



Office of the City Manager

CONSENT CALENDAR
July 30, 2024

To: Honorable Mayor and Members of the City Council
 From: LaTanya Bellow, Interim City Manager
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront
 Subject: Lot Line Adjustments at 1401 Carleton Street and 1423 Ward Street

RECOMMENDATION

Adopt first reading of an Ordinance authorizing the City Manager to execute lot line adjustments with 1401 Carleton Street and 1423 Ward Street to resolve main dwelling encroachments at the City's Santa Fe Trackbed to Park Conversion Project Site.

FINANCIAL IMPLICATIONS

The fees associated with these two lot line adjustments will be a \$1,743 filing fee and a refundable map deposit fee of \$588 for each application. Funding is available in the FY 2024 California Statewide Park Development and Community Revitalization Program (SPP), Proposition 68 grant budget (Fund 336).

CURRENT SITUATION AND ITS EFFECTS

1401 Carleton Street and 1423 Ward Street are both nonconforming lots that have portions of the main dwelling encroaching onto City property, APN No. 54-1794-28 and APN No. 54-1735-20, respectively, at the City's Santa Fe Trackbed to Park Conversion Project Site. Lot line adjustments are needed to resolve these encroachments. The lot line adjustments will revise these properties so that they have proper side setbacks and clearances per the current municipal code. All property owners will maintain real estate property portfolios and there will be no change in square footage.

BACKGROUND

On April 21, 2021, Council authorized staff to submit a Statewide Park Development and Community Revitalization Program grant application for the Santa Fe Railroad Trackbed to Park Conversion Project and execute the project upon securing the grant. In early 2022, the City was notified of its grant award and on March 14, 2022 the grant contract was executed and Project execution began. The Santa Fe Railroad Trackbed to Park Conversion Project is located at the former railroad parcels between Blake Street and Ward Street, along Acton Street. The Project will convert four vacant parcels

Lot Line Adjustments at
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into a community garden, separate dog park, kids' playground and tot cycle track, and a teaching garden and outdoor classroom.

As part of the Project, the City contracted a professional land surveyor to conduct a boundary and topographic survey of the site and its surroundings. This survey revealed several encroachments, including the main dwelling encroachments at 1401 Carleton Street and 1423 Ward Street.

1401 Carleton is adjacent to the parcel planned to be a dog park and 1423 Ward is adjacent to the parcel planned to be a teaching garden and outdoor classroom. Without resolution, the encroachments would impact the City's usable open space and the neighbor's safety and setbacks. These lot line adjustments are necessary to resolve existing main dwelling encroachments onto City property that will be converted into a public park.

Department of Parks, Recreation & Waterfront Staff notified neighbors with encroachments via certified letters and met with the owners of 1401 Carleton Street and 1423 Ward Street to discuss their encroachments, listen to their concerns, and work with them on potential solutions. Staff is working together with the affected owners to resolve the encroachments via lot line adjustments.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The main dwellings located at 1401 Carleton Street and 1423 Ward Street currently encroach onto the Santa Fe Trackbed to Park Conversion Project Site. Adjusting the lot lines will allow the City to utilize the entirety of owned land for the future park and update the existing nonconforming lots at 1401 Carleton Street and 1423 Ward Street to conforming lots.

ALTERNATIVE ACTIONS CONSIDERED

City Council could direct staff to take legal action against 1401 Carleton Street and 1423 Ward Street to clear the encroachments, or enter into agreements with a condition that the encroachments be removed if any renovation is done on the properties.

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, 510-981-6700
Evelyn Chan, Supervising Civil Engineer, Parks Recreation & Waterfront, 510-981-6430

Attachments:

- 1: Ordinance
Exhibit A: Lot Line Adjustment Applications

ORDINANCE NO. ##,###-N.S.

LOT LINE ADJUSTMENTS AT 1401 CARLETON STREET AND 1423 WARD STREET

BE IT ORDAINED by the City Council of Berkeley as follows:

Section 1. The Council finds as follows:

- a. On April 20, 2021, the City Council authorized staff to apply for grant funding and execute the Santa Fe Trackbed to Park Conversion Project should grant funds be awarded with Resolution No. 69,802-N.S.
- b. On March 14, 2022, the City accepted grant funding and executed a contract with the Statewide Park Development and Community Revitalization Grant Program.
- c. The boundary and topographic survey of the site and its surroundings done for the Project show 1401 Carleton Street and 1423 Ward Street have portions of the main dwelling encroaching onto City Property.
- d. The encroachments of 1401 Carleton Street and 1423 Ward Street need to be resolved as they impact the City's usable future open space and the neighbors' future safety and access.
- e. The City Council authorizes the City Manager or his/her designee to execute lot line adjustments with 1401 Carleton Street and 1423 Ward Street to resolve existing main dwelling encroachments onto the City's Santa Fe Trackbed to Park Conversion Project Site and update the existing nonconforming lots to conforming lots.

