

OFFICE OF THE CITY CLERK
Introduced by

Approved for Form and Legality

2006 OCT -5 PM 3:37

Councilmember

F. Faiz
City Attorney

OAKLAND CITY COUNCIL

Resolution No. 80204 C.M.S.

RESOLUTION CONDITIONALLY APPROVING THE FINAL MAP FOR TRACT 7664 TO CONVERT TWENTY-TWO RENTAL HOUSING UNITS TO RESIDENTIAL CONDOMINIUMS AT 5400 BROADWAY TERRACE

WHEREAS, the property owner of a multiple-family building, Claremont Terrace LLC, a California limited liability company (no. 200529310034), is the Subdivider of a single parcel identified by the Alameda County Assessor as APN 048A-7032-020-01, by the Alameda County Recorder as Tract 7664, and by the City of Oakland as 5400 Broadway Terrace; and

WHEREAS, the Subdivider has acquired the fee simple interest in the real property comprising Tract 7664; and

WHEREAS, the Subdivider has previously applied to the City of Oakland to subdivide the platted land into residential condominiums comprising Tract 7664; and

WHEREAS, the Planning Commission of the City of Oakland approved the environmental determination (categorically exempted) and the Tentative Map for Tract 7664 on October 19, 2005, which proposed the subdivision of the single parcel into twenty-two (22) 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 7664, upon which the Final Map for Tract 7664 is based; and

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

WHEREAS, the Subdivider has certified that each tenant was given written notice of intent to convert at least 60 days before filing the Tentative Map for Tract 7664; as evidence by the affidavit signed by the applicant dated, October 11, 2005.

WHEREAS, the Subdivider has 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.

WHEREAS, the Subdivider is not required to construct any surface or subsurface public infrastructure improvements within the existing public right-of-way of Broadway Terrace 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 7664; and

WHEREAS, pursuant to Oakland Municipal Code Section 16.36.130, the Subdivider was issued building permit number B0600170 (2002 edition of the California Building Code) and completed the retrofit installation of methods and mechanisms to limit the transmission of interior sound for ten (10) residential dwelling units; 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 Subdivider has 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 5400 Broadway Terrace was received by the Clerk of the City of Oakland within fifteen (15) days following approval of the Tentative Map for Tract 7664 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 Subdivider 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 Subdivider complied with Oakland Municipal Code Sections 16.36.050 and 16.36.060 by obtaining "conversion rights" for eighteen rental housing units at 90 Athol Avenue (APN 021-0224-019-01) and five (5) rental housing units at 15 Whitmore Place (APN 013-1108-002-01) that prohibit the conversion to residential condominiums for the next seven (7) years of twenty-two units constructed within the previous seven (7) years; and

WHEREAS, pursuant to Oakland Municipal Code Section 16.36.110, the Director of City Planning has determined that the Subdivider 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 Subdivider 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 Subdivider obtained a renewal Certificate of Occupancy issued by the Building Official of the City of Oakland; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) have been satisfied and the project was determined to be categorically exempt under Section 15332 of the CEQA Guidelines; now, therefore, be it

RESOLVED: That the Final Map for Tract 7664 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 7664 is hereby conditioned upon the performance by the Subdivider of its 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 7664 is hereby conditioned upon submittal by the Subdivider 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 7664 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 7664; and be it

FURTHER RESOLVED: That the City Clerk of the City of Oakland is hereby authorized to endorse the Final Map for Tract 7664, 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 7664 by the Alameda County Recorder.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 17 2006, 2006

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

OWNER'S STATEMENT

THE UNDERSIGNED HEREBY STATES THAT CLAREMONT TERRACE, LLC IS THE OWNER OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREIN EMBODIED MAP ENTITLED "TRACT 7664, OAKLAND, ALAMEDA COUNTY, CALIFORNIA"; THAT SAID OWNER ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE GRANT DEED RECORDED DECEMBER 21, 2005 UNDER SERIES NO. 2005-540943, RECORDS OF ALAMEDA COUNTY, CALIFORNIA, THAT CLAREMONT TERRACE, LLC CONSENTS TO THE PREPARATION OF AND FILING OF THIS MAP.

