

  
Office of the City Attorney

# OAKLAND CITY COUNCIL

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

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**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**

**WHEREAS**, Timberline Fund II, LLC, a California limited liability company (“Subdivider”), is the subdivider of five (5) parcels identified by the Alameda County Assessor as APN 007-0594-008, 007-0594-009, and by the Alameda County Clerk-Recorder as Tract No. 8464, and by the City of Oakland as 3245 and 3251 Hollis Street; and

**WHEREAS**, the Subdivider has acquired by purchase for valuable consideration the real property comprising Tract No. 8464 through a grant deed, series no. 2019131305, recorded July 10, 2019, by the Alameda County Clerk-Recorder; and

**WHEREAS**, said parcel is comprised of a portion of a merger and re-subdivision of subdivision “A” of Lot 8, Block 791, together with subdivisions “C” & “D” of Lot 9, Block 791, filed in Book 6 of Maps, at Page 13, Alameda County Records; and

**WHEREAS**, the Subdivider applied to the City of Oakland for a Tentative Tract Map (TTM 8464) to subdivide said platted land, which proposed:

- Subdivision of existing lot into five (5) lots accessed by a shared access and utility easement from Hollis Street; and
- Construction of five four-story buildings for a total of ten residential condominium units, each with its own off-street parking space; and

**WHEREAS**, on August 10, 2018, the City Planning Commission approved the Tentative Tract Map for Tract No. 8464 and the land use entitlements (PLN18142), and affirmed staff’s environmental determination that the project is exempt from CEQA pursuant to CEQA Guidelines sections 15183 (projects consistent with a community plan, general plan or zoning) and 15332 (infill project); and

**WHEREAS**, the Subdivider has presented a Final Map to the City, identified as Tract Map No. 8464, which proposes the subdivision of five (5) developable parcels, for ten (10) residential condominium units development, identified as Lots 1, 2, 3, 4, and 5; and

**WHEREAS**, through a separate companion Resolution, staff is seeking conditional approval of Final Map No. 8464; and

**WHEREAS**, the Subdivider has employed a competent design professional, who is licensed by the State of California to practice civil engineering, to prepare plans and specifications for the construction of required surface and subsurface public infrastructure improvements in the public right of way and surface and subsurface improvements within private property common to subdivided lots known as private-public improvements; and

**WHEREAS**, the City Engineer has approved infrastructure permit number PX1900006 and the Subdivider's plans and specifications for construction of the required public infrastructure improvements, attached hereto as **Exhibit A** and incorporated herein; and

**WHEREAS**, pursuant to Government Code section 66462 and Oakland Municipal Code section 16.20.100, as a condition precedent to approval of the Final Map for Tract No. 8464, the Subdivider has executed a Subdivision Improvement Agreement, attached hereto as **Exhibit B** and incorporated herein, assuring the timely construction, unconditional warrantee, and prescribed maintenance of all required public infrastructure improvements; and

**WHEREAS**, pursuant to Government Code section 66499 et seq. and Oakland Municipal Code section 16.20.100, and as required by the Subdivision Improvement Agreement, the Subdivider has deposited adequate security in the form of surety bonds to secure the Subdivider's performance of the deferred public infrastructure improvements identified in the Subdivision Improvement Agreement; and

**WHEREAS**, this action is exempt from the requirements of 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; now, therefore, be it

**RESOLVED:** That the City Administrator or designee is hereby authorized 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; and be it

**FURTHER RESOLVED:** That all documents related to this Resolution shall be reviewed and approved by the City Attorney's prior to execution; and be it

**FURTHER RESOLVED:** That the City Engineer is authorized to cause the fully executed Subdivision Improvement Agreement to be filed concurrently with the fully endorsed Final Map for Tract No. 8464 for recordation by the Alameda County Clerk-Recorder; and be it

**FURTHER RESOLVED:** That this Resolution shall be effective upon its adoption by a sufficient affirmative votes of the elected members of Council of the City of Oakland, as provided in the Charter of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES – FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO  
AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

*Exhibit A:* Final Tract Map No. 8464.

*Exhibit B:* Subdivision Improvement Agreement and Public Infrastructure Improvements.