



AGENDA REPORT

TO: Steven Falk
City Administrator

FROM: Ryan Russo
Director, DOT

SUBJECT: Tract No. 8464 Subdivision Map,
3245 and 3251 Hollis Street

DATE: March 26, 2020

City Administrator Approval

Date: 5-11-2020

RECOMMENDATION

Staff Recommends That The City Council Adopt:

A Resolution Conditionally Approving A Final Map For Tract No. 8464, Located At 3245 and 3251 Hollis Street For A Five Lot Subdivision For Timberline Fund II, LLC; And

A Resolution Authorizing The City Administrator Or Designee To Enter Into A Subdivision Improvement Agreement With Timberline Fund II, LLC For Deferred Construction Of Public Infrastructure Improvements As A Condition To Final Map Approval For Tract No. 8464 Located At 3245 and 3251 Hollis Street.

EXECUTIVE SUMMARY

Resolution conditionally approving the final subdivision map for Tract No. 8464 located at 3245 and 3251 Hollis Street is an administrative (ministerial) action by the City Council following the approved tentative tract map for the subdivision by the Planning Commission on August 10, 2018. Refer to **Exhibit A** to the Resolution for the Final Tract Map No. 8464.

Resolution authorizing the approval of the Subdivision Improvement Agreement 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.

Adopting the two resolutions will:

1. Authorize the City Engineer and City Clerk to execute the Final Subdivision Map for recordation with the Alameda County Clerk-Recorder; and
2. Authorize the City Administrator or designee to enter into the Subdivision Improvement Agreement (SIA) with Timberline Fund II, LLC, for deferred construction of public infrastructure improvements and utilities required to service the parcels.

BACKGROUND/ LEGISLATIVE HISTORY

Timberline Fund II, LLC (“Subdivider”) is the owner in fee title and subdivider of the five lot subdivision located at 3245 and 3251 Hollis Street and approved in Tentative Tract Map No. 8464.

On August 10, 2018, the City Planning Commission approved the Tentative Tract Map for Tract No. 8464 and related land use entitlements (permit number PLN18142), 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

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 once 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 signatures and statements, required licensures, etc. There is no alternative action or policy.

The controlling discretionary action by the City related to a subdivision map was at the Tentative Tract Map approval stage, when the Planning Commission approved the Tentative Tract Map. At that time, the Planning Commission’s approval was not appealed to the City Council and, as a result, became final. The purpose of submitting this Final Subdivision Map to City Council is only to ensure that the final map is in substantial compliance with the approved Tentative Tract Map and that the Council and the public remain informed about this development.

Approval of the SIA will enable the 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.

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 PX1900006) 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 to 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 for subdivision of one parcel located at 3245 and 3251 Hollis Street into five (5) parcels and construction of five (5) four-story buildings for a total of 10 residential condominium units.

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

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 Tract Map approval process and have been provided the statutorily required notice for consideration of the Final Subdivision Map.

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

CEQA

Approval of the final subdivision map is exempt from the California Environmental Quality Act (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 Resolutions:

1. Conditionally Approving A Final Map For Tract No. 8464, Located At 3245 and 3251 Hollis Street For A Five Lot Subdivision For Timberline Fund II, LLC; And
2. Authorizing The City Administrator Or Designee To Enter Into A Subdivision Improvement Agreement With Ivy Properties, LLC For Deferred Construction Of Public Infrastructure Improvements As A Condition To Final Map Approval For Tract No. 8464 Located At 3245 and 3251 Hollis Street

For questions regarding this report, please contact Chong Hong, Acting Supervising Civil Engineer at (510) 238-3892.

Respectfully submitted,



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