FILED
OFFICE OF THE CITY GIERK
OAKLAND

Approved as to Form and Legality

Office of the City Attorney

2017 MAR 29 PM 12: 46 OAKLAND CITY COUNCIL

RESOLUTION NOT 86684 C.M.S.

RESOLUTION CONDITIONALLY APPROVING A FINAL MAP FOR TRACT NO. 8395, AS PHASE 2 OF TRACT MAP NO. 7621, LOCATED AT 845 EMBARCADERO FOR A FOUR LOT SUBDIVISION FOR ZARSION-OHP I, LLC

WHEREAS, ZARSION-OHP I, LLC, a California limited liability company (no. 201309910387, "Subdivider"), is the subdivider of four (4) parcels identified by the Alameda County Assessor as APNs 018-0465-002-06, 018-0465-002-29, 018-0465-002-10, 018-0465-002-12, 018-0465-002-27, 018-0465-002-15, 018-0460-004-06, 018-0460-004-08, 018-0460-004-10 and 018-0460-004-18 and by the Alameda County Clerk-Recorder as Tract No. 8395, as Phase 2 of Tract Map No. 7621, and by the City of Oakland as 845 Embarcadero; and

WHEREAS, the Subdivider has acquired by purchase for valuable consideration the real property comprising Tract No. 8395, as Phase 2 of Tract Map No. 7621, through State of California Patent and Trust Termination, series no. 20133203239, recorded June 10, 2013, State of California Patent (Final Public Trust Parcels), series no. 20133203237, recorded June 10, 2013, and two grant deeds, series no. 2013203240, recorded June 10, 2013, and series no. 2013203242 recorded June 10, 2013, by the Alameda County Clerk-Recorder; and

WHEREAS, said four (4) parcels are comprised of Parcel 3 (P/H) and Parcel 5 (P/D1) as said parcels are described in that certain grant deed recorded on June 10, 2013, as document number 2013203240, Parcel 2 (S/D2) as said parcel is described in that certain State of California Patent and Trust Termination recorded on June 10, 2013 as document number 2013203239, a portion of Parcel 1 (P/R1) and a portion of Parcel 2 (P/T1) described in that certain grant deed recorded on June 10, 2013, as document number 201303242, and a portion of Parcel 2 (T/T2) as said parcel is described in that certain State of California Patent (Final Public Trust Parcels) recorded on June 10, 2013 as document number 2013203237; and

WHEREAS, Oakland Harbor Partners, LLC applied to the City of Oakland for a Vesting Tentative Tract Map (VTTM 7621) to subdivide said platted land; and

WHEREAS, on March 15, 2006, the Planning Commission approved Vesting Tentative Tract Map No. 7621 and related land use entitlements, and certified the Environmental Impact Report (EIR) for the Oak to Ninth Mixed Use Development Project (Oak to Ninth); and

WHEREAS, on June 20, 2006, the City Council adopted Resolution No. 79983 C.M.S. approving Vesting Tentative Tract Map No. 7621 for Oak to Ninth; and



WHEREAS, on July 18, 2006, the City Council authorized a number of actions to approve Oak to Ninth, including adoption of Resolution No. 79981 C.M.S. to certify the EIR; and

WHEREAS, the Development Agreement for Oak to Ninth, now known as the Brooklyn Basin project, was authorized by Ordinance No. 12760 C.M.S. on July 18, 2006, and transferred and assigned to the Subdivider by Resolution No. 84934 C.M.S. on April 22, 2014; and

WHEREAS, the Development Agreement, as amended by the First Administrative Amendment to the Development Agreement, provides that the Brooklyn Basin project will be constructed in phases and that multiple Final Maps may be filed for the associated subdivision; and

WHEREAS, on January 20, 2009, the City Council adopted Resolution No. 81769 C.M.S. to, among other things, recertify the Oak to Ninth Project EIR as revised; and

WHEREAS, the Subdivider has presented a Final Map for Phase 2 of the development to the City, identified as Tract No. 8395 (Being Phase 02 of Tract Map 7621 – For Condominium Purposes), which proposes the subdivision of four (4) developable parcels identified as Parcels D, E, H, and J, an irrevocable offer of dedication of two (2) parcels for public right-of-way easement and public utility easement purposes identified as Parcels X5 and X6, an irrevocable offer of dedication to the City of Oakland of a public access easement on the portion of the property designated in the Final Map as Parcels H and J, and an irrevocable dedication of a public sidewalk easement on the portion of the property designated in the Final Map as Parcels D and E; and

