



JPB Board of Directors
Meeting of October 3, 2019

Correspondence as of September 6, 2019

1. Email subject: Request for alerts on impact to schedule
2. Email subject: Support moving forward immediately with Fare Integration
3. Letter from Community Legal Services in East Palo Alto re: compliance with the Surplus Land Act in Hayward Park Station Development
4. Email subject: Support moving forward immediately with Fare Integration
5. Letter from City of Salinas re: Caltrain Business Plan Comments
6. Letter from Transportation Agency for Monterey County re: Caltrain Business Plan Comments

From: Ramki Natarajan
To: [Board \(@caltrain.com\)](mailto:Board@caltrain.com)
Subject: Request for alerts on impact to schedule
Date: Thursday, September 05, 2019 4:33:26 PM

Hi,

I'm a regular user of Caltrain commuting to and back from work and I really love the service, especially the smooth ride and that I can work on the train.

When Caltrain has emergencies though I do not have a reliable way of getting alerted. I could subscribe to @caltrain in Twitter but there is no dedicated channel of communication on schedule changes due to emergencies for commuters like me. Could you please help address this issue that would make regular users of Caltrain happier.

Thanks a ton!
Ramki

From: Susan Setterholm
To: [Board \(@caltrain.com\)](mailto:Board@caltrain.com)
Subject: Please Support Moving Forward Immediately with the Fare Integration
Date: Thursday, September 05, 2019 7:55:09 PM

Caltrain Board,

I was disappointed to learn that in June, the Clipper Executive Board, which Caltrain participates in, voted to delay advancement of a Business Case Study for Fare Integration.

I'm writing you to urge that Caltrain strongly supports the immediate advancement of the Business Case Study for Fare Integration alongside other transit agencies in the region, MTC, and the Clipper Executive Board over the coming months and years.

Over the last several decades, numerous regions around the world, including regions with many cities and transit agencies, have successfully integrated their fare systems to create a fair, simple system of pricing that encourages transit use and has led to increasing ridership over time.

It is long past time for the Bay Area to introduce similar reforms to better serve transit riders and get more people to use transit.

Susan Setterholm
susan.setterholm@gmail.com
1000 Sutter Street #402
San Francisco, California 94109

From: Jonathan Erwin-Frank
To: PlanningCommission@cityofsanmateo.org; pbrennan@cityofsanmateo.org
Cc: [Board \(@caltrain.com\)](mailto:Board (@caltrain.com)); mtaboard@sfmta.com; [Pine_Dave \[dpine@smcgov.org\]](mailto:Pine_Dave [dpine@smcgov.org]); board.secretary@vta.org; Suzanne.Moser@hcd.ca.gov; [Collins_Ron \[rcollins@cityofsancarlos.org\]](mailto:Collins_Ron [rcollins@cityofsancarlos.org]); KBusch@srgnc.com; Daniel Saver; Mike Rawson
Subject: Letter re compliance with the Surplus Land Act in Hayward Park Station development - For September 10 Study Session
Date: Friday, September 06, 2019 11:50:36 AM
Attachments: [Letter re Hayward Park Train Station Parking Lot Development State Law Compliance 9.6.19.pdf](#)
[Letter re Hayward Park Station SLA Compliance - 8.17.18.pdf](#)

Dear City of San Mateo Planning Commissioners,

Attached please find a letter regarding the Hayward Park Train Station Parking Lot Development Application and Caltrain's ongoing violation of the state Surplus Land Act, for consideration at the Planning Commission Study Session on Tuesday, September 10, 2019, and thereafter. Please also find a copy of the letter referenced therein, sent to Caltrain on August 17, 2018.

This letter is signed by representatives of Community Legal Services in East Palo Alto and the Public Interest Law Project.

Sincerely,

--

JONATHAN ERWIN-FRANK, ESQ. | HOUSING ATTORNEY

Community Legal Services in East Palo Alto

www.clsepa.org

Phone: [\(650\) 391-0360](tel:(650)391-0360) | Fax: [\(866\) 688-5204](tel:(866)688-5204)

1861 Bay Road | East Palo Alto, CA 94303



COMMUNITY
LEGAL SERVICES
IN EAST PALO ALTO



September 6, 2019

Mike Etheridge, Chair
Ellen Mallory, Vice Chair
John Ebnetter
Ramiro Maldonado
Margaret Williams
PlanningCommission@cityofsanmateo.org

VIA ELECTRONIC MAIL

Re: Hayward Park Train Station Parking Lot Development Application

Dear Members of the San Mateo Planning Commission,

We write to inform you of the ongoing legal violation of the Hayward Park Train Station Parking Lot Development. As laid out below, Caltrain, the owner of the parking lot, has failed to comply with the Surplus Land Act, a state law that requires the prioritization of affordable housing in developments on public land—public land for public good.

