

# AGENDA REPORT

**TO:** DEANNA J SANTANA  
CITY ADMINISTRATOR

**FROM:** Brooke A Levin  
Interim Director, PWA

**SUBJECT:** Uptown Bike Station Grant Appropriation **DATE:** January 7, 2014

City Administrator Approval	<i>Deanna Santana</i>	Date	1/28/14
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**COUNCIL DISTRICT:** 3

## RECOMMENDATION

Staff recommends that the City Council authorize and appropriate a Safe Routes to Transit Grant in an amount not to exceed \$531,000 to Alameda Bicycle to pay for tenant improvements at the Uptown BART Bicycle Station to be located at 1773-1775 Broadway

## OUTCOME

Approval of the proposed legislation will allow the City to appropriate and award grant funds to Alameda Bicycle to commence design and construction of the proposed tenant improvements for the Uptown Bicycle Station at 1773-75 Broadway, with a target completion date of September 1, 2014. This action completes the appropriation anticipated when Council accepted the grant award in September 2013.

Authorization of the grant appropriation to Alameda Bicycles will allow grant funds administered by the City to be expended expeditiously on improvements to the space, meet the time requirements of the grant, and minimize time that BART and the City are obligated to pay rent on an empty storefront.

## BACKGROUND/LEGISLATIVE HISTORY

In January, 2012, the City, in collaboration with BART, was awarded a Safe Routes to Transit Grant of \$531,000.00 from the Metropolitan Transportation Commission (MTC) to design and construct a new bicycle parking facility near the 19<sup>th</sup> Street BART Station. This Uptown Bike Station will provide attended and secure bicycle parking for up to 150 bicycles at the storefront level. Since that date BART and the City have worked together to secure a street level space appropriate for this facility.

On September 17, 2013, the City of Oakland adopted Resolution No 84632 C M S accepting the Safe Routes to Transit Grant, and approving submission of an allocation request to MTC for the \$531,000 00 in capital funds to construct the facility Further, the Resolution authorized the City Administrator to enter into a Memorandum of Understanding (MOU) with BART governing capital development and operations of the bike station, including an operating subsidy of \$250,000 This MOU also specifies that the City will administer the capital grant, but BART and its agents would lease the space and be responsible for build-out and operation of the Bicycle Station

On November 21<sup>st</sup>, 2013, the BART Board approved the draft MOU, and authorized staff to enter into a lease for a Bike Station property Further, BART renewed a contract with Alameda Bicycle for operation of its Bike Stations region-wide, including the planned Uptown Bike Station

On December 17<sup>th</sup> BART signed a letter of intent to lease the space with the owners of 1773-5 Broadway to implement the Uptown Bike Station BART intends to sign a lease as soon as negotiations are complete with the building owner, provided the process is underway to approve the appropriation of Safe Routes to Transit Grant proceeds BART and the City alike are concerned that the owners of 1773-75 Broadway may remarket the property if a lease cannot be completed within a short period of time

### ANALYSIS

This appropriation of grant proceeds is a necessary step in implementing the Uptown Bike Station, and directly follows the September 17, 2013 City Council acceptance of the Bike Station grant and the agreement about the respective responsibilities of BART and the City during its capital and operating phases The current action takes the critical step of appropriating and awarding the grant funds, subject to both City and MTC requirements, to BART's designated Bicycle Station operator Alameda Bicycle BART will not be a party to the grant agreement since it has delegated the task of building out the project to its contracted bicycle station operator, Alameda Bicycle Alameda Bicycle will, at the behest of BART, manage the process of build-out of the space at 1773-5 Broadway to create the Uptown Bike Station Staff recommends this approach for the following reasons

- BART has contracted with Alameda Bicycle to be their Bike Station operator, and Alameda Bicycle will manage this facility upon completion BART selected them through a competitive process when they determined Alameda Bicycle to be an experienced bike station operator well qualified to oversee the design and construction of all capital improvements necessary to build out the space
- Through this process, the Bike Station can be completed in the short-time frame required by the grant which needs to be fully expended by December 31, 2014

- The City has unique experience in working with downtown property owners in the Façade and Tenant Improvements program, and is well situated to oversee the work of Alameda Bicycle

#### Management of the Safe Routes to Transit Grant

The City of Oakland is the recipient of the MTC Safe Routes to Transit Grant for \$531,000. As with most grants, grant proceeds will be paid to the City on a reimbursement basis. The City will administer disbursement of grant proceeds by assigning staff that manages the Façade and Tenant Improvement Program of the Office of Neighborhood Investment, in a similar fashion to that of other tenant and façade improvement projects. Alameda Bicycle will be required to enter into a grant agreement with the City, which establishes the scope of work and budget for both the design and construction phases of the Uptown Bike Station project and includes all other applicable City requirements and regulations. City staff will determine that all City requirements are met during the design and construction phase of the project. The City will make payment for project expenses to Alameda Bicycle, and will submit requests for reimbursement to MTC. Both the City and BART will regularly monitor the work completed under the grant.

