAP AND ANY APPROVED ALTERNATES THEREOF, THAT SAID MAP CONFORMS WITH ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE GOVERNMENT CODE AND THE LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE TENTATIVE TRACT MAP, AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS _____ DAY OF _____, 2007.

LAYTONA WILSON, R.C.E. NO. 13915, INTERIM CITY ENGINEER
CITY OF OAKLAND, ALAMEDA COUNTY, STATE OF CALIFORNIA, LICENSE EXPIRES 3/31/08

CITY CLERK'S STATEMENT:

I, THE UNDERSIGNED, LAYTONA WILSON, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THIS MAP, CONSISTING OF 2 SHEETS AND ENTITLED "TRACT MAP 7754, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA," WAS PRESENTED TO SAID COUNCIL, AS PROVIDED BY LAW AT A REGULAR MEETING HELD ON THE _____ DAY OF _____, 2007 AND SAID SAID COUNCIL DID AT SAID MEETING BY RESOLUTION NUMBER _____ APPROVE SAID MAP.

I FURTHER STATE THAT ALL AGREEMENTS AND SURETY AS REQUIRED BY LAW TO ACCOMPANY THE MAP HAVE BEEN APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLAND AND ARE FILED IN MY OFFICE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS _____ DAY OF _____, 2007.

LAYTONA WILSON,
CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF OAKLAND,
COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

RECORDER'S STATEMENT:

FILED THIS _____ DAY OF _____, 2007, AT _____ M IN BOOK _____

OF PARCEL MAPS, AT PAGE _____, AT THE REQUEST OF _____

PATRICK O'DONNELL

COUNTY RECORDER

BY: _____

DEPUTY COUNTY RECORDER

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF BARBARA ROSSER IN NOVEMBER OF 2006. I HEREBY STATE THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE TRACT MAP, IF ANY; I HEREBY STATE THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND THAT THE MONUMENTS ARE SUFFICIENT TO ENHANCE THE SURVEY TO BE RETRACED.

MICHAEL J. FORSTER, L.S. 7170
EXPIRATION DATE, DECEMBER 31, 2007

DATE: _____

CLERK OF THE BOARD OF SUPERVISORS STATEMENT:

I, CRISTAL MEMBA CRAFT, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTIONS 46492 AND 46493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATE: _____

CRISTAL MEMBA CRAFT, CLERK OF THE BOARD OF SUPERVISORS, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

BY: _____
DEPUTY CLERK

SECRETARY OF THE PLANNING COMMISSION'S STATEMENT:

I, SCOTT MILLER, SECRETARY OF THE CITY PLANNING COMMISSION OF THE CITY OF OAKLAND, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT A TENTATIVE MAP OF TRACT NO. 7754, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, WAS PRESENTED TO THE CITY PLANNING COMMISSION AS PROVIDED BY THE SUBDIVISION MAP ACT, THAT AT A REGULARLY SCHEDULED MEETING HELD ON _____ AND THAT SAID COMMISSION APPROVED SAID TENTATIVE MAP UPON WHICH THIS MAP IS BASED.

DATE: _____

SCOTT MILLER
SECRETARY OF THE CITY PLANNING COMMISSION OF THE CITY OF OAKLAND,
COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

TRACT MAP 7754
A ONE LOT SUBDIVISION FOR
CONDOMINIUM CONVERSION PURPOSES
- FIVE UNITS
A PORTION OF LOTS 11 & 12, IMPERIAL HEIGHTS,
(18 M. 86),
CITY OF OAKLAND, COUNTY OF ALAMEDA,
STATE OF CALIFORNIA,
APRIL 2007

BAY AREA LAND SURVEYING INC.
1828 BONITA ROAD
RICHMOND, CALIFORNIA
94806
(510) 232-3095

EXHIBIT A

TRACT MAP 7754

A ONE LOT SUBDIVISION FOR
CONDOMINIUM CONVERSION PURPOSES
- FIVE UNITS

A PORTION OF LOTS 11 & 12, IMPERIAL HEIGHTS,
(18 M. 88),
CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA,
APRIL 2007 - SCALE: 1" = 30'