The undersigned first wrote to Caltrain over a year ago, on August 17, 2018, providing a detailed account of the failure to comply with the Act, and requesting that Caltrain withdraw from exclusive negotiations with Sares Regis and fully comply with state law, under which Caltrain would be required to prioritize projects with at least one quarter (25%) of total units affordable to middle class, working, and poor people, the vast majority of San Mateo residents.

California and the Bay Area are experiencing an unprecedented housing crisis that threatens our communities. Teachers, health care workers, and other people who serve our communities cannot afford to live in them. Forty-nine percent of all workers in San Mateo County earn less than \$50,000 per year.¹ Yet to afford the average two-bedroom apartment, a family would need an income of \$118,800. In spite of this crisis, Caltrain has failed to prioritize affordable housing in this project and others, and has failed to commit to an affordable housing policy.

In light of the legal obligations of the Surplus Land Act, we request that the Commission decline to approve the development until Caltrain has fully complied with the Surplus Land Act, or through adoption of a generally applicable Affordable Housing Plan and application to this project, required at least 25% of the final, post-bonus units be affordable, with at least

¹ <http://www.transformca.org/transform-report/moving-san-mateo-county-forward-housing-and-transit-crossroads>

15% affordable at the “very low” income level.

A. The Hayward Park Development Is In Violation of State Law

California’s Surplus Land Act requires every “local agency,” including Caltrain, to prioritize affordable housing when disposing of surplus land. (Gov. Code § 54222; *see generally* §§ 54220 et seq.) Specifically, the agency must send a written offer to local affordable housing organizations for the purpose of selling or leasing the land to develop low- and moderate-income housing (Gov. Code § 54222(a)); give first priority to, and enter into good-faith negotiations with, entities that propose to make at least 25 percent of the total number of units developed on the parcel affordable to lower-income households (*Id.* § 54222.5); and give priority to the entity that proposes to provide the greatest number of affordable units at the deepest levels of affordability (*Id.* § 54227(a).)

The written offer must be sent to the local city and county, to any local government agency involved in housing development, and to other housing developers that have requested notice. (Gov. Code § 54222(a).) The San Mateo County Department of Housing has published a list of organizations that must be contacted pursuant to the Surplus Land Act, and it has distributed that list to local agencies including Caltrain. San Mateo County Department of Housing included that list in a letter to the San Mateo Transit District, dated April 26, 2016. The letter stated forthrightly, “We request that prior to disposing of any surplus land, your agency provide these contacts with a written offer to sell or lease that land . . . as provided for by the California Surplus Land Act[.]” As noted in the letter, the list is available online at <https://housing.smcgov.org/ah-developers>.

The organizations identified by the county were never contacted with an offer to propose affordable housing development on the Hayward Park site. Instead, Caltrain has entered into exclusive negotiations with Sares Regis without following any of the procedures that the Surplus Land Act requires. By failing to notify and enter into good-faith negotiations with affordable housing developers, Caltrain has breached its duties under the Surplus Land Act.

Caltrain has asserted that the Surplus Land Act does not apply to ground leases, arguing that the requirements apply “prior to disposing” of land, where disposing means to get rid of, and therefore includes selling but excludes leasing. (*See* California Government Code Section 54222(a).) This argument relies on an unduly narrow reading of “disposing” and is contradicted by the plain text of the statute. The Act requires the sending of written offers “to sell *or lease* for the purpose of developing low-and moderate-income housing.” (Gov. Code § 54222(a)) (emphasis added.) Moreover, such a loophole would clearly contravene the purpose of the Act, permitting total evasion of its requirements through long-term leases.

Caltrain has further asserted that the development is subject to federal rules that override the state Surplus Land Act—rules that apply where land was acquired using federal funds. This claim is equally unpersuasive. The Surplus Land Act and the federal regulations can readily be harmonized and the regulations nowhere state they override this kind of state law. Their clear purpose is to preserve the transportation purpose of a property while permitting development that still must comply with state and local law, including any local approval process and the requirements laid out in the Surplus Land Act. The federal regulations do not establish any particular or exclusive development regime.

B. Public Land for Public Good in an Affordable Housing Crisis

Scarcity of land and rising land prices have been key factors preventing the development of new affordable housing. This makes public land an invaluable resource in confronting the affordable housing crisis. That is why, in advocating for affordable housing, rather than market rate development on public land in Burlingame, Congresswoman Jackie Speier has written, “it will be a loss to the community if primarily market rate housing is created.”

