

2008 FEB 14 PM 5:39

**REDEVELOPMENT AGENCY
AND THE CITY OF OAKLAND
AGENDA REPORT**

To: Office of the City Administrator/Agency Administrator
Attn: Deborah Edgerly
From: Community and Economic Development Agency
Date: February 26, 2008

RE: An Agency Resolution Authorizing the Submittal of Applications to the California Department of Housing and Community Development for Funding under the TOD Housing Program for Coliseum BART Transit Village Project, the MacArthur Transit Village Project and the West Oakland Transit Village Project, and Authorizing Acceptance and Appropriation of Grant Funds from this Program and the Execution of Standard Agreements and any Related Documents Necessary, if Selected for such Funding.

An Agency Resolution Authorizing the Submittal of Applications to the California Department of Housing and Community Development for Funding under the Infill Housing Program for the MacArthur Transit Village Project, the Uptown Project, the Hill-Elmhurst Plaza Project and the West Oakland Transit Village Project, and Authorizing Acceptance and Appropriation of Grant Funds from this Program and the Execution of Standard Agreements and any Related Documents Necessary, if Selected for such Funding.

SUMMARY

This item is a request for approval of two resolutions authorizing the Redevelopment Agency (Agency) to apply to the Department of Housing and Community Development (HCD) for grant funding under the Proposition 1C Transit Oriented Development (TOD) Housing Program and the Proposition 1C Infill Housing Program. The Agency plans to apply as a co-applicant with the development teams for funding under the TOD Housing Program for the MacArthur Transit Village Project, the Coliseum BART Transit Village Project, and the West Oakland Transit Village Project. The Redevelopment Agency also plans to apply for funding under the Infill Housing Program for the MacArthur Transit Village Project, the Uptown Project, the West Oakland Transit Village Project, and the Hill-Elmhurst Plaza Project on International Boulevard.

These projects were selected by staff to apply for funding based on the eligibility criteria of the grant programs including provision of affordable units, proximity to transit, status of project entitlements, and infrastructure needs related to the projects. The funding from these grants will be used to assist with the infrastructure requirements of the projects, including the provision of

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CED Committee
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replacement parking for BART, new public parks, new public streets, and pedestrian accessibility improvements on adjacent streets.

These grants will have no direct impact on the General Fund. Staff recommends that the Agency approve these resolutions.

FISCAL IMPACTS

The grant funds from the Proposition 1C TOD and Infill Housing Programs will provide capital funding to implement infrastructure and streetscape components of the development projects. The grant awards from these programs have not yet been determined. The Agency and the development teams plan to apply for the maximum amount that each project would be eligible for under each program. The Agency is still working with the development teams to determine what the eligible grant award for each project may be. At the present time, it is estimated that each project would apply for the following amounts:

- MacArthur Transit Village - \$17 million from the TOD Housing Program and \$30 million from the Infill Housing Program
- Coliseum BART Transit Village - \$17 million from the TOD Housing Program
- Hill-Elmhurst Plaza - \$15 million from the Infill Housing Program
- Uptown - \$20 million from the Infill Housing Program
- West Oakland Transit Village - \$17 million from the TOD Housing Program and \$30 million from the Infill Housing Program

The Agency may be applying for these funds as a co-applicant with the development teams for some of the projects. As a result, it is possible that some or all of the grant awards may be paid directly to the development teams to construct on-site infrastructure improvements such as parks, internal streets, and replacement parking for BART. If awarded, the portion of the grant funds that come directly to the Agency will be appropriated into the California Housing and Community Development Grant Fund (2144) under project numbers to be established for each project. The funds for these projects will be used for preliminary engineering, construction, construction engineering and contingencies. The City of Oakland will be responsible for maintaining all public streets included in the projects after completion.

