



Office of the City Manager

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CONSENT CALENDAR
May 25, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Liam Garland, Director, Public Works
Subject: Surplus Lands Act

RECOMMENDATION

Adopt a Resolution to comply with the terms of the Surplus Lands 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.

FISCAL IMPACTS OF RECOMMENDATION

No immediate fiscal impact will result from this action. Adoption of the resolution could, however, result in regional grant funding being awarded to transportation capital projects that would be constructed in City right-of-way. Some staff time is required each year to compile and report an inventory of surplus lands. However, this staff time was already required by the Surplus Lands Act and therefore this action does not result in an additional investment of staff time.

CURRENT SITUATION AND ITS EFFECTS

Complying with the Surplus Lands Act and reporting annually an inventory of surplus lands to the California Department of Housing and Community Development would help to identify and increase the supply of land for affordable housing. Complying with the Surplus Lands Act would also maintain the City's eligibility for funding through regional transportation grant programs.

The San Francisco Bay Area region has the highest housing costs in the United States. The Bay Area produced less than 30% of the need for low- and moderate-income housing units from 2007 through 2014. Limited funding sources available to secure land for the construction of low- and moderate-income housing, gives public lands a critical role in increasing the supply of land for affordable housing. Given this, the Metropolitan Transportation Commission (MTC) requires that local jurisdictions adopt a resolution to comply with the terms of the Surplus Lands Act (California Government Code § 54220, Et Seq.)¹ in order to maintain eligibility to receive regional transportation grant funding.

¹ https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=54220

This requirement includes compliance with AB 1255 (Rivas, 2019)², which requires jurisdictions to compile and report annually an inventory of surplus lands to the California Department of Housing and Community Development. These requirements were approved by MTC through the adoption of MTC Resolution No. 4202³, which outlines the programming, policy, and project selection criteria for the One Bay Area Grant Program (OBAG 2).

Complying with the Surplus Lands Act advances the Berkeley Strategic Plan goal to “create affordable housing and housing support services for our most vulnerable community members.” Receiving funding through regional grant programs to pursue transportation projects would also advance the City’s goal to “provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.”

BACKGROUND

The Metropolitan Transportation Commission (MTC) requires that jurisdictions pass a resolution to comply with the Surplus Lands Act in order to receive transportation grant funding. AC Transit has applied to the MTC Safe and Seamless Mobility Quick Strike Program for funding for public engagement, design, and installation of a quick-build transit lane project on Durant Avenue from Shattuck Avenue to College Avenue using excess roadway capacity. In order for this grant application to be eligible for funding, the City of Berkeley must approve a Surplus Lands resolution. The reason why this requirement falls on the City is that the project would be installed within City right-of-way. A future benefit of the City approving this resolution now is that it would support future grant applications that the City submits to MTC.

The AC Transit Durant Avenue quick-build transit lane project would work to fulfill the City of Berkeley General Plan Transit-First Policy, which calls for giving “priority to alternative transportation and transit over single-occupant vehicle on Transit Routes identified on the Transit Network map (Figure 7, page T-31).”⁴ Durant Avenue is identified as a Primary Route on this Transit Network Map. In addition, General Plan Policy T-5 calls for the City to consider bus priority lanes on transit corridors as an interim and low-cost treatment.

ENVIRONMENTAL SUSTAINABILITY

Complying with the Surplus Lands Act will promote sustainability by identifying potential surplus lands that could be developed for affordable housing. Increasing the supply of affordable housing will help prevent Berkeley residents from being displaced to outer areas of the region, thus preventing an increase in vehicle miles traveled and greenhouse gas emissions.

² https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1255

³ <https://mtc.ca.gov/tools-and-resources/digital-library/mtc-resolution-no-4202>

⁴ https://www.cityofberkeley.info/Planning_and_Development/Home/General_Plan_-_Transportation_Element.aspx

RATIONALE FOR RECOMMENDATION

Adoption of the resolution will help ensure that the City is in compliance with State and regional requirements regarding Surplus Lands and will also maintain the eligibility of the City and partner agencies to receive regional grant funding for projects within City right-of-way.

ALTERNATIVE ACTIONS CONSIDERED

The City could choose not to comply with the Surplus Lands Act, which would cause the City to be ineligible to receive grant funding for transportation projects through regional funding programs.

CONTACT PERSON

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Attachment:

1: Resolution

RESOLUTION NO. ##,###-N.S.

A RESOLUTION OF THE COUNCIL OF THE CITY OF BERKELEY TO COMPLY WITH
THE SURPLUS LANDS ACT

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

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; and

WHEREAS, the Metropolitan Transportation Commission adopted Resolution No. 4202,
outlining the programming policy and project selection criteria for the One Bay Area Grant
Program (OBAG 2), including certain requirements to access these funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the
City of Berkeley 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.