

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

ADOPT A RESOLUTION (1) CONDITIONALLY APPROVING A FINAL MAP FOR TRACT NO. 8571, LOCATED AT 3855 WEST STREET FOR A SIX LOT SUBDIVISION FOR 3855 WEST STREET, LLC, AND (2) ADOPT CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS;

WHEREAS, 3855 West Street, LLC, a California limited liability company (Subdivider), is the Subdivider of six (6) parcels identified by the Alameda County Assessor as APN 012-0960-017 and by the Alameda County Clerk-Recorder as Tract No. 8571, and by the City of Oakland as 3855 West Street; and

WHEREAS, the Subdivider has acquired by purchase for valuable consideration the real property comprising Tract No. 8571 through a grant deed, series no. 2020246021, recorded September 24, 2020, by the Alameda County Clerk-Recorder; and

WHEREAS, said parcel is comprised of a portion of a merger and re-subdivision of subdivision of Lots 1 and 2 and the Southern 15 feet of Lot 3, Block E, Major Given Tract, filed June 11, 1888, Book 10, Page 26, of Maps, Alameda County Records; and

WHEREAS, the Subdivider applied to the City of Oakland for a Tentative Tract Map (TTM 8571) to subdivide said platted land, which proposed to: (a) subdivide the existing lot into six (6) lots accessed by a shared access from Apgar Street; and (b) construct six three-story residential units, each with its own off-street parking space; and

WHEREAS, on May 05, 2021, the City Planning Commission approved the Tentative Tract Map for Tract No. 8571 and the land use entitlements (PLN20153), and affirmed staff's environmental determination that the project is exempt from California Environmental Quality Act (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. 8571, which proposes the subdivision of five (5) developable parcels, for six (6) residential unit 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. 8571, 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. 8571, 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. 8571 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. 8571; 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. PX2100018 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. 8571, 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. 8571 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 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. 8571; and be it

FURTHER RESOLVED: That the City Engineer is hereby authorized to endorse the Final Map for Tract No. 8571; 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. 8571 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. 8571 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 vote 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 - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

Exhibit A:
Final Tract Map No. 8571 and Public Infrastructure Improvements and
Common Infrastructure Improvements.