

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

## CITY OF OAKLAND

### Agenda Report

2010 SEP 23 PM 4:49

TO: Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: October 5, 2010

RE: **A Report And Resolution Approving A Final Map For Tract No. 8046 For The Uptown Project At 500/600/ 601 William Street To Create Three Market-Rate And Three Affordable-Rate Condominiums To Facilitate Private Investment In The Uptown Mixed-Income Project By Low Income Housing Tax Credit Investors**

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#### SUMMARY

A resolution has been prepared approving a Final Map for Tract No. 8046 to create six (6) new condominiums in the three (3) existing Uptown apartment buildings. The condominium map will assemble 133 very-low income units in three (3) of the condominiums to enable the private equity partner (Forest City) of the property owner, Uptown Housing Partners LP (UHP), to syndicate three (3) new "tax parcels" (containing the affordable-rate units) to third-party investors who invest in Low Income Housing Tax Credits (LIHTC). The anticipated investment revenue (\$10,000,000) will be used by Forest City to pay for the LIHTC syndication and project development costs that were previously covered by interim financing sources. Existing rental restrictions for all of the affordable-rate units will not change. In addition, the existing distribution of affordable-rate units in the apartment buildings will not change.

The Planning Commission approved the environmental determination (no subsequent or supplemental EIR is required) and the tentative map (TTM 08046) for the condominiums on August 9, 2010. 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 paid by UHP. 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

##### Condominium Map - Tax Credit Financing

The condominium map will have one result: to create for investment purposes separate "tax parcels" for affordable-rate units and the market-rate units. Private investors refer to the Uptown project as an "80/20 deal", which is the percentage of unrestricted-income units (80%) to

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restricted-income units (20%). The affordability mix of the 665 rental units is apportioned as follows:

- 133 very-low income units, which are affordable to households earning up to 50% of the Area Median Income (AMI);
- 33 moderate income units, which are affordable to households earning up to 120% of the AMI;
- 499 market-rate units, which do not have income restrictions.

The condominium map will provide a financing mechanism for Forest City, who is the private equity partner of UHP (Oakland Redevelopment Agency is the other partner, to assemble the very-low income units into "tax parcels" in each apartment building, which will be financially separate from the moderate income and market-rate units and the adjoining garages and common areas. This separation will attract LIHTC investors who have previously rejected partnerships with UHP because each of the three (3) current parcels have intermixed restricted-income and unrestricted-income units. The tax benefits (and the depreciation) associated with a mixed-income parcel are not sufficient to entice LIHTC investors.

The condominium map will accommodate an Internal Revenue Service (IRS) ruling in December 2004 (Private Letter No. 200601021) that allows separate ownership of affordable housing units in a single building. The IRS ruling enables the affordable-rate units to be grouped into separate LIHTC condominiums within each of the three (3) apartment buildings and assigned individual parcel numbers. The existing distribution of the affordable-rate units throughout the three (3) buildings will not change.

LIHTC investing is an integral part of the financing plan for the Uptown project. The three (3) proposed LIHTC condominiums will allow third-party investors to target their investments on the units which specifically qualify for LIHTC. Because just twenty percent (20%) of the Uptown units generate LIHTC, combining the affordable-rate units with the market-rate units disperses the financial incentives for LIHTC investors. The proposed LIHTC condominiums will create this necessary investment feature while also assuring that that project will continue to function unaffected in all other aspects.

### **Low Income Housing Tax Credits**

LIHTC funding for rental housing projects is raised by syndicating the tax credits to investors. A developer proposes an affordable housing project to the California Tax Credit Allocation Committee in order to receive a competitive allocation of tax credits. The developer then syndicates the depreciation and tax credits to investors in exchange for capital contributions. The amount of the tax credit is based on the following criteria:

- The cost of the project.
- The amount of credits awarded to the project in the competition.

