



# AGENDA REPORT

**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Fred Kelley, Director  
Oakland Department of  
Transportation

**SUBJECT:** Final Tract Map No. 8393 Subdivision Map  
4430, 4440, and 4448 Howe Street

**DATE:** September 25, 2023

City Administrator Approval

Date: Sep 26, 2023

## RECOMMENDATION

**Staff Recommends That The City Council Adopt The Following Pieces Of Legislation:**

**A Resolution Conditionally Approving A Final Map For Tract No. 8393, Located At 4430, 4440, And 4448 Howe Street, For A Seven Mini-lot Subdivision For Oakmeda Management, LLC, And Adopting Appropriate California Environmental Quality Act Findings; And**

**A 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.**

## EXECUTIVE SUMMARY

Adoption of the proposed resolution for the Final Tract Map No. 8393 would conditionally approve the Final Map for Tract No. 8393, located at 4430, 4440, and 4448 Howe Street, allowing for the creation of saleable lots and additional housing units in the City of Oakland (City). As set forth in the Subdivision Map Act, approval of the Final Map is a ministerial act performed by the City Council following the City Planning Commission approval of the Tentative Tract Map, which occurred on June 12, 2017, and a determination from the City Engineer that the Final Map substantially complies with the Tentative Tract Map approved by the Planning Commission. Refer to **Exhibit A** to the Resolution for the Final Tract Map No. 8393.

In addition, the adoption of the proposed Resolution approving the Subdivision Improvement Agreement (SIA) for deferred construction of public infrastructure improvements would assure that required public infrastructure improvements are completed and accepted by the City prior to occupancy. Refer to **Exhibit B** to the Resolution for the SIA.

## **BACKGROUND / LEGISLATIVE HISTORY**

Oakmeda Management, LLC (“Subdivider”) owns the fee title of the property subject to the proposed seven mini-lot subdivisions located at 4432 Howe Street and shown in Tentative Tract Map No. 8393.

On June 12, 2017, the City Planning Commission approved the Tentative Tract Map for Tract No. 8393 and related land use entitlements (permit number PLN17095), 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 15301 (existing facilities).

## **ANALYSIS AND POLICY ALTERNATIVES**

As set forth in the Subdivision Map Act (California Government Code section 66462), approval of a Final Map is a ministerial and mandatory action by the City Council once the City Engineer has determined that the Final Map substantially complies with the previously approved Tentative Tract 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 that the City Council can make if the Final Map substantially complies with the Tentative Tract Map.

The controlling discretionary action by the City related to a Final 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 discretionary approval was not appealed to the City Council and, as a result, became final. The purpose of submitting this Final Map to City Council for approval is to confirm that the Final Map substantially complies with the approved Tentative Tract Map, to present the SIA for approval to ensure public improvements are secured and constructed, and that the City 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.

The Subdivision Map Act (California Government Code section 66462) authorizes the City to enter into an SIA with the Subdivider as a condition of Final Map approval if, at the time of the approval, the required public improvements have not been completed and accepted. The SIA will guarantee the construction of public infrastructure improvements and private access roadway and utilities required to service the parcels.

### ***Consistent with the Subdivision Map Act, the SIA contains the following:***

1. Construction of surface and subsurface infrastructure improvements (permit number PX1800046) 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. Ensuring a two (2) year warranty period following completion of the infrastructure construction;
6. Providing adequate security (25% of construction cost) to maintain the infrastructure during the warranty period.

The City Engineer has determined that the Final Map substantially complies with the approved Tentative Tract Map and recommends that the Council approve the Final Map and enter into the SIA, which is attached as **Exhibit B** to the Resolution.

Approving the Final Map and entering into the SIA support the Citywide priority of **housing, economic, and cultural security** by advancing the development of housing units in the City. These actions also help create vibrant, sustainable infrastructure by ensuring that the public infrastructure associated with the project is implemented according to City standards and ready to accommodate additional development prior to occupancy. Finally, the proposed resolutions support the Citywide priority of **responsive, trustworthy government** by continuing to fulfill the City's legal obligations toward the developer, set out in the Tentative Tract Map approved in 2017.

### **FISCAL IMPACT**

There is no fiscal impact to the City associated with these proposed resolutions. Staff costs for processing the proposed Final Subdivision Map and SIA are covered by the permit processing fees set by the Master Fee Schedule and paid 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 public notice for consideration of the Final Subdivision Map.

### **COORDINATION**

The Office of the City Attorney has reviewed the Resolutions for form and legality, and the Budget Bureau has reviewed this Agenda Report.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** Through this proposed development, the newly created subdivision will provide additional housing in the City and increase homeownership opportunities. The mini-lot development approach will likely make the units more affordable due to the smaller lot sizes.

**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. The seven new buildings are also subject to compliance with Green Building Requirements designed to increase the environmental and health performance of new development. Finally, subdividing parcels helps increase infill development, which typically carries fewer adverse environmental impacts than suburban development and helps reduce vehicle miles traveled.

***Race & Equity:*** The housing projects supported by the two resolutions add housing units in one of the City's lowest priority neighborhoods, per the OakDOT Racial Equity Priority Neighborhoods Map. The Racial Equity Priority Neighborhoods Map gives each census tract in the City a level of priority between lowest and highest determined by seven demographic factors. In the City, lowest priority neighborhoods tend to have fewer people of color, low-income households, people with disability, seniors, single-parent households, severely rent-burdened households, and higher educational attainment. Increasing housing density in relatively well-resourced and advantaged communities increases access to opportunities for some Oaklanders.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Approval of the Final Map is exempt from 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 15301 (existing facilities), 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 The Following Pieces Of Legislation

1. A Resolution Conditionally Approving A Final Map For Tract No. 8393, Located At 4430, 4440, and 4448 Howe Street For A Seven Mini-lot Subdivision For Oakmeda Management, LLC, And Adopting Appropriate California Environmental Quality Act Findings; And
2. A 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.

For questions regarding this report, please contact Ishrat Jahan, Supervising Civil Engineer, at 510-238-7281.

Respectfully submitted,

*Fred Kelley*

Fred Kelley (Sep 26, 2023 11:28 PDT)

FRED KELLEY

Director, Department of Transportation

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