

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

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

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**RESOLUTION:**

1) AUTHORIZING THE CITY ADMINISTRATOR TO SUBMIT A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR THE BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES PROGRAM FOR A GRANT UP TO FIFTY-SIX MILLION DOLLARS (\$56,000,000), AND AUTHORIZING THE COMMITMENT OF THE REQUIRED NON-FEDERAL MATCH OF ONE MILLION DOLLARS (\$1,000,000) AND ANNUAL MAINTENANCE COMMITMENT LETTER FOR ONE HUNDRED EIGHTEEN THOUSAND FOUR HUNDRED FIFTY ONE DOLLARS (\$118,451) FROM MEASURE U FUNDS FOR FLOODING AND SEA LEVEL RISE ADAPTATION PROJECTS ALONG SAN LEANDRO CREEK, DOOLITTLE DRIVE, AND OAKLAND AIRPORT NORTH FIELD;

2) AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE THE FEMA GRANT, IF AWARDED, IN AN AMOUNT UP TO FIFTY-SIX MILLION DOLLARS (\$56,000,000);

3) AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR, ACCEPT AND APPROPRIATE REQUIRED NON-FEDERAL MATCH FUNDS FROM STATE, REGIONAL AND LOCAL SOURCES, BOTH PUBLIC AND PRIVATE, IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000) IN LIEU OF MEASURE U FUNDS, AS AN ADDITIONAL OR ALTERNATIVE SOURCE OF MATCH FUNDS ; AND

4) MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, flooding impacts from sea level rise are a known and significant hazard to people, property, structures, and infrastructure in Oakland; and

WHEREAS, sea level rise projections indicate that a significant portion of low-lying areas are vulnerable to flooding, particularly in West Oakland and Central East Oakland; and

**WHEREAS**, limited local funding is available for needed improvements to adapt to changing environmental conditions associated with a warming climate and rising sea levels; and

**WHEREAS**, green and green/gray infrastructure solutions to protect inland areas from Bay flooding have been developed and demonstrated to be successful in local applications; and

**WHEREAS**, in July 2020, the City of Oakland (City) adopted the 2030 Equitable Climate Action Plan (ECAP), a comprehensive strategy to equitably reduce greenhouse gas emissions and adapt to changing environmental conditions; and

**WHEREAS**, the ECAP includes a commitment to comprehensively study and implement solutions to rising sea levels and increased flooding risk; and

**WHEREAS**, the ECAP's Racial Equity Impact Assessment and Implementation Guide (REIA) requires maximizing benefits of climate action among frontline communities, including ensuring that policies, programs, and projects that implement the ECAP benefit low-income and Black, Indigenous, and People of Color (BIPOC) Oaklanders first and foremost; and

**WHEREAS**, Oakland, as part of the Oakland Alameda Adaptation Committee, has engaged in an equitable and comprehensive process to identify projects to protect low-lying frontline communities of Oakland from the impacts of climate change; and

**WHEREAS**, the FEMA BRIC grant program supports states, local communities, tribes and territories as they undertake hazard mitigation projects, reducing the risks they face from disasters and natural hazards; and

**WHEREAS**, the Project will fund design and construction of flood mitigation measures for Bay Farm Island, SR-61/Doolittle Drive, the Oakland Airport, and along San Leandro Creek within east Oakland underserved communities; and

**WHEREAS**, the project is within the FEMA designated Oakland Airport Community Disaster Resilience Zone (CDRZ), which makes the project eligible for a 10 percent non-federal match rather than the typical 25 percent match; and

**WHEREAS**, the project totals \$55,511,000 with a federal request for \$49,959,900 and a non-federal share of \$5,551,100, to be split among the benefitting agencies of the City of Oakland, City of Alameda, and Port of Oakland on a pro-rata basis; and

**WHEREAS**, successful acquisition of this funding will provide for critical infrastructure to be designed and constructed with a local cost share of less than three percent from City funds; and

**WHEREAS**, the City Administrator is authorized to apply for grant funding of up to Fifty-Six Million Dollars (\$56,000,000) from the Building Resilient Infrastructure and Communities (BRIC) Program of the Federal Emergency Management Agency (FEMA), and to commit to provide the required non-federal local match funding of One Million Dollars (\$1,000,000) and the annual maintenance commitment letter funds of One Hundred Eighteen Thousand Four Hundred Fifty One Dollars (\$118,451) from Measure U funds if successful, for flooding and sea level rise adaptation projects along San Leandro Creek, Doolittle Drive, and Oakland Airport North Field; and

