

CITY OF OAKLAND

Agenda Report

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2007 SEP -6 PM 12:18

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: September 18, 2007

RE: **A Report And Resolution Approving A Final Map For Tract 7821 And Accepting A Public Utility Easement For A Residential Subdivision At 508 105th Avenue**

SUMMARY

A resolution has been prepared approving a Final Map for Tract No. 7821 for the developer, Clarence and Catherine Byal, and accepting a dedication of a public utility easement. The map will subdivide four (4) parcels, which are located near the intersection of 105th Avenue and June Court, into eight (8) residential lots.

The Planning Commission approved the land use entitlements (CM 07051) and the tentative map for the subdivision (TTM 7821) on February 28, 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 have been covered by previously collected fees set by the Master Fee Schedule and paid by the property owner. The revenue has been deposited in the Development Service Fund (2415), Engineering Services organization (88432), Tract Map account (45119), Engineering and Architectural Program (PS30).

PROJECT DESCRIPTION

The four (4) parcels (APN 045-5368-004-01, 045-5368-013-00, 045-5368-014-00, and 045-5368-015-00) are zoned R-30, one-family residential. The proposed development will subdivide the one and three-tenths (1.30) acre site into eight (8) lots. Six (6) of the lots will be accessed from two (2) private easements, and two (2) will be accessed from 105th Avenue.

KEY ISSUES AND IMPACTS

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 subdivision will provide opportunities for home ownership for the Oakland community.

Environmental

Land use approvals and construction permits for new 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 proposed development will assist the economic revitalization of the area and support the infusion of diverse multi-cultural activities and events.

DISABILITY AND SENIOR CITIZEN ACCESS

The replacement sidewalk on 105th Avenue and the private access easements will conform to Caltrans and City requirements for handicapped accessibility.

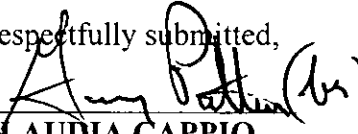
RECOMMENDATIONS

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 and adopt the proposed resolution, as a ministerial action, approving the Final Map for Tract 7821, and accepting the dedication of a public utility easement, 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 the Alameda County Clerk-Recorder for recordation.

Respectfully submitted,



CLAUDIA CAPPIO

Development Director

Community and Economic Development Agency

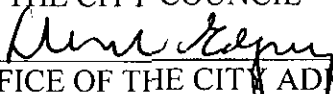
Prepared by:

Raymond M. Derania

Interim City Engineer

Building Services Division

APPROVED FOR FORWARDING
TO THE CITY COUNCIL


OFFICE OF THE CITY ADMINISTRATOR

2007 Councilmember 3: 50

F. Foley
City Attorney

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION APPROVING A FINAL MAP FOR TRACT 7821 AND ACCEPTING A DEDICATION OF A PUBLIC UTILITY EASEMENT FOR A RESIDENTIAL SUBDIVISION AT 508 105th AVENUE

WHEREAS, the property owners of seven (7) previously subdivided lots, Clarence C. Byal and Catherine A. Byal, husband and wife, are the Subdividers of four (4) parcels identified by the Alameda County Assessor as APN 045-5368-004-01, 045-5368-013-00, 045-5368-014-00, and 045-5368-015-00; and by the Alameda County Clerk-Recorder as Tract 7821, and by the City of Oakland as 492, 494, 496, 498, and 508 105th Avenue; and

WHEREAS, the Subdividers have acquired the fee simple interest in the real property comprising Tract 7821 through grant deeds, series no. 2002139351 and 2002139359, recorded March 28, 2002, by the Alameda County Clerk-Recorder, the limits of which encompass approximately one and three-tenths (1.30) acres of land and the location of which is near the intersection of 105th Avenue and June Court; and

WHEREAS, the Subdividers have previously applied to the City of Oakland to divide the platted land into residential lots comprising Tract 7821; and

WHEREAS, the Subdividers have previously subdivided said platted land comprising Tract 7821 into seven (7) lots, identified as parcels APN 045-5368-013-00, 045-5368-014-00, and 045-5368-015-00, through Parcel Map 8422, recorded October 5, 2005, by the Alameda County Clerk-Recorder, and said parcel APN 045-5368-004-01 through Parcel Map 8705, recorded February 6, 2006, by the Alameda County Clerk-Recorder; and

WHEREAS, the Subdividers have now proposed subdividing said parcel 045-5368-015-00 that will result in a total of eight (8) subdivided and contiguous lots; and

WHEREAS, pursuant to 66 Cal. App. 3rd 191 (1977), 55 Ops. Cal. Atty. Gen. 414, 417 (1972), and 61 Ops. Cal. Atty. Gen. 114 (1978), the Subdividers have applied to the City of Oakland for a Tentative Map (TTM 7821) and for a Final Map for Tract 7821; and