As a public entity with a mandate to serve *all* Californians, Caltrain could ensure that more of its land provides homes to teachers, health care workers, service workers, and other Californians struggling in the housing crisis. Nonetheless, it has failed to adopt an affordable housing policy, and failed to comply with the Surplus Land Act, instead asserting unconvincing technical exemptions.

Recognizing the vital role of public land, BART has adopted an [affordable housing policy](#) requiring that a *minimum* of 20 percent of total units be affordable, and prioritizing projects based on “quantity and depth” of affordability, particularly the number of units available to people making less than half of area median income and those making between 50% and 80% of area median income. Caltrain has indicated that it may be considering such a policy, but has not demonstrated any progress.

From 2010 to 2015, 72,800 jobs were created in San Mateo County, while just 3,844 new homes were built—one home for every 19 new jobs. This imbalance is causing mass displacement of lower-income residents, who are forced to make ever-longer commutes, adding to the traffic that chokes our region. The County desperately needs more transit-accessible housing that is affordable to its lower-income workers. It is in this context that Caltrain, as a government agency, must honor its legal responsibilities to use its public land for public good. The City of San Mateo and the San Mateo Planning Commission can encourage it to do so.

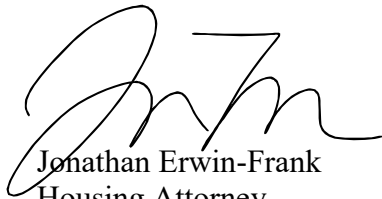
C. The Commission and City Should Decline to Approve the Project until Caltrain has Complied with State Law or Made a Comparable Commitment to Affordable Housing

The Surplus Land Act required Caltrain to “give first priority to, and enter into good-faith negotiations with, entities that propose to make at least 25 percent of the total number of units developed on the parcel affordable to lower-income households.” (California Government Code Section 54222.5.) It failed to do so. Sares Regis, almost certainly made aware of the ongoing violation of the Surplus Land Act, has proceeded without commenting on the violation.

At a Neighborhood Meeting last month, a representative of Sares Regis indicated that just 28 units, out of total of 189, would be affordable—just below 15%. In light of the housing and homelessness crises, and the 25% requirement in the Surplus Lands Act, 15% is inadequate. In order to move forward with this development, Sares Regis must lease the parking lot land from Caltrain. Caltrain cannot legally lease that land to Sares Regis unless and until it has fully complied with the Surplus Land Act. The Planning Commission need not and should not sanction a development based upon an unlawful lease in violation of state law. The Commission should decline to approve the development until Caltrain has fully complied with the Surplus Land Act,

or through adoption of a generally applicable Affordable Housing Plan and application to this project, required at least 25% of the final, post-bonus units be affordable, with at least 15% affordable at the “very low” income level—thereby ensuring a breadth and depth of affordability comparable to the *minimum* for proposals that would have been prioritized had Caltrain complied with state law.


If you have any questions, or wish to discuss further our position in this matter, you can reach us directly at (650) 391-0360.



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Daniel Saver
Senior Attorney
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Michael Rawson
Director
Public Interest Law Project

cc: Peninsula Corridor Joint Powers Board of Directors
cc: California Department of Housing and Community Development



COMMUNITY
LEGAL SERVICES
IN EAST PALO ALTO



PUBLIC INTEREST
LAW PROJECT



August 17, 2018

Jim Hartnett, General Manager and CEO of Caltrain
Members of the Peninsula Corridor Joint Powers Board of Directors
Cheryl Brinkman, Peninsula Corridor Joint Powers Board Member
Gillian Gillett, Peninsula Corridor Joint Powers Board Member
Monique Zmuda, Peninsula Corridor Joint Powers Board Member
Charles Stone, Peninsula Corridor Joint Powers Board Member
Jeff Gee, Peninsula Corridor Joint Powers Board Member
Dave Pine, Peninsula Corridor Joint Powers Board Member
Jeannie Bruins, Peninsula Corridor Joint Powers Board Member
Cindy Chavez, Peninsula Corridor Joint Powers Board Member
Devora “Dev” Davis, Peninsula Corridor Joint Powers Board Member

VIA MAIL AND ELECTRONIC MAIL

Re: Hayward Park Station Development

Dear Members of the Peninsula Corridor Joint Powers Board of Directors,

We write to request full compliance with the California Surplus Land Act and with federal and state fair housing laws in Caltrain’s proposed residential development on the site of its Hayward Park Station in San Mateo. Compliance with these laws will require exceeding the minimal affordable housing targets of the City of San Mateo’s Below Market Rate Housing Program.

