



Office of the City Manager

CONSENT CALENDAR
May 14, 2024

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Terrance Davis, Director of Public Works
Subject: Final Map of Tract 8639: 3000 San Pablo Avenue

RECOMMENDATION

Adopt a Resolution approving the final map of Tract Map 8639 for a 79-unit condominium project consisting of 78 residential units and 1 commercial unit at 3000 San Pablo 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 May 3, 2023, 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 May 3, 2023, the Planning Commission voted to approve the application of R & S Ashby, LLC (owner of the 3000 San Pablo Avenue property) for a 79-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 building 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 project utilizes media filtration device 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

Ronald A. Nevels, Manager of Engineering, Engineering Division (510) 981-6439

Vincent Chen, Acting Supervising Civil Engineer, Engineering Division (510) 981-6409

Attachment:

1: Resolution

Exhibit A: Tract Map 8639

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

FINAL MAP OF TRACT 8639: 3000 SAN PABLO AVENUE

WHEREAS, the Zoning Adjustments Board approved Use Permit No. ZP2019-0155 on July 9, 2020 to construct a six-story mixed-use building with 78 dwelling units and 1 commercial unit; and

WHEREAS, the Berkeley Planning Commission has determined that the tentative map of Tract 8639 conforms to the requirements of the City's subdivision Ordinance, and the California Subdivision Map Act, and approved the tentative map of Tract 8639 on May 3, 2023; and

WHEREAS, the Public Works Department and the Planning and Development Department have certified that the final map of Tract 8639 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 8639 for a 79-unit condominium project consisting of 78 residential units and 1 commercial unit at 3000 San Pablo Avenue, is hereby approved.

Exhibits

A: Tract Map 8639

OWNER'S STATEMENT

I HEREBY STATE THAT I AM THE OWNER OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES ON THE HEREIN EMBODIED MAP ENTITLED TRACT MAP 8639; THAT I ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE DEED RECORDED SEPTEMBER 8, 2021 UNDER RECORDER'S SERIAL NUMBER 2021-303989, RECORDS OF ALAMEDA COUNTY, CALIFORNIA, THAT I CONSENT TO THE PREPARATION OF AND FILING OF THIS MAP.

R&S ASHBY, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: READ REALTY MANAGEMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY
ITS: MANAGER

BY: MORGAN READ
ITS: 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 _____ }
COUNTY OF _____ } SS

ON _____, 20__ 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 THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), 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.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE: _____

NOTARY PUBLIC, STATE OF _____ COMMISSION
NO.: _____

MY COMMISSION EXPIRES: _____

COUNTY OF PRINCIPAL PLACE OF BUSINESS: _____

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 R & S ASHBY, LLC, IN JANUARY 2022. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY: _____
JACQUELINE LUK, P.L.S. 8934

DATE: _____



NAME AND ADDRESS OF SUBDIVIDER

R&S ASHBY, LLC
2025 FOURTH STREET
BERKELEY, CA 94710

BENEFICIARY'S STATEMENT

THE UNDERSIGNED, AS BENEFICIARY UNDER THE DEED OF TRUST RECORDED SEPTEMBER 16, 2021, INSTRUMENT NO. 2021-313331, OFFICIAL RECORDS OF THE ALAMEDA COUNTY, CALIFORNIA, DOES HEREBY JOIN IN AND CONSENT TO THE EXECUTION OF THE FOREGOING OWNER'S STATEMENT AND TO THE PREPARATION AND RECORDATION OF THIS TRACT MAP.

JPMORGAN CHASE BANK, N.A.

BY: _____

NAME: _____

TITLE: AUTHORIZED SIGNER

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 }
COUNTY OF _____ }

ON _____, 20__ 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/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) 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 AND OFFICIAL SEAL.

SIGNATURE: _____

NOTARY PUBLIC, STATE OF CA COMMISSION NO.: _____

MY COMMISSION EXPIRES: _____

COUNTY OF PRINCIPAL PLACE OF BUSINESS: _____

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.

DATE: _____
PATRICK M. REI, PLS 8178
CITY CONSULTANT SURVEYOR

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.

DATE: _____
RONALD A. NEVELS, RCE 62524
CITY ENGINEER

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. 8639, WAS PRESENTED TO THE COUNCIL OF THE CITY OF BERKELEY, AT A MEETING THEREOF, HELD ON THE _____TH DAY OF _____, 202__, AND 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 SALES OF INDIVIDUAL UNITS WILL BE PERMITTED.

IN WITNESS I HAVE SET MY HAND THIS _____ DAY OF _____, 202__.

MARK NUMAINVILLE
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF BERKELEY

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.

DATED: _____ 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 _____, 202__, AT _____M., IN BOOK _____ OF MAPS, AT PAGE _____, OFFICIAL RECORDS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AT THE REQUEST OF CHICAGO TITLE COMPANY.