WHEREAS, the Planning Commission of the City of Oakland approved the land use entitlements (CM07051) and the Tentative Map (TTM 7821) on February 28, 2007, which proposed the subdivision of the four (4) parcels into eight (8) contiguous residential lots; and

WHEREAS, vehicle, pedestrian, and emergency vehicle access will be provided for

- two (2) lots from the public right-of-way along 105th Avenue, and for
- four (4) other lots from a private access easement within the limits of Tract 7821, and for

- two (2) other lots from contiguous private access easements, which are coterminus with a private access easement as delineated on Parcel Map 7218, recorded October 3, 2000, by the Alameda County Clerk-Recorder and which adjoins the southeastern limits of Tract 7821, that were acquired through grant deeds, series no. 2005087741 and 2005087742, recorded March 4, 2005, by the Alameda County Clerk-Recorder, and series no. 2005272426, recorded July 1, 2005, by the Alameda County Clerk-Recorder; and

WHEREAS, as a condition for approval of said Tentative Map, the City has required and the Subdivider has offered the dedication of a public utility easement within the limits of Tract 7821 which is coterminus with the boundaries of said private access easement; 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 7821, upon which the Final Map for Tract 7821 is based; and

WHEREAS, the City Engineer of the City of Oakland has determined that

- the Final Map for Tract 7821, 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 proposed lots and easements, 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 7821; and

WHEREAS, the Subdividers are not required to construct any surface or subsurface public infrastructure improvements within the existing public right-of-way of 105th Avenue or the proposed public utility 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 7821; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA), the Guidelines as prescribed by the Secretary of Resources, and the provisions of the Statement of Objectives, Criteria and Procedures for Implementation of the California Environmental Quality Act: City of Oakland, have been satisfied, and that in accordance with Section 15315 of the California Code of Regulations this project is categorically exempt from the provisions of the California Environmental Quality Act; and the approval of a final map is ministerial and exempt from CEQA, now, therefore, be it

RESOLVED: That the Final Map for Tract 7821 does comply with the California Environmental Quality Act; and be it

FURTHER RESOLVED: That the Final Map for Tract 7821 is hereby approved; and be it

FURTHER RESOLVED: That the dedication of the public utility easement is hereby accepted; and be it

FURTHER RESOLVED: That the City Engineer is hereby authorized to endorse the Final Map for Tract 7821; and be it

FURTHER RESOLVED: That the City Clerk of the City of Oakland is hereby authorized to endorse the Final Map for Tract 7821, upon its execution by the City Engineer, and directed to file the fully endorsed Final Map with the Alameda County Clerk-Recorder for recordation; and be it

FURTHER RESOLVED: That this Resolution shall become effective upon the recordation of the Final Map for Tract 7821 by the Alameda County Clerk-Recorder.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

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

TRACT MAP NO. 7821

A PORTION OF LOT 6 & LOT 7, AND ALL OF LOT 8 OF THE
"MAP OF THE CUNHA AND WALKER PROPERTY, BROOKLYN TP. ALAMEDA COUNTY"
FILED AUGUST 2, 1909 IN MAP BOOK 24, PAGE 90, ALAMEDA COUNTY RECORDS.

CITY OF OAKLAND ALAMEDA COUNTY CALIFORNIA
FEBRUARY 2007

OWNER'S STATEMENT

THE UNDERSIGNED HEREBY STATE THAT THEY ARE THE OWNERS OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREIN EMBODIED MAP ENTITLED "TRACT MAP 7821, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA;" THAT SAID OWNERS ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE GRANT DEED RECORDED MARCH 28, 2002 UNDER SERIES NO. 2002-139351 AND SERIES NO. 2002-139359 IN THE OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA; THAT THEY CONSENT TO THE PREPARATION AND FILING OF THIS MAP.

THE AREA DESIGNATED AS "PRIVATE ACCESS EASEMENT" IS HEREBY RESERVED FOR THE OWNERS AND ASSIGNS OF LOTS 4-7 OF TRACT MAP 7821 FOR BUT NOT LIMITED TO ACCESS, RECREATION, UTILITIES, DRAINAGE, SANITARY SEWER LATERALS AND PRIVATE SANITARY SEWER MAINS, INGRESS AND EGRESS AND FOR THE USE OF EMERGENCY VEHICLES OF ALL KINDS.

THE UNDERSIGNED HEREBY DEDICATES TO THE CITY OF OAKLAND FOREVER THE RIGHT TO CONSTRUCT AND MAINTAIN PUBLIC UTILITIES AND ALL THEIR APPURTENANCES THERETO UNDER, ON AND OVER THE STRIP OF LAND DESIGNATED AS "PUBLIC UTILITY EASEMENT" ON SAID TRACT MAP AND THE RIGHT TO ENTER UPON SAID LAND FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, RECONSTRUCTING OR REPAIRING SAID PUBLIC UTILITIES AND THEIR APPURTENANCES.

