

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 OCT 30 PM 3:43

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: November 12, 2008

RE: City Resolution Accepting And Appropriating \$2,000,000 In Metropolitan Transportation Commission (MTC) Transportation For Livable Communities Funds, \$619,700 In MTC Housing Incentive Program Funds, Allocating \$50,000 In Pledged District 4 "Pay-Go" Funds, \$50,000 In Pledged District 5 "Pay-Go" Funds, And Accepting and Allocating A Contribution of Redevelopment Agency Funds In An Amount Not To Exceed \$175,000 Under The Cooperation Agreement, For The Final Design And Implementation Of The Fruitvale Alive Streetscape Project; and

An Agency Resolution Contributing \$175,000 Of Coliseum Redevelopment Area Project Funds To The City Of Oakland Under The Cooperation Agreement For The Final Design And Implementation Of The Fruitvale Alive Streetscape Project; and a

City Resolution Accepting And Appropriating \$700,000 Of Federal Surface Transportation Funds Through the Metropolitan Transportation Commission's Housing Incentive Program For The 66th Avenue Streetscape Improvement Project, Stating The Assurance Of The City Of Oakland To Complete The Project, And Allocating Up To \$91,000 As The Local Match from the Oakland Redevelopment Agency Fund (7780); and

An Agency Resolution Allocating and Contributing Up To \$91,000 In Redevelopment Agency Funds Under the Cooperation Agreement As Matching Funds For A Metropolitan Transportation Commission Housing Incentive Program Grant To Fund The 66th Avenue Streetscape Improvement Project

SUMMARY

This item requests City Council approval of City of Oakland (City) and Oakland Redevelopment Agency (Agency) resolutions for accepting and appropriating a Metropolitan Transportation Commission (MTC) grant and local contribution funds for the implementation of two key streetscape projects: the Fruitvale Alive Streetscape project and the 66th Avenue Streetscape Improvement project. It also requests that existing "Pay-Go" funds be allocated to the project.

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For the Fruitvale Alive Streetscape Project: staff requests City Council approval to accept and appropriate \$2,000,000 in MTC Transportation for Livable Communities funds; \$619,700 in MTC Housing Incentive Funds; \$100,000 in pledged City Council "Pay-Go" funds (\$50,000 each from District 4 and 5); and \$175,000 in Redevelopment Agency funds from the Coliseum Project Area for the final design and implementation of the Fruitvale Alive Streetscape Project. The MTC funds will be used to construct pedestrian-oriented streetscape improvements on Fruitvale Avenue from E.12th Street to Coloma Avenue. District 4 "Pay-Go" funds will be used for public amenities in the area above the I-580 freeway. District 5 "Pay-Go" funds will be used for public amenities in the areas below the I-580 freeway. Coliseum Redevelopment funds will be used for improvements in the area between International Blvd. and E.12th Street matching with the Coliseum Redevelopment Project Area. Overall, this project will increase safety and access to the area's transit facilities and better connect the neighborhoods and commercial nodes along Fruitvale Avenue.

For the 66th Avenue Streetscape Project, staff requests City Council approval of an additional \$700,000 Housing Incentive Program capital grant (HIP Grant) through the Metropolitan Transportation Commission (MTC) and requests an additional Agency and City contribution of up to \$91,000 in local matching funds for the 66th Avenue Streetscape Improvement Project. The funds will be used to construct pedestrian-oriented streetscape improvements on 66th Avenue from San Leandro Street to International Boulevard. This project will increase safety and access to the area's transit facilities and soften the transition between industrial and residential land uses along 66th Avenue.

FISCAL IMPACT

For the Fruitvale Alive Streetscape Project, the Agency proposes to contribute \$175,000 from the Coliseum Operations Fund (9450), Coliseum Redevelopment Organization (88659), Coliseum Staff Project (S82600) to the Oakland Redevelopment Agency Projects Fund (7780), Coliseum Redevelopment Organization (88659); Fruitvale Streetscape Project (S339110). Funds from the MTC Grant will be appropriated to the Metropolitan Transportation Commission Grant Fund (2163), Coliseum Redevelopment Organization (88659), in a Project to be determined (TBD).

