

CITY OF OAKLAND
Agenda Report

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 JUN -5 AM 10:42

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 7803 To Convert Six Rental Housing Units To Condominium Ownership At 2335 Market Street**

SUMMARY

A resolution has been prepared approving a Final Map for Tract No. 7803 to convert six (6) apartments in two (2) buildings to residential condominium ownership. The property owner, 2335 Market Street LLC, a California limited liability company (no. 200725410162), has obtained conversion rights from two (2) apartment buildings located at 3015 Martin Luther King Jr. Way and 2276 MacArthur Boulevard. A renewal Certificate of Occupancy has been issued.

The Planning Commission approved the environmental determination (categorically exempted) and the tentative map for the condominium conversion on December 5, 2007. 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 one-quarter (0.25) acre parcel (APN 005-0431-008-02) is located between 24th Street and West Grand Avenue. The two (2) buildings ("triplexes" on the same parcel) were constructed in 1999 and are located in the C-10 local retail commercial zone. The six (6) rental housing units will be converted to condominium ownership. The buildings were originally constructed with sound insulation between apartments (permits B9902569 and B9902570).

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

Item No. _____
City Council
June 17, 2008

16.36.090, however, requires that residential units meet Oakland 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). The apartment buildings were originally constructed with sound transmission walls separating the units. 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 six (6) units. Conversion restrictions have been recorded on the titles of the two (2) 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

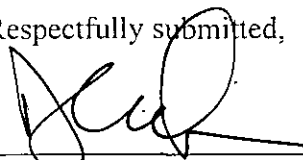
Adoption of the resolution approving the Final Map is a ministerial action of the City Council, which does not require an action by a Committee of the Council.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the Council accept this report for the 2335 Market Street residential condominium conversion, and adopt the proposed resolution, as a ministerial action:

- conditionally approving the Final Map for Tract No. 7803, 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
Development 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

Councilmember

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 JUN -5 AM 10:42

Approved for Form and Legality

Kiran Jain

City Attorney

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION CONDITIONALLY APPROVING A FINAL MAP FOR TRACT No. 7803 TO CONVERT SIX RENTAL HOUSING UNITS TO CONDOMINIUM OWNERSHIP AT 2335 MARKET STREET

WHEREAS, the property owner of six (6) residential apartment units, 2335 Market Street LLC, a California limited liability company (no. 200725410162), is the Subdivider of a single parcel identified by the Alameda County Assessor as APN 005-0431-008-02, and by the Alameda County Clerk-Recorder as Tract No. 7803, and by the City of Oakland as 2335 Market Street; and

WHEREAS, the Subdivider has acquired the fee simple interest in the real property comprising Tract No. 7803 through a grant deed, series no. 2007435002, recorded December 31, 2007, 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. 7803; 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. 7803 on December 5, 2007, which proposed the subdivision of the two (2) buildings (“triplexes”) on one (1) parcel into 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 No. 7803, upon which the Final Map for Tract No. 7803 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. 7753; 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. 7803, 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. 7803; and

WHEREAS, the Subdividers are not required to construct any surface or subsurface public infrastructure improvements within the existing public right-of-way of Market Street 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. 7803; and

WHEREAS, pursuant to Oakland Municipal Code Section 16.36.130, the prior owner of said parcel was issued permits for both buildings (B9902569 and B9902570) which included the installation of methods and mechanisms to limit the transmission of interior sound; 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 2335 Market Street was received by the Clerk of the City of Oakland within fifteen (15) days following approval of the Tentative Map for Tract No. 7803 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 six (6) units from 3015 Martin Luther King Jr. Way (APN 009-0709-003-00), and 2276 MacArthur Boulevard (APN 029A-1304-012-00) 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 renewal Certificates of Occupancy issued by the Building Official of the City of Oakland for the single family and multiple family dwellings; now, therefore, be it

RESOLVED: That the Final Map for Tract No. 7803 is hereby conditionally approved; and be it

FURTHER RESOLVED: Pursuant to Oakland Municipal Code Section 16.36.120, that the approval of the Final Map for Tract No. 7803 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 a person experienced in the field of acoustical testing and engineering certifying that the converted units conform to the noise insulation standards of the 1997 edition of the California Building Code; and be it

