

CITY OF OAKLAND
AGENDA REPORT

OFFICE OF THE CITY ADMINISTRATOR
CITY OF OAKLAND

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community & Economic Development Agency
DATE: October 24, 2006

2006 OCT 24 PM 5:07

RE: A Resolution 1) Authorizing The City Administrator To Accept A Grant In The Amount Of \$1,900,000.00 From The Metropolitan Transportation Commission - Federal Surface Transportation Program (STP) And/Or Congestion Management And Air Quality Improvements (CMAQ) Program For The West Oakland Transit Village Streetscape Project, 2) Appropriating The Grant, 3) Stating The Assurance Of The City Of Oakland To Complete The Project If Funded, And 4) Authorizing A Local Match In The Amount Of \$380,000.00

SUMMARY

This report and resolution requests that the City Council authorize the City Administrator to accept and appropriate a grant for \$1,900,000.00 from the Metropolitan Transportation Commission (MTC)/ Division of Transportation Planning (Caltrans)/ federal Surface Transportation Program (STP) and/or Congestion Management and Air Quality Improvements (CMAQ), known as the MTC Livable Communities Program (TLC), for the West Oakland Transit Village Streetscape (Attachment A). The Grant will be used to complete the construction documents, finalize environmental review, and construct streetscape improvements between Union Street to Peralta Street in West Oakland. The Resolution also requests the authorized use and allocation of the required local match from a combination of Transportation Measure B, West Oakland Redevelopment, and Council District 3 (Pay-Go) funds. The Metropolitan Transportation Commission requires a city Resolution endorsing the acceptance of the grant by November 1, 2006.

FISCAL IMPACT

The City was awarded a TLC grant by the Alameda County Congestion Management Agency (CMA) for the first phase of this project in January 2006. The local match normally required for that grant award (Federal Transportation Enhancement (TE) Funds) was provided by CMA. On September 27, 2006 MTC approved the grant from TLC Capital Programming to the West Oakland Streetscape in the amount of \$1,900,000.00 for the second phase.

MTC requires a minimum local match of 11.5%., however, in granting the award, MTC advised staff that all other funded projects in the region have committed a local match of at least 20% in order to assure project completion. Therefore, staff recommends a 20% match, which would be \$380,000.00. Failure of the City to approve sufficient local funds for the project could result in

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considerable delays, inability to combine the CMA-award with the MTC grant funds, decreasing economies of scale, and lack of uniformity in the project.

Staff recommends that the City approve a 20% match of \$380,000.00, in order to meet contingencies and potential price escalation during the project, to be met through the following sources: \$50,000 from the Municipal Capital Improvement Fund (5500) Streets and Structures Organization (92242), \$50,000 from District Three Pay-Go Project (B00700); \$32,324 from the Measure B Fund (2212); Streets and Structures Organization (92242), Measure B Bicycle and /Pedestrian Project (C165720); \$70,000 from the Measure B Fund (2212), Pass Thru Fund Org: 92242 Project C165270 Traffic Engineering Organization (92246), ACTIA Pedestrian Streetscape Project (C271110); \$22,676 from the FY 2007-08 Measure B Fund (2212) allocation, Traffic Engineering Organization (92246), ACTIA Pedestrian Streetscape Project (C271110); and \$205,000 from the FY 06-07 West Oakland Redevelopment Planning Fund (9101):Redevelopment Planning Fund West Oakland Base Reuse Organization (88679), Redevelopment Plan – West Oakland Project (P37650).

Total Local Match: \$380,000.00
Total Grant Award: \$1,900,000.00
Total Project Costs: 2,280,000.00

This project was designed with drought-tolerant plants, energy and cost-efficient lighting and durable street furniture, with a priority on low maintenance. No additional funding is available for street maintenance, so maintenance for this streetscape, after its expected completion in 2008, will need to be absorbed within the existing budget, resulting in potential impact to other areas of the City. The grant will be appropriated to the City's Public Works Agency: Metropolitan Transportation Commission Program Grant Fund (2163); Streets and Structures Organization (92242), and a project to be created.

BACKGROUND

In 2002 CEDA staff received an \$185,000 community planning grant from Caltrans through the Community Transportation Planning-Environmental Justice program to develop a streetscape plan for Seventh Street, West Oakland. Staff completed this work, holding community meetings and technical advisory committee meetings over the course of 1.5 years. The technical advisory team consisted of Public Works Agency staff (Street Design & Engineering, Traffic Engineering, Parks and Recreation), the Oakland Housing Authority, BART, AC Transit and the U.S. Postal Service. Meetings were also held with the Bicycle & Pedestrian Advisory Committee.

Landscape Architect Walter Hood was selected through an RFP process to lead the design work. The process was initiated with a community walking tour of the plan area, led by staff and the consultant, and several community meetings were held through the course of the plan creation. The final plan was presented to the community at the West Oakland Library in 2004. Following completion of the draft design concept plan, staff facilitated a professional workshop for 30

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planners from across the country together with 30 community members during the 2005 National American Planning Association, held in San Francisco. The workshop was sponsored by the American Institute of Certified Planners (AICP). During the eight-hour workshop, preliminary criteria for infill design guidelines were drafted, which encourage transit-oriented development along Seventh Street.

In 2004 staff submitted an MTC TLC Capital Programs application for the West Oakland Transit Village Streetscape. Chinatown was selected for funding in that round, but West Oakland scored very high. MTC staff met with staff in 2005, inviting resubmission in the present call for projects (2006-2007/2007-2008). In January 2005 Alameda County Congestion Management Agency invited three Oakland projects, West Oakland, MacArthur and Coliseum, to participate in grant applications expressly for transit village streetscape projects. West Oakland was awarded \$1.3 million in that round, and work has begun, with plans for environmental Phase I and CEQA/NEPA documentation underway.

In June 2006 MTC announced another round of TLC funding. Alameda County overall scored very highly in the 2006 TLC awards. Four County projects were selected (Fremont, Livermore, Berkeley and West Oakland), and Fruitvale Alive was selected for the Contingency List. West Oakland was awarded \$1.9 million, which adds to the already received \$1.3 million grant for completion of the entire project, from Union to Peralta Streets.

KEY ISSUES AND IMPACTS

The streetscape is needed to mitigate truck travel in front of the BART area, improve pedestrian and cyclist safety, and encourage commercial revitalization in an area that was once one of the most vibrant and diverse commercial and cultural districts in the City. Historic transportation features (railway, former Cypress Freeway, and construction of BART) had a negative aesthetic and environmental impact and implementation of the streetscape plan will calm traffic, improve pedestrian and bicyclist safety while encouraging access to BART.

Recent Planning Actions

The West Oakland Transit Village Streetscape is located on Seventh Street. The design concept plan included the entire area bounded by Union to Wood Streets, including the area directly in front of the BART Station. The Plan divided the nine-block area into three sections: a Mixed-Use Area: Union to Mandela Parkway; a Transit-Oriented Area: Mandela Parkway to Peralta Streets; and a Historic Commercial Area: Peralta to Wood Streets. The area covered by the MTC grant includes the Transit-Oriented Development area, which includes the Blues Walk of Fame, as well as some elements for the Mixed Use area not covered by the CMA grant. The Transit-Oriented Development area was zoned to accommodate high-density mixed-use development ("S-15" Transit Oriented Development Zone) in 2000. A Transit Village Action Plan was created in 2001 (Attachment B; Executive Summary) through a tri-agency effort (BART, Oakland Housing Authority and CEDA) to identify development opportunities in the area. Plan consultants estimated opportunity for the development of at least 575 housing units in the immediate plan area, as well as 12,000 sf of commercial space. Further applications for funding

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the Historic Commercial area will be delayed, pending BART's completion of seismic retrofit work on the structural columns in that area.

Local Streetscape Improvements

Streetscape improvements on 7th Street were identified in the West Oakland Transit Village Study as a priority in order to encourage mixed-use development in the area. The Port of Oakland improved access to Middle Harbor Shoreline Park through bicycle lane construction in the Port's land on 7th Street, west of the western rail crossing. In 2002-2004 the Acorn Prescott area was improved through MTC planning and capital grants (TLC) and Bay Trail funding for Eighth Street. The Mandela Parkway was improved by Caltrans at a cost of \$12 million dollars. The Third Street Extension, completed with Caltrans grant funding by the City in 2004, allows the smooth passage of travelers between Emeryville and West Oakland and the West Oakland BART and Jack London Square, including bicycle lanes, completing that section of the Bay Trail. The West Oakland Transit Village (7th Street) Streetscape will escalate the development momentum set by these projects.

Mixed Use Development in the Area

Since 2001, the Mandela Gateway mixed-use housing development has been constructed and the commercial units are 50% occupied. Several large parcels in the area have received planning entitlements for residential construction as well as one project for a garage that can serve to replace the BART surface lot. A local non-profit-private sector partnership has an Exclusive Negotiating Agreement (ENA) with BART for the development of the BART parking lot, and the City has entered into an ENA with a non-profit-private developer partnership for development of a two-acre site within the Mixed Use area. Aside from the Mandela Gateway project, which was constructed using Hope IV/HUD funds and completed in 2004, there have been no other new construction projects in the immediate area. The Streetscape construction will encourage already entitled projects to begin, and encourage commercial activity in front of BART.

Blues Walk of Fame

The Streetscape Plan will create a Blues Walk of Fame, highlighted by theme pedestrian lighting. The Walk of Fame and the Plan aspects celebrate the cultural heritage of the musical history of the area in the 1940s to the 70's when many blues clubs and African American cultural clubs were active on the street. In addition, the Streetscape captures the early history of the rail and industrial legacy of the area, celebrates rather than negates the Port of Oakland's presence in the area, and acknowledges the diverse European (Greek, Italian Eastern European), Mexican, Asian and Native American societies that were present in the area at the turn of the century.

SUSTAINABLE OPPORTUNITIES

Economic: The Streetscape will encourage commercial activity to return to the street and small scale local entrepreneurship through the creation of a pedestrian tree-lined mall, enabling city-licensed vendors on the large City-owned right of way area in front of BART.

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Environmental: The Streetscape will use many California native, drought tolerant plantings, low-emission lighting, and encourage pedestrian and cyclist access to BART, which is consistent with BART's goals in the West Oakland BART Station Access Plan.

Social Equity: The Streetscape will revitalize a low income area of the City which has suffered from negative transportation, and associated environmental contamination and poor air quality due to the presence of the railroad, development of the Port and construction and subsequent falling and removal of the Cypress Freeway).


DISABILITY AND SENIOR CITIZEN ACCESS

The Streetscape will improve access to the West Oakland BART Station for senior citizens and the disabled, providing improved ADA ramps, improved bus access and bus stops, signal devices as well as calm traffic traveling through the Seventh Street corridor from the freeway and Port.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council accept and appropriate a grant from MTC for the West Oakland Transit Village Streetscape in the amount of \$1.9 million, and approve the use of local match funds in the amount of \$380,000, as detailed in the Fiscal Impact section of this report.

Respectfully submitted,



DANIEL VANDERPRIEM, DIRECTOR
Redevelopment, Economic Development,
Housing & Community Development
CEDA

Prepared by: Margot Lederer Prado, AICP
UEA IV, Business Development Services

APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:



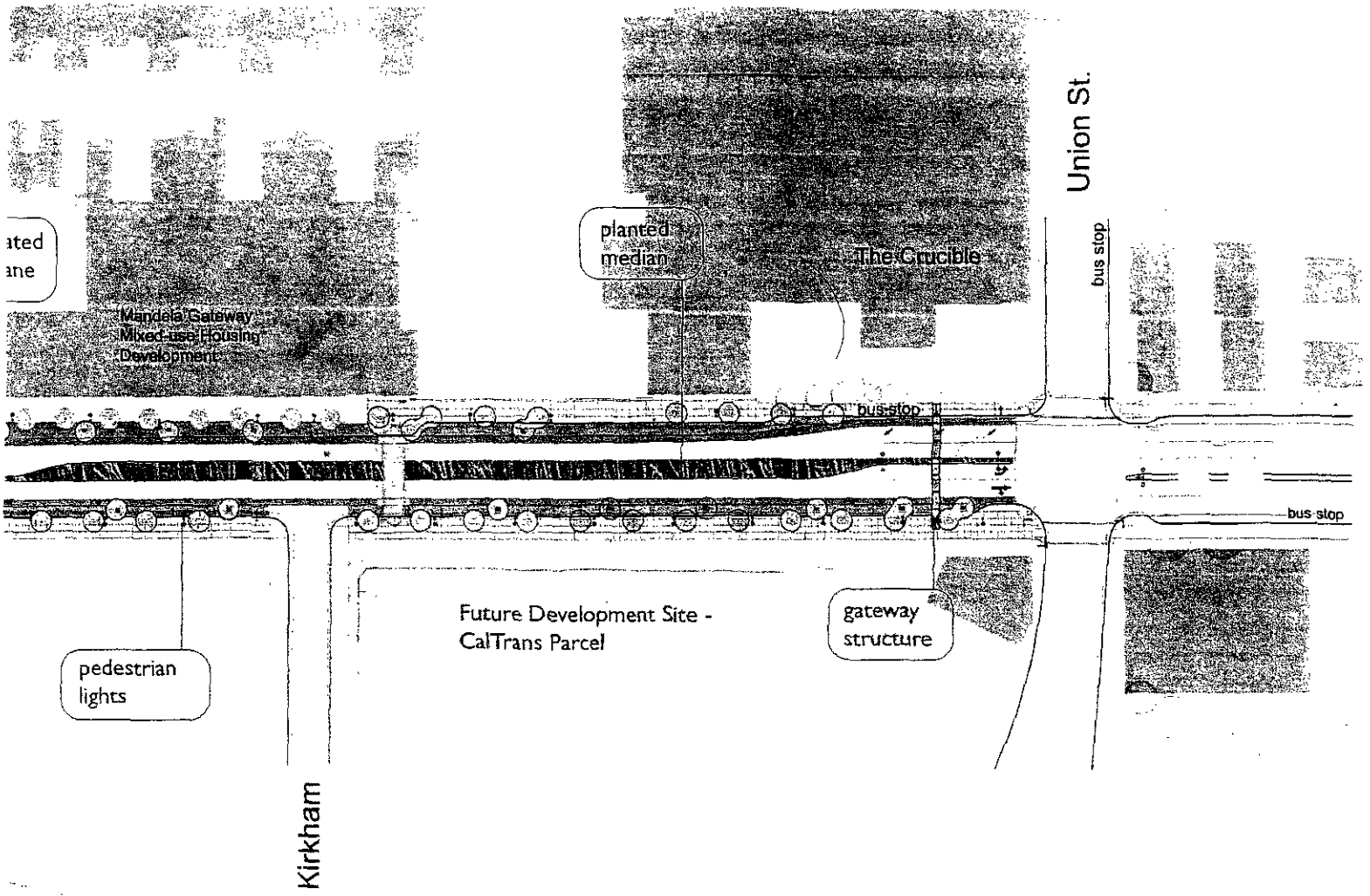
OFFICE OF THE CITY ADMINISTRATOR

Attachments:

- A. West Oakland Transit Village Streetscape Plan Schematics (2004)
- B. West Oakland Transit Village Study (2001)

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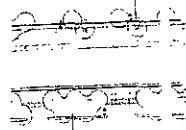
LANDSCAPE PLAN



