

**SAN MATEO COUNTY TRANSIT DISTRICT  
STAFF REPORT**

TO: Strategic Planning, Development, and Sustainability Committee

THROUGH: Carter Mau  
Acting General Manager/CEO

FROM: April Chan  
Acting Deputy General Manager/CEO

SUBJECT: **DECLARATION THAT CERTAIN REAL PROPERTY LOCATED IN REDWOOD CITY IS EXEMPT SURPLUS LAND THAT IS NOT NECESSARY FOR THE DISTRICT'S USE PURSUANT TO THE SURPLUS LAND ACT; AUTHORIZATION TO NEGOTIATE TO DISPOSE OF THE PROPERTY, AND RELATED CEQA FINDINGS**

**ACTION**

Staff proposes that the Committee recommend the following Board actions:

1. Declare that, pursuant to the Surplus Land Act, certain real property interests located in Redwood City are exempt surplus property;
2. Authorize staff to proceed to negotiate the disposition of the exempt surplus property; and
3. Find that designation of the subject property as exempt surplus land does not have the potential for creating a significant effect on the environment and is therefore exempt from further review under the California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code §21000, et seq.).

**SIGNIFICANCE**

The San Mateo County Transit District (District) owns real property (Property) located in Redwood City adjacent to the Caltrain right-of-way and the Redwood City Costco consisting of a portion of APN No. 053-378-010. A diagram of the Property is depicted on Exhibit A attached hereto.

With the permission of the District in 2019, the Peninsula Corridor Joint Powers Board (JPB) has constructed and installed certain facilities and equipment on the Property in connection with the Caltrain Electrification Project (Project), including a switching station, gantry and related facilities and desires to continue to use the Property for purposes in connection with the Project.

The District desires to engage in discussions with JPB with respect to the conveyance of fee simple title to the Property to JPB so that JPB may continue to use the Property in connection with the Project. The District also desires to engage in discussions with JPB with respect to the granting of a license to JPB of other real property adjacent to the Property (License Property) for JPB's use in connection with the Project.

The California Surplus Land Act (Government Code § 54220, et seq.) (SLA) governs the disposition of surplus lands and requires local agencies to follow certain disposition procedures to provide opportunities for certain uses, including affordable housing development, on any land a local agency may sell or lease. The SLA requires that a local agency declare land as either "surplus" or "exempt surplus" by an action of its legislative body, supported by written findings. Therefore, before the District can engage in discussions with JPB regarding the conveyance of the Property to JPB, the Board will need to determine that the District's property interest in the Property is "exempt surplus land," as that term is defined in the SLA. If the Property is not exempt surplus land, the District would be required to advertise the availability of the property interest and engage in negotiations with parties interested in developing the property for housing, or open space uses, before the District and developer could engage in negotiations.

Pursuant to §102(h) of the implementing regulations adopted by the California Department of Housing and Community Development (Guidelines), the disposition of surplus lands means "the sale or lease of local agency-owned land formally declared surplus." The License Property is not subject to sale or lease and therefore is not subject to the SLA.

Pursuant to the Surplus Land Act (Gov. Code, § 54221, subd. (f)(1)(D)) and the Guidelines, "exempt surplus land" includes "surplus land that a local agency is transferring to another local, state or federal agency for the agency's use." Each of the District and JPB is a "local agency" and accordingly, a transfer of the Property by the District to JPB would constitute a transfer of surplus land from one local agency to another and satisfy the requirements of this exemption.

If approved, the proposed Board Resolution would be conditioned upon the actual transfer of Property to JPB; and if the transaction is not consummated, the Property shall not be exempt surplus land.

#### **BUDGET IMPACT**

None.