FURTHER RESOLVED: Pursuant to Oakland Municipal Code Section 16.36.140, that the approval of the Final Map for Tract No. 7803 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. 7803 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. 7803; 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. 7803, upon its execution by the City Engineer, and directed to file the fully endorsed Final Map with the Alameda County Clerk-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. 7803 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**

OWNER'S STATEMENT:

THE UNDERSIGNED HEREBY STATES THAT IT IS THE OWNER OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTENDED BOUNDARY LINES ON THE HERETO SUBMITTED TRACT MAP ENTITLED TRACT MAP 7803, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA; THAT SAID OWNER ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE GRANT DEED RECORDED DECEMBER 31, 2007 UNDER SERIES NO 2007-435002 IN THE OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA; THAT IT CONSENTS TO THE PREPARATION AND FILING OF THIS TRACT MAP.

THE UNDERSIGNED ALSO HEREBY STATES THAT:

A) THE DIRECTOR OF THE PLANNING DEPARTMENT OF THE CITY OF OAKLAND HAS, OR WILL HAVE, RECEIVED COPIES OF THE PROPERTY REPORT, STRUCTURAL PEST REPORT, AND UTILITIES/STORAGE SPACE/LAUNDRARY FACILITIES REPORT, ALL MORE FULLY DESCRIBED IN SECTION 18.38.170 OF THE OAKLAND MUNICIPAL CODE, ALONG WITH THE OWNER'S REQUEST 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 18.38.170 OF THE OAKLAND MUNICIPAL CODE.

B) THE DIRECTOR OF THE PLANNING DEPARTMENT OF THE CITY OF OAKLAND AND EACH OF THE TENANTS OF THE PROPOSED CONDOMINIUM HAS, OR WILL HAVE, RECEIVED ALL APPLICABLE NOTICES NOW OR HEREAFTER REQUIRED BY SECTION 18.38.010 OF THE OAKLAND MUNICIPAL CODE, EACH OF THE TENANTS OF THE PROPOSED CONDOMINIUM HAS, OR WILL HAVE, RECEIVED WRITTEN NOTIFICATION WITHIN 10 DAYS OF APPROVAL OF THIS TRACT MAP.

C) THE DIRECTOR OF THE PLANNING DEPARTMENT OF THE CITY OF OAKLAND AND EACH OF THE TENANTS OF THE PROPOSED CONDOMINIUM HAS, OR WILL HAVE, RECEIVED A 10 DAYS' PRIOR NOTICE OF THE START OF THE SALES PROGRAM REQUIRED BY SECTION 18.38.010 OF THE OAKLAND MUNICIPAL CODE.

D) EACH OF THE TENANTS OF THE PROPOSED CONDOMINIUM HAS BEEN, OR WILL BE, GIVEN NOTICE OF AN EXCLUSIVE RIGHT TO CONTRACT FOR THE PURCHASE OF THE OR HER RESPECTIVE UNIT UPON THE SAME TERMS AND CONDITIONS THAT SUCH UNIT WILL BE OFFERED TO THE GENERAL PUBLIC ON TERMS MORE FAVORABLE TO THE TENANT. THE RIGHT SHALL RUN FOR A PERIOD OF NOT LESS THAN 90 DAYS FROM THE DATE OF THE START OF SALES PROGRAM, PURSUANT TO SECTION 18.38.020 OF THE OAKLAND MUNICIPAL CODE, UNLESS THE TENANT GIVES PRIOR WRITTEN NOTICE OF HIS OR HER INTENTION NOT TO EXERCISE THE RIGHT.

E) WITHIN 30 DAYS OF THE DATE OF THE START OF THE SALES PROGRAM, THE OWNER(S) WILL BEGIN SUBMITTING ANNUAL REPORTS, REQUIRED BY SECTION 18.38.110 OF THE OAKLAND MUNICIPAL CODE, TO THE DIRECTOR OF THE PLANNING DEPARTMENT OF THE CITY OF OAKLAND, ON FORMS PROVIDED BY THE PLANNING DEPARTMENT, CONTAINING INFORMATION ON TENANTS BEING DISPLAYED AND ON BUYERS OF THE CONDOMINIUM UNITS. SAID ANNUAL REPORTS WILL BE SUBMITTED TO THE DIRECTOR OF THE PLANNING DEPARTMENT OF THE CITY OF OAKLAND UNTIL ALL CONVERTED CONDOMINIUM UNITS HAVE BEEN SOLD.