SAID OWNER ALSO STATES: (A) THAT THE DIRECTOR OF CITY PLANNING AND EACH TENANT IN THE BUILDING TO BE CONVERTED HAS RECEIVED OR WILL RECEIVE NOTICE OF THE FOLLOWING MATTERS: (i) OF THE OWNER'S INTENT TO FILE AN APPLICATION WITH THE CITY OF OAKLAND (CITY) TO CONVERT THE PROPERTY TO CONDOMINIUMS, AND WITH THE DEPARTMENT OF REAL ESTATE (DRE) FOR A PUBLIC REPORT, FINAL MAP APPROVAL; (ii) OF THE CITY'S APPROVAL OF THE TENTATIVE AND FINAL MAPS FOR THE PROJECT, AND THE DRE'S ISSUANCE OF A FINAL PUBLIC REPORT FOR THE PROJECT; (iii) OF EACH TENANT'S RIGHT TO CONTRACT TO PURCHASE THEIR UNIT; AND (iv), OF ALL SUCH OTHER MATTERS FOR WHICH NOTICE IS REQUIRED UNDER OAKLAND MUNICIPAL CODE (OMC) SECTION 16.36.100 AND CALIFORNIA GOVERNMENT CODE SECTION 66427.1; (B) THAT NO UNIT IN THE CONVERSION WILL BE OFFERED FOR SALE UNTIL THE UNIT CONFORMS TO THE NOISE INSULATION STANDARDS PROMULGATED IN TITLE 25 OF THE CALIFORNIA ADMINISTRATIVE CODE, SECTION 1092, OR ITS SUCCESSOR; (C) THAT INFORMATIONAL REPORTS WILL BE SUBMITTED TO THE CITY PLANNING DIRECTOR AS REQUIRED BY AND SET FORTH IN OMC SECTION 16.36.140; (D) THAT IN CONFORMITY WITH OMC SECTION 16.36.070, (i) NO UNIT IN THE CONVERSION WILL BE OFFERED FOR SALE UNTIL A CERTIFICATE OF OCCUPANCY WILL HAVE BEEN ISSUED ON THOSE PROJECT(S) GENERATING CONVERSION RIGHTS, AND (ii) THAT THE CALIFORNIA DEPARTMENT OF REAL ESTATE HAS BEEN OR WILL BE REQUESTED NOT TO ISSUE THE FINAL SUBDIVISION PUBLIC REPORT UNTIL SO NOTIFIED IN WRITING BY THE OWNER AND APPROVED BY THE DIRECTOR OF CITY PLANNING; AND (E) THAT NO UNIT IN THE CONVERSION WILL BE OFFERED FOR SALE UNTIL THE UNIT CONFORMS TO THE NOISE INSULATION STANDARDS PROMULGATED IN TITLE 25 OF THE CALIFORNIA ADMINISTRATIVE CODE, SECTION 1092, OR ITS SUCCESSOR.

CLAREMONT TERRACE, LLC

[Signature]
DOUGLAS M. HIMAN, MANAGER

OWNER'S ACKNOWLEDGMENT

STATE OF CALIFORNIA) SS
COUNTY OF ALAMEDA)

ON 03-16-2006 BEFORE ME, ABRAHAM G. GERRÉ

A NOTARY PUBLIC IN AND FOR SAID COUNTY STATE, PERSONALLY APPEARED DOUGLAS M. HIMAN, 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.

PRINTED NAME OF NOTARY: ABRAHAM G. GERRÉ

PRINCIPAL PLACE OF BUSINESS: FREMONT, CA 94539

MY COMMISSION EXPIRES: Sept 18, 2009

COMMISSION # OF NOTARY: 1607496



WITNESS MY HAND AND OFFICIAL SEAL

[Signature]
NOTARY PUBLIC

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 DOUG HIMAN IN MAY OF 2005. 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 SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.



[Signature]
ROBERT J. BRUNEL, LS 4961
EXPIRATION DATE: DECEMBER 31, 2007

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 STATE THAT I HAVE EXAMINED THE HEREIN EMBODIED PARCEL MAP ENTITLED "TRACT MAP 7664, OAKLAND, ALAMEDA COUNTY, CALIFORNIA", THAT THE SUBDIVISION AS SHOWN UPON SAID TRACT MAP IS SUBSTANTIALLY THE SAME AS THAT APPEARING ON THE TENTATIVE MAP (IF ANY) 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 APPROVAL OF THE TENTATIVE MAP; AND THAT I AM SATISFIED THAT THE TRACT MAP IS TECHNICALLY CORRECT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 2006.

RAYMOND M. DERANIA, INTERIM CITY ENGINEER R.C.E.# 27815,
CITY OF OAKLAND, ALAMEDA COUNTY, STATE OF CALIFORNIA
EXPIRATION DATE: MARCH 31, 2006

PLANNING DIRECTOR'S STATEMENT

THIS MAP HAS BEEN APPROVED BY THE PLANNING AND DEVELOPMENT DIRECTOR, CITY OF OAKLAND ON _____, 2006, AND WHEN RECORDED BECOMES THE OFFICIAL MAP OF THIS LAND DIVISION.

