



# Fruitvale Transit Village: Agreements for Phase IIB



**January 10, 2019**  
BART Board of Directors



## Site History

**1994:** BART Enters into MOU with Unity Council for TOD

**1995:** Exclusive Negotiating Agreement with Unity Council

**1998:** Environmental Documents Certified, BART Board Approves  
Ground Lease with Unity Council

**2002:** Exclusive Negotiating Agreement with Unity Council for Phase II

**2003-4:** Fruitvale Transit Village Phase I Opens

Developer Completes Replacement Parking Garage

**2010:** Oakland Redevelopment Agency Acquires Phase II Property

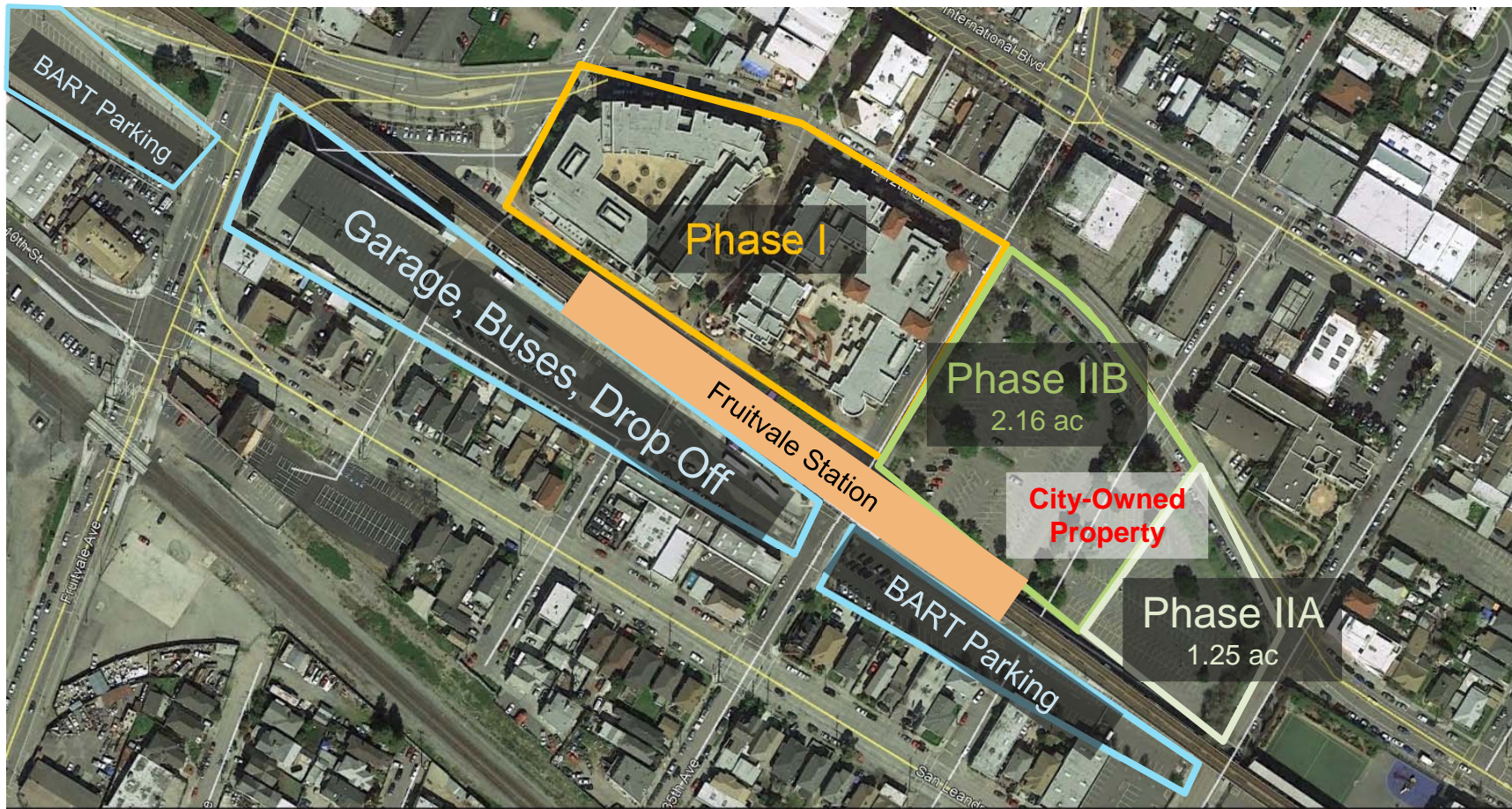
**2015:** City approves Planned Unit Development Application, Setting  
Development Parameters for Full Phase II Site

**2017:** BART Board Approves Agreements; Phase IIA Groundbreaking





# Site Reference







# Proposed Development: Phase IIB

BRIDGE Housing & Unity Council

Up to 99-year ground lease

2.2 Acres

179 affordable units + 2 managers units

~84 units/acre

City-owned property

6,000 sq ft commercial/office

0.5 car spaces/unit

132 bike parking spaces

3 to 5 stories of housing over podium



1 SOUTH ELEVATION (FACING BART)  
1" = 10'-0"  
BART Planning, Development & Construction



# Developer Request to Waive Fee

## Delayed Transfer Fee

1.5% of appraised value every 5 years

### Impact on BART

~\$500,000 in 2025, likely max fee depending on depreciation and rent changes over time