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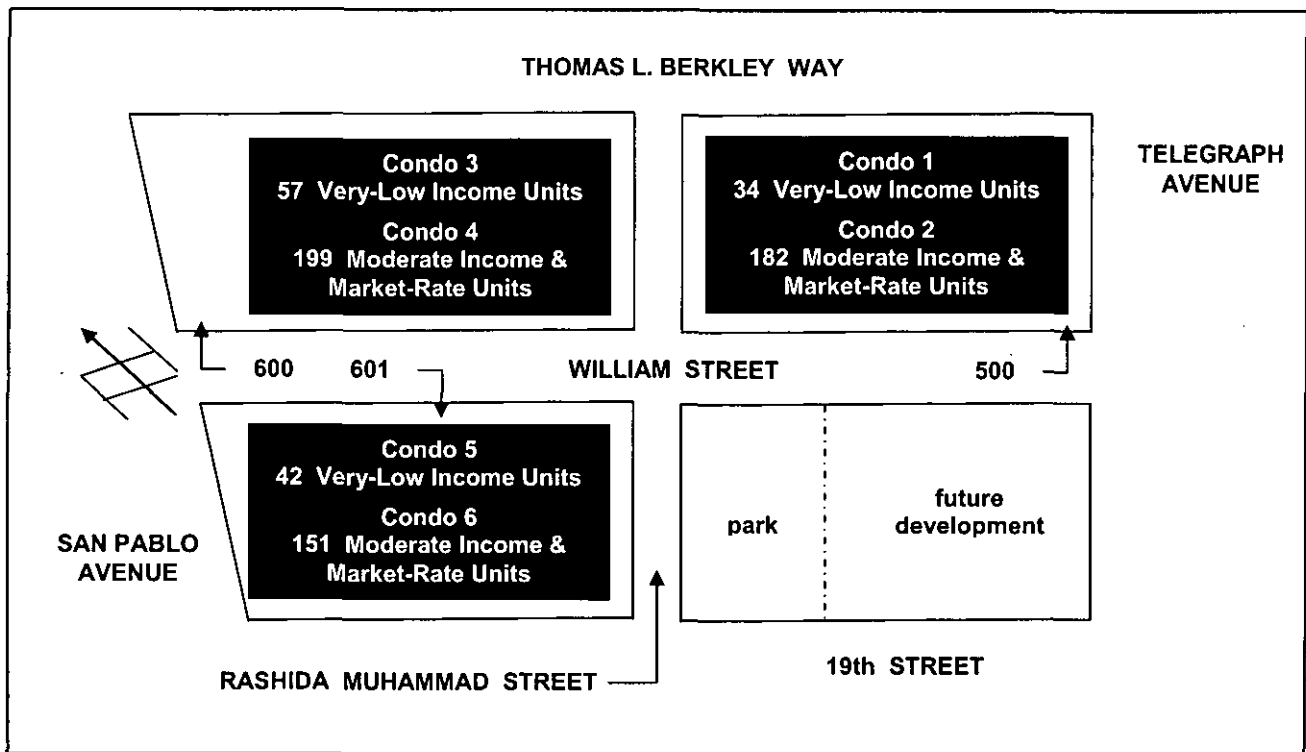
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- The percentage of the project's units that are rented to low income tenants.
- The tax credit rate announced by the Internal Revenue Service (Uptown is 4%).

**KEY ISSUES AND IMPACTS**

**Final Map - California Government Code section 664474.1**

As set forth in the state 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.



**Renovations - Oakland Municipal Code section 16.36.130**

All units in the Uptown projects were constructed with interior sound insulation.

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**Tenant Displacement/ Purchase Assistance and Replacement Rental Units - Oakland  
Municipal Code sections 16.36.050 and 16.36.070**

In considering the Tentative Map application, the Planning Commission determined that the application does not meet the definition of "map" in Oakland Municipal Code section 16.36.010 or the California Government Code (Subdivision Map Act). The condominium map will not create individual unit ownership opportunities and will not displace any current tenants. As noted above, the condominium map will have one result: creation of different "tax parcels" for the affordable-rate units and the market-rate units. The Ground Lease and the Regulatory Bond Agreement for the Uptown project requires that UHP retain rental housing for fifty-five (55) years (beginning in 2005), which far exceeds the seven (7) year restriction in the City's Condominium Conversion Ordinance for delaying the conversion of replacement units to condominiums. In addition, the Map itself includes a condition of approval requiring that the units remain rental for a period of not less than fifty-five (55) years beginning on October 1, 2005 (Condition of Approval no. 10). Rental units will not be removed nor will any current tenants be displaced. Because no housing units would be removed from the rental market, the condominium map will not create a negative impact on the City's rental housing supply, and UHP is not required to provide replacement housing units or comply with noticing or other requirements of the condominium map ordinance.

