FILED

OFFICE OF THE GITY CLEAK

OAKLAND

Approved as to Form and Legality
Office of the City Attorney

# 2017 AUG 29 PM 3: 11 OAKLAND CITY COUNCIL

RESOLUTION NO. 86895 C.M.S.

RESOLUTION CONDITIONALLY APPROVING A FINAL MAP FOR TRACT NO. 8351, LOCATED AT 469 JEAN STREET FOR A SEVEN LOT SUBDIVISION FOR IVY PROPERTIES, LLC

WHEREAS, Ivy Properties, LLC, a California limited liability company ("Subdivider"), is the subdivider of seven (7) parcels identified by the Alameda County Assessor as APN 010-0821-024-00, and by the Alameda County Clerk-Recorder as Tract No. 8351, and by the City of Oakland as 469 Jean Street; and

**WHEREAS**, the Subdivider has acquired by purchase for valuable consideration the real property comprising Tract No. 8351 through a grant deed, series no. 2015313953, recorded November 25, 2015, by the Alameda County Clerk-Recorder; and

**WHEREAS**, said parcel is comprised of a portion of Lot 8 (Block R) of the Map entitled, "Revised Map of Oakland Heights, Alameda County, California," recorded by the Alameda County Clerk-Recorder on June 11, 1890 in Book 9 of maps, Page 54; and

**WHEREAS**, the Subdivider applied to the City of Oakland for a Tentative Tract Map (TTM 8351) to subdivide said platted land, which proposed:

- Subdivision of one existing lot into seven (7) mini-lots accessed by a shared-driveway from Jean Street; and
- Construction of six two-story buildings and the preservation of one existing three-story duplex for a total of 8 residential units, each with its own off-street parking space; and

WHEREAS, on September 21, 2016, the City Planning Commission approved the Tentative Tract Map for Tract No. 8351 and the land use entitlements (PLN16193), and affirmed staff's environmental determination that the project is exempt from CEQA pursuant to CEQA Guidelines sections 15183 (projects consistent with a community plan, general plan or zoning) and 15332 (infill project); and

**WHEREAS**, the Subdivider has presented a Final Map to the City, identified as Tract Map No. 8351, which proposes the subdivision of seven (7) developable parcels, mini-lot development, identified as Lots 1, 2, 3, 4, 5, 6, and 7; and

WHEREAS, the Secretary of the City Planning Commission has certified that the Planning Commission approved the Tentative Map for Tract No. 8351, 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. 8351, delineated diagrammatically in *Exhibit A* attached hereto and incorporated herein, is substantially the same as it appeared on the approved Tentative Map which created developable Parcels Lots 1, 2, 3, 4, 5, 6, and 7; and
- the Final Map for Tract No. 8351 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 seven (7) 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. 8351; 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. PX1700025 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, attached hereto as *Exhibit B* and incorporated herein; 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. 8351, 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. 8351 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 approval of the Final Map is conditioned upon completion of public infrastructure improvements and private common access roadways and utilities that are required to service the public or the individual parcels, as required by the Subdivision Improvement Agreement; 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 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 the areas common to parcels for required access and utilities required 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 shall result in reversion to acreage of the original parcels comprising Tract No. 8351; and be it

**FURTHER RESOLVED**: That the City Engineer is hereby authorized to endorse the Final Map for Tract No. 8351; 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. 8351 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. 8351 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,SEP 1 9 2017	IN COUNCIL, OAKLAND, CALIFORNIA,	SEP 1 9 2017	
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PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST:

✓aTonda Simmons ∫
City Clerk and Clerk of the Council

of the City of Oakland, California

**Exhibits** 

Exhibit A, Final Tract Map No. 8351 (three pages)

Exhibit B, Public Infrastructure Improvements (three pages)

#### OWNER'S STATEMENT

THE UNDERSIGNED HEREBY STATES THAT IVY PROPERTIES, LLC IS THE OWNER OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREON EMBODIED TRACT MAP ENTITLED "TRACT 8351, OAKLAND, ALAMEDA COUNTY, CALIFORNIA"; THAT SAID OWNER ACQUIRED THILE TO SAID LAND BY WRITLE OF THE DEED RECORDED NOVEMBER 25, 2015 UNDER SERIES NO. 2015-313953, RECORDS OF ALAMEDA COUNTY, CALIFORNIA; THAT SAID OWNER CONSENTS TO THE PREPARATION OF AND FILING OF THIS TRACT MAP.

THE AREAS DESIGNATED AS "PRIVATE ACCESS AND UTILITIES EASEMENT" ARE NOT DEDICATED FOR USE BY THE GENERAL PUBLIC BUT ARE FOR THE USE OF THE OWNERS OF LOTS 1-7 OF TRACT B351 AND THER SUCCESSORS AND ASSIGNS AND SHALL BE USED AND MAINTAINED BY SAID LOT OWNERS IN ACCORDANCE WITH THE DECLARATION THAT GOVERNS THE USE AND MAINTAINED FOR SAID EASEMENTS RECORDS OF ALAMEDA COUNTY, CALFORNIA.

THE AREAS DESIGNATED AS "EMERGENCY ACCESS EASEMENT" ARE HEREBY OFFERED FOR DEDICATION TO THE PUBLIC FOR ACCESS OF INGRESS AND GORESS OF PUBLIC SAFETY/EMERGENCY PERSONNEL ON AND OVER SAID AREAS. SAID EASEMENTS WILL BE MAINTAINED BY THE OWNERS OF LOTS 1-7 OF TRACT 8351 AND THEIR SUCCESSORS AND ASSIGNS. NO STRUCTURE MAY BE PLACED ON SAID

IVY STAR, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BRAD ROEMER, ADMINISTRATIVE MEMBER

DATE

## SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE MITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF BRAD ROBBER IN MAY OF 2016. I HEREBY STATE THAT THIS TRACT MAP SUBSTANTALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE TRACT MAP, IF ANY. HERBY STATE THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET BEFORE DECEMBER, 2018, AND THAT THE MONUMENTS ARE, OR WILL BE, E. SUFFICIENT TO ENABLE THE SURVEY TO

JEFFREY BLACK, LS 5252

DATE

## CITY PLANNING COMMISSION'S STATEMENT

THIS MAP IS BASED ON A TENTATIVE TRACT MAP APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF OAKLAND AT THEIR MEETING ON JULY 9, 2014, AND WHEN RECORDED THIS MAP BECOMES THE OFFICIAL MAP OF THE LAND

DATE

ROBERT MERKAMP SECRETARY OF THE CITY PLANNING COMMISION OF THE CITY OF OAKLAND, CALIFORNIA

## OWNER'S ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity

STATE OF CALIFORNIA COUNTY OF ALAMEDA

BEFORE ME.

A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED BRAD ROBMER, WHO 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 THE PERSON.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

SIGNATURE OF NOTARY PUBLIC: \_\_ PRINTED NAME OF NOTARY:

PRINCIPAL PLACE OF BUSINESS: \_ COMMISSION EXPIRES: \_\_

#### CITY ENGINEER'S STATEMENT

IT I CINGINEER S STATEMENT

, MADDIME WASSOWSKY, HANNG BEEN AUTHORIZED TO PERFORM THE FUNCTION OF THE CITY ENGINEER OF THE CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE HEREON EMBODIED TRACT MAP ENTITLED "TRACT 8355, OAKLAND, ALAMEDA COUNTY, CALIFORNIA;" THAT THE SUBDIVISION AS SHOWN UPON SAID TRACT MAP IS SUBSTANTIALLY THE SAME AS THAT APPEARING ON THE TENTATIVE TRACT MAP AND ANY APPROVED ALTERATIONS THEREOF, THAT SAID PARCEL MAP COMPUES 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 TRACT MAP.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS

WLADIMIR WLASSOWSKY, RCF 40013 CITY ENGINEER, CITY OF OAKLAND ALAMEDA COUNTY, STATE OF CALIFORNIA

#### CITY SURVEYOR'S STATEMENT

I, GILBERT E. HAYES, CITY SURVEYOR, HAVING BEEN AUTHORIZED TO PERFORM I, GLBERT E. HAYES, CITY SURVEYOR, MAYING BEEN AUTHORZEU TO PERFORM THE FUNCTIONS OF THE CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE HEREON EMBOLIED TRACT MAP ENTITLED "TRACT 8351 OAKLAND, ALAMEDA COUNTY, CALIFORNIA;" I AM SATISFIED THAT THE TRACT MAP IS TECHNICALLY CORRECT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 2017.