#### PUBLIC OUTREACH/INTEREST

The Uptown Bike Station has been presented to the City's Bicycle and Pedestrian Advisory Committee (BPAC) at their July, 2011 meeting prior to submission of the grant application request. This phase of the process has not been separately reviewed, but staff plans an update of the Committee at their next meeting.

#### COORDINATION

Subsequent to receiving this grant, BART and the City worked together to develop a capital and operating scenario to assure successful completion of the project, and have worked together to locate a suitable location, ultimately at 1773-5 Broadway. Within the City, the Public Works Agency and the Office of Neighborhood Investment have worked together to ensure that the project can be built and operated within grant restrictions and available resources. The City Attorney and Budget offices have reviewed this report.

### COST SUMMARY/IMPLICATIONS

- 1 AMOUNT OF RECOMMENDATION/COST OF PROJECT The total estimated project cost is approximately \$475,000 00
- 2 COST ELEMENTS OF AGREEMENT/CONTRACT Project costs include both design phase, estimated at \$45,000 00, and capital phase, estimated at \$430,000 00 The design phase includes internal architecture and engineering review The capital phase includes demolition, interior architecture including interior (non-load bearing) walls, electrical, lighting, finishes, bike racks, new exterior door, new signage, and construction management
- 3 SOURCE OF FUNDING The project is funded by a grant of \$531,000 from the Metropolitan Transportation Commission, Regional Measure 2 Funds (Bridge Tolls) The grant covers both design and capital phases of the project Alameda Bicycle will be paid for valid costs not to exceed the grant amount of \$531,000, including payments to their vendors Scopes of work for the design and capital phases will be developed The current conceptual cost estimate is approximately \$475,000, but may change during the design process The capital project is fully achievable within the grant budget and will require no additional City investment Unused funds will revert to the grantor for reprogramming
- 4 FISCAL IMPACT Approval of this resolution will allow the City to appropriate and award up to \$531,000 00 in grant funds to Alameda Bicycle to construct the Council-approved Uptown Bike Station Funds will be deposited and appropriated within the Metropolitan Transportation Commission Fund 2163, CIP Central District (94889), and a new project number will be established The program does not require local match

The required allocations for Contract Compliance will be set aside in the appropriate accounts upon approval of this resolution. The City's 1.5% public art fee is not an eligible expense under MTC's Safe Routes to Transit Grant guidelines, which limits expenditures to bicycle and pedestrian improvements For this reason staff requests that this fee be waived for this project

### FISCAL/POLICY ALIGNMENT

The completed project aligns with transportation, environmental and economic development policy by encouraging bicycle usage

**PAST PERFORMANCE, EVALUATION AND FOLLOW-UP**

Alameda Bicycle has not contracted directly with the City of Oakland in the past, but has been the contracted Bicycle Station operator for BART for the past five years, and their contract was recently renewed for a five year term.

**SUSTAINABLE OPPORTUNITIES**

***Economic*** The project will provide safe and secure bicycle parking and ancillary bike repair services for visitors to downtown Oakland, with positive impacts on downtown shops and businesses in the vicinity. The bike station will bring life to a currently empty storefront that has limited marketable uses, and should have a modestly positive economic impact by increasing bike ridership and economic activity in downtown Oakland.

***Environmental*** The project encourages bicycle access to BART and downtown Oakland, thereby decreasing commute and other trips by automobile, with positive impacts on particulate and greenhouse gas pollution.

***Social Equity*** Bicycling is an affordable means of transportation available to all regardless of economic class. Safe and secure bicycle parking helps provide access to jobs in Oakland and anywhere on the BART system for residents within approximately two miles of the BART station. In addition, Alameda Bicycle will comply with the City's employment and contracting programs, including the Small/Local Business Construction Program, the Small/Local Business Professional Services Program (L/SLBE) and the Local Employment Program, as well as with the requirements of the Prevailing and the Living Wage Ordinances during development and operation of the Uptown Bike Station.

**CEQA**

The City has determined that the proposed resolution and its intended purpose complies with and is exempt from CEQA, without limitation, pursuant to CEQA Guidelines Sections 15183 (projects consistent with a general plan), 15301 (existing facilities), 15302 (replacement or reconstruction), 15061(b)(3) (general rule), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively would provide an overall basis for CEQA clearance.

