

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

PLANNING and LEGISLATION COMMITTEE

November 7, 2017

1:30 p.m.

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

Chairperson Raburn has called a meeting of the Planning and Legislation Committee at 1:30 p.m. on Tuesday, November 7, 2017, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

Members of the public may address the committee 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 committee. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

AGENDA

1. Call to Order.
 - a. Roll Call.
2. Warm Springs/South Fremont Station West Access Bridge and Plaza Project.* For information.
3. Proposed BART Transit Operations Facility and Lake Merritt Plaza Redesign Project.*
 - i. Adopt the Initial Study/Mitigated Negative Declaration.
 - ii. Adopt the Mitigation Monitoring and Reporting Plan.
 - iii. Adopt the Proposed BART Transit Operations Facility and Lake Merritt Plaza Redesign Project.For information.
4. BART Art Program Master Plan Update.* For information.
5. Public Comment.
6. New Business. (An opportunity for Committee Members to introduce potential matters for a future committee agenda.)

Kenneth A. Duron
District Secretary

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

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

Staff Contacts:



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pann</i> 3 Nov 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/27/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Joseph Basuino Dept: Systems Development	General Counsel <i>[Signature]</i> 11/2/17 []	Controller/Treasurer <i>[Signature]</i> 11/2/17 []	District Secretary []	BARC <i>[Signature]</i> 11.2.17 []
Signature/Date: <i>Joseph M. Basuino</i> 11/2/17				
Status: Routed	Date Created: 10/27/2017			

Warm Springs/South Fremont Station West Side Access Bridge Project

PURPOSE: To request Board approval for entering into one or more Agreements with the City of Fremont, Union Pacific Railroad Company (“UPRC”), Santa Clara Valley Transportation Authority (“VTA”) and other parties that may be required in order to facilitate the Design, Funding, Construction, Ownership, Operation, and Maintenance of the Warm Springs/South Fremont Station West Access Bridge and Plaza Project (“Project”).

DISCUSSION: On November 19, 2015, an informational item was brought to the Board regarding the collaboration between the District and the City of Fremont (“City”) regarding this Project which intended to enhance pedestrian and bicycle access to and from the City’s recently adopted Innovation District on the westerly side of the Warm Springs/South Fremont BART Station (the “Station”). Because this access has always been contemplated, supports were installed as part of the Station to accommodate a west side access connection. However, due to the cost to construct the bridge over an active UPRC mainline, the District and the City did not initially pursue the Project.

On February 11, 2016 BART’s Board authorized the general manager, or her designee, to enter into an Agreement solely with the City in connection with the Design, Funding, Construction, Ownership, Operation, and Maintenance of the Project. The Agreement was executed between BART and the City of Fremont on September 8, 2016.

The City recently completed final design and is currently in the procurement phase of the Project. However, before the City can proceed with awarding the construction of the Project which involves work within UPRC right-of-way, it must enter into a Construction

and Maintenance Agreement with UPRC and BART.

FISCAL IMPACT: There is no financial impact to BART associated with this proposed Board action.

ALTERNATIVES: The Board may elect to not authorize execution of the Agreement(s). Without such Agreement(s), the City of Fremont will not be able to complete construction of the Project.

RECOMMENDATION: Adopt the following Motion:

MOTION: The General Manager or her designee is authorized to complete negotiations and execute Agreement(s) as necessary in connection with the Design, Funding, Construction, Ownership, Operation and Maintenance of the Warm Springs/South Fremont BART West Access Bridge and Plaza Project.





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>3 Nov 2017</i> <i>Robert M. Power</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/26/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hannah Lindelof Dept: Stations Planning	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>Hannah Lindelof</i> <i>11/2/17</i>	<i>[Signature]</i> <i>11/3/17</i> []	<i>[Signature]</i> <i>11/3/17</i> []	[]	<i>[Signature]</i> <i>11.2.17</i> []

Adopt the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan, and Approve the Proposed BART Transit Operations Facility and Lake Merritt Plaza Redesign Project

PURPOSE:

To obtain Board action on the proposed BART Transit Operations Facility and Lake Merritt Plaza Redesign as follows:

1. Adopt the Initial Study/Mitigated Negative Declaration ("IS/MND");
2. Adopt the Mitigation Monitoring and Reporting Plan ("MMRP"); and
3. Approve the proposed Transit Operations Facility & Lake Merritt Plaza Project

DISCUSSION:

The District currently houses much of its transit system management facilities in the Lake Merritt Complex, near the Lake Merritt Plaza at the Lake Merritt BART Station in Oakland. The existing transit management facilities require increased physical space and state of good repair improvements to achieve state-of-the art functionality; support improved BART operations; and accommodate operation of planned BART extension projects over the next 40 years, including the extension to Silicon Valley.

Because of physical constraints at the current location, the existing facilities cannot be expanded, therefore, the District proposes to design and construct a new Transit Operations Facility ("TOF") building on the Lake Merritt Plaza. The new TOF would modernize the current operations control infrastructure and technology to support improved and expanded operations. On June 22, 2017, the BART Board of Directors approved the Title VI Siting Analysis for the TOF.

The proposed TOF structure would have a footprint of 16,500 square feet and would be three stories tall (57 feet tall plus roof equipment such as HVAC, reaching a total height of 73 feet). The upper two stories would include 16,500 square feet of core transit management facilities, which would be designed as a secure facility. The ground floor would include 11,500 square feet of transit management support offices as well as a retail “wrap.” The retail wrap would consist of approximately 5,000 square feet of retail and/or community uses that would face onto city streets and the open plaza area.