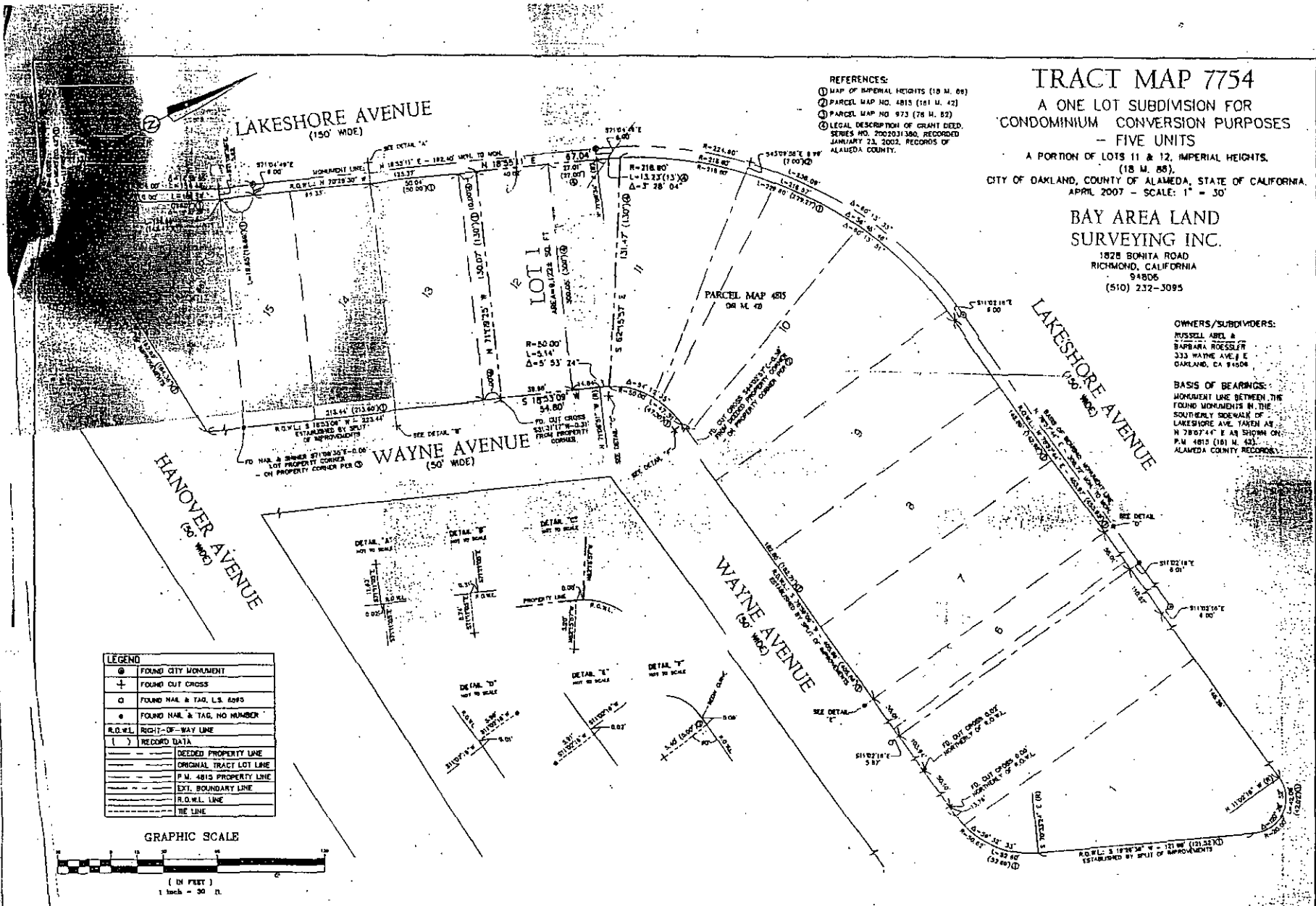
**BAY AREA LAND
SURVEYING INC.**

1828 BONITA ROAD
RICHMOND, CALIFORNIA
94806
(510) 232-3095

OWNERS/SUBDIVIDERS:
RUSSELL ABEL &
BARBARA ROESSLER
333 WAYNE AVE. # 4
OAKLAND, CA 94608

BASIS OF BEARINGS:
MOMENT LINE BETWEEN THE
FOUND MONUMENTS IN THE
SOUTHERLY SIDEWALK OF
LAKESHORE AVE. TAKEN AS
N 78°07'46" E AS SHOWN ON
P.M. 4815 (181 M. 43),
ALAMEDA COUNTY RECORDS.

- REFERENCES:
- ① MAP OF IMPERIAL HEIGHTS (18 M. 88)
 - ② PARCEL MAP NO. 4815 (181 M. 43)
 - ③ PARCEL MAP NO. 973 (78 M. 83)
 - ④ LEGAL DESCRIPTION OF GRANT DEED, SERIES NO. 2002031380, RECORDED JANUARY 23, 2002, RECORDS OF ALAMEDA COUNTY.



| LEGEND | |
|----------|-----------------------------|
| ⊙ | FOUND CITY MONUMENT |
| + | FOUND CUT CROSS |
| ⊕ | FOUND NAIL & TAG, L.S. ADPS |
| ⊙ | FOUND NAIL & TAG, NO NUMBER |
| R.O.W.L. | RIGHT-OF-WAY LINE |
| () | RECORD DATA |
| --- | DEEDED PROPERTY LINE |
| --- | ORIGINAL TRACT LOT LINE |
| --- | P.M. 4815 PROPERTY LINE |
| --- | EXT. BOUNDARY LINE |
| --- | R.O.W.L. LINE |
| --- | THE LINE |

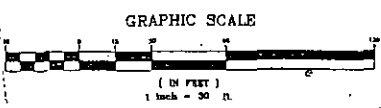


EXHIBIT A