For questions regarding this report, please contact Bruce Williams, Transportation Funding Program Manager, at 510-238-7229

Respectfully submitted,



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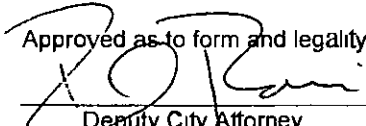
BROOKE A LEVIN  
Interim Director, Public Works Agency

Reviewed by  
Michael J Neary, P E , Assistant Director  
Department of Engineering and Construction

Iris Starr, AICP, Division Manager  
Transportation Planning and Funding Division

Prepared by  
Bruce Williams  
Transportation Funding Program Manager  
Transportation Planning and Funding Division

2014 JAN 30 AM 10:01

Approved as to form and legality  
  
Deputy City Attorney

## OAKLAND CITY COUNCIL

Resolution No \_\_\_\_\_ C M S

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**A RESOLUTION AUTHORIZING AND APPROPRIATING A SAFE ROUTES TO TRANSIT GRANT IN AN AMOUNT NOT TO EXCEED \$531,000 TO ALAMEDA BICYCLE TO PAY FOR TENANT IMPROVEMENTS AT THE UPTOWN BART BICYCLE STATION TO BE LOCATED AT 1773-1775 BROADWAY**

**WHEREAS**, on September 17, 2013, pursuant to Resolution No 84632 C M S., the City of Oakland accepted a 2012 Metropolitan Transportation Commission Regional Measure 2 Safe Routes to Transit Grant in the amount of \$531,000 (the "Safe Routes to Transit Grant") to fund capital improvements at a proposed BART Bicycle Station to be located in the Uptown Area of downtown Oakland (the "Uptown Bike Station"), and

**WHEREAS**, BART and Alameda Bicycle are operating four BART Bike Stations in San Francisco and the East Bay, and desire to develop and manage the Uptown Bike Station at 1773-1775 Broadway near the 19<sup>th</sup> Street BART Station in downtown Oakland, and

**WHEREAS**, the City, BART and Alameda Bicycle will enter into agreements governing the construction of capital improvements to and operation of the Uptown Bike Station, and

**WHEREAS**, the City desires to award the Safe Routes to Transit Grant in an amount not to exceed \$531,000 to Alameda Bicycle to fund capital improvements to the Uptown Bike Station, and

**WHEREAS**, the City will appropriate and allocate the funding from Metropolitan Transportation Commission Fund 2163, CIP Central District (94889), Third Party Grant Contracts Earned Account (54912) with a Project that will be determined, and

**WHEREAS**, the proposed capital improvements to the Uptown Bike Station have been determined to be exempt from the California Environmental Quality Act (CEQA) Guidelines sections 15183 (projects consistent with a general plan), 15301 (existing facilities), 15302 (replacement or reconstruction), and 15061(b)(3) (general rule), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively would provide an overall basis for CEQA clearance, now therefore be it

**RESOLVED:** That the City hereby authorizes a grant in an amount not to exceed \$531,000 to Alameda Bicycle to fund tenant improvements and other capital improvements to the Uptown Bike Station, and be it further

**RESOLVED:** That said funding is allocated and appropriated from the Metropolitan Transportation Commission Fund 2163, CIP Central District (94889), Third Party Grant Contracts Earned Account (54912) with a Project that will be determined, and be it further

**RESOLVED** That the City Administrator or her designee is authorized to negotiate and execute a grant agreement and other agreements with Alameda Bicycle for the funding of capital improvements to and operation of the Uptown Bike Station, and be it further

**RESOLVED:** That the City has independently reviewed and considered this environmental determination, and the City finds and determines that this action complies with CEQA because the installation of capital improvements at the Uptown Bike Station is exempt from CEQA, without limitation, pursuant to CEQA Guidelines sections 15183 (projects consistent with a general plan), 15301 (existing facilities), 15302 (replacement or reconstruction), and 15061(b)(3) (general rule), and be it further

**RESOLVED:** That the Safe Routes to Transit Grant to Alameda Bicycle will not be subject to the City's 1.5% public art fee as this is not an eligible expense under MTC's Safe Routes to Transit Grant program guidelines, which limits expenditures to bicycle and pedestrian improvements, and be it

**RESOLVED:** That any and all documents necessary to effectuate the intent of this Resolution shall be reviewed and approved as to form by the City Attorney prior to execution by the City Administrator or her designee, and be it further

**RESOLVED:** That the City Administrator or her designee is authorized to take whatever action is necessary with respect to the Safe Routes to Transit Grant and improvements to the Uptown Bike Station consistent with this Resolution and its basic purposes

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2014

**PASSED BY THE FOLLOWING VOTE:**

**AYES -BROOKS, GALLO, GIBSON-MCELHANEY, KALB, KAPLAN, REID, SCHAAF and  
PRESIDENT KERNIGHAN**

**NOES -**

**ABSENT -**

**ABSTENTION -**

**ATTEST** \_\_\_\_\_

**LaTonda Simmons**  
City Clerk and Clerk of the Council  
of the City of Oakland, California