

**EMERYVILLE PLANNING COMMISSION**

**STAFF REPORT**

Agenda Date: May 22, 2014

Report Date: May 15, 2014

**TO:** Planning Commission

**FROM:** Planning and Building Department  
Miroo Desai, Senior Planner

**SUBJECT:** Bay Street Easement Relocation (SUBDIV14-001)

**PROJECT LOCATION:** Bay Street and Christie Avenue  
(APN: 49-1038-17 and -18)

**APPLICANT:** Alex Caldor, BKF  
255 Shoreline Drive, Suite 200  
Redwood City, CA 94605

**OWNER** Madison Bay Street, LLC (Madison Marquette)  
909 Montgomery Street, Suite 200  
San Francisco, CA 94133

**PROJECT DESCRIPTION:** Consideration of a modification to a recorded Final Subdivision Map (Tract Map No. 7661) to relocate the easement for the Bay Street Extension north of Christie Avenue 13.00 feet to the east.

**GENERAL PLAN DESIGNATION:** Mixed Use With Residential

**ZONING DISTRICT:** Planned Unit Development (PUD-4)

**ENVIRONMENTAL STATUS:** This project is exempt from environmental review under State CEQA Guidelines Section 15305, which applies to minor alterations in land use limitations, and the “general rule” at Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment.

***V.A.***

**APPLICABLE  
PLANNING  
REGULATIONS**

**PROVISIONS:** Section 9-6.218 (c): Final Maps: Modifications

**RECOMMENDED  
COMMISSION  
ACTION:**

1. Open public hearing and take testimony regarding the project.
2. Close public hearing and consider Staff Report and Resolution.
3. Adopt Resolution CPC No. SUBDIV14-001 approving the project.

**BACKGROUND AND PROJECT PROPOSAL**

The Bay Street project (formerly known as the South Bayfront Retail/Mixed Use Project) is located on a 19 acre site bounded by Shellmound Street to the west and the Union Pacific Railroad tracks to the east. The site is divided by Temescal Creek, and development to the south of the creek, identified as Block 1, consists of a retail and entertainment center containing a multiplex theater and restaurant uses (Buildings A and B). Development to the north of the creek, Block 2, consists of retail, commercial and residential uses along Bay Street (Buildings C, D, and E).

In September 1999, the City Council established a Planned Unit Development-Mixed Use zoning designation (PUD) and approved a Preliminary Development Plan (PDP) for the retail/entertainment/mixed-use project. The PUD approval included a 250-room hotel and two retail pads which were not built as part of the original Bay Street residential and retail project. One of the retail pads located at the south end of Bay Street was subsequently constructed in 2009 (West Elm furniture store). The second retail pad was sited at the northwest corner of Christie Avenue and Bay Street and the hotel was sited at the northeast corner. As part of this PUD/PDP approval, a Final Map, Tract 7661 was recorded on September 25, 2002 that included a vehicular public access easement so that Bay Street could be extended northwards and separate the retail pad from the hotel pad.

At the April 24, 2014 meeting the Planning Commission approved a 171-room hotel (“Hyatt Place”). As part of this project, the hotel pad was marginally decreased so that the future Bay Street extension would line up with the current alignment of Bay Street south of Christie Avenue and all hotel drop-off activities would occur on private property and not on future street extension.

*Project Proposal*

The existing 26 feet wide public access easement runs north-south between Christie Avenue and the southern property line of “Site B”. The proposal is to relocate this easement 13.00 feet east of existing location with the width and the length remaining unchanged. The reason for this

modification is so that the future Bay Street extension lines up with the existing Bay Street south of Christie Avenue, so that the intersection of Christie Avenue and Bay Street will not be offset. This easement will provide public access to future development on Site B, whether or not it is developed as an extension of the Bay Street project.

## COMPLIANCE WITH PLANNING REGULATIONS

Relocating the easement requires a modification to Tract Map 7661. Chapter 6 of the Planning Regulations, "Subdivisions", governs requirements for all subdivisions including modifications and amendments. Section 9-6.218 (c) specifically allows the Planning Commission to make modifications to recorded Final Maps provided that the following findings can be made:

- (1) There are changes in circumstances that make any or all of the conditions of the map no longer appropriate or necessary;
- (2) The modifications do not impose any additional burden on the fee owners of the real property;
- (3) The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and
- (4) The map as modified conforms to the findings of Section 9-6.208(c).

Staff believes that these findings can be made. The hotel pad now has an approved plan. This creates an opportunity to correct the alignment of the future extension of the Bay Street extension so that a clear line of sight is maintained and a slightly bigger parcel for the retail pad is created. This modification will not impose any additional burden on the fee owners (i.e. Madison Marquette) nor will it alter any right, title or interest. Section 9-6.208 (c) outlines the following findings for approval of a subdivision map:

- (1) **Consistency.** The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan or area plan, these Subdivision Regulations, this Title, and other applicable provisions of the Emeryville Municipal Code.
- (2) **Lot Width, Area, and Design.** The proposed lots are of such width, area, and design as the Commission finds to be necessary to preserve the purpose and intent of this Chapter and these Planning Regulations.
- (3) **Passive or Natural Heating and Cooling.** The design of the subdivision will provide, to the extent feasible, for future passive or natural heating and cooling features in accordance with Section 66473.1 of the Subdivision Map Act.
- (4) **Availability of Water.** Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with Section

66473.7 of the Subdivision Map Act.

- (5) **Site Suitability.** The site is physically suitable for the type and density of development proposed.
- (6) **Fish and Wildlife.** The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or to substantially and avoidably injure fish or wildlife or their habitat.
- (7) **Public Health.** The design of the subdivision and the type of improvements are not likely to cause serious public health problems.
- (8) **Easements.** The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The Planning Commission or City Council, acting on an appeal, may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to easements previously acquired by the public. This shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to the Planning Commission or City Council to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
- (9) **Sewers.** The waste discharge into the City sewer system from the proposed subdivision would not add to, or result in, violations of requirements of the Regional Water Quality Control Board, the City's National Pollutant Discharge Elimination System (NPDES) permit, or other restrictions of the sanitary sewer collection system imposed on the City.

The proposed modification will not negatively impact or alter the parcel configuration and will conform with all applicable plans including the General Plan; will create a marginal change to the lot width and area and increase the size of the retail pad, will not adversely impact availability of water or passive heating and cooling features, will not impact wildlife, public health, or sewers, and will relocate an existing easement to better serve future development.

#### **RECOMMENDATION:**

After hearing a presentation from the applicant and receiving public testimony, Staff recommends that the Planning Commission approve the project subject to the attached Conditions of Approval.

#### **Attachments:**

1. Draft Resolution
2. Draft Conditions of Approval
3. Final Map

**RESOLUTION NO. SUBDIV14-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EMERYVILLE APPROVING A MODIFICATION TO A FINAL SUBDIVISION MAP (TRACT MAP NO. 7761) TO RELOCATE THE EASEMENT FOR THE BAY STREET EXTENSION NORTH OF CHRISTIE AVENUE 13.00 FEET TO THE EAST.**

**WHEREAS**, on August 26, 1999, the Planning Commission adopted Resolution No. PUD 99-02 recommending that the City Council of the City of Emeryville approve a Planned Unit Development Mixed Use Zoning Designation for the South Bayfront site and a Preliminary Development Plan (PDP); and

**WHEREAS**, on September 21, 1999, pursuant to Ordinance No. 99-009, the Emeryville City Council approved a Planned Unit Development Mixed Use Zoning designation for the Site and a Preliminary Development Plan, subject to certain conditions of approval; and

**WHEREAS**, on March 23, 2000, pursuant to Resolution No. MAS 00-1, the Emeryville Planning Commission approved a Tentative Subdivision Map for the South Bayfront Retail/Mixed Use Project with a 24-month expiration period; and

**WHEREAS**, on May 23, 2002, pursuant to Resolution No. MAS 00-1 (extension), the Emeryville Planning Commission approved a 12-month extension of the Tentative Subdivision Map; and

**WHEREAS**, on September 25, 2002, the Final Subdivision Map was recorded with the Alameda County Recorder as Tract Map 7661 in Book 267 of Maps at Pages 1-20, Official Records of Alameda County, and included a Public Pedestrian and Vehicular Public Access Ingress-Egress Easement Dedication to allow for the extension of Bay Street north of Christie Avenue; and

**WHEREAS**, BKF on behalf of Madison Marquette has now submitted an application for a modification to the recorded Final Subdivision Map (Tract Map No. 7661) to relocate the easement for the Bay Street Extension north of Christie Avenue 13.00 feet to the east; and

**WHEREAS**, the Planning Commission held a duly and properly noticed public hearing on May 22, 2014 to solicit public comments and consider the proposed modification to the Final Map; and

**WHEREAS**, the Planning Commission has reviewed and considered the staff report and attachments thereto, all public comments, and the modified Final Map as set forth in this Resolution and the applicable provisions of the Emeryville Planning Regulations (the Record); now, therefore, be it

**RESOLVED**, that the Planning Commission hereby finds that the project is exempt from environmental review under State CEQA Guidelines Section 15305, which applies to minor alterations in land use limitations, and the “general rule” at Section 15061(b)(3) because it can

be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment; and be it further

**RESOLVED**, that in approving this modification to the Final Map, the Planning Commission makes the following findings required by Emeryville Municipal Code Section 9-6.218(c) and based on its review and consideration of the Record:

1. There are changes in circumstances that make any or all of the conditions of the map no longer appropriate or necessary;

**The proposed modification does not alter the width or the length of the easement and simply relocates it 13.00 feet to the east, creating a slightly larger retail pad to the west. The hotel pad to the east has an entitlement for a new 171-room Hyatt Place hotel granted by the Planning Commission on April 24, 2014. This creates an opportunity to correct the alignment of the future extension of the Bay Street so that a clear line of sight is maintained, the intersection of Christie Avenue and Bay Street will not be offset, and a slightly bigger parcel for the retail pad is created.**

2. The modifications do not impose any additional burden on the fee owners of the real property;

**This modification will not impose any additional burden on the fee owners.**

3. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map; and

**This modification will not alter any right, title or interest in the property in question.**

- (4) The map as modified conforms to the findings of Section 9-6.208(c).

**The findings in Section 9-6.208 (c) include the following:**

1. **Consistency.** The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan or area plan, these Subdivision Regulations, this Title, and other applicable provisions of the Emeryville Municipal Code.
2. **Lot Width, Area, and Design.** The proposed lots are of such width, area, and design as the Commission finds to be

necessary to preserve the purpose and intent of this Chapter and these Planning Regulations.

3. **Passive or Natural Heating and Cooling.** The design of the subdivision will provide, to the extent feasible, for future passive or natural heating and cooling features in accordance with Section 66473.1 of the Subdivision Map Act.
4. **Availability of Water.** Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with Section 66473.7 of the Subdivision Map Act.
5. **Site Suitability.** The site is physically suitable for the type and density of development proposed.
6. **Fish and Wildlife.** The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or to substantially and avoidably injure fish or wildlife or their habitat.
7. **Public Health.** The design of the subdivision and the type of improvements are not likely to cause serious public health problems.
8. **Easements.** The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The Planning Commission or City Council, acting on an appeal, may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to easements previously acquired by the public. This shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to the Planning Commission or City Council to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
9. **Sewers.** The waste discharge into the City sewer system from the proposed subdivision would not add to, or result in,

**violations of requirements of the Regional Water Quality Control Board, the City’s National Pollutant Discharge Elimination System (NPDES) permit, or other restrictions of the sanitary sewer collection system imposed on the City.**

**The modified map conforms with the findings of Section 9-6.208 (c) by not negatively impacting or altering the parcel configuration and conforming with all applicable plans including the General Plan; by creating a marginal change to the lot width and area and increasing the size of the retail pad; by not adversely impacting the availability of water or passive heating and cooling features; by not impacting wildlife, public health, or sewers; and by relocating an existing easement to better serve future development.**

and be it further

**RESOLVED** that the Planning Commission hereby approves the modification to the approved Final Subdivision Map, as outlined in the plans entitled “Modification of Tract Map No. 7661” dated March 17, 2014 and subject to the Conditions of Approval as set forth in Exhibit A to this resolution.

**APPROVED** by the Planning Commission of the City of Emeryville at a regular meeting held on Thursday, May 22, 2014 by the following votes:

**AYES:** \_\_\_\_\_

**NOES:** \_\_\_\_\_ **ABSTAINED:** \_\_\_\_\_

**EXCUSED:** \_\_\_\_\_ **ABSENT:** \_\_\_\_\_

\_\_\_\_\_  
**CHAIRPERSON**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**RECORDING SECRETARY**

\_\_\_\_\_  
**ASSISTANT CITY ATTORNEY**



## CONDITIONS OF APPROVAL

**Bay Street Easement Relocation  
Christie Avenue and Bay Street  
SUBDIV14-001: Exhibit A. Conditions of Approval  
May 22, 2014**

### **I. COMPLIANCE WITH APPROVALS**

A. PROJECT APPROVALS. The project shall be constructed and operated in accordance with the following actions by the Planning Commission:

1. A modification to the Final Subdivision Map (Tract Map No. 7761) as modified by these Conditions of Approval.

Any additional modifications will require a separate application and approval.