Over 99 years (19 payments), roughly \$9.5 million in foregone revenue to BART

### Impact on Project

Fee would create additional subsidy gap of ~\$1.2 million due to reduced net operating income

Fee would make project less competitive for grants due to lower residual cash flow





# Ped/Bike Improvements

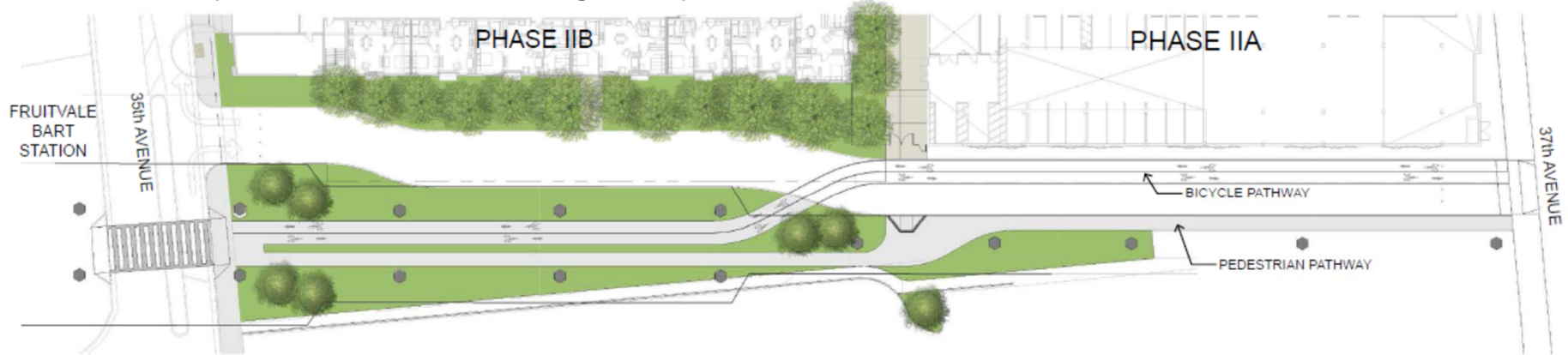






# Conceptual Bike/Ped Path

## *Preliminary Illustrative Drawing of Cycletrack and Pedestrian Path*



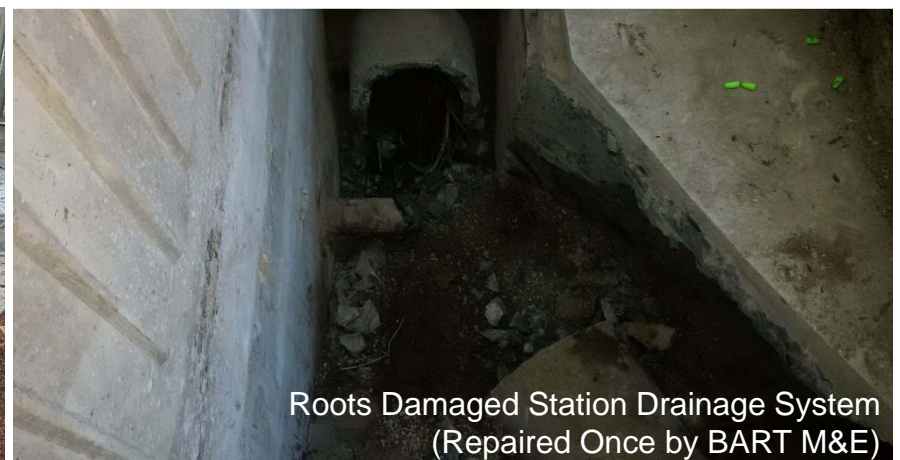
## *Pedestrian and Bike Condition North of 35<sup>th</sup> Ave. Approaching Station Entrance*



Narrow Walkway



Roots Uplifting Sidewalk



Roots Damaged Station Drainage System  
(Repaired Once by BART M&E)



## Staff Recommendation

- Fully waive delayed transfer fee – impacts project feasibility and funding competitiveness
- In lieu of fee, developer team must design, build pedestrian and bicycle improvements
- Developer Team for Phase IIA to maintain cycletrack in emergency vehicle lane
- Developer Team for Phase IIB to maintain cycletrack on BART property
- Affordable Housing & Sustainable Communities (AHSC) Grant application will request funding to cover capital cost
- Unity Council to maintain pedestrian improvements north of 35<sup>th</sup> Ave, per existing Phase I ground lease agreement





## Board Motion

Authorize the General Manager or her designee to modify the existing recorded agreements between BART and the City of Oakland for Fruitvale Transit Village Phase IIB in order to waive the Delayed Transfer Fee requirement and acknowledge that the other major terms of the agreements do not apply to this development, so long as the development includes a minimum of 179 units of rental affordable housing for households earning less than 80% area median income. In lieu of the fee, the developer team and City of Oakland design, build and maintain pedestrian and bicycle improvements connecting the station entrance to 37<sup>th</sup> Avenue.