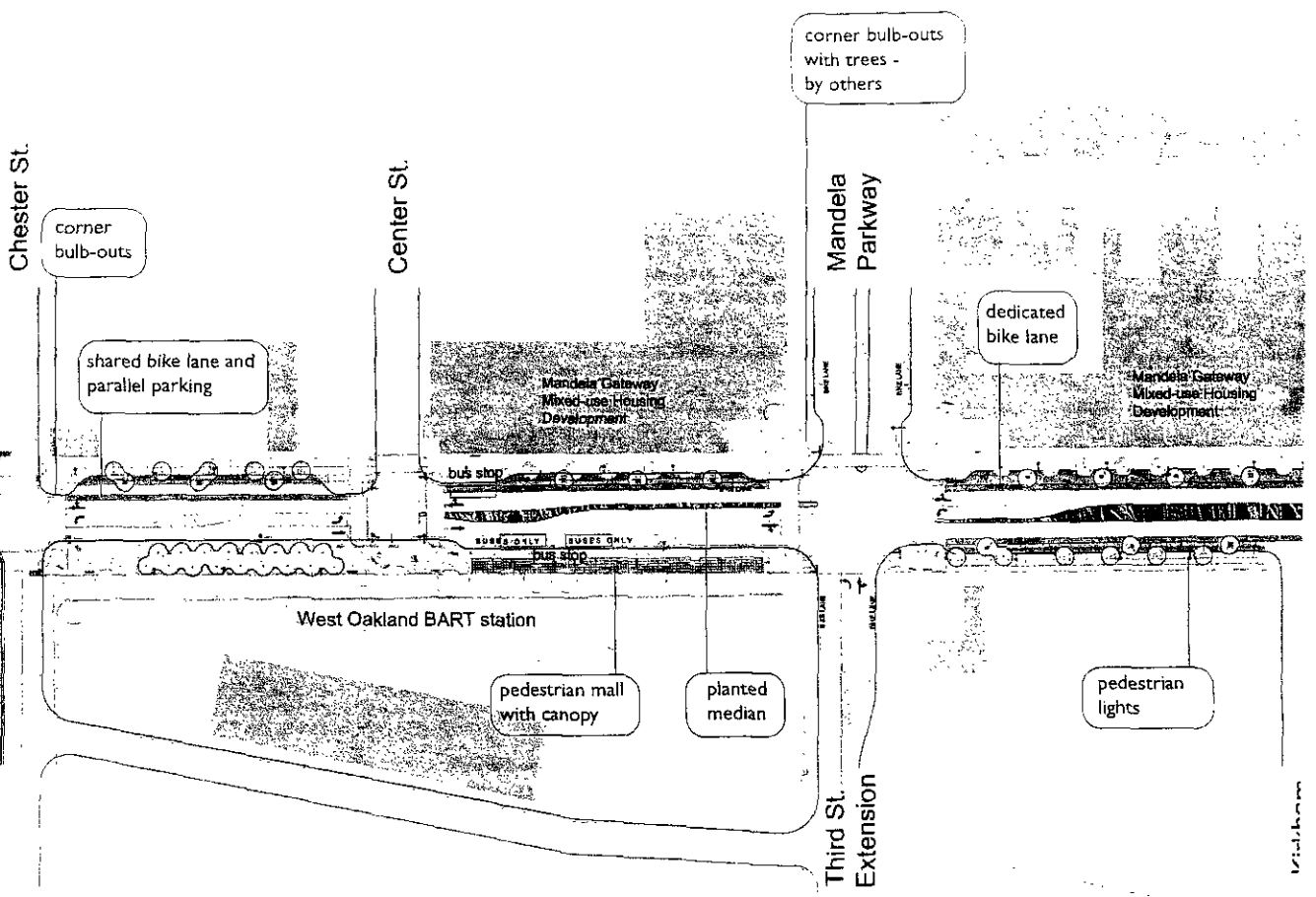
ATTACHMENT A



planted in
walk & parking bay

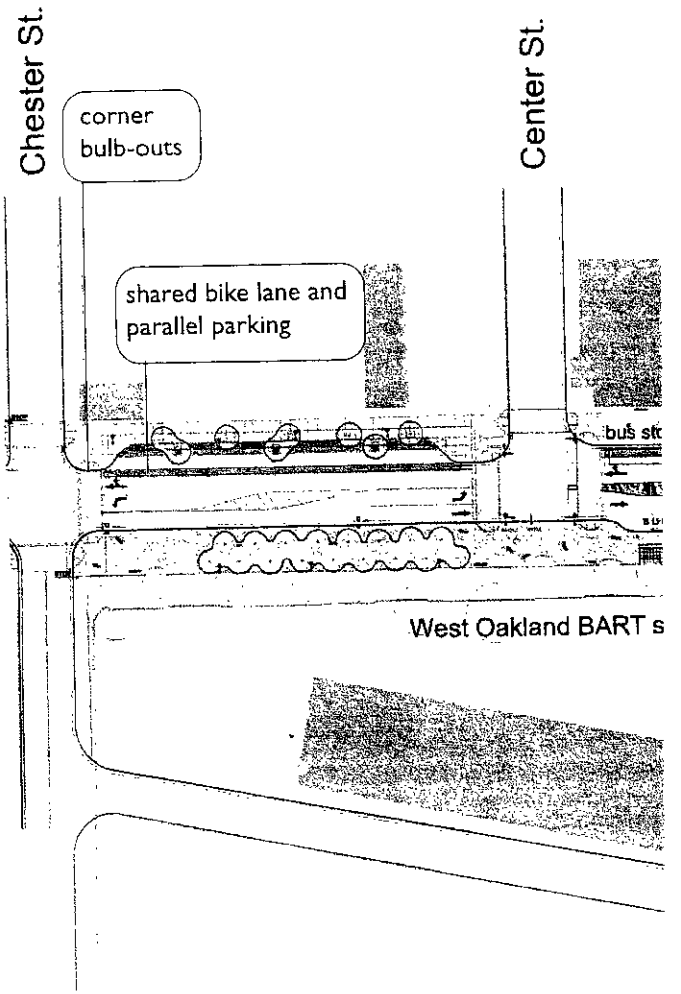
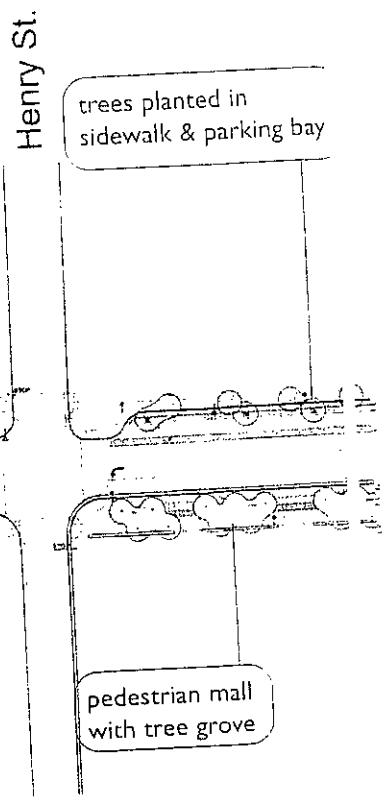
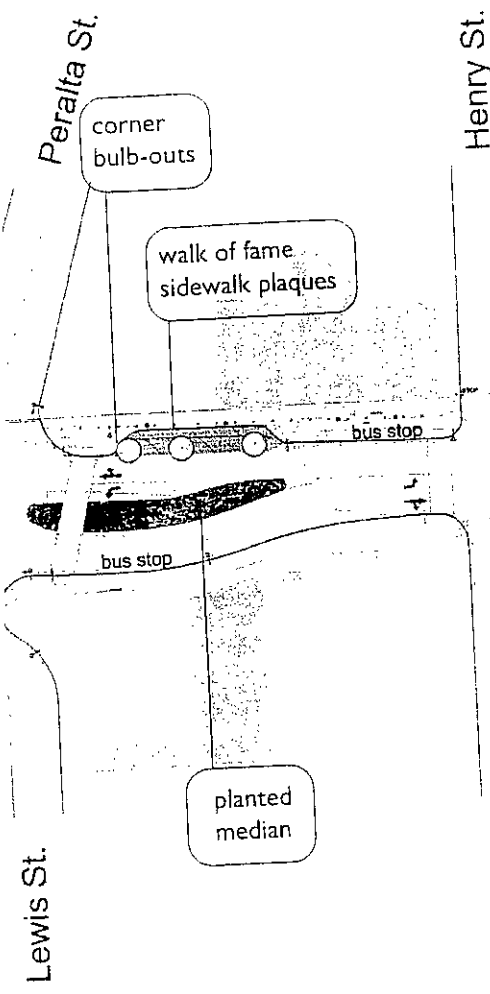


pedestrian mall
tree grove



Future Development Site -
West Oakland BART

Future Development
Site - Red Star Yeast



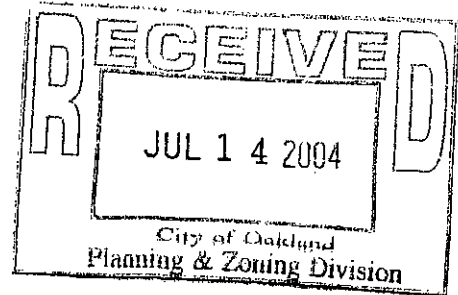
CITY OF OAKLAND

Public Works Agency
Design & Construction
Engineering Division



MEMORANDUM

To: Margot Lederer Prado, CEDA Planning
From: Michael Neary, Division Manager
Date: July 14, 2004
Re: TLC Application for Seventh Street Transit Village Streetscape



Thank you for presenting your proposed TLC Grant Application to us last Wednesday. Staff from PWA Engineering, Traffic, Maintenance, Electrical and Tree Divisions has reviewed the information you provided at the meeting, as well as subsequent documentation you provided for compliance with City design standards and future operating impacts.

The project meets current design standards and has our support. In addition, we believe the project will enhance the community and infrastructure in the project area. We are happy to support this exciting project. Our Traffic Engineering staff has provided some guidance to the proposed lane configurations, which you have incorporated into your proposal to our satisfaction. Our staff will continue to work closely with you throughout the design development process.

If you have any questions or need additional information, please feel free to call me at 238-6659. Again, thank you for allowing us the opportunity to comment on these projects.

Cc: Raul Godinez, II
Brooke Levin
Claudia Cappio
Dan Vanderpriem
Wladimir Wlassowsky
Elroy Holtman
Dan Gallagher
Stephanie Floyd-Johnson

ATTACHMENT B



*City of Oakland
Community and Economic
Development Agency (CEDA)*

*Oakland Housing
Authority (OHA)*

*San Francisco Bay Area
Rapid Transit District (BART)*

WEST OAKLAND TRANSIT VILLAGE STUDY

Prepared by
Michael Willis Architects
JWC Urban Design
The Sedway Group
Pittman & Hanes
Dunwiddie and Associates
Duvillier-Sloan
Michael Bernick

- Slim Jenkins
 - Ground Floor
 - Willow Head Start
 - Good-will Job Placement
 - Canton City Restaurant
 - (Corner of Willow)
- Luck Lequinn Property
 - Corner Peralta to Campbell Street
 - J. & A. Borgain Center
 - Vacant
 - Residential over Closed
 - Vacant (Performance Space)
 - World Videos (1634)
 - Vacant

- Multiple Tenant
- T.H. CO. Glass
- El Blanco Restaurant
- Salvadorean / Mexican Food
- Expressions Barber & Beauty

Note: No ground floor commercial Henry to Peralta
Closed store fronts to Residential

- Barn Restaurant & Catering
- Estate Liquors & Orbit Room
- "Breakfast Club"
- Res. Ground Storage
- State Liquors/Res
- West Side Church
- Western Workers Service Assoc
- Boys / Girls Club
- Private School
- BART
- Jubilee West
- Coopers
- Zion's 1st Church of God
- Kays Donuts & Subs
- Automotive Service
- J. & A. Trucking
- Oakland People Elmwood Neighborhood (QREN, INC.)
- Cable Moore
- California Soda
- Buss Automotive Parts
- BART
- Cable Moore

- PAYING
- VACANT
- RESIDENTIAL
- INDUSTRIAL



Figure 2: EXISTING CONDITIONS
WEST OAKLAND TRANSIT VILLAGE

471 North Street
Oakland, CA
94607
641-6111 / 207-9710
1-800-510-207 / 713

Michael
Wills
Architects



PRIMARY FINDINGS AND ASSUMPTIONS:

Recommended development programs, concepts and policies are based on several primary findings and assumptions developed as part of the study, including:

1 The strongest current development market is for housing which, to remain affordable, will require public subsidies. Construction of new affordable income housing, both rental and for-sale, is crucial to preventing the economic displacement of existing residents given the large percentage of renters (80%) and the recent trend of converting rentals to market-rate, for-sale units.

2 The demand for retail is secondary to and dependent upon building more housing and increasing the resident population density. At present, there are very few shops providing household serving goods and services located within the Study Area in particular and West Oakland in general.

3 Largely because of its access to transportation, the Study Area and all of West Oakland is becoming one of the most important opportunities for residential and certain types of commercial development both in the East Bay and in the Bay Area.

DEFINITIONS OF KEY CONCEPTS:

Catalyst Project: A development, either existing or proposed (if funded and in the process of being implemented), which, with coordinated planning and design, has the potential to attract and support new, private sector development and to further the dynamic of a “transit village.”

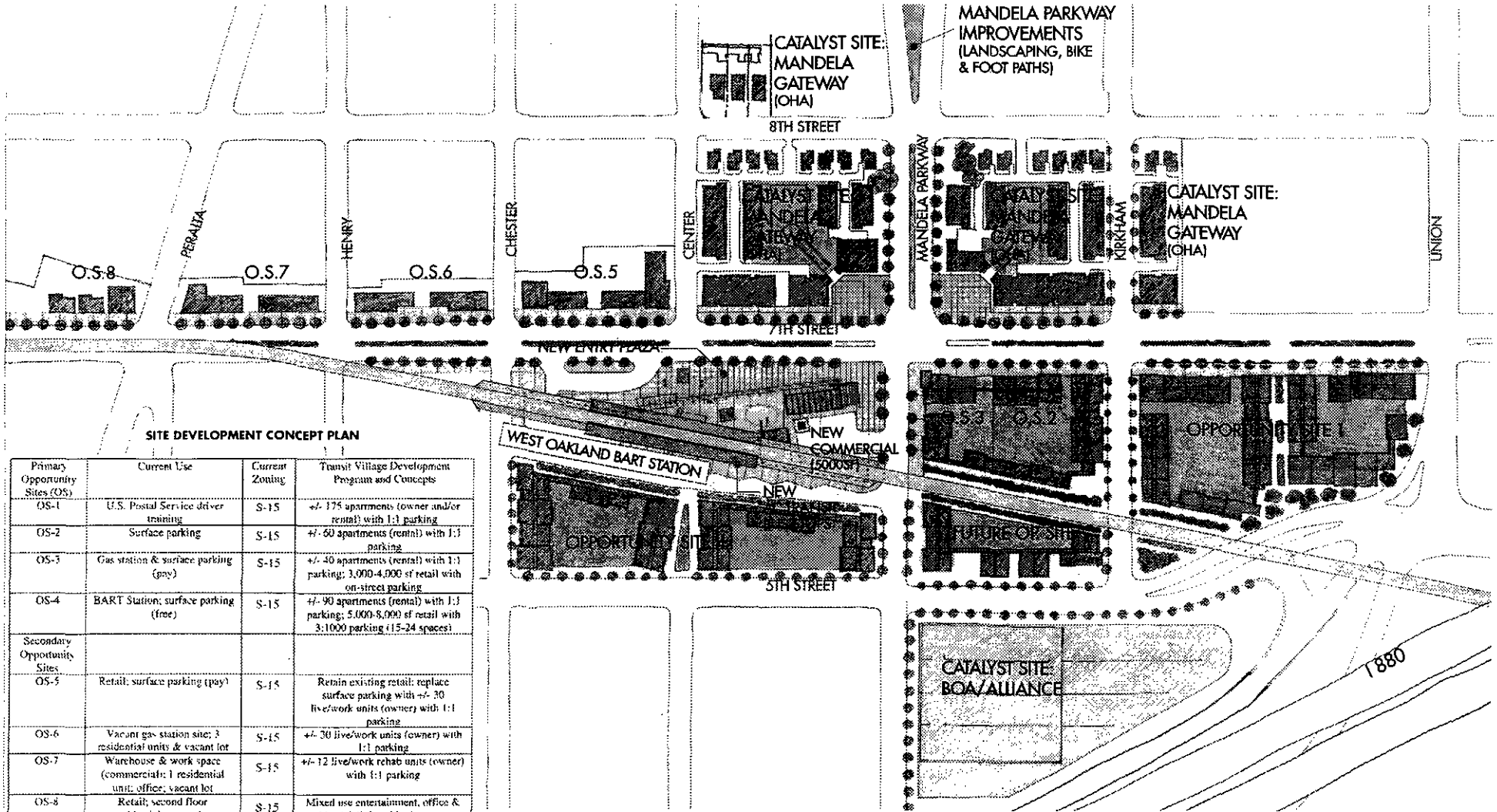
Opportunity Site: A property in the immediate vicinity of the BART station that is either vacant or greatly underutilized and that has the potential to become available in the short term for new development.

Primary Opportunity Site: One that, because of its larger size and/or location, has the immediate potential to attract additional new development and to significantly influence the creation of a “transit village.”

Secondary Opportunity Site: One that, because of its smaller size or more peripheral location, is assumed to have a more incremental impact on the formation of a “transit village.”

Transit Village: A compact, visually defined, pedestrian-oriented district centered around a transit station. Typically, walkable access to transit supports a higher intensity of development within a quarter-mile of the station. Other defining characteristics include:

- 1) mixed-use residential, office and retail development;
- 2) an environment not dominated by cars and parking lots (parking located in structures or in smaller surface lots, ideally at the periphery of the district);
- 3) pedestrian scale, quality architecture and a high level of streetscape amenities, including public art;
- 4) strong perception of public safety;
- 5) well defined central public space with attractive places for people to gather that are visible from the transit station;
- 6) public space designed to encourage social interaction and to accommodate such activities as entertainment or food sales; and
- 7) clearly understood, visible access to transit station.



SITE DEVELOPMENT CONCEPT PLAN

Primary Opportunity Sites (OS)	Current Use	Current Zoning	Transit Village Development Program and Concepts
OS-1	U.S. Postal Service driver training	S-15	+/- 175 apartments (owner and/or rental) with 1:1 parking
OS-2	Surface parking	S-15	+/- 60 apartments (rental) with 1:1 parking
OS-3	Gas station & surface parking (pay)	S-15	+/- 40 apartments (rental) with 1:1 parking; 3,000-4,000 sf retail with on-street parking
OS-4	BART Station; surface parking (free)	S-15	+/- 90 apartments (rental) with 1:1 parking; 5,000-8,000 sf retail with 3,1000 parking (15-24 spaces)
Secondary Opportunity Sites			
OS-5	Retail; surface parking (pay)	S-15	Retain existing retail; replace surface parking with +/- 30 live/work units (owner) with 1:1 parking
OS-6	Vacant gas station site; 3 residential units & vacant lot	S-15	+/- 30 live/work units (owner) with 1:1 parking
OS-7	Warehouse & work space (commercial); 1 residential unit; office; vacant lot	S-15	+/- 12 live/work rehab units (owner) with 1:1 parking
OS-8	Retail; second floor residential; vacancies	S-15	Mixed use entertainment, office & residential (1:1 parking); on-street parking for commercial
Catalyst Sites			
Mandela Gateway	Westwood Gardens (46 units); trucking; surface parking (publicly operated pay)	S-15	143 apartments (rental); 19 single family units (owner)
BofA/Alliance	Surface parking (pay) & future café	S-15	Parking facility (primary use) with option for mixed-use commercial & residential

**Figure B: SITE DEVELOPMENT PLAN
WEST OAKLAND TRANSIT VILLAGE**

471 Ninth Street
Oakland, CA
94607
tel: (510) 287 9710
fax: (510) 287 9713

Michael
Willis
Architects



RECOMMENDED ACTIONS:

The Mandela Gateway development, which is being planned by OHA and funded with a secured federal HOPE VI grant, is the driving force, or catalyst, for beginning implementation of a transit village at the West Oakland BART Station. Acquisition of the two large, Caltrans owned properties that remain from the old Cypress Freeway right-of-way, along with an adjacent, privately owned parcel, are critical to implementation of both the Mandela Gateway project and the transit village concept. Control over future development of these two properties by the City or a community oriented master developer is very important in achieving two major goals:

- 1) an optimum development sequence that minimizes disruption to public parking and
- 2) managing the housing mix and type to maximize affordability.

These goals and other top priority recommendations for near-term actions, as summarized below, are discussed in detail in the Report document:

- 1 City and/or OHA control over land use and development on the two large Caltrans properties in order to best direct future transit village development.
- 2 City initiated streetscape master plan for 7th Street corridor between Union and Peralta Streets that provides a recommended program of high quality, pedestrian amenities conducive to future transit village development and activity.
- 3 City and/or BART to promote and support development of a large capacity public parking structure within easy access of the BART station, possibly as part of a mixed-use project on one of the properties at 5th Street and Mandela Parkway.
- 4 City and community programs to better manage and calm the volume of truck traffic through the Transit Village Study Area.
- 5 City, OHA and Public/Private Partnership initiated policy framework and subsidies designed to stabilize adjacent neighborhoods and to control the potential economic displacement of existing residents.
- 6 City and BART initiatives to maintain and manage an adequate supply of public parking in the Study Area, including formation of a transit village parking district.
- 7 City support for relocating existing industrial land uses that currently deter new residential development.
- 8 City, BART and OHA continuation of a scheduled process for ongoing dialogue between all public agencies with special interests in the vicinity of the BART station, and encouragement of continued interaction with the area's residents and business owners.

A recommended site development concept plan, which is responsive to the community vision for the Study Area as identified through the Workshop process, is illustrated in Figure B, together with a list of recommended site development principles.