In particular, we ask that Caltrain withdraw from exclusive negotiations with a private developer—negotiations that Caltrain entered into without soliciting proposals to build at least 25 percent affordable housing units as required by the Surplus Land Act. Any disposition of this land must comply with the requirements of that Act and other applicable laws as set forth below.

California and the Bay Area are experiencing an unprecedented housing crisis that threatens our communities. Teachers, health care workers, and other people who serve our communities cannot afford to live in them. From 2010 to 2015, 72,800 jobs were created in San Mateo County, while just 3,844 new homes were built—one home for every 19 new jobs.¹ This imbalance is causing mass displacement of lower-income residents, who are forced to make

¹ California Economic Development Department (EDD). U.S. Census, American Community Survey 2010-2015. See <http://homeforallsmc.com/challenge>.

ever-longer commutes, adding to the traffic that chokes our region. Since 2010, congestion-related delays in the Bay Area have gotten 80 percent longer.²

Even in today's booming high-tech economy, 49 percent of all workers in San Mateo County earn less than \$50,000 per year. Yet to afford the average two-bedroom apartment, a family would need an income of \$118,800. The County desperately needs more transit-accessible housing that is affordable to its lower-income workers.³ It is in this context that Caltrain, as a government agency, must honor its legal responsibilities to use its public land for public good.

A. The California Surplus Land Act Governs Caltrain's Disposition of Surplus Land

California's Surplus Land Act requires every "local agency," including Caltrain, to prioritize affordable housing when disposing of surplus land. (Gov. Code § 54222; *see generally* §§ 54220 et seq.) To accomplish this mandate, the Act sets forth detailed requirements that agencies must follow when selling or leasing land that is "no longer necessary for the agency's use." (*Id.* § 54221(b).)

Specifically, the agency must send a written offer to local affordable housing organizations for the purpose of selling or leasing the land to develop low- and moderate-income housing (Gov. Code § 54222(a)); give first priority to, and enter into good-faith negotiations with, entities that propose to make at least 25 percent of the total number of units developed on the parcel affordable to lower-income households (*Id.* § 54222.5); and give priority to the entity that proposes to provide the greatest number of affordable units at the deepest levels of affordability (*Id.* § 54227(a).) Even if a mutually agreeable proposal is not reached after 90 days of good-faith negotiations, any development on the site containing ten or more housing units must still include at least 15 percent of those units as affordable to lower-income households. (*Id.* § 54223; § 54233.) In either case, the units must remain affordable for at least 55 years. (*Id.* § 54222.5; § 54233.)

The written offer must be sent to the local city and county, to any local government agency involved in housing development, and to other housing developers that have requested notice. (Gov. Code § 54222(a).) The San Mateo County Department of Housing has published a list of organizations that must be contacted pursuant to the Surplus Land Act, and it has distributed that list to local agencies including Caltrain. San Mateo County Department of Housing included that list in a letter to the San Mateo Transit District, dated April 26, 2016. The letter stated forthrightly, "We request that prior to disposing of any surplus land, your agency provide these contacts with a written offer to sell or lease that land . . . as provided for by the California Surplus Land Act[.]" A copy of that letter is included herein. As noted in the letter, the list is available online at <https://housing.smcgov.org/ah-developers>.

² Metropolitan Transportation Commission, Vital Signs Report (September 2017), available at <https://mtc.ca.gov/whats-happening/news/bay-area-vital-signs-freeway-congestion-hits-new-record-0>.

³ TransForm and Housing Leadership Council of San Mateo County, "Moving San Mateo County Forward: Housing and Transit at a Crossroads," (June 2018), available at <http://hlesmc.org/wp-content/uploads/2018/06/HLC2018-MovingReport-v7web-1.pdf>.

As amended in 2014, the Surplus Land Act serves the express purpose of promoting affordable housing in the form of transit-oriented development:

The Legislature reaffirms its declaration of the importance of appropriate planning and development near transit stations, to encourage the clustering of housing and commercial development around such stations. . . . The sale or lease of surplus land at less than fair market value to facilitate the creation of affordable housing near transit is consistent with goals and objectives to achieve optimal transportation use. The Legislature also notes that the Federal Transit Administration gives priority for funding of rail transit proposals to areas that are implementing higher-density, mixed-use, and affordable development near major transit stations.” (Gov. Code § 54220(c).)

