

CITY OF OAKLAND

COUNCIL AGENDA REPORT

OFFICE OF THE CITY CLERK
OAKLAND

2004 APR 14 PM 1:32

TO: Office of the City Manager
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: April 27, 2004

RE: RESOLUTION APPROVING THE FINAL MAP OF TRACT 7464, A 100-LOT SUBDIVISION LOCATED AT MANDELA PARKWAY, OAKLAND, ALAMEDA COUNTY, CALIFORNIA, ACCEPTING OFFERS FOR DEDICATION CONTAINED THEREON AND AUTHORIZING THE SUPERINTENDENT OF STREETS TO ENTER INTO AN AGREEMENT WITH ETTIE STREET, LLC FOR IMPROVEMENTS TO BE CONSTRUCTED IN SAID SUBDIVISION; FIXING THE AMOUNT OF SECURITY TO GUARANTEE THE FAITHFUL PERFORMANCE OF SUCH AGREEMENT AND ADOPTING PLANS AND SPECIFICATIONS FOR SUCH IMPROVEMENTS.

SUMMARY

Approval of this resolution will facilitate the recordation of a final map of Tract 7464 creating 100 lots located between Ettie Street and Mandela Parkway north of 28th Street and will authorize the Director of Building Services to enter into a subdivision agreement with the subdivider of Tract 7464 to defer completion of required public improvements until after recordation of the final map. The Planning Commission has approved conditional use permit, variance and design review for a 91 unit new live/work project on this site. The subdivider of Tract 7464 has petitioned the City to allow deferral of completion of required subdivision improvements. The subdivider shall complete all work and improvements shown on the improvement plans entitled PX0300027 on file in the office of the Building Services Division on or before December 31, 2005. The subdivider has posted the improvement bonds and paid all necessary fees prior to the recordation of the final map.

Staff recommends that the City Council authorize the approval of the final map and allow the Director of Building Services to enter into an agreement with the subdivider for construction of the subdivision improvements as set forth in the approved plans and specifications, and to establish the amount of security required to guarantee completion of the improvements. This provision complies with Chapter 5 (Improvement Security) of the Subdivision Map Act.

FISCAL IMPACT

There is no fiscal impact if the City Council approves the resolution. The cost for the subdivision improvements and review fees were borne by the subdivider.

BACKGROUND

Tract 7464 is a 100-lot subdivision located between Ettie Street and Mandela Parkway north of 28th Street. The site is approximately 2.63 acres and is bounded by Mandela Parkway, Ettie Street, 28th Street and an existing live/work project. Tract 7464 shows 100 separate lots surrounded by common open space and landscaped areas and a circulation system with five private streets. Four of these streets

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are through streets. The subdivider has paid all the fees and posted subdivision bonds to insure completion of the required subdivision improvements and payment of labor and material suppliers. The subdivider shall complete all work and improvements for phase one shown on the improvement plans entitled PX0300027 on file in the office of the Building Services Division prior to temporary or final occupancy of lots 1 through 31 and lots 73 through 90. The subdivider shall complete all work and improvements for phase two shown on the improvement plans entitled PX0300027 on file in the office of the Building Services Division prior to temporary or final occupancy of lots 32 through 41 and lots 61 through 72. The subdivider shall complete all work and improvements for phase three shown on the improvement plans entitled PX0300027 on file in the office of the Building Services Division prior to temporary or final occupancy of lots 42 through 60 and lot 91. The subdivider shall complete all work and improvements shown on the improvement plans entitled PX0300027 on file in the office of the Building Services Division on or before December 31, 2005.

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.

Social Equity: The project will improve the aesthetics of the surrounding 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 Disability Act and City Standards along Mandela Parkway, Ettie Street, and 28th Street.

RECOMMENDATION AND RATIONALE

Since the subdivider has posted the required improvement security and paid 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

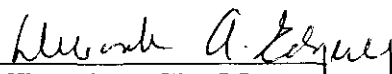
Respectfully submitted,



Claudia Cappio, Development Director,
Community and Economic Development Agency

Prepared by: Calvin N. Wong

APPROVED AND FORWARDED
TO THE COMMUNITY AND ECONOMIC
DEVELOPMENT AGENCY


Office of the City Manager

OAKLAND CITY COUNCIL

Guilherme Roderyn
City Attorney

RESOLUTION NO. 2004 APR 16 PM 1:32 C.M.S.

