



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 8573: 2628 Shattuck Avenue

RECOMMENDATION

Adopt a Resolution approving the final map of Tract Map 8573 for an 81-unit condominium project consisting of 78 residential units and 3 commercial units at 2628 Shattuck Avenue.

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 6, 2021, 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 6, 2021, the Planning Commission voted to approve the application of K&M South Berkeley LLC (owner of the 2628 Shattuck Avenue property) for an 81-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 utilizes flow-through planters and media filter 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

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 8573

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

FINAL MAP OF TRACT 8573: 2628 SHATTUCK AVENUE, BERKELEY

WHEREAS, the Zoning Adjustments Board approved Use Permit No. ZP2018-0050 on January 24, 2019 to construct a six-story mixed-use building with 78 dwelling units and 3 commercial units; and

WHEREAS, the Berkeley Planning Commission has determined that the tentative map of Tract 8573 conforms to the requirements of the City's subdivision Ordinance, and the California Subdivision Map Act, and approved the tentative map of Tract 8573 on January 6, 2021; and

WHEREAS, the Public Works Department and the Planning and Development Department have certified that the final map of Tract 8573 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 8573 (Exhibit A) for an 81-unit condominium project consisting of 78 residential units and 3 commercial units at 2628 Shattuck Avenue, Berkeley, is hereby approved.

Exhibit A: Tract Map 8573

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. 8573, CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA"; THAT SAID OWNERS ACQUIRED TITLE TO SAID LAND BY VIRTUE OF GRANT DEED RECORDED DECEMBER 29, 2017 UNDER SERIES NO. 2017-287206, IN THE OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA; THAT IT CONSENTS TO THE PREPARATION AND FILING OF THIS TRACT MAP.

K&M SOUTH BERKELEY, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS MANAGER

BY: _____
NAME: MORGAN READ
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 _____, 2022, 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: _____

BENEFICIARY'S STATEMENT

THE UNDERSIGNED, CONNECTICUT GENERAL LIFE INSURANCE COMPANY, A CONNECTICUT CORPORATION, BENEFICIARY UNDER DEED OF TRUST RECORDED OCTOBER 28, 2021 AS DOCUMENT NO. 2021-356457, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, CONSENTS TO THE PREPARATION AND FILING OF THE MAP AND JOINS IN ALL OFFERS OF DEDICATION THEREON.

BENEFICIARY: CONNECTICUT GENERAL LIFE INSURANCE COMPANY, A CONNECTICUT CORPORATION

AUTHORIZED AGENT DATE

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 CALIFORNIA} S.S.

COUNTY OF _____}

ON _____, 2022, 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.

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PRINCIPAL COUNTY OF BUSINESS: _____

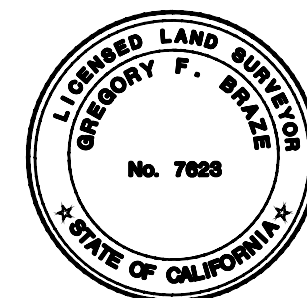
COMMISSION EXPIRES: _____

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 K&M SOUTH BERKELEY, LLC IN OCTOBER 2020. 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

GREGORY F. BRAZE DATE
LS 7623



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. THIS MAP CONFORMS TO THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES. I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

NAME: JOSEPH ENKE
R.C.E. 49027, P.L.S. 7169
CITY ENGINEER
CITY OF BERKELEY



CLERK OF THE BOARD OF SUPERVISOR'S STATEMENT

I, _____, 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: _____
DEPUTY: _____ DATE

CLERK OF THE BOARD OF SUPERVISORS, COUNTY OF ALAMEDA

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2022, AT _____ .M.

