

**CITY OF OAKLAND**

*Agenda Report*

2010 FEB 10 AM 10:02

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: February 23, 2010  
  
RE: **A Report And Resolution Approving A Final Map For Tract No. 7934 To Convert Seven Rental Housing Units To Condominium Ownership At 939 Martin Luther King Jr. Way**

---

**SUMMARY**

A resolution has been prepared approving a Final Map for Tract No. 7934 to convert seven (7) apartments to residential condominium ownership. The property owner, PSK Development LLC, obtained conversion rights from a rental housing property constructed in 1988. A renewal Certificate of Occupancy (H09044) has been issued for the building.

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

**PROJECT DESCRIPTION**

The corner lot (APN 002-0023-020-00) is located at the intersection of Martin Luther King Jr. Way and 10th Street. The four (4) story building was constructed in 1907 and is located in the R-80 high-rise apartment residential zone. All units will be converted to condominium ownership. The owner has renovated the units for sound insulation (permit B0700165).

**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: \_\_\_\_\_  
Community and Economic Development Committee  
February 23, 2010

mechanical, plumbing, energy efficiency, etc.). Oakland Municipal Code (OMC) Section 16.36.090, however, requires that residential units meet Oakland Housing Code maintenance 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 apartments were recently renovated to upgrade the sound transmission rating for the demising 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.

### **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 all seven (7) units from 2276 MacArthur Boulevard (constructed in 1988). Conversion restrictions have been recorded on the parcel's title.

### **Final Map**

Pursuant to 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

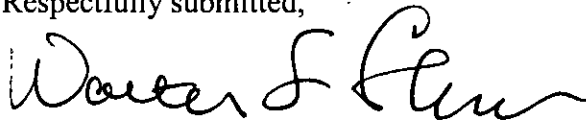
Adoption of the resolution approving the Final Map is a ministerial action of the City Council, which does not require an action by a Committee of the Council.

### ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the Council accept this report for the residential condominium conversion at 939 Martin King Jr. Way, and adopt the proposed resolution, as a ministerial action:

- conditionally approving the Final Map for Tract No. 7934, and
- authorizing the City Engineer and City Clerk to execute the Final Map, and
- directing the City Clerk to file the Final Map with Alameda County Recorder.

Respectfully submitted,



Walter S. Cohen, Director  
Community and Economic Development Agency

Prepared by:

Raymond M. Derania  
City Engineer  
Building Services Division

APPROVED AND FORWARDED  
TO THE COMMUNITY AND ECONOMIC  
DEVELOPMENT COMMITTEE:

  
\_\_\_\_\_  
Office of the City Administrator

Item: \_\_\_\_\_  
Community and Economic Development Committee  
February 23, 2010

FILED  
OFFICE OF THE CITY CLERK  
Introduced by AND  
2010 FEB 10 AM 10:02  
Councilmember

Approved for Form and Legality

  
City Attorney

## OAKLAND CITY COUNCIL

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

**RESOLUTION CONDITIONALLY APPROVING A FINAL MAP FOR TRACT No.  
7934 TO CONVERT SEVEN RENTAL HOUSING UNITS TO CONDOMINIUM  
OWNERSHIP AT 939 MARTIN LUTHER KING JR. WAY**

**WHEREAS**, the property owner of seven (7) residential apartment units, PSK Development, LLC, a California limited liability company (no. 200307910110), is the Subdivider of a parcel identified by the Alameda County Assessor as no. 002-0023-020-00, and by the Alameda County Recorder as Tract No. 7934, and by the City of Oakland as 939 Martin Luther King Jr. Way; and

**WHEREAS**, the Subdivider has acquired the fee simple interest in the real property comprising Tract No. 7934; and

**WHEREAS**, pursuant to Resolution No. 82322 C.M.S., the Council of the City of Oakland has previously approved a permit (ENMJ09059) allowing the continuing encroachment of existing portions of the apartment building (constructed circa 1907) into the public right-of-way along Martin Luther King Jr. Way and 10th Street; and

**WHEREAS**, the Subdivider has previously applied to the City of Oakland to subdivide the platted land into residential condominium ownership comprising Tract No. 7934; and

**WHEREAS**, the Planning Commission of the City of Oakland approved the environmental determination (categorically exempted – California Public Resources Code Section 15301) and the Tentative Map for Tract No. 7934 on December 19, 2007, which proposed the subdivision of the parcel into seven (7) 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. 7934, upon which the Final Map 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 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 No. 7934; 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 Chapters 2 and 3 of the Map Act (California 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 California 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 California 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 California 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. 7934, 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. 7934; and