Section 2. AUTHORIZATION FOR CITY MANAGER TO EXECUTE LOT LINE ADJUSTMENTS AT 1401 Carleton Street and 1423 Ward Street.

The City Manager or his/her designee is hereby authorized to execute lot line adjustments with 1401 Carleton Street and 1423 Ward Street. The lot line adjustment applications shall be substantially in the form attached hereto as Exhibit "A."

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Exhibits

A: Lot Line Adjustment Applications



Planning Department
Engineering Division

**APPLICATION FOR SUBDIVISION,
LAND DIVISION AND/OR LOT LINE ADJUSTMENT
(CERTIFICATE OF COMPLIANCE)**

This application is to be used for the submission of a **Tract Map** or a **Parcel Map** for the purpose of a subdivision of land, and for the submission of a **Lot Line Adjustment**, as defined in the **Subdivision Map Act** (current revision) and in the **City of Berkeley Municipal Code, Title 21**.

Please use the **APPLICATION FOR CONDOMINIUM** if the proposed project is a new condominium or a condominium conversion, as defined in **Section 783** of the **California Civil Code**.

INSTRUCTIONS:

Please answer the following questions, checking the appropriate boxes and/or supplying the requested information. Be as complete as possible, attaching additional sheets or supplemental data as required. Respond to all of the questions. If the question does not apply to your project, please mark **N/A** where an answer is requested.

Your attention is directed to the "NOTE" section at the end of this application. Incomplete applications will be returned to the applicant.

If you have any questions, it is suggested that you first consult the State of California's Subdivision Map Act (current revision) and the City of Berkeley's **Municipal Code, Title 21**. If you wish further information, please call the **Subdivision Engineer** at **(510) 981-6409**.

It is your responsibility as the applicant to make certain that your proposal conforms to all of the requirements (Zoning/Current Planning, Planning, Public Works, etc.) for land divisions and lot line adjustments in the City of Berkeley, or that the appropriate variances, waivers, use permits, etc., have been obtained/approved.

1. Please check and give the appropriate map number below if this application is for a:
 Tract Map No. _____ Vesting Tentative Map
 Parcel Map No. _____ Lot Line Adjustment Certificate of Compliance
2. This subdivision contains _____ parcels/lots.
3. Address of property: 1401 Carleton Street

4. Record Lot(s)/Block/Tract (or portions thereof – refer to the title report legal description, or deed)
Lot 28 in Block 23 of the Map of Mathews Tract, Berkeley, Oakland Township, Subdivide, 1888 filed August 7, 1888, in Book 10 of Maps at page 29, in the Office of the County Recorder of Alameda County.

APPLICATION FOR SUBDIVISION, LAND DIVISION AND/OR LOT LINE ADJUSTMENT

12. Complete the following table, attach additional sheets as needed when applying for a Tract Map using the same format as shown below:

DESCRIPTION OF PROPOSED PARCELS AND IMPROVEMENTS

Parcel	A	B	C	D	E
Area (Sq. ft.)	3,386	14,169			
Proposed Use	Residential	public park			
Proposed Structures (Y/N)	N (existing)	N			
Proposed Access: Strips (Lineal ft.)	N (existing)	N/A			
R.O.W. Frontage: (Lineal ft.)	35.25	76.26			

13. Are there any easements in/on/over the site? If so, please describe:

No

14. Are there any utilities in an abutting public right-of-way(s) or easements?

Check all that apply and show on Tentative Map:

Gas X Electricity X Telephone X
 Water X Storm X Sanitary X

15. The nearest fire hydrant is 50 feet from the farthest parcel as measured along the public right-of-way and/or proposed access roads.

16. Is any utility construction proposed? Yes _____ No X

If yes, please describe: _____

17. Is any sanitary sewer construction proposed? Yes _____ No X

If yes, please describe: _____

18. Is any private sanitary sewer construction (main or lateral) proposed? Yes _____ No X

If yes, please describe: _____

APPLICATION FOR SUBDIVISION, LAND DIVISION AND/OR LOT LINE ADJUSTMENT

19. Is any grading/excavation proposed? Yes No

If yes, please describe: City will remediate the contaminants left behind from the site's historic railroad use as part of the Santa Fe Trackbed to Park Conversion project.

20. Is any demolition proposed? Yes No

If yes, please describe: City will remove the existing fence and construct a new one along the new, shared property line as part of the Santa Fe Trackbed to Park Conversion project.

21. Is "off-street" parking provided as required by the City's Zoning Ordinance? Yes No

If no, please describe: _____

22. Describe any proposed construction of private access roads/strips. Will all passages or driveways (proposed or existing) be sufficient size so as to permit the entry of fire fighting equipment?

No proposed construction of private access roads/strips. This lot line adjustment will resolve existing encroachments onto City property and update 1401 Carleton into a conforming lot.

23. Briefly describe any other proposed improvements:

City will construct a new dog park after soil remediation.

