

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 09/13/2016 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2016/531

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF THE FIRST AMENDMENT TO THE AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT FOR THE PLEASANT HILL BART LEASING AUTHORITY

WHEREAS, the Pleasant Hill BART Station Leasing Authority (the "Authority") is a joint powers authority comprised of the County of Contra Costa (the "County") and San Francisco Bay Area Rapid Transit District ("BART"); and

WHEREAS, the Authority is governed by the First Amended and Restated Joint Exercise of Powers Agreement for the Pleasant Hill BART Station Leasing Authority, which is dated December 4, 2012 (the "JEP A"); and

WHEREAS, the Authority was originally comprised of three members, the County, BART, and the Contra Costa County Redevelopment Agency (the "Agency"), the JEP A reflects the dissolution of the Agency by the California state legislature; and

WHEREAS, the Authority was created to facilitate development of a mixed-use community of residential, employment, and retail uses around the Pleasant Hill Bay Area Rapid Transit Station (the "Pleasant Hill BART Station");

WHEREAS, the real property that comprises the Pleasant Hill BART Station is owned by BART; and

WHEREAS, the Authority originally contemplated that a certain portion of the Pleasant Hill BART Station commonly known as "Block C" would be sold to a developer and used to construct 100 for-sale residential units, along with an assortment of retail units; and

WHEREAS, the Authority now contemplates that Block C will be subleased to a developer for the construction of 200 for-rent residential units, resulting in lease revenue to the Authority; and

WHEREAS, the JEP A sets forth how the Authority is to be administered and how lease revenue is to be split between the County and BART; and

WHEREAS, the members of the Authority desire to enter into the first amendment to the JEP A (the "First Amendment") in order to amend the JEP A to (i) set forth the Block C lease revenue split, (ii) increase from 2% to 3% the portion of lease revenue that is to be applied first to Authority administration expenses, and (iii) modify the timing of the budget cycle; and

WHEREAS, amendments to the JEP A require the consent of all members of the Authority.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Contra Costa as follows:

1. The foregoing recitals are true and correct, and, together with information provided by staff and the public, form the basis for the approvals, findings, and determinations set forth below.
2. The First Amendment is hereby approved, and execution of the First Amendment in substantially the form currently on file with the Director, Contra Costa County Department of Conservation and Development (the "Director") is hereby authorized, subject to the First Amendment being approved by the BART governing board.
3. The Director, or his designee, is authorized and directed to execute the First Amendment in substantially the form currently on file with the Director, together with any documents confirming the authority granted hereby.
4. Subsequent environmental review under the California Environmental Quality Act (CEQA) is not required because (a) none of the circumstances under CEQA Guidelines 15162 have occurred since the Board approved the preliminary development plan and final development plan for Block C on July 28, 2015; (b) the First Amendment is exempt under California Government Code 65457 and California Public Resources Code Section 21155.4, for the reasons described to

the Board at the July 28, 2015 meeting.
5. The CEQA findings made by the Board on July 28, 2015 pertaining to Block C are incorporated by reference into this Resolution.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 13, 2016

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Maureen toms, 925-674-7878

By: , Deputy

cc: