



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Ryan Russo, Director
Oakland Department of
Transportation

SUBJECT: Tract No. 8571 Subdivision Map,
3855 West Street

DATE: April 4, 2022

City Administrator Approval 

Date: Apr 21, 2022

RECOMMENDATION

Staff Recommends That The City Council Adopt The Following Pieces of Legislation:

Adopt A Resolution (1) Conditionally Approving A Final Map For Tract No. 8571, Located At 3855 West Street For A Six Lot Subdivision For 3855 West Street, LLC, And (2) Adopt California Environmental Quality Act Findings; And

Adopt A Resolution Authorizing The City Administrator To (1) Enter Into A Subdivision Improvement Agreement With 3855 West Street, LLC For Deferred Construction Of Public Infrastructure Improvements As A Condition To Final Map Approval For Tract No. 8571 Located At 3855 West Street, And (2) Adopt California Environmental Quality Act Findings.

EXECUTIVE SUMMARY

The proposed resolution to conditionally approve the final subdivision map for Tract No. 8571 located at 3855 West Street is an administrative (ministerial) action by the City Council following the approved tentative tract map for the subdivision by the Planning and Building Department. Refer to **Exhibit A** to the Resolution for the Final Tract Map No. 8571 and Public Infrastructure Improvements and Common Infrastructure Improvements.

The proposed resolution authorizing the approval of the Subdivision Improvement Agreement (SIA) for deferred construction of public infrastructure improvements is a discretionary action by the City Council to assure that the improvements are completed and accepted by the City prior to occupancy. Refer to **Exhibit B** to the Resolution for the Subdivision Improvement Agreement and Public Infrastructure Improvements and Common Infrastructure Improvements.

City Council
May 03, 2022

BACKGROUND/ LEGISLATIVE HISTORY

3855 West Street, LLC (Subdivider) is the owner in fee title and Subdivider of the six-lot subdivision located at 3855 West Street and approved in Tentative Tract Map No. 8571.

On May 05, 2021, the City Planning Commission approved the Tentative Tract Map for Tract No. 8571 and related land use entitlements (permit number PLN20153), subject to various conditions of approval, and confirmed staff's environmental determination that the proposal was exempt from the California Environmental Quality Act (CEQA) review under CEQA Guidelines sections 15183 (projects consistent with a community plan, general plan or zoning) and 15332 (infill development projects).

ANALYSIS AND POLICY ALTERNATIVES

Government Code section 66462 authorizes the City to enter into a Subdivision Improvement Agreement (SIA) with the Subdivider as a condition of the final map approval, if at the time of the approval the required public improvements have not been completed and accepted. The SIA will guarantee construction of public infrastructure improvements and private access roadway and utilities required to service the parcels.

The SIA contains the following:

1. Construction of surface and subsurface infrastructure improvements (permit number PX2100018) after the Final Tract Map is recorded;
2. Completion of the infrastructure construction within one (1) year of the Effective Date of the SIA;
3. Posting of adequate security (150% of construction cost) prior to execution of the SIA to assure completion of the infrastructure construction;
4. Procuring and maintaining the required minimum limits of insurance indemnify the City to the maximum extent permitted by law;
5. Two (2) year warrantee period following completion of the infrastructure construction;
6. Adequate security (25% of construction cost) to maintain the infrastructure during the warrantee period.

The Subdivider presented a Final Map to the City Council (Council) for subdivision of one parcel located at 3855 West Street into six (6) parcels with the construction of a total of six (6) three-story residential units with a shared access facility.

The City Engineer has determined that Final Subdivision Map is in substantial compliance with the approved tentative subdivision map.

As set forth in the California Government Code section 66474.1 (Subdivision Map Act), approval of a Final Subdivision Map is an administrative, ministerial, and mandatory action by the City Council. When the City Engineer has determined that the Final Subdivision Map substantially complies with the previously approved Tentative Subdivision Map and is technically correct: with map size and medium; metes and bounds; required licensures; required signatures and statements, etc. There is no alternative action or policy.

The controlling discretionary action by the Council related to a subdivision map was at the Tentative Subdivision Map stage. The purpose of submitting this Final Subdivision Map to Council is to ensure that the City Council and the public remain informed about this development.

Approval of the SIA will enable the City of Oakland (City) to enter into a binding legal agreement with the Subdivider to ensure that the Subdivider complies with City-imposed conditions of approval and other legal requirements.

Approval of the Tract will advance the Citywide housing priority, and Vibrant Sustainable Infrastructure priority by allowing the Owner of the parcel to split one lot into six lots for residential housing. The proposed development includes upgrades to existing, non-compliant American Disabilities Act (ADA) curb ramps and payment of the Sewer Mitigation Fee which represents the Developer's buy-in for the cost of future City Sewer infrastructure improvements in the sub-basin where the parcel is located.

FISCAL IMPACT

Staff cost for processing the Final Subdivision Map is covered by the Master Fee Schedule and paid for by the Subdivider.

PUBLIC OUTREACH/ INTEREST

The adjoining property owners were notified of the project as part of the initial Tentative Subdivision Map approval process.

COORDINATION

The Office of the City Attorney has reviewed the resolution for form and legality, and the Budget Bureau has reviewed this agenda report.

SUSTAINABLE OPPORTUNITIES

Economic: Through this proposed development, the subdivision will provide additional housing in Oakland.

Environmental: Land use approvals and construction permits for new buildings require that the permittee comply with City ordinances and regional Best Management Practices for reducing nuisance noise, fugitive dust, construction debris disposal, and storm drainage pollutant runoff.

Race & Equity: The development will increase living space and housing opportunities improving economic vitality in Oakland.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Approval of the final subdivision map is exempt from the CEQA pursuant to Public Resources Code section 21080(b)(1) (ministerial projects) and CEQA Guidelines section 15268 (ministerial projects). Approval of the SIA is exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(3) (no significant effect on the environment), 15183 (projects consistent with a community plan, general plan or zoning) and 15332 (infill development projects), each as a separate and independent basis and when viewed collectively as an overall basis for CEQA clearance.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt the Following Legislation:

A Resolution (1) Conditionally Approving A Final Map For Tract No. 8571, Located At 3855 West Street For A Six Lot Subdivision For 3855 West Street, LLC, And (2) Adopt California Environmental Quality Act Findings; and

A Resolution Authorizing The City Administrator To (1) Enter Into A Subdivision Improvement Agreement With 3855 West Street, LLC For Deferred Construction Of Public Infrastructure Improvements As A Condition To Final Map Approval For Tract No. 8571 Located At 3855 West Street, And (2) Adopt California Environmental Quality Act Findings.

For questions regarding this report, please contact Ishrat Jahan, Supervising Civil Engineer at (510) 238-7281.

Respectfully submitted,



RYAN RUSSO

Director, Department of Transportation

Reviewed by:

Fred Kelly, Assistant Director,
Department of Transportation

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Prepared and reviewed by:

Ishrat Jahan, Supervising Civil Engineer,
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