

PLEASANT HILL TRANSIT ASSOCIATES LLC

455 Market Street, Suite 1650 San Francisco, CA 94105 Tel (415) 284-9090 Fax (415) 546-4138

July 23, 2015

Mr. Greg Feere
Chief Financial Officer
Contra Costa Building and Construction Trades Council
2727 Alhambra Avenue, Suite 5
Martinez, CA 94553

Re: Pleasant Hill BART Station Project -- Block C

Dear Mr. Feere,

Pleasant Hill Transit Associates LLC is seeking approval for an amendment to the Preliminary and Final Development Plan for the Pleasant Hill BART Transit Village Project that will allow for the construction of 200 multi-family units on Block C.

We wanted to re-confirm our commitment to the Building and Construction Trades Council as stated in the attached letter dated October 3, 2002. Therefore, it is our intent that this project will be built with union labor. We anticipate that our solicitation for bids will require a general contractor (or major subcontractors if the project proceeds with construction management approach) to enter into a Project Labor Agreement with the Building and Construction Trades Council.

If you have any questions regarding this matter, please call the undersigned.

Sincerely,

Pleasant Hill Transit Associates LLC

By:


Mark Farrar


Nathan Hong



MILLENNIUM PARTNERS

735 Market Street, 3rd Floor
San Francisco, CA 94103
415.537.3890 Tel
415.537.3895 Fax

October 3, 2002

Mr. Greg Feere
Chief Executive Officer
Contra Costa Building and Construction Trades Council
935 Alhambra Avenue, Suite 2
Martinez, CA 94553

RE: Pleasant Hill BART Station Project

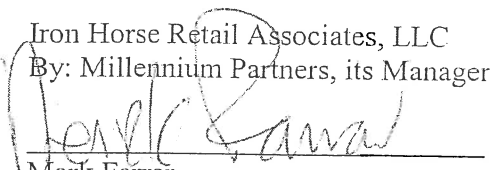
Dear Mr. Feere:

As we have advised you, Iron Horse Retail Associates is in negotiations with the Bay Area Rapid Transit District and the Contra Costa County Redevelopment Agency regarding the development of a mixed use project on the current surface parking area of the Pleasant Hill BART Station. This project would include 290,000 to 456,000 sq. ft. of office space, 274 to 446 units of residential, 42,000 sq. ft. of retail space, and 7,000 sq. ft. of civic use as well as replacement parking for the existing surface parking and additional Bart parking.

We have discussed with you the intent of facilitating a Project Labor Agreement for this project. It is our intent that this project be built with union labor. We anticipate that our solicitation for bids will require a general contractor (or major subcontractors if the project proceeds under a construction manager) to enter into a Project Labor Agreement with the Building and Construction Trades Council. After award of a contract (or the relevant subcontracts, as the case may be), we will require that the contractor or subcontractors then enter into the Project Labor Agreement (s).

If you have any questions regarding this matter, do not hesitate to call the undersigned.

Sincerely

Iron Horse Retail Associates, LLC
By: Millennium Partners, its Manager

Mark Farrar

cc: Jim Kennedy
Patty Hirota Cohen

July 27, 2015

Honorable Board of Supervisors
Contra Costa County
Karen Mitchoff
Candace Andersen
John Gioia
Mary Piepho

RE: Appeal Hearing re: Modification of Block C Pleasant Hill BART Transit Village D.6

Dear Chair and Members of the Board:

I request that you uphold the Walden Homeowners Improvement Association Appeal and decline to approve the Applicants' Modification of Block C. I offer the following in support of that request:

For the record, I represented District 3 as County Supervisor from 1997 until approximately March 2003, when I resigned due to other full time employment that would preclude serving out my full term. During my tenure on the Board I led the effort to design and approve an award winning transit oriented development, "Pleasant Hill BART Transit Village", on the 18 acres owned by BART and formerly used as parking. That effort concluded with the approval in 2002 of a mixed use, transit village born out of a formal "charrette" planning process that empowered and involved all the parties including over 500 members of the surrounding community including area businesses. It occurred in the midst of an extremely heated political environment caused in part by years of dramatically increasing density around the BART station on the 125 acres of the County's Redevelopment area; a business park with office buildings, hotels and large apartment and condominium complexes. When BART and its developers proposed a 24 screen theater regional retail project for the remaining 18 acres of the original specific plan area; surrounding residents who had experienced increased traffic and other impacts they deemed negative ignited into an uproar of opposition and organized opposition to anything but more parking. The surrounding cities, Walnut Creek, Pleasant Hill and Concord also fought the proposal as a threat to their respective retail interests. Then BART Director, Dan Richard, and I decided to force the withdrawal of Millennium Partners' retail project and to work together to find the right project.