B. APPROVED PLANS. Final plans submitted for recordation shall be reviewed by the Public Works Director and the Planning Director to confirm that the plans substantially conform to plans submitted by BKF entitled “Modification of TRACT MAP NO. 7661” dated March 17, 2014. **[Public Works and Planning]**

C. APPROVAL EFFECTIVENESS AND DURATION. Pursuant to Section 9-7.213 of the Emeryville Municipal Code, this permit shall automatically expire if the modified Final Subdivision Map has not been filed and fees have not been paid within one year from the date of this approval, and a good faith effort to commence work upon the use has not been made, as determined by the Planning Director in his/her sole discretion. Time extensions not exceeding one year may be requested by applying to the Planning Commission for such extension period prior to the expiration date of the permit. In no case shall the expiration period extend more than three years from the date of this approval. After that time, a new application shall be required. In the event Applicant undertakes no construction pursuant to this approval, then Applicant shall have no obligation under these conditions of approval.

- D. INSTALLATION AND MAINTENANCE OF IMPROVEMENTS. All improvements shall be installed in accordance with these approvals. Once constructed or installed, all improvements shall be maintained as approved. Minor changes may be approved by the Planning Director.
- E. COMPLIANCE WITH THE MUNICIPAL CODE AND GENERAL PLAN. No part of this approval shall be construed to be a violation of the Emeryville Municipal Code or the General Plan. Operations on this site shall be conducted in a manner that does not create a public or private nuisance or otherwise violate the Emeryville Municipal Code.
- F. FAILURE TO COMPLY WITH CONDITIONS OF APPROVAL. If Applicant constructs buildings or makes improvements in accordance with these approvals, but fails to comply with any of the conditions of approval or limitations set forth in these Conditions of Approval and does not cure any such failure within a reasonable time after notice from the City of Emeryville (“City”), then such failure shall be cause for nonissuance of a certificate of occupancy, revocation or modification of these approvals or any other remedies available to the City.
- G. APPLICATION TO SUCCESSORS IN INTEREST. These Conditions of Approval shall apply to any successor in interest in the property and Applicant shall be responsible for assuring that the successor in interest is informed of the terms and conditions of this zoning approval.

## II. GENERAL CONDITIONS

- A. INDEMNIFICATION. Applicant, its assignees, and successors-in-interest shall defend, hold harmless, and indemnify the City of Emeryville, the Bay Cities Joint Powers Insurance Authority and their respective officials, officers, agents and employees (the Indemnified Parties) against all claims, demands, and judgments or other forms of legal and or equitable relief, which may or shall result from: 1) any legal challenge or referendum filed and prosecuted to overturn, set-aside, stay or otherwise rescind any or all final project or zoning approvals, analysis under the California Environmental Quality Act or granting of any permit issued in accordance with the Project; or 2) Applicant’s design, construction and/or maintenance of the public improvements set forth in the final building plans. Applicant shall pay for all direct and indirect costs associated with any action herein. Direct and indirect costs as used herein shall mean but not be limited to attorney’s fees, expert witness fees, and court costs including, without limitation, City Attorney time and overhead costs and other City Staff overhead costs and normal day-to-day business expenses incurred by the City including, but not

limited to, any and all costs which may be incurred by the City in conducting an election as a result of a referendum filed to challenge the project approvals. The Indemnified Parties shall promptly notify the Applicant, its assignees, and successors-in-interest of any claim, demand, or legal actions that may create a claim for indemnification under this section and shall fully cooperate with Applicant, its assignees and successors-in-interest. **[City Attorney]**

- B. Cost Recovery Planning Fees. Prior to recordation of the modifications to Tract Map 7661, the Planning Director shall confirm that all cost recovery planning fees have been paid in full. **[Planning]**

**MODIFICATION OF  
TRACT MAP NO. 7661**

BEING A MODIFICATION OF THE PUBLIC INGRESS-EGRESS  
EASEMENT ACROSS LOTS 11 AND 12 AS SHOWN ON TRACT  
MAP NO. 7661 FILED IN BOOK 267 AT PAGES 1-20 OFFICIAL  
RECORDS OF ALAMEDA COUNTY AND LYING ENTIRELY WITHIN  
THE CITY OF EMERYVILLE, ALAMEDA COUNTY, CALIFORNIA  
SCALE: 1"=50' MARCH 2014



