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2007 JUL 10 PM 3:19

F. Faiz

Councilmember

City Attorney

OAKLAND CITY COUNCIL

Resolution No. 80555 C.M.S.

**RESOLUTION CONDITIONALLY APPROVING A FINAL MAP
FOR TRACT 7627 TO CONVERT TWENTY-SIX RENTAL HOUSING
UNITS TO CONDOMINIUM OWNERSHIP AT 1800 57th AVENUE**

WHEREAS, the property owners of eighteen (18) single family dwellings and two (2) multiple-family dwellings, Branislav Jovanovic and Marianne K. Steele, are the Subdividers of a single parcel identified by the Alameda County Assessor as APN 038-3237-037-00, and by the Alameda County Recorder as Tract 7627, and by the City of Oakland as 1800/ 1802/ 1804/ 1806/ 1812 57th Avenue; and

WHEREAS, the Subdividers have acquired the fee simple interest in the real property comprising Tract 7627; and

WHEREAS, the Subdividers have previously applied to the City of Oakland to subdivide the platted land into residential condominium ownership comprising Tract 7627; and

WHEREAS, the Planning Commission of the City of Oakland approved the environmental determination (categorically exempted) and the Tentative Map for Tract 7627 on July 7, 2005, which proposed the subdivision of the single parcel into twenty-six (26) 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 7627, upon which the Final Map for Tract 7627 is based; and

WHEREAS, the City must make specific findings before approving a final subdivision to convert residential real property to condominium ownership; and

WHEREAS, the Subdividers have certified that each tenant was given written notice of intent to convert at least 60 days before filing the Tentative Map for Tract 7627; as evidence by the affidavit signed by the applicant; and

WHEREAS, the Subdividers have certified each tenant received all applicable notices and rights acquired under Chapter 2 or 3 of the Map Act (Government Code Sections 66425-66472.1), dealing with requirements and procedures; and

WHEREAS, the Subdividers have certified that each tenant received ten (10) days written notice that an application was or will be submitted to the Department of Real Estate for a public report, pursuant to Government Code section 66427.1(a); and

WHEREAS, the Subdivider has certified that each tenant has been or will be given written notice within ten (10) days after approval of the final map, pursuant to Government Code section 66427.1(c); and

WHEREAS, the subdivider has certified that each tenant has been or will be given one-hundred eighty (180) days written notice of the intent to convert before termination of the tenancy owing to the conversion. This provision does not alter any right or obligation under the rental agreement or under Civil Code sections 1941-1941.2; and

WHEREAS, the Subdividers have certified that each tenant has been or will be given notice of an exclusive right to purchase his or her unit on the same or more favorable terms and conditions than the unit will be offered to the general public. This right of first refusal must run for at least ninety (90) days after the date of issuance of the public report by the Department of Real Estate, unless the tenant gives prior written notice of intent not to exercise the right, pursuant to Government Code Section 66427.1(d); and

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

- the Final Map for Tract 7627, 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 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 on the Final Map for Tract 7627; and

WHEREAS, the Subdividers are not required to construct any surface or subsurface public infrastructure improvements within the existing public right-of-way of 57th Avenue or within existing or proposed public easements on-site; and

WHEREAS, 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 a Final Map are not applicable to Tract 7627; and

WHEREAS, pursuant to Oakland Municipal Code Section 16.36.130, the Subdividers were issued building permits and completed construction of the two (2) multiple-family dwelling in 1986 which included the installation of methods and mechanisms to limit the transmission of interior sound; and

WHEREAS, pursuant to Oakland Municipal Code Sections 16.36.050 and 16.36.060, the Planning Commission has found that the Subdivider complied with the requirements of part one and part two of the Preliminary Tenant Assistance Program (PTAP) to minimize tenant displacement and provide tenant relocation assistance; and

WHEREAS, pursuant to Oakland Municipal Code Section 16.36.080, the Director of City Planning has determined that the Subdividers have complied with the requirements for a Final Tenant Assistance Program (FTAP) to minimize tenant displacement and provide tenant relocation assistance; and