MELISSA WILK
COUNTY RECORDER

BY: _____
DEPUTY COUNTY RECORDER

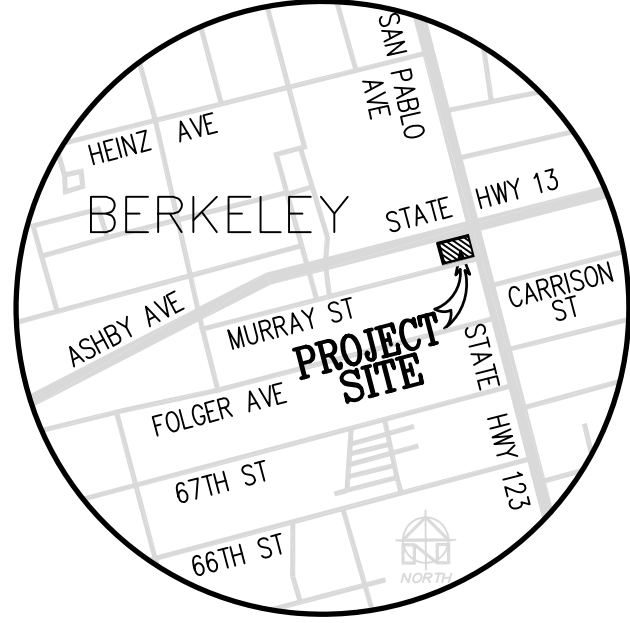
TRACT MAP NO. 8639

1-LOT SUBDIVISION FOR CONDOMINIUM PURPOSES
78 RESIDENTIAL UNITS AND 1 COMMERCIAL UNIT
BEING A ONE LOT SUBDIVISION OF THAT PARCEL OF LAND AS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 8, 2021 AS DOCUMENT NUMBER 2021303989, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA
3000 SAN PABLO AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA
LUK AND ASSOCIATES
738 ALFRED NOBEL DRIVE
HERCULES, CALIFORNIA 94547
510 724-3388

DECEMBER 2023

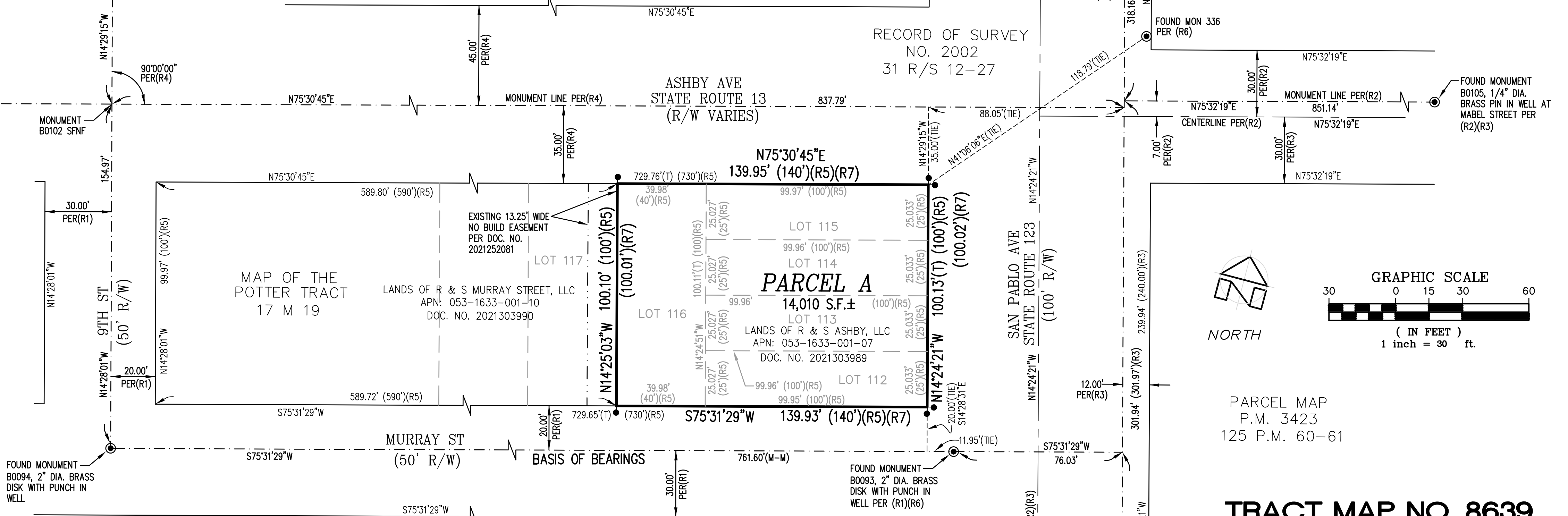
VICINITY MAP

NOT TO SCALE



FOUND MONUMENT
B0435, 2" DIA. BRASS
DISK WITH PUNCH IN
WELL AT POTTER
STREET PER(R1)(R4)

FOUND MONUMENT B0142,
3/8" DIA. BRASS PIN IN
WELL AT BURNETT
STREET PER (R2)



RECORD OF SURVEY
NO. 989
15 R/S 63

RECORD OF SURVEY
NO. 2002
31 R/S 12-27

FOUND MON 336
PER (R6)

