

Introduced by

Councilmember

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OFFICE OF THE CITY CLERK
OAKLAND

2010 OCT -7 PM 2:48

OAKLAND CITY COUNCIL

Approved for Form and Legality

Alle

City Attorney

Resolution No. 82995 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 ground lessee, 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 leasehold 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, OCT 5 2010 , 2010

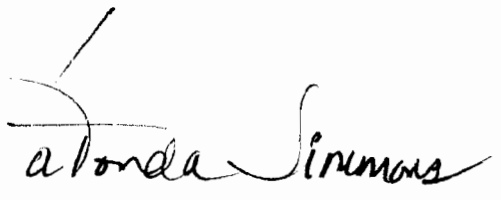
PASSED BY THE FOLLOWING VOTE:

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

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California