For the 66th Avenue Project, the Agency proposes to allocate and contribute \$91,000 from the Coliseum Redevelopment Tax Allocation Bond Series 2006 Fund (9455), Capital Improvement Project-Economic Development Organization (94800), 66th Avenue Streetscape Project (T315310). The Agency proposes to allocate \$91,000 from the corresponding City of Oakland Redevelopment Agency Projects Fund (7780), Capital Improvement Project – Economic Development Organization (94800), 66th Avenue Streetscape Improvement Project (P318410).

Funds for the HIP Grant will be appropriated into a Metropolitan Transportation Commission Grant Fund (2163), Coliseum Redevelopment Organization (88659), in a Project to be determined (TBD).

BACKGROUND

In June 2005, MTC qualified the City to receive \$3,000,000 in TLC HIP Grant funds for the 66th Ave Streetscape Project and in September 2007 qualified the City to receive \$2,000,000 in TLC capital funds for the Fruitvale Alive Streetscape Project. The HIP grant program's purpose is to encourage local jurisdictions to approve transit-oriented residential development projects. First, funds are preliminarily awarded on a per-bedroom basis to housing projects meeting the following criteria:

- The housing projects have not yet obtained Planning Commission approval;
- They have a minimum density of 25 units per acre;
- They are located within 1/3 of a mile of a BART station, Ferry terminal, Rail station, or bus stop with 15 minute service during peak commute periods;
- To receive the funds, the housing projects must break ground by June 2007; and
- A maximum of \$3,000,000 per funding cycle and per jurisdiction will be granted.

Second, after the housing project criteria are met, the HIP funds must then be applied toward transportation capital projects meeting the following criteria:

- The capital projects are consistent with TLC goals, and can include streetscape projects, transit villages, pedestrian plazas and bicycle facilities; and
- To obligate the funds, the capital project must receive all MTC approvals and be ready to go to construction by June 2008, the obligation deadline.

Per an MTC resolution in June 2005, MTC qualified four housing projects for the HIP award in June 2005. Coliseum Gardens (now known as Lion Creek Crossings) Phase Three and the Uptown Development were two of the projects. Because the City qualified for over \$7,000,000 and cannot receive more than \$3,000,000 in HIP Grant funds for this cycle, City staff applied the following criteria in prioritizing the capital projects for approval.

- The project must improve pedestrian, bicycle and transit access for the qualifying housing development;
- The project has a clearly demonstrated funding need;
- The capital project has the highest likelihood of meeting MTC's deadlines for the June 2008 funding obligation deadline; and
- The capital project is far along in design development

In reviewing the four qualifying housing projects, staff evaluated each project and assessed their likelihood of groundbreaking by 2007, which is an established MTC criterion for accessing HIP funds. Both Lion Creek Crossings and the Uptown Development satisfy all of MTC's programmatic criteria. Of the other two projects, one is not ready to break ground and the other has no nexus with the associated capital project. On June 13, 2006 staff requested the City Council approve a grant allocation of \$2,469,000 for the Telegraph Avenue and Latham Square Streetscape Project attached to the Uptown Development. Staff recommends the City approve a grant allocation for the remainder of the HIP Grant for the 66th Avenue Streetscape Improvement Project for Lion Creek Crossings. Since the Telegraph Avenue and Latham Square Streetscape Project was delayed due to right of way and construction obstacles, the City of Oakland, with MTC's approval, has decided to modify the grant allocation and transfer \$700,000 of the downtown allocation to the 66th Avenue Streetscape Improvement project and \$619,700 to the Fruitvale Alive Project.

KEY ISSUES AND IMPACTS

MTC qualified the City for TLC and HIP funding for the Fruitvale Alive Streetscape, given the significance of this corridor as a key inter-modal thoroughfare. Based on the City's allocated local match, the amount awarded was less than the amount of funding initially requested and less than the amount of funding needed to fully complete the project. The strategy of staff has been to focus MTC funding in the areas of the project that lie outside of redevelopment areas and utilize programmed streetscape funds and additional allocations for the stretches of corridor lying within the redevelopment areas (Central City East and Coliseum). Since the successful completion of this streetscape project will reduce physical blight within two redevelopment project areas, staff is currently seeking to ensure that the section between International Boulevard and E. 12th Street is fully built-out per the designs. Therefore, an additional \$175,000 allocation is sought from the Coliseum area to match the amount of improvements slated for that section of Fruitvale Avenue.

In addition, 66th Avenue is also a key corridor, but unlike Fruitvale Avenue, it lies entirely within the Coliseum Project Area. Previously built to serve industrial and manufacturing activities, 66th Avenue is poorly equipped for the area's residential community. Currently, cobra-head lights exist at approximately 120 feet apart which are the only source of street lighting. The street has narrow sidewalks and offers no buffer between pedestrians and the heavy vehicular traffic between San Leandro Street and International Boulevard. Crossing the street is difficult because few crosswalks exist, especially for the area's many young children. The street's overall lack of amenities discourages pedestrian activity and hinders the City and the Agency's efforts to revitalize the area.

The acceptance and appropriation of this grant will provide the City with the required funds to mitigate these difficult conditions. The primary goals of the 66th Avenue Streetscape Improvement Project are to:

- Improve the pedestrian environment along 66th Avenue
- Increase pedestrian options by contributing to a network of pedestrian pathways
- Increase access to BART, AC Transit and other transit options
- Support transit-oriented development projects currently underway, including Lion Creek Crossings
- Improve the interface between the industrial and residential areas

The proposed project will leverage and complement on-going investment in the area by OHA, AC Transit, and the Agency.

PROJECT DESCRIPTION

Fruitvale Alive! Streetscape

The Fruitvale Avenue Streetscape Project is designed to integrate and enhance pedestrian and transportation facilities and promote pedestrian-oriented developments in the Dimond, Fruitvale Gateway, and lower Fruitvale commercial areas in Oakland. Recommended physical improvements include: traffic calming features such as bulb-outs; new safer pedestrian crossings; increased pedestrian and street lighting; new landscaping and street trees; improved bus stop areas; and enhance the overall walking and shopping experience along Fruitvale Avenue. The project also seeks to link the transit centers of the Fruitvale BART Station to the MacArthur/Fruitvale Park and Ride and Bus transfer hub

66th Ave Streetscape

The proposed streetscape improvements will enhance the pedestrian environment along 66th Avenue from the Union Pacific railroad tracks on San Leandro Street to International Boulevard. Project features include:

- Pedestrian level streetlights
- New landscaping
- Bulb-outs at seven locations
- Raised crosswalks at intersections and to improve access to public facilities
- Bike lanes along 69th Avenue

These improvements will increase safety and access from the residential developments on 66th Avenue to the Coliseum BART station, AC Transit buses, schools, recreational facilities and local businesses. Landscaping will help buffer pedestrians from the avenue's heavy vehicular traffic, while pedestrian level streetlights will increase the illumination level at night and introduce a human scale to the street. The crosswalks and bulb-outs will make it easier for pedestrians to cross the street by shortening the crossing distance and providing a clearly defined

area where crossings can be made. The introduction of these pedestrian amenities will also help soften the transition between the industrial uses on the north side of the street and the residential uses on the south side.

SUSTAINABLE OPPORTUNITIES

Economic: The Fruitvale Alive Streetscape will result in over \$3,000,000 in capital improvements along this corridor spanning two redevelopment areas and a large segment of the heavily trafficked street lying outside of any redevelopment area. The 66th Avenue Streetscape Improvement Project will result in over \$2,000,000 in capital improvements on 66th Avenue in the Coliseum Redevelopment Project Area. The implementation of these projects support long-term efforts (both Citywide and within the Redevelopment Agency) to revitalize their respective areas by addressing problems related to the safety and comfort of pedestrians in the area.

Environmental: Improving the pedestrian environment will reduce auto dependency and increase the number of walking and public transit trips. These projects complement larger redevelopment efforts to create transit-oriented development that includes enhanced commercial, new residential and commercial uses easily accessed by public transit.

Social Equity: These projects provide basic service levels and quality of life amenities to existing low-income residents and workers dependent on transit.

DISABILITY AND SENIOR CITIZEN ACCESS

These streetscape projects will address senior and disability access by improving pedestrian safety and ease of access in their areas and specific access to the Fruitvale BART Station, the Coliseum BART Station, AC Transit's Foothill, MacArthur and San Leandro Street Transit Hubs, the Amtrak Capitol Corridor platform, and to the planned Oakland Airport Connector. Both projects will comply with the Americans with Disabilities Act (ADA) and all City of Oakland regulations that ensure adequate access for senior citizens and persons with disabilities.

RECOMMENDATION(S) AND RATIONALE

Staff recommends that Council approve the proposed resolutions to accept and appropriate \$2,000,000 in MTC TLC grant funds, \$619,700 in MTC HIP funds, \$175,000 in Coliseum Area Redevelopment funds, and \$100,000 in "Pay-Go" funds for the Fruitvale Alive Streetscape. Similarly, staff is seeking approval to accept and appropriate \$700,000 in MTC HIP grant funds and appropriate up to \$91,000 in local matching funds for the 66th Avenue Streetscape Improvement Project. The grant funds are necessary for the proposed streetscape improvements, which will support public and private investments in the area, including Lion Creek Crossings and the San Leandro Streetscape Improvement Project.

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ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that Council approve the two resolutions regarding the acceptance and appropriations of funding for the Fruitvale Alive Streetscape project and approve the two resolutions regarding the acceptance and appropriation of a \$700,000 HIP Grant from the MTC and the authorization and appropriation of up to \$91,000 in local matching funds from the Oakland Redevelopment Agency for the 66th Avenue Streetscape project.

Respectfully submitted,



for Dan Lindheim, Director
Community and Economic Development Agency

Reviewed by:
Larry Gallegos, Coliseum Redevelopment Area Manager

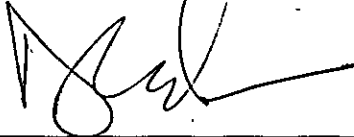
Prepared by:

Daniel Seamans, Urban Economic Analyst I
CEDA Redevelopment Division

David Ralston, Urban Economic Analyst III
CEDA Redevelopment Division

Jay Musante, Urban Economic Analyst IV
CEDA Redevelopment Division

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC
DEVELOPMENT COMMITTEE:




Office of the City/Agency Administrator

Item: _____
CED Committee
November 12, 2008

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 OCT 30 PM 3:43
3:42

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

RESOLUTION ACCEPTING AND APPROPRIATING \$2,000,000 IN METROPOLITAN TRANSPORTATION COMMISSION (MTC) TRANSPORTATION FOR LIVABLE COMMUNITIES FUNDS, \$619,700 IN MTC HOUSING INCENTIVE FUNDS, ALLOCATING \$50,000 IN PLEDGED DISTRICT 4 "PAY-GO" FUNDS AND \$50,000 IN PLEDGED DISTRICT 5 "PAY-GO" FUNDS, AND ACCEPTING AND ALLOCATING A CONTRIBUTION OF REDEVELOPMENT AGENCY FUNDS IN AN AMOUNT NOT TO EXCEED \$175,000 UNDER THE COOPERATION AGREEMENT, FOR THE FINAL DESIGN AND IMPLEMENTATION OF THE FRUITVALE ALIVE STREETScape PROJECT

WHEREAS, the City of Oakland submitted an application to the Metropolitan Transportation Commission ("MTC") Transportation for Livable Communities ("TLC") Program in June 2007 requesting capital grant funds to fund the Fruitvale Alive Streetscape Project (the "Project"); and

WHEREAS, Council Districts 4 and 5 pledged \$50,000 each in "Pay-Go" funds toward the implementation of the Project in letters of support to MTC; and

WHEREAS, the City of Oakland and the Redevelopment Agency adopted joint resolutions committing \$229,400 of required local match from the Redevelopment Agency under the Cooperation Agreement toward this Project; and

WHEREAS, the adopted joint resolutions also gave assurances of the City's intention to complete the Project as described in the application, programmed in MTC transportation improvement program, and finalized in the 100% design plans; and

WHEREAS, MTC has awarded \$2,000,000 of Federal Funds to the City of Oakland for the Project through the TLC Program contingent on submission and completion of 100% final designs; and

WHEREAS, MTC has also approved the re-allocation of \$619,700 of Housing Incentive ("HIP") Funds toward capital costs for this Project; and

WHEREAS, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, the Redevelopment Agency is contributing \$175,000 in Coliseum Area Redevelopment Funds under the Cooperation Agreement for the final design and implementation of the Fruitvale Alive Streetscape Project; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, the City and the Agency agree that the City is the Lead Agency for the Project for purposes of environmental review under the California Environmental Quality Act of 1970 ("CEQA"); and

WHEREAS, the execution of any documents legally committing the City to fund this Project shall be expressly conditioned upon compliance with the requirements of the National Environmental Protection Act (NEPA), as certified by the City Administrator or his or her designee; now, therefore, be it

RESOLVED: That the City Administrator or his or her designee is authorized to accept \$2,000,000 in MTC TLC funds and \$619,700 in MTC HIP Grant program funds, and hereby appropriates such funds for the Project into the Metropolitan Transportation Commission Grant Fund (2163), Coliseum Redevelopment Organization (88659), under a project number to be established; and be it

FURTHER RESOLVED: That a pledged amount of \$50,000 in "Pay-Go" funds from District 4 and \$50,000 in pledged "Pay-Go" funds from District 5 toward implementation of the Fruitvale Streetscape Project will be allocated from the City Council "Pay-Go" Fund (5510) to the Oakland Redevelopment Agency Projects Fund (7780), Central City East Redevelopment Organization (88699) for District 4 funds and Coliseum Redevelopment Organization (88659) for District 5 funds; and be it

FURTHER RESOLVED: That the City Administrator, or his or her designee, is authorized to accept a contribution of Redevelopment Agency funds in an amount not to exceed \$175,000 and allocate such funds for the Project into the Oakland Redevelopment Agency Project Fund (7780), Coliseum Redevelopment Organization (88659), Fruitvale Streetscape Project (S339110); and be it

FURTHER RESOLVED: That the City Council hereby finds and determines as follows:

- 1) That the funding of the Project will benefit the Coliseum Redevelopment Project Areas by improving the appearance of and pedestrian safety and access on Fruitvale Avenue in the Coliseum Project Area; and

- 2) That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide additional funds for the Project, and therefore no other reasonable means of financing the Project are available to the City other than Redevelopment Agency funding; and
- 3) That the use of tax increment funds from the Coliseum Project Area for the Project will assist in the elimination of blight by improving the functionality and the aesthetic appeal of the streetscape along Fruitvale Avenue in the Coliseum Project Area and replace deteriorated and obsolete City facilities along the streetscape, and is consistent with the implementation plan adopted for the Coliseum Project Area; and be it

FURTHER RESOLVED: That there is no pending or threatened litigation which 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 has independently reviewed and considered this environmental determination, and the City Council 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 City is exempt from CEQA pursuant to Section 15301 (operation, repair, or minor alteration of existing structures or facilities) and Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the City Administrator or his or her designee, shall cause to be filed with the County of Alameda a Notice of Exemption for the Project; and be it

FURTHER RESOLVED: That the execution of any documents legally committing the City to fund the Project shall be expressly conditioned upon compliance with the requirements of NEPA, as certified by the City Administrator, or his or her designee; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator, or his or her designee as agent of the City to conduct all negotiations and to execute and submit all documents including, but not limited to, appropriating funds in the appropriate projects, applications, agreements, amendments, payment requests, and related actions which may be necessary for completion of the Fruitvale Alive Streetscape Improvement Project; and be it

FURTHER RESOLVED: That a copy of this resolution will be transmitted to MTC and placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST:

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 OCT 30 PM 3:44

APPROVED AS TO FORM AND LEGALITY:

BY: [Signature]
AGENCY COUNSEL

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

RESOLUTION CONTRIBUTING \$175,000 OF COLISEUM REDEVELOPMENT PROJECT FUNDS TO THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT FOR THE FINAL DESIGN AND IMPLEMENTATION OF THE FRUITVALE ALIVE STREETSCAPE PROJECT

WHEREAS, the City of Oakland (the "City") submitted an application to the Metropolitan Transportation Commission ("MTC") for funding for the Fruitvale Alive Streetscape Project ("Project") and expects to receive \$2,000,000 for constructing the Project upon completion of the final design plans; and

WHEREAS, MTC also awarded the City an additional grant from the MTC Housing Incentive Program in the amount of \$619,700 for the Project; and

WHEREAS, the Project requires additional local funds (in addition to the \$229,400 local match already contributed) to cover the final cost estimates; and

WHEREAS, portions of the proposed Project is within the boundaries of the Coliseum Redevelopment Project Area and its development will contribute to the Agency's goals and objectives for the Project Area; and

WHEREAS, the Project includes the following improvements:

- Streetlights
- New landscaping and street trees
- Bulb-outs at two intersections, E.12th and International Boulevard
- Crosswalks at the stated intersections; and

WHEREAS, the Project will be of benefit to the Coliseum Project Area and the immediate neighborhood in which the Project is located, there are no other reasonable means of financing the Project from local sources available to the City other than the Redevelopment Agency, and the Project will assist in the elimination of blighted conditions inside the Coliseum Project Area; and

WHEREAS, the Redevelopment Agency wishes to appropriate an additional amount not to exceed \$175,000; and

WHEREAS, the Agency's contribution will be allocated from the Redevelopment Agency Coliseum Project Area Operations Fund (9450); and

WHEREAS, the City and the Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; now therefore be it

RESOLVED: That the Redevelopment Agency hereby authorizes a contribution to the City of Oakland of an amount not to exceed \$175,000 in funds from the Coliseum Redevelopment Project Area funds for the Fruitvale Alive Streetscape Project; and be it

FURTHER RESOLVED: That the Agency hereby finds and determines as follows:

- 1) That the funding of the Project will benefit the Coliseum Redevelopment Project Areas by improving the appearance of and pedestrian safety and access on Fruitvale Avenue in the Coliseum Project Area; and
- 2) That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide additional funds for the Project, and therefore no other reasonable means of financing the Project are available to the City other than Redevelopment Agency funding; and
- 3) That the use of tax increment funds from the Coliseum Project Area for the Project will assist in the elimination of blight by improving the functionality and the aesthetic appeal of the streetscape along Fruitvale Avenue in the Coliseum Project Area and replacing deteriorated and obsolete City facilities along the streetscape, and is consistent with the implementation plan adopted for the Coliseum Project Area; and be it

FURTHER RESOLVED: That the Agency hereby allocates \$175,000 from Coliseum Operations Fund (9450), Coliseum Redevelopment Organization (88659), Coliseum Staff Project (S82600); and contribute such funds to the Oakland Redevelopment Agency Projects Fund (7780), Coliseum Redevelopment Organization (88659), Fruitvale Streetscape Project (S339110); and be it

FURTHER RESOLVED: That the Agency Administrator, or his or her designee, is hereby authorized to take all actions necessary with respect to the Agency funding of the Project in accordance with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -


ABSTENTION --

ATTEST:

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 OCT 30 PM 3:44

APPROVED AS TO FORM AND LEGALITY:

BY: 
Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C. M. S.

Introduced By Councilmember _____

RESOLUTION ACCEPTING AND APPROPRIATING \$700,000 OF FEDERAL SURFACE TRANSPORTATION FUNDS THROUGH THE METROPOLITAN TRANSPORTATION COMMISSION'S HOUSING INCENTIVE PROGRAM FOR THE 66TH AVENUE STREETScape IMPROVEMENT PROJECT, STATING THE ASSURANCE OF THE CITY OF OAKLAND TO COMPLETE THE PROJECT, AND ACCEPTING A CONTRIBUTION OF REDEVELOPMENT AGENCY FUNDS UNDER THE COOPERATION AGREEMENT OF \$91,000 AND ALLOCATING THE \$91,000 AS THE LOCAL MATCH

WHEREAS, The Transportation Equity Act for the 21st Century (TEA 21 Public Law 105-178, June 9, 1998) and the TEA 21 Restoration Act (Public Law 105-206, July 22, 1998) continue the Federal Congestion Mitigation and Air Quality (CMAQ) Program and Transportation Enhancements (TE) funding programs (23 U.S.C § 149); and

WHEREAS, pursuant to TEA 21, and the regulations promulgated therein, eligible project sponsors wishing to receive federal transportation grants for a project shall submit an application first with the appropriate Metropolitan Transportation Planning Organization (MPO) for review and consideration in the Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the San Francisco Bay Area's MPO; and

WHEREAS, MTC administers the Housing Incentive Program (HIP) Grant from CMAQ and TE Program funds; and

WHEREAS, the City of Oakland is an eligible project sponsor for federal transportation funds; and

WHEREAS, the City of Oakland submitted an application to the MTC Transportation for Livable Communities Housing Incentive Program in March 2005, requesting capital grant funds to fund the Coliseum Gardens Phase Three Streetscape Project, now known as the 66th Avenue Streetscape Improvement Project (the "Project"); and

WHEREAS, the City of Oakland wishes to receive federal transportation funds through MTC HIP for the Project to fund streetscape improvements to include new lighting and landscaping along approximately 1,100 lineal feet of 66th Avenue from the Union Pacific railroad tracks on San Leandro Street to the City of Oakland Fire Station 29 at 1061 66th Avenue and has expanded the project all the way to International Blvd; and

WHEREAS, MTC requires a resolution stating the following:

- 1) The commitment of necessary local matching funds of at least 11.5 percent of the total project cost; and
- 2) A statement that the sponsor understands that the federal funding through HIP is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded through HIP; and
- 3) The assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC TIP; and
- 4) A statement that the sponsor understands that the building permits for the qualifying housing development must be issued by June 22, 2007; and
- 5) A statement that the sponsor understands that funds must be obligated by June 30, 2008 for HIP capital projects, or the project may be removed from the program; and

WHEREAS, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, sufficient funds are available to fund the required local match of \$91,000 in Oakland Redevelopment Agency Projects Fund (7780), Capital Improvement Project – Economic Development Organization (94800), 66th Avenue Streetscape Improvement Project (P318410); and

WHEREAS, the City and the Agency agree that the City is the Lead Agency for the Project for purposes of environmental review under the California Environmental Quality Act of 1970 (CEQA); 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 have been satisfied; and

WHEREAS, the execution of any documents legally committing the City to fund this Project shall be expressly conditioned upon compliance with the requirements of the National Environmental Protection Act (NEPA), as certified by the City Administrator or his or her designee; now therefore be it

RESOLVED: That the City of Oakland is an eligible sponsor of projects for the CMAQ and TE Programs; and be it

FURTHER RESOLVED: That there is no legal impediment to the City making applications for CMAQ and TE Program funds; and be it

FURTHER RESOLVED: That the City Administrator or his or her designee is authorized to apply for and accept \$700,000 in Federal CMAQ or TE funds under MTC HIP Grant program and hereby appropriates such funds for the Project into the Metropolitan Transportation Commission Grant Fund (2163), Coliseum Redevelopment Organization (88659), under a project number to be established; and be it

FURTHER RESOLVED: That the City hereby accepts a contribution of Redevelopment Agency funds under the Cooperation Agreement in an Amount not to exceed \$91,000 and allocates it to Oakland Redevelopment Agency Projects Fund (7780), Capital Improvement Project – Economic Development Organization (94800), 66th Avenue Streetscape Improvement Project (P318410) as a local match for the MTC grant; and be it

FURTHER RESOLVED: That the City Council by adopting this resolution hereby states that:

- 1) The City of Oakland will provide a local match not to exceed \$91,000 toward the 66th Avenue Streetscape Improvement Project from the Oakland Redevelopment Agency Projects Fund (7780); and
- 2) The City of Oakland understands that the HIP award for the Project is fixed at \$700,000, and that any cost increases must be funded by the City of Oakland or the Redevelopment Agency from local matching funds, and that the City of Oakland does not expect any cost increases to be funded through HIP; and
- 3) The 66th Avenue Streetscape Improvement Project will be built as described in this resolution and submitted application and, if approved, for the amount shown in the MTC Transportation Improvement Program (TIP), with obligations occurring within the timeframe established below; and
- 4) The program funds will be obligated by June 30, 2008 for HIP capital projects; and be it

FURTHER RESOLVED: That the City Council hereby finds and determines as follows:

- 1) That the funding of the Project will benefit the Coliseum Redevelopment Project Area by improving the appearance of and pedestrian safety and access on 66th Avenue; and
- 2) That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide the local match for the Project, and therefore no other reasonable means of financing the local match for the Project are available to the City other than Redevelopment Agency funding; and

- 3) That the use of tax increment funds from the Coliseum Project Area for the Project will assist in the elimination of blight by improving the functionality and the aesthetic appeal of the streetscape along 66th Avenue in the Coliseum Project Area and replacing deteriorated and obsolete City facilities along the streetscape, and is consistent with the implementation plan adopted for the Coliseum Project Area; and be it

FURTHER RESOLVED: That there is no pending or threatened litigation which 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 MTC is requested to support the application for the Project described in this Resolution and to program the Project, if approved, in the TIP; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator, or his or her designee as agent of the City to conduct all negotiations and to execute and submit all documents including, but not limited to, appropriating funds in the appropriate projects, applications, agreements, amendments, payment requests, and related actions which may be necessary for completion of the 66th Avenue Streetscape Improvement Project; and be it

FURTHER RESOLVED: That the City Council has independently reviewed and considered this environmental determination, and the City Council 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 City is exempt from CEQA pursuant to Section 15301 (operation, repair, or minor alteration of existing structures or facilities) and Section 15302 (replacement or reconstruction of existing structures or facilities) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the City Administrator, or his or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for the Project; and be it

FURTHER RESOLVED: That the execution of any documents legally committing the City to fund the Project shall be expressly conditioned upon compliance with the requirements of NEPA, as certified by the City Administrator, or his or her designee; and be it

FURTHER RESOLVED: That a copy of this resolution will be transmitted to MTC and placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____ 2008

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

FILED
OFFICE OF THE CITY CLERK
OAKLAND APPROVED AS TO FORM AND LEGALITY:
2008 OCT 30 PM 3:44
AGENCY COUNSEL

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

AGENCY RESOLUTION ALLOCATING AND CONTRIBUTING UP TO \$91,000 IN REDEVELOPMENT AGENCY FUNDS TO THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT AS MATCHING FUNDS FOR A METROPOLITAN TRANSPORTATION COMMISSION HOUSING INCENTIVE PROGRAM GRANT TO FUND THE 66TH AVENUE STREETScape IMPROVEMENT PROJECT

WHEREAS, the City of Oakland (the "City") submitted an application to the Metropolitan Transportation Commission (MTC) for funding and expects to receive a Transportation for Livable Communities Housing Incentive Program capital grant (the "Grant") in the additional amount of \$700,000 for the 66th Avenue Streetscape Improvement Project (the "Project"); and

WHEREAS, the Grant requires a minimum local match of 11.5 percent of the total project cost, or up to \$91,000; and

WHEREAS, the proposed Project is within the boundaries of the Coliseum Redevelopment Project Area and its development will contribute to the Agency's goals and objectives for the Project Area; and

WHEREAS, the Project includes the following improvements:

- Streetlights
- New landscaping
- Bulb-outs at two intersections, Leona Creek Drive and Lion Way at 66th Avenue
- Crosswalks at the stated intersections;
- Bicycle lanes if feasible; and

WHEREAS, the Project will be of benefit to the Coliseum Project Area and the immediate neighborhood in which the Project is located, there are no other reasonable means of financing the Project available to the City other than the Redevelopment Agency, and the

WHEREAS, the Redevelopment Agency wishes to fund the local match for the Project in an amount not to exceed \$91,000; and

WHEREAS, the Project's matching fund of \$91,000 will be allocated from the Redevelopment Agency Coliseum Project Area Tax Allocation Series 2006 Bond Fund (9455); and

WHEREAS, the City and the Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; now therefore be it

FURTHER RESOLVED: That the Agency hereby finds and determines as follows:

- 1) That the funding of the Project will benefit the Coliseum Redevelopment Project Area by improving the appearance of and pedestrian safety and access on 66th Avenue; and
- 2) That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program budget is unable to provide the local match for the Project, and therefore no other reasonable means of financing the local match for the Project are available to the City other than Redevelopment Agency funding; and
- 3) That the use of tax increment funds from the Coliseum Project Area for the Project will assist in the elimination of blight by improving the functionality and the aesthetic appeal of the streetscape along 66th Avenue in the Coliseum Project Area and replacing deteriorated and obsolete City facilities along the streetscape, and is consistent with the implementation plan adopted for the Coliseum Project Area; and be it

FURTHER RESOLVED: That the Agency hereby allocates and contributes to the City of Oakland under the Cooperation Agreement \$91,000 from Coliseum Redevelopment Tax Allocation Bond Series 2006 Fund (9455), Capital Improvement Project-Economic Development Organization (94800), 66th Avenue Streetscape Project (T315310) as a local match for the MTC grant; and be it

FURTHER RESOLVED: That the Agency Administrator, or his or her designee, is hereby authorized to take all actions necessary with respect to the Agency funding of the Project in accordance with this Resolution and its basic purposes.

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 of the Redevelopment Agency
of the City of Oakland, California