



Office of the City Manager

CONSENT CALENDAR
February 28, 2023

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Liam Garland, Director, Department of Public Works
 Subject: Final Map of Tract 8490: 739 Channing Way

RECOMMENDATION

Adopt a Resolution approving the final map of Tract Map 8490 for a 15-unit condominium project consisting of 10 residential units, 4 live/work units, and one commercial unit and to merge 2 existing parcels at 739 Channing Way.

FISCAL IMPACTS OF RECOMMENDATION

There is no cost to the City. The applicant paid the appropriate fees with submission of their tract map application.

CURRENT SITUATION AND ITS EFFECTS

The Planning Commission approved the tentative map on September 4, 2019, and that map is valid for 24 months from the approval date. In addition, Assembly Bill 1561 grants an 18-month time extension to housing entitlements, including qualifying tentative maps. The tentative map for this project qualifies for the extension under Assembly Bill 1561. Prior to the sale of any condominium units, state law and City Ordinances require the owner to submit a final map to City Council for approval. The owner duly submitted a final map for this project within the required timeframe, and is now seeking Council approval.

BACKGROUND

On September 4, 2019, the Planning Commission voted to approve the application of East Bay Channing Way, LLC (owner of the 739 Channing Way property) for a 15-unit condominium project as described above.

Section 21.20.100 of the Berkeley Municipal Code requires City Council approval of all final map subdivisions. In addition, pursuant to Section 66474.1 of Division 2 of the Government Code, a legislative body must approve such a final map if it finds it to be in substantial compliance with the approved tentative map.

All conditions of approval have been completed to the satisfaction of the Public Works Department and the Planning and Development Department including the requirement

for a parcel merger which is accomplished by the recording of this tract map. Engineering Division staff have examined the final map, and determined it to be in substantial compliance with the approved tentative map.

The final map is meant to provide a record of the underlying property survey, and does not constitute approval of a proposed or existing structure upon the property. Separate action is required for this approval, which has been obtained by virtue of use permits and buildings permits.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project complies with the California Green Building Standards Code (CALGreen). CALGreen is California's green building code to improve public health, safety, and general welfare through enhanced design and construction of buildings utilizing concepts which promote a positive environmental impact and sustainable construction practices. In addition, the site utilizes permeable pavers in the uncovered parking lot as recommended by section C.3i of the Municipal Regional Stormwater NPDES (National Pollutant Discharge Elimination System) permit.

RATIONALE FOR RECOMMENDATION

Pursuant to Section 66474.1 of Division 2 of the Government Code, the City Council must approve the final map if it finds it to be in substantial compliance with the approved tentative map. Staff has reviewed the map and finds it to be in substantial compliance with the tentative map.

ALTERNATIVE ACTIONS CONSIDERED

No other alternative course of action is recommended.

CONTACT PERSON

Joseph Enke, Manager of Engineering, Engineering Division (510) 981-6411
Ron Nevels, Supervising Civil Engineer, Engineering Division (510) 981-6439
Vincent Chen, Associate Civil Engineer, Engineering Division (510) 981-6409

Attachment:

1: Resolution

Exhibit A: Tract Map 8490

RESOLUTION NO. ##,###-N.S.

FINAL MAP OF TRACT 8490: 739 CHANNING WAY, BERKELEY

WHEREAS, the Zoning Adjustments Board approved Use Permit No. ZP2017-0039 on October 26, 2017 to construct three detached, three-story mixed-use buildings with 10 residential units, 4 Arts and Crafts live/work units, one commercial office unit, and 16 off-street parking spaces on a vacant lot; and

WHEREAS, a parcel merger is required to construct this project such that no building straddles a property line; and

WHEREAS, the Berkeley Planning Commission has determined that the tentative map of Tract 8490 conforms to the requirements of the City's subdivision Ordinance, and the California Subdivision Map Act, and approved the tentative map of Tract 8490 on September 4, 2019; and

WHEREAS, the Public Works Department and the Planning and Development Department have certified that the final map of Tract 8490 substantially conforms to the conditionally approved tentative map, as required by the California Subdivision Map Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the final map of Tract 8490 for a 15-unit condominium project consisting of 10 residential units, 4 live/work units and one commercial unit and to merge 2 existing parcels at 739 Channing Way, Berkeley, is hereby approved.

Exhibit A: Tract Map 8490

TRACT MAP

OWNER'S STATEMENT

THE UNDERSIGNED HEREBY STATES THAT EAST BAY CHANNING WAY, LLC IS THE OWNER OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8490, BERKELEY, ALAMEDA COUNTY, CALIFORNIA; THAT SAID OWNER ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE DEED RECORDED FEBRUARY 13, 2008 UNDER SERIES NO. 2008-053768, RECORDS OF ALAMEDA COUNTY, CALIFORNIA, THAT SAID OWNER CONSENTS TO THE PREPARATION OF AND FILING OF THIS MAP.

EAST BAY CHANNING WAY, LLC

DENNIS CARLSTON, MANAGING MEMBER

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 of that document.

STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ON _____ BEFORE ME, _____

A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED DENNIS CARLSTON, 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.

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: _____

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF DENNIS CARLSTON IN SEPTEMBER OF 2018. I HEREBY STATE THAT THIS MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. I HEREBY STATE THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATE: _____ **PRELIMINARY**
ROBERT J. BRUNEL, LS 4961

CITY CLERK'S STATEMENT

I, MARK NUMAINVILLE, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8490, BERKELEY, ALAMEDA COUNTY, CALIFORNIA WAS PRESENTED TO THE COUNCIL OF THE CITY OF BERKELEY AT A MEETING THEREOF, HELD ON _____; THAT SAID COUNCIL, BY RESOLUTION NUMBER _____, DID APPROVE SAID MAP:

THAT SAID COUNCIL FINDS THAT THE ZONING OF THIS PROPERTY PERMITS THIS USE AND THE SALE OF INDIVIDUAL UNITS WILL BE PERMITTED.

DATE: _____
MARK NUMAINVILLE, CITY CLERK AND
CLERK OF THE COUNCIL OF THE CITY OF BERKELEY

CITY ENGINEER'S STATEMENT

I HAVE EXAMINED THIS MAP AND THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP (IF ANY) AND APPROVED ALTERATIONS THEREOF. THIS MAP CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES. I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

JOSEPH ENKE, R.C.E. 49027, P.L.S. 7169
CITY ENGINEER
CITY OF BERKELEY

DATED: _____

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

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

DATE: _____
ANIKA CAMPBELL-BELTON
ASST. CLERK OF THE BOARD OF SUPERVISORS,
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY CLERK

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2022, AT _____ M. IN BOOK _____ OF MAPS, PAGES _____, AT THE REQUEST OF FIDELITY NATIONAL TITLE COMPANY.