As of part of the above transit operations improvements, the District is also proposing a redesign of the existing street-level plaza to create a more inviting and flexible space for the community. Streetscape and plaza improvements, community space, and retail space are intended to engage the community, activate the public realm, and enhance connections between the BART station, the surrounding community, and the number of public facilities in the vicinity. The plaza design would aim to achieve the following design objectives, based on community feedback from public and working group meetings, convened by BART:

- Catalyze and Activate
- Connect and Integrate
- Safe and Welcoming

The plaza design would improve roughly 40,000 square feet by removing existing structures, landscaping, and trees, and replacing them with new, integrated elements such as a bike station, open plaza area, a shade structure, seating, game tables, streetscape improvements, modified station entrances, and full or partial enclosure of the sunken courtyard/fountain area, potentially including new station vertical circulation.

Environmental Review

In order to meet the requirements of the California Environmental Quality Act ("CEQA"), a Draft Initial Study/Mitigated Negative Declaration ("IS/MND") for the proposed TOF and Lake Merritt Project was prepared and released to the public. The Draft IS/MND evaluated the environmental impacts associated with the proposed TOF and Lake Merritt Project and determined that the proposed Project would not have a significant effect on the environment. Potential Project impacts were identified for the following environmental areas: air quality, biological resources, hazardous materials, and noise/vibration. None of the environmental impacts would result in any significant effects that could not be mitigated to less-than-significant levels following implementation of project-specific mitigation measures identified in the IS/MND. The Mitigation Monitoring and Reporting Plan ("MMRP") consists of a program to ensure implementation of specific mitigation measures in the IS/MND as required by Public Resources Code Section 21080.6. The Draft IS/MND, Final IS/MND, and MMRP are available online at www.bart.gov/lakemerritt.

The Draft IS/MND was released to the public on September 22, 2017. Notices were posted

at the site, in the Lake Merritt Station, and at public facilities in the neighborhood. In addition, stakeholders were notified by email and information was posted on the project website. A public comment meeting was held October 11, 2017; translated materials and interpretation were provided. In addition to the public comment meetings, comments were accepted by mail, fax and email. The comment period ran for 30 days, closing on October 22, 2017. Comments received during the review period and corresponding responses are attached to the Final IS/MND.

Since BART may seek federal funds for a portion of the cost of implementation if the Project is adopted, BART plans to request a Categorical Exclusion ("CE") under the National Environmental Policy Act ("NEPA") from the Federal Transit Administration ("FTA"). This is a necessary step in making the TOF and Lake Merritt Plaza eligible for federal funding. In contemplation of the possibility of future funding, and in order to facilitate action by the FTA on a CE, staff is bringing the proposed Project forward to the Board at this time.

Next Steps

If the Board adopts the IS/MND and MMRP and approves the Proposed Transit Operations Facility & Lake Merritt Plaza Project, staff would then: 1) Proceed with ongoing engagement with the community and City of Oakland; 2) Complete the project design; 3) Continue to pursue funding for the TOF and Lake Merritt Plaza Project and return to the Board of Directors with a full funding plan; 4) Discuss with the FTA a request for a CE; and 5) Advance to contracting; and 6) Return to the Board for award of construction contracts.

FISCAL IMPACT:

There is no fiscal impact at this time associated with Board action to adopt the IS/MND and MMRP and approve the proposed TOF and Lake Merritt Plaza Project. The rough order of magnitude capital cost for the TOF is estimated at \$60 million and the Lake Merritt Plaza and Active Uses are estimated at \$14 million. The project is partially funded, including \$20 million in BART capital allocations and a \$26.4 million cost sharing contribution from Santa Clara Valley Transportation Authority for the TOF, and \$2.4 million in Measure RR Station Access funds contributing to the design of the plaza and construction of the bike station. Staff will continue to pursue potential fund sources to develop a full funding plan, which will be brought back to the Board for consideration.

ALTERNATIVES:

The Board could choose not to adopt the IS/MND and MMRP and/or approve the proposed TOF and Lake Merritt Plaza Project. This would delay or prevent construction of the Project, which are necessary for the improved and expanded operations. Delay of project adoption could also result in cost escalation. If the project is not constructed it would, in the long run, cause the opening of the Berryessa Extension to negatively impact

overall service delivery and would require the construction of a different new facility to support the addition of the full San Jose extension.

RECOMMENDATION:

Approval of the following Motion.

MOTION:

Having reviewed and considered the information contained in the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan, the BART Board of Directors hereby:

1. Finds that on the basis of the whole record before the Board, there is no substantial evidence that the proposed BART Transit Operations Facility and Lake Merritt Plaza Project will have a significant effect on the environment (the potential significant impacts identified can all be mitigated to less-than-significant levels following implementation of project-specific mitigation measures identified in the Initial Study/Mitigated Negative Declaration); and
2. Finds that the Initial Study/Mitigated Negative Declaration reflects the Board's independent judgment and analysis; and
3. Adopts the Initial Study/Mitigated Negative Declaration; and
4. Adopts the Mitigation Monitoring and Reporting Plan; and
5. Approves the BART Transit Operations Facility and Lake Merritt Plaza Project as proposed.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Planning Committee

Date: November 3, 2017

FROM: General Manager

SUBJECT: Art Master Plan Update

The Art Program began a master plan process in late spring 2017, and will be presenting the early findings on program funding strategy to the Planning and Legislative Committee on November 7th for review and comment.

If you have questions, please contact Jennifer Easton, Art Program Manager at 510-874-7328.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff