

CITY OF OAKLAND
Agenda Report

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 MAY 11 PM 12:31

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency and Community and Economic Development Agency
DATE: May 24, 2005

RE: RESOLUTION AUTHORIZING THE CITY ENGINEER TO ENTER INTO A SUBDIVISION IMPROVEMENT AGREEMENT WITH DESILVA GROUP, LLC; AND LEONA, LLC FOR CONSTRUCTION OF CERTAIN IMPROVEMENTS IN CONNECTION WITH "TRACT 7492", LEONA QUARRY PROJECT; FIXING THE AMOUNT OF THE SECURITY TO GUARANTEE THE FAITHFUL PERFORMANCE OF SUCH AGREEMENT AND ADOPTING PLANS AND SPECIFICATIONS

SUMMARY

A resolution has been prepared authorizing the City Engineer to enter into a subdivision improvement agreement with the Subdivider of Tract Map No. 7492 located along Campus Drive to defer completion of certain public improvements until after recordation of the final map. The Subdivider of Tract Map No. 7492, consisting of 19 detached residential homes, has requested the City to allow deferral of completion of certain public improvements for a maximum of eighteen months. In case such improvements are not completed within the specified timeframe, the Subdivider will have to apply for a time extension, which will require City Council action. Council may elect to either grant an extension or direct staff to utilize the security to complete the improvements. The Subdivider will be required to post the improvement security (performance bond and labor and material bond) and will pay all the necessary fees prior to the recordation of the final maps. The request is consistent with the provisions of the Subdivision Map Act, which govern the filing and recordation of final maps.

On November 16, 2004, the City Council adopted a similar resolution (Resolution 78927 C.M.S.) for Tract Map Nos. 7351 and 7493 that authorized the City Engineer to enter into a Subdivision Improvement Agreement with the Subdivider to complete public improvements related to the first two phases of this development. This resolution covers the last phase in the subject development.

Staff recommends that City Council authorize the City Engineer to enter into the Subdivision Improvement Agreement with the Subdivider for construction of the public improvements as set forth in the approved plans and specifications, and to establish the amount of security required to insure completion of the improvements and guarantee payment to labor and material suppliers. This provision complies with Chapter 5 (Improvement Security) of the Subdivision Map Act.

FISCAL IMPACT

There is no direct fiscal impact to the approval of this resolution. All costs for the construction of the public improvements and fees will be borne by the Subdivider. Costs to review the design of

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these improvements and inspect their construction are fully covered by fees paid by developer.

BACKGROUND

The Subdivider of Tract Map No. 7492 requested to defer the completion of public improvements. Tract 7492 consists of 19 detached residential homes located along Campus Drive. The Subdivider will be required to complete all public improvements (water, sanitary sewer, storm sewer, gas, electric, street, sidewalk, and curb and gutter for each phase) prior to issuance of any certificate of occupancy for residential units. Also, the Subdivider will be required to pay all the fees and to post security to insure completion of the required improvements and guarantee payment to labor and material suppliers.

Condition of Approval 24 for the development requires that a Geologic Hazard Abatement District (GHAD) be fully operational prior to the recordation of the final maps for this project. On May 3, 2005, the GHAD Board adopted several resolutions related to annexing four lots to the GHAD district, establishing an assessment, and accepting amendment 1 to the Plan of Control for the GHAD. These actions meet the requirement that the GHAD be fully funded and operational. Once the Subdivision Improvement Agreement to be authorized under this resolution is approved by the City Engineer, the Subdivider will submit the last final map for this project for approval and recordation.

KEY ISSUES

The State of California Subdivision Map Act allows for completion of the public improvements after recordation of the final map provided the Subdivider has entered into a Subdivision Improvement Agreement with the City and posted the necessary security to assure completion of the work. Because of the security requirement, there are no risks associated with deferring the completion of the improvements or approval of the final maps. City staff has estimated the cost to complete the infrastructure improvements for this phase of the project at \$533,000. The Subdivider will be required to post a performance bond for five hundred and thirty three thousand dollars (\$533,000) and a labor and material bond for two hundred and sixty six thousand, five hundred dollars (\$266,500) to ensure completion of the infrastructure improvements and guarantee payment to labor and material suppliers.

SUSTAINABLE OPPORTUNITIES

Economic: The project will offer employment opportunities to Oakland residents.

Environmental: The Subdivider will be required to adhere to best management practices during project construction. Measures to control erosion, contamination of storm water runoff, dust, noise, and heavy equipment emissions will be required. In addition, alternate pipe materials in lieu of PVC pipe will be required for construction of storm drain mains and sanitary sewer mains. The Subdivider is required to recycle the construction materials as much as possible.

Social Equity: The project will improve the aesthetics of the area and provide a pedestrian friendly environment.

DISABILITY AND SENIOR CITIZEN ACCESS

The Subdivider will be required to construct new concrete sidewalks complying with current Americans with Disabilities Act and City Standards, along areas leading to the public parks.

RECOMMENDATION AND RATIONALE

The Subdivision Improvement Agreement will allow deferral of the completion of all public improvements for this phase of the project after recordation of the final map, but before issuance of certificates of occupancy for any residential units. The Subdivider has agreed to post the required improvement security and pay all the necessary fees. Staff recommends that the City Council approve the resolution.

ACTION REQUESTED OF THE CITY COUNCIL

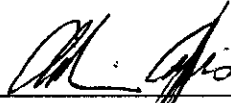
Staff recommends approval of the resolution.

Respectfully submitted,



RAUL GODINEZ II, P.E.
Director,
Public Works Agency

Respectfully submitted,

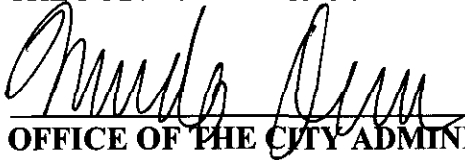


CLAUDIA CAPPIO
Director of Development
Community & Economic Development Agency

Reviewed by:
Michael Neary, P.E.
Assistant Director, PWA

Prepared by:
Fuad Sweiss, P.E.
Engineering Design & ROW Manager, PWA

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:



OFFICE OF THE CITY ADMINISTRATOR

Farimah Faiz

OAKLAND CITY COUNCIL

RESOLUTION No. _____

OFFICE OF THE CITY CLERK
OAKLAND

C. M. MAY 11 PM 12:31

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE CITY ENGINEER TO ENTER INTO A SUBDIVISION IMPROVEMENT AGREEMENT WITH DESILVA GROUP, LLC; AND LEONA, LLC FOR CONSTRUCTION OF CERTAIN IMPROVEMENTS IN CONNECTION WITH "TRACT 7492", LEONA QUARRY PROJECT; FIXING THE AMOUNT OF THE SECURITY TO GUARANTEE THE FAITHFUL PERFORMANCE OF SUCH AGREEMENT AND ADOPTING PLANS AND SPECIFICATIONS

WHEREAS, on the 17th day of February 2004, the City Council of the City of Oakland approved vesting tentative map of a proposed real estate subdivision entitled "Tract 7351", (Leona Quarry subdivision project), Oakland, Alameda County, California;" and

WHEREAS, on February 3, 2004, the City Council certified a Subsequent Environmental Impact Report for the project; and

WHEREAS, the Subdivider desires to postpone completion of certain required improvements for said proposed subdivision to a time subsequent to the recordation of the final map thereof; and

WHEREAS, the Subdivider is required to complete all public improvements (including water, sanitary sewer, storm drainage, gas, electric, street, sidewalk, and curb and gutter, wheelchair ramps, street lights) for each phase, and

WHEREAS, the construction of the drainage and sewerage related public improvements are to continue and not be postponed; and

WHEREAS, the actions authorized by this Resolution will not involve any new or more severe significant impacts, there are no substantial changes with respect to the circumstances under which the project was approved that involve new or substantially more severe significant environmental impacts, and no significant new information has come to light that would indicate new or more significant impacts, or substantially different or feasible mitigation measures the project sponsor refuses to adopt; now, therefore, be it

RESOLVED: That the Council of the City of Oakland consents to the postponement of the construction of such improvements, and the City Engineer or his designee is hereby authorized and empowered to enter into an agreement with the

Subdivider for the construction of those certain improvements set forth in the approved plans and specifications therefor, filed in the Office of the City Clerk on May 20, 2005, said work to be completed on or before the 20th day of November 2006; provided, however, the date for completion of such improvements may be extended by the City Council upon recommendation of the City Engineer or his designee; and be it

FURTHER RESOLVED: That said Subdivider shall, at the time of the execution of said agreement, file with the City Clerk a surety bond, in the sum of five hundred and thirty three thousand dollars (\$533,000) being the estimated cost of said improvements, guaranteeing the faithful performance of such agreement and shall at said time file with the City Clerk an additional surety bond in the sum of two hundred and sixty six thousand five hundred dollars (\$266,500), securing payment to the contractor, his subcontractors and all persons renting equipment or furnishing labor and materials to them or post such other security as is provided in Section 66499, et. seq. of the Government Code; and be it

FURTHER RESOLVED: That the engineer's estimate, plans and specifications prepared by Carlson Barbee, and Gibson, Inc. for the Subdivider, and approved by the City Engineer or his designee and filed in the Office of the City Clerk on the 20th day of May 2005, for the above-mentioned improvements are hereby approved and adopted as the cost estimate, plans and specifications for such proposed improvements.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE

NOES-
ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California