**WHEREAS**, the Subdivider is not required to construct any surface or subsurface public infrastructure improvements within the existing public right-of-way of Martin Luther King Jr. Way or within existing or proposed public easements on-site; and

**WHEREAS**, the provisions of California 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. 7934; and

**WHEREAS**, pursuant to Oakland Municipal Code Section 16.36.130, the Subdivider was issued a building permit (B0700165) which included the installation of methods and mechanisms to limit the transmission of interior sound between dwelling units; 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 Subdivider has 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 939 Martin Kind Jr. Way was received by the Clerk of the City of Oakland within fifteen (15) days following approval of the Tentative Map for Tract No. 7934 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 by obtaining "conversion rights" for seven (7) units from 2276 MacArthur Boulevard (constructed in 1988) 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 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 and 15.08.150 (Oakland Housing Code), the Subdivider has obtained a renewal Certificates of Occupancy (H 09044) issued by the Building Official of the City of Oakland for the multiple family dwelling; now, therefore, be it

**RESOLVED:** That the Final Map for Tract No. 7934 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. 7934 is hereby conditioned upon the performance by the Subdivider of its obligation 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:** Pursuant to Oakland Municipal Code Section 16.36.140, that the approval of the Final Map for Tract No. 7934 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 No. 7753 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. 7934; 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. 7934, upon its execution by the City Engineer, and directed to file the fully endorsed Final Map with the Alameda County Recorder for recordation; and be it

**FURTHER RESOLVED:** That this Resolution shall become effective upon the recordation of the Final Map for Tract No. 7934 by the Alameda County Recorder.

**IN COUNCIL, OAKLAND, CALIFORNIA,** \_\_\_\_\_, 2010

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,  
and PRESIDENT BRUNNER

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 EXTERIOR BOUNDARY LINES ON THE HEREIN EMBODIED TRACT MAP ENTITLED "TRACT MAP 7934, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA"; THAT SAID OWNER ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE GRANT DEED RECORDED JUNE 30, 2005 UNDER SERIES NO. 2005270332 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 STATES THAT:
A) EACH OF THE TENANTS OF THE PROPOSED CONDOMINIUM UNITS HAS RECEIVED, PURSUANT TO SECTION 60452.8 OF THE SUBDIVISION MAP ACT OF THE GOVERNMENT CODE, WRITTEN NOTIFICATION OF INTENTION TO CONVERT AT LEAST 90 DAYS PRIOR TO THE FILING OF A TENTATIVE MAP PURSUANT TO SECTION 60452.8 OF SAID SUBDIVISION MAP ACT. EACH OF THE TENANTS OF THE PROPOSED CONDOMINIUM UNITS, AND EACH PERSON APPLYING FOR THE RENTAL OF A UNIT IN SUCH RESIDENTIAL REAL PROPERTY, HAS, OR WILL HAVE, RECEIVED ALL APPLICABLE NOTICES AND RIGHTS NOW OR HEREAFTER REQUIRED BY CHAPTER 2 OR CHAPTER 3 OF SAID SUBDIVISION MAP ACT.

B) 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 18.30.040 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.

C) EACH OF THE TENANTS OF THE PROPOSED CONDOMINIUM UNITS HAS BEEN, OR WILL BE, GIVEN 180 DAYS WRITTEN NOTICE OF THE INTENTION TO CONVERT PRIOR TO TERMINATION OF TENANCY DUE TO THE CONVERSION OF TENANCY TO OWNERSHIP. THE PROVISIONS OF THIS SUBDIVISION MAP SHALL NOT ALTER OR ABROGATE THE RIGHTS OR OBLIGATIONS, INCLUDING, BUT NOT LIMITED TO, THE PROVISIONS OF SERVICES, PAYMENTS OF RENT OR THE OBLIGATIONS IMPOSED BY SECTION 1941, 1941.1, AND 1941.2 OF THE CIVIL CODE.

D) 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 UNDER THE SAME TERMS AND CONDITIONS THAT SUCH UNIT WILL BE INITIALLY 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 ISSUANCE OF THE SUBDIVISION PUBLIC REPORT PURSUANT TO SECTION 11010.2 OF THE BUSINESS AND PROFESSIONS CODE, UNLESS THE TENANT GIVES PRIOR WRITTEN NOTICE OF HIS OR HER INTENTION NOT TO EXERCISE THE RIGHT.