WHEREAS, the Secretary of the City Planning Commission has certified that the Planning Commission approved the Tentative Map for Tract No. 8161, upon which said Final Map is based; and

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

- the subdivision as shown on the Final Map for Tract No. 8395, Phase 2, delineated diagrammatically in *Exhibit A* attached hereto and incorporated herein, is substantially the same as it appeared on the approved Vesting Tentative Map which created developable Parcels D, E, H, and J, and Parcels X5 and X6 for public right-of-way and public easement purposes; and
- the Final Map for Tract No. 8395, Phase 2, complies in all manners with the provisions of California Government Code sections 66410 et seq. (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 Final Map is technically correct and accurately delineates the proposed metes and bounds of the property boundaries separating the proposed

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four (4) lots and the proposed dedicated easements, 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. 8395, Phase 2; 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. PX1600019 and the Subdivider's plans and specifications for construction of the required public infrastructure improvements, attached hereto as *Exhibit B*; and

WHEREAS, through a separate companion Resolution, staff is seeking authorization for the City Administrator to enter into a Subdivision Improvement Agreement with the Subdivider pursuant to Government Code section 66462 and Oakland Municipal Code section 16.20.100, as a condition precedent to approval of the Final Map for Tract No. 8359, Phase 2, 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 Subdivision Improvement Agreement; 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, each as a separate and independent basis and when viewed collectively as an overall basis for CEQA clearance; now, therefore, be it

RESOLVED: That the Final Map for Tract No. 8359, 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 conditionally approved; and be it

FURTHER RESOLVED: That the dedication of two parcels for public right of way easement and public utility easement purposes, two parcels as public access easements, and two parcels as public sidewalk easements as delineated on the Final Map is hereby conditionally accepted; and be it

FURTHER RESOLVED: That the approval of the Final Map and the acceptance of said dedications are conditioned upon completion to the satisfaction of the City Engineer of public infrastructure improvements, as required by the Subdivision Improvement Agreement; and be it

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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

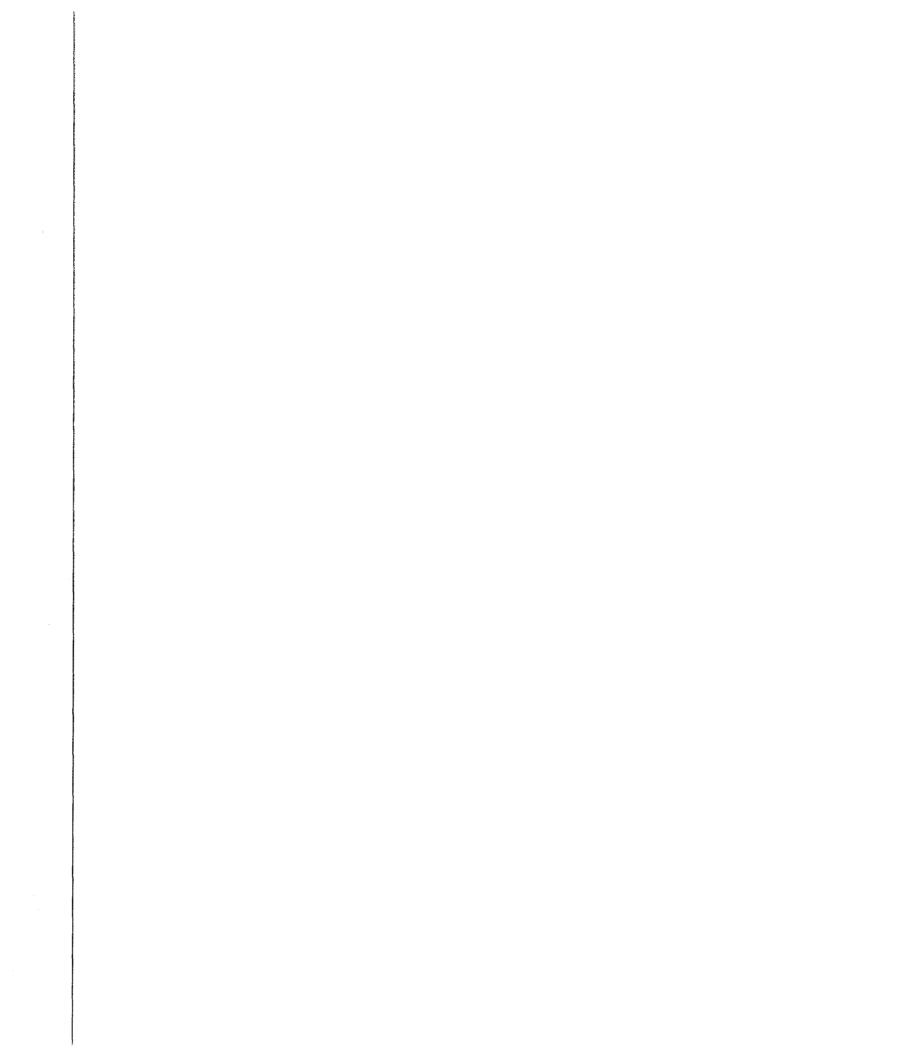
FURTHER RESOLVED: That the successive owners, both individually as purchasers of real property and collectively as a homeowners association, of said lots as delineated on the Final Map shall be responsible for the maintenance in perpetuity of all infrastructure improvements within said easements, excepting from said responsibility infrastructure improvements that are otherwise regulated by California Public Utilities Commission; and be it

