



SMART REAL ESTATE AND PROJECT DEVELOPMENT COMMITTEE

AGENDA

March 3, 2010
10:00 A.M. to 12:00 P.M.
San Rafael City Council Chambers
City Hall, 1400 Fifth Avenue, San Rafael, CA

- I. Call to Order**
- II. Approval of Jan. 6, 2010, Minutes****
- III. Comments from the Public on Non-Agenda Items**
- IV. Update on On-Going Real Estate Issues – Rob Krantz (DISCUSSION)**
- V. Central Marin Ferry Connection Update – Bill Gamlen (DISCUSSION)****
- VI. Real Estate Acquisition Management Plan Update – Rob Krantz (DISCUSSION)****
- VII. Station Workshop Synopsis – John Nemeth (DISCUSSION)***
- VIII. Civic Center Station Update – John Nemeth (DISCUSSION)***
- IX. Next Meeting Date: April 7, 2010, 10:00 am, Santa Rosa City Council Chambers**
- X. Adjourn**

DISABLED ACCOMMODATION: if you have a disability that requires the agenda materials to be in an alternate format or that requires an interpreter or other person to assist you while attending this meeting, please contact SMART at least 72 hours prior to the meeting to ensure arrangements for accommodation.

DOCUMENTS: Documents distributed by SMART for its monthly Board meeting or committee meetings, and which are not otherwise privileged, may be inspected at SMART's office located at 750 Lindero Street, Suite 200, San Rafael, CA 94901 during regular business hours.

COMMITTEE OF THE WHOLE: This Committee may be attended by Board Members who do not serve on this Committee. In the event that a quorum of the entire Board is present, this Committee shall act as a Committee of the Whole. In either case, any item acted upon by the Committee or the Committee of the Whole will require consideration and action by the full Board of Directors as a prerequisite to its legal enactment.

* Information will be provided at the meeting, ** Information attached.



MINUTES
SMART REAL ESTATE AND PROJECT DEVELOPMENT COMMITTEE
Jan. 6, 2010
San Rafael City Council Chambers
City Hall, 1400 Fifth Avenue, San Rafael, CA

I. Call to Order

Committee of the whole was called to order by Director Fudge with the following Committee members present:

Debora Fudge
Al Boro
James Eddie
Madeline Kellner
Mike Kerns
Charles McGlashan
Barbara Pahre (newly appointed to the R.E. Committee)

II. Approval of Dec. 2, 2009, Minutes

It was moved by Director Kellner and seconded by Director Eddie to approve the minutes. The motion passed unanimously.

III. Comments from the Public on Non-Agenda Items

Public comment was heard from:

Doug Wilson, Sierra Club, Marin County
Don Wilhelm, Marin Conservation League

IV. Update on On-Going Real Estate Issues

Rob Krantz reviewed progress:

- SMART has completed the replacement roof on the Novato depot.
- The burned railroad ties at the Petaluma station grounds are being cleared and removed to a disposal site.
- There have been permit delays in SMART's Santa Rosa office building. The permit should be available in one week with potential occupancy in February 2010.
- SMART continues to provide cleanup on the Right of Way in Novato, San Rafael and Petaluma.

V. Closed Session: The Board of Directors moved to closed session at 10:15 a.m. and reconvened at 11:08 a.m. Direction was given to staff.

VI. Right of Way Preservation Policy

John Nemeth reviewed SMART's Right-of-Way Preservation Policy as stated in the Staff Report. Staff recommends that the Committee approve the Right-of-Way Preservation Policy. An approved policy would be brought to the full board for final approval in the form of a resolution.

Public Comment was heard from:

Andy Peri, Marin County Bicycle Coalition (MCBC)
Steve Birdlebough, Friends of SMART

It was moved by Director Kerns and seconded by Director Kellner to approve the draft Right-of-Way Preservation Policy.

VII. Gap Closure (San Rafael, California) Update

Bill Gamlen, Senior Rail Engineer, updated the status of the State Highway US101 Gap Closure project in San Rafael as outlined in the Memorandum to SMART Real Estate committee dated January 6. The agreed upon solution is acceptable to SMART and will provide significant drainage improvements to this portion of the right of way. SMART staff thanked Transportation Authority of Marin (TAM) for the role they played in mediating the solution between SMART and Caltrans. The proposed solution discussed with Caltrans will construct 100 feet of retaining wall for the slope.

Board Discussion: There was discussion regarding the slope and that Caltrans (the implementing agency) will continue to be responsible for the east side of the tracks in that area. SMART will report back on the final funding arrangements.

Public Comment was heard from Steve Birdlebough.

