



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 8626: 2023-2025 Kala Bagai Way

RECOMMENDATION

Adopt a Resolution approving the final map of Tract Map 8626 for a 49-unit condominium project consisting of 48 residential units and one commercial unit at 2023-2025 Kala Bagai Way.

FISCAL IMPACTS OF RECOMMENDATION

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

CURRENT SITUATION AND ITS EFFECTS

The Planning Commission approved the tentative map on January 19, 2022, and that map is valid for 24 months from the approval date. 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 24-month timeframe, and is now seeking Council approval.

BACKGROUND

On January 19, 2022, the Planning Commission voted to approve the application of Mevlararumi LLC (owner of the 2023-2025 Kala Bagai Way property) for a 49-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. 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 directs roof runoff onto vegetated areas as recommended for a project of this size 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 8626

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

FINAL MAP OF TRACT 8626: 2023-2025 KALA BAGAI WAY, BERKELEY

WHEREAS, the Zoning Adjustments Board approved Use Permit No. ZP2019-0041 on July 13, 2020 to construct a seven-story mixed-use building with 48 residential units (including 4 units available to very-low-income households) and one ground floor commercial unit; and

WHEREAS, the Berkeley Planning Commission has determined that the tentative map of Tract 8626 conforms to the requirements of the City's subdivision Ordinance, and the California Subdivision Map Act, and approved the tentative map of Tract 8626 on January 19, 2022; and

WHEREAS, State law governs the percentage and pricing of affordable units for rental and for-sale projects that take advantage of Density Bonus (Government Code section 65915 et seq.), which differs and overlaps with local inclusionary housing requirements, and the project will remain subject to all applicable local and State provisions during the rental phase and during the for-sale phase of the development; and

WHEREAS, the Public Works Department and the Planning and Development Department have certified that the final map of Tract 8626 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 8626 for a 49-unit condominium project consisting of 48 residential units and one commercial unit at 2023-2025 Kala Bagai Way, Berkeley, is hereby approved.

OWNER'S STATEMENT

THE UNDERSIGNED HEREBY STATES THAT MEVLARARUMI, LLC IS THE OWNER OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8626, BERKELEY, ALAMEDA COUNTY, CALIFORNIA; THAT SAID OWNER ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE DEED RECORDED NOVEMBER 20, 2018 UNDER SERIES NO. 2018-222223, RECORDS OF ALAMEDA COUNTY, CALIFORNIA, THAT SAID OWNER CONSENTS TO THE PREPARATION OF AND FILING OF THIS MAP.

MEVLANARUMI LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

YOLA OZTURK, MANAGER

BORA OZTURK, MANAGER

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 YOLA OZTURK AND BORA OZTURK, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES, AND THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OR THE ENTITY UPON BEHALF OF WHICH THE PERSONS 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: _____

COMMISSION NUMBER: _____

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 OLIVER DAVIS IN AUGUST OF 2021. 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, OR THAT THEY WILL BE SET BEFORE JUNE 30, 2023, AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

PRELIMINARY

JAMES S. MORAN, LS 7881

DATE: _____

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: _____

TRACT MAP

BENEFICIARY'S STATEMENT

THE UNDERSIGNED, AS BENEFICIARY OF THE DEED OF TRUST RECORDED NOVEMBER 19, 2021, UNDER SERIES NUMBER 2021-376809, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, DOES HEREBY JOIN IN AND CONSENT TO THE EXECUTION OF THE FOREGOING OWNER'S STATEMENT AND TO THE PREPARATION AND FILING OF THIS MAP AND ALL DEEDINGS AND DEDICATIONS THEREON.

BANK OF MARIN

NAME:
TITLE:

NAME:
TITLE:

BENEFICIARY'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 _____

COUNTY OF _____

ON _____ BEFORE ME, _____

A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY(IES) UPON BEHALF OF WHICH THE PERSON(S) 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.

WITNESS MY HAND:
(SIGNATURE OF NOTARY PUBLIC): _____

PRINTED NAME OF NOTARY: _____

PRINCIPAL PLACE OF BUSINESS: _____

COMMISSION EXPIRES: _____

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 8626, 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

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 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
CLERK OF THE BOARD OF SUPERVISORS,
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY CLERK

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2023, AT _____ M. IN BOOK _____ OF MAPS, PAGES _____, AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY.

FEE: _____ INSTRUMENT NO.: _____

MELISSA WILK
COUNTY RECORDER

BY: _____
DEPUTY COUNTY RECORDER

OWNER/SUBDIVIDER:
MEVLANARUMI, LLC
c/o MARCH CAPITAL FUND
2040 WEBSTER STREET
SAN FRANCISCO, CA 94115

A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES

A PORTION OF LOTS 24, 25 AND 26, TERMINAL TRACT (3 M 11) CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA DECEMBER 2022

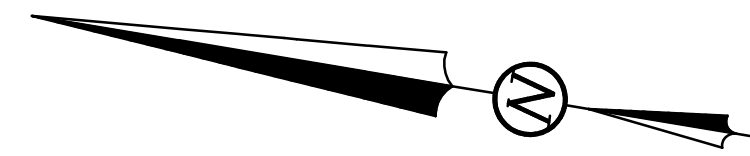
MORAN ENGINEERING, INC.