Because the Planning Commission's Tentative Map approval was not appealed, its determination regarding the inapplicability of the condominium conversion requirements is now final and cannot be revisited by the City Council.

**SUSTAINABLE OPPORTUNITIES****Economic**

The condominium map will provide a supplemental financing mechanism for private investment in the Uptown project.

**Environmental**

The condominium map does not require renovations or infrastructure construction.

**Social Equity**

The condominium map will support the construction of affordable housing units.

**DISABILITY AND SENIOR CITIZEN ACCESS**

The condominium map does not require renovations or infrastructure construction.

**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 approving the Final Map to create six (6) new condominiums in the three (3) existing Uptown apartment buildings:

- conditionally approving the Final Map for Tract No. 8046;
- authorizing the City Engineer and City Clerk to execute the Final Map;
- directing the City Clerk to file the Final Map with Alameda County for recordation.

Respectfully submitted,



**Walter S. Cohen**, Director  
Community and Economic Development Agency

Prepared by:

Raymond M. Derania  
Deputy Director - Building Services

APPROVED AND FORWARDED  
TO THE CITY COUNCIL:



OFFICE OF THE CITY ADMINISTRATOR

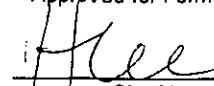
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October 5, 2010

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 SEP 23 PM 4: 49  
Councilmember

Approved for Form and Legality

  
City Attorney

## OAKLAND CITY COUNCIL

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

**RESOLUTION APPROVING A FINAL MAP FOR TRACT No. 8046 TO CREATE  
THREE MARKET-RATE AND THREE AFFORDABLE-RATE CONDOMINIUMS TO  
FACILITATE PRIVATE INVESTMENT IN THE UPTOWN MIXED-INCOME  
PROJECT BY LOW INCOME HOUSING TAX CREDIT INVESTORS**

**WHEREAS**, the property owner, Uptown Housing Partners LP, a California limited partnership (no. 200526400010), is the Subdivider of three (3) adjoining parcels identified by the Alameda County Assessor as APN 008-0716-057-00, 008-0716-053-00, and 008-0716-055-00, and by the City of Oakland as 500 William Street, 600 William Street, and 601 William Street, and by the Subdivider as the Uptown Rental Housing Project, has filed a Final Map for Tract No. 8046 with the City Engineer to subdivide each of said parcels into two (2) residential condominiums; and

**WHEREAS**, the Subdivider has previously acquired the fee simple interest in the real property comprising Tract No. 8046, as set forth in a transfer deed, recorded January 2, 2009, series no. 2009-260777, by the Alameda County Clerk-Recorder; and

**WHEREAS**, the Subdivider had previously merged existing platted lots which created said three (3) parcels with a Final Map for Tract No. 7616, recorded October 24, 2005; series no. 2005-457393, by the Alameda County Clerk-Recorder; and

**WHEREAS**, said rental housing units are comprised of:

- 34 very-low income and 182 moderate income and market-rate units in 500 William Street,
- 57 very-low income and 199 moderate income and market-rate units in 600 William Street,
- 42 very-low income and 151 moderate income and market-rate units in 601 William Street.

**WHEREAS**, the City of Oakland, as the "Lead Agency" for the Uptown Rental Housing Project for purposes of environmental review under the California Environmental Quality Act of 1970 ("CEQA"), prepared a focused Environmental Impact Report analyzing the significant environmental effects and mitigation measures in accordance with the California Environmental Quality Act, Public Resources Code § 21000, et seq.; and

**WHEREAS**, on February 18, 2004, the City Council in accordance with CEQA Guidelines § 15090 certified that the Final Environmental Impact Report ("EIR") on the Uptown Rental Housing Project was completed in compliance with CEQA, the Guidelines for Implementation of the California Environmental Quality Act (14 CCR sections 15000, et seq.); and

**WHEREAS**, the Planning Commission of the City of Oakland approved the environmental determination (categorically exempted - section 15315) and the Tentative Map (TTM 8046) for Tract No. 8046 on August 8, 2010, which proposed the subdivision for future financing purposes of each of said three (3) parcels into two (2) 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. 8046, upon which the Final Map for Tract No. 8046 is based, on August 8, 2010; and

**WHEREAS**, pursuant to Chapter 16.36 of the Oakland Municipal Code, the City shall make specific determinations before approving a final subdivision to convert residential real property to condominium ownership; and

**WHEREAS**, pursuant to Private Letter No. 200601021 issued by the Internal Revenue Service on December 8, 2004, the ownership of low income housing units in a single building may be separated from the ownership of other contiguous housing units and common-use areas as a financing mechanism for applying Low Income Housing Tax Credits (LIHTC); and

**WHEREAS**, the City Attorney of the City of Oakland has opined that the separation of the ownership of very-low income housing units for LIHTC purposes may be accomplished through the creation of two (2) condominiums in each of the said three (3) parcels by the Final Map for Tract No. 8046; and

**WHEREAS**, the Subdivider has certified and the City Attorney has concurred that the creation of said condominiums for LIHTC financing purposes will not displace, disrupt, or disturb any existing or future rental tenants or otherwise modify, diminish, or void any original condition of approval or provision of tenancy for the Uptown Mixed-Income Project; and

**WHEREAS**, the Director of Planning has determined that the requirements of California Government Code sections 66425 through 66472.1, California Civil Code section 1941, California Business and Professions Code Section 11018, and the procedures of Oakland Municipal Code Chapter 16.36 pertaining to the rights and noticing of and assistance for residential tenants are not applicable to the Final Map for Tract No. 8046; and

**WHEREAS**, the Director of City Planning of the City of Oakland has further determined that the requirements of Oakland Municipal Code Chapter 16.36 reports and descriptions of the three (3) apartment buildings located on said parcels are not applicable for the Final Map for Tract No. 8046; and

**WHEREAS**, the Director of City Planning of the City of Oakland has further determined that the requirements of Oakland Municipal Code Chapter 16.36 for obtaining "conversion rights" from and encumbering the title of other rental housing properties are not applicable for the Final Map for Tract No. 8046; and

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

- the Final Map for Tract No. 8046, 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 for Tract No. 8046 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; and

**WHEREAS**, pursuant to the conditions of approval of the Final Map for Tract No. 7616, the Subdivider completed construction in 2009 of surface and subsurface public infrastructure improvements within the public rights-of-way of William Street, 19th Street, San Pablo Avenue, Telegraph Avenue, Rashida Muhammad Street, and Thomas L. Berkley Way with permit PX 0300024 issued by the City Engineer; and

**WHEREAS**, the City Engineer has further determined that the provisions of Government Code section 66462 and Oakland Municipal Code section 16.20.100 governing construction of required public infrastructure improvements before the recording of the Final Map for Tract No. 8046 are not applicable; and

**WHEREAS**, pursuant to Oakland Municipal Code Section 16.36.130, the Subdivider installed methods and mechanisms to limit the transmission of interior sound in 2008 and 2009 with the original construction permits B 0600595, B 0600596, and B 0600597 for said rental housing units; and

**WHEREAS**, pursuant to Certificates of Occupancy 09-0115, 09-0123, and 09-0124 issued in May 2009 for said rental housing units, the Building Official has determined that the requirements of Oakland Municipal Code sections 16.36.090 and 15.08.150 are not applicable to the Final Map for Tract No. 8046; and

**WHEREAS**, the City of Oakland, as a "Responsible Agency" under the California Environmental Quality Act of 1970 ("CEQA"), has reviewed and considered documentation relevant to the proposed subdivision and the EIR and hereby finds and determines that there are no changes to the project considered in the EIR, or circumstances under which it will be undertaken, or new information of substantial importance that requires preparation of a subsequent or supplemental EIR, as specified in CEQA and the State EIR Guidelines, including without limitation, Public Resources Code Section 2116 and State EIR Guidelines Section 15162 and 15163; and 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 have been satisfied, in that this project is exempt from the California Environmental Quality Act in accordance with, but not limited to California Code of Regulations Section 15332 (Class 32: Infill Projects); now, therefore, be it

**RESOLVED:** That the Final Map for Tract No. 8046 complies with the requirements of the California Environmental Quality Act; and be it

**FURTHER RESOLVED:** That the Final Map for Tract No. 8046 is hereby approved; and be it

**FURTHER RESOLVED:** That the City Engineer is hereby authorized to endorse the Final Map for Tract No. 8046; 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. 8046, upon its execution by the City Engineer, and to file the Final Map with the Alameda County Clerk-Recorder for simultaneous recordation; and be it

**FURTHER RESOLVED:** That this Resolution shall become effective upon the recordation of the Final Map for Tract No. 8046 by the Alameda County Clerk-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

