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## SOUTH HAYWARD BART STATION ACCESS AUTHORITY

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### **SPECIAL MEETING**

777 B Street, Hayward, CA 94541

Room 4A

March 26, 2013

11:30 AM

### **A G E N D A**

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of Agenda**
5. **Public Comment**  
*This section provides an opportunity to address the Access Authority on items listed on the agenda, as well as other items of interest. The Board welcomes comment and requests that speakers present their remarks within established time limits. (Individual comments are set at a 3-minute time limit; comments on behalf of a group are set at a 5-minute time limit.) As the Board is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.*
6. **Approval of Meeting Minutes** (of December 5, 2012)
7. **Report from Co-Executive Directors Fran David and Jeff Ordway**
8. **Proposed Implementation of City Council & BART Board Approvals** (Staff Report and Attachments)
9. **Proposed Adoption of Amended and Restated Bylaws for the Access Authority** (Attachment V)
10. **Authority Reports, Referrals and Future Agenda Items**
11. **Adjournment**



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## SOUTH HAYWARD BART STATION ACCESS AUTHORITY

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### SPECIAL MEETING

777 B Street, Hayward, CA 94541

Room 2A

December 5, 2012

12:00 PM

### MINUTES

1. **Call to Order** – the meeting was called to order at 12:08 by Vice Chair Thomas Blalock.
2. **Pledge of Allegiance** – the Pledge of Allegiance was led by Vice Chair Thomas Blalock.
3. **Roll Call**

JPA board members present: Thomas Blalock, John McPartland, Francisco Zermeño.

JPA Board members absent: Al Mendall

City of Hayward staff present: Fran David, Kelly McAdoo, Morad Fakhrai, David Rizk, Matt McGrath, Denise Blohm and consultant John DeClercq

BART staff present; Jeff Ordway, Bruno Peguese

JPA legal counsel present: Polly Marshall (Goldfarb & Lipman)
4. **Approval of Agenda** – the agenda was approved as submitted - M/S by Zermeño / McPartland / unanimous
5. **Public Comment** - there was no public comment
6. **Approval of Meeting Minutes** – the minutes of December 19, 2011 and March 19, 2012 were approved as submitted - M/S by McPartland / Zermeño unanimous
7. **Report from Co-Executive Directors Fran David and Jeff Ordway** – Jeff Ordway expressed the gratitude of staff toward the JPA Board members for their flexibility regarding the repeated re-scheduling of this meeting.
8. **New Business: Discussion & Consideration of Recommendations from Parking and Access Study (prepared by Nelson/Nygaard dated November, 2010)** (See the Staff Report and Attachments for that meeting, they are not attached to these minutes)
  - a) Study Presentation & Recommendations by Kelly McAdoo & Jeff Ordway
  - b) City Presentation & Council Recommendations by Kelly McAdoo
  - c) BART Presentation & Board Recommendations by Jeff Ordway
  - d) Consideration of Recommendations from the Parking and Access Study – the following Parking and Access Study recommendations were forwarded to the BART Board and City Council for approval - M/S by Zermeño / McPartland / unanimous – These recommendations

are referred to as the “Action Plan” in §5.3 of the JPA Agreement (and can only be adopted and implemented by the Authority after approval by the BART Board and the City Council):

1. Support the Preferred Alternative from the Parking and Access Study , which includes the following recommendations:
  - a. Include Tennyson Rd (from Mission Blvd. to Huntwood Ave), Mission Blvd. (from Tennyson Rd. to Valle Vista Ave.) and Dixon St. (from Tennyson Rd. to approx. 200 yds. south of Valle Vista Ave.) as part of the BART commuter-paid parking per the revised map on pages 3-4 and 3-6 of the Parking and Access Study, (see Attachment III to the staff report; it is not attached to these minutes);
  - b. Expand the boundaries of the JPA westerly on Tennyson Rd. to Huntwood Ave, northerly on Mission Blvd. to Hancock St., northerly on 10<sup>th</sup>-13<sup>th</sup> Streets to Hancock and southerly on Dixon St. to Industrial Pkwy. (See Attachment I to the staff report; it is not attached to these minutes (Existing JPA Boundary) and Attachment II to the staff report; it is not attached to these minutes (Proposed Modified JPA Boundary));
  - c. Upon approval of JPA recommendations by BART Board and City Council, authorize co-Executive Directors to establish an account to accept receipt of parking revenues and payment of JPA operating costs and capital costs with capital costs being determined by actual costs incurred, retired over 20 years at an interest rate of 3%; and
  - d. Support review of parking usage every six months.
2. Support the following recommendations that would be made to the City Council:
  - a. Form a Transit-Oriented Development Preferred Residential Permit Program (TOD PRPPP), (see Attachment III to the staff report; it is not attached to these minutes),
    - i. At no cost to the residents;
    - ii. That would prohibit BART patron parking on certain streets within the JPA boundary;
    - iii. Purchase and install enforcement signs on those streets
  - b. Capital and operational investment:
    - i. Stripe and number 272 spaces on City streets (Tennyson Rd., Mission Blvd. & Dixon St.);
    - ii. Purchase and install enforcement and wayfinding signs on the City streets within the JPA area, outside of the BART parking lot;
    - iii. Modify the pedestrian-safety fencing along Tennyson Rd.
    - iv. Participate in the on-street enforcement of the program
  - c. Any changes to the proposed actions would be subject to future City Council (and BART Board) consideration and approval;
  - d. Authorize modification of the Joint Powers Authority Agreement per the proposed actions, including the modification of the JPA boundary as recommended (See Attachment II to the staff report; it is not attached to these minutes);
  - e. Authorize any and all actions in support of implementing the above proposed actions; and
  - f. Authorize parking charges on the striped & numbered parking spaces on City streets consistent with parking charges implemented by the Board on the BART Main Lot, i.e. start at \$1.00/day; allow up to \$5.00/day in increments of \$0.50/day at six month intervals, with modifications to be made concurrent with modifications of charges on the Main Lot

3. Support the following recommendations that would be made to the BART Board:
  - a. Authorize parking charges:
    - i. Daily: Start at \$1.00/day; allow up to \$5.00/day in increments of \$0.50/day at six month intervals
    - ii. Monthly: Start at \$42.00/month; increase to \$63.00/month when daily fee becomes \$2.00/day; increase to \$84.00/month when daily fee becomes \$3.00/day
    - iii. Daily Reserved: Start at \$3.00/day; increase to \$4.00/day when daily fee becomes \$2.00/day; and increase to \$5.00/day when daily fee becomes \$3.00/day
    - iv. Allocation of 7% of spaces to monthly reserved and 3% of spaces to daily reserved (excluding accessible and employee spaces)
  - b. Authorize modifications to parking charges:
    - i. Examine occupancy every six months
    - ii. If occupancy is greater than 98%, increase daily fee by \$0.50/day
    - iii. If occupancy is between 90% and 98%, no change in fee
    - iv. If occupancy is less than 90%, reduce daily fee by \$0.50/day
  - c. Capital investment:
    - i. Re-stripe and number spaces in BART lot
    - ii. Purchase and install enforcement and wayfinding signs in BART lot
    - iii. Install Clipper Card Reader and Parking Validation machines in BART paid area
  - d. Operating investment:
    - i. Maintain BART lot per current practice for one year
    - ii. Consider shifting BART lot maintenance to JPA after one year
    - iii. Parking enforcement on BART lot per current BART practice
    - iv. Consider shifting enforcement of a combined BART lot and City streets to JPA if an empowering agreement between BART police and City police is possible
    - v. Maintain Clipper Card Reader and Parking Validation machines per current practice
  - e. Any changes to proposed actions would be subject to future BART Board (and City Council) consideration;
  - f. Authorize modification of Joint Powers Authority Agreement per the proposed actions, including the modification of the JPA boundary as recommended;
  - g. Consider Title VI implications of proposed actions; and
  - h. Authorize any and all actions in support of implementing the above proposed actions.

## 9. Authority Reports, Referrals and Future Agenda Items

- a. Bylaws – Goldfarb & Lipman is to review the bylaws regarding the number of Board members needed for quorum, approval of administrative matters (i.e. approval of an agenda or the minutes), and to take action and prepare draft modifications of the bylaws for JPA Board consideration
- b. Implementation – the Board recommended that staff begin a prioritization of the implementation recommendations made in the Parking and Access Study (over the next 6-12 months);

- c. After these recommendations are considered by the BART Board and the City Council, this Board will reconvene to adopt the Action Plan and implement the recommendations;
- d. Bike information seems lacking in the Parking and Access Study – the BART bike program (system-wide and as it affects this station) should be acknowledged by this Board

**10. Adjournment** – at 1:01 PM, to a time in early March (time and date to be set).



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## SOUTH HAYWARD BART STATION ACCESS AUTHORITY

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DATE: March 26, 2013

TO: JPA Board Members

FROM: Assistant City Manager, Kelly McAdoo  
BART Director of Property Development, Jeff Ordway

SUBJECT: South Hayward BART Transit-Oriented Development Mixed-Use Project  
Parking & Access Study – Proposed Implementation of City Council & BART  
Board approvals

Agenda item #8 "Proposed Implementation of City Council and BART Board Approvals" consists of receiving and reviewing the approvals made by the two jurisdictions in response to the Parking and Access Study recommendations forwarded by this Board at its meeting on December 5, 2012, and approval by this Board of implementation of the Action Plan.

At today's meeting, the following will be undertaken:

- a) City Presentation & Council Approvals by City Staff
- b) BART Presentation & Board Approvals by BART Staff
- c) Consideration of implementation of the Action Plan (per Section 5.3 of the JPA Agreement) including the following actions approved by the City Council and the BART Board:

1. The JPA Agreement was amended by City and BART approval of the "First Amended and Restated Joint Exercise of Powers Agreement for the South Hayward BART Station Access Authority by and between San Francisco Bay Area Rapid Transit District and the City of Hayward" (the JPA Agreement") (Attachment I), which included modification of the JPA boundary (see Attachment II);
2. Include Tennyson Rd (from Mission Blvd. to Huntwood Ave), Mission Blvd. (from Tennyson Rd. to Vale Vista Ave.) and Dixon St. (from Tennyson Rd. to approx. 200 yds. South of Valle Vista Ave.) as part of the BART commuter-paid parking per the map attached (Attachment III);
3. Authorize Co-Executive Directors to establish an account to accept receipt of parking revenues and payment of JPA operating costs and capital costs with capital costs being determined by actual costs incurred retired over 20 years at an interest rate of 3%, or may pay sooner if there is excess cash flow (i.e. cash flow net of operating, capital and access improvements);;

4. Agree to review parking usage every six months.
5. Take actions necessary to implement approvals made by the City Council<sup>1</sup>:
  - a. Acknowledge that the City has adopted a Transit Oriented Development Preferential Residential Permit Parking Area (TOD PRPP Area) and parking regulations consistent with establishing same. (Attachment III)
    - i. No cost to the residents;
    - ii. Prohibits BART patron parking on certain streets within the JPA boundary; and
    - iii. City will purchase and install enforcement signs in those streets
  - b. And that the City will make its capital investment:
    - i. Stripe and number 272 spaces on City streets (Tennyson Rd., Mission Blvd. & Dixon St.);
    - ii. Purchase and install enforcement and wayfinding signs on the City streets within the JPA area, outside of the BART parking lot;
    - iii. Modify the pedestrian-safety fencing along Tennyson Rd.
  - c. Accept a Supplement to the Parking and Access Report from Nelson\Nygaard by adding additional items to “Appendix C: Prioritized List of Access Strategies” to the Parking and Access Study dated November, 2012 (Attachment IV).
6. Take actions necessary to implement approvals made by the BART Board<sup>2</sup>:
  - a. Authorize parking charges on the BART main lot and in the BART patron parking on City streets, i.e. Tennyson Rd (from Mission Blvd. to Huntwood Ave), Mission Blvd. (from Tennyson Rd. to Vale Vista Ave.) and Dixon St. in front of the station and on the west side of the street from the station to approximately 200 yards south of Valle Vista Ave, as shown on the map attached (Attachment IV) and consistent with the City’s adopted Transit Oriented Development BART Commuter Preferential Permit Parking Area program:
    - i. Daily: Start at \$1.00/day, allow up to \$5.00/day in increments of \$0.50/day at 6 month intervals
    - ii. Monthly: Start at \$42.00/month, increase to \$63.00/month when daily fee becomes \$2.00/day, increase to \$84.00/month when daily fee becomes \$3.00/day

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<sup>1</sup> The staff report (without attachments) for the City Council meeting on February 19, 2013 is attached as Attachment VI ; the complete staff report with attachments can be found at: <http://www.ci.hayward.ca.us/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2013/CCA13PDF/cca021913full.pdf>

<sup>2</sup> The staff report for the BART Board meeting on March 14, 2013 is attached as Attachment VII and can be found at: <http://www.bart.gov/about/bod/meetings/agendas/03-14-13%20Agenda%20Packet.pdf>  
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- iii. Daily Reserve: Start at \$3.00/day, increase to \$4.00/day when daily fee becomes \$2.00/day, increase to \$5.00/day when daily fee becomes \$3.00/day
- iv. Allocation of approximately 7% of spaces to monthly reserve and approximately 3% of spaces to daily reserve (excluding ADA and employee spaces), with increase in allocation up to a maximum percentage that does not exceed that set forth in the ten-current BART Board policy.

b. Authorize modifications to parking charges:

- i. Examine occupancy every 6 months
- ii. If occupancy is greater than 98%, increase daily fee by \$0.50/day
- iii. If occupancy is between 90% and 98%, no change in fee
- iv. If occupancy is less than 90%, reduce daily fee by \$0.50/day (but not less than \$1.00/day);

c. And that BART will make its capital investment:

- i. Re-stripe and number spaces in BART lot
- ii. Purchase and install enforcement and wayfinding signs in BART lot
- iii. Install Clipper Card Reader and Parking Validation machines in BART paid area

7. Enforcement – Accept the recommendations of the Executive Directors that BART police will enforce parking on the BART Lot and the City will enforce parking regulations on the City streets.

- a. The fine for BART patrons (both on the BART lot and on the City streets) will be as set by the BART Board from time to time, which is currently \$35.00
- b. Acknowledge that the fine for parking in the City-enforced TOD PRPP Area will be \$75;

8. Implementation

- a. These programs are to be implemented on/about April 15, 2013
- b. The City will mail a notice to residents who are entitled to obtain a residential permit
- c. BART will notify its patrons
- d. There will be a four (4) week grace period during which warnings will be issued, rather than citations

9. Plan to revisit this Action Plan every 6 months
10. California Environmental Quality Act (CEQA) compliance

The BART Board found its actions approving the Action Plan to not be a project subject to CEQA review under Public Resources Code Section 21080(b)(8) (establishing fees). The City found its actions approving the Action Plan to not be a project subject to CEQA review pursuant to CEQA Guideline Section 15378(b)(5) (organizational or administrative activities of government). The JPA Board is relying on these finding by BART and the City in its consideration of implementation of the Action Plan.

Attachment I - First Amended & Restated Joint Exercise of Powers Agreement for the South Hayward BART Station Access Authority (redlined)

Attachment II - Proposed Modified JPA Area Map

Attachment III - Parking Regulations Area Map

Attachment IV - Supplement to the Parking & Access Report

Attachment V- Amended and Restated Bylaws of the South Hayward BART Station Access Authority

Attachment VI – City Council meeting 2/19/13 staff report

Attachment VII – BART Board meeting 3/14/13 staff report

# ATTACHMENT I

FIRST AMENDED AND RESTATED  
JOINT EXERCISE OF POWERS AGREEMENT  
FOR THE  
SOUTH HAYWARD BART STATION ACCESS AUTHORITY

by and between

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
AND  
THE CITY OF HAYWARD

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Exhibit A - [ BART South Hayward Property]

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Exhibit C - [ Boundary of Authority]

FIRST AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT  
FOR THE SOUTH HAYWARD BART STATION ACCESS AUTHORITY

This First Amended and Restated Joint Exercise of Powers Agreement (the "Agreement") is entered into as of February, ~~2011, 2013~~, by and between San Francisco Bay Area Rapid Transit District ("BART"), a rapid transit district established under Public Utilities Code Sections 28500 et seq., and the City of Hayward ("City"), a municipal corporation, with reference to the following:

A. BART is the owner of that certain real property in the City of Hayward, Alameda County, California, which property is delineated on the map attached hereto as Exhibit A (the "BART South Hayward Property"). The BART South Hayward Property includes the South Hayward BART Station (the "South Hayward Station" or "Station") and the parking and access facilities that serve the South Hayward Station.

B. In June of 2006, the City adopted a South Hayward BART/Mission Boulevard Concept Design Plan, which seeks to encourage and provide the framework for redevelopment that will result in a transit village around the South Hayward Station and an enhanced Mission Boulevard corridor.

C. In 2006, BART completed a "South Hayward BART Development, Design and Access Plan" for the South Hayward Station, which plan was created to complement the City's planning efforts and to analyze access improvements and transit-oriented development opportunities in the area of the approximately 12-acre BART South Hayward Property and the approximately one-half mile surrounding the Station. The approximately 12 acres comprising the BART South Hayward Property includes 2 surface parking lots with 1252 parking spaces: the main lot west of Dixon Avenue with 1,079 parking spaces (the "Main Lot"); and the overflow lot east of Dixon Avenue (the "BART East Lot") having 173 spaces.

D. Wittek Development and BART entered into an Exclusive Negotiating Agreement effective February 5, 2009, providing for the assessment and potential development of a transit-oriented development in the BART South Hayward Property. Wittek Development, LLC, the Montana Property Group, LLC, Eden Housing, Inc. ("Eden"), the City and the Redevelopment Agency of the City of Hayward (the "Agency") also jointly applied for and were awarded Proposition 1C funding from the California Department of Housing and Community Development to develop a transit-oriented development at South Hayward Station.

E. Big Sky Holdings, LLC, an entity related to the Montana Property Group, LLC, currently owns an approximately 2.9-acre site adjacent to the BART East Lot having primary frontage on Mission Boulevard (the "Perry and Key Property"). The BART East Lot and the Perry and Key Property are identified in the map attached to this Agreement as Exhibit B. Wittek Development, LLC and the Montana Property Group, LLC ~~intend to create~~have created a new corporate entity, referred to herein as "Wittek & MontanaJMJ Development."

F. Wittek & MontanaJMJ Development intends to purchase the BART East Lot from BART and develop the BART East Lot and a portion of the Perry and Key Property with

approximately two hundred three (203) units of housing and related infrastructure and improvements using HCD's Proposition 1C funds and other financing (the "Market Rate Development"). ~~Wittek & Montana~~JMJ Development further ~~intends to convey~~conveyed a portion of the Perry and Key Property to Eden for the development of approximately one hundred fifty-one (151) units of affordable housing (the "Affordable Housing Development"). The Market Rate Development and the Affordable Housing Development are collectively referred to as "Phase 1" of the transit-oriented development at the South Hayward Station. Phase 2 of development at the BART South Hayward Property ("Phase 2") is contemplated to include the construction of a BART parking structure and additional residential and retail space on the BART South Hayward Property, excluding the Station.

G. Phase 1 will eliminate the BART patron parking that is currently provided at the BART East Lot. Phase 2 is anticipated to further modify BART's existing parking program. BART expects that, similar to other BART stations in the East Bay, parking charges will eventually be required to access BART. The City and BART believe that patrons will continue to access BART by means other than automobile and will increase their use of alternative transportation and access to BART (including shuttles, bicycles and walking). In addition, both the City and BART understand that parking and access modifications and policies at the South Hayward Station may influence and affect parking and access issues at the Downtown Hayward BART Station.

H. The City and BART desire to form a Joint Powers Authority that will address parking and access issues, further transit-oriented development, support equitable access to the Station by BART patrons, maximize BART ridership, and protect the City's neighborhoods from the effects of overflow parking traffic.

I. Articles 1 through 4 of Chapter 5 of Title 1 of the Government Code (Government Code Sections 6500 et seq.) and Government Code Section 11256 (collectively the "JPA Law") authorize BART and the City to create a joint exercise of powers entity to jointly exercise any powers common to BART and the City and to exercise the powers granted under the JPA Law. The parties are empowered by law to undertake certain projects and programs and possess certain common powers. The parties desire to enter into this Agreement and create the South Hayward BART Station Access Authority.

J. The City and BART created the South Hayward BART Station Access Authority (the "Authority"), through the execution of that certain Joint Exercise of Powers Agreement for the South Hayward BART Station Access Authority, dated as of September 1, 2011 (the "Original Joint Powers Agreement"). The parties desire to enter into this Agreement to amend and restate the Original Joint Powers Agreement in its entirety.

## ARTICLE 1. DEFINITIONS AND EXHIBITS

Section 1.1 Definitions. For the purpose of this Agreement, the meaning of the capitalized terms used in the Agreement shall be the following:

- Recital F.
- (a) "Action Plan" shall have the meaning set forth in Section 5.3.
  - (b) "Affordable Housing Development" shall have the meaning set forth in
  - (c) "Agreement" means this Joint Exercise of Powers Agreement.
  - (d) "Authority" means the South Hayward BART Station Access Authority created under this Agreement.
  - (e) "BART" means the San Francisco Bay Area Rapid Transit District, a rapid transit district established under Public Utilities Code Sections 28500 et seq.
  - (f) "BART East Lot" shall have the meaning set forth in Recital C.
  - (g) "BART South Hayward Property" shall have the meaning set forth in
- Recital A.
- (h) "Board" means the governing body of the Authority.
  - (i) "Budget" means the approved budget applicable to the expenses of the
- Authority.
- (j) "City" means the City of Hayward, a municipal corporation.
  - (k) "County" means the County of Alameda, a subdivision of the State of
- California.
- (l) "Directors" mean the members of the governing Board of the Authority and Alternate or Substitute Directors, as applicable, all as further described in Section 3.2 below.
  - (m) "Eden" shall have the meaning set forth in Recital D.
  - (n) "Fiscal Year" means the period from July 1 in any calendar year to and including June 30 in the succeeding calendar year.
  - (o) "Initial Members" means BART and the City.
  - ~~(p)~~ (p) "JMJ Development[" ~~shall have the meaning set forth in Recital E.~~"]
  - ~~(q)~~ (q) "JPA BART Directors" shall have the meaning set forth in Section 3.2.
  - ~~(r)~~ (r) "JPA City Directors" shall have the meaning set forth in Section 3.2.
  - ~~(s)~~ (s) "JPA Law" shall have the meaning set forth in Recital I.
  - ~~(t)~~ (t) "Main Lot" shall have the meaning set forth in Recital C.

~~(u)(t)~~ "Market Rate Development" shall have the meaning set forth in Recital F.

~~(v)(u)~~ "Member" means an entity that is a party to this Agreement and a member of the Authority.

~~(w)(v)~~ "Parking and Access Study" shall have the meaning set forth in Section 5.2.

~~(x)(w)~~ "Perry and Key Property" shall have the meaning set forth in Recital E.

~~(y)(x)~~ "Phase 1" shall have the meaning set forth in Recital F.

~~(z)(y)~~ "Phase 2" shall have the meaning set forth in Recital F.

~~(aa)(z)~~ "South Hayward Station" shall have the meaning set forth in Recital A.

~~(bb)(aa)~~ "Station" shall have the meaning set forth in Recital A.

~~(bb)~~ — "Wittek & Montana" { "~~shall have the meaning set forth in Recital E.~~ }

Section 1.2 Exhibits. The following Exhibits are attached hereto and incorporated herein:

Exhibit A: BART South Hayward Property

Exhibit B: Map of BART East Lot and Perry and Key Property

Exhibit C: Boundary of Authority

## ARTICLE 2. PURPOSE AND POWERS

Section 2.1 Purpose of the Authority. The purpose of the Authority is to manage and administer parking and access within the boundaries of the Authority in an equitable and orderly fashion in order to promote transit-oriented development, support access to the Station by BART patrons, maximize BART ridership, and protect the neighborhoods surrounding the Station.

Section 2.2 Purpose of the Agreement. Each of the parties has in common the authority to study, plan for, acquire, maintain, operate, lease, sell, finance or construct parking and other facilities. The purpose of this Agreement is to jointly exercise the foregoing common powers in the manner set forth in this Agreement.

Section 2.3 Authority Created. There is hereby created a public entity known as the "South Hayward BART Station Access Authority". The Authority is formed pursuant to the JPA Law and shall be a public entity separate from any Member.

Section 2.4 Effective Date. The effective date of this Agreement and the date on which the Authority shall be deemed formed and existing shall be the first date on which BART and the City have both executed this Agreement.

Section 2.5 Boundaries of the Authority. The geographic boundaries of the Authority are more particularly set forth on the map attached to this Agreement as Exhibit C.

Section 2.6 Powers. Subject to Article 5, the Authority shall have the power in its own name to do any of the following:

(a) To study, plan and implement ways and means to effectively manage and administer parking at or near the BART South Hayward Property.

(b) To study, plan and implement ways and means to effectively manage BART patron access to the South Hayward Station.

(c) To exercise the powers conferred upon it by the JPA Law and this Agreement necessary for the accomplishment of the purposes of this Agreement and the Authority.

(d) To participate in financing or refinancing of parking for and access to the Station in accordance with any terms and conditions imposed by the JPA Law and applicable law.

(e) To make and enter into contracts necessary for the full exercise of its powers.

(f) To contract for the services of engineers, attorneys, architects, planners, financial and other consultants, parking operators, maintenance and security entities and to employ and contract with such other persons as it deems necessary.

(g) To acquire, construct, designate, manage, maintain, operate and replace the parking for and access to the Station, and enforce restrictions related thereto.

(h) To incur debts, liabilities and/or obligations subject to limitations herein set forth, provided, however, that the debts, liabilities and obligations of the Authority shall not constitute any debt, liability or obligation of any of the Members.

(i) To sue and be sued in its own name.

(j) To apply for, accept and receive state, federal or local licenses, permits, grants, loans or other aid from any public agency necessary for the Authority's full exercise of its powers.

(k) To perform all acts necessary or proper to carry out fully the purpose of this Agreement and not inconsistent with the JPA Law.

(l) To collect fees related to the administration and operation of the parking serving the Station and access to the Station as approved by the City and BART, as applicable, and as further authorized from time to time by resolution of the Board.

(m) To invest any money in the treasury pursuant to Sections 6509.5 and 6505.5 of the JPA Law which is not required for the immediate necessities of the Authority, as the Authority determines is advisable, in the same manner and upon the same conditions as local agencies, pursuant to Section 53601 of the Government Code of the State of California.

(n) To apply for letters of credit or other form of financial guarantees in order to secure the repayment of its obligation and enter into agreements in connection therewith.

(o) To accept security, collateral or other property interests to secure payment of loans or other obligations to the Authority.

(p) To carry out and enforce all the provisions of this Agreement.

(q) To finance or refinance indebtedness incurred by the Authority or third parties in connection with any of the purposes hereof.

(r) To the extent not herein specifically provided for, to exercise any powers in the manner and according to methods provided under the laws applicable to the Authority.

Section 2.7 Additional Powers. In addition to those powers common to each of the parties, and subject to those limitations set forth in this Agreement including Article 5, the Authority shall have those powers conferred upon it by JPA Law.

Section 2.8 Restrictions on Exercise of Powers. The Act and the powers of the Authority shall be exercised in the manner provided in the JPA Law, and, except for those powers set forth in Article 4 of the JPA Law, shall be subject (in accordance with Section 6509 of the JPA Law) to the restrictions upon the manner of exercising such powers that are imposed upon the City in the exercise of similar powers.

Section 2.9 Obligations of Authority. The debts, liabilities and obligations of the Authority shall not be the debts, liabilities and obligations of the parties to this Agreement. The parties to this Agreement shall not be liable for the debts, liabilities or obligations of the Authority.

Section 2.10 Authority Facilities. Public facilities constructed or acquired by the Authority, if any, may be held in the name of the Authority for the benefit of the Authority in accordance with the terms of this Agreement unless conveyed to and accepted by the City, BART or other public entity.

Section 2.11 Non-Liability for Obligations of Authority. No party, officer, agent or employee of the Authority shall be individually or personally liable for the payment of the principal or of premium or interest on any obligations of the Authority or be subject to any personal liability or accountability by reason of any obligations of the Authority; but nothing herein contained shall relieve any such party, officer, agent or employee from the performance of any official duty provided by law or by the instruments authorizing the issuance of any obligations of the Authority.

ARTICLE 3.  
ORGANIZATION

Section 3.1 Membership. The Members of the Authority shall be BART and the City (the "Initial Members"). The Initial Members may agree to have additional members, in which case the Initial Members and the additional members shall execute an amendment or supplement to this Agreement providing and setting forth the terms of the additional membership.

Section 3.2 Governing Body of the Authority.

~~(a) { —The business of the Authority shall be conducted by a Board of Directors consisting of four (4) persons. All voting power of the Authority shall reside in the Board of Directors. }~~

~~(a)(b) —The City and BART~~ [ The business of the Authority shall be conducted by a Board of Directors consisting of four (4) persons. All voting power of the Authority shall reside in the Board of Directors. ] ~~BART and the City~~ shall each appoint two Directors to the Board of Directors. Initially, those Directors shall be, for BART, members of the governing board of BART appointed by the governing board of BART (the "JPA BART Directors"), and for the City, members of the ~~governing board~~ City Council of the City appointed by the City Council (the "JPA City Directors"). ~~Any Director may designate a substitute~~

(b) BART shall also designate an alternate or substitute representative to serve as a Director on the Board of Directors in the absence of one of the JPA BART Directors. For BART, the alternate or substitute Director shall be a member of the governing board of BART appointed by the governing board of BART (the "JPA BART Alternate or Substitute"). In the absence of one of the JPA BART Directors, the JPA BART Alternate or Substitute shall have the full power and authority to act as the absent JPA BART Director. BART may, at any time, vote to remove and replace the JPA BART Directors or the JPA BART Alternate or Substitute.

(c) The City shall also designate an alternate representative to serve as a Director on the Board of Directors. ~~Any such substitute shall be an employee of BART, if appointed by a JPA BART Director, or another City Council member who has been previously designated as an alternate director by the City Council, if appointed by a JPA City Director. BART and the~~ in the absence of one of the JPA City Directors. For the City, the alternate director shall be a member of the City Council of the City appointed by the City Council (the "JPA City Alternate"). In the absence of one of the JPA City Directors, the JPA City Alternate shall have the full power and authority to act as the absent JPA City Director. The City may, at any time, vote to remove and replace the JPA ~~BART Directors and the JPA City Directors, respectively~~ City Directors or the JPA City Alternate.

(d)(e) Members of the Board of Directors shall not receive any compensation for serving as such but a Director may be reimbursed for expenses incurred by such Director in the conduct of the Authority's business subject to any applicable policy of the Authority.

Section 3.3 Principal Office. The principal office of the Authority shall be established by the Board. The Board is hereby granted full power and authority to change said principal office from one location to another. Any change shall be noted by the secretary under this section, but shall not be considered an amendment to this Agreement.

Section 3.4 Meetings. The Board shall meet at the Authority's principal office or at such other place as may be designated by the Board. The time and place of regular meetings of the Board shall be determined by resolution adopted by the Board; a copy of such resolution shall be furnished to each party hereto. Regular, adjourned and special meetings shall be called, noticed, held, and conducted in the manner as provided in the Ralph M. Brown Act (Chapter 9, Division 2, Title 5, of the Government Code of the State of California (commencing at Section 54950)) or any successor legislation hereinafter enacted. The Board shall appoint a secretary who may be one of the Directors or an employee of one of the Initial Members.

Section 3.5 Quorum. A simple majority of the Directors (three Directors) shall constitute a quorum for the purpose of ~~transacting conducting a meeting of~~ the Authority's ~~general business~~. Except as otherwise provided by law, the unanimous vote of all the Directors then present as a quorum shall be required for the Authority to take ~~action~~ administrative actions, including for example, approval of agendas, amendment of agendas, and approval of minutes. Except as otherwise provided by law, the unanimous vote of all of the Directors shall be required for the Authority to take all other actions. Each Director shall have one vote.

Section 3.6 Resolution of Disputes. If action of the Authority cannot be taken because the vote of all the Directors cannot be obtained, then any Member Director, by written notice to the other Members Director, may require that the Members Director meet in an effort to reach a resolution of the matter at issue that may obtain the vote of ~~all Directors~~ the quorum of the Board. If that meeting does not result in resolution of the matter at issue, then any Member Director, by written notice to the other members Director, may require that the parties engage in a mediation process with regard to the matter at issue. The initial notice of mediation shall contain a detailed explanation of the matter at issue and the position of the initiating Member Director concerning the matter at issue. If such mediation notice is given, the Members Directors shall promptly consult with each other to select an independent mediator who shall be knowledgeable regarding the matter at issue and who has no financial interest in the matter at issue or in any contract with any of the Members Directors. For example, if the matter at issue involves engineering or architectural issues, the mediator may be an engineer or architect with knowledge of the kinds of issues that are in dispute. If the Members Directors cannot agree to a mediator within forty-five (45) days following the date the mediation notice is given, any Member Director or the Members Directors jointly may apply to the presiding judge of the Alameda County Superior Court for appointment of a mediator meeting the qualifications of this Section 3.6. Once the mediator is selected, the parties shall meet with the mediator and make good faith efforts to reach agreement on the matter at issue. The Members Directors shall provide the mediator with written information regarding the matter at issue and an explanation of the positions of the various Members Directors on the issues. The cost of the mediator shall be paid fifty percent (50%) by the City and fifty percent (50%) by BART.

Section 3.7 Powers and Limitations. All the power and authority of the Authority shall be exercised by the Board, subject, however, to the provisions of this Agreement, the JPA Law, and the rights reserved by the parties as herein set forth.