#### **BACKGROUND**

The SLA governs the disposition of surplus lands and requires local agencies to follow certain disposition procedures to provide opportunities for certain uses, including affordable housing development, on any land a local agency may sell or lease. Effective January 1, 2020 Assembly Bill (AB) Nos. 1486 and 1255 amended the SLA to require a local agency to declare land as either "surplus" or "exempt surplus" by an action of its legislative body, supported by written findings, before it may take any action to dispose of the property. (Gov't. Code §54221(b)(1).) A local agency disposing of "surplus land" must follow a statutory noticing and negotiation period with certain designated entities, including eligible housing sponsors defined by the California Department of Housing and Community Development. A local agency disposing of "exempt surplus land" does not have to follow these procedural requirements. Pursuant to §102(h) of the Guidelines, the disposition of surplus lands means "the sale or lease of local agency-owned land formally declared surplus." Exempt surplus land is defined in Government Code §54221(f)(1)(D) to

include property that " a local agency is transferring to another local, state, or federal agency for the agency's use."

Prepared By: April Chan, Acting Deputy General Manager/CEO

650-508-6228

**RESOLUTION NO. 2022 –**

**BOARD OF DIRECTORS, SAN MATEO COUNTY TRANSIT DISTRICT  
STATE OF CALIFORNIA**

\* \* \*

**DECLARING PURSUANT TO THE SURPLUS LAND ACT THAT CERTAIN REAL PROPERTY LOCATED  
IN REDWOOD CITY IS EXEMPT SURPLUS LAND THAT IS NOT NECESSARY FOR THE DISTRICT'S  
USE; AUTHORIZING DISTRICT STAFF TO PROCEED TO NEGOTIATE TO DISPOSE OF THE  
PROPERTY; FINDING THAT SUCH DECLARATION IS EXEMPT FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, the San Mateo County Transit District (District) is the fee owner of certain property located in the City of Redwood City consisting of a portion of APN No. 053-378-010 and depicted on Exhibit A attached hereto (Property); and

**WHEREAS**, with the permission of the District in 2019, the Peninsula Corridor Joint Powers Board (JPB) has constructed and installed certain facilities and equipment on the Property in connection with the Caltrain Electrification Project (Project) and desires to continue to use the Property for purposes in connection with the Project; and

**WHEREAS**, the District desires to engage in discussions with JPB with respect to the conveyance of fee simple title to the Property to JPB so that JPB may continue to use the Property in connection with the Project; and

**WHEREAS**, the California Surplus Land Act (Government Code § 54220, et seq.) governs the disposition of surplus lands and requires local agencies to follow certain disposition procedures to provide opportunities for certain uses, including affordable housing development, on any land a local agency may sell or lease;

**WHEREAS**, pursuant to the Surplus Land Act (Cal. Gov. Code, § 54220, et seq.), "surplus land" is land owned in fee simple by any local agency for which the local agency's governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency's use; and

**WHEREAS**, pursuant to the Surplus Land Act, land shall be declared either “surplus land” or “exempt surplus land,” as supported by written findings, before a local agency may take any action to dispose of it consistent with an agency's policies or procedures; and

**WHEREAS**, pursuant to the Surplus Land Act (Gov. Code, § 54221, subd. (f)(1)(D)), “exempt surplus land” includes surplus land that a local agency is transferring to another local, state or federal agency for the agency's use; and

**WHEREAS**, the District desires to declare the Property exempt surplus land that is not necessary for the District's use on and subject to the condition that it is conveyed to the JPB, for the JPB's use; and

**WHEREAS**, the accompanying staff report provides supporting information upon which the declaration and findings set forth in this Resolution are based.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors (Board) of the San Mateo County Transit District hereby resolves as follows:

1. The above recitals are true and correct and are a substantive part of this Resolution.
2. The Board hereby declares that the Property is exempt surplus land that is not necessary for the District's use on and subject to the condition that it is conveyed to the JPB, for the JPB's use.
3. This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (CEQA) (Cal. Public Resources Code § 21000, et seq.). District staff has determined that the designation of the Property as exempt surplus land does not have the potential for creating a significant effect on the environment and is therefore exempt from further review under CEQA pursuant to State

CEQA Guidelines section 15060, subdivision (c)(3) because it is not a "project" as defined by the CEQA Guidelines Section 15378. Adoption of the Resolution does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. If and when the Property is conveyed to JPB and if JPB proposes a use for the property that requires a discretionary permit and CEQA review, that future use and project will be analyzed at the appropriate time in accordance with CEQA.