As the Legislature explained, “[s]tudies of transit ridership in California indicate that a higher percentage of persons who live or work within walking distance of major transit stations utilize the transit system more than those living elsewhere, and that *lower income households are more likely to use transit when living near a major transit station than higher income households.*” (*Id.*, emphasis added.)

In line with this goal, the Act empowers local agencies to “sell or lease surplus land at fair market value or at less than fair market value, and any such sale or lease at or less than fair market value . . . shall not be construed as inconsistent with an agency’s purpose.” (Gov. Code § 54226.) Reimbursement from the state may be available if this results in increased costs to the agency: “If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made” in accordance with state law. (A.B. 2135, § 8, as adopted.)

B. The Proposed Development Materially Conflicts with the Surplus Land Act

In recent months, local news publications have reported that Caltrain is negotiating with for-profit developer Sares Regis to build more than 180 housing units on a 2.7-acre parking lot site at the Hayward Park Caltrain Station.

One article about the planned development quoted a Caltrain board member as saying that “board members understand the importance of building more affordable housing along transit corridors.”⁴ The board member said he expected Caltrain to adopt a transit-oriented development policy requiring “10 to 20 percent” of housing units to be affordable for moderate-income families. In another news report, a transit official referred to the Hayward Park Station site as “low-hanging fruit” for the purpose of transit-oriented housing development, because it contains more than enough land for both housing and future railway use.⁵

⁴ “Caltrain Looks to Housing,” *San Mateo Daily Journal* (April 17, 2018) (https://www.smdailyjournal.com/news/local/caltrain-looks-to-housing/article_b1561a68-41f4-11e8-a29c-539edeb77316.html).

⁵ “Will Caltrain Finally Push for Housing Around Its Stations?” *San Francisco Business Times* (July 10, 2018) (<https://www.bizjournals.com/sanfrancisco/news/2018/07/10/caltrain-housing-around-stations-tod-peninsula.html>).

It is commendable for Caltrain to support the goal of developing affordable housing in proximity to transit stations, and compliance with the Surplus Land Act is wholly consistent with that goal. Caltrain's determination to make land it no longer needs for railway use available for housing means the land is clearly "no longer necessary for [Caltrain's] use" and is therefore surplus under the Surplus Land Act. (Gov. Code § 54221(b).)

Legislative history confirms that the Surplus Land Act applies to projects such as Caltrain's planned housing development at the Hayward Park Transit Station. According to the legislator who authored the 2014 amendments to the Act, the "right of first refusal" to organizations that propose including at least 25 percent affordable units was "especially critical in light of state and local priorities for transit oriented development. . . , [which] will provide valuable opportunities to create new affordable housing options within sustainable communities." (A.B. 2135, Assembly Floor Analysis (2014).)

Accordingly, any real estate that Caltrain elects to sell or lease for non-railway use is subject to the requirements of the Surplus Land Act. Caltrain is not at liberty to define its own affordability standards in consultation with a private developer of its choosing. Rather, it must follow the Surplus Land Act's formal procedures—requesting bids from developers that plan to include at least 25 percent affordable units, negotiating with them in good faith, and giving priority to the developer that proposes to build the greatest number of affordable units at the deepest level of affordability, even if that means leasing the land at a rate below fair market value.

These entities must be notified before Caltrain moves to dispose of any surplus land. The organizations identified by the county have not been contacted with an offer to propose affordable housing development on the Hayward Park site. Instead, Caltrain has entered into exclusive negotiations with Sares Regis without following any of the procedures that the Surplus Land Act requires. By failing to notify and enter into good-faith negotiations with affordable housing developers, Caltrain has breached its duties under the Surplus Land Act.

C. The Proposed Development Must Comply with Federal and State Fair Housing Law

Any housing development that Caltrain authorizes for the Hayward Park Station site must also comply with the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968),⁶ California's Fair Employment and Housing Act (Gov. Code §§ 12900 et seq.),⁷ and California law prohibiting discrimination against affordable housing (*Id.* § 65008(b).) The failure to comply with the Surplus Lands Act results in a violation of each of these.

⁶ The federal Fair Housing Act prohibits any practice that "actually or predictably results in a disparate impact on a group of persons or creates, increases, reinforces, or perpetuates segregated housing patterns. . . ." Department of Housing and Urban Development (HUD), Implementation of the Fair Housing Act's Discriminatory Effects Standard, 24 CFR 100.500(a).

⁷ California's Fair Employment and Housing Act (FEHA) makes it "unlawful . . . to discriminate through public or private land use practices, decisions, and authorizations" that have "the effect, regardless of intent, of unlawfully discriminating on the basis of [a] protected class." (Gov. Code § 12955.8(b).)