F) NO UNIT IN CONVERSION WILL BE OFFERED FOR SALE UNTIL THE UNIT CONFORMS TO NOISE INSULATION STANDARDS PROCLAIMED BY TITLE 25 OF THE CALIFORNIA ADMINISTRATIVE CODE, SECTION 1099, OR ITS SUCCESSOR.

G) THE CONDOMINIUM UNITS MAY NOT BE IN COMPLIANCE WITH THE 2007 CALIFORNIA BUILDING CODE, ANY FUTURE MODIFICATIONS TO WALLS, FIVE OVERHANGS AND ANY ALTERATION OR ADDITION OF OPENINGS ON SAID WALLS MAY NOT BE ALLOWED.

2335 MARKET STREET, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

DALE V. WIRTHLIJAL, MANAGER

OWNER'S ACKNOWLEDGEMENT:

STATE OF CALIFORNIA

COUNTY OF

ON _____ BEFORE ME,
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

DALE V. WIRTHLIJAL

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/ THEY EXECUTES THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES, AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND,

NOTARY PUBLIC

NAME:

MY COMMISSION EXPIRES:

MY COMMISSION NUMBER:

COUNTY OF PRINCIPAL PLACE OF BUSINESS:

TRUSTEE'S STATEMENT:

THE UNDERSIGNED AS TRUSTEE, UNDER THE DEED OF TRUST RECORDED ON SEPTEMBER 3, 2002, UNDER RECORDER SERIES NO. 2002-201304, IN THE OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND ALL DECEDING AND DEDICATIONS THEREON.

IN WITNESS WHEREOF, THE UNDERSIGNED, EAST WEST INVESTMENT A/C, A CALIFORNIA CORPORATION, HAVING EXECUTED THIS STATEMENT THIS _____ DAY OF _____ 2008.

BY: _____ BY: _____
TITLE: _____ TITLE: _____

TRUSTEE'S ACKNOWLEDGEMENT:

STATE OF CALIFORNIA

COUNTY OF

ON _____ BEFORE ME,
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/ THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES, AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND,

NOTARY PUBLIC

NAME:

MY COMMISSION EXPIRES:

MY COMMISSION NUMBER:

COUNTY OF PRINCIPAL PLACE OF BUSINESS:

TRUSTEE'S STATEMENT:

THE UNDERSIGNED AS TRUSTEE, UNDER THE DEEDS OF TRUST RECORDED ON FEBRUARY 23, 2006 AND JULY 16, 2007, UNDER RECORDER SERIES NUMBERS 2006-062261 AND 2007-253993, IN THE OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND ALL DECEDING AND DEDICATIONS THEREON.

IN WITNESS WHEREOF, THE UNDERSIGNED, OLD REPUBLIC TITLE COMPANY, A CALIFORNIA CORPORATION, HAVING EXECUTED THIS STATEMENT THIS _____ DAY OF _____ 2008.

BY: _____ BY: _____
TITLE: _____ TITLE: _____

TRUSTEE'S ACKNOWLEDGEMENT:

STATE OF CALIFORNIA

COUNTY OF

ON _____ BEFORE ME,
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/ THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES, AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND,

NOTARY PUBLIC

NAME:

MY COMMISSION EXPIRES:

MY COMMISSION NUMBER:

COUNTY OF PRINCIPAL PLACE OF BUSINESS:

TRACT MAP NO. 7803

A ONE LOT SUBDIVISION FOR
CONDOMINIUM CONVERSION
PURPOSES—SIX UNITS

LOTS 17-19 AND A PORTION OF LOT 23, BLOCK 636,
MAP OF MARKET STREET LOTS (5 M. 2)
OAKLAND, ALAMEDA COUNTY, CALIFORNIA

APRIL, 2008

BAY AREA LAND SURVEYING INC.