FURTHER RESOLVED: That failure by the Subdivider to comply in all aspects with the Subdivision Improvement Agreement shall void approval of the Final Map and void acceptance of said dedications and shall result in reversion to acreage of the original parcels comprising Phase 2 of Tract Map No. 7621; and be it

FURTHER RESOLVED: That the City Engineer is hereby authorized to endorse the Final Map for Tract No. 8395, Phase 2; 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. 8395, Phase 2, 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. 8395, Phase 2, to be filed with the Alameda County Clerk-Recorder for recordation; and be it



FURTHER RESOLVED: That this Resolution shall be effective upon its adoption by a sufficient 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,	APR 1 8 2017
PASSED BY THE FOLLOWING VOTE:	
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NOES - P	
ABSENT – P	
ABSTENTION - 9 GAZILLED - 1 Kerd	A
Excused - 1 Keed	ATTEST: Donad Jummy
	/ LaTonda Simmons
	City Clerk and Clerk of the Council
	of the City of Oakland, California

Attachments:

Exhibit A, Tract Map No. 8395 (five pages)
Exhibit B, Subdivider's Improvement Plans (six pages)

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EXHIBIT A (TR 8395)

2017 MAR 29 PM 12: 46

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AS OWNER:	I HEREBY ACCEPT ON BEHALF OF THE CITY OF OAKLAND, THE AREA DESIGNATED AS PARCELS X5 AND X6 HEREIN DEDICATED IN ACCORDANCE WITH SECTION OF 16.12.080 OF THE OAKLAND MUNICIPAL CODE.	ROBERT D. MERKAMP SECRETARY OF THE CITY PLANNING COMMISSION OF THE CITY OF OAKLAND, CALIFORNIA
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DATE:	I FURTHER CERTIFY THAT ALL BONDS AS REQUIRED BY LAW TO ACCOMPANY THE WITHIN MAP HAVE BEEN APPROVED BY THE CITY COUNCIL OF OAKLAND AND FILED IN MY OFFICE.	
	IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS DAY OF, 2017.	•
	LATONDA D. SIMAONS*** CITY CLERK AND CLEX OF THE CITY COUNCIL, CITY OF OMATION, COUNTY OF ALANDON, A STATE OF CALFORNIA	
•	CLERK OF THE BOARD OF SUPERVISORS STATEMENT STATE OF CALIFORNIA COUNTY OF ALMAFOA	
	I, ANKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS FOR THE COUNTY OF ALAMEDA, STATE OF CAUFORNIA, DO HEREN STATE, AS CHECKED BELOW, THAT:	TRACT MAP NO. 8395 BEING PHASE 02 OF TRACT HAP 7621 - FOR CONDOMINIUM PURPOSES
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EXISTING EASEMENT NOTE

EASEMENT DESCRIBED IN THE DOCUMENT RECORDED ON FEBRUARY 28, 2005, AS INSTRUMENT NUMBER 2005077956 AFFECTS PARCEL X5 AND IS SHOWN HEREON.

RECORDER'S STATEMENT
FILE NO. ________ FEE \$_______PAID. ACCEPTED FOR RECORD AND FILED THIS _____ DAY OF ______, 2017, AT _____,M. IN BOOK _____ OF MAPS, AT PAGES ______, ALAMEDA COUNTY RECORDS, AT THE REQUEST OF FIRST AMERICAN TITLE. STEVE MANNING, COUNTY RECORDER, ALAMEDA COUNTY, CALIFORNIA