GARY V. PATTON
SECRETARY OF THE PLANNING COMMISSION
OF THE CITY OF OAKLAND, CALIFORNIA

TRUSTEE'S STATEMENT:

PLM LENDER SERVICES, INC. AS PRESENT TRUSTEE UNDER THOSE CERTAIN DEEDS OF TRUST, RECORDED DECEMBER 21, 2005 UNDER SERIES NO. 2005-00540944 AND 2005-00540945, OFFICIAL RECORDS OF ALAMEDA COUNTY, DOES HEREBY JOIN IN, EXECUTE AND CONSENT TO ALL OFFERS OF DEDICATION, IF ANY, MADE IN THE FOREGOING OWNER'S STATEMENT AND TO THE PREPARATION AND FILING OF THIS MAP.

PLM LENDER SERVICES, INC., BY:

[Signature]
Elizabeth M. Knight, president

TRUSTEE'S ACKNOWLEDGMENT:

STATE OF CALIFORNIA) SS
COUNTY OF ALAMEDA)

ON 03/16/06 BEFORE ME, St. Melanie A. Irwin

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

[Signature]
Elizabeth M. Knight

PERSONALLY KNOWN TO ME (OR 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 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.

PRINTED NAME OF NOTARY: Melanie A. Irwin

PRINCIPAL PLACE OF BUSINESS: Campbell, CA

COMMISSION EXPIRES: 01/1/09

COMMISSION # OF NOTARY: 1583147

WITNESS MY HAND AND OFFICIAL SEAL

[Signature]
NOTARY PUBLIC

CITY CLERK'S STATEMENT

I, LATONDA SIMMONS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED MAP ENTITLED "TRACT 7664, CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA" WAS PRESENTED TO THE COUNCIL OF THE CITY OF OAKLAND, AT A MEETING THEREOF, HELD ON _____ AND THAT SAID COUNCIL DID AT SAID MEETING BY RESOLUTION NUMBER _____ APPROVE SAID MAP.

IN WITNESS I HAVE SET MY HAND THIS _____ DAY OF _____, 2006.

LATONDA SIMMONS
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, CRYSTAL HISHIDA GRAFT, 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.

DATED: _____

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

BY: _____
DEPUTY

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2006, AT _____ M. IN BOOK _____ OF PARCEL MAPS, AT PAGE _____, AT THE REQUEST OF _____

PATRICK O'CONNELL
COUNTY RECORDER

BY: _____
DEPUTY COUNTY RECORDER

TRACT MAP 7664

**A ONE LOT SUBDIVISION FOR
CONDOMINIUM PURPOSES
OAKLAND ALAMEDA COUNTY CALIFORNIA**

LOTS 52, 53, 54 AND A PORTION OF LOTS 49, 50 AND 51,
BLOCK A, BROADWAY TERRACE (9 M 63)

CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA
MARCH 2006

MORAN ENGINEERING, INC.

CIVIL ENGINEERS \ LAND SURVEYORS
1930 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 848-1930