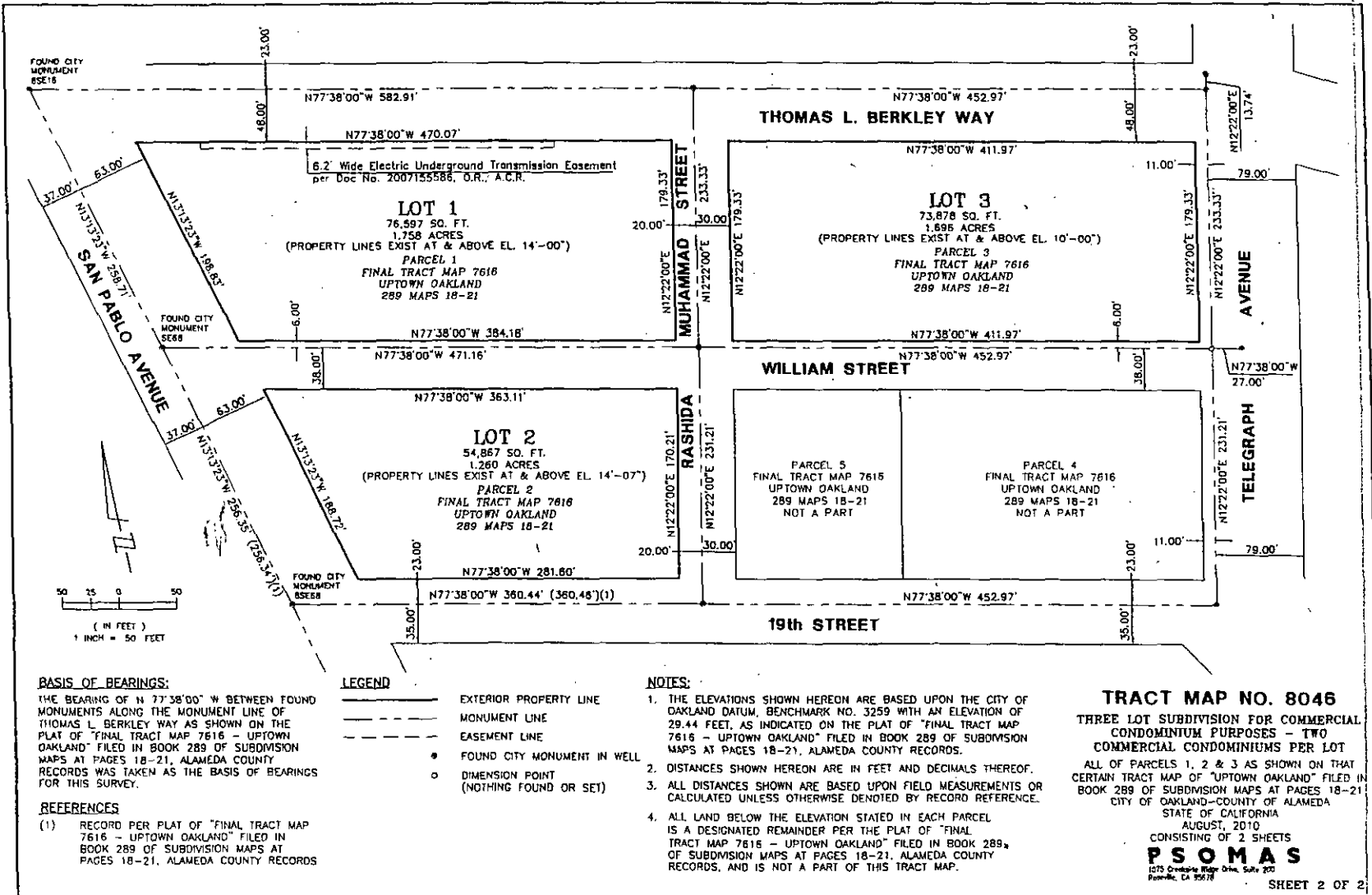


EXHIBIT A

**BASIS OF BEARINGS:**

THE BEARING OF N 77°38'00" W BETWEEN FOUND MONUMENTS ALONG THE MONUMENT LINE OF THOMAS L. BERKLEY WAY AS SHOWN ON THE PLAT OF "FINAL TRACT MAP 7616 - UPTOWN OAKLAND" FILED IN BOOK 289 OF SUBDIVISION MAPS AT PAGES 18-21, ALAMEDA COUNTY RECORDS WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

