



# AGENDA REPORT

**TO:** Steven Falk  
City Administrator

**FROM:** Ryan Russo  
Director, DOT

**SUBJECT:** Unconditional Certificate of  
Completion for 4901 Broadway  
Final Map 8185

**DATE:** March 31, 2020

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City Administrator Approval

Date: 5-11-2020

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## RECOMMENDATION

**Staff Recommends That The City Council Approve A Resolution Accepting The Work And Directing The Filing Of the Unconditional Certificate Of Completion For The 4901 Broadway Final Map 8185 Offsite Improvements Per The Amended And Reinstated Subdivision Improvement Agreement For Deferred Construction of Public Improvements Dated April 5, 2016.**

## EXECUTIVE SUMMARY

This resolution authorizes the City Engineer to accept the completed public improvements in the right-of-way, issue an Unconditional Certificate of Completion (UCC) in accordance with the requirements stated in the approved Reinstated Subdivision Improvement Agreement for Deferred Construction of Public Improvements (Agreement), and file the UCC with the Alameda County Recorder's Office. At the developer's expense, a maintenance bond, or approved securities, was required by the Agreement. The improvements were completed on November 5, 2018 and the one (1) year maintenance period ended on November 5, 2019.

The Draft UCC is attached to the Resolution as **Exhibit A**, the Improvement Plan Cover Sheet is attached as **Exhibit B** and the approved Agreement is attached as **Exhibit C**.

## BACKGROUND / LEGISLATIVE HISTORY

The 4901 Broadway project site is for five developable lots of a mixed use multi-family development approved by the City as part of a Planned Unit Development. The City Council by resolution No. 85812 C.M.S. approved Tract Map 8185, a merger and resubdivision to create 5 developable lots in furtherance of a mixed use multi-family development previously approved by the City pursuant to application no. PLN14248 and Final Planned unit Development Permit PUDF06. The project includes construction of a new five-story building with 126 dwelling units with ground floor commercial fronting along Broadway. An additional four townhouse style

residential units were constructed along Desmond Street for a total of 130 residential units. The existing vacant buildings were demolished.

### **ANALYSIS AND POLICY ALTERNATIVES**

US TP SRM Temescal, LLC, a California limited liability company (“Subdivider”), entered into an Agreement with the City for construction of the offsite public improvements at 4901 Broadway and for Final Map 8185 on April 5, 2016. Improvements included, but were not limited to, demolition and reconstruction of new sidewalk, driveways, asphalt paving, storm drainage, sanitary sewer, utilities, striping, signage, street trees and irrigation.

The Subdivider completed the public improvements under the approved permit (permit number PX1500014) on November 5, 2018. As required by the Agreement, and as approved by Subdivider, a Maintenance Bond was retained in the amount of \$66,250.00, one-quarter of the public infrastructure Performance Bond, as the security for repair or reconstruction of any defect.

Upon adoption of this Resolution and in accordance with the requirements stated in the Agreement, the City Engineer will issue the UCC to the Subdivider and record the UCC with the Alameda County Clerk-Recorder Office.

### **FISCAL IMPACT**

The cost to process the bond is established by the Master Fee Schedule and was paid for by the Subdivider. Maintenance of public improvements after the final acceptance are the responsibility of Department of Transportation under on-going operations and maintenance.

### **PUBLIC OUTREACH / INTEREST**

Adjoining property owners were notified of the project at the time when the Tentative Subdivision Map was approved and later during the construction of public improvements.

### **COORDINATION**

The permit application was coordinated with Planning and Building Department, Budget Bureau and the Office of the City Attorney. The Office of the City Attorney has reviewed the resolution for form and legality, and the Controller’s Bureau has reviewed this agenda report.

### **SUSTAINABLE OPPORTUNITIES**

***Economic*** – The development and associated public infrastructure improvements at 4901 Broadway provide economic vitality in the City.

**Environmental** – Land use approval and construction permits for public infrastructures and private improvements comply with City ordinances and best management practices for noise, fugitive dust, construction debris and disposal, and storm water pollutant prevention.

**Race and Equity** – The development provides housing opportunities and commercial space to the community. This development was approved by Planning Department and includes new housing.

**CEQA**

This action is exempt from the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines because the City’s acceptance of the completed improvements is a ministerial action that is exempt from the requirements of CEQA pursuant to Public Resources Code section 21080(b)(1) and CEQA Guidelines section 15268.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Approve A Resolution Accepting The Work And Directing The Filing Of the Unconditional Certificate Of Completion For The 4901 Broadway Final Map 8185 Offsite Improvements Per The Amended And Reinstated Subdivision Improvement Agreement For Deferred Construction of Public Improvements Dated April 5, 2016.

For questions regarding this report, please contact Joseph Grassick, Acting Engineering Design and Right-of-Way Supervisor at (510) 238-6203.

Respectfully submitted,



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RYAN RUSSO  
Director, Department of Transportation

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