IN BOOK _____ OF MAPS AT PAGE _____,

AT THE REQUEST OF GREGORY F. BRAZE

FILE NO. _____ FEE _____

MELISSA WILK, COUNTY RECORDER OF ALAMEDA, STATE OF CALIFORNIA

BY: _____
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. 8573, 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

TRACT#8573

A ONE LOT SUBDIVISION FOR RESIDENTIAL AND COMMERCIAL CONDOMINIUM PURPOSES

ALL THAT PORTION OF LAND AS DESCRIBED IN THAT CERTAIN DEED FILED FOR RECORD AUGUST 20, 2019 AS SERIAL NO. 2019-162081, RECORDS OF ALAMEDA COUNTY, CALIFORNIA.

CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA

SCALE: 1"=30'

APRIL 2022



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

SURVEYOR'S NOTE

IT IS UNCLER ON THE UNDERLYING MAP (15 MAPS 10) IF THE CURVILINEAR FRONTAGES OF SHATTUCK AVENUE, HOLD A COMMON RADIUS DUE TO LACK OF CURVE INFORMATION, THIS MAP ESTABLISHED A COMMON RADIUS HOLDING THE SIDELINES OF LOT 15, BLOCK 14, 10 MAPS 15.

EASEMENT NOTE

A BLANKET NONEXCLUSIVE GRANT OF EASEMENT TO COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC RECORDED APRIL 8, 2022 AS DOCUMENT NO. 2021-141385, OFFICIAL RECORDS OF ALAMEDA COUNTY, IS NOT PLOTTED HEREON.

BASIS OF BEARINGS

THE BEARING OF N80°57'00"E BETWEEN FOUND MONUMENTS ALONG THE OFFSET LINE ALONG CARLETON STREET AS SHOWN ON THAT CERTAIN MAP PARCEL MAP FILED IN BOOK 215 OF PARCEL MAPS, AT PAGES 95-96, ALAMEDA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

BENCHMARK

CITY OF BERKELEY BENCHMARK BENCHMARK MONUMENT B0275
1/4" BRASS PIN IN MONUMENT WELL
ELEVATION = 155.12'
(CITY OF BERKELEY DATUM)

SITE-BENCHMARK

SURVEY CONTROL POINT
MAG AND SHINER SET IN ASPHALT
ELEVATION = 153.11'
(CITY OF BERKELEY DATUM)

NOTES

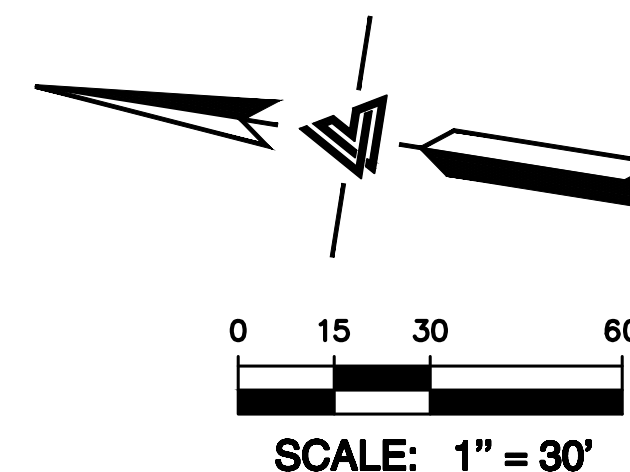
ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS OF A FOOT.

