

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2005 JUN 28 PM 3:11

TO: Office of the City/Agency Administrator  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: July 12, 2005

RE: **A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION, ACCEPTING AND APPROPRIATING \$881,000 OF FEDERAL SURFACE TRANSPORTATION PROGRAM AND CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM FUNDING FOR THE MACARTHUR TRANSIT HUB STREETScape IMPROVEMENT PROJECT AS PART OF THE METROPOLITAN TRANSPORTATION COMMISSION'S REGIONAL BICYCLE AND PEDESTRIAN PROGRAM GRANT PROGRAM, STATING THE ASSURANCE OF THE CITY OF OAKLAND TO COMPLETE THE PROJECT, AND COMMITTING THE NECESSARY LOCAL MATCH OF \$370,000 FOR THE PROJECT BY APPROPRIATING \$150,000 OF MEASURE "B" PEDESTRIAN STREETScape ELEMENTS FUNDS AND ACCEPTING AND APPROPRIATING \$220,000 FROM THE REDEVELOPMENT AGENCY UNDER THE COOPERATION AGREEMENT**

**RESOLUTION REALLOCATING \$220,000 FROM THE BROADWAY/MACARTHUR/ SAN PABLO REDEVELOPMENT PROJECT TO THE CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT TO FUND THE MACARTHUR TRANSIT HUB STREETScape IMPROVEMENT PROJECT AS MATCHING FUNDS FOR A METROPOLITAN TRANSPORTATION COMMISSION REGIONAL BICYCLE AND PEDESTRIAN PROGRAM GRANT**

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**SUMMARY**

This item is a request for City Council and Redevelopment Agency approval of two resolutions regarding the acceptance and appropriation of an \$881,000 Regional Bicycle and Pedestrian Program (RBPP) capital grant from the Metropolitan Transportation Commission (MTC) and \$370,000 in local matching funds for the MacArthur Transit Hub Streetscape Improvement Project. The RBPP grant program will be funded by Federal funds from either the Surface Transportation Program (STP) or the Congestion and Air Quality Improvement Program (CMAQ). The required \$370,000 in matching funds for this project will be funded from two sources: \$220,000 will be allocated from the Broadway/MacArthur/San Pablo Redevelopment Project and the remaining \$150,000 will be programmed from FY 2006-07 Measure "B" Pedestrian Streetscape Safety Elements Funds.

The funds for this project will be used for preliminary engineering, construction engineering, construction and contingencies for the MacArthur Transit Hub Streetscape Improvement Project, which includes pedestrian and bicycle-oriented streetscape improvements on 40<sup>th</sup> Street between Telegraph Avenue and Martin Luther King, Jr. Way. The project will assist the City and Agency in improving the pedestrian and bicycle safety and access to the MacArthur BART Station along 40<sup>th</sup> Street. This project is consistent with the Mayor and City Council goal to provide for clean, well-maintained and accessible streets and sidewalks, facilities, amenities, parks, recreational facilities and trees. The project is located in Council District 1.

## **FISCAL IMPACT**

The federal grant funds from MTC's RBPP Program provide capital funding to implement a portion of the improvements developed through a community planning process for 40<sup>th</sup> Street adjacent to the MacArthur BART Station. The total grant award is \$881,000 and the required matching funds for this project are \$370,000, which results in a total project budget of \$1,251,000.

The local match required by MTC exceeds the minimum required local match for federal grant projects (which is 11.47%) in order to sufficiently cover ineligible project costs under the federal grant program, such as Central Services Overhead costs for Public Works staff time, public art fees, staff cost prior to Caltrans authorization to proceed with design, and project closing cost. The exact amount of these ineligible costs has not yet been determined.

The required match of \$370,000 will be funded from two sources, including \$220,000 from the Broadway/MacArthur/San Pablo Redevelopment Project (Fund 9529, Project P187510) and \$150,000 from Fiscal Year 2006-07 Measure "B" Pedestrian and Streetscape Element funds (Fund 2212, Project C165720). The construction of the project will not begin until Fiscal Year 2006-07, so the full local match will not be required until the start of that fiscal year.

Federal funds will be appropriated into MTC grant (Fund 2163), Capital Improvement Projects-Streets and Structures Organization (92242), under a project number to be established. The funds for this project will be used for preliminary engineering, construction, construction engineering and contingencies. The City will be responsible for maintaining the project after completion.

## **BACKGROUND**

The City of Oakland and BART have been working with the community surrounding the MacArthur BART station, organized as the MacArthur BART Citizen's Planning Committee (CPC), in a planning process for development around the MacArthur BART Station since 1993. During the planning process for development around the station, the members of the CPC raised concerns about the safety of the pedestrian connection between the BART station and the surrounding neighborhoods. As one of the few freeway cross-streets, 40th Street provides the main pedestrian link between the neighborhoods on the east side and the west side of the freeway, the BART station, and the commercial businesses in Emeryville and along Telegraph Avenue. The recent surge of retail and office development in Emeryville, has significantly

increased automobile traffic on 40th Street which has led to an increase in conflicts between autos, pedestrians, and bicyclists.

The City of Oakland's Redevelopment Agency, with BART as a co-sponsor, received a \$125,000 grant from the Caltrans Environmental Justice Grant program in 2003 to create a community-based plan to enhance pedestrian and bicycle access to the MacArthur BART Station along 40<sup>th</sup> Street. The community participation process was conducted with the CPC acting as the host organization for the project. The City hired a creative design team that consisted of Wallace Roberts and Todd, LLC, Hood Design, and DKS Associates to work with the community on developing an effective and realistic project that could be implemented in the short-term. The community planning process that was completed as a result of the Caltrans grant consisted of 5 community workshops held over an 8-month period. The outcome of the process is the schematic urban design plan for the MacArthur Transit Hub Streetscape Improvement Project.

Based on the priorities set by the community during the planning process, staff submitted an application to MTC's RBPP program for capital funds to implement the project through the Alameda County Congestion Management Agency (ACCMA) in August 2004. The applications for Alameda County were reviewed by the Alameda County Transportation Authority's Bicycle and Pedestrian Action Committee (BPAC). The BPAC creating a ranking system for the applications which was used by the ACCMA to determine which applications should be forwarded to MTC for a second round of review. The MacArthur Transit Hub Streetscape Improvement Project was the second highest ranked project in Alameda County and the only City of Oakland project recommended for forwarding to MTC. Staff submitted the second round application to MTC in January 2005. MTC staff recommended in May 2005 that the MacArthur Transit Hub Streetscape Improvement Project receive \$881,000 in federal grant funds. The final approval for the funding award will go before the MTC Board in June 2005.

## **KEY ISSUES AND IMPACTS**

The MacArthur Transit Hub Streetscape Improvement Project consists of pedestrian and bicycle access improvements on 40<sup>th</sup> Street between Telegraph Avenue and Martin Luther King, Jr. Way, immediately adjacent to the MacArthur BART Station. The project focuses on two critical portions of the block: the 450-foot freeway underpass and the crosswalk at the BART Frontage Road. The extended freeway underpass includes both Highway 24 (north and southbound lanes and two freeway ramps) and the BART station and tracks. Due to its unusual length, it is a very dark and noisy space which creates the perception that it is unsafe for pedestrians and bicyclists. The crosswalk across 40<sup>th</sup> Street at the BART Frontage Road serves as the primary access to the BART station and to connecting transit services at the station. This crosswalk, located near the head of the underpass, is unsignalized. During certain hours of the day, such as dusk, it is difficult for cars exiting the underpass to see pedestrians in the crosswalk. This has resulted in a number of pedestrian accidents and one pedestrian fatality.