GILBERT E. HAYES, PLS 4700 CITY SURVEYOR, CITY OF OAKLAND ALAMEDA COUNTY, CALIFORNIA

#### CITY CLERK'S STATEMENT

I. LATONDA D. SIMMONS, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF GAKLAND, COUNTY OF ALAMEDA, STATE OF CAUFORNIA, DO HERCELY CERTIFY THAT THE HEREIN EMBOULED MAP ENTITLED "TRACE 3351, CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA' WAS PRESENTED TO SAID COUNCIL AT A REGULAR MEETING HELD ON AND THAT SAID COUNCIL DID THEREUPON BY RESOLUTION NUMBER.

I HEREBY ACCEPT ON BEHALF OF THE CITY OF CAKLAND, THE AREAS DESIGNATED AS "EMERGENCY ACCESS EASEMENT" HEREIN DEDICATED IN ACCORDANCE WITH SECTION 16.12.080 OF THE CAKLAND MUNICIPAL CODE.

I FURTHER CERTIFY THAT ALL BONDS AS REQUIRED BY LAW TO ACCOMPANY THE WITHIN MAP HAVE BEEN APPROVED BY SAID COUNCIL AND ARE FILED IN MY OFFICE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS \_\_\_\_\_

LATONDA D. SIMMONS CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF OAKLAND ALAMEDA COUNTY, CALIFORNIA

#### CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, ANIKA CAMPBELL—BELTON, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT CERTIFICATES HAVE BEEN PILED AND DEPOSITS HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 66492 AND 66493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

ANIKA CAMPBELL—BELTON CLERK OF THE BOARD OF SUPERVISORS COUNTY OF ALAMEDA, STATE OF CALIFORNIA

HY:	
DEPUTY COUNTY CLERK	
DATE.	

#### RECORDER'S STATEMENT

FILED THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_, 2017, AT \_\_\_\_ M. IN BOOK \_\_\_\_\_ OF PARCEL MAPS, AT PAGE \_\_\_\_\_\_, AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY.

COUNTY RECORDER, IN AND FOR COUNTY OF ALAMEDA, STATE OF CALIFORNIA

DEPUTY COUNTY RECORDER

## **TRACT 8351** BEING A SEVEN MINI-LOT SUBDIVISION OF

A PORTION OF LOT 8, BLOCK R REVISED MAP OF OAKLAND HEIGHTS (9 M 54) CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA APRIL 2017