Renters in San Mateo County are disproportionately racial and ethnic minorities.⁸ Among lower-income renters in the county (those earning at or below the area median income), 84 percent are cost burdened, meaning they pay more than 30 percent of household income for rent. And 56% are severely cost burdened, paying more than 50 percent of household income for rent.⁹ They and other lower-income, disproportionately minority households are in desperate need of affordable housing in San Mateo County.

Any new housing development that does not include a percentage of affordable units as mandated by the Surplus Lands Act will reduce the amount of housing that would otherwise be available for lower-income households and therefore will likely have a disparate impact on people of color and individuals with disabilities, violating state and federal fair housing law.

In addition, by failing to prioritize affordable housing as required by the Surplus Land Act, Caltrain is in violation of California's law prohibiting public agencies from discriminating in housing decisions based on "[t]he method of financing of any residential development" or "[t]he intended occupancy of any residential development by persons or families of very low, low, moderate, or middle income." (Gov. Code § 65008.)

D. The Proposed Development Must Exceed the City of San Mateo's Below-Market-Rate Housing Program

In order to obtain planning approval in the City of San Mateo, any residential housing development of eleven or more units must reserve at least ten percent of the units as affordable for low- or moderate-income households. (City of San Mateo, Below Market Rate (Inclusionary) Program, § 3(a–b).)¹⁰ But because the Surplus Land Act clearly applies to Caltrain's planned development at Hayward Park Station, that Act's more stringent requirements must govern the total percentage of units that will be affordable for at least 55 years. Even if negotiations with a priority affordable developer are not successful, the Surplus Land Act requires that fifteen percent of the units be affordable. As a public agency with a stated goal of promoting affordable housing, Caltrain should aspire to provide even more than the legal minimum number of affordable units. In light of the housing and congestion crisis, fifteen percent is inadequate.

The inclusionary policy is designed to regulate market-rate development on private land. This may be one of the last sizeable areas adjacent to a station. It is publicly owned, and therefore there is an obligation to meet more than the minimum standard. Affordable homes are not abundant in San Mateo, and this site is ideal for affordable housing.

⁸ For example, while just 33% of white households are renters, 64% of Hispanic households and 65% of black households in San Mateo County are renters. U.S. Census Bureau, 2016 American Community Survey 5-Year Estimates, available at www.factfinder.census.gov.

⁹ HUD CHAS data, 2009–2013, available at https://www.huduser.gov/portal/datasets/cp/CHAS/data_querytool_chas.html.

¹⁰ Available at <https://www.cityofsanmateo.org/DocumentCenter/View/1808/Below-Market-Rate-Units-Inclusionary-Program>.

E. Request for Compliance

We request that the Board of Directors act immediately to ensure that Caltrain is in full compliance with these laws as it pursues redevelopment of the Hayward Park Station site. Specifically, the Board should: 1) withdraw from exclusive negotiations with Sares Regis and 2) fully comply with the Surplus Land Act, state and federal fair housing law, and local affordable housing requirements when soliciting proposals and adopting plans for development of the site. If the Board adopts a policy in conflict with state, federal, or local law, we may be forced to seek appropriate relief in court.¹¹

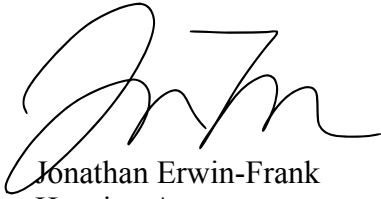
By complying with these legal requirements, the Board will also demonstrate responsible stewardship of public land and promote a vision for Caltrain that supports inclusion and diversity as part of its approach toward sustainable, transit-oriented development. If you have any questions, or wish to discuss further our position in this matter, you can reach us directly at (650) 391-0375. We look forward to a timely resolution of this matter without resort to litigation.

