



Office of the City Manager

CONSENT CALENDAR
October 31, 2017

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.

OWNER'S STATEMENT

THE UNDERSIGNED HEREBY STATES THAT IT IS THE OWNER OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES OF THE HEREON EMBODIED TRACT MAP ENTITLED "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 DEED RECORDED JANUARY 11, 2016 UNDER SERIES NO. 2016-006439 AND THE LOT MERGER DEED RECORDED ON JANUARY 11, 2016 UNDER SERIES NO. 2016-006437, IN THE OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA; THAT IT CONSENTS TO THE PREPARATION AND FILING OF THIS TRACT MAP.

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

BY: _____
NAME: 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.

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: _____

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

PRINCIPAL COUNTY OF BUSINESS: _____

COMMISSION EXPIRES: _____

COMMISSION # OF NOTARY: _____

TRUSTEE'S STATEMENT

THE UNDERSIGNED, FIDELITY NATIONAL TITLE INSURANCE COMPANY, A CALIFORNIA CORPORATION, TRUSTEE UNDER DEED OF TRUST RECORDED MARCH 24, 2014 AS DOCUMENT NO. 2014-074330, AND AS MODIFIED BY DOCUMENT NOS. 2014-074331, 2015-339627 AND 2016-230658, DEED OF TRUST RECORDED DECEMBER 30, 2015 AS DOCUMENT NO. 2015-339630, DEED OF TRUST RECORDED DECEMBER 30, 2015 AS DOCUMENT NO. 2015-339631 AND DEED OF TRUST RECORDED SEPTEMBER 9, 2016 AS DOCUMENT NO. 2016-230661 OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, CONSENTS TO THE PREPARATION AND FILING OF THE MAP AND JOINS IN ALL OFFERS OF DEDICATION THEREON.

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 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: _____

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

PRINCIPAL COUNTY OF BUSINESS: _____

COMMISSION EXPIRES: _____

COMMISSION # OF NOTARY: _____

SURVEYOR'S STATEMENT

I, GREG BRAZE STATE THAT THIS MAP THIS 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 R & S 5TH STREET APARTMENTS II, LLC IN OCTOBER 2015. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT 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

DATE: _____

GREGORY F. BRAZE L.S. 7623



COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2017 AT _____ M, IN BOOK _____ OF MAPS, AT PAGE _____ AT THE REQUEST OF _____

BY: STEVE MANNING
COUNTY RECORDER
COUNTY OF ALAMEDA, CALIFORNIA

DEPUTY COUNTY RECORDER _____

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 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 _____ 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 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 ANY APPROVED ALTERATIONS THEREOF.

NAME: NISHA A. PATEL, R.C.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 THEREOF.

I, _____ DO HEREBY STATE THAT IT HAS BEEN EXAMINED BY ME, OR UNDER MY DIRECTION BY CITY OF BERKELEY STAFF, AND I AM SATISFIED IT IS TECHNICALLY CORRECT.

NAME: _____
CITY CONSULTANT SURVEYOR
PLS: _____

CLERK OF THE BOARD OF SUPERVISOR'S 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.

BY: _____ DATE _____
DEPUTY: _____

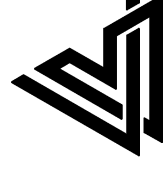
ANIKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS, COUNTY OF ALAMEDA

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 2016006438, RECORDS OF ALAMEDA COUNTY, CALIFORNIA.

CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
AUGUST 2017



LEA & BRAZE ENGINEERING, INC.

CIVIL ENGINEERS • LAND SURVEYORS

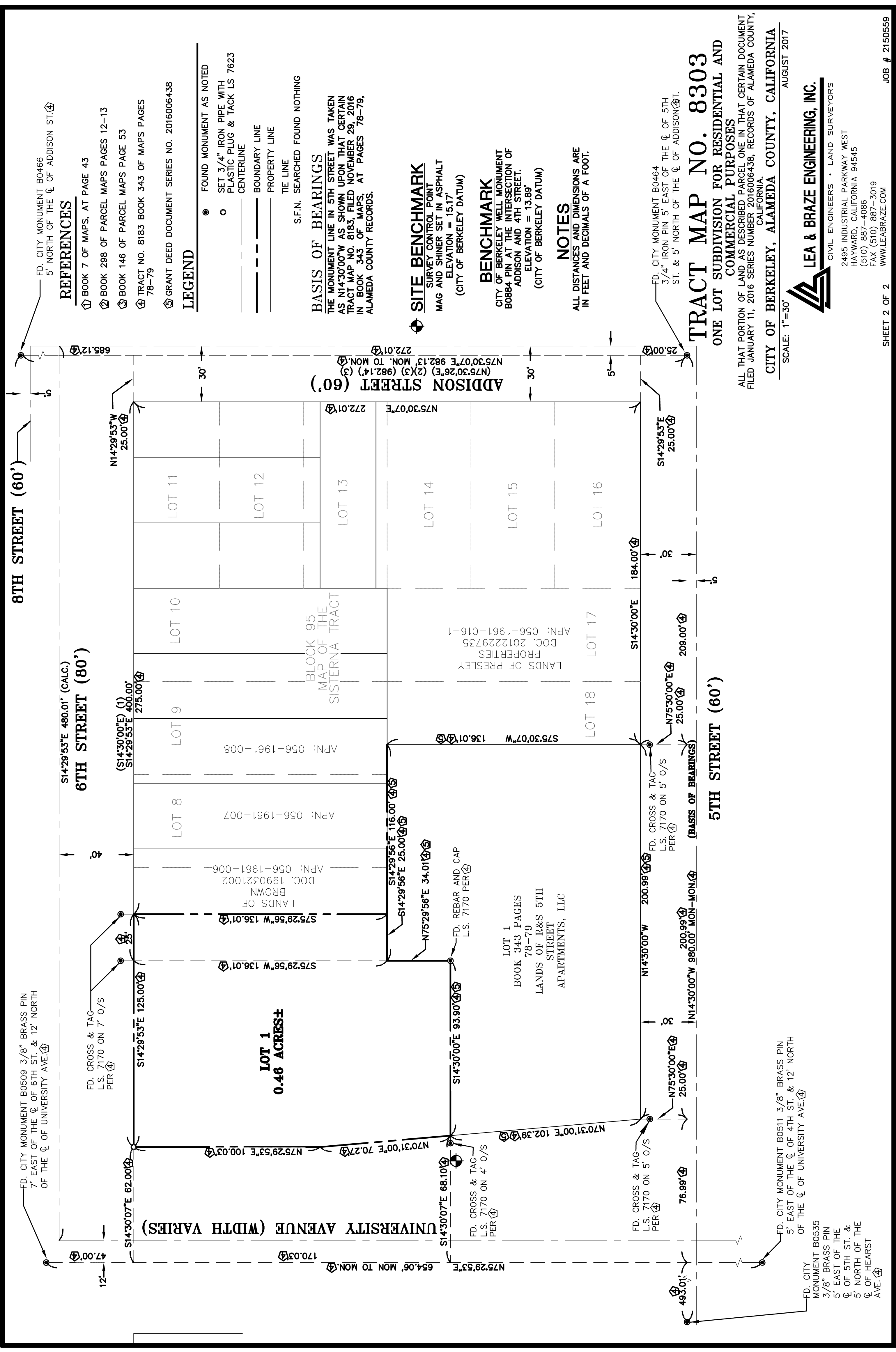
2495 INDUSTRIAL PARKWAY WEST

HAYWARD, CALIFORNIA 94545

(510) 887-4086

FAX (510) 887-3019

WWW.LEABRAZE.COM



REFERENCES

- FD. CITY MONUMENT B0466 5' NORTH OF THE ζ OF ADDISON ST. (4)
- BOOK 7 OF MAPS, AT PAGE 43
- BOOK 298 OF PARCEL MAPS PAGES 12-13
- BOOK 146 OF PARCEL MAPS PAGE 53
- TRACT NO. 8183 BOOK 343 OF MAPS PAGES 78-79
- GRANT DEED DOCUMENT SERIES NO. 2016006438

LEGEND

- FOUND MONUMENT AS NOTED
 - SET 3/4" IRON PIPE WITH PLASTIC PLUG & TACK LS 7623 CENTERLINE
 - BOUNDARY LINE
 - - - PROPERTY LINE
 - - - TIE LINE
- S.F.N. SEARCHED FOUND NOTHING

BASIS OF BEARINGS

THE MONUMENT LINE IN 5TH STREET WAS TAKEN AS N14°30'00"W AS SHOWN UPON THAT CERTAIN TRACT MAP NO. 8183, FILED NOVEMBER 29, 2016 IN BOOK 343 OF MAPS, AT PAGES 78-79, ALAMEDA COUNTY RECORDS.

SITE BENCHMARK

SURVEY CONTROL POINT
MAG AND SHINER SET IN ASPHALT
ELEVATION = 15.17'
(CITY OF BERKELEY DATUM)

BENCHMARK

CITY OF BERKELEY WELL MONUMENT
B0884 PIN AT THE INTERSECTION OF
ADDISON AND 4TH STREET.
ELEVATION = 13.89'
(CITY OF BERKELEY DATUM)

NOTES

ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS OF A FOOT.

TRACT MAP NO. 8303

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 2016006438, RECORDS OF ALAMEDA COUNTY, CALIFORNIA.

CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA

SCALE: 1"=30' AUGUST 2017



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