

**CITY OF OAKLAND**  
**AGENDA REPORT**

OFFICE OF THE CITY ADMINISTRATOR

2007 JUL 19 PM 5:30

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: July 17, 2007

**RE: Resolution of local support authorizing the filing of an application for Federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) funding of an amount up to two million dollars (\$2,000,000) for the Fruitvale Alive Streetscape Improvement Project, accepting and committing two hundred twenty-nine thousand four hundred dollars (\$229,400) in matching funds from the redevelopment agency under the cooperation agreement, and affirming the City's intention to finalize the design/engineering drawings and implement the project; and,**

**An Agency resolution appropriating two hundred twenty-nine thousand four hundred dollars (\$229,400) of Central City East Redevelopment and Coliseum Redevelopment project funds as matching funds for a Metropolitan Transportation Commission capital grant to the City of Oakland under the cooperation agreement to fund the Fruitvale Alive Streetscape project**

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**SUMMARY**

This item is a request for the City Council to adopt a resolution of support, as required by the Metropolitan Transportation Commission (MTC) and the State review application process, to qualify the City for up to \$2M of capital funds recommended by MTC for the Fruitvale Alive Streetscape Project. The resolution of support is necessary for the Fruitvale Alive Streetscape project to be included as an amendment to the 2007 State Transportation Improvement Project list. Upon approval in October, it will enable the City to schedule the required Caltrans field review process and initialize final construction documents and federal NEPA review in order to be fully completed by the March 1, 2009 deadline established by the State as a condition of grant funding.

The resolution specifically authorizes the City to file an application for up to \$2M from Federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) funds, commits the City to the minimum 11.47% local match based on the final project award, and affirms the City's intention to complete the Fruitvale Alive Streetscape project. The adoption of this resolution represents an urgent action to secure needed outside project funding for improving pedestrian safety, traffic and streetscape amenities for a vital City corridor.

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## **FISCAL IMPACT**

Once formally approved in October 2007, MTC will commit up to \$2,000,000 of funds toward the construction of the Fruitvale Alive Streetscape Project. The MTC Transportation for Livable Communities (TLC) program requires a minimum local matching grant of 11.47% of the grant award or \$229,400 for the full amount pending. MTC recommends that local matches also be used for developing 100% construction drawings and NEPA review. Final construction documents will be due to Caltrans Local Assistance Office by March 1, 2009.

Redevelopment staff programmed \$4M for FY 2007-09 in agency tax-increment financed bond funds in the Central City East redevelopment area toward streetscape improvements for Fruitvale Avenue and Foothill Boulevard (Fund 9540, Organization 88699, Project S233372, Program 0000). Staff has also identified available funds in the Coliseum redevelopment area (Fund 9540, Organization 88659, Project S82600, Program 000) that can be applied towards the westernmost gateway end of Fruitvale Avenue. The portion of redevelopment funds programmed for Fruitvale Avenue qualifies as a local match and the specific amount of required match will be appropriated under a separate project number to be established. While the MTC grant is 30% less than the amount staff initially requested, staff believes the proposed project is feasible if phased or if other funds can be leveraged. Staff already expects to utilize other matching funds for implementing specific project components including set-aside CIP funds, committed PayGo funds (District IV and V), and PWA bicycle infrastructure grant funds in addition to further redevelopment appropriations as available. Overall, the MTC grant will provide an excellent opportunity for the City to leverage other potential matching funds allowing the fullest build-out of the project.

## **BACKGROUND**

City Neighborhood Commercial Revitalization staff submitted an application for an MTC Transportation for Livable Communities (TLC) capital grant for the Fruitvale Alive Project in June 2006 based on traffic analysis and concept designs generated by CHS Consulting with input from community stakeholders in the Fruitvale, Fruitvale Gateway and Dimond neighborhood districts. The streetscape plan called for targeted pedestrian safety, inter-modal traffic and streetscape improvements along the Fruitvale corridor from E.12<sup>th</sup> Street to Coloma Street. The submitted Fruitvale Alive Streetscape project was placed on an MTC contingency list to await the possibility of surplus MTC funds at the end of the 2006-07 fiscal year. To increase the likelihood of funding and establish a more accurate cost estimation, staff contracted with Golden Associates (on-call with PWA) to bring the concept designs to a full 35% surveyed design level.

On June 28<sup>th</sup>, MTC notified City staff that this project would be recommended for \$2M in funding pending the final status of surplus funds and would need to be inserted into the State

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Transportation Improvement Project (TIP) list for the next amendment approval cycle (due August 1, 2007). The TIP amendment process requires a local council resolution of support authorizing the application for receiving funding, the commitment of the minimum 11.47% local match, and assurances that the City will complete the stated project based on the grant funds available. Given the extremely short lead time for notification given by MTC, the up-coming August 1, 2007 TIP amendment deadline, and the need to maintain a viable project delivery timeline based on existing grant conditions, the adoption of this resolution represents an urgent action to secure needed outside project funding for improving pedestrian safety, traffic and streetscape amenities for a vital City corridor. The MTC funds will greatly assist the City and Agency to augment identified redevelopment funds for the Fruitvale Avenue and will enable the City to extend the proposed improvements to the critical sections of the corridor outside of redevelopment areas (Fruitvale Gateway and Dimond districts).

## KEY ISSUES AND IMPACTS

The Fruitvale area is the most densely populated residential area in the City and possesses a high concentration of families and children. In the past decade, the Fruitvale neighborhood has evolved to become a regional center and has developed an identity as a growing and vibrant multi-ethnic community with diverse shops, restaurants and events that attract new residents and visitors. A surge of population growth in the 1990s has increased pedestrian-oriented shopping and public transit usage. At the same time, the area's main traffic artery, Fruitvale Avenue, has experienced rapid growth of vehicle traffic and congestion traveling between the I-880 and I-580 freeways. This increase in all modes of traffic has resulted in the highest concentration of pedestrian/vehicle collisions in Oakland, outside of downtown.

The Dimond Improvement Association ("DIA") has been working for several years on a vision plan for the Dimond Commercial District which lies along Fruitvale Avenue above I-580. One of the Plan's goals is "clean, safe and attractive streets... and a pedestrian oriented downtown". This project represents a partnership between the Fruitvale and Dimond community organizations with the Unity Council and the DIA (along with the Fruitvale Gateway Merchants) acting as co-applicants for the grant. Several other organizations, including local schools, libraries, and the La Clinica de la Raza, participated in the planning process for the grant and remain committed to seeing the plan implemented. Receiving this MTC grant will provide the necessary core funding to make this project possible and, along with the identified City matches, will enable other sources of funds such as the County-wide transportation funds to be secured.

## PROJECT DESCRIPTION

The Fruitvale Alive: Fruitvale Corridor Pedestrian Safety and Streetscape Improvement Project has been developed to a 35% design level. The designs call for specific pedestrian safety,

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traffic, and streetscape improvements along the nearly 2-mile stretch of Fruitvale Avenue from E.12<sup>th</sup>/Fruitvale BART to Coloma Street/Diamond Library. Improvements include targeted bulb-outs at key pedestrian crossings, allowing for safer crossing and slowing traffic; adding signage and improved pedestrian/traffic controls at key intersections; improving bus stop locations and transit hubs (Fruitvale/International, Fruitvale/MacArthur, Fruitvale/Foothill); providing street amenities such as pedestrian-scale light standards, street trees, benches, kiosks; including a system of way-finding signage and public art; and making improvements for bicycle access throughout the corridor and improving connections to the Fruitvale BART station. The implementation of this plan is expected to improve pedestrian safety, facilitate transit flow through the corridor, encourage more walking, biking and bus usage, and create safer and more attractive neighborhood-serving retail nodes as part of a larger unified and linked streetscape plan.

## **SUSTAINABLE OPPORTUNITIES**

### Economic:

The implementation of the Fruitvale Alive Streetscape plan will encourage economic development in the Fruitvale and Dimond districts by creating safer and more attractive streets for local residents and regional shoppers seeking to access the key commercial nodes. Improved streetscape amenities for transit-users (bus riders and bicyclists) will also encourage more visitors to local business establishments and help promote the Fruitvale corridor as a thriving local thoroughfare as well as a desirable destination. The public investment represented by the streetscape improvement will also stimulate greater private investment and improvements from property owners, business tenants, and community/merchant groups.

### Environmental:

The implementation of the Fruitvale Alive plan will increase pedestrian and bicyclist safety along the affected corridors as well as access to BART. The project will encourage the viable use of these alternative transportation modes and help reduce overall vehicular traffic dependency. Improvements in traffic flow along Fruitvale Avenue will help the area's livability and reduce the effects of automobiles blocked at various intersections or in traffic.

### Social Equity:

The Fruitvale Alive Plan was initiated with a Caltrans Environmental Justice grant (2004) to specifically address the interests of low-income, minority and other under-represented communities affected by state freeways such as the Fruitvale and Dimond districts. This project will increase the accessibility of various modes of transit to the residents of the surrounding districts and will create significant improvements to pedestrian and traffic infrastructure deficiencies in these communities.

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**DISABILITY AND SENIOR CITIZEN ACCESS**

The Fruitvale Alive Streetscape plan will comply with the Americans with Disabilities Act and with all City regulations that ensure adequate access for senior citizens and people with disabilities.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council adopt a resolution of support authorizing the City to make a submittal for federal STP and/or CMAQ funds necessary to qualify for the recommended \$2M MTC grant for the Fruitvale Alive Streetscape Project. The resolution of support also indicates the City’s commitment to the minimum required local match and provides affirmation that the City is committed to the implementation of this project. Staff also recommends the Agency adopt a resolution authorizing \$229,400 in matching funds for the Fruitvale Alive Streetscape Project.

Respectfully submitted,



GREGORY HUNTER,  
Interim Director of Redevelopment, Economic  
Development, and Housing and Community  
Development

Prepared by:

David Ralston, Urban Economic Analyst III  
Redevelopment Division

APPROVED AND FORWARDED TO THE  
CITY COUNCIL:

  
Office of the City Administrator

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City Council  
July 17, 2007

2007 JUL 12 11:53

**DRAFT**

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

**RESOLUTION OF LOCAL SUPPORT AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) AND/OR CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT (CMAQ) FUNDING OF AN AMOUNT UP TO TWO MILLION DOLLARS (\$2,000,000) FOR THE FRUITVALE ALIVE STREETScape PROJECT, ACCEPTING AND COMMITTING TWO HUNDRED TWENTY-NINE THOUSAND FOUR HUNDRED DOLLARS (\$229,400) IN MATCHING FUNDS FROM THE REDEVELOPMENT AGENCY UNDER THE COOPERATION AGREEMENT, AND AFFIRMING THE CITY'S INTENTION TO FINALIZE THE DESIGN/ENGINEERING DRAWINGS AND IMPLEMENT THE PROJECT**

**WHEREAS**, The City of Oakland (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for up to \$2M in funding from the federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) program for the Fruitvale Alive: Fruitvale Corridor Pedestrian Safety and Streetscape Improvement Project (herein referred as PROJECT) for the MTC Transportation for Livable Communities (TLC) Program Resolution No. 3723 (herein referred as PROGRAM); and

**WHEREAS**, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) continues the Surface Transportation Program (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149); and

**WHEREAS**, pursuant to SAFETEA, and the regulations promulgated there under, eligible project sponsors wishing to receive federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

**WHEREAS**, the MTC is the MPO for the nine counties of the San Francisco Bay region; and

**WHEREAS**, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of STP/CMAQ funds; and

**WHEREAS**, the City is an eligible project sponsor for STP/CMAQ funds; and

**WHEREAS**, as part of the application for STP/CMAQ funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) the commitment of necessary local matching funds of at least 11.47%; and
- 2) that the sponsor understands that the STP/CMAQ funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional STP/CMAQ funds; and
- 3) that the project will comply with the procedures specified in Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- 4) the assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC's TIP; and
- 5) the project will comply with all the project-specific requirements as set forth in the MTC TLC program.

**WHEREAS**, the City of Oakland desires to complete all necessary and required steps to secure up to \$2,000,000 in MTC TLC capital funds MTC is forwarding for programming into the 2008-09 TIP for the Fruitvale Alive: Fruitvale Corridor Pedestrian Safety and Streetscape Improvement Project; and

**WHEREAS**, the grant funds in conjunction with City matching funds will be used to develop final engineering and design drawings and implement the Project along the Fruitvale Corridor from East 12<sup>th</sup> Street to Coloma Street; and

**WHEREAS**, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which governs the provision of assistance and the payment of

funds between the two agencies; and

**WHEREAS**, the Redevelopment Agency has programmed funds from the Central City East redevelopment area and the Coliseum redevelopment area for streetscape improvements to Fruitvale/Foothill for which a sufficient portion utilized along Fruitvale Avenue qualifies as a local match for the Project; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator or her designee to execute and file an application for funding under the STP and CMAQ of SAFETEA in an amount not to exceed \$2 million for the Project; and be it further

**RESOLVED:** That the City by adopting this resolution does hereby state that:

1. The City will provide an amount up to \$229,400 in non-federal matching funds towards this project; and
2. The City understands that the STP/CMAQ funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the City from other funds, and that the City does not expect any cost increases to be funded with additional STP/CMAQ funding; and
3. The City understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
4. The Project will be implemented as described in the complete application and in this resolution pending approval of final grant amount programmed in the MTC federal TIP; and
5. The City and the Project will comply with the requirements as set forth in the MTC TLC program;

and be it further

**RESOLVED:** That the City is an eligible sponsor of STP/CMAQ funded projects; and be it further

**RESOLVED:** That there is no legal impediment to the City making applications for the funds; and be it further

**RESOLVED:** That there is no pending or threatened litigation that might in any way adversely affect the proposed Project or the ability of the City to deliver such Project; and be it further

**RESOLVED:** That the City Council authorizes the City Administrator or her designee to execute and file an application with MTC for STP/CMAQ funding for the Project as referenced in this resolution; and be it further



**RESOLVED:** That a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

**RESOLVED:** That the MTC is requested to support the application for the Project described in the resolution and to include the Project, if approved, in MTC's TIP; and be it further

**RESOLVED:** That all documents shall be reviewed and approved by the City Attorney's Office prior to execution, and all copies will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2007

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID,  
AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST:

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LaTonda Simmons

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

OFFICE OF THE CITY CLERK  
DEPT. 57

APPROVED AS TO FORM AND LEGALITY:

2007 JUL 12 PM 5:30

\_\_\_\_\_  
AGENCY COUNSEL

**REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND**

**RESOLUTION No. \_\_\_\_\_ C.M.S.**

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**RESOLUTION APPROPRIATING UP TO TWO HUNDRED TWENTY-NINE THOUSAND FOUR HUNDRED DOLLARS (\$229,400) OF CENTRAL CITY EAST REDEVELOPMENT AND COLISEUM REDEVELOPMENT PROJECT FUNDS AS MATCHING FUNDS FOR A METROPOLITAN TRANSPORTATION COMMISSION CAPITAL GRANT TO THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT TO FUND THE FRUITVALE ALIVE STREETSCAPE PROJECT**

**WHEREAS**, the City of Oakland (the "City") is set to receive a Metropolitan Transportation Commission (MTC) Capital grant in an amount up to \$2M for the purpose of implementing the Pedestrian Safety and Streetscape Improvement Plan for Fruitvale Avenue, a significant portion of which is located in the Central City East Redevelopment Project Area; and

**WHEREAS**, the MTC grant requires a minimum local non-Federal fund match of 11.47% percent of the total grant amount; and

**WHEREAS**, the Redevelopment Agency has identified funds from the Central City East Redevelopment Project and the Coliseum Redevelopment Project to serve as the local match for this City grant; and

**WHEREAS**, Section 33131 of the California Health and Safety Code authorizes a redevelopment agency to prepare plans for the improvement of blighted areas, and Section 33220(e) authorizes a local public agency to enter into an agreement with a redevelopment agency to further redevelopment purposes; and

**WHEREAS**, there is presently an existing repayment agreement between the City and the Agency for the Central City East Redevelopment Project and the Coliseum Redevelopment Project; now therefore be it

**RESOLVED:** That the Agency hereby appropriates up to \$229,400 in Central City East redevelopment and Coliseum redevelopment funds to serve as the required local match for the MTC grant under a project number to be established; and, be it

**FURTHER RESOLVED:** That the Agency Administrator is hereby authorized to negotiate and enter into an appropriate amendment to the repayment agreement with the City of Oakland, terms of which shall provide for the Agency contribution to the City to match the MTC grant; and be it

**FURTHER RESOLVED:** That the Agency hereby authorizes the Agency Administrator or his designee to appropriate revenue and make expenditures and take all other actions necessary in accordance with this Resolution; and, be it

**FURTHER RESOLVED:** That all documents shall be reviewed and approved by Agency Counsel prior to execution and copies will be placed on file with the Agency Secretary.

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2007

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID,  
AND CHAIRPERSON DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

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

LATONDA SIMMONS  
Secretary of the Redevelopment Agency  
of the City of Oakland