

2025 JUN 12 PM 2:05

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 90777 C.M.S.

---

**RESOLUTION ACCEPTING PUBLIC INFRASTRUCTURE IMPROVEMENTS, DIRECTING THE FILING OF AN UNCONDITIONAL CERTIFICATE OF COMPLETION (UCC) FOR THE BROOKLYN BASIN PHASE TWO IMPROVEMENTS PER THE SUBDIVISION IMPROVEMENT AGREEMENT ("SIA") FOR DEFERRED CONSTRUCTION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS, AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") FINDINGS.**

**WHEREAS**, on April 18, 2017, Zarsion-OHP 1, LLC, a California limited liability company ("Developer") and the City of Oakland, a California municipal corporation ("City"), entered into a Subdivision Improvement Agreement ("SIA") for Deferred Construction of Public Infrastructure Improvements recorded in the Official Records of Alameda County as Series No. 2017121182 for Brooklyn Basin Embarcadero Phase Two related to Tract Map No. 8395, filed July 19, 2017 in Book 349 of Maps, pages 4 through 8, inclusive, Alameda County Records; and

**WHEREAS**, the Developer obtained construction permit PX1600019 for the public infrastructure work identified in the SIA and provided surety in the form of a Performance Bond in the amount of \$1,490,141.00 and Labor and Materials Bond in the amount of \$745,070.50; and

**WHEREAS**, on December 26, 2019, the Developer had completed approximately eighty percent (80%) of the work associated with the subject permit in accordance with the SIA, and at that time, the City authorized the partial release of the Faithful Performance and Labor and Materials Bonds by 80%, retaining 20%—amounting to \$298,029.20 for the Performance Bond and \$149,014.10 for the Labor and Materials Bond—for deferred improvements; and

**WHEREAS**, the public improvements required by the SIA have now been completed, inspected and approved by the City; and

**WHEREAS**, the SIA requires that a two (2) year maintenance period commence upon the City Engineer filing the Unconditional Certificate of Completion ("UCC") with the Alameda County Recorder's Office; and

**WHEREAS**, the City will retain a Maintenance Bond of \$372,535.25, equivalent to one-quarter of the Performance Bond, for the two year-maintenance period; and

**WHEREAS**, the Developer has provided a surety bond for the two-year maintenance period; and

**WHEREAS**, the City will release the remaining retained amounts of the Performance Bond, and the Labor and Materials Bond for the public infrastructure construction under permit PX1600019; upon executing and recording the UCC; and

**WHEREAS**, acceptance of public infrastructure and issuance of a UCC is a ministerial action that is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code section 21080 (b)(1) and CEQA Guidelines section 15268 (Ministerial Projects); and

**WHEREAS**, in addition, this action complies with CEQA because the improvements in question were approved as part of the entitlements for the Brooklyn Basin Project, which was analyzed under the 2009 Brooklyn Basin (formerly "Oak to Ninth Avenue Project") Environmental Impact Report (2009 EIR), and this action implements the previously approved entitlements that were analyzed under the 2009 EIR; and

**WHEREAS**, there are no circumstances pursuant to CEQA Guidelines sections 15162 or 15164 that would necessitate further environmental review; and therefore, be it

**RESOLVED:** That the City Engineer is hereby authorized to execute the UCC and is directed to file the completed UCC with the Alameda County Recorder as denoted in **Exhibit A**; and be it

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

**FURTHER RESOLVED:** That the Council finds and determines that this action is exempt from CEQA pursuant to Public Resources Code section 21080 (b)(1) and CEQA Guidelines section 15268 (Ministerial Projects); and be it

**FURTHER RESOLVED:** That this action also complies with CEQA because the improvements in question were approved as part of the entitlements for the Brooklyn Basin Project, which was analyzed under the 2009 Brooklyn Basin (formerly "Oak to Ninth Avenue Project") Environmental Impact Report (2009 EIR), and this action implements the previously approved entitlements that were analyzed under the 2009 EIR. As such, there are no circumstances pursuant to CEQA Guidelines sections 15162 or 15164 that would necessitate further environmental review; and 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,

JUL 1 2025

PASSED BY THE FOLLOWING VOTE:

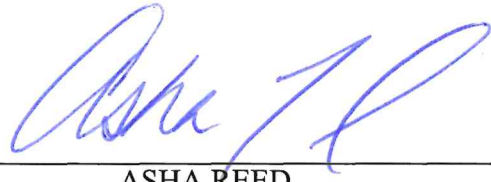
AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG AND  
PRESIDENT JENKINS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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

*Exhibit A: Draft Unconditional Certificate of Completion ("UCC")*

**EXHIBIT A – DRAFT UNCONDITIONAL CERTIFICATE OF COMPLETION**

**RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:**

**City of Oakland  
Department of Transportation  
Engineering Services  
Dalziel Admin. Building  
250 Frank H. Ogawa Plaza – 4<sup>th</sup> Floor  
Oakland, CA 94612  
Attn: Ishrat Jahan, P.E.  
Supervising Civil Engineer**

This document is exempt from payment of  
a recording fee pursuant to California  
Government Code section 27383.

Index – Notice of Completion

*space above for Recorder's use only*

**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. The full name and address of the undersigned owner and of any and all co-owners are:

Name	Street and No.	City	State
City of Oakland	250 Frank H. Ogawa Plaza, 4 <sup>th</sup> Fl.	Oakland	CA
3. On June 3, 2025, there was completed upon the hereinafter described real property a work of improvement as a whole and described as follows: **Brooklyn Basin Embarcadero Phase Two Offsite Improvements City Permit Number PX1600019.**
4. The real property herein referred to is situated in the City of Oakland, County of Alameda, State of California, and described as follows: **Embarcadero from the Lake Merritt Channel Bridge to the end of the Intersection of 9<sup>th</sup> Avenue and Embarcadero.**
5. The street address of the property is: **845 Embarcadero, Oakland, CA**
6. That certain Subdivision Improvement Agreement ("SIA") for Deferred Construction of Public Infrastructure Improvements dated April 18, 2017, entered into by and between Zarsion-OHP 1, LLC, and the City of Oakland, and recorded June 5, 2017, in the Official Records of Alameda County as document number 2017121182, shall terminate as of approximately June 3, 2027 after completion of the two (2) year maintenance period.

By: \_\_\_\_\_

\_\_\_\_\_, City Engineer, City of Oakland  
Print Name