These grants will have no direct impact on the General Fund

BACKGROUND

The Emergency Shelter Trust Fund Act of 2006, also known as Proposition 1C, established and funded the state-wide Transit Oriented Development (TOD) Housing Program and the Infill Housing Program. The primary objectives of these programs are to increase the overall supply of housing, increase the supply of affordable housing, increase public transit ridership, and minimize automobile trips in the State of California. Both programs are funded for three annual grant cycles. The applications for the first rounds of funding from both programs are due in early

March and the grant awards will be announced in June.

The TOD Housing Program will provide \$285 million in three grant cycles of \$95 million each for projects located within a quarter mile of a transit station or major bus-hub. The funding will be available in the form of permanent financing for the development of affordable housing units and grants for infrastructure necessary for the development of housing near transit stations, or to facilitate connections between housing and the transit station. The financing for the development of affordable housing units cannot be used in conjunction with HCD Tax Credit financing except in the case where a project provides additional affordable units above and beyond those that can be funded by tax credits given the current program cap. In order to be eligible for the program, each project must contain no less than 15% affordable units. The guidelines for this program were adopted in December 2007 and the program application was released on January 17, 2008.

The Infill Housing Program will provide \$720 million in three grant cycles of \$240 million each for infrastructure improvements necessary to facilitate new infill housing. The infrastructure improvements must be directly related to a planned housing project that contains no less than 15% affordable units. The guidelines and application for this program are still in draft form and are anticipated to be released in February. Although the guidelines are not yet finalized, HCD still plans to have the deadline for submittal of grant applications under this program due in March.

The grant allocations for both programs are expected to be extremely competitive. Only the highest ranking projects will be funded and there is no guarantee that funded projects will be awarded the full amount for which they apply. The regulations for both programs state that the Northern California region, which includes the Bay Area and the Sacramento Area, will only receive 30% of the total annual funding under each program.

KEY ISSUES AND IMPACTS

Determination of Eligible Projects for the TOD Housing Program

The guidelines for the TOD Housing program define an eligible project as a proposed housing or mixed-use project located within a quarter mile of a transit station that contains at least 15% affordable units. The guidelines state that units that have already been constructed or are currently under construction are ineligible for funding and cannot count toward the total number of affordable units provided. In addition, the guidelines award substantial points for project readiness, defined by the status of the project Environmental Impact Report (EIR), entitlements application, funding commitments, and site control.

Based on the published guidelines, staff has determined that the three candidate projects for the first round of the TOD Housing Program are the West Oakland transit Village (which has two entitled projects at 1396 5th Street and 1357 5th Street), MacArthur Transit Village (which published its Draft EIR on January 31, 2008) and the Coliseum BART Transit Village project at the Coliseum BART (which completed environmental review and preliminary entitlements in

2003 for the Lion’s Creek Crossing portion of the project). The Uptown project is not eligible for this funding source since the units are already under construction. The Fruitvale Transit Village Phase II project is also not eligible since it does not include any affordable units.

Determination of Eligible Projects for the Infill Housing Program

The guidelines for the Infill Housing Program are still being developed and may change pending comments from municipalities. The draft guidelines define an eligible project as a housing or mixed-use project that contains at least 15% affordable units. In addition, the guidelines also allow a municipality to apply for funding for a collection of projects within a designated Infill Area. The Infill Area must have boundaries that are set by an adopted plan and 15% of the total units proposed within the area must be affordable. Under the current guidelines, it is unclear if housing units that are already completed or are under construction are eligible for funding and/or can count towards the total number of affordable units provided. The guidelines award a significant number of points for project readiness, depth of affordability, density, funding commitments, site control, and proximity to transit stations and/or bus hubs.

Based on the published guidelines, staff has determined that the candidate projects for the first round of the Infill Housing Program are the MacArthur Transit Village, the West Oakland Transit Village Project, and the Hill-Elmhurst Plaza Project on International Boulevard, a major transit corridor. In addition, if the guidelines allow projects that are currently under construction to apply, staff believes that the Uptown project would be a good candidate for the program. The Fruitvale Transit Village Phase II project would not be eligible for this funding source since it does not include any affordable units.