Fortunately, I knew a nationally known planner and new urbanist, Peter Katz; who walked the area with me and agreed to help the County conduct a planning "charrette" to approach the question of what should be on the 18 acres while bringing value to the County, BART AND the Community. He helped the County find experienced placemaking consultants to conduct the 9 day "charrette" that resolved competing agendas and utilized a constructive process to create a great "place"...a transit village. The new concept was to create a pedestrian friendly, mixed use, mixed tenure "village" with the right scale and design to provide a friendly, walkable and

with Millennium/Avalon Bay had expired. The presentation to BART included TOD developer, Michael Dieden with Creative Housing Associates, who presented BART with a letter of formal notice of intent to enter into exclusive negotiation for 90 days in order to develop Block C as it was approved in 2005 (100 for sale condos, 4 stories but using a 99 year lease option instead of a purchase agreement due to BART's stated needs). BART Directors didn't consider the offer; but it demonstrates there can be no question that the project as originally entitled is feasible and that there are other developers that are interested in the entitled project. I've consulted with two other developers who believe the for sale component could be delivered; but the exclusive negotiating agreement with Millennium/Avalon Bay was in effect at the time and they could not come forward publicly. There are more reasons to question the issue of non-feasibility, they are discussed further below.

Only the Board of Supervisors has the land use authority and can enforce its' policies and previous approvals. The applicant is not entitled to a modification on Block C and the evidence now shows that the stated justification for the modification, "feasibility", is, on its' face; questionable. The Creative Housing Associates' (CHA) letter of intent to enter into negotiations on the existing, entitled Block C indicates that the existing project is considered feasible by at least one developer with experience in TOD development. The letter, information on CHA, and ground leases is attached. The Board of Supervisors has good reasons to reject the request for modification.

In the alternative, there is a compromise that would accommodate the current application with a few changes. I urge you to facilitate the consideration of this compromise by the applicant.

Prior to this appeal hearing, I met with and presented Supervisor Mitchoff and Supervisor Gioia with the most current proposal to resolve the appeal (also agreeable to Walden). The proposal is as follows: Retain the original charrette commitment of 50 townhomes facing Harvey Drive and the Iron Horse Trail in Block C (leaving approximately 100 rental units for total of 150 units); add an agreement that the townhomes can be rented for a stated period of time and then leased with a 99 year ground lease with option to extend. This proposal addresses all of the stated reasons by the applicant for the proposed change on Block C WITHOUT ignoring the core commitments made to the community during the charrette and in the Preliminary Development Plan, Final Development Plan and all other agreements attached thereto. *_(note that the above proposal for resolution is a compromise from adhering to the original mass of the building and would deviate from the adopted charrette plan...this is not optimal, but it is offered to accomplish a mutually agreeable resolution)_*.

I'm publicly joined in asking both agencies to honor the "for sale townhomes" agreement by Dan Richard, former BART Board President and member. (see opinion Contra Costa Times).

It's appropriate to support the Appeal of the Walden Homeowners' Improvement Association given their original participation and their ongoing support for the Transit Village at a time when most Contra Costa residents wanted only parking at BART stations. I personally support their

My participation in this matter has been to look for a mutually agreeable solution. In the process, I have reviewed more documents than I would care to count, consulted with many professionals in real estate, development, planning and construction and talked to many elected leaders. I have a pretty accurate view of what has transpired following approval of the project in 2002. I have concluded that Millennium Partners/Avalon Bay has not performed well on some parts of the plan and it's alarming that this project implementation is still pending 13 years after the PDP. I note the following: Block C was programmed in the DDA to be delivered in Phase I of the project, yet it was left out. Had it been built as intended and agreed to, the townhomes would have been achieved in 2010 and could have been rented during the downturn and enjoying a very hot rental market pending the market shift toward for sale. The Sales Purchase Agreement with BART that supported the Townhomes on Block C was allowed to expire in 2012 without public notice nor discussion. Avalon Bay has not delivered the retail on blocks A and B despite their profits on rental apartments; after 5 years there is only 50% occupancy and they have not adequately responded to recommendations by retail experts to fix their original mistakes. The fact that local serving retail may be outside their expertise and not a revenue generator in the project has apparently contributed to Avalon Bay's failure thus far; but 6 years is a long time for BART and the County to accept excuses instead of performance (even taking into account the recession). Thus, the proposal by Millennium/Avalon Bay and BART to modify the Transit Village should be evaluated with careful study. Not only has this not occurred; the developers are being rewarded with 100 additional units.

