To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Phillip L. Harrington, Director, Department of Public Works
Subject: Final Map of Tract 8303 - 824 University Avenue

RECOMMENDATION
Adopt a Resolution approving the final map of Tract Map 8303, a forty-nine unit condominium project consisting of forty-eight residential units and one commercial unit, located at 824 University Avenue.

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 April 19, 2017, and that map is valid for twenty-four 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 twenty-four month timeframe, and is now seeking Council approval.

BACKGROUND
On April 19, 2017, the Planning Commission voted to approve the application of R&S 5th Street Apartments, LLC (owner of the 824 University Avenue property) for a forty-nine unit mixed-use 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 City Engineer 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
This project incorporates CALGreen measures. 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.

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
Andrew Brozyna, Deputy Director, Department of Public Works (510) 981-6396
Nisha Patel, Manager, Engineering Division (510) 981-6406
Vincent Chen, Associate Civil Engineer (510) 981-6409

Attachment:
1: Resolution
2: Tract Map 8303
RESOLUTION NO. ##.###-N.S.

FINAL MAP OF TRACT 8303 - 824 UNIVERSITY AVENUE, BERKELEY

WHEREAS, the Berkeley Planning Commission has determined that the tentative map of Tract 8303 conforms to the requirements of the City’s subdivision Ordinance, and the California Subdivision Map Act, and approved the tentative map of Tract 8303 on April 19, 2017; and

WHEREAS, the City Engineer and the Planning and Development Director have certified that the final map of Tract 8303 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 8303, a forty-nine unit condominium project consisting of forty-eight residential units and one commercial unit located at 824 University Avenue, Berkeley, is hereby approved.
OWNERS’ STATEMENT

THE UNDERSCRIBED HEREBY STATES THAT IT IS THE OWNER OF THE LAND Delineated and described within the exterior boundary lines of the herein described tracts and parcels of real property, being the tracts and parcels of real property commonly known as "TRACT MAP NO. 8303, CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA", that said owners acquired title to said land by virtue of grant deeds recorded January 19, 1916 under series no. 0016-005439 and the lot merger deed recorded January 17, 1917 under series no. 0016-005441, in the official records of Alameda County, State of California, that it consents to the preparation and filing of the map and joins in all offers of dedication thereto.

R & S 5TH STREET APARTMENTS, LLC, A DELAWARE LIMITED LIABILITY COMPANY
BY: READ MANAGEMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS MANAGER

BY: MORGAN REED
TITLE: 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) S.S.

COUNTY OF ____________

ON __________________, 2017, BEFORE ME, a Notary Public, 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 executed the same in his authorized capacity(ies) and that by his/her signature on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

The person(s) executed the instrument.

I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED AND ARE SUITABLE TO ENABLE THE SURVEY TO BE RETRACED. I HEREBY STATE THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

WITNESS my hand:

__________________________

NAME (PRINTED), NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE.

PRINCIPAL COUNTY OF BUSINESS: __________

COMMISSION EXPIRES: __________

COMMISSION #: __________

TRUSTEE’S STATEMENT


TRUSTEE: FIDELITY NATIONAL TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION

AUTHORIZED AGENT ___________________ DATE ___________________

TRUSTEE’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) S.S.

COUNTY OF ____________

ON __________________, 2017, BEFORE ME, a Notary Public, 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 executed the same in his authorized capacity(ies) and that by his/her signature on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED AND ARE SUITABLE TO ENABLE THE SURVEY TO BE RETRACED. I HEREBY STATE THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

WITNESS my hand:

__________________________

NAME (PRINTED), NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE.

PRINCIPAL COUNTY OF BUSINESS: __________

COMMISSION EXPIRES: __________

COMMISSION #: __________

CITY CLERK’S STATEMENT

I MARK NUMANIK, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBOSSED MAP ENTITLED "TRACT MAP NO. 8303, CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA" WAS PRESENTED TO THE COUNCIL OF THE CITY OF BERKELEY AT A MEETING THEREOF, HELD ON ______________, 2017, 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.

MARK NUMANIK, 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 [OF ANY] AND ANY APPROVED ALTERATIONS THERETO.

NAME: NSHA A. Patel, R.E., 72491
CITY ENGINEER

CITY CONSULTANT SURVEYOR’S STATEMENT

THIS MAP CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES. I HAVE EXAMINED THIS MAP AND THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP [IF ANY] AND ANY APPROVED ALTERATIONS THERETO.

NAME: CITY CONSULTANT SURVEYOR

CLERK OF THE BOARD OF SUPERVISORS’ STATEMENT

I, ANNA 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 COMPLIANCE WITH THE REQUIREMENTS OF SECTION 66492 AND 66493 OF THE CODE OF THE STATE OF CALIFORNIA.

ANNA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS, COUNTY OF ALAMEDA

TRACT MAP NO. 8303
A ONE LOT SUBDIVISION FOR RESIDENTIAL AND COMMERCIAL PURPOSES
ALL THAT PORTION OF LAND AS DESCRIBED PARCEL ONE IN THAT CERTAIN DOCUMENT FILED JANUARY 11, 2016 SERIES NUMBER 2015056438, RECORDS OF ALAMEDA COUNTY, CALIFORNIA, CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA.

LEA & BRAZE ENGINEERING, INC.

CIVIL ENGINEERS - LAND SURVEYORS
2410 INDUSTRIAL PARKWAY WEST
HAYWARD, CALIFORNIA 94545
(510) 887-4206
FAX (510) 887-3019
WWW.LEABRAZE.COM

AUGUST 2017

SHEET 1 OF 2
JOB # 2150559