REFERENCES

- ① TRACT MAP 15 MAPS 10
- ② PARCEL MAP 215 PM 96
- ③ CORNER RECORD #9266

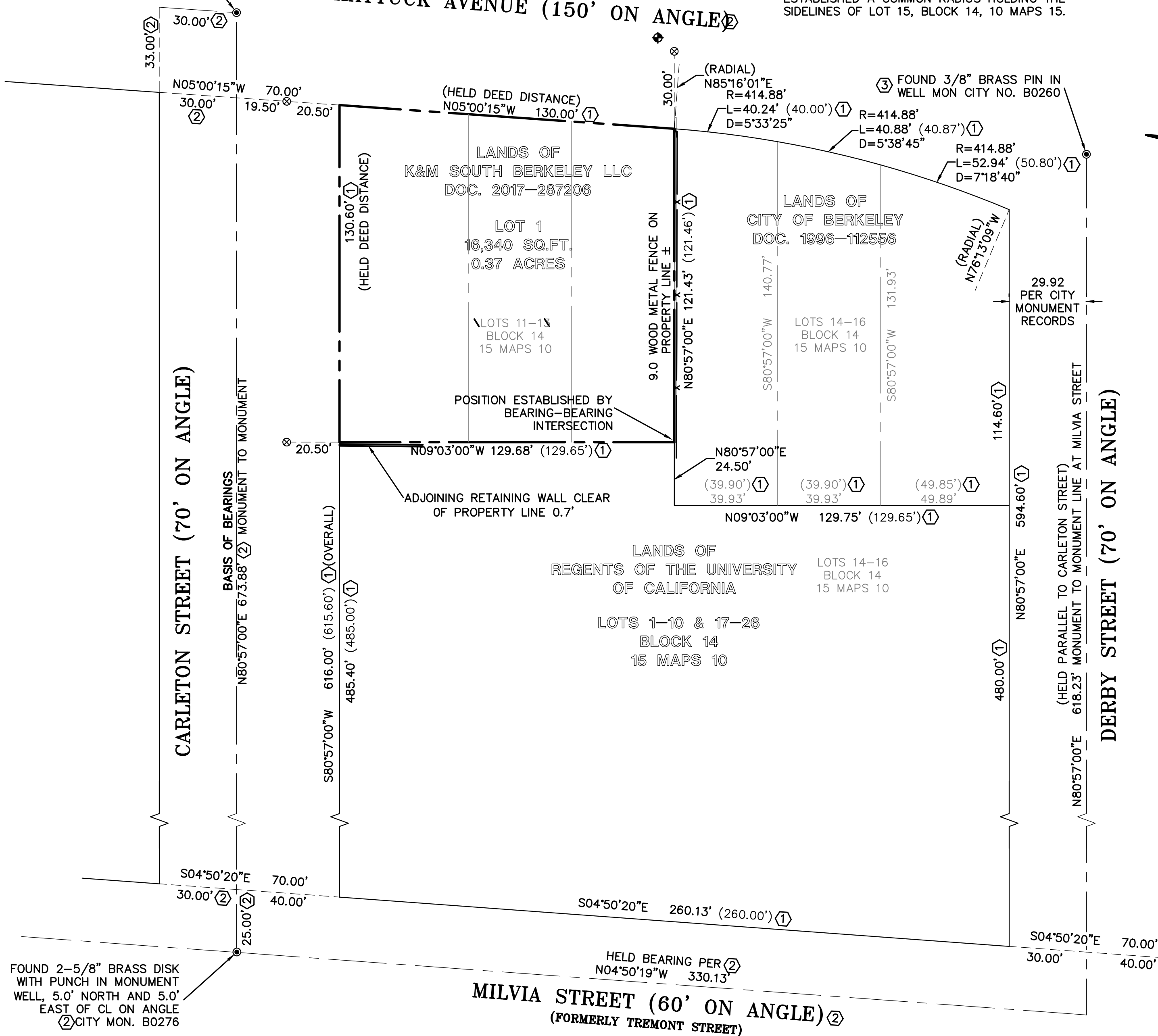
LEGEND

- FOUND MONUMENT AS NOTED
- ⊗ SET NAIL AND BRASS TAG IN TOP OF CURB, LS 7623
- () INDICATES RECORD DATA
- BOUNDARY LINE
- PROPERTY LINE
- - - MONUMENT LINE
- - - TIE LINE



FOUND 1/4" BRASS PIN IN WELL MON CITY NO. B0275
5.0' NORTH AND 42.0' WEST
② OF CL ON ANGLE

③ FOUND 3/8" BRASS PIN IN WELL MON CITY NO. B0260



FOUND 2-5/8" BRASS DISK WITH PUNCH IN MONUMENT WELL, 5.0' NORTH AND 5.0' EAST OF CL ON ANGLE
② CITY MON. B0276

MILVIA STREET (60' ON ANGLE) ②
(FORMERLY TREMONT STREET)

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