

Brian Mulry

Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A SUBDIVISION IMPROVEMENT AGREEMENT WITH OAKMEDA MANAGEMENT, LLC, FOR DEFERRED CONSTRUCTION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS AS A CONDITION TO FINAL MAP APPROVAL FOR TRACT NO. 8393 LOCATED AT 4430, 4440, AND 4448 HOWE STREET, AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, Oakmeda Management, LLC, a California limited liability company (“Subdivider”), is subdividing the property at 4430, 4440, and 4448 Howe Street identified by the Alameda County Assessor as APNs 013-1128-018-00, 013-1128-019-00, and 013-1128-020-00, and by the Alameda County Clerk-Recorder as Tract No. 8393, and by the City of Oakland (“City”) as 4432 Howe Street; and

WHEREAS, the Subdivider has acquired by purchase for valuable consideration the real property comprising Tract No. 8393 through a grant deed, series no. 2018054216, recorded March 16, 2018, by the Alameda County Clerk-Recorder; and

WHEREAS, said parcel is comprised of all of lots 22 through 26, in block “R”, as said lots and block are shown on that certain map entitled “Map Of Thermal hill, Formerly The Howe Tract, Oakland Township, Alameda County, California,” filed for record on September 15, 1894 in Map Book 19, Page 52, Alameda County Records; and

WHEREAS, as part of the Project, the Subdivider specifically applied to the City of Oakland for a Tentative Tract Map (“TTM 8393”) to subdivide said parcel, which proposed:

- Subdivision of existing lots into seven (7) mini-lots accessed by a shared access and utility easement from Howe Street; and
- Construction and renovation of seven residential detached buildings; and

WHEREAS, on June 12, 2017, the City Planning Commission approved the Tentative Tract Map for Tract No. 8393 and the land use entitlements (“PLN17095”), and affirmed staff’s environmental determination that the project is exempt from the California Environmental Quality Act (“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 15301 (existing facilities); and

WHEREAS, the Subdivider has presented a Final Map to the City, identified as Tract Map No. 8393, which proposes the subdivision of seven (7) developable parcels, for seven (7) residential detached units development, identified as Lots 1, 2, 3, 4, 5, 6 and 7; and

WHEREAS, through a separate companion Resolution, staff is seeking conditional approval of Final Map No. 8393; and

WHEREAS, the Subdivider has employed a competent design professional, who is licensed by the State of California to practice civil engineering, to prepare plans and specifications for the construction of required surface and subsurface public infrastructure improvements in the public right of way and surface and subsurface improvements within private property common to subdivided lots known as private-public improvements; and

WHEREAS, the City Engineer has approved infrastructure permit number PX1800046 and the Subdivider's plans and specifications for construction of the required public infrastructure improvements, attached hereto as *Exhibit A* and incorporated herein; and

WHEREAS, pursuant to Government Code section 66462 and Oakland Municipal Code section 16.20.100, as a condition precedent to approval of the Final Map for Tract No. 8393, the Subdivider has executed a Subdivision Improvement Agreement ("SIA"), attached hereto as *Exhibit B* and incorporated herein, assuring the timely construction, unconditional warrantee, and prescribed maintenance of all required public infrastructure improvements; and

WHEREAS, pursuant to Government Code section 66499 et seq. and Oakland Municipal Code section 16.20.100, and as required by the SIA, the Subdivider has deposited adequate security in the form of surety bonds to secure the Subdivider's performance of the deferred public infrastructure improvements identified in the Subdivision Improvement Agreement; and

WHEREAS, this action is exempt from the requirements of 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; now, therefore, be it

RESOLVED: That the City Administrator or designee is hereby authorized to enter into an SIA with Oakmeda Management, LLC for deferred construction of public infrastructure improvements as a condition to final map approval for Tract No. 8393; and be it

FURTHER RESOLVED: That all documents related to this Resolution shall be reviewed and approved by the City Attorney's Office prior to execution; and be it

FURTHER RESOLVED: That the City Engineer is authorized to cause the fully executed SIA to be filed concurrently with the fully endorsed Final Map for Tract No. 8393 for recordation by the Alameda County Clerk-Recorder; and be it

FURTHER RESOLVED: That the City Council determines this action is exempt from the requirements of 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; and be it

FURTHER RESOLVED: That this Resolution shall be effective upon its adoption by a sufficient affirmative vote of the elected members of Council of the City of Oakland, as provided in the Charter of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Exhibit A, Final Tract Map No. 8393.

Exhibit B, Subdivision Improvement Agreement and Public Infrastructure Improvements.