4. The Acting General Manager/CEO, or his designee, is hereby authorized to submit this declaration of exempt surplus land to the California Department of Housing and Community Development, in conformance with state law, and file a Notice of Exemption pursuant to CEQA Guidelines Section 15062.

5. The Acting General Manager/CEO, or his designee, is hereby authorized to do all things which are deemed necessary or proper to effectuate the purposes of this Resolution, and any such actions previously taken are hereby ratified and confirmed. Such actions include all things necessary to dispose of the Property in a manner consistent with applicable federal, state, and local laws.

Regularly passed and adopted this 6th day of April, 2022 by the following vote:

AYES:

NOES:

ABSENT:

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Chair, San Mateo County Transit District

ATTEST:

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District Secretary

**EXHIBIT A**

**Site Plan**

**[Attached]**

COORDINATES, BEARINGS AND DISTANCES SHOWN ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE III, NAD 83, 2010.00 EPOCH. MULTIPLY DISTANCES SHOWN BY 1.0000554 TO OBTAIN GROUND LEVEL DISTANCES. VERTICAL DATUM IS NAVD88.

053-355-180  
**FEE JPB-SM2-0137-1A**  
 A = 27,841 APPROX. SQFT

**FEE JPB-SM2-0137-1B**  
 A = 12,960 APPROX. SQFT

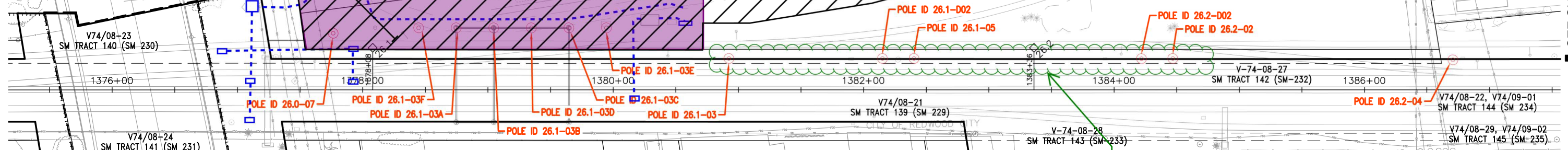
**LICENSE**  
 A = 15,960 APPROX. SQFT

**ACCESS EASEMENT**  
 JPB-SM2-0137-2A  
 A = 1,154 APPROX SQFT

**TEMPORARY CONSTRUCTION EASEMENT**  
 JPB-SM2-0137-3A  
 A = APPROX 90,240 SQFT

**JPB-SM2-0137**  
 SAN MATEO COUNTY TRANSIT DISTRICT  
 DOCUMENT: 9417245  
 053-378-010

**JPB-SM2-0137**  
 SAN MATEO COUNTY TRANSIT DISTRICT  
 DOCUMENT: X  
 054-113-120



POLES WITHIN RR FRANCHISE AREA, OK

**LEGEND**

○ PROPOSED OVERHEAD CONTACT SYSTEM POLES

**DRAFT**

GRAPHIC SCALE

SEE SHEET NO. V218A

REV	DATE	BY	SUB	APP	DESCRIPTION	REV	DATE	BY	SUB	APP	DESCRIPTION
B	070820	DSC			REVISED JPB-SM2-0137-1A, 1B, 2A AND 3A ADDED JPB-SM2-0137-1C, 1D, 2B AND 3B						
A	022017	DSC			JPB-SM2-0137-1A, 1B, 2A AND 3A						

DESIGNED	
DRAWN	
CHECKED	
IN CHARGE	
DATE	
APPROVED	

1250 San Carlos Avenue  
 San Carlos, CA 94070

<b>PENINSULA CORRIDOR JOINT POWERS BOARD</b>		CADD FILE NO	CADD DATE
SCALE		CONTRACT NO	MILEPOST
DWG NO	REV	PAGE NO	