

HAYWARD CITY COUNCIL

RESOLUTION NO. 22 – _____

Introduced by Council Member _____

RESOLUTION APPROVING DISSOLUTION OF THE SOUTH HAYWARD BART STATION ACCESS AUTHORITY AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN INTERGOVERNMENTAL AGREEMENT PERTAINING TO PARKING AND ACCESS NEAR THE SOUTH HAYWARD BART STATION

WHEREAS, the San Francisco Bay Area Rapid Transit District ("BART") is the owner of real property in the City of Hayward ("City"), adjacent to and including the South Hayward BART Station (the "South Hayward Station" or "Station"); and

WHEREAS, 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; 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 area analyzed included two surface parking lots: the main lot west of Dixon Avenue with approximately 1,080 parking spaces (the "Main Lot"); and the overflow lot east of Dixon Avenue (the "BART East Lot") having 173 spaces; 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 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 (the "Authority Agreement"); and

WHEREAS, the Authority was formed to address parking and access issues at the Station (including the management of additional on-street parking spaces described in the Staff Report and the Action Plan adopted by the City and BART in early 2019), 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 BART systems and related revenues have declined and the parking needs and patterns near the South Hayward Station for BART patrons and City residents have changed, Phase II is not anticipated to start immediately, and administration of the Authority presents a burden to both BART and City staff; 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, because the Authority is no longer necessary, BART and the City desire to terminate the Authority Agreement and dissolve the Authority; and

WHEREAS, notwithstanding the dissolution of the Authority, BART, and the City desire to coordinate and collaborate with respect to South Hayward Station access and parking through an Intergovernmental Agreement between BART and the City; and

WHEREAS, the BART Board of Directors is considering a resolution substantially consistent with this Resolution, to terminate the Authority Agreement and dissolve the Authority and enter into an Intergovernmental Agreement with the City to address parking and access issues at the Station.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds that the above recitals are true and correct.

BE IT FURTHER RESOLVED, that the City Council hereby approves the dissolution of the Authority and the termination of the Authority Agreement; provided that any such dissolution and termination shall occur only after: the Authority Board also approves such dissolution and termination; has caused staff to perform any remaining activities authorized by the Authority Board; and 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.

BE IT FURTHER RESOLVED, that the City Manager or her designee is authorized to negotiate and execute, on behalf of the City, an Intergovernmental Agreement between the City and BART which will provide BART with a license for certain parking on City streets near the Station and further allow for the creation of modified parking and access plan to accommodate any Phase II development, in a form approved by the City Attorney.

BE IT 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.

BE IT FURTHER RESOLVED, that the execution and implementation of the Intergovernmental Agreement is exempt from CEQA pursuant to 14 California Code of Regulations 15301 as a Class 1 exemption because it will result in minor alterations of existing public facilities, including streets and sidewalks which will result in negligible or no expansion of their current use.

BE IT FURTHER RESOLVED, that the City Council authorizes the City Manager or designee to execute any and all documents necessary to terminate the Authority Agreement and dissolve the Authority, and to execute and implement the Intergovernmental Agreement described in this Resolution and in the Staff Report accompanying this Resolution.

BE IT FURTHER RESOLVED that the City Council hereby directs the City Manager and City staff to perform and complete any activities contemplated in this resolution, the and the Intergovernmental Agreement, subject to any additional requirements which may be imposed by California law.

BE IT FURTHER RESOLVED, that the City Council hereby directs the 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).

BE IT FURTHER RESOLVED that the City Council designates the City Clerk as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the office of the City Clerk, at 777 B Street, Fourth Floor, Hayward, CA 94541.

BE IT FURTHER RESOLVED that this Resolution shall take immediate effect from and after its passage.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward