



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: April 25, 2017

Subject: Approve the Maintenance Agreement between Contra Costa Centre Transit Village Association and the County of Contra Costa, Walnut Creek area.

RECOMMENDATION(S):

ADOPT Resolution No. 2017/120 approving the Maintenance Agreement between the Contra Costa Centre Transit Village Association and the County of Contra Costa, to maintain the improvements that are in the public right-of-way, as recommended by the Public Works Director, Walnut Creek area.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

Avalon Walnut Creek is a mixed-use commercial and residential development located on a portion of the BART Station Property at the Pleasant Hill/Contra Costa Center BART Station. The development site has been leased to the owner/developer-PHVP I, a Delaware limited partnership (an affiliate of AvalonBay Communities)-by the Pleasant Hill BART Station Leasing Authority (the "Authority"). The Authority is comprised of the San Francisco Bay Area Rapid Transit District ("BART") and the County. The development site contains five development blocks, which are the subject of County land use approvals (SUB 8950, DP 04-3099, and DP 15-3001). Three of the blocks have been improved, and one is

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **04/25/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

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: April 25, 2017

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

By: Stacey M. Boyd, Deputy

Contact: Jocelyn LaRocque,
925. 313-2315

cc:

undergoing development in 2017-18. The development, referred

BACKGROUND: (CONT'D)

to as Avalon Walnut Creek, is comprised of 622 residential rental units and approximately 35,000 square feet of commercial retail space. The unbuilt fifth block is permitted for an office use of up to 270,000 square feet.

Avalon Walnut Creek contains public and private streets with sidewalks, as well as additional nonstandard street amenities such as street lights, street furniture, decorative crosswalks, and wayfinding signs. The Contra Costa Centre Transit Village Association was formed, among other things, to maintain these improvements. Because some of these improvements are in the public right-of-way the County must grant the Association with a license to enter for maintenance purposes. The recommended Maintenance Agreement grants the license, sets forth the maintenance obligations, obligates the Association to fund said maintenance, sets forth insurance requirements, and indemnifies the County. The term of the Maintenance Agreement is coterminous with the Apartment Sublease, which is scheduled to terminate on May 14, 2105.

CONSEQUENCE OF NEGATIVE ACTION:

The Agreement will not be approved and the nonstandard street amenities in the public right-of-way such as street lights, street furniture, decorative crosswalks, and wayfinding signs will not be maintained and the County will not be indemnified.

ATTACHMENTS

Resolution No. 2017/120

Contra Costa Centre Transit Village Association Maintenance Agreement