E) 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/MANUITY REPORTS REPORT, ALL MORE FULLY DESCRIBED IN SECTION 18.30.100 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 18.30.120 OF THE OAKLAND MUNICIPAL CODE. THE UNDERSIGNED FURTHER CERTIFIES THAT SAID REPORTS AND SAID WRITTEN NOTICE HAVE BEEN, OR WILL BE, FILED WITH CALIFORNIA DEPARTMENT OF REAL ESTATE IN THE OWNER'S APPLICATION FOR A PUBLIC REPORT, AND THE OWNER (S) HAS/HAVE REQUESTED OR SHALL REQUEST THAT SAID NOTICES TO PROSPECTIVE BUYERS BE INCLUDED IN THE SUBDIVISION PUBLIC REPORT.

F) 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 18.30.040 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.

G) THE DIRECTOR OF THE PLANNING DEPARTMENT OF THE CITY OF OAKLAND AND EACH TENANT OF THE PROPOSED CONDOMINIUM OR CONDOMINIUM APARTMENT HOUSE PROJECT WILL RECEIVE THE NOTICE OF THE SUBDIVISION PUBLIC REPORT, MORE FULLY DESCRIBED IN SECTION 18.30.110 OF THE OAKLAND MUNICIPAL CODE.

H) WITHIN 30 DAYS OF THE DATE OF ISSUANCE OF THE FINAL SUBDIVISION PUBLIC REPORT, THE OWNER (S) WILL BEGIN SUBMITTING ANNUAL REPORTS TO THE DIRECTOR OF THE PLANNING DEPARTMENT OF THE CITY OF OAKLAND, ON FORMS PROVIDED BY THE PLANNING DEPARTMENT, CONTAINING INFORMATION ON TENANTS BEING DISPLACED AND ON BUYERS OF THE CONDOMINIUM UNITS. THE AFORESAID ANNUAL REPORTS WILL BE SUBMITTED UNTIL ALL CONVERTED CONDOMINIUM UNITS HAVE BEEN SOLD.

I) NO UNIT IN CONVERSION WILL BE OFFERED FOR SALE UNTIL THE UNIT CONFORMS TO NOISE INSULATION STANDARDS TRANSLATED IN TITLE 25 OF THE CALIFORNIA ADMINISTRATIVE CODE, SECTION 10922, OR ITS SUCCESSOR.

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

PSK DEVELOPMENT, LLC
HOI LIANG PHUA
TITLE:

CITY CLERK'S STATEMENT:
I, THE UNDERSIGNED, LATONDA SIMMONS, 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 7934" WAS PRESENTED TO SAID COUNCIL, AS PROVIDED BY LAW AT A REGULAR MEETING HELD ON THE \_\_\_ DAY OF \_\_\_ 2009 AND THAT SAID COUNCIL DID THEREUPON 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 SET MY HAND THIS \_\_\_ DAY OF \_\_\_ 2009.

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

OWNER'S ACKNOWLEDGEMENT:

STATE OF CALIFORNIA
COUNTY OF Contra Costa
ON August 5, 2009 BEFORE ME, Jennie Campbell
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED HOI LIANG PHUA

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 CAPACITIE(S), 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 IS TRUE AND CORRECT.
WITNESS MY HAND AND OFFICIAL SEAL Jennie Campbell
NOTARY PUBLIC
NAME: Jennie Campbell

MY COMMISSION EXPIRES: Nov. 18, 2012 COMMISSION NUMBER: 1823275
PRINCIPAL COUNTY OF BUSINESS: Contra Costa

BENEFICIARIES' STATEMENT:

THE UNDERSIGNED, LE ROY KESSLER, TRUSTEE OF THE LE ROY KESSLER TRUST AS BENEFICIARY BY VIRTUE OF THE DEED OF TRUST RECORDED JUNE 30, 2005 UNDER SERIES NUMBER 2005-270333, OF OFFICIAL RECORDS OF ALAMEDA COUNTY, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THE HEREIN EMBODIED MAP OF TRACT 7934.

IN WITNESS WHEREOF, LE ROY KESSLER
HAS/HE/HAS EXECUTED THIS STATEMENT THIS 18th DAY OF August, 2009.