# MORAN ENGINEERING. INC.

OWNER/SUBDIVIDER: IVY STAR, LLC c/o BRAD ROEMER P.O. BOX 2054S OAKLAND, CA 94620 510\326-8647

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

JEAN-TH.DWG JOB NO. 16-5440.1

APN: 010-0821-024

SHEET 1 OF 3

TRUSTEE'S STATEMENT THE UNDERSIGNED, AS TRUSTEE OF THE DEED OF TRUST RECORDED JANUARY 24, 2007, UNDER SERIES NUMBER 2007-037336, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, DOES HEREBY JOIN IN AND CONSENT TO THE EXECUTION OF THE FOREGOING OWNERS STATEMENT AND TO THE PREPARATION AND FILING OF THIS MAP AND ALL DEEDINGS AND DEDICATIONS THEREON.		
MORTGAGE ELECTRONIC REGISTRATION SOLEY AS NOMINEE FOR NL, INC.	SYSTEMS, INC.	
NAME: TITLE:	NAME: TITLE:	
TRUSTEE'S ACKNOWLEDGMENT		
A notory public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.		
STATE OF		
COUNTY OF		
ONBEFORE ME		
A NOTARY PUBLIC IN AND FOR SAID	COUNTY AND STATE, PERSONALLY APPEARED	
PERSON(S) WHOSE NAME(S) IS/ARE S ACKNOWLEDGED TO ME THAT HE /SHE	(ies), and by his/her/their signature(s) or the entity(ies) upon behalf of	
I CERTIFY UNDER PENALTY OF PERJUE CALIFORNIA THAT THE FOREGOING PAR	Y UNDER THE LAWS OF THE STATE OF PAGRAPH IS TRUE AND CORRECT.	
WITNESS MY HAND: (SIGNATURE OF NOTARY PUBLIC):		
PRINTED NAME OF NOTARY:		
PRINCIPAL PLACE OF BUSINESS: COMMISSION EXPIRES:		
NATURAL HAZARDS THIS REAL PROPERTY LIES WITHIN THE HAZARO ZONE-LIQUIPACTION ZONE PU RESQUIRCES GODE. THESE HAZARDS IN REAL PROPERTY, TO DETAIN INSURAN DISASTER. THE MAPS ON WHICH THE WHETE NATURAL HAZARDS EMST. TH WHETHER OR NOT A PROPERTY WILL E TRANSFEREE(S) AND TRANSFEROR(S) TRANSFEREE(S) AND TRANSFEROR(S)	STATEMENT FOLLOWING HAZARDOUS AREA: A SEISMIC RSUANT TO SECTION 2996 OF THE PUBLIC HAY LIMIT YOUR ABILITY TO DEVELOP THE E. OR TO RECEIVE ASSISTANCE AFTER A BE DISCLOSURES ARE BASED ESTIMATE FY ARE NOT DEFINITIVE. INDICATORS OF IE AFFECTED BY A NATURAL DISASTER. ANY MISH TO OBTAIN PROFESSIONAL ADVICE ARDS THAT MAY AFFECT THE PROPERTY.	

**TRACT 8351** 

OWNER/SUBDIVIDER: IVY STAR, U.C c/o BRAD ROEMER P.O. BOX 20545 OAKLAND, CA 94620 510\326--8647

A PORTION OF LOT 8, BLOCK R REVISED MAP OF OAKLAND HEIGHTS (9 M 54) CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA APRIL 2017

BEING A SEVEN MINI-LOT SUBDIVISION OF

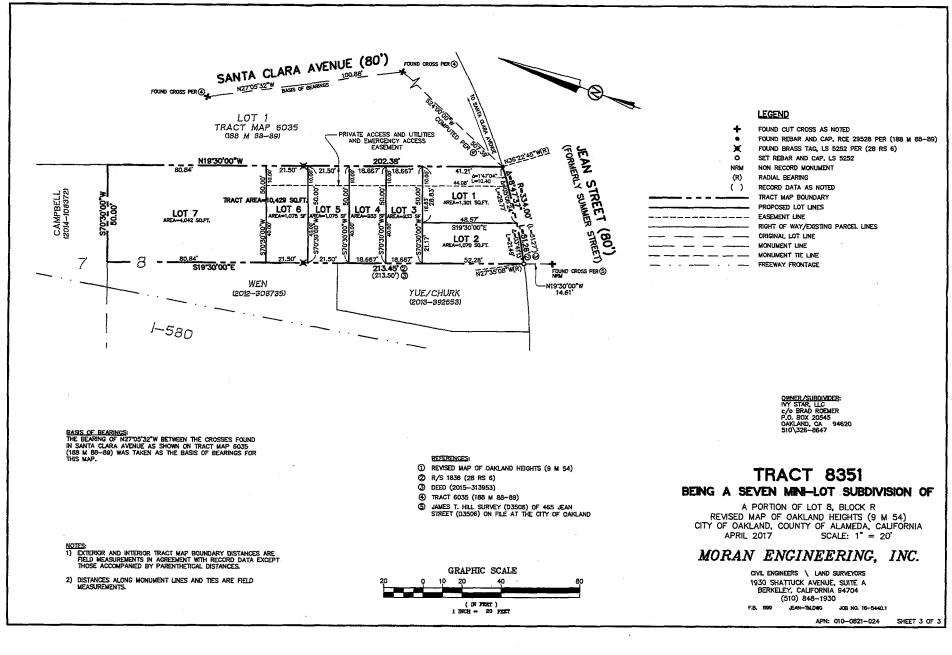
# MORAN ENGINEERING, INC.