Opportunity Sites: Recommended Development Principles

- 1 3-4 story building height; 50 du/acre average residential density
- 2 Enclosed podiums or under-the-units parking preferred (more secure and less disruptive to site landscaping)
- 3 Buildings located at or near street frontage property line to define street edge
- 4 Enclosed, landscaped courtyards and outdoor lawn areas for resident use (gated access to street edge)
- 5 Landscape buffer between residential development and adjacent overhead BART tracks or freeway with sound mitigation for all units
- 6 Retail frontage concentrated on 7th Street (the historic entertainment, shopping corridor) with some future retail on Mandela Parkway (especially across from the BART Station area)
- 7 Retail development and public plaza connecting to station entry located at Mandela, 7th Street corner of BART site)
- 8 Mixed-use residential and retail development on opportunity sites near 7th Street and Mandela Parkway and along 7th Street west of Center Street (O.S. 2, 3, and 5-8)
- 9 Residential-only (if proposed) more appropriate for large site on 7th Street between Union and Kirkham Streets (O.S. 1) and for portion of the BART station area fronting 5th Street adjacent to existing South Prescott neighborhood
- 10 Landscaped courtyards on BART property fronting 5th Street can occupy more of the street edge as a way to better integrate with the existing, lower density housing along that portion of South Prescott
- 11 Building articulation and offsets create a finer, more village-like scale for development projects
- 12 Large-scale parking facilities located away from 7th Street and at edges of neighborhoods (prime parking structure location being part of mixed-use development of 5th Street and Mandela Parkway catalyst site)
- 13 Space for community facilities considered interchangeable with ground floor retail space, especially in the initial development period. (Given rent subsidies, storefront space made available on interim basis to public service agencies for a variety of uses, including health care, continuing education, and community assistance programs such as legal aid and City sponsored community development, as well as for public art galleries and community meeting space)

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DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION 1) AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT A GRANT IN THE AMOUNT OF \$1,900,000.00 FROM THE METROPOLITAN TRANSPORTATION COMMISSION- FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) AND/OR CONGESTION MANAGEMENT AND AIR QUALITY IMPROVEMENTS (CMAQ) PROGRAM FOR THE WEST OAKLAND TRANSIT VILLAGE STREETScape PROJECT, 2) APPROPRIATING THE GRANT; 3) STATING THE ASSURANCE OF THE CITY OF OAKLAND TO COMPLETE THE PROJECT IF FUNDED, AND 4) AUTHORIZING A LOCAL MATCH IN THE AMOUNT OF \$380,000.00

WHEREAS, in May 2006 the Metropolitan Transportation Commission ("MTC") issued a call for applications for Alameda County projects to be funded under MTC's Transportation for Livable Communities ("TLC") Program for Capital Grants in funding from the federal Surface Transportation Program ("STP"); and

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

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

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

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

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

WHEREAS, in 2004 the City submitted an application to MTC for a TLC grant for the West Oakland Transit Village Streetscape Plan and although the application was rated highly, it was not funded, and

WHEREAS, MTC encouraged City staff to reapply during the following funding cycle (2006); and

WHEREAS, the City of Oakland received a \$1.3 million grant from the Congestion Management Agency from federal Transportation Enhancements ("TE") funds for the construction of the first section (Union to Chester Streets) of the West Oakland Transit Village Streetscape Plan; and

WHEREAS, in June 2006 the City of Oakland submitted an application to MTC for \$2,016,412.62 of federal STP/CMAQ program funds for the West Oakland Transit Village Streetscape (1st Phase- Union to Peralta Streets), including the Blues Walk of Fame component; and

WHEREAS, the MTC Board met on September 27, 2006 and approved a grant in the amount of \$1.9 million for the West Oakland Transit Village Streetscape project; and

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

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

WHEREAS, the Local Match in the amount of \$ 380,000, will be drawn from the following accounts: \$50,000 from the Municipal Capital Improvement Fund (5500); Streets and Structures Organization (92242), District Three Pay-Go Project (B00700); \$32,324 from the Measure B Fund (2212); Streets and Structures Organization (92242), Measure B Bicycle and Pedestrian Project (C165720); \$70,000 from the Measure B Fund (2212), Traffic Engineering Organization (92246), ACTIA Pedestrian Streetscape Project (C271110); \$22,676 from the FY 2007-08 Measure B Fund (2212) allocation, Traffic Engineering Organization (92246), ACTIA Pedestrian Streetscape Project (C271110); and \$205,000 from the FY 06-07 West Oakland Redevelopment Planning Fund (9101) West Oakland Base Reuse Organization (88679), Redevelopment Plan – West Oakland Project (P37650); and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("CEQA") the CEQA Guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied, and the requirements of the National Environmental Policy Act ("NEPA") must be addressed prior to funding; now therefore be it

RESOLVED: That the City Administrator is authorized to execute and file an application for funding under the STP/CMAQ of SAFETEA for the West Oakland Transit Village Streetscape project; and be it

FURTHER RESOLVED: That the City of Oakland, by adopting this resolution, does hereby state that:

1. The City of Oakland will provide \$380,000 in non-federal matching funds; and
2. The City of Oakland understands that the STP/CMAQ funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the City from other funds, and that the City does not expect any cost increases to be funded with additional STP/CMAQ funding; and
3. The City of Oakland understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
4. The West Oakland Transit Village Streetscape project will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP, including local funds; and
5. The City of Oakland and the West Oakland Transit Village Streetscape project will comply with the requirements set forth in the Transportation for Livable Communities program; and be it

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

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

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

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

FURTHER RESOLVED: That MTC is requested to support the application for the project as described in this resolution and to include the project, if approved, in MTC's TIP; and be it

FURTHER RESOLVED: That all the grant funds received shall be appropriated to the Metropolitan Transportation Commission Program Grant Fund (2163); Streets and Structures Organization (92242), and a project to be established; and be it

FURTHER RESOLVED: That should additional funds be received for the project, the City 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 City Council hereby authorizes the City Administrator or her designee to negotiate terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures and take all other actions necessary to carry out the basic purposes of this resolution; 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 Sections 15301 (existing facilities) and 15304 (minor alterations to land) of the CEQA guidelines; and be it

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

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

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

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

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