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

F.B. 1705, 1844, 1845 KALA BAGAI-TM.DWG JOB NO. 21-10094

T.M. 8626

TRACT MAP



APN 057-2034-004

APN 057-2034-005

UNIVERSITY AVENUE (100' WIDE ON ANGLE)

ADDISON STREET (60' WIDE)

TERMINAL PLACE (18' WIDE)

LOT 1
AREA=3,662± SQ.FT.

PROPOSED BUILDING
2025 KALA BAGAI WAY
1 COMMERCIAL UNIT
48 RESIDENTIAL UNITS

1.0' WIDE PARTY WALL
AGREEMENT
(3416 OR 164/
GG-62460)

1.25' WIDE MINOR
ENCROACHMENT PERMIT
(2021-260729)

LEGEND

- FOUND CITY MONUMENT IN STANDARD WELL AS NOTED
- ⊕ FOUND CHISELED CROSS (NRM), AS NOTED
- ⊗ SET 3/4" BRASS TAG AND RIVET, LS 7881
- () RECORDING REFERENCE
- [] RECORD DATA AS NOTED
- PARCEL MAP BOUNDARY
- EXISTING PARCELS/RIGHT OF WAY LINES
- ORIGINAL LOT LINES
- EASEMENT LINES
- MONUMENT LINES
- MONUMENT/BOUNDARY TIE LINES
- PROPOSED BUILDING LINES

BASIS OF BEARINGS:

THE BEARING OF NORTH 80°28'20" EAST BETWEEN THE MONUMENTS FOUND IN ADDISON STREET AT SHATTUCK AVENUE 'WEST' AND MILVIA STREET AS SAID MONUMENTS ARE SHOWN ON PARCEL MAP 9880 (322 PM 27-30) WAS ROTATED TO NORTH 80°36'15" EAST TO UTILIZE THE COMMONLY HELD RECORD BEARINGS IN THE VICINITY OF THIS BLOCK.

REFERENCES:

- R1 TERMINAL TRACT (3 M 11)
- R2 PLAT OF TERMINAL PLACE OPENING, COB RECORD 24251
- R3 SURVEY 268, COB RECORD 0267_0268
- R4 COB MONUMENT CARD 80800
- R5 PARCEL MAP 9880 (322 PM 27-30)
- R6 COB SURVEY RECORD 97707

DEEDS:

- D1 (2018-222223)
- D2 (7679 OR 192/AK-59567)
- D3 (2015-284683)
- D4 (1980-037061)
- D5 (2016-335954)
- D6 (2018-091475)

BOUNDARY AND BLOCK SOLUTION NOTES:

- THE CHISELED CROSS FOUND IN ADDISON STREET WAS HELD FOR THE EAST-WEST POSITION OF THE BLOCK.
- THE CHISELED CROSS FOUND IN KALA BAGAI WAY WAS HELD FOR THE NORTH-SOUTH POSITION OF THE BLOCK.
- THE RECORD FRONTAGE DISTANCES ALONG KALA BAGAI WAY PER (3 M 11) WERE HELD FOR THE WIDTH OF THE BLOCK.
- THE DIRECTION OF THE EASTERN RIGHT OF WAY OF KALA BAGAI WAY WAS HELD BETWEEN THE RECORD DISTANCE WESTERLY ALONG ADDISON STREET FROM SAID FOUND CROSS AND THE NORTHWEST BUILDING CORNER OF 2015 KALA BAGAI WAY.
- THE BEARINGS AND RIGHT ANGLE RELATIONSHIP BETWEEN ALL LINES EXCEPTING THE EASTERN RIGHT OF WAY OF KALA BAGAI WAY AND THE NON-ALIGNED SOUTHEAST BOUNDARY OF TERMINAL PLACE ARE THOSE SHOWN ON NUMEROUS SURVEYS ON FILE WITH THE CITY OF BERKELEY AND AS CALLED IN THE LEGAL DESCRIPTIONS OF NUMEROUS RECORDED DEEDS.
- THE POSITIONS OF THE EXISTING BUILDINGS ON THE BLOCK CORROBORATE THIS SOLUTION.

A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES

A PORTION OF LOTS 24, 25 AND 26
TERMINAL TRACT (3 M 11)
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA
DECEMBER 2022 SCALE: 1" = 10'

MORAN ENGINEERING, INC.

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

F.B. 1705, 1844, 1845 KALA BAGAI-TM.DWG JOB NO. 21-10094

T.M. 8626

APN 057-2034-008 SHEET 2 OF 2

KALA BAGAI WAY (WIDTH VARIES)
(FORMERLY SHATTUCK AVENUE 'EAST') (FORMERLY STANFORD PLACE)

OWNER/SUBDIVIDER:
MEVLANARUMI, LLC
c/o MARCH CAPITAL FUND
2040 WEBSTER STREET
SAN FRANCISCO, CA 94115