Applications for Eligible Projects

The following section provides a brief description of each project for which the Agency intends to apply for funding and provides information on how the funding would be used, if awarded.

MacArthur Transit Village

The current site plan for the MacArthur Transit Village project includes 624 units, of which 103 are affordable, and 44,000 square feet of neighborhood serving commercial space. The development team for the project, MacArthur Transit Community Partners, LLC (MTCP), is a partnership between BUILD (BRIDGE Urban Infill Development) and McGrath Properties. The Draft EIR for the project was published on January 31, 2008 and MTCP submitted their application for Preliminary Development Plan Entitlements to the City’s Planning Department in February 2007. MTCP anticipates going before the City Council and the Agency for certification of the EIR and execution of a Disposition and Development Agreement in June 2008.

MTCP will be applying to both the Infill and the TOD Housing Programs due to the large need for funding for this project and the fact that the TOD Program only allows a maximum grant of \$17 million per application. Based on the existing guidelines, the MacArthur Transit Village is eligible to apply for up to \$17 million under the TOD Program and up to \$30 million under the

Infill Program.

They are requesting that both BART and the City of Oakland be co-applicants for the grant applications. MTCP plans to apply for funding for the following project components:

- Gap financing for the affordable housing units included in the project
- Replacement Parking Garage for BART
- Internal streets on the project site
- Refurbishment of the BART Entry Plaza
- Surrounding street improvements (including new traffic signals on Telegraph and West MacArthur Boulevard)
- Water, sewer, and drainage systems
- Property acquisition and related relocation costs
- Environmental remediation

Coliseum BART Transit Village

The overall Coliseum BART Transit Village is comprised of two residential projects, the Oakland Housing Authority Lion Creek Crossings (“LCC”) and the proposed Coliseum Transit Village (“CTV”). LCC is planned for 470 units of affordable housing in four phases. This application supports the completion of a separate Phase III parcel and provides 28 affordable, for sale units. When combined with 72 units of affordable rental units in LCC Phase IV the LCC component delivers 100 units towards the LCC project in the overall Coliseum BART Transit Village. The master developer for the Oakland Housing Authority is a joint venture between the Related Companies of California (“Related”) and the East Bay Asian Local Development Corporation (“EBALDC”).

The proposed CTV project Phase I is comprised of approximately 138 for sale units with 11 affordable for sale units. The overall CTV project is 414 units in scale with 33 units planned as affordable for sale units representing 7.5% of the total project. The CTV development team consists of the Oakland Economic Development Corporation (OEDC) and MacFarlane Partners. When the LCC Phase III & IV are combined with CTV Phase I, 47% of the total 238 units are affordable.

The mitigated Negative Declaration and Finding of No Significant Impact for the LCC project was certified on June 4, 2003. The LCC project is proceeding to entitle Phase IV construction and expects to receive entitled permits in fall 2008. The CTV project has not yet started the environmental review or entitlements process.

The Oakland Housing Authority and the City of Oakland will be applying to the TOD Housing program and TOD Infrastructure Program respectively due to the need to fill financing gaps in the project and expect to apply for \$17 million for the overall combined project. The concept is that OHA will apply for the Prop 1C TOD Rental Housing and the City will apply for the Prop 1C overall project infrastructure including infrastructure for the Coliseum BART Station, the

BART Replacement Parking Lot and for the Lion Creek Crossings and Coliseum Transit Village projects.