As mentioned earlier, the justification for modification is a Keyser Marston "Feasibility Study". It is based upon questionable assumptions and faulty logic. It erroneously cites the prevailing wage requirement and subterranean parking as the two major cost drivers of the project being financially unfeasible when the parking cost is due to the project as changed by the applicant in 2005 and prevailing wage will apply to the rental project as well and is undoubtedly responsible for the existing apartments' financial success, high quality construction and on time delivery. That said, even the author of the study, when questioned by one of the County Planning Commissioners, admitted publicly that their firm could confirm that their condo market analysis was reliable only six months into the future. (The earliest this project will be delivered is 2018). Combined with the offer letter to BART from an experienced TOD developer, the KM study is not adequate justification for approving the applicant's modification. A more in depth challenge to the KM analysis is in the attachments of the staff report to the Planning Commission.

In addition, other real estate experts have a different view of the real estate "market". The London Group Realty Advisors write that the 77 million Millennials will generate an increased demand for transit oriented "for sale" housing. In 2015 they state... *"We are also looking at former, and exclusively suburban, locations, where infill opportunities will allow us to develop denser versions of single family environments such as townhomes and row homes... these products can be built as rental with an eye toward conversion"....Long term strategies are now calling for building a unit mix that anticipates family formation...this gives the flexibility to convert to for sale condos in the next 5-10 years and offer units (two and three bedrooms) that people want to buy"*.



METLOCK BLOCK, MANHATTAN BEACH



MISSION MERIDIAN VILLAGE, SOUTH PASADENA



CREATIVE HOUSING ASSOCIATES

Founded in 1997 as an alternative approach to traditional real estate development, Creative Housing Associates LLC (CHA) is a neighborhood and transit oriented builder. The company models itself after the historic concept of the town builder – a partner to the community and facilitator for growth and maturity in alignment with local values. Since its inception, the company has focused on building small town downtowns near transit stations, to encourage accessibility to diverse, vibrant neighborhoods, while decreasing car use.

In a variety of public-private partnerships, CHA has teamed up with municipalities and transportation agencies, in order to bring forth some of California's most respected and lasting civic revitalizations. In 2004, the company's Mission Meridian Village, in South Pasadena won several coveted awards including the Congress for the New Urbanism's Charter Award, and Best Transit Oriented Project by the Urban Land Institute.

In each project, CHA is unwavering in its commitment to listen to communities, respect traditions and build consensus. CHA self imposes local hiring provisions to offer professional opportunities and training to at risk populations and to ensure direct investments to the community from the beginning of projects. To this end, Michael Dieden founded the non-governmental organization PVJOBS in 1998 and served as the first President in what has now become a national leader among exemplary hiring halls that offer technical training and living wages to at risk populations. CHA has experience in public/private partnership financing programs to bolster investments to the community in the long term, with buy-in from diverse stake holders. CHA's commitment to strengthening neighborhoods is realized through their extracurricular (pro-bono) dedication to various civic strengthening causes. Michael Dieden sits on the Board of the Watts Gang Task Force, the CHA team is a founder of

Watts Reimagined and also contributes time and resources to various campaigns that further civic vitality.

CHA doesn't build units, it builds homes and spaces for people to live, create and commune. CHA calls on world-class architects to thoughtfully design every project, delicately integrating new development with existing structures. CHA values renovation of historic districts, with extensive experience in applying sensitivity to historic buildings through adaptive reuse and even site transfers.

Currently, the CHA team is working to reinvigorate Solana Beach, Uptown Whittier, Baldwin Park and Watts and to create a multi-modal transportation hub for the City of Palmdale. Internationally, CHA is proposing an innovative mixed-use village, including an automated parking garage, the first in Australia, and Laemmle Theatre, in the Double Bay district of Sydney, Australia.

In Watts, CHA is working with Grant Housing, a subsidiary of Grant Church, the oldest in Watts, to develop a new "Main Street" in Watts. Effort is anchored by "Park Gateway," a mixed-use development to include a Bank of America branch, first sit-down restaurant in Watts in a half-century, a culinary academy for recently released correctional clients and special needs housing. The effort recently received press coverage in the Huffington Post.

CHA's track records and references will testify that this commitment has resulted in some of the region's most thriving and relevant civic centers, each a source of pride and connectivity for their respective neighborhoods. CHA is solely owned by Michael Dieden and is a California Limited Liability Company.



**CREATIVE
HOUSING
ASSOCIATES**

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June 11, 2015

Ms. Grace Crunican
General Manager
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

RE: Agenda Item #3, Pleasant Hill Transit Village

Dear Ms. Crunican,

Based on the assumption the previous party's exclusive relationship has expired, please treat this letter as a notice of intent to enter into a exclusive negotiating agreement (ENA) with Creative Housing Associates (CHA) to assume development responsibilities for Block C of the Pleasant Hill BART Station Transit-Oriented District. BART and CHA agree to negotiate in good faith under the following terms:

1. Term: 90 days, or by September 9, 2015
2. Generally follow the guidance and development program agreed to on the original plan for Block C, which is a residential, mixed-use with for-sale housing offered.
3. Deliverables will include a site plan, development program, market study, parking program, perspective and proof of financing.
4. BART agrees NOT to market the Block C site during the exclusive negotiating period (90 days).
5. The goal is to design a beautiful building while yielding a density close to 100 homes.
6. CHA will engage the services of Moule & Polyzoides Architects and Urbanists.

If you have questions, please feel free to contact me at (310) 830.1342 or mdieden@challc.com

Sincerely,

Michael Dieden

MLD: bf

ROBERT SMYLIE & ASSOCIATES

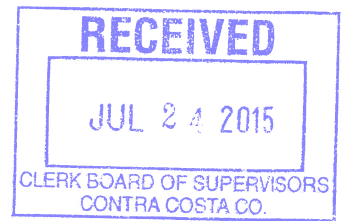
REAL ESTATE LAW

GROUND LEASE PROJECTS

The development of residential, commercial and mixed-use projects on land that is subject to a ground lease is a fairly common and accepted practice. In residential development, the fee title to the land on which such projects are developed is typically retained by a public or private entity or a private trust that wants to make the land available for development to realize income, but does not want to lose title to the property.

The use of ground leased property for development of subdivisions is quite common and generally accepted. The acceptance by lenders and buyers of sub-leasehold interests for lending or purchase is illustrated by the qualification of ground lease residential condominium projects for purchase price financing with FHA insured loans. FHA guidelines have long included requirements for acceptable ground lease structures. The *FHA Condominium Approval and Processing Guide, Section 1.8.3, Leaseholds*, states: "To be eligible, a leasehold interest shall be under a lease for not less than 99 years which is renewable, or ... a period of not less than 10 years beyond the maturity date of the mortgage; the homeowners association must be the lessee under the ground lease; the mortgage must be secured by the borrower's ownership interest ... including ... the leasehold interest in the ground lease; the mortgagors [must] receive notice of any ... default by the homeowners association and ... the right to cure any defaults on behalf of the homeowners association; the homeowners association will pay taxes, and insurance related to the land...; the leasehold agreement does not include any default provisions that could result in forfeiture or termination of the lease except for nonpayment of the ground lease rents."

There are numerous examples of ground lease subdivision. Entities that we and/or our clients have been involved with for ground leased projects include the U.S. Dept. of Interior, Bureau of Indian Affairs ("BIA"), the cities, counties, transit authorities, housing authorities and privately owned trusts. Commercial, office and industrial developments on ground-leased property are very common and represent a variety of lease structures that we will not discuss here. Residential projects are more uniform in structure. Examples include a master planned golf course related development on ground leased BIA land located in Cathedral City, Riverside County near Palm Springs. One of our projects is being developed on L.A. County transit authority land located in the downtown L.A. Taylor Yard railroad yards, and is being developed as mixed-use, with affordable residential apartments, for sale market rate residential condominium projects, and some commercial/retail and parking structure uses. Another project in Marina del Rey consists of approximately 600 residential condominiums on ground-leased County of Los Angeles owned land. Another project in the City of Los Angeles was developed on L.A. Housing Authority ground leased land and consists of 93 homes. We are also involved with an 85-unit condominium project constructed on land owned by a private trust in the Brentwood area of West Los Angeles. These ground leases are for various lengths and terms, ranging from 67 years to 99 years, and are generally renewable by mutual agreement. Some include monthly rent payments by the owners, and others have a lump sum rent payment made by the developer up front, with the owners only paying their homeowner assessments as in fee title condominium projects.