**REFERENCES**

- (1) RECORD PER PLAT OF "FINAL TRACT MAP 7616 - UPTOWN OAKLAND" FILED IN BOOK 289 OF SUBDIVISION MAPS AT PAGES 18-21, ALAMEDA COUNTY RECORDS

**LEGEND**

- EXTERIOR PROPERTY LINE
- MONUMENT LINE
- - - - - EASEMENT LINE
- FOUND CITY MONUMENT IN WELL
- DIMENSION POINT (NOTHING FOUND OR SET)

**NOTES:**

1. THE ELEVATIONS SHOWN HEREON ARE BASED UPON THE CITY OF OAKLAND DATUM, BENCHMARK NO. 3259 WITH AN ELEVATION OF 29.44 FEET, AS INDICATED ON THE PLAT OF "FINAL TRACT MAP 7616 - UPTOWN OAKLAND" FILED IN BOOK 289 OF SUBDIVISION MAPS AT PAGES 18-21, ALAMEDA COUNTY RECORDS.
2. DISTANCES SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
3. ALL DISTANCES SHOWN ARE BASED UPON FIELD MEASUREMENTS OR CALCULATED UNLESS OTHERWISE DENOTED BY RECORD REFERENCE.
4. ALL LAND BELOW THE ELEVATION STATED IN EACH PARCEL IS A DESIGNATED REMAINDER PER THE PLAT OF "FINAL TRACT MAP 7616 - UPTOWN OAKLAND" FILED IN BOOK 289 OF SUBDIVISION MAPS AT PAGES 18-21, ALAMEDA COUNTY RECORDS, AND IS NOT A PART OF THIS TRACT MAP.

**TRACT MAP NO. 8046**

THREE LOT SUBDIVISION FOR COMMERCIAL CONDOMINIUM PURPOSES - TWO COMMERCIAL CONDOMINIUMS PER LOT

ALL OF PARCELS 1, 2 & 3 AS SHOWN ON THAT CERTAIN TRACT MAP OF "UPTOWN OAKLAND" FILED IN BOOK 289 OF SUBDIVISION MAPS AT PAGES 18-21, CITY OF OAKLAND - COUNTY OF ALAMEDA

STATE OF CALIFORNIA  
AUGUST, 2010  
CONSISTING OF 2 SHEETS  
**PSOMAS**  
1075 Creekside Ridge Drive, Suite 200  
Fremont, CA 94571

**OWNER'S STATEMENT**

THE UNDERSIGNED, OAKLAND REDEVELOPMENT AGENCY, AS OWNER, AND UPTOWN HOUSING PARTNERS, LP, A CALIFORNIA LIMITED PARTNERSHIP, AS GROUND LESSEE, DO HEREBY STATE THAT THEY ARE THE ONLY PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LANDS DELINEATED AND EMBODIED WITHIN THE EXTERIOR BOUNDARY LINES OF THE HEREBY EMBODIED MAP ENTITLED TRACT MAP NO. 8046; THAT SAID OWNER ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE GRANT DEEDS, QUITCLAIM DEEDS AND FINAL ORDER OF CONDEMNATIONS RECORDED NOVEMBER 24, 1948 AS INSTRUMENT NUMBER 88412346, JANUARY 21, 1959 AS INSTRUMENT NUMBER 99025015, FEBRUARY 1, 1959 AS INSTRUMENT NUMBER 99040375, FEBRUARY 1, 1959 AS INSTRUMENT NUMBER 99040376, FEBRUARY 3, 2000 AS INSTRUMENT NUMBER 2000037814, FEBRUARY 3, 2000 AS INSTRUMENT NUMBER 2000037813, FEBRUARY 3, 2000 AS INSTRUMENT NUMBER 2000037816, FEBRUARY 3, 2000 AS INSTRUMENT NUMBER 2000037917, FEBRUARY 3, 2000 AS INSTRUMENT NUMBER 2000037910, MAY 12, 2000 AS INSTRUMENT NUMBER 2000140530, JULY 20, 2000 AS INSTRUMENT NUMBER 2000215193, JUNE 28, 2002 AS INSTRUMENT NUMBER 2002284035, OCTOBER 9, 2002 AS INSTRUMENT NUMBER 2002458005, OCTOBER 14, 2002 AS INSTRUMENT NUMBER 2002446038, DECEMBER 23, 2002 AS INSTRUMENT NUMBER 2002601252, AUGUST 11, 2003 AS INSTRUMENT NUMBER 2003468270, AUGUST 13, 2003 AS INSTRUMENT NUMBER 2003473781, OCTOBER 20, 2005 AS INSTRUMENT NUMBER 2005484029, OCTOBER 28, 2005 AS INSTRUMENT NUMBER 2005488471, OCTOBER 28, 2005 AS INSTRUMENT NUMBER 2005488472, MAY 24, 2006 AS INSTRUMENT NUMBER 2006006381, MARCH 9, 2007 AS INSTRUMENT NUMBER 2007100506, MAY 2, 2007 AS INSTRUMENT NUMBER 2007172150, AND AUGUST 29, 2007 AS INSTRUMENT NUMBER 2007316255, ALL OF OFFICIAL RECORDS OF ALAMEDA COUNTY; THAT SAID GROUND LESSEE ACQUIRED A LEASE OVER SAID LAND BY VIRTUE OF THE MEMORANDUM OF GROUND LEASE AND GRANT OF EASEMENT RECORDED OCTOBER 28, 2005 AS INSTRUMENT NUMBER 2005466475, OF OFFICIAL RECORDS OF ALAMEDA COUNTY; THAT IT CONSENTS TO THE FILING OF THIS TRACT MAP.