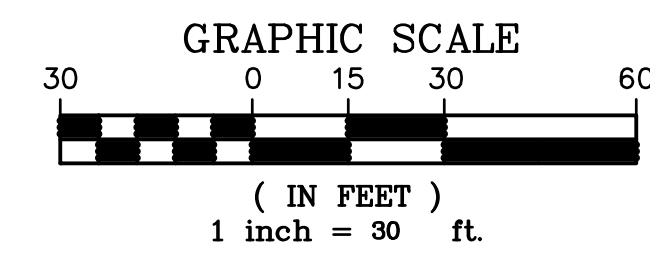
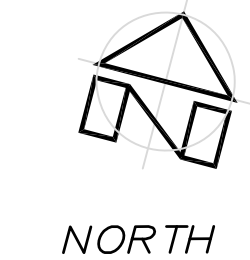
FOUND MONUMENT
B0105, 1/4" DIA.
BRASS PIN IN WELL AT
MABEL STREET PER
(R2)(R3)

MAP OF THE
POTTER TRACT
17 M 19

LANDS OF R & S MURRAY STREET, LLC
APN: 053-1633-001-10
DOC. NO. 2021303990

PARCEL A
14,010 S.F.± (100')(R5)

LANDS OF R & S ASHBY, LLC
APN: 053-1633-001-07
DOC. NO. 2021303989



PARCEL MAP
P.M. 3423
125 P.M. 60-61

TRACT MAP NO. 8639

1-LOT SUBDIVISION FOR CONDOMINIUM PURPOSES
78 RESIDENTIAL UNITS AND 1 COMMERCIAL UNIT
BEING A ONE LOT SUBDIVISION OF THAT PARCEL OF LAND AS DESCRIBED IN THAT
CERTAIN GRANT DEED RECORDED SEPTEMBER 8, 2021 AS DOCUMENT NUMBER
2021303989, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA
3000 SAN PABLO AVENUE
CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA
LUK AND ASSOCIATES
738 ALFRED NOBEL DRIVE
HERCULES, CALIFORNIA 94547
510 724-3388
DECEMBER 2023

REFERENCES

- (R1) "RECORD OF SURVEY, R/S NO. 2352", FILED SEPTEMBER 8, 2010 IN BOOK 36 OF RECORDS OF SURVEY, AT PAGE 25, ALAMEDA COUNTY RECORDS.
- (R2) "RECORD OF SURVEY, R/S NO. 989", FILED AUGUST 30, 1991 IN BOOK 15 OF RECORDS OF SURVEY, AT PAGE 63, ALAMEDA COUNTY RECORDS.
- (R3) PARCEL MAP P.M. 3423, FILED MARCH 30, 1981 IN BOOK 125 OF PARCEL MAPS, AT PAGES 60 TO 61, ALAMEDA COUNTY RECORDS.
- (R4) "PARCEL MAP NO. 8179", FILED NOVEMBER 10, 2005 IN BOOK 284 OF PARCEL MAPS, AT PAGES 91 TO 93 INCLUSIVE, ALAMEDA COUNTY RECORDS.
- (R5) "MAP OF THE POTTER TRACT, BERKELEY, ALAMEDA CO., CAL.", FILED JUNE 3, 1892 IN LIBER 17 OF MAPS, AT PAGE 19, ALAMEDA COUNTY RECORDS.
- (R6) "RECORD OF SURVEY, R/S NO. 2002", FILED JUNE 23, 2006 IN BOOK 31 OF RECORDS OF SURVEY, AT PAGES 12 TO 27 INCLUSIVE, ALAMEDA COUNTY RECORDS.
- (R7) GRANT DEED, RECORDED SEPTEMBER 8, 2021 AS DOCUMENT NUMBER 2021303989, ALAMEDA COUNTY RECORDS.

BASIS OF BEARINGS

THE BASIS OF BEARINGS OF THIS SURVEY IS TAKEN BETWEEN THE TWO FOUND STREET MONUMENTS ALONG MURRAY STREET BETWEEN 9TH STREET AND SAN PABLO AVENUE AS SHOWN ON THAT CERTAIN MAP ENTITLED "RECORD OF SURVEY, R/S NO. 2352", FILED SEPTEMBER 8, 2010 IN BOOK 36 OF RECORDS OF SURVEY, AT PAGE 25, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA. TAKEN AS SOUTH 75°31'29" WEST.

RECORD OF SURVEY
NO. 2352
36 R/S 25

LEGEND

- BOUNDARY OF SUBJECT PROPERTY
- RIGHT OF WAY LINE
- OLD SUBDIVISION LOT LINE
- CENTERLINE
- TIE LINE
- MONUMENT LINE
- EASEMENT LINE
- FOUND STREET MONUMENT AS NOTED
- RECORD DATA
- (100') TOTAL
- (T) SEARCH FOR AND NOT FOUND
- S.F. SQUARE FEET
- ± MORE OR LESS
- R/W RIGHT OF WAY
- (R1) REFERENCE
- R/S RECORDS OF SURVEY
- (M-M) MONUMENT TO MONUMENT
- P.M. PARCEL MAP(S)
- PTN PORTION
- NAIL & TAG PLS 8934 TO BE SET AT 2' PROPERTY LINE EXTENSION

