
Office of the City Attorney

OAKLAND CITY COUNCIL
RESOLUTION NO. 88586 C.M.S.

**RESOLUTION APPROVING A FINAL MAP FOR TRACT NO. 8505,
LOCATED AT 733 APGAR STREET FOR A FIVE-LOT SUBDIVISION
FOR 733 APGAR STREET LLC; AND ADOPTING APPROPRIATE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
FINDINGS**

WHEREAS, 733 Apgar Street LLC, a California limited liability company (“Subdivider”), is the subdivider of five (5) parcels identified by the Alameda County Assessor as APN 012-0964-029-00 and by the Alameda County Clerk-Recorder as Tract No. 8505, and by the City of Oakland as 733 Apgar Street; and

WHEREAS, the Subdivider has acquired by purchase for valuable consideration the real property comprising Tract No. 8505 through a grant deed, series no. 2019-097708, recorded May 24, 2019, by the Alameda County Clerk-Recorder; and

WHEREAS, said parcel is comprised of Lots 10 and 11, Block C, Major Given Tract Filed June 11, 1888 in Map Book 10, Page 26, Alameda County Records; and

WHEREAS, the Subdivider applied to the City of Oakland for a Tentative Tract Map (TTM 8505) to subdivide said platted land, which proposed:

- Subdivision of existing lots into a five (5) -lot subdivision accessed by private access easements, private utility easements, emergency egress easements and utility easement; and
- Construction of one (1) mixed-use building and four (4) single family dwelling units; and

WHEREAS, on January 22, 2020, the City Planning Commission approved the Tentative Tract Map for Tract No. 8505 and the land use entitlements (PLN19050), 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. 8505, which proposes the subdivision of five (5) developable parcels, for construction of one (1) mixed-use building and four (4) single family dwelling units, identified as Lots 1, 2, 3, 4, and 5; and

WHEREAS, the Secretary of the City Planning Commission has certified that the Planning Commission approved the Tentative Map for Tract No. 8505, 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. 8505, 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, and 5; and
- the Final Map for Tract No. 8505 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 five (5) 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. 8505; 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 and issued infrastructure permit no. PX2000015 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, 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. 8505 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 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 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; and be it

FURTHER RESOLVED: That the City Engineer is hereby authorized to endorse the Final Map for Tract No. 8505; 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. 8505 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. 8505 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,

APR 20 2021

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS - 8

NOES - 0
ABSENT - 4
ABSTENTION - 0

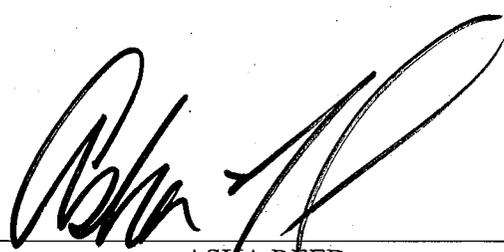
ATTEST: 
ASIA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Exhibit A, Final Tract Map No. 8505.

OWNER'S STATEMENT:

THE UNDERSIGNED HEREBY STATE THAT THEY ARE THE OWNER OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREIN EMBODIED PARCEL MAP ENTITLED "TRACT MAP NO. 8505, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA"; THAT SAID OWNER ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE GRANT DEED RECORDED MAY 24, 2019 UNDER SERIES NO. 2019-097709 IN THE OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA; THAT THEY CONSENT TO THE PREPARATION AND FILING OF THIS TRACT MAP.

THE UNDERSIGNED FURTHER STATES THAT THE AREAS DESIGNATED:

PRIVATE ACCESS EASEMENT (PAE-1); PRIVATE ACCESS EASEMENT (PAE-4); PRIVATE UTILITY EASEMENT (PUE-1); PRIVATE UTILITY EASEMENT (PUE-2); PRIVATE UTILITY EASEMENT (PUE-3); PRIVATE UTILITY EASEMENT (PUE-4); PRIVATE UTILITY EASEMENT (PUE-5); EMERGENCY EGRESS EASEMENT (EMEE-1); EMERGENCY EGRESS EASEMENT (EMEE-2) SHOWN HEREON ARE HEREBY RESERVED AND SHALL BE DEFINED IN A SEPARATE INSTRUMENT ENTITLED "DECLARATION RE: EASEMENTS, MAINTENANCE AND DISPUTE PROCEDURES", SAID INSTRUMENT SHALL BE RECORDED CONCURRENTLY WITH THIS TRACT MAP.