**OWNER'S STATEMENT**

THE UNDERSIGNED, BEING THE OWNER HAVING RECORD TITLE INTEREST IN THE LAND EMBRACED WITHIN THE DISTINCTIVE BORDER LINE UPON THIS MAP ENTITLED "MODIFICATION TO TRACT MAP NO. 7661", CONSISTING OF (3) THREE SHEETS, THIS STATEMENT BEING ON SHEET ONE THEREOF:

AND THAT SAID OWNER ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THE DEED RECORDED ON OCTOBER 28, 2004 IN SERIES 2004482900 OF OFFICIAL RECORDS OF ALAMEDA COUNTY AND THAT IT CONSENTS TO THE PREPARATION AND RECORDATION OF THIS MAP;

AND THAT SAID OWNER HEREBY DEDICATES TO THE CITY OF EMERYVILLE AN EASEMENT FOR PEDESTRIAN AND VEHICULAR PUBLIC ACCESS AND MAINTENANCE AGREEMENT, SHOWN HEREON AS "PUBLIC PEDESTRIAN AND VEHICULAR PUBLIC ACCESS INGRESS-EGRESS EASEMENT" OVER LOTS 11 AND 12 OF THIS MAP ARE HEREBY DEDICATED TO THE CITY OF EMERYVILLE.

OWNER: MADISON BAY STREET, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

**OPTIONEE'S STATEMENT**

THE EMERYVILLE REDEVELOPMENT AGENCY, A PUBLIC BODY, CORPORATE AND POLITIC, HAVING RECORD TITLE INTEREST IN THE LAND EMBRACED WITHIN THE DISTINCTIVE BORDER LINE UPON THIS MAP BY VIRTUE OF A MEMORANDUM OF OPTION AGREEMENT TO PURCHASE HOTEL PARCEL BY VIRTUE OF THE DOCUMENT RECORDED JUNE 12, 2001, IN SERIES NO 2001200641 AND HAVING A MEMORANDUM OF OPTION AGREEMENT TO PURCHASE RETAIL PARKING PARCEL BY VIRTUE OF THE DOCUMENT RECORDED JUNE 12, 2001, IN SERIES NO. 2001200640 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, AND HAVING AN OPTION TO REPURCHASE BY VIRTUE OF THE GRANT DEED RECORDED JUNE 12, 2001, SERIES NO. 2001200639 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, HEREBY JOINS AND EXECUTES AND CONSENTS TO ALL OF THE DEDICATIONS, IF ANY, AND ALL OF THE RESERVATIONS, IF ANY, IN THE FORGOING OWNER'S STATEMENT AND TO THE PREPARATION OF THIS MAP.

OPTIONEE: REDEVELOPMENT AGENCY OF THE CITY OF EMERYVILLE

BY: \_\_\_\_\_

**TRUSTEE'S STATEMENT**

THE UNDERSIGNED, CHICAGO TITLE COMPANY, A CALIFORNIA CORPORATION, TRUSTEE UNDER THE DEED OF TRUST WITH ABSOLUTE ASSIGNMENT OF LEASES AND RENTS, SECURITY AGREEMENT AND FIXTURE FILING RECORDED MAY 22, 2012 SERIES NO. 2012169365, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA, CONSENTS TO THE PREPARATION AND FILING OF THE MAP.

AMERICAN SECURITIES COMPANY, A CALIFORNIA CORPORATION

BY: \_\_\_\_\_

**EASEMENT ABANDONMENT:**

PURSUANT TO CHAPTER 6, ARTICLE 1, SECTION 66499.20.1/2 OF THE SUBDIVISION MAP ACT, THE EXISTING PUBLIC PEDESTRIAN AND VEHICULAR PUBLIC ACCESS INGRESS-EGRESS EASEMENT ACROSS LOTS 11 AND 12, GRANTED TO THE TOWN OF EMERYVILLE, A MUNICIPAL CORPORATION SHOWN ON THAT CERTAIN TRACT MAP 7661 FILED FOR RECORD ON SEPTEMBER 25, 2002 IN BOOK 267 OF MAPS, PAGES 1-20, OFFICIAL RECORDS OF ALAMEDA COUNTY IS HEREBY ABANDONED.

**CITY ENGINEER'S STATEMENT**

I, MAURICE KAUFMANN, CITY ENGINEER OF THE CITY OF EMERYVILLE, STATE OF CALIFORNIA, HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND TRACT MAP NO. 7661 AND THAT SAID MAP IS SUBSTANTIALLY AS IT APPEARED ON THE TENTATIVE MAP, IF ANY, AND THAT ALL THE PROVISIONS OF STATE LAWS AND LOCAL ORDINANCES GOVERNING THE FILING OF SUBDIVISION MAP S HAVE BEEN COMPLIED WITH AND I AM SATISFIED THAT THE SAME IS TECHNICALLY CORRECT.