Section 3.8 Minutes. The secretary of the Authority shall cause to be kept minutes of regular, adjourned and special meetings of the Board, and shall cause a copy of the minutes to be forwarded to each Director and to each of the parties hereto.

Section 3.9 Bylaws; Rules. The Board may adopt from time to time such bylaws and rules and regulations for the conduct of its affairs as may be necessary or advisable for the purposes of this Agreement.

Section 3.10 Vote or Assent of Parties. The vote, assent, or approval of the parties in any matter requiring such vote, assent or approval hereunder, shall be evidenced by a certified copy of the resolution of the governing board of such party filed with the Authority.

Section 3.11 Officers. The chair shall be rotated from time to time among the Directors in accordance with procedures established by the Board. The Board shall have the power to appoint such additional officers as it deems necessary and appropriate.

Section 3.12 Treasurer and Auditor.

(a) The City of Hayward Finance Director shall be the initial Treasurer of the Authority. The Treasurer shall be the depositary, shall have the custody of all the money of the Authority from whatever source, and shall have the duties and obligations of the Treasurer as set forth in Sections 6505 and 6505.5 of the Act. The Treasurer shall be responsible for receiving quarterly reports and verifying the balance of this report with respect to the balance as maintained by the records of the Auditor.

(b) The auditor of the Authority shall be the City of Hayward Finance Director. The Auditor shall have the duties and obligations of the Auditor as set forth in Section 6505 and 6505.5 of the Act. The Auditor shall assure strict accountability of all receipts and disbursements of the Authority and shall make arrangements with a certified public accountant or firm of certified public accountants for the annual audit of accounts and records of the Authority.

(c) The Treasurer and Auditor of the Authority are designated as the public officers or persons who have charge of, handle, or have access to any property or funds of the Authority, and each such officer shall be bonded as required by Government Code Section 6505.1, and the amount of their bond shall be fixed by resolution. From time to time the Board may designate other persons in addition to the Treasurer and Auditor who have charge of, handle, or have access to any property or funds of the Authority.

(d) The Auditor and Treasurer of the Authority shall not be compensated for their work for the Authority but the Authority shall reimburse the Auditor and Treasurer for out-of-pocket expenses including those for outside accountants undertaking the annual audit of accounts and records of the Authority.

Section 3.13 Executive Directors. The Authority shall initially have Co-Executive Directors who shall be the City Manager of the City and the Manager of Real Estate and Property Development of BART. The Co-executive Directors shall serve at the pleasure of the Board of Directors, and shall be responsible to the Board for the proper and efficient administration of the Authority as is or hereafter may be placed in their charge, or under their jurisdiction or control pursuant to the provisions of this Agreement, or of any ordinance, resolution or order of the Board. In addition to other powers and duties herein provided, the Co-Executive Directors shall have the power:

- (a) Under direction of the Board, to plan, organize and direct all Authority activities.
- (b) To authorize expenditures within the designations and limitations of the approved Budget.
- (c) To make recommendations to and requests of the Board concerning all of the matters and things which are to be performed, done or carried out by said Board.
- (d) To call special meetings of the Board.
- (e) At the direction of the Board, to execute on behalf of the Authority, contracts and other instruments approved by the Board.

Section 3.14 Liability of Board. The Authority shall defend, indemnify and hold harmless any Member, Director, officer or employee for their actions taken within the scope of the authority of the Authority. Except as otherwise provided in this Agreement, the funds of the Authority shall be used to defend, indemnify and hold harmless the Authority and any Member, Director, officer or employee for their actions taken within the scope of the authority of the Authority. Nothing herein shall limit the right of the Authority to purchase insurance to provide such coverage as is set forth below. The Authority's duty to indemnify each Member (and its Directors, officers, employees and agents) shall survive the Member's withdrawal from the Authority.

Section 3.15 Privileges and Immunities. Pursuant to Government Code Section 6513, all of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, worker's compensation and other benefits which apply to the activity of officers, agents, or employees of any of the parties when performing their respective functions shall apply to them to the same degree and extent while engaged in the performance of any of the functions and other duties under this Agreement. None of the officers, agents, or employees appointed by the Board shall be deemed by reason of their employment by the Board to be employed by any of the parties or by reason of their employment by the Board to be subject to any of the requirements of such parties.

ARTICLE 4.  
FINANCING

Section 4.1 Budget. Within ninety (90) days after the first meeting of the Board, and thereafter at least ninety (90) days prior to the commencement of each Fiscal Year for which a budget has not yet been adopted, the Board shall adopt a Budget for the Authority for the ensuing Fiscal Year or two Fiscal Years.

Section 4.2 Contributions for Operating Expenses.

(a) Contributions or advances of public funds and of personnel, equipment or property may be made to the Authority by BART and the City for any of the purposes of this Agreement. Any such advance shall be made subject to repayment, and shall be repaid in the manner agreed upon by BART or the City, as the case may be, and the Authority at the time of making such advance. It is mutually understood and agreed that, except as specifically provided in this Agreement, neither BART nor the City has any obligation to make advances or contributions to the Authority to provide for the costs and expenses of administration of the Authority, even though any of them may do so. BART or the City may allow the use of personnel, equipment or property in lieu of other contributions or advances to the Authority.

(b) It is understood that the Board may arrange for the payment of the expenses of the Authority through some other source, including but not limited to local, state or federal grants or loans.

(c) In accordance with Government Code Section 6512.1, repayment or return to the parties of all or part of any contributions made by the parties may be directed by the Board at such time, and upon such terms, as may be consistent with the JPA Law. The Authority shall hold title to all funds and property acquired by it during the term of this Agreement.

Section 4.3 Grants and Loans. It is understood and acknowledged that some activities may qualify for grant or loan funding from the State of California, local governments, or the federal government. The Board shall have the power, in its discretion, to contract for such funding of eligible activities. Funds received by the Authority from such sources may be used to pay for, reimburse or otherwise finance such eligible activities.

Section 4.4 Reimbursement of Funds. Funds received by the Authority from any federal, state or local agency to pay for budgeted expenditures for which the Authority has received all or a portion of said funds from its parties shall be proportionately paid to said parties to reimburse the parties for the funds advanced.

ARTICLE 5.  
PARKING AND ACCESS STUDY AND ACTION PLAN

Section 5.1 Initial Activities. ~~Notwithstanding anything to the contrary in this Agreement, including those provisions related to the Authority's purpose and power set forth in Article 2, the Authority's activities shall be limited to routine and administrative activities and~~

~~those set forth in the Article 5 until such time as the Members approve an Action Plan as more particularly set forth in Section 5.3. Following the Approval of an Action Plan as more particularly set forth in Section 5.3, the Authority may~~The Authority shall implement the Action Plan (defined below), as such may be amended from time to time, in a manner that is consistent with the Authority's purpose as set forth in Article 2 and using any of the powers set forth in Article 2.

Section 5.2 Parking and Access Study~~Studies~~. The Authority ~~shall~~commission~~commissioned~~ a study regarding parking and access at the South Hayward Station prepared in November 2012 (the "Parking and Access Study"). The Parking and Access Study ~~is intended to enable~~enabled the Authority to identify actions the Authority should take in the future to fulfill its purpose. The Parking and Access Study ~~will identify~~identified potential BART patron parking and access issues at the South Hayward Station. ~~It will~~The Parking and Access Study also ~~identify~~identified potential effects on the neighborhood (and on the Downtown Hayward BART Station and its surrounding neighborhoods) due to Phase 1 and any parking modifications that may result from the Authority's activities. The Parking and Access Study ~~is intended to help~~helped:

- Identify location of parking spaces that would be available for use by BART patrons following the sale of the BART East Lot.
- Identify what type of parking is to be provided within which areas.
- Identify when the parking will be needed.
- Identify parameters for any charges to be imposed on BART patron parking.
- Identify any parking payment and accounting mechanisms.
- Identify enforcement activity and responsibilities.
- Identify capital needs and sources of funding for JPA activities.
- Identify JPA operating and maintenance needs.
- Identify other access features that may be necessary or desired.
- Identify insurance that may be required.

The Authority may commission additional parking and access studies in the future, if the Board deems it reasonable or necessary to update the Parking and Access Study.

Section 5.3 City and BART Approval of Action Plan. ~~Following { the Parking and Access Study }, the~~The JPA City Directors and the JPA BART Directors ~~will present~~have considered[ the Parking and Access Study ], ~~the~~and have presented a proposed set of Authority activities (the "Action Plan"), to the City Council and BART Board of Directors, respectively, for approval. ~~Notwithstanding anything to the contrary in this Agreement, including Article 2, the~~The Authority shall ~~not~~ implement ~~any~~the activities identified in the Action Plan ~~(or any activities beyond the commissioning of the Access and Parking Study, the creation of the Action Plan, and general administrative and formation activities) until the City and BART approve in writing the Action Plan upon approval by the City and BART~~. The Authority ~~also shall~~may not implement any activities that are not identified in the Action Plan without the City's and BART's ~~written~~prior approval. In ~~approving~~implementing the Action Plan, as such may be amended from time to time, the City and BART may require the Authority to institute certain controls to assist the City and BART in monitoring the activities of the Authority and to structure Authority activities in a manner that will reduce any risk to the Authority and its members.

Section 5.4 Amendment to Action Plan. The Action Plan may be amended by the Authority to address future Authority activities and needs. Any amendment to the Action Plan shall be subject to the prior ~~written~~ approval of the City and BART.

Section 5.5 Amendment to Reflect Action Plan. This Agreement shall be amended, as necessary, to accommodate the provisions of any approved Action Plan or amendment thereto before any components of the Action Plan that are not otherwise authorized hereunder are implemented.

## ARTICLE 6. ACCOUNTING AND AUDITS

### Section 6.1 Accounts and Reports.

(a) The Auditor shall establish and maintain such funds and accounts as may be required by good accounting practice. The books and records of the Authority in the hands of the Treasurer shall be open to inspection at all reasonable times by representatives of the Members. The Treasurer, within one hundred twenty (120) days after the close of each Fiscal Year, shall give a complete written report of all financial activities for such Fiscal Year to the Members.

(b) The Treasurer of the Authority shall receive, have the custody of, and disburse Authority funds on warrants drawn by the Auditor as nearly as possible in accordance with generally accepted accounting practices, shall make the disbursements required by this Agreement, and shall take such other actions as are necessary to implement or to carry out any of the provisions or purposes of this Agreement.

Section 6.2 Audit. The records and the accounts of the Authority shall be audited annually by a certified public accountant designated by the Auditor, and copies of such audit reports shall be filed as public records with the county auditor of Alameda County and with each party within six (6) months of the end of the Fiscal Year under examination, and shall be sent to any public agency or person in California that submits a written request to the Authority.

## ARTICLE 7. RESCISSION, TERMINATION, WITHDRAWAL, ASSIGNMENT.

Section 7.1 Term. The Authority shall continue to exercise the powers conferred upon it by this Agreement until this Agreement is rescinded or terminated as herein provided. If not earlier terminated or rescinded the term of this Agreement shall terminate on the date that is sixty-five (65) years following the date of this Agreement.

Section 7.2 Rescission or Termination. This Agreement may be rescinded and the Authority terminated by unanimous written consent of the Board; provided that no such termination or rescission shall occur so long as the Authority has any outstanding obligations.

Section 7.3 Disposition of Property Upon Termination. Pursuant to Government Code Section 6512, upon termination of this Agreement, any surplus funds on hand shall be paid out to BART and the City in proportion to the contributions made by such parties. The Board shall first offer any property, rights and interests of the Authority for sale to the Members for good and adequate consideration. If no such sale is consummated, the Board shall consider offering such property, rights and interests of the Authority for sale to any governmental agency, or other entity for good and adequate consideration. The net proceeds from any sale shall be paid out to BART and the City in proportion to the contributions made by such parties. If no such sale is consummated, then the property, rights and interests of the Authority shall be allocated to the parties in the same manner as the allocation of the net proceeds from a sale, unless otherwise agreed to by the parties.

Section 7.4 Withdrawal. No party may withdraw from the Authority without the unanimous written consent of the other parties.

## ARTICLE 8. GENERAL PROVISIONS.

Section 8.1 Amendments. This Agreement may be amended only by the unanimous vote of all Members. To be effective, all amendments and modifications must be in writing and signed by all Members.

Section 8.2 Assignment. The rights and duties of the parties may not be assigned or delegated without the written consent of all other parties. Any attempt to assign or delegate such rights or duties in contravention of this Agreement shall be null and void. Any approved assignment or delegation shall be consistent with the terms of any contracts, resolutions, indemnities and other obligations of the Authority then in effect.

Section 8.3 Breach. If a party breaches any covenant contained in this Agreement, such default shall not excuse any other party from fulfilling its obligations under this Agreement and all parties shall continue to be liable for the payment of contributions and the performance of all conditions herein contained. The parties hereby declare that this Agreement is entered into for the benefit of the Authority created hereby and the parties hereby grant to the Authority the right to enforce by whatever lawful means the Authority deems appropriate all of the obligations of each of the parties hereunder. Each and all of the remedies given to the Authority hereunder or by any law now or hereafter enacted are cumulative and the exercise of one right or remedy shall not impair the right of the Authority to any or all other remedies.

Section 8.4 Notice. Any notice or instrument required to be given shall be delivered by depositing the same in any United States Post Office, registered or certified, postage prepaid, by hand delivery or by overnight delivery service and shall be addressed to the addressee of the parties as follows:

BART:	San Francisco Bay Area Rapid Transit District 300 Lakeside Drive
-------	---

Oakland, CA 94612

one copy to: Manager of Real Estate and  
Property Development, 16<sup>th</sup> Floor

one copy to: Office of the General Counsel, 23<sup>rd</sup>  
Floor

City: City of Hayward  
777 "B" Street  
Hayward, CA 94541

Attn: City Attorney

Such notice shall be effective upon receipt or refusal to accept receipt.

Section 8.5 Severability. Should any part, term or provision of this Agreement be decided by any court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.

Section 8.6 Successors. This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto, respectively.

Section 8.7 Regulatory Authority Over BART. Nothing in this Agreement is intended to subject BART to the regulatory authority of the City, except when BART is acting in a private development capacity, or to limit or modify the rights and powers of BART. BART is not delegating any of its independent powers and authorities to the Authority.

Section 8.8 City Limitations of Authority Powers. Notwithstanding anything to the contrary in this Agreement, the powers and activities of the Authority are not intended in any way to limit or modify the rights and powers of the City. The City is not delegating any of its independent powers and authorities to the Authority.

Section 8.9 Liability of Authority, Members, Officers and Employees. The debts, liabilities and obligations of the Authority shall not be the debts, liabilities and obligations of any of the Members or any of their respective officers, directors, employees or agents. No Member or its directors, officers, employees or agents shall be responsible for any action taken or omitted by any other Member or its directors, officers, employees or agents.

Section 8.10 Conflicts of Interest Code. To the extent required pursuant to Government Code Section 87300 or other provision of law, the Authority by resolution shall adopt a conflicts of interest code as required by law.

Section 8.11 Amended Purpose of Authority. In the event that Phase 2 is implemented, the parties may amend this Agreement to provide for the selection of the Phase 2 developer and to address the construction, financing and operation of the Phase 2 improvements.

APPROVED AS TO FORM:

SAN FRANCISCO BAY AREA RAPID  
TRANSIT DISTRICT

\_\_\_\_\_  
General Counsel

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

CITY OF HAYWARD

By: \_\_\_\_\_  
Frances David, City Manager

**APPROVED AS TO FORM:**

Michael S. Lawson, City Attorney

By: \_\_\_\_\_  
Maureen Conneely, Assistant  
City Attorney

**ATTEST:** \_\_\_\_\_  
Miriam Lens, City Clerk

EXHIBIT A

BART ~~South Hayward Property~~ SOUTH HAYWARD PROPERTY

EXHIBIT B

~~Map of BART East Lot and Perry and Key Property~~

MAP OF BART EAST LOT AND PERRY AND KEY PROPERTY

EXHIBIT C

Boundary of Authority

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~~Exhibit A: { BART South Hayward Property }~~

~~{ Exhibit B } : { Map of BART East Lot and Perry and Key Property }~~

~~{ Exhibit C } : Boundary of Authority~~

**BOUNDARY OF AUTHORITY**

# ATTACHMENT II



# Proposed Modified JPA Boundary of Authority

0 500 1,000 Feet



# ATTACHMENT III



# SHB-TOD: Proposed Parking Regulations in JPA Area



**Proposed Parking Designations**

- BART Reserved, All Hours
- BART Reserved, M-F, 4am-3pm
- No Parking: M-F, Midnight to 9am
- Residential Parking Permit Only, M-F, 7am-4pm
- School Drop-Off Zone, M-F, 7-9am and 2-4pm
- No Change
- Proposed JPA Area
- BART East Parking Lot
- South Hayward BART Station and Parking Lot

# ATTACHMENT IV

## **16. IMPLEMENTATION SCHEDULE**

This chapter provides a high level implementation schedule with particular focus on the first few months of Phase One. Implementation of Phase One is time-sensitive as a program needs to be in effect by early 2013, when development of the BART East Lot is scheduled to commence. As the parking fee program proposed is very flexible in nature, it is challenging to determine the exact steps that will follow upon the initial implementation. However, the general structure of this schedule should be adhered to in order for the program to be as successful as possible. The Authority is responsible for implementing each item, unless indicated otherwise.