733 APGAR STREET LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

WILLIAM B MOLLARD III, MANAGING MEMBER DATE:

OWNER'S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }
COUNTY OF _____ } SS

ON _____ BEFORE ME,
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED
WILLIAM B MOLLARD III

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, 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:
SIGNATURE OF NOTARY: _____
PRINTED NAME OF NOTARY: _____
(NOTE: SEAL OPTIONAL IF THE FOLLOWING INFORMATION IS COMPLETED)
MY COMMISSION EXPIRES: _____
MY COMMISSION NUMBER: _____
COUNTY OF PRINCIPAL PLACE OF BUSINESS: _____

CITY PLANNING COMMISSION'S STATEMENT

THIS MAP IS BASED ON A TENTATIVE TRACT MAP APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF OAKLAND AT THEIR MEETING ON _____, 20____, AND WHEN RECORDED THIS MAP BECOMES THE OFFICIAL MAP OF THE LAND DIVISION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 20____.

ROBERT D. MERKAMP
SECRETARY OF THE CITY PLANNING COMMISSION
CITY OF OAKLAND, ALAMEDA COUNTY
STATE OF CALIFORNIA

CITY CLERK'S STATEMENT

I, ASHA REED, ACTING CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE HEREIN EMBODIED MAP ENTITLED "TRACT MAP 8505", CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA; WAS PRESENTED TO SAID COUNCIL AT A REGULAR MEETING HELD ON _____ AND THAT SAID COUNCIL DID THEREUPON 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 THIS _____ DAY OF _____, 20____.

ASHA REED, ACTING CITY CLERK
AND CLERK OF THE COUNCIL OF THE CITY OF OAKLAND,
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

CITY SURVEYOR'S STATEMENT:

I, RAYMOND R. HEBERT, CITY SURVEYOR, HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY SURVEYOR OF THE CITY OF OAKLAND, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE HEREON EMBODIED MAP ENTITLED "TRACT MAP NO. 8505, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA"; AND I AM SATISFIED THIS MAP IS TECHNICALLY CORRECT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 2021.

RAYMOND R. HEBERT, P.L.S. NO. 5870
CITY SURVEYOR
CITY OF OAKLAND, ALAMEDA COUNTY
STATE OF CALIFORNIA



CITY ENGINEER'S STATEMENT:

I, WLADIMIR WLASSOWSKY, CITY ENGINEER, HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY ENGINEER OF THE CITY OF OAKLAND, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE HEREON EMBODIED MAP ENTITLED "TRACT MAP NO. 8505, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA"; THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, IF REQUIRED, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, IF REQUIRED, HAVE BEEN COMPLIED WITH.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 2021.

WLADIMIR WLASSOWSKY, R.C.E. NO. 40013
CITY ENGINEER
CITY OF OAKLAND, ALAMEDA COUNTY
STATE OF CALIFORNIA



BENEFICIARY'S STATEMENT:

THE UNDERSIGNED AS BENEFICIARY, UNDER THE DEED OF TRUST RECORDED ON MAY 24, 2019, AT SERIES NUMBER 2019097709, IN THE OFFICIAL RECORDS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP ENTITLED "TRACT MAP 8505".

IN WITNESS WHEREOF, THE UNDERSIGNED, _____, HAVING EXECUTED THIS STATEMENT THIS _____ DAY OF _____, 20____.

BY: _____
TITLE: _____

BENEFICIARY'S ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }
COUNTY OF _____ } SS

ON _____ BEFORE ME,
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 WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, 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:
SIGNATURE OF NOTARY: _____
PRINTED NAME OF NOTARY: _____
(NOTE: SEAL OPTIONAL IF THE FOLLOWING INFORMATION IS COMPLETED)
MY COMMISSION EXPIRES: _____
MY COMMISSION NUMBER: _____
COUNTY OF PRINCIPAL PLACE OF BUSINESS: _____

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 MIKE FITLER AND WILL MOLLARD ON JANUARY, 2019. I HEREBY STATE THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE 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.



2ND SUBMITTAL
RYAN C. ENGEL, P.L.S. 9022
DATE:

CLERK OF THE BOARD OF SUPERVISORS STATEMENT:

I, ANIKA CAMPBELL-BELTON, 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 SECTION 66492 AND 66493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATE: _____ ANIKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: _____
DEPUTY CLERK

RECORDER'S STATEMENT:

FILED THIS _____ DAY OF _____, 20____, AT _____ M.
IN BOOK _____ OF PARCEL MAPS, AT PAGES _____
AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY.