FEE: _____ INSTRUMENT NO.: _____

MELISSA WILK
COUNTY RECORDER

BY: _____
DEPUTY COUNTY RECORDER

OWNER/SUBDIVIDER:
EAST BAY CHANNING WAY, LLC
739 CHANNING WAY
BERKELEY, CA 94710

A MERGER AND RESUBDIVISION FOR CONDOMINIUM PURPOSES

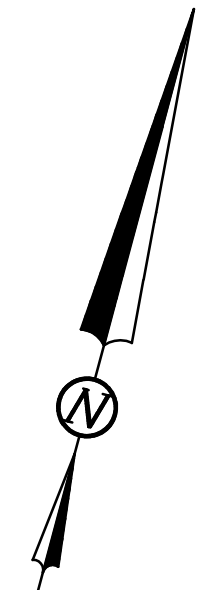
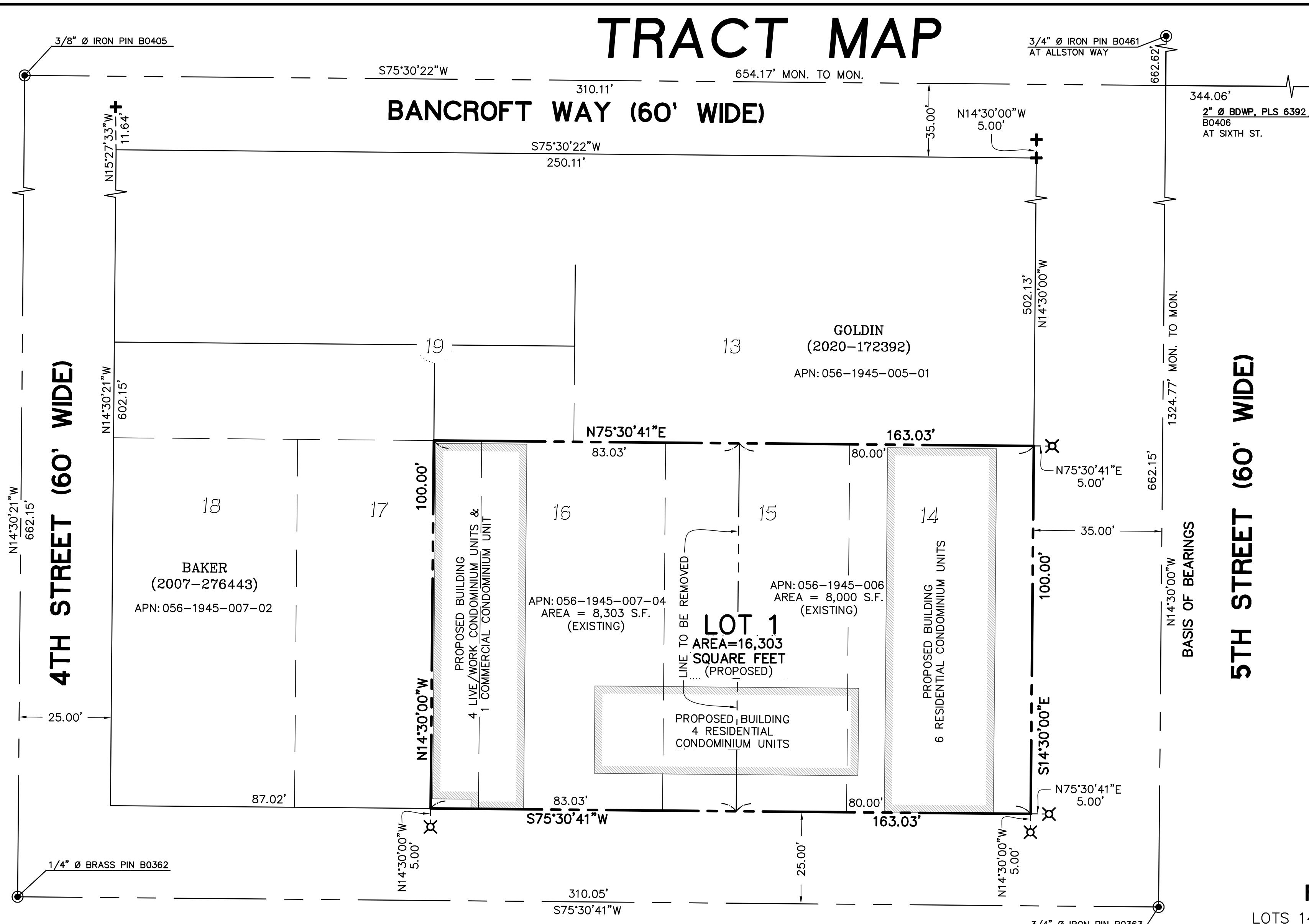
LOTS 14, 15 & 16 AND A PORTION OF LOT 17, BLOCK 127, "CORRECTED MAP OF THE RAYMOND TRACT" (10 M 12) CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA NOVEMBER 2022

MORAN ENGINEERING, INC.

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

T.M. 8490

TRACT MAP



LEGEND

- FOUND CITY MONUMENT IN CASING, AS NOTED
- FOUND CROSS
- SET 3/4" BRASS TAG, LS 4961
- BDWP BRASS DISC WITH PUNCH
- TRACT MAP BOUNDARY
- RIGHT OF WAY/EXISTING PARCEL LINES
- ORIGINAL LOT LINES
- PARCEL LINE TO BE REMOVED
- MONUMENT LINES
- MONUMENT TIE LINES

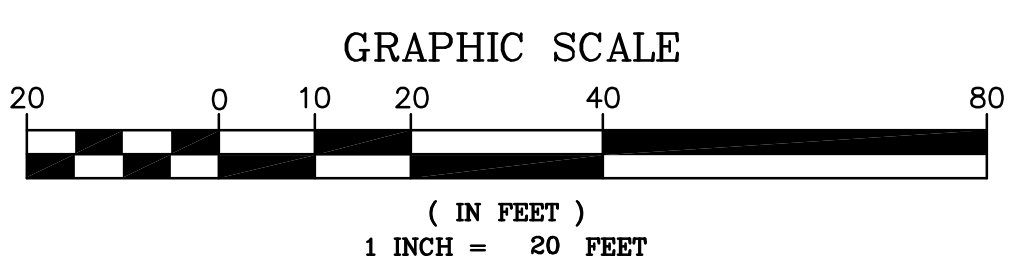
A MERGER AND RESUBDIVISION FOR CONDOMINIUM PURPOSES OF
 LOTS 14, 15 & 16 AND A PORTION OF LOT 17, BLOCK 127,
 "CORRECTED MAP OF THE RAYMOND TRACT" (10 M 12)
 CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA
 NOVEMBER 2022 SCALE: 1" = 20'

MORAN ENGINEERING, INC.

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

T.M. 8490

BASIS OF BEARINGS:
 A BEARING OF NORTH 14°30'00" WEST BETWEEN
 THE MONUMENTS FOUND IN FIFTH STREET, AS
 SHOWN ON "PARCEL MAP 6883" FILED IN BOOK 221
 OF MAPS ON PAGE 99, ALAMEDA COUNTY RECORDS.



OWNER/SUBDIVIDER:
 EAST BAY CHANNING WAY, LLC
 739 CHANNING WAY
 BERKELEY, CA 94710