F.B. NO. 1064

CARLTON BROADWAY TERRACE TRADING

JOB NO. 05-8342

APN: 048A-7032-020-01

SHEET 1 OF 2

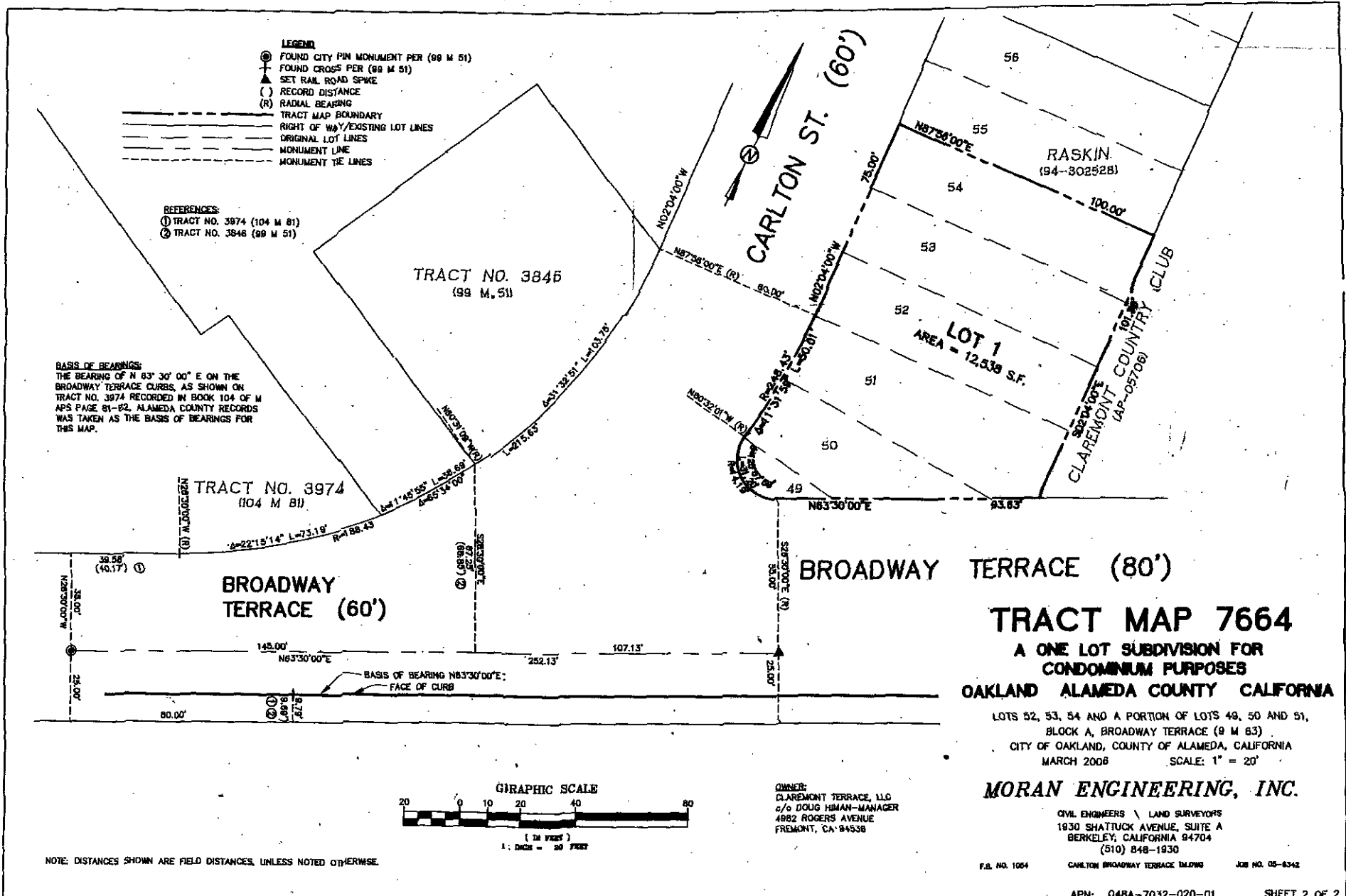
EXHIBIT A

LEGEND

- ⊙ FOUND CITY PIN MONUMENT PER (99 M 51)
- ⊕ FOUND CROSS PER (99 M 51)
- ▲ SET RAIL ROAD SPIKE
- () RECORD DISTANCE
- (R) RADIAL BEARING
- TRACT MAP BOUNDARY
- RIGHT OF WAY/EXISTING LOT LINES
- ORIGINAL LOT LINES
- MONUMENT LINE
- MONUMENT TIE LINES

- REFERENCES:**
- ① TRACT NO. 3974 (104 M 81)
 - ② TRACT NO. 3846 (99 M 51)

BASIS OF BEARINGS:
 THE BEARING OF N 83° 30' 00" E ON THE BROADWAY TERRACE CURBS, AS SHOWN ON TRACT NO. 3974 RECORDED IN BOOK 104 OF M APS PAGE 81-82, ALAMEDA COUNTY RECORDS WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.



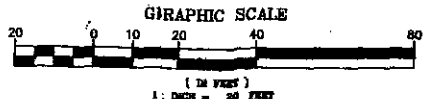
TRACT MAP 7664
 A ONE LOT SUBDIVISION FOR
 CONDOMINIUM PURPOSES
 OAKLAND ALAMEDA COUNTY CALIFORNIA

LOTS 52, 53, 54 AND A PORTION OF LOTS 49, 50 AND 51,
 BLOCK A, BROADWAY TERRACE (9 M 83)
 CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA
 MARCH 2008 SCALE: 1" = 20'

MORAN ENGINEERING, INC.

CIVIL ENGINEERS \ LAND SURVEYORS
 1930 SHATTUCK AVENUE, SUITE A
 BERKELEY, CALIFORNIA 94704
 (510) 848-1930

OWNER:
 CLAREMONT TERRACE, LLC
 c/o DOUG HSIAN-MANAGER
 4982 ROGERS AVENUE
 FREMONT, CA 94536



NOTE: DISTANCES SHOWN ARE FIELD DISTANCES, UNLESS NOTED OTHERWISE.

F.B. NO. 1054 CLAREMONT BROADWAY TERRACE IM.LONG JOB NO. 05-8342