**WHEREAS**, the City Administrator is authorized to accept and appropriate the BRIC FEMA grant proceeds, if awarded, in an amount up to Fifty-Six Million Dollars (\$56,000,000) into project and fund numbers to be determined; and

**WHEREAS**, the City Council authorizes use of up to One Million Dollars (\$1,000,000) in local match funding and up to One Hundred Eighteen Thousand Four Hundred Fifty-One Dollars (\$118,451) for the annual maintenance commitment letter from Measure U funds, Fund 2244, Project #1007055, Org 30245; and

**WHEREAS**, the City Administrator is authorized to apply for, accept and appropriate into project and fund numbers to be determined, the required non-federal match funds from state, regional and local sources, both public and private, in an amount not to exceed One Million Dollars (\$1,000,000) in lieu of Measure U funds, as an additional or alternative source of match funds; and

**WHEREAS**, the City Administrator will return to Council to seek an amendment to the Budget if needed, for the match funding including the annual maintenance commitment letter; and

**WHEREAS**, the City Administrator has determined, based on substantial evidence in the record, that the act of applying for and appropriating a FEMA grant for building resilient infrastructure is exempt under the California Environmental Quality Act (CEQA) because the projects resulting from the grant funding would: (1) not have the possibility of having a significant impact on the environment (CEQA Guidelines section 15061(b)(3)); (2) be consistent with the ECAP under CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning); (3) serve to improve existing facilities pursuant to CEQA Guidelines section 15301(c) (Existing Facilities, Highways and Streets); replace and reconstruct existing infrastructure and small structures, and result in minor alterations of land pursuant to CEQA Guidelines sections 15302 (Replacement or Reconstruction) and 15303 (Small Structures), and 15304(h) (minor alterations to land); each of the aforementioned provides a separate and independent basis for CEQA compliance; now, therefore, be it

**RESOLVED:** That the City Administrator is authorized to apply for grant funding of up to Fifty-Six Million Dollars (\$56,000,000) from the Building Resilient Infrastructure and Communities (BRIC) Program of the Federal Emergency Management Agency (FEMA), and to to commit to provide the required non-federal local match funding of One Million Dollars (\$1,000,000) and the annual maintenance commitment letter funds of One Hundred Eighteen Thousand Four Hundred Fifty One Dollars (\$118,451) from Measure U funds if successful, for flooding and sea level rise adaptation projects along San Leandro Creek, Doolittle Drive, And Oakland Airport North Field; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to accept and appropriate the BRIC FEMA grant proceeds, if awarded, in an amount up to Fifty-Six Million Dollars (\$56,000,000) into project and fund numbers to be determined; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes use of up to One Million Dollars (\$1,000,000) in local match funding and up to One Hundred Eighteen Thousand Four Hundred Fifty-One Dollars (\$118,451) for the annual maintenance commitment letter from Measure U funds, Fund 2244, Project #1007055, Org 30245; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to apply for, accept and appropriate into project and fund numbers to be determined, the required non-federal match funds from state, regional and local sources, both public and private, in an amount not to exceed One Million Dollars (\$1,000,000) in lieu of Measure U funds, as an additional or alternative source of match funds; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized, in the name of the City of Oakland, to execute by electronic signature or other method required by FEMA all project-related documents including, without limitation, all applications, agreements, amendments, and requests for payment necessary to secure related project funds, grants, and rebates; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to take any other action necessary consistent with this Resolution and its basic purposes; and be it

**FURTHER RESOLVED:** That, based on substantial evidence in the record, the act of applying for and appropriating a FEMA grant for building resilient infrastructure is exempt under the California Environmental Quality Act (“CEQA”) because the projects resulting from the grant funding would: (1) not have the possibility of having a significant impact on the environment (CEQA Guidelines section 15061(b)(3)); (2) be consistent with the ECAP under CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning); (3) serve to improve existing facilities pursuant to CEQA Guidelines section 15301(c) (Existing Facilities, Highways and Streets); replace and reconstruct existing infrastructure and small structures, and result in minor alterations of land pursuant to CEQA Guidelines sections 15302 (Replacement or Reconstruction) and 15303 (Small Structures), and 15304(h) (minor alterations to land); each of the aforementioned provides a separate and independent basis for CEQA compliance; and be it

**FURTHER RESOLVED:** That the agreement and amendments authorized hereunder shall be reviewed and approved by the City Attorney for form and legality and shall be placed on file in the office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –  
ABSENT –  
ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California