Sincerely,

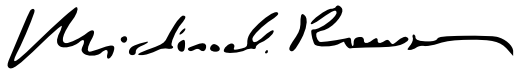


Rene Alejandro Ortega, Esq.
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¹¹ Public agencies have faced high-profile lawsuits to compel compliance with the Surplus Land Act. In San Jose, residents and nonprofit housing organizations sued the city over its policy of promoting mostly luxury housing development in contravention of the Surplus Land Act. See “Housing Groups Sue San Jose, Saying Policy Shift ‘Undercuts’ State Affordable Housing Law,” *Silicon Valley Business Journal* (July 22, 2016) (<https://www.bizjournals.com/sanjose/news/2016/07/22/housing-groups-sue-san-jose-saying-policy-shift.html>). In Inglewood, a coalition of residents has sued to challenge the city’s entry into an exclusive negotiating agreement to construct a sports stadium on public land without following the Surplus Land Act’s procedures. See “Inglewood Residents Sue to Block Clippers Arena,” *Curbed Los Angeles* (June 20, 2018) (<https://la.curbed.com/2018/6/19/17480328/inglewood-lawsuit-clippers-arena-housing>). And the city of Oakland responded to public pressure by withdrawing a planned sale of public land for market-rate housing development, instead complying with the Surplus Land Act by soliciting proposals from developers of affordable housing. See “City of Oakland Finally Obeys Law; Offers Publicly Owned East 12th St. Land to Affordable Housing Developers,” *East Bay Express* (July 16, 2015) (<https://www.eastbayexpress.com/SevenDays/archives/2015/07/16/breaking-news-oakland-finally-obeyes-law-offers-publicly-owned-east-12th-st-land-to-affordable-housing-developers>).



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Michael Rawson
Director
Public Interest Law Project



Evelyn Stivers
Executive Director
Housing Leadership Council of San Mateo County



Victoria Fierce
Executive Director
California Renters Legal Advocacy and Education Fund

cc: San Mateo County Transit District
cc: California Department of Housing and Community Development

From: Phillip Brennan
To: [Jonathan Erwin-Frank; Planning Commission](#)
Cc: [Board \(@caltrain.com\)](#); [mtaboard@sfmta.com](#); [Pine, Dave \[dpine@smcgov.org\]](#); [board.secretary@vta.org](#); [Suzanne.Moser@hcd.ca.gov](#); [Collins, Ron \[rcollins@cityofsancarlos.org\]](#); [KBusch@srgnc.com](#); [Daniel Saver](#); [Mike Rawson](#)
Subject: RE: Letter re compliance with the Surplus Land Act in Hayward Park Station development - For September 10 Study Session
Date: Friday, September 06, 2019 12:22:57 PM

Hello Mr. Erwin-Frank, Esq.:

Thank you for your email. I will be forwarding your email and letter attachments to the applicant for their review, and adding it to the project file. Please be informed the study-session serves as a preliminary review of the proposed project; no formal decision is being made by the Planning Commission at this time. The administrative report associated with this pre-application has been finalized, so I am unable to include the letters as attachments included in the report. However, I will print-out hardcopies of the letters and disseminate it to the members of the Planning Commission prior to my study-session presentation Tuesday (9/10) evening.

Please feel free to contact me directly with any related questions or concerns.

Sincerely,
Phillip B.

Phillip Brennan | Associate Planner
Community Development Department | Planning Division
330 W. 20th Avenue, San Mateo, CA 94403
650-522-7218 | pbrennan@cityofsanmateo.org
www.cityofsanmateo.org/planning

From: Jonathan Erwin-Frank <jerwin-frank@clsepa.org>
Sent: Friday, September 06, 2019 11:50 AM
To: Planning Commission <PlanningCommission@cityofsanmateo.org>; Phillip Brennan <pbrennan@cityofsanmateo.org>
Cc: board@caltrain.com; mtaboard@sfmta.com; dpine@smcgov.org; board.secretary@vta.org; Suzanne.Moser@hcd.ca.gov; rcollins@cityofsancarlos.org; KBusch@srgnc.com; Daniel.Saver@clsepa.org; [Mike Rawson <mrawson@pilpca.org>](mailto:Mike.Rawson@pilpca.org)
Subject: Letter re compliance with the Surplus Land Act in Hayward Park Station development - For September 10 Study Session

Dear City of San Mateo Planning Commissioners,

Attached please find a letter regarding the Hayward Park Train Station Parking Lot Development Application and Caltrain's ongoing violation of the state Surplus Land Act, for consideration at the Planning Commission Study Session on Tuesday, September 10, 2019,

and thereafter. Please also find a copy of the letter referenced therein, sent to Caltrain on August 17, 2018.

This letter is signed by representatives of Community Legal Services in East Palo Alto and the Public Interest Law Project.

Sincerely,

--

JONATHAN ERWIN-FRANK, ESQ. | HOUSING ATTORNEY

Community Legal Services in East Palo Alto

www.clsepa.org

Phone: [\(650\) 391-0360](tel:(650)391-0360) | Fax: [\(866\) 688-5204](tel:(866)688-5204)

1861 Bay Road | East Palo Alto, CA 94303

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From: Jean Blnay
To: [Board \(@caltrain.com\)](mailto:Board@caltrain.com)
Subject: Please Support Moving Forward Immediately with the Fare Integration!
Date: Friday, September 06, 2019 1:53:40 PM

Caltrain Board,

I was disappointed to learn that in June, the Clipper Executive Board, which Caltrain participates in, voted to delay advancement of a Business Case Study for Fare Integration.

