

**CITY OF OAKLAND**  
*Agenda Report*

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: February 19, 2008

RE: **A Report And Resolution Approving A Final Map For Tract 7781 For Mariposa Grove CLT Homes, LLC, To Convert Rental Housing Units At 828, 832, and 834 59th Street To Six Residential Condominiums**

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**SUMMARY**

A resolution has been prepared approving a Final Map for Tract No. 7781 to merge two (2) adjoining parcels and convert existing residential apartments in three (3) buildings to condominium ownership. The property owner, Mariposa Grove CLT Homes, LLC, a California limited liability company (no. 200434810018), is required to market the condominiums as affordable housing. Renewal Certificates of Occupancy have been issued for the buildings.

The Planning Commission approved the environmental determination (categorically exempted) and the tentative map for the condominium conversion on July 19, 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 is deposited in the Development Service Fund (2415), Engineering Services organization (88432), Tract Map account (45119), Engineering and Architectural Program (PS30).

**PROJECT DESCRIPTION**

The two (2) adjoining parcels (APN 015-1353-012-00 and 015-1353-013-00) are located near the intersection of 59th Street and Martin Luther King, Jr. Way. The lots are in the R-40 garden apartment residential zone. Approval of the subdivision map will merge the lots and convert seven (7) apartments in three (3) buildings to six (6) residential condominiums. The lots have existing deed restrictions requiring that the units be marketed as affordable housing.

**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,

Item No. \_\_\_\_\_  
City Council  
February 19, 2008

mechanical, plumbing, energy efficiency, etc.). Oakland Municipal Code (OMC) Section 16.36.090, however, requires that residential units meet Oakland Building Maintenance Code (OMC Chapter 15.08) 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. The apartments are currently occupied.

**Replacement Rental Units**

OMC Section 16.36.070 requires owners to obtain "conversion rights" for condominium conversions of more than four (4) residential units (new construction, existing expansion, major rehabilitation, non-residential conversion, conversion restriction). Because of the affordable housing deed restrictions, the conversion requirements are not applicable.

**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 affordable 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**

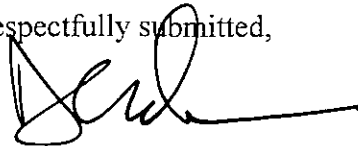
Adoption of the resolution approving the Final Map is a ministerial action of the City Council, which does not require an action by a Committee of the Council.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the Council accept this report for the 828, 832, and 834 59th Street lot merger and residential condominium conversion, and adopt the proposed resolution, as a ministerial action:

- conditionally approving the Final Map for Tract 7781, 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**

Interim 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

Approved for Form and Legality

\_\_\_\_\_  
Councilmember

  
\_\_\_\_\_  
City Attorney

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

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### RESOLUTION CONDITIONALLY APPROVING A FINAL MAP FOR TRACT 7781 TO CONVERT RENTAL HOUSING UNITS AT 828, 832, AND 834 59th STREET TO SIX RESIDENTIAL CONDOMINIUMS

**WHEREAS**, the property owner, Mariposa Grove CLT Homes, LLC, a California limited liability company (no. 200434810018), is the Subdivider of two (2) adjoining parcels identified by the Alameda County Assessor as APN 015-1353-012-00 and 015-1353-013-00, and by the Alameda County Recorder as Tract 7781; and

**WHEREAS**, the Subdivider has acquired the fee simple interest in the real property comprising Tract 7781; and

**WHEREAS**, said parcels have three (3) existing multiple-family dwellings constructed thereon, which are identified by the City of Oakland as 828 59th Street (APN 015-1353-012-00), 832 59th Street (APN 015-1353-013-00), and 834 59th Street (APN 015-1353-013-00); and

**WHEREAS**, said parcels have a three (3) residential units within 828 59th Street, two (2) residential units within 832 59th Street, and two (2) residential units within 834 59th Street; and

**WHEREAS**, the Subdivider has previously applied to the City of Oakland to merge the two (2) platted lots and subdivide the merged parcel into residential condominium ownership comprising Tract 7781; and

**WHEREAS**, the Planning Commission of the City of Oakland approved the environmental determination (categorically exempted – section 15315) and the Tentative Map for Tract 7781 on June 27, 2006, which proposed the merger of said parcels and the subdivision of said apartments in said buildings to six (6) 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 7781, upon which the Final Map for Tract 7781 is based; and

**WHEREAS**, pursuant to Chapter 16.36 of the Oakland Municipal Code, the City shall make specific determinations before approving a final subdivision to convert residential real property to condominium ownership; and

**WHEREAS**, the Subdivider has certified that each tenant was given written notice of intent to convert at least sixty (60) days before filing the Tentative Map for Tract 7781; as evidence by the affidavit signed by the applicant; and

**WHEREAS**, the Subdivider has 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 Subdivider has 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 Subdivider has 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 7781, 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 7781; and

**WHEREAS**, the Subdivider is not required to construct any surface or subsurface public infrastructure improvements within the existing public right-of-way of 59th Street; 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 7781; and

**WHEREAS**, pursuant to Oakland Municipal Code Section 16.36.130, the Subdivider has not yet installed methods and mechanisms to limit the transmission of interior sound and is required to do so with applicable permits before a unit is 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 828, 832, and 834 59th Street was received by the Clerk of the City of Oakland within fifteen (15) days following approval of the Tentative Map for Tract 7753 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 Subdivider has 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 Subdivider has complied with Oakland Municipal Code Sections 16.36.050 and 16.36.060 for obtaining "conversion rights" for six (6) units by encumbering the property title with a restriction requiring the sale of said units to prospective buyers as affordable housing; and

**WHEREAS**, pursuant to Oakland Municipal Code Section 16.36.110, the Director of City Planning has determined that the Subdivider has 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 Subdivider has 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 (Subdivisions) and 15.08.150 (Oakland Building Maintenance Code), the Subdivider has obtained three (3) renewal Certificates of Occupancy (nos. 82-07H, 83-07H, and 84-07H) issued by the Building Official of the City of Oakland for said multiple family dwellings; now, therefore, be it

**RESOLVED**: That the Final Map for Tract 7781 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 7781 for the merger of two (2) adjoining lots and the subdivision of the combined parcel into six (6) residential units for condominium ownership is hereby conditioned upon the performance by the Subdivider of its 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 2002 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 7781 is hereby conditioned upon submittal by the Subdivider 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 7781 and to buyers of the units being converted; and be it

**FURTHER RESOLVED:** That pursuant to Oakland Municipal Code Section 16.36.130, the approval of the Final Map for Tract 7781 is hereby conditioned upon the installation with *applicable permits of methods and mechanisms to limit the transmission of interior sound before each unit is offered for sale*; and be it

**FURTHER RESOLVED:** That the City Engineer is hereby authorized to endorse the Final Map for Tract 7781; and be it

**FURTHER RESOLVED:** That the City Clerk of the City of Oakland is hereby authorized to endorse the Final Map for Tract 7781, upon its execution by the City Engineer, and to file the Final Map with the Alameda County Clerk-Recorder for simultaneous recordation; and be it

**FURTHER RESOLVED:** That the approval of Final Map 7781 is hereby conditioned upon the sale of units as affordable housing in conformance with the encumbrances recorded on the property title; and be it

**FURTHER RESOLVED:** That this Resolution shall become effective upon the recordation of the Final Map for Tract 7781 by the Alameda County Clerk-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

EXHIBIT A

**OWNER'S STATEMENT:**

The undersigned hereby states that it is the owner of the land described and conveyed within the subdivision map... TRACT MAP 7781, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

The undersigned hereby states that the subdivision map... was prepared in accordance with the provisions of the Subdivision Map Act...

**TRUSTEE'S STATEMENT:**

The undersigned, COMMISSIONER OF THE BAY AREA TRUSTEES UNDER THE TRUST OF TRACT MAP 7781, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION MAP ACT AND ALL RELEVANT LEGISLATION...

**TRUSTEE'S ACKNOWLEDGEMENT**

STATE OF CALIFORNIA  
COUNTY OF ALAMEDA  
I, ALBERTA, DO HEREBY ACKNOWLEDGE THAT I AM A MEMBER OF THE BOARD OF SUPERVISORS OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

**CITY ENGINEER'S STATEMENT:**

I, ALBERTA, CITY ENGINEER, HAVE BEEN AUTHORIZED TO REVIEW THE PLAN OF THE SUBDIVISION MAP... TRACT MAP 7781, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA...

**CITY CLERK'S STATEMENT:**

I, ALBERTA, CITY CLERK AND CLERK OF THE CITY COUNCIL, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION MAP ACT AND ALL RELEVANT LEGISLATION...

**PLANNING COMMISSION'S STATEMENT:**

I HEREBY STATE THAT THE PLANNING COMMISSION OF THE CITY OF OAKLAND APPROVED THE VESTING TENTATIVE MAP OF TRACT 7781 UPON WHICH THIS FINAL MAP IS BASED.

**CLERK OF THE BOARD OF SUPERVISORS STATEMENT:**

I HEREBY STATE THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, HAS REVIEWED THE RECORDS OF THE PLANNING COMMISSION AND THE RECORDS OF THE CITY OF OAKLAND AND HAS CONFORMED WITH THE REQUIREMENTS OF SECTIONS 61070 AND 61075 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

**SURVEYOR'S STATEMENT:**

THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND IS BASED UPON A FIELD SURVEY CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND ALL RELEVANT LEGISLATION...

**RECORDER'S STATEMENT:**

I HEREBY CERTIFY THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION MAP ACT AND ALL RELEVANT LEGISLATION...

**RECYCLED PAPER:**

MANUFACTURED BY WESTERN STATES PAPER CO.

**TRUSTEE'S STATEMENT:**

The undersigned, ALBERTA BARKER, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION MAP ACT AND ALL RELEVANT LEGISLATION...

**PLANNING COMMISSION'S STATEMENT:**

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**CLERK OF THE BOARD OF SUPERVISORS STATEMENT:**

I HEREBY STATE THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, HAS REVIEWED THE RECORDS OF THE PLANNING COMMISSION AND THE RECORDS OF THE CITY OF OAKLAND AND HAS CONFORMED WITH THE REQUIREMENTS OF SECTIONS 61070 AND 61075 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

**OWNER'S ACKNOWLEDGEMENT:**

STATE OF CALIFORNIA  
COUNTY OF ALAMEDA  
I, ALBERTA BARKER, DO HEREBY ACKNOWLEDGE THAT I AM A MEMBER OF THE BOARD OF SUPERVISORS OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

**TRUSTEE'S ACKNOWLEDGEMENT:**

STATE OF CALIFORNIA  
COUNTY OF ALAMEDA  
I, ALBERTA BARKER, DO HEREBY ACKNOWLEDGE THAT I AM A MEMBER OF THE BOARD OF SUPERVISORS OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

**TRUSTEE'S STATEMENT:**

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**TRACT MAP 7781**

A ONE LOT SUBDIVISION FOR A LOT MERGER AND SIX CONDOMINIUM UNITS

LOT 9, AND A PORTION OF LOT 10, BLOCK 2, MAP OF THE MCKEE TRACT (8 M. 54).

CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

MARCH, 2007

**BAY AREA LAND SURVEYING INC.**  
1828 BONITA ROAD  
RICHMOND, CALIFORNIA 94805  
(510) 232-3095





COORDINATED MON. #55221 AT GENOA & 60TH ST.

UN-NUMBERED MON. AT W.L.K. J. W. & 60TH ST.

60TH STREET  
(80' WIDE)

MONUMENT LINE - S 80°28'27" W - 604.05' MON. TO MON.  
487.79'

SOUTHERLY RIGHT-OF-WAY LINE OF 60TH STREET - S80°28'27" W - 487.79' CORNER TO CORNER

MAP OF THE MCKEE TRACT  
BLOCK 2  
(B.M. 54)

APH 015-1353-013 OLD AREA = 36044 SQ. FT.  
APH 015-1353-012 OLD AREA = 43204 SQ. FT.

LOT 1  
NEW AREA = 10,124 SQ. FT.

GENOA STREET  
(80' WIDE)

MARTIN LUTHER KING JR. WAY  
(R.O.W. VARIES)

LEGEND	
⊙	FOUND CITY MONUMENT
○	SET TAG, L.S. 7170
⊞	SET NAIL & TAG, L.S. 7170
( )	RECORD DATA
---	EXTERIOR SUBDIVISION BOUNDARY LINE
---	OLD PARCEL LINE
---	THE LINE
---	ORIGINAL SUBDIVISION LOT LINE
---	RIGHT-OF-WAY LINE

**SEISMIC HAZARD NOTE:**  
THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA: A SEISMIC HAZARD ZONE-LIQUEFACTION ZONE PURSUANT TO SECTION 2906 OF THE PUBLIC RESOURCES CODE. THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP THE REAL PROPERTY, TO OBTAIN INSURANCE, OR RECEIVE ASSISTANCE AFTER A DISASTER. THE MAPS ON WHICH THESE DISCLOSURES ARE BASED ESTIMATE WHERE NATURAL DISASTERS EXIST. THEY ARE NOT DEFINITIVE INDICATORS OF WHETHER OR NOT A PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER. TRANSFERREES AND TRANSFERREES(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING THESE HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

TRACT MAP 7781

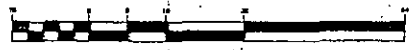
A ONE LOT SUBDIVISION FOR  
A LOT MERGER AND SIX  
CONDOMINIUM UNITS  
LOT 9, AND A PORTION OF LOT 10, BLOCK 2,  
MAP OF THE MCKEE TRACT  
(B.M. 54).

CITY OF OAKLAND, COUNTY OF ALAMEDA,  
STATE OF CALIFORNIA  
MARCH, 2007 SCALE: 1" = 16'

BAY AREA LAND  
SURVEYING INC.

1825 BONITA ROAD  
RICHMOND, CALIFORNIA  
94808  
(510) 232-3095

GRAPHIC SCALE



1 inch = 16 ft.

59TH STREET  
(80' WIDE)

MONUMENT LINE - N 80°30'24" E - 603.87' MON. TO MON.  
487.84'

UN-NUMBERED MON. AT W.L.K. J. W. & 59TH ST.