

**Peninsula Corridor Joint Powers Board
Work Program – Legislative – Planning Committee
1250 San Carlos Avenue, San Carlos CA**

MINUTES OF DECEMBER 19, 2019

MEMBERS PRESENT: C. Stone (Chair), C. Chavez (via telephone)

MEMBERS ABSENT: C. Brinkman

STAFF PRESENT: J. Hartnett, J. Cassman, B. Fitzpatrick, C. Fromson, M. Jones, M. Reggiardo, S. Murphy, D. Seamans, R. Narayan

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chair Charles Stone called the subcommittee meeting to order at 9:11 a.m., and led the Pledge of Allegiance.

2. ROLL CALL

District Secretary Dora Seamans called the roll and confirmed a quorum of the committee. Director Brinkman was absent.

3. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

None.

4. APPROVE MEETING MINUTES OF NOVEMBER 26, 2019

Motion/Second: Chavez/Stone moved approval of the November 26, 2019 minutes.

Ayes: Chavez, Stone

Noes: None

Absent: Brinkman

5. ADOPTION OF THE 2019 TITLE VI PROGRAM

Wendy Lau, Caltrain's Title VI Administrator, provided an overview of the 2019 Title VI Program; a mandatory federal anti-discrimination program for agencies receiving federal funding. Ms. Lau reviewed the policies, procedures and activities incorporated into the updated program in which best practices were gleaned from the neighboring transit properties of Valley Transportation Agency, BART and the San Francisco Municipal Transportation Agency.

Director Chavez inquired about the modeling scenarios incorporated into the program, specifically around riders' income that may differ from the neighboring stations, how staff determined customer access as a core component of the guidelines and what the implications were for lack of access for the surrounding communities are and how to incorporate that into the guidelines. Responding, Ms. Lau stated there are many factors considered prior to making any service change and that a comprehensive analysis is performed prior to changing the program.

CEO Hartnett stated that Director Chavez' comments have been noted for the record.

Motion/Second: Chavez/Stone recommended Board approval of the Title IV program.

Ayes: Chavez, Stone

Noes: None

Absent: Brinkman

6. DRAFT CALTRAIN RAIL CORRIDOR USE POLICY (RCUP)

Melissa Jones, Principal Planner, continued her presentation from the previous meeting and focused on the decision-making process that was incorporated into the draft policy for non-railroad uses. She stated requests to use property are primarily for development projects, commercial businesses, accessing facilities, pop-up events, farmers markets and utility-related uses.

Ms. Jones outlined the proposed policy and administrative process: For uses under five years, staff approval would be necessary and only if compatible with current and future railroad needs using established maps and the draft administrative document. For uses over five years: Staff and Board approval would be necessary, only if compatible with current and future railroad needs, using the same administrative tools in the policy.

In response to Director Chavez, CEO Hartnett provided an example of a staff-approved five year use and the request to extend for two additional years. He confirmed that Board approval would be required for the extension of the additional two years.

Chair Stone inquired how the Board would know if the use is compatible with the future needs of the railroad, reiterating the need to be cautious with deploying the policy. Ms. Jones confirmed that the policy was intended to preserve the property needed for the present day and into the future. She stated the capital project overlay tool to look into the future would be critical when approving long-term requests and that the policy takes a conservative approach.

Director Chavez discussed opportunities to purchase land for construction-lay down space or other uses in order to allow the agency to monetize its assets. Ms. Jones reiterated that the intent of the use policy was to guide staff and the Board on the property that is currently owned. CEO Hartnett suggested creating a separate policy regarding future purchases to support future endeavors. He discussed other revenue-generating ideas, such as use of fiber and naming right opportunities, to name a few.

Ms. Jones discussed variances from the policy and an appeal process that would be built in. She identified the next steps, including possible Board adoption in January, 2020.

Chair Stone invited public comment.

Public Comment

Drew, San Mateo, requested to incorporate maps and data in the use policy to reflect set out/maintenance track locations and station parking in San Mateo.

Roland Lebrun, San Jose, stated the regional perspective is missing from the policy and expressed concern over how to achieve future grade separations.

CEO Hartnett responded to Chair Stone regarding the proper forum for discussion of set out/maintenance tracks and stated that discussion would be inconsistent with what the use policy is trying to accomplish.

Motion/Second: Chavez/Stone recommended Board approval of the draft Use Policy, with the caveat that the committee Minutes include detailed comments from the discussion.

Ayes: Chavez, Stone

Noes: None

Absent: Brinkman

7. DRAFT TRANSIT ORIENTED DEVELOPMENT (TOD) POLICY

Brian Fitzpatrick, Director, Real Estate & Property Development, provided a lengthy presentation based on the components in the Transit-Oriented Development policy. He noted that many of the components were based on comments gleaned from board member and public comment and incorporated into the draft policy. He outlined those components in detail and stated that the Board would be considering the policy at its January 2020 meeting:

- Maximizing development potential;
- Working with cities, private partners and non-profits;
- Not constraining existing density limits in surrounding communities;
- Entering into long-term leases with revenue participation makes sense;
- Retaining control of property over the long term;
- Focusing on "complete communities" (recognizing not every project needs to be mixed use);
- Working with communities to ensure the use(s) on JPB property makes sense within that community and partners can help meet specific community needs;
- Focusing on environmental sustainability/reducing private vehicle travel;
- Considering green development e.g. solar or banning natural gas;
- Encouraging east-west connections to Caltrain station areas;
- Considering shared parking in developments;
- Considering affordable housing;
- Recognizing the importance of affordable housing and understands the trade-offs;
- Considering tradeoffs between providing affordable housing vs. maximizing revenue.

Mr. Fitzpatrick discussed three affordable housing elements, after reviewing and comparing several in-state and out-of-state transit agencies' TOD policies. He cautioned that any TOD project would fall under the local agencies' zoning codes and restrictions where the development would be constructed:

- Requiring residential TOD to provide affordable housing onsite. Residential development would be required to offer at least 20 percent of units onsite at below market rents. At least 10 percent of units would be targeted to households with incomes of no more than 80 percent of Area Median Income (AMI) and at least 10 percent of units would be targeted to households with incomes of no more than 50 percent of AMI;
- Partnering with developers to leverage other sources of affordable housing funds. Where possible, the JPB would encourage the use of outside sources of funding and financing to deliver affordable housing, such as Low Income Housing Tax Credits;

- Exploring creative ways to utilize smaller opportunity sites for affordable housing. The JPB will explore ways to utilize small or irregularly-shaped parcels for affordable housing, particularly sites that offer limited opportunity for commercially viable market rate housing development.

Mr. Fitzpatrick paused and answered questions of committee members regarding the varying dynamics of each TOD, based on a series of factors in the different jurisdictions of potential projects, including size of the project, the site, outside funding, zoning and affordability supplements that are available at the time. He reiterated the tradeoff-factor when developing policies and implementing projects.

CEO Hartnett provided a differing perspective; running an efficient transit system while maximizing value of Caltrain assets to support the transit system, citing several examples of how that can be accomplished.

Chair Stone invited public comment with a limit of one minute per speaker, due to the hour.

Public Comments

April Mo, MidPen Housing, commended the committee for considering the affordable housing policy in order to make the projects feasible.

Juan Espinoza, San Mateo County Carpenters Union, Local 217, requested to add a policy requiring contractors to qualify for pre-apprenticeship programs.

David Pollack, Housing Leadership Council, requested that Caltrain allow the homeless to park their vehicles overnight in underutilized parking lots.

Kelsey Banes, Peninsula for Everyone, encouraged adoption of an affordable housing element of 20 percent while maximizing the number of units at the Below Market Rate (BMR) level.

Lenora Ross, Housing Leadership Council of San Mateo County, expressed appreciation to the Committee and staff for developing the policy. She discussed a right of first refusal for affordable housing developers so that they can capture subsidy as well.

David Grabbe, Housing Leadership Council, supported the 20 percent minimum affordability level and the ratio of Low, very low and moderate income levels.

Tim Clark, Ladera Community Church, encouraged the 20 percent affordable housing level.

John Pimentel, Housing Leadership Council, supported the concepts in the draft policy with the caveat that staff has flexibility in deploying the policy.

Ronnie, requested that the board ask themselves what their legacy should be; used car dealerships along the right of way or providing housing for its transit and low-income customers.

Roland Lebrun, San Jose, agreed with previous speakers' comments regarding affordable housing element in the policy but noted that TOD is appropriate in cities. However, along the right of way he noted it is referred to as Over Site Development (OSD), where a developer could create passing tracks, parking lots, etc.

Josh Becker, Menlo SPARK, urged the committee to set a policy that prioritizes affordable housing and make a lasting impact.

Motion/Second: Chavez/Stone recommended Board adoption of the Transit Oriented Development policy.

Ayes: Chavez, Stone

Noes: None

Absent: Brinkman

ADJOURN

The meeting adjourned at 11:08 a.m.