Date: July 21, 2015
To: The Contra Costa County Board of Supervisors
From: Jeff and Carlene Valentine, 11 Calle Este, Walnut Creek, CA 94597
RE: Notice of Public hearing before the CCC Board of Supervisors on Planning Matters
Walnut Creek Area set for July 28, 2015 @ 9:00 a.m.

Dear Honorable Supervisors:

We have owned our single family home at 11 Calle Este, Walnut Creek, CA 94597 for 23 years and participated in the Charrette offered by Contra Costa County and the developer of the property surrounding the Pleasant Hill BART station many years ago. We sincerely appreciated and valued being able to express our opinions as to the various types of multi-use construction that was proposed for the Pleasant Hill BART station. I am writing to express our opposition to the elimination of Condition of Approval # 6, which would allow an increase of the number of units built in Block C from 100 condominium units to 200 rental units.

Our opposition is based on the following:

The increase in traffic since the first phase of the BART station construction to our neighborhood is significant. More commuters and people who live in the existing apartments use Las Juntas Way to access the BART station and the apartments which has caused us to have to wait for traffic to clear so that we can turn into or out of our neighborhood (Calle Nogales on to Las Juntas Way). This was not the case prior to the construction of the existing apartments.

Doubling the number of units to be built in Block C will double the number of people estimated to be living at the BART station and will likewise double the number of vehicles driving in and out of the same area daily. This significant increase in the number of people living at the BART station and the increase in traffic was not part of the agreement reached as the result of the Charrette process and this change will most certainly negatively affect our quality of life in our neighborhood and our property values.

The previously approved 100 condominiums should be built as planned and no more! There is sufficient demand for owner occupied housing in the Walnut Creek / Pleasant Hill area to support this construction. Home owners make better, more responsible neighbors to the existing neighborhood. There are enough apartments available at the BART station and in the surrounding neighborhood to support the demand for transient housing. Plus the vacant property that was once the Las Juntas Swim Club (near the corner of Las Juntas Way and Honey Way and across from the Avalon Walnut Ridge Apartments) is also slated for rental apartments per the Charrette.

We ask that you simply do what is right and honor the existing plan for 100 owner occupied condominiums.

I walk the green space under the BART tracks that parallels Las Juntas Way and is adjacent to the existing Avalon Walnut Ridge apartment complex. And as a result, I know from personal experience the negative impact of renters to our neighborhood. People moving in and out of the Avalon complex think

nothing of leaving whatever they no longer want on the green space under the BART tracks such as mattresses, stereo equipment, wall art, spoiled groceries, fast food discards, clothing, and general household items. The Avalon complex turns a blind eye to the blight because these items are not on their property. BART does not send anyone to pick up these items to dispose of them. So who addresses this blight? I do, a 67 year old woman. I use bags and boxes to collect the rubbish. Then I dispose of it at one of the garbage enclosures at the Avalon apartment complex. When a mattress is left behind, I personally drag it across Las Juntas Way and place it on the Avalon property for disposal. Las Juntas Way is the main road/gateway into our neighborhood of single family homes and I personally find the litter from the apartments to be an eyesore to my neighborhood.

I wish I could say that the existing apartment residents are responsible neighbors, but unfortunately they are not. Our neighborhood does not need more apartment dwellers to litter this area. Instead, we need home owners who have invested their money into Block C and who will take pride in home ownership.

Do not revise the number of units from 100 to 200 and do not change the housing from condominiums to apartments. This development enjoys the proximity to and influence of Walnut Creek. The Board of Supervisors must not compromise the integrity of this neighborhood by allowing a denser population of transients instead of the reasonable number of people who take pride in home ownership.

My husband and I are unable to attend the hearing set for Tuesday, July 28, 2015 @ 9:00 a.m. and I sincerely appreciate the opportunity to provide you with these comments in advance of the hearing so that you may know how one resident of the single family homes that surround this area feel about the proposed change.

Thank you for your time and consideration.