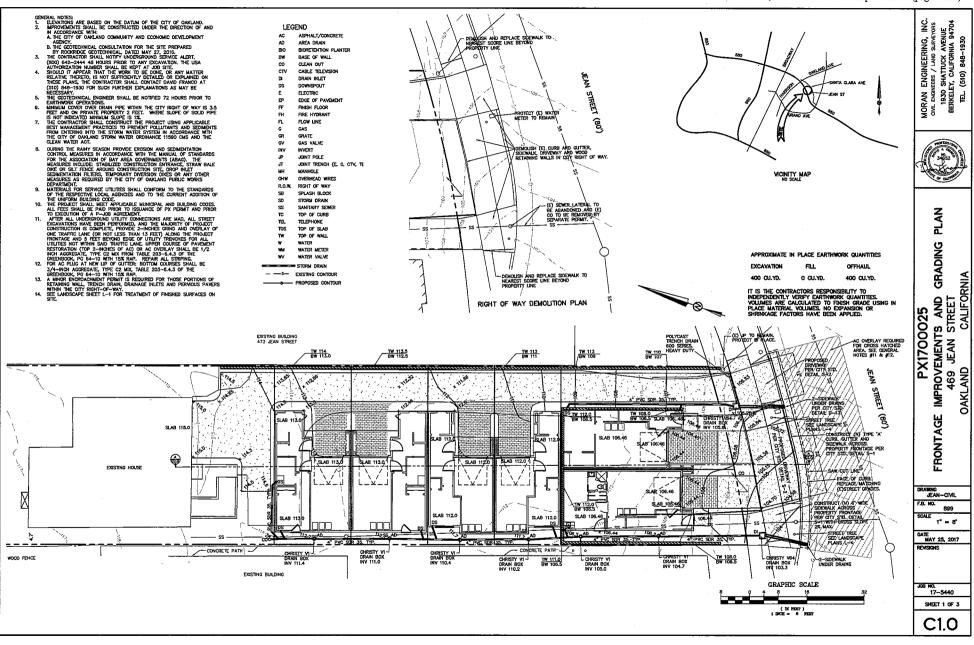
CIVIL ENGINEERS \ LAND SURVEYORS 1930 SHATTUCK AVENUE, SUITE A BERKELEY, CALIFORNIA 94704 (510) 848-1930

JEAN-THLDWG

APN: 010-0821-024

SHEET 2 OF 3





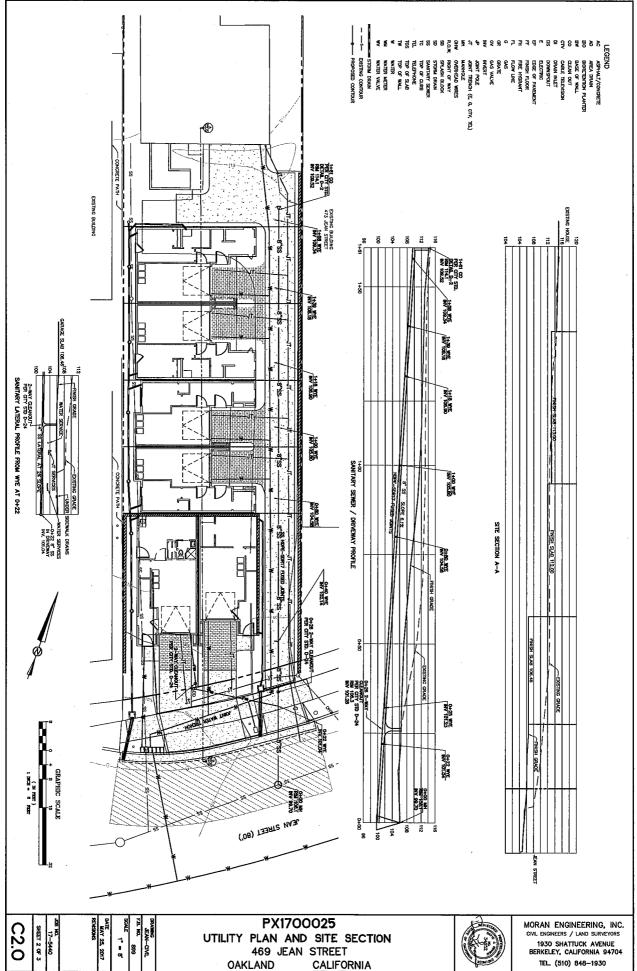


Exhibit B, Public Infrastructure Improvements (page 2 of 3)

