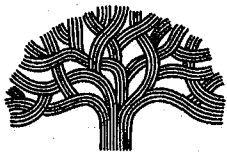


2017 MAR -2 PM 1:45



CITY OF OAKLAND

## AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Jeff Tumlin  
Interim Director  
Department of Transportation

**SUBJECT:** Unconditional Certificate of Completion  
For Subdivision At 2847 Peralta Street

**DATE:** February 1, 2017

City Administrator Approval

Date: 3/1/17

### RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Accepting Completed Public Improvements In The Right-Of-Way At 2847 Peralta Street Per Subdivision Improvement Agreement Dated October 16, 2012 And Directing The Filing Of The Unconditional Certificate Of Completion For The Subdivision.**

### 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 Subdivision Improvement Agreement (SIA) for 2847 Peralta Street, and file the UCC with the Alameda County Recorder's Office. At the developer's expense, a maintenance time frame of one (1) year and a maintenance bond, or approved securities, are required by the SIA commencing on the date that Certificate of Completion is issued.

Draft UCC is attached to the Resolution as **Exhibit A** and the approved Subdivision Improvement Agreement is attached to the Resolution as **Exhibit B**.

### BACKGROUND/ LEGISLATIVE HISTORY

Peralta Street, LLC, a California limited liability company ("Subdivider"), entered into a Subdivision Improvement Agreement with the City for construction of public improvements in the right-of-way at 2847 Peralta Street, Parcel Map 10032, on October 16, 2012. Subdivider completed the public improvements under the approved permit (permit number PX1200074) and the work was accepted by the City. As required by the SIA, Subdivider is ready to post a maintenance bond, or approved securities, in the amount of \$56,118 (one-quarter of the public infrastructure Performance Bond) for repair or construction of any defect prior to City Engineer's final acceptance.

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Public Works  
Committee  
March 14, 2017

## **ANALYSIS AND POLICY ALTERNATIVES**

Upon adoption of this Resolution and in accordance with the requirements stated in the SIA, the City Engineer will issue the UCC to the Subdivider after receiving the required maintenance bond, or approved securities, 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 will be paid for by the Subdivider. Maintenance of public improvements after the final acceptance will be the responsibility of Public Works 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 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 parcels created in this subdivision are located at 2847 Peralta Street and 2850 Hannah Street and improvements within these parcels include an open space community garden with access to fresh produce and a four-story residential building with 90 residential units and a commercial space at ground floor. The improvements 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.

**Social Equity:** The development provides housing opportunities and open space community garden accessible to the community. This development was approved by Planning Department as a market rate project prior to requirements for affordable housing impact fees.

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**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 Adopt A Resolution Accepting Completed Public Improvements In The Right-Of-Way At 2847 Peralta Street Per Subdivision Improvement Agreement Dated October 16, 2012 And Directing The Filing Of The Unconditional Certificate Of Completion For The Subdivision.

For questions regarding this report, please contact Kevin Kashi, Engineering Design and Right-of-way at 510-238-7116.

Respectfully submitted,

  
JEFF TUMLIN, Interim Director  
Department of Transportation

Reviewed by:  
Wladimir Wlassowsky, Interim Assistant Director  
Transportation Services Division

Reviewed by:  
Ade Oluwasogo, P.E., Acting Engineering  
Division Manager, Department of  
Transportation

Prepared by:  
Kevin Kashi, P.E. Supervising Civil Engineer  
Department of Transportation

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Public Works  
Committee  
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OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

**RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS IN THE RIGHT OF WAY AT 2847 PERALTA STREET PER SUBDIVISION IMPROVEMENT AGREEMENT DATED OCTOBER 16, 2012 AND DIRECTING THE FILING OF THE UNCONDITIONAL CERTIFICATE OF COMPLETION FOR THE SUBDIVISION**

**WHEREAS**, on October 16, 2012, Peralta Street, LLC, a California limited liability company (“Subdivider”) and the City of Oakland, a California municipal corporation, entered into a Subdivision Improvement Agreement (SIA) for 2847 Peralta Street (Parcel Map 10032); and

**WHEREAS**, the Subdivider obtained construction permit PX1200074 for the public infrastructure work identified in the SIA; and

**WHEREAS**, the public improvements required by the SIA for 2847 Peralta Street (Parcel Map 10032) were completed, inspected and approved by the City on October 11, 2013, and are ready for acceptance; and

**WHEREAS**, on October 25, 2013, the City released the Performance Bond in the amount of \$224,472 and the Labor and Materials Bond in the amount of \$112,236 that were posted for the construction of public infrastructure under permit PX1200074; and

**WHEREAS**, the SIA specifies that the public improvements shall not be deemed complete until the public infrastructure permit has been finalized and an unconditional Certificate of Completion has been issued by the City Engineer; and

**WHEREAS**, the SIA further requires that the one (1) year maintenance period commences on the date the unconditional Certificate of Completion is issued; and be it

**RESOLVED**: That the public improvements required by the SIA for 2847 Peralta Street (Parcel Map 10032) are hereby accepted as complete; and be it

**FURTHER RESOLVED**: That the one (1) year warranty period for all public improvements shall start on the date of the adoption of this Resolution, and that same date shall be the date that the unconditional Certificate of Completion is issued; and be it

**FURTHER RESOLVED:** That the Subdivider shall submit a maintenance bond, or alternate approved security, in the amount of \$56,118 to the Office of the City Engineer prior to filing the unconditional Certificate of Completion; and be it

**FURTHER RESOLVED:** That the hereinabove conditions shall be binding upon the Subdivider and its successors or assigns, affiliated companies or corporations, parent companies or corporations, or partners; and be it

**FURTHER RESOLVED:** That upon receipt of the maintenance surety for the one (1) year maintenance period, the City Engineer is hereby authorized to execute the unconditional Certificate of Completion, and directed to file the completed unconditional Certificate of Completion with the Alameda County Recorder.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON McELHANEY, GUILLÉN, KALB, KAPLAN AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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

Attachment A: Unconditional Certificate of Completion (sample)

Attachment B: Subdivision Improvement Agreement (SIA)

Attachment A  
Unconditional Certificate of Completion (sample)

No Fee Document Pursuant To Government Code Section 6103

Recording requested by:

**CITY OF OAKLAND**

When recorded mail to:

City of Oakland  
Department of Transportation  
Engineering Services  
Dalziel Admin. Building  
250 Ogawa Plaza – 4<sup>th</sup> Floor  
Oakland, CA 94612  
Attn: City Engineer

----- space above for Recorder's use only -----

City of Oakland Department of Transportation  
Engineering Services  
250 Frank H. Ogawa Plaza – 4th floor  
Oakland, California 94612

**UNCONDITIONAL CERTIFICATE OF COMPLETION**

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is an owner of an interest of estate in the hereinafter described real property, the nature of which interest or estate is: **fee simple**.
2. On October 25, 2013, there was completed upon the hereinafter described real property a work of improvement as a whole and described as follows: **2847 Peralta Street Subdivision Public Improvements**
3. The real property herein referred to is situated in the City of Oakland, County of Alameda, State of California, and described as follows: **Peralta Street, Helen Street and Hannah Street**
4. The street address of the property is: **2847 Peralta Street, Oakland, CA**

By: \_\_\_\_\_  
*Owner's Authorized Agent's Signature – Sign Before Notary*

By: \_\_\_\_\_  
*City of Oakland Interim Assistant Director, Wladimir Wlassowsky*

**Attachment B**  
**Subdivision Improvement Agreement (SIA)**