24. Will any variances, waivers, use permits, etc., be required for this application? Yes No

25. If so, have the variances, waivers, use permits, etc., been obtained?

Yes No Applied for _____

NOTE: If applying with a VESTING Tentative Map, written approval from the Board of Adjustments, in the form of APPROVED variances, permits, etc., is required PRIOR to applying for a land division.

If yes, please show the appropriate permit number _____ or date granted _____, and a description:

If applied for, city date, agency, application data, and a brief description: _____

NOTE: THIS IS NOT AN APPLICATION FOR SUCH VARIANCE, PERMITS, ETC., WHICH MUST BE MADE WITH THE APPROPRIATE DEPARTMENTS.

APPLICATION FOR SUBDIVISION, LAND DIVISION AND/OR LOT LINE ADJUSTMENT

The acceptance of a completed application by the City of Berkeley does not constitute the approval of any application, nor does it guarantee that such application will be approved by the appropriate agency/agencies.

Once accepted by the City of Berkeley, all fees required for the submission of this application are non-refundable.

SIGNATURES OF APPLICANT AND ALL OWNERS OF RECORD (attach additional sheets, as needed):

OWNER (PRINT NAME) OWNER'S SIGNATURE DATE

APPLICANT (PRINT NAME) APPLICANT'S SIGNATURE DATE

DO NOT WRITE BELOW THIS LINE

FILING DATE OF APPLICATION: _____



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INSTRUCTIONS:

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It is your responsibility as the applicant to make certain that your proposal conforms to all of the requirements (Zoning/Current Planning, Planning, Public Works, etc.) for land divisions and lot line adjustments in the City of Berkeley, or that the appropriate variances, waivers, use permits, etc., have been obtained/approved.

1. Please check and give the appropriate map number below if this application is for a:
 Tract Map No. _____ Vesting Tentative Map
 Parcel Map No. _____ Lot Line Adjustment Certificate of Compliance
2. This subdivision contains _____ parcels/lots.
3. Address of property: 1423 Ward Street

4. Record Lot(s)/Block/Tract (or portions thereof – refer to the title report legal description, or deed)
Lot 7, Block 3, Map of San Pablo Park, filed November 21, 1906 in Book 22 of Maps, Page 1, Alameda County Records.

APPLICATION FOR SUBDIVISION, LAND DIVISION AND/OR LOT LINE ADJUSTMENT

5. Assessor's Parcel Number(s) 054-1736-006-00 and 054-1735-020-00

6. Name, Address, and Telephone Numbers of **Owner(s)**:

A. City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

B. [REDACTED]
[REDACTED]
[REDACTED]

Day: (510) 981 - 6738

Day: ([REDACTED]) [REDACTED]

Evening () _____

Evening ([REDACTED]) [REDACTED]

7. Name, Address, and Telephone Numbers of **Applicant** (letters from the City will be addressed to this person):

Stacey Rutherford
1947 Center Street, Floor 5
Berkeley, CA 94704

Day: (510) 981 - 6738

Evening () _____

7a. Name, Address, and Telephone Number of **Engineer/Surveyor**, and Registration information:

Christopher Vandrey
201 N. Calle Cesar Chavez, Suite 300
Santa Barbara, CA 93103

8783
Registration Number of Engineer/Surveyor
12/31/24
Expiration Date of Registration

(805) 719 - 9818

8. Describe the present use of the site: 1423 Ward is a single family home. City property is currently vacant land that will be remediated and converted into a public park.

9. Briefly describe the purpose and intent of the proposed subdivision: To resolve encroachments onto City property.

10. Current zoning status of site: R-1

11. Total area of subdivision: _____ square feet

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Parcel	A	B	C	D	E
Area (Sq. ft.)	3,147	16,011			
Proposed Use	Residential	public park			
Proposed Structures (Y/N)	N (existing)	N			
Proposed Access: Strips (Lineal ft.)	N (existing)	N/A			
R.O.W. Frontage: (Lineal ft.)	32.29	94.35			

13. Are there any easements in/on/over the site? If so, please describe:

No

14. Are there any utilities in an abutting public right-of-way(s) or easements?

Check all that apply and show on Tentative Map:

Gas X Electricity X Telephone X
 Water X Storm _____ Sanitary X

15. The nearest fire hydrant is 9 feet from the farthest parcel as measured along the public right-of-way and/or proposed access roads.

16. Is any utility construction proposed? Yes _____ No X

If yes, please describe: _____

17. Is any sanitary sewer construction proposed? Yes _____ No X

If yes, please describe: _____

18. Is any private sanitary sewer construction (main or lateral) proposed? Yes _____ No X

If yes, please describe: _____

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_____ OWNER (PRINT NAME)	_____ OWNER'S SIGNATURE	_____ DATE
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_____ OWNER (PRINT NAME)	_____ OWNER'S SIGNATURE	_____ DATE
_____ APPLICANT (PRINT NAME)	_____ APPLICANT'S SIGNATURE	_____ DATE

DO NOT WRITE BELOW THIS LINE

FILING DATE OF APPLICATION: _____