BY: Le Roy Kessler
NAME: Le Roy Kessler
TITLE: Trustee

BENEFICIARY'S ACKNOWLEDGEMENT

STATE OF CALIFORNIA
COUNTY OF Alameda
ON August 18, 2009 BEFORE ME, Michael L. Bresso
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LE ROY KESSLER

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 CAPACITIE(S), 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 IS TRUE AND CORRECT.
WITNESS MY HAND AND OFFICIAL SEAL Michael L. Bresso
NOTARY PUBLIC
NAME: Michael L. Bresso

MY COMMISSION EXPIRES: June 22, 2010 COMMISSION NUMBER: #1671528
PRINCIPAL COUNTY OF BUSINESS: 678-14th St Oak, CA.

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 HOI LIANG PHUA IN DECEMBER OF 2007. I HEREBY STATE THAT THE 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 ENABLE THE SURVEY TO BE RETRACED.



Michael J. Foster 8-05-09
MICHAEL J. FOSTER, L.S. 7170
EXPIRATION DATE: DECEMBER 31, 2009

CITY ENGINEER'S STATEMENT:

I, RAYMOND M. DERANNA, 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 EMBODIED TRACT MAP ENTITLED "TRACT MAP 7934, 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 COMPLES 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 SET MY HAND THIS \_\_\_ DAY OF \_\_\_ 2009.

RAYMOND M. DERANNA, P.E. NO. 27819
CITY ENGINEER
CITY OF OAKLAND, ALAMEDA COUNTY
STATE OF CALIFORNIA
LICENSE EXPIRES 3/31/10

SECRETARY OF THE PLANNING COMMISSION'S STATEMENT:

I, SCOTT WELLS, SECRETARY OF THE CITY PLANNING COMMISSION OF THE CITY OF OAKLAND, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT A TENTATIVE MAP OF "TRACT NO. 7934, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA" HAS BEEN SUBMITTED TO THE CITY PLANNING COMMISSION AS PROVIDED BY THE SUBDIVISION MAP ACT, THAT AT A REGULARLY SCHEDULED MEETING HELD ON \_\_\_ DAY OF \_\_\_ 2009, AND THAT SAID COMMISSION APPROVED SAID TENTATIVE MAP UPON WHICH THIS MAP IS BASED.

DATED: 08/18/09
Scott Wells
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 HERRERA GRANT, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT CERTIFICATES HAVE BEEN FILED AND DEPOSITED HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 86497 AND 86493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATED:
CRYSTAL HERRERA GRANT, CLERK OF THE BOARD OF SUPERVISORS COUNTY OF ALAMEDA, STATE OF CALIFORNIA
BY: DEPUTY

RECORDER'S STATEMENT:

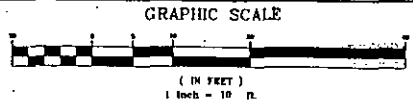
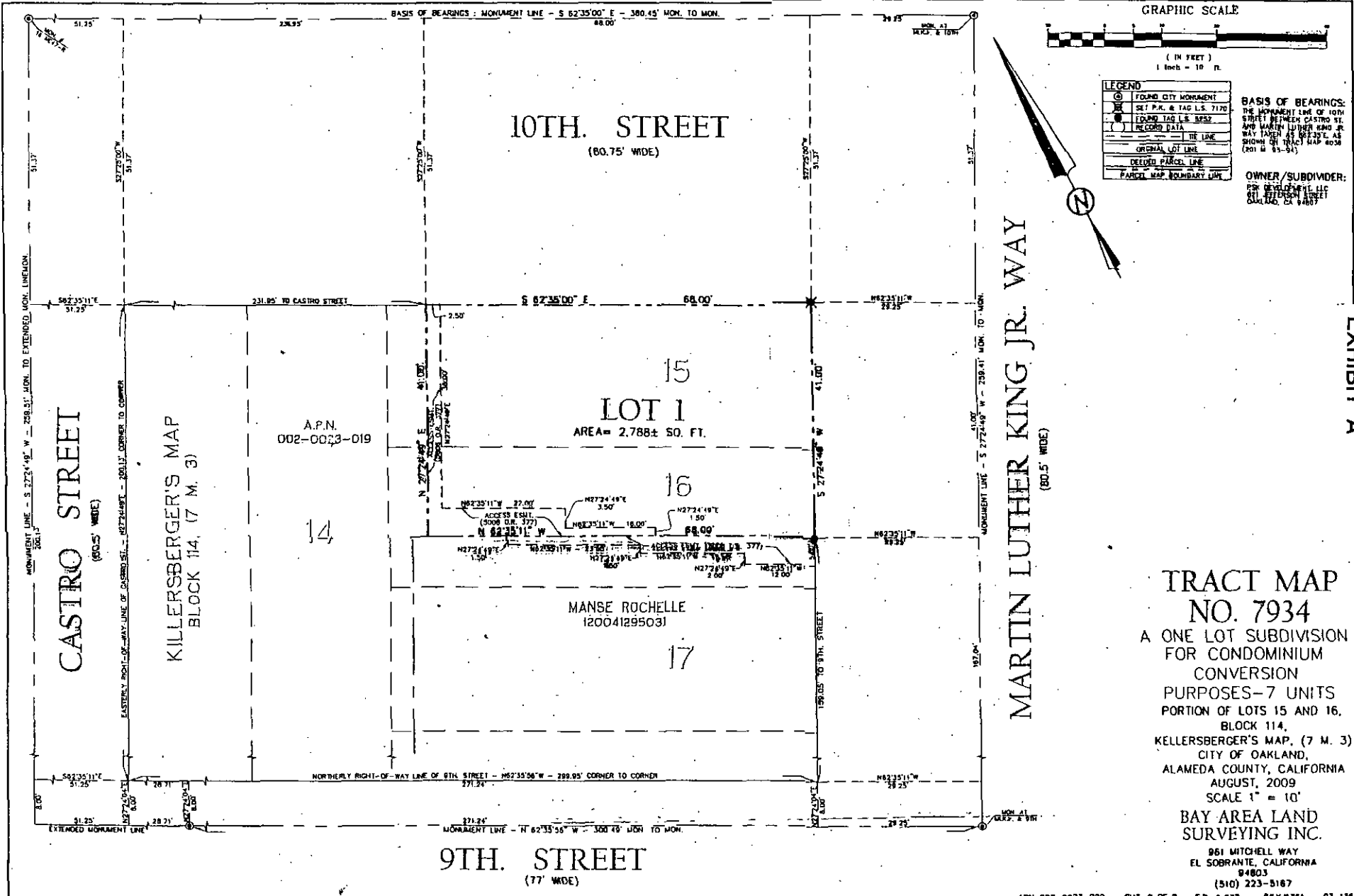
FILED THIS \_\_\_ DAY OF \_\_\_ 2009, AT \_\_\_ M. IN BOOK \_\_\_ OF PARCEL MAPS, AT PAGE \_\_\_ AT THE REQUEST

PATRICK O'CONNELL
COUNTY RECORDER
BY: DEPUTY COUNTY RECORDER

TRACT MAP NO. 7934
A ONE LOT SUBDIVISION FOR CONDOMINIUM CONVERSION PURPOSES-7 UNITS
PORTION OF LOTS 15 AND 16, BLOCK 114, KELLERSBERGER'S MAP, (7 M. 3)
CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA
AUGUST, 2009
BAY AREA LAND SURVEYING INC.
941 ANTICHELL WAY
EL SOBRANTE, CALIFORNIA
94803
(910) 223-8187

EXHIBIT A





LEGEND	
⊙	FOUND CITY MONUMENT
⊗	SEE P.M. & TAG L.S. 7170
⊕	FOUND TAG L.S. 5952
⊖	RECORD DATA
—	THE LINE
---	ORIGINAL LOT LINE
---	DEEDED PARCEL LINE
---	PARCEL MAP BOUNDARY LINE

**BASIS OF BEARINGS:**  
 THE MONUMENT LINE OF 10TH STREET BETWEEN CASTRO ST. AND MARTIN LUTHER KING JR. WAY TAKEN AS BEINGS AS SHOWN ON TRACT MAP 6038 (201 M 85-94)

**OWNER/SUBDIVIDER:**  
 BAY AREA LAND SURVEYING, INC.  
 961 MITCHELL WAY  
 EL SOBRANTE, CALIFORNIA  
 94803

MARTIN LUTHER KING JR. WAY  
(80.5' WIDE)

EXHIBIT A

**TRACT MAP NO. 7934**  
 A ONE LOT SUBDIVISION FOR CONDOMINIUM CONVERSION  
 PURPOSES-7 UNITS  
 PORTION OF LOTS 15 AND 16, BLOCK 114, KILLERSBERGER'S MAP, (7 M. 3) CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA  
 AUGUST, 2009  
 SCALE 1" = 10'  
**BAY AREA LAND SURVEYING INC.**