



JPB Board of Directors
Meeting of December 7, 2023

Correspondence as of November 24, 2023

<u>#</u>	<u>Subject</u>
1	Notice of Geotechnical Work at Newhall Yard 11.22- 12.08
2	Avanath Crescent Cove_Notice to Prologis_CalTrain Flood Issue
3	RE_ Avanath Crescent Cove_Notice to Prologis_CalTrain Flood Issue

From: VTA BART Phase II <vtabart@vtabsv.com>
Sent: Tuesday, November 21, 2023 7:00 PM
To: Board (@caltrain.com)
Subject: Notice of Geotechnical Work at Newhall Yard 11/22- 12/8

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Notice of Geotechnical Work at Newhall Yard 11/22- 12/8

What

- Contractors will be conducting geotechnical explorations around the future Newhall Yard Maintenance Facility to help prepare for VTA's BART Silicon Valley Phase II Project.

Where

- The work will take place on VTA property for the future Newhall Yard Maintenance Facility.



When*

- Work will be conducted as early as Wed. Nov. 22 – Fri. Dec. 8
- General working hours will be 7:00AM-5:00 PM.

* Please note that timelines for construction activity have some inherent uncertainty and may change depending on field conditions and/or inclement weather.

What To Expect

Two contractor crews will perform the following work activities concurrently for the duration of work (this work activity does not typically generate dust):

- Cone Penetrometer Testing, which is self-contained activity within a panel truck.
- Truck-mounted mud rotary drilling. There will be periodic, repetitive hammering during soil sampling.

Why

This work is necessary to help prepare for VTA's BART Silicon Valley Phase II Project.

Have a question for us about Phase II?

Visit www.vta.org/bart or email us vtabart@vtabsv.com



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VTA BART Phase II

vtabart@vtabsv.com

(408) 321-2345 BART Silicon Valley Hotline



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From: [Rangel, Linda](#)
To: [Rick Peredia](#); [Lou Tolentino](#); [Robert Scarpino](#); [Board \(@caltrain.com\)](#)
Cc: [Baker, Christian](#); [Winters, Grace](#); [Nicholas, Sarah](#); [Kimberly Roberts](#); [Ellen Guccione \(EGuccione@avanath.com\)](#); [Connor Mortland](#); [Rafael Garcia](#); [Jeffrey Day](#)
Subject: Avanath Crescent Cove_Notice to Prologis/CalTrain Flood Issue
Date: Wednesday, November 22, 2023 3:11:11 PM
Attachments: [image001.png](#)
[Avanath Crescent Cove Notice Letter.pdf](#)

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All,

Please find a notice letter attached on behalf of Avanath Crescent Cove, LP. Copies have also been sent by certified mail to the addresses set forth in the notice.

Thank you,

Linda Rangel
Counsel

Manatt, Phelps & Phillips, LLP
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Costa Mesa, CA 92626
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November 22, 2023

Client Matter No. 41245-710

BY CERTIFIED MAIL/RETURN RECEIPT

Prologis 4th & King, LLC
c/o Prologis, L.P.
1800 Wazee Street, Suite 500
Denver, CO 80202

Peninsula Corridor Joint Powers Board
1250 San Carlos Ave., Room 408,
San Carlos, CA 94070
Email: board@caltrain.com

Corporation Service Company
251 Little Falls Drive,
Wilmington, DE 19808

CSC Lawyers Incorporating Service
Registered Corporate 1505 Agent

Re: NOTICE OF FLOOD DAMAGE AT 420 BERRY STREET, SAN FRANCISCO, CA 94158 AND REQUEST FOR REMEDIATION

Dear Sirs or Madams:

This firm represents Avanath Crescent Cove, LP, a Delaware limited partnership (“**Avanath**”), which is the fee owner of that certain property located at 420 Berry Street, San Francisco, CA 94158 and commonly known as “Crescent Cove” (the “**Avanath Property**”). The Avanath Property is adjacent to that certain real property comprising of APN Lot 003, Block 8701, Lot 004, Block 8701, Lot 001, Block 8700, Lot 005, Block 8703 (“**CalTrain Property**”), which such CalTrain Property we understand is owned in fee by Prologis 4th & King LLC, a Delaware limited liability company (“**Prologis**”) and is utilized in whole or in part by Peninsula Corridor Joint Powers Board (“**CalTrain**”) as a railway station.

This letter is to provide written notice to Prologis and CalTrain that certain improvements at the Avanath Property, including without limitation Building No. 6 (the “**Avanath Improvements**”) experienced ground surface water intrusion during the significant precipitation/rainfall occurring around the end of December 2022 and beginning of January 2023. According to the engineering consultants who were retained to evaluate the damages to the Avanath Property and the Avanath Improvements, the configuration of the improvements and inadequate drainage on the CalTrain Property have allowed water to accumulate/collect/pond near the foundations of the Avanath Improvements and has resulted in the intrusion of water into the units of the Avanath Improvements, causing significant and costly damage to the Avanath Property and the Avanath Improvements.

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Avanath, together with its consultants, insurance agents and onsite maintenance team, have made several attempts to connect and coordinate with Prologis, CalTrain and staff at the CalTrain Property (both in person and in writing) in order to remedy this issue, including, but not limited to, (a) multiple email exchanges between Jeffrey Day from Avanath and Mr. Lou Tolentino (tolentinol@caltrain.com), Mr. Rick Peredia (PerediaR@caltrain.com), and Mr. Robert Scarpino (scarpinor@caltrain.com) (collectively, “Notice Parties”) between January 10, 2023 and March 22, 2023; (b) a notice letter, dated February 1, 2023, from McLarens (Avanath’s insurance and claims administrator) to the Notice Parties; and (c) additional email correspondence on September 13, 2023 from Kimberly Roberts, Vice President of Investments and Legal for Avanath Capital Management, LLC, to the Notice Parties. These communications and efforts onsite to date have not remedied the circumstances contributing to the flooding issues and damage described above.

Due to certain site logistics (including access), Avanath will require the cooperation and active engagement of Prologis and CalTrain to remediate this issue as soon as possible **in order to avoid any additional damage to the Avanath Property. Please acknowledge receipt of this letter by replying to me at my email address and/or phone number listed above and identifying the appropriate persons at Prologis and CalTrain to facilitate remediation.**

Notwithstanding anything to the contrary in this letter, Avanath hereby expressly reserves all of its rights and remedies at law or in equity with respect to any and all claims Avanath may have against any party (including Prologis, CalTrain, and any affiliate thereof) in connection with the matters set forth herein, and nothing in this letter shall in any way prejudice or preclude the exercise of any right or remedy provided by law or in equity available to Avanath.

We look forward to connecting with Prologis and CalTrain to ensure immediate resolution of this matter.

Sincerely,



Christian Baker

cc:

Kimberly Roberts (Via E-Mail at kroberts@avanath.com)

Ellen Guccione (Via E-Mail at eguccione@avanath.com)

Connor Mortland (Via E-Mail at cmortland@avanath.com)

manatt

November 22, 2023

Page 3

Rafael Garcia (Via E-Mail at rgarcia@avanath.com)

Jeffrey Day (Via E-Mail at jday@avanath.com)

Rick Peredia (Via E-Mail at PerediaR@caltrain.com)

Lou Tolentino (Via E-Mail at TolentinoL@caltrain.com)

Robert Scarpino (Via E-Mail at scarpinor@caltrain.com)

Grace Winters (Via E-Mail at Gwinters@manatt.com)

Linda Rangel (Via E-Mail at Lrangel@manatt.com)

From: [Kimberly Roberts](#)
To: [Rangel, Linda](#); [Rick Peredia](#); [Lou Tolentino](#); [Robert Scarpino](#); [Board \(@caltrain.com\)](#)
Cc: [Baker, Christian](#); [Winters, Grace](#); [Nicholas, Sarah](#); [Ellen Guccione](#); [Connor Mortland](#); [Rafael Garcia](#); [Jeffrey Day](#)
Subject: RE: Avanath Crescent Cove_Notice to Prologis/CalTrain Flood Issue
Date: Wednesday, November 22, 2023 3:16:17 PM
Attachments: [image001.png](#)
[image840688.png](#)

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Thank you!

KR

Kimberly Roberts

Vice President, Investments & Legal

Avanath Capital
1920 Main Street Suite 150 Irvine CA 92614
P 949-316-4323
W [avanath.com](#)



From: Rangel, Linda <LRangel@manatt.com>
Sent: Wednesday, November 22, 2023 3:11 PM
To: perediarr@caltrain.com; tolentinol@caltrain.com; scarpinor@caltrain.com; board@caltrain.com
Cc: Baker, Christian <CBaker@manatt.com>; Winters, Grace <GWinters@manatt.com>; Nicholas, Sarah <SNicholas@manatt.com>; Kimberly Roberts <KRoberts@avanath.com>; Ellen Guccione <eguccione@Avanath.com>; Connor Mortland <cmortland@Avanath.com>; Rafael Garcia <rgarcia@Avanath.com>; Jeffrey Day <jday@Avanath.com>
Subject: Avanath Crescent Cove_Notice to Prologis/CalTrain Flood Issue

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All,

Please find a notice letter attached on behalf of Avanath Crescent Cove, LP. Copies have also been sent by certified mail to the addresses set forth in the notice.

Thank you,

Linda Rangel
Counsel

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