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
MAURICE KAUFMANN  
EXPIRATION DATE: DECEMBER 31, XXXX  
CITY ENGINEER, CITY OF EMERYVILLE, CALIFORNIA

**CITY CLERK'S STATEMENT**

I, KAREN HEMPHILL, CITY CLERK OF THE CITY OF EMERYVILLE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE HEREIN EMBODIED MAP ENTITLED "MODIFICATION OF TRACT MAP NO. 7661", WAS PRESENTED TO SAID PLANNING COMMISSION AS PROVIDED BY LAW AT A REGULAR MEETING THEREOF HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_ AND THAT SAID PLANNING COMMISSION DID THEREUPON, BY RESOLUTION NO. \_\_\_\_\_ APPROVE SAID MAP, AND DEDICATION HEREON AND AT A REGULAR MEETING THEREOF HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_ AND THAT SAID PLANNING COMMISSION DID THEREUPON, BY RESOLUTION NO. \_\_\_\_\_ APPROVE SAID MAP, AND DEDICATION HEREON.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
KAREN HEMPHILL, CITY CLERK  
CITY OF EMERYVILLE, COUNTY OF  
ALAMEDA, STATE OF CALIFORNIA

**RECORDER'S STATEMENT**

FILED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014 AT \_\_\_\_ M., IN BOOK \_\_\_\_\_ OF MAPS, PAGES \_\_\_\_\_, AT THE REQUEST OF MADISON BAY STREET, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND MADISON BAY STREET, LLC, A DELAWARE LIMITED LIABILITY COMPANY.

FEE: \_\_\_\_\_ FILE NUMBER: \_\_\_\_\_

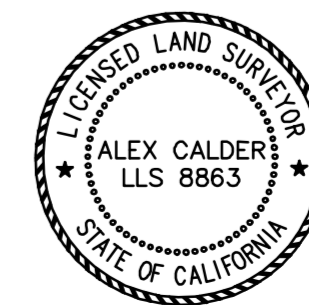
PATRICK O.CONNELL  
COUNTY RECORDER  
COUNTY OF ALAMEDA, CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

**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 MADISON BAY STREET, LLC, A DELAWARE LIMITED LIABILITY COMPANY IN MARCH 2014. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

\_\_\_\_\_  
ALEX CALDER, PLS 8863



\_\_\_\_\_  
DATED

**OWNER'S ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_)SS.  
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:

NOTARY'S SIGNATURE: \_\_\_\_\_

PRINTED NOTARY'S NAME: \_\_\_\_\_

NOTARY'S PRINCIPAL PLACE OF BUSINESS: \_\_\_\_\_

NOTARY'S COMMISSION No.: \_\_\_\_\_

EXPIRATION OF NOTARY'S COMMISSION: \_\_\_\_\_

**TRUSTEE'S ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_)SS.  
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:

NOTARY'S SIGNATURE: \_\_\_\_\_

PRINTED NOTARY'S NAME: \_\_\_\_\_

NOTARY'S PRINCIPAL PLACE OF BUSINESS: \_\_\_\_\_

NOTARY'S COMMISSION No.: \_\_\_\_\_

EXPIRATION OF NOTARY'S COMMISSION: \_\_\_\_\_

**OPTIONEE'S ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_)SS.  
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:

NOTARY'S SIGNATURE: \_\_\_\_\_

PRINTED NOTARY'S NAME: \_\_\_\_\_

NOTARY'S PRINCIPAL PLACE OF BUSINESS: \_\_\_\_\_

NOTARY'S COMMISSION No.: \_\_\_\_\_

EXPIRATION OF NOTARY'S COMMISSION: \_\_\_\_\_

**MODIFICATION OF  
TRACT MAP NO. 7661**  
BEING A MODIFICATION OF THE PUBLIC INGRESS-EGRESS  
EASEMENT ACROSS LOTS 11 AND 12 AS SHOWN ON TRACT  
MAP NO. 7661 FILED IN BOOK 267 AT PAGE 7 OFFICIAL  
RECORDS OF ALAMEDA COUNTY AND LYING ENTIRELY WITHIN  
THE CITY OF EMERYVILLE, ALAMEDA COUNTY, CALIFORNIA  
SCALE: 1"=50' MARCH 2014



