

2025 MAY 16 AM 10:13

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90748 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO: (1) APPLY FOR, ACCEPT, AND APPROPRIATE TEN MILLION THIRTY-THREE THOUSAND (\$10,033,000) IN HOUSING INCENTIVE POOL FUNDING ASSIGNED TO THE METROPOLITAN TRANSPORTATION COMMISSION (MTC), (2) COMMIT MATCHING FUNDS IN AN AMOUNT UP TO ELEVEN MILLION, FIVE-HUNDRED SEVENTY-NINE THOUSAND, THIRTY-FIVE DOLLARS (\$11,579,035); (3) STATE ASSURANCE TO COMPLETE THE LAUREL ACCESS TO MILLS, MAXWELL PARK, AND SEMINARY (LAMMPS) PHASE II AND PHASE III PROJECT; (4) CERTIFY COMPLIANCE WITH STATE HOUSING LAWS; AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City of Oakland (the "City") plans to submit an application to the Metropolitan Transportation Commission ("MTC") for \$10,033,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration ("FHWA") and federal or state funding administered by the California Transportation Commission ("CTC") such as Surface Transportation Block Grant Program ("STP") funding, Congestion Mitigation and Air Quality Improvement Program ("CMAQ") funding, Carbon Reduction Program ("CRP") funding, Transportation Alternatives ("TA") set-aside/Active Transportation Program ("ATP") funding, and Regional Transportation Improvement Program ("RTIP") funding (herein collectively referred to as "Regional Discretionary Funding") for the Laurel Access to Mills, Maxwell Park, and Seminary ("LAMMPS") Phase II and Phase II Project, (herein referred to as "Project") for the Housing Incentive Pool Program (herein referred to as the "Program"); and

WHEREAS, the Program, established by MTC in October 2018 (MTC Resolution No. 4348, revised), provides transportation grants on a per-unit basis to the 15 jurisdictions that issued certificates of occupancy for the greatest number of eligible housing units over the five calendar years 2018 through 2022 to promote the production and preservation of affordable housing; and

WHEREAS, Program award amounts for the top 15 jurisdictions were approved by MTC in March, 2024 (MTC Resolution 4202, revised), which included an award of \$10,033,000 to the City of Oakland; and

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the "Federal Transportation Act") including, but not limited to the Surface Transportation Block Grant Program

("STP") (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program ("CMAQ") (23 U.S.C. § 149), the Carbon Reduction Program ("CRP") (23 U.S.C. § 175), and the Transportation Alternatives ("TA") set-aside (23 U.S.C. § 133); and

WHEREAS, state statutes, including California Streets and Highways Code Sections 182.6, 182.7, and 2381(a)(1), and California Government Code Section 14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization ("MPO") and the Regional Transportation Planning Agency ("RTPA"); and

WHEREAS, pursuant to the Federal Transportation Act, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program ("TIP"); and

WHEREAS, MTC is the MPO and RTPA 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 Regional Discretionary Funding; and

WHEREAS, the City is an eligible sponsor for Regional Discretionary Funding; and

WHEREAS, as part of the application for Regional Discretionary Funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the Regional Discretionary Funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional Regional Discretionary Funding; and
- that the Project will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the Project as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program ("TIP"); and
- that the Project will have adequate staffing resources to deliver and complete the Project within the schedule submitted with the project application; and
- that the Project will comply with all project-specific requirements as set forth in the Program; and
- that the City has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective County Transportation Agency ("CTA"), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the City; and

- in the case of an RTIP project, state law requires Project be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the County Transportation Agency ("CTA"); and

WHEREAS, pursuant to the City's Resolution No. 89804, the City Administrator is authorized to submit an application for Regional Discretionary Funding for the Project; and

WHEREAS, there is no legal impediment to the City in making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed Project, or the ability of the City to deliver such Project; and

WHEREAS, the City Council authorizes the City Administrator to execute and file an application with MTC for Regional Discretionary Funding for the Project as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this Resolution be transmitted to the MTC in conjunction with the filing of the application; and

WHEREAS, per California Environmental Quality Act ("CEQA") Guidelines Sections 15301 – 15332, the Project is exempt under CEQA for the reasons set forth below; and

WHEREAS, the San Francisco region has the highest housing costs in the United States; and

WHEREAS, the Bay Area produced less than 30% of the need for low- and moderate-income housing units from 2007-2014, and is on track to similarly underproduce low-income units during the 2015-2023 time period; and

WHEREAS, there are limited funding sources available to secure land for the construction of low- and moderate-income housing; and

WHEREAS, public lands can play a critical role in increasing the supply of land for affordable housing;

WHEREAS, accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs") provide an important option to increase the availability and affordability of housing, especially in existing, lower density neighborhoods; and