Jeff and Carlene Valentine

11 Calle Este

Walnut Creek, CA 94597

drummerjeff@sbcglobal.net



21 July, 2015

Board of Supervisors,
Contra Costa County
County Administration Bldg
651 Pine Street, Room 106
Martinez, CA 94553

Appeal of Planning Commission's approval of request to build 200 rental units instead of 100 condominiums in the redevelopment on the BARTD lot at the Pleasant Hill BARTD station.

I strongly oppose this change – i.e., I support the appeal brought by the Walden District Improvement Association to disallow the proposed change that has been approved by the County Planning Commission.

I am one of many local residents that attended many meetings and voiced our great concern about the negative impacts of the proposed high density development. Extensive environmental and traffic studies pointed out the numerous negative impacts, and especially the negative traffic and parking impacts, of the proposal. But despite these negative impacts, the County approved the proposed plan based on "overriding considerations". One argument that supporters of the multi-use plan gave was that it contained a good balance of different uses.

Doubling the number of units probably doubles the number of cars and the parking required. Although I haven't seen the details of the proposal, I'm assuming that this requires a larger structure, and perhaps a greater height.

Developers must assume a certain amount of risk. If the market turns better for them they are happy to receive the "bonus". Besides, I'm under the impression that the housing market is currently very strong.

So I ask that you overturn the Planning Commission's approval of the developer's proposed changes.

Respectfully,

Donald G. Huggins
506 Le Jean Way
Walnut Creek, CA 94597



Donna Gerber and Dan Richard— BART and Contra Costa County: We gave our word

By Donna Gerber and Dan Richard, guest commentary © 2015 Bay Area News Group; June 7, 2015

In 2002 we gave our word as county supervisor and BART director to support the "consensus plan" for the Contra Costa Centre Transit Village in Pleasant Hill/Walnut Creek. Today, in the face of developer pressure, our successors are being asked to break the agreement that was forged back then.

The latest proposal threatens not just to gut the integrity of the plan, but also to demolish the trust of Bay Area residents who may be called upon to support future transportation projects and development near transit.

We keenly remember the decade-long battle that stalled development of BART's 18-acre parking lot by the Contra Costa Centre station (commonly known as the Pleasant Hill BART station).

We challenged our organizations to sponsor a charrette, or collaborative workshop, to break the deadlock between the county (allied with BART and its development partner) and neighbors who had opposed previous plans.

A team of nationally recognized planners, economists, architects and transportation experts was brought in to create a plan that all parties, including BART's developer, could support. More than 500 residents participated in this open, interactive process.

One key to persuading neighbors to accept densities of 50-plus units per acre so close to their homes was the idea that "mixed use" development – shops, housing, offices, restaurants and services – would create a blend more akin to a village than the standard issue "project."

Also critical was a promise to mix tenure types: No fewer than 50 owned townhouses would be constructed to balance hundreds of previously built

apartments plus the 422 proposed rental units in the plan. Neighbors rightly felt that adding "for-sale" units to the mix would foster a greater sense of permanence among residents.

In a closing session, neighbors broke out in spontaneous applause when the consensus plan was shown. When we pulled aside Phil Aarons, the lead partner of the development firm, to confirm that the plan could indeed be built, his response was, "We'll make it work!"

A few months later, BART, its developer and the county approved a more refined version of the plan without a single objection from the public. The parties created what had once seemed impossible: a great plan that both addressed the goals of the sponsoring agencies and won firm support from the community.

Fast-forward to today: With the first phase of the award-winning plan now built and occupied, BART and its partner Millennium Partners/Avalon Bay cites changed market conditions as justification for replacing the for-sale condos with 200 apartments in a structure that's two stories higher.

This change negates the deal we struck with the community. In addition BART now refuses to honor its pledge to sell land for the condos, and both agencies have commissioned a consultant to write a report backing the developer's claim that the condo market is too soft for the project to be feasible.

It's not surprising that the public feels betrayed, especially since their proposal to negotiate a compromise has fallen on deaf ears.

As the two political leaders who initially supported the transit village plan, we recall how the for-sale condo units were debated at great length before being incorporated into the plan.

BART and the county understood and agreed to the provision, however, as compensation for the higher-density 12-story office building and massive parking structures needed to make the development project work.

Contra Costa County and BART now must keep the promises they made. Tax-supported public agencies should do no less.

Donna Gerber is a former Contra Costa County Board of Supervisors chairwoman and was supervisor for District 3. Dan Richard served as BART director for District 1 and twice was board chairman.