It was moved by Director Boro and seconded by Director Kellner to present this to the full Board and request a commitment from Caltrans as the implementing agency.

VIII. North Santa Rosa Station Location Update

John Nemeth provided background, analysis and staff recommendation on the North Santa Rosa Station Location. Staff recommended that the station design team led by ZGF Architects proceed with the development of a conceptual site plan for the Guerneville alternative, but only if the reimbursement for expenses is provided by Codding Enterprises. Concurrently staff recommends that SMART refrain from advancing the design of the UP Wye station alternative until a final northern Santa Rosa Station location decision is made.

Board Discussion:

- Director Boro asked if the Guerneville site was picked initially. Ms. Hames stated the Guerneville site was eliminated in the Calthorpe Study because there would not be enough room for a Park & Ride lot.
- Director Boro stated there was a need to address the cost, timeline and how much the private sector is willing to contribute to a new station site study.
- There was discussion about the parking spaces and Ms. Hames indicated there are no parking structures costed out in the SMART project.
- Mr. Nemeth stated the residential density is more than double in the Guerneville vicinity as Jennings (UP Wye site). The SRJC usage was discussed with regard to the overcrossing. There is no formal recommendation in favor of one overcrossing location over another.

- Director Boro asked for SMART's recommendation on who pays for the CEQA analysis and Mr. Lackey stated that it is not unusual for a private developer to pay in the form of land donations to affect change of location or to pay for environmental analysis and encouraged SMART to pursue that.
- Director Kellner asked if the site plan analysis will address parking spaces as there is not adequate analysis on the parking.
- Director Kerns asked if there was funding identified for the overcrossing of Hwy 101 at the North Santa Rosa Station location. Mr. Nemeth stated that it is probably a \$10-12 million unfunded project and the City of Santa Rosa has not made an overcrossing recommendation. Lisa Kranz of the City of Santa Rosa stated they have been notified of an advance from MTC/ABAG for \$100,000 to start the project.

Public Comment was heard from:

Geoff Syphers – Codding Enterprises
 Steve Birdlebough, Friends of SMART
 Allen Tacy, Friends of SMART
 Lisa Kranz, City of Santa Rosa

Board Discussion: Director Kerns was in favor of further review and due diligence for the Guerneville site. Director Boro was not in favor of further review of the Guerneville site as housing demands were known when the Jennings station was picked stating other potential overruns could be caused by SMART looking into another station site. General Manager Hames stated her proposed compromise is to have ZGF provide a site analysis (the \$24,000 expense paid by Codding Enterprises) to provide due diligence for this alternative. Director McGlashan agreed it is worth taking another look at the alternative site. Director Kellner was in favor of pursuing the review of the alternative site with respect to CEQA and parking but asked for a drop dead date of April to complete the review. Director Fudge was in favor of further investigation of the Guerneville site. Director Eddie was in favor of going back to look at the Guerneville site to get the best analysis possible for the North Santa Rosa station site.

It was the consensus of the Committee that SMART staff pursue the Guerneville station site alternative led by ZGF Architects with the development of a conceptual site plan, but only if the reimbursement for expenses is provided by Codding Enterprises, with a completion date of April.

- IX. **Next Meeting Date:** March 3, 2010, 10:00 a.m., San Rafael City Council Chambers.
- X. **Adjournment:** The meeting was adjourned at 12:20 pm.



MEMORANDUM

DATE: March 3, 2010
TO: SMART Real Estate Committee
FROM: Bill Gamlen, Senior Rail Engineer
RE: **AGENDA ITEM:** V

Staff Report: Central Marin Ferry Connection Project Update

Issue Summary

The Transportation Authority of Marin (TAM) approached SMART staff last fall about its Central Marin Ferry Connection Project (CMFC), a project to provide a multi-use path connection from the Cal Park multi-use path to the Larkspur Ferry Terminal via a new bridge over Sir Francis Drake Boulevard. The project is located almost entirely in SMART's right of way. TAM staff has asked for technical input on their design. TAM has asked for SMART's guidance on three technical issues pertaining to the Phase 1 CMFC Project: 1) location of the multi-use structure in the SMART right-of-way with respect to the SMART trestle; 2) request to remove a portion of the existing SMART trestle at Corte Madera Creek; and 3) a preferred pathway connection to the Larkspur Station.

Staff presented these issues to the Real Estate Committee in October 2009. At that time, the Real Estate Committee directed staff to take a close look at realigning the SMART tracks where they would cross the Corte Madera Creek to see if would be possible to accommodate TAM's space requests to locate the CMFC structure within the SMART right-of-way. SMART staff in conjunction with the Civil/Track Pathway Design Team has developed a track alignment that will accommodate the CMFC Structure.

SMART issued a task order, which was funded by TAM, to the Civil/Track Pathway (CTP) South consultant team, PGH Wong, Inc., to evaluate a future track alignment from the Larkspur Station south across Sir Francis Drake Boulevard and the Corte Madera Creek. The scope of work for the task order included evaluating the track alignment for a shift to the west, considering the spacing between the CMFC and a future SMART double track rail bridge, and the existing Atwood building adjacent to the SMART right-of-way and fronting Sir Francis Drake Boulevard.

SMART staff asked the CTP-South Team to maintain several key standards as part of their evaluation which included: fifteen (15) foot track centerline spacing, fifteen (15) foot spacing

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from the nearest track centerline to face of the CMFC, a vertical grade of no more than three (3) percent, and to maintain, at a minimum, the general characteristics of the existing track alignment. The SMART/CTP-South Team adopted several design assumptions that the CMFC Project is using for the design of their structure. The assumptions included providing a clearance of 16 feet over Sir Francis Drake Boulevard and 24 feet over the Corte Madera Creek.

Recommendation

The CTP-South Team developed a double track alignment that shifted the west from the existing track alignment by approximately five feet and conformed to the key standards identified above. The proposed alignment worked within existing constraints, including physical and several right-of-way easements. The proposed alignment satisfies TAM's requests to move the proposed CMFC structure as far from the Atwood building as possible and meets the clearance requirements established by SMART. SMART staff has reviewed the proposed future track alignment and concurs with the CTP-South Team's findings. Staff will continue to work with TAM to locate the CMFC facility within the SMART right-of-way based upon the track re-alignment concept.



MEMORANDUM

DATE: March 3, 2010
TO: SMART Real Estate Committee
FROM: Rob Krantz
RE: Agenda Item VI

Staff Report: Real Estate Acquisition Management Plan

Background

At the September 2, 2009 Real Estate Committee meeting, Staff reviewed with the Committee the property acquisition process. Property acquisition will be an important component of the overall SMART project as it moves forward toward implementation. Property acquisitions will be accomplished using funding from local Measure Q, State Proposition 116 funding but also possibly federal funding. SMART will administer the real property acquisition process related to the Project pursuant to applicable local, State of California and other regulations as they may be applicable, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the URA or Uniform Act) and California Relocation Assistance Law (the CRAL). SMART will acquire multiple properties for station sites, sidings, passing tracks, a maintenance facility and parcels of land related to the multi-use pathway. These properties will all be critical to the completion of the Project. Some properties will be acquired in their entirety, with some requiring relocation of existing uses and tenants, others will be vacant land and others just easements for the construction of slopes etc. Completion of the Project from a real estate perspective will involve negotiations with many different property owners, some of whom will be agreeable to selling their property rights to SMART and some of whom may not. A document that is critical to this process is the Real Estate Acquisition Management Plan (RAMP). Having a RAMP not only serves the purpose of satisfying any potential federal funding sources, it also serves as a guideline for SMART itself in how it wishes to accomplish its property acquisitions.

Analysis

Below is an outline of the organization of the RAMP. Also attached as information, is a flow chart of the Property Acquisition Process as previously reviewed with the Committee on September 2, 2009 as well as Tables 5-1 through 5-5 from the RAMP document that give an overview of some of the different components of the property acquisition process. The specific details of the acquisition process are spelled out in the RAMP, which provides step by step detail regarding how real estate will be acquired for the SMART project. As the RAMP is refined and evolves with design of the SMART project, it will grow to include all

parcels that need to be acquired. The RAMP document itself is available for viewing at the SMART Project Office if desired. Generally, the SMART RAMP has been put together following the guidelines below:

Executive Summary (General Overview)

- Purpose of RAMP
- Geographical description of project
- Project team, responsibilities
- Control agreements; intergovernmental contracts, pending solicitations, etc
- Legal requirements; Uniform Act, various state laws, local requirements, etc.
- General outline of process; scheduling; and authority to condemn

Project Overview

- History and Background
- Project Funding
- Project Components

Management and Coordination

- Organizational Structure
- Policies and Procedures
- Roles and Responsibilities
- Roles of Consultants.
- Party who can establish offer of just compensation
- Authority for Approvals
- Party who can authorize condemnation
- Documentation of Activities

Property Acquisitions

- Properties Identified for Acquisition
- Physical description of proposed acquisitions; number of parcels, total acquisitions, partial acquisitions, anticipated number of relocations; etc.
- Process and Schedule
- Role of Engineering, Design
- Preliminary Title Reports
- Appraisal Maps
- Initiation of Acquisition Activities
- Environmental Site Assessments
- Appraisals
- Negotiations
- Eminent Domain

Relocation Assistance

- Summary of Displacements
- Staffing and Administration
- Extent of Potential Displacements
- Availability of Replacement Housing, Business Locations
- Planning
- Advisory Services
- Summary of Eligible Expenses, Reimbursement

- Payment of Claims
- Documentation Requirements
- Appeals Process
- Staffing and Administration - how will the relocation function be staffed,
- Appeals – what is the legal requirements for administrative appeals, how will the agency establish and staff an appeal function, who is the recipient of appeal requests, what is the appeal process

Property Management

- Property management – who will perform property management, what is included in the scope of work for property management, who contracts for demolition, what are contracting requirements, what are reporting requirements, statement of policy regarding rental property for extended possession by tenants and owners
- Excess property inventory and utilization plan – who will prepare and track excess parcels, what is the process to evaluate these tracts, who will determine when to sell excess, what is the disposition of proceeds, what are agency, state or local restrictions on the sale of public property

Real Estate Cost Estimate

- Background of estimate; when was it done; what was the basis of the estimate
- Need for any update of cost estimate
- How will estimate be compared to actual costs as project progresses

Staff Recommendation

From time to time, Staff will update the Real Estate Committee as the Project moves forward regarding additional properties to be acquired. These properties will be added to the RAMP. This discussion of the RAMP is being presented to the Committee as information. The RAMP will serve as SMART's procedural guideline for the acquisition of all properties to meet its real estate needs. The document will continue to evolve over time, as the process and means by which SMART will be guided in the property acquisition process for itself and for any properties that will require federal funds and oversight.