The primary goals of the MacArthur Transit Hub Streetscape Improvement Project are to:

- Improve pedestrian and bicycle access to the MacArthur BART station;
- Increase transit ridership for BART, AC Transit, and Emery-Go-Round;

- Support the Transit Oriented Development (TOD) projects currently underway, including the MacArthur Transit Village and the MLK Transit Village on the west-side of the station; and
- Create a synergy between the TOD projects and neighborhoods to the east and west of the BART station;

The federal funds for this project will be programmed in the 2005/06 MTC Transportation Improvement Program (TIP). The project is scheduled to complete its preliminary engineering and construction documents in FY 2005/06 and to be constructed in FY 2006/07. Acceptance of federal funds will facilitate the initiation of the project and will help ensure meeting the obligation deadline.

## **PROJECT DESCRIPTION**

The following improvements on 40<sup>th</sup> Street between Telegraph and Martin Luther King, Jr. Way will be implemented using the \$1.25 million that will be appropriated for the MacArthur Transit Hub Streetscape improvement project:

- Intersection reconfiguration at the BART Frontage Road;
- New traffic signal at the BART Frontage Road;
- Bike Lanes;
- Bulb-outs at the BART Frontage Road, Martin Luther King, Jr. Way and Telegraph Avenue;
- Additional lighting in the freeway underpass;
- Tiles or other surface treatment for the freeway underpass walls;

## **SUSTAINABLE OPPORTUNITIES**

Economic: This project will result in \$1.25 million in capital improvements on 40<sup>th</sup> Street within the Broadway/MacArthur/San Pablo Redevelopment Project Area. The implementation of this project will potentially catalyze economic development in the surrounding communities as a result of improved safety, access, and traffic circulation.

Environmental: These improvements are intended to promote increased use of public transportation and increase public safety by improving access to the regional transportation hub at the MacArthur BART Station.

Social Equity: This project addresses social equity in that it seeks to remedy the unequal access to the MacArthur BART Station created by the development of the freeway in the 1960's which separated the east and west sides of the station. The project will improve transportation options for the lower-income community on the west side by improving safety and access to the major transportation hub.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

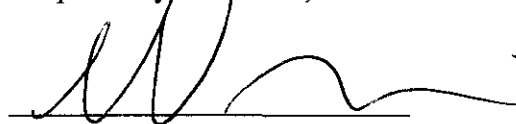
This project will address senior and disability access by improving pedestrian safety and ease of access to the MacArthur BART Station through the reconstruction of the major crosswalks on

40<sup>th</sup> Street adjacent to the MacArthur BART Station. The project will comply fully with the Americans with Disabilities Act (ADA) and to all City of Oakland regulations that ensure adequate access for senior citizens and persons with disabilities.

**ACTION REQUESTED OF THE CITY COUNCIL/REDEVELOPMENT AGENCY**

Staff recommends that the City Council and Redevelopment Agency approve the two resolutions regarding the acceptance and appropriation of an \$881,000 Regional Bicycle and Pedestrian Program (RBPP) capital grant from the Metropolitan Transportation Commission (MTC) and \$370,000 in local matching funds for the MacArthur Transit Hub Streetscape Improvement Project. Approval of these resolutions will enable staff to proceed with preliminary engineering, construction, construction engineering, and contingencies for the project.

Respectfully submitted,



**Daniel Vanderprie**

Director of CEDA Redevelopment, Economic  
Development, Housing & Community Development

Reviewed by:

Emad Mirsaeidi, P.E.

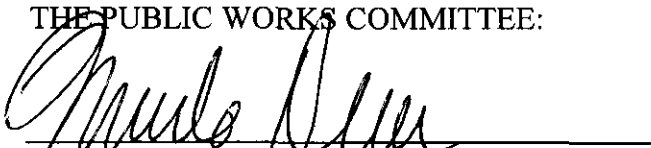
Supervising Civil Engineer, Public Works Agency  
Design and Construction Services Department

Prepared by:

Kathy Kleinbaum

Urban Economic Analyst III, CEDA,  
Redevelopment Division

APPROVED AND FORWARDED TO  
THE PUBLIC WORKS COMMITTEE:

  
**OFFICE OF THE CITY ADMINISTRATOR**

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION, ACCEPTING AND APPROPRIATING \$881,000 OF FEDERAL SURFACE TRANSPORTATION PROGRAM AND CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM FUNDING FOR THE MACARTHUR TRANSIT HUB STREETScape IMPROVEMENT PROJECT AS PART OF THE METROPOLITAN TRANSPORTATION COMMISSION'S REGIONAL BICYCLE AND PEDESTRIAN PROGRAM GRANT PROGRAM, STATING THE ASSURANCE OF THE CITY OF OAKLAND TO COMPLETE THE PROJECT, AND COMMITTING THE NECESSARY LOCAL MATCH OF \$370,000 FOR THE PROJECT BY APPROPRIATING \$150,000 OF MEASURE "B" PEDESTRIAN STREETScape ELEMENTS FUNDS AND ACCEPTING AND APPROPRIATING \$220,000 FROM THE REDEVELOPMENT AGENCY UNDER THE COOPERATION AGREEMENT

**WHEREAS**, the Oakland Redevelopment Agency adopted a Five Year Implementation Plan for the Broadway/ MacArthur/ San Pablo Redevelopment Project, on December 7, 2004 (Resolution No. 2004-66 C.M.S.), that includes streetscape improvements within the project area; and

**WHEREAS**, the City of Oakland submitted an application to the Metropolitan Transportation Commission's (MTC) Regional Bicycle and Pedestrian Program (RBPP) in January 2005, requesting capital grant funds to fund the MacArthur Transit Hub Streetscape Improvement Project within the Broadway/MacArthur/SanPablo Redevelopment Project area; and

**WHEREAS**, MTC administers the RBPP Grant program from Federal Surface Transportation Program (STP) and Congestion and Air Quality Improvement Program (CMAQ) funds; and

**WHEREAS**, in May 2005, MTC staff made a recommendation to their commission to program \$881,000 of Federal STP and CMAQ funding for the MacArthur Transit Hub Streetscape Improvement Project; and

**WHEREAS**, this grant will fund the following improvements on 40<sup>th</sup> Street between Telegraph and Martin Luther King, Jr. Way for the MacArthur Transit Hub Streetscape improvement project:

- Intersection reconfiguration at the BART Frontage Road;
- New traffic signal at the BART Frontage Road;
- Bike Lanes;
- Bulb-outs at the BART Frontage Road, Martin Luther King, Jr. Way, and Telegraph Avenue;
- Additional lighting in the freeway underpass;
- Tiles or other surface treatment for the freeway underpass walls; and

**WHEREAS**, the Transportation Equity Act for the 21<sup>st</sup> 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 STP (23 U.S.C. § 133) and the CMAQ funding programs (23 U.S.C. § 149); and

**WHEREAS**, pursuant to TEA 21, and the regulations promulgated thereunder, eligible project sponsors wishing to receive STP or CMAQ grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

**WHEREAS**, the Metropolitan Transportation Commission is the MPO for the San Francisco Bay region; and

**WHEREAS**, the MTC RBPP grant requires a local match of \$370,000 for the MacArthur Transit Hub Streetscape Improvement 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**, 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 Redevelopment Agency has authorized \$220,000 to fund a portion of the required local match for the MTC grant, which will be transferred from the Redevelopment Agency Broadway/MacArthur/San Pablo project funds (Fund 9529, Org. 88669, Project P187510) to the Public Works Agency Project fund (7780) to the MacArthur Transit Hub Streetscape Improvement Project under a project number to be established; and

**WHEREAS**, local funds in the amount of \$150,000 will be transferred from Measure "B" Pedestrian Streetscape Safety Elements funds in FY 06-07 (Fund 2212, Org. 92242, Project C165720) to the MacArthur Transit Hub Streetscape Improvement Project to fund remainder of the required \$370,000 local match; and

**WHEREAS**, the City and the Redevelopment 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 of Oakland 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 her designee; now therefore be it

