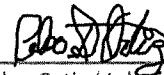


APPROVED AS TO FORM AND LEGALITY

2023 JUL 16 AM 9:37

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND



Celso Ortiz (Jul 15, 2023 16:17 PDT)

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 90799 C.M.S.

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**RESOLUTION AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF TWENTY-NINE MILLION, SIX HUNDRED AND SIXTEEN THOUSAND, AND FIVE DOLLARS (\$29,616,005) FROM THE METROPOLITAN TRANSPORTATION COMMISSION REGIONAL MEASURE 3 GOODS MOVEMENT AND MITIGATION PROGRAMMATIC CATEGORY TO IMPLEMENT THE MARTIN LUTHER KING JR. WAY STREETSCAPE IMPROVEMENTS PROJECT COMPONENT OF THE NEIGHBORHOOD AND RAILROAD SAFETY IMPROVEMENTS NEAR THE PORT OF OAKLAND, PENDING FINAL ALLOCATION REQUEST APPROVAL FROM THE METROPOLITAN TRANSPORTATION COMMISSION; AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

**WHEREAS**, the Neighborhood and Railroad Safety Improvements Near the Port of Oakland is a capital improvement project that will contribute to community impact reductions related to freight and create opportunities for transportation efficiency and safety upgrades in and around the Oakland seaport.

**WHEREAS**, the Neighborhood and Railroad Safety Improvements Near the Port of Oakland consists of two City project components: the Martin Luther King Jr. Way Streetscape Improvements (1006954) and the Embarcadero West Rail Safety and Access Improvements (1007091); and

**WHEREAS**, the Martin Luther King Jr. Way Streetscape Improvements project is exempt under CEQA Public Resources Code Sections 21080.25(b) (Pedestrian and Bicycle), 15301(c) (Existing Facilities, Highways and Streets), 15302(c) (Replacement or Reconstruction), 15303(d) (Small Structures), and 15304(h) (minor alterations to land); and

**WHEREAS**, the Embarcadero West Rail Safety and Access Improvements project is exempt under CEQA Public Resources Code Sections Public Resources Code Section 21080.25(b)(1) (Pedestrian and bicycle facilities, including new facilities); Public Resources Code Section 21080.20 (bicycle, pedestrian, and transit facilities); CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning); CEQA Guidelines Section 15301(c) (Existing Facilities, Highways and Streets); CEQA Guidelines Section 15302 (Replacement or Reconstruction); CEQA Guidelines Section 15303 (Small Structures), CEQA

Guidelines Section 15304(h) (minor alterations to land); and/or CEQA Guidelines Section 15061(b)(3) (No Significant Effect on the Environment); and

**WHEREAS**, both projects were analyzed in previous environmental review documents under CEQA including: the West Oakland Specific Plan Environmental Impact Report (“EIR”) (2014); the Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Master Bicycle Plan EIR (2007); the updated Let’s Bike Oakland Bicycle Plan Addendum (2019); and the Oakland Waterfront Ballpark District at Howard Terminal EIR (2022); and under Public Resources Code section 21166 and CEQA Guidelines Sections 15162, 15163 and 15164, no new significant information or possibility for impacts exist that were not already studied by the aforementioned documents; and

**WHEREAS**, the Neighborhood and Railroad Safety Improvements Near the Port of Oakland is eligible for consideration in the Regional Measure 3 Expenditure Plan, as identified in California Streets and Highways Code Section 30914.7(a); and

**WHEREAS**, the Alameda County Transportation Commission and Metropolitan Transportation Commission are the named sponsors Regional Measure 3 Goods Movement and Mitigation Programmatic Category funds and as such must both approve any programming amendments or modifications;

**WHEREAS**, in November 2022, the Alameda County Transportation Commission and Metropolitan Transportation Commission both approved the programming of \$29,616,005 in Regional Measure 3 funds to the Neighborhood and Railroad Safety Improvements Near the Port of Oakland; and

**WHEREAS**, in fiscal year 2025-2027, the City of Oakland will be submitting a request(s) to the Metropolitan Transportation Commission for the allocation of the \$29,616,005 to construct the Neighborhood and Railroad Safety Improvement Projects Near the Port of Oakland project components; and

**WHEREAS**, the City must enter into an agreement with Metropolitan Transportation Commission in order to submit the request for funding allocation in order to accept the funds; and

**WHEREAS**, the City Council approved Resolution No. 89519 granting authorization to the City Administrator, or their designee, to negotiate and execute documents and take all other actions necessary with the respect to the implementation of a Memorandum of Understanding between the City and Port for the use of California State Transportation Agency grant funds per Assembly Bill 128, related to the Martin Luther King Jr. Way Streetscape Improvements (1006954) and Embarcadero West Rail Safety and Access Improvements (1007091); and

**WHEREAS**, the City Council approved Resolution No. 89039 granting authorization to the City Administrator, or their designee, to take all necessary steps to apply for and receive additional funds necessary to meet the matching requirement for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant award with the respect to the implementation the Martin Luther King Jr. Way Streetscape Improvements; now, therefore, be it

**RESOLVED:** That the City Council authorizes the City Administrator to accept and appropriate a Regional Measure 3 Goods Movement and Mitigation Programmatic category grant

funding in the amount of twenty-nine million, six hundred and sixteen thousand, and five dollars (\$29,616,005) to implement the Martin Luther King Jr. Way Streetscape Improvements project component of the Neighborhood and Railroad Safety Improvement Projects Near the Port of Oakland; and be it

**FURTHER RESOLVED:** That said grant funds will be deposited and appropriated in the Non-Federal Metropolitan Grants Fund 2163, in project number 1006954 per the pending allocation requests approval; and be it

**FURTHER RESOLVED:** That the MLK Jr. Way Streetscape Improvements project is exempt under CEQA on the basis of the following exemptions: Public Resources Code Section 21080.25(b) (Pedestrian and Bicycle), 15301(c) (Existing Facilities, Highways and Streets), 15302(c) (Replacement or Reconstruction), 15303(d) (Small Structures), and 15304(h) (minor alterations to land); and that each of the above exemptions provides a separate and independent basis for CEQA compliance; and be it

**FURTHER RESOLVED:** That the Embarcadero West Rail Safety and Access Improvements project is exempt under CEQA Public Resources Code Sections Public Resources Code Section 21080.25(b)(1) (Pedestrian and bicycle facilities, including new facilities); Public Resources Code Section 21080.20 (bicycle, pedestrian, and transit facilities); CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning); CEQA Guidelines Section 15301(c) (Existing Facilities, Highways and Streets); CEQA Guidelines Section 15302 (Replacement or Reconstruction); CEQA Guidelines Section 15303 (Small Structures), CEQA Guidelines Section 15304(h) (minor alterations to land); and/or CEQA Guidelines Section 15061(b)(3) (No Significant Effect on the Environment); and bet it

**FURTHER RESOLVED:** That both projects were analyzed in previous environmental review documents under CEQA including: the West Oakland Specific Plan Environmental Impact Report (“EIR”) (2014); the Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Master Bicycle Plan EIR (2007);the updated Let’s Bike Oakland Bicycle Plan Addendum (2019); and the Oakland Waterfront Ballpark District at Howard Terminal EIR (2022); and that under Public Resources Code section 21166 and CEQA Guidelines Sections 15162, 15163 and 15164, no new significant information or possibility for impacts exist that were not already studied by the aforementioned documents; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to file a Notice of Exemption with Alameda County and the Office of Planning and Research’s State Clearing House on March 8, 2024 and the Clerk of the County of Alameda for the MLK Jr. Way Streetscape Improvements; and be it

**FURTHER RESOLVED:** That a copy of this resolution will be placed on file with the City Clerk; and be it

**FURTHER RESOLVED:** That the City Administrator, or their designee, is authorized on behalf of the City of Oakland to execute and submit all documents, payment requests, and related actions consistent with the authorizations set forth in this Resolution.

IN COUNCIL, OAKLAND, CALIFORNIA,      JUL 15 2025

PASSED BY THE FOLLOWING VOTE:

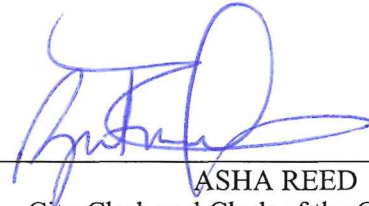
AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND  
PRESIDENT JENKINS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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