

K. Jain
City Attorney

OAKLAND CITY COUNCIL

Resolution No. 82972 C.M.S.

RESOLUTION CONDITIONALLY APPROVING A FINAL MAP FOR TRACT No. 7885 TO CONVERT TWENTY-TWO RENTAL HOUSING UNITS LOCATED IN THE PRIMARY CONVERSION AREA AND TWO COMMERCIAL SPACES TO CONDOMINIUM OWNERSHIP AT 244 LAKESIDE DRIVE

WHEREAS, the property owners of twenty-two (22) residential apartments and two (2) commercial spaces, the Sheri Matza Revocable Trust, the Eleanor F. Lew Family Trust, and the Guinnane Construction Company (collectively, the "Subdividers") are the Subdividers of a single parcel identified by the Alameda County Assessor as APN 008-0634-001-00, and by the Alameda County Clerk-Recorder as Tract No. 7885, and by the City of Oakland as 244 Lakeside Drive; and

WHEREAS, the Subdividers have acquired the fee simple interest in the real property comprising Tract No. 7885 through a grant deed, series no. 2005-023186, recorded January 20, 2005, by the Alameda County Clerk-Recorder; and

WHEREAS, the Subdividers have previously applied to the City of Oakland to subdivide the platted land into condominium ownership comprising Tract No. 7885; and

WHEREAS, the Planning Commission of the City of Oakland approved the environmental determination (categorically exempted – California Public Resources Code Section 15315) and the Tentative Map for Tract No. 7885 on October 7, 2009, which proposed the subdivision of said residential apartments and commercial spaces into condominium ownership; 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. 7885, upon which the Final Map for Tract No. 7885 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 sixty (60) days before filing said Tentative Map, as evidence by the affidavit signed by the applicants; and

WHEREAS, the Subdividers have certified each tenant received all applicable notices and rights acquired under Chapter 2 and 3, as applicable, of the Subdivision Map Act (Government Code Sections 66425-66472.1) and Section 16.36 (Condominium Conversions) of the Oakland Municipal Code; and

WHEREAS, pursuant to Government Code section 66427.1(a), 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; and

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

WHEREAS, the Subdividers have certified that each tenant has been or will be given one-hundred eighty (180) days written notice of the intention 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 No. 7805, attached hereto as *Exhibit A*, is substantially the same as the Tentative Map approved by the Planning Commission; and
- said 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 No. 7885; and

WHEREAS, the Subdividers are not required to construct any surface or subsurface public infrastructure improvements within the existing public right-of-way of Market Street 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 No. 7885; and

WHEREAS, pursuant to Oakland Municipal Code Section 16.36.130, the owners of said parcel were issued a building permit (B1002346) to install mechanisms to limit the transmission of interior sound between residential apartments and the adjoining common areas; 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 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 to minimize displacement and provide relocation assistance; and

WHEREAS, pursuant to Oakland Municipal Code Section 16.36.080, no appeal of the Final Tenant Assistance Program to the City Council from any of the tenants residing at 244 Lakeside Drive was received by the Clerk of the City of Oakland within fifteen (15) days following approval of said Tentative Map 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 twenty-two (22) residential apartments from 1401 Jackson Street (APN 008-0627-020-00) that prohibit the conversion to residential condominium ownership for seven (7) years 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 Ordinance No. 10475 C.M.S., said buildings at 244 Lakeside Drive and 1401 Jackson Street are located in the Primary Zone of the Conversion Impact Area; 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 Building Maintenance Code), the Subdividers have obtained a renewal Certificate of Occupancy issued by the Building Official of the City of Oakland for the multiple family dwelling at 244 Lakeside Drive; now, therefore, be it

RESOLVED: That the Final Map for Tract No. 7885 is hereby conditionally approved; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Section 16.36.120, the approval of the Final Map for Tract No. 7885 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 2007 edition of the California Building Code; and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Section 16.36.140, the approval of the Final Map for Tract No. 7885 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 No. 7885 and to buyers of the residential units being converted; and be it

FURTHER RESOLVED: That the City Engineer is hereby authorized to endorse the Final Map for Tract No. 7885; 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. 7885, upon its execution by the City Engineer, and directed to file the fully endorsed Final Map with the Alameda County Clerk-Recorder; and be it

FURTHER RESOLVED: That this Resolution shall become effective upon the recordation of the Final Map for Tract No. 7885 by the Alameda County Clerk-Recorder.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 21 2010, 2010

PASSED BY THE FOLLOWING VOTE:

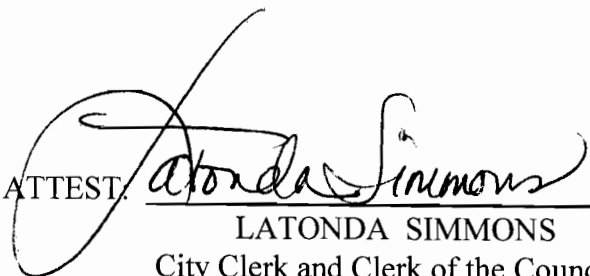
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~BRUNNER~~,
AND PRESIDENT BRUNNER - 7