WHEREAS, density bonuses are an effective tool to increase the financial feasibility of housing and incentivize the creation of affordable housing; and

WHEREAS, the Metropolitan Transportation Commission ("MTC") adopted Resolution No. 4505, outlining the programming policy and project selection criteria for the One Bay Area Grant Program ("OBAG 3"), including certain requirements to access these funds; now, therefore, be it

RESOLVED: That the City Administrator is authorized to execute and file an application for funding for the Project through Regional Discretionary Funding under the Federal Transportation Act for continued funding; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to commit \$11,579,035 of required matching funds anticipated to be from state, regional, and local sources; and be it

FURTHER RESOLVED: That the City will commit \$11,579,035 of required matching funds (Funds 53XX/2218/2219/2215/2214/2159/2230/2232), Project(s) 1005420/1003348/1003469/1001512) anticipated to be from state, regional, and local sources; and be it

FURTHER RESOLVED: That City Council understands that the Regional Discretionary Funding for the Project is fixed at the MTC approved program amount, and that any cost increases must be funded by the City from other funds, and that City does not expect any cost increases to be funded with additional Regional Discretionary Funding; and be it

FURTHER RESOLVED: That the City Council 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, revised) and City Administrator has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective County Transportation Agency ("CTA"), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the City; and be it

FURTHER RESOLVED: That the Project will be implemented as described in the complete application and in this Resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it

FURTHER RESOLVED: That the City Administrator has reviewed the Project and has adequate staffing resources to deliver and complete the Project within the schedule submitted with the project application; and be it

FURTHER RESOLVED: That the Project will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the Program; and be it

FURTHER RESOLVED: That, in the case of an RTIP project, the Project is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the County Transportation Agency ("CTA"); and be it

FURTHER RESOLVED: That the City is an eligible sponsor of Regional Discretionary Funding projects; and be

FURTHER RESOLVED: That the City Administrator is authorized to submit an application for Regional Discretionary Funding for the Project; and be it

FURTHER RESOLVED: That there is no legal impediment to the City 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 the City to deliver such Project; and be it

FURTHER RESOLVED: That City Council authorizes the City Administrator, to execute and file an application with MTC for Regional Discretionary Funding for the Project as referenced in this Resolution; and be it

FURTHER RESOLVED: That the City Administrator is authorized to transmit a copy of this Resolution to 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 this Resolution, and if approved, to include the Project in MTC's federal TIP upon submittal by the Project sponsor for TIP programming; and be it

FURTHER RESOLVED: That MTC approved Project funding recommendations at the April 9, 2025 Programming and Allocations Committee meeting and April 23, 2025 Commission meeting; and be it

FURTHER RESOLVED: That the Project is categorically exempt under CEQA Guidelines Sections 15301, 15302, and 15304, as the Project consists of: (Class 1) the operation, repair, and minor alternation to existing public facilities, (Class 2) replacement or reconstruction of existing structures and facilities, and (Class 4) minor alternations to land, including landscaping and the creation of new bicycle lanes.

FURTHER RESOLVED: That The City Council authorizes the City Administrator to cause to be filed a Notice of Exemption with the Clerk of Alameda County; and be it

FURTHER RESOLVED: by the City Council of the City of Oakland, State of California, as follows:

That the City of Oakland agrees to comply with the terms of Surplus Land Act (California Government Code § 54220 et seq.), as exists now or may be amended in the future, including, but not limited to, AB 1255 (Rivas, 2019), which requires jurisdictions to compile and report annually an inventory of surplus lands to the California Department of Housing and Community Development; and

That the City of Oakland agrees to comply with state laws related to ADUs and JADUs, as it exists now or may be amended in the future, including, but not limited to California Government Code §§ 65852.150, 65852.2, 65852.22, et seq. and California Health & Safety Code §§ 17980.12; and

That the City of Oakland agrees to comply with state Density Bonus Law (California Government Code § 65915 et seq.), as exists now or may be amended in the future; and

That the City of Oakland warrants and represents that it is in compliance with the aforementioned state housing laws and that there are no claims, actions, suits, or proceedings pending to the best

of the City of Oakland's knowledge, alleging violations of the state housing laws by the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 3 2025

PASSED BY THE FOLLOWING VOTE:

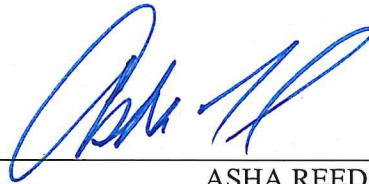
AYES – BROWN, FIFE, HOUSTON, JENKINS, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT PRO TEMPORE GALLO – 8

NOES – 0

ABSENT – 0

ABSTENTION – 0

ATTEST: _____



ASHA REED

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