**RESOLVED**, that the City Administrator or her designee is authorized to execute and file an application for funding under the STP and/or the CMAQ programs of the TEA-21 Reauthorization in the amount of \$881,000 for the MacArthur Transit Hub Streetscape Improvement Project; and be it further

**RESOLVED**, that the Oakland City Council by adopting this resolution does hereby state that:

- 1) The City of Oakland will provide \$370,000 in local matching funds; and
- 2) The City of Oakland understands that the STP and CMAQ funding for the project is fixed at \$881,000 and that any cost increases must be funded by the City of Oakland from local matching funds, and that the City of Oakland does not expect any cost increases to be funded with STP or CMAQ funds; and
- 3) The MacArthur Transit Hub Streetscape Improvement Project will be built as described in the application and, if approved, for the amount shown in the MTC TIP with obligation occurring within the timeframe established below; and
- 4) The program funds are expected to be obligated by June 30<sup>th</sup> of the year the project is programmed for in the TIP, or the project may be removed from the program;

and be it further

**RESOLVED**, that the City of Oakland is an eligible sponsor of projects for the STP and CMAQ programs; and be it further



**RESOLVED**, that the City of Oakland is authorized to submit an application for STP and CMAQ for the MacArthur Transit Hub Streetscape Improvement Project; and be it further

**RESOLVED**, that there is no legal impediment to the City of Oakland making applications for STP and CMAQ funds; 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 of Oakland to deliver such project; and be it further

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

**RESOLVED**, that the MTC is requested to support the application for the project described in the resolution and to program the project, if approved, in MTC's TIP; and be it further

**RESOLVED**, that the City Council authorizes the City Administrator to accept \$881,000 in Federal STP and/or CMAQ funds under MTC's RBPP grant program and hereby appropriates such funds for the MacArthur Transit Hub Streetscape Improvement Project under a project number to be established; and be it further

**RESOLVED**, that the City Council hereby consents to the use of \$220,000 in Redevelopment Agency funds as matching funds, accepts such funds under the Cooperation Agreement, and appropriates such funds to the City repayment account in fund 7780; and be it further

**RESOLVED**, that the City Council hereby consents to the use of \$150,000 of FY 2006-07 of Measure "B" (Fund 2212) Pedestrian Streetscape Safety Elements funds to cover the remainder of the required \$370,000 of local matching funds; and be it further

**RESOLVED**: That the City Administrator is hereby authorized to negotiate and enter into an appropriate amendment to the repayment agreement with the Redevelopment Agency, terms of which shall provide for the additional payment of \$220,000 to the City by the Agency for a portion of the City's local match for an MTC grant for streetscape improvements; and be it further

**RESOLVED**, that the City Council hereby authorizes the City Administrator or her designee to negotiate grant terms, execute, modify, amend and extend agreements, appropriate revenue, make expenditures, and take all other actions with respect to the MTC RBPP grant and this project in accordance with this resolution and its basic purposes; and be it further

**RESOLVED**, that should additional funds be received for this project, the City Administrator, or her designee, is hereby authorized to accept and appropriate the same for the purposes described above; 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 15262 (feasibility and planning studies) 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 the Project; and be it further

**RESOLVED:** That the execution of any documents legally committing the City to fund this Project 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 by the City Attorney's Office prior to execution, and all copies will be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

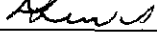
ATTEST: \_\_\_\_\_

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

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2005 JUN 28 PM 3: 11

APPROVED AS TO FORM AND LEGALITY:

BY:   
AGENCY COUNSEL

REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND

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

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**RESOLUTION REALLOCATING \$220,000 FROM THE BROADWAY/  
MACARTHUR/ SAN PABLO REDEVELOPMENT PROJECT TO THE  
CITY OF OAKLAND UNDER THE COOPERATION AGREEMENT TO  
FUND THE MACARTHUR TRANSIT HUB STREETScape  
IMPROVEMENT PROJECT AS MATCHING FUNDS FOR A  
METROPOLITAN TRANSPORTATION COMMISSION REGIONAL  
BICYCLE AND PEDESTRIAN PROGRAM GRANT**

