

Brian Mulry

Brian Mulry (May 14, 2024 14:12 PDT)

Office of the City Attorney

2024 MAY 16 PM 4: 39

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION NO. 902468 C.M.S.

RESOLUTION CONDITIONALLY APPROVING A FINAL MAP FOR TRACT NO. 8658, LOCATED AT 8750 MOUNTAIN BOULEVARD (OAK KNOLL PROJECT PHASE 1 PARCEL 7), FOR A TWENTY-EIGHT LOT SUBDIVISION AS PART OF PROPERTY OWNED BY OAK KNOLL VENTURE ACQUISITION, LLC; AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, Oak Knoll Venture Acquisition, LLC, a Delaware limited liability company (Subdivider), is subdividing the property at 8750 Mountain Boulevard identified by the Alameda County Assessor as APN 043A-0476-600-500, and by the Alameda County Clerk-Recorder as Tract No. 8658, and by the City of Oakland (City) as 8750 Mountain Boulevard (Oak Knoll Parcel 7); and

WHEREAS, the Subdivider has acquired by purchase for valuable consideration the real property comprising Tract No. 8658 through a grant deed, series no. 2014117035, recorded May 9, 2014, by the Alameda County Clerk-Recorder; and

WHEREAS, said the parcel is comprised of land, in parcel 7, as the parcel is shown on that certain map entitled "Tract 8320 Phase 1," filed for record on October 31, 2022 (series no. 2022-179297) in Map Book 369, Pages 8-16, Alameda County Records; and

WHEREAS, the Subdivider specifically applied to the City for a Vesting Tentative Tract Map, which, proposed a subdivision of Parcel 7 into 27 single-family residential lots and one remainder parcel for private open space; and

WHEREAS, the City Clerk has certified that the City Council approved the Vesting Tentative Tract Map for Tract No. 8320, upon which said Parcel 7 Final Map is based; and

WHEREAS, the Bureau of Planning processed the Final Development Plan for Parcel 7, upon which said Final Map is based; and

WHEREAS, the Subdivider has presented a Final Map to the City, identified as Tract Map No. 8658, which proposes the subdivision of twenty-seven (27) developable parcels and one (1) remainder parcel, for twenty-seven (27) residential detached units, identified as Lots 1 through 27, and one (1) parcel for the use of private open space, identified as Lot AA; and

WHEREAS, the City Engineer has examined the Final Map and determined that:

- the subdivision as shown on the Final Map for Tract No. 8658, delineated diagrammatically in *Exhibit A* attached hereto and incorporated herein, is substantially the same as it appeared on the approved Vesting Tentative Map No. 8320, which created developable Parcel 7; and
- the Final Map for Tract No. 8658 complies in all manners with the provisions of the Subdivision Map Act (California Government Code sections 66410 et seq.) and the City'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 Final Map is technically correct and accurately delineates the proposed metes and bounds of the property boundaries separating the proposed twenty-eight (28) lots, 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 the Final Map for Tract No. 8658; and

WHEREAS, the Subdivider 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 Engineer has approved Infrastructure Permit No. PX1700067, and the Subdivider's plans and specifications for construction of the required public infrastructure improvements and infrastructure within private property common to subdivided lots known as private-public improvements; and

WHEREAS, the City Council authorized the City Administrator to enter into a Subdivision Improvement Agreement (SIA) with the Subdivider pursuant to Government Code section 66462 and Oakland Municipal Code section 16.20.100, concurrently with the previously approved Final Map for Tract No. 8320, approved on July 17, 2022, and recorded at the Alameda County Records as Series No. 2022-179313, to assure the timely construction, unconditional warrantee, and prescribed maintenance of all required public infrastructure improvements; and

WHEREAS, pursuant to Government Code section 66499 et seq. and Oakland Municipal Code section 16.20.100, the Subdivider has deposited adequate security in the form of surety bonds to secure the Subdivider's performance of the required public infrastructure improvements identified in the previously approved SIA; and

WHEREAS, the City's approval of a final subdivision map is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 21080(b)(1) (ministerial projects) and 15268 (ministerial projects); now, therefore, be it

RESOLVED: That the Final Map for Tract No. 8658 conforms to all the requirements in Government Code sections 66410 et seq., Title 16 of the Oakland Municipal Code, and CEQA, and is hereby conditionally approved; and be it

FURTHER RESOLVED: That the approval of the Final Map is conditioned upon completion of public infrastructure improvements and utilities that are required to service the public or the individual parcels, as required by the previously approved SIA; and be it

FURTHER RESOLVED: That the hereinabove conditions shall be binding upon the Subdivider and its successors or assigns, affiliated companies or corporations, parent companies or corporations, or partners; and be it

FURTHER RESOLVED: That failure by the Subdivider to comply in all aspects with the previously approved SIA shall void approval of the Final Map and shall result in reversion to acreage to the original parcel(s) comprising Tract No. 8658; and be it

FURTHER RESOLVED: That the City Engineer is hereby authorized to endorse the Final Map for Tract No. 8658; and be it

FURTHER RESOLVED: That the City Clerk is hereby authorized to endorse the Final Map for Tract No. 8658 upon its execution by the City Engineer; and be it

FURTHER RESOLVED: That the City Engineer is hereby authorized to cause the fully executed Final Map for Tract No. 8658 to be filed with the Alameda County Clerk-Recorder for recordation; and be it

FURTHER RESOLVED: That the City's approval of Tract No. 8658 is exempt from the requirements of CEQA pursuant to Public Resources Code section 21080(b)(1) and CEQA Guidelines section 15268, which each provide, on a separate and independent basis and when viewed collectively, an overall basis for CEQA clearance; and be it

FURTHER RESOLVED: That this Resolution shall be effective upon its adoption by a sufficient affirmative vote of the elected members of the City Council, as provided in the Charter of the City.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAY 21 2024

PASSED BY THE FOLLOWING VOTE:

AYES - ~~FIFE~~, GALLO, JENKINS, KALB, ~~KAPLAN~~, RAMACHANDRAN, REID, AND

PRESIDENT FORTUNATO BAS - 0

NOES - 0

ABSENT - 0

ABSTENTION - 0

2 Excused: Fife/Kaplan

ATTEST:



ASHA REED

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

Exhibit A: Final Tract Map No. 8658