

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688
(510) 464-6000

PLANNING & LEGISLATION COMMITTEE

July 18, 2017

12:00 p.m.

COMMITTEE MEMBERS: Directors Raburn (Chairperson), Blalock (Vice Chairperson), and Saltzman

AGENDA

1. Call to Order.
 - a. Roll Call.
2. Memorandum of Understanding with the City of Concord for the Inclusion of the North Concord/Martinez BART Station Property within the Concord Reuse Project Specific Plan to Enable Future Transit Oriented Development.* For information.
3. Public Comment.
4. New Business. (An opportunity for Committee Members to introduce potential matters for a future committee agenda.)


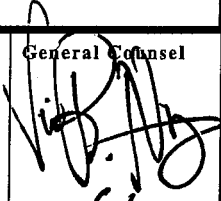

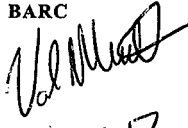

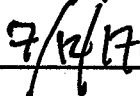
Kenneth A. Duron
District Secretary

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at 510-464-6083 for information.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/30/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ian Griffiths Dept: Planning, Development & Construction	General Counsel 	Controller/Treasurer 	District Secretary	BARC 
Signature/Date:  7/12/17	 7/12/17 []	[]	[]	[]

MOU with the City of Concord for the inclusion of the North Concord/Martinez BART Station property within the Concord Reuse Project Specific Plan

PURPOSE: To authorize the General Manager to execute a Memorandum of Understanding (MOU) between BART and the City of Concord for the inclusion of the North Concord / Martinez BART Station property within the Concord Reuse Project Specific Plan and Infrastructure Master Plan to enable future transit-oriented development.

DISCUSSION:

The North Concord / Martinez BART station (Station), which opened in 1995, occupies approximately 18 acres of land and includes 1,977 surface parking spaces (BART Property). The Station is located adjacent to the 5,028-acre former Concord Naval Weapons Station (CNWS), which was closed in 2005. Following the base closure, the City of Concord undertook a seven-year community-based visioning process for the CNWS and BART's property. BART participated in this process, culminating in the adoption of the Concord Reuse Project (CRP) Area Plan in 2012. The Area Plan details the community's vision for the CNWS and BART property. The Area Plan envisions the BART Property and land within half a mile of the Station being developed over time as a mixed use, walkable transit-oriented community and employment center. The Area Plan's treatment of the BART Property is generally consistent with BART's adopted TOD policy.

In January 2014 the City of Concord issued a request for qualifications (RFQ) for a master developer to develop the first 500-acre phase of the Area Plan. BART staff participated on the Technical Evaluation Committee and selection committee for the RFQ process. In May 2016, the City selected Lennar/Five Points (Lennar) as the master developer. The City

entered into an agreement with Lennar whereby Lennar would complete a Specific Plan and an Infrastructure Master Plan for the full developable portion (approximately 2,300 acres) of the former CNWS property. This arrangement excluded the BART Property. The Specific Plan process began in January 2017 and two community workshops have already been conducted.

Consistent with BART's TOD policy, BART intends to undertake a competitive selection process to identify a developer to develop the BART Property. In anticipation of a future RFQ for developers, BART staff recommends that the BART Property be added to the area being assessed through the ongoing Specific Plan and Infrastructure Master Plan processes for the following reasons:

- Participating in the Specific Plan will prepare the BART Property for TOD
- A single Specific Plan process will be less confusing and time-consuming for local communities
- Planning and environmental approval for TOD on BART Property can be streamlined by leveraging the ongoing Specific Plan
- An integrated vision of the entire Station Area is more likely to optimize station access and placemaking over the long term
- Significant efficiencies in building backbone infrastructure including roads and sewers could be realized through participating in the Infrastructure Master Plan

This effort is consistent with the adopted TOD Policy, which states that BART will "Proactively support local jurisdictions in creating station area plans and land use policies that: a) encourage transit-supportive, mixed-use development on and around station properties, b) enhance the value of BART land, and c) enhance the performance of the BART system as a whole."

In order for the BART Property to be added to Specific Plan and Infrastructure Master Plan, which is being funded by Lennar under an agreement between Lennar and the City of Concord, an MOU between the City of Concord and BART has been developed with the following proposed terms:

- Lennar and the City would create a development concept for BART's property as part of the overall Specific Plan, including assessing potential environmental impacts of the development in the City CEQA document. BART would have the ability to provide significant input into the development concept.
- The development vision would be guided by the goals for development outlined for BART Property in the CRP Area Plan, which categorizes BART Property within the "Transit-Oriented District Core" designation, as well as BART Policies and Guidelines.
- Reimbursement to the City for the expense of the additional work arising from inclusion of BART Property within the Specific Plan is subject to BART entering into an agreement (the "BART Developer Contract") with a Developer selected pursuant to

a competitive RFQ process. This BART Developer Contract would specify that 50% of the pro-rata share of eligible reimbursable costs shall be paid by the Developer to the City upon BART's approval of the BART Developer Contract, and 50% shall be paid by the Developer to the City upon the Developer's commencement of backbone infrastructure work with respect to the BART Property.

- BART's pro-rata share of eligible reimbursable costs will be calculated based on the proportionate share of development on the BART Property as compared to the rest of the Specific Plan Area.
- BART is not obligated to make any payments to the City. The obligation for a Developer to repay the City of Concord shall expire in fifty years if no BART Developer Contract is entered into or if the Specific Plan ultimately does not include the BART Property.
- The MOU would automatically terminate if the proposed Specific Plan and City CEQA Document have not been approved or certified by the Concord City Council by July 31, 2022.

If this motion is approved, the following should occur within the next six months:

- The City and BART will establish a staff technical advisory committee comprised of an equal number of City and BART representatives to direct plan development and resolve technical BART-property-related issues
- The City will include BART property within site plans presented and discussed at the next community workshop planned for September 2017
- BART staff will advance an RFQ solicitation for developers for the North Concord/Martinez Station

FISCAL IMPACT: BART staff time will be involved in the preparation and review of the Specific Plan, and is covered under the adopted FY18 budget. When BART enters into a BART Developer Contract with a Developer for the development of the BART property, the BART Developer Contract will specify that the Developer is obligated to pay the City for BART's pro rata share of the reimbursable costs. Therefore, entering into an MOU with the City of Concord will result in no direct fiscal impact to BART, other than staff time.

ALTERNATIVES: Do not participate in the City's Specific Plan process and instead undertake a separate specific plan and CEQA document process in order to pursue transit-oriented development at the BART Property in the future. This option is believed to be more costly and time-consuming for any future developer BART might partner with than participating in the City's Specific Plan as it would require duplication of efforts, such as community outreach, already being undertaken by the City and its developer.

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RECOMMENDATION:

Adopt the following motion:

MOTION: The General Manager or her designee is hereby authorized to execute a Memorandum of Understanding with the City of Concord to include the North Concord/Martinez BART Station within the Concord Reuse Project Specific Plan and Infrastructure Master Plan.