951 MITCHELL WAY
EL SOBRANTE, CALIFORNIA
91803
(510) 223-5167

EXHIBIT A

CITY ENGINEER'S STATEMENT:

I, RAYMOND M. DE RAJNA, 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 HERETO EMBODIED TRACT MAP ENTITLED "TRACT MAP 7803, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA;" THAT THE SUBDIVISION AS SHOWN UPON SAID TRACT MAP IS SUBSTANTIALLY THE SAME AS THAT APPEARING ON THE TENTATIVE TRACT MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT SAID TRACT MAP COMPLIES 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 TRACT MAP IS TECHNICALLY CORRECT.

IN WITNESS WHEREOF, I HAVE HERETO SIGNED MY HAND THIS _____ DAY OF _____, 2008.

RAYMOND M. DE RAJNA, R.C.E. NO. 27815
INTERIM CITY ENGINEER
CITY OF OAKLAND, ALAMEDA COUNTY
STATE OF CALIFORNIA
LICENSE EXPIRES 3/31/10

SURVEYOR'S STATEMENT:

THIS TRACT 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 DALE V. WIRTHMANN IN SEPTEMBER OF 2007. 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 THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

MICHAEL J. FOSTER, L.S. 7170
EXPIRATION DATE: DECEMBER 31, 2009



CITY CLERK'S STATEMENT:

I, LATONDA BUNNOR, LATONDA BUNNOR, 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 7803, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA" WAS PRESENTED TO SAID COUNCIL, AS PROVIDED BY LAW AS A REGULAR MEETING HELD ON THE _____ DAY OF _____, 2008 AND THAT 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 HERETO SIGNED MY HAND THIS _____ DAY OF _____, 2008.

LATONDA BUNNOR,
CITY CLERK AND CLERK OF THE CITY OF OAKLAND,
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

SECRETARY OF THE PLANNING COMMISSION'S STATEMENT:

I, SCOTT WELER, SECRETARY OF THE CITY PLANNING COMMISSION OF THE CITY OF OAKLAND, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT A TENTATIVE MAP OF "TRACT NO. 7803 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.

DATED: _____

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

CLERK OF THE BOARD OF SUPERVISORS STATEMENT:

I, CRYSTAL INSUDA GRAFF, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT CERTIFICATES HAVING BEEN FILED AND DEPOSITS HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 66492 AND 66493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATED: _____
CRYSTAL INSUDA GRAFF, CLERK OF THE BOARD OF SUPERVISORS, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

By: _____
DEPUTY

RECORDER'S STATEMENT:

FILED THIS _____ DAY OF _____, 2008, AT _____ M. IN BOOK _____ OF PARCEL MAPS, AT PAGE _____, AT THE REQUEST _____

PAIRICK O'NEILL
COUNTY RECORDER

By: _____
DEPUTY COUNTY RECORDER

EXHIBIT A

TRACT MAP NO. 7803

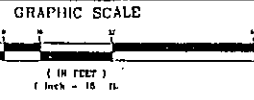
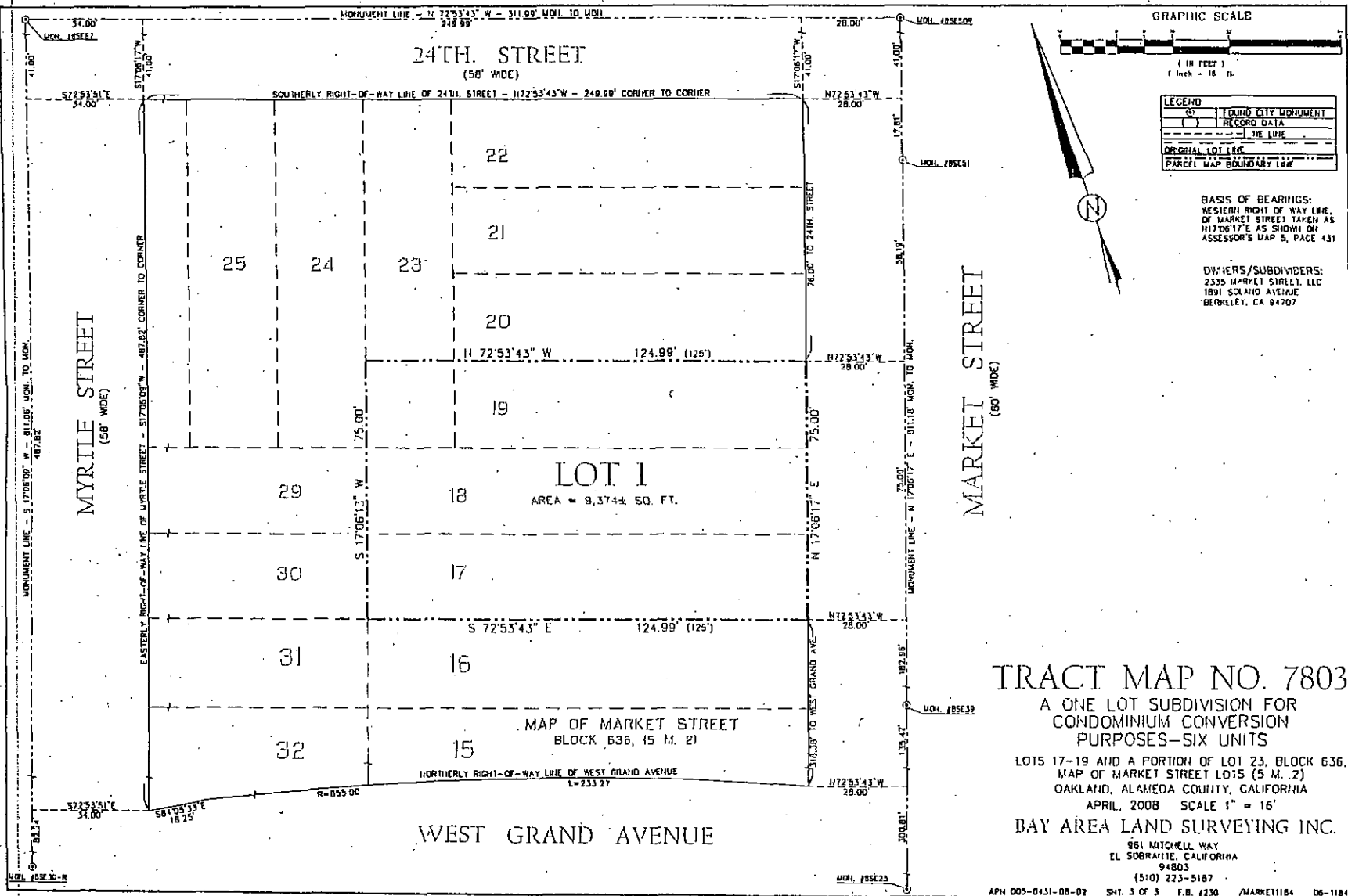
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APRIL, 2008

BAY AREA LAND SURVEYING INC.

961 MITCHELL WAY
EL SOBRANTE, CALIFORNIA
94803
(510) 223-5167



LEGEND	
(C)	FOUND CITY MONUMENT
(S)	RECORD DATA
(---)	DE LINE
(---)	ORIGINAL LOT LINE
(---)	PARCEL MAP BOUNDARY LINE

BASIS OF BEARINGS:
WESTERLY RIGHT-OF-WAY LINE
OF MARKET STREET TAKEN AS
N172°53'43" AS SHOWN ON
ASSESSOR'S MAP 5, PAGE 431

DYNERS/SUBDIVIDERS:
2335 MARKET STREET, LLC
1891 SOLANO AVENUE
BERKELEY, CA 94707

TRACT MAP NO. 7803

A ONE LOT SUBDIVISION FOR
CONDOMINIUM CONVERSION
PURPOSES—SIX UNITS

LOTS 17-19 AND A PORTION OF LOT 23, BLOCK 636,
MAP OF MARKET STREET LOTS (5 M. 2)
OAKLAND, ALAMEDA COUNTY, CALIFORNIA
APRIL, 2008 SCALE 1" = 16'

BAY AREA LAND SURVEYING INC.

961 MITCHELL WAY
EL SOBRANTE, CALIFORNIA
94803
(510) 223-5187

EXHIBIT A