FEE: _____ MELISSA WILK
SERIES: _____ COUNTY RECORDER

BY: _____
DEPUTY COUNTY RECORDER

ADDITIONAL DOCUMENT RECORDED CONCURRENTLY WITH THIS MAP:
DECLARATION RE: EASEMENTS, MAINTENANCE AND DISPUTE PROCEDURES RECORDED _____, 20____, AS SERIES NO. _____

SEISMIC HAZARD NOTE:

THE SUBJECT REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA: A SEISMIC HAZARD ZONE-LIQUEFACTION ZONE PURSUANT TO SECTION 2696 OF THE PUBLIC RESOURCES CODE. THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO RECEIVE ASSISTANCE AFTER A DISASTER. THE MAPS ON WHICH THESE DISCLOSURES ARE BASED, ESTIMATE WHERE NATURAL HAZARDS EXIST. THEY ARE NOT DEFINITIVE INDICATORS OF WHETHER OR NOT A PROPERTY WILL BE AFFECTED BY A NATURAL DISASTER. TRANSFEREE(S) AND TRANSFEROR(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE REGARDING THOSE HAZARDS AND OTHER HAZARDS THAT MAY AFFECT THE PROPERTY.

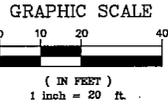
TRACT MAP NO. 8505

A 5 LOT SUBDIVISION

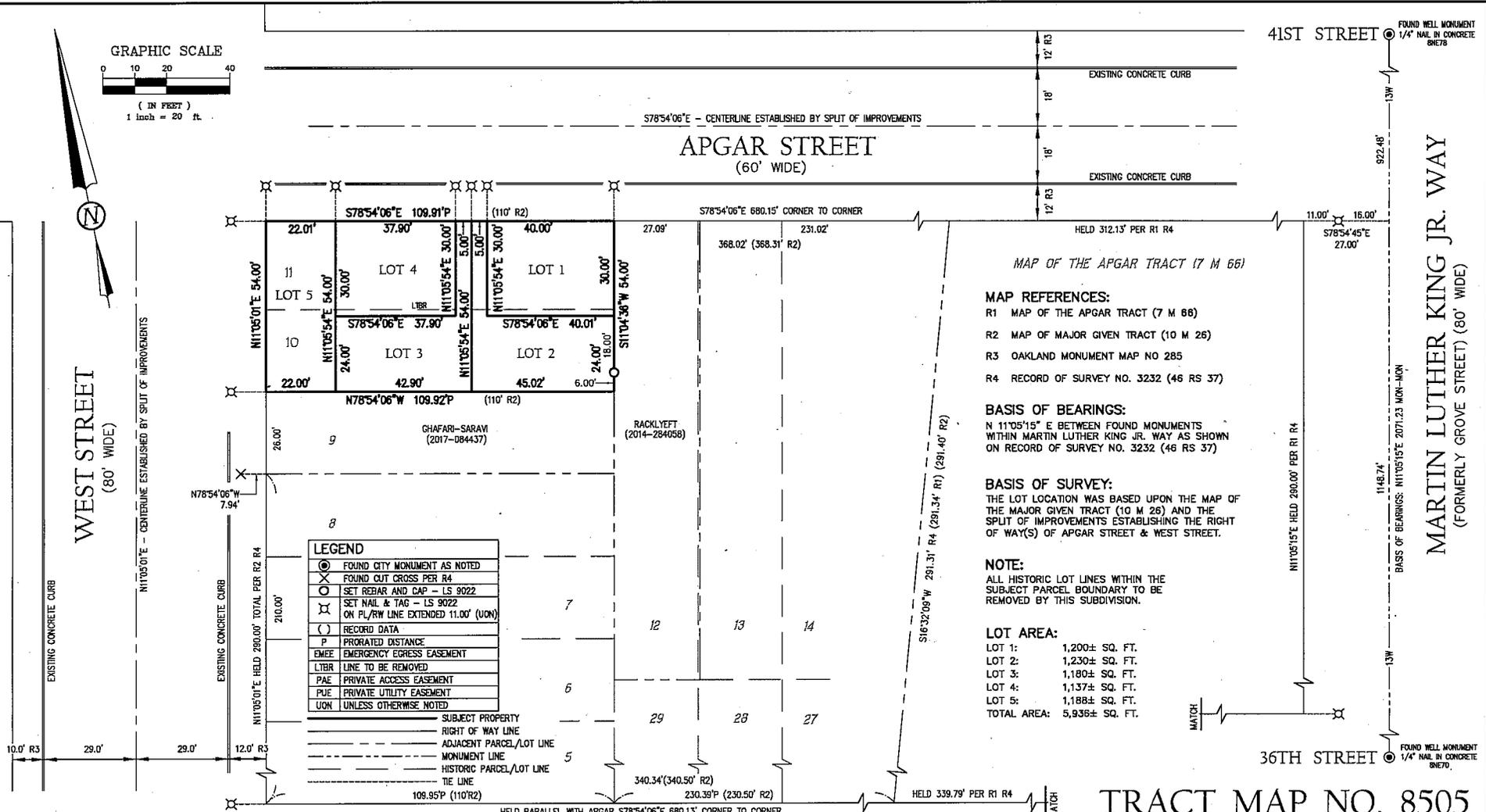
BEING A MERGER AND RE-SUBDIVISION OF THAT REAL PROPERTY DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED MAY 24, 2019 UNDER SERIES NO. 2019-097708 OFFICIAL RECORDS OF ALAMEDA COUNTY BEING LOTS 10 AND 11, BLOCK C, MAJOR GIVEN TRACT FILED JUNE 11, 1888 IN MAP BOOK 10, PAGE 26 CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA FEBRUARY, 2021

BAY AREA LAND SURVEYING INC.

3065 RICHMOND PARKWAY, SUITE 101
RICHMOND, CA 94806
(510) 223-5187



WEST STREET
(80' WIDE)



LEGEND

- FOUND CITY MONUMENT AS NOTED
- ⊗ FOUND CUT CROSS PER R4
- ⊗ SET REBAR AND CAP - LS 9022
- ⊗ SET NAIL & TAG - LS 9022 ON FL/RW LINE EXTENDED 11.00' (UON)
- () RECORD DATA
- P PRORATED DISTANCE
- EMEE EMERGENCY EGRESS EASEMENT
- LTBR LINE TO BE REMOVED
- PAE PRIVATE ACCESS EASEMENT
- PUE PRIVATE UTILITY EASEMENT
- UON UNLESS OTHERWISE NOTED

MAP REFERENCES:
 R1 MAP OF THE APGAR TRACT (7 M 66)
 R2 MAP OF MAJOR GIVEN TRACT (10 M 26)
 R3 OAKLAND MONUMENT MAP NO 285
 R4 RECORD OF SURVEY NO. 3232 (46 RS 37)

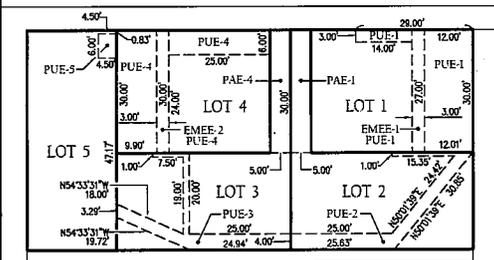
BASIS OF BEARINGS:
 N 11°05'15" E BETWEEN FOUND MONUMENTS WITHIN MARTIN LUTHER KING JR. WAY AS SHOWN ON RECORD OF SURVEY NO. 3232 (46 RS 37)

BASIS OF SURVEY:
 THE LOT LOCATION WAS BASED UPON THE MAP OF THE MAJOR GIVEN TRACT (10 M 26) AND THE SPLIT OF IMPROVEMENTS ESTABLISHING THE RIGHT OF WAY(S) OF APGAR STREET & WEST STREET.

NOTE:
 ALL HISTORIC LOT LINES WITHIN THE SUBJECT PARCEL BOUNDARY TO BE REMOVED BY THIS SUBDIVISION.

LOT AREA:

LOT 1:	1,200± SQ. FT.
LOT 2:	1,230± SQ. FT.
LOT 3:	1,180± SQ. FT.
LOT 4:	1,137± SQ. FT.
LOT 5:	1,188± SQ. FT.
TOTAL AREA:	5,936± SQ. FT.



NOTE:
 EASEMENT LINES ARE PARALLEL OR PERPENDICULAR TO APGAR STREET (UON)

WEST MAC ARTHUR BOULEVARD
 (FORMERLY 38TH STREET) (WIDTH VARIES)

TRACT MAP NO. 8505
 A 5 LOT SUBDIVISION

BEING A MERGER AND RE-SUBDIVISION OF THAT REAL PROPERTY DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED MAY 24, 2019 UNDER SERIES NO. 2019-097708 OFFICIAL RECORDS OF ALAMEDA COUNTY BEING LOTS 10 AND 11, BLOCK C, MAJOR GIVEN TRACT FILED JUNE 11, 1888 IN MAP BOOK 10, PAGE 26 CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA FEBRUARY, 2021 SCALE: 1" = 20'

BAY AREA LAND SURVEYING INC.
 3065 RICHMOND PARKWAY, SUITE 101
 RICHMOND, CA 94806
 (510) 223-5167