The OHA Master Development team is applying for the affordable housing funds and the City is the applicant for the TOD infrastructure grant application. OHA, CTV and the City plan to apply for the funding in the following project components:

- Gap financing for the affordable housing units included in the projects
- Street and Utility Infrastructure Improvements on the Internal Project streets
- Off Site Surrounding street improvements including new traffic control
- Utility Infrastructure such as water, sewer, and drainage systems
- Property acquisition and related relocation costs
- Environmental remediation
- Grants to First Time Homebuyers through the BEGIN Program for For-sale Units
- Replacement Parking Lot for BART
- Refurbishment of the Coliseum BART Plaza

Hill-Elmhurst Plaza on International Boulevard

The current site plan for the Hill-Elmhurst Plaza Project fronts both sides of International Boulevard between 94th and 96th Avenues and includes 292 units, of which 64 are affordable, and 34,000 square feet of neighborhood serving retail space. Hill-Elmhurst Plaza, LLC, which owns the property, retained Strategic Urban Development Alliance (SUDA) as the developer. SUDA is in partnership with Christian Church Homes for the affordable housing component of the project. SUDA is applying for an Urban Infill Exemption and will be performing traffic, air, and noise studies in lieu of an EIR. An application for development review will be submitted to the City's Planning Department July 2008.

SUDA will be applying to the Infill Incentive Program. Based on the existing guidelines, the Hill-Elmhurst Plaza Project is eligible to apply for up to \$15 million under the Infill Program.

SUDA requests that the Agency be a co-applicant for the grant application and plans to use grant funding for the following project components:

- Site demolition and preparation
- Water, sewer, and other utility improvements
- Internal street and plaza
- Sidewalk and streetscape improvements to link the project to AC Transit's Bus Rapid Transit stops at 90th and 98th Avenues

The Uptown Project Area

There are several residential development projects currently under construction in the Uptown Activity Area. The first is the Uptown, which is being developed by Uptown Housing Partners

LP. The project consists of a transit-oriented development with 665 rental apartments, of which 20 percent (133 units) will be affordable to households earning 50% or less of the area's median income. The project also includes 9,000 square feet of neighborhood-serving retail along Telegraph Avenue, and a 25,000 square-foot public park. Another housing development with 80 rental units is currently under construction by Resources for Community Development.

The 1C Infill Infrastructure Grant Program allows applications for Qualifying Infill Areas that include affordable housing. Accordingly, the Agency would apply for funding of up to \$20 million to pay for certain capital projects in the area. Specifically, the Agency would seek funding for the following:

- Streetscape improvements in the area
- Public park improvements
- Enhancement to the BART entrance on Telegraph Avenue
- The Fox Theater

At this time, the State's Department of Housing and Community Development has not released the guidelines for the 1C Infill Infrastructure Grant Program in final form. Agency staff is continuing to analyze and comment on currently available draft guidelines to determine the eligibility of the contemplated Qualifying Infill Area. If the Uptown Project Area does not qualify under the final program guidelines, staff would not apply for funding.

West Oakland Village Project

There are several residential development projects currently planned for the West Oakland Transit Village, including: 1396 5th Street (120 affordable for-sale residential units) and 1357 5th Street (132 residential units and replacement BART Parking) with land use entitlements; and other proposed projects on sites under Exclusive Negotiating Agreements with CalTrans and BART. These projects are being developed by several entities with related members, including 7th Street Partners, Mandela Transit Village Partners LLC, 1396 5th Street LLC, and Capital Stone Group LLC.

The Agency will be applying to both the Infill and the TOD Housing Programs due to the large need for funding for this project and the fact that the TOD Program only allows a maximum grant of \$17 million per application. Based on the existing guidelines, the West Oakland Transit Village is eligible to apply for up to \$17 million under the TOD Program and up to \$30 million under the Infill Program.

They are requesting that both BART and the City of Oakland be co-applicants for the grant applications. MTCP plans to apply for funding for the following project components:

- Gap financing for affordable housing
- Off Site Surrounding street improvements including new traffic control
- Utility Infrastructure such as water, sewer, and drainage systems

- Property acquisition and related costs
- Environmental remediation
- Grants to First Time Homebuyers for For-sale Units
- Replacement Parking Lot for BART
- Refurbishment of the BART Plaza

SUSTAINABLE OPPORTUNITIES

Economic: These grant applications request funding for capital infrastructure improvements surrounding the eligible projects. The implementation of these projects will potentially catalyze economic development in the surrounding communities as a result of improved safety and access to transit.