**WHEREAS**, the Five Year Implementation Plan for the Broadway/ MacArthur/ San Pablo Redevelopment Project, adopted on December 7, 2004 (Resolution No. 2004-66 C.M.S.), includes streetscape improvements within the project area; and

**WHEREAS**, the MacArthur Transit Hub Streetscape Improvement Project is located on 40<sup>th</sup> Street within the boundaries of the Broadway/MacArthur/San Pablo Redevelopment Project Area and includes the following improvements (the "Project"):

- Intersection reconfiguration at the BART Frontage Road;
- New traffic signal at the BART Frontage Road;
- Bike Lanes;
- Bulb-outs at the BART Frontage Road, Martin Luther King, Jr. Way, and Telegraph Avenue;
- Additional lighting in the freeway underpass;
- Tiles or other surface treatment for the freeway underpass walls; and

**WHEREAS**, the Project Area Committee for the Broadway/MacArthur/San Pablo Redevelopment Project Area has reviewed the plan for streetscape improvements; and

**WHEREAS**, the City of Oakland (the "City") submitted an application to the Metropolitan Transportation Commission (MTC) for the MacArthur Transit Hub Streetscape Improvement Project and expects to receive a Regional Bicycle and Pedestrian Program (RBPP) capital grant in the amount of \$881,000; and

**WHEREAS**, the MTC RBPP grant requires a local match of \$370,000; and

**WHEREAS**, the City plans to fund \$150,000 of the required \$370,000 local match from Measure "B" (Fund 2212) Pedestrian Streetscape Safety Elements funds; and

**WHEREAS**, the Redevelopment Agency will provide \$220,000 to fund a portion of the required local match through a transfer of funds to the City; 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 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**, the City Council is consenting to the use of Agency funds for the *MacArthur Transit Hub Streetscape Improvement Project*; and

**WHEREAS**, the Redevelopment Agency agrees 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 of Oakland 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 her designee; now therefore be it

**RESOLVED:** That the Redevelopment Agency hereby authorizes the reallocation of \$220,000 of Redevelopment Agency Broadway/MacArthur/San Pablo Project Area funds from (Fund 9529, Org. 88669, Project P187510) to Oakland Redevelopment Agency Project fund (7780), within the Public Works Agency under the Cooperation Agreement between the City and the Redevelopment Agency to fund the MacArthur Transit Hub Streetscape Improvement Project as matching funds

for a MTC RBPP grant; and be it further

**RESOLVED:** That the Agency Administrator is hereby authorized to negotiate and enter into an appropriate amendment to the repayment agreement with the City of Oakland, terms of which shall provide for the additional payment of \$220,000 to the City by the Agency for a portion of the City's local match for an MTC grant for streetscape improvements; and be it further

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

1. That the funding of the MacArthur Transit Hub Streetscape Improvement Project will benefit the Broadway/MacArthur/San Pablo Project Area by improving the appearance, pedestrian and bicycle safety and access on 40<sup>th</sup> Street adjacent to the MacArthur BART Station;
2. That no other reasonable means of financing the MacArthur Transit Hub Streetscape Improvement Project are available to the City other than Redevelopment Agency funding; and
3. That the use of tax increment funds from the Broadway/MacArthur/San Pablo Project Area for the MacArthur Transit Hub Streetscape Improvement Project will assist in the elimination of blight through streetscape improvements along 40<sup>th</sup> Street in the Broadway/MacArthur/San Pablo Project Area and is consistent with the implementation plan adopted for the Broadway/ MacArthur/ San Pablo Project Area; 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 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 City Administrator 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 this Project 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 the Agency hereby authorizes the Agency Administrator, or her designee, to take all actions necessary with respect to the grant and the Agency funding in accordance with this resolution and its basic purposes; and be it further

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

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

**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