### **PHASE ONE**

#### **Initial Steps**

1. Hold public information sessions to provide neighbors an opportunity to review and provide feedback on the draft South Hayward BART Parking & Access Study (City & BART)
2. Finalize the South Hayward BART Parking & Access Study (Authority, City & BART staff)
3. Approve the modification to the Authority boundary and select one of the two Parking Alternatives (Authority & City)
4. Conduct an occupancy survey of parking at the Downtown Hayward BART Station against which to measure the effects of the pricing program at the South Hayward BART Station (City & BART)
5. Conduct a detailed informational meeting for impacted residents prior to processing of RPP district (Authority, City and BART)
6. Consider allowing two hour visitor parking without a permit in the residential areas (City & Authority)
7. Receive authorization to implement parking fees and parking fee change mechanisms (BART, City & Authority)
8. Ensure compliance with Title VI of the Civil Rights Act of 1964 (BART)
9. Approve the Residential Permit Parking (RPP) district (Authority & City)
10. Approve legal aspects of RPP district and what net parking revenue can be spent on
11. Secure funding for initial capital and operating expenses (City & BART)
12. Contract with a vendor in collaboration with BART to process the resident and BART parking permits
13. Issue an agreement with the preferred parking permit provider
14. Conduct a safety assessment of the station area to identify hindrances to universal access and/or potential safety concerns

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15. Identify and prioritize wayfinding and low-cost or high-priority pedestrian/bicycle improvements detailed in the 2011 South Hayward BART Station Access Plan (see Appendix C) and potential funding sources
16. Install BART's pay stations within the BART fare gates
17. Stripe and sign all parking stalls in BART's Main Lot and on City streets
18. Order street signs and other wayfinding signage
19. Enter into a Memorandum of Understanding with Hayward Police and BART Police
20. Hire two part-time cadets for parking enforcement and monitoring through BART
21. Conduct soft launch of the parking fee program (Ensure that all components above are ready for implementation)
22. Follow BART and City protocol by sending out a notice to residents within 1/2 mile of the station (or other agreed upon distance) and to patrons of parked cars at the station two weeks prior to hard launch
23. Introduce parking fee program at and around the station
24. Provide warnings instead of actual parking citations during the first four weeks after the launch of the parking program
25. Allow the developer to install a fence along the property line on Dixon Street once the East BART Lot has been closed

## **Phase One to Phase Two Launch**

1. Update the revenue and expense sheet with real data as information becomes available
2. Conduct parking occupancy surveys using Nelson\Nygaard's spreadsheet template twice a year (April and October)
3. Adjust daily and monthly fees accordingly, and by location if warranted
4. Make refinements to wayfinding and consider funding other access improvements (e.g., streetscape, lighting, bicycle facility improvements) as funding becomes available through parking revenue
5. Allow for residents within the Authority boundary to provide ongoing feedback on the parking program
6. Have the Authority Board meet regularly to discuss whether Phase Two is warranted
7. Authority Board must approve introduction of Phase Two, based on parking occupancy data and funding security

## **PHASE TWO**

1. The Joint Powers Authority Board should prioritize for funding in Phase Two as revenues become available:
2. a. safety and security improvements including but not limited to lighting, police patrols, and similar safety measures;
3. b. anti-graffiti and beautification measures including but not limited to lighting, murals, utility box murals, and similar measures; and
4. c. anti-litter measures including but not limited to litter pick up, extra garbage cans, and similar measures.

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**Supplement #2013.02.19**

- ~~1-5.~~ Continue conducting parking occupancy surveys twice a year using Nelson\Nygaard's spreadsheet template
- ~~2-6.~~ Adjust daily and monthly fees accordingly, and by location if warranted
- ~~3-7.~~ Issue RFP to select pay station vendor and technology
- ~~4-8.~~ Determine budget for Phase Two
- ~~5-9.~~ Define bounds of each multi-space pay station and number of initial pay stations
- ~~6-10.~~ Select pay station locations and where to continue using monthly permits, etc.
- ~~7-11.~~ Install pay stations, new signage and wayfinding
- ~~8-12.~~ Conduct soft launch of the updated parking fee program (Ensure that all components above are ready for implementation)
- ~~9-13.~~ Follow BART and City protocol by sending out a notice to residents within 1 mile of the station (or other agreed upon distance) and to patrons of parked cars at the station two weeks prior to hard launch
- ~~10-14.~~ Introduce the updated parking fee program
- ~~11-15.~~ Consider providing warnings instead of actual parking citations during the first four weeks after the launch of the parking program
- ~~12-16.~~ Update the revenue and expense sheet regularly with actual data
- ~~13-17.~~ Make refinements to wayfinding and consider funding other access improvements (e.g., streetscape, lighting, bicycle facility improvements) and larger maintenance projects (e.g. repaving) as funding becomes available through parking revenue

# ATTACHMENT V

**AMENDED AND RESTATED BYLAWS OF THE**  
**SOUTH HAYWARD BART STATION ACCESS AUTHORITY**

**ARTICLE I – NAME, OFFICE; POWERS, PURPOSE, MEMBERS**

Section 1. Name. The official name of the Authority shall be the "South Hayward BART Station Access Authority."

Section 2. Office. The main office of the Authority shall be at 777B Street, Hayward, CA 94541 or such other location in the City of Hayward as may be designated by the Board of Directors of the Authority.

Section 3. Powers. The powers of the Authority shall be as set forth in the Joint Exercise of Powers Agreement for the South Hayward BART Station Access Authority, dated September 1, 2011 (the "Authority Agreement") as it exists or is hereafter amended. The Authority, acting through the Board, shall exercise its powers in accordance with the Authority Agreement, as may be amended, the provisions of the Government Code Section 6500 et seq. and all other applicable laws. The Authority may delegate such powers as are permitted by law, as appropriate within a suitable framework.

Section 4. Members. The Authority has two (2) members: the City of Hayward (the "City"), a charter city and the San Francisco Bay Area Rapid Transit District ("BART"), a rapid transit district established under Public Utilities Code Sections 28500 et seq.

**ARTICLE II – BOARD OF DIRECTORS**

Section 1. Number of Authority Board Members. The business of the Authority shall be administered and conducted by a governing board of directors (the "Board") consisting of four (4) members.

Section 2. Board Members.

(a) The City and BART shall each appoint two Directors to the Board of Directors in accordance with the Authority Agreement. Initially, ~~the members of the Board shall be two (2) City Council Members and two (2) members of the governing board of BART~~ those Directors shall be, for BART, members of the governing board of BART appointed by the governing board of BART (the "JPA BART Directors"), and for the City, members of the City Council of the City appointed by the City Council (the "JPA City Directors"). The members of the Board appointed by the City shall serve at the discretion of the City Council. The members of the Board appointed by BART shall serve at the discretion of the governing board of BART.

(b) BART shall also designate an alternate or substitute representative to serve as a Director on the Board of Directors in the absence of one of the JPA BART Directors. For BART, the alternate or substitute director shall be a member of the governing board of BART appointed

by the governing board of BART (the "JPA BART Alternate or Substitute"). In the absence of one of the JPA BART Directors, the JPA BART Alternate or Substitute shall have the full power and authority to act as the absent JPA BART Director. BART may, at any time, vote to remove and replace the JPA BART Directors or the JPA BART Alternate or Substitute.

(c) The City shall also designate an alternate representative to serve as a Director on the Board of Directors in the absence of one of the JPA City Directors. For the City, the Alternate Director shall be a member of the City Council of the City appointed by the City Council (the "JPA City Alternate"). In the absence of one of the JPA City Directors, the JPA City Alternate shall have the full power and authority to act as the absent JPA City Director. The City may, at any time, vote to remove and replace the JPA City Directors or the JPA City Alternate.

Section 3. Compensation. No member of the Board shall receive compensation from the Authority for serving as such, but a member of the Board may be reimbursed from the Authority's funds for expenses incurred in the conduct of the Authority's business, subject to any applicable policy of the Authority.

### **ARTICLE III - OFFICERS**

Section 1. Officers. The officers of the Authority shall be the Chair, Vice Chair, Executive Director, Treasurer, Auditor, and Secretary.

Section 2. Additional Officers and Assistant Officers. The Board may, by resolution, appoint such additional officers, and assistant officers, establish their terms of office, and define their duties as the Board determines necessary or desirable.

Section 3. Chair. The Chair shall be a member of the Board. The office of the chair shall rotate among Board members at the discretion of the Board. The Chair shall preside at all meetings of the Board at which the Chair is in attendance. Subject to applicable statutory restrictions, the Chair shall be entitled to vote on all matters coming before the Board. The Chair shall submit such information and recommendations to the Board as he or she may consider proper concerning the business, policies and affairs of the Authority.

Section 4. Vice-Chair. The Vice-Chair shall be a member of the Board. The office of the Vice-Chair shall rotate among Board members at the discretion of the Board. The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair. In case of the resignation or death of the Chair, the Vice-Chair shall perform such duties as are imposed on the Chair until such time as a new Chair is selected in accordance with these Bylaws. Subject to applicable statutory restrictions, the Vice-Chair shall be entitled to vote on all matters coming before the Board.

Section 5. Secretary. The Secretary shall keep the records of the Authority, shall act as Secretary at the meetings of the Authority and record all votes, shall keep a record of the proceedings to be kept for such purposes, and shall perform all duties incident to the office of the Secretary. In addition, the Secretary shall file the notices required by Government Code Section 6503.5 and 53051 and shall give all notices required by law to be given by the Authority or the

Board, in the manner directed by the Board and consistent with any requirement of law as to the timing, content and manner of distribution of a particular type of notice. The Secretary's obligation in connection with Government Code Section 53051 shall include the following: within 10 (ten) days after any change in the facts required to be stated in the Roster of Public Agencies (including a change in the name or address of the Authority or the name, address or title of the members of the Authority Board), the Secretary shall or shall cause an amended statement containing updated information to be filed with the Secretary of State and the County Clerk, in the form prescribed by the Secretary of State.

Section 6. Executive Directors. The initial Co-Executive Directors shall be the City Manager of the City and the Manager of Real Estate and Property Development of BART. The Executive Director shall serve at the discretion of the Board. The Executive Director shall serve as the administrative officers of the Authority and shall be directly responsible to the Board. Subject to the discretion of the Board and the Authority Agreement, the Executive Directors shall have complete control of the responsibility for the execution of the Authority's policies, the administration of its affairs, and the fulfillment of such other duties as from time to time the Board may impose. The Executive Directors may execute all documents of whatever description upon prior authorization of the Board or as otherwise required for the intended operation of the Authority's powers.

Section 7. Treasurer. The Treasurer shall be the City of Hayward Finance Director. The Treasurer shall be the depository for and have the custody of all money of the Authority from whatever source and shall have all of the duties and obligations of the Treasurer as set forth in Sections 6505 and 6505.5 of the Government Code. The Treasurer shall be responsible for receiving quarterly reports and verifying the balance of these reports with respect to the balance as maintained by the records of the Auditor.

Section 9. Auditor. The Auditor shall be the City of Hayward Finance Director. The Auditor shall have the duties and obligations of the Auditor as set forth in Section 6505 and 6505.5 of the Government Code. The Auditor shall assure strict accountability of all receipts and disbursements of the Authority and shall make arrangements with a certified public accountant or firm of certified public accountants for the annual audit of accounts and records of the Authority.

Section 10. Additional Duties. The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Board, the Authority Agreement, these Bylaws, other rules or regulations of the Authority, and applicable law.

Section 12. Authority to Bind. No member, officer, agency or employee of the Authority, without prior specific or general authority by a vote of the Board shall have any power or authority to bind the Authority by any contract, to pledge its credit, or to render it liable for any purpose in any amount.

## **ARTICLE IV - MEETINGS**

Section 1. Meeting Time and Place. All meetings of the Board shall be open and public, and all persons shall be permitted to attend any meeting of the Board, except that closed sessions may be held when permitted by law.

Section 2. Regular Meeting. The time and place of regular meetings of the Board shall be as determined by the Board. At least 72 hours before a regular meeting, an agenda containing a brief general description of each item of business to be transacted or discussed shall be posted at a location freely accessible to member of the public. The agenda shall include an opportunity for public testimony and specify the time and location of the regular meeting. No action shall be taken on any item not appearing on the posted agenda except as permitted by law.

Section 3. Special Meetings. A special meeting may be called at any time by the Chair or upon the request of two of the members of the Board by delivering written notice to each member and to each person or entity entitled by law to receive such notices. Notices must be delivered personally or by mail and must be received at least 24 hours before the time of such meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted, describe the public's right to comment and shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public. No other business shall be considered at such meetings by the Board. Such written notice may be dispensed with as to any Board member who at or prior to the time the meeting convenes files with the Secretary of the Authority a written waiver of notice. Such written notice may also be dispensed with as to any member who is actually present at the time it convenes.

Section 4. Adjourning Meetings and Continuing Public Hearings to Other Times or Places. The Board may adjourn any meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all Board members are absent from any regular meeting or adjourned regular meeting the Secretary (or acting secretary) of the Authority may declare the meeting adjourned to a stated time and place and shall cause written notice of the adjournment to be given in the same manner as provided in Section 3 unless such notice is waived as provided in Section 3. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting failed to state the hour at with the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

Any public hearing being held, or any hearing noticed or ordered to be held at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting in the same manner and to the same extent set forth herein for the adjournment of the meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing a copy of the order or notice of continuance shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

Section 5. Quorum. A simple majority of the ~~members of the Board~~Directors (three Directors) shall constitute a quorum for the purpose of conducting ~~its business and exercising its powers and for all other official purposes, except that less than a quorum may adjourn from time to~~

~~time until a quorum is obtained a meeting of the Authority.~~ Except as otherwise provided by law, the unanimous vote of all the Directors then present as a quorum shall be required for the Authority to take ~~action.~~ Each member of the Board of Directors administrative actions, including for example, approval of agendas, amendment of agendas, and approval of minutes. Except as otherwise provided by law, the unanimous vote of all of the Directors shall be required for the Authority to take all other actions. Each Director shall have one vote.

Section 6. Order of Business. At the regular meetings of the Authority, the following shall be the general order of business:

1. Roll Call and Pledge of Allegiance
2. Public Comment
3. Consent Agenda
4. Public Hearings
5. Regular Agenda
6. Items Added After Posting of Agenda
7. Public Presentations
8. Adjournment

Section 7. Parliamentary Procedure. The rules of parliamentary procedure set forth in Robert's Rules of Order shall govern all meetings of the Authority, except as otherwise herein provided.

Section 8. Teleconferencing. Subject to the conditions in this Section 8, the Authority may use teleconferencing, for the benefit of the public, the Authority and the Directors, in connection with any meeting or proceeding held by the Authority. Teleconferencing means a meeting or proceeding of the Authority, that one or more of the participants of which are in different locations, connected by electronic means, through either audio or video, or both.

(a) The teleconferenced meeting or proceeding shall comply with all requirements of the Brown Act (Title 5, Division 2 Part 1, Chapter 9 of the Government Code) relating to the specific type of meeting or proceeding.

(b) All votes taken during a teleconferenced meeting shall be by roll call.

(c) If the Authority elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Authority.

(d) Each teleconference location must be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public.

(e) During the teleconference, at least a quorum of the members of the Authority shall participate from a location within the territorial jurisdiction of the members.

## **ARTICLE V - GENERAL PROVISIONS**

Section 1. Fiscal Year. The fiscal year of the Authority shall commence on July 1 of any calendar year and end on June 30 in the succeeding calendar year.

Section 2. Purchasing and Contracting. The policies, procedures and standards for Authority purchasing and contracting shall be those policies, procedures and standards approved by the Board.

Section 3. Amendments to Bylaws. Any of these Bylaws may be amended or repealed and new Bylaws may be adopted with the approval of the Board at a regular or special meeting.

## CERTIFICATE OF SECRETARY

The undersigned, Secretary of the South Hayward BART Station Access Authority, does hereby certify that the above and foregoing Bylaws were duly adopted by the Board of Directors of the South Hayward BART Station Access Authority on ~~December 19, 2011~~March 26, 2013 and that they now constitute said Bylaws.