WHEREAS, pursuant to Oakland Municipal Code Sections 16.36.080, no appeal of the FTAP to the City Council from any of the tenants residing at 1800 57th Avenue, et al., was received by the Clerk of the City of Oakland within fifteen (15) days following approval of the Tentative Map for Tract 7627 by the Planning Commission of the City of Oakland; and

WHEREAS, pursuant to Oakland Municipal Code Sections 16.36.090 and 16.36.120, the Director of City Planning of the City of Oakland has determined that the Subdividers have provided copies of a structural pest report and a property report prepared by contractors or engineers licensed by the State of California and a building systems report describing utility meters and valves, storage space, and laundry facilities; and

WHEREAS, the Planning Commission has found that the Subdividers have complied with Oakland Municipal Code Sections 16.36.050 and 16.36.060 by obtaining “conversion rights” for sixteen (16) units from 964 46th Street (constructed in 2005), six (6) units from 2335 Market Street (constructed in 2001), and four (4) units from 9601 B Street (constructed in 2002) that prohibit the conversion to residential condominium ownership and that the Planning Department has confirmed that the Subdivider has recorded restrictions against these properties documenting that they cannot generate further conversion rights; and

WHEREAS, pursuant to Oakland Municipal Code Section 16.36.110, the Director of City Planning has determined that the Subdividers have provided written notification to the City of Oakland and all tenants in the building with five (5) days of receipt from the State of California indicating that the final subdivision public report described in California Business and Professions Code Section 11018 was issued by the Real Estate Commissioner; and

WHEREAS, pursuant to Oakland Municipal Code Section 16.36.110, the Director of City Planning has determined that the Subdividers have provided additional written notification to the City of Oakland and all tenants in the building of the restrictions on the remodeling of occupied units and the rights of the tenants to occupy and purchase units; and

WHEREAS, pursuant to Oakland Municipal Code Sections 16.36.090 and 15.08.150 (Oakland Housing Code), the Subdividers have obtained renewal Certificates of Occupancy issued by the Building Official of the City of Oakland for the single family and multiple family dwellings; now, therefore, be it

RESOLVED: That the Final Map for Tract 7627 is hereby conditionally approved; and be it

FURTHER RESOLVED: Pursuant to Oakland Municipal Code Section 16.36.120, that the approval of the Final Map for Tract 7627 is hereby conditioned upon the performance by the Subdividers of their obligations to provide written notices to all prospective buyers of converted units advising the following:

- the existence of a seventy-two (72) hour period following an agreement to purchase, during which period a prospective buyer may withdraw from the agreement to purchase without penalty or cost, and
- the availability of the property report, structural pest report, and building systems report, and
- the availability of a statement signed by person experienced in the field of acoustical testing and engineering certifying that the converted unit conforms to the noise insulation standards of the 2002 edition of the California Building Code; and be it

FURTHER RESOLVED: Pursuant to Oakland Municipal Code Section 16.36.140, that the approval of the Final Map for Tract 7627 is hereby conditioned upon submittal by the Subdividers and receipt by the Director of City Planning within thirty (30) days following the issuance of the final subdivision public report and annually thereafter an informational report pertaining to tenants displaced since the filing of the Tentative Map for Tract 7627 and to buyers of the units being converted; and be it

FURTHER RESOLVED: That the City Engineer hereby authorized to endorse the Final Map for Tract 7627; and be it

FURTHER RESOLVED: That the City Clerk of the City of Oakland is hereby authorized to endorse the Final Map for Tract 7627, upon its execution by the City Engineer, and directed to file the fully endorsed Final Map with the Alameda County Recorder for simultaneous recordation; and be it

FURTHER RESOLVED: That this Resolution shall become effective upon the recordation of the Final Map for Tract 7627 by the Alameda County Recorder.

IN COUNCIL, OAKLAND, CALIFORNIA, **MAY 15 2007** , 2007

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and
PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


LATONDA SIMMONS

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