THIS MAP SHOWS ALL EASEMENTS, EXISTING OR OF RECORD, WITHIN THE BOUNDARY LINES OF THE HEREBY EMBODIED TRACT MAP.

OAKLAND REDEVELOPMENT AGENCY

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

UPTOWN HOUSING PARTNERS, LP, A CALIFORNIA LIMITED PARTNERSHIP

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

**OWNER'S ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ } ss  
COUNTY OF \_\_\_\_\_ }

ON \_\_\_\_\_, 2010 BEFORE ME, \_\_\_\_\_  
A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_

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 CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) 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

NOTARY'S SIGNATURE \_\_\_\_\_ PRINTED NOTARY'S NAME \_\_\_\_\_  
NOTARY'S PRINCIPAL PLACE OF BUSINESS \_\_\_\_\_  
EXPIRATION OF NOTARY'S COMMISSION \_\_\_\_\_

**GROUND LESSEE'S ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ } ss  
COUNTY OF \_\_\_\_\_ }

ON \_\_\_\_\_, 2010 BEFORE ME, \_\_\_\_\_  
A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_

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 CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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WITNESS MY HAND

NOTARY'S SIGNATURE \_\_\_\_\_ PRINTED NOTARY'S NAME \_\_\_\_\_  
NOTARY'S PRINCIPAL PLACE OF BUSINESS \_\_\_\_\_  
EXPIRATION OF NOTARY'S COMMISSION \_\_\_\_\_

**BENEFICIARY'S STATEMENT**

THE UNDERSIGNED, WELLS FARGO BANK, NATIONAL ASSOCIATION, AS BENEFICIARY UNDER THAT CERTAIN SENIOR GROUND LEASEHOLD CONSTRUCTION DEED OF TRUST RECORDED OCTOBER 28, 2005 AS INSTRUMENT NUMBER 2005468480, OF OFFICIAL RECORDS OF ALAMEDA COUNTY, DOES HEREBY CONSENT TO THE PREPARATION AND FILING OF THE HEREBY EMBODIED MAP OF TRACT 8046.

WELLS FARGO BANK, NATIONAL ASSOCIATION

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

**TRACT MAP NO. 8046**

THREE LOT SUBDIVISION FOR COMMERCIAL CONDOMINIUM PURPOSES - TWO COMMERCIAL CONDOMINIUMS PER LOT

ALL OF PARCELS 1, 2 & 3 AS SHOWN ON THAT CERTAIN TRACT MAP OF "UPTOWN OAKLAND" FILED IN BOOK 289 OF SUBDIVISION MAPS AT PAGES 18-21 CITY OF OAKLAND-COUNTY OF ALAMEDA

