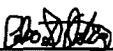


FILED
OFFICE OF THE CITY CLERK
OAKLAND

22 APR 29 PM 1:58

Approved as to Form and Legality


Celso Ortiz (Apr 26, 2022 15:31 PDT)
Office of the City Attorney

OAKLAND CITY COUNCIL
RESOLUTION NO. 89156 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 City Council has independently considered and finds that 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 be it

FURTHER RESOLVED: That The City Council directs the City's Environmental Review Officer to file a Notice of Exemption; 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,

MAY - 3 2022

PASSED BY THE FOLLOWING VOTE:

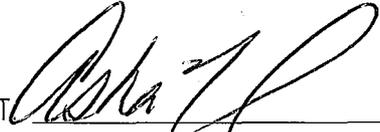
AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS 

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.

OWNER'S STATEMENT:

THE UNDERSIGNED HEREBY STATE THAT IT IS THE OWNER OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREIN EMBODIED PARCEL MAP ENTITLED "TRACT MAP NO. 8571, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA"; THAT SAID OWNER ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE GRANT DEED RECORDED SEPTEMBER 24, 2020 UNDER SERIES NO. 2020-246021 IN THE OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA; THAT IT CONSENTS TO THE PREPARATION AND FILING OF THIS TRACT MAP.

THE UNDERSIGNED FURTHER STATES THAT THE AREAS DESIGNATED:

THE UNDERSIGNED FURTHER STATES THAT THE AREA DESIGNATED (PAUE) "PRIVATE ACCESS AND UTILITY EASEMENT" IS A NON-EXCLUSIVE EASEMENT FOR BENEFIT OF LOTS 1 THROUGH 6 FOR ACCESS AND UTILITY PURPOSES. SAID EASEMENT SHALL BE KEPT OPEN AND FREE OF ANY OBSTRUCTIONS, INCLUDING, PERMANENT EXCAVATIONS, BUILDINGS, OR PERMANENT STRUCTURES.

3855 WEST STREET LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

JACKIE ERBE
TITLE:

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
ROSETTA SHATKIN

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 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. 8571, 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, _____, ACTING 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. 8471, 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 _____ 20____.

SIGNATURE: _____
PRINTED NAME: _____
R.C.E. NO. _____
ACTING CITY ENGINEER
CITY OF OAKLAND, ALAMEDA COUNTY
STATE OF CALIFORNIA



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____.

CATHERINE PAYNE
SECRETARY OF THE CITY PLANNING COMMISSION
CITY OF OAKLAND, ALAMEDA COUNTY
STATE OF CALIFORNIA

CITY CLERK'S STATEMENT

I, ASHA REED, 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 8571", 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
AND CLERK OF THE COUNCIL OF THE CITY OF OAKLAND,
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

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 JACKIE ERBE ON 05/04/20. 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.