CLARENCE C. BYAL

CATHERINE A. BYAL

OWNER'S ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
) ss.
COUNTY OF ALAMEDA)

ON _____ BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE, PERSONALLY APPEARED CLARENCE C. BYAL AND CATHERINE A. BYAL, PERSONALLY KNOWN TO ME (OR 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.

WITNESS MY HAND AND SEAL

NOTARY PUBLIC

NAME: _____

MY COMMISSION EXPIRES: _____ COMMISSION NUMBER: _____

SURVEYOR'S STATEMENT

THIS MAP HAS BEEN 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 CLARENCE C. BYAL IN SEPTEMBER OF 2005. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP PROCEDURES OF THE CITY OF OAKLAND AND THAT PROVISIONS OF APPLICABLE STATE LAWS AND LOCAL ORDINANCES HAVE BEEN COMPLIED WITH. FURTHER I HEREBY STATE THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE: _____

WILEY J. PIERCE, PLS 3300
LICENSE EXPIRES 3/31/2008

STATEMENT OF CLERK OF THE BOARD OF SUPERVISORS

I, CRYSTAL K. HISHIDA, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 85492 AND 86493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATE: _____

CRYSTAL K. HISHIDA,
CLERK OF THE BOARD OF SUPERVISORS,
OF THE COUNTY ALAMEDA, STATE OF CALIFORNIA

BY: _____
DEPUTY CLERK

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2007, AT _____ M. IN BOOK _____ OF PARCEL
MAPS AT PAGES _____ AT THE REQUEST OF ERNIE BYAL

PATRICK O'CONNEL, COUNTY RECORDER

BY: _____
DEPUTY COUNTY RECORDER

CITY ENGINEER'S STATEMENT

I, RAYMOND M. DERANIA, 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 HEREON EMBODIED TRACT MAP ENTITLED "TRACT MAP 7821, 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 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 MAP; AND THAT I AM SATISFIED THAT THE TRACT MAP IS TECHNICALLY CORRECT.

I HEREBY ACCEPT ON BEHALF OF THE CITY OF OAKLAND THE AREA DESIGNATED AS "PUBLIC UTILITY EASEMENT" ON SAID PARCEL MAP AS HEREIN DEDICATED IN ACCORDANCE WITH SECTION 16.24.130(C) OF THE OAKLAND MUNICIPAL CODE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS
DAY OF _____ 2005

RAYMOND M. DERANIA, R.C.E. NO. 27815
INTERIM CITY ENGINEER
CITY OF OAKLAND, ALAMEDA COUNTY
STATE OF CALIFORNIA
LICENSE EXPIRES 3/31/08