ALEX CALDER, PLS 8863



TRACT MAP NO. 8395

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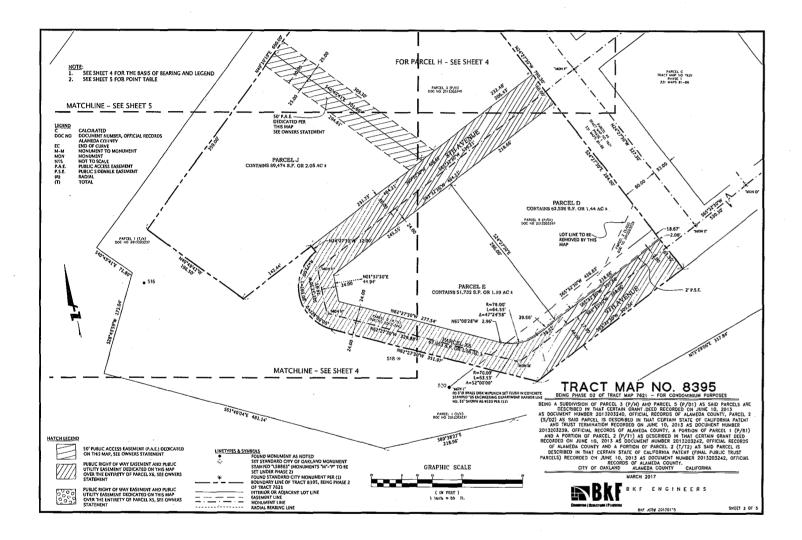
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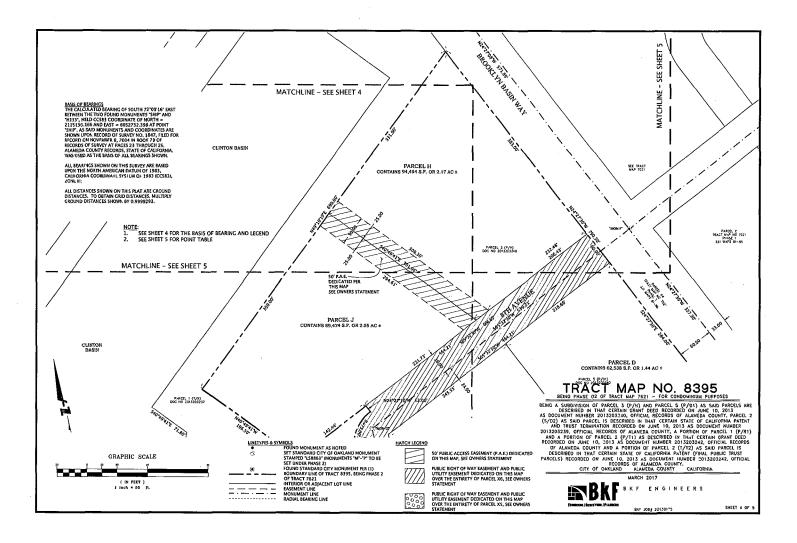
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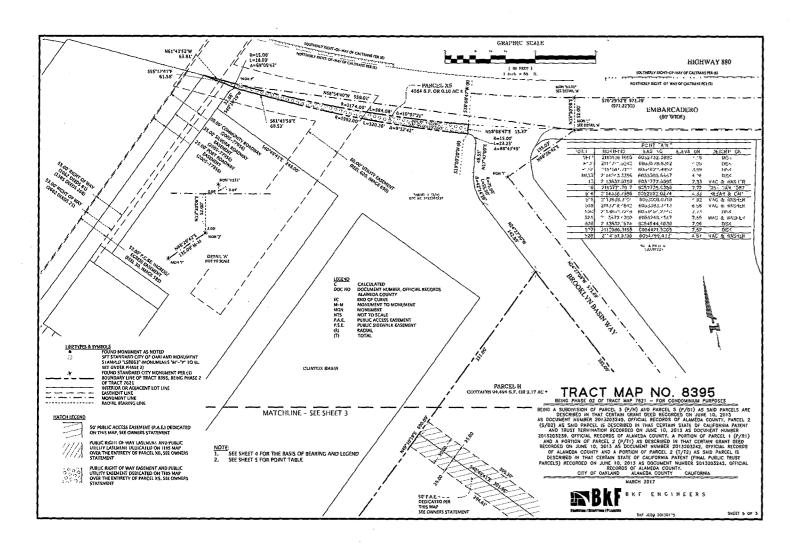