RESOLUTION APPROVING FINAL MAP OF TRACT 7464, A 100-LOT SUBDIVISION LOCATED AT MANDELA PARKWAY, OAKLAND, ALAMEDA COUNTY, CALIFORNIA, AND ACCEPTING OFFERS FOR DEDICATION CONTAINED THEREON AND AUTHORIZING THE SUPERINTENDENT OF STREETS TO ENTER INTO AN AGREEMENT WITH ETTIE STREET, LLC FOR IMPROVEMENTS TO BE CONSTRUCTED IN SAID SUBDIVISION; FIXING THE AMOUNT OF SECURITY TO GUARANTEE THE FAITHFUL PERFORMANCE OF SUCH AGREEMENT AND ADOPTING PLANS AND SPECIFICATIONS FOR SUCH IMPROVEMENTS.

WHEREAS, that certain map entitled "Tract 7464, Oakland, Alameda County, California", has been presented to the Council for its approval; and

WHEREAS, the City Planning Commission did on the 6th day of August 2003, approve a tentative map of said Tract 7464; and

WHEREAS, said proposed final map was referred to the Director of Building Services, who has been authorized to perform the functions of the Superintendent of Streets and Ex-officio City Engineer for the purpose of reviewing subdivision maps, and he has certified to this Council that said proposed final map is substantially the same as the tentative map approved by the City Council, and that said proposed final map complies with all of the provisions of the "Subdivision Map Act" and the local ordinances of the City of Oakland applicable thereto, and that said proposed final map is technically, correct; and

WHEREAS, the Subdivider, Ettie Street, LLC desires to postpone the completion of the improvements proposed to be constructed in said proposed subdivision to a time subsequent to the approval of the final map thereof; and

WHEREAS, the Subdivider, Ettie Street, LLC has executed an agreement with the City of Oakland, for the doing of said work and has deposited with the City Clerk a surety bond or other evidence of security in the amount of \$573,499.75 as a guarantee that the required local improvements will be constructed in accordance with the plans and specifications; and has deposited with the City Clerk an additional bond in the amount of \$286,749.88 securing payment to the contractor, its subcontractors and all persons renting equipment or furnishing labor and materials to them; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) of 1970, the guidelines as prescribed by the secretary of resources and the City's environmental review regulations have been satisfied in that the project is exempt pursuant to Section 15332 of the California Environmental Quality Act therefore; be it

RESOLVED: That the Council of the City of Oakland consents to the postponement of the completion of such improvements, and the Superintendent of Streets is hereby authorized and empowered to enter into an deferred subdivision agreement with the Subdivider for the construction within said proposed subdivision of those certain improvements set forth in the plans and specifications therefore. filed in the Office of the City Clerk on the 24th day of February 2004, said work to be completed on or before the 31st

day of December 2005, provided, however, the date for the completion of such improvements may be extended by the City Council upon recommendation of the Superintendent of Streets; and be it

FURTHER RESOLVED: That upon execution of the agreement referred to above, said final map be and the same is hereby approved; that the strips of land designated upon said final map and offered for dedication for public utility purposes, be and the same are hereby accepted: that the City Clerk is hereby authorized, empowered and directed to endorse the approval and acceptance thereof of this Council upon said final map; and be it

FURTHER RESOLVED: That the plans and specifications prepared by Creegan + D'Angelo, Consulting Civil and Structural Engineers for the Subdivider and approved by the City Engineer and filed in the office of the City Clerk on the 24th day of February 2004, for the above mentioned improvements are hereby approved and adopted as the plans and specifications for such proposed improvements; and be it

FURTHER RESOLVED: That the City Council finds and determines that this action complies with CEQA.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD

City Clerk and Clerk of the Council
of the City of Oakland, California

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**COMMUNITY & ECONOMIC
DEVELOPMENT CMTE**

APR 27 2004