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Secretary

# ATTACHMENT VI

DATE: February 19, 2013

TO: Mayor and City Council

FROM: Assistant City Manager

SUBJECT: South Hayward BART Transit Oriented Development: Approval of Action Plan for the South Hayward BART Joint Powers Authority, Establishment of Mixed-Use Preferential Parking District and Parking Permit Program for Residents and BART Commuters, Introduction of Ordinance Amending the Traffic Code and Related Actions

## **RECOMMENDATION**

That City Council reviews this report and takes the following actions:

1. Adopting the first amendment to the South Hayward BART (SHB) Joint Powers Authority (JPA) Agreement, and adopting the JPA Action Plan;
2. Amending Hayward Traffic Regulations, Section 3.95;
3. Adopting the SHB-Transit Oriented Development Preferential Permit Parking (TOD-PPP) Area;
4. Introducing an Ordinance Amendment, adding Section 6.36 (b) to the Hayward Traffic Code;
5. Adopting Revisions to Hayward Traffic Code Fine and Bail Schedule for Permit Parking Violations; and
6. Appropriating \$200,000 for initial start-up expenses related to the TOD-PPP Area.

## **SUMMARY**

In conjunction with the approved transit oriented development at the South Hayward BART (SHB) Station, the City and BART have been working collaboratively to plan and implement activities to manage parking and access at the station. Based on the initial presentation of these parking and access strategies at the December 18, 2012<sup>1</sup> Council work session, staff is recommending that the City Council approve numerous items to implement the recommendations presented in the SHB Parking & Access Study Report and approved by the SHB JPA Board as an Action Plan.

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<sup>1</sup> December 18, 2012 City Council Work Session: <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2012/CCA12PDF/cca121812full.pdf>

## BACKGROUND

On December 18, 2012, staff presented the City Council with an update on the SHB Transit-Oriented Development (SHB TOD), which included a JPA overview and recommendations, the SHB Parking & Access Study Report, and introduction of a proposed Parking District and Permit Program. As an overview, the original SHB TOD project was approved by the Hayward City Council on March 17, 2009<sup>2</sup>, as a high-density, mixed-use, transit-oriented development at the SHB station. The feasibility of the original project proposal was challenged by several factors, including: (1) the difficulty in locating a full-service grocery store tenant; (2) the impacts of the Great Recession on the overall Bay Area economy; and (3) the proposed and eventual elimination of the City's Redevelopment Agency, which eliminated the City's ability to commit all of the original funds planned for a portion of the project construction costs.

In March 2011, the Developers proposed to reposition approximately 151 affordable units and 203 market rate units from the main SHB lot site west of Dixon Street to the east side of Dixon Street as Phase I of the project. In order to facilitate the management of parking and access issues at the SHB Station, the City and BART formed the SHB Station Access Authority ("JPA") pursuant to the Joint Exercise of Powers Act (California Government Code Section 65000 et seq.) and entered into a JPA Agreement dated September 1, 2011 (Attachment II). On June 28, 2012<sup>3</sup>, the Planning Commission approved the Developers' request for the Precise Development Plan for development of Phase I. On November 15, 2012<sup>4</sup>, the Planning Commission approved the tentative map for the market rate apartment units, which provides for the framework of selling the apartments as individual condominium units at some time in the future when the market warrants such sale. As part of this development project, BART intends to convey its 174 space satellite/east overflow parking lot property along the east side of Dixon Street across from the SHB station site (the "East Lot") to JMJ Development (formerly Wittek Development and the Montana Property Group, aka "Wittek/Montana") just prior to the start of project construction.

Due to concerns related to the loss of SHB parking on the East Lot site, the City and BART have been working collaboratively to develop acceptable alternative parking solutions for both the community and BART patrons. The key element of this plan is the creation of a JPA between the City and BART to manage station and parking access around the SHB station and eventually the Downtown BART station. Through recommendations from the SHB Parking & Access Study prepared by the traffic engineering firm Nelson\Nygaard (Attachment I), "replacement" spaces (272 spaces) have been identified on City streets to offset the parking spaces displaced by reuse and development of the BART East Parking Lot parcel. Staff presented the original recommendations to the community surrounding the South Hayward BART station in March 2012 and, based on community input and feedback, significantly revised these recommendations into the proposal presented in this report.

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<sup>2</sup> **March 17, 2009 Council Meeting:** <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/rp/2009/rp031709-04.pdf>

<sup>3</sup> **June 28, 2012 Planning Commission Meeting:** <http://www.hayward-ca.gov/CITY-GOVERNMENT/BOARDS-COMMISSIONS-COMMITTEES/PLANNING-COMMISSION/2012/PCA12PDF/pca062812full.pdf>

<sup>4</sup> **November 15, 2012 Planning Commission Meeting:** <http://www.hayward-ca.gov/CITY-GOVERNMENT/BOARDS-COMMISSIONS-COMMITTEES/PLANNING-COMMISSION/2012/PCA12PDF/pca111512full.pdf>

## DISCUSSION

Staff is returning to the City Council tonight to recommend several items for adoption in order to implement the SHB JPA Mixed-Use Parking District. The items include: 1) adopting the JPA Action Plan; 2) amending the JPA agreement; 3) amending the Hayward Traffic Regulations, to include the SHB TOD-PPP area; 4) establishing the SHB TOD-PPP area; 5) amending the Hayward Traffic Code; 6) updating the Fine and Bail Schedule; and 7) appropriating initial funds to cover start-up expenses for these activities.

### I. Adopt JPA Action Plan

Following the completion of the SHB Parking & Access Study, the JPA Board (comprised of two City Council members and two BART Directors) adopted a proposed set of Authority activities (the “Action Plan”) necessary to implement the recommendations of the report. The Action Plan is being presented to both the City Council and BART Board of Directors, respectively, for approval. As part of the JPA agreement, the City and BART must approve the Action Plan in writing prior to the Authority implementing any activities identified in the plan.

The Action Plan was developed from the Nelson/Nygaard Parking & Access Study recommendations (Attachment I). Staff presented the findings and recommendations from the report to the JPA Board at its meeting on December 5, 2012. The JPA Board voted unanimously (3-0 with Councilmember Mendall absent due to a medical issue) to recommend acceptance of the report, along with the associated recommendations<sup>5</sup>. The more specific recommendations and actions needed to implement the Preferred Parking Alternative are presented today to the City Council for adoption and will be presented to the BART Board for consideration and adoption on March 14, 2013. The City’s approvals will be contingent upon BART Board approval and implementation will not begin until all approvals are complete.

#### JPA Action Plan

1. Support the Preferred Alternative from Nelson/Nygaard Study (the “Study”), which includes the following recommendations:
  - a. Include Tennyson Road (from Mission Boulevard to Huntwood Avenue), Mission Boulevard (from Tennyson Road to Valle Vista Avenue) and Dixon Street (from Tennyson Road to approximately 200 yards south of Valle Vista Avenue) as part of the BART commuter-paid parking per the revised map on pages 3-4 and 3-6 of the Study (Attachment I);
  - b. Expand the boundaries of the JPA westerly on Tennyson Road to Huntwood Avenue, northerly on Mission Boulevard to Hancock Street, northerly on 10<sup>th</sup> - 13<sup>th</sup> streets to Hancock Street and southerly on Dixon Street to Industrial Parkway. See Original JPA Boundary of Authority (Attachment III) and Modified JPA Boundary of Authority (Attachment IV);
  - c. Upon approval of JPA recommendations by City Council and the BART Board, authorize co-Executive Directors to establish an account to accept receipt of

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<sup>5</sup> December 5, 2012 JPA Agenda: [http://www.hayward-ca.gov/CITY-GOVERNMENT/ALAMEDA-COUNTY-AGENCIES-&-OTHER-ORGANIZATIONS/shbsaa/2012/SHBSAA\\_120512.pdf](http://www.hayward-ca.gov/CITY-GOVERNMENT/ALAMEDA-COUNTY-AGENCIES-&-OTHER-ORGANIZATIONS/shbsaa/2012/SHBSAA_120512.pdf)

parking revenues and payment of JPA operating costs and capital costs with capital costs being determined by actual costs incurred, retired over 20 years at an interest rate of 3%; and

- d. Support review of parking usage every six months.
2. Support the following recommendations that would be made to the City Council:
    - a. Form a TOD-PPP area (Attachments VII, VIII, and IX)
      - i. At no cost to the residents;
      - ii. That would prohibit BART patron parking on certain streets within the JPA boundary;
      - iii. Purchase and install enforcement signs on those streets.
    - b. Capital and operational investment:
      - i. Stripe and number 272 spaces on City streets (Tennyson Road, Mission Boulevard, and Dixon Street);
      - ii. Purchase and install enforcement and way finding signs on the City streets within the JPA area, outside of the main SHB parking lot;
      - iii. Modify the pedestrian-safety fencing along Tennyson Road; and
      - iv. Participate in on-street enforcement of the program.
    - c. Any changes to the proposed actions would be subject to future City Council consideration and approval;
    - d. Authorize modification of the JPA Agreement per the proposed actions, including the modification of the JPA boundary as recommended (See 1-b above);
    - e. Authorize any and all actions in support of implementing the above proposed actions; and
    - f. Authorize parking charges on the striped and numbered parking spaces on City streets consistent with parking charges implemented by the BART Board on the BART Main Lot, i.e. start at \$1.00/day; allow up to \$5.00/day in increments of \$0.50/day at six month intervals based on review by the JPA Board, with modifications to be made concurrent with modifications of charges on the Main Lot.
3. Support the following recommendations that would be made to the BART Board:
    - a. Authorize parking charges:
      - i. Daily: Start at \$1.00/day; allow up to \$5.00/day in increments of \$0.50/day at six month intervals based on review by the JPA Board;
      - ii. Monthly: Start at \$42.00/month; increase to \$63.00/month when daily fee becomes \$2.00/day; increase to \$84.00/month when daily fee becomes \$3.00/day;
      - iii. Daily Reserved: Start at \$3.00/day; increase to \$4.00/day when daily fee becomes \$2.00/day; and increase to \$5.00/day when daily fee becomes \$3.00/day; and
      - iv. Allocation of approximately 7% of spaces to monthly reserved and approximately 3% of spaces to daily reserved (excluding accessible and employee spaces).
    - b. Authorize modifications to parking charges based on the following criteria:
      - i. Examine occupancy every six months;

- ii. If occupancy is greater than 98%, increase daily fee by \$0.50/day;
  - iii. If occupancy is between 90% and 98%, no change in fee; and
  - iv. If occupancy is less than 90%, reduce daily fee by \$0.50/day (but not less than \$1.00 per day).
- c. Capital investment:
- i. Re-stripe and number spaces in SHB main lot;
  - ii. Purchase and install enforcement and way finding signs in SHB lot; and
  - iii. Install Clipper Card Reader and Parking Validation machines at the SHB station.
- d. Operating investment:
- i. Maintain SHB lot per current practice for one year;
  - ii. Consider shifting SHB lot maintenance to JPA after one year;
  - iii. Parking enforcement on SHB lot per current BART practice;
  - iv. Consider shifting enforcement of a combined BART lot and City streets to JPA if an empowering agreement between BART Police and City Police is possible; and
  - v. Maintain Clipper Card Reader and Parking Validation machines per current practice.
- e. Any changes to proposed actions would be subject to future BART Board consideration;
- f. Authorize modification of JPA Agreement per the proposed actions, including the modification of the JPA boundary as recommended;
- g. Consider Title VI implications of proposed actions; and
- h. Authorize any and all actions in support of implementing the above proposed actions.

## II. JPA Agreement Amendments

In addition to the adopting the JPA Action Plan, the JPA Board has requested that the City Council and BART Board approve the following amendments to the JPA Agreement. A redline version of the JPA Agreement is included with this report as Attachment XVI.

### 1. **Modify the quorum requirement:**

Modify the quorum requirements such that in the event that all four JPA Board Directors are not able to be present at a meeting, then a lesser number of Board Directors (three) may act to accomplish administrative matters only, such as adopting minutes of prior meetings and adjourning to a subsequent date (the Agreement currently requires that all four Board Directors must be present to take such actions); and clarify and simplify the mechanics by which the Action Plan may be implemented.

### 2. **Adopt SHB-JPA Parking District Boundaries and Mixed-Use Parking District**

In order to accommodate the revised recommendations and the preferred parking alternative, the City and BART are required to modify the original, existing JPA Boundary of Authority (Attachment III), and provide Proposed Parking Regulations in the JPA area (Attachment V). These elements will be memorialized in the amended JPA agreement.

### III. Amend Hayward Traffic Regulation to include TOD PPP Area

With the elimination of the SHB overflow parking lot on Dixon Street and its subsequent development with residences as part of the South Hayward Mixed Use Project, there is the potential to create parking demands on the City streets surrounding the project. To mitigate any adverse impact to members of the community in the area, effective management of such demands requires the establishment of preferential parking areas for local residents, merchants, and BART patrons. California Vehicle Code Section 22507 authorizes local agencies to create preferential parking areas that allow residents, merchants, and other designated groups to park on specified streets and that restrict parking by persons other than residents, merchants and the designated groups.

The Council must also make a determination of no adverse impact as provided in CVC 22507(b). The City can issue permits for other designated groups (namely BART commuters in this instance) if the use of the permits will not adversely affect parking conditions for residents and merchants in the area. The recommendations outlined below have been structured to allow the Council to make this determination. More specifically, staff recommends the creation of a parking district in the residential neighborhoods that prevents BART patrons and other non-residents from parking in these areas. Residents will be provided up to four free parking permits. Currently, BART patrons can (and do) park in any of these areas for free once the two BART parking lots fill up. The establishment of this district will specifically protect resident parking where this wasn't done previously. In addition, allowing BART patrons to park along Tennyson Road and Mission Boulevard will not negatively impact residents and merchants in this area because no parking is currently allowed on these two streets. Merchants in the area will receive further protections through the establishment of the Business Parking Zone outlined below.

Based on the parking needs identified in the SHB Parking & Access Study (Attachment I), and to facilitate SHB patrons while also not adversely impacting residents, staff recommends establishment of the following four parking district areas (as described below) on public streets near the SHB station (Attachment V). These ideas have been presented and refined based on resident input at two community meetings held over the past year. These elements are summarized below.

1. Transit Oriented Development Preferential Residential Permit Parking Area (TOD PRPP Area)  
Streets in designated neighborhoods will be posted with signs signaling a PRPP area (Monday – Friday, 7 a.m. – 4 p.m.), with parking restricted to residential permit holders only. These residential parking permits will allow residents to park within the area at all times. Resident only permit parking will be posted on:
  - a. East 10<sup>th</sup> Street through East 13<sup>th</sup> Street (both sides) from Tennyson Road to Hancock Street;
  - b. Certain properties on Tennyson Road and Hancock Street where the property extends along a numbered street above;
  - c. Monticello Street (both sides);
  - d. Portions of O'Harron, Cole and Pacific Streets;
  - e. Copperfield Avenue (both sides);
  - f. Valle Vista Avenue (both sides); and

- g. Dixon Street (east side) across from the southern edge of the SHB station property to 200 yards south of Valle Vista Avenue.
2. Transit Oriented Development BART Commuter Preferential Permit Parking Area (TOD-BART Commuter PPP Area) – SHB-designated permit parking areas are recommended for BART patrons on certain City streets. As the goal is to ensure that the development of the SHB East Lot does not adversely affect BART ridership or resident parking needs, the following recommendations would utilize parts of existing streets to accommodate the overflow of SHB patrons:
    - a. On Tennyson Road and Mission Boulevard (approximately 182 spaces): these areas have been “No Parking” zones for many years. By designating these areas as “BART Permit Parking Only,” it allows for additional daily BART patron parking without taking away from resident parking. Streets in these designated areas will be posted with signs signaling “BART Permit Parking Only – All Hours,” with parking restricted to BART patrons who submit the daily parking permit fee to the BART parking validation machine, located inside the BART station;
    - b. On Dixon Street (west side in front of SHB property and on the west side of Dixon Street from the station to approximately 200 yards south of Valle Vista Avenue – approximately 90 spaces). This area currently has limited BART and resident parking. By designating the west side of Dixon Street, (Monday through Friday, 4 a.m. – 3 p.m.), it will provide spaces for SHB patrons. By reserving the east side of Dixon Street for residents in the PPP area (see 1-f above), it will more than sufficiently reserve enough spaces for residential use based on usage statistics identified in the Parking & Access Study.
  3. Business Parking Zone – Business areas will have posted restricted hours so that the parking area will be available for business patrons. These spaces are not included in the parking supply as they are typically not used by residents or SHB patrons and, if not available to early BART commuters, are likely not to be used at all by BART patrons. Mission Boulevard north of Tennyson Road will be posted “No Parking - Midnight to 9:00 a.m.,” such that all-day, early-arriving BART patrons (commuters who arrive well before 9:00 a.m. daily) will not have the ability to park in this area before 9 a.m. However, businesses will have ample off-site parking for their patrons during the regular business day (which will be an increase of parking spaces for this area), and BART patrons who arrive late (who are typically short-time parkers for short trips) may park for a short period of time.
  4. School Loading Zone - Provisions have been made for a “School Loading Zone” for residents who currently use the section of Tennyson Road adjacent to Cesar Chavez Middle School to drop off and pick up their children (7-9 a.m. and 2-4 p.m.).

#### IV. **Establish a TOD-PRPP Area**

Based on the recommendations from the SHB Parking & Access Study and feedback received from the community regarding parking around the SHB station, staff is recommending that the City Council approve an amendment to Hayward Traffic Regulation Section 3.95, to include both residential and commuter permit areas.

*Residents:* Residents in the proposed TOD-PRPP area will be eligible to participate in this permit program if they live on one of the initially designated residential areas (10<sup>th</sup> Street through 13<sup>th</sup> Street from Tennyson to Hancock Street, Monticello Street, portions of O’Harron, Cole and Pacific Streets, Copperfield Avenue, Valle Vista Avenue, and Dixon Street from the SHB Station to 200 yards south of Valle Vista Avenue). Signs will be posted on affected streets to reserve these on-street spaces within the designated permit boundary for residents (Monday through Friday, 7 a.m. – 4 p.m.). Vehicles with a permit would be allowed to park on any street designated in the residential permit area. Up to four free permits will be issued to each eligible address. This will enable residents to use the permits for themselves, their guests, visitors, contractors, etc. Residents in dwelling units that have not yet been built as of the effective date of the program will not be eligible to participate in this program.

If a resident in an approved residential permit area does not want to participate in the program, then they cannot park on a posted street without the potential of being fined similar to other non-permitted vehicles. The City will proactively outreach to property owners in the proposed TOD-PRPP area to provide them with information on the change to parking regulations and to invite them to request a residential parking permit(s).

Currently, SHB patrons utilize many of these on-street areas for all-day parking without any protections afforded to the residents. By creating this parking permit program, the intended outcome is that residents will have more guaranteed parking near their homes and SHB patrons will be required to park on streets outside of the key residential areas where no parking currently exists. As mentioned previously, this is the City’s and BART’s first implementation of this type of program and staff will present the JPA Board with implementation updates every six months for review and any recommended modifications.

*BART Patrons:* SHB patrons who chose to park in designated BART on-street fee permit parking areas will be required to pay the daily BART fee inside the BART station. The daily parking fee will be posted on street signs and inside the BART station. Daily parking fees are required Monday through Friday from 4:00 a.m. to 3:00 p.m. BART patrons can pay the fee by entering the BART station, proceeding through the fare gate, and going to the parking validation machine. Patrons can insert their blue BART ticket or use cash, ATM, or credit cards to pay the daily parking fee using the parking validation machine. Once the fee has been paid, the patron will be provided with a receipt from the parking validation machine, and can proceed directly to the BART platform. All paid fee information is recorded by the parking validation machine, and will be available to parking enforcement staff.

## **Implementation**

Implementation of the JPA Parking District and parking permit program outlined above requires a coordinated effort between the City and BART. This is another reason for the establishment of the JPA/Station Access Authority. A key element of this structure is that all revenue from BART permit parking areas (either on the SHB main lot or on-City street designated BART permit parking areas) as well as citation revenue (from BART designated permit parking areas and City residential parking areas) will flow back to the JPA to cover operational costs and eventually to fund additional

improvements in the JPA area. A proposed list of the types of improvements that could be funded by the JPA revenues is included in Appendix C (pages 63-65) of the Parking and Access Study (Attachment I). Prior to implementation of any of these improvements, there will be significant community outreach as well as presentations to the City Council and JPA Board. Ultimately, the JPA Board would recommend approval of these improvements.

*Start Date: April 15, 2013 (tentative date):* Implementation of parking restrictions in the SHB-TOD Preferential Permit Parking Area is tentatively scheduled for Monday, April 15, 2013.

*Notification of Parking Regulation Change:* Upon approval of 1) tonight's recommendations, 2) approval by the BART Board, and 3) after adoption of implementation actions by the JPA Board (currently scheduled for March 22, 2013), residents in the TOD-PRPP area will be mailed notices advising them of the upcoming parking regulation change, and inviting them to apply for up to four free permits. Concurrently, BART will alert SHB patrons that BART will begin charging fees at the SHB main lot, and on designated on-City street BART permit parking areas, tentatively scheduled for April 15, 2013.

*Enforcement:* During the initial implementation period (approximately six months), City Maintenance Services staff will assume enforcement responsibility on City streets. These staff members currently enforce and cite vehicles as part of the City's street sweeping program and are well-trained in enforcement and citation activities. Costs for this enforcement activity will be covered by revenues generated from the JPA. Once the initial six month period has passed and staff reviews the financial performance of the JPA, the JPA may choose to hire separate enforcement staff that would be dedicated to JPA activities.

Separate vehicle code violation numbers will be used for citations on City streets versus in the SHB main lot. The "No Parking" citation fine amount for all BART fee permit parking violations, whether on the SHB main lot or in on-street BART designated fee permit parking areas will be \$35. This amount is consistent with the fine amount currently being charged by BART for parking violations on BART fee permit parking lots throughout the BART system. The "No Parking" citation fine amount for residential parking violations will be \$75. This amount is consistent with other City residential parking permit areas that are enforced using electronic ticketing, which is processed through a third party vendor.

There will be limited initial enforcement of parking along Dixon Street due to the planned street improvements and construction funded by the Transportation for Livable Communities Grant.<sup>6</sup> The Dixon Street Project is anticipated to be completed by December 2013, after which staff will fully implement the parking recommendations outlined in this report.

*Citation Grace Period:* There will be a four week "Warning Period" where vehicles that violate the posted parking signs will be issued a warning notice. After the four week "Warning Period," enforcement staff will begin issuance of citations to violators in both the BART fee permit parking

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<sup>6</sup> **Agenda Report, Transportation for Livable Communities Grant Project**, <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2011/CCA11PDF/cca072611full.pdf>

areas and residential parking areas. As the implementation date gets closer, staff will evaluate whether the initial “Warning Period” should be longer than four weeks.

**ENVIRONMENTAL REVIEW**

The actions proposed for City Council approval are exempt from environmental review under CEQA Guidelines Section 15301, which covers minor alterations of existing public facilities, including streets, sidewalks (etc.), as long as there is a negligible or no expansion of use, and CEQA Guidelines Section 15282 (j), for projects associated with the restriping of streets to relieve traffic congestion.

**ECONOMIC IMPACT**

The successful development of the SHB-TOD Project will have an immense positive economic impact on south Hayward. The commencement of the housing construction in this area should spur the development of the area. Proposed nearby projects would likely re-commence their planning, leading to construction. The development of housing in the area should lead to stronger interest from retailers, and thereby, planning and construction of retail centers. Initial development under Phase 1 of the Project would also have a positive economic impact by creating approximately 500 immediate high-quality construction, design and engineering service jobs through the three-year development cycle. The SHB-TOD Project will increase BART ridership and decrease vehicle miles traveled and thus will help reduce greenhouse gas emissions associated with vehicles, which is in line with the goals in the City’s Climate Action Plan. Total Phase I Project costs are estimated to be more than \$100 million, exclusive of land costs.

**FISCAL IMPACT**

The City will incur initial start-up expenses associated with establishing the parking district, to include residential, business, and on-street BART parking areas. Initial capital expenses include signage, striping, purchase and issuance of residential permits, removal of a pedestrian safety fence along the sides of Tennyson Road, and installation of a new pedestrian safety fence in the median on Tennyson Road to discourage pedestrians from crossing Tennyson Road illegally. These costs to establish the parking district will be initially funded by the City’s General Fund, and then reimbursed by the JPA following the collection of parking permit fees and citation revenue. The City’s initial cost to establish the parking district is estimated at \$200,000 as detailed below.

City Initial Parking District Start-Up Expense		
1	Fencing (removal and reinstallation)	\$ 97,000
2	Purchase and installation of signage	\$ 50,000
3	Installation of striping and numbering	\$ 50,000
4	Purchase and issuing of permits	\$ <u>3,000</u>
	Total Estimated Cost	\$ 200,000

Similarly, BART will have capital expenses associated with implementation of the recommendations from the SHB Parking & Access Study. The JPA budget projections assume equivalent repayment terms for both the City's and BART's initial capital investments. JPA operating expenses would be covered first from revenues. Any revenues that exceed basic operating expenses would then go to capital expense repayment for the City and BART. Additional revenues above and beyond this amount would go to fund improvements identified earlier in this report and in the Parking & Access Study (Attachment I).

#### Parking District Revenues and Expenses

The City will administer the JPA revenue and expenditure account. Parking permit fees and parking citation fines will be collected and deposited into a designated JPA account that will accept receipt of revenues and make payments to the JPA for operating, maintenance, and capital expenses. Per the JPA Agreement<sup>7</sup>, the City of Hayward Finance Director is the Treasurer of the Authority. The net revenue resulting from SHB fee permit parking areas and enforcement citations, after covering operating, maintenance, and capital expenses, will be invested in the neighborhood where the revenue is generated to pay for increased services or transportation and streetscape improvements.

#### **PUBLIC CONTACT**

**March 19, 2012:** JPA Board Meeting

**March 26, 2012:** First Community Meeting

**November 5, 2012:** Follow up Community Meeting

**December 5, 2012:** JPA Board Meeting

**December 7, 2012:** The City mailed approximately 2,000 public notices to residents and addresses within 300 feet of the current proposed JPA boundary to alert them of the City Council meeting on December 18, 2012.

**December 18, 2012:** City Council Work Session

**February 5, 2013:** In anticipation of this public hearing, the City mailed approximately 2,000 public notices to residents and addresses within 300 feet of the current proposed JPA boundary to alert them of the City Council meeting.

**February 9, 2013:** Per Section 3.95 of the Traffic Regulations, on February 9, 2013, a public hearing notice was duly printed in *The Daily Review* newspaper, ten days before the public hearing.

#### **NEXT STEPS**

The following next steps are tentatively scheduled:

**February 26, 2013:** The City Council is tentatively scheduled to adopt the Ordinance amending Hayward Traffic Code Section 6.36 (b).

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<sup>7</sup> **Attachment I:** JPA Agreement (see section 3.12)

**March 14, 2013:** The BART Board is tentatively scheduled to consider the action items related to implementation of the recommendations from the Parking and Access Study.

**March 2013:** SHB TOD-PPP residents and SHB patrons will be notified of upcoming parking regulation changes.

**April 2013** (*tentative and pending the outcomes of February/March BART Board and City Council actions*): BART will close the East Overflow parking lot; the parking permit and fee program will be implemented in/around the SHB Station as outlined in this report; and the developers will erect construction fencing around the East Overflow lot and begin construction.

**May 28, 2013:** The City Council is tentatively scheduled to consider the final project subdivision map for the JMJ Development (formerly Wittek/Montana).

*Prepared by:* Denise Blohm, Administrative Analyst II

*Recommended by:* Kelly McAdoo, Assistant City Manager  
John DeClercq, Project Manager  
Matt McGrath, Maintenance Services Director  
Morad Fakhrai, Director of Public Works – Engineering & Transportation  
Tracy Vesely, Finance Director

Approved by:



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Fran David, City Manager

Attachments:

- Attachment I: SHB Parking & Access Study (January 2013)
- Attachment II: Original JPA Agreement
- Attachment III: Original JPA Boundary of Authority (map)
- Attachment IV: Proposed Modified JPA Boundary of Authority (map)
- Attachment V: SHB-TOD Proposed Parking Regulations in JPA Area (map)
- Attachment VI: **Resolution:** Adopting JPA Amendment and Implementing Action Plan
- Attachment VII: **Resolution:** Amending Hayward Traffic Regulation, Section 3.95
- Attachment VIII: **Resolution:** Designating SHB TOD-PPP
- Attachment IX: SHB TOD-PPP Area (map)

- Attachment X: **Ordinance Amendment**, adding Section 6.36 (b) to Hayward Traffic Code
- Attachment XI: **Resolution**: Adopting Revisions to Hayward Traffic Code Fine and Bail Schedule for Permit Parking Violations
- Attachment XII: **Exhibit A to Resolution XI**: Update to Hayward Traffic Code Fine and Bail Schedule for Permit Parking Violations
- Attachment XIII: **Resolution**: Appropriating \$200,000 for initial start-up expense
- Attachment XIV: February 4, 2013 Public Notice (mailed)
- Attachment XV: February 9, 2013 Public Notice (newspaper)
- Attachment XVI: Redline JPA Agreement

# ATTACHMENT VII

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688

BOARD MEETING AGENDA

March 14, 2013

9:00 a.m.

**Please note: The first item on the agenda following the Public Hearing is Item 2: Closed Session. The Board will reconvene in open session at 10:45 a.m. or immediately following the Closed Session, whichever is later.**

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, March 14, 2013. This meeting shall consist of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20 <sup>th</sup> Street Mall – Third Floor 344 – 20 <sup>th</sup> Street Oakland, CA 94612	Chicago Union Station Amtrak Metropolitan Lounge 225 South Canal Street Chicago, IL 60606
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Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

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.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>), in the BART Board Room, and upon request, in person or via mail.

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email or via regular mail upon request. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting. Those interested in being on the mailing list for meeting notices (email or regular mail) can do so by providing the District Secretary with the appropriate address.

Please submit your requests to the District Secretary via email to [BoardofDirectors@bart.gov](mailto:BoardofDirectors@bart.gov); in person or U.S. mail at 300 Lakeside Drive, 23<sup>rd</sup> Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Kenneth A. Duron  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.
- D. Public Hearing: South Hayward Parking Fee Program as Recommended by South Hayward Joint Powers Authority Board.\* For information.

2. CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATORS - PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Agency Negotiators: Directors Radulovich, Keller, and Murray

Titles: General Counsel, Controller/Treasurer, and District Secretary

Government Code Sections: 54957 and 54957.6

3. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of February 28, 2013.\* Board requested to authorize.
- B. Reject All Bids for Invitation for Bid No. 8918, Seat Cushions and Covers.\* Board requested to reject.

4. ADMINISTRATION ITEMS

Director Murray, Chairperson

- A. Metropolitan Transportation Commission Regional Transit Sustainability Project: Proposed Operating Performance Measures and Targets.\* Board requested to adopt.

5. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Oakland Airport Connector Project: Quarterly Update.\* For information.

6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Director Blalock, Chairperson

A. Award Agreements for State and Federal Legislative Advocacy Services.\*

1. Agreement with Schott & Lites Advocates, LLC, to Provide State Legislative Advocacy Services (Agreement No. 6M7152). Board requested to authorize.
2. Agreement with CJ Lake, LLC, to Provide Federal Legislative and Federal Executive Advocacy Services (Agreement No. 6M7153). Board requested to authorize.

B. South Hayward BART Station Access Authority Implementation of Access Study Action Plan, Including Parking Fees.\* Board requested to authorize.

1. Parking Fees at and adjacent to the South Hayward BART Station. (TWO-THIRDS VOTE REQUIRED.)
2. Amendments to the Joint Powers Authority (JPA) Agreement.
  - a. Quorum and voting requirements.
  - b. Designation of a substitute BART Director as JPA Board member.
  - c. Appointment of Director Saltzman to serve as the substitute BART Director on the JPA Board.Board requested to authorize.

C. Property Transactions with Washington Township Healthcare for the Transfer of Land at the Fremont Station, Grant of an Access Easement, and Lease of Office Space.\* Board requested to authorize.

7. GENERAL MANAGER'S REPORT

8. BOARD MATTERS

- A. Board Member Reports. For information.  
(Board members provide brief reports on meetings attended at District expense, as required by Government Code Section 53232.3(d).)
- B. Roll Call for Introductions.  
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

9. PUBLIC COMMENT

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)

10. CLOSED SESSION (Room 303, Board Conference Room)

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 300 Lakeside Drive, Oakland, CA  
District Negotiators: Robert Powers, Assistant General Manager, Planning & Development; and Jeffrey P. Ordway, Manager of Real Estate and Property Development  
Negotiating Parties: The Swig Co. and San Francisco Bay Area Rapid Transit District  
Under Negotiation: Price and Terms  
Gov't. Code Section: 54956.8

B. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Grace Crunican, General Manager; Marcia deVaughn, Deputy General Manager; Rudolph Medina, Department Manager – Labor Relations.

Employee Organizations: (1) Amalgamated Transit Union, Local 1555;  
(2) American Federation of State, County and Municipal Employees, Local 3993;  
(3) BART Police Officers Association;  
(4) BART Police Managers Association;  
(5) Service Employees International Union, Local 1021; and  
(6) Service Employees International Union, Local 1021, BART Professional Chapter  
(7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

11. OPEN SESSION



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Barbara Folberth</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to PPAAL Committee		
DATE: 3/8/13		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jeffrey P Ordway Dept: Real Estate and Property Development <i>Jeffrey P Ordway</i> Signature/Date: 3/5/13	General Counsel <i>Michael R. ...</i> 3/7/13 [ ]	Controller/Treasurer <i>[Signature]</i>	District Secretary [ ]	BARC <i>[Signature]</i> 3-8-13 [ ]
Status: Routed		Date Created: 03/04/2013		

TITLE:  
**South Hayward BART Station Access Authority Implementation of Action Plan, including Parking Fees**

NARRATIVE:

**Purpose:** To seek Board approval of an Action Plan for the South Hayward BART Station Access Authority (the JPA), including the imposition of parking fees at and adjacent to the Station, within the boundaries of the JPA. A public hearing on the proposed parking fees will be held prior to BART Board action on the motions below.

**Discussion:** On June 23, 2011, the BART Board of Directors approved the sale of BART's 1.65 acre property on the east side of Dixon Street, which currently accommodates 174 BART parking spaces, to developer JMJ Development, LLC (the Developer). The project, which will be built on property owned by the Developer as well as the BART property, will consist of 357 residential units (151 affordable and 206 market rate). To address the loss in parking that will result from the development, the Board authorized execution of a Joint Exercise of Powers Agreement (JPA Agreement) with the City of Hayward (the City) for the South Hayward BART Station Access Authority (the JPA). The motion stipulated that modifications of the JPA Agreement would be subject to future BART Board actions once a specific access plan is identified by the JPA. The BART Board representatives on the JPA Board are Directors John McPartland and Tom Blalock.

On December 19, 2011, the JPA, in addition to appointing officers and adopting by-laws, reviewed and approved a scope of work for an access study to be conducted by Nelson\Nygaard (the Consultant) under the direction of City and BART staff. Construction by the Developer cannot begin until the JPA has approved an access plan.

On March 26, 2012, a community meeting was conducted by City staff in concert with BART staff and the Consultant. Approximately twenty-five residents attended the meeting. The residents expressed concern with the potential loss of parking along public streets in front of their residences, the imposition of a parking permit program in their neighborhoods, and other potential negative impacts on parking and traffic from a development project. Based on this feedback, City and BART staff re-examined the preliminary access study findings to identify replacement options that would not adversely impact the residents in the area.

The resulting South Hayward BART Parking and Access Study (the Access Study), dated January 2013, covered the following topics:

- Description of the surrounding context, existing parking conditions, and the results of parking and occupancy and turnover analyses conducted in January 2010 and November 2011.
- Documentation of the existing parking supply and the current parking demand at the station, including the extent to which BART patrons park in the surrounding neighborhoods.
- Identification of two alternatives to accommodate existing parking demand, given decreased parking supply due to future development of the BART 174-space East Lot along Dixon Street and a future Dixon Street reconfiguration.
- Initiation of parking fees, parking regulations and enforcement activities were identified for each alternative.
- Financial analysis which assessed the revenue expectations and capital and on-going funding needs of the alternatives.
- Implementation strategy of the preferred alternative.

The Access Study included the following findings and recommendations, which will be referred to collectively as the Action Plan. The City and the District must approve various aspects of the Action Plan, respectively.

Parking Capacity and Needs: BART patron parking currently averages 1,379 spaces per day (1,080 in the main BART parking lot, 174 spaces in the Dixon Street lot, and 125 unregulated on-street spaces around the station). The preferred alternative includes 1,362 parking spaces or 99% of existing demand (1,090 spaces in the main BART lot, 142 spaces on Tennyson Road, 40 spaces on Mission Boulevard, and 90 spaces on Dixon Street). Currently, there is no parking allowed on Tennyson Road or Mission Boulevard so the majority of the on-street parking would not adversely impact existing residents. The preferred alternative also includes a Transit-Oriented Development Preferential Residential Parking Permit Program that would be established by the City, whereby residents would receive up to four parking permits at no charge and BART patron on-street parking would be restricted to Tennyson, Mission and Dixon. The JPA would modify its existing boundaries as shown in Exhibit 1, which depicts the location of the proposed on-street parking for BART patrons as well as the proposed residential permit areas.

Parking Charges and Modification Metrics: Currently, almost all parking, both off-street and on-street, is free for BART patrons. Thirty-nine spaces in the main BART parking lot are reserved for monthly parking at \$42/month and only 19 spaces are reserved at this rate. It is recommended that a paid parking program administered by the JPA be established along the following lines:

- A daily parking fee of \$1.00 should be charged to initiate the program. Based on

BART history, a parking charge of \$1/day has had little long-term impact on parking demand. This charge would be applicable to approximately 982 of the spaces on BART's main lot and all of the approximately 272 designated spaces on City streets within the modified boundaries of the JPA. Daily parking fees would be applicable Monday through Friday from 4:00 am to 3:00 pm. The daily fee would increase in \$0.50 increments up to a maximum \$5.00/day following the metrics described below.

- A monthly parking fee of \$42 should be charged to initiate the program. This would be commensurate with both the existing monthly fee at the station and the \$1/day charge. Approximately 74 spaces, or approximately 7% of the main BART lot spaces, would be reserved for monthly parking and would be contained entirely within the main BART lot. The monthly fee would increase to \$63/month when the daily fee becomes \$2/day and increase to \$84/month when the daily fee becomes \$3/day.
- A daily reserve parking fee of \$3.00 should be charged to initiate the program. This would be applicable to approximately 32 spaces, or approximately 3% of the main BART lot spaces. The daily reserve fee program would be contained entirely within the main BART lot. The daily reserve fee would increase to \$4/day when the daily fee becomes \$2/day and increase to \$5/day when the daily fee becomes \$3/day.

To initiate the paid parking program, both the main BART lot and designated parking spots on City streets would be striped and numbered. Appropriate signage, both enforcement and directional, would be added to the BART lot and along City streets. Parking validation machines and add-fare machines would be installed within the paid area at the BART station to ensure that individuals parking on BART property and within the numbered spaces on the City streets of Tennyson, Mission and Dixon are BART patrons.

The impacts of pricing both on-street and off-street parking facilities would be analyzed and adjusted every six months to help achieve the desired parking occupancy, to generate sufficient funds to cover the cost of introducing and maintaining the parking program, and to create a fund source to introduce more sustainable access improvements in the future. The metrics to modify the various parking charges would be as follows:

- If occupancy is greater than 98%, the daily fee would be increased by \$0.50/day.
  - If occupancy is between 90% and 98%, there would be no change in fee.
  - If occupancy is less than 90%, the daily fee would be reduced by \$0.50/day.
- However, the minimum parking fee would be no lower than \$1/day.

Capital Costs: There are initial capital costs that would be incurred to implement the JPA paid parking program, including striping and numbering parking spaces, installing enforcement and directional signage, acquiring and installing Clipper Card Reader and validation machines within the BART paid area, and installation of safety fencing on Tennyson. The total capital cost is estimated at approximately \$500,000 and would

initially be absorbed by the City (approximately \$200,000) and BART (approximately \$300,000). However, both the City and BART would be reimbursed by the JPA over 20 years at 3% interest for these expenses.

Operating Costs: There would also be initial operating costs that would be incurred to implement the JPA paid parking program, including parking enforcement, and maintenance of the parking facilities and validation machines. The preliminary estimate of these costs is approximately \$460,000. Although BART and the City would initially absorb these costs, the intent is to have the JPA pay these expenses once revenue is received from the parking charges. If the JPA determines that it would be more cost-effective for the JPA to contract for these services, City and BART staff would discuss this matter and would give notice to their respective unions as may be required by collective bargaining agreements. The JPA would retain all parking revenue from the parking program to cover its operating costs and reimburse the City and BART for capital costs.

Financial Analysis: A 10-year cash flow analysis was conducted. As depicted in Exhibit 2, the Access Study estimated an annual surplus of roughly \$500,000, which could be invested in future access improvements at the South Hayward BART Station. However, in the event that parking fees remain unchanged during the 10-year time frame, annual deficits could be realized. In that event, the City and BART would need to identify options to reduce the costs (e.g., rather than have the JPA be responsible for paying for parking space maintenance, both the City and BART could retain the maintenance responsibility). Both City and BART staff are confident that the operation of the paid parking program at the South Hayward BART Station will be financially self-sustaining and will result in net revenues. The Access Study identified a number of potential access improvements, such as enhanced walkways and electronic bicycle lockers at the Station.

BART is obligated to ensure that its actions comply with federal and state law prohibiting discrimination in its programs and activities. The District has conducted public participation and performed an analysis to determine whether the proposed parking fees would have a disparate impact or disproportionate burden on minority and/or low-income parkers and whether the proposed parking program would have a disproportionately high and adverse effect on minority and/or low-income residents in the neighborhood surrounding the Station. Staff has concluded that the proposed parking fees will not result in a disparate impact on minority or low-income parkers because minority users and low-income users are expected to experience a much lower increase than overall users. Staff has also concluded that the proposed parking program would not have a disproportionately high and adverse effect on minority or low-income residents in the surrounding neighborhood. A copy of the analysis is available from the District.

Staff proposes that the JPA Agreement be amended to provide that a simple majority of the Directors (three Directors) shall constitute a quorum for the purposes of conducting JPA meetings; that the unanimous vote of all the Directors then present as a quorum shall be required to approve agenda, amend agenda, and approve minutes; and that the

unanimous vote of all four Directors shall be required for all other actions. Staff also proposes that the JPA Agreement be amended to allow for the designation of a BART Board Director to serve as a substitute JPA Board Director. Finally, staff requests Board approval of the designation of Rebecca Saltzman as a substitute BART Board Director to serve on the JPA Board.

On February 19, 2013, the City approved the Transit-Oriented Development Preferential Residential Parking Permit Program at no cost to residents, the prohibition of BART patron parking on certain City streets, the designation of 272 spaces on City streets for BART patron parking, and the imposition of parking fees for such spaces consistent with the proposed parking fees for spaces on BART property, and related implementing actions.

Presuming BART Board adoption of the proposed motions below, the JPA Agreement would be modified and appropriate votes taken by BART and City members of the JPA Board. It is anticipated that the parking fee program would become effective upon closure of the BART parking lot on Dixon Street, on or about April 15, 2013.

For purposes of the proposed findings and motions below, BART will act as the lead agency for compliance with the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.).

The Office of the General Counsel will approve as to form any modifications to the JPA Agreement.

Fiscal Impact: In addition to staff time to participate in the JPA, the District will initially incur the following expenses: Capital costs of approximately \$300,000 which would be reimbursed by the JPA over 20 years at 3 percent interest, and operating costs of approximately \$370,000 for enforcement and maintenance. After the first year of operation, the JPA would be responsible for paying all operating costs.

Alternatives: Not adopt the proposed motions, thereby adversely impacting the ability of the Developer to move forward in keeping with approvals from both the City and the State of California's Housing and Community Development. Proposition 1C funding in the amount of \$37 million would be jeopardized.

Recommendation: Adoption of the following motions.

Motions:

1. Adoption of the attached Resolution. (TWO-THIRDS VOTE required.)
2. The Board approves an amendment to the JPA Agreement to provide that a simple majority of the Directors (three Directors) shall constitute a quorum for the purposes of conducting JPA meetings; that the unanimous vote of all of the

Directors then present as a quorum shall be required to approve agenda, amend agenda, and approve minutes; and that the unanimous vote of all four Directors shall be required for all other actions.

3. The Board approves an amendment of the JPA Agreement to allow the designation of a substitute BART Board Director to serve on the JPA Board.
4. The Board approves the designation of Rebecca Saltzman as a substitute BART Board Director to serve on the JPA Board.

**BEFORE THE BOARD OF DIRECTORS OF THE SAN FRANCISCO BAY  
AREA RAPID TRANSIT DISTRICT**

In the Matter of Adopting  
Parking Fees at and adjacent to the  
South Hayward BART Station

Resolution No. \_\_\_\_\_

WHEREAS, pursuant to Public Utilities Code Section 29038, it is the duty and responsibility of the Board of Directors of the San Francisco Bay Area Rapid Transit District ("District" or "BART") to fix the rates and charges for rapid transit service to be furnished by the District; and

WHEREAS, proposed development at the South Hayward BART Station will result in the loss of 174 BART parking spaces currently on a satellite lot on Dixon Street, and the District and the City of Hayward ("City"), under authorization from their respective governing entities, have formed a joint powers authority, the South Hayward BART Station Access Authority ("JPA"), in order to address the loss in parking as well as future access needs at the Station; and

WHEREAS, an Action Plan resulting from an Access Study performed by a consultant for the JPA has been reviewed by staff from the District and the City, and the primary elements of the Action Plan include the implementation of a residential parking permit program and a parking fee program; and

WHEREAS, prior to approval and implementation of the Action Plan by the JPA Board of Directors, the governing bodies of the City and the District must approve various aspects of the Action Plan, respectively; and

WHEREAS, on February 19, 2013, the City approved a Transit-Oriented Development Preferential Residential Parking Permit Program at no cost to residents, the prohibition of BART patron parking on certain City streets, the designation of 272 spaces on City streets for BART patron parking, the imposition of parking fees for the 272 spaces consistent with the proposed parking fees for approximately 982 spaces on BART property, and related implementing actions; and

WHEREAS, the BART Board is being requested to approve the parking fees set forth below, which will be applicable to the 982 spaces on BART property as well as the 272 designated parking spaces on City streets as depicted in attached Exhibit 1 entitled, "SHB-TOD: Proposed Parking Regulations in JPA Area"; and

WHEREAS, to ensure compliance with federal Title VI requirements and state law prohibiting disparate impact in its programs and activities, District staff has conducted public participation and performed an analysis to determine whether the proposed parking fees would have a disparate impact or disproportionate burden on minority and/or low-income parkers and whether the proposed parking program would have a disproportionately high and adverse effect on minority and/or low-income residents in the neighborhood surrounding the Station; and

WHEREAS, staff has concluded that the proposed parking fees would not result in a disparate impact on minority or low-income parkers because minority users and low-income users are expected to experience a much lower increase than overall users; and

WHEREAS, District staff has also concluded that the proposed parking program would not have a disproportionately high and adverse effect on minority or low-income residents in the surrounding neighborhood; and

WHEREAS, on March 14, 2013, a public hearing was held at a special meeting of the Board to consider the proposed parking fees;

NOW, THEREFORE, the Board hereby makes the following findings:

- (1) After careful study of staff recommendations, public comment, and due deliberations, the Board determines, as required by Public Utilities Code Section 29038, that the rates and charges for parking, as set forth in this Resolution, are reasonable; and that insofar as practicable, these parking fees are calculated to result in revenue which will:
  - (a) Pay for the operating expenses of the South Hayward BART Station Access Authority (the JPA) paid parking program;
  - (b) Pay for repair and maintenance costs of the JPA paid parking program;
  - (c) Pay for capital costs to implement the JPA paid parking program; and
  - (d) Pay for additional access improvements, provided that there are net revenues remaining after operating, maintenance and capital expenses of the JPA are covered.
- (2) After careful study of staff recommendations, public comment, and due deliberations, the Board also determines, as required by the California Environmental Quality Act, Section 21080 (b)(8), that the parking fees set forth in this Resolution are for the purposes of meeting the operating, maintenance and capital expenses of the South Hayward BART Station Access Authority (the JPA). All capital costs will be for improvements within the boundaries of the JPA or each of its members.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that:

- (1) The Board approves an Action Plan for the South Hayward BART Station Access Authority (the JPA), which includes the imposition of parking fees at the South Hayward BART Station and at designated parking spaces on City streets within the boundaries of the JPA, as depicted in Exhibit 1, as follows:

a. Parking fees are authorized as follows:

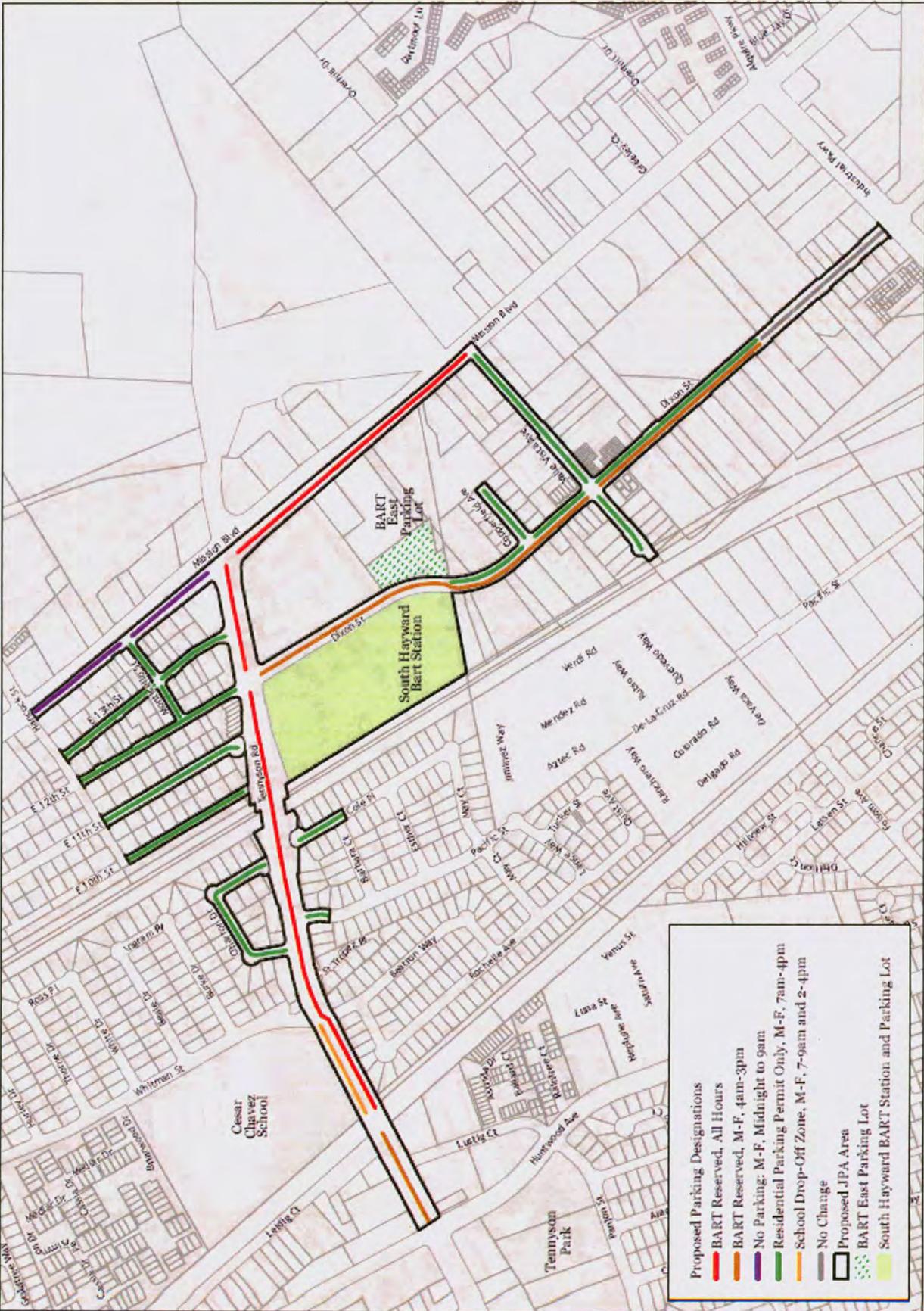
- (1) Daily: Start at \$1.00/day, allow up to \$5.00/day in increments of \$0.50/day at 6 month intervals.
- (2) Monthly: Start at \$42.00/month, increase to \$63.00/month when daily fee becomes \$2.00/day, increase to \$84.00/month when daily fee becomes \$3.00/day.
- (3) Daily Reserve: Start at \$3.00/day, increase to \$4.00/day when daily fee becomes \$2.00/day, increase to \$5.00/day when daily fee becomes \$3.00/day.
- (4) Initial allocation of approximately 7% of spaces to monthly reserve and approximately 3% of spaces to daily reserve (excluding ADA and employee spaces), with increases in allocation up to a maximum percentage that does not exceed that set forth in the then-current BART Board policy.

b. Modifications to parking fees are authorized as follows:

- (1) Examine occupancy every 6 months.
  - (2) If occupancy is greater than 98%, increase daily fee by \$0.50/day.
  - (3) If occupancy is between 90% and 98%, no change in fee.
  - (4) If occupancy is less than 90%, reduce daily fee by \$0.50/day. However, the minimum parking fee would be no lower than \$1/day.
- (2) The Board approves any and all actions in support of implementing the proposed parking fees.
  - (3) The parking charges set forth above are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines § 15273 and a Notice of Exemption shall be filed in Alameda County.

# # # #

**SHB-TOD: Proposed Parking Regulations in JPA Area**



February 20, 2013



## 10-Year Cash Flow

South Hayward BART Parking and Access Study	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Estimated Parking Revenue (1)	\$ 553,741	\$ 780,555	\$ 1,084,213	\$ 1,162,739	\$ 1,162,739	\$ 1,162,739	\$ 1,162,739	\$ 1,162,739	\$ 1,162,739	\$ 1,162,739
Capital Cost Amortization (2)	\$ 35,645	\$ 35,645	\$ 35,645	\$ 35,645	\$ 35,645	\$ 35,645	\$ 35,645	\$ 35,645	\$ 35,645	\$ 35,645
Annual Operating Costs (3)	\$ 121,905	\$ 549,801	\$ 562,576	\$ 575,717	\$ 589,402	\$ 603,425	\$ 617,797	\$ 632,525	\$ 647,618	\$ 663,085
Net Revenues	\$ 396,190	\$ 195,109	\$ 485,991	\$ 551,377	\$ 537,692	\$ 523,669	\$ 509,297	\$ 494,569	\$ 479,476	\$ 464,009
Sensitivity Analysis Presuming										
No Change in Parking Charges										
Estimated Parking Revenue (4)	\$ 553,741	\$ 553,741	\$ 553,741	\$ 553,741	\$ 553,741	\$ 553,741	\$ 553,741	\$ 553,741	\$ 553,741	\$ 553,741
Net Revenues (5)	\$ 396,190	\$ (31,706)	\$ (44,481)	\$ (57,622)	\$ (71,306)	\$ (85,330)	\$ (99,701)	\$ (114,429)	\$ (129,522)	\$ (144,990)
(1) Increase in all categories every 6 months up to \$3.00/day by year 2.5 (2) 20 years at 3% (3) Maintenance in year 1 by BART and City, thereafter by JPA. (4) Parking charges remain flat throughout 10 years (5) Consider options to reduce costs (e.g., greater maintenance by BART & City)										

# Public Hearing

## March 14, 2013

South Hayward Parking Fee Program as  
Recommended by South Hayward Joint  
Powers Authority Board

# Current Development Area



# JPA Milestones

- 3/11 - Development project re-phased
- 6/11 - BART approves formation of JPA
- 7/11 - City approves formation of JPA
- 12/11 - JPA approves study approach
- 3/12 - JPA receives draft Parking & Access Report
- 3/12 - First community meeting conducted
- 10/12 - Parking & Access Study revised
- 11/12 - Second community meeting conducted
- 12/12 - JPA approves Parking & Access Study Action Plan
- 2/13 - Hayward City Council approves Action Plan

# Access Structure

**City**

**BART**

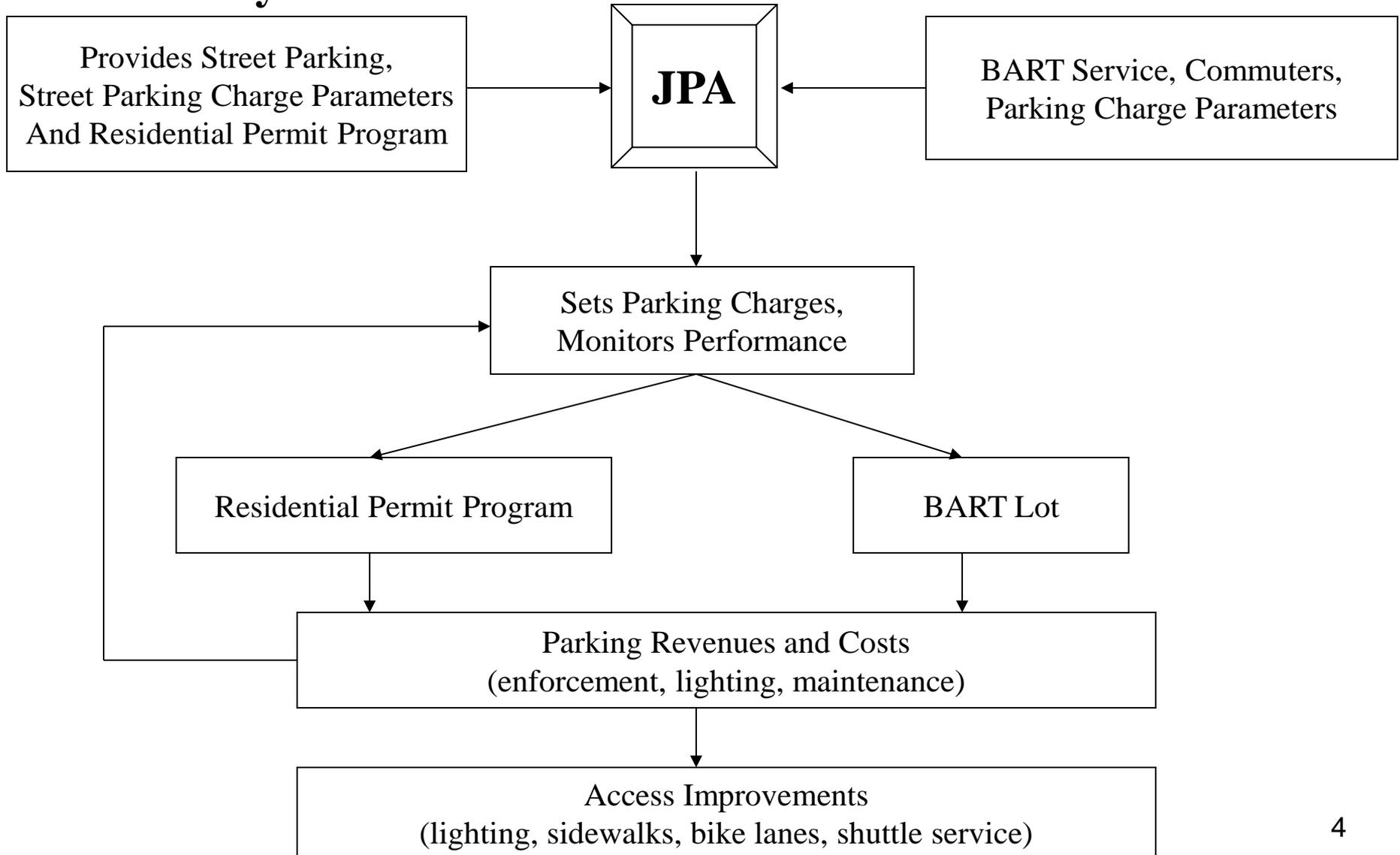
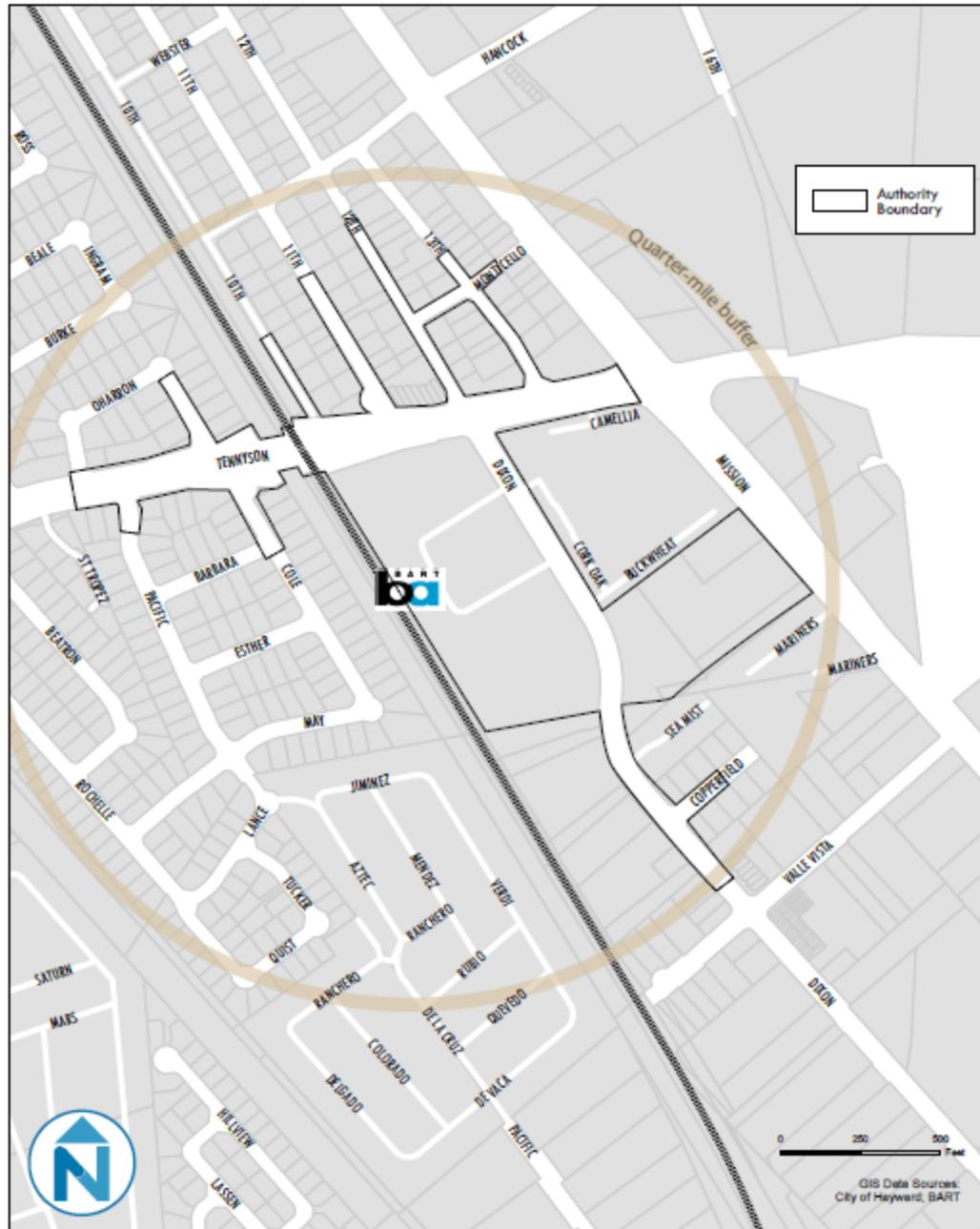


Figure B-1 South Hayward BART Joint Powers Authority Boundary



# Preliminary Study Recommendations, Issues and Resolutions

- Commuter Parking – Throughout area with monthly permit
  - Issue: Community loss of traditional parking
  - Resolution: Introduce commuter parking predominantly along streets that have no parking and introduce parking permit program for residents
- Daily parking on BART land, monthly on City streets
  - Issue: Disincentive to purchase monthly permit
  - Resolution: Monthly and daily reserved on BART land, daily on balance of BART land and on City streets

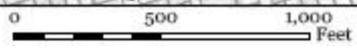


# SHB-TOD: Proposed Parking Regulations in JPA Area



**Proposed Parking Designations**

- █ BART Reserved, All Hours
- █ BART Reserved, M-F, 4am-3pm
- █ No Parking: M-F, Midnight to 9am
- █ Residential Parking Permit Only, M-F, 7am-4pm
- █ School Drop-Off Zone, M-F, 7-9am and 2-4pm
- █ No Change
- Proposed JPA Area
- BART East Parking Lot
- South Hayward BART Station and Parking Lot



# City Council Adoption of Recommended Action Plan (2/19/13)

- Identification of streets for BART commuter-paid parking
- Creation of Transit-Oriented Preferential Residential Parking Permit Program (same boundaries as JPA):
  - Residents on designated streets entitled to TOD PRPPP permits
  - Permits free to residents, 4 permits per household
  - Precludes commuters from parking on designated streets
- Modify boundary of JPA in accordance with Action Plan
- Authorized both capital and operating investment
- Authorize modification of Joint Powers Authority Agreement in support of proposed actions
- Supported parking fee program to be presented to BART Board

# Proposed BART Board Actions – Authorization of Parking Fees

- **Daily**: Start at \$1.00/day, allow up to \$5.00/day in increments of \$0.50/day at 6 month intervals
- **Monthly**: Start at \$42.00/month, increase to \$63.00/month when daily fee becomes \$2.00/day, increase to \$84.00/month when daily fee becomes \$3.00/day
- **Single Day Reserve**: Start at \$3.00/day, increase to \$4.00/day when daily fee becomes \$2.00/day, increase to \$5.00/day when daily fee becomes \$3.00/day
- Initial allocation of 7% of spaces to monthly reserve and 3% of spaces to single day reserve (excluding ADA and employee spaces), with increases in allocation up to maximum percentage that does not exceed that set forth in the then-current BART Board policy

# Proposed BART Board Actions – Modification of Parking Fees

- Examine occupancy every 6 months
- If occupancy is greater than 98%, increase daily fee by \$0.50/day
- If occupancy is between 90% and 98%, no change in fee
- If occupancy is less than 90%, reduce daily fee by \$0.50/day. However, the minimum parking fee would be no lower than \$1/day

## Comparison of BART Board Actions

Topic	2/28/13 Board Action	3/14/13 Proposed Board Action for South Hayward
Daily Parking Fee	\$1.00	\$1.00
Increase Fee if occupancy is greater than	\$0.50/day every 6 months if lot greater than 95% full	\$0.50/day every 6 months if lot greater than 98% full
No change in fee		Between 90% and 98%
Reduce fee if occupancy is less than	95%	90% [NOTE: Minimum fee not less than \$1/day]
Maximum Daily Fee	\$3.00	\$5.00
Single Day Reserve Fee	Daily Fee + \$3.00	Daily Fee + \$2.00
Monthly Reserve Fee	(Daily Fee + \$2.00) x 21	(Daily Fee + \$1.00) x 21

# Conclusion

December 5, 2012: BART JPA Board Meeting

December 18: City Council Work Session

February 19: City Council Action

March 14: BART Board Action

March 26 or 27: JPA Board Action

April: Implementation (4 week grace period)