



Office of the City Manager

CONSENT CALENDAR
November 12, 2019

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 8369: 2747 San Pablo Avenue

RECOMMENDATION

Adopt a Resolution approving the final map of Tract Map 8369, a forty-two unit condominium project consisting of thirty-nine residential units, two live/work units, and one commercial unit, located at 2747 San Pablo 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 January 16, 2019, 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 January 16, 2019, the Planning Commission voted to approve the application of Timespace Berkeley LLC, (owner of the 2747 San Pablo Avenue property) for a forty-two 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. In addition, typical of projects of this size, the site utilizes flow-through planters to treat stormwater as required by section C.3 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

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

Exhibit A: Tract Map 8369

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

FINAL MAP OF TRACT 8369: 2747 SAN PABLO AVENUE, BERKELEY

WHEREAS, the Zoning Adjustments Board approved Use Permit #06-10000109 on July 18, 2007 to allow demolition of an existing commercial structure and construction of a mixed use building with residential and commercial uses on a density bonus of 35%, subject to conditions of approval related to inclusionary rental units; and

WHEREAS, the Berkeley Planning Commission has determined that the tentative map of Tract 8369 conforms to the requirements of the City's Subdivision Ordinance, and the California Subdivision Map Act, and approved the tentative map of Tract 8369 on January 16, 2019 subject to conditions of approval including conformance to City of Berkeley inclusionary housing requirements for rental and for-sale projects; and

WHEREAS, State law governs the percentage, pricing and level of affordability 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 City Engineer and the Planning and Development Director have certified that the final map of Tract 8369 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 8369 (Exhibit A), a forty-two unit condominium project consisting of thirty-nine residential units, two live/work units, and one commercial unit, located at 2747 San Pablo Avenue, Berkeley, is hereby approved.

Exhibit A: Tract Map 8369

OWNER'S STATEMENT

THE UNDERSIGNED HEREBY STATES THAT TIMSPACE BERKELEY, LLC IS THE OWNER OF THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8369, BERKELEY, ALAMEDA COUNTY, CALIFORNIA; THAT SAID OWNER ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE DEED RECORDED SEPTEMBER 16, 2015 UNDER SERIES NO. 2015-254095, RECORDS OF ALAMEDA COUNTY, CALIFORNIA, THAT SAID OWNER CONSENTS TO THE PREPARATION OF AND FILING OF THIS MAP.

TIMSPACE BERKELEY LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

YIHUA LI, 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 YIHUA LI, 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 YIHUA LI IN MARCH OF 2016. 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.

EVERETT S. MORAN, RCE 18650

DATE: _____

CITY CONSULTANT SURVEYOR'S STATEMENT

THIS MAP CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES. I, PATRICK M. REI, HEREBY STATE THAT IT HAS BEEN EXAMINED BY ME, OR UNDER MY DIRECTION BY CITY OF BERKELEY STAFF, AND AM SATISFIED THAT IT IS TECHNICALLY CORRECT.

CITY CONSULTANT SURVEYOR: PATRICK M. REI
PLS NO.: 8178

DATE: _____

TRACT MAP

BENEFICIARY'S STATEMENT

THE UNDERSIGNED, AS BENEFICIARY OF THE DEED OF TRUST RECORDED JANUARY 15, 2017, UNDER SERIES NUMBER 2017-019022, 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 THE ORIENT, A CALIFORNIA BANKING CORPORATION

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 8355, 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

OWNER/SUBDIVIDER:
TIMSPACE BERKELEY, LLC
12230 SARATOGA-SUNNYVALE ROAD
SARATOGA, CA 95070

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.

NISHA A. PATEL, RCE 72491
CITY ENGINEER

DATE: _____

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 _____, 2019, AT _____ M. IN BOOK _____ OF MAPS, AT PAGE _____, AT THE REQUEST OF CHICAGO TITLE COMPANY.

FEE: _____ INSTRUMENT NO.: _____

MELISSA WILK
COUNTY RECORDER

BY: _____
DEPUTY COUNTY RECORDER

A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES

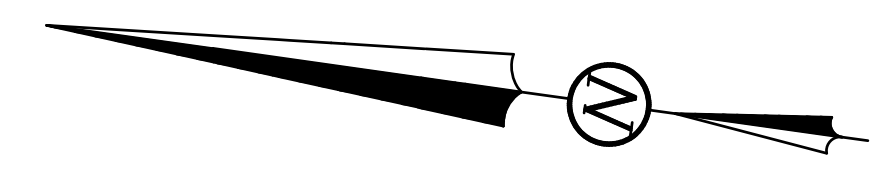
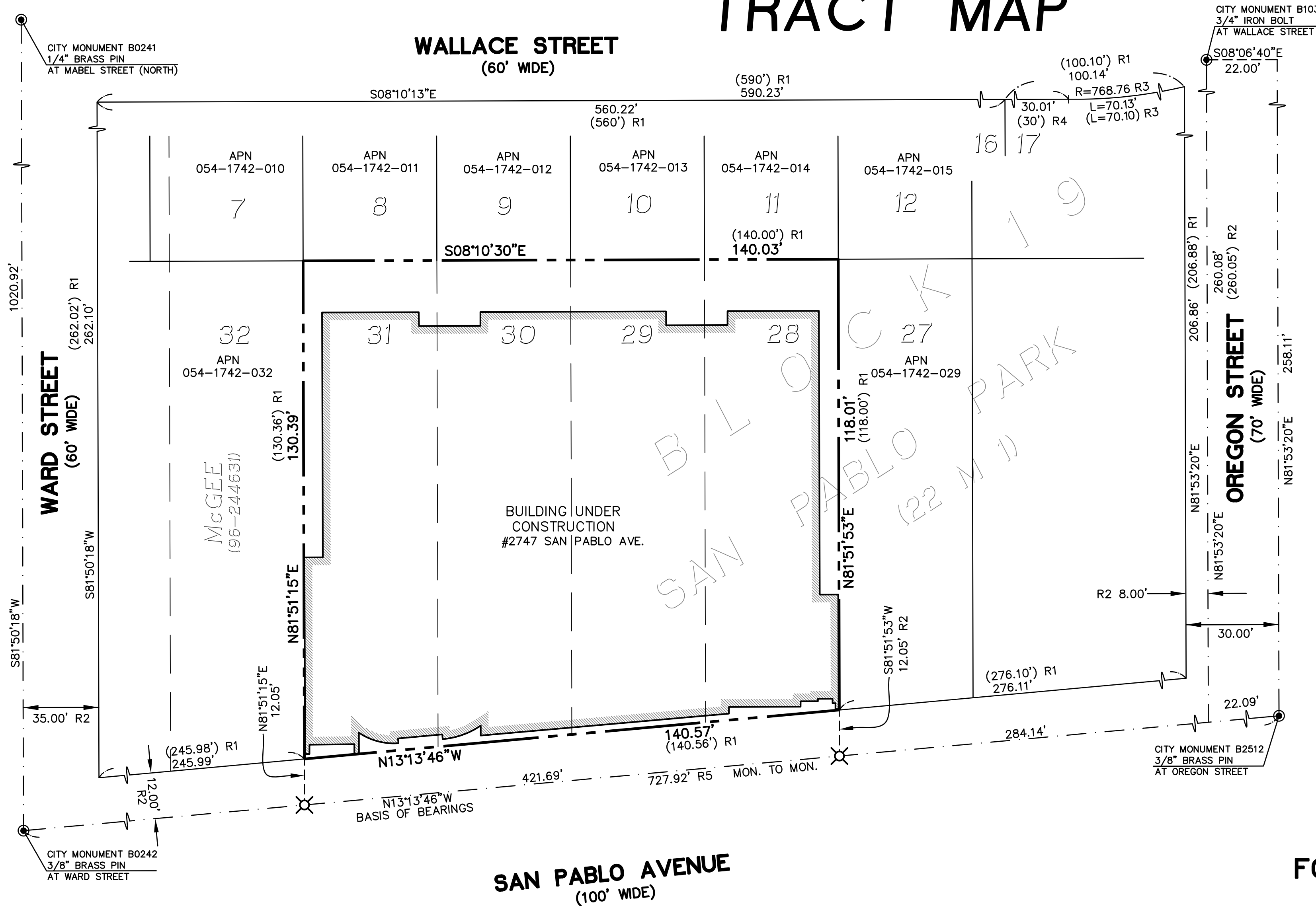
LOTS 28, 29, 30 AND 31, BLOCK 19
SAN PABLO PARK (22 M 1)
CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA
JULY 2019

MORAN ENGINEERING, INC.

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

T.M. 8369

TRACT MAP



- LEGEND**
- SET 3/4" BRASS TAG AND RIVET, RCE 18650
 - PARCEL MAP BOUNDARY
 - EXISTING PARCELS / RIGHT OF WAY LINES
 - ORIGINAL LOT LINES
 - MONUMENT LINE
 - MONUMENT TIE LINES
 - BUILDING UNDER CONSTRUCTION
 - () RECORD DATA AS NOTED

OWNER/SUBDIVIDER:
 TIMESPACE BERKELEY LLC
 12230 SARATOGA-SUNNYVALE RD.
 SARATOGA, CA 95070

A ONE LOT SUBDIVISION FOR CONDOMINIUM PURPOSES

LOTS 28, 29, 30 AND 31, BLOCK 19
 SAN PABLO PARK (22 M 1)
 CITY OF BERKELEY, COUNTY OF ALAMEDA, CALIFORNIA
 JULY 2019 SCALE: 1" = 20'

MORAN ENGINEERING, INC.

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

T.M. 8369

BOUNDARY SOLUTION NOTES:
 THE DIRECTIONS AND POSITIONS OF THE RIGHTS-OF-WAY OF SAN PABLO AVENUE, WARD STREET AND OREGON STREET WERE DETERMINED BY THE MONUMENTS FOUND IN SAID AVENUE AND STREETS. THE DIRECTION AND POSITION OF WALLACE STREET WAS DETERMINED BY CURB SPLIT ANALYSIS. ALL BEARINGS AND DISTANCES INTERNAL TO THE BLOCK PERIMETER ARE THE RESULT OF PRORATION.

BASIS OF BEARINGS:
 THE MONUMENT LINE IN SAN PABLO AVENUE WAS TAKEN AS NORTH 13°13'46" WEST AS SHOWN ON RECORD OF SURVEY NO. 2002 (31 RS 19)

- REFERENCES:**
- R1 SAN PABLO PARK (22 M 1)
 - R2 CITY MONUMENT CARDS 687, 855, 856
 - R3 CITY SURVEY 3569-N.S.
 - R4 ASSESSOR'S MAP BOOK 54 PAGE 1742
 - R5 RECORD OF SURVEY 2002 (31 RS 12-27)

