

CITY OF OAKLAND
Agenda Report

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2004 OCT 13 PM 5:17

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Public Works Agency and Community and Economic Development Agency
DATE: October 26, 2004

RE: RESOLUTION AUTHORIZING THE DIRECTOR OF THE PUBLIC WORKS AGENCY TO ENTER INTO A SUBDIVISION AGREEMENT WITH DESILVA GROUP, INC. FOR CONSTRUCTION OF CERTAIN IMPROVEMENTS IN A REAL ESTATE SUBDIVISION ENTITLED "TRACT 7351", LEONA QUARRY PROJECT; APPROVING THE FINAL TRACT MAP NUMBERS 7351 AND 7493; 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 Director of the Public Works Agency to enter into a subdivision agreement with the subdivider of Tract 7351 and Tract 7493, located at 7100 Mountain Boulevard north of Edwards Avenue to defer completion of required public improvements until after recordation of the final map. The resolution requests the City Council to approve Tract Maps 7351 and 7493. The subdivider of Tracts 7351 and 7493, consisting of 404 residential units, has requested the City to allow deferral of completion of required 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 request is consistent with the provisions of the Subdivision Map Act, which governs the filing and recordation of final subdivision maps. Normally, public improvements for major subdivisions are either completed before the approval of the final map or deferred when the subdivider posts the appropriate security acceptable to the City.

The subdivider will be required to post the improvement security and will pay all the necessary fees prior to the recordation of the final maps. The improvement security (performance bond and labor and material bond) will guarantee the completion of the infrastructure improvements.

Staff recommends that the City Council authorize the Director of the Public Works Agency to enter into an agreement with the subdivider for construction of the public improvements as set forth in the approved plans and specifications, approve the Tract Maps 7351 and 7493, and to establish the amount of security required to guarantee completion of the improvements and 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. Approval of the Tract Maps and deferral of the completion of the infrastructure improvements will expedite construction of the residential buildings, promote development, and encourage home ownership within the City. The cost for the construction of the public improvements and fees will be borne by the subdivider.

BACKGROUND

The subdivider of Tracts 7351 and 7493 requested to defer the public improvements. Tracts 7351 and 7493 consist of 404 residential units located at 7100 Mountain Boulevard north of Edwards Avenue. The site is approximately 128 acres. Tracts 7351 and 7493 will provide home ownership opportunity to medium income households. The subdivider of Tracts 7351 and 7493 requested to defer the public improvements in order to expedite the starting date of the building construction. 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 the certificate of occupancy. The subdivider will be required to continue construction of the drainage related improvements to ensure that the erosion and sediment control measures for the project are operational as soon as possible. The subdivider will be required to pay all the fees and post subdivision bonds to insure completion of the required public improvements and payment to labor and material suppliers.

The condition of approval for the development requires that a Geologic Hazard Abatement District (GHAD) be fully operational and comply with certain conditions related to the project prior to the recordation of the final map. The subdivider will be required to comply with GHAD related conditions prior to recordation of the final maps.

KEY ISSUES

The Subdivision Map Act allows for completion of the public improvements after recordation of the final map provided the subdivider has entered into subdivision agreement with the City and posted the necessary security to assure completion of the work. There are no risks associated with deferring the completion of the improvements or approval of the final maps. The cost to complete the infrastructure improvements is estimated at \$8,167,584. The subdivider has posted the required performance bonds for eight million one hundred sixty-seven thousand five hundred eighty-four dollars (\$8,167,584) and labor and material bonds for four million eighty-three thousand seven hundred ninety-two dollars (\$4,083,792) to ensure completion of the infrastructure improvements and 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 Agreement will require completion of all public improvements for each phase of the project before issuance of certificate of occupancy. Since 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.
Interim Assistant Director, PWA

Prepared by:
Marcel Uzegbu
CIP Coordinator, PWA

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:


OFFICE OF THE CITY ADMINISTRATOR

OAKLAND CITY COUNCIL
RESOLUTION No. _____ C. M. S

Hee
FILED
OFFICE OF THE CITY CLERK
OAKLAND
2004 OCT 13 PM 5:17

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION AUTHORIZING THE DIRECTOR OF THE PUBLIC WORKS AGENCY TO ENTER INTO A SUBDIVISION AGREEMENT WITH DESILVA GROUP, INC. FOR CONSTRUCTION OF CERTAIN IMPROVEMENTS IN A REAL ESTATE SUBDIVISION ENTITLED "TRACT 7351", LEONA QUARRY PROJECT; APPROVING THE FINAL TRACT MAP NUMBERS 7351 AND 7493; 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, those certain maps entitled Tract Maps 7351 and 7493 are phases one and three of the Tract 7351; and

WHEREAS, said proposed final maps were referred to the Director of Building Services and City Engineer and he has certified to this Council that said proposed final map is substantially the same as the vesting tentative map approved by the City Planning Commission, 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, 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 required improvements for said proposed subdivision to a time subsequent to the recordation of the final map thereof; 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 Director of the Public Works Agency 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 October 8, 2004, said work to be completed on or before the 20th day of March, 2006; provided, however, the date for completion of such improvements may be extended by the City Council upon recommendation of the Director of Public Works Agency; and be it

FURTHER RESOLVED: That said final map is hereby approved; 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 Subdivider shall, at the time of the execution of said agreement, file with the City Clerk a surety bond, in the sum of eight million, one hundred sixty-seven thousand five hundred eighty-four dollars (\$8,167,584) 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 four million eighty three-thousand, seven hundred ninety-two dollars (\$4,083,792), 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 this Council will approve said proposed final map upon the execution of said subdivision agreement and filing of said surety bond or other security; 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 Director of the Public Works Agency and filed in the Office of the City Clerk on the 8th day of October 2004, for the above-mentioned improvements are hereby approved and adopted as the cost estimate, plans and specifications for such proposed improvements; and be it

FURTHER RESOLVED: That the Council finds and determines that this Resolution complies with CEQA, and the Environmental Review Officer is directed to cause to be filed a Notice of Determination with the appropriate agencies; and be it

FURTHER RESOLVED: That the recitals contained in this Resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004

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