Environmental: The projects that are requesting funding are located immediately adjacent to transit service and will encourage residents of the projects to use transit as their primary mode of travel.

Social Equity: The projects that are requesting funding will provide affordable housing units directly adjacent to major transportation hubs.

DISABILITY AND SENIOR CITIZEN ACCESS

Disability and senior citizen access will be improved at each respective project through the planned streetscape and infrastructure upgrades. All proposed improvements shall be reviewed by appropriate regulatory bodies and will conform to the federal and state requirements related to disability and senior citizen access.

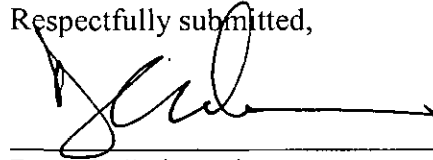
RECOMMENDATIONS AND RATIONALE

Staff recommends that the Agency approve the resolutions granting permission for the Agency to apply for, accept, and appropriate grant funds under the Proposition 1C grant programs for the MacArthur Transit Village, Coliseum BART Transit Village, Uptown, West Oakland Transit Village Project, and Hill-Elmhurst Plaza projects. These projects were selected by staff to apply for funding based on the eligibility criteria of each grant program, including key factors such as provision of affordable units, proximity to transit, status of project entitlements, and infrastructure needs related to the projects. The programs are expected to be very competitive. For this reason, staff recommends only pursuing funding for the above projects for this round of the funding cycle. Other projects not included above may apply for funding in the second or third rounds of the programs.

ACTION REQUESTED OF THE REDEVELOPMENT AGENCY/CITY COUNCIL

It is requested that the attached resolutions be approved allowing the Agency to apply for funding under the Proposition 1C TOD Housing Program and Infill Housing Program.

Respectfully submitted,

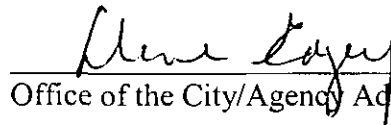


Dan Lindheim, Director
Community and Economic Development Agency

Reviewed by:
Gregory D. Hunter, Deputy Director
Economic Development & Redevelopment

Prepared by:
Kathy Kleinbaum,
Urban Economic Analyst IV

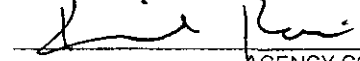
**APPROVED AND FORWARDED TO
THE COMMUNITY AND ECONOMIC
DEVELOPMENT COMMITTEE:**


Office of the City/Agency Administrator

OFFICE OF THE CITY CLERK
OF OAKLAND

2008 FEB 14 PM 5:39

APPROVED AS TO FORM AND LEGALITY:


AGENCY COUNSEL

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

AN AGENCY RESOLUTION AUTHORIZING THE SUBMITTAL OF APPLICATIONS TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE TRANSIT ORIENTED DEVELOPMENT HOUSING PROGRAM FOR THE COLISEUM BART TRANSIT VILLAGE PROJECT, THE MACARTHUR TRANSIT VILLAGE PROJECT, AND THE WEST OAKLAND TRANSIT VILLAGE PROJECT, AND AUTHORIZING ACCEPTANCE AND APPROPRIATION OF GRANT FUNDS FROM THIS PROGRAM AND THE EXECUTION OF STANDARD AGREEMENTS AND ANY RELATED DOCUMENTS NECESSARY, IF SELECTED FOR FUNDING

WHEREAS, the City of Oakland Redevelopment Agency, a community redevelopment agency organized and existing under the California Community Redevelopment Law (the "Agency"), wishes to apply for and receive an allocation of funds through the Transit Oriented Development ("TOD") Housing Program; and

WHEREAS, the California Department of Housing and Community Development ("HCD") has issued a Notice of Funding Availability for the TOD Housing Program established under the Housing and Emergency Shelter Trust Fund Act of 2006 (Proposition 1C) pursuant to the TOD Implementation Program established by Part 13 of Division 31 of the Health and Safety Code, commencing with Section 53560. Pursuant to the statute, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature to the TOD Housing Program, subject to the terms and conditions of the statute and the TOD Housing Program Guidelines implemented as amended by HCD on December 3, 2007; and

WHEREAS, the Agency wishes to submit an application to obtain from HCD an allocation of TOD Housing Funds in the amount of \$17 million for the West Oakland Transit Village project at the West Oakland BART Station; and

WHEREAS, the Agency wishes to submit an application, as a co-applicant with the MacArthur Transit Community Partners., LLC., to obtain from HCD an allocation of

TOD Housing Funds in the amount of \$17 million for the MacArthur Transit Village Project at the MacArthur BART Station; and

WHEREAS, the Agency wishes to submit an application to obtain from HCD an allocation of TOD Housing Funds in the amount of \$17 million for the Coliseum BART Transit Village project at the Coliseum BART Station; now, therefore be it

RESOLVED: That the Agency shall submit to HCD an application to participate in the TOD Housing Program in response to the NOFA issued on December 11, 2007 which will request a funding allocation of \$17 million for the following activities related to the West Oakland Transit Village Project at the West Oakland BART Station:

- Gap financing for affordable housing; and
- Off Site Surrounding street improvements including new traffic control; and
- Utility Infrastructure such as water, sewer, and drainage systems; and
- Property acquisition and related costs; and
- Environmental remediation; and
- Grants to First Time Homebuyers for For-sale Units; and
- Replacement Parking Lot for BART; and
- Refurbishment of the BART Plaza; and
- Other eligible activities, still to be determined;

and be it further

RESOLVED: That the Agency shall submit to HCD an application to participate in the TOD Housing Program in response to the NOFA issued on December 11, 2007 which will request a funding allocation of \$17 million for the construction of the following activities related to the MacArthur Transit Village Project at the MacArthur BART Station:

- Gap financing for the affordable housing units included in the project; and
- Replacement Parking Garage for BART; and
- Internal streets on the project site; and
- Refurbishment of the BART Entry Plaza; and
- Surrounding street improvements, including new traffic signals; and
- Water, sewer, and drainage systems; and
- Property acquisition and related relocation costs; and
- Environmental remediation; and
- Other eligible activities, still to be determined;

and be it further

RESOLVED: That the Agency shall submit to HCD an application to participate in the TOD Housing Program in response to the NOFA issued on December 11, 2007 which will request a funding allocation of \$17 million for the following activities related to the Coliseum BART Transit Village Project at the Coliseum BART Station:

- Affordable housing financing; and
- Street and Utility Infrastructure Improvements on the Internal Project streets; and
- Off Site Surrounding street improvements including new traffic control; and

- Utility Infrastructure such as water, sewer, and drainage systems; and
- Property acquisition and related relocation costs; and
- Environmental remediation; and
- Grants to First Time Homebuyers through the BEGIN Program for For-sale Units; and
- Replacement Parking Lot for BART; and
- Refurbishment of the Coliseum BART Plaza; and
- Other eligible activities, still to be determined;

and be it further

RESOLVED: That if the applications for funding are approved, the Agency hereby agrees to use the TOD Housing Program funds for eligible activities in the manner presented in the applications as approved by HCD and in accordance with the program Guidelines as cited above. The Agency also may execute any and all other instruments necessary or required by HCD for participation in the TOD Housing Program; and be it further

RESOLVED: That if the applications for funding are approved, the developers will seek the required matching public funds for the project from the Agency, as a part of the negotiated Disposition and Development Agreements or Owner Participation Agreements for each project; and be it further