I'm writing you to urge that Caltrain strongly supports the immediate advancement of the Business Case Study for Fare Integration alongside other transit agencies in the region, MTC, and the Clipper Executive Board over the coming months and years.

Over the last several decades, numerous regions around the world, including regions with many cities and transit agencies, have successfully integrated their fare systems to create a fair, simple system of pricing that encourages transit use and has led to increasing ridership over time.

It is long past time for the Bay Area to introduce similar reforms to better serve transit riders and get more people to use transit.

Jean Blnay
jkbinary@gmail.com
1249 Runnymede Street
East Palo Alto, California 94303



City of Salinas

OFFICE OF THE MAYOR • 200 Lincoln Avenue • Salinas, California 93901 • (831) 758-7201 • Fax (831) 758-7368

September 6, 2019

Gillian Gillett
Chair
Peninsula Corridor Joint Powers Board
1250 San Carlos Ave
San Carlos, CA 94070

Via email to: board@caltrain.com

Subject: Caltrain Business Plan Comments

Dear Chair Gillett:

On behalf of the City of Salinas, I am writing to comment on the staff recommended preferred alternative for the Caltrain Business Plan. **The City of Salinas encourages Caltrain to include the Monterey County Rail Extension in all near-term scenarios for the Business Plan.**

TAMC is the lead agency for the Monterey County Rail Extension project. It is our understanding that TAMC and Caltrain staff have been reviewing the 75% engineering plans for the improvements at Salinas (six-train layover facility) and in Gilroy (connection of the station track to the through track to enable the extension of service). The near-term scenario is two round trips as an extension of trains currently serving Gilroy; the long-term scenario could support a much more robust service. The project has been environmentally cleared and is fully funded with state grants. The extension of service to Salinas is a priority for the State of California and is shown in the near-term 2022 vision in the State Rail Plan.

The rail extension project has been an intensively collaborative endeavor, and the City of Salinas is strongly in support of connecting to the Bay Area by rail. Construction of the non-rail elements of the project is well underway at the existing Amtrak train station. The downtown area is ideal for transit-oriented development and related improvements in the city center are underway to realize a revitalization vision for the City.

We appreciate the opportunity to comment on this exciting project.

Sincerely,

Joe Gunter
Mayor
City of Salinas

Cc: Debra L. Hale, Transportation Agency for Monterey County



September 3, 2019

Gillian Gillett
Chair
Peninsula Corridor Joint Powers Board
1250 San Carlos Ave
San Carlos, CA 94070

Via email to: board@caltrain.com

Subject: Caltrain Business Plan Comments

Dear Chair Gillett:

09/06/19 PM 3:50 EXEC

On behalf of the Transportation Agency for Monterey County (TAMC), I am writing to comment on the staff recommended preferred alternative for the Caltrain Business Plan. **TAMC encourages Caltrain to include the Monterey County Rail Extension in all near-term scenarios for the Business Plan.**

TAMC is the lead agency planning for an extension of Caltrain service to Salinas in Monterey County from the Gilroy station. The three-county Monterey Bay Area had a population of 776,000 in 2018 and is projected to reach almost a million residents by the year 2040. Our growing population needs an alternative means of getting to jobs, health care, entertainment and shopping around the region and opportunities across the state. Increased access to the rail network and connectivity to the Caltrain system in Gilroy will help the region be more sustainable economically, environmentally and socially.

We have been working with your staff over the years on the extension of service and they are currently reviewing our 75% engineering plans for the improvements at Salinas (six-train layover facility) and in Gilroy (connection of the station track to the through track to enable the extension of service). The near-term scenario is two round trips as an extension of trains currently serving Gilroy; the long-term scenario could support a much more robust service. The project has been environmentally cleared and is fully funded with state grants. The extension of service to Salinas is a priority for the State of California and is shown in the near-term 2022 vision in the State Rail Plan. We would like to see the Monterey County Rail Extension referenced in all Business Plan scenarios, including the maps and exhibits.

We appreciate the opportunity to comment on this exciting project.

Sincerely,


Debra L. Hale
Executive Director

Cc: Chad Edison, CalSTA Deputy Secretary
Michelle Bouchard
Sebastian Petty