Figure 5-1 Property Acquisition Process

PROPERTY ACQUISITION PROCESS

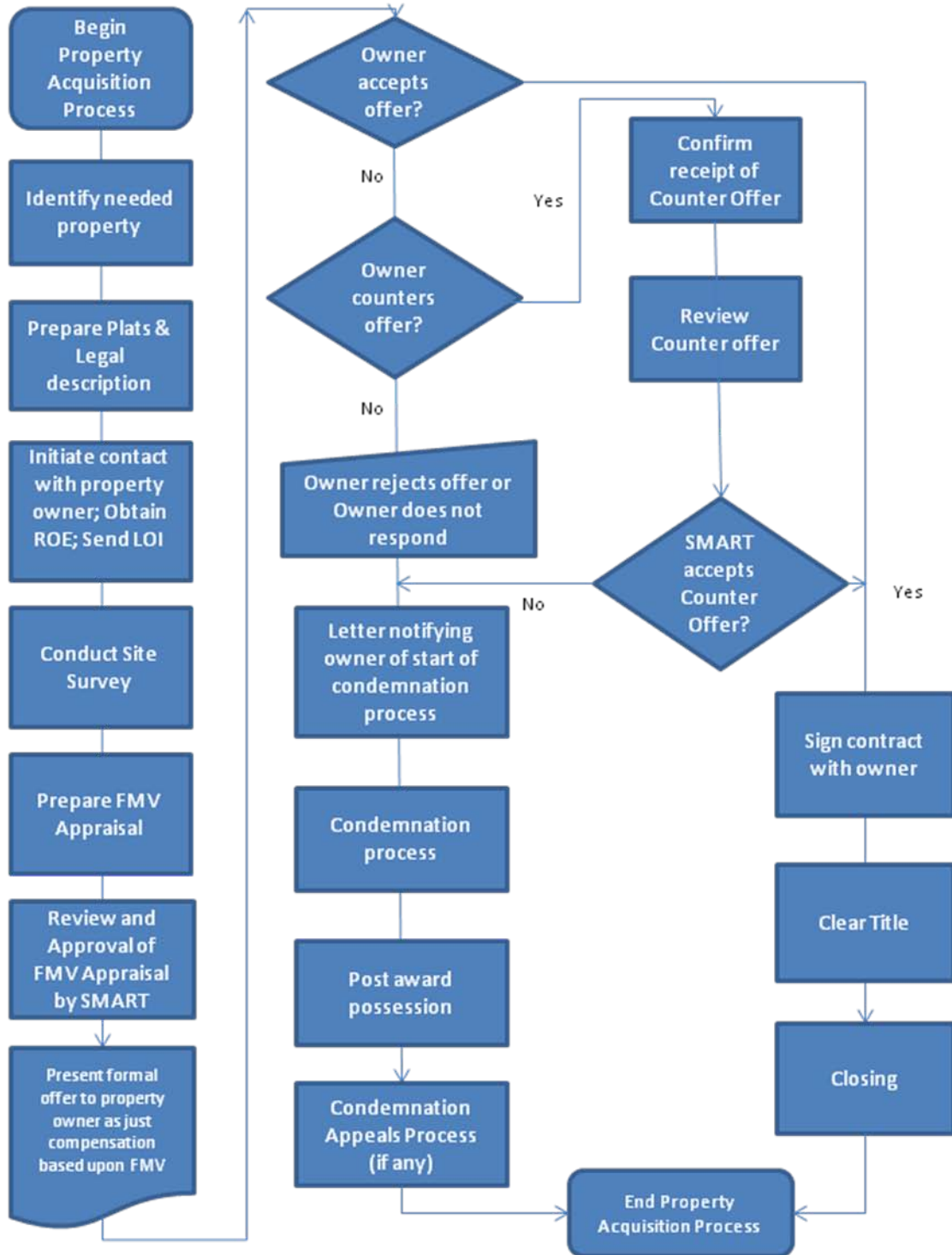


Table 5-1 Relocation Plan Development

Route Task Order for SMART Approval.
Conduct Interviews with Property Owners, Tenants, and Businesses.
Identify Resources.
Prepare 1st Draft of Relocation Plan.
SMART Review of Draft Relocation Plan.
Consultant Revise Draft Relocation Plan, as necessary.
Print and Distribute Relocation Plan to Displaces and General Public.
General Public Review of Draft Relocation Plan.
Incorporate Public Review Comments and SMART Responses.
Prepare Relocation Plan Package for Board Agenda.
Update and Print Relocation Plan.
SMART Board Adoption of Relocation Plan.

Table 5-2 Property Acquisition

Prepare Appraisal Maps, Legal Descriptions and Plats
Prepare and Send Notice of Decision to Appraise to Property Owner
Prepare Parcel Appraisal.
SMART Review and Comment on Appraisal.
Dual appraisals for complex or high valued acquisitions.
Potential Federal Review and Comment on Appraisal (as needed).
SMART Incorporate Changes and Prepare Offer to Property Owner.
SMART Schedules Appointment and Presents Offer to Owner.
Owner Receives Offer.
Property Owner Considers SMART Offer.
Property Owner and SMART Reach Agreement.
SMART Prepares Contract for Purchase.
SMART Board of Directors Approve Purchase Contract
Property Owner and SMART Sign Contract.
SMART Opens Escrow.
Property Vacated upon Close of Escrow and Payment of Settlement Amount.

Table 5-3 Initiation of Condemnation Proceedings

Prepare Request for Condemnation
Draft Resolution of Necessity (RON) for review by SMART Board of Directors.
SMART Departments (Real Estate and Legal) Review RON and Acquisition Documents.
Potential FTA Review RON and Acquisition Documents (as needed).
Mail Notice of Hearing to Interested Parties (at least 15 days advance notice of date).
SMART Project Management Meet with Property Owner to Discuss Settlement.
SMART Board of Directors Considers RON if no Settlement is reached; SMART Board considers Settlement Agreement if Settlement is reached

Table 5-4 Residential and Business Relocation Process

Relocation Planning
Site Selection
SMART sends Initial Contact Letter/General Information Notice to Occupants and Property Owner
Relocation Consultant Interviews Occupants and Property Owner for Draft Relocation Impact Study (DRIS)
Relocation Consultant Prepares DRIS
DRIS Circulated for 30-Day Review and Comment Period
Final Relocation Impact Study (FRIS) to SMART Board for Adoption. Board adopts governing laws and regulations
Relocation Assistance
Notices of Eligibility Delivered to Owners and Occupants within 60 Days of Initiation of Negotiations with Property Owner
Relocation Consultant Provides Relocation Assistance
SMART Delivers 90 Day Notice to Vacate Upon Possession of Property
Property Vacant

Table 5-5 Condemnation Documentation

Prepare Suit Documents Including Motion for Order of Possession (OP).
File Suit Documents including Motion for OP.
Prepare Paperwork, File and Deposit Funds.
Serve Suit Documents Including Motion for OP, and 90-Day Information.
Court Hearing for Order of Possession.
Obtain Order for Possession.
Serve 10-Day OP and 10-Day Specific Notice to Vacate (Assuming no relocation).
Serve 30-Day OP and 30-Day Specific Notice to Vacate (Assuming relocation).
Property Vacated (Assuming No Relocation/Displacement).
Property Vacated (Assuming Relocation/Displacement).