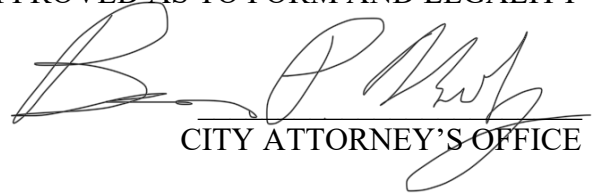


APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A SUBDIVISION IMPROVEMENT AGREEMENT WITH 4035 PARK BOULEVARD, LLC FOR DEFERRED CONSTRUCTION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS AS A CONDITION TO FINAL MAP APPROVAL FOR TRACT NO. 8679 LOCATED AT 4035 PARK BOULEVARD, AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, 4035 PARK BOULEVARD, LLC, a California limited liability company (“Subdivider”), is subdividing the property at 4035 Park Boulevard identified by the Alameda County Assessor as APN 024-0533-007 and by the City of Oakland (“City”) as 4035 Park Boulevard; and

**WHEREAS**, the Subdivider has acquired by purchase for valuable consideration the real property comprising Tract No. 8679 through a grant deed, series No. 2023055147, recorded May 16, 2023, by the Alameda County Clerk-Recorder; and

**WHEREAS**, said parcel is comprised of all of lots 7 and 8, in block “A”, as said lots and block are shown on that certain map entitled “Fourth Avenue Terrace” filed for record on May 8, 1907, in Map Book 22, Page 93, Alameda County Records; and

**WHEREAS**, the Subdivider specifically applied to the City for a Vesting Tentative Tract Map (“VTTM 8679”) to subdivide said parcel, which proposed:

- Subdivision of existing lot into eight (8) mini-lots accessed by a shared access and utility easement from Hampel Street; and
- Construction and renovation of eight residential detached buildings; and

**WHEREAS**, on March 6, 2024, the City Planning Commission approved the Vesting Tentative Tract Map for Tract No. 8679 and the land use entitlements (“PLN23019”), and affirmed staff’s environmental determination that the project 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; and

**WHEREAS**, the City's approval of a final subdivision map is exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 21080(b)(1) (ministerial projects) and 15268 (ministerial projects); now, therefore, be it

**WHEREAS**, the Subdivider has presented a Final Map to the City, identified as Tract Map No. 8679, which proposes the subdivision of eight (8) developable parcels, for eight (8) residential buildings, identified as Lots 1, 2, 3, 4, 5, 6, 7, and 8; and

**WHEREAS**, through a separate companion Resolution, staff is seeking conditional approval of Final Map No. 8679, delineated diagrammatically in ***Exhibit A*** attached hereto and incorporated herein; 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

**WHEREAS**, the City Engineer has approved Infrastructure Permit No. PX2400011, and the Subdivider's plans and specifications for construction of the required public infrastructure improvements and infrastructure within private property common to subdivided lots known as private-public improvements; 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. 8679, the Subdivider has executed a Subdivision Improvement Agreement ("SIA"), 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 SIA, 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, therefore, be it

**RESOLVED:** That the City Administrator or designee is hereby authorized to enter into an SIA with 4035 PARK BOULEVARD, LLC for deferred construction of public infrastructure improvements as a condition to final map approval for Tract No. 8679; and be it

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

**FURTHER RESOLVED:** That the City Engineer is authorized to cause the fully executed SIA to be filed concurrently with the fully endorsed Final Map for Tract No. 8679 for recordation by the Alameda County Clerk-Recorder; and be it

**FURTHER RESOLVED:** That the City Council determines that the project was already found to be 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, and that the SIA simply requires delivery of the project's improvements as approved. In addition, the City's approval of a final subdivision map is exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 21080(b)(1) (ministerial projects) and 15268 (ministerial projects); now, therefore, be it

**FURTHER RESOLVED:** That this Resolution shall be effective upon its adoption by a sufficient affirmative vote 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,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND  
PRESIDENT PRO TEMPORE GALLO

NOES –

ABSENT – COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to Charter Section 303)

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

***Exhibit A: Final Tract Map No. 8679***

***Exhibit B: Subdivision Improvement Agreement***