KEITH S. BUSH, L.S. 8494
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

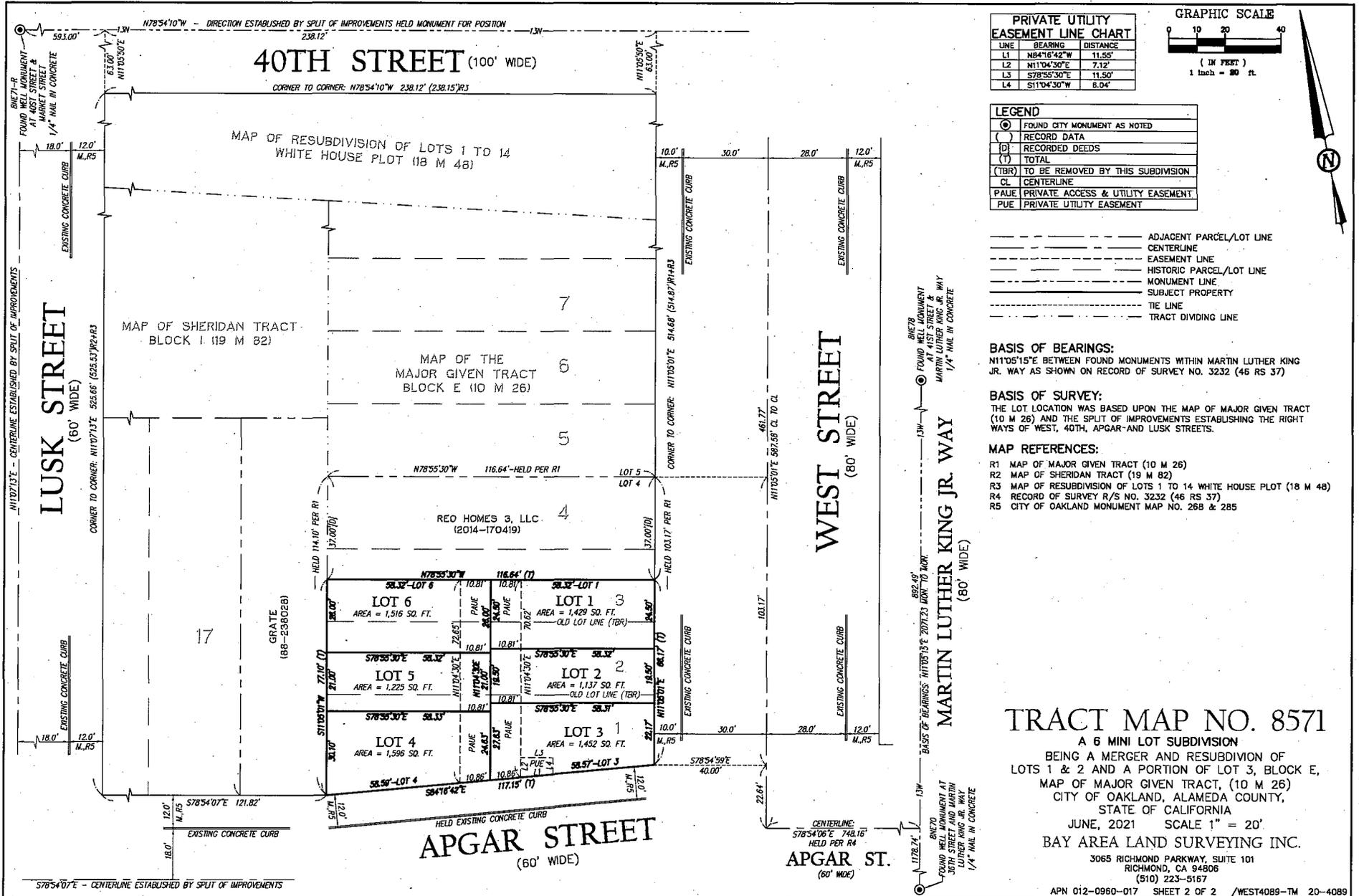
RECORDED _____ 20____ AS SERIES NO. _____

TRACT MAP NO. 8571

A 6 MINI LOT SUBDIVISION
BEING A MERGER AND RESUBDIVISION OF
LOTS 1 & 2 AND A PORTION OF LOT 3, BLOCK E,
MAP OF MAJOR GIVEN TRACT, (10 M 26)
CITY OF OAKLAND, ALAMEDA COUNTY,
STATE OF CALIFORNIA
JUNE, 2021

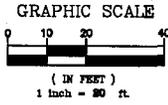
BAY AREA LAND SURVEYING INC.

3085 RICHMOND PARKWAY, SUITE 101
RICHMOND, CA 94806
(510) 223-5167



PRIVATE UTILITY EASEMENT LINE CHART

LINE	BEARING	DISTANCE
L1	N84°16'42"W	11.55'
L2	N11°04'30"E	7.12'
L3	S78°55'30"E	11.50'
L4	S11°04'30"W	8.04'



LEGEND

⊙	FOUND CITY MONUMENT AS NOTED
()	RECORDED DATA
[]	RECORDED DEEDS
(T)	TOTAL
(TBR)	TO BE REMOVED BY THIS SUBDIVISION
CL	CENTERLINE
PAUE	PRIVATE ACCESS & UTILITY EASEMENT
PUE	PRIVATE UTILITY EASEMENT

- ADJACENT PARCEL/LOT LINE
- CENTERLINE
- EASEMENT LINE
- HISTORIC PARCEL/LOT LINE
- MONUMENT LINE
- SUBJECT PROPERTY
- TIE LINE
- TRACT DIVIDING LINE

BASIS OF BEARINGS:
 N11°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 MAJOR GIVEN TRACT (10 M 26) AND THE SPLIT OF IMPROVEMENTS ESTABLISHING THE RIGHT WAYS OF WEST, 40TH, APGAR AND LUSK STREETS.

- MAP REFERENCES:**
- R1 MAP OF MAJOR GIVEN TRACT (10 M 26)
 - R2 MAP OF SHERIDAN TRACT (19 M 82)
 - R3 MAP OF RESUBDIVISION OF LOTS 1 TO 14 WHITE HOUSE PLOT (18 M 48)
 - R4 RECORD OF SURVEY R/S NO. 3232 (46 RS 37)
 - R5 CITY OF OAKLAND MONUMENT MAP NO. 268 & 285

TRACT MAP NO. 8571

A 6 MINI LOT SUBDIVISION
 BEING A MERGER AND RESUBDIVISION OF
 LOTS 1 & 2 AND A PORTION OF LOT 3, BLOCK E,
 MAP OF MAJOR GIVEN TRACT, (10 M 26)
 CITY OF OAKLAND, ALAMEDA COUNTY,
 STATE OF CALIFORNIA

JUNE, 2021 SCALE 1" = 20'

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