RESOLVED: The Agency authorizes the Agency Administrator or her designee to negotiate and execute in the name of the Redevelopment Agency of the City of Oakland the application, the Standard Agreement, and all other documents required by HCD for participation in the TOD Housing Program, and to execute any amendments thereto; and be it further

RESOLVED: That the Agency hereby appropriates any funds that are received directly by the Agency for these projects under the TOD Housing Program into the California Housing and Community Development Grant Fund (2144) under project numbers to be established; and be it further

RESOLVED: That should additional funds be received for these projects, the Agency Administrator, or her designee, is hereby authorized to accept and allocate the same for the purposes described above; and be it further

RESOLVED: That the Agency hereby authorizes the Agency Administrator or her designee to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures, and take all other actions with respect to the TOD Housing Program in accordance with this resolution and its basic purposes; and be it further

RESOLVED: That the West Oakland Transit Village, MacArthur Transit Village and the Coliseum BART Transit Village projects and related infrastructure are being independently reviewed under CEQA; and be it further

RESOLVED: That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines, based on the information in the staff report accompanying this Resolution, that this action complies with CEQA because this action on the part of the Agency is exempt from CEQA pursuant to Section 15262 (feasibility and planning studies) of the CEQA guidelines; and be it further

RESOLVED: That the Agency Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration (CA Fish and Games Code Sec. 711.4) for these projects; 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 City Clerk.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2008

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, Redevelopment Agency
of the City of Oakland

2008 FEB 14 PM 5:39

APPROVED AS TO FORM AND LEGALITY:


AGENCY COUNSEL

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

AN AGENCY RESOLUTION AUTHORIZING THE SUBMITTAL OF APPLICATIONS TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE INFILL HOUSING PROGRAM FOR THE MACARTHUR TRANSIT VILLAGE PROJECT, THE UPTOWN PROJECT, THE WEST OAKLAND TRANSIT VILLAGE PROJECT, AND THE HILL-ELMHURST PLAZA PROJECT AND AUTHORIZING ACCEPTANCE AND APPROPRIATION OF GRANT FUNDS FROM THIS PROGRAMS AND THE EXECUTION OF STANDARD AGREEMENTS AND ANY RELATED DOCUMENTS NECESSARY, IF SELECTED FOR FUNDING

WHEREAS, the City of Oakland Redevelopment Agency, a community redevelopment agency organized and existing under the California Community Redevelopment Law (the "Agency"), wishes to apply for and receive an allocation of funds through the Infill Housing Program; and

WHEREAS, HCD plans to issue a Notice of Funding Availability ("NOFA") for the Infill Housing Program, established under the Housing and Emergency Shelter Trust Fund Act of 2006 (Proposition 1C), in February 2008; and

WHEREAS, the Agency wishes to submit an application, as a co-applicant to the MacArthur Transit Community Partners., LLC., to obtain from HCD an allocation of Infill Housing Funds in the amount of amount of \$30 million for the MacArthur Transit Village Project at the MacArthur BART Station; and

WHEREAS, the Agency wishes to submit an application to obtain from HCD an allocation of Infill Housing Funds in the amount of \$30 million for the West Oakland Transit Village project at the West Oakland BART Station; and

WHEREAS, the Agency wishes to submit an application to obtain from HCD an allocation of Infill Housing Funds in the amount of \$15 million for the Hill-Elmhurst Plaza Project on International Boulevard; and

WHEREAS, the Agency wishes to submit an application to obtain from HCD an allocation of Infill Housing Funds in the amount of \$20 million for the Uptown Project adjacent to the 19th Street BART Station; and

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore, be it

RESOLVED: That the Agency shall submit to HCD an application to participate in the Infill Housing Program in response to the NOFA which will be issued in February 2008, which will request a funding allocation of up to \$30 million for the following activities related to the MacArthur Transit Village Project at the MacArthur BART Station:

- Replacement Parking Garage for BART; and
- Internal streets on the project site; and
- Refurbishment of the BART Entry Plaza; and
- Surrounding street improvements, including new traffic signals; and
- Water, sewer, and drainage systems; and
- Property acquisition and related relocation costs; and
- Environmental remediation; and
- Other eligible activities, still to be determined;

and be it further

RESOLVED: That the Agency shall submit to HCD an application to participate in the Infill Housing Program in response to the NOFA which will be issued in February 2008 which will request a funding allocation of up to \$15 million for the following activities related to the Hill-Elmhurst Plaza Project:

- Site demolition and preparation; and
- Water, sewer, and other utility improvements; and
- Pedestrian plazas; and
- Streets, curbs, and gutters and related pedestrian and bicycle facilities; and
- Other eligible activities, still to be determined;

and be it further

RESOLVED: That the Agency shall submit to HCD an application to participate in the Infill Housing Program in response to the NOFA which will be issued in February 2008 which will request a funding allocation of up to \$20 million for the following activities related to the Uptown Project:

- Streets, curbs, and gutters and related pedestrian and bicycle facilities; and
- Public park and pedestrian plaza improvements; and
- Enhancement to the BART entrance on Telegraph Avenue; and
- The Fox Theater; and
- Other eligible activities, still to be determined;

and be it further

RESOLVED: That the Agency shall submit to HCD an application to participate in the Infill Housing Program in response to the NOFA which will be issued in February 2008 which will request a funding allocation of \$30 million for the following activities related to the West Oakland Transit Village Project at the West Oakland BART Station:

- Replacement Parking Garage for BART; and
- Internal streets on the project site; and
- Refurbishment of the BART Entry Plaza; and
- Surrounding street improvements, including new traffic signals; and
- Water, sewer, and drainage systems; and
- Property acquisition and related relocation costs; and
- Environmental remediation; and
- Other eligible activities, still to be determined;

and be it further

RESOLVED: That if the applications for funding are approved, the Agency hereby agrees to use the Infill Housing Program funds for eligible activities in the manner presented in the applications as approved by HCD and in accordance with the program Guidelines. The Agency also may execute any and all other instruments necessary or required by HCD for participation in the Infill Housing Program; and be it further

RESOLVED: That if the applications for funding are approved, the project developers will seek the required matching public funds for the project from the Agency as a part of the negotiated Disposition and Development Agreements or Owner Participation Agreements for each project; and be it further

RESOLVED: The Agency authorizes the Agency Administrator or her designee to negotiate and execute in the name of the Redevelopment Agency of the City of Oakland the application, the Standard Agreement, and all other documents required by HCD for participation in the Infill Housing Program, and to execute any amendments thereto; and be it further

RESOLVED: That the Agency hereby appropriates any funds that are received directly by the Agency for these projects under the Infill Housing Program into the California Housing and Community Development Grant Fund (2144) under project numbers to be established; and be it further

RESOLVED: That should additional funds be received for these projects, the Agency Administrator, or her designee, is hereby authorized to accept and allocate the same for the purposes described above; and be it further

RESOLVED: That the Agency hereby authorizes the Agency Administrator or her designee to negotiate grant terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures, and take all other actions with respect to the Infill

Housing Program in accordance with this resolution and its basic purposes; and be it further

RESOLVED: That the MacArthur Transit Village, the Uptown, West Oakland Transit Village, and the Hill-Elmhurst Plaza projects and related infrastructure are being independently reviewed under CEQA; and be it further

RESOLVED: That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines, based on the information in the staff report accompanying this Resolution, that this action complies with CEQA because this action on the part of the Agency is exempt from CEQA pursuant to Section 15262 (feasibility and planning studies) of the CEQA guidelines; and be it further

RESOLVED: That the Agency Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration (CA Fish and Game Code Sec. 711.4) for these projects; 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 City Clerk.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2008

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, Redevelopment Agency
of the City of Oakland