NOES - 0

ABSENT - Reid - 1

ABSTENTION - 0

ATTEST



LATONDA SIMMONS

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

EXHIBIT A

Tract Map No. 7885

CITY ENGINEER'S STATEMENT:
 I, BRUNNEN W. BERNARD, CITY ENGINEER OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS OF THE COUNTY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND THAT THE SUBDIVISION AS SHOWN UPON SAID MAP IS SUBSTANTIALLY THE SAME AS THAT SHOWN ON THE TENTATIVE TRACT MAP AND ANY APPROVED VARIATIONS THEREON. I HAVE ALSO EXAMINED THE RECORDS OF THE COUNTY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND THAT THE SUBDIVISION MAP ACT OF THE GOVERNMENT CODE AND THE LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE TENTATIVE TRACT MAP, AND THAT I AM SATISFIED THAT THE TRACT MAP IS TECHNICALLY CORRECT.
 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE THIS 20th day of AUGUST, 2010.
 BRUNNEN W. BERNARD, R.C.E., NO. 27915
 OAKLAND CITY ENGINEER
 COUNTY OF OAKLAND
 LICENSE EXPIRES 3/31/12

SURVEYOR'S STATEMENT:
 THIS INSTRUMENT HAS BEEN PREPARED BY OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY CONDUCTED BY ME OR UNDER MY DIRECTION AND THE INSTRUMENT IS BASED UPON A FIELD SURVEY CONDUCTED BY ME OR UNDER MY DIRECTION. I HAVE PERSONALLY REVIEWED THE INSTRUMENT AND CONFIRMED THAT THE INSTRUMENT IS BASED UPON A FIELD SURVEY CONDUCTED BY ME OR UNDER MY DIRECTION. I HAVE ALSO REVIEWED THE RECORDS OF THE COUNTY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND THAT THE SUBDIVISION MAP ACT OF THE GOVERNMENT CODE AND THE LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE TENTATIVE TRACT MAP, AND THAT I AM SATISFIED THAT THE TRACT MAP IS TECHNICALLY CORRECT.
 MICHAEL J. FORSTER, L.S. 7170
 EXPIRATION DATE: DECEMBER 31, 2011

CITY CLERK OF THE BOARD OF SUPERVISORS STATEMENT:
 I, CHRISTOPHER L. FURBER, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE INSTRUMENT HAS BEEN FILED AND APPROVED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 50082 AND 50083 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.
 DATED: 2010, AT OAKLAND, CALIFORNIA.
 CHRISTOPHER L. FURBER, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA
 IN DEPUTY

RECORDER'S STATEMENT:
 FILED THIS 20th DAY OF AUGUST, 2010, AT OAKLAND, CALIFORNIA. IN BOOK 2010-100000, PAGE 180.
 PAULINA O'CONNELL
 COUNTY RECORDER
 IN DEPUTY

OWNER'S ACKNOWLEDGEMENT:
 I, ANITA M. FORSTER, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED IN THE INSTRUMENT, AND THAT I AM SATISFIED WITH THE TERMS AND CONDITIONS OF SAID INSTRUMENT.
 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE THIS 19th day of AUGUST, 2010.
 ANITA M. FORSTER, OWNER
 OAKLAND CITY CLERK AND CLERK OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA

CITY CLERK'S STATEMENT:
 I, CHRISTOPHER L. FURBER, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE INSTRUMENT HAS BEEN FILED AND APPROVED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 50082 AND 50083 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.
 DATED: 2010, AT OAKLAND, CALIFORNIA.
 CHRISTOPHER L. FURBER, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA
 IN DEPUTY

OWNER'S ACKNOWLEDGEMENT:
 I, ANITA M. FORSTER, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED IN THE INSTRUMENT, AND THAT I AM SATISFIED WITH THE TERMS AND CONDITIONS OF SAID INSTRUMENT.
 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE THIS 19th day of AUGUST, 2010.
 ANITA M. FORSTER, OWNER
 OAKLAND CITY CLERK AND CLERK OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA

TRACT MAP 7885
 A ONE LOT SUBDIVISION FOR CONDOMINIUM
 CONVERSION PURPOSES
 22 RESIDENTIAL UNITS AND 2 COMMERCIAL UNITS
 MAP OF OAKLAND AND VICINITY SHOWING... (17 M. 14)
 CITY OF OAKLAND, COUNTY OF ALAMEDA,
 STATE OF CALIFORNIA

AUGUST, 2010
 BAY AREA LAND
 SURVEYING INC.
 833 MARCELLA WAY
 EL SOBRANTE, CALIFORNIA 94530
 (916) 232-2667

F.R. NO. 267 ALAMEDA/INVESTIGATOR-BWC. (916) 232-2667



EXHIBIT A

Tract Map No. 7885