SHEET 1 OF 2

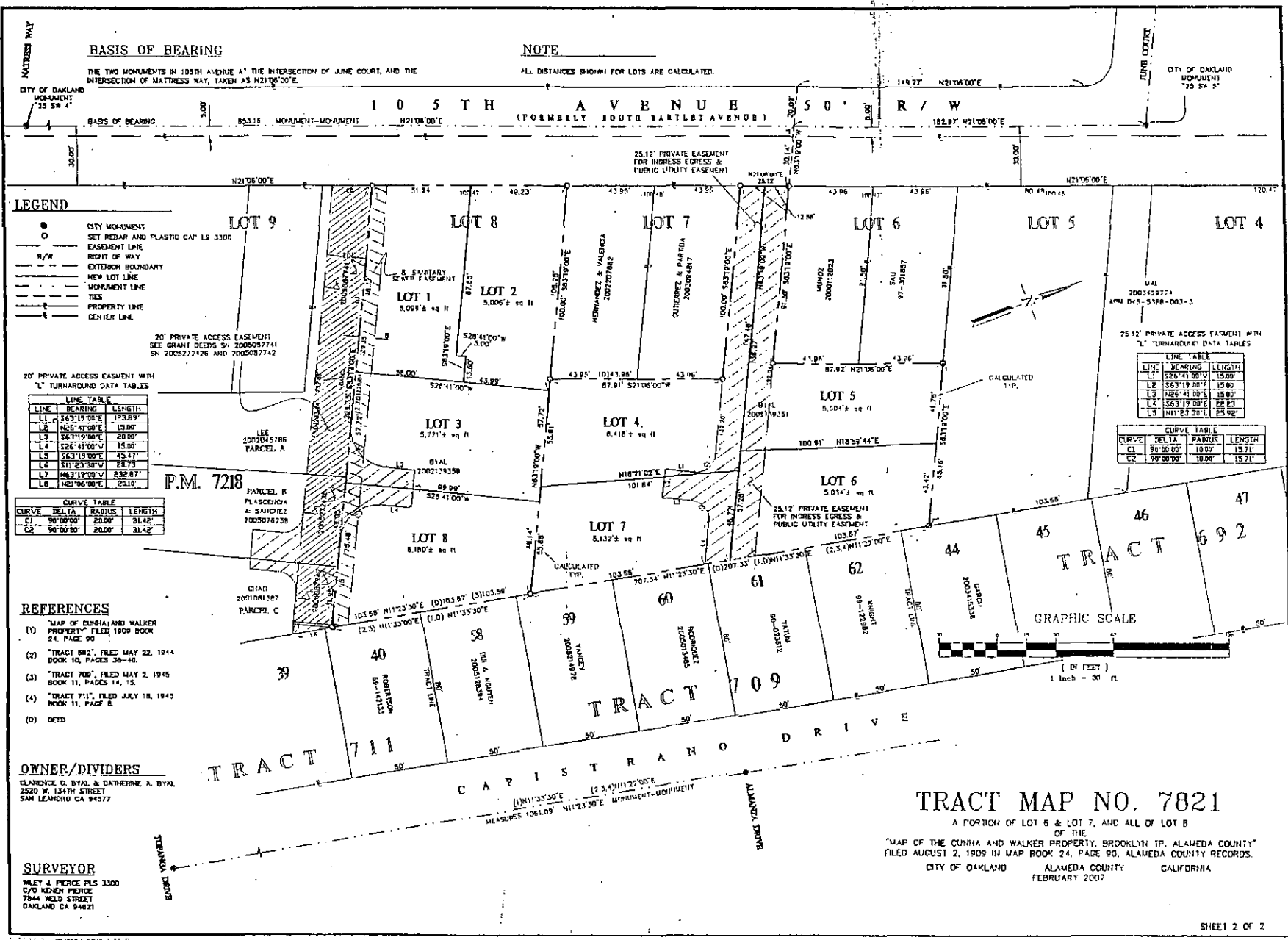
EXHIBIT A

BASIS OF BEARING

THE TWO MONUMENTS IN 105TH AVENUE AT THE INTERSECTION OF JUNE COURT, AND THE INTERSECTION OF MATTRESS WAY, TAKEN AS N21°06'00"E.

NOTE

ALL DISTANCES SHOWN FOR LOTS ARE CALCULATED.



LEGEND

- CITY MONUMENT
- SET REBAR AND PLASTIC CAP L.S. 3300
- EASEMENT LINE
- ROUIT OF WAY
- EXTERIOR BOUNDARY
- NEW LOT LINE
- MONUMENT LINE
- TIES
- PROPERTY LINE
- CENTER LINE

20' PRIVATE ACCESS EASEMENT WITH "L" TURNAROUND DATA TABLES

LINE	BEARING	LENGTH
L1	S63°19'00"E	123.89'
L2	N25°47'00"E	15.00'
L3	S63°19'00"E	20.00'
L4	S28°41'00"W	15.00'
L5	S63°19'00"E	45.47'
L6	S11°23'30"W	28.73'
L7	N63°19'00"W	232.87'
L8	N21°06'00"E	25.10'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	90°00'00"	20.00'	31.42'
C2	90°00'00"	20.00'	31.42'

LINE TABLE

LINE	BEARING	LENGTH
L1	S28°41'00"W	15.00'
L2	S63°19'00"E	15.00'
L3	N25°47'00"E	15.00'
L4	S63°19'00"E	22.23'
L5	N11°23'30"E	25.92'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	90°00'00"	10.00'	15.71'
C2	90°00'00"	10.00'	15.71'

REFERENCES

- (1) MAP OF CONKLIN AND WALKER PROPERTY FILED 1909 BOOK 24, PAGE 90
- (2) "TRACT 892", FILED MAY 22, 1944 BOOK 10, PAGES 38-40.
- (3) "TRACT 700", FILED MAY 2, 1945 BOOK 11, PAGES 14, 15.
- (4) "TRACT 711", FILED JULY 18, 1945 BOOK 11, PAGE 8.
- (5) DEED

OWNER/DIVIDERS

CLARENCE G. BYAL & CATHERINE A. BYAL
2520 W. 134TH STREET
SAN LEANDRO CA 94577

SURVEYOR

WILEY J. PERCE PLS 3300
C/O KENNETH PERCE
7844 WELD STREET
OAKLAND CA 94621

TRACT MAP NO. 7821

A PORTION OF LOT 5 & LOT 7, AND ALL OF LOT 8 OF THE MAP OF THE CUNHA AND WALKER PROPERTY, BROOKLYN TP. ALAMEDA COUNTY FILED AUGUST 2, 1909 IN MAP BOOK 24, PAGE 90, ALAMEDA COUNTY RECORDS. CITY OF OAKLAND ALAMEDA COUNTY CALIFORNIA FEBRUARY 2007

EXHIBIT A