

Introduced by                       
Councilmember

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
15 APR 23 PM 2: 32

Approved as to Form and Legality

                      
Office of the City Attorney

## OAKLAND CITY COUNCIL

**RESOLUTION NO. 85570 C.M.S.**

---

**RESOLUTION APPROVING A FINAL MAP (PHASE 2) FOR TRACT NO. 8232 FOR THE MACARTHUR TRANSIT VILLAGE**

**WHEREAS**, the San Francisco Bay Area Rapid Transit District (BART), a regional transit district established pursuant to California Public Utilities Code section 28500 et seq., is the owner and subdivider of five (5) contiguous parcels identified by the Alameda County Clerk-Recorder as Tract No. 8047, and by the Alameda County Assessor as APNs 012-0967-009-00, 012-0968-055-01, 012-0967-010-01, 012-0967-049-01 and 012-0969-053-03, and by the City of Oakland as 526 West MacArthur Blvd, 516 Apgar Street, 544 West MacArthur Blvd, 515 Apgar Street and 532 39th Street, which comprise, with additional adjoining parcels, the MacArthur Transit Village residential housing project and site; and

**WHEREAS**, BART previously entered into an agreement with MacArthur Transit Community Partners, LLC (MTCP), a California limited liability company (no. 200419810042), to develop said parcels for a new BART parking garage, multiple family housing, and associated publicly and privately maintained infrastructure; and

**WHEREAS**, on June 4, 2008, the City Planning Commission certified the MacArthur Transit Village Environmental Impact Report (EIR) and recommended approval of various land use entitlements for the project; and

**WHEREAS**, on July 1, 2008, the City Council adopted Resolution No. 81422 C.M.S. affirming and sustaining the Planning Commission decision to approve the development permits for the project and to certify and adopt the Final EIR; and

**WHEREAS**, on July 15, 2008, the City Council adopted Ordinance No. 12883 C.M.S. approving various land use entitlements for the project; and

**WHEREAS**, on July 21, 2009, the City Council adopted Ordinance No. 12959 C.M.S. authorizing a Development Agreement between the City of Oakland and MTCP for the MacArthur Transit Village project, which provides that the MacArthur Transit Village project will be constructed as a phased development; and

**WHEREAS**, MTCP applied to the City of Oakland for a Final Development Permit for Stage 1 of the MacArthur Transit Village project and for a phased Vesting Tentative Tract Map (TTM 8047) to voluntarily merge said parcels and subdivide the platted land into six (6) developable lots; and

**WHEREAS**, on November 3, 2010, the City Planning Commission recommended approval of the revisions to TTM 8047 and adopted an addendum to the certified MacArthur Transit Village EIR; and

**WHEREAS**, on April 5, 2011, the City Council adopted Resolution No. 83292 C.M.S. approving the Stage I Final Development Plan Permit and phased vesting tentative tract map 8047, and affirmed the City Planning Commission's CEQA determination; and

**WHEREAS**, MTCP applied to the City of Oakland for the Final Map (Phase 1) for Tract No. 8047; and

**WHEREAS**, on July 26, 2011, the City Council adopted Resolution No. 83516 C.M.S. approving the Final Map (Phase 1) for Tract No. 8047 (TM 8047 Phase 1), which was recorded at the County of Alameda on March 23, 2012; and

**WHEREAS**, MTCP now seeks approval from the City of the Final Map for Phase 2 of Tract No. 8232 (TM 8232 Phase 2) to voluntarily merge the remaining unmerged parcels and to subdivide the platted land into four (4) developable lots; and

**WHEREAS**, said Final Map (TM 8232 Phase 2) proposes the establishment of:

- one (1) lot, designated thereon as Lot A, for construction of market rate multiple family housing and retail building;
- one (1) lot, designated thereon as Lot B1, for construction of market rate multiple family housing and retail building;
- one (1) lot, designated thereon as Lot B2 for construction of market rate multiple family housing and retail building; and
- one (1) lot, designated thereon as Lot C1, for construction of market rate multiple family housing and retail building; and

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

- the Phase 2 Final Map for Tract No. 8232, delineated diagrammatically in **Exhibit A**, attached hereto and incorporated herein, is in substantial compliance with the approved Vesting Tentative Map upon which said Final Map is based; and

- the Phase 2 Final Map for Tract No. 8232 complies in all manners with the provisions of Section 66410, et seq. of the California Government Code (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 Phase 2 Final Map for Tract No. 8232 is technically correct and accurately delineates the proposed metes and bounds of the property boundaries separating said four (4) subdivided lots and the on-site public service easements and public right-of-way, 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 said Final Map; and

**WHEREAS**, MTCP 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'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; now, therefore, be it

**RESOLVED**: That the Final Map for Tract No. 8232, Phase 2, 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 approved; and be it

**FURTHER RESOLVED**: That the City Engineer and the City Clerk of the City of Oakland are hereby authorized to endorse the Phase 2 Final Map for Tract No. 8232; and be it

**FURTHER RESOLVED**: That upon execution by the City Engineer and the City Clerk, the City Engineer is hereby authorized to cause the fully executed Phase 2 Final Map for Tract No. 8232 to be filed with the Alameda County Clerk-Recorder for recordation; and be it

**FURTHER RESOLVED:** That this Resolution shall become effective upon its adoption by a sufficient number of affirmative votes 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 19 2015**

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~ AND  
PRESIDENT GIBSON MCELHANEY - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

ATTEST:



LATONDA SIMMONS

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