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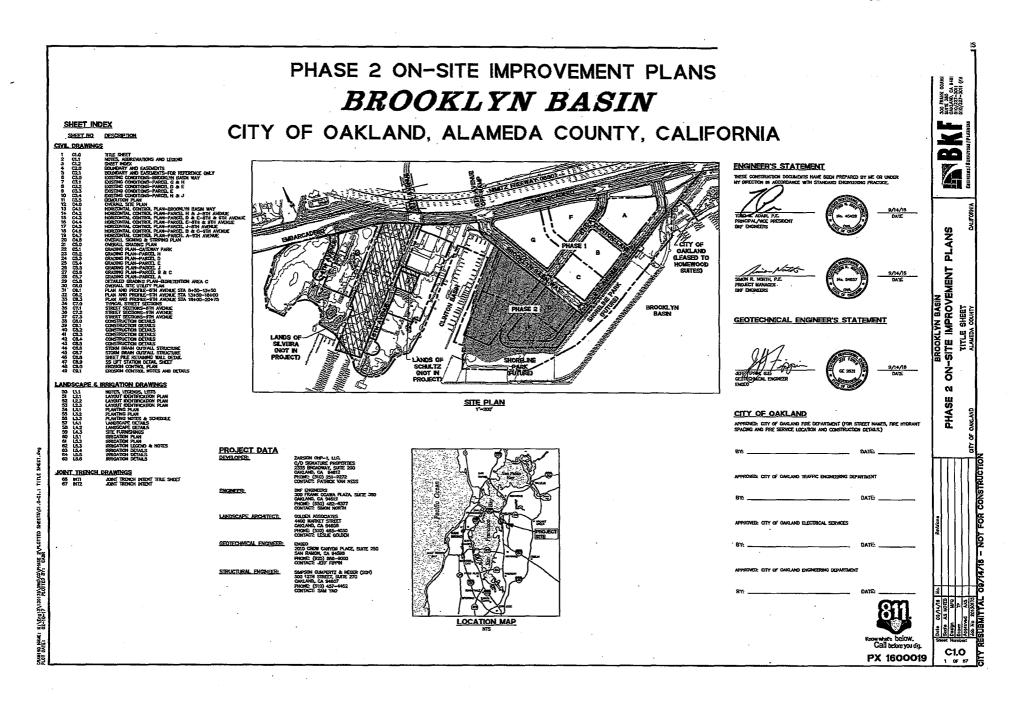
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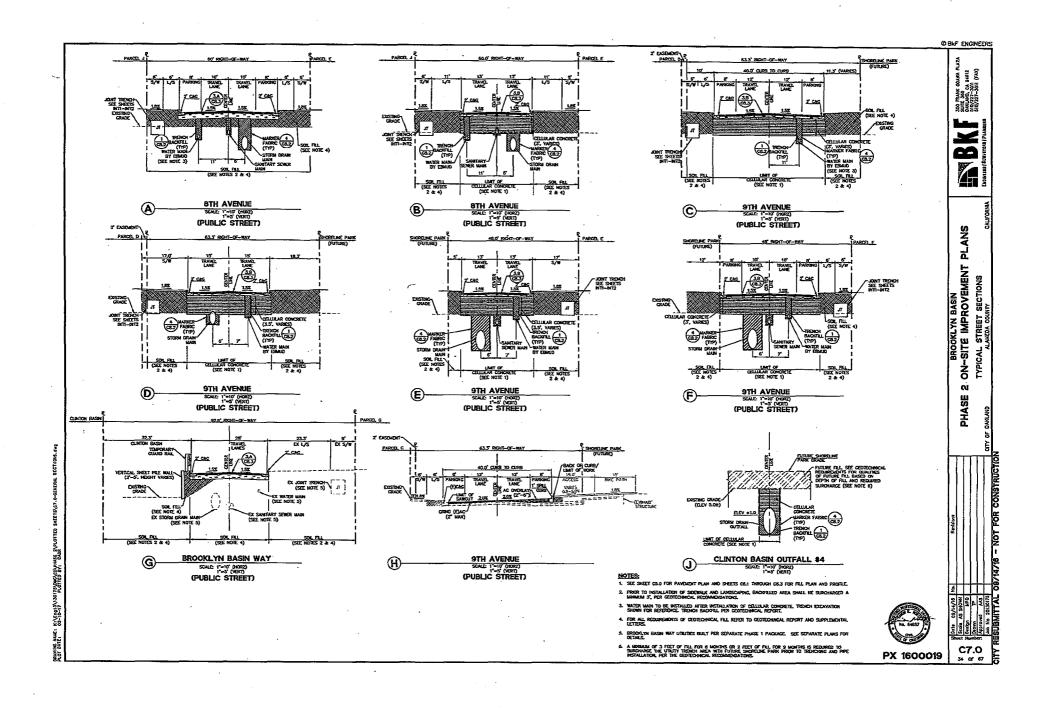




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