STATE OF CALIFORNIA  
SEPTEMBER, 2010  
CONSISTING OF 2 SHEETS

**PSOMAS**

1075 Grady Blvd, Suite 200  
Berkeley, CA 94712



VICINITY MAP  
NOT TO SCALE

**BENEFICIARY'S ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ } ss  
COUNTY OF \_\_\_\_\_ }

ON \_\_\_\_\_, 2010 BEFORE ME, \_\_\_\_\_  
A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_

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 CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) 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

NOTARY'S SIGNATURE \_\_\_\_\_ PRINTED NOTARY'S NAME \_\_\_\_\_  
NOTARY'S PRINCIPAL PLACE OF BUSINESS \_\_\_\_\_  
EXPIRATION OF NOTARY'S COMMISSION \_\_\_\_\_

**BENEFICIARY'S STATEMENT**

THE UNDERSIGNED, MERRILL LYNCH CAPITAL SERVICES, INC., A DELAWARE CORPORATION, AS BENEFICIARY UNDER THAT CERTAIN GROUND LEASEHOLD DEED OF TRUST RECORDED OCTOBER 28, 2005 AS INSTRUMENT NUMBER 2005468482, OF OFFICIAL RECORDS OF ALAMEDA COUNTY, DOES HEREBY CONSENT TO THE PREPARATION AND FILING OF THE HEREBY EMBODIED MAP OF TRACT 8046.

MERRILL LYNCH CAPITAL SERVICES, INC., A DELAWARE CORPORATION

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_

**CLERK OF THE BOARD OF SUPERVISORS STATEMENT**

I, CRYSTAL K. HESODA, 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 SECTIONS 68482 AND 68493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATED: \_\_\_\_\_  
CRYSTAL K. HESODA, CLERK OF THE BOARD OF SUPERVISORS, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

**BENEFICIARY'S ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ } ss  
COUNTY OF \_\_\_\_\_ }

ON \_\_\_\_\_, 2010 BEFORE ME, \_\_\_\_\_  
A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_

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 CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) 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

NOTARY'S SIGNATURE \_\_\_\_\_ PRINTED NOTARY'S NAME \_\_\_\_\_  
NOTARY'S PRINCIPAL PLACE OF BUSINESS \_\_\_\_\_  
EXPIRATION OF NOTARY'S COMMISSION \_\_\_\_\_

**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 UPTOWN HOUSING PARTNERS, LP, IN AUGUST 2010. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE SEPTEMBER 30, 2011; THAT THE MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

RONALD D. CUENSTER, LS 7998  
LICENSE EXPIRES 12/31/10  
DATED: \_\_\_\_\_

**CITY ENGINEER'S STATEMENT**

I, RAYMOND M. DERANA, CITY ENGINEER, HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY ENGINEER OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT I HAVE EXAMINED THE SUBDIVISION MAP AS SHOWN HEREON, AND THAT IT IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE VESTING TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL THE PROVISIONS OF DIVISION 2, CHAPTER 2 OF THE SUBDIVISION MAP ACT OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF SAID VESTING TENTATIVE MAP HAVE BEEN COMPLIED WITH AND THAT SAID SUBDIVISION MAP IS TECHNICALLY CORRECT.

RAYMOND M. DERANA, R.C.E. NO. 27815  
CITY ENGINEER  
CITY OF OAKLAND, ALAMEDA COUNTY,  
STATE OF CALIFORNIA  
LICENSE EXPIRES 03/31/12  
DATED: \_\_\_\_\_

**CITY CLERK'S STATEMENT**

I, THE UNDERSIGNED, LATONIA 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 NO. 8046", WAS PRESENTED TO SAID COUNCIL, AS PROVIDED BY LAW AT A REGULAR MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010 AND THAT SAID COUNCIL, DO HEREBY 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 \_\_\_\_\_ OF \_\_\_\_\_, 2010

LATONIA SIMMONS, CITY CLERK & CLERK OF THE COUNCIL OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

**COUNTY RECORDER'S STATEMENT**

SERIES NO. \_\_\_\_\_ FEE \$ \_\_\_\_\_  
FILED AT THE REQUEST OF \_\_\_\_\_ AT \_\_\_\_\_ MINUTES  
PAST \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, IN BOOK \_\_\_\_\_ OF SUBDIVISION MAPS AT PAGE \_\_\_\_\_

REGINA ALDOMEZAS, COUNTY RECORDER  
ALAMEDA COUNTY, CALIFORNIA

By: \_\_\_\_\_  
DEPUTY

EXHIBIT A