

  
Office of the City Attorney

# OAKLAND CITY COUNCIL

## RESOLUTION NO. \_\_\_\_\_ C.M.S.

### RESOLUTION CONDITIONALLY APPROVING A FINAL MAP FOR TRACT NO. 8421, LOCATED AT 1608, 1612 AND 1618 32ND STREET FOR A SIX MINI-LOT SUBDIVISION FOR GOLD STANDARD PARTNERS, LLC

**WHEREAS**, Gold Standard Partners, LLC, a California limited liability company (“Subdivider”), is the subdivider of six (6) parcels identified by the Alameda County Assessor as APN 007-0598-017-00, 007-0598-018-00, 007-0598-019-00, 007-0598-021-01 and by the Alameda County Clerk-Recorder as Tract No. 8421, and by the City of Oakland as 1608, 1612 and 1618 32nd Street; and

**WHEREAS**, the Subdivider has acquired by purchase for valuable consideration the real property comprising Tract No. 8421 through a grant deed, series no. 2016296933, recorded November 14, 2016, by the Alameda County Clerk-Recorder; and

**WHEREAS**, said parcel is comprised of a portion of subdivision “A” of all of subdivisions B, C, D & E, Lot 12, Block 795, Map No. 2 of Watts Tract Oakland (6 M 13) Oakland, Alameda County Records; and

**WHEREAS**, the Subdivider applied to the City of Oakland for a Tentative Tract Map (TTM 8421) to subdivide said platted land, which proposed:

- Subdivision of existing lot into six (6) mini-lots accessed by a shared access and utility easement from 32nd Street; and
- Construction of six residential detached buildings; and

**WHEREAS**, on August 2, 2017, the City Planning Commission approved the Tentative Tract Map for Tract No. 8421 and the land use entitlements (PLN17189), and affirmed staff’s environmental determination that the project is exempt from CEQA pursuant to CEQA Guidelines sections 15183 (projects consistent with a community plan, general plan or zoning) and 15332 (infill project); and

**WHEREAS**, the Subdivider has presented a Final Map to the City, identified as Tract Map No. 8421, which proposes the subdivision of six (6) developable parcels, for six (6) residential detached units development, identified as Lots 1, 2, 3, 4, 5 and 6; and

**WHEREAS**, the Secretary of the City Planning Commission has certified that the Planning Commission approved the Tentative Map for Tract No. 8421, upon which said Final Map is based; and

**WHEREAS**, the City Engineer of the City of Oakland has examined the Final Map and determined that:

- the subdivision as shown on the Final Map for Tract No. 8421, delineated diagrammatically in **Exhibit A** attached hereto and incorporated herein, is substantially the same as it appeared on the approved Tentative Map which created developable Parcels Lots 1, 2, 3, 4, 5 and 6; and
- the Final Map for Tract No. 8421 complies in all manners with the provisions of California Government Code sections 66410 et seq. (Subdivision Map Act) and the City of Oakland's local subdivision ordinance (Oakland Municipal Code, Title 16 - Subdivisions); and

**WHEREAS**, pursuant to California Business and Professions Code section 6731, the City Engineer has further determined that the Final Map is technically correct and accurately delineates the proposed metes and bounds of the property boundaries separating the proposed six (6) lots, the limits of which have been established by a field boundary survey performed by a competent Land Surveyor, who is licensed by the State of California to practice land surveying, and can be re-established from the monuments, property corners, radii, bearings, and distances shown on the Final Map for Tract No. 8421; and

**WHEREAS**, the Subdivider has employed a competent design professional, who is licensed by the State of California to practice civil engineering, to prepare plans and specifications for the construction of required surface and subsurface public infrastructure improvements in the public right of way; and

**WHEREAS**, the City Engineer has approved infrastructure permit no. PX1900036 and the Subdivider's plans and specifications for construction of the required public infrastructure improvements and infrastructure within private property common to subdivided lots known as private-public improvements, attached hereto as **Exhibit A** and incorporated herein; and

**WHEREAS**, through a separate companion Resolution, staff is seeking authorization for the City Administrator to enter into a Subdivision Improvement Agreement with the Subdivider pursuant to Government Code section 66462 and Oakland Municipal Code section 16.20.100, as a condition precedent to approval of the Final Map for Tract No. 8421, to assure the timely construction, unconditional warrantee, and prescribed maintenance of all required public infrastructure improvements; and

**WHEREAS**, pursuant to Government Code section 66499 et seq. and Oakland Municipal Code section 16.20.100, the Subdivider has deposited adequate security in

the form of surety bonds to secure the Subdivider's performance of the required public infrastructure improvements identified in the Subdivision Improvement Agreement; and

**WHEREAS**, the City's approval of a final subdivision map is a ministerial action that is exempt from the requirements of CEQA pursuant to Public Resources Code section 21080(b)(1) and CEQA Guidelines section 15268, each as a separate and independent basis and when viewed collectively as an overall basis for CEQA clearance; now, therefore, be it

**RESOLVED**: That the Final Map for Tract No. 8421 conforms to all the requirements in Government Code sections 66410 et seq. (Subdivision Map Act), Title 16 of the Oakland Municipal Code, and CEQA, and is hereby conditionally approved; and be it

**FURTHER RESOLVED**: That the approval of the Final Map is conditioned upon completion of public infrastructure improvements and private common access roadways and utilities that are required to service the public or the individual parcels, as required by the Subdivision Improvement Agreement; and be it

**FURTHER RESOLVED**: That the hereinabove conditions shall be binding upon the Subdivider and its successors or assigns, affiliated companies or corporations, parent companies or corporations, or partners; and be it

**FURTHER RESOLVED**: That the successive owners, both individually as purchasers of real property and collectively as a homeowners association of said lots as delineated on the Final Map, shall be responsible for the maintenance in perpetuity of all infrastructure improvements within the areas common to parcels for required access and utilities required excepting from said responsibility infrastructure improvements that are otherwise regulated by California Public Utilities Commission; and be it

**FURTHER RESOLVED**: That failure by the Subdivider to comply in all aspects with the Subdivision Improvement Agreement shall void approval of the Final Map and shall result in reversion to acreage of the original parcels comprising Tract No. 8421; and be it

**FURTHER RESOLVED**: That the City Engineer is hereby authorized to endorse the Final Map for Tract No. 8421; 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. 8421 upon its execution by the City Engineer; and be it

**FURTHER RESOLVED**: That the City Engineer is hereby authorized to cause the fully executed Final Map for Tract No. 8421 to be filed with the Alameda County Clerk-Recorder for recordation; and be it

**FURTHER RESOLVED:** That this Resolution shall be effective upon its adoption by a sufficient affirmative votes of the elected members of Council of the City of Oakland, as provided in the Charter of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

Asha Reed  
Acting City Clerk and Clerk of the Council  
of the City of Oakland, California

*Exhibit A, Final Tract Map No. 8421.*

*Exhibit B, Subdivision Improvement Agreement and Public Infrastructure Improvements.*