

SOUTH HAYWARD BART STATION ACCESS AUTHORITY

RESOLUTION NO. 22-_____

Introduced by Boardmember _____

RESOLUTION OF THE SOUTH HAYWARD BART STATION ACCESS
AUTHORITY AUTHORIZING THE DISSOLUTION OF THE SOUTH
HAYWARD BART STATION ACCESS AUTHORITY

WHEREAS, on April 2, 2013, the City of Hayward, (the "City") and the San Francisco Bay Area Rapid Transit District ("BART") formed the South Hayward BART Station Access Authority (the "Authority"), through the execution of the Joint Exercise of Powers Agreement for the South Hayward BART Station Access Authority, dated as of September 1, 2011, as amended and restated April 2, 2013 and as further amended by the First Amended and Restated Joint Exercise of Powers Agreement for the South Hayward BART Station Access Authority (the "JPA Agreement"); and

WHEREAS, in June of 2006, the City adopted a South Hayward BART/Mission Boulevard Concept Design Plan, which encouraged and provided the framework for redevelopment that would result in a transit village around the South Hayward Station and an enhanced Mission Boulevard corridor; and

WHEREAS BART is the owner of real property in the City, adjacent to and including the South Hayward BART Station (the "South Hayward Station" or "Station"); and

WHEREAS, 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; and

WHEREAS, the City and BART, in collaboration, assisted in the development of the BART East Lot and adjacent property as the first phase of the transit village. The resulting residential developments, Alta Mira and the Cadence, have been in operation since 2016 (collectively, "Phase 1"); and

WHEREAS, the remainder of the desired transit-oriented 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, consistent with the Mission Boulevard Form Based Code; and

WHEREAS, in anticipation of Phase 1 and Phase 2, and to address the loss of BART parking that resulted from the development of the BART East Lot, BART and the City formed the Authority to address parking and access issues at the Station, 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; and

WHEREAS, the Authority, along with the City and BART, implemented a paid parking program and certain access improvements for the South Hayward Station, although the net revenue generated from the paid parking program was not as significant as anticipated at the time of the Authority's formation; and

WHEREAS, due to the COVID-19 pandemic, parking and ridership across the BART system and related revenues have declined and the parking needs and patterns near the South Hayward Station for BART patrons and City residents have changed; and

WHEREAS, the Authority is no longer necessary to help administer parking and access near the South Hayward Station and the programs desired by the Authority are not financially feasible due to less than expected revenues prior to the pandemic, and the additional pandemic related decline; and

WHEREAS, Phase II of the redevelopment of the South Hayward Station is not anticipated to start immediately, and administration of the Authority presents a burden to both BART and City staff; and

WHEREAS, because the Authority is no longer necessary, BART and the City staff agreed that it was mutually beneficial to terminate the Authority Agreement and dissolve the Authority; and

WHEREAS, Section 7.2 of the JPA Agreement provides that the JPA Agreement may be rescinded, and the Authority terminated by unanimous written consent of the Board, provided that no termination or rescission shall occur so long as the Authority has any outstanding obligations; and

WHEREAS, on November 15, 2022, the City Council adopted Resolution 22-281, approving the termination of the Authority Agreement, the dissolution of the Authority, and approving the execution of that certain Intergovernmental Agreement with BART to address parking and access issues at the Station into the future; and

WHEREAS, on December 1, 2022, the BART Board of Directors adopted a Resolution, approving the termination of the Authority Agreement, and the dissolution of the Authority.

WHEREAS, if approved, this Resolution would represent the JPA Board's unanimous written consent to rescind the JPA Agreement and terminate the Authority in conformance with the Section 7.2 of the JPA Agreement; and

WHEREAS, Section 7.3 of the JPA Agreement provides that, pursuant to Government Code Section 6512, upon termination of the JPA Agreement, any surplus funds on hand shall be paid out to BART and the City in proportion to the contributions made by such parties; and

WHEREAS, other than the cash on hand, the Authority has no other assets, property, or any other rights or interest to distribute to the City or BART.

NOW THEREFORE, the Board does hereby find, determine, resolve and order as follows:

BE IT RESOLVED, that the Board finds that the above recitals are true and correct.

FURTHER RESOLVED, that the Board hereby approves the termination of the Authority Agreement pursuant to Section 7.2 of the JPA Agreement and the dissolution of the Authority; provided that any such dissolution and termination shall occur only after: (1) the Authority has caused staff to perform any remaining activities authorized by the Authority Board; (2) the City and BART have executed the Intergovernmental Agreement; and (3) disbursed any remaining Authority funds or assets in proportion to the number of parking spaces contributed to use by the Authority pursuant to the Authority Agreement.

FURTHER RESOLVED, that the Co-Executive Directors of the Authority are authorized to dissolve the Authority and distribute any remaining assets in accordance with Section 7.3 of the JPA Agreement.

FURTHER RESOLVED, that the Co-Executive Directors of the Authority are authorized to execute any and all documents necessary to terminate the Authority Agreement and dissolve the Authority.

FURTHER RESOLVED, the dissolution of the Authority and termination of the Authority Agreement is not a project pursuant to 14 California Code of Regulations 155378(b)(5) because it is an administrative activity of government that will not result in a direct or indirect physical change to the environment.

FURTHER RESOLVED, that the Board hereby directs the Co-Executive Directors of the Authority are authorized City Manager to file a CEQA Notice of Exemption with the County Clerk of the County of Alameda pursuant to 14 California Code of Regulations Section 125062(c)(2).

FURTHER RESOLVED, that this Resolution shall take immediate effect upon its adoption.

HAYWARD, CALIFORNIA, _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARDMEMBERS:

CHAIR:

NOES: BOARDMEMBERS:

ABSTAIN: BOARDMEMBERS:

ABSENT: BOARDMEMBERS:

ATTEST: _____
_____, Secretary

With the written consent of the Board Members:

By: _____
_____, JPA BART Director

By: _____
_____, JPA BART Director

By: _____
_____, JPA City Director

By: _____
_____, JPA City Director